ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL 1985

Date Introduced: 9 May 1985
House: House of Representatives
Presented by: Hon. B. Cohen, Minister for Arts, Heritage and Environment

Short Digest of Bill

Purpose

To amend the Aboriginal Land Rights (Northern Territory) Act 1976 to provide for:

1. the Land Trust in the area of Uluru National Park to be given a deed of grant for the National Park on the condition that

2. the Land Council in the area enter into an agreement to direct the Land Trust to lease the land back to the Director, National Parks and Wildlife Service for the purposes of the National Parks and Wildlife Conservation Act 1975. (Refer National Parks and Wildlife Conservation Amendment Bill 1985).

Background

The area which is now Uluru National Park, consisting of Ayers Rock and the Olgas was formerly part of the Petermann Aboriginal Reserve established in the 1920s. The first vehicle track to the area was constructed in 1948 enabling tourists to visit the area under permits issued by the Native Affairs Branch of the then Department of the Interior. In January 1958 the Ayers Rock-Mount Olga area was reserved for use as a national park under the Northern Territory Crown Lands Ordinance (1931-1957). On 14 March 1958 the area came under the control of the Northern Territory Reserves Board.

In May 1977 this was revoked by the Administrator of the Northern Territory and the Ayers Rock-Mount Olga area was declared a national park and given the name Uluru (Ayers Rock-Mount Olga) National Park under the National Parks and Wildlife Conservation Act 1975. In January 1979 the Central Land Council lodged a land claim under the Aboriginal Land Rights (Northern Territory) Act 1976 adding the Uluru National Park to an earlier (December 1978) claim for neighbouring land.
The claimants were described as belonging to the Yunkantjatjara, Pitjantjatjara and Matuntara linguistic groups. Aboriginal Land Commissioner, Mr Justice Toohey, ruled that the land was not unalienated Crown land and therefore was outside of his jurisdiction. However, he did acknowledge the traditional pattern of Aboriginal ownership of the area and the special significance of the Uluru National Park area to Aboriginal people. Aboriginal groups continued to lobby intensively for grant of title to the land.

On 11 November 1983 the Prime Minister, Mr Hawke, announced that the Government had agreed to transfer title to Uluru National Park to the Aboriginal traditional owners under a lease-back arrangement similar to that already in effect at Kakadu National Park. The Minister for Aboriginal Affairs, Mr Clyde Holding, met with the Ayers Rock (Mutitjulu) Aboriginal community on 12-13 March 1985 to discuss final lease-back arrangements.

Under amendments to the National Parks and Wildlife Conservation Act 1975 (Amendment Bill 1985) lease arrangements include:

- a 99 year lease to the Director of National Parks;
- the establishment of a Board of Management of eleven persons, consisting of six Aborigines nominated through the Central Land Council by the traditional owners, the Director of National Parks, one nominee from each of the Federal Ministers responsible for Tourism and the Environment and two members of the Northern Territory Legislative Assembly (one from the Government and one from the Opposition);
- a new plan of management to be drawn up;
- the Federal Government to pay the Aboriginal community an annual rental of $75,000 plus 20 per cent of gross park entrance fees, estimated to be between $90-100,000 per year;
- the conditions of the lease to be reviewed every five years by the Director and the traditional owners. An independent arbitrator is to settle any disputes;
- Rangers at the National Park to be employed by the Australian National Parks and Wildlife Service.
Provisions

Clause 3 amends section 10 of the Principal Act which details recommendations for grants of Crown land, by adding a fourth sub-section which states that, for the purposes of the section, any estate or interest in the area of Uluru National Park held by the Director of National Parks will be effectively Crown land in Commonwealth jurisdiction.

Section 12 of the Act, "Grants of Land to Land Trusts", is amended by the addition of sub-section (2C) which states that title to Uluru will be granted to the Aboriginal Land Trust concerned, subject to the Land Council in the area entering into an agreement to direct the Land Trust to lease the land to the Director. The terms and conditions set out in the agreement will enable the Director to hold the land for the purposes detailed in the National Parks and Wildlife Conservation Act 1975. (The Act does not define the terms or conditions of the agreement.)

Schedule 1 to the Act is amended to include precise definition of the boundaries of the land area known as Uluru (i.e. Uluru (Ayers Rock-Mount Olga) National Park).

For further information, if required, contact:

15 May 1985

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