Aboriginal Land Rights (Northern Territory) Amendment Bill 1993

Date Introduced: 4 May 1993
House: House of Representatives
Portfolio: Aboriginal and Torres Strait Islander Affairs

Purpose
To add three parcels of land to that granted to Aboriginal Land Councils in the Northern Territory. The additions result from agreements between parties wishing to access the land and its resources.

Background
The Aboriginal Land Rights (Northern Territory) Act 1976 (the Principal Act) provides a scheme for the grant of Northern Territory land to certain Aborigines. The central features of the Principal Act include:

- Aboriginal Land Trusts: Title to land granted under the Principal Act is vested in the relevant Aboriginal Land Trust. These trusts hold land for the benefit of Aboriginal people entitled by Aboriginal tradition to the use or occupation of the land. Members of Land Trusts are appointed by the Minister.

- Land claims process: The Principal Act provides a land claims process for unalienated Crown land in the Northern Territory. Basically, the Principal Act requires that Aboriginal people making a claim must show that they are entitled by Aboriginal tradition to the use or occupation of the land concerned.

- Minerals exploration and mining rights: The Principal Act requires that anyone wishing to explore for minerals or acquire mining interests over land granted to Aboriginal owners must negotiate with the appropriate Land Council and may not directly approach the traditional Aboriginal owners.

This Bill proposes to include three additional parcels of land in Schedule 1 of the Principal Act. The inclusion follows agreement between the Minister, the relevant Land Trust and other effected bodies on uses of the land concerned and agreement not to pursue claims of native title that were successful in the Marbo case. Two of the parcels of land relate to the Mount Todd gold mining project and the agreement between the Jawoyn Association, Zapopan NL and the Territory government will allow the project to proceed while title is granted under the Principal Act. The agreement has been criticised by a number of mining companies as being a result of threats of protracted litigation on Marbo grounds.¹ The remaining block is located near Tennant Creek and in an agreement between the Central Land Council and the Northern Territory water authorities the latter will continue to have access to borewater in the area.

Main Provisions
Clauses 3 and 4 will have the effect of including the areas of land described in clause 4 as land held by Aboriginal Land Trusts. The land is described by reference to Northern Territory titles registration and comprises blocks of approximately:

- 42.41 hectares;

- 2926 square kilometres, 68 hectares and 6564 square metres; and

- 15 180 hectares.
References

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.


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