2010-2011-2012

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

STRONGER FUTURES IN THE NORTHERN TERRITORY (CONSEQUENTIAL AND TRANSISTIONAL PROVISIONS) BILL 2011

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendment to be moved on behalf of the Government

(Circulated by the authority of the Minister for Families, Community Services and Indigenous Affairs, Minister for Disability Reform, the Hon Jenny Macklin MP)
OUTLINE

This amendment clarifies the intended operation of new paragraph 23(1)(eb) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Land Rights Act). The new paragraph provides that it is a function of a Land Council, for a community living area within the Land Council’s area, to assist the landowner in any dealings in the land. The amendment clarifies that, while the assistance will not be at the cost of the owner of the community living area, the Land Council is able to recoup these costs as provided by the Land Rights Act.

Financial impact statement

The financial impact of these amendments is nil.
NOTES ON AMENDMENT

Item 4 of Schedule 2 to the Bill inserts paragraph 23(1)(eb) into the Land Rights Act. The new paragraph is intended to provide that Land Councils have the function of giving assistance, including legal and administrative support, to the owner of a community living area situated in the area of that Land Council, in relation to dealings in land. The omission of the words ‘at the Land Council’s expense’ in the following amendment clarifies that, while this assistance will not be at the cost of the owner of a community living area, the Land Council is also able to recoup these costs, as provided by the Land Rights Act.

Amendment 1 omits the words ‘at the Land Council’s expense’ from paragraph 23(1)(eb), as inserted into the Land Rights Act by item 4 of Schedule 2.

The assistance that Land Councils are to provide to community living area landowners under paragraph 23(1)(eb) will not be at the cost of the community living area landowner as any costs incurred by the Land Council in providing assistance to the landowner are considered to be administrative costs for the purposes of subsection 34(1) of the Land Rights Act. These costs are recoverable by the Land Council from the Aboriginals Benefit Account established under the Land Rights Act, and may also be recouped through fees for services and other sources of income.