THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

ABORIGINAL LAND RIGHTS AND OTHER LEGISLATION AMENDMENT BILL 2013

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments 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)
ABORIGINAL LAND RIGHTS AND OTHER LEGISLATION AMENDMENT
BILL 2013

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OUTLINE

The Northern Territory has recently lodged with the Surveyor-General new survey plans of the parcels of land adjacent to Jabiru. The new survey plans update the road corridors which run through the relevant land. These amendments update the Bill to refer to the new land descriptions in those survey plans and to clarify the situation in relation to roads within the Jabiru town land. The amendments are consistent with the position, reflected in subsection 12(3A) of the Aboriginal Land Rights (Northern Territory) Act 1976, that land on which there is a road over which the public has a right of way is excluded from the grant.

Financial impact statement

These amendments will not alter the financial impact of the Aboriginal Land Rights and Other Legislation Amendment Bill 2013, which was nil or negligible impact.
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NOTES ON AMENDMENTS

Amendment 1 inserts the words, ‘(other than land on which there is a road over which the public has a right of way)’, at the end of new subsection 3AC(3), inserted by item 10 of Schedule 1 to the Bill, in light of recently completed land surveying work at Jabiru.

This amendment clarifies that the Minister is not required to have regard to land on which there is a road over which the public has a right of way in considering the boundaries of the land comprising former Northern Territory Portion 2272 before making a legislative instrument under new subsection 3AC(2).

This amendment is consistent with paragraph 12(3A)(b) of the Aboriginal Land Rights (Northern Territory) Act 1976. Paragraph 12(3A)(b) provides that a deed of grant under section 12 in respect of Schedule 1 (to the Aboriginal Land Rights (Northern Territory) Act 1976) land shall be expressed to exclude from the grant any land on which there is, at the time of the execution of the deed of grant, a road over which the public has a right of way.

Amendments 2 and 3 omit and substitute paragraphs (a) and (c) of the description of the Jabiru town land and two adjacent portions to be inserted, by item 27 of Schedule 1 to the Bill, into Part 4 of Schedule 1 to the Aboriginal Land Rights (Northern Territory) Act 1976.

These amendments update the land description and land area measurements for the two adjacent portions to the Jabiru town land (formerly Northern Territory Portions 2271 and 2273).