EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Families, Community Services and Indigenous Affairs

Aboriginal Land Rights (Northern Territory) Amendment Act 2006

Item 2 of the table in subsection 2(1) of the Aboriginal Land Rights (Northern Territory) Amendment Act 2006 (the Act) provides that items 1 to 4 of Schedule 1 to the Act commence on a day to be fixed by Proclamation. However, if any of the provisions do not commence within six months of the date the Act receives the Royal Assent, then those provisions commence on the first day after the end of that six-month period. The Act received the Royal Assent on 5 September 2006.

The purpose of the Proclamation is to fix 1 October 2006 as the day on which items 1 to 4 of Schedule 1 to the Act commence. Items 8, 10, 11, 13 to 15, 17 to 33, 35 to 71, 73 to 99, 101 to 103, 159 to 162, 165 to 201, 203, 204, 206, 208 to 218, 220 to 223, 225 to 231 and 233 of Schedule 1, which have commencement dates connected to item 2 of the table, also commenced on 1 October 2006.

The Act implements reforms to the Aboriginal Land Rights (Northern Territory) Act 1976 (the Principal Act) arising from three reviews of that Act conducted over the last nine years. Each of the reviews recommended amendments to streamline and modernise the Principal Act to facilitate better outcomes for Aboriginal people and other stakeholders.

Items 1 to 4 of Schedule 1 relate to relate to township leasing, Land Councils and land claims. Items 8, 10, 11, 13 to 15, 17 to 33, 35 to 71, 73 to 99, 101 to 103, 159 to 162, 165 to 201, 203, 204, 206, 208 to 218, 220 to 223, 225 to 231 and 233 of Schedule 1 facilitate the leasing of Aboriginal land and the mortgaging of leases, make provision for long term leases over townships on Aboriginal land to make it easier for Aboriginal people to own homes and businesses on land in townships and contain provisions that foster the devolution of decision making to local Aboriginal communities. These items also seek to improve the performance and accountability of Land Councils and incorporated bodies which receive payments for the use of Aboriginal land and provide for the disposal of claims to land which cannot be heard or finalised or which are clearly inappropriate to grant.

The Proclamation is a legislative instrument for the purposes of the Legislative Instruments Act 2003. Item 42 of the table in subsection 44(2) of this Act provides that Proclamations that provide solely for the commencement of Acts or of provisions of Acts are not subject to disallowance.

There was extensive consultation in relation to the reforms made by the Act and which commence as a result of the Proclamation. No further consultation in relation to the Proclamation was considered necessary.