# Strengthening land administration and local control

On 1 December 2021, the Australian Parliament passed the Aboriginal Land Rights (Northern Territory) Amendment (Economic Empowerment) Bill 2021. The Australian Government worked with the four Northern Territory (NT) Land Councils to agree a package of generational reforms to the *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA). NT traditional owners, through their Land Councils, asked for these reforms to modernise and support contemporary Aboriginal economic, cultural and social aspirations.

## Strengthen community entity township leasing

These reforms strengthen community entity township leasing, which is increasingly favoured by NT Aboriginal people as an important way to enhance local decision making. Township leases provide for tradeable land interests over Aboriginal land by protecting traditional owner title and enabling economic development. The Executive Director of Township Leasing (EDTL) currently holds five township leases in eight communities on behalf of the Commonwealth.

Community entity township leasing enables traditional owners themselves to hold the lease, instead of the EDTL, through a local Aboriginal corporation. The amendments will support more communities to follow the leadership of the Gumatj traditional owners at Gunyangara and the Mirarr traditional owners at Jabiru to drive local priorities through a township lease. In particular, the amendments clarify the approval process for community entities and set out a budget process to fund their operational costs from the Aboriginals Benefit Account (ABA).

The reforms also ensure that approved entities are incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

## Remove the unused power to delegate Land Council functions

The removal of unused powers that enable the delegation of Land Council functions to organisations outside of the ALRA system provides certainty, strengthens the ALRA and makes clear that community entity township leasing is the preferred model for local control.

## Improve the workability of the permit system

The reforms enable Land Councils to revoke permits for access to Aboriginal land when needed. This improves the functionality of the permit system, which has helped keep communities safe from COVID-19. Land Councils are best placed to resolve disputes within traditional owner groups through their role in administering the ALRA.

The penalties for unauthorised access to Aboriginal land will increase from 10 penalty units to 50 penalty units to deter people from unlawfully entering or remaining on Aboriginal land. The maximum penalty will rise from $2,220 to $11,100. This will assist to protect areas of cultural and environmental significance. There is a 12 month delay in commencement of this provision so that the NT Government has time to amend the Aboriginal Land Act 1978 for consistency.

## Improve leasing certainty for land in escrow

The reforms improve certainty for people living or investing in mining towns in the NT that are transitioning to a post-mining future. They clarify that a Land Council can give directions to a Land Trust to enter into an agreement over Aboriginal land held in escrow. This gives people wanting to remain in the town security of tenure by enabling agreements to be made about the future use of land held under escrow before existing leases expire or have been surrendered.

## Accelerate the ability for Land Councils to enter into contracts

The amendments increase the threshold for Land Councils to enter into a contract without Ministerial approval from $1 million to $5 million to prevent unnecessary delay and provide flexibility and greater autonomy.

## Ensure compliance with Constitutional rules for debiting Commonwealth money

The reforms include technical amendments to clarify that certain debits from the ABA comply in all circumstances with the Australian Constitution.