



Fact sheet 6: Divestment of Aboriginal Lands Trust Estate Part III Reserved Lands – Current Parliamentary Process and What is Proposed to Change

CURRENT PROCESS TO DIVEST ABORIGINAL LANDS TRUST ESTATE PART III RESERVED LANDS

Subsection 25(1) of the *Aboriginal Affairs Planning Authority Act 1972* provides for the Governor's power to make proclamations that:

- declare any new Crown lands to be reserved for persons of Aboriginal descent (Part III reserved lands)
- alter the boundaries of those Part III reserved lands
- declare that lands shall ceased to be so reserved.

Before exercising the power in subsection 25(1), the Governor must:

- seek the recommendation of the Minister for Aboriginal Affairs
- refer the matter to the Aboriginal Affairs Planning Authority

- seek a report of the Aboriginal Affairs Planning Authority
- lay the report of the Aboriginal Affairs Planning Authority before each House of Parliament for 14 sitting days.

Either House may then pass a resolution rejecting the proposed recommendation.

WHAT WILL CHANGE?

It is proposed that this parliamentary process will not be required where there is the approval of the Minister for Aboriginal Affairs and the Aboriginal Lands Trust and where:

- Part III reserved lands are divested to an Aboriginal person or entity
- the boundaries of Part III reserved lands are changed to facilitate the divestment of a portion of the land to an Aboriginal person or entity, or

- the boundaries of Part III reserved lands are changed to exclude public roads or public utilities.

WHAT WILL REMAIN THE SAME?

The parliamentary process will continue to apply to all other proposals to cancel Part III reserved lands or change the boundaries of Part III reserved lands.