

NORTHERN TERRITORY

# ABORIGINAL LAND AND SEA ACTION PLAN

SIX MONTHLY  
PROGRESS REPORT 1

.....

2022 - 2024





# ACKNOWLEDGEMENTS

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The NT Government respectfully acknowledges Aboriginal and Torres Strait Islander peoples as the First Nations people of this country. We pay our deepest respects to all Aboriginal and Torres Strait Islander cultures, and to their leaders – past, present and emerging.



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# BACKGROUND

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On 24 February 2022, the NT Government launched its refreshed Aboriginal Land and Sea Action Plan (the Action Plan) to ensure “land and sea ownership delivers on the economic and social aspirations of Aboriginal Territorians”.

The Action Plan contains 10 actions that the NT Government is progressing with land councils, Traditional Owners and other key stakeholders.

The Action Plan is a primary initiative under the NT Government’s *Everyone Together* Aboriginal Affairs Strategy and supports the achievement of outcomes in the National Agreement on Closing the Gap and the Territory Economic Reconstruction Commission (TERC) Final Report.

The Action Plan contains short, medium and long-term actions, noting that some actions will likely take many years to complete.

An Action Plan Progress Report will be released every six months to provide a status update on each of the 10 actions that are either: complete, in progress or not yet started.

Relevant TERC recommendations and proposals are referred throughout the progress report using the following symbol: **TERC**

Further details on the progress against each TERC recommendation is captured in the [TERC Progress Report 3](#).

The Aboriginal Land and Sea Action Plan 2022-2024 is available on the NT Government Office of Aboriginal Affairs website: [www.aboriginalaffairs.nt.gov.au](http://www.aboriginalaffairs.nt.gov.au)

If you would like to know more, please contact: [CMC.AboriginalLand@nt.gov.au](mailto:CMC.AboriginalLand@nt.gov.au)

“For Aboriginal peoples, country is much more than a place. Rock, tree, river, hill, animal, human – we are all formed of the same substance by the Ancestors who continue to live in land, water, sky. Country is filled with relations speaking language and following Law, no matter whether the shape of that relation is human rock, crow, wattle. Country is loved, needed and cared for, and country loves, needs and cares for her people in turn. Country is family, culture, identity. Country is self.”<sup>1</sup>

<sup>1</sup> ‘Seeing the Light: Aboriginal Law, Learning and Sustainable Living in Country’, Ambelin Kwaymullina, Indigenous Law Bulletin May/June 2005, Volume 6, Issue 11



# SNAPSHOT – WHAT WE HAVE DONE

## LAND HANDED BACK

In 2022, the NT Government supported the finalisation of six Aboriginal land claims. On 24 March 2022, the Traditional Owners of the Kakadu region received free-hold title to four land claims covering almost 10,000 square kilometres of the Kakadu National Park. The title deeds were delivered by the former Commonwealth Minister for Indigenous Australians, the Hon Ken Wyatt AM, during an historic handback ceremony at Cooina Lodge.

Land was also returned to the Traditional Owners of the Old Elsey Homestead and Urapunga Township, both of which are in the Roper River region. The Budal Yutpundji-Milwarapara group and Bobobingga clan of the Yangman people are now able to control and make decisions on the future use and management of their land.

## ABORIGINAL SEA COMPANY

The NT Government provided funding for the establishment of the Aboriginal Sea Company, a milestone in the Blue Mud Bay Implementation Action Plan. The company was incorporated on 18 February 2022, and will support the participation of Aboriginal people in commercial fishing and aquaculture industries.

Robert Carne was appointed as Chief Executive Officer and Calvin Deveraux as Chairman. The Company is governed by a board with equal representation from the three coastal land councils – Northern Land Council, Tiwi Land Council and Anindilyakwa Land Council.

## CONNECTION TO COUNTRY FORMALLY RECOGNISED

After several years of negotiations, the Indjalandji - Dhidhanu people had their connection to country legally recognised in September 2022. The native title determination covers approximately 3,500 square kilometres of land and water along the Northern Territory/Queensland border, covering parts of the Rocklands pastoral lease in the Barkly Tableland. Native title holders are now able to access and use their country to camp, hunt, collect natural resources, continue cultural practices and look after important sites.

### Action 1 Resolving Aboriginal land and native title claims

#### Relevant Closing the Gap targets:

Target 15a - By 2030, a 15 per cent increase in Australia's landmass subject to Aboriginal and Torres Strait Islander people's legal rights or interests.

Target 15b - By 2020, a 15 per cent increase in areas covered by Aboriginal and Torres Strait Islander people's legal rights or interests in the sea.



## EXPANDED ABORIGINAL COASTAL LICENCES

The NT Government has expanded the Aboriginal Coastal Licence (ACL) regime to improve its operation and viability, and provide greater opportunities for Aboriginal participation in sustainable commercial fishing activities in coastal Aboriginal communities. ACL holders can now apply to catch and sell species that were previously prohibited under the licence, including barramundi, threadfin salmon and mud crabs, and use additional gear to enable the effective catch of those species.



### Action 2

Progressing the Blue Mud Bay Implementation Action Plan

## ABORIGINAL ECONOMIC LEADERSHIP

The NT Government has established the Aboriginal Economic Leadership Group to provide advice on the development and implementation of policies relating to Aboriginal economic development. The group comprises representatives from each of the four land councils, and the Team Territory co-chairs: the former NT Chief Minister, the Hon Claire Martin AO and Mr Dick Guit, who has been involved in the construction and development industry for over 50 years.

## ABORIGINAL ECONOMIC PARTICIPATION FRAMEWORK



On 1 July 2022, the NT Government launched the Aboriginal Economic Participation Framework and the Aboriginal Procurement Policy.

The Framework is a whole-of-government strategy to maximise Aboriginal participation in the NT economy, through Government procurement and grants.

The Framework is designed to increase opportunities for Aboriginal employment, training and education, as well as build the capacity and capability of Aboriginal Business Enterprises and Aboriginal Community Controlled Organisations to facilitate major economic and social benefits.

### Action 8

Supporting economic development and employment on Aboriginal and native title land

#### Relevant Closing the Gap targets:

Target 8 - By 2031, increase the proportion of Aboriginal and Torres Strait Islander people aged 25- 64 who are employed to 62 per cent.

Priority Reform 2 - Increase the amount of government funding for Aboriginal programs and services going through Aboriginal community-controlled organisations.

Priority Reform 4 - Increase the number of regional data projects to support Aboriginal and Torres Strait Islander communities to make decisions about Closing the Gap and their development.







# PROGRESS ON ACTIONS

## ACTION 1

### ACTION 1 RESOLVING ABORIGINAL LAND AND NATIVE TITLE CLAIMS

#### Native title claims, including future claims over Sea Country

##### Status: In progress

Since 2021, there have been:

- 4 native title determinations – 1 in the Central Land Council region and 3 in the Northern Land Council region
- 2 native title applications lodged.

There are 27 active native title applications.

#### Native title compensation claims

##### Status: In progress

There has been 1 native title compensation determination. There are 2 active native title compensation claims in the Northern Territory.

#### Aboriginal land claims, including Beds and Banks Claims

##### Status: In progress

In 2022 there were:

- 6 land claims handed back in the Northern Land Council region
- 1 land claim inquiry that covers the Cobourg Peninsula
- 3 land claim inquiries that cover the upper Daly River Region
- A Commonwealth-funded survey for five land claims in the Gulf of Carpentaria
- The Aboriginal Land Commissioner delivered the Woolner / Mary River Land Claim. 192 Report to the Commonwealth Government.

There are 34 unresolved claims.

## ACTION 2

# PROGRESSING THE BLUE MUD BAY IMPLEMENTATION ACTION PLAN

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### Providing funding for the establishment of an Aboriginal Sea Company

**Status: Complete**

\$10 million released for the establishment and operation of the Aboriginal Sea Company.

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### Review and amend the *Fisheries Act 1988* (NT)

**Status: In progress**

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### Review the Barramundi Fishery

**Status: In progress**

A comprehensive review of the fishery has commenced.

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### Expanding Aboriginal Coastal Licences

**Status: Complete**

Licence regime has been expanded to provide for the capture and sale of species previously prohibited under the licence including barramundi and mud crab, and the use of additional fishing gear to enable the effective catch of those species.

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### Progressing long-term access agreements

**Status: In progress**

Ongoing with a current focus on five land claims in the Gulf of Carpentaria.

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### Provide fisheries-related Aboriginal capacity building programs to the value of approximately \$360 000 per annum

**Status: In progress**

Ongoing activities include:

- training and support to marine ranger groups across fisheries compliance, scientific monitoring and aquatic biosecurity
  - commercial fishing mentor programs to develop skills and capacity and facilitate real jobs on country
  - developing fisheries management training resources to support increased Aboriginal participation in fisheries management committees and working groups.
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### Work with the NLC and NT Seafood Council to progress opportunities for Traditional Owners to be involved in the aquaculture industry

**Status: In progress**

Ongoing – continuing with existing programs including the Tropical Rock Oyster Industry Development Project.

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## ACTION 3

# SUPPORTING EXPLORATION AND MINING ON ABORIGINAL AND NATIVE TITLE LAND

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Consider policy to support the acceleration of mining and development and increased exploration activity **TERC RS1**

Status: In progress

The industry-led Mineral Development Taskforce was announced in November 2021, to accelerate mining development in the Territory.

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## ACTION 4

# DEVELOPING AND UPDATING NATIVE TITLE POLICIES

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### Recording native title determinations in the NT Government's Integrated Land Information System (ILIS)

**Status: In progress**

The NT Government is working with stake holders who administer and engage on native title determinations, to develop systems that will record non-exclusive and exclusive related rights, interests, and tenure in ILIS.

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### Developing policies relating to future acts, future act processes, and future act compensation liability

**Status: In progress**

### Developing policies relating to native title compensation

**Status: In progress**

In October 2021, the NT Government approved national guiding principles for the settlement of native title compensation claims. The principles were endorsed by native title ministers from all jurisdictions in October 2021. The principles aim to ensure fair dealings, negotiated settlement outcomes where possible, and agreements based on free, prior and informed consent.

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### Developing policies relating to claims over Sea Country

**Status: Not started**

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### Developing policies relating to native title rights over water

**Status: Not started**

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### Developing policies to assist the resolution of claims, including policies related to road reserves, consent determination templates, and the evidence the NT Government requires to accept the native title right to "take resources for any purpose" in a determination

**Status: In progress**

In September 2020, the NT Government approved a new template for consent determinations over the pastoral estate in the NLC region based on the 'Borroloola formulation', which recognises the right to access and take resources for any purpose.

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### Building the capability and capacity of Registered Native Title Bodies Corporates to engage with government

**Status: In progress**

This is a Commonwealth Government initiative and is supported by the NT Government.

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### Implementing the Town Lands Native Title Policy

**Status: Complete**

In July 2020, the Towns Lands Native Title Policy was implemented. No applications have been received.

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## ACTION 5

# PLANNING FOR THE POST-MINING FUTURE OF NHULUNBUY, ALYANGULA AND JABIRU

Plan for the post-mining future of Nhulunbuy through the Gove Peninsula Futures Reference Group

**Status: In progress**

Six work streams and detailed plans have been established to progress *A New Journey Together* - the Traditional Owners' vision for the future of Nhulunbuy and the Gove Peninsula.

\$2.1 million has been allocated over three years to support key transition activities across land tenure, community and government services, essential services industry transition and town governance.

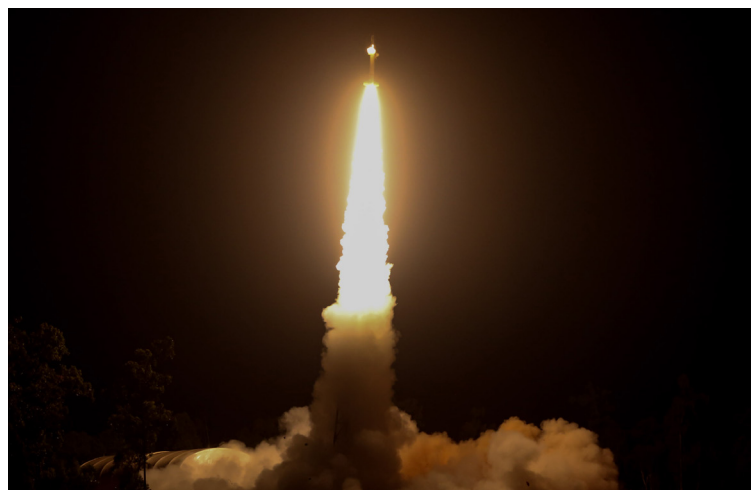
The Commonwealth Government agreed to amend the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) to make it clear that the land councils have the power to guarantee leases to businesses and residents well before the land handover occurs.

Plan for the post-mining future of Alyangula through the Groote Eylandt Executive Steering Committee

**Status: In progress**

A consultant has been engaged to work with Traditional Owners to understand their post-mining vision for the Groote Archipelago.

The Groote Eylandt Executive Steering Committee is continuing to explore closure and transition governance approaches.





# JABIRU

## The Future of Jabiru and Kakadu

The Australian Government, Northern Territory Government, Energy Resources of Australia and the Mirarr Traditional Owners, represented by the Gundjeihmi Aboriginal Corporation, are working together under a Memorandum of Understanding to secure the future of Jabiru and Kakadu and to provide certainty for residents, businesses and the tourism industry.

The Australian and Northern Territory Government's commitment to Jabiru and Kakadu National Park is reflected in the combined \$351.7 million of funding that was pledged earlier this year. This funding will be pivotal in achieving the objectives of the Masterplan to make Jabiru an Aboriginal owned, sustainable national park tourism town that celebrates its cultural heritage and provides employment opportunities for Aboriginal people as well as encourage education and research in the region.

## Northern Territory Government Commitment \$135.5m

Establishment of Jabiru Kabolkmakmen Ltd	Completed
New power station	Completed
Bininj Resource Centre	In progress
Local roads, sewerage, electricity and water network maintenance	In progress
Upgrades to existing landfill capacity	In progress
Health clinic upgrades	In progress
Mobile connectivity in Kakadu	In progress









## ACTION 6

# ENHANCING LONG-TERM LEASES ON ABORIGINAL LAND

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Work with the land councils to develop long-term leasing models that are recognised and supported by industry and financiers

**Status: In progress**

Whole-of-community cadastral survey plans for 63 of the 73 remote communities have been completed to establish clear boundaries and enable long-term leasing of community lots.

The outstanding 10 communities will be completed once existing boundaries are amended.

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Continue to participate in the Commonwealth-led Joint Review of the Remote Housing Model in the Northern Territory

**Status: In progress**

The NT Government is continuing to participate as a representative on the subcommittee to the Joint Steering Committee under the National Partnership Agreement. Recommendations of the sub-committee will be put to the Joint Steering Committee late this year or early next year.

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Work with the Commonwealth Government and land councils to streamline long-term leases on Aboriginal land, including with regard to any Sustainable Development Precincts on Aboriginal Land

**Status: In progress**

Recommendations to streamline long-term leases on Aboriginal land were made to the subcommittee, which formed part of a consultant's report to the Joint Steering Committee.

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Work with land councils to resolve land tenure issues associated with operating and maintaining essential public services, such as roads, barge landings and aerodromes on Aboriginal land

**Status: In progress**

Progressing lease negotiations over Civil Aviation Safety Authority regulated aerodromes.

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Support land councils to facilitate and streamline land administration **TERC AE2**

**Status: In progress**

The Aboriginal Economic Leadership Group is exploring this.

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Support the land councils and the Office of Township Leasing to inform Traditional Owners about the long term leasing options available to them

**Status: In progress**

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## ACTION 7

# SUPPORTING THE MANAGEMENT OF ABORIGINAL AND NATIVE TITLE LAND AND WATERS

Investing in land capability assessment as part of ensuring access to good precompetitive data **TERC L3**

**Status: In progress**

General fieldwork has been completed. The CSIRO, with assistance from the NT Government, will prepare reports and associated broad scale mapping fact sheets. These are expected to be released by 2023

Working with Traditional Owners and the Commonwealth Government to develop the Territory's World Heritage Icons, including Kakadu and Uluru Kata-Tjuta National Parks **TERC T2**

**Status: In progress**

Continuing to work with Parks Australia and Traditional Owners.

Developing and implementing a pragmatic and credible decarbonisation plan with interim targets, that delivers the Northern Territory's growth and net zero targets **TERC E4**

**Status: In progress**

Work continues to understand and address climate change impacts and ensure the Territory captures the economic benefits of the global transition to net zero by 2050.

Facilitating carbon offset industry growth **TERC E6**

**Status: In progress**

Progress is being made towards the development of a Green House Gas Emissions Offset Policy.

Supporting the establishment and operation of an Aboriginal Sea Company (also refer to Action 2)

**Status: Complete**







### Providing fisheries-related Aboriginal capacity building programs across enforcement, research and biosecurity with marine rangers, including appointing inspectors

**Status: In progress**

On-going activities include:

- training and support to marine ranger groups across fisheries compliance, scientific monitoring and aquatic biosecurity
- commercial fishing mentor programs to develop skills and capacity and facilitate real jobs on country
- developing fisheries management training resources to support increased Aboriginal participation in fisheries management committees and working groups.

### Delivering ranger grant programs to support the management of Aboriginal and native title land and waters

**Status: In progress**

Funding for Capital Grants, Land and Sea Management Fund and Ichthys LNG Coastal Management Offset under round five of the Aboriginal Ranger Grants Program was delivered for 2021/22. This included:

- \$2.2 million in Capital Grants awarded to 24 applicants
- \$1.1 million in Land and Sea Management Funds awarded to 7 applicants
- \$900,000 as part of the Ichthys LNG Coastal Management Offset awarded to 7 applicants.

Round 6 opened in August 2022.

### Providing training and development opportunities for Aboriginal rangers, so they can exercise the increased powers given to them following amendments to the *Territory Parks and Wildlife Conservation Act 1976 (NT)* in 2019

**Status: Complete**

Pilot Certificate II Government (Ranger Compliance Support) training delivered to rangers from Mimal Land Management in April and May 2022. Four Mimal rangers successfully completed the training. Rangers from Dhimurru and Yirrkala are expected to do the training from October 2022.

The Aboriginal Ranger Compliance Coordinator (new position commenced May 2022) is working with Traditional Owners, Aboriginal ranger groups and partner agencies to roll out the training package, support compliance related capacity building and implement guidelines, policies and procedures for appointment of Aboriginal rangers as Conservation Officers.

### Bringing forward investment in Kakadu and Uluru Kata Tjuta National Parks, in a meaningful and effective partnership with Traditional Owners and the Commonwealth Government

**TERC T2**

**Status: In progress**

Continuing to work with Parks Australia and Traditional Owners.







## ACTION 8

# SUPPORTING ECONOMIC DEVELOPMENT AND EMPLOYMENT ON ABORIGINAL AND NATIVE TITLE LAND

Collaborate to build opportunities for Aboriginal-led economic development, including access to project finance **TERC AE1**

**Status: In progress**

Continuing to promote and provide opportunities for Aboriginal businesses.

Support Land Councils, Township Lease Community Entities, and the Office of Township Leasing to facilitate and streamline land administration **TERC AE2**

**Status: In progress**

Implement the Aboriginal Contracting Framework for NT Government procurement **TERC AE4**

**Status: Complete**

The Framework was implemented 1 July 2022. The Framework has been rebranded to the Aboriginal Economic Participation Framework as the intent is broader than contracting and procurement. It has a focus on Aboriginal workforce development and Aboriginal business development.

Strengthen the regional economic growth function of government to better drive economic development across regions **TERC R1**

**Status: In progress**

The NT Government continues to make important progress to help drive economic development across regions.

Develop or update regional economic growth plans as a pre-cursor to negotiating regional deals **TERC R2**

**Status: In progress**

Continuing to work with the Regional Economic Growth Committees (formally known as the Regional Reconstruction Committees) to develop and update Regional Economic Growth Plans.

Support development of Aboriginal-led industry opportunities **TERC A3**

**Status: In progress**

Continuing to deliver programs, initiatives and partnerships with Aboriginal communities.



### Facilitate sustainable development of the pastoral land estate and Aboriginal land

TERC A4

#### Status: In progress

A range of actions are either planned or underway to facilitate sustainable development of the pastoral land estate and Aboriginal land.

### Prepare business cases for key Aboriginal cultural tourism icons and take projects to market

TERC T1

#### Status: In progress

Continuing to advance a number of key Aboriginal cultural tourism icons, including the National Aboriginal Art Gallery, walking trail in Watarrka National Park, Stage 2 of works at the Hermannsburg Heritage Precinct, World Heritage Visitor Centre in Jabiru and Red Centre Adventure Ride.

### Work with Traditional Owners and the Commonwealth Government to develop the Territory's World Heritage Icons

TERC T2

#### Status: In progress

Continuing to work with Parks Australia and Traditional Owners.

### Develop commercial opportunities in the Territory's National Parks

TERC T3

#### Status: In progress

The NT Parks Masterplan 2022-52 is expected to be released late 2022/ early 2023.

### Capitalise on the Top End's competitive advantages for equatorial launch services

TERC SP1

#### Status: In progress

Continuing to make progress capitalising on the Top End's competitive advantages for equatorial launch services.

### Capitalise on Central Australia's competitive advantages for stratospheric ballooning/high altitude pseudo-satellite (HAPS) launch and recovery

TERC SP2

#### Status: In progress

Continuing to target key high altitude pseudo-satellite (HAPS) companies to promote the Territory's favourable conditions for both launch and recovery.

### Support development of ground station precincts

TERC SP3

#### Status: In progress

Discussions are ongoing with prospective ground station companies to promote the Territory as a location.

### Accelerate work to deliver infrastructure solutions for future water demand

TERC W1

#### Status: In progress

Detailed Business Case to deliver infrastructure solutions for water demand in the Territory has been publicly released.

### Undertake continued water exploration and targeted water resource investigation

TERC W2

#### Status: In progress

NT Government is continuing natural resource investigations to identify the development potential based on bio-physical resources for Mapping the Future projects for Larrimah, Katherine, Western Davenport and Deepwell.





## ACTION 9

# MAKING IMPROVEMENTS TO NT LEGISLATION AND ADMINISTRATIVE PROCESS

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Strengthening the regional economic growth function of government to better drive economic development across regions, including implementing the Regional Development Framework **TERC R1**

**Status: In progress**

The NT Government continues to make important progress to help drive economic development across regions.

Clarifying and providing the guidance on land access negotiation pathways, focusing on Sustainable Development Precincts **TERC L1**

**Status: In progress**

Progressing the regulatory efficiency program to streamline and accelerate environmental and natural resource approvals with a focus on Sustainable Development Precincts.

Collaborating with stakeholders to introduce statutory timeframes for negotiating on land access, where possible **TERC L2**

**Status: In progress**

The NT Government continues to work towards improved outcomes with uplift mapping highlighting the importance of investigating whether the existing tenure framework meets the needs of the Territory to support tenure uplift proponents.

Working with the Aboriginal Areas Protection Authority to develop a new data management system to enable further digitisation and the streamlining of processes **TERC L3**

**Status: In progress**

Working with the Land Councils to enhance the recording of Aboriginal Territorians' rights and interests in land and waters within the NT Government's Integrated Land Information System (ILIS)

**Status: In progress**

The NT Government is working with stakeholders, who administer and engage with land councils, to develop systems that will record related rights, interests and tenure in ILIS.

Reviewing the *Fisheries Act 1988* (NT) in line with the Blue Mud Bay Implementation Action Plan and other election commitments (also see Action 2)

**Status: In progress**

Reviewing the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT) taking into consideration the recommendations of the 2016 Sacred Sites Processes and Outcomes Review, and ongoing discussions with the Commonwealth Government and the land councils

**Status: In progress**

A Legal and Policy Officer position has been established to support the review.

A discussion paper is under development.



# ACTION 10

## SUPPORTING IMPROVEMENTS TO COMMONWEALTH LEGISLATIVE PROCESSES

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Explore options with the Northern and Central Land Councils and Commonwealth to improve the operation of the Native Title Act

Status: Not started

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Contribute to all other options the Commonwealth puts forward to amend the Land Rights Act

Status: In progress

The NT Government provided input into the recent tranche of amendments to the Land Rights Act.

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Explore ways to ensure the Land Rights Act works seamlessly with the *Control of Roads Act 1953* (NT) and other Northern Territory roads legislation

Status: Not started

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Explore options with the land councils and the Commonwealth to ensure the costs that land trusts incur as a Territory landholder are able to be met

Status: Not started

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Explore options to enable land trusts to provide the NT Government an appropriate interest in land to deliver essential services if agreement cannot be reached amongst Traditional Owners

Status: Not started

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Encourage the Commonwealth to provide more support to the land councils to undertake their administrative, consultative and decision making statutory obligations, particularly given the amount of work coming out of the TERC Final Report and recommendations.

Status: In progress

The Aboriginal Economic Leadership Group will be exploring this further.

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ACTION 10



