

NORTHERN TERRITORY

ABORIGINAL LAND AND SEA ACTION PLAN

2022 - 2024



VISION



Land and sea ownership delivers on the economic and social aspirations of Aboriginal Territorians



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BACKGROUND

In 2019, the NT Government launched its Aboriginal Land and Sea Action Plan (the Action Plan).

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

The Action Plan's vision is to ensure "land and sea ownership delivers on the economic and social aspirations of Aboriginal Territorians."

Since the Action Plan launch, there has been:

- an election of the NT Legislative Assembly
- changes to the structure of the public service
- the establishment of and report from the Territory Economic Reconstruction Commission (TERC)
- the launch of the NT Government's Everyone Together - Aboriginal Affairs Strategy
- the launch of a new national agreement on Closing the Gap.

Given this, it is important to update the Action Plan.

SCOPE

The updated Action Plan is a primary initiative under the NT Government's Aboriginal Affairs Strategy, and links to the National Agreement on Closing the Gap and the TERC Final Report and recommendations to the NT Government.

The Action Plan contains short, medium and long-term actions, noting that some actions will likely take many years to complete. Progress against many of the actions is captured as part of the reporting requirements for the Aboriginal Affairs Strategy, and TERC Final Report.

Some parts of the previous Action Plan have been updated, or removed if they have been completed or are no longer relevant. New actions have also been added.

The Action Plan's vision remains unchanged.

REPORTING

Action Plan progress reports will be released every six months.

Unlike the original Action Plan, the updated Action Plan will have a defined reporting period (2022 to 2024), noting that some longer-term actions may not be complete by then.



KEY PARTNERS

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The Action Plan identifies 10 actions the NT Government will implement in partnership with key partners and stakeholders. The NT Government acknowledges and respects that each stakeholder brings their own views to the implementation of the Action Plan, and that some actions may need to proceed before others, depending on priorities and available resources.

The key partners are:

Aboriginal Land Councils and Traditional Owners

The *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (the Land Rights Act) established four land councils: the Anindilyakwa, Central, Northern and Tiwi (the Land Councils).

Land councils are statutory authorities established to express the wishes and protect the interests of Traditional Owners, and other Aboriginal people in the Northern Territory.

The Northern and Central land councils also have responsibilities under the *Native Title Act 1993* (Cth) (the Native Title Act), including supporting claimants to lodge native title claims in the Federal Court.

Commonwealth Government

The Commonwealth Government plays an important role in Aboriginal land and sea ownership in the Northern Territory through its administration of the Land Rights Act and the Native Title Act.

Team Territory

Team Territory was established as a key reference group of trusted experts to support the implementation of the recommendations of the TERC Final Report.

Other stakeholders

Other key stakeholders with a vested interest in the Action Plan include, but are not limited to:

- Prescribed Body Corporates holding native title rights on behalf of native title holders
- Amateur Fishermen's Association of the NT (AFANT), which represents recreational fishers
- NT Cattlemen's Association, which represents pastoralists
- NT Seafood Council, which represents commercial fishers
- NT Guided Fishing Industry Association, which represents fishing tour operators
- NT Indigenous Business Network
- other primary industry peak bodies
- tourism peak bodies
- various peak mining bodies, which represent the views of the mining, extractive, gas and petroleum industries.

THE TERRITORY ECONOMIC RECONSTRUCTION COMMISSION FINAL REPORT

The TERC's Final Report and recommendations are a key focus of the updated Action Plan.

The TERC was established in early 2020 to report on how the Northern Territory could recover from the Covid-19 pandemic, with the aim of creating a \$40 billion economy by 2030.

In developing its final report, the TERC received and considered a range of submissions, including from Aboriginal people and organisations across the Northern Territory.

The TERC delivered its Final Report to government in December 2020. It made 62 recommendations, all of which were accepted.

The Final Report noted that Aboriginal Territorians must be front and centre when it comes to the economic development of the Territory – as land owners, developers, investors and partners, employees and community members.

Relevant TERC recommendations and proposals are referenced throughout the Action Plan using the following symbol: **TERC**



LAND AND SEA OWNERSHIP IN THE NT

The Land Rights Act and the Native Title Act provide the legislative foundations of Aboriginal land and sea ownership in the Northern Territory. Approximately 48% of the Northern Territory's land mass and 80% of its coastline is Aboriginal land subject to the Land Rights Act. The majority of the remaining land and waters are, or are likely to be, subject to native title.

The Land Rights Act and Native Title Act are Commonwealth statutes and so any changes to the Acts must be passed by the Commonwealth Parliament. The Land Rights Act only applies in the Northern Territory, whereas the Native Title Act applies across Australia. While the histories of the Acts are intertwined, they are very different and were created for different reasons:

- The Land Rights Act was the Commonwealth's legislative response to the 1970s Gove land rights case, which ruled that native title rights are not recognised by the common law, and the findings of the subsequent Woodward Commission (noting that other significant events, such as the 1963 Yirrkala bark petitions, the 1966 Wave Hill walk off, the 1967 Constitutional referendum, and the 1972 Aboriginal tent embassy protests, also influenced the Commonwealth's decision)
- The Native Title Act was the Commonwealth's legislative response to the 1990s Mabo High Court decision, which overturned the precedent set by the Gove land rights case, and ruled that native title rights are recognised by the common law.

Further background on both Acts is available on the Department of the Chief Minister and Cabinet's website:

<https://cmc.nt.gov.au/landrights>

ABORIGINAL LAND AND NATIVE TITLE – KEY DIFFERENCES

The Land Rights Act and Native Title Act establish two very different forms of Aboriginal land and sea ownership in the Northern Territory.

Aboriginal Land

Aboriginal land is held by a land trust for the benefit of the Traditional Owners and other Aboriginal people with traditional rights to enter and use the land.

Aboriginal land is registered in the NT Government's Integrated Land Information System.

Aboriginal land cannot be sold, but it can be leased.

Native Title

Despite its name, the Native Title Act does not grant native title holders a title to their land or waters under the *Land Titles Act 2000* (NT). Rather, native title holders apply to the Federal Court of Australia to have their rights and interests recognised.

This recognition comes in the form of a native title determination, which is a court judgement.

A determination lists the rights and interests held by the native title holders, and can include things like the right to hunt, camp and take resources for any purpose.

There are two types of native title rights and interests: exclusive and non-exclusive.

Exclusive native title rights are stronger than non-exclusive. Exclusive native title rights are akin to, but are not, an ordinary freehold land title.

Accordingly, exclusive native title holders own their land, without actually holding a physical land title to it. They can stop people coming onto their land and remove people from it. However, they are unable to mortgage, lease or sell it, as it is not within the NT Government's Integrated Land Information System. Under the NT Government's new Town Lands Native Title Policy, exclusive native title holders in towns¹ have the option of receiving a grant of freehold title to their land, with their native title rights suppressed, rather than extinguished, if they agree to enter into an Indigenous Land Use Agreement on those Terms.

Unlike exclusive native title rights, non-exclusive native title holders cannot control who can access their land, or how it is used.

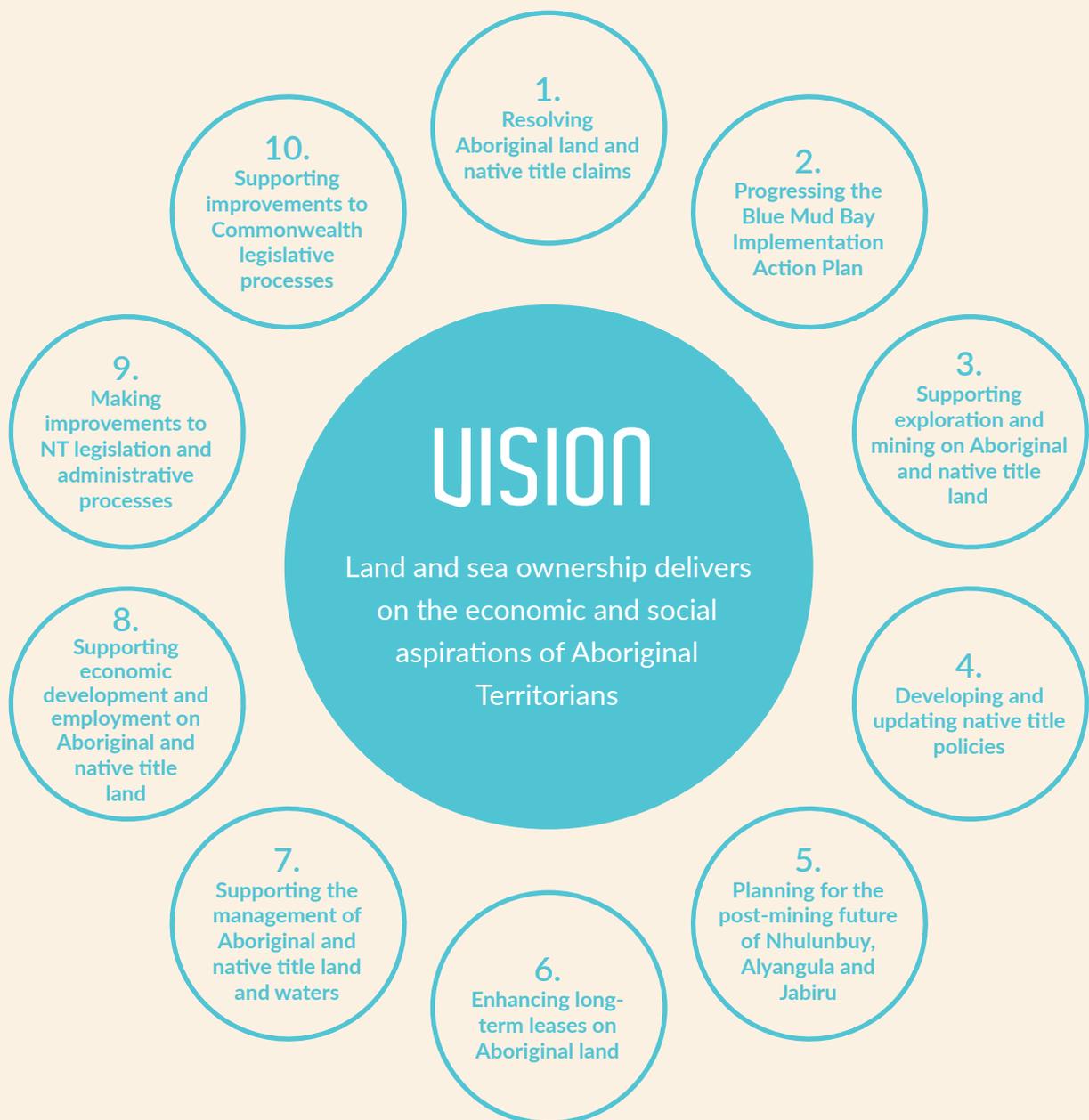
¹ Exclusive native title has been determined to exist over vacant Crown land in the following towns: Borroloola, Elliott, Hatches Creek, Kalkarindji, Newcastle Waters, Mataranka, Pine Creek and Timber Creek.

COMPARING ABORIGINAL LAND AND NATIVE TITLE

Feature	Aboriginal Land	Territory Freehold	Native Title
Transferability	Grant of inalienable title under the Land Rights Act – that is Aboriginal land cannot be sold. It can only be transferred to another land trust or surrendered to the Crown.	Grant of alienable title under the <i>Crown Lands Act 1992</i> (NT) – Territory freehold land (an estate in fee simple) can be sold or transferred. It is tradeable and exploitable in a normal commercial way.	No grant of title – recognition of native title at common law in accordance with the Native Title Act. Native title cannot be sold or transferred but it can be surrendered to the Territory.
Acquisition	Aboriginal land cannot be compulsorily acquired by the Territory.	Territory freehold can be compulsorily acquired by the Territory in accordance with the <i>Lands Acquisition Act 1978</i> (NT) (the Lands Acquisition Act).	Native title can be acquired by the Territory in accordance with the Lands Acquisition Act and the Native Title Act.
Application of Territory laws	All Territory laws do not necessarily apply to Aboriginal land – Territory laws will only apply to the extent that they are capable of operating concurrently with the Land Rights Act.	All valid Territory (and in certain cases Commonwealth) laws apply to Territory freehold land.	Native title is subject to all valid Territory and Commonwealth laws.
Access	Access is regulated by a permit system, established under the Land Rights Act.	Access is regulated by the owner of the land.	Only exclusive native title holders may regulate access.
Leasing/ licensing	Aboriginal land can be leased or licensed with the involvement of the relevant Land Council.	Territory freehold can be leased or licensed.	Native title rights cannot be leased or licensed.
Mineral titles (Exploring for and/or Mining for Minerals) Energy titles (Exploring for and/or Mining for Petroleum)	Mineral and energy title approvals are subject to a special procedure – the power of veto is available at the exploration stage.	Mining title approvals are subject to procedures under the <i>Mineral Titles Act 2010</i> (NT) and energy title approvals are subject to the <i>Petroleum Act 1984</i> (NT) – no power of veto.	Good faith negotiations may be required to obtain mineral and energy title approvals, but no power of veto.
Dealings with land under claim	Once land is subject to a land claim there are restrictions on dealing with the land.	Not applicable – land tradeable and exploitable by the owner.	No restrictions on dealing with land the subject of a native title claim as long as the provisions of the Native Title Act are complied with. This may require an Indigenous Land Use Agreement.

ACTIONS

ACTION PLAN





ACTION 1 – RESOLVING ABORIGINAL LAND AND NATIVE TITLE CLAIMS

Aboriginal Land Claims

The Land Rights Act was amended in the 1980s to prevent any new land claims being lodged after June 1997.

Despite this, there are a number of land claims that have yet to be resolved and granted. This includes 23 claims lodged over the beds and banks of rivers and intertidal coastal areas (the Beds and Banks Claims).

Native Title Claims

Unlike the Land Rights Act, there is no cut off for lodging native title claims, and the NT Government are respondents to native title claims as they are lodged through the Federal Court.

The NT Government is committed to settling native title claims by consent, unless there are important legal issues that need to be tested and resolved.

The NT Government is also often a party to Indigenous Land Use Agreements (ILUA). An ILUA is a voluntary agreement between native title parties and other people or bodies about the use and management of native title land and waters.

What we have done

Since 2019, the NT Government has supported the finalisation of one Aboriginal land claim, and 18 native title claims. Progress has also been made on the administrative steps necessary to finalise eight land claims by agreement, including surveys, land swaps, the registrations of ILUAs and road re-alignments.

The NT Government has also worked closely with the Commonwealth Government and Northern Land Council (NLC) to prepare surveys over five Beds and Banks Claims in the Gulf of Carpentaria.

The surveys must be completed prior to the claims being granted to ensure the boundaries of the claimed areas are clearly defined.

What we have committed to do

The NT Government is continuing to work with Land Councils, claimants and other affected stakeholders to progress claims, including but not limited to:

- native title claims, including future claims over Sea Country
- native title compensation claims
- Aboriginal land claims, including the Beds and Banks Claims.

Where possible, claims will be settled by consent.

Timeframes

Ongoing, and subject to the capacity of the Federal Court of Australia, the Aboriginal and Torres Strait Islander representative bodies, and the Aboriginal Land Commissioner's Office. A minimum of two claims will be resolved per annum.

Anthony Lagoon Handback

In November 2020, the Wampaya Traditional Owners received title to more than 600 hectares of land around Anthony Lagoon, north-east of Tennant Creek.

The grant was the result of a Settlement Deed between the NLC, NT Government and the Australian Agricultural Company, which allowed a land swap so Traditional Owners could get a grant of land where there was a potable water supply.

The land is now held in the Gagaguwaja Aboriginal Land Trust, which is administered by the NLC, and held on behalf of the Traditional Owners.



Limbunya Station Native Title Claim

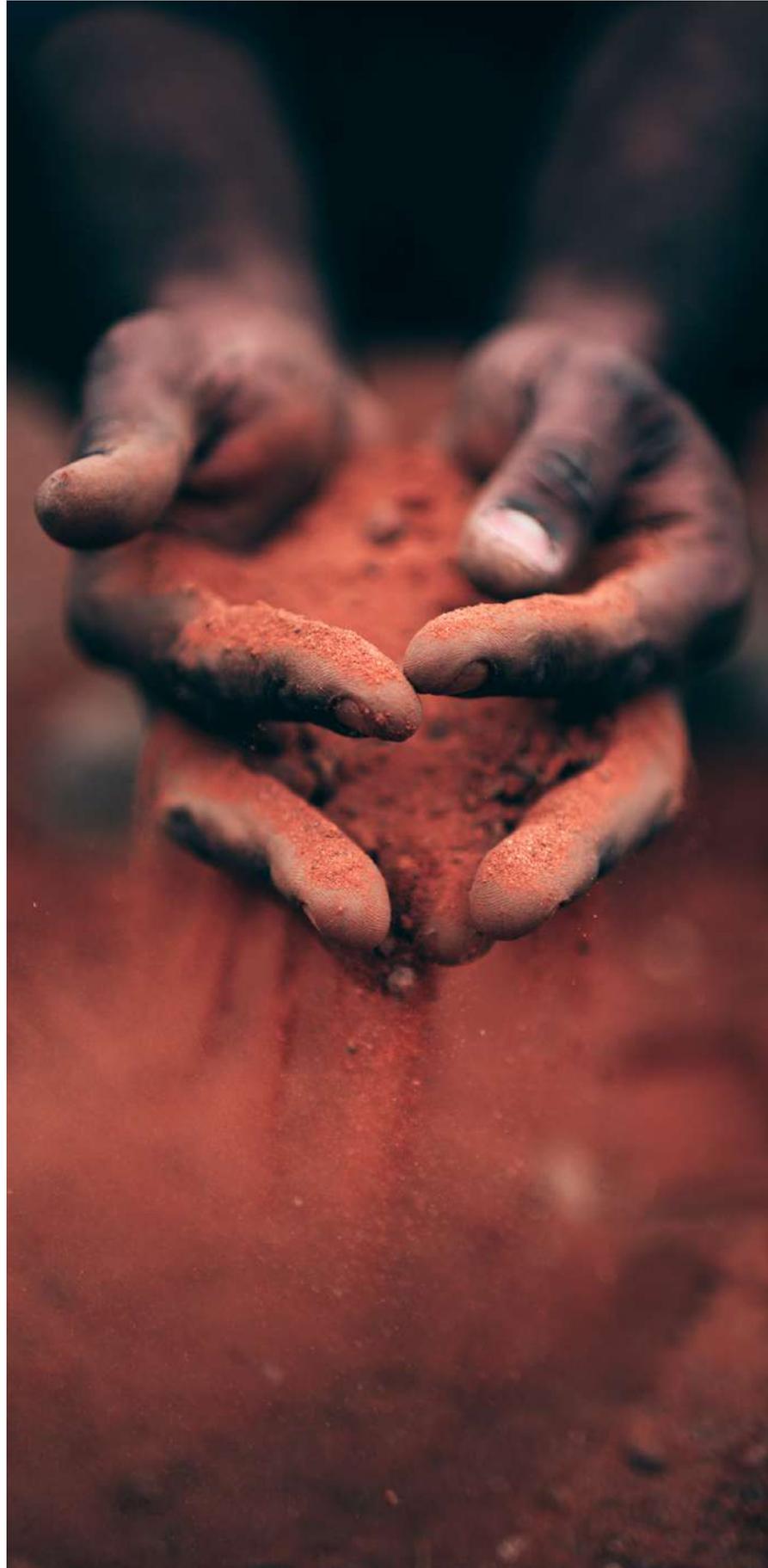
In September 2020, a native title determination was handed down over Limbunya Station, the childhood home of land rights leader Vincent Lingiari.

The Nawurlala, Parayi-Kakaru, Tjutamalin and Central Limbunya land holding groups gathered at the Karungkarni Arts and Culture Centre in Kalkarinji to witness the Federal Court's Justice White hand down the determination.

In 2020, there were 15 determinations of native title in the Northern Territory. In the four years prior to 2019, there were 19.

Relevant Closing the Gap Targets:

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



ACTION 2 – PROGRESSING THE BLUE MUD BAY IMPLEMENTATION ACTION PLAN

Along the coast, grants of Aboriginal land extend to the low water mark. In 2008, the High Court of Australia confirmed permission is required to enter waters overlying Aboriginal land. This came to be known as the Blue Mud Bay decision.

The decision immediately affected all granted Aboriginal land in the Northern Territory, and any waters overlying that land. This included approximately 80% of the Northern Territory's coastline and some major rivers.

This decision also had implications for the Beds and Banks Claims.

Since 2008, the NT Government has entered into six 20-year access agreements with the Land Councils and Traditional Owners. The agreements provide permit-free access to Aboriginal waters in agreement areas. Between 2008 and 2020, the benefits paid to Traditional Owners under these and other related agreements was over \$9 million.

In 2019, the NT Government, NLC, NT Seafood Council, AFANT and NT Guided Fishing Industry Association signed a Heads of Agreement to work together to provide certainty for future access to Aboriginal waters with benefits in return for Traditional Owners.

In 2020, the NT Government and NLC signed the Blue Mud Bay Implementation Action Plan, with the intent of finalising Blue Mud Bay-related negotiations by 31 December 2022.



What we have done

The NT Government has continued to engage the NLC, AFANT, the NT Seafood Council and the NT Guided Fishing Industry Association, including through:

- signing the Nitmuluk Heads of Agreement in June 2019
- signing the Blue Mud Bay Implementation Action Plan in July 2020
- establishing the Blue Mud Bay Executive Working Group in October 2020.

What we have committed to do

The NT Government is progressing its commitments under the Blue Mud Bay Implementation Action Plan, which include, but are not limited to:

- providing funding for the establishment of an Aboriginal Sea Company
- reviewing and amending the Fisheries Act 1988 (NT)
- reviewing the Barramundi Fishery
- expanding Aboriginal Coastal Licences
- progressing long-term access agreements
- providing fisheries-related Aboriginal capacity building programs to the value of approximately \$360 000 per annum
- working with the NLC and NT Seafood Council to progress opportunities for Traditional Owners in the aquaculture industry.

Timeframes

The Action Plan expires on 31 December 2022.

Blue Mud Bay Implementation Action Plan

On 29 July 2020, the NT Government and NLC signed the Blue Mud Bay Implementation Action Plan.



ACTION 3 – SUPPORTING EXPLORATION AND MINING ON ABORIGINAL AND NATIVE TITLE LAND

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Companies wanting to explore and/or mine (minerals and energy) on Aboriginal and native title land must, among other things, comply with certain provisions of the Land Rights Act and Native Title Act.

The Land Rights Act provides Traditional Owners with the power to say yes or no to exploration on Aboriginal land. If Traditional Owners say yes to exploration and an agreement is reached, any future mining cannot be vetoed. If Traditional Owners say no to exploration, the mineral or energy title is vetoed for a defined period under the Land Rights Act.

The Native Title Act does not provide native title parties with the same powers as the Land Rights Act. However, depending on the mineral or energy title type, companies may be required to enter into good faith negotiations with the native title party and reach an agreement under the Native Title Act.

Progressing exploration and mining (minerals and energy) projects is a key component of the TERC Final Report and recommendations, and

the vast majority of this work will likely occur on Aboriginal and native title land.

What we have done

The NT Government worked closely with the Commonwealth Government, the Land Councils and other key stakeholders to progress the proposed amendments to Part IV of the Land Rights Act, relating to mining and exploration on Aboriginal land. These amendments were introduced and passed by the Commonwealth Parliament in late 2021.

The NT Government also established a Territory Mineral Development Taskforce which will be working through access to land matters including Aboriginal land and native title processes.

TERC RS1

What we have committed to do

The NT Government is working with the Land Councils, Traditional Owners, Commonwealth and other stakeholders to:

- consider policy to support the acceleration of mining development and increased exploration activity. **TERC RS1**

Timeframes

31 December 2022.

ACTION 4 – DEVELOPING AND UPDATING NATIVE TITLE POLICIES

Native title law is constantly evolving as legal matters are tested in the courts.

The NT Government needs to ensure that its native title policies are contemporary, flexible and fit-for-purpose.

What we have done

The NT Government has changed its policies to reflect developments in native title law and to simplify claim assessment processes, including:

- agreeing to revised native title determinations
- acknowledging the native title right “to take resources for any purposes”
- developing a new template to expedite native title determinations over the pastoral estate.

The NT Government has also developed the Town Lands Native Title Policy to empower exclusive native title holders.

What we have committed to do

To create greater certainty and streamline native title processes, the NT Government develops and updates native title policies and processes as required, including, but not limited to:

- recording native title determinations in the NT Government’s Integrated Land Information System
- developing policies relating to future acts, future act processes, and future act compensation liability
- developing policies relating to native title compensation
- developing policies relating to claims over Sea Country
- developing policies relating to native title rights over water
- developing policies to assist the resolution of claims, including policies relating 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

- building the capability and capacity of Registered Native Title Bodies Corporates to engage with government
- implementing the Town Lands Native Title Policy.

Timeframes

Ongoing.

Town Lands Native Title Policy

For the first time in Australia, exclusive native title holders in towns now have the option of receiving a freehold title to their land, following the launch of the NT Government’s Town Lands Native Title Policy (the Policy).

Prior to the policy, exclusive native title holders in the Northern Territory were limited in what they could do with their land, with their rights and interests only recognised through a Federal Court judgement, rather than being given a physical title to their land.

The new policy allows exclusive native title holders in towns to receive a freehold title to their land, which will be recorded in the NT’s Integrated Land Information System.

Once granted, the native title holders will have all the options and flexibility of an owner of freehold land – they can hold onto it, lease it, borrow against it, or sell it.

Importantly, the freehold title will see native title rights entirely suppressed, not extinguished, while the title continues to exist, providing comfort to native title holders that utilising their land does not have to come at the expense of extinguishing their hard-fought rights forever.

The new policy also allows the Registrar General to include information on exclusive native title rights in the NT Government’s Integrated Land Information System.

ACTION 5 – PLANNING FOR THE POST-MINING FUTURE OF NHULUNBUY, ALYANGULA AND JABIRU

A variety of Special Purposes Leases and other tenure arrangements were granted by the Commonwealth Government decades ago to create the towns of Nhulunbuy (also known as Gove), Alyangula and Jabiru to support the mining operations in those regions.

When mining finishes in Nhulunbuy and Alyangula, probably within the next decade, these leases will expire or be surrendered and these towns will be on Aboriginal land.

Significant planning has also been undertaken in recent years to prepare for the post-mining future of Jabiru.

What we have done - Jabiru

The NT Government worked closely with the Commonwealth Government, NLC and Gundjeihmi Aboriginal Corporation to plan for the post-mining future of Jabiru to focus on tourism and regional service delivery.

What we have done - Nhulunbuy and Alyangula

The NT Government has also worked closely with the Commonwealth Government, the Northern and the Anindilyakwa land councils, and Traditional Owners to plan for the post-mining future of Nhulunbuy and Alyangula.

What we have committed to do

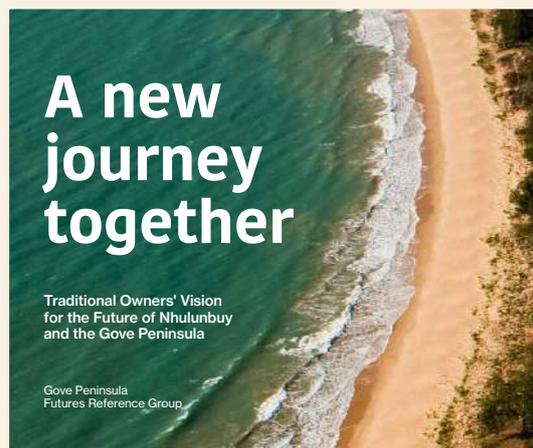
The NT Government is working with mining companies, Traditional Owners and land councils to:

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

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

Timeframes

The Nhulunbuy and Alyangula mines are expected to cease operations in the coming decades.



A new journey together

The Traditional Owners of the Rirratjingu and Gumatj clans have set out their vision for the future of Gove in a document, titled *A New Journey Together*.

The vision outlines how Traditional Owners, in partnership with government, industry and Napaki (non-Aboriginal people), will plan for a post-mining future.

The vision outlines six key work streams, which will be led by the Gove Peninsula Futures Reference Group:

The six work streams are:

- Yolngu and Napaki Together
- Land Tenure
- Economic Development and Transition
- Essential Services and Infrastructure
- Community and Government Services
- Town Governance.

The vision was released for public comment in March 2021.



A bright future for Jabiru

The NT Government has been working in collaboration with the Commonwealth Government (through Parks Australia), Energy Resources of Australia, and the Gundjeihmi Aboriginal Corporation to transition the township of Jabiru from a mining support centre to a sustainable tourism and government services town for the Kakadu and West Arnhem region.

The Gundjeihmi Aboriginal Corporation represent the Mirarr-Traditional Owners and recognised native title holders for the land on which Jabiru stands and the surrounding areas. The Mirarr have a vision for Jabiru as: “A world leading ecologically sustainable, economically and socially vibrant community where traditional Aboriginal culture, all people and the natural environment flourish.”

The NT Government has supported the Mirarr vision for Jabiru, including by committing \$135.5 million to help achieve the Jabiru Masterplan, which was developed by the Gundjeihmi Aboriginal Corporation. The Mirarr vision for Jabiru and the establishment of a Mirarr controlled township entity demonstrates the potential of Aboriginal leadership to achieve economic development.

ACTION 6 – ENHANCING LONG-TERM LEASES ON ABORIGINAL LAND

Aboriginal land cannot be sold by or on behalf of Traditional Owners, or compulsorily acquired by the NT Government. However, it can be leased.

Ensuring these leasing processes are efficient and effective will be key to unlocking the economic potential of the Aboriginal estate, and implementing the TERC recommendations.

What we have done

The NT Government has completed whole-of-community survey plans for communities located on Aboriginal land through the Remote Aboriginal Communities Cadastral Survey Project.

The NT Government has continued to work with the Land Councils and the Office of Township Leasing to secure leases for government infrastructure on Aboriginal land.

What we have committed to do

The NT Government will:

- work with land councils to develop long-term leasing models that are recognised and supported by industry and financiers
- continue to participate in the Commonwealth-led Joint Review of the Remote Housing Model in the Northern Territory
- work with the Commonwealth Government and land councils to streamline long-term leases on Aboriginal land, including with regards to any Sustainable Development Precincts on Aboriginal land
- 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
- support land councils to facilitate and streamline land administration (also see Action 8) **TERC AE2**
- support the Land Councils and the Office of Township Leasing to inform Traditional Owners about the long-term leasing options available to them.

Timeframes

Ongoing, with all work expected to be completed by the end of 2024.



ACTION 7 – SUPPORTING THE MANAGEMENT OF ABORIGINAL AND NATIVE TITLE LAND AND WATERS

Aboriginal Territorians have rights and interests over a large proportion of the Northern Territory's land mass and coastline, and the management of these areas requires its own organisations and workforce which can be assisted by government support.

This Action encompasses a number of initiatives that will provide this support.

What we have done

The NT Government launched its Coastal and Marine Management Strategy in 2019, and continued to implement the Land Management and Conservation Fund, which delivered \$8 million in grant funding over four years from 2017/18 to 2020/21 for Aboriginal land and sea management projects.

What we have committed to do

The NT Government is:

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

- 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**
- 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**
- facilitating carbon offset industry growth **TERC E6**
- supporting the establishment and operation of an Aboriginal Sea Company (also refer to Action 1)
- providing fisheries-related Aboriginal capacity building programs across enforcement, research and biosecurity with marine rangers, including appointing inspectors
- delivering ranger grant programs to support the management of Aboriginal and native title land and waters
- 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
- bringing forward investment in Kakadu and Uluru Kata Tjuta National Parks, in a meaningful and effective partnership with Traditional Owners and the Commonwealth Government.

Timeframes

Ongoing, with all work expected to be completed by the end of 2024.



ACTION 8

ACTION 8 – SUPPORTING ECONOMIC DEVELOPMENT AND EMPLOYMENT ON ABORIGINAL AND NATIVE TITLE LAND

The NT Government wants to ensure that Aboriginal land and sea ownership delivers the economic aspirations of Aboriginal Territorians.

What we have done

The NT Government established Strategic Aboriginal Water Reserves, and continued to deliver the Mapping the Future Program, which is a five year, \$10 million investment that identifies and maps the Northern Territory’s natural resource capabilities in areas with high development potential.

What we have committed to do

The NT Government has committed to supporting economic development and employment on Aboriginal and native title land through the implementation of various TERC recommendations.

The TERC recommendations of most relevance to this action are as follows:

TERC Key Focus Area: Aboriginal Economic Leadership

- Collaborate to build opportunities for Aboriginal-led economic development, including access to project finance **TERC AE1**
- Support Land Councils, Township Lease Community Entities, and the Office of Township Leasing to facilitate and streamline land administration **TERC AE2**
- Implement the Aboriginal Contracting Framework for NT Government procurement **TERC AE4**



TERC Key Focus Area: Regional Prioritisation

- Strengthen the regional economic growth function of government to better drive economic development across regions **TERC R1**
- Develop or update regional economic growth plans as a pre-cursor to negotiating regional deals **TERC R2**

TERC Focus Area: Agribusiness

- Support development of Aboriginal-led industry opportunities **TERC A3**
- Facilitate sustainable development of the pastoral land estate and Aboriginal land **TERC AE4**

TERC Focus Area: Tourism

- Prepare business cases for key Aboriginal cultural tourism icons and take projects to market **TERC T1**
- Work with Traditional Owners and the Commonwealth Government to develop the Territory's World Heritage Icons **TERC T2**
- Develop commercial opportunities in the Territory's National Parks **TERC T3**

TERC Focus Area: Space Industry

- Capitalise on Top End's competitive advantages for equatorial launch services **TERC SP1**
- Capitalise on Central Australia's competitive advantages for stratospheric ballooning/high altitude pseudo-satellite (HAPS) launch and recovery **TERC SP2**
- Support development of ground station precincts **TERC SP3**

TERC Focus Area: Access to Water

- Accelerate work to deliver infrastructure solutions for future water demand **TERC W1**
- Undertake continued water exploration and targeted water resource investigation **TERC W2**

Timeframes

Ongoing, with all work expected to be completed by the end of 2024.

Further details on each recommendation, including progress reports and timeframes, can be found at ntrebound.nt.gov.au



ACTION 9 – MAKING IMPROVEMENTS TO NT LEGISLATION AND ADMINISTRATIVE PROCESSES

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The NT Government has identified legislative and administrative improvements it can make.

What we have done

The NT Government has made legislative changes to allow native title rights to be recorded in the NT’s Integrated Land Information System in the future.

The NT Government has made legislative amendments to give Aboriginal rangers increased enforcement powers.

What we have committed to do

The NT Government will continue:

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

- clarifying and providing guidance on land access negotiation pathways, focussing on Sustainable Development Precincts **TERC L1**
- collaborating with stakeholders to introduce statutory timeframes for negotiation on land access, where possible **TERC L2**
- 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**
- 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
- reviewing the Fisheries Act 1988 (NT) in line with the Blue Mud Bay Implementation Action Plan and other election commitments (also see Action 1)
- 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.

Timeframes

Ongoing, with all work expected to be completed by the end of 2024.



ACTION 10 – SUPPORTING IMPROVEMENTS TO COMMONWEALTH LEGISLATIVE PROCESSES

The Action Plan contains four additional suggestions to enhance the effectiveness of the Land Rights Act and the Native Title Act. No suggestion will be progressed by the NT Government without the consent and support of the Land Councils and the Commonwealth Government.

What we have done

The NT Government has worked closely with the Commonwealth Government, the Land Councils and other key stakeholders to progress the proposed amendments to the Land Rights Act relating to mining and exploration on Aboriginal land, and to secure future dealings with land in Nhulunbuy both before and after it becomes Aboriginal land.

What we have committed to do

The NT Government will:

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

- contribute to all other options the Commonwealth puts forward to amend the Land Rights Act
- explore ways to ensure the Land Rights Act works seamlessly with the Control of Roads Act 1953 (NT) and other Northern Territory roads legislation
- 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
- 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
- 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.

Timeframes

Ongoing, and subject to further engagement with the Commonwealth Government and the Land Councils.

