

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**SUPPLEMENTARY BUDGET ESTIMATES 2013-2014**

Finance Portfolio

**Department/Agency:** Department of Finance

**Outcome/Program:** 2/2.2

**Topic:** Kenbi Land Claim

**Senator:** Collins

**Question reference number:** F45

**Type of question:** Written

**Date set by the committee for the return of answer:** Friday, 17 January 2014

**Number of pages:** 2

**Question:**

1. Please advise the Committee on the status of the Kenbi Land claim and the status of the relevant commonwealth property interests?
2. Please advise the Committee on the status of the Malabar Headland? When will the remaining commonwealth land be transferred to NSW?
3. Does the government remain committed to returning access to recreational horse-riders and others to the Malabar Headland?
4. Is the Malabar Headland sufficiently rehabilitated that the public can safely access the land?

**Answer:**

1. The Government is committed to doing what it can to settle the Kenbi Land claim as soon as practicable.

The Government intends to relinquish Commonwealth properties on Cox Peninsula and implement the Heads of Agreement signed by the Commonwealth, the Northern Territory Government and the Northern Land Council, representing the traditional Aboriginal owners, to help settle the Kenbi Land Claim. It is proposed that:

- Quail Island (former Defence site, being cleared of unexploded ordnance), Charles Point precinct (site of an Australian Maritime Safety Authority facility), and the Tapa Bay shoreline, an area of particular cultural significance, will be granted as Aboriginal Land under the *Aboriginal Land Rights (Northern Territory) Act 1976*;
- Section 33 will be transferred to the NT Government which will continue to use it for a power and water supply station; and
- Section 32 (site of an Australian Communications and Media Authority facility), and eventually Section 241 (a heavily contaminated land parcel), will be released to an entity nominated by the Land Council, as freehold land for development. The

Heads of Agreement provides for the Commonwealth to delay transfer of Section 241 pending the Government's consideration of remediation and funding options.

Leases have been negotiated and agreed in-principle for the two Commonwealth facilities.

2. The Commonwealth-owned land at Malabar Headland is heavily contaminated, due mainly to its former use as a waste dump. There are also serious work health and safety concerns associated with the site. The Department of Finance is currently progressing high priority remediation works, and further work will be required before the land is fully remediated to an acceptable level for transfer.
3. The Department of Finance is currently investigating options and costs associated with returning horse riding to the site in a manner that meets the Commonwealth's legislated environmental, work health and safety responsibilities.
4. No. See answer to question 2.