

Senate Community Affairs Committee
ANSWERS TO ESTIMATES QUESTIONS ON NOTICE
FAMILIES, HOUSING, COMMUNITY SERVICES AND
INDIGENOUS AFFAIRS PORTFOLIO
2012-13 Additional Estimates Hearings

Outcome Number: 7

Question No: 367

Topic: 64(3) Payments

Hansard Page: Written

Senator Scullion asked:

Provide details of each payment (including the amount and the date paid) by the NLC under section 64(3) to:

- Gumatj Aboriginal Corporation;
- Rirratjingu Aboriginal Corporation;
- Laynhapuy Homelands Aboriginal Corporation;
- Gundjeihmi Aboriginal Corporation.

What is the total amount of section 64(3) payments from the Commonwealth that have been received by the NLC?

Provide details of any other royalty payments received by the NLC.

Answer:

The total amount of payments received by the Northern Land Council (NLC) from the Aboriginals Benefit Account in this financial year pursuant to s 64(3) of the *Land Rights Act* is \$5,998,301.68, being payments which relate to the Pacific Aluminium alumina refinery and bauxite mine at Gove (\$2,472,922.83) and the Energy Resources Australia Ltd Ranger uranium mine near Jabiru (\$3,525,378.85).

The s 64(3) payments in relation to the Pacific Aluminium operation are apportioned pursuant to s 35(2) as follows:

- Gumatj Aboriginal Corporation - 65%;
- Rirratjingu Aboriginal Corporation - 20%;
- Laynhapuy Homelands Aboriginal Corporation - 15%.

The s 64(3) payments in relation to the Ranger uranium mine are paid to the Gundjeihmi Aboriginal Corporation.

The date and quantum of each payment to Aboriginal corporations in this financial year of s 64(3) funds are:

Gumatj Aboriginal Corporation	
Date	Quantum (\$)
18 September 2012	545,832.71
23 November 2012	548,773.87
7 February 2013	512,793.27
Total	1,607,399.85

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Rirratjingu Aboriginal Corporation	
Date	Quantum (\$)
18 September 2012	167,948.52
23 November 2012	168,853.50
7 February 2013	157,782.55
Total	494,584.57

Laynhapuy Homelands Aboriginal Corporation	
Date	Quantum (\$)
14 August 2012	256,557.67
18 September 2012	125,961.39
3 December 2012	126,640.11
8 February 2013	118,336.91
Total	627,496.08

Gundjeihmi Aboriginal Corporation	
Date	Quantum (\$)
10 August 2012	1,622,464.40
3 April 2013	1,902,914.45
Total	\$3,525,378.85

In relation to the Laynhapuy Homelands Aboriginal Corporation, the \$256,557.67 payment on 14 August 2012 comprised funds from the preceding financial year which could not be paid until the Laynhapuy Homelands Association Inc (the pre-existing royalty entity established under Northern Territory law) was converted into the current corporation under Commonwealth law. This is a requirement of the *Land Rights Act* (as amended). Since relating to the previous financial year, this payment is excluded from the total amount of s 64(3) payments received by the NLC in this financial year (ie: \$5,998,301.68).

In relation to other royalty payments, there is an additional mine operating on Aboriginal land in the NLC region which now pays royalties to the Northern Territory, with a consequential payment of royalty equivalents into the Aboriginals Benefit Account from the Commonwealth pursuant to the *Land Rights Act*. This mine is the Elsey Lime Quarry which is located on the Mangarrayi Aboriginal Land Trust (ie: Elsey Station).

On 14 March 2012 the NLC received the sum of \$685,315.91, being royalty equivalents for the Elsey Lime Quarry pursuant to s 64(3) of the *Land Rights Act*. These are the first and, to date, only royalty equivalents received by the NLC in relation to that mine. The NLC

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conducted consultations in 2012 and 2013 in relation to the payment. Again, since relating to the previous financial year, this payment is excluded from total amount of s 64(3) payments received by the NLC in this financial year (ie \$5,998,301.68).

On 11 September 2012 the Guyangan Aboriginal Corporation was established under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) for the purpose of receiving the royalty equivalents. To that end the Corporation has recently established a bank account to receive funds.

At its next meeting in May 2013, the NLC Full Council will consider making a determination under s 35(2) of the *Land Rights Act* as to the payment of the royalty equivalents. This determination must be made by the Full Council itself; the power cannot be delegated (see ss 28(1)(d) and 35(2)). Accordingly the NLC presently retains the sum of \$685,315.91, and has not paid it to an Aboriginal corporation under s 35(2).