



Australian Government

Department of Families, Housing,  
Community Services and Indigenous Affairs

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Darwin 30/4/08

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Mr Christopher Warren  
Federal Secretary  
Media Entertainment and Arts Alliance  
245 Chalmers Street  
REDFURN NSW 2016

Dear Mr Warren

I am writing to you in regard to the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill (the Bill) that was introduced into Federal Parliament on 21 February 2008.

Proposed new subsection 70(2BB) of the *Aboriginal Land Rights (Northern Territory) Act 1976* in Item 1 of Schedule 3 of the Bill (attached) provides for a ministerial authorisation to provide access to Aboriginal land. It is intended that the authorisation power be used to provide access to community land for journalists for the purpose of reporting on events in communities, subject to certain conditions.

Your comments are sought on the attached outline of the proposed ministerial authorisation. As the Government is seeking the urgent passage of the Bill, any comments would be appreciated no later than 7 March 2008.

The contact officer for this matter is John Litchfield who can be contacted on (02) 6121 4690 or [John.Litchfield@fahcsia.gov.au](mailto:John.Litchfield@fahcsia.gov.au).

We look forward to receiving your comments.

Yours sincerely

Lynne Curran  
Group Manager  
Office of Indigenous Policy Coordination

22 February 2008

## Schedule 3—Access to Aboriginal land

### *Aboriginal Land Rights (Northern Territory) Act 1976*

#### **1 Subsection 70(2BB)**

Repeal the subsection, substitute:

(2BB) The Minister may, by writing, authorise a specified person, or any person included in a specified class of persons, to enter or remain on:

- (a) all Aboriginal land; or
- (b) particular Aboriginal land (which may be community land).

Note: See section 70A for the definition of *community land*.

(2BBA) An authorisation under subsection (2BB) is subject to any conditions specified in the authorisation.

#### **2 Transitional—existing authorisations**

An authorisation in force under subsection 70(2BB) of the *Aboriginal Land Rights (Northern Territory) Act 1976* immediately before the commencement of this item has effect, after that commencement, as if it had been granted under that subsection after that commencement.

#### **3 Subsections 70(2D) and (2E)**

Repeal the subsections.

#### **4 Subsection 70A(1)**

Repeal the subsection.

Note: The heading to section 70A is replaced by the heading “Community land”.

#### **5 Subsection 70A(2)**

Omit “sections 70B to 70F”, substitute “section 70”.

Note: The heading to subsection 70A(2) is deleted.

#### **6 Sections 70B to 70H**

Repeal the sections.

#### **7 Paragraph 73(1)(ba)**

Repeal the paragraph.

#### **8 Section 74AA**

Repeal the section.

### *Northern Territory National Emergency Response Act 2007*

#### **9 Subsection 35(1)**

Omit “of this Act or sections 70C to 70G of the *Aboriginal Land Rights (Northern Territory) Act 1976*”.

**Proposed Ministerial authorisation under new s70(2BB) of the Aboriginal Land Rights (NT) Act 1976**

A definition of 'journalist' and 'media report' along the following lines is to be included:

**'journalist'** means a person engaged in the profession of reporting, photographing, editing or recording for a media report of a news, current affairs, information or documentary character'.

**'media report'** means an article, program, or other report for publication in the broadcast on any of the following

- (a) newspaper, magazine, journal or other periodical
- (b) a radio or television broadcasting service
- (c) an electronic services (including a service produced by the Internet) that is similar to a newspaper, magazine, radio broadcast or television broadcast.

The land to which access is to be provided is at **(A)** and **(B)**

**(A)** - community land as defined in section 70A of the Act except

- areas which are leased (other than areas leased to the Commonwealth under s31 or NT NER Act or s19A of ALRA, or to the Director as defined in subsection 3(1) of the Act)

Access to the land at (A) is subject to the conditions that:

- a person may not enter a sacred site
- a person can only enter or remain for the purpose of reporting, photographing, editing or recording for a media report of a news, current affairs, information or documentary character.
- a person can not enter premises except with the permission of the occupier. For this purpose 'premises' should be defined to include the living area of a camp occupied by, or belonging to, an Aboriginal.
- a person can not interfere with an event (including a ceremony) that takes place in accordance with Aboriginal tradition

**(B)** - other Aboriginal land, within the meaning of paragraph (a) of the definition of Aboriginal land in subsection 3(1) of the Act, which is commonly used to access community land

Access to the land at (B) is subject to the following conditions that:

- a person can only enter or remain for the purpose of travelling to or from the land at (A) to report, photograph, edit or record for a media report of a news, current affairs, information or documentary character.
- a person can not interfere with an event (including a ceremony) that takes place in accordance with Aboriginal tradition