



Process for divestment of Part III reserves

What is the current process to divest Part III reserves?

Subsection 25(1) of the *Aboriginal Affairs Planning Authority Act 1972* provides for the Governor's power to make proclamations that:

- declare any new Crown lands to be reserved for persons of Aboriginal descent (Part III reserves)
- alter the boundaries of those Part III reserves
- declare that lands shall ceased to be so reserved.

Before exercising the power in subsection 25(1), the Governor must:

- seek the recommendation of the Minister for Aboriginal Affairs
- refer the matter to the Authority

- seek a report of the Authority
- AAPA lay the report of the Authority before each House of Parliament for 14 sitting days.

Either House may then pass a resolution rejecting the proposed recommendation.

What will change?

It is proposed that this parliamentary process will not be required where there is approval from the Minister for Aboriginal Affairs and the ALT and where:

- Part III reserves are divested to an Aboriginal person or corporation
- the boundaries of Part III reserves are changed for divestment of a portion of the land to an Aboriginal person or corporation, or
- the boundaries of Part III reserves are changed to exclude public roads or public utilities.

What will remain the same?

The parliamentary process will continue to apply to all other proposals to cancel Part III reserves or change the boundaries of Part III reserves.