



Changes from first round consultations

Original proposal

Dissolution of the Aboriginal Lands Trust (ALT).

New intent

Originally, the dissolution of the ALT was considered an inevitable consequence of divesting the entire Aboriginal Lands Trust estate.

Since the 2022 consultation, administration of the ALT divestment program and informal feedback has confirmed that this will be unlikely in the short-term.

For some land parcels, the complexity of the interests, or where an Aboriginal person or Aboriginal entity has not requested divestment, means it is more appropriate for the ALT to continue its role in managing the land. In these cases, the ALT should retain its full functions and powers under the *Aboriginal Affairs Planning Authority Act 1972* (the Act), until such time as the complexity is resolved or a potential divestee has been identified.

When the functions and powers of the ALT is no longer required for the administration of the ALT estate, it will be appropriate for government to consider its dissolution.

Removal of power to proclaim new Part 3 reserves.

The Department of Planning, Lands and Heritage received several submissions expressing a strong preference to retain the power to proclaim new Part 3 reserves in circumstances where Aboriginal corporations identify culturally significant areas requiring the special protection under Part 3 of the Act.

As the ability to proclaim Part 3 reserves already exists under the current Act, it is no longer proposed to remove the power.

The process for creating and expanding Part 3 reserves requires extensive consultation across Government and the approval of both houses of Parliament.

Changes from first round consultations

Original proposal

No changes to enforcement provisions.

New intent

The original proposal did not contemplate any changes to the enforcement of offences under Part 3 of the Act. Feedback on the amendments raised the need to bring enforcement provisions up to modern standards to ensure they are useful as deterrents against offences.

It is now proposed that:

- Penalties for trespass on Part 3 reserves are increased.
- Where an offence is committed on a Part 3 reserve vested in an Aboriginal corporation, the fine will be paid to that Aboriginal corporation.
- The timeframe in which a prosecution must commence for trespass should increase from one to six years.