

NATIONAL INDIGENOUS AUSTRALIANS AGENCY

NIAA
CEO
Mr Anderson
Mr Bulman
Ms Roberts
Mr Beswick
Ms Stuart-Fox
Mr Matthews
Mr Saxby
Mr Mudaliar
Ms Johnson

To: Minister for Indigenous Australians

CONSIDERATION TO PROCEED WITH LAND GRANTS FOR 15 LAND CLAIMS
IN THE NORTHERN TERRITORY (NT)

Recommendations - that you:

s22

- 2. Note the requirement for land surveys to be undertaken in respect of at least 12 land claims before you decide to recommend the Governor-General make the grants of Aboriginal land.

Noted / Please Discuss

s22

KEN WYATT

Date:

13 November 2019

Comments:

Key Points:

s22

s22

6. The Agency considers it would be appropriate and pragmatic for you to indicate that you are disposed to consider granting the land subject to the 15 recommended claims, subject to additional steps being completed. These include surveys (procured by the Agency) to provide a land description for each Deed of Grant, finalisation of any arrangements to address detriment, agreement on suitable Land Trusts by the NLC with Traditional Owners, and addressing any other issues. Further information is provided at [Attachment F](#).

s22

Wayne Beswick
Branch Manager
Land Branch
28 October 2019

Policy Officer: s22
Phone no: s22
Consultation: Northern Land Council

ATTACHMENTS

ATTACHMENT A

ATTACHMENT B

ATTACHMENT C

ATTACHMENT D

ATTACHMENT E

ATTACHMENT F SUMMARY OF STAKEHOLDER COMMENTS ON THE REPORT



ADDITIONAL INFORMATION

A large, bold, red watermark consisting of the letters 's' followed by the number '22' is centered on a grey rectangular background.

An in-principle agreement would provide a policy lever for the relevant claim areas to be surveyed, which may take approximately 18 months, including procurement. Surveys are required for a land description in the Deeds of Grant. The Australian Government is responsible for the cost of surveys, however input from the NLC and NT Government would be sought to prepare the scope of works.

Land surveys will assist to clarify whether certain detriment may exist, and how it may be mitigated consistent with the Commissioner's recommendations. Survey data may also be required by the NLC for the accurate mapping of claim areas in the online permit system.

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PDR: MC21-001604

NATIONAL INDIGENOUS AUSTRALIANS AGENCY

To: Minister for Indigenous Australians

**ABORIGINAL LAND COMMISSIONER - UPDATE ON NORTHERN
TERRITORY LAND CLAIM INQUIRIES**

NIAA
Mr Griggs
Mr Exell
Ms Hope
Mr Bulman
Mr Jeffries
Mr Beswick
Mr Jacomb
Dr Johnston

NIAA
Executive
Coordinatio
n

MO
Mr Lomas
S47F

s22

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s22

General land claims update

s22

21. In November 2019 you prioritised 15 land claims previously recommended for grant in reports provided by former Aboriginal Land Commissioners. Thirteen of those claims require the procurement of survey plans for land descriptions to be referenced in future grants.
22. A contract has now been awarded to an Indigenous-owned survey company for survey plans for five claim areas concerning intertidal zone and bed and banks, currently due to be delivered by the end of 2021 at a cost of approximately \$2 million.
 - a. The nature and scope of the survey work involving intertidal zones is “ground-breaking” from an NT perspective, deploying collection of previously unavailable geospatial data including tidal gauges, aerial photography, remote sensing and ground based survey. It has involved working in partnership with the NT Surveyor-General’s office and other NT Government agencies, Geoscience Australia and the Australian Hydrographic Office to refine the scope of works for the survey contract.
 - b. The planning for the procurement was lengthy due to the necessity to reach agreement on methodology and technical specifications with the NT Surveyor-General who will ultimately be responsible for approving the resulting survey plans. COVID-19 adversely impacted stakeholder engagement for project development and the finalisation of the scope of works was further protracted due to lack of capacity within the NT’s Office of the Surveyor-General.
 - c. The surveyor is currently working to negotiate access to multiple properties (including pastoral and mining interests) and has applied for an Authority Certificate from the Aboriginal Areas Protection Authority, requiring anthropological research and consultation with custodians of the survey area.

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23. Finalising procurement planning for the remaining eight surveys is subject to technical specifications being prepared by the NT Office of the Surveyor-General. The Agency has made available funds under an existing Memorandum of Understanding with the NT Government for engaging additional staff resources; however the recruitment to these positions has been slow to progress.

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Wayne Beswick
Branch Manager
Land Branch
2 July 2021

Policy Officer: s22 [REDACTED]
Phone no: s22 [REDACTED]
Consultation: Office of the Aboriginal
Land Commissioner, Central Group,
Indigenous Portfolio Bodies Section.

NATIONAL INDIGENOUS AUSTRALIANS AGENCY

NIAA
Ms Broun
Ms Guivarra
Mr Binning
Ms
Bellenger
Ms Hill
Ms Kerrigan

To: Minister for Indigenous Australians

cc Assistant Minister for Indigenous Australians

**ABORIGINAL LAND COMMISSIONER - REPORT ON THE WULNA
(NORTHERN TERRITORY PORTION 2001) LAND CLAIM NO. 155**

NIAA
Executive
Coordination

MO
Mr Watts

s47F

S22

Key Points

s22

7. The Agency will scope options with the NT Government and the NLC to include the Wulna LC area in land surveys it is procuring for the adjacent Woolner/Mary River Region Land Claim No. 192.
 - a) Land surveys are required for a land description to be included in a Deed of Grant to the relevant Aboriginal Land Trust and will enable the finalisation of the land claim.
 - b) Procurement of surveys is normally conducted following the Minister's consideration of any stakeholder comments, and in-principle agreement to progress the grant. Given the minor stakeholder detriment noted in the Report, the Agency believes that any financial risks to the Agency of procuring surveys at this stage are very low, while the

cost of undertaking a separate procurement process would be considerably higher. It would be efficient and pragmatic to survey the claim area at the same time as the adjacent land claim.

- c) Procurement of the survey at this stage will not prevent you from considering whether to progress the Commissioner's recommendation to grant land following receipt of any stakeholder comments.

s22

05 MAR 2021

PDR: MS21-000071

**NATIONAL INDIGENOUS AUSTRALIANS AGENCY
MINISTERIAL SUBMISSION**

NIAA
Mr Griggs
Mr Exell
Mr Bulman
Mr Jeffries
Mr Beswick
Ms Nitschke
Mr Matthews
Mr Mudaliar
Mr Dyer
Ms Johnston

To: Minister for Indigenous Australians

UPDATE ON UNRESOLVED LAND CLAIMS IN THE NORTHERN TERRITORY

s22

MO
Mr Fordham
s47F

s22

Survey works

8. The Australian Government is responsible for procuring approved survey plans to enable grants of Aboriginal land if an approved survey plan is not already available.

9. Of the 15 land claims you prioritised for grant in November 2019, 13 require approved survey plans to progress finalisation.
 - a. The Agency has commenced a procurement exercise for the delivery of survey plans for five of these land claims by the end of 2021. Two Indigenous-owned survey and geospatial services companies have quoted on this work package and we expect to finalise a contract by the end of March 2021 for the delivery of draft survey plans by the end of 2021.
 - b. The Agency anticipates commencing another procurement exercise in coming months for survey plans for the remaining eight land claims in this group, subject to finalising related scopes of work in collaboration with the NT Surveyor-General.
10. Separately, the Agency is preparing to commence survey plan procurement for the land claim in the CLC region.
11. The survey plan procurement process has been impacted by the technical complexities of preparing survey plans for land claim areas limited to intertidal zones and beds/banks of rivers, which comprise the majority of the relevant claims. We have also engaged with the NT Surveyor-General's office to assist in developing appropriate scopes of works before approaching the market for quotes. We expect to execute the related services contract to survey the first five land claims by the end of March 2021.



Wayne Beswick
Branch Manager
Land
1 March 2021

Policy Officer: s22
Phone no: s22
Consultation: Office of the Aboriginal
Land Commissioner, Central Group

NATIONAL INDIGENOUS AUSTRALIANS AGENCY

NIAA
Ms Broun
Ms Hope
Ms Fulton
Mr Jeffries
Ms Kerrigan
Mr Dyer

To: Minister for Indigenous Australians

IN-PRINCIPLE AGREEMENT TO PROCEED WITH LAND GRANT OF THE
WOOLNER/MARY RIVER REGION LAND CLAIM NO. 192

NIAA Executive
Coordination

MO
Mr Watts
S47F

Recommendations - that you:



Signed / Not Signed

- 3. Note the requirement for land surveys to be undertaken in respect of the claim area before you decide to recommend the Governor-General make the grant of Aboriginal land.

Noted / Please discuss

LINDA BURNEY

Date: 14/9/22

Comments:

Key Points:



s22

10. The Report left open the question of whether boat ramps and barrages are roads over which the public has a right of way and therefore automatically excluded from grant under the ALRA. If these areas are not found to be public roads following a survey of the Land Claim area, detriment may be alleviated through the implementation of the PMS, pastoral licences or under other relevant provisions of the ALRA.
11. The Agency considers it would be appropriate and pragmatic for you to agree, in principle, to the grant of land subject to Land Claim, providing additional steps are completed. These steps include land surveys procured by the Agency to provide a land description for a

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Deed of Grant (which may take approximately 18 months) and the NLC's finalisation of any arrangements to address detriment and nomination of suitable Land Trusts following consultation with traditional Aboriginal owners.

s22

s22

Rachel Kerrigan
Branch Manager
Land Branch
18 August 2022

Policy Officer: s22
Phone no: s22
Consultation: ALGE, Central Group



Australian Government

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National Indigenous Australians Agency

MS24-000087

Subject: Agreement to consider proceeding with land grant of the Wulna (NT Portion 2001) Land Claim No. 155	
For: Minister for Indigenous Australians	Minister's Office Action Requested By Not Applicable
CC: Assistant Minister for Indigenous Australians	Reason for Urgency Not Applicable

Clearance	
Final Clearing Officer	Ben Burdon
Position	Group Manager, Economic Empowerment
Phone	s47F
Primary Contact Officer	
Name	Rachel Kerrigan
Position	Branch Manager, Land and Native Title Branch
Phone	Ph: s47F Mobile: s47F
Date Cleared	24/05/2024
Date Sent to MO	24/05/2024

Key Points:

s22

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Survey requirements

10. A land description will be required for a Deed of Grant to the relevant Land Trust/s. The Agency is aware that a survey plan already exists for the claim area at **Attachment L** and will engage with stakeholders to confirm agreement that it is suitable for a land description, or otherwise proceed with procuring a new survey plan for this purpose.
11. The Agency notes the NLC's comment that there is no legal requirement for survey plans to enable the grant of Aboriginal land and its request that you do not require survey plans to be prepared, including because of the protracted timeframes of the survey process. The NLC has confirmed with the Agency that its concerns are not relevant to this claim if the existing survey is suitable.
12. Although there may be other ways to legally describe land, the Agency prefers survey plans as the most effective way to achieve certainty about land boundaries and to meet the requirements for registering a Deed of Grant with the NT Land Titles Office. The NT Government agrees with this view. If land descriptions in a deed of grant are uncertain, there is a risk this could lead to legal disputes or the Deed of Grant being void.

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Recommendations:

s22

3. That you note the Agency will engage with the NT Government and the NLC in relation to a survey plan for the land description to be included in the Deed of Grant and if necessary procure further survey work.

Noted / Please Discuss

Linda Burney

Date:

Comments:

s22

From: s47F
To: s22
Cc: s22 s47F
Subject: RE: Land claims meeting follow up [SEC=OFFICIAL]
Date: Monday, 18 March 2024 2:05:44 PM
Attachments: [image006.png](#)
[image008.png](#)
[image010.png](#)
[image012.png](#)
[image014.png](#)
s22

Hi s22

Thanks for the catch up the other week.

s22

Regarding the survey process, our position remains unchanged following the recent NLC correspondence. Our view is that the boundaries of the beds and banks claims need to be accurately surveyed to ensure certainty into the future. Compiled plans will not provide that certainty, and will only perpetuate the current issues at hand into the future.

s22

Regards

s47F
Director
Strategic Aboriginal Policy
Department of the Chief Minister and Cabinet
Northern Territory Government
Level 5 NT House, 22 Mitchell Street Darwin
GPO Box 4396, Darwin NT 0801
t. s47F
w. cmc.nt.gov.au

The Department of the Chief Minister and Cabinet acknowledges the Aboriginal people and cultures of the land and country on which we work and live. We acknowledge the ongoing connection to culture, land, sea and community and pay our respects to Elders past and present and to emerging leaders.

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From: s22 [redacted]@niaa.gov.au>
Sent: Friday, 15 March 2024 3:20 PM
To: s47F [redacted]@nt.gov.au>
Cc: s47F [redacted]@nt.gov.au>; s22 [redacted]
[redacted]@official.niaa.gov.au>
Subject: Land claims meeting follow up [SEC=OFFICIAL]

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Hi s47F [redacted]

Thanks for the opportunity to catch up last week, and for providing an update on progress of the McArthur River LTA s22 [redacted]. It's great to see such a positive and collaborative approach to this work.

s22

As the NT works through its position on survey issues in response to the NLC's related correspondence, it would be great to stay in touch and join any future meetings with the NLC to discuss any outstanding issues, where appropriate. We also look forward to understanding the NT's view on the use of compiled plans for ALRA land grants. Are there any circumstances where you would support this approach? If not, it would be good to understand the reasons for this approach.

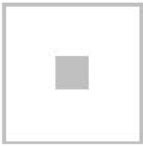
It was good to discuss and we will continue to explore options in relation to the NT's request for funding assistance for sacred site clearances in future LTA areas.

s22

Kind regards

s22 [redacted]

s22 [redacted] | Director
NT Land Operations | Land and Native Title Branch | Economic Empowerment Group
National Indigenous Australians Agency
p. s22 [redacted] m. s22 [redacted]
Jacana House 39-41 Woods St Darwin NT 0800 | GPO Box 9932 DARWIN NT 0801



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From: s47F [redacted] <[redacted]@nt.gov.au>
Sent: Friday, 19 April 2024 11:15 AM
To: s22 [redacted]
Cc: s47F [redacted]; s22 [redacted]
Subject: RE: Updated Survey Priority List - ALRA LC Surveys [SEC=OFFICIAL]

Hi s22 [redacted]

As discussed yesterday, s47F [redacted] has commenced work on preparing a survey brief for the Daly LCs.

Briefly, some LC boundaries have been surveyed and marked and therefore could be compiled from existing information; but from my understanding, many of the beds and banks boundaries have not been surveyed (or marked at salient locations or adequately defined), despite being represented on an approved survey plans. These non-surveyed / natural feature boundaries have considerable uncertainty in relation to their location, so it will be strongly recommended that (at the very least) LIADR and imagery surveys connected by GNSS to survey datums (GDA and MSL / AHD – height datum) are performed. Once this has been completed then geospatial data models can be produced to allow the definition of the LCs boundaries to be determined by Licensed Surveyor. Doing this will provide unambiguous definition of beds and banks boundaries and provide land title certainty / indefeasibility to land owners, as well as assist future land management /administration of the LC areas and adjoining parcels of lands.

It has not been practice (nor prudent) to register ALRA LC parcels (granted by the Governor General) in accordance with the NT Land Title Act, without the NT Registrar General having a survey plan approved by the NT Surveyor General, (which the Land Commissioner has often stipulated as a requirement). As you know this survey plan defines the parcel boundaries and area, which are fundamental elements of a land title, which is an enabler for land to be transacted under NT law.

I am hoping to get an update from s47F [redacted] today or early next week regarding this.

Note I will be in Sydney next week for Surveyors Board meetings from midday Monday to Wed.

Regards,

s47F [redacted]

Director Survey, Surveyor-General
Land Information Group
Department of Infrastructure, Planning and Logistics

Floor 1, Energy House, 18-20 Cavenagh St, Darwin
GPO Box 1680, Darwin, NT 0801

t. s47F [redacted]
e. s47F [redacted] <[redacted]@nt.gov.au>
w. www.nt.gov.au

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From: Collins, Michael <Michael.Collins@official.niaa.gov.au>
Sent: Wednesday, 17 April 2024 9:51 AM

To: s47F [redacted]@nt.gov.au>
Cc: s47F [redacted]@nt.gov.au>; s22 [redacted]
s22 [redacted]@official.niaa.gov.au>
Subject: Updated Survey Priority List - ALRA LC Surveys [SEC=OFFICIAL]

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Hi s47F [redacted]

Our Minister recently sought comments from stakeholders on the Commissioner's reports on the Peron Islands Area Land Claim No 190, Daly River Region Land Claims Nos, 172, 183 235 and Wulna LC 155 that were tabled in both houses of Parliament on 19 October 2023. [Link](#) to reports.

We are currently preparing briefing for the Minister on comments received.

To assist with addressing some stakeholder's comments about survey requirements grateful if s47F [redacted] would prioritise the completion of the Daly River Region Land Claims Nos, 172, 183 235 (Daly LCs) and Peron Islands Area Land Claim No 190 (Peron LC) scopes of works. We note, there appears to be a lot of existing surveys of adjacent to the Daly LCs. Appreciate if s47F [redacted] could also investigate and comment if compiled plans are possible for part or all the land claims for the purpose of the land grant under the *Aboriginal Land Rights Act (Northern Territory) 1976* and if not why?

Happy to discuss.

Kind regards

s22 [redacted]

s22 [redacted]

NT Land Operations | NT Land Operations Branch
National Indigenous Australians Agency

p. s22 [redacted] m. s22 [redacted]

Jacana House 39-41 Woods St Darwin NT 0800 | GPO Box 9932 Darwin NT 0801

w. niaa.gov.au w. indigenous.gov.au



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s22

From: s22 [redacted] <[redacted]@official.niaa.gov.au>
Sent: Friday, 30 August 2024 12:41 PM
To: s22 [redacted]
Cc: s22 [redacted]
Subject: FW: Seeking Advice - Wulna Land Claim No. 155
Attachments: Wulna S94160D.pdf; wulna-land-claim-155.pdf

FYI s22 [redacted]

From: s47F [redacted] <[redacted]@nt.gov.au>
Sent: Friday, August 30, 2024 12:06 PM
To: s22 [redacted] <[redacted]@official.niaa.gov.au>
Cc: s47F [redacted] <[redacted]t@nt.gov.au>; s47F [redacted] <[redacted]@nt.gov.au>; s47F [redacted] <[redacted]@nt.gov.au>; s47F [redacted] <[redacted]@nt.gov.au>; s47F [redacted] <[redacted]@nt.gov.au>
Subject: RE: Seeking Advice - Wulna Land Claim No. 155

Hi s22 [redacted]

From inspection of approved survey plan S94/160 D, I foresee no survey issues using plan S94/160 D to describe the boundaries of the ALRA land grant, and subsequent registration of title (in accordance with the Land Title Act) for NT Portion 2001.

Please note I recommend -

- You contact and engage with the NT Registrar General to ensure the appropriate Land Titles Office documentation is in order to facilitate registration
- A more accurate and unambiguous delineation or location and “certainty” of low water mark, as well as the adjacent high water mark, should be undertaken, as both are natural feature boundaries. This delineation should be represented on a survey plan performed by a Licensed Surveyor using geospatial data models, and survey / hydrographic observations. More specifically a survey to delineate the low water mark and the adjacent high water mark in this region (at a specific time) as well as dimension the description of the subject land claim boundaries.

Also I have cc'ed other NTG stakeholders who may wish to comment on your request with respect to other NT legislation.

Any queries please email or call.

Regards,

s47F [redacted]

Director Survey, Surveyor-General
Land Information Group
Department of Infrastructure, Planning and Logistics

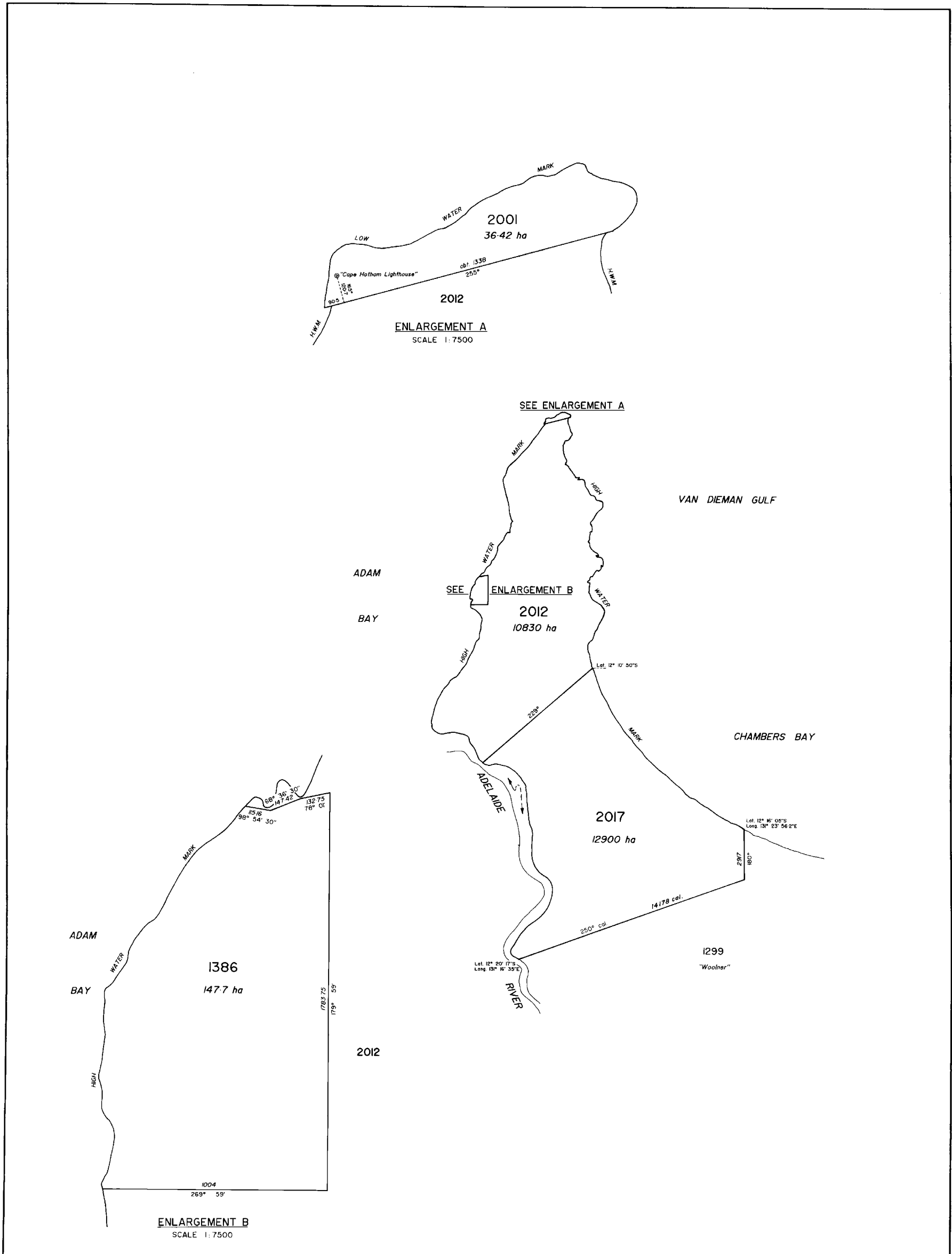
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4



	I, Michael John MILDORP, hereby certify that the survey represented on this plan was compiled from plans CP.4404 and S.72/066 and field book S.94/160D. <i>Michael John Mildorp</i> 7/10/16 Licensed Surveyor Date	Notes: DATUM AGD 66.	Field Book S.94/160D Drawn C.S.D.S. 30-9-1994		LEGEND Concrete Post □ Concrete Block ■ Peg or Wooden Post ○ Reference Mark X Locality — Fence Post ⊗	N.T. PORTIONS 1386, 2001, 2012 AND 2017 WOOLNER LOCALITY SCALE 1 : 100 000 	S.94/160D SHEET 4 OF 5
	SURVEY APPROVED <i>J. May</i> 11/10/95 Surveyor-General Date		Example <i>Rick Baynes</i> 9-5-95 Map Reference DARWIN 250 000				

WARNING - Damaged or crossed plan will be rejected.

