

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Aboriginal and Torres
Strait Islander Affairs

ABORIGINAL LAND GRANT (JERVIS BAY TERRITORY) ACT
1986

Declaration

A Declaration was made by the Minister under section 9A of the Aboriginal Land Grant [Jervis Bay] Act 1986 (the Act) on 11 October 1995.

The Declaration took effect on publication of a Special Commonwealth of Australia Gazette on 12 October 1995.

Subsection 9A(1) of the Act empowers the Minister to declare in writing that land within the Jervis Bay National Park or the Jervis Bay Botanic Gardens is Aboriginal Land if he is satisfied that the land is of significance to the Aboriginals who are members of the Wreck Bay Aboriginal Community and it would be appropriate to grant the land to the Wreck Bay Aboriginal Community Council (the Council).

Subsection 9A(2) of the Act provides that the Minister may not make a Declaration under subsection (1) unless the Council and the Director of National Parks and Wildlife (the Director) have entered into an agreement under which the Council agrees to grant to the Director a lease of the land to be declared to be Aboriginal Land.

Subsection 9A(3) of the Act provides that if the Minister proposes to make a declaration under subsection (1) he must publish a notice in the *Gazette* stating his intention to make a declaration and describing the land that would become Aboriginal Land under the declaration.

On 18 August 1995, the Council and the Director entered into an agreement under which the Council agreed to grant to the Director a lease of the whole of the Jervis Bay National Park and the whole of the Jervis Bay Botanic Gardens (the Park and Gardens).

In March 1995, the Minister received a comprehensive report on the significance of the land and water in the Park and Gardens and the appropriateness of a grant of the land to the Council. The report, which was prepared by Dr Brian J Egloff, Ms Kerry Navin and Dr Kelvin Officer after extensive consultation with the relevant Aboriginal communities, describes the historical context and the nature of the Aboriginal communities in the Jervis Bay region, as well as considering the appropriateness of the land grant.

The Minister relied on this report together with a recommendation from the Aboriginal and Torres Strait Islander Commission in deciding that the land is of significance to the Aboriginals who are members of the Wreck Bay Aboriginal Community, and that the grant of the land to the Council would be appropriate.