



### A JOINT SUBMISSION BY THE NORTHERN TERRITORY LAND COUNCILS

1. The Anindilyakwa, Central, Northern and Tiwi Aboriginal Land Councils of the Northern Territory welcome this opportunity to provide a submission to the Senate Standing Committee on Finance and Public Administration (Legislation Committee) regarding the *Aboriginal Land Rights (Northern Territory) Amendment (Economic Empowerment) Bill 2021* (Cth) (**ALRA Economic Empowerment Bill or Bill**).
2. The four Land Councils are corporate entities established under the *Aboriginal Land Rights (Northern Territory) Act 1976* (**ALRA**). Among other functions, they have statutory responsibilities for Aboriginal land acquisition and land management in the Northern Territory. Under section 23(1)(a) of ALRA they have the function of ascertaining and expressing the wishes and the opinion of Aboriginal people living in its region as to appropriate legislation concerning their land. The NLC and CLC are also Native Title Representative Bodies under the *Native Title Act 1993* (Cth) (**Native Title Act**).
3. Pursuant to the ALRA more than 50% of the Northern Territory is now held by Aboriginal Land Trusts on behalf of traditional Aboriginal owners (**Traditional Owners**). In addition, rights have been asserted and recognised under the Native Title Act, and Traditional Owners unable to claim land under the ALRA have succeeded in obtaining rights to small areas known as Community Living Areas, under Northern Territory legislation.
4. Through their elected representatives from Aboriginal communities across the Northern Territory the Land Councils continue to represent the aspirations and interests of Traditional Owners and other Aboriginal people resident in the Northern Territory on issues affecting their lands, seas and communities.
5. The four Land Councils are all members of the Aboriginal Peak Organisations of the Northern Territory (**APONT**). This submission is intended to complement the APONT submission and, where relevant, to reinforce the Land Councils' views on the issues involved.
6. The Anindilyakwa, Central, Northern and Tiwi Aboriginal Land Councils of the Northern Territory strongly support the ALRA Economic Empowerment Bill and commend its passage into legislation without amendment.

### The Anindilyakwa Land Council

7. The Anindilyakwa Land Council (**ALC**) was founded in 1991 to represent the interests of the Traditional Owners of the Groote Archipelago to acquire and manage their land, preserve Anindilyakwa culture and promote economic and community development.

8. The ALC represents over 1600 Aboriginal and Torres Strait Islander peoples living in the archipelago and mainly residing in the communities of Angurugu and Umbakumba on Groote Eylandt, and at Milyakburra on Bickerton Island.
9. The ALC Board provides strategic vision and oversight of the ALC and comprises clan representatives from the 14 indigenous clans within the ALC jurisdiction and one community representative each from the communities of Angurugu, Umbakumba, and Milyakburra.
10. Since 1991, the ALC has grown to 9 departments and around 145 employees, with almost 50% of its workforce being Traditional Owners of the Groote archipelago.
11. The ALC's operations are primarily located on Groote Eylandt. The main office is in the township of Alyangula, providing services and program delivery facilities to all communities.
12. The ALC is unique when compared to the other ALRA Land Councils because approximately 80% of the mining royalty income of the Aboriginals Benefit Account (**ABA**) has been generated from extractive mining on Groote Eylandt which commenced in the 1960s.

#### **The Northern Land Council**

13. The Northern Land Council (**NLC**) came into existence in 1974 as an agency designed to assist Aboriginal people to engage with the Woodward Royal Commission, which had been established by the Commonwealth to inquire into Aboriginal land rights in the Northern Territory.
14. Today, the NLC is responsible for assisting the 51,000+ Traditional Owners, native title holders and other Aboriginal residents of over 200 communities in the Top End to acquire and manage their lands, seas and communities under ALRA, the Native Title Act and related legislation.
15. The NLC is committed to living and working amongst its constituency to ensure it can be a truly representative organisation of Aboriginal people across the Top End. For this reason, the NLC has over 250 employees (of whom more than 25% are Aboriginal and/or Torres Strait Islander) spread across offices in Darwin, Wadeye, Jabiru, Maningrida, Nhulunbuy, Galiwin'ku, Ngukurr, Timber Creek, Borroloola and Tennant Creek.
16. The NLC is governed by its Full Council comprising 78 elected members and five additional female members who are co-opted. The Full Council meets twice each year for four days to discuss issues affecting the lands, seas and communities in its region.
17. The Full Council elects a Chair, a Deputy Chair, and 12 members to form the NLC's Executive Council which typically meets every two months to make decisions about a significant range of matters on behalf of the NLC.

18. The Full Council is also divisible into seven Regional Councils, each of which consists of those Full Council members elected to represent their region. Each Regional Council typically meets twice a year, separately from the Full Council, to discuss local issues.
19. NLC Constituents have long desired to obtain greater control over how money generated from mining on Aboriginal land is spent and to unwind a number of land administration provisions introduced by the Howard Government in 2006 which were strongly opposed by Land Councils. These issues, together with the reform of Part IV of ALRA, have been discussed countless times in NLC Full, Executive, Regional and Traditional Owner meetings over many years.
20. The development and content of the ALRA Economic Empowerment Bill has been the subject of wide consultation across the NLC region as the following table records.

Meeting date	Location	Meeting type
2-4 November 2021	Katherine	45 <sup>th</sup> Ngukurr Regional Council
19-21 October 2021	Batchelor	46 <sup>th</sup> Darwin Daly Wagait Regional Council
12-14 October 2021	Nhulunbuy	45 <sup>th</sup> East Arnhem Regional Council
21-23 September 2021	Katherine	45 <sup>th</sup> Katherine Regional Council
7 September 2021	Tennant Creek	45 <sup>th</sup> Borroloola Barkly Regional Council
20-30 July 2021	King River Station/Barnatjal	123 <sup>rd</sup> Full Council
24 June 2021	Katherine	214 <sup>th</sup> Executive Council
13-15 July 2021	Darwin	215 <sup>th</sup> Executive Council
7-9 June 2021	Kununurra	44 <sup>th</sup> Victoria River Downs Regional Council
3-4 June 2021	Katherine	44 <sup>th</sup> Ngukurr Regional Council
31 May to 1 June 2021	Katherine	44 <sup>th</sup> Katherine Regional Council
24-25 May 2021	Darwin	45 <sup>th</sup> Darwin Daly Wagait Regional Council
17-19 May 2021	Tennant Creek	44 <sup>th</sup> Borroloola Barkly Regional Council
30-31 March 2021	Darwin	44 <sup>th</sup> West Arnhem Regional Council
14-16 February 2021	Darwin	211 <sup>th</sup> Executive Council
7-11 December 2020	Katherine	122 <sup>nd</sup> Full Council
2-4 November 2020	Alice Springs	Joint Land Council
28-30 September 2020	Darwin	209 <sup>th</sup> Executive Council

Meeting date	Location	Meeting type
26 & 30-31 July 2020	Darwin	Joint Land Council Meeting
June 2018	Barunga	Joint Land Council Meeting
March 2018	Darwin	Joint Land Council Executive Committees
August 2016	Kalkaringi	Combined NLC & CLC Council Meeting

### The Central Land Council

21. The Central Land Council (**CLC**) was established at a meeting of Aboriginal people from communities across Central Australia in 1975, and its functions were formalised when the ALRA was legislated in 1976. The CLC is also a native title representative body under the Native Title Act.
22. The CLC region in the southern half of the Northern Territory comprises nine broadly language-based regions covering 777,000 square kilometres. It sprawls from the Victoria River area in the far northwest, through the Tanami Desert, across to the Simpson Desert and north of Tennant Creek across the Barkly.
23. The CLC has a main office based in Alice Springs, and seven regional offices, together with 11 Ranger workplaces, and further Ranger workplaces in development. It employs 249 full time equivalent staff, of whom over 46% are Aboriginal.
24. The CLC represents approximately 22,000 Aboriginal people (about 29% of the Indigenous population of the Northern Territory) who live in townships, remote communities and outstations, and speak more than fifteen indigenous languages.
25. The CLC Council comprises 90 Aboriginal women and men (representing a ratio of one elected member per 245 constituents) elected for a three year term by their 75 communities, outstations and organisations.
26. The Council meets three times per year for three days each meeting in different remote communities. In addition to statutory requirements, the Council's roles include determining the goals of the organisation, setting public policy priorities and guiding policy positions, checking the organisation is being well managed, and advocating for the rights and interests of Aboriginal people in the region.
27. The Council delegates some functions to an Executive Committee, which comprises the Chair, Deputy Chair, and a representatives from each of the nine regions - Council members from each region, select their representative and an alternate. The Executive Committee meets about nine times each year.
28. Formal discussion and advocacy seeking changes to the ALRA, the principles of which are reflected the current ALRA amendment bill, commenced with Council members bringing

their concerns and ideas for change to the November 2015 CLC meeting held in Alparra, where they determined to engage with the Minister about the matter. Their considered and prolonged advocacy, informed through members' collective experience of ALRA and on the ABA Advisory Committee, resulted in the development of principles to guide reform, which were further developed in collaboration with the other land councils of the Northern Territory.

29. Any Aboriginal residents of the CLC area may attend Council meetings and communities are contacted regarding the location and dates of any such proposed meeting at least 4 weeks in advance (unless changes are required due to weather, Sorry Business or other matters within that period).

30. The dates and locations of meetings of the Central Land Council where ABA and ALRA reform were discussed are outlined in the table below.

Meeting date	Location	Meeting type	
		Council	Executive Committee
August 2021	Kalkaringi	X	
August 2021	Alice Springs		X
May 2021	Alice Springs		X
April 2021	Tennant creek	X	
March 2021	Alice Springs		X
Feb 2021	Alice Springs		X
Dec 2020	Alice Springs		X
October 2020	Kintore	X	
Jul 2020	Darwin		4 Combined Land Councils
Feb 2020	Alice Springs		X
Oct 2019	Yulara Pulka	X	
Oct 2019	Alice Springs		X
Jul 2019	Ross River	X	
May 2019	Alice Springs		X
Aug 2018	Yuendumu	X	
Jun 2018	Barunga	Combined land councils	
March 2018	Darwin		Combined land councils executive committees

Meeting date	Location	Meeting type	
		Council	Executive Committee
Feb 2018	Alice Springs		X
Nov 2017	Tennant Creek	X	
May 2017	Tennant Creek	X	
Aug 2016	Kalkaringi	Combined NLC & CLC	
Apr 2016	Yulara Pulka	X	
Nov 2015	Alparra	X	

### The Tiwi Land Council

31. The Tiwi Land Council (**TLC**) was established on 18 August 1978 following representations by the Tiwi people to the Federal Government for recognition of their distinct geographic and cultural identity.
32. The Tiwi Islands are located approximately 80 kilometres north of Darwin in the Arafura Sea and consist of two large, inhabited islands called Melville and Bathurst Islands and numerous smaller uninhabited islands.
33. The TLC has statutory functions under ALRA to represent the interests of the 3000+ Tiwi Islanders in respect of the management of their lands and seas.
34. There are 32 members of the Land Council based upon eight clan or 'country' groups on the Tiwi Islands. The TLC's Management Committee has 10 members, including the Chairman and the Deputy Chairman which meets at least six times per year to direct the TLC's operations and the Tiwi Aboriginal Land Trust.
35. The Tiwi Land Council engages at least five times with each of the eight clan groups a year, providing updates on general information relating to both Islands, matters of reference to the Clan group and broader socio-political issues such as ALRA reform.

### ALRA Economic Empowerment Bill

36. The APONT submission describes in detail the three areas of reform proposed in the ALRA Economic Empowerment Bill: the Northern Territory Aboriginal Investment Corporation (**NTAIC**), Part IV (mining), and Land Administration.
37. All three areas of reform were co-designed with the membership of the Land Councils as follows.
  - (a) The Land Councils' development of a suite of principles to guide ABA reform underpin the creation of NTAIC - an Aboriginal controlled body to make decisions about grants and investments currently administered through the ABA under ALRA s 64(4).

- (b) A working group of representatives from each of the four Land Councils and the Northern Territory and Commonwealth Governments have guided the development of the Part IV reforms over six years commencing in 2015.
- (c) Land Council members have long called for the repeal of section 28A imposed with no consultation by the Howard Government and for stronger penalties for trespass on Aboriginal land.

### **Development of the Northern Territory Aboriginal Investment Corporation**

38. The creation of the NTAIC is the most significant reform in the Bill and is the product of a process driven by the constituents and members of the four Northern Territory Land Councils. This joint submission from the Anindilyakwa, Northern, Central, and Tiwi Land Councils is underpinned by our constituents' requests for reform.

39. Aboriginal Territorians had over many years identified a number of problems with the ABA grant arrangements, including:

- The ABA Advisory Committee (**ABAAC**) has no power to decide grants and nor can it be delegated any power to do so by the Minister;
- Government administrative changes since ATSIC was dismantled, including moving responsibility for the ABA to Canberra have led to much more control by public servants and no effective involvement of Land Council members or staff in policy or grant making;
- The ABA was re-established as a special account under the Commonwealth's mainstream financial management legislation which has meant that the machinery for the financial administration of the ABA is located outside the ALRA controlled by the Government;
- The Minister was able to appoint the Chairperson and two other expert members without any consultation;
- The Government appeared focussed on making the special account balance bigger with the result that grants have been restricted for some years and are likely remain limited;
- The 2014 ABA grant guidelines were approved without any consultation with the Land Councils and framed as funding under the Government's controversial Indigenous Advancement Strategy, allowing for the priorities of the Government to be imposed on the ABA;
- There is minimal transparency around the decision making for grants and no independent evaluation of the impact of grants; and
- There is little support for Aboriginal people wanting to complete the complicated application forms.

40. The Anindilyakwa, Central, Northern and Tiwi Land Councils took the initiative to develop principles to guide the reform process. The proposal to develop these principles was agreed at the joint Land Council meeting in Kalkarindji in June 2016. Development of the principles with constituents occurred during 2017 and at a joint Land Council meeting at Barunga in 2018 the principles were articulated as:

1. *ABA funds come from mining on Aboriginal land, they are Aboriginal moneys and Aboriginal people in the NT should make decisions about the management and allocation of ABA grant funds.*
2. *Consistent with Australia's international and national human rights obligations, traditional owners must provide their informed consent regarding any changes to the ABA.*
3. *All members of ABAAC, or a replacement new structure, should be Aboriginal members living in the Northern Territory who have been elected by Land Councils.*
4. *Decisions about all grant (or loan) payments should be made by the elected representatives of the Land Councils who are able to seek the advice of their own Land Councils.*
5. *A comprehensive framework for making ABA grants (and loans) should be enacted in the Land Rights Act after negotiations with the Land Councils, rather than continuing to rely on external legislation.*
6. *The ABA is not an Indigenous funding programme like other government programs. It should remain under the Land Rights Act and its funding arrangements should not be included in any Commonwealth funding strategy such as the Indigenous Advancement Strategy.*
7. *A reformed ABA should include a senior position of Director of the ABA that must be responsible for all ABA functions, based in the Northern Territory.*
8. *The staff of a reformed ABA should be accountable to the new Board or structure to facilitate greater Aboriginal involvement. This may mean that the staff costs should come from the ABA rather than the Department of Prime Minister and Cabinet.*
9. *ABA grant processes must be accessible and accountable to Aboriginal people living out bush.*
10. *Land Council ABA representatives should have the option to be appropriately supported/guided by their senior management attendance at ABAAC meetings.*
11. *The ABA should not be treated as an 'accumulation' fund (only spending interest). Instead, the utilisation of the fund under s64(4) should be justified on the basis of the benefits that the expenditure would provide to Northern Territory Aboriginal people and should not be subject to arbitrary limits.*
12. *The ABA should remain as a separate 'special account' and any investments of the fund should be transparent to all stakeholders.*

41. *Aboriginal people have long called for control over the ABA as they rightly view the ABA as Aboriginal money. The Land Councils have sought to guide the reform process in keeping with the views of Aboriginal constituents whilst working in partnership with the Commonwealth Government.*



42. Minister Wyatt must be given much credit for this landmark reform. While the co-design process commenced a long time before his term as Minister commenced, as the first Aboriginal man to be Minister in the Indigenous Affairs portfolio, Minister Wyatt understood better than any of his predecessors the significance of this change for Aboriginal people in the Northern Territory.
43. The Land Councils supported Minister Wyatt's desire to commission a study of comparable organisations to inform the design of the ABA Corporation, in particular the governance arrangements and investment mandate. These organisations included Indigenous Business Australia, the Indigenous Land and Sea Corporation and the Torres Strait Regional Authority.

#### Ministerial discretion

44. The Land Councils accept that the relevant Minister will continue to exercise discretion over the balance of the ABA that is not transferred or allocated to the ABA Corporation. There is no change to this discretion under the Bill.
45. There is no evidence that the Bill in any way increases the Minister's discretion. An increase in the balance of the ABA special account over time does not mean the Minister's discretion increases. It only means the money over which that discretion may be exercised may increase.

#### ABA Advisory Committee

46. The transition to the new corporation, should the Bill pass the Parliament, will mean the ABAAC will no longer be required. The ABAAC's advisory function is important but it was never binding on the Minister. Such an advisory function will no doubt be an important matter for the board of the new corporation to consider.
47. The Chairman of the NLC has expressed a view that ABAAC members should continue to provide their important advice to the Board of the ABA Corporation. This will be a matter for the Board to decide at the appropriate time.
48. The Land Councils wish to acknowledge the hard work of all of their members who have worked on ABAAC over many years.

#### Board composition

49. The NLC has seven members on the ABAAC, more than any other Land Council, but is proposed to have two members on the Board of the new corporation, just like each of the other Land Councils.
50. Some may argue this is not fair. The Land Councils consider it critical that Aboriginal people have the majority control over the new corporation. It would not be right for one Land Council to have more board members than another because the corporation's purpose is to serve all Aboriginal people in the Northern Territory, regardless of where they live or the Land Council region they happen to live in.

51. The Land Councils support the appointment of independent members by Board. This feature in the design of the governance of the new corporation was informed by the comparative analysis mentioned above, commissioned by the Minister with the support of the four Land Councils.
52. The Land Councils do not consider that the Board requires other Aboriginal people on the Board to represent the views of Aboriginal communities. Land Council members are elected to represent the views of Traditional Owners and other Aboriginal residents in their Land Council region. If they fail at this, they get voted out.

#### Return on investment

53. The Land Councils have repeatedly expressed the view that:

- the ABA has been effective at increasing its balance but not at generating returns; and
- more could be done to increase returns.

54. With regard to increasing returns, a key purpose of the ABA Corporation is to invest ABA money to generate financial returns back to the corporation. This has never been possible before. The *Public Governance, Performance and Accountability Act 2013* (Cth) and related rules place significant limits on the investment of funds held in Special Accounts.<sup>1</sup> For the first time, ABA funding will be able to be invested in the form of debt, loan guarantees or joint ventures. Over time, this has the potential to create a sustainable revenue source for the corporation and to create resilience against economic downturn which has been a strategic risk for the ABA since its inception.

#### Seven year review

55. The Land Councils consider that once the new corporation is able to demonstrate success, it should be possible to wind back this discretion. This is why a review mechanism is built into the legislation after the first seven years.
56. It will take several years following the establishment of the corporation for the first strategic investment to be made, following the transfer of the \$500 million endowment which itself is contingent on the development and tabling in Parliament of a Strategic Investment Plan. It will be several years after that before it will be possible to evaluate the success or otherwise of those investments, including any financial returns on that investment.
57. While calls for an earlier review are understandable, the Land Councils do not consider an earlier review would be a good use of public money or ABA funds. Unless there is sufficient time for the new corporation to demonstrate success, it is likely there will be insufficient evidence on which to make findings about the success or otherwise of the new corporation in generating returns on strategic investments.

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<sup>1</sup> *Public Governance, Performance and Accountability Act 2013*, section 58. *Public Governance, Performance and Accountability Rule 2014*, section 22.

#### **Part IV (Exploration and Mining Provisions)**

58. The Part IV Review undertaken by Land Commissioner Justice Mansfield from 2012-2013 involved consultations with the Commonwealth and Northern Territory Governments, the four Land Councils and industry.
59. The report, delivered on 28 March 2013, found that “the Review did not indicate that there was ongoing significant disquiet on the part of any section of the key stakeholders” and that “there were various matters raised about the Part IV processes and operations, but with few exceptions they concerned matters of relative detail rather than of deep concern or of policy.” The Land Commissioner’s report presented 22 recommendations (Recommendations) to promote efficiencies in the administration and operation of Part IV.
60. Since 2015, the four Land Councils and the Northern Territory and Commonwealth Governments have been members of a collaborative working group in relation to the implementation of Recommendations of the Part IV Review (**Working Group**). The Working Group operated on the understanding that amendments to Part IV should be supported by all members of the Working Group.
61. Peak industry organisations have been consulted on the proposed amendments. Industry organisations did not raise any objections to the positions proposed by the Working Group.
62. The proposed amendments to Part IV included in the Bill can be broadly grouped into the following five categories:
- a. Improving the application and consent processes for granting exploration licences;
  - b. The role of the Minister for Indigenous Australians in the granting of exploration licences by the NT Government;
  - c. More efficient and consistent operation of Part IV;
  - d. The delegation of functions and powers to the NT Mining Minister; and
  - e. Alignment of Part IV with related Australian and NT Government legislation.
63. The Land Councils consider these proposals in the Bill to be largely administrative or technical in nature. The reforms have the potential to reduce the amount of time associated with the application process for exploration licenses and permits. Creating more efficient and consistent processes will benefit Traditional Owners and mining parties equally.

### Consultations ‘as appropriate’

64. A key reform involves resolving a major source of frustration for Traditional Owners – unnecessary meetings on matters where they have already made their views clear to the Land Council.
65. The change to section 42(4) enables consultation with Traditional Owners to be undertaken “as the Land Council considers appropriate for the purposes of considering the exploration proposals and the terms and conditions”.
66. This change does not diminish or alter the primacy of Traditional Owners in determining whether mining can proceed on their land and the related terms and conditions. The reform is likely to save time and cost associated with unnecessary meetings. It will reduce the frustration of Traditional Owners who feel their decisions are not respected when meetings are held on matters where they have already made up their mind.

### Compensation

67. A further change would bring ALRA into line with current practice involving compensating Traditional Owners for the value of minerals removed or proposed to be removed from the land. The reform to section 44A is overdue. It provides certainty for parties involved in negotiations under Part IV and reduces the vulnerability of Traditional Owner’s to challenge over the value of compensation paid in respect of certain agreements made under Part IV of the Land Rights Act.

### **Land Administration**

68. The changes affecting the administration of land under ALRA are described in detail in the APONT submission.
69. The changes of particular relevance to Aboriginal people and Traditional Owners go to the fundamental issues of access to Aboriginal land, the penalties applying to trespass on Aboriginal land, and the repeal of a reform imposed against the wishes of the Land Councils.

### Changes to Permits

70. The Land Councils strongly support changes that restore the permit system to the situation that existed before the Northern Territory National Emergency Response (NTNER).
71. The legislative process associated with the NTNER offer a stark contrast to the current reform process. Changes under the NTNER were imposed on Aboriginal people without consultation. The suspension of the *Racial Discrimination Act 1975* (Cth) by the Howard Government meant that the NTNER was, by definition, racist. The NTNER’s negative impact on communities and the resulting distrust in government has cast a long shadow that exists to this day. The reform process associated with this Bill has gone some way to re-building trust but it cannot undo the harm caused by the NTNER.

72. One of the changes to ALRA under the NTNER prevented Land Councils from revoking a permit made against the wishes of the majority of Traditional Owners by an individual Traditional Owner, or a minority group of Traditional Owners. The reason for this change remains unclear but its ongoing effect is to cause division within communities. It undermines Traditional Owner decision making as well as the Land Council's ability to discharge its statutory function to act on behalf of Traditional Owners as a group.
73. The repeal of section 74AA under this Bill restores consistency with the *Aboriginal Land Act 1978* (NT) for regulating permits on Aboriginal land.

#### Increase penalties for trespass on Aboriginal land

74. The Land Councils welcome the increase in penalties for trespass on Aboriginal land, from 10 penalty units to 50 penalty units. In current value, this means an increase from \$2,200 to \$11,000.
75. There has long been a strong sense that offences related to trespass on Aboriginal land attract a lesser penalty than similar offences on freehold or other land.
76. The Land Councils will work closely with the Northern Territory Government to ensure these changes are reflected in the relevant Northern Territory legislation. These changes must be made 12 months after Royal Assent to commence in time with the operation of relevant provision at section 70(1).

#### Repeal of Sections 28A-F

77. Reforms to ALRA made in 2006 involving the creation of a new class of lease over townships and the delegation of Land Council functions to corporations were made against the strong opposition of the Land Councils.
78. Changes have since been made to township leases that give Aboriginal people control over the management of those leases. This is a welcome change.
79. However, the Land Councils continue to oppose the provisions which enable the delegation of a Land Council's powers and functions to an Aboriginal or Torres Strait Islander Corporation. Such provisions remain a crude attempt to break up the Land Councils, were poorly designed and have proved ineffective. There has not been a single successful application during the 15 years since their introduction.
80. The Land Councils support the right of Aboriginal people to self-determination, however, the creation of multiple small, poorly designed, under-resourced corporations is doomed to fail. This is clear from the native title system which has created a proliferation of land holding bodies called Prescribed Bodies Corporate, the majority of which have no staff, no income and no assets.

## Concluding comments

81. NLC Chair, Mr Samuel Bush-Blanasi, in evidence given on 2 August 2021 to the Senate Environment and Communications References Committee inquiry into oil and gas exploration and production in the Beetaloo Basin, said words to the effect that it is not appropriate for an Aboriginal person to speak for another Aboriginal person's country if they do not belong to the country.<sup>2</sup>
82. The design and development of this Bill was open and transparent and, unlike most other changes to ALRA over many years, the voice of Aboriginal people and their representatives were determinative of the substance of the reforms contained in the Bill.
83. The Bill has been co-designed as intended under the new National Agreement on Closing the Gap.
84. While others outside the Northern Territory may feel they have some claim to be consulted on the reforms, it is those directly affected by the changes – Aboriginal people across the Northern Territory - who have been consulted through their Land Council membership.
85. It is for this reason the Aboriginal Land Councils of the Northern Territory, on behalf of our constituents, support the reforms and recommends the Committee support the passage of the Bill without amendment.

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<sup>2</sup> Senate Environment and Communications References Committee, inquiry into Oil and gas exploration and production in the Beetaloo Basin, 2 August 2021. [Hansard](#), page 21.