

## **Senate submission**

**Key points are that Aboriginal Land Rights are threatened to be overwhelmed by mining rights.**

**There has been no consideration or care for informed consent**

- Under the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP), no laws should pass without the free and prior consent of the people affected by the laws
- First Nations People of the Territory will be most affected by these laws
- There are many different language groups, so wide consultations with translators are essential and there is no evidence of this.
- Many communities are unaware of these proposed laws even though it affects their human rights and their property rights.
- Consultations need to be transparent (properly recorded for Parliament's and public scrutiny)
- The Australian public and The United Nations needs to be assured that the consultation process has integrity
- There are 82 pages of complex legislation and little time for the public to object to it.
- There is no need to rush these laws through Parliament when they could have a huge impact/far reaching effects on First Nations Peoples Rights
- There have been many previous laws passed with the stated intent to improve the lives of First Nations Peoples but have had the opposite effect/resulted in disempowerment and further social disadvantage. This has happened historically and is happening in the present (e.g. Northern Territory Intervention/Stronger Futures laws, CDP programme, super shires) yet the government does not learn to consider or care.

### **CHANGES of CONCERN**

- Self-determination should be the core foundation of all Aboriginal policies and this legislation fails to address this.
- This legislation as it stands will undermine the strength of the iconic 1976 Northern Territory Land Rights Act.

- There is a strong possibility that the power to negotiate on land use or for extractive industries will be diminished and not enhanced. These rights were hard fought for in the 1976 legislation and need to be protected.
- Consultations have been done in secret without Local communities participation
- Now Covid restrictions are easing there is opportunity for wide consultation. Many communities could not be accessed during Covid.
- If a mining explorative licence is granted, extension and expansion of the area can be granted without any consultation.
- Land council are not representational to all Aboriginal NT resident. Non-Landholders are excluded. The four Land councils have vastly different areas and numbers of people within their boundaries. Lands Councils are not a democratic representation of the Aboriginal People of the NT yet they were used solely for negotiation.
- Bipartisan support blocks independent criticism and public scrutiny.
- These changes negotiated over a period of 3 ½ years have been keep out of the public view and are now being rushed though Parliament before an election.
- The media has been silent, perhaps keep in the dark, on this unconscionable proposed bill.
- Speeches by various parliamentarians about the consultations ring hollow.
- Land councils obligations to consult/inform Traditional owners will become optional, but should be mandiary.
- What rights will the traditional owners have when their land is handed to over without their knowledge?
- This bill will weaken Aboriginal Land Rights and undermine First Nations Peoples authority, creating further disempowerment.
- The S19A reforms promote 99-year leases of township areas. These leases have been strongly resisted by many communities/townships under extreme pressure from government. S19A must be withdrawn as 99 years is 5 generations of land alienation
- The use of the Aboriginal Benefits account (ABA) to pay for these leases (\$33million) is theft.
- This Act will not benefit Aboriginal Traditional Owners. The benefit will go to mineral extractions companies

- The appointment of the CEO of the Northern Territory Aboriginal Investment Corporation (NTAIC) only by government approval, and there by disempowering Aboriginal authority.
- The CEO employs other staff without consent of the traditional owners.
- The CEO can decide on economic development priorities with no obligation or consultation.
- How the proposed NTAIC directors prioritise spending is not made clear by the bill.
- There is no consideration for the care of the land, the animals and plants.
- Enshrine this bill should be a biannually review of the successes and failures of this far-reaching legislation. An independently selected panel must do this.

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