

Matthew Ryan, NLC Chair
Middle Arm Senate Inquiry
Opening Statement
11 April 2024

- I would like to begin, as many of the other witnesses have today, by acknowledging that we are on Larrakia lands and that their sovereignty and lands have never been ceded.
- Always was, always will be Aboriginal land.
- I would also like to thank the Australian Senate for travelling all this way to Darwin for this hearing.
- I have only recently been elected as NLC Chair and have not had the opportunity to meet many of you but I look forward to meeting with many of you to discuss the challenges and opportunities that are there for the NLC's constituents across its seven regions.
- The NLC has concerns regarding the Middle Arm Industrial Precinct, specifically concerns on whether the consultation and engagement with Larrakia people has been appropriate and sufficient.

- On the basis of these concerns, the NLC Executive Council resolved in July last year to oppose the Middle Arm Industrial Precinct until such time that the Larrakia people give their free, prior and informed consent to the development,
- While I acknowledge that the Middle Arm area is not part of a Land Trust under the Land Rights Act and that the native title outcome from the full Federal Court in *Risk and the Northern Territory* means that Larrakia people do not have rights afforded to other traditional owners in the Northern Territory, the Northern Territory Government must properly engage with the Larrakia people and ensure they have their free, prior and informed consent before proceeding with the project.
- The NLC's written submission spoke to two aspects that we are particularly concerned about.
- First, the cultural heritage elements of the development.
- Middle Arm is on Larrakia Country.

- No matter what the Federal Court says, Larrakia people have significant spiritual and cultural connections to their country.
- While the Northern Territory Government have stated they have undertaken archeological surveys within the development area, we have concerns about the adequacy of that engagement and expect better levels of transparency with the broader Larrakia group on what is being done, who has been engaged and what is happening.
- Larrakia people are also concerned about dredging that is expected to occur near the development and the impact that it will have on their sites in the area.
- In addition to the above, at a minimum, we also expect engagement with the Aboriginal Areas Protection Authority on sacred sites and an authority certificate to be issued for the area before any activity occurs.
- Secondly, we have concerns about the Northern Territory Government's use of committees instead

of meaningful engagement with the broader Larrakia group.

- The Cultural Consultative Committee the Northern Territory Government set up to engage on Middle Arm is limited and appears to prioritise convenience for the Northern Territory Government over meaningful engagement with Larrakia families.
- In addition, this committee is chaired by a representative of the Northern Territory Government.
- While the Northern Land Council was appointed to the committee, it has not been made clear to us on what basis we were appointed.
- In addition, the Northern Territory Government has not provided the Land Council with any funding to undertake broader consultations with the Larrakia people.
- It is not appropriate for the Northern Territory Government to just rely on meetings with a small subset of the Larrakia group, selected by the

Government as the only means of engaging with traditional owners.

- Instead, the Northern Territory Government should meaningfully engage with Larrakia people and, from that respectful discussion, work out how Larrakia would like to be consulted on this project.
- The Northern Land Council also regularly engages with and assists the Larrakia Reference Group, which comprises of senior people from Larrakia family groups.
- The NLC assisted the Larrakia Reference Group in preparing a submission to this Inquiry.
- Unfortunately, members of that Reference Group could not be here today but I understand that members of that group have separately participated in their own capacity.
- I would like to briefly talk to the concerns they have raised regarding health and climate change.

- On health, the Larrakia Reference Group have raised concerns about the impact of toxic air pollution and other pollutants. This is very concerning to them and they have made it clear that not enough is being done to show that these health risks are being addressed by the Northern Territory Government.
- Aboriginal and Torres Strait Islander people are already disproportionately living with health concerns. It is concerning that health experts have come out and said that this development may hugely increase the risk of blood cancer, stillbirth, asthma and other medical conditions.
- Again, on climate change, many traditional owners across the Northern Territory including those in the Larrakia Reference Group are concerned about what impact these developments will have on climate change and what impact climate change will have on their traditional land and waters and way of life.
- The Northern Territory Government and Federal Government need to be more open and

transparent about what the Middle Arm Industrial Precinct means for climate change.

- Many other witnesses today have put submissions in addressing those two aspects. Both are very concerning and we expect more to address the genuine community fears that people have about those potential impacts.
- The Northern Territory Government has been promoting the economic and job opportunities for people living in the Northern Territory. We need to know whether these jobs will be for local workers or just more FIFO jobs.
- We also need to know how many jobs the project will create for Larrakia and other Aboriginal people.
- To sum up however, the Northern Territory Government needs to reassess how they are engaging with the Larrakia people with respect to this project.
- Issues of engagement with the Larrakia people on major developments that impact their country are

not unique to Middle Arm and are becoming a recurring issue for development across the Darwin and Greater Darwin area.

- Since the 1970s, the Larrakia people have been calling for a Treaty.
- A Treaty, properly and fairly negotiated, could set out a framework on how Larrakia people should be engaged with regarding matters that impact their country.
- An agreed upon framework on how to engage with Larrakia people on proposals would be mutually beneficial for both the Larrakia people and the Northern Territory Government.
- The Northern Territory Government has been sitting on a report for two years from their Treaty Commissioner on a way forward.
- This week on Monday and last week on Friday there was a Treaty Symposium organised by the Northern Territory Government.

- I attended, as did many members of my NLC Executive Council.
- While it is good to see that the conversation about Treaty is happening again, it feels like the Northern Territory Government are just reinventing the wheel instead of using the Treaty report they already have.
- We know that a Treaty won't happen overnight.
- We know that this will take some time to make sure everyone is properly consulted and had their say in the process.
- But it is in everyone's interest to get this right.
- The Northern Territory Government should start to take meaningful steps to properly engage with the Larrakia on a Treaty.
- Thank you for the opportunity to address the committee today.