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Via Katherine NT 0852

The Hon Lou Lieberman MP  
Chairman  
House of Representatives Standing Committee  
on Aboriginal and Torres Strait Islander Affairs  
Parliament House  
Canberra ACT 2600

Dear Chairman Lieberman

I am arranging for our consultant Alan Wright to e-mail to your Committee Secretary the South East Arnhemland Land Council Steering Committee (SEALC) submission to the Inquiry into the Reeves Report on the Aboriginal Land Rights (NT) Act 1976.

Also we will e-mail a copy of the SEALC submission made to the Reeves Review in December 1997. This submission includes reasons why our group desires to establish a separate Land Council for the Ngukurr region.

Our submission to your Committee complements, reinforces and adds to the submission made to the Reeves Review and should be read in that context.

As we move to a new millennium we want to run our own affairs including land management which is of course, a major part of our social and economic development. Until we achieve autonomy in this aspect of our affairs, we will depend on others to make decisions for us. We believe it is both our right and responsibility to make our own decisions concerning our community and regional development. Delivery of autonomy to groups such as ours, will in our view, contribute significantly to the reconciliation process and take us forward to a unified Australia.

We look forward to meeting with your Committee in Katherine on Tuesday 4 May 1999.

Yours faithfully

David Daniels  
Spokesperson for the South East Arnhemland  
Land Council Steering Committee  
30 April 1999

STANDING COMMITTEE ON ABORIGINAL AND TORRES STRAIT  
ISLANDER AFFAIRS

INQUIRY INTO THE REEVES REPORT ON THE ABORIGINAL LAND  
RIGHTS (NORTHERN TERRITORY) ACT

SUBMISSION BY THE SOUTH EAST ARNHEMLAND LAND COUNCIL  
STEERING COMMITTEE

**Introduction**

The SEALC notes the ATSIAC Committee's Terms of Reference and will endeavour to express its views and respond to each item.

It has however, been very difficult for the SEALC to canvass views on some items contained in the Terms of Reference due to the complexity of particular issues and the lack of adequate resources needed to cover the large regional constituency.

This in itself reflects poorly on the services provided by the large Land Council in that no adequate mechanisms or assistance were provided to communities to discuss the complex issues contained in the Reeves Report.

The SEALC believes a number of the more complex issues will require further discussion to enable informed comment to be made in due course.

The main thrust of this submission is contained in the attached copy of the submission made to the Review of the Aboriginal Land Rights (Northern Territory) Act 1976 by John Reeves.

Reinforcement of previously submitted considerations and additional comment in response to the Committee's inquiry into the Reeves Report include:-

**Response to Terms of Reference item 1**

*the proposed system of Regional Land Councils, including the extent to which they would provide a greater level of self management for Aboriginal people, and the role of traditional owners in decision making in relation to Aboriginal land under that system*

As outlined in the SEALC submission to the Reeves Review, the SEALC are of the view that to achieve an economic base and have control of social and cultural development that:

Traditional owners and communities require real self management by having their own Land Council rather than be controlled and dictated to by a large bureaucracy situated great distances away from the Region.

Traditional owners be able to make decisions by appropriate traditional methods on matters concerning their land. The ALRA definition of traditional owner needs to be amended to be adaptable to specific regions. The Ngukurr region would prefer to see recognition of the three traditional groups of land owners ie Mingeringi, Junggaiyi and Dalnyin for land management purposes.

This traditional system of land management is successful when utilised and has positive acceptable outcomes. The traditional system can work with Community Government and this has been demonstrated at Ngukurr in relation to community developments such as the swimming pool, the Ngukurr Entertainment centre, upgrading of housing, establishment of outstations and other various initiatives.

The SEALC acknowledge that different traditional systems may apply in various areas but have majority support from regional constituents for their particular system as the preferred method of managing land matters.

Since the commencement of the Aboriginal Land Rights Act (ALRA) the Ngukurr Region has experienced conflict between the inappropriate systems imposed by the ALRA and the Community Government Scheme (Local Government).

The use of land for economic development with security of land ownership and the ability to manage it is a key factor to a better quality of lifestyle for Aboriginal people. The ability to manage land matters at a Regional level will, in the view of the SEALC, accelerate the development of Aboriginal enterprise development and provide more employment opportunities in Aboriginal communities particularly for younger Aboriginal people.

It is overdue for Aboriginal people to be given maximum opportunity to develop for themselves commercial ventures that sit comfortably with traditional decision making processes and lifestyles. Only Aboriginal people at a local level can determine what is appropriate to them and at what pace they feel comfortable in advancing their social, cultural and economic development.

Opportunity for employment will also be enhanced by operating a separate land council with local employees. As mentioned in the Submission to the Reeves Review, this could result in the employment of four to five local people and senior people acting as chairman and vice-chairmen of the proposed Land Council.

The current situation provides for only one employee of the large Land Council at a local level and is considered by the SEALC to be most unsatisfactory. It must be noted that this situation remains after over twenty years of ALRA administration by large land councils.

#### Response to Terms of Reference item 2

##### *the proposed structure and functions of the Northern Territory Aboriginal Council*

The SEALC agree in principle with the concept of the proposed NTAC. It has the potential to be a more appropriate support system to Regional bodies. The SEALC have a preliminary view that as long as the NTAC do not overly inhibit and control any proposed Regional Land Council decision making processes then it could be a preferred support option to the existing situation of two large distant bureaucracies dictating to regions.

The SEALC has reservations of the proposed controls over RLC investment income. The SEALC acknowledge the need for checks and balances but are apprehensive about over-protection affecting independence.

The SEALC strongly support the structure of the NTAC but would like to discuss and consider further the selection procedures to appoint staff initially.

Detail of the NTAC needs further examination and discussion. As indicated earlier, NTAC is one of the complex issues that require more time to fully understand the detail of the proposal.

#### Response to Terms of Reference item 3

*the proposed changes to the operations of the Aboriginal Benefit Reserve including the distribution of monies from the Reserve*

The SEALC generally agree with the direction of recommendations made in the Reeves Review and agree structural reforms are needed. However, the issue is another that is financially very complex and is beyond the capacity of the SEALC to offer any informed comment at this time.

Response to Terms of Reference item 4

*the proposed modifications to the mining provisions of the Act including the continuing role of government in the administration of these provisions*

The SEALC agree with the principle of exploration and mining on Aboriginal land subject to regional involvement with agreements and appropriate control mechanisms in relation to social and environmental impacts. An appropriate veto provision should be retained in the Act to preserve the original intent of giving Aboriginal people the right to say whether or not mining should occur on their land.

The SEALC agree there should be a continuing role of Government administration for mining provisions of the Act. There will of course need to be provisions that adequately protect the interests of all stakeholders.

The SEALC see an important cooperative role between the Traditional land owners, Government and the mining industry.

The SEALC believe that given their own land council, direct negotiation of exploration and mining agreements with mining companies through Territory Government legislation could be streamlined to achieve productive outcomes for all parties. This is not the case under the present system of dealing through large land councils.

The matter of exploration and mining provisions of the Act is another area involving various sets of legislation that at this point in time the SEALC have not had the resources and capacity to examine thoroughly. Therefore the SEALC will restrict itself to the above comments concerning mining provisions of the Act.

It is to be noted that in the view of the SEALC this is another area that reflects inadequate education of relevant legislation by large land councils to their clients.

The SEALC given its own Land Council will address these very important issues and with the appropriate resources will involve itself in understanding and input to relevant mining legislation.

It is important to note the SEALC view exploration and mining in the Ngukurr Region as a positive activity and one, that with the appropriate controls, provides economic opportunity for Aboriginal people.

#### Response to Terms of Reference item 5

*proposals concerning access to Aboriginal land including the removal of the permit system and access to such land by the Northern Territory Government*

The SEALC find the proposition of using trespass laws attractive as a means of strengthening penalties for unlawful access on to Aboriginal land.

Notwithstanding the appeal of trespass laws, the SEALC are reluctant to relinquish the existing permit system until they have the opportunity to discuss the matter further. The SEALC acknowledge there are significant flaws with the present system and that reforms are necessary.

It is also the SEALC view that there are at least two issues that need consideration when considering permits. One is permission to visit communities for personal or business reasons and the other is access to the large tracts of Aboriginal land outside of communities.

The SEALC are of the view that a Regional Land Council would be best placed to develop and administer an effective set of rules that will cater for access to communities or rural Aboriginal land. Any Regional Land Council administering any permit system or trespass application will need modern communication facilities located in communities and outstations.

The question of permits and access is very sensitive to Aboriginal people and requires adequate discussion and consultation before any changes are contemplated.

In relation to the acquisition of land (access to Aboriginal land by Government) the SEALC understand the need for Government to acquire land for public purposes and have an open mind on the matter. This matter does not appear to have caused major problems in the past and the SEALC cannot foresee major problems in the future.

However, before making any written comment the SEALC need more understanding of the legal background in relation to relevant legislation and what long term implications are involved. This is another relatively complex issue that requires dissemination of information and discussion.

## Response to Terms of Reference item 6

### *the proposed application of Northern Territory laws to Aboriginal land*

The SEALC again see this as an area that can be negotiated and have an open mind on the matter. The information presented in the Reeves Report contains references to considerable legislation and requires more research and discussion with the SEALC before they can provide any informed comment.

### Other Issues

An important area of concern is the question of Aboriginal communities on others' land. This issue is raised by the Reeves Report in Chapter 23 and in the view of the SEALC is an important issue that needs resolution to guarantee secure title to the land upon which the community is situated.

The SEALC generally agree with the Reeves Report recommendations relating to RLC's being able to negotiate rent free leases for community areas and similarly for sub-leasing housing and business purposes. Local residents want the right to own their houses and develop businesses and promote employment for members of communities.

This issue causes considerable concern in some regional communities and needs to be addressed by amendment to the ALRA or whatever way it can be done.

Another concern is the need for Aboriginal people to be informed and involved in discussion relating to legislation and land issues and general issues that affect their lifestyle and future. The SEALC have given several examples of where constituents of the Ngukurr Region should have received more information and discussion on ALRA related issues over many years. This is a major concern and one that needs addressing in the immediate future. The Reeves Report is a voluminous set of documents containing many complex issues that requires considerable background knowledge and understanding.

The understanding of the ALRA and other related legislation and issues could have been vastly improved if Aboriginal people were provided with workshops, seminars and other appropriate education processes over the past twenty years.

The SEALC, given access to resources, will develop methods and forums to inform and involve constituents in the many complex issues that face Aboriginal people in the future.

## Conclusion

The SEALC and its supporters are not about removing large land councils but are about establishing a land council for the Ngukurr Region which includes Ngukurr, Numbulwar, Urapunga, Minyerri (Hodgson Downs), Jilkmिंगgan and their respective outstations. As indicated earlier in this submission the SEALC support the concept of the NTAC as a body to provide support to Regional Land Councils.

There are groups opposing the SEALC and indeed have singled out individuals such as David Daniels for unwarranted and unfair criticism. David Daniels is simply the Spokesperson for the SEALC. It has also been suggested by some, that the Reeves Review is an attack on land rights and Aboriginal people. The SEALC see the Reeves Review simply as what it is, a review that is needed to ensure the ALRA is appropriate and relevant to current and changing times.

The desire to establish a land council in the Ngukurr region is well documented and dates back into the nineteen eighties, long before the Reeves Review. A proposal for a separate land council was provided to the Minister for Aboriginal Affairs Hon Gerry Hand in 1988. A plebiscite held in 1989 gave a 67% majority support for the establishment of a separate land council. The SEALC believe the support is even greater now and past opponents are now supporting the development of a land council.

The SEALC believe that unless they are given the responsibility to manage their own land matters they will not move forward as they should. The SEALC want their communities to be enabled to be an integral force in shaping their social, cultural and economic development for this and following generations.

The SEALC and the people they represent believe passionately they have a right to autonomy and self determination and seek your Committee's support with their endeavours.



It was said by David Daniels recently, “ When are Aboriginal people going to be given the right to make decisions for Aboriginal people ourselves and not depend on someone else ? ”