

I read the submission from the NIAA, expecting it to be quite straightforward. However, in my view there are two errors in the submission. On the face of it these errors may not appear significant, but they may lead to a compromised outcome and I think need to be addressed.

They are not matters of policy or opinion. They are matters of fact. The first one concerns the place of s64(4) grants, the so-called beneficial grants, under the proposed arrangements. The NIAA submission states: "Beneficial payment funding \$60 million per year will be provided for the first three years of the NTAIC's operation to support its beneficial payment program. This amount reflects current forward estimates of ABA beneficial payment funding". I have examined the Bill, the Minister's second reading speech and the Explanatory Memorandum and this statement that these sums will support the NTAIC's beneficial program does not appear in the legislation or elsewhere. Importantly, the future of s64(4) grants is one of the main areas of concern and contention in respect of the Bill. The issue is whether they are simply subsumed by the NTAIC, and if so the implications for the important beneficial grants component of ABA allocations going forward. The legislation needs to be clear in this regard.

The second one concerns consultation over the development of the NTAIC Strategic Plan. The NIAA submission states: "The Economic Empowerment Bill requires the NTAIC to consult with all Aboriginal Territorians and Aboriginal organisations in the NT on its Strategic Investment Plan, which will set out its investment priorities for a 3 to 5 year period and be tabled in Parliament." It is the presence of the word "all" that is of concern here. The adequacy of consultation, both in the development of the legislation and in the operative provisions of the Bill is a matter of considerable concern. However, I can find no provision for the word 'all' in the legislation, the Explanatory Memorandum or elsewhere. Certainly the legislation does not say this viz "S65C: (6) In developing a strategic investment plan, the Board must: 20 (a) consult with: 21 (i) Aboriginal people living in the Northern Territory; and 22 (ii) Aboriginal organisations based in the Northern Territory". The legislative provision does *not* include the word 'all'.

The NIAA submission will be seen as authoritative in respect of the Bill. Consequently in its description of the provisions of the Bill it is likely that the submission will be taken at face value. If I am correct in my analysis, this would seem to provide a problem. In legislation a lot can turn on a single word