



CENTRAL LAND COUNCIL

29th August 2014

Committee Secretary
Senate Standing Committees on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

RE: Inquiry into the Aboriginal and Torres Strait Islander Amendment (A Stronger Land Account) Bill 2014

The Central Land Council (CLC) welcomes the opportunity to submit to this inquiry and express its support for the Aboriginal and Torres Strait Islander Amendment (A Stronger Land Account) Bill 2014 in its entirety that was introduced into Parliament on the 24th June by Senator Rachel Siewert.

The attached submission by the CLC provides more detail with regards to the Bill but in summary the CLC supports the practical measures of the Bill to:

- protect and maintain the Land Account to be used for land related benefits for Aboriginal and Torres Strait islander peoples;
- increase involvement of Aboriginal and Torres Strait Islander people in the Indigenous Land Corporation (ILC);
- ensuring consultation with Aboriginal and Torres Strait Islanders for any future proposed amendments that impact on the Land Account;
- introduce best practice governance standards for the ILC.

The CLC urges both Houses of Parliament to support the Bill in its entirety.

Yours sincerely,

David Ross
Director



CENTRAL LAND COUNCIL

Central Land Council Submission to the Senate Community Affairs Legislation Committee

Inquiry into the Aboriginal and Torres Strait Islander Amendment (A Stronger Land Account) Bill 2014

1. Introduction

The Central Land Council (CLC) is a statutory authority established under the *Aboriginal Land Rights (Northern Territory) Act 1976* ('ALRA'). Among other functions, it has statutory responsibilities for Aboriginal land acquisition and land management over an area of approximately 780,000 km² across the southern portion of the Northern Territory. The CLC is also a Native Title Representative Body established under the *Native Title Act 1993* ('NTA'). Through its elected representative Council of 90 community delegates the CLC continues to represent the aspirations and interests of approximately 17,500 traditional landowners and other Aboriginal people resident in its region on a wide range of land-based and socio-political issues at the local, regional, Northern Territory and national level.

The CLC aims to improve the lives and futures of its Aboriginal constituents through sustainable change that reduces the level of Aboriginal disadvantage in Central Australia. The CLC's approach to sustainable development is based on an integrated and strengths-based strategy of building economic, social and cultural capital. Significant work is being done under the various functions of the CLC in each of these related areas through initiatives in:

- natural and cultural resource management;
- sustainable land use e.g. pastoral, tourism and other enterprise development;
- land management participation e.g. community-based ranger programs;
- development of other remote employment pathways and programs e.g. pastoral, mining;
- and innovative community development work.

2. Aboriginal and Torres Strait Islander Land Account

The National Aboriginal and Torres Strait Islander Land Account (Land Account) was established by the Keating Government in response to the landmark Mabo decision in 1992. The Land Account was part of a three part response that included:

1. The *Native Title Act* which validated past grants of land to non-Indigenous interests, and set up a process for claiming Native Title where it had not been extinguished. As a result of the past validation of land the vast majority of the Aboriginal and Torres Strait Islander Community would not be able to benefit from the Mabo decision;

2. The establishment of the **Land Account** (formerly known as the Land Fund) for the purposes of acquiring land for those that could not benefit from processes under the *Native Title Act* or other legislative land claim/land acquisition mechanisms. The Indigenous Land Corporation (ILC) was also established as part of this measure to facilitate land acquisition processes and assist Indigenous land owners to manage land under their control in order to provide economic, environmental, social and/or cultural benefits;
3. **A social justice package** – this measure was never implemented.

The purpose and intention of the Land Account, as was originally negotiated between the government and Indigenous leaders, was to provide a compensatory mechanism for the vast majority of Indigenous people who could not benefit from the Native Title Act. The Indigenous negotiators were well aware of the importance of land to Indigenous people across Australia and the injustices of Indigenous dispossession that had taken place since colonisation. Having access to land is not only vital for Indigenous identity but also for the future prosperity of generations to come.

The CLC supports the ongoing legislated commitment to the ILC's land management and land acquisition program and as such the continuation of the Land Account for those purposes. The ILC is the only entity dedicated to Indigenous land management and land acquisition that regionally based Indigenous organisations can access for such support and should continue to perform those functions as its primary purpose.

The *Aboriginal and Torres Strait Islander Amendment (A Stronger Land Account) Bill 2014* ("Bill") introduced into Parliament on the 24th of June 2014 by Senator Rachel Siewert aims to more accurately articulate the original compensatory purpose of the Land Account as a mechanism to address past injustices and to better define the important relationship that Aboriginal and Torres Strait Islanders have with their lands.

The CLC strongly supports the Bill in that it ensures the Land Account continues to be used for land related benefits only.

3. Indigenous Involvement

Indigenous people in Australia are continuously left out of the discussion about matters that directly affect them and find themselves the subjects of decisions and policies that they have not been involved in shaping. The Bill introduces mechanisms that require the Parliament to consult with Aboriginal and Torres Strait Islanders before any future amendments or changes that relate to the Land Account can be made. This would diffuse the risk of the Land Account being exposed to government policy of the day. **It is the CLC's view that it is essential that any changes that would impact on the future use and purpose of the Land Account are put to the people who it affects for their consideration and debate.**

The Bill also aims to increase the involvement of Aboriginal and Torres Strait Islanders in the process of the selection of ILC board members through the establishment of a nominations committee made up of Indigenous leaders, appointed by the Minister, after consultation with the relevant parliamentary committee. The nominations committee would be responsible for recommending ILC board appointments to the Minister in collaboration with the Finance Minister. This would not only reduce the instances of political based board appointments but increase the involvement of Aboriginal and Torres Strait Islander input at the highest level.

The CLC supports greater involvement of Aboriginal and Torres Strait Islanders in the selection of ILC board members.

Best practice corporate governance is essential for the effective management of the ILC's business and the ongoing management of the Land Account. The Bill aims to legislate strong governance measures in the following ways:

- Introduce staggered board appointments to ensure continuity of corporate knowledge
- The establishment of an audit and risk management committee
- Stronger disclosure requirements for board members
- A code of conduct for board members and staff
- Limiting terms of ILC board members to 3 years with only allowing reappointment once

The CLC supports implementation of the above governance measures to ensure the effective management of the ILC and the Land Account.