

**Submission to the Senate Finance and Public Administration Legislation Committee:  
Review of the Aboriginal Land Rights (NT) Amendment (Economic Empowerment) Bill  
2021**

I write in my capacity as a private citizen with a history of public administration and consultancy work directly associated with the Aboriginal Land Rights (NT) Act 1976 (ALRA).

I was responsible within the Department of Aboriginal Affairs in 1978 for the administration of the Act, a responsibility that continued in my various roles within the Department, including as Secretary, through to 1990. I continued to have responsibility for advising government on the ALRA in my capacity as the CEO of ATSIC from 1990 to 1991.

Following my retirement from the APS in 2000, and over a period of 15 years, I undertook several consultancies in which I represented the interests of three of the NT Land Councils involving the negotiation of a range of agreements with governments and commercial enterprises within the framework of the ALRA.

I also represented the Tiwi and Anindilyakwa Land Councils in their respective negotiations with government on the granting of Town Leases under the provisions of the ALRA.

While I do not profess any knowledge of the processes that have led to the development of the provisions of the subject Bill, I do have knowledge of the foundations upon which the original Act was built and the fundamental principles that were embedded within it.

One of the more important truths of the original legislation is that it was the product of recommendations made following a long and very public examination by an independent Commission (Woodward) followed by a very close and at times, controversial examination of the proposed legislation in both houses of the Parliament. The legislation embodies a complex balancing of interests, traditional, legal and political, and recognises the primacy of the Traditional Owners of the land.

While it is asserted that the Land Councils have engaged directly with the Government in the co-designing of these amendments, it is less clear as to the extent to which the Traditional Owners of the land covered by the amendments have been consulted and given their informed consent or support for the amendments.

It may well be the case that consultations have been widespread and comprehensive, but in the absence of any public record of such consultations, the legitimacy of the process should be scrutinised by the Committee. It should, at the very least, identify the consultations that have taken place and record its satisfaction, or otherwise, with the efficacy of the processes undertaken by the Land Councils, particularly in the context of their responsibility to consult with Traditional Owners. I would suggest that if the Committee is not able to identify sufficient evidence to come to an informed conclusion as to the legitimacy of the consultative process, the Bill should not proceed, pending a more public and informed process being concluded.

Finally, I have read the submission of MC Dillon (Submission 4) which raises important matters that I would urge the Committee to examine closely. In particular, the points raised in his submission go to the very structure of the ALRA and need to be fully understood if unintended consequences are to be avoided and the interests of Traditional Owners protected.

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