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Senate Legal and Constitutional Affairs Committee
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re: Native Title Legislation Amendment Bill 2019

Dear Committee

Sovereignty (Uncle Kevin Gilbert (1933-1993) version) of First Nations Aboriginal Torres Strait Islander Peoples should be the positive outcome of any Federal Government Inquiry as a means to advance, enhance and recognise the inherited circumstances of relocated invaded First Australians, who assert post1770 Traditional Ownership of Country and Resources from ancient inherent Rights and Customs that continue to be unbroken, expressed and operated from in current Times.

Given that some First Nation Aboriginal Communities are very remote, can this Inquiry, Parliamentary Committee, consider changing the word “given”, to ‘received’, in this following extract from the Native Title Legislation Amendment Bill, NTLAB, and in other instances in legislation where the word “given” may have unintended consequences and where real Time and remote circumstances may reasonably require extended Notice Time.
“Registered native title bodies corporate Schedule 8 Requirements for constitutions Part 1
(4) Before cancelling the membership, the directors must give the member notice in writing:
,,, (c) stating that the objection must be: (i) in writing; and

(ii) given to the corporation within the period of 14 days from the day the notice is given”

Can the Inquiry Please consider giving this Legislation a decolonizing form of words, and approach, that recognises unceded Aboriginal First Nation Sovereignty and takes a “remedial” consideration of how best to express an unceded First Nation Sovereignty through a piece of Legislation like the Native Title Act and its proposed Amendments, as espoused in the management of People and Country by the Commonwealth’s agency.

This Submissioner agrees with those parts of the Federal Court McGlade Judgement which accord with this Bill’s intention to make the Native Title Act more remedially effective, as also demonstrated in the Judgement in *Kanak v National Native Title Tribunal*, (1995) 132 ALR 329, see Paragraph 73’s discussion on legislative purpose to avoid harsh consequences.

Can the Committee Please Consider the Voices in the Aboriginal Islander Community that have discussed and generated the following guidelines applicable to guide the review of Submissions to this Inquiry and in guiding the process of wording this Legislation, as well as seeking broader application in Parliament’s overall Consideration of contemporary Legislation amidst the current discussions about Sovereignty, Treaties, Truth Telling, and a Voice to the Commonwealth Parliament:

1. Constitutional Reform disables First Nation Sovereignty;
2. A Parliamentary voice with no Sovereignty holds no power;
3. Anything in Legislation becomes the jurisdiction of the Government;
4. Cultural Lore/Law will be dictated to by Government;
5. Elders Voices will be replaced by a Government selected body;
6. Community Leaders will be replaced by a Government selected body;

7. Self Determination will be terminated for a Government selected body;
8. Human Liberty will be replaced with a Constitution without a Human Rights Bill;
9. The Aboriginal Flag will lose its Sovereign Power and will be disabled as a 'Recognised' flag;
10. First Nations People will be dictated to who represents them.

This Submission in broad reference to new Section 47(C) advocates for First Nation ownership of all Natural Resources and negotiating rights for Aboriginal Islander Peoples in relation to how the Crown might manage resources with those Inherent Sovereign Rights of First Nation Peoples whose Custodial responsibilities extend to managing Country Biodiversity and the resultant Climate, impacts, and impacted, by the disturbance of in situ Natural Resources which Traditional Owners would potentially prefer being left in situ, as 'Leave it in the Ground', 'Irati Wanti' - 'the poison, leave it', to avoid consequent adverse Climate Change.

These NTLAB clauses provide another opportunity for the advancement of Reconciliation through the Recognition of the Sovereign Rights of this Country's First Peoples, and a medium through which Commonwealth agency can meet the fears of First Nation Sovereignists who are suspicious of Indigenous Land Use Agreements, ILUAs, and Section 31 Agreements, being a process by which Native Title Rights, when seen as akin to First Nation Sovereign Rights, being surrendered or extinguished. This Submission therefore seeks NTLAB worded Amendments which provide Sections, Clauses and Legal Constructions which Recognize and Reform the views of Sovereignty as much as it can be espoused and expressed through the Commonwealth agency in this Bill.