

Senate Environment and Communications References Committee

*Inquiry into the Middle Arm Industrial Precinct*

Top End Aboriginal Coastal Alliance Incorporated (TEACA) acknowledges the Larrakia People, their elders, past, present and emerging, and the country that we are meeting on today, known as Garramilla.

TEACA would like to thank the Environment and Communications References Committee for inviting us to provide a statement and to participate in the Inquiry into the Middle Arm Industrial Precinct.

TEACA is a First Nations operated and controlled organisation with 100% First Nations membership which was established by senior First Nations leaders who represent various sea country areas and coastal estates across the top end of the Northern Territory (we refer to this as the *Top End*). TEACA's purpose is to represent the interests of, advocate for, and to enhance the capacity of Aboriginal peoples of the Top End to directly engage with Government, industry, and non-Government organisations in a culturally appropriate manner in relation to matters that may affect their sea country and coastal estates and other areas.

To confirm, TEACA does not represent Larrakia. It is not culturally appropriate for TEACA to provide comment in relation to Larrakia country. It is with respect that TEACA speaks about the importance of culturally appropriate consultation for projects such as the Middle Arm Industrial Precinct. The principles underpinning culturally appropriate and leading practice methods of indigenous engagement and consultation can be learned and applied to various projects, peoples and communities.

TEACA and associated First Nations Consultative Committees (which are explained in detail below) embody these principles. TEACA is a collection of senior First Nations leaders who have come together and worked cooperatively to identify those First Nations persons who are recognised by and amongst their clan groups and First Nations communities as persons with cultural authority, who can speak for sea country and on behalf of coastal estates.

TEACA members can play a vital role in connecting with other First Nations persons, groups, and communities to identify relevant First Nations persons for other coastal and sea country areas for

which consultation or other engagement may be required in relation to offshore activities. Through continued conversations and due to the strength of cultural connectivity and relationships between and within First Nations groups and communities, First Nations persons who have been identified by the TEACA members have worked with TEACA to form their own First Nations Consultative Committees (herein we refer to these as FN Committees). With support from TEACA, FN Committees have been established in accordance with the principles of self-determination and free, prior and informed consent (FPIC), as espoused in the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).

FN Committees can act as a single point of contact for proponents to refer to for consultative purposes to cover entire coastal and sea country areas. To date, 11 FN Committees representing various First Nations persons, clan estates, homelands and communities along the Top End coastline have been established by relevant First Nations persons with support from TEACA. These FN Committees have already begun engaging directly with the petroleum industry in the Top End to enable consultations to occur with First Nations persons, who are relevant persons under offshore resources legislation. This has allowed First Nations persons and communities to be properly informed about major resource projects which are occurring in their sea country where previously many First Nations persons and communities were unaware of the existence of these major project activities. The FN Committees have been invaluable in providing comprehensive and culturally appropriate advice in short timeframes and in a very cost-effective manner to proponents.

As First Nations persons we have strong and inalienable connection to country, and associated responsibilities for country. We have a responsibility to care for and protect country. We are intrinsically connected to country, and harm to country, the environment and to our cultural heritage deeply affects us and our communities. Both matters have featured strongly throughout this inquiry and many comments have been made about the importance of ensuring that meaningful engagement with First Nations people occurs in relation to these issues. TEACA and the 11 FN Committees established to date are ideally placed to be able to participate in and advise on cultural heritage identification and the management of cultural heritage, as well as provide valuable input and information in relation to environmental management practices and processes for projects (such as under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth),

*Environment Protection Act 2019* (NT) and associated regulations) that occur in areas where FN Committees have been established.

TEACA also realises the importance of strengthening engagement and partnerships with Government, regulators, industry and non-Government organisations and to advocate for, and support sustainable economic advancement and development, and welcomes associated benefits such as education, training and employment opportunities for First Nations people and their communities. Engaging with TEACA and utilising FN Committees represents leading practice consultation and engagement with First Nations persons, groups and communities. This approach is suitable for projects of all types which require informed consultation and participation from First Nations, and which seek outcomes which will help to Close the Gap.

The recognition and implementation of the following recommendations would help to ensure that leading practice for First Nations engagement and participation is adopted in relation to projects and activities:

- 1) formal recognition of the direct representative approach embodied by FN Committees and TEACA;
- 2) formal recognition of First Nations persons as expert cultural advisors in relation to environmental, cultural heritage and other relevant matters as they pertain to various projects and activities combined with formal requirements to compensate First Nations persons as expert advisors in these areas as well as the commitment to working to increase their capacity to assist Governments, regulators, proponents, industry and other parties in relation to major project activities (associated funding to be provided by Government and industry).
- 3) development of and regulatory recognition of a framework for consulting with First Nations persons which incorporates learnings from past consultations with FN Committees i.e. culturally appropriate, leading practice and proven methods for consulting with First Nations persons (such a framework to be developed with First Nations persons through TEACA and FN Committees as required);
- 4) adequate resourcing which allows for First Nations persons to provide feedback to environmental plans and processes and formalised, consistent requirements which necessitate proponents to detail the control measures that will be used to reduce impacts and risks of proposed activities;
- 5) consistent regulation which requires for proponents to obtain free, prior and informed consent as they pertain to First Nations people, where consent is required for an activity or project; and

- 6) provision of funding for FN Committees and TEACA by Government and industry (establishment and operational costs to be borne by Government, and consultation and other project specific costs should be met by proponents).

The recommendations outlined above allow for the adoption of leading practices in relation to First Nations informed consultation and participation in projects. If such recommendations are accepted and implemented, there would be considerable improvements in participation of First Nations persons and communities regarding all aspects of major projects, including environmental and cultural heritage management matters (based on and informed by expert First Nations knowledge).

TEACA, its members and FN Committees support culturally appropriate engagement in accordance with the principles of free, prior and informed consent and the right of First Nations persons to be key sources of expert knowledge and decision-making partners who work with government and industry to ensure that all parties make informed decisions about activities that happen on country.

If First Nations persons want to support the development of various projects and industries in offshore areas in the Top End, TEACA and its members, including FN Committees will work with relevant parties to ensure the responsible development of these projects, which protects country, people and culture.

The TEACA Management Committee looks forward to continuing to engage with Government, industry, non-Government organisations and regulators to advance and protect the interests of First Nations persons in relation to their sea country and coastal estates.

Julius Kernan

TEACA Chairperson