

THE JOINT STANDING COMMITTEE ON NORTHERN AUSTRALIA REGARDING  
OPPORTUNITIES AND CHALLENGES ASSOCIATED WITH LAND RIGHTS, NATIVE  
TITLE AND OTHER LAND-RELATED AGREEMENTS FOR THE PURPOSE OF  
ENGAGING TRADITIONAL OWNERS IN THE ECONOMIC DEVELOPMENT OF  
NORTHERN AUSTRALIA

**SUBMISSION FROM:**

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The Australian settler state's neo-liberal political and economic policies promote a hollow 'democratisation' of northern resources and 'trickle down' economics, a doctrine that has been proven to be false. The benefits of this doctrine go to the rich, while the poor continue to be exploited. All Australians are poorer for the desecration of the lands and seas that have previously been in stewardship of Australia's indigenous people.

As a resident for thirty years in North East Arnhem Land and much of that time at Galiwin'ku; a 'prescribed' community and 'growth town'; I have been canvassing the opinions of Traditional Owners and managers about their views on northern development. As an ethnographer and linguist living and working in indigenous communities here in the Northern Territory I understand the importance of seeking the views of the Aboriginal people who have lived here, without cessation, for the longest time ever in human history. To engage sincerely and listen to what indigenous people are saying is a critical first step to a clear understanding of context. This makes good sense, especially when the stated goal of the JSCNA standing committee enquiry is to better understand the potential for indigenous engagement in northern development.

I have looked at the 'White Paper' and showed it to a number of Galiwin'ku residents. When the traditional owners and their (traditional) managers, understood the position put forward in this white paper they were incensed.

I have chosen one example, this informant's views are interesting, in large because they are indicative of the general feeling of indigenous people at Galiwin'ku in regard to the white paper, and the present policies and conditions of settler state exploitation in particular. I thought it worth quoting in part, as engagement with indigenous views also includes an opportunity to hear critique of government policy. An unnamed indigenous informant (*Galiwin'ku- Elcho Island*) declares;

*... 'the aptly named 'white' paper on northern development is a grab bag of historical deceit, negligence, ignorance and perverse racist gobbledegook*

*fuelled by the cunning ruthless greed of the colonial masters. The next in an Internationally shameful legacy of destruction of our children's opportunities, destruction of the homelands, appalling housing, horrifying health, third world poverty, world leading language decline, globally unprecedented incarceration rates, all the while pledging to stop the growing indigenous human misery in the lucky county.'* (Indigenous informant. Galiwin'ku- Elcho Island 12.12. 2018)

The naive might ask, why would indigenous people in the 'growth town' Galiwin'ku be so unhappy with current Commonwealth and Territory policies. Such views are undoubtedly the outcome of a history of lived experience. The mistrust of the motives and actions of the settler state, corporations, and the cattle and mining industries will not diminish without a national commitment to inclusive and sustainable development across the north. A transformational change is necessary to targeted consultation and good will in the formation of local arrangements that are geographically, historically, culturally and socially valid.

Indispensable is an inclusive, sustainable Northern Development as conceived in the book **'Sustainable Land Sector Development in Northern Australia: Indigenous rights, aspirations, and cultural responsibilities.** J. Russel-Smith, G. James, H. Pederson and Kamaljit K. Sangha 2019

To best understand the opportunities for equitable northern development we must look at what leading scientists, social scientists, historians, residents, and Indigenous experts say and have said about potentials and conditions for indigenous engagement. Three questions structure this discussion.

1. Who are the majority stake holders, e.g. those most affected by potential northern development?
2. What is the history of northern indigenous policy?
3. What is an indigenous view of equitable development policy?

1. Who are the majority stake holders, those most affected by northern development?

Indigenous landowners directly own or control 40% of northern Australia in land held under statutory land rights, native title, pastoral lease ownership, Aboriginal reserves and management of national parks. Altogether traditional owner groups across northern Australia have rights to 90% of northern Australia and its coastline, and constitute the major permanent population, giving them an unequalled commitment to inclusive northern development. They must be recognised as *'equity partners'* in any vision for a northern future.

2. What is the history of northern indigenous policy?

I do not here recount the whole dismal and dismaying colonial legacy of domination and exclusion, better Henry Reynolds might approach such a colossa, rather, I want to bring attention to the number of costly ineffectual parliamentary enquiries, royal commissions, judicial hearings and official reviews that have achieved so little for the north's indigenous population. They forcefully bring into stark relief the rhetoric of the state, the bitter irony of it's international assertions and its performance. This juxtaposition progresses the state of northern social distrust, dysfunction and debility. For example, numerous Royal Commissions into Aboriginal Deaths in Custody 'recommend incarceration as a last measure' But, in complete contradiction to this we have the world's most appalling indigenous incarceration figures with the NT having 87% of the prison population countrymen. These policies are affecting indigenous lives in ways the committee's members and associates can barely imagine. All but two of the 97 recommendations of the 'Little Children are Sacred Report' have been ignored by successive governments. Indigenous people continue to struggle to provide for their children under the shadow of a second 'stolen generation', via child removals by the state. These conditions are not acts of god, accident, bad weather or personal choice, these are the outcomes of deliberate policies of governments and the agencies of government being put into practice. This substantially reinforces an ongoing mistrust of government, its agencies and the corporate proponents they back.

Indigenous people have won the battle over recognition of common law rights, land determinations and statutory acknowledgement but this has not translated into institutional and public policy reforms. It is your opportunity to change this.

What is missing is an essential shift to inclusive social and economic policy frameworks that fully and equitably engage indigenous participation in the nation's northern future.

The 'white' paper does not address these issues and as such is distorted and unrealistic.

3. What is an indigenous view of equitable development policy?

There are lectures, papers, on-line resources and books written on the subject. A full bibliography would be excessive, however, considering the need for clarity in this matter I have attached a critical reading list.

In summary then, the land title system of Australia's north needs to be remodelled. In particular, pastoral lease reforms, **to create a fungible land tenure system that does not extinguish native title, taking for an example the ALRA NT 1976, and transfers ownership of crown land to Traditional Owners and their managers**, creating a solid foundation for indigenous engagement, and on-going certainty in stewardship, (the mining lobby can afford to and will continue to force and frustrate land use agreements for exogamous profit ).

Nevertheless, under a reformed, uniform and equitable land system land can be leased back to industry and government providing certainty about future potential investments, equity for countrymen and dispel the pall of corrosive mistrust. **It is universally recognised that in all locations efficient economic outcomes require; as a foundational factor; efficient and effective allocation of property rights.** The north suffers from a failure to meet this basic requirement.

A reformed inclusive aboriginal land title ownership system can open up the potential of the north's extraordinary rangelands to horticulture, biodiversity mining, carbon sequestration, solar energy farming, ranger programs, local fishing cooperatives, eco-tourism and structurally embed future generations of Aboriginal Australians into the social, economic and political institutions of northern Australia for a sustainable and ethical future. And provide real opportunities for people to continue to live on their country in the way they desire.

Aboriginal people want and deserve secure title over their land, only then can we have a foundation upon which we can all prosper and not just the privileged, mining and corporations.

Let's not forget that 'democracy' as an 'idea and practice' is still profoundly contested here and internationally, in spite of attempts to naturalise and globalise the pernicious neo-liberal version promoted by free market fundamentalists since the 1980s. I encourage you to be different, disregard the corrosive 'white paper' and try inclusive, sustainable Northern Development as conceived in 'Sustainable Land Sector Development in Northern Australia: Indigenous rights, aspirations, and cultural responsibilities.

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