

Submission to the - Senate Standing Committee on Finance and Public Administration

Regarding the - Aboriginal Land Rights (Northern Territory) Amendment (Economic Empowerment) Bill 2021

Submitted by - Stuart McMillan

I make this submission as an individual who has lived and worked with First Nations Peoples for almost 40 years. Coming to the Northern Territory (NT) in 1982 to work with the Uniting Church in Australia's Northern Synod, with the Yolŋu Nations of Arnhemland. I was adopted into the Birrikili Gupapuyŋu Clan Nation speaking our language (badly). Over the years I have learnt from and worked with First Nations Peoples across the NT and indeed many Australia wide.

The Aboriginal Land Rights (Northern Territory) Act 1976 (the Act) has been a significant recognition for First Nations Territorians and their sovereignty. It has not been perfect, at times created tensions between clan-nations and it has not always worked for the greater good of First Nations Territorians.

In 1999 what is known as the Lieberman Report to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, recommended that the Act not be amended without:

- ✚ Traditional Aboriginal owners in the Northern Territory first understanding the nature and purpose of any amendments and as a group give their consent; and
- ✚ Any Aboriginal communities or groups that may be affected having been consulted and given adequate opportunity to express their views.

I am concerned from conversations I have had with Traditional Owners and other First Nations Territorians that the proposed Bill before your Committee has not followed these vital recommendations. Many of those I have spoken with have no knowledge of the proposed Bill, let alone the significant and complex amendments therein. It seems the engagement and consultations have been with the Land Councils and a select/small group at that.

It is pleasing that the Senate has referred the Bill to your Committee for scrutiny, however two weeks is not sufficient time for First Nations Territorians to engage with the complexities of the proposed Bill.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) makes it a requirement for the Australian Parliament to ensure there is free, prior and informed consent on matters affecting First Nations Peoples, further they are entitled to engage with these proposals in their own language. I can see no evidence that either of these vital international obligations have been undertaken or afforded to First Nations Territorians.

Much of the proposed Bill appears to be inconsistent with the stated objective for the Bill; "to enhance Aboriginal control over land management." I saying this I mean that Traditional Owners and other First Nations Territorians seem to have less control or power under this proposed Bill, then they presently do.

I therefore urge the Committee to find that a furthermore inclusive consultation process takes place before any proposed Bill returns to the Senate. I endorse the public paper critiquing the proposed Bill by Emeritus Professor Jon Altman together with the Submission of the Uniting Aboriginal and Islander Christian Congress of the Uniting Church in Australia.

I thank you for your consideration of this submission.

Sincerely,

Stuart McMillan
2nd November 2021