

**Northern Land Council Submission to Inquiry into the Aboriginal and Torres Strait Islander
Amendment (A Stronger Land Account) Bill 2014**

August 2014



Northern Land Council

About the Northern Land Council

The Northern Land Council (NLC) was established in 1973. Following the enactment of the *Aboriginal Land Rights (Northern Territory) Act* (the Land Rights Act), it became an independent statutory authority responsible for assisting Aboriginal people in the northern region of the Northern Territory to acquire and manage their traditional lands and seas.

The Land Rights Act combines concepts of traditional Aboriginal law and Australian property law. It creates a three way relationship between traditional Aboriginal owners, Land Trusts and Land Councils. The Land Rights Act requires the Land Councils to consult with traditional Aboriginal owners (and other Aboriginal people affected by proposals) before giving a direction to an Aboriginal Land Trust to enter into any agreement or take any action concerning Aboriginal land. Under the Land Rights Act, traditional owners must give their informed consent, as a group, to each proposal. Some of the most important functions of Land Councils include:

- Determining and expressing the wishes of Aboriginal people about the management of, and legislation in relation to, their land; and
- Negotiating on behalf of traditional owners with parties interested in using Aboriginal land or land the subject of a land claim.

The NLC has statutory responsibility for facilitating economic activity over more than 210,000 km² of the land mass of the Northern Territory, and over 80% of the coastline.

In 1994, the NLC became a Native Title Representative Body under the *Native Title Act 1993* (the Native Title Act). In this capacity, the NLC also represents the Aboriginal people of the Tiwi Islands and Groote Eylandt. The NLC's role and functions as a Native Title Representative Body are set out under Part 11, Division 3 of the Native Title Act.

The NLC assists the Aboriginal people of its region by providing services in its key output areas of land management, land acquisition, mining, land trust administration, native title services and advocacy, information and policy advice.

The vision of the NLC is a Territory in which the land rights of every traditional owner are legally recognised and in which Aboriginal people benefit economically and culturally from the secure possession of their lands and seas.

Submission

The Northern Land Council (NLC) is pleased to provide a submission to the Inquiry into the *Aboriginal and Torres Strait Islander Amendment (A Stronger Land Account) Bill 2014*. The NLC supports the objectives of the Stronger Land Account Bill tabled in the Senate on 24 June by Senator Rachel Siewert, and acknowledges that the Bill is before parliament in the context of a review of the Indigenous Land Corporation and Indigenous Business Australia.

The NLC recognises that the Land Account has a crucial long term role in assisting Aboriginal people of the NLC region meet their land management and acquisition aspirations outside of the channels of the *Aboriginal Land Rights Act 1976* and the *Native Title Act 1993*. To this end, the NLC submit that:

1. That the Land Account should be managed in a sustainable manner for the long term benefit of Aboriginal people;
2. That the Land Account be used only for land management and acquisition by Aboriginal people and insulated from other policy purposes;
3. That the original purpose of the Land Account (to provide an avenue for land acquisition and management by Aboriginal people without other forms of land tenure) born from early native title negotiations, continue to be observed.

The NLC considers that Stronger Land Account Bill 2014 meets these policy objectives, including stronger corporate governance and risk management responsibilities.

More broadly, the NLC considers that the aims of the Stronger Land Account Bill are consistent with Article 3,4 and 5 of the United Nations Declaration on the Rights of Indigenous People (UNDRIP) and the following ‘sustainable livelihoods’ elements first proposed by Aboriginal Peak Organisations NT (APONT)¹ in 2011:

- Empowerment of the disadvantaged individual or community to determine their own livelihood pathways;
- Long term and flexible programming;
- Responsive and participatory planning and implementation; and

¹ Creating and Supporting Sustainable Livelihoods: A Proposal for a New Remote Participation, Employment & Enterprise Development Scheme. Aboriginal Peak Organisations Northern Territory, 2011.

- Activity-focussed partnerships between disadvantaged people, their organisations, the public sector, the non-government sector and the private sector.

The NLC remain committed to working with Aboriginal people, governments and NGOs to deliver outcomes in land management and acquisition for Aboriginal people.