

# NORTHERN TERRITORY MINERALS COUNCIL (INC.)

Wednesday, 3 March 1999

Hon Lou Lieberman  
Chairman  
Aboriginal and Torres Strait Islander Affairs  
Standing Committee  
Parliament House  
CANBERRA ACT 2600

Dear Chairman,

The Northern Territory Minerals Council (Inc), in association with, the Minerals Council of Australia welcomes the opportunity to participate in the Standing Committee's Inquiry into the Reeves Report on the Aboriginal Land Rights Act (NT) 1976 (Act).

The Reeves Report and the recommendations contained within, address a multitude of complex issues. It is not possible to analyse all of the issues, or to make assessments of the impact on the minerals industry arising from the wide-ranging proposals and recommendations. Many of the recommendations interact and implementing only sub-sets of the recommendations can have disproportionate practical consequences for the minerals industry. For example, the minerals industry's views in relation to the structure of the Aboriginal Benefit Reserve and the distribution of funds may need to be re-evaluated in the light of the acceptance of recommendations about Northern Territory Aboriginal Council and regional land councils.

In general terms, the Minerals Council supports Mr Reeves' recommendations in relation to the devolution of decision making responsibility to a local level, and his proposals for regional land councils. The minerals industry does have a concern to ensure that regional land councils are properly resourced and funded to undertake the statutory responsibilities under an amended Aboriginal Land Rights (NT) Act. This will be important especially in the transition period when regional land councils may need expert assistance in meeting the statutory responsibilities.

At this time, it is the Minerals Council's intention to prepare a written submission dealing with the following four issues that are of most relevance to the minerals industry that are contained in the Reeves Report recommendations:

- The proposed modifications to the mining provisions of the Act and recommendations associated with the granting of titles;
- The proposed system of regional land councils;
- The proposed structure and functions of the Northern Territory Aboriginal Land Council; and,
- The proposed changes to the operations of the Aboriginal Benefit Reserve including the distribution of monies from the Reserve.

Two specific issues of concern in the Reeves Report recommendations that are not supported by the Minerals Council are in relation to the distribution of monies from the Aboriginal Benefits Reserve and, the proposed amendments to the mining provisions of the Act.

At page 531 of the Report, Mr Reeves introduces his discussion of the mining provisions with an acknowledgment that “the existing arrangements for exploration and mining on Aboriginal Land are unsatisfactory and should be changed”, that “continuing the status quo .... is not in the interests of Territorians and, in particular, not in the interests of Aboriginal Territorians” and that “ as a community, we should be able to do better”. These are sentiments with which the Minerals Council entirely agrees. It is the proposed means of rectifying the problem with which the Minerals Council differ.

This issue will be dealt with in detail in our written submission. However, it may be of assistance to members of the Committee to review the Minerals Council’s initial submission to Mr Reeves, a copy of which is attached. The Minerals Council considers the model proposed in that submission to be an appropriate measure, preserving as it does the right of traditional Aboriginal owners to control activities on their land, while ensuring that no inappropriate use is made of the right of veto in negotiating the terms of agreements.

The review of the Act and this Inquiry provides the opportunity to create more efficient and effective legislation for the benefit all stakeholders.

In the Northern Territory, the minerals industry has a long record of good working partnerships with Aboriginal people which is reflected in part, by three of the larger Aboriginal associations being members of the Minerals Council: the Jawoyn Association; the Gagadju Association; and, Yirrakala Business Enterprises. Furthermore, the Jawoyn Association has an elected place on the executive committee of the Northern Territory Minerals Council. This involvement by Aboriginal associations with a resource or industry group such as, the Minerals Council is unique in Australia and demonstrates not only good working partnerships, but industry’s commitment to the involvement of Aboriginal people with the minerals industry.

The Minerals Council is scheduled to appear before your Committee on Thursday 4 March 1999 and will be able to provide further comment on the general issues raised in this letter and the Minerals Council's submission to the Reeves Inquiry. It is the Minerals Council's intention to expand on these issues in its written submission and to cover other relevant issues that arise from the initial hearings. The Minerals Council will be available to provide further evidence, if required, to a subsequent Committee hearing.

Yours sincerely

Kezia Purick  
Chief Executive Officer