

## Unravelling the Aboriginal Land Rights Act (NT) of 1976

*Rita Camilleri*

The Aboriginal Land Rights (Northern Territory) Act 1976 was the first attempt by an Australian government, under the leadership of Prime Minister Malcolm Fraser, to legally recognise the Aboriginal system of land ownership and put into law the concept of inalienable freehold title. The Land Rights Act was a fundamental piece of social reform. Its intention was to give Aboriginal people ownership of the land – forever. Land Councils were to ensure the First Nation's rights to consultation and informed consent.

The present government, led by Tony Abbott, is proposing to negotiate 99 year leases with the traditional owners of the land. Although no official reason has been given, under the proposed arrangement the community would get an upfront payment to build businesses as stipulated by the traditional owners. An independent commonwealth statutory office would provide the executive director of township leasing. Rev Dr Djiniyini Gondarra OAM has been visiting townships in East Arnhem Land, home of the Yolngu people. In a letter to the *Australian* he has reported that although the government and the Northern Land Council (whose area covers the northern half of the Northern Territory), have decided that 99 year leases are the way forward, the land-owning stake-holder groups and community members do not support this position.

Currently, many communities have their own business plans. Aboriginal corporations have leased blocks of land in the townships belonging to all, and are in the process of developing them. Dr Djiniyini says that 'to replace [this] with a bureaucratic government body . . . will relegate indigenous people to fringe-dwellers on their own lands.' He wants the 'shameful march of colonisation' to end.

At a recent meeting called by the group *concerned Australians*, we heard that Aboriginal needs are determined by the Public Service, whose representatives lack any cultural awareness and who merely continue with the policies of their predecessors. The (Aboriginal) people are unaware of what they may be signing away, and for what purpose. Nor are they offered any resources which enable them to be fully informed, needless to say they are not included in any consultative process. It seems that Indigenous Affairs Minister Nigel Scullion flies in and flies out, expecting them to give their consent to something which may have an adverse impact on their rights. Clearly, adequate timeframes for decision-making processes and cultural protocols are absolutely essential.

Senator Scullion was a member of a parliamentary committee which endorsed consultation recommendations proposed by the Australian Human Rights Commission aimed at consensus decision-making. The government's actions are inconsistent with these recommendations. They are also at odds with the UN Declaration of the Rights of Indigenous Peoples, which Australia has endorsed.

Towards the closing of the meeting the First Nation people who were present, among them Rosalie Kunoth-Monks OAM, an elder from Utopia in the Northern Territory, were encouraged (by Malcolm Fraser) to ignore Canberra and approach philanthropist organisations, and to engage sympathetic lawyers – and developers - in order to establish profitable enterprises over which they have at least joint control.

*This outline is based on the meeting 'Dismantling of the Aboriginal Land Rights Act (NT)' November 27, 2013, as well as statements and material prepared by 'concerned Australians' and the Rev Dr Dijiniyini Gondarra.*

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