

September 16, 2021.

The Hon Ken Wyatt AM, MP
Minister for indigenous Australians
Parliament House
CANBERRA PARKES ACT

Dear Minister Wyatt

Re: The Aboriginal Land Rights (Northern Territory) Amendment (Economic Empowerment) Bill 2021

This letter is written on behalf of ‘concerned Australians’ (cA) in relation to the above Bill, currently before the Parliament.

cA has over many years taken a close interest in legislation affecting the Aboriginal people of the Northern Territory.

We should begin by expressing our pleasure that the new Bill seeks to bring up to date and make appropriate changes to the Aboriginal Land Rights (Northern Territory) Act, 1976. The Act has been a strong protection for Aboriginal Traditional Owners, and we hope that these amendments will further strengthen it.

We are sure that all concerned in the Parliament of the Commonwealth and the NT Legislative Assembly together with the Aboriginal people and the rest of the Australian community, are conscious of the critical importance of this Bill to the future of the NT and to First Nations Peoples of the NT.

It is this critical importance that brings us to write to you suggesting that the Bill deserves very careful scrutiny given the significant effects it is likely to have.

We accordingly submit that the best way to achieve this is through a Senate Committee Inquiry.

We note that to date the Bill appears to have received little Parliamentary or media or public attention and is already on its second reading. Further, it has been endorsed by the ALP, which suggests that there is a danger that it may be passed without receiving sufficient scrutiny for such an important Bill.

Matters that a Senate Committee might consider could include:

- An examination of the adequacy of types of consultation that have taken place, particularly given the exceptional COVID-19 circumstances since early 2020 whereby biosecurity laws and lockdowns have limited the possibility of community engagement.
- The extent to which Traditional Owners and Custodians and other interested parties are aware of the extent and legal effects of the proposed legislation.

- The reforms of exploration approval processes in the Bill and whether they will have any detrimental effects upon the rights and interests of Traditional Owners and Custodians to enjoy their full rights to free, prior, and informed consent, self-determination, and appropriate forms of beneficial development.
- The efficacy of s19A reforms to date and the benefits and costs (including to the ABA) of increasing such land tenure arrangements in townships on Aboriginal land.
- Whether the Act will operate to improve benefits to Aboriginal Traditional Owners from mineral extractions from Aboriginal-owned land?
- The makeup and method of appointment of the proposed NTAIC directors, and whether and how Traditional Owners’ economic development priorities and businesses will be funded.

If the Morrison Government is confident that these proposed reforms will be uncontentious and beneficial, it should welcome the broader scrutiny of this progressive agenda that we urgently seek.

We trust that these matters will be given your serious consideration.

Alastair Nicholson

The Hon Alastair Nicholson AO RFD QC
On behalf of ‘concerned Australians’

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