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## Community Living Area Land Reform in the NT

From: 'concerned Australians', PO Box 281, East Melbourne, Victoria 8002.

We refer to your request for written comments on your Discussion Paper and your statement that models for longer term reform will be informed by the views of CLA land owners and community members. We believe that residents on Community Living Areas must be in a position where they can make informed choices about their futures.

As with previous community consultations conducted by FaHCSIA we ask:

- Will the provision of information to land owners be in their own language?
- Will the material be provided with enough time for people to discuss the content in the community before the consultation?
- Will the consultations be recorded and the transcripts made available to the public?
- Will there be qualified interpreters available during the consultations?
- Will those officers running consultations have been trained as to how to work with interpreters?
- Will arrangements be made for land owners to have access to free independent legal advice?

In regard to this particular process:

- Why are only SELECTED Community Living Areas (CLAs) to be consulted and not all CLAs?
- There is no **direct** reference in the Discussion Paper to the changes that were made through the Stronger Futures laws introduced last year that impact on Community Living Areas. Why is this?
- Who will advise land owners that their consent to development on their land is no longer required? It is the Minister who will be responsible for final decision making.
- Providing CLAs, many of which are isolated, with 4 week's notice for responses to a Discussion Paper is totally unacceptable.
- Accepting comment on changes to leases without ensuring owners are knowledgeable about the current status of the law would be highly unethical. What arrangements have been made by way of informing owners of recent changes, in advance of the new consultations?

- The new Stronger Futures legislation does not require consultation with the land owners of CLAs unless they specifically ask for it. Changes to CLA leases without consultation with owners violate Australia's commitments to international law (CERD 1997 4(d)) and the Declaration on the Rights of Indigenous Peoples (Arts 3, 19, 32). How will Government deal with this?
- Similarly and with the same references, the new Stronger Futures legislation regarding changes to the land does not require *the free, prior and informed consent* of owners. This violates Australia's commitment to International Law. How will the government deal with this?
- The new Stronger Futures legislation provides no avenue for appeal against decisions that are made by the Minister.

It is our belief that if Australia is to comply with its international obligations then it would need to remove s35(5) from the Stronger Futures legislation and to make appropriate amendments to s.35(4) to ensure the requirements of consultation with and consent from owners. Furthermore, the opportunity is there, and should be taken, to provide certainty and security for those people living in CLAs by changing leases in a way which will truly give land owners the same rights to manage their land as other NT Indigenous communities including responsibility for decision making.

We would like to congratulate Government on its decision to accept verbal comment from people of Community Living Areas, especially from those whose first language is not English and from those people who do not have access to computers. We believe that this process could be used successfully in many other situations where the views of local people are sought. However the process used needs to be transparent and we would like to suggest the views are recorded in first language and then transcribed by qualified interpreters and recorded with other submissions.

'concerned Australians'