NORTHERN LAND COUNCIL

Our Land, Our Sea, Our Life

8TH NUGGET COOMBS MEMORIAL LECTURE 2016

UNHAPPY ANNIVERSARIES: WHAT IS THERE TO CELEBRATE?

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Good evening ladies and gentlemen.

My first task this evening is to acknowledge the Traditional Owners of the land on which we are gathered, the Larrakia people. I would like to personally thank Richard Fejo for his warm welcome.

I would also like to acknowledge the presence of The Right Worshipful The Lord Mayor of Darwin, Katrina Fong Lim, and the Vice Chancellors of the co-hosting universities – Professor Brian Schmidt AM of Australian National University and Professor Simon Maddocks of Charles Darwin University.

I acknowledge Mick Dodson and Peter Yu as senior Indigenous leaders in attendance. I thank both hosts for inviting me to give this Eighth Nugget Coombs Memorial Lecture.

The invitation is indeed a great honour.

I am mindful of the contributions of previous lecturers, all eminent Australians.

And I am mindful of the distinguished record of public service of Dr Nugget Coombs whom we continue to honour 19 years after his death, and more than 110 years after his birth.

I never knew the great man personally, but I pay homage to his enduring legacy, born of a gigantic intellect and capacity to bring multidisciplinary approaches to solve some of the nation's biggest questions, to do with the place of our first peoples.

One Aboriginal leader whom I respect describes this man as the father of public policy that had at its heart reconciling the great Australian dream, identity and love of the bush with the people that lived in and owned this country.

Nugget Coombs' great leadership of post-war reconstruction was matched by his contribution to Indigenous Affairs, which was about a post contact reconstruction of the country's relationship with Indigenous people – at the heart of the notion of a fair go.

On my reading of history, he was a public servant whose frank and fearless advice drove good public policy.

This evening I would like to highlight just a few of the policy failures that litter Indigenous Affairs today, and point to some opportunities.

As well, I want to salute Nugget's legacy as it relates to his thinking about remote employment.

My ultimate message is that Indigenous people must take control of the agenda if we are to crawl out of the assimilationist and paternalistic mess that stains the nation and ignores the uniqueness of Indigenous people in this country.

As a public servant, Coombs straddled the Prime Ministerships of Curtin, Chifley, Menzies, Holt, Gorton, McMahon, Whitlam and Fraser.

He was in his sixties when Prime Minister Harold Holt, in late 1967, coerced him into accepting the chairmanship of the Council for Aboriginal Affairs, which would survive for the next decade as the primary source of advice to governments about Indigenous policies.

Holt died before the Council for Aboriginal Affairs could even find its feet.

The record is that any hopes that the Commonwealth would seize the chance to pursue progressive Indigenous policies, in the wake of the 1967 referendum, disappeared with Harold Holt.

The Liberal Party Prime Ministers who followed, Gorton and McMahon, were indifferent to the influence of Coombs and the other two members of his Council for Aboriginal Affairs, the anthropologist Bill Stanner, and the public servant Barrie Dexter who headed the office of Aboriginal Affairs within the Prime Minister's Department.

Gorton and McMahon were prisoners to their Country Party coalition colleagues who commanded the administration of Aboriginal affairs.

With liked-minded bureaucrats, especially within the Department of the Interior, those Country Party ministers ruthlessly strangled the efforts of Coombs and his Council for Aboriginal Affairs especially on the matter of land rights in the Northern Territory.

That Country Party mindset infected local politics in the Northern Territory.

It helped fester abiding opposition to the Northern Territory Aboriginal Land Rights Act, which was passed by the Commonwealth Parliament in December 1976.

That opposition endures to this day in the ranks of the Country Liberal Party in the Northern Territory.

The recently ousted CLP government represented just another iteration of the racism and ignorance that characterised the successive CLP governments that ruled this place for a quarter of a century after the Territory was granted self-government.

The Commonwealth granted self-government to the Territory on July the 1st 1978, and CLP governments would spend tens of millions of dollars in legal fees to sustain their relentless and reckless campaign to oppose every claim that they could challenge.

They whipped up baseless fears among the non-Indigenous population that backyards were under threat, and the climate of fear benefitted the CLP at many elections.

As we mark the 40th anniversary of the passing of the Land Rights Act this year, it's worth asking, how far have we progressed as a polity over that time?

Well, the CLP's never given up hope that the Commonwealth might one day surrender the Land Rights Act to the Northern Territory.

Only last year the Territory's Attorney General yet again made a pitch to have the act "repatriated" – not that it's ever been in the Territory's domain.

Land rights, he said, had become "a wall of imprisonment" blocking Aboriginal people from participating in northern development.

It's a tired old refrain, and you'll hear echoes of it later in this lecture.

But the latest, most serious echo was heard during the NT Government's review of its Aboriginal Sacred Sites Act, which was delivered in April this year.

Doctor Ben Scambary is Chief Executive of the Aboriginal Areas Protection Authority – AAPA – which administers the Sacred Sites Act.

Ben gave an illuminating address at the North Australia Research Unit a couple of months ago, where he described the political context in which the Act came to be reviewed by a team of external consultants.

I'll come later to his revelations, but first I need to paint some background to the review.

Hanging over it - indeed a major catalyst for it - was the proposed development of Ord Stage 3, the pie-in-the-sky plan to extend the Ord River Irrigation Area into the Northern Territory.

Ord 3 was one of the projects identified in the 'White Paper on Developing Northern Australia' which would enhance the regional economy.

It would develop 14,500 hectares of irrigated farmland in the Keep River Plain, the Knox Plan and Milligan's lagoon, in the Northern Territory.

It stands today as a monument to failure: a failure of planning and a failure of the Northern Territory government to engage in good faith with Aboriginal people.

Today, I can tell you, Ord 3 is going nowhere.

The CLP government in the Northern Territory was too cute by half in the way it proceeded with headstrong intent to get Ord 3 moving.

The scheme was first punted in the late 1990s and caused great consternation among traditional Aboriginal owners.

The proponent walked away in late 2001, after anthropological research by the Northern Land Council established the entire Keep River Plain (Balangarri) was a sacred site.

Ord 3 was revived in 2012 when Chinese Investment Company took it over.

Again the Traditional Owners rose up, and in 2013 a delegation travelled to Darwin to inform the CLP government of their total opposition.

The government was undeterred: it applied to AAPA for a Certificate, which the Authority issues when it's satisfied that work won't risk damage to sacred sites, or if a proponent has reached agreement with Aboriginal custodians.

But, on the day in 2013 the Authority's board met to register the Keep River Plain, the Northern Territory government withdrew its application.

Now we come to the tricky part: the government then broke up the Ord 3 project into three blocks and proposed first to develop a parcel to the south, which it called Ord 3A.

It would have required the extinguishment of native title over more than 4000 hectares, of which 1800 hectares were earmarked for irrigated agriculture.

Plainly, the Government's intent was to soften up the native title holders, even though the government's monetary compensation package was inadequate in the eyes of the Native Title holders who were being asked to have their Native Title rights extinguished forever.

Nonetheless, the NLC had the responsibility as the Native Title Representative Body under the Native Title Act, to consult with the native title holders, and we proceeded to do our job.

We actually secured their consent to negotiate an agreement for Ord 3A, although everyone knew that as a stand-alone project, the economics would never stand up.

Then, out of the blue, the Government, without explanation, announced in April this year that Ord 3A was off the table, and that it would be inviting bids from the private sector to develop the whole of Ord 3.

It would be left to a successful proponent to negotiate a Land Use Agreement and AAPA clearances.

The timetable was unrealistic: the CLP government said it would execute an agreement by the end of July.

That CLP government, as you know, was spectacularly ousted in the general election on August the 27th, and I understand Ord 3 went out the back door with them.

As a postscript to all that, let me refer you to a damning report last month by the West Australian Auditor General about Ord Stage 2.

The State originally budgeted $220 million for the Stage 2 expansion.

The Auditor General estimates it will end up costing $334 million, an increase of 52 per cent, and it was delivered three years late.

And although the 27 social infrastructure projects worth an extra $195 million came in on budget, their delivery, too, was three years late.

So where is the accountability here?

The W.A. Auditor General reports that the sustained social and economic benefits underpinning the decision to proceed with this extraordinary investment – $529 million in total – have not been realised.

The justification for the whole Ord-East Kimberley Development, as it's known, relied heavily on addressing socio-economic disadvantage – for that, read Aboriginal disadvantage.

But the Auditor General says there's no plan to track and assess any improvement of that disadvantage, and I can understand why: that would be a source of continuing embarrassment.

Sure, there were jobs and plenty of training during the construction of Ord Stage 2.

But, as the Auditor General reports, this has not been sustained.

Nugget Coombs' biographer, Professor Tim Rowse, records in his book, Obliged to be Difficult, that in August 1967, nearly 50 years ago, Coombs toured northern Australia to inspect the sites of mining, pastoral and agricultural investment.

At that time, he was about to resign as Governor of the Reserve Bank, and construction was well under way to create the first stage of the Ord River Irrigation Area.

Aboriginal people were being displaced everywhere and their sacred sites not directly destroyed by construction works would later be submerged by the waters of the newly created Lake Argyle.

Rowse records that Coombs returned from his survey wondering how Aboriginal people would survive the incipient boom in the north.

Coombs told his colleagues he could not rejoice in northern development until he knew how Aboriginal people would find an honourable place within the coming prosperity.

His misgiving was well held.

I travel to Kununurra often in my job, and I can tell you it's the same sad old story for Aboriginal people: abject poverty and misery.

This is what Coombs was deeply concerned with.

God knows how Coombs, an economist by training, would have received that bleak assessment of Ord Stage 2 by the WA Auditor General.

This is why he established the North Australian Research Unit – to provide the research capability so that informed public policy decisions could be made, based on the economic, social, cultural and political realities of the region.

If Ord Stage 2 has been a scandalous investment of government monies, Ord 3 has been a cruel curse.

It has caused much distress for native title holders who have been treated as mere pawns.

And its promotion by the Territory's CLP government almost destroyed the Aboriginal Areas Protection Authority.

Ben Scambary, in his paper at NARU, describes how AAPA's assessment of the Keep River Plain as a sacred site was questioned by the Giles government.

The site was characterised as a dreaming track instead of a sacred site, with the implication that AAPA was acting beyond the Sacred Sites Act.

The notion that the board of AAPA could stifle a major development initiative of the Government was met, Ben Scambary says, with outrage that, quote, "permeated, permutated and seeped through Northern Territory government agencies".

The Chief Minister himself, Adam Giles, even went so far as to suggest that some sacred sites were, in effect, not real, being used by AAPA as a way of delaying projects, often in opposition to what the Traditional Owners wanted.

Worse, he accused custodians of inventing sacred sites to maximise financial benefit to them from developments.

I know Ben Scambary, and work alongside him and his agency closely.

I completely accept his description of this behaviour, having encountered it myself.

Further, it convinces me that the CLP, at its heart, is as ignorant and racist today as it was 40 years ago when it ferociously opposed the introduction of land rights legislation.

The real dirty work to subvert the work of AAPA through the Ord 3 saga was done by the Chief of Staff to the Minister for Community Services, who had responsibility for the Sacred Sites Act and its agency, AAPA.

That Chief of Staff, a CLP member, waged war against AAPA.

Ben Scambary has characterised his behaviour as "a campaign of harassment and intimidation" that included personal threats, unlawful directions, negative aspersions against AAPA board members and accusations that the Authority was anti-development.

The campaign by that Chief of Staff abated only after he was charged with corruption – charges that are yet to be dealt with by the courts.

The sort of prejudice demonstrated by the attacks on the integrity of AAPA does not belong just to the elected arm of the CLP and its former army of party hack advisors.

It lies also in the heart of the bureaucracy here in the Northern Territory.

Scambary identified a traditional culture of bureaucratic opposition to Indigenous land administration frameworks that has its foundations in the earliest conflicts over the Aboriginal Land Rights Act, the Sacred Sites Act and the Native Title Act.

Nugget Coombs in 1976 reflected on the persistence of such attitudes, when he reviewed his work during the previous decade as chair of the Council for Aboriginal Affairs.

He questioned whether the dominant white society might lack the spiritual qualities to recognise the reality and virtue of Aboriginal identity, and the right of Aboriginal people to assert it.

Until the arrogance, the prejudice, the fear that still largely determines our attitude towards Aborigines gives way to humility, generosity and human warmth, there can be little grounds for hope of a quick resolution, Coombs said in a lecture forty years ago.

He continued: "If there is a taste of ashes on the lips of white Australian civilisation, it is because while we have mastered a continent and subordinated a proud people, we have remained in spirit aliens and strangers to it and them."

Ben Scambary's withstanding the barbarians who wanted to undo the Sacred Sites Act revealed an entrenched culture of opposition by politicians and bureaucrats to Aboriginal rights and interests.

And that opposition continues to colour the northern development agenda.

In many speeches over the past few years I have lamented the exclusion of Indigenous interests in the public policy discussions about developing the north.

We continue to not have a proper place at the planning table, even though we all know how critical planning is.

We have been mere bystanders as the likes of Andrew Forrest argue that Aboriginal land tenure is an impediment to advancement.

Forrest was recruited by an adoring Prime Minister to report on Indigenous training and employment programs.

He managed to turn that exercise into an opportunity to tackle Aboriginal land rights in the Northern Territory and criticise land councils, the Northern Land Council in particular.

It galls me that a West Australian billionaire miner, who's brought trouble on himself by the way his company has negotiated native title agreements with the Yindjibarndi people in the Pilbara, gets the imprimatur of the Commonwealth government to lecture the country about land tenure being an impediment to home ownership on Aboriginal land.

Anyway, where's the interest in home ownership in remote Aboriginal communities?

Where's the market in communities, which are home to some of the most impoverished people in the land?

For the record, let me tell you this: the Northern Land Council has received and processed only one application for a private housing lease across its whole jurisdiction.

That was for a 99-year lease at an outstation called Baniyala in north-east Arnhem Land.

And, you know what?

The lease can't be executed, and not because of any fault on the part of the NLC.

The NLC's Full Council readily agreed to the grant of the lease in May 2014.

The hold up lies with the Northern Territory government because of the dictates of its Planning Act.

Under that law, a lease with a term of more than 12 years is considered to be a subdivision, which in turn requires a plan of survey to be completed, and approval of the Development Consent Authority.

In remote areas of the Northern Territory, these requirements add considerable administrative burden, cost and uncertainty.

That's the regime bequeathed by the former Chief Minister who managed to convince Prime Minister Tony Abbott back in October 2014 to have an urgent investigation under the umbrella of COAG into Indigenous land administration and land use.

The investigation was born behind closed doors without any prior consultation with Indigenous people, who would have no input into the terms of reference.

Indigenous people and organisations feared the worst – that the investigation would result in further erosion of land rights and native title legislation through more efficient "processing" of land use proposals for third party interests.

Finally, swayed by those apprehensions, the Commonwealth appointed an Expert Indigenous Working Group to work with the bureaucrats assigned to the COAG investigation.

The Chief Minister's attempt to go through the backdoor of COAG to attack the land councils was checked by the safe input of the Indigenous Working Group.

Their statement attached to the final investigation is still worth quoting.

They argued that any approach on Indigenous land and waters that does not properly recognise and respect traditional ownership of that land will only lead to ill feeling, project uncertainty and delays.

Such an approach, they said, has the effect of diminishing hard fought gains and well-established principles around the human rights of traditional owners.

Such an approach, they continued, also has the effect of entrenching the current cycle of welfare dependency and poverty by creating a culture of dependency on government.

I could not have put it better myself.

And I would like to pay homage to the late Brian Wyatt for his profound contribution to the Working Group.

So, in my short term as CEO of the Northern Land Council – I've been in the job for just under three years – we've had to endure three calculated attempts by the Commonwealth to chip away at our hard-fought-for rights:

First the Andrew Forrest review of August 2014.

Then, a month later, the report of the Australian Parliament's Joint Select Committee on Northern Australia, called Pivot North, and the subsequent White Paper on Developing Northern Australia, delivered in June 2015 and called Our North, Our Future.

On that one, I'd ask, whose north and whose future?

And finally there was the COAG investigation delivered in December last year.

That's just the Commonwealth's meddling.

Don't forget the Northern Territory's meddling too, with its review of the Sacred Sites Act which I referred to earlier.

For an organisation like the Northern Land Council, underfunded and under-resourced as we are, responding to those incursions has been needlessly distracting and a cause of constant anxiety for our constituents.

The incessant impost of reviews, inquiries and investigations saps the very essence of Aboriginal identity because bureaucrats and politicians refuse to reconcile their relationship with Australia's first people – just what Dr Coombs was attempting to settle in the wake of the 1967 referendum.

Most importantly though, and it's a refrain from some of our council members: in the four decades since the Land Rights Act was enacted, we Aboriginal people in the Northern Territory have spent so much time gaining and then defending our rights that we have not secured our future.

That's why we at the NLC want Aboriginal people themselves to have greater opportunity to develop their lands and waters in accord with their aspirations and values.

Only a few weeks ago, in the run up to the celebration of the 50th anniversary of the Wave Hill Walk-off, the Northern and Central land councils came together for an historic meeting at Kalkarindji where northern development was high on the agenda.

The joint Full Councils criticised the White Paper on Developing Northern Australia for its lack of support for Indigenous-led developments, and for failing to recognise the aspirations of Aboriginal people to drive themselves the development of their lands and waters.

Because, we are intrinsically entwined in the future of the north and want to play a significant role in that future.

And there's the obvious: we own and/or have legally recognised rights over more than 90 per cent of northern Australia.

Our meeting at Kalkarindji called on governments to establish a comprehensive strategy to deliver economic, ecological, social and cultural benefits to Indigenous people in northern Australia.

But we cannot live in hope that governments will deliver.

Last month, the management teams of the Northern and Central land councils came together in Alice Springs to map out an economic development strategy that meets the diverse needs of Aboriginal people in our regions.

The goal is to establish Aboriginal-owned and controlled commercial economies, using parts of the Aboriginal freehold estate across the Northern Territory.

The aim is to enable true self-determination: having the knowledge to make decisions and the power to enact them in accord with the aspirations and wishes of landowners.

What we are seeking to create is a pilot capital fund that would develop, in the first instance, farming enterprises on six selected sites of Aboriginal land across the Northern Territory.

We seek initial government investment to leverage private investment.

Security is the key issue for investors.

The best security that Traditional Owners in the Northern Territory can provide are leases under section 19 of the Aboriginal Land Rights Act.

The financial sector has confirmed for us that leases under section 19 can be used as security.

Commercialising a section 19 lease turns Aboriginal landowners into landlords.

It enables them to use their land to generate income without losing control over it. This is a fundamental step towards self-determination and self-responsibility.

The realisation will depend initially on good will and up-front investment by governments.

The Aboriginals Benefit Account would be an ideal source.

Given the singular failure of past policies, we say that our model is worth a test drive.

The outcome will place Aboriginal people in the driving seat where we rightly belong.

Right now at the NLC, we're going further, by laying the foundations to establish a Community Development Unit, which has local control and responsibility at its core.

Our progress has been slower than at the Central Land Council, which has been very successful in the business of community development for more than a decade.

The CLC model, which we seek to replicate, has a set of principles and processes that build self-reliance, strengthen communities and promote good governance through the participation of local people in designing and implementing their own development projects.

The community development model helps to direct Aboriginal peoples' own royalty income streams to projects that both maintain their Aboriginal identity, language, culture and connection to country and strengthen their capacity to participate in mainstream Australia through improving health, education and employment.

It's proven to be innovative and extremely successful, and we at the NLC are now beginning a journey down the same path.

It won't be easy.

Even within our own organisation there've been questions about whether the sorts of projects which community development seeks to promote should really be the obligation of governments.

In other words, are we letting governments off the hook by encouraging royalty holders to spend their own money on amenities and programs to benefit their own communities?

Whether that's the case or not, we know that it's not worth waiting around for governments to deliver, especially in a climate of reduced funding in the Indigenous Affairs portfolio and policy by remote control.

Remember, hundreds of millions of dollars were cut from Indigenous budgets in the 2014/15 budget of the Abbott government.

And with that came a new administration, the Indigenous Advancement Strategy, the IAS, which channelled more than 150 programs previously delivered by a range of departments into five funding streams.

The ensuing shambles was compounded by machinery of government changes, whereby the management of Indigenous affairs was folded into the Department of Prime Minister and Cabinet.

The movement of Indigenous Affairs into PM&C has caused great upheaval, as Laura Tingle noted last year in her Quarterly Essay, "Political Amnesia – How We Forgot to Govern".

Tingle writes about a lack of experience in the bureaucracy, exacerbated by the war on Indigenous self-determination launched by Prime Minister John Howard in 1996.

Howard would destroy all vestiges of the Coombs legacy through his attacks on Indigenous organisations, Indigenous rights and reviving old policies of assimilation and paternalism.

He went to war on the history of conflict and settlement of this nation by fostering the history wars and his promotion of the likes of Keith Windshuttle.

For the record, things didn't improve for Aboriginal people in the Northern Territory under Prime Ministers Rudd and Gillard.

But the concurrent move of Indigenous Affairs into PM&C and the introduction of the IAS laid the ground for a perfect storm.

Chaos and confusion has reigned.

A damning Senate Committee inquiry into the introduction of the IAS found fundamental failures, and questioned the evidence base for its design.

The inquiry's report, released in March this year, identified a lack of consultation and rushed processes with poor transparency.

The IAS has all the hallmarks of the Howard Government's infamous Intervention: top down, ill-considered policies worked out on the run, without consultation, and implemented with callous disregard for their impact on Indigenous people.

The same could be said about the current government's remote jobs scheme, the Community Development Program, CDP.

Only this week it's been revealed that "skyrocketing" rates of financial penalties are having harsh and discriminatory impacts on jobseekers in remote Indigenous communities.

Families and children are unfairly penalised; in some community stores, food sales have dropped since the introduction of the CDP in July last year.

The acronym CDP has been cunningly crafted to sound eerily like CDEP, the Community Development Employment Projects scheme created on the advice of Nugget Coombs back in the mid-1970s.

Coombs' vision for CDEP was beautifully simple, as Dr Will Sanders described in his Nugget Coombs Memorial Lecture in 2012: rather than pay unemployment benefits to lots of Aboriginal people in remote areas, it would be more constructive for them to be employed part-time by local Indigenous organisations to undertake socially useful tasks.

From this simple idea, Sanders said, was born one of the most significant and, in time, one of the largest Indigenous-specific programs Australia has seen.

CDEP underwent various transformations after its introduction by the Fraser Government in 1977, but its death was eventually hastened by the Northern Territory Intervention in 2007.

CDEP's obituary was written by the Labor party in 2013 when they replaced it with the disastrous RJCP, the Remote Jobs and Community Program.

But before that dramatic change came about, it should be understood that out of Nugget's CDEP grew the Ranger programs in the Top End, and I'm proud to have had a role in their development.

The first formal gathering to talk about post land rights management and development of the Indigenous estate took place at Nimirilli on the Blyth River in 1999.

About 80 people attended that meeting, hosted by the then powerful Bawinanga Aboriginal Corporation that has a ranger program for outstations called Djelk.

BAC's Djelk Rangers and the successful Dhimurru Aboriginal Corporation in northeast Arnhem Land were beacons and would, I believe make Nugget proud.

Why?

Because CDEP provided the vehicle for building remote capacity and governance.

The ranger groups that grew out of that are now supported by the Australian Government.

At last count, there are more than 2,600 Indigenous rangers employed around the country to look after the country, as their ancestors have always done.

The NLC, as one of the originating institutions for this initiative, employs more than 100 Rangers and we simply cannot meet the demand for new groups to be established.

If it wasn't for CDEP and the flexibility it provided to local organisations and people, the most successful employment opportunity for Indigenous people would never have got off the ground.

And Australia would not be able to meet its international obligations for management of important ecosystems, nor engage Indigenous people to do such.

This was public policy created in the bush, for the bush.

I believe that Nugget opened the door for Indigenous people to lead the agenda, informed by best practice research.

This has happened through the establishment of the North Australian Indigenous Land and Sea Management Alliance, or NAILSMA, that has been engaged in research and policy development from the ground up since that meeting at Nimirrili.

NAILSA is a small institution that I used to head, and it was chaired by prominent Aboriginal leader Peter Yu.

Organisations like NAILSMA are critical if we are to realise the potential of northern Australia and its capacity to engage and enhance the lives of the region's most impoverished people.

We simply cannot go forth without the knowledge and consideration of the social and cultural aspirations of the region's largest land owning group.

Today, Government policies continue to fail spectacularly, and that failure profoundly affects the everyday lives of our constituents.

The state of housing in Aboriginal communities is scandalous.

Homelessness in the Northern Territory is estimated to be 17 times higher than anywhere else in Australia, affecting one in four Aboriginal people.

I can't recall seeing so many people living rough in my hometown of Katherine when I was growing up in the 80s.

The previous NT Government identified a need for more than two thousand new houses to meet current demands in Aboriginal communities.

On other fronts, COAG's Closing the Gap targets continue to be elusive.

The target for closing the gap in life expectancy is not on track.

We still finish up 10 years younger than the non-Indigenous population.

School attendance rates remain static.

The Federal Government continues to throw tens of millions of dollars a year at its remote school attendance strategy, to little effect.

In remote Australia, the attendance rate of Indigenous children is only 67.4 per cent - 19.1 percentage points lower than the attendance of Indigenous children at urban schools.

No wonder we're paying the price of state-sanctioned dysfunction as Aboriginal imprisonment rates in the Northern Territory set world records.

And still the Federal Government refuses to have COAG set a new target to close the gap in Aboriginal imprisonment.

And now we have the Royal Commission into child protection and youth detention systems, after Four Corners laid bare the horrors of the Northern Territory's youth justice system.

This Royal Commission will have achieved nothing if it does not come up with real and achievable measures to reduce the numbers of young Aboriginal people being locked up.

I have serious reservations about that, given the impossibly short reporting time the Commonwealth and Territory governments have imposed on this Royal Commission.

The Commission has set aside only 25 days for formal hearings.

That would make it the speediest Royal Commission's on recent record, and I implore the two governments to agree to a more realistic reporting time.

At recent land council meetings I have heard the sorrow and anger of our members, outraged at the treatment of their youth in detention.

But there are high hopes for this Royal Commission, and it would be a betrayal of those hopes if its work was seen to be once-over-lightly, or as a feel-good community talkfest.

At this stage of this lecture it might be time to lighten up a little and remind you that there have been a couple of uplifting moments this 40th anniversary year of the Territory's Aboriginal Land Rights Act.

The first was in mid-June at Yarralin, a small Aboriginal community in the Victoria River District.

The Ngarinman people settled at Yarralin in 1973, 18 months after they had walked off Victoria River Downs Station, then owned by the Hooker Corporation, the Sydney-based real estate company.

Like the owners of VRD station before him, Hooker had been disgraceful.

Like the Gurindji, the Ngarinman people were fed up with their pay and conditions on VRD, and in April 1972 they joined the Gurindji who'd walked off Wave Hill Station in 1966.

After they negotiated their return to a new community at Yarralin, they were among the first to lodge a claim with the Interim Aboriginal Land Commissioner in September 1975, more than a year before the Land Rights Act became a reality.

The Interim Land Commissioner recommended their Yarralin claim to the Commonwealth, but it took more than 40 years before they received the title to their lands.

Today, the most substantial building in Yarralin is a new police station, but the state of the housing stock is a disgrace.

Having got title to their land after four decades of wrangling with politicians and bureaucrats, the Aboriginal people at Yarralin are now having to wrestle with the offer of a 99 year township lease to the Commonwealth in order to get much-needed new housing.

Township leases were a creature of the Howard government's amendments to the Land Rights Act in May 2006, as mentioned by the last speaker of this lecture Marion Scrymgour.

The amendments were meant to facilitate a higher level of economic development on Aboriginal land.

The Aboriginal and Torres Strait Islander Social Justice Commissioner was on to it straight away.

He reported that the 99-year leasing provision had the practical effect of alienating Indigenous communal land.

99 years, he noted, was at least four generations.

And with the potential to create back-to-back leases, there was a high probability that the leases would continue in perpetuity.

Then, in May 2007 the Howard government established an office of Executive Director of Township Leasing, a month before the declaration of the emergency Intervention in the Northern Territory.

The Executive Director of Township Leading, EDTL, has managed to secure head leases over communities in the two small off-shore land councils, Tiwi and Anindilyakwa.

But the Anindilyakwa Land Council, which covers the Groote Archipelago in the Gulf of Carpentaria, are having second thoughts.

Chairman Tony Wurramarrba laments that his surrender to a lease held by the EDTL has taken away community self control.

And that's been our argument at the Northern Land Council.

The Commonwealth has been sniffing around communities in our region, trying hard to sell its township leasing regime, but so far without success.

At Gunbalanya in west Arnhem Land, the Commonwealth got as far as signing an Agreement in Principle, until the Traditional Owners, fed up with the humbug, told them to go away.

But, not before the Northern Land Council had hired a linguist who talked them through the pages and pages of the English language document which constituted the Agreement in Principle.

That exercise quickly convinced us that the Traditional Owners had no real idea of what was being sold to them.

The linguist later reported to us that he found it difficult to reconcile how the Traditional Owners at Gunbalanya could have signed the Agreement in Principle, with the required principle of free, prior and informed consent.

Now the Commonwealth's knocking on the door of Yarralin, which has just got its land back after a wait of 40 years.

How Yarralin, with a population around three hundred that fits the Commonwealth's model for township leasing, given that it envisaged securing leases over larger communities, is beyond me.

It's a measure, I suppose, of the Commonwealth's desperation to establish a footprint within the NLC region.

The whole business of township leasing has been a long-running cause of tension between the Commonwealth and the Northern Land Council.

Our argument to the Commonwealth has been: if you're so desperate to get a lease, why not do it under section 19 of the Land Rights Act, the usual vehicle for leasing Aboriginal land whereby the Traditional Owners themselves, through a Land Trust, hold the lease.

Late last year, the Indigenous Affairs Minister, Senator Nigel Scullion, acknowledged our concerns.

He amended the Land Rights Act so that Traditional Owners themselves can indeed hold the head lease over a township.

That way the Traditional Owners can decide who gets a sub-lease, rather than some “white shirt” Commonwealth officer based in Canberra.

I used the term “white shirt” deliberately, because it’s brought grief upon us in the past in the context of township leasing..

It’s used humorously by Aboriginal people to refer to public servants who are forever flying in and flying out of Aboriginal communities.

We used the term white shirts for a poster to educate communities about the implications of township leasing, and it brought upon us the wrath of both the Indigenous Affairs Minister and his Executive Director of Township Leasing.

Senator Scullion was very formal.

He took grave exception to our promulgation of the poster, and he reminded us of our obligations under the Public Governance, Performance and Accountability Act.

He wrote and warned us at the NLC of the need to discharge our duties in good faith and for a proper purpose.

Further, he suggested that, given the fiscal environment, we should reflect on the use of government funding for what he said was an inappropriate campaign.

All that growling over an innocuous poster!

Such is life these days for an independent statutory authority of the Commonwealth!

But back to that other uplifting moment of this anniversary year, which followed a week after the handback ceremony at Yarralin in June.

The traditional owners of Cox Peninsula and nearby islands finally had their Kenbi land claim realised when Prime Minister Turnbull handed over the title deeds on June the 21st.

It had taken 37 years after the Northern Land Council lodged the Kenbi claim with the Aboriginal Land Commissioner.

Kenbi was the doozy of all land claims in the Northern Territory.

Let me remind you that, early on, the CLP government led by the then Chief Minister Paul Everingham deliberately poisoned the well of public opinion against the claim.

And, even though that government had known full well that the Northern Land Council was intending to lodge the Kenbi claim, one of its first acts, in December 1978, was to promulgate town planning regulations aimed at choking the claim before it hit the desk of the Aboriginal Land Commissioner.

The regulations grossly expanded the boundaries of the City of Darwin to incorporate Cox Peninsula.

And because lands within towns could never be claimed under the Northern Territory Land Rights Act, the CLP Government of Paul Everingham thought it had cleverly thwarted the Kenbi claim.

The government's tactics were eventually undone by the High Court, which directed the Land Commissioner to consider whether the regulations had been made for the ulterior and improper purposes of defeating the claim – and eventually the Land Commissioner found just that.

Even so, in the subsequent hearing, the government refused the Land commissioner's order to produce all relevant documents about its planning decision.

Again, the High Court ruled against the government.

The Kenbi claim was finally recommended in December 2000, and by then five Land Commissioners had dealt with it.

And it still took more than 15 years of complex negotiations after that before the claim was finally settled in April this year.

The way the settlement was negotiated, Darwin can still expand on Cox Peninsula, but Aboriginal people themselves will be in charge of any future development.

But the real tragedy of both the Kenbi and Yarralin claims has been that they took far too long to be realised.

Too many Aboriginal people died waiting to get their land back.

I detect a growing and palpable frustration among Aboriginal people in the Northern Territory that their human rights and aspirations are ignored by governments, while at the same time they are expected to accommodate this push for economic development in the north.

At the past two Northern Territory general elections, Aboriginal voters have rejected first the Labor Party in 2012, and then the CLP, again, in August this year.

It remains to be seen how fair dinkum this new Territory Labor government will be.

The Aboriginal vote can no longer be taken for granted.

Neither party has yet demonstrated a fitness to govern for all.

Nugget Coombs, 40 years ago, hinted at dark consequences of failed Indigenous policy.

We must learn from the lessons that Nugget's legacy reminds us about, including the role of CDEP.

The ranger programs that grew out of CDEP manage some of the most important biodiversity rich ecosystems left on the planet, on behalf of all humanity.

And we must support the knowledge and language that Indigenous people have gained in living and managing these landscapes for over 50,000 years.

The Ranger programs uphold the relationship between country, people and their laws and customs.

And we must enliven the role of Nugget Coombs' North Australian Research Unit and polish the 'Indigenous' lens that he opened for us.

Most importantly, policy must be developed by Aboriginal people who have the most to lose in the current policy paradigm.

I want to finish this lecture with a quote from a lecture by Nugget Coombs to the University of Western Australia in 1976.

He said: "What may, however, be for us to determine" – that is, non-Indigenous people – "is whether Aboriginal achievement is won in a context of friendship and respect, or whether it must be fought for, as in so many lands, in bitterness and violence."

Let us fervently pray that the wisdom of Coombs can somehow be revived and can prevail in the achievement of better public policy than we've seen in recent decades.

Thank you.