

# LAND RIGHTS ACT CHANGES

## LAND COUNCILS CONCERNED

**The Federal Government's move to introduce major changes to the Aboriginal Land Rights Act has caused concern amongst Northern Territory Land Councils.**

The new legislation was provided to Land Councils only when it was introduced into Parliament in June 2006.

The legislation was then referred to a Senate Committee, which heard evidence from Land Councils, traditional owners and government agencies on 21 July 2006.

More than 60 traditional owners from across the Northern Territory made it to the Senate Committee hearings in Darwin to hear the evidence and to learn first hand about the proposed changes.

Many of the changes contain new amendments which traditional owners hadn't seen.

NLC Chairman, John Daly told the Senate Committee that traditional owners were worried about rushing new

spell trouble for traditional owners and Aboriginal communities.

The CLC said that proposed amendments 28B and 28C are a radical departure from normal administrative rules relating to the delegation of powers.

"This is clearly no longer a mere delegation power but a mechanism which allows the stripping and reallocation of core functions under the Act," CLC Director David Ross said.

"The NLC has very serious concerns regarding other amendments put forward by the Federal minister," Mr Fry said.

"These amendments appear to breach the Racial Discrimination Act, appear directed at breaking up land councils by removing financial independence, and forcing them to disclose confidential minutes and transfer functions to small corporations that do not represent traditional owners and terminate valid land claims," he said.

Both Land Councils are

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DAVID ROSS DIRECTOR CENTRAL LAND COUNCIL

legislation through Parliament without giving traditional owners a good opportunity to understand the proposed changes, or to give their informed consent to the changes.

"People are saying that this land rights legislation is too soon, too quick. How am I, as Chairman of the Northern Land Council supposed to go out and in a matter of three months, get informed consent from the traditional owners of the northern half of the Territory?" said Mr Daly.

While acknowledging that many of the changes would improve workability, the Central Land Council and Northern Land Council were both concerned that some of the proposed changes could

concerned about the proposal to sub-lease Aboriginal land in towns. Mr Fry told the Committee that amendments would create restrictions on the ability of traditional owners to bargain commercially in relation to development in towns.

"Opportunities for sub-leasing to occur already exist under section 19 of the Act. Entertaining thoughts of amendments to facilitate this process isn't necessary," Mr Fry said.

"There is no need to place restrictions on traditional owners to bargain commercially in towns. Such restrictions appear discriminatory and could invite international complaint," he said.

David Ross said that the CLC



Above: NLC members at the hearing, Below: NLC Chairman John Daly and CEO Norman Fry front the committee with their staff

was concerned that communities will be placed in a position, where in order to access essential services or funding, they will be told they need to sign up to these new arrangements.

"Furthermore, I am extremely concerned that some communities may already have been given this ultimatum," Mr Ross said.

Mr Ross said that all money for putting this new arrangement in place on Aboriginal land will come out of the Aboriginal Benefit Account (ABA) which is 'unacceptable'. He also said that removing the statutory guarantee of funding to the Land Councils could result in the loss of their independence.

Mr Daly acknowledged the importance of the Commonwealth's commitment to improving the economic outlook for Aboriginal communities and townships.

However, he told the Committee that to achieve this objective, there needed to be a greater focus on education, jobs and business development.

"We are not saying that Aboriginal people do not want to own their own homes on their traditional lands," he said.

"But I think we need to look at education first and foremost, then we need to look



Above: CLC Chairman Lindsay Bookie and Director David Ross at the hearing

at jobs.

"Aboriginal people need to own and run their own businesses themselves if they are to become independent. Education is the key to this," he said.

The Senate Committee is due to report back to the Senate on 1 August. After the Committee reports, there may be further changes to the draft legislation before the Senate makes a decision.

### How to find out more about the amendments

If you want more information about the detail of the proposed changes to the Land Rights Act, please contact your local CLC or NLC regional office.

On the the internet, details of submissions to the Senate Committee can be found at: [http://www.aph.gov.au/Senate/committee/clac\\_ctte/aborig\\_land\\_rights/index.htm](http://www.aph.gov.au/Senate/committee/clac_ctte/aborig_land_rights/index.htm)