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## **8. Council Policy Information and Representation**

### **8.1 Council Support**

Full Council and Executive meetings are the primary policy-making forums for the NLC. Members are provided with detailed briefings and analysis of current issues in order to make appropriate decisions on behalf of the people they represent.

The NLC has a small secretariat section to support policy-making, keep members informed, arrange the logistics of council meetings, and ensure that Council decisions are implemented.

The secretariat also provides public information about the council and land rights through the media, the quarterly newspaper *Land Rights News*, information videos and speeches to conferences, community groups and public meetings. The secretariat maintains and promotes the NLC's website at [www.nlc.org.au](http://www.nlc.org.au) which provides access to comprehensive information about land rights and the NLC. The secretariat also maintains close links with a range of community organisations and has been a strong supporter of community-based festivals throughout the Top End.

The Land Council's responsibility to represent the interests and promote the views of traditional owners and other Aboriginal people involves making representations to both the Commonwealth and Northern Territory Governments, preparing submissions to various inquiries, as well as participation in national and international forums.

### **8.2 Significant Policy Issues 2001/02**

#### **8.2.1 Change of Government: Northern Territory**

The election of a Labor government in the NT on 18 August 2001 after 23 years of government by the Country Liberal Party has provided a range of opportunities and challenges for the NLC. Many long-standing issues besetting the land rights agenda were the result of NT Government policy, and the election of a new government opened up the possibility of resolving some of these. The NLC has made a priority issue of the ongoing blockage of community living areas on pastoral land, and at 30 June there is significant progress towards getting Aboriginal people back on their homelands.

Workability reform to the *Aboriginal Land Rights (NT) Act 1976*, and dealing with processing issues and delays under the *Native Title Act 1993*, are also major issues for discussion and resolution. The NLC is committed to working in good faith with the new government to identify mutually beneficial reform both to legislation and administrative processes. The government demonstrated its commitment to a new approach by withdrawing the previous government's appeal over the Kenbi land claim decision, and engaging in discussions over settlement of other long-standing claims.

The issue for the NLC is finding the human and other resources to fully engage in the process of discussion, and achieve long-awaited reforms on structural issues while continuing to fulfil our ongoing day-to-day statutory responsibilities. The NLC has prioritised key areas for resolution with the NT Government within the second year of its term.

#### **8.2.2 Aboriginal Land Rights Act**

The Commonwealth Minister for Indigenous Affairs, Philip Ruddock, released an 'Options Paper' regarding amendments to the Land Rights Act in May 2002. The discussion paper canvassed a large number of issues similar to those covered in the Reeves Report. However, the Minister has indicated that he does not intend to pursue amendments which do not have the support of traditional owners and the Land Councils.

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Following the release of the discussion paper, the NLC embarked on a co-operative process of negotiating “workability” reform of the Land Rights Act with the new NT Government. As a result, the NLC has advised the Minister that further discussions with the Commonwealth Government would be more fruitful when discussions at the NT level have reached conclusion.

### **8.2.3 Native Title**

The NLC made significant progress during 2001/02 in delivering negotiated solutions to outstanding native title issues throughout its regional areas. This achievement is in line with the NLC’s long-held position that the protection of claimants’ native title rights and the provision of employment and training opportunities for Aboriginal people are not obstacles to development.

In December 2001 the Larrakia people achieved national prominence when they signed a pioneering agreement negotiated by the NLC with the NT Government, under which the Larrakia waived their native title claim over the Rosebery/Bellamack area in Darwin’s Palmerston region in return for the right to control their own suburban development project. In June 2002 the newly formed Larrakia Development Corporation proved the merits of the agreement when it announced that financing had been put in place to allow the first stage of an eventual three-stage, \$24 million development to proceed.

In another initiative, the NLC brokered a significant breakthrough in resolving the NT’s backlog of mining and exploration licence applications built up under the former NT Government. Several of the Territory’s biggest exploration companies, including Rio Tinto and De Beers Australia, have signed up to use template native title agreements developed by the NLC to expedite the native title process. Explorers using the expedited procedure now account for 80 per cent of the native title land under ELA in the NLC’s area.

The past 12 months also saw progress in settling remaining issues at the Defence Department’s new weapons testing range at Bradshaw Station and over a number of proposed gas pipeline routes in the NLC’s area. The NLC is confident a native title agreement for Bradshaw will be in place by the end of 2002, while discussions continue in regard to the pipeline projects and the economic opportunities they could offer to Aboriginal people.

### **8.2.4 ANAO Performance Audit**

When approving the Land Councils’ budgets for 2001/02, Aboriginal and Torres Strait Islander Affairs Minister the Hon. Philip Ruddock also asked the Australian National Audit Office to carry out a performance audit of the Land Councils as part of his new Financial Management Strategy. The objectives of the audit are to assess whether the governance structures involving ATSIC, the Aboriginal Benefits Account and the NT Land Councils are appropriate and whether the ABA and Land Councils are effective and efficient in meeting their legislative requirements, specifically in terms of service delivery.

The NLC has cooperated fully with ANAO staff, organising a program of field visits to ensure they saw the full range of work undertaken by the NLC and inviting them to attend Regional Council, Executive Council and Full Council meetings in order to provide a better insight into NLC decision-making processes.

By the end of June 2002 ANAO staff had completed their field work, and it is anticipated their report will be tabled in Parliament by the end of 2002. The NLC has welcomed this opportunity to demonstrate the effectiveness of its operations and is confident the report will lead to positive outcomes, including the provision of extra resources to enhance its on-the-ground programs.

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## 8.2.5 Constitutional Development

The Northern and Central Land Councils, together with ATSIC, published the Indigenous Constitutional Strategy, a document combining the Kalkaringi Statement and Batchelor Resolutions from August and December 1998. This document stands as the most significant statement of Indigenous requirements for constitutional recognition in the country and will continue to inform Territory discussions on statehood and national discussions on constitutional and treaty matters for many years to come.

The new Chief Minister of the NT has indicated that statehood for the Northern Territory will not be an issue for her government in this term.

## 8.2.6 New Tax System

The new tax system continues to pose difficulties for the NLC, particularly in relation to appropriate and secure employment of casual or sessional Aboriginal interpreters and guides. The changes to the Fringe Benefits Tax also continue to impact severely on the NLC's ability to employ staff at appropriate salary levels to provide services to constituents.

## 8.2.7 Commonwealth Grants Commission Inquiry

The CGC Inquiry's report was released in late September 2001 and has recommended major changes to the way Indigenous funding is structured, specifically calling for direct Indigenous involvement in the allocation of Commonwealth specific purpose payments (SPPs) and greater accountability from States/Territories for how these funds are spent.

The report, which identified Aboriginal people living in remote regions as the poorest in Australia, has confirmed the arguments put forward by NT land councils for many years about the misappropriation of Commonwealth payments by the former NT government.

The NLC remains concerned that the report was received by the Federal Aboriginal and Torres Strait Islander Affairs Minister a full five months before it was released into the public domain – a period during which there was a Northern Territory election. Since its release there has been little action from the Minister in relation to the most far-reaching of the report's recommendations, particularly the structural problems of the current funding allocation system.

## 8.2.8 Itinerants Research Project

This project was commenced in 1999 after a series of meetings identified concerns over urban social problems involving people from remote communities, many of them Indigenous, leading "an itinerant lifestyle" in the Darwin and Palmerston region.

Following the establishment of the Project Management Committee – comprising the NT government, ATSIC, AMSANT, NAALAS, NLC and Larrakia Nation – in 2000, a consultant's report was commissioned and launched in February 2001. This report, *The Long Grassers: A Strategic Report on Indigenous 'itinerants' in the Darwin and Palmerston area*, was completed on time and presented to the Committee in November 2001.

The report recommends the implementation of four key strategies, comprising a Patrolling Strategy, an Education and Regional Strategy, an Alcohol Strategy and an Accommodation Strategy, with a Working Party of stakeholders to provide specialist advice for each strategy. Funding submissions have been prepared and forwarded on to ATSIC and the NT Government, while a coordinating office at Larrakia Nation has planned a range of accompanying initiatives.

These include a two-month pilot cultural and tourism program at Darwin's NT Museum and Art Gallery and the Larrakia Ambassadors program which will train Larrakia to provide a visitors' service in the CBD area. Both are expected to be in place within the first half of 2002/03.

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The NT Government and ATSIC have given a positive response to the work of the Committee and it is anticipated that sufficient funds will be provided early in 2002/03 to allow the report's recommendations to be put in place, overseen by a dedicated Project Officer based at the Larrakia Nation office.

### **8.2.9 Marine and Coastal policy**

In comparison with previous years there has been much greater government activity in relation to marine and coastal management in the Northern Territory in the 2001/02 year. The new NT Government has initiated a review of Marine and Coastal Policy and has already begun to progress an initial regional plan for Darwin Harbour under this new framework. Both of these initiatives require NLC input via reference committees and other government liaison.

The government has also agreed to review processes for Indigenous involvement in fisheries management. At the same time the National Oceans Office has indicated that a Northern Region including all Aboriginal coastal land east of a point near Warruwi (Goulburn Island) is to be part of a Northern Regional Marine Plan. The NLC has created a position of Marine and Coastal Policy officer to deal with this growing area of activity and progress traditional owner interest in marine and coastal ownership and management generally.

The NLC has engaged in discussions over the proposed new coastal policy. Meetings have also been held with the National Oceans Office both separately and in conjunction with other land councils in the proposed Northern Planning Region. The NLC is in the process of developing a longer-term strategy for increasing Indigenous involvement in all aspects of marine and coastal management in conjunction with coastal communities and relevant branches within the NLC.