



**JOE MORRISON**  
**Chief Executive Officer**  
**Northern Land Council**

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Good afternoon, Ladies and Gentlemen.

My first duty is to acknowledge the traditional owners of these lands and pay my respects to their elders past and present. I also pay my respects to other elders present here today.

I am joined here by the Chairman and Deputy Chairman of the Northern Land Council, Mr Samuel Bush-Blanasi and Mr John Daly.

Today I want to share my thoughts about a vision, one that places Aboriginal and Torres Strait Islander people in the frame of northern development and trade.

A vision that has Indigenous Australians managing our own programs and comprehensively planning for ourselves the use and development of the lands and waters that our ancestors have occupied for millennia.

A vision that has Indigenous Australians realising our own destinies, free from constant bureaucratic and political interventions.

I believe that northern Australia is in the midst of enormous economic and social change.

In that context, the ongoing traditional connection that north Australian Indigenous people have with their country must be seen as an asset for this nation, and to northern development, not a problem.

The roles of the Northern Territory Aboriginal Land Rights Act, the Native Title Act and the NT Sacred Sites Act are also critical to this endeavor.

Outside a handful of cities and towns in northern Australia, Indigenous people are forecast to become the majority of the population in the north well into the future.

As it currently stands, when Indigenous people are mentioned in planning documents for northern development, the focus on them tends to relate to socio-economic deficits and points to employment prospects supported by education and training as solutions.

This is, I believe, lazy thinking and is entrenched in a contemporary ideological straitjacket which will not benefit northern development and its residents.



The essential requirement for new thinking in this area is an absolute commitment to evidence-based policy, created in partnership with Aboriginal people.

The remedy is comprehensive support for Indigenous governance, risk management and inter-government planning.

Land use planning, agreement-making and development of an Indigenous prospectus for investment in northern Indigenous lands to articulate the kinds of development Indigenous people want should be the primary focus.

Investing in the things that also matter to Indigenous people - living on country, language and culture - are just as important in northern development as gas plants in Darwin harbour, roads and ports.

We cannot choose between soft and hard infrastructure.

Sadly, this vision seems to threaten some entrenched interests.

Today I want to spend some time discussing the nature of those threats, and how we'd like to turn the focus on enabling Indigenous people to take control of their lives by themselves.

Fair warning: I may get a little candid.

Six months ago, a journo at The Australian wrote that I'd adopted an unusually bellicose stance towards Territory and Federal governments.

Last month, the same journo thought I'd shown myself to be, quote, "willing to use my position aggressively where I felt Aborigines are not getting a fair go".

That's odd .... I thought that was my job to do just that, but also to find solutions.

At this stage, though, a little about myself and where I come from.

I was born in a town called Katherine, three hours drive south of Darwin in the Northern Territory.

It was a rough and often racist old town in those days and schooling was not a positive experience for an Aboriginal kid, even one like me who had caring and loving parents who pushed me to take education and then work seriously.

I have many fond memories of travelling to cattle stations as a young boy with my father who worked both as a stockman and as a government extension officer.

My family, like many other Aboriginal families has a long involvement with the cattle industry.



If it wasn't for Aboriginal labour, the industry would not have prospered.

And, after gaining my first real job at the Northern Land Council, I worked elsewhere throughout the following decades in rural and remote settings on land management, Indigenous research, northern development and policy design and implementation.

I was convinced to return to the NLC just some 12 months ago.

The NLC's essential role is to give Traditional Owners a voice and to ensure their property rights are both protected and enabled.

A voice and the tools – legal and anthropological expertise and negotiation skills – to make informed decisions about their land and their futures.

On their behalf, we promote economic development, we seek to create jobs, we seek to improve people's lives.

All development on Aboriginal land under the Aboriginal Land Rights Act requires the NLC to secure the full, prior and informed consent of Traditional Owners.

That covers everything from the establishment of a government office to a commercial venture like a general store, to a new housing project.

And at the NLC, we process and approve bucket loads of those sorts of agreements. We do so with diligence and efficiency, and always with an eye to our statutory duties. It's one of our core business functions.

Here are some figures which illustrate some of what we do:

Last financial year, we facilitated 109 new agreements and distributed \$62 million dollars that derived from the many agreements struck on Aboriginal lands.

These are real, practical examples of the Aboriginal Land Rights Act working, and the importance of consent.

This is also a significant contribution to the Northern Territory economy.

The NLC also employs more than 100 Aboriginal rangers to look after some of the most biologically intact landscapes on the planet.

Their role is vital to the future of the north, because everyone needs healthy country to ensure that our natural and cultural values underpin the thriving tourism, fishing and recreational industries



The NLC was directly created by the Northern Territory Aboriginal Land Rights Act. The organisation is also the Native Title representative body under the Native Title Act.

The Aboriginal Land Rights Act was introduced and passed by the then newly elected Fraser Coalition Government.

It had first been proposed by the Whitlam government the year before - a nice piece of bi-partisan policy, which I suspect would be very hard to achieve today.

To the great credit of the Fraser government, it declined to transfer the Act when the Territory gained self-government in 1978.

Aboriginal people take comfort from its being held in Canberra. They see the Senate as some sort of protection against its erosion.

But the Northern Territory CLP government is still trying to wrestle for control of the Act. It's still trying to get Canberra to surrender the legislation to Darwin.

They call it repatriation, but their language is all wrong because the Act never had its origins in the Territory.

It was ever a Commonwealth Act, born out of a long struggle by Aboriginal leaders across Australia and the Northern Territory, from Yirrkala in East Arnhem Land to Wave Hill over in the Victoria River District.

And, as we approach its 40<sup>th</sup> anniversary, it remains a beautiful thing - a beacon that marks the high point of recognising dispossession, of customary ownership and enduring practice of an ancient culture rooted in the land and waters of the Northern Territory.

The Land Rights Act has made it possible for Aboriginal people to gain freehold title to 50% of the Northern Territory, and now through the Blue Mud Bay decision, almost 90% of the coastline.

But frankly, the Act itself and the important role of Land Councils like the NLC are now under threat. Under threat from the organisation that has been its longstanding and traditional enemy – the Country Liberal Party of the Northern Territory.

Ian Viner QC, the Fraser Government Liberal Minister for Aboriginal Affairs who had carriage of the legislation back in 1976, still remembers the open hostility he encountered from the CLP in the Territory as he shepherded the act through Parliament.

And since then, successive CLP governments in the Territory spent millions and millions of public funds on bloody-minded legal challenges to almost every land claim.

From where we sit, it's in the DNA of the CLP to attack the Land Rights Act and wind back its reach.



And we now face renewed threats from both another CLP government back in power up in the Territory, and in Canberra with a CLP Senator, Nigel Scullion, who sits in Cabinet as the Federal Indigenous Affairs Minister.

From our perspective, the Minister's influence within the Government is completely inconsistent with the goodwill which underpinned the Act's original intent... and the stated desire of the Abbott Government to work constructively with Indigenous Australians to better their future.

It is no accident that Minister Scullion is the first Federal politician from the Northern Territory in any Coalition Government to serve as Minister for Indigenous Affairs.

No other Government has seen fit to ignore the political history of the Territory and allow the CLP to get its hands on the land rights machinery.

And it seems clear to us that the Senator is pursuing an indigenous policy agenda of the Country Liberal Party, rather than the broad-based Coalition policy approach enunciated by Prime Minister Tony Abbott.

And we suspect that his Federal political colleagues have no idea of the implications for business and the resource industry of the Minister's plans to meddle with the Land Rights Act, and further create additional new red tape.

In essence, the Minister proposes to devolve our functions and our resources, but ensure that we remain legally accountable for the outcome.

I just can't fathom how the Federal Government's own policies around public management practice could allow an independent Commonwealth statutory authority like the NLC to become so exposed.

This is not good policy, it's rampant ideology at play.

Just 11 months ago, Minister Scullion tried to have the Senate pass regulations which would have had the effect of devolving important functions of the Territory's land councils to regional corporations.

In our view the regulations fly in the face of the principles of Traditional Owner control, and the principles of risk management which are meant to govern statutory authorities of the Commonwealth.

Those as yet unidentified regional corporations would be doing the fundamental work of land councils, yet would be drawing on our scarce resources to do that.

And what, say, if those regional corporations get into difficulty - go belly-up, or even fail? - as we've seen happen with many Indigenous organisations in the recent past.

Well, we'd be left to pick up the pieces, yet again.



To the Minister's intense annoyance, the Senate in March last year disallowed those regulations, and we at the NLC were very personally abused by him for having successfully lobbied against them.

But, the emasculation of Land Councils like the NLC would see those essential tools I spoke of earlier removed from the hands of Traditional Owners.

It would impede corporate interests like the miners who would rather deal with an independent authority like the Northern Land Council, because they've long come to respect the pragmatic and professional outcomes we achieve.

It would stifle economic development, with Traditional Owners' interests, corporate interests and ultimately the national interest being the losers.

It would lead to under-development.

Still, the Minister seems hell-bent on pushing his agenda again onto the Senate, notwithstanding its inevitable failure in that place – once again.

We take some comfort in the statements made by the Prime Minister from earlier this week. He said "We will not buy fights with the Senate that we can't win unless we are absolutely determined they are the fights we really, really do need to have".

Well, Prime Minister, we would say to you "This would be a fight but it's not one you need to have. We want to work with you, not against you".

Anyway, we say we already have the structures in place to satisfy Minister Scullion's wish for more local decision-making about development on Aboriginal lands.

To explain that, let me describe the composition of the NLC and its democratic representation.

The NLC's supreme authority is its Full Council which is renewed every three years: 78 elected members, men and women, and another five women appointed - a total of 83 Traditional Owners.

There's a lot of knowledge and wisdom on that Full Council, and our bi-annual meetings, which run for the best part of a week, are productive, lively and full of debate.

The Full Council elects an executive of nine members: one from each of the NLC's seven regions, plus an elected chairman and deputy.

And it's those seven regional councils that we're keen to further empower.

Under that regime there'd be no need for Minister Scullion's risky devolution regulations.



But devolution of our powers is not the only front on which this Minister is confronting the NLC.

Howard government amendments to the Land Rights Act in 2006 enabled the Commonwealth to secure 99-year leases over townships on Aboriginal land.

Minister Scullion is pressing for a leasing model which would hand the head lease of community land to a Commonwealth officer called the Executive Director of Township Leasing.

And as an incentive to get communities to surrender their land to Commonwealth control, the Minister is dangling promises of services and infrastructure – basic entitlements of citizenship.

The NLC's advice to our constituents has been consistent: be careful about a township lease, because if you consent to it, it could be the last decision you'll ever make about development on your land.

You'll be handing ultimate control and your property rights to the Commonwealth of your land which you and your ancestors fought hard to get title to many years ago.

The one Agreement in Principle the Minister has managed to achieve is with the Traditional Owners at Gunbalanya in west Arnhem Land.

When the agreement was subsequently explained to them in their own language, Kunwinkju, they came to realise they hadn't understood important ramifications of the Commonwealth offer.

From our point of view, given that we have to be assured that Traditional Owners have given their free, prior and informed consent, it was a revealing exercise.

I get the idea that Traditional Owners themselves are not opposed to township leases as such: it's just that they don't want the head lease to be held by a Commonwealth official.

Traditional Owners want to retain control of the lands they've fought so hard for.

So, what's wrong with their holding the lease themselves? That's an option that the Prime Minister himself didn't seem averse to when he visited Arnhem Land last year.

The model of a township lease held by Traditional Owners at Maningrida has, in fact, been put to the Minister only recently.

But he's staying wedded to an ideology that says the Government must have control.

So what's this exercise by the Minister all about?



Why does he seem so desperately to want a notch on his belt to mark his achievement of a 99-year township lease in our region?

What it really all means is that the NT CLP is eyeing off the NT lands which were put beyond their reach by the Land Rights Act in 1976, and which they failed to recover at self-government in 1978.

Perhaps their intention would be to dispose of these lands on the private market.

I referred before to Mr Ian Viner, the Liberal Party Minister for Aboriginal Affairs who introduced the Land Rights Act back in 1976.

Mr Viner is still at the bar in Western Australia, and he continues to monitor with dread the deteriorating health of the legislation which he continues to champion.

He wrote a piece for our publication, [Land Rights News](#), late last year, and here's his take on the Commonwealth's push to secure 99-year leases.

I quote: "The whole framework and security of traditional Aboriginal land is in danger of being subverted by Government, bureaucracies and people who have no real understanding or sympathy for traditional communal land ownership.

"99-year leases turn traditional ownership upside down," he writes.

"In reality, they put the Commonwealth back into ownership and control of traditional Aboriginal land like it was before the Land Rights Act was passed, as if Aboriginal land had returned to reserve status under Commonwealth control," unquote.

Ian Viner's onto it – crucial property rights are being threatened.

He sees those promises, in his words, as coercion and bribery, no better than the exchange, colonial style, of beads and bangles.

And we believe this spurious agenda is being pursued by the CLP at large.

At the last COAG meeting, the NT's CLP Chief Minister Adam Giles emerged from his barricaded office long enough to set in train an investigation into the tenure and use of Aboriginal lands.

Many of the State governments have now joined the Territory and the Commonwealth in this ambush, which was buried in a COAG communiqué and promulgated without any prior involvement or consent by Aboriginal Traditional Owners or affected people.

Nor have Traditional Owners been consulted about the terms of reference for this so-called investigation.



But what's plain to us is that it'll mean yet another review of the Northern Territory Land Rights Act and of the Native Title Act.

And that's in spite of a firm promise before the last election by the Federal Minister that an Abbott government would not amend or review the Northern Territory Land Rights Act.

Our hope, our plea is that the focus of the Commonwealth Government could instead be on removing roadblocks, not building them.

Take, for instance, the Kenbi land claim, which is a potential major development opportunity for the future of Darwin itself, if Traditional Owners so wish.

The claim has long been recognised, but for it to be enlivened, it needs decisive Government action.

Traditional Owners wait ... and wait, 36 years after the claim was first lodged.

The heartbreaking tragedy of all of this is the distraction and the diversion of resources away from the main game – the advancement of Indigenous Australians.

It seems to me that it's time to knock on the head all these ideologically-driven policy interventions from governments, Federal or Territory, cheered on as they have been by think tanks, vast teams of bureaucrats and commentators who've never got their boots dirty.

Let governments get back to basics and deliver the services and infrastructures that will really improve the lives of Aboriginal people.

Build the much-needed public housing in partnership with Aboriginal people that will allow a healthy economy to develop, reduce slum conditions and improve poor health and overcrowding.

Make sure all that's done consultatively, because that hasn't been the practice in the past.

Like the imposition of policies such as income management that have been shown to have failed their policy objectives.

The answer to that from the Federal Government seems to be to crank up further the management of people's lives and lifestyles - let's quarantine more of those poor people's money, lest they be tempted to take a tippie or a trip to the TAB.

And look at this government's latest proposals to impose work in remote communities.

Past governments of both persuasions destroyed the old and popular Community Development Employment Projects, better known by its acronym, CDEP.



CDEP allowed Aboriginal communities, especially in remote places, to choose to manage their own employment programs.

CDEP was eventually replaced by RJCP, another bureaucratic acronym which stands for the Remote Jobs and Communities Program.

Unfortunately, it's been a spectacular failure.

So, RJCP having failed, as many suspected it would, the Federal government is now proposing a compulsory work for the dole scheme for people in remote communities.

Job seekers will have to continuously engage in work for the dole activities, five hours a day, five days a week, 52 weeks of the year.

Emeritus professor Jon Altman, who has researched the economy of remote Aboriginal Australia for decades, has analysed for us the implications of this program.

He's written that the imagined outcome of these reforms is the harsh disciplining of Indigenous people for forms of labour that are unavailable.

Aboriginal people are to be punished for living differently and remotely on their ancestral lands where there are few mainstream opportunities.

The layers of bureaucracy that impose on the lives of Aboriginal people are staggering; their intrusion is offensive; the benefits are not there.

Nicolas Rothwell, a writer for The Australian newspaper, is one who's caught a whiff of the reaction by Aboriginal people to this abject failure of public policies to effect improvements in their lives.

By the way, I pay my respects to The Australian for its abiding commitment to covering Indigenous affairs - not that I agree always with its editorial line.

Rothwell wrote last month about his perception of something akin to sullen civil disobedience, rebellion even, among Aboriginal communities who've felt besieged by government reforms and interventions, and are now appearing to tune out.

He noted the endemic failure of this government's policies which were meant to engender behavioural change and asked this question: What if the control programs are now generating defiance and sabotage?

Rothwell, it seems to me, has hit on a question that should jolt policy makers into reality.

I've said it before: governments need to extract themselves from the daily lives of Aboriginal people.



Our people are simply over-governed.

Aboriginal people, wherever they live, in the big smoke or in distant outstations, want to engage, they want to be part of modern society.

But if Rothwell's instincts are right, there's something ominous going on out there, and I can understand it.

When governments lose respect, we are all the poorer.

For the least powerful and most impoverished, the withdrawal which Rothwell senses is reflexive.

I am determined as CEO of the NLC to make a difference – to see Indigenous businesses flourish, to see our kids have meaningful and sustainable job opportunities and to proactively pursue social, cultural and economic projects for themselves.

And we at the NLC know we are not alone in these aspirations. The NLC has enjoyed many positive interactions with many Ministers in this Federal Government.

I'd say we enjoy good relations with Greg Hunt, Ian MacFarlane, Eric Abetz, Andrew Robb and the Prime Minister himself, and I thank them for listening.

We have also enjoyed many positive interactions with members from the Greens, Labor and the Independents.

Many traditionally conservative business interests now have an enlightened view about the value of land rights.

For instance, the Northern Territory Cattlemen's Association is working cooperatively with the Northern Land Council to process the huge swathe of Native Title claims over pastoral leases.

Our message is that the NT has the capacity to become a vibrant Indigenous and multi-cultural community.

It is already the second best performing economy of all the States and Territories, with an unemployment rate of 3.6% compared with a national average of 6.1%.

The NT Government was boasting last week that Indigenous jobs growth in remote towns has increased by 14.7% over the past 3 years.

It's claiming that in that period, 5,000 jobs were filled in major remote NT towns.

We have our doubts about those figures, but so much more is possible.



Specifically, the NLC intends to prepare a development prospectus that clearly identifies opportunities for activity on Aboriginal-owned land in the NLC region.

This would consider social, economic and cultural needs.

It would be aimed at identifying, with Indigenous people, where they would like their lands to be developed, how they want their communities to grow, how they want to create meaningful and lasting employment that embraces their culture, as well as their economic aspirations.

No one knows those lands and their profoundly unique heritage better than the Aboriginal people that have lived there for over 50,000 years.

They know the limitations on development better than anyone, and they hold the land in deepest respect.

We want development, but we want it to be ethical.

We want development that's aligned with our environmental and cultural values.

We want development that becomes a lasting legacy for our children.

Very importantly, such a document would offer certainty for would-be investors or potential joint venture partners.

We have discussed this prospectus concept on several occasions with Minister Scullion, who's said he thinks it's a good idea.

I also had the opportunity to discuss the proposal this week with the Trade and Investment Minister, Andrew Robb, who has a deep-seated and long-term commitment to both northern development and the advancement of Indigenous Australians.

I was gratified by Mr Robb's enthusiasm and the offer to work with us as we firm up the concept.

We were also pleased to receive a similar, positive response from the Environment Minister, Mr Greg Hunt, when the Chairman and I met with him yesterday.

And such a concept – obtaining the prior participation and consent of Traditional Owners – will be facilitated by the fundamental representative nature of the NLC and its collective focus on the future.

This is the structure directly under threat by Minister Scullion's misdirected efforts.

When I was growing up during those hey-day years of CLP government, I knew the Northern Land Council as the only forceful voice of opposition in town.



For various reasons we lost that voice in recent years, and it's my mission as the NLC's CEO that our voice be heard again.

Not a naysaying voice, but a positive voice for the 36-plus thousand Aboriginal people who live in the NLC's region, two thirds of them living poorly in regional and remote communities and outstations.

A voice that articulates the future visions of Aboriginal Territorians who want to deliver and contribute to nation building.

That's why we embraced this opportunity to address this esteemed gathering today.

Ladies and gentlemen, in closing my message is twofold.

Firstly, that Governments must take Aboriginal people with them.

They must relearn the art of consultation, compromise and agreement.

The Land Rights Act is very special legislation. It should not be the plaything whereby Government conducts its latest social engineering agenda.

Any change to the Act threatens property rights, and that should rattle all Australians who own property.

Top-down policies have failed miserably, and Aboriginal people know it. They feel it day in and day out.

Secondly, a brighter future can exist.

With goodwill on all sides, Aboriginal and Torres Strait Islander people can be placed squarely in the frame of northern development and trade.

They can be empowered to advance Indigenous health and educational outcomes.

And they can plan for the use and development of the lands and waters that our ancestors have occupied for millennia.

This is a vision for healthy, happy and working communities, something all Australians can be proud of.

The NLC will continue to pursue and advocate for those outcomes as I continue to serve the organisation and its constituents.

Thank you to the National Press Club for the kind invitation to talk today. And thank you all for listening.

Good afternoon.