“IT TOOK US 20 YEARS, BUT WE FINALLY GOT IT!”

Native Title recognised in Pine Creek

Federal Election called for 18 May p18-19

Marion Scrymgour first female CEO p3
**A WORD FROM THE CHAIR**

**F**inally, I would like to welcome Marion Scrymgour as the new Chief Executive Officer (CEO) of the Northern Land Council, the first woman to hold such a position across all NT land councils.

Ms Scrymgour followed a rigorous recruitment process and we are thrilled to welcome on board someone who brings such relevant skills. Marion is no stranger to politics as she was the first Aboriginal woman to be elected to the Legislative Assembly, representing Anula from 2001 to 2012.

It is also great to see Professor Mick Dodson announced as the Northern Territory’s first Treaty Commissioner. Mick has strong connections with the Territory and the NLC and I cannot think of a person more suited to lead the partnership between the Northern Land Council and the Government and the Territory’s Aboriginal people.

Some important milestones have been made in land rights in the last few months. The Aboriginal Land Commissioner’s Report on the review of determinations into Aboriginal Land Claims was tabled in Parliament in February. The report provides advice on 16 longstanding Aboriginal land claims, from as early as 1961, that have been recommended for grant but not yet granted. It was a welcome report for the land council, expressing faith in the NLC’s new permit system which will see recreational fishers wanting to access waters on Aboriginal land. We are pleased the new system is on track to be in place in the third quarter of 2019, as it will modernise the permit application process and be an improvement for both Traditional Owners and visitors.

I was also privileged to attend the native title determination ceremony in Poot Creek this month. The determination ceremony in Pine Creek this month was memorable and a significant milestone for many of the communities that are involved in the process.

Marion Scrymgour became the first female CEO of any NT Land Council

**MARION SCRYMGOUR BECOMES FIRST FEMALE CEO OF ANY NT LAND COUNCIL**

Tiwi woman Marion Scrymgour has been announced as the new CEO of the Northern Land Council, the first woman to hold the CEO position at any Northern Territory land council.

Ms Scrymgour is the former CEO of the Tiwi Islands Regional Council and a former member of the Northern Territory Legislative Assembly. In 2000, she became the first Aboriginal woman to the Legislative Assembly, representing Anula from 2001 to 2012. Prior to her entrance into politics, she was the CEO of the Wur-Wurdjung Aboriginal Health Service and the first CEO of Katherine Women’s Health Centre.

ClC chair Francis Kelly said the appointment of a woman to the Northern Land Council’s top administrative position was a historic achievement and a win for equality. Federal Indigenous Affairs Minister Nigel Scullion congratulated Ms Scrymgour on her “significant” appointment. He said she had the “greatest confidence in her capacity to serve.”

“Knowing that I follow in the footsteps of some of the brightest men who have been in this position, I know I’ve got big shoes to fill, but I think I’m more than up to the challenge,” she said.

**Mick Dodson appointed Treaty Commissioner**

**A** part-time female Aboriginal Deputy Commissioner will also be appointed to assist the Commissioner.

The Yawuru man from Broome has strong connections with the Territory, having been born in Katherine and growing up in the NT. He was a Previous Director of the Northern Land Council. The role of the Treaty Commissioner will be to lead the advancement of a treaty, including consulting with Aboriginal people and organisations across the Territory, and developing a framework for treaty negotiations. Professor Dodson himself will not be negotiating a treaty.

“Not writing a treaty or negotiating a treaty. That’s not the job of a treaty commissioner. My job is to report what people are saying, what they want,” he told Land Rights News.

“I was born in the NT and lived and worked here for over half my life so I feel well equipped for this role. I know it’s a tough challenge, however I am looking forward to talking to Northern Territorians and sharing their views on where we go from here,” he added.

Professor Dodson commenced on Monday 4 March 2019 and under the Commissioner’s Terms of Reference will deliver an interim report and public Discussion Paper within 12 months.

That discussion paper will become the focus of community consultations, with a final report handed down 18 months later. Professor Dodson will travel across the Territory to hear the views of Aboriginal people during that period.

“I’d like to give as many people as possible the opportunity to talk to me and my crew about the Terms of Reference and their reactions to the discussion paper,” he said.

“We’re hoping to develop a plan language version of the discussion paper and also get that translated into major Aboriginal languages that are spoken across the Territory, with the help of the Aboriginal Interpreter Service who giving us that sort of support in kind.”

“I do as much as is within our power and resources to [find out] what the community desire. My view is that big town hall meetings won’t do the job because in those circumstances, too many voices go unheard. What’s essential is people come with a good heart and no locked in positions that will stifle the process form the start,” he said.

Professor Dodson said Aboriginal Territorians were not new to agreement-making and would bring immense experience.

“Let’s not forget we’ve been making agreements or treaties for decades in the Northern Territory, be they for service delivery, be they for land rights, be they for Aboriginal historical connections with the country, be they for treaty about a Treaty. Aboriginal and Torres Strait Islanders across the country have been negotiating agreements with governments at all levels for decades. We’re not new hands to the task, there is considerable experience.”

The Territory Labor Government promised soon after the election in 2016 to advance a Treaty. On 8 June 2018, the Northern Territory’s four Land Councils and the Northern Territory Government signed an historic Memorandum of Understanding (the “Barunga Agreement”), paving the way for consultations to begin with Aboriginal people about a Treaty.

Significantly, the MoU was signed on the first day of the Barunga Sport and Cultural Festival – the 30th anniversary of the presentation of the Barunga Statement to Prime Minister Bob Hawke, who went on to promise a Treaty between the Territory’s First Nations and Australia.

Mr Dodson congratulated the Territory Government for initiating this very important Treaty process.

“I was born in the NT and lived and worked here for over half my life so I feel well equipped for this role. I know it’s a tough challenge, however I am looking forward to talking to Northern Territorians and sharing their views on where we go from here,” he added.

“I’d like to give as many people as possible the opportunity to talk to me and my crew about the Terms of Reference and their reactions to the discussion paper,” he said.

“We’re hoping to develop a plan language version of the discussion paper and also get that translated into major Aboriginal languages that are spoken across the Territory, with the help of the Aboriginal Interpreter Service who giving us that sort of support in kind.”

“I do as much as is within our power and resources to [find out] what the community desire. My view is that big town hall meetings won’t do the job because in those circumstances, too many voices go unheard. What’s essential is people come with a good heart and no locked in positions that will stifle the process form the start,” he said.

Professor Dodson said Aboriginal Territorians were not new to agreement-making and would bring immense experience.

“Let’s not forget we’ve been making agreements or treaties for decades in the Northern Territory, be they for service delivery, be they for land rights, be they for Aboriginal historical connections with the country, be they for treaty about a Treaty. Aboriginal and Torres Strait Islanders across the country have been negotiating agreements with governments at all levels for decades. We’re not new hands to the task, there is considerable experience.”

The Territory Labor Government promised soon after the election in 2016 to advance a Treaty. On 8 June 2018, the Northern Territory’s four Land Councils and the Northern Territory Government signed an historic Memorandum of Understanding (the “Barunga Agreement”), paving the way for consultations to begin with Aboriginal people about a Treaty.

Significantly, the MoU was signed on the first day of the Barunga Sport and Cultural Festival – the 30th anniversary of the presentation of the Barunga Statement to Prime Minister Bob Hawke, who went on to promise a Treaty between the Territory’s First Nations and Australia.

Mr Dodson congratulated the Territory Government for initiating this very important Treaty process.

“I was born in the NT and lived and worked here for over half my life so I feel well equipped for this role. I know it’s a tough challenge, however I am looking forward to talking to Northern Territorians and sharing their views on where we go from here,” he added.

“I’d like to give as many people as possible the opportunity to talk to me and my crew about the Terms of Reference and their reactions to the discussion paper,” he said.

“We’re hoping to develop a plan language version of the discussion paper and also get that translated into major Aboriginal languages that are spoken across the Territory, with the help of the Aboriginal Interpreter Service who giving us that sort of support in kind.”

“I do as much as is within our power and resources to [find out] what the community desire. My view is that big town hall meetings won’t do the job because in those circumstances, too many voices go unheard. What’s essential is people come with a good heart and no locked in positions that will stifle the process form the start,” he said.
The Aboriginal Land Commissioner’s Report on the review of detriment into Aboriginal Land Claims recommended for grant but not yet finalised was tabled in Parliament on Thursday, 21 February 2019.

The report provides advice on 16 longstanding Aboriginal land claims, from as early as 1981, in the Northern Territory that have been recommended for grant but not yet granted. They date from 14 to 38 years ago (1981 to 2004).

Ordinarily the Commissioner would not have a function to perform in respect of claims already recommended for grant. However in July 2017 the Minister for Aboriginal Affairs, Senator the Hon Nigel Scullion, requested the advice of the Commissioner under s 50(1)(d) of the Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA) in relation to the status of detriment issues associated with these claims.

Settlement negotiations will be assisted significantly by the detriment review.

Twelve of the 16 claims relate to land which comprise beds and rivers of various and the interzonal land. Major submissions on detriment concern the interests of recreational and commercial fishers, and of pastoralists – represented by the Northern Land Councils and other stakeholders.

The new system is expected to be in place later in the year, and is currently developing a new and easy-to-use permit system that will better protect Aboriginal rights and interests and better serve the needs and interests of visitors to Aboriginal land.

The new permit system will improve management and regulate access to traditional lands; ensure visitors understand their obligations under the law and are safe and informed while visiting Aboriginal land; protect and promote Aboriginal rights, interests and culture, and promote mutual respect between Traditional Owners and visitors; enable NLC and Traditional Owners to track trends in visitor numbers, feedback and compliance hotspots; and be modern, intuitive, responsive and reliable.

The Aboriginal Land Rights News • Northern Edition April 2019 • www.nlc.org.au

Report into detriment review tabled in Parliament

On behalf of traditional owners, which would allow activities to continue after the grants of the claimed areas.

For recreational fishers, activities could continue thanks to a permit system administered by the NLC. In the report, the Commissioner says the NLC’s proposed system is a satisfactory one, both in its ambit and in its procedures.

While a permit system has been in place for many years, NLC constituents and the public have been calling for improvements for some time. The NLC is currently developing a new and easy-to-use permit system that will better protect Aboriginal rights and interests and better serve the needs and interests of visitors to Aboriginal land.

The new permit system will improve management and regulate access to traditional lands; ensure visitors understand their obligations under the law and are safe and informed while visiting Aboriginal land; protect and promote Aboriginal rights, interests and culture, and promote mutual respect between Traditional Owners and visitors; enable NLC and Traditional Owners to track trends in visitor numbers, feedback and compliance hotspots; and be modern, intuitive, responsive and reliable.

The new system is expected to be in place later in 2019, ensuring a long lead time to add areas to the permit system as land is granted and instructions obtained.

While the Commissioner concedes one ongoing detriment will be the need to obtain a permit, he says “This is a minor matter where it can be obtained, on-line, and there are a range of options to suit most fishing needs.”

The other ongoing detriment will be the fee payable for the permit, after a generous moratorium period. “That too is a minor matter, not shown to be significant except in a general way and which should not impede the significant majority of fishers.

In relation to pastoralists, the NLC has proposed a licence to allow pastoralists to carry out their activities in the use of the claimed areas.

Under section 11A of ALRA, agreements can be made between the NLC and another party that only come into effect if and when the land is granted.

The view of the NLC is that the agreements would be mutually beneficial and we welcome the opportunity to work with pastoralists toward this goal.

The Commissioner has outlined that the proposal from the NLC appears to be a satisfactory one.

The Commissioner’s recommendation is that such detriment claims should not stand in the way of the grants of the lands claimed.

Senator Scullion said in a statement “All parties with an interest in the land claims reported on by the Commissioner will be given the opportunity to comment on the report before the Minister makes any decision about whether to proceed with the recommendations for grants of land under the Aboriginal Land Rights (Northern Territory) Act 1976.”

“It is critical that this many years into the process we do all we can to help settle outstanding claims to provide certainty and opportunity to all Territorians. I also maintain my commitment to work with all stakeholders to ensure that detriment issues are resolved.

“My commitment to the resolution of outstanding land claims has been supported by additional investment in the Aboriginal Land Commissioner, Northern Territory Land Councils and other stakeholders.”

The Wagiman and Jawoyn Bolmo, Matjba and Wurrkbarbar groups have been recognised as the native title holders of the town of Pine Creek at a determination ceremony held on country, two decades after the first claim was lodged.

More than 160 people gathered at Heritage Park on 9 April 2019 as Justice White of the Federal Court recognised mostly exclusive native title in and around the town of Pine Creek, covering an area of approximately 12 km². It was the first time the Federal Court has sat in Pine Creek.

It was a day of celebration for senior Wagiman Elder George Jabul Huddleston who, along with his brothers made one of the first claims to native title over Pine Creek.

“It is a really important thing. We like to get it back this country. I’m happy. For my mum and dad, my brothers I’m happy,” he said. “Of my four brothers, I am the only one left. I went four times for hearings to give evidence. I am happy to get back the land.”

Senior Wurrkbarbar woman Bovvie Coleman said it had been a long battle but justice had finally been won.

“It took us 20 years, but we finally got it,” she said. “All the years I grew up in this town we had voice. We finally got there. I learnt a lot from the senior women and men. They started it off. We finished it off.”

For the claimants and their families, the resolution of their native title claim over Pine Creek is an important milestone for three reasons.

Firstly, it recognises the traditional ownership of the Town of Pine Creek by the Wagiman people and the Jawoyn Matjba, Bolmo and Wurrkbarbar groups through their shared connection to the land.

Secondly, the determination recognises the native title claimants always had, and still have, a special relationship with, and traditional rights in, the land and waters of the claim area.

Thirdly, it provides the native title claimants with an opportunity to have input into any future uses of their country. It also is significant for the children and grandchildren of those persons who will carry this legacy into the future.

Mick Markham, Jawoyn elder, said the decision would bring certainty for the future of the town. “Thank you to our elders who fought this for 20 years. They started this. And it’s a special day of remembrance for them. This determination will free up a lot of the blocks here.”

People from the communities can move in and buy a block, and live in this town,” he said.

For the native title claimants, the determination marked the end of a long journey started by some of those who were present and many more who have since passed. A minute of silence was held to recognise those who have passed away since this process began.

The Closing the Gap Strategy was introduced by former Prime Minister Kevin Rudd in 2008 based on extensive consultations with the Commonwealth, state and territory governments. It is a long-term strategy aimed at achieving equality between Indigenous and non-Indigenous Australians in terms of life expectancy and other important measures, set out the following seven targets:

- Close the gap in life expectancy by 2031
- 95% of all Indigenous four-year-olds enrolled in early childhood education by 2025
- Halve the gap in child mortality by 2025
- Halve the gap in school attendance by 2025
- Halve the gap in reading and numeracy by 2025
- Halve the gap in Year 12 attendance by 2025
- Halve the gap in employment by 2025

National, two targets, early childhood education and Year 12 attendance, are on track to be met in the Northern Territory, just one on track.

Northern Territory

Of the five jurisdictions with acceptable quality of Indigenous mortality data, the Northern Territory continued to have the highest Indigenous child mortality rate (150 per 100,000) over the period 2013–2017. In the Northern Territory the number of Indigenous children enrolled declined by 5 per cent, and the proportion of Indigenous children enrolled declined by more than 2 percentage points during 2015 and 2017.

Close the Gap refresh

2018 marked ten years since the Closing the Gap Strategy was introduced, aimed at achieving equality in life expectancy and other measures of wellbeing between Indigenous and non-Indigenous Australians. The Strategy is being currently reviewed, or refreshed.

In the Northern Territory, only one target is on-track to be achieved.

In 2018, Prime Minister and Cabinet (PM&C) consulted in respect of the refreshed Closing the Gap Strategy by obtaining public feedback through surveys and consultations held in capital cities, and obtained feedback via submissions. The NLC was concerned at the lack of genuine Indigenous engagement during this review process, and it was concerned that the feedback obtained through consultation would not include input from any Indigenous representative bodies, and that the feedback obtained through consultation would not be bearing on the process of refreshing the Closing the Gap Strategy.

On 30 April 2018, the NLC, together with the CLC, made a submission to PM&C which criticised the lack of genuine engagement with Aboriginal and Torres Strait Islander peoples, and the need for a partnership between government and Indigenous peoples to develop a refreshed Closing the Gap Strategy. Amongst other matters, the Submission raised concerns include:

- The lack of a governance structure, which should be established by COAG and which should include 'representation of national Indigenous peak bodies and which has direct input in respect of the design and implementation of the Reframing consultation process'; and
- The lack of genuine Indigenous engagement by COAG in the Closing the Gap Refresh process. The NLC and CLC submitted that the content of the consultations, as well as what, who and where consultations will take place, is being unilaterally dictated by COAG without agreement with any Indigenous representative bodies.

Concern in respect of the lack of Indigenous engagement and a lack of commitment to working in partnership was raised amongst the Indigenous sector, led to a meeting of representatives from Indigenous organisations in the Northern Territory to commit to genuine engagement and partnership in the review of the Closing the Gap Strategy.

The NLC has joined with other Aboriginal organisations nation-wide to successfully lobby the Prime Minister and First Ministers of each State and Territory to agree to partner with an alliance of Aboriginal organisations to co-design, monitor and review a refreshed Closing the Gap Strategy.

Led by Ms Pat Turner, CEO of National Aboriginal Community Controlled Health Organisation (NACCHO), 35 Aboriginal peak organisations and statutory bodies nation-wide have formed a Coalition of Peaks to lobby the Prime Minister and First Ministers of each State and Territory to commit to genuine engagement and partnership with the Coalition of Peaks in forming the refreshed Closing the Gap strategy.

National Partnership Agreement signals new approach

On 12 December 2018, during a meeting between COAG and CLC, the Prime Minister and Cabinet announced National Partnership Agreement on Closing the Gap between the Commonwealth State/ Territory Government and Aboriginal and Torres Strait Islander organisations. The National Partnership Agreement establishes the Joint Council which is made up of Commonwealth, State and Territory Government and Aboriginal and Torres Strait Islander communities.

The Partnership Agreement was reached with an alliance of Aboriginal organisations, including the Australian Local Government Association and the Australian Health Ministers’ Conference, and will be signed by the Prime Minister and State and Territory Premiers and, 4 specialists from Health, Law and Justice, Education and Families and Economic Development. Ms Pat Turner from the Coalition and Mr Ian Anderson (Cth) are the Co-Chairs of the Joint Council.

On 25 March 2019, the Prime Minister of Australia, the Hon Scott Morrison MP, signed the National Partnership Agreement and wrote to the Coalition of Peaks and State and Territory Governments. The Australian Capital Territory was next to sign which gives force to the National Partnership Agreement and an adoption of the Coalition of Peaks by the four Parties (Commonwealth) and the Australian Capital Territory Governments along with the Australian Local Government Association have also signed the Agreement. The other States have agreed to sign and are going through Cabinet approval processes – with Victoria waiting to see the outcome of the Commonwealth Election. The Aboriginal Peak Organisation NT representative on the Joint Council was determined to drive change on Closing the Gap.

A Partnership Working Group reports to the Joint Council and was established to drive implementation of the National Partnership Agreement on Closing the Gap, the decisions of the Joint Council and the frameworks in order to judge whether the framework, set targets and monitor the framework.

Building on that December decision, the Prime Minister and Cabinet announced a National Partnership Agreement on Closing the Gap between the Commonwealth State/ Territory Government and Aboriginal and Torres Strait Islander organisations. The National Partnership Agreement establishes the Joint Council which is made up of Commonwealth, State and Territory Government and Aboriginal and Torres Strait Islander communities.

The Partnership Agreement was reached in response to the national Cabinet approval processes – with Victoria waiting to see the outcome of the Commonwealth Election. The Aboriginal Peak Organisation NT representative on the Joint Council was determined to drive change on Closing the Gap.

The government signals new commitment and new approach to reviewing the National Indigenous Reform Agreement on Closing the Gap. The National Partnership Agreement establishes the Joint Council which is made up of Premiers/First Ministers of each State and Territory (in COAG) including the Australian Local Government Association and the Australian Health Ministers’ Conference. The Commonwealth, State and Territory Premiers – and 4 specialists from Health, Law and Justice, Education and Families and Economic Development. Ms Pat Turner from the Coalition and Mr Ian Anderson are the Co-Chairs of the Joint Council.

On 25 March 2019, the Prime Minister of Australia, the Hon Scott Morrison MP, signed the National Partnership Agreement and wrote to the Coalition of Peaks and State and Territory Governments. The Australian Capital Territory was next to sign which gives force to the National Partnership Agreement and an adoption of the Coalition of Peaks by the four Parties (Commonwealth) and the Australian Capital Territory Governments along with the Australian Local Government Association have also signed the Agreement. The other States have agreed to sign and are going through Cabinet approval processes – with Victoria waiting to see the outcome of the Commonwealth Election. The Aboriginal Peak Organisation NT representative on the Joint Council was determined to drive change on Closing the Gap.

A Partnership Working Group reports to the Joint Council and was established to drive implementation of the National Partnership Agreement on Closing the Gap, the decisions of the Joint Council and the frameworks in order to judge whether the framework, set targets and monitor the framework.

Building on that December decision, the Prime Minister and Cabinet announced a National Partnership Agreement on Closing the Gap between the Commonwealth State/ Territory Government and Aboriginal and Torres Strait Islander organisations. The National Partnership Agreement establishes the Joint Council which is made up of Commonwealth, State and Territory Government and Aboriginal and Torres Strait Islander communities.

The Partnership Agreement was reached in response to the national Cabinet approval processes – with Victoria waiting to see the outcome of the Commonwealth Election. The Aboriginal Peak Organisation NT representative on the Joint Council was determined to drive change on Closing the Gap.

The National Partnership Agreement signals new approach to reviewing the National Indigenous Reform Agreement on Closing the Gap. The National Partnership Agreement establishes the Joint Council which is made up of Premiers/First Ministers of each State and Territory (in COAG) including the Australian Local Government Association and the Australian Health Ministers’ Conference. The Commonwealth, State and Territory Premiers – and 4 specialists from Health, Law and Justice, Education and Families and Economic Development. Ms Pat Turner from the Coalition and Mr Ian Anderson are the Co-Chairs of the Joint Council.

A Partnership Working Group reports to the Joint Council and was established to drive implementation of the National Partnership Agreement on Closing the Gap, the decisions of the Joint Council and the frameworks in order to judge whether the framework, set targets and monitor the framework.

Building on that December decision, the Prime Minister and Cabinet announced a National Partnership Agreement on Closing the Gap between the Commonwealth State/ Territory Government and Aboriginal and Torres Strait Islander organisations. The National Partnership Agreement establishes the Joint Council which is made up of Commonwealth, State and Territory Government and Aboriginal and Torres Strait Islander communities. The Partnership Agreement was reached in response to the national Cabinet approval processes – with Victoria waiting to see the outcome of the Commonwealth Election. The Aboriginal Peak Organisation NT representative on the Joint Council was determined to drive change on Closing the Gap.

The National Partnership Agreement signals new approach to reviewing the National Indigenous Reform Agreement on Closing the Gap. The National Partnership Agreement establishes the Joint Council which is made up of Premiers/First Ministers of each State and Territory (in COAG) including the Australian Local Government Association and the Australian Health Ministers’ Conference. The Commonwealth, State and Territory Premiers – and 4 specialists from Health, Law and Justice, Education and Families and Economic Development. Ms Pat Turner from the Coalition and Mr Ian Anderson are the Co-Chairs of the Joint Council.

About us

We are the National Aboriginal and Torres Strait Islander peak organisation that represents more than 150,000 Indigenous Australians. We are determined to do all that we can to help ensure Closing the Gap is achieved. We are determined to do all that we can to help ensure Closing the Gap is achieved.

We are determined to do all that we can to help ensure Closing the Gap is achieved.

We want to ensure our views are considered equal and that we make decisions jointly.

We cannot continue to approach Closing the Gap in the same old ways. The top-down approach has reapplied disappointing results as evidenced by the lack of progress of previous strategies to reach their targets.

We must not lose sight of the most crucial point of Closing the Gap, which is to improve the everyday lives of our people. We must ensure our people are no longer burdened with higher rates of child morbidity, literacy, numeracy and employment outcomes, along with substantially lower life expectancies.

On yesterday the floor of Parliament, the Prime Minister said that this will be a long journey of many steps. And I say, we have been walking for centuries. We have journeyed far and we will keep walking forward and climbing up until we reach a place where we are all on equal ground.

I also heard the Leader of the Opposition say that the burden of change needs to be carried by non-Indigenous Australians in acknowledging that racial still exists, that our justice system is deeply flawed and that generational trauma cannot be ignored. At the same time, we have being called to stand up for our men and women, in that way.

And yes, change must come from within our communities but change must also come from the whole of Australia. We must change together.

The time has come for our voices to be heard and for us to stand up and fight for Closing the Gap.

The time has come for our voices to be heard and for us to stand up and fight for Closing the Gap.

The time has come for our voices to be heard and for us to stand up and fight for Closing the Gap.
Top End Wedding opens in Darwin

Top End Wedding had its NT premiere in Palmerston on Thursday 11 April.

The heartwarming romantic comedy tells the story of successful Sydney lawyer Lauren (Miranda Tapsell) and her fiancé Ned (Gwilym Lee). Engaged and in love, they have just ten days to pull off their dream Top End Wedding. First though, they need track down Lauren’s mother, who has gone AWOL somewhere in the Northern Territory.

Miranda Tapsell is a proud Larrakia woman from Darwin who grew up in Kakadu National Park, and is famous for roles in films such as The Sapphires and TV show Love Child. As well as starring in the film, Ms Tapsell also wrote and co-produced Top End Wedding.

She says the journey through the script process was one of empowerment, of taking charge of her destiny.

“It just feels so empowering to be able to make the stories that you want to see. Because that’s what creators are constantly telling young artists like myself to do, to write the stuff that you want to see, especially if it’s not coming your way,” she said.

“I’m extraordinarily proud of what I’ve done and I can’t wait to do more. Our industry is quite a small one here in Australia, so I think it’s really important that you do get involved and you do keep it moving, keep it running. You don’t keep it stagnant in one spot. Because if you wait for stories to happen they’re not going to be the stories that you want. So you can be the one that empowers that.”

She said she thought it was particularly important for young Aboriginal women to see themselves reflected in this movie.

“I feel like a lot of Aboriginal women have their dreams and desires policed and I think that this film gives them permission to dream however big they want and to know the relationships, to know the career that they want and that’s the power of rom coms [romantic comedies], you feel really, really great about yourself. You feel elated when you come out of it so I really hope that all the Aboriginal girls who watch this feel great.”

“Everyone that was around what she had accomplished, getting the film into production. “Everyone that was around into production. “Everyone that was around what she had accomplished, getting the film into production. “Everyone that was around what she had accomplished, getting the film into production. “Everyone that was around what she had accomplished, getting the film into production. “Everyone that was around what she had accomplished, getting the film into production. “Everyone that was around what she had accomplished, getting the film into production.

“The important thing, particularly with Indigenous stories, is that it’s really important to see that we’re not a monolith. We’re not just one, this community is very multifaceted, there’s lots of interactions. So it’s really important for that to be reflected, and it’s important that we get more indigenous writers out there to tell their own individual stories.”

“I feel like a lot of Aboriginal women have their dreams and desires policed and I think that this film gives them permission to dream however big they want and to know the relationships, to know the career that they want.”

Filming ranged across locations including Darwin, Kakadu National Park, Katherine, Nitmiluk National Park and the Tiwi Islands. Miranda Tapsell said being back in the Territory and warmly welcomed by Traditional Owners was a wonderful experience. At the Palmerston premiere she told Land Rights News: “It was incredibly special. So many people were behind it. Everyone was willing to lend a helping hand. That was so great because it was such an ambitious film to make but I knew that we needed so many people behind it and particularly the Tiwi community but I’m also so grateful that the Kaurna in Adelaide, the Mirarr in Kakadu and the Jawoyn in Katherine and the Larrakia here in Darwin supported it 100 per cent and they just knew that this film was going to celebrate them and so they were just behind it 100 per cent.”

In all places, there was important liaison with the local Aboriginal communities, the producing team ensuring that permits and approvals were granted to film and that due respect was paid to the original owners of the lands and the current residents of the communities.

Producer Kate Crosier worked with the Kakadu National Parks team and the Kakadu locals. “It was a period of about six months before the film shot, making regular trips, probably once or twice a month going up to Kakadu, which from Adelaide took 24 hours to get there and back just for one meeting. But it was really worth it because we really managed to show people how serious we were about showcasing the beauty of their country and telling the story in a respectful way.”

Director Wayne Blair said at the Palmerston Premiere that while it was challenging for the production to shoot in remote locations and to move such vast distances, filming on traditional lands across the Northern Territory makes the film both unique and authentic.

“It’s a small Australian film but we shot 30 days in the Northern Territory and we started in Adelaide.

“It was absolutely fantastic. The Territory is such a key character in the film and so we did our homework. All the Traditional Owners were so welcoming. It feels so special to be here tonight.”

Disadvantaged Territorians in remote communities will get more new and upgraded houses now that the Commonwealth has agreed to release funding.

Nine months ago the Federal Government promised $550 million to add to the Territory’s $1.1 billion remote housing program.

But Canberra put unacceptable conditions on delivery of the money that would have short-changed Territorians.

Now there is good news.

The crisis in remote housing is too important to be play politics with

By MICHAEL GUNNER*

Disadvantaged Territorians in remote communities will get more new and upgraded houses now that the Commonwealth has agreed to release funding.

Nine months ago the Federal Government promised $550 million to add to the Territory’s $1.1 billion remote housing program.

But Canberra put unacceptable conditions on delivery of the money that would have short-changed Territorians.

Now there is good news.

The Commonwealth has agreed to release the money through a National Partnership Agreement signed on 30 March.

We are getting on with our remote housing program because urgently fixing remote housing is crucial to protecting our most vulnerable communities and securing a safe and happy future for all Territorians.

The full-posture ensure Aboriginal Territorians in remote communities have a place to safely raise a family has been critical to social welfare, mental wellbeing and health outcomes.

A remote housing crisis over previous decades has caused social dysfunction, poorer health and education and deteriorating law and order with serious long term repercussions across the whole of the Territory.

Populations in these communities are increasing and the gap in housing needs will only get worse over time unless drastic action is taken.

In two-and-a-half years the NT Government has made remarkable progress building or upgrading 1,350 houses with many more planned or underway.

The Territory’s budget alone is insufficient to address the crisis in remote housing.

The Commonwealth’s $550 contribution to our remote housing program will allow us to make real and sustainable differences to the lives of Territorians, particularly Aboriginal Territorians.

Aboriginal people will be at the core of work building the homes and reducing overcrowding through the NT Government’s Local Decision Making policy where a growing number of Aboriginal communities are being empowered to control delivery of key services to their people.

The Territory’s four Aboriginal Land Councils will also participate in decisions of broad policy and strategy for remote housing and will be monitoring role in the program.

Already around 50 percent of the workers building and upgrading houses in our remote communities are Aboriginal.

We expect this to increase as our program ramps up in the coming years.

And more kids will get a proper education because they will be coming from homes where they can get a good night’s sleep and arrive at school fed and healthy.

*Michael Gunner is Chief Minister of the Northern Territory

Stay up to date with NLC! www.facebook.com/northernlandcouncil www.twitter.com/nlc www.instagram.com/northernlandcouncil
Land Rights News • Northern Edition April 2019 • www.nlc.org.au

Compensation awarded in Australian first

By Cath McLear*

Twenty years after the native title holders of Timber Creek – five estate groups of the Ngarliwurru and Nungail peoples – filed their original native title claim, the High Court of Australia has awarded them compensation for the loss of native title rights over parts of the land within the town area.

The High Court decision in Northern Territory v Griffiths [2019] HCA 7 of 13 March 2019 comes eighty years after the compensation claim was made in the Federal Court, and stems a path for other groups around Australia to follow.

The Native Title Act 1993 (Cth) provides a clear right to compensation for ‘extinguishment’ of native title. Extinguishment is the loss of native title rights due to government acts acquiring country or granting it to another party. Australians’ right to compensation ‘on just terms’ for government acquisition of property has existed in the Australian Constitution since 1901. However, the law currently only provides for compensation where the extinguishment occurred after 1975, since the passage of the Racial Discrimination Act 1975 (Cth) made it illegal to treat people differently because of their race.

Until the Griffiths decision, it was not clear how native title holders could calculate the amount of compensation to which they are entitled. Now, the High Court has expressed some important principles, which other native title holder groups can interpret for their own circumstances.

The first of the three elements of the Timber Creek claim is economic loss. The High Court, disappointmentingly, noted that the non-exclusive native title in Timber Creek is only relevant to 40% of the value of bushland on privately owned land. This approach provides an award of $320,250 for Timber Creek, measured according to land values at the time of the extinguishment. Previously, the trial judge, Mansfield J, awarded 80% of the freehold value, and the Full Federal Court on appeal awarded 60%. The High Court held that the absence of rights to exclude others from the country or decide how the land may be used were important limitations on the native title and its economic value. The decision does suggest, however, that exclusive native title elsewhere could be valued equally to freehold.

The second element is the interest on the economic loss, from the dates of the extinguishing acts to the date of the court award. The claim was for ‘compound’ interest, that is, the higher interest rate that can be earned on investments, but which was unaccounted in all three courts, with the High Court confirming that ‘simple’ interest applied. Due to the 25 to 39 years since each extinguishing act, the rate of interest is a valuable component of the award, at $910,000. It is rare to receive compound interest in the courts generally, but there could be other native title cases where it is achievable.

The third element is cultural loss – the effect on the claim group’s spiritual connection with the country. It is this aspect of the decision that captures the unique strength of Ngarraywarru and Nungail culture, and guarantees that Australian law recognises the past and suffering caused by extinguishing native title over parts of country. Although the claim group and the NT and Commonwealth governments had agreed early on that the claim should include these three elements, it is a fact of litigation that each side raises different arguments that serve their purposes.

The High Court agreed that the claim group’s spiritual connection with the country existed before the extinguishment, and is not extinguished with extinguishment. It was extinguished with extinguishment. It was extinguished.

The Court adopted Mansfield J’s ‘spiritual connection’ as ‘a view of life and living’, and the High Court recognised that the loss of native title rights is different from any European concept of a loss of land, as it arises ‘under traditional laws and customs which owe their origins and secure a different belief system’.

The decision confirms that ‘the people, the ancestral spirits, the land and everything on it are organic parts of one indivisible whole’. The Court adapted Mansfield J’s description of the claim group’s spiritual connection to country as ‘a single large painting – a single and coherent pattern of belief in relation to a far wider area of land’. The Ngarliwurru and Nungail peoples still possess native title over parts of land or land rights over most of their country beyond the town, and, along with other peoples throughout the region, keep their culture strong. However, the High Court recognised that the extinguishment over blocks of land in Timber Creek has ‘punched holes’ in that painting, damaging the integrity of the cultural landscape.

Thanks to meticulous explorations of country and culture by many senior knowledge holders, particularly Mr A. Griffiths and Mr J. Jones who sadly passed on before this final outcome, the Griffiths decision recognises the interconnectedness of everything on country, rejecting a technical block-by-block interpretation. Recognising the strength of the Ngarraywarru and Nungail peoples’ culture reflects the strength of Indigenous cultures across Australia. The court also confirmed that the loss of native title is ‘permanent and irreplaceable’, and that the loss of native title ‘has ongoing present day repercussions’.

Lorraine Jones, who has been an Applicant on the claim since it began, paid respects to her father and the other old people whose senior knowledge and leadership drove these claims throughout the last twenty years, ‘I really deeply wish that they were still around to see this outcome’.

Lorraine said the ABC, ‘I wish they were here with us today to celebrate, the good news or the bad news.’ Chris Griffiths, whose father gave his name to the case, said that although the reduction in the economic valuation is disappointing, recognition of their spiritual connection was ‘what our old people wanted’. ‘Our culture is still alive, our law still is in the land, our blood is still running in the country, our tears will fall on the land.’

It is possible that other native title holders can achieve higher compensation amounts where they have exclusive native title, or where the area of extinguishment is a larger portion of their country and cultural landscapes, or perhaps where the economic value of use of the land is greater than that in the small town of Timber Creek. This area of law has a long way to develop, and will adapt to the range of unique cultures and circumstances around Australia.

For reasons of time, cost and fair process, focus is already turning to compensation negotiations, and to establishing a system that can support native title holders to access compensation without spending twenty years in the courts.

In the new era of treaty talks, Griffiths also contributes to constitutional considerations of compensation, dispossession, and sovereignty. Traditional owners who cannot access post-1975 native title compensation will certainly lead discussions on redress outside of the present native title system.

To inform these developments, all around Australia, governments, native title holders and other land users such as mining companies are studying the Griffiths decision.

What they will find is binding legal recognition of the real economic value of native title, as well as the unique cultural value of country.

The NLC congratulates all native title holders of Timber Creek, past, present and future for their achievement in paving a way forward for others to follow. They can be proud that, together, they have won compensation on just terms for the current and future generations.

*Cath McLear is a Senior Legal Advisor with the NLC (Northern Land Council) and has assisted in this case since 2017.
The NLC has persuaded the NT Government to take the practice of engaging local Aboriginal people with knowledge of country to participate in the program in their capacity as Cultural Monitors to provide feedback and advice to the Hydraulic Fracturing Inquiry Implementation Taskforce that sits within the Department of the Chief Minister.

The purpose of the Reference Group is to provide:

- Advice to the Northern Territory Government on the implementation plan and its subsequent execution to ensure that the plan aligns with community and industry expectations;
- A forum to share information and provide opportunities for collaboration with key stakeholders and the industry;
- A medium through which key stakeholders can communicate their views about the implementation framework and its subsequent execution directly to the Government.

Ensuring Respectful Consultation, Information and Negotiation

In line with several recommendations submitted by the NLC, the government has recently communicated the following initiatives in relation to consultation and engagement of Aboriginal people regarding the development of onshore petroleum exploration and development in the NT:

- Petroleum companies will have to obtain an Approval of Aboriginal Areas Protection Authority (AAPA) before they undertake specific activities on-country.
- The Government will adopt processes to protect the sub-surface features of a sacred

Petroleum Legislation Amendment Bill 2018

On 29 November 2018, the Northern Territory Government introduced the Petroleum Legislation Amendment Bill 2018 to Parliament as part of its plan to implement all 135 recommendations of the Independent Scientific Inquiry into Hydraulic Fracturing.


The amendments also pave the way for the implementation of the Recommendation 14.18 of the Final Report.

Those recommendations are:

Recommendation 14.12

That the Minister must not grant any further exploration permits unless satisfied that the applicant (including any related entity) has met the conditions of the onshore petroleum exploration and development agreement.

That failure to disclose a matter upon request relevant to the determination of whether an applicant is a fit and proper person will result in civil and/or criminal sanctions under the Petroleum Act.

That an entity should not be approved as a fit and proper person.

That the Bill only partially implements three of the Recommendations and the Explanatory Statement does not provide any reason as to why a staged approach to the reforms is preferred. It does also not explain why amendments to the Petroleum Regulations that came into force on 19 December 2017 were not the subject of this Bill. There is a risk that substantive reform won't be achieved and the Government’s ability to deliver the Implementation Plan in full may be compromised if legislative amendments and other critical reforms continue to be made on an ad hoc basis.

On our Comments: The Bill largely relates to the provisions providing for an appropriate person test. While the proposed changes will put the Northern Territory ahead of other jurisdictions, further amendments are required to ensure that Recommendation 14.12 is fully implemented.

The full submission can be read at www.nlclc.org.au.
SEA COUNTRY PLANNING FINALISED FOR PILOT AREAS

Traditional Owners from Limmen Bight and Maningrida have developed sea country plans to guide the management of tidal waters and aspirations for sea country.

The two plans form part of three pilot projects across coastal waters in Arnhem Land. The third Plan for Blue Mud Bay has been drafted and is awaiting final consultations with Traditional Owners. Each pilot defines decision-making regarding NT coastal and marine areas of the Northern Territory coastline. This is first time Traditional Owners have begun to articulate their interests in sea country using a ground-up approach. The issues raised in the Plans are helping inform current negotiations with the Northern Territory Government and key parties around permanent settlement of the Blue Mud Bay decision.

The Plans give effect to the intent of the Aboriginal Land Rights Act, as confirmed by the Blue Mud Bay case, for Traditional Owners to manage tidal waters. In 2008, the High Court of Australia gave effect to the Aboriginal-owned intertidal zone. The Blue Mud Bay decision recognised Traditional Aboriginal Owner groups have exclusive access rights to 84%, or 6,350 km, of the Northern Territory coastline. The Plans establish aspirations to support Indigenous Protected Areas (IPAs) across the coastal and marine areas of the Northern Territory.

The Maningrida Sea Country plan outlines Traditional Owner aspirations for management of the intertidal zone and associated creeks. Traditional Owners of the Blyth, Liverpool and Goomadeer rivers (Cuthbert Point) in the west to Wayal (Cape Stewart) in the east. It includes tidal sections of the Blyth, Liverpool and Goomadeer rivers and associated creeks. Traditional Owners of this region come from nearby 50 clan groups associated with the coastal region of Junction Bay and Boucaut Bay of the Arfakura Sea. Discussions and planning took place over three weeks of consultation with all affected clan groups.

Marranbala Ranger Group

There are many Indigenous ranger groups across the Northern Territory coastal environments. These groups perform a valuable role in helping Traditional Owners look after country through work such as site protection, coastal surveillance, ecological research and monitoring and bio-security. Many of the Indigenous ranger groups are working in IPAs. The Plan outlines aspirations to establish a Marranbala Ranger Group, and locate it on Marra Country, to help manage country, including implementing the relevant strategies of their Plan.

Marranbala Committee

The first priority of the Marra Sea Country Access and Use Plan is to establish and develop the capacity of a Marranbala Land and Sea Management Committee. The Committee will oversee the Plan’s implementation and help advise on economic opportunities.

Indigenous Protected Areas

Indigenous Protected Areas (IPAs) are places dedicated voluntarily by Traditional Owners for the conservation of cultural and biodiversity resources. They’re recognised by the Australian Government as an important part of the National Reserve System, protecting Australia’s biodiversity for the benefit of all Australians. There are numerous IPAs across the coastal and marine areas of the Northern Territory.

The Manra Sea Country plan outlines Traditional Owner aspirations for a multi-tissue IPA to be established over the land trust, Limmen National Park, Limmen Bight Marine Park and Limmen Marine Reserve. If this happens, Traditional Owners will develop a comprehensive management plan covering all the areas.

Maningrida Sea Country Access and Use Plan

The Maningrida Sea Country Access and Use Plan covers the intertidal areas from Arla (Cuthbert Point) in the west to Wayal (Cape Stewart) in the east. It includes tidal sections of the Blyth, Liverpool and Goomadeer rivers and associated creeks. Traditional Owners of this region come from nearby 50 clan groups associated with the coastal region of Junction Bay and Boucaut Bay of the Arfakura Sea. Discussions and planning took place over three weeks of consultation with all affected clan groups.

Key Aspirations

The Plan establishes aspirations to support and develop local Indigenous fishing operations in Maningrida. Traditional Owners recognise they have the locally formed North Wind Fisheries Management Committee, a grassroots advocacy group. Traditional Owners are seeking a restructuring of fisheries to accommodate local and regional fisheries management, including restocking the area from non-local commercial fishing operations in their waters.

Develop Fisheries Governance Systems

Traditional Owners aspire to integrate local fishing industry representation through the North Wind Fisheries Committee, to have a supported role in NT fisheries management. The Bawinanga Rangers will continue to have an active role in protecting and managing their tidal waters and broader sea country. The rangers need extra resources to effectively manage this coastline into the future.

Indigenous Commercial Fishing Industry

The local Aboriginal Coastal Licence Holders are leading the way in local commercial fishing. They are building business skills operating a fish processing facility as well as a commercial crab licence. The Traditional Owners want this developing industry to be properly resourced to expand their operations. They are also interested in owning commercial barramundi licences and want to see an expansion in the Aboriginal Coastal Licence to include commercial species.

The Blue Mud Bay Sea Country Plan is expected to be finalised in June 2019.

Marra Sea Country Access and Use Plan

The Manra Sea Country plan outlines aspirations to establish and develop the capacity of a Marranbala Land and Sea Management Committee to make future decisions; establishing an Indigenous Protected Area over the Marra Land Trust as well as the two government marine parks off the Limmen coast; and setting up the Marranbala Ranger Group. The Planning committee made up of representatives from the four clan groups met over 6 days, followed by a final consultation meeting.

“We’ve actively managed our country according to custodial responsibilities for thousands of years," the Plan says. “These responsibilities are about respecting country, passing on knowledge and looking after our Dreamings (ancestral pathways), songlines, sacred sites, our law, resources, our kinship and social relationships with each other and with everything on country. These responsibilities cover all of country and we continue to have these responsibilities today.”

“It will mainly be implemented by us and our organisations (existing and proposed), with support from partners. "It’s our intention that much of this Plan will be implemented by our own rangers.”

Who should represent you & your community on the NLC? Would you like to be a Council Member?

We need good leaders to represent your community area – men, women and young people can nominate. The new term is from November 2019 to November 2022.

Notices will be sent to your community, to your current Council Members and local corporations soon and nominations will be called for from July 2019. For more information please call NLC on 89205111.
New NLC permit system: a stronger system for a stronger country

The Northern Land Council (NLC) is developing a new and easy-to-use permit system that will better protect Aboriginal rights and interests and clearly inform visitors about the conditions of entry to Aboriginal land.

Aboriginal land is private land held by an Aboriginal Land Trust for the benefit of Traditional Owners. Traditional Aboriginal owners have the legal right to decide who comes onto their land.

While a permit system has been in place for many years, our constituents and the public have been calling for improvements to the current system to some time.

The new permit system will:
- Regulate access to traditional lands and peoples; and
- Better oversight of visitors to Aboriginal land.

Visitors to Aboriginal land need to understand and accept the legal requirements when seeking permission to visit Aboriginal land, and abide by the conditions of entry.

Benefits of the new permit system
For Traditional Owners
- Better oversight of visitors to Aboriginal land and better control in accordance with the needs of Traditional Owners;
- Ability to better monitor incidents and breaches by permit holders; and
- Regular, comprehensive reports and insights about visitors and the reasons for their visit.

For visitors
- A streamlined process and a transparent and responsive permit system;
- Access to information and advice about Aboriginal culture, communities and land; and
- Clarity about where a permit holder can go and what they can do when visiting Aboriginal land.

Since the enactment of the Aboriginal Land Rights Act and the Native Title Act, approximately 50 per cent of land in the Northern Territory has become Aboriginal-owned, including approximately 85 per cent of the Territory’s coastline.

Asking for permission prior to visiting is the rights and respectful way to access Aboriginal land. Visitors to Aboriginal land need to understand and accept the legal requirements when seeking permission to visit Aboriginal land, and abide by the conditions of entry.

Timeline for the new permit system

The permit system will be rolled out in the third quarter of 2019. The current permit system will continue in parallel as the new system is tested. If you would like to know more about permit reform, email permit.enquiries@nlc.com.au.

Applying for a Permit

Visitors can continue to apply for a permit online, over the phone or over the counter. NLC can be contacted via email permits@nlc.org.au, or at one of the following NLC offices Mon–Fri between 8:30am and 4:30pm:
- Darwin (Head Office): 45 Mitchell Street, Darwin, Phone: 08 8920 5100
- Katherine: 8529 Katherine Terrace, Katherine, Phone: 08 8971 7899
- West Arnhem: 3 Government Building Flinders Street, Jabiru, Phone: 08 8938 3000

Standard permits take up to 10 days to process, complex applications may take longer to process as NLC will have to consult with numerous Traditional Aboriginal Owners.

For everyone

The permit system will be a central database of permit information, so NLC and Traditional Owners can track trends in visitor numbers, compliance hotspots and feedback.

Access to the intertidal zone

For more than 20 years, the NLC has been working with Traditional Owners to improve their rights and interest in looking after their sea country.

In 2008, the High Court of Australia – in a landmark case referred to as Blue Mud Bay – reconfirmed that the intertidal zone is ‘Aboriginal land’ where it falls within the boundaries of a coastal Aboriginal land trust, even when tidal waters periodically cover the terrestrial surface of the grant; and that Traditional Owners have exclusive access rights to ‘Aboriginal land’. Up until then, NT Fisheries had sought to control access to fishing in the intertidal zone.

The Blue Mud Bay determination is significant considering the size of the NT coastline: 5,100 km on the mainland, with offshore islands contributing a further 2,100 km. The Blue Mud Bay decision recognised Traditional Aboriginal Owner groups have exclusive access rights to 84%, or 6,050 km, of the Northern Territory coastline.

Even though this significant right was granted in 2008, intertidal access arrangements have not yet been resolved.

Negotiations on the intertidal zone

User groups, including recreational and commercial fishermen, have enjoyed permit-free open access to Aboriginal-owned tidal waters since the 2008 Blue Mud Bay High Court decision via various agreements and waivers. The current waiver is in place until 28 June 2019.

Negotiations are currently taking place to reach a permanent and comprehensive settlement. Blue Mud Bay. At the NLC’s Full Council Meeting, scheduled for June 2019, the current waiver will be considered for extension pending satisfactory progress of the negotiations to permanently settle Blue Mud Bay.

The representatives of user groups include the NT Seafood Council, the Amateur Fishermen’s Association of the Northern Territory and Fishing Tour Operators.

Where can the public fish on Aboriginal land?

Due to the permit waiver, visitors can access and fish Aboriginal intertidal waters in the Northern Land Council region (the waiver does not apply to Tiwi or Anindilyakwa regions or closed seas). Visitors need to remember that permit free access is only granted for the intertidal waters. A permit is still required if intending to come ashore or otherwise access Aboriginal land.

Since 2011, long-term open access agreements have been negotiated to provide permit-free access to recreational and commercial fishermen for certain Aboriginal-owned intertidal areas in the Northern Territory.

The Northern Territory Government negotiated open access agreements with Traditional Owners for coastal areas with a high incidence of fishing activity. Currently, permit free recreational fishing access is permitted for:
- Malak Malak (Daly River area) – possession limits apply and the area is closed between 1 October and 31 January. The Daly River mouth region consists of the coastline to the boundary of Mabaluk land within the Daly River/Port Keats Aboriginal Land Trust.
- Yanyuwa (Sir Edward Pellew islands area and McArthur River)
- Anson Bay area
- Dhimuru (Nhulunbuy area)
- Thamarrurr (Wadeye/Moyile River area) – intertidal waters from Dooley Point to a point south of the Old Mission including the tidal area of Docherty Island.
- Roche Reef, Middle Reef, Simms Reef, Charles Point and Tall Head during high tide only (Cox Peninsula)
- Grose Island, Beater Island, Turtle Island, Quial Island, Durn-in-mire Island, Bare Sails Island, Indi Island, residual coastline of the Cox Peninsula, except private lease areas and sacred sites.


The agreements were negotiated by the NT Government with Traditional Owners in the coastal areas with high incidence of fishing activity. Overall, Traditional Owners feel that these agreements don’t allow them to participate in decisions about access or management of their sea country, which goes beyond the low tide water mark.

Where can’t the public access?

No fishing access for the public is permitted at:
- Sacred sites or within 100m of sacred sites
- Cape Scott, within the Daly River Port Keats Aboriginal Land Trust
- Upper Finniss River, within the Delissaville Wagait Larrakia Aboriginal Land Trust
- Closed seas in the Milangimi, Crocodile Island and Glyde River area
- Closed seas in the Castlelegh Bay and Howard Island area
- Intertidal zone of Ida Bay, Knife Island and Crocodile Island on the Cox Peninsula area
- 7 Private lease areas

The new NLC permit system will provide clear maps on access and the conditions of access. These maps will be updated as conditions change.

Nurburruwun Nurburruwun: Tagunggul, Adam Miagjuwu, Riweh Niyuru and Chie Nunggurrungku on the SEAL IWA.
The CLP will deliver for Aboriginal people

By Jacinta Nampijinpa Price

Thank you to all Aboriginal people across the Top End who have welcomed me into their homes and communities over the last year. I am excited to be running for Lingan to become the first ever Aboriginal and first woman to represent you in Parliament. We have heard the message that we have to unlock the potential of land rights. The CLP recognises that social and economic outcomes for our communities are critical.

We want to ensure more Traditional Owners are recognised as the rightful owners of their land. We've provided an additional $7.5 million to aid land claims, including for additional legal and anthropology staff.

Aspirations and effort from the traditional owners of the Northern Territory to understand what works for them.

In Parliament, we've also passed changes to the Aboriginal land rights process and I am confident that these will be finalised very soon after the election.

We have championed Township Leasing – and in Territory Labor we have supported local Aboriginal communities taking control through community held township leases.

We are investing in record funding into Indigenous Rangers and have nearly doubled the number of rangers since we have been in government.

Jacinta Nampijinpa Price is the CLP candidate for Lingan.

WE'RE WAKING UP LAND RIGHTS

By Nigel Scullion

One of the great truths in Government. I have been looking in my aim to unlock land rights. I’ve sat down with Traditional Owners from across the Northern Land Council region to understand what works for them.

I have heard the message that we have to unlock the potential of land rights. That we can't improve the social and economic outcomes for our communities without title to our greatest asset, our land.

And we have achieved a lot together.

With the support of the Australian Government, the Northern Land Council and Gunyangara traditional owners have finalised a 99 year township lease for Gunyangara.

Township leases allow traditional owners to make their own decision about their land. And we have supported community organisations to hold township leases themselves.

The Gunyangara arrangement is the first example of how a local Aboriginal corporation can hold and administer a township lease. It is an important step in the Government’s commitment to community led reform.

In Parliament, we’ve also passed changes to the Aboriginal Land Rights (Northern Territory) Act 1976. The changes in the Act have enabled the grant of more than 975,000 hectares of land in the Northern Territory as Aboriginal land.

Five long-standing Aboriginal land claims and a native title settlement can be finalised by these changes. This will affect parcels of land in the Kakadu, Roper River and Anthony Lagoon regions in the Northern Territory.

We made this commitment at the last election, and we’ve kept our word.

We are providing additional resources, so extra $1 million to the Office of the Aboriginal Land Commissioner to work with Local Councils and local stakeholders to drive this work. Over the next four years, they will expand the formation of the 41 introduced land claims across the Territory.

The Northern Land Council represents 39 of the claims.

We’ve boosted the Land Council’s annual operational funding in recent years to perform statutory functions related to land claims, including for additional legal and anthropologist staff.

And we’ve provided an additional $7.5 million to add the settlement of claims over married areas and the headbanks of rivers and ensure any fishing industry and protect all concerns on access are addressed.

We want to ensure more Traditional Owners are recognised as the rightful owners of their land.

To date, almost 50 per cent of the Northern Territory land mass has been granted as Aboriginal land.

Across Australia, native title claims have been finalised over approximately 35 per cent of land.

I acknowledge the work of the Northern Land Council in progressing long standing claims and the ongoing aspirations and effort from the traditional owners of the land.

Together, we are waking up land rights.

By Senator Malindamid McCarthy, Senator for the Northern Territory

At the 2018 Labor Conference in Adelaide, Senator Patrick Dodson announced that a Shorten Labor Government will abolish the failed Community Development Program (CDP). Senator Patrick Dodson, Senator Malindamid McCarthy, Labor leader Bill Shorten and member for Lingan the Hon Warren Snowdon MP.

They congratulated the now Chief and Deputy Chair of the CLP, Sam Watson, who was joined by the Leader of the CLP, Sammy Wilson and Longer he was elected Deputy Chair and pledged a Shorten Labor Government will work closely and cooperatively with the four Northern Territory Land Councils.

“Labor was a Government that introduced legislation for the full legal rights in the NT, and a Shorten Labor Government will continue to work closely with the Land Councils should we be elected,” said Senator Dodson.

“Here in the Uluru Kata Tjuta National park, we have committed to delivering on the Uluru Statement from the Heart in a consultative manner that respects the roles of the Land Councils in shaping the future for generations of traditional owners and all NT. Under Labor, there will be a Voice to the Parliament, and it will be recognised in the Constitution.

“A re-elected Morrison Government will not deliver on this commitment.”

“An A New Labor Government has committed to abolishing the harmful poverty trap of the current Community Development Program and replacing it with a new program geared to the rights, interests and concerns of Aboriginal communities in the Northern Territory,” said Ms Shorten.

Only a Labor Government recognises and supports the rights of traditional owners in Northern and Central Australia to be true partners in the development of Northern Australia, in keeping with their rights and status as land owners in the Northern Territory,” said Senator McCarthy.

After six years in which the Liberals have sidelined the voices of Aboriginal people, chipping funding for community controlled services and failed to deliver on the Closing the Gap Framework, Labor has put forward a series of positive policies to make a difference.

• Abolishing the discriminatory and punitive CDP and working with all Aboriginal and Torres Strait Islander people to replace it with a new program that has an absolute focus on community development.
• Record investments in education.
• Doubling the number of full time Indigenous ranger positions over the next five years.

Over the course of the campaign, Labor will announce our full suite of policies that delivers on our commitment to ensure that First Nations peoples are equal and active partners in the determining the peaceful resolutions which affect their lives.

Most importantly – unlike the Liberals – Labor is committed to investing in a meaningful and respectful partnership with First Nations to build the Territory and to build the future.

By Senator Western Australia Patrick Dodson, Member for Lingan the Hon Warren Snowdon MP and Senator for the Northern Territory Malindamid McCarthy
Launching commercial rockets in East Arnhem Land is one step closer as Equatorial Launch Australia’s (ELA) key Australian customer, Black Sky Aerospace, successfully launched the country’s first commercial rocket from a site in outback Queensland on Wednesday 21 November 2018.

On the historic rocket’s nose cone was a painting by Yolngu artist Dorothy Djakangu Yunupingu, the sister of Gumatj Corporation deputy chair, Djawu Yunupingu. The painting entitled Djupan tells the story of the seven sisters – the constellation of Djupan, or Pleiades. The sisters appear at certain times of the year, an indication that the season is right for gathering food.

At the launch, Mr Yunupingu spoke about Yolngu culture and its link to the stars. He also helped launch small model rockets made of plastic bottles to demonstrate how young people can start learning about rocket science at school in every corner of Australia, including in East Arnhem Land.

Mr Yunupingu said he was proud to represent Traditional Owners at the historic Black Sky Aerospace launch and had been involved in consultations about the proposed Arnhem Space Centre in East Arnhem Land since the early discussions.

“The Arnhem Space Centre is an exciting opportunity for Gumatj Corporation and it opens the door for new opportunities for Yolngu on our country. Gumatj Corporation and Equatorial Launch Australia would like to acknowledge the Northern Land Council for their guidance, hard work, and approval of a lease that supports this opportunity for the region,” Mr Yunupingu said.

ELA is taking considered steps toward making rocket launching a reality in East Arnhem Land, developing Australia’s first commercial spaceport with support from the Gumatj Corporation, Developing East Arnhem Limited and the Northern Territory Government.

Early discussions commenced in the region in 2015, with a Project Facilitation Agreement signed by local groups in 2016. That same year, NASA experts visited the region to talk about best practice and how the area could work for reliable scientific launches going forward. NASA has since released two annual reports noting the opportunity for the East Arnhem site to facilitate sounding rocket launches for their scientific and education related missions.

In 2017, the Northern Land Council commenced formal consultation in the community, eventually completing a process that resulted in approval of the Section 19 lease agreement that enabled the Gumatj Corporation to sublease 60 hectares to ELA for use as a commercial rocket launching facility. The Minister for Indigenous Affairs, Nigel Scullion, gave his consent.

The process of developing the Arnhem Space Centre involves continued discussion with ranger groups about land care and how the project will progress including the planning of launch corridors and landing areas to ensure that local sites of significance are respected. The site and business can start very small, using an area the size of a football field, three concrete pads the size of a house block each, and a few dongas as the infrastructure in place.

Noise from rockets is like a clap of thunder, reducing quickly after take off and as you get further away from the launch site. The safety protocols are very strict for each launch to protect people and the environment. There can’t be more than a 1 in 10 million chance of an impact with humans, and the environment must be cared for in alignment with national environmental protocol. ELA will take this one step further by working with Gumatj Corporation and ranger groups around planning for recovery of rockets and payloads after they have launched.

The benefits of the project are broad. For the local community, these are forecast to include engagement during construction, through to site maintenance and new opportunities in tourism, education, new technologies such as 3D printing and drone flight.

The recent launch out of Queensland was an auspicious opportunity to showcase what can be done in Australia and was a collaborative effort between a truly international community of like-minded and skilled experts in the space industry.”

“Last year’s launch by Black Sky Aerospace demonstrates the commercial focus for the Arnhem Space Centre. CEO of Equatorial Launch Australia, Miss Carley Scott, said at the historic launch: “Everyone involved in the space story in Australia can share in Black Sky Aerospace’s success.”

“The Arnhem Space Centre is an exciting opportunity for Gumatj and it opens the door for new opportunities for Yolngu on our country.”

Establishing the Arnhem Space Centre is the next step. It is a huge effort for a very small team and the community, coming together to see the development of Australia’s first commercial spaceport right here in the Territory. The Arnhem Space Centre will provide the nation and region with a tremendous point of pride that is made stronger through work to continue linking industry with the community into the future,” she said.

The NT Government also recognises the emerging space industry as one of Australia’s most dynamic sectors for growth.

NT Chief Minister Michael Gunner said: “Black Sky Aerospace’s launch is a great example of business, industry and government working together to grow a new and exciting industry in Australia.

“We now look forward to another commercial launch by Black Sky Aerospace, right here in the Territory in 2019.”

Together with traditional owners in the region, the project is taking reasonable steps toward providing opportunities for jobs, inspiration, and continued stories of the stars.
COMMUNITY DEVELOPMENT GOES FROM STRENGTH TO STRENGTH

The community development teams of the Central and Northern land councils met for the first time in February to exchange ideas about how best to support communities that invest their collective income in community-driven projects. The Central Land Council’s (CLC) community development unit hosted the exchange in Alice Springs.

The Northern Land Council (NLC) established a Community, Planning and Development (CP&D) program in 2016 to support Aboriginal land-owning groups to use payments from land use agreements to drive their own development and secure lasting benefits from their land, waters and seas. The program has grown rapidly in the past years with groups that can be quite diverse, according to Alex Gyles, NLC’s Senior Governance and Planning Officer, who started out in the CLC’s team in 2018 and is now working with the NLC’s CP&D program from their Kununurra office.

“We do very similar work, but we work with groups that can be quite diverse,” he said. “While we use the same kind of approach in terms of the framework that we use, different styles, and methods are required so it is really good to put our heads together and talk about those different challenges. There is lots of learning going on,” he said.

The CLC’s new community development manager, Ian Sweeney, said the groups had reached “a very productive two days of workshops during the exchange.

“Both organisations are committed to community-led development and we exchanged a number of strategies to help communities to implement projects that help meet their aspirations,” he explained.

The NLC has some great methods of explaining finances and concepts that we look forward to trying out,”

Strengthening systems

The NLC’s CP&D unit currently works with eight Traditional Owner groups to build Aboriginal capacity, ownership and control. Community development works best when groups of people take action together based on their ideas of what is important, and their knowledge of how to solve problems in their community. Groups can often need assistance, and community development workers bring people together to do good planning, make informed decisions about those plans, make sure they happen, and then review whether the plans achieved their objectives and what lessons have been learnt along the way.

Regular reports are provided to groups so they can discuss how projects are progressing and traditional owners take time every year to reflect on how their planning work is going, and what needs to be improved. At a recent review in Ngukurr, one traditional owner reflected that “We get information and think and make decisions ourselves”, but “we need more regular updates”.

This process will soon be strengthened with the recent announcement in November 2018 of funding from the Australian Government Department for Prime Minister and Cabinet for a three year monitoring project to support a process of critical reflection, assessment and improvement of the CP&D Program.

From 2019-2021 the NLC will partner with La Trobe University and the Northern Institute, Charles Darwin University to actively engage Aboriginal people in participatory methods of monitoring project outcomes.

Through monitoring and evaluation work, Aboriginal people can say what change they want from community development projects and find the best way to measure this change. Then later they can look at whether these changes actually happen.

It is an exciting, ground-up way to check that the CP&D Program is on track and delivering the development aspirations of Aboriginal groups.

SUCCESS FOR BULGUL RANGERS

Brendan Morgan-Armstrong (front left) took home the People’s Choice Award at the Territory Natural Resource Management (TNRM) Awards in November 2018.

Brendan was nominated for his enduring commitment and support of the Bulgul Rangers and partner agencies. His diligent and tireless work in natural and cultural resource management over the past 7 years has set a high standard for others to follow and has gained him much praise from many corners of the NRM sector.

Brendan spent more than 6 months working as the only Bulgul ranger in 2018, but a new recruitment campaign has resulted in four new rangers and a ranger coordinator, Tim Burr Burr, joining the Bulgul ranger group.

The employment of three rangers was undertaken through a community open day in conjunction with Iwokbarr at Batchelor, where participants in the Government’s Community Development Program and the local Bulgul community came together to hear what it’s like to be a ranger, fill out a resume and do an on-the-spot interview.

It was a proud moment for the NLC’s Caring for Country team when Bulgul ranger Brendan Morgan-Armstrong took home the People’s Choice Award at the Territory Natural Resource Management (TNRM) Awards.

Congratulations to Victor Moffatt, Theresa Burr Burr, and Linda Moffatt who were nominated for “Ranger of the Year”. Brendan Morgan-Armstrong was nominated for “Ranger of the Year” in 2019. Brendan later went on to win the People’s Choice Award at the 2019 TNRM Awards.

Bulgul Rangers are now developing fee for service contracts with third parties, including a subcontract for maintenance services company Sterling, to conduct bushfire spraying. The Bulgul Rangers have also commenced a CERT III Conservation Management (AMFA) to develop the relationship with the Department of Fisheries to better manage Sea Country. They are looking forward to working more with CDU in Land and Sea research and conducting another Junior Ranger program.

Older Bulgul Rangers are now receiving training to work in partnership with CDU in Land and Sea research and conducting another Junior Ranger program.

Older Bulgul Rangers are now receiving training to work in partnership with CDU in Land and Sea research and conducting another Junior Ranger program.
The NLC Caring for Country Branch’s Senior Ranger and Coordinator Workshop took place in Darwin from 19-21 February.

NLC Senior Rangers, Ranger Coordinators, Indigenous Protected Area (IPA) Coordinators and support staff came together to share ideas, experiences and priorities, reflect on the year and begin planning for 2019.

Assistant Coordinator for Malak Malak Rangers Sheila White said: “It is good to be in a room with people from different backgrounds sharing knowledge, experience and highlights in a safe space. Talking about respect for each other, our Traditional Owners and our country, as well as helping me to think about what career pathways I can take western way too.”

The Caring for Country branch hosts and provides administrative support for 12 land and sea ranger groups and supports joint management of national parks and management of IPAs. Assisting Traditional Owners to manage cultural, land, sea and natural resources in a sustainable manner is a key objective of the NLC.

Winston Thompson and Julie Roy, Assistant Coordinators at Yugul Mangi Rangers said the workshop was a great opportunity to learn more about each other.

“It has been good to hear more about what is going on in the land council and other ranger groups. We share a lot of the same barriers and face the same obstacles and this workshop gives us the opportunity to work together to overcome these.”

Above: Yugul Mangi Ranger Winston Thompson, Garawa Ranger Donald Shadforth and Wudicupildyerr Ranger David Hewitt.

Left: Ranger coordinators gather during the workshop.