



Northern Edition

LAND RIGHTS NEWS

NORTHERN
LAND COUNCIL

Our Land, Our Sea, Our Life

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"IT TOOK US 20 YEARS, BUT WE FINALLY GOT IT!"



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A WORD FROM THE CHAIR

Firstly 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.

Marion's appointment followed a rigorous recruitment process and we are thrilled to welcome on board someone who brings such relevant skills. Marion is no stranger to firsts as she was the first Aboriginal woman to be elected to the Legislative Assembly, representing Arafura 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 process for a Treaty between the Northern Territory 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 detriment into Aboriginal Land Claims was tabled in Parliament in February. The report provides advice on 16 longstanding Aboriginal land claims, from as early as 1981, 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 satisfy 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 Pine Creek this month where the Wagiman and Jawoyn Bolmo, Matjba and Wurrkbarbar groups were recognised as the native title holders. It was an incredibly happy occasion to celebrate with friends and family. I would like to thank NLC lawyers, in particular David Spicer-Harden, for their commitment to securing this victory.

In the last week a Federal Election has been called. While the goings-on in Canberra can often seem far away, votes in the bush do make a real difference in deciding the future of our regions. The electoral roll is missing 42% of the Indigenous population and 36000 Territorians are not enrolled, so I encourage all countrymen and women to make sure their details are up to date by calling 13 23 26 or visiting www.aec.gov.au.

Speaking of elections, we also have the Northern Land Council elections coming up in the second half of this year. We are committed to seeing more women and young people elected to Council. Nominations will be called from July so start thinking now about who you would like to represent your community. The new term will run from November 2019 to November 2022.

And finally thank you to our council members, constituents and staff for their support and patience during a period of immense change. We are a strong council and will be stronger still as we move into this next phase under Marion's leadership.

Samuel Bush-Blanasi

Chairman



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 be elected to the Legislative Assembly, representing the electorate of Arafura from 2001 to 2012.

Prior to her entrance into politics, she was the CEO of the Wurlu-Wurlinjang Aboriginal Health Service and the first CEO of Katherine West Aboriginal Health Board. She co-ordinated community care trials and health service provision throughout the Katherine West region.

"I am realistic that there are big challenges ahead but I look forward to working with the Executive and the Full Council and getting around the regions to meet council members, staff and constituents," said Ms Scrymgour.

"Knowing that I follow in the footsteps of some giant 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.



"Hopefully we can go forward now and give some stability; it's in the interest of Aboriginal Territorians that we do that."

Chairman of the NLC Samuel Bush-Blanasi said: "We welcome Marion's return to the land council after too many years away and look forward to working closely with her during the years ahead."

Ms Scrymgour previously worked at the NLC from 1985-1989.

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 he had the "greatest confidence in her capacity to serve".

"The NLC is one of the most important organisations in the Territory and has a critical role representing Aboriginal people in the Top End and delivering better outcomes for Indigenous communities," Minister Scullion said.

Mick Dodson appointed Treaty Commissioner



Professor Mick Dodson has been announced as the Northern Territory's first Treaty Commissioner, tasked with leading the process for a Treaty between the Northern Territory Government and the Territory's Aboriginal people.

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.

"I'm 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 to from here."

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 the 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 whose giving us that sort of support in kind."

"I'll 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 from 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, access to Aboriginal land, be they for native title.

"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 Commonwealth and Australia's Indigenous peoples, but has remained undelivered.

The appointment of an independent Treaty Commissioner formed part of the terms of the MoU.

All four NT Land Councils and the Minister for Aboriginal affairs supported Professor Dodson's appointment.

Northern Land Council interim CEO, Mr Jak Ah Kit said: "Professor Dodson is the most qualified person for this position because of his outstanding contribution to the community to date."

"He has proved himself to be an outstanding citizen, assisting our country to progress in many ways, particularly in bringing Indigenous and non-Indigenous people together.

"This is an important opportunity to reset the relationship between the Territory's First Nations and the Government," said Mr Ah Kit.

The Treaty Commissioner will determine:

- What a Northern Territory Treaty will seek to achieve
- Whether there should be one or multiple treaties
- The best model for a Treaty in the Northern Territory
- What outcomes are possible under a Treaty for Aboriginal people
- What the best process is for negotiating a Treaty
- The potential contents of any Treaty in the Northern Territory.

The Treaty Commissioner will be responsible for:

- Consultation with Aboriginal people on their support for a Treaty
- Consultation with Aboriginal representative bodies and community groups
- Developing a suitable framework to further Treaty negotiations with the Northern Territory Government
- Recommend the best of Aboriginal representation in any future Treaty negotiations
- Ensure non-Aboriginal Territorians are informed of the process

The Territory Government has provided around \$3 million for the Treaty Commissioner role and associated operation costs.

Professor Dodson said while adequate resourcing had been secured for the first 12 months, Professor Dodson said a review will need to take place to decide the needs for the following 2 years.

"Obviously getting out bush so to speak is going to cost money and I want to touch as many places in the Territory that we can within our resources and that may cost more than the present allocated resources."

"My view – and I've made it clear to the Chief Minister and the bureaucrats – that I think that for that second process of consultation we will need a top up of resources.

"The Territory's a vast place, it's 750,000 square kilometres. That's about four or five times the size of Western Europe. It's a lot of dirt."

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

"Anyone who has listened to me talk publicly knows that I am concerned with what I call "the unfinished business". A Treaty is a good place to start with addressing this unfinished business.

"We as a nation must come face to face with our dark and traumatic history. We must confront the impact of colonisation and begin the process of acknowledgement, recognition and healing. The NT has embarked on dealing with this task by this courageous step of setting up this Commission."

Report into detriment review tabled in Parliament



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 banks of rivers and/or the intertidal zone.

Major submissions on detriment concern the interests of recreational and commercial fishers, and of pastoralists – represented by the Amateur Fishermen's Association of the NT (AFANT), the NT Seafood Council (NTSC) and the NT Cattlemen's Association (NTCA).

The report notes that the concerns of recreational fishers and pastoralists can be accommodated by adopting the proposals put forward by the NLC

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."

"IT TOOK US 20 YEARS, BUT WE FINALLY GOT IT!" Native Title finally recognised in Pine Creek



Senior Wagiman Traditional Owner George Jabul Huddleston at the ceremony.



Wagiman and Jawoyn native title holders with Justice White.



Wagiman woman Daphne Huddleston cuts the cake after the ceremony.



Senior Wurrkbarbar woman Bessie Coleman (left) with friend.

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 12km². 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 some of the first claims to native title over Pine Creek.

"It's 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 Bessie 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 no 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 is also 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.

"I would like to pay respects to the old ones who have passed and are not here to celebrate this achievement, to getting the land back after 20 years," said Wagiman woman Elizabeth Sullivan.

"I celebrate this success and significant milestone in Wagiman history in knowing that Pine Creek and its surrounds have been returned to the Wagiman people."

Ms Sullivan also paid tribute to NLC staff for their hard work in reaching this day.

"I would like to thank the Honourable Justice White for the return of our traditional lands under Native Title, and the NLC Legal representatives for their perseverance and commitment for pursuing this Native Title Claim on our behalf.

Exclusive possession native title is the highest recognition capable under Australian property law, giving Wagiman and Jawoyn Bolmo, Matjba and Wurrkbarbar native title holders the same rights as private land owners. Existing roads and private land will not be affected by the determination.

As well as exclusive native title, the determination also recognises a right to "access and take resources for any purpose" – i.e. including commercial purposes and not limited to personal or domestic purposes.

This right was first recognised in the Northern Territory in the town of Borroloola in August 2016.

The native title determination in Pine Creek marks the second time the Northern Territory has agreed to recognise this right by consent, following the town of Larrimah determination in October 2018.

A NEW APPROACH TO CLOSING THE GAP

Prime Minister Scott Morrison tabled the 11th Closing the Gap Report in Parliament on 14 February 2019.

The Closing the Gap Strategy was introduced by former Prime Minister Kevin Rudd in 2008 based on two documents signed by the Council of Australian Governments (COAG): the Closing the Gap Statement of Intent, and the National Indigenous Reform Agreement. The strategy, aimed at achieving equality between Indigenous and non-Indigenous Australia in terms of life expectancy and other important measures, sets 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 2018
- Close the gap in school attendance by 2018
- Halve the gap in reading and numeracy by 2018
- Halve the gap in Year 12 attainment by 2020
- Halve the gap in employment by 2018

Nationally, two targets, early childhood education and Year 12 attainment, are on track to be met. In the Northern Territory, just one is 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 (305 per 100,000) over the period 2013–2017.

In the Northern Territory the number of Indigenous children enrolled declined by 2 per cent, and the proportion of Indigenous children enrolled also declined by around 2 percentage points between 2016 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 well-being between Indigenous and non-Indigenous Australians. The Strategy is being currently being 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 the public’s feedback at ‘round table’ 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 perceived that the consultations were run with no input from any Indigenous representative bodies, and that the feedback obtained during consultation would have no 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 people, and the need for a partnership between government and Indigenous people to develop a refreshed Closing the Gap Strategy. Amongst other matters, the Submission raised concern in respect of:

- 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 Refresh consultation process”;

- 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 when, who and where consultations will take place, is being unilaterally dictated by COAG without agreement from any Indigenous representative bodies.

Concern in respect of the lack of Indigenous engagement and a lack of commitment to working in partnership was felt widely amongst the Indigenous sector, led to a number of representatives from Indigenous organisations uniting in late 2018 to lobby governments for genuine engagement and partnership in respect of the refresh 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 evaluate 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 representatives of the Coalition of Peaks in Canberra, the Prime Minister announced COAG’s commitment to partnering with the Coalition in order to jointly establish a framework, set targets and monitor the framework.

Building on that December decision, the Prime Minister has formally announced a National Partnership Agreement on Closing the Gap between the Commonwealth State/Territory Governments and Coalition of Peaks to govern the partnership between the Coalition and COAG.

The Partnership Agreement between COAG First Ministers and the Coalition of Peaks sets out partnership principles, the scope of the matters which are to be agreed between the parties, as well as the framework for negotiating those

matters.

The partnership between COAG and the Coalition of Peaks will involve the creation of a Ministerial Council, and will allow for a jointly-agreed refreshed framework and targets. Before finalisation, targets will need to be agreed by both members of the partnership.

This heralds a nationally significant 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 State/Territory in COAG including the Australian Local Government Association and 12 representatives from the Coalition of Peaks (1 from each State and Territory Peaks – 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 gave affect to the National Partnership Agreement; and on behalf of the Coalition of Peaks, Ms Pat Turner AO, the South Australian and Northern 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 is John Paterson.

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 including resolution of issues referred to it by the Joint Council. The Partnership Working Group is made up of Commonwealth, State and Territory Government and Coalition of Peak representatives who met for the first time face to face on 11 April 2019 in Adelaide. Trish Rigby is the Northern Territory representative on the Partnership Working Group.

The Commonwealth Election announcement will not affect the work done so far and all parties to the National Partnership Agreement are committed to finalising the Partnership Working Group Terms of Reference, forward work plan and it’s approach to review and refresh the 2008 National Indigenous Reform Agreement and forward work plan.

Target	On track? Australia-wide	Northern Territory
Close the gap in life expectancy by 2031	No	No
95% of all Indigenous four-year-olds enrolled in early childhood education by 2025	Yes	No
Halve the gap in child mortality by 2018	No	No
Close the gap in school attendance by 2018	No	No
Halve the gap in reading and numeracy by 2018	No	No
Halve the gap in Year 12 attainment by 2020	Yes	Yes
Halve the gap in employment by 2018	No	No

OUR PEOPLE WILL LEAD THE WAY

On Thursday 14 February 2019, the Prime Minister tabled the 11th Closing the Gap report. Pat Turner AM*, CEO of the National Aboriginal Community Controlled Health Organisation, wrote the following opinion piece for NITV on 15 February 2019.

Our people have watched and waited long enough while successive Governments failed to deliver on the promise of equal standards of health, education and employment. Now a coalition of community controlled, peak bodies are determined to drive change on Closing the Gap.

On the floor of Parliament yesterday, Prime Minister Scott Morrison spoke of a change happening in our country. There is a shared understanding that we have a shared future as Indigenous and non-Indigenous Australians, together. But our present is not shared.

Our present reality and indeed our past, is marred in difference and disparity. This striking disparity in quality of life outcomes is what began the historic journey of the Closing the Gap initiatives a decade ago.

But after ten years of good intentions, the outcomes have been disappointing. The gaps have not been closing and so-called targets have not been met. The quality of life among our communities is simply not equal to that of our non-Indigenous Australian counterparts.

Although I outline troubling realities, I am ever hopeful that change is near. I was heartened by the statement made by the Prime Minister yesterday. For the first time, I heard a genuine acknowledgement of why the Closing the Gap outcomes seem steeped in failure. I heard an acknowledgement that until Aboriginal and Torres Strait Islander people are brought to the table as equal partners, the gap will not be closed and progress will not be made. This is a view that our community has expressed for many years - a view I am encouraged has finally been heard.

Historically, Aboriginal and Torres Strait Islander community leaders have not been equal decision-makers in steering attempts to close the unacceptable gaps between Aboriginal and Torres Strait Islander Australians and the broader community.

Our struggle as community-controlled organisations to sit at the table and have a voice – let alone for governments to actually listen to us – has long been at the crux of the disappointing progress.

Last year, an accord on the first stage of the Closing the Gap Refresh languished because discussions were not undertaken with genuine input from community members. We turned an important corner in December when an historic agreement was reached to include a coalition of peak bodies as equal partners in refreshing the Closing the Gap strategy.



Members of the coalition of peak bodies at Parliament House: Donnella Mills (Acting NACCHO Chair), Antoinette Braybrook (National Convenor of National FMPLS), Patricia Turner (CEO NACCHO), John Paterson (CEO APO NT), Muriel Bamblett (CEO VACCA), Cheryl Axleby (CEO NATSILS).

We now need to ensure that the agreement blossoms into genuine action. We simply cannot let this opportunity to make a real difference to the lives of our people slip by. Government cannot be allowed to drag the chain on this until it becomes another broken promise.

We are doing the heavy lifting and have drafted a formal partnership agreement for the Commonwealth, state and territory governments to consider. We are determined to do all that we can to fulfil COAG’s undertaking to agree on formal partnership arrangements by the end of February.

The agreement sets out how we all work together and have shared and equal decision making on closing the gap. We are confident that a genuine partnership will help to accelerate positive outcomes to close the gaps.

The lack of progress under Closing the Gap is the lived reality of our people on the ground everyday. They are being robbed of living their full potential. Sadly, attending the funerals of people in our community – including increasingly young people taking their own lives – is all too common.

A coalition of Aboriginal and Torres Strait Islander peak bodies from across the nation has formed to be signatories to the partnership arrangements. We are now almost 40* service delivery, policy and advocacy organisations, with community-control at our heart. This is the first time our peak bodies have come together in this way.

Our coalition brings a critical mass of independent Indigenous organisations with deep connections to communities that will enhance the Closing the Gap efforts. We are a serious partner for government.

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 reaped 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 mortality, poorer literacy, numeracy and employment outcomes, along with substantially lower life expectancies.

Yesterday on 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 racism still exists, that our justice system is deeply flawed and that generational trauma cannot be ignored.

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 lead the way on Closing the Gap. We are ready for action.

* Pat Turner AM is the CEO of the National Aboriginal Community Controlled Health Organisation.

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 co-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 creatives 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."

The first table read of the script in Adelaide was when Tapsell truly felt the enormity of what she had accomplished, getting the film into production. "Everyone that was around the table wanted to be there, all of them believed in this story. That was actually the first time that everyone heard it. Just to see everyone believe in this young Aboriginal bride going home to meet her family for the first time was really heart-warming and special."



Miranda Tapsell in a scene from *Top End Wedding*

"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 intersections. 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.

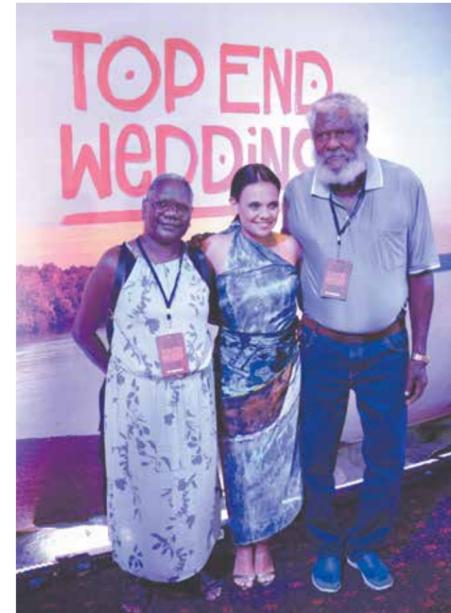
Producer Kate Croser worked with the Kakadu National Parks team and the Kakadu locals. "It was a period of about six months before the film shot, making regular trips, probably once or twice a month going up to Kakadu, which from Adelaide took 24 hours to get there and back just for one meeting. But 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 to the film and so we did our homework. All the Traditional Owners were so welcoming. It feels so special to be here tonight."

FROM THE RED CARPET...



Stars of *Top End Wedding*: Lynette Johnson, Miranda Tapsell and Bernard Tipiloura.



Guests at the Palmerston Premiere of *Top End Wedding*.

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 failure to 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 build the thousands of homes needed to improve chronic overcrowding. We need the Australian Government's support.

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 have a 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

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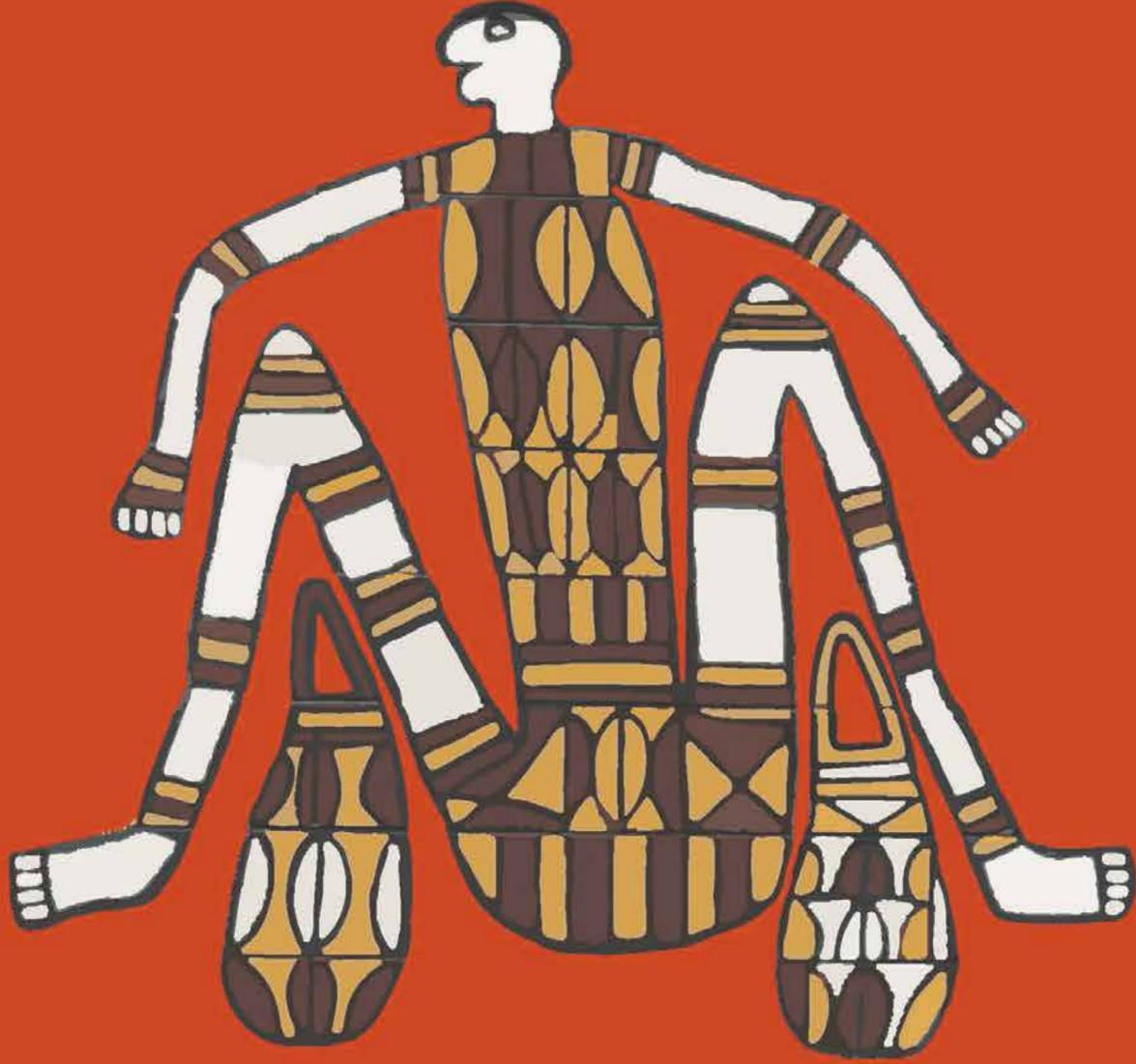
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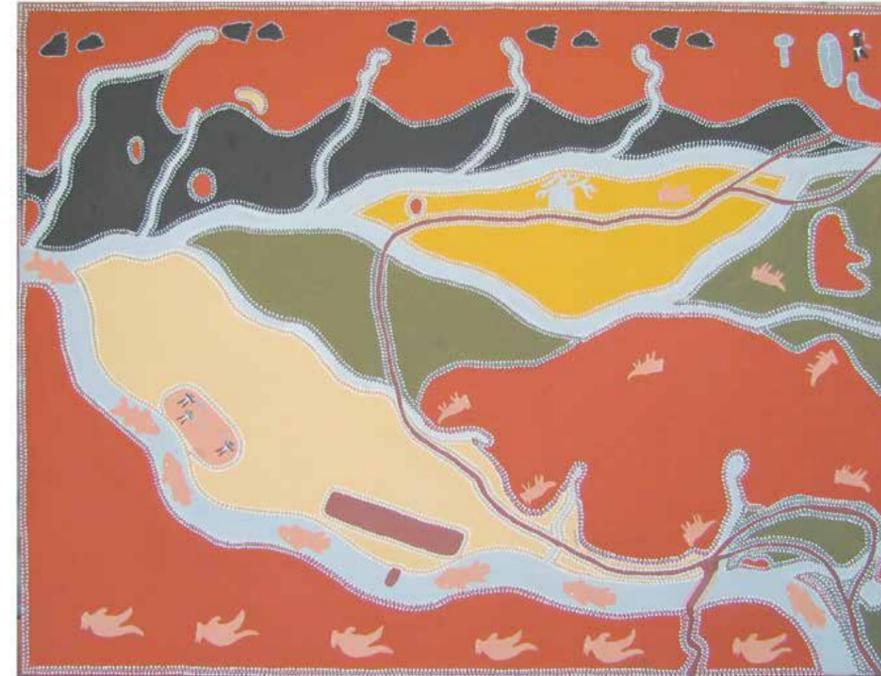
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Compensation awarded in Australian first



Timber Creek by Mr A Griffiths, which was used as evidence in the case. Published courtesy of the Estate of Mr A Griffiths and Waringarri Aboriginal Arts.

By Cath McLeish*

Twenty years after the native title holders of Timber Creek – five estate groups of the Ngarliwuru and Nungali 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 eight years after the compensation claim was made in the Federal Court, and treads 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 any racial group less favourably than others.

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 unique circumstances.

The first of the three elements of the Timber Creek claim is economic loss. The High Court, disappointingly, ruled that the *non-exclusive* native title in Timber Creek is only relative to 50% of the value of freehold (or 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 65%. 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 this was unsuccessful 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 Ngarliwuru and Nungali culture, and guarantees that Australian law recognises the pain 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 their strongest arguments against the other.

In the High Court appeal, around forty native title holders listened in court as the governments' lawyers argued that the extinguishment was not the direct cause of their sense of cultural loss and pain, analysing each town block separately. The Northern Territory government argued that the cultural loss should only be worth 10% of the economic value of the parcels of land in the claim. However, in maintaining Justice Mansfield's award of \$1.3 million, the High Court looked at country more holistically, and awarded slightly more for cultural loss (\$1.23 million including interest) than for economic loss.

The High Court's measure for compensation for cultural loss is a '*social judgement... of what, in the Australian community, at this time... is appropriate, fair or just*'. This

loss of '*spiritual connection*' goes far beyond the concept of '*loss of enjoyment of life*' from personal injury law, because, as the High Court recognised, Aboriginal spiritual connection is '*a defining element in a view of life and living*'. The 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 nature to a different belief system*'.

The decision confirms that '*the people, the ancestral spirits, the land and everything on it are organic parts of one indissoluble whole*'. The Court adopted 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 Ngarliwuru and Nungali peoples still possess native title 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 masterful explanations 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 Ngarliwuru and Nungali peoples' culture reflects the strength of Indigenous cultures across Australia. The court also confirmed that the loss of native title is '*permanent and intergenerational*', and that the loss of native title '*had 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 told 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 is still 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 landscape, or perhaps where the economic value or 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 talk, *Griffiths* also contributes to national considerations of non-discrimination, 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 McLeish is a Senior Legal Advisor with the NLC (Victoria River District) and has assisted in this case since 2017.

Implementation of reforms to improve regulation of the onshore petroleum industry in the NT

On 17 April 2018, the NT Government accepted all 135 recommendations of the Final Report from the Scientific Inquiry into Hydraulic Fracturing (fracking) in the Northern Territory (the Inquiry) and lifted the moratorium on hydraulic fracturing in the NT.

The Inquiry determined that, provided all recommendations in the Final Report are adopted and implemented in full, the environmental, social, health, cultural and economic risks associated with the fracking of onshore shale reservoirs could be reduced to an acceptable level.

The NLC provided a number of submissions to the Inquiry (these and other submissions are publicly available via the Inquiry's website: www.frackinginquiry.nt.gov.au/submission-library). Through its submissions the NLC highlighted the need for significant reform related to the regulation, accountability and oversight of the onshore petroleum sector in the NT. The NLC further advocated for the need to ensure Aboriginal people are appropriately consulted with and afforded every opportunity to effectively participate in implementation of the proposed reforms and in the planning and economic development of the onshore petroleum industry.

The NT Government is currently in the process of implementing the reforms recommended by the Inquiry. NLC welcomes the NT Government's commitment to reform regulation of the onshore petroleum sector. The NLC is actively engaging in the reform program through commenting on proposed amendments to relevant legislation, direct engagement with government, industry and by participating in the Community & Business Reference Group, the Northern Territory Regional Research Advisory Committee and various workshops and other forums. Implementation of the government's reform program is still in its early stages and much more work is required to ensure all of the Inquiry's recommendations are implemented in full.

Implementation Plan

In response to the recommendations presented in the Final Report of the Inquiry the NT Government has released an 'Implementation Plan' (the Plan). The Plan describes the process by which the Government proposes to implement all of the Inquiry's recommendations. According to the Plan these reforms will be implemented over a number

of years, broadly these reforms are separated into those being implemented immediately to enable exploration activities to proceed in 2019 and those being deferred which are principally aimed at facilitating the production of additional onshore gas reserves in the NT. The Plan states that its aim is to strengthen regulation, ensure industry is accountable for its practices, safeguard water and the environment, respect community and culture, maximise the benefits and opportunities available to local businesses and communities, and ensure planning for future development.

There are six areas of reform outlined in the Implementation Plan:

1. Strengthening Regulation
2. Ensuring Accountable Industry Practice
3. Safeguarding Water and the Environment
4. Respecting Community and Culture
5. Maximising Regional Benefits and Local Opportunities
6. Planning for Industry

The Plan can be viewed and downloaded via the following website: www.hydraulicfracturing.nt.gov.au/implementation-plan

Onshore Shale Gas Community and Business Reference Group

The NLC is a member of the Onshore Shale Gas Community and Business Reference Group (Reference Group), which provides direct 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 cooperation, and collaboration with key stakeholders and the community; and
- A medium through which key stakeholders can communicate their views about the implementation framework and its subsequent execution directly to the Government.

Northern Territory Regional Research Advisory Committee (NTRRAC)

The NTRRAC is currently overseeing two projects related to the Strategic Regional Environmental Baseline Assessment (SREBA) component of the fracking reforms. These projects are:

- Baseline measurement and monitoring of methane emissions in the Beetaloo sub-basin; and
- Baseline assessment of groundwater characteristics in the Beetaloo sub-basin.

The NLC has persuaded the NTRRAC to adopt the practice of engaging local Aboriginal people with knowledge of country to participate in the program in their capacity as Cultural Monitors to ensure that sacred sites are protected and researches don't inadvertently enter into these sites or other culturally sensitive areas when conducting research fieldwork. People working as cultural monitors are paid for their time via the NLC. This program is considered mutually beneficial as it facilitates the direct engagement and participation of Aboriginal people in the reform program and provides a strong safeguard to protect sacred sites and other culturally sensitive areas.

Having Cultural Monitors accompany researchers on country is also a way for these projects to acknowledge the importance of traditional Aboriginal knowledge and to show respect to the traditional owners and custodians of sacred sites located over the research areas and to gain a better understanding of the landscape from the perspective of Aboriginal people. Undertaking fieldwork in a participatory manner also enables Aboriginal people to gain knowledge about the scientific investigations being undertaken and why it is important to understand the current 'baseline' conditions of the environment in these areas prior to possible petroleum production activities being authorised to proceed.

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 in the context of onshore petroleum exploration and development in the NT.

- Petroleum companies will have to obtain an Authority Certificate from the 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

site.

- Petroleum companies will be required to comply with section 41(6) of the Aboriginal Land Rights (Northern Territory) Act 1976 when supplying information to Native Title Holders for the purposes of negotiating an onshore petroleum exploration agreement.
- Petroleum companies will be expected to use interpreters to ensure information is available in a familiar form.
- The government has committed to working together with Land Councils to develop information programs and to undertake a Strategic Regional Social Impact Assessment (SRIA) prior to any production approvals.
- Aboriginal communities and traditional Aboriginal owners will be involved in the design and development of cultural assessment and implementation planning – this includes consultation in relation to both the Native Title Act 1993 and the Aboriginal Land Rights (Northern Territory) Act 1976 as detailed in the Inquiry's Final Report.

Strategic Regional Environmental Baseline Assessments

The Inquiry recommended that prior to any further onshore petroleum production approvals being granted, gaps in scientific knowledge about the current state of the environment (including the natural, social, cultural and economic aspects of environment) be addressed through Strategic Regional Environmental Baseline Assessments (SREBAs). The work being implemented under the auspices of NTRRAC will form part of the SREBA.

The Inquiry's Final Report recommended that any areas of the NT proposed for gas development must have a SREBA study in place prior to production approvals being granted. The current focus area for a SREBA is the Beetaloo sub-basin located in the Daly Waters region of the NT, as

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 Northern Land Council (NLC) and Central Land Council (CLC) provided a joint submission to the Economic Policy Scrutiny Committee in response to the Petroleum Legislation Amendment Bill 2018.

The Bill introduces proposed amendments to the Petroleum Act and Petroleum Regulation, which we have identified will partially implement Recommendations 14.12 and 14.23 of the Final Report.

The amendments also pave the way for the implementation of 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) is a fit and proper person, taking into account, among other things, the applicant's environmental history and

history of compliance with the Petroleum Act and any other relevant legislation both domestically and overseas.

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 the Minister's reasons for determining whether or not the applicant is a fit and proper person be published online.

Recommendation 14.18

That prior to the grant of any further exploration approvals, the Government develops and implements enforceable codes of practice with minimum prescriptive standards and requirements in relation to all exploration and production activities, including but not limited to, land clearing, seismic surveys, well construction, drilling, hydraulic fracturing and decommissioning and abandonment.

Recommendation 14.23

That prior to the grant of any further exploration approvals, the Petroleum Act and Petroleum Environment Regulations be amended to allow open standing to challenge administrative decisions made under these enactments.

The NLC and CLC continue to welcome the reform process being undertaken by the Government to implement the suite of Recommendations presented in the Final Report of the Inquiry. The NLC and CLC are pleased to be part of this process and comment on the Bill. One of the key issues identified in the Final Report was a lack of trust

it is considered to be the most prospective area for onshore petroleum development in the NT. A framework is under development to guide the implementation of studies related to SREBAs.

The NLC is assisting Government to develop the policy framework and guidance material for the social, cultural and economic aspects of the SREBA, including with regard to how impact assessments are conducted. As work related to the development of the SREBA and processes around impact assessments continues to progress, further information about this will be communicated via the NT Government's hydraulic fracturing website (www.hydraulicfracturing.nt.gov.au) and featured in future editions of the Land Rights News.

in both the Government and the petroleum industry and a lack of confidence in the current regulatory framework to adequately manage the multitude of risks associated with the development of an onshore shale gas industry in the Northern Territory.

Regulatory reform is critical to restoring trust and faith in industry and Government and protecting humans and the environment.

It is important to get it right. In this respect, while we are largely supportive of the proposed amendments to the Petroleum Act and Petroleum Regulations, we are troubled by the piecemeal approach being undertaken in relation to regulatory reform.

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 at 19 December 2018 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.

Our comments on the Bill largely relate to the provisions providing for an appropriate person test. While the proposed changes will put the Northern Territory ahead of many other jurisdictions, further amendments are required to ensure that Recommendation 14.12 is fully implemented.

The full submission can be read at www.nlc.org.au

SEA COUNTRY PLANNING FINALISED FOR PILOT AREAS



Sea Country near Maningrida, West Arnhem Land.

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 future permit zones for recreational fishing in intertidal waters, which will be active under a new permit system, and outlines specific aspirations for management of the intertidal zone and beyond.

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 confirmed the rights of Aboriginal people own and control access to tidal waters over their lands in what is commonly referred to as the 'Blue Mud Bay case'. Prior to then, the Northern Territory Government had sought to control access to the Aboriginal-owned

intertidal zone.

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.

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 will help ensure Traditional Owners not only have a strong voice in strategic decision-making regarding NT coastal and fisheries issues, but they also set the agenda and maintain a position which ensures aspirations can be met.

Marra Sea Country Access and Use Plan

The Marra Sea Country Access and Use plan sets out the aspirations of the Mambali, Mururnungun, Budal Riley and Guyal clans for management of the intertidal zone and sea country.

The main aspirations of the Plan include

the establishment of the Marra 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 Marra 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 laws, 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."

Key Aspirations

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 Marra Sea Country plan outlines Traditional Owner aspirations for a multi-tenure 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.

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.

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 nearly 50 clan groups associated with the coastal region of Junction Bay and Boucaut Bay of the Arafura 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 restructure of fisheries to accommodate local and regional fisheries management, including resting 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 will 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.

2019 NLC Full Council Nomination and Elections

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 for some time.

The new permit system will:

- Regulate access to traditional lands and streamline administration;
- Ensure visitors understand their obligations under 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; and
- Record who is on Aboriginal land, who is coming, and clearly state what can and can't be done.

Under the *Aboriginal Land Act (NT) 1978*, the NLC administers the permit system for most of the Aboriginal land in the Top End of the Northern Territory.

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 right 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.

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 for an enjoyable visit that respects Aboriginal traditions; and
- Clarity about where a permit holder can go and what they can do when visiting Aboriginal land.

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.

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: Lot 5/29 Katherine Terrace, Katherine, Phone: 08 8971 9899
- East Arnhem: Endeavour Square, Nhulunbuy, Phone: 08 8986 8500
- 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.

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 fishers, 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 of Blue Mud Bay. At the NLC 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 the 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 fishers for certain Aboriginal-owned intertidal areas in the Northern Territory.

Open access agreements are in place in the Wadeye and Moyle River area, for parts of the Daly River, the Anson Bay area, around Nhulunbuy, and the lower McArthur River and Sir Edward Pellew Islands in the Gulf of Carpentaria. There is also permit free access in various locations in and around Bynoe Harbour near Darwin.

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:

1. 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.
2. Yanyuwa (Sir Edward Pellew islands area and McArthur River)
3. Anson Bay area
4. Dhimurru (Nhulunbuy area)
5. Thamarrurr (Wadeye/Moyle River area) – intertidal waters from Dooley Point to a point south of the Old Mission including the tidal area of Docherty Island.
6. Roche Reef, Middle Reef, Simms Reef, Charles Point and Talc Head during high tide only (Cox Peninsula)
7. Grose Island, Bee Eater Island, Turtle Island, Quail Island, Dum-in-mirre Island, Bare Sand Island, Indian Island and residual coastline of the Cox Peninsula, except private lease areas and sacred

sites.

Please refer to the NLC website, www.nlc.org.au, or <http://www.fishing.nt.gov.au/agreements.html> for maps and further details.

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:

1. Sacred sites or within 100m of sacred sites
2. Cape Scott, within the Daly River Port Keats Aboriginal Land Trust
3. Upper Finniss River, within the Delissaville Wagait Larrakia Aboriginal Land Trust
4. Closed seas in the Milingimbi, Crocodile Island and Glyde River area
5. Closed seas in the Castlereagh Bay and Howard Island area
6. 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.



Numbulwar Numburindi rangers: Adam Manggurra, Rheelan Ngalmi and Clive Nunggarralu on the SEAL IPA.

FEDERAL ELECTION 18 MAY 2019

WE'RE WAKING UP LAND RIGHTS

By Nigel Scullion*

Over the last five years in Government, I have been unrelenting in my aim to unlock Aboriginal Land.

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 Gumatj 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 I 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 land reform.

In Parliament, we've also passed changes to the Aboriginal Land Rights (Northern Territory) Act 1976. The changes in the Act has enabled the grant of more than 973,000 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 Northern Territory.

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

We are providing additional resources, an extra \$1 million to the Office of the Aboriginal Land Commissioner to work with Land Councils and local stakeholders to drive this work. Over the next four years, they will expedite the finalisation of the 41 unresolved land claims across the Territory.

The Northern Land Council represents 39 of the claimants. We've boosted the Land Council's annual operational funding in recent years to perform the statutory functions related to land claims, including for additional legal and anthropology staff.

And we've provided an additional \$7.5 million to aid the settlement of claims over intertidal zones and the beds/banks of rivers and ensure any fishing industry and pastoralist 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. And we will all see the economic and social benefits that flow through as a result.

*Nigel Scullion has been the Federal Minister for Indigenous Affairs. He is not contesting the next election.

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 Lingiari to become the first ever Aboriginal and first woman to represent you in Federal Parliament. I believe it is time we had more Aboriginal women in the Parliament and it is time for a change for Lingiari.

Firstly, can I congratulate Marion Scrymgour on her appointment as CEO and I also thank Chairman Sammy Bush-Blanesi for his ongoing and strong advocacy on behalf of all NLC communities.

The CLP has a strong plan

to deliver for all Aboriginal communities across the Northern Land Council region from Wadeye to Nhulunbuy and Borroloola to Maningrida.

While Michael Gunner and Territory Labor continue to cut services in the bush and spend your money in Darwin, the CLP continues to invest record amounts in health, education, roads, mobile phone coverage and internet services for remote communities across the Territory.

We have fast tracked the land claims process and I am confident that these will be finalised very soon after the election.

We have championed Township Leasing – and in contrast to 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 Lingiari.



Have your say !

THE FEDERAL ELECTION IS ON 18 MAY 2019

Make sure you and your family are enrolled and turn up to vote!



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FEDERAL ELECTION 18 MAY 2019

LABOR'S COMMITMENT TO NT LAND COUNCILS

By Senator for Western Australia Patrick Dodson, Member for Lingiari the Hon Warren Snowdon MP and Senator for the Northern Territory Malarndirri McCarthy

A Shorten Labor Government will work in partnership with Aboriginal and Torres Strait Islanders in a renewed push to bring justice, fair treatment and a strong local and regional voice to First Nations people, especially in the Top End.

The Member for Lingiari Warren Snowdon, Shadow Assistant Minister for Indigenous Affairs and Aboriginal and Torres Strait Islanders Senator Patrick Dodson and Northern Territory Senator Malarndirri McCarthy met with the Central Land Council at Yulara Pulka last week.



Senator Patrick Dodson, Senator Malarndirri McCarthy, Labor leader Bill Shorten and member for Lingiari the Hon Warren Snowdon MP.

They congratulated the new Chair and Deputy Chair of the CLC, Sammy Wilson and Barbara Shaw, and pledged a Shorten Labor Government will work closely and cooperatively with the four Northern Territory Land Councils.

"It was a Labor Government that introduced legislation for land rights in the NT, and a Shorten Labor Government will continue to work closely with the Land Councils should we be elected in May," 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 in the 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."

"A Shorten 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 Mr Snowdon.

"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, slashed 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. These include:

- Abolishing the discriminatory and punitive CDP and working with First Nations peoples to replace it with a new program that has an absolute focus on community development.
- Record investments in education.
- Doubling the number of fulltime Indigenous Ranger positions over the next five years.
- Establishing a Makarrata Commission for agreement-making and truth-telling.
- Delivering justice and compensation for the remaining survivors of the Stolen Generations, by establishing a compensation scheme for members of the Stolen Generations in Commonwealth jurisdictions and committing \$10 million to healing programs.
- Convening a National Summit on First Nations Children in the first 100 days of government, bringing experts and governments together to determine solutions to the unacceptably high rate of Indigenous children being removed from the care of their families.

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 determining the priorities and decisions which affect their lives.

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

LABOR WILL ABOLISH THE FAILED COMMUNITY DEVELOPMENT PROGRAMME

By Senator Malarndirri 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).

Three separate reports in the last 18 months show that CDP is a failed Government program and in many cases leaves First Nations people worse off. A Senate Inquiry report in 2017, a report from the ANAO in 2018 and a Federal Government report in 2019 all show the CDP program is causing harm to families and communities.

In these reports we heard from participants who have been breached and left without an income for up to 8 weeks. We also heard from participants who have been forced to work under unsafe conditions, without the right safety equipment.

Lara Watson from the ACTU said participants were being forced to work in these unsafe conditions. "A gentleman nearly lost three fingers because he was operating a drop saw...they're not being provided with health and safety equipment to do the work they're being asked to do."

Ms Watson also said job seekers were threatened with breaches despite not being provided with the safety equipment.

"We did have one incident where a worker had thongs on, shorts, no safety gear whatsoever and he asked for glasses gloves and shoes and the job service provider has responded with: 'We're not obligated to provide that'," she said.

"When he refused to do the activity he was then threatened with: 'Well we'll just breach you for eight weeks', so he ended up doing the activity with no safety equipment."

CDP has failed to create real jobs or economic opportunities in remote areas, in fact, less than one per cent job growth has been recorded under this program.

Federal Labor will replace the failed Community Development Program with a program that has been co-designed with First Nations people. Labor will ensure a remote jobs program will create jobs, will meet the needs of the community and will deliver meaningful training and economic development, and proper working conditions.

In January Minister Scullion announced 'reforms' to CDP. These reforms are simply tinkering around the edges that have caused confusion and frustration with providers and participants alike. Minister Scullion and his colleagues think that CDP is a great success story. This could not be further from the truth.



**A SHORTEN LABOR
GOVERNMENT WILL ABOLISH
CDP**

We will replace it with a new program that:

- Is co designed with First Nations people
- Creates jobs
- Meets community needs
- Delivers meaningful training and economic development and proper working conditions



Authorised by A. Beaton, Australian Labor Party, 3153 Winnellie Road, Winnellie NT 0820

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PREPARING FOR TAKE-OFF IN THE NT

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 Djakungu Yunupingu, the sister of Gumatj Corporation deputy chair, Djawa Yunupingu. The painting entitled Djulpan tells the story of the seven sisters – the constellation of Djulpan, 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 main 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.



ELA CEO Carley Scott, Gumatj Elder Djawa Yunupingu and Black Sky Aerospace Founder Blake Nikolic. © LJM Photography

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."

"The recent launch out of Queensland was a unique 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."

"We are very proud of Black Sky's success and look forward to continuing our relationship with key customers and the community as we progress the Arnhem Space Centre" she said.

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 another opportunity for jobs, inspiration, and continued stories of the stars.

COMMUNITY DEVELOPMENT GOES FROM STRENGTH TO STRENGTH



Traditional Owners hear from project partner, Yalu Marnggithinyaraw Aboriginal Corporation about its delivery of their community Raypirri culture camps.

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 two years with strong demand from many groups of Traditional Owners wanting to use their private money for broader community benefit.

The joint meeting with the CLC was an opportunity for NLC staff to learn from the experiences of staff at the CLC, which has run a community development program since 2007.

"The CLC has a depth of knowledge in doing community development work. For us, as a fairly new program operating for just two years, it's really useful to see the different tools and approaches they use, particularly for more complex meeting situations," said

NLC's Senior CP&D Officer, Kath Sale.

Alex Gyles, NLC's Senior Governance and Planning Officer, started out in the CLC's team and in 2018 moved to work 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 term 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 enjoyed "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 TNRM Awards. He was also nominated for Ranger of the Year.

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 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 Ironbark 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.

Congratulations to Victor Moffatt, Theresa Burr Burr, and Linda Moffatt who were recruited that day, and Charlene Moreen and Bernie Lewis who have joined Bulgul rangers as casual workers.

The new team has seen an increase in the number of female rangers with four males and three females now making up the ranger group.

As there is only one original member from the previous Ranger group, the rangers are working hard to up skill their new recruits with intensive skill based training. With funding support from Workforce NT (Department of Trade, Business and Innovation) through the Aboriginal Responsive Skilling Grant (ARSG) the Ranger Group has been able to gain valuable training, where without the ARSG it would not have been possible.

This has included training in:

- Weeds and chemical
- Excel (computer)
- First Aid
- Fire & incendiary
- Tractor, Welder and Chainsaw
- Biosecurity
- Coxswains training
- Small engines
- 4WD training

Bulgul Rangers are now developing fee for service contracts with third parties, including a subcontract for maintenance services company, Sterling, to conduct road weed spraying. The Bulgul rangers have also commenced a Cert III Conservation Land Management and Fisheries Compliance Cert II with Australian Maritime Fisheries Academy (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.

NO MORE

SAY NO MORE TO FAMILY VIOLENCE

SENIOR RANGER AND COORDINATOR WORKSHOP HELD IN DARWIN



Attendees at the 2019 Senior Ranger and Coordinator Workshop in Darwin.

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.



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