

Warning this document contains names of deceased First Nations Peoples

*"Including the indigenous population in policy and decision-making processes is necessary to build relationships which would ensure genuine protection of their interests, while securing their respective cultural identities and self-determination, and restoring respect and dignity. ... The Northern Territory Emergency Response has unfortunately undermined some of this progress in efforts towards reconciliation, as communities describe the NTER as paternalistic, disempowering and racially motivated. It exposed the weaknesses in protection of the Aboriginal and Torres Strait Islander populations, and highlights the need for entrenched Constitutional protection for them."*¹ Mr Anand Grover, United Nations Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health – 4 December 2009

"Why is the Government playing with us? Any move like this should have come after the traditional leaders from all 40 clans across Arnhem Land discussed whether they wanted to make the way for it to happen ..." Dr. Gawirrin Gumana AO, Yolngu Elder²

"There is certainly nothing dignified about losing your human rights as a human being, based on being an Aboriginal citizen." "We are asking you to stop the intervention, protect our human rights and dignity and lead us to unity." March 2009 Yananyumul Mununggurr, elected councillor, East Arnhem Shire³

"Australia is a colonial country that has mastered the art of deceiving the eye. The words and actions of government appear on the surface to be honorable but scratch the surface and you will see institutional racism personified." 2009. Michael Anderson, Leader of the Euahlayi Peoples

"We feel shame. This policy is continuing to put us down. There is no consultation. People need to have ownership over decisions that affect their community." June 2009 Prescribed Areas Peoples Alliance

This was also a push for an assimilation through the, through the, by the Northern Territory Government, ... the Super Shires that came in and took over our community, took over our community councils, which we weren't aware of and soon we found out that we were under the hands of shires, Supershires, and community councils in our local councils were no longer there! We had a big council through the Shire Councils in places like Nhulunbuy or Jabiru in other places looking after affairs for our community. That was also a kind of a confusion to our people, through that. Yingiya Mark Guyula J, June 2020.⁴

...

There is a lot of confusion in communities about what is happening, and communities need to be part of the response to this [COVID] emergency. Local decision-making should always be the answer. Yingiya Mark Guyula April 2020 (Appendix 1).

'concerned Australians' (cA) values the opportunity to contribute to this **inquiry into local decision making** in the Northern Territory (NT). We note the NT Government's commitment to local decision making, the ten-year timeline, engagements, tools and terms of reference.

The Committee is asking interested people and organisations to make a submission to the inquiry to share their views on and experience with Local Decision Making. The Committee will be focusing on:

¹ Mr Anand Grover, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health – 4 December 2009, See also Appendix 5. Full report can be found at: <http://www.un.org.au/files/files/Sp%20Rapp%20for%20Health%20Press%20statement%20Australia%20-%20FINAL%20Dec%204.pdf>.

² Concerned Australians, This Is What We Said, (2010). P 57. http://www.concernedaustralians.com.au/media/This_Is_What_We_Said.pdf

³ Concerned Australians, This Is What We Said, (2010). p 57. http://www.concernedaustralians.com.au/media/This_Is_What_We_Said.pdf

⁴ 13 YEARS OF FAILED NT INTERVENTION: FIRST NATIONS DEMAND THEIR SOLUTIONS, Friday 19th June 2020. P 2. http://www.concernedaustralians.com.au/media/13_Yrs_Intervention_Transcript_Yingiya_Mark_Guyula.pdf

1. the progress, achievements, challenges and future potential of LDM implementation across the Northern Territory.
2. how to foster community and leadership interest in and commitment to new LDM agreements.
3. the impact of technology, Treaty, Truth-Telling and Voice on LDM development.

First Nations Peoples, their Indigenous knowledges, perspectives, wisdom, law, cultural authority, governance and leadership models, and ways of working and living together have sustained their people and lands for well over 60,000. Their traditional consensus and local decision-making processes have much to teach us.

CA are a voluntary human rights advocacy group, which formed following the onset of the profoundly discriminatory 2007 Northern Territory (NT) Intervention. We have been engaged with First Nations Elders and remote communities of the NT for almost fourteen years. Our mandate is to allow First Nations voices to be heard. We never speak for First Nations Peoples. CA continues to listen, to observe and learn from the wisdom of First Nations Peoples who have long been calling for a return of their human and indigenous rights, and for Treaty Now. Land central to their very survival.

Contemporary assimilationist and neo-colonial Australian and Territory policies,⁵ are profoundly disempowering and continue to coerce people off their lands, undermining their responsibilities and authority, and their structures with disastrous and expensive consequences⁶ for the wellbeing of their people, humanity and the environments⁷. Indeed, our world is at great threat.⁸ Interventions are failing, as predicted⁹ and as documented in consecutive close the gap reports for over a decade. The statistics and outcomes are far worse for the NT where poverty is deepening¹⁰, with disastrous consequences and children are being removed from families and extensive kinship networks for poverty related conditions, there is a crisis in the child protection system.¹¹

⁵ Described by Walters as collaborative federalism.....

⁶ Millions have been misspent in the wrong policy directions. On the Intervention e.g "... all the available official statistics tell us that the behavioural Intervention to assimilate, develop and close the gaps is failing: unemployment is higher than ever, school attendance is lower than ever, poverty rates are higher than ever (more than 50 per cent of people live below the poverty line), overcrowding in public housing is everywhere and—most damning of all—more than 40 per cent of households report running out of food, many living in rich Australia are going hungry, and people are dying prematurely because of poverty. The intentional destruction of existing institutions has been a disaster for the 50,000 Indigenous people living in remote NT communities....Jon Altman, June 2021. "**Lest We Forget: The Harmful Policy Legacies of The Northern Territory Intervention**" <https://arena.org.au/lest-we-forget-the-harmful-policy-legacies-of-the-northern-territory-intervention/>

⁷ Torres Strait eight backed by UN human rights experts, December 2020. <https://nit.com.au/torres-strait-eight-backed-by-un-human-rights-experts/>

⁸ Intergovernmental Panel on Climate Change (IPCC), Climate change widespread, rapid, and intensifying – IPCC, August 2021. <https://www.ipcc.ch/2021/08/09/ar6-wg1-20210809-pr/>

⁹ AIDA, Health Impact Assessment of the NT Intervention, <https://www.mja.com.au/journal/2010/192/10/health-impacts-northern-territory-intervention>

¹⁰ Jon Altman, *Deepening Indigenous poverty in the Northern Territory*, 14th November 2017. <http://regnet.anu.edu.au/news-events/news/7002/deepening-indigenous-poverty-northern-territo>

¹¹ *Poverty confused with neglect: NT inquiry, Child protection system is confused about the difference between poverty and actual neglect.*, June 2017 <https://www.sbs.com.au/nitv/nitv-news/article/2017/06/21/poverty-confused-neglect-nt-inquiry?cid=inbody:nt-child-protection-at-crisis-point>

"Kids being taken away, it's like you're taking the loss of his whole soul, whole future, whole identities, culture, the skills, family, relations, neighbours, communities. They won't be there.

"It's just like carving those things from the kids' life. It's completely gone," Maningrida Elder Mr Dowadi, (2017).¹²

'Good intentions'¹³ rhetoric /spin in glossy government documents -including in some of the LDM agreements-no long cuts it. Indeed, the word 'consultations' has come to mean nothing other than fly in-fly out government information sessions, proven to be flawed¹⁴, hence the lack of trust or engagement by many in the current local decision-making process.

First Nations Peoples of the NT continue to be stigmatised¹⁵ and their fundamental right to self-determination has been stripped since 2007. For decades they had been calling out for resources but were neglected by consecutive Australian and NT governments. The 2007 *Little children are Sacred* was grossly misused and exploited. Lies¹⁶ and gross exaggerations used to augment other government agenda's, including land control.

"It seems clear that, under the camouflage of child abuse, the agenda of the Intervention is a land grab. The NT Intervention is compulsorily acquiring Aboriginal land under five year leases, effectively controlling whole Aboriginal communities in the prescribed areas." March 2009 Barbara Shaw, Aboriginal Rights Advocate¹⁷

...

"The profound flaw in the intervention package is that the whole approach is predicated on .dealing with the symptoms rather than the causes of dysfunctional Aboriginal communities." December 2007 Professor Larissa Behrendt, Director Jumbunna House of Indigenous Learning University of Technology Sydney¹⁸

...

"I called it at the time the Trojan Horse to get the land that our people have under freehold inalienable title in the Northern Territory. And I thought it was a land grab, and I still believe that, you know, the Commonwealth certainly wanted to have a greater say over Aboriginal land in the Northern Territory - as did the Northern Territory Government, by the way." Pat Turner, June 2017

¹²Elders told the inquiry that Aboriginal children need to remain in their communities rather than be taken away by child protection workers, as they lose their culture and 'soul' <https://www.sbs.com.au/nitv/nitv-news/article/2017/06/20/nt-elders-tell-royal-commission-they-want-children-kept-community?cid=inbody:nt-child-protection-at-crisis-point>

¹³ Barkly regional agreement notes briefly the disempowerment caused

¹⁴Listening But not Hearing report: A response to the NTER Stronger Futures Consultations June to August 2011, March 2012. https://www.uts.edu.au/sites/default/files/ListeningButNotHearing8March2012_1.pdf

¹⁵ James Anaya, Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous people – 27 August 2009, This Is What We Said, P, 63 http://www.concernedaustralians.com.au/media/This_Is_What_We_Said.pdf

Ibid, pp 67-69. Mr Anand Grover, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health – 4 December 2009

Full report can be found at: <http://www.un.org.au/files/files/Sp%20Rapp%20for%20Health%20Press%20statement%20Australia%20-%20FINAL%20Dec%202014.pdf>.

¹⁶ An investigation by Australia's peak crime-fighting agency has found no evidence of organised **pedophilia** in Northern Territory, <https://www.smh.com.au/national/pedophile-ring-claims-unfounded-20090704-d8h9.html>

¹⁷ Concerned Australians, This Is What We Said, (2010). p 57. http://www.concernedaustralians.com.au/media/This_Is_What_We_Said.pdf

¹⁸ Ibid, 57.

"... why is it that after all of the reports ... it's now necessary to move in a patronising, paternalistic way, which is the very same thing which has caused all the difficulties in the last 200 years ..." Rex Wild QC, co-author of the 'Little Children Are Sacred' report, October 2009.¹⁹

Hence, we give some time to continuing interventions and the importance of 'land' to First Nations Peoples and their repeated calls for respect and understanding of their intricate connection to country.

We commend the NT Government on the move towards local decision making and treaty but sadly ongoing processes and recent major policy back flips on commitments of the royal commission into youth detention²⁰ like the juvenile justice amendment which caused much outrage²¹ does nothing to restore confidence or trust. Community solutions continue to be denied. This has been a costly process for the government too.²²

The people are desperate for a return of community control, for culturally relevant development and programs, for housing, well-resourced bilingual learning education, health, youth and adult justice and other family education and prevention and care programs 'on country'- in remote communities, in town camps and in larger regional areas. That is empowerment: resourcing their own solutions through their own local decision-making processes and structures.

We note various local decision making/ regional agreements have been made in different regions in the last few years in the NT. Few are standouts like the Yolngu agreement.

The LDM agreements vary greatly, but some reflect simply white-fella glossy documents! And we also note and hear that communities are not engaging with this LDM process, e.g. Arlparra (Utopia homelands) and close neighbours. The continued disrespect and treatment shown to First Peoples in their moves to self-determination and Treaty Now in these areas need to cease, as do the many roadblocks and corrupt policies and processes being imposed. Wise elders and the community blocked by all tiers of governments (federal, territory and local). There is a great lack of trust by many who do not wish to engage in processes led by government bodies which are still seizing control of First Nations lives and lands, through all tiers of government.

The profound damage done over the past 15 years is real. We see acknowledgement of disempowerment and damage done (in this era) in some LDM/regional documents but disagree as noted that these policies have been recorded as 'good intentions'. Indeed, as the people told us from the outset this was a land grab, assimilation and cultural genocide.

First Nations Peoples have an intricate connection and responsibility to their lands, waters and all within. They are intricately bound physically, spiritually, emotionally, and socially through their law and kinship structures to their lands, kin and all creation within.

"Our extended family includes our Mother Earth, Father Sky, and our brothers and sisters, the animal, bird, fish and plant life," ... "The loss of species affects our cultural and spiritual survival."

¹⁹ Concerned Australians, This Is What We Said, (2010). p 57.
http://www.concernedaustralians.com.au/media/This_Is_What_We_Said.pdf

²⁰ Royal Commission into the Protection and Detention of Children in the Northern Territory

²¹ Outrage and protest as controversial youth laws pass NT parliament, 12 May 2021 <https://www.sbs.com.au/nitv/article/2021/05/12/outrage-and-protest-controversial-youth-laws-pass-nt-parliament>

²² **Former Don Dale youth inmates to share \$35m settlement for mistreatment while in prison** <https://www.theguardian.com/australia-news/royal-commission-into-northern-territory-juvenile-detention>

*Indigenous and Native activists are often on the frontlines of the resistance to environmentally harmful development and extraction, both in the United States and across the globe. They have also faced widespread repression.*²³

First Nations Peoples perspectives and responsibilities, their ways of living and working are deeply linked to the wellbeing of their communities and lands/country. Indeed a 2019 [UN Report Says Indigenous Sovereignty Could Save the Planet](#).²⁴ Indigenous perspectives and concerns must be respected, understood, and incorporated into a holistic Government approach in new policy directions.

The disempowerment and profound despair caused by the commonwealth NT Intervention (now in its fifteenth year)²⁵ has been compounded by later Territory policies such as poorly designed Growth Towns and Working Futures²⁶ and the Super Shires policies, which saw their local First Nations councils disbanded (the latter described as worse than the Intervention²⁷), and English only programs in schools for first for hours of the day. These are 'all' imposed Interventions.

Under federal and NT interventions community assets were removed and are yet to be returned, CDEP and community jobs were scrapped, including culturally relevant safe programs that supported and benefitted communities -like night patrols, safe houses, programs with grandparents and children, art projects etc undermining community wellbeing and community infrastructure. Top up wages were scrapped. CDEP was scrapped and eventually replaced with a harsh assimilatory and remote slave-like CDP program work for dole program, which imposed thousands of fines and caused further hardships, harsh penalties impacting on whole families and communities, and hunger in communities.²⁸ This has increased frictions and lateral/ domestic violence.²⁹

²³UN Report Says Indigenous Sovereignty Could Save the Planet, 2019. <https://truthout.org/articles/un-report-says-indigenous-sovereignty-could-save-the-planet/?key=46106070&fbclid=IwAR1p3s314KeOLbcpCEPLvj2m-auJPTJaKKqnKHiAQg5-C1H0VcFa2RdVZNA>

24 A) *Intergovernmental Panel on Climate Change (IPCC), Climate change widespread, rapid, and intensifying* – IPCC, August 2021. <https://www.ipcc.ch/2021/08/09/ar6-wg1-20210809-pr/>

B) UN Report Says Indigenous Sovereignty Could Save the Planet, 2019. <https://truthout.org/articles/un-report-says-indigenous-sovereignty-could-save-the-planet/?key=46106070&fbclid=IwAR1p3s314KeOLbcpCEPLvj2m-auJPTJaKKqnKHiAQg5-C1H0VcFa2RdVZNA>

²⁵ This was rebadged, strengthened and extended for another ten years in 2012 and misleadingly renamed "Stronger Futures and related legislation. A brief summary of policies can be found in the book

²⁶ W. Sanders has pointed out the deficiency of the policy in his 2010 paper, "*Working Future: A critique of policy by numbers*" ... there is already a settlement hierarchy among discrete Indigenous communities in the Northern Territory, in which 70 or 80 communities act as central-place service hubs for a more widely dispersed remote area population. It also notes that, small 'open towns' sometimes act as service hubs, and asks why many of these have been overlooked as potential TGTs. The final section of the paper suggests that *Working Future* reflects recent policy change in remote Indigenous housing which has been developed through collaborative federalism. This helps us understand and explain the strange mal-distribution of TGTs in *Working Future*. *Working Future: A critique of policy by numbers*.

Collaborative federalism in Indigenous housing policy working future 2010 simple on numbers -poor policy

"I suggest that collaborative federalism between the Commonwealth and Northern Territory governments in remote Indigenous housing may be a deeper cause of the rather poor policy in *Working Future*. So the policy reasons why the two Indigenous former ministers each resigned from the Henderson Labor government in mid 2009 are, eventually, seen to be closely connected."²⁶ W Sanders 2010

²⁷ *Super shires condemned as worse than Intervention*, (2012) <https://www.abc.net.au/news/2012-01-31/20120131-mick-gooda-on-super-shires/3802586>

²⁸ Jon Altman and others have written much in this space,

²⁹ Concerned Australians, In The Absence of Treaty, see chart p, 34. "NT assaults, DV incidents & alcohol related assault rates per 100,000 on Indigenous and Non-Indigenous females 2006-2012" Burdon Torzillo & Associates Pty Ltd Data Source: NT Department of Justice http://www.concernedastralians.com.au/media/In_The_Absence_of_Treaty.pdf

At first 'all' First Nations Peoples in 73 'prescribed communities' on any form of social welfare benefits were placed on the discriminatory and controlling compulsory blanket income management regime--the basics card-many remain on it today; such are the barriers/ blocks to come off it. It's proposed sequel, the cashless debit card, is rejected outright! The voluntary opt-in scheme, pre-intervention was removed. 80 % of communities were dry communities. Overnight First Nations Peoples were stripped of their dignity and autonomy, of their right to the little bit of self-determination they had been afforded, and their lives controlled.

This era has taken us back decades to the times of Native Affairs and the Chief Protectorate era.

We resist any attempts to return to a paternalistic mind set where Governments, or Churches, tell us what to do. Aboriginal Peoples have fought against such injustices in the past, and we believe that blanket responses and policies, such as the Intervention, are as disempowering as were those protectionist days." June 2009. NATSIEC - National Aboriginal and Torres Strait Islander Ecumenical Commission, National Council of Churches³⁰

First Nations Peoples had their lives, their communities and land tenure turned upside down, and their cultures, languages, cultural authority and structures totally ignored and disrespected.

People have been deliberately coerced off their lands-off county- at great cost to them. Others have benefitted as noted in a recent paper which looked at the 2006 and 2007 amendments to the NT ALRA; those amendments more tools of government which altered land tenure and First Nations governance.³¹

The despair, and rates of child removals and indigenous incarceration (including of young First Nations children) have skyrocketed. Incarceration (mostly for petit crimes and many held on remand without having their day in court) and removing children- splitting up families and kin - thousands of kilometres away from home, denying kinship roles and responsibilities has been crushing. The people are speaking of a new stolen generation.

Despair, confusion, hopelessness and youth suicides are an increasing reality. Death is an everyday reality. These policies are a return to assimilation (labelled as 'normalisation'/ mainstreaming³²), paternalism, and protectionism of old. Neo-colonisation is a reality as lands have been freed up for mining.

Beyond the government rhetoric, the compulsory land acquisition measure seemed to have little to do with preventing child abuse as it was simply a further development of a policy of land tenure reform first started back in 2004 - well before the Little Children are Sacred report. ... during 2004-2005 the Commonwealth Government developed a new package of reforms to the ALRA which altered leasing arrangements for indigenous land. The Intervention's five year lease compulsory acquisition provisions would further corrode aboriginal sovereignty and thus allow the Commonwealth to 'negotiate' 99-year leases under grossly asymmetric colonial power relations, which would leave indigenous owners

³⁰ *This Is What We Said* (2010),p,61.

http://www.concernedaustralians.com.au/media/This_Is_What_We_Said.pdfhttp://www.concernedaustralians.com.au/media/This_Is_What_We_Said.pdf

³¹ Jayne Weepers, April 2021. <https://caep.cass.anu.edu.au/research/publications/leasing-reforms-aboriginal-land-northern-territory-impacts-land-rights-and>

³² Jon Altman, *Lest We Forget: The Harmful Policy Legacies of The Northern Territory Intervention* <https://arena.org.au/lest-we-forget-the-harmful-policy-legacies-of-the-northern-territory-intervention/>

extremely vulnerable to 'sweeteners' from the Commonwealth -- such as the promise of better housing and infrastructure in return³³.

Land

"The Government has used the five year leases to further its own and the Northern Territory Government's interests without any benefit to the residents of these communities." November 2009
David Ross, Director, Central Land Council³⁴

Communities have faced compulsory acquisitions and imposed five year -leasing, removal of their land permit system, and imposed/ coerced new leasing arrangements over their lands, including the new and unnecessary forms of township leasing for 99 years from 2006³⁵ and other 2007 amendments to the NT ALRA.

People have been coerced into growth towns/ hub areas for work (cultural jobs and roles not recognised) at great cost to communities left to fall into disrepair. Homelands have been denied/ starved of housing and related infrastructure funding under deliberate and ongoing government policies.³⁶ The consequence of overcrowding and homelessness in these and urban centres are real, the NT have the highest rates per capita in the country.³⁷

Aboriginal land tenure has been changed as inalienable lands have been freed up for mining and other government intended purposes³⁸. Money from Aboriginal benefit account (ABA)-royalties from

³³ Martin Cook, Damien Short, Political Economy of Genocide in Australia: The architecture of Dispossession Then and Now, 2019. P 22
.....

First published on in Bachman, J. (ed.) Cultural Genocide: Law, Politics, and Global Manifestations. New York: Routledge.

Another example "... Returning to the crucial issue of land, given that the 2006 [Aboriginal Land Rights Act] ALRA reforms were promoted to open up Aboriginal land to mineral exploration and development, the Intervention's compulsory acquisition of townships has created a dangerous precedent for other Aboriginal lands. In late 2007, the Howard Government signed up to the US-led Global Nuclear Energy Partnership initiative (GNEP), which committed Australia to mine and enrich its uranium, export it to other countries, then re-import the resultant radioactive waste to be stored for ever more in the Australian desert. Approximately 30% of the world's currently identified uranium reserves are to be found on NT indigenous lands and since last year the number of exploration licences for uranium in the NT has doubled, with nearly 80 companies either actively exploring or having applied to explore ..". Martin Cook, Damien Short

³⁴ This Is What We Said" (2010), p. 59.

http://www.concernedaustralians.com.au/media/This_Is_What_We_Said.pdfhttp://www.concernedaustralians.com.au/media/This_Is_What_We_Said.pdf

³⁵ Ian Viner AO QC in 2014, **The plan to undermine the Land Rights Act**. His article began, "With the Commonwealth Government's push for 99-year leases, the Forrest Report call for Aboriginal land to be privatised so as to be bought and sold, and attacks upon the Northern Land Council in particular over their defence of traditional ownership and their responsibilities under the Land Rights Act, the iconic 1976 Land Rights Act is under threat like never before"

http://www.concernedaustralians.com.au/media/ian_viner_plan_to_undermine_land_rights_act.pdf

³⁶ Greg Marks , " An overview of the changes in Government policy impacting on Aboriginal communities in the Northern Territory , Australia, over the past 15 years" , June 2020.

³⁷ The NT government have access to too many ignored reports on this, left to collect dust on library shelves.

³⁸ Returning to the crucial issue of land, given that the 2006 [Aboriginal Land Rights Act] ALRA reforms were promoted to open up Aboriginal land to mineral exploration and development, the Intervention's compulsory acquisition of townships has created a dangerous precedent for other Aboriginal lands. In late 2007, the Howard Government signed up to the US-led Global Nuclear Energy Partnership initiative (GNEP), which committed Australia to mine and enrich its uranium, export it to other countries, then re-import the resultant radioactive waste to be stored for ever more in the Australian desert. Approximately 30% of the world's currently identified uranium

mining on First Nations lands have not been appropriately distributed- and misused to fund Government priorities-the ABA lies in the ultimate control of the minister. Despite rhetoric this seems to be continuing under flagged changes yet again to the ALRA for 2021! And it seems large strategic initiatives will be funded from this 'reformed' Commonwealth-ABA account.³⁹

And, town camps under new Territory town -camp frameworks are expecting communities to voluntary hand back their special purpose leases, their little bit of land, granted to them 'in perpetuity' in the 1970s, in exchange for services and housing.⁴⁰

Recommendation: land rights need to be restored including the full right of veto, embedded in the ALRA, but weakened in...

First Nations Peoples have their full rights to free, independent and fully informed consent restored .

Traditional owners and custodians have been excluded, and increasingly sidelined/ marginalised, and excluded from discussions over their lands and lives. Lives deeply connected with country- with mother earth- have been adversely impacted.

The imposition of five-year leases on First Nations lands in 2007 was deeply distressing. Seven Elders from across the Territory spoke of their pain and concerns.

We are the people of the land. The land is our mother. For more than 40,000 years we have been caring for this land. We are its natural farmers.

Now after so many years of dispossession, we find once again we are being thrust towards a new dispossession. Our pain and our fear are real. We are again being shamed. Under the Intervention we lost our rights as human beings, as Australian citizens, as the First peoples of the Land.

*We feel very deeply the threats to our language, our culture and our heritage. Through harsh changes we have had taken from us all control over our communities and our lives. Our lands have been compulsorily taken from us. We have been left with nothing.*⁴¹

....

... take away from me my language, take away from me my responsibilities for the land, take away from me my land, and I am nothing.

By the end of 2011 Rosalie Kunoth-Monks was speaking more broadly regarding her concerns about the land. She said,

This is a tragedy that is unfolding through the policies of an uncaring Government. It seems sentimental and – I can't find the other word in English – about attachment to the land. It's not

reserves are to be found on NT indigenous lands and since last year the number of exploration licences for uranium in the NT has doubled, with nearly 80 companies either actively exploring or having applied to explore ..". Martin Cook & Damien Short

³⁹ Ken Wyatt MP, Generational Reform to Empower Aboriginal Territorians , June 12th, 2021.

<https://ministers.pmc.gov.au/wyatt/2021/generational-reform-empower-aboriginal-territorians>

Look beyond the rhetoric of this statement. it is clear traditional owners and custodians will have less say and processes streamlined even further for large 'strategic initiatives' and mining. Communities who are in desperate and denied new housing and resources for their own solutions will receive 'smaller grants' only of their ABA-which is set to be turned into another 'Commonwealth- (so-called-) Aboriginal entity. Hints of further commonwealth control!

⁴⁰ Jane Bardon, Darwin One Mile Dam town camp residents fear redevelopment plans, 2019. <https://www.abc.net.au/news/2019-11-18/darwin-one-mile-dam-community-residents-demoliton-plans/11702348>

⁴¹ Community elders and leaders listed in statement (February 2011) Concerned Australians, *In The Absence of Treaty*, 2013. P 7 http://www.concernedastralians.com.au/media/In_The_Absence_of_Treaty.pdf

*attachment to the land, it's survival of a cultural practice that is still alive in spite of what has been thrown at it.*⁴²

On reflecting on fourteen years of endless Interventions earlier this year Jon Altman recently added

*... the Australian settler state and society has never given up on an overarching goal to assimilate— now more politely couched as 'normalising' or 'mainstreaming'—remote-living Indigenous peoples. In other decolonising places, assimilation is more bluntly called what it is: absorption (in the United States) and cultural genocide (in Canada).*⁴³

Others are increasingly calling out what is happening in Australia as cultural genocide and ecocide.

*Following a tour of Australia's gasfield regions, international lawyer and prominent End Ecocide advocate, Polly Higgins wrote: The stories I heard over the last two weeks about CSG, the fracking I saw and the extreme levels of community concern I experienced led to the question: is this not an Ecocide? Surely it cannot be right to subject.*⁴⁴

Since, there have been coercive moves to open the Beetaloo Basin without the free, prior and fully informed consent of Traditional Owners. This has been before the news. Fracking will impact on sacred sites, extensive songlines, lands and waters. This is threatening many communities across the Beetaloo and First Nations representative have recently presented evidence to a senate inquiry. The struggles over lands and waters⁴⁵are endless.

International academics , Martin Cook and Damien Short in their 2019 paper -which is submitted to this public account's inquiry- provides some time to amendments to the NT ALRA , including in 1987 which weakened the right of veto ⁴⁶ and other acts (including Native Title Act). The Intervention and moves to mining including uranium and fracking are included. They address genocide and ecocide in contemporary political context in Australia . Click on: [Political Economy of Genocide in Australia: The architecture of Dispossession Then and Now.](#)⁴⁷

⁴² *In The Absence of Treaty*, 2013. P8. http://www.concernedaustralians.com.au/media/In_The_Absence_of_Treaty

⁴³ Jon Altman , *Lest We Forget: The Harmful Policy Legacies of The Northern Territory Intervention* " , June 2019
<https://arena.org.au/lest-we-forget-the-harmful-policy-legacies-of-the-northern-territory-intervention/>

June 2021 <https://arena.org.au/lest-we-forget-the-harmful-policy-legacies-of-the-northern-territory-intervention/>

⁴⁴ Martin Cook, Damien Short in their 2019 give quite some time to Intervention polices in their paper the [Political Economy of Genocide in Australia: The architecture of Dispossession Then and Now.](#) (2019), p 40. First published in Bachman, J. (ed.) Cultural Genocide: Law, Politics, and Global Manifestations. New York: Routledge. 2019
<http://www.concernedaustralians.com.au/media/2019%20MC%20DS%20A%20Political%20Economy%20of%20Genocide%20in%20Australia-the%20architecture%20of%20Dispossession%20Then%20and%20Now.pdf>

⁴⁵ Australia's weakest water laws weakened further . The Northern Territory Government..https://www.alec.org.au/australias_weakest_water_laws_weakened_further

⁴⁶ Martin Crook and Damien Short (2019) -re right of veto, from pp 19.. *Political Economy of Genocide in Australia: The architecture of Dispossession Then and Now.* (2019) First published in Bachman, J. (ed.) Cultural Genocide: Law, Politics, and Global Manifestations. New York: Routledge.
2019<http://www.concernedaustralians.com.au/media/2019%20MC%20DS%20A%20Political%20Economy%20of%20Genocide%20in%20Australia-the%20architecture%20of%20Dispossession%20Then%20and%20Now.pdf>

⁴⁷ Ibid First published in Bachman, J. (ed.) Cultural Genocide: Law, Politics, and Global Manifestations. New York: Routledge. 2019
<http://www.concernedaustralians.com.au/media/2019%20MC%20DS%20A%20Political%20Economy%20of%20Genocide%20in%20Australia-the%20architecture%20of%20Dispossession%20Then%20and%20Now.pdf>

Stephen Gray et al, Castan Centre for Human Rights Law, Monash University. Head researcher of the 2020 [The Northern Territory Intervention: an Evaluation report](#) devotes the final chapter to cultural genocide.⁴⁸

See also Jon Altman 2018 paper, [Raphael Lemkin in Remote Australia: The Logic of Cultural Genocide and Homelands](#),⁴⁹

First Nations Peoples have been calling out cultural genocide.

These assimilation policies destroy our culture and our lives. It is the Stolen Generation all over again. ... The government is refusing to build us any housing unless we sign over control of our land for 40 years or more. We say NO LEASES. We will not sign. ... The government having this control is no good. Our lives depend on our land. It is connected to our songlines, our culture and our dreaming.
Prescribed Area Peoples' Alliance (PAPA) represented Aboriginal people from communities affected by the NT Intervention.⁵⁰

...

The benign use of government language – mainstream services, practical reconciliation, mutual obligations, responsibilities and participation in the real economy - cloaks a sinister destination. ... The extinguishing of indigenous culture by attrition. Pat Dodson

This is about the beginning of the end of Aboriginal culture; it is in some ways genocide. John Ah Kit⁵¹

James Anaya, a former United Nations Special Rapporteur for Indigenous peoples spoke of the need for new policy directions, and of the need for mutual respect, vital importance of cultural integrity, and mutual responsibility.

Indigenous ways of being , doing and working-within their own structures, cultural ways and norms- are vital for flourishing and harmonious societies .

Parliamentary decisions need to become more than neoliberal, neo-colonial discriminatory and assimilatory dictates. They need to consider the wellbeing of all human beings and of the environment. The economics of neo-liberalism policies have benefitted a few, there is no trickle-down effect and have come at great cost to First Nations Peoples , to all of humanity and to the environment⁵². Indeed, it is First Nations Peoples , who are often on the front line of climate

⁴⁸ See also p 5 and final chapter p 53. https://www.monash.edu/_data/assets/pdf_file/0003/2106156/NT-Intervention-Evaluation-Report-2020.pdf

⁴⁹ Jon Altman, published in *Oceania*, 2018. "... in the last decade homeland living has been discursively demeaned by politicians, and policies have been put in place to undermine the possibility of residing and making a livelihood in these smallest, most remote places mainly located on Indigenous-titled lands. As Indigenous territorial rights expand, the state looks to extinguish possibilities for current and future generations to utilize the land and its resources for livelihood. In this article, I draw on evidence from political discourse, policy documents and programme design and implementation to outline this state project to eliminate a contemporary lifeway. I provide ethnographic evidence from work with Kuninjku people in Arnhem Land that documents this destruction. I engage with the work of Raphael Lemkin to document and theorize the techniques being deployed in terms of the logic of cultural genocide. I end by asking what homelands people might do to push back and what role anthropologists might play in such a process." <https://cicada.world/files/Oceania-Altman-16068836.pdf>

⁵⁰ Martin Cook, Damien Short (2019) P 20 & 23.

⁵¹ ibid

⁵² A) Intergovernmental Panel on Climate Change (IPCC) , Climate change widespread, rapid, and intensifying – IPCC, August 2021. <https://www.ipcc.ch/2021/08/09/ar6-wg1-20210809-pr/>

damage, who are paving the way forward in these struggles , and as we hear often, they wish to share the knowledge and solutions with us.

We applaud local decision-making processes which will see a holistic approach to policy settings for the benefit for 'all' people and our world environment . Consensus and local community decision making have always been with First Nations Peoples. But disempowering policies have been crushing. Their decision-making bodies and solutions must be resourced appropriately, and people given the space to rebuild and strengthen.

Local Decision Making

As articulated recently, in the NT parliament, there are barriers to First Nations economic growth and wellbeing. And land issues need resolving as many clan leaders are very wrongly being excluded from decision-making. Yingiya Mark Guyula Mla spoke in the house recently said

We have issues of contested land tenure. Across many communities there are clans that are not being included in land tenure discussions. In our communities we are the experts on the land, songlines and history. We must be given space to reach agreements about who must be consulted in relation to discussions about country.

In Arnhem Land, a decision should never be made with just one clan or person. Our responsibility for country comes through the yothu yindi, mari-gutharra and yapa-waku clan groups—the TOs and caretakers who look after country, and the grandparents and grandchildren who relate to the land, all working together. Those clans are connected through the songlines. These are the families who connect with the land. As a culture that works on consensus decision-making we must hear from all parties and allow everyone to share their view. This is also important in our larger towns where many people who have been living on country for many generations are not seen as landowners. They are like displaced people.

These communities need decision making bodies that give all landowners and residents local control over land. Many decisions about bigger towns are happening in Darwin. There should be consultation of residents and landowners together about businesses operating in our towns. We need to build a vision together.⁵³ August 2021 His full speech can be found in Appendix 2.

It is important that cultural leadership is respected, and land tenure issues are worked through as the member has called. The member often requests that the parliament work together.

A multi-partisan approach vital for the way forward

Treaty/Treaties

Such has been the attack on fundamental right to self -determination and upon rights since 2004 - 2006-2007 that there has been renewed calls for truth telling and treaty/ies.

Indeed, the NT are to be commended for their moves to treaty, which we understand has had some issues.

It is of vital importance too, that all traditional owners and custodians and those with direct responsibilities to their lands and waters -all clan elders (those recognised under cultural ways even if not recognised under Westminster law)-are invited to the table. Too many deals /leases ,

⁵³ 10082021 . Speech in NT Parliament

including a few township leases-since the Intervention -have been done without the full cultural authority or all relevant traditional owners and custodians and clan leaders.

For treaty processes Independent scrutiny will be necessary , perhaps through the United Nations.

Ultimately a federal treaty/ies is required . We urge the NT government to work toward treaties with the cultural leaders /authority and to advocate to their commonwealth counterparts for a national conversation around truth telling and treaty/ies.

The member of Mulka , formerly Nhulunbuy , joined the NT parliament in 2016 on the platform of Treaty Now. Such is the member's stance and cultural knowledge the member should be at the table in treaty discussions. Is he included in regular meetings?

Cultural integrity , mutual respect, and mutual responsibility vital.

CA have followed the work of the member who since before 2016 . The Yolngu have long called for treaty. Mr Guyula has spoken often on the need for treaty from NT Parliament-Sydney-Garma-Melbourne and at the United Nations. He has also placed forward many insights and solutions, calling for resources for his community (e.g. Appendix 1 & 2) . But it seems his electorate (and other remote communities and regional centres) are still denied much needed resources to fund their own solutions, which would be cost saving as fly in and fly out contactors are exorbitant.

The NT parliament has a very wise man in their house. Others follow his work. My Guyula is teaching us much about both worlds and providing many insights, including of the value of both worlds working together, of the importance of local decision making , of resourcing local solutions, of the need for mentors , of truly 'working together 'holistically for the benefit of communities and the environment. Indeed he suggests legislation should reflect a holistic benefit to communities and the environment. In 2021 this is urgent.

As mentioned earlier it is time there is a multi-partisan government approach.

There are other leaders in the house, other independent and others -some of whom will be restricted by party politics- who understand that change in policy direction is long overdue. It is time to break the barriers to address the stark inequities and rising community inequities and disharmony in the NT; so that all may benefit not just a few.

And , there are many, many highly respected and wise leaders /elders in communities throughout the NT who have been excluded from policy formation and conversations. Any local decision-making processes must be genuine and thus must allow for cultural leaders and cultural processes to be included.

It needs to be recognised that communities may not engage in the LDM process. Regardless their communities must be supported and resourced to achieve true self-determination and their self-determining path top treaty, as the Alywarra. History has shown that self-determination can come through meaningful engagement, refer the Hermannsburg controversy on the late 1970s-early 1980s which holds important lessons for how governments can work respectfully towards self-determination.⁵⁴

⁵⁴ Greg Marks: Reflection: Aboriginal Land Rights And The Hermannsburg Controversy: Implications For Self-Determination, 2020.

First Nations Peoples have the solutions and structures, many of which need strengthening, these need to be resourced well. There are additional important tools that can help move to culturally respectful processes.

Tools which can be of help in local decision making

We note tools and images provided on-line⁵⁵ of which are very helpful however human rights principals are intricate to a successful way forward. These are tools which must be utilised.

An understanding of cultural ways, and norms of First Nations Peoples can be provided by the communities. There are also many courses and cultural awareness training which should be essential and relevant to the area one will be working in. Training must be ongoing and more than tokenistic.

In previous times if one was to work in remote communities there was an expectation that one would commit to learning the local language. Language provides insights into culture also. This also shows great respect and commitment which will help build trust.

Territory, State and Australian governments are yet to embed the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP) into law/policy frameworks⁵⁶

There are other United Nations conventions that we are signatory to. First Nations Peoples must have their fundamental rights to self-determination restored and their rights to social, cultural, economic and political rights respected. They must have the right to be free of discrimination and children have rights.

Other tools include,

- [UN International Covenant on Economic, Social and Cultural Rights](#)
- [UN International Civil and Political Rights](#)
- [UN Committee on the Elimination of Racial Discrimination](#)
- [UN Convention of the Rights of the Child](#)

In 2002 Australia belatedly legislated to make genocide a crime. Australia needs to take this seriously such are contemporary concerns. We are also bound by the [UN Convention on the Prevention and Punishment of the Crime of Genocide](#)

There are other guiding principles, including in business dealings which has relevance also for governments.

It is well established that effective engagement with Aboriginal persons is a key element of the social license to operate for business and industry. In 2007 this became a de facto obligation when the United Nations adopted the Declaration on the Rights of Aboriginal Peoples. This Declaration, coupled with the United Nations Universal Declaration on Human Rights, led to the production of the [United Nations Guiding Principles on Business and Human Rights in 2011](#). Since then we have seen the business sector, especially the investing and financial sector adopting practices which support the concept of Free, Prior and Informed Consent, which is core to the Declaration on the rights of Aboriginal people

Human Rights Do Matter and can create positive pathways

⁵⁵ LDMNT Tools and Templates <https://ldm.nt.gov.au/tools>

⁵⁶ Australian Government-Human Rights, UNDRIP at <https://humanrights.gov.au/our-work/un-declaration-rights-indigenous-peoples-1>

As highlighted throughout the [Australasian Centre for Corporate Responsibility](#) (ACCR) in their damning submission regarding the actions of Rio Tinto on the Juukan Gorge destruction inquiry. The ACCR reminded us the

"Gaps between local laws and international standards can create risk for companies operating in the jurisdiction of regulatory insufficiency. Australian laws are plainly insufficient, in general, in upholding the cultural heritage-related rights contained in the UNDRIP."⁵⁷

In 2021 Investors are looking more and more to ethical and sustainable investments. In the North we have an abundance of solar. Why invest in destructive and unhealthy fossils fuel which are destructive to humanity and the environment? Why give away precious water to mega conglomerates?

First Nations Peoples are not opposed to mining or development but their world view, their knowledges and concerns over their lands and waters run deep and matter. They have a right to community development, housing and other projects that they desire.

THE PROGRESS, ACHIEVEMENTS, CHALLENGES AND FUTURE POTENTIAL OF LDM IMPLEMENTATION ACROSS THE NORTHERN TERRITORY

Progress: There is a long way to go.

Self-Determination and local decision making has always been with the people but disempowerment is a reality.

We note on the LDM website some communities/regions have entered the process and note differences. The Yolngu agreement which both NT and Federal Government signatory to is impressive.

We know also that there are communities who want to achieve self-determination and treaty now through their own ways This need to be recognised and supported, not blocked as mentioned within this submission.

Potential -lies in the way this local decision making is implemented. Cultural Integrity and authority must be respected.

Such has been profound disempowerment that resources are needed to rebuild and strengthen community structures . The Member of Mulka has spoken often on this in the NT parliament. Each community have solutions. Some stronger than others.

It is vital that Indigenous perspectives , knowledge, solutions and way of doing are respected and included in policy formation from the outset. We note some excellent documents on the website which reflect inclusion as with the Yolngu agreement.

Cultural integrity , mutual respect and mutual responsibility is vital at every step in this process.

Challenges We see great challenges for Government and Government bodies in local decision making and other processes, but these can be overcome by working together with mutual respect

⁵⁷ [Australasian Centre for Corporate Responsibility](#)(ACCR), Submission: Parliamentary Inquiry into the destruction of 46,000 year old caves at the Juukan Gorge, 31 July 2020 [here](#)

and understanding, and by following human rights principles and the features of meaningful engagement when working with Indigenous peoples can be accessed on line.⁵⁸

As noted in the submission UN instruments must also be included as tools/ guidelines.

For government to understand and truly respect the connection that First Nations Peoples have with their lands, waters, sacred sites and songlines.

Respect the land and all within and the land will care for you. This includes people living in the hundreds of community living areas, in homelands across the NT and in town camps. It should be recognised that various land act and regulation amendments threaten survival of a people and will impede the way forward.

That town camps, under a revised town camp framework, are expected to 'voluntarily' hand over their 'special purpose leases' granted in perpetuity in the 1970s in exchange for services and housing. Again, this is morally wrong. Land is essential to community wellbeing. Work with community leaders of these impoverished communities and support them to achieve their desires without loss of their land.

Residents of community living areas (CLAs) have had a land regulation changed in 2012-13 impacting on their rights to be consulted. Indeed, at the time just 15 of the larger CLAs were consulted, yet there are hundreds and hundreds of CLAs across the NT. Their lands rights have been considerably weakened⁵⁹. That is not okay.

Clash of Cultures- recognise the differences and accept this is okay. We live in a multicultural society yet fear and discrimination has increased.

Governments need to recognise that they place obstacles in the way of First Nations People, in such a way that places them at odds with their cultural integrity and connection to kin and country, and that policies and indeed strategies and new rules/laws are marginalising the authority of the elders and of kin.

It is important to acknowledge the inherent bias within our political systems, bureaucracy and workplaces.

Power Imbalance and Inequity -recognise the reality of this. First Nations peoples must be resourced in negotiations and all matters regarding their lives and lands. They must be allowed their rights to fully independent free, prior and informed consent.⁶⁰

Take time to get to know and earn the trust of the people.

Discriminatory Territory and Commonwealth laws need to be repealed. The Territory can lead the way.

- E.g. the recent juvenile justice laws need to be repealed e.g. will cause more harm than good, these need to be scrapped
- communities have provided solutions which need to be funded

⁵⁸ Eleven principles can be found in a 'Concerned Australians' publication, *In The Absence of Treaty*, 2013. Refer Appendix A: *Features of a Meaningful and Effective Consultation Process*, as recommended by Aboriginal and Torres Strait Islander Social Justice Commission, Mick Gooda pp56-58. http://www.concernedaustralians.com.au/media/In_The_Absence_of_Treaty.pdf

For a discussion on this and to see the regulation go to ⁵⁹Concerned Australians, *In The Absence of Treaty* pp 16-31.

http://www.concernedaustralians.com.au/media/In_The_Absence_of_Treaty.pdf

⁶⁰ Ibid pp

e.g. in Arnhem land resource raying camps to be run by respected community leaders and elders. Kids belong on country, and in well-resourced schools not in jails. The member of Mulka has spoken of such solutions.

Jails are expensive and destructive. Kids belong on communities and in culturally relevant schools.

Bilingual schools and homeland learning centres are heavily under resourced, have inappropriate learning modules and many under staffed, these need to be fully resourced and funded well. Other areas calling out for bilingual; education and more appropriate and culturally relevant child-adolescent and adult education models.

Reinstate and resource well local First Nations community councils.

HOW TO FOSTER COMMUNITY AND LEADERSHIP INTEREST IN AND COMMITMENT TO NEW LDM AGREEMENTS.

Work with and where communities are at in their moves to self-determination and self-governance.

Reinstate local community councils as above.

Leadership exists already in community as above.

The cultural authority of communities exists, in many areas, has been profoundly disempowered.

Work with community leaders and the people to rebuild and strengthen leadership and support / resource their own structures. (refer UNDRIP and other UN Instruments noted in this submission)

Build trust. Work with communities for long periods.

- short 1-2 hours meetings will not help
- chopping and changing staff does not help.

Recognise that communities wish to go their own way towards self-determination. There is a precedent where all levels of government worked with a group to achieve.

- Refer Greg Marks document, *REFLECTION, Aboriginal Land Rights and the Hermannsburg Controversy: Implications for Self-Determination*⁶¹

Work with cultural leaders in mutually respectful ways as occurred in the above example

Interventions have caused profound disempowerment, the member for Mulka has spoken of this often in the house and provided ways forward/ ideas to re-empower elders and communities

Language can be a barrier and is vital for the survival of the people and their cultures

- provide paid and qualified interpreters for all meetings where English is their second/ third/ fourth language.
- government workers to commit to learning local languages and understanding the cultural groups they are working with; land essence of survival
- respect, the increasing calls for bilingual education and two-way learning in schools, and with adults in health, community, family and alcohol /addiction services, work and justice initiatives etc resource these now.

Traditional owners and custodians and community leaders must be allowed to work within their own structures and processes and their priorities resourced (UNDRIP).

⁶¹ Greg Marks, *REFLECTION, Aboriginal Land Rights and the Hermannsburg Controversy: Implications for Self-Determination*, Law and History, Vol 7 Issue 1, 2020.

kinship structures are important -vital- for flourishing communities yet kin have been denied involvement or notification when issues arise. Government must recognise and acknowledge their failing in this area, ongoing breaches in protocols and that the current child protection, juvenile justice and justice systems are broken

- Local culturally relevant solutions exist, and must be resourced

Tools to help

- As guided by First Nations leaders in the NT within all the regions
- refer to UN guidelines, mentioned in this submission, and rules of engagement with First Nations Peoples. *Features of a Meaningful and Effective Consultation Process*, as recommended by Aboriginal and Torres Strait Islander Social Justice Commission, Mick Gooda ⁶²

The NT government should incorporate into its frameworks and laws and policies the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and abide by other UN conventions.

It is important that people build trust and truly work in 'genuine partnerships' with the people as they have long called.

'co-design', 'consultations have simply become buzz words.

There is not rust of top-down processes

A multipartisan approach is essential to the health and wellbeing of all Territorians.

Communities, in particular remote homelands, who have missed out on funding for over 15 years, must be resourced well to rebuild, strengthen, and achieve their own objectives.

- In the end this will provide far better outcomes and will also be cost saving.
- Fly in flyout contactors are exorbitant and have replaced jobs and

Community cultural roles must be acknowledged and valued. These roles should be paid.

Commit to genuinely working towards community aspirations

- the 2007 MOU between the commonwealth and NT Govt which denies housing or related infrastructure in homelands need to be reversed. See Appendix 3.
- Amendments of 2006, 2007, and 2013 need to be reversed

THE IMPACT OF TECHNOLOGY, TREATY, TRUTH-TELLING AND VOICE ON LDM DEVELOPMENT.

The impact of technology will surely be of benefit especially in times such as covid. It will be for community leaders to discuss best ways forward in all this. There will be issues for older people.

All these processes can work along side each other as communities are ready.

⁶² Eleven principles can be found in a 'Concerned Australians' publication, *In The Absence of Treaty*, 2013. Refer Appendix A: *Features of a Meaningful and Effective Consultation Process*, as recommended by Aboriginal and Torres Strait Islander Social Justice Commission, Mick Gooda pp56-58. http://www.concernedastralians.com.au/media/In_The_Absence_of_Treaty.pdf

As noted, there are communities working independently towards true self-determination and treaty. These need to be supported not blocked.

Treaty-please refer pp 6-7 and Appendix 4 of this submission.

Some groups are ready for treaty now, they must be resourced appropriately to achieve their desires and just outcomes. Processes will take time. Space must be allowed for the people to work towards these processes, some of which will be painful and difficult.

It is important for traditional owners and custodians, clan leaders / elders to be involved as above

It is important to meet in community with community leaders, following cultural protocols and to respect cultural ways of gatherings and meetings. Cultural integrity

As with all gatherings where English is a 2/3/4 th language qualified interpreters will need to be employed and written materials/ videos be provided in their languages.

Resources must be provided to groups to access fully 'independent legal advice. There has been much work done on treaty and frameworks by various groups.

Truth telling and Treaty are long overdue , and issues of sovereignty need discussing and not to be feared. Refer Appendix 4.

The cultural voices and authority of communities must be 'respected' that is their voice. Many communities have their voices, but some are fragile , such has been the exclusion and disempowerment.

Local decision making through correct community channels and structures will aid empowerment and the treaty making processes.

There are communities demanding their full right to self-determination and treaty now, support and resourced these calls.

Thankyou

Georgina Gartland

On Behalf of 'concerned Australians' (cA)

cA acknowledge the First Nations Peoples, the Traditional Owners of this land and their many unique cultures and languages. We respect the knowledge and wisdom of Elders past and present. They have never ceded their sovereignty and we commit to walking with them in their quest for truth, justice and treaties.

^[1] W. Sanders has pointed out the deficiency of the policy in his 2010 s paper , "*Working Future: A critique of policy by numbers*"

... there is already a settlement hierarchy among discrete Indigenous communities in the Northern Territory, in which 70 or 80 communities act as central-place service hubs for a more widely dispersed remote area population. It also notes that, small 'open towns' sometimes act as service hubs, and asks why many of these have been overlooked as potential TGTs. The final section of the paper suggests that *Working Future* reflects recent policy change in remote Indigenous housing which has been developed through collaborative federalism. This helps us understand and explain the strange mal-distribution of TGTs in *Working Future*. *Working Future: A critique of policy by numbers* <https://www.semanticscholar.org/paper/Working-Future%3A-A-critique-of-policy-by-numbers-Sanders/ace738a6b919143443cc34f38c20e793a49e1501>

Appendix 1

Yingiya Mark Guyula, MLA

(On planned speech to parliament to deliver in the NT Parliament)

- How to work-prepare and plan- with local First Nations' Peoples' during and post COVID 19.
- Local decision making and cultural knowledge is important.
- On policing and military enforcing social distancing, why not engage local people
- on community confusion
- On scrutiny of COVID related and other bills
- Why are communities missing out on jobs that are taken by FIFO
- On discrimination-why urban centres have received Home Improvements Scheme yet regional centres and homelands miss out

Planned Speech to NT Parliament -

[Yingiya Guyula Mla](#) 24/04/20

Yow bukma - I called into Parliament Sitting today by phone, due to travel restrictions, but was having some technical problems hearing the chamber. This is the speech I wanted to deliver:

Madam Speaker

Good afternoon everyone. I am having some problems hearing the chamber through the teleconference, so I have been listening to the online stream.

Firstly can I thank the many people who are working to protect the Northern Territory and our communities from the threat of Coronavirus.

I know people are working hard and are planning and preparing. And this planning and preparing has been very important.

Now that we have a little bit of breathing space due to no new infections, I want to encourage everyone to ensure that this planning and preparing is done in consultation with local communities.

For example, when we have had calls for more police in our communities or I've heard discussions about the Army being used to reinforce social distancing, my response for my communities is: Employ locally – employ our local elders and leaders to work with police. Working side by side. Provide vehicles so they can drive around communities and help to manage the concerns and explain the reasons for Coronavirus regulations.

There is a lot of confusion in communities about what is happening, and communities need to be part of the response to this emergency. Local decision-making should always be the answer.

I don't agree with the way our Parliament has been sidelined today. These Bills require scrutiny. There are a number of peak bodies and welfare groups who are concerned about the Tenancies Bill. We should have time to listen to these organisations and their concerns to make sure that we make good decisions that have a positive impact.

There are a number of peak bodies and organisations concerned about the changes that were made to the Public Health and Environmental Bill today. And I share their concerns, but we haven't had a

chance to look at this Bill and see what it means, and we haven't had a chance to hear from legal experts about how this may impact on our community members.

I do support the Utilities Legislation Amendment Bill because I understand that this will enable the Minister to reduce utility bills by 50% for businesses, but I am disappointed to learn that this might not be passed on to businesses in Nhulunbuy.

I have continued to raise the issues of high rents, high rates, limited housing, high cost of living for Nhulunbuy over the past few years.

But right now, businesses in Nhulunbuy are suffering just like every other town. Is this government working to ensure that they have the same level of support to survive?

In a similar way, the offer of the Home Improvement Scheme is desperately needed in homeland towns and outstations. But we have been left out.

At this time, we have seen our families returning home to communities from Darwin. Often supported by Government to travel home. And I am thankful for this program.

But our communities that were already overcrowded are now bursting, often with 10 to 15 people living in a 3 bedroom house, and we know that if coronavirus were to come to our communities, this level of overcrowding would be very dangerous. Myself and other elders have been calling for families to move out to homeland towns. These are safe places and we have been calling for this for many years, but now more than ever.

And I am pleased to hear that the Chief Minister's Department are supporting families who want to move out onto our homelands.

But sadly our homeland towns have been under resourced and overlooked for housing programs for a long time. And I am very frustrated about this.

As families move back to these safe and healthy places we need to look at building more living spaces. We don't need to send FIFO in, there are skilled and unskilled workers out there, there are ranger groups who have said they want to be involved, and Yolngu businesses like YBE who are in the region.

But we do need to build simple structures, decked platforms and rooves where families can expand their living and sleeping areas. This is crucial.

When I see the Home Improvements Scheme I think about our Homeland towns. This scheme has been offered several times now by this Government but not for our homes, not in these places where it could have a very powerful impact.

So while I support the Utility Bill because it will bring benefit to some businesses in the NT – I urge this Government to include all remote communities in the relief programs that are being provided and I urge this Government to give more time to the scrutiny of these Bills and be very careful about the way they use their emergency powers.

Thank you <https://www.facebook.com/mlayingiya.guyula.1/posts/641828423029890>

Appendix 2

Yingiya Mark Guyula-speech to Parliament 10/08/2021

Mr GUYULA (Mulka): Mr Deputy Speaker, it is important that this government is working towards creating economic growth through industry and business development. Business development is important across the regions but it must be well balanced with a holistic vision that includes community goals of good health, high quality training, high quality care for families and protection of our environment and country. This bill makes adjustments across many pieces of legislation to assist business development. I ask whether all these changes come with good consideration of the whole community.

I note that there have been some concerns about amendments to the Water Act contained in this bill. This raises a question of whether changes to this legislation will come at the cost of the community and the environment. I note that the Central Land Council, the NT Environment Centre and the Arid Land Environment Centre hold concerns about the amendments to the Water Act. The CLC has asked for these amendments to be withdrawn until there can be community consultation about our water, which must have a high priority when it comes to economic development. This is the balance that is needed. Communities must be part of economic development and be included in the discussions about what is right for our communities.

The current debate about fracking in the Beetaloo Basin must also defer to the community and its needs. Traditional owners were consulted on this issue 15 years ago and have only since come to understand the risks and dangers of fracking. The community is saying no, but government and businesses are walking over the top of the people. This is not economic development that supports the people. Rather, it is about big business being valued over community and country.

The NT Environment Centre has stated concerns that the Statute Law Amendment Bill will transfer significant discretionary power to the Water Controller and allow water speculation by developers and pave the way for new dams and reduce public scrutiny. There were also concerns raised about how this legislation will benefit the NT Land Corporation over the community.

The CLC has called for the government to withdraw all water related amendments until it has released a comprehensive water reform strategy for public scrutiny. I agree with this call. I call on this government to amend this bill to allow for proper consultation on the important issues of our water. I will support this bill if these amendments are made.

In this bill I see that business development is on the government's agenda. I think the government is focused mainly on urban centres, sometimes on regional centres and very rarely on remote areas and homelands. However, there are many barriers to business development in remote communities. If Aboriginal communities are going to be included in the Territory economic reconstruction then many of these issues need to be discussed with our communities, as part of creating a pathway forward.

Barriers to economic growth that we experience include commercial licensing. We have land and sea country and yet we cannot fully benefit from these resources. In most circumstances we cannot trade commercially because the government has given all licences to other businesses and there are laws that mean we cannot trade commercially without a license.

We have issues of contested land tenure. Across many communities there are clans that are not being included in land tenure discussions. In our communities we are the experts on the land, songlines and history. We must be given space to reach agreements about who must be consulted in relation to discussions about country.

In Arnhem Land, a decision should never be made with just one clan or person. Our responsibility for country comes through the yothu yindi, mari-gutharra and yapa-waku clan groups—the TOs and caretakers who look after country, and the grandparents and grandchildren who relate to the land, all working together. Those

clans are connected through the songlines. These are the families who connect with the land. As a culture that works on consensus decision-making we must hear from all parties and allow everyone to share their view. This is also important in our larger towns where many people who have been living on country for many generations are not seen as landowners. They are like displaced people.

These communities need decision making bodies that give all landowners and residents local control over land. Many decisions about bigger towns are happening in Darwin. There should be consultation of residents and landowners together about businesses operating in our towns. We need to build a vision together.

We have financing issues. Loans and business start up capital is not available for many landowners. We do not all benefit from royalties and we must look to banks to start our businesses. However, banks often do not provide loans. We also need business support services that can work across cultural and ESL settings to provide advice, education and advocacy for loans and support and for accounting. These services provide the bridges needed to make it possible for our communities to engage in economic development.

We also need to be able to foster partnerships with people who have business skills and are prepared to walk alongside us as we create businesses. Last week, Knowledge Water in Mandjawuy Homeland had an opening ceremony for their spring water business. I was there and so was minister Uibo and we witnessed that opening. The partnership and mission of Yolngu from this homeland with Balanda who have strong skills have created community success and it is important that we make pathways for these partnerships so we can bring skilled people in and house them and encourage them to work with locals to create a strong future. These are some of the areas we need a government to focus on and work on with our communities to help create these pathways for communities to engage in business and economic outcomes.

I also mention the CDP program, which creates many problems. An article written last week by Jon Altman, Francis Markham, Elise Klein and Zoe Staines stated that CDP has caused significant harm and torn at the social fabric of remote communities. It has disproportionately high levels of penalties and payment suspensions, which have lowered already impoverished household incomes. Low rates of social security in places where food is extremely expensive results in real hunger and worsening physical and mental health.

CDP activities also redirect people away from other important work, like caring for family and kin. This should be noted. There is a lot of unpaid work that happens in our communities—many people caring for the disabled and elderly, many grandparents providing care for grandchildren, many clan leaders providing management of ceremonies and social harmony. This work is not only unpaid but often unrecognised outside our culture is legitimate work.

CDP also creates problems for development of small businesses by undercutting and taking opportunities such as cheap or free lawn-mowing services that small businesses have been able to provide. There is much work to be done in our remote communities in creating pathways for economic independence and growth that will benefit the whole of the Northern Territory. I appeal to the government to work with elders and leaders in communities in creating these pathways.

Appendix 3

Greg Marks, *The Endless Northern Territory Intervention [and Homeland policy]* 21 June 2021.

Background

The Intervention was in *August 2007* – everybody knows about it - the NTER legislation (*Northern Territory Emergency Response Act 2007*), and then again the Stronger Futures Act of 2012 which continued the Intervention regime, with some modifications for a further 10 years.

In *September 2007* an MOU was signed between the Commonwealth and the Northern Territory Government: *The Memorandum of Understanding Between the Australian Government and the Northern Territory Government on Indigenous Housing, Accommodation and related Services*.

Just one month later than the Intervention. Who knows about this? And yet I suggest this MOU is as important, maybe more important, than the NTER legislation.

It has been out of the public view – the hidden part of the Intervention. Disastrous for Aboriginal life in the Northern Territory in so many ways.

What did it do? – it banned any Commonwealth support for housing and housing-related infrastructure in homelands and outstation communities – about 500 communities at the time of signing.

I repeat it was hidden – the MOU was kept secret even though it contained no confidential information. Laynhapuy Homelands Aboriginal Corporation attached the MOU to a submission to a Senate Committee and then it was in the public arena.

It is difficult to find the policy in respect of homelands housing in Government documents – needs a forensic search of the Council of Australian Governments (COAG) documents to piece the threads together. There is an acknowledgement that this is part of the Intervention, or at least complements the other measures.

What is the purpose underlying this policy?

As with other parts of the Intervention, it is to grind down, disempower, assimilate Aboriginal communities. The objective is that in the longer term such small to medium-sized communities will disappear and be absorbed into large communities or regional towns.

If you look at the National Partnership for Remote Housing Northern Territory for the period 2018 – 2023 you will see *no mention* of housing for homelands/outstations

it does not say they are excluded - it doesn't have to because the old 2007 MOU policy is still in place.

Those directly affected have battled the policy – Laynhapuy, Yingiya Mark Guyula, MP for Mulka Northern Territory, the Land Councils: many have complained, and some have made the link to the Intervention,

- but there has been absolutely no change in a policy that goes back at least 14 years
We do not need to dwell on the consequences of the policy

- overcrowding
- increasingly old housing stock
- population drift to major communities and regional towns
- associated social dysfunction
- inability to live on country with a reasonable level of services including social housing

Homeland Policy Review

There was a development that seemed to provide a way through this policy swamp. In 2019 the Northern Territory Government commissioned an independent review of its Homelands Policy. The report of the review was released early this year. The first recommendation of that review is the key recommendation:

Re-engage with the Australian Government and Land Councils to develop a sustainable policy.

The Northern Territory Government (NTG) response supported this recommendation. Here was the opportunity to bring the Commonwealth back into the homelands story, and potentially unravel the 2007 MOU. It is clear the NTG does not have the resources on its own to meet the accommodation needs of the homelands and outstation communities, and that some form of partnership with the Commonwealth will be necessary. The Homeland Policy Review Report, noting that:

Almost all housing and related infrastructure in Northern Territory (NT) Homelands has been constructed under Commonwealth funded programs. Any Commonwealth commitment to the construction of housing on Homelands in the NT, however, formally ended in 2007 with the signing of a Memorandum of Understanding (MoU) between the two governments

Observed that:

current Homelands housing stock is in poor repair, especially in the Northern region where there are a large number of houses with significant structural issues. This is supported by the CAT (Centre for Appropriate Technology) Homelands' Assets Review which found that nearly one third of houses had substantial or longstanding issues that necessitated rebuilding rather than repair.

But it has all gone quiet – nothing has happened.

Why?

Because there is a new game in town. Forget the Homelands Review.

Changes to the Aboriginal Land Rights (ALRA) Act

Announced by the Minister for Indigenous Australians Mr Ken Wyatt at the Barunga Festival in June this year, this is a package of reforms to the ALRA codesigned with the Land Councils to 'activate the potential of Indigenous land in the NT'.

The Commonwealth will set up a new corporate Aboriginal controlled Commonwealth entity funded from the Aboriginal Benefits Account (ABA – which receives mining royalty equivalents for mining on ALRA land). The new body will use ABA funding to 'seize opportunities to invest in large-scale, strategic initiatives. The amendments will also change arrangements for head leases (whereby traditional

owners forgo effective control and informed consent over decisions in respect major Aboriginal townships on ALRA land, in return for housing and other facilities).

These changes are clearly development oriented. A close reading of the Press Release, and Fact Sheets on the website of the National Indigenous Australians Agency (NIAA) shows:

- nothing about homelands or homelands housing
- but all about development, mining, head leases etc

The danger is that there will be a new prominent player in town in the shape of the new statutory body and that homelands/outstations will stay on the sidelines/out of sight

- which is where perhaps Governments and others want them

These new developments may be even more important than the current focus at this Conference on the Stronger Futures legislation coming to an end next year.

If homeland and outstations are again sidelined there may be another 15 years in the wilderness. Where will outstations be then? How old will the housing stock be? After all the 2007 MOU has not been repudiated or renegotiated. Will those who wanted the defeat of the homelands movement by attrition have got their way?

The message is: Be Wary; Watch the new legislation closely; Get the Focus back on to homelands and outstations.

[P Monday 21 June 2021 – Greg Marks]

Appendix 4

Yingiya Mark Guyula MLA , 2018 Garma Key Forum - Truth Telling Session, 5th August 2018

Thank you for this important opportunity to talk today about Treaty.

I'm sure some of you must be wondering – why are these people still talking about Treaty after so long?

It's been 30 years since the Barunga statement and there has not been much progress. In fact many things seem to be going backwards.

In the last 30 years Yolŋu have felt the full force of oppression. Government policies like the Intervention, super-shires, English-only schools have impacted greatly on our wellbeing.

We are being pushed to suicide and we suffer from ill health, low education levels, and high incarceration rates.

Whoever it was that invented the Intervention and then even worse, whoever it was that invented Stronger Futures – those people tried to kill our culture, they really wanted it dead.

But we are still here. We are nursing wounds but we are still here fighting until we are heard.

Balanda ways/ Njapaki ways are failing us, strangling our spirit. Balanda governance is failing us. It is time for self – governance.

Those things we have been fighting for for 30 years, they haven't gone away and they will not go away.

So, what is it then? What is this thing we keep fighting for? What is Treaty?

Well, let me start at the beginning. You can't understand Treaty until you first understand Sovereignty. This is right at the start. If you can't understand Sovereignty, then you will never understand Treaty.

To be clear, Yolŋu were never conquered. Our culture, our language, our law remains intact.

We are a sovereign people.

For some people, sovereignty is a scary word.

What they hear is that we want to get rid of you, to make you go away. Well that's not right, that's not what Yolŋu mean when they are talking about Sovereignty.

We are not looking to send anyone away – we know you live here too – we know this is your home and our home.

Let me give you an example that might help you to understand what Yolŋu mean when they talk about Sovereignty. You see, we Yolŋu have had Treaties before. This is not our first time.

For many years, for a long long time we had a Treaty with the Macassan's. We worked in partnership and trade with them. It was a good relationship.

This relationship started with recognition. It started with an understanding of each other's Sovereignty as separate nations. The Macassan's they came here and they started fishing. But then, not long after they realised there were already people here and they knew they couldn't continue without talking to those people first. Straight away they recognized the Sovereignty of the Yolngu people that were already living here.

It is the same today. We were here at the start and we haven't gone anywhere. The right way is to come and talk to us, to negotiate with us as equals and to work out an agreement for the future, so that our authority is clearly understood.

Sovereignty is about control, it is about power. It is about recognizing that we are a real nation, with real governance, real laws and real authority.

Right now, this Federal Government does not recognise our sovereignty at all. It does not see what we have to say as important let alone recognize Aboriginal people as Sovereign nations.

Look at what happened with that Uluru Statement. Now I wasn't there at Uluru but I participated in the discussions when they were happening in Darwin. But those people that were there at Uluru, they came from across Australia, they sat down and they talked and all agreed on that one statement to give to the Prime Minister.

It is a good pathway and the Prime Minister should think again and change his mind.

The point of truth-telling, is that it is time for everyone to tell the truth about our history. Where the Governments fail to tell the truth about invasion, massacre and sovereignty – they are unlawful. The Uluru Statement creates a path to right these wrongs.

It is time for all of us to recognise the law of this land and abide by it. It's time for us to be truthful and employ Yolngu Rom Njurrungu.

I acknowledge that the Northern Territory Government are bringing serious conversation to the table. But so far they are yet to include the people. Government's must negotiate with Nations and allow for traditional decision-making processes and this will require resources.

Ultimately, we want the big one – a Treaty with the Federal Government that is long overdue. But treaties of different types at all levels of Government that recognise Sovereignty will bring vast improvement.

Our success as a Sovereign Nation is well documented. For thousands of years we lived with good health, strong in our identity, strong in our language, strong in our law. We nurtured the land, the creatures and the people with knowledge and wisdom that had been passed from our elders, ancestors, and the creator spirits. We did not know suicide, depression, drug addiction, family violence.

We hold onto this past knowledge now, and we fight for Treaty. We fight for Treaty to create a space to maintain our culture: to become modern Yolngu people with the wisdom of our ancestors and the traditions of our law.

When I say 'space', I am talking about a space to create modern Yolngu society:

- Space to determine our education aspirations
- Space to create Yolŋu models of employment
- Space to resolve land tenure disagreements
- Space for Yolŋu elders and leaders to maintain law and order and use our programs to resolve family violence, rehabilitate offenders of all crimes and provide healing for victims of drug abuse and depression.
- We need space to prioritise resource distribution based on our determination: such as alleviating overcrowded housing and supporting homeland development.
- We can work in partnership to further develop programs that prevent kidney disease, heart disease and other illness through education founded on two ways knowledge.
- The resources on our country should be available for our economic benefit through local owned fisheries, croc farms, tourism etc. Support for the development of sustainable Yolŋu businesses creates a pathway for our success.

This is the space that we need to begin to determine our future. It is a space for genuine partnership between sovereign nations.

And it has to start with returning power to the Yolŋu elders and leaders where it belongs without manipulation and intervention.

We have a system of governance and this system of governance will determine our future under Yolŋu control. Men and Women, elders and leaders, standing strong and protecting our people and our culture.

I want to finish with something positive.

I want to take you back to the Macassan's before I finish, to remind you all that we have done it before.

We have been fighting for a long time now but Treaty will happen again. There is hope.

Thank you.

Yingiya Mark Guyula MLA (August 2018)

The speech can be viewed at <https://www.youtube.com/watch?v=4hCkcZMmKtA>

Appendix 5**Mr Anand Grover, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health – 4 December 2009**

Knowing Australia to be a developed, prosperous country, I was moved by the stories told to me by indigenous communities, the living conditions I saw, and the extent of preventable disease and health-related disability I witnessed among those of Aboriginal and Torres Strait Islander descent. The right of a significant proportion of Australia’s indigenous populations to the highest attainable standard of physical and mental health is being violated. Basic needs, such as adequate housing, safe drinking water and sanitation and access to education are not being met. Unresolved issue surrounding native titles and land rights continue to have a detrimental impact. Communities are not benefitting from the equal access to primary healthcare facilities which are at times inaccessible or inappropriate. This is sometimes due to lack of transportation and communication infrastructure, but more often due to direct discrimination and culturally inappropriate services being provided. Institutions and processes, particularly those linked to tertiary care, and staff are not adequately supported to address the specific needs and vulnerabilities of the indigenous communities they serve. Such inequities are incompatible with basic principles of the right to health including equality and non-discrimination.

Decades of neglect, racism and discrimination have stigmatized and disempowered these populations, impeding equal access to basic services, leaving them on the margins of the Australian society. Since the official recognition of Aboriginals as citizens there have been improvements made, but more remains to be done. Certainly, Australia’s support of the United Nations Declaration on the Rights of Indigenous Peoples and the apology to the Stolen Generations were commendable, but there is much more to be done. Progress cannot be made on this important issue without respectful and open dialogue and cooperation among all parties. I would like to strongly encourage this dialogue in the quest for truth and reconciliation about difficult issues concerning colonization and consequent disempowerment of the Aboriginal and Torres Strait Islander populations.

Including the indigenous population in policy and decision-making processes is necessary to build relationships which would ensure genuine protection of their interests, while securing their respective cultural identities and self-determination, and restoring respect and dignity. I note that the Government has signaled an intention to establish the National Congress of Australia’s First Peoples, which represents one mechanism by which this engagement could occur. However, I would stress the importance of legislative guarantees, or other such mechanisms, to ensure that the opinions of any such body must be taken into account. Initiatives such as this are a welcome development, and represent major progress – but other initiatives in recent times have proved not as successful. The Northern Territory Emergency Response has unfortunately undermined some of this progress in efforts towards reconciliation, as communities describe the NTER as paternalistic, disempowering and racially motivated. It exposed the weaknesses in protection of the Aboriginal and Torres Strait Islander populations, and highlights the need for entrenched Constitutional protection for them.

Furthermore, the NTER failed to meet basic standards of a rights-based approach to health, such as the development of a transparent plan with clear benchmarks and indicators, participation, the meaningful engagement of communities and the establishment of mechanisms for monitoring and accountability. Some aspects of the NTER have been considered beneficial; notably, that it sent a message of unprecedented political and financial commitment to address the rights and needs of

indigenous communities. Income management aspects of the intervention were described favourably by some, but as disempowering by most – and my attention was drawn to similar initiatives in other States that have been implemented on a voluntary basis with success. The specific approach regrettably undermined existing health structures and the ongoing efforts of service providers in the Northern Territory, rather than strengthening their role in providing the solution. Overall, the NTER has undermined Aboriginals' and Torres Strait Islanders' self-determination and progress made to date by the communities themselves in addressing their own health needs and therefore has presented an obstacle to continuing further significant improvements in the health outcomes of these communities.

As the intervention initially stood, it was inherently flawed, and some of the measures imposed were in direct breach of Australia's international human rights obligations. I welcome the Government's decision to reinstate the Racial Discrimination Act in the Northern Territory, but it is of utmost importance that such changes are accompanied by the immediate implementation of appropriate measures. This would bring future programmes and policies in line with the change. In this context, I welcome the current government's recognition of some of the NTER's limitations, and its efforts to address these through an extensive consultation and review process.

This Is What We Said , p 68-70 http://www.concernedaustralians.com.au/media/This_Is_What_We_Said.pdf

Full report can be found at:

<http://www.un.org.au/files/files/Sp%20Rapp%20for%20Health%20Press%20statement%20Australia%20-%20FINAL%20Dec%202024.pdf>