

Yingiya Mark Guyula MLA  
Member for Mulka, NT Legislative Assembly



19/02/2025

Attn: Secretary  
Legislative Scrutiny Committee  
NT Legislative Assembly  
Email: [LA.Committees@nt.gov.au](mailto:LA.Committees@nt.gov.au)

### **Re: Submission on the Territory Coordinator Bill 2025 (Serial 17)**

I make the following submission as a leader of the Liya-Dhalinymirr clan, one part of the Djambarrpuyŋu Nation of the Yolngu people of North East Arnhem Land, and as an Independent Member of the Northern Territory Legislative Assembly representing the Electorate of Mulka. Thank you for the opportunity to provide feedback on the Territory Coordinator Bill 2025 (the Bill).

#### **1. I would like to make it clear that the Territory Coordinator Bill should be completely withdrawn or substantially amended.**

In its current state the Bill does not provide sufficient regard to the rights of Aboriginal landowners/custodians and communities, it fails to provide sufficient safeguards for our environment and cultural heritage, and if fails to provide sufficient safeguards for democratic processes.

#### **2. Consultation Process**

I make note that there has been inadequate time for proper consultation. In remote Aboriginal communities there has been no consultation on this Bill or the Exposure Draft. The Nhulunbuy consultation was appreciated, although some residents commented that they could not attend as it was held during the day on a Monday when people were at work. It was also held during the school holidays when many people had left town, and it also did not engage the surrounding Yolŋu communities.

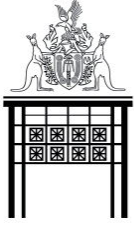
#### **Recommendation:**

The Legislative Scrutiny Committee consider holding hearings in remote Aboriginal communities with interpreters to ensure a thorough consultation process. This would also require an explanation of the Bill in the appropriate language for each community.

#### **3. Too many Powers and Lack of Accountability**

The Bill gives the Territory Coordinator and the Chief Minister extraordinary powers. It allows for changes and decisions to be made across 32 specified Acts without sufficient oversight or parliamentary accountability. By its very nature, the Bill does not allow sufficient regard to the institution of Parliament. What is the point of creating laws through the Legislative Assembly if an overriding Law is created giving an unelected Commissioner the power to override 32 Acts, and potentially more Acts if inserted later by Regulation.

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**Recommendation:**

- a) Introduce ways for clearer accountability and ensure that the use of discretionary power by the Territory Coordinator is subject to independent review and parliamentary oversight.
- b) The Bill be amended to require an independent review of the operation of the Act within 2 years of commencing operation to allow for parliamentary oversight.
- c) Furthermore, the provisions allowing the Territory Coordinator to self-review matters relevant to the proper performance of their functions, and report to the Minister (clause 100) be amended to require review and reporting by an independent entity.

**4. Risk to Environmental and Cultural Protections**

The Bill's focus on the "primary principle" of economic prosperity, risks prioritising development over environmental, social, and cultural considerations. The ability of the Territory Coordinator to go back and change or remove conditions placed on major projects, and issue exemption notices for statutory processes, raises concerns about the potential erosion of critical environmental safeguards under the Heritage Act 2011 (NT), the Water Act 1992 (NT), and the Planning Act 1999 (NT) and many more.

I have great concern about the removal of Clause 14 which provided a list of limitations. This provided some safeguards, for example the Heritage Act 2011 helps to protect Aboriginal and Macassan Heritage sites from development pressures, supports preservation efforts and ensures no damage can be done to culturally significant sites. I am deeply disappointed that the Heritage Act 2011 and the Sacred Sites Act 1989 has now been added to the schedule of laws that come under the scope of the Territory Coordinator powers, and I believe this does not provide sufficient protections and regard for our history and cultural traditions.

**Recommendation:**

- a) The previous clause 14 from the Exposure Draft be reinserted in the Bill. This listed the Aboriginal Sacred Sites Act 1989, the Heritage Act 2011 and the Aboriginal Land Act 1978 as specified legislation excluded from exemptions or modifications by the Territory Coordinator.
- b) The Heritage Act 2011 be removed from the schedule of laws in relation to which powers under the Bill can be exercised.
- c) The Bill be amended to specifically protect certain geographic areas from changes to project conditions or exemption notices, ensuring community-led decision-making regarding environmentally sensitive areas. This should include areas such as marine parks, conservation areas, mineral reserved blocks and petroleum reserved blocks, and areas specified by Aboriginal landowners/custodians, where the Territory Coordinator model cannot apply.

**5. Impact on Aboriginal Land and Consultation Rights**

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While the Bill references protections under the Aboriginal Land Act 1978 (NT) and the Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA), it lacks detailed explanation on how the processes will work with existing consultation frameworks and principles of free, prior, and informed consent (FPIC) for all Aboriginal people irrespective of whether they hold rights under ALRA or Native Title. The powers to designate Territory Development Areas (TDA) could inadvertently place significant development pressures on Aboriginal land and waters. Without clear consultation mechanisms, this risks bypassing long-standing agreements and existing consultation processes. As the Bill currently stands there is not sufficient regard to the rights and liberties of Aboriginal landowners/custodians through the address of clear consultation processes and the protection of FPIC.

The Bill shares similarities with the Mineral Titles Act 2010 (NT), the Environment Protection Act 2019 (NT) and the Petroleum Act 1984 (NT), all of which have been criticised for inadequate consultation with Aboriginal communities and prioritisation of resource extraction over land rights. There are concerns that the Territory Coordinator could exacerbate these issues, fast-tracking projects without ensuring adequate protections.

**Recommendation:**

- a) Strengthen consultation requirements to ensure all Aboriginal landowners/custodians are engaged at all stages of development and that decisions align with FPIC principles.
- b) Establish clear alignment between TDA processes and ALRA consultation frameworks.

**6. Limiting Public Appeal and Review Rights**

The Bill limits public rights to appeal or challenge decisions made by the Territory Coordinator, especially regarding environmental, planning, and water approvals.

**Recommendation:**

Retain and ensure public rights to appeal or seek review of decisions made under the Bill.

Delivering economic opportunities for the Northern Territory must be achieved through genuine partnership with Aboriginal landowners/custodians and the broader community, and through balanced processes that respect cultural heritage, environmental integrity, and our social responsibility. In its current state, the Bill does not meet the balance that is required.

Yours sincerely,



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