



Aboriginal Peak Organisations

NORTHERN TERRITORY

Hon. Lia Finocchiaro, Chief Minister

Parliament House

DARWIN NT 0800

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Stuart Knowles Interim Territory Coordinator

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Dear Chief Minister and Interim Territory Coordinator,

APO NT is the leading Aboriginal representative body for the Northern Territory, comprising the Aboriginal community-controlled organisations of Aboriginal Medical Services Alliance Northern Territory, Central Land Council, Northern Land Council, Tiwi Land Council, Anindilyakwa Land Council, North Australian Aboriginal Justice Agency, Aboriginal Housing NT and the Northern Territory Indigenous Business Network.

APO NT's member organisations have a reach that extends into every Aboriginal community in the Northern Territory. APO NT is also a member of the Coalition of Aboriginal and Torres Strait Islander Community-Controlled Peak Organisations and jointly advocates for full implementation of the National Agreement on Closing the Gap (National Agreement) in partnership with all Australian governments.

APO NT member organisations share mutual interests in promoting and realising Aboriginal self-determination throughout the Northern Territory. Of priority to APO NT's members is the collective aim to secure the rights and aspirations of Aboriginal people and communities in the Northern Territory.

APO NT contends that the legislation to instil a Territory Coordinator for the purpose of fast-tracking development and investment of prospective NT projects jeopardises the commitments made by the Northern Territory Government (NTG) in the National Agreement on Closing the Gap.

The priority reforms under the National Agreement seek to enact: formal partnerships and shared decision making with Aboriginal people; build the Aboriginal community-controlled sector; transform government organisations; and share access to data and information at a regional level. This is underpinned by the principle of Aboriginal self-determination. Enacting centralised government decision making, through the implementation of a Territory Coordinator as proposed by NTG, without clear rationalisation, appears contradictory to reform and NTG commitments to Aboriginal people.

We request the following safeguards:

1. Strengthen Checks and Balances

- Establish an independent oversight body to review the exercise of Territory Coordinator (TC) and Chief Minister powers.
- Require parliamentary approval before the exercise of exemption powers.
- Introduce mandatory public consultation periods for all significant decisions.
- Maintain existing third-party review rights and access to the Northern Territory Civil and Administrative Tribunal.

2. Reform the Primary Principle

- Revise the "primary principle" to give equal weight to economic, environmental, and social considerations.
 - Require demonstration of local economic benefits retention, community-wide economic advantages, and long-term sustainability.
- 3. Limit and Define Powers More Precisely**
- Establish specific thresholds for declaring "significant projects" and "Territory Development Areas".
 - Require cumulative impact assessments and demonstration, particularly around the social and cultural benefits to all Territorians.
 - Restrict the power to vary existing approval conditions and prevent retrospective applications.
- 4. Enhance Transparency and Accountability**
- Create public registers for all Territory Controller power exercises, significant projects, exemptions, and variations.
 - Mandate detailed public reporting on decision rationales, impact assessments, and consultation outcomes.
- 5. Protect Information Management and Statutory Independence**
- Preserve Information Act 2002 protections and statutory independence of existing authorities.
 - Establish clear protocols for information sharing between agencies.
- 6. Strengthen Regulatory Framework**
- Require parliamentary approval for additions to scheduled laws.
 - Introduce cost recovery mechanisms for the work of the Territory Controller when additional resources are required to prioritise a statutory process and when a 'step in notice' is instructed.
- 7. Improve Consultation Processes**
- Establish clear criteria for consultation requirements.
 - Make all feedback from consultations publicly available.

APO NT also supports the following recommendations from the Aboriginal Housing NT's submission:

- 1. Lack of provisions for adequate consultation with affected people and communities.**
The Coordinator only needs to consult with public bodies or public entities when the Coordinator intends to interfere with their statutory processes or statutory decision-making.
- 2. Lack of accountability measures**
 - The usual controls that apply to Ministers making government decisions will not apply to the Coordinator and they would not be accountable to the NT Parliament. The Chief Minister is also the only person with oversight of the Coordinator and the Chief Minister is the only person publicly held to account for decisions, through reporting required on the Coordinator's use of powers to NT Parliament. The draft process lacks rigour and appropriate checks and balances for use of powers.
 - There is also significant ambiguity around the scope of the Coordinator's authority and decision-making processes. For example the definition of 'economic significance' is extremely broad. The draft states that a project or development that is of economic significance includes:
 - private sector investment,
 - job creation
 - population growth, or
 - development or advancement of an industry.



- This broad and subjective definition means a very wide range of projects have the potential to be declared a significant project.
- The Bill does not include sufficient provisions for independent oversight. For example, *Section 17 (Review and Reporting)* states that the Coordinator must report to the Minister annually, but there is no mention of an independent body to review the Coordinator’s actions or ensure transparency. It is crucial a mechanism for independent oversight is established to monitor and scrutinise.

3. Potential erosion of local autonomy and governance structures

While coordination across the Territory is very important, the Bill may inadvertently undermine the local autonomy of local governments and Indigenous governance bodies and organisations including Local Decision Making Agreements. The centralised powers granted to the Coordinator could potentially bypass local leadership structures and in doing so, undermine self-determination and the ability of Aboriginal communities to make decisions about policies or developments that affect them.

APO NT also supports the following findings and recommendations from the Central Land Council’s submission:

1. The Central Land Council (CLC) and Traditional Owners support economic development. We support economic prosperity for *all Territorians* but we do not believe that economic prosperity should come at any cost.
2. CLC and Traditional Owners are concerned that the *Territory Coordinator Bill 2024 (TC Bill)*, if enacted in its current form, will result in adverse social, environmental and cultural outcomes. We consider that too much weight is given to economic prosperity in the primary principle. Profits for a private company does not equate to economic prosperity for Territorians. It cannot be an assumed outcome of major projects, where private profit may trump community benefit.
3. The CLC understands the Government’s desire to “*provide a single point of contact, coordination and support for proponents of significant projects*” and “*facilitate collaboration and coordination between stakeholders*”.¹ We believe that this desire can be achieved without giving the Territory Coordinator and the Minister for the Territory Coordinator the vast powers set out in the TC Bill.
4. The provisions of the TC Bill, especially the breadth of powers given to the Territory Coordinator and the Minister, go beyond the stated aims of the TC Bill. It seeks to place too much power in the hands of two persons to bypass requirements under Northern Territory legislative regime.
5. The aims of the TC Bill could be better achieved by:
 - a. proper resourcing of departments; and
 - b. a thorough legislative and regulatory review process (with adequate periods for public comment) aimed at achieving lasting assessment and decision-making improvements.
6. That would avoid needing to empower the Minister to override legislation that Northern Territory Parliaments have, for years, considered appropriately balance interest of all parties.
7. The CLC’s Executive Committee considered the TC Bill at its December 2024 meeting and resolved in EX2024.08.336 to object to the TC Bill. This submission outlines key concerns about and objections to TC Bill, including the following:
 - a) The provisions of section 14 are inadequate to protect Aboriginal people’s rights and interests.

¹ Sections 12(d) and (e) of the TC Bill

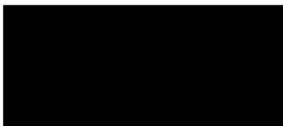


- a) The breadth of power is inappropriate for an unelected government official.
- b) The powers given to the Minister are too broad, especially the powers to step into and exempt certain laws from applying.
- c) The Territory Coordinator's and the Minister's decisions, when exercising the step-in power, must be subject to review under the relevant law.
- d) The primary principle² must be amended to give equal weight to economic, cultural, social and environmental outcomes.
- e) There must be clear and specific benchmarks on what constitutes a significant project.
- f) The Minister must not designate any Aboriginal land, areas with exclusive native title, parks, reserves or environmentally protected areas as Territory Development Areas (TDA).
- g) The Minister must consult with the public and interested parties before designating an area of land or waters as a TDA.
- h) Assessment of environmental and cultural values of a TDA must be completed with reference to a specific proposal.
- i) Many objectives of the TC Bill could be achieved by increasing resources to existing governmental agencies, whereas establishing the Territory Coordinator Office would likely increase strain on them, potentially creating a log jam of routine assessments, permits and licences.
- j) Regulations for the TC Bill are not available for comment rendering any consultation on the TC Bill incomplete.

We understand the Northern Land Council will be providing their written submissions and note the importance of their views given the role they play for Aboriginal people living across the Top End of the Northern Territory.

We look forward to hearing from you.

Yours sincerely



Dr. John Paterson
Lead Convenor, Aboriginal Peak Organisations NT

² Section 8 of the TC Bill

