



Nurrdalinji Native Title Aboriginal Corporation

ABN: 32 608 508 769

ICN: 9392

31 October 2024

The Hon Lia Finocchiaro MLA, Chief Minister of the Northern Territory
c/- Department of the Chief Minister and Cabinet
NT House
22 Mitchell Street
Darwin NT 0800

By email: chief.minister@nt.gov.au
OTC.consultation@nt.gov.au

Dear Chief Minister,

Consultation: Territory Coordinator

The Nurrdalinji Native Title Aboriginal Corporation (“Nurrdalinji”) presents this submission to the Northern Territory Government consultation on the proposed Territory Coordinator role. We would welcome the opportunity to discuss this submission with you in more detail as part of the consultation process.

Who we are

Nurrdalinji was incorporated in 2020 and registered with the Office of the Registrar of Indigenous Corporations on 9 October 2020, following a historic meeting of native title holders from throughout the Beetaloo Basin at Daly Waters.

The name “Nurrdalinji” means “mixed tribe” in Alawa language, reflecting the diversity of members in the Corporation. Our members come from a big area, across the Beetaloo and Barkly regions. Our members include over 60 native title holders, from 11 native title determination areas, throughout the Beetaloo Basin

Nurrdalinji’s purpose is to support its members to be consulted about what happens on our country. It seeks to enable its members to be heard and to determine their future aspirations for their country.

Consultation paper

We are alarmed that we only found out about this proposal in the media after a secret document was released.

Nurrdalinji is currently seeking legal advice about the implications of these proposed changes.

We are deeply concerned that this proposal will undermine the rights of Traditional Owners and lead to poor outcomes for communities. We need better and more transparent regulatory processes and clarity for communities, and it is essential that these important processes not be rushed.

It is of significant concern that the Northern Territory Government has not released the legislation as part of the consultation and that the consultation has been a closed process and not involved community. Traditional Owners must be involved in the design and implementation of this proposed legislation, as well as in the development of projects across the Territory. Traditional Owners want to see the decisions around big projects that impact communities appropriately made, with real consultation.

Suggesting that critical consultation processes could be streamlined by applying “consolidated consultation processes” to replace the current requirements that exist through various legislative mechanisms as well as the ability to exempt projects from these processes altogether cuts communities out of the process and does not include the principles of Free Prior and Informed Consent (FPIC).

We need to make sure that we get new development projects right in the Northern Territory and that communities fully understand the impacts of them. There are many examples of where environmental assessments and approvals have been rushed, and communities have been required to deal with the significant negative consequences of these decisions.

The case study projects used in the consultation document are of great concern as the list includes projects such as onshore gas developments and pipeline corridors that have been subject to community opposition for decades. To push through legislation that would allow these projects to go ahead is incredibly disappointing.

It is also alarming that the proposed powers of the Territory Coordinator appear to be unprecedented, and the inability to challenge any decision-making (except by Judicial Review) is not in the best interests of the community.

We would also like to note that this consultation paper raises questions about how the Northern Territory Government will implement the findings of *The independent Scientific Inquiry into Hydraulic Fracturing of Onshore Unconventional Reservoirs in the Northern Territory (Pepper Inquiry)*, which explicitly recommends better transparency, accountability and processes for engaging with Traditional Owners in relation to onshore gas developments.

Native Title rights and interests

We recognise that the consultation draft makes mention of the application of powers when “dealing with Aboriginal rights and interests”, however, we are not convinced that this is the case. Nurrdalinjji’s concerns about how this proposal could affect the rights and interests of Aboriginal Territorians are not allayed by the statements under heading 9.1 of the consultation paper.

The rights and interests and legitimate concerns of Aboriginal people – as landowners, as custodians and as citizens – are not delimited by the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (ALRA) and the *Native Title Act 1993* (Cth) (NTA) (which, of course, cannot be directly changed by the NT Parliament) or by the *Northern Territory Sacred Sites Act 1989* (NTSSA) and the *Heritage Act 2011*.

Our interests in seeing that laws and statutory processes intended to protect water resources (for example) are given their full effect are at least as great as, often greater than, other Territorians. Our interests can be affected in profound ways by changes to NT laws. It happens all too often, for example, that we are induced to make an agreement with government or a private proponent against the background of a particular legal landscape, only to find the legal goalposts changing against our interests after we have signed. And there are plenty of NT laws that have special application to Aboriginal interests other than NTSSA and the Heritage Act. What about, for example, the *Aboriginal Land Act 1978* which requires obtaining a permit to enter Aboriginal land?

Summary

We shouldn't hurry developments as big as Beetaloo gas exploration and production. We need to protect our water, our plants and animals and government should spend time making sure projects won't do damage.

We have a responsibility to protect country and water for their families and everyone who lives in the Territory.

We strongly urge the Northern Territory Government to not go ahead with this proposal.

We would like you to focus instead on creating better housing, health and education for our communities and jobs that don't involve digging into our country.

Yours faithfully,

A solid black rectangular box redacting the signature of Samuel Janama Sandy.

Samuel Janama Sandy
Chairperson, NurrDALINJI Native Title Aboriginal Corporation