

Wednesday 19 February 2025

Secretary
Legislative Scrutiny Committee
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Territory Coordinator Bill 2025

Larrakia Development Corporation Submission

The Larrakia Development Corporation is submitting its objection to the Northern Territory Government's attempt to introduce the Territory Coordinator Bill 2025.

As an organisation that was incorporated with the prime objective to create economic opportunities for all Larrakia people through the creation and operation of sustainable businesses and the maintenance of the Larrakia Development Trust, our mandate "Working for ALL Larrakia" includes advocating for, and protecting, the rights of our people.

The Larrakia Development Corporation can clearly demonstrate its cooperation with economically significant projects occurring on Larrakia Country, beyond our own economic and socially significant projects.

The Larrakia Development Corporation has previously shown support and helped provide Cultural context to the following projects:

- The Ichthys LNG Plant development and construction project, and accommodation village
- The development and operation of the Adina/Vibe Hotel at the Waterfront
- The development of the CDU/Civic Centre
- The development of the Darwin LNG Plant, and,
- Various land development projects across the Darwin region in the last two decades.

Additionally, Larrakia Development Corporation has led/is leading its own developments:

- Darla Estate residential sub-division (Rosebery)
- Larrakia Cultural Centre development (Darwin Waterfront)
- Development of the Milulu-la residential development (Farrar)
- 300MW Solar Power development (Larrakia Energy JV)

The Larrakia Development Corporation has always provided its support for projects that provide genuinely sustainable long term economic and social benefits to Territorians and to Larrakia people. But, not at the cost of our Culture, nor our Country.

To avoid diminishing the rights of Traditional Owners to protect their Country and Sacred sites the bill needs to respect the importance of the world's oldest living Culture. It is clear from the current draft of the proposed bill that there is no intention to do so.

The bill, as drafted, will disregard the unceded sovereignty of Traditional Owners over their lands and waters, including Sacred Sites. The Territory Coordinator will not be required to engage with Traditional Owners on project developments, until after the ICP is developed. Traditional Owner inputs are only required to be sought in the public consultation phase. This is a grossly inadequate form of consultation for Traditional Owners and not supported by the Larrakia Development Corporation.

The bill provides the NT Government the ability to simply ignore advice from subject matter expert organisations and individuals who object to a project based on social, cultural, health and environmental knowledge and evidence based research. The bill will have the effect of also usurping the protections provided by other NT Legislation, including the Sacred Sites Act, legislation that has helped to protect Aboriginal Sacred Sites for decades, especially from government departments including the former Department of Infrastructure, Planning and Logistics.

Throughout the draft bill the repeated use of the word 'may', when referring to engagement on environmental, social, and cultural concerns, removes the requirement for the Territory Coordinator to consider Aboriginal Traditional Owners and their Culture, Country, and Sacred Sites. Courts have long held that precatory words are non-binding, and the deliberate use of the word 'may' permits a departure from long established and important consultation and agreement making standards between the NT Government and Traditional Owners.

The Territory Coordinator will have the authority to override current legislative protections and our genuine concerns. The well-worn principles of Free, Prior and Informed Consent will also be further eroded. This position is unacceptable and immoral.

With the limited time we have had to review the draft Bill, the diminishing of the voices of those who have a scientific, cultural or medical opposition to a particular project will also increase the risk of litigation, especially where decisions come into conflict with Federal Legislation, including *the Native Title Act 1993 (Cth)* and the *Environment Protection and*

Biodiversity Conservation Act 1999 (Cth). The potential cost to the taxpayer because of litigation is not justifiable and will be a waste of public funds.

This draft bill should be withdrawn.

Yours sincerely,



Nigel Browne

CEO
Larrakia Development Corporation