CENTRAL AUSTRALIAN ABORIGINAL CONGRESS

Congress submission in response to the Draft Territory Coordinator Bill

January 2025

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1. About Central Australian Aboriginal Congress

Central Australian Aboriginal Congress (Congress) is a large Aboriginal Community Controlled Health Service (ACCHS) based in Mparntwe (Alice Springs). Established more than 50 years ago, Congress is one of the most experienced organisations in the country in Aboriginal health, a national leader in primary health care, and a strong advocate for the health of our people.

Congress delivers services to more than 17,000 people living in Mparntwe and remote communities across Central Australia including Ltyentye Apurte (Santa Teresa), Ntaria (Hermannsburg), Wallace Rockhole, Utju (Areyonga), Mutitjulu, Amoonguna, Imanpa, Kaltukatjara (Docker River), and Yulara.

Since the 1970s, Congress has developed a comprehensive model of primary health care that includes:

- Multidisciplinary clinical care;
- Health promotion and disease prevention programs; and
- Action on the social, cultural, economic and political determinants of health and wellbeing.

2. Opposition to the Draft Territory Coordinator Bill

Congress **opposes** the Draft Territory Coordinator Bill.

3. Reasons for Opposing the Draft Territory Coordinator Bill

3.1. The proposed Bill is anti-democratic

Congress is concerned about the proposed powers that would be vested in an unelected official, the Territory Coordinator. As it is proposed, the role and function of the Territory Coordinator contradicts the key premise of representative democracy whereby eligible citizens elect members of parliament to make decisions and laws on their behalf. The proposed Bill would see a concentration of power in the office of the Territory Coordinator. This concentration of decision-making would allow the Territory Coordinator to work with the Minister for the Territory Coordinator to make approvals that sidestep the appropriate checks and balances provided by independent statutory regulators, superseding other Northern Territory legislation in the process. Congress believes the step-in and exemption powers proposed by the draft Bill are excessive, far-reaching and do not contain necessary safeguards.

3.2. The proposed Bill is incompatible with the National Agreement on Closing the Gap

The proposed Bill is incompatible with the *National Agreement on Closing the Gap*[1]. The formal Partnership Agreement on Closing the Gap was established between the Commonwealth government, all state and territory governments (including the Northern Territory), the Coalition of Aboriginal and Torres Strait Islander Peak Organisations (Coalition of Peaks), and the Australian Local Government Association in March 2019. The National Agreement on Closing the Gap was made in July 2020. The priority reforms agreed to in this Agreement are:

a. strengthen and establish formal partnerships and shared decision-making
b. build the Aboriginal and Torres Strait Islander community-controlled sector
c. transform government organisations so they work better for Aboriginal and Torres Strait Islander people

[1] *Australian Government. National Agreement on Closing the Gap (July 2020). 2020; Available from: https://www.closingthegap.gov.au/national-agreement-closing-gap-glance*

d. improve and share access to data and information to enable Aboriginal and Torres Strait Islander communities make informed decisions.

The new way of working set out by the *National Agreement on Closing the Gap* acknowledges that when Aboriginal and Torres Strait Islander people have a genuine say in decisions that impact them, better outcomes are achieved.

However, what is being proposed by the *Territory Coordinator Bill* is a monopolisation of priority-setting and decision-making, with corporate interests and economic prosperity taking precedence in a top-down approach that will impose developments and decisions on Aboriginal people and communities, without structures that support partnership with Aboriginal people and communities as agreed under the National Agreement on Closing the Gap.

3.3. Prioritisation of economic prosperity above health and social impacts

The proposed Territory Coordinator role and function preferences economic prosperity above all other considerations. This is set out in the primary principle of the Draft Act, whereby the Territory Coordinator must have regard to *the primary objective of driving economic prosperity for the Territory or a region of the Territory*. The *potential social and environmental outcomes* must also be considered, but these are not primary objectives of the Act.

This means that the Territory Coordinator could consider that the economic benefits (actual, or potential) of a project are prioritised above any potential or real risks to health, culture, human rights, climate or the environment. It fails to consider that economic benefits to some could actually be associated with economic and social disadvantage to others.

The key question here is economic prosperity *for whom*? Congress is concerned that what is currently being proposed favours economic prosperity for industry, at the expense of better social and economic outcomes for the majority of Territorians.

Alcohol-related harm provides an example of this. When alcohol sales (and thus profits for the alcohol industry) are unregulated, it damages the whole economy. The significant economic, social and health costs with increasing the availability of alcohol in the NT were estimated at around $1.4 billion per year back in 2015-16.[2]

Alcohol reforms introduced by the NT government, particularly the reforms introduced in the period 2017-18, provide good evidence about how healthy public policy on alcohol can reduce alcohol-related harm, which benefits the overall economy of the community. These reforms included a Banned Drinkers Register (BDR); Police Auxiliary Liquor Inspectors (PALIs) at bottle shops in Alice Springs, Katherine and Tennant Creek; a Minimum Unit Price of $1.30 per standard drink to prevent the sale of cheap and dangerous alcohol; a new Liquor Act that included risk-based licencing and greater monitoring of on-licence drinking; and a commitment to high quality, ongoing independent evaluation. These reforms were based on the evidence from around the world on what works to reduce alcohol-related harm.

Over their first full year of operation from 1 October 2018, they demonstrated significant reductions in sales of alcohol, which fell by 7% across the NT as a whole. Reductions in sales were greatest in those cheap types of alcohol associated with the greatest harms, with cask wine supply falling 51% and fortified wine sales down 37% following the introduction of the reforms.

As a consequence, there were well-documented falls in alcohol-related harm and its significant social and economic costs across the Northern Territory including in alcohol-related hospital presentations;

[2] Smith, J., Whetton, S. & d'Abbs, P. (2019). *The social and economic costs and harms of alcohol consumption in the NT. Darwin, Menzies School of Health Research*

alcohol-related domestic violence assaults; property crime; alcohol-related and all assaults; and homicide and related assaults[3].

However, under the proposed Territory Coordinator Bill, projects instigated by alcohol-industry proponents could be identified as a 'project of significance', fast-tracking approvals and disregarding the advice, expertise and lived experience of Aboriginal leaders and their communities, Aboriginal community controlled health organisations, public health experts, the social and community service sectors and other community voices. The proposed Territory Coordinator role and function could lead to adverse outcomes that place the health and safety of Territorians at risk and undermine the economic prosperity of Territorians through significantly increased policing, health care and other costs.

3.4. The proposed Bill's public consultation provisions are weak

The Draft Bill is lacking specific details on public consultation. At present the Draft Bill contains no minimum requirement public consultation notice period, stating simply that the Territory Coordinator must publish a proposed Territory Development Area (TDA) plan on a specified government website (e.g. the Office of the Territory Coordinator), and then undertake public consultation on the proposed plan in accordance with the regulations. Whilst the Territory Coordinator must include a summary of submissions received during the public consultation process in making a recommendation to the Minister, there is no further detail that makes it clear what is meant by 'public consultation' including a minimum timeframe to ensure genuine consultation with all the interested stakeholders, not just those with economic and commercial interests, can occur.

Congress is concerned that this is a token measure that will allow the Territory Coordinator to 'tick a box' without the requirement to meaningfully engage in a broad range of community representatives.

3.5. Reductionist view of Aboriginal people, communities and culture

As it currently stands, the draft Territory Coordinator Bill only has regard for Aboriginal people and communities in regard to *economic aspirations*. Congress is concerned that this is a one-sided approach that disregards the richness and diversity of Aboriginal knowledges and expertise across all areas of life for Aboriginal Territorians, encompassing health and social, emotional and cultural wellbeing for the whole community.

Congress notes that the draft Territory Coordinator Bill sets out that the Territory Coordinator does not have power to interfere with the operation of the *Aboriginal Land Rights Act 1978*, Native Title rights and interests under the *Native Title Act 1993* (Cth) or interfere with sacred sites as per the *Northern Territory Aboriginal Sacred Sites Act 1989*.

Congress is concerned that the primary objective of driving economic prosperity means that Aboriginal people and communities will be viewed solely for the economic gains that might be made through driving developments on Aboriginal land.

This is a reductionist approach that will impose projects upon Aboriginal communities solely for economic gain. This approach to economic development was refuted in favour of a sustainable approach found in the *Fair Work and Strong Communities* paper written by APONT in 2017[4], through which Aboriginal people and communities are able to determine their own priorities to expand local economies and economic enterprise.

3.6. The proposed Bill undermines existing regulatory processes

Congress believes that the proposed Bill has the potential to undermine existing regulatory processes, safeguards, checks and balances, as evidenced by the 32 existing laws that the draft Bill proposes the

[3] *Northern Territory Police Force.* Northern Territory Crime Statistics*. 2022; Available from:* https://www.pfes.nt.gov.au/police/community-safety/nt-crime-statistics

[4] *Available from:* https://www.amsant.org.au/apont/wp-content/uploads/2020/10/Fair-Work-and-Strong-Communities-Model-2018.pdf

Territory Coordinator can override. These existing laws are wide-ranging and cover public health, worker's rights, occupational health and safety, urban planning, waste management and land access. Congress supports the view that regulatory processes in the NT should be better funded to do their job effectively and allow for independent, evidence-based expertise to inform decisions.

4. Closing remarks

Congress urges the Northern Territory Government to discontinue the establishment of a Territory Coordinator. Potential short-term economic gains that are driven by narrow views of 'economic prosperity' as defined by business proponents cannot override long-term health and social outcomes that will have a greater negative human and financial impact in the future.