

Text of Oral Submission to the  
**Review of the Aboriginal Land Rights (NT) Act 1976**

presented by

**John Liddle**  
**(Director, Central Australian Aboriginal Congress)**

26 February 1998

I make this oral submission to the Review of the Land Rights Act on behalf of Central Australian Aboriginal Congress. Congress is an Aboriginal community controlled health service, with a twenty-five year history of advocating for better health and self-determination for our people. During this time, we have played a strong role locally and nationally in pushing for the recognition of the rights of Aboriginal people, including the rights to land.

Access to land and control of land are still central to our health. The Land Rights Act has been vital in giving us that access and control. Consequently, Congress strongly supports the Act. If the Act is to be changed, it must be with the clear aim of enhancing and extending the rights of Aboriginal people; this review must not be used to diminish or roll-back our rights.

I would now like to make some specific points that are relevant to the Review of the Act.

1. In relation to the first of the terms of reference, namely *the effectiveness of the legislation in achieving its purposes*. The Land Rights Act has been successful in winning back land for many Aboriginal people; nevertheless, there is a strong feeling amongst the people of Alice Springs that the Act has not directly benefited them.

We understand that under the terms of the Act only vacant Crown land outside town boundaries can be claimed and that this has restricted the operations of the Land Council on behalf of the Aboriginal people of Alice Springs. However, the matter deserves urgent attention as Alice Springs is the largest Aboriginal community in Central Australia, with an Aboriginal population of just under 4,000. We estimate that about two-thirds to three-quarters of these are of Arrernte descent with some connection to the land in the area. Yet very few of these would have a chance of claiming their rights under the existing legislation.

Under these conditions, we believe that other avenues (for example, purchase of nearby pastoral leases or of obtaining access to land within the town boundaries) should have been given greater emphasis. In addition, the hunting and foraging rights of Aboriginal residents of Alice Springs on their lands – now occupied by pastoral leases – must be guaranteed: not just legally, but in practice. Currently, some pastoral lease holders attempt to enforce “no trespassing” on leases where in fact our people have every right to hunt and forage on them.

Over the years, the Aboriginal people of Alice Springs have been very active in campaigning for land rights for all Aboriginal people. However, the operation of the Act has favoured the more remote communities in Central Australia. We believe that now it is important that the rights to land of Aboriginal people in town are recognised and strengthened as well.

We believe that one way that the people of Alice Springs may gain more benefit from the operations of the Act in the future is to ensure that membership of the Land Councils

themselves be allocated on a per capita basis, and that a public and transparent process be adopted for electing members to the Councils.

2. The impact of the legislation in terms of social, cultural and economic costs and benefits have been very positive for our people; there is no doubt, for example, that the Act has assisted our people to continue our culture through guaranteeing access and control over the land.

The link between land and health for our people has now been generally accepted. Free access to the land, and the economic base and spiritual knowledge that it contains, is essential for the good health of our people. Nevertheless, land *by itself* will not improve the health of our people. Access to, and control of, services – especially health services – as well as meaningful employment and appropriate infrastructure are all required if our people are to achieve good health. The continuing poverty and lack of services that our people face has meant that the improved access to land brought about by the operation of the Land Rights Act has not lead to large improvements in health. Nevertheless, access to land puts an essential piece of the “health jigsaw” into place. Land is necessary but not sufficient for good health.

3. With reference to the third term of reference, *the operation of the exploration and mining provisions*, Congress believes that it is essential that the veto rights of Aboriginal people – the right to say “no” to mining and other activity upon their land – remain in place.
4. The current Review could, Congress believes, play a useful role in reforming the ABTA. We would like to make four brief suggestions:
  - that membership of the ABTA be opened up, with nominations to be accepted from anyone within the Aboriginal community, and a transparent and public election process be adopted;
  - that membership of the ABTA be limited to three or four years for each individual;
  - that the ABTA have an independent advisory committee to assist the ABTA with legal, accounting and management skills;
  - that the grants process be made more transparent and the recipients and amounts of ABTA grants should be made public. This should include a list of all previous grants made to successful applicants, as it appears that there are numerous applicants who are repeatedly successful in getting grants from the ABTA.
5. Compulsory acquisition of Aboriginal land by government is opposed by Congress. Such acquisition does not recognise that our relationship to the land is a spiritual as well as an economic one. Similarly, we strongly believe that secure title to our land means inalienable freehold title; given the poverty that our people continue to face, opening up Aboriginal land to be bought and sold would sooner or later lead to non-Aboriginal ownership of our land once more.

6. We do not support weakening the land councils. Nevertheless, we believe that their operations will need to be re-focussed following the coming into effect of the “sunset” clause. Obviously, they will continue to have a role while the current land claims are still outstanding. They will also play an important role in the operations of the Native Title Act. However, more and more we would hope and expect to see their focus move towards supporting economic independence and community development for our people.

Specifically, we would hope to see the land councils:

- foster an appropriate range of approaches to local self-government for Aboriginal communities, including supporting a range of experiments in local and regional self-government;
- assist communities in planning economic development;
- advise and support Aboriginal groups who want to establish small-scale local businesses. Again, an experimental approach is necessary, as there are no established, simple solutions to developing the economic self-reliance of our communities;
- move their focus away from just traditional owners of Aboriginal land to give more weight to Aboriginal communities and populations as a whole. It is especially important to recognise the Stolen Generation, whose forced removal from their country has in many cases meant that they are unable to exercise their rights to land;
- establish on-going formal and equal working relationships with other sectors of the Aboriginal movement, such as health and education to assist Aboriginal communities adopt an integrated approach to addressing their social and economic situation.

In closing, I would like to re-state how important we at Congress feel the Land Rights Act is for our people. The suggestions we have made here are with the specific intent of strengthening the Act and extending the rights of our people. Therefore, we oppose any attempt to weaken land rights, or to try and turn the clock back to before we had legal rights to land. Previous generations of our people have fought hard to win concessions from the white system; we owe it to them, as well as the coming generations, not to allow those rights to be lost.

Under the current situation, people out bush often have land but few services; in town people have better services but little or no rights to land. I would like to congratulate those people who benefit directly from the Land Rights Act, but also call upon them to support the Aboriginal people of Alice Springs in our call for rights to land, just as we will continue to support them in their struggle for access to appropriate health, education and community development, as well as their own rights to land.