Land and Economic Development Branch 11 April 2013
Department of Families, Housing, Community Services and Indigenous Affairs

Dear Sir/Madam

Please accept and acknowledge the following as my submission on proposed changes to Community Living Areas.

Without CLAs many Aboriginal people would be landless on their own country. They would have to move to towns like Alice Springs where there are lots of problems. CLAs are toeholds on country. They are absolutely vital to the future well-being of the Aboriginal people concerned.

**Failure of consultation with Indigenous stakeholders**

Under Stronger Futures legislation the Commonwealth Minister and bureaucrats have excessive powers to make regulations about CLA's or any matter prescribed by the regulations to the extent that the law applies to a community living area. The failure to incorporate Indigenous people into decisions regarding their future can only worsen entrenched social problems caused by disempowerment.

It seems the CLA legislation was never discussed with the CLA communities in the Stronger Futures legislation consultation process. That such far reaching legislation can be considered by Parliament without any input from the people directly affected, is an abuse of human rights.

**Changes to legislation regarding CLAs is being conducted with excessive haste, and for no clear reason.**

There seem to be no major or urgent problems with CLAs at the moment. Some changes may well be needed, but they would be fairly straightforward. They could be developed in consultation with CLAs and Land Councils and the Northern Territory Government.

The proposed regulations over CLAs come without safeguards, and there is no certainty that landholders will be better off.

The Government does not have to consult the Aboriginal owners of the CLAs unless the Aboriginal owners request it. Many of these people live in remote areas and sometimes the levels of English literacy are not high. Without consultation and agreement there can be no fair outcome.

There needs to be a process of appeal or review available to the CLAs.

The clause that says that even if the Government does not consult, nevertheless the regulations still stand, should be removed. Why have consultation requirements if they can be ignored?

**The proposed CLA legislation threatens the future of CLAs**

The Government says it wants secure tenure for housing – but the Government appears to have no intention of building houses on these communities for the foreseeable future. This puts the motivation behind the changes in doubt.

The Government also talks about individual home ownership. The real agenda may be privatising the land into individual parcels. It is possible that the CLA communities will lose control of their land, as few Indigenous people in these areas have the income necessary to buy houses.

**Federal Government intervention is unnecessary.**

The running of CLAs should principally be by the communities with assistance from the land councils and the Northern Territory Government.

If the Government persists, it should at least provide real safeguards for consultation and appeal.

**The legislation violates human rights standards.**

It is hard to imagine vital property rights of other Australians being subject to such arbitrary controls. The legislation potentially cuts across rights to live on and use traditional lands and territories. The legislation has been developed around people, not with them. This is fundamentally unfair.

Don Stokes
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