

The Commissioner
[Address Removed]

Your Honour,

I write in support of the proposed Katherine Regional Land Council (KRLC). I believe that the applicants have the capacity, drive and vision to ensure that if they are successful the Katherine Regional Land Council would be an open and transparent organisation and not another bureaucracy.

I have worked for and with the [name removed] over the last fifteen years and have had involvement with [name removed] and assisted with governance training and there invigoration of the [name removed].

Over this period of time I have been astonished at the difficulties these people come across when dealing with the Northern Land Council (NLC). I have also spoken to other concerned people and compiled some dot points that I feel the KRLC whilst acting within the framework of the Land Rights Act could address and make economic development on Aboriginal land a lot easier.

- S.19 Development Applications process is not set up to assist traditional owners in micro enterprises (business under \$5 million dollars) in a timely fashion. There is no difference between the processes for a small sole operator than a multinational mining company. This results in a backlog of s.19 developments for small business. NLC advice is that an ILUA can take up to 2 -3 years if it is a priority for them. Commercial business opportunities do not wait around for 2-3 years to be implemented. NLC Development Applications policy on the s.19 application requires you to waiver your commercial-in-confidence rights over your business plans. NLC require you to sign the .application allowing them to give the plan to any third party but hold no responsibility for what that third party does with your plan.
- It is difficult to do business with the NLC; they do not always answer, acknowledge or respond to phone calls and email requests. A KRLC head office in Katherine where decisions can be made would solve this problem.
- There is no recognition of the representative Corporation or Association in the consultation process for Traditional Owners, s.19 Development applications are considered on an ad hoc basis by Land Council without any recognition of Strategic Plans of Corporations. Section 28A Delegated Powers should be approved for Aboriginal Corporations who can then make strategic decisions about development on country rather than a piece meal approach.
- Full Council elections are held with nominations by each Corporation but these nominations were ignored by NLC and they nominated their own people. No response back to the nominees as to why they were not selected. No feedback from the NLC Full Council members back to their communities.
- NLC section 19 - what happens when TO's don't know? What are the legal implications, eg two year leases [name removed].
- NLC process - yes, maybe, sounds like a good idea. NLC - no burden of proof for informed consent. Aboriginal Corporations have to provide lengthy due diligence checks and accountability with minutes and registration of attendance but NLC can just say a traditional owner made a complaint without any proof of who or what the complaint was about.
- How can the NLC say that the [name removed] approve the NLC taking to court the company [name removed] owned by the same traditional owners [name removed], evict the company from the land trust and then sue the traditional owners company

[name removed] for court costs and tell the Traditional Owners that NLC have won the case for [name removed]?

- Traditional owners are not given choices or the option to change their mind. What about a cooling off period or an annual performance review on ILUA?
- Royalty payments are an issue. In [name removed] case they requested that lease payments be payed to [name removed] so the corporation could settle [name removed] debts. The corporation was ignored and lease money handed out as royalty payments. There should be a clear line drawn on what income is a royalty payment e.g. Income from large activities such as mining, gas pipelines etc and what income goes to supporting the Corporations e.g. lease payments from smaller business enterprises. In [name removed] strategic plan they identified the need for a community benefit account, with no income this won't happen.
- TO's should have a bigger say In recognising TO's of country. Anthropologists should be more open in their consultation process. e.g. [name removed].

Your Honour I believe that the NLC have done a lot of good things in the past but It Is now time to move forward, the people I work with have vision. Running their own show, developing business enterprises to provide employment and educating their youth are high on their list of priorities. They have the land but because of the current processes find it very difficult to move forward. I have spoken to a lot of non-Aboriginal business's, associations and organisations that support the applicants bid for the proposed KRLC but the general feeling is that they will not put their names on letters of support because of the difficulties they could encounter should the application fall.

Yours Sincerely

[name removed]