



5 November 2021

Senator Claire Chandler
Chair
Finance and Public Administration Legislation Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600
By email: fpa.sen@aph.gov.au

Dear Chair

Aboriginal Land Rights (Northern Territory) Amendment (Economic Empowerment) Bill 2021 – Inquiry by the Senate Finance and Public Administration Legislation Committee

The Minerals Council of Australia welcomes the opportunity to support the passage through the Senate of the Aboriginal Land Rights (Northern Territory) Amendment (Economic Empowerment) Bill 2021 (the Bill).

The Bill will simplify administrative processes and support tailored Traditional Owner engagement to enable more efficient and effective management, including important economic development, of Aboriginal freeholds lands in the Northern Territory.

Mining is the Territory's largest employer.¹ In 2018-19 the minerals industry contributed \$6.6 billion in economic value to the Territory and accounted for 24 per cent of Gross State Product.²

The potential for further growth is significant, with 20 Northern Territory minerals projects with a combined value of \$6.2 billion progressing towards Final Investment Decision. Together these projects could create 5,700 construction roles and 3,600 ongoing operational roles.³ Further development of the sector is key to achieving the Northern Territory's ambition of a \$40 billion economy by 2030 and unlocking the potential of Northern Australia.⁴

Strong Aboriginal landholder and community partnerships underpinned by respect and shared benefits are integral to the industry's continued development.⁵ Industry is working to strengthen its approach, focusing on Aboriginal-led initiatives that support community cultural, socio-economic and environmental aspirations.⁶

Australia's first Aboriginal-owned and operated mine is located in the Northern Territory by Gulkula Mining Corporation on the lands of the Yolngu people of north-east Arnhem Land. Another emerging miner Winchelsea Mining is a joint venture under advanced evaluation on lands administered by the Anindilyakwa Land Council.

¹ M. Gunner (Chief Minister), '[Record Investment for the Territory's Resources Sector](#)', Office of the Chief Minister, media release, 20 April 2021.

² Minerals Council of Australia, '[Northern Territory: Minerals Industry Strategy 2020-24](#)', MCA NT, Darwin, p.1.

³ Ibid, 2 November 2021.

⁴ N. Manison (Minister for Mining and Industry), '[Driving the Territory Resources Industry: New Mineral Taskforce Announced](#)', Northern Territory Government, media release, 2 November 2021.

⁵ Minerals Council of Australia, '[Stronger mining partnerships with First Nations communities](#)', MCA, viewed 3 November 2021.

⁶ Minerals Council of Australia, '[Northern Territory: Minerals Industry Strategy 2020-24](#)', MCA NT, Darwin, p.1.

Approximately \$1.3 billion of funds held in the Aboriginal Benefits Account come from minerals development on Aboriginal lands. ABA monies are distributed as payments to Aboriginal people affected by minerals operations and fund Land Council operations, township leasing and contribute to beneficial payments for all Aboriginal Territorians.⁷

ALRA Amendment Bill

The Bill will help bring forward minerals investment in a way that supports Traditional Owner aspirations and priorities by shortening administrative timeframes and better supporting engagement.

The Bill's measures streamline unnecessarily cumbersome administrative processes without changing or affecting Aboriginal landholder controls regarding proposals on their lands. These include:

- Enabling applicants to amend an application (e.g. add further information) without having to recommence a negotiation process
- Updating ALRA definitions to be consistent with other Northern Territory legislation ⁸
- No longer requiring the Minister to consent to exploration licences where once a Land Council has provided consent, avoiding duplication
- Clarifying the Minister's role in mining and exploration interests, while retaining the Minister's role in approving high value proposals and cancelling mining or exploration interests in matters relating to national interest
- Enabling Land Councils to tailor engagement exploration licence applications to Traditional Owner needs. The measures do not change Land Council responsibilities to Traditional Owners regarding consultation and consent processes.⁹

The MCA also notes the centrepiece of the Bill is establishment of the Northern Territory Investment Corporation – an Aboriginal-led corporation to strategically invest and support locally-led projects that deliver jobs, business and wealth creation for Aboriginal people and communities.

The Northern Territory Investment Corporation will use funds arising from mining on Aboriginal lands held in the Aboriginal Benefits Account. To support its establishment, the new corporation will receive \$500 million followed by \$60 million for its first three years to support its activities.

The substantial funds available to the new corporation reinforce the value of the Northern Territory minerals industry, and significant opportunities from its further development.

Co-design

The ALRA Amendment Bill was developed through a comprehensive co-design process.¹⁰ This included a Working Group of Land Council, Northern Territory and Commonwealth representatives to specifically consider proposals put forward in the *2013 Report on Review of Part IV of the Aboriginal Land Rights (Northern Territory) Act 1976*.¹¹

Following the Working Group's considerations, the MCA - Northern Territory Division (MCA NT) was invited to participate in the consultation on proposals to improve Part IV of the ALRA – which focusses on the administration of exploration and mining on Aboriginal land. During consultation the MCA NT and the four Land Councils recognised the potential for minerals development to support Aboriginal community aspirations and priorities.

⁷ National Indigenous Australians Agency, *Aboriginal Land Rights (Northern Territory) Amendment (Economic Empowerment) Bill 2021 Explanatory Memorandum*, NIAA, Canberra, 2021, p. 3.

⁸ Ibid, p. 5.

⁹ Ibid, p. 2.

¹⁰ Ibid, p. 2-3.

¹¹ Ibid, p.3.

The ALRA alongside other Northern Territory legislation specifies requirements to be met and processes to be undertaken before exploration and mining can occur. The MCA has been pleased to contribute on reform aspects related to minerals exploration and development.

These consultative processes ensured important measures to simplify administrative processes and support tailored Traditional Owner engagement were included the ALRA Amendment Bill.

Yours sincerely

TANIA CONSTABLE PSM
CHIEF EXECUTIVE OFFICER