

99 Year Leases in the Northern Territory

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From: Tarwirri and Ngalaya (Indigenous Law Students and Lawyers Associations of Victoria and New South Wales)

Indigenous communities ill-informed about 99 year leases

The Indigenous Law Students and Lawyers Associations of Victoria (Tarwirri) and New South Wales (Ngalaya) are deeply concerned about proposed changes to the 1976 Northern Territory's Land Rights Act.

"Traditional communities require more time and assistance in understanding the legalities of the Bill before making any decisions that could severely impact upon future generations for the next 99 years. We are concerned that communities have not been adequately informed and should not be pressured by the Federal Government," said Mr Terry Chenery, Ngalaya Vice-President.

Under the proposed 99 year leases, Traditional Owners will lose most of their rights in determining what takes place on ancestral lands. Companies, services and non-Indigenous owners will be able to lease land from the government rather than obtaining consent from the original and rightful Indigenous owners.

Mr Chenery believes "it is highly unlikely that the Indigenous communities under threat will be able to afford the leases themselves, and even more unlikely that communities will benefit from leases taken out by non-Indigenous people";

Agreement to the lease is voluntary, however communities are at risk of losing essential funding for services such as housing, health and education if they do not comply. Tarwirri and Ngalaya believe such tactics are an attack on basic human rights and these services should not be used as bargaining tools.

Mr Chenery added, "It is important that the government acknowledge the unequal bargaining power and resources that exist between land councils and individuals as opposed to lending institutions and developers. Where traditional owners provide their consent to changes, legislative safeguards must be put in place to ensure that leasing conditions and arrangements protect Indigenous interests, that decision making processes are transparent and accountable and that the government support traditional owners in terms of strategic planning and acquiring independent financial and legal advice regarding any leasing of lands."

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