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Legislative Scrutiny Committee
C/- The Hon Oly Carlson MLA
Chairperson
By email: LSC@nt.gov.au

30 March 2026

To the Chair and members,

Heritage Amendment Bill 2026

This letter responds to the Committee's invitation to the Tiwi Land Council (TLC) to make a submission to its inquiry into the Heritage Amendment Bill 2026.

The TLC is a Corporate Commonwealth Entity established in 1978 under the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)* (ALRA). The Tiwi Islands are entirely Aboriginal land, to which Tiwi hold inalienable freehold title under ALRA. The TLC is responsible for a number of key functions under ALRA, but most relevantly to this submission, to express the wishes of traditional owners as to management of Aboriginal land and legislation affecting Aboriginal land, to protect the interests of traditional owners and other Aboriginal people, to consult with traditional owners about proposals to use Aboriginal land and to assist Aboriginal people to protect their sacred sites.

The TLC notes that Dr. David Steinberg, Director of the Heritage Branch, met with the TLC staff on 11 December 2025 to seek feedback on some of the proposed amendments. This opportunity was welcome, but it did not address all aspects of the reform, nor has the Northern Territory (NT) Government sought formal consultation with our elected members via our Executive, Full Council or Cultural Committee.

While appreciating the intent to clarify aspects of the legislation, the TLC shares the concerns that the Central, Northern and Anindilyakwa Land Councils have raised with a number of elements of this bill and **endorses** their submissions.

We would like to emphasise **concerns with the proposed changes to the membership of the Heritage Council** (Bill clause 27, replacing section 128). We echo the Central Land Council (CLC) in urging that a) the requirement to appoint a representative of the Aboriginal Areas Protection Authority (AAPA) be retained, given the extensive overlaps between sacred sites and Aboriginal archaeological places and objects, and b) that Aboriginal descent should not be the sole criterion for the two Aboriginal representatives on the Heritage Council – the requirement should be for two people of Aboriginal descent from the NT with expertise in Aboriginal heritage or Aboriginal tradition.

We would also like to highlight a number of issues raised by clause 24 (s72 (2)(b)). Like the NLC, the TLC is generally supportive of the additional consultation requirement for applicants to notify the owner of an object. However, this clause does not clarify how the decision-maker should seek to identify Aboriginal owners of objects, and does not detail what constitutes best endeavours or how they might



be consulted. At the public hearing on 24 March 2026, Dr. Steinberg indicated that this would usually fall to land councils – which leaves a number of issues unanswered:

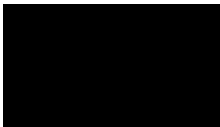
- s23(2) of ALRA requires that Ministerial consent must be sought before any functions are conferred on a land council by a law of the territory. Given the expectations highlighted in the hearing, this requirement does not appear to have been considered in the preparation of the Bill.
- No consideration appears to have been given to the resourcing implications for land councils.
- Clear parameters will need to be detailed in relation to what constitutes best endeavours – and these should be consulted on.
- In cases where land councils can't be engaged or are available, it is unclear how the cultural authority will be determined and/or consulted with.

Given the lack of fulsome consultation with the TLC and other land councils on these reforms, it is concerning that the Committee has allowed such a short window to examine and consult on the bill. TLC **recommends** that the Committee **extend the timeframe for its inquiry** and **schedule public hearings** to allow adequate consultation and properly examine the bill.

Responding to the Committee's terms of reference, it is the TLC's view that:

1. The Assembly should **not** pass this bill in its current form.
2. The bill should be **amended**, in line with the recommendations made by the NT land councils.
3. The bill **does not** have sufficient regard to the rights and liberties of individuals as it prioritises the rights of landowners over the rights of heritage object owners.
4. The bill **does not** have sufficient regard to the institution of Parliament, due to the limited and rushed consultation.

Yours sincerely



Brendan Ferguson
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Tiwi Land Council