



# NORTHERN TERRITORY CATTLEMEN'S ASSOCIATION INC.

Advancing and protecting the interests of cattle producers in the Northern Territory

Member - National Farmers' Federation & Cattle Council of Australia

31 May 2018

Aboriginal Land Commissioner  
Office of the Aboriginal Land Commissioner  
GPO 9932  
Darwin NT 0801

By email: [AboriginalLandCommissioner@network.pmc.gov.au](mailto:AboriginalLandCommissioner@network.pmc.gov.au)  
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Attn: The Hon John Mansfield AM QC

Dear Commissioner Mansfield

## **Re: Mataranka Area Land Claim No 69 (Report No 29)**

Thank you for your letter of 10 May 2018 inviting the Northern Territory Cattlemen's Association (**NTCA**) to participate in a review of detriment issues Mataranka Area Land Claim No 69 as contained in the Aboriginal Land Commissioner's Report of December 1988.

While my comments are in the context of this Land Claim, I will be providing comments applicable to the detriment that accrues to all pastoralists whose land abuts land claimed under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth). The general subject matter of my comments is noted in the Detriment section below. More detail will be provided by 21 June 2018 as provided for in your invitation to participate.

### **Status**

NTCA is the peak primary industry body in the Northern Territory, representing over 90% of the Territory's pastoral industry, from small family pastoral holdings and indigenous enterprises to large corporate entities. Pastoralists have stewardship of over 700,000 km<sup>2</sup> of land in the Northern Territory, and cattle contribute over \$1 billion annually to the Territory's economy.

NTCA works with its members and industry stakeholders in strategically addressing issues of importance to the pastoral sector, including market security, environmental sustainability, and investment in youth and indigenous training and employment.



## Intervening factors

No negotiations or agreement on detriment. There are no active or ongoing negotiations between NTCA and the relevant Land Council since regarding amelioration of detriment to pastoral lease holders should this, or any, land claim be granted.

## Detriment

Although the detriment identified in the Report No 29 is to the Roper River Station, that pastoral lease has since been divided into multiple leases and several pastoral leaseholders are now impacted by the Land Claim. It is my understanding that at least one pastoralist affected by the Land Claim will be participating in the detriment review and speak to the detriments that he or she will suffer if the Land Claim is granted. As the peak body for pastoral interests, NTCA will thus speak to more industry-wide detriments that would accrue from the grant of an abutting land claim. These may include, but are not limited to:

Cumulative detriment/effect on patterns of land use in the region. The grant of the Land Claim will have potentially serious detrimental impacts on attempts to increase pastoral diversification.

Treatment of stock routes, generally. Stock routes claims have been treated differently in the past.

Investor confidence and security. The grant of the Land Claim will have a negative impact and on investor confidence and security in the pastoral sector.

Likelihood of reaching reasonable and just accommodation. Access across stock routes is critical to the livelihood of pastoralists, just as access to the beds and banks of rivers is. It should not be assumed that reasonable and just accommodations can be reached with the relevant land council regarding pastoralist access to those areas.

At least two of the pastoral properties affected are subjected to two claims, this Mataranka Land Claim No 69 and the Upper Roper River Land Claims. Any detriment review should recognise and address the potential of cumulative detriment to individual pastoral leases resulting from multiple claims.

Thank you for your consideration in this matter.

Yours faithfully

Paul Burke  
Chief Executive Officer

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Our ref: 20180019:BST

4 July 2018

**By Email: [AboriginalLandCommissioner@network.pmc.gov.au](mailto:AboriginalLandCommissioner@network.pmc.gov.au)**

The Hon John Mansfield AM QC  
Aboriginal Land Commissioner  
GPO 9932  
Darwin NT 0801

Dear Commissioner Mansfield

## **MATARANKA LAND CLAIM (LAND CLAIM REPORT NO 29)**

Please find attached the statement of Christopher Nott on behalf of the Northern Territory Cattlemen's Association in the above-referenced matter.

Yours faithfully  
**WARD KELLER**



**BRADLY TORGAN**  
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## **ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) ACT 1976**

### **MATARANKA LAND CLAIM NO 69 REVIEW OF DETRIMENT ISSUES: STATEMENT OF CHRISTOPHER NOTT**

1. My name is Christopher Nott. I am President of the Northern Territory Cattlemen's Association ("NTCA"), located in Darwin NT. I became President in March 2018.
2. This statement is based on my personal knowledge, except as to that which is based on information and belief. As to those matters, I believe them to be true based on information and belief. If called upon to testify I could and would competently testify as to the facts set forth in this statement.
3. NTCA is the peak primary industry body in the Northern Territory, representing the Territory's pastoral industry, from small family pastoral holdings and indigenous enterprises to large corporate entities. Pastoralists have stewardship of over 700,000 km<sup>2</sup> of land in the Northern Territory, and cattle contribute over \$1 billion annually to the Territory's economy. NTCA works with its members and industry stakeholders in strategically addressing issues of importance to the pastoral sector, including market security, environmental sustainability, and investment in youth and indigenous training and employment.
4. Alongside my role as President of NTCA, I currently manage Alcoota Station and have worked and lived in the Northern Territory pastoral industry since 1984.
5. My statement will address two areas of industry-wide concern relative to the land claim at issue;
  - a. the negative impact of land claims cumulatively on pastoral diversification efforts; and
  - b. investor insecurity occasioned by land claims.

These issues were not addressed in any direct way in the 1988 Mataranka Land Claim No 69 Report (Report No 29).

#### **Pastoral diversification**

6. Pastoral diversification is an important policy and priority for both the NTCA and the Northern Territory Government as a means of ensuring and strengthening the economic sustainability of the pastoral industry.
7. For pastoral properties with scenic vistas and coastal and/or river access, those diversification efforts could include wildlife tours, bush camping, station tours, and four-wheel drive expeditions.
8. In areas with good access to fresh water, agriculture and horticulture provide promising pastoral diversification opportunities. Aquaculture also has promising opportunities for pastoralists adjacent to inter-tidal zones and the coastline, as witnessed by the Seafarms aquaculture project at Legune Station.
9. Within the region affected by the Mataranka Land Claim I am generally aware of on-going pastoral diversification efforts into broad-scale agriculture at Flying Fox, as well as diversification efforts at Big River.
10. Increased diversification efforts will likely be at least partially dependent on the *Pastoral Land Legislation Amendment Bill 2017*, which was introduced by the Northern Territory



Labour Government in October 2017. Amongst other items, the legislation would broaden sublease options under pastoral leaseholds to allow for the subleasing of pastoral land for non-pastoral use including horticulture, agriculture, aquaculture and forestry. The subleases can be registered on the title to provide a security for investors. Certain tourism-related uses would also be easier to establish. The Economic Policy Scrutiny Committee of the Northern Territory Legislative Assembly recommended approval of the legislation in March 2018 with some amendments unrelated to the expansion of diversification opportunities.

11. It is my belief that the legislative scheme for pastoral leases that currently exists has not made it entirely attractive to attempt diversification into non-pastoral uses. The amendments proposed to the *Pastoral Land Act* in 2017 are designed, in part, to change that and make it more attractive to attract investment to diversify the pastoral estate.
12. This land claim will place at risk attempts to broaden patterns of land use throughout the region by cutting off access from much of the affected pastoral properties to transportation infrastructure. It cuts off significant portions of the affected properties from the Roper Highway, and also cuts off access to the Roper River from the Roper Highway.
13. Reducing the opportunity for pastoral diversification has more than a cumulative detriment to just the pastoral industry. Reducing the opportunity for pastoral diversification creates a cumulative detriment to the region as a whole by reducing economic opportunities in the Top End, along with potential job creation that could occur through diversification, be it in tourism, aquaculture, horticulture, or any other legal non-pastoral use.

#### **Investor insecurity**

14. An Aboriginal land claim creates business insecurity by creating uncertainty. From a pastoral standpoint, a land claim muddles tenure. While a land claim is pending, a pastoralist does not know if he or she will lose access to land and waters to which he or she currently has access. This land and water may be critical to a pastoralist's livelihood.
15. This uncertainty can have significant economic detriments. For a pastoralist trying to plan both for the short term and long term, the uncertainty can negatively affect decision-making on everything from stocking rates to investments in capital improvements and infrastructure for both pastoral uses and non-pastoral diversification efforts.
16. Even if granted, a land claim still creates investor insecurity because of the uncertainty surrounding closure of the land claim area. That uncertainty exists absent assurance that reasonable accommodation can be reached in a timely manner for pastoralist access across the Urapunga Stock Route that would be lost as the result of the grant of a land claim.
17. There are several reasons that lead me to the conclusion that the grant of the Mataranka Land Claim may still create investor insecurity:
  - a. The 1988 Mataranka Land Claim Report notes at section 17.1.2 that 'The effects [of the Land Claim] could be disastrous for the profitable operation of the [Roper Valley] Station unless the lessee were to be given a lease of the Stock Route on terms not less favourable than those he enjoys now, including a term commensurate with that for which he holds the pastoral lease.'
  - b. In other words, anything other than an effective continuation of the status quo could have disastrous results for the operations of the successor stations to Roper Valley, especially Flying Fox, Lonesome Dove, and Big River.

- c. Much of the advantage that accrues to a land trust from a land claim such as this results from the ability to exclude others; that is, significantly altering the status quo.
- d. The Land Claim Report does note that at section 17.1.5 that 'Section 70(4) [of the Land Rights Act] might provide a partial solution in as much as it appears to guarantee access across Aboriginal land in a situation such as would result from acceding to the claim, but only along one or more defined routes.' It would still also require effective continuation of the status quo to reduce investor insecurity, as the Aboriginal Land Commissioner suggested in the remainder of section 17.1.5, 'The reality is, I think, that only a lease back of substantial parts of the claim area on very favourable terms to the lessee would produce a workable result so far as the continued operation of the Station under the present regime is concerned'.

18. This investor insecurity may be magnified when a pastoral property is the impacted by more than one land claim, as is the case here. Flying Fox, Lonesome Dove, and Big River stations are all impacted not just by the Mataranka Land Claim, but also by the Upper Roper River Land Claims which create further restrictions of the ability to move stock.

19. To the extent that the claimants in the Mataranka Land Claim are different from the claimants in the Upper Roper River Claims, there may different or even competing interests between the respective claimants, making overall negotiations for access even more difficult for pastoral owners.

I declare that I have read this statement carefully before signing it and believe it to be true and correct.

Signed

  
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Christopher Nott

Date

4/7/18