

Communiqué

Indigenous Leader's Roundtable on economic development and property rights - Broome, 19-20 May 2015

The roundtable was convened by the Australian Human Rights Commission on the land of the Yawuru people. The roundtable was hosted at the Nulungu Research Institute at the Notre Dame University.

The purpose of the roundtable was to identify options for addressing challenges to Aboriginal and Torres Strait Islander peoples creating economic development opportunities, particularly due to barriers that prevent the leveraging of property rights (be they communal, inalienable rights under native title or through land rights schemes).

Participants at the roundtable expressed concern at the limited outcomes from current processes for recognising and protecting Indigenous peoples' rights to land and resources. Concern was also expressed about the lack of genuine engagement by governments with Aboriginal and Torres Strait Islander peoples on issues that affect them. This includes current conversations about closure of communities in WA.

While noting that there has been progress in confirming ownership of land since the commencement of the Native Title Act, many participants expressed disappointment in what the native title system has delivered in the past twenty plus years and the whittling away of rights through successive amendments to the Native Title Act.

Participants called for a new dialogue with government.

The discussions identified tensions between the place of individual and collective title in promoting economic development, as well as tensions between cultural matters, environmental protection and development objectives. The meeting grappled with how to accommodate these tensions, without weighting one above the other.

Moving forward

Participants called for dialogue about **five** sets of issues to better enable economic development within the Indigenous estate:

1. **Fungibility and native title** – enabling communities to build on their underlying communal title to create opportunities for economic development.
2. **Business development support and succession planning** – ensuring that Aboriginal and Torres Strait Islander peoples have the governance and risk management skills and capacity to successfully engage in business and manage their estates.
3. **Financing economic development within the Indigenous estate** – developing financial products, such as bonds, to underwrite economic development through engaging the financial services sector and organisations including the ILC and IBA.
4. **Compensation** – rectifying the existing unfair processes for compensation for extinguishment of native title and considering how addressing unfinished business could leverage economic development opportunities.
5. **Promoting Indigenous peoples right to development** – promoting opportunities for development on Indigenous land including identifying options to provide greater access to resources on the Indigenous estate.

Participants recognised the role of existing mechanisms in advancing the issues discussed including:

- the COAG Expert Indigenous Working Group investigation into Indigenous land use and administration
- the constitutional recognition process.

Participants expressed determination to continue to work together to advance these issues and called for the government to commit resources to this end.

Participants at the roundtable called for the Australian Human Rights Commission to lead and facilitate an ongoing dialogue on these issues.

Roundtable Attendees

Day One – 19 May 2015

Mick Gooda	Aboriginal and Torres Strait Islander Social Justice Commissioner
Tim Wilson	Human Rights Commissioner
Louise Bygrave	Senior Policy Adviser, Human Rights Commissioner
Kirsten Gray	Advisor, Aboriginal and Torres Strait Islander Social Justice Commissioner
Padma Raman	Executive Director, Australian Human Rights Commission
Darren Dick	Director of Policy, Australian Human Rights Commission
Parry Agius	Presiding Member, Alinytjara Wilurara Natural Resources Management Board
Dianne Appleby	Member, Nyamba Buru Yawuru Board
Howard Pedersen	Policy Adviser, Nyamba Buru Yawuru
Wayne Bergman	CEO, KRED Enterprises and Chair, Expert Indigenous Working Group, COAG investigation into Indigenous land use and administration
Samuel Bush-Blanasi	Chair, Northern Land Council
Valerie Cooms	Member, National Native Title Tribunal and Member, Expert Indigenous Working Group, COAG investigation into Indigenous land use and administration
Craig Cromelin	Chair, New South Wales Aboriginal Land Council and Member, Expert Indigenous Working Group, COAG investigation into Indigenous land use and administration
John Daly	Deputy Chair, Northern Land Council
Michael O'Donnell	Principal Legal Officer, Northern Land Council
Murray McLaughlin	Senior Media Officer, Northern Land Council
Patrick Dodson	Chair, Nyamba Buru Yawuru
Chris Fry	CEO, Indigenous Business Australia
Tyronne Garstone	Deputy CEO, Kimberley Land Council
Melissa George	CEO, North Australian Indigenous Land and Sea Management Alliance Ltd
Nolan Hunter	CEO, Kimberley Land Council
Tony Lee General	Manager, Nyamba Buru Yawuru
Les Malezer	Co-Chair, National Congress of Australia's First Peoples
Tony McAvoy	Barrister, Frederick Jordon Chambers
Joe Morrison	CEO, Northern Land Council
Maluwap Nona	Chair, Malu Lamar RNTBC and Member, Expert Indigenous Working Group, COAG investigation into Indigenous land use and administration

Terry O'Shane	National Coordinator for ATSI Employment, Maritime Union of Australia
Noel Pearson	Founder and Director of Strategy, Cape York Institute
Cara Peek	Director, Nyamba Buru Yawuru Board
David Ross	Director, Central Land Council
Geoff Scott	CEO, National Congress of Australia's First Peoples
Kevin Smith	CEO, Queensland South Native Title Services
Anthony Watson	Chair, Kimberley Land Council
Raelene Webb	President, National Native Title Tribunal
Daniel Owen	Assistant Secretary, COAG Land Working Group, Prime Minister and Cabinet
Jessica Foote	Senior Advisor, COAG Land Working Group, Prime Minister and Cabinet
Brian Wyatt	CEO, National Native Title Council and Deputy Chair, Expert Indigenous Working Group, COAG investigation into Indigenous land use and administration
Murrandoo Yanner	Carpentaria Land Council Aboriginal Corporation and Member, Expert Indigenous Working Group, COAG investigation into Indigenous land use and administration
Peter Yu	Independent Chair, North Australian Indigenous Land and Sea Management Alliance Ltd
Tanya Hosch	Joint Campaign Director, Recognise
Bruce Gorring	Research Coordinator, Nulungu Research Institute of Notre Dame University
Anna Dwyer	Notre Dame University
Dr Sandra Wooltorton	Associate Professor, Nulungu Research Institute, Notre Dame University
Leon Terrill	UNSW and Central Land Council
Brian Stacey	Head of Policy, Cape York Institute
Ari Gorring	Land and Sea Management Unit Manager, Kimberley Land Council
Polly Grace	Carbon Outreach Office, Kimberley Land Council

Day Two - 20 May 2015

Mick Gooda	Aboriginal and Torres Strait Islander Social Justice Commissioner
Tim Wilson	Human Rights Commissioner
Louise Bygrave	Senior Policy Adviser, Human Rights Commissioner
Kirsten Gray	Advisor, Aboriginal and Torres Strait Islander Social Justice Commissioner
Padma Raman	Executive Director, Australian Human Rights Commission
Darren Dick	Director of Policy, Australian Human Rights Commission
Parry Agius	Presiding Member, Alinytjara Wilurara Natural Resources Management Board
Dianne Appleby	Member, Nyamba Buru Yawuru Board
Howard Pedersen	Policy Adviser, Nyamba Buru Yawuru
Wayne Bergman	CEO, KRED Enterprises and Chair, Expert Indigenous Working Group, COAG investigation into Indigenous land use and administration
Samuel Bush-Blanski	Chair, Northern Land Council
Valerie Coombs	Member, National Native Title Tribunal and Member, Expert Indigenous Working Group, COAG investigation into Indigenous land use and administration
Craig Cromelin	Chair, New South Wales Aboriginal Land Council and Member, Expert Indigenous Working Group, COAG investigation into Indigenous land use and administration
John Daly	Deputy Chair, Northern Land Council
Michael O'Donnell	Principal Legal Officer, Northern Land Council
Murray McLaughlin	Senior Media Officer, Northern Land Council
Patrick Dodson	Chair, Nyamba Buru Yawuru
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Peter Yu	Independent Chair, North Australian Indigenous Land and Sea Management Alliance Ltd
Senator the Hon. George Brandis QC	Attorney-General, Commonwealth of Australia
James Lambie	Attorney-General's Office
Liam Brennan	Attorney-General's Office
Tanya Hosch	Joint Campaign Director, Recognise
Tim Gartrell	Joint Campaign Director, Recognise
Charlee-Sue Frail	Coordinator of Aboriginal and Torres Strait Islander Engagement, Recognise
Bruce Gorring	Research Coordinator, Nulungu Research Institute of Notre Dame University
Anna Dwyer	Notre Dame University
Dr Sandra Wooltorton	Associate Professor, Nulungu Research Institute, Notre Dame University
Leon Terrill	UNSW and Central Land Council
Brian Stacey	Head of Policy, Cape York Institute
Melissa Price	MP, Federal Member for Durack
Will Story	A/g Assistant Secretary, Indigenous Recognition Taskforce, Attorney-General's Department
Ari Gorring	Land and Sea Management Unit Manager, Kimberley Land Council
Polly Grace	Carbon Outreach Office, Kimberley Land Council