



# AUSTRALIA



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## **Permanent Forum on Indigenous Issues** 15 May 2007

### **Item 3: Territories, Lands and Natural Resources**

#### **Statement by Mr Iain Anderson, First Assistant Secretary, Legal Services and Native Title Division, Attorney-General's Department**

(Check against delivery)

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We welcome this opportunity to set out the views of the Australian Government on the theme of this year's Forum, that of territories, lands and natural resources. The Australian Government is committed to improving outcomes for Australian Indigenous people by not only recognising their rights to land but also providing the necessary tools to make better use of those rights.

Over the past thirty years, Australia has developed various forms of legislation recognising Indigenous rights to land. The first of these is the land rights system, which consists of Acts passed by the Australian Parliament and a number of Australian States. Under land rights, Indigenous groups, having demonstrated their links with the land, are recognised and land transferred to the local Indigenous Group. A more recent but similar system is that of native title, which is based in the common law recognition of the connection between Indigenous groups and their land. Agreement-making under the native title system has provided further practical benefits for Indigenous Australians. Under the land

rights and native title systems, between 16 and 19 per cent of the Australian continent is now owned or controlled by Indigenous people.

While the recognition of land rights and native title has provided important cultural and spiritual benefits, it has not necessarily improved the overall wellbeing of those many Indigenous Australians who remain socially and economically disadvantaged.

In September 2005, the Australian Government announced a comprehensive reform process examining all aspects of the native title system. By addressing all aspects of the system, the reform package ensures a balanced approach to implementing changes to improve system-wide performance.

The package of complementary reform elements is designed to ensure the procedural and institutional framework for resolving native title issues provides a platform for more efficient and effective outcomes for all parties. A focus of the reform package is to further encourage the resolution of claims by agreement making in preference to litigation wherever possible.

The reforms do not seek to disturb the fundamentally important object of the Native Title Act to recognise and protect native title, and the existing balance of rights and interests created by the Native Title Act will not be altered.

Over the last few years, the Australian Government has also been particularly focussed on trying to find ways to offer greater choice for Indigenous people living on Indigenous land through increasing educational and employment opportunities, greater involvement of Indigenous people in land management and conservation, and reforming Indigenous land rights to enable Indigenous people who have had their land rights recognised to be able to leverage those rights to gain economic and social benefits.

The Australian Government is in the process of working with Indigenous communities to reform land rights to enable the granting of an individual interest

in community owned land. This will provide benefits at the community level through rental payments to the Traditional Owners, but also provide opportunities for individuals and families to purchase their own home or business on Indigenous land. Last week the Australian Government and the traditional owners of the Northern Territory community of Nguju announced they had reached a comprehensive agreement on the first lease of traditional land. The traditional owners will receive a one-off cash payment and an entitlement to ongoing rent until the expiration of the lease, when the land will be returned to them.

*These reforms are complemented by government programmes providing financial support to Indigenous people to make home ownership achievable.*

Other Government programs seek to facilitate the development of sustainable Indigenous communities and build their capacity, particularly in remote areas. Sustainable communities are more likely to be able to leverage lasting benefits from their title to land. The Australian Government believes that Indigenous Australians deserve the same benefits and opportunities as other Australians and that economic development, including helping Indigenous people to utilise Indigenous land and resources for economic development, provides a strong foundation for securing a better future for Indigenous Australians.