*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

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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