

# Calma against leasing Indigenous land

In the Native Title Report 2005, the Aboriginal and Torres Strait Islander Commissioner, Tom Calma, argues that the Australian Government's proposal to encourage individual leases on Indigenous land will not necessarily lead to improved economic outcomes for Indigenous people.

The report assesses the issues and the potential impacts of the Indigenous land leasing proposal, as well as providing some alternative economic development strategies and initiatives.

Mr Calma said: "the National Indigenous Council's (NIC) Indigenous Land Tenure Principles are essentially the Australian Government's instrument to implement the land tenure proposal. If implemented in their current form, the principles breach international human rights standards and obligations".

"One of the NIC principles sets out an option to compulsorily acquire Indigenous land where consent to leases is 'unreasonably' withheld. This course of action is potentially discriminatory, as no other Australians are compulsorily required to lease their land."

The Commissioner's report raises issues about whether the NIC principles represent the views of Indigenous people.

"The NIC is not an elected Indigenous body and it has not consulted with Indigenous communities about the proposed principles," Mr Calma said.

"Native title is not designed to support Indigenous economic interests. In most cases it does little more than provide access to land.

"I also question the relevance of any leasing proposal because it is already possible to lease Indigenous land. To date, this existing option has not improved

Indigenous economic development.

"International research demonstrates that converting Indigenous lands under communal title to freehold or leasehold title does not lead to improved outcomes for Indigenous peoples; economic or otherwise. In fact, countries that have converted Indigenous communal lands to individual leases are reversing these policies.

"The real issue is that governments have not developed comprehensive policy or legislation to lift the barriers that prevent Indigenous Australians from deriving economic benefit from land.

"It is important to remember that much of the land under Indigenous title is marginal, arid and inaccessible.

"My report sets out alternate strategies in Australia and elsewhere that promote economic development and increase home ownership without putting existing rights to land at risk.

"These options include: setting up Indigenous business enterprise arrangements through Shared Responsibility Agreements; extending the Home Ownership Program administered by Indigenous Business Australia, or establishing a 'good renters program' to accumulate equity for Indigenous communities through rent payments.

"Any business enterprise will require government support, but first there is an urgent need to improve infrastructure and resources to remote communities before development can occur."

The Native Title Report 2005 and chapter summary are available online at [www.humanrights.gov.au/social\\_justice/ntreport05/](http://www.humanrights.gov.au/social_justice/ntreport05/)

## Sale Law Practice Seeks Partner

A sole practitioner in an established city firm invites expressions of interest from any legal practitioners who may be interested in joining the firm as a partner. The applicant should already be admitted to practice in the NT with a right to unrestricted practicing certificate.

This opportunity is ideal for lawyers who have been in practice for 5 years or more years and want the challenge and freedom of running their own legal practice without the risk of building it from scratch.

The firm is centrally located on a ground floor commercial area, has an excellent reputation and goodwill with clients in its usual areas of practice (Migration, Commercial, Litigation, Corporate), enjoys low overheads and has been profitable since its establishment.

Applicants from different area of legal practice are more than welcome.

All inquiries will be dealt with in the strictest confidence.

Call: 0422 233 112 (preferably between 9am to 4pm),