

**Standing Committee on Aboriginal and Torres Strait  
Islander Affairs**

**Inquiry into the needs of country and  
metropolitan urban dwelling Aboriginal  
and Torres Strait Islander peoples**

**SUBMISSION OF THE**

**INDIGENOUS LAND CORPORATION**



**October 2000**

## **EXECUTIVE SUMMARY**

The House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs invited the Indigenous Land Corporation to make a submission to its Inquiry into the needs of Urban Dwelling Aboriginal and Torres Strait Islander Peoples.

This report addresses the ILC's approach to issues raised in the Committee's terms of reference. The Terms of Reference are

1. The nature of existing programs and services available to urban dwelling indigenous Australians, including ways to more effectively deliver services considering the special needs of these people
2. Ways to extend the involvement of urban indigenous people in decision making affecting their local communities, including partnership governance arrangements
3. The situation and needs of indigenous young people in urban areas, especially relating to health, education, employment, and homelessness (including access to services funded from the Supported Accommodation Assistance Program)
4. The maintenance of Aboriginal and Torres Strait Islander culture in urban areas, including, where appropriate, ways in which such maintenance can be encouraged
5. Opportunities for economic independence in urban areas
6. Urban housing needs and the particular problems and difficulties associated with urban areas

The ILC addresses the Terms of Reference in the following ways:

### **TOR 1**

The ILC's programs and services for urban dwelling Indigenous people are described. The ILC's programs comprise its core functions of land acquisition and land management.

### **TOR 2**

The ILC anticipates that the involvement of urban Indigenous people in decision making that affects their local communities will increase over time as the benefits of the ILC's land acquisition and management programs emerge. The opportunities for regional agreements may need to be considered in the future. However, the continued absence of the Social Justice Package limits the potential for beneficial change.

### **TOR 3**

The ILC understands the situation and needs of urban Indigenous young people in terms of the collective situation and needs of Indigenous people. Material from the National Land Management Research Project illustrates 3 reasons for this.

1. Indigenous people see the needs of young people in terms of the factors affecting the Indigenous population as a whole
2. The Indigenous population is comprised of a large percentage of young people
3. The National Land Management Research Project set out to identify current and future needs of the Indigenous population as a whole.

#### TOR 4

It is argued that the maintenance of Indigenous culture is a continuing challenge for urban Indigenous people due to the dispossession and dislocation they have experienced historically. Following from the ILC's recognition of prior ownership, the problems urban Indigenous people experience and the answers they suggest are outlined.

#### TOR 5

The ILC sees itself as having a role in opportunities for economic independence in urban areas. The types of opportunities and problems identified in the National Land Management Research Project are outlined.

#### TOR 6

The ILC acknowledges the need for urban housing infrastructure, and Indigenous housing needs generally, as being an insidious manifestation of dispossession and dislocation. The ILC identifies the major issues facing Indigenous people. However, the ILC does not see itself as having a role in addressing these needs while there are other agencies that have this specific function. Inadequate coordination and duplication of housing services is seen as a problem that contributes to urban Indigenous needs.

## **Introduction**

The Indigenous Land Corporation (ILC) is an independent statutory authority. It was established to assist Aboriginal and Torres Strait Islanders to acquire and to manage land in a sustainable way to provide cultural, social, economic or environmental benefits for themselves and for future generations.

The ILC came into existence with the commencement of *the ATSIC Amendment (Land Fund and Indigenous Land Corporation) Act 1995*, which repealed Part 10 of the Native Title Act 1993 and amended the Aboriginal and Torres Strait Islander Commission Act 1989 by inserting into that Act a new Part 4A.

The establishment of the Indigenous Land Fund (the Land Fund) and the ILC formed the second part of the Commonwealth's proposed three part response to the High Court's decision in *Mabo v. Queensland (No.2)* 175 CLR 11, which recognised native title as a unique form of Indigenous property right at common law.

While the ILC recognises that urban dwelling Indigenous people form an essential and particular section of its constituency, it must be stressed that the intent of its legislation was not to achieve a wide range of social or welfare objectives. The intent was clearly stated in parliament where it was described as "an important and necessary complement to the native title legislation" and an historic step "which recognises the injustice flowing from dispossession and goes some way towards redressing it by providing a means for Indigenous communities to acquire, manage and maintain land."<sup>1</sup> The primary aim of the legislation was to rebuild an Indigenous land base and maintain it for future generations.<sup>2</sup>

This report addresses how the ILC views the needs of Indigenous people in urban areas and the approaches it takes in dealing with them.

## **Terms of Reference**

The House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs Inquiry into the needs of Urban Dwelling Aboriginal and Torres Strait Islander Peoples refers to urban areas. By " 'urban areas' (the inquiry) generally means population centres of more than 1000 people and includes people living in or near country towns of this size. Since some remote traditional communities are relatively large the definition could also include people living in traditional ways that are associated with towns located in remote areas"<sup>3</sup>.

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<sup>1</sup> House of Representatives, Tuesday 30 August 1994, *Hansard*, p588

<sup>2</sup> House of Representatives, Tuesday 28 February 1995, *Hansard*, p1109

<sup>3</sup> Press release of House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, "Inquiry into the needs of Urban Dwelling Aboriginal and Torres Strait Islander Peoples", September 2000.

**1) The nature of existing programs and services available to urban dwelling Indigenous Australians, including ways to more effectively deliver services considering the special needs of these people.**

The ILC services the needs of urban dwelling Indigenous people via its land acquisition and management functions. In doing so, the ILC's objective is the fair allocation of ILC resources and assistance across the broad range of Indigenous communities. The ILC neither favours nor disadvantages regions unfairly and recognises that the needs and expectations of the diverse communities in Indigenous Australia vary. The ILC is acutely aware of the differing levels of education and skill in Indigenous communities and specific efforts are made to ensure that such differences do not impact on the provision of ILC assistance.

In brief, the Indigenous Land Corporation is required to act strategically in land acquisition and land management. The challenge for the ILC is to contribute equitably to the establishment of a representative Indigenous land base that satisfies the need for self-determination; and the ILC must do this in a way that ensures the optimal use of its scarce resources.

The following is a description of the ILC's functions, processes and guidelines.

### *ILC Functions*

The ILC's two main functions are to assist Indigenous peoples in Australia to acquire land and to manage Indigenous-held land in a sustainable way to provide cultural, social, economic or environmental benefits for themselves and for future generations.<sup>4</sup>

The *Aboriginal and Torres Strait Islander Commission Act 1989* sets out Land Acquisition functions and Land Management functions.

#### *Land Acquisition Functions*

The land acquisition functions (s. 191D) of the ILC include:

- purchasing land for the purpose of making grants to Aboriginal and Torres Strait Islander corporations
- granting land so acquired to Aboriginal or Torres Strait Islander corporations
- granting money to Aboriginal or Torres Strait Islander corporations to acquire land, and
- acting as guarantor for loans to Aboriginal or Torres Strait Islander corporations so that they may acquire land.

In carrying out its land acquisition functions, the ILC must give priority (s. 191D(3)) to:

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<sup>4</sup> S191B(a)&(b) of the Aboriginal and Torres Strait Islander Commission Act 1989

- acquiring and granting land to Aboriginal or Torres Strait Islander corporations
- acting as agent for Aboriginal or Torres Strait Islander corporations in cases where it makes grants of money to corporations for the acquisition of land, and
- granting interests in land acquired for Aboriginal or Torres Strait Islander corporations within a reasonable time after acquiring the land.

In performing its land acquisition functions, the ILC may not:

- lend funds for the purpose of acquiring land
- grant land to individuals or unincorporated groups, or
- grant funds or guarantee loans to individuals or unincorporated groups for the purpose of acquiring interests in land.
- Aboriginal and Torres Strait Islander corporations which receive title to land through ILC funding may not sell, mortgage, transfer or otherwise alienate the land without the prior approval of the ILC (s. 191S). The ILC acquires an interest in land by virtue of it granting, lending or guaranteeing a loan to an Aboriginal corporation in respect of that land (s. 191SA).

### *Land Management Functions*

The Land Management functions of the ILC are set out in S191E of the Act. ‘Land management activities’ (s. 191E(5)) are defined as “the managed use, care or improvement of land”, including business activity or the provision of technical, professional or advisory services, training or disseminating information.

The Land Management functions extend to all Indigenous-held land and include:

- undertaking or arranging for land management activities in relation to Indigenous-held land under agreements with land holders (s. 191E(1)(a))
- making grants of money for land management activities on Indigenous-held land (s. 191E(1)(d))
- making loans (subject to terms and conditions as the ILC determines) for land management activities on Indigenous held land (s. 191E(1)(e)), and
- guaranteeing loans (subject to terms and conditions as the ILC determines) made for land management activities on Indigenous held land (s. 191E(1)(f))

In carrying out its land management functions the ILC must give priority (s. 191E(3)) to:

- adopting sound land and environmental management practices;
- making grants of money or loans only where the ILC considers that alternative approaches are impracticable; and
- directly involving Indigenous land holders in land management activities.

### *ILC Policies and Priorities*

In undertaking its Land Acquisition and Management functions (s. 191F(2)), the ILC is required to give priority to:

- ensuring that as far as is practicable, Indigenous people derive social or cultural benefits as a result of the performance of the ILC's functions
- ensuring that it has access to necessary skills and resources required to perform its functions, and
- maximising the employment of Indigenous peoples and the use of goods and services provided by businesses owned or controlled by Indigenous people.

Importantly, under s. 191F(3), the functions of the ILC are in addition to and not instead of, any functions conferred on a body or person by or under any other law of the Commonwealth or a law of a State or Territory.

#### a) National Indigenous Land Strategy

The ILC performs its functions strategically as required by the Act (s191 N(6)). The National Strategy is the key strategic plan. It describes the policies and priorities that the ILC has adopted.

The National Indigenous Land Strategy addresses land acquisition for dispossessed urban Indigenous peoples, and land management, including environmental issues on Indigenous-held land. The National Strategy is designed to provide Indigenous people with an understanding of the way that the ILC will work and how the ILC can assist them. It also aims to assist Indigenous people and their representative organisations to develop plans to address dispossession at the regional level, consistent with ILC policies. The National Strategy is not a static or fixed document. It will be subject to regular review and will be amended and updated as necessary.

#### b) Regional Indigenous Land Strategies

The ILC is also required to prepare Regional Indigenous Land Strategies (Regional Strategies). The Regional Strategies cover each of the seven ILC regional areas, which are based on the borders of the six States and the Northern Territory.

Each State has different laws affecting land issues for Indigenous peoples. Each of the Regional Strategies describes these laws within the region and how the ILC proposes to respond to those differences in its own policies and strategies.

The Regional Strategies also provide a broad description of the consultation process the ILC has undertaken and how the results of those consultations will be considered by the ILC in its land acquisition and land management functions.

ILC policies and priorities will promote equal access for dispossessed Indigenous peoples and equal strategic benefit across all regions.

### c) Methodology - Land Acquisition

The National Strategy formed the basis of the Guidelines, which are a more refined set of criteria against which the ILC makes decisions about land acquisition. The Guidelines set out both Strategic and Specific criteria.

#### STRATEGIC CRITERIA

The Strategic Criteria address the priorities identified in the National Strategy, and relate to the cultural significance that the land has for the Indigenous organisation or group seeking to make the acquisition.

The Strategic criteria are based on:

- recognition of Indigenous rights in respect of prior ownership,
- self-determination at the regional level, and
- recognition by the ILC that cultural integrity is the basis for the successful attainment of social, economic and environmental benefits.

To receive priority, land acquisition proposals should demonstrate the cultural significance for the organisation or group seeking the land, based on traditional, historical or contemporary attachment (as broadly defined above), in addition to the cultural, social, economic or environmental outcomes that can be derived from control and use of the land.

Priority is given to land proposals which are identified as a priority by the organisation or group, based on attachment to the land and the capacity of the land to address dispossession and identified land needs in a strategic way in the region.

Priority is also given to land proposals where a significant proportion of the Indigenous people who identify with the country will be able to derive cultural, social, economic or environmental benefits as a result of the land being acquired. The proposal should contribute strategically to a representative land base for the region.

The ILC will give priority to land proposals where the attachment (traditional, historical or contemporary) has been or can be demonstrated. Broader regional support for the land proposal is also considered in assessing each land proposal.

The ILC gives priority to land proposals where the members of the organisation or the group comprise the traditional owners (or those with traditional attachment to the land as prior owners) or the traditional owners otherwise endorse the land acquisition.

Section 191D(4) of the ILC Act requires the ILC to ascertain whether any native title claim under the *Native Title Act 1993 (Cth)* ('Native Title Act') has been lodged, accepted or determined over the proposed land. ILC policy is that if a native title claim has been lodged and/or accepted over the land, then the ILC will, in general, defer a land acquisition decision until the claim has been resolved. The ILC will, as a general principle, give priority to land proposals where a native title claim is unlikely, or where extinguishment has been determined, and defer consideration of land



acquisition proposals until existing native title issues and claims in relation to the land have been resolved.

The ILC will take account of the nature of native title rights which may be determined in the future and the extent to which they address dispossession and the land needs of Indigenous groups in each ILC Regional Area.

#### SPECIFIC CRITERIA

Where a land proposal is supported by one or more regional representative bodies, the extent and nature of that support is considered in assessing the proposal. Each land proposal however, is still considered by the ILC in relation to the criteria and policies described in the National Strategy and the relevant Regional Strategy.

The ILC gives priority to land proposals where the title-holding body comprises the traditional owners of the land, notwithstanding that the cultural significance of the land is derived through traditional, historical or contemporary attachment and that the proposed purposes for the land may include a broader use base.

The ILC gives priority to land proposals that demonstrate that the planned uses of the land are achievable and sustainable in their own terms, without the need for on-going ILC funding, and including due consideration of market factors.

As part of the ILC policy to assess the expected outcomes of a land acquisition proposal, the ILC requires that each proposal be accompanied by a basic property or operational plan, showing how the proposed land uses are achievable and sustainable.

The costs of each land proposal are considered as an integrated package of costs and the land proposal will include estimates of immediate, longer-term and on-going needs.

In approving a land acquisition proposal, the ILC makes no general commitment to the provision of capital or recurrent funding for land management purposes. Each proposal is assessed in terms of long-term funding requirements, having regard to the land management policy of the National Strategy and the ILC Guidelines.

In assessing land proposals, the ILC considers the total costs identified and the additional sources of funding or other support that could contribute to the proposed land uses.

Where the benefits to be derived from a land acquisition require capital or recurrent funding that is unlikely to be provided by the ILC, the ILC will give priority to land acquisition proposals where other funding sources can be identified.

#### REGIONAL CRITERIA

In assessing land proposals, the ILC will take into account what consideration has been given to meet land needs through available land rights mechanisms applicable to the land, through Commonwealth, State or Territory laws.

In assessing land proposals, the ILC will need to know what consideration has been given to meet land needs through available land acquisition mechanisms applicable to the land and within the Commonwealth, State or Territory jurisdiction. Cost-sharing arrangements will be considered in all land proposal assessments.

In assessing land proposals, the ILC will need to know what consideration has been given to meet land needs through available sacred site and/or heritage protection mechanisms applicable to the land and within the Commonwealth, State or Territory jurisdiction.

In assessing land proposals, the ILC will take account of the consideration given to meeting land needs through opportunities available under environmental or conservation laws that are applicable to the land or the region.

In assessing land proposals in a regional context, the ILC may need to consider what opportunities may exist for regional agreements between Indigenous interests, other land users and relevant Governments.

Land proposals should demonstrate that steps have been undertaken in respect of regional agreements as an appropriate alternative to the acquisition of specific land parcels.

In assessing specific land proposals, the ILC may need to determine the extent to which dispossession in the region remains in the context of land needs that have been met on a regional or sub-regional basis.

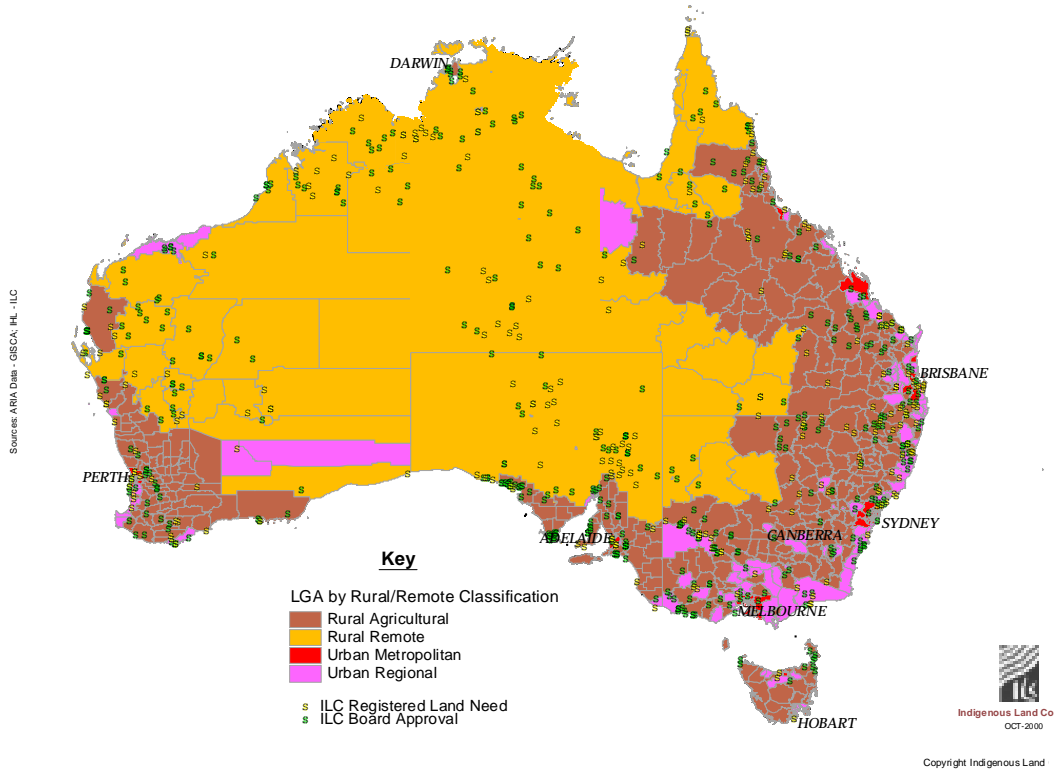
In the National Strategy, the ILC places priority on the acquisition of land of cultural significance and recognises that this can be highly specific, with the benefits derived from a particular parcel of land perhaps being limited to one Indigenous group.

The ILC will aim to address dispossession and unmet land needs in all regions over time.

The ILC has found that the demand for land acquisition is geographically evenly distributed. Map1 shows the distribution of ILC registered land needs and needs approved for acquisition by the ILC board.

# Map 1

LGA by Rural/Remote Classification & ILC Registered Land Needs and Board Approvals



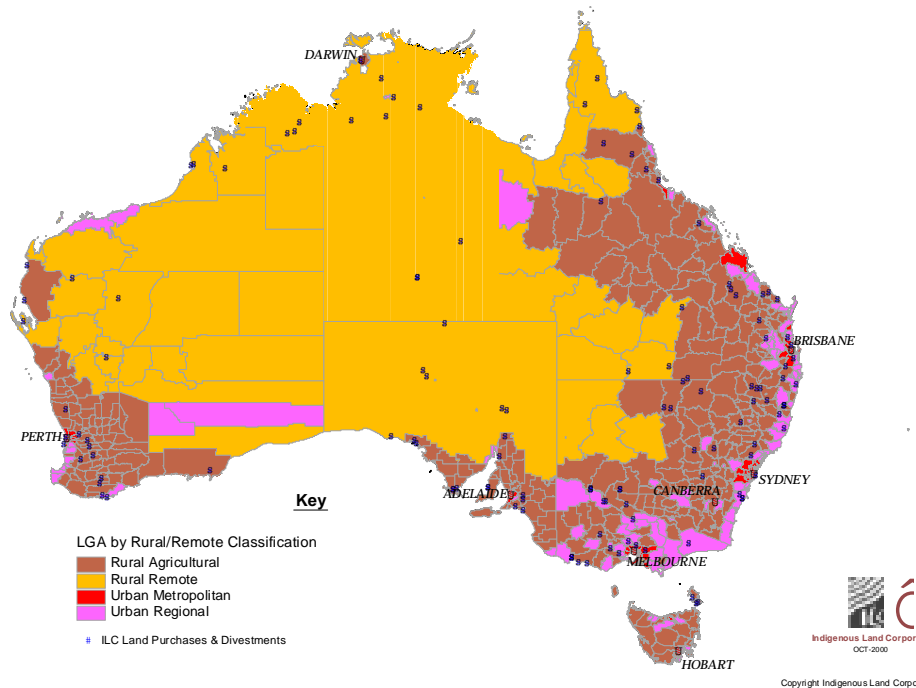
It appears that Indigenous people in urban areas are seeking and successfully acquiring land located in rural areas in close proximity to urban metropolitan and urban regional areas.

ILC land acquisition activity is similarly distributed and follows the same trend as the demand.

The current distribution of land acquisitions and land divested to Aboriginal corporations is shown in Map 2.

## Map 2

LGA by Rural Remote Classification & ILC Land Purchases & Divestments



### d) Methodology - Land Management

The emphasis of the ILC's work in land management is on cooperation between land holders and the ILC to manage land in an environmentally sustainable way.

ILC responsibilities for land management cover all Indigenous held land, not just land purchased by the ILC. Like the ILC's procedures for land acquisition, the procedures for land management are not 'application and grant' type procedures.

The focus of the ILC Land Management Policy is the provision of advice and assistance to Indigenous land holders to support them in establishing and maintaining land uses that suit their country, are sustainable in the long term and are a priority for them.

The ILC is able to make grants or loans of money, and guarantee loans for land management activities - but only when alternative approaches are impracticable. The ILC will not continue to provide grant funding to unsustainable commercial enterprises and will look at innovative ways to provide assistance to commercial enterprises that are in the process of restructuring for long term viability.

The ILC's land management initiative is a radical departure from previous land management programs and from the conventional method of providing public assistance. The Act requires the ILC to focus on actually carrying out, arranging for the carrying out of land management activities or guaranteeing loans, rather than the more familiar grant and loan systems.

Instead, the ILC is working with land holders to find effective ways to help solve land management problems, for example by providing:

- Services
- Training
- Information or special expertise
- Support for engaging contractors

While the *ATSIC Act* makes a distinction between land acquisition and land management functions and priorities, both functions are consistent with the central importance of land in Indigenous cultures.

While the ILC's land management functions can be directed towards establishing, maintaining and enhancing economic development through land-based enterprises, they are also (and equally importantly) directed at ensuring that land management activities provide cultural, social and environmental benefits.

#### ILC LAND MANAGEMENT POWERS

The ILC derives its land management powers from section 191E of the *ATSIC Act*. Under the *ATSIC Act*, the ILC has a land management function, which allows it to support a broad range of land management activities in relation to Indigenous-held land.

The ILC land management function must be undertaken with due regard to the National Indigenous Land Strategy and the Regional Indigenous Land Strategy for the ILC Regional Area where the land is located.

The ILC can undertake land management activities in relation to all Indigenous-held land, not just land that is purchased by the ILC. However, to be classed as Indigenous-held land, the land must be held by an Indigenous organisation as defined in the *ATSIC Act* (in section 4).

In general terms, an Indigenous organisation is one where all the members are Aboriginal persons or Torres Strait Islanders, or both; or Aboriginal persons or Torres Strait Islanders (or both) have a controlling interest in the body.

The ILC can use a wide range of measures to assist Indigenous peoples to manage their land. These measures include grants, loans, loan guarantees, investments, partnerships, joint ventures and other arrangements.

#### TYPES OF LAND MANAGEMENT SUPPORT

Under the ILC Policy, the ILC can provide two different categories of support:

### **Cultural / Social / Environmental (CSE)**

Land management problems, activities, or projects that can lead to cultural, social or environmental benefits. Projects in this category do not need to focus on commercial outcomes, and will be assessed according to specific criteria.

CSE projects may be eligible for funding which need not show an economic return (however all projects will need to demonstrate that they are not dependent on recurrent funding).

### **Commercial**

Land management needs which relate to the running of a business or enterprise based on the use of land resources may be supported by the ILC; for instance through equity investment, loans, and loan guarantees.

Eligible projects must be commercially viable and have demonstrated the capacity to sustain the repayment of commercial funding. The ILC will not continue to subsidise commercially non-viable enterprises or businesses.

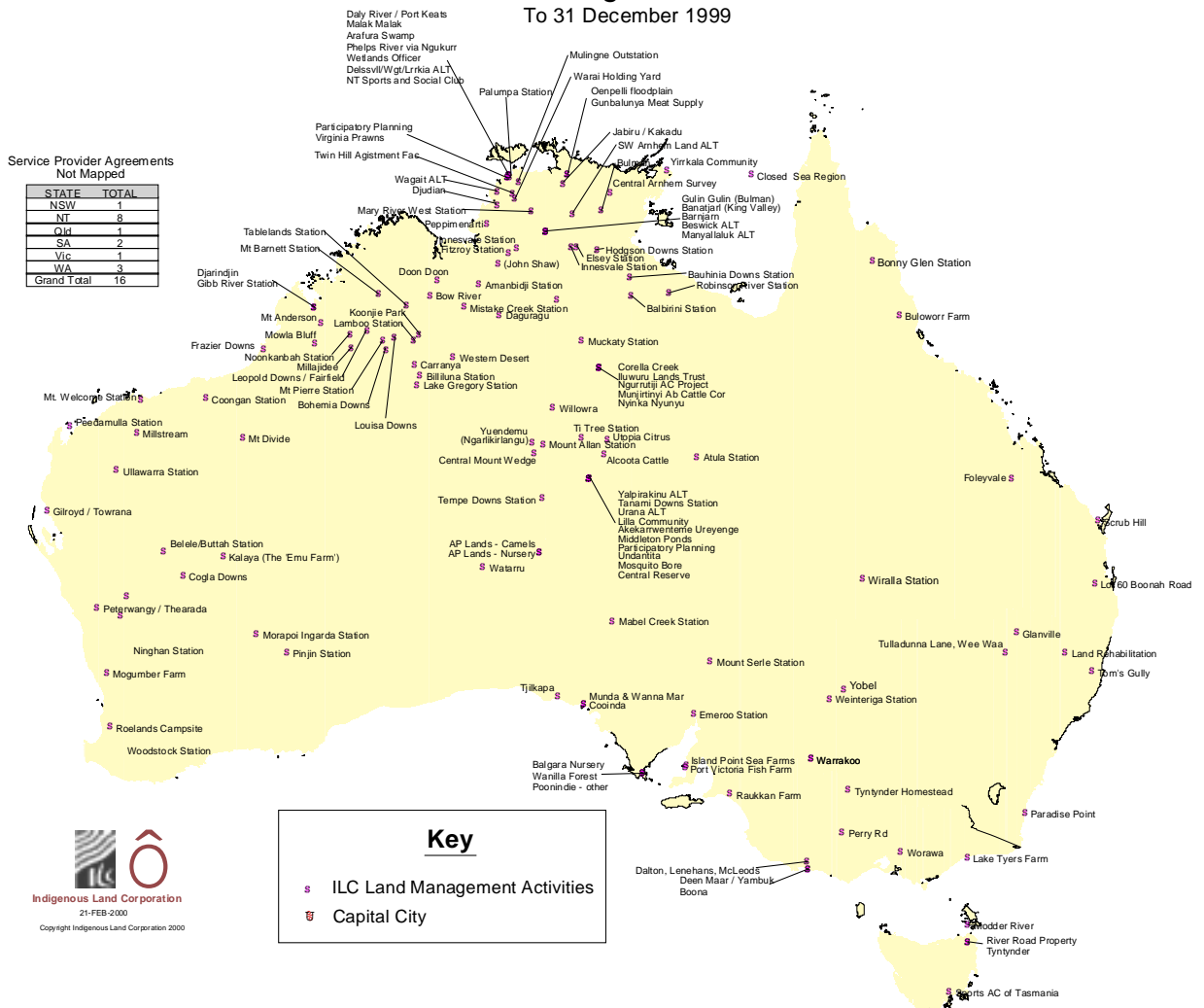
The ILC wants people to think carefully about whether their goals are of a business nature and concerned with the creation of income (commercial), or whether they are essentially cultural, social or environmental (CSE). Needs will be assessed differently according to choice.

Map 3 shows the geographic distribution of the ILC's land management activities.

### Map 3

## ILC Land Management Activities

To 31 December 1999



### 2) Ways to extend the involvement of urban Indigenous people in decision-making affecting their local communities, including partnership governance arrangements.

The ILC supports the involvement of Indigenous people in decision making over their own affairs.

The ILC’s land acquisition and management activities seek to involve Indigenous people in a vital and integral way whether in urban, rural or remote settings. As stated, the Strategic Criteria are based on self determination at the regional level and the recognition that cultural integrity is the basis for the successful attainment of social, economic and environmental benefits. Within its statutory functions and policy criteria ILC activity has the capacity to extend the involvement of urban Indigenous people in decision making that affects them. It is anticipated that positive cultural, social and environmental outcomes can be derived from regaining control and use of the land.

ILC processes are centred on involving Indigenous people in decision making about the performance of its functions. In land acquisition, the ILC is conducting a Land Needs Planning Process throughout Australia. This process assists local groups, whether remote, rural or urban to identify land that is important to them for acquisition on their behalf by the ILC. In land management the ILC policy is based on the development of partnerships with land managers and landholders. The exercise of both functions requires extensive consultation on the part of the ILC and effective decision-making on the part of its Indigenous constituents. In many instances, the ILC is called to play a role where another agency is ill-equipped or not prepared to consult effectively with Indigenous people who are often more likely to approach an organisation they see as Indigenous rather than one in the mainstream for assistance.

A great strength in the Indigenous community is the wide variety of community and locally based Indigenous corporations that exist to fulfil a wide range of different functions, some directly on behalf of government. A constant complaint from these groups is that they are under-resourced, under-funded and infrastructure poor. The ILC is frequently approached by service delivery agencies to assist in the provision of land for office accommodation, refurbishment and infrastructure. The ILC is simply not resourced to meet this many needs which are not within its legislative brief.

The ILC is mindful of the fact that the organisation has its roots in the Mabo decision. After the *Native Title Act* and the Indigenous Land Fund, the third stage response to the Mabo decision was to be the Social Justice package, which to date, has not been implemented. The needs of urban Indigenous people should be considered a major component of the Social Justice package.

The ILC considers that the absence of this package to some extent nullifies the effect of the other two stages in that the mechanisms for addressing dispossession are incomplete. Indigenous people were not just dispossessed of their land; they were also dispossessed of the economic and cultural edifices that the land supported. Changes in social and economic structure cannot simply be effected through the recognition of native title rights and the activities of the ILC. While these are extremely important mechanisms, they stand no chance, under present circumstances of addressing the wide range of social and economic issues that confront urban Indigenous people as a result of the effect of the initial settlement and consequent predations of the dominant society.

These issues are outlined below.



**3) The situation and needs of Indigenous young people in urban areas, especially relating to health, education, employment, and homelessness (including access to services funded from the Supported Accommodation Assistance Program).**

INDIGENOUS PROBLEMS, INDIGENOUS ANSWERS

The ILC's policy is to take a strategic approach to the situation and needs of urban Indigenous people collectively. This reflects the priorities of the Act with regard to land acquisitions and management functions. It is the case that the needs of Indigenous young people in urban areas are difficult to understand outside of the context of the needs of the wider Indigenous population.

Employment creation and improved access to training are significant needs for urban Indigenous people generally. Both should be implemented under the control and participation of Indigenous people and organisations. The need is seen as being particularly acute for young people. There is a high need for training in many areas including scientific approaches to environmental management and property management planning. The highest demand is for training in business management and local traditional knowledge.

An example of the approach adopted by the ILC to the situation and needs of Indigenous people is the Extension, Education and Training Strategy. The strategy is being developed to address the situation and needs of Indigenous people in urban-regional, rural-agricultural, and rural-remote communities. The strategy is informed by an understanding of the demographic profile of Indigenous Australia. This is important in ensuring that the strategy is of direct interest and benefit to Indigenous people, that its relevance is immediately obvious, and that its design and delivery are focused on imparting useable skills and knowledge.

The ILC's programs within its Extension, Education and Training Strategy are predominantly focused on rural and remote regions since these areas are under serviced as compared to urban areas. The ILC is at stage 1, the developmental stage. Stage 2, planned for 2001, will endeavour to implement 18 pilot programs nationally, spread across urban, rural and remote regions. The pilot programs will enable the ILC to identify the training needs, differences, gaps, access problems, cultural diversity, learning styles, and delivery styles in each region.

It should be considered very significant by all agencies that urban population centres significant numbers of members of the Stolen Generations. The National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families reported key differences between the situation of Indigenous people among the Stolen Generations and the situation of Indigenous people who were not stolen from their families<sup>5</sup>. Those who were stolen are

- less likely to have undertaken a post secondary education

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<sup>5</sup> Human Rights and Equal Opportunities Commission, Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islanders from their Families, Commonwealth of Australia, 1997, p 13

- much less likely to have stable living conditions and more likely to be geographically mobile
- three times more likely to say they had no-one to call on in a crisis
- less likely to be in a stable, confiding relationship with a partner
- twice as likely to report having been arrested by police and having been convicted of an offence
- three times as likely to report having been in gaol
- less likely to have a strong sense of their Aboriginal cultural identity, more likely to have discovered their Aboriginality later in life and less likely to know about their Aboriginal cultural traditions
- twice as likely to report current use of illicit substances
- much more likely to report intravenous use of illicit substances

The ILC is mindful of the fact that the Government's response to the 1997 National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families has been inadequate.<sup>6</sup>

The ILC's understanding of the situation and needs of Indigenous youth is outlined here by means of sample cases drawn from the ILC's National Land Management Research Project (NLMRP). The NLMRP was conducted to help the ILC formulate its long-term role in land management. The aim was to investigate current land management practices and determine or recommend which would be the most effective in the future. In doing so the Research Project gathered information on the needs of urban Indigenous people. It is clear from the research that the nature of their current needs is both urgent and varied.

In regard to the needs of young Indigenous people, it can be argued that certain needs of urban Indigenous youth can be isolated from the needs of the urban Indigenous population as a whole. However, there are good reasons for also considering the needs of young urban Indigenous people as part of a broader range of needs. Those consulted during the process were consistent in representing the needs of young people, indeed the NLMRP illustrates that Indigenous people consider the problems of young people to be very significant. Indigenous people consulted tend to see the needs of young people from a holistic perspective. That is, they subsume them within factors affecting the situation of the Indigenous community as a whole. This approach is supported by several statistics.

A profile of the Indigenous population from the 1996 census shows 40% of the Indigenous population aged under 15, and just 3% aged over 65.<sup>7</sup> This has the consequence that a large number of young Indigenous people are dependent on a relatively small number of Indigenous people of working age.<sup>8</sup> A holistic approach to the needs of urban Indigenous people is therefore required.

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<sup>6</sup>Submission to the Legal and Constitutional References Committee Inquiry into the Stolen Generations, Human Rights and Equal Opportunities Commission, June 2000 p2.

<sup>7</sup> ABS Publication "Australia Now – A Statistical Profile: Indigenous Population", P.1

<sup>8</sup> The dependency ratio for the Indigenous population is 75%, as compared to 50% for the non-Indigenous population. ABS Census 1996

## SAMPLE CASES

The NLMRP was conducted with four objectives in mind.

- To determine the level of involvement and interest of Indigenous land holders in land management including conservation management
- To determine the level of knowledge of current environmental and other scientific issues in land management
- To determine the level of knowledge of land management programs (both Indigenous specific and mainstream), and
- To determine the preferences of Indigenous land holders in relation to land use

The sample cases are set out according to states, territories, and intra-state regions. The cases put into context the need for land and land management assistance expressed to the ILC. The sample documents the range of needs of people in urban locations and urban service catchment areas. In their discussions of program implementation, it is clear that Indigenous people nationally see a close relationship between their land, their culture and their social well-being.

The range of issues Indigenous people face is very broad and linked with the need for land. Land is rarely mentioned without it being placed in the context of a range of other fundamental needs. In general terms, Indigenous people report

- Lack of essential services
- Lack of communication from service providers
- Lack of planning in service provision
- Lack of basic skills within communities, including self-governance skills
- Lack of effective Government programs
- Lack of employment
- Lack of health care facilities, notably for youth drug and alcohol problems

There is also an emphasis on the need for increased employment creation and training, particularly for young people. {Insert 1 }

Communities identified the need to address this in various ways.

### Queensland

#### *Far north*

Access to programs is a major issue for urban people. Most groups researched reported very limited knowledge of the funding programs that may be available. The inability to link with larger organisation and communities, and the distrust resulting from past interactions makes this an ongoing difficulty. This is reflected in people's inability to access funding for basic requirements such as housing and infrastructure.

There is also a lack of awareness of available agencies and programs. The lack of coordination between agencies means that the potential for informing

communities about holistic land management issues is lost. Consequently, people identified a need for planning at a subregional level.

People reported a general lack of information about how to sustain projects and reach goals. They have a desire for agencies to transfer expertise as part of their projects.

However, there is a certain amount of mistrust of government agencies due to perceived hidden agendas, including the thought that agencies set up communities to fail.

There are few employment prospects. Current employment opportunities are very limited in the region and many people view CDEP as being part-time, meaningless work that leads nowhere.

#### *Torres Strait*

There is little communication from service providers. For their future benefit, people identified a particular need for administrative infrastructure for future land holding bodies.

#### *North West*

Urban/rural interaction is common. There is interest in self-sufficiency in basic food stuffs and in the longer term, commercial production, however, the skill base is low, and business skills few. Developing basic skills and organisational structures will be essential if greater involvement in land management is to be achieved. The larger communities in this region are affected by social dysfunction, and people are concerned that the next generation may follow a similar path.

#### *Townsville*

Land holdings in this region are mixed, with a range of residential and commercial properties held in Townsville, and larger properties near Cardwell and Murray Upper. To provide for the young, there is interest in eco-tourism and cultural tourism, particularly in the wet tropical areas. There is also interest in developing some existing enterprises further.

#### *South East*

Economic development of land is seen as essential to addressing social and cultural issues relating to dispossession and the loss of cultural knowledge.

### NSW

#### *Many Rivers Region*

Consultations occurred in the Bowraville and Newcastle areas. In addition, there was attendance at three workshops convened by the Northern Rivers Regional Land Council, and discussion with the Local Aboriginal Employment Promotions Committee of the North Coast Area Consultative Committee.

People in this region place a high priority on employment creation, drawing on land resources. However, it is important that economic development is compatible with the social and cultural values of the land. There are substantial land holdings in this region, some of which have considerable commercial value. Local Aboriginal Land Councils hold many of these land parcels. Some are being used for subdivision and housing development, and others are actively being managed for rural production.

*Western NSW*

This area includes Broken Hill, Moree, Wagga Wagga, Brewarrina and Wilcannia.

CDEP programs in the region have been active in land management, developing nurseries and planting programs around settlements over several years.

*New England*

Creation of full time jobs is secondary to establishing a sense of identity with the land and building up a long-term economic asset. Other properties owned in the region include a diversity of small and large holdings, including urban heritage buildings and Indigenous housing lots.

## TASMANIA

*Southern Tasmania*

Achieving better access to land is critical for communities in the south. Acquisition is of major importance to these groups, together with trusteeship. Placing Indigenous land in the hands of community trusts, rather than statutory land councils is thought to be highly desirable in many cases. The transfer of State land to community ownership might also follow this model. This will allow for local representative structures, promoting broad ranging benefits for local communities, including benefits to young people.

*Tasmania*

Linking education, culture, and social well-being in program implementation should be integral to land use, with cultural reclamation as a first step. The promotion of craft industries such as carving and woodworking has the potential for diversifying employment based on land resources.

## VICTORIA

*Victoria Region*

Like other regions, an important consideration in relation to land in this region is its social value, to increase community well-being generally, but particularly the potential for addressing the need to engage local Indigenous young people.

*Wamba Wamba*

A Co-operative in the area is currently involved with social issues such as drug and alcohol abuse and other health problems. It is also involved in acquiring land for development of a 'healing place'.

The community sees this as being able to provide

- training
- services to address drug and alcohol problems
- back up support for clients coming out of rehabilitation
- a safety net comparable to a rehabilitation centre.

To address unemployment problems, some training is required in certain economic areas, for example market gardening.

However, the region reported that there are obstacles to program access caused by lack of use of plain English.

#### *Yota Yota and Yorta Yorta*

The main need expressed was for programs of a sort that will build community capital for the future. This was seen as a way of overcoming the problems associated with temporary community managers from outside of the community.

There is interest in producing olives, carp and yabby farming, and water recycling.

#### *Lake Tyres*

Education was identified as a major issue with few children progressing past Year 8 at school.

A traditional camp is intended to assist young people to re-establish their cultural connections with the land. Interest in reclaiming youth is universal, particularly to address drug and alcohol dependency.

SA

#### *SA Region*

This region includes Port Augusta.

Lack of employment is a major issue. There is a high proportion of part time employment in CDEP, but little else. CDEP resources are seen as inadequate to fund full time employment.

The highest demand is for training in business management and local traditional knowledge.

#### *Rangelands Trust Region*

Within the region, most Indigenous people live in the towns of Oodnadatta, Marree, Port Augusta, Leigh Creek-Copley and Coober Pedy. Indigenous managed lands in and near these towns are used for housing and community uses.

Several management groups in the Region are interested in developing tourism activities that focus on the natural and cultural values of their lands and that generate employment.

Many land holders want to develop employment for young people in the pastoral industry.

#### *Eyre Peninsula*

Indigenous populations are concentrated in Ceduna, Port Lincoln, and in Indigenous settlements at Koonibba.

Provision of essential services and housing, maintenance of settlement roads and rubbish disposal at these new and emerging communities are significant concerns for land holders. These communities are the product of local urban to rural drift and are, in part, motivated by the desire to move urban young people away from the problems associated with urban dwelling.

#### *Southern and eastern agricultural region*

This region includes Adelaide and the major towns of Whyalla, Port Pirie, Murray Bridge, Berri and Mt Gambier - and in Indigenous settlements at Point Pearce, Raukkan (Point McLeay) and Gerard.

Provision of essential services and housing, maintenance of settlement roads and rubbish disposal at these new and emerging communities are significant concerns for land holders.

NT

#### *Alice Springs Region*

People are concerned about the management of country they own, but their main focus has been on improving their immediate living environment.

There are aspirations for limited tourism, and associated enterprise development from some groups. There is also strong interest in horticulture projects, but lack of water is seen as a major limiting factor. Particular crops identified as having potential are roses and quandongs, plus crops associated with commercial bush-food production.

The most important resources for landowners and managers in the future are seen as:

- outstations
- access to CDEP resources
- access to improved transport systems
- access to electrical power
- planning and facilitation of land management and community development plans
- technical advice and information

### *Darwin and the Daly River Region*

Land use interests involve:

- ceremonial use of land
- arts and crafts, tourism (particularly in association with Litchfield National Park)
- recreational fishing
- camping
- gathering bush-food
- cattle grazing
- some harvesting of feral horses and pigs
- home food production
- tropical food production
- housing and infrastructure
- small scale mining interests (tin)

Poor road access is leading to erosion and silting of watercourses (in all areas), as is stormwater discharge, and pollution from urban run-off. Other issues include noise (around Darwin), waste disposal, past excavation of sand and gravel, and tourist wear and tear on river systems (other areas).

People feel that too much emphasis has been placed on teaching non-Indigenous people about traditional land management, eg. fire management, at the expense of teaching Indigenous young people.

Most groups have very limited knowledge of the funding programs that may be available. The inability to link with larger organisation and communities, and the distrust resulting from past interactions makes this an ongoing difficulty. This is reflected in people's inability to access funding for basic requirements such as housing and infrastructure

There is a large amount of interest in planning to support developments. Groups recognise that this would require a holistic government approach in the examination of the required regional infrastructure to support industry on any scale. Given the size and potential of Indigenous land holdings in the region, it could be assumed that there would be significant interest from the NT government and private investors.

### *Katherine Region*

Consultation workshops were held at Kalkaringi (attended by traditional landowners from Kalkaringi and Dagaragu) and Ngukurr.

People are clearly interested in traditional management and understanding of country, as well as in opportunities for economic development

People are unable to move onto their country. There is also a lack of funding for housing, infrastructure and other resources.



### *Barkly Region*

People generally suffer a lack of access to land management programs.

The main obstacles are seen as:

- lack of access to information about what resources are available
- lack of resources to allow regional organisations to provide information about available programs and resources

People are keen to pursue economic development of land in most locations, but have higher priorities in relation to completing the establishment of housing and infrastructure.

Identified opportunities are as follows:

- cattle
- horticulture
- tourism
- arts and crafts
- bush-foods

### *Arnhem Land Region*

This area includes Nhulunbuy and Jabiru.

Land use, management, and development are limited by specific resource availability issues. These include poor road access, and housing and infrastructure limitations.

In general, the backbone of land management has been the outstation movement and CDEP. However, in some areas the lack of CDEP is seen as a major limiting factor on development.

Current use of land:

- traditional land uses and management
- ceremonial uses
- hunting and gathering
- fishing
- bush food and medicine harvesting
- buffalo harvesting
- crocodile egg collection
- boat based tourism
- cattle grazing
- mining rehabilitation
- nursery operations.

The main obstacles are seen as:

- lack of information about funding and finance opportunities
- complexity of funding application and acquittals processes

- resource requirements of application process. Applications for funding requiring a full time paid position for individual organisations which must be funded through other means
- lack of regional coordination across the region, and between government agencies

The most important resources for landowners and managers in the future are seen as:

- a reliable income stream capable of supporting people's aspirations for land management and development
- improved roads funding
- improved homelands development funding
- funding for feasibility studies and business plan developments
- funding for regional project coordination and development
- self-management of country

The most important resources for landowners and managers in the future are seen as:

- improved homelands development funding
- funding for feasibility studies and business plan developments
- funding for regional project coordination and development
- self-management of country

## WA

### *SW Region*

This region raised the issue of Infrastructure for Indigenous agencies. For example, some hostel refurbishment is required.

### *Pilbara, Gascoyne and Murchison Regions*

Some enterprises geared to social and community needs are planned, including a youth and recreation centre, and an alcohol rehabilitation centre.

Lack of skilled Indigenous labour is a constraint on some enterprise types.

These consultations have revealed that a major concern of Indigenous people is providing an economic base for now and for the future. There are definite concerns to achieve self-sufficiency through income generation particularly through employment creation. Of particular note is that there was an extremely strong emphasis on enterprise development. Of equal note is a significant stress on preventing or reversing either the drift to towns from smaller settlements or the continued existence of populations in some regional and other towns. In many places, homelands, outstations or new and emerging communities are seen as being crucial to provide

alternatives to the problems of urban living and especially those social problems that affect the young. Diversionary programs for youth were also high on the agenda, particularly those that involved the transfer of cultural knowledge and skills. Land acquisition and land management activities are often seen as vehicles to achieve these objectives.

The ILC sees a growing need for the coordination of agencies involved in addressing Indigenous social disadvantage. The drying up of funds for Aboriginal and Torres Strait Islander programs requires portfolio agencies to work very closely together. Consequently, there is an increased need for Indigenous groups to develop enterprise activities that will enable them to continue activities that government is no longer supporting.

At the present time there appears to be very little in the way of coordination between agencies that have similar or complementary functions. The tendency is for agencies to endeavour to minimise calls on their own funds by establishing boundaries of responsibility which enable them to direct clients to another agency whether or not that agency agrees that it has responsibility for that type of activity. Inevitably, this leaves many groups in a “responsibility vacuum” in which no agency will accept them as clients. In other cases, where responsibilities are agreed and shared, agencies will go to enormous lengths to devise co-funding arrangements that make matters overly complex and cumbersome for the client.

These demarcation disputes are often the result of shifts in governmental and departmental policy and of ambiguous or unclear legislation. Such matters can only be resolved through the formation of strategic alliances and compacts forged between, and which bind, the relevant agencies.

Agencies with responsibilities for servicing the range of needs expressed by urban Indigenous people should ensure that their policies and implementation strategies are complementary and that the mechanisms of cooperative action are clearly spelled out. It is crucial that this complementarity proceeds beyond high-sounding and inspirational statements to the grass-roots level of project administration. One very simple example of where this does not occur is in the lack of synchronisation in funding cycles.

This clearly argues for the establishment of joint agency forums to ensure constant liaison, consistency and synchronicity of approach.

The ILC is convinced, moreover, that in view of fewer resources and increased demand on services, a way of addressing urban needs is to increase the access of Indigenous people to mainstream services. This will require that agencies with existing responsibilities in the Indigenous portfolio increasingly assume a brokerage role in facilitating and encouraging this access. It will also require considerable negotiation with mainstream agencies. All such agencies should be required to demonstrate that they are applying access and equity principles.

In terms of coordination in service delivery the Northern Territory’s Aboriginal Economic Development Focus Group comprising of Territory and Commonwealth

agencies is a good example of a successful mechanism. This group meets regularly to discuss issues and coordinate service provision and has generated a number of joint projects. The ILC is encouraging the development of similar groups elsewhere.

**4) The maintenance of Aboriginal and Torres Strait Islander culture in urban areas, including where appropriate, ways in which such maintenance can be encouraged.**

The colonial encounter has created a fragmented Indigenous community. In addition to the problems illustrated above, cultural maintenance is an ongoing challenge facing many Indigenous people. The importance of cultural maintenance and particularly the transfer of knowledge to the young was a recurring theme in the ILC consultations.

Cultural maintenance is a much more complex issue than is often understood. Indigenous people today enjoy a wide variety of cultural expressions. Cultural maintenance is often seen to refer only to “traditional” in much the same way as ethnicity means folk-dancing and costume to many people. Indigenous cultures today are many and varied and much of what Indigenous people seek to maintain is not traditional in the text book sense but relates to the shared experiences and histories of their families and communities. The various cultural expressions that have been generated by these shared experiences and histories are as much cultural and deserving of maintenance as what might be seen as more traditional or even exotic cultural traits.

There can be no argument that the introduction of new bases of social organisation resulted in fundamental changes to the pre-existing social order but the fairly commonly held belief that the new structures eradicated earlier forms is being increasingly found to be without foundation. A sketch overview shows the complexity of Indigenous people’s relation to their culture.

1. The population will be a mix of historical and traditional people and although there will have been inter-marriage and some merging, the differences are readily apparent to the groups themselves.
2. Residential patterns will include concentrations in urban/regional centres as well as more scattered settlements in smaller towns and on stations.
3. People will group themselves according to families with discrete sets of surnames that relate to a specific nodal ancestor.
4. These family groupings are frequently aggregated by their members into sets of people that may bear a language group name
5. There will be high degrees of optation among the members of these families, the membership of which will be affected by dynamic processes of fission and fusion.

6. Family groupings will also be reflected, to some extent, in the corporate profile of the region. The corporations themselves are characterised by political tensions that relate to competition for funding, kinship relations and matters as seemingly unrelated as sporting affiliations.
7. Corporations will be spread across the rural/urban continuum and will have a corresponding range of other competing interests.

The ILC is committed to recognition of prior Indigenous ownership of land (National Strategy, 15:4.6). In line with this, ILC recognises that the nature and current distribution of land needs is a product of Indigenous peoples' historical experience of colonialism. Previous Government policies have resulted not just in the dispossession of Indigenous people, but their dislocation. This occurred in many ways but principally through the concentration of populations in central locations often distant from traditional lands. The process continued through the dispersal of these settlements during the assimilation phase when many Indigenous peoples were encouraged to move to urban settings.

In recognising prior ownership, it would be a false belief, and a detriment to the needs of urban Indigenous people, to take a simplistic view of the significance of land. To properly recognise prior ownership, it must first be acknowledged that many classic or traditional Indigenous land tenure schemes continue as lived realities. Secondly, it must be acknowledged that many of the classic features of social organisation have altered because of the colonial encounter. Thirdly, it must be acknowledged that new forms of Indigenous social organisation have emerged.

The challenge for government is to recognise these factors and to find ways to work with them. It is also crucial that the urban interest in land, whether to satisfy immediate needs in urban areas or its provision in rural areas as an alternative is recognised and addressed.

#### INDIGENOUS ANSWERS

Despite colonialism, land and cultural maintenance are seen as hand in glove. Urban Indigenous people are actively seeking to engage in cultural maintenance in a number of ways. Some urban areas are characterised by small parcels of land occupied by housing, cultural centres, and Indigenous organisations.

Many Indigenous people are alienated by the fact that cultural material is held in museums of all sizes and over which they have limited, if any control. There have been many calls for repatriation of cultural material, for collections to be transferred to Indigenous control and ownership and for a greater role in the management of heritage items. The maintenance of a culture is arguably contingent on the degree of control its owners have over its past.

Land is being sought and used to re-establish cultural ties with particular sites and resources. Urban and suburban areas are being used as sites for cultural centres. A potential problem is the plethora of proposals for cultural centres being put forward in certain regions. Redefinition of some of these as broadly based resource centres may

be desirable. Yet, funding agencies appear unwilling to support facilities geared solely to cultural activity.

Community restoration is seen by many urban based people as involving economic equity through commercial enterprises and reconciliation with non-Indigenous communities. The tourist potential of cultural activities in urban areas has yet to be fully exploited.

Urban Indigenous people see it as vital that such practices are promoted so that there is support for land holders, better coordination with service providers, and capacity to counter everyday obstacles.

There are numerous Indigenous organisations engaged in cultural maintenance and concerned with linguistic research, family or community history or site preservation and interpretation. In the main, they all hampered by a lack of resources.

The strengthening of Indigenous community and local corporations is essential to the maintenance of Indigenous cultures as is the sense of identity that is augmented by Indigenous owned and managed cultural precincts.

#### CHANGE OF MAINSTREAM ATTITUDES

The ILC recognises that the make up of Indigenous peoples' social groups is varied and that this is also the case specifically in relation to land. An understanding of the relationship is fundamental to addressing the needs of Indigenous people. However, the complexities of Indigenous Australia are not widely understood. Indeed, research by the Council for Aboriginal Reconciliation found that "A majority of Australians do not believe there is a link between current disadvantage and the past....There is little understanding of the possible psychological or social effects on a people of the undermining of their culture by a dominant culture"<sup>9</sup>. It appears to be too widely held in the mainstream that urban dwelling Indigenous people are not 'real Aborigines', and therefore not deserving recipients of government or non-government programs and services.

Despite this, many Australians accept the need for equal rights and opportunities for Indigenous people. The widespread acceptance of this fact is encouraging. Yet for some, "equality is at odds with 'special treatment'". It should be anticipated by all agencies in their operations that if they, and mainstream Australia, improve their understanding of the Indigenous past and present the needs of Indigenous people would be more effectively addressed.

### **5) Opportunities for economic independence in urban areas**

While there is no doubting the economic marginalisation and dependency of Indigenous people there are also some significant examples of Indigenous economic self-sufficiency, usually through enterprise activity. The fact that Indigenous people are hampered by a lack of access to venture capital, management skills and other basis

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<sup>9</sup> "Quantitative Research into Issues Relating to a Document of Reconciliation", Council for Aboriginal Reconciliation, March 2000, p.10

elements of economic independence is much better known than the fact that there are significant obstacles to economic independence that confront Indigenous people generally.

Some of these obstacles are created by mainstream usurpation of specifically Indigenous commodities. How many art galleries selling Indigenous created art are owned and managed by Indigenous people or how much bush food or medicine is marketed by Indigenous owned outlets? These are but two instances where the market is arguably cornered by non-Indigenous people to the exclusion of all others. Collections of Indigenous heritage items in the State museums attract substantial government and private sector funding, while keeping places and other similar Indigenous controlled facilities do not.

For many Indigenous people, as for many others, land is seen as a key element in economic independence. The NLMRP found regionally varied emphasis on economic development, but the consistent theme was that economic, and social and cultural development are allied together. It was often the case that economic development land was seen as essential to addressing social and cultural issues relating to dispossession and the loss of cultural knowledge.

As essential as land is for cultural or social benefit it may not be the panacea for economic development in urban areas where there is perhaps much less scope for the development of land based enterprise.

A recent study by the ILC showed that of 140 enterprises, 8 are of a type that could potentially be conducted in urban contexts, vegetable or market gardens (4) and retail or property development (4).

In the main, however, the requirement for land for business in urban areas is more likely to be for business premises or site preservation and interpretation for tourism than for the more conventional land based enterprises. While the ILC has a role in economic development, the acquisition of land for a range of urban enterprise activities is well outside the scope of its legislation.

## **6) Urban housing needs and the particular problems and difficulties associated with urban areas**

Homelessness is dispossession manifest – and it is a fact of life in remote areas where housing, at its extreme, has been called “fourth world” and of urban areas where overcrowding is common. Existing housing issues are compounded by the fact that the Indigenous population is growing very rapidly, which not only contributes to present overcrowding but indicates that future needs will be greater. Major issues in Indigenous housing are:

*Overcrowding* – the 1996 census found that the average number of people per household was higher for Indigenous than for other households: 3.7 people per household compared with 2.7.

*Disproportionate numbers in rented accommodation* - The 1994 National Survey found that 70 per cent of dwellings occupied by Indigenous households were rented (compared with 28 per cent of all dwellings, and 23 per cent of Indigenous people living in rented dwellings shared with eight or more other residents)

*A disproportionately high level of disrepair* – 12 per cent of all Indigenous housing in the 1994 Survey required repair or maintenance.

*A disproportionately high level of substandard facilities* – 6 per cent with inadequate bathing facilities and without adequate insulation or ventilation, 11 per cent with an insufficient number of bedrooms and 10 per cent did not have enough living area.

*A disproportionately high level of inadequate utility servicing* - 8 per cent of rural dwellings did not have electricity and/or gas connected, 8 per cent did not have running water, 9 per cent did not have a toilet and 11 per cent did not have a bathroom/shower.

The latter point is an indicator of the differential disadvantage experienced in rural and remote areas which the Community Housing and Infrastructure Needs study (commenced in 1992) has demonstrated to an alarming degree. Indeed, while disadvantage in urban areas is still apparent, the significantly lower standards in remote and rural areas serve to skew the results for the whole Indigenous population despite the high proportions in urban areas. Meeting the backlog of land needs will cost an estimated \$4 billion.

The Indigenous Land Corporation has acknowledged that these needs are real issues but has not seen itself as having a role in meeting them. This has been for the two major reasons; that there are other agencies specifically charged with that function and that the ILC's specific role was in acquiring land to which Indigenous people had lost their native title. While the ILC has acquired housing, it has been incidental to the purchase of land for other purposes.

There is nothing in the legislation or the NILS that actually prevents the ILC from acquiring housing stock. The Act (191B) requires the ILC to assist Aboriginal and Torres Strait Islander peoples to acquire land to provide cultural, social, environmental or economic benefit. This certainly does not preclude the possibility of housing stock.

The National Indigenous Land Strategy states that housing will not be a priority and that land must be central to a proposal (para 1.4). As mentioned above, this has not prevented the purchase of housing where it has been argued to be incidental. The major issue with housing is spelled out in paragraph 4.12 where it is indicated that the ILC has no responsibility and lacks the capability to meet a broad range of needs, including housing. The reality is that, given the estimated \$4 billion backlog, a proportionately large amount to meet emerging needs and the rather elaborate service delivery structures in Federal and State governments the ILC could only ever be a very minor league player at the very most.



One of the major problems with Indigenous housing service provision identified at the Housing Ministers' 1996 Conference was inadequate coordination and duplication. If the ILC was to seek to take a role in the provision of housing it is essential that such a role be carefully negotiated within the parameters set by section 191F(3).

## **Conclusion**

The ILC addresses the needs of urban Indigenous people by carrying out its core statutory functions, which are land acquisition and land management.

The ILC carries out its functions strategically in order to achieve a representative land base and to assist in the management of Indigenous held land nationally.

Over time, the activities of the ILC are expected to provide real social, cultural, economic and environmental benefits to urban Indigenous people. The ILC's activities have the potential to significantly redress the detrimental effects of dispossession.

However, the ILC is not a one-man band. Coordination of existing services and agency activities is seen as being required to adequately contribute to the task at hand. This should include greater coordination of agencies with Indigenous peoples' representative groups on their own terms.

In addition, the social and economic structural inequalities experienced by urban Indigenous people need to be addressed as a matter of urgency. Introduction of the Social Justice Package is the ILC's preferred option.

The ILC also believes that a change in mainstream attitudes toward activities that address Indigenous peoples' situation and needs generally is fundamental.