



FOR IMMEDIATE RELEASE

Indigenous Land Corporation proposals look to future Indigenous generations

The Indigenous Land Corporation (ILC) has called on the Australian Parliament to consider and legislate the provisions of a Draft Bill released by the ILC today. The Draft Bill aims to strengthen the Aboriginal and Torres Strait Islander Land Account and to lock in the ILC Board's commitment to the highest standards of corporate governance.

"The Land Account must be put beyond politics. We need to strengthen legislative recognition of its unique status, and increase Indigenous involvement in its management," said ILC Chairperson, Dr Dawn Casey.

"The Land Account came out of an historic settlement, and is held by the Commonwealth on behalf of Aboriginal and Torres Strait Islander peoples. We want to ensure it is protected for our future generations."

Revenue from the Land Account, which currently has a fixed capital base, provides guaranteed funding to the ILC to acquire and manage land for Indigenous Australians for a range of social, cultural, environmental and economic benefits. The Land Account and ILC were established together after the High Court's recognition of native title.

"More than 20 years on from the High Court's Mabo decision and the passage of the Native Title Act, we want to remind Australians—particularly young people—that the Land Account was established as part of a national settlement that provided land-title certainty for all Australians.

"In return, the Land Account and the ILC were legislated to provide partial compensation for dispossessed Aboriginal and Torres Strait Islander peoples, in particular those unlikely to benefit from the Native Title Act.

"It should also be remembered that this national settlement was negotiated with Indigenous leaders. For the first time in Australia's history, Indigenous people sat down as equals with the executive level of government," Dr Casey said.

The Australian Government is currently considering a major overhaul of the ILC that may include increased ministerial control. In December 2013, Indigenous Affairs Minister, Senator the Hon. Nigel Scullion, initiated a review of the ILC and another statutory authority, Indigenous Business Australia

(IBA). The review, conducted by Ernst & Young, reported to government in mid-February 2014, but its recommendations have not yet been released.

“Our Draft Bill emphasises the importance to Indigenous peoples of the Land Account and the importance of its continuing to be dedicated to advancing the land aspirations of Australia’s Aboriginal and Torres Strait Islander citizens,” Dr Casey said.

“The Draft Bill would give legislative force to the current ILC Board’s commitment to operate to the highest standards of corporate governance and transparency. A better governed ILC will ensure greater benefits for Indigenous Australians from use of the Land Account.

“Also in the Draft Bill are measures to ensure the Land Account grows over time, so it can meet the expanding land-related aspirations of future Indigenous generations.”

Dr Casey said the ILC had developed the Draft Bill to inform the Indigenous and wider community of the history and significance of the Land Account, and to assist the Government and the Parliament as they consider the ILC’s future.

“The Land Account and the ILC were part of the ‘grand bargain’ of the mid-1990s. This was a watershed moment in Indigenous peoples’ struggle for recognition in this nation.

“We urge the Government and the Parliament to discuss and implement the changes proposed in this Draft Bill as the core of a positive and forward-looking reform package.

“In advancing this package we ask that the Government talks with the ILC Board and with the wider Indigenous leadership,” Dr Casey said.

“The Australian Government has made Indigenous affairs a priority. The Prime Minister has said that on this subject ‘our parliament is at its best’. We welcome these sentiments.

“The issues at stake are not just administrative arrangements, to be changed at the whim of a Minister regardless of what political party. They go to the heart of the sort of nation we wish to be.”

MEDIA ENQUIRIES TO ERIC ROBERTS ON 0417 818482

The Aboriginal and Torres Strait Islander (A Stronger Land Account) Amendment Bill 2014 is available at: www.ilc.gov.au

Background information and a short summary of the Bill are attached.

Aboriginal and Torres Strait Islander (A Stronger Land Account) Amendment Bill

SUMMARY

The Draft Bill:

- Includes a stronger purpose for the Aboriginal and Torres Strait Islander Land Account, specifying that the Land Account is a compensatory mechanism recognising past injustices and dispossession and acknowledging the special relationship Aboriginal and Torres Strait Islander peoples have with their lands
- Prevents the Land Account from being utilised for any purpose other than the land-related benefit of Aboriginal and Torres Strait Islander peoples
- Strengthens Indigenous control over the Land Account and the Indigenous Land Corporation (ILC) by:
 - o requiring the Minister to consult with a new Indigenous Nomination Committee before making appointments to the ILC Board
 - o strengthening the provisions that allow the ILC Board to give advice to Ministers on how the Land Account should be managed
 - o introducing a protective mechanism that requires Parliament to consult with Aboriginal and Torres Strait Islander peoples before making any changes to the legislation that relates the Land Account
 - o strengthening the ILC's status as an independent, Indigenous-controlled entity.
- Introduces strong new measures requiring the ILC to comply with the highest standards of corporate governance, transparency and accountability including:
 - o limiting tenure and reappointments for Board members
 - o introducing stronger disclosure requirements for the ILC Chair and Board members
 - o strengthening the ILC's Audit and Risk Management Committee including ensuring it is managed by an independent Chair
 - o introducing provisions for a new Code of Conduct for ILC Board members and staff
- Introduces measures to ensure the Land Account grows over time, to ensure it continues to meet the expanding land-acquisition and land-management needs of future generations of Aboriginal and Torres Strait Islander peoples.

BACKGROUND

What is the ILC?

The Indigenous Land Corporation is an independent Australian Government statutory authority, set up in 1995 following passage of the Native Title Act and now operating under the *Aboriginal and*

Torres Strait Islander Act 2005 (ATSI Act). The ILC assists Indigenous peoples to acquire and manage land to achieve economic, environmental, social and cultural benefits, using revenue from the Aboriginal and Torres Strait Islander Land Account. The Land Account is also established under the ATSI Act. The ILC is governed by a seven-member Board, of whom five members including the Chairperson must be Indigenous. The Board makes all decisions on use of Land Account funds.

Key facts

- 246 properties acquired since the ILC's establishment in 1995, totaling more than six million hectares across all States and Territories, from inner Sydney to remote Australia
- 174 properties divested to Indigenous corporations since 1996
- 230 individual land-holding groups provided with land-management assistance since 1996, involving more than \$260 million in grants
- Around 100,000 head of cattle managed with Indigenous land owners
- 17 tourism and agricultural businesses operating in partnership with Indigenous groups
- Four wholly-owned subsidiaries established
- Almost 400 Indigenous staff directly employed in ILC-managed businesses in 2012–13, with 350 trainees
- 1450 Indigenous employment outcomes enabled through land-acquisition and land-management projects in 2012–13, and 2350 training outcomes
- More than 25,000 Australian carbon credit units sold in 2012–13 from, and proactive land-management on, the Fish River Fire Project

Key strengths

The ILC is an agile, accountable and specialist agency with a long record of achievement. The ILC has two priorities: 1) access to and protection of cultural and environmental values and 2) socio-economic development. These priorities are set in wide consultation with Indigenous Australians, and expressed in the *National Indigenous Land Strategy 2013–17*.

The ILC has a strong record of collaboration, partnering in more than three quarters of its current projects across the business, philanthropic and government sectors to maximise Indigenous benefits.

The ILC creates and operates businesses in a private-sector environment, and through these businesses provides quality training leading to real jobs for Indigenous Australians. It has four subsidiaries set up to undertake specific functions.

The ILC's expertise enables it to play a role in managing the wider Indigenous estate, now covering some 20 per cent of Australia. It helps to bring Indigenous land into production and is supporting Indigenous groups to grasp opportunities in agriculture, tourism and environmental services.

The ILC has an outcomes focus, based on sustainable, land-related benefits to Indigenous peoples over the longer term.