

Senate Community Affairs Committee
ANSWERS TO ESTIMATES QUESTIONS ON NOTICE
FAMILIES, HOUSING, COMMUNITY SERVICES AND
INDIGENOUS AFFAIRS PORTFOLIO
2012-13 Supplementary Estimates Hearings

Outcome Number: 7

Question No: 507

Topic: Leases in Indigenous Communities

Hansard Page: Written

Senator Payne asked:

Does the government actively involve itself in promoting the leasing arrangements necessary for private home ownership and business development in Indigenous communities? In the event that a Land Council is fundamentally opposed to any type of leasing, does this mean that individuals in the communities covered by that Land Council have no hope or means of having private land rights established in their area? Does the Commonwealth provide any rewards or incentives for Land Councils to change their position?

Answer:

Under the National Partnership Agreement for Remote Indigenous Housing, state and territory governments are responsible for developing and implementing land tenure arrangements that enable economic development opportunities. This work includes the resolution of land tenure in order to secure government and commercial investment, economic development and home ownership opportunities.

Indigenous land rights legislation is the responsibility of the relevant jurisdiction. The Australian Government is continuing to work with state and territory governments to put in place the reforms needed to land tenure and administration that will provide opportunities for home ownership.

Depending on the jurisdiction, land councils may or may not have statutory responsibilities to negotiate leases which will facilitate private home ownership in Indigenous communities. Where they do have statutory responsibilities, the relevant legislation determines possible leasing arrangements and the process for proponents to obtain a lease.

The Commonwealth Minister for Indigenous Affairs does not have the power to direct land councils to act in relation to lease applications.