



Native title and development planning: a Victorian approach

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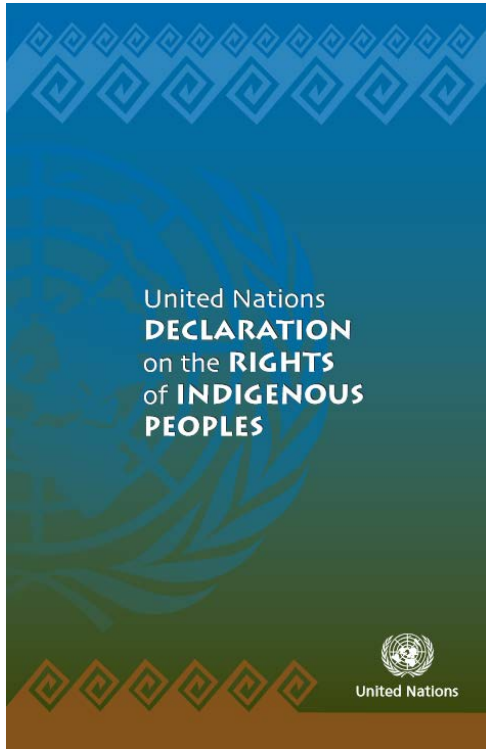
Christy Hawker and David Lucas
National Native Title Conference
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Key question...

What are the opportunities for Indigenous development in a native title context?

Early lessons from development planning in Victoria.

Indigenous-led development



- Right to pursue economic, social and cultural development; and to
- Determine and develop priorities and strategies for exercising right to development.
- UNDRIP articles 3, 20, 23 and 32

Legislative framework

Commonwealth Native Title Act 1993

- Some opportunities for Indigenous-led development
- But privileges third party development goals

Victorian Traditional Owner Settlement Act 2010

- Comprehensive settlements
- Enables Indigenous-led development (up to a point)

Development models emerging in federal and state policy frameworks

- State and federal policy increasingly looking to leverage native title for social, cultural and economic development
- Commonwealth - NTA lottery, pick a pathway (environment programs, IBA/ILC, preferential procurement) but no model
- Victoria - Settlement Act, VAAF, VAES - experimental model but protects historical resource allocations and entitlements

Are PBCs and TOCs development organisations?

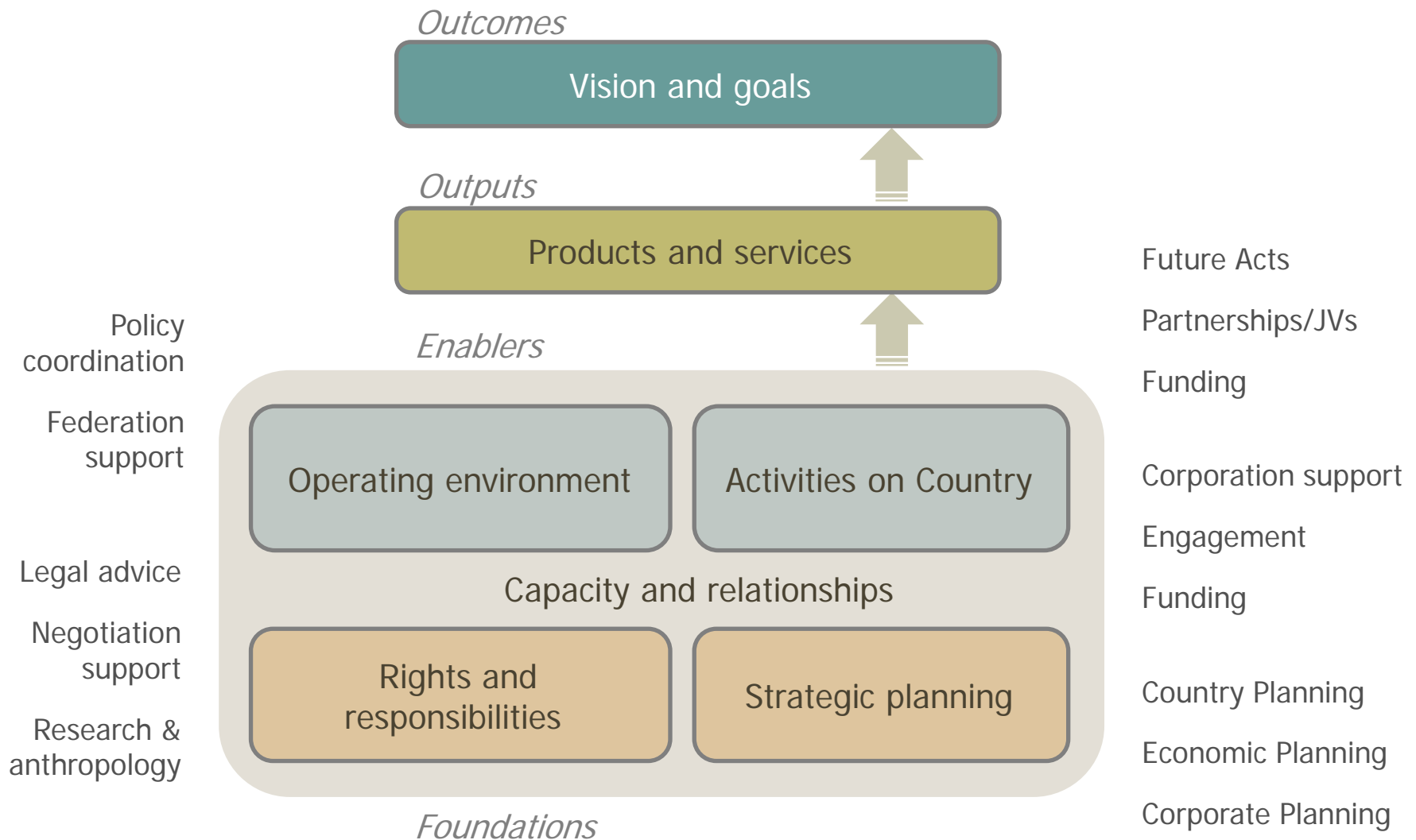
- Bare compliance or development organisations: at election of native title groups
- Dodson: important to match corporation to community expectations
- Planning opportunities - Settlement Act, NTA (Deloitte Review)



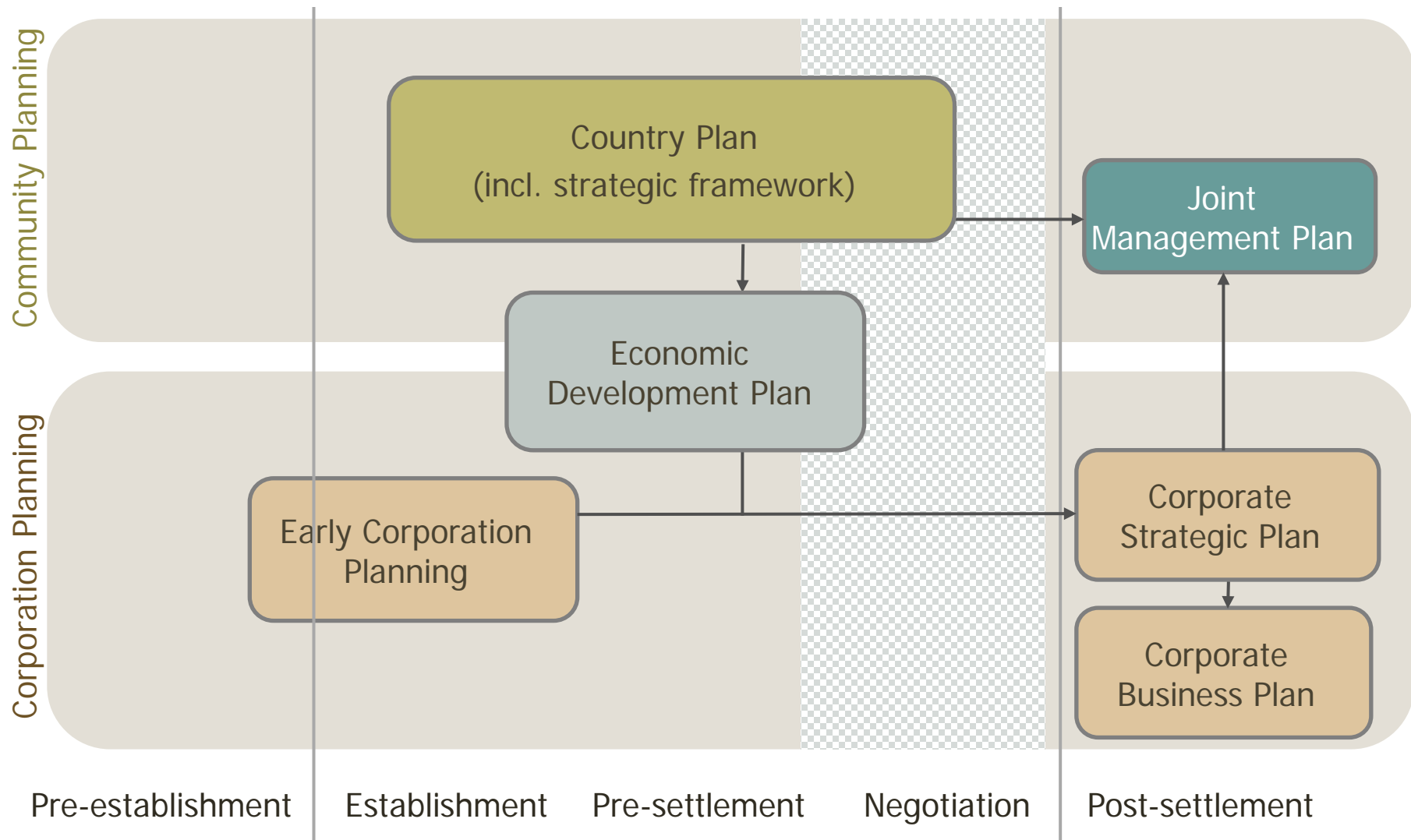
How are TO development goals being expressed in Victoria?

- PBCs and TOCs
 - Country planning (context, framework, principles, actions)
 - Economic development planning (analysis, opps, priorities)
 - Corporation planning (the vehicle)
- Federation of Victorian Traditional Owner Corporations
 - Charters (external and internal focussed)
 - Strategic plan (policy, economy and Country)
 - Policy statements (rights and interests, opportunities)

How do you get from planning to the goals?



What we have learnt – planning for development





What we have learnt – planning for development

When done well, development planning can:

- build community cohesion around a shared future
- empower community to participate in its delivery
- partnerships, leverage and influence (eg. joint management)

But the process is about trade-offs:

- Best practice vs pragmatic
- Governance and expectations - a community contract
- Leadership and ownership - whose plan, future, responsibility



What we have learnt – planning for development

Getting the balance right

- supporting capacity development without entrenching dependency (action learning and toolkit)

Policy advocacy

- Coordination for expanded development opportunities in native title (water/catchment governance, commercial use, MPAs)

What we have learnt – policy innovation needed

- Weak implementation of UNDRIP
- NTA on its own won't enable Indigenous development but some key changes could secure existing pathways and open new ones:
 - PBC support - new jobs, land and economy program in Indigenous Advancement Strategy is an opportunity to package access to support for land management and economic development
 - NTA reform - uncontroversial (technical amendments and ICDC) and controversial (unwind the 98 amendments, commercial use of NTRI)
 - Wider use of comprehensive settlements

What we have learnt – policy innovation needed

- Settlement Act could become more enabling with further policy innovation:
 - Improving competitive advantage of TOCs through preferential procurement; first right of refusal in asset allocation