Secure tenure for home ownership and economic development on land subject to native title

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Abstract
In what is a complex technical–legal environment, sometimes without precedence, the full range of housing tenure possibilities open to native title holders are often not fully explored. At the heart of the national debate there continues to be a disjunction between the relative merits of exercising individual over collective property rights.

This paper explores approaches to enabling home ownership and economic development possibilities to be realised on Aboriginal lands, with particular reference to Aboriginal Lands Trust reserve lands in Western Australia which are also subject to native title rights and interests.

Specifically, the paper assesses the different land tenures available in Western Australia for their suitability for enabling home ownership and economic development against a number of principles for Indigenous land tenure reform and discusses three possible options for achieving secure tenure outcomes for Aboriginal people on Aboriginal land while also retaining the communal elements of property ownership and decision making that are valued by Aboriginal people. We also outline the next stage of our research in this field.

Ed Wensing FPIA is an experienced urban and regional planner and policy analyst. He has held many positions in government, the private sector and academia, and over the last 17 years he has worked extensively with Aboriginal and Torres Strait Islander people and communities, principally on native title, land tenure and urban and regional and environmental planning matters. Ed is currently a PhD Candidate at the National Centre for Indigenous Studies at the ANU and his research interests are in the just accommodation of customary land rights in conventional land tenure and contemporary land use planning systems.

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FOOTNOTE:
This paper was originally presented at the 7th Australasian Housing Researchers’ Conference, 6th – 8th February 2013. Esplanade Hotel, Fremantle, Western Australia, hosted by Curtin University.
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