**Item 10:  Future work of the Expert Mechanism, and follow up to thematic studies and advice.**

INTERVENTION by the New South Wales Aboriginal Land Council, delivered by Councillor Peter Smith, member of the Dungutti Peoples

Thank you Mister/Madam Chairperson,

We pay our respects to the Elders and Ancestors, past and present, and extend our appreciation to First Nations experts and participants at this session.

We use this opportunity to address the Expert Mechanism on the Rights of Indigenous Peoples regarding the ongoing issue of Aboriginal peoples land rights.

**For Aboriginal peoples in Australia to be able to pursue our economic and social development, the New South Wales Aboriginal Land Council calls on Australian governments and member states globally to:**

* Accelerate the return of lands to Aboriginal peoples as priority, and work in partnership with Aboriginal community-controlled groups to improve land return processes.
* Support the activation of viable lands to achieve economic, social and cultural outcomes,
* Resource and have confidence in Aboriginal community-led organisations as primary land management authorities to protect and promote our culture, economic and social development, and
* Increase, sustain, and better target investment into First Nations communities and organisations.

The Expert Mechanism must focus on the significance of Indigenous access to lands as a vehicle to realise our social, economic, and cultural development aspirations. It is unacceptable that we are not able to flourish as First Peoples’, as we continue to be treated as non-players in the economic and social prosperity in our Country.

In Australia, after more than 230 years of colonial land dealings and many generations of Aboriginal activism, it is incomprehensible that there has been limited recognition of our land rights by successive governments. Return of lands provides a significant opportunity for reparations for our peoples.

Aboriginal land rights legislation in the state of New South Wales established a mechanism in 1983 to return lands as compensation for our cultural loss and dispossession. However, successive audits and reviewshave shown the failure of government to meet its requirements to assess Aboriginal claims for land within a reasonable time.

There are now more than 39,000 undetermined land claims. Based on current targets, it will take around 22 years for all existing land claims to be processed. Government must change their way of work, and genuinely partner with Aboriginal peoples to deliver Aboriginal land rights outcomes.

NSWALC calls on the government to invest in the timely resolution of land claims, make strategic investments into the Aboriginal Land Rights network as the primary Aboriginal land management authority for NSW, and pursue the transfer of all ‘public’ lands to Aboriginal peoples.

Land claims remain unprocessed, and returned lands have at times become economic burdens due to the type of lands being returned. The return of land purely zoned for conservation passes the burden of maintenance onto Aboriginal peoples in NSW, without a means to economically support this work. The Aboriginal Land Rights Act intends to provide land to combat intergenerational dispossession and economic oppression. The current enactment of this compensation is only further entrenching disadvantage through administrative burdens.

NSWALC calls on all Australian governments to show faith in Aboriginal community-controlled organisations. Reinstate the compensation of the statutory fund, as a means of ensuring ongoing compensation and support of our communities. Without this, Australia will continue to limit the great potential of this land rights legislation and perpetuate intergenerational dispossession.

We encourage the Expert Mechanism to consider these issues as an example of the potential and barriers for Indigenous land rights.

**ALWAYS WAS. ALWAYS WILL BE. ABORIGINAL LAND.**