

Arnold Bloch Leibler

Empowering Indigenous Australians through economic development

by Mark Leibler AO

For the Koori Business Network

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Before I begin may I acknowledge the traditional owners of the land on which we are meeting today, the peoples, particularly the elders, of the Kulin Nation. I acknowledge the vibrancy and importance of their ancient and continuing culture. And I acknowledge their key contribution to Melbourne's unique identity.

I would also like to thank my colleagues at Arnold Bloch Leibler, Peter Seidel and Ullly Merkel for the very substantial contribution they have made in framing the message that I would like to convey to you today.

In his recent publication "Our Right to Take Responsibility", Noel Pearson issued the following challenge:

"We (Aboriginal people) have to be as forthright and unequivocal about our responsibilities as we are about our rights - otherwise our society will fall apart while we are still fighting for our rights. We do not have a right to passive welfare - indeed, we can no longer accept it. We have a right to a real economy, we have a right to build a real economy".

Noel's challenge is one that can be directed towards all of us. If we are to effect true reconciliation then we all must help to create the conditions to enable indigenous peoples to break out of destructive cycles of poverty and welfare dependency and participate as equals in the real economy.

A key way forward is through the development of commercially and culturally sustainable enterprise.

Caring for country is a principal feature of many Indigenous peoples' "connections to country". Empowering Indigenous people through their knowledge of country is an important dimension of the reconciliation process. I am confident that the real work of reconciliation can be achieved by economic and social partnerships which tap this resource, for the benefit of all.

Successful strategic partnerships are a key to addressing social and economic disadvantage and empowering Indigenous Australians through economic development.

I serve on the Board of Reconciliation Australia, as one of nine Indigenous and non-Indigenous directors. Reconciliation Australia is non-partisan and independent. Its aims include to empower the community to do the work of reconciliation by education, facilitation and co-operation.

A major challenge for Reconciliation Australia is to assist to create the conditions to enable progress towards Indigenous economic empowerment. All of us must keep building bridges and creating networks to enable that to happen. The task ahead will most probably require significant structural change and will not be easy. But that is no reason for any of us, from government, to community, to corporate to individual, to shirk our responsibilities.

Here in Victoria, action has been taken to facilitate the development of business networks and to create productive partnerships between Koori and mainstream enterprises. I congratulate the Koori Business Network for their critical role here.

For our part, at Arnold Bloch Leibler, in our work with Indigenous peoples and communities and those supporting them, we have been grappling with the legal obstacles that combine to entrench the status quo that systemically marginalises Indigenous peoples.

We have assisted the Yorta Yorta peoples to integrate traditional decision-making processes into their organisational structures, through the incorporation and restructuring of Yorta Yorta Nation Aboriginal Corporation. Yorta Yorta Nation is aiming to attract donations from the private sector, and to enter into partnerships with government and venture philanthropists. The Koori Business Network has an important role here.

Through pro bono assistance from Arnold Bloch Leibler over many years, various development agreements have also been reached between the Yorta Yorta, third party proponents and various arms of government, including most recently with Vic Roads. Each agreement has been invested with common principles.

The developer acknowledges that the Yorta Yorta peoples speak for Yorta Yorta country and are the rightful owners of their cultural heritage.

The proponent also undertakes to ensure that:

- he, she or it will use best efforts to protect and to not affect the native title of the Yorta Yorta;
- there will be little or no disturbance to any Yorta Yorta spiritual places or important Yorta Yorta objects;
- the preferred project construction, including the route of it, will not damage the natural environment and flood water flows; and
- post construction and installation will be in accordance with best environmental standards, with the Yorta Yorta as active participants.

In each agreement provisions are included to enable the Yorta Yorta to make suggestions on the proposed project to ensure protection of native title, including cultural heritage.

Most importantly, the Yorta Yorta are given their rightful responsibility to monitor and to "care for country" during all construction, installation, revegetation and rehabilitation works. Complementary protective mechanisms are put in place to ensure that works will immediately cease on any unintentional impairment of Yorta Yorta cultural heritage, and will not recommence without Yorta Yorta informed consent.

And, as it should be, proper, non token, remuneration is prescribed to the Yorta Yorta for their value-adding expertise.

These agreements are being widely praised as "best practice" models. They have been forged in a crucible of mutual respect. They avoid the utterly unacceptable and destructive elements of marginalisation, paternalism and disempowerment.

In Cape York too, my erstwhile colleague at Arnold Bloch Leibler, Noel Pearson, is helping to build the fast growing 'Indigenous Enterprise Partnerships'. IED has support from corporate leaders and philanthropists alike, as well as from government. Its mission is:

"To assist Indigenous economic development bodies to create self-sustaining enterprise & real economic opportunities that break welfare dependency."

IEP provides assistance at the individual, community and regional levels, so that decision making rightly remains with Indigenous peoples.

Again, with Noel's guidance, Cape York Partnerships was recently formed as a working partnership between the Queensland Government and the Indigenous peoples of the Cape York region to assist them in the progression from welfare dependency to real economy participation.

Its aims include to: achieve better health through partnerships between Cape York communities and government agencies responsible for those factors influencing health and to build better family support networks that recognise traditional Indigenous values.

Whether it's here in Victoria or up in Cape York there exist common themes.

With Indigenous power over decision making, expertise and control over economic destiny, patronising and paternalistic structures will tumble down. Moving beyond the welfare model, by creating financial and non-financial networks and partnerships, will bring innovative economic advancement and self-sufficiency.

It is all about bridging opportunities. I fully support groups like the Koori Business Network that can act as conduits to provide Indigenous communities with opportunities for economic development, by linking up the necessary resources and expertise. Non-Indigenous enterprises can work with Indigenous people to break structural shackles and deliver Indigenous to non-Indigenous processes, to make space to realise opportunities. Indigenous individuals and communities can pursue and expand upon those opportunities.

At Arnold Bloch Leibler we know the importance of empowerment, cultural pride and self-directed economic advancement. And our long, strong and proud association with Indigenous causes is no co-incidence.

Noel Pearson spoke recently at an Arnold Bloch Leibler "in house" retreat on the connections between the Jewish and Aboriginal struggles for land justice. In a powerful speech, Noel identified three valuable lessons learned from his interaction with the Jewish community in his time with us at Arnold Bloch Leibler:

- a strong community does not hinder individual pursuit. Rather, the community is a source of strength to the individual;
- the necessity of engaging in the western world to achieve cutting edge, bi-cultural success, whilst maintaining tradition and a land-based identity, notwithstanding persecution and non-recognition; and
- never forget, but always defend, the truths of history.

With just a little imagination, Noel's key points can be applied at any time in any place where the Indigenous and non-Indigenous cross cultural bridge is under construction. Because it is upon that bridge that non-Indigenous and Indigenous experiences and expertise can be shared, where the real work of reconciliation is to be done.

Thank you for your time. Thank you for listening to me.

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This publication is intended to provide a general outline and is not intended to be a complete or definitive statement of the law on the subject matter covered. Further professional advice should be sought before any action is taken in relation to the matters described in this publication.

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