

Notre Dame Nulungu Talking Heads Seminar Series



A New Partnership, William Roe, 1994

Land Justice for Indigenous Australians: Conceptual, theoretical and practical contributions to the research.

Friday 2 March 2018

12:30 – 1:30pm

Edward Wensing, PhD Scholar

Ever since *Mabo (No. 2)* and the *Native Title Act 1993* (Cth) there are two legally recognised and different systems of land ownership and tenure operating in Australia: one older (over 60,000 years), the other much younger (only 230 years). Daniel Lavery asserts that every positive determination of native title is an affirmation of Aboriginal law and custom and their sovereignty that was present prior to 1788. Aboriginal peoples continue to assert they never ceded their sovereignty, their land was stolen from them without their consent, extinguishment is alien to their law and custom and they want to use their property rights to engage in the economy on their terms and at their choosing. Aboriginal peoples are demanding that we sit down and negotiate these outstanding matters to find a mutually agreeable solution.

While my PhD thesis explores the possibilities for a coherent policy framework for a mutually respectful coexistence between two culturally different forms of land ownership, use and tenure based on parity, mutual respect and justice, this presentation will focus the contributions my research is making to the conceptual, theoretical and practical aspects of land justice for Indigenous Australians. The presentation will discuss:

- Concepts of land, land use and planning, land tenure and Torrens Title, inter-cultural contact zone, coexistence, equity and justice.
- Theories of property, universal principles of property, Indigenous and Western approaches to property and ownership, points of universality between them and the role of dialogic spaces in resolving deep differences.
- The policy complexity between land, governance, services, infrastructure, land use and planning in discrete, remote Aboriginal communities and the role of the international human rights norms and standards and the UN *Declaration on the Rights of Indigenous Peoples*.

Bio - Ed Wensing is an experienced urban and regional planner and policy analyst. Ed holds a Bachelor of Arts (Geography) with Honours (Political Science) from the ANU and technical qualifications from the Canberra Institute of Technology (cartography and land surveying and engineering). Over the last 20 years he has worked extensively with Aboriginal and Torres Strait Islander people and communities and local governments around Australia, principally on native title, land tenure, urban and regional and planning, natural and cultural resource management and heritage protection matters. Ed is currently a PhD Scholar at the National Centre for Indigenous Studies at the ANU, an Adjunct Associate Professor at James Cook University and a Visiting Fellow at the Australian Institute of Aboriginal and Torres Strait Islander Studies. His primary research interests are in land justice for Indigenous Australians and the linkages between Indigenous peoples' rights and contemporary land use and environmental planning systems.



Nulungu

Research Institute

The University of Notre Dame Australia

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