

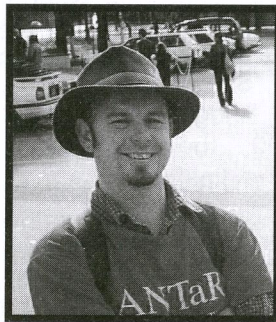
ANTaR

Australians for Native Title and Reconciliation



ANTaR ACT UPDATE

September 2007



The 2007 David Hunter Memorial Lecture

will be given by

Julie Tongs

CEO of Winnunga Nimmityjah Aboriginal Health Service

A Wiradjuri woman, Julie was born in Leeton and grew up in Whitton NSW. Julie has lived in Canberra for the past thirty-four years. Julie previously worked in the Department of Aboriginal Affairs/ATSIC and in the office of the former Minister for Aboriginal and Torres Strait Islander Affairs, Robert Tickner, for three and a half years. Julie is currently the Chief Executive Officer of the Winnunga Nimmityjah Aboriginal Health Service where she has worked for the past seven years. Julie is also a Director on the National Aboriginal Community Control Health Organisation's (NACCHO) Board. She is on numerous steering committees, both at the territory, regional and national level. Julie is a strong advocate and works tirelessly for the rights and needs of Aboriginal and Torres Strait Islander people in the ACT and region.

6:30-8:30 pm

Friday 12 October 2007

Australian Centre for Christianity and Culture

15 Blackall St, Barton, ACT

Further information: 6288 0679

The David Hunter Memorial lecture is hosted annually by ANTaR and the Journey of Healing ACT to commemorate David Hunter, a founding member of both organisations, and an enormously supportive and inspiring activist on Indigenous issues. In 2000 he was diagnosed with multiple myeloma, and died in 2003.

Editorial

This newsletter will arrive shortly before we hold the very important ANTAR National Congress in Canberra. It marks the 10th anniversary of ANTaR's first Sea of Hands, and will be a chance to celebrate this milestone while reflecting on the work that needs to be done – especially at this very critical time in Indigenous Affairs.

Ten years ago the Council for Aboriginal Reconciliation was still conducting its work, and the Bringing them Home Report had not long been released. Prime Minister Howard's refusal to apologise for past policies spawned an incredible "Sorry" movement, and despite the huge Bridge Walks for Reconciliation in 2000, the Howard Government undermined the final recommendations of the Council for Reconciliation, by focussing on the nonsense concept of 'Practical Reconciliation'—in other words, providing to disadvantaged Indigenous citizens the same services as the rest of us expect from our government. The whole idea of a settlement, agreement, or treaty with Indigenous Australians to establish a legitimate basis on which the nation can proceed has disappeared from political view. Yet this was the whole purpose of the Reconciliation decade.

At the same time, the Native Title process has delivered benefits to some Aboriginal people but not to others, and it is frustratingly slow for most. There have now been over 100 registered determinations of Native Title in Australia, and over 270 registered Indigenous Land Use Agreements, but there remain around 580 claims still to be resolved. Nor can Native Title assist many Indigenous people where freehold title has extinguished it over most of their country many decades ago, or where the level of court-required "proof" of their continuous connection to country is not available. However, it can provide a real security and possibility of future development for others. And for those who remember the dreadful force with which the Noonkanbah protest was overwhelmed to drill for oil over a sacred site back in the 1980s, it is good to know that the Yungngora community have recently had their native title rights over Noonkanbah station recognised. There are some wins to celebrate!

Most recently the Federal intervention into the Northern Territory has shown how easy it is for the Government and Opposition to slip back into patronising and dictatorial approaches which aim to take almost total control of Aboriginal lives and Aboriginal land. The disrespect with which Aboriginal people and their leaders in the NT have been treated is shameful. At Congress we expect to hear first hand from NT Aboriginal leaders about what is really going on & how their communities are responding.

ANTAR is needed now every bit as much as when it was formed & came to prominence. We are thrilled that Congress is being held in Canberra, where the Sea of Hands was first inspired and installed, and we hope that as many of you as possible will join us on the day open to everyone – Saturday 13 October. It should be a really interesting and worthwhile day for anyone concerned about Indigenous policy in this country. The fact that it may be in the middle of an election campaign will make the proceedings all the more poignant and hopefully, influential!

ACT ANTaR Committee



Christmas shopping

Look no further than the ANTaR stall
at the

Oxfam Australia Christmas Fair

Albert Hall, Yarralumla
Saturday, November 24
9am – 3pm

Books, toys, calendars, cards,
yummy things to eat and more,
all made by Indigenous people or in
consultation with them.

All proceeds will be invested directly in
ANTaR's work to generate moral and
legal recognition of and respect for
Indigenous Australians' rights.

ANTaR National Congress

In 2007 ANTaR will hold its National Congress at the National Museum of Australia in Canberra. The 2007 Congress also marks the 10th anniversary of ANTaR's first Sea of Hands, and will be a chance to celebrate this milestone while reflecting on the work that needs to be done. A Sea of Hands will be installed for the event.

The Congress program includes the David Hunter Memorial Lecture (see cover), with the Congress proper being held over two days (Saturday 13 and Sunday 14 October).

The first day (Saturday 13 October) will comprise presentations and discussion on several themes:

- 'where are we now?'
- land/country
- children and families
- health rights and holistic well-being,
- moral and legal recognition and unfinished business,
- representation, community control and self-determination.

Confirmed speakers include Olga Havnen, of the Combined NT Aboriginal Organisations, Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner and Muriel Bamblett of the Secretariat of National Aboriginal and Islander Child Care (SNAICC).

On Saturday evening there will be a public lecture, followed by a celebration of ANTaR's 10 year anniversary (further details available soon).

Saturday events will be held at the National Museum of Australia and will be open to all by registration.

On Sunday ANTaR will hold its Annual General Meeting and other internal planning sessions, to which signed-up ACT supporters are welcome (space providing).

Saturday daytime program: \$50 (organisations), \$30 (individuals), \$15 (concession).

For more information and to download a registration form, visit www.antar.org.au/congress. For other inquiries, ph 1300 738 078 or 95556138, or email congress@antar.org.au

Northern Territory Intervention

The legislation passed by Federal Parliament will do little to protect Northern Territory Aboriginal children from abuse. None of the measures proposed by the Government were consistent with the recommendations of the Little Children Are Sacred report.

The Combined Organisations' Emergency Response and Development Plan is a comprehensive approach that gives priority to protection from immediate physical or emotional harm but also addresses underlying issues including housing, health care and education.

Unlike the current Government approach the Combined Aboriginal Organisations' plan builds on the recommendations of the Little Children are Sacred Report and programs that are already working in Aboriginal communities. It adopts a partnership approach between Government and Aboriginal people and would strengthen the governance and capacity of Aboriginal communities.

It envisages the creation of a national lead agency to implement the plan and an independent monitoring and evaluation body to report on progress.

There are 68 actions in the plan ranging from developing an emergency response in conjunction with Aboriginal community representatives, boosting child protection services, proper training of a permanent police presence in communities, tackling alcohol take away sales and buyback of existing hotel licenses and improved schooling strategies to trauma counselling for victims of abuse.

A full copy of the Combined Organisations' Emergency Response and Development Plan as well as ANTaR's concerns about the new legislation are at www.antar.org.au

People wanting to do something are encouraged to write to newspapers and politicians in the lead up to the election.

Indigenous Health Rights Campaign

ANTaR's Healing Hands Campaign, dealing with improving Indigenous health continues to be a strong focus for the organisation.

At a national level, ANTaR released *Success Stories in Indigenous Health*, a booklet detailing positive stories on Indigenous-led health care initiatives. The stories demonstrate that progress in improving Indigenous health is achieved when there is significant engagement with the Indigenous communities concerned and appropriate funding and support provided. Ways to get involved.

At the moment ANTaR is asking people to sign the **Close the Gap** pledge. We're calling on the Australian government to take action to achieve health equality for Indigenous Australians within 25 years.

Please also add a hand to the virtual Sea of Hands, and let your local politicians know how you feel about Indigenous health in Australia.

ACT health workshop - Aboriginal Health is Everybody's Business

On 28 November, 2006, ANTaR ACT and Winnunga Nimmityjah Aboriginal Health Service hosted a full-day workshop: *Aboriginal Health is Everybody's Business*. This seminar targeted managers and workers in non-Indigenous-specific services and organisations.

The workshop was attended by over 80 people from the community sector and ACT government working in areas that affect Indigenous health. Feedback on the workshop was very positive with many attendees committing to go back to their workplaces and assess their approach to dealing with their Indigenous clients.

As a follow-up to this day, a draft kit for is being developed. This includes case studies and examples of things that can go wrong with suggestions of why this may have occurred, and how to better engage with Indigenous health.

Hard Labour, Stolen Wages

On Monday, August 27, ANTaR launched **Hard Labour, Stolen Wages** our national report on stolen wages, written by leading historian, Dr Ros Kidd. This report can be found on the ANTaR website, www.antar.org.au.

For much of the 20th century, governments around Australia controlled wages, savings and benefits belonging to tens of thousands of Aboriginal and Torres Strait Islander people. Much of the money held in trust was never paid to its owners. Trust account funds were transferred to public revenue, or disappeared through fraud or negligence along with many of the records.

Across northern Australia from the Kimberley to Cape York, the unpaid labour of indigenous workers was used to establish lucrative industries such as beef cattle and pearling. In Queensland alone, it has been estimated that as much as \$500 million in today's value was lost or stolen from indigenous families.

Many of these workers across Australia faced a double injustice because they were also members of the Stolen Generations. They were removed from their families, culture and land and then had their wages and entitlements removed from them. The twin practices of child removal and stolen wages took many indigenous people into a form of cultural and economic exile, denied a place in indigenous society and then prevented from gaining the economic stake so essential to a decent life in the mainstream.

To date only the NSW government has responded to this aspect of our nation's past with any decency, establishing an Aboriginal Trust Fund Repayment Scheme to fully reimburse claimants for money identified as still owing in today's value. In contrast, the Queensland government offered only a maximum \$4000 per person as a "gesture of reconciliation" to compensate for decades of stolen and mismanaged wages and entitlements.

In other states, governments have yet to meet their responsibility to ensure elderly and vulnerable indigenous people finally receive the payments denied to them for so many years.

The unresolved issue of stolen wages remains one of the nation's greatest barriers to reconciliation and justice for indigenous people.

Expedient Disregard: Radioactive Waste Management & the Northern Territory

December 8, 2005 saw the passage of the *Commonwealth Radioactive Waste Management Act 2005* ("the Act") through both Houses of Parliament. The Act provided for the future establishment of a Commonwealth radioactive waste dump in the Northern Territory with little regard to the rights of traditional owners, other Northern Territorians, environmental and cultural protection statutes and the operation of procedural fairness. The Act was passed less than five months after the initial announcement by the Department of Education, Science and Training (DEST) that site selection processes would begin in the Northern Territory.

Over the last decade there has been revival of nuclear politics in Australia; the Commonwealth Government holds considerable power internationally by virtue of controlling approximately 39% of the world's known recoverable uranium resources, the largest market-share in the world. Recently, the Australian Government has supported further investigations into nuclear power as a viable, economical and 'renewable' energy source for domestic electricity production through the Uranium Mining, Processing and Nuclear Energy Review (UMPNER). The impetus for the construction of a national repository emanates from the desire to construct a replacement reactor at Lucas Heights and potential energy producing nuclear reactors across the country. The Federal regulatory body, the Australian Radiation Protection and Safety Agency (ARPANSA), responsible for the licencing of all nuclear facilities in Australia has declared that it will not issue a licence to the Commonwealth Government until there is a clear plan for the permanent management of Commonwealth radioactive waste. The Commonwealth Radioactive Waste Management Facility (CRWMF) is intended to store low and intermediate level radioactive waste.

The decision to impose the CRWMF on the Northern Territory was an exercise in pure political expediency and was not based on any thorough scientific or environmental investigations. The key issue in the siting of controversial facilities such as radioactive waste repositories is that communities in 'remote'

areas are expected to accept higher risks (environmental and health related) than the wider community based on reduced political power. A recurring motif appears in radioactive waste disposal debates- put it in the desert, 'where nobody lives'. Brendan Nelson, in his previous capacity of DEST Minister, gave credence to this argument by making the following statement at an official press conference in 2005,

Why on Earth can't people in the middle of nowhere have low-level and intermediate level waste?

The imposition of the CRWMF on the Northern Territory was predicated on three main politico-legal considerations. Firstly, the Commonwealth is prima facie placed in an insurmountable legal position pursuant to its plenary powers over the Northern Territory as granted by section 122 of the Australian Constitution. Secondly, the composition of political representation and voting patterns within Northern Territory Federal electorates have resulted in the Territory holding less political bargaining power than States in Australian Federal politics. Finally, by virtue of sheer population numbers and geographical 'remoteness', sites within the Northern Territory are perceived to be more palatable to the national electorate and Territorians, particularly Aboriginal Territorians, are expected to accept risks that are not acceptable elsewhere.

An examination of the Act supports the view that it is one of the most politicised and exclusionary pieces of legislation in Australia's history. This conclusion can be reached with reference the lack of community consultation envisioned by the Act; the exclusion of all existing and future laws of the Northern Territory; the direct exclusion of relevant Commonwealth laws including Native Title and Aboriginal Heritage Protection and the direct exclusion of the rules of procedural fairness.

The Act has a disproportionate effect on Aboriginal communities. Information from the Central Land Council shows there are approximately 18000 Indigenous Australians living in central Australia, comprising 27 per cent of the total population of the Northern Territory. Furthermore, within the Northern Territory the Aboriginal population is increasing proportionally higher than the non-Aboriginal

population.¹ With this in mind, Indigenous Australians are key stakeholders in the site selection debate. The lack of consultation with traditional owners regarding cultural significance and land use further demonstrates the flawed process undertaken by DEST.

In an attempt to inject an aspect of community involvement into the site selection process, Part 1A was inserted into the Act allowing additional site nominations from the Chief Minister of the Northern Territory and Aboriginal Land Councils. Basically Part 1A allows for the Chief Minister to nominate land other than Aboriginal land and allows the Land Councils to nominate Aboriginal land as potential sites. Prima facie, nominations made in this way offers protection to registered sacred sites and require the full consent of all persons holding interests in the land, including traditional owners and Native Title Holders if the nomination is made by a Land Council. The amendment was, however, criticised during Parliamentary debates as paying lip service to community consultation in the site selection process with Member for Lingjari, Mr. Warren Snowdon commenting that the inclusion amounted to 'cosmetic surgery on an irrecoverable bill'. The amendment was included in the Act without change and on closer inspection it was revealed the Minister can approve the nomination even if the requirements for consent and identification and protection of Aboriginal cultural heritage are not fulfilled. Furthermore, there is a direct exclusion of a right to procedural fairness in relation to a Minister's approval. It is clear that the rights of Northern Territorians, and especially Aboriginal Territorians, are substantially negated by the Act. The lack of avenues for administrative recourse is symptomatic of the heavy-handed and exclusionary nature of the instrument.

Earlier this year, the Commonwealth welcomed the opportunity to consider a site nomination moved by the Northern Land Council (NLC), pursuant to Part 1A of the Act. The NLC has nominated Muckaty Station, 120 kilometres north of Tennant Creek as a potential site for the CRWMF. The Commonwealth has indicated that it is willing to follow international trends, imported from Canada and the United

States, and market the decision under the guise of "voluntarism".

The Commonwealth's stance invites consideration of the real issues involved with "voluntarism". Is it a case of *distribution equity* or merely carrot and stick tactics resulting in further attacks on Indigenous rights and interests?

Kate Holloman

kate.holloman@gmail.com

September 2007

The author acknowledges the constructive input received from Merrindahl Andrew.



Join a campaign, inform yourself, donate, subscribe to the newlist, get involved!

www.antar.org.au

ANTaR work is being done locally and nationally on a range of indigenous issues.

ANTaR "...perhaps the most significant national community-based organisation for reconciliation and Indigenous rights in Australia."
Social Justice Commissioner, Tom Calma

¹ Submission to ANSTO Application for an operating licence for the Replacement Research Reactor, Australian Radiation Protection and Nuclear Safety Agency, February 2006 (Central Land Council) 5.

The Sea of Hands - 10 years on and still having an impact

The first Sea of Hands was held on 12 October 1997. 70,000 coloured plastic hands, each one carrying one signature from the Citizen's Statement, a petition circulated by ANTaR to mobilise non-Indigenous support for native title and reconciliation, were installed in front of Parliament House in Canberra. Six weeks later the Sea of Hands returned to Parliament House, this time with 120,000 hands, to launch a blueprint for a coexistence approach to native title.

The Sea of Hands has become a symbol of the People's Movement for reconciliation.



Highlights of the Sea of Hands

- The full Sea of 120,000 hands has been constructed in eleven locations: Sydney, Melbourne, Adelaide, Canberra, Wollongong, Uluru, Alice Springs, Darwin, Broome, Geraldton and Perth.
- Through September and October 1998 the Sea of Hands toured Uluru, Alice Springs, Darwin, Broome, Geraldton and Perth.
- Smaller versions (called "puddles") have been erected in hundreds of centres and suburbs across Australia. These have occurred in amazingly diverse situations, ranging from schools, colleges and universities, local reconciliation, church and other community group events, to local markets, fetes and festivals.
- The Hands Across the Sea project involving a collection of hands travelling overseas to countries where reconciliation is a major

political or social issue, including South Africa and Ireland.

The Sea of Hands online

If you have not yet added your name to the Sea of Hands you can now do so online at www.antar.org.au

Catherine Freeman and Ian Thorpe became the first people to sign the online Sea of Hands in April this year. They joined more than forty Indigenous and non-Indigenous organisations to urge the Federal, State and Territory governments to commit to closing the life expectancy gap between Indigenous and non-Indigenous Australians within a generation.

ANTaR National Director, Gary Highland said the online Sea of Hands would enable all Australians to demonstrate their support for the campaign and urge action from politicians.

"We are asking all governments to commit to the deadlines proposed by Social Justice Commissioner, Tom Calma to close the Indigenous life expectancy gap within a generation," Mr Highland said.

Mr Highland said that as more people join the campaign the Sea of Hands will increase in size and density. People will be able to scroll over the site and see their own hand and those of thousands of others.

"ANTaR hopes millions of people will sign up to the virtual Sea of Hands to show politicians that the community expects action on Indigenous health," Mr Highland said.

"SOVEREIGNTY DAY"

Saturday 26th January 2008

The Aboriginal Tent Embassy invites all Aboriginal people, supporters and other members of the general public, to come together at the Tent Embassy to celebrate the day and be part of the Sacred Fire Ceremonial Gathering.

For more information visit www.aboriginaltentembassy.net

ARE YOU RECEIVING THE ANTaR ACT EMAIL UPDATES?

One printed newsletter is sent a year compared to regular updates via email. To keep informed of ANTaR events and issues, please subscribe by simply sending an email to antaract@apex.net.au with your name, email address to be subscribed and a request to be added to the list.

KNOW SOMEONE YOU THINK WOULD BE INTERESTED IN ANTaR?

Drop us a line, or suggest they check out our website (www.antar.org.au)

IF YOU'RE MOVING...

...please let us know so that we can update your contact details.

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Phil Anderson
143 Atherton Street
DOWNER ACT 2602