

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

By email

March 2, 2017

Dear Sir/Madam

Attached is my submission to the Senate Legal and Constitutional Affairs Committee on the Inquiry into the Native Title Amendment (Indigenous Land Use Agreements) Bill 2017.

I do not require my name to be suppressed and I am happy for my submission to be made public. I do not want my email or telephone number to be made public however because of privacy concerns, please ensure that these details are not placed in the public domain

Yours truly,

Suzanne Kelly

Submission to the Senate Legal and Constitutional Affairs Committee on the Inquiry into the Native Title Amendment (Indigenous Land Use Agreements) Bill 2017

I am writing to provide a submission to support the passage of the Native Title Amendment (Indigenous Land Use Agreements) Bill 2017.

I am a Noongar person who supports the South West Native Title Settlement. It is the best hope that we have as a community to benefit from our native title claims, and any suggestion otherwise is not correct.

The effects of the agreement were well communicated for a number of years, in fact the land council has been seeking to negotiate an agreement like this since the early 2000's. Anyone who says they weren't told about the agreement is not telling the truth.

I for one took responsibility for myself and went out of my way to find out the details. The simple and underlying fact is that our native title is already extinguished and is non compensable because it was extinguished before the Racial Discrimination Act came into force.

Those who are saying we are doing some sort of wholesale surrender of native title are wrong, it's already gone. This is obvious when you look at the extent of farm lands, cities and towns in the south west – even national parks and crown reserves extinguish native title in WA . The agreement is the best opportunity we have.

For years I witnessed those opposed to the agreement bully, threaten and intimidate Noongar people. I know very well these people also threatened the staff of the land council both individually and at their workplace, sometimes in large numbers. I don't know why they have done this, it's as if they don't want a better future for our community.

I attended the authorisation meeting in the claim area I most identify with. This meeting was well advertised and everyone knew it was on – those who state otherwise are simply not telling the truth. The land council provided transport to the meetings, made sure only people from the country were allowed in the meetings and ran them well.

Those opposed have complained that there wasn't enough Noongar people at the meetings. If turnout was low it was because of their campaign of intimidation – they frightened people to stay away. The strong people went though, and the heads of many families were present.

At the meeting we decided how we were going to make the decision and then we made it. Despite the disruptive carry on of those people who were opposing, the resolution to accept the ILUA passed with an almost 75% majority – a very large majority in anyone's language.

How could it be that after such resounding support that an agreement could be vetoed by 1 or 2 individuals who refuse to sign?

The decision about whether to enter into an agreement belongs with the community and we have a right not to be vetoed by recalcitrant individuals. Do people think that we are incompetent and unable to understand the impact of our decisions? What other sections of the Australian community are subject to this?

Any suggestion that this is needed for us is patronizing and racist, any anyone who thinks we need someone looking over us like some sort of 'Protector' from the Native Welfare days doesn't believe in Aboriginal peoples advancement at all.

The authority to make decisions belongs with the community, we are capable of coming to terms with complex matters and have a right not to be vetoed by tiny numbers of individuals.

The current Amendment Bill will overcome these problems and because of this I support the passage of the Bill and urge the Committee and the Parliament to support the decision of the Noongar people and to move ahead with passing it into law.