

I feel compelled to express my grave concern and consternation over the pending amendments to the Land Rights Act, both in terms of the nature of the amendments (in particular the changes to the permit system and the combined effect of the arrangements for the management of town leases) and the manner in which the amendments have been devised and rushed through parliament. This is not to contest the urgency of the matters involved: nonetheless, the urgency requires a cooperative rather than imposed response that addresses the causes as well as the symptoms of social breakdown; furthermore, the government appears to be using a tragic and emotional issue to continue its ruthless assault on the rights and interests of Indigenous Australians whilst ‘blaming the victims’ (as the previous Aboriginal and Torres Strait Islander Social Justice Commissioner argued in 2003) for the consequences of extreme impoverishment and marginalisation.

The Report of the Inquiry into the Reeves Review of the Land Rights Act (HRSCATSIA, 1999, p.8) emphasised: “that it is very important that Aboriginal people are involved in any decisions to change the Land Rights Act. The Committee feels so strongly about this issue that it wishes to express the sentiment within a recommendation.” Hence the first and principal recommendation of the report is that the Land Rights Act “not be amended without: traditional Aboriginal owners in the Northern Territory first understanding the nature and purpose of any amendments and as a group giving their consent; and, any Aboriginal communities or groups that may be affected having been consulted and given adequate opportunity to express their views”. Yet, not only has the government not formulated the amendments in consultation with and with the consent of traditional Aboriginal owners and Aboriginal organisations involved in service provision, they have introduced the amendments to the Land Rights Act in spite of the strongest possible objections of many traditional Aboriginal owners.

The statutory arrangements providing for 99 year head leases over communities and their management by the Executive Director seem to provide no opportunity at all for involvement by either community councils or traditional Aboriginal owners once the head leases have been granted. Furthermore, several reports in the National Indigenous Times over the last couple of weeks strongly suggest that at least some negotiations have

been conducted on the basis that significant funding for basic and essential services is being withheld from communities that prefer not to sign head leases. Compulsory acquisition of 5 year leases?

The cumulative effect of the current government's assaults on the rights and interests of Indigenous Australians, including onerous and often inappropriate requirements for bureaucratic 'accountability' for grossly inadequate levels of funding to Aboriginal organisations, the institutional assassination of ATSIC and subsequent demise of most regional councils and regional plans (many of which comprised efforts to address both the causes and symptoms of social breakdown by the people best qualified to do so, as noted by the current Aboriginal and Torres Strait Islander Social Justice Commissioner), and the scrapping of CDEP (an overwhelmingly positive measure for both individuals and communities in remote areas compared to the alternative of unemployment and 'training' for non-existent jobs), is almost certain to be further perpetuation and exacerbation of the disadvantages faced by Indigenous Australians. How long will it take for Australian governments to acknowledge that comprehensive and long term strategies based on the inherent rights and interests of Indigenous Australians to self-determination, such as those being implemented by many governments in Canada, are imperative if Australia is to attain the status of a just and democratic society?

Sincerely,

Daniel Edgar