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**United Nations Permanent Forum on Indigenous Issues
Eighth Session
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Craig Cromelin
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Morning

Agenda Item 7: Future work of the Permanent Forum, including issues of the Economic and Social Council and emerging issues

- **Special rapporteur's report on land tenure**

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Intervention from: New South Wales Aboriginal Land Council

Delivered by: Craig Cromelin

Thank you Madam Chair,

We begin this statement with an offering of the New South Wales Aboriginal Land Council's support for the intent of the joint statement delivered by the representative of the Australian government last Thursday. It is our sincere hope that our statement today can also provide an "important step in building trust and moving forward to a new future".

Notwithstanding our support the New South Wales Aboriginal Land Council would like to use this opportunity to raise our concern regarding the Australian government's proposal to link the provision of housing services with existing land tenure arrangements. We do so mindful that this is one issue on which we may not agree, but knowing that we can engage in a discussion in an "open and respectful way".

The statutory recognition of land rights in the State of New South Wales is one of the most positive developments in the colonial history of Australia. As the preamble to the Aboriginal Land Rights Act states: "It is fitting to acknowledge the importance which land has for Aborigines and the need of Aborigines for land". The very same preamble also acknowledges that the land rights system was established in New South Wales as a means of compensating Aboriginal people for the dispossession of our lands.

While land rights is a critical element in providing social and economic development for Aboriginal people in New South Wales such objectives cannot arise at the expense of surrendering our hard fought rights to land. Put simply, our rights to land are not a commodity that can be traded in return for the

enjoyment of fundamental citizenship rights such as the provision of adequate housing.

The current proposal put forward by the Australian government is that in New South Wales it will provide significant funding to support Aboriginal housing over 5 years in exchange for the leasing of our lands back to the Australian government for 40 years. It should be noted that this arrangement will not apply to all Aboriginal people and communities across New South Wales. It will only apply to people and communities in remote areas, thus requiring that Aboriginal people and communities in urban and rural areas only have access to the services provided through the mainstream social housing system.

Such a proposal is not only an affront to the members of the land rights system, it contradicts the rationale for the Aboriginal Housing Act, which is also currently in operation in New South Wales.

It should also be noted that should the Australian government implement this proposal it will be in conflict with articles 37 and 38 of the Declaration on the Rights of Indigenous Peoples. We therefore call on the Australian government, "in the spirit of re-setting the relationship between Indigenous and non-Indigenous Australians and building trust", to affirm their commitment to these articles of the Declaration. Alternatively, the Australian government must, in the same spirit and as an act of good faith, clearly outline all of their qualifications with respect to the Declaration.

Mindful that this statement will be considered to be too negative, we remind those who support policies of the Australian government that the New South Wales Aboriginal Land Council has made a substantial and practical contribution to improving the living conditions of our people. In this regard we highlight the partnership agreement between our organisation and the New South Wales government to improve the provision of water and sewerage services to more than 60 discrete Aboriginal communities across the State.

This partnership, established in April 2008, will see the New South Wales Aboriginal Land Council allocate a substantial amount of our own funds over a 20 year period.

Madam Chairperson, this partnership agreement is one of a number of constructive arrangements through which the New South Wales Aboriginal Land Council is seeking to be engaged with governments of all persuasion in our State. We are particularly concerned about the need to work more closely with local and shire governments so that we can more effectively take up the challenge of providing services to all of their constituents irrespective of the land

tenure arrangements. We consider that local and shire governments in New South Wales are often quick to claim unpaid rates, but tend to move a bit slower in ensuring that discrete Aboriginal communities receive the services to which they are entitled and pay for.

In conclusion, we reaffirm our position that housing and land tenure are separate issues. To combine these issues in the name of Aboriginal economic and social development is not only overtly aggressive, it is counter-productive and will not provide governments with the assurances they are seeking with respect to tenancy and asset management.

We call on all levels of government to move forward with us by helping to build the capacity required within Aboriginal organizations to more effectively perform their asset and tenancy management responsibilities. Developing strategies and programs to support Aboriginal organisations with the management of their housing functions will provide much more substantial outcomes than simply acquiring our land through a coercive policy framework.

Madam Chairperson, the New South Wales Aboriginal Land Council welcomes the intention of the Permanent Forum to maintain its focus on land tenure. It is our view that the association between land tenure and economic and social development must be a critical aspect of this ongoing work.