



AUSTRALIA

**UNITED NATIONS WORKING GROUP ON
INDIGENOUS POPULATIONS
13TH SESSION
24-28 JULY 1995**

**STATEMENT BY MR COLIN WILLIS
ON BEHALF OF THE AUSTRALIAN DELEGATION**

ITEM 5: REVIEW OF DEVELOPMENTS

GENEVA

26 JULY 1995

CHECK AGAINST DELIVERY

MADAME CHAIRMAN

ON BEHALF OF THE MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS, MR ROBERT TICKNER, I AM HONOURED TO PRESENT THE AUSTRALIAN GOVERNMENT'S REPORT ON DEVELOPMENTS IN INDIGENOUS AFFAIRS IN AUSTRALIA SINCE THE 12TH SESSION OF THE WORKING GROUP LAST YEAR.

IN THIS STATEMENT I SHALL LIMIT MYSELF TO SUMMARISING THE MAIN DEVELOPMENTS. A FULL REPORT FROM THE MINISTER IS AVAILABLE AT THE BACK OF THE ROOM.

MADAME CHAIRMAN

THE AUSTRALIAN GOVERNMENT ACKNOWLEDGES THAT ACHIEVING SOCIAL JUSTICE FOR INDIGENOUS AUSTRALIANS MEANS THAT THE WIDE-RANGING SOCIAL AND ECONOMIC DISADVANTAGE EXPERIENCED BY INDIGENOUS PEOPLES MUST BE REDRESSED.

A MAJOR COMPONENT OF THE AUSTRALIAN GOVERNMENT'S RESPONSE TO THE RECOGNITION OF NATIVE TITLE RIGHTS IS THE CONTINUING DEVELOPMENT OF THE SOCIAL JUSTICE INITIATIVE.

THE AIM OF THIS INITIATIVE IS TO BREAK DOWN STRUCTURAL AND INSTITUTIONAL BARRIERS TO THE FULL PARTICIPATION OF INDIGENOUS PEOPLES IN AUSTRALIAN SOCIETY AND TO PROTECT THEIR RICH CULTURAL HERITAGE. THERE CAN BE NO RECONCILIATION WITHOUT SOCIAL JUSTICE. DETAILS OF THE SOCIAL JUSTICE INITIATIVE MAY BE FOUND IN THE MINISTER'S REPORT.

MADAME CHAIRMAN

THE NATIVE TITLE ACT 1993 IS A GROUNDBREAKING LEGISLATIVE RESPONSE BY THE GOVERNMENT OF AUSTRALIA TO THE HISTORIC DECISION OF THE HIGH COURT OF AUSTRALIA IN THE MABO CASE OF JUNE 1992, WHICH RESULTED IN NATIVE TITLE RIGHTS BEING RECOGNISED AS PART OF THE COMMON LAW OF AUSTRALIA.

UNDER THE ACT, REPRESENTATIVE ABORIGINAL AND TORRES STRAIT ISLANDER BODIES ARE RESPONSIBLE FOR ASSISTING PEOPLE TO MAKE NATIVE TITLE CLAIMS.

THE NATIONAL NATIVE TITLE TRIBUNAL WAS SET UP UNDER THE NATIVE TITLE ACT AND HAS BEEN OPERATING SINCE JANUARY 1994.

THE ROLE OF THE TRIBUNAL IS TO MEDIATE BETWEEN CLAIMANTS AND RESPONDENTS IN NATIVE TITLE CLAIMS AND TO ARRIVE AT A MUTUAL AGREEMENT.

THE NATIVE TITLE ACT ALLOWS NATIVE TITLE HOLDERS TO CARRY ON ACTIVITIES INVOLVING THE EXERCISE OR ENJOYMENT OF NATIVE TITLE RIGHTS AND INTERESTS IN RELATION TO LAND OR WATERS.

LAND FUND

IN JUNE THIS YEAR THE ABORIGINAL AND TORRES STRAIT ISLANDER LAND FUND AND THE INDIGENOUS LAND CORPORATION WERE ESTABLISHED.

THE LAND FUND WILL ASSIST INDIGENOUS PEOPLES TO BUY AND MANAGE LAND. THE LAND FUND WILL INITIALLY BE FUNDED BY A FIXED ANNUAL ALLOCATION FROM THE COMMONWEALTH GOVERNMENT.

RECONCILIATION

IN 1991, A COUNCIL FOR ABORIGINAL RECONCILIATION WAS FORMED TO PROMOTE RECONCILIATION IN THE DECADE LEADING UP TO THE CENTENARY OF FEDERATION IN 2001.

THE COUNCIL HAS IDENTIFIED A RANGE OF KEY AREAS WHERE ITS EFFORTS, AND THOSE OF THE COMMUNITY, SHOULD BE FOCUSSED OVER THE NEXT THREE YEARS. THESE AREAS INCLUDE SCHOOLS AND YOUNG PEOPLE, THE LEGAL SYSTEM AND THE ENVIRONMENT. IN PARTICULAR, AUSTRALIANS MUST BEGIN TO CONSIDER WHETHER RECONCILIATION SHOULD BE ENSHRINED IN SOME SORT OF NATIONAL DOCUMENT AND, IF SO, WHAT FORM IT SHOULD TAKE.

HERITAGE PROTECTION

HERITAGE PROTECTION IS ANOTHER AREA OF PARTICULAR CONCERN. LAST YEAR THE MINISTER ADVISED THIS FORUM THAT HE HAD ISSUED A DECLARATION FOR A 25 YEAR PERIOD TO PREVENT THE CONSTRUCTION OF A BRIDGE TO HINDMARSH (KUMARANGK) ISLAND IN SOUTH AUSTRALIA. THE MINISTER ACTED ON THE BASIS OF AN INDEPENDENT REPORT WHICH LED HIM TO CONCLUDE THAT THE AREA WAS OF PARTICULAR SIGNIFICANCE TO NGARRINDJERI WOMEN.

HOWEVER, THE FEDERAL COURT DECIDED TO QUASH THE MINISTER'S DECLARATION ON THE BASIS OF PROCEDURAL DEFECTS. THE COURT'S FINDING HAS BEEN CHALLENGED AND A DECISION CONCERNING THIS APPEAL IS EXPECTED SHORTLY.

THERE HAVE BEEN ALLEGATIONS SEEKING TO UNDERMINE THE LEGITIMACY OF THE SPIRITUAL BELIEFS OF THE NGARRINDJERI WOMEN.

IN RESPONSE THE MINISTER HAS ANNOUNCED A FURTHER INDEPENDENT INQUIRY.

ONE MOST POSITIVE DEVELOPMENT HAS BEEN THE RETURN TO ABORIGINAL OWNERSHIP AND CONTROL OF THE STREHLOW COLLECTION OF ABORIGINAL SACRED OBJECTS. THIS COLLECTION IS OF GREAT SIGNIFICANCE FOR CENTRAL AUSTRALIAN ABORIGINAL CULTURAL HERITAGE AND SPIRITUALITY.

MADAME CHAIRMAN

THE 1993/94 REPORT ON THE COMMONWEALTH GOVERNMENT'S RESPONSE TO THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY CONFIRMS THAT A SUSTAINED AND INTEGRATED EFFORT WILL CONTINUE TO BE NECESSARY TO ACHIEVE THE OUTCOMES IDENTIFIED BY THE ROYAL COMMISSION FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES.

IT IS OF GRAVE CONCERN THAT THE RATES OF INCARCERATION OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES HAVE INCREASED, AND THAT DEATHS IN CUSTODY CONTINUE TO OCCUR. THE OVER-REPRESENTATION OF INDIGENOUS PEOPLES IN THE CRIMINAL JUSTICE SYSTEM IS, ALARMINGLY, 26 TIMES HIGHER THAN THAT OF NON-INDIGENOUS AUSTRALIANS.

IT IS CRITICALLY IMPORTANT TO KEEP UP PRESSURE ON AUSTRALIA'S STATES AND TERRITORIES TO IMPLEMENT THE RECOMMENDATIONS OF THE ROYAL COMMISSION AND TO PROVIDE THE BASIC SERVICES FOR WHICH THEY HAVE RESPONSIBILITY.

THE MINISTER CONTINUES TO PRESS FOR REGULAR MEETINGS OF COMMONWEALTH, STATE AND TERRITORY MINISTERS TO ESTABLISH A DETAILED OVERVIEW OF THE IMPLEMENTATION.

THE FEDERAL GOVERNMENT'S JUSTICE STATEMENT

THE FEDERAL GOVERNMENT RECENTLY RELEASED A JUSTICE STATEMENT WHICH CONTAINED MEASURES TO IMPROVE ACCESS AND EQUITY FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES ACROSS VARIOUS ASPECTS OF THE LEGAL SYSTEM.

THE MINISTER IS PLEASED TO ADVISE THAT A MAJOR COMPONENT OF THE JUSTICE STATEMENT WAS THE ANNOUNCEMENT OF AN INQUIRY INTO THE PAST PRACTICE OF THE REMOVAL OF ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN FROM THEIR FAMILIES.

THE AUSTRALIAN GOVERNMENT HAS ALSO BEEN ACTIVE IN MANY OTHER AREAS OF CONCERN TO INDIGENOUS AUSTRALIANS. THESE INCLUDE:

- i) CUSTOMARY LAW
- ii) CULTURAL PROPERTY RIGHTS
- iii) SELF-GOVERNMENT ISSUES
- iv) INDIGENOUS HEALTH, HOUSING AND INFRASTRUCTURE
- v) EMPLOYMENT
- vi) EDUCATION
- vii) FAMILY, SPORT AND RECREATION.

DETAILS OF ACTION TAKEN IN ALL THESE AREAS ARE CONTAINED IN THE MINISTER'S REPORT.

MADAME CHAIRMAN

THE AUSTRALIAN GOVERNMENT RECOGNISES THAT INDIGENOUS PEOPLES ARE SEEKING LONG TERM AND LASTING REFORM. THE GOVERNMENT IS STRIVING FOR A VISION OF AUSTRALIA IN WHICH SOCIAL JUSTICE AND FULL EQUALITY OF TREATMENT, FREE FROM RACISM, ENABLE INDIGENOUS AUSTRALIANS TO EXERCISE AND ENJOY THE FULL BENEFITS OF LIFE IN AUSTRALIA.

THE PARTICULAR STATUS OF THE NATION'S INDIGENOUS PEOPLES AS THE PRIOR OWNERS OF THE LAND MUST BE RECOGNISED, ALONG WITH THEIR RIGHTS TO CULTURAL, SOCIAL AND ECONOMIC DIVERSITY.

MOST IMPORTANT OF ALL IS THE RIGHT TO SELF-DETERMINATION: THE RIGHT OF INDIGENOUS PEOPLES TO DECIDE WITHIN THE BROAD CONTEXT OF AUSTRALIAN SOCIETY THE PRIORITIES AND THE DIRECTIONS OF THEIR OWN LIVES, AND TO DETERMINE FREELY THEIR OWN AFFAIRS.

A NEW CENTURY APPROACHES. AUSTRALIA APPROACHES THE CENTENARY OF ITS FEDERATION. IT IS THE RIGHT TIME TO BE REACHING FOR A JUST AND DURABLE SETTLEMENT WITH AUSTRALIA'S INDIGENOUS PEOPLES.

THE YEAR 2001 OFFERS A POLITICAL OPPORTUNITY THAT THE GOVERNMENT CANNOT IGNORE.

THANK YOU, MADAME CHAIRMAN