

Permanent Forum on Indigenous Issues  
Seventh Session  
New York, 21 April – 2 May 2008

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## Agenda Item 6: HALF DAY DISCUSSION ON THE PACIFIC

### STATEMENT BY MR NORMAN LAING ON BEHALF OF THE NEW SOUTH WALES ABORIGINAL LAND COUNCIL

Thank you Madam Chairperson,

I take this opportunity to provide the Permanent Forum on Indigenous Issues with this statement on land rights in the state of New South Wales in Australia and the role of the steward and member organisations in delivering benefits from this system. I also wish to take this opportunity to discuss some of the specific issues affecting Aboriginal peoples in New South Wales and to offer our commitment to work in solidarity with Indigenous peoples across the Pacific region.

The land rights system was established in 1983 under the *NSW Aboriginal Land Rights Act* to support the Local Aboriginal Land Council network and empower Aboriginal communities in NSW.

Our system is made up of 121 Local Aboriginal Land Councils across 9 regions. Each region is represented by an elected Councillor. The combined membership of the Aboriginal land rights network in New South Wales is over 20,000 people and the system provides employment for over 300 people the overwhelming majority of whom are Aboriginal.

A considerable strength of the land rights system in New South Wales is an investment fund of over \$700m. It is important to note that this fund has to be maintained in perpetuity to deliver benefits to Aboriginal people and provide financial support for the entire system. In addition to this fund the combined land councils own over 1% of the entire land mass of New South Wales, held in freehold title providing the membership with the capacity to determine how this land can provide most benefit for our people.

We proudly regard the land rights system in New South Wales as the best in the world. But this is not to say that the system is without its considerable challenges.

The vision of the New South Wales Aboriginal Land Council is *to liberate and empower Aboriginal people in NSW through economic and social independence*. In accordance with our corporate priorities, our values, and the responsibility that we have been entrusted with by our people and our communities, we seek to:

- Assist in ensuring Aboriginal people in New South Wales enjoy a sustainable social and cultural environment by seeking to close the gap on poverty and improve health and living standards through tightly targeted community benefit schemes and evidence based advocacy ;
- Target and increase our advocacy towards relevant State and Federal government bodies or agencies, particularly funding agencies ;
- Assist our people in having access to, and contributing towards, a sustainable economic environment, including appropriate education and training and sustainable employment; and
- Promote safe and secure environments for our people and communities.

Madam Chairperson, the seventh session of the Permanent Forum on Indigenous Issues has been made aware and will no doubt receive further information regarding the degrading and unjust approach to Aboriginal policy in Australia that is the Northern Territory intervention. The New South Wales Aboriginal Land Council fully supports and agrees with the concerns, anger and frustration expressed at this session by our sisters and brothers from northern Australia in relation to this intervention. I would also like to provide the Permanent Forum members with an understanding of the other side of the spectrum – that is, the lack of an effective policy approach by the Australian and New South Wales governments to addressing the problems faced by Aboriginal people in our state.

Aboriginal people and communities in New South Wales are subjected to the same level of demonisation as our northern sisters and brothers for our experiences of disadvantage yet we are left largely to the mercy of mainstream government service providers. These very same service providers have failed us in the past and are continuing to fail us today. As an example, much publicity has been given to the *Little Children are Sacred* report into child sexual assault, but scant response has been provided to the *Breaking the Silence* report dealing with the same issue in our state. A Northern Territory style intervention is not the answer, but the lack of an effective response to our situation in New South Wales is an abrogation of government responsibility.

The Australian government has made much of its apology to the 'stolen generations' in this forum and we as an organisation commend the prime minister for the generosity of spirit in which this parliamentary motion was given. This is an important admission that in forcibly removing Aboriginal children from their families consecutive Australian governments committed gross violations of ~~our~~ human rights. A formal apology is vital, but further reparations are required. We therefore **recommend that the Permanent Forum on Indigenous Issues calls for a resolution through the Economic and Social Council calling on all governments who have forcibly removed Indigenous children from their families to provide a full suite of reparations consistent with the 'van Boven Principles'**.

Madam Chairperson, advocacy and the recognition of Aboriginal peoples human rights is a critical ~~priority~~ priority for the New South Wales Aboriginal Land Council. It is for this reason that we hold 'consultative status' with ECOSOC and through this privilege will continue to access and utilise the United Nations system to challenge all governments to ensure that Indigenous peoples, particularly across the Pacific region, fully enjoy and exercise their human rights.

Among the many pressing human rights issues affecting Indigenous peoples throughout the Pacific region climate change not only poses its own threats, but is already beginning to exacerbate the extent of the human rights violations that Indigenous peoples are already suffering. We as an organisation therefore applaud the Permanent Forum for making climate change the theme for this seventh session. We would, however, **urge that you maintain your commitment to this theme and make climate change an ongoing priority in your future work.**

Further, the New South Wales Aboriginal Land Council also **urges the Permanent Forum to not only recommend that the newly appointed Special Rapporteur undertake a study into the impact of climate change on the rights of Indigenous peoples, but that in doing so you also recommend that he pay urgent attention to the current and likely threats for the Indigenous peoples of the Pacific Region.**

Thank you Madam Chairperson