

Speech to the WGIP

By Mr Tracker Tilmouth

On behalf of the

Central Lands Council

Mabo (Native Title)

Social Justice Issues

Pastoral Property Excisions
(Aboriginal Living areas)

Agenda Item 5

MADAM CHAIRMAN

IT IS MY PLEASURE TO ADDRESS THIS FORUM UNDER THE HEADING
REVIEW OF DEVELOPMENTS

AS YOU ARE NO DOUBT AWARE MADAM CHAIRMAN AFTER YOUR RECENT
VISIT TO OUR COUNTRY, THE DEBATE ON THE HIGH COURT DECISION
ON NATIVE TITLE HAS LED ALL AUSTRALIAN GOVERNMENTS BOTH STATE
AND FEDERAL TO RECONSIDER THE CURRENT TITLES TO LAND.

WHILST THE PROPOSED LEGISLATION WHICH WILL BE INTRODUCED TO
PARLIAMENT IN THE FORTH COMING BUDGET SITTINGS, GIVES
CERTAINTY TO THE VARIOUS TITLES ENJOYED BY THE NON ABORIGINAL
COMMUNITY IT DOES NOT ADEQUATELY ADDRESS THE ABORIGINAL AND
TORRES STRAIT ISLANDER ASPIRATIONS AND GIVES NO CERTAINTY TO
THE TITLES TO LAND. THE PROPOSED PROCESSES WHICH ABORIGINAL
PEOPLE WILL BE EXPECTED TO COMPLY WITH TO PROVE NATIVE TITLES
WILL BE BOTH LENGTHY AND TIME CONSUMING WITHOUT ANY CERTAINTY
THAT THE NON INDIGENOUS LEGAL SYSTEM WILL RULE IN FAVOUR OF
THE APPLICANT.

WITHIN THE NORTHERN TERRITORY MADAM CHAIRMAN THE MAJORITY OF
ABORIGINAL PEOPLE LIVING ON PASTORAL PROPERTIES ARE DOING SO
WITHOUT ANY SECURE TITLE TO THE LAND UNDER THE CURRENT NON
INDIGENOUS LEGAL SYSTEMS. ALTHOUGH THE LAND ON WHICH THEY
RESIDE HAS BEEN THEIRS SINCE TIME IMMEMORIAL AND WILL STILL
BE OWNED BY THESE GROUPS FOR EVER.

HOWEVER MADAM CHAIRMAN TO PROVIDE THE NECESSARY INFRASTRUCTURE
SUCH AS WATER, HOUSING AND MEDICAL SERVICES, THERE NEEDS TO
BE SOME FORM OF SECURE TITLE TO THE ABORIGINAL PEOPLE BEFORE
BOTH FEDERAL AND STATE GOVERNMENTS WILL COMMIT THE NECESSARY
FINANCIAL RESOURCES TO DEVELOP THAT INFRASTRUCTURE.

I DON'T NEED MADAM CHAIRMAN TO GO INTO THE SHAMEFUL AND
DISGRACEFUL STATISTICS THAT ACCOMPANY ANY GOVERNMENT REVIEW
OF ABORIGINAL HEALTH WITHIN THE REMOTE COMMUNITIES OF MY
REGION. WITH THE HIGH COURT DECISION ON NATIVE TITLE
ABORIGINAL PEOPLE LIVING IN REMOTE COMMUNITIES ON PASTORAL
LEASES NOW HAVE SOME GLIMMER OF HOPE AND MAY TAKE THE
OPPORTUNITY TO NEGOTIATE A SETTLEMENT TO REACQUIRE THEIR
LAND.

I WILL NOT CALL IT A JUST SETTLEMENT BECAUSE IF WE WERE TO
COMPARE THE AVERAGE AREA OF LAND THAT MOST PASTORAL LEASES
OCCUPY WHICH IS APPROXIMATELY 1,500 SQUARE KILOMETRES WITH
THE AREA OF LAND REQUIRED TO PROVIDE THE NECESSARY
INFRASTRUCTURE FOR 100 TO 200 ABORIGINAL PEOPLE IS
APPROXIMATELY 1 SQUARE KILOMETRE.

PERHAPS MADAM CHAIRMAN ANOTHER COMPARISON COULD BE USED IN RELATION TO THE COMMERCIAL VALUE OF THIS LAND IS THAT THE APPROXIMATE CARRYING CAPACITY OF LIVESTOCK FOR A PASTORAL LEASE WITHIN MY REGION IS 1 TO 2 HEAD OF CATTLE PER 1 SQUARE KILOMETRE. THEREFORE ONE COULD MATHEMATICALLY DETERMINE THAT 2 HEAD OF CATTLE IS EQUAL TO THE SHORT TERM LAND ASPIRATIONS OF 200 ABORIGINAL PEOPLE, AND IN THE CURRENT SITUATION THE VALUE OF CATTLE PREVAIL.

MADAM CHAIRMAN THIS SITUATION WILL CONTINUE TO PREVAIL UNTIL BOTH THE FEDERAL AND STATE GOVERNMENTS ADHERE TO THE PRINCIPLES AND INTENT OF THE MEMORANDUM OF UNDERSTANDING SIGNED IN 1989 BY THE THEN PRIME MINISTER HAWKE AND THE NORTHERN TERRITORY CHIEF MINISTER. SINCE THE SIGNING OF THE MEMORANDUM THERE HAS BEEN 46 APPLICATIONS FOR LIVING AREAS LODGED WITH THE RELEVANT AUTHORITIES. OF THESE, ONLY 6 HAVE BEEN GRANTED.

THE CENTRAL LAND COUNCIL HAS LODGED IN TOTAL 31 APPLICATIONS TO THE NORTHERN TERRITORY DEPARTMENT OF LANDS AND HOUSING. THERE HAS BEEN ONLY 1 LIVING AREA GRANTED WITHIN OUR REGION.

MADAM CHAIRMAN THE PASTORAL INDUSTRY HAS DISPOSSESSED THESE PEOPLE. SURELY IT IS NOT TOO MUCH TO ASK THAT FOR THE PRICE OF 2 COWS IN A POSSIBLE HERD OF 5000, SOME LAND COULD BE RETURNED TO ABORIGINAL PEOPLE WHO NEVER SURRENDERED THEIR LAND AND WHO WILL NEVER LEAVE THEIR LAND.

MADAM CHAIRMAN FOR ABORIGINAL PEOPLE TO LIVE OR MOVE TO ANOTHER PLACE WITHIN MY COUNTRY IS THE EQUIVALENT TO BECOMING REFUGEES, WHERE YOU ARE LIVING ON SOMEONE ELSE'S LAND IN SOMEONE ELSE'S TIME. PERHAPS THE FEDERAL AND NORTHERN TERRITORY GOVERNMENTS FEEL WE ARE IN THE WRONG WORKING GROUP.

I THANK YOU MADAM CHAIRMAN FOR ALLOWING ME TO SPEAK.