



# Central Land Council

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Statement by Mr David Ross  
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Australia

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Madame Chairman, distinguished members of the Working Group, fellow indigenous people, ladies and gentlemen.

I speak to you on behalf of the Central Land Council and the traditional landowners of Central Australia the Council represents.

In non-Aboriginal terms, the Aboriginal people of Australia remain the sickest, the poorest, the least educated, the most unemployed and the most gaoled section of the Australian population.

In Aboriginal terms, our rights to land, our rights to protect and maintain our culture and our right to self-determination remain unrecognised in Australian laws.

## Health

Madame Chairman [the state of Aboriginal health is a matter of national and international shame to Australia.]

In a country which enjoys one of the highest standards of living and health in the world, Aboriginal people are condemned to a cycle of poverty, despair and death, that anywhere else would attract the intervention of international relief agencies.

health

An Australian Government study which formulated the National Aboriginal Health Strategy said that \$2.63 billion was required over ten years to make an impact on the situation of Aboriginal health in Australia. Many Aboriginal health services believe that even this huge figure is conservative.

Yet the Federal Government has come up with only \$232 million over five years.

Only \$166 m of that amount will be directed to addressing the massive shortfall in infrastructure and environmental health services for Aboriginal communities - such as decent water, housing and sewerage. This represents only 6.6 percent of the \$2.5 billion required to meet these needs.

The lack of adequate funding is exacerbated by the inefficient and inappropriate delivery of services through the non-Aboriginal bureaucracies of the national, state and territory governments.

[Both the Royal Commission into Aboriginal Deaths in Custody and the National Aboriginal Health Strategy recognise that Aboriginal control over the delivery of health and other services is the critical factor in improving the standard of Aboriginal health and living conditions.

When will Aboriginal people achieve this level of self-determination ? ]

### **The Aboriginal and Torres Strait Islander Commission - ATSIC**

The election of ATSIC Regional Councils and Commissioners is heralded by the Government as a great step forward that demonstrates its commitment to indigenous self-determination.

This claim demands closer scrutiny.

As an instrument of self-determination, ATSIC is flawed in two fundamental respects.

First, the bureaucratic structure of ATSIC is not answerable to the Commissioners. In fact ATSIC bureaucrats are answerable only to themselves and to their unelected bureaucratic superiors.

[ATSIC has given the same bureaucrats who worked in the former Departments of Aboriginal and Native Affairs, a free hand to carry on as before, without giving the elected Aboriginal representatives adequate control.

Second, ATSIC has no role to play in major areas of government service delivery to Aboriginal people, such as Community Services, Health, Social Security, Employment, Education and Training.

In these fundamental areas that affect our health, education and economic survival, large amounts of Government spending and regulation are directed at Aboriginal people without even the pretence of Aboriginal control.

The Australian Government's Royal Commission into Aboriginal Deaths in Custody recommended that Aboriginal funding be passed to appropriate Aboriginal controlled organisations so that we can set our own priorities, control our own future and escape the inefficient layers of government bureaucracy and the inherent racism that accompanies it.

The inadequacy of ATSIC is well demonstrated in its inability to deal with sensitive cultural matters.

In May this year the ATSIC Commissioners voted to provide \$1.5 m to the Strehlow Research Centre in Central Australia. The Centre possesses a large collection of sacred Aboriginal material yet there are no Aboriginal members on the board that controls these objects.

Despite the strong and vocal opposition of the local Aboriginal people and the Land Council, ATSIC bureaucrats gave bad advice to the Commissioners and manoeuvred ATSIC into granting \$1.5 m of valuable Aboriginal money to a project that is in clear breach of Aboriginal Law.

I am myself an elected member of the Alice Springs ATSIC Regional Council. I have argued that Aboriginal people should give ATSIC a fair go. But, given the fact that so much power over our lives still lies outside ATSIC and given the inadequate controls Aboriginal people have within ATSIC itself, how can anyone see ATSIC as an expression of Aboriginal self-determination?

ATSIC remains a non-Aboriginal structure imposed on Aboriginal people rather than a true indigenous organisation.

### Sacred Sites

Madame Chairman, sacred sites are the basis of Aboriginal culture.

But Aboriginal people are forced to fight tooth and nail to defend every single site which non-Aboriginal Australians see as obstacles to their own economic benefit.

In Alice Springs, where I live, the Arrernte people have fought for over 10 years to protect their sacred sites from a dam proposed by the Northern Territory Government.

Yesterday, Madame Chairman, the Minister for Aboriginal Affairs congratulated himself on intervening to provide a temporary halt to that proposal - a measure that assisted the Arrernte people in having approval for that dam withdrawn under Northern Territory law.

But - and unfortunately there always seems to be a but - the Minister failed to mention that our application for a permanent protection order in that area was not acted on.

As a result the Northern Territory Government has proposed an almost identical project, dressed up as a new proposal, despite the site custodians clearly stated opposition to any dam.

Five hundred kilometres north of Alice Springs, the struggle of the Warumungu people to protect their sacred sites at Marda Marda also continues. After more than 12 months the Minister has still not acted on our request for a permanent order to protect this important sacred site from mining.

The Australian Government is to be congratulated for its decision to ensure the protection of Guratba - a sacred place belonging to the Jawoyn people which is known to non-Aboriginal Australians as Coronation Hill.

This is a great victory for the Jawoyn after more than ten years of struggle.

However, rather than highlighting the positive record of the Australian Government in protecting sacred sites, all these cases highlight the fact that what should be our right as indigenous people, is instead a great struggle in which victory is often temporary, and always costly.

In the face of growing pressure from miners and developers, the Australian Government has publicly stated that they regard Guratba as a "special case" and that the Government is reluctant to intervene in other disputes. The Australian government says that sacred site protection is primarily a responsibility of state and territory governments - but these governments are driven by political pressure from developers.

In Western Australia the state government is threatening to amend its own legislation to ensure that mining projects proceed over the objections of local Aboriginal peoples.

In the Northern Territory, where the Central and Northern Land Councils operate, an independent judicial inquiry into Guratba appointed by the Australian Government found that the *Northern Territory Sacred Sites Act*, "could not be relied upon to avoid a threat of injury or desecration".

Despite the overwhelming evidence that legislation from this level of government is totally inadequate the Australian Government remains unwilling to accept its national responsibility.

[Only an independent Aboriginal controlled authority established through national legislation can adequately protect our sacred sites and our culture.]

## Conclusion

Madame Chairman, I understand that the Minister for Aboriginal Affairs has already issued a press release proclaiming United Nations approval for the Australian Government's actions on human rights.

The failure of the Australian Government to act decisively in the areas I have outlined is indicative of their failure to address the issue of self-determination for Aboriginal people.

The Royal Commission into Aboriginal Deaths in Custody has identified this failure as the underlying cause of the tragic problems which afflict Aboriginal people today.

Report after report has stressed the importance of self determination, but still we find the Australian Government offers only lip-service and half-hearted measures such as ATSIC.

The shameful state of Aboriginal health is a measure of that failure.

Our continuing struggle to control our sacred sites, our culture and the delivery of services to our people is a measure of that failure.

I urge the Working Group to maintain international pressure on the Australian Government until our fundamental right to self-determination and control over our own lives is properly addressed.