

Month in Review – May/June 2010

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May

2.05 The National Congress of Australia's First Peoples was today incorporated as a company, meaning that it can now operate officially. Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Gooda welcomed the appointment of Kerry Arabena and Sam Jeffries as inaugural Co-Chairs, together with Josephine Bourne, Peter Buckskin, Ned David, Colleen Hayward, Klynton Wanganeen and Daphne Yarram as members of the National Executive.

05.05 The Commonwealth Department of Climate Change today released the report *Risks from Climate Change to Indigenous Communities in the Tropical North of Australia*. The report indicates that king tides, wind and rising sea levels are causing tidal inundation and erosion on islands in the Torres Strait. These changes are predicted to cause adverse effects to Indigenous health and education as well as ecosystems and infrastructure.

07.05 The Federal Minister for Indigenous Health, Warren Snowdon today announced that \$6 million will be invested in a new parenting initiative for Aboriginal and Torres Strait Islander men. *Strong Fathers, Strong Families* will provide better antenatal and community programs that promote positive fatherhood and grandfatherhood, as well as greater access to local parenting and health services. The initiative, part of the National Male Health Policy, is also intended to complement existing programs in support of Indigenous mothers and babies.

10.05 NITV screened the first week of *Waabiny Time* ('Playing Time'), the first program on Australian television to provide lessons on an Aboriginal language. Aimed at preschool children, the program teaches basic terms in the Noongar language, spoken in the south-western region around Perth. Aboriginal community groups in WA hope that the program will be used in classrooms and that traditional languages will eventually be included in the State's school curriculum. *Waabiny Time* is broadcast at 9:30am (EST) and 7:30am (WST).

11.05 A group of young Indigenous runners will compete in the New York Marathon under the Australian Institute of Sport's Indigenous Marathon Project and the Health Education Program, an initiative of SmartStart for Kids Ltd. A squad of 11 Indigenous young people has been selected from remote communities in NT and WA. They will be trained under former world champion marathon runner, Rob de Castella and marathon coach, John Bell.

12.05 As part of the 2010-11 Federal Budget, the Federal Government announced an increase of \$168.7 million in funding to improve Indigenous health outcomes. Over the next four years, \$38.5 million will be used to enhance the supply of Opal Fuel to reduce petrol sniffing in NT, Qld and WA. Another \$10.3 million will be invested in the Community Development Employment Projects Program to improve employment opportunities for Torres Strait Islander people.

14.05 Deputy Chief Magistrate Brian Hine handed down his findings in the final inquest into the 2004 death in custody of Mulrunji Doomadgee on Palm Island. At the end of the third coronial inquest into the case, Mr Hine found that Senior Sergeant Chris Hurley caused the injuries that killed Mulrunji but did not rule as to whether or not they were inflicted deliberately. Mulrunji's family will pursue a \$900,000 claim in civil law.

19.05 The ACT is the first jurisdiction in Australia to make Aboriginal landcare part of its school curriculum. Land management practices of the region's traditional owners, the Ngunnawal people, will be taught to students to encourage a better understanding of Indigenous culture and the environment. Ngunnawal elder, Roslyn Brown said 'I think it's great for reconciliation and it's a great thing for the ACT community as a whole'.

24.05 The Tiwi Land Council ('TLC') announced that it will introduce individual fishing permits pursuant to the High Court's *Blue Mud Bay* decision, which recognised traditional owners' exclusive rights to intertidal waters around the Tiwi Islands. While the TLC has not yet indicated the cost of the permit, it has already imposed a \$55 permit on people who wish to camp on Bathurst and Melville Islands. TLC Chief Executive, John Hicks said the permits are a response to NT Government policies that prevent traditional owners from establishing an independent economy through forestry and infrastructure projects.

31.05 WA Education Minister, Liz Constable announced a strategy to address high levels of Indigenous truancy. Under the strategy, schools with the most serious attendance problems will receive extra resources, prosecution of parents will be streamlined and Aboriginal students will be tracked across the borders of WA, SA and NT. The strategy is a response to a 2009 report by WA Auditor-General, Colin Murphy, which found that two thirds of Aboriginal students attend school less than 90% of the time.

June

01.06 Executive Director of the Kimberley Land Council, Wayne Bergmann addressed the National Native Title Conference in Canberra, saying that Indigenous people face a 'new paternalism' by environmental groups opposed to the LNG development in the Kimberley. He says that organisations such as Save the Kimberley and the Wilderness Society have tried to undermine the right of Aboriginal people to make decisions and to pursue their community priorities.

02.06 Queensland Attorney-General, Cameron Dick today opened the new Murri Court in Toowoomba. There are now 17 established Murri Courts around the State, in Brisbane, Caboolture, Cairns, Caloundra, Cherbourg, Cleveland, Charters Towers, Coen, Ipswich, Mackay, Maryborough, Mt Isa, Richlands, Rockhampton, St George, Toowoomba and Townsville. Mr Dick says, 'by providing culturally responsive justice outcomes that focus on the rehabilitation and re-integration of Indigenous offenders, Murri Courts provide a vital link between the courts and Indigenous communities. It's

a truly community-based approach which applies culturally appropriate sentencing options in dealing with Indigenous offenders’.

02.06 The Girramay People have completed the last and necessary step required for the recognition of their native title rights — the registration of four Indigenous land use agreements (‘ILUAs’) negotiated with parties to their claim in Far North Queensland. Registration of the ILUAs brings into effect the native title determination made by the Federal Court of Australia on 10 December 2009 over the 16 parcels of unallocated state land from Cardwell to Bilyana and Murray Upper area.

03.06 Maurice Blackburn Lawyers, Surry Partners and Julian Burnside QC today launched an action in the Federal Court to challenge the nomination of land at Muckaty Station as a site for a national nuclear waste dump in the Northern Territory. The area is owned by five groups: the Ngapa, Wirntiku, Milwayi, Yapayapa and Ngarrka. Traditional owners claim the Northern Land Council and Federal Government signed secret deals with one family in the area but without the consent of each affected community. George Newhouse of Surry Partners said ‘this is an important case not only because it is about the dumping of nuclear waste on Aboriginal land, but it will set out the principles that will guide the way that Indigenous Land Councils treat the people that they are supposed to represent’.

04.06 Eighteen months after the Council of Australian Governments (‘CoAG’) agreed that cutting Indigenous disadvantage would be an economic reform priority, states are yet to agree on how to measure progress towards achieving their targets. The CoAG Reform Council (‘the Council’) released a report today indicating that states and territories have not yet agreed to implementation plans that would enable the Council to monitor progress in future years. The Council said it was unable to measure its performance without proper data and incremental targets, which it hopes will be put in place by the end of 2010. Existing reports on health, disability, Indigenous disadvantage and housing affordability all point to serious gaps in information and undermine the Government’s promise of performance-based policy.

04.06 The Federal Government announced plans to appoint a Commonwealth officer to oversee native title agreements to ensure that they create whole-of-community benefits. Under the proposed plan, all native title agreements would be registered centrally with a statutory officeholder, who would be responsible for making sure that deals are sustainable and provide ‘intergenerational benefits’ and ‘economic and social independence in Indigenous communities’. Professor Marcia Langton of the Native Title Payments Working Group (‘the Working Group’) criticised the plan, describing it as a ‘surveillance’ measure that is inconsistent with the Working Group’s unanimous recommendations.

04.06 Queensland Natural Resources, Mines and Energy Minister, Stephen Robertson today announced the declaration of the Wenlock River under the *Wild Rivers Act 2004* (Qld). The river, which covers 7,435 square kilometres, is the tenth such declaration in the Cape York region.

09.06 The Federal Government's artist resale royalty scheme came into effect today. Artists will now receive a 5% royalty on the resale of artwork valued at more than \$1000; the levy will apply to every transaction after the first purchase, regardless of whether or not a profit is made.

15.06 The NT Auditor-General, Frank McGuinness told an estimates hearing in Darwin that there was a 'complete lack of management' in the model used to roll out the Federal Government's Strategic Indigenous Housing and Infrastructure Program ('SIHIP'). He said that the SIHIP set unrealistic deadlines and that it was still difficult to find a breakdown on the progress and construction of each dwelling. Mr McGuinness described the \$672 million program as 'a textbook case of what not to do in getting a project off the ground'. The SIHIP aims to build 750 homes by 2013; only 11 houses have been completed to date.

17.06 The Crime and Misconduct Commission ('CMC') today delivered to the Queensland Parliament a report discussing the handling of the 2004 death in custody of Mulrunji Doomadgee on Palm Island. The report recommends that six officers face disciplinary action for their role in investigations and is particularly critical of Police Commissioner Bob Atkinson's leadership in the case.

18.06 Yawuru elder, Peter Yu criticised plans to build a \$30 billion gas plant just north of Broome. Mr Yu expressed concern that negotiations were being rushed and that community consultations were inadequate. He said that traditional owners are not being treated as 'people with some level of equity to bring to the table to negotiate in a modern and contemporary world' and that the standards required for a project on this scale are 'lacking considerably'.

22.06 The Commonwealth Senate passed a bill to overturn the *Wild Rivers Act 2004* (Qld). The bill was introduced by Shadow Minister for Indigenous Affairs, Nigel Scullion, who said 'we need to make sure that we put every single blockage ... out of the way so that our first Australians can have equity in the simple process of being able to use their land.' The bill is now before the House of Representatives.

22.06 The Federal Parliament passed laws to extend income management to non-Indigenous welfare recipients living in the NT. The extension of the program in this way has allowed the reinstatement of the *Racial Discrimination Act 1974* (Cth), which was suspended under the Intervention. Minister for Indigenous Affairs, Jenny Macklin said, 'we should have laws in Australia that affect people equally and not be based on race'.

28.06 WA Director of Public Prosecutions, Joe McGrath announced that no charges will be laid over the 2008 death of Mr Ward while being transported in a prison van from Laverton to Kalgoorlie. Mr McGrath said that no *prima facie* case exists for a criminal prosecution against anyone involved. Daisy Ward, Mr Ward's cousin, said 'I'm really sad. I have a broken heart. We are all upset about it. They do this because we are Aboriginal. If it was a white fella in the van there would have been charges.'