

Month in Review – July/August 2010

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02.07 The Federal Court today recognised the largest native title sea claim in Australia's history, spanning 44 000 square kilometres between Cape York and Papua New Guinea. The claim, lodged nine years ago by George Mye and Leo Akiba on behalf of Torres Strait Islander people, has secured native title and commercial fishing rights over the entire sea area. While traditional owners sang inside the court room and danced on the streets outside, George Mye described the decision as 'a big, big win for myself and the people of the Torres Strait'.

02.07 The Ngarluma people of Karratha, WA consented to a \$37 million agreement with the State Government to make more land available for development in the town. The agreement follows the launch of the Government's City of the North plan, which will boost Karratha's population from 15,000 to 50,000. Regional Development Minister, Brendon Grylls says that, 'without partnership with the Ngarluma people as traditional owners of this part of the Pilbara, then Pilbara Cities couldn't happen ... the partnership is absolutely necessary and something that's been done in good faith to the mutual benefit of all those involved'.

04.07 NAIDOC week commenced today, with celebrations and events taking place around Australia. The national theme for 2010 is *Unsung Heroes – Closing the Gap by Leading the Way*, which recognises the achievements of Aboriginal and Torres Strait Islander people in leadership, as well as the crucial role of Indigenous Australians in shaping their own future.

05.07 Professor Cairan O'Faircheallaigh of Griffith University criticised the Federal Government's proposal to establish a regulatory body to oversee native title payments made to traditional owners. Professor O'Faircheallaigh said that the Commonwealth has failed to present any evidence that payments are being mismanaged and that 75% of native title agreements do not result in big payments at all. Moreover, where native title funds are invested in public services, the Government often reduces its own expenditure so that Indigenous communities are generally 'no better off'. Professor O'Faircheallaigh stressed that the Government's plans infringe on the fundamental principle that applies everywhere else in Australia, namely that, where a person receives payment for the use of his or her land, 'nobody tells them what to do with the money'.

05.07 Neville 'Chappie' Williams, a Wiradjuri elder, brought a claim in the NSW Land and Environment Court against the Canadian-owned Barrick Gold Corporation. Mr Williams has been campaigning for seven years to stop the expansion the company's gold mine at Lake Cowal in central western NSW. The expansion received conditional state

approval in March this year but Mr Neville, representing traditional owners, says 'I assure you we are never going to give up'.

09.07 The National NAIDOC Ball was held tonight and winners of the annual awards were announced:

- Dennis Eggington, Person of the Year;
- Vince Coulthard, Lifetime Achievement
- Yellow Crazy Ant Management Program, Caring for Country
- Auntie Ali Golding, Female Elder of the Year
- Ali Drummond and Lester Bostock, Male Elders of the Year
- Jessica Smith, Youth of the Year
- Megan Davis, Scholar of the Year
- Lucas Kickett, Apprentice of the Year
- Lewis Langton, Artist of the Year
- Rohanee Cox, Sports person of the Year.

NRL player Timana Tahu was also honoured for his public stance against racism.

17.07 Queensland Coroner, Michael Barnes handed down the findings of the inquest into the 2009 death in custody of Andrew Borgen, an Aboriginal man from Ipswich. Andrew was hit by a car after the arresting officers handcuffed him face down in the street, failing to warn oncoming traffic. The Coroner found that the officers in charge had committed a 'terrible error in judgment' in carrying out their arrest in this way and that their actions were not warranted in the circumstances. He referred the matter to the Director of Public Prosecutions to determine whether charges should be laid.

18.07 Queensland Premier Anna Bligh defended the parole conditions imposed on Lex Wotton on his release from prison for his role in the 2004 riots on Palm Island. Under the parole terms, Mr Wotton may not speak to the media or address public meetings on the Island without obtaining prior approval. Ms Bligh says the restrictions are no different from those imposed on other prisoners. Stewart Levitt of Black and White Justice Foundation argues that the limits infringe the International Covenant on Civil and Political Rights and are inappropriate for a former politician and public spokesman.

19.07 The Jangga people and three North Queensland regional councils (Charters Towers, Isaac and Whitsunday) today signed an Indigenous Land Use Agreement ('ILUA') over land around Mt Coolon, between Townsville and Mackay. Native Title Tribunal Member, Graham Fletcher said that the Agreement paves the way for a strong working relationship between the respective parties and that 'the Jangga People have a

relationship and connection with this land, on which there are culturally significant sites and areas ... this ILUA protects [their] rights to maintain these sites and their relationship to this land’.

04.08 In response to requests from Aboriginal communities, WA Minister for Racing and Gaming, Terry Waldron today announced stringent new alcohol restrictions in and around Halls Creek. As dry communities, fines of up to \$5000 will be imposed on licensees and \$2000 on any individual found with alcohol in the Kundat Djaru, Nicholson Block and Koongie Park townships. Police also have the power to seize or destroy any alcohol found on these lands. WA now has 10 dry Aboriginal communities, nine of which requested the restrictions voluntarily.

05.08 President of the Australian Council for Civil Liberties, Terry O’Gorman criticised Queensland police for treating the death of mentally ill Aboriginal man Lyji Vaggs in April this year as a ‘death in care’ rather than a ‘death in custody’, which requires a higher standard of investigation. Mr O’Gorman says that police should have isolated and interviewed all relevant staff instead of accepting investigations from the hospital-appointed lawyer. Mr O’Gorman describes this as a ‘total abrogation of [police] duty’ and dismissed claims that hospital staff could not be interviewed due to privacy rights, arguing that these must be ‘trumped by the need to conduct a thorough investigation of the death of the man’.

06.08 Social economic and cultural benefits worth around \$200 million are expected to begin flowing to the Yawuru traditional owners of Broome, Western Australia, following the successful registration of native title agreements signed with the State Government in February. The benefits package was in exchange for land to be used for tourism, residential and industrial development and a new airport.

08.08 Federal Minister for Indigenous Affairs, Jenny Macklin announced that, if reelected to Government, the Labor party will implement its earlier promise to provide constitutional recognition to Indigenous Australians. Minister Macklin revealed plans to convene a bipartisan panel of experts, including Indigenous leaders, constitutional law experts and members of the public, who would be asked to develop a proposal to put to the Australian people in a referendum.

10.08 The Coalition announced that it supports amending the Federal Constitution to formally recognise Australia’s Indigenous people but, according to Opposition Leader Tony Abbott, ‘we’ve got to get the right proposal’. Mr Abbott agreed that it is ‘very important that we should appropriately acknowledge the place of Indigenous people at the heart of modern Australia’. However, he stressed that, ‘we’ve had a lot of symbolism over the past couple of years ... We’ve now got to get on with making a difference’.

10.08 Federal Environment Minister, Peter Garrett today announced that, if reelected to

Government, the Labor party will permanently protect the Koongarra region of Kakadu from uranium mining and will incorporate the area into the surrounding Kakadu National Park. Minister Garrett gave no indication whether other uranium-rich sites around Kakadu, such as Ranger and Jabiluka, would be similarly protected.

11.08 The Greens federal candidate for Lingiari, Barbara Shaw attended a demonstration in Alice Springs to protest against the expansion of the BasicsCard and to publicly seek an exemption. As a resident at Mt Nancy, a 'prescribed area' under the NT Intervention, Ms Shaw has been subject to income management since 2007. Ms Shaw says that the measure has 'made things very hard for our people' and is a waste of money that would be 'better spent creating employment, and appropriate services for everyone in the Territory through locally controlled programs that are proven to work'.

11.08 WA Greens candidate, Kado Muri said that it is time for the creation of dedicated Indigenous seats in Federal Parliament. Mr Muir considers that, to be represented in the Parliament at the same rate as in the broader population, Aboriginal and Torres Strait Islander people would have three seats in the House of Representatives and one in the Senate.

17.08 Victorian Deputy Premier and Attorney-General, Rob Hulls formally renamed the former County Court building in William Street, Melbourne in honour of William Cooper, a Yorta Yorta man and advocate for the rights of Indigenous Australians. The building will now be known as the William Cooper Justice Centre.

17.08 The United Nations in Geneva heard that the NT Intervention has had a destructive impact on Aboriginal communities. In a presentation to the Committee for Elimination of All Forms of Racial Discrimination, Race Discrimination Commissioner Graeme Innes relayed the concerns of fellow attendees Rev Dr Djiniyini Gondarra OAM and Rosalie Kunoth-Monks, who said they had not consented to the Intervention, that it was not 'a special measure', that it had weakened communities and culture and removed people from their lands.

18.08 The Queensland Government announced that it will provide \$36 million in funds for Indigenous councils. State Minister for Aboriginal and Torres Strait Islander Partnerships, Desley Boyle said the funding will help the councils deliver better services, provide around 260 jobs and boost the quality of life for people in their communities. The funding will go towards replacing the revenue once generated by the licensed canteens that have been closed or restricted under the State's Alcohol Management Plans.

23.08 Former head of Aboriginal health in NSW and WA, Ken Wyatt, held a slim lead over

Labor incumbent Sharryn Jackson in the Perth marginal seat of Hasluck. Mr Wyatt, while not claiming victory, said he was 'immensely proud' to be so close to becoming the first Aboriginal person to be elected to the Federal House of Representatives. Mr Wyatt promised that, 'if I can see opportunities, then I'm going to argue the opportunities. If I see the detriment, then I will highlight the detriment. And if I see areas that we have not addressed within that context, then I will argue that we should have that aspect considered in policy legislation, programs and services'.

24.08 A coronial inquest commenced today to investigate the 2009 death of four-year old Aboriginal girl Naylor Walden in Doomagee, Queensland. Naylor's mother, Regina said she had taken her sick child to the hospital four times to have her examined by a doctor but had been turned away on each occasion. The first reports after Naylor's death suggested that she had been a victim of swine flu but a subsequent autopsy returned inconclusive results.