

## The Search for Common Ground

If you are out under the stars tonight look up.

We live in a world of wonder and this is our shimmering moment in the greater scheme of things.

The Aboriginal Ancestors who walked this land before us developed in their sophisticated knowledge system the concept of custodianship to keep life in balance. It is one of the keys to the strength and resilience of the world's oldest continuous Cultures.

Every man, woman and child, no matter your status, has a responsibility to contribute to the wellbeing of others. This is what we mean by the Common Good.

When we hear our new Prime Minister, Julia Gillard, proclaim on her night of victory that our nation expects the new federal parliament "*to find more common ground in the national interest*" we may care to reflect on what this means for Indigenous Australians. When the Prime Minister declares that "*in remarkable times there are opportunities*" each one of us can take some time to listen thoughtfully to Aboriginal and Torres Strait Islander people. Ask the Aboriginal organisations, the friends and families, or the perfect strangers you are sitting next to here tonight. The Art of Listening is a sign of true intellect and maturity because it allows you to consider new possibilities. As you listen, give yourself the thinking time. Aboriginal and Torres Strait Islander people have waited two centuries for justice and equality. It is a long and difficult Struggle.

I ask you tonight, is this the time to close the space between us? What do you say? To do so we must first value Aboriginal and Torres Strait Islander people.

There is a chance, a genuine opportunity, in front of us. Clearly there is an emerging political interest in recognizing Aboriginal and Torres Strait Islander people in the Australian Constitution.

How the first Australians were ever left out can only be explained by the invasion, bloodshed, theft of land and denial that flowed from the opening Big Lie of *terra nullius*.

The question now is can the proposed Constitutional change address the damage done, clearly establish important rights and establish a better relationship?

NSW today became the third Australian state, after Victoria and Queensland, to insert in their Constitutional preambles, some recognition of the status of Aboriginal and Torres Strait Islander people. There is shared symbolism and power in acknowledging in this way the relationship of Indigenous people to the land, rivers and ocean. But the intense struggle over Aboriginal lands in Western Australia, Queensland, the Northern Territory and NSW, shows words often are merely words.

The compulsory acquisition of West Australian land for mining, the Intervention into 73 remote communities in the Northern Territory and the dispute over the Wild Rivers Legislation in Queensland are only the latest examples of a long historical pattern. Australia has long refused to give genuine Land Rights to Aboriginal people.

Sovereign land rights would include the full value of minerals and other resources, as well as genuine autonomy.

Much of Australia's Common Law has a disturbing inconsistency despite its core value of basing everything on legal precedent.

Our law has often been blind to Indigenous rights.

In the eyes of Indigenous people the founding fathers of 1901 stared right through them and ignored at least sixty thousand years of Indigenous history. In this sense, Indigenous people have been left out of the nation, despite the fact that this is their Land.

The call for Constitutional recognition of Aboriginal rights is as old as our Federation. What is different at this moment is a rare alignment of power and potential, a possibility to find the common ground.

Most Indigenous leaders support some form of change to the Australian Constitution. Most of the current political party leaders have committed themselves to some measure of legal respect in the preamble.

The role of the Independents, the Greens and the new Liberal MP, Ken Wyatt, first Aboriginal man elected to the House of Representatives, is both timely and useful because they have, in different ways, drawn Indigenous issues into the political process.

The Member for Lyne, Rob Oakeshott, showed his independent thinking in flatly rejecting another extraordinary political intervention by Noel Pearson. Rob Oakeshott's wife, Sara Jane, who is of Aboriginal and Islander heritage, had already had to endure a phone call from Liberal MP, Bill Heffernan, identifying himself as "*The Devil*". The Oakeshotts must have thought it was the "*Anti-Christ*" when Noel phoned.

*The Australian* newspaper has been the Pearson publicist for so long that it is fair to say that it has lost its journalistic ability to express the reasonable views of many other important Aboriginal voices, at both the national and community level. It was no surprise then, that yesterday morning, just as it had done before the 2007 federal election, the national broadsheet would be trying to inflate the importance of a Pearson Political Plan, another PPP.

In 2007 Noel told us that John Howard was going to lead us to the 'radical centre' and complete the process of justice and reconciliation that he had rejected for over a decade. This week, according to *The Australian*, Noel wanted Rob Oakeshott to believe that Tony Abbott was a "*once in a generation*" Conservative who could lead Australia to reconciliation. You do have to wonder about Noel's sense of political timing. Is it delusion or the narrowest of self-interest that enjoys this shock and awe, the interventions that are calculated to deliver something, power or attention perhaps? Is there anything in the Pearson Political Plan that can truly lead Aboriginal and Torres Strait Islander people and the rest of us to that elusive common ground?

The substance of Constitutional recognition must be shaped by Aboriginal and Torres Strait Islander representatives in an inclusive and cooperative spirit. Tom Calma, the former Social Justice Commissioner, argued for this and his successor, Mick Gooda, has made it his mission. Remember, however, that over the years a variety of people, including Lowitja O'Donoghue, Malcolm Turnbull and even John Howard, have all offered possible words for a new preamble to the Constitution. John Howard enlisted the poet Les Murray but the suggested words never addressed sovereignty, custodianship or other rights.

Those words were all lost anyway because they were linked with the Referendum Question on the vote for or against a Republic, buried, thanks largely to John Howard.

To achieve meaningful recognition of Aboriginal and Torres Strait Islander people in the Australian Constitution will demand a rare unity of purpose from the majority of Australians.

How can we draw in the extraordinary Cultural and political diversity across one thousand Indigenous communities and the varying perspectives of the urban majorities, the rural towns and remote communities?

Genuine political consultation by the Australian Government means listening first to an informed discussion led by Indigenous people.

If you are asking people for a courageous effort, it is time to hear not only from a truly democratic and diverse array of Indigenous voices but from those whom have displayed the fierce independence and honesty over so many years of the Struggle.

Dr Gary Foley, activist and historian, has the quality of mind, the honesty and ferocity to shatter the silence, to challenge the collusion and self-interest that has allowed politicians for too long to exclude the powerless. If this process does not bravely open itself up for such examination it will end up like so many other Australian legal documents that held out trust and then ended in treachery, pain and gut-wrenching disappointment.

While we can all see the great difficulties ahead, there are also some very useful structures in place and additional early opportunities emerging for a thorough examination of how to improve the relationship. With his usual foresight, Professor Patrick Dodson already had invited Australian and global Indigenous experts for a *Dialogue* at the University of New South Wales in November this year. A few years ago, in a notably fresh and inclusive way, Dodson organised a process by which younger Australians of many Cultures could explore how the Australian Constitution might have been different if the process had been open to everyone in the first place instead of excluding or marginalizing some.

Ahead now for the *Dialogue* is the new task of a referendum and Constitutional recognition, but also, how about necessary protection for existing Indigenous rights that are now ignored or trampled? What words need to be written into our laws and into our hearts so that we can truly close this space between us? What will take us from words, words, words, to action?

The new National Congress of Australian First Peoples could play a very useful role in using its currently funded term to bring other rarely heard Indigenous voices to the discussion.

Traditional Owners and elders around the land should be consulted about the proposed Constitutional recognition just as they were in the lead up to Kevin Rudd's National Apology in 2008.

It is up to Aboriginal and Torres Strait Islander people to speak up bravely and respectfully and it is up to our Nation to listen.  
Consider just some of the extraordinary expertise and experience that Australia can now draw on.

There are community leaders like Dr Djiniyini Gondarra OAM from Elcho Island and Rosalie Kunoth-Monks OAM from Utopia, both of whom recently travelled to Geneva to report to the UN on the current lack of recognition of Indigenous rights in this country. The wisdom of the elders gives many a special ability to represent communities in a truthful and traditional way.

Tom Calma and Mick Gooda have the Close the Gap framework and recent experience to reach a diversity of Aboriginal and Torres Strait Islander organisations and interests.

The process could draw on the international legal experience of former Australian of the Year, Professor Mick Dodson and the unifying ability of Professor Lowitja O'Donoghue.

The Indigenous education leader, Dr Chris Sarra, would inspire others to believe that respectful recognition of Indigenous people is one of the foundations of an education system that delivers equality, excellence and aspiration for all our children. A referendum process could be worked through our high-schools and our universities to educate us all on the new possibilities.

Professor Larissa Behrendt's expertise on constitutional law could help inform this process before a referendum. Megan Davis, who was recently appointed as the first Indigenous Australian woman on a UN Advisory Committee, Olga Havnen at the Australian Red Cross, and Lez Malezer who has vast experience on Indigenous human rights laws and covenants, are just some of the many first rate thinkers who could help make this succeed.

If we are going to move towards a new respect we should also expect to see in these Aboriginal deliberations, the figures of controversy and accomplishment, the provocateurs like Noel Pearson, Professor Marcia Langton, former Magistrate, Sue Gordon and Gallarrwuy Yunupingu.

You may smile but in these "remarkable times" there will only be opportunities if we find common ground. It is time to truly bury the Culture Wars.

In the political world and in the contest of ideas there is too much fear and loathing. Fear of difference holds us back from so much that is possible. Overcoming our fears

allows us to see clearly what is for the Common Good, to rise above narrow self-interest and achieve that balancing perspective on what is best for our community, for the entire human family and for all of the children to come. When we overcome our fear of difference we see that the future looks more hopeful, that every day is precious. We can then use every breath to make a real difference.

About now some of you may be thinking that I am romanticising the future possibilities, just as my critics have moaned that when I stress the value of Indigenous knowledge and Culture I am romanticising the past. Curious isn't it? In the Culture Wars you need more than night vision goggles to find the truth. So much of the talk is blindly adversarial. It is almost always negative.

Let me choose my words very carefully now. If we are going to share ideas on common ground we need to speak the truth. There has been enormous deceit and even treachery in the words and actions of some of the main protagonists in what some media have magnified into a great national drama over the future of Aboriginal and Torres Strait Islander people. Let us call these prominent protagonists the "Culture War Warriors".

With a Shakespearean sense of folly some deliver grand orations in the public spotlight and give gripping performances on television. There are endless pages of their ideological ramblings in some newspapers and bucket-loads of bile on their websites.

Over the last decade I have read at least two handfuls of their books and many more published essays, all devoted to an onslaught on the right of Aboriginal and Torres Strait Islander people to their land and Culture.

You have to ask why are so many of these Culture War Warriors so full of loathing for Aboriginal Culture when to everyone else in the world it is what defines us?

This deep scorn for the right to land and Culture is always accompanied by ever so earnest claims of sympathy for long suffering Aboriginal people, especially their children. But I say what is missing from this attack on the right to land and Culture is empathy and evidence. If we are to arrive on common ground and work together for the common good it is empathy and evidence that are essential.

What we rarely see or hear, in Australia at least, is a close examination of how this neo-conservative agenda for what they call "modernizing Indigenous people" in fact tramples Australian law, international covenants we have committed to uphold and even on our egalitarianism, that almost mythical ideal of fairness and equality that we say defines our nationhood. Where is the 'fair go' for Aboriginal and Torres Strait Islander people who want to live on their communal lands and do not want to assimilate or 'renovate' their Cultures?

Some of the most domineering Culture War Warriors insist that the time for communal ownership of Aboriginal land is over, that the world's oldest continuous Cultures must be "redeveloped". What a low grade, wretched euphemism, "Cultural redevelopment". It has the same lashing of poison as the phrase, "tough love". It's as misleading as branding the seizure of 73 remote communities by the federal government as the "Northern Territory Emergency Response".

For over forty years I have travelled widely among Aboriginal people and for most of that time I have heard them describe the urgency of the health emergency that they have been facing. When I left the ABC and joined Sixty Minutes in 1984 the gathering health disaster was my choice as my first story on that program because we could see the genuine emergency people were facing.

Like a bark petition from the elders, I carried their desperate messages asking Government for health care, housing, education and counselling for their children. There have been well over thirty official reports to federal governments setting out what needs to be done to provide health, education and opportunity for all Australian children.

Over all of these years I watched Aboriginal children merely shuffled barefoot from the humpies in the desert camps to sub-standard houses with two-dozen people in them. I saw the 44-gallon drums from which we drank water together replaced by plumbing and sewage systems that are worst than in most war zones. Infant mortality is a little improved in the heartland but I still go to too many funerals. Aboriginal people in this hall know what I am talking about.

While the Culture War Warriors rail against children spending too long out of the classroom during the pain of Sorry Business, why aren't we focussed on the real problems that are killing our fellow citizens years before their time?

I ask you now, who or what is the biggest killer in Aboriginal Australia? Apart from our apathy, it's heart disease of course. The rate among the fallen and forgotten is about five times the rate among the rest of our affluent, well nourished and well cared for population.

A cluster of largely preventable and treatable chronic illnesses, including diabetes, renal disease, strokes, hypertension and heart disease is cutting the heart out of another generation. The loss of life, Culture and wisdom is happening at an astonishing rate. It targets most of the current leadership generation of Aboriginal and Torres Strait Islander people. With so many young people left behind this is deeply disturbing.

I came across this pattern of disease, alienation and oblivion in the Amazon over thirty years ago. The Indigenous population there has crashed from around 5 million when the Portuguese arrived to less than 200,000 Amazonian people.

I don't remember any of the federal politicians who voted for the Intervention talking about the real health emergency. When they launched the takeover it was all about "saving little children" from abuse.

The greatest tragedy in our history is that we keep repeating the same mistakes. When Aboriginal people ask for real help on their terms the Government betrays their trust by treachery. The Government so often creates a worse problem than the one it claims to be fixing. This is surely the case with the Northern Territory Emergency Response.

The viciousness of the Intervention, launched in June 2007 and stumbling on today, is that preposterous Big Lie which says that whole communities of Aboriginal people abuse their children, that Aboriginal parents en masse are incapable and irresponsible, that Aboriginal women cannot responsibly manage their meagre family budget, that Aboriginal men are all wife-beating, child molesting, drunken, apathetic relics of a past hunter-gatherer society that is finished. Let me say it again as I did in August 2007 when the Northern Territory National Emergency Response Act was passed. This is a vicious Big Lie.

While the Culture War Warriors frequently attack others by claiming that people like me romanticise the Aboriginal condition, the contrary is true. The Intervention is based on vicious fantasy.

In 500 pages the Northern Territory Emergency Response Act does not mention “children”. The Intervention was never going to benefit Aboriginal children with the measures recommended by *The Little Children are Sacred Report (2007)* which preceded the federal takeover of 73 communities. The Intervention was based first on a lie and an unlawful and unethical action.

The Howard Government’s opening proposal was that volunteer doctors were being sent into these remote communities to carry out mandatory sexual abuse inspections. Doctors soon pointed out that this was against their sacred oath and also against Australian law. Aboriginal parents had to be consulted. There was no time to say Sorry. The Big Lie machine just switched on again and the Intervention was reworked as health checks, while of course the search went on for the non-existent organised rings of paedophiles.

Howard’s earnest soldier in the field, Indigenous Affairs Minister, Mal Brough, today must feel like George W. Bush, now that everyone knows that there were no weapons of mass destruction left behind in Iraq. There were also no paedophile rings in those remote communities, just violence and despair caused by decades of Government neglect. The truth is the Culture War Warriors are not too troubled about this discrepancy. As that American political strategist, Karl Rove observed, the Government’s spin-doctors can create a new political reality before the public have fully comprehended the old one.

The Northern Territory Emergency Response Act was and still is an unlawful Act, an unjust Act of War against Aboriginal Culture, with a new invasion of Aboriginal lands and a new assault on Aboriginal civil rights and basic human rights. How could this be?

How did we stray so far from common sense and our belief in the common good?

The Intervention’s ideological antecedents are the writings of Peter Sutton, Roger Sandall, Ron Brunton, Keith Windschuttle, Gary Johns and Helen Hughes, whom Noel Pearson calls “that most relentless of Field Marshalls.” It is a revealing choice of words. We are still waiting to hear Noel tell us unequivocally what rank he claims?

Have we ever heard a full and frank admission from anyone who admits to designing the war against the Aboriginal right to land and Culture? The anthropologists and

would be social engineers in this anti-Culture club are politically different. But all arrived at a similar conclusion. What they share on their poisoned common ground is an eagerness to see the animist attachment to Culture and land either ended or profoundly changed.

Peter Sutton's essay, *"The Politics of Suffering"* is almost a decade old but his new book with much the same title and argument has just been honoured with the John Button prize at the Melbourne Writer's Festival. Noel Pearson was on another stage at that festival to deliver the John Button Oration and attack the failures of federal Labour Government. Here is a man who loves the shining flash of words, especially when accusing others of "moral confusion" and "moral vanity". The words keep pouring out like an endless gush of white noise. But Noel are you really trying to raise the performance of so-called political progressives and the Labor Party as you claim or are you trying to inspire and lead Aboriginal people? This is a very serious question. What kind of leadership strategy turns so many of your people against you?

The Pearson Political Plans do have the vigorous support of the Aboriginal scholar, Professor Marcia Langton and a few other prominent advocates of Aboriginal Cultural redevelopment including Warren Mundine and Sue Gordon. Tellingly, Noel Pearson has failed to convince most other Indigenous Australians. Sometimes I am not really sure that he has convinced himself because his outbursts about John Howard for instance have involved extraordinary reversals in human judgement of character and political intent. In the lead-up to the 2007 federal election he was cheering on John Howard whom he once derided. Only last week Noel described himself as "a Labor outsider" but then we read in yesterday's Australian that Tony Abbott allegedly had left open the possibility of a role for Noel Pearson in a Conservative Government. The big "if", of course, was "if and when" Noel could finally back a winning side .

Noel Pearson's politics or personal ambitions are not the issue. Personally, I would like to see him emulate the new West Australian Liberal MP, Ken Wyatt, and openly campaign for an elected role where he would have to listen to his constituents. If you want to be taken more seriously by your people, stand for election in Cape York.

The important point here is that the Pearson Political Plan will not close this space between us. It will not create the common ground.

Over the past forty years I have encountered most of the Indigenous movements in other lands where the pattern of invasion and decimation began in much the same way. The strongest evidence in the Saami lands of Europe or among the First Nations of North America is that more, not less, Cultural autonomy and a strong sense of sovereign control of land, create an essential foundation for progress towards equality. This evidence has been gathered in the *Harvard Project on American Indian Economic Development*. Professor Steven Cornell has presented much of this



evidence here and his American colleague, Professor Joe Kalt, will outline the process to achieve new relationships between Governments and Indigenous people when he addresses Pat Dodson's Dialogue in November.

I have certainly not encountered any First Nations leader who believes that "Cultural redevelopment" or modifying communal land ownership will bring Aboriginal people equality. What unites Indigenous leaders around the world is a burning desire for their people to be respected, resourced properly and then left to make their own share of mistakes and their own progress. This was always the belief of Gary Foley's generation of Land Rights activists. It was also the strongly held position of Galarrwuy Yunupingu in the Northern Territory before the politics and powerplay of 2007.

With the help of Professor Marcia Langton, it was Noel Pearson who persuaded one of the best-known Yolgnu elders to reverse his earlier criticism of the Northern Territory Intervention.

Just weeks before the November 2007 election Galarrwuy Yunupingu flew down to Melbourne Law School and after an introduction by Marcia Langton explained why he was signing over his clan's communal lands under a new form of lease and how he believed this would bring the promised housing, health, education and jobs support. I asked Galarrwuy Yunupingu in front of several others that night why he was willing to surrender to the terms of the Intervention? He said that Noel Pearson had told him that John Howard was going to win the federal election. A respected Aboriginal scholar now deceased asked, "Jeff, you don't think John Howard is going to win this election?" I replied that I was certain the Howard Government was doomed and that it had been one of the most damaging to the rights and progress of Indigenous people.

About two years into the Intervention Galarrwuy Yunupingu changed his mind and condemned it. He said he was reluctantly persuaded to support the rough edges of the Intervention, as he put it, that he had been misled, that it was forced on Aboriginal communities, that it went over the head of most senior leaders, that it had brought "*no new houses, no new roads, no new schools, no change on the ground*", just "*control of people's lives that is driving us crazy*". Pointedly, Galarrwuy Yunupingu said it was this pattern of thrusting leases at the remote communities as the only way to get funding for improved housing that was taking away Aboriginal rights on false pretences.

A few weeks ago at the Garma Festival on the Yolgnu lands, something quite remarkable happened. I was leading a discussion late on the final night of the Garma Conference after we screened the new Aboriginal rights documentary, entitled "OUR GENERATION". Strong and passionate Yolgnu voices, so often ignored, got to their feet to express their pain and sense of betrayal that once more Australian Government had shamed them and abused their rights and beliefs. Timmy Barrawanga from Elcho Island paced the floor in sadness and raged against the hurt inflicted on his people by the Intervention. It was deeply felt and profoundly moving.

One after another the old and wise stood up, some speaking in Yolgnu and some in English. Gulumbu Yunpingu, the older sister of Galarrwuy and Mandawuy Yunpingu, steadied herself on my arm and explained to the hushed audience how all of this politics, this "poison", was so dangerous. Many white people there who lived

in the city expressed dismay that the media had never informed them about the deep-seated and widespread opposition to the Intervention. People sat there and talked from the film's screening at 9pm until 1.30am. It was a window on the wounded hearts of so many Aboriginal people.

I can only say to you that there is no doubt that the Northern Territory Intervention has been the most damaging policy inflicted on Aboriginal and Torres Strait islander people since the policies of the Stolen Generation.

The evidence is in the increase in suicide, violence and alcohol rage under the Intervention.

The Menzies School of Health Research, the Rural Health Alliance and the Australian Indigenous Doctors Association, separately investigated the impact of the Intervention and concluded that whatever extra attention had been brought to these children was far outweighed by the additional trauma inflicted on them. This is part of the historical pattern. Australian Government has often created many of the problems that Indigenous people then have to endure.

Last month, Dr Djiniyini Gondarra and Rosalie Kunoth-Monks travelled to Geneva to report to the United Nations on the failings of successive Australian Governments and the on-going discrimination and damage caused by the Intervention.

The heart of their message was that Aboriginal people were determined to safeguard their languages, law, spirituality and Culture. This was not something negotiable. It was a right upheld in Australian law and in international covenants Australia has claimed to support to outlaw discrimination and racism.

Djiniyini Gondarra explained to the UN Committee on the Elimination of Racial Discrimination that as a selected traditional political leader he was a "Djirrikay", a representative of the Dhurili people, one of the Yolgnu Nations of Arnhem Land.

Importantly, he stressed that while Aboriginal sovereignty is ignored by Australian Government today, while Aboriginal people are "*made to live like slaves to another nation, oppressed under the hands of another law and jurisdiction*", the truth is the Yolgnu and other Aboriginal nations have their own, ancient law.

Djiniyini Gondarra described the first invasion and the new invasion of Aboriginal lands. "*Because.*" he said. "*the Government continues to have their own hidden agenda they create policy to control and manage us*".

Treated "*like a special class of beggars*", he said, Australian Government was violating Aboriginal rights. There had been no genuine consultation with the Aboriginal remote communities before the Intervention and no prior, informed consent was given to this invasion of human rights.

The UN Committee on the Elimination of Racial Discrimination heard a great deal of evidence from others as well, including a lengthy legal assessment delivered by former Chief Justice of the Family Court, the Honourable Professor Alastair Nicholson. It is important to understand how an eminent jurist sees significant

evidence of Australian failure to comply with Law and Human Rights Requirements under Articles 1 & 2.

He is particularly scathing about the federal government's excision of the Racial Discrimination Act. The Intervention legislation is clearly "*discriminatory and racist*" the former Chief Justice says. He also lists failure to gain the consent of Aboriginal People and failure to genuinely consult them.

Rosalie Kunoth Monks from Utopia explained the widespread Aboriginal point of view that the Intervention has been a "*one-way conversation. One way conversation does not mean that you are giving informed consent...*"

Under Article 5, the former Chief Justice presented evidence that the Intervention had not improved the lives of Aboriginal people.

A June 2010 survey of elders indicated that most people believed that there were now fewer jobs and Aboriginal unemployment appeared to be rising around the country.

Under other UN articles, such as the right of Indigenous peoples to establish and control their education systems and to provide education in their own languages, the Intervention was clearly in breach.

Rosalie Kunoth Monk's testimony echoed the findings of the Northern Territory medical services that the holistic sense of health and wellbeing, guaranteed under *Article 14.2 of the UN Declaration on the Rights of Indigenous People*, had been shattered by the Intervention.

As Djiniyini Gondarra put it, "*Healing will not happen if you are still torturing us, taking our land and killing our culture*".

The Australian Government's own reports show that for two years in a row child malnutrition is up despite millions of dollars spent on income management and the discriminatory practice of welfare quarantine cards.

This punitive social engineering aimed at changing behaviour has no evidence of success in any other nation. I made film reports on Canada's wretched experiment with so called "tough love" in Alberta. The United States tried similar punishment of single African-American mothers. The evidence actually shows that the best way to end welfare dependency is positive economic incentive not blanket punishment that shames everyone, including us.

The Intervention logic has been that Aboriginal people in the remote communities should just sign the Emergency leases, five years at first, then maybe forty, or perhaps ninety years of Government control over this Land.

Hold on a minute. Australian Governments have long had the responsibility for building basic housing for these deeply impoverished Australians. There has never been a clear, above board reason to force communities to sign long term leases.

As former Chief Justice Alastair Nicholson has written in a submission to the UN, jointly supported by Michele Harris OAM and Georgina Gartland, of the 'concerned Australians' group,

before 2007 leases of portions of communal land for development or commercial activity were handled by Aboriginal Lands Councils.

In a dramatic change to the Aboriginal Land Rights Act pushed by the Howard Government in 2007 the Traditional Owners lost their direct control over development and township land.

The current Minister for Indigenous Affairs, Jennie Macklin was then in the Federal Opposition and had this to say about this assault on land rights.

*“The Aboriginal Land Rights Act of 1976 was the first and strongest legal recognition of the profound connection that Indigenous people have to their country. It recognized the communal nature of land ownership in Aboriginal law and culture through a form, of freehold title. The Act, back in 1976, represented the most significant set of rights won by Aboriginal people after two centuries of European settlement.”*

Exactly Minister. So let us stop the land grab. Let us stop telling Aboriginal people that the only way that they can get their legal entitlement to adequate shelter is to break up the eternal strength of communal land holdings.

Even with a gun to their head, communities that now sign a lease in desperation to get a few dozen houses if they are lucky, will still watch the Northern Territory Government’s Housing Authority tackle this task. It may be the great Australian Dream but building homes for Indigenous people eludes our Nation. Per capita, we are one of the most affluent nations on earth and yet we allow Aboriginal children to sleep by the dozen on mattresses on the floors of houses crowded with the same number of adults. We allow children to live in homes that have inadequate bathrooms, toilets and kitchens. After three years of the Intervention about a dozen new houses had been built under this debacle.

If you were to have any chance of success in closing such a staggering housing gap, obviously training an adequate local taskforce and utilising locally made materials has to be part of the solution. This has been advocated by the Independent, Bob Katter. Its practicality has been demonstrated by the Jack Thompson Foundation’s housing efforts and by the years of home improvements led by the Director of Health Habitat, Paul Pholeros.

In far flung remote communities housing costs will regularly blow out until local people are employed to truly invest their work in the future of their community. A successful program usually links local needs and strategies with efficient resourcing delivered in a collaborative manner. This is widely absent in the approach of the Intervention.

The UN Rapporteur, James Anaya, after visiting Australia and conducting an impartial investigation concluded that Australian Governments *“should avoid imposing leasing or other arrangements that would undermine indigenous people’s control over their lands.”*

Professor Anaya, one of the world's most respected International human rights lawyers, also concludes that the Northern Territory Intervention remains discriminatory.

The UN Committee in Geneva, addressed by Djiniyini Gondarra and Rosalie Kunoth-Monks, has judged that the Intervention continues to discriminate on the basis of race and that it reduces Aboriginal people's rights to land, property, social security welfare, adequate standards of housing, Cultural development, work and legal remedies.

There is nowhere to hide in the eyes of the world.  
Aboriginal people have broken the great national silence.  
Now we all must listen. I ask you tonight to make a personal commitment to the most important human rights struggle in our nation. Will you walk with Aboriginal and Torres Strait Islander people? Are you ready to meet them on common ground.

Jeff McMullen  
Address in Parramatta Town Hall  
September 8<sup>th</sup> 2010.

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