

# "No security in Acts of Parliament"

In 1978, while working for the Aboriginal Northern Land Council in Darwin, I stayed for a while with the Aboriginal people at Peppimenarti near the Daly River. They would go across the border for ceremonies in Western Australia, leaving the Northern Territory where they lived. They would share their ceremonies with fellow Aborigines, who lived in Western Australia. The people at Peppimenarti owned their land, by freehold title under contemporary Australian law. So did many other Aborigines in the Northern Territory. Yet their fellow Australians across the border, also Aboriginal, did not own any part of Western Australia.

It was an unjust, unequal situ-

ation, within one nation, which was discriminating *between* its Aboriginal citizens, as well as against them. The experience only confirmed all that I had felt when travelling throughout Tasmania, Victoria, NSW, Queensland and the Northern Territory in 1975 and 1976, while working at the Australian National University. In a 4-wheel drive Toyota I had driven and camped in many different places, where Aborigines felt no security as they crossed borders and came under new governments, enforcing different laws, which the governments could change at will by pressing Bills through controlled Parliaments. Somehow, it seemed to me,

By STEWART HARRIS

Aborigines would have to be treated with equal justice wherever they lived. And, when they owned land and when they had been compensated for their dispossession, their status would have to be put firmly beyond the possibility of change, for ever. There must be no retreat.

A treaty, negotiated between equals respecting each other, would surely be able to put the new, acceptable Aboriginal status beyond the reach of even sovereign parliaments. I knew nothing of legal and constitutional niceties. But I knew the need for a strong, enduring instrument.

There is no security for Aboriginal

people in Acts of Parliament.

These are not more than positions won, which have to be constantly defended as attempts are made to retake them, always with numerically superior, majority forces. Defending these positions is a waste of Aboriginal energy, which should be used to go forward and win new positions, without worrying about security in the rear.

So what is needed is an instrument like the track of a cable railway, which allows movement forward but prevents any movement backward, when the engine of progress becomes too weak for the steep climb or breaks down. I still believe that a treaty would be such a track.

## **Aboriginal Treaty Committee Papers**

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