

Fraser's appeal to communities: Tell Federal Government "stuff you!"

"Scullion's lease deal means next four generations won't control their land"

The Federal Government will use its 99 year leases to extinguish Aboriginal culture from Australia by forever severing the cultural link of Aboriginal peoples to their land, a meeting of prominent Australians has warned.

The proposed lease agreement being put forward by the Federal Minister for Indigenous Affairs, Senator Nigel Scullion would take the land for four generations in what former Liberal Prime Minister, Malcolm Fraser described as "virtually secure tenure, so close to freehold that there wasn't really much difference".

Journalist and Master of Ceremonies of the meeting, Jeff McMullen said former Prime Minister Fraser and his predecessor, Gough Whitlam had stood shoulder to shoulder in attempting to bring land justice to Aboriginal peoples.

"Gough Whitlam and Malcolm Fraser and their governments were very clear that in the Land Rights Act of 1976 this was not a piecemeal acknowledgement, this was recognising Aboriginal people were of that land, it was their land for all time," he said.

This was illustrated by Mr Whitlam on August 16, 1975 at Daguragu in the Northern Territory when he poured a handful of Daguragu soil into Vincent Lingiari's hand.

"Vincent Lingiari, I solemnly hand to you these deeds as proof in Australian law that these lands belong to the Gurindji people and I put into your hands part of the earth as a sign that this land will be the possession of you and your children forever," Mr Whitlam said at the time.

Mr Fraser points out that "forever" seems to have had a very brief span under subsequent Federal Governments of both political persuasions.

"Now having achieved land rights Aboriginals are being asked to cede 99 year leases so various developments, various other things can occur that will not be under their control," he said.

Senator Peris joins the fight with plan to seek support of Labor Party to oppose lease plan

Northern Territory Labor Senator Nova Peris will push for the Australian Labor Party Federal Opposition to oppose the Abbott Government's push to introduce 99 year leases in Aboriginal communities.

Senator Peris, the first Aboriginal woman to be elected to the Federal Parliament, said she has consistently said Aboriginal people should not lease their land to government.

"I have consistently said people should not lease their land in this 99 year dodgy deal scheme promoted by the Federal government," she said.

"There are appropriate mechanisms for dealing with Aboriginal land already contained in the Aboriginal Land Rights Act."

Senator Peris agreed with former Victorian Supreme Court Justice Frank Vincent that a 99 year lease was in effect giving up ownership of the land and would in effect extinguish Aboriginal connection to the land because it would remove the land for four generations.

"That's correct, yes," Senator Peris said.

Senator Peris said the lease proposals being put forward by the Federal Indigenous Affairs Minister, Senator Nigel Scullion "were scary".

"That's my view on it. Aboriginal people fought so long for their land, to get it back and then to give it away, that's the scary bit," she said

- Geoff Bagnall.



Concerned Australians meeting on the Federal Government's 99 year lease proposal for Northern Territory communities (left to right): MC and prominent supporter for Indigenous rights, Jeff McMullen; former Prime Minister, Malcolm Fraser; Utopia Elder, Rosalie Kunoth-Monks and former Victorian Supreme Court Justice, Frank Vincent. Image: Geoff Bagnall

By National Indigenous Times reporter Geoff Bagnall



"The argument of course is if people are going to invest they have got to have security of tenure."

Former Supreme Court Justice of the Victorian Supreme Court, Frank Vincent said he believed the only reason for a 99 year lease was to achieve extinguishment. There is no other reason for such a long lease.

"There is almost nothing we do in our human activities which covers that timeframe. We certainly don't do it in relation to any economic planning in our society broadly. That's much, much more confined," he said.

"What we do in relation to property like in Canberra is we say, ultimately this land does belong to the government but you can have practical security forever in relation to it but we've got a residual right over it."

Mr Vincent said there was a clear distinction between 99 year leases in places like Canberra and in Aboriginal communities.

"That's okay in western terms but there is no cultural foundation, no cultural connection with the land that I give away for 99 years," he said.

"That's a dramatically different thing and the first thing that will be effectively given away, in spite of whatever arrangements they put in about consultations and so forth, it will be that cultural linkage, that control, that ultimate sense of responsibility for that land.

"And once you break that and you break it for one generation, you break it for two generations, you break it for three generations, it's gone," Mr Vincent said.

The leases are seen as an attack on the right of Aboriginal peoples to exist by many including Utopia Elder, Rosalie Kunoth-Monks.

"We have a right to exist or co-exist on this land together," she told the meeting.

Ms Kunoth-Monks said the engine room of the charge being led by Senator Scullion was the former FaHCSIA, now the Department of Social Services which is responsible for Indigenous affairs before it transfers to the Department of Prime Minister and Cabinet.

She said the Northern Territory had been flooded by "little blond girls and lawyers, joined by assimilated Aboriginal bureaucrats".

"They are not all white people involved in this. There is also our people, assimilated,

absolutely severed from the knowledge of their cultural background," she said.

"There's our people as well who are being utilised to get the message out there that we are not capable of being human. The brightest of our young people are picked up as spears to use against their own people and that is a shame game."

Malcolm Fraser has appealed to the Indigenous communities to reject the 99 year lease proposal and say to the Federal Government "stuff you" and go it alone.

"This might be naïve but it seems to me there's a way through this that ignores government, which ignores the department of Aboriginal affairs," he said. "Why shouldn't communities that have enough unity, integrity in that community get hold of a sympathetic lawyer, a sympathetic developer to assist them because such people do exist.

"The developers aren't all a lot of robbers and the communities can then define the sorts of developments they think are appropriate for their community. And then you get hold of the developer and ask them what sort of legal arrangement is needed before you can find investors who would build whatever it is that needs to be built, or construct whatever it is that needs to be constructed.

"Why does it have to be done with the department? Why does it have to be done with the government?"

"If you can get one community to do it and then another and they find they can also keep ownership of the land, keep the integrity of the community but still achieve and advance things, then you can just go to the government and say 'stuff you'.

"You'd only need to find one or two communities to achieve this and the rest would follow," he said.

Scullion gives assurance on lease plan

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"Ultimately it will be up to the communities to determine whether they enter into an agreement. I will respect the communities' decision, regardless of the outcome.

"It is important to note that, in my view, the Northern Territory is way ahead in terms of land rights. For example, both the Northern Territory and Australian Governments pay local communities to place government facilities such as police stations and medical centres on their land.

"To me this reflects a respect for the local community. Governments lease land and buildings in major cities to provide these services to the community. Why should it be any different in remote townships?"

"In South Australia, governments, both State and Commonwealth don't make such payments for land used in the provision of services in the APY Lands."

Senator Scullion said it "was great to have the opportunity to speak directly with Yami and Tauto and I appreciated the time they took to sharing their views with me."

"I indicated if they ever have any concerns about the impact on their communities of government activity in the Northern Territory or elsewhere, they can contact me directly. I look forward to meeting both of them to discuss issues of concern to their communities."

Both Mr Lester and Mr Sansbury said they appreciated the phone calls from Senator Scullion.



Senator Nova Peris ... "Aboriginal people fought so long for their land, to get it back and then to give it away, that's the scary bit"