

TUCAR NEWSLETTER

NSW TRADE UNION COMMITTEE ON ABORIGINAL RIGHTS
First Floor, 300 Sussex Street, Sydney 2000. Phone 267 1761

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AUSTRALIAN COUNCIL OF TRADE UNIONS ABORIGINAL AFFAIRS POLICY

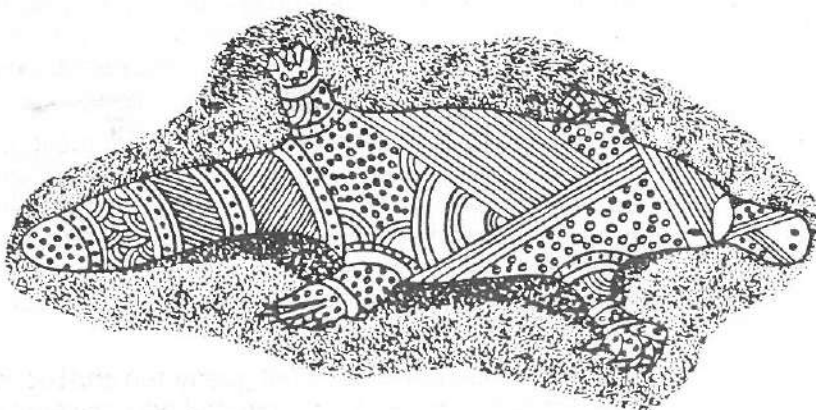
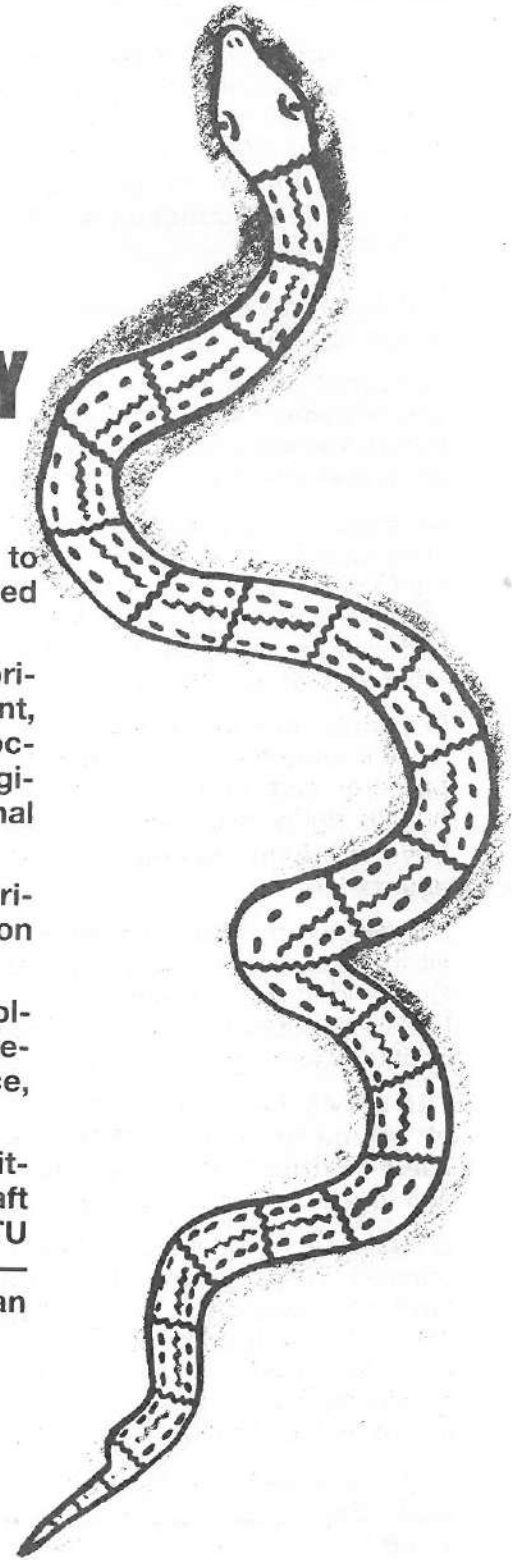
Aboriginal organisations throughout Australia have contributed to the drafting of a new Aboriginal Affairs policy which will be placed before the ACTU Congress in September.

The policy — which draws upon and expands previous ACTU Aboriginal Affairs policy — covers land rights, Aboriginal employment, Aboriginal health, Aboriginal housing, Aboriginal education and vocational training, Aboriginal heritage, Aboriginal legal rights, Aboriginal childcare, Aboriginal organisation, the Bicentennial and National Aborigines Day.

The preamble to the draft policy and the section dealing with Aboriginal land rights are reproduced in this Newsletter for the information of trade unionists and Aboriginal organisations.

The Bicentenary marks the 200th anniversary of the invasion and colonisation of Australia. Will 1988 a year of confrontation or one of reconciliation in which the Aboriginal people at last receive justice, above all their land rights?

In the lead-up to the Bicentenary year, the NSW Trade Union Committee on Aboriginal Rights urges all trade unionists to support this draft Aboriginal Affairs policy and to support its adoption by the ACTU Congress. This is contribution which the trade union movement — which has a long record of support for Aboriginal campaigns — can make to righting the wrongs. We must not miss the opportunity.





ACTU ABORIGINAL AFFAIRS POLICY

A draft Aboriginal Affairs policy, prepared following consultation and agreement among Aboriginal organisations all round Australia, is to be presented to the ACTU Congress for discussion and adoption. Below we reproduce two parts of the draft — the introduction and the section dealing with land rights.

Congress now declares after consideration of previous policy that:-

Aboriginal traditional ownership, occupation, use and enjoyment of the land and territory of Australia should be recognised in accordance with Aboriginal laws, customs, tradition and practices.

Congress recognises that despite the invasion and subsequent colonisation of Australia, Aboriginal rights of ownership, occupation, use and enjoyment of the land and territory of Australia have never been ceded or extinguished in any way by treaty or any other form of agreement.

Congress recognises that the Aboriginal peoples have, in common with all humanity, the right to life, to property and all other internationally recognised human rights and fundamental freedoms; and to freedom from oppression, discrimination and aggression.

Congress recognises that Aboriginal peoples have all the rights recognised in the UN Convention on Civil and Political Rights and the Convention on Economic, Social and Cultural Rights, especially the right contained in Article 1 which points out that:

“All people have the right to self determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

Congress acknowledges that the internationally recognised indigenous rights of Aboriginal peoples have been violated by the invasion, colonisation and settlement of their land and territory. Settlement on the basis of the theory of *terra nullius* and unilateral legislation is not a legitimate basis for the claiming and retention of Aboriginal land by non-Aborigines.

Congress notes that Aboriginal peoples have never ceded their rights and are entitled to the permanent control and enjoyment of their ancestral territories including surface and subsurface rights, inland and coastal waters, renewable and non-renewable resources. Where it is impossible to restore land and territory to the appropriate Aboriginal peoples they are entitled to immediate compensation for the loss of use of their lands and territory without extinction of their pre-existing rights.

Congress recognises that the desire of the Aborigi-

nal peoples to regain possession and control of sacred sites must always be respected and upheld.

Congress notes that although they have never ceded their fundamental indigenous rights, Aboriginal peoples are the subject of discrimination and oppression and in many instances are denied their fundamental human rights.

Congress believes that on the eve of the 200th anniversary of the invasion and occupation of Australia, the Australian Government must act to recognise and entrench the indigenous rights of Aboriginal peoples within the constitutional and legal framework of Australia and the Government must take appropriate steps in accordance with principles of international law to compensate them for their lost lands and territory and for the social and cultural disruption that the invasion and occupation of their lands and territory caused. At the same time the Australian Government should use its powers to redress the discrimination and oppression to which Aboriginal peoples have traditionally been subject.

Congress calls upon its branches and affiliated unions to take greater union action to achieve the following objectives:

LAND RIGHTS

Congress, in accordance with the fundamental principles outlined in the preamble¹ to this policy, endorses the principle of land and territorial rights for Aborigines in recognition of their sovereignty and their indigenous status and as the fundamental basis for their social, economic and cultural development.

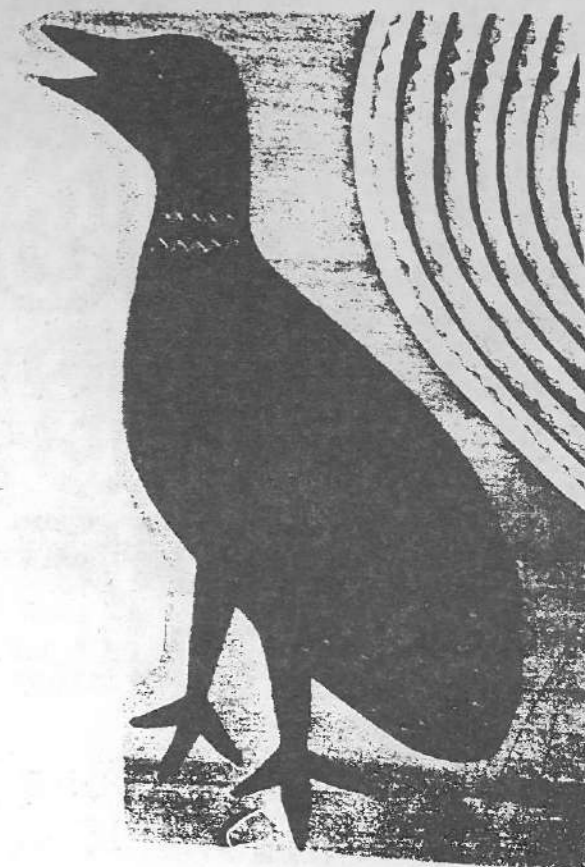
Further, Congress reaffirms its support for the legitimate demands of the Aboriginal peoples to own and control land and territory, to control mining and other economic activities on Aboriginal lands, to protect Aboriginal sacred sites, to receive royalties from economic activities on Aboriginal lands, and to compensation for dispossession.

The Federal Government must guarantee and recognise, through legislation, communal and inalienable

land and territory rights of Aboriginal peoples throughout Australia and recognise Aboriginal sovereign rights and prior ownership of Australia. The legislation must include:

- ★ the right to claim all unalienated land, including public purpose lands;
- ★ the right to control access to Aboriginal land;
- ★ the right to control access to rivers and waterways on or adjacent to Aboriginal land;
- ★ the right to all minerals and resources on Aboriginal land;
- ★ the right to refuse permission for mining and other developments on Aboriginal land;
- ★ the rights to marine resources of the sea and seabed (adjacent to Aboriginal land) up to the limit of Australian jurisdiction;
- ★ the right to negotiate terms and conditions under which developments take place; and the right to statutory mining royalty equivalents;
- ★ the right to compensation for lands and territories lost and for social and cultural disruption;
- ★ the right to convert Aboriginal properties to inalienable freehold title;
- ★ the right to living areas (excisions) on pastoral leases, these areas to be of sufficient size to allow for the development of economic activities and to be made available on the basis of needs and/or traditional or historical affiliation.

All Aboriginal reserves currently occupied by Aboriginal peoples to be granted to Aboriginal people on the basis of occupation, need or historical or traditional affiliation, by way of direct executive action



(eg. as per Schedule 1 land under the Aboriginal Land Rights (Northern Territory) Act, 1976).

In the case of former Aboriginal reserves which are currently vacant Crown land, such land to be granted by way of direct executive action on application from the appropriate Aboriginal groups on the basis of occupation, need or traditional or historical affiliation.

National compensation for lands and territory and for the physical destruction and social and cultural disruption that has been the result of the invasion and two centuries of occupation of Aboriginal land.

National compensation to be paid on a permanent basis to be based on a formula as a percentage of GNP to be agreed on by negotiation between Aboriginal peoples and the Australian Government; such compensation to be in addition to the obligations of Governments to provide Aboriginal Australians with the same level of services as for all other Australians. The negotiations over compensation to be supervised by an internationally respected body acceptable to both parties.

Aboriginal rights of ownership, occupation, use and enjoyment of the land and territory of Australia and the obligation of the Australian Government to pay compensation to Australia's Aboriginal population to be recognised by appropriate amendments to the Australian Constitution.



WE ARE PROTESTING AGAINST ABORIGINAL DEATHS IN CUSTODY



death. He was beaten and bashed by the police, left unconscious in a park and had to be taken to hospital. The week after, three white people went to his house and called him out for a fight. One ran off and came back and fired a shotgun at the house, towards Arthur.

"So we want protection of those witnesses and people who speak out because we want people to come forward to tell the truth about what's been going on.



"Another thing is that for the Royal Commission to be effective and not a whitewash, there must be Aboriginal participation involved in the process. Otherwise it's just going to be a whitewash and something for the political expediency of the Federal Government.

"There's a great fear that the government just wants to be seen to be doing something in view of the Bicentennial year coming up and that it's just for political expediency.

"The way they've approached it at the moment is that there's been minimum — to the point of no — consultation prior to the announcement of the Royal Commission. To our knowledge, there's only been one or two meetings with Aboriginal groups to discuss the issue.

"We're still having national marches and rallies on September 28 and people are asking why we're having them.

The main reason is that although there's been an announcement that a Royal Commission will be held, there's no guarantee that other Aboriginal people won't die in custody leading up to, during and after the commission.

"There was news on the morning of August 28 that a young 19 year old boy was found hanging by a blanket in Long Bay jail. We checked up to see whether he was an Aboriginal lad or not.

"That's one of the things the Committee to Defend Black Rights has been doing — when there has been a non-Aboriginal death, we've sent letters of condolence to the family and linked up the struqaale. The idea is that this

Royal Commission into Aboriginal deaths in custody will bring about changes to prevent non-Aboriginal people dying in custody.

"We're having a meeting with Gerry Hand (*Federal Minister for Aboriginal Affairs*) on September 1 and we'll be putting to him those concerns — about the time, the cost, the terms of reference, the Commissioners, and the monitoring of Aboriginal and non-Aboriginal witnesses.

"But what we'll also be putting to him is for him to provide funds for a national meeting of all the relatives of the victims so that we can co-ordinate things and be quite sure all the concerns of all the families will be met.

"If he doesn't do it, then the Committee to Defend Black Rights will undertake to try and arrange themselves.

"The families are very concerned about all those issues and others. There's a lot of mistrust about State Government involvement among the families — so much so that recently some of them said in the press that they'd boycott the Royal Commission.

"So we want to get all those sorts of issues and discuss them with the families and then present the viewpoints of the families to Gerry Hand.

"Another thing is that we'll be supporting groups like NAILS (National Aboriginal and Islander Legal Services) to be an independent monitoring body on the Royal Commission. At the moment it's just the Commissioner going around collecting evidence and there's nobody to scrutinise the process.

"And we'll be making approaches to international groups to do the same.



Warringu Aborigines and Torres Strait Islander Corporation

WARRINGU SHELTER

In 1982, some Aboriginal and Islander women in Cairns (north Queensland) decided to approach the Federal Government for funds to open a shelter for women and children in crisis situations.

A major problem exists with Aboriginal women — from Hopevale, Mornington Island, Aurukun and other communities in the north — who are stranded in Cairns, sleeping with their children in parks.

A great deal of time, effort and voluntary labour went into fund-raising and for some time an unfunded shelter was run with unpaid labour.

In January 1984, the group became an incorporated company and in February received its first funding — although much of the work still had to be done by volunteers who worked long hours for no pay.

In July, Judith Klimm (former President), Joy Walsh (Secretary) and Nanette Ahmat — three of the founding and charter members — were told they could not give proper service to the corporation. In August they received letters saying they had to leave the shelter and could not do paid or voluntary work there any more.

In August, the President called the police to have the three

women removed and told them that if they set foot on the premises again, they would be arrested.

Between August 1984 and October 1985, the women approached parliamentarians, the Minister for Aboriginal Affairs, the Registrar of Aboriginal Affairs in Canberra and other bodies to try and get the matter settled without going to court.

These efforts failed and since October last year, the Commonwealth Ombudsman has been involved and Nanette Ahmat has begun a legal case.

Judith Klimm said: "One aspect that we have been fighting the last two years, and which we know has worked against us, has been the fact that from the time we got funded until our expulsion and removal by police, our organisation has been interfered with by some staff members from the Cairns office of the Department of Aboriginal Affairs, giving wrong advice and attending committee meetings."

Appealing for support, she went on: "We feel we have been discriminated and victimised for standing up for our rights and principles. In nearly two years it has never left our minds and should we not get some justice, we know we will live with it all our lives."

A comment on the Warringu case

by TUCAR Co-ordinator Kevin Tory

The case of the Aboriginal women who were originally involved in the Warringu shelter in Cairns raises some serious concerns for all Aboriginal organisations throughout Australia.

Nanette Ahmat has contacted TUCAR and is seeking to raise the important question of Aboriginal self-management which is being eroded by government departments.

A lot of hard work by the local Aboriginal and Torres Strait Islander women went into establishing this shelter.

In northern Queensland, many Aboriginal communities are suffering the same difficult problems that are to be found throughout Aboriginal Australia. Cairns is no exception to the divisions which are now affecting many of our communities.

The government is to blame in many cases through lack of consultation with the community. The problem can only be solved at a local level.

It should be quite obvious that government laws and practices are not adequate in solving the sensitive problems in our communities.

When community problems arise, they should be talked out among the people concerned rather than running to authority (white) for direction. Police should never be used to intervene in this area.

The present structure should be reviewed as it needs drastic changes. Self-management does not mean gov-

ernment control and government control does not meet the needs of our communities.

A grass roots structure is badly needed for community support.

Five community women from Cairns (north Queensland) hope to change some of the existing structures by taking their case to court with Black viewpoints and also with Black legal representation.

It is obvious that if the Federal Government had not betrayed its promise to pass national land rights legislation, this dispute would never have taken place. Aboriginal people feel very insecure when they do not have their land because community strength lies in their links with the land, both spiritually and economically.

These questions and other community issues will be raised at the next meeting of the National Coalition of Aboriginal Organisations. And we hope that other women will bring their issues into the open.

In conclusion, we support strong community-based organisations and changes to meet the needs of Aboriginal and Torres Strait Islander people in north Queensland.

If you can give help, please write and/or send donations to:

Mrs N Ahmat
23 Warner Street, Manunda, CAIRNS 4870.

The March



The March across Australia for Justice, Freedom and Hope

What is "The March"?

It is a march across Australia to highlight one of Australia's greatest problems.

Who can participate in it?

All people - Aboriginal and non Aboriginal - who feel the "system" in Australia is unjust and working against those on the lower rungs of the social ladder, are invited to participate.

When does it start?

Launched nationally on 4 July 1987, the march starts anytime from now but is designed to arrive in Sydney by 26 January 1988.

What does it hope to achieve?

It hopes to highlight the plight of Aboriginal people in this country;

- * give international exposure of both State and Federal governments dealings in Aboriginal affairs over the past 200 years;
- * bring together the Aboriginal people in their struggle for freedom, justice and hope, symbolised in the Aboriginal flag;
- * promote and enhance, strengthen and maintain our aboriginality;
- * build a better community and heal the hurts of the past.

Who is organising the March?

A special committee has been established from Aboriginal church and community leaders co-ordinating with regions throughout Australia.

How you can help?

By participating in the march when it passes through your district.

By forwarding an urgent financial donation. If everyone who receives one of these pamphlets (and we have printed 150,000) was to forward a minimum of \$2, we would just about have enough money to cover most of the expenses of this national march.

By seeing that your local church buildings could be made available to marchers for accommodation, meals, services and/or public meetings.

By making sure you are on our mailing list to receive a copy of the "March Update".

By approaching local media and obtaining publicity on the march as well as by spreading the word and information about the march.

What will happen in Sydney?

It is planned to hold public rallies and protest meetings against the misguided paternalism and shameful neglect of Aboriginal people over the past 200 years.

Any other plans?

In May 1988, it is planned to again march, this time on Canberra, aiming to be in time for the opening of the new Parliament House.

More protest rallies have been planned for this time.

Will anyone be coming from overseas?

Invitations have been forwarded to several overseas guests such as Rev Jesse Jackson, Mrs Winnie Mandla, Rev Dr Allan Boesak and Rev Stan Mackay.

Please direct your enquiries to:



The March '88 Committee
 UAICC
 5th Floor, 222 Pitt Street
 Sydney NSW 2000
 Phone: (02) 287 0900

UPDATE ON KAVA

In the last issue of the TUCAR NEWSLETTER, we reported on the deep concern among Aboriginal organisations, particularly in the north of Australia, about kava. To keep our readers informed on the problem, here are the latest developments.

Land Councils and other Aboriginal organisations are still trying to put a stop to the consumption of kava in communities in the Kimberleys and the Northern Territory.

Despite many protests, kava is still being imported in powder form and in large quantities, and its harmful effects are clearly increased by the various other substances which are being added before it is drunk.

When kava is imported into Australia, it is categorised as a food, not as a drug.

Following consultation with a number of Aboriginal organisations and trade unions, the NSW Trade Union Committee on Aboriginal Rights has decided to take the following steps:

★ To seek information on the chemical composition and

short-and long-term effects of kava from Workers' Health Centres and State and Federal Health Departments.

★ To establish, with the assistance of the relevant trade unions, which ports in Australia are being used for the import of kava.

★ To seek to have the matter raised at the ACTU Congress in the hope that the relevant waterfront and other unions will impose a ban on the import of kava into Australia until government action is taken.

★ To raise the matter with the Federal Minister for Aboriginal Affairs, seeking to get Federal Government agreement to change the categorisation of kava from a food to a drug and then to pass appropriate legislation banning its import into Australia.

If you can provide any information or assist in any way with this campaign, please contact KEVIN TORY at TUCAR on (02) 267 1761.

Royal Commission on Black deaths in custody

Committee to Defend Black Rights view

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Four years ago, after the death of JOHN PAT in custody, the Committee to Defend Black Rights (CDBR) took up the call for a Royal Commission on Aboriginal deaths in police and prison custody. The Committee drew Aborigines and non-Aborigines, members of the legal profession, trade unionists, church groups and many other organisations and individuals into a sustained and highly effective campaign. Most of the credit for the Federal Government's recent announcement of a Royal Commission to inquire into the deaths of Aborigines in police and prison custody must go to the Committee to Defend Black Rights. One of the CDBR's leading figures, Aboriginal activist HELEN BOYLE, told the Trade Union Committee on Aboriginal Rights how the Committee views the government's decision.

"Our position at the moment is that we welcome the government's announcement that a Federal Royal Commission will be held. However, there are issues of concern to us regarding that recent announcement.

"The sorts of issues that are of concern to us at the moment include the terms of reference. The terms of reference at the moment are too narrow. At the most, all the Royal Commission can achieve is an update of existing coronial enquiries.

"It won't give us any ideas, for example, of who killed Eddie Murray since the coroner decided he was killed by a person or persons unknown.

"So we want the terms of reference broadened. But we have to strike a balance somewhere because the police also want the terms of reference broadened. Their reasons are different of course in that they would like the focus shifted away from the police. That's something we have to negotiate with the government.

"Another issue of concern to us is the cost of the Royal Commission. If we go by recent announcements by the Prime Minister, he's saying he wants this Royal Commission not to have 'unnecessary expenses'.

"That's an insult to Aboriginal people. We want clarification of what he means by an 'unnecessary' expense in view of the fact that they spent \$6 million on the Azaria Chamberlain case, on one baby, and we've got over 44 plus on record.

"Another issue of concern is the duration of the Royal Commission. Once again, going by the early announcements, it looks as though if it's going to be for ten months.

"But in the Eddie Murray case, for example, it took us a long time, about four months, to do a legal search for documents. If Aboriginal families are in that situation, the bulk of the time for the Royal Commission will be gone before people even get their legal documents.

"So we're concerned about the time limit and we've asked the Federal Government at this initial stage that no time limit be put on the commission.

"We've also asked them for regular interim reports, above every three months, to the public on how the Royal Commission is going.

"The other issue of concern to us was the Commissioner. We wanted to be involved in the decision about the appointment of the Commissioner or Commissioners. We haven't had that opportunity and Justice Muirhead was appointed. But we don't know who the assessors are who'll be working with him.

"Another issue of concern to us is the protection of Aboriginal and non-Aboriginal witnesses who'll be giving information to the Royal Commission.



"What we'd like to see is some type of monitoring system established where the government tables in Federal Parliament — 12 months after the release of the commission's findings — what's happened to the Aboriginal and non-Aboriginal witnesses. After about another five years, the same process should happen with another report tabled in Federal Parliament.

"We think this is important because our experiences with the families we've worked with is that a lot of people have suffered harassment and physical violence towards them from the police and also from white racist groups.

"One example that comes to mind is Arthur Murray. He's one of the people who spoke out about the Brewarrina

AUSTRALIA BEYOND THE BASES

COME AND JOIN US IN
ALICE SPRINGS.

14th - 15th OCT 87

DAY 1: AUSTRALIA & THE PACIFIC

- Indigenous peoples struggles
- Towards a nuclear-free Pacific.

DAY 2: AUSTRALIA IN A NUCLEAR FREE ASIAN REGION.

- Alternative foreign & defense policies.
- Economic issues & trade.

SPEAKERS INCLUDE: Sen Jo Vallentine, John Halfpenny, Margaret Clark, Nancy Shelley, Richard Tanter, Karen Flick, Joy Balazo, Marcia Langton



ARALUEN ARTS CENTRE 6:30 - 10:30 PM



FURTHER CONTACT: AUSTRALIAN ANTI-BASE CAMPAIGN COALITION: (02) 267-1761
ALICE SPRINGS PEACE GROUP (089) 52-6782.

CHILD-CARE AVAILABLE