

Native Title an Act too hard to follow



Anne Poelina

transport, particularly coal seam gas is having on established and potential industries. Mr Jones makes the argument for farmers to have the right to 'lock the gate' which is effectively the same as Aboriginal peoples call for the right to 'veto' mining on their land. There is a common need to protect our water, food and job security into the future.

The opportunity to coexist and co-manage with pastoralist, graziers and agriculturalist has not been seriously considered. There are far more Indigenous jobs in the culture and conservation green collar industries such as wild harvest bush foods and medicine, land care, rangers and tourism these enterprises require serious investment as they are more sustainable and produce greater national ecosystem services, social and cultural benefits than mining.

The current worldwide financial crisis demonstrates the rampant pursuit of growth and globalisation has greatly improved the lives of a few wealthy investors at the expense of other lives, mainly Indigenous people from around the world.

The largest and most aggressive resource development companies in the world are based in Australia and they are responsible for the majority of environmental catastrophes around the world. The Australian Government is allowing these same corporations to invade, occupy and destroy Aboriginal land, water and people.

Many Aboriginal people are not aware of their rights under United Nations conventions which say they can never be forced to trade their country for basic human rights like health, education and housing and have an absolute right to say no to such deals. Instead, they are being told they have no choice.

The Native Title Act 1993 provides no security for Aboriginal people to protect their land, health, culture and sustainable economic development.

The first thing Traditional Owners are told in mining negotiations from our native title representative body is, "you have no 'veto' so you can't say no, so start negotiating". The process has steered Aboriginal people down the funnel without any genuine opportunity to discuss the issues regarding the pro and cons associated with mining. Mining deals are being pushed onto Aboriginal people who are forced to make decisions without free, prior and informed consent.

I have clear evidence of instructions from

traditional Owner clients being ignored by a Native Title representative body. Furthermore, Elders who cannot read and right are being coerced into signing agreements.

Traditional Owners have an absolute right and responsibility to protect our ancestral lands and waters. Government policies are forcing us to move away from our traditional homelands and make it look like nobody cares about the country, to further entrench the myth that the land is empty.

We have a duty of care to look after the environment. Who talks for the river, who talks for the fish and the animals? It is our job to do the right thing now for current and future generations of all Australians. We have a shared heritage and we need to look after this country, as Lucy Marshall says "shoulder to shoulder, black and white together".

There are so many serious challenges for Aboriginal people yet federal and state/territory governments continually fail to look beyond their own selfish interests.

The Council Of Australian Government has failed to deliver meaning outcomes because the only things governments appear to do is focus on is mining and bullying us into giving up the last of our identity and freedom.

Every which way you look at it the governments are bullying us into mining. All the rules, all the laws, all the policies; are designed to take our rights away and force us into dangerous short term mining ventures which have produced limited changes to indicators of wellness and wealth.

All levels of government are working as direct partners with these multinational companies to send the majority of our wealth



Dr Anne Poelina talking with the gathering at the Walmadany Camp at its official opening of the Tent Embassy in September 2011.

Image: Damien Kelly

overseas. According to Senator Bob Brown 83% of the resource profit goes to international investors. These profits are derived from the destruction of our food and job security, lands and waters all of which is eroding our human rights as Australians to economic participation and personal and community well being.

There are hundreds of millions of government dollars going into mining development and the best Aboriginal people can do is to negotiate for some crumbs from a mining deal.

Surely as 2011 draws to a close, we can come up with an equitable way of sharing these resources between all of the partners and be proud of world's better practice, with a win-win for the environment, corporate sector, governments and not least of all Traditional Owners.

We have not been given any alternatives to mining in order to improve our local economy. The federal economic policy around Native Title is "get a mine and close the gap".

I am not against resource development if it can be done in an ethical and responsible process however if the science is not certain of the safety and the cultural issues are not resolved then Traditional Owners must have the right to veto mining on their land.

Without these powers, Native Title will remain an Act too hard to follow.



Phillip Roe, Joseph Roe and Richard Hunter – Walmadany traditional law custodians. Image: Damien Kelly