

NAIDOC WEEK

‘concerned Australians’

July 7, 2013

Still Supporting Yolngu in Their Fight for Rights

‘concerned Australians’ welcomes NAIDOC Week and the celebration of the history, culture and achievements of the Aboriginal and Torres Island communities.

The theme this year focuses on the 50th anniversary of the presentation of the Yirrkala Bark Petition to the Federal Parliament by the Yolngu people of North Eastern Arnhem Land and signed by thirteen clan leaders in 1963.

This traditional petition was a catalyst to legislative and constitutional reform that led to the granting of important rights to Aboriginal Peoples of Australia.

Sadly much work is still waiting to be done. The unfortunate introduction of the Intervention into the Northern Territory in 2007 has cruelly interrupted the difficult progress towards self-determination, a right of all Aboriginal peoples. It has had the result of disempowering communities, undermining their rights and has caused great harm.

In April last year there were calls from numerous organisations from across the country in support of a statement from Yolngu Nations which amongst other things, called on

“ both the Australian Federal Government and the Northern Territory Government to end their interventionist policies and agendas, and return to a mindset of partnership based on the principles of Self-Determination.”

While scrutiny of the Stronger Futures legislation when initially requested by the First Nations Congress was denied by the Minister for Aboriginal Affairs, Jenny Macklin and the then Attorney General, Nicola Roxon, this process has now been completed.

The report from the Parliamentary Joint Committee on Human Rights that was released last week has cast doubt over the Government’s consultation process with Aboriginal peoples of the Northern Territory and consequently, the integrity of the ‘Special Measures’ central to the legislation.

It states that, *“despite the evident efforts by government to consult with affected communities, the process appeared to have fallen short of what was required for a genuine process of consultation with the communities carried out in a culturally appropriate and sensitive way concerned.”*

And further,

“The committee notes that the government has not provided a detailed explanation of why the Stronger Futures measures can be legitimately viewed as 'special measures' under international law; it has merely asserted that it is its 'policy intention' that it is so.”

The report has recommended a review of the legislation. It is clear that the committee has not been persuaded that the legislation, in its current form, is able to comply with relevant human rights treaties. This week as we think back to the original bark petition, we should give determined focus to the recent call from Yolngu people and *“return to a mindset of partnership based on the principles of Self-Determination.”*

It is well and truly time to move on from the disempowerment of the Intervention and to start afresh in the spirit of true partnership with Aboriginal leaders from communities based in the spirit of justice.