

Launch Address of Mr Tom Calma

**Aboriginal and Torres Strait Islander Social Justice Commissioner
Human Rights and Equal Opportunity Commission**

at the launch of the

**Australian Catholic Bishops'
2006 Social Justice Sunday Statement**

***The Heart of Our Country:
Dignity and justice for our Indigenous sisters and brothers***

**14 September 2006
Reconciliation Church, La Perouse, Sydney**

Good morning everyone; I would like to begin by acknowledging the Gadigal people of the Eora Nation, the Traditional Owners and custodians of the land where we are gathered today. And Aunty Elsie, I pay my respects to you, Aunty Gloria, Uncle Roy and to other Gadigal elders and family and to the many friends here today. I would also like to acknowledge Bishop Chris Saunders, Father Brian McCoy and Mr. John Ferguson.

It is my great honor to launch the *2006 Social Justice Sunday Statement: The Heart of Our Country, Dignity and Justice for Our Indigenous Sisters and Brothers*.

Let me summarise the themes of this statement which were the themes of Pope John Paul II's speech twenty years ago:

- Respect for, and preservation of Aboriginal and Torres Strait Islander culture,
- Acknowledgement of the points of connection between different belief systems,
- Preservation and respect for land and land rights, and
- The need for true reconciliation with Aboriginal and Torres Strait Islander peoples.

These four themes are profound and visionary and are as relevant today as they were when Pope John Paul II addressed people in Alice Springs. And I am not sure whether to be dismayed or heartened that these themes require the same commitment in 2006 as they did in 1986.

Some things have changed, some have improved, and some require our continued vigilance.

I know for example that over the last twenty years the Australian population has improved its understanding of Indigenous culture and history. While not easily measurable, I think there is much good will amongst the wider Australian society and commitment to developing good relations with my people. I know that politicians and social commentators, in the main, have a more sophisticated language and understanding of Indigenous perspectives and Indigenous issues.

The reconciliation movement has been powerful since Pope John Paul's speech. Australians across the nation walked for reconciliation in great numbers. It was a time of inspiration. In hindsight, I wonder if we could have capitalised more fully on that passion and optimism.

These things are hard to measure, but I am concerned that there is a diminishing optimism, both within my community; the Aboriginal community, and throughout the wider Australian population. I hope this is not the case, and it is why I particularly welcome the social justice statement of the Australian Catholic Bishops at this time – it is inspiring and necessary.

If we reflect on any progress to address Pope John Paul II's messages from Alice Springs, it seems to me that we have won a bit and we have lost a bit. Some of us here might call it mixed blessings.

I have a strong sense that it is time to reinvigorate – find our commitment, our energy and continue to build the bridges between black and white. We need to not only bridge the gaps of understanding; we need to bridge the gap in life opportunities. I would like to see a time when there is no difference in the statistics that represent Indigenous and non-Indigenous social determinants.

And we need to concentrate on the children.

There are ever more disturbing stories in the media – and no one needs reminding that all children require and deserve the very best start to life.

The health and well-being of the child begins with the mother, and the child's development is dependent on a healthy gestation period and access to appropriate nutrition, social and emotional care and educational opportunities. The first years are critical to the social, emotional, educational and physical well being of the child.

And as Pope John Paul II rightly indicated, preservation of culture is one essential component of social justice. Preservation of culture through school education provides the basis for reinforcing the knowledge systems of the child. School should not be a foreign environment, but rather one that is welcoming, and one that emphasises what is already known to the child.

I was recently at the Garma festival in north east Arnhem land where Mr. Tobias Nganbe, the co-Principal of our Lady of the Sacred Heart School at Wadeye described his school's commitment to bilingual education. As one of a number of Catholic schools that support bilingual and bicultural educational, I commend the Catholic educators across Australia for their ongoing commitment to this approach.

International human rights standards protect Indigenous peoples' right to culture and language. Article 27 of the International Convention on Civil and Political Rights provides that: minorities shall not be denied the right... to enjoy their own culture... or to use their own language. ...

The benefits of bilingual approaches to Aboriginal children are not only in the preservation of the first culture and languages, there is an emerging body of evidence that indicates that this approach buttresses English literacy development in children for whom English is not the first language. This is an important finding as it goes back to closing the gap in social determinant outcomes.

Pope John Paul II's message to preserve the fragile environment and to continue the work of Indigenous people in the care of the land is another area where there has been some cause for celebration and some cause for concern.

While Indigenous people continue to exercise their human rights to their ancestral lands and while there has been some slow progress in reaching land agreements through native title, I have concerns about the recent amendments to the Northern Territory Land Rights Act and what this might mean in other jurisdictions.

There is a strong federal government push to take control over communities on Indigenous land by taking out 99 year leases over larger Indigenous townships. At the same time, the government is also describing homelands – smaller Aboriginal outstations – as cultural museums. It seems that the government will work to control and centralise (and perhaps privatise) services in large communities while withdrawing services to smaller communities that it considers unviable. This is a social justice issue, and a human rights issue and we must not stand by and let this happen unchallenged.

But leaving to one side the homelands issue, I want to talk about the leases on larger communities. The government claims that there are no real problems with 99

year leases because they can only be implemented with the consent of Traditional Owners. Well here are three big problems I see regarding their approach to consent:

One: under the amendments Traditional Owners will be offered financial incentives – by way of rental on their land. Traditional Owners living in reduced economic circumstances may be tempted by short term financial gains to make decisions that will have lasting consequences for more than four generations. They are also not being told about the consequences of leasing or the implications of taking out a loan to purchase a house on the leased land.

Two: 99 years is a long time. It means that Traditional Owners today are giving consent for those of the next generation, and the one after, and the one after and the one after My feeling too, is that once in place these 99 year leases will be renewed over and over, and in effect, Indigenous lands will be alienated from the Traditional Owners for all time. In fact, Traditional Owners who lease their lands for 99 years will potentially have less rights of access to their traditional lands than they might enjoy under a Native Title ILUA or a pastoral lease, and

Three: the changes to the legislation have not been discussed with Traditional Owners. In fact, the lease provision was slipped into the legislation at a late stage and there has been no discussion and no specific or detailed information provided to Indigenous people in the Northern Territory as to what these leases mean.

So what might they mean in real terms? A Northern Territory CLP MP has alluded to the fact that it might mean a McDonald's or an Irish theme pub In effect, this could result in the slow creep of cultural and economic imperialism throughout remote Australia and is especially concerning with the Minister for Indigenous Affairs current whim to abolish the permit system that controls access onto and protects the rights of those living on Aboriginal lands in the NT.

Perhaps there is a concern number four: while 99 year leases have not been effected through the legislation yet, covert meetings have been had with Traditional

Owners to set up heads of agreement. To my knowledge these meetings are happening between senior government bureaucrats and Traditional Owners who have no independent legal representation or independent scrutinisers. We would not enter into any land leasing or purchasing agreement in wider Australian society without the protection of a professional conveyancing agent so why does government not afford the same support or right to Indigenous land owners.

And maybe there is even a number five: the Government's stated intention for amendments to land rights is to open up economic development opportunities for Indigenous people. I can only see that it will do the opposite unless it is managed strategically and sensitively and with protections for Aboriginal peoples. There is great potential for exploitation of Indigenous communities and I can see non-Indigenous business rubbing its hands together with the prospects of the money that can be made.

So I hold some fears for the preservation of the fragile environment – the environment that sustains my people.

Pope John Paul II was right when he said that the way forward **is to find points of agreement between... people**. I know that the Australian Catholic Social Justice Council is committed to working for justice for my people and to finding the connections between Indigenous and non-Indigenous people. We are here today because we see the importance of justice and we are prepared to take action to ensure that there is true social justice for Aboriginal and Torres Strait Islander peoples, now and into the future. Importantly, **we sometimes have to look to the past to assist us with the present and the future**. Pope John Paul II's statements from 20 years ago give us that direction.

The 2006 Social Justice Sunday Statement is one important step forward. I commend *The Heart of Our Country, Dignity and Justice for Our Indigenous Sisters and Brothers* to you and especially draw your attention to the "What else can we do"

section of the statement, and I commit to work with you to achieve dignity and justice for my Indigenous brothers and sisters.

Thank you, God bless and let's all stand strong in *our struggle for equality and justice for all.*