

Native Title Amendment (Indigenous Land Use Agreements) Bill 2017 [Provisions]

Thank you for allowing me to send in correspondence in relation to this bill. I write this a proud Noongar person.

This bill represents a blow to the Aboriginal and Torres Strait Islander peoples of Australia, its retroactive provisions are a national disgrace.

The Noongar Land deal has been done in such a way to ensure that it occurs without the consent of the Noongar people. The deal itself is little more than a scam and will be view by future generations in the same light as the original declaration in 1788 that Australia was English land.

In 2012 Noongar, elder Richard Wilkes says it will not benefit the majority.

"It's a sham. The State Government really, in many ways, is offering us peanuts," he said.

He says it does not offer Aboriginal people anything they do not already have, other than the money, which he says is a pittance.

"We don't want to give it away because it belonged to us for 40,000 years or more and was given to us by the Dreamtime spirits," he said.

"We are the present owners of the land and we cannot cede that land because it's not ours to give away, because it's for our families in the future who are coming along."

When you consider that there are approximately 40,000 Noongar people in Australia, approximately 30,000 are over the age of 18. Of these only 1578 voters were registered to vote at the six meetings and of this 926 voted yes and 652 voted no. It is believed that many people voted multiple times, making the number of people involved somewhere between 500 and 1000 people.

The Government of Western Australia deliberately set up a process where in the 21st century within a democratic country, democracy was thrown out the window.

This is in complete disregard for the United Nations Declaration on the Rights of Indigenous Peoples,

Article 19

“States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.”

There was no good faith involved in this process. This was little more than getting less than 2.5% of the Noongar population to vote in an undemocratic process to get what the WA government wanted.

Now that this sham has been stopped by the full bench of the Federal court. The Federal government now wish to change the law to suit themselves.

You wonder why the gap is not closing, when the Aboriginal people have a victory using the courts of this country you want to retrospectively change the laws so you cannot lose.

You might as well put up a sign in the classrooms attended by all Aboriginal and Torres Strait Islander children, that reads “Should any person of Aboriginal and Torres Islander decent ever think they can win, we will change the rules to ensure you lose.”

This bill is against the Noongar people’s basic human rights,

Article 7 of the Declaration of Human Rights.

“All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.”

This bill crushes the Human Rights of the Noongar people. The Noongar people are not being entitled to equal protection of the law. The very fact that you are changing this law retrospectively to disadvantage them shows that their human rights are being violated.

In all honesty you may as well burn the Native Title act as it has become little more than a tool of oppression, which you are willing to alter to suit yourselves and will be seen by future generations in the same light as Terra Nullius is today.

In closing I would like to quote Senator IAN MACDONLAND from the 16th of February 2017.

Senator IAN MACDONLAND (Queensland) (12:13): “In opposing the retrospective parts of this legislation, I at least remain true to Liberal principles and to the principles of my party in fierce opposition to any retrospective legislation, no matter how popular the cause might be on any particular occasion or in the media cycle at this point in time.

Retrospective legislation is never good law. Indeed, the Legislation Handbook, issued to ministers by the Department of the Prime Minister and Cabinet, says this:

Provisions that have a retrospective operation adversely affecting rights or imposing liabilities are to be included only in exceptional circumstances and on explicit policy authority ...

Retrospective laws have been described in the Federal Law Review as 'unjust, undemocratic, unreliable and contrary to human rights, individual autonomy, the rule of law and the Constitution'. The legislative principle often articulated is that persons and citizens are entitled to regulate their affairs on the assumption that their current circumstances are settled. That is why I have never consciously supported legislation that was retrospective in a serious way.”

Senator IAN MACDONLAND later went on to say:

“In closing, can I again emphasise my total opposition to any retrospective legislation. If I am the only one in this parliament that believes retrospective legislation is bad, can I then ask the other parliamentarians, in the cause of consistency, to at least ensure that the ban of the Life Gold Pass applies to every single former politician and does not exempt some.”