

# ALSWA



July 1998 No.11

**MIXED REACTION TO ALSWA'S POLITICAL CHALLENGE:**

## DEMOCRATS, ALP, GREENS PLEDGE SUPPORT - CONSERVATIVES DECLINE

An ALSWA 'election 98' questionnaire, distributed to members of the Senate and House of Representatives, has elicited a lukewarm response. The questionnaire sought responses to a series of questions designed to determine attitudes to Aboriginal Affairs issues in the approach to a Federal election.

Notably, Greens WA Senator Dee Margetts, Democrats Senator Natasha Scott Despoja and Queensland ALP Senator Margaret Reynolds were the only politicians to provide comprehensive and carefully considered responses to each of the 10 questions asked. Apart from these, responses were general, and in a number of instances, patronising or offensive.

While many of the respondent politicians took the trouble to write personal responses, Labor politicians generally opted to re-

spond identically with a prepared party statement. Some politicians across the spectrum chose to send in relevant copies of Hansard, media releases, or speeches, to indicate their attitudes on specific issues. Of the 76 senators in Australia, only 15

responded – one Green WA, two Democrat, four Liberal and eight ALP. Of the 158 members of the House of Representatives, only 26 responded – two independents, four National Party, seven Liberal, and 14 ALP. (contin. p3)



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The Community Justice Response Network met recently at the Perth ALSWA office. From left to right are ALSWA PLO David Imlah, Police Liaison Unit Officers Peter Bellottie and John Kitchin, Deaths in Custody Watch Committee's Glenn Shaw, ALSWA CEO Dennis Eggington, and (seated) Pam Walsh of the Police Minister's Council and Bill Milroy from the Ministry of Justice.

(see story on page four)



# What price Native Title?

by Land and Heritage Executive Officer Glenn Shaw

The future of Native Title for Indigenous people is once again firmly placed on the political agenda, both at State and Federal level.

In the last few weeks we have seen two major discussions about Native Title take place in Canberra. The first was a meeting of the National Indigenous Working Group on Native Title, and second was the media reports that Senator Brian Harradine was making a deal with the Federal Government in an attempt to avert a double dissolution election.

The first meeting, held by the National Indigenous Working Group on Native Title, was to inform members that there had been approaches to some Aboriginal people to see if there was a possibility of some sort of treaty being developed between the Aboriginal community and the Federal Government. On the surface this could seem a very positive idea, but when one looks at the details of the proposal, it raises concerns about what the real agenda is.

The informal discussions centered around a process whereby the Aboriginal and Torres Strait Islander communities throughout the country could potentially receive financial benefits, if they were prepared to limit their Native Title rights, and subsequently, applications for determinations on Native Title.

Some of the things discussed were: recognition of Aboriginal and Torres Strait Islander rights in the Constitution of Australia; a possible financial fund being established with a percentage of the Gross Domestic Product (GDP); allocation of designated Aboriginal and Torres Strait Islander seats within the Federal Parliament; and the list goes on.

Essentially they were asking '*What price do you put on Native Title?*', and the response was that Native Title was not for sale and we could not enter into a process of discussing such things as a treaty with the Federal Government or anyone else, until we had feedback from our communities. To take any action at all would not be in the best interests of Aboriginal or Torres Strait Islander peoples.

## STAFF PROFILE



Solicitor Erin Palandri has recently joined ALSWA's Representative Body/Land and Heritage Unit. Erin has experience in the area of Native Title as she worked on the Yorta Yorta claim in Canberra. She feels ALSWA has a helpful and friendly work environment.

The second deal was the capitulation by Senator Harradine to the Federal Government in a misguided attempt to stop a double dissolution election.

His only defence for the obvious sell-out of Aboriginal and Torres Strait Islander rights was that he did not want One Nation to have the balance of power in the Senate.

Some say his move was a good one. However, at what point do you allow for the removal of Aboriginal and Torres Strait Islander peoples' rights in attempting to change political process?

The limited information from sources in Canberra was that Senator Harradine was prepared to further reduce the right to negotiate on mining on pastoral leases, and that the right to negotiate would only apply for high-level ground-disturbing acts. This means that the right to negotiate would not automatically apply to all facets of exploration.

That is clearly a reduction of the right Aboriginal people currently hold under the Native Title Act, and is unacceptable. We now need to ask "When looking at the future of Native Title, is there such a thing as a good deal?"

(for newspaper report see page 11)



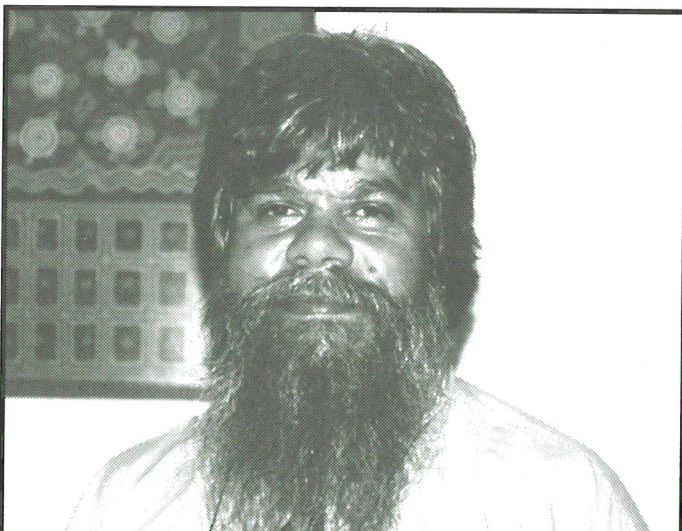
## WILKES: Harradine the Benedict Arnold of Australian politics

ALSWA President Ted Wilkes has criticised Senator Harradine for selling-out on the right of Aboriginal people to negotiate on pastoral leases. He said the senator had betrayed those who trusted him, and had set the scene for lengthy and expensive litigation in the High Court. Senator Harradine's backflip on the right to negotiate meant he would be remembered by history as the 'Benedict Arnold' of the Australian political scene.

Senator Harradine had set aside his moral obligation to Aboriginal people and his professed Christian concern for Aboriginal rights, for cold political expediency and personal gain. His motivation was simply to maintain his balance of power in the Senate by avoiding a double dissolution election that would have seen One Nation candidates take Senate seats.

Mr Wilkes said the Senator's bleating about the 'dangers' of a race-based election for Aboriginal Australia was hypocritical, given that his latest turnaround would bequeath the country a long, acrimonious and very costly High Court battle as Aboriginal people abandoned political means in favour of a judicial fight for rights.

Regardless of the Senator's betrayal, Aboriginal people would prevail, by whatever means necessary.



ALSWA President Ted Wilkes

## POLITICIANS RESPOND

(from page one)

Two Liberal members returned the questionnaire unopened. Among the responses, those of Graeme Campbell (Independent MHR Kalgoorlie), Chris Gallus (Liberal MHR Hindmarsh), Barry Wakelin (Liberal MHR Grey), Bob Baldwin (Liberal MHR Patterson), and WA ALP Senator Jim McKiernan, are worthy of mention.

Graeme Campbell, as anticipated, responded with an attack on ALSWA, claiming that whereas Aboriginal people supported him and that he knew the 'real problems' that Aboriginal people faced, ALSWA did not try to address those 'real problems' as it did not know or care about the issues frustrating Aboriginal advancement. (*for ALSWA's response to Mr Campbell see ALSWA June edition*).

Chris Gallus declined to respond on the basis that her response may differ from answers given by Ministers; Barry Wakelin told ALSWA that as a Western Australian organisation it should ask questions only of politicians from that State; Bob Baldwin responded with a 'no comment', commenting that he did not want his comment circulated (!).

Senator Jim McKiernan of the ALP turned the table on ALSWA by responding with a question: What was ALSWA's view on mainstreaming ALS's? (*for ALSWA's response to Senator McKiernan see ALSWA June edition*).

One Nation featured in two responses. Independent MHR Peter Andren (Calare) was too busy to answer the questions but anxious to record his 'strong objection' to One Nation's race policies.

Bob Charles (Liberal MHR La Trobe) while not supporting 'the position adopted by the Member for Oxley', defended her right to 'freedom of speech'.

ALSWA intends to publish the comprehensive responses received from Senators Margetts, Scott Despoja and Reynolds in the next edition, and will publish all responses over coming months.

Following is the text of the response prepared for Labor candidates by Daryl Melham of the ALP National Secretariat, at the request of Martin Ferguson (Labor MHR Batman): (continued page five)



## ALSWA HOSTS INAUGURAL MEETING OF COMMUNITY JUSTICE RESPONSE NETWORK

The inaugural meeting of the new Aboriginal Community Justice Response Network (CJRN) at ALSWA last week attracted members of the Police Liaison Unit, the Police Minister's Council on Aboriginal, Police and Community Relations, the Ministry of Justice and the Deaths in Custody Watch Committee.

ALSWA CEO Dennis Eggington hosted the meeting which was called to decide on a process of monitoring Aboriginal offenders from arrest to release, in a bid to cut down Aboriginal deaths in custody.

The first step in the process was to establish a mechanism for networking between all of the agencies involved. Mr Eggington said there was currently a duplication of concentrations, with three agencies monitoring implementation of recommendations that emanated from the Aboriginal Deaths in Custody Royal Commission. As well, several agencies had differing involvements with persons in custody, yet there was little coordination between them. Agencies urgently needed to sort out their roles so that valuable human resources were not wasted on duplication.

**"three separate agencies are monitoring implementation of RCIADIC recommendations"**

It was suggested that the Aboriginal Justice Council be asked to coordinate any networking strategy that may be devised by the CJRN. An approach would be made to the AJC at its next meeting in Perth. The CJRN plans to meet regularly to share information and discuss common problems as they are identified.

After the meeting, Pam Walsh, Chairperson of the Police Minister's Council on Aboriginal, Police and Community Relations wrote to ALSWA advising that the Police Service had previously negotiated protocols with the organisation to provide details of Aboriginal persons imprisoned in lock-ups.

She said that the provisions of the agreement were covered by the Commissioner's Standing Orders [COPS Manual] (Section AD 1.4). This stated: It is the

responsibility of both the arresting officer and the supervising member to ensure that notification of the Aboriginal Legal Service on the arrest of an Aboriginal person takes place in accordance with the (following) instructions:

- The Police Service has entered into an agreement that allows for the notification of the Aboriginal Legal Service of the fact of and circumstances surrounding the arrest of an Aboriginal person should that person so wish;
- Such notification is to take place by way of facsimile message. A proforma for such notification has been developed (Detainee Advice Form);
- A comprehensive list of Aboriginal Legal Services offices has been disseminated to all relevant areas of the Police Service;
- Comprehensive instructions on this matter have been disseminated and are also contained in the Lockup Management Procedures;
- A member shall comply with the instructions contained within the Lockup Management Procedures as they relate to interaction with the Aboriginal Legal Service;
- A member shall assist and facilitate the visit to any lockup of officers from the Aboriginal Legal Service;
- Authorised ALSWA officers carry an identity card;
- Ensure ALSWA field or liaison officers who attend stations as part of their duties receive full co-operation;
- Display advertising cards or notices received from ALSWA so Aboriginal people in need of legal assistance may know whom to contact.

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Members of the Stolen Generations Action Group meeting in ALSWA's Perth office for discussions on funding and litigation. From left to right: law student Tim Mason, law lecturer Tony Buti, Jane Enright, Glynis Collard, ALSWA PLO David Imlah and ALSWA CEO Dennis Eggington.



## GROUP RECEIVES ATSIC FUNDING

The Stolen Generations Action Group met recently at ALSWA's Perth office to discuss use of a grant of \$50,000 from the Aboriginal and Torres Strait Islander's Commission.

The Action Group has been waiting for funding to take Stolen Generation test cases to court. The money from ATSIC, to be spent before June 30, will be used for litigation. If the test cases are successful, they will be precedential in other cases involving Aboriginal people affected by removal policies.

## ALP's 'PREPARED' PARTY RESPONSE

(from page three)

"(I) am writing in response to your recent letter seeking the views of the Australian Labor Party on issues affecting Aboriginal and Torres Strait Islander people.

"As you know, two versions of the *Native Title Amendment Bill* have been submitted to the Parliament, firstly in September 1997, and again in March of this year. Our approach to that legislation was developed in close consultation with all stakeholders, including the National Indigenous Working Group. During the Senate phases of the debate we were in daily contact with the NIWG and ALSWA was represented effectively and diligently on that body by Mr Glenn Shaw.

"Our attitudes and policies on Native Title matters are well documented. The 1998 ALP National Conference endorsed a policy platform that articulates our approach to the broad range of issues affecting Indigenous Australians. The Australian Labor Party is committed to policies that respect and protect the rights of Indigenous Australians. We remain committed to reconciliation between Indigenous and non-Indigenous Australians. Respect for Indigenous cultures and Native Title are as important as reforms in health, education, employment opportunity and the justice system in achieving these aims."

## FUNDS SOUGHT FOR VIDEO UNIT

ALSWA has sought funding for development of its existing Community and Public Interest Unit programs. In a submission to The Law Society of Western Australia which is offering grant funds from its Public Purposes Trust, ALSWA said the currently limited program was concerned with providing the Indigenous population of WA with knowledge on all aspects of Western law as it related to their community, and of the social, political, economic and cultural issues that inhibited or enhanced Indigenous people's access to justice.

The submission said ALSWA informed the community through a combination of processes which included the publication of a monthly newsletter and legal education pamphlets, and through use of Aboriginal and other media. It said Indigenous communities needed to be further informed through the development and distribution of diverse additional printed and audio/visual educational materials, in appropriate Indigenous languages and dialects.

The additional funds would allow ALSWA to accelerate its publishing program to meet the acknowledged needs in more remote Indigenous communities and to expand services to the community generally.



# NEWSWATCH

## STRANGERS IN THE NIGHT

Many people in society are afraid of becoming victims of crime. A report conducted by the Minister for Justice, Amanda Vanstone, showed that public transport such as trains, buses and stations are places where people frequently fear crime.

The report indicated that people have a general fear of unpredictable strangers in public places at night.

Minister Vanstone's report showed that women regard themselves at greater risk of crime than men because of their experiences of sexual harassment in public places, which makes them feel less safe.

Parents of teenagers are fearful for their children, especially when they are travelling by public transport at night and often fear more for their children's safety than their own.

Young men are fearful of being targeted by other groups and gangs of young men but the report discovered that they would have people believe they know no fear and are extremely brave.

Young women are fearful of sexual and physical assault because they are subject to continuous sexual harassment in public places, particularly on public transport.

The report highlighted the fact that older people are less fearful of crime than originally thought. They are more afraid of property crime and home invasions, but are less afraid of physical assault. In fact, they are more concerned about young people becoming victims of crime than they are for themselves.

Ms Vanstone's report said that strategies which prevent crime do not necessarily or automatically prevent or reduce the *fear* of crime. Similarly, programs designed to address fear of crime do not necessarily prevent crime and programs need to be tailored to the local needs.

## CUSTOMARY LAW ATSIC PRIORITY

ATSIC Commissioners have agreed in principle to the establishment of a steering committee to develop a plan of action to progress Customary Law matters.

ATSIC news (May '98) reports that ATSIC has attached a high priority to Customary Law issues. The report says recognition of Customary Law has been on the national agenda since 1986, following a report by the Australian Law Reform Commission. The ALRC was of the view that certain aspects of Customary Law could be incorporated into the general legal system.

Since then there had been some interdepartmental consultation, and the matter was on the Agenda of the Standing Committee of Attorneys-General. A consultation process within Australia's various legal jurisdictions needed to be carried out in consultation with other relevant agencies. It is anticipated that ALSWA, currently conducting a Customary Law Project, will join the discussions.

## FACTS SPOIL A GOOD STORY?

Not only did the *Avon Advocate* get it wrong, but the editor did not even have the courtesy to correct his error.

Recently (24 June) the *Advocate* published a story about two juveniles charged, in the Northam Children's Court, with sex offences.

In an apparent attempt to circumvent the principle that offenders should not be identified by race or culture, unless such aspects are a vital part of the story, the *Advocate* advised readers that the two juveniles were 'represented by the Aboriginal Legal Service'.

Wrong! The juveniles were actually represented by a private law firm. An ALSWA officer was in Court as a 'friend of the Court' but was *not* representing the defendants.

Calls to the editor to have the mistake corrected were ignored. Apparently having achieved his aim the editor was not about to let the truth get in the way of a good (racist?) story!



## CIVIL UNIT URGES ACCIDENT VICTIMS NOT TO DELAY IN CONTACTING ALSWA

ALSWA Civil Unit Solicitor Lara Yeremich has urged Aboriginal people involved in accidents to protect their rights to compensation for Personal Injury.

Ms Yeremich said as a Solicitor in ALSWA's Civil Unit she has come across a number of new matters lately that should have been brought to ALSWA's attention much earlier. She emphasised how crucial it was to organise an appointment with an ALSWA Civil Unit Solicitor as soon as possible after any accident involving personal injury, to ensure one's rights were protected.

The Civil Unit had recently received many requests from clients to look into the circumstances of accidents in which they were involved and that had rendered serious injuries, to determine whether they were still able to make a claim for compensation. Ms Yeremich said all too often requests came too late with limitation periods already long expired.

In addition to this problem are situations where clients may already have one action running, such as Workers Compensation claim, but are unaware of their rights to pursue other actions for compensation arising out of the same accident.

This is the case in which a person arranged an appointment with ALSWA for advice about an offer of Second Schedule Lump Sum settlement that had been offered by the Employer's Workers Compensation Insurers for a 25% disability that he had suffered.

The matter had been proceeding on a Workers Compensation claim alone, before the client came to ALSWA for assistance. His Workers Compensation claim would have been small because there was no ability to pursue the matter with common law proceedings despite his significant injuries.

Common law proceedings may be taken out against an employer where the work related injury has caused more than 30% permanent residual disability, or, where there was potential for future economic loss

greater than \$104,000. In this case, the client did not have the right to issue common law proceedings against the employer because he did not satisfy the criteria for leave to issue such proceedings. At first glance it looked like a minor claim for the Civil Unit.

The interesting part of the matter was the circumstance of the accident. It occurred mid-air between Arizona and California and, according to the client, allegedly occurred as a result of gross negligence on the part of the airline with which he was travelling.

The client was undertaking the trip as part of his employment and therefore came under WA's Workers Compensation legislation. Up until the day the client sought ALSWA's assistance, this potential component of his claim had been overlooked and was in danger of passing the limitation date.

**"too often calls  
come too late  
with limitation  
periods  
long expired"**

ALSWA's Civil Unit alerted the client of his rights against the American Airline and is now acting for him in this regard. Given the considerable damages generally awarded in the USA for Personal Injury cases, the client now has a substantial case on his hands, after simply contacting ALSWA seeking advice as to the offer of settlement from the Workers Compensation insurers.

The client now has access to damages that were previously unavailable to him under the WA legislation, such as general damages. If successful, his damages award may well be ten times that which he is currently entitled to.

This client was very pleased with himself for taking the time to seek advice from the ALSWA Civil Unit and the Civil Solicitors urge Aboriginal people to take advantage of the service offered by ALSWA in this regard.

This is not limited to Workers Compensation matters but also covers injuries sustained as a result of motor vehicle accidents, accidents in private and public places, injury through the use of a faulty product and criminal injuries compensation.



## STAFF PROFILE



Jacqueline Brienne has joined the Land and Heritage Unit as a Research Officer. She previously worked in conveyancing, Local Government appointments, and mining and property law. Jacqueline came to ALSWA because she wished to work in the area of Native Title and in a community-based legal service. She has found her new colleagues to be skilled and supportive.

## ALSWA TO MEET OMBUDSMAN ON PRISON INQUIRY

ALSWA will meet with State Ombudsman Murray Allen to discuss aspects of its submission to his inquiry into prisons in Western Australia.

The Ombudsman called the inquiry following a dramatic rise in the number of deaths in custody since the beginning of the year.

ALSWA's submission indicated a concern that despite enormous amounts of material written about the recommendations of the Royal Commission into Aboriginal Deaths in Custody, nothing had changed, particularly in terms of those recommendations relating to prisons.

The submission said that if the Ombudsman could effect real change in the area of health care within prisons, the inquiry would be worthwhile. Prisoners badly needed access to appropriate and properly resourced medical and mental health services.

## Tribute to AEW as school stays open

Cannington Senior High School will remain open and be equipped with better facilities. The Minister for Education Colin Barnett agreed that the school would continue to operate, following a strong campaign by the local community, supported by ALSWA.

ALSWA CEO Dennis Eggington said he was pleased with Mr Barnett's decision because the school had an excellent record in attracting and retaining Aboriginal students through to year 12.

"With the worrying facts and figures about the general failure of Aboriginal youngsters to achieve in the school system, I am glad the government has supported a school that has great commitment to improving educational outcomes for its Aboriginal students".

He said Cannington Senior High School was recognised throughout the Aboriginal and non-Aboriginal communities that used its services, as a haven for Aboriginal students in a sea of educational indifference.

He agreed with Education Department head Cheryl Vardon that it was individual teachers who made the difference and said teachers of Cannington Senior High School were of that ilk. They cared for the educational needs of their Aboriginal students.

"By allowing Cannington Senior High School to continue its valuable work, benefits flow not just to Aboriginal people but to the whole West Australian community".

Mr Eggington said special mention needed to be made of the hard work put into the 'save-our-school' campaign by the school's Aboriginal Education Worker Mr Albert McNamara.

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## COURT OFFICERS TO WORK WITH FAMILY LAW

Two Court Officers are to be assigned to the Family Law Unit for two afternoons a week. The Court Officers will rotate on a two-monthly basis so that each Court Officer can be subject to continuing legal education in regard to all aspects of working with the organisation. It is hoped that the arrangement will prove successful and become a permanent fixture.

The Family Law Unit is optimistic that the exposure to Family Law will be beneficial to the Court Officers. At the same time the Family Law Unit was appreciative of the assistance offered by the Court Officers.

### MORE FAMILY LAW SUCCESS

In other news, the Family Law Unit has successfully obtained orders for interim residence on behalf of a mother against a non-Aboriginal father where the competing interests of the parties were finely balanced.

The parties were married in 1988 and separated in 1993. From the date of separation to March 1998 the four children of the marriage

resided with the mother and then, with the consent of the mother, all went to reside with the father.

In May 1998 the father made a Form 8 Application for interim residence of the children and a Form 7 application for final orders for residence of the children.

When the matter first came before the Court in May 1998 the father was granted an order on, effectively, an ex-parte basis, that until further order of the Court, the children were to reside with him.

This was before the mother had an opportunity to file answering documentation. The matter was then set down for an interim hearing in June and the mother was given a chance to file answering documentation.

The fact which supported the father's case were that the mother engaged in a relationship characterised by violence from December 1993 to November 1997.

The mother had signed an agreement which gave the father full custody of the children

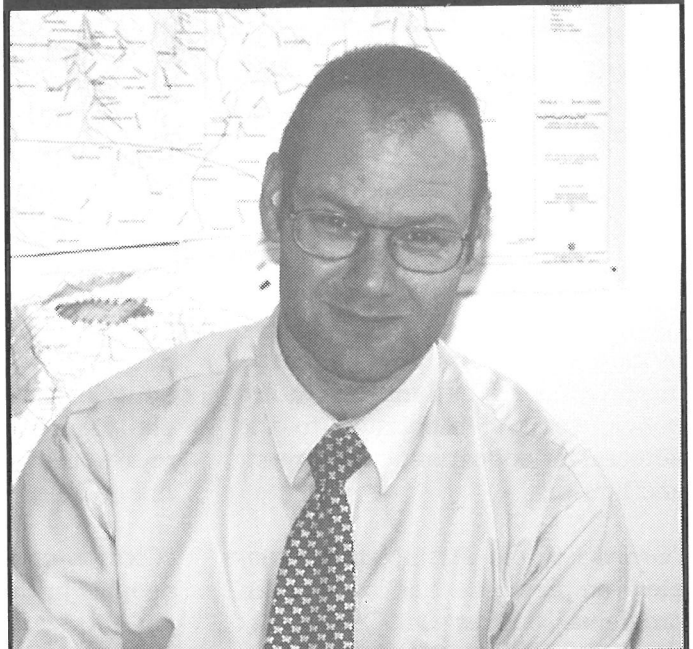
which was not stamped or registered and that the maternal grandmother had sworn an affidavit in favour of the father saying that it would be in the best interests of the children to reside with him.

The mother's case which was presented by Family Law solicitors Toni Cuss and Jill Vander Wal, was that the children had resided with the mother for a period of almost five years, since the date of separation to March

1998. The father had made limited contact from the time of December 1996 to December 1997 while he was staying in New South Wales.

In awarding the mother interim residence, the court found that the children had primarily resided with their mother since separation and the father had not established that their welfare would be adversely affected if they resided with her until the final hearing.

## STAFF PROFILE



Solicitor David Puls has recently joined ALSWA's Land and Heritage Unit. He completed five-year articles at Solomon Brothers' Law Firm while studying part time at the University of Western Australia. David also has a Business degree, majoring in Law and Industrial Advocacy. He has worked for Michael Whyte and Company in litigation, personal injuries, and general commercial and inheritance work. David came to ALSWA because he wished to work for a community-based legal service, and expects to find Native Title work interesting and exciting.



## HUMAN RIGHTS NOT JUST ABOUT COLOUR

Address in Commemoration of the 50th Anniversary of the United Nations Declaration on Human Rights by Deputy CEO Colleen Hayward.

ALSWA Deputy CEO Colleen Hayward has told an Amnesty International seminar that Human Rights for Australia's First Nations peoples have always been a matter of colour.

In an address marking the 50th anniversary of the signing of the United Nations Declaration on Human Rights, Ms Hayward said Human Rights were not only about cultural background or colour but about religion, sexual preference, political persuasion - everything that made people individuals.

She said "Human Rights are not only about colour but too often that is precisely how they are translated. And, to Aboriginal people, the First Nations peoples of this country, Human Rights have always been very much a matter of colour.

"The First Nations people's population has been growing at about twice the rate of the overall Australian population. Therefore the significantly younger age structure of the First Nations population has important implications for future policy, notably in relation to the demand for education, employment and housing.

"Growth of the First Nations peoples' employment has come from programs such as the Community Development Employment Program (CDEP), which is based on voluntarily substituting part-time and low skill employment for unemployment entitlements. The incomes of the First Nations people have not improved relative to other Australians although involvement in education is increasing but from a low base.

"Health remains a major area of concern with most of the available indicators like life expectancy, incidence of diseases and so on, showing little sign of significant improvement relative to the overall population, and life expectancy remaining at 18 - 20 years less than the broader Australian community. In fact, recent research shows that First Nations peoples in Australia are the only people worldwide where the relative gaps are actually widening.

**"...they are about everything that makes people individuals"**

"Nearly one in four First Nations households with dependents are headed by one adult only (of whom 86% are women) compared with one in twelve for other Australian households. The First Nations people continue to be grossly over-represented among incarcerated Australians.

"Clearly, as a group, First Nations peoples in this country do not enjoy the same rights - the same interpretation and application of Social Justice as do other Australians. In the Australian context, we have for some time referred to 'Social Justice' as a means of trying to overcome the evident inequities. In a statement in 1993, the then Social Justice Commissioner, Mr Mick Dodson, described Social Justice in this way:

*"Social Justice must always be considered from a perspective which is grounded by the daily lives of Indigenous Australians. Social Justice is what faces you in the morning - it is awakening in a house with an inadequate water supply, cooking facilities and sanitation. It is the inability to nourish your children and send them to a school where there is education that not only equips them for employment but also reinforces their knowledge and appreciation of their cultural inheritance. It is the prospect of genuine employment and good health, a life of choices and opportunity free from discrimination".*

"The reference to 'Social Justice' is seemingly the same as what African-Americans, especially, have referred to as 'Civil Rights'. Part of my message to you is that this is no longer about Social Justice - or at least not the way that term has come to be diminished in its meaning and import. For First Nations peoples, the issue is now very much about basic human rights.

"December 10, 1948, marks the day on which the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. Following this historic act, the Assembly called upon all Member countries to publicise the text of the Declaration and 'to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries of territories'.

(Full address available at ALSWA Perth office)



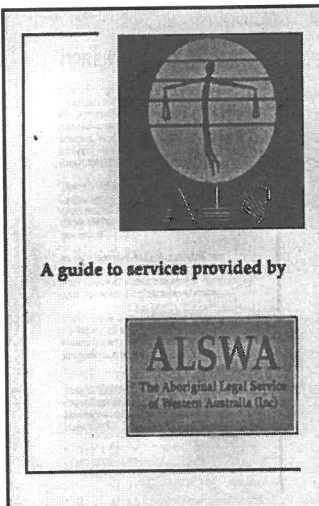
## STAFF PROFILE



Nancye Condon has recently joined the Land and Heritage Unit within ALSWA. Nancye has worked at Dwyer Durack and Malleson's Law firms and is currently studying psychology part time, as her ambition is to become a Forensic Psychologist. She has an interest in Native Title and enjoys travelling.

## GUIDE TO ALSWA SERVICE CRITERIA NOW AVAILABLE

ALSWA has published a plain language guide to the services it provides. The booklet explains the types of services available, who is entitled to particular services and how services are accessed.



It is based on ATSIC's guide to eligibility criteria for accessing Aboriginal legal services throughout Australia.

The guide uses 'plain language' to make it as clearly understandable as possible to ALSWA clients.

Copies of the guide will soon be available from all ALSWA offices in Western Australia.

## GOVERNMENTS NEED TO LISTEN

ALSWA Executive Officer and spokesperson for the National Indigenous Working Group (NIWG) Glenn Shaw says the reason why there are so many overlapping Native Title claims covering Australia is because the Government failed to adopt the NIWG proposals on Native Title.

An article in *The Australian* (15/6) quoted Mr Shaw as saying: "The responsibility for the backlog of claims lay at the feet of Mr Howard's government, which, in formulating its 10 point plan, refused to replace the current system of individual claims with regional agreements."

"Many of the outstanding claims in the state had been lodged solely to protect sacred sites under the right to negotiate provision and claimants had been reluctantly sucked into the Native Title Act's legal mire."

"We want to move towards mediation but the Government wants to keep us on this path of litigation."

"If the Federal Government had adopted the National Indigenous Working Group's proposals to empower Land Councils to mediate overlapping claims and dismiss frivolous claims - rather than the National Native Title Tribunal - hundreds of cases would have been settled and the rate of new claims would have dramatically fallen".

The article said Western Australia remained the State most affected by Native Title with 340 outstanding and overlapping claims which aggregated more than 200 per cent of the land mass. Native Title negotiations had delayed more than 2500 mining titles with half the total outstanding in Western Australia.

The article quoted WA Premier Richard Court as saying that many claims were competing and ambit in nature and had been encouraged by the 'right to negotiate' provisions in the Native Title Act.

"As a result of the unworkability of the Native Title Act, many companies wishing to progress commercial developments are being forced to pay money to groups whose Native Title claims have not been properly tested".



# **One Nation's Queensland success will be short-lived**

ALSWA CEO Dennis Eggington has urged Aboriginal people not to overreact to the emergence of One Nation as a political player in Queensland. "The phenomenon of One Nation's presence in Queensland will be short-lived and does not translate into any major move to the right in Australian politics", he said in a recent letter to the

## **WEAR AN ORANGE RIBBON**

**Opponents of One Nation and its racist policies have taken to wearing small orange ribbons to show solidarity with groups that have come under One Nation attack.**

Editor of *The West Australian*. "Queensland is fertile ground for producing irrational ideologists and Pauline Hanson is not the first. Joh Bjelke-Peterson used racist paranoia as a tool for gaining and maintaining power in Queensland, but his attempts to move to the federal arena were regarded by Australians as a pathetic joke.

"Likewise, Hanson has the support of single-issue zealots such as the gun lobby and has played the race card with great success. However when fair-minded Australians become aware of the poverty of policy

in One Nation's 'platform' they will reject it". Mr Eggington said the Queensland election result did reinforce the need for a strong Australia-wide education and awareness campaign focusing on Aboriginal history and culture. People armed with information were better placed to analyse and reject the simplistic, yet divisive, racist propaganda as expounded by Hanson and her followers.

## **COURT OFFICERS FOR ROEBOURNE AND LAVERTON**

Aboriginal communities in Roebourne and Laverton will soon be able to access the services of ALSWA Court Officers in their respective areas. Victor Woodley (left) has been appointed to Roebourne, while Kevin Dimer will be attached to the ALSWA office in Laverton.

The two Court Officers are currently undergoing a three-month training program at the ALSWA office in Perth before taking up their appointments.

