

Aboriginal people must not negotiate with politicians who assault their land rights

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The NSW government's hurried assault on land rights – followed by a hasty retreat – is deeply unfortunate and has damaged any trust Aboriginal people can have in the Baird government



An Aboriginal protester outside the gates of New South Wales Parliament House.
Photograph: Mick Tsikas/EPA

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The NSW government's decision earlier this week to abandon legislation aimed at [another wave of dispossession of Aboriginal people](#) is welcome. However, the fact that we even got to this point is a matter of grave concern to Aboriginal people across NSW, and the country.

In October, minister for western NSW Kevin Humphries announced his intention to introduce legislation to parliament which extinguished land claims under the NSW Aboriginal Land Rights Act [on beaches and coastal reserves](#). It would have affected more than 600 current Aboriginal land claims around NSW. This is the legislation which was withdrawn on Monday.

The furore followed yet another win by the NSW Aboriginal Land Council (NSWALC) in the land and environment court, over coastal land at Red Rock, on the mid north coast of NSW. NSWALC won the case on behalf of the Coffs Harbour Local Aboriginal Land Council, and title to the land was accepted with the caveat that public access to the beach must remain open.



A beach in Coffs Harbour on the New South Wales coast. Photograph: AAPImage

This was a simple [decision for Coffs Harbour](#) LALC – in the 31 year history of Aboriginal land rights in NSW, no public access to beaches has ever been under threat, on any single occasion. Indeed, public access to the beach at Red Rock was restricted by the NSW

government when the land claim was first submitted. It is now open to the public, courtesy of Coffs Harbour LALC.

Coffs Harbour LALC's agreement to this condition was in good faith, only to see the NSW government introduce legislation which sought to shift the goal posts, and play on the ignorance of the broader population about "the blacks locking up the land".

It should be noted, the land rights act in NSW has delivered less than 0.1% of the total NSW landmass back to the original custodians. No case can be made that blackfellas have made out like bandits through land rights.

The government's hurried assault on Aboriginal land rights – albeit followed by a hasty retreat – is a deeply unfortunate development, and has badly damaged any trust Aboriginal people can have in the Baird government in treating matters of Aboriginal rights with honesty and integrity.

Aboriginal people must not negotiate with NSW minister for Aboriginal affairs, Victor Dominello or the Baird government, at least not until an explanation (and apology) is forthcoming as to why members within the Liberal and National Party were permitted to assault the land rights of my people.

While anger towards the Baird government grows, it's also worth noting how their legislation was defeated, at least temporarily (despite the backdown, the NSW Government has insisted that the legislation will be brought back to the parliamentary table).

On Monday, hundreds of Aboriginal people – from land councils, medical services legal services, and other organisations – turned out to a rally in the centre of Sydney. We closed down Macquarie Street.

The marches were a salient lesson for young people. Sometimes, like the old days, you do still have to hit the streets and fight for your rights.

That's how we got land rights in the first place, and it's encouraging that Aboriginal people today still understand the power of collective protest.

It's also worth acknowledging the role of social media – and the participation of major national Aboriginal organisations – in helping to rally the troops, because the fact is, Monday's victory, wasn't just for land councils. And it wasn't just led by land councils.

The Aboriginal Medical Service in Redfern, I'm proud to say, was one of the organisations who stood up to the Baird government's attempts to derail land rights.

We did so because the assault by the Baird government on land rights – unsuccessful or otherwise - affects all Aboriginal people in NSW, as does ongoing attempts by governments of all persuasions to unpick the hard won gains of Aboriginal Australians fighting for basic rights.

Tangentyere Council in Alice Springs is an example of a strong Aboriginal organisation constantly under attack. It faces the ever present threat of coming to heel, or losing its funding to provide services to some of the nation's most disadvantaged citizens.

Indeed, Aboriginal corporations everywhere have standards imposed on them that would never be imposed on non-Aboriginal corporations.

On that front, there's one fact that mainstream Australian society – in particular our political leaders - seems not to have understood. Aboriginal people are not going to assimilate.

You have never broken our connection with kin, with land or with culture. You've changed it – and damaged it badly in many cases – but Aboriginal people will keep on being Aboriginal people, no matter what legislation is threatened or forced upon us.

If you look at Australia as a great big melting pot, we don't mind being potted but we refuse to be melted.

We will never capitulate. We will never assimilate. You can come to that realization now, or in 100 years. But the determination of Aboriginal people to control Aboriginal lives will never end.

As I watch the various arms of government try and pick off Aboriginal organisations, the words of that great black American fighter Angela Davis often ring in my ears: “If they come for me tonight they'll come for you in the morning.”