

Submission to the Joint Parliamentary Committee on Native Title Amendment Bill 1997 from Women for Wik.

Women for Wik represents a phenomenal groundswell of mainstream opinion in support of Native Title. As a national grassroots women's movement it includes all political persuasions, ethnic groups, churches, business professions, arts, universities, the rural sector, political parties. It is linked with key national women's organisations and is rapidly having an effect on public opinion.

Since its launch in Sydney in July, which received national media coverage, there has been a mushrooming of Women for Wik groups in every capital city and many major regional centres. Many thousands of women, including Roma Mitchell (former Governor of South Australia) Jane Lomax Smith (Lord Mayor of Adelaide) Caroline Jones, Hazel Hawke, Margaret Whitlam, Ruth Cracknell, Prof Marie Bashir, Wendy McCarthy, Judith Wright, Jane Champion, Jan Chapman, Diane Shteinmann have lent their support. Inspired by Lady Deanes's recent call at the National Reconciliation Conference for Australian women to take a lead in bringing the reconciliation process back on track, the women of Australia have taken her word in mobilising one of the most powerful national grassroots women's movement since the Vietnam war.

What unites us all in spite of our diversity is the heart-felt recognition that any amendment to the Native Title Act which leads to the defacto incremental extinguishment of Native Title is the end of the reconciliation process in our nation. A process which has been building for thirty years with bipartisan political support and the good will of the Australian people.

For these reasons, in your deliberations on the Native Title Amendment Bill 1997 we ask you to seriously take into account the views of Women for Wik.

Having been thoroughly briefed by a team of senior legal advisers, our position is that there are certain key amendments in this Bill which are completely unacceptable in a democracy.

The amendments we are referring to are those that would result in:

1. Permanent extinguishment of native title by validation of potentially invalid government acts in the period January 1994 to December 1996, where governments granted mining leases or clearing/cultivation permits over pastoral leasehold land.
2. Permanent extinguishment of native title over 'exclusive possession' land tenures listed on the Schedule.
3. Permanent extinguishment of native title over pastoral leases upgraded to 'full primary production' to the extent of the inconsistency.
4. Removing the right to negotiate from pastoral leasehold, national parks and reserves - thus reducing it to vestigial rumps of vacant crown land.
5. Creating a threshold test which is too onerous and is based on physical connection, tests which will mean that native title on pastoral leases where not extinguished outright or in all but name, will become almost impossible to establish.
6. Providing a statutory access right which is dependent on the threshold test and on current physical access.
7. Imposing a sunset clause on claims.
8. We are also deeply concerned that all amendments leading to extinguishment will be in conflict with the Racial Discrimination Act and international agreements on human rights. This will obviously have the most serious implications for democracy, for the lives of Aboriginal people as well as international opinion.

We reject these amendments as they are discriminatory against the Aboriginal people and will lead to much greater uncertainty for pastoralists as well as indigenous people.

It is crucial in your deliberations over the proposed amendments that you take into consideration the significance of the momentum of public opinion so clearly articulated by Women for Wik. To ignore this is to ignore the opinion of the so-called silent majority - the women voters.

We are all aware that the Parliamentary debate on native title is occurring at a turning point in Australian history. The voice of mainstream women which is now, and will be increasingly articulated by Women for Wik is firmly on the side of reconciliation with the Aboriginal people of Australia. The alternative is unthinkable.

We therefore request that this Joint House Committee on Native title show courage and moral leadership in recommending in its report that Parliament reject these key amendments.

We believe these key amendments will cause further unnecessary suffering for the Aboriginal people, social divisiveness in Australian society and risk our international standing as a democratic and just nation.

The reconciliation process, essential to the future well-being of Australian society will be then be brought back on track, for the benefit of all and not just a few.