

Christian principles

In December 1997 the Lutheran Church of Australia adopted a statement on 'The Land' which includes a section on 'The Land and Aboriginal People'.

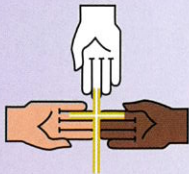
The statement acknowledges that 'Aboriginal and Torres Strait Islanders inhabited Australia long before the arrival of the Europeans', and that 'their way of life has long been linked to the land'. It also acknowledges 'the very deep cultural, social, and religious significance land has for many Aboriginal people'.

The statement expresses regret over the dispossession of Indigenous peoples' lands and the 'consequent suffering endured by Australia's Aboriginal inhabitants'.

The statement recognises that 'issues of land justice are complex and contentious, and have to be worked through with patience and understanding'.

Christians are encouraged in the statement to have 'a passion for justice and a deep compassion for those who have been treated unjustly'. They are urged 'to live in harmony and friendship with all people'. They are particularly encouraged 'to support indigenous people in their legitimate aspirations, especially their continuing need to live on the land of their ancestors or have access to it'.

At the same time there must be respect for the rights of current owners of land and regard for those who hold pastoral leases and are concerned about their tenure and security.



For reflection or discussion

- 1 'The modern land rights movement embodies the same moral dilemmas as those faced by early governors and officials. Time has passed but we have not escaped from our history' (Frontier, Henry Reynolds, p 179). What do you think it means that in relation to land rights we have not escaped from our history?
- 2 An Aboriginal Lutheran has said, 'The church needs to come to terms with Mabo' (*We're all people*, p 23). What do you think he meant?
- 3 In your view, what are the main principles that should guide Christians in their attitudes and actions in relation to land rights?

Suggested further reading

LCA Statement on 'The Land' (1998)
The Law of the Land, Henry Reynolds, Penguin Books, 1987, 1992
The Great Land Grab, Michael Bachelard, Hyland House, 1997
Our Land Is Our Life, Galarrwuy Yunupingu, UQP 1997



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Land Rights

'Many Australians don't know how to think themselves into the country, the land. They find it hard to think with the land. We Aboriginal people find it hard to think without the land.'

Patrick Dodson, WA

'We encourage our members to support Indigenous people in their legitimate aspirations, especially their continuing need to live on the land of their ancestors or have access to it.'

LCA Statement on 'The Land'

'The indigenous position recognises the legitimate rights of all parties and confirms the rights of pastoralists and native titleholders.'

National Indigenous Working Group on Native Title

'This is not our country. This is God's country, and that's important.'

Gloria Petyarra, NT



Early events

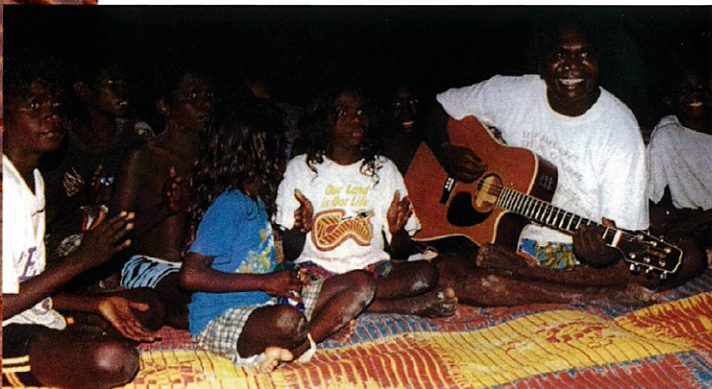
When European colonists came to Australia in 1788, it was populated by groups of Indigenous people who lived by a highly developed system of laws and customs in specific, well-defined areas.

The Indigenous people had a strong cultural and spiritual bond with the land that was of fundamental importance to their identity and wellbeing.

Those who came to Australia after 1788 progressively dispossessed the peoples of their lands with little regard for their association with the land and without any agreement, treaty or compensation.

Land rights discussions

Until about the 1850s, land rights issues were keenly debated by Europeans in Australia. These issues re-emerged a hundred years later, in about the 1960s, as Australian society became more aware of indigenous issues.



Some land rights legislation was enacted in the states and territories in the 1960s and 70s. Grants of land under this legislation were seen as acts of benevolence by governments.

Recent developments

The High Court's *Mabo* decision in 1992 found that in certain situations Indigenous people had retained native title to their land. This was the first official recognition that Indigenous peoples were the original possessors of the land and retained certain rights to it. Land rights changed from being a matter of social welfare to recognition of Indigenous people's legal title to land.

The Native Title Act of 1993 established a procedure for Indigenous Australians to apply for native title over particular areas of land. Applications are still being lodged and processed.

In 1996 the High Court's *Wik* decision ruled that pastoral leases do not automatically extinguish native title but that, in certain circumstances, native title can coexist with pastoral leases.

Following the *Wik* decision, the commonwealth government introduced the Native Title Amendment Bill in 1998. One of the main purposes of the bill was to safeguard the rights of leaseholders. While many Australians support the bill, many others believe it significantly erodes the native title rights of Indigenous Australians.

Native title includes such things as having access to the land for hunting and ceremonial purposes.

The present situation

Land rights will be an important issue in Australia for some time. It is often complex and difficult. It can arouse strong feelings and intense controversy, especially when economic considerations are involved.

It will take a long time for the Native Title Tribunal to receive and process applications for native title. In many cases competing applications from different Aboriginal groups for particular areas of land need to be resolved.

Some state governments are preparing legislation about the exercise of native title rights in their own state.

Negotiated agreements on the local level appear to be a good solution to land rights disputes. A good model for this is the recent agreement that was worked out and agreed to by various groups of people at Hopevale in Queensland.

