

REPORT DIGEST

THE LAND HOLDS US

ABORIGINAL PEOPLES' RIGHT
TO TRADITIONAL HOMELANDS
IN THE NORTHERN TERRITORY

AMNESTY
INTERNATIONAL



FOREWORD

Rosalie Kunoth-Monks, Alywarr and Amnatyerr elder, Utopia homelands

I can look back over 70 years on this part of the land. There was a richness of the relationships between people so you felt never alone. You felt secure, you felt you belonged. We always said pmerel atnyenem, we never said pmer nhenh tha atnyenem. That means, country owns or holds you, not you holding the country and becoming master of the land.

From time immemorial there had been an order where nobody queried who was who, who had the right to speak, who had the right to be a ceremonial leader and everything was orderly, yet inclusive.

We still felt the strength and the security of our law and order, even as late as the 1990s. The 1990s saw us living on established homelands that we still live on now. We still felt that carrying out our laws was holding us together and the community was still cohesive and strong.

Fast forward to 2007, we had the visit from departmental staff, the army and the police, who told us we were now under the Intervention. Suddenly there was a policy in the Northern Territory that took away our rights. It was assault. It traumatised all of us, so we looked around to see what made sense. What made sense was at all costs to hang onto the land.

As we go into 2012, we see that there are certain Aboriginal communities earmarked as growth towns. Let me assure anybody who cares for the Aboriginal people of Australia that once we are moved from our place of origin, we will not only lose our identity, we will die a traumatised, tragic end.

We cannot have identity if we are put into these reservations that are now called growth towns, we will become third-class, non-existent human beings.

This is a tragedy that is unfolding through the policies of an uncaring government. It seems sentimental and – I can't find the other word in English – about attachment to the land. It's not attachment to the land, it's survival of a cultural practice that is still alive in spite of what has been thrown at it.

We need to stop the destruction of the oldest living culture in the world.

Map showing the 16 communities of the Utopia homelands in the central desert.



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DEFINITION OF HOMELANDS

The terms ‘homelands’ and ‘outstations’ can be used interchangeably to define ‘small decentralised communities of close kin, established by the movement of Aboriginal Peoples to land of social, cultural and economic significance to them’.²

This report favours the term homelands because this is the term used by the Alyawarr and Anmatyerr Peoples. Homelands is the term that they believe most strongly reflects their traditional, ancestral and spiritual links to the language, kin and land that forms part of their home.

EXECUTIVE SUMMARY

All Indigenous Peoples have the fundamental human right to their traditional lands. For Aboriginal Peoples of Australia, this connection to traditional lands or ‘country’ is of central importance to identity and culture. This report documents the efforts of the Alyawarr and Anmatyerr Peoples of the Utopia homelands in Central Australia to live a healthy life on their homelands, despite a series of legislative and policy changes made at a national, state, territory and local level over the last decade that have been detrimental to the rights of Aboriginal Peoples to live on their ancestral lands.

These policy initiatives fall below international human rights standards, in particular the United Nations Declaration on the Rights of Indigenous Peoples. Central to the declaration are the rights of Indigenous Peoples to own, live on and develop their lands; to consultation and free, prior and informed consent; and to culture. The themes of land, culture, and informed consent are the subject of this report.

INTRODUCTION

Aboriginal and Torres Strait Islander Peoples have occupied Australia for millennia and belong to the world’s longest-surviving continuous culture. Aboriginal Peoples have their own distinct laws and customs and a unique relationship with their traditional lands. As Rosalie Kunoth-Monks explains, land is of central importance:

All of the components of our identity hangs on the land. There’s the land in a circle. There’s the language from that land. In this region it’s the Alyawarr and Anmatyerr language. It incorporates family lineage, family groups. It incorporates our sacred lands. It incorporates our law. The law is L-A-W as well as L-O-R-E. Break any one of those arms and sever it from the land, you are committing the death of a race of people. It is so vitally important for our identity and the continuation of that, one of the oldest races in the world, that government are mindful not to sever, not to kill.¹



© Rusty Stewart/Al

My paintings are ‘maps’ of our country. I cannot paint when I’m not on my land. My art exists because of my connection to my homelands. I would like my grandchildren to have the chance to live on their country, to know the stories.

Kathleen Ngal, Anmatyerr elder and artist

ASSIMILATION AND THE HOMELANDS MOVEMENT

For many decades, federal and state government policies forced Aboriginal and Torres Strait Islander Peoples off their traditional lands and into missions and bigger towns – a process referred to as assimilation.

Despite this dispossession and relocation, Aboriginal Peoples’ desire to remain connected to their country has remained strong. In the 1960s, small groups of Aboriginal people, usually families or other closely-related people, began relocating back to and establishing communities on their traditional lands and waters. This became known as the homelands movement. Today, one-third of Aboriginal Peoples in the Northern Territory live on homelands.

There are approximately 500 homelands in the Northern Territory. Living on homelands allows Aboriginal Peoples to maintain their spiritual and economic connection to their land and raise their families within their traditional culture.

1. Rosalie Kunoth-Monks in conversation with Amnesty International, Utopia homelands, November 2009.

2. CA Blanchard, *Return to Country: The Aboriginal Homelands Movement in Australia*, Report of the House of Representatives Standing Committee on Aboriginal Affairs, March 1987, xvi. (CA Blanchard, Return to Country)



© Mervyn Bishop/Al

I live here, I grew up here: this is my country. This is a special place, I don't want to go to no other place, I love my country, it's where I'm gonna stay forever. It's all family sitting down here. This is one country, one family.

Motorbike Paddy Petyarr, Anmatyerr elder and 'bush mechanic'

BENEFITS OF HOMELANDS

Studies have shown that Aboriginal Peoples are healthier and live longer on traditional homelands.³

The Special Rapporteur on Indigenous Rights noted:

Homelands are widely understood to have lower levels of social problems, such as domestic violence and substance abuse, than more populated communities. According to reports, the health of Indigenous people living on homelands is significantly better than of those living in larger communities. Homelands are also used effectively as part of substance abuse and other programmes for at-risk Aboriginal youth living in more populated or urban centres.⁴

Evidence is growing in relation to health. Studies point very strongly to significant improvements in health outcomes for Aboriginal Peoples in remote areas if they live in homeland communities, compared with Aboriginal Peoples who live in major towns.⁵

Raising families on homelands means that people maintain their spiritual and economic connections to their land and waters or 'country'. One of the benefits of the homelands is that Aboriginal Peoples have some measure of community control and agency and there are many examples of strong governance models and community-based decision making.⁶

Homelands can also be economically sustainable. They form a central component of the Northern Territory tourism industry, contributing almost \$776 million per year or nearly 6 per cent of the territory's economy.⁷

UTOPIA HOMELANDS

Amnesty International's research into the rights of Aboriginal Peoples living on homelands was conducted in partnership with the Alyawarr and Anmatyerr Peoples of the Utopia homelands in the Northern Territory.

The Utopia homelands are 260 km northeast of Alice Springs and are home to about 1,400 people living in 16 dispersed communities separated by several hundred kilometres. Living close to their ancestral lands means that the Anmatyerr and Alyawarr are able to maintain a spiritual and practical knowledge of their country.

3. CP Burgess, FH Johnston, DMJS Bowman, PJ Whitehead, 'Healthy Country: Healthy People? Exploring the Health Benefits of Indigenous Natural Resource Management', *Australian and New Zealand Journal of Public Health*, 2005 Apr; 29(2):117-22. (Burgess et al, Health Country: Health People)

4. Report by the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous people, James Anaya, 'Situation of Indigenous peoples in Australia' Addendum A/HRC/15/37/Add.4

5. CP Burgess, FH Johnston, DMJS Bowman, PJ Whitehead, 'Healthy Country: Healthy People? Exploring the Health Benefits of Indigenous Natural Resource Management', *Australian and New Zealand Journal of Public Health*, 2005, Apr; 29(2): p 117-22.

6. S Kerins, 'The Future of Homelands/Outstations' *Dialogue*, 2010: 29(1) p 52-60. For more information see caepr.anu.edu.au/poc/index.php (S Kerins, The Future of Homelands/Outstations)

7. Cited in S Kerins, 'The First-Ever Northern Territory Homelands/Outstations Policy' *CAEPR Topical Issue No. 09/2009* p 6. caepr.anu.edu.au/sites/default/files/Publications/topical/Topical_Kerins_outstations.pdf www.tourismnt.com.au/ntnttc/about/nt_tourism.html.



I learned bush medicine from my grandparents. In order to keep making and using bush medicine, I need to live on my homelands.

It's important for us to know. Bush medicine helps both ways. It's good for non-Aboriginal people too.

If people have to move into town, we lose our medicine. Then how will little kids know?

Joycie Jones Petyarr, health worker Pictured below.



THREAT TO HOMELANDS: POLICIES OF EXCLUSION

Over the last five years, the Commonwealth Government has made a considerable financial and political investment in Aboriginal affairs in the Northern Territory. This investment has enjoyed bi-partisan support. However, as detailed below, in parallel with this investment a number of changes to law and policy have significantly undermined the rights of Aboriginal Peoples in the Northern Territory and their ability to remain on homelands. Additionally, changes to local government structures have left Aboriginal Peoples with less control over decisions that affect them.

Common across these changes has been the lack of any meaningful consultation with Aboriginal Peoples affected by the changes or any process to secure their consent (which is a requirement under international human rights standards that the government of Australia has endorsed).

The 2007 Northern Territory Emergency Response: 'the Intervention'

The rights of Aboriginal Peoples were removed in a dramatic way in 2007 with the Northern Territory Emergency Response (NTER) or Intervention. Through the NTER the government implemented wide-ranging measures including alcohol bans, new powers for police and child health checks. It also changed the policy and legislative framework of Aboriginal affairs.

The legislation to support the NTER suspended the action of the *Racial Discrimination Act* as it applied to Aboriginal communities in the Northern Territory. It exposed more than 45,000 people across 73 communities to discrimination based on their race.

In June 2010, legislation amending the NTER was passed that reinstated the *Racial Discrimination Act*, however, discriminatory measures remain in place, designated by the Commonwealth Government as 'special measures'.

The ongoing impact of the Intervention was summed up by a group of Aboriginal elders in February 2011:

Under the Intervention we lost our rights as human beings, as Australian citizens, as the First People of the Land. Through harsh changes we have had removed from us all control over our communities and our lives. Our lands have been compulsorily taken from us. We have been left with nothing. It is discriminatory. We are no longer equal to other Australians. We are no longer equal to you.⁸

If the Intervention was so good for us, why did they remove the *Racial Discrimination Act*?

Utopia homelands resident from Arlparra⁹

Closing the Gap in the Northern Territory and the Working Future policy

In 2009 the NTER was renamed Closing the Gap in the Northern Territory. This was brought under the National Indigenous Reform Agreement 'Closing the Gap', the overarching national plan to address Indigenous disadvantage in Australia.¹⁰ Closing the Gap is implemented through a series of National Partnership Agreements. The agreements commit state and territory governments to a common framework of outcomes, progress measures and policy directions, and provide funding.

A key National Partnership Agreement for people living in remote communities is the agreement on Remote Service Delivery. This agreement establishes the priority or 'hub' town model, which involves supporting a few selected, larger economic centres, relying on them to act as servicing hubs for outlying areas where many Aboriginal Peoples live.

The Northern Territory Government is implementing the agreement on Remote Service Delivery through the Working Future policy. Because the agreement is focused on 21 'growth' towns, the Northern Territory Government additionally developed the outstations/homelands headline policy statement, as part of the Working Future policy. Three key elements of this policy are:

- It outlines how government services will be delivered to homelands – mostly through remote delivery from growth towns.
- It defines housing on Aboriginal land as privately owned.
- It states that no new housing on outstations/homelands will be built by the Northern Territory Government.¹¹

Opposite page.

Top: Gypsy Jones Pwerl making a sand painting as she tells a story to her grandchildren on the Utopia homelands. © AI Photo credit: April Pyle

Bottom: Joycie Jones Petyarr, health worker. © Mervyn Bishop/AI

8. Concerned Australians, *A further conversation with Elders Melbourne*, University Law School, 7 February 2011. www.concernedaustralians.com.au/media/Elders-statement-7-2-11.pdf

9. Concerned Australians, *This is What we Said: Australian Aboriginal Peoples give their views on the Northern territory Intervention*, 2010, p 15.

10. www.fahcsia.gov.au/sa/indigenous/progserv/ctg/Pages/default.aspx

11. Northern Territory Government, *Outstations/homelands policy: Headline Policy Statement*, May 2009. www.workingfuture.nt.gov.au/Homelands/docs/Headline_Policy_Statement.pdf (NTG, Headline policy statement)

Housing policy for homelands communities

One area where the lack of support for homelands is most evident is housing. Since the 1960s, the Commonwealth Community Housing and Infrastructure Program provided grants to Indigenous community housing organisations, Northern Territory government agencies and local governments to deliver housing, including for homeland communities.

A review of Indigenous housing in 2007 then recommended a shift away from building new housing on homelands.¹² Additionally, the report's recommendations included examining, "the benefits of providing mobility incentives" to encourage families to move to more centralised locations.¹³

Following the 2007 review, a new Memorandum of Understanding (MOU) was signed between the Commonwealth and Northern Territory governments that handed responsibility for municipal and local government services for 500 homeland communities to the Northern Territory Government.

Despite the fact that independent assessments of remote Aboriginal housing cite "extraordinarily poor performance of Aboriginal houses"¹⁴ and the Commonwealth Government's own acceptance that "many houses in remote communities are overcrowded and in poor condition, impacting on the living conditions of many Indigenous Territorians,"¹⁵ funding allocation demonstrates the difference in commitment between larger remote communities and homelands.

Funding allocations for housing in the Northern Territory

Type of community	Budget allocation for housing and/or housing maintenance (overall)	Number of communities	% population (approx) of Aboriginal Peoples in the NT ¹⁶
Homeland	\$7.1 million (maintenance only, no new housing) ¹⁷	500	35
Growth town	\$672 million (Plus \$100m Northern Territory Government) ¹⁸	21	24

Source: Northern Territory Government Department of Housing, Local Government and Regional Services Housing Management and Maintenance Programs guidelines 2010–2011

As a result, remote Aboriginal communities in the Northern Territory are increasingly being separated into different layers or tiers, and differentials in living standards between the tiers are likely to increase. Small communities classed as outstations, including homelands and most excision communities, are on the lowest tier and receive no new houses, no refurbishments and a low level of maintenance funding.

Creation of mega-shires in the Northern Territory

In July 2008 small town councils, community government councils, Aboriginal corporations and associations and other local government structures were amalgamated into larger regional or mega-shires in the Northern Territory. In homelands, shires are now responsible for the on-the-ground delivery of essential and municipal services.

In the case of the Utopia homelands, their own Urapuntja Council was dissolved and replaced by the larger Barkly Shire Council. All 16 communities were represented on the Urapuntja Council – this has decreased to three representatives on the Barkly Shire Council.

The amalgamations brought together a wide variety of regional and disparate interests from pastoral, mining, Indigenous and non-Indigenous town-based and remote representatives on shire boards. Aboriginal communities believe that the previous model was more representative of Aboriginal interests. The Aboriginal voice, despite being the dominant demographic in the region, has been diluted by the amalgamation into mega-shires.

12. Department of Families, Community Services and Indigenous Affairs, *Living in the Sunburnt Country – Indigenous Housing: Findings of the Review of the Community Housing and Infrastructure Programme, 2007*. www.fahcsia.gov.au/sa/indigenous/pubs/housing/LivingSunburntCountry/Pages/p2.aspx

13. G Marks, Submission 30, p 6, cited in *Senate Select Committee on Regional and Remote Indigenous Communities, First Report, 2008*, par 4.49. www.aph.gov.au/senate/committee/indig_ctte/reports/2008/report1/c04.html (G Marks, Submission 30)

14. PJ Torzillo, 'The state of health hardware in Aboriginal communities in rural and remote Australia', *Australian and New Zealand Journal of Public Health*, 2008: vol 32 no 1. (P Torzillo, The state of health hardware)

15. www.housing.nt.gov.au/remotehousing

16. At the time of the census in 2006, these figures were an approximate representation of the population of these regions but they are elastic due to high levels of mobility between growth towns, large centres like Alice Springs and Darwin and homelands communities.

17. Personal communication between Amnesty International and Northern Territory Department of Housing, 29 October 2010.

18. Department of Families, Housing, Community Services and Indigenous Affairs, *Remote Housing System – NT* at www.fahcsia.gov.au/sa/indigenous/progserv/housing/Pages/newremote_housing_system.aspx Accessed 1 April 2011.

HOMELANDS LEFT TO WITHER: VIOLATION OF RIGHTS TO ANCESTRAL LANDS AND FREE, PRIOR AND INFORMED CONSENT

Despite the clear significance of homelands to Aboriginal Peoples and the Commonwealth Government's commitment to addressing and redressing the historical injustices affecting Aboriginal Peoples in Australia, policies and commitments to homelands have been weak.

Scrutiny of homelands policies in the Northern Territory presents a clear picture of exclusion that has become increasingly worse over the years. Policy in relation to housing on homelands has resulted in the cessation of financial support for new housing and very limited support for housing maintenance or the delivery of services.

The Northern Territory's Working Future policy states that "government services to outstations/homelands will in most cases involve a form of remote delivery, based from the closest or most accessible hub town".¹⁹ By establishing 21 growth towns and ensuring that the majority of resources are directed to these towns, the government has established a context of increased pressure for homelands community members to move to the larger towns to access services.

The most significant human rights instrument for Indigenous Peoples is the United Nations Declaration on the Rights of Indigenous Peoples. The declaration provides a framework for the full and effective protection and implementation of the rights of Indigenous Peoples. The Commonwealth Government endorsed the declaration in 2009, expressing its desire to "reset the relationship" between Aboriginal communities and the state.²⁰

Core to the declaration is the right of Indigenous Peoples to their traditional lands. It recognises that Indigenous Peoples require an adequate land base to maintain their communities, distinctive identities, way of life and economies. The right to traditional lands is essential to fulfilling a broad range of human rights for Indigenous Peoples.²¹

The policies being pursued at federal and territory level are placing the future of Aboriginal Peoples on homelands in the Northern Territory in jeopardy.

Current Commonwealth and Northern Territory government policies were also established without the adequate participation and consent of Aboriginal Peoples. Article 19 of the declaration states that: "States shall consult and cooperate 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".

The UN Committee for the Elimination of All forms of Racial Discrimination has also clearly articulated the rights of effective participation and informed consent and see them as fundamental aspects of non-discrimination.²²

The decision to stop funding homelands was made without consultation with Aboriginal Peoples. Under the Remote Service Delivery National Partnership Agreement (and Working Future) there are provisions for Aboriginal engagement and participation but this only applies to the 21 growth towns, not to homeland communities.

These policies have had a cumulative effect on the state of infrastructure and housing in the homelands of the Northern Territory. There is now severe overcrowding and housing that falls below both international and national standards.

19. NTG, Headline policy statement

20. J Macklin, Statement on the United Nations Declaration on the Rights of Indigenous Peoples, 3 April 2009. www.jennymacklin.fahcsia.gov.au/statements/Pages/un_declaration_03apr09.aspx

21. For more than 20 years, UN treaty bodies have also consistently found that effective protection of Indigenous land rights is necessary to protect the right to culture. Communication no. 167/1984, Decisions of the Human Rights Committee, UN Doc. CCPR/C/38/D/167/1984 (26 March 1990), Para. 33.

22. CERD Committee, General Recommendation XXIII: Indigenous Peoples, 51st sess 1997, annexV [4(d)], UN Doc A/52/18.

VIOLATION OF THE RIGHT TO ADEQUATE HOUSING IN UTOPIA

Australia is party to the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 11 of ICESCR recognises the right of all people to adequate housing and commits state parties to take appropriate steps to ensure the realisation of that right. Under the covenant, Australia is obliged to take concrete steps, using the maximum available resources, to progressively fulfil the right to adequate housing.²³

The UN Committee of Economic, Social and Cultural Rights has made clear that the right to adequate housing should not be interpreted narrowly to mean “merely having a roof over one’s head” or view shelter exclusively as a commodity. Rather it should be seen as “the right to live somewhere in security, peace and dignity”.²⁴ For Indigenous Peoples, for whom land is an integral part of their cultural identity, the rights to land and adequate housing are intimately connected.²⁵

The Committee on Economic, Social and Cultural Rights has also clarified that the concept of ‘adequacy’ is particularly significant in relation to the right to housing and provided specific guidance on what constitutes adequate housing, including:

- legal security of tenure
- availability of services, materials, facilities and infrastructure
- affordability
- habitability
- accessibility
- location
- cultural adequacy.

Utopia’s community housing program comprises 114 dwellings on 16 homelands.²⁶ There is severe overcrowding in all 16 communities. As a consequence, approximately 85–100 people live in improvised shelters, known as humpies, with no power, running water or sanitation.

Working alongside Alyawarr and Anmatyerr co-researchers²⁷ and health professionals from the Anmatyerr- and Alyawarr-controlled Urapuntja Health Service, 56 of 114 houses in Utopia were surveyed by Amnesty International to examine whether they met basic standards of adequacy. This research found that housing in Utopia does not comply with UN Committee on Economic, Social and Cultural Rights standards for housing adequacy across a number of areas.

Availability of services

Unlike many homelands communities, Utopia is on an electricity grid, powered by a diesel generator. Each house has electricity but there were electrical faults in one-third of the houses, exposing residents to danger.

No houses in any of the communities had garbage collection, which meant that garbage was spread throughout each community.

Each community in Utopia has water from a bore so most houses have potable water. However, bore pumps often break down and communities can wait weeks before they are fixed by the shire.

While all houses had sanitation facilities, toilets were not working in half the homes surveyed and malfunctioning sewerage systems in houses is an endemic problem. There are incidents of raw sewage leaking from inadequate systems.

Humpies have no electricity, water or sanitation.

Habitability

Almost all houses across communities were in a dilapidated state, with significant structural problems in houses visited by researchers, including holes in the roofs, broken or no windows and no insulation. They provided minimal protection from cold, damp, heat, rain, wind and dust.

With 114 houses for a population of approximately 1,400 people, each house is overcrowded. In some cases as many as 15 people were found to be living in a two-bedroom house. The spread of disease because of overcrowded conditions in Aboriginal Peoples’ houses is well-documented.²⁸

Affordability

Housing on homelands in the Northern Territory was originally developed as social housing maintained by the Commonwealth Government. This was reversed with the 2007 MOU, which shifted the responsibility to the Northern Territory Government.

23. UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No 3: The Nature of States Parties’ Obligations*, Article 2, Para 1, UN Doc HRI/GEN/1/Rev.5, 2001.

24. UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 4: The Right to Adequate Housing*, Art. 11 (1), (1991), E/1992/23. www.unhcr.org/refworld/docid/47a7079a1.html

25. UN Human Rights Council, *UN Human Rights Council: Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living*, 2007, A/HRC/4/18. www.unhcr.org/refworld/docid/461f35472.html

26. Personal correspondence between Amnesty International and the Northern Territory Department of Housing, 3 February, 2011.

27. Stevie Loy Kemarr provided Anmatyerr and Alyawarr governance advice and research while visiting Three Bores, Tommahawk Wells, Camel Camp, Ankerrapw (Old Utopia Homestead), Boundary Bore, Soakage Bore and Lyenty (Mosquito Bore). Anthony Jones recorded and audited housing maintenance issues at Ngkwelay (Soapy Bore), Arnkawenyerr (Rocket range) and Antarrengeny and provided interpreter services in each of these homelands communities.

28. P Torzillo, *The state of health hardware*

As part of the Working Future policy, the Northern Territory Government classifies housing on Aboriginal homelands covered by the *Aboriginal Land Rights (Northern Territory) Act 1976* as “privately owned by the relevant land trust, on behalf of the Traditional Owners”.²⁹ As a result, people who had social housing have been arbitrarily told that they are no longer entitled to social housing.

This has effectively privatised homelands housing. Without consultation, the government has moved from a social housing model to simply calling housing “private”. By so doing they have effectively denied Aboriginal Peoples on homelands access to social housing benefits and have done so despite clear indications that this would leave them exposed to human rights violations.

In the Utopia homelands, the responsibility for housing now rests with the Alyawarr and Anmatyerr Peoples, who are among the poorest Aboriginal Peoples in Australia.³⁰ The Alyawarr and Anmatyerr families who contributed to this report told Amnesty International that the government’s approach renders them voiceless and excludes or punishes them for remaining on their homelands. They believe while the housing situation remains unaddressed, they live without dignity.



Case study: housing in Camel Camp

Bessie Purvis Petyarr and Jeffery Pepperill Kemarr live at the Anmatyerr homeland community of Camel Camp, close to the banks of the Sandover River and a five-hour drive, on mainly unsealed roads, northeast of Alice Springs.

They live with their daughters Stephanie Pwerl, Andreane Pwerl and Miranda Pwerl, their sons-in-law Clinton Penangk and Calvin Penangk, and their grandchildren.

They own a ute that they use for trips to the local store 35 km away and the ‘bush supermarket’, to hunt kangaroo and goanna and gather bush tucker and medicines.

The family’s income comes from a mixture of social security payments, the sale of Bessie’s art and the men’s seasonal work on cattle stations. Most of the family’s money is spent on food, fuel and rent to the government.

The family home is a 30-year-old corrugated iron house with two rooms and a small toilet area. Eleven people live in the house.

The house has no insulation. It is freezing in winter, when overnight temperatures fall below 0°C, and unliveable in summer, when daytime temperatures reach 45°C. People sleep on the verandah to stay cool in summer and because of overcrowding.

There has been no ongoing or cyclical maintenance. Instead, a small team employed by the local shire council do temporary fix-up jobs when and where they can.



Bessie Purvis Petyarr and Jeffery Pepperill Kemarr. © AI Photo credit: April Pyle

Bessie and Jeffery’s two-bedroom corrugated iron house with no insulation. Eleven people live in this house. © Lucas Jordan/AI

Ongoing sewerage problems including effluent overflow in shower recess, bathrooms and toilets due to blockages. © Lucas Jordan/AI

CONCLUSION

The Commonwealth Government has transferred responsibility for homelands to the Northern Territory Government, whose own policy clearly states no new homes on homelands in the Northern Territory. Instead the Commonwealth and Northern Territory governments are focusing attention on 21 Territory Growth Towns.

In this report, Amnesty International has argued that Aboriginal Peoples have the right to live on their traditional homelands without being effectively denied access to services like public housing and related infrastructure. Both the Commonwealth and the Northern Territory governments need to address this problem with the full and equal participation of those directly affected – the Aboriginal Peoples occupying the homelands of the Northern Territory.

29. NTG, Headline policy statement

30. N Biddle, *Ranking Regions: Revisiting an Index of Relative Indigenous Socioeconomic Outcomes*, CAEPR Working Paper No. 50, 2009. caepr.anu.edu.au/system/files/Publications/WP/CAEPRWP50.pdf

RECOMMENDATIONS

1. The Australian Commonwealth and Northern Territory governments recognise and fulfil the rights of Aboriginal Peoples to their traditional lands.
2. The Commonwealth and Northern Territory governments apply the Closing the Gap policies to all Aboriginal Peoples in the Northern Territory, not only to those living in Territory Growth Towns
3. Closing the Gap funding is equitably distributed to include homelands. Criteria for funding must reflect the importance of homelands to Aboriginal Peoples and the significant backlog in housing as a result of historical underinvestment.
4. The Commonwealth Government must ensure that all housing on homelands meets the standards for adequate housing under international law, and that effective, equitable and non-discriminatory processes are in place to ensure the rights of Aboriginal Peoples to their traditional lands and the rights to adequate housing.
5. The Commonwealth and Northern Territory governments engage with homeland communities to secure their free, prior and informed consent on all housing policy and plans for homelands given the significance of these policies for homeland communities.
6. The Commonwealth and Northern Territory governments to take into account the above recommendations when re-negotiating the 2007 Memorandum of Understanding on Indigenous Housing, Accommodation and Related Services.

Amnesty International is a global movement of more than 3 million people in over 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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Top: Rosie Kunoth Kngwarray,
Bottom: Arlparra, Utopia homelands.
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