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Refshauge's stance on land councils a cop-out: Mundine

By: Debra Jopson
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The head of the NSW Labor Party's indigenous policy committee has accused the Minister for Aboriginal Affairs, Andrew Refshauge, of using arguments about self-determination as a "cop-out" for not fixing the ills of the state land council.

Warren Mundine said he had "almost" reached the stage of supporting an Opposition call for an inquiry into the NSW Aboriginal Land Council because of frustration over Dr Refshauge's failure to address claims of ongoing maladministration there.

"People like Andrew" believed that going to Aboriginal people who had had their lives totally controlled in the past and saying "here, do what you like" constituted self-determination, said Mr Mundine, who chairs the state ALP indigenous people and reconciliation policy committee.

"But local governments are under restraints and they are self-determining," said Mr Mundine, who is also the deputy mayor of Dubbo and said he was speaking out as a concerned member of the Dubbo local Aboriginal land council.

Dr Refshauge's claim that he could not intervene under the Aboriginal Land Rights Act, which delivers "true self-determination", was really a statement that the minister "has got to have his hands off the wheel," he said.

But Dr Refshauge said: "Anyone calling on me to intervene in circumstances where there is no breach of the act is calling on me to break the law."

Mr Mundine said that recent amendments were a move in the right direction, but Dr Refshauge had to change the act to give himself more power to intervene, to ensure that when the management by state land councillors did not work, "the minister has the power to come in and jump on them".

"There has been a long line of things [that have gone wrong] which people have not got a handle on, and they've festered and festered on," he said.

Mechanisms to regulate the state land council were not being used properly and transparently. For instance, an Independent Commission Against Corruption report which in 1999 recommended prosecutions over misuse of expenses and travel allowances for three state land council board members had produced no charges.

ICAC had recommended their removal, but two of the men, Wayne Griffiths and William Murray, had been re-elected.

"The Minister and the Director of Public Prosecutions should answer the question why. If there was not enough evidence, they need to say it."

Aboriginal people were tired of the many inquiries revealing mismanagement. They wanted ministers and relevant authorities such as police to fix the problems, he said.

"They don't, and so Aboriginal people opt out. They just don't vote in land council elections," he said.

"The only people who benefit are those collecting the gold every week."

Dr Refshauge said the state land council was "a democratically elected body that is functioning with 13 elected representatives" and he had made it clear to them that "should they breach the act I will not hesitate to appoint an investigator".

The decision to prosecute resided solely with the DPP, he said. He would consider changing the act if recent changes did not make the state land council more accountable.