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INDIGENOUS WOMEN'S LEGAL SERVICES
SENTENCING: IS RCIADIC RESPECTED?
ONE MILE DAM: FIGHTING FOR HUMAN RIGHTS

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NATIONAL SHAME JOB

INNER CITY ABORIGINAL COMMUNITY

EARMARKED FOR DEVELOPMENT

FOR THE ELITE, WHILE RESIDENTS FIGHT

FOR BASIC HUMAN RIGHTS

by Stella Smith¹

Ethnic cleansing – this is it. People might say that its development and you can't stand in the way of development – that's bullshit. You can't just go kicking blackfellas around all over the place. We've been dispossessed already, we're still being disposed now – being told to move out from here.'

David Timber, community leader, One Mile Dam.

One Mile Dam is an Aboriginal community of 150 people half a kilometre from Darwin's central business district. Our community is in a state of profound neglect. Fifty permanent residents to live in six tin dwellings with no fans. They are unbearably hot in the wet season causing many residents sleep outside. Gaps in the floors and ceilings allow rats and insects to enter creating dangerous power problems with chewed cables. Electric shocks are an ongoing problem. The dwellings have no cooking facilities.

All residents share two ablution blocks (when they are working). The walk to use them is unacceptable for kids, sick and disabled people. Up to 20 people live in a wire mesh shelter. A number of family groups also camp in tents and under tarps in and around the One Mile Dam lease area.

These living conditions physically affect the health and wellbeing of all residents at One Mile Dam. Residents want the standard of housing to be raised to that experienced elsewhere in Australia and that is the right of any citizen.

One Mile Dam is the only place in central Darwin where Aboriginal people can stay, within their cultural comfort zone and within the law. It provides a sanctuary for Indigenous homeless people and functions in a way that Aboriginal people feel accepted.² Police and the Community Patrol rely on One Mile Dam as an alternative to sobering up shelters or the police lock-up.

The Government has yet to recognise One Mile Dam for providing this service.

David Timber says:

I believe the Northern Territory Government is talking it up with Larrakia Nation (representing traditional landowner families of the Darwin area), to have us moved out of here. I've had that feeling since day one and I think it's still a possibility that that's what the Government wants with us. Just by looking at the place you can see it's prime land and very valuable to the Government to develop this area. You can see all the development going on around us, but we were here first, we expect to be treated equally as everybody else. As far as I know, we are still getting the silent treatment by this Government and they won't let up on us.

GOVERNMENT PLANS

A large area of land above the One Mile Dam community, the tank farm, has been the site of fuel tank storage from early Darwin days. The tanks are to be relocated to the new Port Darwin within a few years. This relocation will make the development of the tank farm area for medium to high-density living a possibility for the Government and prospective developers.³

In 1997, the Country Liberal Party Government announced that the One Mile Dam community did not fit in to development plans and that they would have to move.⁴ General community support for the residents to stay made the story go quiet. It now appears that the ALP Government has been in negotiation with the Aboriginal Development Foundation ('ADF') (the leaseholder of the land). The ADF and the Department of Lands, Planning and Environment ('the Department') have not involved residents of the community in discussions about future developments. The residents continue to hear stories that they will be moved. We would argue that this lack of consultation is entirely undemocratic.

THE SITUATION NOW

The current proposed development of the One Mile Dam lease is to reduce the area by about half by rezoning the area to be lost as open parkland. Two of the better dwellings at One Mile Dam are situated in this area. These plans for our community are for the benefit of developers and the proposal was made without consultation with the community.

We have put a submission in to the Department opposing the rezoning and have asked the Government for written assurance that the lease will not be changed in any way and will be retained as an Aboriginal living area. The Submission states:

Community members of One Mile Dam assert their residency rights and call on the Northern Territory Government to explicitly recognize these rights.

[A]s residents of One Mile Dam community, they are key stakeholders of any planning concepts or land use objectives and as such, should be consulted by Government as a matter of urgency.

We refer the Northern Territory Government to the United Nations Committee on Economic, Social and Cultural Rights – General Comment No. 4 on the Right to Adequate Housing:

To protect effectively the housing rights of a population, Governments must ensure that any possible violations of these rights by 'third parties' such as landlords or property developers are prevented.

In order to protect the rights of citizens from acts such as forced evictions, Governments should take immediate measures aimed at conferring legal security of tenure upon all persons and households in society who currently lack such protection.

No assurance has been forthcoming. A decision on rezoning in the lease area was still 'deferred' according to the Department when enquiries were made again recently.

Kumbutjil Association, formed and incorporated by residents in 2004, has informed the Government of its desire to hold the lease (currently held by the ADF) so that, in future, residents can be assured that the community's interests are represented and that their history and future cannot be negotiated by a third party.

BACKGROUND

In the early days Indigenous people were not entitled to housing and lived in the undeveloped areas in camps around Darwin. It was the old people of the now permanent residents who lobbied the Government of the time for the right to their land. A special lease was granted in 1979 to ADF for an Aboriginal living area at One Mile Dam. The lease area was at that time of no use to the Government or developers being situated at the 'out' end of drainage systems.

Culturally appropriate housing in line with adequate standards of living is one of the key issues for our community. Since 2001 we have been writing to the Territory and Federal Governments raising the state of neglect of the One Mile Dam community and feelings of hopelessness among the residents.

Our experience with ADF has been one of paternalism. People have tried to participate in the ADF to provide a voice for residents but their voices have not been heard. We have had no say in the running of our community, even the most basic service provision.

The Kumbutjil Association was formed as a way to undertake our own programs to address the health and safety issues confronting residents. We have asked the Government to deal with us directly instead of ADF. We have also set up, with volunteer assistance, a website for the One Mile Dam community <www.onemiledam.org.au> for the purpose of informing Government and providing a voice.

We, the residents of One Mile Dam, have a vision for our community. We would like it to be consulted, informed and to have a strong voice. This would provide a role model for other Indigenous communities. Other Aboriginal groups should stick by us in our quest to keep this place for ourselves as an Aboriginal living area.

Stella Smith is a resident of One Mile Dam. David Timber is a community leader and resident of One Mile Dam.

- 1 This story was put together by Stella Smith for David Timber and the One Mile Dam Community. An earlier version of this article was published in the *Green Left Weekly*. See the *Green Left Weekly* for further details at <www.greenleft.org.au>.
- 2 Kathy Newman and Owain Lewis-Jones, 'One Mile Dam Under Threat' (2004) *Green Left Weekly* <<http://www.onemiledam.org/pages/One-Mile-Dam-under-threat.htm>> at 22 January 2006.
- 3 Ibid.
- 4 Bill Day, 'Aborigines Occupy Lee Point' <<http://www.onemiledam.org/pages/Articles.htm>> at 16 January 2006.