

THE AUSTRALIAN

Push for Aboriginal ID tests by indigenous leaders

MICHAEL MCKENNA THE AUSTRALIAN 12:00AM February 20, 2016

A landmark finding disqualifying a claim of Aboriginality by a former senior NSW public servant has led to indigenous leaders calling for tougher identity checks amid warnings that “fake Aborigines” are involved in widespread rorting of benefits, government jobs and contracts.

The politically sensitive issue dominated a meeting of the Prime Minister’s Indigenous Advisory Council late last year to discuss a new commonwealth procurement policy that at least 3 per cent of all government contracts should be allocated to Aboriginal and Torres Strait Islander businesses.

A formal submission has since been made by the council to Malcolm Turnbull’s office to abolish the practice of local Aboriginal land councils signing off on claims — often on the basis of a single statutory declaration — with power given to native title groups to use certified genealogists.

Council chairman Warren Mundine and Queensland Aboriginal leader Stephen Hagan, who until recently headed a council of Australia’s Federal Court-vetted native title organisations, said the existing system to approve claims of Aboriginality was outdated and being rorted. “You can go to any town in the nation with a significant indigenous population and you’ll see not one, but numerous ‘white blackfellas’ falsely claiming Aboriginality to get jobs and benefits that should go to our people,” Mr Hagan said.

“We need a system that properly tests these claims so there is no chance of rorting and to ensure targeted taxpayer funds and jobs go to indigenous people.”

The comments follow a decision this month of the registrar of the Land Rights Act 1983, Stephen Wright, to order the removal of former public servant Laurinne Campbell from membership of a NSW land council after a decade of indigenous community complaints.

Ms Campbell had relied on land council vetting to secure an “Aboriginal identified” position as the Dubbo-based regional manager of the NSW Aboriginal Housing Office and, later, set up an indigenous corporation with her family. In 2011, Mrs Campbell’s “Nigyanni Indigenous Corporation” reported securing almost \$120,000 in government grants and private donations.

Two local Aborigines, elder Ray Peckham and Bernadette Riley, who investigated Mrs Campbell’s claim to Aboriginality — initially approved by the Pilliga Local Aboriginal Land Council — alleged she used Aboriginal names found in an Aboriginal magazine, *Dawn*, to match her family tree.

Aboriginal bus driver Rupert Williams, 60, is among those who featured in the 1960s *Dawn* articles, submitted by Mrs Campbell as part of her 2006 Aboriginality claim to the Pilliga council, and is named as grandfather on her Aboriginal family tree. “I don’t know her and I’m not her grandfather,” he said this week.

After years of complaints, the Independent Commission Against Corruption referred the matter back to Mr Wright, who commissioned two genealogists’ reports that concluded her claims could not be substantiated.

“My finding was that Laurinne Campbell could not demonstrate her right to membership of a LALC (Local Aboriginal Land Council) pursuant to the ALRA (Aboriginal Land Rights Act),” he said. “This finding was primarily based on analysis of a range of family history information provided to me by Laurinne Campbell and the analysis provided by my genealogical reports.”

After making formal complaints, Mr Peckham and Ms Riley were each threatened with legal action. In 2011, solicitor Russell Booby, who wrote that he was acting for Laurinne Campbell and the NSW Department of

Family and Community Services, sent letters to the pair accusing them of defamation and racism.

Mr Booby, who this week said it “was my understanding” that his bills were covered by taxpayers, cited the 2011 Federal Court decision against News Corp columnist Andrew Bolt and Section 18c of the Racial Discrimination Act in a bid to stop their calls for an official investigation. “The allegations have left my client feeling humiliated and publicly derided, and because the allegations spoke to the issue of my client’s Aboriginality and raised some question around that, they have the effect of undermining my client’s professional credibility,” the letter said.

“The court’s decision in Eatock v Bolt is a timely warning to you that my client will not tolerate her Aboriginality and/or her reputation and good character being impugned.”

Mr Peckham, now 86 and a former civil rights activist, said it was “too easy” for people to make claims of Aboriginality without proof. “We won’t stop it all happening in the future but we have to make people think twice,” he said.

When approached by *The Weekend Australian*, Mrs Campbell refused to discuss the findings of the investigation.

Asked if she was Aboriginal, Ms Campbell said: “I am not going to answer that. I am not going to play this game any more. This is a witch hunt that has been going on for years.”

Mr Wright said he would now report to ICAC about her claim of being an Aborigine, but had not made formal findings about Mrs Campbell’s conduct.

“It is not within the jurisdiction of the registrar to make findings about a person such as Laurinne Campbell’s conduct,” he said.

Mr Wright said the question of who may claim legal rights as an Aboriginal person was a “very significant national issue”.

“In my experience, the test for membership of Local Aboriginal Land Councils in NSW is the strongest non-judicial way of establishing that a person can claim to be an Aboriginal person in the Australian jurisdiction,” he said.

“A debate about what more should be done to ensure the legitimacy of claims to Aboriginal identity is long overdue.”

Mr Mundine said there was a need to toughen the vetting process to make a claim of Aboriginality, combining the use of certified genealogical investigators, a statutory declaration from the claimant to their identity and a supporting declaration from the indigenous community.

“We need to toughen the system to ensure that people accessing benefits or getting government jobs or contracts are legitimate,” he said. “People are reluctant to question someone else’s Aboriginality and that’s why we need a very clean open system so people can feel confident.”

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