

Ghurriebhurrah

People of the Native Orchid clan
of the Euahlayi Nation

Media Release

Indigenous Estate like a Fata Morgana

Goodooga, 23 January 2016

Ghillar Michael Anderson, Leader of the Euahlayi Nation, Convenor of the Sovereign Union and former director of Ngurampaa Ltd. compares the Indigenous Estate with a fata morgana “as soon as you have a closer look it disappears into nothing”.

The Australian Government presents to its own citizens and to the United Nations, that the land purchased by the ILC (Indigenous Land Corporation) would belong to the “Indigenous Estate”, what implied that this land bought by taxpayers’ money is actually owned by Aboriginal People, when in fact the government continues to own the land.

“The Indigenous Land Corporation assists Indigenous Australians to acquire land and to manage Indigenous held land so as to provide economic, environmental, social or cultural benefits.” states the official website of the Australian Government.

The reality is very different. Just imagine a Mr X had stolen everything from you and then Mr X comes to you and says he wants to buy a car for you to compensate you for your loss. Mr X buys the car in your name but he wants a grant arrangement set in place, so as to show that he purchased it for you. You say fair enough and you sign everything he holds in front of you, to get your car. But In the fine print, Mr X’s condition of purchase is that he is the only one who is permitted to drive the car. Yes, it is in your name on paper, but in reality it means nothing. This is the way the Indigenous Land Corporation purchases most of the land in name of Aboriginal people.

The Indigenous Land Corporation purchased the properties Mogila and Currawillinghi for the descendants of the rightful original land owners, the members of the Ghurrie Clan of the Euahlayi (Yuawllarraay/ Yawaalarray) as compensation for admitted colonial wrong doings in 1998. The ILC created a Deed of Grant with the clause that the Original Land Owners had to lease the land back to the ILC trading as Mogila Merino Pty. The oral reason given to the Ghurrie by the ILC staff was that the Ghurrie would owe the ILC money for the acquisition of 24,000 sheep. And that, when the ILC had profited the \$860,000, they would hand over all the business and the property to the Ghurrie. The ILC even reported this to the Australian Parliament.

The ILC staff informed the Ghurrie members that they (the ILC) had to have security over the Land until the debt was repaid. The Elders agreed but did not realise that a caveat without further conditions was to be issued in favour of the ILC.

The ILC ran the business on Mogila trading as Mogila Merino Stud. They never provided any annual statements, to show that the debt was being paid down. The lease for the just under 100,000 acres property was \$1 (dollar) per year, which was paid in the form of a \$1 jar of cookies.

Ngurampaa Ltd was set up by ILC as a not-for-profit organisation and they promised the Elders that they would do all the paperwork for ASIC and Taxation. The Indigenous Land Corporation collected blank signatures from the Elders for tax returns!

ILC never filed any tax returns (which would have been pretty simple as Ngurampaa Ltd did not even have a bank account – you don’t need a bank account for jar of cookies) or ASIC company reports. When the Ghurriebhurrah forced ILC to end the lease in 2002, the new

directors did not know that Ngurampaa Ltd was already in court to be wound up. ILC certainly knew this to be the case.

The government owned and controlled Indigenous Land Corporation tried to have Ngurampaa Ltd. wound up, by not filling paperwork. They did this, because they thought the property would automatically come back to the ILC.

The ILC never provided any financial statements to guide the Ghurrie members as to how much they had been paying down in terms of the debt that ILC alleged the Ghurrie owed them. It has been revealed by a chart found on Mogila Station that Mogila Merino Stud were selling Stud Ram and at least 5000 lambs and mutton per year, they also sold approximately 800 bales of wool at an estimated average price of \$800 per bale. In the 5 years the ILC conducted business on Mogila their income is shown to be around \$2.3million and they did NOT pay one cent to repay the debt they alleged the Ghurrie owed them.

Before the Indigenous Land Corporation left Mogila in the drought in 2002, they sold 17,000 sheep. None of this sale income was written off against the debt or handed over to the Ghurrie. What became clear was that the ILC needed this money to cover the costs of being prosecuted by WorkCover for not having Insurance when one of the Aboriginal workers had an accident on Mogila that left him quadriplegic. The ILC had to pay millions of dollars compensation.

The Ghurrie commenced business with 1200 starving sheep that the ILC left behind, not because of any kindness but because the property is so big they just could not find them in time before they left. They also left behind a starving stock horse that we found barely alive in a paddock with no feed at all. We deeply regret that we did not report the starving animals to the RSPCA.

In their parting letter the ILC promised \$15,000 for fencing material that had been taken by members of the ILC board of directors who were white neighbouring farmers. Besides the fencing material, nearly all useful equipment disappeared between the inventory and the takeover by the new directors. The Ghurrie, however, did their own full inventory of the remaining assets. The Ghurrie are still waiting for the \$ 15,000 for the fencing material, which was much needed at this time, as the property was completely run down.

Fences were down everywhere, not even one windmill or trough was in working order, water pipes were broken and left unattended so while some areas of the country were flooded by bore water, the stock had no water in the next paddock because of the broken pipes.

Without any help from the ILC or any other governmental body, Ngurampaa Ltd started trading and it went well until in 2012 the worst drought ever seen to hit the area. We then survived three years with floods without any government or ILC aid, as Ngurampaa Ltd was not entitled to low interest loans due to the caveat, which is held by ILC. ILC refused to have the caveat lifted so that we could apply for a loan. The first flood alone in 2010 caused damages exceeding \$60,000.

In 2012 it stopped raining, since then we are experiencing the 1 in 100 year drought. We are in the same situation as all other farmers in the drought affected area, except for the fact, that Ngurampaa Ltd could not borrow money at the bank or apply for a low interest drought loan due to the ILC caveat. Again we asked ILC for help in form of lifting the caveat, again it was denied without reason. As a direct consequence of the caveat, Ngurampaa Ltd is now in liquidation.

The only reason for the liquidation is the caveat, otherwise we could have easily borrowed money as the land is worth approximately \$13 million. We could not even get an overdraft of \$10 from our bank because of the ILC.

The Indigenous Land Corporation praises itself in wonderful words and high quality brochures that claim they are there for Aboriginal People in Australia. In reality the government created with the ILC a State in a State. The only bank you can go to for a loan is ILC and ILC has the power to say yes or no, without any explanation. Of course they said No to us, they want our land.

The official reason for the caveat is, that the land that the ILC has purchased belongs to the "Indigenous Estate" and shall be protected from being sold. ILC contradicts itself by selling on the open market properties that they purchased for Traditional Owners, against their will. This happened for example in Menindee and on the Murray River in Victoria and other places.

The Commonwealth government reports to International bodies that they do wonderful things for the Aborigines and show them the Aboriginal and Torres Strait Islander Act 2005 as amended which includes the ILC and IBA (Indigenous Business Australia), but the International community are NOT aware of how the Commonwealth Government's instrumentalities work internally.

The ILC are now sitting like crows on a tree, waiting for the Ghurrie to give up. The Liquidation orders would never have occurred if the Ghurrie had equal suffrage in the business world. We never wanted any help from the Indigenous Land Corporation. We want to operate equally in the commercial world and not under totalitarian rules of the ILC. It is the year 2016 and not the old welfare days, when blankets were handed out as loans only to our people who were detained in Aboriginal Reserves by the Aboriginal Protection Board; not for any crimes they committed but because they were Aborigines.

The Ghurrie are fighting a heavy weight championship fight with their hands tied behind their backs.

It is assured that the Ghurrie will not give up. The Oppressor State got this land as a result of a crime, Genocide. As Prime Minister Keating said in his Redfern speech, "we came, we took, we did the murders, we took the land, we took the children" etc etc.

The Ghurrie now occupy land that was purchased under the 1998 Land Fund as 'for dispossession' and compensation. The ILC made it impossible for the Ghurrie to operate as all other white farmers and grazers do in this country. They prevented the Ghurrie from operating equally in the commercial world. Unfortunately, the Ghurrie are NOT the only Aboriginal people who have suffered this way at the hands of the Indigenous Land Corporation (ILC).

We are calling for the Australian Government to amend the Commonwealth Aboriginal and Torres Strait Islander Act 2005 (ATSI Act) as amended. Our primary focus is Part 4 - The Indigenous Land Corporation. This Act exempts criminal and corporate illegalities from the Commonwealth Criminal Code. Section 5A of the ATSI Act 2005 as amended - Application of the Criminal Code - states that: Chapter 2 of the Criminal Code (except Part 2.5) applies to all offences against this Act; And as a notation in this section 5A, it reads:

"Part 2.5 of the Criminal Code (which deals with corporate criminal responsibility) is excluded from applying to offences against this Act by subsection 199(10)".

This establishes a regime of legal corruption and nothing can be done about it. The ILC has had the Commonwealth Government appoint to the Board of the ILC a known associate of Mr Abe Saffron, an identity well-known to the police.

The ILC purchased the Ayers Rock Resort at Yulara for \$300 million, which is now valued on the ILC books \$225 million. "ILC do not tell us how to survive in the business world", states Ghillar Michael Anderson. "Just let us cut the cord and promise never to bother us again."

The Ghurriebhurray are asking the members of the Parliament to conduct an enquiry into the operations of the ILC and the real benefits the Traditional Owners gain. In most cases

the ILC itself conducts the business on the purchased lands. They give themselves loans for their businesses and they praise themselves for having Aboriginal people trained as stockhands. In the 21st century it should be their job to train Aboriginal people to run their own business on their own land and not to only train them as labour on white-managed farms as in the last century.

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