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Regional agreements and
localism: a case study from
Cape York Peninsula

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DISCUSSION PAPER

Series Note

Regional agreements and localism: a case study from Cape York Peninsula

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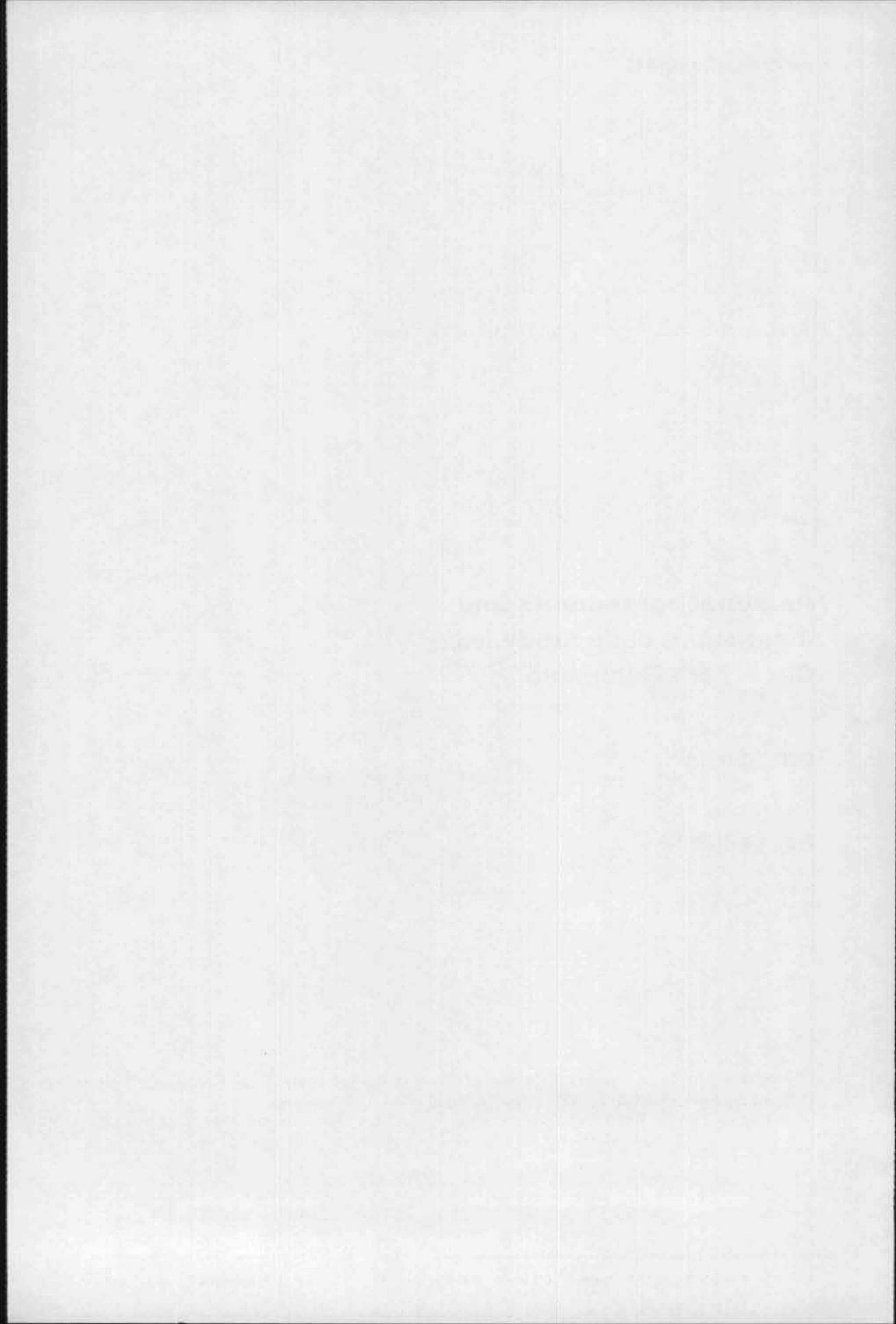
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Summary

There are a number of important prerequisites before there can be any assurance that regional approaches to negotiating new institutional arrangements between Aboriginal and other interests can have any chance of success. This is the case whether Aboriginal leverage in negotiations is derived from the assertion of native title rights or otherwise. In Cape York Peninsula, Aboriginal people form a substantial proportion of the permanent population, and already control significant areas of land, including much of outstanding conservation value. There are broad similarities of political and cultural forms amongst the region's Aboriginal peoples. Over recent years, a number of significant Aboriginal peak bodies have been established, particularly the Cape York Land Council. Furthermore, there are processes and institutional arrangements already in place or being negotiated in the Cape which form a significant base on which regionalism as a set of political and institutional forms can develop.

There are, however, major obstacles to the development of regional agreements in the Cape, most particularly those arising through the current uncertainties at State and national level in the response to Wik and other indigenous policy issues. There is strong opposition to processes under the *Native Title Act 1993*, to proposed Aboriginal joint management regimes, and to the Cape York Peninsula Heads of Agreement by a number of non-Aboriginal locally and regionally based organisations and individuals who have proved highly adept at mobilising political support for their positions. While current amendments to the *Native Title Act 1993* propose strengthening the capacity to negotiate regional agreements and Indigenous Land Use Agreements, other amendments such as changes to the right to negotiate and the schedule of tenures which confer exclusive possession have the capacity to remove the leverage upon which Aboriginal negotiations can meaningfully take place.

There are also impediments within the Aboriginal domain itself. The strong emphasis on localism poses significant problems for strategically and collectively addressing issues, developing responses and conducting negotiations across a region. Also, many Aboriginal people demonstrate a strong commitment to existing political structures and institutions, which in many cases have become deeply embedded within the Aboriginal political and economic domain. Furthermore, the difficult circumstances of everyday life for many Cape York Aboriginal people, as reflected in socioeconomic data on health, alcohol consumption, employment, income levels and so forth, can tend to ground people in the struggle for existence and for immediate advantage through existing structures and institutions rather than providing a dynamic for change.

Policy implications

While regional agreements may ultimately be based on the assertion of indigenous rights, they must also be firmly grounded in the circumstances of Aboriginal people's everyday lives and priorities, and must seek to change these

circumstances for the better. Overall negotiations must address such issues as well as the wider ones in which they are, arguably, embedded. For example, the principles of customary law implicit in the recognition of native title could be brought into more creative play in dealing with such difficult social issues as the control of alcohol abuse. Strategies to expand Aboriginal land holdings and recognition of native title rights also need to incorporate mechanisms to leverage an increased economic stake in the region for Aboriginal people, for example, through negotiated agreements with resource developers.

The capacity to use native title or statutory land rights as leverage, however, is dependent upon an appropriate legislative and policy regime, such as royalty equivalents for mining on Aboriginal lands in the Northern Territory, or the current right to negotiate provisions under the *Native Title Act 1993*, which facilitates such leverage. Furthermore, strategies to increase an economic stake must be linked, for example, to the delivery of appropriately targeted educational and training programs.

Success is highly unlikely for any strategies which are directed towards an all-encompassing 'regional agreement' over a wide range of issues such as Aboriginal government, control of lands and resources, and service delivery. Nonetheless, there are a series of arenas in which strategic advances have already been or could conceivably be made in regional responses to core issues in the Cape, some flowing from the assertion of native title rights, and some taking advantage of current State and national political trends in service delivery and other government functions. The issue then becomes how to creatively develop mechanisms over a range of agreements which may be negotiated over different issues, so that the agreements can be structurally linked in appropriate ways. That is, rather than attempting to negotiate a single comprehensive agreement encompassing a diverse set of issues, the approach is from the other direction; to negotiate a set of focused agreements on regional issues which allow a strategically linked mosaic of agreements to gradually be established.

Linkages between different local area, sub-regional and regional agreements could be established through a range of mechanisms. Firstly, institutional linkages need to be formalised and relative roles and areas of operations defined between the peak Aboriginal bodies (especially Native Title Representative Bodies) negotiating such agreements. The second means of establishing linkages between different agreements would lie in formalising and ensuring consistency in institutional arrangements for the resourcing and process of regional negotiations. The third area could lie in ensuring consistency and coordination between the monitoring and evaluation structures and processes which should be developed as an essential part of each agreement. It may even be possible in some instances to have separate agreements utilise the same monitoring and evaluation structures.

Acknowledgments

The sociopolitical geography of Cape York Peninsula

The aim of this section is to present data which illuminates particular strategic areas (such as access to land, land management regimes, political and administrative structures, political alignments, service delivery in such areas as health) around which various kinds of regional agreements might be focused on Cape York Peninsula. Sullivan (1997) has provided a typology of such agreements, the parties that they might involve and the various ways in which the region can be defined, although O'Faircheallaigh (1997) criticises Sullivan and other Australian writers for failing to incorporate the significance of the *process* of negotiation into their analyses.

In discussing the issues surrounding the development of regional agreements, the question arises as to how the regions concerned are to be defined. Section 21 agreements under the *Native Title Act 1993* can of course be local, and, for example, centre on a particular resource development. Even here, there are likely to be parties and issues (especially in the Aboriginal realm) which spill over any boundaries constructed for the purposes of reaching the agreement. Most particularly though in the case of agreements being developed over broad geographical regions, virtually any construction of the boundaries within which they are to operate will have a degree of artificiality about them.

For one thing, there will always be a complex layering of legislative and administrative responsibilities of local, State and Commonwealth Governments which will cut across such boundaries, and service delivery by departments and agencies of each of these levels will in many cases not be based upon the region in question. For another, while one can legitimately speak in terms of broad Aboriginal 'cultural domains', these are not, in any simple sense, bounded entities, and in any event it can not be assumed that there is a natural community of interests upon which a region based on such domains could be constructed. This is a question to which I will return.

Cape York as a region

Nonetheless, in the case of Cape York Peninsula, there are a number of sociopolitical, administrative, and geographical factors which arguably do allow for the definition of it as a reasonably coherent region. Of course, the Peninsula itself forms a relatively bounded geographic entity. Its southern extent may be more problematic, but is sparsely populated. To its north lies the Torres Strait region. This boundary is rendered more complex, however, by the fact that there are, for historical reasons, two Torres Strait Islander communities on the mainland (Bamaga and Seisia). While there are issues which these Islander communities share with their three predominantly Aboriginal neighbouring communities, administratively they are for most purposes considered a part of the Torres Strait. Certainly their prime political and social ties have been to the islands rather than to the south, although this is changing to some extent as Islanders migrate to Aboriginal townships in the Cape such as Lockhart River and

Napranum. Furthermore, there are a group of indigenous people based on Horn and Prince of Wales Islands who have aligned themselves politically with mainland Aboriginal people. With these caveats, there are a number of significant factors apart from the geographical ones which allow Cape York to be usefully considered as a region for the purposes of this paper. Firstly, there are already a range of governmental administrative regions which broadly correspond to the Cape. With the exception of the Aboriginal Deed of Grant in Trust (DOGIT) lands and the Aurukun Shire, most of the Cape comes under the auspices of the Cook Shire Council. Many of the State service delivery agencies and departments have administrative divisions based on the Peninsula, such as the Cape York District Health Service. Furthermore, the Aboriginal and Torres Strait Islander Commission (ATSIC) Peninsula Regional Council's jurisdiction covers the whole of the Peninsula from just south of Wujal Wujal.

Secondly, the Cape York Land Use Strategy (CYPLUS), initiated in 1992 and conducted under the joint auspices of the Queensland and Commonwealth Governments and covering the whole region, has provided an example of broad-based political consultative and negotiating processes between Aboriginal people and others, as well as potentially useful data (Cape York Regional Advisory Group 1997). While the commitment of both Queensland and the Commonwealth to implement core recommendations of the Stage 2 Report is far from clear, CYPLUS has arguably provided a forum in which a degree of political awareness of regional issues and dynamics has developed, and also a degree of public support for key Aboriginal objectives, for instance in its ratification of the Cape York Peninsula Heads of Agreement.

Thirdly, basic demographic and land tenure patterns for the region demonstrate a significant Aboriginal presence which differentiates the Cape York region from areas to its south. While total population estimates for the Cape vary, Aboriginal people form a large proportion—perhaps a majority—of its total population and a substantial majority of those living outside Cooktown and the bauxite mining township of Weipa. Aboriginal people already control substantial areas of land in the Cape, including community lands around the Aboriginal townships, some pastoral leases, and some transferred reserve lands. As well, negotiated transfers of land such as on the east coast, and ongoing processes under Queensland's *Aboriginal Land Act 1991* and the *Native Title Act 1993* have the potential to increase direct Aboriginal land holdings, and access rights or management roles in other lands.

Fourthly, while there is considerable diversity amongst Cape York Aboriginal peoples, there are also broad similarities of political and cultural forms. Equally, while the post-colonial histories of the various Aboriginal communities have major differences, there are also important commonalities, including the administrative regimes in the Aboriginal townships which succeeded the former missions (see Martin forthcoming). Furthermore, in recent years a number of significant Aboriginal organisations have emerged such as the Cape York Land Council (CYLC), with a regional constituency and focus, which themselves have played

significant roles in developing common approaches to issues on a regional basis, and in establishing a regionally-based Aboriginal political domain.

The following section presents a brief outline of salient features of the cultural, political and economic geography of the Cape region with particular reference to its Aboriginal population, in order to delineate key areas in which leverage of various kinds could be exerted by Aboriginal people, or in which it seems that there are issues which require addressing on a regional level.

Demography

There are varying estimates of the indigenous population of the Cape. The 1991 Australian Bureau of Statistics (ABS) Census put the total population of the ATSIC Peninsula region at just under 13,500 and the indigenous population at 5,724 in 1991. Preliminary results from the 1996 Census put the indigenous population for the region at 5,635—which makes it the only ATSIC region for which there has been a population drop over the intercensal period. For methodological and other reasons, it is likely that these are major under-enumerations, however (Martin and Taylor 1996). The 1994 indigenous population was estimated to be over 7,000 by the Centre for Applied Economic Research and Analysis in the CYPLUS Stage 1 population report (CYPLUS 1994), but this estimate itself was based on questionable methodology and is arguably an over-estimate. The former estimate would put the indigenous population at about 42 per cent of the total, and the latter at around 47 per cent. Excluding the overwhelmingly non-Aboriginal administrative centre of Cooktown and the mining township of Weipa, these figures would suggest that between 57 and 63 per cent of the Cape's population is indigenous.

As elsewhere in remote Aboriginal Australia, the population is characterised by a relatively large proportion of young and very young people, and by a relatively small proportion of older people (ATSIC Peninsula Regional Council 1995). This has important ramifications. For example, it is primarily this small group of older Aboriginal men and women who have spent extended periods of their lives on or near their traditional lands, particularly through working in the cattle industry before its collapse in the late 1960s, and thus are critical to the continuing transmission of land-related knowledge and Law to younger generations. However, in many Cape York communities there is arguably a deep crisis in relations between the generations and a radical sundering of the mechanisms by which core Aboriginal values and concepts are transmitted (see, for example, Martin 1993). This has been exacerbated by factors such as the demographic imbalance between older and younger generations mentioned above, the introduction of a welfare-based cash economy over the past two decades which has effectively enabled younger generations (particularly young men) to assert their independence of older ones, the availability of alcohol and more recently other drugs, and the increasing penetration of western forms such as music, television and videos. These not only provide alternative modes of thought and practices to those derived principally from the indigenous realm, but also

arguably have the capacity to sustain meaning and inform mundane life in the context of the quasi-urban townships more powerfully than do many of the land-based indigenous ones.

Thus, for many young people, the systems of meaning and practices which constitute the core of 'culture' are produced and reproduced through the exigencies, demands and excitements of everyday life in the Aboriginal townships. This life, for many Cape communities, is characterised by few opportunities for individual talent and creativity to be realised whether through meaningful employment or other avenues, abysmal health, amongst the lowest educational attainment levels of any ATSIC region, poor living conditions, and (for some communities at least) high levels of consumption of drugs—particularly alcohol—and chronic conflict and violence.

Socioeconomic status of the indigenous population

These factors are illustrated in much of the socioeconomic data available for the region. For example, overall mortality rates for the adult indigenous population of the Cape actually increased by more than 20 per cent between 1976–82 and 1989–94, to be 4.7 times that of the general Queensland population. Approximately two-thirds of the excess mortality in young adults is caused by accidents, ischaemic heart disease, homicide and violence, and suicide. Death rates through homicide and violence are 18 times higher than the general Queensland rate, and through alcohol related causes over 21 times higher (Apunipima Cape York Health Council 1996: 7–9).

Participation in the formal economy, as measured by income level, is very low. The average per capita income of indigenous income earners in the region was around $9,000 and there are relatively fewer earning over $25,000 than in other parts of indigenous Australia (ATSIC Peninsula Regional Council 1995: 15; from the ABS 1991 Census).

Table 1. Comparative income rates, Cape York indigenous residents

Annual individual income	Indigenous residents of the Peninsula (%)	Indigenous people in Australia (%)	Australians as a whole (%)
Under $12,000	63.1	63.5	41.1
Over $25,000	2.6	7.1	22.5

Sources: ATSIC Peninsula Regional Council 1995: 15; 1991 Census.

These figures reflect many factors, including the high reliance on employment through Community Development Employment Projects (CDEP) schemes, the relatively low educational and skill levels attained by indigenous

residents of the Cape, and the broader characteristics of the regional formal economy, including few opportunities for full-time employment or individual entrepreneurship, in comparison with many other areas of Australia.

The aggregated socioeconomic statistics, however, do not facilitate an understanding of the role of the parallel Aboriginal non-monetary economy. In this economy, it is typically social and cultural forms of capital which are the focus of strategic 'economic' behaviour, and forms of capital such as cash have become incorporated into particular Aboriginal value systems (Martin 1995). Furthermore, there is a significant, albeit difficult to quantify, arena of 'traditional' activities such as hunting, fishing, and gathering which can be assigned imputed values in the formal economy (see the attempt documented in CYPLUS 1994). It is clear, however, that for those living on outstations or the smaller residential communities, as well as for many residents of the larger Aboriginal townships which are all located near rich marine and estuarine areas, these activities play a significant role in supplementing otherwise nutritionally impoverished diets.

The formal regional economy is currently dominated by mining, which accounted for over half (51.6 per cent) of the region's total production in 1991–92 (Cape York Regional Advisory Group 1997: 45). Comalco's bauxite mining operation in the Weipa region was by far the biggest contributor to this. Apart from the Cape Flattery mine near Hope Vale, there is currently little Aboriginal involvement or employment in the mining industry in the Cape, although the recently negotiated agreement with Alcan over its bauxite leases near Mapoon promises to offer significant benefits. Public administration, defence (currently of marginal significance) and community services together contributed around one-fifth (18.1 per cent) of the region's production in 1991–92, with a substantial proportion of this centring on the administration and servicing of indigenous communities (ATSIC 1995: 17; Cape York Regional Advisory Group 1997: 45). The grazing and fishing industries, despite their high political profile in the ongoing debate over native title, contributed only 2.4 per cent and 2.3 per cent respectively to regional production (Cape York Regional Advisory Group 1997: 45).

While the mining industry dominates the regional economy in terms of the value of its production, it is not proportionately a major employer in the region; of course, this is to be expected since mining is a capital rather than labour intensive operation. Thus, only 11.9 per cent of total employment in the region in 1991–92 was in the mining industry, whereas a total of 45.5 per cent of total employment was in the public administration, defence, and community services sector (Cape York Regional Advisory Group 1997: 46). This comparison is even more marked in the indigenous population of the Cape; only 3.8 per cent of indigenous employment was in the mining sector, in comparison with 79.1 per cent in public administration, defence, and community services (ATSIC Peninsula Regional Council 1995: 18). Overwhelmingly, Aboriginal people were employed in service industries in 1991, and much of this latter figure can be attributed to employment through CDEP schemes, typically low paid and low skilled. While the detailed results of the 1996 Census were not available at the time of writing, it is

unlikely that there will have been substantive changes in Aboriginal employment in the intervening period.

Historically, Aboriginal people in the Cape have had a close association with the cattle industry, and in fact until the early 1970s it was dependent upon the ready availability of cheap, skilled Aboriginal labour. In this region, as elsewhere, cattle work had become deeply integrated into Aboriginal systems of values and meanings, and played a fundamental role in the maintenance of contact with and knowledge of traditional country (see, for example McGrath 1987; May 1994). Its historic significance is reflected in the passionate commitment of many older Cape York Aboriginal people (men and women) to owning and living on their own properties. The significance of supporting this desire as a core strategy for re-establishing Aboriginal groups on their traditional lands can not be over-estimated. As part of the more general move in the Cape towards establishing outstations, such decentralisation can be seen as potentially increasing Aboriginal independence from the administrative regimes of the townships, enabling a return to particular Aboriginal forms of social, political and economic life based on smaller local groups rather than on large, artificial agglomerations such as 'communities', and more generally creating the conditions in which Aboriginal forms of knowledge and practices can be affirmed and reproduced in ways essentially impossible in the larger communities. However, as will be discussed later there are significant impediments to Aboriginal ownership of pastoral properties being a realistic strategy for economic self-sufficiency in any meaningful sense.

Land tenure in the Cape

While demography favours Aboriginal people in the region (outside Weipa and Cooktown), the statistics outlined above would suggest that the regional economy is largely controlled by non-Aboriginal interests. This is also true of the lands in the Peninsula. Nearly 60 per cent of the Peninsula is held under pastoral leases, although there are a number of these which have been purchased in recent years by or for Aboriginal groups. Nonetheless, Aboriginal people are major land holders in the Cape. Some two million hectares or 14.8 per cent of the Peninsula is under direct Aboriginal control under various tenures, 10 per cent is under National Parks (most originally pastoral leases), and the balance is under a variety of special leases and reserves (Cape York Regional Advisory Group 1997: 23, 43). Only 4.1 per cent is freehold, and that mainly in the south east of the region.

Aboriginal-controlled lands may not constitute the major proportion in the region, but they include many areas of outstanding conservation significance—for example, the monsoonal rainforests in areas of the Lockhart River community lands, and the wetlands in the Aurukun and Kowanyama lands. Strategic alliances between Aboriginal and conservation interests have played a significant role in more recent regional politics, most notably (together with pastoral interests) in the Cape York Heads of Agreement, but also, for example, in the

proposed eastern Cape York conservation and Aboriginal lands zone (Smyth and Sutherland 1996: 136). However, there is a clear tension between the goals of some in the conservation movement and those of the Queensland Government as represented through its Department of Environment, and those of Aboriginal people.

For instance, considerable hostility has been engendered in the past over perceived attempts to include certain Aboriginal lands in statutory conservation management regimes, for example in the case of the Aurukun wetlands south of the Archer River. Thus, while the *Nature Conservation Act* enables the development of conservation agreements over any category of land, including Aboriginal freehold and lease lands, and arguably could offer strategic leverage for the Aboriginal owners of lands of high conservation significance—for instance to gain access to land management resources—there is widespread suspicion of such arrangements.

There are currently a number of National Parks in the region for which claims under Queensland's *Aboriginal Land Act 1991* have been heard or are being prepared—including Cape Melville and Clack Island, Lakefield, and Iron Range parks on the east coast, Jardine near the northern extremity of the Cape, Alice and Mitchell park near the south-west coast, and Mungkan-Kaanju (formerly Archer Bend and Rokeby) between Coen and Aurukun. There have been significant questions raised concerning the requirement for perpetual leaseback to the State of a successfully claimed park, the rights of its Aboriginal owners to live on it and use its resources—for example through the establishment of outstations on it—the capacity of its Aboriginal owners to have a meaningful role in joint management arrangements, and the resources available for park management. Nonetheless, completed and current claims under the *Aboriginal Land Act 1991* could potentially see virtually all National Parks in Cape York being Aboriginal-owned and under joint management regimes.

There are other, albeit smaller, areas which have been made available for claim or transferred to Aboriginal ownership under the *Aboriginal Land Act 1991*. For example, the 'Quinkan Reserves' near Laura, containing numerous rock art galleries of international significance, a small reserve at Port Stewart east of Coen, and lands at Peppen near Weipa, have been transferred to Aboriginal Land Trusts, and vacant Crown lands at Birthday Mountain near Coen and near Bloomfield have been successfully claimed. The program of identifying lands for claim under this Act, however, has ceased since the change of government in Queensland, and it appears that there will no additional lands made available for claim, at least in the Cape.

The ultimate importance of claims in the region under the *Native Title Act 1993* (including of course the Wik claim itself), and of the proposed amendments to the Act, are yet to be determined. Given the extent of pastoral lands in the Cape, the unfolding responses to the High Court Wik decision as seen in the Native Title Amendment Bill 1997 will be of great significance. Even successful native title claims over pastoral lands of course would result in negotiated or

Federal Court determined coexistence regimes, not the inalienable freehold title (and thus exclusive possession) of the statutory land rights scheme. Native title claims have also been lodged over mining leases in the Cape, and over existing Aboriginal land tenures; the Wik claim, for example, includes the assertion of native title by the various Wik peoples over coastal waters and bauxite mining leases, as well as over parts of the Aurukun Shire lease lands and of the Pormpuraaw DOGIT lands.

It is precisely in such circumstances that negotiated regional settlements between native title claimants and other parties such as mining companies, government, and pastoralists, arguably offer great advantage over litigated outcomes (see papers in Meyers 1996). This is of especial interest and has particularly complex dynamics, however, where native title claims are being made over existing Aboriginal 'community' lands.

Administrative and political systems

There is a complex web of governmental, administrative and representative structures, as well as mining, pastoralist and other commercial interests, which impinge on the lives of Cape York's Aboriginal peoples. This complexity, and that of the Aboriginal political domain in the region, have important implications for the negotiation and implementation of agreements on a regional basis, whether they be formally under Section 21 of the *Native Title Act 1993* or otherwise. My emphasis here will be on significant Aboriginal structures and agencies.

Local government in the region comes under three different, although related, regimes. Outside of the special regimes under which the larger Aboriginal communities operate, local government services are delivered by the Cook Shire Council, based at Cooktown in the far south-east of the region with its representation drawn overwhelmingly from the non-Aboriginal residents of the Cape. This council is hamstrung by such factors as the large distances and small rateable base. Furthermore, relations between it and Aboriginal people and organisations in the region have often been problematic, as characterised by moves within the current Council to withdraw support from the Cape York Heads of Agreement. There are also wider structural issues, since while Aboriginal residents of the larger communities have their own local governments and no input into the Cook Shire, the geography of the region alone dictates that its operations have a major impact on the Aboriginal lands.

All but one of the larger Aboriginal coastal townships are governed by elected Aboriginal councils, established under Queensland's *Community Services (Aborigines) Act 1984*.[2] While these councils have distinctive powers and functions under that Act (for example, the employment of community police to enforce by-laws), their operations are increasingly being brought into line with those of mainstream local government. Aurukun, along with Mornington Island in the Gulf of Carpentaria, is administered separately under the *Local Government (Aboriginal Lands) Act 1978*. Under this Act, the Aurukun Shire Council has the status of a mainstream local government council, although as with those under the later

Community Services legislation it also has special powers and functions, such as those relating to 'law and order'. This arrangement arose from a compromise between the Commonwealth and State Governments of the day when the latter attempted in 1978 to unilaterally remove the Uniting church administration of Aurukun, and replace it with direct State government control.[3]

As it is, these Community and Aboriginal Shire Councils are elected through secret ballot by the residents of the area as a group—there is no provision, for example, for representation to be based upon Aboriginal political or land-based groupings or to reflect historical and traditional interests—and operate within complex administrative and financial accountability constraints which frequently place considerable strain upon Aboriginal values and mechanisms (Queensland Parliamentary Committee of Public Accounts 1991). There is also a nexus between these Councils and their associated Aboriginal lands which is of considerable significance in the context both of Queensland's own *Aboriginal Land Act 1991* and the *Native Title Act 1993*.

In Aurukun's case, the original reserve lands are now held under a 50-year lease by the Shire Council,[4] and for the other communities, the Councils have title to their lands in the form of DOGITs, a form of community-held freehold. These arrangements can be seen as consistent with the history of Queensland policy towards Aboriginal populations on reserves, in which the original distinctions based on such factors as region of origin and kin group affiliation and more broadly Aboriginal governance mechanisms were to be replaced by identification with the 'community' and political and representational mechanisms drawn from those of the mainstream.

However, conceivable threats to this Council control of Aboriginal lands come from the transfer and subsequent claim mechanisms of the *Aboriginal Land Act 1991*, whereby it becomes possible for DOGIT and Aurukun Shire lease lands outside the townships themselves to be broken up and held by separate Land Trusts based on the traditional land holding groups of the area, and from the *Native Title Act 1993* which potentially allows native title holders to have their particular individual and group rights recognised over what are now designated 'community' lands. As I shall later discuss, these processes can, unless carefully handled, lead to considerable conflict within Aboriginal communities, and complex and fraught political dynamics are inevitable. This has already been evidenced for example at Hope Vale, where after considerable conflict a Heads of Agreement was successfully negotiated between the Council and various groups asserting native title over areas of the DOGIT (Aboriginal Law Centre 1996a).

Nonetheless, there are areas where some progress has been achieved in changing institutional arrangements, and where further leverage could be applied. Examples include amendment of the *Local Government (Aboriginal Lands) Act 1978* to enable the establishment of the Aurukun Alcohol Law Council, the formation of a Community Justice Group at Kowanyama, and other proposed initiatives under the Alternative Governing Structures Program of the Office of

Indigenous Affairs. Ultimately, however, it is arguable that change here can only be incremental in current political circumstances.

As well as these councils, there is a plethora of local and sub-regional Aboriginal bodies. These can be small and poorly resourced organisations, usually incorporated under the *Aboriginal Councils and Associations Act 1976* and typically playing their major roles within the competitive politics of group identity within the Aboriginal domain. Other organisations are larger in size and scope, and include more broadly based township-wide or sub-regional service-delivery bodies. Among these are the Napranum Aboriginal Corporation (NAC), the Marpuna Association which is the quasi-local government body at Mapoon, and the Coen Regional Aboriginal Corporation (CRAC). NAC is partially funded by Comalco and operates significant cultural, training and enterprise programs, while Marpuna and CRAC deliver a range of support and logistical services to their Aboriginal populations, including running CDEP schemes. In all these bodies, as with the community Councils, the issue of representation—who can legitimately speak for whom, about what, and in what contexts—is frequently a matter of great contention. It is thus important to make the general point that regional agreements will need to deal with the political dynamics within the Aboriginal domain as well as between it and the wider society.

As well as these local and sub-regional organisations, there are a number of regionally-based Aboriginal bodies which have been established in recent years and have played increasingly significant roles in establishing Cape-wide regionalism as a political force, both in terms of a political profile for the Cape's Aboriginal peoples as a whole *vis-a-vis* the outside world, and in terms of developing an awareness of common issues and interests amongst the region's disparate groups and communities. These include the Aboriginal Coordinating Council (ACC) and, more importantly, the ATSIC Peninsula Regional Council. The former is a statutory body established under Queensland's *Community Services (Aborigines) Act 1984*, and has, as one of its primary functions, the provision of advice to the Queensland Government on Aboriginal affairs. It has representation from each of the community Councils established under that Act; Aurukun; Mornington and Marpuna councils have observer status. However, for a number of reasons the ACC has never played an effective role in developing a regional consciousness for the Cape as a whole. For one thing, its membership is drawn only from the Councils and it has no effective on-the-ground presence, and for another it also includes representation from the DOGIT communities outside the Cape, such as Cherbourg and Yarrabah.

The ATSIC Peninsula Regional Council, on the other hand, has played an important role since its establishment in 1989 in developing regionalism as a political force counteracting to some extent at least the pressures towards localism in the Aboriginal polity. For example, while Councillors still undoubtedly draw their support primarily from their own home communities and are embedded within particular networks of social, political and economic relations centred there, increasingly it has been necessary for them to broaden their constituencies beyond the particular to encompass broader networks. The ATSIC

regional council structure has thus played a most important role in providing a forum in which Aboriginal leadership could emerge on a regional basis. If much of the Regional Council's energies at least in earlier years were devoted to politicking over the allocation of the resources it controlled, increasingly it has sought to play a role in the coordination of services by other agencies and in articulating Aboriginal concerns and interests on a regional basis. This more regionally focused direction can be seen clearly in the 1995–2005 strategic plan produced by the Council, in which core areas are identified such as improving health, increasing Aboriginal control of land and seas in the region, promoting economic development, and assisting in the development of increased autonomy in local and regional government (ATSIC Peninsula Regional Council 1995).

In this latter regard, the strategic plan proposes the continuing development of a series of interlinked organisations, controlled by Cape York Aboriginal people, in areas such as land, health, community and economic development, and legal assistance and advocacy, with the Regional Council as the peak funding and representative body (ATSIC Peninsula Regional Council 1995: 67–70). It suggests that over the next decade a system of regional self-government will evolve, possibly through the establishment of a Peninsula Regional Authority which might ultimately replace the ATSIC Peninsula Regional Council as has occurred in Torres Strait (see Altman and Arthur 1996). While here, as in other regions, there is a tension between the administrative and elected arms of ATSIC which can be seen in part as reflecting broader, more regional and national perspectives on the one hand, as opposed to locally-based and particularistic interests on the other, it is clear that ATSIC has played a significant role in incorporating regional concerns and issues into the Aboriginal political realm.

The 'series of interlinked organisations' referred to in the ATSIC plan include Tharpuntoo Legal Service, and most importantly the CYLC, established in 1991, along with the Apunipima Cape York Health Council, established in 1994, and the more recent Balkanu Cape York Development Corporation. CYLC of course has risen to prominence in part through the role of Noel Pearson, originally its Executive Director and now its Chairperson, in the national debates over Mabo, the development of the *Native Title Act 1993*, and more recently the response to the High Court Wik decision. The CYLC since its inception has adopted a multi-pronged and sophisticated approach to land issues. It has overcome initial State government hostility to play a major role in developing claims to several national parks and vacant Crown land areas under Queensland's *Aboriginal Land Act 1991*, it assisted Wik people of western Cape York to lodge their claim prior to the passage of the *Native Title Act 1993* and has continued to resource and coordinate that claim, and has been declared by the Commonwealth Minister the Native Title Representative Body for the Peninsula. CYLC has from its inception been actively involved in negotiations over Aboriginal control and co-management of lands and seas in the region with a variety of State and Commonwealth agencies and commercial interests, for example with the Great Barrier Reef Marine Park Authority, with the State government over the proposed eastern Cape York conservation zone, with mining companies over compensation and other issues in

western Cape York, and in the development of CYPLUS and the Cape York Peninsula Heads of Agreement.

More recently CYLC and the ATSIC Peninsula Regional Council, recognising the complexity and inter-relatedness of the issues facing Cape York's Aboriginal communities, have been instrumental in establishing two other organisations—Apunipima to focus on health, and Balkanu to focus on community and economic development. Apunipima sees its role as working with the mainstream health service deliverers, filling the gaps in services where these are identified by Aboriginal people themselves, and more generally acting as a pressure and lobby group over health issues and ensuring that Aboriginal concerns and priorities are factored into the delivery of these services. Apunipima, for example, has sponsored environmental health programs such as the Port Stewart 'Gardening and building design project', and the Pormpuraaw 'Housing for health project' (Apunipima Cape York Health Council 1996).

Balkanu's development originally arose from concerns that there was no coordinated program for community development in the Cape, and that appropriate economic development was fundamental to addressing many of the issues confronting Aboriginal people in the region. Balkanu is owned by the CYLC and Apunipima, and has representatives on its board from community Councils, ATSIC Peninsula Regional Council, and other regional Aboriginal bodies. It aims to provide administrative support to sub-regional organisations, to assist them to undertake land and sea management in a coordinated fashion, and to promote enterprise and regional economic development. Thus, for example, Balkanu has been investigating the potential for co-ordinated joint venture arrangements between large, vertically integrated meat producers involved in the live cattle export trade and a number of Aboriginal-owned pastoral properties in the Cape which are currently lacking in development capital and management expertise.

These organisations have provided an extremely important impetus to issues being addressed on a regionally-based, more strategically focused level—and indeed to defining Cape York as a region not just in terms of administrative boundaries but as an Aboriginal political domain. They have the difficult task of balancing the demands of an Aboriginal constituency whose basic social and political dynamics are located in small-scale, locally-based forms (such as kin groups) on the one hand, with the requirement to act strategically and engage with the wider system on a regional level on the other. The authority of such organisations and their right and capacity to represent is always contested in such circumstances, but within the limits of their resources the Cape York organisations have, arguably, been basically successful in developing structures and mechanisms to address this ongoing issue.

Aboriginal social and political geography

While Cape York Aboriginal peoples could be considered a broad cultural bloc, they exhibit considerable diversity. Some of this diversity arises from factors located within the pre-contact societies; for example, the Peninsula was a region

of significant linguistic diversity, and there was a broad distinction between the political forms of coastal and inland groups, which continues to provide a core dynamic to social and political life through much of the Peninsula (Martin forthcoming). There were a number of relatively distinct sociocultural subregions in the Cape; for example, the seafaring peoples of the north east region who exploited a rich marine and coastal environment and had strong ceremonial and other links with the Torres Strait Islands to the north, the peoples of the western Cape including the Wik groups, the peoples of the Princess Charlotte Bay region, and those from the south-eastern region of the Cape.

These broad region-of-origin distinctions, which continue to inform social and political dynamics amongst Cape York's Aboriginal peoples, are now overlain with those associated with contemporary residential and settlement groupings. Thus, 'Lockhart people' (most of whose ancestral lands lie in the north-east region) constitute a broad-level set of social and political interests which exist in contradistinction to that of the west coast peoples of Aurukun, Pormpuraaw and Kowanyama. These contemporary dynamics are complicated further by the dichotomy between 'traditional' people—those whose ancestral lands lie in the region of the settlement itself—and the 'historical' people—those whose ancestral lands lie elsewhere, and whose families were removed to the particular settlement under past State government policies. This matter is of particular significance in townships such as Mapoon and Hope Vale, but the issue of the rights of Aboriginal people from particular areas as opposed to those of indigenous immigrants (including Torres Strait Islanders) has become increasingly contentious in the era of native title and land rights.

While one can legitimately speak of cultural blocs within the Cape in a broad-brush fashion, these do not correspond in any simple sense to communities of interests which can be incorporated as such into regional negotiations. There is in fact no single unit upon which political action can be built, either within the Aboriginal domain or in its dealings with the wider society—the sub-region, the residential community, the language group, the land-holding clan for instance are themselves not solidary, bounded entities, and the rights and interests which individuals and groups assert are typically dependent upon the issue involved. This Aboriginal domain is characterised by an assertive egalitarianism, and

> ... is typically highly factionalised and characterised by the complex, highly fluid and often cross-cutting allegiances which individuals have to groupings based on families, clans, ancestral lands and so forth, as well as to contemporary forms such as Indigenous organisations. A defining characteristic of this domain is an emphasis on the primacy of the 'local' over that of the 'community' or the region... (Martin 1996: 176–7; see also Howitt 1997a for an insightful discussion of this issue).

Furthermore, the right to speak on specific issues—particularly those quintessentially of the Aboriginal domain, such as traditional lands—is not typically ceded to others as a general right through a process of 'representation',

but is the prerogative of particular sets of people in specific circumstances. Such rights to action should be seen as an incident of the Aboriginal title itself—part of the 'title deed', so to speak.

Thus, the structural positions of the individuals who are on the boards of peak bodies and involved directly in resourcing or negotiating regional or sub-regional agreements may be seen by the non-Aboriginal parties as a reasonably unproblematic matter. However, these individuals are also located within particular networks of kin, have connections to particular lands, language groupings, communities and regional blocs, and are associated with particular contemporary organisations. They are, therefore, embedded within specific sets of the rights, obligations, and fluid allegiances which are constitutive elements of the Aboriginal realm (Martin 1996: 176–7). In such a system, the right and capacity to articulate and represent the interests of others, which lies at the heart the legitimacy of representative organisations, is likely to be the subject of vigilant monitoring and of constant contestation. This is an issue even at the local group or residential community level; it is even more so when the issue is one of representing or articulating the interests of disparate and often competing groups across a large region. A major challenge then confronting Aboriginal peak bodies is creatively managing the fine balance between incorporating 'grass-roots' involvement and maintaining a broader, strategic vision (see Howitt 1997a; O'Faircheallaigh 1997).

Factors supporting the development of regional agreements and responses in Cape York

Regionalism is not a 'natural', given feature of the political, social or economic domains of Cape York societies, whether Aboriginal or non-Aboriginal. In fact, as argued in the next section, there are considerable pressures against it, through such factors as the often intense localism characteristic of Aboriginal political and social organisation, exacerbated by existing institutional arrangements in Aboriginal communities. However, there are important dynamics in the Cape which are leading increasingly towards regional approaches to issues.

Requirements for regional negotiated approaches

For moves towards the renegotiation of the relationship between Aboriginal and non-Aboriginal interests to be a meaningful dynamic on a regional basis, rather than an artifice of the political or administrative imagination, certain significant factors need to be present. This is true whether regional agreements such as those envisaged under the present section 21 of the *Native Title Act 1993* are being proposed, or more or less formalised outcomes are being negotiated over, for example, Aboriginal governance or service delivery in key areas such as health. Without being exhaustive, I suggest that there are a number of key interrelated factors.[5]

First, and self-evidently, the positions taken by Commonwealth, State and even local governments are of fundamental importance as to whether or not there is a climate conducive to negotiated regional approaches. Government will typically be the most powerful stakeholder in negotiations. However, 'government' is not a solidary entity—important dynamics often lie in the nexus between the representative and administrative arms of government, between Commonwealth and State Governments, and in the 'lag' between new governments being elected and policy changes being implemented within the bureaucracy. Howitt (1997b) makes a similar point about large resource development companies coming to terms with the new post-native title political and social environment.

Whatever their political complexions, governments as well as their administrative arms are more likely to react adversely to proposals which impact across a whole range of their perceived interests than those which are confined to more discrete areas. Put another way, careful strategic thinking has to go into scoping the matters which are to be put on the negotiating table by Aboriginal interests, so that government does not immediately adopt an adversarial stance. Considerable attention needs to be given to gaining broad agreement on what are the core issues about which negotiations are going to proceed, especially within the Aboriginal domain. Here, the questions raised by the 'politics of representation' (see above; also Howitt 1997b; O'Faircheallaigh 1997) are of fundamental importance.

These issues need to be carefully defined and scoped, and sustainable arguments advanced to all potential stakeholders that they do, in fact, require addressing. Matters which may seem important to regional organisations, to expert consultants, or even to government, such as certain aspects of Aboriginal governance, may not be of particular concern to local Aboriginal people. There needs to be widespread (though not necessarily universal) support for the view that such identified issues can be best addressed on a regional or sub-regional level, and this support needs to exist within the Aboriginal domain and in the wider one, particularly in government. This is one crucial aspect of an emphasis on process which O'Faircheallaigh (1997) sees as typically lacking in the development and analysis of regional agreements in the Australian context.

All the parties involved in the negotiations have to be persuaded of, and committed to, the view that there will be demonstrable benefits for them. Appeals to matters of principle and of rights can be an important part of raising awareness of issues, and a strategically useful political bargaining tool, but frequently rather more pragmatic considerations are the dominant ones, for both Aboriginal stakeholders and others. How will the balance of power at the local level be changed? Who will control resources? Will local-level autonomy be threatened by proposed new, regionally-based, organisations? Will people be obliged to cooperate with others for whom there may be very longstanding suspicion or even hostility? Will renegade dissident groupings cause political problems for the government of the day?

Careful consideration needs to be given to the nexus between 'grass-roots' or community support for regionally negotiated resolutions of issues, and strategic and visionary leadership. O'Faircheallaigh (1997) makes a related point, in asserting that the initial impetus for sub-regional and regional initiatives may need to come from such leadership, and that in fact may need to proceed in the absence of 'grass roots' support. This is an entirely defensible view; it is naive to see the impetus for either social change or more generally social dynamism as having to be located in 'the community', however that might be defined. This is not to argue against the requirement for participatory processes in negotiations, nor for broad support for proposed outcomes. However, it is to argue that the role of leadership at both individual and organisational levels is crucial in enabling people to move beyond their typically locally-based and essentially mundane concerns to consider (say) common interests across social or political groupings or across a region. These matters are of particular import within the Aboriginal domain, although not exclusive to it.

Leadership is as important to processes lying essentially within the Aboriginal domain as it is to those at the interface between it and the dominant society. There is, for example, a considerable body of anthropological literature on Cape York Aboriginal societies which points to the pivotal, and indeed necessary, roles of significant leaders in Aboriginal religious, political and economic life. The challenge for effective contemporary leadership is to be aware of, and draw from, local and particularistic concerns and issues, but not to be limited by them.

The above factors also mean that there needs to be a high-quality body of information which allows for issues to be clearly identified, by both specialist negotiators and by Aboriginal stakeholders. Action-based and participatory research methodologies may well be the most appropriate for gathering such data and identifying these issues, but there will always be conflict between the nature of information required by bureaucratic stakeholders, for example, and those which will be of value to most Aboriginal individuals and organisations (see, for example, Martin 1996). In any event, such information needs to be highly strategic and directed towards specific goals. The cost of basic research is such that resources are rarely available for comprehensive baseline research and data collection across a region, even if this were desirable. Rather, from the perspective of advancing Aboriginal stakeholders' interests at least, research and data collection need to be directed towards areas in which useful leverage can be applied on other parties, most particularly government and significant industry sector interests.

For all these reasons, there need to be regionally based Aboriginal organisations with a capacity to operate effectively both within their Aboriginal constituencies and in the wider political realm—although here again, the 'politics of representation' discussed elsewhere in this paper are of great importance. It is essential for all parties in the negotiations to be equitably resourced, such that pre-existing power differentials are minimised. Many observers have commented to this effect, for example in the context of negotiating agreements in Canada or New Zealand. However, it is important to recognise that differential access to

information, skills, finance, and other resources can be an issue of just as much contention within the Aboriginal domain as it is between that and the wider one. In identifying salient priorities and issues for negotiations with the state, in all stages of information gathering and consultations, and indeed in the structures and processes which may emerge from negotiations, it is crucial to ensure that such internal differentials are not in fact exacerbated.

It is clearly important that the advantages of negotiated outcomes over court-determined ones are stressed as part of a negotiating strategy. However, the lesson from accepted commercial practice is that litigation and negotiation go hand in hand, and are often run concurrently as separate aspects of an overall strategy. The realities of current political dynamics in the native title arena are such that strategic litigation will continue to be an essential element of overall negotiations. Examples in this region in which the CYLC has played a major role are the Wik claim and High Court action itself, and the recent successful Queensland Supreme Court action by a number of regional Land Councils against amendments by Queensland to the Wet Tropics Management Plan which removed the rights of native title holders.

Dynamics towards regionalism in Cape York

In the light of the above, a range of existing structures and processes can be identified in Cape York which form a significant basis for the development of regional agreements, or at least regionally-based responses to key issues. Firstly, in general terms, Aboriginal people already form a significant proportion of the permanent Cape population outside Cooktown and Weipa, they hold major areas of Cape York under various tenures, some of it of outstanding conservation value, and most Aboriginal residents of the Cape York region live in communities which already have forms of Aboriginal local government (albeit problematic and limited in autonomy).

Furthermore, a very significant factor lies in the establishment over the past few years of a number of Aboriginal organisations with regional or sub-regional constituencies—ATSIC Peninsula Regional Council and Tharpuntoo Legal Service, as well as CYLC, Apunipima Health Council, and Balkanu Cape York Development Corporation. These bodies all have a strong regional focus, particularly in the case of CYLC, have developed considerable sophistication in negotiations with outside interests and with government, and have strong institutional linkages with each other. They thus provide an essential foundation on which the negotiation of regional agreements can be built.

These organisations have already demonstrated the capacity to operate strategically and effectively on a regional basis, and there are a range of arenas in which regional or sub-regional negotiations have been undertaken or are currently taking place in the Cape to demonstrate this. Perhaps the most widely publicised is the Cape York Peninsula Heads of Agreement (Aboriginal Law Centre 1996b). There has been some rather ill-informed criticism of this which has implicitly portrayed it as a regional agreement, and which has queried such

matters as the lack of involvement by some of the key stakeholders, including the State. The facts of the matter paint a somewhat different case (Farley 1997). Furthermore, the Heads of Agreement could be more accurately described as a 'framework' agreement than as a regional agreement *per se*, that is as establishing the principles by which further negotiations will take place rather than a finalised regional agreement.

CYPLUS was initiated in 1992 as a joint initiative of the Queensland and Commonwealth Governments, to provide the basis for sustainable land and resource use in the Peninsula. Stage 1, involving data collection, identification of issues and analysis of constraints and opportunities, and Stage 2 involving the development of the overall strategy and mechanisms for its implementation, have been completed and have resulted in the production of many detailed reports and of an overall Stage 2 report submitted for government approval (Cape York Regional Advisory Group 1997). The CYLC played an active role in CYPLUS, ensuring that Aboriginal interests were incorporated into pertinent areas of its operations. CYPLUS has provided much potentially useful baseline data for the development of regional agreements on such issues as the joint management of land and natural resources. It has also provided a very significant and instructive example of the structures and processes through which regional negotiations over key issues and concerns can be conducted—as well as their limitations. There is also, arguably, cause for concern about the commitment of the Queensland Government to the implementation of the CYPLUS Stage 2 report's recommendations (for example, its support for the Cape York Peninsula Heads of Agreement), as well as that of the Commonwealth. The location of bureaucratic responsibility in each government for CYPLUS suggests it has been relegated to a peripheral status, and there are also real concerns about ownership of and public access to much of the information which has been generated through Stage 1.

There is a whole range of other processes undertaken by these peak Aboriginal bodies which involve the negotiation of issues on a regional basis. The land claims and transfer processes being conducted under the Queensland *Aboriginal Land Act 1991* and claims under the *Native Title Act 1993* of necessity require coordination by CYLC of resources and strategies across the whole region, and typically involve large numbers of people now resident in different communities in the region or indeed outside it. The recent Cape York Land Summit, held by the peak Aboriginal regional organisations, endorsed a proposal to develop a number of native title claims jointly, and to seek a regional approach to their consideration. Claims also require the resolution of differences and conflicts between claimant groups in developing overall strategies and positions, and the articulation of Aboriginal concerns in the context of Tribunal hearings and mediation sessions, all of which are building experience in processes germane to negotiating regional agreements. In this context, the Hope Vale Heads of Agreement between groups asserting native title over the Hope Vale DOGIT lands is of interest as an example of a sub-regional agreement amongst Aboriginal groups, rather than between Aboriginal people and industry or government.

Negotiations between the Great Barrier Reef Marine Park Authority and Aboriginal communities and peak bodies over the recognition of Aboriginal rights and control of resources, have required the balancing of locally based Aboriginal interests with the need to strategically engage with the Authority and other agencies concerning marine resource management issues along the whole of the east coast of the Cape.[6] A similar balancing has been required in ongoing negotiations over the acquisition of lands for both conservation and Aboriginal purposes in eastern Cape York. Other current negotiations include those over both existing and proposed bauxite mining operations in western Cape York, specifically with Comalco and with Alcan, and over the Cape York segment of the proposed Chevron gas pipeline from Papua New Guinea to Townsville. These processes have required careful attention by the CYLC and its advisers to the means whereby local group interests can be recognised and incorporated into the process, while balancing them against the need for a coordinated negotiating strategy. As well, there has been the requirement to balance the need for experts in such areas as social impact assessment, law, anthropology, and business analysis with that for full and informed participation and direction by the Aboriginal groups concerned.

Not all negotiations over land and resource use in the Cape have been conducted with the assistance of the CYLC. For several years now, Kowanyama has been developing innovative land and resource management programs. To address some of the issues of utilising appropriate Aboriginal authority structures for these matters while still drawing in the community Council as a stakeholder, the Kowanyama Land and Natural Resource Management Office has been established involving senior Aboriginal people from the major language groupings now living in the township, but with linkages at various levels to the Council; for example, the rangers are employed by the Council but work under the direction of the Management Office. This body has been highly pro-active and creative in educating and involving their own constituency, and in developing relationships with outside agencies, organisations and commercial interests in order to negotiate management regimes over the fisheries in the coastal and estuarine areas adjacent to the DOGIT land, and over the Mitchell River catchment. In so doing, they have provided one of the highly visible and successful models in the Cape for the negotiation of resource and land management regimes on a regional basis.

Other examples of regional approaches being taken to issues in the Cape include Apunipima Health Council's co-sponsorship (with the Fred Hollows Foundation) of an eye health program, the proposed Tourism Heads of Agreement being developed by the Cape York Peninsula Development Association (Cape York Peninsula Development Association 1996: 35–7),[7] and preliminary negotiations being undertaken by Balkanu Cape York Development Corporation on joint venture arrangements on a number of Aboriginal owned pastoral leases through the Cape, linking in to the possible development of a live cattle export trade through Weipa.

Factors militating against regional agreements in Cape York

While there are certainly structures and processes in place in the Cape which are leading to the development of various forms of regionalism as viable dimensions of the political field, there are also factors which are inimical to it, both within the region and outside it. Firstly, strong hostility has been expressed to processes under the *Native Title Act 1993*, to proposed Aboriginal joint management regimes, and to the Cape York Peninsula Heads of Agreement by non-Aboriginal locally and regionally based individuals and groups—for instance by the Cape York Defenders Association, and by some elements in the Cook Shire Council. Some of these organisations have proved highly adept at mobilising political support for their causes.

Secondly, given the absolute necessity for State involvement in and support for the development of regional agreements as a means of resolving native title issues outside litigation, Queensland's approach to native title matters, as evidenced in their current publicly stated attitude to the Cape York Peninsula Heads of Agreement, for example, is no cause for optimism. Queensland argues that section 21 agreements do not provide sufficient security to the pastoralists. While their stance on native title matters exhibits a strong continuity with past State policies on Aboriginal affairs, it arguably also flows in part from and certainly is exacerbated by the current political circumstances, including the fine balance of power in the Queensland Legislative Assembly. Governments and oppositions alike in such situations are not going to go out on policy limbs. Queensland's stance in native title mediations, and over the legislative response to the High Court Wik decision, does not bode well for its taking a constructive and pro-active stance on regional agreements springboarding from the assertion of native title interests.

On the other hand, it is yet to be seen as to what the substantive import is of the current amendments to the *Native Title Act 1993* before the Federal Parliament, which while arguably irrevocably compromising the Aboriginal rights upon which ultimately agreements can be negotiated, claim to facilitate the negotiation of voluntary but binding agreements as an alternative to more formal native title machinery.

There are also crucial factors which lie essentially within the Aboriginal domain itself. I have previously discussed the strong emphasis on localism in the Aboriginal domain. It poses significant problems for strategically and collectively addressing issues, developing responses and conducting negotiations across a region. Developing regional agreements involves collectivising interests at certain levels and abstracting broad principles upon which agreement can be reached, and usually involves delegating the right to conduct the negotiations to certain identified individuals. The imperative within the Aboriginal domain however tends to lie at the opposing pole; there is usually strong resistance to the loss of perceived autonomy, identity, and individual and local group rights inherent in such collectivising processes.

Mention has been made of the quite disturbing circumstances of daily life for many Cape York Aboriginal groups, as indicated by standard socioeconomic indices relating to health, alcohol consumption, mortality and morbidity, and income and employment status for example. Such measures indicate the vital necessity to alter these circumstances, and thus provide a powerful argument for addressing structural inequalities which are implicated in them. Paradoxically, however, these very conditions in the Aboriginal communities, rather than providing a dynamic for change, tend to ground people in the often severe difficulties of everyday life, and in the struggle for immediate advantage through existing structures and institutions.

Another impediment to developing agreement on broader institutional change is the strong commitment that many Aboriginal people themselves demonstrate to existing political structures, such as the quasi-local government Aboriginal councils of the area, and more generally a resistance amongst many to change itself. This is understandable in the light of the profound changes imposed over the past two decades. There are compelling arguments that some of the most significant, and adverse, impacts on Cape York Aboriginal populations have arisen not just through the depredations of the colonial and immediate post-colonial eras, but through the more recent impacts of the bureaucratic welfare state (see extended argument in Martin 1993). If these arguments are accepted, then to address core issues which Aboriginal people in the Cape have identified—control of lands and natural and cultural resources, maintenance of culture, employment, alcohol abuse and other health issues (see ATSIC Peninsula Regional Council 1995; Apunipima Cape York Health Council 1996)—fundamental changes are required in the institutional arrangements between Aboriginal groups in the Cape and the range of local, State and Commonwealth agencies and departments which impact on them.

Equally, and related to this, changing the institutional arrangements through which nominally Aboriginal governing structures (most particularly the community Councils) impact on their constituencies could be seen as a matter of considerable potential importance. As previously discussed, both the *Aboriginal Land Act 1991* and the *Native Title Act 1993* potentially sever the existing relationship between the community Councils as municipal bodies from that as holder of title to traditional lands of community residents. However, Queensland is showing distinct uneasiness about the potential for claims to challenge existing institutional arrangements in these areas. Furthermore, such claims can cause considerable conflict within the Aboriginal domain. In some Aboriginal townships significant proportions of the residents identify as 'historical' people—that is they are long-term residents whose ancestral lands lie elsewhere—and the assertion by others of rights based on traditional ownership or native title can be very threatening. Furthermore, it can not be assumed that there is a natural community of interests between Aboriginal Councils and native title holders or traditional owners, even though in many cases individual Councillors will also be traditional owners or native title holders of these areas.

While the composition, structure, and functions of the Councils are predicated upon principles drawn from those of the mainstream representative democracy, not the Aboriginal domain (Martin 1990), it is not sufficient to simply see them as institutions imposed by the state. As probably the most important points of access to the cash economy (through their operating CDEP schemes for instance), as the focus of competition for material resources such as houses and vehicles, and as the locus of often intense politicking over relative power and status between different individuals and groupings, they have become deeply embedded within the Aboriginal political domain. Perceived threats to their spheres of influence—such as the break-up of 'community' lands—may lead Councils and their advisers to oppose, or at best warily assess, claims based on traditional ownership or native title.

This hostility is likely to be exacerbated if negotiations over native title are seen by some as potentially leading towards demands for wider institutional restructuring of community Councils. The logic of native title is that a system of laws and customs which relate particular groups of Aboriginal people to tracts of land is recognised, and this (arguably at least), potentially entails the recognition of other areas of customary law and of Aboriginal governance. Yet, such demands for wider institutional changes are likely to be resisted, not only by government, but by those associated with the Councils—both Aboriginal and non-Aboriginal— who perceive their interests to be best served by maintaining the status quo. Given the centrality of these Councils to the Aboriginal political domain in the Cape and their necessary involvement in the development of regional agreements—not to mention their dependence upon government finance—there are likely to be major limitations on the extent to which institutional change involving Councils can, at this stage at least, realistically be placed on the agenda for regional agreements.

Policy implications: regional agreements and other regional approaches for the Cape?

The potential of native title should not be seen simply in its narrow sense of the formal recognition of particular rights and interests in lands and waters where it has not been extinguished by the valid actions of the Crown. It should arguably also play a fundamental role in exerting leverage to change key political and administrative arrangements which currently adversely impact on Aboriginal societies. In considering strategic arenas in which changes should be considered, the realities of day-to-day life for the Aboriginal peoples of the Cape need to be placed in the foreground. This is not to deny the power of the 'symbolic' in people's lives, but it is to argue for an articulation of the symbolic with the mundane. That is, while potential strategies for longer-term political and institutional changes should be developed, immediate strategies must seek to address the issues and circumstances which confront people in their everyday lives. These include the quite appalling health statistics in the Cape, the fact that

it has amongst the lowest educational attainment levels of any ATSIC region, the fact that alcohol and drug abuse problems are severe, the frequently disastrous living and environmental health infrastructure, and the lack of avenues for creative and productive lives.

These confront Aboriginal people, in the Cape as elsewhere, with complex and difficult issues. There is a stated shift in emphasis with the current Commonwealth Government from what it terms the 'symbolic' policies of the previous government to addressing practical issues of disadvantage. At the same time, there is an ongoing program of withdrawal from many of the traditional areas of service provision, transfer of responsibility in many areas to the States, and for all levels of government ever increasing requirements for cost-effectiveness and efficiency in services delivered.

The implications for service delivery in key areas such as health and education of moves at State and Commonwealth levels to implement National Competition Policy (even allowing for community service obligations), of Queensland's moves to implement accrual output accounting into its budgetary processes, and of the various possible purchaser-provider models in service delivery which are being considered, are far from clear. What is clear, however, is that the hitherto largely unexamined claims that 'community control' of service provision will necessarily lead to improved outcomes, whether for Aboriginal communities or mainstream ones, are likely to receive much closer scrutiny against the new criteria being developed within bureaucracies.

This poses great challenges for Aboriginal organisations, such as Apunipima, but also great possibilities. The challenges arise because such organisations are typically under-resourced, are operating in areas where costs and logistic difficulties are very great, and yet are under enormous pressure to provide services as general governmental support is wound back. The possibilities are there, however, because organisations that can demonstrate the capacity to understand these new paradigms will be in a good position to be able to take advantage of them. Apunipima is already demonstrating this in its role of brokering more effective, accountable, and appropriate health services in the Cape.

While this is not to say that a strategic or policy focus should be exclusively on such areas as improved outcomes in health care delivery, overall strategies must address these issues as well as the wider ones in which they are, arguably, embedded. There is little evidence, whether from the Northern Territory or elsewhere, which supports the argument that gaining title to traditional lands *of itself* provides a substantial improvement in the circumstances of Aboriginal people's lives. Thus, while regional agreements may ultimately be based on the assertion of indigenous rights, they must also be firmly grounded in the circumstances of Aboriginal people's everyday lives and priorities, and must seek to change these circumstances for the better. Overall negotiations must address such issues as well as the wider ones in which they are embedded. For example, the principles of customary law implicit in the recognition of native title could be

brought into more creative play in dealing with such difficult social issues as the control of alcohol abuse.[8] Strategies to expand Aboriginal land holdings and recognition of native title rights also need to incorporate mechanisms to leverage increased Aboriginal people's economic stake in the region, for example, through negotiated agreements with resource developers. There are already successful instances in the Cape, such as the Cape Flattery and Alcan agreements.

The capacity to use native title or statutory land rights as leverage is dependent upon an appropriate legislative and policy regime, such as royalty equivalents for mining on Aboriginal lands in the Northern Territory, or the current right to negotiate provisions under the *Native Title Act 1993*, which facilitates such leverage. Furthermore, strategies to increase an economic stake must be linked, for example, to the delivery of appropriately targeted educational and training programs.

At the same time, it must be realised that for most Aboriginal groups in Cape York there are few realistic avenues to true economic self-sufficiency. For example, important Aboriginal social and cultural goals can be realised through gaining control of pastoral stations. However, it needs to be stressed that, at least with current practices and constraints, including the globalisation of markets and the relatively poor quality of much of the Peninsula's range lands, the Aboriginal return to pastoral lands can not be expected to be economically self-sustaining. As mentioned previously, only 2.4 per cent of the Cape's total production came from the pastoral industry, and only 3.8 per cent of employment for indigenous people was in the combined pastoral, forestry, and fishing industries. There are, in fact, arguments that the pastoral industry as a whole in the Peninsula is not viable and given the lack of management expertise and other factors particular to the Aboriginal sector, it is even more unlikely that the dreams of many to be economically independent through running their own cattle enterprises can be realised.

An option in some areas may lie in joint pastoral ventures. Balkanu Cape York Development Corporation has begun preliminary negotiations with both Aboriginal pastoral station owners and various agribusinesses with a view to exploring the feasibility of joint-venture arrangements of some kind for the export of live cattle from Weipa to south east Asia. Such an enterprise would require close cooperation between the different Aboriginal stations, a sophisticated level of management of capital assets, significant capital investment, and complex breeding and stock management programs, to name but a few.

Given the dominance of the mining sector to the Cape's economy, negotiation with large resource and infrastructure developers both inside and outside the provisions of the *Native Title Act 1993* clearly provides a major avenue for increasing the Aboriginal economic stake in the region, and is a key strategy adopted by the CYLC. The Hope Vale community has successfully re-negotiated a benefits and employment regime over the silica mining operation at Cape Flattery, and recently there has been the announcement of a major agreement between Alcan and Aboriginal groups over its proposed bauxite mining operations near

Mapoon on the west coast. This outcome has placed some pressure on the parallel negotiations over similar issues with Comalco over its existing bauxite operations at Weipa. Negotiations involving Cape York Aboriginal groups facilitated by the Land Council and Balkanu over the proposed Chevron gas pipeline from Papua New Guinea include not only compensation and employment issues, but possible options for equity arrangements.

Such strategies provide not only possible avenues for increased Aboriginal employment, but also a means for increasing collective Aboriginal wealth and bargaining power in the region through long-term investment in large resource developments. However, such options are realistically not available to many Cape York Aboriginal groups. A crucial strategic goal therefore is to work within the objective conditions of continuing dependency on governmental transfer payments of various kinds, to ensure that long-term Aboriginal social and cultural viability is maintained. Creative use of CDEP schemes would be one fruitful avenue.

Yet, if there are arguments not just for the legal recognition of Aboriginal rights in lands and waters where this is possible, but also for systemic change in the economic, social and political relations between Aboriginal societies and the wider one, the difficulties of major institutional change—and possibility of unintended consequences—should never be underestimated. For one thing, the assumption that native title claims should be linked to such change can ignore the complexity of existing political and administrative arrangements between different levels of government with, for instance, profound implications for existing funding arrangements (see Crough 1995; Searle 1995). For another, while more effective service delivery and better facilities (for example in the health area) are clearly needed, there is a body of evidence that increasing intervention by the state at least, no matter if well intentioned, can ultimately have profoundly adverse consequences for the viability of Aboriginal societies (see Martin 1990, 1993). Furthermore, even the most carefully and logically reasoned proposals for major institutional change are likely to be subverted by entrenched interests within both the Aboriginal and wider societies.

Moreover, it is neither desirable nor practicable to negotiate a comprehensive 'regional agreement' as such covering such diverse matters as control of lands and resources, Aboriginal governing structures, service delivery, and so forth, as with certain of the Canadian models (see Ivanitz 1997). In essence, not only would this risk outright government rejection, or at the very least bring so many parties into negotiations that they would become unmanageable, but also it would be virtually impossible to manage from the point of view of the diverse Aboriginal constituencies and interest groups.

Nonetheless, there are a series of arenas in which strategic advances have already been or could conceivably be made in regional responses to core issues in the Cape, some flowing from the assertion of native title rights, and some taking advance of current state and national political trends in service delivery and other government functions. The issue then becomes how to creatively develop mechanisms over a range of agreements which may be negotiated over different

issues, so that the agreements can be structurally linked in appropriate ways. That is, rather than attempting to negotiate a single comprehensive agreement encompassing a diverse set of issues, the approach is from the other direction; to negotiate a set of focussed agreements on regional issues which allow a strategically linked mosaic of agreements to gradually be established.

Linkages between different local area, sub-regional and regional agreements could be established through a range of mechanisms. Firstly, institutional linkages need to be formalised and relative roles and areas of operations defined between the peak Aboriginal bodies (especially Native Title Representative Bodies) negotiating such agreements. This is in fact already occurring in the Cape, with strong links and mutually agreed operating domains being developed between Cape York Land Council, Balkanu, and Apunipima. This increases the probability of strategic coordination of agreements (for example, involving access of traditional owners to pastoral lease lands negotiated by the Land Council through the Heads of Agreement, and impact assessment, economic development and compensation agreements centring on the Chevron pipeline, negotiated largely through Balkanu).

The second means of establishing linkages between different agreements would lie in formalising and ensuring consistency in institutional arrangements for the resourcing and conduct of regional negotiations. It is far more likely that overall strategic direction can be achieved through a range of agreements—and potentially destructive competition for resources between different organisations avoided—if their resourcing and carriage can be confined to a discrete number of organisations. Furthermore, consistent methodologies can be developed and utilised by Aboriginal peak bodies in conducting the' consultations and negotiations with their diverse constituencies, so that gradually a body of expertise in this complex area can be accumulated by them.

The third area lies in ensuring consistency and coordination between the monitoring and evaluation structures and processes which should be developed as an essential part of each agreement. It may even be possible in some instances to have separate agreements utilise the same monitoring and evaluation structures.

Notes

1. For an outline of Queensland's *Aboriginal Land Act 1991* and its nexus with the *Nature Conservation Act*, see the discussion in Smyth and Sutherland (1996: 49–53).

2. Mapoon, north of Weipa, as yet does not have independent local government status. Its governing body is incorporated under the Associations provisions of the *Aboriginal Councils and Associations Act 1976*. The two Torres Strait Islander townships of Bamaga and Seisia near the northern tip of the Cape, whose residents are emigrants from the Straits, are governed by Councils established under the parallel *Community Services (Torres Strait) Act 1984*.

3. See for example account in Tatz (1979).

4. Excluding those between Aurukun and Weipa excised from the original reserve and now held under bauxite mining leases by Comalco.

5. Richardson, Craig and Boer (1994: 359–60) as quoted by Sullivan (1997: 8) identify some of the factors necessary in the development of Canadian regional agreements as willingness, timing, communication, information and research, bargaining power, and unity.

6. Significantly, however, these negotiations appear to have reached a stalemate since the current State and Commonwealth Governments refuse to recognise the possibility of native title rights in marine areas.

7. The Draft Heads of Agreement on tourism in Cape York Peninsula has been developed as part of a tourism strategy for the region, and has involved negotiations between Cape York Peninsula Development Association, ATSIC Peninsula Regional Council, CYLC, Cook Shire Council, Far North Queensland Tour Operators Association, and Balkanu Cape York Development Corporation.

8. An instance lies in the creation of the Alcohol Law Council in Aurukun, established through recent amendments to the *Local Government (Aboriginal Lands) Act 1978* under which the Aurukun Shire operates. This Law Council has representatives nominated by the traditional Wik groupings of the area, and incorporates traditional decision-making processes in its operations.

References

Aboriginal and Torres Strait Islander Commission (ATSIC) Peninsula Regional Council 1995. 'Regional Plan ATSIC Peninsula Region 1995—2005', Aboriginal and Torres Strait Islander Commission, Cairns.

Aboriginal Law Centre 1996a. 'Hopevale Heads of Agreement', *Australian Indigenous Law Reporter* 1 (3): 448–50.

Aboriginal Law Centre 1996b. 'Cape York Heads of Agreement', *Australian Indigenous Law Reporter* 1 (3): 446–7.

Altman, J. and Arthur, W. 1996. 'Towards greater autonomy for Torres Strait: political and economic dimensions', *CAEPR Discussion Paper No. 121*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Apunipima Cape York Health Council 1996. 'Annual Report', Apunipima, Cairns.

Cape York Land Use Strategy (CYPLUS) 1994. 'Population characteristics', Department of Local Government and Planning, Cairns and Department of Environment, Sport and Territories, Canberra.

Cape York Land Use Strategy (CYPLUS) 1994. 'Traditional activities', Department of Local Government and Planning, Cairns and Department of Environment, Sport and Territories, Canberra.

Cape York Peninsula Development Association (CYPDA) 1996. 'A Strategic Tourism Management Plan For Cape York Peninsula', CYPDA, Cairns.

Cape York Regional Advisory Group 1997. 'Cape York Peninsula Land Use Strategy—our land our future: a strategy for sustainable land use and economic and social development', Cape York Land Use Strategy, Department of Local Government and Planning, Cairns and Department of Environment, Sport and Territories, Canberra.

Crough, G. 1995. 'Some issues in relation to the funding of Regional Agreements and indigenous self-government', in *ATSIC Regional Agreements Seminar, Cairns 29–31 May 1995*, Aboriginal and Torres Strait Islander Commission, Canberra.

Farley, R. 1997. 'Regional agreements as alternatives to mediation: What is the commercial impact of the historic Cape York agreement?', in G.D. Meyers (ed.) *Implementing the Native Title Act*, National Native Title Tribunal, Perth.

Howitt, R. 1997a. 'Getting the scale right: the geopolitics of regional agreements', *Northern Analyst*, 2 (Feb/March): 15–17.

Howitt, R. 1997b. 'The other side of the table: corporate culture and negotiating with resource companies', *Land, Rights, Laws: Issues of Native Title, Regional Agreements Paper No. 3*, Native Titles Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.

Ivanitz, M. 1997. 'The emperor has no clothes', *Land, Rights, Laws: Issues of Native Title, Regional Agreements Paper No. 4*, Native Titles Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.

Martin, D.F. 1990. 'Self-management: towards a re-appraisal', paper delivered at the Australian Institute of Aboriginal and Torres Strait Islander Studies 'Remote Futures' Conference, Townsville, 1990. Paper based on submission to the House of Representatives Standing Committee on Aboriginal Affairs, January 1990.

Martin, D.F. 1993. Autonomy and Relatedness: An Ethnography of Wik People of Aurukun, Western Cape York Peninsula, unpublished PhD thesis, The Australian National University, Canberra.

Martin, D.F. 1995. 'Money, business and culture: issues for Aboriginal economic policy', *CAEPR Discussion Paper No. 101*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Martin, D.F. 1996. 'The NATSIS as a regional planning and policy tool', in J.C. Altman and J. Taylor (eds) *The 1994 National Aboriginal and Torres Strait Islander Survey: Findings and Future Prospects*, Research Monograph No. 11, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Martin, D.F. (forthcoming). 'The indigenous peoples of Cape York, North Queensland, Australia', in R.B. Lee and R. Daly (eds) *The Cambridge Encyclopedia of World Hunter-gatherer Cultures*, Cambridge University Press, Cambridge.

Martin, D.F. and Taylor, J. 1996. 'Enumerating the Aboriginal population of remote Australia: methodological and conceptual issues', *Journal of the Australian Population Association*, 13 (1): 17–33.

May, D. 1994. *Aboriginal Labour and the Cattle Industry: Queensland from White Settlement to the Present*, Cambridge University Press, Cambridge.

McGrath, A. 1987. *Born in the Cattle: Aborigines in Cattle Country*, Allen and Unwin, Sydney.

Meyers, G.D. (Editor) 1996. *Implementing the Native Title Act 1993, The Next Step: Facilitating Negotiated Agreements*, Selected Discussion Papers of the National Native Title Tribunal (NNTT), NNTT, Perth.

O'Faircheallaigh, C. 1997. 'Process, politics and Regional Agreements', unpublished paper prepared for the AIATSIS project on Regional Agreements, Australian Institute of Aboriginal and Torres Strait Islander Affairs, Canberra.

Queensland Parliamentary Committee of Public Accounts 1991. *Financial Administration of Aboriginal and Island Councils Report 2: Effectiveness of Councils; Support for Councils, Training*, Queensland Legislative Assembly, Brisbane.

Richardson, B.J., Craig, D. and Boer, B. 1994. 'Indigenous peoples and environmental management: a review of Canadian Regional Agreements and their potential application to Australia', *Environmental and Planning Law Journal* 11 (5): 357–81.

Searle, R.J. 1995. 'The Commonwealth Grants Commission and funding of Regional Agreements', in *ATSIC Regional Agreements Seminar, Cairns 29–31 May 1995*, Aboriginal and Torres Strait Islander Commission, Canberra.

Smyth, D. and Sutherland, J. 1996. *Indigenous Protected Areas: Conservation Partnerships With Indigenous Landholders*, Environment Australia, Canberra.

Sullivan, P. 1997. 'Regional agreements in Australia: an overview paper', *Land, Rights, Laws: Issues of Native Title Paper No. 17*, Native Titles Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.

Tatz, C.M. 1979. *Race Politics in Australia: Aborigines, Politics and Law*, University of New England Publishing Unit, Armidale.

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