The First-Ever Northern Territory Homelands/Outstations Policy

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In May 2009, the Northern Territory released its first-ever policy for homelands/outstations, setting out how the Government intends to provide services and much-needed infrastructure to assist communities living on Aboriginal-owned lands. The Government claims that its new approach will improve transparency of service delivery and ‘introduce a new disbursement model based on a more realistic framework for the allocation of limited government resources.’

Part of the much broader Working Future strategy, the Government’s plan hinges largely on the creation of centralised ‘economic hubs’ across the Northern Territory. It is a development that has been widely criticised by Aboriginal people throughout the region. The Yolngu people of northeast Arnhem Land, for example, demonstrated their strong opposition by burning copies of the policy statement during Blue Mud Bay celebrations in July this year. The Minister for Indigenous Affairs (also Deputy Chief Minister), Marion Scrymgour resigned from the Labor Party, describing the policy as premature and ‘insulting’ to Aboriginal people.

Looking briefly at the history of the movement and policy responses from various levels of government, this paper examines why the Northern Territory’s announcement has elicited such a negative response from homeland residents.

WHAT ARE HOMELANDS/OUTSTATIONS?

Throughout the 1970s, many thousands of Aboriginal families in the Northern Territory, Queensland, South Australia and Western Australia started to actively reject the living conditions they had to endure in the artificial communities created by settlements, reserves and missions, and began campaigning for the right to return to their ancestral lands. An initiative of Aboriginal people, the movement was first and foremost a clear demonstration of their responsibility to look after country. Being resident on their own lands would enable communities to determine their own futures, to be close to hunting, gathering and fishing resources, sacred sites, burial places,
song-lines and dreaming trails. This was first and foremost a move home, back to the places they were born, where they could teach their children how to care for country, fulfil ceremonial obligations and be themselves amongst culturally familiar landscapes.

The return to country was also a reaction to the stresses of living within arbitrarily-constructed settlements. The practice of bringing diverse groups of Aboriginal peoples together to live in large, supposedly cohesive, communities was recognised as a source of enormous social instability:

For Aboriginal people the perceptions of these communities were as 'no good', 'too much trouble', 'people fightin', too much worry', 'too much sick there'. By contrast, outstation life offered a return to 'a healthy social and physical environment', away from the tensions and trouble associated with large communities of mixed groups.

Some 22 years later, homeland/outstation residents are expressing exactly the same sentiments. Approximately 10,000 people, one quarter of the Northern Territory's Indigenous population, live on homelands/outstations today. It is important to remember that these are highly mobile peoples, and that they frequently move between homelands/outstations and the townships that grew out of former Aboriginal settlements and missions. Homelands/outstations are thus best understood in two ways: the people, a distinct social grouping, and the locale or the place, to which they have statutory ownership and/or descent based affiliation. They form a regional residential network that plays a significant role in reducing overcrowding, and in relieving the social tensions that are a regular feature of life in larger townships. They aid individual and community wellbeing by reinforcing rights and responsibilities to country and family, by maintaining community networks and social structure, and by strengthening cultural identity.

With the return to country, Aboriginal people in the Northern Territory were able to resume their customary economic practices of hunting, fishing and gathering that many outsiders had assumed defunct. Homelands/outstations are used for a large variety of purposes, and even those that are vacant for extended periods of time may nonetheless be of substantial benefit to people at different stages in their lives. Often they are strategically significant, both at the regional and national levels. For instance, they have been pivotal to the development of appropriate responses to environmental problems associated with an empty landscape, such as the ecological threat created by wildfires and invasive species or, in coastal regions, by illegal fishing and breaches of border security. They have also been central to innovative economic initiatives such as cultural and natural resource management, carbon abatement, wildlife utilisation, eco-tourism and the visual art sector. Economic heterogeneity in these forms is especially important in times of market contraction, such as occurs when mining companies downsize their workforce.

GOVERNMENT POLICY

The homelands/outstations movement coincided with a major change in Government attitudes towards Indigenous people. In the 1970s, the Commonwealth extended to Aboriginal and Torres Strait Islander people basic citizenship rights already available to other Australians, such as pensions, unemployment benefits and child support endowments. At the same time, there was a notional move away from the failed policy of assimilation towards one of self-determination, with the Whitlam Government declaring in 1972 that it would restore to Aboriginal people their lost power to determine their own futures and ways of life. Also
important was the development of the *Aboriginal Land Rights (Northern Territory)* Act 1976, the mechanism by which Aboriginal people in the Northern Territory were able to reclaim ancestral rights to unalienated Crown land based on traditional occupation and spiritual affiliation. With legal title to customary lands, freedom from the physical confines of the settlements and missions, and with access to mainstream social security payments, these policy shifts were central to the large scale return of Aboriginal families to their traditional country.

While the movement initially received minimal financial support,¹² by 1972 communities could apply to the Department of Aboriginal Affairs for establishment grants to set up necessities such as water, shelter and basic communications facilities.¹³ A significant change came in the late 1980s when residents were able to access the Community Development Employment Projects (CDEP)¹⁴ scheme. With Commonwealth funding and logistical support from Outstation Resource Agencies (ORAs), communities were able to establish meaningful employment opportunities through initiatives such as Caring for Country and specifically-adapted land and sea management programs, both of which have been highly successful in building community capacity and in addressing different regional needs.¹⁵

However, since the start of the movement, the question of funding has remained unresolved. In the 1987 report, *Return to Country - The Aboriginal Homelands Movement in Australia* (‘the Blanchard Report’), State and Territory Governments asserted that this responsibility properly falls to the Commonwealth¹⁶ and, until the release of *Working Future*, none had developed a viable homeland/outstation policy to meet the needs of its citizens.¹⁷

While the Blanchard Report did not provide a policy framework, it recommended, after rigorous consultation with remote Aboriginal communities and small townships, that various Federal, State and Territory agencies support the return to country through the delivery of services. In the 1990s, the Aboriginal and Torres Strait Islander Commission (ATSIC) developed the *National Homelands Policy: ATSIC’s Policy for Outstations, Homelands and the New Emerging Communities* and again sponsored a major review of ORAs in 1997-98.¹⁸ The review identified the fundamental role played by ORAs as quasi government/development agencies/representative bodies for the numerous dispersed remote communities. The ORA Review also documented how important the CDEP scheme had become to homelands/outstations and to the operations of most ORAs. However, it seems that these findings and recommendations have largely been disregarded and have not led to a workable policy for the residents of these communities.

**HOMELANDS/OUTSTATIONS AND WORKING FUTURE**

When the Howard Government imposed the Northern Territory Emergency Response (NTER) in June 2007, it negotiated the hand back of responsibility for homelands/outstations to the Northern Territory under a Memorandum of Understanding (MOU) for Indigenous housing, accommodation and related services, to come into effect in July 2008.¹⁹ The MOU outlined an offer of nearly $800 million over four years, conditional on the Northern Territory taking over responsibility for the delivery of services to homelands/outstations. Essentially, the Commonwealth was washing its hands of service delivery to these communities, making this the sole responsibility of the Northern Territory Government.
Identifying four ‘levels’ of community, where homelands/outstations were considered ‘other’ or ‘Third Order Priority’ communities, the MOU stipulated that no Commonwealth funding would be provided to construct housing on homelands/outstations, although $20 million would be allocated to fund municipal, essential and infrastructure services. This hand-back was enormously problematic for the Northern Territory Government: though unwilling to jeopardise the entire funding package, it was concerned that $20 million would be insufficient to adequately provide for the needs of over 500 such communities falling within its jurisdiction.

In the aftermath of the forced hand-back, the Northern Territory began the complex task of developing its first-ever policy for homelands/outstations. As part of this task the Government released its Outstation Policy Discussion Paper in October 2008, calling for submissions by 1 December 2008. In total, 43 submissions were received by that date: unusually, consultation with homeland/outstation residents was undertaken after the close of submissions. This meant that residents and ORAs could not clarify issues in a face-to-face environment prior to making a written submission. Further, consultants visited only 17 locations in total. Even more troubling, the resulting Our Home, Our Homeland - Community Engagement Report did not become public until after the NT Government officially released its Working Future policy framework, and the submissions were never made public.

Setting out plans for homelands/outstations in one of six short headline statements, Working Future identifies 20 ‘Territory Growth Towns’ (TGTs), where development measures will be concentrated and prioritised. While homelands/outstations located in surrounding areas can expect better service delivery, the future of communities linked to non-TGT townships remains unknown. Further, Government support is contingent on a number of preconditions, including ‘permanent’ residence (at least eight months per year), and a commitment from residents to increasing their self-sufficiency through ‘reasonable’ financial contributions towards increased services.

Consistent with the MOU, the headline policy statement provides that no new outstations will be financially supported, and service delivery will be negotiated via individual service agreements. Education will be provided in a number of ways, including existing bush schools, distance learning, boarding in TGTs and transport to TGTs.

Homeland/outstation housing will now be defined as ‘private’, and thus not covered by the public housing provision model that would be available in urban areas to people in comparable economic circumstances. The policy statement also provides for the development of a comprehensive database to monitor and evaluate economic development, stressing that the future of homelands/outstations should not be predicated on ongoing Government support. The policy statement has little to say about the value of people on country or the environmental services many of these people provide to wider Australia through land and sea management programs. Certainly, there is little synergy between Working Future and the Government’s earlier vision for ‘a framework for a sustainable future where development takes place within a context of land and sea conservation’ as envisaged in the Northern Territory’s 2005 Parks and Conservation Masterplan.
IMPLICATIONS FOR INDIGENOUS COMMUNITIES

The release of the *Working Future* framework has met with widespread disappointment from Aboriginal people living in the Northern Territory. Not only does it fail to give any recognition to the cultural significance of homelands, it ignores emerging data on the health benefits to Indigenous people living on country. Communities are particularly angry that no economic modelling, data collection or cost benefit analysis was undertaken prior to development of the policy. The final headline statement bears no clear link to either the *Outstation Policy Discussion Paper* of October 2008, much less to the 20 recommendations emerging from the community engagement report *Our Home Our Homeland* of January 2009. Just how the policy was developed, and how it responded to the consultations and submissions, is extremely unclear.

It is important to note that this policy was announced in the context of several key shifts in national policy, most notably the NTER, the abolition of the Commonwealth Community Housing and Infrastructure Program, CDEP reforms (which will impact on the vitally important ORAs), and the Federal Government’s announcement of funding for 26 priority locations under the remote Indigenous Housing National Partnership, 15 of which are in the Northern Territory. Indeed, the Territory’s policy response seems to have been overtaken by a focus on the best way to resource the newly identified TGTs, which share a striking overlap with the Commonwealth’s ‘priority locations’. At one level the headline policy seems to comprehend the interdependence of homelands/outstations with the larger Aboriginal townships, but the selective focus on only 20 TGTs, out of some 52 townships around the Northern Territory, means that the majority of these communities, particularly those in the centre, will be ignored by the very policy statement that is supposed to provide for their futures.

In effect, the headline policy proposes that homelands/outstations will become private domains; housing and infrastructure will belong either to traditional owners or, where the land is covered by the *Aboriginal Land Rights (Northern Territory)* Act, to the relevant land trust. Distributing resources in this way amounts to cost shifting, transferring housing responsibilities from the fiscally robust public sector to the relatively poor private Indigenous sector. In reality, homeland/outstation land is no different from most prescribed communities in the Northern Territory, where long-term leasing is now a requirement for the provision of social housing. As a welfare measure for the relatively poor, social housing should not be contingent on geographic location, at least in any policy sense. Moreover, the idea that individual, formal agreements need to be struck for the delivery of essential community services—what some would consider basic rights of citizenship—appears highly inequitable.

Certainly, this approach sits very uncomfortably against the Federal Government’s unqualified support for the *United Nations Declaration on the Rights of Indigenous Peoples* earlier this year. The Declaration specifically affirms the equality of Indigenous people, while also recognising ‘the right of all people to be different, to consider themselves different, and to be respected as such’. Further, Article 5 of the Declaration states

> Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
What is very clear to many Indigenous Australians is that homelands/outstations are a very distinct economic, social and cultural institution in the maintenance and strengthening of their wellbeing, and as such they look to see this recognised in policy development. Clearly, the Northern Territory’s position does little to advance the substance of these rights.

CONCLUSION

The development of the first ever Northern Territory policy on outstations/homelands provided a rare opportunity to recognise service delivery as a two-way reciprocal process—one where governments provide citizenship entitlements to Indigenous Australians living in remote regions and, in turn, enjoy the crucially important services that Indigenous Australians provide to wider Australia in the form of biodiversity management, ecosystem maintenance, coastal surveillance, border protection and biosecurity. These services are becoming increasingly important, especially in times of climate change, and can no longer be regarded as a secondary issue. Rather, they are central to the economic future of northern Australia and as such must also be central to the development of any serious policy development regarding people living on country. Aside from providing places of residence, homelands/outstations serve an important function in assisting Aboriginal Australians maintain a connection to their estates. They are key to maintaining biodiversity and ecological knowledge, providing care for sites of significance, preserving language, culture and law, as well as allowing communities to sustain themselves economically according to customary practices. Further, they form a central component of the Northern Territory tourism industry, contributing $775.78 million per year, some 5.8%, to the Territory economy.

It is thus little wonder that Aboriginal people living in remote communities actively reject this policy, or that the Northern Territory lost a key Member of the Legislative Assembly over the Government’s handling of its expanded responsibility. The rights of Australia’s Indigenous Peoples, along with the historical and contemporary significance of their lands, calls for much more extensive consideration, consultation and planning than can be seen in this hastily conceived approach, which seems more concerned with short-term fiscal pressures than the legitimate needs and entitlements of Aboriginal people as Australian citizens.
NOTES

1. While the term ‘outstation’ has widespread currency many Indigenous groups prefer the term ‘homelands’. This is because of the view amongst many Aboriginal groups that they moved back to their lands, or as close as possible to places, where they hold primary spiritual responsibility.

2. A celebration to mark the Blue Mud Bay High Court decision (2008), which recognised traditional owners exclusive rights in water overlaying Aboriginal lands between the Mean High Tide Mark and the Mean Low Tide Mark – see Northern Territory v Arnhem Land Aboriginal Land Trust [2008] HCA 29.


7. Ibid.


11. Ibid 16.


13. See Altman and Taylor, above n 11, 9-12.


17. The only exception to this was in Western Australia, where a framework was eventually developed to mesh with the ATSIC national approach. See Department of Indigenous Affairs, Services to Discrete Indigenous Communities in Western Australia, Discussion Paper (2002), available at <www.dia.wa.gov.au/Publications/Files/ServicestodiscretecommunitiesSept2002.pdf>.


22. Because many of the submissions to the Northern Territory Government were received after the submission deadline, they were not considered or included in the final *Our Home, Our Homeland - Community Engagement Report*.


24. It is not clear if this applies to each resident or to the homeland/outstation itself.


