

Issues in Dispute

Aborigines Working for Autonomy



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H C Coombs

ISSUES IN DISPUTE
ABORIGINES WORKING FOR AUTONOMY

HC Coombs

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FOREWORD

The Canberra Times is pleased and proud to be associated with the publication of this collection of Nugget Coombs journalism on issues in Aboriginal affairs. His articles were timely and relevant when they were accepted for publication; they remain so today because the issues at which Nugget nags are timeless ones; the principles he espouses remain relevant, and, alas, all too often, the problems he has described with such care are still with us, and the solutions which he has postulated are still ignored.

Dr Nugget Coombs has a remarkable career of over sixty years in service to the nation. He had already made a substantial mark on Australian history, the economy, social organisation, and arts and culture, before he became actively involved in Aboriginal affairs. It has, however, been his major passion of the past thirty years. His work in this field has helped bring about major changes in public attitudes and government policy and programs, against many obstacles, to see Aboriginal Australians take their rightful place in Australian life.

Nugget's work has been at many levels. In the 1960s, he challenged the assimilationist basis of federal and state Aboriginal programs. He fought politicians and entrenched bureaucracies to turn the tables towards policies which recognised that Aborigines had sovereignty over their own lives. He played a substantial role in the eventual recognition that Aborigines enjoyed the same legal and social status as other Australians.

Having helped succeed in changing the rhetoric, Nugget fought to make the rhetoric be reflected in policy and programs. He was a friendly counsellor to new generations of young men and women, working at local, regional and federal levels, seeking to establish self-determining and self-sustaining communities. He was a patient adviser of governments, often the critic, but ever the constructive one, pointing in the right direction.

In more recent years, as some of the fundamental principles have seemed to slip, he has fought hard to preserve them. He has worked strenuously to mobilise ordinary Australian opinion in support of Aboriginal aspirations. He has written a number of major reports: on Aboriginal relations with government; on how the educational needs of Aborigines might be met; on consultation, and, particularly, on developing self-sustaining communities with a firm economic base. He has played a substantial role in helping many Aborigines get access to land. The outstation movement owes much to his support. The Aboriginal and Torres Strait Islander Commission is his bastard child: real in that it adopted a broad structure he sketched of Aborigines getting more control over policies and programs affecting them; bastard in that its genesis did not follow the process he thought imperative — of extensive community consultation and discussion — and its structures became more complicated and less responsive to Aboriginal opinion than he had recommended.

There are consistent themes in almost everything Nugget has done in Aboriginal affairs. They are themes which ring through his journalism. The first theme is that one should trust the people themselves, genuinely consult them, actually listen to as well as hear what they have to say, and look for solutions which meet their aspirations.

Consultation has now been a buzz word in Aboriginal affairs for twenty-five years. Nugget helped make it so. Even the most obdurate minister or administrator will admit that solutions cannot be imposed. The great spring of wasted resources and energy upon which so many people antipathetic to Aboriginal aspirations are so quick to expose, follows inadequate consultation. Even now, however, agencies have much to learn about effective consultation. All too often the most that has been available, whether with plans at community level or with the development of national approaches, has been some opportunity, itself often limited, to influence the margins of preconceived outside 'solutions' — more often than not with the Hobson's choice at the end of the day of taking it or leaving it. In one of these articles, Nugget describes the consultation by Gerry Hand over ATSIC as 'a unilateral, paternalist process. Judgment and power of decision continue with the consulting party. Whatever changes are achieved by it, it carries no implication of agreement or commitment by Aborigines.'

The second consistent theme in Nugget's work has been an insistence that real change will come from the people themselves. They need help. They need outside resources, including information and advice. But real change will occur only when there is a real transfer of power and authority. It will not occur unless the resources become theirs, and they have a stake in the transformation of them into Aboriginal capital.

Nugget also has a strong belief that Aboriginal culture and tradition, particularly in the more traditional communities, is a strong and under utilised resource. Officially, assimilation as a policy is dead and buried. All too often, however, official policy implicitly requires of Aborigines that they step away from their culture and traditions and adopt western ones of no real relevance. Education might be a good example, with young children all too often required to leave their communities, prevented from participating in family and traditional activities, separated from the role models they would usually have imitated and plunged, as Nugget says, 'into an alien society whose behavioural patterns, whose purposes and values largely contradict their own. Is it surprising they are lost and alienated.'

Nugget does more than postulate this theme. His journalism is full of examples of Aboriginal communities using their own resources to successfully take charge of their lives — a useful antidote to the all too frequent focus on failure and despair.

The next theme is that Aborigines need to improve their bargaining power — politically, economically and socially. It is an unpleasant fact that a generation of relatively liberal policies by government has actually tended to increase, not reduce, the dependency of many people in Aboriginal communities. Although there are hopeful signs in some areas, it would be a brave person who would suggest that progress is being made in changing the indices of Aboriginal disadvantage — in health, in education, in housing, in employment or in economic self-sufficiency. Some of the failures flow from inadequate consultation, from inappropriate programs, and sometimes, from a sheer lack of positive resources. Despite the manifest disadvantages, there is strong propaganda, particularly from groups hostile to Aboriginal interests that Aborigines have become a specially treated group with special rights and

privileges not available to Australians, living in some costly apartheid state at the expense of others. The truth could scarcely be more different, but the image is often consciously used to the detriment of Aboriginal Australians especially when their interests are up against the most powerful interests in the community — in mining and agriculture, as discussed in some of these articles.

The basis of building up bargaining power is control over land, but it is also in developing self-sufficiency. This is perhaps the most repeated theme. The grand banker and economist is, however, at his most insistent in arguing that matters of land use and self-sufficiency are not to be looked at only through an accountant's prism. An Aboriginal cattle station is not, for example, simply an 'enterprise' to be judged for 'viability' on its capacity to earn a profit. Such a station once might have supported a white man and his family, a handful of stockmen and a few more seasonal workers, providing then, usually, only bare sustenance and only just, if at all, 'viable'. The same station today might be home for many families. Aboriginal tenure in it would provide the basis for assistance in housing and access to health care, education and other services. It gives access to food which can be hunted and gathered, and may provide a base for other activities such as art and handicrafts. As importantly, it gives access, as Nugget says, 'to sacred sites and the group security and cohesion which being in one's own land amongst one's fellow kinsmen provides. No simple viability test based on potential to earn profit would incorporate these considerations.'

This is not to suggest that Nugget shies from attempts to do cost benefit analyses; rather that he insists that complex sets of factors are taken into account. In just the same way, Nugget is wholly impatient with the fad for demanding accountability from Aboriginal communities — a demand that can easily suck up a quarter of the resources notionally available. All too often the demands are 'wasteful, intrusive and inefficient.' More importantly, the focus is on accountability to non-Aboriginal authority while ignoring the much more important need for accountability to Aborigines themselves.

These articles also take up another theme: a shameful betrayal of Aboriginal interests, particularly by a Labor Party which had once made political capital by espousing them, over the past decade. National land

rights legislation, once a key plank in Labor's platform, was cynically put aside. The Government did not resist campaigns against Aboriginal interests, but subsequently said, shamefacedly, that it could not deliver on its promises because the political will no longer existed to push it through. There are now some fresh pressures on the Government to deliver, coming from the High Court's decision in the Mabo case, from the restatement, by the Royal Commission into Aboriginal Deaths in Custody, or the misery and squalor of the lives of so many Aboriginal Australians, and, perhaps, some revitalisation of Aboriginal leadership, that some progress is possible. There are, however, some worrying signs as well. Opinions differ, for example, about the effectiveness of ATSIC, whether in delivering services to Aboriginal communities or in representing Aboriginal opinion. One thing, however, is fairly clear: the Government's imposition of it has tended to reduce the attention paid to Aboriginal affairs, to depoliticise a fundamental political debate, and to submerge many of the issues. Since, notionally at least, it is Aborigines who are slicing up the cake, it has also tended to let some politicians and administrators off the hook about the size of the cake itself.

Nugget's faith in the human spirit, his optimism and his unflagging nagging away at the fundamentals make some people think him only a romantic. The core of this journalism, however, is in its practicality, and his constant reference to real people in real communities, to real problems and to real models. He does not shrink from unpleasant facts, or pretend that obstacles do not exist. He is not doctrinaire, or focused on some theoretical model. Nugget talks about people. He is invariably talking for them as well.

Jack Waterford
Deputy Editor, The Canberra Times

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What happened to self-determination?

Source: Pryor, *The Canberra Times*, 12 May 1991

Aborigines and mining: the issues in dispute

The mining industry has been conducting a sophisticated campaign to restrict Aboriginal land rights in the Northern Territory and South Australia and to prevent their establishment elsewhere. Some of the material used appeals to blatant racial prejudice.

The campaign presents land rights as an obstacle to mining development, a discriminating burden on the industry and a handicap to economic recovery. It argues that the mining industry is so important that:

- Aborigines should have no right to prevent or constrain exploration or exploitation of minerals;
- protection of sacred sites when validated by an appropriate government agency can be left to the good will of mining companies;
- compensation should be payable only for physical damage or financial loss;
- Aborigines should not share in royalties;
- mining companies should not be required to deal with Aboriginal land councils.

Since media reports suggest that governments are yielding to mining pressures, it is important that Australians generally should consider how far experience suggests that these demands should take priority over justice to Aborigines.

There are three major questions:

- Is the mining industry entitled to, or in need of, privileged treatment?
- Is land rights legislation in the Northern Territory and South Australia handicapping the progress of mining?
- Can mining companies, in the absence of legislation, be relied upon to deal equitably with Aborigines?

The claim of the industry for privilege is invalid. References in industry publications to the contribution to export income ignores the cost of items such as interest, profits and equipment and technology remitted abroad. It ignores the fact that what it exports is an expendable asset and that its sale represents selling off part of the national 'farm' to meet current expenditure. The claim that the industry is one of the few creating new wealth is ludicrous. Assertions that the industry is important to recovery in employment ignores that it creates few jobs and that the multiplier effect of income it distributes, other than to wage earners and Aborigines, accrues mainly in the US, UK, Europe and other countries. It ignores also the constraint imposed upon manufacturing and other industries by the high cost of capital for growth intensified by the demands of mining for capital. Furthermore, it ignores the already remarkably discriminatory benefits our tax laws already confer on the industry.

In relation to the second question, there is no evidence that mining activity in the Northern Territory, where land rights are acknowledged, differs significantly from experience in other States where they are not. Trends in exploration and new mining statistics in the Northern Territory show no correlation with steps towards land rights, but appear more connected with market factors, such as the changing world demand for uranium. It is noteworthy that on-shore oil exploration increased since land rights became effective there.

Furthermore, experience shows that mining companies have been able in almost all instances to negotiate agreements with Aboriginal land-owning groups. Indeed the Central Land Council has stated 'in every case where the company has adopted a negotiating stance ... negotiations have been successfully concluded'. The one possible exception is the termination of negotiations by BHP Haematite on the grounds that the initial demands of the Pitjantjatjara Council were excessive. The Council believes the withdrawal was part of the industry's campaign and that the issue could have been resolved by continued negotiation or by arbitration if the company genuinely was negotiating.

Agreements have been concluded with almost all major mining companies. Many relate to projects on land not owned or claimable by Aborigines. Companies have entrusted to the Aboriginal Councils the

task of identifying owners, and ensuring that seismic exploration, mining locations, road and rail routes are clear of sacred site problems: and this, although the law does not oblige them to do so.

Aborigines, thus, are not absolutely opposed to mining, but will reach agreements which authorise it, provided their reasonable interests are protected: their religious, cultural and social life and access to a livelihood in a way which does not require them to become a dependent, landless proletariat with no other options.

This experience demonstrates that Northern Territory and South Australian legislation provides a reasonable and effective model — a conclusion reached also by Mr Justice Toohey after years of experience of its working, and apparently by Paul Seaman QC.

This conclusion is supported also by consideration of the question of whether mining companies can be relied upon, in the absence of legislation, to deal fairly with Aborigines. Recent experience in the Kimberleys is relevant.

In 1979 the Court Government in Western Australia mounted a paramilitary exercise to compel drilling for oil at Noonkanbah despite Aborigines' complaints that sacred sites protected by Western Australian law would be damaged. These events shocked the Australian conscience and most mining companies have since been anxious to avoid similar confrontations. They have therefore generally entered into agreements through the Kimberley Land Council similar to those made in the Northern Territory and South Australia.

However, the Argyle Diamond mining venture has refused to deal with the KLC or with any representative organisation equipped to negotiate. The story of its dealings with Kimberley Aborigines is long, involved and tragic.

First, the Western Australian Aboriginal Heritage Act had failed, Aborigines believed, to protect their sacred sites from damage by the company or to ensure legal action against it. Some Aborigines, disillusioned, expressed some willingness to negotiate directly with the company and a meeting was arranged but ended inconclusively. Shortly,

six traditional owners, not chosen by Aborigines but including four 'core owners', were flown to Perth by the company, and an 'Agreement' was concluded.

Submissions to the Seaman Inquiry by independent research workers made the following comments on the procedure:

- *Five of the six 'signatories' were illiterate.*
- The first counsel asked to represent the Aborigines refused, indicating that he had not received direct instructions from his clients, that he considered inappropriate notice of the meeting had been given to all affected Aborigines, and that he had serious doubts about the desirability of such a rushed agreement.
- The agreement when concluded remained secret and Aboriginal signatories were unable to inform other owners of what had been agreed.
- The financial benefits were to be received by one community only.

Since then the agreement has been supplemented by benefits offered under a 'good-neighbour policy' to several communities in the region and accepted 'without prejudice to long-term negotiations'.

The use of these benefits is subject to company approval of their purpose: approval which has been denied, for instance, for the purchase of land, and for the support of outstations. The policy enables material interference by the company in Aboriginal self-management.

This agreement cannot be seen as voluntary. Its acceptance reflects the absence of bargaining power of an already oppressed and defenceless people.

The full effects of these events will be long in emerging. Already it can be said that:

- they have provoked serious dissension among Aborigines;
- most of the 'signatories' have withdrawn from the community receiving the major benefits;
- serious concern exists about the disintegration of traditional support structures, the weakening of social unity within and between communities long affiliated.

It must be concluded, I believe, that a legal framework of land rights legislation is vital to the rational development of mining in Aboriginal areas, and therefore to the industry's long-term commercial interests. At least such legislation must give Aborigines:

- power to allow or reject mining on their land;
- authority to establish land councils with resources sufficient to ensure reasonable equality of bargaining power with mining enterprises concerned.

In other words, companies must be obliged to 'adopt a negotiating stance'. If they consider their long-term commercial interests, I believe they will support such legislation in all States.

Betrayal of trust: the Hawke government and land rights

There can be no doubt that the decision announced this month by the Prime Minister that the Government has abandoned its policy of establishing Aboriginal rights to land in all parts of the Commonwealth is seen by Aborigines as a betrayal. In their eyes the Government has acted in a way contrary to its own principles, has denied undertakings previously given, and in the process has excluded Aborigines from participation in the search for 'consensus' on which the government purports to base its actions. In other words, many black Australians believe that the Hawke Government, instead of bringing Australians together, has intensified the divisions between them, deepened the historic Aboriginal conviction that the white man is devious, two-tongued and not to be trusted, and has made a mockery of the idea of Aborigines sharing in any celebration of 1988.

On the face of it, at least, there is justification for their response. There was nothing equivocal or conditional about the Labor Party's apparent commitment to Aboriginal concerns generally and to land rights in particular in its pre-1983 election policy statements. In its criticism of the performance of the Fraser Government it stated:

the Fraser Government has stood by and allowed state governments to ride roughshod over the rights of Aborigines, eg. at Noonkanbah and more recently in Queensland. Despite the High Court's historic decision in 1982 to uphold the validity of the Racial Discrimination Act against a challenge by several states, the Fraser Government has been reluctant to use its powers. In a backdown to the Northern Territory Government the Fraser Government has also agreed to enact amendments to the Northern Territory Land Rights Act which in their present form will seriously undermine land rights in the Territory.

The word Fraser could be eliminated from that statement and the word Hawke substituted without requiring any other correction. The position at Noonkanbah and indeed in the Kimberleys generally is unchanged so far as the capacity of mining companies to impose their will on Aboriginal communities. No progress has been made in Queensland in respect of land rights, and the Racial Discrimination Act continues to be a

dead letter. The only correction which would be required arises from the fact that the Hawke Government has proposed to amend the Northern Territory Land Rights Act to take away some rights granted to Aborigines by the Fraser Government.

The 1983 policy statement went on to establish consultation and self-determination as the basis for the government's actions to give effect to its policy. In fact the government has taken advantage of a study designed to make the National Aboriginal Conference a more effective instrument of Aboriginal political action and an appropriate means for the exercise of 'self-determination', to abolish the conference without establishing an interim or permanent successor — leaving Aborigines over this critical period without the means to consult among themselves or effectively to make their views heard in negotiations with government.

In relation to land rights the party set out specific proposals for action in each state and the Territory and concluded:

Where state governments are willing to grant land rights this is clearly in both legal and administrative terms the best course of action ... However where there is a long history of hostility to land rights and discrimination against Aboriginal citizens (as in Queensland) then the Federal Labor Government will be prepared to use its constitutional powers to achieve justice.

In fact it has become clear that not only in Queensland but in Western Australia and in Tasmania also there continues to be 'a long history of hostility to land rights' and gross discrimination against Aboriginal citizens. To this the Hawke government has responded by abandoning its policy for action through the Commonwealth Parliament to recognise those rights or to ensure that states do so in acceptable form.

Is there any justification for this *volte face*? Reasons, justification or rationalisations have been offered from three sources: the mining industry, the government itself and some citizens who claim that to grant land rights to Aborigines breaches the principles of democratic equality and would constitute a kind of 'apartheid'.

In brief the mining industry argues that the need to negotiate a share of its revenue with traditional owners is holding back the exploitation of mineral resources and that the industry is too important to the economy to be subjected to such a requirement. This does not hold water.

It is true that there has been some slowing down of new mining exploration and development. This however is primarily due to declining international prices for minerals and therefore to lower profit returns to miners. In addition, many international partners of Australian companies normally negotiate such shares with land owners — for instance, in the USA, whether those owners be Texas oil millionaires or Indian tribes living on their reserves. And indeed where mining companies in the Northern Territory and South Australia have been prepared to negotiate with Aboriginal owners, mutually satisfactory deals have resulted.

The claimed importance of mining to the economy is grossly exaggerated. The jobs it provides are few and among the most costly in terms of capital required; the multiplier effect on employment of the industry's expenditure and income distribution occurs to a large degree in other countries. Much of this capital, whether in debenture or equity form comes from abroad and so adds to the growing burden of debt and other 'invisibles' on our balance of payments. It contributes also to the establishment by the market of high interest rates which burden other industries including our agricultural, pastoral and manufacturing export producers. Furthermore it must be recognised that mining does not create wealth — it extracts and exports a wasting asset. It is the equivalent of selling off part of the farm and spending the proceeds as income — scarcely a wise long-term policy.

The Government says it is the public's fault. 'Australians' says Mr Hawke, 'have become less compassionate!'. 'We would like to grant the rights you seek,' said Mr Holding to Aborigines at a conference on International Law and Aborigines 'but our white constituents won't let us.' How valid is this?

Much has been made of the public opinion poll conducted before the Western Australia election in 1985, which showed a majority of Australians opposed to granting land rights. Such polls should be treated with caution particularly when they have been conducted at a time when opinion had been inflamed by an expensive, professional and unscrupulous campaign organised by the mining industry itself. Even if the poll correctly gauged Australian attitudes, the conclusion which the government apparently drew from it — that the balance of those views would have lost their Western Australian associates the coming election — must be questioned. Around the same time a poll about what issues could influence voters' intentions placed land rights low in the

order of importance. It seems highly likely also that the decline in the Federal ALP vote in the 1984 election reflected disillusionment among its traditional supporters about the Government's policies including those on Aboriginal matters — many of whom deliberately voted informal, or for the NDP, the Democrats or independents. This is a trend which now shows increasing strength.

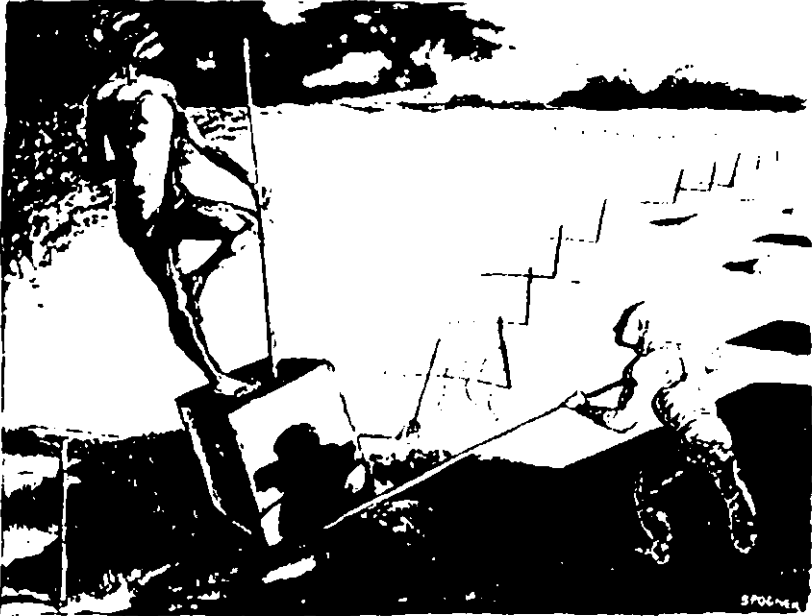
Presumably politicians are good judges of voters and it is possible that the Hawke Government's judgment of the morals of the electorate has been justified. But, to many, its failure to make any serious attempt to counter the mining industry's campaign or to inform or persuade voters of the justice of its Aboriginal policies casts doubts on the strength of its commitment to the principles on which those policies were based.

One influential argument used against the land rights policies was that because they established, for a section of the community, rights not shared by all, they were discriminatory and would lead to a form of 'apartheid'. This is nonsense. Our legislators are continually establishing rights for sections of our community and usually for good reason. The aged, the disabled, the invalid, the very young, veterans of past wars, retired judges, members of parliament and ministers, farmers and dwellers in remote places, not to mention the unemployed, receivers of free education, scholarships, or grants in support of the arts, all benefit from discriminatory legislation.

But the basis for land rights is different: it is concerned primarily with justice, although our failure to recognise them long ago has created conditions which justify action based on compassion also. We are called upon to restore to aborigines those lands which were theirs by tradition and occupancy for millenia where they have not legally been alienated to other Australians and to provide some compensation for lands taken from them by force and which cannot now be returned without injustice to others.

Let there be no doubt about it — the occupation of Australia which began in 1788 and has been continuing progressively ever since was, in international law, illegal. Two comparable cases before the International Court of Justice in recent years suggest strongly that if the Aborigines had access to that court the occupation would be judged so today.

It is, I think, necessary to conclude that the arguments justifying the Government's failure to adhere to its pre-election policies are inadequate, and that the Government's judgment of the electoral effect of it doing so are at least extremely doubtful.



Take it away: it reminds them (and us) of our promises

Source: *Spooner, The Age, 26 March 1986*

However if one accepts that pragmatism justifies the Hawke Government's approach to these issues, the decisions announced this month (if press and other reports are correct) contain some elements of comfort. Sturdy advocacy and lobbying by the Aboriginal Land Councils with valuable help from churches and some sections of the media, supported by qualms of conscience with the Government and the caucus and, one can guess, quietly encouraged by Mr Holding, have apparently achieved some useful gains:

- the unacceptable 'preferred model' for land rights legislation has been discarded;

- the right of Aborigines in the Northern Territory to withhold permission for exploration and mining (at least for a period) has been preserved;
- the Government of Western Australia has, it is reported, agreed to grant Aborigines title to reserve lands, to allow them to share in available pastoral lands in the north, and to receive some, as yet unspecified, income from mining royalty equivalents.

Although these changes are less than justice would demand, they could make significant improvements in the status of Aborigines in Western Australia and provide a modest basis for pressure on the Governments of Queensland and Tasmania. Their achievement is also encouraging evidence of the growing political maturity and competence of Aboriginal Land Councils.

However it is unlikely that these hardly won concessions will restore the trust of Aboriginal people in the good faith of the Labor Government. Much more is needed and needed quickly. Among the more urgent actions called for are:

- an immediate inquiry into conditions for Aborigines in Queensland and reserves and the administration of what was the Department of Arts and Island Affairs (now part of the community Services Department);
- the establishment of a National Aboriginal congress as recommended in 1984 to represent and to act for Aborigines at State and Commonwealth levels;
- the conduct through academic and independent channels of a program of public education on the status of Aborigines in Australian society;
- the provision of adequate finance to Aboriginal Land Councils to enable them to conduct effectively their negotiations on behalf of Aborigines;
- to set up an independent study of the impact of present local government structures on Aboriginal communities.

Failure of the Hawke Government to act promptly to restore Aboriginal trust will alienate not merely black Australians. It will also intensify the disillusion which increasingly weakens the moral authority of the Labor Party.

Black society is not mired in failure: the debate on Aboriginal affairs

To many concerned about the future relationships between black and white Australians, the current debate about the government's ATSC proposals for the conduct of its policies for Aborigines, has been unedifying and deeply disappointing. The voices of Aborigines have not been heard nor has the content of their various responses to the proposals received significant attention. The hypocrisy of the criticism of the loan to an Aboriginal club to install poker machines, coming as it did at the same time as Parliament was debating the Canberra casino; the shock horror concentration on alleged Aboriginal corruption; the highly personalised attacks on individuals; all these lent plausibility to the view that the real agenda of the debate, an agenda shared by some on both sides of the House, was not to design an effective political instrument for black-white relationships but to prevent any significant transfer of power to Aborigines. Gerry Hand must go, not because he was doing a bad job, but because the process he had set in train might result in such a transfer.

Furthermore, the debate has left a public image of Aboriginal Affairs as a vast area of failure — not merely within the agencies of the Minister's portfolio, but throughout those of Aboriginal communities and their organisations. This image, I believe, is profoundly false. True, there are evidences of policy mistakes, of administrative incompetence and individual corruption, as there are also in all areas of white Australian affairs. Nevertheless, the overall picture in Aboriginal society is one of increasing effectiveness and a record of success at individual, group and national level which amounts, I believe, to a renaissance. In all areas where the outcome depends on individual or collective Aboriginal competence and creativity, example of achievement can be added to example after example.

Those who, for whatever motive, choose to see or present Aboriginal Australians as inevitably heading for failure and despair can think again. This is not to suggest that there is no substance in the criticisms that are being made, but rather that to assess their significance and to understand their causes we must look to the nature of the organisations within which

they occurred; organisations which we created, embodying our concepts, offering such opportunities and imposing such constraints as we think wise in our interests.

ATSIC is the third attempt by Australian governments to establish an Aboriginal agency to speak as the 'legitimate' voice of Aborigines in their responses to, and advice about, government policies and, to a marginal degree, to share in their administration. The first two such agencies, the National Aboriginal Consultative Council (NACC) and the National Aboriginal Conference (NAC), were, after relatively short lives, abolished — evidence of similar 'corruptions' forming part of the justification offered.

There is a widespread view among Aborigines that the NACC was abolished because it refused to accept the purely 'consultative' role for which it had been designed, and insisted on publicly offering criticism and alternative proposals. The NAC was abolished following a study, for which I was responsible, of Aboriginal attitudes to its performance. That study concluded that Aborigines widely believed the NAC to be ineffective and out of touch with Aboriginal communities and organisations and that these tended to by-pass it in their dealings with government. The study also concluded that only an organisation under Aboriginal control and capable of exercising real power could prove effective. It put forward for consideration by Aborigines and the Government an alternative structure. The Government used the first conclusion as its justification for abolishing the NAC, but consigned to oblivion the alternative which was described by one of its senior advisers as 'dangerous anarcho syndicalism'.

The content of that report is not now important but the advice given to the Minister when it was presented is, I believe, both important and directly relevant to the present state of the ATSIC proposals. In my letter to Mr Holding (then Minister for Aboriginal Affairs) I wrote:

It is critical that Aborigines should have ample time, not merely to understand the proposals but to come to identify with them or with proposals which emerge from their consideration. Without that identification it is unlikely that any structure will effectively serve Aboriginal or the Government's purposes.

I therefore repeat the procedural recommendations that I have set out in Part IV of the report.

- (a) that a summary of the report and its proposals be prepared in print and on tape, for wide distribution among Aboriginal organisations and communities;
- (b) that a period of some months be allowed for discussion of them in these places and in assemblies of their delegates in the electoral regions;
- (c) that towards the end of the year a national Aboriginal convention of delegates from communities and organisations be held (preferably in Alice Springs or some other Aboriginal location) to enable a consensus to be developed about the proposals or some modification of them;
- (d) that this convention negotiate with the Government on action which should be taken to establish a representative Aboriginal organisation at the regional and national levels.

In their present form they (the proposals) should be seen as a framework, a series of check points, to bring under Aboriginal notice issues and problems to which they may need to direct their attention.

The comprehensive consultations with Aboriginal groups carried out personally by the Minister and the changes he has made to the original ATSIC proposals, have brought their consideration to the same stage as my report, in 1984, had brought the consideration of the future of the NAC. It cannot be claimed that Aborigines generally understand them adequately and even less that they identify with them. Furthermore, attention has been drawn in the debate and in the report of the Senate Committee to significant non-Aboriginal and Aboriginal concerns about them.

The options facing the Government and the Parliament are:

- (a) to consign the ATSIC proposals to oblivion, return to the present situation in which no mechanism exists at regional or national level for independent Aboriginal participation in the formation or administration of policy — so making clear to Aborigines and to the world that the Government and its alternative will accept no

constraint on the absoluteness of its powers to determine the future of Aboriginal Australians;

- (b) to accept the ATSIC proposals as 'a framework, a series of check points' and to move from consultation to genuine negotiation with Aborigines about them.

Consultation, however widely or generously it is conducted (as I believe Mr Hand's was), remains a unilateral, paternalist process. Judgment and power of decision continue with the consulting party. Whatever changes are achieved by it, it carries no implication of agreement or commitment by Aborigines.

Negotiation, on the other hand, is a process in which both parties can contribute proposals and seek modification or amendments. It is a process in which positions are explained and the justification for them more likely to be understood. It is a process in which both parties have an incentive to achieve success or at least to avoid responsibility for failure. Above all, it can make possible the reservation from debate of some issues of principle while accepting, at least for the present, compromise action.

To set such a process in train at this point could have the particular benefit of providing experience of, and, in a sense, a test of some aspects of the ATSIC proposals themselves without requiring commitment to their acceptance. It is my personal impression that the aspect of those proposals which has aroused the greatest interest and approval among Aborigines is the regional emphasis and the proposals for regional Councils as an important instrument of Aboriginal policy influence and administrative authority.

Such Councils, given the opportunity now, could become the instruments for the development of Aboriginal understanding and possibly a consensus about the ATSIC proposals. The Councils need not be established by legislation for this limited purpose but Aborigines could be invited to establish them broadly on the suggested basis while being free to modify that basis to meet their own needs.

A possible procedure might be:

- a period of some months (at least six) for Aboriginal consideration of the proposals under the auspices of regional councils set up to include nominees of communities and organisations. The councils should be provided with printed and taped summaries of the proposals themselves, the report of the Senate Committee and other material which they may ask for. This period should allow at least two meetings of the representatives and include a final meeting: (i) to choose delegates to attend a national Aboriginal Convention; and, (ii) to authorise statements of the Council's position.
- a meeting of a national convention of delegates from the regional councils to consider statements from the regions and (i) to try to develop consensus about the proposals, and (ii) to choose members of a negotiating group to meet with representatives of the government.
- a subsequent meeting of the Convention to receive a report from the negotiating group and to prepare recommendations to the regional Councils and other constituents.

Whatever the outcome of this process, its conduct would throw light on the realities which underlie the words with which Australian governments and political parties express their attitudes towards Aboriginal people and hopefully open a new era in the relationships of aborigines and those governments.

Aboriginal enterprises demand new criteria

HC Coombs looks at accountability and viability in Aboriginal Affairs

The current controversy about the future of the Aboriginal Affairs portfolio institutions, especially the Aboriginal Development Commission and the proposed Aboriginal and Torres Strait Islander Commission, centres around two concepts believed to be fundamental to their structure and conduct. These concepts are the political doctrine of accountability and the economic test of viability.

Briefly, the former states that if Parliament authorises the payment of public funds to an agency for a general or particular purpose, that agency must account to Parliament through the relevant minister for the use of the funds for that purpose as set out in the provisions of the Act of Parliament under which the funds were authorised. The latter concept states that an enterprise is viable if it can earn a reasonable financial return on the capital invested in it after servicing any loan which has been made to set it up.

The ADC was established by Parliament to promote Aboriginal economic development. It is authorised to make grants and loans to Aboriginal individuals and organisations from the funds provided. In practice it uses a large proportion of those funds to assist the construction and/or purchase of houses but also makes grants and loans to help establish commercial enterprises of various kinds, including pastoral properties, retail stores, transport services, tourist accommodation, arts and craft production and marketing, and equity participation in non-Aboriginal enterprises. Oddly, it will not finance purchases of land.

The failure rate among the enterprises financed is high. This is not surprising. A high proportion of new business in the economy generally fail (especially small businesses). Almost all Aboriginal enterprises lack sufficient equity capital free of interest and repayment charges to survive the most modest of difficulties. Almost all lack training and experience in management. Despite these considerations, criticism has concentrated

on this record of failure as evidence of an absence of accountability — a failure by the Minister to exercise adequate supervision of ADC activities: to establish appropriate guidelines which could ensure that enterprises to be supported are selected by effective tests of their potential viability and that those supported are managed in the interests of that viability. It is argued also that because of inadequate accountability, personal and family favouritism and other forms of corruption are common in the decisions made.

Criticism is not lacking also from Aborigines, inevitably in a situation where the demand and need for support greatly exceed the funds available. It is claimed that the ADC is out of touch with distant and isolated Aboriginal communities; that it discriminates against the highest priority of such groups in its unwillingness to support the purchase and improvement of land; that many worthwhile proposals do not even reach the commissioners themselves; and that the commissioners are dominated by white officials and accept their values and priorities against those of Aboriginal applicants.

Clearly the ADC or any agency which is given the same responsibilities faces a difficult task. It is doubly accountable: to a white society and its parliament, which sees the money provided as a kind of charity for which Aborigines should be properly grateful and which they should use for purposes which that society approves of and which reflects its values; on the other hand it faces Aboriginal communities of diverse kinds, each with its own aspirations, and its own standards of behaviour and obligations to one another; all expecting help in achieving a pattern of development consistent with their various hopes. In this situation it is important that those with the power to decide judge wisely to whom accountability is due and by what processes it can fairly and effectively be achieved. Also, that those processes do not require the application of tests based on unrealistic criteria or which defeat the purposes for which the ADC has been established.

Aboriginal traditional society imposes its own forms of accountability on those entrusted with authority. Most Aboriginal clans or other traditional groups are divided into two parts. A senior person from one part will, for instance, be the owner of or trustee for a particular area of land, of a particular category of traditional knowledge or ceremony. It will be his function to make decisions for the use and care of the land, to decide who

can share in the knowledge or to arrange and present the ceremony. But, parallel with those allocations of the power of decision, there will be from the other part a senior 'guardian', whose function it is to see that the owner's responsibility is performed correctly according to tradition and that the rights of others are respected. However, both owner and guardian share common relevant traditional knowledge and concern for the group's social purposes. Furthermore, an owner for one purpose will be guardian for another; power and control are shared but also divided. It is as if the internal auditor for one part of a company's business was the managing director of another and vice versa.

In such a system there is a community of purpose between those accountable and those to whom they are accountable and a common understanding and acceptance of the traditional criteria on which decision is to be based. In effect, accountability is mutual. The basic proposal embodied in the ATSIC plan is that decisions about the allocation and the use of funds should be regionalised, with a number of Aboriginal Councils, whose members will be responsible to organisations even more local. This could make possible the establishment of a system of internal audit or 'guardianship', which would follow the Aboriginal model. Even in our society good auditors are as much teachers and guardians of recognised practice and principle as they are searchers out of error.

No system of accountability will function unless there is agreement about what the relevant legislation is intended to achieve. At present the parties seem to be pursuing separate and independent agenda. Certainly Aborigines in northern and central Australia occupying or hoping to occupy their own traditional lands would not agree that the sole or even the primary purpose of that occupation is to produce cattle for commercial sale or that the proper test of their capacity to use it effectively would be their power to earn money from it. An Aboriginal cattle property is not just an enterprise. Where under white management it would be home and income source for one white family, a handful of Aboriginal stockmen supplemented perhaps by seasonal workers, under Aboriginal ownership it would be home for many families, provide the tenure necessary for government help in housing, give access to hunter-gatherer resources and possibly to land for other self-support activities. Above all, it would give access to the sacred sites and to the personal and group security and cohesion which being in one's own land among one's

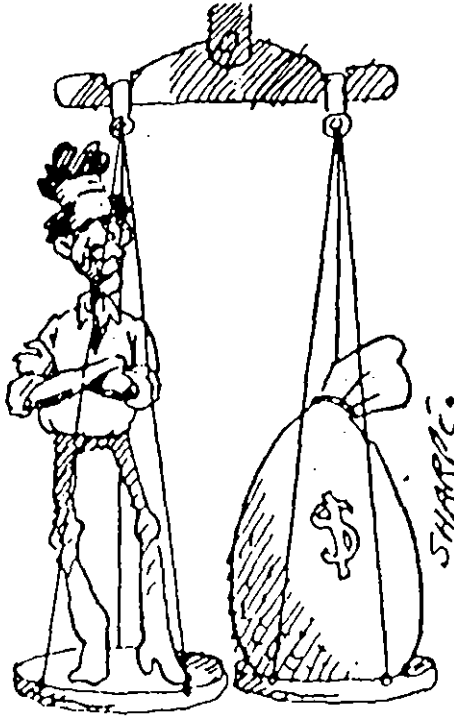
fellow kinsmen provides. No simple viability test based on potential to earn profit would incorporate all these considerations.

This is not to suggest that there cannot or should not be a careful assessment of the costs and benefits of providing Aborigines with the basis for a livelihood. There are systems of cost-benefit analysis which can take into account complex sets of factors — economic, environmental, social and even spiritual. Such systems have long been in use for the assessment of projects, like water conservation, which involve issues such as the cost of environmental damage, the loss of other potential uses, the weight to be given to future costs and benefits as against those more immediately measurable. The conduct of such an assessment presents problems of valuation but at least it can ensure that all relevant factors, whether or not financially measurable, are taken into account.

After World War II, when it was decided by the Government that the widespread desire of servicemen and women to obtain access to land must be met, a system of land settlement for them was instituted. With the memory of soldier settlement after World War I still fresh, it was important to avoid a repetition of the tragic failures which resulted from settlers being placed on inadequate or poor-quality land and being burdened with debt beyond the capacity of the land and the settler to service.

Consequently, areas of land allocated to individual settlers were determined by what experience suggested would yield over a period of time an income sufficient to provide a reasonable return to the settler and a fair contribution towards the cost of the land. The precise payments regarded as fair to be required of the settler were assessed so as to ensure his own reasonable return. That assessment was subject to review after a period of experience. Under such a system, the viability sought would be long term — a sustainable capacity to provide a livelihood for the group involved in it.

A similar system could be devised to deal with applications for support for an Aboriginal productive enterprise. The application should be supported if an experienced cost-benefit assessor judged that it would add significantly to the gross national product in terms of cash and real income in goods and services for those involved in it while maintaining



How do you weigh a fair deal?

Source: Sharpe, *The Canberra Times*, 20 April 1989

the natural productivity of the land or other natural resources. The payments required of the Aborigines concerned should be separately assessed in the light only of the cash income likely to be achieved and should be subject to review, up or down, in the light of experience. Such a system would be fair and practical. It would produce successes rather than failures. The improvement in health and self respect of the Aboriginal community involved would be a bonus.

Aborigines are greening Australia's 'dead' centre

About twenty years ago Mike Last, a young agricultural college graduate, accepted a position as pastoral assistant with the Presbyterian mission at Ernabella in the North West Aboriginal Reserve of South Australia. His work was to supervise the pasturing of sheep which the Mission was hoping to establish for the benefit of the Pitjantjatjara Aborigines of the region.

Sheep were shepherded by Aboriginal families living around a ground water bore, yarding the sheep at night and combining their care during the day with the traditional hunting and gathering life style. The general overseer of the sheep project and other European residents also established private gardens for fruit and vegetables within the Mission.

Mike, visiting Aboriginal shepherds, noticed that some of them would get water melon seeds from the overseer and plant them near the water tank of the bore. *This and the success of the domestic gardens, stimulated Mike's already lively interest in the possibility of arid zone agriculture, encouraging him to seek information about developments in Israel, Southern California and other locations, where experimental work was being done. This was the acorn from which a mighty oak has grown.*

Before long Mike and some Aboriginal men were considering building a nursery to propagate seedlings. Neither Mike nor the Aborigines knew much about this work but *learned together by trial and error. Interest was strongest in growing trees — especially those of the local environment — and Mike learned much about the Aboriginal names, habitats and uses of the various plants. Before long the nursery was growing local acacias, eucalypts and old man salt-bush and soon extended the range to include eucalypts from other more arid lands of South Australia and the eastern goldfields of Western Australia.*

These plants began to be used for the improvement of the Ernabella settlement itself: trees for shade, for windbreaks, salt bush for dust control, and trees and shrubs for fruit and flowers. At the same time the



Pitjantjatjara nursery, April 1989



Medjool dates growing at Ernabella, April 1984

scope of Mike's experimental work was widened to incorporate exotic fruits, vegetables and nuts. Aboriginal response to these was slower but as mulberries, figs, grapes and various melons showed themselves even in half-ripened condition, the enthusiasm of the children for the product was a powerful persuader. Success stories too are a powerful source of motivation.

The domestication of native fruits has been slow to attract Aboriginal interest — some Aborigines have felt that to do so was perhaps to cast doubt on the natural capacity of the bush to sustain them — but the doubts are yielding to success and the stories of massive 'white' plantings of the native quandong and macadamia nuts is not without influence.

The operation of the nursery made it obvious that its future and that of its progeny from locally gathered and imported seed depended on successful irrigation. Water itself was not the real problem — ground water was frequently available from bores in adequate quantity — but a hand-held hose had limited appeal to Aborigines with more interesting and immediately productive activities available. The technology of any irrigation had to be simple: those involving complex operation or too many moving parts were doomed to failure. Drip irrigation emerged in timely fashion and plastic piping proved more durable and adaptable than expected, and survived relatively extended periods with little human attention. Aborigines took to it and quickly were making their own adaptations.

The movement of Ernabella Aboriginal residents back to 'outstations' on their own country and the development of small settlements there both increased the need and demand for trees and plants and spread awareness of their value and the need for skills for their care. Knowledge of the best times to plant, of how long the seedlings would need specific water and attention, of the best locations for different species grew sufficiently fast to offset the disappointments of failures.

Above all, Aborigines began to make their own adaptations both to the hardware and to the 'know-how' of irrigation. Communities began to dig up and transplant the seedlings of indigenous trees and shrubs (like river red gums) when they sprang up in the creek beds or after rain, and to bring in small trees from other districts to be planted within their own. Women began systematically to gather seed for the nursery during their

'gathering' journeys, and to make use of cans and other 'throw-outs' from the dwellings for their gardening purposes. As Mike remarks, 'It is a great day when people make ideas and technologies their own and begin to modify and adapt them to their own context.'

About the time Mike Last began his experimental work at Ernabella, changes were stirring among Aborigines camped on the fringes of Alice Springs. Each of these camps, existing without the authority or blessing of the town council, and a source of irritation to it and the residents of the town, *tended to be occupied despite the lack of facilities and services* by members of various tribal groups in the lands surrounding Alice Springs, sometimes from remote distances. Gradually the camps took on a more permanent air and without adequate water and sanitation, shelter etc. they progressively became a health hazard to the campers and a source of increasing hostility for the town dwellers and its council.

Under the influence of the original Council for Aboriginal Affairs established by Harold Holt, an Aboriginal Housing panel had been established with a membership of Aborigines, and officials and a representative of the Professional Architects Association. This panel employed an executive officer and several architects. The panel involved itself in the issues raised by the existence of the camps. It reported unfavourably on the living conditions, criticised the council and the Government for their failure to provide legitimately for the campers. It established relationships with Aboriginal activists among the campers and in collaboration with the residents of the various camps proceeded to prepare plans for the camp areas and to design suitable shelters for them. Some of the members and employees of the panel encouraged a campaign among the campers to establish their own organisation to negotiate with the Council and the Government and to act on behalf of the campers in the development of small satellite villages on land which they hoped would be leased from the council.

These initiatives provoked violent hostility in official quarters. The Housing panel was abolished; its executive officer and its architects were sacked, and their activities were subsumed into those of the appropriate departments.

But the damage had been done. Tangentyere, an incorporated agency of the campers, had come into existence and quickly became increasingly

effective. Today it is the major resource agency and planning and construction authority for the camps and exercises a wide economic and political influence on Aboriginal life in Central Australia. The concern demonstrated by the architects of the Housing panel not merely for the design of shelters and dwellings, but for the planning of the physical and social context of the camps, persisted. It is not surprising therefore that Tangentyere and the Pitjantjatjara Council now work in tandem. Jointly they run the nursery and resource centre on the outskirts of Alice Springs producing the seedlings, the shrubs and the trees for Aboriginal households, groups and communities. The output of Tangentyere alone in 1987/88 included more than 3500 fruit trees, and 13,000 trees for shade and other purposes. The original concentration of Tangentyere on the town camp environment quickly extended as its residents returning to, or visiting, their original homelands, took information and materials to repeat there the transformation they had seen in the town camps.

Today Tangentyere, like the Pitjantjatjara Council, services townships, communities, outstations, their houses, their public buildings, and the community areas with the means to create a physical environment in which the original vegetation is being restored and the damages of European technology brought under control. The nursery produces and delivers seedlings and trees, as well as offering advice, to hundreds of such locations over a vast area. The staff of Tangentyere in 1987/88 made 34 separate bush trips and distributed more than 8000 trees for planting.

Day by day these services become more widespread and diverse. The Pitjantjatjara Council staff is now extending its regeneration work to include vegetation at the various levels of the natural bushland including ground cover, intermediate shrubs and trees, as well as the taller trees providing the over-arching canopy. Aborigines hope that this will enable them to restore a pattern of vegetation in which the original wild life and the natural sources of their bush tucker and materials for artefacts will be regenerated.

Tangentyere is now applying the results of research by CSIRO and individual white pastoralists to halt and reverse the emergence of salt pans and to slow the run off of storm water. The marriage of Aboriginal traditional knowledge with contemporary science assures a future for the

work of these Aboriginal organisations despite dwindling government financial support.

Tangentyere services communities on an area representing about a quarter of the Northern Territory and the Pitjantjatjara Council, the whole of the North West Reserve in South Australia, and an area almost as large in Western Australia. For me, perhaps, the most convincing evidence of success was to meet in the nursery itself, the Aboriginal graduate from Roseworthy Agricultural College who will in 1989 take control of the *general administration of Tangentyere's land use services, and the Aboriginal trainee manager of the nursery who will assume full responsibility when his period of traineeship is completed.*

Now when suddenly we have all become born again greenies let us spare a thought for the Aboriginal people of the Centre and their organisations, whose ancient devotion to the land has enabled them during the last 20 years to set in train this greening of what we have been pleased to call the 'Dead Heart of Australia': a heart we have done our best to kill.

Miriwoong on the way back

HC Coombs sees a good illustration of the Aboriginal people's capacity to adapt and survive

The traditional territory of the Miriwoong people spanned the lower reaches of the Ord River in the Kimberleys and extended eastward into what is now the Northern Territory. It included not only that land which has now been submerged by Lake Argyle but also that which formed the surrounding pastoral leases. They were therefore early victims of the invasion caused by the gold rush to Halls Creek in 1886 and of the violent dispossession of their land by the pastoralists who followed in the late 1890s.

When that dispossession was complete, the Miriwoong survived by submission and by accepting the role of an unpaid workforce for the cattle industry. The role made possible the establishment of the pastoral industry in the region but it also enabled Aborigines to preserve their knowledge of and identification with the land and to pass on their traditional religious and cultural heritage. At the same time they acquired new skills and values linked with the pastoral industry deriving from them pride in their performance often reflected in respect from the pastoralists themselves.

Promise destroyed

At its best this relationship was a genuine partnership of mutual, if lopsided, benefit. But the promise it seemed to offer was rudely destroyed by events in the late 1960s and early 1970s.

A dam to hold back the vast flow down the Ord Valley in the Wet had for decades been the dream of some pastoralists in the region. Anyone who had stood on the brow of the narrow gorge through which the river flowed could see how tempting such a site must be to an ambitious engineer. It was a dream which in the optimistic post-war days many were prepared to share. To contain a body of fresh water many times the volume of that in the Sydney Harbour must surely create untold opportunities in what annually became a predominantly arid land.

But Ben Chifley and others had doubts. Chifley remarked that, 'Engineers are dangerous men: they scour the countryside in search of dam sites and when they find a good one they must build the dam without thought for what can be done with it or how it will change that countryside.'

But this idea lingered on among pastoralists, engineers and politicians and in the late 1960s its time came. A federal election in the offing and some critical WA electorates in doubt caused an anxious Prime Minister to reject his professional advice and to reverse the Commonwealth's refusal to back the project. A promise to fund the State-supported plan appeared in his electioneering package. And so the building of the dam proceeded and the design for a vast irrigated agricultural project took shape.

Twenty years after and the dreams of bulk exports of cotton and grain to hungry international markets faded as the insects and hordes of geese took their toll. But for the Miriwoong people it was a disaster of mammoth proportions. Under the waters of the lake or into the farmlands to be irrigated for farmers from the south and from overseas went not merely the pastoral lands which were the Aborigines' homes and their livelihood but also the evidence of their links with their ancestors in the Dreamtime and the validity of the law and the stories upon which the support systems of their social life and indeed their whole culture depended.

Almost at the same time their losses were compounded by changes in the pastoral industry which destroyed the partnership which had mitigated the evils of the dispossession the Aborigines had suffered. The origins of these changes were complex. Employment of Aborigines by the Army in northern Australia during the 1939-45 war had meant experience of regular payment of wages and reasonable equality of working and living conditions with those of white employees. The pre-war terms of the partnership were no longer likely to continue to be acceptable. But the industry itself was changing. Modern technology and the entry into the industry of capital-rich companies, both local and international, was demonstrating how labour could be replaced by greater expenditure on fencing, on bores and pumps for ground water, and on oil-based vehicles for land and air transport and for cattle management. These changes not merely made it possible to use less labour but required skills of a kind with which aborigines would be unfamiliar at least for some years. The

impact of these changes was intensified by the decision of the Arbitration Commission to require pastoralists to move to a pattern of equal wages for Aboriginal stockworkers.

Some such workers and their families saw the trend and moved in search of other opportunities. Others were evicted, driven off from the properties or 'persuaded' to leave by one means or another. A mass movement to town camps followed with pressure on governments to form new settlements and reserves around existing townships including Kununurra, the newly established service town for the Ord project.

In all this the Miriwoong were again dispossessed, deprived of their livelihood, their links with the land and their traditional system of mutual support subjected to impossible strain. The destruction seemed absolute when the grant of legal access to alcohol in 1971 offered, for many, the escape into oblivion. A feature of their disintegration was the virtual disappearance of traditional leadership. Older men were deprived of the status they had enjoyed from their involvement in the cattle work and were baffled by the unfamiliarity of the problems which now faced them. Younger men who should have been accepting greater responsibility were similarly weakened or destroyed by alcohol and by deaths due to accidents and other aspects of its abuse. The Miriwoong crowded into badly built and ill-serviced shacks on the Mirima Reserve near Kununurra, dispirited to the point of despair, averting their eyes from the vast changes 'development' was bringing to their environment and from the disintegration of their own social life.

At this time, as so often in time of crisis, it was the older women who held the community together, emphasising the importance of their religious and ceremonial life and the urgency of keeping these alive among the young. Gradually a new generation of younger leaders began to emerge and to establish places for themselves in the local organisations being supported by government and other agencies. It took time for these organisations to develop competence and a sense of Aboriginal identity. But early in the 1980s it became clear that the Mirima Council and a wider organisation — the Warringarri Resource Agency — between them were establishing effective Aboriginal control. These two organisations manage the social and economic affairs of the Miriwoong people in and around Kununurra and its various outstations. The Mirima Council concentrates more on the municipal affairs of the reserve and town camp

people while Warringarri is seen as primarily responsible for the homelands and outstations. But there is no hard and fast division: there is overlap in the membership of their governing bodies and they work closely together. Between them they have established a range of effective agencies for their community purposes. These include:

- Warringarri Media, a community radio service and maker and distributor of video tapes of Aboriginal programs and important events.
- Mayoong Construction, a design and construction company which has built houses for the Mirima village, for reserves, outstations and cattle properties as well as offices, studios and display centres for the community activities.
- The Arts and Crafts Centre which administers the commercial aspect of the traditional arts and which is earning a growing reputation for creative work and as a source of significant income.
- An alcohol control program, community managed, which is achieving valuable results.
- Training programs for skills in building and construction, or work in Aboriginal organisations and the strengthening of the Miriwoong language and related cultural activities.
- A nursery for trees and plants for shade, for gardens, for fruit and flowers.

Mayoong Construction is an effective organisation. Its dwellings and other buildings are among the best designed in the north and are a source of pride to those who live or work in them. The opening of the new houses completed recently for the Mirima Reserve was a memorable occasion marked by a celebration with traditional singing, dancing and ceremonial in which men, women and children of all ages performed.

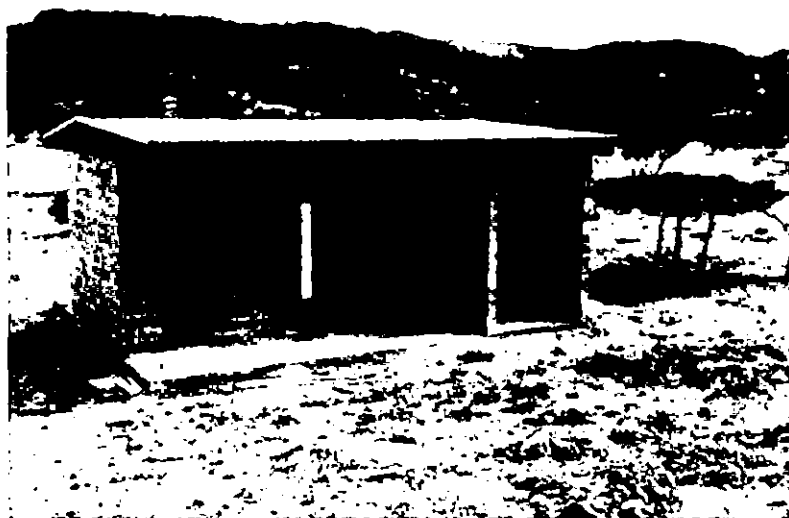
The banning of alcohol on the reserve was confirmed unanimously and some long-addicted drinkers have 'sworn-off'.

The video record of the event is in constant use at the Warringarri office.

Mayoong has a substantial program ahead which it is able to supplement by successful tendering for outside contracts and is progressively developing a competent Aboriginal workforce. Their next major objective is the completion of a language and culture centre.



A Miriwoong design and construction



Deserted 'official' houses at Areyonga

It was the strength of Aboriginal culture which twice enabled the Miriwoong to survive the devastation caused by the dispersal and the damage by 'development'. The older people are determined that the loss of their land will be offset by ensuring that other aspects of their culture embodied in their language, their arts and ceremonies, will gain the physical setting they deserve.

The Miriwoong are on the way back. With the effective organisations, confident young leaders and a resilient spirit they are a good illustration of the Aboriginal capacity to adapt and survive.

Aborigines tackling present and future: what the traditional land owners are doing to protect their resources

When it became apparent to Aboriginal people in Central Australia that the Northern Territory Land Rights Act really meant that they, the traditional owners of the land, could share in the money earned by the sale of minerals it contained and could demand payment from companies for the use of their land, they probably felt like the surprised winner of the lottery. Here was money — real money under their own control, money to spend, to change their way of life.

Dreams took over from reality: the expected amounts seemed limitless; shares were wildly exaggerated; capital payments were confused with income. Disputes and anger emerged with their disappointment.

Worse, there were no traditional criteria to decide who should get what and the principles of traditional mutual support practices were breached. Dissatisfaction and accusations of unfair dealings became common, dividing individual from individual, group from group and kin.

The change of lifestyle did not emerge. After a year or two, people began to realise that they were generally no better off, although the grog sellers, the wreckers and used car dealers were profiting splendidly and some powerful individuals in their own communities appeared to be attracting to themselves disproportionate wealth and power.

Questions began to be asked — why can't the money be used wisely? What happens when the oil and gas is exhausted? What will the children and their children get out of this? Will the complaints and the fights mean that the Government will step in and Aboriginal control be lost again?

Such questions were debated with groups, communities and at meetings of the Central Land Council which administers the Northern Territory Land Rights Act within the central lands of the Northern Territory.

Finally the Council was instructed to prepare a plan for consideration by the various communities for managing the moneys. The task of designing this plan was given in the first instance to the research department of the Central Land Council. It had to take account that:

- The Northern Territory Land Rights Act recognised that the land and its resources belonged to those who in traditional Aboriginal law had rights and obligations in connection with that land and required the Central Land Council to act in accordance with the wishes of those traditional owners;
- Aboriginal tradition divided power and responsibility between different moieties or sections of their groups who were accountable to one another to act as trustees in the general interest.
- The land and its resources were inalienable and should be preserved for the benefit of all generations.
- The widespread conviction expressed at community and Central Land Council meetings that moneys received for use of the land and its resources should be used for the relief of Aboriginal poverty and social and economic disadvantages.

It was decided that drafts of the plan should be discussed in the various groups of traditional owners and communities, and they should have a year to consider its acceptability. It should then come before the Central Land Council for adoption or rejection.

The plan envisaged a number of associations of Aboriginal owners identified with particular areas of land corresponding to social, cultural and language regions or sub-regions. An owner can belong to one association only by application, and requires approval by both the association membership and the Central Land Council.

These associations will receive the funds flowing from royalties etc. and proposals for their use in accordance with rules designed to give effect to the economic and social policy adopted by the Central Land Council and by the various associations.

Funds should be used to create income from employment and other sources for present and future generations. Accordingly not less than half should be invested to build up capital to ensure a continued flow of

income even after existing sources of royalties have been exhausted. Rules propose that of the balance:

- 20 per cent can be used for communal projects which generate employment, improve the use of the land and tangibly improve living standards.
- 10 per cent is to be set aside to pay for the administration, accounting, and auditing of the Associations' affairs.
- The remainder may be distributed equitably between individual members of the Association but with a proviso that no individual shall receive more than \$2000 in any one distribution.

This plan embodies two important principles derived from elements in Aboriginal social organisation.

- Decision-making authority is divided between separate organisations composed of and accountable to its members and to one another and each acting in a trusteeship capacity.
- The patrimony of the owning group in its lands and their resources is essentially preserved, in that proceeds from their alienation are invested in income earning assets. Thus the form of the patrimony is changed but, hopefully, in the aggregate maintained.

The latter is a principle which our own society, so intent on the dispersal of our national capital resources, could with advantage consider also.

It is, however, a plan of an almost puritanical sense of responsibility. Opposition among Aborigines has emerged on lines that the urgent needs of the present should take priority over those of the hypothetical future; that it will not help the future unless the poverty of the present families can be mitigated and their health strengthened. Debate continues in communities and the Central Land Council.

On the other hand fears are expressed that governments are pushing on to the local communities responsibility for services properly the function of the government — and so will offset the gains from royalties by cuts in funding as they are believed to be doing both in the Centre and in the Top End.

It will be interesting to see how Aborigines resolve this conflict between the present and the future: whether the responsibility characteristic of Aboriginal use of land and its resources and its concern for sustainability will survive the impact of our materialism and selfishness. So far, while changes have been made, the essence of the plan has been preserved.

What happened to self-determination?

Before the recent Commonwealth election the Government issued a statement, apparently on behalf of itself, the States and the Northern Territory, entitled the National Aboriginal Education Policy (NAEP).

At that time I protested that the document conflicted with the Commonwealth's repeated claims that its policies for Aborigines are directed to self-determination. I urged that the document should be withdrawn and replaced by another derived from genuine and effective consultation and negotiation with Aboriginal people, in particular with elders, parents and Aboriginal teachers.

Since then I have had some opportunities to consult with some of these. These consultations have strengthened my conviction that the policy embodied in the NAEP is essentially assimilationist and will promote the destruction of Aboriginal culture and the society which embodies it.

It is therefore in conflict with the fundamental human rights embodied in the Covenants of the United Nations.

This document invariably identifies 'education' with what is offered by the 'mainstream' educational institutions, schools controlled by government, churches, and private privileged groups.

The content, style and motivation of what they offer is with marginal modifications, based upon the needs, the standards and the values of contemporary, acquisitive, materialist corporate white society.

There are, of course, individual teachers and even schools who manage to give a more independent and critical slant to their presentation where their personal predilections suggest it.

The system proposed separates children from their elders and families, prevents their full participation in the round of family and clan activities, their participation in the normal exploration of their traditional territory, its indigenous species and the uses to which historically they were put.

In other words the proposed plan cuts off the process of Aboriginal education, makes irrelevant the role models that historically the young would have imitated and from whom they would have acquired skills and values appropriate to their life style. Instead they are plunged into an alien society whose behavioural patterns, whose purposes and values largely contradict those of their own. Is it surprising that they are lost and alienated?

It has been long recognised that Aborigines value continuity in their lives and seek meaning of the present in terms of their own past and that of their people. It would, I believe, be sensible to extend the period of younger-child education in the home and camp, surrounded and protected by its routine and their kin, until they were emotionally and intellectually prepared to recognise the separateness of the two cultures and take from them both what suits them best. Thereafter I believe that the two patterns of education should be continued separately in their respective contexts at least for some years.

Aborigines seem to have accommodated to the socialisation of the cattle camp, where they spent part of the year acquiring and using the skills of cattle management and the other part on their own groups travelling their own country. At least it seems that those who grew up in this way emerged as 'whole' and confident personalities capable of accommodating the poverty and often the injustice of the station life without being corrupted or destroyed by it.

It is generally recognised that Aborigines have a 'two way' approach to education and related issues. They want their children first to grow up as Aborigines; second, they want their children to acquire the skills and knowledge which will enable them to deal with our society. In the National Aboriginal Education Policy little or no account is taken of the first of these objectives and access to resources for its attainment is utterly denied.

It took Australian white-anglo-saxon-protestants almost 200 years to accept that people of Celtic origin genuinely held a view of the world and values appropriate to it significantly different from their own, and that they were entitled to share in the nation's resources to provide for their children an education compatible with that view and those values.

Until that recognition was achieved, by the change in educational policy under Whitlam, ideological and social conflict divided the white community in intense bitterness. The differences in world view and in values between Aboriginal and non-Aboriginal views are more marked and among many non-Aboriginal people provoke even greater hostility.

The NAEP document, if it is taken as a guide to educational policy and practice, will intensify that hostility. When will we learn that diversity has value and to respect those who bring it to our society?

It is not simply that we fail to respect this quality in Aboriginal society and to provide for it. The refusal of access to resources is being held over Aborigines who wish to own their own schools as a weapon: to have the content of their curriculums and their performance in meeting alien standards set and judged by white bureaucrats under the threat that their funding will be denied.

Is this, like so much of the contemporary changes being imposed upon our educators, another aspect of the dominance of industry and commerce over the thinking of our political masters? Is the objective of all this to convert the Aboriginal people into an acquiescent, landless and property-less proletariat? I fear it.

Again I urge the Government to go back to discussion and negotiation not only with Aboriginal teachers and officials but with parents, elders, and community leaders, and seek a pattern of Aboriginal education which respects, incorporates and builds upon the models and methods of their own tradition and continues to widen its range for some years in parallel with our own.

This would be compatible with the early stages of acquiring literacy and numeracy in English. When they are secure in their Aboriginal identity it will be time for them to face the task of confronting ours.

Aborigines have to weigh ATSIC carefully

*HC Coombs looks at what could be a first step towards an
Aboriginal structure of government*

'It is a terrible irony', wrote the World Commission on Environment and Development in its report *Our Common Future*, 'that as formal development reaches more deeply into rainforests, deserts and other isolated environments, it tends to destroy the only cultures that have proved able to thrive in those environments' (Brundland *et al* 1990).

Perhaps the most terrible example of this irony is the prospect that confronts the Aborigines in 'isolated environments' in Australia. Aborigines occupied those environments for tens of thousands of years and to use the words of WEH Stanner (1968), 'humanised this continent' from end to end, from arid 'deserts' to rainforests and flooded wetlands.

Today their culture has been driven close to extinction and struggles to maintain a tentative hold on survival.

The Royal Commission on Aboriginal Deaths in Custody explores the pathology of a culture *in extremis*. Economists (Alman 1990) state that the outlook for these 'isolated' people is bleak. They have no future but dependence and even that may be denied them by the logic of accountability and economic 'rationalism'.

Their best prospect, so the rational argument runs, is to quit their isolation, to abandon their sacred lands, the spirits of the Dreamtime and the personal and group autonomy that is their last protection against the greed and ruthlessness of the invaders and move to the peripheries of towns and cities, accepting their 'natural' role as the landless proletariat: to be individualised and assimilated into the workforce of enterprises, probably owned by transient alien corporations.

In the context of such irony, the Commonwealth Government, with the Aboriginal-Torres Strait Island Commission, is making its third or fourth

attempt to establish a representative organisation for Aboriginal people and to involve it to some degree in the administration of policies.

In 1973, at the request of the then Minister for Aboriginal Affairs, I accepted a consultancy to review the National Aboriginal Conference as 'a step towards Aboriginal self-determination'. My report was described by a senior official as 'dangerous anarcho-syndicalism' and was hastily consigned to oblivion. The only outcome was that the NAC was abolished and nothing was put in its place. If my 'anarcho-syndicalist' venture is counted, the present ATSIC legislation is the fourth attempt, otherwise read third.

Aborigines are being invited to vote for candidates to become members of Aboriginal regional Councils and of an over-arching Commission 'to develop policy proposals to meet Aboriginal needs', 'to formulate and implement programs' and 'to advise the Minister'.

This structure, it is being said, 'will replace the Department of Aboriginal Affairs and the Aboriginal Development Corporation.

Although the previous Minister for Aboriginal Affairs, Gerry Hand, travelled extensively to 'consult with' Aborigines about the proposals, and Lois O'Donoghue, a respected Aboriginal Leader and previously Chairperson of ADC, was deeply involved in similar consultations and attempts to take into account Aboriginal responses to them, no formal Aboriginal statement of Aboriginal attitudes towards them has emerged. Indeed it is doubtful how far they are understood and how significant for Aborigines they are felt to be.

An extensive government-sponsored campaign through the media is currently being conducted to make clear the mechanics of the structure being established and in what ways Aborigines are being invited to participate. Aboriginal organisations which exercise political influence or administrative power have given few indications of their attitude towards the plan.

No Aboriginal campaign for or against it is being conducted, although the major Land Councils have urged the Commonwealth Government to proceed with its introduction despite hostility from the Parliamentary Opposition. But it is not clear whether all Land Councils and other

Aboriginal-controlled organisations agree. Indeed it is hard to avoid the impression of indifference or, at best, of judgment suspended. Yet within a few weeks advice, proposals, programs will begin to emerge, being presented as the legitimate voice of Aboriginal Australia.

Will Aborigines accept them as such? Are they already planning to take control of this organisation to ensure that the voice which emerges from it is genuinely theirs? Are they satisfied that it will possess the resources and political power to halt the decline of Aboriginal identity; to reverse the flooding invasion of Aboriginal society by white faces taking control of its affairs in the name of 'self-management'?

Indeed are they sure that there will be any significant change at all? Already all over Australia there are offices bearing over their doorways the legend ATSIC: offices within which already a large bureaucracy is at work presumably preparing the material on which the elected Aboriginal regional Councillors and the over-arching Commissioners will base the advice they will offer the Commonwealth, and the policy proposals and the programs they will put forward.

Who are those bureaucrats? How many of them are there? Who selected and appointed them? What is their background? To whom are they responsible? Who pays them, has the power to hire, direct, promote or dismiss them? Who determines the framework of the policies within which they will be expected to work in preparing agenda, in framing memoranda, in carrying out research, in analysing options?

These are questions critical to the capacity of the elected component of ATSIC to determine or even to influence the future of Aboriginal society.

There are serious reasons why Aborigines should doubt whether the ATSIC proposals offer any significant transfer of authority or improvement in their political or economic power or bargaining capacity.

Firstly they provide no access to information, knowledge, research capacity or objective advice except through this existing bureaucracy responsible to and controlled by governments committed to the maintenance of their colonised status and to policies of assimilation, that is, to the slow death of their Aboriginal identity.

Secondly it offers no certainty of access to resources under their own control or even the right to negotiate for such resources within the budgetary processes. They 'will be told' what money they can expect. Their dominant function will be to allocate such money between Aboriginal organisations within their region. In other words they, rather than the government, will perform the unpleasant task of saying 'no' to Aboriginal organisations in search of funds.

Thirdly there is no qualification to the wasteful, intrusive demands for accountability to non-Aboriginal authority. Their organisations will continue to be incorporated within a structure that ignores the strong and effective systems of Aboriginal social control and accountability that Aboriginal tradition embodies.

On the other hand, the proposals could establish a set of structures that will provide experience and educational opportunities for Aboriginal leaders; structures that will bring them closer to the political forces shaping government and Opposition policies and give them greater access to the media. Experience within those structures may help them identify allies abroad including the world movement of indigenous people and, within Australia, among the increasing number who feel concern for the future of the Earth, its environment and its creatures, including humankind.

Aborigines should weigh these deficiencies and possible benefits carefully, but they should have no illusions about ATSIC; these proposals do not significantly affect their state of colonised dependence.

In all significant respects, the most Aborigines will be able to gain from participation will be more effective opportunity to lobby and to pressure governments. It may be possible for them to make use of the structures and procedures being created to generate greater pressure, but the nature and extent of that use remains for them to design.

In the meantime Aborigines must decide what to do about the forthcoming elections for the regional Councils and the Commission. Do they participate or boycott? Do they nominate candidates — themselves or known leaders? Do they form or join parties or make allegiances? Do they make statements of policy to their electorate and campaign in support of them?

The primary functions of the regional Councils seems to be to formulate a plan for improving the economic, social and cultural status of Aborigines in their region and to allocate to various spending agencies the funds provided by the Commonwealth Government through the Commission.

The Councils have no executive functions in relation to the plans but can 'assist, advise and cooperate'. They could therefore be important to Aboriginal resource and service agencies functioning within the region between whose claims for funds they must adjudicate. Their meetings are likely to become fiercely competitive unless they find in the preparation of the regional plans agreed principles on which priorities can be based.

The alternative seems to be skilful wheeling and dealing among the representatives. Resource and service agencies would be well advised to ensure that leaders from their own governing bodies are among the candidates and that shrewd bargaining has been exercised in negotiations for places on an agreed ticket of candidates these agencies decide to support. Upon the capacity of chosen candidates to 'look after' the interests of the various agencies will turn the prospects of their regional plan achieving some reality.

The legislation may have been drafted in the expectation that a relaxation of the constraints on funds imposed by the Commonwealth Government or by the Commission will make possible significant plans for the various regions; but, if not, it will be beyond the scope of rational bargaining between agencies and region representatives. By default councils will have to accept whatever is placed before them by the ATSIC officials, selected, appointed and paid by the Government.

Candidates for election either to the regional Councils or to the Commission would be wise to make clear during the election period that ATSIC in its proposed form is wholly inadequate to provide significant opportunity to give effect to or even to influence policies for Aborigines. In particular they should make clear their intention to work for reform of the whole structure and aim to establish that:

- The ATSIC bureaucracy should be responsible and accountable to the elected membership and to that end all existing appointees should be given notice and the position readvertised so that at the end of 1991 new appointments would be made on the advice of a selection committee responsible to the Commission.

- Funds would be provided for regional Councils to prepare regional plans: these funds should be in addition to those for the conduct of existing programs and activities and for the support of Aboriginal controlled organisations.
- The total funds to be provided from all government sources would be negotiated between the Commission and the Commonwealth on the basis of the budget prepared by the Commission on a three-year basis. The Commonwealth and the Commission would jointly set up an independent Commission to report on alternative bases for the continuing finance of Aboriginal affairs.
- ATSIC would have authority and access to funds to appoint policy committees including special consultants chosen by it to prepare draft statements on policy matters of importance to Aborigines including land, health, law and order, education, etc. as a basis for public debate and for negotiation with the Commonwealth.
- The Regional Councils and the Commission would respect the autonomy of local and regional Aboriginal organisations, acting as their agents in dealings with governments etc. and providing them with support and access to resources and expertise.

In other words, Aboriginal candidates should see ATSIC as, at best, a first step on the road to an Aboriginal structure of local and regional government within the Commonwealth on bases similar to, but independent of, those of Commonwealth territories in accordance with negotiated constitutional-style agreements.

They should see their experience in ATSIC as an opportunity to refine their plans for building existing Aboriginal local and functional agencies into such a structure.

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New cause for Aboriginal concern in federal review

*The rights of Australia's 'first people' should be established before a restructuring of the system of government is considered, argue
HC Coombs and Peter Jull*

It is important that Aborigines and Torres Strait Islanders not be forgotten as Australia's constitutional arrangements and the delivery of public services are reviewed at the special Premiers' Conference in Brisbane.

If the pattern of Australian federalism becomes locked in its present pattern, with the pace of change determined by the most reactionary attitudes of minorities in some states and the Northern Territory, the chances of resolving the problems of Aboriginal status within Australian society by peaceful negotiation may be lost, perhaps forever.

Despite some genuine weaknesses and a great deal of biased and exaggerated criticism, remarkable progress has been made in the development of contemporary self-management institutions in Aboriginal society.

The progress of Aboriginal incorporated councils towards competence and the development of Aboriginal-controlled resource agencies and service organisations sets a pattern on which genuine Aboriginal self-government and administration at local and regional levels can be built.

The establishment of the Aboriginal and Torres Strait Islander Commission and regional councils can, if wisely supported, establish an effective link between those levels and the Commonwealth and state funding agencies.

Yet the present trend is depressing. Assimilationist objectives are receiving primary support, to the detriment of Aboriginal identity and culture; the increasing domination of Aboriginal communities by non-Aboriginal administrators is increasing tension and psychological stress among their people, particularly the young. The cost of administering programs is wholly disproportionate to the benefits actually reaching Aborigines.

It is urgent that debate about contemporary federalism should incorporate debate, as it has in Canada, about its capacity to reconcile the futures of *indigenous and non-indigenous Australians*.

We suggest for that debate some components of a significant short-term program which would:

- simplify the financial administration of Aboriginal affairs and improve its cost-effectiveness;
- reduce the 'underlying issues' which are reflected in drunkenness, violence and despair in Aboriginal society;
- increase Aborigines' sense of being 'in charge' of their own affairs;
- help restore the vitality of Aboriginal culture and identity;
- help re-establish the Aboriginal role as custodians and stewards of their traditional lands.

Such a program requires the incorporation of appropriate Aboriginal organisations into the 'cooperative' federalism of the future, either by treaty, constitutional change or governmental practice.

The existence and responsibilities to be allocated to the ATSIC regional councils and to the commission provide an opportunity to eliminate many of the steps between the original funding agency and the Aboriginal spending authority. Immediate consideration should be given to concentrating the financing of Aboriginal Affairs with the Commonwealth and offsetting the effect of this on state finances by adjustments to general or special-purpose grants to the States.

The total government expenditure on Aboriginal affairs would then be determined by negotiations in the Budget context between the Commonwealth and the ATSIC commission. The allocation of that expenditure to individual Aboriginal organisations would follow decisions about priorities by the relevant regional councils, to whom direct bulk payments could be made.

The comments of the recent House of Representatives report, *Our future, our selves*, on the valuable work being performed by multipurpose resource agencies controlled by Aboriginal groups and communities, emphasise the opportunity for simplifying financial transactions offered by

greater reliance on such agencies. This is not to suggest the Commonwealth take over responsibility for all aspects of Aboriginal affairs.

Negotiations over the adjustments to general or special-purpose grants by the Commonwealth to the States, to offset the effects of Commonwealth financing of all Aboriginal affairs expenditure, would provide a context for equalising and rationalising the level of state financial responsibility for Aboriginal affairs.

Finance for the provision of services, such as education, child care, legal aid and medical services, could be made to the communities and groups concerned who would have the option to contract with available suppliers of such services — State, Commonwealth (where it was involved), independent, or provided by the community itself.

It could be the responsibility of the regional ATSIC Council to satisfy itself that the chosen contractor was competent to provide the service to an appropriate standard. Especially in relation to education, such a procedure would extend to Aboriginal communities the right of choice which the Whitlam reforms established for other Australians.

General issues of Aboriginal policy could then continue to be the subject of annual conferences of Commonwealth and State ministers together with a nominee of the ATSIC venue or similar body, on lines similar to the Council of Ministers of Agriculture which function beneficially and are a good example of cooperative federalism.

Programs such as those providing finance for capital purposes could continue to be managed, as at present, by special authorities established for that purpose.

Such a pattern of financial administration would greatly reduce the need for the intrusive inquiries as to accountability that have caused great distress in Aboriginal communities. The cost of those inquiries may well have exceeded the savings they have made possible, and they have certainly greatly increased coercion and damaged Aboriginal morale, often to no purpose.

Many of the weaknesses in financial management reflect defects on the legislation (Commonwealth and State) under which Aboriginal groups are incorporated.

There are grave doubts about whether that legislation is compatible with Aboriginal law and tradition and whether it incorporates aspects of accountability and social control which form part of that tradition. That legislation should certainly be reviewed by people with knowledge of that tradition.

These changes in funding practice would reduce the need for non-Aboriginal officials to be involved especially at the local level in Aboriginal life. The work of the Royal Commission on Aboriginal Deaths in Custody places great emphasis on the psychological stress created by that involvement and sees that stress as a major 'underlying issue' which is reflected in drunkenness, violence and similar symptoms.

Much of that involvement reflects an obsession with our own style of bureaucratic management and serves no real purpose. Thus it should be only in exceptional circumstances that non-Aborigines and Aborigines from urban and other contexts should be resident in small communities.

The benefit gained, for instance, by communities involved in the Community Development Employment Program (CDEP) from a number of resident 'experts' is unlikely to justify the cost of providing acceptable conditions for them and so reducing the funds available to members of the community, and in intensifying the stress their presence creates. Where expertise is really necessary, it should be provided by short-term visitors.

An important area of policy where opportunity exists for greater involvement of local and regional Aborigines is in the creation and management of national parks.

The 'conservation' values realised by such parks for 'white' greenies parallel closely some of the values sought by Aborigines in access to and use of land. To the extent that such parks can be established under joint conservation-agency and Aboriginal management, both sets of values are realised and enhanced with benefit to Aboriginal identity.

In north Australia recently, we observed the work of a special committee of officials from relevant government agencies with representatives of resident Aboriginal communities which developed a strategy for the establishment of a major Aboriginal marine park of great importance.

This committee is a continuing agency exploring widely for land suitable for reserves with a variety of primary purposes. Such purposes are highly likely to be compatible with those of Aborigines and likely to benefit from joint management and the involvement of Aborigines resident in the region — frequently offering opportunity for employment, contract work and for the use of the reserved area for Aboriginal hunter-gatherer, educational, ceremonial and other purposes.

It is possible to envisage a chain of such parks, each identified with a tribal or language group, which would add enormously to the depleted scope for traditional Aboriginal activities, providing opportunities for residence and, directly and indirectly, various supplements to real and money income and strengthening Aboriginal identity.

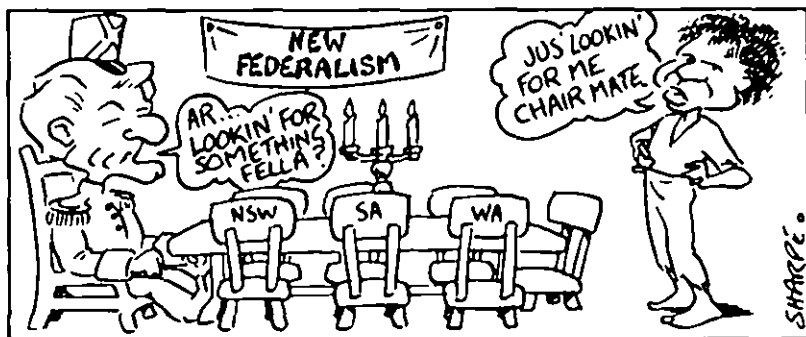
There is scope for joint and parallel Commonwealth and state action in this field in association with local Aboriginal groups to enable Aboriginal and other educational authorities to restore to Aboriginal young people some part of the direct contact with country which has been denied them by dispossession and the demands of development and assimilationist education and training.

These examples illustrate the fact that many areas in which there is need for more effective division of responsibility, decision-making, authority and wise use of resources are ones which bear upon the lives and interests of Aboriginal people.

By virtue of the 1967 referendum, by the growing force of international covenants of behaviour, by the example of contemporary constitutional change in the United States, Canada and European countries with significant indigenous populations, these are primarily the responsibility of the national government.

For the Prime Minister, without reference to or consultation with Aborigines or their organisations, to invite Premiers and the Chief Minister to a conference to bind the hands of his colleagues and

successors by making the exercise of federal constitutional powers subject to veto at the instance of racist and reactionary pressure groups is an invitation to conspire against the future of Aborigines and of Australia as a just and civilised society.



Source: Sharpe, The Canberra Times, 31 October 1990

There is indeed a need to rethink the structure of national, regional and local government in Australia, but there is an overwhelming and prior need to establish the rights of the first people of this land in whatever constitutional structure we may devise.

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Dr HC (Nugget) Coombs has served Australia creatively and with dedication for over sixty years. At present he is a Visiting Fellow of the Australian National University working at the Centre for Resource and Environmental Studies (CRES) during the summer and the North Australia Research Unit (NARU) in Darwin during the 'Top End' Dry season.

The Referendum of 1968 was a turning point in his career. Prime Minister Harold Holt asked Nugget, Professor Bill Stanner and Barrie Dexter to try to understand the problems facing Aborigines in Australia while seeking a way towards their solution. The search led Nugget to listen to Aborigines and to understand something about them, their capacities and their culture. He became an activist and an advocate for Aboriginal causes in 'white' society trying to persuade it to return to Aborigines the autonomy and the resources to enable them to confront those problems.

These essays, written for *The Age* and *The Canberra Times* between 1984 and 1990, are especially relevant to Australia post-Mabo and in a period when the Keating Labor Government is grappling with reconciliation.

As Jack Waterford says in his foreword:

Nugget's faith in the human spirit, his optimism and his unflagging nagging away at the fundamentals make some people think him only a romantic. The core of this journalism, however, is in its practicality, and his constant reference to real people in real communities, to real problems and to real models. He does not shrink from unpleasant facts, or pretend that obstacles do not exist. He is not doctrinaire, or focused on some theoretical model. Nugget talks about people. He is invariably talking for them as well.