Green groups and Aboriginal land rights
ACF and Aboriginal liaison
The Gungalidda and CRA
What is Mabo?

A treaty for all
Paying the Rent
Towards dialogue – the Yarrabah meeting
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**News Communiqué**

The WISE News Communiqué is an invaluable source of news on energy developments, particularly relating to nuclear activities, and can be used for newsletters and research as well as being of interest to the general reader. The Communiqué is published in English 20 times per year by WISE-Amsterdam using articles from relays in 11 countries and a world-wide network of contacts. Selected articles are translated into Spanish, Japanese and Finnish. WISE was established in 1978 by safe energy activists as an international switchboard focussing on nuclear issues.

For subscription information:
World Information Service on Energy
PO Box 87, Glen Aplin, Queensland, 4381

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**Environmentally Friendly Reading**

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From the campfires and ‘reserves’ of the desert, from riverbanks and prison cells, from universities and urban ghettos come the inside voices of Australia. These are tough poems that resist the silence of genocide and the destruction of the land and the dreaming. The Aboriginal lives glimpsed give non-Aboriginal Australians a hint of the deep possibilities of belonging in this land. Penguin, $17.95

With the White People, Henry Reynolds

The fascinating story of Australia’s black pioneers has been largely overlooked by both black and white commentators. Henry Reynolds’ book The Other Side of the Frontier was described as the most important book on Aboriginal-European contact. With the White People now provides a challenging re-interpretation of the efforts that were vital to the development of colonial Australia. Penguin. $19.95

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**Chain Reaction**

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Chain Reaction is indexed in the Alternative Press Index.

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ISSN 0312-1372
Recommended retail price $4.00
Radioactive Dumps (CARD)

assisting the local action from the Sunshine Coast re-
group Communities Against region and Brisbane have been
joining the fish, crabs and dolphins of the blue-green sea.

After a few demonstrations at Parliament House and the Department of Health in Brisbane, they began a blockade in front of the entrance gate that leads into the radioactive waste facility which is currently under construction.

Women, children, men and teenagers from all over South East QLD participated in the blockade which lasted for a week. The blockaders succeeded in halting any work on the facility for that time and left peacefully on the 3 March 1994 when forty police stormed the camp and evicted them.

The protesters have vowed to continue their struggle to stop the facility from operating in a major water catchment area. The campaign is gaining support from interstate and overseas, even local aborigines from Ipswich are getting involved.

A train in late July near Caboolture has increased concerns about the radioactive waste dump at Esk. The train was carrying radioactive waste when it collided with another train. Although the container with the radioactive material was not damaged, in the near future the transport of radioactive waste in this part of the State will increase, yet nothing has been done to re-adjust local roads and railways to cope.

If you want to help ring (074) 241 253 for details or write a letter to Mr Hayward, Minister for Health, PO Box 48 Brisbane.

Gaby Luft
Maleny QLD

Esk campaign

Since June 1994 residents from the Sunshine Coast region and Brisbane have been assisting the local action group Communities Against Radioactive Dumps (CARD).

The cover of this issue of Chain Reaction features a photograph of a 6 metre billboard by Aboriginal artist Mark Blackman which was located next to the tramline in suburban Adelaide. Central to the piece is a silhouette of an Aboriginal man, woman and child - representing the International Year of the Family.

"I wanted to capture the public's imagination and draw attention to Aboriginal Culture. I chose to use the traditional dot method of painting, but applied it in a contemporary fashion to highlight the ancient, yet progressive nature of our people," Mark says.

The finished work shows golden sand alive with snakes, lizards and turtles, adorning the river, crabs and dolphins of the blue-green sea. The entire work is enmeshed by a finely dotted net, depicting the relationship between humans and the environment.

Importance of good terminology

I recently saw a documentary on SBS here in Adelaide about the clearfelling of 'old growth forests' on Vancouver Island, British Columbia, Canada. It was part of the Fragile Earth series, and I recommend it. I am a member of Friends of David Suzuki Foundation, and wrote to him about the strong impact this sorry tale of destruction had on me. I quote from his reply to me:

"You don't have to know anything about forestry to know immediately from those pictures that these clearcuts are not the way to treat the Earth. Our Premier is in Europe right now trying to counter the impact of those pictures with bluster about new sustainable forestry. It's a joke. Over 95

per cent of all trees cut in British Columbia right now are old growth."

On consideration of this reply from David Suzuki, I now consider that the term 'old growth forest' is, to itself, a considerable part of the problem. Why? Because it does not describe such a forest accurately at all. As was made clear in the documentary, an 'old growth forest' contains some trees hundreds of years old, say seedlings and representatives of all age groups between. It may have existed on a particular site in more or less unchanged form for a long period of time, but this is because the forest is continuing to renew itself all the time. It is not just 'old', some parts of it are always brand new.

The term 'old growth forest' is unfortunately in another way too. Logging companies claim they are simply removing 'old forests' and will off course replace them with 'new' forests. A sort of sustainable 'harvesting'. But in reality a clearfelling of an old growth forest destroys trees of all ages from ancient forest giants, to five year old saplings, to week old seedlings run over by trucks or bulldozer. There is no way that this scenario is the mental picture created by the term 'old growth forest', to me it suggests something old and static, not something dynamic and ongoing. The terminology is clearly inadequate, a circumstance that, in Zen, would seem to render the problem insoluble.

A Zen solution is simple; simply find a new piece of terminology that does accurately describe what such a forest is all about. I suggest a full age range forest, and forward that suggestion to the David Suzuki Foundation as my part in helping to save British Columbia's forests. To me, the clearfelling of a 'full age range forest' and the clearfelling of an 'old growth forest' are conceptually two quite different things. The second can be claimed to be environmental sound (new trees use up more C02 than old ones, don't they?), or progressive (getting rid of the old that doesn't work?); the first is simply understandable. I would urge readers to start calling mature forests full age range forests.

This new piece of terminology also leads to new associated terminology to describe other forests. For example, a mature age forest whose oldest trees have been selectively logged would become a 'reduced age range forest'; and a pine plantation planted in a particular year would become a 'single age forest'.

Perhaps we need to look at other terminology we use too, to make sure each term gives a true mental picture of reality. It could stuff up effective action no end if we don't.
Letters to write

The Hon. Paul Keating
Prime Minister
Parliament House
Canberra ACT 2600
Fax: (06) 273 4100
Dear Prime Minister,

We suggest that you congratulate the Prime Minister on his concern for protecting the environment and forests of the South Pacific and then ask him to:

- protect Australia’s native forests and wilderness from export woodchipping and logging by implementing the moratorium clause in the National Forest Policy Statement;
- support his Environment Minister’s actions to protect all high conservation value forests;
- immediately nominate an extended eastern boundary to the Western Tasmanian World Heritage area;
- speed up the nomination process for World Heritage listing in the North-East Forests of NSW;
- recognise that Australia has more than enough plantations to meet current and future needs and provide employment;
- Feel free to include any of your own thoughts.

Yours sincerely ...

Senator Sid Spindler
Democrat Spokesperson on Law and Justice

Child in distress

The 1994 UNICEF report ‘Progress of Nations’ documented that:

- nine per cent of children in Australia are living below the poverty line (compared with 1.6 per cent in Sweden);
- youth suicide is now the sixth highest in the industrialised world; and
- Australia is one of the few industrialised countries that has not prohibited the intentional infliction of pain on children.

In view of this deeply disturbing record it is perhaps not all that surprising that the Australian Government is now more than twelve months late in submitting its report on the implementation of the United Nations Convention on the Rights of the Child.

In fact, the Keating Government’s appalling record on how children are cared for in Australia makes a cruel mockery of Bob Hawke’s claim that “no child [would] live in poverty by 1990.”

Addressing the neglect of our children should be the first priority of Australian Parliaments rather than the pursuit of a policy calling engaged in by Mr Downer and Mr Keating.

It is now urgent that the Federal Government complete its report to the United Nations but even more importantly, that urgent action be taken to lift our children and young people out of the poverty and despair caused by the Government’s economic rationalist policies.

Hindmarsh Island bridge banned

In July 1994 the Federal Aboriginal Affairs Minister, Rob Tickner announced a 25 year ban on the construction of a bridge to Hindmarsh Island, near Victor Harbour in South Australia.

The decision follows a long grassroots campaign and has been welcomed by conservation groups as well as local indigenous people. It is the first time that the Aboriginal and Torres Strait Islander Heritage Protection Act (1984) has been used in SA’s history.

Tickner explained that he had “moved to ensure the long-term protection of an area of particular Aboriginal significance.”

The bridge was originally promoted by the State ALP Government with the Liberal Party in opposition against its construction.

Since winning government it has reversed its policy. Since winning government it

Shoalwater Bay successfully defended

Mining and exploration in Shoalwater Bay, north of Rockhampton in Queensland, was banned by Federal Cabinet on 2 September 1994. The area will be maintained exclusively as a training area for the Australian Defence Force. The decision was welcomed by environment groups and the Great Barrier Reef Marine Park Authority will be given an extra $1.25 million to manage the marine and estuarine area.

Greens jolt ALP

The Greens achieved 20.7 per cent of the primary vote in the Coburg, Victoria, by-election held 14 May 1994. This is the second highest vote for Greens in Australia, behind Bob Brown’s 23 per cent in the Tasmanian seat of Denison in 1989.

This was the first time a Greens Victorian candidate has stood in a State seat. The Greens chose not to allocate preferences as there was no candidate that they believed warranted support.

Urban issues took the lead in the Greens campaign, specifically: public transport, local employment, protection of public utilities such as electricity, and retention of elected councils.

For further information: The Greens Victoria, PO Box 1267, Collingwood, 3066.
Radioactive waste dump

In July 1994 the Federal Government released its discussion paper, A Radioactive Waste Repository for Australia: Site Selection Study - Phase 2. Public comment on the paper is invited.

The discussion paper identifies eight potential sites, based on a computer model that rated various radiological factors, for example, rainfall, geological structure and groundwater on a scale of one to five. Non-radiological factors, such as valuable mineral resources and special environmental attraction were rated as well. Aboriginal interest in the land was not a criterion.

The discussion paper works on the assumption that the repository design will be a "near surface disposal site" despite input from the environment movement arguing against such an approach. Friends of the Earth have stated: "Essentially, they are not discussing the main issue, that radioactive waste should not be buried in the ground. It has been proposed to bury women in the community in a land-based population in all that is well in a storage facility.

Source: Stick Together – national public radio program

NSW election campaign

In August 1994 the Nature Conservation Council of New South Wales released more than 120 "key election goals" for the next State election, due early in 1995. The goals are demands for State Government action – and for firm environmental commitments from parties and candidates.

Most of these election goals were approved unanimously by the NSW Environment in Crisis Conference held on August 27 1994. The conference was attended by 250 people from over 100 environment groups in NSW. Key demands include:

- a major expansion of the National Parks and recreation system and for the NSW Government to sign up to the National Strategy for the Conservation of Biodiversity.
- establishment of a state-wide waste authority and mandatory goals for waste minimisation and an end to privatisation of waste disposal services.
- a moratorium on further development and major expansion of the public transport system throughout NSW.
- effective legislation to stop further vegetation clearance
- legislation which requires clear public consultation on pollution reduction targets and contains community right-to-know provisions.
- comprehensive endangers species legislation.

Source: Nature Conservation Council of NSW Ph: (02) 247 4206

You say tomato...

Following the US Food and Drug Administration's (FDA) approval of the genetically engineered FLAVR Savr tomato in mid-May 1994, the Pure Food Campaign announced a national boycott of the genetically altered tomato.

The Pure Food Campaign plans to file a Federal lawsuit to challenge FDA approval of the Calgene tomato, and the Agency's decision to not require biofiling of FLAVR Savr.

The FLAVR Savr tomato has been genetically engineered to include two novel genes in every one of its cells: an "anti-sense" gene designed to retard rotting and a kanamycin resistant gene used as a "marker". Over the last three years, the Pure Food Campaign and consumer, environmental and public health experts have warned that widespread use of kanamycin resistance in the tomato and other food products could create bacteria resistant to antibiotics, compromising the efficacy of the thermostable use of kanamycin and the related antibiotic neomycin.

The campaign is also concerned that the antibiotic resistant gene could transfer to soil bacteria and weedy relatives of the tomato, making weeds more difficult to control.

Source: Do the Right Thing Newsletter, September 1994.

Endosulfan ban

The Pesticide Action Network (PAN Asia) has called for a citizen's campaign to ban and withdraw the manufacture, sale and distribution of endosulfan.

PAN has released an exposé of endosulfan and triphenyl tin which outlined the hazards of these chemicals and the efforts of their manufacturer, Hoechst, to intimidate and stifle debate about these chemicals.

Contact: Pesticide Action Network, PO Box 1170, 10850 Penang Malaysia. Ph: (064) 657 0271

It's a bird, it's a plane ...

Senator John Faulkner has landed the job as Federal Minister for the Environment, and has so far avoided most of the kryptonite that weakens environment Ministers – a lack of support in Cabinet and unmet environmental group aspirations.

He seems to understand and care about the breadth and depth of environmental issues as evidenced by his speech launching a State of the Environment Reporting Framework. He declared, amongst other things, support for a moratorium on logging of old growth forests, support for a phase out of woodchipping by the year 2000, he intends to attempt to keep Australia to its domestic and international targets for greenhouse gas emissions, and he will establish an Environment Indicators Taskforce to prepare an environmental "report card".

The value of a Minister for the Environment does not lie entirely with their understanding of their portfolio they must also be effective in convincing the Cabinet to support the environment, and John Faulkner has had at least his first achievement here in the defence of Shoalwater Bay. Whether he can swing Cabinet on other tougher issues remains to be seen.

The test for the Minister in his term of office will be how well he is able to use the powers within his portfolio and Cabinet to meet the demands of the environment movement. The test for the environment movement may be to decide whether it can work with the Minister to achieve long-standing environmental reforms, or if when it should press the Minister and his government as agents for change.

Forest conference will examine the threats to Australia's forests

The Native Forest Network will host a national forest conference 24-25 October, in Melbourne. The conference intends to bring indigenous people, forest dwellers, forest activists, NGOs and government organisations together to discuss the crisis facing Australia's forests. The two day conference will examine the threats to Australia's forests and the need for a national action plan.

For information contact: Melbourne Native Forest Network, c/o Friends of the Earth, 312 Smith St Collingwood VIC 3066. Ph: (03) 419 8700

No woodchipping – day of action

On 1 September 1994 a broad range of environmental groups co-ordinated a national day of action to stop export woodchipping. Actions were carried out in most capital cities and in a range of regional centres. Woodchipping is one of the biggest threats to Australia's native forests. Nearly six million tonnes of native forests will be exported to Japan as woodchips this year.

For woodchipping to continue, export licences have to be renewed each year by the Federal Minister for Resources, currently David Beddall. The conservation movement is seeking that no woodchips for export should be allowed from old-growth and wilderness forests, in this year's round of licences. The environment movement is calling on the Federal Government to immediately implement the moratorium clause contained in the National Forest Policy Statement.


Some unscrupulous miners...

The Central Land Council Director, Mr Tracker Tilmouth, has warned Aboriginal people to be wary of direct approaches by mining companies seeking to do deals with them about exploration and mining.

Some unscrupulous mines are seeking to undermine Aboriginal people's legal rights by seducing them into signing deals which appear attractive yet provide no benefit at all to Aboriginal landowners, Mr Tilmouth said.

Mr Tilmouth's warning followed the June 1994 signing of a 'Co-operative Agreement' between Western Mining Corporation (WMC) and the Anmatjere Community Government Council based at Ti Tree, 200 kilometres north of Alice Springs.

WMC Managing Director, Hugh Morgan, went to Ti Tree on 2 June for the signing ceremony which was also attended by NT Government officers and local residents. Corporate video crews from WMC and the NT Government recorded Mr Morgan chatting with local Aboriginal people and formally signing the agreement.

For example, there's nothing in the agreement to make sure that landowners and custodians are even consulted about any proposed work by the miner and there's no penalty if a sacred site is damaged. Any information about Aboriginal law which might be collected might be used by the mining company.

The agreement claims to cover all Anmatjere land and includes a map drawn by WMC's geographer. The CLC has received complaints from several Aboriginal landowners – both Anmatjere and neighbours Alyawarr – who say that their land is included in the map but they were never consulted about the agreement.

Friends of the Earth Australia national meeting

FOE Australia held its 1994 annual national gathering in January, hosted by FOE Willunga. The gathering marked increased enthusiasm and initiatives within the FOE Australia network. Perhaps the most obvious trend was the interest and commitment to operate more on a national level. A number of national campaigns were launched at the meeting — of these two were new campaign, Lake Eyre and wetlands and the others involved the formalisation of long-standing de facto campaigns into national programs for action, such as the transport campaign.

There was considerable discussion about the changing role of FOE Australia. FOE has been in existence in Australia for 20 years and has always had a focus that combines ecological concerns with a perspective that attempts to address social justice. FOE groups have traditionally also campaigned on the 'smoggy' issues and on areas of concern before they are taken up by other environmental groups.

The FOE network in Australia consists of eleven groups, and it is apparent that there is a great deal of strength in the groups that have survived through the last few years. There is a greater interest in co-ordinating our actions on regional, state and national issues, as reflected by the national campaigns and greater interest in Peak Council. The national liaison officers have committed themselves to providing greater support to local groups and to helping establish new groups.

There was considerable interest in working more closely with FOE groups in other parts of the world, especially in the Asia/Pacific region, and in getting involved with FOE International campaigns.

The national meeting is an opportunity to rapport national office bearers and spokespeople. (see box this page)

The meeting was interspersed by tours of local wetlands and environmental initiatives including waste water treatment and rehabilitation of eroded land. The excellent planning and hospitality of FOE Willunga were greatly appreciated and contributed immensely to the success of the meeting.

The next meeting January 1995 will be in Canberra.

Contact: Cam Walker, FoE Fitzroy (03) 419 8700

Genetics campaign

The Friends of the Earth Fitzroy genetics campaign has been producing a series of leaflets to highlight concerns with genetic engineering. The latest one argues a case for the labelling of food that has been genetically engineered.

Products which have been produced using genetically engineered organisms are now commercially available. Remazol, a curdling agent used in making cheese, is the first genetically engineered food to be approved for release in Australia. It is now used to produce some cheeses. We do not know which cheeses contain this type of rennet because of the absence of any labelling requirements.

Contact: Clive Rosewarne, FoE Fitzroy, Ph: (03) 419 8700

FOE News
How to form a Friends of the Earth group

A five step guide on how to become active in one of the largest environmental networks in the world

The FOE Australia network welcomes enquiries from groups which share a similar philosophy to the network and who wish to become active under the name ‘Friends of the Earth’. Here are five basic steps for achieving this:

1. Have a committed group of people willing to be active in your region on a grassroots level.
2. Contact the National Liaison Office of Friends of the Earth.
3. Draw up a constitution to circulating to current FOE groups for approval (the NLO will help).
4. Provide a profile or outline of proposed activities of your group.
5. A ballot will be put to current FOE groups and when the ballot procedures have been followed your group will be notified of the outcome.

Wetlands campaign
Friends of the Earth organised and launched its National Wetland Campaign during the National Meeting, January 1994. The campaign will focus around the international agreement to protect significant wetlands and will gather momentum for the build up to the International Ramsar Convention to be held in Australia 1996. At present 42 areas in Australia are Ramsar listed and many more are expected to be included. The goals of the campaign are:

* To ensure that Ramsar listed areas are monitored and threats to them documented;
* To expand the listing of wetlands protected by Ramsar, and;
* To promote understanding of all aspects of wetlands and their importance.

The campaign will also play a lead role in the lead up to the 1996 Ramsar conference.

Contact: Karri Giles, (03) 419 8700

Transport workshop kit

Friends of the Earth Nouveau has produced a transport alternatives workshop kit. The workshop contains a number of activities to encourage community groups to think about the possibilities of transport alternatives. It is based on the work of Newman, Kenworthy and CART. FoE Nouveau will be using the kit with university students and will expand it to include various protest activities.

Although the kit is Adelaide specific, similar kits can be tailored for other cities, as many issues are similar.

Contact: Paul Barter, FoE Nouveau, Ph: (08) 223 1510

Yen Aidwatch newsletter

FoE Japan has launched Yen Aid Watch, a bi-monthly newsletter for NGOs to provide information about Japan’s massive environmental problem and aid. It costs $30 per year.

Contact: 4-6-15 Nakameguro, Meguro-ku, TOKYO 153 Japan, Ph: B1 3 3760 3644 Fax: 81 3 3760 6959

New logo for FOE International

Friends of the Earth International has a new logo.

The logo is a stylised image of a hand, together with the name ‘Friends of the Earth’ in English, French and Spanish. The logo is coloured blue.

The hand can be interpreted either as a greeting or as a warning. It also shows a combination of a bird and the Earth with the sun’s rays. Images of this type, signifying harmony between human and nature, have been used by many ancient cultures. The logo was designed by Dutch designer Daan van Beek.

The logo will be used by FOEI, its International Secretariat and FOE’s campaigns and activities. It will also be used by FOE Europe. It is not intended to take the place of the logos of FOE’s national member organisations.

Uranium campaign again

FoE Fitzroy and FoE Sydney have both been extra busy this year with the Australian Labor Party once again under pressure from the mining lobby to allow for an expansion of uranium mining in Australia.

Both groups have been preparing material for the community, media and the ALP on the issues relating to uranium mining. They have also been maintaining a monitoring role of the two operating uranium mines in Australia.

Contact: FoE Fitzroy (03) 419 8700 or FoE Sydney (02) 283 2004

Community water campaign
Friends of the Earth Sydney has embarked on a 12 month project to develop a community perspective on water management in Sydney. The findings are to be presented at the Sydney Water Board at the end of the project.

The project will cover stormwater management, source control, sewage treatment, efficient re-use and sludge management.

FOE will initially develop a series of research papers which will highlight the key barriers and opportunities for moving to a more sustainable sewerage system. The second stage will involve taking the research out into the community and involving and educating about sustainable sewerage.

The project will feed into the current review of water management being undertaken by the Sydney Water Board.

Contact: John Denlay on (02) 665 0085 or (02) 283 2004

FOE International meeting

The FOEInternational annual General Meeting is to be held 8-15 October 1994 in Estonia. Prior to the conference there will be a conference on the role of NGOs in developing local strategies for sustainable development.

Biodiversity conference in Spain

FoE Spain organised an International conference on Biodiversity from 22-23 April 1994. One of the speakers, Dr Norman Myers, shocked the audience with the latest figures on species extinction: between 50 and 200 species a day. He did however congratulate Spain for achieving a zero increase in rates of extinction, a statement that caused controversy amongst the participants. Other speakers included FOE International forest campaigner, Tony Juniper, and a representative from the IUCN, who discussed the International Convention on Biological Diversity. The second day focused on the Spanish situation and included a roundtable debate on national policies affecting biodiversity. The conclusions of the conference will serve as a first step for the implementation of a Spanish Biodiversity Strategy.

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What is Mabo?

'Mabo' has gone from being a person's name to being used to describe many different things. Larry O'Laughlin looks at the progress of Mabo through the High Court and into government legislation and commitments.

DDIE MABO WAS one of the five members of the Meriam people on Murray Island in the Torres Strait who took the State of Queensland to the High Court and won recognition of their continuing traditional land rights. Their success has given governments a legal, as well as moral, imperative to take action regarding the rights to land of Aboriginal and Torres Strait Islander people.

The High Court judgement

The five people, only two of whom survived the ten-year long court case called Mabo and Others v. the State of Queensland, claimed that their island and the surrounding reefs had been continuously inhabited and exclusively possessed by the Meriam people who lived in permanent communities with their own social and political organisation. They recognised that the British Crown through the Gilbert Act of 1873 had taken possession of the islands. Only time, and the outcomes of these alliances will prove that we take our commitments to Aboriginal rights seriously.

The High Court faced in this case its first chance to deal with the existence of native title, and its nature in Australia. On 3 June 1992, the High Court, by a majority of six to one, upheld the Islanders' claim and ruled that 'the lands of this continent were not terra nullius or "practically unoccupied" in 1788' and that the Meriam people were entitled as against the whole world to possession, occupation, use and enjoyment of the lands of Murray Island'.

The High Court's judgement made a number of findings which become the basis for interpreting and applying existing law. These can be summarised:

• the court rejected the doctrine of terra nullius;
• although the Crown — the government of Australia — gained radical title to the land of Australia on settlement, this did not wipe out existing native title;
• after settlement, governments — Britain, the British Commonwealth — could extinguish native title. This could be done by legislation, or by granting interests in land such as forlorn and certain leasehold interests;
• the power of the States to extinguish native title is subject to overriding Commonwealth legislation — the Racial Discrimination Act 1975; and
• subject to the Racial Discrimination Act 1975, no compensatory damages are payable for the extinguishment of native title. This decision was made by a majority of the Court.

The High Court dealt with the particular case of Murray Island, and although it did not set out some general principles, it also left some key issues unresolved such as the precise areas of land subject to native title, which Aboriginal and Torres Strait Islander peoples are the legitimate holders of native title rights, the precise definition of these rights, particularly when they co-exist with other rights in the land; and all the circumstances in which native title could be extinguished.

The Court did not rule on the legality of the British Government's takeover of the land of Australia, as this is the High Court's own authority rests on that takeover, and if it had said it was illegal, it would have mired itself in an international issue. A significant part of the judgement was that the Court recognised that native title is defined according to the traditional laws and customs of particular groups of people having the relationship to the land. This meant that the Court was recognising another source of law. It also recently noted that native title can exist with other interests and can only be alienated or transferred by:

• traditional law;
• surrender to the Crown; and
• compulsory acquisition by the Crown.

Native title existed all over Australia before 1788, except for genuinely uninhabited areas, but the actions of governments have since wiped it out over large parts of the continent. Native title continues to exist in some areas, but a large proportion of Australia's indigenous population cannot benefit directly from the High Court's Mabo decision. Any land not alienated according to the judgement could now be subject to a native title claim if there are indigenous people who have maintained traditional links with that land.

Cam Walker is an activist with Friends of the Earth and Ros Sallan is Aboriginal Liaison Officer with the Australian Conservation Foundation.
Federal response
The Federal Government took the view that the nation's response to the Mabo decision was of fundamental importance to Aboriginal and Torres Strait Islander people and to the process of reconciliation between indigenous peoples and the wider community.

It is also possible to see that the Government may have been forced to act before a flood of legal actions hit the courts as indigenous people sought legal recognition of their title to the land. The High Court decision left the potential for confusion on title issues.

The Government undertook a period of consultation on actions it could take, then decided to take three main steps;
- introduce Native Title legislation;
- establish a land fund to assist Aboriginal and Torres Strait Islanders who would not benefit from the High Court decision or enactment legislation; and
- develop a Social Justice package to improve general conditions for Aboriginal and Torres Strait Islanders.

Native Title Act
The Native Title Act 1993 was aimed at clarifying some of the uncertainties in the High Court judgement, or to set out a process for their clarification. The Act was passed in December 1993 after the longest debate ever in the Australian Parliament and came into effect on 1 January 1994. Among other things the Act:
- recognises and defines native title;
- sets out a process for determining native title and the rights and interests of native title holders;
- protects native title;
- recognises different ways of organising control of native title;
- allows some Aboriginal and Torres Strait Islander bodies to be named as representative bodies to make native title claims;
- clarifies existing rights to the land or its resources;
- allows governments ways in which they can 'validate' or make legal past acts such as leases which native title might have been invalid;
- allows governments to do things in the future and still protect native title rights;
- sets conditions on future acts which affect native title land and waters; and
- establishes the 'Native Aboriginal and Torres Strait Islander Land Fund' to help the many who are not able to secure native title. The fund will be used to acquire land and to manage it in a way that it provides economic, environmental, social or cultural benefits.

The Land Fund
The legislation to establish the Land Fund was introduced in August 1994 and proposed to benefit all indigenous people, including those who had been dispossessed. Key features are:
- the Government will allocate $200 million in 1994-95, and $121 million adjusted for inflation for the next nine years, to the fund;
- the total allocation to the fund is $1,463 billion;
- the fund will be invested so as to accumulate a self-sustaining fund for the acquisition and management of indigenous land; and
- an Indigenous Land Corporation will be established which will receive allocations from the Fund.

The Board of the Corporation will have seven members, at least five of whom will be Aboriginals or Torres Strait Islanders and it will include the ATSIC Chairperson and at least one ATSIC Commissioner.

Social justice package
The third plank of the Government's response to the Mabo decision has been a commitment to introduce a package of social justice measures to address the position of indigenous peoples within the Australian community. ATSIC and the Council for Aboriginal Reconciliation have been asked by the Prime Minister to prepare reports on ideas for the package by early 1995. A discussion paper has been published and meetings are being convened as part of community consultation.

According to Robert Tickner, the Minister for Aboriginal and Torres Strait Islander Affairs, the Government has not yet taken any decisions. He suggested, however, in a speech given to the UN Working Group on Indigenous populations in July 1994, that there may be a greater role for the national government in directly funding Aboriginal communities, as State and Territory governments have an inadequate commitment to indigenous human rights.

The Mabo High Court decision has already had a major effect on the way in which Australia, as a nation, treats its indigenous people and it galvanised the Federal Government into action. There are pockets of the community, such as elements of the Liberal and National Parties, and the mining industry, which want to turn back the clock on the reforms which have already occurred. However, the changes are far-reaching, and unlikely to be undone.

Larry O'Loughlin is an editor of Chain Reaction. Please subscribe.

Jon Lark sees a pattern in recent and past events which have a bearing on Aboriginal land rights and services for Aborigines in Western Australia.

During the Mabo debate, the West Australian Government sided with the mining lobby to fight a desperate campaign to undermine Aboriginal interests in Western Australia (and indeed the rest of the country). Their intention was to uphold the status quo of free access to Aboriginal land for mining and industry, and it was an insult to the principles of Mabo.

The fact that claims are still being made that Western Australia, a state with no form of freehold land rights, has more to 'lose' than other states, is again another indication of how the Western Australian Government has never acknowledged Aboriginal land.

The arguments and misrepresentations used concerned issues such as:
- land control vs. land usage or access;
- the economic benefits to the community as a whole;
- the protection of 'genuine sites' as opposed to control or ownership of country;
- the detrimental affects of land rights in other states particularly the Northern Territory; and
- the notion that Aboriginal people are anti-development and will stop all mining etc.

The January 1994 issue of Land Rights News, commenting on the Mabo legislation (December 1993), stated that...
...the process was however not without its darker side. There were those who tried to undermine the process and sought to strike a crushing blow to Aboriginal rights. In the euphoria that followed the passing of the legislation it was easy to overlook the actions of the opponents to the Native Title Act ... Nevertheless, to ignore these actions and their potential to do so much damage to the emerging but fragile climate of reconciliation, invites a complacency which could yet again threaten future advances in the Social Justice Package and the National Land Acquisition Fund, and each Mabo decision. 

Prior to the passing of legislation for some months we were bombarded on an almost daily basis in the media by these 'opponents' in the form of paid advertising (as well as editorials). On 6 November 1993, two such advertisements, typical of the campaign, appeared in The West Australian - one by the Court Government and the other by Association of Mining and Exploration Companies (AMEC). Court's advertisement, as if describing the impending attack of an alien force, forewarned of Mabo being the 'great threat' to 'the people and economy of Western Australia' and with Aboriginal people 'losing control of land over most of the state' once and for all putting an end to Western Australia being 'a dynamic and progressive place to live' (with unfettered access to Aboriginal land).

His defensive solution included principles maintaining 'control and management of land and resources remaining with our [who is meant by 'our']? State Government and policies which promise to improve the standard of living, health, housing and education of Aboriginal people and provide for [their] increased ownership of land and equity within development projects'.

Why is a comparison of basic services and the balance of land ownership and equity between the white and Aboriginal communities so abnormal? I do not believe that if we ignore Mabo in Western Australia things will suddenly change. No wonder that Aboriginal Communities are prepared to discuss mining on their lands when the payments in the form of royalties can be used to provide the very services that they have been asking of government for so long. I've seen Concinc Riontoo Australia (CRA) - the mining mega corporation - at a meeting with a remote Western Australia Aboriginal desert community offering boxes, buildings, roads and vehicles. The cost of such
A fair solution to Mabo for all Western Australians

Yungangora people in Western Australia.

The notion of history repeating itself gains momentum with the Kimberley Land Council's elected chairperson, Ivan McPhee—a Walajarri man who was also a central figure in the Noonkanbah dispute—who commented on the Richard Court Government's reactions to Mabo, likening them to 'revisiting the Noonkanbah days of history and conflict which I hoped we had moved beyond'.

His election to the Chair, moreover, coincided with the release of a Kimberley-wide study Aboriginal People in the Economy of the Kimberley Region. The report was another step taken by the KLC to challenge and refute the many lies and misrepresentations used by Court and his allies to undermine Aboriginal people. It was commissioned to document and inform Aboriginal people of the direct and indirect contributions they and their organisations made to the region. The report highlighted many positive facts, embarrassing to the government. Over half of all building in the Kimberley is Aboriginal housing or community infrastructure. A third of all retail sales are attributable to a combination of Aboriginal DSS/CDEP payments and ATSC salary/wage payments.

The KLC's executive director, Peter Yu, in launching the report, said its aims were 'to renegotiate the economic position of Aboriginal people in the Community, to address on a factual basis their real contribution and the legitimate expectations they might have about the return on that investment'.

"When Aboriginal people and the economy are mentioned in the same breath, it always is a continued reliance on government funding," says Yu. But Aboriginal people should not be left out of economic planning in the Kimberley as they make up nearly half of the region's population and, as Yu shows, 173 Kimberley-based businesses rely on Aboriginal dollars.

A 1993 annual audit of State Government expenditure stating that 1.5 million was being spent on Aboriginal people by the Western Australia government prompted Yu to comment that this was merely identifying the Aboriginal component..."of all normal citizen entitlements...education, health, the lot," and called it "a fraudulent and misreporting document." The real figure allocated specifically to Aboriginal Affairs was only $10 million to fund AAPA (the State Aboriginal Affairs Planning Authority).

Is the Federal Mabo legislation going to prove to be the first real step in overriding this long history of state discrimination in Western Australia? As Peter Yu asked: 'Why can there not be Aboriginal owned national parks like Kakadu and Uluru in the NT and the same cannot happen in the Kimberley?'

How long shall the Pijjarijmarrang people in central Australia, continue to live on their lands which are freehold in both the NT and South Australia, when literally a few kilometres down the track, in the Western Kimberley, the government still refuses to accept Aboriginal rights to land?

As Ivan McPhee put it, 'ignoring the reality of Aboriginal people's participation and contribution to the cultural and economic life in Western Australia sets Mr Court apart from the progressive changes happening throughout the western world in relation to Indigenous people's rights'.

things to CRA is marginal when we consider that as far back as 1979 the CRA group of companies employed capital equivalent to twice that of the entire state revenue of South Australia.

The second advertisement, boldly titled 'HISTORY HAS A HABIT OF REPEATING ITSELF', placed by AMEC showed those familiar old before-and-after maps of the Northern Territory and Western Australia with the NT shown before (1973) and after (1993) Land Rights, and the Western Australia maps were the usual 'what it happened here' maps projecting from 1993 to 2000? The text of the ad proclaims the Aboriginal position to land rights, comprises a membership of over 40 per cent. of the NT population and has achieved. Then the advertisement stated that the non-Aboriginals would create the economic future of the NT through Dreamings or song lines. He blamed 'white stirrers' for advocating land rights on a broader scale encompassing wider areas of country. He suggested that Aboriginal people were happy with the 'gene line' sites ethno-centrally viewed like monuments, thus leaving all the bits in between to open resource exploitation by walk-in, walk-out miners whose interests lay in the relatively short term use of vast tracts of vaguely defined country.

The drilling rig that was finally erected and operated using lab skills flown in from foreign-owned companies and guarded by police, stood more as a symbol of Court's vigilance in favouring mining interests and control over Aboriginal land, than an attempt to find oil. As it turned out, there was no oil, and the site was abandoned.

Ironically, Noonkanbah served a back hand of which Court could not have imagined. It helped establish an upsurge never before demonstrated of support for the non-Aboriginal issues. As the country a momentum of support built up behind Aboriginal people ranging from the Church to Trade Unions as well as the general community.

An early meeting at Noonkanbah also saw the establishment of the Kimberley Land Council (KLC) as a representative body on land issues within the region. It also resulted in the first Australian Aboriginal delegation to attend the United Nations Human Rights Commission (August 1980), which resulted in embarrassing international criticism of the Federal Government's lack of response to Charles Court's actions against the
Aboriginal people and the environment movement have not always been able to work together. Cam Walker provides an overview of moves within environment groups to bridge this gap.

While many of the national environment groups have a history of working with Aboriginal people, it is only in the last few years that it has become common for this work to be backed up by policy or official position papers.

Perhaps the first group to do so was the Australian Conservation Foundation (ACF), which approved its Aboriginal and Land Rights Policy in December 1991 (see Ros Sultan article p. 18). The policy includes:

- Aboriginal people are the original inhabitants of Australia and therefore the doctrine of Terra Nullius is a legal fiction. Aboriginal people never voluntarily relinquished their sovereignty over Australia... as a result, the non-Aboriginal occupation of Australia amounts to an illegal dispossession of Aboriginal people for which they were never compensated.
- ACF has backed up its policy commitments with extensive consultation and involvement with Aboriginal communities. In June 1994 the ACF launched Competing interests or common ground: an in-depth study of Aboriginal and Torres Strait Islander involvement in joint management of national parks.
- The Wilderness Society (TWS) made the historic announcement in 1992 that wilderness is, by definition, Aboriginal land, and that Aboriginal people have a right to that land.
- Australia is Aboriginal land. It always has been and always will be. This is a fundamental concept that all Australians must come to terms with, including organisations like the Wilderness Society.
- Like many other groups, TWS acknowledges the need for Aboriginal communities to be involved in land management, and allows for 'traditional' food gathering within wilderness areas. TWS is working closely with the Gunuw-Gambith-Magu and Guugu Yimidhirr, the traditional owners of the Staring area in north Queensland, to ensure the rights of the Aboriginal owners are respected and the environment is protected from large-scale development.
- In September 1993, the Australian Conservation Foundation, Greenpeace Australia, the Wilderness Society, the Australian Greens and the Australian Democrats launched Storing the Land: Healing the Land, a united position on native title and reconciliation. This documented the opinion of five groups on ownership of land, the impacts of dislocation on Aboriginal people, compensation and claims under Native Title legislation.
- Greenpeace Australia is currently finalising a land-rights policy. Greenpeace recognises the need to reach a resolution over the differences between Aboriginal People and Torres Strait Islanders and other Australians, and sees this happening through a process of negotiation. Included in the draft policy are guidelines for consultation, statements about the need for national land rights legislation, and issues of compensation, joint management, and hunting and fishing rights.
- Greenpeace supports 'continuing hunting, fishing and food gathering rights on an ecologically sustainable basis, even in national parks'. The policy also proposes strategies within the organisation that will allow for increased recruitment of Aboriginal and Torres Strait Islanders. Greenpeace Australia has already been educating existing staff through 'cultural sensitivity' workshops at Traralgon College in Sydney. In addition, up to a quarter of the operational budget within national campaigns will be devoted to assisting Aboriginal and Torres Strait communities to 'bridge their work on environmental issues'. Greenpeace Australia has no Aboriginal people on its national board or voting assembly but is actively seeking Aboriginal member and is committed to increasing employment opportunities within the organisation.

In November 1993, the Worldwide Home Environmentalists' Network (WHEN Australia) made a commitment to Paying the Rent. WHEN pays one per cent of its gross annual income to the campaign. WHEN stated that:

Paying the Rent validates non-Aboriginal people's occupation of Australia and enables them to move towards the eventual elimination of government control over Aboriginal people's lives...

The program aims to provide advice to Greening Australia staff on ways of working with Aboriginal communities on land management matters; and to promote greater understanding of the significance of Aboriginal involvement in vegetation management. Greening Australia believes that working with Aboriginal communities on vegetation issues is an important part of learning to care for land.

The World Wide Fund for Nature (WWF) is preparing a position paper on land rights to be released later in 1994.

Contacts for some environment groups:

- Ros Sultan, Aboriginal Liaison Officer, Australian Conservation Foundation, 340 Gore St, Fitzroy, VIC, 3065. Ph (03) 416 1455.
- Lynette Thomassen, Greenpeace Australia, PO Box 800, Surrey Hills, NSW, 2010. Ph (02) 211 4006.
- Colin Anderson, National Aboriginal Liaison Officer, Greening Australia, GPO Box 9865, Canberra ACT, 2601. Ph (06) 281 8585.
- Cam Walker, Friends of the Earth, Box 222, Fitzroy, VIC, 3065. Ph (03) 418 6700.
- Portuguese Environmentalists' Network (WHEN) PO Box 188, Carnegie, VIC, 3163.
- Nicky Esau, Australian National Parks Council, GPO Box 2227, Canberra, ACT, 2601. Ph (06) 282 5813.

Greening Australia recognises that the skills of Aboriginal people represent an untapped source for sound vegetation management and in 1993 established a position for an Aboriginal Liaison Officer. The program aims to provide advice to Greening Australia staff on ways of working with Aboriginal communities on land management matters; and to promote greater understanding of the significance of Aboriginal involvement in vegetation management. Greening Australia believes that working with Aboriginal communities on vegetation issues is an important part of learning to care for land.

While many Friends of the Earth (FOE) groups work closely with Aboriginal organisations, FOE Australia does not have a national policy, reflecting that FOE operates more at the local and regional level than nationally.

In 1988 Friends of the Earth Fitzroy agreed to Pay the Rent and allocated one percent of its budget to the local Pay the Rent scheme as a practical way of acknowledging and supporting Aboriginal sovereignty. Other FOE groups also work with local Aboriginal communities.

In 1993 the FOE Australia national meeting also made a commitment to contribute to Pay the Rent schemes.

Cam Walker is Office Co-ordinator at Friends of the Earth Fitzroy.
Regional Agreements in
people who could provide expertise and possibly resource
practical strategies to meet the
 gave Australian indigenous people an
they may
sues. As examples, ACF was involved in
were denied through the abolition of their
supported the traditional owners and the
hand back of Uluru in October 1985.

The ACF sought and obtained
riginal communities whose land rights
closely with Aboriginal organisations,

The aims of the ALO program neces­
conservation; and participation in the

ACF and
Aboriginal
liaison
Ros Sultan presents an overview of ACF’s
Aboriginal Liaison Program looks at some of
its initiatives and the issues it has raised.

T he Australian Conservation Foundation (ACF) has long in­
e This was done to establish the
negotiations for the establishment of
Kakadu National Park from 1973 to
1978; ACF supported Queensland Ab­
original communities whose land rights
were denied through the abolition of their
reserves in 1978 and 1979. ACF also
supported the traditional owners and the
hand back of Uluru in October 1985.

In the late 1980s the presence of indi­
viduals on the ACF staff and Council
who had experience working in Abori­
ginal organisations and an awareness of the
issues, strengthened the already per­
ceived need for the ACF to work more
closely with Aboriginal organisations,
communities, and landowners.

Two major initiatives were under­
taken. The ACF sought and obtained
funding from the Australian National
Parks and Wildlife Service (ANPWS) to
fund the position of an Aboriginal Liai­
on Officer (ALO), Joanne Willmot was
employed in this capacity in 1989 for
work with Aborigines, working from the ACF’s
Adelaide office. It was decided that the
program needed to be based at ACF head
office in Melbourne for a number of rea­
s, not the least of which was support
for the incoming ALO. I took up the
position in September 1990, and am cur­ently employed by the organisation.

Arnold Wallis was employed in Septem­
ber 1994 as ACF’s Aboriginal and

Regional Agreements – a way ahead?
The Australian Conservation Foundation (ACF), in conjunction with the
Cape York Land Council, ran Australia’s first workshop on Regional Agree­
ments in July 1994 in Cairns. This workshop – Regional Agreements in
Northern Australia: Aboriginal Strategies for Land-use, Management,
Source and Environment Issues – gave Australian indigenous people an
opportunity to listen to indigenous peoples from Canada and New Zealand
who had experience in negotiating regional agreements and comprehen­
sive claims. Other participants were invited because of their expertise in
developing indigenous rights and strategies relating to land-use, resources
and environmental issues. Also invited were Commonwealth and state
representatives from ATSIC, the Office of Indigenous Affairs, AIASTIS and
ANCA – people who could provide expertise and possibly resource initia­
tives that came from the workshop.

Regional agreements are modern treaties between the Canadian
government and indigenous peoples of Canada. We wanted to consider the
appropriability of Regional Agreements to Australia – whether they can secure
greater Aboriginal rights and management of land, sea, mineral resources,
water, fisheries and wildlife. Not all indigenous Australians are able to claim
land under the Native Title Act, or other schemes. Some of the rights in
Regional Agreements may not benefit to those of us who are ineligible
under the Act. Regional Agreements also provide valuable experience
about negotiating claims, management and co-management processes
and resource agreements.

The focus was on Northern Australia because it is a region with
substantial Aboriginal populations who are under enormous pressure in
their attempts to control their lands and resources.

The workshop focused on outcomes – practical strategies to meet
the needs and aspirations of indigenous Australians. Not all indigenous Aust­
ralians will necessarily want to go with regional agreements – they may
not be appropriate.

It is hoped that the Workshop will be a model for similar developments in
other regions in Australia.
The work of the ALO can be seen as bridging the gap between Aboriginal communities and organisations, and the environment movement; to try and facilitate a better working relationship and to develop a common sense approach to issues of mutual interest and concern. The environment movement is an extensively white, middle class movement; thus reform within the movement to allow for the recognition and action on indigenous issues has been difficult and at times highly contentious.

Aboriginal rights and interests need to be protected and considered in environmental matters, especially those relating to the acquisition of indigenous lands. This is particularly the case during the planning and implementation of policies relating to the creation of national parks, nature reserves, protected areas, marine parks and wilderness areas.

Notions of wilderness as ‘uninhabited’ places is a particularly Eurocentric notion that denies the reality of Aboriginal presence and participation in the natural world over many thousands of years. The creation of national parks, protected areas, wilderness areas, etc. also denies Aboriginal sovereignty and thus may inadvertently support the legal fiction of terra nullius which prevailed in Australia prior to the High Court decision on Mabo, 3 June 1992. Thus environmental policies relating to wilderness, parks etc. raise serious anxieties in the hearts and minds of Aboriginal peoples, whose past experiences in the legislative process have been, by and large, disappointing.

It is crucial for conservation groups to support Aboriginal initiatives for a process of authentic consultation and dialogue. The role of the ALO is to initiate and maintain the dialogue and awareness of issues between indigenous peoples and the environment movement. The ALO program and the ACF have been instrumental in putting these problematic issues onto the conservation agenda, and this is a substantial achievement, for recognition of difficulties is an important step towards resolution.

I N MARCH 1993, Wadjularbinna, a Gungalidda woman from Doomadgee community in the gulf country of North Queensland travelled to Melbourne to get support for her communities struggle against CRA (Conzinc RioTinto Australia) Ltd. In the next four months, a broad-based and effective campaign was initiated, operating from Friends of the Earth in Melbourne, and with contacts and support around the country.

CRA Ltd, a huge mining conglomerate, was attempting to develop the Century deposit at Lawn Hill, in the Nicholson River system in North Queensland. The proposed mine site is 250km north-north-west of Mt Isa, and 200km from the Gulf of Carpentaria. The original proposal was to mine and transport three to five million tonnes of zinc/lead ore each year for 25 years.

Shortly after the highly successful action at the CRA Annual General Meeting in April, 1993, CRA announced that it was setting the project back by two years, with a start-up of late 1996. The project would mean that a pipeline would be built from the mine site to a point on the Gulf, probably Point Parker (see map), where it could be loaded onto boats. A considerable portion of the proposed pipeline runs through traditional Gungalidda territory.

In one of her talks (mid 1993), Wadjularbinna said, ‘...CRA are working on the Century Mine on land belonging to another group (the Wyanni), but they want to put a pipe slurry through our land out onto the coast and we’re saying no all of the time. But it looks like we’re fighting a losing battle because the government now has openly said that they are fast-tracking and supporting the CRA mining company.’

‘...We asked at a meeting could they guarantee that there’ll be no spillage of the lead and zinc if there’s a mine, and they said they couldn’t give us a guarantee. So what they’re doing, they’ll take the pipeline to the coast and there’ll be little boats come in, take the metal, the slurry, load it onto big ships and then it’s taken out of the country.’

‘...And we said that we didn’t want them to happen because of the impact on us, and on the Mornington Island people, the Aboriginal community just across from us, and they live off the sea. Island people also live off the sea and so do the people in Burketown. We live on the mainland, but our land is right along that coast, so it’ll affect us too, we do a lot of hunting for the environment, and so for all Australians, but we’re concerned about the land. We have a spiritual connection to that land and while the government is saying, show us where the sacred sites are, that we can go in and out and around about and still put the pipe across, you know, but we say to them there are sacred sites within the sacred land.’

‘The land is a sacred place as well. We’re a spiritual people, we do a lot of meditating, and children traditionally were planned: the moon had to be right for a mother to go out with her man to a special spot in the land and meditate. The
“It’s no good for the environment, and so for all Australians, but we the Doornadge people are concerned about the land. We have a spiritual connection to that land…”

woman goes deep within herself to see if she’s worthy of having this child, of this child being created in her, in her body. Then they come back into the community. They want this child to be created in and ated is that person’s spiritual connection to the land. Somebody dies somewhere else, followed the four seasons around, so if their bones would be picked up and brought back to where they were con­ceived... it is coming from there, because we’re a very spiritual people but we live in and are dominated by a material society today.

The Gungalidda are also concerned about damage to sites of significance, and access to traditional land. CRA Ltd bought pastoral leases along the proposed pipeline, and in 1993, there were a number of instances where Aboriginal people were denied access, or thrown off, these areas. Although the Gungalidda have refused as a people to co-operate with CRA, for over two years, and have consistently said ‘no’ in negotiations, the company continued to approach the community in attempts to get approval for the initial survey of Sites of Significance.

‘An old black man from one of our tribes got up in the last meeting we had in November, it was good to hear him, though he couldn’t speak very much English. He said to the mining company representative: “What’s the matter with you, eh? You don’t understand your English. You say no to me and I understand you; you say no walk away. I say no, no, no, we all say no, no, no, and you don’t understand!” This man [from the community] he just went all red in the face, ‘cause this poor old fellow just told him, and we all clapped him, you know. It was really good because they’re getting sick of it; it’s no, no, but they’re still com­mitting…

“When they’ve taken that land and destroyed it, it is genocide – genocide in another form…”

ing in there. That’s what they think of us black people. They think we’re stupid, they think we don’t know, they think we don’t understand. When we say no they still keep coming back. People are just despairing, they’re going under you know, what else can we do to tell these people that we want our land. We want to go back to our land now.

‘It’s very confusing for Aboriginal people, they can’t piece this thing to­gether, you know, and a lot of white people can’t understand where we’re coming from either, because we’re a very spiritual people but we live in and are dominated by a material society today.”

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“... when they’ve taken that land and destroyed it, it is genocide – genocide in another form…”

This is what CRA doesn’t understand. This is what the government doesn’t understand. We’re trying to hold on to that little bit of land so that we can take our children to it, take them back and get them back into that way of life, that spiritual way of life, strengthen them, give them back their identity and make them feel good about themselves. Get their self-esteem back and their dignity. Strengthen them so that when they have an education they can go out into the wider community and be anybody they want to be. What the CRA people do when they come in is hold these meetings, tell the people outside that negotiations are taking place and we’re getting closer to getting this mine on the way.

These black people, our people, go up and they’re under so much pressure that they say, oh alright. This is how they work. CRA, they get them until they have no more fight left in them, they give in, then the black man goes up and gets this big pay packet, and he feels really good about the pay packet but when he gets it and he goes home he realises he’s sold his soul, and all his people’s soul along with him. So he gets blind drunk, the children are hungry, the women even drink and then there’s violence in the community. This man might get up after three or four days and he’s pretty groggy and he wants his job back, but the miners say no, you weren’t here so I gave it to somebody else. White people looking on from outside saying those lazy black so-and-so’s, they can’t hold a job down, you know, that’s the first thing they think. These black people can’t hold a job down. They don’t think that behind it all these black people are in such desperate – they’re in a re­pair because they’ve given their land up, they’ve given it up, sold their souls and the land is not no more.
‘Sanctuaries’ and environmental justice

The ‘Sanctuary’ campaign in Queensland claims to advocate the rights of species and support national parks but, says, Kevin Guy, it runs the danger of doing injustice to Aboriginal people by not accepting cultural change.

In its earliest modern version the word ‘Sanctuary’ was used in the context of a holy place, a place for fugitives from justice, a piece of concentrated ground, a place where debtors were immune. In its present context the word ‘Sanctuary’ was used in the text of a holy place, a place for fugitives from justice, a piece of concentrated ground, a place where debtors were immune.

Environmental racism stems from the decision making of bureaucracies and conservation organisations on land use and land management which distinguish against minority races. Over the past decade this change has been realised at the major environment groups in the United States and has existed for some time in Australia with many cases documented in recent history. But, as Reverend Benjamin Chavis founding member of the environmental justice movement in the United States, and the person attributed with coining the term at a 1993 Sierra Club roundtable on Race, Justice and the Environment, noted, ‘the reality was out there – we just gave language to it’. Opposed to environmental racism is a move towards environmental justice.

Although relatively new to the Australian context there is support within the conservation movement for Chavis’ guiding principles of environmental justice – a grassroots perspective, and it must be multicultural and multicultural.

A recent example of this was the Starcke campaign mounted nationally between the Cairns Branch of the Wilderness Society and the Gugu-Yamithirr and Gunaw-Handi-Muugga people, traditional owners of Starcke on the east coast of Cape York Peninsula, north of Hopevale. This campaign initially centred on the blocking for sale overseas of the pastoral property by Far North Queensland real estate developer, Mr George Quaid, and to have the land returned to its Aboriginal traditional owners.

Promotion of a concept such as ‘Sanctuaries’ insolation, while ignoring national park management issues such as grazing of cattle, tourism, four-wheel-drives, pollution, poaching, feral animal and weed control, landswaps, and development is hypocritical and myopic. Further, the issue of ‘habitat loss’ – land clearing of native bushland in Queensland proceeds at a rate greater than the destruction of rainforests in South America – is a more ominous threat to native species and national parks than is hunting by Aboriginal and Torres Strait Islander people.

Along with some other Queensland conservation organisations the Sanctuary campaign will not accept the case of individual hunting for the State’s national park regime. Benjamin Chavis claims that: ‘You can’t get justice by doing injustice on somebody else.’ Its intent and purpose directly threatens provisions within legislation such as the:

- Endangered Species Protection Act 1992;
- Torres Strait Islander Act 1991;
- Nature Conservation Act 1992; and
- Commonwealth Native Title Act 1993.

The Sanctuary campaign claims to advocate the rights of species and seeks justice for the State’s national park regime. Benjamin Chavis claims that: ‘You can’t get justice by doing injustice on somebody else.’ Its intent and purpose directly threatens provisions within legislation such as the:

- Endangered Species Protection Act 1992;
- Aboriginal Land Act 1991;
- Torres Strait Islander Act 1991;
- Nature Conservation Act 1992; and
- Commonwealth Native Title Act 1993.

This complex issue requires discussion between the main protagonists.

Kevin Guy is a consultant and has worked with the conservation movement for the past decade.

The Sanctuary Movement

The Sanctuary group established in 1992 is a loose coalition of nature conservationists, conservation biologists, and some employees of the National Parks and Wildlife Service. They have campaigned against hunting and fishing in national parks through petition and letter writing campaigns focused on the Queensland government.

Within the conservation movement, the National Parks Association, some Wildlife Preservation Society branches and the Rainforest Conservation Society actively support the ideals promoted by Sanctuary. Some of the groups and individuals initially involved with the Sanctuary movement have subsequently withdrawn their support from these campaigns.
Towards dialogue – the Yarrabah meeting

The introduction of the Aboriginal Land Act in Queensland led to divisions between the aims of environment groups and Aboriginal people over national parks. Rosey Crisp tells of the meeting at Yarrabah which aimed at dealing with the conflict.

The Queensland Conservation Council (QCC) and the Aboriginal Co-ordinating Council decided to jointly convene a three-day meeting at Yarrabah (November 1992) to discuss issues of concern. The meeting was well attended with all the major environment groups in Queensland plus regional councils and local groups sitting down with Aboriginal representatives from the Cape York Peninsula and the Wet Tropics to discuss issues.

The meeting had everything: on the first day there was an airing of frustrations and occasional confrontation, on the second day there was constructive dialogue and a listening to each other’s views, and on the final day a deeper understanding was reached, with a growing trust and respect for each other and pride in what had been achieved.

The outcome was a series of resolutions which dealt with a myriad of topics including consultation, the Aboriginal Land Act, Aboriginal engagement in national parks, watershed management, fishing rights and national parks. The Yarrabah Agreement was also signed.

- This Yarrabah meeting of Aborigines and conservationists shares common ground in wanting to protect the health of Australia’s land and waters and all the life that depends on them.
- We want to hold more meetings where discussions can be open and honest, and agree to keep talking to each other.
- We seek to work together with goodwill, respect and trust to promote Aboriginal customary rights and protect the environment.

Unfortunately, the divisional position of some environmental groups with regard to Aboriginal aspirations is considered to be extraordinarily difficult by Aboriginal people. Many environment groups have entered into dialogue with Aboriginal communities and support their cause, but a vocal minority continue their public campaign of opposition since the Yarrabah meeting.

The long overdue recognition in common law of native title has meant that environment groups will need to come to terms with Aboriginal and Torres Strait Islander rights to their land and sea, and also the socially discriminative aspects of the Aboriginal Land Act and the Native Title Act. In particular, the very strongly opposed perpetual leaseback of national parks and the peppercorn rate for use of their lands will have to be changed.

Environment groups are on trial. Will they come to terms with Aboriginal aspirations and begin to show some respect and understanding of Aboriginal and Torres Strait Islander cultures? If not, the indigenous people will quite rightly classify environmental groups with all the contemporary land stewards as supporters of the continuing dispossession and genocide of Australia’s indigenous people.

Rosey Crisp work with the Land Management Section of the Division of Aboriginal Affairs in Queensland. She was until recently the campaign co-ordinator of the Queensland Conservation Council (QCC).
"The land is like a book" – the story of Regina McKenzie

The life of Regina McKenzie provides the background for her claim on behalf of a section of the Southern Aranda Aboriginal people for land in the far north of South Australia. In this interview she reflects on her Aboriginal relationship with the land.

"What is happening now is just a continuation of what happened in the past. In the early days they shot at us. Now we have the mining companies. The government is always at the people, treating them with contempt and a biased attitude. So we don't get the support we need."

Regina McKenzie is from Port Augusta. She is an Aboriginal woman of the Luridga people, and has recently lodged a land claim on behalf of the Eringa Aboriginal Corporation for a portion of the traditional lands of the Southern Aranda and Luridga people. The country under claim is in the far north of South Australia. This land is under threat from mining and unsustainable land use, especially overgrazing.

Gina’s mother was born in the Eringa area in 1919. She is of the Luridga people. Her mother was a full blood Luridga woman and her father was Irish, making her a ‘half-caste’.

In 1926 she was captured by the police for the crime of being ‘half’ European, separated from her family, and taken to the Colebrook Home in Oodnadatta, then to Quorn, where she spent many years.

In those days, the full blood people were treated as animals, and they took her from her family so that she would grow up as a ‘European’. She was sent to Quorn to work as a domestic servant for station owners. This was nothing less than child slavery; she got paid 4 pence a week – 2 pence went back to the station manager for food and board, and 2 pence went to the Home in Quorn.

Eventually she married a man of Adnyamathanha descent. It was 38 years before she was reunited with her family. Speaking of her ancestry, Gina says, ‘in the Aboriginal way, you are what your mother is, so that makes me Luridga.’

Her mum was eventually rescued from slavery by R. M. Williams, and she worked for him for many years as a nanny. Gina was taught her Aboriginal ways by her aunty on her mother’s side, Jenny Stewart. It was Jenny who told her that her Dreaming was Perenti. Gina’s Dreaming area is one of those under threat from mining exploration.

‘If the mining companies rip up my Story, what will I have to pass on to my kids? The land is like a book – the stories of our people and ancestors are in the land. Mining takes those stories and destroys them as surely as if they were ripping pages from a book. If our Dreamings are gone, it will mean the end of our Culture.’

Gina explained that many non-Aboriginal people misunderstand what ‘Dreaming’ or ‘Dreamtime’ means.

‘Dreamings give our history, our origins, where we started from. They are not made-up stories, they are factual events from long ago. Our people have made them into stories so that they are easier for the children to understand. Once people are initiated, they learn all the details about the whole story. Traditionally, our people kept no written history; the stories are written in the land. Sometimes these stories overlap – where this happens it forms a Dreaming path. Our Dreaming determines what sort of people we are; it gives us a path into the future while giving us an understanding of the past. Mining is one enemy of the Dreaming because when people give their Dreaming away (by allowing mining) it is damaged or destroyed, and so they give away their history and origins.

‘Aboriginal people can never be a family until they get their land. The Culture is part of the land, it is in the land. We look after the land, and live with it, never against it. Modern [Western] society is different – it has forgotten many things, and forgets about the land. It uses land as a thing that has no life of its own. There is much to learn from Aboriginal people.

‘We have been affected in many ways by losing access to our lands. We’ve lost our native foods because of the grazing. There have been many extinctions of native animals. We have lost our medicines. Things have gone that we will never see again.’

It is clear that Aboriginal people have an understanding of the environment that is based on observation over thousands of generations. Non-Aboriginal people have substituted science for observation in their attempts to understand the environment. In contrast, Aboriginal people have been given stories and because of the strength of their culture, been able to survive for so long on this continent.

Western agriculture and lifestyles have destroyed or degraded huge areas of Australia in only 200 years. This raises questions about the long-term survival of humans in Australia.

‘My people have memories and stories going back a long time. My father tells us of the time when animals and people were bigger – big kangaroos, emus, wombats. Our people remember when the land was tropical, covered in rainforest, even up past Uluru [Ayers Rock]. Lake Callabonna was all forested around the shore. Then a great drought came, and the big animals died out.’

Aboriginal people know exactly what lies under the ground, and what the effects will be where the land is mis-treated. They know not to dig up Yellowcake – ‘that it will poison them, eat them up from the inside. Mt Painter [in South Australia] should never have been mined.’

The Aboriginal people of the interior had to survive the atomic testing that happened in the 1950s. They called the black clouds that burnt the skin and eyes the ‘mumoo’ (devil) cloud. Many people lost their eyesight, especially children. Many people died. The people were never warned about the dangers of the radiation. Gina recounts stories of people still living who have spots on their skin to this day – spots that appeared soon after the clouds. She tells of hunting kangaroos in the Watson Creek area (near the Maralinga tests). Kangaroos that looked normal had their internal organs mixed up and in the wrong places.

Now her land is threatened once again from radiation. She believes that recent leaks from the tailing dams at the Olympic Dam (Rexby Downs) mine have entered the Great Artesian Basin that underlies much of inland Australia. The basin is the source of drinking water, and people are getting boils from drinking the water. Some doctors have suggested...
The land is like a book – the stories of our people and ancestors are in the land. Mining takes those stories and destroys them as surely as if they were ripping pages from a book. If our dreams are gone, it will mean the end of our Culture."

The land claim has been lodged on behalf of Lockley Stewart and Clancy Camp, who are members of a Southern Aranda association called the Eringga Aboriginal Corporation. Aboriginal people from the Oodnadatta and Finke area as well as other areas, have maintained their links to the area despite dispossession and forced relocation. Under the Native Title Act pastoral leases overrule Native title. "However, we have maintained our connection to the land. We have our Dreamings, we have blood connections to that land, our people are connected to the land."

A State-based tribunal is currently being set up in South Australia which will consider land claims. Gina has great visions for the land once her people have their land back.

"We want to make a small community between Elringa and Blacks Creek. We will develop the community on tableland country so as not to affect the watercourses. We will live on the land wisely and recycle everything. You can even recycle sewage to create methane for cooking and heating and use the leftover straw into a cup of water – they are sucking all the water out. Already the water table is dropping and many of the mound springs [unique springs that occur where the Artesian Basin appears at ground level] are drying up. Mining will disrupt the ecosystems of the area. We don't want this. Mining also affects the native flora and fauna – they want to survive as well. The Mound Springs are unique, there are animals in each spring that don't exist anywhere else."

"If we lose them, we all lose something. Aboriginal and non-Aboriginal people. Mining companies are robbing Australia of a unique heritage that we can't get back."

"If mining companies are properly managed, that land can be used. We want planning and management rules, we don't want just a fast buck. The mining companies are only interested in short-term profit. We need to keep on mining and planning for the land. There are proposals to put more mining towns up in the north of South Australia. They will draw more water out. We need to develop ways of fixing things up when they're done. We need to get the dream up and running. We need to be proud in looking after the land."

The companies keep saying that they don't do much damage, or that they always fix things up when they're done. But there are some things you just can't put back.

"There is no way these companies are going to do anything like it was. If we want culture, we must preserve the land. We can combine the best of today's technology with the knowledge of yesterday so that culture can live on. We can see tourists coming here to learn from the land. We will build walkways in the areas where walking might cause damage or erosion."

"Mining is a threat for many reasons. 'It uses lots of water from the Great Artesian Basin. The burial sites are dug up. The companies keep saying that they don't do much damage, or that they always fix things up when they're done. But there are some things you just can't put back. That land is harsh country – water is more precious than gold, as all life depends on it. It is like the companies put a straw into a cup of water – they are sucking all the water out. Already the water table is dropping and many of the mound springs [unique springs that occur where the Artesian Basin appears at ground level] are drying up. Mining will disrupt the ecosystems of the area. We don't want this. Mining also affects the native flora and fauna – they want to survive as well. The Mound Springs are unique, there are animals in each spring that don't exist anywhere else."

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One of the issues that will become increasingly important for environmentalists is that of joint management of national parks between traditional owners and management authorities. While some environment groups have expressed concerns about 'over-hunting' and the possibility of extinction, the majority of environmental organisations recognise the need for Aboriginal involvement in management.

An example of where this has occurred is in the Uluru National Park in the Northern Territory. This is a very rare phenomenon. Recognising the need to incorporate western scientific knowledge with the longer-term perspective of Aboriginal people, a number of studies have been carried out to attempt to integrate the two sources of knowledge.
for use as a national park. A Board of Management was established, which has a majority of Anangu. As part of ongoing research into management strategies, the CSIRO Division of Wildlife and Ecology was commissioned by ANCA to carry out a survey of the vertebrate fauna of Uluru National Park. The purpose of the survey was to maximize the chances of maintaining the vertebrate species that exist in the Park. The survey was commissioned after the approval of the Board of Management and the Mutitjulu Community, and Anangu participated in all aspects of site selection and later stages of the survey.

In addition to the usual sampling techniques as applied by western ecologists, specialist services were provided by Anangu consultants. These included identification of animal tracks, scats and calls, the capture of certain animals, information on the location of scarce animals and on locally or regionally extinct mammals, information on the traditional use of fire as a management tool, information on habitat classifications and the major climatic influences that affect animal distribution. Once the fieldwork was completed, a review was made of the vast amount of traditional knowledge that had been collected. This information was translated into English and the need for certain information not to go to people other than those who have the right under traditional law.

Aboriginal people are able to determine their own work practices in keeping with their own culture; and sufficient time is given for negotiations with the community. If these guidelines are followed, the chances for success and collaboration are improved, with tangible outcomes for Aboriginal and non-Aboriginal land managers and others such as tourists, as well as for the environment itself.

Sources

In 1993, the Yorta Yorta people lodged a land rights claim for lands in the Murray-Goulburn region. Wayne Atkinson provides a context for the claim.

INCE THE advent of the European invasion into Yorta Yorta Tribal Lands in the 1840s, the Yorta Yorta people, through their representative organisations, have been continually seeking justice for the dispossessions of their land and the destruction to their traditional culture and heritage. The Yorta Yorta people claim for the return of areas of land that formed part of their traditional lands, and for compensation for loss of land and the destruction of cultural and heritage.

This article is based on the work of Julian Reid who is an ecological consultant based in Alice Springs with the CSIRO for the past five years. He specialises in biological surveys and conservation management of arid zone environments.

Yorta Yorta struggle for justice continues...

This is an amazing example of the strength and courage of Aboriginal society, and a sad reflection on the misguided beliefs and brutality of those who were responsible for this large-scale genocide.

The outcome of the frontier period in the Yorta Yorta region is analogous to other areas where the European invasion brought havoc. The Yorta Yorta were dispossessed of their traditional lands and left to exist on an existence on the edges of European settlements as remnant tribal groups. As in other parts of the frontier, violence continued as Aboriginal groups resisted the wholesale dispossession of their land and the mistreatment and abuse of Aboriginal women by European men.

Against this brief background one can reconstruct a rather idyllic picture of traditional Yorta Yorta lifestyle. It is clear that the people did not want for anything in terms of food and their lifestyle fits nicely into the picture of hunter-gatherer societies which Sahlins describes as "the original affluent societies". This concept applies to those traditional societies which lived a relatively rich lifestyle in terms of food resources, and the quest for food required a minimal amount of energy input thus allowing a large amount of time for leisure activities. In this context, the average amount of time the Yorta Yorta spent in acquiring food was about three-and-a-half hours per day, and the rest of their time was devoted to the development of cultural traditions and philosophy. When considered in light of today's work input and leisure hours this is a rather ideal situation that most, if not all, people would like to have.

Whilst this image may provide us with an idyllic situation, it must also be said that there were difficult times, and Yorta Yorta society was not totally free of upheavals and conflict. It does seem that they were able to deal with these situations as they arose and were able to maintain social cohesion. But most importantly their links with the tribal land which was the basis of their cultural identity and existence were unbroken since time immemorial. The integrity of this lifestyle and culture speaks for itself, and the most outstanding aspect is that whatever difficulties may have been they survived most admirably.

The arrival of Europeans, however, was to have a devastating impact on traditional groups such as the Yorta Yorta. Within the first generation of the European invasion, the Yorta Yorta population was reduced by 85 per cent and all indications at that time, particularly when viewed against the extent of this destruction, is that they would eventually be wiped out as a distinct cultural group. Their ability to withstand these forces and to survive as a people is an amazing example of the strength and courage of Aboriginal society, and a sad reflection on the misguided beliefs and brutality of those who were responsible for this large-scale genocide.

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The remaining Yorta Yorta population and other tribal groups from neighbouring areas were eventually relocated at Maloga Mission on the New South Wales side of the Murray River in 1874. Maloga was eventually closed and
the residents relocated to Cummmuragunja in 1889 which became the place where the Yorta Yorta were able to regroup after the holocaust. It also provided a base for the development of what became the Aboriginal political movement in the 1930s.

A small group of Yorta Yorta people being consciously aware of the legacy they were left with as a result of the European invasion were active in setting up the first Aboriginal organisations. These organisations, such as the Aboriginal Progressive Association in Sydney in 1937, and the Australian Aborigines League in Melbourne in 1932, were responsible for raising the consciousness of the general community to the plight of the Aboriginal people. They demanded that Aboriginal people be given full citizenship rights, including the right to land and to retain their own unique cultural identity. Social justice and equity were a major part of their policy objectives and the issue of land rights and compensation was at the forefront of their struggle.

Both these organisations gained major support from the Koori people in Aboriginal affairs, and were the forebears of springboards from which other organisations on both the state and national level began.

Other political activity in this period which involved Cummmuragunja residents was the 1939 "walk off" in which the majority of residents packed up and walked out in protest against the living conditions, the leasing of most of the reserve land to a European, and the restrictive laws of the reserve system.

Whilst Cummmuragunja residents were active on the broader front they also fought their own struggle at the local level.

Between 1860 and the present they have been continuously demanding land and compensation for past injustices they have suffered. As early as 1860 members of the Yorta Yorta demanded compensation from Victorian authorities for the destruction of their natural hunting arms by paddle steamers. The demand was for a tax of 10 pounds ($20) to be imposed on each steamer passing up and down the river to be expended in supplying food to the natives in lieu of the fish which had been driven away. Whilst these demands were unsuccessful, it does illustrate however that as early as 1860 they were well aware of their indigenous rights and were quick to exercise them. Following the 1860 endeavour, there were continuous attempts to claim land and compensation which have been documented in a chronology of the Yorta Yorta people's struggle for land and compensation.

Between 1860 and 1993 there were at least seventeen separate attempts by the Yorta Yorta people for land and compensation. The only successful claim was the granting of 1,200 acres of the former Cummmuragunja Reserve, which had originally been 2,965 acres, to the Yorta Yorta Land Council in 1983. The land which was granted under insalubrious freehold title, when considered in context of the traditional Yorta Yorta territories of thousands of square miles, was a mere pittance of their traditional land basis.

The most recent claims for the Barren- 
mah and adjoining forests were lodged in 1984 and 1993. The 1984 claim was prepared by the Yorta Yorta Tribal Council which has since been superseded by the Yorta Yorta Murray-Goulburn River Clans Inc. (YYM-GRC). The claim was for the return of the Barren Forest to its traditional owners and for compensation for its use and the destruction of traditional culture. A prior unsuccessful claim to the same area, the Moira Forest was made to the Victorian Government in 1975 by the Aborigines Advanced League.

The 1984 claim and all other claims have been the same in intent. The Yorta Yorta people have exercised their natural rights as the indigenous occupants and owners of the forest. Furthermore the Yorta Yorta have shown through oral documentary and material evidence that their social, spiritual, economic, and cultural links with the area have never been broken since time immemorial.

In other words they can clearly demonstrate that their relationship with the area has been long and continuous. Today the forest is still regarded by the Yorta Yorta people as a significant part of their tribal land which was taken from them by force, the resting place of their ancestors, who are buried there and their spirits, and the looeping place of their cultural heritage.

Legal basis

The legal basis for the claim, which was prepared in 1984, asserts that in 1967 a referendum was conducted in which an overwhelming majority of the people of Australia voted to amend the Constitution so that the Federal Parliament would have the power to legislate for the... peace order and good government of the commonwealth with respect to the people of any race, including the Aboriginal race of Australia, for which it is deemed necessary to make special laws. (S.51, xix, Commonwealth Constitution)

This effectively gave the Federal Parliament over-riding powers in Aboriginal affairs with respect to the states. The Commonwealth is authorized by the Constitution to legislate with regard to specific matters; in the ordinary course of events, where a conflict arises between the state and federal laws, the Commonwealth law shall prevail to the extent of inconsistency.

The Australian Government is also a signatory to the International Covenant on Political and Civil Rights. Article 27 states:

[...]

The land and its resources are an integral part of their cultural heritage. This power was asserted in the Australian Constitution when the Commonwealth was given power under Section 51(xxix) of the Constitution to legislate for the peace order and good government of the commonwealth with respect to the states. By 1975, the Aborigines Advancement League had contributed to the passage of the Aborigines (Land Rights) Act 1975 which gave the Commonwealth the power under s.51(xxix) to legislate for the peace order and good government of the commonwealth with respect to the states. This effectively gave the Commonwealth over-riding powers in Aboriginal affairs with respect to the states. The Commonwealth is authorized by the Constitution to legislate with regard to specific matters; in the ordinary course of events, where a conflict arises between the state and federal laws, the Commonwealth law shall prevail to the extent of inconsistency.

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The land is an inextricable part of culture, and the two are inseparable in Aboriginal belief. The Commonwealth may therefore legislate to implement an international law or covenant, such as the above, pursuant to its External and Foreign Affairs power under S.51 (xxxii) of the Constitution. This power was asserted in the Tasmanian Dam case in the High Court in 1983, along with the power under S.51 (xxxiv), of the Constitution.

Further to these federal jurisdictions, the Maho decision has thrown new light on the situation. The implications of the Maho decision establish that the legal fiction of terra nullius has been finally put to rest and there is a stronger case for indigenous rights in Australia where groups can establish they have continued links with certain areas. The Yorta Yorta claim fits neatly into this criteria and is further strengthened by the final 'Management Report' (1993) of the Department of Conservation and Natural Resources which clearly recognises the Yorta Yorta people's continued associations with the area.

On the State level the Victorian Government has granted land to Aboriginal groups. In 1975 it granted 5,000 square kilometres of land to the Yorta Yorta people. The region is predominately forested, and includes the Barren Forest, the largest remaining red gum forest on the Murray. In addition to the claim for land that is in a relatively 'unimproved' condition, the Yorta Yorta are seeking compensation for the remaining 10,000 square kilometres of their traditional country. This constitutes the land that was appropriated in the past and converted to freehold and leasehold, thereby extinguishing' native title according to the Native Title Legislation. The amount being sought is not known at present. It will, however, provide a sound economic basis for the Yorta Yorta Murray Goulburn Clans.

It appears that this claim is one of the strongest in this part of Australia, as it meets the fundamental legal criteria of uninterrupted connection with the land. The Native Title Tribunal is advertising the claim to people who may be affected by the claim. It will then seek to negotiate a settlement amongst the parties. If that fails, the issue will go to the Federal Court.

Referances

Koori: a term is used in New South Wales and Victoria in preference to Aboriginal.

Curtis, 1883: 107, 120.
Sahlins, 1974: chapter 1.
Nettheim, 1984: 4-5.
McRae, 1984: 19.
Nettheim, 1984: 4-5.
Tindale, 1947: 207.
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Tindale, 1947: 207.
Nettheim, 1984: 4-5.
Tindale, 1947: 207.
Nettheim, 1984: 4-5.
Paying the Rent

One form of recognition of Aboriginal people by non-aboriginal people is a method of paying the rent. Bernadette McCartney and Robert Thorpe outline the history of the pay the rent concept and suggest strategies for its extension.

"You are with the consent of the natives to take possession of convenient situations in the country in the name of the King of Great Britain or, if you find the country uninhabited, take possession for His Majesty by setting up proper marks and inscriptions, as first discoverers and possessors."

Such were the instructions given to Captain Cook in 1788, on his entry to Australia. However, history tells us that Cook did not follow these instructions; instead he declared the land terra nullius (empty land), the legal fiction that this country was subsequently built on. But terra nullius has now been overthrown by the High Court Mabo decision and it has become clear that the system/government is not prepared to act with honour. It has become apparent that there needs to be a grassroots-based process that will fulfill the needs of Aboriginal and non-Aboriginal people.

With the advent of the Native Title legislation, some Aboriginal people have argued for the land they believe they have ancestors in. Some Aboriginal people, whilst they have been dissatisfied with the consultation process that surrounded the legislation, are nevertheless lodging a claim with the Native Title Tribunal. Other members of the community, however, have a very different perspective. They see Native Title as a British concept and to accept the legislation is to ultimately accept British sovereignty which further enmeshes Aboriginal people into a non-Aboriginal legal framework. Furthermore they believe that if Aboriginal people acquiesce to British sovereignty, then they must forfeit their own lore. Perhaps the search for title should lie in the need for Radical Title, which is absolute control over the land, and was the situation before the white invasion of Australia.

One of the most disappointing outcomes of the native title debate was the absence of any real and meaningful debate about the land and sovereignty. The term sovereignty, in this context, can best be described as Aboriginal people's relationship to and respect for the land. Sovereignty, in fact, forms the basis of the Pay the Rent concept.

What is Pay the Rent?

Pay the Rent has been described as the only reasonable, responsible and rational way for non-aboriginal people to form and maintain relationships with Aboriginal people. If people are to understand and be part of the concept and ultimately participate in the process, then there must be an acknowledgment of the real history of this country. There must be a willingness to take responsibility for the past the individual plays in society today and there must be a commitment to forming relationships with Aboriginal people that are built on honour.

Pay the Rent validates non-Aboriginal people's occupation in this country. It enables non-Aboriginal Australian people to work towards the eventual elimination of government control over Aboriginal people's lives, to help end welfare dependency and to support Aboriginal people in their struggle for real self-determination.

The Pay the Rent concept is more than a financial commitment. It involves an often radical reassessment of our relationship with this land and its sovereign owners. It relies on people facing the truth about the real history of this country and dealing with this. A history dominated by genocidal acts of the so-called founders of this country.

The History of Pay the Rent

While Pay the Rent may be a new concept for some, the reality is that it has a long and illustrious history. It has survived the 206 years of occupation and it has the potential to create real and lasting change for Aboriginal people. It has been documented that in 1853 the British Colonial Office sent specific instructions to the settlers in South Australia, to reserve land for Aboriginal people and pay rent for the land that they used. This request was repeated in 1857, this time in Western Australia. In the early 1950s Mary Clarke, an elder from Framlingham Mission near Warmunbool, instructed local government officials to pay the rent.

The Pay the Rent concept was crystallised and formalised by Aboriginal activist Dennis Walker on behalf of the National Aboriginal and Islander Health Organisation in the 1970s. In his works, Dennis Walker encourages non-Aboriginal people to pay one cent of their annual gross income towards a local community controlled Aboriginal organisation.

During the 1980s and early 1990s, the Koori Information Centre in Melbourne crystallised and formalised the process by which non-Aboriginal people could Pay the Rent. The formation of the Pay the Rent Action Group is the result of relationships formed at the Koori Information Centre. The centre also played a vital role in educating many non-Aboriginal people about the real history of this country.

The Future of Pay the Rent

In 1994 this campaign has only reached a fraction of its potential, but more non-Aboriginal organisations and individuals have taken the progressive step of Paying the Rent. The Pay the Rent Action Group plans to facilitate many actions that will promote Pay the Rent schemes and directly challenge institutions that play a key part in the continued oppression of Aboriginal people today.

Our ultimate vision would be for non-Aboriginal people all over Australia to contribute rent to their local Aboriginal-controlled community organisation; there are organisations all over Australia that fulfil this criteria. This vision would enable real self determination and economic independence rather than the empty concepts promoted by many politicians. The time has come to Pay the Rent.

Bernadette McCartney is an activist who has been campaigning in solidarity with Aboriginal people for the past four years and Robert Thorpe is from the Gomul nation as Victoria, a tireless and energetic campaigner in the struggle for self-determination for over 20 years, his main focus for the past 12 years has been providing Pay the rent through action and education.

For more information on Pay the Rent, contact Bernadette or Robert on (03) 419 0752.

TOWARDS ABORIGINAL SOVEREIGNTY: ABORIGINAL PROVISIONAL GOVERNMENT

The Aboriginal Provisional Government (APG) was established in July 1990. Michael Mansell outlines some visions of the APG.

The APG views its role as the process to change the situation in Australia so that instead of white people determining the rights of Aboriginal people, it will be the Aboriginal people who do it. In previous times, even when government policy was supportive of Aborigines, helpful policies at the time re-enforced white domination of Aborigines. For example, Land Rights and Freehold Rights legislation in the Northern Territory retains absolute ownership of that land for the Australian government but gives certain rights to Aborigines. If the white government ever replaced the legislation, the land would automatically revert to the white government.

The second important change sought by the APG relates to the status of the relationship between Aborigines and whites in this country. Until now, Aborigines have always been regarded as nothing more than a minority group in Australian society. The APG rejects that, insisting that nobody in the world has any greater right that Aborigines to determine what it is that we desire.

Thirdly, the APG believes that, despite the fantastic work done by Aboriginal organisations throughout our country, Aboriginal People still are not able to fully accept responsibility for determining the long term future. Organisations have essentially been service delivery organisations, snowed under all the day to day crises of a poorly treated people. They have been so busy trying to keep their communities alive that they have had little opposition and implemented policies aimed at giving effective control of Aboriginal communities back to the communities themselves: The APG sees itself playing a major role in filling this void.

Fourthly, the APG saw nothing to indicate that there was ever going to be a change from continual reliance upon the white welfare system and being forced to participate in the Australian political system: APG members recognised the need for a body which, by virtue of its name and purpose, would set a new theme and plan for the long term destiny of Aboriginal people. We believe the APG does this.

For information contact: Michael Mansell, Aboriginal Provisional Government, GPO Box 569F, Hobart TAS 7001 Tel: (002) 348 311.
A treaty for all

The way to recognise Aboriginal land title is to make a treaty, says Dennis Walker, and he outlines a process for doing this.

Aboriginal land title

says Dennis Walker, The
and he outlines a

Raq-wa

Chain Reaction Number 71

to recognise

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Cultural Heritage (NACCH) has been
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Taking the

negotiation with the Elders of the Abo­

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Essential to the settlement process is

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Essential to the settlement process is

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The Elders who are already sitting in

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On Straddie miner':

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It is the mandate of the NACCH to

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Essential to the settlement process is

A Treaty will heal the nation now be­
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Treaty process – in

• A treaty will heal the nation now be­
cause the matter can be settled at a
pace everyone can handle by negotia­
tion with the Elders, bloodline back to
teritory.

• Negotiated settlements can be made with anyone with a vested interest in the
territory. The final settlement is by way of
layed land title, by the recognition of
traditional titles and layering on of other
titles by way of agreement with the Elders
in Council, bloodline back to
teritory.

• Essential to the settlement process is

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fines this natural law thus: "Natural Law

natural law/lore. The invaders' law de­
cures all existing titles, sets a handle on

laws." The process of negotiation se­
the debate and allows business to go on.

"Vincent Lingiari, the traditional custodians of Minjerribah (North Stradbroke Island) whose Elders have been sitting in Council since October 1992, communicated his views regarding the Treaty process, recorded in the Cour­rier Mail, 21 June 1993, "Mabo deadline on Straddie miner":

"Ms Noonuccal, who lives on Strad­
broke, urged governments to meet tribal
groups to form treaties over Mabo. The
High Court's historic Mabo decision in
June 1992 rejected the long-held princi­ple of terra nullius - that the land was not
owned before British possession was de­
clared 200 years ago. It recognises prior
title by Aboriginals and Torres Strait Is­
laders in some cases."

"Ms Noonuccal said, 'The only way we're going to solve this problem, that is not of our own making, is to go for a
treaty having federal and state govern­ments meet every tribe in Australia at a
round table conference.'

Treaty process – in

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Feminism and the Mastery of Nature

By Val Plumwood, Routledge, 1993, 239 pp, $24.95 (Distributed in Australia by the Law Book Company)

Reviewed by Phoebe Thordylke.

In 1977 a group of Melbourne Women's Liberationists started what we were later told was the first ecofeminist collective in the world, long before the word was coined. The collective was valuable as a consciousness-raising exercise — like the 'Reagan Democrats' — as being a wrong strategy (he compares US and Australia voting systems to looking at the Franklin), and not one where the Liberals could maintain their constituency when their policies are put into practice.

Plumwood herself calls for an inclusionist approach which deals with the policy areas outlined earlier and is therefore able to include, or appeal to, various constituencies he believes could or perhaps should be with the Liberal Party.

This is an interesting, easy-to-read book.

Clare Henderson and Larry O' Loughlin are co-reviewers for Chain Reaction.

Feminism and the Mastery of Nature

Val Plumwood

Reviews

Is the Party Over? The Future of the Liberals

by Christopher Puplick, Text Publishing Co, 1994, 183pp, $16.95

Reviewed by Clare Henderson and Larry O'Loughlin

Christopher Puplick is a former Liberal Party Senator for New South Wales and was shadow minister for the environment from 1987 to 1990.

He has a difficult subject in writing about the Liberal Party, as it changed its leadership in April 1994, at a time when the book must have been well under way. Puplick did, however, manage to include some analysis of Downer and Costello's

Feminism and the Mastery of Nature

by Maria Mies and Vandana Shiva, Spinifex, 1993. 328pp, $29.95.

Reviewed by Phoebe Thordylke.

In 1977 a group of Melbourne Women's Liberationists started what we were later told was the first ecofeminist collective in the world, long before the word was coined. The collective was valuable as a consciousness-raising exercise — like the 'Reagan Democrats' — as being a wrong strategy (he compares US and Australia voting systems to looking at the Franklin), and not one where the Liberals could maintain their constituency when their policies are put into practice.

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Feminism and the Mastery of Nature

Val Plumwood
State of the World 1994


Reviewed by Maggie Hine

I read this book while travelling through the vast, ancient and beautiful land of central Australia. It was therefore, at times hard to comprehend the “State of the World” as depicted in this authoritative and comprehensive compendium of facts. The world it describes, accurately is continuing along a path of over exploitation due to population growth, high rates of resource consumption and poverty driving the global economy toward ecological bankruptcy.

The State of the World 1994 is the eleventh in this series of annual reports compiled by the Worldwatch Institute.
How to stop the expansion of uranium mining

The ALP National Conference in Hobart, 26-30 September 1994, has become a short term but important focus for anti-uranium activity in Australia. Everyone who can help in the weeks leading up to the Conference will be helping to stop the expansion of uranium mining in Australia.

Call, fax or write to one or three or all of the people listed below. Have a discussion with them. You will win any argument that arises using the points on the opposite side of this page.

The Centre Left is an ALP faction established to be in the middle of everything. As such, its members may have a large influence on the Conference vote. The Centre Left especially needs to be lobbied.

Contact one of the anti-nuclear groups listed below. Offer to help. Get more information. Report back on responses you get from the ALP decision-makers and shakers.

Thank you and good luck.

Write, fax or phone the following:

Senator Nick Sherry
(Co-convenor ALP Centre-Left Faction)
PO Box 838
Devonport TAS 7310
Ph: (004) 24 8241
Fax: (004) 24 8555

Rod Sawford MHR
(Co-convenor ALP Centre-Left Faction)
Customs House, 220 Commercial Rd
Port Adelaide SA 5015
Ph: (08) 47 7466
Fax: (08) 240 0018

The Hon. Paul Keating
Ct Parliament House
Canberra ACT 2600
Ph: (06) 277 7700
Fax: (06) 273 4100

Simon Balderstone
(Prime Minister’s Environment Adviser)
Ct Parliament House
Canberra Act 2600
Ph: (06) 277 7565
Fax: (06) 273 4100

Bob Carr MLA
(NSW Opposition Leader, Delegate)
441 Anzac Parade
Manly NSW 2035
Ph: (02) 349 6440
Fax: (02) 349 4594

Senator Chris Schacht
(Centre Left member)
Shop 2, 59 Main North Rd
Medindie Gardens SA 5081
Ph: (08) 344 8766
Fax: (08) 344 9355

Senator Michael Beahan
(Centre Left member, Senate President)
PO Box 28, Francis St
Northbridge WA 6865
Tel: (09) 227 6710
Fax: (09) 227 6750

Alannah MacTiernan MLC
(Delegate from WA, Centre Left)
PO Box 455
Armadale WA 6112
Tel: (09) 399 6328
Fax: (09) 497 1049

Barry Jones MHR
(President, Australian Labor Party)
PO Locked Bag 14
Werribee VIC 3030
Ph: (03) 742 5800
Fax: (03) 741 6213

Jack Snelling
(Australian Young Labor Delegate)
c/- Martyn Evans MP
Bank Court Elizabeth City Centre
Elizabeth SA 5112
Ph: (08) 255 6755
Fax: (08) 252 3055

Terry Cameron
(SA Branch State Secretary, Delegate from SA, Centre Left)
ALP
Trades Hall, 11 South Terrace
Adelaide SA 5000
Tel: (08) 211 8744
Fax: (08) 231 4095

Seek information from, or provide support to:

Ik Marks
Friends of the Earth
PO Box 222
Fitzroy VIC 3065
Ph: (03) 419 8700
Fax: (03) 416 2081

Ben Pearson
Greenpeace
41 Holt St
Sunny Hill NSW 2010
Ph: (02) 211 4066
Fax: (02) 211 4123

Mike Kroekenberger
Australian Conservation
Foundation
340 Core St
Fitzroy VIC 3065
Ph: (03) 416 1166
Fax: (03) 416 0767

Jamie Pitock
Environment Centre NT
GPO Box 2120
Darwin NT 0801
Ph: (089) 812 532
Fax: (089) 410 387
The mining industry is campaigning to get the ALP to change its policy on uranium mining at the ALP National Conference in September 1994. The basic argument is that there will be a ‘window of opportunity’ for Australia to gain from a projected boom in the uranium market in the late 1990s. The push for more uranium mining is based on projections of an expanded nuclear power generation program. Some people in the ALP seem ready to believe this and accept more uranium mining as a good idea.

Why we should oppose uranium mining

**nuclear power**
- all nuclear power generation creates waste for which there is no safe means of disposal

**nuclear weapons**
- more available uranium means that it is easier and cheaper for the makers of nuclear weapons

**economics**
- uranium mines provide profits for their operators (sometimes) ahead of governments and local communities
- uranium mining creates relatively few jobs for the money invested in it
- both the Australian uranium mines – Roxby and Ranger – are operating well under capacity

**economic alternatives**
- Australia has the potential to provide a lead in promoting environmental friendly energy technologies
- energy saving technologies have much greater potential for job creation than nuclear-based industries

**Aboriginal land rights**
- Aboriginal land rights are supported – self determination does not include infringing the rights of others
- the issue of mining often divides Aboriginal communities – there is no consensus for or against
- Aboriginal communities should not be put in a position where they economically ‘need’ uranium mining

**Dollars for Australia?**
- but how much should Australia contribute to long term waste storage, decontamination and compensation?

**health**
- there is no safe level of exposure to radiation

**local environmental effects**
- both the currently operating mines have a history of local environmental damage

**community opinion**
- the community generally is opposed to uranium mining and other parts of the nuclear industry

For campaign details see over page