

# Chain Reaction

Friends of the Earth Australia

Number 71

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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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.

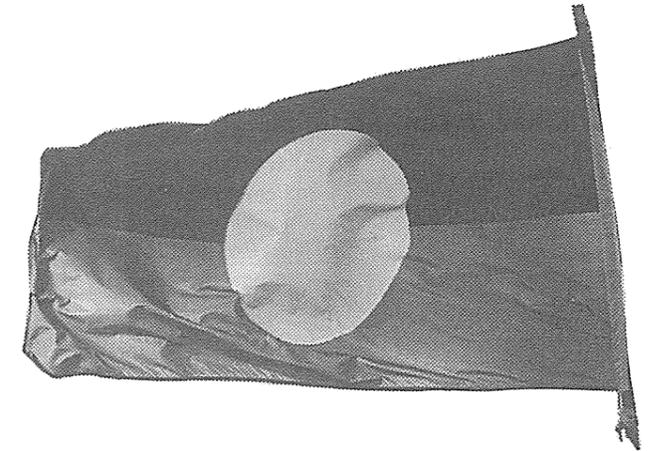
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## Environmentally Friendly Reading

### Inside Black Australia: An Anthology of Aboriginal Poetry

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

These are just two of the many great new titles we have at the new-look FOE Bookshop. So come in and check them out. If you can't get in here in person, ask for a catalogue of our stock.

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# Letters

## 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 by 3 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, adjoining the fish, 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.

in the town of Esk.

Together with the Queensland Conservation Council and the Queensland Greens Party they have lobbied local, state and federal authorities. So far these efforts have been in vain.

In February 1994 about thirty young activists from the West End area in Brisbane became involved and started direct actions.

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 fa-

cility 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 to halt 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 interested.

A train crash 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.

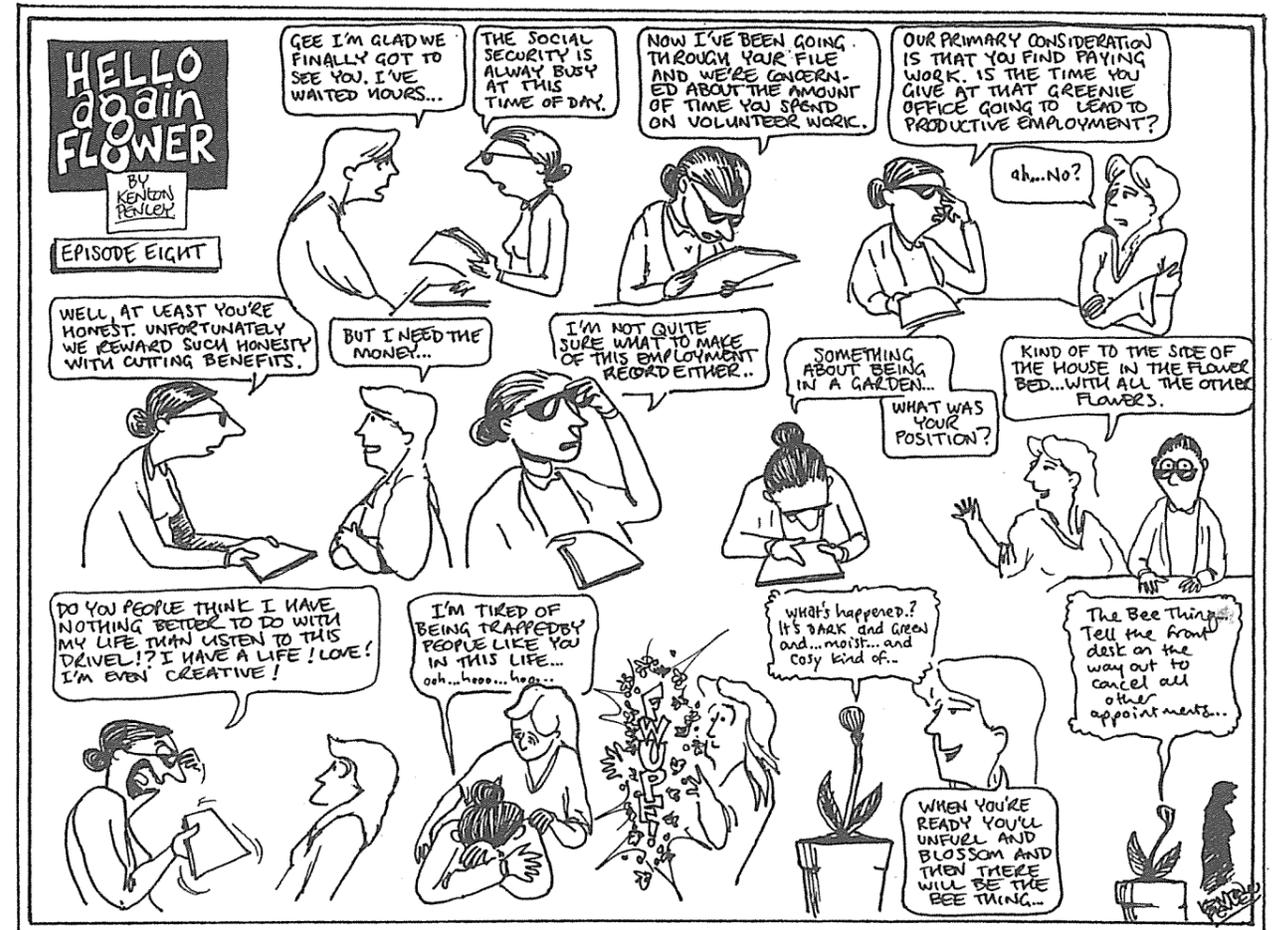
Although the container with the radioactive material was not damaged, in the near future the transport of radioactive waste in this part of the State will increase, yet nothing has been done to re-adjust local roads and rail-ways to cope.

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

## Importance of good terminology

I recently saw a documentary on SBS here in Adelaide about the clear-felling 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 those 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, in 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, day old 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 unfortunate in another way too. Logging companies claim they are simply removing 'old' forests and will of course replace them with 'new' forests. A sort of sustainable 'harvesting'. But in reality a clearfell 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' – which to me suggests something old and static, not something dynamic and on-going. 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 forwarded 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 environmentally sound (new trees use up more CO<sub>2</sub> than old ones, don't they?), or progressive (getting rid of the old that has had its day anyway, but the first is simply unthink-

able ... 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.

Garth Dutton  
Goodwood, SA

## Children 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 puerile name 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 is taken to lift our children and young people out of the poverty and despair caused by the Government's economic rationalist policies.

Senator Sid Spindler  
Democrat Spokesperson on  
Law and Justice

# Letters to write

## FORESTS

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

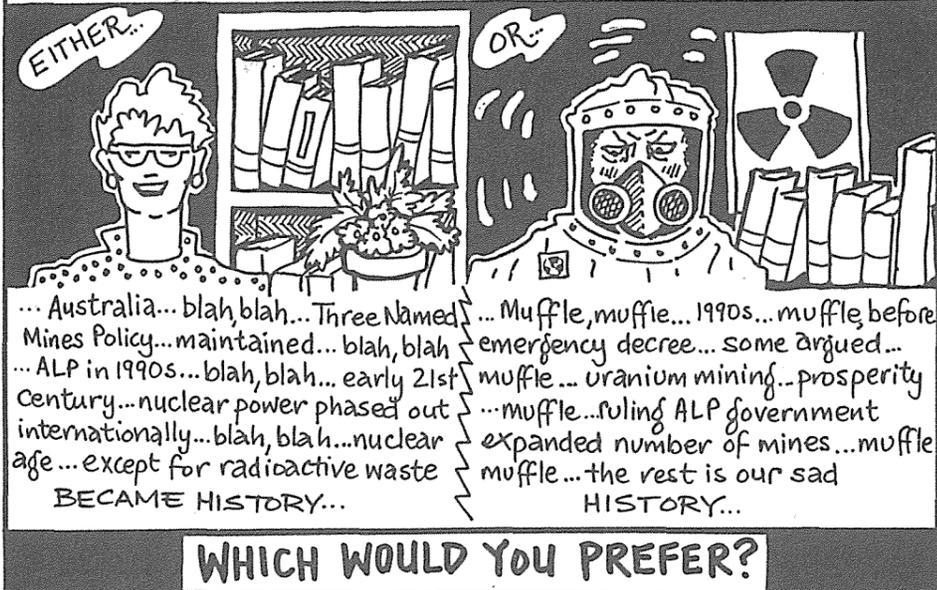
Dear Prime Minister

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 ...

## HISTORIANS OF THE TWENTY-FIRST CENTURY



Dear ALP Conference Delegate  
On social, environmental and health grounds and in order to avoid a legacy of radioactive waste for the future, I urge you to oppose any uranium mining in Australia.  
Yours sincerely

## 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.

The Federal Coalition is supporting calls for a review of the Act and the Federal opposition environment and heritage spokesperson, Ian McLachlan described the decision as 'outrageous'.

Source: Green Left Weekly  
July 20 1994.



## 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 Victoria candidate has stood in a State seat.

Coburg is traditionally regarded as a safe Labor seat, although Independents have performed well over the years.

It was an interesting litmus test, offering an opportunity to determine the amount of backlash against the Kennett government; the strength of the ALP opposition, and the alignment of Independents.

The Greens chose not to allocate preferences as there

was 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 councillors.

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

# Earth News

## Nuclear talkfest

In May 1994 the Sydney Hilton was the venue for the 9th Pacific Basin Nuclear Conference (PBNC) which was hosted by the Australian Nuclear Association, under the auspices of the American Nuclear Society and the Pacific Nuclear Council and aimed at promoting the development of all aspects of nuclear technology, particularly in the Asia-Pacific region.

The 450 delegates came from a range of nations and included most of the major international players and they were joined by local industry.

One major theme of the conference was the industry's need to sell itself to an increasingly reluctant public.

Speakers bemoaned the effectiveness of the anti-nuclear movement in curtailing the growth of nuclear technology. This continuing opposition, along with the demonstrated failure of the industry to realise its self appointed goals and falling

public acceptance of all things nuclear has caused a crisis of confidence in the industry.

Significant time and energy was devoted to public acceptance of nuclear power, in particular. The dominant image that emerged was one of an industry under siege. Delegates spoke of the need to create 'new constituencies of support' or to face a future in which nuclear technology is increasingly viewed as inefficient, unsafe and obsolete.

To this end promotional campaigns are being targeted towards specific groups and sectors of society in order to convince them that, despite Sellafield, Three Mile Island, Chernobyl and the ever growing problem of nuclear waste, nuclear power is in fact clean and green.

Research commissioned by AECL (Canada) has identified women as foremost among those most resistant to the assurances of nuclear technocrats and accordingly it is women who are to be increasingly targeted by company and industry propaganda. One vehicle for this is an organisation known as Women in Nuclear (WIN) which aims to have women in the industry convince women in the community that all is well in atom-land.

*Source: Stick Together - national public radio program*



## 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 are 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 proven unsafe in America and other places. The first thing is to stop production and in Australia, that means ceasing to mine uranium. The next is to acknowledge that at this point in time the most appropriate way to store radioactive waste is in facilities where it can be closely monitored, that is, above-ground, retrievable, dry and open to public scrutiny.'

*Copies of the discussion paper are available from: Brian Johnstone Ph: (06) 277 7520.*

## 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 reserve 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 with mandatory goals for waste minimisation - and an end to privatisation of waste disposal services.
- a moratorium on further freeway development and major expansion of the public transport system throughout NSW.
- effective legislation to stop further vegetation clearance
- legislation which requires clear pollution reduction targets and contains community right-to-know provisions.
- comprehensive endangered 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 labelling 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 therapeutic 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: Multinational Monitor, May 1994.*

## Returnable on the comeback

Returnable bottles are starting to rattle their competitors in Eastern Australia, with both the ACT and NSW Governments considering Container Deposit Legislation (CDL).

At present South Australia is the only State to have CDL which helps to see up to 97 per cent of deposit bearing containers returned by consumers for reuse and recycling. The one litre refillable glass Coke bottle is returned and re-used an average of 33 times before being recycled to make a new bottle.

In comparison to CDL kerbside collection of drink containers in Australia achieves low return rates, fails to encourage reuse, suffers collection inefficiencies, is uneconomic for councils, requires a significant subsidisation by rate payers, and increases drink prices to consumers.

*Source: Do the Right Thing Newsletter, September 1994.*

## Endosulfan ban

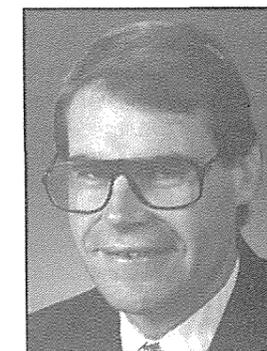
The Pesticide Action Network (PAN Asia) has called for a citizen's campaign to ban and withdraw the manufacture, sale and distribution of endosulfan.

PAN has released an expose of endosulfan and triphenyltin 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: (604) 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 environment issues as evidenced by his speech launching a State of the Environment Reporting Framework. He declared, among 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 or when it should give up on the Minister and his government as agents for change.

*Source: Speech by John Faulkner, 28 June 1994; Habitat, August 1994.*



# Earth News

## Forest Conference

The Native Forest Network will be hosting a nationwide forest conference 24-25 October 1994, 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 3065.  
Ph: (03) 419 8700

## DEST Forest newsletter

The Forest Branch of the Department of Environment, has just started to produce a newsletter 'reporting on implementing the National Forest Policy Statement'.

One can only hope that it is a sign that some real action on forests is in the offing that can be reported on!

**Available from:** Jennie Ludlow, DEST, GPO Box 787, Canberra ACT 2601.  
Ph: (06) 274 1319

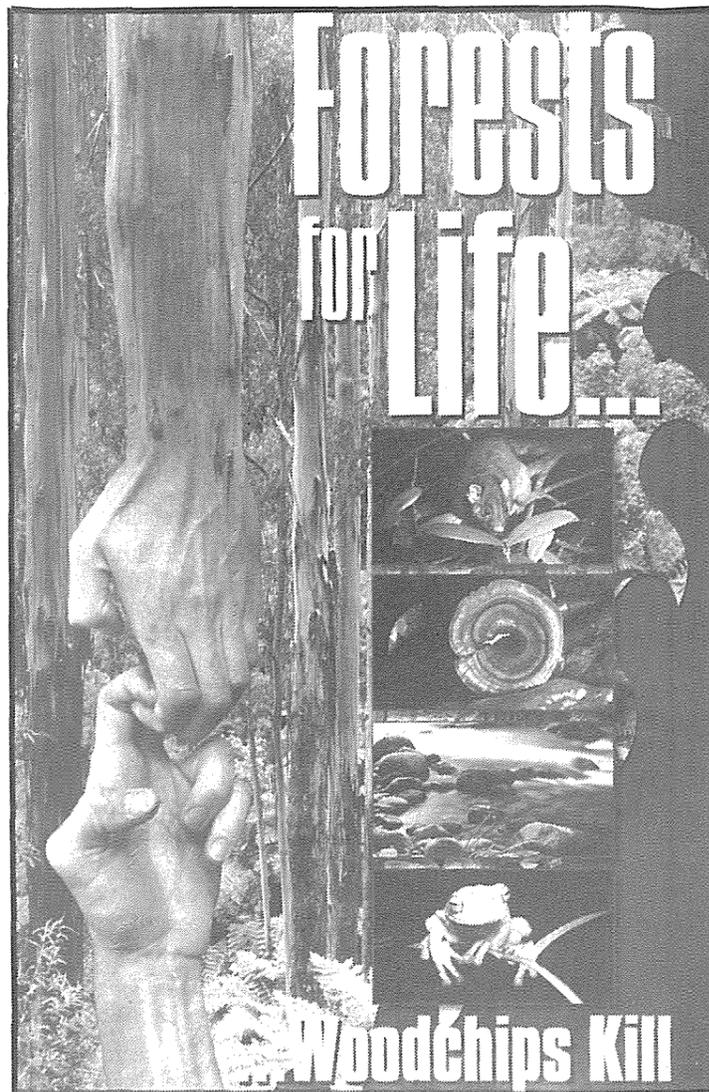
## Forest campaign gains speed

Fifty forest campaigners from twenty groups met 16 - 17 July 1994 in Canberra and agreed to a co-ordinated national forest campaign to end export woodchipping and to protect high conservation value forests. The group agreed:

- the 'moratorium' clause of the National Forest Policy Strategy - adopted by all Governments except Tasmania - should start immediately;
- the promised assessment of Tasmanian forests should begin immediately to enable consideration for inclusion on the World Heritage List;
- no further woodchip export licenses should be granted and no extensions to licenses granted without a Commonwealth environmental impact assessment; and
- an audit of the compliance of existing licenses with endangered species conditions should be completed before renewals are considered.

The groups endorsed a national campaign strategy to ensure that export woodchipping from native forests ends as soon as possible.

**Source:** National Forest Summit Communiqué, 18 July 1994.



## No woodchipping - day of action

On 1 September 1994 a broad range of environment 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 licenses.

The environment movement is calling on the Federal Government to immediately implement the moratorium clause contained in the National Forest Policy Statement.

**Source:** Combined groups Press Release 1 September 1994; Information leaflet, September 1994.

## 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 miners 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.

Mr Morgan was widely condemned by both Labor and Liberal politicians and Aboriginal leaders for his racist comments during the public debate over Native Title that followed the High Court's Mabo decision.

At the signing ceremony Mr Morgan praised the development of the Anmatjere Community Government Council which he said shared with himself, 'a

strong distaste for people in Canberra'.

Mr Tilmouth described the agreement as a confused document which would be unlikely to have any legal standing as it is not within the powers of a Community Government Council to sign. He said the computer code, 'MABO48', which appears at the bottom of every page was intriguing.

'It would appear to be some sort of political stunt,' Mr Tilmouth said, 'I've had lawyers go through the agreement and they can find no benefit to Aboriginal people at all.'

'It pretends to be about protecting sacred sites, but it never clearly spells that out. The procedures that it proposes for dealings between the Council and the mining company are very weak and give all the power to the miner.'

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 would be the property of 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 neighbouring Alyawarr - people who say that their land is included in the map but they were never consulted about the agreement.

**Source:** Land Rights News, July 1994.

## Greenhouse amuck

Environment groups have criticised Federal and State Governments efforts to reduce greenhouse gas emissions.

In particular the environment groups criticised the governments for their tardiness in implementing cost-effective energy efficiency measures while continuing to push ahead with major policies and programs such as new freeways and coal fired power stations without regard to their greenhouse implications.

In September 1994, the Federal Government released the National Greenhouse Gas Inventory. The data reveals continued and strong growth in Australia's greenhouse gas emissions through the 1980s, with growth projected to continue throughout the 1990s.

The Inventory indicates that Australia will not be able to meet its current obligations for a reduction in greenhouse gas emissions, and rather that unless specific measures are

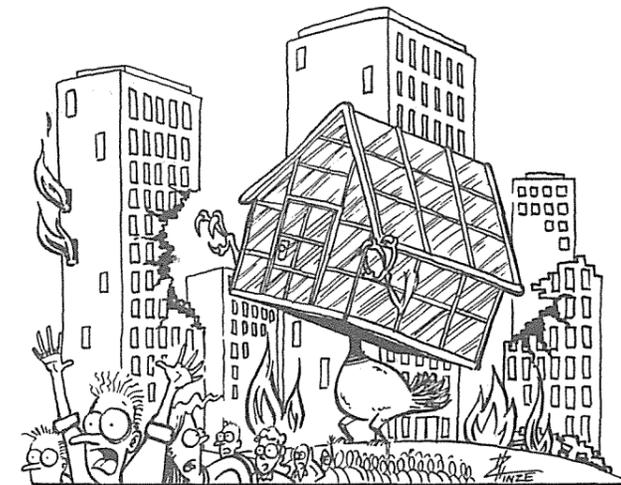
introduced our emissions are will continue to increase.

The Inventory forms part of Australia's National Communication on its efforts to meet greenhouse emissions targets, which is a requirement under the Climate Change Convention. The report will be formally submitted by the end of September 1994.

In response to the findings of the Inventory the Government has begun an intensive process, to be completed by December this year, to identify further actions that could be adopted by the Government in order to move Australia closer to meeting the emissions targets.

The International Convention on Climate Change is due to be re-negotiated in March 1995, there is some concern that the Australian Government will attempt to have the Convention weakened or will not sign it.

**Source:** Australian Conservation Foundation; Greenpeace; John Faulkner, Media Release 7 September 1994.



The Greenhouse Problem

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### 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 campaigns, 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 reappoint 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. Rennet, 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

**National Liaison Officers**  
Cam Walker, Leanne McLean & Linette Herriott (Fitzroy)

**International Liaison Officers**  
Dave Sweeney, Kathleen McCann (Fitzroy) & Diane Midas (Sydney)

**Peak Council representatives**  
Cam Walker, Clive Rosewarne (Fitzroy), Steve Baker (Nouveau), Lee Tan (Fitzroy), David Poulton (Perth), & Stuart White (Lismore)

**Chain Reaction editors**  
Clare Henderson & Larry O'Loughlin

### NATIONAL SPOKESPEOPLE

**Transport**  
Ted Floyd (Sydney) and Roman Orsanszki (Nouveau)

**Uranium**  
John Hallam (Sydney), and FOE Fitzroy anti-uranium collective

**Energy**  
Stuart White (Lismore)

**Genetic Engineering**  
Clive Rosewarne & Louise Macdonald (Fitzroy)

**Eco-Cities**  
Roman Orsanszki (Nouveau)

**Wetlands**  
Karri Giles (Fitzroy), Stephen Baker (Nouveau) & Dave Nurton (Willunga).

## How to form a Friends of the Earth group

*A five step guide on how to become active in one of the largest environment 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 circulate 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;
- expand the listing of wetlands protected by Ramsar; and
- 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 centres around three key concepts, and is designed to encourage community groups to think about the possibilities.

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.

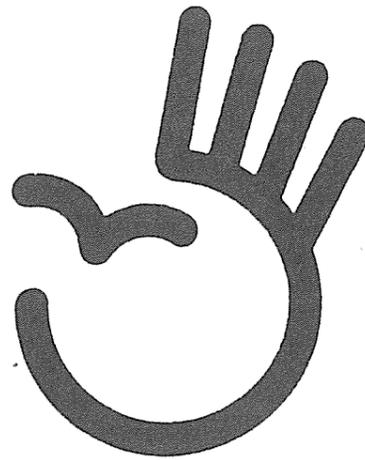
Although the kit is Adelaide specific, similar kits can be tailored for other cities, as many issues are similar.

**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 bilateral and multilateral development aid. It costs \$30 per year.

**Contact:** 4-8-15 Nakameguro, Meguro-ku, TOKYO 153 Japan, Ph: 81 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 clear 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 humanity 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 FoEI's campaigns and activities. It will also be used by FoE Europe. It is not intended to take the place of the logos of FoEI's 52 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 to the Sydney Water Board at the end of the project.

The project will cover stormwater management, source control, sewage treatment, effluent 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 sewage.

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

## More water action

The FoE Fitzroy water Catchment Collective is undertaking research into re-use of grey water in the home. This includes home built and commercial grey water systems, sewage recycling systems, composting toilets, reed beds, ground pits, rainwater tanks, garden design or mulching to reduce or eliminate water use.

We are aiming to develop a register of households/individuals/communities who are currently using these systems. Further, we are seeking interested parties who would be in a position to trail these non traditional supply sources and reuse technologies for Melbourne Water. By developing this register we hope to achieve two things: firstly, knowledge of the extent of people currently using these technologies and practices, and secondly, to establishment of the viability of these technologies both economically and physically.

Please contact us if you have any of these systems operating in your home, confidentiality will be maintained, if necessary.

**Contact:** Natalie Moxham, Friends of the Earth (03) 419 8700

## FOE International meeting

The FoE International annual General Meeting is due 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.

## Friends of the Earth Groups

### International Secretariat

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### FOE Maryborough

393 Alice St  
Maryborough QLD 4650  
Ph and Fax: (071) 23 1895

THIS ISSUE OF *Chain Reaction* grew out of a desire to look back at the International Year of the World's Indigenous People (IYWIP). From the beginning, our reflection on IYWIP was tied up with the debate around the Native Title legislation that was passed in December 1993. As we talked to different people, two themes emerged.

Firstly, the need for a grassroots response to the High Court decision regarding native title (the Mabo decision). There was a need to consider and reaffirm the long-standing struggles and visions of Aboriginal and Torres Strait Islander communities and their supporters in the broader community. The Mabo legislation, on its own, offers very little to the majority of Aboriginal people. While the Land Acquisition Fund and Social Justice Package offer more in the longer term, it will still be the day-to-day work of local communities that will bring about change, rather than just legislation.

Secondly, and at the same time, we found ourselves coming back to the need to address black and green relationships. Environmentalists often assume a community of interest with Aboriginal people which is simply naive or ill-informed. Environmentalists, like most non-Aboriginal Australians, tend to have a very simplistic picture of Aboriginal people, and are often isolated from day-to-day contact with Aborigines. With the changing nature of the environment and land rights debate, including issues such as joint management of parks, this will have to change.

We can see that there is great potential for building alliances between the environment movement and Aboriginal and Torres Strait Islander people. As a movement, we often use the rhetoric of Australia being 'Aboriginal Land'; the issue remains of how we act on these sentiments. Most of the large environment groups have moved to incorporate Aboriginal concerns and perspectives into their daily operations. Ongoing commitment and support for the whole range of issues affecting Aboriginal people (not just environmental ones) will determine the long-term success of these alliances, and bring about the breakdown of environmental racism. It is also useful to remember that many Aboriginal people see the environment movement as the latest stage in the ongoing invasion of their lands, and there are powerful forces within indus-

try and government whose agenda perpetuates this gulf.

In addressing the notion of a 'grassroots response to Mabo' we endeavoured to get a cross-section of Aboriginal and non-Aboriginal writers, but the writers do represent a bias towards the south and eastern coasts of Australia (reflecting our location in Melbourne, and our contacts). The main options seemed to be:

- Initiatives by Aboriginal communities that allow them to determine their needs in regards to land. Australia has signed international covenants and agreements supporting the rights of indigenous people to be self determining (such as Agenda 21). Once a community has determined its needs, they follow the legal channels open to them to get access to their land with title appropriate to their long-term needs (the article on the Yorta Yorta struggle provides an example). This may or may not include application under the Native Title legislation;
- Reasserting traditional law and decision-making patterns as the appropriate way of making decisions about land use and community needs. The proposed Council of Elders reflects this approach;
- Pressuring the Federal Government to enter into a treaty process controlled by Aboriginal people;
- Establishing national organisations which complement or eventually replace non-Aboriginal government for Aboriginal people; and
- Pay the Rent schemes as an acknowledgement of Aboriginal sovereignty, and moneys paid by non-Aboriginal people going to support Aboriginal initiatives.

This edition of *Chain Reaction* is merely the briefest of summaries of these grassroots initiatives and black-green alliances. There are many magazines, papers and radio programs that represent the voice of Aboriginal people across Australia. The resources page (page 47) gives an introduction to some of these, you could also contact your local environment group and find out what they are doing.

Aboriginal liaison needs to be a part of day-to-day operations of the environment movement. In doing this, we can build on the work of many groups and individuals carried out over many years. Only time, and the outcomes of these alliances will prove that we take our commitments to Aboriginal rights seriously.

*Cam Walker is an activist with Friends of the Earth and Ros Sultan is Aboriginal Liaison Officer with the Australian Conservation Foundation.*

# What is Mabo?

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

EDDIE 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 colony of Queensland became sovereign of the islands when they were annexed in 1879, but they claimed continual enjoyment of their land rights and that these had not been extinguished by the sovereign.

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 – British, State, Territory and Commonwealth – could extinguish native title. This could be done by

legislation, or by granting interests in land such as freehold 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 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 people are the legitimate holders of native title rights, the precise definition of these rights, particularly where they co-exist with other rights in the land; and all the circumstance 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 the High Court's own authority rests on that takeover, and if it had said it was illegal, it would have ruled itself illegal.

A significant part of the judgement was that the Court recognised that native title is defined according to the traditional laws and customs of people having the relationship to the land. This meant that the Court was recognising another source of law. It also recognised 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.

## 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 Aborigines and Torres Strait Islanders who would not benefit from the High Court decision or enacting legislation; and
- develop a Social Justice package to improve general conditions for Aborigines 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 help people 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 made invalid;
- allows governments to do things in

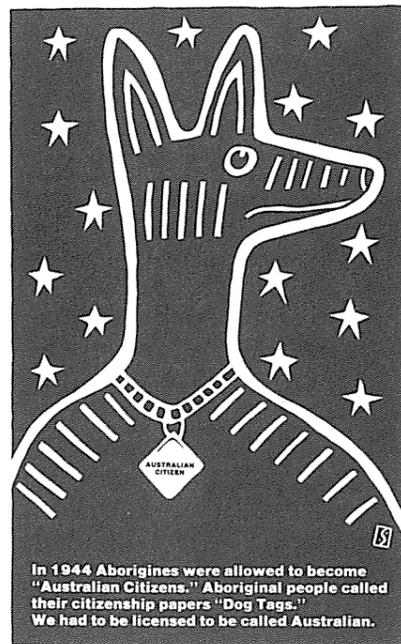
the future and still protect native title rights;

- puts conditions on future acts which affect native title land and waters; and
- establishes the 'National 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 peoples, 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



There have been many phases in the way in which Aborigines have been treated and regarded in Australian society. The 1967 referendum giving the Federal government the power to make laws in respect of Aboriginal people was regarded as a major breakthrough. The 1992 Mabo judgement may prove even more significant as it is used to extend Aboriginal rights.

\$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 Aborigines 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 regional 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.*

# History has a habit of repeating itself

*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.*

**D**URING 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 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.<sup>1</sup>

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).<sup>2</sup>

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 'seizing 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 abysmal? 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 Conzinc Riotinto Australia (CRA) - the mining mega corporation - at a meeting with a remote Western Australia Aboriginal desert community offering bores, buildings, roads and vehicles. The cost of such

**Fair and equitable.**  
An end to the confusion and uncertainty. The High Court Mabo decisions affect the people and the economy of Western Australia far more than the other states and place the economic future of this State under great threat.

**Why?**  
• Because the majority of Western Australia could be subject to claim. In the more populated states this isn't the case. Their problems are insignificant compared with ours.  
• Mr. Keating's proposed national Mabo legislation would effectively seize control of Land Management over most of our State.  
• Their unworkable system would create project delays, cause uncertainty, cost jobs and be detrimental to the economic future of our State.  
• A better solution than Canberra's is imperative if Western Australia is to continue as a dynamic and progressive place in which to live and work.  
• A more appropriate solution.  
• A workable solution. The Court Government has introduced legislation into Parliament this week. The Land (Titles and Traditional Usage) Bill has been drafted after long, careful and caring thought about ALL the problems.

**Benefits for the Aboriginal community.**  
This new legislation has been drafted in the true spirit of the High Court decisions. It recognises traditional use of land by Aboriginal people. It provides for fair compensation if that use is impaired; it increases the capacity for Aboriginal people to negotiate fairly and be a part of the long term development of the State; it will be complemented by a social justice package in the form of improved health, housing, education, employment and land ownership opportunities.

**Benefits for business investment.**  
The legislation tells business and investors that projects will not be delayed or endangered, and that Western Australia will continue to be at the forefront of dynamic growth.

**Benefits for everyone.**  
To the people of Western Australia and future generations - the legislation puts an end to fears, uncertainty and confusion - and endorses Western Australia's position as a State of social and economic integrity and fairness to all.

**You will receive a brochure.**  
All Western Australian households will shortly receive a brochure about the new legislation. We urge you to read it thoroughly and to become conversant with the better, fairer solution of Mabo for Western Australia.

**Four principles:**  
1. Control and management of land and natural resources remain a matter for our State Government, not Canberra.  
2. Certainty of land title be assured for both existing and future title holders.  
3. Development applications - such as mining, tourism, pastoral - be dealt with promptly, orderly and fairly to protect our economic future.  
4. Policies to improve the standard of living, health, housing and education of Aboriginal people and provide for increased ownership of land, and equity within development projects.

**THE HON. RICHARD COURT M.A.**  
Premier of Western Australia

**A fair solution to Mabo for all Western Australians**

**1-800 679 700**  
This call is free from anywhere within the State.

**GOVERNMENT OF WESTERN AUSTRALIA**

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.<sup>3</sup>

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 if it happened here' maps projecting from 1993 to 2000? The text of the ad proclaims the Aboriginal controlled land in the NT 'stands as a bleak monument to 17 years of failed Federal land rights policies' but neglecting to explain what it is that Western Australia policies on Land Rights have achieved. Then the advertisement stated that the non-Aboriginal community has been locked out of 50 per cent of the NT and that likewise 50 per cent of Western Australia will be subject to Mabo claims, with devastating effect on the economy and the high living standards of your average white Western Australian. However, the ad fails to mention that 40 per cent of the NT is held by overseas and interstate interests<sup>4</sup> and that the Western Australian Chamber of Mines, equally vocal in opposition to land rights, comprises a membership of over 40 per cent offshore companies and a further 20 per cent interstate. Apart from industry and government constantly stating it, there

is historically little to be seen which indicates huge benefits flowing from mining in Western Australia to the broader community.

In an unusual undertaking back in 1975, the Federal Minister for Minerals and Energy commissioned a report to examine the effect of mining on the general welfare of Australians. The report concluded:

That some of the vaunted benefits from the mineral industry's spectacular growth rate in capital formation are part of the growth through the byzantine passage of 'deferred tax' accountancy, and a substantial part of their contributions will add nothing to the national income of this country, whatever it will do for other countries.<sup>5</sup>

Fifteen years ago the Western Australia Premier Charles Court (father of current Premier Richard Court) launched an aggressive and violent stand against the Yungngora people's opposition to an oil well on their country at Noonkanbah in the Kimberley. Ultimately the Yungngora suffered a crushing defeat trying to protect their country from a State Government determined to use them as an example of what Aboriginal people in Western Australia might come to expect if they tried to maintain control of their land and lives.

Charles Court stopped at nothing to ensure that drilling at Noonkanbah by the AMAX company went ahead, (over-riding recommendations from advisers favouring protection of the area under the State's Aboriginal Heritage Act)<sup>6</sup>. Court publicly defined Aboriginal interest in land as being contained in tangible objects, postcard-like landforms or specific sites, whilst denying the intricate connectedness - the oneness - Aboriginal people have to tracts of country, 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 'genuine [Sacred] sites' ethno-centrally viewed like monuments, thus leaving all the bits in between open to 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 scab labour, behind a barbed wire fence 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 hander of which Court could not have imagined. It helped establish an upsurge never before seen in support of Aboriginal issues. Across 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

Yungngora people in Western Australia.<sup>7</sup>

The notion of history repeating itself gains momentum with the Kimberley Land Council's elected chairperson, Ivan McPhee - a Walmajarri 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 're-visiting the Noonkanbah days of history and conflict which I hoped we had moved beyond'.<sup>8</sup>

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.<sup>9</sup>

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 relates to welfare or 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.<sup>10</sup>

A 1993 annual audit of State Government expenditure stating that \$440 million was being spent on Aborigines 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 misleading document'. The real figure allocated specifically to Aboriginal Affairs was only \$10 million to fund AAPA (the State Aboriginal Affairs Planning Authority).<sup>11</sup>

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 be Aboriginal owned national parks like Kakadu and Uluru in the NT and the same cannot happen in the Kimberley?'<sup>12</sup>

How long shall the Pitjantjatjara 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 Western Australia, 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'.<sup>13</sup>

# History has a habit of repeating itself

**1973** Aboriginal Land in the Northern Territory  
**1993** Aboriginal Land in Western Australia  
**2007** Aboriginal Land in Western Australia

**S**ixteen years ago the Federal Government introduced Aboriginal land rights to the Northern Territory. They promised concerned Territorians that no more than 13% of the Territory would be claimed. Today about 50% of the land mass and about 70% of the coastline is effectively out of bounds to non-aboriginal Australians. This result stands as a bleak monument to 17 years of failed Federal Government land rights policies.

Now Mr Keating wants to see the same thing happen in Western Australia.

His answer to the Mabo problem is to extend its effect to serve his own social policies and ideology.

His scheme has the potential to ruin our economy, arrest development, lower living standards, change lifestyles and divide our society beyond reconciliation.

Mr Keating openly admits that nearly 50% of all Western Australia will be open to Mabo claims.

Remember the Territory and look at what has happened there. The Aboriginal people are no better off in terms of health and social welfare and development has been stifled.

Since land rights were introduced mineral exploration has virtually ground to a halt on land controlled by Aborigines. Since 1975 only 34 of the 574 original applications for exploration licences on Aboriginal land have been granted.

Compare that with Western Australia where 21 such licences are granted each week. Last year 1,104 Exploration Licences were granted in the State.

Most of this will stop under Mr Keating's quick-fix answer. The end result is less mineral exploration which means less mines - and less jobs for Western Australians.

**MABO HAVE YOUR SAY**

If you are worried about the implications this important issue has for Australia, contact your Federal Member of Parliament about your concern.

If you feel very strongly, also write to Prime Minister Keating.

Remember this is your country too.

To contact Senators and Members see page 314 of the 1993 telephone book.

Is Western Australia living in new age colonialism, as some say? Or is it the state where father to son hand-me-downs can include the premiership, and with its strong anti-republicanism antics, some bizarre form of monarchical mimicry.

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- 8 *Land Rights News*, p.19.
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*Jon Lark is a white fella who has had a wide involvement with Aboriginal campaigns, organisations and communities.*

# Moving together: towards green-black alliances

*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.*

**W**HILE 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 Guugu-Gambiiil-Mugu and Guugu Yimidhirr, the traditional owners of the Starke 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 *Sharing the Land, Healing the Land*, a united position on native title and reconciliation. This documented the opinion of these 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 Tranby

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 'broaden 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 work towards the eventual elimination of government control over Aboriginal people's lives... Paying the rent is more than a financial commitment - it involves a re-assessment of non-Aboriginal people's relationship to the land and it's sovereign custodians. It is a way of confronting white Australia's history and healing the relationship between Aboriginal and non-Aboriginal Australians.

The **Australian National Parks Council** at its 1993 Annual conference adopted a memorandum of agreement which included support for 'full recognition of native title and its constituent rights throughout Australia, including protected areas'.

## Contacts for some environment groups:

- Ros Sultan, Aboriginal Liaison Officer, **Australian Conservation Foundation**, 340 Gore St, Fitzroy, VIC, 3065. Ph (03) 416 1455.
- Lynette Thorstensen, **Greenpeace Australia**, PO Box 800, Surrey Hills, NSW, 2010. Ph (02) 211 4066.
- Micheal Winer, **The Wilderness Society** Cairns, Shop 11, Rusty's Markets, Cairns, QLD, 4870. Ph (070) 51 8967.
- Colin Anderson, National Aboriginal Liaison Officer, **Greening Australia** GPO Box 9868, Canberra, ACT, 2601. Ph (06) 281 8585.
- Cam Walker, **Friends of the Earth**, Box 222, Fitzroy, VIC, 3065. Ph (03) 419 8700.
- **Worldwide Home Environmentalists' Network (WHEN)** PO Box 186, 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.

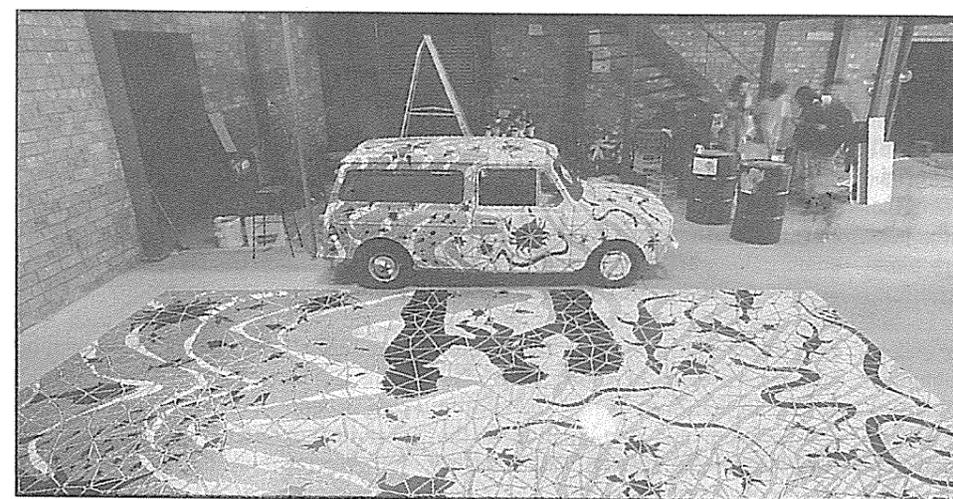
The **World Wide Fund for Nature (WWFN)** is preparing a position paper on land rights to be released later in 1994.

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 per cent 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.*



Mark Blackman's design, pictured on the cover, has been carried over to a mini panel van, producing a colourful and mobile testament to the quality of Aboriginal art. Mark involved 20 friends in the project, which he calculates took more than 1800 hours of work over 10 days.

"The atmosphere surrounding the project was exceptional. People from all walks of life came together for this work, and I think this spirit is reflected in the finished piece," he said.

# 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.*

THE AUSTRALIAN Conservation Foundation (ACF) has long involved itself in the interface between Aboriginal and conservation issues. As examples, ACF was involved in the negotiations for the establishment of Kakadu National Park from 1973 to 1978; ACF supported Queensland Aboriginal 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 individuals on the ACF staff and Council who had experience working in Aboriginal organisations and an awareness of the issues, strengthened the already perceived need for the ACF to work more closely with Aboriginal organisations, communities, and landowners.

Two major initiatives were undertaken. The ACF sought and obtained funding from the Australian National Parks and Wildlife Service (ANPWS) to fund the position of an Aboriginal Liaison Officer (ALO), Joanne Willmot was

employed in this capacity in 1989 for twelve months, 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 reasons, not the least of which was support for the incoming ALO. I took up the position in September 1990, and am currently employed by the organisation. Arnold Wallis was employed in September, 1991 as ACF's Aboriginal and Torres Strait Islander Liaison Officer.

The aims of the ALO program necessitate the identification of issues, policy development requirements, the setting of guidelines for future action, briefing ACF staff and management on action policies, liaison with Aboriginal communities and organisations, and networking.

The Aboriginal Liaison Program has been involved in a variety of project areas, and I will describe two major initiatives: a review of Aboriginal participation in national parks and nature conservation; and participation in the IUCN Inter-Commission Taskforce on Indigenous Peoples.

## Competing Interests

In June 1994 *Competing Interests: Aboriginal Participation in National Parks and Conservation Reserves in Australia*, a 500 page report, was released.

In 1992 Ross Johnston and Susan Woenne-Green were hired by the Foundation as specialist consultants to work with our program to review Aboriginal participation in national parks and nature conservation. The review was funded by the Minister for Aboriginal and Torres Strait Islander Affairs, Robert Tickner, and was based on Recommendation 315 of the Royal Commission into Aboriginal Deaths in Custody.

*Competing Interests* makes a significant and distinctive contribution to the lively debate surrounding the issues of indigenous people and conservation and its broad aims were to research and develop a national overview including relevant case studies of Aboriginal interests in nature conservation and management.

*Competing Interests* was launched at Parliament House, Canberra, on 9 June 1994 with an address by Mr Tickner. In September 1994, ACF along with the Australian Nature Conservation Agency and the Minister for the Environment, John Faulkner, are scheduled to meet to discuss implementation of the Report's recommendations. The ACF is also organising a national workshop in late 1994 to look at *Competing Interests* in its entirety and it is expected that participants will come from the Aboriginal community, local environment groups and Federal Government representatives.

## IUCN Task Force

In February 1993, I was appointed to an IUCN Inter-Commission Task Force on Indigenous peoples, as an indigenous representative from Australia. Donna Craig, of the IUCN Environmental Law Commission, was also appointed.

Members of the Task Force were asked to prepare case studies which became a focus for the three day workshop held in June 1993. On the final day, the five indigenous participants separated from the main meeting to have our own discussion. The following conclusion

and recommendations were formulated:

- the Task Force has a clear objective to be a medium for indigenous peoples to have a significant role within IUCN;
- the outputs of the process particularly the guide, is seen as useful for further fundraising for the indigenous peoples initiative within the IUCN, and as a major mechanism for involving indigenous peoples;
- there is further need for good faith response from within the IUCN. We requested that IUCN appoint a particular person to work full time for the Task Force;
- there is a desire for the IUCN Commission chairs, or their duly appointed representative, to be represented on the Task Force; and
- there was the perceived need of a

strong co-operative relationship between IUCN staff and indigenous participants, with the result that indigenous perspectives play a greater role in the projects and work of the IUCN secretariat, the commissions and its members.

Since the General Assembly in Argentina in January 1994, the IUCN has decided to go with the establishment of regional task forces. In fact, indigenous peoples' groups have had their first meeting in Southern Africa under the banner of IUCN. They have resolved to form a task force as well as undertaking pilot projects and training activities. It is anticipated that the same will happen (as the initiative of indigenous peoples) in South America and Central America. *Indigenous Peoples and Sustainability: A Guide for Action* will be completed by the end

of 1994 and will be released as the companion guide to the case studies.

With the emphasis on decentralising and regionalising its works, IUCN believes the issue of sustainable use and indigenous peoples is best dealt with in each region and according to local conditions.

## Reality is difficult

Having these initiatives supported and accepted with government and non-government conservation agencies will change the nature of the present relationship with indigenous people.

The reality of integrating indigenous issues into the views and activities an organisation such as the ACF is very difficult, and the ACF has tackled the project seriously and has been prepared to do the hard work. The organisation has done more than just pay lip service to the contentious issues raised by indigenous concerns. This is demonstrated by the development of ACF's policy on Land and Rights, in 1991.

There are a number of issues that both ACF and the broader environment movement need to address to further bridge the gap between the goals of Aboriginal people and the environment movement.

## Indigenous politics

Aboriginal issues occur in a broader historical context. The initial dispossession, resulting genocide, and alienation of Aboriginal peoples from their lands impacts on present everyday life. Our historical experience has placed us in the position of being in a war of attrition. Hence the notion that the past bears no relevance to the present is not an acceptable proposition to Aboriginal people. The repercussions of initial contact are still being felt in contemporary Aboriginal society. Instances of these are: inter and intra-racial hostilities, grossly limited employment opportunities, intolerable standards of health, welfare and education. These are only a few widely acknowledged examples of the impact of initial contact.

Extension of Eurocentricity is the basis for the continued non-Aboriginal invasion of Australia where the tactics are not as overt. The predominant culture

## 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 Agreements in July 1994 in Cairns. The workshop – *Regional Agreements in Northern Australia: Aboriginal Strategies for Land-use, Management, Resource 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 comprehensive 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 representatives from ATSIC, the Office of Indigenous Affairs, AIATSIS and ANCA – people who could provide expertise and possibly resource initiatives that came from the workshop.

Regional agreements are modern treaties between the Canadian government and indigenous peoples of Canada. We wanted to consider the applicability 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 be of 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 focussed on outcomes – practical strategies to meet the needs and aspirations of indigenous Australians. Not all indigenous Australians 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.

makes it difficult for indigenous peoples to state their case, to have it recognised, accepted and seen as being valid. We are constantly having to restate our position, provide justifications, which the predominant culture does not have to do; we have to suffer stereotypes and constant mis-management of our affairs from local, state and federal government.

Aboriginal initiatives to redress injustices are largely written off as efforts on the part of non-Aboriginal 'bleeding heart liberals', therefore undermining the legitimacy of us taking part in issues and actions. Aboriginal people have a legitimate right to initiate actions, question, condone, support, and follow through on matters that directly impact on us.

### Movement challenged

In the past the environment movement has tended to use Aboriginal issues selectively and on an *ad hoc* basis where they have been able to lend support to environmental campaigns. The environment movement has in the past been reluctant to comprehensively address indigenous issues, but it is now time for these issues to be addressed head on. This involves the recognition of indigenous people.

The Aboriginal Liaison Officer's (ALO) involvement in the program has not primarily been about the protection of the environment, but rather, involvement in the environment movement to achieve broader social justice aims and needs.

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 areas 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 policy 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 has 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.

*Ros Sultan is Aboriginal Liaison Officer for the Australian Conservation Foundation.*

# The Gungalidda and CRA another form of genocide?

*The mining company CRA is in conflict with the Doomadgee people of the gulf country of Queensland over its plans to develop the Century zinc/lead mine. Wadjularbinna has been travelling to gather support for her people and Cam Walker took down her story.*

IN 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'. They're coming in to hold meetings and this has been going on for two and a half years now 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.

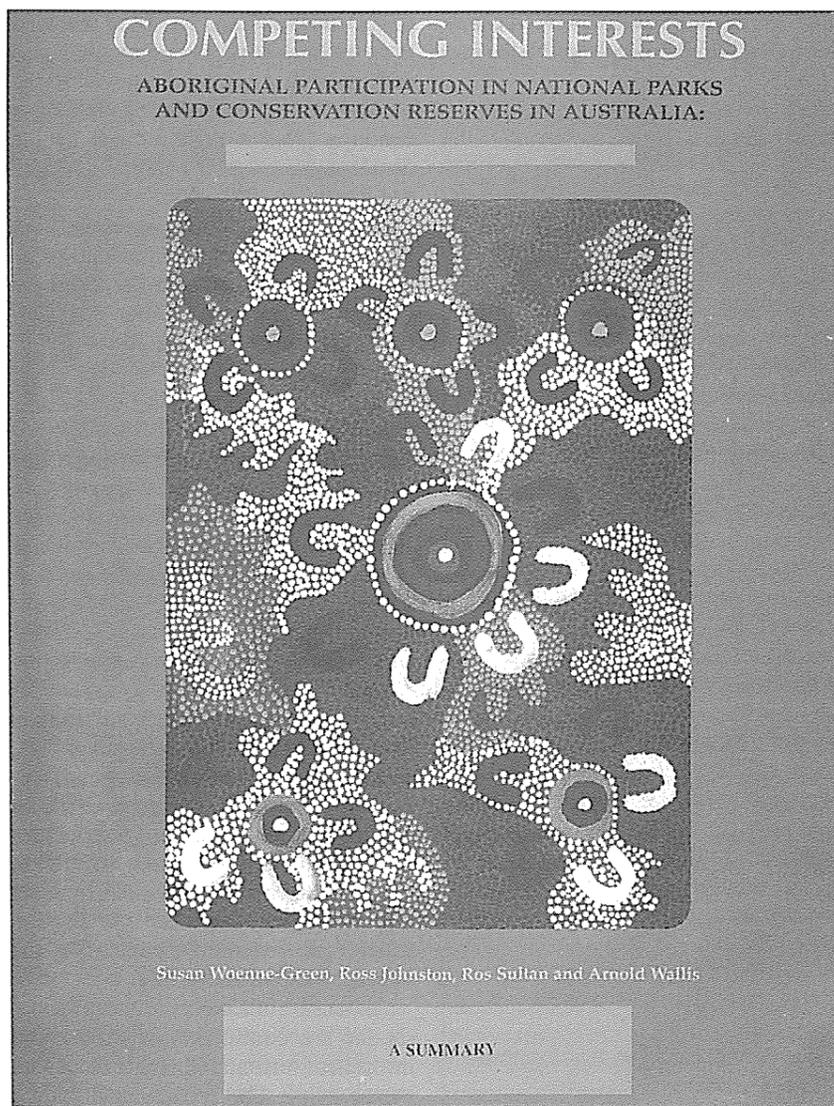
'We asked at a meeting could they guarantee that there'll be no spillage of

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 that 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 there for turtle and dugong and if the spillage gets down into the weed and the feeding areas there could be high levels of lead in our bodies too.

'As well as we're concerned that there are gonna be three big dams made, there's gonna be big open roads built from Lawn Hill through to the coast and it's no good for the environment, and so for all Australians, but we the Doomadgee people are 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, so 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 Doomadge 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. She goes through this ritual, then away they go together. They choose a spot that they want this child to be created in and they stay there for three to four weeks then they come back into the community. That spot where that child has been created is that person’s spiritual connection to the land.

‘As we’re a nomadic people, we follow the four seasons around, so if somebody dies somewhere else, following the four seasons for food, their body would be left there, but the next round their bones would be picked up and brought back to where they were conceived – that was how they did it before white people came. It was real, it means a lot to us.

‘As my mother said, the missionaries talk about the Bible where Adam was created from the dust of the earth, and we come from the dust of the earth and we go back to it. That was our law and religion long before that Bible came, many thousands of years ago, and this is how we lived. We’ve got missionaries quoting the bible, but they see the land as a commodity to be bought and sold. There’s something wrong with that missionary, you know, he wants to buy and sell this land, but he’s reading from his Bible and telling us we’re part of the land and we go back to the land one day.

‘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.’

The Gungalidda are also concerned about damage to sites of significance, and access to traditional land. CRA Ltd bought up pastoral leases along the proposed pipelines, 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 I walk away. I say no, no, no, we all say no, no, no, and you don’t understand?” This man [from the company] 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, no but they’re still com-

***“... 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 it for our children and our grandchildren.

‘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, given 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 say those lazy black so-and-sos, 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 know that behind it all these black people are feeling so desperate – they’re in despair because they’ve given their land up, they’ve given it up, sold their souls and they’ve got nothing more to live for.

‘So you know, that’s the story behind what Aboriginal people have to deal with. It’s a vicious circle, so we need to get it out and say this is what’s happening to these people, you know, jobs and money don’t come anywhere near compensating for what white people have taken from us. Twenty-five years down the track when they’ve taken that land and destroyed it, it is genocide – genocide in another form, you know. Alcohol is another form of genocide as well, so they’ve got it all going in their favour, they’ll wipe us out and we need to hold on to what we have, because we have an absolute right in this



country to maintain our unique identity. We’ve got to stop this thing from going on. We know who we’re up against, but this is what’s going on and the government is behind it as well.

‘The Wyanni people, whose land the actual mine is proposed to be on, have also been protesting. They were in there with us at all of the meetings, you know, but there’s a little story to those people; they’re selling out because a man from another group has married a Gungalidda lady and he went on to Gungalidda tribal land, went into somebody else’s clan area and squatted there and took it up.

‘In our tribe if a Gungalidda woman marries a man from another tribe, she goes where the man goes, but this man just came into the tribe and squatted. He’s on the Aboriginal Community Council, which the mining people and the government look on as the voice of the people. This man is telling the council to say “Yes you can come in on the land”, and he’s gone to his mother-in-law, who is a Gungalidda person and he got the *Cou-*

*rier Mail* [Brisbane newspaper] to write that the mine will go ahead because she said that they can go ahead.

‘One person cannot give the okay to anybody to come in on that land. She’s only one person and the land belongs to a tribe, you know. She’s got no authority but the paper and the miners picked that up, printed it in the paper to make it look good so they’re turning black people against black people.

‘The people from Mornington Island are saying if you sell out to CRA we’re coming over there with boomerangs and spears, we’re coming by the boatload and we’ll wipe you people out and Island people are saying the same and this is really bad. On the week of the elections they had to fly five extra white police in. There were six there already, and there’s about seven or eight black community police and there’s violence every night. It’s out of sight, out of mind and nobody knows about it in the outside world. They don’t know how bad it is. That’s why my people said, “Get out there, go and tell

people what’s happening in here.”

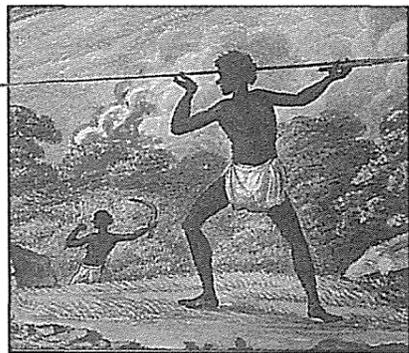
‘The government and the miners are just waiting, they’re putting ads in the paper, about violence and everything, and they’re saying it’s all to do with alcohol. Alcohol helped to make the situation worse but I mean these people (the community) have got big problems, and it’s to do with the land and it all stems from the government and the miners in there putting pressure on them.’

In mid 1993, the Gungalidda Association was established as a grassroots voice for the Gungalidda People. In May 1994, CRA announced that \$40 million would be spent on feasibility studies for the mine over the next twelve months. Another \$900 million would go into development during the next decade, with a ‘world class mine’ operating at Century Hill by early next century.

*Interview conducted by Cam Walker for more information contact the Environment Centre of the Northern Territory (089) 812 532.*

# '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.*



**I**N 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

is manipulated, used as the catch-phrase and title for the campaign of opposition to indigenous peoples' rights to hunt and gather on traditional lands in Queensland, while promoting national parks as temples of nature – the last bastion for native fauna and flora species.

The Sanctuary campaign established in 1992 originated in Far North Queensland and employs tactics of door knocking, petitions, letters to the editor, newspaper advertising and media campaigns, with deafeningly racist overtones directed solely at Aboriginal and Torres Strait Islander people. The Sanctuary campaign is a good example of environmental racism.

Environmental racism stems from the decision making of bureaucracies and conservation organisations on land use and land management which discriminates against minority races. Over the past decade this charge has been levelled 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.

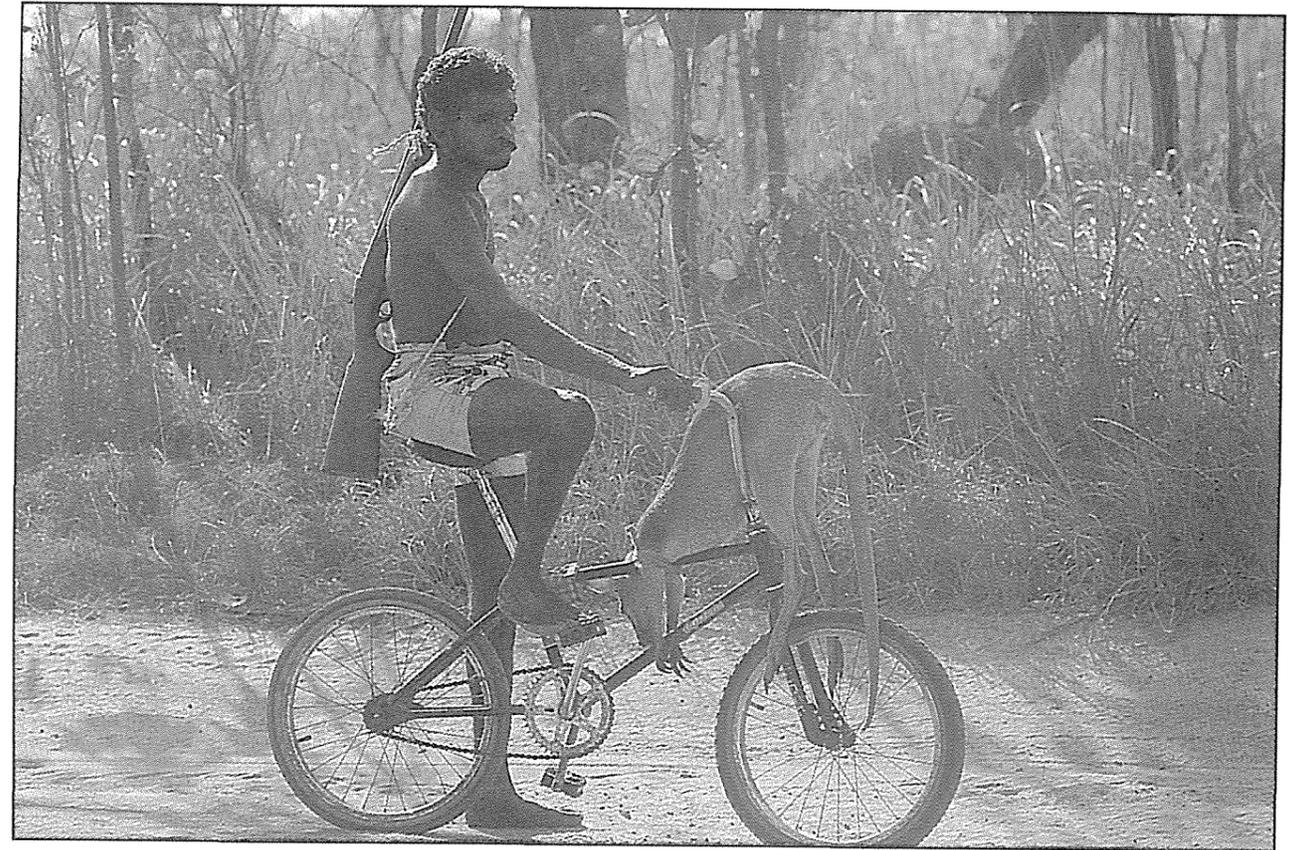
Although relatively new to the Australian dictum there is support within the conservation movement for Chavis's guiding principles of environmental justice – a grassroots perspective, and it

must be multiracial and multicultural.

A recent example of this was the Starcke campaign mounted nationally between the Cairns Branch of the Wilderness Society and the Guugu-Yimidhirr and Guuga-Gambiil- Muugu 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' in isolation, while ignoring national park management issues such as grazing of cattle, tourism, four-wheel-drives, pollution, poaching, feral animal and weed control, land swaps, 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 Islanders people.

Along with some other Queensland conservation organisations the Sanctuary campaign will not accept the case of cultural change and forcibly advocates and mounts political pressure on the State Government to interpret traditional hunting as being restricted to spear, dug-out and boomerang – endorsement of enforced primitivism. This is motivated by thinking that restrictions on technology will limit the number of any given species taken. This stems from a colonial mentality and reinforces a paternalistic attitude.



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.
- and strikes at policies and recommendations from the: Royal Commission into Aboriginal Deaths in Custody; Law Reform Commission's Report on the Recognition of Aboriginal Customary Laws (1986); UNCED, Agenda 21; Ecologically Sustainable Development; and Convention on Biological Diversity.

Instead of liberating the management of Queensland's national parks system, this Sanctuary style of campaign has the capacity to wreck programs such as national reconciliation, while initiating a

new wave of colonialism.

Creating a cultural change towards the evolving purpose and nature of national parks, while accepting the cultural landscape of our natural environment, will ensure that both indigenous peoples' rights and the protection of this country can be catered for more effectively than they are today.

This complex issue requires discussion between the main protagonists.

Establishing dialogue between Australia's indigenous peoples and conservation organisations, with the view to developing an honest and open working relationship based on respect, is imperative and need not be a war of words – old or new.

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

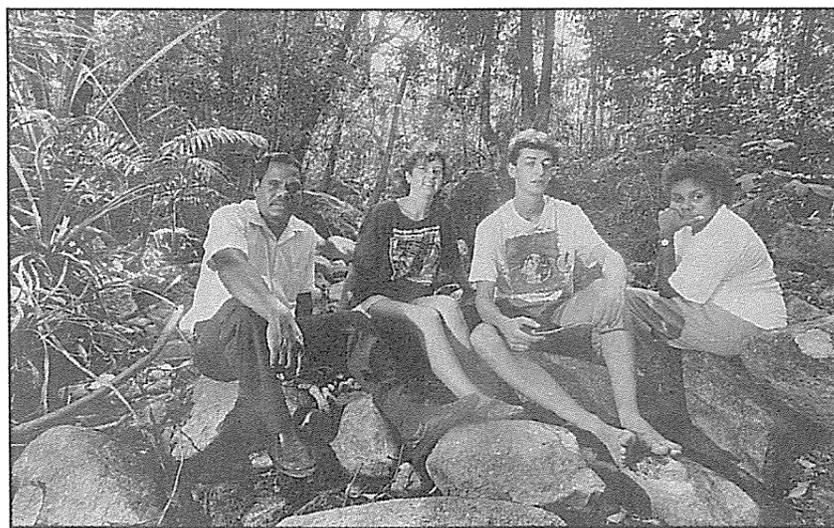
## The Sanctuary Movement

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 focussed 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 Aborigines over national parks. Rosey Crisp tells of the meeting at Yarrabah which aimed at dealing with the conflict.*



**I**N 1991 THE GOSS Queensland government introduced the *Aboriginal Land Act* which led to discussions and negotiations between environment groups and Aboriginal people over land rights. It became apparent during the two-week consultation period that environment groups were the only land-use interest group which supported land rights in principle.

Under the Act, Aboriginal and Torres Strait Islander people with traditional affiliation or historical association could, through a tribunal, claim existing Aboriginal land (approximately 11 per cent of Queensland), vacant Crown land (1 per cent), and national parks (3 per cent). National parks must first be gazetted for claim. Once a claim is determined, a plan of management is drawn up between the traditional owners and the Department of Environment and Heritage. However, there must be an automatic lease back in perpetuity to the State National Parks and Wildlife Service, for a peppercorn rent. For 10 per cent of Queensland's Aboriginal people the Act has the potential to give secure title to their lands. However, the Act was widely condemned by Aboriginal people because of lack of consultation and because it failed to provide justice for 90 per cent of the Aboriginal people in the state. The Queensland Conservation Council and the Australian Conservation Foundation withdrew from the consultation process in protest.

It was soon apparent that the emphasis of the Act was on land of high conservation value. This led to intense debate in environment groups about issues such as hunting in national parks and in some circumstances whether Aboriginal people should own and jointly manage national parks.

At the same time, Aboriginal groups were becoming frustrated with conservation groups who were willing to form alliances to halt development projects but who still continued to push for the expansion of national parks on their traditional lands. National parks, particularly on Cape York, continued to dispossess the traditional owners as they were removed from their lands, it limited their rights to hunt and fish, and made it difficult for them to maintain their laws and customs

and care for the land.

It was in this atmosphere that the Aboriginal Co-ordinating Council and the Queensland Conservation 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.

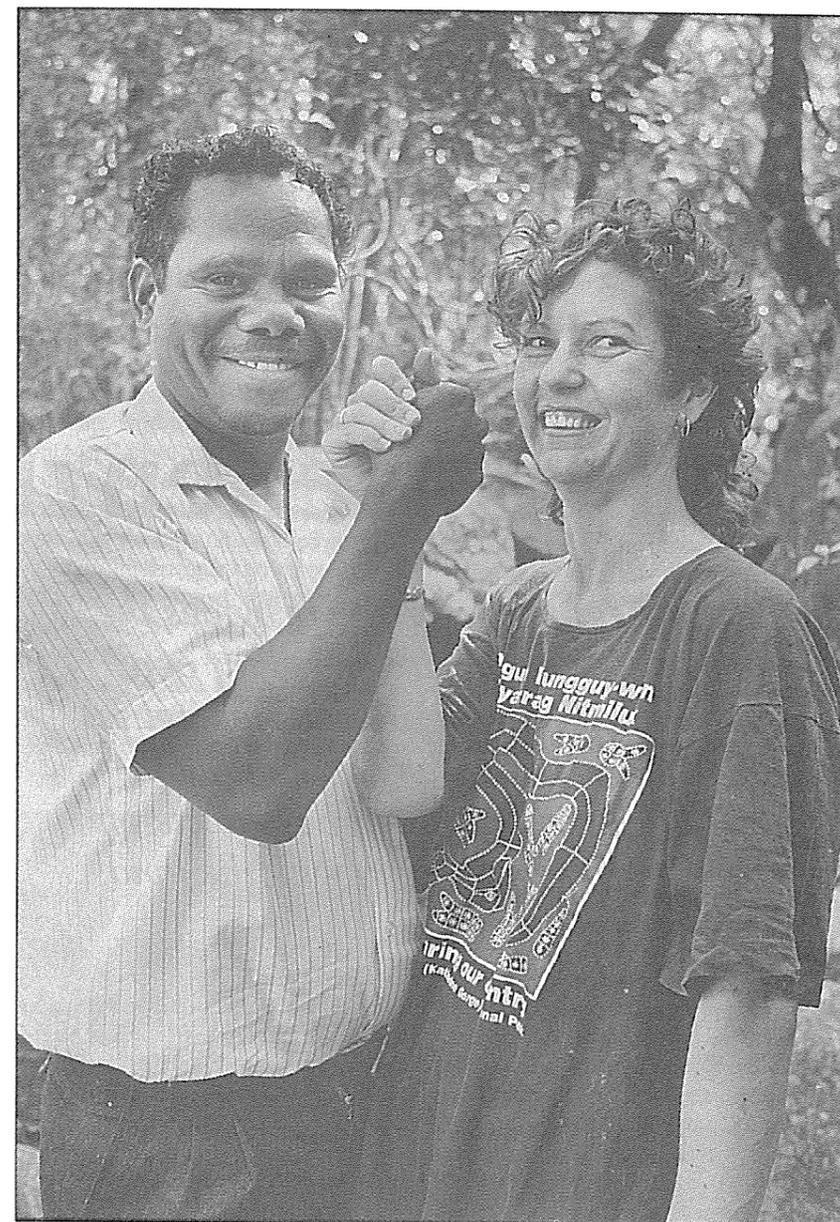
The meeting had everything: on the first day there was an airing of frustrations and occasionally confrontation, on the second day there was constructive dialogue and a listening to each other's views, and on the final day a deeper understanding was reached, with a growing trust and respect for each 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 rangers in national parks, watershed management, fishing rights and national parks. The Yarrabah Agreement was also signed. It reads:

- 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 divisive 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 seas, and



Arm wrestle or handshake – Robert Paterson and Rosey Crisp at Yarrabah.

also the socially discriminative aspects of the Aboriginal Land Act and the Nature Conservation Act. In particular, the 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 peo-

ple will quite rightly classify environment groups with all other contemporary land users who support the continued 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.*

**“W**HAT 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 Adnyamathna descent. It was 38 years before she was re-united 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 Dream-

ing 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 envi-

ronment. 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.

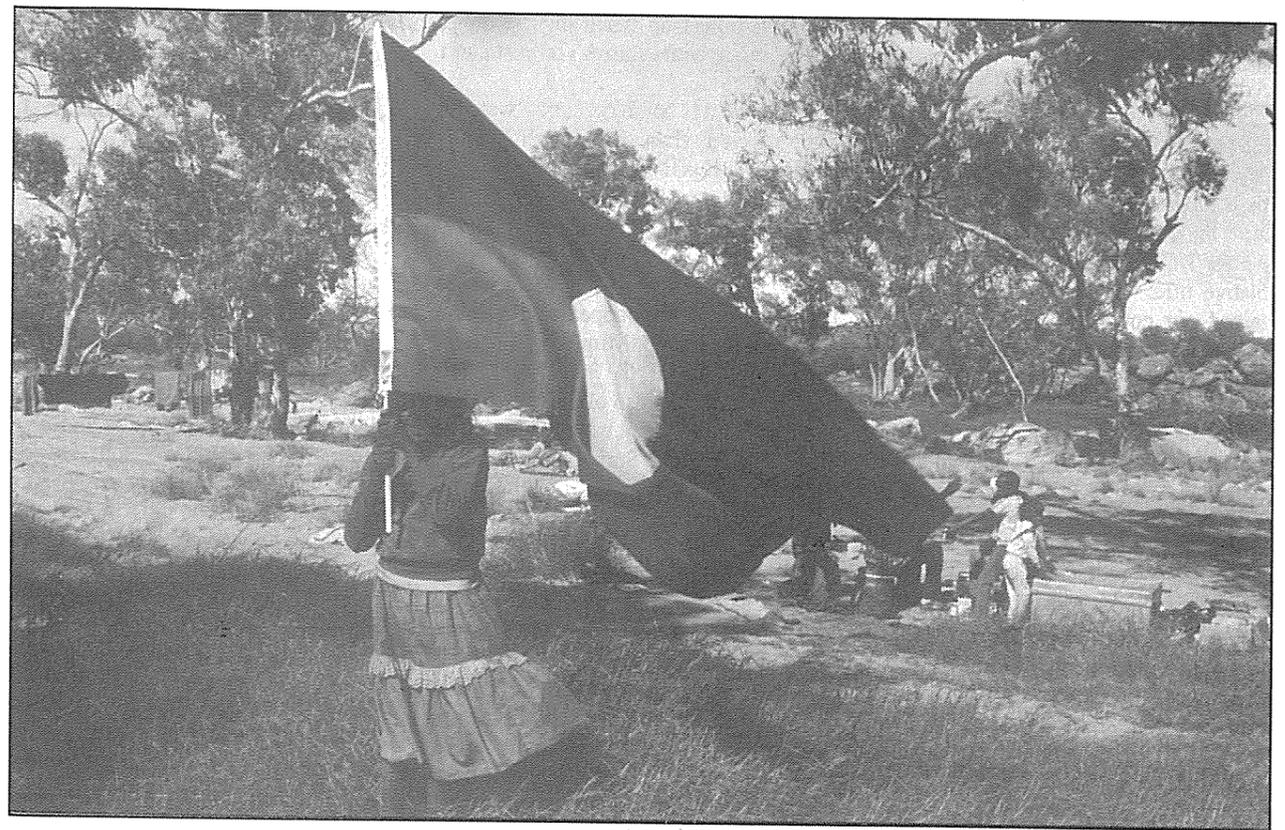
'My people have memories and stories going back a long time. My father tells us of the time when animals and people were bigger – big kangaroos, emus, wombats. Our people remember when the land was tropical, covered in rainforest, even up past Uluru [Ayers Rock]. Lake Callabonna was all forested around 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 (Roxby 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 that



*“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.”*

the boils represent the first stages of radiation poisoning.

The land claim has been lodged on behalf of Lockey Stewart and Clancy Cramp, who are members of a Southern Aranda association called the Eringa 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 Dreaming, we have blood connections to that land, our people are buried there.’

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 Bloods Creek. We will develop the community on tableland country so as not to affect the water-courses. 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 sludge to fertilise the ground.

‘We want to be able to bring young

kids out there and educate them in land management. We would have a cattle herd for our own meat, but don’t want huge numbers of animals on the land. We would encourage the land to its natural way and allow native animals to return. We will look after the area – it has been neglected for too long. The Kidman Cattle Company holds a lease over the area – they have already been grazing there in a fragile environment for 100 years. Cattle erode the land and destroy the waterways. Cattle grazing is slowly destroying the country.

‘We want everything to be 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.

‘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.’

There are proposals to put more mining towns up in the north of South Australia. They will draw more water from the Artesian Basin. Chemicals from the mining are poisoning the water.

‘It is important that people under-

stand that this land claim is not some sort of prejudice against white people. It will take all Australians to protect this country. We need to stand up together and say that we don’t want it destroyed. Europe has destroyed much of its natural environment. We must learn from this. We don’t want our land to end up like America – they have done the same thing, the pollution and acid rain. We need to protect the land, so that tourists will be able to come here and see other ways to treat the land. The land is like diamonds or fine jewellery, yet people still keep looking at how it can make money. But the riches are in the land – we just need to learn how to appreciate it.’

*“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.”*

Gina stressed that it is vital for people to support those who are working to protect the environment.

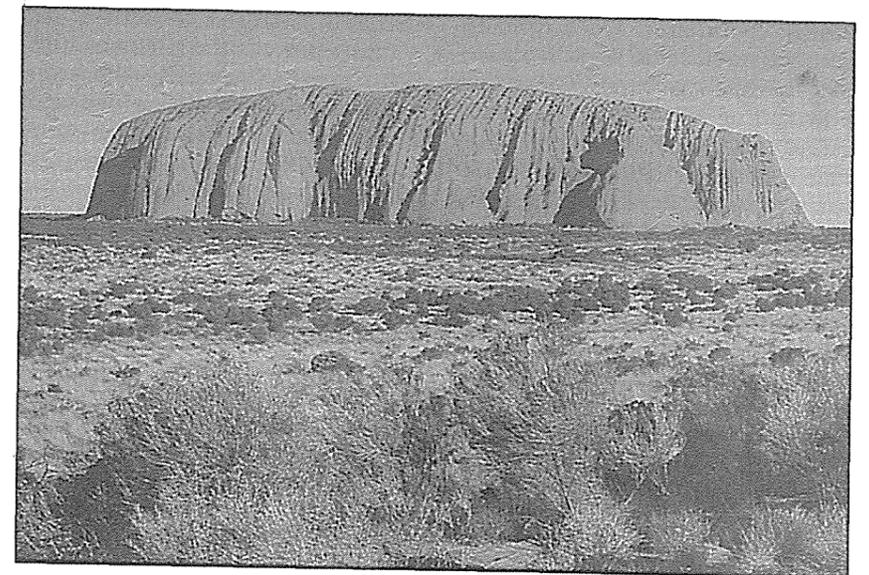
‘We need to stand up and tell the government that we don’t want any more destruction. We need to get the dream up and running. We need to be proud in ourselves – we can make jobs without mining, we can make things here in Australia, there can be enough for everyone.

‘Mining only offers short-term gains – it comes to an end, but the land goes on forever. If we keep it intact, people will come to see it – we can have long-term economic and cultural survival while looking after the land.’

*Cam Walker of Friends of the Earth interviewed Regina McKenzie. For more information contact Cam on (03) 419 8700.*

# Anangu knowledge and Uluru management

*Aboriginal knowledge of the ecology of their land can be used in land management to ensure that there are tangible benefits for all involved. Cam Walker looks at the work of the Uluru Fauna Survey.*



ONE OF THE ISSUES that will become increasingly important for environmentalists in the coming years is that of joint management of national parks between traditional owners and management authorities. While some environment groups have expressed concerns about ‘overhunting’ and the possibility of extinctions, the majority of environmental organisations recognise the need for Aboriginal involvement in management.

One example of where this has occurred is in the Uluru National Park in the Northern Territory. This article is based on the work carried out by Julian Reid, and colleagues of the CSIRO Division of

Wildlife and Ecology, and the Australian Nature Conservation Agency (ANCA), in conjunction with the Mutitjulu Community living at Uluru.

It is clear that Aboriginal people have a rich ecological knowledge based on many thousands of years of observation and involvement in ecological processes. By contrast, research relating to environmental management in the Australian arid regions is often of a short-term nature, and is a very recent 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.

Large numbers of the Aboriginal people living in central, western, north eastern and northern Australia have maintained traditional ties with their land. They have extensive knowledge of the local environment based on direct experience and passed on through oral traditions. There is concern that knowledge is being lost as the older people who lived traditional lifestyles are becoming fewer in number each year.

The Uluru National Park is owned by Anangu (the name by which the traditional custodians call themselves), and jointly managed by them and ANCA. In 1985, the land was handed back to the Anangu and then leased back to ANCA

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 maximise 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 field work was completed, a review was made of the vast amount of traditional knowledge that had been collected. This involved translating the transcripts of the field work from Pitjantjatjara to English. The resulting report, including extensive documentation of Anangu understanding and names for specific animals will be used in developing management strategies aimed at meeting the aims of the study.

There were benefits for both the non-Aboriginal managers as well as the Anangu people involved in the study. Studies such as this (and indeed joint management as a whole) reaffirm the worth of the specialist knowledge of Anangu. Given that Aboriginal people have traditionally been marginalised by non-Aboriginal culture, this is seen to be of tangible benefit to the community. Anangu were involved in all stages of the project and taught management and scientific skills to non-Aboriginal people while maintaining control over the information they passed on. This is seen as being a fundamental element in successful collaboration or management: that the two parties are able to negotiate as equal

partners. One way to guarantee this is to ensure that there are tangible benefits to both groups.

As a general rule in this style of collaboration, there appear to be a number of basic elements for success:

- the Aboriginal people have decision-making power (ideally with a majority on Boards so as to ensure right of veto);
- involvement of Aboriginal people in all stages of any particular project;
- control of intellectual resources is retained by the Aboriginal people;
- That people of both gender be used for information gathering, and appropriate consultancy rates be paid to people with specialist knowledge;
- there is Aboriginal control over the final information that is released. This is important given difficulties in interpreting 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 successful collaboration are improved, with tangible outcomes for Aboriginal and non-Aboriginal land managers and other users such as tourists, as well as for the environment itself.

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*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.*

*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.*

SINCE 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 dispossession of their land and the destruction to their traditional culture and heritage.

The Yorta Yorta claim is 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 culture and heritage.

The traditional Yorta Yorta lifestyle was based on hunting, fishing and collecting food. However being river based people, most of their time was occupied

# Yorta Yorta struggle for justice continues...

by fishing, as the majority of food was provided from the network of rivers, lagoons, creeks and lakes which were and are still regarded as the lifeforce of the Yorta Yorta people. The annual floods that occur in this region are regarded by Yorta Yorta people as necessary for the replenishment of food sources and the survival of the forest.

The original Yorta Yorta territory was both rich and abundant in natural food sources. Archaeologists refer to this type of environment as a broad-based economy capable of producing a broad range and variety of food. Indeed the first white intruder to have contact with the Yorta Yorta commented on its richness and recorded in his recollection that the area could have supported 'twice the population' he encountered there in 1843.<sup>1</sup>

In relation to population density, the Murray Valley Region was regarded as one of the most heavily populated regions in Australia prior to the colonial invasion. By comparison with other areas, the Murray Valley was capable of carrying a higher population than the less fertile and more arid regions. Evidence to support this, such as the abundance of mounds (camping and cooking places), the fish trap systems and middens (build up of shellfish), indicates that the Murray Valley, which includes the Yorta Yorta territory, was intensively utilised by tribal groups. The population of the Yorta Yorta before contact is estimated to be approximately 2,400.<sup>2</sup>

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'.<sup>3</sup> 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 live.

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 what-

ever the 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.

The outcome of the frontier period in the Yorta Yorta region is analogous to other areas where the European invasion wrought havoc. The Yorta Yorta were dispossessed of their traditional lands and left to eke out 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.

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 Cummuragunja 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 were at the forefront of their struggle.<sup>4</sup>

Both these organisations gained major achievements for Koori\* people in Aboriginal affairs, and were the forerunners or springboards from which other organisations on both the state and national level began.<sup>5</sup>

Other political activity in this period which involved Cummuragunja residents was the 1939 'walk off' in which the majority of residents packed up and walked off 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.<sup>6</sup>

Whilst Cummuragunja 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 fishing areas 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.<sup>7</sup> 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.<sup>8</sup>

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 Cummuragunja Reserve, which had been originally 2,965 acres, to the Yorta Yorta

Land Council in 1983.<sup>9</sup>

The land which was granted under inalienable freehold title, when considered in the context of the traditional Yorta Yorta territories of thousands of square miles, was a mere pittance of their traditional land base.

The most recent claims for the Barmah 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 Barmah Forest to its traditional owners and for compensation for its past use and the destruction of traditional culture. A prior unsuccessful claim to the same area, including the Moira Forest was made to the Victorian Government in 1975 by the Aborigines Advancement 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.<sup>10</sup> 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 keeping 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, in-

cluding the Aboriginal race of Australia, for whom it is deemed necessary to make special laws. (S.51, xxvi, Commonwealth Constitution)

This effectively gave the Federal Parliament over-riding powers in Aboriginal affairs with respect to the states.

The Commonwealth is authorised 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:

those states in which ethnic, religious or linguistic minorities exist, persons belonging to such shall not be denied the right, in community with other members of their group to enjoy their own culture, to profess and practice their own religion or to use their own language.

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 (xxix) of the Constitution. This power was asserted in the Tasmanian Dams case in the High Court in 1983, along with the power under S.51, xxvi, of the Constitution.

Further to these federal jurisdictions, the *Mabo* decision has thrown new light on the situation. The implications of the *Mabo* decision establishes that the legal fiction of *terra nullius* has been finally put to rest and there is a stronger case for indigenous land 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.

## The Yorta Yorta claim

In 1993, the Yorta Yorta Murray Goulburn Clans Council lodged a claim for their traditional lands in the middle Murray region. In mid 1994, the National Native Title Tribunal accepted the Council's claim for adjudication.

Traditional Yorta Yorta land covers around 20,000 square kilometres, reaching a maximum of around 75km from the Murray River, and covering towns such as Shepparton, Echuca and Benalla in Victoria. Native title is being claimed over their country that remains as Crown land – about 4,000 square kilometres. This region is predominantly forested, and includes the Barmah 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 16,000 square kilometres of their traditional country. This constitutes the land that was appropriated in the past and converted to freehold and leasehold title, 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.

On the State level the Victorian Government has granted land to Aboriginal groups. In 1970 limited title to two areas of land was granted to the Lake Tyers and Framlingham Trusts.

In 1987 the Victorian Government requested the Commonwealth to enact the legislation for the Lake Condah and Framlingham Forest which is now Aboriginal Land.<sup>11</sup>

The Victorian Government has demonstrated in these instances that land can be granted through legislation relating to specific areas. It can also call on the Federal Parliament, as it did with the above case, under the Commonwealth's constitutional powers to grant land to Aboriginal communities in Victoria.

From this background it can be strongly argued that both the State and Federal Governments have the power and legal mechanisms to rectify the injustices that Aborigines have suffered over the last two centuries.

Furthermore the High Court's *Mabo* decision has given the Yorta Yorta new hope of reclaiming what they regard as rightfully theirs.

This will be the eighteenth attempt to seek justice for past injustices. As this claim is now before the High Court no

further comment can be made on its substance or the area being claimed.

It is important to note however that given the Yorta Yorta people's strong links with the area and their continuous struggle for the land and compensation it is still the main item on the Yorta Yorta agenda – justice must prevail in the long run.

### References

\* Koori is a term used in New South Wales and Victoria in preference to Aborigine.

- 1 Curr, 1883: 107,120.
- 2 Tindale, 1947: 207; Kirk, 1981: 39-41.
- 3 Sahlins, 1974: chapter 1.
- 4 Horner, 1974.
- 5 Bennett, 1991: 4-5.
- 6 Bennett, 1991:5.
- 7 Victorian Aborigines Protection Board, 1861: 19.
- 8 see Atkinson, 1985.
- 9 International Permaculture Journal, 1988: 29-31.
- 10 Yorta Yorta Land Claim, 1984:1.
- 11 Lake Condah and Framlingham Forest Act 1987, McRae, Nettheim, Beacroft, 1991: 159.

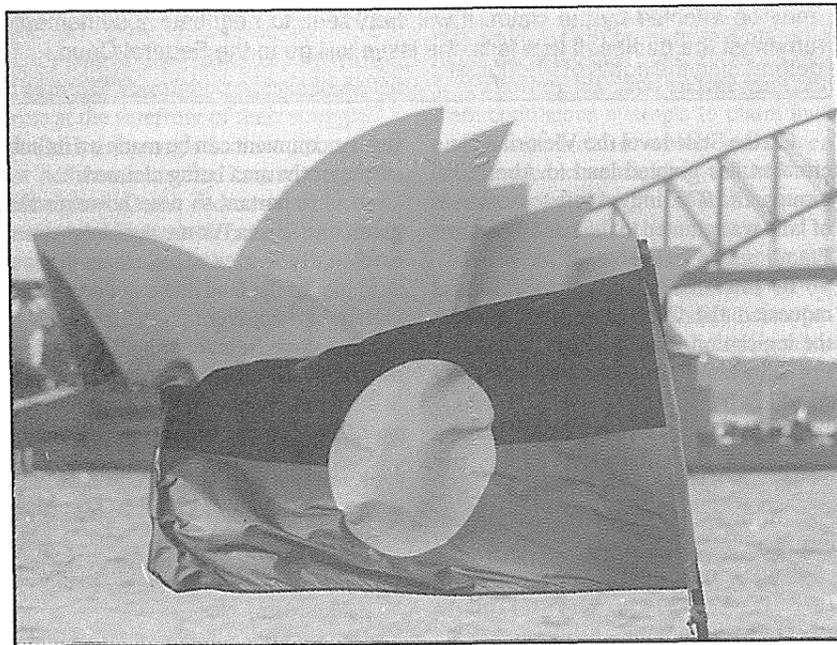
Wayne Atkinson is Research Worker with the Yorta Yorta Clans Group.



The country the Yorta Yorta are claiming includes redgum forests that will provide an economic base for the community.

# 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* or (empty land), the legal fiction that this country was subsequently built on. But *terra nullius* has now been overturned 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 fulfil

the needs of Aboriginal and non-Aboriginal people.

With the advent of the Native Title legislation, many issues have arisen. 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 around the issue of 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 believe in 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 part 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 Abo-

original 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 1835 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 1837, this time in Western Australia. In the early 1950s Mary Clarke, an elder from Framlingham Mission near Warrnambool, 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 per 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 Gunai nation in Victoria, a tireless and energetic campaigner in the struggle for self-determination for over 20 years, his main focus for the past 10 years has been promoting 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 Aboriginal Provisional Government plans 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-inforced white domination of Aborigines. For example, Land 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 than 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 opportunity to sit down, design and implement 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.*

THE LEGISLATION enacted by Prime Minister Paul Keating in response to the Mabo High Court decision on native title has not dispelled the confusion about Aboriginal and Torres Strait Islander title to land. While this confusion exists the Government fails to govern.

The legislation cannot stop legal action nor can it provide any further steps toward reconciliation. The key to dispel this disharmony lies in Treaty. The National Aboriginal Corporation for Cultural Heritage (NACCH) has been created to expedite this work.

A Treaty will heal the nation now, because the matter of land rights can be settled at a pace everyone can handle by negotiation with the Elders of the Aboriginal nations, bloodline back to territory.

Negotiated settlements can be made with anyone with a vested interest in the territory. The final settlement is by way of layered 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 territory.

Essential to the settlement process is also recognition of our customary law being equally weighted with Westminster law. Embodied in this process is the urgent necessity to recognise justice as natural law/lore. The invaders' law defines this natural law thus: "Natural Law is God's law and is superior to man-made laws." The process of negotiation secures all existing titles, sets a handle on the debate and allows business to go on.

It is the mandate of the NACCH to sing up Natural Law through Elders in Council at the local level. There can be no peace without due consideration and respect of God's law.

This is done by way of workshops with Elders who are sitting in Council. The Elders who are already sitting in Council, such as the Bunjulung (northern NSW) and the Gu Gu Yelanji (far north Queensland) have sanctioned this process. In the words of one Gu Gu Yelanji Elder, Babi Wawu Norman Mitchell (103 years old), when shown the proposed Treaty, 'This is the absolute truth, our law isn't finished, I know it'.

Oodgeroo of the tribe Noonuccal, custodians of the land Minjerribah (North

Stradbroke Island) whose Elders have been sitting in Council since October 1992, communicated her views regarding the Treaty process, recorded in the *Courier Mail*, 21 June 1993, 'Mabo deadline on Straddie miner':

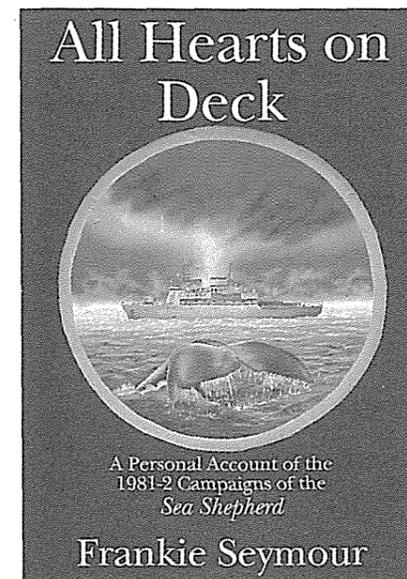
'Ms Noonuccal, who lives on Stradbroke, urged governments to meet tribal groups to form treaties over Mabo. The High Court's historic Mabo decision in June 1992 rejected the long-held principle of *terra nullius* - that the land was not owned before British possession was declared 200 years ago. It recognises prior title by Aborigines and Torres Strait Islanders 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 summary

- A treaty will heal the nation now because the matter can be settled at a pace everyone can handle by negotiation with the Elders, bloodline back to territory.
- Negotiated settlements can be made with anyone with a vested interest in the territory.
- Precedent is in your wages policy.
- The final settlement is by way of layered land titles by recognising traditional titles and layering on of other titles by way of agreement with Elders in Council, bloodline back to territory
- Essential to the settlement process is also recognition of our customary law, being equally weighted with your law.
- The process of negotiation secures all existing titles, sets a handle on the debate and allows business to go on - and it costs a helluva lot less!

*Dennis Walker is National Co-ordinator with the National Aboriginal Corporation for Cultural Heritage, c/- PO Dunwich, Stradbroke Island QLD 4183.*



## All Hearts on Deck - a personal account of the 1981-2 campaigns of the Sea Shepherd

by Frankie Seymour, Boris Books, 1993, 180pp, \$19.95

Reviewed by Ben McGuire

In 1981 the 'Marine Mammal Conservation Ship' *Sea Shepherd* sailed into the Bering Sea to disrupt then-Soviet commercial whaling operations. Frankie Seymour was a crew member and *All Hearts on Deck* is her personal account of the campaign. By the author's own admission the book is an odd mixture of memoir, poetry, philosophy, photography and illustration. It is also, unfortunately, a frustrating sermon.

In August, 1981, the *Sea Shepherd*, be-rainbowed and crewed by an eclectic gathering of conservationists, entered Soviet waters, was chased out by a Soviet warship, entered again, left again, entered again, was chased out again and then went home. This all happened in the space of four days, and all without sighting the *Zvedsney*, the whaling ship whose harvesting they were there to interrupt. Most significant, Seymour supposes, is that while the *Sea Shepherd's* derring-do was niggling the navy warship, the *Zvedsney* probably wasn't whaling. Indirectly, then, they may have saved some whales.

Due to a lack of funds the subsequent campaign to stop Japanese fisherman killing dolphins off Iki Island was restricted to a land based publicity campaign. Seymour provides an account of that effort too.

Seymour's memoir is much padded - mostly by her poetry, which is heart-felt but uninspiring, and by brief philosophical dissertations on violence, the rights of fish, and cosmic purpose amongst others. Seymour claims that she was "not remotely interested in telling other people what they should feel or think or do". And she does not tell others what to feel or think or do. But if others are not vegetarians, or do not share her conception of 'planetary duty', then others are bothers. This preaching is subtle, but it becomes frustrating.

So does the author's exaggeration. If the Soviet navy was as mean as Seymour makes out, the twenty-eight sea shepherds might have had a plank-walk. They did not have a cake-walk either but the excursion was certainly not Odyssean in proportion or peril. References, even if

# Reviews

only metaphorical, to crew members as Odysseus, Aeneas and Achilles make too much of the heroism of a gaggle of greenies whose most heated jousts occurred at meal times over the ethics of vegetarianism.

Such jousts are recounted in the book. So are smells, menus, conversations, personality clashes and so on. This attention to detail is one of the most appealing features of Seymour's book. She attends to the rigmarole of the life on board the *Sea Shepherd* and provides a refreshing insight into the personal as well as the political side of the campaign. If the *Sea Shepherd* wasn't a ship, this book would be down to earth.

But *All Hearts on Deck* is most impressive in its championing of the plight of marine mammals. It cannot be recommended as a polished production, or for a brilliant prose style, or for the author's annoying fetish for the exclamation mark, but it can be for its determined advocacy of the predicament of whales and dolphins. Seymour provides a poignant reminder of the destruction that humans have visited upon marine life, but particularly upon whales. Appropriately, they were the beneficiaries of the *Sea Shepherd's* campaign. One hopes that will also be true of *All Hearts on Deck*.

*Ben McGuire is a law student at the Australian National University.*

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# Reviews

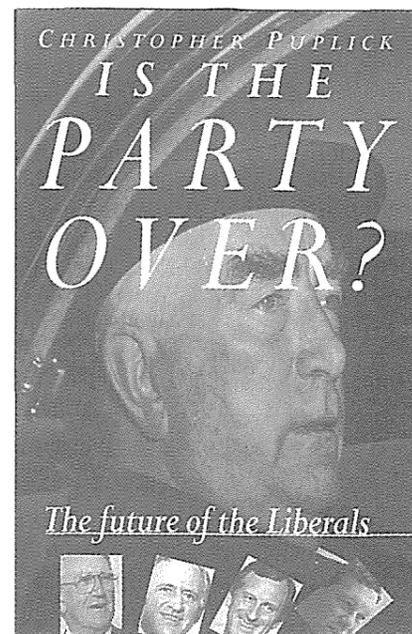
## Is the Party Over? The Future of the Liberals

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



(‘the new standard-bearer of reactionary conservatism in the Liberal Party’), and it fits in with the overall flow of his book.

The release of Puplick’s book coincided with pressure on the Liberal Party to deliver detailed policies. Puplick has a number of suggestions.

After looking at the ‘Battle for Ideas’ Puplick has a detailed examination of some of the policy areas where he believes the Liberals should be looking at alternatives. Although this section is necessarily brief, it is interesting in what it shows of what the Liberal Party could be capable.

Two areas are particularly interesting for the purposes of this review: federalism and the environment.

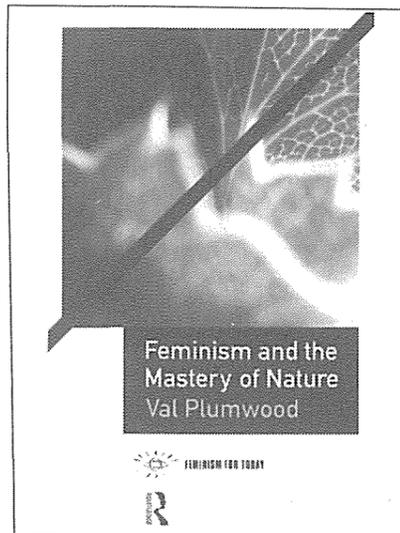
Federalism is probably the greatest dilemma facing the Liberal Party. It is certainly the greatest problem for any environment group in discussion with the Liberal spokesperson on the environment, whoever it is, because nearly every environmental issue in Australia has some State-based aspect. When pushed, the Liberals almost inevitably cry ‘States’ rights’ and nothing gets done. This seems to be particularly the case on the environment. The Liberals opposed the Government’s *World Heritage Protection Act* in 1983 and sought to defend Tasmania’s rights (to dam the Franklin), and they’ve been on the wrong side of the debate ever since.

Puplick is gloomy. He sees the Liberal Party as being taken over and eroded from within by conservatives. He derides the calls for the Liberal Party to chase blue-collar votes – like the ‘Reagan Democrats’ – as being a wrong strategy (he compares US and Australia voting systems to show why it wouldn’t work), and not one where the Liberals could maintain their constituency when their policies are put into practice.

Puplick himself calls for an inclusionist approach which deals with the policy areas he 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

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

## Ecofeminism

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

Reviewed by Phoebe Thorndyke.

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 for women who were already environmental activists; it had a profound and beneficial effect on the local Friends of the Earth group and led to the production of the first ‘women’s edition’ of *Chain Reaction*. But feminists within the WLM remained largely unmoved, and eventually the collective folded. Ten years later, at the national Deep Ecology Conference in Melbourne, women again gathered to discuss ecofeminism, but this group too was short-lived. Clearly the growth of this movement is destined to be slow. Ecofeminism isn’t sexy. It can’t compete in the fashion stakes with postmodernism, nor with the media hype which presents feminism as a woman’s right to

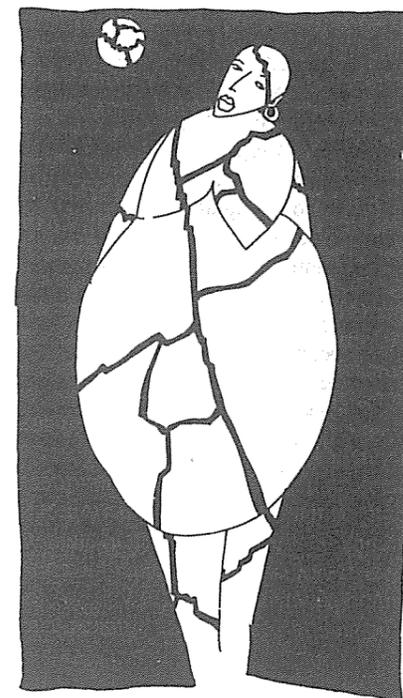
run a major corporation and still wear lacy knickers. And obviously it lacks appeal for those men who still see the environment movement as an arena for competition and power, or who don’t want to confront sexual politics too closely.

However, to ecofeminists, it’s clear that the power structures in most human societies work by dividing all creatures into groups with distinct places in a hierarchy, allowing the exploitation and degradation of one fragment by another. In our own society humanity is split off from and placed above nature; men and women, adults and children, black and white, even whales and invertebrates are separated and given different status. This process is justified by everyone from mining companies to philosophers. The ‘us and them’ doctrine appeals equally to the selfish who already have too much and to the downtrodden who have too little: you can always spit on someone or something below you, and take what you can from them to make your own lot easier. The New Ager who lives selfishly while retaining a sense of spiritual purity through cultural appropriation, the NIMBY who wants a pristine environment at home and a quarry and a rubbish tip somewhere else, and the therapist with the array of single-use containers of ‘natural’ remedies all have as much interest in the division and conquest of nature and colonised peoples as the mining company executive has. Their lifestyles depend on it.

So clearly ecofeminism needs all the promotion it can get. Two new books on the subject in one year look promising. But how useful are they really going to be? The principal project of ecofeminism is to get people to see the connections and to change their ethics, expectations and actions to create, even slowly, a world which is equitable and sustainable for the planet and all creatures. To work towards this end a book must be both accessible and empowering. For the general reader, unfortunately, neither of these two books meets those criteria.

*Ecofeminism*, by Maria Mies and Vandana Shiva, I found really disappointing. Badly written, badly printed and apparently not edited at all, this collection of essays is often heavy going;

worse, it’s so relentlessly depressing that it actively disempowers the reader. The authors detail the reliance of the rich nations on the exploitation of the poor nations for their prosperity, even the poor in the rich nations needing the low-paid labour of colonised peoples elsewhere to produce the cheap goods which are all that they can afford. They make the connections between the disempowerment of colonised men and the misogyny and militarism to which they turn for compensation. They discuss the ways in



suggests ‘consumer liberation’, a celebration of simple living, but without enough detail or enthusiasm to give force to her argument. The concluding chapter of the book, which should be optimistic and empowering, offers the western reader only the tired hippy alternative of the ‘seventies: back to the land in a collective, sharing the shit-shovelling and basking in individual salvation, while overlooking the private capital that bought the land in the first place. This is a total failure to address the issues of inequality, exploitation and self-absorption that are destroying overdeveloped societies and the world that supports them. And somehow I don’t see it as the utopia to lure the young business executive away from her fast car and lacy knickers.

Val Plumwood’s lucid, intelligent and beautifully written *Feminism and the Mastery of Nature* should be an enriching experience and a source of academically rigorous arguments for philosophy students and graduates, but for readers without any training in the area much of it is dauntingly technical. Essentially this is a textbook which examines the philosophical arguments for and against ecofeminism, rather than an introduction for the general reader or environmental or feminist activist wanting to understand the connections involved. However, because the author combines the intellectual capacity to see all the complexities of an issue with the writing skill to identify and explain them clearly, in language that’s simple without being simplistic, it’s a valuable and useful book well worth a sustained effort.

The principal strength of both these books is their focus on the importance of the distinction between dualism and diversity. Their common practical message is that we must replace the dualistic ‘us and them’ approach with a genuine appreciation of both diversity and similarity, making a real effort to understand and value all life and the earth that sustains it. It’s a message that could do with a more accessible vehicle than either of these, but still one that bears repeating in as many forms as possible.

Phoebe Thorndyke is an ecofeminist from Melbourne.

# Reviews

## State of the World

Lester R. Brown

and  
Alan Durning  
Christopher Flavin  
Hilary French  
Nicholas Lenssen  
Marcia Lowe  
Ann Misch  
Sandra Postel  
Michael Renner  
Linda Starke  
Peter Weber  
John Young



A Worldwatch Institute Report on  
Progress toward a Sustainable Society

### State of the World 1994

by Lester Brown et al, Worldwatch  
Institute, 1994, 262pp.

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.

As the forward in the book justifiably proclaims, the compelling evidence contained within its pages have prompted 'environmental literacy' throughout the world, and probably most importantly influenced decisions made in international fora and national governments.

Each of the ten chapters in the book was researched and written by different authors. The issues covered chart the world's progress towards a sustainable society. The first chapter addresses the need for structural change to redress the present inequities in the distribution of wealth and resources - inequalities that mean that we have surpassed the earth's carrying capacity.

Other chapters cover: deforestation; over-exploitation and pollution of the oceans; a strategy for reshaping the power industry; transport planning and use; the use of computers for the environment; assessing environmental health risks; cleaning up after the arms trade; world bank lending patterns and the nature of global food insecurities.

The beauty of this book lies in the fact that rather than merely presenting the usual litany of depressing and alarming facts that once again affirm that we are going nowhere fast *State of the World* proposes feasible solutions, such as - how to redirect World Bank and International Monetary Fund lending to promote sustainable and equitable development; how to reshape the power industry to increase efficiency and to reduce power use and pollution; and how to redesign the forest economy through reforming tenure, price and power.

A particularly interesting chapter is 'Using Computers for the Environment'

that expounds the use of computers to facilitate the exchange of information for the purposes of promoting a sustainable global economy.

Computers, it claims, are 'no longer the exclusive province of a technical priesthood, their value lies in their ability to turn information into knowledge. And nowhere is the need for knowledge greater than in the drive to create a sustainable global economy'.

The chapter reasons that the use of computer email networks; modelling and databases have proven to be invaluable in environmental campaigning. Whether you concur with this opinion or not this chapter is well worth reading if you are considering the relative merits of using computer technology or not.

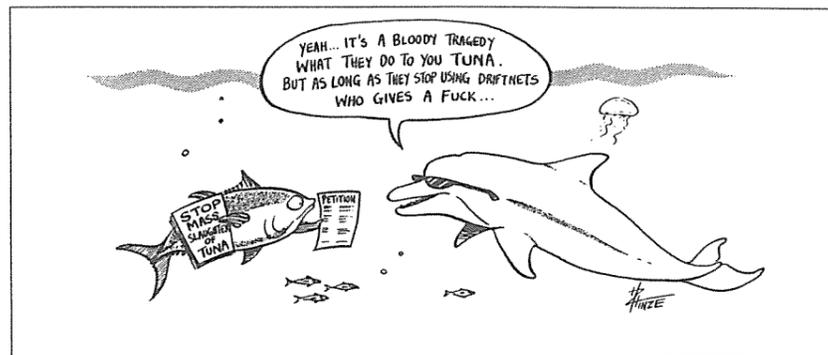
Overall the *State of the World 1994* is an excellent reference book. Easy to read and understand, full of facts, figures charts and accompanied by comprehensive end notes and references.

*The State of the World 1994* is a body of knowledge that is obviously geared towards influencing policy development. The strategies for change recommended can be applied in an international, regional or local context.

It is therefore a very good point of reference for those involved in environmental campaigning or environmental education generally.

One word of caution however. I would not recommend trying to read this book if you are intending to get away from it all and trying to bliss out in the desert.

*Maggie Hine works on environmental projects for non-government and local government organisations.*



# Contacts and information

**Land Rights News**  
(national bi-monthly paper on land rights issues - subscriptions \$25)  
PO Box 4292  
Casuarina NT 0811  
Tel: (089) 51 6211

**Aboriginal Provisional Government**  
GPO Box 569F Hobart 7001  
Tel: (002) 348 311

**National Committee to Defend Black Rights**  
PO Box 498  
Broadway NSW 2007

**Council for Aboriginal Reconciliation**  
Locked Bag 14  
Queen Victoria Terrace  
Parkes ACT 2600

**Treaty 88**  
GPO Box 1101  
Canberra ACT 2606

**NSW Aboriginal Land Council**  
Tel: (02) 689 444

**Koori Mail (newspaper)**  
PO Box 117  
Lismore NSW 2480  
Tel: (066) 222 666

**Koori Radio**  
Sydney  
Tel: (02) 550 9552

**Link Up (NSW) Aboriginal Corporation**  
(helps removed or separated Aboriginal and Torres Strait Islander people find their way home to their natural family and their culture)  
PO Box 93  
Lawson NSW 2783

**4AAA**  
(Murri radio station - Brisbane)  
Brisbane Indigenous Media Association  
973 Fairfield Rd  
Yeerongpilly QLD 4105  
Tel: (07) 892 5752

**Townsville Aboriginal Media Association (TAMA)**  
Tel: (077) 725 466

**AT9IC**  
Tel: (07) 234 4222

**Tasmanian Aboriginal Centre**  
Tel: (002) 348 311

**9A Aboriginal Lands Trust**  
Tandanya  
253 Grenfell St  
Adelaide SA 5000  
Tel: (08) 232 3732

**Aborigines Advancement League**  
Watts St  
Thornbury VIC 3071  
Tel: (03) 480 6377

**AT9IC**  
Tel: (03) 604 4400

**WA Aboriginal Lands Trust**  
Tel: (09) 483 1222

**WA Aboriginal Media Association (WAAMA)**  
PO Box 8138  
Stirling WA 6001  
Tel: (09) 325 1622

**Northern Land Council**  
Tel: (089) 205 100

**AT9IC**  
Tel: (06) 289 3350

**Office of Public Affairs AT9IC**  
Tel: (06) 289 3020

**Indigenous Issues Section, Department of Foreign Affairs and Trade**  
Tel (06) 261 2069

### Some Chain Reaction reading

**Two hundred years, too long**

*Rob Riley, Number 42/43, August 1985*

**Black issues: white movements**

*Lyn Allen, Number 45, Autumn 1986*

**Telling White lies**

*Eve Fesl, Number 45, Autumn 1986*

**The not so Preferred model**

*Deborah Moon, Number 45, Autumn 1986*

**Pay the Rent**

*Denis Walker, Number 49, Autumn 1987*

**Land rights ... and mining**

*Judith Wright McKinney, Rick Humphries, Number 51, Spring 1987*

**Black Deaths in Custody**

*Helen Corbett, Number 53, Autumn 1988*

**Uranium and Aborigines**

*Number 54, Winter 1988*

**Wilderness - is it a land rights issue?**

*Jon Lark Number 61, July 1990*

**Aboriginal science for the ecologically sustainable future**

*Michael J. Christi, Number 68, February 1993*

**Native title claim puts Roxby in fluid situation**

*Maggie Hine, Number 69, September 1993*

# 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 858  
Devenport 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**  
C/- Parliament House  
Canberra ACT 2600  
Ph: (06) 277 7700  
Fax: (06) 273 4100

**Simon Balderstone**  
(Prime Minister's Environment Adviser)  
C/- Parliament House  
Canberra Act 2600  
Ph: (06) 277 7565  
Fax: (06) 273 4100

**Bob Carr MLA**  
(NSW Opposition Leader, Delegate)  
641 Anzac Parade  
Maroubra 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:

**Ila 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  
Surry Hills NSW 2010  
Ph: (02) 211 4066  
Fax: (02) 211 4123

**Mike Krockenberger**  
Australian Conservation  
Foundation  
340 Gore St  
Fitzroy VIC 3065  
Ph: (03) 416 1166  
Fax: (03) 416 0767

**Jamie Pittock**  
Environment Centre NT  
GPO Box 2120  
Darwin NT 0801  
Ph: (089) 812 532  
Fax: (089) 410 387



# It's time to tell them again **Uranium...NO**

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**