



# **THE CROCODILE HOLE REPORT**

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Kimberley Land Council and Waringarri Resource Centre





**Kimberley Land Council and Waringarri Resource Centre**

**REPORT OF THE CONFERENCE ON  
RESOURCE DEVELOPMENT**

**AND**

**KIMBERLEY ABORIGINAL CONTROL**

**11 - 13 September 1991**

**Hosted by the Rugan Community at Crocodile Hole**

**PART 1**

Sponsored by the Institute of Aboriginal and Torres Strait Islander Studies; the Centre for Research and Environmental Studies at ANU; Myer Foundation; Stegley Foundation; Community Aid Abroad; Aboriginal and Torres Strait Islander Commission (Western Australia) and the Aboriginal Affairs Planning Authority of W.A.

Resource Development and Kimberley Aboriginal Control Conference  
Working Party Members:

1. Kimberley Land Council
2. Waringarri Resource Centre
3. Mamabulanjin Resource Centre
4. Wanang Ngari
5. Guilingi Nangga
6. Marra Worra Worra
7. Balingarri
8. Joorook Ngarni
9. Kimberley Law and Culture Centre
10. Kimberley Language Resource Centre
11. Ngoonjuwah Council

**“ Culture is written in the land ”**



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## **ACKNOWLEDGEMENTS**

It is important to acknowledge and say thank you to many people who contributed to make the meeting the success it was.

Thanks go to John Watson, Chairman of the Kimberley Land Council and Teddy Carlton, Chairman of the Waringarri Resource Centre and their Executive who first agreed to accept the overall responsibility from the beginning as well as the Chairpersons of the other Resource Agencies who went on to form the Working Party which guided the Conference through its deliberations.

To Dr. H. C. Coombs for his continual and unending commitment in pursuit of justice for Aboriginal People and for his efforts in successfully raising initial sponsorship support so we were able to commence the organisation of the meeting.

To Barbara Dodson and Karen Flick who did all the preparatory work, once again with time constraints.

A special thank you to Patrick Dodson, the Conference Convenor who also coordinated the Steering Committee; provided direction and support in the development of the agenda and advised on the conference format and approach.

To Peter Tozer and his staff at Waringarri who assisted and worked with the Project office in Derby.

To Pat Morrison who organised Kimberley Aboriginal students doing the Curtin University course on Community Development as Facilitators as well as those other Facilitators who responded on short notice to carry out the role on behalf of the groups. In connection with these tasks and many others, the support of the Kimberley Land Council staff was greatly appreciated.

The staff at Yuri Yungi and the East Kimberley Aboriginal Medical Service who provided medical support at the meeting ground.

To Judi Butters, Tom Walker, Sam Butters, Bruce Thomas and the other workers From Warmun and Balangarri who provided support.

To Timmy Timms, Joe Thomas, Peggy Patrick and members of the Warmun and Rugan Communities for inviting us to meet on their country.

Special thanks to Kevin Puertollano and Dennis O'Meara who carried out the practical support tasks of ensuring provisions and needs of those attending the Conference were met with the co-operation of the staff from the Turkey Creek Roadhouse and the Wungkul Store at Warmun.



Thanks also to Kenny Stag who taped the proceedings.

Assistance in the drafting and editing of this conference report was provided by Patrick Dodson and Claudio Pierluigi of the Kimberley Land Council; Darryl Kickett, Curtin University and Dr. Amah Gallah, ANU.

Finally, many thanks to all the people from the communities throughout the whole of the Kimberley who made the effort to travel so far to contribute. The spirit and outcomes of the Conference were very much the result of everyone's participation, co-operation and constructive approach to the issues discussed.

**Peter Yu**

**Conference Co-ordinator**

**November 1991**





## (1.) CONFERENCE RECOMMENDATIONS

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### **Policy and Research**

1. This conference established a Working Group consisting of nominees of the Kimberley Land Council, the resource centres and other Aboriginal organisations in the Kimberley. The Working Group direct a Kimberley research development and training taskforce to address policy and strategy issues regarding:
  - Aboriginal representation.
  - Negotiation with governments and other organisations.
  - Advocacy of Aboriginal rights and concerns.
  - Co-ordination of land issues.
  - Policy development and research practices.
  - Ongoing community involvement and feed-back and community empowerment and other matters as directed by the Working Group.
2. That those present at this conference and the Working Group attend a meeting in November. 1991 for consideration of the report and what further action is needed.
3. Policy is to be developed based on community decision making and then passed on to the negotiating body.
4. Research and development training programs are to be developed, to keep skills in the community.
5. In an effort to reduce the use of consultants to be brought in by ATSIC for projects such as ATSIC regional plans, ATSIC should pass these consultancies on to the Working Group.
6. The Working Group should consider the issue of ATSIC Councillors being invited on to the Working Group, two from each region if the need arose. This would allow twelve representatives to cover the entire Kimberley.
7. The Working Group should consider whether the taskforce is going to be another organisation or use an existing structure already in place.

### **Culture and Land**

8. The Kimberley Aboriginal Working Group must ensure the primacy of the Cultural rights of Aboriginal People and embody the following fundamental principles as an integral part of all research, training and developmental activities and tasks in the Kimberley.

\* Culture is collective memory and the Law.

- \* Culture is continuity.
- \* Culture is a way of life.
- \* Culture is being together.
- \* Culture is maintaining its continuity.
- \* Culture is the care and use of land.
- \* Culture is a bond that ties Aboriginal People to country.
- \* Culture is a living dynamic force continually adapting.

It is also suggested that all written documentation in future use the upper case **C** in **Culture** when referring to Aboriginal Culture so as to symbolise the primacy of indigenous Cultural rights in a multi-cultural Australia.

9. There is an urgent need for co-ordinated Aboriginal Land Rights discussions [including Sea Rights). Governments should be providing more land for Aboriginal People to have access to traditional places to practise and pass on Aboriginal Cultural ways: for hunting, fishing, collecting material for artefacts, looking after our sites, talking to our country, educating young people, burial in our country, making our spirit strong and making our language strong for the country. Shires and their by-laws need to take full account of Aboriginal interests. Mining, pastoral interests and agricultural departments must recognise Aboriginal need to have access to land.
10. The Working Group direct research and developmental work to advocate for Kimberley land rights legislation.
11. The Working Group must establish procedures and rules for the prevention of exploitation and erosion of Aboriginal Culture by non-Aboriginal experts.

### **Aboriginal Community Control and Organisation**

12. Community empowerment and Cultural development must be promoted through recognition of positive ventures and through adequate resources.
13. Aboriginal organisations need to work together and not let external forces divide and rule them. They have to work in a united way for information control and negotiation with service developers and providers. They should ensure that token talking and superficial consultation is replaced by proper negotiation with community needs as the focus. They should work towards the future and play a key role in advocacy for Aboriginal interests with a united voice. They should communicate and use media to network locally, nationally, and internationally.
14. Aboriginal People want to run their own businesses and interests. They want to make their own rules rather than government making them all the time.

15. External control of community development policies to be replaced by community control and direction.
16. KLC to be the co-ordinator of land issues not AAPA.
17. KLC and Resource Agencies to define a process for land acquisition and lobbying.
18. Strong support for KLC to come from communities.
19. Kimberley-wide regional Aboriginal organisations e.g. Kimberley Land Council and Kimberley Aboriginal Law and Culture, should be together.
20. There must be skilled KLC field officers.
21. There should be one strong voice. KLC to be the voice, KLC belongs to all Aboriginal People in the Kimberley.
22. KLC and KALAC should have field officers to report back to main groups on matters from the communities. There should be report back on regular basis.
23. Account needs to be taken of larger communities not necessarily affiliated with Resource Centres and the KLC.
24. Community involvement through field officers and community group meetings; feedback should be both ways between the Working Group and communities: there is to be ongoing community involvement.

### **Negotiation**

25. Negotiation through one nominated group with representation from the community involved in that issue. All relevant Traditional Owners and Custodians to be present on matters of concern at all times. Not to go with one individual. This should be reflected in the community through their Council By-Laws.
26. These groups must allow time for the negotiations. No rash decisions.
27. Aboriginal women need to be recognised and be involved in all consultation and negotiation processes.
28. Should talk with ATSIC Commissioners and Councillors also AAPA, maybe international support and with Federation of Land Councils.

### **Education and Training**

29. We need our own schools. Two days gadiya business and three days Aboriginal business.

30. Aboriginal elders must be respected as educators and anthropologists. They are important in all forms of education and schools.
31. The Working Group develop bi-cultural/multi-cultural approaches to education so that both Aboriginal and gadiya ways are taught. The Working Group in conjunction with the schools authority/Education Department must establish a Kimberley Aboriginal Secondary Education Committee to develop policies and strategies for teaching Aboriginal Culture and languages in schools.
32. The Working Group in conjunction with a Western Australian tertiary institution develop policies and programmes for the training of Aboriginal People as Aboriginal multi-cultural experts in all aspects of community Cultural development and maintenance.
33. There is an urgent need for community based training to enable Aboriginal People to work with the system, to inform it and change it to make it more accountable to the community needs in all their diversity. Training must be for access, control and self-determination.
34. Training is also needed for government workers, about working with Aboriginal People and about Aboriginal needs. Government workers need training to accept and process oral submissions. DEET must provide adequate resources for training to facilitate efficiency anti effectiveness in the delivery of services.
35. Aboriginal People need training in both traditional and gadiya approaches so that there can be more Aboriginal People employed in the delivery of services.
36. There is an urgent need for a Kimberley Aboriginal Training and Employment Strategy.

## **Health**

37. The Working Group to negotiate a Kimberley Aboriginal Health Policy with the State Health Department within the context of the National Aboriginal Health Policy; to ensure appropriate Cultural training for health workers, at all levels of expertise, in conjunction with a Western Australian tertiary institution.
38. The Working Group review and develop a Culturally appropriate drug and alcohol program for Kimberley Aboriginal People and emphasise the need for access to land and land rights.
39. The proposed Taskforce should investigate health problems in remote/isolated Aboriginal communities.

## **Government Services**

40. Fragmented government services need to be co-ordinated for efficiency and effectiveness.
41. The Kimberley government services infrastructure needs to be community centred with greater freedom for ATSIC regional councillors to inform and influence the planning and delivery of these services.

## **Mining**

42. Procedures should be developed which will ensure mining companies carry out all business through KLC arid affiliates, and will inform people and coordinate their 'say'. It is important that KLC and affiliates are given more resources such as field officers, and that local communities are to be 'eyes and ears' for them. To ensure this process occurs there should be legislation to oblige mining companies to do all their business through KLC anti affiliates and that the companies do not interfere with other business. That protocols and a code of ethics be devised for mining companies to follow while on Aboriginal lands.
43. There should be proper negotiations with local communities before exploration licenses are issued. Old people are to be recognised as repositories of knowledge and know best about land use. Benefits of the proposed activity to the Aboriginal People must be ascertained. Site protection must be addressed and the respective people are to be informed of protection measures that will be guaranteed. In this context, the Heritage Act 1972-80 needs to be amended to introduce stronger penalties for desecration/disturbance of sites. It should be mandatory for the Aboriginal Lands Trust to consult through KLC and affiliates for feedback from communities before licences arid permits are issued.
44. Anthropologists and other experts to be subject to rules of accountability to Aboriginal People. Aboriginal People should have a say about which anthropologist can do the work on their country. In order to ensure this, procedures must be developed to accredit anthropologists and other expert consultants through the KLC and affiliates.
45. The protection of Aboriginal interests:
  - through access to legal structures and courts; legal terms, knowledge and implications of leases to be explained
  - through a right of veto.

- through compulsory compensation; royalties for the life of the mine: equitable compensation when women's sites are damaged. Women's Law must be respected; royalties put in to community bank.
46. Mining companies identify jobs for Aboriginal People at all levels of expertise through appropriate short-term and long-term professional training programs.

### **Pastoral Industry**

47. The establishment of an Aboriginal Pastoral Board and take steps to investigate the possibility of setting up of a Kimberley Aboriginal Cattlemen's Association.
48. Negotiate and develop strategies to ensure:
- that Moola Bulla cemetery and others are properly fenced in and protected; the creation of local Aboriginal cemetery trusts.
  - that Derby/Fitzroy communities and others get together and control Noogoora Burr.
  - that access to land is facilitated: Wangkatjungka can not get into Christmas Creek as the gates are locked.
49. Short-term and long-term training to develop proper skills in management, so people can successfully run pastoral properties.

### **Local Government**

50. There was concern expressed at the meeting that the present system of local government is neither favourable to Aboriginal People nor understood by many. This situation should be improved by the introduction of a consistent ward system into all the shires throughout the Kimberley and lobby the Minister for Local Government for these changes.
51. Encouraging more Aboriginal People to get on the electoral roll.
52. The immediate appointment of an Aboriginal information Officer with the Electoral Commission and the creation of more Aboriginal positions with the Commission.
53. The employment of Aboriginal consultants to provide advice and support to Aboriginal candidates prior to shire elections.



54. More promotional campaigns regarding local government should be undertaken through the employment of Aboriginal personnel to educate Aboriginal People about local government.
55. Establishment of formal and informal, short-term and long-term training for Aboriginal People to be equitably employed in local government and the Electoral Commission.

### **Water Resources**

56. The communication to all those responsible and especially the Minister for Water Research, at the unanimous opinion of the meeting is “no” to the pipeline proposal.
57. The replacement of the present developmental approach by one that is negotiation oriented.
58. Introduce measures for the proper use of the existing water of Lake Argyle Dam before any other discussion takes place on other major claims in the Kimberley.
59. Environmental concerns of salination and the destruction of the land should be prevented.
60. All drilling operations must take into consideration local Aboriginal knowledge and all operations are to be carried out through Resource Agencies or ATSIC and not WAWA.

### **National Parks**

61. National Parks should be under Aboriginal control. Aboriginal People should make the rules. Aboriginal People should prepare the management plans, and to have access to all areas within National Parks. Traditional hunting and the right to food (flora and fauna) should also be allowed. Areas of land that the government is considering for National Parks, should involve Traditional Owners to determine what they want to do with that land. All National Parks should be made A Class Aboriginal Reserves and Aboriginal People can look at sub-leasing them to National Parks. Amendments to the CALM Act so as to enable proper joint management, with Aboriginal People having the primary role in decision making. Commonwealth powers must be explored to enable true joint management in W.A.
62. This conference supports the Purnululu Aboriginal Corporation and their proposals for a ‘Park Council’ that has power to make decisions in keeping with true joint management and that it should not be just an advisory council.

63. Mining should not be allowed in National Park areas. CALM Act and Mining Act should be changed to protect these places. Aboriginal controlled Park Councils and Boards of Management should have power to keep mining out
64. Aboriginal People and organisations dealing with National Parks issues to meet again and develop a co-ordinated approach with consideration for the following:
  - The election of Aboriginal People to NPNCA to represent Aboriginal interests on this authority (N.B. NPNCA is the WA Government body that holds all National Parks lands).
  - A meeting to take place at Purnululu of Bunuba, Gulingi Nangga, Karajini and Purnululu to discuss changes to CALM Act and National Parks issues and develop joint strategies.
  - Access for local Aboriginal People to all areas within National Park and Nature Reserves with the right to continue to hunt and fish.
  - Agreements with Government to ensure that National Parks give preference to Aboriginal enterprises in Park areas.
65. Aboriginal National Parks organisations must take advantage of the support being offered by Conservation organisations specifically the Wilderness Society, to support their negotiations with CALM and to push for changes to the CALM Act.
66. The AAPA 'Forward Plan' should be sent out to Aboriginal organisations for comment and discussion and then finalised (Draft National Parks Policy Document).
67. A co-ordinated and negotiated strategy must be developed to provide short-term and long-term training and employment for Aboriginal People in all aspects of Park Management including: formation, planning and management; vegetation and wildlife management; and land and soil management.

## **Tourism**

68. Tourism is a growth industry with potential for Aboriginal self-reliance and dignity. However, the industry has physical and cultural impacts on the lands and communities. A co-ordinated Aboriginal management body should be established to:

- Control and manage tourism development.
- Regulate access to lands and sites.
- Work for the presentation and promotion of Aboriginal Cultural Heritage.
- Ensure that financial and economic benefits go to Aboriginal communities.
- Provide resources for the participation and control of development by Aboriginal People.
- Develop a short-term and long-term training and employment strategy.

## **Funding**

69. Funding for the Working Group could be similar to the way this conference was funded.
70. ATSIC Regional Councils should support KLC with funding. Every Regional Councillor should recommend ATSIC provides funding for KLC so that KLC operates on an efficient basis.

## **(2.) BACKGROUND**

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This conference arose from the work of the East Kimberley Impact Assessment Project (EKIAP) which began in 1983 as a joint initiative between the various Aboriginal communities in the east Kimberley region close to the vicinity of the Argyle Diamond Mine and the Centre for Research and Environmental Studies (CRES) at the Australian National University (ANU).

The initiative commenced with a conference in Kununurra in May 1987, which examined the concerns and aspirations of East Kimberley communities in relation to development and more specifically what would be the impact of the proposed diamond mine. As a result, through the co-ordination of CRES several projects were commissioned to research, investigate and monitor the social, economic, political, cultural and environmental impact on the Aboriginal People within the influence of the mine and associated activity areas.

**Aborigines and Development in the East Kimberley - Land of Promises**, 1989, is a report of the findings of these research projects, and was edited by Dr. H.C. Coombs, H. McCann, W. Ross and N.M. Williams. The Report presents many valuable recommendations that cover social, cultural, legal, economic and other impacts on the lives of Aboriginal People brought about by the lack

of recognition of Aboriginal rights and history by government and their instruments.

At the termination of tile EKIAP the Kimberley Land Council [KLC] and Waringarri Resource Centre were approached to co-ordinate a further conference to report back to Kimberley Aboriginal People and to consider the recommendations coming out of the Report and to seek direction as to future strategies for their implementation.

While the Land of Promises Report focused on the East Kimberley and more specifically particular Aboriginal communities affected by the Argyle diamond mining operation and the Western Australian government policy on development, it was obvious that the issues identified were applicable across the whole of the Kimberley.

Resource development and Aboriginal control, or the lack of it, has been and continues to bear an enormous influence on how Aboriginal People and their communities develop. Often they are adversely affected by these economic and political impacts. The process of exclusion and marginalisation continues to be consolidated through the lack of proper consideration of 'equity', as well as the importance of cultural heritage and social ways of Aboriginal People.

Thus the decision to co-ordinate the conference became an Aboriginal initiative, designed not only to consider the recommendations of the EKIAP Report but to provide an opportunity for representatives from all Kimberley Aboriginal communities to participate in identifying what are current concerns and problems and what strategies should be considered for local or discrete communities, organisations or groups, or those of a more far-ranging regional Kimberley basis.

### **(3.) METHODOLOGY**

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In an effort to determine and clearly define what the current concerns were and how communities were responding and how this should be reflected in the organisation of the conference it was important to consider a culturally appropriate method. This was achieved by four main strategies:

- i) Preliminary field visits to all main communities to provide a basic outline and intention of the Conference and to determine their situation and to seek directions and reactions in general;
- ii) Management structure of the conference was designed to ensure community representation and control of the direction of the conference;

- iii) Development and design of a suitable workshop format to ensure maximum participation of people attending the conference; and
- iv) A deliberate and conscious effort to organise all aspects of the conference in a socially appropriate way with a focus on cultural activities during the Conference.

A project office was set up in Derby under the auspices of the KLC. A project team involving a project co-ordinator, senior research officer and an administrator were contracted to co-ordinate all aspects of the conference.

They were required to prepare an agenda as well as to co-ordinate all logistical requirements. (People were asked to bring their swags and the conference provided food and fuel.)

The KLC and Waringarri invited other Resource organisations in the Kimberley to join them in forming a Working Party to oversee the directions and proceedings of the conference.

The meeting was structured to raise issues and then to workshop them in small groups. Each session commenced with an introduction, following which people broke up into groups of either community or language associations. Those who acted as facilitators were brought together before and after a workshop session to preview and review the major themes, ideas or questions that were raised in the workshops.

There were a total of 10 facilitators who were people from the Resource Centres and the Community Management students from Curtin University of Technology. Their task was to help organise the groups through the use of the facilitators guide sheet and to record the groups discussion.

Each Workshop Group elected spokespersons who reported back to the main meeting about the outcomes of the workshops. The Convenor of the conference summarised the essential outcomes of each session. Each day the Working Party met and considered the issues arising from the workshop topics and provided advice on the progress of the Conference.

The conference was officially opened by Mr. Joe Thomas, Traditional Owner and Chairman of the Rukan Community. Mr. Thomas, with members of his community conducted an Official Opening Ceremony on the eve of the conference to welcome people to his country and to open the conference. This was done through a short speech, ceremonial dances and telling stories for this country.

This was followed each evening with other Cultural performances by various groups from throughout the Kimberley. The performance clearly re-affirmed the integrity and strength of Aboriginal Culture in the Kimberley.

**Part 1.** of this report is an edited version of the transcripts and recordings of the conference proceedings. Each workshop produced recommendations which have been listed in section 1 of this report. The descriptive style of the conference issues, findings and conclusions include key quotes from the participants. Part 11. of this report consists of the appendices which are the conference papers, process and worksheets.

#### **(4.) OPENING ADDRESS - John Watson - Chairman, Kimberley Land Council.**

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Good morning people. I see some new faces here today and I see some old faces that I know. Last night the corroboree was put on by the Aboriginal People of this country. Those people are the real believers in this land. Not only just those from here but other Aboriginal People that come from different areas who have their own beliefs that was passed on to them from the old people will also put on the corroboree for you.

There are many issues that we have to deal with. We have to be heard in the offices of those people that are supposed to be working for us. The Minister for Aboriginal Affairs, not only in Perth but also in Canberra and all those other people that are working for us.

The 1984 Seamen Inquiry was a big thing for Aboriginal People. They fronted this fellow up who wrote a lot of things about what people wanted to see done about land for the benefit of the Aboriginal People, but none of these have happened.

These are the sort of things that we are going to try and fix rip. You know those people have been sent out to pick our brains and they think they know what our problems are but they haven't fixed things up. You and I are still sitting on the banks of the river today, still trying to meet the needs of our young children that are coming up today.

We will just think of ourselves. We have got to lay a foundation for the benefit of our children. Our little children running around here today. We have got to make a path for them. We have got to get on with the job that we have to do for our younger people. As well as educating gadiya (white) people. Even ATSIC (Aboriginal and Torres Strait Islander Commission) needs to change. We need to change these things. We need to be heard.

We now have to talk about what should happen

**(5.) KEYNOTE ADDRESS - Dr. H. C. Coombs, ANU.**

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I want to thank the Owners of this country both for allowing me to be present here and for speaking to you on behalf of those people who carried out the studies of the effects of development on the people of the east Kimberley.

We were very happy to be invited to do that. We think that the work that was done is valuable but we have reached the stage where we feel that from here on what is done, what is decided must be decided and done by Aboriginal People. This as far as the study in the east Kimberley project goes. It is time where we hand over to you and I hope that you find the work that we have done of some use in doing that.

I have written a document which summarises some of the conclusions that I myself have reached as a result of that work and as a result of reading the very many reports which came from it. Now the most important conclusion, and I think this is something that you all need to think about, is gadiya people will tell you that development is good for you whether you are involved in it or not. That in some mysterious way when there is mining carried on that the benefits from that, the income that it produces filter out and spread right through the country and Aborigines get a share of it. Now don't believe it.

It is true that mining, pastoralism, tourism produces income, produces wealth but the only way in which Aboriginal People will get a fair share of it is with legislation like Land Rights in the Northern Territory, which guarantees that you get a share of that income. Now that law does not run in Western Australia. And it's high time it did. Also the other way is to reach an agreement with the people who own those developments on whose behalf they are being carried out. Now it's possible that agreements can be reached and there are some good examples. Not here. The examples that you have got in Western Australia are, in my opinion, unfair, unjust and should be re-negotiated. That goes for the diamond mining, it goes for a lot of the agreements with pastoralists. It is lime they were reconsidered.

Now, how can you get them re-considered. You can go to the government and ask for the laws to be altered or for pressure to be put on the landowners, like the pressure that's been put on them about excisions from the leases for Aboriginal People. There was even an agreement between the Minister for Aboriginal Affairs and the Premier, here a year or so ago, that all those applications by Aboriginal People for excisions should be dealt with in a sympathetic way. That was eighteen months ago. It still has not happened.

There is one other way. I want to remind you about this. There are laws that govern what gadiya people are allowed to do and I believe that those laws are much more favourable to Aboriginal rights than what is generally accepted.

A few months ago a decision was reached in Queensland about claims which Torres Strait Islanders have made that the land on those islands belongs to them and that they have a long established way of dealing with the land. Now that issue was considered by the courts in Queensland over a period of 10 years and finally a decision was reached a few months ago, that said yes the land on those islands belongs to the Torres Strait People and the administration of it is for them to decide.

That was a very important victory for Aboriginal People but now that has passed on to the High Court which is the Court which governs all Australia, even governs politicians and ministers. They have now to decide whether- the decision that was made on the Torres Strait Islander Case should be applied all over Australia. Now that too is a very important case and they have been considering that now for some months and a decision should be reached before the end of the year. It's time for the views of Aboriginal People to be heard in the High Court and by the Australian public so that they understand these things.

When it comes to negotiating agreements I think Aboriginal People have to think very carefully because the people you will be negotiating with like mining companies and so on will often send you a very pleasant person to talk to you about it. But he is not the mining company. Behind him there are engineers, accountants, lawyers and others. All these people have special skills, and if you want to negotiate with them you have to see that you are represented by an organisation which can command its own skills. Otherwise the weights are all on their side. It is important that you have negotiating for you land councils or other bodies set up which are controlled by Aboriginal People and which have resources to employ experts who they think are necessary.

Now what should Aboriginal People be looking for. As Pat Dodson, the convenor for this conference said a few moments ago the most important thing is Aboriginal Culture, Aboriginal identity and keeping it strong for the future. These are very important things required if that's going to be done. Particularly, it seems to me that the really important thing is that the children are growing up as good Aboriginal People and that the young people are acquiring the knowledge and the skills that they should inherit from their fathers, uncles, mothers, aunties and other members of the family.

So those are the things that I think are enormously important. Aboriginal independence and the strengths of Aboriginal Culture, and I think that if this Conference could think about this for the next few days it could bring out some very important changes and some very important developments and that is perhaps the most important thing of all because if you lose your Culture, you lose your faith you are on the way out.

I wish you well in your deliberations and hope that as a result of these efforts, and perhaps to a little extent with the help of those people who worked with the east Kimberley project, will contribute to a happier and stronger future for Aboriginal People in Australia. (See Part II, appendix I) for Conference



Paper 1, Land of Promises - The East Kimberley Impact Assessment Project - 9th September, 1991).

**(6.) CONFERENCE INTRODUCTION - Patrick Dodson, Executive Director KLC and Conference Convenor.**

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We are here to deal with the many and varied issues that we grapple with each day and I hope that out of this meeting will come directions for the future.

How do we get control over things that currently tend to control us. All sorts of people, bodies and structures are set up to make up the rules that govern and control the directions of our lives. There are the rules that the Western Australian and the Commonwealth Governments and their departments make. These include the rules that governs Aboriginal affairs, like ATSIC.

The aim of this meeting is to get everyone into groups so that you can talk about what is of interest to you and what you think are the really important values, purposes and rules that should govern not only Aboriginal society and the different groups within it, but also rules that govern other things that relate to government plans. Issues like use of country, use of areas that Aboriginal People have got connections to, and the role of organisations that we all belong to.

It is a time to think about where Aboriginal People in the Kimberley have got to after all these years of gadiya dominating and controlling our lives. Where do we stand and where do we go. Because you know each day there are officers in Perth and in Canberra who run around and make plans, send out messages and have studies and reviews. They have flying trips of people who come over here and look at things, and you wonder what they are doing.

Aboriginal People still wonder and worry for their country, for their society, for the future generation and for the current generation. This is a time for us to think about our own selves. US as a People.

There are many problems and we might not solve one of them in the next few days but hopefully out of it we will work out some ways, clear directions, and who should take on those responsibilities to continue to create unity amongst us, to keep us clear about what it is we want to do and to make sure that Aboriginal People aren't put to one side as has happened and continues to happen.

There are gadiya that write about blackfella's every day of the week. They write reports trying to explain what we like, what we need, and why we don't get what we want. They try to explain everything. The whole lot. And yet we are still waiting for something to happen.

We see mining companies drive in and out. They go to places which we can't go to. They can go onto a station and peg out their lot, put their drill down, dig around, pick up rocks and go away.

If someone wants to go and visit their country, look for tucker, visit their sacred place and camp there, some bloke might say you can't go there. You might get shot. Or a policeman might come and move you from there. So we have got to go back to the start. Who is the owner of the ground. Who belongs to the country. Whose rights belong to the country and how do we bring those rights square in front of the gadiya government.

This is a time to measure up what this country has become after 200 years of gadiya using it. They have done some good things but they have ruined a lot of things too. How do we continue to make sure we're going to survive in the future, in a healthy way, with a fair share of what comes out of the country, with control over the way we want to live, and with the freedom to do the things we want to do.

Today is the day of this meeting for us to concentrate on those things that make us strong - our society and our Culture. What makes us strong as a People. That's the main theme of today's work.

Tomorrow we will talk about who put the fences up and locked us out. What blocks us from doing the things we say we like to do. There are some things obviously we can't do because of our own Laws, our own rules. But there are other things that aren't our laws that stop us from living our own lives, our own freedom to be the People we want to be. And so we will talk about those things tomorrow.

This meeting flowed on from the work of some other people. This has come out from people who studied things, wrote things up, made recommendations to government and like a lot of things that are recommended to government it goes somewhere and that's usually to the public servants that serve government. That is another area of politics and another area of control, because they are the people who have the job to advise governments about how to do things and whether they think it's a good thing to be done.

Dr. Coombs is one of the people who organised that East Kimberley study and brought together all the research papers that people wrote up and made recommendations. There was a meeting held in Kununurra after that study finished to again talk about similar types of issues. This meeting is a continuation of those discussions.

Gadiya keeps coming. New waves of them fly in from Perth and make a city. They start from places like Perth and end up in the Kimberley. Their ideas are often developed in places like Melbourne and Canberra. They can drop in with a 'parachute' and land here and then they want to create what they left behind. That's happening now and it's what they have been doing all the time.

In the meantime our People get shifted out to the fringe. Little bit of sugar here, a few crumbs there but no proper recognition of the People or their rights.

Gadiya are frightened when they see a mob of Aboriginal People like this. Policeman wants to know what is going on. The politicians want to know what's going on because they are frightened that you might all change your minds next time the voting comes around. You might do that. That's for you to decide.

These are issues for us to talk about, where do you get power and how do you exercise it. Because that's what the gadiya got and that's what he wants to hold on to. How do you shake it away from him so that he has got to start to negotiate. That means that he sits on that side of the table and you sit here. Instead of him asking you and picking your brain and getting your ideas and informing him, helping him to become an expert, we tell him the experts are sitting down here. The People. They drag the knowledge away from people. And we are left to try and fight against people who say they know all about this group or that group or they are the expert on that other mob.

These are the problems we face. No doubt it's going to be a long journey. Some things we can do in a year and some things we can do in a longer time. We start again that travelling to make things better. Some things that need straightening up we have to do ourselves.

Some things we have to do by supporting what our own People do and do them better than we have done before. There are other things that other people have to do. They need to be told clearly from us what the rules are to govern that work

## **(7.) CONFERENCE ISSUES AND FINDINGS**

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### **a) Aboriginal Culture as a Resource and Aboriginal Interests In Land**

When people were talking about Culture the type of ideas that came through were that its something intangible you can't grab all of it. Aboriginal Culture connects people to what is generally called Dreamtime or Law or from the beginning People today know what they know from before. Not just the history but also the Law, the Rules, the Values, the Knowledge, the memories on how to behave and live properly how to look after people properly and how to look after country. And its not just mine or an individual thing it belongs to people. Culture is belonging to a common mind, a common memory about those things. It's also continuing. It didn't just start and that's it. It continues and there is a connection from what was before to what is today. There is a continuation to Culture.

It's what we mean when we say caring for people and about sharing with people and doing that in a proper way not just so that I have to get everything and I give

nothing. But making sure that those things are done properly and it's passed on. It's passed on from old people to younger people to learn and to be held with respect. It's done by telling stories and repeating what those stories are about, remembering what was said until its inside not only our mind but inside our heart. Family groups help Cultural continuation. People coming together in their family groups and with other groups. It also happens through our organisations like land council, resource centres, language centres, Law and Culture and others.

“Culture is Dreamtime/Dreaming. It is knowledge, rules, memories, ceremonies, initiation, smoking, traditions, languages, corroborees, skin groups. It is practising Aboriginal law. Aboriginal Law never been changed, not like gadiya law, always changing.”

“It is telling the stories and remembering them. It is respect for things passed on. Elders control Culture and the teaching. They are bosses for ceremonies. There are men bosses and women bosses. Culture is jara, Jarndu. It is respect for elders, in-laws and the country.”

“Culture is land. It is religion. It is spirituality. It is unity. It is caring and sharing.”

“Culture is keeping us together. It is bonding people. It is for identity, unity, control, dignity and integrity.”

“Culture is continued through land and people. Culture is languages, bush activities, corroborees, skin groups and knowing men's and women's business.”

It's promoted by language and by the kinds of activities that we do like fishing, hunting, how we cook, how we eat and what we eat. The things that are important to us. Celebrations that are concerned with ceremony and dancing to show what is our Culture. And its tied up with relationships - skin groups and kinship. It also keeps us together and that's one of the tangible things, one of the things we can't see but we feel. It makes us strong and it makes us come together. It binds us together it makes us know who We: are. What People belong to what country. What our tradition is. It helps us try to do the best things to look at how life can be lived with the proper dignity and with a trueness in our hearts.

The Culture is based on the land. That's been said many times, it is with land that we identify and a sense of strength comes from that. There is also spirit in the Culture. There are probably many spirits but there's a spirit that gives the life to what it is we do from our Cultural beliefs.

“Culture is written in the land.”

“As we travel across the land, we follow the Law. Culture/Law tells us of out-relationships to land and to our responsibilities to one another.”

“Culture is a map. The land is the map. It is recorded on the land.”

“Kimberley Aboriginal Culture is a living and dynamic force. It continues’ to survive and develop regardless of non-recognition and external negative influences which attempt to undermine its existence. Aboriginal People’s life in the Kimberley is centred around, and responsive to, demands and commitment to their Culture.”

“The ongoing denial and continuing misunderstanding of our Cultural responsibilities is detrimental to the constructive use of Culture as an important tool in addressing the difficulties we face.”

People said there are things that threaten it. Grog was one because when people get drunk they misuse relationships. They abuse old people and they don’t look after their kids properly. It ruins our Culture and when it takes over individuals, it spoils them. The other thing that was said that threatens Culture is that we don’t live in this country on our own any more, there is the gadiya who lives here too. The gadiya have their own Culture, own business, own law, own hand reaching for what he wants and some of us get sucked in to what he wants because of many reasons, and it can take us away from our Culture. We can get caught up in letting his mind get on top of our minds. Letting his spirit crush our spirit; letting his rule try and run our life. So that we end up in a shadow, nowhere.

Other threats to the Culture is when the gadiya says “that’s mine, I like what you got, that belongs to me now”, or “this story that belongs to your country, belongs to me now. I’m gonna put it in this book and will show it in that painting so all the gadiya can see” and take over what belongs to people. That is called ‘appropriation’. He steals it and he does it nicely, he does it very nicely. You don’t feel hurt, you think he’s doing you a real good thing because he’s smart enough to take it away from you, that’s what appropriation is about. It can mean other things in different settings.

People know that they have to have the land in order to live their Culture. People recognise that the gadiya has got the land through some title deed, some law that they made, he’s got the land. No one is saying that the land was taken away in a proper or just way from Aboriginal People. The gadiya got the land and we are supposed to be part of that land but we are outside of it, now.

We have been saying to government for a long time to pass a law to deal with land, give land back to Aboriginal People. Governments have walked away from it, including this State, for whatever reasons and maybe some of them will explain it to us one day.

The other thing is access. Getting to those places we belong to because the land owns us, we don't own that ground that land owns us we have to go there. We have to go and visit those places. We don't have to have a piece of paper from the gadiya to say that's your title. We worry about that because we know in the past, if you went there he'd shoot you or he'll hunt you off or he'd land with a helicopter and say what are you doing here and he'll put a fine on you and that cuts away at the very heart of what our life is about. It's access to go to the land. To go and visit country. That's what the gadiya has got to learn and that's something we have got to see changed.

“Everything comes back to Land. Aboriginal People are unable to exercise their Cultural rights without land rights. Land is important for the teaching of Law, language and other activities. Land dispossession leads to Cultural erosion.”

“Access to land is important for Cultural continuity.”

“Gadiya Culture dominates all Cultures.”

“Culture is practised more in the communities but it is difficult to do the same in towns, because of shire rules e.g. wearing of Naga.”

“Law and Culture are breaking down in towns. It is easier to keep Cultural discipline in communities. Elders are not listened to as much as before. This is because young people are being taught gadiya ways in the schools.”

“Aboriginal People need a landbase for discipline. We have strong Laws in Aboriginal Culture but they are not taught to young people who learn other ways in schools. To redress this we need our land back where we can live and teach the proper way without interference. It is important for us to control our education. Traditional Owners/Custodians will lead Aboriginal education.”

“Many diseases could have been prevented if our Cultural discipline was still strong.”

“People need access to traditional food on our land for better diet and well-being. Bush medicines and bush treatments are not being practised and that knowledge is nor being passed on because we don't have access to our lands.”

“The medical services for Aboriginal people have their place but not as the only way to fix problems. It is hard to keep Aboriginal control of Aboriginal health organisations.”

“If you are on your own land, in your own community you have control and can access your lands for teaching and living your Culture.”

One old fellow from Central Australia said one time:

“We spend lotta time worrying about rules; worrying about where the mining companies going; making sure we got proper agreement; all very important things but we can forget about passing on that knowledge and showing our people how to hold the ground how to look after it properly.”

The two key things are the questions of access and knowledge. What you have in your head and in your heart you learn from someone, from old people by looking, listening and sitting down talking. You don't need gadiya for that. You don't need schools for that. That is what you know, that's the power that has to come to people to walk strong in the future. You don't need to wait for gadiya to come along and say. “Oh you have got to have a language course.” You can't wait for them. Nor can you wait for access to happen.

“Schools teach only one Culture. When we learn Gadiya Culture, we lose our Aboriginal Culture.”

“State schools are not allowing the teaching of Aboriginal languages. Aboriginal communities support the Aboriginal Language Resource Centre. School must work with the Centre. There is a problem with the writing down of languages because you have to learn gadiya ways first.”

“Children attending schools are taught gadiya ways of learning and culture. There is no time left for Aboriginal Culture. This is leading to the continuation of the process of assimilation.”

“Non-Aboriginal People are contributing to the loss of Culture. They can have information on Aboriginal issues but they must leave it behind after their study.”

“Culture has been taken away by taking our land.”

The Australian government in recent years has been trying to convince Australians about an important matter. They started off talking about a treaty, that is recognising the rights of Aboriginal People. Rights to land, to visit, to hunt and to live the way we want to live. Develop the kind of things we want to develop and to see we get a fair share of the resources that are exploited off our land by companies and developers. They just turned the page of that book and said there is another word on this other page called ‘reconciliation’ and that means lets be friends, lets forget about the past.

We have to help the gadiya to understand . We have to help them to agree that its good to recognise Aboriginal rights because unless they agree the politicians can't do nothing, because they, the people put them in power. So we now have this word reconciliation, the law has gone through the Parliament in Canberra and they have to set up a committee soon to carry on what it is that the government says is important.

What are the things we say we need? We want our land; we want our language; we want control over tourists and we want a better lot of rules for how miners should behave. Some of these things should be put to the government first and say listen to this rule here. Fix some of these things up first, then we'll talk about shaking hands lets see which ones can be done quickly and which ones can be left for the next ten years to work on.

That is part of the challenge, that is to work out what can be done in three Years, two years and what can be done in a longer time. Gadiya will have their own ideas about what is to be done next week and what should be done in ten years time.

It is most important for our future relationship and position in this country. There is nothing else more important, than what has to be mapped out and worked out by us here. We discuss these matters until we get it in the direction we want it to go and then we can stand back and have a look and say, yes that's the way we want to go.

The Commonwealth Government is talking about reconciliation, while we are still waiting to get on to country. Reconciliation is about convincing the gadiya that it is important for them to come to grips with the way they treated blackfella's. To come to grips with the way they are continuing to do that. So that they can feel good. To say alright, I want to be your friend. It'll take a long time but we have got to work on it. But before we start working straight on to that lets fix some of these outstanding things first. See what your goodwill is. We invite you to the ground here, you have been helping yourself here, take over the country, take over the river, take over the sea, take over the mineral. What have you given back to us.

We are not asking for much. We want access to our ground. To travel through free.

## **Recommendations**

- i) The Kimberley Aboriginal Working Group must ensure the primacy of the Cultural rights of Aboriginal People and embody the following fundamental principles as an integral part of all research, training and development activities and tasks in the Kimberley.



- \* Culture is collective memory and the Law.
- \* Culture is continuity.
- \* Culture is a way of life.
- \* Culture is being together.
- \* Culture is maintaining its continuity.
- \* Culture is the care and use of land.
- \* Culture is a bond that ties Aboriginal People to country.
- \* Culture is a living dynamic force continually adapting.

It is also suggested that all written documentation in future use the uppercase **C** in **Culture** when referring to Aboriginal Culture so as to symbolise the primacy of indigenous Cultural rights in a multi-cultural Australia.

- ii) Government should be providing more land for Aboriginal People so that we can have access for hunting, fishing, collecting material for artefacts, looking after our sites, talking to our country, educating our young people, burial in our country, making our spirit strong and making our language strong for the country.
- iii) Aboriginal People want to run their own businesses and interests. They want to make their own rules rather than government making them all the time. Aboriginal women need to be recognised and be involved in all consultation and negotiation processes.
- iv) We need our own schools. Two days gadiya business and three days Aboriginal business.
- v) Aboriginal elders must be respected as educators and anthropologists. They are important in all education and schools.
- vi) The Working Group direct research and development work to advocate for Kimberley land rights legislation.
- vii) The Working Group develop bi-cultural/multi-cultural approaches to education so that both Aboriginal and gadiya ways are taught. The Working Group in conjunction with the schools authority/Education Department must establish a Kimberley Aboriginal Secondary Education Committee to develop policies and strategies for teaching Aboriginal Culture and languages in schools.
- viii) The Working Group in conjunction with a Western Australian tertiary institution develop policies and programmes for the training of Aboriginal People as Aboriginal multi-cultural experts in all aspects of community Cultural development and maintenance.
- ix) The Working Group must establish procedures and rules for the prevention of exploitation and erosion of Aboriginal Culture by non-Aboriginal experts.

- x) The Working Group to negotiate a Kimberley Aboriginal Health Policy with the State Health Department within the context of the National Aboriginal Health Policy; to ensure appropriate Cultural training for health workers, at all levels of expertise, in conjunction with a Western Australian tertiary institution.
- xi) The Working Group review and develop a Culturally appropriate drug and alcohol programme for Kimberley Aboriginal People and emphasise the need for access to land and land rights.
- xii) National Parks should be under Aboriginal control. Aboriginal People should make the rules. Aboriginal People should prepare the management plans, and to have access to all areas within National Parks. Traditional hunting and the right to food (flora and fauna) should also be allowed. Areas of land that the government is considering for National Parks, should involve Traditional Owners to determine what they want to do with that land. All National Parks should be made A Class Aboriginal Reserves and Aboriginal People can look at sub-leasing them to National Parks. Amendments to the CALM Act so as to enable proper Joint management, with Aboriginal People having the primary role in decision-making. Commonwealth powers must be explored to enable true joint management in W.A.

**b) Government Ideas for Aboriginal People and Aboriginal Ideas for Aboriginal People**

While there are many things that we have to compromise about, we have to make a judgment that says alright, we'll try and spend some time teaching children language, bringing them to meetings like this conference so they can see other people because this is part of Culture. This meeting is part of Culture. The things we do here.

Yesterday afternoon the kids were swimming. People were fishing over there. People were sitting down having a talk. Discussing issues. That is Culture. The way we do it is part of Culture. No one stopped us from doing that. No one stops us from cooking tucker the way we like.

Some things about our Culture is so close to us that sometimes we don't see it. Gadiya have been saying to us from the beginning, in school, "That it is lost now, gone". "You can't catch it up. You can't bring it back". And some of us start to believe that and say, "Oh we lost all that now". We know that is not true.

It is clear that this Culture of ours is continuing, and it has parts from the past and parts from the present, it's here.

There are some changes that take place because of other people and their ideas and their rules and their systems and their structures. If we don't find ways of dealing with that we'll get more of the same. Another five or six years time they'll say no you can't have a meeting out in the bush here until the health inspector comes and checks if you have enough toilets there. You can't put your meat in the tree. You can't drink the water from here because you have to have a proper connection. There will be a whole range of regulations which we're saying are already making big impacts upon us.

Some people talked about the time when they went to the river to fish and hunt, a helicopter lands down near them, the officers challenged them on their ground, and then they got fined for being there on quarantined land.

When you start to see this, it's like a net bringing the fish in and getting trapped. We have got to see what is in the net. We have got to see the people pulling it at the different points. That is a saltwater image. I suppose cowboys and stockmen and ringers talk about having a wing to bring your cattle in by running them into the coaches so that the wild cattle can be quiet. Well, we have got to find out how to do these things and who is doing these things.

Some of the people out there are powerful and they don't like Aboriginal People. That is not news. They shot people out in this country. They poisoned people. They chained people up and they dragged them to Wyndham, dragged them to Derby. People still go to goal in different ways today.

What we are trying to do is to get the gadiya, the government, to start to deal with us properly. Don't just chuck us a bit of bone or a bit of sugar, rub us on the head and say we're a good boy. No. That time has gone, it's finished. Our old people suffered that. They had to endure great adversity. We don't have to. We don't have to put up with that any more.

Sometimes it is only our mind that is locked up. It makes us say, "Oh the gadiya he's the boss". But, no he's not the boss. He's boss for himself. He shouldn't be boss over us. That is what has got to be stopped.

If they want to do things they have got to come and 'negotiate'. They have to start to say, this is what we want to do and we have to say, well we don't like what you want to do because it doesn't allow us to do the things that we want to do. Now let us talk about that. Let us find a proper way where we can agree. Let us find a way that can accommodate some of your interests so you're happy. But make sure that our interests and our rights are accommodated. It's not them coming with a piece of paper and saying alright in ten years time we are going to have a new road there. We are going to have a new village over there. A new town. And we say, alright what about us? You can't use that river no more because we need it for something else.

We've seen the ground being taken up. People pushed to the fringe. People brought back to the town. Living around the town waiting for welfare. Wasting their lives and losing their future.

Today is a different day. Today is the day when we start to talk. We have got people who are on ATSIC Regional Councils who are trying to work for us. That is why people put them there. Then they have a group of people who supposed to service them, the workers in ATSIC. Then they have another mob of bosses in Canberra who say, now these are the rules. You want to spend money. You want to use your grant money. You have got to do it to these rules otherwise we'll take it away from you. That is how you get controlled.

Well, the time has come when we have to start to say why do we have to do all these things. No one ever agreed for the gadiya to come and take the country. No one ever agreed for them to do things on top of the country. To set up their laws and say alright Aboriginal People you can't get a licence to set up your pearl farm or you can't get a licence to do this because we've already given them out to everyone else. They have got to change their thinking and we have got to change our thinking. Instead of people who stand back we have got to stand in front and say come here to the table don't wait over there in Canberra or Perth or in some office in Derby or Kununurra or Broome or wherever. Come here and sit down and talk. Then we can talk to them properly.

There are actions of governments that stops us from doing what we want to do. Connected to that is, what is in us that stops us from doing what we need to do. That is part of our own history, some things we had no control about. People were sent to missions, they put us in settlements, station bosses stood over us and other things happened that we had no control over.

Today is a different day. We got organisations now. Strong organisations. We have Resources Agencies, Legal Services. Land Councils. You only have to "scratch" one part of the Kimberley and people will know about it. We can come together to support each other. That is how the Land Council started. From the trouble at Noonkanbah that the mining companies and the government created. That kind of thing goes on every day. It's a challenge to us because we've got to think of it differently. It is hard work but we are used to hard work. We worked hard for the gadiya to build up the country. Now this is the time for us to work hard for ourselves and build ourselves up. Make ourselves strong. He's getting stronger every day. We have to build ourselves ups and so we identify what are the things that make us strong and how can we make those things stronger.

Ever since gadiya have come to this country they have had a plan for Aboriginal People and they are forever telling Aboriginal People what to do and how to do it. None of these plans have worked, but they have all affected and determined the lives of Aboriginal People.

The following are further issues and examples presented by the different groups at the meeting.

- Aboriginal affairs in the Kimberley are controlled externally. Aboriginal People are unable to participate and direct the decision making processes by the two faces of government, namely politicians and bureaucrats. The latter do not attend bush meetings and negotiate plans catering to Aboriginal needs before rules and laws are made. They must be accountable to the people for the policies they are developing. Self-determination of Aboriginal People needs to be facilitated through adequate resources and devolution of planning and responsibility.
- Government services are fragmented through various government departments. As a result money and resources are scattered, leading to wastage and suffering for the people. People are often confused by the different departments and are frustrated in trying to access them. The bureaucracy is characterised by indecision and a maze of controls from outside. The principal control is determined by funding. The government agenda to control and manage Aboriginal People in a paternalistic way is reflected by the bureaucracy.
- There is a conspicuous inadequacy and failure of appropriate delivery of services by government departments. Failure of emergency and medical services, and wait-listing for water are some examples. There is always too much paper work and no proper planning driven by community needs for funding.
- ATSIC Regional councillors who are bound by confidentiality are unable to inform and liaise with the people who elected them. The whole service structure has been control-oriented rather than community needs oriented.
- Wherever possible, despite constraints, Aboriginal People have demonstrated that they can and will work towards successful and positive enterprises and organisations for community empowerment. This is evident from the various individual achievements and the achievements of Aboriginal organisations and the people who run them.

### **Recommendations:**

- i) Aboriginal Land Rights (including Sea Rights) discussion needs to be developed in a co-ordinated way. There is urgent need for access to traditional places, to practice and pass on Aboriginal Cultural ways. Shires and their by-laws need to take into consideration Aboriginal interests. Mining, pastoral interests and agricultural departments must recognise Aboriginal need to have access to land.

- ii) External control of community development policies to be replaced by community control and direction.
- iii) Fragmented government services need to be co-ordinated for efficiency and effectiveness.
- iv) The Kimberley government services infrastructure needs to be community centred with greater freedom for ATSIC regional councillors to inform and influence the planning and delivery of services.
- v) Community empowerment and Cultural development must be promoted through recognition of positive ventures and through adequate resources.
- vi) Aboriginal organisations need to work together and not let external forces divide and rule them. They have to work in a united way for information control and negotiation with service developers and providers. They should ensure that token talking and superficial consultation is replaced by proper negotiation with community needs as the focus. They should work towards the future and play a key role in advocacy for Aboriginal interests with a united voice. They should communicate and use media to network locally, nationally and internationally.
- vii) There is an urgent need for community based training to enable Aboriginal People to work with the system, to inform it and change it to make it more accountable to the community needs in all their diversity. Training must be for access, control, and self-determination.
- viii) Training is also needed for government workers, about working with Aboriginal People and about Aboriginal needs. Government workers need training to accept and process oral submissions. DEET must provide adequate resources for training to facilitate efficiency and effectiveness in the delivery of services.
- ix) Aboriginal People need training in both traditional and gadiya approaches so that there can be more Aboriginal People employed in the delivery of services.
- x) There is an urgent need for a Kimberley Aboriginal Training and Employment Strategy.
- xi) There is urgent need for a Co-ordinated Aboriginal Land Rights discussion.

### **c) Development Plans and Kimberley Aboriginal Control**

The fragmentation of community services is taking place because the various government departments are disorganised. That is what the problem is, they're disorganised and you suffer. In order to stop the disorganisation we've got to be clear about what we want. Some communities are very clear about what they want done. These communities say if you want to come and talk to us, then all you government people have one day a month to come and talk to us about all the different issues at the one time, instead of when the government people are ready to come and visit you. So the problem is in part, the way the government bureaucracy operates. Our organisations have their own demands on us and also makes it difficult for us sometimes, because we have our own individual and family responsibilities.

By being disorganised, the bureaucracies are able to control and manage in a very unprofessional way but in a very effective way. If people don't answer phone calls and don't give you answers, they put you off for weeks and weeks, then they're managing the issue for their own purpose. That leads to the other issue that was raised. The inadequacy or lack of services. Why are services not being provided. The question of water is essential. The government has a macro plan to pump water out of the Kimberley to other people all over the continent. People on this ground in the Kimberley can't get services for water bores. Something is wrong. The local people are not always part of government plans.

It's basically because bureaucracies focus on their own system of rules and regulations they decide to use. They're not focusing on the people. The fact that people are more important than cattle is something gadiya find very hard to accept. That is why you get locked out of pastoral leases, because the cattle are more important than the people.

The principles and values that make money is what cuts across our beliefs and inform what people want done.

We can't keep being told that we are the problem. When people say we are the problem we need to start saying to them that is not true. There are many positive things that Aboriginal People have done. Set up organisations like Media Centres, Medical Service. Legal Services, Land Councils. Resource Agencies and other services and enterprises. People have maintained their communities, struggled each day to keep those things going. The effort made to be here at this meeting is just one example. Especially for those people who have been carrying this fight for a long time. There are people who are on the Shire Council. The young people also have been positively contributing in this process. All strong and important advancements. Things that we are doing because of our commitment. No-one can take that away from us and we shouldn't be told by people that we're not doing anything for ourselves because we are and have been, the people before us have done it. In this way Aboriginal People give power back to the communities.

Although there is scope for more united and organised action on these matters, it is also true that we are already united, we are united about the need for land rights, about the need for people to recognise our right to language, and on the way we want to live. There are a lot of things we are united about. The question of unity or lack of it sometimes arises because we disagree with each other. Disagreements aren't necessarily bad things. They are important because sometimes the light or truth comes out. If we can discuss matters properly, we can disagree. When we turn our back and walk away and say I'm not gonna talk any more, that stops the unity. People made it clear that there are people who break unity deliberately, saying, "No you follow me now I'm the boss, I'll speak for you people."

This is how divisions can be created. We need to identify these divisions and stand up to them. This is important for our people and for our future. Our country is at stake.

People today need help, training and assistance. They need to be able to deal with the problems, so that the future is in secure hands for the young people. If we're not capable, competent or skilled, then who is going to help the young people today. We can't always rely on young people coming back with the skills from the gadiya. While it is important that they get those skills and be supported in getting them, we cannot forget about the people today who need assistance and training in Aboriginal and gadiya ways.

When there is training it should not be just token stuff, like offering a six week course, and then saying, "You're now a mechanic or you're now a carpenter." You're now something else, you can manage a business. Gadiya don't even do that. This is setting people up to fail, it is wrong and governments have to take notice of it. We're in a shambles on some of these things and as a result we suffer.

People say to mining companies, "We want the anthropologist to help us develop our own education, bring together our Cultural material for our purpose to get our information organised so that it is used for our people." That is not the mining industry's interest. So you have tensions there. That is why Aboriginal organisations are there to help and speak to companies. Negotiations take place to provide what the people want and assist in providing for the mining company the type of work that's required for their obligations.

Resource development is usually understood as the exploitation of natural resources such as oil, gas, gold, iron ore and other minerals for the economic benefit of the whole community. Tourism, pastoral industry are also resource development activities. There is a basic assumption that the Aboriginal community is either independent of, or part of the broader society which obtains benefit from mining and other resource development projects. However, this has been challenged in the findings of the **Land of Promises** report and other research.



Developments in the Kimberley have impacted on and influenced the lives and lands of Aboriginal People. The discussions and the reports of the various groups concentrated on the position of Aboriginal People when they start talking to developers about resource developments. The emphasis was on the need to set rules and ways of doing things which are called protocols/procedures to ensure control of resource development by Aboriginal communities. The workshops considered mining, pastoral, local government, water resources, national parks and tourism issues.

## **Recommendations:**

### **Mining**

- i) Procedures should be developed which will ensure mining companies carry out all business through KLC and affiliates, and will inform people and coordinate their 'say'. It is important that KLC and affiliates are given more resources such as field officers, and that local communities are to be 'eyes and ears' for them. To ensure this process occurs there should be legislation to oblige mining companies to do all their business through KLC and affiliates and that the companies do not interfere with other business. That protocols and a code of ethics be devised for mining companies to follow while on Aboriginal lands.
- ii) There should be proper negotiations with local communities before exploration licenses are issued. Old people are to be recognised as repositories of knowledge and know best about land use. Benefits of the proposed activity to the Aboriginal People must be ascertained. Site protection must be addressed and the respective people are to be informed of protection measures that will be guaranteed. In this context, the Heritage Act 1972-80 needs to be amended to introduce strong penalties for desecration/disturbance of sites. It should be mandatory for the Aboriginal Lands Trust to consult through KLC and affiliates for feedback from communities before licences and permits are issued.
- iii) Anthropologists and other experts to be subject to rules of accountability to Aboriginal People. Aboriginal People should have a say about which anthropologist can do the work on their country. In order to ensure this, procedures must be developed to accredit anthropologists and other expert consultants through the KLC and affiliates.
- iv) The protection of Aboriginal interests:
  - through access to legal structures and courts; legal terms, knowledge and implications of leases to be explained.
  - through a right of veto.

- through compulsory compensation; royalties for the life of the mine; equitable compensation when women's sites are damaged - Women's Law must be respected; royalties put in to community bank.
- v) Mining companies identify jobs for Aboriginal People at all levels of expertise through appropriate short-term and long-term professional training programmes.

### **Pastoral Industry**

- vi) The establishment of an Aboriginal Pastoral Board and take steps to investigate the possibility of setting up of a Kimberley Aboriginal Cattlemen's Association.
- vii) Negotiate and develop strategies to ensure:
- that Moola Bulla cemetery and others are properly fenced in and protected: the creation of local Aboriginal cemetery trusts.
  - that Derby/Fitzroy communities and others get together and control Noogoora Burr.
  - that access to land is facilitated; Wangkatjunga cannot get into Christmas Creek as the gates are locked.
- viii) Short-term and long-term training to develop proper skills in management, so people can successfully run pastoral properties.

### **Local Government**

- ix) There was concern expressed at the meeting that the present system of local government is neither favourable to Aboriginal People nor understood by many. This situation should be improved by the introduction of a consistent ward system into all the shires throughout the Kimberley and lobby the Minister for Local Government for these changes.
- x) Encouraging more Aboriginal People to get on the electoral roll.
- xi) The immediate appointment of an Aboriginal Information Officer with the Electoral Commission and the creation of more Aboriginal positions with the Commission.
- xii) The employment of Aboriginal consultants to provide advice and support to Aboriginal candidates prior to shire elections.

- xiii) More promotional campaigns regarding local government should be undertaken through the employment of Aboriginal personnel to educate Aboriginal People about local government.
- xiv) Establishment of formal and informal, short-term and long-term training for Aboriginal People to be equitably employed in local government and the Electoral Commission.

## **Water Resources**

- xv) The communication to all those responsible and especially the Minister for Water Resources, that the unanimous opinion of the meeting is “no” to the pipeline proposal.
- xvi) The replacement of the present developmental approach by one that is negotiation oriented.
- xvii) Introduce measures for the proper use of the existing water of Lake Argyle Dam before any other discussion takes place on other major dams in the Kimberley.
- xviii) Environmental concerns of salination and the destruction of the land should be prevented.
- xix) All drilling operations must take into consideration local Aboriginal knowledge and all operations are to be carried out through Resource Agencies or ATSIC and not WAWA.

## **National Parks**

- xx) National Parks should be under Aboriginal control. Aboriginal People should make the rules. Aboriginal People should prepare the management plans, and to have access to all areas within National Parks. Traditional hunting and the right to food (flora and fauna) should also be allowed. Areas of land that the government is considering for National Parks, should involve Traditional Owners to determine what they want to do with that land. All National Parks should be made A Class Aboriginal Reserves and Aboriginal People can look at sub-leasing them to National Parks. Amendments to the CALM Act so as to enable proper joint management, with Aboriginal People having the primary role in decision making. Commonwealth powers must be explored to enable true joint management in W.A.
- xxi) This conference supports the Purnululu Aboriginal Corporation and their proposals for a ‘Park Council’ that has power to make decisions in keeping with true joint management and that it should not be just an advisory council.

- xxii) Mining should not be allowed in National Park areas, CALM Act and Mining Act should be changed to protect these places. Aboriginal controlled Park Councils and Boards of Management should have power to keep mining out.
- xxiii) Aboriginal People and organisations dealing with National Parks issues to meet again and develop a co-ordinated approach with consideration for the following:
- The election of Aboriginal People to NPNCA to represent Aboriginal interests on this authority (N.B. NPNCA is the WA Government body that holds all National Parks lands).
  - A meeting to take place at Purnululu of Bunuba, Gulingi Nangga, Karajini and Purnululu to discuss changes to CALM Act and National Parks issues and develop joint strategies.
  - Access for local Aboriginal People to all areas within National Park and Nature Reserves with the right to continue to hunt and fish.
  - Agreements with Government to ensure that National Parks give preference to Aboriginal enterprises in Park areas.
- xxiv) Aboriginal National Parks organisations must take advantage of the support being offered by Conservation organisations specifically the Wilderness Society, to support their negotiations with CALM anti to push for changes to the CALM Act.
- xxv) The AAPA 'Forward Plan' should be sent out to Aboriginal organisations for comment and discussion and then finalised (Draft National Parks Policy Document).
- xxvi) A co-ordinated and negotiated strategy must be developed to provide short-term and long-term training and employment for Aboriginal People in all aspects of Park Management including: formation, planning and management; vegetation and wildlife management; and land and soil management.

## **Tourism**

- xxvii) Tourism is a growth industry with potential for Aboriginal self-reliance and dignity. However, the industry has physical and cultural impacts on the lands and communities. A co-ordinated Aboriginal management body should be established to:

- Control and manage tourism development.
- Regulate access to lands and sites.
- Work for the presentation and promotion of Aboriginal Cultural Heritage.
- Ensure that financial and economic benefits go to Aboriginal communities.
- Provide resources for the participation and control of development by Aboriginal People.
- Develop a short-term and long-term training and employment strategy.

#### **d) Future Action and Strategies**

This meeting resolved to support the arrangement between Kimberley resource agencies, the Land Council and other community groups to form a Working Group structure and organise activities in a co-ordinated and informed way. It was the existence of this kind of arrangement that brought this meeting together.

This is a way of organisation, a structure, and a process for the Kimberley Aboriginal People. The people on the ATSIC Commission and the Regional Councils are also from the Kimberley. They are as concerned as others to see advancement, change and to see power being exercised by Kimberley Aboriginal People. This is the body that can help it.

The ATSIC regional councils should consider using the Working Group as the basis of advice to them for the many issues that have been raised here. A source from which to get advice about mining, tourism, local government, pastoral industry, access to these lands and other matters. This can also be a resource base for the ATSIC Regional Councils. Not in opposition to it. Councillors are like anyone else. They've got jobs to do for most of the time. They come together for meetings to consider various types of issues. They don't come there with a full brief on all the issues. They rely upon the workers in ATSIC. And some of those workers are very good and some of them are terrible like in any organisation.

It ties into the macro plans of the governments and the regional plans. In this case the people from the Kimberley region develop the plan. They advise those people who have the responsibility within the ATSIC structure. It can do other things as well, because it is under the control of the Kimberley Aboriginal People who provide it with direction and set the tasks for it. The Working Group will report back on what has been achieved or why there is a blockage. There's 200 years of damage that we have got to fix up, that's not going to be fixed up in a short space of time.

There are positive reports about places like the Halls Creek Shire where people are working together, not just blackfella's alone. There are many gadiya who cooperate with us in trying to solve the problems.

There are people we can work with, not every mining company has bad will, nor every pastoralist. We've heard some reports about good pastoralists. There are some good research people too. Let's work with those sort of people but don't let them take over, we must keep control of our Culture, our life and our land.

Central to this obviously is the matter of keeping in close contact with each other so that the Working Group doesn't become its own little body, that the taskforce it sets up doesn't lose sight of what its set up for. It's not going to be able to do everything. If you think of the many things that have been raised here. What it will do is help organise information meetings and strategies for different kinds of issues so that we can better manage our own affairs.

The time has come for us to spell out what the realities of life are from the Aboriginal People's point of view. The Working Group will be a vehicle to help us do that but it will not do it in isolation.

The Kimberley Aboriginal People are in a good position at this time to take the leadership on the issues raised at this meeting. We have got very little to lose and when you are hungry and you have to fight you make a fairly formidable opponent. People find it difficult to deal with you. When you are organised and hungry, they find it twice as hard to deal with you. We are working towards that and no doubt we need to work in broader areas to influence other people and organisations. Turn some of the thinking around in the Kimberley so that the Kimberley area as a whole can be a good place for all of us to grow our children up in.

## **Recommendations:**

- i) This conference establish a Working Group consisting of nominees of the Kimberley Land Council, the resource centres and other Aboriginal organisations in the Kimberley. The Working Group direct a Kimberley research development and training taskforce to address policy and strategy issues regarding:
  - Aboriginal representation.
  - Negotiation with governments and other organisations.
  - Advocacy of Aboriginal rights and concerns.
  - Co-ordination of land issues.
  - Policy development and research practices.
  - Ongoing community involvement and feed-back and community empowerment and other matters as directed by the Working Group.

- ii) That those present at this conference and the Working Group attend a meeting in November, 1991 for consideration of the report and what further action is needed.
- iii) Kimberley-wide regional organisations e.g. Kimberley Land Council and Kimberley Aboriginal Law and Culture, should be together.
- iv) There must be skilled KLC field officers.
- v) There should be one strong voice. KLC to be the voice. KLC belongs to all Aboriginal People in the Kimberley.
- vi) KLC and KALAC should have field officers to report back to main groups on matters from the communities. There should be report back on regular basis.
- vii) Account needs to be taken of larger communities not necessarily affiliated with Resource Centres or the KLC.
- viii) Negotiation through one nominated group with representation from the community involved in relation to that issue. All relevant Traditional Owners and Custodians to be present on matters of concern at all times. Not to go with one individual. This should be reflected in the community through their Council By-laws.
- ix) These groups must allow time for the negotiations. No rash decisions.
- x) KLC to be the co-ordinator of land issues not AAPA
- xi) KLC and Resource Agencies to define a process for land acquisition and lobbying.
- xii) Strong support for KLC to come from communities.
- xiii) Policy to be developed based on community decision-making and passed on to the negotiating body.
- xiv) Community involvement through field officers and community group meetings; feedback should be both ways between Working Group and communities; there is to be ongoing community involvement.
- xv) Research and development training programs are to be developed, to keep skills in the community.
- xvi) Should talk with ATSIC Commissioners and Councillors, also AAPA maybe international support and the Federation of Land Councils.
- xvii) Funding for the Working Group could be similar to the way this conference was funded.

- xviii) In an effort to reduce the use of outside consultants to be brought in by ATSIC for projects such as ATSIC regional plans, ATSIC should pass these consultancies on to the Working Group.
- xix) ATSIC Regional Councils should support KLC with funding. Every Regional Councillor should recommend ATSIC provides funding for KLC so that KLC operates on an efficient basis.
- xx) The Working Group should consider the issue of ATSIC Councillors being invited on to the Working Group, two from each region if the need arose. This would allow twelve representatives to cover the entire Kimberley.
- xxi) The proposed Taskforce should investigate health problems in remote/ isolated Aboriginal communities.
- xxii) The Working Group should consider whether the taskforce is going to be another organisation or use an existing structure already in place.

## **(8.) CONCLUSION**

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The Crocodile Hole Conference was a major success in terms not only of the 500 participants who attended but also in relation to the range and scope of the topics discussed.

The manner and nature of the discussion in the various workshops indicated how serious and committed everyone was. This was again reflected in the recommendations and in the acknowledgement of the growing solidarity that needs to continue and develop further if these very important concerns are to be addressed properly.

The major recommendation calling for the establishment of a Working Group is one of the most significant to have emerged in the Kimberley in recent times. It reflects the need for unity amongst key organisations in setting directions for the social, economic, political and cultural empowerment of Aboriginal People in the Kimberley.

This report has been produced by the Aboriginal People from the Kimberley. Concerns were expressed throughout the meeting about the lack of follow-up or action from past meetings. Hopefully, this report will provide some impetus for not only the Working Group to do something about the recommendations but also for the communities themselves to understand that this is their report. These are their words and there is a requirement that not only is support required during meeting times or that we will support each other in difficulties but to acknowledge that we are all equal in our responsibility to challenge, to initiate and to defend the integrity of the Law, Culture and Spirit of Aboriginal People.



Some of the key aspects arising from this conference are, as stated by participants:

“One of the major concerns is for Aboriginal People to gain control and provide direction to agencies responsible for Aboriginal affairs in the Kimberley.”

“The responsibility is on the Aboriginal People to work out a new strategy and to get a breakthrough.”

“Aboriginal People also have to work out as to how to deal with the big picture things like National Reconciliation.”

“These things can not be done by people on their own. It is important to get together, be united and work out a collective strategy.”

“We have to go away from this meeting with some people in front, to provide leadership for our collective interests. We have to use existing organisations and strengths to build up a co-ordinated approach to all our interests.”

“There is a lot written about us and the question is how do we get a balance between what others are writing about us and what we think and mean about ourselves. How do we have control and direct the knowledge about us?”

“The country is our strength. We live in it. We belong to it. How can we negotiate with the powers in Canberra and Perth so that they talk to us and listen to us?”

“No more consultation by people from outside. It is negotiation by us. Otherwise, reconciliation has no meaning. We need to set the rules for not only Aboriginal society but also for all government and non-government organisations working with us. The people need to set the agenda.”

“It is about your culture, identity and keeping it strong for the future. Rather than helping the experts and empowering them, keep the expertise and let the experts empower us with the process. Community empowerment and reconciliation is a two-way process.”

“The only way for Aboriginal People to get a share of developments is through legislation for land rights and through negotiations with developers through people who know the intricacies of negotiation, such as lawyers, engineers and so on.”

“Cultural maintenance is strength.”

“There are a number of things that have been said for a long time about us. It is important that we get to be heard by people working for us. What we decide now is the foundation for the benefit of our children.”

“It is for people to set the agenda. Aboriginal People are always reacting to what is already there or done, rather than acting before things are done. This meeting is about things that matter- most to people.”

“We have got to lay a foundation for the benefit of our children, a path for them as well as educating gadiya people. We need to be heard.”

“So we have to go back to the start. Who is the owner of the ground. Who belongs to the country. Whose rights belong to the country and how do we bring those rights square in front of the gadiya government.”

“We want access to our ground. To travel through free.”

“Culture is written in the land.”

“Land dispossession leads to Cultural erosion.”

“Gadiya culture dominates all cultures.”

“Aboriginal elders must be respected as educators and anthropologists. They are important in all education and schools.”

“People need access to traditional food on our lands for better diet and wellbeing. Bush medicines and bush treatments are not being practised and that knowledge is not being passed on because we don't have access to our lands.”

“Culture has been taken away by taking our land.”

“If you are on your own land, in your community, you have control and can access your- lands for teaching and living your Culture.”

“Ever since gadiya have come to this country, they have had a plan for Aboriginal People and they are forever telling Aboriginal People what to do and how to do it. None of these plans have worked, but they have all affected and determined the lives of Aboriginal People.”

“The time has come for us to spell out what the realities of life are from the Aboriginal People's point of view.”

**PART II**  
**Appendices**

**Kimberley Land Council and Waringarri Resource Centre**  
**CONFERENCE ON RESOURCE DEVELOPMENT**  
**AND**  
**KIMBERLEY ABORIGINAL CONTROL**

**11 - 13 September 1991**  
**Hosted by the Rugan Community at Crocodile Hole**

Sponsored by the Institute of Aboriginal and Torres Strait Islander Studies; the Centre for Research and Environmental Studies at ANU; Myer Foundation; Stegley Foundation; Community Aid Abroad; Aboriginal and Torres Strait Islander Commission (Western Australia) and Aboriginal Affairs Planning Authority of W.A.

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**LAND OF PROMISES**  
**THE EAST KIMBERLEY IMPACT ASSESSMENT PROJECT**

Conference on Resource Development and  
 Kimberley Aboriginal Control: Crocodile Hole

H.C.Coombs  
 9 September 1991

In 1983 the Warmun Community asked me whether the Australian National University could help them to understand what effect the Argyle Diamond Mining would have on them and other Aboriginal communities and what action they might take to get benefits from the mining development and to avoid damage to them and their country. The Institute of Aboriginal Studies, the University of Western Australia, and several private foundations promised to help. More than 35 individual researchers carried out studies in the region over several years. Through this period several conferences, bush meetings and workshops were held with Aboriginal groups and organisations so that they shared in the studies and contributed to its conclusions. All this work was brought together in the book *Land of Promises* - a title suggested by Pearl Gordon.

This meeting is the last linked with the East Kimberley Impact Assessment Project and this time the Kimberley Land Council, Waringarri and other Aboriginal organisations have taken over. They are running this meeting and will make use of the work of that project in discussing the strategies for the future of the Aboriginal people of the Kimberley.

I have been asked briefly to outline the major conclusions contained in *Land of Promises*. However I will be saying what I personally have concluded as a result of working on *Land of Promises* - and the other reports. It is for Aboriginal people at this meeting and in their own organisations to reach their own conclusions and make their own decisions about what to do.

### **What is development - the Gardiya way**

This meeting is about 'development' and what Aboriginal people and their organisations should do about it. Development is a Gardiya idea and is about how the natural resources - the land and its animals, its minerals, the waters - the creeks, the rivers, the seas and the oceans and all that live within them - should be used and how society, that is people in their groups and communities, should be organised to make use of those resources *and* to enable people to benefit from them. Only when we have a picture in our mind of how the whole system works can we decide how far we want to be part of it or how to deal with it.

Let us look at two examples of development in the Kimberley: Pastoral

enterprises and diamond mining. Pastoral enterprises generally are based on land leased from the Government for long periods to be used for cattle grazing or other similar purposes, but pastoral lease-holders do not own the land: they have only the right to use it for pastoral purposes. Individual leases are often owned by big companies, which also own other leases, sometimes in other States as well and possibly as pastoral businesses in other countries. Each property has a manager but important decisions are *made by* the directors of the company, which might be based in Melbourne or London, or New York, Tokyo or Brunei. Pastoral enterprises employ little labour since modern cattle management is highly mechanised, using motor vehicles, aeroplanes and helicopters.

Aborigines are employed seasonally. They make payments for wages and for contractors, but also to transport companies, to others for supplies and equipment based in southern capital cities, to accountants, insurance companies and consultants for specialist services, to banks and finance companies for interest on money lent to them. After these are dealt with, they distribute the surplus to their shareholders wherever they may live as dividends, or the surplus is held to increase the capital of the Company. Little out of all this is spent in the Kimberley.

The picture of mining enterprises is even more outside the Kimberley. The companies involved are international, usually owning mining enterprises also in other countries like Canada, South Africa, and various South American countries. Management is usually delegated on a project by project basis with overall policy and major decisions being made at company head quarters. Labour for the diamond mining enterprise is flown in and out from Perth or Queensland and only a handful of Aborigines are hired for casual so called 'environmental' work around the mine sites. The pattern of other expenditure is similar to that of pastoral enterprises with their payments for supplies, services, expertise, servicing of capital etc. and with an even greater emphasis on payments outside the Kimberley and outside Australia.

A study of the expenditure of a uranium enterprise in the Northern Territory showed that the only spending which benefited Northern Territory businesses was that by Aborigines from the payments to them by virtue of the Northern Territory Land Rights Act.

Information about Kimberley Mining Companies is not made public. It is therefore not possible to make reliable judgments about the economic effects of their operations on the communities in the region on the money income they provide for those communities, for Australians generally or even the nett contributions they make to the Australian balance of payments, i.e. the surplus of foreign exchange receipts earned from sales abroad etc. over payments abroad arising from the Company's transactions.

Aboriginal people should be careful not to accept too easily the claims that development is good for everybody. The examples we have looked at above show that even in money terms there is much to be counted on the other side. Also

- \* development activities often do damage to the land and to the health and private lives of people, especially Aboriginal people;
- \* they use up, sometimes forever, resources like minerals, fuels, soil, trees, grass and other vegetation, animals, fish and other water creatures necessary to, or valuable for Aboriginal and other people, their children and their grandchildren;
- \* they do not often use the proceeds from the sale of these resources to create new enterprises which can be sustained so that they provide income long into the future.

In other words Aborigines benefit from Gardiya development only if there is Land Rights Law which gives them a right to a share of the royalties the enterprises pay to the government, or if there are agreements by which the enterprises pay Aborigines a share of their proceeds.

By contrast with the amounts paid by mining enterprises to Aboriginal people where they have land rights or can negotiate agreements, like in the Northern Territory, in Papua New Guinea and in other countries like Canada, USA etc., the money paid out for instance by the Argyle Diamond enterprise is, in my opinion, inadequate and unjust.

From other development enterprises Aborigines in the Kimberley receive practically nothing, while they have lost access to their lands and suffer most of most of the damage the enterprises cause, and their future and that of their children becomes more and more uncertain. The present pattern of development in the Kimberley is certainly not good for Aboriginal people. Until land rights are restored. Aborigines should, I believe, put forward plans for such agreements and if the enterprises concerned will not negotiate fairly, oppose the development.

If non-Aboriginal development enterprises offer no real prospect of improving the money and real incomes of Aboriginal people in the Kimberley, stronger efforts must be made to gain changes in the law or how it is interpreted, to gain recognition of Aboriginal ownership rights - both those relating to the material resources of the land, the waters and the seas, and those relating to their knowledge, their culture and their traditions. I will return to this point later but it is important to look also for more immediate ways of gaining control and adding to Aboriginal material welfare.

## **Development of the Aboriginal estate**

Gardiya have taken not merely the land and minerals but have taken and largely destroyed a whole living habitat rich in the species which provided the livelihood of a substantial population of human beings and a great variety of other species. The potential of this native habitat has largely been ignored or destroyed as European

species less well adapted have been imported, often with damaging effects.

It is time that the species which constituted that habitat are restored to viable numbers, that Aboriginal rights in them are acknowledged and that they are given the opportunity to make use of their valuable characteristics, which are now at last coming under notice.

*Land of Promises* suggests that an Institute for Indigenous Species be established under Aboriginal ownership and that all indigenous species be vested in that institute. Such a centre would hold patent rights in perpetuity for the commercial products derived from them using the income from their development to promote research into their many uses and to provide training and opportunities in such research for Aboriginal people.

Such an Institute could function in partnership with Universities, CSIRO, medical and other research centres, and with the many Conservation and Wilderness and Wild Life Protection Societies whose awareness of Aboriginal environmental knowledge and wisdom provides a basis for harmonious joint action.

## **Negotiated Agreements as a basis for development**

*Land of Promises* places great emphasis on the need for negotiation between Aboriginal people and those interests and organisations of the mainstream Australian society with which they have to deal. This is different from the 'consultation' which Aborigines are so often promised but which is usually ignored by those interests when they are making decisions. Negotiations are designed to lead to agreed decisions in which both parties meet as equals and seek conclusions which benefit them both, with which both are happy. Sometimes such negotiations can result in written 'agreements' signed by both or all the parties and can result in outcomes beneficial to all.

In some instances where agreements have in the past been accepted unwillingly by one of the parties, agreements will need to be re-negotiated. In my opinion the agreement concluded with the Argyle Diamond Mining project is one which calls for re-negotiation and legal action to compel such a re-negotiation. Other situations where negotiations or re-negotiations for an agreement are called for include:

- \* with pastoral lessees in relation to living areas, Aboriginal rights of access for hunting and gathering, for water. For religious and cultural purposes, and in relation to the control of land use and land care practices;
- \* with governments in relation to the establishment and management of National Parks, Nature, Scientific, Cultural and other reserves;
- \* with governments in relation to regional and community planning in areas where Aborigines have significant interests (a recently published document relating to the Kimberley appears largely to ignore Aboriginal interests and



needs, even though they represent approximately 40 per cent of the population and more than half of the permanent residents;

- \* with governments and their agents about services such as health, education, law and order, legal aid etc., being increasingly provided by local Aboriginal organisations and staffed by members of the community concerned: (where insufficient trained personnel are available a long-term training plan should be included in the agreement);
- \* with governments and Mining Industry Organisations (like AMIC) about agreed procedures for negotiation between mining enterprises seeking access to Aboriginal or Crown Lands for exploration and/or mining to ensure fair dealing and the protection of Aboriginal ownership, heritage and other rights and interests.
- \* with governments, tourist, mining and other commercial enterprises about conditions for the establishment and conduct of major enterprises including independent studies of the probable, economic, social, and environmental impact of the enterprise.

### **Possible sources of help in relation to agreements**

The Kimberley Land Council and other Aboriginal organisations should, I believe, seek help from organisations like the Australian Conservation Foundation, Wilderness and Wild Life Protection groups, the Human Rights Commission, Community Aid Abroad etc. and the preparation of draft agreements on these matters, which could provide a basis for negotiation and for political campaigns to support the action. The process of preparing a basis for such agreements could commence at these workshops.

### **Aboriginal identity and culture**

Since the conclusion of the East Kimberley impact Assessment Project Studies there has been the Royal Commission on Aboriginal Deaths in Custody. This Commission's report places emphasis on the evidence of conflict and confusion in the minds of Aboriginal people especially in those of children and young adults. There is evidence to suggest that this conflict and confusion reflects the competing claims of government, industry, educational and media policies and the continuing and powerful claims of traditional Aboriginal beliefs, loyalties and patterns of behaviour.

Aboriginal people can deal effectively with these competing claims when they are secure and confident in their own identity as members of their family, clan, language or tribal group. But the claims of white society and its economic and administrative systems make it almost impossible for Aboriginal children and young people to receive the traditional training and education they need in addition to that provided by the mainstream schools. It is important that every

Aboriginal group or community has the right:

- \* to choose between a State, Church, or Independent Aboriginal School;
- \* to establish for each school, a School Council of Aboriginal parents and teachers with the capacity to influence the management decisions of the School affecting Aborigines;
- \* to choose teachers from their own community and to have access to training for them; and
- \* to have access to traditional lands and places of importance, the funds to pay traditional teachers (on an hourly basis) for their work, especially at preschool and early school years and at important periods of transition;
- \* to develop a national parks program of traditional activities in weekends, holidays, etc.

I suggest that at this Conference a group of older traditional men and women should act as guardians to consider matters important to Aboriginal tradition and identity and to keep in touch with other Workshops to consider the effect of proposals put forward by them on traditional Aboriginal society and its culture.

### **A basis for future action**

It will be important that during this meeting those taking part should consider what kind of action should be taken about the matters discussed. Usually conferences like this are followed by approaches to the Western Australian Government, its Ministers, and its officials, and such action should always be considered, but at the present time the signs are not hopeful. The Lawrence Government, despite the sympathy its Premier has expressed, seems unable to get changes in legislation to improve Aboriginal access to land and it is threatening to amend the Heritage Act to take away protections provided by the present Act.

There would be strong support in the mainstream society and from the Commonwealth Government for resistance to such amendment and to force action to carry out the Commonwealth-State Agreement about excisions reached between Gerry Hand and the Premier when Hand was Minister for Aboriginal Affairs. Commonwealth policies in relation to Aboriginal control of National Parks are better than those of Western Australia. Agreements like those between the Commonwealth and Aboriginal people in Kakadu and Uluru (Ayres Rock) could be a good model for Purnululu.

## **Changing attitude by Courts of Law**

While the political outlook is not good for Aboriginal interests, there are encouraging signs coming from the courts which can be very important in relation to Land Rights, Human Rights, and self government matters where the Commonwealth is committed to support internationally agreed standards. The recent Queensland decision about land rights for Islanders in the Torres Strait was a very important win for Aborigines and the High Court now has to consider whether this decision must be followed by a recognition of Aboriginal ownership rights in Australia generally. The High Court also has a case before it claiming Aboriginal title to large areas in the northern coastal area of the Kimberley.

There are other matters about which legal action could be taken where judges can be influenced by what is happening in countries like USA and Canada, where recent changes are encouraging. After this conference your organisations should consider a strategy which could make use of legal action against governments and commercial enterprises where Aboriginal rights are not recognised or threatened.

## **Research as a resource**

For many of the problems facing the people of the Kimberley they will need help from Universities and other institutions which can carry out research to enable those problems to be understood and dealt with and to train Aboriginal people in how to take part in such research and to make use of it. The Northern Australia Research Unit (a branch of the Australian National University in Darwin) has offered to discuss with Aboriginal organisations how it and other Universities could help in these ways.

## **Possible allies**

It is important for Kimberley Aboriginal people to look around for allies – people who share or who are sympathetic with their problems and may be able to help. These could include Aboriginal people and their organisations in other areas - especially those who are more experienced and have dealt successfully with some of the same problems.

In the mainstream Australian society those who are worried about the damage to the environment and its wild life, who want more national parks, who support Land Rights, and self-government who are aware of the creative and cultural power of Aborigines, can be useful allies if the things they have in common with Aboriginal people are drawn to their attention.

## **ATSIC and Aboriginal Organisations**

The recent establishment of ATSIC with its elected regional councils and their responsibility for regional planning is both a source of problems and an important opportunity. At present the elected councils tend to be dominated by the officials

inherited from DAA and ADC. This is perhaps inevitable while the new Councillors learn how the system works and gain knowledge and experience. But ATSIC will not work unless the Regional Councils become effective spokespersons of Aboriginal communities and organisations and develop as powerful instruments of Aboriginal self-government. It is important that discussion between the Regional Councils and existing Land Councils and Resource Agencies begin at these Workshops and arrangements made for them to work together.

A PAPER PREPARED AT THE REQUEST OF THE KIMBERLEY LAND  
COUNCIL AND WARINGARRI RESOURCE CENTRE PRESENTED TO  
A CONFERENCE ON RESOURCE DEVELOPMENT AND KIMBERLEY  
ABORIGINAL CONTROL AT CROCODILE HOLE ON BOW RIVER STATION  
NEAR WARMUN.

13 SEPTEMBER 1991

I HAVE BEEN SPECIFICALLY ASKED TO INCLUDE MY COUNCIL'S PROPOSALS AND PLANS THAT RELATE TO TOURISM DEVELOPMENT IN THE BROOME SHIRE AS WELL AS IN THE BROAD KIMBERLEY REGION AND WHAT MEASURES AND MECHANISMS ARE PROPOSED OR IN EXISTENCE THAT INCORPORATE ABORIGINAL PARTICIPATION AND BENEFITS FROM THE PROMOTION AND ATTRACTION OF SUCH DEVELOPMENT.

RON JOHNSTON  
SHIRE PRESIDENT  
SHIRE OF BROOME

### **KIMBERLEY OVERVIEW**

Tourism in the Kimberley Region of Western Australia does, and will in the future make an important contribution to the economic and social development of all residents.

With its pristine rugged natural attractions, rich Aboriginal culture, history, both Aboriginal and European, remoteness from the rest of Australia and proximity to the most densely populated areas of the world the Kimberley is placed in an envious position, perhaps unrivalled.

However, like the pastoral, horticultural, oil exploration and pearling industries huge amounts of capital, time and expertise are required to bring to fruition the rewards that are available to all participants.

Aboriginals, Aboriginal Communities and Corporations are poised extremely well to be amongst the forerunners of this industry which, managed correctly, can become the single largest employer and largest income earner in the Kimberley.

Obviously, there are constraints to the attainment of this goal and as I see it they are as follows:

- (1) Land availability and tenure; and
- (2) Access.

## LAND AVAILABILITY AND TENURE

When one takes into consideration the size of the Kimberley and the length of the coastline one concludes that presently there are virtually no sizeable tracts of land available for tourist development.

What land is available or proposed to be made available frustratingly becomes enmeshed in Government bureaucracy and lately by Aboriginal and conservation groups.

I do acknowledge that past procedures have been archaic and consultative procedures have not happened until the last stage - but at the same time, Aboriginal Communities must also be prepared to accept the challenge of change.

I and the Shire do recognise that Broome and the Kimberley are areas of major cultural significance to the Aboriginal people, and it is this very heritage that can be such an important asset to the tourist industry.

An extremely large proportion of European tourists do not wish to travel to Australia to see how Kimberley white Australians have developed over the last 100 years or so, but to share Aboriginal culture and enjoy the land.

However, it must be stressed that the tourism industry needs quality land to develop the accommodation infrastructure.

A bank of potential tourist sites must be identified and social and economic benefits to the community examined simultaneously with Aboriginal heritage and environmental issues.

You are obviously aware of the Kimberley Regional Plan that is currently under public and Shire scrutiny.

I do not believe that the document has adequately addressed the question of tourism or the potential of Aboriginal involvement in the decision making process.

It is my Council's opinion that the Kimberley region is too large for a Shire Council or an Aboriginal Community from, say, Broome to be suggesting what should happen in, say, the Halls Creek area.

It is my opinion that Kimberley leaders from all sectors should agree on a broad outlook and then Consultative Committees be established to discuss proposals and ideas for their respective regions.

Without the tenure of suitable land the Kimberley Region will miss out on development (which can be in harmony with the requirements of all parties) and as such lose the economic benefits that tourism can bring.

## ACCESS

Access to the Kimberley Region is by air, coach and private transport.

It is a statistical fact that air travellers spend more tourist dollars and are less damaging to the environment as they participate in organised tours etc.

The Kimberley Region needs a large airport and obviously the logical place to locate it is in Broome.

The Tanami Track needs to be upgraded to allow easier access to vehicles from the Eastern States and the Gibb River Road should remain as an adventure road.

What needs to be controlled are off-road vehicles travelling the countryside at random. Aboriginal Communities can be most effective in controlling this with the erection of signage and their decision to open up certain quality areas to welcome visitors and charge the appropriate over-night camping fees and provide whatever other services, such as fishing, bushwalking etc., as they may decide.

Access to all areas should not be on the basis of “no access” but on a controlled basis. With the use of positive signage and basic facilities the encroachment onto private property can be controlled.

## BROOME OVERVIEW

Undoubtedly, Broome is the catalyst to the tourism industry of the Kimberley.

If Broome fails, the Kimberley will fail.

Broome perhaps is the area we should study to examine what measures and mechanisms are proposed to incorporate Aboriginal participation and examine the benefits from tourism.

Firstly, we must look at what benefit to the whole community increased tourism has brought and I have listed below some of these:

- (1) Better education facilities and the prospect of a TAFE College.
- (2) Better employment prospects.
- (3) Better transport and freight facilities.
- (4) Better recreation facilities.
- (5) Better health services and facilities.

The economic downturn has affected Broome, whilst airline package holiday figures are up by 15%; the road travelling market is down.

Current projects proposed for the Broome area and their status is as follows:

1. Port Drive Tourist Village

Estimated Cost: \$70 million. Details:

Planning consent approved with the exception of the Aboriginal Sites Dept. of the WA Museum.

2. Cable Beach Club - Stage 3

Details: On Hold.

3. Moonlight Bay Resort - 56 Apartments

Details: Construction 50% complete. For sale.

4. Broome Airport - Relocation and Upgrade

Details: Planning stage.



5. Relocation of Crocodile Park

Details: Awaiting WA Museum clearances

6. Golf Course Development

Details: Department of Land Administration unwilling to release land until Aboriginal claims on adjacent land resolved.

Of the above developments, three have been held up because of Aboriginal site claims.

It is the belief now of the Broome Shire Council that perhaps if a consultative process with interested Aboriginal Communities had occurred from both sides much earlier in the release of these sites then a compromise could have been reached and the developments undertaken.

RDG, the proponents of the development next to the Golf Course, had offered a list of incentives to Aboriginal groups which included –

- \* an Art Centre to be owned and operated by a local Aboriginal community
- \* employment opportunities

I have attached a letter from Mr Des Matthews, Enterprise Consultant, Broome Chamber of Commerce, testifying to business ventures that have commenced due to tourism, a submission from Tourism Training outlining past achievements and future proposals and tourism statistical trends prepared by the WA Tourism Commission.

The Shire is anxiously awaiting the formation of a Broome Aboriginal consultative group with whom we can discuss proposals. We realise that this committee must be formed along Aboriginal lines and a Council of Elders and law people consulted.

However, it is essential that occurs consultations and decisions be made promptly to capitalise on the tourism opportunities currently available in Western Australia.

The Shire of Broome sees this consultative committee as an Aboriginal bridge between the two cultures.

Not only should development sites be identified, but an inventory of Aboriginal sites be listed.

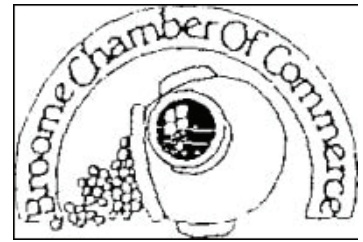
By working together we can all enjoy the benefits that tourism will bring to the Kimberley. Thank you for allowing me the opportunity to present the Shire of Broome's overview on tourism.

# BROOME CHAMBER OF COMMERCE

P.O. Box 1307, Broome, W.A. 6725 (incorporated)

Phone: (091) 93 5553

Fax: (091) 93 5947



Mr Ron Johnston  
 Broome Shire President / K.T.A.  
 P.O. Box 44  
 BROOME W.A. 6725

9th September 1991

Dear Ron,

The following is an outline of assistance given to Aboriginal people within the area of tourism.

We assisted the One Arm Point Community with its business plan for polished trochus shell and jewellery. We have set up a marketing arm in Perth for the products manufactured. We also set up polishing machines in homes at One Arm Point, this gave work to approx. eight people.

Boat trips out of One Arm Point have been set up in conjunction with a non-aboriginal tour operator from Broome, this gives work to approx. four people.

We have just set up an Aboriginal lady in her own screen printing of T-shirts here in Broome.

We are also involved in Mungkaja Arts in Fitzroy Crossing, and also Parmajatti ladies T-Shirt enterprise also in Fitzroy Crossing.

We are currently working with an Aboriginal person to start up a tour operator business.

We also set up an Aboriginal band in Derby who now gets a considerable amount of work in tourist hotels. He employs five people in Derby and travels the Kimberley region.

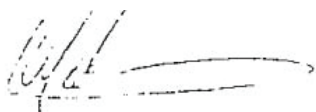
We are also working with a new company in the Broome region in setting up a bait fish business, this would be sold to tourists and locals in Broome initially, this would give work to four people.

. . . /2

Ron, if the motivation is there for Aboriginal people to get into the tourist industry, it could be potentially the largest employment and enterprise area available to Aboriginal people.

If we can assist any further, please don't hesitate to contact me on the above number.

Regards,

A handwritten signature in black ink, appearing to read 'Des Mathews', with a long horizontal flourish extending to the right.

Des Mathews  
Enterprise Consultant  
Broome Chamber of Commerce

NOTES FOR RON JOHNSTON. BROOME SHIRE PRESIDENT  
(KIMBERLEY LAND COUNCIL. KUNUNURRA MEETING, 14 SEPT 1991)

TOURISM TRAINING WA

Tourism Training is a nationally established industry training body with offices in all capital cities, Townsville and Broome. The office in Perth is controlled and operated by the tourism and hospitality industry with Board representation by the Federal and State Government.

Tourism Training has maintained an office in Broome since early 1987 servicing the Kimberley and Pilbara with a range of industry based courses i.e. food and beverage, waiting, housekeeping and kitchen assistance. The three day Train the Trainer program is recognised under the Training Guarantee Act and most courses run by the organisation are nationally accredited.

Tourism Training provided advice and training to the local community in the establishment of the Kooljaman Resort at Cape Leveque. In 1991 three Jobtrain courses have been run with funding from the Department of Employment, Education and Training.

Those courses were for long term unemployed and of the 27 participants 16 were Aboriginal people. Two of which withdrew very early for personal reasons. The remaining 14 Aboriginal students graduated and were offered positions in the hospitality industry in Broome.

The dux of the courses was a female Aboriginal student in the Food and Beverage program. These three Jobtrain courses were far and away the most successful run in the region, receiving great support from the industry operators. While they did involve some class room theory the majority of the course was practical and utilised hotel facilities in the town.

Currently support is being sought for a twelve month course for Aboriginal people who are interested in the tourism side of the industry. Skill development would include customer relations, tour guidance, front desk operation/administration and Aboriginal studies/history with a leaning towards tourism and its opportunities. The proposal has been put forward by one industry operator in Broome and signs from government are positive at this stage.

Changes in Federal Government employment and social security assistance policy will allow more use of job/skills training and similar programs to the benefit of local people and the tourism/hospitality industry.

Tourism Training through its early involvement with the Kooljaman project gained first hand knowledge of the inherent problems that occur between the several different government departments which have an interest in the development of Aboriginal enterprises.

Data collected from overseas travellers during 1987/88 indicated they expecting to experience their travels to Australia rather than simple view them from afar. This was particularly the case with the European market. One of the main indications was that they expected direct interface with Aboriginal people.

Qantas in investigating this phenomena noted that a much higher proportion of these visitors were multi destinational. Also that second time visitors have a much higher cultural and educational interest.

Aboriginal involvement in the hospitality industry has been minimal. In 1989 the Department of Employment, Education and Training in Western Australia expended \$2,040 on Aboriginal training in the industry.

In 1989 Tourism Training approached government in an effort to redress this imbalance in the north west. The approach was accepted by DEFT and resources have been made available. In the initial stage a steering committee has been formed to drive the project.

The Steering Committee comprises representatives of Tourism Training WA, DEET, industry, union and senior Aboriginal representatives.

The industry has committed 150 placings for Aborigines over a two year period and research is continuing into the needs of both the industry and Aboriginal cultures. That research will include recommendations on how those needs can be met.

Consultants have now been engaged to develop training modules and recruitment procedures. That process is well under- way and should be completed by the end of the year or early next year.

At the end of the study there will be a list of minimum entry standards for each basic occupational stream. There will be a clear knowledge of the perceptions or Aboriginals towards the hospitality sector, an industry and a career path. This will give a clear identification of the methodology of the program.

Stage three will be the development stage of the program including the development of the modules and guidelines and the additional support mechanisms and training that will be needed.

The next stage will be the pilot testing designed to check the efficiency of the training and check the objectives. It will also isolate any flaws and allow adjustments if required. A co-ordinator will be employed at this time. From there the final preparation of materials will proceed to the full scale launch and public promotion.



# KIMBERLEY

TOURISM STATISTICAL TRENDS



This profile provides an overview of tourism to the Kimberley Region. Information is presented on visitation levels, tourist expenditure, major visitor markets and visitor characteristics.

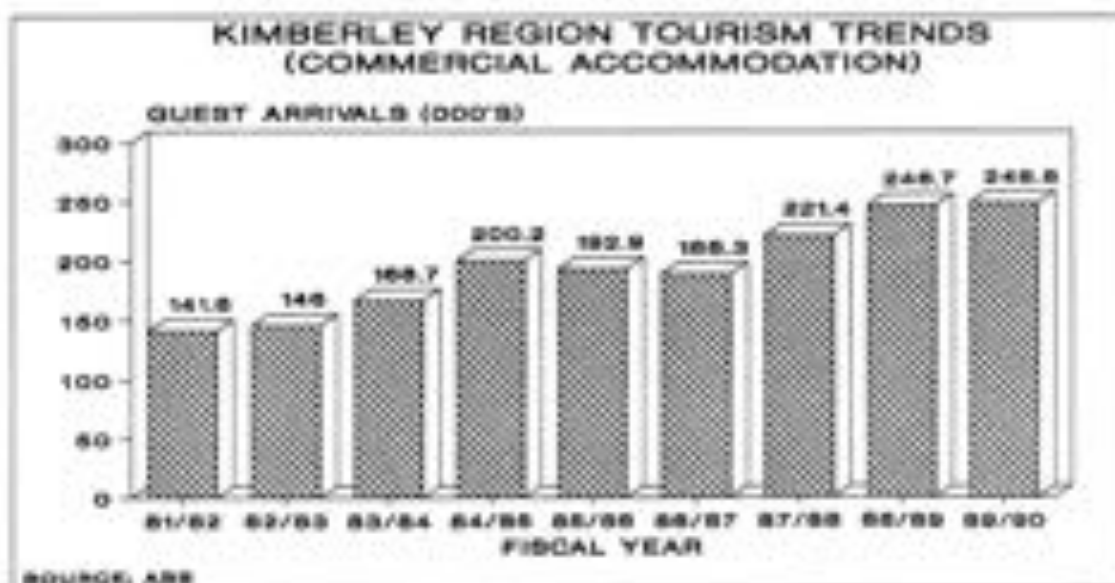
## TOURISM TRENDS

Information from the Australian Bureau of Statistics Tourist Accommodation Survey has been used to illustrate tourism trends to the Kimberley Region. The ABS employs a census approach whereby data is collected from all hotels, motels, guesthouses and caravan parks throughout the State.

The table and graph below show total guest arrivals to commercial accommodation establishments in the Kimberley Region over the past nine years.

FISCAL YEAR	GUEST ARRIVALS	% CHANGE
1981/82	141,600	-
1982/83	146,000	+3.1
1983/84	166,700	+14.2
1984/85	200,200	+20.1
1985/86	192,900	-3.6
1986/87*	188,300	-2.4
1987/88*	221,400	+17.6
1988/89*	246,700	+11.4
1989/90*	248,800	+0.8

\*NB: From July 1986 the ABS Survey included caravan parks with long term (ie permanent) guests. Prior to this date only caravan parks with predominantly short term guests were included.



# SEASONAL TOURISM TRENDS

Detailed monthly information on guest arrivals, guest/site nights, occupancy rates and takings for the Kimberley Region during the 1989/90 fiscal year are presented below.

## KIMBERLEY COMMERCIAL ACCOMMODATION DATA

### 1989/90

(Australian Bureau of Statistics)

#### HOTELS/MOTELS/GUEST HOUSES

Month	Estab	Rooms	Room Nights (000's)	Room Occupancy (Percent)	Guest Nights (000's)	Guest Arrivals (000's)	Takings (\$000's)
July	*	*	22.1	74	26.2	17.6	1,508
August	*	*	21.2	71	25.7	16.7	1,245
September	22	904	14.6	50	22.9	11.0	1,017
October	*	*	14.6	44	24.8	8.6	940
November	*	*	9.8	30	14.2	5.2	548
December	22	1,079	8.2	25	12.2	4.2	400
January	*	*	9.1	27	14.9	4.7	400
February	*	*	7.0	22	11.8	4.5	418
March	22	1,079	9.2	28	14.8	5.0	525
April	*	*	11.4	26	19.7	6.4	607
May	*	*	12.4	41	21.1	7.8	915
June	21	1,052	16.9	52	27.6	10.2	1,225
TOTAL OR 1.1 AVERAGE	(22)	(1,042)	(127.8)	(42)	(262.7)	(122.5)	(10,475)

#### CARAVAN PARKS

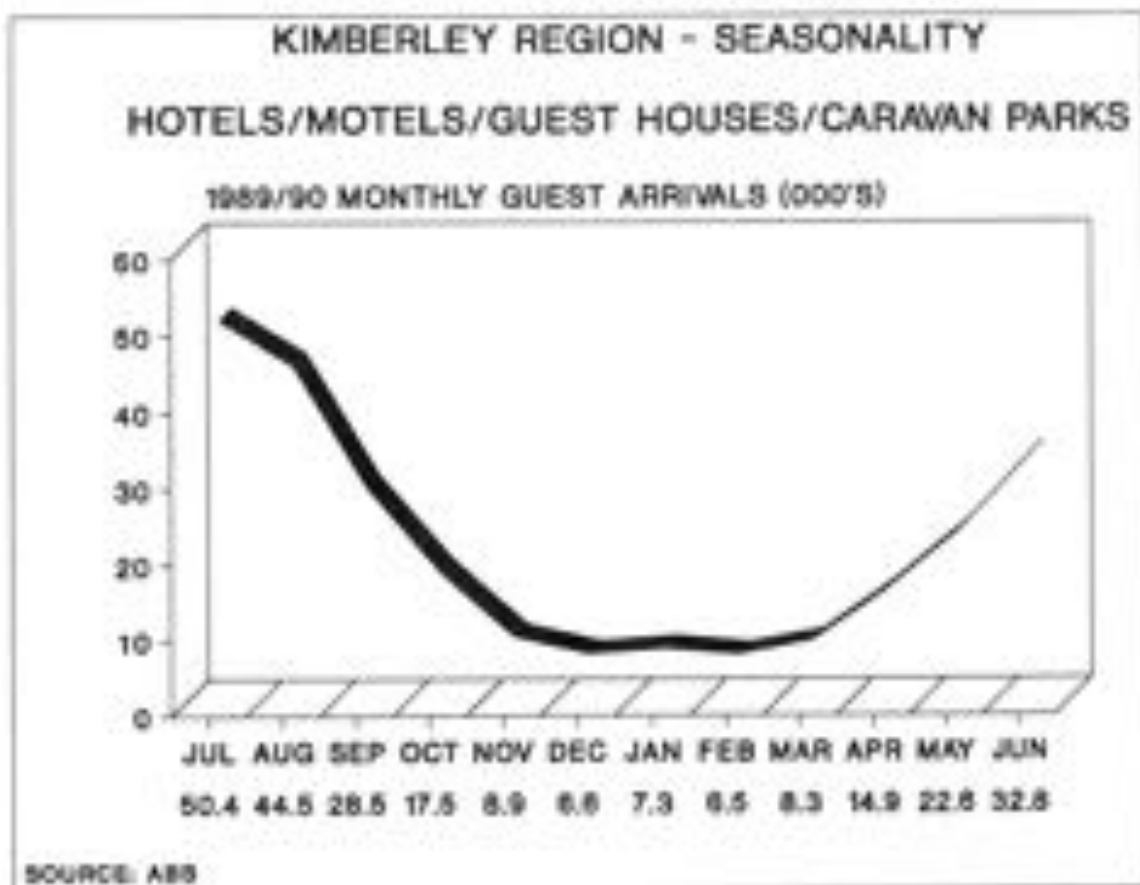
Month	Estab	Sites	Site Nights (000's)	Site Occupancy (Percent)	Guest Arrivals (000's)	Takings (\$000's)
July	*	*	51.6	71	22.8	568
August	*	*	47.2	60	27.8	572
September	19	2,285	22.8	46	17.5	272
October	*	*	21.5	31	8.9	261
November	*	*	14.0	21	3.7	194
December	19	2,248	11.4	17	2.4	124
January	*	*	10.2	15	2.8	128
February	*	*	9.7	15	2.0	122
March	19	2,251	11.2	26	2.7	141
April	*	*	18.7	27	8.5	218
May	*	*	27.8	29	14.8	312
June	19	2,284	29.9	56	22.6	562
TOTAL OR 1.1 AVERAGE	(19)	(2,282)	(295.5)	(25)	(146.2)	(3,526)

\* Quarterly information only

Note: Holiday Flats & Units data not available

Source: ABS Catalogue No. 8635.5





# TOURIST EXPENDITURE

Tourism is a major contributor to the economy of the Kimberley Region. During 1989/90 visitors to this region spent a total of \$58.4 million.

Looking at specific visitor markets, intrastate visitors incurred a total expenditure of \$20.9 million, while interstate and overseas visitors spent \$23.2 million and \$14.2 million respectively. The average expenditure per visitor night, across all forms of accommodation, was \$59.96.

A breakdown of the total value of tourism to the region for each major expenditure category is presented below. Average daily visitor spending in each of these categories is also shown.

## TOTAL TOURIST EXPENDITURE BY CATEGORY (\$m)

	1989/90 (Total \$)
Accommodation	19.0m
Food and Beverages	13.9m
Pleasure Shopping	5.8m
Local Transport	9.4m
Day Tours	6.3m
Other	4.0m
<b>TOTAL</b>	<b>\$58.4m</b>

## AVERAGE DAILY VISITOR SPENDING

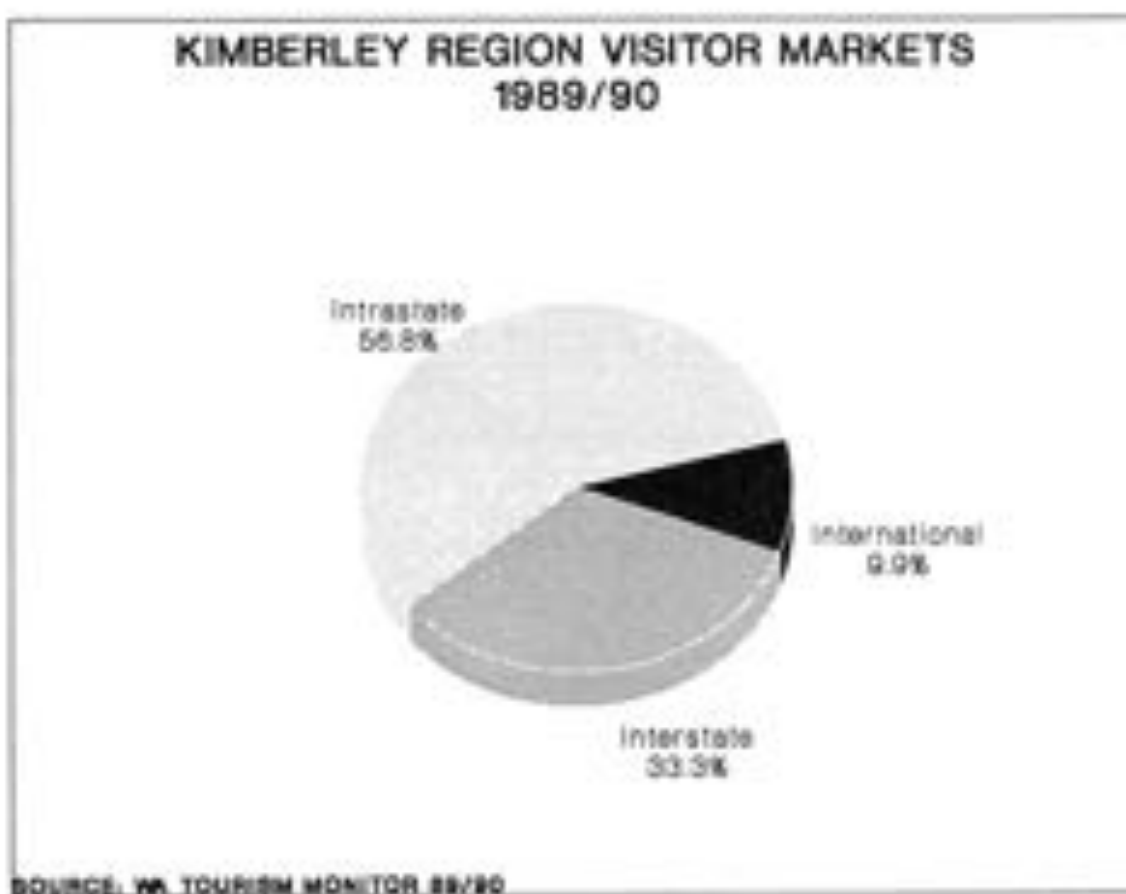
	Private Accommodation* Visitors (\$)	Commercial Accommodation Visitors (\$)
Accommodation	NA	26.90
Food and Beverages	5.24	17.52
Pleasure Shopping	3.09	6.91
Local Transport	3.29	12.08
Day Tours	0.54	8.70
Other	3.26	4.59
<b>TOTAL</b>	<b>\$15.42</b>	<b>\$76.70</b>

Source: Western Australian Tourism Monitor 1989/90

\*NB: Reliable daily expenditure figures for visitors staying in private accommodation are not available for specific regions. Therefore these figures represent averages across all country regions of Western Australia.

## MAJOR VISITOR MARKETS

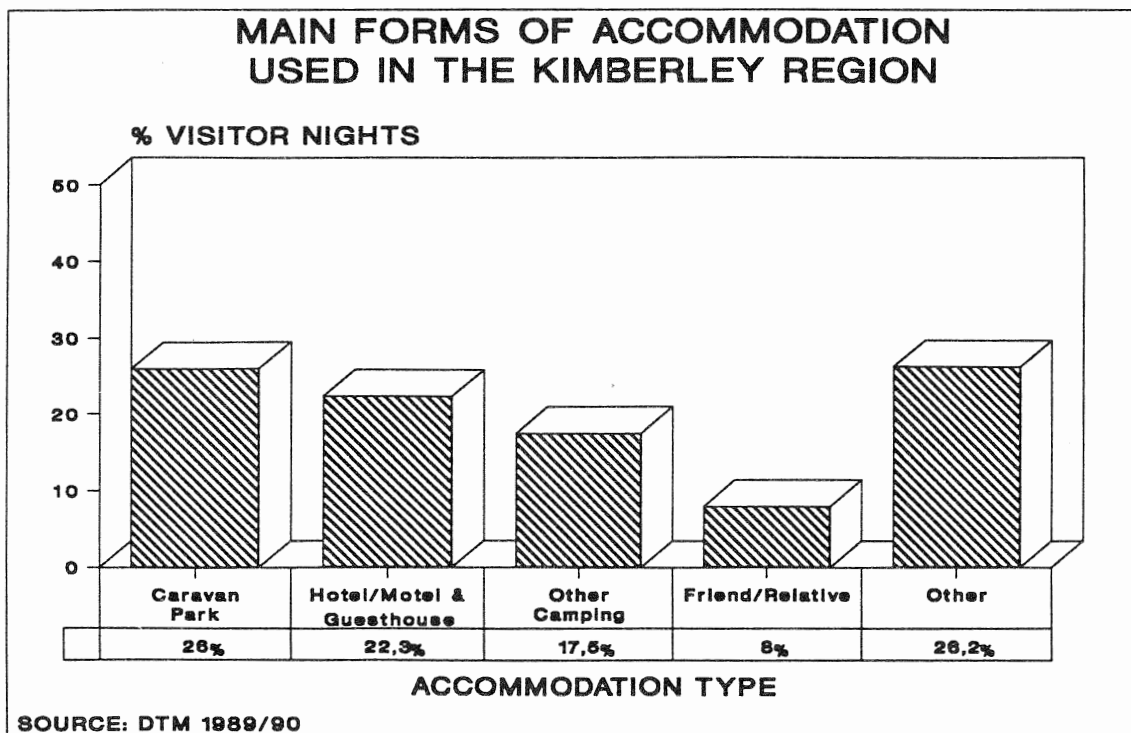
The major tourist market to the Kimberley Region is intrastate visitors comprising 57% of total visitors to the region, Interstate and international visitors represent 33% and 10% of the total respectively.



## VISITOR CHARACTERISTICS

As the major tourist markets to the Kimberley Region are interstate and intrastate visitors, the most appropriate reference for visitor characteristics data is the Domestic Tourism Monitor (1989/90). This survey provides coverage of the travel patterns and characteristics of Australian domestic (i.e. intrastate and interstate) travellers for each tourism region in Australia.

- The main reasons for travel to the Kimberley Region were for pleasure/holiday (44% of visitors) and business (40%).
- Private vehicle and plane were the most frequently used modes of transport to the region, being used in 45% and 30% of visits respectively. Bus/coach travel accounted for 4% of visits.
- The average length of stay in the Kimberley Region was 18 nights.
- The most popular forms of accommodation for visitors to the region were caravan parks (26% of visitor nights), hotels/motels/guesthouse (22%) and camping (18%).



# KIMBERLEY REGIONAL PLAN STUDY

## OVERVIEW

### 1. Introduction:

The Kimberley Regional Plan Study (KRPS) is a Western Australian Government initiative to deal with land use and management matters in the Kimberley region of natural resources, people, economy, land and co-ordination. It was released in December 1990 for public comment.

The “fundamental aim of this study is to help establish a growing but sustainable economy in the Kimberley in which people can develop their full potential, while living in harmony with each other and the environment” [p1]. One of the objectives of the KRPS is “to take full account of the needs of and aspirations of all people currently resident or having an interest in the Region by their involvement in a wide participation program, whilst having regard to the needs of future generations” (p2).

The KRPS makes some mention of Aboriginal interests, but fails to recognise and take full account of Aboriginal ownership rights to Kimberley lands and does not adequately address issues arising from the most significant demographic aspects of the region, i.e. the size, diversity and growth of the Aboriginal population.

The KRPS ignores the widely accepted Federal Government’s policy of Aboriginal self determination and self management and continues with the State Government’s policy of limited and conditional Aboriginal Heritage rights and to deny Aboriginal land rights.

The competing land interests in the Kimberley, as identified in the Report are: pastoral, conservation, mining, tourism and Aboriginal. The report argues that “each of these groups have valid land use claims” (p21). Aboriginal interests are also described in the following terms “increased pressure for access to traditional Aboriginal living areas” (p21), and as “living areas and specific sites” (p22).

Aboriginal communities not on Aboriginal reserves, are grouped together with “Hobby farmers and those seeking an alternative life style” under the land use heading “Rural Living” (p26).

While there is limited recognition of Aboriginal interests, the Report misrepresents and understates the legitimate and diverse interests of Aboriginal people.

**In light of the Report’s ad hoc and inappropriate strategies dealing with Aboriginal land interests, the Western Australian Government should undertake direct negotiations with Aboriginal people regarding land ownership, use and management arrangements for the Kimberley region.**

Aboriginal people make up half the population of the Kimberley. The Report's Aboriginal population estimates, based on 1986 Census figures, are conservative at about 45% of the total population. Taking into account poor census collections in Aboriginal communities giving understated figures and an increasing Aboriginal population growth, the total Aboriginal population in 1991 would more likely be in the vicinity of 17,000 people, about 60% of the local permanent population.

The cultural language and social diversity of Aboriginal people have not been considered at all in the report. This factor, along with the significant population trend mentioned above, requires substantial reform in Government decision making processes, planning, practices and policies, for example the provision of language and culturally appropriate services.

The strategies referring to Aboriginal people have not adequately taken account of these trends, nor, involved the participation of a wide range of Aboriginal organisations in the preparation of the Report.

While all the social indicators show widespread poverty amongst Aboriginal people, the Report deals with some aspects of this fundamental social issue in a superficial way or ignores significant trends, for example when considering housing there is no mention in the strategies about Aboriginal housing needs. It states that the poor access to Government services and resources is causing sub standard living conditions in Aboriginal communities. The strategies suggested to deal with this involve creating more public service positions, a conference, more consultation with communities regular meetings between Aboriginal leaders and local authorities and co-ordination of services.

While the Report promotes community development initiatives, it fails to support the development of Aboriginal community organisations, except for increased funding for the AMS, as a way of providing community services in preference to inaccessible and inappropriate Government services.

The Report also seeks to establish a Kimberley Development Authority or a Regional Co-ordinating Committee, which is to include Government and non Government representation including an Aboriginal representative. It refers to a Kimberley Community College, housing matters, community initiatives but makes no mention of Aboriginal organisations' initiatives in these areas or the relevance of these programs to Aboriginal people.

There is only brief mention of resources development issues - mining in particular gets only scant mention when in fact this industry has a significant interest and impact in the Kimberley. An unfortunate omission from the Land Use Plan on p.26 of the Report is that Resource Land Use is not mentioned.

This lack of informed research and consideration of economic and social developments, and the relation these have to land ownership, use and management makes the report very limited in its scope to effectively address Kimberley issues.

There is no integrated 'plan' or strategies for action that provides: for an equitable share and say in resource development; or improved access to community services; or processes of Government: or takes into account the diverse interests aspirations and nature of the people in the Kimberley region.

**The State Government should therefore enable Kimberley Aboriginal people to conduct a study that considers Aboriginal needs, interests and aspirations for the Kimberley.**

## **2. Main References and Strategies involving Aboriginal people as stated in the Report:**

The Report's Land Use Plan (p26) identifies the following arrangements:

- a) **Pastoral**, existing pastoral uses with some areas requiring detailed evaluation taking into account other interests:
- b) **Agriculture**, the Ord River Irrigation Area and Camballin mentioned as the main areas:
- c) **Urban Land**, planning and development will continue to occur as at present;
- d) **Rural Living**, including Aboriginal interests, hobby farmers and alternative lifestyles;
- e) **Government Purposes**, Federal and State Government strategic land needs:
- f) **Vacant Crown Land**, unused Crown Land;
- g) **Aboriginal Reserves**, held by Aboriginal communities:
- h) **Special Site**, provides for- specific regional uses;
- i) **Parks and Recreation**, includes
  - Category A: Gazetted National Parks and Conservation/Nature Reserves.
  - Category B: Areas identified in the updated System 7 proposals and
  - Category C: Areas of environmental significance requiring further investigation: and
- j) **Detailed Evaluation Areas**, requiring detailed evaluation of pastoral and other areas considering other interests, including Aboriginal.

The following are the specific strategies and suggestions relating to Aboriginal people as mentioned in the Report:

- i) “Consider provision for leases for Traditional Aboriginal living areas in parks and reserves in remote areas of the Kimberley region” [4(6)];
- ii) “Extend CALM’S training program to help manage Aboriginal living areas within parks and reserves in remote areas of the Kimberley” [4(7)];
- iii) “Ensure that the co-ordination between Government Departments, local authorities, voluntary groups, Aboriginal people and other agencies on environmental matters is ongoing and comprehensive” [4(20)];
- iv) “Ensure fire research efforts are co-ordinated and approach Aboriginal people to be involved in research and control programmes” [4(21)1];
- v) The report provides maps of Aboriginal reserve lands in the Kimberley;
- vi) “Include the relevant local authority and servicing authorities in discussions with Aboriginal communities on the location of living areas to ensure that, as far as practicable, on-going services are adequately maintained” [4(31)];
- vii) “Provide special consideration for local authorities who accept responsibility to maintain access to official Aboriginal living areas” [4(32)];
- viii) “Determine workable guidelines to expedite the excision of land for Aboriginal living areas” [6(12)];
- ix) “Provide appropriate planning and consultative mechanisms for Aboriginal people to determine their involvement in and use of their land for the tourist industry” [6(47)];
- x) “Utilise the findings of the Report on Tourism and Aboriginal Heritage to enable those involved in the tourist industry to appreciate and understand the expectations and capacity of Aboriginal people in the industry” [6 (48)];
- xi) Develop the proposed Northern Aboriginal Development Company or several smaller companies, using further consultation with the appropriate government agencies and Aboriginal community organisations to refine ideas” [6(60)];
- xii) “Consult with and assist Aboriginal communities and individuals to develop their aspirations and capacities for initiating business ventures” [6(61)];
- xiii) “Ensure the provision of effective infrastructure be regarded as a factor of utmost importance when decisions are being made in respect to living areas” [7(17)];



- xiv) “Ensure that the special needs and high cost of health service delivery to remote Aboriginal communities are recognised when setting budget levels for health services in the Kimberley” [7(18)];
- xv) “Ensure that the two departmental health services are co-ordinated under one administration and that effective working relationships between the Department of Health and the Aboriginal Medical Service are established” [7(19)];
- xvi) “Seek increased funding for the AMS for training” [7(20)];
- xvii) “Initiate a Regional conference with broad community and Government input and set priorities for future action in the establishment of community networks, with a particular emphasis on such issues as special needs for women. Aboriginal people, alcoholism and truancy” [7(31)];
- xviii) Provide orientation courses for all State and local government personnel to inform them about Aboriginal culture and Government programmes relating to Aboriginal people” [7(33)];
- xix) “Appoint a Regional Manager of the Aboriginal Affairs Planning Authority to the Kimberley” [7(35)];
- xx) “Ensure that local government representatives hold periodic discussions with the leaders of Aboriginal Communities in their locality on matters relating to the well-being of the different communities” [7(36)];
- xxi) “Appoint the Aboriginal Liaison Manager recommended in the Senior Report (1989) to work with the Regional Manager of the AAPA . This officer should be the contact person for all people seeking formal discussion with Aboriginal people so as to enable co-ordination and the elimination of inconvenience caused by unnecessary meetings” [7(37)];
- xxii) Although no specific mention is made of Aboriginal interests in the following suggestion it would include Aboriginal communities. “The mining industry consult relevant Kimberley communities to ensure that full appreciation of the needs of local people as well as their own, are well understood and acknowledged” [7(38)];
- xxiii) “Ensure that Aboriginal and non-Aboriginal communities are made aware of, and encouraged to make use of, time windowing broadcast techniques” [8(2)];
- xxiv) “Secure resources through the State Grants Commission and Main Roads Department to assist local authorities who accept responsibilities for constructing and maintaining access to recognised Aboriginal living areas and existing and potential rural areas” [8(13)];

- xxv) The report identifies seven pastoral leases Brooking Springs, Anna Plains, Yeeda, Roebuck Plains, Meda, Carlton Hill, and Ivanhoe, as well as, coastal and river frontages in general, as needing detailed appraisal in terms of their current pastoral use along with competing interests, including Aboriginal interests.

**Completed by:**

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September 1991



## Historical Chronology

Some of the major historical events, Commonwealth and State Government Legislative and Administrative and Policy changes relevant to Aboriginal Issued in Western Australia.

How Governments have implemented their plans for Aboriginal People over the years.

- 1829 Swan River colony set up.
- 1830 Aboriginal protectors appointed (usually colonial policy).
- 1833 Yagan shot and killed near Perth.
- 1834 Pinjarra massacre.
- 1840 Government says Aboriginal People not allowed into town areas.
- 1841 Rottnest Island Prison established (men only).
- 1883 Royal Commission Inquiry into Aboriginal prisoners at Rottnest Island.
- 1884 Ord River Station set up - first station in east Kimberleys.
- 1886 Aborigines Protection Board set up. Control over all Aboriginal People in Western Australia.  
Gold rush - Halls Creek.
- 1888 First recorded massacre in east Kimberley.
- 1890 Beagle Ray Mission established by Catholic Church.
- 1894 Windjana Gorge Rebellion. Capture of Jandamarra.
- 1897 Jandamarra dies in attack on Oscar Range Homestead.
- 1901 Horseshoe Creek massacre.
- 1904 Roth Royal Commission inquired into the general living conditions. Most of the recommendations not accepted by Government.
- 1905 Aborigines Protection Act legalises removal of Aboriginal children from their families.

- 1908 Gale Royal Commission to inquire into the treatment of Aboriginal People by the Canning Exploration party along the Canning Stock Route.
- 1910 Moola Bulla Native settlement established.
- 1912 Violet River Reserve.
- 1914-18 Approximately 300 Aboriginal and Torres Strait Islander People involved in World War 1.
- 1915 Mistake Creek Massacre..
- 1926 Forrest River Massacre
- 1927 Royal Commission into the alleged killing and burning of Aboriginal People at Forrest River.
- 1934 Moseley Royal Commission which led to 1936 Native Administration Act which extended the powers of the Chief Protector from the 1905 Act, to cover all People of Aboriginal 'descent'. Native Courts also introduced around this time.
- 1939 Balgo Hills Mission established by Catholic Church.
- 1939-45 Approximately 3,850 Aboriginal and Torres Strait Islander People involved in World War 2.
- 1940 Violet Valley People move to other stations when a manager attempts to shoot one of them.
- 1946 First Aboriginal strike in the Pilbara.
- Jigalong Mission established
- 1954 Introduction of Native Welfare Act.
- 1955 La Grange Mission established.
- Moola Bulla abandoned and People move to Fitzroy Crossing.
- 1969 Aboriginal Study Grant Scheme introduced.
- 1970 Aboriginal Secondary Grant Scheme introduced.

- 1972 Federal Government starts providing assistance to States aimed at 'upgrading' the standard of living and education of Aboriginal People.
- Aboriginal Affairs Planning Authority and Aboriginal Land Trust set up.
- Aboriginal Heritage Act established giving WA Museum, through the Department of Sites, the responsibility to protect areas of cultural significance to Aboriginal People.
- 1973 National Aboriginal Consultative Committee (NACC).
- Aboriginal Medical Service opens in Perth.
- Closing of dormitories in Kimberley Catholic Missions for Aboriginal community children.
- 1974 Fennell Royal Commission to inquire into the concerns affecting the well-being of Aboriginal People in Western Australia.
- Federal Government sets up the Aboriginal Land Fund.
- 1975 Skull Creek Incident.
- Aboriginal Legal Service opens.
- 1976 Laverton Royal Commission to inquire into the Skull Creek incident.
- Strelley Community School established.
- 1977 National Aboriginal Conference.
- 1978 Aboriginal Child Care Agency.
- Kimberley Land Council formed
- 1979 Aboriginal Communities Act (1979) proclaimed, allowing certain Aboriginal communities to control community affairs.
- 1980 Noonkanbah. State Government overrides Heritage Act legislation, allowing for mining exploration to proceed over an area of cultural significance to the Yungngora of Noonkanbah.
- Aboriginal Development Commission set up.

Signing of Agreement between Argyle Diamond Mine and Mandangala Community.

- 1982 Yiyili Community School at Louisa Downs.
- 1983 Aboriginal land inquiry - Paul Seaman QC.
- 1984 Report of Aboriginal Land Inquiry rejected by State Government.
- 1985 NAC disbanded.
- 1987 Royal Commission into Aboriginal Deaths in Custody set up.
- 1990 Aboriginal and Torres Strait Islander Commission established.  
Election of Regional Councillors.
- 1991 Royal Commission into Aboriginal Deaths In Custody Report released.  
  
Aboriginal Reconciliation Council Act passed in Federal Parliament.  
  
Australian Federal Government signs United Nations optional  
Protocol to the International Covenant on Civil and Political Rights.

(Source: Report of the Royal Commission into Aboriginal Deaths in Custody, AGPS Canberra 1991.)

# REGIONAL AGREEMENTS IN AUSTRALIA AND CANADA: STRATEGIES FOR ABORIGINAL SELF-DETERMINATION AND CONTROL

## SUMMARY PAPER

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August 1991

This is a summary of a comprehensive draft paper by Benjamin Richardson on regional agreements in Australia and Canada. The paper is an extension of work done on the East Kimberley Impact Assessment Project by Ben Boer and Donna Craig.

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### WHAT ARE REGIONAL AGREEMENTS?

In Canada comprehensive regional agreements are seen as a major strategy for enhancing self-determination of Aboriginal peoples. **These agreements involve negotiating between Aboriginal groups and government, whereby certain traditional Aboriginal rights over land and resources are traded for a broad array of social and economic benefits which provide the participating communities with increased autonomy and control over their environment.**

In the past two decades, Canadian Aboriginal communities have negotiated with the Canadian Federal and provincial governments for a number of **regional settlement**. The agreements are seen by Canadian Aboriginal people as recognition of their historical position as original inhabitants and as guarantees for their continued social and cultural distinctiveness in the future. In Canada, negotiated regional agreements are seen as a long term strategy for Aboriginal communities and aim to put Aboriginal interests within a strong legal framework.

## ARE THEY A USEFUL MODEL FOR AUSTRALIAN ABORIGINES?

There is no comparable experience in negotiated comprehensive agreements amongst Australian Aborigines. Some communities have negotiated various discrete settlements on joint management of national parks and access and development rights to traditional lands in the past few years. Comprehensive regional agreements may be of considerable use to Australian Aborigines, particularly those still in touch with their traditional lands and culture. In the short-term, however, negotiation of a regional agreement may be preceded by a number of less comprehensive strategies which could provide more immediate benefits. In reviewing the experience of Canadian Aboriginal communities with regional agreements, there have been a number of practical problems with the negotiation and implementation of them, although they remain in principle an important and useful model for Australian Aborigines to consider.

## THE DEVELOPMENT OF REGIONAL AGREEMENTS IN CANADA

**The concept of regional agreements arose in 1973 with the release of the Canadian government's Comprehensive Land Claims Policy; Following a major Supreme Court ruling in the Calder case, which affirmed the continuing existence of Aboriginal land title and rights in Canada, the Canadian federal government agreed to enter into negotiations regarding Aboriginal claims where rights of traditional use and occupancy had not been extinguished by treaty or superseded by Canadian law.** The development of the comprehensive claims process was also influenced by two other events. First, there was the ratification in 1971 of the Alaska Native Claims Settlement, a major agreement made between the United States government and the Inuit people of Alaska. Second, separate claims negotiations were proceeding between the Quebec provincial government and Aboriginal groups in the James Bay area of eastern Canada.

The comprehensive land claims policy has undergone several major revisions since 1973. **The most significant reappraisal of the policy follows the 1982 amendments to the Canadian Constitution which recognised and affirmed the paramountcy to all existing Aboriginal and treaty rights of Canadian Aboriginal peoples. Under the new Constitution Act, no government could in future extinguish or modify Aboriginal rights without the consent of the Aboriginal groups concerned or without a further constitutional amendment. The superior status of Aboriginal rights has been recognised in a number of Supreme Court decisions, the most significant being the recent Sparrow and Sioux cases.** In accordance with the new constitutional protection accorded to Canadian Aboriginal rights, the comprehensive claims policy was revised to ensure that negotiated settlements would provide for the continuation rather than extinguishment of traditional Aboriginal rights.



Consideration would also be given to the negotiation of Aboriginal self-government agreements. However, Canadian Aboriginal communities assert that the revised claims policy does not adequately provide for either these two objectives.

To date, three major regional agreements have been finalised, with several more claims advanced to settlement in principle. The Final Agreements are:

1. James Bay and Northern Quebec Agreement (1975)
2. Northeastern Quebec Agreement (1978)
3. Inuvialuit Final Agreement (1984)

The Agreements-in-Principle are:

1. Dene/Metis Agreement-in-Principle (1988)
2. Yulcon Agreement-in-Principle (1989)
3. Nunavut Agreement-in-Principle (1990)

## TYPICAL SETTLEMENT TERMS REGIONAL AGREEMENT IN CANADA

The typical settlement terms of the regional agreements are that the **Aboriginal claimants renounce all their claims to the disputed territory, and in exchange, they receive:**

- freehold title to fairly small areas of land which they traditionally use and occupy;
- financial compensation for past, unauthorised use of this land and in consideration for land given up;
- wildlife harvesting rights and the right to advise government authorities on environmental management and wildlife conservation in the regulation of non-renewable resource development.

**Some settlements also provide rights to sharing profits from resource exploitation and some self-government powers over things like administration of funds, community development and provision of social services.**

The giving up of Aboriginal land claims in the Australian context would no doubt be seen as inappropriate by most Aboriginal communities. **The model of leasing Aboriginal lands for resource exploitation or conservation purposes (as for the national parks of Uluru and Kakadu) once land claims were established, would be a more suitable model.**

## SOME INADEQUACIES OF THE CANADIAN AGREEMENTS

Although comprehensive claims agreements offer wide-ranging benefits, none of the Canadian agreements negotiated to date have given the Aboriginal beneficiaries substantial community control over environmental and resource policy making in their territory. **The lack of decision-making authority is due to the Canadian government's insistence on achieving final settlements by the blanket extinguishment of all outstanding Aboriginal rights.** For the Canadian and provincial governments, one of the primary objects of entering into comprehensive claim negotiations has been to extinguish common law Aboriginal title for lucrative resource development. For example, the James Bay and Northern Quebec Agreement. The Aboriginal title was extinguished to make way for- the construction of hydro-electric power projects in the James Bay area. In the Western Arctic region, the Inuvialuit Final Agreement resulted from developmental interests pressuring for the exploration of oil and gas in the Beaufort Sea. Rather than receiving actual decision-making powers, Canadian Aboriginal people are offered equal or minority membership on advisory bodies. The relevant government Minister still makes the final decision. The government excludes issues of constitutional development and Aboriginal self-government as topics for negotiation, **except self-government powers on limited local administration matters.**

Without effective influence over economic activities in their wider region, Aboriginal people have had considerable difficulty in insulating their local environment from external development pressures. This problem has been experienced in particular with the James Bay Agreement in Quebec. This agreement may collapse because Aboriginal groups have rejected the Quebec government's plans to proceed with a massive new hydro-power scheme that threatens to devastate the environment and undermine the subsistence economy of local communities. For the other regional agreements, it is too early to tell whether they will last. However, the broad similarity of the settlement terms of the most recent agreements with the earlier James Bay Agreement suggests that they may well also suffer because of the conflict over inappropriate development activity. One significant difference, however, is the greater emphasis on environment protection included in the latest agreements, such as the Nunavut Agreement-in-Principle. Stricter environmental controls may provide a new lever for Aboriginal people to stop unwanted development activity in their homelands. However, this may be a mixed blessing as stricter forms of environmental regulations may also impinge upon their rights to continue their traditional subsistence economy and engage in hunting and trapping activities. The recent decision of the Canadian Supreme Court in the Sparrow case shows that federal government legislation of traditional fishing rights can be consistent with the constitutional guarantee of Aboriginal rights.

## REGIONAL AGREEMENTS AND SELF-MANAGEMENT

Despite the inadequacies of comprehensive claims settlements mentioned above, the Canadian experience demonstrates that a regional land claims agreement can assist Aboriginal people to redefine their relations with the dominant society and achieve greater self-management of their affairs. A regional agreement can establish institutional structures and mechanisms for a more equal and constructive relationship between Aboriginal communities and the government, as well as providing the resources with which Aboriginal beneficiaries can continue to actively pursue their traditional lifestyle. However, no agreement can answer or foresee all problems, and a settlement which contains flexible mechanisms, whereby the terms of agreement can be adjusted to accommodate new issues or circumstances, is likely to be more sustainable.

## LESSONS FOR AUSTRALIAN ABORIGINAL COMMUNITIES

There are a number- of Aboriginal communities in Australia which could benefit from negotiating comprehensive regional agreements, using the Canadian models as a basis. **Sizeable communities in occupation of their traditional lands are located in the Kimberley, Cape York Peninsula, the Great Central Deserts Arnhem Land and other parts of the North.** Several of these Aboriginal communities have already had some experiences in limited cross-cultural mediated agreements. For example, Aborigines have successfully negotiated agreements for the joint management of conservation areas, such as Kakadu and Uluru National Parks in the Northern Territory. In the Cape York region, local Aboriginal groups are beginning to participate within new arrangements for co-operative natural resources management. In the East Kimberley, Aborigines have had less success in achieving any recognition of their traditional rights. For example, the “Good Neighbour Agreement” concluded between some members of local Aboriginal communities and the Argyle diamond mine in the EARLY 1980’s, is a very unsatisfactory arrangement which needs to be properly re-examined by the local communities.

## CONDITIONS NEEDED FOR SUCCESSFUL NEGOTIATION

Effective “cross-cultural” negotiation is dependent upon a number of preconditions:

1. Demand for negotiation and compromise: Aborigines, government, local non-Aboriginal landowners and leaseholders must be genuinely committed to settling outstanding grievances anti negotiating a long-lasting comprehensive settlement.

2. Nature of contact history: the extent to which Aborigines, government and others are prepared to enter into negotiations is influenced by the nature and quality of their relationship in past years. Where there is a history of conflict or limited co-operation, there may be less chance of effective dialogue between the parties.
3. The ability to enter into a meaningful communication: the cultural differences between Aboriginal and non-Aboriginal society can make it very difficult for the parties to understand each others' values, needs and aspirations
4. Comparable bargaining power: to ensure a fair settlement, Aboriginal people must be able to speak from a position of strength. This does not require that there be absolute equality of power between the negotiating parties, but that at a minimum, Aboriginal groups are able to exert some influence over the proceeding. Without this, the government may not respond to pressure to negotiate in the first place, or it may use the process to exploit the weaker Aboriginal communities. The general non-recognition of Aboriginal land rights and lack of an independent economic base makes it difficult for many Aborigines to speak from a position of strength.

## SHORTER TERM STRATEGIES

Clearly, a comprehensive regional agreement equivalent to those in place in Canada cannot happen overnight for Australian Aborigines. In the short term, however, there may be a number of less ambitious, but useful strategies which could be tried. One option could be to take greater advantage of the existing opportunities for general citizen participation in environmental planning and environmental impact assessment legislation. Aborigines could argue for a more participatory approach to regional planning with specific requirements to consult and consider the needs and aspirations of local communities when making development decisions. Aborigines could push for a more decentralised, regionally-based model of planning, which could enhance their control over environmental issues. A current initiative is the establishment of regional planning councils under the Aboriginal and Torres Strait Islander Commission (ATSIC) structure. Environment and social impact assessment requirements could be used to ensure adequate consideration is given to Aboriginal lifestyle and interests before development activities are permitted. Another strategy could be to improve independent enterprise development opportunities for Aborigines. One example is the Community Employment Development Program (CEDP) sponsored by the Western Australian Government to fund new forms of Aboriginal enterprise activity.

The pursuit of these short-term options and the negotiation of a comprehensive regional agreement need not be viewed as mutually exclusive strategies. Benefits obtained from participation in environmental planning or enterprise development schemes can help empower Aboriginal communities and lay the basis for a more comprehensive settlement.

## SOME BASIC PRINCIPLES

Nevertheless, the experience of Aboriginal people in Canada suggests a number of principles that may be important to any Australian negotiations:

1. An agreement should recognise and affirm Aboriginal rights, as well as allow for Aboriginal rights to be adequately defined and renewed over time.
2. Aboriginal land claims should not be traded for social and economic benefits.
3. Claims negotiations should proceed according to an agreed check-list of objectives against which any final settlement can be judged. There is a need for tests to measure the fairness and adequacy of the settlement results.
4. Negotiations should involve Federal and State government. However, the Commonwealth government has the power to and should be prepared to negotiate solely with Aboriginal communities if the relevant State government is unwilling to co-operate.
5. Agreements should enable Aborigines and the government to share both the responsibility for the management of land and resources and the benefits from them.
6. An independent monitoring authority should supervise the negotiating process and subsequent implementation of any agreement

**PART II****Appendix ii:****Page No.****85      Conference Process and Worksheets****102     Newsheet and update - P.Yu****105     Conference invitations****111     References**

## **PROCESS**

### **1. Work Sheets**

- a. Develop around issues
  - (i) Different sizes, poster for main forum area also in kits.
  - (ii) Different colour for each subject area,
- b. How to use the work sheets.
  - (i) Side 1 - Key issues / Objectives.
  - (ii) Side 2 - Guide questions (5-6). Questions need to be refined and focused.
  - (iii) Side 3 - Map on issue with boxes of information and background.
  - (iv) Side 4 - Outcomes from workshop. Peoples input.

Additional information sheets

### **2. Facilitators**

- a. Identify the role of the facilitators.
  - \* work through the kits with facilitators.
  - \* what are the issues/why are they issues/cover historical aspects.
  - \* need to introduce the topics to the workshops.
  - \* encourage discussion in the workshops.
  - \* keep on the back. Move towards building a vision. Strengths.
  - \* where are we (in a positive sense).
  - \* what do we do (in practical sense).
  - \* facilitators need to know who the interpreters are. Go through issues with interpreters.
  - \* need to be confident to call on resource people, if they get stuck or to seek clarification.
  - \* nominate a recorder to record the responses.
- b. Identify facilitators
- c. Facilitators to workshop the process and the worksheets before the conference.
- d. Organisers and Facilitators will need to get together every night to review the process and pull together the information from the days work. Need to set a time and place.
- e. Floaters to ensure the facilitating happens.

- f. Interpreters; identify interpreters and go through the process and the worksheets.

### **3. Senior Facilitator to go through**

- a. logistics.
- b. the process (workshops).
- c. over-view the workshop topics.
- d. identify resource People. Local Aboriginal People in Communities and Organisations. Workers in organisations and communities. People involved in research. Invited guests to be identified.
- e. workshop groups.

### **4. Workshop Forum**

- a. Procedure times for workshop to be worked out.

### **5. Preparation of Papers**

- a. There will need to be preparation of papers from the workshops given to People before they go home. (logistics, photocopier/computer and printer).

### **6. Community Information**

- a. All participants to take home a kit with information including outcomes papers to be able to continue process in their communities.

### **7. Identify follow-up**

Who will do what? The idea of a follow-up conference to see how far implementations have been worked on.



## **Workshop 1            Aboriginal Culture as a Resource Aboriginal Interests in Land**

### **Outline:**

The Aboriginal Culture of the Kimberley is a living and dynamic force. It continues to survive and develop regardless of non recognition and external negative influences which attempt to undermine its existence. Aboriginal People's life in the Kimberley is centred around and responsive to demands and commitment to their culture.

The ongoing denial and continuing misunderstanding of our cultural responsibilities is detrimental to the constructive use of culture as an important tool in addressing the difficulties we face in a constructive manner.

In **Workshop 1** we need to identify what are Aboriginal interests in land today and how Aboriginal Culture is used as a resource by Aboriginal People and non-Aboriginal people. Often for differing reasons.

### **Issues to be considered:**

#### **Aboriginal Culture as a Resource:**

What does Culture mean?

How is Culture exercised today? How does it affect our law, language, social way of life?

How do we use our Culture today in:

Land, Language, Knowledge, Relationship, Practise, Freedom . . . . .

Prior Ownership/Traditional Owners/Custodians

Land Base for:    Ceremony  
                          Hunting  
                          Education  
                          Health  
                          Discipline

## **Workshop 2            How are Aboriginal Interests Interfered with?**

### **Government Ideas for Aboriginal People vs Aboriginal Ideas for Aboriginal People**

#### **Outline:**

Ever since white people have come to this country they have had a plan for Aboriginal People and they are forever telling Aboriginal People what to do and how to do it. Not many of these plans have worked, but they have all had an effect on Aboriginal People.

It is important for people to be able to identify what stops us from being able to take control over the way in which we want to live our lives.

In **Workshop 2** we need to look at external influences from all levels of government and the system that is imposed upon Aboriginal People as well as problems within Aboriginal society that work against Kimberley Aboriginal People and the things we want to do

#### **Issues to be considered:**

What do Aboriginal People think the real government idea for Aboriginal People is?

Why are Aboriginal Peoples ideas not being listened to?

How can we organise it so that our- ideas are listened to?

What have Aboriginal people done already to pursue their own idea?

What are specific examples?

## **Workshop 3      How are Aboriginal Interests Impeded?**

### **Development Plans And Kimberley Aboriginal Culture**

#### **Outline:**

Resource Development is usually defined as the exploitation of Natural Resources such as oil, gas, gold, iron ore and other minerals for the economic benefit of the whole community. There are other forms of Resource Developments like tourism and the pastoral industry etc.

There is a basic assumption that the Aboriginal community is either independent of, or part of the broader society which obtains benefit from mining and other Resource Development projects. This has been challenged in the findings of the Land of Promises report and associated research.

In **Workshop 3** we need to look at specific examples of developments in the Kimberley and how they have impacted on and influenced the lives and lands of Aboriginal People.

We need to address the position of Aboriginal People when they start talking to developers about Resource Developments. We need to set rules and ways of doing things which are called protocols/procedures to ensure control of Resource Development by Aboriginal Communities.

#### **Issues to be considered:**

##### **Mining:**

Laws controlling mining companies do not adequately recognise Aboriginal interests in Land and Culture.

Protocols, guidelines and work area clearances need to be in place when dealing with mining companies and other developers. To make it clear what they have to do or what we expect of them and what we will do.

## **Workshop 4            Future Action and Strategy Social and Political Change Process of Empowerment**

### **Outline:**

It is important that the Conference consider appropriate recommendations and practical ways to deal with issues and concerns raised.

This needs to occur so that clear direction is given to the government developers so that there are no excuses for weakening our rights or any of the laws they pass that are supposed to help us convenors of this conference so that this can be achieved.

### **Issues to be considered:**

Recommendations may relate to very specific concerns raised at the meeting

Recommendations will possibly be raised by communities and organisations who have immediate concerns, as well as broader regional based concerns

- \* Who accepts the responsibility for future directions?
- \* We can look at existing examples of constructive and positive initiatives by Aboriginal People (e.g. Aboriginal people set up the Law & Culture Centre, KLC, Language Centre, Legal and Medical Services, Resource Agencies etc.)

### **Tourism:**

Tourism is a growing industry in the Kimberley which brings many people into the area.

Tourism will increase social, legal and political upheaval in our communities if there is no account taken of Aboriginal Peoples interest and participation in the control of ventures directed towards attracting and servicing tourists. Non-Aboriginal control of tourism can create many problems for us, such as tourist access to land and places that may not be culturally appropriate or proper.

## Pastoral Industry:

Pastoral activities involve both Aboriginal and non-Aboriginal interests.

We need to look at how to secure access to Aboriginal Land now held by non-Aboriginal pastoralists.

## Local Governments:

What is the role and function of local government instrumentalities in incorporating Aboriginal concerns and promoting Aboriginal interests in the development of projects within their boundaries?

How can Aboriginal People benefit from land arid services that result from resource development in the region at a local level?

## Further Questions:

How can the local community benefit from development?

Is it possible for us to benefit from Development Projects?

If so, how?

Specific cases and examples need to be examined.

**RESEARCH AND RESEARCHERS****Key Issues:**

**Research can be a powerful tool for shaping Aboriginal futures.** There is an old slogan that says “Information is Power”. Good information helps shape good actions, and good research not only creates good information but can also pass on important skills to people to use in all sorts of ways.

**Research in many Aboriginal communities has been very intrusive and disempowering.** All sorts of people (academics, consultants, government departments, private companies etc) all want to do research “on” Aborigines. Without proper structures to control research it can quickly become meaningless to everyone but the researchers. On many occasions research has been used against Aboriginal groups.

**Research on cultural information (sites, ownership, kinship etc) can be required for mining and other reasons, but should not leave the control of Aboriginal People.** In dealing with mining companies, government departments and other developers, there is often enormous pressure to give researchers cultural information. Once this is handed over, control over its use is lost and there can be very serious consequences.

**In some places in Australia, Aboriginal organisations have very tight control over researchers and the use of research.** Central Australian Aboriginal Congress and the Combined Aboriginal Organisations in Alice Springs have a very strong policy on research that allows them to control research and publication of findings and reports. It also, allows research to be tied closely to education, political and cultural maintenance strategies.

**A Kimberley-based Aboriginal Research Unit (“Land of Promises” P106-107) could provide access to and control over research in the region on many topics.** Many groups continue to need Aboriginal information. ATSIC regional plans for example will require a detailed data base. Consideration needs to be given to the implications of releasing all this information and to alternatives, including establishing an Aboriginal controlled unit which would provide a strong interface with these agencies.

## **Objectives:**

### **To control Aboriginal information.**

To develop research skills of all sorts within the Aboriginal organisations in the Kimberley.

To exercise a greater level of control over research and researchers on issues of interest to Aboriginal People.

To increase our ability to commission good research on important issues which will contribute improved Aboriginal futures.

To reduce the negative impacts of intrusive, inappropriate and unneeded research on Aboriginal communities.

## **What can be done now?**

Questions to help develop strategies to achieve People's goals.

What research has been helpful to your community or group?

Have you had experience with research or researchers which has worked against the community?

What sorts of contracts and guidelines are available to control researchers?

What sort of support do communities need in dealing with researchers of various sorts and who should be giving it to them?

What sorts of research are most important to your community, and how can you get skills to do some of that work for yourselves?

What do you think is important about controlling research on cultural information, and how should control be exercised?

**PASTORAL INDUSTRY****Key Issues:**

**Pastoral activities involve both Aboriginal and non-Aboriginal interests.** The pastoral industry can be seen both as a strength in shaping Aboriginal futures and as a source of impediments.

**Aboriginal skills, knowledge and motivation and existing Aboriginal pastoral leases provide a strong Aboriginal presence in the industry. This should be matched by Aboriginal control and participation.** This is a great strength for Kimberley Aborigines, but is often ignored by groups such as government departments of agriculture, planning and so on, industry bodies. Support for strategies which build on, strengthen and pass on these skills have not been encouraged.

**Attitudes and practices of non-Aboriginal pastoralists create problems for Aboriginal access to important land, as well as problems in areas of employment, living conditions and cultural maintenance.** Access to land held by non-Aboriginal interests is crucial for many reasons, and accommodation of Aboriginal needs should be a requirement of Pastoral Leases.

**Prevailing land management practices in the industry have caused great damage to country, and are not sustainable.** Land degradation has serious implications for Aboriginal interests. Establishment of support facilities for developing economically, culturally and ecologically sustainable pastoralism for Aboriginal People, e.g. through establishment of an experimental and demonstration farm ("Land of Promises", page 94), and extension of the Management Services Unit would assist and build on existing strengths. Negotiations of an agreement with the pastoral industry over Aboriginal access to land ("Land of Promises", page 47) would assist and consolidate traditional ties to country where access is now hard.

**Excisions, Boundaries, Strategies for purchases.**



## **Objectives:**

To use Aboriginal pastoralism as part of our future strategy.

To secure improved access to Aboriginal Land now held by non-Aboriginal pastoralists.

To get improved access to mainstream support services (financial, research, training, advisory etc) for Aboriginal stations.

To develop means of participating in regional discussions about the pastoral industry.

To increase Aboriginal employment and training opportunities about the pastoral industry.

## **What can be done now?**

(Questions to help develop strategies to achieve people's goals)

What impacts of pastoral industry activity concern you?

How important is the pastoral industry to you, either as a strength or as a barrier to your preferred future?

What support and advice do Aboriginal People need to deal with pastoral industry issues in the Kimberley, and who should be giving it to them?

What sorts of Aboriginal participation and control are appropriate for the pastoral industry.

**MINING****Key Issues:****Exploration & Mining activity and associated works brings non-Aboriginal people onto Aboriginal Land.**

**The mining industry makes non-Aboriginal people stronger.** It is part of a system that measures success in terms of money. Even the best mining companies have vested interests which can undermine Aboriginal goals.

**Aboriginal interests are not only Aboriginal Reserves.** The whole of the Kimberley is covered by Aboriginal interests. Procedures to deal with mining anywhere in the Kimberley should ensure consultation with and participation from the appropriate Aboriginal people on all lands.

**Laws controlling mining companies do not adequately recognise Aboriginal interests in Land and Culture.**

**Laws protecting mining companies reduce Aboriginal access to land and sites.** Existing laws and regulations give little protection to Aboriginal People, land and culture (e.g. Argyle, Noonkanbah), and reduce free access to land for ceremonies, hunting, education and other purposes.

**Development of Mineral and other Resources should guarantee equity to Aboriginal People. Aboriginal People should benefit from mining on their land.** In other parts of Australia, agreements between Aboriginal landowners, Land Councils and mining companies ensure direct benefits to local people affected by mining.

**Protocols and guidelines to control mining companies are urgently needed.** Protocols and guidelines should cover entry of mining companies onto Aboriginal Land and to deal with all the consequences of exploration, discovery, development of minerals.

**Cultural knowledge and heritage requires guaranteed protection from mining and associated developments.** Mining proposals often expect Aboriginal People to disclose important cultural information to consultants, the Museum and so on. Control of this information can be lost unless it is recognised as a fundamental resource and source of power and influence.

## **Objectives:**

### **To ensure Aboriginal control of and participation in the mining industry in the Kimberley.**

Aboriginal People should not be excluded from decisions about country and economic development of any kind any more.

### **To extend Aboriginal control and involvement throughout the life of mines in the Kimberley.**

Guidelines need to entrench Aboriginal participation and control not only at the beginning of exploration (application/permit stage) but throughout the project

### **To ensure that Aboriginal control includes veto.**

Aboriginal People should be able to say yes or no to mining on their land, and they should get recognisable benefits from approved mining.

### **To support local groups to understand and negotiate with mining companies.**

Local groups of traditional owners and affected communities should not be isolated from professional and independent advice when dealing with mining. Kimberley Land Council should be properly funded to provide advice, support and information to protect and advance local Aboriginal interests.

### **To increase Aboriginal employment and training opportunities in the mining industry.**

Mining companies often give undertakings on employment and training, but fail to deliver (e.g. Argyle Diamonds). They should be made to honour their promises and adjust them to the needs and goals of the community.

### **To create a greater awareness about exploration and mining activities.**

**What can be done now?**

(Questions to help develop strategies to achieve People's goals.)

What impacts from mining and exploration are of greatest concern?

What support do communities need to deal with mining, and who should give it to them?

How do People find out about mining activity on their land?

What is needed to 'control' mining in different parts of the Kimberley?

What sort of control do People want? Veto? Royalties? Compensation? Mining Agreements that cover employment, sites, training etc? Support for enterprises? Other things?

What should go into Guidelines and Protocols to control mining in the Kimberley, and who should be involved in writing them?

What should Aboriginal People say to Mining companies about exploration and mining?

What should Aboriginal People tell Government about exploration and mining?

**Work Sheet****Facilitators****TOURISM****Key Issues:**

**Tourism is a growing industry in the Kimberley, bringing many people onto Aboriginal Lands and communities.** Many tourists come to the Kimberley because of Aboriginal Land and Culture, but governments and industry plans do not include Aboriginal people.

**Tourist dollars can contribute to a strong Aboriginal economy if arts and crafts, tours and facilities for tourists (motels, resorts, transports, services, national parks, tourist attractions etc are under Aboriginal control.** Most of the tourist industry is under non-Aboriginal control, so that even the money of tourists who come here to see Aboriginal Culture goes mostly to non-Aboriginal people.

**Without Aboriginal control of tourism, tourists can threaten Aboriginal culture.** Uncontrolled tourist access to areas of the Kimberley can cause damage to important sites, disruption to community life, and undermine local Aboriginal development plans.

**Non-Aboriginal control of tourism threatens Aboriginal access to and use of Aboriginal Land and sites.** Development of tourism in ways that exclude Aboriginal people will mean more exclusive resort-style developments and more pressure on controlling Aboriginal people and their use of their country.

**Aboriginal People will require financial and other support to participate in and control tourist development.** Aboriginal groups will need access to mainstream funding (commercial sources, and government industrial development funds for capital works such as printing equipment for arts and crafts projects, accommodation and equipment such as boats, buses and so on) - not just CDC/ATSIC funds.

**Aboriginal People affected by or interested in tourism could benefit from formation of a Kimberley Aboriginal Tourist Corporation (“Land of Promises”, page 119 ).** Such an organisation should be a vehicle for training and support. It should accommodate and protect the diversity of Aboriginal goals in participating in and controlling tourism in the region rather than simply reacting to the agenda created by non-Aboriginal operators in the industry.

## **Objectives:**

To control intrusions by tourists into Aboriginal communities and onto Aboriginal land and protect Aboriginal communities from negative impacts of tourism.

To exercise Aboriginal control of tourist industry development in the Kimberley.

To support Aboriginal participation in and benefits from development of a culturally acceptable tourist industry in the Kimberley.

To ensure Aboriginal access to land is not undermined by tourist activities.

To use the tourist industry as part of a broader strategy for Aboriginal participation and control in national parks, the economy and regional planning.

To increase employment and training opportunities in the tourist industry.

## **What can be done now?**

(Questions to help develop strategies to achieve People's goals.)

What impacts from tourism and activities of tourists are of greatest concern?

What plans/ideas do you have for working with tourists'?

What support do communities need in developing ideas about tourism, responding to tourist proposals, national parks issues and the broader impact of tourism on the region, and who should give it to them?

How do people find out about tourist activities or tourist industry proposals for their land?

What is needed to 'control' tourism in the Kimberley?

What sorts of benefits do you think you can get from tourism?

## **CROCODILE HOLE CONFERENCE**

### **NEWSHEET – UPDATE**

The Crocodile Hole Conference co-ordinated by the Kimberley Land Council and Waringarri Resource Centre held from Tuesday 10th - Friday 13 September was a major success with well over 400 People from all over the Kimberley in attendance.

**Many thanks to Joe Thomas and the Rugan Community for inviting us to hold the meeting on their country.**

The Conference, a total Aboriginal initiative using a workshop format, broke into small groups to discuss in 4 sessions-:

#### **Resource Development And Kimberley Aboriginal Control.**

Community representatives spoke strongly during all sessions about their frustrations in dealing with Government, Developers and other agencies who were not prepared or sensitive enough to understand the concerns and aspirations of their community.

It appears little has changed. Contrary to State Government policy there is no real endeavour to facilitate Aboriginal Self-Determination and Self-Management.

Many Aboriginal participants responded repeatedly with how their needs, aspirations and hopes were being continuously set aside while planning and development proposals by departments of the government tended to neglect Kimberley Aboriginal people. Very little effort was being made to see the Kimberley Aboriginal people as the most constant and significantly important group to consider when developments were being projected over the Kimberley region.

It was good to see the strength of the Culture being continually affirmed throughout all stages of the meeting and especially at night during the dances.

There were dances from various cultural groups that make up the diverse Aboriginal Culture of the Kimberley.

As a consequence of the exchange of information and the workshopping of central questions of concern by the participants, recommendations were made to deal with:

- a) individual community concerns
- b) matters that affect the whole of the Kimberley.

The participants considered short term and longer term initiatives that would be required to achieve their social, economic and political aspirations.

Some of the recommendations related to very familiar concerns which we have been raising for many years now. Things like Access to Land; Security and Tenure of Land; Negotiation with Miners anti other Developers; Aboriginal People and Tourism; Solidarity amongst Aboriginal organisations; Role of Local Government and the state departments.

The under-resourcing of Aboriginal organisations was seen as the major- reason for why these problems are still continuing.

The more immediate recommendations will be referred on to the appropriate agencies for information and response.

The most important recommendation which was workshopped during the last session was:

**THE CONFERENCE ESTABLISHES A WORKING GROUP  
CONSISTING OF NOMINEES OF THE KLC, RESOURCE CENTRES  
AND OTHER ORGANISATIONS.**

**THE WORKING GROUP DIRECT A KIMBERLEY RESEARCH  
DEVELOPMENT AND TRAINING TASKFORCE TO ADDRESS POLICY  
AND STRATEGY ISSUES REGARDING:**

- \* **ABORIGINAL REPRESENTATION**
- \* **NEGOTIATION WITH GOVERNMENT AND OTHER ORGANISATIONS**
- \* **ADVOCACY OF ABORIGINAL RIGHTS AND CONCERNS**
- \* **CO-ORDINATION OF LAND ISSUES**
- \* **POLICY DEVELOPMENT AND RESEARCH PRACTICES**
- \* **ONGOING COMMUNITY INVOLVEMENT, FEEDBACK, COMMUNITY EMPOWERMENT**
- \* **AND OTHER MATTERS AS DIRECTED BY THE WORKING GROUP.**

This recommendation is obviously central to the long term development, protection and control strategy for Kimberley Aboriginal people. What came across very strongly was that People were tired of going to meetings and seeing no follow-up or resolution to difficulties. They were tired of being denied what they



considered were their legitimate rights and continuously put aside when more financial, powerful and influential groups took up an interest in the Kimberley.

Kimberley Aboriginal people want process and procedures to include their participation in the future.

The participants departed Crocodile Hole with high hopes that with this major recommendation passed, there was now a way of progressing these ongoing issues. Participants were enthusiastic to reproduce the same type of workshops within their own areas and to have some help from the Working Group for this.

The next stage is the completion of the report which will contain more detail of all matters raised in the workshops.

We hope this will be completed in the next couple of weeks and will be distributed to all communities and organisations in the Kimberley.

After that the Working Group consisting of the KLC, Resource Centres and other Aboriginal Organisations will be able to have its first meeting at the end of October to talk about how the Taskforce should be put in place to deal with all the recommendations and especially to begin the implementation process for the main recommendation.

The organisers would like to thank the sponsors who put up the money so the meeting could happen.

But more importantly we thank all those communities and their representatives for coming along and contributing to a most important meeting which will assist to set future directions for Aboriginal People in the Kimberley.

Many speakers reminded the participants of the need to be strong and proud of Aboriginal Culture, Law, Language and not to lose sight of the fact that everything starts from the land.

Aboriginal people were reminded of the need to face up to the problems that exist in the community and to begin making decisions about how to solve some of these problems by using Law and Culture in an appropriate and proper way.

The value and strength of our people has to be put first rather than waiting for the white man or governments to do things in our interest.

***“Keep the campfire burning brightly, the billy’s just beginning to boil”***

Peter Yu

Project Co-ordinator

4th October, 1991

## **COMMUNITY INVITATIONS**

Aboriginal Corporation (Chairman Peter Skeen)  
Alligator Hole Aboriginal Corporation

Balangarri  
Balgo Hills Community  
Balginjirr Aboriginal Corporation  
Banjirringal Aboriginal Corporation  
Barangya Aboriginal Corporation  
Bardi Aboriginal Association Incorp  
Bardina Ply Ltd  
Baulu-Wah Aboriginal Corporation  
Bayulu Community  
Beagle Bay Community Inc  
Bedunburru Aboriginal Corporation  
Berkeley Aboriginal Corporation  
Bethel Homes  
Bidyadanga Community Inc  
Bilgungurr Aboriginal Corporation  
Binjen Ningguwung Aboriginal Corporation (Bucket Springs)  
Blueberry Hills Group  
Bobieding Community  
Bohemia Downs  
Broome Aboriginal Media Association Corporation  
Broome Regional Aboriginal Medical Service  
Bulgin Aboriginal Corporation  
Bunuba Productions (Broome)  
Bunuba Productions (Fitzroy Crossing)  
Boolrna Aboriginal Corporation  
Brockman Family Group  
Butchibidi Group

Canila Pty Ltd (Turkey Creek Roadhouse)  
Canvar Pty Ltd (3 Mile Store)  
Carson River Pastoral Co (Kalumburu)  
Chulung Family Aboriginal Corporation

Damper Creek Aboriginal Corporation  
Darlgunaya Aboriginal Corporation  
Darludardu Aboriginal Corporation  
Dillon Springs Aboriginal Corporation  
Djarindjin Aboriginal Corporation  
Djaru Gidja Aboriginal Corporation  
Djellingmarra Aboriginal Corporation

Djilimbardi Community  
 Djugerari Community  
 Djunbid Aboriginal Corporation  
 Djunbral Group (Bubble Rubble)

East Kimberley Aboriginal Medical Service

Fletcher Family Aboriginal Group  
 Foals Creek Community

Gadiman Aboriginal Corporation  
 Ganinyi Aboriginal Corporation  
 Garl Garl Walbu Aboriginal Corporation  
 Geboowama Aboriginal Corporation  
 Gibb River Community  
 Gillaroong Community  
 Gillmen Aboriginal Corporation  
 Goodarl Community Aboriginal Corporation  
 Goolarabooloo Group  
 Goonamah Aboriginal Corporation  
 Guda Guda Community Inc.  
 Guiambul Aboriginal Corporation  
 Gulalluwa Aboriginal Corporation  
 Gularr Community  
 Gulgagulganeng Aboriginal Corporation  
 Gumulawaru Aboriginal Corporation  
 Gulingi Nangga Aboriginal Corporation  
 Gunibuy Aboriginal Corporation  
 Gura Bunj Aboriginal Corporation  
 Gurrbumi Ningguwung Aboriginal Corporation  
 Gyrrigas Aboriginal Corporation

Imintji Aboriginal Corporation

Jalyirr Aboriginal Community  
 Jananu Aboriginal Corporation  
 Janganpa Aboriginal Corporation  
 Janyijaguardy Aboriginal Corporation  
 Jarlmadangah Burru Aboriginal Corporation  
 Jawah Aboriginal Group  
 Jawalyi Aboriginal Corporation  
 Jdargie Aboriginal Corporation  
 Jimbalakudung Community  
 Jirrngow Aboriginal Corporation  
 Joorook Ngarni Aboriginal Corporation  
 Joy Springs

Junjuwa Community Incorporated  
Juwulinypany Aboriginal Corporation

Kadjina Community  
Kalumburu Aboriginal Corporation  
Kalyadayan Aboriginal Corporation  
Kalyeeda Aboriginal Corporation  
Kandiwal Aboriginal Corporation  
Karmalinunga Aboriginal Corporation  
Karrayilli Adult Education Centre  
Kartang Rija Aboriginal Corporation  
Kawanypunjai Aboriginal Corporation  
Kawarra Aboriginal Community  
Kimberley Aboriginal Law and Culture Centre  
Kimberley Aboriginal Medical Services Council  
Kimberley Land Council  
Kimberley Language Resource Centre  
Kingfisher Aviation (Owned by Wirrimanu, Balgo Hills)  
King George River Aboriginal Corporation  
Koomie Aboriginal Corporation  
Koongie Park Station  
Kundat Djaru Aboriginal Corporation (Ringers Soak)  
Kurinyjarn Aboriginal Corporation  
Kooljaman Aboriginal Land Corporation  
Kupartiya Aboriginal Corporation  
Kupungarri Community  
Kurlku Community  
Kurnangki Community

Lamboogunian Aboriginal Corporation  
Larlnjuwar Community (Cone Bay)  
Learr Community  
Lombardina Aboriginal Corporation  
Looma Community Incorporated  
Looma Galeru Gorge  
Luisa Downs Station  
Loumard Collective Aboriginal Corporation  
Lukarara Aboriginal Corporation  
Lumboo Creek Group  
Lumuka Aboriginal Corporation  
Lundja Aboriginal Corporation

Malangan Resource Agency Aboriginal Corporation  
Mallingbarr Aboriginal Corporation  
Malumbo Aboriginal Corporation  
Mamabulanjin Resource Centre  
Management Support Unit

Mankatja Arts  
 Manungka Manungka Womens Association  
 Maraltadj Family Aboriginal Corporation  
 Marinwartigura Womens Group  
 Marnjarl Community Aboriginal Corporation  
 Marralam Darrigaru Aboriginal Corporation  
 Marra Worra Worra  
 Marulu Supermarket  
 Marumbaduningarl Aboriginal Corporation  
 Meearu Djarula Aboriginal Corporation  
 Melon Hole  
 Milargoan Aboriginal Corporation  
 Milba Community Aboriginal Corporation  
 Milliya Rumurra Incorporated  
 Milyakarri Group  
 Mindibungu Aboriginal Corporation  
 MIndi MInd Aboriginal Corporation  
 Mirima Council  
 Miriuwong and Gajerronga Families Inc.  
 Moongoon Darwung Aboriginal Association  
 Morgans Camp  
 Morrell Park Aboriginal Farm  
 Mowanjum Aboriginal Corporation  
 Muldalungari Group  
 Mulibidee Aboriginal Corporation  
 Muludja Community  
 Mulan Aboriginal Corporation  
 Muliarkar Aboriginal Corporation

Ngalawilli Aboriginal Corporation  
 Ngalingkadji Community  
 Ngarantjadu Aboriginal Corporation  
 Ngarinyn Aboriginal Corporation  
 Ngartuwarta Aboriginal Corporation  
 Ngilda Aboriginal Corporation  
 Ngiling Anjaru Aboriginal Corporation  
 Ngoonjuwah Council Inc.  
 Ngowar-Aerwah Aboriginal Corporation  
 Ngulubi Station  
 Nguilwirriwirri Aboriginal Corporation  
 Ngumpan Community  
 Nunga Womens Group  
 Ngunjiwirri Aboriginal Corporation  
 Ngunulum Aboriginal Corporation  
 Ngurtawarta Community Ningbingi Ningguwung Aboriginal Corporation  
 Noonkanbah Community

Nulla Nulla Aboriginal Community  
Nulleywah Aboriginal Corporation  
Nyawanyawam Dawang Aboriginal Corporation (Police Hole)  
Nygah Nygah Aboriginal Corporation  
Nyilil Aboriginal Corporation  
Nyul Nyul Aboriginal Corporation

Oombulgurri Association Inc

Pandanus Park Community Incorporated  
Paradise Pool Aboriginal Corporation  
Parukapan Aboriginal Community  
Puranyangu-Pangka Kerrem (Aboriginal Radio)  
Purnululu Aboriginal Corporation

RB River Junction Aboriginal Corporation  
Ribinyung Dawang Aboriginal Corporation  
Rugan Aboriginal Corporation

Skeen family Group Linga Aboriginal Corporation

Tirralintji Aboriginal Corporation  
Tickalar Group  
Tjurabalan Pastoral Company

Tunpi Group

Waina Family Aboriginal Corporation  
Wanamulyundong Aboriginal Corporation  
Wanang Ngari Aboriginal Corporation  
Wangkatjunga Community (Christmas Creek)  
Wararin Aboriginal Community  
Waringarri Aboriginal Corporation  
Waringarri Media  
Warmun Aboriginal Corporation  
Warrayu Aboriginal Association  
Warrimbah Community  
Wawulum Valley Aboriginal Corporation  
Windjargula Community  
Wirrimanu Aboriginal Corporation  
Wooleregerberleng Aboriginal Corporation  
Worrworrum Ningguwung Aboriginal Corporation (Flying Fox Hole)  
Wuggubun Aboriginal Corporation  
Wungkul Aboriginal Corporation  
Wungu Aboriginal Corporation  
Wurreranginy Aboriginal Corporation

*Appendix 2*

Yagga Yagga Community Aboriginal Corporation  
Yardgee Aboriginal Corporation  
Yardungarl Aboriginal Corporation  
Yarraman Aboriginal Corporation  
Yarwu Aboriginal Community  
Yirraalem Aboriginal Corporation  
Yoowooriyang Dawang Aboriginal Corporation (Bell Springs)  
Yunggul Aboriginal Corporation  
Yura Yungi Medical Service Aboriginal Corporation



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**“ Culture is written in the land ”**

