NOTICE OF GENERAL MEETING

The 5th General Meeting of the Society for 1984 will be held in:

The Conservation Centre,
120 Wakefield Street,
ADELAIDE.

(Use the side wire gate and go to the back of the building)

MONDAY 23rd JULY 1984 AT 8.00 pm.

AGENDA

1. Apologies:

2. Minutes of the previous General Meeting:
   Minutes of the previous General Meeting, held Monday 25th June 1984,
   to be confirmed. A copy of the Minutes is attached.

3. Papers and Journals:
   Papers and Journals received since the last General Meeting from
   other Societies and Organizations will be tabled at the Meeting.

4. Speaker:
   Mr Bill Edwards of the Aboriginal Studies and Teaching Centre at the
   Underdale Campus of the S.A.C.A.E. will address the Meeting.
   Mr Edwards was principal interpreter for the Pitjantjatjara during
   land rights negotiations. The title of his address is:
   "Aboriginal Land Rights - An Interpreter's point of view"

5. Supper will be served.

M.F. Nobbs
Honorary Secretary
c/o 213 Greenhill Road
EASTWOOD SA 5063
Phone: 332-7579
A REPORT ON THE 'ABORIGINAL LAND RIGHTS IN SOUTH AUSTRALIA' SEMINAR, JUNE 1983

For the opening of Nadoc Week, in Adelaide, the Aborigines Advancement League sponsored a seminar titled 'Aboriginal Land Rights in South Australia'. It provided the opportunity for people living throughout the State, from organisations, Aboriginal communities and members of the public, to get together and voice experiences and concerns relating to the topic of Aboriginal land rights.

This report attempts to summarise the main issues discussed such as land rights movements, dispossession of lands, ownership, concepts of law, legislation and government policies, and in so doing, provide some general background information to the land rights struggles taking place in South Australia.

Speakers included Bill Edwards, Aborigines Advancement League; Greg Crafter, State Minister of Aboriginal Affairs; Professor Alec Castles, University of Adelaide; Darcy O'Shea, Aboriginal Legal Rights, Ceduna; Barry Sweet, Underdale CAE; Gordon Bilney, representative for Federal Minister of Aboriginal Affairs; Harold Allison, Liberal Party; Ian Gilfillan, Democrat spokesman; Lois O'Donahue, Aboriginal Development Commission; Garnet Wilson, Aboriginal Lands Trust; Phillip Toyne, Pitjantjatjara Land Rights; Gary Hickey, Maralinga Land Rights; Andy White, Comalco; John Tregenza, Kukathha Peoples Committee; Cliff Coulthard, Atcoowarrapa Committee; George Tongarie, Community Welfare, Oodnadatta; Richard Reid, Kukathha Peoples Committee, Port Augusta; Bill Miller, Far West Aboriginal Progress Association, Ceduna; Jim Stanley, Aboriginal Legal Rights, Adelaide; Ruby Hammond, Aboriginal Land Rights Support Group, Adelaide; Vi Deuchle, Aboriginal Studies Centre, Underdale CAE; Cyril Cook, Pitjantjatjara Elder, Yalata.

Dispossession of lands

Concern was expressed for the historic and recent loss of Aboriginal lands:

According to Richard Reid who went to school in Oodnadatta, 'The first thing you learn in white man's history is how Captain Cook came and took the country off our people. About Roxby Downs... they built a white man's sacred site, Woomera Rocket Range. They put a fence around it and there's signs up today to prove it'.

'In respect to the Maralinga Lands, which have been taken away in a most brutal fashion: indeed, one can think of no more horrific an expulsion from the lands than for the testing of atomic weapons' (Crafter).

Aboriginal lands allocated prior to 1864, as reserves and/or missions were sacrificed in the late 19th century for farms, public works and working men's blocks (Sweet).

The role of the Aboriginal Lands Trust has been to act as a titleholding-body only, to ensure the title of existing Aboriginal reserves is vested in the people (Wilson).

The recently formed Aboriginal Development Commission can now acquire land and transfer title to Aboriginal Communities (O'Donahue).

Ownership of land

Questions of 'who owned the country' reflected the concerns of interested parties as to who would have access and control over economic and cultural resources coming from the land. Rights of ownership were expressed in terms of Aboriginal inheritance as well as the British land title system of freehold, leasehold and Crown lands. During the afternoon session Richard Reid,
Cliff Coulthard, George Tongerle and Bill Miller were asked about land titles presently held by their communities. These are Adnamatana-Nepabunna (freehold), Nantawarrana (leasehold) and the Mount Serle/Attoowarrapa title is under negotiation; Oodnadatta - freehold title to two-thirds of the town, housing, railway property and station and hotel, presently negotiating titles to the Common Land about 100 square miles around Oodnadatta; FWAFA - 250 acres (leasehold), a recreation area to be named 'Poverty Park' and houses in the towns of Ceduna and Thevenard; Kukatha had no title to any land. Other lands to which claims are made include Maralinga, Davenport Creek, Roxby Downs, Woomera, Wilpena Pound, Ptty Yaltha and Granite Downs.

In support of the land that the Maralinga people are asking for 'It's their land, the land that nature gave them, our grandparents, their grandfathers. That was put there for a reason, for the Aboriginal people: they're the experts on land' (Reid).

'People at Oodnadatta identify very closely with the land. The people, they were born there, they live there and they'll be there till kingdom come' (Tongerle).

'Pitjantjatjara Land Rights Act fails short in that while the Pitjantjatjara were granted title to the land, they were denied absolute right of access to it' (Toyne).

'The Australian Mining Industry Council does not oppose Aboriginal land ownership. But mineral ownership is another matter as this had traditionally belonged to the Crown'. Mr White cited the Eureka Stockade as an example. Further, 'In the Northern Territory not one Exploration Licence had been granted in 13 years on Aboriginal land. Elsewhere Aborigines impose costs which make the risk of exploration totally ridiculous, so high that no mining company would undertake exploration' (White).

Cliff Coulthard pointed out that many sites and areas are also sought by pastoralists for watering stock.

The Aboriginal Lands Trust's greatest achievement has been to secure freehold title to 1,200,000 acres of land in South Australia (Wilson).

The policy of the Hawke Labor Government on Aboriginal land rights was based on the principal that Aboriginal land would be held as inalienable freehold title (Gilfillan).

Concepts of law

The origins and administration of the many laws relating to these lands are diverse: Aboriginal law, Aboriginal views of white man's law, Parliamentary views of Aboriginal law, the role of land councils and the law used in our courts today.

Darcy O'Shea illustrated one philosophy by quoting Cyril Cook, 'picking up a handful of red Ooldea sand "Our law comes from this land - our law comes from this land, Australia". The European arrived with his Union Jack, guns and he says "Our law applies to this land" and he puts his law onto the land. The Aborigine takes his law from the land'.

'Aboriginal people from Ooldea and other places in the remote areas have told me they want a strong law: a law that means something, a law that can be enforced' (Crafter).

Cyril Cook dismissed Mr Olsen's (Liberal Party) suggestion that the Maralinga Tjara tja Bill introduced in Parliament should be a different law to the Pitjantjatjara Bill as the Yalata community and the men at Yalata were less tribal than the Pitjantjatjara. According to Cyril Cook 'we still got our Dreamtime, we still got our sacred things. I don't know what he's talking about. We would like him to come down and see us one day and straighten this matter out'.
Mr Gilfillan observed that land rights need to be a proper exercise of justice and accused the Northern Lands Council in the Koongarra Uranium Mine (Kakadu National Park) of changing grounds on recognition of Aboriginal law. After defending the process of Aboriginal law in December 1982, the NLC with the backing of the Northern Territory Government, a month later urged the Federal Government to intervene on the grounds of 'national interest'.

Professor Castles cited the Nabalco Case, NT (1960s-1970s) as concluding that the law needed to be changed. Since then the law itself has not given any recognition of Aboriginal land rights. Further, 'Principalas law used in our courts are based on an understanding that governments and their agents should make the initial decisions on how indigenous peoples should be treated ...18th century ideals continue to help provide the basic foundation for the way in which our law treated Aborigines for 150 years'.

While pastoral and mining groups had access to large resources such as the media, it was difficult for people from Oodnadatta, Cooper Pedy, Kingoonya, Olympic Dam, Andamooka, Port Augusta, Ceduna, outside the Maralinga/Pitjantjatjara areas to co-ordinate a position to effectively lobby the government (Tregenza). The formation of a Southern Lands Council to hear land claims and to manage and co-ordinate all the different groups' interests advocated by Tregenza was strongly supported by the majority of speakers at the seminar.

Legislation

One of the aims of the seminar was 'to enable the Aboriginal people of South Australia who may feel that their rights have so far been overlooked in past legislations to express their concerns and aspirations' (Edwards). The specific Acts referred to by participants are: Aboriginal Land Trust Act 1966-75, SA; Pitjantjatjara Land Right Act 1981, SA; Maralinga Tjarra tja Bill, SA; Aboriginal and Historic Relics Preservation Act 1965, SA; Aboriginal Heritage Act Amendment Bill 1982, SA; National Parks and Wildlife Act 1972-1981, SA; Aboriginal Development Commission Act no.36 1980, Aboriginal Land Rights (Northern Territory) Act 1976; Aboriginal Land Act 1980, NT; Aboriginal Land Claims Bill 1983, Victoria.

Despite these Acts appropriate consultation with Aboriginal people with regard to land claims, compensation and Aboriginal heritage were not taking place. Dissatisfaction was expressed about having to work with anthropologists not of their choosing or under acceptable conditions (Reid, Tregenza, Coulthard).

[Regarding Roxby Downs] 'the government gave us money for an anthropologist to do a survey, but they passed the EIS without consulting the people - same as they usually do' (Reid).

The National Parks and Wildlife Service's decision to allow the geological and mineral survey and exploration in the Flinders Ranges National Park was challenged on the basis that the area contained important mythological sites including Wilpena Pound (the largest mythological site on the State Heritage Register), and the fact that the Adnamatana had not been consulted (Coulthard).

'Flinders people don't just want to be sent male anthropologists, they want females to work in the Flinders Ranges as well' (Coulthard).

'The Far West Aboriginal Progress Association is vitally concerned, as indeed any thinking organisation should be, with Aboriginal Land Rights. On a recent visit by a Lutheran Board of the Aboriginal Mission, the Chairman stated that the decision of the board to break the promise with the Aboriginal Lands Trust over Davenport Creek, was a decision of compromise forced on the board by the successive governments in refusing to allow the transfer of this land...and I do not see why there should be any further and protracted negotiations on this matter' (Miller).
Government policy

Policies adopted by Australian governments had changed from protection, assimilation and integration to one of self-determination and management, but had been racist by nature. A policy of protection saw Aborigines as second-class citizens; assimilation and integration assumed that Aborigines would forgo their own society and culture; self-determination and self-management was tokenism (Deuchle).

The policy of the Hawke Government: 'Land rights were seen as a national responsibility and a national land rights law would be based on the following principals - Aboriginal land would be held as unalien freehold title, legal protection for Aboriginal sites; Aboriginal control of mining on Aboriginal land; Aboriginal access to mining royalties and equivalents; compensation for land which has been lost' (Gilfillan). The Commonwealth also wished to see a consistent approach to State legislations.

The Labor ALP policy to land rights was based on the principles of consultation and listening: 'A policy designed to giving expression to the will of the people rather than imposing or superimposing on those communities a policy of another group', and that 'land rights legislation needs to recognize the specific relationship the Australian Aborigine has with the land itself' (Crafter). The ALP Crafter proposed would vest title of land in traditional owners of land, give substantial rights to protect that land and make decisions relating to them and 'to enjoy much which has been taken away from those people'.

Until the proposed Aboriginal land rights and Aboriginal heritage acts are written and implemented it is difficult to comment on the worth of these policies. Nevertheless the present situation is unacceptable to the identity of Aboriginal people and to the many groups and organisations associated with and supporting the Aboriginal land rights movement. The overall message of the seminar was well expressed by Cliff Gaulthier:

'We should look at the land, study it together and pass it back to our children, so they can live better in times to come, not like us today'.

Acknowledgements

I would like to thank Phil Fitzpatrick and Bill Edwards for sorting out some of the finer details and for making available the tapes of the day's proceedings.

Betty Ross,
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UNIVERSITY OF ADELAIDE ANTHROPOLOGY SOCIETY

You are cordially invited to attend a talk and discussion on the topic:

MARALINDA - ABORIGINAL PERSPECTIVE

with JOHN TREGENZA (Research worker into the effects of the Atomic Tests).

Tuesday 31st July 1984 8 p.m.

South Dining Room, Level 4 Union Building, University of Adelaide.

Discussion Admission $1 Supper