NOTICE OF

58TH ANNUAL GENERAL MEETING

The Annual General Meeting of the Society for 1984 will be held in the Conservation Centre, 120 Wakefield Street, Adelaide.

7.00PM MONDAY, 26 NOVEMBER, 1984

Launching of the book "Aboriginal and Historic Places around Metropolitan Adelaide and the South Coast" will precede the A.G.M. Wine and Cheese will be served at 7.00pm. All visitors are welcome to remain for the A.G.M. at 8.00pm.

AGENDA

1. Apologies.
3. Annual Reports from the Secretary and Treasurer.
5. Presidential Address to be given by Ms. Betty Ross. The title of this address will be: "Who's managing our Heritage? - Observations on Historic Sites and the legislation governing conservation in South Australia".
6. Supper will be served after the meeting.

M. F. Nobbs,
Honorary Secretary,
c/o 213 Greenhill Road,
EASTWOOD, S.A. 5063.
Telephone Office 272 2311
Land rights have been undoubtedly the main issue in Aboriginal affairs over the past decade and it remains a contentious issue clouded by emotional charges against the movement by those who perceive it is a challenge to equality, development and liberty in Australia and even as a challenge to defence. It has been dismissed as a communist plot (aimed at undermining the structures of Australian society.)

Attitudes to the right of Aboriginal people to hold titles to the land which they had occupied for milleniums without external challenge have reflected the prevailing policies related to wider issues of Aboriginal welfare. Although the British Parliament Act of 1834 which authorised the establishment of the Colony of South Australia described the area as "waste and unoccupied lands" concern was expressed about the effect of colonisation on the indigenous inhabitants, and there was a desire to avoid the drastic consequences for these people such as had marked the settlements of Port Jackson and Hobart. This was to be a settlement based on the principles of Christianity and civilisation. The Letters Patent included a provision that lands should be reserved for the Aboriginal Natives. By 1842 this was changed to a provision for the allocation of 15% of land sale proceeds for the care of Aborigines. Neither provision was adhered to, and with the growth of the White population and expansion of settlement the Aboriginal people were located in institutions and their rights to land titles ignored. During the subsequent periods of segregation and protection when it was assumed by many white observers that the Aboriginal people would disappear, there was no point in giving them title to land. Nor did the development of the assimilation policy from the 1930s until the 1960s alter this assumption. Many Aboriginal people were living on reserves administered by churches or Government departments and these were viewed as training centres which prepared the people for participation in the mainstream of Aboriginal social, economic and political life. An undated booklet, The Central Australian Aboriginal Reserves, produced following Commonwealth and State meetings in the early 1960s, advocated the retention of the reserves with the aim of meeting "the needs of the Aboriginal inhabitants of the area in the difficult period of transition from their independent, nomadic, hunting and gathering life to a settled way of life as members of the Australian community." (The Central Australian Aboriginal Reserves, Government Printer Western Australia, Page 3.) Under the policy of assimilation, it was assumed that Aboriginal people would gain title to land in the same way as other Australians. The following quotations illustrate this point. "One can only describe as unrealistic and undesirable the suggestion that individuals, or groups of them, should be made possessors of land for agricultural or other purposes that has not been acquired in the usual manner.
by purchase, that is, as a return for work done." As Chairman of the Aborigines Protection Board in South Australia, Professor Cleland's views were influential. "The Government believes that it is wholly wrong to encourage the Aborigines to think that because their ancestors have had a long association with a particular piece of land, Aborigines of the present day have the right to demand ownership of it ... they should secure land ownership under the system that applies to the Australian community, and not outside it." (P J Nixon, Minister for the Interior, Land and the Aborigines of the Northern Territory, Department of the Interior, 1970 Page 1.)

The provisions made in Land Rights legislation relating to land in South Australia and the Northern Territory during the past decade indicate that there have been significant developments in Government and community attitudes since these comments were made. These changes have reflected the emergence of the policies of self-determination and self-management as the official policies replacing that of assimilation. My own involvement in the land rights negotiations has been principally as an interpreter and I have been asked to speak to you about this role. This involvement has been related to the negotiations leading up to the Pitjantjatjara Land Rights Act which gave title to lands in the Far North-West of South Australia to Anangu Pitjantjatjara Incorporated, the preparation of the Land Claim for land in the Ayers Rock region under the Northern Territory legislation and the negotiations leading up to the passing of the Maralinga Tjarutja Land Rights Bill in South Australia.

My own experience with the Pitjantjatjara people has embraced the periods of both the assimilation and the self-management policies. My own attitude to land rights has reflected these policies and have undergone change as I was involved in the political and social processes. As Superintendent of Ernabella Mission from 1958 I administered an institution which had been established in 1937 to provide a buffer between the European and the Pitjantjatjara societies. The Mission held in trust for the people an area of land which had been leased by pastoralists and provided some protection for the people associated with the North-West Aboriginal Reserve. The aim was to train the people to become self-supporting. In that period, Commonwealth funds were not available for Aboriginal welfare in South Australia and the allocation of funds by the State Government was very limited. The natural resources of the area seemed to be limited and it was assumed that while the Reserve should be maintained to provide a refuge and employment for some of the people, most of them would have to find their future economic support in other areas where employment would be available. Thus little attention, if any, was given to land rights as such. Although I was not consciously advocating land rights for the Pitjantjatjara people in my earlier years at Ernabella as I was immersed in the demanding responsibilities of administering the mission activities and my work as a Minister, my involvement in these activities was serving as a preparation for my later role in the land rights negotiations.
Ernabella had been founded on a policy of respect for the indigenous culture and language, and I was required to learn the Pitjantjatjara language so as to preach and teach in the language and be able to consult with the people in daily affairs. This learning process involved more than the learning of a language, but also the understanding of techniques of communication in another culture. The willingness to learn in these ways brought forth a response from the Pitjantjatjara people who were willing to teach me other aspects of the culture and to take me to sites where they explained something of their mythology and relationship to the land. I recall the impact made on me on one of the early visits to a site in 1963 when an old man pointed to rocks representing his totemic ancestral beings, the native figs, and said, "Nyangatja ngayuku tjamu", "This is my grandfather". At the same time I was engaged in the training of Pitjantjatjara people to undertake responsibilities in both Church and community life and in the development of Councils, and people participating in this training were to assume leadership roles in the land rights negotiations. I was also participating in discussions with Church and Government officials, and Superintendents and staff of other settlements, which led to a change in policies and a quickening of the process of transferring authority for the settlements to the Aboriginal people. I have described elsewhere this change from what has been termed an institutional approach to a community approach. (W H Edwards, The Changing Climate of Aboriginal Development. In Interchange, Sydney, No 14, 1973.)

The development of the local community councils provided experience and models for the establishment of the Pitjantjatjara Council, the body which negotiated on behalf of the people for title to their land. These changes in policy led to changes in my own roles. I was no longer employed as a Superintendent, but after short periods on another mission in Western Australia and in Fiji and Adelaide as a student and lecturer, I was invited by the Pitjantjatjara people to return to the area to serve as Minister of the Pitjantjatjara Parish of the Presbyterian Church and then of the Uniting Church, and at their request stationed at Amata.

I arrived at Amata in March, 1976 and soon after that time the people appointed a Community Adviser and sought the Incorporation of their Community, Amata being then administered by the Department of Community Welfare.

One of the first acts of the newly structured Council at Amata was to invite representatives of other communities in the area to meet at Amata following a sports weekend. Approximately 60 men from 9 communities, extending from Indulkana to Docker River, met on the 13th and 14th of July, 1976. A few Community Advisors and representatives from other bodies were present. I was invited to attend the meeting and requested to act as Minute Secretary so that Minutes could be recorded in both Pitjantjatjara and English. As both English and Pitjantjatjara languages were being used in the discussions and the people,
who could not understand all that was said in English, expressed a desire to know what was being said, there was an obvious need for interpretation and I was requested to undertake that role. I continued in these two roles until leaving Amata four years later.

I have outlined elsewhere the history of the negotiations over those four years. (Bill Edwards, Pitjantjatjara Land Rights. In Aborigines, Land and Land Rights. Edited by Nicolas Peterson and Marcia Langton. Australian Institute of Aboriginal Studies, Canberra, 1983.)

The Minutes of the Amata meeting indicate that language problems were a factor motivating the organisation of the Pitjantjatjara Council. Representatives of the communities had attended meetings in Adelaide and elsewhere organised by the Department of Aboriginal Affairs, but speakers at this meeting voiced their feelings that those meetings were unsatisfactory because they were conducted in English and the Pitjantjatjara people attending them lacked confidence and understanding. They referred also to the problem arising from the expectation in those meetings that one or two Pitjantjatjara people could represent the communities.

It was decided at this inaugural meeting to seek incorporation of the Pitjantjatjara Council, and land emerged as one of the main areas of interest. The claim was made that "The Pitjantjatjara people claim all of the land from Indulkana to Docker River." (Minutes of the Pitjantjatjara Council, Amata, 13-14 July, 1976.) There was also a strong expression of opinion that the whole area be regarded as a unit and not be divided by State or clan boundaries. Questions were raised about the power of the Minister of Community Welfare in relation to the issuing of permits and control of the Reserve. It was decided to hold meetings bi-monthly and such meetings were held at various centres in succeeding years. Lawyers from the Aboriginal Legal Rights Services were invited to subsequent meetings to assist the Council in pressing their claim to the land. Representatives of the Department of Aboriginal Affairs were also invited to attend and answer questions and to provide information. The point was made that white people should only attend if invited by the people. The lawyers became involved in the negotiations and one of the main tasks of the interpreter was to convey to the lawyers the ideas and demands of the people relating to land and then to interpret back to the Pitjantjatjara people the responses and questions of the lawyers and the information they had obtained from Government Ministers and Departments.

The initial response from the South Australian Government was that there was no problem about the Pitjantjatjara people obtaining the title to their land. The Premier, Mr Don Dunstan, had, as Minister for Aboriginal Affairs in 1966, introduced the Aboriginal Lands Trust Act, which established a Lands Trust. This Trust, the members of which were Aboriginal people, was
given title to unoccupied lands which had been Aboriginal reserves. Aboriginal communities on other reserves could authorise their land titles to be held by the Trust, which could then lease the lands to the communities for periods of 99 years. Mr Dunstan suggested that the Pitjantjatjara reserve and other lands occupied by Pitjantjatjara people under pastoral leases be transferred to the Aboriginal Lands Trust. The Council responded by asking for a separate Pitjantjatjara Lands Trust. During this period of the negotiations, the concepts of leasehold and freehold had to be interpreted to the Pitjantjatjara people and the Pitjantjatjara people's understanding about their own identity and relationship to the land had to be interpreted to the Government. Mr Dunstan then agreed to the appointment of a Pitjantjatjara Land Rights Working Party to report on ways in which title for the lands could be granted to the Pitjantjatjaras.

The Report of this Working Party was submitted to the Government in June, 1978. Members of the Working Party had visited Pitjantjatjara communities and consulted with Pitjantjatjara people and their legal advisers. In early tentative statements they had recommended the creation of a Trust, members of which would be a few older Pitjantjatjara men recognised as traditional 'owners', but this concept was dismissed by the Council who claimed that the Pitjantjatjara Council had asked for the land and fought for it, and should receive the title in the Council's name. The land did not belong to a few people and should not be divided amongst so-called traditional 'owners'. One problem faced by the Working Party was that the Council represented not only Pitjantjatjara and Yankuntjatjara people in South Australia but also Ngaatjatjara people from Western Australia and Pitjantjatjara and Yankuntjatjara people living in the Northern Territory.

Mr Dunstan had at first advised against freehold land titles in the name of the local people rather than their being held by the Aboriginal Lands Trust because of experiences in the United States of America where people had sold land to which they had been given title on the basis of their occupancy of it as indigenous peoples. In dealing with this, the Working Party recommended the granting of a special inalienable freehold title which would not allow for the sale of the land. They also recommended that a body to be named The Pitjantjatjara Peoples be established as the land holding body and that membership of this body be defined as "those Aboriginals who shall from time to time have an interest in the nucleus Lands within the meaning of the Legislation." The nucleus Lands referred to consisted of the North West Aboriginal Reserve and contiguous lands such as that leased by Ernabella Mission, Mimili and Kenmore Park communities. It was recommended that freehold title to these lands be given to the Pitjantjatjara people immediately on the enactment of the legislation. Reference was made to another class of lands defined as Non-Nucleus Lands. These are lands in which the Pitjantjatjara people have an interest and which are adjoining the nucleus Lands but which were
unallotted Crown Land, Conservation Park or pastoral properties. It was recommended that these could be subject to claim by the Pitjantjatjara body and that a Tribunal to be established by the Government would hear such claims and make recommendations to the Government. Other important recommendations related to the issuing of Permits for entry to the lands and control of mining exploration and development on the lands, with a recommendation that applications for permits to enter should go to the Pitjantjatjara people and that the people should share with the Government control over mining, and receive royalties from mining activity. I have given this brief summary of points raised in the Report to give an indication of the type of matters which had to be interpreted between the Pitjantjatjara people and the Working Party so that the people would have some understanding of the progress of negotiations.

Legislation based on these recommendations was introduced into the South Australian Parliament later in 1978, but the Liberal Country Party majority in the Legislative Council had the legislation referred to a Select Committee. Representatives of the Pitjantjatjara Council met with this Select Committee early in 1979, and negotiations continued through that year, this rather frustrating the Pitjantjatjara people who resented having to state again their claim to the lands. The resignation of the Labour Government and election of a Liberal Country Party Government to office at the subsequent election on the 15th September, 1979 led to further delays. The Party now in Government had promised that they would grant freehold title to lands to the Pitjantjatjara people, but soon after being elected announced that mining exploration would be permitted on Non-Nucleus land without consultation with the people, and indicated that title would not be granted in relation to the Non-Nucleus lands. The Pitjantjatjara people responded by sending a large party of people to Adelaide to meet with politicians, the media and others, the meetings taking place on the 13th and 14th February at the Victoria Park Racecourse, where an Adelaide based Lands Rights Support Group arranged camping facilities and catering. I was asked by the people to come the Adelaide to interpret at this meeting. The Premier, Leader of the Opposition and a Parliamentary representative of the Australian Democrats were invited to address the meeting and to answer questions, and a sympathetic Press and Television coverage of the meeting brought the demands of the Pitjantjatjara people before the public.

The public meeting was followed by an invitation to the Pitjantjatjara Council Executive and their advisers to meet with the Premier and other Ministers in the Premier's Office to discuss further the unresolved issues. This provided an opportunity to interpret to the Government the feelings of the Yankuntjatjara people who claimed a relationship with sites in the Granite Downs area, and who feared that the proposed mining exploration would destroy these sites. This meeting was a turning point in the negotiations and led to compromise over
the ensuing months under which the Government agreed to recog-
nise the right of the people to this area. They agreed that
the land covered by the Granite Downs Pastoral leases would be
added to the area to be granted under the Pitjantjatjara Land
Rights Act when the current leases expired on condition that
the Pitjantjatjara Council agreed not to make claims for other
Non-Nucleus land.

Following further negotiations relating to controls over mining
operations on Pitjantjatjara land, the Premier and other
Ministers met with the Pitjantjatjara people at Ernabella on
the 14th May, 1980 and the demands of the people were again in-
terpreted. The Premier and the Minister for Aboriginal Affairs
were then taken by some of the senior men to be shown sacred
boards related to a myth of the Ernabella area, these boards
being viewed by the people as their title deeds to the land.

Although there was a commitment from both the Government and
the Pitjantjatjara Council to bring the negotiations to a con-
cclusion, further delay arose from the need to provide access
for miners already engaged in operations at the Mintabie opal
field, which is situated on the Granite Downs lease, while en-
suring safeguards for sites in that area. Final agreement led to
the passing of the Pitjantjatjara Land Rights Act in March
1981 by the South Australian Parliament and the handing over of
the Title to the land by the Premier at a ceremony held at
Itjinpiri, 8 kilometres North of Ernabella, on the 4th
November, 1981.

My involvement as an interpreter during the Pitjantjatjara Land
Rights negotiations concluded with a task in response to a
request by the Government to translate the Land Grant Document,
so that when the original Document in English was handed over
to the Pitjantjatjara people they would receive also a dupli-
cate copy in Pitjantjatjara. Although the task was attempted,
it was almost impossible to provide an adequate translation in
Pitjantjatjara of a document which began in English with the
following: "His Excellency the Governor doth hereby in the
name and on behalf of the Crown and by virtue of the powers
vested in him by the Pitjantjatjara Land Rights Act, 1981
(hereinafter called "the said Act") and of all other powers
thereunto enabling issue a land grant in fee simple to Anangu
Pitjantjatjarku." The document then referred to pieces of the
land under the English names and to the public maps held in
Adelaide. The problems encountered in attempting to translate
this document illustrate the difficulties which had been faced
by interpreters throughout the negotiations. The negotiations
brought together two groups of people with widely differing
world views, values and concepts related to the land, differ-
ences which had been exacerbated by the history of culture con-
tact on that land. On the one hand, one sought to convey to
white politicians, lawyers and public servants some understand-
ing of the Aboriginal concepts related to land. On the other
hand, one attempted to convey to the Pitjantjatjara people some
understanding of the Western concepts of land tenure and of the
political and legal realities which had to be faced as they made claim to a secure land title. One was also engaged with their advisers in a task of education as to the need for obtaining such a title under Australian law.

At first, the people who had occupied this land for untold generations could not see the need for a mere paper title which in their eyes lacked the power associated with traditional links. I recall the visit to Amata in 1973 of a Solicitor assisting the Aboriginal Land Rights Commissioner in the Northern Territory when I interpreted as she explained the Governments' intention to grant land titles to Aboriginal groups in the Northern Territory. The reaction of the men at Amata on that occasion was summed up in these words: "What are you white people talking about? This is our land."

Throughout the negotiations the people emphasised their relationship to the land. They had no word which translates directly as "owner", but used their word for "relation" - "walytja" to describe their connection with the land. They conceived of their own life as stemming from the land, they and the animals, plants and natural features all sharing a common ancestry derived from the Ancestor Beings who had come forth from the previously unformed substance of the earth, and whose exploits in the period of the Tjukurpa or The Dreaming had formed the land and all natural features. The same spirit of kurunpa which had been present in these beings still inhabits the people, the animals, the plants and the natural features today. Human beings are thus conceived of as part of the land and related to the sites rather than as owners of tracts of land. As a consequence of this view, the point was often made in meetings that anything that happens to the land has an immediate effect on the people. If parts of the land are destroyed, the people related to these lands will suffer. This point was made especially in relation to the possible effects of mining and the fear that rocks would be broken and removed. As many of the sacred stories are related to rocks which are seen as the metamorphosed bodies of ancestral beings, the demand was made that any title must be, not only for the dust or the spinifex, but also for the pulli or the rock. "If the rocks are broken, we are also broken."

The people at times expressed scepticism about the power which could reside in a piece of paper as a title to land. This appeared to them as insignificant in contrast to the power which they conceived as stemming from the knowledge of the stories and songs of the Ancestor Beings and their possession of the sacred boards or rocks. To them it was inconceivable that a piece of paper could have the same power as that which came from the long distant past and had been continuously reinvested by the performance of ritual, the giving of blood and the passing on of the stories and songs. There were traditional structures under which rights and responsibilities related to land were recognised without recourse to modern methods of communication. Their mental maps, symbolised in
ground drawings, contrasted with modern maps of the country. Based on the knowledge of water and food supplies and of the mythical tracks of the Ancestors, they had served the people through the generations for the sustaining of physical and spiritual life, despite the absence of straight lines, precise angles and accurate scale. During the negotiations related to Granite Downs, the people emphasised that the surveyors' lines on maps took no account of the track of the ancestral Kangaroo-man and that some of the people would suffer unjustly if their rights to land associated with this story in that area were not acknowledged under the legislation. Traditional boundaries were related to the ancestral tracks and had an element of flexibility, and this contrasted with the seemingly artificial lines drawn on maps to mark State boundaries and to delineate the nucleus and Non-Nucleus lands as defined in the Report of the Working Party. These boundaries frustrated the people at various stages of the negotiations.

As well as attempting to find English words and ideas which would convey some understanding of the Pitjantjarra concepts to the white negotiators, one sought to find Pitjantjarra words which would give the Pitjantjarra people an understanding of the white concepts and of the realities and possibilities under Australian law and political processes. Because of the different backgrounds and conceptions of land, language itself was often inadequate to interpret the ideas. It was not just a case of finding a word which directly translated the English word being used by the politicians or lawyers. Many Australians find difficulty in understanding the terminology used by lawyers and those who draft legislation. One faces an even more difficult task in seeking to explain this language to people with another cultural and linguistic background. To illustrate this, if we refer back to the quotation given earlier in this paper from the Land Grant Document, we will find that very few of the words used in this English quotation have an equivalent in Pitjantjarra. Early in the period of negotiations, attention had to be given to explaining the meaning of concepts related to land tenure such as Crown land, Aboriginal Reserve, freehold and lease. There are no words in Pitjantjarra which can adequately translate these terms, so the English words had to be used and attempts made to give some understanding of their meaning. The people had some idea of the difference between owning and hiring a motor vehicle, and this was used as an analogy in seeking to explain the difference between freehold and leasehold. As they gained understanding of the meaning of the English words 'freehold' and 'leasehold', they began to use these English words in the context of Pitjantjarra speech. All languages make use of loan words from other languages, and these are incorporated into the phonetic and grammatical structures of the language. Just as the use of motor vehicles led to the incorporation of words such as petrol, which became pitula, truck, which became taraka, and carburettor, which became kapurita, in the Pitjantjarra language, so new words were introduced to the language during the course of the land rights negotiations.
For example, the need to have a body corporate which could be recognised under Australian law led to frequent use of the word 'incorporation' and this English word was adapted to make a Pitjantjatjara verb, 'inkupuraitamilani'.

During the course of the negotiations, there was need to interpret to the Pitjantjatjara people information about the realities of Australian political and legal structures and Australian history. For example, in response to their early demand that there should be one land holding body for all Pitjantjatjarra land in South Australia, Western Australia and the Northern Territory, it had to be explained that under existing law this was impossible, and that the only possible way to proceed with the claims was to deal with each Government in turn. Time had to be spent outlining the differences between the Upper and Lower houses in the State Parliament and the powers of the State and Commonwealth Governments and some of the limitations of their powers and rights. Progress in land rights negotiations was very slow as changes in Governments, or referral of matters to Select Committees led to delays, and Aboriginal people became frustrated because their demands were not met immediately. They resented having to repeat their case to different groups of politicians, and the interpreter had to cope with this frustration. During the preparation of the Land Claim in the Ayers Rock area, under the Northern Territory legislation, the anthropologist preparing the claim on behalf of the people was faced with a reluctance on the part of the people to engage in further discussions until they were provided with houses as a sign of good intentions on the part of the Government. However, it was important that the discussions continue without such delay, and as interpreter I had to encourage them to share their information without first gaining such evidence of good intentions.

The task of interpreting in land rights negotiations is thus a difficult one. In the case of the Pitjantjatjara land rights in South Australia it was a task spread over five years. It involved intense concentration lasting over two days on several occasions during Council meetings, alternately listening to Pitjantjatjara speakers and then seeking to convey their words in English; and then listening to the responses in legal and political jargon in English and seeking to convey the meaning of this to the Pitjantjatjara listeners. As indicated above, words were at times inadequate, and one had to resort to role play or ground drawings to convey the meaning. Many of the people who attended and spoke at the meetings were speakers of dialects other than Pitjantjatjara, such as Yankuntjatjara and Ngaatjatjara, and thus one had to concentrate even more to follow the drift of the comments. As English words are incorporated into the dialects and changed to fit the phonetic and grammatical structures of the dialect, they might not be immediately recognised as used in this new form, and often provided the most difficult problems of hearing and interpretation.
Involvement in this task was not only one of sharing and teaching but also one of learning. Having left the Pitjantjatjara area at about the time when the negotiations in the North West of South Australia were nearing conclusion, I assumed that my role as an interpreter in land rights negotiations had ended. However, during my first year of residence in Adelaide, the Yalata Community, consisting of Pitjantjatjara people who had been dispossessed of the Southern Pitjantjatjara lands due to atomic testing in the area, commenced negotiations with the South Australian Government, with the assistance of the Aboriginal Legal Rights Movement, for the granting of title to the Maralinga lands, and I was asked to interpret in these negotiations over the next three years. This is another story, but one in which were repeated the same kind of discussions, changes of governments, frustrations, compromises and final resolution as in the earlier negotiations.

BILL EDWARDS
Aboriginal Studies and Teacher Education Centre
South Australian College of Advanced Education

we:lj/0253W