Our Comment:

LAND AND MYTHS

Human groups do not always act according to their own ideals. Nor does the difference between practice and principle necessarily produce a healthy concern and an eventual re-appraisal. Indeed it is apparent that people can maintain a favourable view strongly denied by the facts. If by general agreement a piece of logic—any piece of logic—seems to satisfactorily bridge a gap between example and precept, the need for an honest adjustment is avoided.

So it is in Australia. Some common attitudes which we display towards
the Aboriginal people do not measure up to our own ideals. We manage to retain our ideals by resorting to a few myths which have a national currency and a long life.

The first is the myth of the “Stone Age man”. Slaughter and disregard have appeared in many chapters of the history of our relations with the people who lived in this land before us. Brutish cruelty was plainly evident as late as 1930. Ordinary Australians perpetrated these various acts — or condoned them by silence. This was possible because sensitivities were dulled by a widespread pseudo-Darwinism. The popular theory of Evolution seemed to prove plainly that people with a rich material culture were superior to the “ primitives”. The savage aborigines, who ate grubs and moved about under the guidance of their walkabout “instinct”, were relegated thoughtlessly, or deliberately, to a species which was not quite human and which was not fit to survive.

A second misconception has supported the negative and conveniently frugal policies of protection which characterised official action until very recent times. This is the belief that the Aborigines are dying out. Was it not logical to keep to a minimum programmes made for the Aborigines “who were well on the way to inevitable extinction”? The fact is that the part-Aboriginal population has always been on the increase and other Aborigines have been increasing in numbers for at least a decade.

Other misconceptions remain alive to validate conditions that would otherwise be unacceptable to us as Australians. For many years longer than was necessary, part-Aboriginal men and women in various parts of Australia have been denied legal access to hotels, because “people of Aboriginal blood cannot take liquor.” Another common myth has it that “Aborigines are mentally inferior.” Its wide currency has excused the failure of generations of Aboriginal educators and administrators whose methods were inadequate for the task assigned to them.

It is customary for us to say, “The Aborigines are nomads”. This is probably the most significant myth employed by us — “the indigenous groups drew back from contact into the hard dry country of the interior.” The underlying assumption here seems to be that Aborigines did not own land.

This is an untruth, passed on by parents, teachers and history texts for generations. Even today it is embodied in school curricula.

The writer’s complacent attitudes on the matter of land ownership were shaken somewhat at Mornington Island, in the Gulf of Carpentaria, several years ago. I was standing on the beach below the huts of the Bentinck people watching half a dozen Aboriginal men as they butchered a dugong* harpooned earlier in the day. At various intervals, as the beast was carefully sliced, people moved down the beach slope to pick up pieces of meat that were lying on the sand. An Aboriginal man explained that the portions were disposed of according to a pattern based on various kinship obligations. He explained that a piece was also set aside as payment to the man whose rope had been used on the harpoon shaft. Here was the concept of hire so important in our society. Concluding his patient explanation the man said “and that last piece of meat is for the people off whose land that dugong has been caught — that is their country across there between the rock near the big tree, and the little creek which runs to the sea at the western end of the beach . . .”

Urgently required in Australia is an interpretation in lay and legal terms of the concept of Aboriginal land ownership as has been gained from the studies of anthropologists. So far administrators and community leaders have failed to appreciate the point. A. P. Elkin wrote in 1938:

“The local group owns the hunting and food-gathering rights of its country; members of other groups may only enter it and hunt over it after

*A seal-like animal which is sometimes called the “sea-cow”.

2
certain preliminaries have been attended to and permission has been granted.” (“The Australian Aborigines”. p. 40).

Individual Aborigines do not own land. However, particular areas are owned and exploited by a group of men, along with their wives. The territories controlled by these hordes could vary greatly in size. On the mainland a horde territory would rarely be less than eight miles across.

Aboriginal land holdings on Bentinck Island in the Gulf of Carpentaria have been studied by N. B. Tindale of the South Australian Museum. This notable study lists the names of the men, women and children who are members of each of eight different hordes, or dolnoro. In addition, there is a map of Bentinck Island on which are marked several hundred named geographical features and the dolnoro boundaries. According to Tindale’s information these territorial holdings had been given names, but they were not fixed (usually each of the areas was referred to as the dolnoro of a particular person who was living or dead). Eighty people lived on the most northerly territory at Bentinck. This was the biggest group. On the other hand, half of the eight land divisions were owned by fewer than twenty people.

Tindale indicates that the boundaries of the areas are well-established. “In defining their separate territories to me while sailing along the coast in sight of them, each informant indicated in turn the place names of his own dolnoro; another person automatically began to speak up at the next boundary. An interested audience listened intently and assented to each identified place name. Only at the boundary between the countries of the two dolnorodangka named Minakuringati kulkitji and Walkareingati toato were rival claims made. This brought out the point that a strip of about half a mile of coast-line, shown as “Disputed territory” on the map, had long been a bone of contention . . . .” (“Geographical Knowledge of the Kaiadilt People of Bentinck Island, Queensland”. p. 274).

The myth about Aboriginal nomadism has long served its unfortunate purpose. It has enabled us, a people who strongly respect property and who disdain aggression, to avoid the contradiction presented by the actual dispossesssion of Aboriginal lands which has proceeded at varying pace over the last one hundred and ninety years.

Interest in Aboriginal issues has been increasing. In very recent times doubt about land ownership issues has been publicly expressed. Many adults are engaging in their first discussion of the Aboriginal question. School children are asking serious questions about the place which Aboriginal people occupy in the country today. In recent cases European-Australian families have sought to settle portion of their pastoral properties on present-day Aborigines. Apparently, these old Australian families feel an obligation to restore some of the benefits of a fruitful land to the descendants of the original and unpaid owners.

Generations of Australians have avoided the Aboriginal land issue. It is therefore not surprising that successive Prime Ministers have failed to exercise leadership at this point. Yet this is an issue we must face if we are to live with ourselves, and with our neighbours on the international scene. Can it be faced as national confidence grows?

Settlement of the outstanding land question may cost this generation and those which succeed it a total of £500 millions. To administer the exchange of payments special legal institutions will have to be established. But when this is finally achieved Australian precept and practice will match at a vital point. We will have come at last fully to grips with the Aboriginal Problem.
INSTRUCTIONS TO CAPTAIN COOK

Secret.

By the Commissioners for executing the office of Lord High Admiral of Great Britain, &c.

Additional Instructions for Lt. James Cook, Appointed to Command His Majesty’s Bark the Endeavour.

After observance of the Transit of Venus he was to search for the eastern coast of the imagined Southern Continent, and explore and chart it.

"... You are likewise to observe the Genius, Temper, Disposition and Number of the Natives, if there be any, and endeavour by all proper means to cultivate a Friendship and Alliance with them, making them presents of such Trifles as they may Value, inviting them to Traffic, and Shewing them every kind of Civility and Regard; taking Care however not to suffer yourself to be surprized by them, but to be always upon your guard against any Accident.

"You are also with the Consent of the Natives to take possession of Convenient Situations in the Country in the Name of the King of Great Britain; or, if you find the country uninhabited take Possession for His Majesty by setting up Proper Marks and Inscriptions, as first discoverers and possessors."

Failing that, he was to explore New Zealand and return via the Cape of Good Hope or Cape Horn.

"Given under our hands the 30th day of July, 1768."

Ed. HAWKE

By Command of their Lordships

C. SPENCER

PH. STEPHENS".

PIERCY BRETTR

(From “Captain James Cook in the Pacific”, selected extracts from his journals 1768-1779, edited by A. Grenfell Price. Cook’s Secret Instructions, were unknown in full until published by Royal Navy Records Society, 1928).
ONE OF BATMAN’S TREATIES

It is well-known that John Batman attempted to treat with local Aborigines when land in the vicinity of Port Phillip Bay was sought for settlement. The actual treaty terms, not so well-known, were these:

Know all persons, that we, three brothers, Jagajaga, Jagajaga, Jagajaga, being the principal chiefs, and also Cooloolock, Bungarie, Yanyan, Moowhip, Mommarmalar, being the chiefs of a certain native tribe called Dutigallar, situate at and near Port Phillip, called by us, the above mentioned chiefs, Iransnoo and Geelong, being possessed of the tract of land hereinafter mentioned, for and in consideration of 20 pair blankets, 30 knives, 12 tomahawks, 10 looking-glasses, 12 pairs scissors, 50 handkerchiefs, 12 red shifts, four flannel jackets, four suits of clothes, and 50 lbs. of flour, delivered to us by John Batman, residing in Van Dieman’s Land, esquire, but at present sojourning with us and our tribe, do, for ourselves, our heirs and successors, give, grant, enfeoff and confirm unto the said John Batman, his heirs and assigns, all that tract of country situate and being in the bay of Port Phillip, known by the name of Indented Head, but called by us Geelong, extending across from Geelong harbour, about due south, for 10 miles, more or less, to the head of Port Philip, taking in the whole neck or tract of land, and containing about 100,000 acres, as the same hath been before the execution of these presents delineated and marked out by us, according to the custom of our tribe, by certain marks made upon the trees, growing along the boundaries of the said tract of land; to hold the said tract of land, with all advantages belonging thereto, unto and to the use of the said John Batman, his heirs and assigns for ever, to the intent that the said John Batman, his heirs and assigns, may occupy and possess the said tract of land, and place thereon sheep and cattle, yielding and delivering to us and our heirs or successors the yearly rent or tribute of 50 pairs of blankets, 50 knives, 50 tomahawks, 50 pairs scissors, 50 looking-glasses, 20 suits of slops or clothing, and two tons of flour. In witness whereof, we, Jagajaga, Jagajaga, Jagajaga, the three principal chiefs, and also Cooloolock, Bungarie, Yanyan, Moowhip and Mommarmalar, the chiefs of the said tribe, have hereunto affixed our seals to these presents, and have signed the same.

Dated according to the Christian era, this 6th day of June, 1835.

Signed, sealed and delivered in the presence of us, the same having been fully and properly interpreted and explained to the said chiefs.

(Signed)

James Gumm,
Alexander Thomson.
Wm. Todd.

(Signed) John Batman.

Note—On 26th August, 1835, Governor Bourke repudiated the Batman treaty. He declared that only the Crown could make treaties or contract for the possession of land, and that any other arrangement was void and of no effect.
THE TREATY OF WAITANGI

TERMS OF TREATY

"Her Majesty Victoria, Queen of the United Kingdom of Great Britain and Ireland, regarding with Her Royal Favor the Native Chiefs and Tribes of New Zealand, and anxious to protect their just Rights and Property, and to secure to them the enjoyment of Peace and Good Order, has deemed it necessary, in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand, and the rapid extension of Emigration both from Europe and Australia, which is still in progress, to constitute and appoint a functionary properly authorized to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands. Her Majesty, therefore, being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the Native population and to Her subjects, has been graciously pleased to empower and authorize me, WILLIAM HOBSON, a Captain in Her Majesty's Royal Navy, Consul, and Lieutenant-Governor of such parts of New Zealand as may be, or hereafter shall be, ceded to Her Majesty, to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

ARTICLE THE FIRST

The Chiefs of the Confederation of the United Tribes of New Zealand, and the separate and independent Chiefs who have not become members of the Confederation, cede to Her Majesty the Queen of England, absolutely and without reservation, all rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or possess, over their respective Territories as the sole Sovereigns thereof.

ARTICLE THE SECOND

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their Lands and Estates, Forests, Fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the Individual Chiefs yield to Her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

ARTICLE THE THIRD

In consideration thereof, Her Majesty the Queen of England extends to the Natives of New Zealand Her Royal protection, and imparts to them all the Rights and Privileges of British subjects.

W. HOBSON,
Lieutenant-Governor.

The Sequence of Events.

In signing the Treaty of Waitangi in the year 1840 five hundred and twelve Maori chiefs yielded, to Queen Victoria, exclusive right of control over those lands which they were prepared to alienate. This famous treaty between the early occupiers of New Zealand and the British authorities was not an ideal one by any means yet its terms have undoubtedly influenced the history of Maori-Pakeha relations. On many occasions attention has been drawn to the
serious moral sentiments expressed by its terms. In addition, some of the guarantees which were undertaken by the Crown have been written into sections of the statute law of New Zealand.

The actual terms of the Treaty were drafted for the new Governor Hobson by the British Resident, Mr. Busby, who had lived in New Zealand for some years. Subsequently, invitations to a series of conclaves were addressed in the native language to tribal chiefs from various regions. The first and crucial meeting took place at Waitangi in the north island. At 12 p.m. on February 5th, 1840, Governor Hobson along with naval officers, mission representatives and local European inhabitants joined the Maoris in conference. Five hundred Maoris had waited under flag-decked tents erected by the British Navy.

Hobson, after explaining his appointment by the Queen, read the English version of the Treaty, each line being interpreted as it was read by Mr. Williams, of the Church Missionary Society.

Hobson, in his despatch, described the subsequent happenings: “When I had finished reading the Treaty, I invited the chiefs to ask explanations on any point they did not comprehend, and to make any observations or remarks on it they pleased. Twenty or thirty chiefs addressed the meeting, five or six of whom opposed me with great violence, and at one period with such effect, and so cleverly, that I began to apprehend an unfavourable impression would be produced. At this crisis the Hokianga chiefs, under Nene and Patuone, made their appearance, and nothing could have been more seasonable. It was evident from the nature of the opposition, that some underhand influence had been at work. The chiefs, Rewa and Ihakara, who are followers of the Catholic Bishop, were the principal opposers, and the arguments were such as convinced me they had been prompted. Rewa, while addressing me, turned to the chiefs and said, ‘Send the man away: do not sign the paper; if you do you will be reduced to the condition of slaves, and be obliged to break stones for the roads. Your lands will be taken from you; and your dignity as chiefs will be destroyed.’

“At the first pause, Nene came forward and spoke with a degree of natural eloquence that surprised all the Europeans, and evidently turned aside the temporary feeling that had been created. He first addressed himself to his own countrymen, desiring them to reflect on their own condition, to recollect how much the character of New Zealand had been exalted by their intercourse with Europeans, and how impossible it was for them to govern themselves without frequent wars and bloodshed; and he concluded his harangue by strenuously advising them to receive us, and to place confidence in our promises. He then turned to me and said, ‘You must be our father! You must not allow us to become slaves! You must preserve our customs, and never permit our lands to be wrested from us!’ One or two other chiefs, who were favourable, followed him in the same strain, and one reproached a noisy fellow named Kitiki, of the adverse party, with having spoken rudely to me. Kitiki, stung by the remark, sprang forward and shook me violently by the hand, and I received the salute apparently with equal ardour. This occasioned among the natives a general expression of applause, and a loud cheer from the Europeans, in which the natives joined, and thus the business of the meeting closed, further consideration of the question being adjourned to Friday at 11 o’clock, leaving, as I said, one clear day to reflect on my proposal.”

On the following day, Thursday, the Chiefs intimated that they did not wish to wait until Friday to renew the discussions. “Therefore,” wrote Hobson, “I proceeded to the tents, where the Treaty was signed in due form by forty-six head chiefs, in the presence of at least five hundred of inferior degree.”

Other meetings were arranged in subsequent weeks throughout New Zealand and most of the principal chiefs added their signs and signatures to the agreement.

Then on 21st May the Governor announced that “all rights and powers of sovereignty . . . were ceded to Her Majesty the Queen of Great Britain and Ireland, absolutely and without reservation.”
A LEGAL VIEW OF ACQUISITION OF LAND IN AUSTRALIA

"By the year 1788, the paramount title of the King to the ownership of all land in the kingdom had become little more than a fiction so far as land in England was concerned. In that year, however, the fiction was transported into solid fact when Governor Phillip hoisted the British flag on the shore of New South Wales and took possession of the country in the name of the King. Although the small party of colonizers were probably quite unconscious of the fact, the royal overlordship of feudal doctrine had come out with the First Fleet.

"If any contemporary jurist had paused to concern himself about the prior title of the Aboriginal inhabitants of New South Wales, the concern must have been only momentary. Unlike the official attitude towards the Maoris of New Zealand some years later, when the British Government recognized native ownership of their own country, any rights possessed by the Aboriginals were simply repudiated. Nor was there any suggestion of paying or compensating them for their territory beyond a few paltry hand-outs of blankets and the like. John Batman, an enterprising settler in Van Diemen's Land, who became impatient at official inexpertise with regard to the colonization of the Port Phillip District, actually purchased from the Aboriginals a large tract of land in the vicinity of the present site of Melbourne. This early attempt at black-marketing, however, was disallowed by the colonial government in an official proclamation which announced that any of His Majesty's subjects who claimed title to land by treaty or bargain with the natives would be regarded as trespassers on Crown land. The title to all "waste" land in the Colony was in the King as lord paramount, and could legally be disposed of only by His Majesty's Government."*


THE PRIME MINISTER AND ABORIGINAL RESERVES

In the Senate on 12th September, 1963, Senator Whiteside was provided with information by Senator Sir William Spooner in reply to an earlier question regarding consultation, land tenure, and compensation for residents on Aboriginal reserves.

This important statement reads as follows—

The Prime Minister has provided the following answer to the honorable senator's question:—

The Commonwealth Government has a direct responsibility only for those Aborigines living in the Northern Territory and my answer is confined, therefore, to Aboriginal reserves there.

All Aboriginal reserves in the Northern Territory were created for the use and benefit of Aborigines and are being held today, not as a refuge to which Aborigines can retreat and live in a tribal state, but as reserves of land to meet the needs of these people when they have advanced further towards civilization. The only modification of that decision is brought about by a policy of assimilation which discourages arrangements which segregate Aborigines from the rest of the community.

It is the policy of the Government that no excisions from reserves or abolition of reserves are made for the purposes of settlement or subdivision unless the circumstances are such that the Aborigines themselves can take part in the settlement or benefit from the sub-
division. Country with economic potential on reserves is to be held untouched until such time as the Aborigines can themselves share in the benefits which arise from its development. Particular application of this policy relates to mining and forestry when special royalties are paid for the benefit of aboriginal wards if mining or forestry work is done on reserves or on land excised from reserves.

Aborigines do not have land tenure rights over areas set aside as Aboriginal reserves. Under Northern Territory law all mineral and forestry rights are reserved to the Crown and royalties are determined by the legislature.

Where it has been necessary for the benefit of Aborigines to move them to more favoured areas the Aborigines have been consulted. I can assure the honorable senator that should similar circumstances arise in the future the Aboriginal people concerned will be consulted.

(Hansard, Senate, 12th September, 1963. p. 488.)

**LAND TENURE IN PAPUA AND NEW GUINEA**

In an article in the official publication, "Australian Territories," (Vol. 1, No. 1, pp. 12-15) an outline is given of the land tenure policies of the Commonwealth Government in New Guinea. Some of the many complexities encountered because of traditional forms of land usage are described.

The introductory section of the article reads:

"Respect for native land ownership was laid down as a basic principle of Australian administration in Papua over 80 years ago. From the beginning in Papua, and in New Guinea since it was placed under mandate to Australia, following the First World War, successive Australian Governments have adhered strictly to that principle. Recognizing the fundamental importance of questions of land tenure to all aspects of policy in Papua and New Guinea, the Government has adopted as a long-term objective the introduction of secure, individual-registered titles for all native-owned land in the Territory. The Government's first step towards this objective was the setting up, in 1952, of a Native Lands Commission to try to establish a formal system of defining individual native ownerships of land in the Territory."

Further:

"At the time of first settlement in the Australian colonies all lands were deemed to be waste lands and the property of the Crown. In Papua and New Guinea, however, all land other than that previously alienated, was deemed to belong to the native people who occupied it.

As a consequence of this policy less than three per cent. is in use by occupiers other than the native peoples.

The Native Lands Commission was set up in 1952 to establish, by enquiry among the native people themselves, who was the owner of each tract of land and to register that ownership so as to establish a title."

Seven broad principles to be followed in official policy are set out. One of these principles is stated as follows:

"Upon either acquisition or conversion of title compensation is to be provided in respect of extinction of rights under native custom."
UNITED STATES GOVERNMENT AND INDIAN CLAIMS

In 1855 the United States Indian Court of Claims was established to hear the special claims made by Indian tribes against the American Government. The Court eventually paid the Indians over £45 million in compensation.

Then, in 1946, a three-man Indian Claims Commission was established by the 79th U.S. Congress. President Truman in a statement made prior to the passing of the Claims Act, said:

This Bill makes perfectly clear what many men and women, here and abroad, have failed to recognize, that in our transactions with the Indian tribes we have, at least since the Northwest Ordinance of 1787, set for ourselves the standard of fair and honorable dealings, pledging respect for all Indian property rights. Instead of confiscating Indian lands, we have purchased from the tribes that once owned this continent more than 90 per cent. of our public domain, paying them approximately 800 million dollars in the process. It would be a miracle if, in the course of these dealings—the largest real estate transaction in history—we had not made some mistakes and occasionally failed to live up to the precise terms of our treaties and agreements with some 200 tribes. But we are ready to submit all such controversies to the judgements of impartial tribunals. We stand ready to correct any mistakes we have made.*

It has been estimated that before its work is completed the Commission will authorise payments of some £400 million to Indians towards settlement of their claims.

Purpose of the Claims Commission.

The Jurisdiction of the I.C.C. is set out in Section 2 of Public Law 726. In effect, the Indian Claims Commission is empowered to hear and determine claims against the United States Government, made on behalf of any Indian tribe or group residing in the U.S.A., that is entitled to make claims. These rights of claim extend far beyond rights that can be claimed by ordinary citizens. Under Section 2 Indians are permitted to exercise rights based upon the following:

1. Claims arising under the Constitution, laws and treaties of the U.S.;
2. All other claims which would arise if the U.S. Government could be sued;
3. Claims which would be made if agreements made with the Government over the years were revised on the basis of fraud, mistake, unfair pressure, etc.;
4. Claims based on the fact that compensation for lands taken from the Indians has not been paid for at rates agreed to by the Indians;
5. Claims based upon moral arguments as to what is fair and honourable, irrespective of what the law has to say on the matter.

(Note: • The sub-clause 5 above gives to the Commission the widest possible legal jurisdiction. In effect the Commission has the power to make judgements based on its estimate of what is a fair thing for the Indians concerned. It can exercise the power even if the claim is covered by other laws or principles established in the United States.

• Public Law 726 applies only to claims existing prior to its enactment and filed with the Commission within five years of gazettal. In arriving at a judgement the Commission may take account of any payments which have already been made to Indian people.)

MINING AT GROOTE EYLANDT

On August 2nd the Minister for Territories announced that leases had been granted to a subsidiary of the Broken Hill Proprietary Company for the mining of manganese ore at Groote Eylandt.

Six hundred and fifty Aborigines live on Groote Eylandt, which is part of the Arnhem Land Aboriginal Reserve. The Church Missionary Society conducts two mission institutions on this island in the Gulf of Carpentaria—namely Umbakumba and Angurugu.

In April the C.M.S. released a statement on the proposed exploitation of manganese at Groote. This indicated that the Mission had surrendered to B.H.P. a right to prospect which it held. In doing this it believed that the mining of the manganese could only be handled by a large concern such as the Broken Hill Proprietary.

At the same time the C.M.S. authorities expressed the view that they had safeguarded the cultural rights of the Aborigines of Groote, respected their right to be heard in deciding whether to encourage mining on the Island, and secured an arrangement that would ensure that the maximum possible economic return would accrue to the people from the whole venture.

The following points were made:

1. The Mission agreed to sell its prospecting rights to the B.H.P., with a signed agreement, after long negotiations as to the financial terms: "and these terms have been as favourable as we could properly hope for."

2. The Mission recorded its determination to put these funds resulting into a Trust for the people of the Island, to be administered by the people themselves through Mission Councils on the Island.

3. The Company guaranteed a maximum employment opportunity for the Aborigines based on their abilities; and several men were already employed in responsible work on wages equal to those for whites similarly employed. The Company also undertook to house the Aborigines on the same terms and in the same village with the employees of other races, making no distinction. The Mission will seek to train other Aborigines to take up work in this connection.

4. At the outset of the negotiations, the Mission took steps to request that the Welfare Branch send in their chief Research Officer to discover the location of the sacred sites of the people, so that any mining lease granted would be exclusive of these sites. Further, both through him and also through the Mission Council, steps were taken to ascertain the attitude of the people to mining operations on the Island. The sacred sites were located and notified to the Mining Company: "and in all cases the people have shown approval of the mining work being done, and have co-operated in it wherever opportunity has been given. The leading men of the communities of both Umbakumba and Angurugu are themselves employed on the mechanical work, have won sincere respect from fellow employees, and are proving their worth as tradesmen."

5. The rehabilitation of the country after mining operations, and other similar factors, will be dealt with at the time when any actual mining lease is being drawn up, and the normal safeguards and provisions will be incorporated.

6. The B.H.P. agreed to a condition laid down by the Mission, that they will dismiss immediately and send from the island any person
to whom the Superintendent at Angurugu takes objection, on reasonable grounds.

The Anglican Mission statement concluded:
"To the best of our knowledge and ability, then, we have safeguarded the cultural rights of the people, respected their right to be heard in deciding whether to encourage mining activities on the Island, and secured the maximum possible economic return to the people from the whole venture. We have also secured their position as one of equal status with others coming to the Island, and have an agreement which will give us some control over the kind of people brought in."

YIRRKALA AND GROOTE EYLANDT

The proposal to develop manganese deposits on Groote Eylandt in the Northern Territory gives new meaning to the findings of the Select Committee of the Commonwealth Parliament which investigated certain grievances of the Yirrkala Aborigines late last year.

In an earlier issue of "On Aboriginal Affairs" (Number 9, July-August, 1963) a summary was given of the events which had taken place in regard to the leasing of bauxite fields in the vicinity of the Yirrkala Mission by the Gove Bauxite Corporation.

Yirrkala — Later Events.

August, 1963.

A unique petition on bark was addressed to the Members of the House of Representatives. Its text, written in English and in dialect, requested the Parliament to appoint a committee, with interpreters, to hear the views of the Yirrkala people before firm arrangements for the use of their land were entered into with any company. In a statement made in the Parliament on August 20th the Minister for Territories said: “One could not regard this petition as having been signed by twelve persons who were in a position to speak on behalf of the whole people of Yirrkala.” A week later, an identical petition from Yirrkala arrived in Canberra over the signatures of Aborigines whose authority was beyond question.

September, 1963.

On September 12th it was announced that the Government would accede to the request of the Yirrkala petitioners. (A good deal of the initiative that led finally to the granting of this historical appeal had been taken by the Opposition Party. At the time the Government held a majority of one in the House of Representatives, a situation which gave force to any views held seriously by senior Labour Party members.)

On September 19th the members of the Select Committee were appointed. Messrs. Barnes, Chipp, Dean and Kelly were nominated by the Prime Minister and Messrs. Beazley, Bryant and Nelson were selected by the Leader of the Opposition.

October, 1963.

During the first week of October the Select Committee took evidence from twenty-five persons, eleven of whom were Aborigines, in Canberra, Darwin, and at Yirrkala. The Committee’s report, which was hurriedly prepared, was presented to Parliament on October 29th, a few hours before the House went into recess for the elections.
December, 1963.

Gove Bauxite Corporation withdrew its application for further leases at Melville Bay, near Yirrkala. This application had been opposed formally by Mr. G. M. Bryant, M.P., on behalf of the Federal Council for Aboriginal Advancement. It was learned subsequently that the French interests which operated through Gove Bauxite, had decided not to proceed with the proposals which had been made public early in 1963, but had chosen, instead, to share the cost of building a treatment plant with other companies at Gladstone, in Queensland.

On December 31st Rev. E. A. Wells, the Superintendent of the Mission, left Yirrkala, having refused to accept a transfer to a neighbouring mission.

May, 1964.

On 7th May the Minister for Territories, Mr. Barnes, replied in the following terms to a question asked of him in the Parliament about the implementation of a recommendation made by the Yirrkala Select Committee. The Minister said: “The occasion has not yet arisen to implement the recommendation because there has been no further development. The recommendations of the Select Committee will be considered when something eventuates to warrant that being done.”

Present Revelance of Yirrkala.

There are a number of reasons why the remarkable happenings at Yirrkala should be referred to at the present time. Firstly, the Government is still prepared to negotiate mineral leases in the Arnhem Land Aboriginal Reserve and new concessions may be granted to commercial interests at any time. Secondly, moral principles, which had not previously been evident in Australia since Europeans arrived here, were seen in the events of last year. The appointment of the Select Committee to examine the grievances at Yirrkala was especially significant. The Commonwealth Government had not previously paid such serious regard to a group of Aborigines. Eventually, the Committee recommended that monetary compensation should be paid directly to the Yirrkala people. It also recommended that the Parliament should establish a standing committee so that the Yirrkala situation could be kept under scrutiny. The fact that the recommendations of the Select Committee were tabled, and forgotten, just prior to the Federal elections is another reason for looking at the issue today. The report of the Dean Committee deserves to be discussed in the Parliament.

Finally, it was clearly shown to the Committee that the Aboriginal people of Yirrkala had not been effectively consulted about the mining developments, although views to the contrary have been expressed by several Cabinet Ministers and others. In the words of the report: “Your Committee finds that no discussion took place between Administration representatives and the Yirrkala people before excision. This discussion was between the Administration and the Methodist Mission authorities.”

This final point emphasises that it is our responsibility today to ensure that suitable means are found that will allow outback Aboriginal groups to participate directly and independently in events which vitally affect their communities. While it is realised that Government and mission personnel may bend all their energies towards safeguarding Aboriginal interests, it is now both wise and necessary to see that the Aboriginal communities at Yirrkala, Groote Eylandt and elsewhere, are enabled to hire legal counsel of their own, as would other citizens, when big schemes are afoot.
QUEENSLAND

New Legislation.
New policies for the Aboriginal and Torres Strait Island minorities have been under review in Queensland. A Government-appointed committee has given some attention to submissions made to it, and a group of politicians, led by the Minister for Education (Hon. J. C. A. Pizzey) recently completed a broad, but brief, survey of Missions and Settlements in northern Queensland. Draft legislation is now ready, and the Government appears determined to have the legislation introduced at an early date.

Newspaper reports indicate that the proposed legislation may not go as far as that passed recently in the Northern Territory and Western Australia. It has been suggested that a full State franchise will not be granted and that Aboriginal people in some areas may elect a representative who will not have full voting rights in Parliament. Some liberalisation of the provisions which restrict Aboriginal drinking can be expected. In Queensland, the Director of Native Affairs exercises arbitrary powers which are excessive. It can be anticipated that these will be reduced, or linked to well-established judicial processes.

The Scope of Queensland’s Problems.
Four major problems confront the Aboriginal administration in Queensland. These are the provision of a welfare staff to supplant the network of police protectorships; the huge, self-perpetuating settlements; scores of poverty ridden fringe-communities and individuals; and, finally, Aboriginal dependence.

Certainly many legal provisions of a positive kind will be needed to deal with these conditions. It is unlikely that all the necessary powers will spring from the current revision. Yet the real need extends far beyond anything that can be provided by law. Queensland’s essential requirement is a sensitive and imaginative administration consisting of a field staff of at least one hundred persons.

While it should be recognised that Minister Pizzey is causing the Government to take seriously, at last, its responsibilities in the Aboriginal field, it is inconceivable that any change will be dramatic enough to favour the construction, in anything under a decade, of even the framework of the administration that is required. When a new administrative structure is a reality, Queensland’s Aboriginal problems, neglected and suppressed for so long, will be seen clearly for the first time.

The disposition of very considerable financial resources will be necessary to raise the physical standards of the many Aborigines. Even greater funds will be needed if the under-developed communities and individuals are to achieve actual independence. It is not possible to say too many times that Queensland cannot deal with the problems of its coloured citizens without Commonwealth funds. In the future, it may be necessary also for the State to borrow trained staff from other States, or countries overseas.

FUTURE ISSUE:

During April the Legislative Council of the Northern Territory passed a series of bills relating to Aborigines. If assented to, these bills will remove a number of special laws applying only to Aborigines. This gives effect to the view expressed at the Native Welfare Conference of State Ministers and officials, held in 1963, that special laws applying only to Aborigines should be removed as soon as possible. Then, on May 14, the Leader of the Federal Opposition introduced a Private Member’s Bill into the House. This sought a referendum to delete Sections 127 and 55 (xxvi) from the Constitution.

These debates will be discussed in a future issue of “On Aboriginal Affairs”.

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CURRENT READING


John Collier has been one of the central figures in the struggle against the American insensitivity and selfishness which has produced such suffering for Indian Americans over the centuries. He has influenced greatly the course of events, first as a student and writer on Indian affairs, then as the Director of the Bureau of Indian Affairs, under President Franklin D. Roosevelt.

“Indians of the Americas” is a packed summary of the many terrible happenings which were experienced by the various Indian civilizations in North and South America after the Europeans came, for reasons military, economic and religious.

Collier tells also of the main features of the Indian New Deal which was inaugurated as the Indian Reorganization Act of 1934. This exposition has relevance for Australian policy making. Even more important are Collier's broad philosophies about the absolute value of indigenous societies. These views might have passed off easily as poetic day dreams if Collier had not been so deeply involved in the worrying business of administration. His essential theme is that Indian societies maintain a respect for human personality and for the earth's natural resources which Western societies seriously lack. “They had and have this power for living which our modern world has lost.”

Professor Collier's writing is not easily read, but his views deserve the attention of all Australians concerned with the determination of Aboriginal policies. He takes us beyond the limitations of our Western-type view of life with its stress upon individualism and acquisitiveness. He suggests that we should study with great respect the genius of Indian societies where, in a living democracy, individual men look out on to life with confidence and dignity.

A comment of the late Pandit Nehru seems appropriate at this point: “I am alarmed when I see how anxious people are to shape others to their own image or likeness, and to impose on them their particular way of living ... there would be more peace in the world if people were to desist from imposing their way of living on other people and countries. I am not at all sure which is the better way of living, the tribal or our own ... .”

Collier believes that the world requires urgently many of the values embodied in indigenous societies.

“Government Legislation and the Aborigines” by Federal Council for Aboriginal Advancement Sub-committee on Legislative Reform, February 1964, 5/-.

Nothing but the apathy and the ignorance of Australians generally can explain the distressing diversity that has existed in the legal status of Aboriginal people from one State to another for so long. Rightfully, the Federal Council for Aboriginal Advancement has always been concerned about this and the contributing causes. This latest cyclostyled document of 36 pages represents an attempt to clarify the complex situation.

The most useful section, entitled “Present Legislation,” is a comparative summary of the main policy provisions of the mainland States. In other sections criteria for application to Australian Aboriginal affairs legislation are discussed — attention is drawn to aspects of policy pursued in India, U.S.A., New Zealand and Russia; the international I.L.O. Convention 107 is described, and the draft of an “ideal” Aboriginal Act is presented.

“Government Legislation and the Aborigines” goes part way towards filling a gap that has long existed. Despite its limitations, it will assist students of Aboriginal affairs and stimulate more detailed study.

(Available from Aborigines’ Advancement League, 56 Cunningham St., Northcote, Vic.).
Bibliography — Australian Institute of Aboriginal Studies, Canberra. Available on request.
A listing of writings which have appeared on Aboriginal topics in the period April-October, 1963.
This third issue of the A.I.A.S. "Newsletter" contains items relating to the Institute, including a summary of the research projects which are being carried out under its auspices.
A highly technical exploratory study carried out at Kalumburu Mission (W.A.). Several recommendations are made including a suggestion that the importance of outback situations might warrant consideration being given by the medical profession to the establishment of a special psychiatric field service.
Methodist Commission on Aboriginal Affairs — a reprint of two significant articles, one on general Aboriginal issues, the other on the Report of the Select Committee on Yirrkala, which appeared originally in the Methodist "Spectator."
Available for the cost of postage from — Methodist Commission on Aboriginal Affairs, 288 Little Collins Street, Melbourne.

INTERSTATE NEWS DIGEST

★ Aboriginal Nurse Receives M.B.E.
Miss S. Corner, who has been nurse and matron at the Leonora Hospital for eight year was made a Member of the British Empire last June. Born in Western Australia, but trained in Victoria, Miss Corner has given an indispensable service to the towns and pastoral communities north of Kalgoorlie, W.A.

★ Administrative Changes in Victoria.
Just prior to the recent State elections the Chairman of the Aborigines’ Welfare Board announced that the Government intended to relieve the Board of its executive powers. A Board, which will have advisory functions only, is to be constituted by introducing amending legislation in the near future.

★ Death of Former Chief Protector.
Mr. C. E. Bartlett, for 10 years head of the South Australian Aborigines’ Department, died suddenly on August 18th.

★ Liquor, etc., in W.A.
The amendments to legislation affecting Aborigines in W.A. which were announced earlier in the year, came into force on July 1st. Restrictions on the supply of liquor to Aborigines have been removed only in the settled southern regions of the State. According to official reports, no great problems have been presented by the changes. In some towns drunkenness has increased, but there have been decreases in other districts. Such contradictions would tend to indicate the degree to which social factors influence Aboriginal drinking.

★ Students and National Aboriginal Observance.
The National Aborigines’ Day Observance movement began inconspicuously after the War. In recent years the month of July has become a focal point for a variety of social and cultural activities which draw attention to Aboriginal issues. Sydney, in particular, has seen some very successful radio and television forums, displays and public meetings. This year University students were involved for the first time. In Melbourne and Sydney students demonstrated against discrimination by marching to the States’” Houses of Parliament and distributing leaflets. The Student body has shown very little interest in Aboriginal issues until this year.