

LARRAKIA NATION

ABORIGINAL CORPORATION

2/49 Alawa Cres.
Alawa NT 0810

Phone: (08) 8948 2277
Fax: (08) 8948 2681

**SUBMISSION to the
HOUSE OF REPRESENTATIVES STANDING COMMITTEE on
ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS for
HEARING ON THE REVIEW OF THE
ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) ACT 1976
By JOHN REEVES Q.C.- Darwin 18 June 1999**

Larrakia Nation Aboriginal Corporation

The Larrakia Nation Aboriginal Corporation was incorporated on 25 May 1998. It was created to support the eight family groups composing the Larrakia, the indigenous people of the Darwin area.

The Larrakia are known as “salt-water people”, the indigenous group occupying the coastal area around Darwin when the Europeans arrived. Today they number about 1500 in the Darwin area. They have been struggling for over twenty years to obtain recognition as the traditional owners of the land in a 50-mile radius of Darwin. Last year for the first time, the Larrakia people have been offered title to land in Darwin in compensation for the proposed railway corridor through Larrakia Country. A block of land at Bullocky Point between Mindil Beach and Darwin High School has been promised for development of a cultural centre for the Larrakia.

The Larrakia Nation organisation was set up to facilitate activities in the area of native title. Its creation represented an important step in increasing the capacity of Larrakia to meet native title objectives and negotiate with the government, developers and others in the community in an organised fashion.

The Larrakia Nation is about more than native title though this is the key focus. Activities related to the land must be seen in the context of self-determination and preservation of cultural identity. By having their own organisation, the Larrakia have taken a big step toward self-determination. They are making their own decisions about things related to their survival, and beginning to increase control over resources such as funding. Maintaining the Larrakia cultural identity is absolutely essential to the well-being of most Larrakia people who need to have a choice as to the degree they want to assimilate to European culture. The existence of the Larrakia Nation organisation helps give them that choice.

The Reeves Report

Our review of the Reeves report is made within the context of the major goals of the Larrakia Nation Aboriginal Corporation. The main goal is **preserving the cultural identity of Larrakia people**. Without a cultural identity the Larrakia people as a group would cease to exist. It is that identity which gives meaning to the lives of many Larrakia people. It is that identity which keeps many Larrakia people from suffering dysfunctions such as alcohol abuse which have afflicted many indigenous people in Australia as they have tried to cope with the imposition of a foreign culture on their lives.

The Reeves report is set within the context of the assimilation policy which most governments have followed in Australia since European colonisation began and which is the current policy of the Commonwealth and Northern Territory governments. This policy has sought to make indigenous peoples like the Larrakia lose their cultural identity by taking on fully the majority European culture. It has been done through a variety of means in the past such as forced adoptions of the Stolen Generation and continues today in laws which do not accept the importance of cultural diversity. Much of the policy is based on ignorance. As one of the late-comers to the colonial party, Australian governments did not have the same amount of experience governing countries with other cultures, especially indigenous and pre-industrial ones. This resulted in a limited view of alternatives to assimilation.

The assimilationist policy also fits well with the views of many in the dominant culture and hence can be said to reflect a conscious effort to make all indigenous people accept that dominant culture as the only option. The current dominant culture, based on nuclear and sub-nuclear families, individualism and competition, and land as a commodity to mention a few characteristics is seen as the best. Other cultures based on such things as extended families, cooperation, and viewing land and its resources in a spiritual rather than economic sense are seen by many as quaint and out of place in the modern world.

The Larrakia people disagree strongly with assimilation policies. We want a choice in terms of how much of the dominant culture we take on. To have that choice we need to preserve our cultural identity and traditional customs. Without this our members have no choice except to fully accept the dominant culture and cease to be Larrakia except perhaps in name only. Some of us will choose to follow traditional Larrakia customs as closely as possible as other indigenous Australians do, mainly in remote areas. Others will choose to drop their Larrakia heritage for the most part and be fully integrated with non-indigenous Australian life. The important point is they will have a choice, not be forced to assimilate as happened in the past and which is still occurring to a large extent today.

A second goal of the Larrakia Nation is **self-determination**. The Larrakia people need self-determination to have that choice. That means have almost full control over activities in land owned by the Larrakia so that traditional

culture can thrive and Larrakia people living or visiting there can be free of interference from outsiders. It also means a reasonable amount of control of their lives in areas which are predominantly inhabited by non-Larrakia. This means the ability to make decisions about finances and other resources, especially the land.

Control of land and seas in Larrakia country is the third goal in our efforts to preserve our cultural identity and achieve self-determination. We are the traditional owners and custodians of the land. We want just compensation for any land taken but more importantly we want a say in how the land is treated. We have sacred sites in many areas including off-shore islands and adjacent seas and there are natural resources which have not only a spiritual meaning for us but also a practical value in terms of traditional bush tucker and environment for animals dear to us.

The listing of the three goals above does not mean that social and economic goals are not important. What is important is how they are achieved though. If social and economic development is seen in bureaucratic service delivery terms only within a European framework the goals will not be met. Health is a prime example where only recently are gains being made by indigenous-controlled organisations after years of throwing dollars at the problem in mainstream programs. Colonial administrators usually think they know best and are reluctant to listen to alternative solutions let alone giving up any control over their implementation. Aboriginal programs in Australia are already the most controlled in terms of finances and other areas. There needs to be accountability but we think this can be achieved within the context of our three major goals.

The Reeves report contains many general statements which support the goals of the Larrakia and other indigenous groups in the Territory. In Chapter 4, for example, Mr. Reeves supports the need for a partnership between the Northern Territory government and Aboriginal people. Reference is made to New Zealand where a treaty exists and the courts regard both sides of the partnership, that is the Crown and Maori, to act in good faith toward each other. Many of the recommendations in the report, however, do not follow from the statements, which alarms us in their implications for preserving Larrakia cultural identity, our self-determination and care of the land in Larrakia country. Our comments are based on this context.

1. Northern Territory Aboriginal Council (chapter 28)

The creation of an NTAC is given as a way to increase Aboriginal control but the structure would deny this. Having the appointment of members in the control of government is a violation of self-determination. Furthermore, the recommendation is patronising because it states that later Aboriginal people can appoint their own members inferring we are not capable of doing that now. There is a sense that the main reason for these changes is to increase the government's control over the land claim process. Turning over control of appointments can occur **after** the land claims process is settled! It has been a struggle to create independent Aboriginal organisations such as the land councils and the Larrakia Nation so it would be devastating to see a return to colonial administration in this area.

Apart from the increased non-Aboriginal political control, we are concerned about the increased centralisation. The recommendation for an NTAC concentrates power at the top. We need more local control, not less. This can be achieved through the development of more organisations supporting individual Aboriginal traditional owners and groups, as the Larrakia Nation supports Larrakia traditional owners and family groups. A bottom-up approach is needed to conform to traditional Aboriginal decision-making customs, and increase the capacity of Aboriginal people at the local and regional levels to deal with issues affecting them. Therefore, we support the continuation of the existing land councils rather than creation of an NTAC though we would not be opposed to their restructuring if this would enhance Aboriginal goals.

Evaluation of Reeves report recommendations related to Larrakia Nation goals

Preserve cultural identity: would have a negative impact due to increase in control by governments supporting assimilation policy.

Increase self-determination: would decrease it and increase government control.

Increase control over land: would decrease it through centralisation and increase government control.

2. Regional Land Councils (chapter 27)

Mention was made above of our desire for a more decentralised model. The issue of adequate resources needs to be addressed however. The estimated \$400,000 per regional council may be enough but more importantly is the structure for distributing the funds. We see no need to eliminate the existing Councils if an appropriate regionalisation program under their umbrella is developed. Traditional owners must be adequately represented on the regional councils. Effective local level organisations representing traditional owners by group would help. Having appropriate representation on the regional councils and a system for allocating funds would be required, probably spelled out in any legislation. This would include procedures for allocations to local groups for specific purposes. Administration costs need to be kept within an acceptable range (10-20%). Under our vision, the existing land councils would act as more as resource centres to local and regional bodies as well as the Council.

Evaluation of Reeves report recommendations related to Larrakia Nation goals

Preserve cultural identity: has potential for achieving this but as it stands, recommendations would weaken the identity by creating ineffective regional councils.

Increase self-determination: again, there is a potential if the existing councils were restructured and strengthened.

Increase control over land: same situation, effective regional councils could increase control, ineffective ones as proposed would weaken it.

3. Traditional owners (chapter 8)

The present system of land rights is based on traditional owners. The Reeves report turns the system on its head and puts the NTAC on top, then regional councils then the traditional owners. Traditional owners must be consulted and sign-off on any decisions affecting their land To be acceptable to the Larrakia traditional owners must be the key to the system and all other entities local, regional, etc. supporting their interests.

Evaluation of Reeves report recommendations related to Larrakia Nation goals

Preserve cultural identity: weakens identity by ignoring key cultural group

Increase self-determination: decreases it for traditional owners and by analogy to other Larrakia individuals and families.

Increase control over land: decreases traditional control.

4. Aboriginal Benefits Reserve (chapters 15 to 16)

This is a key entity for funding Aboriginal projects and increasing control by indigenous people. The recommendations of the Reeves report put decision-making in the hands of NTAC removing it from traditional owners. We oppose this because indigenous people including Larrakia need to have funds to spend as they see fit to enhance the culture.

Evaluation of Reeves report recommendations related to Larrakia Nation goals

Preserve cultural identity: would weaken it by putting control in hands of NTAC which may not represent best interests for preserving culture.

Increase self-determination: would decrease control over financial decision-making.

Increase control over land: less control over expenditures for landcare etc.

5. Mining (chapter 24)

The present system is complex but under Native Title it is possible to negotiate with mining companies in a streamlined fashion and achieved mutually satisfactory results. Interjection of an NTAC and more government control would slow down the process and remove control from traditional owners.

Evaluation of Reeves report recommendations related to Larrakia Nation goals

Preserve cultural identity: indirectly may decrease it due to lack of input on cultural issues in negotiations from traditional owners.

Increase self-determination: decreases it by shifting control to regional councils and NTAC.

Increase control over land: decreases it because those attached to it need to be in control.

6. Permits (chapter 14)

The permit system is important in controlling access to indigenous lands and adjacent islands and seas. Over time we would like to see more permits issued at the local level and greater monitoring of them. This is a positive way to protect the land and seas rather than a negative trespass system which penalises someone after the fact.

Evaluation of Reeves report recommendations related to Larrakia Nation goals

Preserve cultural identity: severely decreases potential for preserving identity by decreasing control over access.

Increase self-determination: passes control to NT legal system rather than local indigenous people.

Increase control over land: definitely decreases control over access to land

7. Northern Territory laws (chapter 18)

There is no need to change the NT laws in their relation to Aboriginal land. In compulsory acquisition, we are not aware of any projects in essential services, which were denied by Aboriginal traditional owners. Protection of Aboriginal sacred sites needs to be strengthened rather than weakened and traditional owners and Aboriginal organisations are in the best position to do so. There is too much interference in Aboriginal lands by non-Aboriginal entities who entry in the name of extending the “benefits” of the wider society. Most Aboriginal people have a clear idea of what services they need and the timing for their introduction. Government and other agents often arrive in remote Aboriginal areas with inappropriate projects to be implemented under unrealistic timeframes. We need less of this not more. All the NT government needs to do in most cases is do more consulting to achieve their objectives. Recent projects with the Larrakia such as a successful negotiation of the railway project prove that it can be done. For the most part, these are national issues and therefore a Commonwealth responsibility. Australia has international treaty obligations and therefore the Commonwealth needs to ensure that there is uniformity among the states and territories. The Native Title legislation is complicated and confused enough without adding to it by introducing new Territory powers.

Evaluation of Reeves report recommendations related to Larrakia Nation goals

Preserve cultural identity: negative due to threat to sacred sites and increased access to remote areas.

Increase self-determination: more control by NTG means less control for Aboriginal groups hence less self-determination.

Increase control over land: similar negative impact as threat to cultural identity through increased access and less protection of sacred sites.

Conclusion

The Larrakia Nation has already been working towards a partnership with the NT Government and the private sector to achieve mutually beneficially objectives in the area of land. A true partnership means a working together of equals. The Reeves report for the most part makes recommendations which have the potential for putting the Larrakia and other indigenous people in the Territory at a disadvantage. The Northern Land Council with whom we deal has openly stated that there is room for improvement in its structure and several of its areas of operation. We support the concept that Aboriginal people in the Territory and the Larrakia in particular would be better served by an improvement in the structure and operations of the Land Councils and regional entities rather than a massive restructuring which would in our opinion work against preserving our cultural identity, decrease our self-determination, and reduce our chances for control over the care and custodianship of land in Larrakia Country.

Yours sincerely

Bill Risk
Spokesperson