TREADING SOFTLY ON THE LAND: THE PLACE OF INDIGENOUS KNOWLEDGE IN NATURAL RESOURCE MANAGEMENT

Transcript of proceedings of a conference held at the University of Western Sydney, 10 December 1999

Shelley Burgin
Centre for Integrated Catchment Management
University of Western Sydney
Richmond, Australia 2753.

Financially supported by The Environmental Education Trust (Environmental Protection Agency) and the Centre for Integrated Catchment Management (University of Western Sydney)

Index:

Welcome to 'Treading softly on the land'

A/Professor Shelley Burgin
Centre for Integrated Catchment Management
University of Western Sydney

Good morning everyone, I'm Shelley Burgin and I'm the conference convener. My ethnic background is mixed-race. I'm predominantly Anglo-Saxon: there is a bit of Scot, a dash of English and a bigger dash of Irish (particular the temperament). The only ancestors that I have that can't be traced to British stock are Jews that fled from Europe some generations ago. I'm one of the few people in my family that have left Australia since my ancestors first arrived here, at least three generations ago, and I'm the only one of my family that has lived overseas.

My country is central Queensland. All of my people come from there. My ancestors have been there for at least three generations and there are a couple of generations beyond me: my daughter, son and grandchildren who also have an affinity with that place.

This is getting close to two hundred years of my people squatting on this land. So we're really 'Johnny come latelys' by comparison to the people who lived there before us. But it has been time to develop very close connections with the land.

My earliest memories are of Foleyvale. My family, the McCanns, were the only whites, that lived on that place. My father was a government overseer for the Queensland Department of Aboriginal and Island Affairs. Many people would now consider him the enemy, but I have never seen my father in that context. Its not the way I've perceived him and I don't believe it was the way the indigenous people he worked with saw him either. Twenty years after he left the Department of Aboriginal and Island Affairs, the old people of the settlement still used to come to him to ask him for help. For example, "How do you get this white man's money, this pension? You helped me mate get it, can you help me too, boss?" My father got all the glory, my mother wrote the letters to make sure that it happened. One such recipient managed to

get me sacked from my first job, the only time I've ever been asked to leave my place of work in my life.

Jimmy would come in on pension day and appeared to do his best to drink his way through his pension. What he couldn't drink of his money, he seemed to spend on lottery tickets in the newsagency where I had a Christmas job. When he arrived, usually well and truly inebriated, he told the whole world what a wonderful family I came from, how proud he was of me, that I was related to him and he'd known me since I was a baby. The owner of the newsagency didn't like it very much and he kept insisting that I get rid of him. This happened every fortnight. I had a really horrendous day every fortnight because I couldn't tell my 'uncle' to leave. In the end, I was asked to leave.

After leaving Foleyvale we shifted to the property that my grandfather had selected in Central Queensland. Living on Foleyvale and our property did much to mould my lifetime views and attitudes: my complete embracement of cultural diversity and my deep and ongoing passion for the land and its biodiversity. There is no doubt in my mind that my attitudes were gained during those very early formative years. At six or seven years of age I already clearly understood the environmental devastation that could be the result of inappropriate government decisions that encouraged land clearance by offering subsidies that were too good to refuse. The futility of hand removal of weeds in the cotton fields on the flood plains when there was no attempt to remove the seed source. But then 'children were seen but not heard' and later when I grew up I was 'an uneducated housewife who wouldn't know'.

I also recognised that my family were not the first owners of this land we called our own. I frequently cried for the old man who was the last of the tribal people that lived in that area. I was told he had to restrict his movements to what my grandfather called his property, despite the fact that it was his land. If he shifted off that property he was in danger of being shot or poisoned. So he lived out his life on that land and the remnants of his (and his relations) habitation could be clearly seen around the property when I was growing up. I don't know what happened to him in the end. Dad didn't know but presumably he died there. I carefully cared for the artefacts that I searched

out and found on the land in the hope that one day one of his mob would come back to claim them. They never did.

My attitudes have been further moulded by my work in Papua New Guinea where I had a variety of experience and for a time worked on the United Nations Food and Agriculture Organisation's crocodile project at Moitaka Crocodile Farm. More recently I have worked in Asia, including Timor.

As a mature student I was privileged to gain theoretical knowledge in environmental science that gave me a little credibility and supported the knowledge that I'd gained in my childhood and through my other life experiences.

In the last two decades I've been very active in resource management in New South Wales and in the last decade, in particular, with catchment management. Repeatedly I have found myself sitting around a table with a whole group of people who recognise that we could benefit from indigenous input to our decision making. I don't believe that there has been any conscious effort to exclude indigenous input, often it has been actively sought, but we generally have not been able to achieve it. This leads to a frustration that is unresolved. It is in this context that I came up with the idea to have this conference. It is an effort to try to bring together people who are interested in making sure that the indigenous knowledge is included in resource management.

The conference is designed to enhance our communication; to learn how better to communicate, to enhance two-way communication that will lead to better resource management and provide a more equitable outcome for the next generation. I certainly want to promote an Australian community for my grandchildren and their children that is focused on providing inter-generational equity, that fully recognises the place of all Australians, from all cultural backgrounds.

Speaking of equity, I need to acknowledge that the majority of the funding for this conference came from an Environmental Education Trust Grant. But even with that funding, I could not have managed today without my good friends from the Department of Aboriginal Affairs, Robbie Lloyd and Linden Coombes. They put me in touch with

a wonderful lady called Tracy Thomas from the College of Indigenous Australian People at Southern Cross University who, by the way, I met face to face five minutes ago. I'd also like to acknowledge the staff and students of the Centre for Integrated Catchment Management who are playing an invaluable role and Wendy Holland from the Wyung Indigenous Australian Education Unit on this campus. There are also of course many other people who have helped.

It is now my pleasure to ask Mr Colin Gale to come to the podium to welcome participants to the Darug Land. Colin is a distinguished Darug man who has done a great deal in this area to raise the indigenous voice and Colin is here to welcome us to his country.

Mr Colin Gale

Darug Tribal and Aboriginal Corporation

Members of the Aboriginal community, including the visiting Bundjalung nation, Associate Professor Stephan Schnierer, Associate Professor Henrietta Marie Fourmile, Rick Farley, Ian Woods, Tony McAvoy, special guests, welcome.

Australia's wildlife and landscape has changed tremendously over 200 years. How much change is there in one lifetime? Which lifetime do you measure the change by? Which area do you compare?

Whilst I have spent my entire lifetime in this local area, I've also visited a wide range of localities all over the Sydney basin in pursuit of a variety of interests. Interests such as collecting birds eggs; fishing in creeks, rivers, dams, lagoons; looking for old cars; shooting; ferreting; trapping; and a whole lot of other interests. As a child we caught rabbits, bandicoots, sugar gliders, ringtail and brush-tailed possums and baby rosellas. All this in our seven acre backyard paddock. A short walk to a dam or a creek and we caught eels, perch, golden carp, collected bags full of mussels, eastern water rats and even platypus existed in these clean waters which we drank without question.

But by the time I was 35 all this had changed. Most of the bush had been cleared and replaced by roads and houses. The waterways polluted or drained. The mussels were almost extinct, along with platypus and the water rat. So how does a young person

growing up, or someone moving into this new environment, think of his life experience considering he has so little to relate to. How can he look at a landscape and read its features that may be hidden by years of silt deposited after years of land clearing, farming and floods. Read where a creek may have been, not where it runs today: a creek that may be converted into the latest engineering idea. The grassed dished drain that holds no water unless it is raining, that will never hold a fish, frog or a lizard again. Both these existing types of waterways are further degraded by the sewerage overflow points that discharge raw sewerage whenever there is heavy rain or the system needs to be worked on.

I don't believe everyone is capable of understanding the land or landscape or even seeing what they are looking at. To sense the presence of a snake or some other unusual, unseen thing; to understand that springs can exist and where to find them; to identify the various fruits, berries and yams that are still to be found if you know the type of soil that they may grow in and how to identify those soil types. This has been my experience growing up on Darug land. An experience enriched by the teaching of many older members of my extended family and others. Experience that can often lead to conflict because of other peoples' perception of what is real or some academic teaching.

On behalf of all the Darug people I welcome you here today with the Darug words, *nollowa daruga nora*, sit down on Darug land. This is the land of the Boorooberonga clan of the Darug. The oldest documented family in Australia, documented to circa 1740 by Captain Arthur Phillip when he visited here in 1791. Again, I welcome you here today and thank you very much for coming.

Leanne and Jacinta Tobin

Children of the ancestors

Yarramundi was our great, great, great, great, grandfather and he was a Darug elder, Boorooberongal person, from this area. We are still learning about our culture and finding things out. This song is one that Jacinta composed. Its just a sort of homage to Yarramundi, I suppose, because he was long forgotten for us anyway. We've only just reclaimed him.

I'd just like to thank everybody for being here today and thank my elders.

Yarramundi he used to live at peace with this land
Around the Hawkesbury he roamed
This whole place he called home
And his song lines are still humming on.

Yarramundi guess what the colours nearly gone
A whole heap are dead and your family white-wed
And your bloodline we're still living on.

Yarramundi we poison the river, I'm sorry
Polluted it may be
The times have all changed
I wish we could take some responsibility.

Yarramundi I never dreamt
It would be this extreme
People are trying to tell me
I need insurance and diamond rings

Yarramundi we're living on
And humming on and humming on and living on.

His people had small pox
But Yarramundi knew the ancient ways
The secrets aren't dead
We've got to find them in our head.

Yarramundi please lead the way
Did you understand about energy
Did you use your heart with your brain
You didn't need technology or complexity
But your pain still remains.

Yarramundi we're living on
And humming on and humming on and living on.

I tried to walk in your shoes
Your shoes have too many thorns
Because the farmers have got your land now
And your walking tracks are no longer warn.

Yarramundi he used to live at peace with this land
Around the Hawkesbury he roamed
This whole place he called home
And his bloodlines we're still living on
And humming on and humming on and living on.

Ms Wendy Holland
Wyung Indigenous Australian Education Unit
Unveristy of Western Sydney

This is my first big stepping out. I was appointed to the position four or five months ago, after having some time out to write my doctorate, in fact, here at the University of Western Sydney – Hawkesbury, within the Faculty of Social Inquiry in New Humanities.

Firstly, I'd like to take this opportunity to acknowledge the original people of this land, the Darug and their descendants, some of them who join us today, and I'd particularly like to thank Colin, Jacinta and Leanne Tobin for opening today in their different ways. Because I think that that's what enriches this university; the diversity and the different ways in which people present and I think that that's a real strength and I thank you.

I'd also like to welcome the Bundjalung elders and other indigenous Australians, who have travelled from the north coast. I'd particularly like to thank those people from the University of Southern Cross who have been working away at supporting Shelley, working away long before I even took up the position. I'm very grateful to those people for that support. In particular I would like to thank Stephan Schnierer and Tracy

Thomas for that work. I'd also like to acknowledge the many other indigenous Australians who have come from all over New South Wales: all over Australia, including the Torres Strait Islands to make Western Sydney their home. Some of those people also join us today. I'd like to welcome all the indigenous people that have travelled from other places that haven't been named and I'd like to welcome you all to the University of Western Sydney - Hawkesbury as we know it now.

The university has just announced its going to have a major restructure and I'm not sure how its all going to end up. But it has been rather exciting times in the last four months and I'm feeling a little bit shell shocked, you might say, from all the negotiations that I've walked into and had to manage. I just want to take this moment to congratulate and thank the organisers of the conference for this initiative and hard work in making today possible. I especially want to thank Shelley Burgin and Stephan Schnierer and, as I said, Tracy Thomas who have carried the load.

I'm extremely pleased to be here in the capacity as Head of the unit. I am someone who does not come from the background Shelley or Stephan come from but someone who has worked in education since the early 1980s as classroom teacher but also, at one point, working as an Aboriginal Education Consultant for metropolitan Southwest Region. I've always worked out in the western parts of Sydney, and I'm really pleased to be here at Hawkesbury. I also come from a new humanities background that is very different. I'm really looking forward to today. To learn more from each and every one of you here and I look forward to meeting many people that I haven't had the chance to meet since I arrived back on campus.

It gives me great pleasure in introducing to you Stephan. Stephan I first met way back 10, 15 years ago maybe. I've had more to do with Stephan's brother, Peter Schnierer, when I was working in education but I got to know Stephan when I actually started working in higher ed. about 10 years ago. That was when I took up the job at the University of Western Sydney - Macarthur. It gives me great pleasure to now introduce to you Stephan Schnierer who is the Director of the University of Southern Cross College of Indigenous Australian Peoples. Stephan I thank you very much and I'm really looking forward to hearing more about your background and hearing more about what you've been doing up at the uni. Thank you.

Identity, culture and the environment

A/Professor Stephen Schnierer
College of Indigenous Australian Peoples
Southern Cross University

I guess it's my role really now to chair this particular session. But I'd just like to say a few things before we start. I'll then hand it over to our elders to have what I hope would be an interactive session between the audience and what our elders have to say, if that's what they're comfortable with doing. I'm sure they want to make some statements and some comments but then we might just open it up a little bit and people may want to ask questions or perhaps there are other elders in the community that might like to say some things. That's probably the best way for us to proceed and a comfortable way.

Before we actually get into that, I'd just like to acknowledge the fact that we are Darug land and to thank the elder here, Colin, for the welcome. It's a protocol that we're now trying to bring back more and more, whenever we go onto other people's country we acknowledge the traditional owners of that country and pay due respect. It's always very uplifting when we are welcomed on to traditional land and I'd like to thank you very much and I'm sure Uncle Charles from up our way will probably do the same before he speaks. Just to mention a little bit about our college if I may take five or 10 minutes.

With indigenous education generally in this country, as you would have just heard from Wendy, it always seems to be in a period of flux; fighting rearguard actions, that type of thing. Not just in indigenous education but more generally across this country in terms of being able to practise the rights that are inherently ours. We constantly seem to be oppressed by government policy and legislation to prevent us from doing what it is that we believe we should be able to do. As you know, in this country, there were no treaties made for us to give up the rights to do that but we seem to be still living, after 200 years, in a society where you would think there must have been some treaty to prevent us from doing all these things. Well, it hasn't happened.

I think that what a lot of units like ours up at Southern Cross University, the one here at the University of Western Sydney and across a number of the universities in this country, are doing now is really trying to grab an agenda from a particular angle and say we are here and we want the right to determine what should be happening in this particular sphere within society and education. I think that's been a belief that's underpinned what we've tried to do at the College of Indigenous Australian Peoples at the Southern Cross University. It's not something that we've done in isolation from our community. We have very strong contact between our communities up there. The Bundjalung elders play a major role in what it is that our college does at the university.

We started out, as most Aboriginal units within a university, with some piecemeal funding that came to encourage indigenous people into the university to get a qualification to become a teacher. But we've taken that further over the last 10 or 15 years. Some universities have expanded what it is that they're trying to do, others have stayed the same. They have stayed where they are because they've been within a rigid system that holds back indigenous initiative. I believe once those sorts of restraints are taken away from indigenous communities you get a blossoming; things can happen.

I don't want to pat ourselves on the back but the sorts of things that have happened in our college is an example. We started off as a support unit, basically helping indigenous students to get into our university. We're now a college that has an indigenous support unit. It also has a teaching role recognised along with all the other schools in the university. We teach a Bachelor of Indigenous Studies. We also now have an Indigenous Research Centre that is just beginning and is at the forefront of looking at how we deal with traditional ecological knowledge. How it melts or blends, perhaps, with the western paradigm, western scientific views of the world. How that knowledge is preserved, maintained and allowed to flourish and be practised. How we can protect the rights to access on that knowledge and ensure that the community has control on knowledge and gets a fair and equitable share of any sorts of benefits that are derived from the use of that knowledge.

This is a fairly broad brief for one section of our college but it's something that we believe we need to take on. Ever since the establishment of the vision for our place we

have recognised that one of the biggest problems in this country is the message, the education system. What our society or our young people are being taught in the school systems and in the university systems is knowledge based on a perspective that is not our perspective. If it's a university course you may find a lot of Aboriginal studies programs being taught and if you actually look at the reference lists for these books that are used they go to anthropological sources. This is the kind of information that has been put together over the last 100 years by white scientists who were brought into indigenous communities and recorded knowledge. Then having reported it and interpreted it in a certain way, those interpretations were used as the basis to teach other people about who they believed indigenous people were and what it is that they do. So you can see just in that little picture there is a lot of room for bias, a lot of room for error. Until indigenous people have control over the type of research that happens in relation to indigenous issues and can put forward in our own words the sorts of things that we're seeing and we can influence policy, we won't get a huge amount of change in this country, I believe, in terms of indigenous people being able to practise our rights.

It's a very difficult job and I'm sure that the Centre here will eventually move into that area and start to take on more teaching and research. One of the jobs that we have in our College is to help that along. We're helping a number of universities around this State to try and break out of just that simple administrative role and grab hold of the agenda and use the expertise that they have in there to let the university system know a bit of reality. A little bit of reality, not what is necessarily in the text books. So that's a little bit of history.

My background is that I'm actually a trained scientist. I did a Masters degree in marine and fishery science at Queensland University many, many years ago and came to Lismore because it was back in my home country and I feel comfortable there. I immediately set about working with our community to establish the college that we now have in what was then known as Northern Rivers College of Advanced Education. I've had a lot of involvement over the last few years at local government, community, State and National government levels and now at the international level. In particular I have been looking at the rights for indigenous people in relation to traditional ecological knowledge and where it fits into the great scheme of things. But, basically, my main aim is to try and influence the systems that overlie our community and help

our community, on the ground, to receive their fair share of what this country has to offer and what has been taken illegally. To turn that around and ensure that the kind of knowledge that we had about our environment is maintained and protected, but protected by the community. So without further adieu what I might do is hand over to Uncle Charles - perhaps, if he's got some comments to make - and Colin. After they've had a bit of say if people want to come in and ask questions about the sorts of things that they're talking about we might just open it up to the floor then. Thank you.

Uncle Charles Moran

Bundjalung Elder

Good morning. My name is Charles Moran and I'm an elder from the Bundjalung area that is on the far north coast of New South Wales. My idea of life today is that Aboriginal people are not recognised. By this I mean, like, you look at schools today: how many different languages have they got; they've got Japanese, they've got French, they've got German. Where is the original people's language from Australia? It's unheard of because we're not recognised. This is something, I think, that is really, really important to my people because we've been downtrodden for so long. Accepting our culture and language into the schools and universities would help us because our young people today are lost. They're divided. They're sitting on the fence, they don't know which way to go. They don't know their own culture and they don't know the European culture. That's why I say they're lost.

When I was growing up I was taught the culture, I was taught respect. That's one thing that's missing today with our young people, respect. The reason why I have respect today is because it was instilled in me when I was a young boy. Living in the bush, hunting and gathering was my lifestyle. An uncle of mine who was a traditional man, he was one of the initiated men from that area, took me in hand and taught me about the bush: what to do, how to track, how to hunt, how to live in the bush and that's been with me ever since. He also taught me respect and that's one of the greatest things today is showing respect.

So what people have got to realise, I think, is that Aboriginal people need to be looked at and given justice. By justice I mean recognition. This is something that is missing, recognition. What is looked at is the colour of our skin, not the way we are. If you see

a black fella in the street you look at him and say, "Gee, he's a black fella, there's something wrong with him". But you go and talk to that person and see their attitude towards life. It's totally different. The reason being is that they just looked at the colour of their skin, not the person themselves. That's what I found out a lot in my travels. I travelled a lot in my younger days and that's what I came up against, racism. But once people got to know me, they had a different attitude towards me. When someone first came up to me he would say "Oh, he's only another black fella" but after speaking to me and spending time with me they have a different attitude because they're looking at the person then and not the colour of my skin. So I think that's what's missing today, recognition of our people. So I think that's the way it should go and I thank you for listening to me. So if you've got any questions, fire away.

Mr Colin Gale

Darug Tribal and Aboriginal Coporation

I come from a different sort of a background. I come from an urban background. I grew up in an area, just down near Blacktown. That was the first land grant given to Aboriginals in Australia. It was given by Governor Macquarie in 1819. It was also the site of the Native Institution that they transferred from Parramatta to what became known as The Blacktown. Blacktown was actually named after our extended family community. Whilst we had numerous mixed marriages, the first official mixed marriage in the colony in St Johns Church in 1824 where my great, great, great grandmother. She married a convict whom actually built the Native Institution at Blacktown.

I still grew up with all the old oral traditions about how we got the land and why, and what for, and all these sort of things. I also grew up with my uncles who took us out and showed us how to hunt, how to do different things and how to identify plants. As I sort of put into my introduction, I don't fit Charles' stereotype of a blackface. I can sit on the fence and hear the black story and I can sit and hear the white story and I sort of cock my ear either way and hit two different visions.

But things can be difficult, like dealing with National Parks and Wildlife Service who do assessment of new lots of land for development. They like to deal with Land Councils but we've had a great deal of difficulty dealing with land councils because

we're not acknowledged by a lot of land councils. In one particular piece of land down the Windsor Road here towards Kellyville, the Aboriginal Land Council and the archaeologist did an assessment of this land. I've been fighting that since 1993 because I challenged them on the validity of their assessment. Because they didn't understand the way the people used that land. They must have all camped within 50 metres or 100 metres of the creek and the assessment didn't take this into consideration. Overall the study was fairly banal, there wasn't much guts in it, and I said "it was because you're looking in the wrong area". This year we managed to get a study done with another archaeologist that involved Darug people.

Again, National Parks and Wildlife Service and their archaeologists mapped out an area more to where I wanted stuff done. But, again, when I walked on there and had a look at it and said, "You're not going to find anything here either". They went, "Why?" We dug a lot of pits all over this land and it came up basically empty. They spent a lot of money. "God," you know, "we're not going to have much of a result here". So they actually said to me, "Where would you dig?" I said, "Well, I'd dig there and I'd dig there". "Why?" they said. They dug a couple of pits and within probably one or two pits of a metre square, they found a great heap of spear points and things like this. In one 50 x 50 centimetre square hole we found 316 items. So you multiply that by four and you come up with about 12 or 13 hundred Aboriginal artefacts and associated pieces of stone.

This occurred and we eventually ended up with five or six thousand artefacts and stuff. Types of stone that had never ever been recorded in the area. Spear points that had never ever been recorded on the Cumberland Plain. They said, "Why did you pick that? Why do you reckon it wasn't there?" I said, "Well, it's got four different types of sedges on this property but there's a huge amount of springs and things, you don't need to camp down by the creek because you got nice fresh water springs if you look around". So that's some of the interpretations and things that I was talking about earlier.

I've also been out with people looking for scarred trees and things, teachers and other interested people. They wonder around looking up in the trees and I say, "What are you doing?" "We're looking for scar trees, you know, they were put on trees 300 or

400 years ago – and the tree has grown." You say, "What happens if you nail a piece of wire for a fence on the tree and you keep coming back every 10 years and pull it down?" There's some really remarkable things that you meet with when you go out and start looking at ochre stones and things like this; where do you find them? They don't occur everywhere, and all this sort of stuff.

Even though there's parts on the form that says "Is there any fresh water here? Is there any natural foods here", many of the National Parks and Wildlife Service assessments done through the archaeologist just put a line through it. In one particular case on the land grant down there, there's a water hole down there that has never been known to run dry. It never ran dry since European settlement anyhow and I've said to those archaeologists, "You walk along this creek. What is special about any part of that creek, you don't know because you have no knowledge."

Its the same with the land council people. They come from other areas to sit on land councils in our area and they do a cultural assessment of this area. We say, "You've got no knowledge of this area. You don't know where people lived, or who lived, or where, or whatever. You don't know where there are burial sites". There are seven major burial sites in this area and they are, virtually, only known to Darug people. So there's all these sort of background issues that have been passed down. Even though, as I say, a lot of people look and say, "But you're not black enough to be a black fella" and I've got a land claim which encompasses the whole of Sydney but it's only a little piece of it.

Again, when we first went to lodge it with the Native Title Unit in the New South Wales Land Council, I wanted to put a boundary around our area and they said, "You can't do that. You have to identify the piece of land bit by bit." I said, "No, this is our boundaries". John Howard come in and what he'd do? He said, "You can't nominate a piece of land, you've got to put a boundary". Because this was his way of tricking people. You won't know where your boundaries are. That has caused a great deal of confusion, as I was discussing with Charlie before.

There's a lot of people saying, "Well, we own that way", and "We own this way", and "We own that way", because they don't really know. A lot of people that are actually

claiming native title don't understand what is a boundary. People have put in claims saying, "Elizabeth Drive up to the wall of Warragamba Dam," but bloody Warragamba Dam wasn't there until 1947, so how do you fix that point? So you've got people doing all sorts of strange things because they don't understand boundaries. We've got people claiming the Homebush site as Dharawal country. Dharawal is south of Botany Bay. But they're saying, "No, we also own Homebush Bay." But all the documented language and everything else don't support what they say and we've got living descendants of that area. We know that area but, again, they're drawing these funny lines.

They say, "We go to the far side of north shore". That's not the Aboriginal way. The harbour is there and you more or less draw a line through the middle of the waterway, you own half and they own (well, you don't own it) but one half is yours and one half is theirs. But people are saying, "No, we go to the far bank". You say, "Well, how do these people get on down here, they're trespassing on your land". So, again, there's a total lack of understanding from Aboriginal view points. Those are some of the things.

Apart from the word kangaroo, which Captain Cook recorded up on Cooktown when he got shipwrecked, he never recorded any language in Sydney. The first Aboriginal words ever recorded in this country are the words, *warra warra*. When they came into Circular Quay and they started unloading, the Aboriginal people went down and they shook their spears and everything else and yelled at them and they used these two words, *warra warra*. Did they say, "*Warra warra*", "Where do you come from?" They did not. "*Warra warra*", "go far away", because that's what it means, far away. So they were the first two words ever recorded on this continent after European settlement and that is Darug language.

A lot of people might understand that Sydney is Eora, up to about Parramatta. It is Eora. We also have these people in Sydney claiming to be Eora-Dharawal people. What they're saying is we are people-Dharawal-people because Eora means, "people," or it can mean, "this place". So they don't understand the language. But the Eora area is basically from Duck Creek (up near Parramatta), down to Parramatta River (round the Harbour), back up Georges River and back up to round Milperra. That is what we call the Salt Water Clan or the Darug people.

Every area up and down the coast has a salt water and a fresh water group of people. Again, it's all about understanding where boundaries are. The Great Western Highway is a boundary between Gandangara and Dharawal people. Great Northern Road going to Wisemans Ferry is another Aboriginal walking track. The Bells Line of Road is an Aboriginal walking track. Putty Road is an Aboriginal walking track. So all these areas are boundaries or common land to allow passage of people and to allow people to move in and out of areas without being challenged and things like this. So there's a whole lot of issues that people have to understand before they try and get involved in a lot of other things.

I'll just finish up on language. We have now got a huge amount of recorded Aboriginal language in Sydney. The Darug, Eora, coastal inland, a lot of the Gundangara language is the same. The word *colo*, means koala. This one will sock ya, one of the very, sort of, common terms for white people all over Australia is *gubba*. I've had Aboriginal people say to me, "You're only a *gubba*." You say "Good". Then they look at you and they say, "What's wrong with you". Because *gubba* comes from the Gundangara and from the Darug language and it means, "spirit man," or "small hairy man". So when they call you a *gubba*, they're implying that you've got some great status, without realising. But a lot of people have taken on this term because they say it came from the word contracted down from "gubbament". So the "gubbament", the *gubbas*. It's sort of a later-type version of that sort of language. If they go back to the original, it's documented very early in the piece. Again, when they came into Circular Quay, they went up in the sails. These people had hands, they had hats, they had faces, they had shoes and full clothes on, they weren't human, they were spirit people. So as they went up the rigging to get the sails down, the people stood there and said, *gubba, gubba, gubba*, spirit men going up into the sky. So it goes back that far. I think I'll leave it on that.

A/Professor Stephan Schnierer

College of Indigenous Australian Peoples

Southern Cross University

No, I could sit and listen to it all day. I think you can see that with our elders here that we have a vast body of language, indigenous knowledge, knowledge about all sorts of things. I was noting there earlier when Col was talking about the archaeologists and people going out and digging over here or digging over there, when they could have come talk to indigenous people, traditional owners of that land, on an equal basis and on equal terms, about the land and where they might find that kind of information. It may only seem like a small thing but that kind of approach, that idea of devaluation of indigenous knowledge has certainly oppressed indigenous cultural practices because it has tended to underpin the development of government policies that do devalue Aboriginal, and still do in some cases, culture and Aboriginal knowledge. It keeps it out of the picture. Keeps it out of the development of policies and strategies in relation to environmental use, if you like.

As we were driving over Henrietta Foremile, who's going to be presenting in the second session, had a phone call from Western Australia about an article in The Australian yesterday. You might be wondering where I'm going with all this and we'll link it back to what Colin was saying. Before I do make that link I just want to say I think you've come here today for a conference called "Treading softly on the land" and what's what it is all about. We have to constantly remind ourselves of a white and black perspective or an indigenous and non-indigenous perspective in relation to the environment and its protection and its use.

For indigenous people the last few years has seen a growing interest in indigenous people because of the deep link between indigenous people and the land and that somehow that link has some sort of knowledge there that may be accessible to non-indigenous communities, western society, industrialised society in someway to help right some of the wrongs that have been rort on the environment. That tends to be a perspective that gets put on to us so we're asked to come and talk in these forums about that kind of knowledge and how we can sort out problems that have been foisted on to the environment by people who don't have a very deep and meaningful understanding of the environment. That is one perspective but for us, when we are

asked to talk about indigenous knowledge and the environment, there are other angles to this. In the world that we live in today we have what is known as "buyer prospectors" who are going out and looking for new medicines, new food plants, those sorts of things so that they can be exploited, turned into money and make people very wealthy. Yesterday as we were driving out to the University of Western Sydney (we didn't realise how far it was out from Sydney) about an hour and a half into the journey we started to get the picture, particularly through the peak hour traffic, but it was beautiful to come out here. I'm glad we did come out here.

Henrietta had a phone call about a particular article in The Australian that was entitled, "Search for rich pickings and green prospects". Over in Western Australia now where the government is just selling off the rights to the genetic resources of that particular State to buyer prospecting companies like Biogene, etcetera, etcetera, without regard to indigenous people and the rights of ownership to the biological resources that are found on traditional land. For us it is a huge issue. When people talk about native title they tend to think of, "Oh well, they just want some land back", but what's on the land is what you derived your living from, the resources that are there. We strongly believe that we have a right to the ownership of those resources.

There's a vast and extensive knowledge from all the different nations in this country about those kinds of resources on the land, whether they are plants, animals, whatever. Knowledge about the use of those plants and animals that is now being actively sought by many international and national buyer prospecting companies with a view to making huge amounts of money. As Col was saying, you know, you can go out into a rainforest with thousands and thousands of species. As a buyer prospector you could go along and you could just go to different areas, pick leaves, whatever, sit down and do your little analyses on those sorts of things but it will take you hundreds of years to do those kinds of bio-assays if you wanted to check every species in that particular environment to find something that may have an active ingredient. But if you go and talk to the traditional owners of that country, the people who have lived there and have been using those resources, you might find that you don't need to look at 90% of those plants, or 90% of those animals because they've been using 10% of those for certain things. If you go straight to that kind of knowledge and then go off and find those particular plants, you've made a big short cut there and saved yourself a lot of

resources. Unfortunately, what tends to happen is that the community is cut right out of any of the benefits or any of the respect that goes with that knowledge and how knowledge is used to protect those plants and animals in that environment.

For us we talk about treading softly on the land or caring for country, etcetera. Its much broader than maintaining the environment. Its also about how we derive a living from the environment and what divides us, the people, from that particular country. If you take people out of that country, the country changes. Our people shaped the kind of biodiversity that you see in a particular area. So to stick that biodiversity into a National Park and throw a wall around it and prevent people from going in there and practising their culture you're doing two things: you're changing the nature of that particular piece of land because the cultural practice that shaped the kind of biodiversity in there isn't happening any more. So the biodiversity is obviously going to change. It's a thought worth dwelling on and thinking about. But also to go and chop down that rainforest and kill those plants and animals in that particular environment is destroying culture because our people, as was told by an elder of ours in the Bundjalung country, had words and stories for those plants and animals in those forests. You remove those and all we're left with is words and stories. So environmental degradation and environmental destruction is cultural destruction. One of the things we're trying to really get home now in the environmental movement and with conservation groups is environmental biodiversity and cultural diversity are one and the same. You cannot separate people out of the environment.

I think in the next session when we start locking at the sorts of recognition and acknowledgment at the international level of this, and how that's now feeding into conventions which are trying to influence governments, federal and then state governments, you'll start to see where we're coming from as a group of people who are quite often sought for advice on environmental issues. I've been on some committees with Fisheries, National Parks and that and they have been surprised when I've suggested as one of the strategies that some of the resources should be directed to the maintenance of the language of that particular area.

What's that got to do with protecting the river or protecting the plants, animals and the fish that are there? Well, the language has the knowledge about those plants and

animals and interactions. If we lose that language then we're losing that kind of knowledge. So environment preservation and protection is also about the preservation and protection of Aboriginal languages and cultural practices.

Mr Colin Gale

Darug Tribal and Aboriginal Corporation

Okay...I've been working with quite a few groups. One of them is a group called East Bend up at Maroota. Now they've been putting exhibitions and things on. We looked at understanding the word "maroota". Where did it come from? They had some idea that it was land of many springs or whatever. But its just a simple extrapolation, anglicisation, or something of *mooro-ta* meaning "pathway to". So originally this old northern road was the pathway to the Hawkesbury River that is *durabin-mooro-ta*.

So we actually put together an exhibition that was on in State Parliament on November 8 and 12. What they call "cultural mapping", English, Aboriginal, the whole story of it. There's a huge sand mass up there and its going to be, or anticipated to be, mined for the next 75 years. It will be much bigger than Penrith Lakes. This area is all in sandstone country and, again, there's a lot of farmers up there who have been farming that area for hundreds of years because of the watertable that's in there. They just go and dig a dam and it fills up with water and they spray their crops.

But since they started sand mining a lot of these dams have actually ceased to be dams. They've reverted to holes in the ground. Because sand miners have got into the water table and either intercepted it or diverted it or something else. Again, we've got the local land council who has actually claimed four and a half thousand hectares up there of this Maroota forest. A lot of people have put together groups over around Glenorie and Dural and they're really, basically, rednecks. They don't want to understand why or anything else. All they want to do is keep the bush, even though most of them don't use it.

They've tried to get a response from the Land Council, "What are you going to do with it?" The Land Council says, "Well, when we finally sign off on the contract, we'll let you know". This is because they don't want to tell people what they want to do with it either. So with East Bend and a few other different people, the green movement and

things like that, we've actually tried to put this exhibition on and the Parliamentarians were very impressed with it. The exhibition was to say that this bushland needs saving because there's a huge amount of Aboriginal art in the place.

I've been out there and even though there has been assessments of this place there are Aboriginal things there. There are little scratches in rock, they're like veins leading up to arteries, which collect moisture on these dry plateaus and things. Sometimes there's moss there and if you tread on the moss the water comes into these little veins; then go into bigger areas; and then may go into pools. People haven't looked at these sorts of things. But there are lots of trees that have been burnt out. When the Aboriginal people used to burn off the animals would run into these hollow trees for shelter and, of course, the Aboriginal people would come along and collect them. But people look at them and say, "The bushfires burnt them out but they don't actually recognise the fact that these are Aboriginal connections".

So there's a huge amount of stuff that has been unexplored there. National Parks and Wildlife Service did a biodiversity study on the Cumberland Plain) and recognised that the only place to find mussels now is in Little Cattai Creek that originates on the Maroota Plateau. I know where there are two other creeks that do, that's where this one came from. In every waterway there used to be mussels everywhere but pollution and stuff like that has wiped them out. But there's a huge number of eastern water dragons, snakes and all sorts of birds and things in this area. It should be enclosed in a National Park or something like this, rather than being changed into another mining area.

I notice in this little pamphlet that Geoff Buckin gave me this morning, called "Sand mining amendment at Dixon", that Dixon's have written an amendment to their original development application to recommence operations. They are now seeking approval to operate over 10 years instead of 35 years. So it looks like there is some sort of restriction on the miners. What effect that will have on a whole lot of things, like Cattai Creek, Little Cattai Creek, Hawkesbury River, Marramarra Creek, Berowra Creek, the whole lot is not known. But the water all falls down at the different areas: east, west and south. Little Cattai owes its total existence to the Plateau. That's where the head waters are. They come out of these springs down into waterfalls, down through the sand mass, or sandstone, and so on and down to the Hawkesbury River. So

if they actually get in there and wreck too much of it, that creek will actually cease to flow, probably along with a lot of other ones.

So that's the sort of things that I'm interested in. Apart from my own background and my studies that I've been involved in that have included a whole lot of things over quite a few years but I thought I'd just like to share that one with you.

Uncle Charles Moran

Bundjalung Elder

I'd like to talk a bit more about my growing up and living in the bush; hunting and gathering and how it is today. Today, a lot of my people cannot do that because of restrictions. They're not allowed to go and hunt like we used to. When I was growing up we had free range, pretty well a free range. We used to go hunting and gathering pretty well every day. Today it is different. They've got signs up, "Trespassers will be prosecuted". I think that's really bad because they've taken away our culture, our livelihood. Our people lived for that.

When I was growing up in the bush the small town nearby had a reserve there. I had to go to school on this reserve. The reason why it was called a reserve was because there was no manager there. When they have a mission they have what they call a manager. On these missions when Aboriginal people were put on to missions the first thing they were told, "You can't speak your language. If you speak your language, you will be punished. You can't go and hunt and gather". So what they did then was take away the two basic things that Aboriginal people did: hunt and gather and speak their language.

That is why the language is lost today because our people were too scared to teach it to younger people because they would be punished if they were caught speaking the language. With the taking away of our language went all respect. That's the greatest thing today, as I said before, respect. But a lot of my people go gathering, they go hunting and fishing and they're doing this, probably, illegally. Because the way things are today they're trying to put restrictions on fishing, for instance. You're allowed just so many, you know, there's a bag limit. But what these people don't realise is when I go out fishing and I got a community where I live and give food to. I go out and I might catch a whole swag of fish, about 20 times my bag limit. When I go home, what

do I do? I go and distribute all this stuff. That's our way of living. But people don't see that today. They see, "That bloke's going out there; he's gathering all the fish, turtles, shellfish, or whatever he's got. What's he doing with it?" They don't look any further than that. They just say "We're going to take you to court because you're over-fishing. You've taken over the bag limit". They don't look further than that. They should look back and say, "Well, okay, if you're going home you're going to distribute that amongst other people that are unfortunate enough not to get out there and fish or hunt and gather".

That's where it all comes in because our people, when I was growing up, we cared for each other and shared. Whatever hunting and gathering we done, we came home and shared it and that was the Aboriginal way of life. Its getting this way today now that everybody looks after themselves. They go out and just get enough for themselves. But the way it should be is that Aboriginal people should share with each other. Another thing I find in life is anthropologists and linguists, they've had a big impact on our lives.

Linguists, for instance, they come out and they talk to people and they want to learn the language. They want to record it and write it up. But I think its just about impossible to write Aboriginal language because over the thousands and thousands of years it has been handed down by word of mouth. My ancestors never ever learned to read or write so everything they did or spoke of was handed down by word of mouth. So linguists come in and say, "We want to record your language. We want to write it up". How do you write it up? They cannot. They say all these phonetics and stuff but people have got to be educated to read that sort of stuff. So the way I see it is they've got to have it spoken to them. People have got to stand up there and speak the language. You can see that person speaking the language and you can hear it.

You see up in our area now we've got names of places that have changed because of lack of understanding by linguists. We've got a place, a sacred area, they're called *dhoolamee*. In Aboriginal language that means head lice. But when Europeans came along and looked at it, they said, "We'll call it Taloom", which is totally different. Another place they call Nimbin which is pronounced *nhyumbin* in Aboriginal language.

This is how they bastardised our language. People today they don't understand what's taken away from us, our language and understanding.

Then anthropologists came in and said "Okay, we'll record your boundaries". How? How are they going to record our boundaries? Draw a straight line between here and there and that's the boundary? No. Our boundaries, in my area, were mapped out by rivers and ranges. That was the boundary. You wouldn't get a river running in a straight line or a range running in a straight line. So this is how things have totally changed. They've mucked up our system. They've really ruined everything for us. People are so confused now. I think that's what is wrong with us because of the way things are, you know.

I don't know I'd like to see it get back to what it was. The only way to get it back to what it was is to involve people with the knowledge to come in and speak about it and record it. It doesn't matter about writing it up. If you can't write it up, you can record it. At least you can hear it and if it's on video you can see it. But writing it up, I think, is going to be totally different, especially in Aboriginal language.

Mr Colin Gale

Darug Tribal and Aboriginal Corporation

Yes, I'd just like to comment on something that Charlie has talked about and expand on it. There's a fellow from down Wollongong and he decided he was going to invent an Aboriginal language, a way of writing it all down. He drew up all these like hieroglyphics and all sorts of funny little squiggles and so on. He said "All the language from Port Macquarie right down to the Victorian border is all the same". He was speaking to me on the phone and he said, "I'll come up and see you and discuss it with you", blah, blah, blah. He said "Where do you live?" I said "I live at Marayong". He goes on a little bit more and he said "Oh, Marayong, half finger". I said "What?" He said "That means half finger or half little finger". I said "No, it doesn't. It means emu. That's the traditional name of the emu in the area". "No, no, no, you don't know what you're talking about".

He actually came and sat down with a group of us at Blacktown and with some Wiradjuri people. We were telling him things and he said "No, no, no, you don't

understand. You have got it all wrong". We said "No, you've got to learn to listen". "Don't tell me what to do". This bloke actually was going to get a large grant of money to put this thing into all public schools. We just cut him right off and everybody else. As everybody says "How do you spell the word Darug"? We've got about seven different spellings because it's a phonetic thing.

So you have people inventing squiggles and things to represent words and stuff. So, again, you've got to be very, very careful of what actually happens. Like Charlie was saying, we were doing some research on the Sydney language and we've got some very good records right back that nobody has sort of looked at. It's a lot like Latin, about what comes before the word and what goes after the word and all these little bits and pieces that go onto it. Its very, very hard for everyday people to look at this recorded written language and decipher it. So you'd need somebody to actually speak it, rather than try and decipher from a written point of view.

A/Professor Stephan Schnierer
College of Indigenous Australian Peoples
Southern Cross University

Thank you, Colin. But it's interesting this reinvention of Aboriginal language. I think we could transpose that to a reinvention of the Australian landscape to an English landscape, you might see some parallels.

Ms Wendy Holland
Wyung Indigenous Australian Education Unit
University of Western Sydney

Thank you, Stephan. Shelley asked me to talk about my role here in Hawkesbury. But before I do that I just want to take a little bit of time just to tell you a little bit about my background. I'm not Darug, I'm a Murray. My Aboriginal family originally came from south west Queensland. My great, great grandmother was a Mandandanji woman. She was married to an African, Irish fellow. They had seven children. One of those seven children was my great grandfather. He was removed from his people and taken to the circus where he was trained to be a circus performer, an equestrian acrobat, and travelled around the country performing. He had a circus career that spanned 30-odd years. My doctorate work is actually telling that story, that family story.

I'm really excited about the fact that Hawkesbury has created a space for me to actually do that work. That really excites me. There's three Aboriginal workers employed within the University of Western Sydney - Hawkesbury. I work on both campuses: Nirimba campus, which is at Blacktown and this campus. There's just recently been an appointment of an Aboriginal woman to a lecturing position within the Faculty of Health. We have another fellow working in the Information Technology Centre that's based on this campus. But across the whole of the University of Western Sydney, the whole six-odd campuses, there are a total of 30 Aboriginal people. There are about 11 or 12 people over at the University of Western Sydney - Macarthur and another 12, or so, maybe a few more, over at the University of Western Sydney - Nepean.

With the current restructure I'm really looking forward to coming together with all those people across the campuses because at the moment the way this university is structured it actually has been separating us. So I'm really looking forward to working more closely with my colleagues across the whole university and getting a little bit of support. I'm the only person in Wyung Indigenous Australian Education Unit apart from admin support. Sometimes I feel a little bit stretched. But I'm really excited to be here at Hawkesbury, although I've been here as a doctorate student for three or four years, but coming back in as a worker and getting to know people I'm really excited about the really interesting places and spaces and people.

The area that Shelley works in is within the Faculty of Science and Technology and she works with groups like Environmental Management, Agriculture and Tourism. There are some really wonderful people, academics and general staff, working within Hawkesbury that are really keen to support not just Darug people but the many Aboriginal people who live in these western suburbs of Sydney.

In the last ten years that I've actually been in the University of Western Sydney sometimes I've felt as if I've been speaking another language. I've been saying since I first arrived here, when I took up a position over at the University of Western Sydney – Macarthur, back in 1989, I have been constantly saying that this university has a wonderful opportunity because it has the largest Aboriginal population in the country living in this area. They live in the greater south western suburbs of Sydney, spread

across Richmond, Penrith, Mt Druitt, Blacktown and down as far as Campbelltown. There's something like about 35,000 Aboriginal people who actually live out in this greater western Sydney.

What an opportunity for this university. I'm extremely pleased to see after many years of saying things like "Look, the biggest resource is sitting at your door step and we've got to start getting the doors open and the places and spaces opened up" that things may change with the new restructure. I have to say that I'm really heartened by the discussions that are being had in more recent times, particularly around the restructure, because I can only see things opening up even more.

I think that it's really important that groups like Shelley's Unit, and many other areas across the university, look at the very important contribution that Aboriginal people can make to this university. This conference is just one of many that has been happening that has come to my attention and I'm really excited to be here. But, as I said, coming out of an education kind of humanities background I suppose I'm really interested in looking at what gets put out in front of students.

I was sitting at home the other night, just a bit exhausted from the week's work, and I just put my feet up and was watching the ABC and I happened to be watching Gardening Australia. As I sat watching it, you know, it was informative, it was interesting but like so many programs that we get on the ABC and SBS (even though they're a little bit better than the commercial TV stations) on Gardening Australia they were talking about management of land and they brought in the kind of biologist who was studying plants and he was talking about the way fire was a good way of regenerating the bush. There was no mention of the way in which Aboriginal people manage this land and use fire in a very important way to regenerate the bush. It just struck me that there was a kind of constant colonial mentality that persists in this country. That, you know, the good things only started with 1788 and that Aboriginal people's stories and voices are only now in some small places and spaces being heard. I think it's really important that many of you play important roles in your workplace or in your communities. My role in this university is about working collaboratively with the various academics and staff across Hawkesbury and, of course, down the track the greater Western Sydney University.

Many simple things can be included in the curriculum that acknowledges Aboriginal people's very important contribution to this landscape. It's amazing how little things go a long way in terms of educating people and changing people's attitudes and can only contribute to better relations between indigenous and non-indigenous people. I'll give you just a simple example. The last time I did a trip up to Queensland. I got to Brisbane, got a car and was heading out to Cunnamulla where my mother's family come from. It was a fairly lengthy journey driving out across south west Queensland. It takes about 12 hours, I think, across from Brisbane out to Cunnamulla. Along the way I noticed the European heritage sites, the European historic sites. Very little marking of the landscape actually acknowledged where my great, great grandmother's people, the Mandandanji people, actually lived and cared for the land, let alone many other groups whose country I crossed as I travelled home. There was one point where I got really excited because I noticed out of the corner of my eye - I was foot down, straight out - there was this one site. I stopped. I turned the car around, drove round and it was a site that had been erected by the local people, the Yiman people, acknowledging that I was travelling through Yiman country. What was really interesting for me was that that site was considered a cultural site. It wasn't considered an historic site like the European sites that had been marked along the way. It wasn't considered a heritage site but a cultural site. I thought, how interesting, coming out of humanities and thinking about sites and how the landscape gets marked and named. I was absolutely fascinated. I was excited by the fact that I actually found this along my way. Because one of worst massacres took place up at Hornet Bank which was on Yiman land and it was just great to see that recognition.

Working within the university more recently we've been talking about how this very university could be doing simple things, like naming the university as people enter. Simple signs like "You are now entering Darug land". But getting the university to actually take responsibility is difficult. I know that the person in the job before me was saying that when she first arrived here 10 years ago there was a place on campus called Yarramundi House (it is still here today). Very few people knew who Yarramundi was and Pearl Waimara, who was in the job, made it her business along with Colin and a number of other Darug people like Leanne and Jacinta to actually bring to people's attention who Yarramundi was. To point out that all around us there are markers but

often the voices have been silenced. All those memories of those people, of past histories, past experiences that have been Aboriginal experiences and stories have been forgotten. But its really exciting to see the fact that people like Colin are playing a really important role in getting the university to take more responsibility. I see my role being very much as a conduit or a facilitator for local people.

I hope that that gives you a little bit more about what we're trying to do here. Even though Hawkesbury was established 100-odd years ago, the University of Western Sydney - Hawkesbury, or the old Hawkesbury Agricultural College, the first Aboriginal appointment to Hawkesbury only happened 10 years ago and that was Pearl. It's a very long history of tradition in this particular part of the university that we need to be building on and also working with the many people who share the space within Hawkesbury. I look forward to my time here in the position I'm in at the moment. I hope that I can support people like Colin, Leanne, Jacinta and a number of other indigenous people including the local people who live in this area who, too, contribute a lot to this place. So thank you, Shelley, for your time.

A/Professor Stephan Schnierer
College of Indigenous Australian Peoples
Southern Cross University

I think, that right up front, straightaway, we should try and get the message to people who were interested in these issues to hear what people in the community are saying; the things that effect them in relation to the environment. That was part of the reason why in this first session we wanted some elders to get up here and talk about their interests, their issues. You've seen a number of these already in relation to hunting. Listening to indigenous people and understanding that they are a valuable source of local knowledge and that they should be sought out. But in a way that respects their knowledge and allows them to maintain some sort of control on that.

Aboriginal ecological knowledge, biodiversity: National and International Policy

Mr Tony McAvoy
Heritage and Natural Resources Branch
NSW Department of Aboriginal Affairs

My name is Tony McAvoy. I'm chairing this session. I'm the manager of the Heritage and Natural Resources Branch of the Department of Aboriginal Affairs and I wear a few other hats. Following on from the last session, I might just tell you a little story. I've got a little dog. It's a fox terrier. His name is Migloo.

All the Murries in the audience know what that means, Migloo means white fella. In Birigiya language, it also means ghost. But there's one thing that my Uncle Owen said to me a few years ago, when I was running around, trying to gather together a bit of information, he said "What are you doing?" I said "Oh, just getting together all the stuff, Uncle". He said "You writing it down?" I said "Yes" and he said "Don't write it down. Don't write it down; it's an oral language, it's an oral history. What are you writing it down for? If you can't remember it, then you're not supposed to know it".

So when I'm walking my dog in the park and people come up and say "Isn't that a nice dog? What's his name?" I say "Migloo". Because their ears aren't tuned in, they say "Oh, Igloo". A little word association going on there. I say "No. His name is Migloo". They say "How do you spell that" and I say "You don't". So Uncle Charles, I'm right with you on that one, if you can't remember it, then you're not supposed to know it.

Anyway, I'll just introduce the next speaker, which is Rose Turner from the Indigneous Land Corporation. Rose is involved in a number of projects around the country.

Ms Ross Turner

Indigenous Land Corporation

Hi. My name is Rose Turner. As brother said here, I work with the Indigenous Land Corporation. I'd first like to acknowledge the welcome by the traditional owners. I feel very honoured to be here, to talk on someone else's country. Interestingly enough, the last three months I've travelled about 50,000 km, working on a national research project. My tribe is Nukunu, I'm from the Central Southern Flinders Ranges. Nukunu, in the language of other tribes was known as the assassins. The senior people in my tribe used to be the ones that used to go around and do all the sort of business that not many other people take care of, when people overstep the mark in terms of cultural responsibilities and stuff like that.

Having said that, I'd like to first just start with a little story. I guess that's a really good way of sort of getting points across and a story that I'd like to share with you is about a friend of mine, I'd don't know, many of you probably know her, Dorothy Tunbridge. She's a linguist by trade. When she was launching her book in Canberra a few years ago on the small mammals of the Flinders Ranges, she talked about an experience that she had while she was there working with the local people, the Nappabunna people. What she was actually doing was documenting the names of different small mammals and then she actually went off on a tangent and found out, as she worked through her project, that a lot of the names that were coming up were of animals that weren't in this particular area. One of those animals was a Bilby, or long-eared bandicoot.

She told us a story of when the people from the South Australian Museum came up. What they were doing was just laying out the pelts of all the animals that people were naming that had become extinct and on the table was a Bilby, a pelt of a Bilby. There was one old uncle that walked over to where Bilby was laying on the table and he picked Bilby up like this and he put Bilby on his shoulder and he started stroking Bilby and he started to cry, and he really started to cry. and Dorothy walked over to him and said "What's wrong, uncle? What's the trouble?" He said "This is my dreaming. I haven't seen this one for a long time, long time" and he was just so overcome with joy to see his friend again.

Bilbies used to be widespread throughout South Australia, as some of you might know. When they started sort of settling South Australia and clearing, I guess that sort of attributed to the demise of this particular species and they used to have bounties on them. So eventually they became wiped out in this particular area.

I guess I'm sharing this story with you just to relate to you the importance that indigenous groups in Australia really place on that. It was a really good message for me, walking back from town last night, because one of my totems is possum. I know if you talk to people in New Zealand about possums they say "well, you know, you've got a lot of relatives here", I mean, because to us that's family. It was really sort of comforting for me to know that, even though I was on someone else's country, at least I still had a friend here that was just jumping around.

I stopped because my attention was caught by this very small bird that was sound asleep on a branch about this high, coming along the footpath, last night and I was just sort of standing there and saying to my friends that I was with "He must have had a really rough night last night". And this bird just didn't move. It was just sound asleep, just on one leg, standing.

But, anyway, having said that, what I'd like to talk about – I don't know whether very many of you are familiar with the Indigenous Land Corporation. It's a statutory authority that was set up in response to what came out of the Native Title Act. The Indigenous Land Corporation has two main functions: land management and land acquisition. In terms of land acquisition, we're very much about supporting people to get back onto their country. I won't talk too much about that because I know that we've running short of time but what I did want to focus on was this project.

It's a national research project that the Indigenous Land Corporation has been conducting. There are four components to it. The first three components really relate very much to desktop studies, looking at identifying long-term land management issues faced by indigenous groups, and it looks at evaluation of past and present land management programs and also looks at the development of regional environmental and economic profiles.

The project that I've been working on is very much a consultative one. As I said, I've just spent three months on the road, going around, mainly travelling throughout the Northern Territory and also the Western Desert of Western Australia. There were three main questions that we were sort of putting to people. Basically we tried to keep it as simple as possible and they related very much to what people are doing on country, what people's future preferences are in terms of land use and how this can be achieved, ie. where do they get assistance, direction from to go and do it?

Having said that, one of the things that we actually found when we were going around and talking with people, even though that was our focus, there were quite a number of issues that came up that related very much to people's ability to engage in land management. A lot of that was very much about what seemed to be one of the main constraints. I guess, when you're out in rural and particularly, remote communities, there aren't the things that we seem to take for granted in towns, in cities where we live, for example you switch a tap on and water comes out. In a lot of these places they don't have those basic facilities.

In talking with the people, we actually found that there was a very big focus on addressing the social issues in communities. Things like health, housing, education, running water, road networks, that sort of stuff that you could imagine that people would have to deal with, particularly in remote areas. The focus seemed to be more on addressing those sorts of issues, rather than on land management. Certainly, in terms of land management, we have this heading that says Land Management, but when you look at indigenous groups, I mean, how long have we been land managers for? We've been land managers for a very long time. But some of those issues now that indigenous land managers have to address are things like introduction of feral and exotic species. So dealing with things like feral animals: in some cases you might go out onto a community where there are really bad infestations of rabbits. I've been out to these communities and people have said "Oh well, look, you know, we're really here to help you to try and do something about these rabbits". In some cases community people turn around and say "Stuff off! You're not touching them rabbits. You know, that's a food source, you know, we eat them".

In places up in Western Australia where I was, there are very serious problems with donkeys. Interestingly enough, I was talking with a community group a few years ago about doing something about donkeys because I know that the Department of Agriculture had programs up there for culling and stuff like that and there were a couple of communities that said "Nuh, we won't touch them animals because that's the animal that carried Mary". So, you know when you look at it that way, I guess, Christianity has come into some of those communities. That's sort of walking between two cultures in some respects, so they've taken on that.

Even with horses, people see horses as really beautiful animals. I mean, horses cause a lot of problems in the sort of environments that I'm talking about where you've got very, very fragile ecosystems that you really need to look after. However, people have really strong relationships, particularly Aboriginal people, involved in the pastoral industry. They see the horse as a resource.

When I was in southern Arnhem Land, a couple of weeks ago, they've got problems there with horses too, but they were actually catching the horses and selling them to the Vietnamese and Cambodian fishing people, to use as crabmeat. I've never heard of that being done before. Local people going out, catching horses and then mincing them up and selling them off to be used as crabmeat.

Okay. Just getting back to some of those questions. Well, what are people doing in country? You can look at it in two categories. Well, I've sort of done that for simplicity and that's commercial and non-commercial. Now, commercial, what I mean by that is projects that involve income generation, like enterprises such as bush tucker and rabbit harvesting. There are groups that do rabbit harvesting. There are people that are getting cultural tourism. There are people that are looking at ways of working collaboratively. It is happening and I'm really pleased to see it happening. There are indigenous groups across this country that are very, very keen to work collaboratively with other agencies, like CSIRO.

I don't know whether many of you are familiar with a project that was carried out a few years ago at Uluru that involved looking at sort of doing it over a four-year period but in fact it took two years, because they engaged assistance. The scientists engaged the

assistance of the traditional owners to work with them in mapping the distribution and range of small mammals. The scientists actually said afterwards that if they hadn't had that sort of assistance then it would have taken them a lot longer, in terms of finding out what species were there, that sort of numbers and so on. So they're the sorts of stuff that indigenous people are involved in, they're some of the activities.

In terms of non-commercial, I'd like to refer to cultural heritage management. That is an ongoing thing that is always happening. Again, just bush tucker but not for commercial use, for local use, and just traditional hunting and gathering, as well as looking after family.

One of the concerns that actually was expressed to us, and there were quite a few common threads in terms of the feedback that we got from a lot of the groups. In terms of feedback, some of those common threads related to how people access certain funding and service delivery programs. It seemed that overarching all of that was the fact that information was the biggest thing. I mean, as we all say knowledge is power and if you are able to provide information that is going to facilitate projects on ground within communities, then you've got to be very clear about what the community is saying that they want to do.

That's what we've sort of been finding out, because the whole sort of thrust of this project is that out of it will come a national indigenous land management response. The Indigenous Land Corporation has a statutory responsibility to develop a national indigenous land management strategy, which encompasses all of those sorts of issues related to indigenous people's ability to manage land.

One of the main issues, I guess, that indigenous groups had was the way that funding is developed, in terms of State agencies. People were basically saying that one of the things that they would like to see is that rather than seeing the money, that they have been successful in getting, administered through a State agency, and in some ways that is seen as an impediment to their ability in terms of continuity. This is because we've found in a lot of cases where people have got the funding to get going, they're out there, they're doing it and they're sort of finishing it but then they get to a stage where they can't go on because the next lot of money hasn't arrived for them to continue on.

There's been a lot of projects that have fallen down as a result of that. I mean, a lot of us have been saying for a long time now that we are quite capable of handling that money, in terms of how we want to spend it, where we think it needs to go. The way that money flows down into communities now is certainly seen as one of those impediments.

Indigenous Land Corporation is very much about supporting cultural, social and environmental projects. One of the main things, I guess, that comes out of this when you talk about information, is also training. You talk to quite a few indigenous communities and say "Look, what we think you need here is training". I know for a fact that indigenous people are probably one of the most trained people in the world, you know "If you can't get a job, well, we'll set up a training course for you".

I've been involved in developing a national draft land management training package and one of the things that we wanted to do as a result of that was to incorporate traditional knowledge into it, identified as core competencies within these training modules. There were concerns about how to incorporate that sort of knowledge into a nationally-accredited land management training package without divulging any information" That was a question that went around. It seemed that one way that we came up with it, the one thing that we wanted to get – I guess we've already working for recognition in terms of our cultural heritage, in terms of our rights to manage that cultural heritage.

Quite a few suggestions that came forward, there was one in particular, in terms of how do you incorporate that knowledge without other people knowing what it is? Well, I'll give you an example. For instance, rock-hole maintenance, which is a part of land management for Aboriginal people, particularly in the Anangu Pitjantjatjara homelands and in northern South Australia. One way of doing that is to say "Well, okay, you've got that as a core competency, rock-hole maintenance". Now, there may be certain things associated with looking after that particular rock, there may be a particular ceremony or something like that.

How we thought that we would look at addressing that is to say "All right, we want to recognise that knowledge. All right, so what we've sort of come up with, and this is a

collective suggestion, was to say, "Right, well, whoever it is that has responsibility for that knowledge, let's sort of approach that community and say well, this is what we want to do. We don't want to know what that knowledge is or anything like that, but we would like to look at having someone in the community that has the responsibility for that knowledge, support them to become an assessor".

So that you've got people in communities who want to engage in that sort of training and you want to maintain the knowledge base that is there, so you encourage the person that has the responsibility for that knowledge, to ensure that that gets passed on and that it gets passed on to the appropriate people, that it doesn't go. Because one of the concerns that, I know for myself, as a community person, in terms of documenting indigenous information, is that you don't want it to end up in the wrong hands.

On my country there are a lot of sites that we don't tell anyone about. This is because in national parks you've got rangers that have responsibilities for looking after that national park, right, but one day those rangers are going to get up and they're going to go somewhere else and they're going to take that knowledge with them. "Oh yeah, we know some good country up there and there are some great rock carvings" or whatever, "Let me take you there". For us, I mean, it's not a case of not wanting to share but I guess there is a bit of reluctance because we've seen what's happened in the past. I guess what we've actually trying to do is to preserve that knowledge.

One of the things that we see compromising that knowledge is it being given to people that really don't have the authority to have it, because part of having that authority stems from when you've growing up in the family, right, you've told certain things, and as you get older more information is given to you. The reason that it's done like that, I mean, it's partly in recognising the fact that you've at an age where, you know, you need to know that stuff. For myself, you know, I mean, the age that I am now, I'm going through a stage in my own group where there are certain things that I'm being told, but I couldn't have been told this when I was a didgee, when I was a little person, you know, but now that stuff is being passed on to me.

If you have a situation where you've got rangers working within an area where you know that you've got sites, sure, you want to work with them but you certainly don't

want to compromise any sort of protection or anything like that because you, as a custodian, have the responsibility to look after that country.

I didn't really want to talk for too long because Henrietta has certainly got some really good stuff to tell you about what's happening on the national and international scene but, just in closing, I'd just like to leave you with a thought. A few years ago I was over in Istanbul and there was as native American woman from Canada and it was food for thought for me when she said "Listen, at the end of the day, you know, when we talk about being indigenous, certainly I see myself as an indigenous person" and I shared this with my friends the other night, but in reality, if I ask you now "Hands up all of those that are indigenous to this planet", right, you'd all put your hand up.

So we all have a responsibility, being custodians of this planet, because none of us are about to jump in a spaceship and go to Uranus or wherever. We're here. We're here for however long that it takes. We walk the earth as custodians, and I guess that's the message, as indigenous people to particular parts of this planet. That's the sort of message that is very strong with us, that we see ourselves as custodians.

I guess that is really the message that I want to share with you. That we are all custodians of this planet and we all have a responsibility to work together, to ensure that the legacy that we leave for the next generation is much better than the one that we inherited ourselves. Thank you.

Mr Tony McAvoy
Heritage and Natural Resouces Branch
NSW Department of Aboriginal Affairs

Our next speaker is Associate Professor Henrietta Fourmile, from the Centre for Indigenous History and Art, University of Western Australia. Henrietta plays a very important role in the development of understanding and knowledge within Australia for indigenous people in relation to how we deal with the international instruments and how we bring those to effect here at a national level. Henrietta has just, not too long ago, returned from a period where she was working in Montreal, in the secretariat for the Indigenous People 8J Working Group. That's from the Convention on Biological Diversity. Henrietta will talk to you about what article 8J is and the related articles.

We had a meeting there in Sydney yesterday with a number of the people that are sitting at the table and a few others who are in the audience, to talk about how we might formulate our position for presentation to the next convention of the parties which takes place in May next year. What we learnt from yesterday is that one day is barely enough for us to get together and discuss these things, there's a lot more work that we need to do. I will now hand over to Henrietta.

A/Professor Henrietta Fourmile
Centre for Indigenous History and Art
University of Western Australia

Thank you and first of all I'd like to acknowledge the traditional owners of this area for allowing me to speak on your land. Thank you.

Yes, I've just spent two years working with the United Nations, to look at the implementation of article 8J within the Convention of Biological Diversity and so I had to leave my country. I'm a Udingi woman, from the rainforest of Northern Queensland. I'm a Murri woman and my land is associated with the areas of the Cairns region, south of the Barron River and again going way down to the Baladucaya area. I have both my grandparents, one is a Kuku-yani and the other is a Kuku-yalanji from the Cooktown region. I do have links from that area with respect to stolen generations, I guess, through my grandparents.

My mothers' tribe as well is associated with the Gungangi people, which is an Aboriginal reserve where I was born and I was raised and pretty much came to be involved with the English language pretty much at the age of about 14 years old. So English is really a second language to me.

I just want to basically look at the way the north benefits from biodiversity from the south. What that often refers to is the fact that indigenous peoples throughout the global areas have always benefited. Just to give you an example, particularly on what was said this morning, which I can relate very much with, the use of traditional knowledge systems have been used worldwide for over a number of hundred years. $46 billion (US) is made from the use of genetic resources and, again, through the use

of traditional knowledge systems of indigenous people throughout the world; $46 billion (US) a year. That's quite a lot of money.

To give you an example with respect to the position of Australia, what we see is a country which had been colonised just over 200 years ago. During that colonisation period, so much of our land, our resources, our biological resources, the lifeblood, the lifestyle of indigenous peoples of this country were basically raped and destroyed. What we now have left is very little. However, Australia is still seen as a mega-diverse country with respect to biological resources.

You'll find that most of the resources, not just in Australia but throughout the world, actually exist mainly on lands which have been cared for and taken care of by indigenous people who have been moved to those particular areas of land, where they continue customary practices, customary laws, to maintain and to look at the conservation and sustainable use of the biological resources on that land. Australia is, in a sense, in a very poor state.

Three hundred languages existed before colonisation. A while ago a Smitts' report stated that by the year 2000 what we're going to see is the destruction of 90% of that language. As you've heard this morning and by Rose, language plays a very important role in terms of who you are, what country you're associated with, the boundaries and the conservation and management associated with the kinship of indigenous people.

One culture in Canada, the Deni culture, actually define traditional language as this:

A body of knowledge built by a group of people through generations living in close contact with nature. It includes a system of classification, a set of empirical observations about the local environment and a system of self-management that governs resource use.

Basically what that tells us is that traditional knowledge is an old-age knowledge that's been around for thousands and thousands of years, not just within Australia but globally. The Human Rights Commission states that there are 300 million indigenous people throughout the world. Another study which has just been released states that

there are 600 million people throughout the world. Most of these people exist in parts of Latin America, USA, Canada, South Pacific, Australia, New Zealand, Asia and Africa. Most of these communities also maintain a traditional way of life and also maintain systems of farming, using old-age technologies and traditions and methods.

What we see today with the destruction (that I've also noted to you), about what's been taken from indigenous people, is the kind of destruction which continues to bleed our community and continues to rape the soul of our communities.

Just to bring you back to the Australian situation with respect to what I'm saying and what Steve outlined with respect to the paper on bio-gene and bio-prospecting with respect to the Department of Land Management. What I'm going to do is show you a few case studies other than what you've heard already from the various speakers. I'll then go into basically some of the issues and problems which are associated with the people who own that knowledge and hold the tradition but have very little in terms of control of that knowledge.

What we have seen is a whole library full of books of records, of recordings of the way traditional knowledge has been used with respect to pharmaceuticals, agri-chemicals and other means. In recent years what we've also seen is the patents and the plant-breeders' rights. I'm talking about the western systems of law, particularly in Australia. They have been used to seriously undermine the traditional rights of indigenous communities, to protect the biological-related knowledge.

I believe, and I see what is happening is, that there's an avalanche of patents and plant-breeders' rights being taken out by local and transnational companies and government research bodies, like CSIRO, of traditionally-used food and medicinal species, to the extent that it may become very difficult for Aboriginal and Torres Strait Islander communities to undertake commercial activities based on these species.

Native title claimants, traditional owner groups, land councils and Aboriginal stakeholders generally may wish to more fully investigate the legal ramifications for the use of patents and plant-breeder's rights law, to gain access to traditionally-used natural resources and associated traditional knowledge and develop a policy.

What I will go to now is to basically show that, first of all, to give you an idea, the definition of intellectual property states that "intellectual property" is a generic term for the various rights or bundles of rights which the law accords for the protection of creative efforts, especially for the protection for the economic investment in creative efforts.

I'll give you a couple of examples of what's happening in Australia and what's been happening globally in the seed industry. The Australian Tree Seed Centre for the CSIRO Division of Forestry is heavily engaged in a number of dry-land countries. What they've done is to trail the various *Acacia* species to suit a range of needs, such as soil conservation, firewood and food species. Aboriginal knowledge was instrumental in identifying 44 of the 49 species of *Acacia* species traditionally used by indigenous people in Central Australia, and it's used particularly as food species for planting overseas.

What's happened during this period is that, I believe, indigenous people were taken out to identify this plant. Once the information had been gotten from those people, CSIRO then investigated and looked at planting these species in places such as Africa, because of the famine and, again, the poor country, the erosion within the soil, etcetera, as well.

Also what's happened is that indigenous women from that part of the world, from Central Australia, I believe, were taken out to Africa, to show the women in Africa how to actually grind the seeds and to take the toxin out of the seeds before eating it, before grinding it into flour. So here you have indigenous people identifying the plant for the particular seeds. But then the benefit? I'm not so sure at the moment that any benefits have actually gone back to those communities, or that they've been involved in any kind of research development processes that have taken place since that has happened.

This is where a lot of indigenous people are definitely concerned with the fact that, again, use of their knowledge has been used to gain employment and economic benefit Australia-wide, however, has not included them in this whole process.

Another example is the bush food industry, which Rose also touched on and which you heard about the kind of species that are eaten. This is an area, again, whereby Australia, under its international obligation, have not been carrying out that obligation with respect to the indigenous people.

The great concern is that recent allegation of the Australian Plant Breeders' Rights Office, which oversees Australia's obligations under the International Convention on the Protection of New Varieties of Plants has been extremely lax in its administration of applications for granting plant breeders' rights. As a result, Australia has been considerably embarrassed overseas and its plant breeding activities are under scrutiny by the United Nations Food and Agricultural Organisations Commission on Genetic Resources for Food Agriculture, and the consultative group on international agricultural research, whose trust agreement Australia has breached.

Much of this abuse has occurred in relation to germ plasm of chickpeas and various pasture seeds imported from various international seeds banks. However, of the 111 cases examined concerning Australia, 36 concerned dubious claims for Australia's plant breeders' rights over native Australian plants, of which 16 have known traditional value, based on evidence produced by the Rural Agriculture Foundation International and the Heritage Seed Curator Australia. Plant breeders' rights are taken out on native species, without any evidence of breeding or any plant improvement.

So basically, what they've done is taken patent rights over particular plants, without even improving it in any way. These are native species that are being used by indigenous people.

Again, what we see also is another native plant that is used in parts of Western Australia and New South Wales, the sea celery. Patent rights have been taken out on that natural product without being designed or changed in any way.

Just to give you the extent to what the bush food industry has done, here you see a number of publications that's been out with respect to use of traditional plants.

The other one I want to touch on is *Duboisia*. There are three types of *Duboisia* and a doctor by the name of Bancroft, who was a Brisbane surgeon in the 1870s and the 1880s, extracted from two species of *Duboisia*, you've got the *D. hopwoodi*, the *D. leichhardtii* and there is another one whose name escapes me [*D. myoporoides*]. The *Duboisia* was used in ophthalmic operations and what happened was that these drugs were used. The *Duboisia* was found in the northern New South Wales and south-east Queensland region back in those days. Indigenous people were identified in going out and showing the doctor a number of these species of *Duboisia* and its use. What then happened was the doctor then extracted from them the use of this knowledge. What we see, and what we have seen to the 1970s was about $1 million per year coming in from these drugs. The drugs were on plantations, more than 75 acres, and they were sent to factories in Germany, Japan and throughout Australia.

What also happened was that, today, what we have seen now is that a German company has taken rights over the *Duboisia* industry and in fact is creating an industry that's worth more than $1 million a year. It's pretty much gone up to quite a lot of money. So, you see, what's been collected back in the 1800s with indigenous people's knowledge is still used today and seems to be treasured with regards to the human race in respect to medicinal properties.

Another one I could go onto is the smog bush plant which is a common cure vine, which was supposed to bring into Western Australia about $100 million per year if the drugs from it were to be successful with respect to the HIV virus. The list can go on and on with respect to where indigenous knowledge of plant species has been used.

What we also see in the bush food industry is, again, another area whereby this company has taken out and used traditional plants. It was what was said before, people tend to work in various departments and agencies, collect the knowledge that is used by indigenous people and form their own industry base. I'm not saying this is what these people have done, but often that's the case of what happens.

In this case, prices such as $58 a kilo are paid for some wild plums and tomatoes, bush tomatoes, so you're looking at an industry that's quite viable in this country. Basically, what I'm saying is that Australia's right has also grown from the years of traditional

knowledge system of plant varieties and genetic resources and yet very little of those have gone back to the community.

I believe that such industry itself can help benefit those communities with respect to the social and health problems. It could also help create a much better society in which for them to live. But what we have, unfortunately, is the dominancy of the role of who can use and who has the right under law to actually commercialise bush food and the use of pharmaceuticals in this area.

To give you an idea about patents rights itself, particularly intellectual property laws in this country. Unfortunately they do not take into consideration the communal rights of indigenous people. This creates a lot of problems with respect to how indigenous people can control the use, and actually protect areas, of their knowledge.

To also give you an idea what was in a Health magazine that was published some time ago, between the year 1992 and 1993, $621 Million have been used by, or have been spent by, the population of Australia on natural medicine, $621 million on natural medicine. What was also recorded was that during the same period, the population also spent $360 million on pharmaceuticals. So what it basically shows you is that medicinal properties or herbal use of medicine by indigenous people and other indigenous people throughout the world and not just in Australia. It's becoming very much the flavour of the month. People would prefer to now have bush medicine or herbal medicine, rather than pharmaceuticals. That's quite a difference, from 621 million to 360 million.

Unfortunately, in Australia we have a patents system of law which does not recognise indigenous people's rights. Again, we don't see this within the administration process of that as well.

I'm just going to now show you a look at what's going on with the Convention on Biological Diversity, of which Australia is a signatory and has ratified this convention. The Convention recognised the significant role that indigenous people and local communities can play in the conservation and management and sustainable use of biological resources.

They also have recognised that there is a need for indigenous people to be involved in this management. Also the use of the traditional ecological system of management needs to be applied with new technology and new methods of management. In article 8J of that convention, they look at the promction and the protection for traditional knowledge and the respect for traditional knowledge. They also look at the issues of access to knowledge. They also look at the issues of access to genetic resources and the benefit-sharing arrangement that is derived from the use of traditional knowledge. Also, the conference of the parties of the CBD, of the Convention on Biological Diversity, are very concerned with respect to the protection of such knowledge systems. The secretariat, while I was there, have been working with WIPO, the World Intellectual Property Organization, to look at a better protection mechanism on the international scale. However, we have to get it right here first, on the Australian scales. I think the only way to do that is simply by including some kind of legislated means of protection by using prior informed consent procedures, as well as ensuring the protection for age-old knowledge that's been used and protecting who can use that knowledge and what rights. Then the community can control that knowledge.

Also, the issue of mutually agreed terms and article 17(2) needs to be clarified to look at the repatriation of such knowledge systems. As you've seen from the traditional knowledge definition, the issues of the systems of classifications, what indigenous people had over the years is what scientists would call the taxonomy system. It is the classification of species and also having the relationship between human and species, species and species, and indigenous people identified. You've got the relationship between the species and the land and its relationship to the land, which indigenous people have applied for thousands of years with respect to the use of traditional systems for the protection of biological resources on this land.

To give you an idea of the Environment Protection and Conservation Act itself, again, this has implemented elements of the article 8J convention. The object of the Act also looks at a number of roles of indigenous people and part of the act looks at the bilateral agreement. The bilateral agreement, which will, if it has been drawn up between Commonwealth, State and Territories, would need to consider the object of the Act,

which looks at the issues of article 8J in respect to protection and the role of indigenous people.

Under the future Native Title Act regime you could state that that Act is a kind of prior informed consent principle. This is because before an activity can take place the department offers a permit system for hunter-gathering, hunting, gathering, seed-typing etcetera, research which takes place out on the land and our use of resources.

So what happens then under the future act regime? Under the native title often the traditional owners of the area must give consent to such activities taking place. However, it's up to the department then whether they will consider to take the action when the community say "No", the department says "Yes". Again, the right still rests with the government, rather than the traditional owners.

A view I've seen in the Native Title Act, it's a kind of a mutually agreed-term agreement which has been set up to look at the bundle of rights. But again, these aren't actually embedded in the law itself, in terms of the procedures of mutually agreed terms and PIC, prior informed consent. It's really up to the goodwill of those departments of the government to consider whether they will apply that.

Again, we have great difficulty with respect to some of these as well. The question that I guess that we should be asking is, are the activities on the land and the field work which have been undertaken by other researchers from universities or researchers from institutions to put a patent or a plant breeders' rights on particular species of plants use is just a future act? That's something I guess which has been highlighted to some degree by agriculture. Our future, to state that more studies, more research needs to be done to identify the bundle of rights which exist under native title for indigenous people is crazy.

What I will do now is leave that and I won't go onto the prior informed consent principle in more detail. But I'll leave you with that because what we've seen and what we have heard has been a destruction of a way of life. A destruction for indigenous people who lack the enjoyment of the rights to be able to hunt and gather and to be able

to pass on old-age knowledge to the next generation and to our people, to our grandchildren and so forth.

It seems that when you look at the 90% of the language that has already disappeared and when you see that the fact that bio-prospecting companies and other companies and governments, through the systems of law are legally able to continue, to continue, accessing the resources and still accessing traditional knowledge, use of indigenous people without even considering any kind of benefits going back to the community. Again, it's a huge violation of human rights.

I think we, as people on this planet, as Rose has said, have a responsibility to not only look at the conservation and management and sustainable use of biological resources but to also ensure that the knowledge which has been taken from traditional holders of such knowledge in indigenous communities, both in Australia and globally, are also benefiting and not just buying back what they have gotten because pharmaceuticals are often sold back to those countries who are in fact the developing world.

We have a lot of developing country still in this Australia we know today. In a lot of our communities they are still developing and trying to maintain a way of life built on both their cultural structures and a Western system of methods and again trying to live in two worlds. I know that as well, because I do live in two worlds and I still go back to my community. I have to let them know what I am doing and where we're going to end up. This is because I don't know what to tell my kids and I don't know what to tell my grandchildren when the time comes to say, "Oh, just the pictures on the walls" to show the biodiversity which still exists, to say "that's what we used to eat. That's what we would hunt".

It's a very poor sight for us as a human race to continue on without even considering the management and conservation of our biological resources and without considering the use of traditional knowledge, old-age knowledge and technologies to continue the maintenance of these resources. Thank you.

Mr Tony McAvoy

Heritage and Natural Resources Branch

NSW Department of Aboriginal Affairs

Thank you very much, Henrietta. There's a lot of information and a lot of wisdom in those words. I will now introduce Mr Roy Taylor. Roy is visiting here from Minneapolis. He's a first-nations brother and he's what people might refer to as an international indigenous organiser. He's like one of your trade union guys and he goes around and whips us all up. He has worked in a number of indigenous organisations and more recently in the North American Indigenous Biodiversity Project of which he was the Director. He also played a key role in the Madrid meeting in 1977, at the United Nations Convention on Biological Diversity Sponsored Workshop on Traditional Ecological Knowledge and Article 8J. I'd like you to give Roy a round welcome. Thank you.

Mr Roy Taylor

North American Indigenous Biodiversity Project

Thank you so much. Yesterday, Stephan and Matt were talking about what Aboriginal people from Australia called a planning session on cultural diversity. They kindly agreed to let me sit in and participate and try and share a little bit of my experience with them. I had an opportunity to share with them a little bit about my background, personally, culturally and family-wise. Part of that was related to my dad's side of the family and I just want to share very briefly with you today a little about my mother's side of the family.

My mother's family were referred to as the Chahta people, they call themselves the Chahta people. In English they would be C-h-a-h-t-a. They are from what is now referred to as the state of Mississippi. That was their original, traditional homeland, which is in the Gulf Coast of the United States. They were removed to what's now referred to as Oklahoma or, in the land of the red man, actually in Chahta, that's what that roughly translates to.

Oklahoma, I was telling the folks yesterday, used to be called the old Indian Territory. You know, when Columbus got lost and thought he was in India, you know that name stuck, and so we kind of use it as well, although we kind of use aboriginal, indigenous

and native interchangeably as well. They used to call it the old Indian Territory and, as I was telling the folks, it was a part of the United States at that time. It was still just a territory, not a state that nobody wanted, at least, the non-indigenous people didn't want it. So that's why they reserved it for us. Then they found oil and natural gas, then they wanted it back.

My family name on my mother's side is Bisichabi, which means "looks and kills" but you don't have to worry, I come in peace. Actually, my president, he doesn't know it, but I'm here as an emissary, a special indigenous ambassador for Bill Clinton. When I say that, that gets me out of a lot of trouble, whenever I travel internationally.

So that's a little bit about myself and my family. I just want to tell you a little bit because I don't want to try and elaborate on what Henrietta and Rose have given you. I mean, you've had very good examples of what's going on at the local level and also at the national or domestic level. I do want to share with you a little bit about my work because it's very political in nature, it's policy oriented. I hope those words don't scare you and I hope they don't put you to sleep either. I'm not afraid of politics.

That great indigenous philosopher, Plutarch, said that "politics is as the air that we breathe" and I agree with that very much. I mean, it's essential to our being as peoples, particularly for those of us in the indigenous world and particularly for those of us, I believe, from four countries, Canada, Australia, United States and New Zealand and particularly because we have a common law tradition, an English common law tradition, that was imposed upon us and we've had to deal with that through treaties, through national legislation, through executive orders, a variety of instruments (political and legal instruments) in terms of protecting our rights.

I think there are a lot of similarities there between those four countries and that's part of the reason why I'm here, in addition to having had an opportunity to work with some of these great people from Australia at various international meetings. My interest is in also trying to build these bridges between indigenous or aboriginal peoples throughout the world. But I also wanted to just finish up in a few minutes by telling you a little bit about a new project I'm undertaking. This is because I think in some ways it helps build bridges between the fourth world, or the indigenous world (that's how we refer to

it as in the United States), they have their first, developed worlds and their second, developing worlds and their third, underdeveloped worlds. Those of us that come from an indigenous perspective realise that we come from a fourth world tradition, which underlies all of that. Those other three worlds sit on top of that, so we're the cradle. So a lot of what Henrieta just shared with you, I think that ancient knowledge, that ancient wisdom, I'll touch on that just in a minute, about the difference between knowledge and wisdom and science, the accepted approach. I'm not saying that we have to return to a non-technological age, because I think we have our indigenous technologies as well.

I'm not anti-science. I'm not biased against science but I think we have a perspective that needs to be heard in these policy fora. In these discussions where there are legal minds, scientific minds and political officials as well, who have the authority and the power to make these decisions and then implement them. That's kind of my approach in this work that I'm involved in. As Matt and Stephan were talking about earlier, the emergence of these issues, not only in the Convention on Biological Diversity, I think that is our starting point.

What I've been trying to share with a lot of indigenous people around the world is, you know, we're really not dealing with even the United Nations, who are multilateral fora. What we're really dealing with is the phenomenon of globalisation. For many of us, as indigenous people, globalisation is not something new. Bill Clinton discovered it when he got elected and he's been trying to implement it ever since, somewhat to the detriment of a lot of people, not just indigenous people.

I was in Seattle last week for a couple of days and I think there were a lot of non-indigenous people who were also clued in to some of the negative aspects of globalisation. But for many of us it fits into the form of colonialism. It's just another extension of that. We've had, among our peoples at least in North America, Canada and the United States, stories among the elders when they talk to us about how we used to travel from nation to nation and from continent to continent. That's just another aspect of globalisaton. Ancient trading routes, between what is referred to as Europe or the Old World and the Americas, the so-called New World, took place as well, but particularly in the Americas from north to south.

So, this idea of globalisation is not anything new to us. I think that Aboriginal people in Australia and New Zealand would also agree with that. I think that's the starting point and I believe that's what we're faced with here: this whole notion of liberalisation, economic liberalisation, neo-liberal economics. However, you want to refer to it. I'm not an economist but just this idea that everything exists as a market and all you have to do is take away the barriers to that. So whether we're talking about the ability to provide policies that guide or govern the exportation or importation of particular product and commodities or whether we're talking about the transportation systems that help get those products into new areas. Australia is a perfect example of that.

We were just joking this morning about the franchising that's taken place in the United States. It's crazy. You've got a McDonald's sitting right across the street. It's all because McDonald's has the ability to license and they don't care if these two individuals who get the franchise put each other out of business, as long as they sell more and more hamburgers. That's an example of this neo-liberal economics that I'm talking about. It's nonsensical and it's in contrast to this ancient wisdom, the traditional knowledge that I was talking about earlier.

Basically, that knowledge, as Henrietta mentioned, from the Deni people, up in the north, the north-west territory of Canada, that's where they now reside, although they do have remnants of some earlier migration down into the south-west of the United States. You know that that traditional knowledge is something that's not based often on anything that's tangible. You know, the basis of science is something that is observable, testable and you can build a hypothesis around it and then it continues to emerge the more you text it, so that you develop a protocol or an understanding of natural law, but with the theory built around it. In some ways, that's really what economics is about as well.

Anyway, I think that's the fundamental contrast that we're faced with. Again, like I say, I'm not anti-scientific, I believe that there's a role for science as well, but I think it's got to be in full partnership. You know, when Henrietta talked about prior informed consent, that's a perfect example of where we, as indigenous people, have

always been involved politically, culturally, socially and historically with non-indigenous people, but I don't think we've ever been involved as full partners. It has always been that paternalistic approach and in many cases we've often been dictated to as well and it has been backed up at the point of a gun.

That's part of our work that we've involved in, trying to spread this message in terms of globalisation. That kind of brings me then to just this last point I wanted to share a little bit with you about my work. It was mentioned that I was the Coordinator for the North American Indigenous Peoples Biodiversity Project and we put on consultations or contact groups, as we call them. We invited Stephan to attend, to observe and to monitor and bring back and share with Aboriginal peoples here in Australia a little bit about what we're doing and then also to learn from these same peoples to help or pollinate our intellectual process as well. So it has been a real pleasure to have him participate with us in the past.

That's an example of one activity that we've been involved in. We've also monitored, from the Canadian and the American perspective, the Convention on Biodiversity. The Commission on Sustainable Development and that's something we haven't touched on. I think that's going to be very important in the next year, because under the Commission on Sustainable Development process, which is going to be held in February and April next year (2000), they're going to have a focus on agriculture, so a lot of what you just previously heard from Rose and Henrietta is going to come into interplay with the Convention on Biodiversity as well because they have the thematic area of agricultural biodiversity.

So, when you combine that, then, with patenting and intellectual property rights regimes that are, again, going back to this ancient traditional knowledge, our customary rights, however you want to refer to them, there are a variety of potential regimes. It's all going to come together in these various venues, where you have non-indigenous people there making decisions about our future, about our children and about our traditional homelands and resources.

If anything, that's the kind of information that I like to try and share with people when I do travel. We talked yesterday about a number of other environmental, trade and

development fora that are out there, that are emerging as well, that I think it will behove all of you to become aware of as well and that interaction.

This new effort, though, that I'm involved in we're calling the Indigenous Global Affairs Project, primarily because we do want to conduct outreach to various regions that probably are not getting this kind of information. So we started in Canada and the US and we'd like to reach out in an alliance across the Pacific to the island states, the Philippines, Australia and New Zealand. Also, in the US we have an emerging effort with the European nations.

Even though in Europe, when you talk to the representatives from the European governments they say "we don't have any indigenous people any more" and I say "well, tell that to the Irish or the Basque or whoever is still left there". But we also are trying to maintain, especially in the United States and Canada, this unique relationship with the French, the Dutch, the English and the Spanish, because those are the primary countries that were involved in a lot of the land ceding activities that took place in North America. So that's another effort that we're currently involved in.

Then we have an initiative across the Americas that we're going to be participating in late next year. It is a hemispheric-like consultation that will probably take place in Mexico. We're going to be participants in a gathering of indigenous people from as far south as Tierra del Fuego and up to the Arctic Circle as well.

That's just a brief snapshot of this new project. Like Matt was saying, I'm located in Minneapolis. I'm easy to reach. We currently don't have a URL or a Web site address set up, but any of these people, if you're interested, can get you in touch with me and then, as I said, I'm hoping to be able to come to Australia more often, not only for the weather, but to be able to strengthen this alliance and then also to make this gap (that's the word we use to refer the Indigenous Global Affairs Project, INGAP). This is because we believe it's very important in the future for us to be able to bridge that gap between the fourth world and the other three worlds, wherever you may be you're residing in and living in as well.

That's it. I'll just close with that and I'll turn it back to our host.

Mr Tony McAvoy

Heritage and Natural Resources Branch

Department of Aboriginal Affairs

Thank you Roy. I would now like to take what little time we have not got left to open the floor to questions of the panel.

Ms Kim Rogers

Centre for Research and Environmental Studies

Australian National University

My name is Kim Rogers. I'm currently a consultant working with the Centre for Research and Environmental Studies at the Australian National University, but I've had a long history with working in the public service as well. I am, by birth, a Kamilaroi person and come from the Moree, Mungindi, Iraba, St George area. We don't recognise the Queensland/New South Wales border.

I'm picking up Rose's issues on competency standards. One of the things I've been involved in over the last 10 years is looking at seeking recognition for Aboriginal and Torres Strait Islander peoples' knowledge and practices through the educational institutional programs. It's been through, primarily, the Cairns TAFE Community Ranger Program, which has been operating now for 10 years. But more recently, it's also been through an initiative that started with South Australia, with the Aboriginal Land Management Program there. The steering committee went to Cairns TAFE and asked for assistance to get national accreditation for their skills. This is because while aboriginal people have had this affiliation with the land for more than 40,000 years in this country, getting employment in areas of natural and environmental resources and cultural heritage, we're way down the list because when we go for jobs, what happens is we're assessed against scientific and technical methods in how to look after country. That country, as we know, two-thirds of it has been destroyed through malpractice by Europeans coming in.

So one of the things that we did last year, is that I was part of a curriculum advisory committee that actually came up with the Indigenous Natural and Cultural Resource Management Program through the Cairns TAFE and we wrote 12 specific competency standards that have now been accredited through Education Queensland, in fact, 18

December last year and we're going through the scoping process now to get the national accreditation.

Picking up the point on the intellectual property. One of the things that came up, it was a major issue, was how are these elders going to be able to give over this information so that we can help our Aboriginal students and Torres Strait Islander students coming through the course, without documenting things. I don't know that anyone is aware that anytime anyone is a student in an institution in Australia, anything that they write and document belongs to that institution so, as a result, any traditional information that is documented is then handed over to that institution and the elders no longer have any rights to that.

We actually researched this further as a part of this exercise and said "How can we do this in a way that those elders don't hand over their knowledge?" As part of the competency standards process, there's a context of assessment. Picking up what Rosie said, we approached it this way. The elders will be the assessors of the program and if we are to recognise indigenous science (as we termed it), which is a combination of the traditional as well as saying it is a study of land and cultural heritage management, that those elders have to teach in a traditional way and nothing is written down. Picking up what Tony said, nothing was written down in our traditional land management practices and passing on of that knowledge, so it must be assessed accordingly.

By addressing those competencies and saying they have assessed it, it's up to them. The coordinators who talk to the elders and ask "Did these people actually do what they were supposed to do in accordance with those competency standards?" So none of the actual knowledge is documented. That's the way we've been able to protect the knowledge though the course and those people still can go through and gain their accreditation, gain their qualifications, without having to put pen to paper. They don't have to put one word down in any documentation. They don't have to be videoed, they don't have to be recorded. It's up to those elders who are accredited as assessors. Who are we to say that they can't assess the traditional knowledge?" They are the ones who say "these students have the skills to be able to care for country".

In most cases, in those particular areas in the Cape, what they do is they will only pass the knowledge over to those students who have been through law in some of the cases, not all, but in a lot of cases they're the ones who will pass over. So I think there are ways already. We have a precedent, as I said. Previously the Community Ranger Program, had Aboriginal and Torres Strait Islander people involved in the delivery but now we've taken it a step further. Now they are the assessors. They are the ones who can say "These people can care for country. I will say the words".

Ms Rose Turner

Indigenous Land Corporation

Interesting enough, in just what your talking about, we went through the actual draft Land Management Training Package with different indigenous people that participated in our workshop and these are core competencies that are being taken from other Australian National Training Authority Training Packages. When we went through them, the people that we did it with just ticked off on so many things.

I mean, there were seven levels incorporated into this and there were so many people that from their own personal and cultural experience were able to tick off on most of them and get right up to supervisor level, without even going through any sort of assessment. I certainly agree with you in that. I mean, that sort of knowledge is not recognised in terms of the non-indigenous education system.

Ms Kim Rogers

Centre for Research and Environmental Studies

Australian National University

Can I just add that particular course has three streams to it. There's a general stream, there's a technical field stream, but the third stream is an education interpretation stream. So the first thing we do under that education interpretation stream is we accredit the elders as teachers, as instructors in that course. So the first step is that part. So they've already got a qualification as a result and there's 100% of recognition for prior learning. So that's the other side of it. They don't even have to walk into the classroom to gain that recognition and qualification.

Comment from the floor (name unrecorded)

Just a comment on what my sister said up there. It's up to the universities to accept our elders as doctors, professors and authorities in their particular field. Don't laugh people. I'll be the eyes of the people who run the universities. I'll be the eyes of the people who give out these uni degrees. Right now, if there isn't written words and documentation of where they come form, you don't get the little bit of paper. Our elders, like Uncle Charles, had to gain this knowledge over many years and you keep it going through the university. Then they get paid as a guest lecturer, not as a professor, not as an authority. While it might sound funny, these people have got degrees. What about Uncle Charles there and Colin and other elders, they are not recognised by these universities and are still used as tokenistic pawns for the universities to build their reputations.

Ms Tracey Cooper

Darley Centre

Tracey Cooper from the Darley Centre. We're looking to create an international program with basic knowledge of indigenous people and we're working with children. I want to ask the three speakers (thank you very much for today) about your experience internationally. I want to ask what people are doing because children of course aren't conditioned with particular ideologies and in your experience, as you're travelling around the world or around Australia, Rosie, what is being done to educate children to think biodiversity, to think indigenous, to think knowledge? Maybe you can help me with that.

I'm talking about your personal experiences. The value of the knowledge of indigenous people is particularly important and that's what we're wanting to bring to young people.

Mr Tony McAvoy

Heritage and Natural Resources Branch

NSW Department of Aboriginal Affairs

Of non-indigenous and indigenous your people?

Ms Tracey Cooper

Darley Centre

Doesn't matter.

A/Professor Henrietta Fourmile

Centre for Indigneous History and Art

University of Western Australia

What's happening on an international scale is the United Nations Development Program does have articles and basically small kits out. That's being developed either by United Nations Development Program or the World Bank with respect to some of the projects which they've funding or they've actually given to organizations money to produce kits for teaching in schools.

Certainly the Executive Director of the United Nations Development Program has seen that if we've going to look at conservation and management and if we're going to use the old-age knowledge of indigenous people and local communities around the world, then we need to make sure that the children themselves grow up with an understanding and a respect for their environment and how they can live together with the species which also have a hold on this environment.

I believe some schools and I certainly know schools in Western Australia, have taken the initiative to implement as part of their curriculum base with respect to science the knowledge where the children used to go out, test the waters and also to see whether the water is contaminated and which part of the waters have been contaminated and just the strength of that contamination. Children have also gone out and identified particular native species within the area, to work again with nurseries and librarians to identify with some of the people in the local area, the kind of species that needs to be grown there.

You get indigenous communities teaching the tradition and the culture and the relationship between them, the land and the species. That's happening I think much more on a wider scale in the whole of Australia as well as internationally.

A/Professor Stephan Schnierer

College of Indigenous Australian Peoples

Southern Cross University

Can I just add to that? If you have a look at the National Biodiversity Strategy under the communications area and also the objective 1.8 in relation to indigenous knowledge, you'll find that our government has certainly got that as an objective, to encourage education institutions at all levels to incorporate the understanding of the indigenous connection with environment and the role of indigenous knowledge in the protection of biodiversity.

It's really basically up to everyone in this room, as voting people, to keep our government accountable for the kinds of words that it puts into policies and strategies like the National Biodiversity Strategy, the Environmental Protection of Biodiversity Act 1999, which was just recently put through. They put in some lovely words to show the international community that, as a signatory to the convention, they are trying to address what the convention has said in relation to indigenous people.

Putting things into words and then converting them into policy, strategy and actions on the ground is a difficult thing for our government. It's a difficult thing for any government that isn't held accountable by people who vote them into office. One of the big gaps that we have had in Australia is an independent indigenous voice in the environmental area. While we do have ATSIC and a number of land councils that can analyse government policy and say "Hey, you've said this stuff in your policy but you're going international and saying "We're meeting our international obligations to indigenous people". In fact they're not doing it on the ground because you ask our elders here if they can go out and do what they've been doing for centuries, for thousands of years, you'll find that that's not happening but our government is saying "Yes, but we are working towards it".

We've recently taken an initiative and I won't go into a great depth about it, but we're about to set up what's known as an Aboriginal Environmental Rights Alliance NGO (non-government organisation) in this country and we're calling for membership for that group. That group is basically going to be an independent group that takes any statement, any policy that's put forward, any media articles and responds to them from

an indigenous perspective, to say "Hey, you might be saying that you're doing this, but in fact you're not doing that and we're going to stand up every time you say that and we're going to get it into the media the best way we can". There is some policy, there are things down on paper, it's making the governments do what it is that they say they are doing. Within the biodiversity strategy and also in New South Wales now, under the Draft Biodiversity Strategy, they are developing a communications policy. Part of that communications policy is education at all levels. It's up to us to make sure that they just put it into practice.

Mr Tony McAvoy
Heritage and Natural Resources Branch
NSW Department of Aboriginal Affairs
So the name of the organisation is Aboriginal Environment and Resource Alliance (ABERA), just to get in the unpaid advertisement and if you would like to sign up see me.

Mr Roy Taylor
North American Indigenous Biodiversity Project
These indigenous people are getting really tricky with all these acronyms now; INGAP, I thought it was ABRACADABRA.

Just real quickly, I think we're obviously not doing enough. I can give you a couple of examples from North America. Even though there are activities going on, the Wichin people in Alaska and the Yukon Territory, up near the Arctic Circle, they have a very extensive mentoring effort (if you want to use western education terms). I mean the young people there, the children there, don't have to be told that this is traditional knowledge. I mean they're having it every day. So when they're talking about hunting, trapping, how to live, you know, a very (I'll use the term) hostile environment at times, because of the weather conditions there. That's something that is ongoing.

The International Indian Treaty Council, which has been very active on the human rights level, but is not getting into the trade and the environmental activity, also has had a long-term youth program. The previous project that I have been involved in with, the Indigenous Environmental Network, has entered a new effort with International

Greenpeace. So a non-indigenous entity that's very active on the world stage is trying to do exactly the same thing. It's trying to get young people interested in the international environment, international economics policies.

So there are a lot of those kinds of programs out there that I think we can tap into, but I think it's also this whole idea of trying to balance the globalisation phenomena with the localisation focus.

Mr Tony McAvoy
Heritage and Natural Resoruces Branch
NSW Department of Aboriginal Affairs
There is not a lot of time but I'll tell you a quick little story to help you on your way to lunch.

There was this old fella, he tells me about a group of lads that got some money from a government project for a bit of cultural learning. So he takes them out into the bush and teaches them a bit of the cultural knowledge of their particular people. He's out there and he's teaching them. He takes them on a one-week culture camp to start taking them through the processes of their law. So they all come back and they think that's great.

Eighteen months later, this old fella tells me "I got a call last week from one of those lads who I took out last time". He said "They've got some more money and they want to go out again". And he said "Well, I said, okay son, we'll go out" and he said "So this time I'll take them to the coldest part of the river, in the middle of winter and we'll sit down for three days and their lesson will be tc learn how to wait because you cannot go and ask your elders to tell you the business of your culture, you will be told when it's time to be told".

Ms Rose Turner
Indigenous Land Corporation
When you're ready.

Mr Tony McAvoy

Heritage and Natural Resoruces Branch

NSW Department of Aboriginal Affairs

When you're ready. Traditional ecological knowledge is about earning the responsibility to know that knowledge. Not to hear the wherewithal to fill in a QTAC application or an application to university. It's about earning the responsibility and respect to receive that knowledge and that's why you listen when you're told things.

Agency and non-government organisation's experiences

A/Professor Shelley Burgin
Centre for Integrated Catchment Management
University of Western Sydney

We're now going to hear from some agency and non-indigenous people. The first of our speakers in this afternoon's session is Charlie Trindall. Charlie is an Indigenous Natural Resource Officer for the Department for Land and Water Conservation, and he is also a member of ANREC (Aboriginal Natural Resource and Environmental Council).

Mr Charlie Trindall
Indigenous Natural Resource Manager
Department of Land and Water Conservation

Charlie Trindall is my name and I'm one of two New South Wales' Indigenous Land Management Facilitators. I'm just going to give a brief overview of what the Natural Resource Trust is about, some of the programs that they've got and how it affects us as Indigenous Land Management Facilitators and some of the communities that we work with. I'll give you an overview of some of the programs but I won't go into them in depth.

Under the National Resource Environmental Management, we've got the Natural Heritage Trust and, as I said, there are two Indigenous Land Management Facilitators. The Trust itself was created in 1996 and it had the over-arching view of saying that it was to conserve, repair and replenish Australia's environment and its natural resources. It also made promises and I'll talk about some of the significant things they promised.

They promised to form a partnership between all Australians and when we looked at all Australians, when we looked at the Trust as it started off, that promise seemed to divert slightly.

Some of the programs, such as the National Landcare Program, I'll give you a brief overview of some of the programs but some, like the National Landcare Program I'll skim over here because I'm going to get into some other stuff afterwards. Others I'll give you a brief overview of.

We've got the Bush Care, Murray – Darling 2000, Coast and Clean Seas, National Rivercare, Indigenous Protected Areas. These are the main ones. There's a whole list of others. Some of you will know about them. Those who don't, there's a whole heap of stuff you can read into each one of the programs. You can make a War and Peace novel on the whole lot, if you want. There's programs for the national reserve system, feral animal control, weed control, river health programs, wetland programs, farm forestry programs and Waterwatch. We've got ones that look at the fisheries area, endangered species, world heritage areas. We've got waste management ones that have been introduced, air and pollution.

When the Natural Heritage Trust was set up, it came up with an issue that indigenous communities weren't accessing the Trust on an appropriate level. So they introduced a project to employ 12 indigenous land management facilitators nationally. New South Wales have got myself and Rob Clegg and our sponsoring body is the Department of Land and Water Conservation. I'm currently based at Bridge Street, Sydney and Rob Clegg's at Queanbeyan. We cover New South Wales in general.

We work with community people. When we go out, we tell them what we're doing. If you're agency people and the likes, we'll look over your application but it's for feedback for Commonwealth policy-makers. Our main focus is to look at land management issues of concern to Aboriginal communities, looking at providing guidance and support to them in regards to the National Heritage Trust.

There are other things that we're trying to look at. We've trying to facilitate Aboriginal community involvement in sustainable land management activities, and we're linking up, we're trying to link up, other indigenous communities around the State, with various other organisations and community people that are doing similar works. Because out there, whether we acknowledge it or not, a lot of indigenous communities

are really trying to get their thinking around what sustainable natural resources and all this jargon means.

They know in their heart and in their natural land what it's all about. When it comes to government terminology and that, they get a bit lost with it. This is what we're finding. So part of our job is to try and explain some of that and to try and assist with the Natural Heritage Trust and explain some of the workings of it and how they can utilise it, which is easier said than done.

I suppose this is the part that I wanted to get on to. Since the inception of the Natural Heritage Trust, indigenous communities that we work with around New South Wales are finding it difficult to access the funds and that creates a whole range of issues.

I suppose I can talk briefly, a little bit, about some of the figures that the Trust is all about. Nationally, the Natural Heritage Trust had a budget of $1.25 billion. Out of that $1.25 billion, $280 million was for Landcare, $330 million for the Murray – Darling Basin and $97 million for outside the Murray – Darling Basin, $106 million for coastal marine and $80 million for biodiversity.

In New South Wales we looked at some of the total expenditure that was in the total and for indigenous projects. In 1997-98 we had $47 million total expenditure and $450,000 was for indigenous projects. That is about 0.9%. In 1998-99 we had $54 million and one million was for indigenous projects. In 1999-2000, there was $49 million in total and $798,000 for indigenous projects which is around 1.6%. I suppose in total, when we look at the difference, the indigenous communities are accessing about 1.5%.

One of the more popular programs that indigenous communities were accessing is the Bushcare program. This is because of native vegetation, we talked about food and medicine plants earlier. In 1997-1998, about 2.2% of the total funds were accessed by indigenous communities. In 1998-1999, 3% and then in 1999-2000, we had about 5%.

When we talk about it, non-indigenous people say "Well, that's pretty reasonable because, you know, you guys are only 1, 1.5% of the population anyway". Then they

forget that we're talking about a growing land and we're not talking about a difference in Aboriginal land/non-Aboriginal land, we're talking about conservation as a whole.

Some of the issues that are affecting us or that we're dealing with and we have to come to terms with is all of us have to acknowledge the fact that indigenous people were having, seeking and experiencing different needs and concerns in regards to natural environment and resource management. We looked at indigenous needs and concerns and how they weren't recognised in the setting of regional assessment panels, regional priorities and the setting of those environmental strategies.

So in the assessment process for the Natural Heritage Trust, people are submitting their application. They then go to a Regional Assessment Panel, an Aboriginal Assessment Panel, which is the Aboriginal Natural Resource and Environment Council, it then goes to the State Assessment Panel and then to the Commonwealth. So we've got all these layers of assessments that each application has to go through before it gets the red tick at the Commonwealth end.

So indigenous communities are up against a barrier right at the start, because many of the priorities that were set at the regional level didn't have any indigenous input, so there have been no Aboriginal or indigenous priorities set.

We know for a fact that there was a lot of reasonable indigenous projects that were being ranked low or rejected by the regional assessment panels and, in general, when you looked at it closely, first-hand experience out there, we're still up against the redneck attitude. We're still up against the people that are landowners and still look at black/white money, black/white land. These are real issues that we have to deal with and had to deal with and are still dealing with. So, in many cases, Aboriginal projects were being knocked out due to the fact, you know Australia's poor image, mainstream Australia's poor image of indigenous people. Then, from these perceptions, we had these preconceived conclusions that, in regards to the ability of indigenous communities, how do you say, well, their ability to manage projects. So people had preconceived ideas about "It's just another land grab, money grab". So we have to work out ways in which we can increase the Aboriginal representation on these panels,

work out ways of ensuring that Aboriginal concerns and issues are put into the regional priorities and strategies.

One thing that came clear to all the facilitators was that one of the processes of assessing the applications became not a process of looking at, in some cases, not looking at the application itself, but a process of assessing the grantsmanship of the applicant, rather than the qualitative outcomes of the project. Our counterpart in Western Australia sort of put it nicely, he said "As the proposal moves through the assessment process, it gathers comments and concerns and issues like a boat gathers barnacles and in the end it's the barnacles that are the rejected reason".

Some of the issues that indigenous communities are looking at and coming up against are that the labour force that's used in remote communities consists basically of CDEP [Commonwealth Department of employment Program] and Work for the Dole. In reality when you look at the Landcare side of things, a lot of landcare and farmers are working as a business and then its expected that Aboriginal people are purely conservationists and work for charity, or work with the invested interest of community, which we do but we still need to eat.

Coming from a background in DEET [Department of Employment, Education and Training], I can sort of relate the training for Aboriginal programs to the National Heritage Trust. In the training for Aboriginal programs, such as the DEET Labour Market Program, we had money for training for aboriginal people and, in some cases, training wages. We couldn't fund resources to do the work, so we had the labour and the training but we couldn't get the resources. But when you look at the Natural Heritage Trust, it's completely the opposite, we can get the resources and the labour isn't funded. So that's a big problem in indigenous rural New South Wales.

When we looked at the mainstream Natural Heritage Trust coordinators and facilitators, we see that, overall, they've been placed strategically and Landcare itself has been successfully implemented for over a decade. The indigenous land management facilitators projects, facilitators themselves, were in the early developmental stages of trying to plan a strategic approach to access and equity in regards the Natural Heritage Trust funds.

We need to constantly promote the fact that good management of indigenous lands are not only in Aboriginal interests but of national interest. It's not an act of welfare, it's an essential. Rob Clegg, my counterpart, made a statement to me yesterday and I thought I'd say it. He said "The land itself does not distinguish between white and black projects, only people do". That's the colonial mentality that was reflected earlier.

Some of the regional assessment panels are continuing with the concept of "degraded black people, degraded black land". So we're not looking at an overall concept of land management in a lot of cases, we've still got black/white.

There are some solutions that we're trying to come up with. One is a New South Wales devolved grant project, where we're trying to get the Commonwealth to devolve the money out to an organisation, give the money to an organisation, where they can devolve it to the Aboriginal communities and then we don't have to have the great big thick National Heritage Trust application.

One area that this could help in is the bush food and medicine, yes, plantings, which is a common one. When you get out there and work with a lot of indigenous landowners that is probably one of the common areas that we're coming up with. A lot of people want to put back in any species that are specific for medicinal purposes and food purposes.

Capacity building is a critical option for indigenous communities, because we need the long-term indigenous land management process to happen. Because there's only two indigenous land management facilitators to cover New South Wales, it's very difficult for us to get everywhere at once and as the news gets out that there's indigenous land management facilitators, everybody wants a hand. So one of our challenges is to work across the board with mainstream coordinators and facilitators in trying to get that cross-link happening.

We need to develop regional, state and national indigenous land management strategies. This is an imperative. We touched on that earlier, in one of the other talks. So as we talk about a national land management strategy, we need to bring it back to

regions and even local areas. We understand that the Natural Heritage Trust is finite and indigenous land management strategies will carry on well after the NHT has died.

I have just one question in closing. Working in the area of Aboriginal affairs or community development, Aboriginal community development and now indigenous land management, we're always asked the question, well, I've always come across the question, I suppose everybody in this room has probably thought about it or even talked about it. The question is "What's the big thing about indigenous people and the land and what's this connection they talk about?" Well, on talking to indigenous communities, listening to some of the people that I've grown up with, one of the statements, the true statements, that justify the connection is, for creation itself. It was always stated that land, vegetation and animals were created before humans. So, that way, humans are always indigenous people and first-nations people right across the world have always looked at land, vegetation and animals as elders that deserve respect and there's no argument for that. That's cut and dried.

There's one analogy that was explained to me. If you can imagine a cup of milk and one drop of water dropping into the milk over a long period of time, eventually, over years and years, that water will displace the milk and the contents will become pure water". When we think about that with indigenous eyes, we see that the land itself, over a long period of time, is a result of native vegetation, native animals and native people being put back into it. So when you think about it, the land where we live, indigenous people and indigenous people all over the world, the land itself is not longer land. It becomes the remnants, the ashes of the ancestral people. I suppose I wanted to close on that because when we're talking about treading softly on the land, from indigenous eyes and indigenous hearts, we're talking about walking barefoot on the land, with respect, because it's no longer the land, it's the remains of ancestors. I'll leave it at that. Thanks very much.

A/Prof. Shelley Burgin
Centre for Integrated Catchment Management
University of Western Sydney

Thank you Charlie. As someone who has been associated with the Natural Heritage Trust since it's inception and has been concerned about the lack of fundable indigenous

projects being put forward, it's really interesting to hear one of our indigenous coordinators talking about his view of things.

The next person we have to speak is Tony McAvoy. He is the Manager of Heritage and Natural Resources Branch at the Department of Aboriginal Affairs. Tony is now going to provide us with some insights into his work.

Mr Tony McAvoy
Heritage and Natural Resources Branch
NSW Department of Aboriginal Affairs

Thank you. I'd like to acknowledge the elders here. It's a pleasure to be on Darug country and to be able to talk about these sorts of issues. I'm speaking here under a bit of a ruse really. I'm not speaking as the manager of the Heritage and Natural Resources Branch, I'm speaking as a representative of the Aboriginal Environment and Resource Alliance, so I've changed sides: from government to NGO [non-government organisation].

I'm a Wiri person, of the Birrignbba language group, Central Queensland coast. Our country's just south of Henrietta's. In fact, my grandmother is a relation of Henrietta's. I'm down here in New South Wales and have been here for five years. I intend to stay around for a little bit long too.

What do Aboriginal people in New South Wales want from the government? I'd like to be able to say "Nothing". I'd like to be able to say that Aboriginal people have economic independence, derived from legislatively protected rights of management and ownership of the lands, waters, natural resources and of our cultural and intellectual property rights. I'd like to be able to say that housing, health and education needs do not influence Aboriginal communities when it comes time to make decisions about environmental and land matters, but I can't.

The most pressing need, from my point of view, is for the government to take active steps to stop the cultural genocide. As Aboriginal people, we have a number of things that are our birthright or our inheritance. We have a world order that is dependent upon familial, social and spiritual laws, that is our inheritance. It is our obligation to

maintain our inheritance for our children and to teach our children how to maintain that inheritance for their children.

How do Aboriginal people maintain an inheritance that is off, by and from the land, waters, trees and animals, when the words that we use to describe those lands, waters, trees and animals have been denigrated, outlawed and then not even made available to our children in schools?

How do Aboriginal people maintain an inheritance that is off, by and from the land, waters, trees and animals, when the practices we undertake to maintain the physical and spiritual connection is denied by ignorance and greed that is supported by legislation?

How do Aboriginal people maintain an inheritance that is off, by and from the land, waters, trees and animals, when the knowledge we hold is being stolen and there are no laws to respect it or protect it?

The answer is: we do not! We've seen the suppression of our spiritual understandings and the breakdown of our social order. Aboriginal familial order is in crisis. What inheritance did our grandparents have and what did they have that we can hand on now?

From a personal point of view, I come from a line of men, in which I'm the eldest of the eldest of the eldest of the eldest, and not one of the men in my family line has ever known their grandfather. Think about that in terms of cultural inheritance. Now, that's through early death, mind you.

What is the government strategy to arrest the genocide? I argue that it doesn't have one. Why? Because the annals of government are committed to continued dispossession of Aboriginal peoples from our lands and resources. The cultural genocide, when complete, although a little bit embarrassing on a world stage, will signal the end for Aboriginal peoples' independence from a rights position. Our ability to maintain our inheritance will be lost. Then we can all be friends in a world where we are all poor and the government has successfully defended those who have stolen our land and resources.

There are enlightened individuals within government though. They recognise that the current system of land allocation and resource management is unsustainable. There are, within that handful of people, a select few who acknowledge that lessons in sustainability can be learned from Aboriginal people and because the current method of tying people into results is by a means of developing committees for advice, Aboriginal people are being included in such forums.

What do we get from these processes? I don't know. Does the government learn to tread softly on the land, from our participation in these committees? I doubt it. The governments have learnt to tread softly on individual's rights though: the right of a farmer to burn or run a chain across his land because he's worried about native veg laws, the right of a fisher to return uneconomical by-catch back into the ocean, the right of a person to drive their car as short a distance as he or she wants to, or the right of a developer to develop land because it was zoned in a particular manner 15 years ago.

Treading softly on the land is not about the protection of individual rights, it's about the protection of collective rights. That, to my mind, is the essence of Aboriginal land management: understanding that our rights come from a collective basis. My rights in respect of my country only arise by reason of my being part of a particular people and having rights and obligations within that collective.

The western system doesn't hold people to account within a collective. People are entitled to undertake individual activities and the government, who we have all ceded our individual rights to, on the basis that they are going to carry out some collective policing, only polices it for some.

Until government can understand the fundamental principles of Aboriginal law and custom in relation to land and resources, that we have rights and obligations, as a collective, to maintain our environment, then I think the western system is not going to leave any inheritance for it's people either. Thank you.

A/Professor Shelley Burgin

Centre for Integrated Catchment Management

University of Western Sydney

Thank you Tony, that was fantastic, very thought provoking. I'd now like to call upon Rick Farley. Rick is the principal of Farley Consulting. He is a land-use agreement consultant and also extremely well known for his work with the Cattlemen's Union and the National Farmers Federation.

Mr Rick Farley

Farley Consulting

Good afternoon everyone. Can I acknowledge that we're standing on traditional Aboriginal country and can I also pay respect to the elders who are with us today.

I've been asked today to talk about the practicalities of negotiating land-use agreements. I guess there's all sorts of different speeches you can give on different occasions, you know, the politics of it and so on. But I want today to concentrate on a fairly pragmatic approach to developing agreements because that is what I do now.

My background is that I come from Central Queensland. I spent 25 years in politics, as the director of the Cattlemen's Union and then Director of the National Farmer's Federation (NFF). When I was the Director of NFF, we put together the National Landcare Program with the Conservation Foundation and also negotiated with Aboriginal people on the passage of the Native Title Act in 1993. I left NFF in 1995 and, I must say, I've had some fundamental disagreements with some of the things that they've done since then.

I've also been involved heavily in the reconciliation process, I've been a member of the Native Title Tribunal and I now facilitate commercial agreements between companies and groups of traditional owners. So at the moment I'm working on a power station, a railway, a dam and a mine. I'm also working with the Yorta Yorta people and with Barkindji people on the Murray – Darling Basin Commission. I should say I'm also married to a Wiradjuri woman. So I hope that that range of experience has sort of put me in a position where I can see where landowners and developers are coming from,

where government is coming from, and, hopefully, also have some appreciation of where Aboriginal people are coming from.

Okay. The first point I want to make to you, and it's the subject of a whole different speech, is that companies now want to do agreements. There's three basic reasons for that. The first is that native title is a brand new area of law, there are all sorts of avenues of appeal, it's going to be a long time before the law is fleshed out, so it makes good commercial sense for companies to try and reach an agreement, rather than perhaps spend, you know, three, four, five years in the courts. It's as simple as that.

Secondly, they're also making the commercial judgment that it's better to front-end load their risk and deal with different interests in the community, Aboriginal and non-Aboriginal, including environmental considerations, because once again, very pragmatically, from their point of view, they're going to be in the district, probably for 20 to 25 years and, rather than face a hostile community which will seek every possibility, every opportunity, to judicially review their activities or take legal action, it's best, from their point of view, to reach an agreement with all of those different interest groups, so that they haven't got 25 years of a hostile community. From their point of view, it's commercial good sense.

The third factor that's starting to appear, I think, also is a bit of distrust of the legal system. That, once again, is the subject of a whole different speech. The legal system, in my view, still is fundamentally geared towards an adversarial course of action, rather than reaching agreements. So companies, I think, are finding that across a whole range of experiences, not just in land-use agreements, are increasingly starting to look at an alternative source of advice to simply resolving things through the courts. It's getting far too expensive.

Okay. So let's take it as given that companies do want to do some agreements. What then become the building blocks? Right. The first thing you've got to ask yourself is what type of agreement are people going to look for? The amendments to the Native Title Act have created what are called Indigenous Land Use Agreements. There are various categories of ILUAs (Indigenous Land Use Agreements). The one which is most useful, I think, for companies is what is called a certified area agreement.

A certified agreement is where the native title representative body for the area, usually the Land Council, signs off saying that the company has consulted adequately with traditional owners and there has been a proper process of authorisation by the traditional owners for the company to go ahead with whatever is their side of the agreement. So a Certified Area Agreement is what most people are looking for. There are two essential components of that:

1. the certification by the native title representative body, the Land Council; and
2. registration of that agreement by the Native Title Tribunal on the Register of Indigenous Land Use Agreements.

The way that the Native Title Tribunal approaches the issue is that you present them with an agreement. There is then a three-month notification period under the legislation. If anyone objects within that three-period, then it has to be on process since if it has been certified by the native title representative body then the only objection can be on process. It can't be on the content of the agreement. So a Certified Area Agreement is attractive to companies because it limits the areas of objection. So the native title representative body, the Land Council, in effect becomes the gate keeper for the company in dealing with traditional owners and signs off on the process.

Who are the parties to the agreement? In the first instance, the legislation says that any prescribed body corporate under the Native Title Act has to be a party. That's where there's been a determination of native title and the native title is held by a body corporate. There's not many of those around at the moment because there haven't been too many determinations of native title. The next group are registered claimers, people who have lodged a native title claim and remain on the register of the tribunal.

Interestingly, the legislation then says you've got to deal with anyone who may hold native title. You then deal with the native title representative body for the area which is not necessarily covered by a client. So you've got the rep body, which is the Land Council, registered claimants and then anyone who says that they may hold native title. Now, that's quite an interesting proposition because the Act requires Aboriginal claimants to jump through a whole lot of hoops in order to become registered claimants. They're got to go through a registration test and so on. But when you're

dealing with an ILUA it doesn't matter and sometimes that's a hard message to get through to some of the Aboriginal groups. They say "Well, we're registered claimants, we've passed the registration test. Why shouldn't we have more rights than someone who hasn't even lodged a claim?"

But the reality is when you're developing an agreement your standing is not influenced by either whether you're lodged a claim or whether you've passed the registration test. You've got to deal with anyone who may hold native title.

The other party usually is the state because the state has to issue the licence that the company wants. It also may be that people who do object within the three-month notification period seek to become registered claimants. If they do become registered claimants then you've got to deal with them as part of the agreement.

The other part of all of that jockeying is to try and keep the Native Title Tribunal involved and giving advice, because you've really got two strategies when you're dealing with these sorts of things. Number one is to try and avoid any objections during the three-month notification period. If you get objections then those objections have got to be heard and that extends the time period. So strategy number one is try and avoid objections, deal with the rep body, get the rep body to identify all the people who may hold native title and then work with them.

Strategy number two is to minimise the time taken by the tribunal to actually register the agreement. So once again it makes sense to involve the tribunal. The tribunal now will give advice on drafts which are put to it. So it's possible to work up drafts during the course of negotiation and give them to the tribunal. The tribunal will give you an initial view about whether it meets their internal requirements or not.

So against that background, what are the practical steps? Practical step one is to talk to the state and the tribunal to start with. The state has got to sign off on any agreement, the tribunal has got to register it. Talk to them, tell them what you're doing, get their advice, if they can give you some idea of who it is you might be negotiating with and so on and what some of the issues may be. Practical step number two is to go and see the native title representative body, usually the Land Council for the area. Try and

develop a framework agreement with the rep body so that there is an agreement which covers their certification of the agreement that you want. In other words, getting them to certify that you've consulted with traditional owners in the proper way and that they've given the necessary authority, but put that in an agreement.

As part of that agreement there should be time scales. Usually the way in which time scales are developed and some pressures put on people to adhere to them is to say "We will negotiate for X period of time", whether it's six months or nine months. "If there has been no success at the end of that time then, I'm sorry, we're out of the agreement business" and the minute the mediators and negctiators walk out, the lawyers take over.

So it's important to have an agreed time scale, not an imposed time scale, but an agreed time scale. That agreed time scale has got to take into account the need for traditional owners to go back and talk to their family groups and so on. It's got to be a realistic time scale, not one simply imposed by the company. But once you've got that time scale, you've got to keep people to an agreement within the period of time that has been agreed then, sorry, we've got to resort to compulsory acquisition or alternatively the issue of a section 29 notice under the Native Title Act.

As part of the framework agreement it makes good sense to build in a management fee for the rep body, because the rep body is going to have all sorts of people coming to them asking for advice, wanting to do deals, wanting to do agreements. If you want yours to be at the top of the pile, you've got to make sure the rep body has got the resources to be able to do that. So you provide them with the resources to be able to do that. So you provide them with the resources, the company provides them with the resources. That means when you ring up there's someone there to answer the phone to deal with your matter. Some people say "Well, you're bribing the land councils". I don't look on it that way. I look at it as providing resources to enable them to deal with the matter that the company wants priority given to.

The next practical step is to appoint a project coordinator, an Aboriginal person, who can work with the Land Council and then work with the groups of traditional owners. That person has got to be adequately resourced: got to have office facilities, mobile phone, vehicle, all that sort of stuff. The cost of that is the company's cost.

Practical step number three is to advertise, because remember the Act says you've got to deal with anyone who may have native title. So advertise say "This is the project we want to undertake. We want to consult the traditional owners. If you believe you may have a traditional interest in the land, subject to the project, contact this number. Out of that you get a register of interests, potential parties to the agreement. Once you've got that register you sit down with the rep body.

Next step: who are the right people we should be talking to in this area? That is sometimes a pretty touchy issue but the approach that I have learned to take now is to say, "All right. There's white-fella business and there's black-fella business".

- White-fella business: all we need is a single committee to negotiate with.
- Black-fella business: the relationship within the committee, none of my business, that's up to the Aboriginal people.

If there's mediation going on, if there are conflicting boundaries to claims, don't want to know about it. That's black-fella business. All that the white-fella needs is a coordinating committee, a single coordinating committee.

So the way that it is tending to work in practice now is that the identified groups simply agree that they will have an equal number of representatives on a joint steering committee. It's usually three or four, always more than one because Aboriginal people need witnesses with them when they're dealing in those sorts of matters. So a joint steering committee, there may be four or five different groups, three or four reps each. The company resources that steering committee. Recognise that the formation of that steering committee is likely to need a family group meeting so you've got to provide funds to enable the family groups to come together and appoint the steering committee.

In a practical sense negotiations then occur with the joint steering committee. In practice, the company would usually provide a draft and the steering committee responds to the draft. There are usually two issues on which you're working: a native title clearance and a cultural heritage clearance, and the cultural heritage management plan which incorporates the cultural heritage and so on. The actual management plan

becomes a schedule to the land use agreement. So that protects the cultural material in the project area as part of the agreement.

You then develop a final draft and go through the authorisation process. It's then registered with the tribunal and you wait to see if objections come forward during the three-month notification period.

So that's the process in brief. The essential building blocks that I've experienced over the last three or four years which now are integral to this process are these:

1. The involvement of the state and the Native Title Tribunal. It can save a hell of a lot of time and, in any case, the state has got to sign off on the agreement at the end of it.
2. You're got to have a good relationship with the native title representative body, with the land council. There's a hell of a lot of politics in dealing with the land councils and I recognise those politics. But in the last analysis there's no white fella who can say "You're the right person for that country. You're the wrong person" and so on. That's got to be a job that aboriginal people do themselves. The only structure that's available to deal with those sorts of issues at the moment is through the native title representative bodies. Now, I know that there are some tensions between traditional owners and the native title representative bodies but, quite frankly, I can't see any other alternative. So the relationship with the native title representative body is essential.
3. A management fee for the rep body. I've explained that. You need to make sure that they're sufficiently resourced to be able to deal with your matter quickly.
4. Whether or not the rep body has got an authorisation protocol. If they've been through the process before, what is it that they will actually require the company to do to satisfy them, that the right people have been consulted, that everyone has agreed to the terms of the document.
5. The appointment of a project coordinator, the establishment of time scales which are realistic and which everyone understands. The groups that you're negotiating with then have to have a corporate identity. The groups of traditional owners, unless they've got a corporation, they can't contract to undertake a cultural heritage management plan. So they need a commercial

entity, a corporate entity, with which they can deal then with the company and undertake some of the jobs that are required of them.

6. The corporation then contracts for the cultural heritage management plan and the cultural heritage survey. There has then got to be a mechanism for distribution of any benefits that come from the company, whether it's money, employment, jobs, scholarships, educations, whatever. Now, if there are disputing groups, once again, I've found that the best way in practice is to use the same philosophy as the information of a joint steering committee. So how you divide it up, that's your business, so put it all in trust. When you agree about how it's to be distributed, you can distribute the trust. But having to sit down and say "All right, this family gets three jobs, that family gets four jobs, that family gets five jobs", you know, that's a recipe for disaster. The Aboriginal people have got to do that themselves. If they're not in a position to do it at the time, the best mechanism is to whack it all in trust until they're in a position to deal with it.

The last thing I want to deal with is the things that the company should pay for, what companies are increasingly paying for at the moment. The first is the cost of an Aboriginal project coordinator and office resources to go with that coordinator. Next, one legal team. Now, in some circumstances where you've got four or five different groups on the steering committee they may have relationships with lawyers already and they may want to use their own lawyers. If they want to use their own lawyers, that's fine, but the company is usually taking the view that they will only pay for one legal team. If there is a joint steering committee there is a single legal team to act for the joint steering committee.

Next: the company should meet the cost of the consultant archaeologist and all of the costs associated with the cultural heritage survey and the development of the cultural heritage management plan.

Next: they should meet the costs of an agreed number of family group meetings to enable the people who are the representatives of the groups of the joint steering committee to go back and advise their people about what's happening and to get the

necessary authorisation process, because remember the aim of the company is to prevent any objection during the three-month's notification of the agreement.

The company should also meet the costs of the steering committee, including paying the sitting fees for the people who sit on that steering committee, pay all their travel and accommodation costs and so on.

So that is a very quick flick through some of the things that are occurring at the moment and the sorts of issues that you have to address.

But can I just come back to the central point. The central point, in my view, is that for whatever reason and it may be simply commercial, I can certainly say to you there's not much altruism around there in the commercial community. Companies now are making the judgement that it's in their own commercial best interest to deal with agreements with indigenous people, rather than deal through the courts. That, I think, gives indigenous people a stronger bargaining position than they've had for a long, long time.

It also, in a funny way, provides some extra resources into the whole process, because at the moment the rep bodies are under-resourced and they are stretched. There is no money available to assist Aboriginal communities to set up corporate entities so that they can deal effectively with developers. So the developers, in effect, are subsidising the development of those corporate entities. They're also, in effect, subsidising the development of a skill base for people to sit on those corporate bodies.

Once again, this is one of the big faults in the native title process. Everyone assumes that once you've got a native title that's the end of the story. It's only the start of the story. You've then got to develop the land management plan. You've then got to have a corporate entity to deal with it all and so on. Now, there's no funds anywhere for that at the moment. But out of this agreement process, companies, in effect, are providing or helping to build up an infrastructure that can be, I think, of substantial benefit to communities in the future.

I'll stop there. If there are any questions later, I'll certainly try and address them. Thank you.

Mr Michael Adams

NSW National Parks and Wildlife Service

I'm doing a PhD at the University of Wollongong and work with National Parks and Wildlife Services here. I was just interested in the mechanics of agreements in what you characterised as black-fella business. How, in what's presumably a fairly tight commercial time-frame, do communities which might be in quite adversarial relationships, manage to work out their differences enough to form that joint steering committee?

Mr Rick Farley

Farley Consulting

I guess there's two pressures there. The first is the company saying "Unless we can agree there's going to be a compulsory acquisition or the issue of a Section 29 notice". So there's commercial pressure on one hand from the company. One of the things you've got to get through to the Aboriginal people, or the Aboriginal people need to understand, is that there is a capacity for more benefits to come from an agreement than there is out of a formal adjudication or arbitration by the Native Titles Tribunal. The Act limits the things that the Tribunal can arbitrate about in an agreement, but anything is possible in an open agreement. So the native title representative body has a role in explaining all of that to the community as does their legal team.

As I said when I was talking, I think the company should pick up the costs of the legal team for the traditional owners. The way to have the company understand that is to say "Look, the better the legal advice is the more likely or the more quickly we've going to get a resolution of this". So one pressure is a commercial pressure. Unless we get an agreement, no-one is going to get very much, because if you get into compulsory acquisition where native title may remain and all that happens is that the states compulsorily resume and you pay just terms compensation.

The states take the view in court that just terms compensation should be no more than 100% or should be no more than freehold value, so there's no consideration for cultural

or traditional attachment. So the harsh reality is that you're going to get more out of an agreement than you are out of a compulsory acquisition or a Section 29 process.

The second thing really is that both the Tribunal and the rep body are constantly involved in trying to mediate between different groups and the situation should improve over time. That's another reason for having the rep body as an integral part of this whole process because you're going to need the good officers of the rep body and to some extent the Tribunal, to proceed with mediation while you go ahead with this commercial agreement. What you end up saying to the traditional owners is "All right, you've just got to separate it. You may have blues but you know, you have those blues over there. What you want is to get something out of the company. Unless you can work together no one is going to get very much out of the company.

A/Professor Shelley Burgin
Centre for Integrated Catchment Management
University of Western Sydney

Thank you Rick. That was very informative for us all. The final person in this section is Dianna James. Diana works for Desert Tracks and is currently working with the University of Western Sydney – Hawkesbury as an Ecotourism consultant.

Ms Diana James
Desert Tracks

Good afternoon, everybody. I'd like to thank Colin for his wonderful welcome to his country, Darug country, and to the two women who sang their song of this country, it was very moving. My experience and my work for the last 25 years has been in Central Australia with the Pitjantjatjara people.

Over the last 12 years my involvement has been with a particular family group at Angatja whose senior custodian, Nganyinytja is a grandmother, of the grandmother-in-law status, who with amazing generosity of spirit and extraordinary vision decided to open her homeland to visitors, to tourists and people from outside from all around Australia and internationally. She did this with the specific aim of teaching people how to tread softly on the land, how to gain an understanding of indigenous knowing of our

country, way of being in country, opening one's heart and mind and ears to listening to the land and being in it in a different way.

It has been my great privilege to work with her and her family and the people at Cave Hill who have since become part of this company. Initially it was a joint enterprise in which myself and my then partner put forward the money to buy the buses and the equipment to take people out there. The traditional owners, the family at Angatja, designed the itinerary, designed the philosophy and the aims and the structure for teaching people for taking non-indigenous people into another way of being. I think that it has been extraordinarily successful. There are many points that people have mentioned today that resonate and underpin the philosophy of the group that I've worked with.

Just briefly, I'll give you an introduction to it and try and explain, in the way that I can, their teaching and why they're doing it that way. What I particularly picked up from the Bundjalung elder who spoke so well this morning was the notion of recognition. Tiki Minyinta, who is senior custodian of high degree from Cave Hill, also one of our directors, says that at the moment black and white in this country do not understand each other, do not recognise who we are as people.

What the elders are trying to set up, in a situation where they invite people into their country, is that there'll be a greater knowing of who we are. So that in the future we will no longer be white and black, we will just be people. That may be quite a way down the track but the fact that these people have the vision to try and open up that understanding at a deep level, at a recognition level, and as was pointed out by many people, that involves respect.

It involves deep respect for indigenous knowledge and way of knowing. It involves making sure that their knowing and their knowledge is protected with proper intellectual property controls, that their ability to live in their country and manage it in the ways that they have, and to change however they're going to participate now with our western culture and things that they might want to do on that land, whether it be tourism or cattle or mining or whatever else they want to negotiate. That they have the full rights in everything available for them to actively do that and to participate.

So it's a way in which the two laws, the traditional law of land, of cunninee, of djukepra relating to country, of being of country, that those things are recognised and that they are honoured in negotiation and that cur laws are changed so that communal property rights over djukepra, for instance the nintucker, that these people teach is what they have decided to record. As many people have said, it's the recording of it orally that's incredibly important because it's an oral tradition.

One of the ways that they have decided, or we've decided, to help them protect this and to hold onto the intellectual property right of it is that once it is recorded in this form and it's written down under our system, the non-indigenous system, once that's stamped with a copyright to Desert Tracks and Anangu Pitjanjatjara, which is the land holding body, then they have controls to a much larger degree in how people use that story external to being on Desert Tracks.

So we've had to look at issues of tourists coming into country, what the impact of that is, what the impact in an ecological and cultural sense is. There's many impacts. The ecological and environmental one we've, to a large extent, worked out a fairly effective job management program where Anangu have decided where the camps will be. That's on the basis of shelter, amount of trees and accessibility to water and things that normally would have decided where people lived. The spatial relationship of where people camp and where there are Aboriginal hosts' camps have all been worked out along traditional lines and it shifts, as it has to, with the seasons.

The impact, though, of the people numbers and of vehicles with big tyres and people with shoes, you know, the impact of the number of tourists, has had to be dealt with using a combination of methods. A lot of them are from western knowledge and experience of what has happened in our country where we've seen devastating impact of non-controlling tourists in areas and how they can wreck an area and totally destroy the environment. So that knowledge has come from the west and there has been an active decision by the Directors and myself to call in various experts in this area to assist us with working out a joint management plan.

So we've had archaeologists come in and look at the rock painting and talk to us about how, from the custodian's point of view, they want to look after it and, how from a rock art specialist's point of view, what sort of precautions we need to take. What was really fantastic about that particular exchange was that the controls that we all worked out, the Board of Directors had worked out, proved to be absolutely correct and in many ways the rock art specialists were saying "Well, you've actually done this in a very non-intrusive but a very effective way", which meant that we limit numbers. People are only ever allowed to go in there on foot, no cars can come anywhere near the area, there's Spinifex on the ground to reduce the dust and no photographs are allowed inside for traditional reasons. That was reinforced by hearing that ochres actually fade if you use flash photography.

People come in and they sit down and listen to a story and then they exit. It's not a place that hundreds and thousands of people are allowed to just walk through at will and take photographs. So that method, at the moment, is proving very effective. If the tourism numbers increased over the current numbers of between 200 and 300 people a year in very controlled small groups, if that does increase we may need some other land management or other management techniques to come in, but at the moment that's pretty effective.

We've had to deal with the increased rubbish, the use of water and all the fragile resources in the desert. So we have made use of alternative technology. Some of the best design stuff that is coming out of Alice Springs is being used on Aboriginal communities. It was very important that the infrastructure that went in for the tourists was not of a level that can not be duplicated in other Aboriginal communities, that it wasn't so flash and inappropriate that it didn't fit in with the environment. So that's an area that has been quite successful.

The area of cultural heritage rights, custodianship, has been much more problematic and we've had to develop quite a series of ways of controlling it. I'll just put up this little diagram. So, this is just a little diagram to show the kind of space that we're talking about. These are the traditional owners who welcome people in, these are the visitors and this is the space between them. The law-holders of both cultures are coming together here because the law-holders that we also make use of in this situation

are lawyers and anthropologists and other advisers who are employed by the regional land holding body.

Traditional lore that would have been quite sufficient in a traditional situation to make sure that, as has been pointed out earlier, knowledge is not open as it is in the western system. There are some secret, sacred, some of them are restricted to men, some restricted to women. According to your age and your position of responsibility, only certain things can be passed on to you. So, the whole process of what is exchanged in these very open and wonderfully sharing situations that have been set up by the elders has been something that has had to be worked out and controlled.

So all the stories that are told are open, non-secret, non-sacred. They have been approved by the larger Aboriginal landholder body there. Various representatives of the people, for instance, from the perenti dreaming line have come and sat in on the teaching sessions to make sure that the stuff is okay that is being passed on. The elders tell people to hold this information in their head and their heart and honour it and allow it to transform the way they then are and their country when they go back home.

Unfortunately, westerners, as has been our tradition, tend to come in and are welcomed in with wonderful generosity in these sorts of situations and then see the knowledge that we've given is something that is a thing, a package in our hands that often we can go off and use or trade or make money out of or feel that we then have the right to use in other situations. So it's not been sufficient to ask people to hold it in their head and heart and not misuse it, we've had situations of gross misuse. Unfortunately, that has put the Directors of Desert Tracks in very difficult situations.

One specific thing I'll tell you about. Someone decided to go back and advertise that they were an initiate of the rainbow serpent dreaming and they could teach that and that if people came to them they would also be initiated into this dreaming. Now, there is no way that that was the intent of the elders in conveying that story. So we were notified by the wider community, by city Aboriginals that are down in Murrindindi, down in Melbourne. They rang us up and said "Is Desert Tracks associated with this?"

The bells started ringing all round the place and we got the lawyers and had a big meeting with the Directors. We read back all his advertising and talked about what was their intent in sharing the story and how did they feel this person had used it and what action did they want to take to stop that person commercially using their information and their story. Because they had developed a very deep friendship with this person and somebody else was closely associated with them there was a reticence on the part of the elders to take direct legal action because of their honouring of kin, their honouring of friendship bonds.

So they chose just to ask that person to retract all their advertising and refrain from teaching. Now, the advertising was pulled back, the people did lose a permit to come out to the lands again for a year, so there was a penalty imposed. But there was no other legal action taken, other than to put out an advertisement in major papers saying the Desert Tracks was not associated with this group.

So because of that we've ended up, on our application to attend Desert Tracks, the booking form, there is now a declaration of intent which has been worked out with the lawyers. It basically says that the person coming recognises that they're in a privileged situation, that people are sharing information with them that is there to be held in the head and the heart and not to be used for commercial research, publication or any other use, other than personal knowledge. That person signs that and if they then misuse it we can take legal action. If people do come who wish to use it for research or publication in the media they have to sign another contract with Anangu Pitjantjatjara in which they agree that all their information is to come back to be checked. In the case of publications, there has to be a percentage given back to the community.

So that's some of the intellectual and cultural copyright issues that we've had to deal with. I don't think it's foolproof but certainly that's how far we've gone with it at the moment. So just briefly to give you an indication of the type of teaching, extraordinary depth of teaching that is exchanged on these tours and how it actually helps people to recognise and undertake an indigenous way of being on the land, this is a kinship diagram, it is not your typical lineal ethnographic one that most of you might have seen. This is one that has been devised between myself and some of the elders as a way to represent the fact that their generation has gone around and come back again. It isn't

a lineal progression. That actually represents two generations. I'll just briefly go though this.

So this is the great-grandfather, Opanubba and that's their son and their grandson and their great-grandson actually becomes their father again. So they become the father for the son. It changes again as you go around. It does repeat. So there is a circular notion and there is a feeling that the great-grandson is then, in a sense, also a custodian and an elder for their great-grandfather. As you can see, all those people there have very strong bonds to each other. The blue bonding is the parent-child. The red bonding is the great-grandparent and the great-grandchild. The open one is between the grandparent and the grandchild.

When people come on Desert Tracks they are encouraged to understand that, and not in an anthropological sense, but in a sense of value and then understand that people have that kinship with the land, that they are of the land, they're of that country and the land is their relative. It has been mentioned by many speakers the importance of language. Murrawadja which is the Pitjantjatjara way for talking about your home country, can more accurately or more descriptively be interpreted as "the land my relative". So the land and the animals in it and the plants are also part of this system. To really represent it, it doesn't need to be two-dimensional like that flat plain. It's actually multi-levelled which is hard to show in a diagram.

So within that kinship structure there are these various aspects of traditional relationship to race and culture that one can identify as being taught in a very holistic way. So that's why, again, they're not put down in a linear fashion but they're incorporated into this kinship diagram. So there's the aspect of healing which is very strong. This is why a lot of westerners come, actually, because they feel disassociated from country, they feel they don't belong here.

A very good point that Rose made earlier is that people who are of migrant heritage, who are in Australia, often come with this expression that they don't belong here. They don't feel that this is there country. They feel like strangers in this land. So they're actually not taking on a custodial responsibility in the full sense. Nganyinytja says "Particularly if you were born here, you spirit wasn't post-packed from England, it

came from this land. So you are of this place". She's welcoming those from overseas also to enter into that broader notion of custodianship of the country and to actively bring that back to wherever their home country is, wherever you are living at the time or where you might have been born or where your grandparents are from.

So that's a very healing aspect as well as the fact that there may be actually healing performed by elders of high degree who will share their knowledge of sickness being related to disassociation of spirit and place. That's a very powerful part of it.

This bush camp aspect of it, learning to read the land, is about recognition that ancestors created this land, not in some past time. The dreaming as it's roughly interpreted: creation lore, is part of it, current lore, how people's life is now lived, how people live on the land, what they gather, how they care for it is also part of it. It's much more a continuous present concept. So Nganyinytja and the others take us on an actual journey and we stop and we see where creation ancestors have become stone, have become plants, have become trees, have become food.

If you are of the nintucker, which is the perenti lizard, then he is your relative. So the mistletoe berry that he vomited up at a particular place you go to and you clean that site and sing those songs so there will always be plenty of mistletoe for you to gather in the springtime. So you are related here very strongly to the whole process of the environment, the growing of plants, the animals, making sure for instance, the traditional land management practices that other people have talked about of patch burning, is essential for producing your, fresh green grass for kangaroo. So that if you're of the *marloo*, not only is that a food and part of your dreaming and your lore, but you actively participate in looking after the environment for that animal as well.

So that's explained, and people are led into that aspect of it being quiet for renewal. It's very strong for visitors because animals live in that and they usually live in community. But even within the community people can be very quiet in country and listen. They have a way of being and walking softly through it and even sitting in it in which the very presence and being in it allows that interaction. So that's something that people experience out there.

Of course, there's an adventure aspect to it. If you've even been on a kangaroo hunt, you'll know what I'm talking about. It's great fun. It's very exciting. So there are those sorts of aspects. Then there's the other of drawing and painting which is an integral part of dancing and singing the land. When you know the symbols for the animal and you paint everybody and then you dance. So there's an entry into that as well.

What we've talked about in these two areas is desire and we've actually created a not-for-profit entitiy called Spirit of the Land to enable some of the money from the tourism enterprise and from people who write about it who send 10% back. It goes into this foundation and that is for putting their cultural knowledge and information the way that they want, whether it be recorded on CD or whether it be in a book, so that their information is coming out. This is because there've very aware, even through they live on country and their kids go to school in country, a lot of their kids are growing up playing on computers and playing western games and not accessing their culture in the classroom and that has been talked about also by the people. So there's a need to produce more materials like that.

The idea in there is the symbol of the white and the black lizard. It actually comes from black stone. That's the story of Bupulmumpinja, which is what I started off with, which is the fact that these two originally met as strangers and didn't recognise each other, didn't respect each other. That is what they are proposing with the development of Desert Tracks, of the space they have created there and in the sharing between white and black and that this is moving forward into the university group where there will be a deep recognition. So as Dickie says "We will no longer have to call each other black and white, but we will recognise each other as people". Thank you very much.

Case Studies

Mr Robbie Lloyd

Heritage and Natural Resources

Department of Aboriginal Affairs

I'm Robbie Lloyd from Tony McAvoy's branch of Heritage and Natural Resources in the Department of Aboriginal Affairs. It's an honour to be here. Thanks to Uncle Colin for having us on the land and Leanne Tobin and the other Durug people who are here. We've going to try to give as much time as possible in this session for discussion and feedback. So the folks who are about to give you some varying technology displays will whip through their presentation part so that we have a chance for people to ask questions and I've got something to say at the end.

First of all, Roland Breckwoldt is going to give us the benefit of his 25 years of consulting, after a career of leaving school early, which I thought was a very wise move, as a former teacher. He then came down here and was a Hawkesbury Ag student some time ago, before moving into the beef cattle industry. Then he had two years with the Commonweath Environment and Conservation Service and five years with National Parks and Wildlife Service. But he has his own beef cattle operation and has had 25 years, as I began with, working in this area.

So we're lucky to have people who are very experienced, as with Rick Farley earlier. I found it excellent just listening to the way people who get down and do the business can get through it very quickly. My understanding of Aboriginal people is that's exactly how they want to be as well. Welcome Roland.

Mr Roland Breckwoldt

Director Resource Planning & Management PtY Ltd,
PO Box 4758
Kingston, 2604

Thanks very much. Thanks Colin for the welcome this morning and thanks, too, for the singers of the Yarramundi. You know, I was a student here for three years, came back as a tutor on the beef cattle section for a year and then came back and did the

Hawkesbury Diploma of Rural Extension, worked on the Yarramundi paddocks heaps of times. In those days, we actually used student labour on this place to do the work, but I doubt that I even recognised it as an Aboriginal name, let alone knowing that it was named after a person. So, Colin, things do change. Today I know who Yarramundi was.

After leaving Hawkesbury, I became a beef cattle officer in the Department of Agriculture. I always had an interest in wildlife so I joined the National Parks and Wildlife Service when it first started, then went to the Commonwealth, ended up a desk jockey in Canberra. Sir John Kerr saved me, there was a big change in the Department and, as you know, it's as hard to resign as it is to get a job, but that released me.

I went down and took up a beef cattle property in the Bega Valley and became a consultant. I've had a little bit to do with camels and as a result of that, got invited to go onto an advisory committee in the Commonwealth on the Feral Animal, Noxious Game and Weed Control Employment Program in the mid-1980s. That took me out to the Anangu Pitjantjatjara (AP) lands. *Anangu* is the word for Aboriginal, Pitjantjatjara, as you know, so it's simply Pitjantjatjara Aboriginals. They refer to themselves as Anangu, the word being used a few times today.

I went out there, looked at some opportunities for camel projects and I was asked if I would like to come out and do the same for some cattle projects. That led to 26 different trips out there, I think. I've been to Alice Springs 30 times and 26 of those were consultancies for Anangu Pitjantjatjara land management. So I'm going to get you out of this hot and dusty room and out into some clear desert environment.

The AP lands are in the northern part of South Australia. About 10% of South Australia is now freehold land owned by the Anangu Pitjantjatjara people. A population of about 2,500 people and 40% of those people are under the age of 18. Even with the high child mortality rates, a population skewed very much towards young people.

In this slide you see the people, the young men, the next generation. These are lucky guys. They've found themselves something to do for the day, to go out and do a bit of

hunting. They are the people who are the future of the Anangu Pitjantjatjara people. What do they do? What employment opportunities are there out there for them? What is to help these people avoid that spiral of substance abuse, give them self esteem and get them involved in something that is worthwhile and lead them to a future in that area?

Given that it's a huge area of land and it took up four former cattle stations, Kenmore Park, Everard Park and Granite Downs, together with a few of the outstations, obviously people out there look towards cattle enterprises as being one form of employment for those local people.

As Rick Farley said, each of these slides is a lecture in itself, so I'm trying to avoid going down the track of talking about Aboriginal cattle stations in some depth. Also, I'm not very good at it because whenever I'm at a dinner party and people say to me "What are you doing?" and I've said "I've been on some Aboriginal lands looking at cattle stations" and they say "How's it going?" I start to explain "You can't really generalise because it's different in different areas and different people. It's quite different in the Kimberleys than it is in Anangu Pitjantjatjara and it's quite different on a commercial property bought by the ILC [Indigenous Land Council] on a commercial basis with projects that are looking at, say, employment which might be subsidised through CDP [Commonwealth Department of Employment Program]". But I only get about three sentences out before their eyes glaze over and I've lost them. So I'm very self-conscious about being able to talk about Aboriginal cattle stations.

This is a fairly typical model of a white-headed stockman, Aboriginal ringer's stockman there with them. That's a fairly typical model and that's the way it was in the pre-1967 Act. The 1967 Act has got a bit of publicity in recent days because it's one of the few Commonwealth referendums that was passed, taking Aboriginals, giving them equal rights to the rest of the community. But prior to then, that was a fairly typical scene and it's still a model that works when a cattle station is purchased and then a white manager is put in place. It's run on commercial lines and does provide some employment.

But opportunities are fairly limited. You think about it. Stranbroke Pastoral Company, a wing of AMP [Australian Mutual Providence Society], which tries to return a profit to its shareholders, the smallest herd they will look at, breeding herd, is 5000 head of cattle. That employs maybe 20 people and takes up, even in good country, as you know, a large area of land. Is that appropriate for Anangu Pitjantjatjara lands? That one cattle station takes up all that land and then only provides a few jobs.

Just at a time when you're looking at employment opportunities for Aboriginal people, there's a mechanisation going on right across the board which is actually shedding jobs. So you're in a real cleft stick, aren't you? You're looking at a large area of land out there, former cattle stations, and you're trying to create employment for aboriginal people with mechanisation going on, which is actually shedding jobs.

There are other uses of the land besides cattle out there. And how do you allocate that land? It's very interesting that over a period of time, the cattle stations have actually lost a bit of ground and there's more land being distributed for people to do other traditional things. This is a bit confronting, this slide, I know, because some of you will be reptile lovers, as myself. I go down in history, actually, as the first person (this is a true story) to cause a strike at Hawkesbury College for keeping snakes in my room, just up the way here.

So to go out there with Charlie Ittitjari, that's the person that Diana James mentioned at Anangu, to see that, it makes you really think about your own values, but this is the way people use the land. There's a whole lot of law associated with who can hunt *nintucker*, that's the Pitjanjatjara word for them, and how it's to be used. I suspect that the use of vehicles and rifles, which is something white people get really hung up about, is probably a de facto form of wildlife management, because they hunt along roads and near roads and there are large areas which go relatively untouched.

Also, there are wildlife surveys going on in the area which really show that the Anangu Pitjantjatjara lands hold an amazing array of native animals which have stayed there through Aboriginal land management.

Same thing with *marloo*, the red kangaroo. There are very strict laws about the way it's to be hunted. Actually, you can see the old cattle station fence there and the new use of that. The *marloo* is not allowed to be killed with a head shot, it has to be clubbed in the end and there are very, very strict laws about the way it's to be eaten and the way the food is to be distributed.

Traditional land use practices conflict with large cattle stations over this sort of land. How do you accommodate them both? Talking about treading softly, a lot of people think there shouldn't be cattle out there at all, but there's very, very powerful cattle dreaming going on amongst the older people who look back on their times on the cattle stations, as badly treated as they were, very, very fondly.

Out there are a lot of wild animal resources. There are the donkeys Rose mentioned earlier. It's true that, my experience has been that if some while fella comes along with a really powerful story as to why some feral animals should be controlled, Aborigines will listen to the argument very well and either reject it or they may well accept it. But they, themselves, don't put any effort at all into shooting the animals around them. As they see them, as Rose said, they're associated with Christianity, and the Christian ethic is very strong out there. Christian people were some of the first people to actually protect Aborigines and look after them. Even the cross on the donkey's back is a signal that it really does have some Christian significance and they, being spiritual people, tend to respect it.

What I want to show in the slide of dingos digging out rabbits is that it's a landscape in transition and it always will be. We go out there at one point in time and see it and think that's reality and it is to us, white guys, that's what it is. But there's a long, long history that precedes it and a long history to come.

The significance of the dingo is that it came here about 4000 years ago and was incorporated straightaway into Aboriginal culture and became a part of Aboriginal culture. The rabbit came, perhaps in the last 100 years. Again, part of the Aboriginal food supply now. A pest to one person, as Rose pointed out earlier, is a resource to others.

Camels are abundant in the area and so there are a lot of camel dreamers go out there. This gives you some idea of what it was like in the old cattle station days, you know, young people getting involved and really good action there, good involvement in that particular project at Fregon Aparawatatja, as it's now known. The white guy there, his name was Spitter. He wouldn't answer to any other name besides Spitter, so I don't know where he got it from, but perhaps from being associated with the camels.

There are lots and lots of white people who come up with ideas of how to use these resources, but whenever you look into them, it's far more difficult than you think and there are very few jobs available. The ideas for camels, we've going to export racing camels to Arabia, we've going to export them for meat, live exports of camels, camel wool, camel milk, you name it, using camels integrated with cattle in order to reduce woody weed invasion. You have the cattle doing the grass storey and the camels doing the woody over-storey.

There are a million schemes and perhaps they will come off the ground, but remember, if they do get off the ground, then all of a sudden, camels won't be abundant any more. You know the feral goat story in western New South Wales, a pest 15 years ago is now a highly valued resource and there aren't many about. So there is no simple answer to employment over in this particular part of Australia because of it's location disadvantages. There's no easy story for employment in livestock enterprises.

Roger Kayapipi, and I must say that for the older and frailer person, Charlie Ittitjari, I have clearance to use his photographs even beyond his life. For these people, all hale and hearty, to the best of my knowledge, know that the photograph was taken and would be used.

Tourism comes up again as an idea for the camel project, but, as Diana said in an earlier talk and the people here from the tourism faculty will know, getting a tourist operation up and going takes a lot of skill, a lot of practice, a lot of learning and a lot of resources going into it in the first place to get it going.

I use this slide to just make the point about white fellas coming and going, but this one shows two really good white guys, so don't concentrate on the negative too much. This

is us out there, myself, there in the middle, Greg Snowdon was a mentor of mine who spent a lot of time out there as land manager, management person, took me under his wing and speaks the language fluently. He was involved with Desert Tracks earlier. So I had a very good mentor out there to help me through the problems that most white people face when they go into that land and try and turn it upside down their way.

The purpose of that slide is to talk about some of the impediments that Aboriginal people face out there in getting enterprises going.

The first one is that programs, support programs, come and go. Governments come and go. We have SEPANCRM, which was a great project that came out of the Aboriginal Deaths in Custody Inquiry, which Hal Wootten led. It was a great program, well run by people there, Kim Orchard and INANCA and it really contributed to Aboriginal people. New government came in, it's got to be badged under their name, the NHT [Natural Heritage Trust] and so Aboriginal people and their advisers have got to learn all about the NHT and reorientate that way.

White people, we come and we go. It's not our fault, by the way, money runs out or things change. So they see dozens of white guys in clean clothes and in white Toyotas, driving through, all instant experts on their way of life. Not really the white guy's fault, but a real problem for them and I think someone said this morning, I think it was Diana said, at the moment there are more white people employed out there than there are Aborigines in executive positions. So it takes a long time to get change.

The Aboriginal employment program for Noxious Animals and Feral Game Harvesting was a good program and lasted three years. They get set up on it, they get going, they get to understand it, they know how to put their grants in, they know how it operates and all of a sudden it cuts dead. So there's a real problem with long-term grants for Aboriginal people out there.

The other big problem is the cultural difference in getting commercial enterprises going. I mean, us white people have had a few thousand years of practise of stabbing each other in the back and climbing on top of each other and accumulating wealth. It absolutely fascinates me how, as a white society, we tolerate abject poverty but

incredible wealth and we do it quite comfortably. There must be a gene there for it. I'm sure it can't be purely environmental. Aboriginal people don't have that. They're collective, they have family obligations and it's very, very powerful, still, particularly on Pitjantjatjara lands. I could tell you lots of stories of just how powerful those connections are. You go out there with some fancy economic enterprise and it's got to work through that system. So there are very real impediments to getting commercial enterprises going.

The other thing, I think, is that we shouldn't, in these particular parts of Australia, have any commercial expectations. I mean, some of these projects cost less than the nose wheel of an F11 and, you know, they go down a dime a dozen. So, to put some money out there for some projects that create employment and give self-esteem really isn't an issue. I can't follow the penny-pinching attitude of the present government on that one, the allocation of resources.

I think livestock enterprises, perhaps some partnerships with local pastoralists, wouldn't go astray. I can say this now in hindsight, because at the time I wasn't going to talk myself out of a job. It was great. It was a wonderful part of my life going out there. But really, amongst the redneck, white pastoralists there are people who can develop some partnership arrangement, they're local, they can help with small enterprises and so on.

The final thing is, there's no simple answer. I said to one thoughtful person out there one afternoon "What do you think the problem really is?" He said, "It's got a lot to do with Captain Cook". So, there's no simple answer. If you come up with one, such as an abattoir to kill local meat because the frozen meat in the stores is so expensive, do a little analysis of what it costs to set up a local abattoir, continuity of supply, freezer works, it's real tough.

Mr Robbie Lloyd
Heritage and Natural Resources Branch
Department of Aboriginal Affairs

Thanks very much, Roland. The Bundjalung people have got a real leadership role in this whole scenario, as is obvious from Steve Schnierer's presence and these three

fellows here. Phil Falk, Doug Wilson and Rob Liner are going to run a bit of a power point show and then we'll go into a discussion. I'll hand over to Doug. Thank you very much.

Mr Doug Wilson

Bundjalung representative

First I'd like to show respect to my elder for letting me come down and on behalf of my father, I'd like to show some more respect for letting me come here. For those who have heard about the Bundjalung people you'll know that I don't go out of my territory, so I don't really stand up in front and talk. I might seem a bit scared because there are too many eyes looking at me. We've had to put up with cattle graziers, sugar cane growers, tea tree cutters, but we still manage to keep our culture.

I'm still learning my lingo. I call it lingo because that's what it is. Treading softly on the land, that's what I've had to do. From what Dad has been teaching me, I had to think about the white way and the Aboriginal law. So you can see why I've been treading softly, just like my brother Phil. I've got nothing else to say.

Mr Phil Falk

Bundjalung representative

Thanks Doug. Up on the screen is a picture of our elder, Uncle Lawrence Wilson, who's Douglas' father. He's the leader of our corporation. Our corporation is the Bunjalung Aboriginal Corporation. We have a native title claim up in the Evans Head/Casino/Ballina region. Our native title calm covers roughly 3300 km^2 of the coastal region. We've been doing native title now for about six years. We were the first native title claim to go in Bundjalung Territory.

We've just passed the registration test. That has been the latest little game we've had to play. Two years ago we put in an application to the Indigenous Land Corporation, which Rose was talking about earlier. We were fortunate enough to get in that position and we've got 6000 acres right on the beach at Evans Head. The land itself is very forested land. It's got five different types of forest on it: moist sclerophyll, dry sclerophyll, swamp sclerophyll and sub-tropical rainforest. It adjoins the national parks, Bundjalung National Park, one of the bigger national parks in New South Wales.

The property has been identified by National Parks as being very crucial to the conservation and the biodiversity of the adjoining national parks. The Esque River, one of the last pristine rivers in New South Wales, adjoins our property and all of the land runs into national parks, all of our creeks, so it's very important for us to care for our country and for the national park because that's part of our claim. National Parks are just managing it for us at the moment.

They're working very, very cooperatively with us at the moment on things. They're been doing species lists. In one night, a one-night survey on the property, they found 133 different types of animal species, eight of which are on the rare and endangered species list of National Parks. They think that over a week's study they'd find a lot more. We have the same with plants. We've got numerous plants on the rare and endangered species list. So it's important to us to look after this land.

There are about 500 acres of cleared land. The rest of the land, which is about 6000 acres in total, is all very forested country.

There is an old shed on the property. That's the only building within the whole 6000 acres that we have. The property was in a very poor condition when we acquired it. We wanted to fix it up and bring it back. We see it as a virtual Kakadu in northern New South Wales, just sitting there. We're hoping to get into some ecotourism and that type of thing.

My job for the corporation is that I'm a joint coordinator with Robert here. I'm also a solicitor for the corporation and I run their native title claim for them. I'll hand over to Rob. He might just have a few things to say about it.

Mr Rob Liner

Bundjalung representative

I'd first like to thank the Darug people for allowing us to be here. I'd like to thank the ancestors of this land, the spirit of this land, for allowing us to be here and be on the homeland of the Darug people. I'd also like to thank our ancestors of the land, the spirit of land, my ancestor, the ocean, my spirit, the seas, for allowing us to be here.

We are very fortunate to be able to come here and talk. We, as a mob, try to do two things our elders teach us, that is to follow Bundjalung law and the broader society law and by doing that, we can achieve what we need to achieve. The biggest problem we face at this time is that we struggle, and we struggle because we come from two places. One is that we do not compromise our traditional law or our customary laws or our morals or ethics. We find that a heavy thing to carry. You might think that would be easy to carry, but it's hard to carry, because out there, in the real world, it's much easier to live the other way. So that's the way we suffer.

At the moment, we are suffering because we have nothing to do. We have our group, our mob, our family, our extended family. There's not one person who owns a house. There is not one person who has a job, full-time job. They're the things that we face all the time, trying to get funding, have to write submissions, try to get money ourself. As you have heard, how little money is around for Aboriginal people or how little money is actually going to Aboriginal people. That's what we're struggling with at the moment.

The other thing on it is that we have beautiful country. That part of the land that we have there, as Phil just said, is a Kakadu. Lawrie Wilson, Uncle Lawrie, tells of the past, when those areas were all water around that land, where they had to walk through water everywhere. There's not one bit of water there now. It has been drained away from the past activities. He'd like to fill in all the drains so we get that water back and create our own Kakadu in our own land.

Sustainability is the most important thing. He sees sustainability in anything we do. But the other thing he sees also is the neglect that we, as Aboriginal people, get all the time in our area because of where we are and who we are and our belief. We'd like to see that change over time. It will take time for you to understand us and to see us the way we are and the beauty that's inside of us, because we have a lot of beauty to give and a lot of information to give out.

But to share that sometimes its costs us, and it has cost us in the past. We find that sharing very hard this time and maybe that will change with time. That's about all I've got to say at the moment. I'll let Phil carry on from there.

Mr Phip Falk

Bundjalung representative

Some of the pitfalls, I suppose, is probably the best thing for us to talk about in acquiring our land. It's all great to get $2 – 2.5M worth of land, but continuing on and doing things on the land afterwards is not that easy when you've got 100% unemployment and nobody has money. For instance, the road into the property, unless you have a four-wheel drive, you're not going to get in. Nobody has a four-wheel drive, so we have to fix the road, $25,000 worth of work. Where do we get that money? Go to the Indigenous Land Council, it's like a big black hole. We don't hear back for six months and then they want to loan you the money. How do you meet the load commitments? You can't. That's just the start, we don't have four-wheel drives.

We have, in our property probably $100,000 worth of tea tree waiting to be cut, but if anyone knows anything about tea tree, the market has fallen to pieces, it's not worth what it was two years ago. We don't even have the money to buy the cutting knives to cut the tea tree in the first place, let alone find someone with a steel and pay them to steel it for us and then market it. We're at this ground level with nothing, trying to manage our land.

We have rates coming up soon. We don't know how we've going to pay the rates, we're hoping to be able to argue rate exemptions and hope that the council lets us off for 12 months or maybe we can pay them off. We were hoping tea tree would pay for that. We can't get a CDEP (Community Development Employment Program). There are none available at the moment. The government is winding them down, so we can't even get workers out on the land at all.

Skills training seems to be the area that's much needed. Nobody can use a computer in our group. Myself, Robert, we've got university degrees. How do you run a property? How do you do submissions, NHT (Natural Heritage Trust) submissions? It's a nightmare. It's two or three weeks' work doing an NHT submission and we heard from Charles earlier how limited they are with their resources. We contacted them six months ago. They're still not available to come and help us do an NHT submission. I would say we'll miss the round this time. Maybe next year.

They're the sorts of problems we come up against. Working in with government agencies seems to be the way to go. We've had to get National Parks to cut fire breaks. We got a fire notice. We don't have a tractor, we don't have a slasher. Luckily, National Parks have come around and helped us with that. They don't have a grader, though, so they can't fix our road, so we've stuck on that level.

We were talking to Rob earlier and Rob was saying we'd like to get a bit of interaction. I've had a fair bit of experience with native title stuff, indigenous land use agreements, ILC stuff, so I'm actually quite happy and oper to the group asking questions and if I can answer them or one of us can answer them, we'd be happy to. I'd rather have an interactive-type process.

Ms Tracey Cooper

Darley Centre

Just a quick question. Is there any viable business that you're looking towards developing on the land so that, even if it's of a rural nature or something that's ecological, are you looking towards that?

Mr Phip Falk

Bundjalung representative

Yes, we've looking at lots of different areas. We've had a bit of a look at fish farming, we've realised that that's quite devastating to the environment, so we've pushed that one aside. Ecotourism, but, as we've heard here, you've got to know what your doing. None of our group have ever had anything to do with ecotourism, so we're looking at it, but slowly, slowly and it will take a couple of years. We've got lots of bush flowers. We see bush flower production could be something that we could utilise.

I think at the end of the day, ecotourism is probably going to be the most compatible on the land. We've people in the group that know how to make boomerangs, know how to hunt, things that we can teach other people. We'd like to involve ASSPA (Aboriginal Support Student and Parent Association) groups, ASSPA committees, children. We'd like to teach the children. We'd also like to look at juvenile stuff later on down the track as well. We see that's a needed area. So we see there are areas out there, but

we've got to have the skills to deal with things if we get involved in them, and that, I see as a problem. There's no point in getting an ecotourism venture if the people on the ground can't manage it.

Mr Rob Liner

Bundjalung representative

Just to add to what Phil's saying there with the skills. We are actually seeing our group on their own bat, they asked us, they want to do computer courses. So we've organised that and they're actually doing computer courses through AIATSIS (Australian Institute of Aboriginal and Torres Strait Islander Studies) at the moment and that's what the group is like. They want to work. They want to be employed. They want to create business but at the same time, we're not given that opportunity. I still say it's based very much on our belief system and on the way that we come across. We don't come across any one other way except the way that I stated and the group does, as a whole, come across that way.

Ms Tracey Cooper

Darley Centre

Have you tried approaching, say, Work for the Dole or something like that, bearing in mind what the unemployed figures are up there. Of course, it's substantial what you've got and it's something where you can gain funding and can get involved in communities. Is that something that you're looking at?

Mr Phil Falk

Bundjalung representative

Yes, I've looked into the Work for the Dole system. Work for the Dole don't like to work on privately-owned land, as a rule, although we've been discussing that with them. Because we're a community organization that's a non-profitable organization, they're looking at it at the moment and we're in consultation on that at the moment. I'm hoping next year, early next year that can happen.

I'll answer the question up the back, how many people in our group and how many live on the land? Bundjalung Aboriginal Corporation is made up of about 160 members. There is nobody at all living on the land, there is no housing structure, no infrastructure

of that type whatsoever. I would think that over the next 10 years that will change though, I'm hoping.

Mr Doug Wilson

Bundjalung representative

A long time ago the Council said that we weren't allowed to camp anywhere, weren't allowed to practise any ceremonies, no dancing, no nothing like that, so we sort of all lost. But we all kept it to each other and ourselves so we aren't a lost race. We're all proud and proud of what we've got.

Mr Phil Falk

Bundjalung representative

The corporation itself, I've set up the objectives, I've worked very, very closely with Uncle Lawrence, who's a very strict law man in Bundjalung. He also likes to address the dispossessed Aboriginal people of our area. We had the land divested back to the traditional owner, the traditional family, but Uncle Lawrence wanted other Aboriginal people to be able to utilise the land. So we've set up a regime in line with his laws and customs where there are different forms of membership.

Traditional owners are traditional members, they vote on everything. Then there's extended membership. Any other Aboriginal person could come to our group with a proposal to do something on the land and the traditional owners vote on it. So we've tried to be very inclusive of all the groups in our area, but at the same time, keep Uncle Lawrence's law where he speaks for country and cares for his own country himself.

That took a lot of work. It took three or four months for me to formularise a constitution that fitted the white-law paradigm and the black-law paradigm.

Ms Louise Armstrong

Total Catchment Management Coordinator

NSW Department of Land and Water Conservation

With Jill McNeil, we're both Total Catchment Management Coordinators, with the Department of Land and Water Conservation. I also have experience working with Coastcare down in south-eastern South Australia. Just recently I went to visit the

Gunangarra Land Council down in Menai. They've just recently achieved a land claim. One of the things they are talking about is the same sort of thing you would like to do, retain your cultural integrity but at the same time, promote development opportunities within the community. At the same time, they're also looking at providing links between the white community and the indigenous community. So, there's a land council down here you might want to talk to in terms of the issues that you have.

Catchment management committees are unfortunately closing at the end of this year, but there will be hopefully potential for funding opportunities through, as you said, NHT happening in February. We have to talk quickly, move quickly if we want to have any of that sort of funding coming into indigenous communities. February is the close-off date for the NHT, but I think the Coast and Clean Seas Coastcare Program should be starting up around March, April.

So there definitely are people out there you can be talking to, sharing with their experiences. I've also had experience working with the communities down in South Australia, the Narrendjeri community, and the Aboriginal Lands Trust there. I'm open to talk about my experiences and also to put you in contact with other people that I have contact with, through Coastcare and other programs such as the Bushcare Program, which I believe they're trying to make more extensive through the top end up there, in northern New South Wales.

So, that's me. If anyone wants to talk to me, Jill and also Patsy Nagle from Bushcare, we could catch up afterwards. We are here and we're able to talk.

Mr Phil Falk

Bundjalung representative

We have been involved with people up your way, Ross Glover, other people up there, John Nagle. What we find, the Department of Land and Water Conservation come to our group quite a lot. They like Uncle Lawrence to open things in language. They like us to sit on estuary committees, sewerage strategy committees, all these committees, but none of them want to give us any money to participate and it's a very, very expensive process. The amount of committees I sit on, sometimes two or three

meetings a day. I attend night meetings. I'm on so many committees I'm sick of them. I'm sick of paying for them out of my own pocket.

I work as a lawyer purely and simply to prop up what we can do for our corporation. So I work part-time as a lawyer and that gives me enough money to be able to operate and participate in the processes with Landcare groups. We go and look at land where they're going to do a Landcare project. We assess the cultural heritage values of that land. We talk to them about where we'd like them to put things and what we don't want them to do. We're heavily involved, but it costs money to get around 3300 km^2 of land. It takes us a lot of money. The financial burden on ourselves when you don't have jobs, it's hard to get there. We have people helping us with NHT [National Heritage Trust] stuff and all that.

Mr Rob Liner

Bundjalung representative

Also, like what Phil does, when we go to these organisations and groups we find that we're always coming in the back door most of the time. We don't get the opportunity or they don't approach us with respect to our traditional lands. To find out what they are doing we have to read the newspaper every day to find out what's going on. Actually, National Parks have come to the party now and actually inform us all the time of where they're up to, so we actually have a chance to do it. Landcare groups are starting to do that through the DLWC [Department of Land and Water Conservation]. But most of the time when we have problems in our land it's because we have to come through the back door and hit them with a bundi stick over the forehead and say "We're here. Don't forget us, we have rights". That's what's forgotten all the time. That no matter what is talked about here, it's the forgetting of our rights. Our rights are in legislation. To push our rights we've got to hit them that way all the time and you get sick of hitting people over the head.

Ms Louise Armstrong

I agree with you totally. In my opinion, in fact, the way the NHT [National Heritage Trust] has evolved over the past several years looks to be more farm orientated than anything else and biodiversity and indigenous issues are looking, you know, way down the list of priorities. I think the Department of Land and Water Conservation fellow

here showed that just by the way he had everything organised. Landcare is at the top, indigenous is at the bottom. That's something, I think, we need to really start to lobby strongly for, to get recognition of that. How to do it I'm not really sure but it's certainly on certain people's agenda in this community.

Mr Phil Falk

Bundjalung representative

The processes that have evolved from putting in a native title claim has been huge for us. Like, government agencies coming at us all the time. We've had to force litigation. I don't know whether you have heard of the Iron Gates case, the huge development on the north coast coming through our crown land. They didn't negotiate, we took them to court, no more development. That case has made government agencies come to us. They know we will litigate if they do the wrong thing on our country and we don't hesitate to do that.

We now have councils coming to us even for things like, for example, the latest on the table was they want to upgrade the surf club, they want to renovate and make it into a restaurant. Now, I don't know what that's got to do with native title claimants but they've asked us anyway. We get things come up weekly like a four-wheel drive access to the beach that they want to put in through crown land. We have to assess those types of things all the time. Another one: dogs unleashed on the beach. We have a claim on the beach area. Do we want unleashed dogs on beaches chasing birds? No, we don't at all.

So we're involved at lots of levels. Sewerage strategy committees. They want to dump the sewerage into the national park up there. We don't want that. We've had to assert a right. They had a program going for 18 months looking at the sewerage, they didn't invite us. When they went to move forward with State Government, that's when we moved legally. Now, they come to us and they're going to pay us to participate in the process of sewerage. We don't want it in the national park, they're going to have to find somewhere else. We don't want it in the ocean either.

So we've looking and trying to get them to look at other things they've done overseas: wetland areas, reclaimed water, growing Lucerne. A great example down here at

Windsor actually, where they grow Lucerne and sell it. So we're trying to get those types of things in place in government agencies. It's not an easy task though. You really bang your head on the wall a lot.

Mr Robbie Lloyd
Heritage and Natural Resources
NSW Department of Aboriginal Affairs

I'd just like to say a couple of things if that's okay. Working in the Department of Aboriginal Affairs, which is a whole of government agency, for this wonderful character, Tony McAvoy, who has had to go back to the city, who's not much longer with us. Thankfully he's going to be a barrister and he'll be a wonderful advocate for Aboriginal concerns as you could tell from his talk this morning.

However, we've Hal Wootten here and it must be said that since the Royal Commission into Aboriginal Deaths in Custody, I don't know what the figure is now but the last figure I heard was $600 million had been spent and the deaths in custody are going up. We have a good friend Ken Buttram, who is the Director General of Juvenile Justice, and as Ken says, at every presentation I've heard him speak at, 80% of his new clients every year are Koori kids in New South Wales, 80% out of less than 2% of the population.

Aboriginal kids are sitting in class and middle class white teachers don't like the fact that they won't sit still so they end up suspending them from class. They end up then getting suspended from school by the principal. They end up down the street. They end up in trouble. They're in the hands of the cops and they're never seen again. They go into the social justice system.

We can't look at the issues we've been looking at today without looking at the fact that Aboriginal people are trapped in a genocidal routine that non-aboriginal people who came here have set up. It's not even that there is anger and resentment operating. There is a desire to collaborate on a solution. Yet we still have the fear merchants and the lawyers and the people who look on the negative side of things dominating the debate. The good work that people like Hal has done and many of the non-Aboriginal people in this room won't succeed until we all link together.

We had a meeting with Dr Peter Crawford, another great friend of Aboriginal people, this week, the Healthy Rivers Commissioner. Peter says for the benefit of non-Aboriginal people as well as Aboriginal people "The reason why the rivers are rooted is because the white agencies don't talk to each other". That's why the rivers are wrecked because we've got all these bureaucrats who put up more fences, just like the farmers did when they first arrived and they won't talk to each other.

But individual middle-class white people build their career by making a place where they can make a nice career path for themselves and have a barrier between them and other people. Therefore, they don't listen to other people, they don't talk to other people and you get into the trouble that we're in with all the environmental degradation that has happened since white people arrived.

However, one of the reasons that this event is happening is because there are some non-Aboriginal people who have got a dreaming. One of them is up the back there, Peter Duffy, who has been a key person in ensuring that we've got people like Charlie Trindall working in the job that he's in. This angel here, you know, Shelley has not only been bashing up the people who have a racist attitude in natural resource and environmental management but she's been bashing up those who have a sexist attitude as well.

There are many, many other people here who I've got to know personally in the few years that I've been working in this field who are fabulous supporters of trying to do what all of us are talking about. This is to come together, to work together. Just like in the reconciliation rhetoric, we talk about working together, walking together.

What I hope we can get from the result of this event:

1. I know we're going to get more of these because I can tell from the response that it's just going to be in demand. It's a congratulations to everybody who has been behind it.
2. But a major step forward is to talk to one another. I don't know whether Shelley is going to be able to publish the list of participants but I'm certain we can get everybody's contact details distributed to everybody else because many

of the people who are here need to know who the other people are so that we can talk to each other during the coming year. The next time we come here, which will hopefully be in another year or less, we can say "Well, it was really great knowing that you were there so I could ring you up or come and visit you and talk about how we can move it on".

I already know a whole lot of things that I can offer to these guys about how we can integrate together with the work that people like Robyn Bushell and Russell Staiff here are doing in tourism with Diana. There are ways we can all help one another. When you go back to your place tonight and next week it's really important that you share your awareness with your network of people because that's the Aboriginal way, what we call the Koori grapevine. I don't know how many names it has got but it certainly works much faster than any white fella system that I've ever come across.

When a good piece of news is there to be had, it's instantaneous in the Koori world. So that's what we need to happen from this event and then we can avoid the sort of thing where this wonderful work that was done in what we affectionately know at Aboriginal Affairs, as 'Ricky Dick', the Royal Commission into Aboriginal Deaths in Custody, you know, it has become a sort of lightweight bit of rhetoric but we're talking about people's lives and a whole continuation of what Tony McAvoy describes as genocide.

Here we're talking about the rebirth of this place, the restoration of this place, the regeneration of the dreaming, the dreaming that's available to non-Aboriginal people as well. I have it as a great privilege to be here in the company of all the Aboriginal people who are here and all those non-Aboriginal people who are only here because they care. It's a fabulous indication that we are winning. Even if we've still got a situation where you've got predominant unemployment on a beautiful piece of country that's got wonderful opportunities for development. I'm sure that out of just coming together we'll be finding some solutions to that with the people who are here.

So that said, we've got a few more minutes. We can have some interactive discussion or some more questions. Has anybody got a burning question?

Ms Kim Orchard

Roland mentioned who I was earlier. I was involved in a program called SEPANCRM. I shouldn't bring up the past, but it hurts me to know what we have done in helping the Bundjalung people, to help them stand on their own two feet, in providing funds for them through that program and then to see that here we are two years down the track and they're still asking for some assistance to manage their country when they did get their country back. As Roland said, that program had its origin actually in the AEDP, the Aboriginal Employment Development Policy, but it was boosted under the Royal Commission into Aboriginal Deaths in Custody.

I can now speak as a free spirit, the Liberal Government when it came into play in 1996 wiped the program because it was a Labour Government initiative. This is a program that had a 63% employment outcome and Roland did the ten year evaluation of this program. Twenty-five percent of all Aboriginal organisations who participated in the program actually had achieved setting up their own ecotourism, cultural heritage consultancies and ventures. They were recognised for what they were doing. It helped deal with the Caring for Country Program I talked about before with Cairns TAFE gaining recognition into the traditional knowledge through an education program. It set up five out of state nature conservation agencies recruitment training career development strategies as well as Greening Australia and the Great Barrier Reef Marine Park strategy. It has headed up 11 community agreements to implement their plans (land management, land care plans), with four year-long term funding agreements being put in place. Then all of a sudden it came to a halt.

One of the other things that it did was that it addressed access and equity through mainstream funding programs. We started out, not to look at the 2% population of Aboriginal people but some 15% or 16% of lands that were held in Aboriginal and Torres Strait Islander peoples' hands. It achieved 12.8% in 1996. Come in the new NHT [Natural Heritage Trust] funding and it dropped to 0.6% throughout the whole of Australia to what Aboriginal and Torres Strait Island people actually access through that.

I received figures two weeks ago that 2% of NHT funds nationally were granted in the 1999-2000 financial year. This is abysmal. We have gone back 10, 15 years in relation

to Aboriginal land management. We need a program that provides employment opportunities for Aboriginal people to get back on country again and give them the wherewithal as SEPANCRM did. It provided vehicles for Anangu Pitjantjatjara to go out and take their young kids, take the old people, out to rock art sites, telling them the stories about them, cleaning those rock holes out and allowing the water to come back into those rock holes so that they can continue onto the next place. It had so many things.

The people who presented at the workshops that Roland conducted, they got up and talked about reintroducing culture to some of their kids. It got them off the petrol and the glue and we no longer had the suicides in our communities, is what they were saying. The old people were getting off the grog because they felt proud of being able to pass that knowledge on. It just really hurts me to see that this continues on. I keep attending these meetings. I don't know why I keep bashing myself up like this. To see this and to think we all have to work together if we are to achieve something and it has to be done with non-Aboriginal people for us to achieve that.

Yes, there are only two facilitators in New South Wales, but for Christ's sake if you know of any other facilitators in your region that are part of the ropes put them in contact with your local Aboriginal committees because they might be able to sit down. They don't have to necessarily only talk to the Aboriginal ones, the indigenous facilitators, they can talk to the other facilitators on how they can access those funds. We've got to be able to work together in relation to this.

Mr Rob Liner

Bundjalung representative

I'd just like to say a couple of words there. In our area we have one person who is employed in small business or private industry in our local area, one Aboriginal person outside the academic world, the university is the biggest employer, I'd say, of Aboriginal people.

So that's what we've got, very few people employed out there. Why they don't want to employ us, I don't know. I don't know. I don't say it's racism, I don't say nothing. I just don't know whether they're frightened of us or scared of us, or whatever it is. On

the streets of Lismore now, because of the way of the education system is, our children, as you say, are not going to school, as you've heard. We're seeing a lot of our young kids now, probably 50% of them, using hard drugs. It's just going down hill. We're seeing our kids on the streets shooting up.

We're sick of seeing this stuff. It hurts. It hurts heaps and not much we can do about it, because there's nothing out there we can do. Our elders are fighting to live, just to put food on the table. You know, these things are bloody hurting our people and nobody cares. That's what I feel at times. But we know most people do care. They know it's not right. And why is it going on? I don't know. I've got no reasons for it or why it continues. It should not continue because it's not only Aboriginal children, it's non-Aboriginal children in the same situation on the streets. It's hurting all of us. All our spirits are hurting in this country if we continue to ignore it and we'll all suffer in the future.

Ms Tracey Cooper

Valley Centre

Tracey Cooper from the Valley Centre. I'd love to talk with you guys later about your situation with rates and council. I've been through a similar situation with a charity and also to let people know here that I'm presently working with the Education Department, Corrective Services and Centrelink to bring together a program that is basically wanting to get across the ideas and philosophy of Aboriginal people, the way they live. This is the process we're going through.

We're at second base, we're not just at first base and I'd love to let people know that that's what we're trying to do. We're bring these simple ways of living, of respect, into something that's cool to do. It's fashionable. So it's linking these three Departments so that we can bring as many young people through these courses as possible so that they come out with an understanding of environment. I'd love to talk more with Aboriginal people and people working in these areas because we need to get together. This is eight years in the making but we're nearly there.

So the council situation with rates, we'd love to help you with that and anybody who's interested in this program, we'd love more input. Thanks.

Mr Peter Falk

Bundjalung representative

One thing I'd like to say is we've had a lot of help from government agencies. I don't want to sit here and shitcan government agencies. For instance, we're in a planning phase at the moment with National Parks, Department of Agriculture and Department of Land and Water Conservation. It's called Farming for the Future. Elaine has come down, our facilitator, if you could just stand up Elaine.

Elaine is our facilitator from the Department of Agriculture. She helped us heaps. We've got aerial photographs, water testing, all sorts of really helpful stuff from the department. They are trying to help, yes, for sure. So thanks, Department, on that level.

Mr Robbie Lloyd

Heritage and Natural Resources Branch

NSW Department of Aboriginal Affairs

I'd just say that at the Department of Aboriginal Affairs we've been, I don't know, bandying around this seeking funds, but we definitely have a concept of an Aboriginal cultural development network for a statewide program that would focus on three bands of activity: one in the CBD [Central Business District], the heart of town, one around western Sydney and one around regional New South Wales. We could place pairs of Aboriginal trainees who are guaranteed of jobs, not just in one of these traineeships that then drops off into nothing, working on culture. That's cultural business of all kinds which white fella see as, you know, things to do with the environment or things to do with tourism or things to do with heritage.

Our problem there is the same one, of lack of coordination between the agencies: the federal agencies, the state agencies and within the state the ones who deal with justice, the ones who deal with education, training and employment and blah, blah, blah, but we're continuing with that. So there are lots of opportunities to follow from this event to link into treading softly on the land.

I think the key issue is to distribute the participants with a list from this event and then for people to be in touch with one another. We're obviously going to go into the silly season in a minute, but when you come back into the new year it certainly pays to make the effort to link up with people. I think it would be great for Shelley to be able to get feedback from people about what sorts of follow-on events you would like.

I think the assumption will probably be that there will have to be another event in a year's time. But there's a lot more that can happen now and then if there's the will from the people who are here and your networks. You can come and feed that information back through the Centre for Integrated Catchment Management at the University of Western Sydney – Hawkesbury and the other campuses where there is this sort of spirit.

So firstly, I'd like to wind things up by congratulating Shelley for having found the funds to put this event on and her team and Stephan Schnierer and Tracey and the folks from Southern Cross who have helped to bring it all about. It's a fantastic success and I'd just ask if you join me in saying thank you very much.

A/Professor Shelley Burgin
Centre for Integrated Catchment Management
University of Western Sydney

I had the idea, I wrote the application that got us these funds, but it really wouldn't have happened the way it did today without Tracey. She has been absolutely fantastic. I didn't know many of the indigenous people that came here today, although it's interesting that I did know virtually all of the non-indigenous people in the room. So, obviously, I couldn't have got it together (bringing the indigenous and non-indigenous people together) without an appropriate indigenous person. Tracey and Stephan really made the difference. So I want to acknowledge that.

I really think that we have had here today a good demonstration of us reaching out, white culture and indigenous culture and bringing them together and really making it work. I think that that's what we've got to do for the future. That's the way forward. We have to be together. We have to be one. That doesn't mean people losing their culture or not retaining their individuality, I'm not suggesting the old melting pot

syndrome, but rather that we accept one another and work together to make things work appropriately for all of Australia's cultural groups.

I have got the feeling here today that there is a great deal of excitement, a huge amount of positiveness and great goodwill. I was absolutely blown away by the number of people who have attended and by the quality of the presentations here today. Thank you so much everybody for coming.