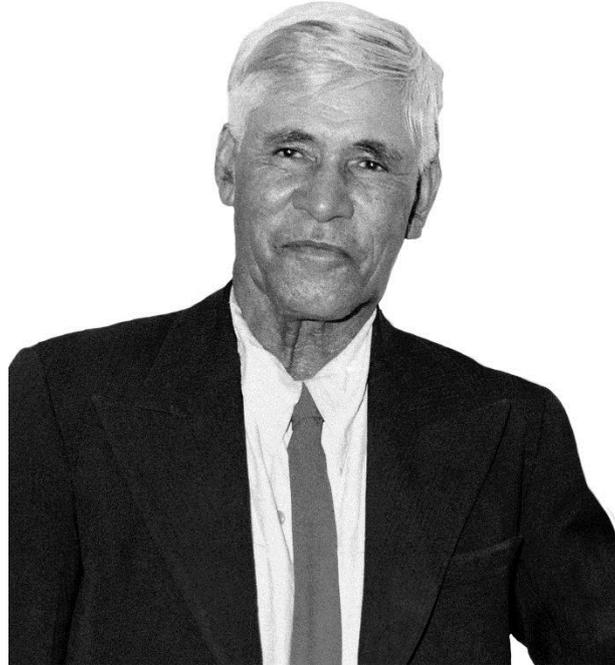


The Frank Archibald Memorial Lecture Series



1989 Lecture Notes

**We Live with the Problems,
We know the Solutions**

Tiga Bales



The Fourth Frank Archibald Memorial Lecture
delivered in Armidale, NSW
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We Live with the Problems, We know the Solutions

Tiga Bayles

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Introduction

First of all I would like to state that I come as a visitor with due respect for the Anaiwan people, the original owners of this particular part of the country.

I would like to acknowledge the presence of the Koori's here tonight, especially those of you who are of the Anaiwan language group. A special welcome to the relatives of Frank Archibald who are present at this lecture.

Distinguished guests and friends, the topic of my paper tonight is: "We live with the problems, we know the solutions".

I will explain to you how I envisage the ongoing process of eradicating the social problems confronting Aboriginal people today.

This country, Aboriginal Land, has sustained and maintained the life and culture of the Indigenous People for hundreds of thousands of years.

My people have lived here in harmony with nature since the first time the sun rose and shone on this land, our mother.

We had a very well structured and quite sophisticated society: Religion, Spirituality, Ceremonies, Initiations, Education, Medicine and healing, Laws and penalties for breaking those laws.

We had industries such as trade, manufacturing of tools and implements of stone, wood and bark utensils, and weapons.

The beginning of the destruction of this magnificent culture and sophisticated societal structure was when a particular group of boat people arrived on our shores. They decided to steal this land to enable them to establish their penal colony, for which there was great demand as the English gaols were already overcrowded.

The conflict created by the English invasion still exists today between the indigenous peoples of this country and the non-indigenous people. The loss of land, life culture and the peoples dignity as a result of the invasion is as devastating as any war fought anywhere else in this world.

Diseased blankets, poisoned water holes, mass murders and massacres of men, women and children, removal of children from their parents, children buried in the sand and having their heads kicked in, these are just some of the atrocities that occurred.

Missions and reserves were established where people lived in conditions that were similar to concentration camps. Some of these conditions still exist today, in a number of Aboriginal communities.

Colonization has decimated my People. Aboriginal communities still suffer from diseases and health hazards that will only be found in third world countries. The infant mortality rate is five times higher than that of White Australians.

The life expectancy of Aboriginal men and women is today 20-30 years less than that of white people in this country. The criminal conviction rate and deaths in custody of my people is higher per population than South Africa. Introduced diseases such as trachoma, leprosy and mental health problems, these conditions are an indictment on such a well-developed country as Australia.

The assimilationist policies of the past and present Governments in their attempts to address the health, housing, education and unemployment of Aboriginal people has been a dismal failure. The evidence for such a statement to be made lies in the fact that Governments have spent billions of dollars on Aboriginal Affairs since the Federal portfolio was created less than 20 years ago, and some of my people still live in third world conditions. White Australia questioned the validity of the statements and actions of my people during your Bicentennial celebrations only last year. The 200th anniversary of a farce, a joke: the theory "Terra Nullus".

Some of you people may claim that these atrocities and injustices are actions of past generations of your forefathers and that you cannot be held responsible today. Well my friends, you are responsible for the injustices and oppressive conditions that prevail today. After all, it is your Government that is passing laws and implementing policies that oppress and discriminate negatively against Aboriginal people. And you do call yourselves Australians and claim that this is your country. So my friends, it is now time for you to live and act in a responsible manner. You must now accept the full responsibility for the many inequalities and injustices of 20th Century Australia. You are responsible for the continued destruction and desecration of my people's culture and the natural environment. Like the financial debt incurred on your behalf by your forefathers which you now pay so you too must pay for the social debt to the Aboriginal race incurred by your forefathers.

So in the interest of our children and all future generations, in the interest of the survival of the human race we must all become a part of the solution and stop being part of the problem. It is now time for us to think for ourselves and make our own decisions, because we cannot afford to follow the blind and the ignorant any longer. We must think for ourselves and act accordingly.

You see it is now time for us, the people of this country, to take a long, critical look at ourselves and this society in which we live in. I think it is now necessary for me to point out a few cold hard facts that may assist you in identifying some needs for change, thus supporting my statement that we must make changes to improve this society in which we live.

First of all, when the colonizers came here just over 200 years ago, they came as slaves and slave masters. They came here to establish a penal colony which meant building gaols. Well, here we are some 200 years later and the very fabric of this society still consists of the mentality of "slave and slave master" and the Governments are still building gaols.

Also the very reason that this society is collapsing around our ears is the simple fact of its having been established on very shaky foundations.

The theory "Terra Nullus" is an outright lie, and as a result this society today needs to be constantly propped up. So much so, that we are now propping up the props.

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We must identify the shortfalls and the problems of this society, then identify the solutions, and methods for rectification.

Aboriginal people in this country today are trapped in a vicious cycle of disease, sickness, death and there appears to be no way of escape.

Unemployment and poverty have forced many of our people who live in the cities into a life of crime. But the real criminals are the politicians, bureaucrats and State and Federal Governments.

We are trapped in a vicious cycle of economic, intellectual, social and political death.

Inferior jobs, inferior housing, inferior education which leads to inferior jobs. We spend a lifetime in this vicious cycle going around in circles, giving birth to children who see no hope or future, no alternative but to follow in our footsteps.

We now must have a permanent solution, a temporary solution is not good enough. Tokenism is totally unacceptable.

The permanent solution is access to and control of our own land. With our own land we can create our own jobs, control our own economy and solve our own problems, instead of waiting on Government bureaucrats to solve our problems for us.

With our own land we can set up our own farms and businesses and various other enterprises. We can establish our own Government and become an independent race of people, an independent nation.

We grow the food to feed our people, we raise the cattle and sheep to use the hide, leather and wool to clothe our people. We build the houses from the natural resources from the land to house our people. This is the total solution.

The first fundamental step in this process of total rectification of the Koorie situation must be by way of establishing a secure National Land Rights Legislation which will offer "Total Land Rights" as opposed to "Token Land Rights".

Meaningful and total Land Rights must consist of access to and secure title over all vacant and unused Crown Lands in this country not being used at this time.

International law recognizes the need for indigenous people to have access to some of their land. Along with the land there must be money to enable the development of the land. It is due to the removal from, and dispossession of our land that Aboriginal culture has been destroyed. Thus there is a legitimate need for compensation.

With a secure legislation that guarantees total Land Rights, Aboriginal people can work towards the achievement of such goals as:

- self management
- self determination
- self sufficiency
- economic independence
- self government.

Supported by a genuine commitment of co-operation from all levels of Government, we can restore the dignity, pride, self respect and self confidence in our people by having a secure title to land and sufficient funds for the development of such lands.

An example of the goals that can be achieved is the present legislation in place in New South Wales—The New South Wales Aboriginal Land Rights Act.

New South Wales Koories have achieved more goals under the present Land Rights Act, than with any other Government initiative previously established in this State, or in this country for that matter.

The New South Wales Land Rights Act has five main points.

1. The recognition of Aboriginal people. It is the only Legislation specifically for Aboriginal people.
2. It provides access to land by way of land claim and purchase.
3. Inalienable Freehold title—provides us with a secure title to all claimed land plus any land purchased on the open market.
4. Funding for 15 years provides a degree of economic independence (Compensation).
5. The three-tiered structure which provides us with a certain amount of political power, due to the Statewide network.

This Act gives people the opportunity to overcome problems which are the single result of being dispossessed of our land.

The structure of this Act is a three-tiered system which consists of 117 Local Aboriginal Land Councils, 13 Regional Aboriginal Land Councils and the State body known as the New South Wales Aboriginal Land Council.

This structure is similar to the Westminster system of Local Government, State Government and Federal Government.

Each year the Local Aboriginal Land Councils hold an Annual General Meeting at which they elect their Chairperson, Secretary, Treasurer and two Regional Representatives.

The Regional Representatives are the link to the Regional Aboriginal Land Council. If there are ten Local Aboriginal Land Councils in a particular Regional Aboriginal Land Council that Region would consist of the two Regional Representatives from each of the 10 Local Aboriginal Land Councils thus giving the Regional Aboriginal Land Councils a membership of 20 people. Each year the Regional Aboriginal Land Councils also have an Annual General Meeting at which they too elect their Chairperson, Secretary, Treasurer and also one Representative for the New South Wales Aboriginal Land Council. As there are 13 Regions in the State with each one electing one Representative to the New South Wales Aboriginal Land Council, this Council then consists of 13 members. The New South Wales Aboriginal Land Council then has an Annual General Meeting each year also, whereby they elect their Chairperson, Secretary and Treasurer.

Funding

The funds are an amount of money which is equivalent to 7.5 per cent of the New South Wales Land Tax, and will only be released by the New South Wales Treasury for a period of 15 years, 1983-1998. Each year the New South Wales Aboriginal Land Council must invest 50 per cent of the funds received from the Treasury. The legislation states that this money "may be invested in any manner for the time being authorized by law for the investment of trust funds". This means we can invest in real estate as well as Government Bonds, and bank accounts.

Providing this funding arrangement stays in place until 1998 we expect to have an accumulated investment account totalling approximately \$500 million.

As the Government ceases to fund Land Councils after 1998 our source of funds will be the interest earned on the capital amount of \$500 million. We cannot touch the capital amount, only the interest earned off it, which we expect to be in the vicinity of \$85-\$100 million per year, which can be distributed throughout the network. During the present financial year of 1989/1990 we will receive from the Government, an amount of \$30 million dollars (7.5 per cent of Land Tax) of which 50 per cent must be invested. This will allow only \$15 million to be distributed throughout the network of 131 agencies (117 Local Aboriginal Land Councils, 13 Regional Aboriginal Land Councils and New South Wales Aboriginal Land Council)—not much money by the time it gets divided up between everybody.

In 1999 we will have five times that amount to distribute. This level of money enables Land Councils to establish a black bank which could fund Aboriginal Community enterprises.

Use of Funds

The funds can be used for the purchase of land, and establishing of enterprises, to buy houses, and for the maintenance of houses. It can be used for the administration costs of a Land Council like the purchase or rental of office space, office furniture, wages, training, etc.

Problems

In the first three or four years a number of problems were encountered by Aboriginal people dealing with this legislation. One of the main reasons for the problems was the fact that this was the first time in the history of colonization, the NSW Koories had an opportunity to decide on where and how to spend hundreds of thousands of dollars and, in some cases, even millions of dollars. We had very little training and expertise in the areas of business management, property management, enterprise purchase and development and investment management. When this legislation was imposed on us we inherited responsibilities that were totally foreign to most of us, such as landlords, employers, bookkeepers, investment managers, company directors and trustees.

It is little wonder that we have even survived as well as we have considering the conditions under which we were forced to operate.

One of the main reasons for the lack of skills and training is the simple fact of being welfare dependents for the most part of the last 200 years, resulting in a total lack of opportunities.

Present Problems

There are still quite a number of problems that we are faced with such as continued threats and attacks by the Greiner Government trying to abolish the Land Rights Act.

Various Government Departments are still playing the old divide and rule games, for example, the Department of Aboriginal Affairs and Aboriginal Development Commission forcing communities to form and incorporate yet another corporate body with the excuse of providing funds for houses, or funds for community projects, enterprise and development. Small communities like Dareton and Wilcannia have two or three incorporated agencies in their communities with most members of the communities being members of each corporate structure. This causes total confusion, and duplicates such roles as administration, office space and rent and office equipment. Dubbo and Moree have between 15-25 organizations: more competition and confusion for the people. All this duplication of services and roles are totally unnecessary as the Local Aboriginal Land Councils can monitor and administer these projects anyway.

We still have such basic problems as lack of understanding the Aboriginal Land Rights Act, and understanding the roles of the Local Aboriginal Land Council members and the office bearers who are elected by those members.

We have other problems such as managing our housing more efficiently so that we have the rental income with which to pay the rates and maintenance bills, instead of Land Rights money being used.

We have a general problem in the area of administrative and management skills still lacking in the Aboriginal Community. We are still dependent on non-Aboriginal accountants and managers. We also have a number of Local Aboriginal Land Councils still unfunded due to failure to acquire a clear audit. These are a few of the remaining problems that exist for people working with the Land Rights Legislation.

Achievements over Last Five Years

Under the Land Rights Act over the last five years we have learnt basic skills in such simple things as how to run a meeting. We have learnt to admit our mistakes and we learn from these same mistakes. We have learnt about individual and community responsibility. We have learnt to police our own actions and policies.

We have learnt about being successful business managers.

We have learnt how to lobby and bargain and negotiate with politicians, bureaucrats and businessmen.

We have learnt that we are no longer just victims, but we are now also achievers.

We have learnt all these things by working with the Land Rights Act, because never before have we had the same opportunity to make decisions like these for ourselves.

We have provided and established such resources in our various communities as sheep and cattle properties, market gardens, fishing cooperatives, licensed clubs, a motel, a grocery store, arts and crafts manufacture and retailing outlets. We have purchased houses and flats for our people in various communities. We have purchased valuable real estate by using investment funds. We have provided a structure (community based) to facilitate discussions and proposals with a number of Government Departments, for example, housing departments, and the housing on Aboriginal land programme, building homes designed by Koories on Koorie land. Western Regional Aboriginal Land Council now owns approximately 220,000 acres of land. This region owned very little land before the Land Rights Legislation was introduced in 1983. Similarly, the North West Regional Aboriginal Land Council now owns approximately 200,000 acres of land and 26,000 head of sheep.

The wool clips from these sheep topped the market at the Yennora wool sales in Sydney during the month of August. A number of Koori people are also employed on these properties. We have successfully claimed 36,000 hectares of land in New South Wales.

The New South Wales Aboriginal Land Rights Act is basically the mechanism to facilitate the resourcing of Aboriginal communities who have been neglected for 200 years.

Achievable Goals for Next Five Years

In five years time we will hope to have quite substantial land holdings in New South Wales; properties purchased with Aboriginal management staff employed and various business enterprises which will provide employment training and income for our people. We will hope to have a large number of Aboriginal people with skills in business management, accountancy, farming and property

management as well as rural industry skills such as shearers, wool classers, station hands, builders, fencers, etc. These are all achievable as Aboriginal people are learning and improving more each year. We must acquire as much land as possible to enable us to build and provide the necessary resources that will enable us to become self-sufficient in the long term. We know that this is our opportunity to rectify a lot of the problems that governments created and given time, we know that we can do the job.

There is quite a degree of strength and power in the NSW Aboriginal Land Council structure today. Evidence of this is the fact that we have survived almost 20 months of continued attacks from the Greiner Government, the same Government that has closed the Illawarra power station at Wollongong, the Government Printing Office in Sydney, plus a number of small schools and country hospitals in this State. This Government has failed in their all out attempts to abolish the Land Rights Legislation of New South Wales.

We, the New South Wales Aboriginal Land Council network, are the strongest, most powerful Aboriginal body in New South Wales.

At this point in time the Premier has stated that the Land Rights Legislation will not be abolished but will be improved. This is a major compromise for a Government that came into power with a total commitment to abolishing Land Rights.

This again is a fine example of the accomplishments of Aboriginal people. We undertook a massive awareness campaign. We lobbied the major church groups, unions, politicians, migrant groups, and people in general, explaining the issues and the negative effects of the Government's proposals. The result of this campaign is the Government's change in attitude. We are legally and morally right in our argument.

The outstanding success and the achievements of Aboriginal people working within the New South Wales Aboriginal Land Rights Act far outweigh the failures.

For this reason alone, it is imperative that a National Land Rights Legislation be drafted and passed by the Federal Parliament.

Aboriginal people can eradicate most of the appalling conditions that we live in if given the right opportunity, plus a genuine commitment and cooperation from all levels of the Governments in this country.

To achieve such a goal, National Land Rights Legislation must be better than the New South Wales model because this model has quite a few shortcomings with which Aboriginal people should not be burdened.

A meaningful and total Land Rights Legislation implemented nationally by the Federal Government is the first basic step towards the process of total rectification of our situation. It is not the whole solution but part of the solution. We also need to be aware of the time factor required for some real results to be achieved as it will not happen overnight. The problems we are faced with today are a result of 200 years of colonization, so it will take quite considerable time to resolve these problems.

During my time of involvement with the Land Rights Legislation here in New South Wales over the last five years I have seen some great changes and achievements.

I have seen a number of Koories employed by Land Councils to work on sheep stations, market gardens, fishing co-operatives and also in the offices where they make up the team of people required to perform the administrative role that is vital for these enterprises to be successful.

The pride and self esteem that develops as a result of these people playing an integral role in the development of their community is amazing.

This also has a positive effect on the children who can see their parents, or various other members of their families, participating in positive constructive development in their communities. This opportunity of employment helps create a sense of security and well-being within the family structure. I believe it is the key in being able to maintain the situation of the nuclear family.

Satisfactory employment can provide the income necessary to cater to the general needs of our daily survival. We can pay our rent to the Aboriginal Housing Co-operatives, who in turn can employ the necessary staff required to administer and maintain the housing stock. The rate bills can be paid also, thus eliminating the need for a housing co-operative to be propped up by direct Land Council grants. We would soon have a self-sufficient Housing Co-operative that would not be dependent on welfare handouts from the Department of Aboriginal Affairs or the Land Council.

An income can also mean that the education of our children is of a satisfactory standard. They can be provided with all the educational necessities and family support that is vital in achieving a good standard of education. These children also develop pride, self-esteem and self-confidence when they can see the role of their parents and other Koories who are involved in the positive developments within their communities.

A very important aspect of our Aboriginality is our spirituality and with access to land we can also develop culturally and spiritually as a people. Until we do this we are not developing fully as individuals.

Generally speaking, a meaningful Land Rights Legislation will provide the means by which Aboriginal people will have equal opportunity. Being in this position it will enable us to regain control of our own destiny. In so doing, we can then work towards eradicating all the social problems that confront us Aboriginal people.

Conclusion

Since the dispossession of our land was the major tool used to destroy our society and our culture, we must now complete the full cycle by returning to the initial position of being in control of some of our land. This is vital for my people so that we can then take our rightful place in this society, and live with the pride and dignity that was so characteristic of the Indigenous People before colonization.

We will be seen to be real achievers not welfare dependents, we can make a far greater contribution to the economic development of our country.

LAND RIGHTS MEAN:

- Creating racial harmony
- No more handout mentality
- Creating our own community projects
- Fewer homeless Koories
- Fewer Koories in gaol
- Fewer Koories on the dole queues
- Self-management, self-determination, self-sufficiency
- Fewer alcoholics and drug addicts
- Economic independence
- Self Government
- This is our Right—not a privilege.

LAND RIGHTS NOW