

# **AUSTRALIAN ABORIGINES COMMONWEALTH POLICY AND ACHIEVEMENTS**

## **STATEMENT BY THE PRIME MINISTER — The Rt Hon. William McMahon, C.H., M.P.**

When the Supreme Court of the Northern Territory decided on 27 April last year that Australian law did not recognise Aboriginal title to land in Australia the Government decided to review its policies relating to the Aboriginal people and their aspirations.

On 6 May I announced the appointment of a Cabinet committee to do this. Its work has been carried out with a keen awareness of the deep affinity between the Aboriginal people and the land with which traditionally they are associated.

The committee had, as a background, a period of considerable innovation and progress in welfare programmes especially since the referendum of 1967, through which the Australian people recognised Aborigines as members of one Australian society.

A significant part of this continuing review, dealing in general with policy objectives, and in particular with Aboriginal communities in remote areas, has been completed.

As a result the Government has decided to make certain changes in the emphasis of its policies and to introduce new measures affecting land holdings on Aboriginal Reserves and elsewhere within its jurisdiction.

### **OBJECTIVES**

We believe, first of all, that changing conditions in the seventies and a greater awareness of Aboriginal wishes have made necessary a re-statement of the objectives of Commonwealth policy.

A five point 'Statement of Objectives' has therefore been adopted and will be a general directive to those responsible for the formulation and administration of Commonwealth policies affecting Aboriginal Australians.

The objectives are:

1. The fundamental objectives of Government policy in relation to Aboriginal Australians are that they should be assisted as individuals and if they wish as groups, at the local community level, to hold effective and respected places within one Australian society with equal access to the rights and opportunities it provides and acceptance of responsibilities towards it.  
At the same time they should be encouraged and assisted to preserve and develop their own culture, languages, traditions and arts so that these can become living elements in the diverse culture of the Australian society.
2. The Government recognises the rights of individual Aborigines to effective choice about the degree to which, and the pace at which, they come to identify themselves with that society; and we believe that they will do so more readily and more happily when they are attracted to it voluntarily and when their membership of it encourages them to maintain and take pride in their identity, traditions and culture. The concept of separate development as a long-term aim is utterly alien to these objectives.

3. We also believe that programmes to give effect to such a policy must evolve in accordance with the effects of action so far taken and the needs of the times. They must take into account the expressed wishes of Aboriginal Australians themselves. Indeed programmes will prove ineffective unless Aboriginal Australians are voluntarily involved. The role of governments should increasingly be to enable them to achieve their goals by their own efforts.
4. The Government considers that a balanced strategy directed at the essential problems facing many persons of Aboriginal descent requires a programme of action worked out and administered in collaboration with the States which would—
  - (a) encourage and strengthen their capacity increasingly to manage their own affairs—as individuals, as groups, and as communities at the local level;
  - (b) increase their economic independence;
  - (c) reduce existing social and other handicaps facing them in health, housing, education and vocational training; and
  - (d) promote their enjoyment of normal civil liberties and eliminate remaining provisions in law which discriminate against them.
5. The Government also considers that special measures will be necessary to overcome the disabilities now being experienced by many persons of Aboriginal descent. These should properly be regarded as temporary and transitional in the progress towards our fundamental objectives and should be based upon the need of Aboriginal individuals or groups for special care and assistance.

## **ACTION SO FAR**

The principles underlying this statement, although not previously enunciated formally, have developed logically from previous statements agreed upon by Commonwealth and State Governments and from our study and experience in this field since the referendum in 1967.

The changes in emphasis have been made to recognise the need for Aborigines to have greater opportunities as Australian citizens with full freedom to choose their own way of life.

Since the first appointment of a Minister responsible for Aboriginal Affairs and the establishment of the Council and Office of Aboriginal Affairs in November 1967, a vigorous programme has been initiated and studies have been undertaken to provide the basis for its future development.

The Minister for the Interior and his Department, who have responsibility for Aborigines within Commonwealth territories, have also been carrying out parallel activities.

They have been developing and implementing wide-ranging programmes and have promoted significant advances in the use and development of land and welfare policies generally in the Northern Territory.

I believe more should be known publicly about these programmes.

These are the basic facts.

The estimated population of Aborigines and persons of Aboriginal descent in Australia is 140,000 and the natural rate of increase, it should be noted, is higher than that of other Australians.

Aboriginal Australians, of course, have full voting rights and all the other rights of citizenship.

## **EXPENDITURE**

Total direct national expenditure on Aboriginal advancement has now reached a level of \$44,000,000 in the current financial year in addition to expenditure on normal services in which Aborigines participate as part of the general community.

This is made up of \$16,330,000 by the Department of the Interior in the Northern Territory, \$14,813,000 by the Office of Aboriginal Affairs, at least \$650,000 by other Commonwealth departments and agencies and expenditure of the order of \$13,000,000 by the States from their own resources.

During the past four years the Commonwealth has appropriated a total of \$41,790,000 for expenditure through the Aboriginal Advancement Trust Account.

Of this \$25,260,000 has been paid to the States for expenditure on Aboriginal advancement, especially in the fields of housing, health, education and employment, including special works and regional projects. A further \$350,000 has been made available as a repayable loan to Queensland for the Bamaga irrigation project.

In 1968 an Act was passed establishing the Commonwealth Capital Fund for Aboriginal Enterprises. The object of the Fund is to assist Aboriginal Australians to engage in business enterprises with prospects of becoming or continuing to be successful. The initial payment into the Fund was \$4,650,000.

Since October 1968 a total of 131 loans amounting to \$1,760,685 and five Ministerial guarantees amounting to \$52,600 had been approved to 30 June 1971.

## **EDUCATION**

Two educational schemes, the Aboriginal Study Grants Scheme and the Aboriginal Secondary Grants Scheme, have been established.

The schemes together have assisted many thousands of Aboriginal students to continue their studies in the upper secondary and tertiary levels.

The number of students currently studying at post secondary or tertiary level is 377, of which 20 are at university. The number of students under the Aboriginal Secondary Grants Scheme is 3,515.

Both groups are increasing rapidly year by year.

In 1969 the Minister for Labour and National Service announced the Aboriginal Employment Training Scheme which is designed to assist young Aboriginal workers to move to centres to obtain employment. It also provides for a subsidy to employers.

Close to 2,000 people have been receiving on-the-job training under this scheme.

## **REGIONAL STUDIES**

More recently both the Office of Aboriginal Affairs and the Department of the Interior have commissioned special studies in selected areas throughout Australia where there are significant Aboriginal populations with particular problems.

Following the first two studies by the Office of Aboriginal Affairs on the South coast of New South Wales and at Walgett, the Commonwealth and State Governments have co-operated in a regional project development scheme in both areas designed to attack the problems from various economic and social angles simultaneously.

Other studies have been carried out with the South Australian Lands Trust, with particular emphasis on Point Pearce Aboriginal Reserve; the Central Reserve of Western Australia; the Kimberleys and latterly the North-West Aboriginal Reserve of South Australia and Nepabunna.

These studies have provided a sound basis for consolidated action by Commonwealth and State Governments.

Special studies for the Department of the Interior into the situation of Aborigines on pastoral properties in the Northern Territory, on Aboriginal pastoral development in Arnhem Land and on a regional development for the Gove area, have recently been completed.

## **WELFARE**

During the period under review the Commonwealth has made direct grants exceeding \$3,000,000 to private organisations for such purposes as establishing hostels for students and organisations, setting up Aboriginal legal and medical aid services, pre-school activities and general welfare.

We have also established the National Aboriginal Sports Foundation and the Aboriginal Aged Persons Homes Trust. These organisations are designed to encourage Aboriginal activity in various fields. Each has an Aboriginal Advisory Committee to examine needs and advise on how money can most usefully be spent.

In addition we have assisted the Aboriginal Publications Foundation which was established by an incorporated society of Aborigines.

The Office of Aboriginal Affairs has financed university and other research work in health, education and social and psychological fields and has also encouraged and financed workshops on health and education where research workers and officials have been able to consolidate available knowledge and exchange experience.

## **NORTHERN TERRITORY**

The Aborigines in the Northern Territory are the direct responsibility of the Commonwealth.

In the last twenty years the areas reserved for their use and enjoyment have increased from 62,000 square miles to 94,000 square miles—an area the size of the United Kingdom. About 14,000 Aborigines live on these Reserves.

Post-war policies have led to the development of thirty-three Aboriginal communities mostly not in close contact with the wider community. These communities are now the focal points for programmes for education, health and social development.

Other programmes to increase work skills and employment opportunities, stimulate housing construction and encourage participation in commercial enterprises have been progressively introduced.

At the end of 1970 legislation came into operation, which provided for pastoral, agricultural and miscellaneous leases on reserve lands exclusively for Aborigines.

The Minister for the Interior has already approved sixty-five leases, including 2,100 square miles for the Yugal Cattle Co. at Roper River, 800 acres for ceremonial and recreational purposes at Wallaby Swamp, Groote Eylandt and 33 acres for an Aboriginal tourist enterprise at Standley Chasm.

There are over 70 other applications of which 23 are for pastoral leases over very significant areas.

Programmes of social change and development take time to implement, but progress is encouraging.

What is being achieved in education is one example. In the Northern Territory 75 per cent of eligible Aboriginal children are at pre-schools, 90 per cent at primary schools and 70 per cent at post-primary and secondary schools.

Fifty-eight special schools, with over 300 teachers, provide educational services for most of the 6,030 Aboriginal children attending school in the Territory.

Twenty years ago there were just over 1,000 pupils in only 19 special schools with 30 teachers.

The first of several residential colleges which will prepare selected Aboriginal students for entry to community high schools has been operating since 1968.

This is Kormilda College at Darwin and it has already increased the number of Aborigines in high schools from 7 in 1967 to 70 this year.

In health, too, good progress is being made.

There are 25 hospitals, 3 clinics and 10 infant welfare clinics on Aboriginal Settlements, both Government and mission.

Two more infant welfare clinics are under construction while additional hospitals are programmed.

Nursing care is provided at Settlements.

There are, however, difficulties, particularly the incidence of child morbidity. The semi-nomadic life of some of the Aborigines, which has aspects not compatible with normal standards of health, is a contributory factor.

The joint project with the Australian National University and the University of Adelaide to examine social and psychological considerations of morbidity is nearly complete and the report should assist in the understanding of these problems.

## **CO-OPERATION**

This briefly is an outline of progress in Aboriginal affairs throughout Australia in recent years.

At all stages Aborigines are now being encouraged to have a more effective voice, not only in relation to Governments, but in their local environments and in the conduct of their own affairs.

In the Northern Territory a special committee representing all Aboriginal communities has been appointed to advise the Minister for the Interior on policies for the advancement of Aborigines and in this way the people are actually involved in the important issues which affect their future.

Co-operation has continued between Commonwealth and State Governments through the Standing Committee of Ministers called the Australian Aboriginal Affairs Council. Since 1968 this Council has been meeting annually to discuss common problems and exchange views over the whole field of Aboriginal advancement.

These programmes have achieved a good deal but the Government is conscious that a greater concentration of effort is called for, and that the problem of land, of economic independence and of Aboriginal identity have to be dealt with effectively.

Much of the land in the Northern Territory, for example, is suitable for pastoral development. The major timber reserves of the Territory are within the Reserves. Some of the finest scenic areas in Australia are in Reserves with tremendous potential for development.

Major mining industries are operating already at Groote Eylandt and Gove in the Arnhem Land Reserve and the uranium discovery at Nabarlek has exciting prospects. Other parts of the Reserves could prove even more important for the mineral wealth yet to be discovered.

In short, the Reserves in the Territory hold every promise of providing the means for Aborigines to attain economic standards at least comparable with those of the general community while at the same time making a significant contribution to the growth and development of Australia generally.

This potential will not be realised however, unless a wise and practical land policy is followed for the development of the Reserves.

The current review by the Ministerial committee has done much to bringing the complex problems of Aboriginal Australians nearer to solution and I outline now the new decisions the Government has taken as the result of the first stage of the committee's work.

## **NEW DECISIONS**

During this first stage the Cabinet committee dealt specifically with land use by Aborigines in the Northern Territory.

The Government understands fully the desire of the Aboriginal people to have their affinity with the land with which they have been associated recognised by law.

We are deeply concerned to assist them to feel it has, in fact, been recognised and to enable them, in the current circumstances, to have some security in their relationship with the land, and, in particular, to give continuing Aboriginal groups and communities the opportunity of obtaining an appropriate title under Australian law over lands on Reserves which they are interested in to use and develop for economic and social purposes.

The Government believes that the changing needs of the Aboriginal people themselves will require that they make more use of land to which they obtain title for these purposes.

Accordingly, the Government has decided to create a new form of lease for land on Aboriginal Reserves in its territories which may be applied for by Aborigines as individuals, groups or communities; such leases to provide for economic and social purposes including those which arise from Aboriginal educational, recreational, cultural and religious activities.

We decided to create this new form of lease rather than attempt simply to translate the Aboriginal affinity with the land into some form of legal right under the Australian system, such as that claimed before the decision of the Supreme Court of the Northern Territory because we concluded that to do so would introduce a new and probably confusing component, the implications of which could not clearly be foreseen and which could lead to uncertainty and possible challenge in relation to land titles elsewhere in Australia which are at present unquestioned and secure.

## **GENERAL PURPOSE LEASES**

The new leases will be called general purpose leases. They will differ from existing leases in the Northern Territory in that they will allow for a combination of uses for general purposes.

They will be granted if the applicants can demonstrate to the Land Board of the Northern Territory that:

- (a) they have the intention and ability to make reasonable economic and social use of the land applied for; and
- (b) the granting of the application would not conflict with the interests of other Aboriginal groups or communities. In the event of conflicting claims, preference would be given to the group or community most closely associated with the area. Leases will cover areas adequate for all the economic and social purposes contemplated and will be for periods up to fifty years—in line with existing pastoral leases.

The Land Board will satisfy itself from time to time that reasonable progress is being made in achieving the purposes of the lease. Rental charged will be nominal in appropriate circumstances and will be subject to review every ten years.

Land on Reserves available for general purpose leasing will not include existing Government or mission community areas or areas already under lease.

As with other leases, these general purpose leases will also be subject to the existing law that all mineral and forest rights are reserved to the Crown.

Aboriginal applicants may apply to various Government agencies for help in obtaining professional guidance in planning the effective use of the land and funds will be available from various sources to assist in giving effect to these plans.

As a result of these measures Aboriginal groups and communities will have increased opportunities in acquiring land leases in a form recognisable in Australian law.

## **THE PEOPLE AT YIRRKALA**

It will, for instance, be possible for the Aboriginal community at Yirrkala, with whom I had personal discussions following the judgment by the Supreme Court, to apply for a general purpose lease, and if they can satisfy the Land Board requirements they would then be granted a firm title under Australian law to an area adequate for their economic and social purposes, including the maintenance and development of their cultural and religious activities.

I will advise the Chairman of the Aboriginal Council at Yirrkala of these matters as well as the Government's decisions on other requests made by his Council.

A land use study in this area has already been prepared for the Government by a consultant. This and other information will be available to the community at Yirrkala to assist them in preparing their application.

## **LAND RESERVES**

There are many Aborigines in Commonwealth territories living outside Reserves, some of whom belong to recognisable communities or groups.

The Government desires to give them the opportunity of access to specific areas of land to use and develop for economic and social purposes.

We intend therefore, as opportunity offers, to acquire properties off Reserves for this purpose.

Most of the areas outside the Reserves have, however, been alienated to other holders for a variety of purposes. But such areas of land do, from time to time, become available for purchase.

When they do, the Government will use Commonwealth funds to make purchases for Aboriginal communities.

To this end the Government has decided to appropriate a sum of \$5 million in the first year and would contemplate a further \$2 million in each year for the ensuing four years.

The funds allocated for the purchase of land for Aboriginal communities will, with the co-operation of the States, be available for the benefit of communities in the States as well.

## **ABORIGINAL ENTERPRISES**

Resources will be needed in addition to land itself for Aboriginal communities groups or individuals on or off Reserves to put their plans for economic and social advancement into effect.

Furthermore, there will be Aboriginal communities on whose behalf the purchase of land will not be practicable. It will sometimes be possible for them to establish potentially successful enterprises not dependent on the land or the land alone.

The Government intends that Aborigines should have the opportunity, while maintaining, if they wish, their traditional ways of life, to enter the general economic system, not simply as providers of unskilled labour, but as providers of skilled services, as independent producers and as proprietors and managers of enterprises.

The Capital Fund—and also in the Northern Territory, the Aborigines Benefits Trust Fund—which have already been established have provided finance for a wide range of such enterprises which include such diverse purposes as market gardening, fishing, poultry fanning, brick-making, forestry, service stations, tourist accommodation and services, and the like.

The Government has decided that funds will be allocated to the Aboriginal Advancement Trust Account to enable grants, as well as the loans already available, to be made to Aboriginal enterprises with reasonable prospects of success so that they will not be wholly dependent upon repayable loans where:

- (a) a substantial Aboriginal community is involved;
- (b) the project would contribute significantly to its economic independence;
- (c) the project would provide both effective Aboriginal employment and training for possible employment elsewhere; and
- (d) other sources of assistance and economic opportunity had been fully explored.

These funds will be available for communities in the States as well as in the Northern Territory.



## **SUPPLEMENTARY MEASURES**

In addition to these measures the Government proposes, in relation to the Northern Territory:

- (a) To investigate ways of providing a simple, flexible form of incorporation for Aboriginal communities.
- (b) To amend the law under which land is reserved for the use and benefit of Aborigines so that a Reserve cannot be revoked in whole or in part without an effective opportunity for a review both by the Legislative Council of the Northern Territory and by both Houses of the Commonwealth Parliament.
- (c) To provide explicitly in legislation for Aborigines to have effective access for hunting and foraging to lands reserved for their use and benefit and ensure that the access they already enjoy, by special provision, on lands off Reserves covered by pastoral leases, is protected.
- (d) To complete as expeditiously as possible programmes to delineate and protect areas of land both within and outside Reserves for Aboriginal religious and ceremonial purposes.

The Government believes these decisions should help to meet the needs and aspirations of the Aboriginal people in a practical way.

## **MINING ON NORTHERN TERRITORY ABORIGINAL RESERVES**

While reserving mineral rights to the Crown in the new leases—as in leases granted to other Australians—the Government considered whether mineral prospecting and development on such lands should, for the present, be prohibited.

The Government has concluded that it was in the national interest, as well as largely in the interest of the Aborigines themselves, for mineral exploration and development on Aboriginal Reserves to continue.

However, the Government will consult with any Aboriginal communities who might be affected by such activities so that their welfare can be taken into account when applications for exploration and development rights are being considered.

Exploration rights will be granted on the basis that development rights may be deferred if in the Government's view they would be detrimental to the interests and well-being of an Aboriginal community in the area.

The Government has also decided that:

- (a) In the granting of exploration licences a degree of preference may be granted to Aboriginal applicants with a particular interest in the area concerned. The applicants would need to justify the area applied for on the basis of ability to carry out an exploration programme though their exploration techniques need not be sophisticated.  
Licences issued to non-Aboriginal companies will provide that such companies will train, equip and employ resident Aborigines for surface exploration and will employ Aborigines wherever practicable in other aspects of the exploration programme.

- (b) If mining development follows on successful exploration it will be subject to special terms and conditions relating to the employment of Aborigines, the protection of their interests and welfare and the opportunity for their effective participation in the enterprise.

A code has been evolved which sets out for holders of exploration licences and for those engaged in mining development the obligations which the Government expects them to accept towards Aboriginal communities affected by them.

This code is contained in the Attachment to this statement.

Mining enterprises on Aboriginal Reserves are required to pay double royalties to the Crown. These royalties are paid to the Aborigines Benefits Trust Fund which is available to assist Aboriginal communities primarily to establish enterprises and to improve their community facilities.

The Government has decided that 10 per cent of the royalties paid by the Nabalco operation at Cove shall be made available from the Trust Fund to the Aboriginal community at Yirrkala.

This meets another request from the Yirrkala people.

This money will be paid into a special trust fund to be administered by the local Aboriginal Council with the help of appropriate advisers chosen by it.

In addition to what I have stated above, the Cabinet committee is considering the general application of the principle embodied in the Yirrkala decision in order to earmark for particular communities a percentage of royalties paid into the Trust Fund.

## **THE STATES**

Some of these decisions, such as the setting aside of funds to assist Aboriginal communities to lease land and to develop Aboriginal enterprises, apply equally in the States as in the territories. Others, such as the decision to grant leases to Aborigines on reserve lands, apply only to Commonwealth territories.

The Government has informed the States of these decisions. The States, of course, keep under review the question of measures for the advancement of Aborigines within their own fields of responsibility.

## **CONCLUSION**

This statement outlines the Commonwealth Government's policy, and its achievements in the post-war years.

The desire to encourage Aboriginal citizens to share fully in Australia's national life and preserve their own culture as they wish is a continuing one, and a responsibility for all of us.

The Government willingly accepts the responsibility of helping to achieve the objectives set out in the statement.

## ATTACHMENT

### CODE RELATING TO MINING ON ABORIGINAL RESERVES

The Commonwealth Government has reserved certain lands for the use and benefit of Aboriginal Australians. The Government believes that at the right time and with proper safeguards the development of mineral resources on such lands can contribute to the economic advancement of the Aborigines resident on them and accordingly is prepared to grant exploration licences and mining tenements on Reserves to companies which are prepared to conduct their enterprises in genuine collaboration with the resident Aboriginal Australians.

The basic principles underlying such an approach are simple:

- (a) the company will conduct its affairs with respect and consideration for the Aboriginal people and their traditional way of life;
- (b) the company will do its best to ensure that the Aboriginal communities concerned share directly in the economic benefits to be derived from the exploration or mining development.

Accordingly the Government desires that:

A. *Companies granted exploration licences*

- (i) will train, equip, and employ resident Aborigines for surface exploration, and will employ Aborigines wherever practicable in other aspects of the exploration programme and will consult with the Administrator or his nominee about conditions of employment;
- (ii) will provide the Administrator with advance notice of and obtain his prior approval to any proposed programme involving ground activities which would cause significant disturbance to the surface so that the Administration can discuss the exact location of the proposed activities with the Aborigines to ensure that sites of special traditional significance are not disturbed;
- (iii) will consult with Aborigines about any matter affecting their welfare, including areas of special significance, only in conjunction with the Administrator or his nominees;
- (iv) will not seek to interfere with the social and cultural life of the Aborigines in the area;
- (v) will co-operate with such persons in the area as the Administrator may nominate, in carrying out measures which may be necessary in the interests of the Aborigines;
- (vi) will keep the Administrator or his nominee informed at intervals of not longer than one calendar month of proposed movements of company personnel or agents within the Reserve;
- (vii) will inform the Administrator of the proposed establishment of any base camp;
- (viii) will not erect any permanent buildings or facilities without the permission of the Administrator.

B. *Companies granted mining tenements on Reserves*

- (i) will co-operate with the Administration in setting up a local consultative committee representative of the local Aboriginal community, the mining company and appropriate government agencies:
  - a. to protect sites and areas of special traditional significance;
  - b. to keep Aborigines informed of company activities and areas likely to be affected;
  - c. to ensure the proper and courteous conduct of inter-community contacts;
  - d. to improve communal and recreational facilities for the Aboriginal community;
  - e. to prevent and solve day-to-day difficulties;
- (ii) will provide opportunities for the Aboriginal community with particular regard to communities near such developments, by way of:
  - a. equity or other financial participation;
  - b. employment—including job training to widen the range of opportunity;
  - c. development of subsidiary enterprises providing goods or services to the mining enterprise, to the community associated with it, or to other markets;
- (iii) will, in collaboration with government agencies, promote knowledge, understanding and respect among their white Australian staff and employees for the traditions, languages and culture of the Aboriginal people;
- (iv) will confer with appropriate government agencies from time to time on the degree to which the measures being taken are proving successful in promoting the welfare of the Aboriginal communities concerned and their conscious identification with the mining enterprise and on modification of these measures which may prove advantageous.