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House of Representatives Standing Committee
on
Aboriginal Affairs

Report on the
Present Conditions
of Yirrkala People

1974

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MEMBERS OF HOUSE OF REPRESENTATIVES STANDING
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- (a) Hon. A.S. Peacock M.P. resigned 21 August 1973 and was replaced by Mr R.N. Bonnett M.P.
- (b) The appointment of Mr R.N. Bonnett M.P. was terminated at the end of the First Session in February 1974. He was replaced by Mr P.M. Ruddock M.P.

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PRINCIPAL RECOMMENDATIONS

The Committee's more important recommendations are listed below. All conclusions and recommendations are underlined in the text as they occur.

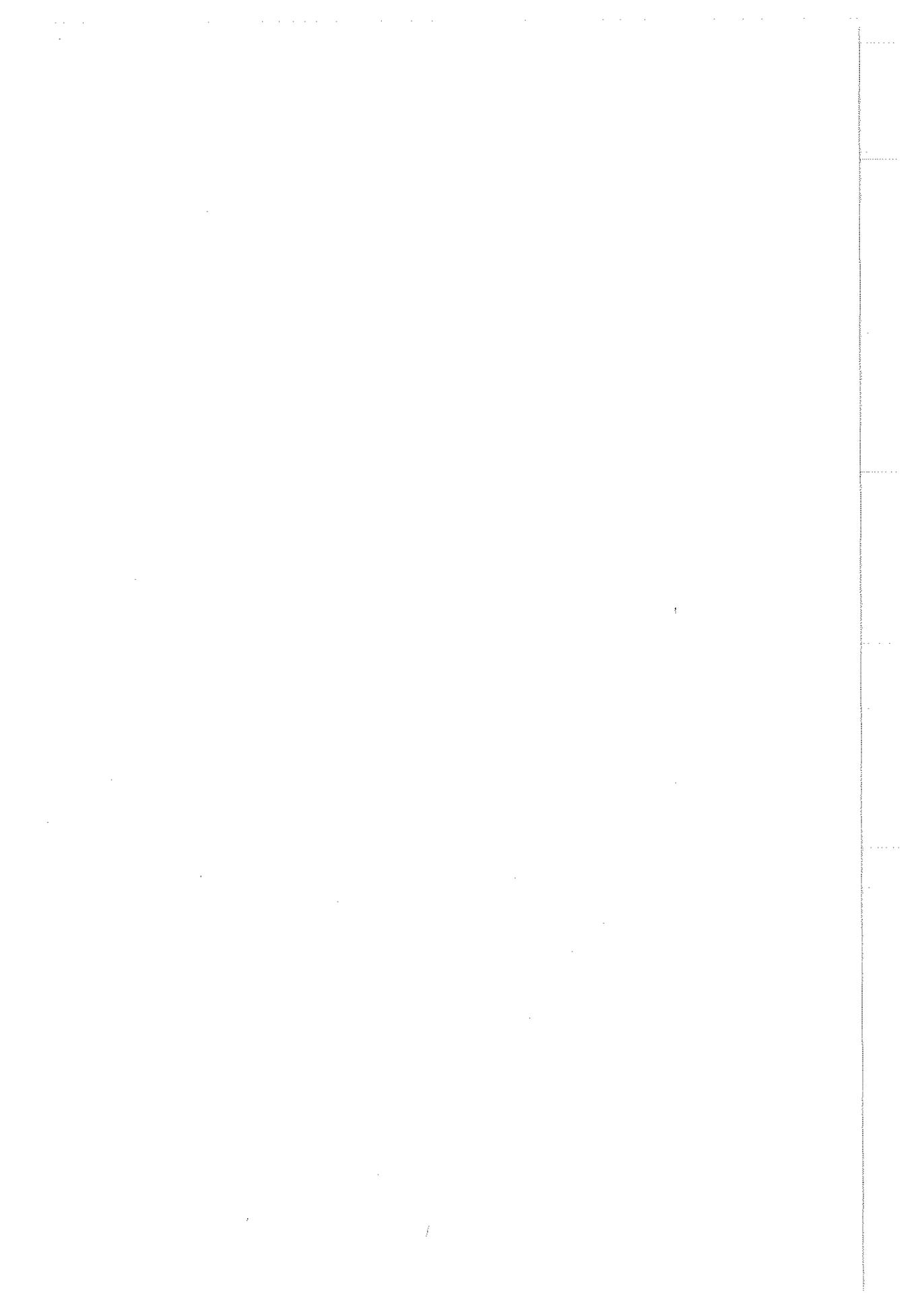
1. The Government should take a positive role in working out with the Aboriginals and Nabalco Pty Ltd a satisfactory formula whereby the Aboriginal community can freely exercise its proprietary rights to the land and the mining operations can remain a viable proposition. (Page 10)
2. Negotiations should take place between the mining company, the Government and the people of Yirrkala aimed at relocating the boundary of the mining lease in a position which at least accords with the 1963 agreement. (Page 30)
3. Nabalco Pty Ltd should improve its communications with the Aboriginal community. (Page 36)
4. A scale relief model of the Gove Peninsula should be displayed at Yirrkala for demonstration purposes. (Page 36)

5. An essential part of company policy should be to raise effective communication with the Aboriginal people to a high level of commitment. (Page 37)
6. Should the mining agreement be re-negotiated the company should firmly commit itself to direct negotiation and consultation. (Page 37)
7. The Aboriginal people should organise themselves to secure and protect their interests. (Page 37)
8. Income from royalties and other services should be substantially increased. (Page 41)
9. Of the royalty money paid to the Yirrkala community the higher the percentage devoted to long term investments the better. (Page 42)
10. Measures should be taken immediately to actively police the possession of permits for those going beyond the mining lease boundary and to prosecute those who contravene the Ordinance. (Page 52)

11. The Aboriginal people should give favourable consideration to requests by Nhulunbuy residents to use recreation areas within the Aboriginal Reserve. (Page 53)
12. Final decisions on matters of access to Aboriginal land should be vested in the local landowners. (Page 55)
13. The present red mud disposal area should be regarded only as a pilot operation and the future means of disposal should only be determined after a thorough analysis of effects on the local environment. (Page 61)
14. The Liquor Ordinance should be amended to allow the prohibition of bottle sales after a certain hour in areas where this is deemed necessary. (Page 75)
15. The Yirrkala Council should have the authority and facilities to apprehend and detain intoxicated Aboriginals until they can be released with safety or otherwise dealt with. (Page 75)

16. The practice of training Aboriginal health workers to go among the people, educating them on such matters as personal hygiene, nutrition and child care should be expanded and that for this program, use be made of the facilities of the Nhulunbuy hospital. (Page 81)
17. If a survey of Yirrkala Creek shows that the water is contaminated and unfit for consumption, that the water be brought from bores near the Airport. (Page 81)
18. An adult education program, run by experienced and qualified social workers and teachers, assisted where possible by interested Aboriginals, should be instituted. (Page 88)
19. An immediate study should be made by relevant departments aimed at establishing a program of adult training courses, especially in the trades. (Page 89)
20. The upgrading of existing communications facilities is desirable and should be undertaken as soon as possible. (Page 96)

21. The extension of the Arnhem Highway should not proceed without the full and considered consent of all the Aboriginal clans whose land the road affects. (Page 97)



THE COMMITTEE

By resolution on 18 July 1974 the House of Representatives agreed that a Standing Committee on Aboriginal Affairs be appointed :

... to inquire into and report on matters referred to it by resolution of the House, the Minister for Aboriginal Affairs or by motion of the Committee within the following terms :

- (a) to consult with Aboriginal and Island people on policies and programs for their advancement;
- (b) to examine the present situation of Aboriginal and Island people, recommend policies and improvements; and
- (c) evaluate the effect of policies and programs on Aboriginal and Island people.

The appointment of this Committee followed the appointment during the 28th Parliament of a similar Committee of the House of Representatives which had identical terms of reference.

The present Committee was empowered by the House to make use of evidence and records of the previous Committee.

THE PRESENT REFERENCE

At a meeting on 23 July 1974 the Committee resolved :

That having regard to the recommendations of the House of Representatives Select Committee on Grievances of Yirrkala Aborigines, Arnhem Land Reserve, made in the report of 29 October 1963, this Committee examine the present conditions of the Yirrkala people and the carrying out of those recommendations.

This resolution is identical to one carried by the previous Committee and on which that Committee had taken evidence in Darwin, Yirrkala, Nhulunbuy, and in Canberra in February, March and April 1974.

1963 Inquiry

The House of Representatives Select Committee on Grievances of Yirrkala Aborigines, Arnhem Land Reserve, was appointed by motion on 12 September 1963 :

... to enquire into the grievances of certain aboriginal people of Yirrkala relating to the excision of land from the Aboriginal Reserve in Arnhem Land, contained in their Petition presented and read to the House on the 28th August 1963.

The English translation of the Petition

read :

1. That nearly 500 people of the above tribes are residents of the land excised from the Aboriginal Reserve in Arnhem Land.
2. That the procedures of the excision of this land and the fate of the people on it were never explained to them beforehand, and were kept secret from them.
3. That when Welfare Officers and Government officials came to inform them of decisions taken without them and against them, they did not undertake to convey to the Government in Canberra the views and feelings of the Yirrkala aboriginal people.
4. That the land in question has been hunting and food gathering land for the Yirrkala tribes from time immemorial; we were all born here.
5. That places sacred to the Yirrkala people, as well as vital to their livelihood are in the excised land, especially Melville Bay.
6. That the people of this area fear that their needs and interests will be completely ignored as they have been ignored in the past, and they fear that the fate which has overtaken the Larrakeah tribe will overtake them.

7. And they humbly pray that the Honourable the House of Representatives will appoint a Committee, accompanied by competent interpreters, to hear the views of the Yirrkala people before permitting the excision of this land.

8. They humbly pray that no arrangements be entered into with any company which will destroy the livelihood and independence of the Yirrkala people.

And your petitioners as in duty bound will ever pray God to help you and us.

Following inquiry the Committee reported to the House of Representatives on 29 October 1963. The Report contained the following recommendations :

- (a) That the excised portion of Gove Peninsula be declared a protected area in order that people other than Aborigines shall be prevented from hunting there.
- (b) That early action be taken to carry out a complete survey and early development of water resources.
- (c) That the Yirrkala people be consulted as early as possible on the location of their sacred places.
- (d) That the sacred places be set aside (perhaps under the Historical Objects Ordinance) for their exclusive use.

- (e) That the hill from which the artists obtain their pigments be set aside as an inalienable reserve for their use and benefit.
- (f) That a proclamation be made to prevent unauthorised persons entering the Mission area.
- (g) That some building lots within the town site be reserved for Aborigines.
- (h) That homes for European and Aboriginal Australians be developed simultaneously.
- (i) That compensation for loss of traditional occupancy be made by way of -
 - (i) land grant
 - (ii) capital grant
 - (iii) monetary compensation.
- (j) That the Yirrkala people be consulted on the location of the proposed town.
- (k) That, when the town develops, social service benefits be paid directly to the people of Yirrkala.

The Committee also recommended :

That for the next ten years there shall be a Standing Committee of the House of Representatives to examine from time to time, the conditions of the Yirrkala people and the carrying out of this Committee's recommendations.

Subsequent Events

Until 1973 no action had been taken by the House of Representatives to appoint a Standing Committee with the task suggested in the final recommendation. In the meantime many of the matters about which the Yirrkala people* had expressed their apprehension in 1963 became realities. The township of Nhulunbuy with a population of 4,000 people became established on the slopes of Mt Saunders, the construction of the large alumina plant was completed, and mining operations for bauxite commenced in earnest and a large scale export trade in bauxite and alumina began through a developed port - all upon the lands of some of the Yirrkala people.

The question of Aboriginal land rights has been uppermost in the minds of the Yirrkala people since the 1963 Committee's Inquiry, especially in connection with the case in the Supreme Court of the Northern Territory of Milirrpum and others V Nabalco Pty Ltd and the Commonwealth of Australia and subsequently as a result of the judicial inquiry into Aboriginal land rights recently conducted by Mr Justice Woodward. The Yirrkala people are, of course, well known for their independence and forthrightness on questions of their interests and welfare. Their petition to the Parliament

* The Committee uses the phrase 'Yirrkala people' for reasons of convenience without implying that all the Aboriginals at Yirrkala, the site of the Mission, identify with that place.

in 1963, and their subsequent representations, including their opposition to the granting of the liquor licence at the hotel in Nhulunbuy, are illustrations of this.

In the absence of any action to implement the final recommendations of the 1963 Committee and as mining operations and processing are now well past the planning and establishment phase, the Committee appointed in the 28th Parliament believed that it would be timely and appropriate to examine the present position of the Aboriginal people at Yirrkala. It considered that the Inquiry should encompass the other recommendations of the 1963 Committee and that an attempt should be made to assess the impact of the development of the bauxite resource on the Yirrkala people. This approach was endorsed by the present Committee.

THE INQUIRY

The Committee appointed by the 28th Parliament, held a number of public hearings at Darwin, Nhulunbuy and Yirrkala over a period of 8 days early in February 1974. Oral evidence was given by 43 witnesses of whom 12 were Aborigines. Considerable interest was shown in these hearings, particularly by the Aboriginal people at Yirrkala. Evidence was also taken in Canberra on 19 March and 1 April 1974.

The present Committee concluded the public hearings by taking evidence in Sydney and Canberra in September and October 1974. A Sub-committee consisting of Members who had not previously been to Yirrkala, made a visit in October 1974.

A list of witnesses is attached as Appendix I.

THE COMMITTEE'S REPORT

The Committee's report now follows. The more important recommendations have already been listed at pages v to ix. All conclusions and recommendations are underlined in the text as they occur.

At the outset it should be stressed that any comment or observation made at present on the conditions of the Yirrkala people must allow for the fact that although Mr Justice Woodward has presented a final report on land rights to the Government and the Government has indicated that, in general terms, it accepts his recommendations, no legislative action has yet been taken.

The Committee's examination of the land rights question has therefore had to recognise that there will be a further lapse of time before Mr Justice Woodward's recommendations are fully considered and new Government policy formulated and implemented. It was considered whether it would be better to await the introduction of the measures suggested by Mr Justice Woodward before the Committee reported, but it seemed that it would be more beneficial to finalise this reference and present the report now than await that action.

The Committee in the report that follows recognises that Mr Justice Woodward's recommendations will bear on many of the things the Committee has to say. While the welfare of the Aboriginal people may not be immediately affected by the implementation of his recommendations, the future relationship between them and the mining company will certainly be different. The basis upon which the mining operation now stands could possibly be replaced by one in which the Aboriginal community has a stronger legal interest. While the Committee agrees that this may be the prerogative of the people if their newly acquired land rights are to have any meaning, it is also obvious that the original agreement, as embodied in the Mining (Gove Peninsula Nabalco Agreement) Ordinance 1968 of the Northern Territory, between Swiss Aluminium Australia Pty Ltd and the Government cannot be set aside. Because of this the Committee recommends that the Government take a positive role in working out with the Aboriginals and the company a satisfactory formula whereby the Aboriginal community can freely exercise its proprietary rights to the land and the mining operations can remain a viable proposition.

THE YIRRKALA COMMUNITY

Yirrkala is located on the Gove Peninsula on the north-eastern corner of Arnhem Land, 14 miles (23 km) south of the recently established township of Nhulunbuy. Because of the geographical position and the rich natural resources of the Gove area, the people who have inhabited it, for centuries have had contact with seafarers such as the Macassans who visited regularly to trade in items such as trepang. They also encountered Dutch and English mariners. The Macassan influence was strong and elements of Macassan culture found their way into that of the Aboriginal people.

Contact with these visitors continued until 1907 when for customs reasons the Australian Government prohibited further trading and from about that time the area increasingly became a focus of attention of the Australian people. The most important contact made after this early period came to an end was by the various churches which were soon to establish missions there. The Yirrkala Mission was one of these, it being founded in 1934 by the Reverend Wilbur Chaseling of the Methodist Overseas Mission. The Arnhem Land Aboriginal Reserve in which the Mission is located, was proclaimed in 1931 and the only major excision from

it has been the 140 sq. miles containing the bauxite leases at Gove.

With the establishment of the Mission the life of the Aboriginal people began to change. They developed a dependence on the Mission and the subsistence hunting activities and other elements of their traditional way of life became less significant. Yirrkala became a focal point and Aboriginal people from the region began to congregate there, even some whose traditional land was relatively remote. As a result, a firmly established settlement grew up with the Mission being active in constructing houses, in educating the people, and in establishing gardens and other enterprises associated with the new European influence.

World War II made its impact on Yirrkala through the building of an R.A.A.F. aerodrome at Gove from which flying operations were conducted. After the war bauxite was discovered and although many plans were prepared for the development of the resource, it was not until 1968 that a formal agreement was reached between the Australian Government and Nabalco Pty Ltd. The company was granted a lease over an area which at one point approaches to within half a mile of the Yirrkala township. In the meantime the Mission continued its work and as a result of the increasing contact with visitors such as those concerned with the European

Launcher Development Organisation tracking station at Gove, and Government welfare authorities, the Aboriginal people came under increasing pressure to adapt to a less traditional way of life. This contact was boosted by the improvement of communications, and whereas once the area was serviced by a small mission boat which ferried supplies from Darwin, it is now serviced daily by air and monthly by sea.

The people themselves have also become active travellers, making trips to Darwin and on some occasions to southern capitals. The reasons for this are varied but the people often travel for educational, sporting or health purposes, as delegates to church sponsored conventions, as members of dance groups, or as exhibiting artists.

The advent of mining activities and the township of Nhulunbuy have had a dramatic effect upon the people at Yirrkala. In this Report the Committee draws attention to some of the problems and attempts to suggest remedies or compromises. Before proceeding, however, it is necessary to describe briefly some of the social background at Yirrkala so that a better understanding can be gained of the Committee's assessment.

Gathered recently at Yirrkala which is located on the traditional land of the Rirratjingu clan, were

some 809 people from that and other clans whose land either adjoins that of the Rirratjingu or is in the general area. All belong to one or other of these patrilineal clans which as social formations provide links with the traditional life of the region and preserve very close associations with land, geographical areas, totemic arrangements, and a wealth of ritualised lore. The number of people in these clans at the time of the Committee's visit in February 1974, was :

Djapu	-	189
Dhalwangu	-	95
Gumaitj	-	196
Marrakulu	-	65
Galpu	-	51
Wangurri	-	33
Manggalili	-	32
Madarrpa	-	44
Munyuku	-	12
Warramirri	-	6
Rirratjingu	-	48
Ngaymil	-	13
Djambarrpunygu-		25
TOTAL	:	<u>809</u>

Superimposed on the already complex Aboriginal social organisation there is now the social organisation introduced by Western society. Many of the principles

of the latter are, by their nature, alien to the Aboriginal people and conflict directly with principles of the traditional Aboriginal system. This clash of values has resulted in division, resentment and confusion in the minds of the people. The present conflict between the generations about the promise-system in marriage is an example.

As well as socially disruptive, there are also political forces, for no longer are the people divided into geographically separate and independent area-groups. By assembling at Yirrkala they sacrificed that independence, in part, and were forced by necessity to co-operate in ways unknown to them. It is to the credit of the people that such an exceptional adjustment has been made. The ability and motivation of the people to co-operate on important issues are apparent from their actions to gain land rights and to oppose the granting of a liquor licence to the hotel in Nhulunbuy. However, the strength of the clans still predominates and, now that a large measure of self-determination has been attained, some people have decided to demonstrate their independence by returning to live on their traditional land.

Political activity within the Yirrkala community is evidenced by the existence of formal bodies which have been organised for the self-administration of the township, for the management of traditional affairs and relations with outside interests such as Nabalco, and for the management of financial and economic matters.

The first of the formal bodies is the Town Council - which is a local government body elected to administer the municipal services of the township. While it has no legal status, it gains some authority from the Aboriginal Advisory and Development Services, which carry out the work of the United Church in North Australia. Until October 1973 the Council included European members of the community and the Superintendent of the United Church Mission, but since that date when a decision was made to grant self-determination to the people, it has operated independently, albeit with assistance from the Church when specifically requested.

The Village Council consists of tribal elders and leaders and considers traditional matters and the management of relations with the mining company and other outside interests wishing to deal with the Yirrkala people. This Council acts as a forum in which issues of contention between the clans can be discussed. By consultation with the Town Council, community involvement in the latter's decisions is more certain and its actions are therefore less likely to meet with disapproval.

The Dhanbul Community Association is an elected and incorporated body which manages income from royalties, compensation, and rent, allocates this income amongst the various clans and determines its use on projects of economic value.

However, participation of the Yirrkala people in the conduct of their own affairs has not been as effective or successful as it might have been. There are times when the people's enthusiasm can be marshalled quite effectively and with good results, but it was made quite clear to the Committee that as a result of the pressing social problems now facing them, there is apathy and a reluctance to participate. The decision to wholly conduct the administration of Yirrkala for example, was keenly taken at a public meeting held in October 1973. Operations were taken on energetically but since then enthusiasm has waned and gradually the standards of participation and results have run down. At the time of the Committee's visit this decline in activity was most apparent. Formerly flourishing enterprises such as the market garden were falling into dis-use and people were unwilling to seek employment.

ACTION ON 1963 COMMITTEE'S RECOMMENDATIONS

As the current reference arose out of the final recommendation of the 1963 Committee it is appropriate to commence this Report with observations on the other recommendations of that Committee, so as to properly set the background to the findings on the present circumstances.

Recommendation (a): That the excised portion of Gove Peninsula be declared a protected area in order that people other than Aborigines shall be prevented from hunting there.

In 1966 those areas which had been excised preparatory to the issue of leases to Nabalco Pty Ltd, were re-dedicated to the status of Aboriginal Reserve. This restoration automatically rendered the area a protected area for the purpose of the Wildlife, Conservation and Control Ordinance. Under this Ordinance a person other than an Aboriginal may not hunt for game without the authority of the Chief Inspector of Wildlife.

However, after the leases were issued, it was found that due to an error of description at the time of gazettal an area of 175 acres, being the southern extremity of Dundas Point, was omitted. The present

situation, therefore, is that this land is not part of the Arnhem Land Aboriginal Reserve and it cannot be so re-dedicated unless and until the leases now held by Nabalco Pty Ltd are either surrendered or are terminated by the Government.

It has also been discovered that through legal and other technicalities there are other areas within the Arnhem Land Reserve which may not be part of it. These, in the main are those areas held on lease by Mission authorities at the time of the re-proclamation of the total Arnhem Land Reserve in October 1963. The Committee noted that the legal status of other areas, such as those held under prospecting authority at that time, is also being examined and when this is resolved the Government proposes to take action to re-dedicate all areas which for these various reasons are not legally part of the Arnhem Land Reserve. It is hoped at the same time to resolve the issue in respect of the 175 acres at Dundas Point. It was noted that, for practical purposes, hunting is no longer possible over the area as it is wholly occupied by the mining company.

Recommendation (b): That early action be taken to carry out a complete survey and early development of water resources.

The Water Resources Branch of the then Northern Territory Administration conducted exhaustive surveys of groundwater resources, as a result of which all the

water needs for the bauxite development and the town of Nhulunbuy are met from groundwater sources and in no way affect the flow of Yirrkala Creek.

Recommendation (c): That the Yirrkala people be consulted as early as possible on the location of their sacred places.

A survey of sites of significance on Gove Peninsula was conducted in 1966 by the then Chief Welfare Officer. This survey resulted in 14 sites associated with 8 legendary heroes being located. Since that date two other sites not initially drawn to attention, have been plotted.

Recommendation (d): That the sacred places be set aside (perhaps under the Historical Objects Ordinance) for their exclusive use.

Of these sites, 5 (Knoll Island, the summit of Mt Saunders, Mt Dundas and adjacent beach area, Rocky Pt and Wirrawawoi) have been declared to be prescribed areas under the Native and Historical Objects and Areas Preservation Ordinance. Four others (Dimbulam, Bolkawoi, Watawoi and Riritjiwoi) have been surveyed preparatory to proclamation, but this action was deferred pending the outcome of Mr Justice Woodward's investigations and consideration of the question of whether ownership of reserved lands would pass to Aboriginal communities. Of the remaining sites,

action to proclaim East Woody Island has been deferred by the Administrator's Council and action is pending in respect of sites adjacent to Cape Arnhem and associated with the Whale, the Lightning Snake and the Dog dreaming. These are in no way at risk being in relatively inaccessible areas or out to sea. One of the sites subsequently brought to attention following the 1966 survey, is the banyan tree near Melville Bay and surrounded by the Nabalco complex. This tree is protected by the mining company under an agreement with the Aboriginal community.

Recommendation (e): That the hill from which the artists obtain their pigments be set aside as an inalienable reserve for their use and benefit.

The hill concerned is Mt Dundas and is one of the sites that has been proclaimed under the Native and Historical Objects and Areas Preservation Ordinance.

Recommendation (f): That a proclamation be made to prevent unauthorised persons entering the Mission area.

The Yirrkala Mission area is part of the Arnhem Land Reserve and as such may not be entered by any unauthorised person. Authorities to enter the Reserve issued to the employees of the mining company and

their families are in respect of the area covered by the town lease and those leases in which the mining plant and associated activity are located. Persons from Nhulunbuy are permitted, however, by arrangement with the Aboriginal community and the Mission authorities to visit the Mission to purchase artifacts and do business at the local store.

Recommendation (g): That some building lots within the town site be reserved for Aborigines.

Building lots in the township of Nhulunbuy were not specifically reserved for Aborigines, it being a policy of Nabalco Pty Ltd to apply the same privileges and conditions in respect of housing to all married employees irrespective of whether they were Aboriginal or European. Experience has shown that those married Aborigines who did seek employment with the mining company preferred to reside at Yirrkala.

Recommendation (h): That homes for European and Aboriginal Australians be developed simultaneously.

Some 60 houses for Aborigines have been built at Yirrkala since 1963. A housing association has recently been established but advice received was that the \$200,000 allocated to it by Government in 1973/74 was not required.

Recommendation (i): That compensation for loss of traditional occupancy be made by way of -

- (i) land grant;
- (ii) capital grant;
- (iii) monetary compensation.

Legislation introduced in 1970 entitled Aboriginals to be granted General Purposes Leases over reserved lands. In 1972 an application was made on behalf of the Yirrkala community for such a lease over 5,000 square miles of north-east Arnhem Land. This was under consideration at December 1972, but with the change of policy on reserved lands at that time the matter lapsed. Since then the Government has agreed in principle to the nature and form of the land rights which will devolve on the Yirrkala community as a result of the Report of Mr Justice Woodward. The more important of these are :

- (1) Aboriginal reserve lands should be owned by Aboriginals in fee simple. The title in each case should be held by an Aboriginal corporation.
- (2) Land holding corporations should be called land trusts and they should hold land for the benefit of those having traditional interests in it or rights over it.

- (3) Legislation should provide for the preservation of traditional rights over the land concerned and for traditional landowners to be consulted before any leases, licences or permits concerning the land are granted.
- (4) The grant of title to Aboriginal land trusts must be subject to the preservation of existing rights in the land. So far as possible, those rights should be re-negotiated so that they are held direct from the Aboriginal landowners on terms acceptable to both parties.

The Government has given \$638,263 in capital assistance to the Mission for the development of Yirrkala since 1963. Other grants and loans made are as follows :

Aborigines Benefits Trust Fund

Assistance from the Aborigines Benefits Trust Funds amounted to -

Grants	\$59,370
Loans	9,400

Ten per cent of the royalties payable to the Aborigines Benefits Trust Fund as a result of the Nabalco mining from 1 January 1972 is paid to the Yirrkala community. To the end of October 1974 a total of \$132,882 has been paid comprising \$26,567 paid in 1972, \$64,615 in 1973 and \$41,699 in 1974 to date.

Aboriginal Advancement Trust Account:

Grants provided amount to \$87,295

Capital Fund:

Loans dispersed - \$136,000.

Recommendation (j): That the Yirrkala people be consulted on the location of the proposed town.

The Yirrkala community was consulted on the location of Nhulunbuy and on the boundaries of the Special Purposes Lease issued in respect of that town.

Recommendation (k): That, when the town develops, social service benefits be paid directly to the people of Yirrkala.

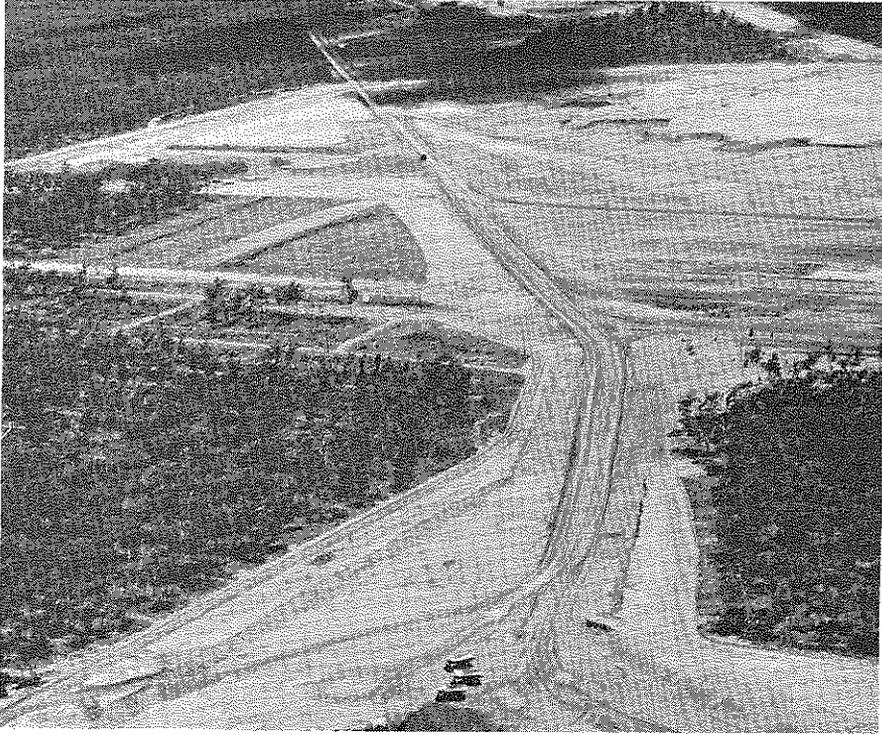
Social service benefit entitlements due to Aboriginals residing at Yirrkala are paid directly to them.

THE MINING LEASE

Prior to 1968 when the Government made a formal agreement with Nabalco Pty Ltd, proposals were made by several mining companies for the development of various mining leases. During the negotiations on these proposals, the lease boundary in the vicinity of Yirrkala was actively discussed by the Government and the Department of Overseas Missions of the Methodist Church of Australasia. As early as 1958 a firm undertaking was given to the Mission that there would be no mining within a 2-mile radius of the Mission, but as time passed this condition was broken down.

One of the conditions finally agreed for inclusion in the lease to one of these companies (Gove Alumina Pty Ltd) was to be :

"The lessee will not, unless authorised by the Administrator, conduct mining operations inside the existing Mission boundary fence, or within 1-mile radius of the Mission whichever is the greater distance from the Mission. The lessee will pay compensation as determined by the Administrator for any loss of developed land through mining operations on the area which is inside the 2-mile radius of the present Mission settlement and on which there is some development work on the date on which the mining leases are granted. Alternatively, the lessee will if required by the Administrator, establish for the Mission the equivalent improvements on land in another area."



Mine Site with Crushing Plant in Background



Alumina Plant on Dundas Point looking East

Evidence given to the Committee established that this condition was acceptable to the Government, to the Mission and to that particular company.

When the 1968 agreement was reached with Nabalco Pty Ltd, as the mining company developing the resource, and following the withdrawal of the other companies, the lease boundary remained drawn within half a mile of the Mission at one point but there was no condition such as that set out above. There appeared instead the following :

"If the Administrator and lessee, on advice from the Chairman of the Department of Overseas Missions of the Methodist Church of Australasia mutually agree that the mining operations are hindering the Yirrkala Mission Station from carrying out its mission work while based at the present site, the lessee will remove and re-establish the Mission with equivalent buildings, equipment and facilities on site or sites mutually agreed upon by the aforesaid parties and the Aborigines."

The deterioration in the extent of the protection afforded the Mission and the Yirrkala community by the change in this condition has not been satisfactorily explained. The Committee firmly believes that it is most unfortunate that the original condition was deleted.

The Committee in its evidence found common ground in the opposition to the relocation of the Yirrkala community, particularly from the United Church and from the community itself. The people over a period of 40 years have established a close association with the settlement and to remove them now would not only aggravate existing social problems, but would also be wasteful of the resources used in the community's development. This commitment is already quite substantial and will increase as more buildings such as the proposed school are constructed. Furthermore, the company has said that relocation would only be considered if proposed by the community.

The Committee is firmly convinced that negotiations should take place between the mining company, the Government, and the people of Yirrkala, the aim being to relocate the boundary of the mining lease in a position which at least accords with the 1963 understanding mentioned in page 26 . In its evidence to the Committee in Nhulunbuy, Nabalco Pty Ltd expressed a willingness to discuss the proximity of mining activity with the people and while the Committee commends this openminded approach, it also believes that a solution along the lines suggested should be reached.

It will be clear from the aerial photograph on page 31 that mining activity up to the lease boundary in the vicinity of Yirrkala, will create

YIRRKALA TOWNSHIP



considerable pollution, disruption and nuisance to the township. Concern was expressed by the Aboriginal people to the Committee about the disturbance created by occasional blasting, and while this method of mining is being replaced by the use of heavy mechanical rippers, the problems created by noise and dust will be aggravated as mining gradually approaches. Although the mining company has stated that the areas close to Yirrkala will not be mined until at least the year 2000, the Committee is convinced that negotiations to avoid trouble in the future should take place now. In fact should the Government decide to implement the recommendations of Mr Justice Woodward, renegotiation would probably be necessary anyway.

As a guide to the negotiations on the lease boundary the Committee suggests that the aim should be to establish between Yirrkala and the mine site an undeveloped zone to act as a buffer and provide a measure of protection for the township. This may be done both by shifting the lease boundary and by relocating some of the outlying houses in the township itself. P.J. Devery who was commissioned in 1968 by the then Department of the Interior to conduct a land usage study on the area, suggested that re-organisation of the existing township would assist in minimising the disturbance created. He criticised the present town plan and suggested that if the outlying houses close to the lease boundary were relocated nearer to the

centre of the town, not only would the provision of municipal services be cheaper, but it would also help to create the buffer zone mentioned.

The Committee stresses that whatever the outcome of the consideration of these suggestions and of negotiations between the Aboriginal community and the mining company, the Government should play a positive role in supporting the Aboriginal interests. At the same time it must also recognise that there are legally binding obligations on the company which are embodied in the Mining (Gove Peninsula Nabalco Agreement) Ordinance 1968. The Committee concluded, with the benefit of hindsight, that effective consultation did not take place with the community in 1968 and that its interests in the final agreement with Nabalco were not fully taken into account. This lack of understanding of Aboriginal rights and aspirations has given rise to feelings among the people of indifference towards them by Government, the Administration, and business interests. This state of affairs should not be allowed to recur nor to continue.

CONSULTATION

One of the most serious findings of the 1963 Select Committee was the lack of consultation with the Aboriginal community by the mining interests and by the Government. This Committee found that while the situation had improved, inadequate and ineffective consultation remains a major problem.

Perhaps the main reason for this unsatisfactory state of affairs is that the Aboriginal people to date have had no real bargaining power which they might use to their advantage in negotiations with outside interests. This may alter when Mr Justice Woodward's recommendations are implemented, but the present situation is a delicate one. While Aboriginal control over their own land is expected to be granted, the Government has an over-riding responsibility to see that future re-negotiation is fair to all parties.

Despite any good intentions with which consultations have been conducted to date by the mining company and the Government, against the background of Aboriginal protest and discontent they have been shown to be inadequate. It is clear to the Committee that the consultations which have taken place have had little meaning as far as the people are concerned and the Committee is anxious to see this situation rectified as quickly as possible.

Following the commencement of mining operations a Liaison Council was established in which representatives of the Yirrkala community, the mining company, and the Department of Aboriginal Affairs meet monthly to discuss the progress of mining operations and other matters of mutual interest. In the Committee's opinion these meetings have served a useful purpose but the Committee doubts whether the Aboriginal people properly understand what they are being told. The result is that there seems to be ignorance and uncertainty on their part, not only about the activities of the mining company, but also about those of the Government departments with responsibilities in the area.

During the Sub-committee's visit it was learned that possibly as a result of this weakness, the Aboriginal parties to these meetings had not attended any meetings at all in the preceding months. There may be other explanations for this, such as the deep involvement of the people in decentralisation moves, but the fact is that if the Aboriginals thought the meetings to be of any benefit they would attend.

The Committee believes that many of the matters of greatest concern to the Aboriginal people could be allayed by more effective communication with them, especially their worries about the disposal of red mud, the future mining program, the restoration of mined areas, and about the sources of revenue which the community receives as compensation, royalties, and grants.

The Committee, therefore, sees the need for the liaison meetings and communications with the Aboriginal people to be made more effective. Given that Nabalco is to operate in the area for at least another 40 and possibly 80 years, and that with this expectation there should be a reasonably clear plan of the projected mining program, the Committee attaches great importance to the company improving its communications with the Aboriginal community.

Careful explanation is needed and to assist in this it is recommended that a scale relief model of the Gcve Peninsula be provided for demonstration purposes, and that it be displayed at Yirrkala where the Aboriginal people can see it. As well as this, the Committee recommends that the company take great care in the selection of its liaison staff, using people with a close understanding of the Aboriginal people and their customs and requiring some of its staff to become proficient in one or more of the local languages.

In this same context there is a pressing need to remove the barriers of suspicion and distrust which existing in Aboriginal minds towards the company. The Committee considers that the company and the Aboriginals could both make a contribution to this end. In the past the company could regard the welfare of the

Aboriginals immediately affected by the industrial activities, and the protection of their interests, as the sole responsibility of the Australian Government, with whom the mining agreement had been made. For the same reason the company, for at least a period, appeared to feel no obligation to communicate directly with the Aboriginals. The attitude of Government itself supported the company's position that it could properly communicate with the Aboriginals through the Northern Territory Administration or the Yirrkala Mission.

That situation no longer exists. The Aboriginals now have become principals in the future of economic development on the Gove Peninsula. The Committee considers it incumbent on the company to ensure that its concern with and good faith towards the Aboriginals' future are beyond question by them. An essential part of company policy, in the Committee's opinion, should be to raise effective communication with the Aboriginal people to a high level of commitment. Should the mining agreement be re-negotiated the Committee recommends that the company firmly commit itself to direct negotiation and consultation with the Aboriginal people, accepting both negotiation and consultation as implying that both sides have true options open to them. At the same time the Committee considers that the Aboriginal people should try most earnestly to organise themselves to secure and, where necessary, themselves protect their interests.

The Committee does not suggest that Government should abandon its protective role; indeed, the Aborigines must be assured of their right to turn to Government for help on particular occasions of felt need; but the Committee recommends to them a sustained effort in order to pass beyond the stage of being the passive recipients of Governmental protection. They will have an increasing capacity to protect their interests by the use of financial and other resources under their own sole control, and to engage specialist advice and assistance at their own cost. The Committee considers that by such means they will obtain a more realistic long-term relationship with the company and will come nearer a true independence.

In view of the fact that under the 1968 agreement the Nabalco company may still be exercising an influence on the Gove Peninsula involving Aboriginal children whose grandparents are not yet born, the Committee considers that it is under obligation to encourage the Aboriginal people to look to their own defence of their interests. At the same time, it has clearly in mind developing change of public outlook towards corporate responsibility for the 'social costs' or 'external diseconomies' which accompany productive enterprise towards resources occurring in hitherto undisturbed parts of Australia. Inevitably, the Aboriginal people will feel that too much 'social cost' has had to be borne by them, and public sympathy is likely to be preponderantly with them.

ROYALTIES

The question of royalty payments to Aboriginal communities is an involved one and like some other areas within this Report, has also been dealt with by Mr Justice Woodward. The Committee feels though, that impressions from its visit to Yirrkala ought to be noted for they concern the impact of present royalty payments at a local level.

There are a variety of sources of income at Yirrkala at present, a substantial one being royalties from the mining of bauxite and the export of alumina. These royalties are presently paid to the Aboriginal Benefits Trust Fund which in turn, returns to the Yirrkala clans 10% of the total. The remaining 90% is distributed to other Aboriginal groups elsewhere in the Northern Territory. The principles of this scheme are soundly based but the Aboriginal witnesses who appeared before the Committee at Yirrkala were unanimous in their opinion that the proportion of royalty being returned to the community is too low. Details of the royalty payments are included as Appendix II.

Two aspects of the payment of moneys to the community disturbed the Committee. The first is that the people at Yirrkala are unaware of the sources of the money coming into the community, that is, they

were not able to distinguish between money paid as royalty, as compensation, by way of grant, or as rent. The second is that no satisfactory long term financial provision is being made by the Aboriginal people for the welfare of future generations who may be faced with a barren future once the bauxite is exhausted.

On the first point it is quite clear that the Aboriginal community must be fully informed of all financial arrangements which to date have been made on their behalf by Government agencies. Evidence given by the Aboriginal people clearly suggests that this has not been done. Clan leaders did not know whether compensation had been paid for material other than bauxite taken from their land (e.g. granite or sand) and if they had been paid they could not distinguish between that and other money paid as grants for the purchase of capital equipment, or as their rightful share of the royalty money distributed from the Aboriginal Benefits Trust Fund.

The Committee considers that this confusion should not be allowed to continue and that it would be in the interests of the Aboriginal people to have procedures clarified. The Committee feels that any action taken to overcome the lack of information and uncertainty about their own affairs will in turn greatly help in allaying the qualms and disquietude which the people have about the mining venture.

The second point of concern causes the Committee more uneasiness, for at this stage the future of the Yirrkala people when the mining venture has ceased is uncertain. A great deal of the financial prosperity of Yirrkala, and the potential prosperity for at least another 40 and possibly 80 years, will depend upon the successful operation of the mining company, for without it there would not be the same demand for the goods produced by the Aboriginal enterprises and therefore not the same income for the community.

The Dhanbul Community Association, which is the representative body appointed to administer the income of the Yirrkala community from the Aboriginal Benefits Trust Fund decided to put aside \$17,000 in 1973/74 for investment purposes. While this is most prudent and is a practice which should be continued in succeeding years, the Committee wishes to emphasise that the benefits of this and other long term investments should be preserved for future generations. The Committee commends the Dhanbul Association for its initiative and recommends that it be provided with any advice it seeks on investments so that benefits can be maximised.

To make this practice worthwhile it is obvious that the income from royalties and other services will have to be substantially increased, and in this

connection the Committee feels that if the recommendations of Mr Justice Woodward on the division of royalty and statutory payments are implemented then that need may be satisfied.

The actual percentage of the income to be invested is a question for the people themselves to decide, although one leader, in his evidence did suggest a figure of 50 percent. The Committee feels that this should be a minimum figure and that the higher the percentage invested the better.

The Committee noted with interest that in the distribution of royalty money at Yirrkala for economic projects, the Aboriginal Benefits Trust Fund passes the 10% for the community to the Dhanbul Association which has authority to determine the final distribution among the clans. The Association is completely independent and it seemed to the Committee to be capably performing a necessary function. It is managed by a salaried adviser who ensures that the Association's affairs meet legal requirements and endeavours to help the community distribute its funds judiciously.

When the first royalty cheque was received in 1973 the Dhanbul Association made a grant of \$2,000 to each clan for use as the clan decided. The manner in which the money was spent varied from expenditure on capital equipment such as motor vehicles and boats to more minor purchases. Since that initial period,

the Association has proceeded in a very businesslike manner to distribute funds to groups according to the merits of each proposal and the entitlement of the applicant. Some examples of projects financed from royalty money have been the purchase of vehicles for several clans, the payment of architects' fees on a proposed shopping centre, the purchase of a boat and motor for the cutstation at Caledon Bay, assistance towards the cost of a school excursion to New Guinea, as well as the employment of orderlies for the protection of the community.

Mr Justice Woodward in his Report, referred to the distribution of royalty money and although he made no firm recommendation on the level of royalty to be returned to the local community, he suggested that it be done through the agency of the proposed Land Councils who would in turn pass the money directly to the people, or to a local organisation for further allocation. This Committee, having seen the Dhanbul Association at work, supports the use of local organisations, for if they can be established on a firm representative basis they are able to distribute money equitably and are in a better position to evaluate the needs of applicants.

ECONOMY/EMPLOYMENT

Although the establishment of the mining operation and the town of Nhulunbuy has introduced the Western economic environment to the Gove area, it is a mistake to believe that the employment opportunities thereby created are necessarily of value and benefit to the Aboriginal people. Experience has shown that many people are disinterested in participating in any substantial way in the business ventures which have been established on their behalf, with the result that some ventures have either failed or are struggling. Engagement in these enterprises has proved to be unsatisfactory as some Aboriginal people have not been willing to provide the continuity of effort necessary for success.

On the other hand there are at Yirrkala probably more Aboriginals more continuously and more successfully engaged in the production of artifacts and works of graphic and plastic art than anywhere else in Aboriginal Australia. This activity draws deeply on their traditional inspirations of mind, sentiment and artistic impulse. The fact that they are aware of and respond to the strong market for their work would seem to have at least two important implications. One is that their industriousness does not need a taskmaster when an opportunity they know how to take offers them a reward they want. The

other is that they are not averse from working for material gain. Evidently the non-traditional tasks on offer at Yirrkala and Nhulunbuy do not relate effort and reward in a congenial or convincing way.

For some Aboriginal people then, employment in a European sense is irrelevant to their lives and they have displayed a clear preference for occupations which are closer to their traditional life, such as artifact making and fishing. To coerce them to do otherwise is therefore quite unreasonable.

The problem at Yirrkala, as the Committee sees it, has been created by the sudden introduction of a sophisticated European social group with its attendant complex economy, its different social customs, and its industry, into an area where despite long contact with other races, the Aboriginal people are still trying to live a largely traditional way of life and obviously prefer to do so. It also seems possible that Aboriginal behaviour towards the situation may be deeply affected by preferences and antipathies which they do not, perhaps cannot, fully express and of which they may not even be conscious.

The problems facing the people are clearly those resulting from the cultural clash which manifests itself in many ways, including the reluctance of the people to quickly adapt to the

demands of the Western money economy into which they have been thrust. It has also produced other social complexities and problems characteristic of such cultural conflict.

At Yirrkala the Committee found that there are many more job vacancies than workers willing to fill them. The work available ranges in skill from labouring to truck driving and maintenance, and although some of the people have shown in the past that they have the ability to do this type of work, they lack the necessary motivation to offer, or if they do, to persist for long.

Until recently, some Aboriginal enterprises, such as the market garden, were prospering, but this prosperity was illusory for it was less the Aboriginal people who were responsible for the success than the United Church Mission. The Church supplied not only the advice and the professional assistance, but also much of the labour required to keep the enterprise functioning successfully. The withdrawal of this assistance and direction following the decision to encourage greater independence and self-determination in the Aboriginal community has directly resulted in a serious decline of the market gardens. The brickworks would seem to be an exception but here also the basic continuity is provided by the European manager.

The Committee considers it unreasonable to expect the Aboriginal people to conform closely or strictly to the standards by which other people live within Australian society. The Aboriginal people at Yirrkala live in a fertile environment and because of their traditional emphasis upon the skill of the hunter, fisher and collector, they have never had the need or desire to turn to a more agricultural subsistence or to one which involves business and production. To moralise upon their unwillingness to follow the pattern now visible to them at Nhulunbuy is therefore quite wrong and the Committee emphasises that a decision to adopt the Western work ethic is one which can only be made by the people themselves.

In the meantime the independence of the people should be safeguarded and they should be encouraged in the pursuits they choose to follow. These pursuits may be wide and varied and may not be related in any way to a modern mining and processing venture. The Aboriginal people in fact, did express to the Committee their dissatisfaction with working for the mining company and having visited the large and noisy alumina plant, the Committee can quite understand such an attitude. Any stipulation that the mining company employ Aboriginal people may therefore be quite inappropriate. The Committee would be satisfied to see them engaged on their own ventures which are more suitable to their temperament, interests and abilities.

Nabalco has a difficult task for while it may wish to employ Aboriginal people and to train them for skilled jobs, the people are reluctant and are needed in any case to work for the Aboriginal enterprises. The latter is obviously the more sensible and practical course to follow and the Committee is of the opinion that the most valuable contribution the company can make at this stage is to provide contracts on which the Aboriginal people can work on their own account. This has been the practice of the company for some time and the Committee feels that until such time as there are sufficient skilled people in Yirrkala to satisfy the demands of their own businesses, it should continue.

In the field of social welfare, the Committee sees great danger, in the application of measures used to meet difficulties in some other Aboriginal communities to problems at Yirrkala. The Committee notes, for example, the views of a number of witnesses, including Aboriginal leaders, that the liberal distribution of welfare funds only impeded the development and independence of the people. The Yirrkala community is a relatively prosperous one, it being the recipient of substantial royalties and other payments from the bauxite-alumina venture. The area has other natural resources and there is some unused scope for Aboriginal enterprise. Additional welfare funds, therefore are probably unnecessary and, in fact, could be counter productive.

With this in mind the Committee views very seriously the effect of the Government's decision early this year to replace 'training allowance' with award wages and unemployment benefits for those who cannot be placed in the workforce. At Yirrkala where labour is available but not forthcoming, unemployment benefits, in the Committee's opinion, should only be paid to people who meet the same criteria as apply to the rest of the Australian community. In other words, the sudden injection of funds into the community without taking account of the social consequences may have undesirable effects.

ACCESS TO ABORIGINAL LAND

The Yirrkala people, as much as other Aboriginal groups have demonstrated their deep and inalienable attachment to the lands which they regard as traditionally theirs. They have fought resolutely for land rights ever since it was realised they could be called into question. Their suit in the Supreme Court of the Northern Territory, Milirrpum and Others V Nabalco Pty Ltd and the Commonwealth of Australia, is an indication of their determination. The question of non-Aboriginal entry to Aboriginal land is therefore of great significance and the Committee is convinced that proper regulation of such entry is desirable and necessary.

It is however, difficult to make precise recommendations on administrative procedures because if Aboriginal land rights are to have significance, the arrangements should be left to the people themselves. Therefore in reporting on this subject the Committee wishes to make clear that anything said is by way of suggestion only.

The Department of Aboriginal Affairs administers the provisions of the Social Welfare Ordinance relating to the issue of entry permits to Aboriginal Reserves. The requirements as they affect the Yirrkala area are for a permit to be held by

persons living, working or visiting the township of Nhulunbuy, or the areas of the company's activity, and a separate permit for access to other parts of the Aboriginal Reserve. The operation of the system relating to the second type of permit is quite ineffective and prosecutions for being on the Reserve without a permit are rare. The existence of the system in its present form is also inconsistent with the Aborigines' claims for land rights. Mr Justice Woodward covers this matter and to a large extent expresses the feelings of this Committee. Should the Aboriginal people be given a proprietary interest in their land as he suggests, then it would be quite anomalous for the controls of the present permit system to remain. If the Aboriginal people are given legal title to their land, then only they can determine whether outsiders shall enter or not and they should be able to make these decisions free from outside pressures.

Aboriginal witnesses from Yirrkala who appeared before the Committee, expressed great concern at the operation of the existing arrangements relating to permits for travel outside the town or mine area. While there is in theory some liaison between the Nhulunbuy office of the Department of Aboriginal Affairs which issues permits, and the Yirrkala Council, in practice it does not work effectively. The result is that the Aboriginal people are unaware of who have been granted permits to enter the Reserve and, consequently, they resent the presence of unknown and often unauthorised outsiders.

On its recent visit the Sub-committee observed the quite heavy traffic of 4-wheel drive vehicles returning from the coast at the weekend by way of the Dhupuma College road. It is understood that a good proportion of the people in these vehicles were unauthorised. The abuse of the permit system is thus apparently continuing and the Committee strongly recommends that measures be taken immediately to actively police the possession of permits for those going beyond the mining lease boundary and to prosecute those who contravene the Ordinance.

Another matter which concerns the Aboriginal people, especially the clan leaders from outlying areas, is prospecting on their traditional land by mining companies and other groups, including Government agencies responsible for such things as water resources. These incursions are naturally considered as trespasses and the Committee commends to the Parliament once again, the proposals of Mr Justice Woodward on the future issue of exploration permits.

A visitor to Yirrkala is always conscious of the presence on the Gove Peninsula of 4,000 Europeans residing at Nhulunbuy. A discussion of the land rights of the Aboriginal people and the permit system can only properly occur against the background of some consideration being given to the welfare of this relatively large European presence and the amenities available to it.

It seems to the Committee that to insist on the possession of a permit for even a minor daily excursion to a popular beach adjacent to Nhulunbuy but within the reserve, would be impractical and could cause difficulties. The Committee suggests therefore that if the townspeople of Nhulunbuy wish to make a permanent arrangement for the use of well-defined recreational areas within the Aboriginal reserve on a regular basis, they should be able to negotiate with the appropriate clan owners. Visits to such clearly defined areas without permits would enable the European population to leave their more familiar environment without the need for the formality of a permit on each occasion. The institution of such an arrangement would satisfy the recreation needs of most townspeople and, for obvious reasons, would benefit the Aboriginal people by restricting the movement of Europeans to mutually agreed areas.

There is a precedent for this practice as the residents of Nhulunbuy may now visit Yirrkala for shopping purposes without a permit. As this is presently acceptable to the Aboriginal people, the Committee sees its suggestion as merely an extension of that practice. The need does exist for the Nhulunbuy people to use recreation areas beyond the site to which they are presently restricted and the Committee recommends to the Aboriginal people that they give favourable consideration to such requests.

However, in the Committee's opinion, the deep or extensive penetration of the bush areas beyond the lease boundaries by motor vehicles or systematic exploitation of the coast and offshore islands for recreational purposes, should be forbidden to Europeans unless the Aboriginal owners of such places so agree.

Mr Justice Woodward recommends that the issue of permits be placed in the hands of the proposed Land Councils who would in turn consult with local communities and clan leaders, with an over-riding provision to cover categories of people such as welfare officers, etc. whose access should be unrestricted.

There is much to commend this approach, but the Committee feels that the emphasis should be placed not upon the power of the Land Council, but upon the requirement for the consent of the local land-owning clan. While the call of the Aboriginal people for land rights has been a widespread and united one, the success of their efforts will be appreciated most at the local level. The importance to clan groupings of their association with traditional areas of land is paramount in the lives of the Aboriginal people and to have somebody else administer access to it, whether they be Aboriginal

or otherwise, would be unacceptable. The role of the Land Councils should then be purely administrative, with the final decisions on local matters being vested in the local landowners.

It seemed to the Committee that there is a need for an improved public awareness on the part of the non-Aboriginal members of the community about Aboriginal attitudes to access to their land. This object could be achieved by the issue of appropriate literature to residents and visitors to the area and by the establishment at Nhulunbuy of an Aboriginal staffed community relations office to handle the issue of permits and explain, as necessary, restraints on entry to the Aboriginal Reserve. Likewise, Aboriginals should be used as rangers to supervise the permit system.

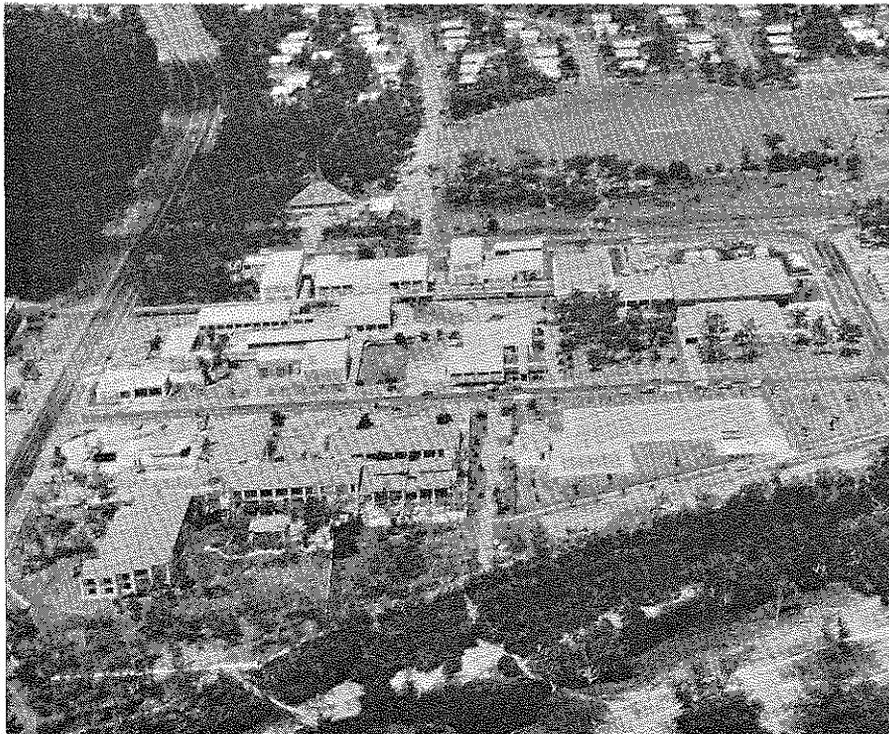
Several Aboriginal witnesses who gave evidence at Yirrkala, mentioned two other matters which also call for comment under this heading. The first is that there is a danger in allowing access which is too liberal, particularly in residential areas. The witnesses expressed concern at the invasion of their privacy by uninvited visitors, with or without permits, who wandered around the residential areas of Yirrkala. It is understandable that the Aboriginal people object to the constant scrutiny to which they are subjected by these visitors.

Associated with this question of privacy is the offence felt by the Yirrkala people as a result of their over exposure to Government and academic surveys. It was clear that they disliked being singled out for examination and measurement as if they were in some way unique. That such practices occur so often is unfortunate and the Committee therefore recommends that a prime object of the administration of the permit system should be to minimise such interference.

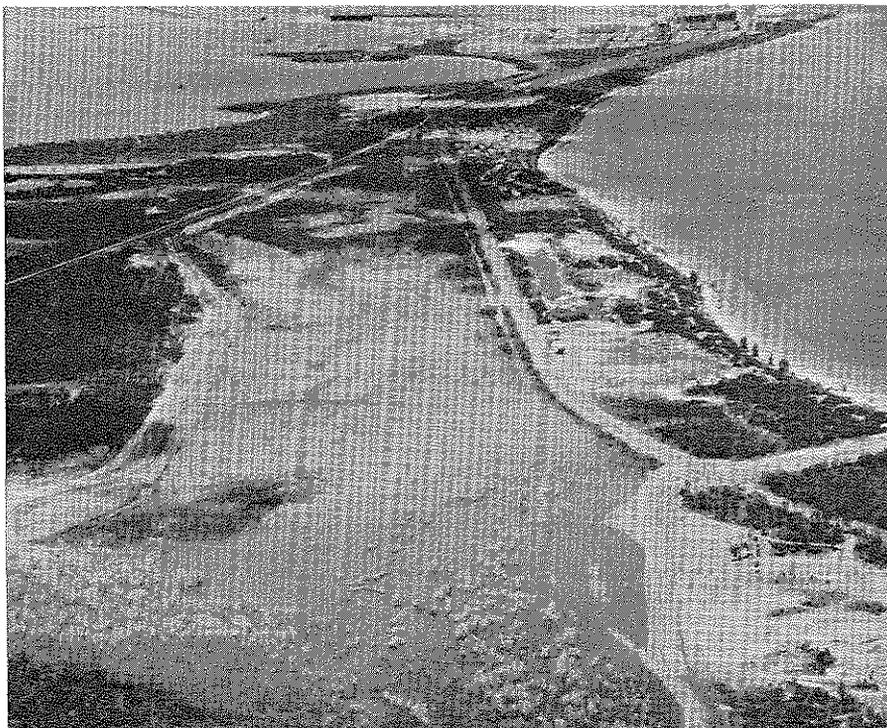
THE ENVIRONMENT

Although concern for the Gove Peninsula environment may be a little wide of the terms of reference of the Committee, because of its importance to the lives of the Aboriginal people, there are some points which should be mentioned. Because of their close attachment to the land, the Aboriginal people at Yirrkala are greatly disturbed at the changes taking place on it. More than anything else, the fears and suspicions about the effect of the new mining complex upon their land explain the uncertainty within the community and apprehensions about the future. In the short space of five years the Aboriginal people have seen large tracts of their traditional land transformed in a way they never envisaged.

Some aspects of what is happening at Gove are unsatisfactory environmentally and the Aboriginal witnesses who gave evidence to the Committee expressed concern at several undesirable occurrences, which the Committee believes could be easily avoided. One such practice is the dumping of rubbish in the sand dunes near Nhulunbuy. This garbage is most unsightly and offends the traditional owners. The Committee recommends that the company should take more care in the disposal of such waste and remedial action to restore the area affected.



Town Centre Nhulunbuy



Red Mud Pondage at Wallaby Beach looking West
58

The Aboriginal people are also concerned that a necessary preliminary to the mining of bauxite is the destruction of the natural vegetation in the mining area. The Committee is satisfied however, that Nabalco is in close contact with the people on this issue and that the company is prepared to regenerate the areas in accordance with their wishes. The company in fact put to the Yirrkala people the benefits of replanting the areas with introduced species of commercial value, but understandably the people have insisted that the land be restored to its former state with indigenous varieties.

The other environmental issue of concern is that areas of swamp land, which were in no ecological sense 'waste land' but were in fact a food source of primary importance to the Aboriginals, have been converted into pondage areas for the disposal of red mud waste from the alumina plant.

In the process of extracting alumina from bauxite with the aid of caustic soda, half the ore becomes waste as 'red mud'. The waste is slurried with sea water and pumped into a settling pond where the residue settles out at the rate of about one million tons per year. Additional sea water is pumped into the pond to flocculate the suspended solids and neutralise any free alkali.

The damage caused by the disposal of red mud occurs in two areas, namely, the former swamp land which is being used as a settling pond for the waste, and the sea into which the neutralised liquid passes after the solid waste has settled from it. The swamp land which is being 'reclaimed' by filling with red mud will eventually be covered with topsoil and planted with local species. The advantage in this is that a large mosquito breeding ground will have been destroyed, but at the same time the Aborigines will have lost an area which has been a source of mud crabs and other foods. To the Aboriginal people who do not understand the intricacies of the bauxite mining project, and who perhaps lack the vision to see these areas covered with topsoil and replanted, the sight of their land being so treated is of immense concern.

As far as the pollution of the sea is concerned a thorough environmental study has been conducted by the Department of the Northern Territory and in the report of December 1973 which was submitted to the Committee, the conclusion was that no dangerous contamination had occurred. The alkaline level of the sea water had increased and this had affected some mangrove areas outside the disposal area, but the level was still well within acceptable limits for all other forms of life. The study commenced before the disposal of the neutralised liquid began and monthly readings were taken in 26 places within the stream which carried the liquid into the sea, within the estuary, and within the bay called Drimmie Arm.

The report did, however, criticise some aspects of the manner in which this disposal had been conducted as there had been two leakages whereby red mud and liquid with a high alkali content had escaped into the sea. Because of the threat to sea life posed by such occurrences it is obvious that great care and supervision is needed in the disposal of red mud and that constant vigilance must be exercised by the company and the Government authorities.

In another study commissioned by the Government in 1973 into the environmental aspects of the Gove area from Professor J.S. Turner, there was comment at length on this problem.

The Committee believes that the conclusions reached by Professor Turner are sound and recommends that future disposal of red mud be governed by the principles he enunciates, viz. that the present disposal area be regarded only as a pilot operation and that the future means of disposal be determined only after a thorough analysis and testing of effects upon the local environment. Should such tests prove unsatisfactory then alternative methods must be found.

Although there is no avoiding the inevitable problem associated with alumina production of disposing of red mud, we were disturbed at the environmental consequences of continuing to use the readily accessible swamp area for this purpose. Extreme care

needs to be taken at all times to avoid pollution and nuisance. At the same time we believe that so far the Government has been vigilant, through the environmental studies being conducted by the Department of the Northern Territory, in its efforts to minimise the nuisance caused by red mud disposal. The Committee strongly supports the continuation of these studies and also the examination of improved methods of disposal, either by chemical means or by using alternative locations such as already mined areas.

Finally, the Committee would reiterate that under the terms of the agreement (Section 4, Clause 5) between the company and the Government it is the responsibility of the Government to nominate Special Purposes Leases for the disposal of red mud. Negotiation for such leases by the Department of the Northern Territory should be taken in collaboration with the Yirrkala people but in this respect the Committee strongly recommends that there should be no further encroachment onto the Aboriginal Reserve.

DECENTRALISATION

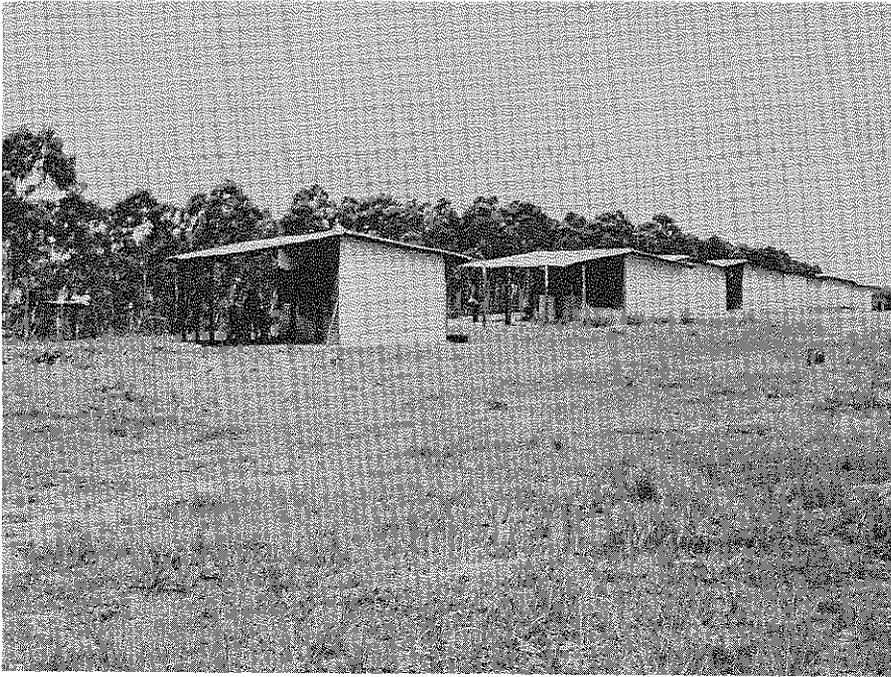
In 1934 when the Methodist Mission was established at Yirrkala, Aboriginal people gathered there from many parts of the north-eastern Arnhem Land region. As happened elsewhere in Australia, those people became dependent on Europeans for their sustenance and, consequently, tended to lose the motivation and need to provide for themselves.

The gathering of Aboriginal people at Yirrkala has created problems, a significant one being the presence of people from other clans upon the land of the traditional land-owning clan of that area, namely the Rirratjingu. The prolonged proximity of these different groups sometimes led to friction and, when combined with the demands being made on them by an imposed Western life style, now exemplified by the mining venture and all its ramifications, has resulted in a great deal of unhappiness. The recent easier access to alcohol has compounded these difficulties and, although that factor has had a very bad effect on the community, it has been one of the main reasons for some tribal groups returning to their traditional areas. The people have realised the social and economic harm alcohol is causing and having been unsuccessful in preventing the establishment of the source of supply, some have decided to remove themselves.

As well, it is basic that the Aboriginal people have a deep attachment to their own clan land and the return to it therefore helps satisfy a fundamental spiritual need. To date this need has been demonstrated clearly by demands for land rights, and more recently by the determination to proclaim their ownership by actual occupation.

Most members of the Committee have had the opportunity of visiting the resettlement of the Djapu clan at Caledon Bay. It is misleading to suggest, as some do, that this movement is a new one as some of the people had never left it for the dubious comforts of Yirrkala. The clan leader, Djiriny, has always resided there and he has now been rejoined by some 60 of his people. In a relatively short time with help from the United Church and from Government agencies, the Djapu people have restored the airstrip, cleared the site of a village, had bores sunk, and built their houses and a store. Plans for a school to replace the present temporary shelter are being considered and preparations have been made for the reticulation of the bore water to the houses.

There was no sign of either the apathy or the tension which prevail in the larger community at Yirrkala, and social problems were not evident. The members of the community, united by language, territory and kinship, were energetic, and have



Housing at Caledon Bay



A View of Caledon Bay

regained their independence and pride. The community operates as an informal co-operative, the storekeeper being chosen for his experience, and the teacher for his education and training. At the time of the Sub-committee's visit in October, the people were obviously happy, all being engaged on community projects such as building food gathering, gardening, or in the production of artifacts and bark painting.

The Committee was greatly encouraged by this trend and hope that in the interests of the Aboriginal people, it will continue apace. The provision of welfare services in a way which will not destroy Aboriginal initiative will be a delicate problem but the Committee is confident that the departments responsible will be sensitive in their approach. The Committee understands that every assistance is being given to the re-established centres, especially with education and health facilities.

The United Church is also playing an active role in advising and guiding community development and the Government departments such as Education, Health and Aboriginal Affairs, are assisting as required. The provision of services is difficult, not only logistically, but also because the movement has been initiated by the people themselves and should be maintained by them as far as possible without control by outside authority. Care must therefore

be taken to ensure that this re-assertion of Aboriginal independence is maintained.

The advantages in re-establishing the traditional centres are substantial. Firstly, the people will be removed, though not too remotely, from the congested main centre, to an area where destructive social forces can be controlled in traditional ways by the people themselves. Immediately, a number of social problems will diminish, not the least of which is malnutrition caused by the diversion of money from the purchase of nutritious foodstuffs, to the acquisition of alcohol. Physical and mental health in groups such as these has shown remarkable improvement, and probably the greatest change has been in community morale. The settlements being substantially of a single clan are able independently and on their own initiative, to pursue their traditional way of life, free from interference and outside pressures.

This does not mean, however, that Western life is being spurned. The provision of educational, health and welfare services will continue and so will contact with Nhulunbuy and Yirrkala. The people themselves have constructed roads and airstrips so that effective communication can be maintained.

The Committee strongly recommends that this Aboriginal initiative to improve their way of life should be encouraged and that the Government should adopt a positive, active and helpful role in servicing

those communities. At the same time there is need to maintain Yirrkala as a service centre for settlements and as a permanent community in its own right.

Whether the enthusiasm for this movement will last or not is problematical, although the Committee hopes that it is a permanent feature. It is inevitable that the movement of individuals between the settlements and Yirrkala will be fairly constant, especially by the young people. This latter movement will produce the greatest difficulties for those providing services such as education, which rely on continuity for their success. Hopefully, these problems can be overcome, but the Committee recommends caution to those concerned with providing these services and stresses the need to maintain the highest possible degree of flexibility.

ALCOHOL

A serious social problem facing the people of Yirrkala is the excessive consumption of alcohol. The extent of alcoholism is uncertain in that some of the Aboriginal drinkers at the hotel at Nhulunbuy, as some members of the Committee found out for themselves, may be from Groote Eylandt and other centres. Equally uncertain are the age groups which are most affected by alcohol. From the Committee's first hand observations the bulk of the drinkers at the hotel in Nhulunbuy were young men, but an independent survey by an official of the United Church disclosed that more of those whose lives were seriously affected by alcohol were from the middle and older age groups. If this indicates that the young people who are most adaptable, are less likely to be seriously affected, then the Committee is encouraged, but the plight of the older men remains. To them it is possibly in part an escape from a situation with which they cannot cope, and so in the Committee's opinion it is this group which requires urgent assistance.

The people of Yirrkala have always expressed strong public opposition to the establishment of a hotel at Nhulunbuy, and in fact, in 1970 and again in 1971, took legal action in the Northern Territory Licensing Court to prevent the liquor licence being granted. Those who took the action objected to the

trouble that alcohol was causing Aboriginal families and to the debilitating effect it was having on the whole community. Their attempts however, were unsuccessful and on the Committee's visit, some people availed themselves of the opportunity of once more proposing the closure of the hotel's bars. However, the attitude was not unanimous, as some people, especially the younger ones, thought that the hotel should remain open.

In general terms the problem at Yirrkala is probably little different from that found in any other community in Australia, but the Committee feels that several courses of action may help to ease the particular problem there. The movement of some people away from Yirrkala to the more isolated outstations will assist but as well the Committee commends to the Parliament the Report of the Board of Inquiry appointed by the Northern Territory Legislative Council to enquire into the liquor laws of the Territory. The Committee considers that that Report prepared in 1973, is a well considered analysis of the problem and that it contains some commendable recommendations, which could be applied to the situation at Yirrkala, with benefit to the Aboriginal community. Some relevant conclusions of the Board

of Inquiry were :

1. The Board found that cultural factors contributed to the excessive consumption of liquor by the Aboriginal people. The kinship system involves a sharing of goods, and a giving of food and other gifts to cement relationships. Allied to this their long experience of daily subsistence with little concept of saving. Hence liquor is consumed and shared while it is there and the money lasts. Since the Aboriginal people had virtually no contact with liquor until the coming of the European, no cultural sanctions or controls had been developed. Thus they have greater difficulty in handling alcoholic liquor than the European community.

2. The Board noted that various reasons are given for excessive drinking within the Aboriginal community. Witnesses said that the Aborigines drank to excess to forget their low social status, or to show their defiance. Others saw the drinking as an expression of the kin relationship, or as a substitute for traditional ceremonies.

3. It found that there appeared to be a very real lack of awareness on the part of the Aboriginal as to the consequences of drinking to excess over extended periods of time. There was a common pattern of disruption to the community by drunken and disorderly behaviour. Families were neglected because men spent all their money on liquor. Little has been done in the way of instruction in budgeting the fortnightly 'training allowance'.

4. The Board disagreed with the view that the Aboriginal Australian is unable to consume alcohol in moderation. The higher number of convictions for drunkenness are by no means spread evenly throughout the Aboriginal community. Four thousand were recorded in Alice Springs in 1972, but these were mainly confined to a hard core of about 80 habitual drunks. Case histories supported this. In settlements drinkers are usually in the minority.

5. With regard to hotels, the Board of Inquiry found that the trading hours of 'front bars' were too long and only encouraged excessive drinking. It also found that the Licensing Ordinance was inadequate in that there was no sanction against a Licensee unwilling or unable to clear drunks out of his premises.

6. The Board also found that liquor, usually flagons of fortified wine, was often coming into missions and settlements, especially by taxi. Any excuse for introducing liquor in this manner would be ruled out if Aboriginal communities set up their own social clubs. In some settlements and missions the wet canteen was developing along the lines of a social club. The Board found that such social clubs would best fit the Aboriginal community's concept of an appropriate facility.

7. The Board of Inquiry realised that there was no quick and easy solution to the problem. It noted that the solution must come from the Aboriginal people.

It offered the following recommendations to assist the Aboriginal communities in dealing with this problem :

- (a) the granting of an unlicensed club permit allowing the sale and supply of liquor in a social club established by an Aboriginal community, provided that the application for such a facility was approved by a majority vote;
- (b) the provision in the law for the appointment of 'peace officers' by Aboriginal communities for the purpose of the maintenance of law and order in the community;
- (c) the prohibition of the carriage of intoxicating liquor by taxi or chartered aircraft to or in the vicinity of a mission or settlement, without a permit from the licensing authority;
- (d) the conferring on the Court the power to order that a proportion of a problem drinker's income be paid to trustees for the maintenance of his wife and family;
- (e) the elimination of all forms of discrimination by licencees;
- (f) the institution of a Government education programme imparting factual information about alcohol and aimed at developing responsible social attitudes by the Aboriginal people ;

- (g) the imposition of a heavy excise duty on fortified wine and the restriction of the sale of methylated spirits;
- (h) the reduction in the hours of trading of 'front bars' of hotels, stores with licences, and 'bottle shops';
- (i) the changing of the Ordinance to make a licensee fully responsible if a drunken person is found on his premises;
- (j) that storekeepers' licences be granted or renewed only if the store is a genuine general store or supermarket where the liquor section is ancillary to the main business.

The Committee while not subscribing in detail to the Board's reasonings, considers that if most of the recommendations are implemented, the situation at Yirrkala and other Northern Territory centres should improve. In particular, the strict enforcement of recommendation (c) including the cancellation of licences to carry passengers by taxi or aircraft is supported. With regard to recommendation (a) the Committee believes that a consensus of Aboriginal opinion might be a better yardstick than a majority vote. As a final observation, the Committee believes that liquor trading licences should not be granted on or adjacent to Aboriginal Reserves without the approval of the Aboriginal people by consensus.

The Committee found that the current licensee of the hotel at Nhulunbuy frequently exercised his social duty, albeit not a legal one, by closing the public bar when, in his opinion, the patrons had consumed excessively. This is commendable, but the problem remains that the supplies are still available from the bottle department. From here Aborigines in various stages of intoxication can purchase flagons of fortified wines etc., which can then be taken to the nearby beach or back to Yirrkala. The results of this practice are obvious and the Committee therefore recommends that in this respect alone, firmer action than that recommended by the Board should be taken. The Committee recommends that the Liquor Ordinance be amended to allow the prohibition of bottle sales after a certain hour in areas where this is deemed necessary.

The Yirrkala Council by the appointment of orderlies has attempted to exercise control over intoxicated Aborigines as they return to Yirrkala. These orderlies, whose prime duty is to protect the community and particularly the families, are performing a very useful service but they have no legal status. The Committee believes that they perform an essential function but to give their activities legal authority their appointments should be recognised by law and their powers defined. In this respect they should have, at least, the authority and facilities to apprehend and detain intoxicated Aborigines until they can be released with safety or otherwise dealt with.

HEALTH

One of the most serious findings of the Committee in this Inquiry was the lamentable state of public health at Yirrkala among young children. The illnesses with which the children are affected vary but those of greatest significance are malnutrition, respiratory infection, diarrhoea, chronic ear infections, infestations by intestinal parasites and anaemia. Probably the worst of these is poor nutrition and that this should be so prevalent in a fertile environment is most alarming.

Evidence given by Dr A.C. Walker, a Senior Specialist in Paediatrics of the Northern Territory Medical Service, clearly illustrates the gravity of this poor health situation. Taking the parameter of standard weight for age, which is used world-wide as an indicator of child health because of its reflection of general diet and the effects of chronic or recurrent illness, Dr Walker gave the Committee figures on the percentage of children under the age of 5 at Yirrkala whose body weight was less than 80% of the standard weight for age. In a 1968 survey he found the percentage to be 37%; in April 1970, it was 43%; March 1972, 25%, and in January 1974, 37%. There are fluctuations here, possibly attributable in part to variations in the method of compiling the statistics, but the figures are

extraordinarily high, especially when one considers that in the non-Aboriginal population of Australia similar figures would be around 2-3%.

Associated with these facts Dr Walker also found that due to pre-natal conditions where the mothers themselves were poorly nourished, 27% of children under the age of 5 had a head circumference smaller than the lower limit of 'normal', that standard being established in America on a multi-racial and multi-national basis.

Figures for other illnesses are equally appalling. In 1970, 31% of children had chronic ear disease and 18% had anaemia. In 1972 these figures had fallen slightly to 25% and 11% respectively, but the percentages are extremely high and deserve serious comment. Obviously, strong and positive action is urgently required to correct this appalling situation.

It is difficult to be precise in recommending remedial measures aimed at overcoming these serious problems. The Department of Health has adopted the policy of training as health workers Aborigines who can then circulate in their own community on a regular basis. This is a sensible approach and if the number of people needed can be trained, may be a suitable solution. These people will be able to

diagnose health problems before they become acute and with the trust of their own people, they will be able to supervise the children more effectively.

As well as having health workers operating in this way, it will also be necessary to participate more actively in the feeding of malnourished children. This has been done in the past but was discontinued when it was considered to make the people too dependent. The only people being helped at present are those families who are most obviously having difficulty and who have been referred to the social workers of the United Church for active supervision. These are only chronic cases however, and the Committee feels more needs to be done for those who have not reached that stage but clearly are suffering with nutritional deficiencies. It is true that this may be contrary to the policy of self-determination whereby 'handouts' are presently discouraged, but in the Committee's opinion, the rigid implementation of this is too drastic and the health of the children ought to have more priority.

One obvious solution to this community problem is to treat the children when they are at school, but this type of practice in the past has led to difficulties in that it severely disrupts the normal functioning of the school and that while health standards may improve, education suffers. Nevertheless the Committee firmly believes that

children in need must be given constant attention and that this could best be done while the children are at school. To minimise disruption the Committee recommends that a full-time certificated nurse be attached to the school with facilities to properly supervise the health of children there and to attend regularly to those in particular need.

The Department of Health has done well in equipping the Gove area with the necessary facilities for public health, and Yirrkala besides having access to the regional hospital and other health facilities based in Nhulunbuy, also is to have a new health centre, construction of which was due to be completed in October this year. The centre is to be staffed by a Senior Sister, a Sister and 3 Aboriginal health workers. This facility is badly overdue, the old clinic being of a very poor standard. The Department also arranges for visits by specialists, family planning experts, dieticians and others on a regular basis.

Despite the provision of these services the health of Aboriginal children in the 0-5 years age bracket does not appear to be improving. The Departmental representatives who appeared before the Committee suggested that this seemed to be the result of apathy as the facilities were not being used as intended. To overcome this situation it is clear

that efforts need to be made to involve the community more directly and actively in the problem and to this end a local health committee has been formed with representatives from the Aboriginal communities and agencies involved.

A number of young people from Yirrkala are undertaking public health training being conducted by the Department of Health. When they return to Yirrkala after their 2-year course in Darwin it is hoped that it will encourage the Aboriginal people themselves to accept responsibility for greater participation in the provision of health care. As well, 3 female Aboriginal health workers are employed at the Clinic, and under the supervision of the Sister they very capably assist in health care. As these people are accepted by their own people they can make a great contribution to the improvement of health at Yirrkala. These particular health workers are prevented from undertaking further training which is at present available only at Darwin due to family responsibilities. In view of this the Committee urges that the question of training Aboriginal health workers at Nhulunbuy be investigated and instituted if practicable.

These are commendable courses of action and will assist in the long term but the Committee is also concerned to ensure that those needing the most attention, particularly in the immediate future, that is the very young children, are helped quickly.

Having in mind the need for such action, the Committee suggests :

- (a) That the practice of training Aboriginal health workers to go among the people educating them on such matters as personal hygiene, nutrition, child care, be expanded and that for this program, use be made of the facilities of the Nhulunbuy hospital.

- (b) That in households where alcoholism is a prime cause of malnutrition, or where money for food is not used properly, the income for that family should be largely paid in kind. The Committee realises that this suggestion is opposed to the principles of self-management and self-determination but when the health situation is so serious among young children, then it feels that radical action is required.

- (c) That as recommended elsewhere in this Report, a survey should be conducted into the quality of the water supply at Yirrkala with the aim of maintaining its constant quality.

- (d) That a permanent nurse be attached to the school and facilities be provided for her work in treating those children in need of constant medical attention and nutritional supervision.

EDUCATION

The education of Aboriginal children in places as remote as Yirrkala is necessarily fraught with difficulties. The appropriate curricula, methods and regimes for children in an Aboriginal setting, and the wisest long-term objectives to pursue, are matters on which professional opinion differs legitimately. To these are added many human, social, physical and career difficulties of teaching in such a setting, and of bringing about a close and supportive relationship between school and home. There may be as many if not more difficulties on the learning as on the teaching side. An outside observer may readily find apparent inadequacies of arrangement and errors of choice, and feel impelled to blame them for the lack of progress, in the Western sense, made by the Aboriginal people. It is about as easy to see a total solution of or panacea for the problems of Aboriginal society in a greater emphasis on the skill in devising better methods of education. The Committee believes that such an emphasis would help, and is positively wanted by, the Aboriginals at Yirrkala. But a capacity to placate the causes and outwit the effects of the radical and corrosive clash between Aboriginal and European society and culture now in course in Arnhem Land is, in the Committee's opinion, beyond the power of the school and the educational process. To expect such a performance is to ask school and education to do what, by their nature and limits, they probably cannot do. There is, nevertheless, in the Committee's

opinion, a strong case for a thorough reappraisal of, and perhaps for imaginative innovations in, the present system of education.

The educational facilities on Gove Peninsula consist of an area school at Nhulunbuy, which caters principally for the children of Nabalco employees and of other European families, but also provides secondary education to Form IV level for any Aboriginal children whose standards are high enough. Aboriginal children have to attain these standards either at Yirrkala or at Dhupuma College 25 km away, which caters not only for children from Yirrkala who require remedial work being going to Nhulunbuy Area School for their secondary education, but also for Aboriginal children from all over north-eastern Arnhem Land with aptitude and interest for further study but needing improvement in their standards. There is a glaring contrast between standards of accommodation and amenity at Nhulunbuy on the one hand and Yirrkala and Dhupuma on the other.

The above arrangements are complex but probably soundly based for the present transitional period, though there is some reason to believe that many Aboriginal parents are opposed to co-education of the sexes, and the Committee has several reservations of other kinds. For children who have under-achieved at the primary level or have leeway to make up and experience to widen a school or college such as Dhupuma might cater admirably if it were sited

more appropriately and if a way were found to overcome the reluctance of parents to allow their children to stay for long periods at schools which are distant and in strange language-regions. Dhupuma, located as it is in the facilities vacated by the European Launcher Development Organisation (ELDO) - 25 km from Yirrkala and about 40 km from Nhulunbuy, is quite remote from the advantages and amenities of these settlements. It is also remote from the coast with which most children attending the college have had a close association. To many it is an unfamiliar and unattractive environment, and the Committee urges that, should the need arise to provide additional facilities for the college, the opportunity be taken to relocate it in a more suitable area. Already Nhulunbuy has a large swimming pool, playing fields, picture theatre, etc. and there are plans for a new swimming pool at Yirrkala. It would obviously not be wise to provide all these facilities at Dhupuma on the scale available at Nhulunbuy and while there are compelling social arguments for a relocation, from both viewpoints great care should be taken in ensuring that economic use is made of existing facilities.

The Committee is aware of the proposal to construct a new school at Yirrkala, and while recognising that this has been the subject of scrutiny by the Parliamentary Standing Committee on Public Works, it feels impelled to state that the project which is

intended to cater for the educational needs of the whole community, would be of inestimable value. The plans have allowed for additional library facilities which will double as a community library, and also a manual arts area large enough to be used for adult education and training courses. The Department of Education envisages that with facilities such as these the people of Yirrkala can be offered literacy courses, retraining programs and other cultural and recreation oriented programs. The school has unique needs and the provision of specially planned buildings is of the utmost importance. The plans have been drawn up after consultation with the Yirrkala Town Council, on both the facilities and the site. The school is to be built near the southern edge of the town, bounded on three sides by public streets and on the fourth by a recreation reserve. The reserve although not part of the site will be used by the school and it seems expedient for practical reasons for the development and maintenance of both areas to be carried out together by the Government when the school grounds are landscaped.

The present school buildings are clearly inadequate for these purposes and are even incapable of coping with the normal educational program for children. The school is built on a very confined site and consists mainly of two weatherboard buildings with very little playing area. The pre-school and the manual arts centres are located some distance away, in other buildings of equally poor standard. Because of the physical separation of the buildings there are problems in the daily functioning of the learning program.

The school is very short of covered teaching space and as an interim measure the Committee recommends

that an additional classroom be supplied. This could be achieved by either supplying a transportable unit or by obtaining the use of a building from the United Church which could be suitably renovated. The Committee also recommends that as an interim measure more land be made available around the school for use by the children as a recreation area, providing the Town Council concurs.

The present curriculum has been adapted to meet Aboriginal needs. While the main aim still remains for the children to become literate in English and to get a firm grasp of the other basic academic subjects, greater concentration is being placed upon the teaching of Aboriginal language, and upon traditional arts, crafts and skills. Lessons are given by trained staff in one of the local languages (GUMAITJ), and while this is still in its early stages, the aim is for the children to become competent in an Aboriginal language as well as in English. One day a week is being set aside for instruction in other aspects of Aboriginal life and in this there is a fair degree of community involvement. On the occasion of the Sub-committee's visit classes were being conducted in the shade of trees by senior members of the various clans, who were teaching their children Aboriginal songs, stories, language, and craft. One group of boys were being shown the art of fire making by traditional methods. The Committee is encouraged by these developments.

It is important to acknowledge that education of adults in a community such as Yirrkala is as essential as the education of their children. Although there has been long association with Europeans and other peoples,

the older people at Yirrkala have within the last few years experienced some new socially depressing forces. Exposure to some of our more undesirable customs has had a serious impact and the Committee was disappointed to find that little was being done at an adult level to directly help bridge the gap.

Two of the more important social adjustments to be made by the people of Yirrkala have been those caused by the imposition of a money economy and by the ready availability of alcohol. The difficulty experienced by the older people in coping with these obstacles is obvious. It is unrealistic to expect, for example, that people should rapidly and unquestioningly adopt the often materialistic motives of Europeans where money is concerned. It was therefore hardly surprising to find that the lack of knowledge of the value of money and its uses is a cause of some problems within the community.

The difficulty in coping with changes is manifested by some of the men in their excessive expenditure on alcohol, which in turn deprives the family unit of essential foodstuffs, and by the women in their imprudent selection of food at the local supermarket. The combination of these two factors helps explain other problems, especially the malnutrition amongst younger children and perhaps the unwillingness or inability of the men to work.

To help alleviate these disorders the Committee believes that an adult education program, run by experienced and qualified social workers and teachers, assisted where possible by interested Aboriginals, should

be instituted. To date the Mission has conducted classes for mothers and has done as much as their limited resources have allowed, with some help from the Department of Education. However, for a positive impact a concentrated program with professional assistance is essential. The Committee realises the difficulty in obtaining qualified people but it urges the authorities to make a special effort in this case.

The proposal of the Department of Education to expand adult education ought to be implemented immediately with the greatest emphasis being placed on home management, and hygiene and basic academic skills, the latter being a necessary pre-requisite for vocational training. It might be expected then that as the parents become better educated and see the relevance of their study, their children in turn will receive greater encouragement than has been the case.

As for vocational training, the Committee recommends an immediate study by the relevant departments aimed at establishing a program of training courses, especially in the trades. Not only did the evidence given to the Committee strongly criticise the absence of vocational training facilities, but also the lack of the pre-required basic educational skills in those likely to offer for this type of training. The Committee feels that the latter problem will be overcome in time as the younger people leave school, but the serious lack of training in the trades remains. Although some of the difficulty in training occurs because people do not come forward and enrol as they should, the Committee feels there is scope for an improvement in the availability of trade oriented training programs.

Yirrkala is fortunate in that unlike some other Aboriginal communities, job opportunities already exist. In this connection see also the section on Economy/Employment. There is a constant need for builders, plant operators, gardeners, and especially for mechanics. Decentralisation moves have added to the demand as trained workers from Yirrkala have gone to these various places to construct houses and other facilities. The need to train other men to replace them is therefore obvious.

The education of the children of Yirrkala is somewhat more satisfactory, and the Committee believes that the educational standard is being raised to a level where at least some of those who have received it can participate in both the European and Aboriginal societies. There are problems but the Committee feels that in time some of these should lessen as parents grasp the importance of education. Absenteeism, which is detrimental to any child's educational program, is one of these problems. It is caused by a high degree of mobility of the parents and the lack of encouragement given by some. The recent amendment to the Education Ordinance making school attendance compulsory will assist, but full attendance cannot be achieved until all parents take a more active interest and supply the necessary motivation.

The Committee was pleased to note the attempts of the Department of Education to encourage Aboriginal participation in curriculum and staffing. At the time

of its visit to Yirrkala in February 1974, 17 Aboriginal people were engaged on the staff of the school, 2 as teachers and 15 as teacher's assistants. Hopefully this participation, when combined with studies of Aboriginal culture and language, will encourage the interest of the children and will motivate them to pursue their studies. To date the conflict between the Aboriginal and the European life styles has been a significant obstacle for Aboriginal children, and it is hoped that imaginative innovations such as teaching in local languages and study of Aboriginal culture, will give greater depth to the curriculum. The Committee was encouraged to see the interest of senior members of the community in education generally, especially of those who attended the school on specified days to teach the children language and other Aboriginal skills.

The Committee has already commended the initiative of the Aboriginal people in resettling their traditional land and also expresses the hope that the Government will continue to assist these communities when requested. At the same time it is important that the people be encouraged to maintain their links with Yirrkala and Nhulunbuy where better educational facilities are available. The movement of children between the outstations and Yirrkala is already making problems for the Yirrkala school as the staff cannot keep a check on the progress of those concerned. This disruption and lack of continuity tends to destroy the educational program and the Committee fears that until

the facilities and teachers are available in the settlements and parallel standards and courses maintained in them the difficulties will remain.

The Committee was pleased to see attention being given to the problems of isolation of these decentralised communities, not only by the Department of Education, but also in other contexts by the Departments of Health and Aboriginal Affairs. The logistics of caring for the needs of Yirrkala are great enough and there is a large task in satisfying the needs of the new settlements as well. There are problems in providing buildings, supplies, and most of all, staff. The Committee is aware of the efforts being made by the Department in recruiting staff and it appreciates the difficulties it faces. It is important that once staff has been engaged every effort be made to ensure that they receive adequate training and preparation for their work. It is a great mistake to send teachers inexperienced in Aboriginal education to areas such as Yirrkala without an adequate introduction, as the success or failure of the education program depends upon patient, understanding and dedicated people. There is also a pressing need to provide living and other conditions which are consistent with attracting and retaining the best teachers.

WATER SUPPLY

Water supply for the Yirrkala community is taken from the Yirrkala Creek, and that for Nhulunbuy and the mining operation from a ground water supply. It is a condition of the company's lease that the latter source of supply not be used if in doing so it affects the former.

We noted that the company has only a 12 months permit to draw water at the rate of 6 million gallons per day from underground sources and that this arrangement is reviewed from time to time. Some consideration has been given to the arrangements that might be made should the daily requirement for the company's domestic and industrial purposes be increased.

The Committee concluded that adequate supervision of the water resources in the area is being conducted. Evidence given by the Water Resources Branch of the Department of the Northern Territory satisfied the Committee that the matter is receiving its constant attention and that it is well aware of the needs of the Yirrkala community. The present demands being made by the mining operations on the water supply are within the capacity of existing resources and no evidence has been found of any effect on the extent of the supply at Yirrkala.

The Committee is confident that existing measures being taken to monitor the quantity of water available to Yirrkala are adequate, but it believes that the quality of that water is suspect. The Committee had evidence of intestinal and gastric illnesses, amongst children in particular, and although some impurities in a water supply can be tolerated, for those already in below average health it is a critical problem. At present, water for Yirrkala is being drawn from Yirrkala Creek, close to where it runs into the sea, and below the level of the town. Because of its location the Creek is open to contamination from the town, particularly from septic sewerage systems. The water is normally chlorinated but the operation of the facility is often erratic owing to shortages of chlorine or malfunctioning equipment.

It has been suggested before that there should be an alternative source of water for Yirrkala and P.J. Devery in his 1968 Report already referred to, recommended that water be brought from bores near the Airport. This would entail the installation of up to 7 km of pipe but would ensure good control over water quality. If a survey of Yirrkala Creek shows that the water is contaminated and unfit for consumption the Committee recommends that Devery's suggestion be implemented.

COMMUNICATIONS

During the Committee's visit to north-eastern Arnhem Land and during the public hearings, reference was made by witnesses to the state of communications in the region. Yirrkala, for example, had no telephone and its surface communication is by gravel road which deteriorates quickly with traffic. Similarly, Dhupuma College has no telephone and its students and staff are beyond the call of medical help or police assistance except by a poor road link.

The Committee was told that communications between Nhulunbuy and other centres such as Groote Eylandt, are also inadequate and for the Government officials in Nhulunbuy, contact can only be made with Groote Eylandt by means of the Church Missionary Society radio in Darwin. These conditions are obviously unsatisfactory and the Committee undertook to investigate the matter on its return.

The Australian Post Office advised the Committee that telephone installations were to commence immediately at Yirrkala, but connections to Dhupuma depended on the Department of Education making a contribution towards the cost. As for the direct Nhulunbuy-Groote Eylandt telephone link, it was decided by the mining company operating at Groote Eylandt that as their share of the cost of

the trunk spur line facilities involving the provision of a tropospheric radio telephone system would be \$500,000 that it was not prepared to proceed with the proposal.

Complaint was made to the Committee about the poor quality of radio broadcast reception in the area. Following inquiries it has been learned that a new medium frequency station for the national broadcasting service is to be established at Gove. With operating power of 500 watts, the people in the area should then be adequately served in the future. Television is also planned and arrangements have been made for transmissions to be beamed to Yirrkala and Dhupuma.

Whilst it is pleasing to see that consideration is being given to the improvement of communications in north-eastern Arnhem Land and recognising that the area is just emerging from the development stage, the Committee considers that the upgrading of existing facilities is desirable and should be undertaken as soon as possible. In particular, the Committee has in mind the road link to Yirrkala, the telephone links from Yirrkala and Dhupuma to Nhulunbuy and the telephone link between Nhulunbuy and Groote Eylandt.

With the decentralisation of some of the Yirrkala population, it is imperative that effective links of communication be maintained with the central

community. The Aboriginal people stated to the Committee that they want to preserve these contacts and their restoration or construction of landing strips and rough roads on their own initiative, is a clear expression of their intention. The Committee therefore recommends that the people be assisted in the construction of these facilities, especially by means of capital grants. Some caution needs to be exercised however, for although the provision of easy access routes will facilitate the provision of necessary services, it may also defeat one of the prime purposes of the resettlement of traditional areas, i.e. the need to be free and to be physically separated from interference and the unfavourable influences. The decision to provide the physical means of communication must therefore come from the Aboriginal people.

The final matter which the Committee wishes to mention in connection with communications is that it understands that plans are being examined for the extension of the Arnhem Highway eastwards from Yourmill Waterhole. While such a road may be of some benefit to the people of Nhulunbuy, its construction would result in the complete opening up of the Arnhem Land Reserve. The Committee doubts very much the wisdom of this and wishes to emphasise strongly that nothing should proceed without the full and considered consent of all the Aboriginal clans whose land the road must affect.

CONCLUSION

Over some 9 months the Committee has laboured in its study of the relationships between the Aboriginal people of Yirrkala and modern Australian society.

Members are grateful to all who gave us evidence or assisted in any way - notably the Aboriginal people themselves, representatives of the United Church Mission, Nabalco Pty Ltd and officers of the Australian Public Service. The Committee greatly appreciated the wise counsel and good fellowship of the Specialist Adviser, Emeritus Professor W.E.H. Stanner C.M.G., who helped all to a better understanding of the Aboriginal people.

The contribution made by all members of the Committee in the 28th Parliament is acknowledged. The Committee also places on record the enthusiasm and hard work of the Clerk to the Committee, Mr M. Adamson, and its Research Officer, Mr P. Reece.

November 1974

M.D. CROSS
Chairman

APPENDIX I

LIST OF WITNESSES

ALLOM, Mr C.C.	Regional Adviser, Northern Territory Division, Department of Aboriginal Affairs, Darwin, Northern Territory.
BIRRIKITJI	Yirrkala, Northern Territory.
BRANDL, Dr M.M.	Senior Adviser, Department of Education, Darwin, Northern Territory.
COOGAN, Mr A.G.	General Manager, Nabalco Pty Ltd, Sydney, New South Wales.
DAYMBALIPU, M.	Chairman, Dhanbul Community Association, Yirrkala, Northern Territory.
DJEWINY	Yirrkala, Northern Territory.
DUNDIWUY, W.	Yirrkala, Northern Territory.
EVANS, Mr E.C.	Principal Project Officer, Department of Aboriginal Affairs, Darwin, Northern Territory.

GALLACHER, Mr J.D. Assistant Director,
Department of Education,
Darwin, Northern Territory.

GATJIL, D. Yirrkala, Northern Territory.

GRAY, Mr W.J. Senior Project Officer,
Social Review and Extension
Section, Northern Territory
Division, Department of
Aboriginal Affairs, Darwin,
Northern Territory.

GRIFFITHS, Rev. M. General Secretary of United
Church in North Australia,
Sydney, New South Wales.

HENDRY, Mr W.K. Senior Officer, United Church
in North Australia,
Yirrkala, Northern Territory.

JARRATT, Mr J.K. Manager, Dhanbul Community
Association, Yirrkala,
Northern Territory.

LARNER, Mr K.J. Manager, Yirrkala Brickworks
Ltd, Yirrkala, Northern
Territory.

LONG, Mr J.P.M. First Assistant Secretary,
Department of Aboriginal
Affairs, Canberra,
Australian Capital Territory.

LUCK, Mr S.A.	Principal, Yirrkala School, Yirrkala, Northern Territory.
McDONNELL, Mr J.C.D.	Acting First Assistant Secretary (Social and Commercial Affairs), Department of the Northern Territory, Darwin, Northern Territory.
McHENRY, Mr R. McW.	Director, Northern Territory Division, Department of Aboriginal Affairs, Darwin, Northern Territory.
MARIKA, R.	Chairman, Yirrkala Aboriginal Council, Yirrkala, Northern Territory.
MILIRPUM, M.	Yirrkala, Northern Territory.
MILLS, Dr C.G.	Senior Assistant Director (Planning and Development), Department of Health, Darwin, Northern Territory.
MORRISON, Mr R.E.	Acting Director, Water Resources Branch, Department of the Northern Territory, Darwin, Northern Territory.
MUNGURRAWUY	Yirrkala, Northern Territory.
NARRITJIN, M.	Yirrkala, Northern Territory.
PAYNE, Mr C.H.	Department of Education, Darwin, Northern Territory.

PITTOCK, Mr A.B.	Private Citizen, Aspendale, Victoria.
PROWSE, Mr I.	Assistant Director-General (Policy) Department of Social Security, Canberra, Australian Capital Territory.
PURCELL, Mr F.X.	Solicitor to Yirrkala Community, Werribee, Victoria.
QUINN, Dr J.V.	Assistant Director (East Arnhem Region) Department of Health, Darwin, Northern Territory.
ROBERTSON, Mr E.A.	Northern Territory Division, Department of Education, Darwin, Northern Territory.
RUEGG, Mr T.	Private Citizen, Nhulunbuy, Northern Territory.
SADDINGTON, Mr C.C.	Private Citizen, Bayswater, Victoria.
SADDINGTON, Mrs N.M.	Private Citizen, Bayswater, Victoria.
SCHEBECK, Mr B.	Private Citizen, Watsons Bay, New South Wales.
SPAIN, Mr D.J.	Assistant Director (Planning and Research), Department of Health, Darwin, Northern Territory.

STEPHEN, Miss A.M. Assistant Secretary,
Department of Labor,
Melbourne, Victoria.

SYMONS, Rev. G.J. Executive Officer, United
Church in North Australia,
Darwin, Northern Territory.

WALKER, Dr A.C. Senior Specialist
(Paediatrics), Darwin
Hospital, Darwin,
Northern Territory.

WALTON, Mr R.G. Assistant Director-General
(Aboriginal Health)
Department of Health,
Canberra, Australian
Capital Territory.

WANDJUK, M. Yirrkala, Northern Territory.

WULANYBUMA, W. Chairman, Yirrkala Town
Council, Yirrkala,
Northern Territory.

YINITJUWA, M. Yirrkala, Northern Territory.

ROYALTIES

A. Legislation

The Mining (Gove Peninsula Nabalco Agreement) Ordinance 1968 of the Northern Territory, which received assent on 16 May 1968, establishes the rights and responsibilities of Nabalco Pty Ltd and the Government in connection with the leasing of land laid down in the First Schedule of the Special Mineral Lease.

Nabalco Pty Ltd owned equally by Swiss and Australian participants, manages the Gove Project on their behalf. The Swiss and Australian participants of the Gove Joint Venture formed in 1968 are Swiss Aluminium Australia Limited (70% of interest) and Gove Alumina (30% interest). Gove Alumina Ltd is a subsidiary of the Colonial Sugar Refining Company Ltd (CSR).

The First Schedule of the Special Mineral Lease sets out the agreement as to royalties to be paid by Nabalco Pty Ltd as follows :

- (a) that the initial rate of royalty payable by the lessee shall be
Twenty cents per ton on bauxite mined and treated in Australia, and
Thirty cents per ton on bauxite mined and exported as untreated

bauxite, but the royalty payable on bauxite mined and treated in Australia shall be reduced -

- (i) to 15c per ton in any year in which the lessee's profit is less than the equivalent of \$12 per ton of alumina produced but not less than \$8 per ton of alumina produced; or
 - (ii) to 10c per ton in any year in which the lessee's net profit is less than the equivalent of \$8 per ton of alumina produced.
- (b) that the rate of royalty may be reviewed by the Commonwealth at seven-yearly intervals computed from the 31st day of December 1971, or from the date on which alumina is first produced in commercial quantities, whichever is the earlier, the Commonwealth having regard to such matters as the profitability of the project at Gove Peninsula and the movement in royalties generally in the Commonwealth of Australia for bauxite and other minerals since the last review, the right being reserved to the Commonwealth when reviewing royalty, to introduce new bases for assessment;
- (c) that the rate of royalty payable during the first three seven-yearly royalty periods shall in no case be less than 10c or more than 40c per ton on bauxite mined and treated in Australia, or more than 50c per ton on bauxite mined and exported as untreated bauxite.

B. Royalties Paid Since 16 May 1968

According then to the terms of the Ordinance, Nabalco was required to pay royalties during the first three seven-yearly royalty periods at no less than 10 cents or more than 40 cents per ton on bauxite mined and treated in Australia (actual initial rate paid was 20c per ton) or more than 50 cents per ton on bauxite mined and exported as untreated bauxite (actual initial rate paid was 30 cents per ton).

Tables I (a) (b) (c) set out the amount of royalties actually paid to the ABTF since commencement of mining operations up to and including 30 June 1974. Table II sets out the amount of royalties paid to the Dhanbul Association up to and including 22 October 1974.

TABLE I(a)

BAUXITE EXPORTED BY GOVE ALUMINA - ROYALTY 30c PER TON

<u>Year Ending</u>	<u>Tonnage</u> (Metric)		<u>Royalty</u>
30 June 1971	41,066	\$	12,319.80
30 June 1972	800,313	\$	239,793.90
30 June 1973	1,288,942	\$	386,682.60
30 June 1974	1,446,936	\$	434,080.80
TOTAL	3,577,257	\$	1,072,877.10

NOTE: (1) Bauxite exports only attributed to Gove Alumina Limited.

TABLE I(b)

BAUXITE TREATED IN AUSTRALIA - GOVE ALUMINA 30% (10c INITIAL PAYMENT ONLY)

<u>Year Ending</u>	<u>Tonnage</u> (Metric)		<u>Royalty</u>
30 June 1972	19,920	\$	1,992.00
30 June 1973	296,468	\$	29,646.80
30 June 1974	516,328	\$	51,632.80
TOTAL	832,716	\$	83,271.60

NOTE: (2) Bauxite treatment attributed to Gove Alumina and Swiss Aluminium Australia Limited, in proportion to shareholding in lease, i.e. Gove Alumina 30% Table I(b), Swiss Aluminium 70% Table I(c).

TABLE I(c)

BAUXITE TREATED IN AUSTRALIA - SWISS ALUMINIUM 70% (10c
INITIAL PAYMENT ONLY)

<u>Year Ending</u>	<u>Tonnage (Metric)</u>		<u>Royalty</u>
30 June 1972	45,746	\$	4,574.61
30 June 1973	680,837	\$	68,083.70
30 June 1974	1,185,745	\$	118,574.50
TOTAL	1,912,328	\$	191,232.81

TABLE II

ROYALTIES PAID TO DHANBUL ASSOCIATION

<u>DATE PAID</u>	<u>AMOUNT</u>
26. 6.72	8,328.81
12. 9.72	13,159.69
2.10.72	5,079.35
4. 1.73	9,706.17
12. 7.73	24,827.77
11. 9.73	14,724.09
5.12.73	15,357.16
16. 4.74	11,990.88
7. 5.74	6,052.83
24. 5.74	10,121.10
22.10.74	13,534.27
TOTAL	132,882.12