



Despite hopeful signs over the past 30 years that things at last were going to improve, Aboriginal people are still denied control of their own destiny. Now, writes **Norman Aisbett**, it's time they were given the opportunity and the support to manage their own affairs.

It is 35 years since Gough Whitlam's Federal Labor Party won government to the tune of a catchy "It's time" jingle and launched a radical policy of self-determination for Australia's indigenous peoples.

And 15 years since the High Court's Mabo decision recognised Aboriginals had rights over their land up to 40,000 years before colonisation and that these rights still existed, as native title, which the Paul Keating Labor government enshrined in law.

Both were huge steps given the dark history of race relations in Australia, where Aboriginals were not even included in the Census until 1967; yet both would disappoint.

Whitlam and his social revolutionaries, whose Racial Discrimination Act of 1975 ended a wide range of restrictions on the freedoms of Aboriginals, were themselves stripped of power in the constitutional crisis shortly after. The policy which allowed Aboriginals to incorporate their appalling "reserves" on town fringes, appoint community councils and start their own housing projects, steadily petered out. Subsequent governments of both persuasions either thought better of it or lost interest.

Native title has turned out to be like a Western Desert mirage, say Aboriginal leaders. Despite many communities having successfully lodged claims, they speak of limited benefits which include the not-insignificant right to negotiate with mining companies.

However, it is not like owning your suburban block. The Howard Government gave States power to override or expunge native title when it really counts.

Added to that, Aboriginals have seen the scrapping of the National Aboriginal Conference, the "Black Parliament" of the 1980s; and the recent demise of the Aboriginal and Torres Strait Islander Commission (ATSIC).

The result? Mass disillusionment and more of the endemic social problems, such as drug and alcohol abuse, violence and youth suicide as indigenous communities struggle to balance traditional ways with a fast-encroaching modern world, while having no authority to

influence events significantly.

Hence the lament, as expressed by an unidentified elder during a major gathering in WA's Kimberley region in 1995: "We must have our chance. We know who the right people are to do our plans. We old people got responsibilities to our children. We have the right by law, our culture, to do business properly."

And by Peggy Patrick, a Kija woman, at the same meeting: "They tried to take away law and culture from our mothers, our grandfathers. They should support our organisations now. It's part of forgiving, recognition."

But who in mainstream Australia, where power and influence reside, is listening? The politicians mouth the same platitudes as their predecessors of decades ago and the rest of us are obsessively preoccupied with house prices, the sharemarket, "super" funds' performances, shopping malls, holiday plans and general busyness. There is often no time for family members and friends, let alone to ponder strange communities so far over the horizon they might as well be on the Moon.

One of the world's great wilderness areas, the Kimberley is also famous for Aboriginal rock art dating back to the Dreamtime. When some of it was threatened by industrial plans at the Burrup Peninsula, a public outcry won assurances the irreplaceable works would be saved, albeit by being moved.

If we can rouse ourselves over some endangered rock art, what about the oldest living culture on the planet — Australia's Aboriginals? They still dream of managing their own affairs and nowhere more so than in the Kimberley, where they comprise about half of a total population of about 50,000 in one of the most sparsely inhabited parts of Australia, where about 30 indigenous languages are spoken, compared with about 50 before white settlement.

The aspirations of the region's peoples are aired in a new book by the Kimberley Aboriginal Law and Cultural Centre (KALACC). Three years in the preparation, *New Legend, A Story of Law and Culture and the Fight for Self-determination*, carries the "voices" of 45 indigenous leaders

and artists and features 470 photographic images.

Kimberley Land Council (KLC) executive director Wayne Bergmann describes the book as "an incredible collection of stories and aspirations

of Kimberley Aboriginal people and their struggle to maintain and protect some of the most important parts of their identity — their traditional culture, customary law and languages." But like other leaders, Mr Bergmann warns this cultural treasure could disappear if Aboriginal people don't get the chance to work in true, rather than nominal, partnership with government and direct funding where they know it is most needed.

The book's editors say it aims at mainstream Australians and Aboriginal youth, many of whom do not know their own history, especially the "rights" struggles of the past 40 or 50 years. So, though promoting the concept of reconciliation, *New Legend* necessarily examines the worst consequences of "invasion", including the "blackbirding" expeditions launched by settlers in the 1880s to gather slave labour for Broome's pearl luggers, usually hauling their captives back to the coast in chains.

When the blackbirders reported finding fertile grazing land bordering the Fitzroy River, most of the region was quickly taken up as pastoral leases. Many Aboriginals lost their lands and were forced to work without pay on the stations.

The hurt lingers. Frank Sebastian, whose Yawuru name is Gadjai, says: "We've worked for nothing and made them white man millionaires. Even pearling masters here today, they're all millionaires and they don't want to look at blackfella . . ."

The confusing effect of missionaries; the well-known tragedy of the stolen generation; and the folly of an assimilation policy are also discussed with graphic first-hand accounts.

Paradoxically, one of the greatest disasters flowed from a 1965 equal wage decision for Aboriginal workers. It took effect in 1968 but Kimberley pastoralists could not, or would not, pay. Without work, some Aboriginals left the stations of their

own accord but others were evicted en masse, pouring as refugees into service towns like Derby, Fitzroy Crossing and Halls Creek. It was the start of social-security dependence and the "lazy society", says one Aboriginal leader.

Many communities finished up far from their traditional grounds and could not return by foot, causing ceremonial law to decline in the 70s until some bigger communities "scraped up" enough money to buy vehicles.

Even when the ill-fated Whitlam government established an Aboriginal Land Fund Commission which allowed the Yungnora Community to buy the Noonkanbah pastoral lease in 1976, more disappointment followed. Within two years, the WA State government led by Liberal premier Charles (later Sir Charles) Court had given the American mining giant, Amax, the right to drill for oil on one of the area's most-sacred sites.

The community lost a famous confrontation, which involved the police and it caused Aboriginal groups to form the Kimberley Land Council. This was the start of a regional push for land rights.

However, for all their trials, the indigenous people of the Kimberley have endured, as evidenced in New Legend.

But seriously corrosive social problems do exist. Worried adults especially complain that customary law has been overridden by modern welfare policies which prohibit the use of corporal punishment to discipline older children.

"Today there's white man's law telling us it's wrong to touch them," says Frank Sebastian, or Gadjai. "And those kids standing up there saying, 'You can't touch me. What you going to do? I'll go to the police!'"

Kija woman Gabriel Nodea says young people avoid school "and wanna do that disco stuff, what they see on Rage and all that sorta thing"

There are hopeful signs, though. The Fitzroy Crossing-based KALACC has since 1993 staged a series of major culture festivals which have attracted thousands of Aboriginal people from up to 20 language groups.

Since the first festival, there has been a 15-fold increase in the

numbers of children and youth participating yet funding remains a major obstacle to the events being held more frequently than once every four years.

But how to ensure the survival of these traditional cultures? For

Kimberley Aboriginals, an answer crystallised when the Kimberley Land Council held a major community meeting at Crocodile Hole in September 1991 and produced a Crocodile Hole report which advocated, for the first time, a regional decision-making structure operating in accordance with traditional structures.

It was followed by a community study showing that though the funding of Aboriginal resource agencies was the major flow of money into the Kimberley, the people did not benefit significantly from it.

Nyikina man John Watson praised the work of non-indigenous co-ordinators in the communities but wants his own people doing the work.

In his words: "We have a lot of good people here and we haven't got an accountant. We've got shopkeepers and somebody filling in the paper about social security but it's small things. I would like to see more than that. There's always someone coming in here and doing these things but you gotta pay big money. But that money don't stay in the community. That money get taken away ..."

Peter Yu, a Yawuru man with a long and meritorious involvement in Kimberley Aboriginal agencies, is now a consultant.

He agrees huge sums have disappeared into Aboriginal affairs to little effect but explains that of every dollar expended only about 30¢ reaches the ground. "It's just consumed within the Commonwealth and State bureaucracies," he says, adding that a co-dependant relationship has existed between Aboriginals and government. It was built around the welfare system and "governments have been equally as bad as probably the Aboriginal community".

The bottom line: Kimberley Aboriginal leaders want a system of regional agreements between government and communities, like those enjoyed by indigenous peoples

in Canada. This would see an (Aboriginal-run) Kimberley Regional Authority making decisions about regional administration, funding distribution, service delivery and policy development.

Services now provided from a distance by up to 40 government agencies could be channelled into a single authority with greater accountability to Aboriginal people. There would also be self-governing bodies within each traditional group whose practices and needs may vary.

The leaders acknowledge the development of regional agreements will require compromise on both sides; and confirm many complex issues that still need to be dealt with. They also agree the Canadian communities have social problems despite their regional agreements but remain optimistic. "You're not going to have success on every occasion," one says.

Wayne Bergmann is calling for a pilot project "to give it a go". He says it could bring the peak Kimberley organisations together for service delivery and also have a council of senior cultural leaders to give advice and direction.

It's now up to mainstream Australians and our politicians to ask ourselves the question: Do we sufficiently value the contribution made by indigenous people to the national identity to let them be involved in decision-making processes which could ensure the survival of their culture and more effectively address the overwhelming disadvantage which plagues their communities and leads to so much negative stereotyping?

Monique La Fontaine, New Legend's contributing editor, has spent much of the past 10 years in the Kimberley working for Aboriginal community organisations and says it is "crucial" the wider society recognises and has respect for Aboriginal law and culture, even if some communities have been more successful in this regard than others.

She says Kimberley people also want to achieve a greater interface with governments and the modern world; and to pursue the goal of reconciliation, which means giving recognition to past atrocities and finding a new way to move forward.

"What Aboriginal people contribute to our national identity is

profound," she says. "As  
Australians, I believe we should  
embrace that. The strength and  
wellbeing of our indigenous peoples  
is critical to all of us."

---

**New Legend, published by the Kimberley  
Aboriginal Law and Culture Centre,  
costs \$55 and is available from selected  
bookstores.**

**'We know who the right people are to do our plans.  
We old people got responsibilities to our children.'**