

OBJECTIVES

7.1 As part of the process of deciding whether a compact is a worthwhile goal an attempt should be made to determine its purpose; that is, to establish what expectations the prospective parties to a compact would place upon its achievement. Putting it another way: what are the objectives of the parties in working towards the achievement of a compact? A related question is that of the priority to be given to the conclusion of a compact when set against other pressing goals of the Aboriginal community.

7.2 Indeed this question of competing priorities is one which arose frequently in evidence before the Committee. We are concerned that the movement for a compact be a true expression of the desire of Aboriginal peoples throughout Australia and not a concept imposed upon them, or forcing the resolution of their many demands into a single political concept. There can be no doubt that many of the specific objectives which the proponents of a compact see as being part of its terms are also high priorities among other Aborigines, both those who are unfamiliar with the concept of a compact and those who, although aware of it, do not strongly support it.

7.3 Thus, for example, the Committee commonly took evidence of Aboriginal demands for recognition of their prior ownership of the Australian continent and, as a necessary consequence of that, restoration of land or compensation for land lost. The following extract from the summary of evidence at Fitzroy Crossing is typical of the attitude of many Aboriginal communities we visited:

Dick Skinner [Chairman of the Yungngora Community Incorporated] said that many people do not know what the treaty means. He had tried to tell people in the Fitzroy area what it means. Mr Skinner said that the main problem was land. White people took the land from the Aboriginal people. He said that it should be given back. Aboriginal people were sitting on their land but it was run by somebody else. He said the Federal Government should recognise Aborigines as owners of the land through federal laws. Mr Skinner said that land was the most important thing to people. He said that the Lands Department should give the land back to the Aborigines.

Mr Skinner said that the first thing to look at was the land. He said that the Aboriginal law was there before the white law. The land was taken away from the Aboriginal people and was not given back. The Aborigines did not get any compensation. At the moment Aboriginal people have no right to their own land.

... Senator Ryan asked whether the Aborigines would like to settle the land rights question before dealing with the agreement. Jimmy Bieundurry said that people did not want to wait six years for land. That would be too long. People started to argue about land in Western Australia four years ago. They do not want to wait any more years. They want land rights now. He said that it was the right time to talk about land rights. He said that they were equally important to people in the Kimberleys as the treaty. Mr Bieundurry said that people would not mind waiting for another six years for the treaty but that was different from the land rights issue.¹

7.4 Another high priority item among Aboriginal communities is an adequate standard of housing and health and welfare facilities, with the right to operate such services for themselves. We heard frequently in evidence that the need for recognition of Aboriginal culture and traditional law was also a priority. Mr Vincent Forrester, an NAC member from Central Australia, put this view to the Committee in the following terms:

I have been going around communities in the southern part of the Territory to talk to people on Makarrata. So many things came up. To quote one fellow, he said: 'I want to be free like my grandfather and therefore if we want to be free like our grandfathers we have to get rid of the assimilation policy. We have to get rid of all those things which are detrimental to Aboriginal culture and ways by getting back all our traditions and protecting our sacred sites'. A lot of wisdom was spoken in those couple of words ...²

7.5 All these matters are contemplated by proponents of a compact as being contained within its terms. Yet it was put to us on several occasions that the long and complex process of negotiating a compact would be a critical and unwarranted diversion from the urgent daily tasks facing Aboriginal organisations in meeting the immediate concerns of the people for whom they work. This case was put most forcefully on behalf of Central Australian Aboriginal organisations at our hearings in Alice Springs:

We have many urgent problems facing our people and the organisations that support them. Our children die more frequently than yours, our life expectancy is less than yours, a higher percentage of our people are in gaol than yours. We have a lower income and more people unemployed than you. We have to meet racism and disadvantage, often hostile police and other threats to our people. We have limited time, energy and resources and we must allocate them carefully and most effectively. To divert our efforts from our daily, local struggles to participate in the formation of a Makarrata or treaty would require a high level of confidence on our part; an assurance that such an exercise was going to result in something worthwhile - a meaningful advance of Aboriginal people towards self-management of our own affairs.

Nothing in the current proposals for the Makarrata or treaty has given us reasons to have that confidence. We will continue to devote our energy, through our land councils, organisations and federations to counter the effects of miners, pastoralists, the courts, local town councils and State and Commonwealth governments who seek to undermine our people.³

7.6 The Committee accepts the force of these arguments and notes that in its travels it found that many communities and most Aboriginal organisations were indeed pre-occupied with solving immediate problems and either expressed the view that these took clear priority over pursuit of a treaty or, because of the pressing nature of their more immediate problems, they had given no thought to the compact at all. In some communities it was apparent to the Committee that the concept had not yet been heard of. For example the Reverend Jim Downing, Co-ordinator of Community Development with Aboriginal Advisory and Development Services in the Northern Territory advised the Committee in evidence:

I would say that the people here, and especially the tribal people, do not know anything about the treaty.⁴

The Committee sympathises with the view that these organisations, as currently funded and staffed, cannot afford to divert the time and resources necessary for the processes of education, consultation and negotiation which would be involved in the run-up to the finalising of a compact. Such a diversion would be at the cost of their vital role in attempting to raise the basic living standards of the Aboriginal people.

7.7 The issue therefore becomes whether, in the light of this reality, a comprehensive compact ought to be pursued at all and, if so, as an immediate goal, an ultimate goal or contemporaneously with the continuing movement towards such goals as land rights and improved health and general living standards.

7.8 In its second appearance before us the National Aboriginal Conference appeared to be moving towards the position that negotiation of a compact was to be regarded as one of several contemporaneous goals. In response to a question of the priority to be given between negotiation of a Makarrata and the achievement of land rights, this view was put by Mr Rob Riley, Deputy Chairman:

... it means that land rights is a short term goal, it is something that is achievable; it is something that is attractive; it is something that is a very real need; and it is an integral part of the Makarrata treaty. Makarrata is virtually the long term goal. It is something that we have to work upon, that we have to develop as a basis ... for incorporating all the needs of the Aboriginal community right throughout Australia ... If anything, land rights might be emphasised as of being a major concern that has to be addressed immediately and Makarrata is something that continues to develop.⁵

7.9 . It appears to the Committee, upon a consideration of the views put to it, that the preferable objective is to work towards a compact contemporaneously with the resolution of specific issues. Such a compact would go beyond simply being the sum total of a 'shopping list' of demands for compensation, in one form or another, for the injury done to the Aboriginal people since the time of European settlement. It would be the formal symbol, denoting the achievement of a sound footing in the relationship between Aboriginal and non-Aboriginal Australians. It would witness the establishment of a totally new framework within which this relationship would in future be conducted. This relationship would be marked by acts of good faith in relation to specific matters such as Aboriginal claims to land rights, education, housing, health and legal aid, all of which (including those matters in which progress has already been made) would be incorporated within the compact. The compact

would be a recognition that the Aboriginal people have a legitimate right to such claims, not as a disadvantaged group within the Australian community, but as recognised prior owners of the Australian continent. In accordance with this recognition, certain consequences would be seen to flow - set out in the terms granting land rights, compensation and other rights to the descendants of those original owners of the land.

7.10 In the broader context it is useful to set down the underlying objectives which, it seems to the Committee, form the basis of the concept of a compact. With regard to Aborigines and Torres Strait Islanders, their aims can be ascertained relatively easily, as they were consistently raised during the inquiry in submissions, public hearings and discussions. They include:

- (a) Recognition of Aborigines and Torres Strait Islanders as separate and distinct peoples with their own cultural identity and heritage;
- (b) recognition that they were the prior owners of this country;
- (c) the achievement of justice and equality, and the restoration of dignity to a people who have been progressively annihilated, deprived and dispossessed since 1788;
- (d) the achievement of self-determination;
- (e) reparation and compensation for past injustices including the restoration of land and compensation for loss of land unable to be restored;
- (f) restoration and protection of sacred sites and of items of religious or cultural significance; and

- (g) the right to adequate housing, a reasonable standard of education and an adequate level of health care, commensurate with the rest of the Australian community.

7.11 As for the aims of the non-Aboriginal community they could be said to include at least the following:

- (a) Recognition on the part of non-Aboriginal Australians of the grave injustice which has been perpetrated against Aboriginal people since the beginning of European settlement and of the consequent need to remedy the effects of that injustice;
- (b) the promotion of social harmony and stability within Australia; and
- (c) the improvement of Australia's standing among other nations in respect of the treatment accorded to its indigenous inhabitants.

7.12 The emphasis given to each of these objectives varied according to the organisation or community and the geographic area concerned. Nevertheless their essence can be simply stated: proponents of the concept of a compact consider that the current relationship between the Aboriginal and Torres Strait Island community and the rest of the Australian community is inequitable, unjust and immoral. Accordingly, they seek a fundamental re-appraisal and re-ordering of this relationship, not only to atone for the past but to establish a firm foundation for the future.

Endnotes

1. Evidence, p. 386; p. 388.
2. Evidence, p. 274.
3. Evidence, pp. 251-52.
4. Evidence, p. 86.
5. Evidence, p. 1144.