The Aboriginal Land Rights (Northern Territory) Act 1976 came into force on January 26 of this year, Australia Day - a day commemorating the first fleet's arrival at Botany Bay in 1788 when, under 'white law', the whole continent suddenly ceased to belong to the Aborigines and instead became Crown Land.

The article takes a detailed look at the provisions of this Act and at the Aboriginal Land Rights issue as a whole. It pays particular attention to how the Act affects Aboriginal claims to the land on which uranium has been found in Arnhem Land. The effect of proposed uranium mining on Aborigines is a question which has largely been ignored.

It will be obvious to readers that the article was written before publication of the Second Report of the Ranger Uranium Environmental Commission.

The Aborigines came to this continent from the north upwards of 30,000 years ago. Living solely by food gathering and hunting they established a sustainable way of life in close harmony with the natural environment. They lived well in good seasons; they suffered in bad years.

First and foremost, the Aborigines' link with their land is a spiritual one. As Vi Stanton movingly described to the Ranger Inquiry in Darwin last year: "She (the Earth) is the source of our true beings, our soul and our life .... from her we have our traditional dreaming places, our most sacred areas and the keeping places of our lore."

The commonest form of 'earth link' is between a clan and a particular area of land. (2) Membership of the clan is usually determined by patrilineal descent - that is, a child automatically becomes a member of the father's clan. Aborigines regard the link between a clan and its land as being timeless a link between those living now, their ancestors and their Dreamtime spirit beings.

This spiritual link involves both rights and duties: "The rights are to the unrestricted use of its natural products; the duties are of a ceremonial kind - to tend the land by the performance of ritual dances, songs and ceremonies at the proper times and places."

(3)
Groups which live and hunt together, however, are made up of people from a number of different clans, since marriage cannot take place between man and woman from the same clan.

It has been estimated that about 300,000 Aborigines were living on this continent when Europeans first arrived in 1788. Right up until their first contact with white settlers, Aborigines lived in a manner closely similar to that of their earliest ancestors. What happened when the white people came was succinctly described by Woodward in the Second Report of the Aboriginal Land Rights Commission set up by the Whitlam government in February 1973:

"At the beginning of the year 1788 the whole of Australia was occupied by the Aboriginal people of this country. It was divided between groups in a way that was understood and respected by all.

Over the last 186 years, white settlers and their descendants have gradually taken over the occupation of most of the fertile or otherwise useful parts of the country. In doing so, they have shown scant regard for any rights in the land, legal or moral, of the Aboriginal people.

There are now about one hundred white citizens of Australia for every one Aboriginal or part-Aboriginal (i.e. there are approximately 160,000 people of Aboriginal descent).

These basic facts and the human tragedy they represent are, I believe, not sufficiently understood by the Australian community."

ABORIGINALS AND MINING

Old attitudes die hard and the colonisation of Aboriginal land, such as there is remaining, continues to the present day. The most recent wave of invaders has swelled over the past 25 years, as mining companies have penetrated previously remote regions, mainly in the Northern Territory and Queensland, in search of the mineral ores for supplying metals to the world's expanding industrial economies. This wave now threatens to reach a new peak with the discovery in the Alligator Rivers region of the NT of vast uranium deposits, on land claimed by Aborigines and only a short distance from an existing Aboriginal settlement, Oenpelli.

For an understanding of the origins of the Aboriginal Land Rights movement, the reaction of Aborigines to the Land Rights (NT) Bill passed by the Fraser government in December 1976, and also their determined stance against uranium mining, it's essential first to review some examples of what mining ventures have done to Aboriginal communities in the past.

Bauxite Mining on Cape York Peninsula

The West side of Cape York Peninsula contains the largest known deposits of high-grade bauxite in the world. Here also there used to be three Presbyterian missions and Aboriginal Reserves: in the north, Mapoon, then Weipa and Aurukun in the south (see map). The missions had been founded at the end of the last century in an attempt to control the conflict between Aboriginal people and white settlers. The cattlemen, Jardine and Kennedy, had killed 250 people from the Batavia River (inland, south-east of Mapoon) alone.

The missionaries set out quite deliberately to 'civilise' the Aboriginal people. They did not succeed as efficiently as it might appear, for it was as late as 1957 that the last of the Aboriginal groups living near Aurukun was settled at the mission.

By the 1950s the bauxite deposits in this area began to be attractive to mining interests. 1957 saw the Comalco Act, giving control to the company over more than 5,000 sq. km. of reserve land on the west coast of Cape York - from 60 km north of Mapoon to the Aurukun settlement. In 1965 Alcan got a lease on 1300 sq. km. of the Mapoon people's land.

Weipa.

After much negotiating between Comalco, the Presbyterian Church and the State Government, the Weipa people were finally allowed to remain near the mission site, on a tiny 308-acre Weipa South reserve. They lost almost all their land, for the dubious benefit of living near the Comalco mining town. Comalco has paid some $500,000 to finance housing, electricity and so on for the Reserve, out of pre-tax profits of over $160 million to 1974.

Let's look at the benefits that Comalco
have brought to Weipa. The main things claimed to come out of Comalco's mining operations were good housing, employment and education.

Comalco provided only $300,000 for the resettlement of the Weipa people - enough for 62 homes at $4,840 each. (At the same time Comalco was building white miners' family houses at $28,000 each.) The money did not run to wash basins, sinks or internal painting, let alone laundries or sewerage. Most important of all, the Aborigines who had built and owned their houses at the Mission, now no longer owned the houses in which they lived.

Employment? Until recently, Comalco never employed more than about 20 Aboriginal people on a permanent basis. Rather the Company had at its disposal a pool of reserve casual labor. Further, Comalco has avoided offering training to potential workers. Instead of building a trade school as promised, a pre-school was built with government assistance.

In other words the Weipa community lost its land with no thought of royalties or compensation to become a fringe settlement, dependent on Comalco as much as the Queensland Government. The process was aptly described by Frank Stevens as 'pauperisation'.

**Mapoon**

The Weipa community were at least partly rehoused by the company. Mapoon people have lost their land, and were even forced by armed Queensland police to leave their homes at the Mapoon settlement in 1963. The police then burnt the people's homes and belongings. (7) There was no compensation, royalties or recognition of the Mapoon people's rights. The company even refused to aid the resettlement of the Mapoon people at Weipa South, Thursday Island and Bamaga.

The people were forcibly evicted by a coalition of interests: the mining companies who needed as much control over the land as possible (especially with the bay near Mapoon as a possible port site); the church authorities who wanted to rationalise their operations, because they were unable to finance Mapoon as a 'modern mission'; and the Queensland Government to whom Mapoon was not only an embarrassment on Comalco land but also did not fit in with their assimilation policy.

A more recent development is that in 1974 the Mapoon people decided to resort to direct action and moved back into Mapoon to re-establish their community there. (5)

**Aurukun**

Aurukun in the south lost over 750 sq.km. of Aboriginal land to Comalco, the lease extending all the way south to the mission site. The mission was not directly affected and no mining has taken place so far. Comalco is just starting to move onto Aurukun land this year.

In late 1975, however, the Aurukun community began to feel the power of the mining companies. Just after the removal of the Whitlam government in November 1975, the Queensland Government rushed through a mining lease to Aurukun Associates - a consortium of Shell Oil's subsidiary, Billiton, the European company Pechiney, and the US land corporation, Tipperary.

The decision to grant the lease over 1800 sq. km. of Aboriginal Reserve land was taken in complete secrecy; not only were the Aboriginal people not consulted, but the Presbyterian Church and Federal Government were also kept entirely in the dark. Public protest and exposure forced the Queensland Government to allow the companies to negotiate with the Aurukun people - negotiations which they have shown little sign of taking seriously. The companies have what they want: a legal hold over the bauxite fields. Now they can afford to wait.

In short the bauxite mining companies' entry to Cape York Peninsula has meant a new stage in the colonisation of the Aboriginal people. The missions and reserves settled the people, setting out to destroy their original economy and culture. But now the mining companies are taking the land to which the people belong - they are taking away their potential economic independence, their future as well as their past.

**Nabalco on the Gove Peninsula**

On 30 May 1969 the Commonwealth of Australia granted a lease to Nabalco Pty. Ltd. (70% owned by Swiss Alumina Aust. Ltd., 30% by an Australian company, Gove Alumina) for the mining of bauxite on more
than 20,000 hectares of land on the Gove Peninsula, the traditional land of the Yirrkala Aboriginal people (see map). There was also provision for building a mining town, Nhulunbuy, nearby.

The mining company and the Government regarded white people at the Yirrkala mission as representatives of the Yirrkala people, and proceeded to appropriate, by legislation, of course, the land they wanted, without consent of the Aboriginal community(8). The mission put in representations on behalf of the Aborigines opposing the development, but these had no effect and Nabalco’s mining operations began.

However, the Yirrkala people did not give up that easily, and looked to the law for protection. In 1971 a number of their people brought a court case against Nabalco and the Commonwealth, seeking a declaration from the court that the Yirrkala people should be entitled to occupy and enjoy their traditional land free from interference, and also that they had rights to the bauxite and other minerals in that land.(9).

Their legal counsel tried to bring out and dust off the ‘doctrine of native title’ from the attic of British Common Law to prove their claim. Judge Blackburn, however, rejected the arguments, finding in Australia “a long succession of legislative and executive acts designed to facilitate the settlement and development of the country, not expressly by white men, but without regard for any communal native title.”(10)

Gordon Briscoe, an Aborigine who testified at the Ranger Inquiry, describes Blackburn’s judgment against the Yirrkala people as a “humiliation”, and says “it will go down in Aboriginal folk-law as the day that indicates that the law is a ‘white law’.”(11)

It is interesting to note that senior counsel for the Yirrkala people in this legal battle was A.E. Woodward, who was later to head Labor’s Aboriginal Land Rights Commission.

Given the go-ahead by the judgment Nabalco proceeded with its bauxite mining and set up a plant for refining the raw ore to alumina. The population of Nhulunbuy has grown to about 3,500 people. Meanwhile, as Briscoe has said,(12) comparing the promises of the uranium mining companies now with those earlier promises of Nabalco: “The same arguments were put forward then that mining will bring employment and royalties (to the local Aborigines). All that has happened is that the culture has been destroyed by population pressures, alcoholism and loss of control by tribal elders”. Woodward in his second report on Land Rights in 1974 noted that Nabalco “apparently as a matter of policy, employs and trains practically no Aborigines”(13).

And it is not just that mining has had such a devastating effect on the Yirrkala people, as if that was not enough. It has also had a terribly destructive effect on the local ecology of the area. In 1974, referring to the red-mud effluent from the alumina plant, Woodward stated that “Already a substantial area of swampland is covered by this material which is obviously deadly to all living things”. He further noted that Nabalco was seeking further land for the disposal of this waste.(13)

The generation of this waste and pollution from the Nabalco refinery also rebounds back on the Yirrkala people. Traditionally they had been heavily dependent on the sea as a source of food, and a number of cases of fish-poisoning at Yirrkala have been reported.(14)

Wallaroo and Leonora

Similar tales of destruction can be told about other areas where the miners have moved in to dig up Aboriginal land. Gordon Briscoe described two more examples to the Ranger Inquiry as follows:(15)

“At Wallaroo (SA) copper mining has been fundamentally responsible for the dispossession and destruction of Aboriginal law and the creation of a fringe society. The
people at Point Pearce (SA) have never recovered their dignity and pride. At Leonora (WA) similar patterns of social destruction have arisen ... Because gold suffered more than copper from world market price fluctuation ... a ghost town is all that is left. There a history of brutal racism has left the previous indigenous population squashed onto Government settlements in subservience to the NATIONAL INTEREST" (his emphasis).

THE GURINDJI SHOW THE WAY

Two events in particular spurred Blacks throughout Australia to combine in a national struggle for land rights.

In August 1966 about 170 Gurindji people walked off Wave Hill Station, a Vestey property in the NT, and set up camp at Wattie Creek, in protest against their poor living conditions and bad treatment on the Station.(16) (The Gurindji finally won their fight in 1975 when they were handed a lease for their tribal land by Gough Whitlam).

Secondly the loss of the Yirrkala people's case against Nabalco and the Commonwealth in 1971 showed Aborigines throughout Australia that they would have to extend their struggle for land rights into the political arena if they were to stand any chance of realising their aims.

Consequently, in January 1972 the Aboriginal Embassy was set up outside Parliament House in Canberra, one of the principal demands being for land rights. This bold action brought at least one quick result, since on 9 February 1972 Mr. Whitlam said that if the ALP got into government it would "establish community ownership of land in the Northern Territory by identifiable (Aboriginal) communities or tribes". Thus when Labor came to office in November 1972, land rights was a key part of their legislative programme, and in February 1973 it appointed Mr. Justice Woodward as a single-person Commission to inquire into and report on:

"The appropriate means to recognise and establish the traditional rights and interests of the Aborigines in and in relation to land, and to satisfy in other ways the reasonable aspirations of the Aborigines to rights in or in relation to the land". (17)

WOODWARD REPORTS

The first report of the Woodward Commission was issued in July 1973. One of its main functions was to suggest that the Federal Government set up two Aboriginal Land Councils for the Northern Territory, a Northern Land Council based in Darwin and a Central Land Council based in Alice Springs. Woodward suggested that these Land Councils should be comprised of Aborigines representing the various Aboriginal communities in their respective areas, and that the Government should pay for independent legal advice for each Council. The Councils were intended to encourage discussion of the land rights issue among Aborigines, to collect opinions from the various communities, and relay this information to the Woodward Commission to assist it in the formulation of its final report.

These two Land Councils were subsequently set up, and they have continued in existence as Aboriginal bodies pressing hard for action on land rights issues ever since, often to the embarrassment of the Federal Government.

The Second Woodward Report, released in April 1974, made the following principal recommendations:

- That all Aboriginal Reserve land in the NT be handed over freehold to Aboriginal people.
- That the title holders of the land transferred should be Land Trusts comprised of Aborigines nominated by the community council of the people living on that land, and/or the Land Council for that region.
- That vacant Crown land should be handed over only if the Aboriginal people could prove traditional ownership or if some Aboriginal community required it to live on.
- That land already alienated (i.e., owned, or rights to it owned) could be purchased for its traditional Aboriginal owners if it was for sale.
- That minerals in Aboriginal land remain the property of the crown, but the Land Council for that region could, on behalf of the traditional owners, refuse consent for exploration and mining of
minerals, provided it did so before exploration started. This veto could only be overruled if both Houses of Parliament voted that it was in the national interest that this mining venture should proceed.

- That all royalties and payments in connection with mining should be used for the benefit of Aboriginal people, and be divided up between Land Councils, the local communities involved and an Aboriginal Benefits Trust Fund.

Most of these recommendations were well received by Aborigines, but there was one area in particular where there was widespread dissatisfaction - that concerning mineral rights. (18)

Realising that the new ‘minerals rush’ by Governments and mining companies posed perhaps the greatest threat to the future existence of Aboriginal communities in the Territory, both the Northern Land Council and Central Land Council placed strong submissions before Woodward asking for an ‘absolute right’ to all minerals, including gas and oil, found in Aboriginal soil. The NLC followed this by saying: “We believe that any attempt to compromise in relation to this question of mining or minerals may largely undo the benefits of granting to them ownership of their land.” (19)

Of course, Woodward did compromise and knocked back these requests. As a judge steeped in the tradition of British law, according to which all minerals in land which comes under the Crown’s jurisdiction remain the property of the crown, he could presumably accept no other option - even though the Aboriginals’ occupation of their land for upwards of 30,000 years before the white people came, and the fact that mining ventures are so destructive of their land and culture, surely established grounds for a break with tradition in this case.

To Woodward’s credit, however, he clearly intended that the Government should only over-rule an Aboriginal veto on a mining venture in extreme circumstances. He states in his Second Report (20): (“Aborigines’) views could be over-ridden if the Government of the day were to resolve that the national interest requires it. In this context I use the word ‘required’ deliberately so that such an issue would not be determined on a mere balance of convenience or desirability but only as a matter of necessity”.

So in the present case of uranium mining in Arnhem Land, where there is certainly no ‘necessity’ for mining to go ahead (and even monetary benefits would only amount to 0.5% of national income at best (21)) then we would interpret Woodward as meaning that, if the Aborigines said no to mining, then the Government would have no grounds for over-ruling their veto. (But as we shall see later, the Aborigines won’t even be given the chance to exercise a veto on uranium mining, which makes this finding somewhat academic!)

The trouble is we have to ‘interpret’ Woodward on this highly contentious question of what is in the ‘national interest’. If he really wanted to protect Aborigines from mining developments he should have spelt out in much greater detail what he meant by the term. Because, as we have seen with both the Woodward Reports and the Fox Report, as soon as the report of a Commission is released it becomes a political document, to be cut, stretched and twisted to whatever shape the various parties desire. With a Liberal/National
BLACK MARKS FOR MINERS

Location of resources and Aboriginal communities affected.
Country Party Party in power, and the Australian and foreign mining interests group, the Australian Mining Industry Council, working away behind the scenes, 'national interest' can all too soon be reshaped into 'multinational interest'.

Another weakness of the Aboriginal veto over mining as proposed by Woodward was that it had to be exercised when an exploration lease was being sought, or not at all; thus Aboriginal consent to exploration for minerals entailed a consent to any mining which eventuated later, provided the mining proposed was in substantial accordance with the proposals submitted to the Aborigines before exploration.

As Geoff Eames, solicitor to the Central Land Council has noted(22): "... very considerable difficulties ... will face Aborigines to reach an agreement at the exploration stage which provides for all the possibilities which may occur after exploration has been completed". After all, if a mining company knows all about what it is planning to do before exploration, why bother to explore? Unfortunately this weakness, and the others mentioned, in Woodward's original recommendations have been carried over into all the land rights legislation proposed since.

LAND RIGHTS LEGISLATION

Nearly all of Woodward's recommendations were incorporated into the Aboriginal Land (Northern Territory) Bill 1975 presented to Parliament by the then Labor Government on 5 November 1975. The Bill had a very short life since the Labor Government were removed from office only six days later.

The Labor Land Rights Bill was opposed by the Liberal/Country parties and when they came into office they set about amending it. When they presented their own Bill to Parliament in June 1976, the Bill was described as a 'sell-out' by Land Rights groups throughout the country. Under this new Bill, Land Councils, which had proven such effective advocates of the Aboriginal cause in the past, were to be stripped of practically all their powers and finance; the Country party dominated NT Legislative Assembly was to be given the power to make laws concerning Aboriginal land and right of Aborigines to enter pastoral properties; and most alarmingly, the Federal Minister responsible for Aboriginal Affairs could him/herself over-rule an Aboriginal veto on a mining venture in the 'national interest' without even airing the matter in Parliament.

Only now, however, is the true measure of this Bill becoming apparent. Indeed, it did return to most of Woodward's recommendations, as they are outlined earlier in this article. Land Councils were retained, though doubts about their funding remain; the NT Legislative Assembly's powers over Aboriginal land were cut back somewhat compared with the first Liberal/NCP Bill; and the Aboriginal veto over mining returned to its Woodward form - i.e., over-ruling in the national interest was subject to disallowance by either House of Parliament.

But as argued earlier, the Aboriginal veto over mining suggested by Woodward had serious weaknesses as it was. And just in case these weren't enough, some of the late amendments to the December 1976 Bill ensured that the Aborigines had no power of veto at all over practically all the major mining, and oil and gas, ventures at present contemplated on land claimed (or which will be) by Aborigines in the Territory. We will deal with the uranium mining case separately; first of all, though, let us look at all the other proposed developments.

ROLLING IN THROUGH THE DOORS

One sub-clause 40(5), in the Land Rights Act provides a convenient loophole through which any company that has already been granted a lease for oil or gas exploration on land claimed by Aborigines can now go ahead with any further developments without Aboriginal consent. This means that the oil and gas deposits at Mereenie which Magellan Petroleum Pty. Ltd. are seeking to exploit, and the deposit on Aboriginal land at Palm Valley discovered by Palm Valley Oil and Gas, can both go ahead whatever is said by the Aboriginals claiming this land.

Another sub-clause, 10(3), under which any mining lease granted before the date of commencement of the Act or "in pursuance
of an agreement entered into by the Commonwealth before that date”(23), sees to it that Mt Isa Mines are not prevented by Aboriginal opposition from digging up the 1,000 tonnes of silver, lead and zinc 45 km south of Borroloola on the McArthur River (see map). The plan is then to pipe this fine-grained ore to the Sir Edward Pellew group of islands for shipment.

On a visit to Sydney last August to draw attention to the plight of the Borroloola Aborigines, one of their spokespersons, Jack Isaacs, repeated a familiar story: “The pipeline hasn’t gone through yet, but if it is built it will go through our sacred lands. Our whole community - and the old people - they worry about that. They want to put mining on our tribal land and we don’t like it ... Somebody ought to stop it”.(24)

The Fraser Government played a direct role in removing the right of the Borroloola people to say no to this mining development. In July 1976 the Government instructed the Interim Aboriginal Land Commissioner appointed by the previous Labor Government, to stop hearing the land claim of the Borroloola people. Geoff Eames, solicitor for the Central Land Council, continues the story:

“After the order from Fraser to stop the hearing of the Borroloola cases, the Commonwealth entered into an agreement with Mt. Isa Mines Ltd., the terms of which are still secret but which one can reasonably assume provided a right of a lease and a guarantee of mining in the area ... It is quite obvious to me that the biggest mine in the NT was going to receive the protection some Liberal speakers in the House of Representatives’ debates felt it deserved”.(25)

As Geoff Eames told us recently when we phoned him in Alice Springs, “The mining companies are now rolling in through the doors. The land rights legislation is a start, but I’m afraid it’s all we’re going to get for a long time”.

Finally it should be stressed that the 1976 Land Rights Act only applies to the Northern Territory. Other land-rights legislation has been passed over recent years in each State, except Queensland, but all of it is very limited in extent. The need and struggle for genuine land rights continue - not only in the NT but throughout Australia.

**LAND RIGHTS AND URANIUM MINING**

Let us now look at how the Land Rights Act 1976 safeguards the rights of Aborigines who are claiming the land containing the uranium deposits in the Alligator Rivers region of the NT (see map for their location). The short answer is that it doesn’t. Again escape clauses in the Act see to it that only one, or possibly even none, of the proposed uranium mining developments can be held up by an Aboriginal veto, should the land come under Aboriginal ownership in the future. So far as the land rights question is concerned, the Act gives a bright ‘green light’ for mining and no doubt the Fox Commission will be unwilling to adopt a tougher line to protect Aboriginal interests.

It is important to note that all the main uranium deposits in the Territory are on land currently subject to Aboriginal claim to ownership under the Act. On behalf of the traditional Aboriginal owners, the Northern Land Council are putting before the Fox Commission a claim for land in the Alligator Rivers region as shown on the map. The Fox Commission has been empowered by the Land Rights Act to deal with claims involving the Ranger project area. The NLC claim includes the land occupied by the Ranger, Koongara and Jabiluka uranium deposits, and the site for the proposed mining town. The NLC are suggesting that this area which also encompasses the proposed Kakadu National Park, should be jointly managed by Aborigines and the National Parks Service, under Aboriginal ownership.

The other major uranium deposit, at Nabarlek, is within the present Arnhem Land Aboriginal Reserve which will come under Aboriginal ownership directly under the terms of the Act.
Ranger

The Ranger project itself, managed by Ranger Uranium Mines, is specifically exempted from any Aboriginal veto by sub-clause 40(6) of the Land Rights Act. From the miners' point of view this is just as well since the 25 descendants of the original owners of this area have a very strong claim to this land which Mr. Justice Fox will find hard to deny. (27)

The traditional owners are particularly concerned that two sacred sites on the nearby Mt. Brockman escarpment will be desecrated or physically damaged by blasting at the mine, if the Ranger project goes ahead.

The sites are Djidbidjidbi, a sacred presence taking the form of a big quartzite boulder on the rubble slopes; and Dadbe, the Rainbow Snake, a deep rock hole with permanent water on which blue water lilies float, on top of the escarpment at the north-west tip. (28) The Aborigines say that if Dadbe or Djjidbidjidbi is desecrated so the whole country will be wiped out. Currently there is a token fence across the track leading to the sites on Mt. Brockman but when the Ranger Inquiry visited the area it was discovered that someone had run right through the fence with a truck. (28)

Jabiluka and Koongara

The neighboring deposit, Jabiluka, for which Pancontinental Mining Ltd. holds the exploration licence, is not subject to Aboriginal veto because the company applied for mineral leases before June 4, 1976, and this is thus exempted by sub-clause 40(3) of the Act. Noranda Australia which holds the exploration licence for the Koongara deposit could presumably have taken the same course of action, but our information at the time of going to press suggests that this company was not quick enough off the mark to exploit the veto-exemption the government was offering.

Nabarlek

Queensland Mines at Nabarlek, however, did get their mineral-lease application in before the June 4, 1976 deadline, and is therefore exempted from any Aboriginal veto another blow to the traditional owners of Nabarlek who have been battling against the company since it first discovered uranium there in 1970. (29)

Queensland Mines was off to an especially bad start here. Early on, when prospecting, one of their drilling teams sank an exploration hole within the area of the Gabo Djang (Green Ant) sacred site, without consent of the Aboriginal owners at the Oenpelli Settlement. This was regarded as an act of desecration. To the Oenpelli people, the green ant nests in the large boulders at this site are sacred, and they believe that if the ant eggs are broken by human action, dire consequences will come to all people.

When Queensland Mines sought further leases in the area, the Oenpelli people objected, but finally compromised on an area of possible mining which they believed protected the Gabo Djang site. Later, in 1972, however, they discovered that the company had misled them in its description of the location of the ore body, and they withdrew their approval. (30)

Woodward in his second report described the next development as follows: “On 26 July 1973, Queensland Mines made the Aborigines an offer which I can only describe as contemptuous, which amounted to arranging the sale to them of 173,040 shares in the company at the then full market price of $1.70 per share. The offer was rejected by the Nabarlek Aborigines.” (31) In February 1974 the company made another offer including a lump sum payment of $600,000, but this was also rejected.

Woodward went on to say that “... it is to my mind unthinkable that a completely new scheme of Aboriginal land rights should begin with the imposition of an open cut mine right alongside a sacred site.” (32) and he recommended that “Queensland Mines should not be permitted to develop mineral deposits in the Nabarlek area without Aboriginal consent.” (33)

We feel it is significant here that Woodward did not add the rider - “unless the Government decides that the national interest requires it”. We trust that the Fox Commission feels bound by this unequivocal recommendation of an earlier Royal Commission.

In May 1974 Queensland Mines began an advertising campaign in national
newspapers designed to discredit the Oenpelli people and force them to withdraw their opposition to mining. The text of one large ad in The Australian (May 13,16, '74) read: "50,000 Australians (Qld. Mines Shareholders) demand equality with Aborigines. The uranium cannot be mined because a small group of Aborigines now say they don't want it mined .... Has someone told them they might get the land and the uranium - and be able to sell to the highest bidder?"

Under this and other pressure, the Nabarlek Aborigines eventually did 'consent' with Queensland Mines about the development of the Nabarlek ore body. But this consent must be seen in the light of recent statements by the Oenpelli people that "Aborigines have recognised the inevitability of mining". (34) In other words, even if they said no, they know that mining would go ahead anyway. As Mr. S. Maralingurra said during a recent Oenpelli Council discussion: "balanda (white men) push, push, push - soon pubs everywhere and they will kill the race - look at the Larrykeahs, Darwin is their country and they are living on the tip." (34)

Basic Opposition to Mining

Both the Northern Land Council (NLC) and the Oenpelli Council expressed their basic opposition to uranium mining in their final submissions to the Ranger Inquiry. (36) They fear the destruction of their land which will result from mining, and the likely desecration of their sacred sites. In addition, they fear the effects on the local Aborigines - mainly the 600 people at the Oenpelli settlement - of such a vast mining development on their doorstep. The proposed mining town with a population of more than 15,000 would be less than 60 km. from Oenpelli; some mines would be even nearer.

Silas Roberts, Chairman of the NLC, said of this town: "It will do nothing for us, only hurt us. Drink and men looking for girls and everything. We want to keep this city a long way from our land and particularly our sacred sites." (37)

However, in the final parts of their submissions to Ranger, both the NLC and the Oenpelli Council show clearly they believe mining will take place whatever they do, and they outline suggestions for reducing its impact on Aborigines and their land. Unfortunately, these 'compromise' proposals are likely to be seized upon by the Fox Commission as a way around Aboriginal opposition.

In short, about all the Aboriginal Land Rights (NT) Act 1976 will do for Aborigines so far as uranium is concerned is to guarantee them compensation - monetary compensation, of course. To this Silas Roberts of the NLC has the poignant answer: "It is only when we lose our land and our culture that we have a greater need for money." (38)

ABORIGINES AND ALTERNATIVES

Even if the Land Rights Act is in reality another 'sell-out', there is a very positive development emerging mainly as a result of Aborigines' struggle for land rights - a rediscovery by Aborigines of their identity and a regaining of their confidence. This was illustrated recently at a National Land Rights Conference in Sydney when the
following statement by Wesley Wagner Lanhupuy from Arnhem Land was acknowledged with unanimous applause:

"I accept Aboriginal as meaning the original people of Australia who have been separated into those at the top and those down here by the whites when they first arrived. It doesn't matter if you are half, three-quarters, quarter or full-blood in the amount of your Aboriginal blood, even if you have some small amount of Aboriginal blood in you, we of the NT accept you as Aboriginal. Aborigines - whether URBAN or TRIBAL - who have a spiritual awareness of themselves as Aborigines and identify themselves as Aborigines are Aborigines."

There is also the growing demand among Aborigines for self-determination - the right to determine their own future. And here there is a confluence of interest with all those white 'alternativists' who are seeking an alternative to the materialistic environmentally-destructive Australian society of today. We too are seeking a devolution of centralised political power so that smaller regions and the communities within them can have a much more direct say in the running of their own affairs - economically and politically. In this search we have much to learn from Aborigines, who have been friends of this earth for much longer than we have.

John Andrews
Pat Mullins
Don Siemens
Mark Carter
Lyndon Shea

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CLASS ANALYSIS CONFERENCE 1977

Plans are underway to hold a third conference on class analysis in Sydney from 28-30 October 1977, on the general theme of ....

THE CURRENT RULING CLASS OFFENSIVE

Five areas have been proposed for the conference program of plenary and workshop sessions.

1. The ruling class offensive in its historical context.
2. The class relations of Australian capitalism.
3. Australia and world capitalism.
4. The agents of social change.
5. Ideology, cultural dominance, and the media.

In the months preceding the conference, working groups will be structuring the conference program in these areas.

If you are interested in working with any of these groups or in offering a paper please make contact with:

Colin Gray and Baiba Irving, 10 Burton St., Glebe, 2037. 660.1461.
Terry Smith, 33 Elliot St., Balmain, 2041. 827.2164.
Warwick Richards, 205 Young St., Annandale, 2038. 660.5379.