

Still fighting



First day of the Aboriginal Tent Embassy outside Parliament House in Canberra on 17 January 1972. Left to right: Billy Craigie, Bert Williams, Ghillar Michael Anderson and Tony Coorey. Image courtesy The Tribune

Not many people know that 70 per cent of Australia is legally First Nation. We all know that the High Court Mabo decision ended the notion of 'terra nullius', land belonging to no-one, so that First Nations own all of the Australian land mass and adjacent islands.

Under the occupying colonial regime, however, acceptance of this fact is a hard-fought struggle, still in process.

Nevertheless substantial gains are being made on paper, but in reality self-determination and self-governance of the lands is elusive.

Are you aware that the Indigenous Estate is made up of a hidden fact?

First Nations Peoples have a legal interest in over 70% of Australia's landmass.

How is this possible you may ask? In short, I will describe how this was achieved.

Office of Aboriginal Affairs

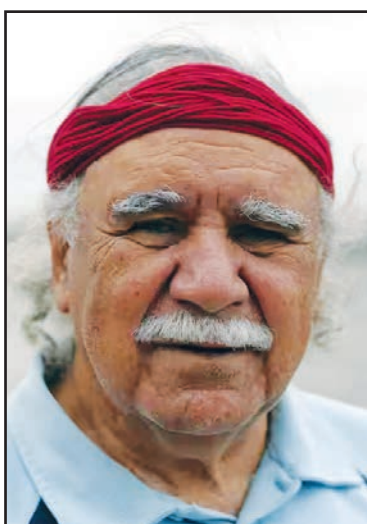
Beginning in 1969 the Commonwealth Government set about addressing the needs of Aboriginal Peoples, while maintaining a commitment to absolute assimilation.

The Commonwealth process was to establish the OAA, the Office of Aboriginal Affairs. This Office was on the first floor of the Commonwealth Bank in Civic, Canberra.

The officers appointed, who are now passed, were Dr HC 'Nugget' Coombs, Bill Stanner, anthropologist, Barry Dexter, former Australian Ambassador to Laos, Jeremy Long, former Northern Territory Patrol Officer, and his boss Frank Moy, who was the last Protector of Aborigines in the Northern Territory.

Charles Perkins was the Research Officer at the OAA.

Reg Saunders and Margaret



GHILLAR MICHAEL ANDERSON

Lawrie were the Aboriginal Liaison Officers.

Under this OAA the Commonwealth provided money in the form of a land acquisition fund which Nugget Coombs and the OAA authorities controlled.

History shows that the Liberal McMahon government, after 1972, began buying land in the Northern Territory for Aboriginal people. These purchased lands were then leased to a corporation made up of clan owners.

White managers were engaged to run these pastoral companies, without the consent from the clans.

The details of these lands, their management and their profits are unknown to the public, with all the knowledge being controlled by government agencies.

Significant lands and properties were bought with this land purchase program, consisting of very large cattle properties in the Gulf area of Queensland, Western Australia, and South Australia, where the OAA argued the 'real' Aborigines live according to their

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law and custom.

Then in 1973, the OAA was replaced by the Department of Aboriginal Affairs (DAA).

Department of Aboriginal Affairs

The DAA continued the policy of land acquisition with a slight variation.

The Whitlam government introduced, by legislation, the Bureau of Northern Land Council (NLC), which had the power to claim land in the Northern Territory, through the Federal Court system.

The problems that arise with this are the restrictions and veto powers that are within the Act, whereby they created a power for the Land Council representatives, then centralised a significant power, not with the representatives, but with the CEO, a high-level mission-manager approach, which removed the absolute power from the nominated representatives who sit on the Bureau of Northern Land Council.

In 1980 the Aboriginal Development Commission (ADC) was established and developed the home ownership program; a land purchase division; and the ability to acquire and fund commercial businesses.

Aboriginal and Torres Strait Islander Commission

The ADC later merged with the DAA to form the Aboriginal and Torres Strait Islander Commission (ATSIC), which included the advisory functions of the National Aboriginal Conference (NAC).

Anangu Pitjantjatjara Yankunytjatjara Land Rights Act

Then in 1981 South Australia created the APY Act [Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 amended 2005] and gave back to the APY Peoples one eighth of the total land mass of the state.

Raukkan on Lake Alexandrina and Ngarrindjeri lands on the lower Murray and Lake Coorong are administered through self-governance.

New South Wales passed legislation establishing the Aboriginal Land Rights Act 1983 (NSW).

NSW Aboriginal Land Rights Act 1983

The Acts, however, contain severe limitations on effective self-determination.

In NSW only 3,000 hectares of former Aboriginal reserves were

returned to Aboriginal ownership, while 33,000 hectares of former reserves were removed from the original estate, to remain in white hands under the Crown Lands (Validation of Revocation) Act 1983 (NSW).

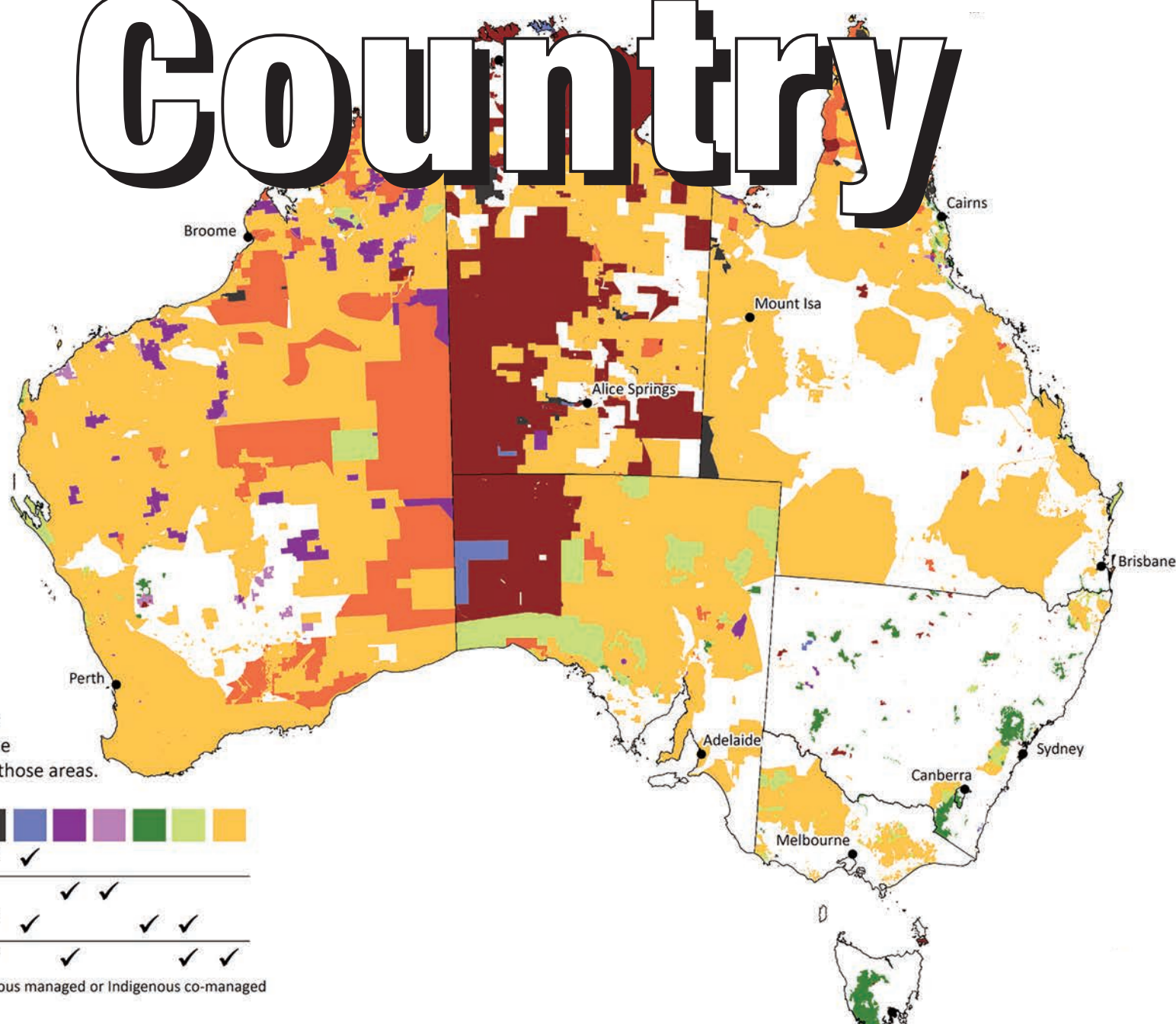
The Aboriginal Land Rights Act 1983 (NSW), however, permitted vacant and unused Crown Lands to be claimed by the Aboriginal Land Council system, which has been partially successful, but the NSW Lands Department has procrastinated through its unwillingness to process in excess of 28,000 claims in an appropriate time frame.

Another example of limitations is that Local Aboriginal Land Councils in New South Wales, who own millions of dollars in assets, receive a total sum of \$160,000 per year from the State Aboriginal Land Council to manage and provide for the local membership's diverse needs.

QLD Deeds of Grant in Trust

In Queensland the reserve lands are now owned by the people and in some areas the former reserves are now classified as Local Government Areas, where they elect their own Council to manage and control these reserves, subject to the Local Government Act 2009 (Qld).

for Country



Other areas remain classified as 'DOGITs', that is the land is held by the Aboriginal people by way of 'Deeds of Grant in Trust'.

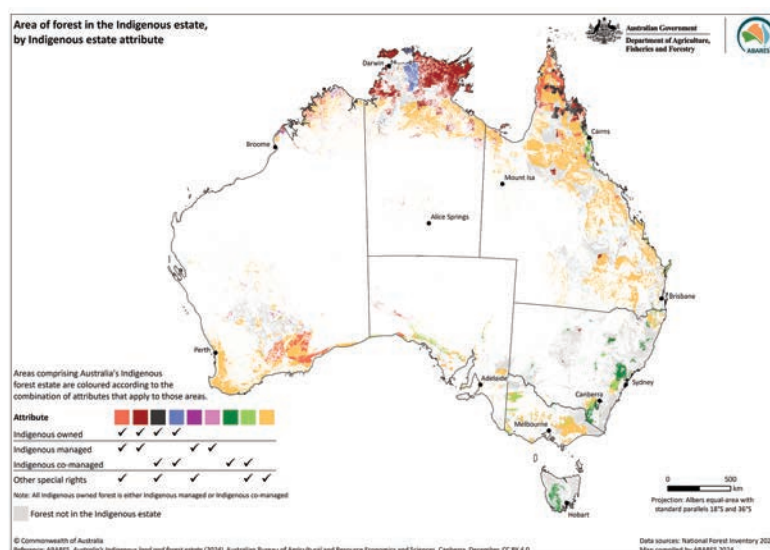
Indigenous Land and Sea Corporation

Then there are the lands purchased by the Indigenous Land and Sea Corporation (ILC/ILSC) since 1973. The land purchases by the ILC/ILSC vary across the country. Recent appraisals of the success of the purchases is somewhat mixed in the sense that the political affiliations with the traditional land owners and the personalities administering the ILSC determine the security and success of the Traditional Owners in occupying, owning and managing the properties.

Entire Indigenous estate land

The Indigenous estate land attributes are as follows:

- Indigenous owned: freehold land or forest that is owned by Indigenous communities, or land or forest for which ownership is vested through other mechanisms
- Indigenous managed: land or forest that is managed by Indigenous communities
- Indigenous co-managed: land or forest that has formal, legally binding agreements in place to include input from Indigenous people in the process of developing and implementing a management plan
- Other special rights: land or forest subject to native title determinations, registered Indigenous Land Use Agreements, and legislated special cultural use provisions.



The Australia's Indigenous land and forest estate (2024) dataset shows that a total of:

- 154 million hectares of land in Australia (20%) is Indigenous owned
 - of this, 24 million hectares is forest
- 192 million hectares of land in Australia (25%) is under some form of Indigenous management, comprising 156 million hectares that is Indigenous managed and 36 million hectares that is Indigenous co-managed
 - of this, 31 million hectares is forest, comprising 20.7 million hectares that is Indigenous managed and 10.6 million hectares that is Indigenous co-managed
- 443 million hectares of land in Australia (58%) is subject to other special rights for Indigenous peoples and communities
 - of this, 62 million hectares is forest.

In unlocking the Indigenous

Estate to release some of the land for economic development and freeing up government and privately-controlled royalty money, there is no reference to who and how the Indigenous Estate will be controlled or protected once exposed.

We cannot permit the failed administrators in the peak bodies to become the new agents of control.

The assets of the Indigenous Estate must become the property of those nations and peoples for whom they were acquired

So the question we all must ask is:

Who controls the Indigenous Estate now and in the future, and how?

Why is it that, generally, the Traditional Owners themselves do not have their names on the title deeds?

If Traditional Owners do have their names on the title deeds. why do government agencies such as

the ILSC retain control over these lands through caveats, which severely restrict First Nations people from growing economically?

Why do the caveats require the approval of these macro-managing agents, who have the final say on Aboriginal Peoples' aspirations, wishes and hopes?

We have capacity to free ourselves from the burden of 'disadvantage' that holds our people in bondage and poverty, if the shackles of administrative control are broken.

I appeal to our First Nations and peoples throughout Australia: We must demand that the federal, state and territory governments dispose of the failed Aboriginal administrators whom they have appointed.

The governments should not fear modern-day advanced thinkers in First Nations communities.

We are very well aware of the failures of the current administrators that are employed in many peak body groups around this country.

This 'Black Wall' that shields governments from the progressive grassroots First Nations thinkers must be dismantled and the monies saved can be best used for the people to address their disadvantages and inequalities.

At present the people have no equity, which means they don't have a say at the top.

This does not mean necessitating a single 'Voice' to parliament.

We are not an homogenous population and each First Nation group has its own aspirations and desires, which means that a one-size-fits-all national policy cannot be successful in addressing the

real issues that confront individual First Nations.

We are First Nations peoples who are believing we govern 'our way', when in fact we are trying to govern 'our way' a white-owned institution, and, yes, most of our people do not have the corporate knowledge and governance expertise at community level.

If governments plan to accede to 'Unlocking the Indigenous Estate' understand this:

We know your trick which is to bring in white administrators, sell off our assets, pay themselves their half-million bill, and then walk away with half a million dollars, plus leaving an empty shell for another blackfella to come in and try and refill the gaps.

We must understand the need.

If you'll pay a white administrator \$400,000 to run Black companies why can't we pay our own the same and attract the best?

I make this appeal to all governments and our peoples – we must take ownership of our own affairs and stop the government from hiding behind the Black Wall that is made up of highly-paid failed Black administrators.

1. The government must detail exactly what the Indigenous Estate is and how it is administered;
2. We must retire the failed black administrators and bring in new blood, new ideas, progressive thinkers to take up the new mantra of achieving true self-determination without restrictions.

**PROFESSOR GHILLAR
MICHAEL ANDERSON**
Convenor of Sovereign Union of First Nations and Peoples in Australia and Head of State of the Euahlayi Peoples Republic.