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Reconciliation is Hollow without Land Justice

Mark Brett

Victoria needs to find new ways to resolve native title claims.

40 Years ago, the Prime Minister Gough Whitlam gave a Gurindji man named Vincent Lingiari a handful of dust, and a lease. “We be mates now”, Lingiari said to Whitlam. These four words represent “a moment of natural grace and dignity without repeat in Australian history” according to Martin Flanagan (writing in *The Age* on 26 August).

Some commentators are now suggesting that the big man gave Lingiari just a handful of dust, and because the Gurindji had walked off the job in their historic protest, they lost their place in the cattle industry. The relationship between Lingiari and Whitlam didn’t deliver economic outcomes, according to the new spin, so it was symbolic reconciliation without practical content.

Similar accusations have been directed at native title, and more recently, even at land rights in the Northern Territory. Of course economic outcomes need to be part of the discussion, but if we also want to talk about reconciliation, then relationships built on justice are fundamental to the process. That’s what Lingiari was saying to Whitlam.

We all know that mature relationships are founded on the right of each person to make their own decisions, yet Governments seem to have trouble applying this principle in Indigenous affairs, even when dealing with Aboriginal landowners or native title holders. Not much reconciliation happens when one side is repeatedly depriving the other side of the right to make substantial choices.

This is not an invocation of ATSIC ghosts, since that particular experiment with self-determination did not pay sufficient attention to the rights of traditional owners. The most comprehensive international studies of Indigenous governance and economic development have demonstrated that governance has to be culturally legitimate, and only when that condition is satisfied will there be substantial economic growth.

The starting point for traditional owners will always be the right to manage their own land, and in contrast to remote Australia, the use of an Aboriginal land base in Victoria would not be hampered by the tyranny of distance. But Indigenous people in this State hold less than .1% of the available land, by far the lowest percentage in all of Australia. And we unlikely to have a land rights act in the foreseeable future, Labor politicians not being what they used to be.

What we do have in Victoria are 18 native title claims, with only two claims determined after more than a decade of over-heated argument and wasted resources. The State Government could resolve these 18 claims by negotiation, as they have

recognized, and resolve them quickly if they offered a package of benefits to traditional owners in exchange for the withdrawal of claims.

What would a package of benefits include? It would include the return of culturally significant land. It would include the co-management of national parks, as is the case at Uluru and Kakadu. It would include the sustainable development of traditional owner corporations, so that they have the capacity to manage their interests in land, cultural heritage and natural resources.

This is not about handouts. We are not talking here about the provision of health, education and community services which are the right of every citizen. This is about land justice and compensation, making sure that traditional owners receive the inheritance that has been wrongfully taken from them.

Aboriginal groups who have maintained a continuous connection with their traditional lands may yet be rewarded with native title, since that is the form of legal recognition we give to peoples who have managed to sustain that connection under the tides of colonisation. But native title does not deal with historic dispossession, and it provides no opportunity to address the fundamental questions of justice.

Three Ministers in the Bracks Government are currently negotiating with the Victorian Traditional Owner Land Justice Group. If that process goes well, there might be some Lingiaris at the end who are willing to say “we be mates now”. If it doesn’t go well, we can expect neither reconciliation nor substantial economic outcomes for Indigenous people.

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<http://www.theage.com.au/news/opinion/reconciliation-is-hollow-without-land-justice/2006/08/31/1156817029999.html>