

Aboriginal Land Commissioner
The Hon. Justice Howard Olney

Katherine Regional Land Council Application

Dear Commissioner

I write to you concerning the application before you for a new Katherine Regional Land Council [KRLC]. I wrote to Minister Macklin briefly about this some time ago, but have received no acknowledgement, so I take this opportunity to write again. I have done research in Aboriginal communities in the Katherine region since 1976. Over that time I have also been involved in many regional investigations and development processes, including land claims, social impact analyses, mining exploration licensing and other matters. I am employed by the [text removed]. I have no specific interest to declare concerning the proposal to form the KRLC, but do so on the basis of my overall experience in the region.

First, on the question whether the qualifying area is appropriate for the establishment of a new Land Council, and whether the proposed groups would appropriately be included in such a Council.

I visit indigenous communities and people in the Katherine area quite regularly (Katherine town, Jilkminggan, Barunga, Beswick, Werrenbun, Kybrook and others). While I have encountered some people in these communities who support the idea of a new Land Council, in my opinion they are by no means a majority in most locations, and in some places they are a distinct minority. In some cases a small number of supporters happen to be quite vocal, but this does not mean they represent majority opinion, were it to be properly canvassed. It is alleged that some of those campaigning for the establishment of the new KRLC have provided gifts and favours to members of meetings convened for the purpose of discussing the proposal, a serious matter which in my view could warrant investigation.

Second, on the question whether the proposed new Land Council would be able to satisfactorily perform the functions of a Land Council. I find it indicative that the Application for the KRLC treats significant issues as if they could be easily and definitively resolved without remainder. Consider the matter of identification of traditional owners. The Application proposes to register (or re-register) the identities of traditional owners within the KRLC area. It treats these identities as if they had been kept a secret. Let us take the example of the Katherine Area Land Claim, which shows some of the complexities.

As a result of the Katherine Land Claim a register of [traditional owners] was established. This was not a 'secret', as the proponent documentation seems to suggest. However, over time the membership of the subsequently established Jawoyn Association has diverged significantly from the original list of [traditional owners], in the main as the result of inconclusive dealings with membership issues and applications by the Association.

The degree of divergence between [traditional ownership] and Jawoyn Association membership has become an issue for many indigenous people. This was also something that [name removed], was concerned to address but did not do so in any definitive way. The situation has drifted; community members exert pressure on the Association to establish clearer policy and implementation of membership issues, yet these remain unresolved.

The Association has commissioned and received advice on these matters (from myself among others), yet has not seemingly considered this advice in a thorough way, much less implemented it consistently. Yet this is the very Association which has offered to administratively shepherd the proposed KRLC through its early phases. There is no recognition that the Association itself is laboring under a considerable burden of problems which it has been unable or unprepared to resolve.

In short, main proponents of the new KRLC come from within the Jawoyn Association; yet do not seem to have any adequate appraisal of the tasks and issues that would be involved, or the expertise that would be required to deal with them. The Application seems to suggest that expertise would emanate from within indigenous communities; and while undoubtedly much expertise is to be found there, the application contains no recognition of the diversity of opinion that exists within communities, nor does it advance any proposals about how this would be dealt with.

Given that several main proponents of the KRLC come from within an Association which is itself struggling to deal with a range of complex issues, and has not yet come to terms with them, I suggest its claims to effectively administer a new and much larger organization, the proposed new Land Council, must be viewed with considerable caution. I have dealt only with a pair of indicative issues, and would be prepared to go into further detail should that be considered useful.

Sincerely yours,

[Name removed]