

facilitate discussions among staff about how they have been running their family meetings and how they might improve them, also involved some facilitation training.

Wukindi Rom Cross-Cultural Mediation Training Workshop

Toni Bauman is one of the directors of the Wukindi Rom Cross-cultural Mediation Train-

ing Workshop project. The Wukindi Project will involve the participation of 100 young Indigenous and non-Indigenous Australians in the Wukindi ceremony which will be managed by Reverend Djinyinji Gondarra and his people from the Golumala Clan/Nation in parallel with a number of mediation training workshops. The five day event is planned for June 2004 in Gove, Arnhem Land.

FEATURE

Future Directions

By David Ross
Director, Central Land Council

It is very difficult for me to talk about future directions for us when I know that we have been comparatively lucky here in the Territory. We have the Land Rights Act which has stood the test of time, and unlike the Native Title Act, all challenges in the High Court. It has delivered real outcomes in terms of land, culture and an ability to deal with mining and other land use demands. Also very importantly, after 27 years of CLP rule, we now have a government which believes in treating people decently.

It would be pointless of me to continue the litany of the deficiencies of the Native Title Act. There is simply no argument that the Native Title Act - as it has been amended by government and interpreted by the courts - does not deliver what it set out to do. Tragically there is very little we can do about that.

So are we to keep working at a native title system that delivers so little?

From a Territory perspective, there have been considerable benefits. The Arrernte of Alice Springs (Mparntwe) have been recognised as native title holders for example. We have a number of ILUAs we have had a great number of small wins in comparative terms. As I said yesterday - even without the Court's recognition, the Yorta Yorta have earned the recognition of this nation. I want to stress that I am not arguing that we should accept the limitations and convolutions of the Native Title Act. Let's appreciate some of

these small wins that can make such a huge and tangible difference to people's lives, to their sense of themselves. Let's not underestimate the empowering fact of recognition after several hundred years, of nothing, of being seen as nobodies.

I remember being an 18 year-old and standing in a bar in Perth - and no one would serve me, or even look at me. They just acted as if I wasn't there. I can tell you that this lack of recognition leaves you feeling very empty. Most Aboriginal people would know what that feels like. I know it is something the CLC's constituents often say to me when they have a win - the sense of acknowledgment Max Stuart had, as the Chairman of the CLC, when he met the Queen here in Alice Springs. Or the sheer sense of elation Lhere Arthepe members had when they sat down and were finally taken seriously by the Government. There are many examples of this. Conversely, the sheer despair people feel when they aren't recognised. The Stolen Generations will certainly tell you about that. It is something I do not expect non-Aboriginal people to understand but I believe it is a very powerful emotion indeed. Recognition counts for a lot.

In our case and I know in others, the Native Title Act has delivered in some part recognition to some people. Often not in ways circumscribed by the Native Title Act but if you're lucky it may open up avenues you had never even considered. And Lhere Arthepe members would probably agree with me there. Recognition is the first fundamental step to greater things. It opens the box. Let's

not get hung up on the Native Title Act as the only mechanism for delivering that. It may, or it may not, depending on your luck. Milk it for what its worth and move on. Use every avenue to get agreements, to get participation, to get recognition... if you don't ask you don't get.

There are other things we should be concerned with, that go hand in hand with the type of justice we hoped the Act would deliver. The Social Justice package that has been completely forgotten, governance issues, the operation of our agencies like the ILC, ATSIC and Indigenous Business Australia. Let me just say I was most heartened by Brian Stacy's paper signalling a change of ATSIC policy to step into the breach to confer recognition on those native title holders unrecognised by this legal system.

Finally to that most fundamental document of Australian law – the Australian Constitution. It is my belief that to enshrine the status of Aboriginal people as the original owners of this land within that document, would offer one of the most potent and healing symbols of recognition of Aboriginal people that this country could confer.

Now to my last point. We have had the Land Rights Act for nearly 30 years now. It is only now that people are beginning to see that there are issues beyond having land back. That there are community issues, social and economic issues that they need to address. Let us all remember that change isn't effected overnight and if it is then it may not be the type of change you bargained for. And I am thinking specifically of when the Department of Aboriginal Affairs walked out of communities back in the seventies leaving them to 'self determination', which then meant another word for nothing at all. Change can take a very long time and I urge patience on Governments to allow Aboriginal people to do things in their own time, in their own way.

I ask you all to commit now to a very long haul. Thank you

This is an edited version of an address to the Native Title Conference 2003: Native title on the ground, held in Alice Springs in June. The conference was co-convened by AIATSIS and the Central Land Council and hosted by Lhere Artepe, the PBC for the native title holders of Alice Springs.

NATIVE TITLE IN THE NEWS

National

Federal Attorney-General Daryl Williams has appointed two new full-time members of the National Native Title Tribunal. The two new members are Neville MacPherson and John Catlin. Native title professionals and Indigenous leaders have criticised these appointments, saying it has further isolated the NNTT from the Indigenous community. These two new appointments come immediately after the decision by the Attorney-General to not reappoint Tony Lee to a third term with the Tribunal. Mr Lee was one of only three Indigenous members in the Tribunal's history. Dr Gaye Sculthorpe is currently the sole Indigenous 'member' of the nation's peak body. *Koori Mail*, 13 August 2003.

Queensland

Queensland Sapphire producers association president Jenny Elliot has criticised the Qld government for delays and inactivity which they say is killing off the economic viability of the Gemfields and has had a huge flow-on effect for the central highlands. Ms Elliot said the problem was becoming worse as operators run out of land to mine. Tourism is also affected. Miners have been awaiting negotiation of an ILUA since April 2002, and the Government is seen to be solely responsible for the delay as negotiations with the Kanguroo people ended 15 months ago. *Morning Bulletin (Rockhampton)*, 03 July 2003.

Under a new arrangement, mining exploration permits will be processed faster in re-