DEVELOPMENT AND ABORIGINAL ENTERPRISE IN THE KIMBERLEY REGION OF WESTERN AUSTRALIA

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UNIVERSITY OF WESTERN SYDNEY
PLEASE NOTE

The greatest amount of care has been taken while scanning this thesis,

and the best possible result has been obtained.
DECLARATION OF ORGINALITY

27 SEPTEMBER 2002

This is to certify that the research work reported in this thesis is original and has not been submitted to any other university or institution for award of a higher degree.

Antony Jonathon Smith.
KIMBERLEY - Local Authority

Source: Western Australia, Pastoral Edition
North Sheet 1:2000,000
Dept. Lands and Surveys, Perth W.A.

KEY:
- Local Authority
- Regional or Local Authority Centre

INSET:
- THE KIMBERLEY

150 kilometres

AUSTRAlia

Indian Ocean

Port Hedland

BROOME

DERBY

EAST KIMBERLEY

HALLS CREEK

W.A. N.T.
ACKNOWLEDGEMENTS

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ABSTRACT

The current thesis seeks to examine the history of Aboriginal development policy and its correlation with the trajectory of an indigenous business class in the Kimberley region of Western Australia. In particular, the study focuses on the period beginning in the late 1960s and early 1970s when, following the large-scale social and economic upheaval caused by the collapse of the once dominant pastoral industry (previously the economic mainstay and largest employer of the region), the policy popularly known as self-determination – and termed indigenous trusteeship in the thesis – came into play. The former policy of state trusteeship, in operation since colonial times, was devised in more prosperous times (as a means to, among other things, facilitate land and labour to pastoral operations) but was unable to cope with the quickly changing economic conditions. In an attempt to resolve the growing social and economic crisis – including rapidly increasing unemployment, impoverishment and social dislocation – the new policy of indigenous trusteeship transferred the responsibility for the provision of indigenous welfare to a nascent Aboriginal political and commercial leadership. To assist in ameliorating the escalating rates of Aboriginal unemployment and poverty much government subvention, including land, labour and finance, was transferred to Aboriginal control and specifically to those existing (albeit on a small scale) Aboriginal business operations. In doing so, much economic space was opened to Aboriginal commercial operations, which, during the previous policy regime of state trusteeship, had been purposefully stymied.

The thesis – by utilising empirical material gathered from among other sources, the Western Australian State Records Office, National Archives and Hansard, much of it never before accessed – aims to tackle some of the misconceptions concerning the history of Aboriginal economic development and the course of an indigenous commercial class. As well, there is recognition of the major contribution made by an emerging Aboriginal leadership to the evolving policy of indigenous trusteeship. In short, there is a critical re-evaluation of the origins of, and support for, successful indigenous owned business operations in the Kimberley region of Western Australia.
# CONTENTS

## ABBREVIATIONS AND ACRONYMS

## TABLES AND BOXES

### INTRODUCTION

Part 1

1. **DEVELOPMENT AND ECONOMIC DEVELOPMENT: AN OVERVIEW**

1.1 INTRODUCTION 1

1.2 BACKGROUND: THE IDEA OF DEVELOPMENT 6

- The consequences of social disorder 12
- Development economics: responses to unemployment and poverty 14
- Amartya Sen 18

1.3 DEVELOPMENT DOCTRINE 21

- Trusteeship 21
- The role of “community” 26
- Tradition and the theory of “different development” 28
- From underdevelopment to internal colonialism 31

1.4 CONCLUSION 37
2 DEVELOPMENT AND INDIGENOUS ACCUMULATION:
SOME INTERNATIONAL CASE STUDIES

2.1 INTRODUCTION 39

Background 40

2.2 INDIGENOUS ACCUMULATION IN CANADA AND THE UNITED STATES 42

Canada 46
The United States 49
Alaska 52

2.3 KENYA 56

Indigenous capital in Kenya 56

CONCLUSION 66

Part 2

3 DEVELOPMENT AND ABORIGINAL ENTERPRISE IN THE KIMBERLEY

3.1 INTRODUCTION 68

3.2 PRE-COLONIAL SOCIAL RELATIONS 71

3.3 COLONIAL/STATE TRUSTEESHIP 77

Background. An outline of state trusteeship 77
The colonial era: 1829 – 1901 82
Assimilation and segregation: 1934 – 1948 89

3.4 INDIGENOUS ENTERPRISE DURING THE PERIOD OF STATE TRUSTEESHIP: ONE STEP FORWARD TWO STEPS BACK 95

3.6 CONCLUSION 115

4 LAND RIGHTS, COMMUNITY AND THE BEGINNING OF THE ERA OF SELF-DETERMINATION: COMPENSATION OR AMELIORATION?

4.1 INTRODUCTION 118

4.2 THE FORMATION AND GROWTH OF A SEMI-URBAN RELATIVE SURPLUS POPULATION: 1968 - 1975 124

The transformation of the Kimberley pastoral industry 124
Rising unemployment in the Kimberley 129

4.3 EVOLVING GOVERNMENT RESPONSES FOR DEALING WITH INDIGENOUS UNEMPLOYMENT AND DISORDER 135

4.4 “FORERUNNERS OF A NEW TIME”: AN EMERGING ABORIGINAL LEADERSHIP 140

Trusteeship and welfare: The role of “community” organisations 145

4.5 THE FARM GATE OPENS: BUSINESS ENTERPRISE AND ABORIGINAL INDEPENDENCE IN THE EARLY 1970S 149

The Commonwealth’s Capital Fund and other sources of finance 149
Pastoral stations and former reserves: the vehicle for expanding commercial operations 152

4.6 CONCLUSION 154
Part 3

5 LAND FOR LABOUR: INDIGENOUS TRUSTEESHIP AND THE WESTERN AUSTRALIAN ABORIGINAL LANDS TRUST IN ITS KIMBERLEY OPERATIONS, 1973-1987

5.1 INTRODUCTION 156

Background 157

5.2 THE ABORIGINAL AFFAIRS PLANNING AUTHORITY 159

Statutory bodies 161
Statement of intent 162
Commonwealth liaison and economic development 163

5.3 ABORIGINAL LANDS TRUST OPERATIONS 168

ALT operations: 1986 – 1987 174
ALT and the provisions of finance 178

5.4 LIAISON BETWEEN THE ABORIGINAL LANDS TRUST AND THE ABORIGINAL LAND FUND COMMISSION 183

The ALT and the Commonwealth in the purchase and operation of pastoral leases 184

5.5 ABORIGINAL CONTROLLED LAND IN THE KIMBERLEY: "SPRINGBOARD FOR THE FUTURE" 187

5.6 CONCLUSION 194
6.

6.1 INTRODUCTION 196
Background 198

“Living Areas Program”: the essence of indigenous trusteeship 204
Leasing program 206
Land for “real economic development” 212
Returning to the land – “traditional land usage” 216
Secularisation and trusteeship: transfer of church held mission lands 218
Mining and exploration 220
Aboriginal lands register 221

6.3 “COMMUNITY” MANAGEMENT AND “DEVELOPMENT PROGRAM” 222

6.4 “COMMUNITY” CONTROL AND THE ABORIGINAL COMMUNITIES ACT 228

6.5 CONCLUSION 231

7.
WHAT CORPORATE FORM? THE ROLE OF ATSIC, RESOURCE AGENCIES, AND THE KIMBERLEY LAND COUNCIL IN INDIGENOUS ACCUMULATION

7.1 INTRODUCTION 234

7.2 THE RETENTION OF PRODUCTIVE FORCE IN THE KIMBERLEY: THE FUNCTION OF THE CDEP AND OTHER GOVERNMENT SCHEMES 237

7.3 KIMBERLEY LAND COUNCIL 244

Case study – “Balangarra Native Title Community Awareness Plan 250
Case Study – Rubibi Land, Heritage and Development Company 251
Pastoral 253
Kimberley Aboriginal Pastoralists Association 255
Managing “Sea Country” (farming the sea) 256
Outstation movement 257

7.4 ATSCS OPERATIONS IN THE KIMBERLEY: 1990 – 1995 258

7.5 ABORIGINAL RESOURCE AGENCIES IN THE KIMBERLEY 265

Some examples of early service agencies in the Kimberley 268
“A shining example” – The Marra WorraWorra resource agency 272

7.6 CONCLUSION 275

8 THE ABORIGINAL LEADERSHIP AND
INDIGENOUS ACCUMULATION IN THE
KIMBERLEY 277

8.1 INTRODUCTION 277

8.2 KIMBERLEY ABORIGINAL PASTORAL PROPERTIES 280

The changing nature of the Kimberley pastoral industry: Growing concentration and centralisation 290

8.3 KIMBERLEY ABORIGINAL ENTERPRISES 295
Warmun (Turkey Creek) 299

8.4 “HYBRIDITY”: SOME EARLY EXAMPLES OF SUCCESSFUL
INDIGENOUS BUSINESS OPERATORS 302
Cox family 305
The Roe family of Broome 307
Ernie Bridge 310

8.5 CONCLUSION 312
9 AN OVERVIEW OF THE ABORIGINAL COMPONENT OF THE KIMBERLEY ECONOMY

9.1 INTRODUCTION 314

9.2 INDIGENOUS BUSINESS IN THE KIMBERLEY 317


BIBLIOGRAPHY 325

APPENDICES 343
ABBREVIATIONS AND ACRONYMS

AAC  Aboriginal Advisory Council
AAD  Western Australian Aboriginal Affairs Department
AAPA  Western Australian Aboriginal Affairs Planning Authority
ABS  Australian Bureau of Statistics
ACT  Australian Capital Territory
ACDP  Aboriginal Community Development Program
ADC  Aboriginal Development Commission
AGPS  Australian Government Publishing Service
AIAS  Australian Institute of Aboriginal Studies
ALFC  Aboriginal Land Fund Commission
ALP  Australian Labor Party
ALT  Western Australian Aboriginal Lands Trust
ANCSA  Alaskan Native Claim Settlement Scheme
ANU  Australian National University
APIS  Aboriginal Planning and Information System
ASIC  Australian Securities and Investments Commission
ATSIC  Aboriginal and Torres Strait Islander Commission
BAMA  Broome Aboriginal Media Association
CALM  Western Australian Conservation and Land Management
CAEPR  Centre for Aboriginal Economic Policy Research
CDEP  Community Development Employment Projects
CRES  Centre for Resource and Environment Studies
DCS  Western Australian Department of Community Services
DOLA  Western Australian Department of Land Administration
IDA  Indigenous Affairs Department
IDS  International Development Studies
ILC  Indigenous Land Corporation
KAPA  Kimberley Aboriginal Pastoralists Association
KDC  Kimberley Development Commission
KLC  Kimberley Land Council
NARU  North Australia Research Unit
NQLC  North Queensland Land Council
OTLU  Office of Traditional Land Usage
PGA  Western Australian Pastoralists and Graziers Association
| TABLES |
|-----------------|---|
| 3.1 WESTERN AUSTRALIAN ABORIGINAL POPULATION: 1903 – 1970 | 80 |
| 3.2 GROSS VALUE OF PASTORAL PRODUCTION 1925 – 1939 | 90 |
| 3.3 ABORIGINAL EMPLOYMENT IN THE KIMBERLEY (1964) | 107 |
| 3.4 WESTERN AUSTRALIAN BEEF EXPORTS: 1951 – 1969 | 109 |
| 3.5 CATTLE KEPT FOR MEAT PRODUCTION | 110 |
| 3.6 NET VALUE OF PASTORAL PRODUCTION IN WESTERN AUSTRALIA: 1964 – 1968 | 111 |
| 3.7 ABORIGINAL EMPLOYMENT IN THE KIMBERLEY (1967) | 115 |
| 4.1 KIMBERLEY DIVISION. AGRICULTURAL AND PASTORAL ABORIGINAL EMPLOYMENT: 1969 – 1972 | 125 |
| 4.2 TOTAL CATTLE MARKETED EX-KIMBERLEY PROPERTIES: 1973 - 1978 | 127 |
| 4.3 OFFENCES BY ABORIGINALS IN WESTERN AUSTRALIA - NUMBER OF CONVICTIONS: 1965 – 1969 | 134 |
| 5.1 COMMONWEALH GRANTS TO WESTERN AUSTRALIA: 1968 – 1972 | 164 |
| 5.2 COMMONWEALTH EXPENDITURE ON ABORIGINAL PROGRAMS: 1973-1988 | 166 |
| 5.3 DISTRIBUTION OF MINING ROYALTIES | 180 |
| 5.4 ACTUAL PAYMENTS OF ROYALTIES: 1979 – 1980 | 180 |
| 5.5 NUMBER OF PROJECTS AND AMOUNT APPROVED WITHIN CONSULTATIVE AREA: 1985 – 1986 | 182 |
5.6 LAND (IN HECTARES) HELD BY OR UNDER THE CONTROL OF THE ALT

6.1 ABORIGINAL POPULATION IN THE KIMBERLEY REGION (1986)


7.1 EMPLOYMENT PROFILES BY INDUSTRY SECTOR FOR THE KIMBERLEY

8.1 PATTERN OF LEASEHOLD OWNERSHIP IN THE KIMBERLY AS AT DECEMBER 1983

8.2 LEASE NUMBERS AND BUSINESS NUMBER CHANGES: 1963 – 1983

8.3 PROPORTION OF RESOURCES BY OWNERSHIP TYPE IN 1983
5.1 A SAMPLE OF ALT LAND RECOMMENDATIONS IN THE KIMBERLEY (1986) 177

5.2 NEWLY ACQUIRED ALT LAND IN THE KIMBERLEY: 1977 – 1978 188

5.3 A SAMPLE OF ALT KIMBERLEY LEASES (1980) 190

5.4 A SAMPLE OF ALT KIMBERLEY LEASES (1981) 191

5.4 (a) ALT AND KIMBERLEY LAND (1981) 191

5.5 ALT KIMBERLEY LEASES (1983) 192

5.6 ALT LAND RECOMMENDATIONS IN THE KIMBERLEY: 1986 – 1987 193


7.1 BALANGARRA NATIVE TITLE CLAIM 251

8.1 STATION MANAGEMENT STRUCTURE 283

8.2 NOONKNABAH 286

8.3 YUNGNGORA 286

8.4 TJURBALAN PASTORAL COMPANY 287

8.5 FUNDING SUPPORT FOR WARMUN COMMUNITY ENTERPRISES 301

8.6 WARMUN DECISION-MAKING 301
APPENDICES

(10.1) KIMBERLEY ABORIGINAL POPULATION AS AT 30 JUNE 1963

(10.2) KIMBERLEY ABORIGINAL POPULATION AS AT 30 JUNE 1968

(10.3) KIMBERLEY ABORIGINAL POPULATION AS AT 30 JUNE 1972

(10.4) SHEEP AND LAMBS SHORN IN THE KIMBERLEY. YEAR ENDED 31 MARCH: 1965 – 1969

(10.5) ABORIGINAL EMPLOYMENT IN THE KIMBELREY (1972)

(10.6) OFFENCES BY ABORIGINALS FOR ALL OF WESTERN AUSTRALIA – NUMBER OF CONVICTIONS: 1965 – 1969

(10.7) COMMONWEALTH CABINET SUBMISSION NO. 92. ABORIGINAL POLICY REPORT OF INTERDEPARTMENTAL COMMITTEE (1968)

(10.8) ABORIGINAL CONTROLLED LAND IN THE KIMBERLEY FOR THE PERIOD ENDING JUNE 1996

(10.9) ABORIGINAL CONTROLLED PASTORAL HOLDINGS IN THE KIMBERLEY

(10.10) A SAMPLE OF KIMBERLEY ABORIGINAL COMPANY STRUCTURES. ASIC REGISTERED

(10.11) A SAMPLE OF KIMBERLEY ABORIGINAL COMPANY STRUCTURES. STATE REGISTERED

(10.12) KIMBERLEY NATIVE TITLE LAND CLAIMS AS AT 31 OCTOBER 1999

(10.13) INCOME OF THE KIMBERLEY ORGANISATIONS, BY ATSIC REGION (1998-99)

(10.14) PROPORTION OF ABORIGINAL PERSONS (%) IN CORRECTION FACILITIES
(10.15) NUMBER OF ABORIGINAL AND NON-ABORIGINAL PERSONS IN THE KIMBERLEY BY SHIRE (1996)

(10.16) PERCENT OF ABORIGINAL PERSONS BY SHIRE (1996)


(10.18) ATSIC PROGRAM AND ADMINISTRATION EXPENDITURE IN KIMBERLEY (1991-92 AND 1997-98)
INTRODUCTION

It was in the objective interest of the industrialists to ensure that the working class didn’t turn to radical ideologies, and that the workers weren’t worn down by the increasing speed and efficiency of industrial production. Health care, primary education, pensions, minimum wages, collective bargaining, and unemployment benefits created a socially stable and secure working class, competent to perform increasingly complex industrial work, and able to raise a new generation of workers. Workers, with an income above the required for survival and reproduction also constituted a market for immense collection of commodities that they themselves produced … [However, in the late twentieth century] economic globalisation which makes it possible to allocate production to the enormous unregulated labour markets outside the classical welfare states, have deprived the industrial workers in the developed countries of their powerful position as sole suppliers of labour force … [As a consequence] the Welfare State will increasingly be presented as an impediment to economic growth.

Noel Pearson, Aboriginal leader and political activist. ¹

If we are to survive as a people we have to get passive welfare out of Aboriginal governance … We have to get rid of the passive welfare mentality that has taken over our people.

Noel Pearson (2000).²

In both Aboriginal affairs and in international aid, there seems to be a period of reformulation and review that suggests an end of a particular project of development. The apparent end of this phase of development, as Noel Pearson argues for above, is occurring on a global basis that not only affects those people living in so called third world countries but also populations in the more developed countries. The ending of this period of development in Australia recalls another turning point in development policy in the early 1970s, when changing economic and social conditions forced a significant shift in Aboriginal development policies and practices. The consequences of the ending of the post World War Two long boom of the late 1960s and early 1970s, for instance, included

¹ N. Pearson, Our Right To Take Responsibility, (Cairns, Noel Pearson and Associates, 2000) p.13. For these reasons, according to Pearson, there is no “longer any political or economic reason for the influential strata [ruling class] of society to support the preservation of the Welfare State”. What is more, Pearson qualifies his position by saying that, “I refer to ‘class’ in Australia because its existence is a historical and contemporary fact, even if the term has lost respectability in public discussion today. But from my acknowledgement of the reality of class society the reader should not infer that I am a proponent of socialist policies”, p.13
² Ibid. Opening page.
a rapid increase in unemployment, poverty and social dislocation. In Australia – as in Canada, the United States and elsewhere in the developed world – rural and remote populations, especially indigenes, were particularly hard hit. While those policies and practices of the last two and a half decades are now the subject of widespread discussion and debate, there has been a paucity of study on how Aboriginal development has happened in Australia over that time, and it is not clear what development, specifically indigenous economic development, has actually meant. The present thesis attempts to begin the process of filling that gap in knowledge. In so doing, it will also be necessary to look not only at the way indigenous development attempted to cope with rapidly escalating levels of unemployment and social dislocation, but also the growing role of Aboriginal business as both a result and instrument of indigenous development policy.

In Australia there is yet little recognition of the existence, let alone the origins, of an Aboriginal commercial class that became closely involved in the implementation of the policy response to the social and economic crisis occurring within Aboriginal populations (especially in remote and regional areas) in the later part of the twentieth century. The thesis is in many ways timely on both counts and examines the importance of the nascent indigenous commercial class, its formation as well as its relationship to the new development policy.

The present thesis, based largely on archival material much of which has never before been accessed, seeks to analyse two inter-related processes. The first is the changing structure and content of development policy applied to indigenes in Australia, and the second is to trace the origins and trajectory of Aboriginal controlled businesses and their ability to access land, labour and finance. The study focuses on an area in Australia, the Kimberley region in the North West of Western Australia, which has a large indigenous population and has also been at the forefront in both the changing policies and practices of development and indigenous business formation.

As part of the investigation, the thesis examines the various development policies, instituted since colonial times, and their impact upon indigenes and indigenous commercial operations. The earlier policy regime is described as state trusteeship and
involved government agencies, Churches and pastoralists in the administering of Aboriginal populations. The policy was also important in transforming indigenes into a well-trained and reliable labour force. The main focus of the study however, concentrates on the period beginning in the late 1960s and early 1970s when, as the result of a large-scale social and economic crisis, there was a major transformation in Aboriginal affairs that involved, among other things, a fundamental reformulation in state practices – organisation and policy delivery. The thesis shows that the transition to a new regime in the late 1960s and early 1970s, which is referred to as the period of indigenous trusteeship, was not smooth or even. But as the contours of the new regime became clear, it is possible to identify some of its characteristic features, which included the close involvement of an indigenous leadership – now appointed as trustees for the welfare of Aboriginal populations. The new policy involved significant government subvention, including the provision of land, finance and labour to Aboriginal control. Initially this was done in the attempt to resolve or ameliorate the prevailing economic and social crisis.

As a result of the new policy of indigenous trusteeship, much economic space was opened to an indigenous business class that had in the past been purposefully denied commercial opportunities. The thesis explores the way that these commercial opportunities emerged and were taken up by a business class within the Aboriginal leadership. An important finding of the thesis is that while Aboriginal businesses were running prior to this period, it has only been since the 1970s that business expansion on a significant scale has occurred. Although the development regime allowed the release of considerable pent-up commercial aspirations it did not lead effortlessly to expanded accumulation activities. The nature of land tenure, business organisation and the road to business were (and still are) subject to continuing tensions and evolution, including the intrinsic tension between indigenous trusteeship and commercial activities (for which land occupation and ownership were critical). As well as the tensions inherent within the policy of indigenous trusteeship, there was in the Kimberley strident external opposition to the policy – especially in the provision of land – from the extant controllers of businesses. The thesis charts the process of Aboriginal business expansion in the
Kimberley region, including several case studies of successful individual business people and commercial operations.

The thesis is divided into three parts, divided in terms of Part I, theoretical material and international evidence; Part II the period of state trusteeship and Part III, the period of indigenous trusteeship. Part 1 (Chapter 1), includes a review of the development literature (including the economic development literature where relevant) and the origins of modern development. The chapter establishes the antecedents of development theory in Europe during the early nineteenth century and outlines, contrary to much of the economic orthodoxy, its relevance to the economic situation of Aboriginals in Australia. Chapter 2 provides some international case studies of development practice that show several significant parallels with that of Australia, and importantly its place in understanding indigenous business accumulation.

Part 2 (Chapters 3 and 4) charts the history of Aboriginal development policy in the Kimberley during the colonial era and early post-colonial period, specifically its connection with and bearing on indigenous commercial operations and that of their competitors. In Part 3 (Chapters 5-9) there is an examination of the government policy of indigenous trusteeship, how it was formulated during a period of rapid social and economic change, and how it has influenced indigenous business operations. An important aspect of indigenous trusteeship was the enlistment of Aboriginal entrepreneurs as part of the effort to create employment in an environment of high unemployment. There is also a description given of the scope and scale of indigenous business activities, and their ownership structure, as they operated in the Kimberley region throughout the period of the late 1960s – late 1990s.

The Introduction provides a background and overview of the three parts of the thesis, but much of the detailed substantiation will be left to the chapters of the thesis. In order to set the theoretical tone, Chapter 1 delineates the evolution of modern economic development (and especially the literature concerning development economics) in its wider global and historical context. While not providing an exhaustive study of economic development,
the chapter outlines the importance of various development theories and orthodoxies and their relationship to capital accumulation and indigenous accumulation in particular. The rationale for taking this approach, as detailed in the next chapter, is that development economics over the last thirty years has come to emphasise problems and experiences of the “developing” world. The issues of development in “developed” countries, specifically the case of indigenous development has been rather neglected until relatively recently.

**ECONOMIC DEVELOPMENT AND DEVELOPMENT ECONOMICS**

Michael Cowen and Bob Shenton have shown that within capitalist development there is an immanent process in operation whereby destruction (negative) and construction or renewal (positive) occurs simultaneously. This binary process consists of, among other things: the separation of labour power from the primary means of production – that is, separation from land and the destruction of former production methods – the creation of a relative surplus population (being that which is extraneous to the requirements of industry) and the ensuing migration of surplus populations to industrial centres in search of work. Intentional development, including an agrarian doctrine of development, first devised in the nineteenth century during the period of industrialisation in Europe, is the endeavour to both moderate the negative consequences of capitalist development, as well as the attempt to contain productive potential in regional and remote areas.

Similarly, during the mid-twentieth century in the era of de-colonisation, development economics began to explore this process and its twin dimensions (both negative and positive) as it occurred in so-called third world or developing countries. More lately, at the end of the post-World War Two long boom in the late 1960s and early 1970s, development economics returned its attention to industrialised countries, especially those former settler countries with indigenous populations including Australia, Canada and the United States. The current thesis, analysing Aboriginal development in the Kimberley

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4 This process was acutely evident during the enclosure movement in Britain in the late eighteenth and early nineteenth centuries. See K. Marx, Capital, A Critique Of Political Economy, Volume One (London, Penguin Books, 1990) especially pp. 877–913
5 See Cowen and Shenton, Doctrines of Development.
region of Western Australia, will in this case investigate the “homecoming” of development economics to the “industrialised” world.

Since its inception, one important facet of development economics – and for that matter economic development in general – has been the attempt to reconcile the tension that exists between mitigating the destructive element of industrial development and the provision of a blueprint for expediting economic growth. This tension indicates the presence of at least two aspects of development, and provides for a broad and useful tool in examining the history and essence of state development policies.

Governments since the beginning of industrial development have instituted trusteeship as one means for dealing with the destructive element of capitalist development. Part of this process was the recognition that social disorder, caused by such things as unemployment, poverty and social dislocation, is an anathema to the successful accumulation of capital. Trusteeship, first considered by nineteenth century positivism (later, trusteeship became a central theme in John Maynard Keynes’ doctrine), involved giving the agency of development to a select group; particularly those – most often bourgeois – who it was considered had the wherewithal to provide for the welfare of affected populations (such as the poor, unemployed and dispossessed).

In the period after World War Two – and in light of the destructive implications of immanent (or spontaneous) development that had become obvious during the Great Depression – in a move to retain productive potential and to shore up social cohesion and order, the implementation by governments (guided by advisors such as J.M. Keynes) of a welfare or social security system, and overseen by their agents or trustees, was viewed as an integral part of “progressive” development policy. The provision of government-sponsored welfare, such as unemployment benefits, has been one method, albeit artificial, of providing the second best alternative to the effort of work.

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6 See Cowen and Shenton, Doctrines of Development, especially p. 25.
7 Ibid., p. 460.
8 In Australia, it is interesting to note that H.C. Coombs (central banker and government bureaucrat) was an early disciple of J.M. Keynes. See below.
The well-known Aboriginal leader and political activist, Noel Pearson relates this situation as it occurred in Australia. Pearson has argued that, beginning in the late 1960s and early 1970s, the collapse of the once dominant regional pastoral industries employing large numbers of indigenous labour witnessed the introduction of across the board welfare: “Welfare schemes for Aboriginal people have been slightly modified and extended to accommodate our circumstances, but our passive welfare provisioning is fundamentally similar to the schemes that support marginalised groups among non-Aboriginal Australians. Because of our history of dispossession, our remoteness from economic growth centres and our current inability to compete on the labour market we qualify, almost to a woman and to a man, as recipients of passive welfare”.

In Australia, Canada and the United States (Chapter 2), at the end of the post-war long boom in the late 1960s and 1970s – due largely to declining living standards and growing regional unemployment – forms of indigenous trusteeship were invoked by governments in an attempt to deal with the local effects of the global situation. In the effort to relieve the social and economic crisis, the implementation by governments of indigenous trusteeship directly benefited a nascent indigenous commercial class and its business leaders (now appointed as trustees). This was achieved by, among other things, providing access to large areas of land, labour and finance, thereby creating the economic space to expand commercial operations. The historical circumstances leading to the implementation of the policy of indigenous trusteeship in the Kimberley region of Western Australia are discussed in Chapter 3. In order to properly understand the last twenty five years of Aboriginal economic development, especially in its continuity and difference, it is necessary to establish the fundamental characteristics of the previous policy regime.

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10 Chapter 2 discusses the rise of an indigenous class of capital in Canada, the United States and Kenya.
COLONIAL/STATE TRUSTEESHIP: PRE-1901-1968

The Aboriginal economy was fundamentally disrupted [if not destroyed] by colonialism

– Noel Pearson

In Western Australia, throughout the period of colonial and state trusteeship, there were attempts at ameliorating or resolving the destructive tendencies of industrial development (that included widespread poverty, sickness and social dislocation) being experienced by indigenous populations. The destruction of the previous (pre-colonial) social relations – which contrary to some opinion were often hierarchical and conflictual and involved wide scale trading relationships – was caused initially through the appropriation of land for commercial activities. In regions such as the Kimberley, there was great demand for pastoral and agricultural land, as well as the burgeoning requirement for indigenous labour. As a later government report pointed out: “As part of its machinery to promote the welfare of Aboriginal natives the Imperial Government had enacted in 1886 an Aborigines Protection Act, the first legislative recognition that there was an ‘Aboriginal problem’”.

The Aborigines Protection Board, established by the Act, was responsible for the provisioning of “food and clothing” when Aboriginals “would otherwise be destitute, provide for the education of Aboriginal children and generally assist in the preservation and well-being of the Aborigines”.

In the 1880s, the pastoral industry became the mainstay of the Kimberley regional economy. By 1890, the West Kimberley district alone supported 100,000 sheep and nearly 18,000 cattle, and by 1892, 1,140 cattle were being shipped from Derby to the Perth markets each year. Although pastoralists were a very powerful political force enjoying strong representation in the Western Australian parliament, during the colonial era and after, it is important to acknowledge however, that the majority of Kimberley pastoralists were owner operators. In this regard, owner operators or small family run pastoralist enterprises were themselves subject to capital and especially to merchant

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11 N. Pearson, Our Right, p. 29.
13 Ibid.

viii
capital. An early example of the political and economic power wielded by this type of capital was John Forrest (later Lord Forrest), Member of the Legislative Assembly, Surveyor General, Commissioner of Lands (1883-1890) and Western Australia’s first Premier (1890-1901), who in league with his brother Alexander Forrest (also a Member of the Legislative Assembly representing the Kimberley Division) controlled or were involved in substantial commercial operations in the Kimberley.\(^{15}\)

In an attempt to resolve the ongoing impoverished living conditions experienced by indigenes and most importantly to secure a durable and cheap source of labour for pastoralists, during the period immediately after Federation, the Western Australian Roth Royal Commission (1904)\(^{16}\) was set up with bi-partisan political support. The Commission’s findings recommended that the government establish or extend Aboriginal reserves and Church missions; impose severe restrictions on movement, marriage, consumption of alcohol and various other measures. In short, the state and its agents, including the police, the Church and pastoral management, were to become the designated “protectors” or trustees of Aboriginal people. Significantly, throughout this period, in the Kimberley as in other rural areas, Aboriginal workers remained an important and in some cases the only source of labour. Alex Kerr has noted that, “white labour declined in numerical terms [generally] and, as a result, more native labour was required by Kimberley pastoralists” than ever before.\(^{17}\) And as the Report of the Pastoral Leases Committee observed: “The years immediately preceding World War 1 were prosperous for the Kimberleys, which were then exporting cattle overseas”.\(^{18}\)

\(^{15}\) J. Mandy and D. Black (eds) The Western Australian Parliamentary Handbook, (Perth, Western Australian Parliamentary History Project, 1990) p. 128. During the late colonial period, Western Australia, and the goldfields in particular, experienced a massive population influx due to significant gold discoveries, and Kimberley beef was shipped to the goldfields region as a major source of food. In forming a company with Isadore Emanuel (transport was provided by the Blue Funnel Line and Adelaide Steamship Co) Alexander Forrest provided beef, sourced from Kimberley pastoral stations, for the goldfields venture and as a result profited handsomely. A. Kerr, Australia’s North-West, (Nedlands, University of Western Australia, 1967) pp. 43-44.

\(^{16}\) W. Roth, “Roth Royal Commission On The Condition Of The Natives”, (1904)

\(^{17}\) Kerr, Australia’s North-West, p. 45.

\(^{18}\) Report of the Pastoral Leases Committee (1963) p. 10.
Yet by the depression years, beginning in the late 1920s, largely as a result of global overproduction in commodity markets (including beef, sheep and wool) there was growing rates of unemployment among rural labour, and especially Aboriginal workers. The policy of state sponsored “protection”\textsuperscript{19} for the indigenous population, in remote regions including the Kimberley, was then expanded and consolidated by legislative means involving the imposition of more extensive social controls and restrictions on Aboriginal individuals. During the late 1920s and 1930s, this was undertaken mainly in an effort to deal with increasing unemployment and the subsequent semi-urban migration and heightened social tensions.

In contradistinction, during the period 1948-1960 a modicum of “reform” was introduced into Aboriginal affairs. However, many of the legal restrictions placed on personal freedoms remained. One major reason for retaining these restrictive measures was due to the improving global economy (known as the post-World War Two global boom), which saw a marked increase in the price paid for pastoral commodities. The growing economic prosperity resulted in a corresponding labour shortage in the region, whereby indigenous labour was again required in increasing numbers. Insofar as labour (both European and Aboriginal) was concerned, the \textit{Report of the Pastoral Leases Committee} recorded that in the Kimberley, “staff cannot be held in outlying areas unless conditions reasonably compared with those obtaining in the more populated areas can be provided”. What is more, the Report found that there were “few privileges for station employees [and] rates of pay are not high ... This state of affairs has a most unsatisfactory reaction on the proper management of pastoral properties.”\textsuperscript{20} In this period, not only was Aboriginal labour the mainstay of pastoral activity in the Kimberley region, there was a condition described by one Departmental inspector as “over employment”. The relatively poor pay and conditions of pastoral labour was accentuated in the case of Aboriginal labour, by the ability of pastoralists to use their “trusteeship” status over indigenes living on their leases, to pay lower wages to Aboriginal station workers. In a period of buoyant economic

\textsuperscript{19} As detailed in Chapter 3.
\textsuperscript{20} \textit{Report of the Pastoral Leases Committee}, (1963) p. 103.
conditions, many workers attempted often successfully to leave pastoral stations for better paying jobs on public works projects or private employment in urban centres.

In the Kimberley throughout the period of state trusteeship, until at least the late 1960s, many budding Aboriginal controlled commercial operations were purposefully stymied. Government restrictions and controls (including restrictions on property holding by Aboriginals) imposed on indigenous enterprises were effective in severely curtailing Aboriginal commercial activities. Strict restraints on indigenous business activities and property and citizenship rights continued throughout this era due to, among other reasons, the absence of any political representation at a local, State or Federal level.21 While several Aboriginal businesses were active in this period, Aboriginal enterprises – most notably the Northern Mining and Development Corporation (established in the 1940s) and the Pindan Group, both of which operated for a time in the North West of Western Australia – were seriously impeded in their operations.22

In short, competing commercial operations, especially white pastoralists (who enjoyed strong links with government through agencies including the Pastoralists and Graziers Association) were greatly assisted by these types of government intervention in preventing the development of Aboriginal businesses as a competitive threat. It was not until the advent of well-organised Aboriginal political organisations, such as the Kimberley Land Council, beginning in the 1970s, that Aboriginal enterprises began to receive royalty payments and other monies for commercial operations conducted on “their land”. As the thesis shows, the contrast between the scope of Aboriginal owned enterprises during the period of state trusteeship and the number of businesses that

21 The Special Committee On Native Matters (1958) draws attention to the fact that “In accordance with Section 10 of the Federal Nationality and Citizenship Act, 1948-1955, every aboriginal born in Australia is a citizen of the Commonwealth. Western Australia, however, has enacted special legislation which deprives aborigines and most part-aborigines of some of the normal rights and privileges of citizenship, even though it does not absolve them from most of its duties and responsibilities – including taxation. Under this legislation, one of the fundamental principles of democracy – that there should be no taxation without representation – is denied the native living in Western Australia”. p. 9.

22 D. McLeod, How The West Was Lost, The Native Question In The Development Of Western Australia, (Port Hedland, Self-published, 1984) especially pp. 89-132. See also Chapter 3.
operated under the later policy of indigenous trusteeship provides an impressive measure of the advance of indigenous business in the Kimberley region.

THE PASSING OF THE “GOLDEN ERA” OF ABORIGINAL EMPLOYMENT

In the Kimberley, during the period 1960-1968, the vast majority of indigenous labour was employed in the pastoral industry, although the requirement for labour in towns was growing. Indeed, the demand for indigenous labour often exceeded supply – so much so that “native” labour was sometimes imported from other States. Consequently, many smaller pastoral properties found it difficult to attract and hold station workers and in some cases there was police “pressure” to oblige Aboriginal individuals to accept employment. As a result of labour shortages, Aboriginal wages and conditions (as was the case among the general population) steadily increased.

Up until the late 1960s, the pastoral industry remained the cornerstone of the Kimberley regional economy and a significant contributor to the Western Australian economy generally. The value of Western Australian beef exports – for which the Kimberley produced on average about 40% of the State’s total – grew from over $6.7 million in 1960, to nearly $17 million in 1969.

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23 In the Kimberley, 1960s labour shortages are described in detail by the Commissioner of Native Welfare’s Annual Reports. According to one Assistant Superintendent the labour shortage was so critical that to those who do not accept employment, “it is usual for the police ... to deliver an ultimatum – accept one of the jobs offering or face a charge of being idle and disorderly.” Commissioner of Native Welfare, Annual Report, 1963, p. 34.

24 See Chapter 3 for a detailed analysis of the situation as it was occurring in the 1960s. In 1963, for example, the Commissioner reported that for the Kimberley, “the employment position for the [Northern] Division is buoyant with plenty of work available and wages creeping up”. Commissioner of Native Welfare, Annual Report, 1963, p. 34.

25 Australian Bureau of Statistics.
In 1968 however, the introduction of the Cattle Industry Pastoral Award, which guaranteed equal wages for Aboriginals in the pastoral industry, proved to be the catalyst for much change – socially, politically and economically (Chapter 4). In the late 1960s and early 1970s, as a corollary of rising labour costs and the ongoing concentration of pastoral ownership (that is, the move towards more corporatised ownership), the pastoral industry substantially restructured production methods that included the increasing use of contract labour and the introduction of new labour saving technology, such as aerial mustering and motorbikes. The restructure combined with a fall in beef commodity prices and drought conditions led to a severe reduction in pastoral employment. In the Kimberley, in the three years between 1969 and 1972, Aboriginal pastoral employment fell 43%, and many unemployed Aboriginals and their families were moved off pastoral stations (either forcibly or voluntarily) to camps on the outskirts of urban centres in the region.

It was at this time that the earlier period of Aboriginal development was found wanting, and when Aboriginal affairs in Western Australian witnessed the birth of a new era (which has generally been termed self-management and self-determination, but will be referred to in the thesis as indigenous trusteeship). In regional areas including the Kimberley, as a means for dealing with a rapidly growing surplus population – in which indigenes were a substantial proportion – governments began to institute a policy, in close consultation with the Aboriginal leadership, that promoted concepts of “traditional” culture, ethnicity and community. Because of the Kimberley’s large Aboriginal population and its historic reliance on the pastoral industry as an employer of indigenous labour – that from the 1970s, was in serious decline – the region provides an illustrative case study for the efficacy of the evolving policy of indigenous trusteeship.

It is important to recognise that when instituting the policy of indigenous trusteeship, in the late 1960s and early 1970s, the Western Australian and Commonwealth governments

26 The introduction of the Pastoral Industry Award permitted station owners to displace those Aboriginal stockmen and their families (who usually resided on the property) no longer required in the restructured environment.

27 See in Chapter 4, Table 4.1.
were not acting without precedent. Indeed, as will be outlined in the thesis, the policy of indigenous trusteeship was being implemented in Canada and the United States at or before this time. Reasons for the introduction of the new policy in Australia (as in other developed countries) included the inability of the previous development policy – that is, state trusteeship – in dealing with the quickly changing global economic situation and its long-term consequences.

INDIGENOUS TRUSTEESHIP IN THE KIMBERLEY

In the Kimberley, the depressed rural economy, coupled with the relatively high cost of labour (exacerbated by the introduction of award wages for indigenous pastoral workers)\textsuperscript{28} resulted in a rapid growth in unemployment. As a consequence, the existing policy of state trusteeship – devised in times when the pastoral industry was particularly labour intensive and prosperous – was unable to prevent or cope with the wave of migration from stations and outlying regions into towns and semi-urban centres (both within and outside the Kimberley region). The subsequent impoverishment and unemployment – as well as the corresponding rise in social disorder – determined that a reformulation in Aboriginal development policy was required.

As pointed out above, beginning in the late 1960s and early 1970s, State and Federal governments (with bi-partisan political support), in concert with an emerging Aboriginal leadership, tacitly abandoned the policy of state trusteeship. In its place there was implemented a new policy known as self-determination (or indigenous trusteeship). Importantly, the evolving policy of indigenous trusteeship was introduced and guided by advisors such as H.C. (Nugget) Coombs and W.E.H. Stanner and Cabinet Ministers from both sides of politics, including Gordon Bryant and William C. Wentworth. Significant aspects of the new policy involved the ceding of large tracts of land – especially in remote and regional areas – and the provision of labour and finance to indigenous

\textsuperscript{28} As Noel Pearson argues, “The impact of the equal wage decision on Aboriginal labour in the cattle industry was decisive. People lost their place in the pastoral industry and were forced into the increasingly welfare-based economy of the settlements”. N. Pearson, \textit{Out Right To Take Responsibility}, (Cairns, Noel Pearson and Associates, 2000) p. 30.
organisations and individuals. The principal aim of the policy of indigenous trusteeship was to alleviate the "social crisis" being experienced in remote and rural regions including the Kimberley. In order to arrest urban drift and deal with emerging social destitution of unemployed station workers and their families, leading indigenes were now to be the agents or trustees for their own development, and that this development would necessarily involve Aboriginal leaders and enterprises in organising and managing labour.

Beginning in the late 1960s and early 1970s, an Aboriginal leadership emerged that was well educated and often of a "mixed race" or hybridity.\textsuperscript{29} Hybridity can best be described as the phenomenon whereby indigenous families and individuals of an "Aboriginal and European" heritage – particularly those that had been involved in business activities, albeit on a modest scale – were invited to help implement the new policy of indigenous trusteeship. It was believed that these existing businesses would prove effective in soaking up the swelling numbers of unemployed indigenes.

An increasingly well-organised indigenous leadership – now the appointed trustees for the welfare of Aboriginal people – effectively shifted government policies and their delivery away from those who had historically been designated the task (such as Churches, white government officials and pastoral management) to one that involved self-management. The concept of Aboriginal community, within the policy of indigenous trusteeship, became the central organising principle in the administration of Aboriginal affairs. A vital ingredient of the new policy regime, in the endeavour to impose and maintain social order, involved the establishment of regional Aboriginal councils and associations presided over by "traditional elders", councillors, and "community" and business leaders (see also resource agencies below).

The purchase of land on behalf of Aboriginal organisations and individuals also began on a large-scale in the early 1970s. Initially, land purchase in the Kimberley mainly involved the transfer of pastoral stations and former Aboriginal reserves to Aboriginal

\textsuperscript{29} See Chapter 8.
management. These areas were to be places for sequestering surplus labour, as well as providing a basis for underpinning nascent Aboriginal enterprises – particularly in pastoral and agricultural production. Two of the first semi-autonomous government agencies created for the purpose of conducting these land acquisitions were the Western Australian Aboriginal Lands Trust (ALT) and the Commonwealth’s Aboriginal Land Fund Commission (ALFC). The creation of the ALT and ALFC (Chapters 5 and 6) encapsulated both the policy of indigenous trusteeship and the necessary changes in state forms and apparatus that followed. The indigenous leadership’s role in determining and delivering policy was also an essential feature of the new regime and to this end, agencies such as the ALT and ALFC played a pivotal role in the consolidation and expansion of indigenous business in the Kimberley.

In 1972, the ALT held its first meeting. Its major task, as outlined at the inaugural meeting, was to manage and distribute Aboriginal designated land in Western Australia. In line with the new policy, membership of the Trust was restricted to those persons of Aboriginal descent (hybridity). It is significant also that ALT members usually belonged to a stratum of an incipient Aboriginal political and business class. In 1988, in a process that has been described as straddling (usually between private business and public office), Ernie Bridge – Aboriginal businessman, landowner, “community” leader and a former director of both the ALT and ALFC – was the “first Aboriginal” appointed to a ministerial post in Australia. Ironically, Bridge, as a Member of the Legislative Assembly in the Western Australian parliament, represented the Kimberley electorate once held by

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30 As a way of financially underpinning nascent indigenous enterprises, as part of the policy plan to resolve Aboriginal unemployment and social dislocation, was the establishment of the Capital Fund for Aboriginal Enterprises. The Capital Fund was established in 1968 by the Commonwealth government to assist Aboriginal individuals, co-operatives or corporate entities on “their land”. Importantly, the finance provided by this fund was available only to those organisations that were “Aboriginal owned”. See Chapter 4.
31 It is important to note that the policy of indigenous trusteeship since its inception – particularly in the establishment of agencies such as the ALFC and ALT (and especially in their acquisition of pastoral and agricultural land) – generated much criticism, particularly from those with vested interests such as white pastoralists and miners that continues to the present.
Alexander Forrest (see above). As Minister for Aboriginal Affairs, Bridge’s portfolio included responsibility for the Aboriginal Lands Trust.34

The policy of indigenous trusteeship – for which the establishment of state agencies such as the ALT was an integral part – required linking labour market programs to the expansion of existing indigenous businesses as a means for reabsorbing labour, as well as retaining productive capacity, in regions of high unemployment. The ALT and various other government departments, both State and Federal, facilitated this process by providing labour, land and finance to indigenous enterprises. The establishment of indigenous controlled agencies such as the Kimberley Land Council (KLC) and later the Aboriginal and Torres Strait Islander Commission (ATSIC) were essential components of the new policy regime in the support of Aboriginal enterprise (Chapter 7).

Initially, the new policy objective was constructed as a welfare measure, providing indigenous enterprises with significant government subvention, although firmly within a commercial ambit. In this regard, the establishment of resource agencies as a platform for the delivery of welfare services and later as a springboard for multiplex enterprises provides an example of the corporate organisation used by the indigenous leadership to expand commercial operations. In many cases resource agencies, usually controlled by the local Aboriginal leadership and their families, have become involved in broader commercial activities alongside their welfare responsibilities. Commercial activities were at the outset mainly comprised of pastoralism and agriculture – later, agencies began operations in the construction, retail, tourism, media and other sectors of the economy. By the 1990s, many of these enterprises were employing large amounts of labour – albeit under the CDEP scheme, a prototype of later work-for-the-dole schemes now applied to unemployed labour across Australia.

Significantly, in the 1990s, there were calls from the indigenous business class, once firmly established, to focus more explicitly on economic development, and particularly

the employment of labour in the "real" rather than the "welfare" sector of the economy (Chapters 8 and 9). In order to deliver this outcome, it was considered by Aboriginal business interests that secure legal tenure – that is, the transfer of freehold title direct to Aboriginal individuals and corporations – was the most "suitable" and "correct" course of action. By calling for long-term leases and/or secure tenure (preferably freehold), Aboriginal organisations and corporations could potentially use their land assets for collateral in obtaining finance from the private sector, thereby freeing them from public sector scrutiny and welfare obligations (such as the communal distribution of revenue) that necessarily impinge on accumulation activities. Or to put it another way, this ongoing demand for secure title represented a wider desire by indigenous business to move away from simply providing a welfare service as indigenous trustees, to more commercially oriented operations. This tussle is ongoing, but outside the scope of the current thesis.

CONCLUSION

The present thesis – utilising empirical material gathered from, among other sources, the Western Australian State Records Office, National Archives, and Hansard – traces the trajectory of indigenous owned-businesses in the Kimberley region of Western Australia. As part of the analysis, the thesis also investigates the history of Aboriginal affairs development policy at both a State and Federal level. In the period beginning in the late colonial era there is a review of the development policies (that is, state trusteeship) that facilitated land and labour to the pastoral industry, at the time the region's most dominant. In delivering these outcomes, the policy of state trusteeship also purposefully and effectively stifled the possibility of widespread indigenous commercial activities.

35 Aboriginal Affairs Department, Annual Report, 1996. p. 11.
36 Ibid.
37 In 2002, Fred Chaney, co-chair of Reconciliation Australia, pointed out (in a conference "examining the future links between business and indigenous communities") that publicly funded Aboriginal businesses are required to satisfy strict government guidelines on their expenditure. According to Chaney, these guidelines "operate as strait-jackets where administrative attention becomes focussed on regulating and controlling processes rather than achieving the social [or economic] objective". "Privatise Aid, Blacks Told", The Australian, 9 July 2002.
However, in the late 1960s and early 1970s, as a result of changing global economic conditions, and especially the serious downturn in the pastoral industry, the policy of state trusteeship was increasingly incapable of dealing with the destructive consequences of capitalist development, including rising unemployment, poverty, and social dislocation. In its place, the policy of indigenous trusteeship came to be implemented. In this respect, there is recognition, often neglected, of the major contribution made by an emerging Aboriginal leadership to the evolving policy regime. And in so doing, there is a critical re-evaluation of the origins of, and support for, successful indigenous owned enterprises. In order to better understand the development policies that have been implemented in Western Australia and specifically the Kimberley region, there is in Chapter 1 a survey of the wider development literature that establishes the theoretical approach taken in analysing development policies applied to Aboriginals in the Kimberley region of Australia.
CHAPTER 1. DEVELOPMENT AND ECONOMIC DEVELOPMENT: AN OVERVIEW

The process of industrialization must, in any conceivable social context, entail suffering and the destruction of older and valued ways of life.

— E. P. Thompson.¹

When, as is often the case, the question ‘What is intended by development?’ is confused with the question ‘What is development’, an intention to develop is routinely confused with an immanent process of development.

— Michael Cowen and Robert Shenton.²

(1.1) INTRODUCTION

According to the standard account, development economics was originally devised to analyse such things as poverty and unemployment in “developing” countries – or as “the application of mainstream economics to the economic problems of third world countries”.³ This gives the study of development a very mid-twentieth century provenance, but recent research has traced the subject of development much further back to the initial period of industrialisation in Britain.⁴ In rediscovering the origins of development, it is also possible to identify a much wider scope for development issues than that which became associated with the mid-twentieth century field of development studies. In more contemporary times, development economics has re-focused attention on industrialised economies, especially those former settler countries with an indigenous

⁴ See especially Cowen and Shenton 1996.
population including Australia, Canada and the United States. The current thesis examining issues relating to indigenous “development” in the North West of Western Australia therefore represents an attempt to explore the “return” of development economics to the “developed” world, and to survey some of the implications of a wider ambit for the study of development.

In order to undertake this task, it will be necessary in this chapter to discuss the literature that establishes and re-establishes the economics of development as a broader project. The literature cited in Chapter 1 therefore encompasses both orthodox development economics and a range of other material that relates to it. The chapter draws writers as seemingly diverse as John Stuart Mill, Henry George, John Maynard Keynes and Amartya Sen into the evolving paradigm of development economics. Significantly, the chapter shows that development is just as important for understanding the processes at work in advanced as the so-called developing countries. In this sense, the chapter is not so much a traditional literature review as an essay on the origins and general significance of development within economics.

The chapter seeks to establish how throughout its history, the subject of development economics has faced a tension between ameliorating the negative effects of capitalism and attempting to provide a strategy for accelerating capitalist growth. This tension suggests that there may not be one but at least two concepts of development. In this regard, the study of economic development has provided a broad and useful overview of the changing nature of state development policies. The present thesis will examine the way the two concepts can be employed to understand an important period in the economic history of Australia.

Some of the consequences of capitalist development – principally unemployment, poverty and social dislocation – are of course not exclusive to so-called third world countries and occur just as routinely in industrialised economies. This has certainly been

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5 The most important influence here has been the work of Amartya Sen, and the increasing use of his “development” writings in Britain, the European Union and Australia.
the case in Australia, Canada and the United States, with rural and regional populations, including indigenes, being particularly affected. Michael Cowen and Robert Shenton have established that the idea of development in its modern form was born out of the crisis accompanying the synchronous process of destruction and renewal evident at the dawn of the industrial revolution, and then subsequently apparent in regions of colonial settlement in Australia and Canada (among other colonial settler countries). The association of this phenomenon with places of “under-development” is therefore a more recent occurrence.

From the outset of industrial development the inherent process of destruction and renewal— and importantly, as part of this process, the creation of relative surplus populations— has been a salient feature of industrialisation. The original idea of industrial development, or progress, emerged to harness the two-sided nature (both negative and positive) of capitalist growth; that is, a free flow from the old to the new. This idea of development came about to capture a more comprehensive sense of progress than the earlier pre-modern idea of development. But quickly the idea of development came to be associated with another meaning, the attempt to eliminate (or at least moderate) the negative aspects of actual capitalist development. Cowen and Shenton have drawn this distinction as between immanent (that which happens spontaneously) and intentional development (that which is willed or planned). As Cowen and Shenton have delineated: “The idea of intentional development, through the state practice of development, had arisen in Europe to deal with the problem of a surplus population in Europe. Likewise, in the colonial cases of Australia and Canada ... development, as an institution to develop resources, arose during a period when both colonies faced the experience of mass unemployment” (including the accompanying threat of a large-scale exodus of populations previously drawn to these colonies during the gold rushes).6

And later— after the experience of the economic, political and social ructions of the 1930s global recession— national governments, beginning in the immediate post-World War Two period, took it as their prime policy objective to keep aggregate unemployment

to an absolute minimum. “This minimum was at one time thought to be at 2 per cent of
the labour force, but throughout the 1950s and 1960s, 1.5 per cent ... [came] to be
considered normal”. A vital objective for J.M. Keynes’ – one of the principal architects
of the post-World War Two reconstruction – was to understand, with the aim to resolve,
the causes of mass unemployment that had occurred during the inter-war years.

As Geoff Kay points out, in regard to the social democratic order that became dominant
after World War Two and in light of the Great Depression, it was recognised that
unemployment needed to be reduced in the “interests of political stability”. According to
Kay, the reason capitalism has managed to overcome these periodic crises so effectively
is because it can “revolutionise and socialise production”. Further, “when a particular line
of advance has been blocked” – including periods of depression or recession – “capital
has been able to turn the crises to its own advantage. It has restricted their impact and
succeeded in turning them into crises of recomposition, whereby the forces that appear to
threaten the very existence of the capitalist mode of production become the basis for a
new phase of development”. In both phases of development (crisis and recomposition)
development remains a process generating both the expanded production of wealth as
well as destruction and social dislocation.

In more recent times, at the end of the post-World War Two global long boom in the late
1960s and early 1970s, the rate of unemployment worldwide dramatically increased. An
early consequence of the ending of the long boom – due to, inter alia, overproduction in
many commodity markets – was the collapse in commodity prices, specifically
agricultural commodities. As a result, populations in rural locations in both third world
and industrialised countries (especially those industrialised countries with indigenous
populations) were particularly hard hit. As estimated by a British government source,

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8 S. Reglar, “Keynes And His Critics”, in N. Winthrop (ed.) Liberal Democratic Theory And Its Critics,
10 Ibid., p.172.
90% of the population in “developing countries”, during the period of the long boom (late 1940s – late 1960s), was engaged in agriculture and agriculture-related activities.  

A similar parallel can be drawn with the case of indigenes in Australia. In Western Australia, before the early 1970s, more than 93% of the indigenous population lived and worked in agricultural and pastoral areas. As a corollary of the downturn in global economic conditions, regional populations suffered calamitous rates of unemployment, poverty and social dislocation. A significant repercussion of these upheavals included a mass exodus of rural populations to semi-urban and urban locations. As in the past, development policy (or what Cowen and Shenton have termed intentional development) moved to halt this rural migration, as well as to ameliorate deteriorating social conditions and living standards in an endeavour to, among other things, maintain social stability and order. It is the process of imminent development and the subsequent attempt by the state to moderate the negative effects of that process, that the intent to develop establishes as the basis for a recomposition of productive relations in the countryside.

Chapter 1 reviews the literature concerning economic development and especially the phenomenon of destruction and renewal that is imbued within capitalist development. There will also be an analysis of the various “doctrines” devised to deal with these conditions, particularly in relation to indigenous populations.

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11 Working Group on Rural Development, Final Report, Ministry of Overseas Development, January 1969, p. 4. One of the key works in post World War Two development economics, constructed by John Harris and Michael Todaro (known as the Harris-Todaro model), attempted to model the push and pull factors driving rural populations to urban locations and is discussed at length below.

(1.2) BACKGROUND: THE IDEA OF DEVELOPMENT

The golden age of humanity is not behind us; it is to come, and will be found in the perfection of the social order. Our fathers have not seen it; our children will one day behold it. It is our duty to prepare the way for them.

— Saint-Simon\textsuperscript{13}

As Cowen and Shenton have shown, “the modern idea of development”\textsuperscript{14} was originally formulated during the first two decades of the nineteenth century. This “idea” came about as a result of the disenchantment with the perceived failure of the notion of progress under capitalism. Until then it was widely believed that progress — under the emerging capitalist order that was unmitigated (immanent) development, or “potentially infinite improvement” — could be achieved without social costs.\textsuperscript{15} Within the original understanding of industrial progress there was the sense that an immanent process was at work, which included “destruction, decay, decomposition and death as well as creation and growth”. Immanent development, as Cowen and Shenton term it, has an extensive history within the western canon and one that extends well beyond the industrial revolution. Classical Greek thought, for instance, understood human development as analogous to the process of nature’s cycle. There is, however, a notable difference between the modern concept of development and the earlier classical idea. In classical times, the four stages of “genesis, growth, maturity and decay” are in sequence, whereas in the modern world, the two phases of development are concurrent. That is, while “development may happen within the same period of time, they act in different places. Forces acting for destruction and decay act at the same time as those forces, which allow activity to grow and expand.”\textsuperscript{16}

\textsuperscript{14} Cowen and Shenton, \textit{Doctrines}, p. 116.
\textsuperscript{15} \textit{Ibid}.
An early illustration of this process was the enclosure movement in England that occurred during the late eighteenth and early nineteenth centuries. As a direct result of increasingly large-scale agricultural production, the enclosure movement witnessed the wholesale eviction of populations from their land. “The small farmer, the cottager, the squatter were driven off the soil ... the land they had worked was enclosed, and became part of the park or plough-land of a large estate”.17 Thus the ranks of the English yeomanry and peasant or agricultural labourers were decimated, and rural populations were forced to seek employment in centres of industrial production and subsequently turned into a “proletariat for the needs of industry”.18 “By about 1750 the yeomanry had disappeared, and so, by the last decade of the eighteenth century, had the last trace of the common land of the agricultural labourer”.19 And, “by the nineteenth century, the very memory of the connection between the agricultural labourer and communal property had, of course vanished”.20

To take an example relevant to the thesis, traditional indigenous living conditions – in Australia, Canada and the United States, throughout the late nineteenth century – were likewise being destroyed at the very time industrialisation was expanding. For example, the well-known Australian anthropologist, Nicolas Peterson, following Harold Wolpe, observed that, “in many situations the traditional economy” – at the outset of industrialisation – was “disrupted”, if not completely “destroyed”.21

17 P. Gregg, A Social And Economic History of Britain: 1760-1965, (London, George G. Harrap and Co, 1965) p.27. The English countryside became as Goldsmith portrayed it in The Deserated Village:

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates, and men decay:
> Princes and lords may flourish, or may fade;
> A breath can make them, as breath has made;
> But a bold peasantry, their country’s pride,
> When once destroyed, can never be supplied.

Goldsmith cited in Gregg, Social And Economic History, p. 27.
19 Ibid., p. 883.
20 Ibid., p. 889.
21 N. Peterson, “Capitalism, Culture And Land Rights: Aborigines And The State In The Northern Territory”, in Social Analysis, (18, December 1985) p. 85. It has even been suggested that, “In the great majority of cases rapid dissolution both of [the traditional] economy and society seems to have occurred
The general positivist supposition “from the Saint-Simonians to [Auguste] Comte to [John Stuart] Mill” was that industrial expansion had occurred in times of social disharmony exactly “because there had been no constructive coincidence between self-interested investment of capital and the need of dislocated populations of employment”. 22 Dislocated populations also included indigenous people that were subject to industrial development. As a result of the simultaneous action of destruction and renewal inherent within immanent development, “the growth of potential social wealth was accompanied by the actual poverty and unemployment of its producers and potential producers”. 23 Indigenous people who experienced capitalist industrialisation during the nineteenth century and early twentieth centuries were increasingly torn from their primary means of production, that is, land. 24 This is by no account a unique phenomenon as the separation of labour power from the means of production is an ongoing process worldwide, which began at the genesis of capitalism. Karl Marx wrote of this situation as it occurred in Britain:

The proletariat created by the breaking up of the lands … and by the forcible expropriation of the people from the soil, this free and rightless proletariat could not possibly be absorbed by the nascent manufacturers as fast it was thrown upon the world. On the other hand, these men, suddenly dragged from their accustomed mode of life, could not immediately adapt themselves to the discipline of their new condition. They were turned in massive quantities into beggars, robbers and vagabonds … in most cases from the force of circumstances. 25

In combination with the separation of labour power from other means of production that constitutes the destruction of productive force and the possible precondition for further development of productive force, there occurs the primary accumulation of capital – the accumulation of land, labour and money capital as a future source of productive

soon after contact, in some instances this occurred before contact with whites”. D. Drakakis-Smith, “Aboriginal Underdevelopment In Australia”, Antipode, (13, 1981) p. 43.
22 Cowen and Shenton, Doctrines, p. 116.
23 Ibid.
24 In many situations this did not always require actual physical separation such as the enclosure movement in England. Rather, in some cases it was possible to insert capitalist property relations into “traditional” production methods. Also, separation did not automatically constitute the population as a proletariat, but often initially simply as surplus populations for which state action was required to transform them into a proletariat.
25 K. Marx, Capital, p. 896.
investment. This process, universally, is an essential requirement for the continuance of capitalism. Immanent process proceeds in conjunction with primary accumulation, by expelling the labour force from one time and place and realising its potential in another. Symptomatic of industrial development therefore is the creation and re-creation of a relative surplus population. “Thus a relative surplus population is that which is unemployed ‘relatively’ to that part which is engaged in what has been deemed to be socially necessary work only by virtue of the ‘social existence of things’ in exchange. A relative surplus population does not work and thus constitutes a surplus of labour capacity.”

The idea of (intentional) development assumed as its most important goal the “amelioration of the social crisis” that had accompanied capitalist industrialisation, which typically involved the rapid transfer of people from rural and regional centres to areas of industrial production. Progress, according to the positivists, who attempted to deal with this “dualism”, and given their understanding of “crisis and disorder”, argued that progress and order could only be maintained by way of the “intentional constructive activity” of development. For the positivists, “industrial production and organisation” was accepted as the historically given component of the motion towards an “organic positive or natural stage of society in Europe”. The function of development was to repair the negative tendencies of capitalism, such as unemployment and social dislocation, through the reconstruction of social order. “To develop then, was to

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26 Cowen and Shenton, Doctrines, p. 475. As Ernest Mandel explains: “The capitalists thirst for surplus value is not the thirst for use-values and luxuries of the old possessing classes; only a limited part of surplus value is consumed unproductively in order to keep the capitalists alive. It is a thirst for surplus value to capitalise, a thirst to accumulate capital ... There is nothing irrational or mystical in this thirst ... The classical type of bourgeois in the historical epoch of the primitive accumulation of money capital, the miser is haunted by this same thirst for security. It is not the return on his capital that he is worried about but his existence. It is otherwise with the capitalist properly so called, the capitalist entrepreneur. Carrying on business for a market which is anonymous, unknown, undefined, his enterprises are dominated by risk and uncertainty ... The uncertainty of capitalist profit implies ... the need for a continuous expansion of business, an expansion which in turn depends on maximum accumulation of capital, maximum realisation of profits”. E. Mandel, Marxist Economic Theory, (London, Merlin Press, 1968) pp. 133-34.

27 Cowen and Shenton, Doctrines, p. 152.

28 Ibid., p. 116.

29 Ibid.
ameliorate the social misery which arose out of the immanent process of capitalist
growth”. 30

An important exponent of positivist thought, the liberal John Stuart Mill summed up the
optimistic aspect of the positivist idea of development, by stating, “poverty in any sense
implying suffering, may be completely extinguished by the wisdom of society ... even
the most intractable enemies ... may be reduced ... while the progress of science holds
out the promise of the future”. 31

Positivism has also been incorporated into other doctrines of development. “It was the
apprehension of the destructive dimension of a process of development which was ... the
starting point for the modern intention to develop. Intention here was to give order to
particular process of development, the development of capitalism, which it was believed
embodied no development purpose and whose destructive dimension was poverty and the
unemployment of the potential of productive power”. 32 As Henry George – the American
economist influential amongst Fabian thinkers and others – wrote in 1879, “So long as all
the increased wealth which modern progress brings goes but to build up great fortunes, to
increase luxury and make sharper the contrast between the House of Have and the House
of Want, progress is not real and cannot be permanent”. 33

And as Cowen and Shenton outline, “the positivist doctrine of development ... entered
into state practice of the mid nineteenth century as the positive means to confront the
urban destitution and unemployment of labour which the development of capitalism had
left in its wake”. 34 It was from this experience that “the intent to develop was given
constructive purpose and that development doctrine was perpetuated as the practice to
deal with the surplus population of the process of development”. 35

30 Ibid.
32 Cowen and Shenton, Doctrines, p. ix.
33 Henry George cited in C. Bingham (ed.) Men And Affairs: A Modern Miscellany, (Sydney, Currawong,
1967) p. 395. According to Cowen and Shenton, “Fabian thinkers, from the late nineteenth century on,
made George’s nostrums the foundation of their economic theory”. Cowen and Shenton, Doctrines, p.270.
34 Cowen and Shenton, Doctrines, p. x.
35 Ibid.
Nevertheless, intentional development, particularly an agrarian doctrine of development – devised to resolve social dislocation and unemployment – “intends to do the opposite of what the [original] idea of development, conveying a fluidity of movement from the old to the new, implies. Its intention in practice is to confront, compensate, and pre-empt this fluidity of movement in order to renew the agrarian conditions of development by locking up population in the countryside. Such is the agrarian doctrine of development”.

Until the Second World War, development was bound up with this tension, and framed by a world structured by colonialism. After World War Two, the long economic boom saw unemployment in industrialised countries fall and stay quite low for more than a generation. In the rest of the world too, the global boom and rapid economic growth afforded the prospect of the end of development. In this period, development economics became concerned with how to bring (industrial) development to developing countries. With the seminal works of P.N. Rosenstein-Rodan, A.O. Hirschman, G. Myrdal and others, the major issues surrounding the mechanisms needed to get immanent development going, whether by the Big Push, virtuous circles, economies of scale, or balanced growth, development economics became a study of countries trying to catch up.

However, the threat of the negative aspect of development (with attendant unemployment and poverty) was ever-present, and development economics became associated with both planning of industrialisation (including that of agriculture) – thus the label developing and underdeveloped countries – and ensuring that the destructive element was kept in check. But the ending of the post-1945 global long boom in the late 1960s brought sharply back into view the nineteenth century tensions between the negative and positive components of development.

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36 Ibid., p. xiii.
The consequences of social disorder

Advances in the scale of material progress – just as closer settlement and a more intimate connection with the rest of the world, and greater utilization of labour-saving machinery, make possible greater economies in production and exchange, and wealth in consequence increases, not merely in aggregate, but in proportion to population – so does poverty take a darker aspect ... The ‘tramp’ comes with the locomotive, and almshouses and prisons are surely the marks of ‘material progress’ as are costly dwellings ... Upon streets lighted with gas and patrolled by uniformed policemen, beggars wait for the passer-by, and in the shadow of college, and library, and museum, are gathering the more hideous Huns and fiercer Vandals...

– Henry George, Progress and Poverty

In 1969, with the post-World War Two global long boom coming to a close, a British government report predicted that industrialising countries would be “faced with serious and growing unemployment, particularly among young people. The consequent hopelessness and frustration may well prove a more serious impediment to social and political progress than the more published fears of food shortage”.

Ronald Manzer, in a discussion (in the early 1990s) of poverty in Canada and indigenous impoverishment in particular, suggested that, “failure to earn an income is disastrous for individual workers and their families, but it is also a [considerable] public problem”. A century before, James Mill (father of John Stuart Mill), referred to the same predicament – as it was then occurring in Britain – when he stated: “When a man has nothing to lose ... and everything to gain by disregarding the laws of society, by what power is he to be restrained”. It was understood, according to this widely held view, that poverty and unemployment is a public problem by virtue of the “fear that the poor will undermine public order”.

41 Cowen and Shenton, Doctrines, p. 49.
Large-scale unemployment and poverty, that which is synonymous with unmitigated capitalist development, are the “vile powers” which are sought to be contained through development. Development doctrine, extending from the “idea of progressive development”, was promoted as the “positive means by which the productive force lost through the process of capitalist development could be regained. Thus development came to be intent and not process”. 43 And for these reasons, we are continually “drawn back to believe that a surplus population is to be made productive and mass poverty eliminated through some form of empowerment, both through and against the state”. 44 Maintaining the welfare of the relative surplus population, notwithstanding the idealistic rhetoric of government policy, remains the aim of development for without social order the accumulation of capital becomes problematic.45

Systematic social security whatever its dimensions, represents an attempt to provide the “effort” of work, the hallmark of progress, while seeking artificial means to make “effort” part of the productive force of labour.46 As the primary means of production are lost to the unemployed, as capitalist development proceeds, a “surplus population relative to the population of productive force under the jurisdiction of a particular state” is produced.47 “Development doctrine purported to put this relative surplus population to work within the integument of the nation”.48 As Amartya Sen notes, one of Keynes’ suggestions in this regard was to have the state employ the unemployed to “dig holes and fill them up”.49

Historically, therefore, social security is the positive development, which has followed capitalist development and provided the “second best alternative” to the “full socialisation of the means of production in establishing the basis for positive economic

43 Cowen and Shenton, Doctrines, p. 473.
44 Ibid., p. 5.
46 Ibid., p. 308.
47 Ibid.
48 Ibid., p. 153.
and social order”.\textsuperscript{50} Also, as Cowen and Shenton illustrate, “When small-scale production, whether as peasant or artisan enterprises, reappears as part of the intent to develop, then it is the old concept of production which is being recreated as the palliative for the destructive propensities of the new” – an incongruous mechanism for advancement when consideration is given for why the “old concepts of production” were discarded or outmoded in the first place. What is more, “The unemployed, of the relative surplus population, are to be absorbed in development schemes when the misguided and socially disintegrating economy cannot find the means of accumulation to engage all who are potentially available for work”.\textsuperscript{51}

Posed in this way, it is possible to begin to see how the concept of development is integral not just to that which happens on the so-called “periphery”, but has been central to capitalist growth \textit{per se}. The next section discusses some of the parallels between development in the “periphery” and the “centre”.

\textbf{Development economics: responses to unemployment and poverty}

Rural development is not the complete answer; but among the limited range of possibilities open with existing resources, it offers an opportunity to soften the impact of the harsh economic realities.

– British Government Report, 1969 \textsuperscript{52}

The perennial problem of poverty and unemployment, according to Ravi Kanbur and Lyn Squire, “lies at the heart of development economics”.\textsuperscript{53} Further, it is widely recognised that although “development seeks to benefit all members of society”, it is the “poor” that “command our special attention. Any reasonable definition of poverty implies that significant numbers of people are living in intolerable circumstances where starvation is a

\textsuperscript{50} Cowen and Shenton, \textit{Doctrines}, p. 153.
\textsuperscript{51} Cowen and Shenton, “Intentional Development And Marx”, pp. 143-44.
\textsuperscript{52} Working Group on Rural Development. p. 8.
constant threat, sickness is a familiar companion, and oppression is a fact of life”. 54 Kanbur and Squire quote Alfred Marshall who observed in 1925 that: “The study of the causes of poverty is the study of the causes of degradation of a large part of mankind. Improving the lives of the poor must be at the top of our agenda”. 55

In the early 1970s, Gary Fields wrote of the accelerating migration of rural populations to urban areas in less developed countries mainly as a result of growing rural unemployment (or under-employment) and poverty. “There is a growing consensus on a number of aspects of the migration question. Both economists and non-economists agree that rural urban migration can be explained primarily by economic factors: the ‘push’ from agriculture and the ‘pull’ of relatively high urban wages”. In this context, the “bright lights of the city” and other cultural explanations are given relatively little weight in the literature. There is also agreement that such migration is quite rational”. 56

At the close of the post-World War Two global long boom in the late 1960s and early 1970s, unemployment and poverty throughout the world was once again a pressing issue. In a report produced for the British Ministry of Overseas Development in January 1969 it was stated that: “So long as rural areas remain depressed and neglected in the tide of development, deprived of amenities, with unemployment and under employment endemic and average incomes at a low level, there must continue to be a powerful tendency for young people ... to seek their fortunes in town”. 57

Importantly, however, the report considered that the “towns are not yet ready to absorb migrants from the countryside in the numbers now entering the labour market”, and, as a consequence, “unemployment is merely transferred from the rural areas to the towns, and the urban slums... are the result”. 58 During the late 1960s and early 1970s, this was not only the case in so-called “third world” countries but elsewhere, including Australia

54 Ibid.
57 Working Group on Rural Development, p. 3
58 Ibid.
where large indigenous surplus populations (recently unemployed) – otherwise known as Aboriginal “fringedwellers” – gathered in significant numbers on the outskirts of regional towns and centres.

Part of the solution to the unemployment problem, as proposed by the prevailing economic orthodoxy and outlined in various government reports (replicated in one form or another in many parts of the world, including Australia) was that: “The drift to the towns can only be diminished or checked by the creation or preservation of the institutions and social amenities and other incentives that will contribute to inducing the rural population to stay put in the rural areas until they can be productively employed elsewhere. This involves, among other things, consideration of the location of new industries and potential growth centres”.

Indeed, according to the same report, “Apart from the broad and difficult problems of wage policy, there exists a need for a closer study in the rural context of the problem of applying labour intensive methods to the process of economic development in the rural areas”.

Cowen and Shenton identify J. M. Keynes as one of the first to argue that, “artificially high urban wages will draw too many people from the rural areas because they will fail to calculate correctly the probability of their finding employment in the towns. Hence the flow of rural migrants will be checked only after the towns have become overcrowded and unemployment has reached unheard of proportions”. For Keynes: “It was far better, therefore, to ensure that would-be migrants remained committed to production in the countryside where their dole would be self financed by their own productive effort”.

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59 Ibid.
60 Ibid.
61 Cowen and Shenton, *Doctrines*, pp. 301-02. Keynes expressed another view that characterises intentional development – trusteeship. “I give you the toast to the Royal Economics Society, of economics and economists, who are the trustees not of civilisation, but of the possibility of civilisation”. Cited in B. Higgins, *Economic Development: Problems, Principles And Politics*, (New York, W.W. Norton, revised edition, 1968) Keynes also made this telling statement in regard to the class struggle: “When it comes to the class struggle as such my local and personal patriotism, like those of everyone else, except certain unpleasant zealous ones, are attached to my own surroundings. I can be influenced by what seems to me to be justice and good sense; but the Class war will find me on the side of the educated bourgeoisie”. J.M. Keynes, *Essays in Persuasion*, (London, Macmillan, 1931) p.324.
In this respect Keynes was the precursor to the very influential Harris-Todaro model (1970). The Harris-Todaro model provided development economics at the time of the early 1970s with a “simple but powerful explanation of urban unemployment in less-developed countries”\(^{62}\). In essence the model postulated that rural migration to urban areas “proceeds in response to urban-rural differences in expected rather than actual earnings”\(^{63}\). In other words, the expected employment opportunities and wages available to people migrating to urban areas were often not available. A priority therefore for resolving the issue of rapidly growing urban unemployment, according to the Harris-Todaro model (and believed to be the “consensus opinion of most economists on the shape of a comprehensive employment strategy”), included, among other things: “A more appropriate balance between rural and urban economic opportunities”. This initiative would be “indispensable for ameliorating urban unemployment problems in most developing countries. The main thrust of this activity should be in the integrated development of the rural sector, the spread of small-scale industries throughout the countryside and the reorientation of economic activity and social activity towards the rural areas”, in conjunction with the “expansion” of regional labour “intensive industries”\(^{64}\).

However, as Arthur Lewis\(^{65}\), in contradistinction to the Harris-Todaro model, has pointed out, much of the labour intensive rural industry, or what Lewis calls the “traditional sector”, in which “the bulk of underdeveloped country’s labour force is engaged, is characterized by relatively primitive techniques of production, very limited use of capital equipment, and low productivity”. In this particular sector of the economy, “agriculture, petty trade, and other components of the subsistence sector have a special character as


\(^{64}\) Ibid., pp. 198-99.

\(^{65}\) Cowen and Shenton have described Arthur Lewis as the post World War Two “Fabian father of development economics”. Cowen and Shenton also point out that for Lewis: “The worst feature of imperialism” was that “capitalists held down the productivity of labour in the subsistence economy to drive down the real wage of workers in the capitalist sector because the subsistence wage depended upon the average labour productivity of peasants. Plantation owners did not want new seeds or techniques transmitted to peasants and used their political influence over colonial governments to prevent the expansion of agricultural education and extension for African peasant”. M. Cowen and R. Shenton, “Fabian Colonialism And Development”; (unpublished article) p. 30.
‘self-employment’ sectors of the economy because of institutional arrangements such as the peasant farm household ...”66 The “primary focus of the [Lewis] model is both on the process of labor transfer and on the growth of employment in the modern [industrial] sector. Both labor transfer and urban employment growth are brought about by output expansion in the modern sector. The speed at which they occur is given by the rate of industrial capital accumulation in the modern sector”. For Lewis, “Such investment is made possible by the excess of modern sector profits over wages on the assumption that ‘capitalists’ reinvest all of their profits”, that is, accumulation.67 In other words, a “dynamic” industrial economy, as argued by Lewis, has the potential to soak up all surplus rural labour. As will be seen, much of Lewis’s theory – particularly his views on outmoded production techniques – predates that of Amartya Sen.

Amartya Sen

Amartya Sen, one of the world’s best-known development economists and a Nobel Prize winner, emphasises that employment creation, or the “entitlement of wage employment”, is the essential requirement of any state policy in its program for the alleviation of poverty. According to Sen: “For most of humanity, about the only commodity a person has to sell is labour power, so that the person’s entitlement depends crucially on his or her ability to find a job, the wage rate for that job, and the prices of commodities that he or she wishes to buy…”68

However, the necessity of creating employment, for Sen, is predicated not only on the abolition of redundant or pre-modern types of industry, which are by their very nature inherently labour intensive, but also an attack on protected industries and businesses. “As it happens, many of the restrictions that bedevil the functioning of economies in developing countries [or elsewhere] today ... are also broadly, of [the] ... ‘pre-capitalist type’”. Furthermore and very importantly, “Whether we consider the prohibition of some types of domestic trade or international exchange, or the preservation of antiquated

67 Todaro, Economic Development, p. 188.
68 Sen cited in Cowen and Shenton, Doctrines, p. 451
techniques and production methods in business owned and operated by ‘protected bourgeoisie’ [my emphasis], there is a generic similarity between the sweeping advocacy of restricted competition and the flourishing of pre-capitalist values and habits of thought”. 69 Sen reminds us that, “The ‘radicals’ of yesterday, such as Adam Smith (Whose ideas inspired many of the activists in the French revolution) or David Ricardo … or Karl Marx (who saw competitive capitalism as a major force for progressive change in the world), had little sympathy for the generally anti-market arguments of pre-capitalist leaders of thought”. 70 In addition:

It is one of the ironies of the history of ideas that some who advocate radical politics today often fall for old economic positions that were so unequivocally rejected by Smith, Ricardo and Marx … it is not surprising that the protected bourgeoisie often do their best to encourage and support the illusion of radicalism and modernity in dusting up generically anti-market positions of the distant past. Political influence in search of economic gain is a very real phenomenon in the world in which we live. 71

It has been noted that Sen is a “fervent critic of both utilitarianism and relativist approaches to poverty such as ‘basic needs’”. Instead, Sen insists that, “the process of economic development is best seen as an expansion of peoples’ ‘capabilities’”. Sen has written of the “enhancement of capabilities” as an “absolute value of development”: “Ultimately the process of economic development has to be concerned with what people can or cannot do”. Development has to replace “the domination of circumstances and chance over individuals by the domination of individuals over chance”. 72

State action, Sen urges, “should be directed at employment because it is through employment that entitlement is being affected and to act on entitlement is to have an effect upon capability”. 73 The re-joining of the purpose of development with employment, as has been shown, runs from the positivists like Comte and Mill to Keynes and Sen. As Cowen and Shenton observed in respect to a similar argument, however,

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70 Ibid., p. 122  
71 Ibid.  
72 Sen cited in Cowen and Shenton, Doctrines, p. 449  
73 Ibid., p. 451
"Development doctrine [in the early nineteenth century] ... was framed according to just this purpose".74

To summarise: capital through unmediated development, or immanent development, as Kay explains, has "no economic imperative, let alone a moral one, to create full employment".75 In reality, "The harsh fact is that the techniques which are profitable do not require the labour that presents itself at the factory gates".76 It is precisely for these reasons that: "Development emerged as a challenge to laissez faire [or anti-constructivism] and the crisis of liberalism" that was occurring in Britain in the late nineteenth century.77 Significantly, therefore, for the tenets of twentieth century liberalism and social democracy, it is the state – and its appointed trustees – who fulfil the constructivist role of creating employment and alleviating such things as poverty and social dislocation.78 The next section of this chapter will review the application of this process, and in doing so highlight the intrinsic tension between accumulation and welfare.

74 Ibid.
75 Kay, Development, p. 153.
76 Ibid., p. 156.
77 Cowen and Shenton, "Fabian Colonialism And Development", (unpublished article) p. 16. Friedrich von Hayek, an influential and important economist said this about constructivism, "Social order is not the product of conscious control or rational design: 'Constructivism is the error that the order we discover in nature – in nature, in our minds and in society – has been put there by some designing mind'. Cited in Cowen and Shenton, "Fabian Colonialism", p. 15.
78 Importantly, however, for the anti-constructivists such as von Hayek, "The order of social life cannot be the product of rational design because direction requires knowledge which 'cannot be concentrated in a single brain, natural or mechanical, not because it is very complicated, but rather because it is embodied in habits and disposition and governs our conduct via rules which are often inarticulate'. Thus, the idea of the state 'as a brain for commerce' ... is absurd for Hayek because the state would be subject to the government by rules of which it has no knowledge". Cited in Cowen and Shenton, "Fabian Colonialism", p. 15.
(1.3) DEVELOPMENT DOCTRINE

Positivism is, therefore, about socialising capital. Capitalists should fulfil the function of capital, to preserve and distribute wealth and act as the trustees for the wealth of society.  

I believe that in the future the Government will have to take on many duties which it has avoided in the past. For these purposes Ministers and Parliament will be unserviceable. Our task must be to decentralise and devolve wherever we can, and in particular to establish semi-independent corporations and organs of administration to which duties of government, new and old, will be entrusted.

— John Maynard Keynes  

Trusteeship

This thesis will examine the role of government officials, the Church and pastoralists in the early administration of indigene before 1900 and the North West of Western Australia. It will also chart the later shift of administration to leading indigene. Each aspect can be described as different phases of trusteeship. For this reason, there is a need to consider the role of trusteeship in development.

The positivist's belief in the potential embodied within industrial society for achieving harmony between progress and order was only to be realised, or so they thought, through "trusteeship". The trusteeship of social wealth was the means by which the positivists understood development could transform a critical epoch of "history into the ideal organic or natural condition of human improvement". "Active trusteeship" was required for what made the positivist concept of development become what has been termed a doctrine of development. "Without trustees as the active agents of development, and a system of constructive social order behind it, development remained only a latent possibility". Development as doctrine came to be closely associated with the "plans and intentions of state and public policy in such a way as to give the intention to develop".

79 Cowen and Shenton, Doctrines, p. 33
81 Cowen and Shenton, Doctrines, p. 116
82 Ibid.
83 Ibid., p. 117
priority over the actual processes of change”, 84 which meant in effect, that trusteeship afforded precedence of intention over the full potential of productive force.

Trusteeship centres upon, to borrow from Cowen and Shenton, “the trusteeship of the few who possessed the knowledge to understand why development can be constructive”, as well as the “intention to develop those who remained underdeveloped”. 85 In this regard and in “order to realise their aim of community, the Saint Simonians proposed that property should be placed in the hands of ‘trustees’ to resolve the problem of poverty. Trustees would be chosen on the basis of their ‘capacity’ to decide where and how society’s resources should be invested.” 86 Saint-Simon argues this position in his Letters From An Inhabitant Of Geneva (1803), where he stated: “I believe that all classes of society would benefit from an organization on these lines: the spiritual power in the hands of the scientists, the temporal power in the hands of the property-owners ...” 87

Likewise, “Keynes’ doctrine of policy was suffused by a generalised trusteeship; the state was to become the social trustee for capital to conserve the process of capitalist development”. 88 Keynes was convinced that, “Capitalism, wisely managed, can probably be made more efficient for attaining economic ends than any alternative system yet in sight, but that in itself it is in many ways extremely objectionable. Our problem is to work out a social organisation which shall be as efficient as possible without offending our notions of a satisfactory way of life”. 89 Indeed, with Keynes and the evolution of the welfare state, it was hoped that development could be internalised and re-directed such that amelioration could become a positive force rather than a necessary evil. For Keynes, “In the economic field ... we must find new policies and new instruments to adapt and

84 Ibid.
85 Ibid.
86 Ibid., p. 24. It is worth noting that in “October, 1814, Saint Simon and the young Augustine Thierry published an essay on ‘The Reorganisation of European Society’ in order to preserve peace and secure liberty, which would make the development of an industrial society possible. Saint-Simon suggested that Britain and France, both liberal and parliamentary states, should unite to form the nucleus of a future European federation”, C. Bingham, Men And Affairs p. 319.
88 Cowen and Shenton, Doctrines, p. 466.
89 Keynes, Essays In Persuasion, p. 321.
control the working of economic forces, so that they do not intolerably interfere with contemporary ideas as to what is fit and proper in the interests of social stability and social justice”.

“Palliative intent” would therefore be formulated and exercised by national or local “bourgeois trustees” in “progressive” attempts at the alleviation of the social condition of the poor and also the provision of subsistence for a relative surplus population. As Michael Cowen and Scott MacWilliam have found, “Whether it is conceptualised as ‘national’ or not, the very idea of a bourgeoisie has always embraced the agency of social order”.

During the nineteenth century and early to mid twentieth century, the particular doctrine offered up to explain an imperial administration in colonies and territories was “colonial trusteeship”. British colonial jurisdiction regarded itself as the trustee of “indigenous or ‘native’ populations”. “Fabian colonialism was the means of splicing social into colonial trusteeship”. In short, trusteeship was heavily imbued with the assumed right of a “self-selected group” – in this case, Europeans – to impose themselves upon indigenous people who were considered inadequately developed to govern themselves. “It is in this sense that the Fabian idea of development was constructed out of a commitment to a backward or non-adult or black population”.

This phenomenon is described as early as 1834 in the Second Annual Report of the Aborigines Protection Society (based in London).

That the deep degradation and ultimate ruin, which threaten barbarous tribes, imperatively demand fundamental ameliorations [my emphasis] in the existing system of intercourse with them; – but that the unquestionable benefits conferred upon them in some cases, as upon the Caffres, in the progressive

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90 Ibid., p. 337.
91 Cowen and Shenton, Doctrines, p. 168.
94 Ibid.
95 Cowen and Shenton, “Fabian Colonialism And Development”, (unpublished article) p. 32.
improvement of the Cape frontier policy, and upon some of the Indians of Upper Canada ... are consoling in themselves, and valuable as examples of the efficiency of a juster course. \(^{96}\)

Furthermore, the provision of education was proffered as an effective solution to some of these problems.

Amongst the means best calculated to elevate as well as to protect the injured Aborigines must unquestionably be reckoned the diffusion of education amongst them. This has been so strongly felt by the most successful missionaries that they have not failed to make the establishment of schools a prominent object of their labours. Nevertheless, it is obvious that amongst many tribes standing in the greatest need of assistance, education has made small and slow progress, and the committee is persuaded that more effectual means that have hitherto been employed are imperatively demanded to secure the efficient spread of education. They would suggest that special aid be obtained for the establishment and support of native schools, and that not only returns showing the number of schools and the number of scholars of both sexes should be regularly called for, together with an attested statement of the pupils’ progress and acquirements, but that a still higher degree of education should be imparted to the most talented and promising scholars. \(^{97}\)

It is an interesting point that “foreign honorary members” of the Aborigines Protection Society, at the time of the 1830s, included Alex de Tocqueville and Jean Charles Sismondi. Sismondi according to Cowen and Shenton, “accepted emerging industrial capitalism as a given”, and significantly “looked to state intervention to eliminate the worst horrors as well as to revitalise a world of small independent producers”. \(^{98}\) As Karl Britton points out – in relation to nineteenth century positivism generally – “there is a study of society and of institutions, including all the departments of state”. It is this study that preoccupied David Hume, Jeremy Bentham, Samuel Taylor Coleridge, Auguste Comte, Alex de Tocqueville and John Stuart Mill. \(^{99}\)

The “idea of trusteeship” was actually formulated prior to the colonial experience of the late nineteenth century and early twentieth century. And the social foundation of trusteeship as doctrine was composed independently of the colonial experience. “Rather

\(^{96}\) The Second Annual Report Of The Aborigines Protection Society, Presented At The Meeting In Exeter Hall, (London, P. White and Son, 1836) p. 5.

\(^{97}\) Ibid.

\(^{98}\) Cowen and Shenton, Doctrines, p. 21.

its origins were bound up with the problem of immanent development in Western Europe in the early nineteenth century. It was here and then that social trusteeship came to be inextricably linked to intentional development". Yet trusteeship was to be closely associated with colonial trusteeship, particularly by the early British Fabian socialists.\textsuperscript{100} “The Fabian task, by this reckoning, was to manage progress” initially in the developed world and then later in the developing world.\textsuperscript{101}

And as Cowen and Shenton, point out, “The Fabian tradition, by extending liberal into social democracy, was able to absorb liberal principles through holding to a focus on the state as the source of social order”.\textsuperscript{102} In particular, Leonard Woolf, a leading and influential Fabian thinker, argued in relation to British imperialism in Africa:

[The] belief that the state should use its power to promote the economic interests of Europeans would have to give place to the belief that its position was merely that of trustee [my emphasis] for the native population and that its only duty was to promote the interests, political, social and economic of the Africans.\textsuperscript{103}

In the immediate post-colonial period in Australia, as in other countries, the precepts of trusteeship were instituted through the policies of state trusteeship, as the means for, among other things, dealing with and “protecting” indigenous welfare. State trusteeship here meant direct state administration, often involving church missions, the police force and, in the case of northern Australia, pastoralists.

More recently, beginning in the period of the late 1960s and early 1970s, government policy in many countries, including Australia, Canada and the United States, at first in \textit{ad hoc} measures, but gradually as part of a new overarching policy regime, increasingly came to see some indigenes, especially indigenous leaders and organisations run by these

\begin{flushright}
100 Cowen and Shenton, “Intentional Development And Marx”, p. 133.
101 Cowen and Shenton, “Fabian Colonialism And Development”, (unpublished article) p. 32.
102 \textit{Ibid.}, p. 25.
103 L. Woolf cited in Cowen and Shenton "Fabian Colonialism", p. 26. George Bernard Shaw another eminent Fabian thinker argued that, “Fabians had invented imperialism in the best sense in ‘that the most governed state over the largest area is preferable to a number of warring units with undisciplined ideals’, and that by divorcing socialism from class warfare they had reconciled it with imperialism”. “Fabian Colonialism”, p. 34.
\end{flushright}
indigenes, as the agents for directing trusteeship. In the late 1960s, governments, in close consultation with the indigenous leadership, began implementing the evolving indigenous affairs policy. This was done in an attempt to resolve worsening unemployment, poverty and social dislocation that had become evident towards the end of the post-war global long boom. In other words, indigenes (or more specifically Aboriginal leaders) were now to be the instruments of their own development as part of the shift to the policy of indigenous trusteeship, also more commonly known as self-determination.

A core component of trusteeship, and especially indigenous trusteeship, was the implementation of the concept of “community”. The function of “community” in combination with notions of tradition, ethnicity and culture was pivotal to the new policy, introduced in the late 1960s and early 1970s. The strategic place of “community” in modern development is outlined in the next section.

The role of “community”

By entering into the boundaries of a community, capitalism is deemed part of the local system of reciprocity, as defined by kinship and religion. The true nature of capitalist social relations and practices remains concealed behind traditional ones, and initially, capitalism is regarded in favourable terms... However, after a while, workers begin to perceive the true nature of the beast, as the local social structure is transformed and the severity of capitalist discipline increases. But by then it is too late. There is no turning back...\(^{104}\)

Development has throughout capitalist development been associated with the notion of “community”, including that of “nation and region, of locale and area”\(^{105}\). And in becoming the aim of policy, development has been the instrument whereby the potential

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\(^{104}\) I. A. Skoggard, *The Indigenous Dynamic In Taiwan’s Post-war Development*, (New York, M. G. Sharp, 1996) p. 131. Further, this “assessment” of capitalist production, according to Skoggard, “reflects the contradictory nature of entrepreneurial practice in Taiwan. On the one hand, entrepreneurs abide by the principles of reciprocity and work to sustain and reproduce the local society. On the other hand, they seek profit and serve the accumulation of capital outside the local area. Caught between two dynamics but adept at working at cross-purposes, entrepreneurs have both facilitated and limited Taiwan’s economic development”. Skoggard, p. 112.

\(^{105}\) Cowen and Shenton, *Doctrines*, p. 475.
of labour was stymied in the intervening space of absent productive force, as the construction of community has been paramount within the practice of development programs. Development doctrine regularly became the basis of policy designed to retain population within a certain region, often in remote locations, where the requirements of local capital for labour could potentially be constructed, “to fix and confine the potential of productive force to the local place”. This doctrine, with its “agrarian development and rural enterprise schemes”, attempts to secure population within an “ethnic” or “racial” territory. Therefore, the securing of population spatially through development is not simply a cultural or welfare measure. Development usually also entails the project of re-joining labour to productive force. Thus through development, communities are not so much populations sharing ethnic or cultural characteristics, but pools of labour, that are actualised only through accumulation.

And as Cowen and MacWilliam explain, “Capitalists are generally motivated by the search to find and establish economic space to make money-profit”. In order to understand businesses operating at different levels “communitarian identities” are used typically to “enter into the intent of business to find and extend space for capital accumulation”.

The function of the state apparatus in underpinning the concept of community has been and remains crucial. “The developmental ideal of policy came to be that of developing a community. In particular, rural development was nothing other than the development of a community of rural producers. Community derived from the state and state policy was necessary for the development of community”.

106 Ibid.
107 Ibid., p. 361.
108 Ibid., p. 364.
110 Ibid., p. 214.
111 Cowen and Shenton, Doctrines, p. 57.
Tradition and the theory of “different development”

Thomas Berger, author of the influential Berger Report (1985) — commissioned to investigate indigenous poverty in Alaska — has argued, that perhaps indigenous economic development should be redefined as “different development”. “Consideration should be given to Native ideas of development and to strengthening the Native subsistence economy”\footnote{T.R. Berger, Village Journey, (New York, Hill and Wang, 1985) p. 41.} as a means of overcoming poverty, unemployment, and urbanisation, as well as encouraging the notion of self-determination. The Berger Report recommended, among other things, a “strategy of mixed development ... [a] combination of large-scale projects and community oriented small-scale operations”. In this trade off scenario, “the mega-projects would satisfy the needs of the national and world markets for raw materials and energy, while the local operations would be designed for the native culture, thus aiming at the utilization of renewable resources with modern technology that could be easily utilized by the local society” for subsistence activities.\footnote{Ibid.}

Subsistence, as championed by this view, can be a means of development, of “enabling a people to be self-sufficient, of strengthening family and community life. It entails enhancement of an existing economic mode”.\footnote{Ibid., p. 47.} In other words, what is required to ameliorate the parlous social conditions of indigenous people is the protection and encouragement of a perceived pre-modern communal existence, particularly in remote and regional areas. Berger states: “These aspirations are not anachronistic, they are not absurd”, but are “quite simply, the only means whereby the future well being of village Alaska can be protected”.\footnote{Ibid., p. 19.} Michael Asch warns, in relation to the process of urbanisation, “no theme is so compelling as the process by which land bound people – typically agrarian but sometimes nomadic – are turned against their will into industrial workers”.\footnote{M. Asch, “The Dene Economy”, in M. Watkins (ed.) Dene Nation Colony Within, (Toronto, University of Toronto, 1977) p. 87.}
It is often pointed out, by those who hold to a post-modern perspective, that: “Because the traditional economy is at a decided disadvantage in competing for land, labour and capital, its strength and vitality are slowly eroded and, with the erosion, the participation of the indigenous population in the traditional economy weakens”. Ray Bowles maintains that the “biases of the modernist development perspective led researchers away from questions about the adaptive contributions traditional local economies made to the vitality of community life and about the ways in which traditional practices might be more constructively integrated with economies and lifestyles”.

Fundamental to the concept of re-inventing the pre-modern “native community” is the idea of, the “noble primitive” being the “locus for what the world has lost in becoming modern. The noble primitive plays a double role, representing not only what has been left behind in the progress of modernity, but also providing a state for millenarian aspirations for a transformation and redemption of modernity, through a return to the primitive”. Raymond Williams refers to the idea of the “noble primitive” as “retrospective radicalism”. Williams also suggests that the “primitive” is often used as a “critique of capitalism”, of the “crudeness and narrowness of a new moneyed order”, on the “basis of a figurative association between the primitive and a pre-capitalist and therefore irrevocable world”. As the “primitive represents the wholeness the modern world has lost, as an ideal it contains the possibility of at least a partial redemption and return to a pre-modern, primitive Eden”. Furthermore, Stanley Diamond calls the notion of the “primitive return, the rehabilitation of progress by the primitive” or, in other words, an effective antidote to the “evils” of modernity. And, as Chris Tennant points out: “The idea of redemption of the modern world through the primitive is part of the larger Romantic ideal that the materialism and mechanism of the West can be redeemed through some other, located outside its geographic and temporal confines”.

118 Ibid.
As for materialist explanations, particularly those critical of the idea of "traditional or primitive culture", according to Patrick Sullivan – an anthropologist who has worked extensively in the Kimberley region of Western Australia – they are mostly concerned with the "dynamics of political and economic forces, class and state", and are therefore deficient for any adequate understanding of a post-segregation Aboriginal Australia, or most other former colonies for that matter. Further, for many analysts especially idealists, it has long been argued that materialists lack a concept of culture, particularly "traditional" culture. For these analysts, any materialist critique usually identifies a "lack of understanding of the determining effect of culture in alien cultural systems". Many researchers believe a concept of culture needs to be used in the examination of capitalist development, as capitalist development is essentially Eurocentric.

However, as Cowen and Shenton have documented, the reason the "idea of development" is intrinsically European, is because it was in Europe initially that it was anticipated that a constructivist means of compensation for the effects of the development of capitalism would come about. Eurocentrism is then a statement about the location of industrialisation, and the two-sided nature of development. “It was here that development was meant to construct order out of the social disorders of rapid urban migration, poverty and unemployment”. And the idea of “different development”, and notions of traditional culture as an antidote to modernity, is still firmly attached to the doctrine of development. As discussed above, the doctrine of development was devised during the nineteenth century to overcome the very problem the proponents of different development, such as post-modernists (or more correctly anti-modernists), seek to ameliorate – that is, the chaotic condition of progress with its associated economic disorder of unemployment, poverty and urbanisation. Post-modernists seek to achieve this amelioration within the confines of a traditional social order. In an effort to make development “organic and continuous, to conform to a natural order of progress”, the

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124 *Ibid*.
125 Cowen and Shenton, *Doctrines*, p. 5.
127 *Ibid*.
adherents of different development have inadvertently returned this contemporary notion of development back to its nineteenth century beginning, where life cycle metaphors could still capture significant aspects of pre-capitalist or pre-modern development. “It is in this sense that post-modern malcontents re-create a very much pre-modernist prognosis agenda for development”.  

From underdevelopment to internal colonialism

In the context of Australia ... Aboriginal underdevelopment [and that of internal colonialism] has received increasing attention from a theoretical perspective since the mid-1970s.  

Generally speaking, at various points of history, different strands of western political thought have not only been complicit with, but helped to justify, colonial expansion and imperial control over indigenous peoples and their territories.  

It has already been noted that in the post-World War Two period the problem of development seemed to be being transformed. Instead of a permanent problem of development, it appeared to many that the problem was becoming one of bringing former colonial countries up to the levels of the “developed” world. Thus these countries were considered to be “developing”, or “less developed”. A critique of this conceit was to challenge whether any progress was being made and to suggest instead that these countries were still characterised by mass poverty (at least in relation to the developed countries) and seemed to be locked into a more or less “under-developed” state. Often this was associated with claims that the reason for under development was that these regions were being over-exploited.  

One way development economics came to be re-associated with the problems of indigenes in developed countries was to compare their plight with those of colonial and

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128 Ibid.
post-colonial regimes. Thus the term internal colonialism has been employed to describe the position and role of indigenes in Australia, Canada and the United States. The contemporary theory of internal colonialism is greatly influenced by underdevelopment theory, which came to prominence in the 1960s. The meaning of internal within this framework is used in contradistinction to “normal” colonialism in that the former colonising racial group occupies the same nation as the colonised people. For those analysts who subscribe to the theory of internal colonialism: “It is well known that the most important regions within a nation-state will attract capital and power via a circular process”. Those regions that may possess some valuable resources will be developed by the more important region – for example, the metropole – with the latter gaining the greatest economic advantages. The result, as prescribed by the theory of internal colonialism, is that a colonial type of exploitative relationship functions between the less and more important regions. Many adherents to the theory of internal colonialism view the “core-periphery” analysis as particularly relevant, especially when it is characterised by a racial component.

“The practical problem” of the process of internal colonialism, as described by J. Tully, is that the “relation between the establishment and development of western societies and the pre-existence and continuing resistance of indigenous societies on the same territory” persists. This “problematic relation” manifests itself differently in countries including Australia, Canada, the United States, and New Zealand, and a degree of variance remains within each of the countries in respect to the various “indigenous societies, and also over time”. Nevertheless, despite the sometimes wide disparities in experience, the fundamental relationship can still be referred to as the “internal colonisation of indigenous peoples by the dominant societies...” The relationship consists essentially of the “colonising or imperial society” exercising “exclusive jurisdiction over them and their territories and the indigenous peoples, although they comply and adopt ... refuse to

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132 Ibid.
134 Ibid.
surrender their freedom of self-determination over their territories and continue to resist within the system as a whole as best they can”.

Tully has pointed out that the basis of internal colonisation is not the “appropriation of labour (as in slavery), for this has been peripheral, or depopulation (genocide), for indigenous populations have increased three fold in this century, or even the appropriation of self-government ...” Instead, the foundation of the “relation is the appropriation of the land, resources and jurisdiction of the indigenous peoples, not only for the sake of resettlement and exploitation ... but for the territorial foundation of the dominant society”. In other words, the “colonisers” for reasons of exploitation and the economic requirement for land, appropriated territory and resources “traditionally owned” and controlled by indigenous people.

Peripheral regions, as determined by the theory of internal colonialism, especially with the advent of large-scale unemployment in the 1970s, have become regions of “need” mostly with “immense social and geographical inequalities”. These inequalities have been essentially determined on the basis of “race”. Therefore, for the indigenous people living in these types of peripheral regions there is more likely to be wide-scale impoverishment and unemployment or underemployment.

In the case of Australian Aboriginals: “The extent of these inequalities is clearly quite unacceptable on any moral grounds. Given an application of the principle of social justice in this context necessitates the formulation of policies of positive discrimination for the group in need, the Aboriginals”. Further, “the issue is not simply a matter of how a state came to be, but of how it can become ‘morally rehabilitated’, even if it began in an illegitimate fashion”.

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135 Ibid.
136 Ibid.
137 Ibid. In recent times often the land title most in dispute is located in remote and regional areas.
In an attempt to ameliorate the situation, the underdevelopmentalists often proffer a sort of Rawlsian solution. Positive discrimination is one way to smooth out the “imbalances” in development between indigenous and non-indigenous people. For underdevelopment theory, “positive discrimination” requires a greater involvement, underpinned by government policy, of indigenous people within the economic system – for example, in self-employment projects. As Cowen explains however, “Underdevelopment has often been made evident by the preponderance of self-employment as the economic activity through which the livelihood of subsistence can be secured in default of the growth of waged work that historically goes with the development of capitalism.” In short, a more participatory relationship for indigenous people is deemed necessary within appropriate and commercially viable industries.

Duncan Ivison, Paul Patterson and Will Sanders argue that, “Finding appropriate political expression for a just relationship with colonised indigenous peoples is one of the most important issues confronting political theory today. As important as it is to understand how western and especially liberal political theory is implicated in the justification of colonisation, it is even more important to determine whether this complex tradition of thought might provide space for contemporary aspirations of indigenous peoples”, specifically within the regional or local economy.

In rectifying the inherent “imbalances” within internal colonialism, it is considered that the “[r]e-acquisition of land is an essential step in restoring some sort of ideological balance to the Aboriginal economy”. And, “typically, these have included claims of the return of traditional lands, the preservation of culture, and the rights as well as the means to exercise effective self-government”.

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141 Rumley, “Ideology”, p. 242. John Rawls in his book, A Theory Of Justice, (Oxford, Oxford University Press, 1971) proposed a theory of “maximin” (that is, to maximise the minimum) [pp. 152-57] which argues that political institutions should attempt to make the social and economic environment for those groups that are most impoverished, such as “Aboriginals”, as good as possible by a form of “positive discrimination”. In other words, to maximise the positions of the poorest members of the population.
142 M. Cowen, Quakes Of Development, (Helsinki, University of Helsinki, IDS, 1999) p. 38.
143 Ibid., p. 2.
Social disadvantage, unemployment and poverty, starkly evident in terms of an increasing indigenous relative surplus population, must, according to Elspeth Young, be an “important consideration in development”.146 In the Kimberley region of Western Australia during the 1980s,

Aboriginal landowners may as yet earn little, apart from their royalties gained through agreements with mining companies; their ownership of the land and resources is essential not only for their own future development but that of the north in general. By smoothing out some of the inequalities between Aboriginals and non-Aboriginals, and increasing the chances of the survival of the cultural integrity of the Aboriginal society, the north is enriched, and some of the long-standing causes of … conflict become less serious.147

Indeed, “unbalanced development” as Cowen observes, is the recognition by governments that “capitalist development is inherently unbalanced”.148 In other words, capitalist development comprises both simultaneous destruction and renewal. So it is necessary for government – in an effort to maintain order and solve unemployment and thereby avoid conflict – to “provide [among other things] the infrastructure”. Therefore, state action attempts to make the process of development as a whole “more balanced” as a means to ameliorate the destructive tendency.149 Furthermore, “When underdevelopment appeared in the 1960s, it did so as a concept which is a part of a theory of capitalist development”.150 In this sense, underdevelopment like the notion of development itself is more than just a term. Underdevelopment is in fact a simultaneous part of the process of development: underdevelopment is not only the destructive component of development but the “criteria for why a condition of mass poverty should arise out of development” and “is to be found as part of the theory of development”.151

In agreement, Kay emphasises that poverty or “unemployment in the underdeveloped world cannot be ascribed to imperfections of the capitalist process … nor can they be put

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147 Ibid.
149 Ibid.
150 Cowen and Shenton, Doctrines, p. 9.
down simply to the dependence" or exploitation of the "underdeveloped" world by the developed countries. In fact widespread poverty and unemployment is a "normal feature of capitalist development, and as such, is independent of any particular form of ownership or dependence. It is just as profitable for local capitalists to adopt techniques of production that fail to absorb all the available labour as it is for international firms", especially in times of economic hardship.\textsuperscript{152} Indeed, "in order to increase the rate of surplus value [profit] capital works continuously to increase the productivity of labour by improving and increasing the means of production at the disposal of the workforce".\textsuperscript{153} Or to put it another way, the "strategy of capital is to intensify the exploitation of relatively fewer workers at any moment in time" by, among other things, accelerating mechanisation and speeding up productivity.\textsuperscript{154}

In contemporary theories of underdevelopment the economy and society are destroyed throughout the course of the development of capitalism.

Where the development of capitalism is accompanied by industrial progress, according to the logical development of the productive force of a proletariat, then the model of true development is counterpoised to the case where capitalism is deemed to be incapable of true development. The old idea of corruption becomes underdevelopment because it happens simultaneously with development; decay and decomposition do not necessarily follow a sequence or procreation and growth but are a simultaneous part of development itself.\textsuperscript{155}

To summarise then: for any proper analysis of race and class it is important to recognise, as Mervyn Hartwig does, that the theory of internal colonialism fails to "explain the relationship between class relations ... and consequently tends to treat racial and ethnic groups as if they were autonomous and isolated from class relations, it converges with plural social theory and suffers from the same analytical limitations".\textsuperscript{156} What is more, according to Cowen and Shenton, Gunder Frank, whose "ideas of underdevelopment

\textsuperscript{152} Kay, Development, p. 153.
\textsuperscript{153} Ibid., p. 150.
\textsuperscript{154} Ibid., p. 151.
\textsuperscript{155} Cowen and Shenton, Doctrines, p. 10.
spawned elaborations of this theme” including internal colonialism, “provoked barrages of criticism. Most of the criticism is well known: exchange was given priority over production; state–state and capital–capital relations were emphasised over capital–labour, class relations; the external was made dominant over the internal”.157

(1.4) CONCLUSION

Since the advent of industrial development there has been the recognition of the negative propensities inherent within the process. Development economics has endeavoured to grasp this process analytically and in so doing suggest policies on how the negative aspects of capitalism can be contained. A crucial aspect of these types of policy, historically, in both so-called developing and industrialised countries has been the attempt to deal with the problem of surplus populations. Development policy has sought to ameliorate the destructive tendencies by various measures including; the appointment of trustees to oversee the welfare of unemployed, dislocated and poverty stricken populations; as well as to sequester surplus populations in remote areas. While initially these populations presented themselves in industrialising cities like Manchester and London, later development saw surplus populations held or cloistered in rural and remote regions.

The chapter has shown that this initial phase of development must have looked very different to economists in the mid twentieth century dealing with what seemed to be the new problems of the “under” development of the third world. But in the last decade and a half development economics through such writers as Sen, and through the use of development policies of the World Bank (in the developed countries) has re-emerged once again as a wider project of dealing with the destructive aspects of accumulation more generally. And typically development is seen as both the problem and the antidote.

157 Cowen and Shenton, Doctrines, p. 75. Significantly, many prominent theorists have “berated Frank for subordinating the analysis of internal class structure to the external domination of a colonial and neo-colonial structure ...” Cowen and Shenton, Doctrines, p. 78.
That is, intentional development has been trying to find ways of reabsorbing surplus populations in productive activity.

In this undertaking – in countries including Australia, the United States, Canada and several African nations – economic space was opened to an indigenous business class for expanding and consolidating commercial opportunities. In Chapter Two the process of economic development in relation to indigenous accumulation, specifically the period beginning in the late 1960s and early 1970s, will be examined in more detail.
CHAPTER 2.

DEVELOPMENT AND INDIGENOUS ACCUMULATION: SOME INTERNATIONAL CASE STUDIES

(2.1) INTRODUCTION

The previous chapter reviewed the way development economics has attempted to understand and transform the position of those populations that are expelled from production. Whether by way of unemployment, underemployment, or in the case of some regions by marginalisation from industrialisation, the chapter established that development economics has been an important vehicle through which debates have been constructed about how and why some regions grow and some do not.

Two important points emerged for the thesis. First, that economics – initially through the economics of development and then as development economics – has been grappling with problems such as unemployment, poverty and social dislocation ever since industrialisation. That is, that development economics had its origins not in the problems of “underdeveloped regions” in the 1950s and 1960s, but much earlier still. Importantly, there is the issue of how immanent development produces surplus populations, especially those of indigenous origin in remote and regional locations, and how they can be administered and “developed”. This leads to the second point that development economics is both the study of how immanent development as process works, and also how intentional development attempts to mediate and in turn transform the conditions produced by immanent development.

The current chapter develops another theme of the thesis – specifically, how earlier schemes of development had been associated with the blocking of commercial possibilities of indigenes in a way that placed barriers to indigenous business growth. However, from the late 1960s onwards, the regime of development administration that
had characterised post-war indigenous policies in many advanced capitalist countries, and that had stymied indigines business formation and growth in the process, started to break down. The end of the post World War Two long boom, and the associated increase in unemployment, acutely affected regional economies, and particularly those employing indigenous labour. The requirements of finding new ways to re-engage indigines in the labour market saw many earlier checks on indigenous business formation fall away. Indeed, development policy came to view business and political leaders as trustees for future development policy. In so doing, development policy from the 1970s onwards, including in Australia, the United States and Canada, strongly supported indigenous commercial operations, at least in part as a way to deal with serious unemployment and its attendant destructive effects. There is as well a useful parallel with the movement in the decolonisation process in Africa, South America, and Indian subcontinent.

Chapter Two therefore also covers some of the experiences in those former settler countries with large indigenous populations (a majority in the case of Kenya) where the leadership was appointed to the task of trustee and which successfully expanded their commercial activities as a result. Whilst not an exhaustive study of the trajectory of indigenous accumulation in Canada, the United States, and Kenya, this chapter observes some of the important similarities and underlying tendencies that exist in these countries. These types of phenomena will be analysed in greater detail when investigating the Kimberley region of Western Australia in the thesis proper.

Background
In Australia it is not usually publicly recognised that indigenous enterprises employing significant amounts of labour have been operating on an extended-scale since at least the 1970s. Notwithstanding that indigenous concerns are currently very topical, there has nonetheless been and remains a general lack of analysis and understanding of indigenous commercial operations. Rather, the emphasis has been much more on: inter alia, social conditions, welfare measures, land rights and the issue of poverty itself. It is necessary therefore, in order to better understand the phenomenon of indigenous commerce and accumulation in Australia — from a political economy perspective — to canvass some of
the factors involved in the formation and trajectory of indigenous capital in those countries where the rise of capital in an "indigenous" form has been investigated in far greater detail. Chapter Two surveys some examples of indigenous business activities as they have occurred in Canada, the United States, and Kenya. As part of the review, consideration will be given to the idea and practice of development, and how this has opened economic space, especially in regard to indigenous business activities.

It is becoming more obvious in Canada, the United States, and increasingly also in Australia that a layer of indigenous capital is making its presence felt, both in its clarity and advance. Nevertheless, in the past, particularly in the period up until the late 1960s, governments of all political persuasions, in these and other countries with a settler or colonial history, regularly blocked the commercial activities and aspirations of indigenous businesses. More recently however, the opening of economic space and the subsequent commercial opportunities that have become available to indigenous capital — assisted by, among other things, indigenous capital's economic and political organisation — has seen increases in the scale and scope of indigenous capital. A question explored in this chapter is why indigenous business, after being confronted with many obstacles, was able to become active on a more extensive-scale at this particular juncture (that is, the 1960s and 1970s). The chapter also discusses the circumstances that have allowed indigenous business in Australia, as in other former colonial settler countries, to expand and further consolidate its position.
(2.2) INDIGENOUS ACCUMULATION IN CANADA AND THE UNITED STATES

The difference between national and indigenous is highly significant and is no mere academic quibble with words. The first source of significance is conceptual. A ‘national’ qualifier for a bourgeoisie arises from the political determination to find a national source of development. That source is able to confront the external condition and domination of imperial agency over a given process of immanent development. Secondly, the national is significant because it puts emphasis upon the racial and ethnic domain of capitalist development within the territory of the national. The second meaning of ‘national’ may not exclude the first. The intention may well be to make the ethnic domain become part of the first search, for a national bourgeoisie.1

It is instructive for any investigation of the history of Australian Aboriginal affairs to also view the historical evolution of Indian policy in the United States and Canada. As Stuart McGill and Gregory Crouch point out: “The broad similarity with Australian policy is striking”.2 The early part of the nineteenth century in the United States – and illustrative of these similarities – is a time that has been described as the “removal era” and identified as the period when North American Indians were “simply pushed westward off the land sought by the settlers”.3 As one Indian at the time is reported as saying: “Where today are the Pequot? Where are the Narragansett, the Mohican, the Pokanoket, and many other once powerful tribes? They have vanished before the avarice and the oppression of the White man, as snow before a summer sun”.4

The often brutal and violent actions of European settlers in the pursuit of land in North America is clearly analogous to that which occurred in Australia during the nineteenth century.5 And, what is more, significant similarities in regard to government policies dealing with indigenous surplus populations have continued. In the latter part of the nineteenth century in the United States, the “reservation era” followed the removal

3 Ibid.
period, as Indians “were now located on isolated islands of land”, which were “entirely surrounded by lands controlled by private landholders”.6

In Australia, these “islands” were known as mission settlements and reservations. National and regional governments in both Australia and North America, during the nineteenth century and later, instituted the policy of the reservation system in an attempt to prevent the drift of unemployed indigenes, recently separated from the primary means of production, into towns and then cities. In other words, the creation of the reservation system (often located in regional and remote areas) was a means to lock up an indigenous relative surplus population that had emerged as a result of modern industrial development.

The reservation system nevertheless provided indigenous farmers some space for commercial agricultural production. Reflective of this situation, in the 1870s, was the establishment of a universal reserve system in the western Canadian province of British Columbia whereby a stratum of Indian farmers, utilising the available land inside and immediately outside the reservations, was able to continue commercial agriculture and cattle ranching with some interest also in pigs and chickens. From the 1860s and 1870s onwards, however, as a result of this commercial agriculture, Indian farmers would regularly come into conflict with European settlers due to escalating competition for the control of productive agricultural land. As Peter Carstens discovered, the creation of Indian reserves made Indian farmers aware of the economic imperative for a land base and the importance of “adequate agricultural land, irrigation and commonage for pasture”.7

Throughout the late nineteenth century, Indian farmers who owned agricultural land “appeared to do very well in their reserve based economy”.8 In fact, the viability of these “few” Indian farmers, like the commercially successful white settlers, was determined by

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7 P. Carstens, The Quees People, (Toronto, University of Toronto Press, 1991) p. 98.
8 Ibid., p. 103.
their access to and control of sufficient agricultural land and labour.\textsuperscript{9} Importantly though, a vast difference between the two categories of farmers existed: the Indian reservation land could not be increased by pre-emption. Land and the control of land remained (and continues to remain) one of the core economic issues for indigenous farmers.

The location and physical dimensions of the created Indian reserves throughout British Columbia, as elsewhere in North America, represented the asymmetrical political position of the Indian farmers in relation to that of vested white interests. Reserves in many parts of British Columbia were not simply “carved out of the countryside” rather they were a combination of residues of land that remained after the pre-emptions and purchases of white settlers, together with the establishment of Crown land.\textsuperscript{10} In the grazing regions of British Columbia, Indian pastoralists agreed to the reserves on the condition they could pasture their cattle, when required on Crown land. In the late nineteenth and early twentieth centuries, as European settlement encroached and agricultural land became scarce, white farmers began to take up Crown land \textit{en masse}. Part of the response by the British Columbian provincial government to the ongoing shortage of productive agricultural land was to reduce even further the access to Crown land for indigenous farmers.\textsuperscript{11} Thus indigenous pastoralists and farmers, now even more restricted to the reserves, were subject to an increasing land shortage and were, as a consequence, severely hampered in their commercial operations.

Government policies of the segregation era can be described as purposefully stymieing indigenous commercial operations in order to protect white commercial interests, especially the ability to access land. Unlike the past policy regime however, more recent government initiatives, involving significant input and direction from indigenous leaders and their organisations, have actively promoted economic development for indigenous groups including “Inuit, Indians and Aborigines in North America and Australia”.\textsuperscript{12}

\begin{flushright}
\textsuperscript{9} \textit{Ibid.}
\textsuperscript{10} \textit{Ibid.}, p. 67.
\textsuperscript{11} \textit{Ibid.}
\textsuperscript{12} E. Young, “Australia, Canada And Alaska: Land Rights And Aboriginal Enterprise Development”, P. Jull and S. Roberts (eds) \textit{The Challenge Of Northern Regions}, (Darwin, Australian National University, 1991) p. 208.
\end{flushright}
Contemporary policies emphasise “approaches variously described as self-determination, self-management and community development” (or indigenous trusteeship), all of which “operate in social, political and economic contexts”. Elspeth Young suggests that the economic component is especially crucial for indigenous development, particularly the control of land. For without the “opportunity for economic self-sufficiency economic efforts directed at political independence and the maintenance of socio-cultural beliefs are unlikely to succeed in achieving self-management goals.” Importantly: “Land rights play a vital part in this”.

For many who advocate the cause of indigenous self-determination, the most important economic aspects arising from North American and Australian indigenous land rights agreements and judicial decisions include; “those relating to control and use of renewable resources; those concerning the granting of subsurface and surface rights; those covering the payment of cash sums in compensation for land lost and the extinguishment of earlier rights; and the rules governing the use and distribution of these cash payments”. Young notes, land rights brokered between indigenous organisations and governments have all had as a common feature major economic and commercial clauses. In Canada, the United States and Australia there have typically been clauses dealing with the “granting of wildlife harvesting or fishing rights”, as well as the “possibility for commercial profit from resource development”. Furthermore, “many agreements include financial compensation or the opportunity for raising revenues through taxation or royalties”.

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13 Ibid.
14 Ibid.
12 Ibid., p. 213.
16 Ibid., p. 209.
Canada.

In the late 1960s, the “poverty and dire needs of the Indian population” had, according to Yngve Lithman, become a “true embarrassment to Canadian politicians”. Peter Cumming argues that past economic development, including the commercial development of “traditional” indigenous land had made the indigenous people of Canada by far the most socially debilitated of all Canadians. Not only did these consequences include an immense human cost but they also resulted in a “very heavy, continuing economic burden to the country”. Accordingly, by the mid 1970s it was being widely argued that Canadians must “learn from past mistakes in devising a new social policy and relationship for northern native peoples”.

The industrial development of northern Canada, as elsewhere, produced a rise in an indigenous urban population, despite initiatives devised to prevent this. H.A. Feit reports that in the late 1960s and early 1970s, at the close of the global post-war long boom, “changing world economic conditions ... initially forced many Cree into a more intensive involvement in wage-labour”. As a result, the major locus for social upheaval in the northern areas of Canada occurred in towns and cities, which had proven pivotal “as points of social, political, and economic conflict and change”. Beginning in the 1970s, there was an upsurge in indigenous unemployment further exacerbating the volatile situation, and causing a considerable escalation in social unrest. Throughout the period it was recognised by government that there was no viable industrial enterprise in the north of Canada that was capable of soaking up this unskilled surplus labour. “The weak economic base of most northern communities is the root of the employment problem”. In combination with the rapid increase of this indigenous urban population, the pressure

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18 P. A. Cumming, _Canada: Native Title Rights And Northern Development_, (Copenhagen, IWGIA, 1977) p. 28.
19 Ibid.
22 Ibid., p. 92.
on the Canadian state to find employment for indigenes in these regions had "grown particularly acute".\textsuperscript{23}

In establishing a "humane, and effective social policy" for Arctic Canada, a view emerged that land claims settlements offered a unique opportunity for a "new, effective and progressive", yet less expensive social policy to meet the vexed problem of northern development — that is, "the relationship of the native people to that development".\textsuperscript{24} By the mid 1970s, as a result of spiralling indigenous unemployment, poverty and social dislocation, the Federal government had ceded control of large tracts of land, in the remote Canadian north, to indigenous organisations and their leadership. In other words, trusteeship for the welfare of the indigenous population was gradually being transferred to an indigenous leadership. This process marked the shift from the previous policies of assimilation and segregation guided directly by the state to one of self-determination or indigenous trusteeship.

Indigenous organisations and their leaders were now being recast as the instruments or agents of indigenous development. Although the details of Canadian agreements vary, there are some important common characteristics. All include specific reference to subsistence resources, with extensive harvesting and foraging rights for indigenous organisations and individuals, as well as compensation money.\textsuperscript{25} Young argues that compensation monies are essential in any agreement because they augment the land grant with an economic base, thereby allowing indigenous enterprises to be not wholly reliant on resource exploitation. It became important therefore, that indigenous organisations with access to substantial cash payments, either through resource royalties or compensation, establish appropriate organisations to be able to further accumulate money capital. The organisations increasingly began to take the form of "investment corporations or companies designed to promote commercial development".\textsuperscript{26} This shift in

\textsuperscript{23} Ib\textsuperscript{id}. \\
\textsuperscript{24} Cumming, Canada, p. 28. \\
\textsuperscript{25} Young, "Australia, Canada", p. 211. \\
\textsuperscript{26} Ib\textsuperscript{id}. p. 213.
emphasis suggested that an important transition within the uneasy but embedded tension between amelioration and accumulation was underway.

In Canada, the James Bay and Northern Quebec Agreement, signed in 1975 with the Inuit and Cree, made extensive provision ostensibly for “strengthening their [the indigenous land owners] subsistence economies”. By 1984, the Federal government of Canada in close consultation with indigenous leaders of the western Arctic reached an agreement that provided for “various kinds of economic development”.27 The Canadian government sanctioned and sponsored James Bay Agreement not only awarded compensation funds, including usufruct rights,28 but also allowed a greater role for indigenous controlled commercial operations. These newly created organisations, such as “Cree Constructions, Cree Housing, Cree Trapper’s Association, Cree Regional Board of Health and Social Services, and the Cree School Board”, began by employing large numbers of workers.29 In 1993, the implementation of the Nunavut Land Claims Agreement “represented approximately 18,000 Inuit and covered nearly 2 million square miles”. Furthermore, the Inuit “received constitutionally protected rights to land, money, renewable resources and social and political development”.30

According to Michael Asch, it is “ironic but significant that among the strongest supporters” of land claims and other agreements are the “young and well educated” (or Bildungs, see below). In other words, “the very individuals” that were “the most alienated from the traditional way of life and the most willing to embrace the western one” are the people who often emphasise “tradition and ethnicity”.31 In this regard, Peter Kulchyski is sceptical of the intentions of the land claims process as instigated by the Canadian government, in league with the indigenous leadership. By permitting indigenous resource

29 Ibid., p. 56.
30 “Tough Path To Inuit Self-Rule", The Australian, 18 August 2001. Paul Okalik the first Premier of Nunavut wrote this article.
development on these lands, Kulchyski points out, the government has effectively utilised the land claims procedure to turn the affected indigenous land claim region into little more than an “indigenous capital accumulation centre”.

The United States

Across Indian America, commercial gaming has become the central issue, eclipsing cultural survival and the effort to return language and our indigenous spiritual rituals. Efforts on the national front no longer cite our longstanding relationship with the earth or the valiant fight for religious freedom; instead native leaders are lobbying Washington for gaming compacts, attempting to prevent any revisions of the 1988 Federal Indian Gaming Act, forming political action committees or meeting potential gambling investors… across North America we now see the rise of a moneyed super-class of native entrepreneurs who use the mantras of “treaties”, and “Indian sovereignty” to disguise reprehensible activities …

The self-determination or indigenous trusteeship era, which began in the United States in the early 1970s, saw many of the past policies and legislative initiatives of segregation and assimilation transformed or abolished. Instead, according to Joanne Nagel, “American Indian tribal sovereignty and rights to federal services were legally reaffirmed, placing more control than ever before in the hands of Indian communities. Urban relocation programs were halted and in their place were initiated area redevelopment and economic development reservation projects”. The Educational Act and Self-Determination Act of 1975 represented a “watershed … in that it reduced the power of the Bureau of Indian Affairs to control tribal finances by permitting tribes to contract for tribal services and thus represented a further affirmation of tribal rights”.

Nagel reports that in the United States, since at least the late 1960s and early 1970s, there has been a “resurgence in American Indian culture”. Accordingly both “tribal and larger

35 Ibid.
scale supra tribal Indian cultures have experienced a period of growth and renewal ...”

Significantly, Nagel observed that the process of renewal involves “the reconstruction of community: building or re-building institutions, culture, traditions, or history, by old or new members”, as well as attempts to invoke the past to harness these populations. Furthermore, “Institution building might involve the creation of new organisations or religions (for example, the establishment of the national Hispanic Chamber of Commerce in the 1970s)”.

Closely associated with the economic development process has been “sub-tribal, tribal and supra-tribal ethnic reconstruction”. And as part of this process, “controversies and divisions” both within and outside indigenous organisations are the “inevitable baggage of politics, particularly when they involve the distribution of politically controlled [economic] resources”. Nagel makes the crucial point that the “organisation of political access along ethnic identification and group formation”, is essential for indigenous organisations. This type of organisation is imperative because effective political and economic mobilisation provides access to state power. In agreement Paul Brass notes, the state is not only an “arena or an instrument of a particular class or ethnic group ... [T]he state is itself the greatest prize and resource, over which groups engage in a continuing struggle”. In the past, during the integrationist and segregationist period (as discussed above), indigenous businesses were severely hampered in their commercial operations by exclusion from the political process. Therefore ethnic mobilisation has been and remains an important requirement for indigenous business operations, particularly if indigenous capital is to successfully compete within the political arena.

In the United States, since at least the 1980s, many indigenous commercial organisations have established on reservation land, with substantial government subvention, “bingo/and or casino gambling operations, courted a largely non-native clientele, sometimes contracted the operations to non-Indian gaming concessionaires, and often reaped large

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36 Ibid., p. 6.
37 Ibid., p. 10.
38 Ibid., p. 31.
39 Paul Brass cited in Ibid.
profits". In 1991, the Indian Gaming Commission reported that "Indian bingo industry involved more than 130 tribes: the estimated revenues from Indian gaming ranged from $225 million to nearly $1 billion". Further, according to the Gaming Commission: "The income from gaming holds much promise for reservation economic development, as well as for as social and cultural revitalization". Another report indicates that revenue from "Native American gambling" increased from "$US 121 million in 1988 to $US 7 billion in 1997". As a result, some tribal organisations have become extremely wealthy, "like the Mashantucket Pequots of Connecticut who own the lucrative Foxwoods Casino".

In regard to indigenous commercial operations, the taxation power available to indigenous organisations on indigenous controlled land in the United States, since the advent of the self-determination era in the early 1970s, is one major economic instrument that is markedly different from the Australian situation. And, as McGill and Crough point out, this is "likely to remain so for the foreseeable future". Indian organisations have "broad taxation powers" on their land "derived from their status as sovereign domestic nations". Indian organisations have utilised this "power to raise revenue from [among other things] mineral development by imposing taxes such as property taxes, severance taxes, value-added taxes, and special excise taxes". A great deal of the recent literature, as McGill and Crough have found, has investigated Indian resource rights and has specifically focused on taxation issues. These taxes have been "used either as part of the fiscal regime of newly negotiated agreements, or as an additional fiscal measure to impose upon older agreements where the revenue returned to the tribe was insufficient". The ability to impose a tax is one "effective way to deal with an existing agreement where there is no legal requirement upon a mining company to

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40 Ibid., p. 53.
41 Ibid.
43 It is worth noting that there have been challenges to the validity of these taxes by mining companies, but "recent cases decided by the Supreme Court have supported the imposition of the taxes". McGill and Crough, Indigenous Resource, p. 14.
45 Ibid.
46 Ibid.
renegotiate an outmoded agreement. Nevertheless, it is a power which has to be used judiciously if a tribe wishes to maintain an existing level of mining investment.\textsuperscript{47}

Indigenous capital in the United States, despite its recent impressive advances, is still involved in continual struggles with other companies. In the United States those enterprises in competition with indigenous commercial operations, especially those conducted on "reservation land" — where indigenous corporations have special taxation powers — have, in order to reduce the advantage held by indigenous capital, lobbied hard politically in Washington. These representations have resulted in a reported "backlash from Congress, which has recently been considering ways to place clearer limits of the self-determination and sovereignty on Native Americans", particularly within Indian controlled land such as reservations.\textsuperscript{48}

\textbf{Alaska.}\textsuperscript{49}

The United States government, by the early 1970s, had come to realise that the historical policy of segregation (reservations) — the previous means of dealing with an indigenous relative surplus population — was unable to cope with rapidly changing economic and political circumstances in Alaska. Instead, the new government policy of indigenous trusteeship sought to give Alaskan indigenous people the means to "self-develop" within the context of a developing Alaska.\textsuperscript{50} William van Ness, staff assistant to Senator Jackson — principal architect of the \textit{Native Claims Settlement Act}, and one of the first policies representative of the shift to indigenous trusteeship (see below) — recalled that: "The Act was a very radical effort at social engineering and it was done on a very, very calculated basis".\textsuperscript{51}

At the time of the early 1970s, the evolving government policy of indigenous trusteeship came to place the economic development of land as the central component of improving

\textsuperscript{47} Ibid., pp. 14-15.
\textsuperscript{49} Alaska warrants a separate section (from the United States) in the chapter due to, among other things, the high concentration of indigenes resident there.
\textsuperscript{50} Cumming, \textit{Canada}, p. 13.
“social and economic conditions in village Alaska”, and as a very important means of soaking up the growing number of unemployed.\textsuperscript{52} Congress in close consultation with the indigenous leadership determined that indigenes would enter into “business and to participate actively in the economic development of Alaska”\textsuperscript{53}.

In 1971, the United States Congress passed the \textit{Native Claims Settlement Act} (in Alaska known as ANCSA), which was roundly applauded – by, among others, the indigenous leadership – as the most generous settlement of indigenous land claims ever.\textsuperscript{54} The Act required Alaskan indigenous organisations to establish village and regional corporations in order to receive title to the land. Thomas Berger has argued that Congress wanted Alaskan indigenes to become “shareholders and businessmen, to become part of the commercial and corporate mainstream”.\textsuperscript{55}

Initially, ANCSA was universally lauded as a “new departure” for the resolution of indigenous poverty and unemployment. ANCSA’s initiatives provided Alaskan indigenous organisations, “land, capital ... and opportunities to enter the business world”.\textsuperscript{56} To this end, indigenous organisations received title to 44 million acres of land and $962.5 million in compensation monies. “By its terms, Alaska natives were obliged to set up corporations to serve as vehicles for the ownership and management of the land and money, which became corporate assets”.\textsuperscript{57} ANCSA was devised to encourage indigenous corporations to employ labour, as well as commercially exploit mineral resources and generally undertake other profit-making enterprises on their corporate lands.\textsuperscript{58}

\textsuperscript{52} Berger \textit{Village Journey}, p. 20.
\textsuperscript{53} \textit{Ibid.}, pp. 20-1.
\textsuperscript{54} \textit{Ibid.}, p. 6.
\textsuperscript{55} \textit{Ibid.}, p. 7.
\textsuperscript{56} \textit{Ibid.}, p. 20.
\textsuperscript{57} \textit{Ibid.}
\textsuperscript{58} In 1998, for example, the indigenous owned Arctic Slope Corporation signed a long-term lease with Chevron and BP to explore and develop hydrocarbon reserves in the Kaktovic region. A. Deans, “Spill Or Not, It’s The Good Oil For Alaska, \textit{The Australian Financial Review}, 27-8 June 1998.
A significant aspect of the new government policy was that an indigenous leadership became the executives of the newly established indigenous corporations. As Berger reported: “Native corporate executives”, the owners and managers of indigenous business enterprises and investment corporations, have, because of economic power, garnered political influence as a means both to protect and further their economic position. By the mid 1970s, Roger Laing of Juneau could declare: “We have become a fairly significant political force and we own a bank, we do several things not even dreamt of ten or fifteen years ago. We’re also finding out that you can be a Native banker and Native lawyer and a Native teacher”.

Peter Jull and Sally Roberts argue that ANCSA provides the most definitive reminder of the effects of organisations established primarily to promote economic development. For this reason, Jull and Roberts believe ANCSA has not achieved its stated aim of providing full employment for local indigenous people. Indeed, the corporate success achieved through ANCSA – as measured by the ability to further accumulate – is ineffective in terms relevant to many indigenous workers. A serious problem readily identified was that: “A healthy balance sheet cannot always be translated into jobs”. As is often the case, the imperatives of accumulation (profit making) exert a tension on welfare measures such as those policies attempting to provide employment for the unemployed. There are obvious parallels between the Alaskan case and those in Australia. Indeed, John P. Wali Wunungmurra has for instance, reflected directly on both the Alaskan and Australian cases: “There has ... [in both examples] been conflict between traditional subsistence land use, and that of corporations trying to make profits”. Attempts at rectifying the tensions that arise between the accumulation of money profit and welfare measures by promoting alternative measures, such as rural based labour intensive enterprises, are often self-defeating, particularly in more difficult economic times. The

59 Berger, Village Journey, p. 27.
60 Laing cited in Berger, Village Journey, p. 27.
61 P. Jull and S. Roberts (eds), The Challenge Of Northern Regions, (Darwin, Australian National University 1991) p. 213.
63 J.P. Wali Wunungmurra, Aboriginal Employment In Homelands And Outstations, (Canberra, AGPS 1987) p. 11. This is not, as many economists have observed, a problem unique to indigenous business expansion.
commercial pressure incumbent upon the indigenous corporation to further accumulate by, among other things, reducing costs, particularly labour costs, greatly contributes to these underlying tensions.

G.C. Anders points out that the majority of the Inuit workforce has gained little from ANCSA, especially in terms of long term employment potential. Instead, tensions have been expressed in the process of social differentiation whereby a fully-fledged indigenous business class has emerged comprising a “small number of native entrepreneurs and leaders occupying the limited number of privileged positions”. ANCSA has been used effectively as a springboard for expanding and enlarging indigenous commercial operations and political power. As a result, regional corporations have now moved outside their original prerogative and become involved in wider investments and enterprises. These multiplex business operations include, “stocks and bonds, construction, resource development, hotel management, real estate, food processing, tourism and pipeline maintenance companies”.

During the formative period of ANCSA, in the early 1970s, Professor Monroe Price wrote: “In a sense the gospel of capitalism has gripped the leadership of the regional corporations just as in another day, another kind of gospel was introduced for its educative and assimilative influence. The profit making mandate has become a powerful vision, a powerful driving force”.

The next section will detail some of the experiences, from colonial times through the period of postcolonial rule, of indigenous accumulation in Kenya. The process of indigenous accumulation, as it occurred in Kenya, is significant to the thesis due to its well-documented trajectory which involved, among other things, the use by indigenous capital of the notions of tradition, ethnicity and culture as an effective means of organising politically and economically.

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(2.3) KENYA

You have what I call the urbanisation of the Natives. A revolutionary change is taking place among the Native peoples of Africa through the movement from the country to the towns – the movement from the old Reserves in the Native areas to the big European centres of population. Segregation tried to stop it. It has however, not stopped it in the least. The process has been accelerated. You might as well try to sweep the ocean back with a broom. It’s going on all the time.

– Jan C Smuts (1942)\(^{67}\)

Capitalism in Kenya has developed through forms of political representation, which make race and ethnicity the sources of access to state power. These forms determine, through state authority, the means by which primary accumulation may proceed. Racial and ethnic exclusion may not determine the capacities for capital accumulation but inclusion determines the sources by which wealth is governed to make accumulation possible. This is the general significance of the Kenyan case.\(^{68}\)

Indigenous accumulation in Kenya

There are many similarities in the trajectory of indigenous capital, as it occurred in Australia, Canada and the United States, to that of Kenya. Comparisons include the fact that the layer of indigenous capital throughout the colonial period was severely hamstrung or stunted by the power of the nation state. Fetters were placed on indigenous capital in a bid to protect white business operations, particularly the ownership of large agricultural estates. As well, during the colonial era and beyond, there were numerous parallels in the administration of indigenous affairs, particularly in matters concerning indigenous labour. In 1949, and representative of this situation, was the Western Australian Commissioner of Native Affair’s, S.G. Middleton, remark that the system of Aboriginal affairs now inaugurated in Western Australia “closely follows that of the Papua-New Guinea administration, and in many respects that of the British Colonial Service in Africa [including Kenya] and elsewhere. It provides for closer contact with


missions and other native institutions, employers of native labour and the natives themselves”.

In Kenya, in the post-colonial period, notions of community, ethnicity, tradition and culture, were used by indigenous capital to mobilise support, especially in times of social upheaval and economic crisis, in order to gain access to state resources and power (albeit on a much larger scale). More recently in Kenya – as has been the case in Australia, the United States and Canada – a well educated bourgeoisie, by way of straddling between employment and private enterprise, moved from agriculture into multiplex business operations.

Indigenous accumulation in Kenya is however, different in one important respect to that which exists in Australia, Canada and the United States. That is, in Kenya, the indigenous layer of capital has been in control of state power since independence in 1963, thereby allowing indigenous business – to a much greater degree – extensive economic and political space to conduct commercial activities. “Once African capital had a firm grip on the post-colonial state, land controls inherited from the colonial period of regulation, were used to restrain non-Africans from extending their landholdings ... International firms which owned tea and coffee plantations were prevented from expanding acreages under production”.

Scott MacWilliam, France Desaubin and Wendy Timms suggest that even before European settlement in Kenya, a class involved in acquisition “began to farm through trading and stock raiding”. The indigenous class was able to gain control of land and labour that led to ever-growing “centralisation of production and concentration of ownership”. Charles Ambler has discovered that the households with many wives were able to reproduce the offspring, which contributed to the labour effort. These households, through increased production and trade, stimulated the growing concentration of “wealth

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69 Western Australian Commissioner of Native Affairs, Annual Report, 1949, p. 5.
70 Cowen and MacWilliam Indigenous Capital., p. 158.
71 S. MacWilliam, F. Desaubin and W. Timms, Domestic Food Production And Political Conflict In Kenya, (University of Western Australia and Indian Ocean Centre for Peace Studies, Perth, 1995) p. 30.
in the hands of a relatively small number” of indigenes.\textsuperscript{72} When land is free to be colonised, “the organisation of labour effort” is the crucial element in determining the acquisition of wealth.\textsuperscript{73} Wealthy persons in pre-colonial Kenya were those best able to control the labour resources required to “open new fields for cultivation, watch over large herds, protect their settlements, and engage in trading and raiding”.\textsuperscript{74}

The arrival of European, notably British, “land speculators and settlers whose presence was underpinned by colonial authority, dramatically accelerated tendencies already in train”.\textsuperscript{75} As Nicola Swainson has also pointed out, the African capitalist class in Kenya was not the “creation of the post-colonial state”.\textsuperscript{76} Instead, Kenyan indigenous capital, which had its origins much earlier, was, after independence in 1963, able to consolidate its position through access to state power. The nascent class “emerged on the basis of new forms of commodity production founded on the direct employment of wage labour”. Prior to independence the “impetus of this class to expand through land acquisition had been checked by the limits imposed by settler capitalism in colonial Kenya”.\textsuperscript{77}

The largeholdings of the white settlers “placed barriers against the advance of the indigenous class of accumulators” and also blocked the “expansion of households, most

\textsuperscript{72} Ambler cited in Cowen and MacWilliam, \textit{Indigenous Capital}, p. 144
\textsuperscript{73} Ibid.
\textsuperscript{74} Ibid.
\textsuperscript{75} S. MacWilliam, F. Desaubin and W. Timms, \textit{Domestic Food Production}, p. 30.
\textsuperscript{77} Ibid., pp. 40-1. Likewise in Papua New Guinea: “The presence of an indigenous class of capital in Papua New Guinea has been and continues to be of a global logic of accumulation. Its rise has not been dependent solely upon local changes. The emergence and subsequent advance of such a class, which accumulates according to an international scale of reckoning, has been predicated upon expansions of productive capacity, and increases in the rate of surplus value production and appropriation, globally and in Papua New Guinea. The class is locked into a relation of antagonism with rural and urban labour on the same basis as non-indigenous (expatriate) capital. The relation forms the basic principle of politics in Papua New Guinea. Indigenous capital’s advance has occurred against the prior dominance of settler and international capitals, which initially acquired concentrated property in the country. Of greatest importance in the passages of transition between colonial and post-colonial states, the advance has been facilitated by the construction of a supposed national interest, which allegedly covers all indigenes. Continuously waved as a banner, the banner has gathered support for indigenous capital in the competition against other capitals, and deflected attention from the principal relation of antagonism between capital and labour”. H. Thompson and S. MacWilliam, \textit{The Political Economy Of Papua New Guinea}, (Manila, Journal of Contemporary Asia Publishers, 1992) pp. 85-6.
noticeably by occupying large acreages of fertile land". The establishment of a “strict racial preserve over production of commodities” would effectively “hold back the expansion of indigenous capital, which was potentially competitive with settler capital”. By these and other means, “estate capital was able to exercise almost total control over domestic marketing and processing of commodities, while curtailing the extent and location of African production”. Thus practical “control of agricultural production and marketing was the result of the articulation of estate capital through the colonial state”. Importantly, “until all the restrictions imposed by the colonial state on African production were removed, indigenous capital would be unable to expand into production on any scale”. African nationalists’ attempts at political “representation within the colonial state from the 1920s were partly a reflection of stifled indigenous capital”.

It has been shown that despite the strict limits on indigenous capital instituted by the colonial state in the early colonial period, these limits did not completely stall the “process of [indigenous] accumulation”. The process of accumulation was the “necessary prerequisite for conversion” into more “productive capital during the late 1960s and early 1970s”. The triumph of the national forces, which resulted in independence in 1963, “represented a temporary alliance between the indigenous bourgeoisie struggling to throw off the fetters on its accumulation and the disaffected mass of the population who wanted an end to colonial rule”.

According to Swainson: “It is ironic that the Mau Mau movement, which involved violent attacks by dispossessed groups on both European and African capitalist farmers, was to be used to further the political ends of the indigenous capitalist class after independence”. In short, it was not until the victory of the nationalists in the 1960s, with significant assistance from the “dispossessed” and working class organisations, that the

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78 MacWilliam et al, Domestic Food Production, p. 30.
80 Ibid.
81 Ibid.
82 Ibid, Development Of Corporate, p. 182.
83 Ibid., p. 175.
obstacles placed upon the "expansion of indigenous capitalism were lifted".\textsuperscript{84} After independence in Kenya, "Organisations which coordinated the demands of landless for smallholdings as well as unions and other bodies which represented wage employees were coaxed, cajoled and coerced into supporting the Kenyatta regime as the embodiment of nationalist aspirations".\textsuperscript{85}

As Geoff Kay suggests, "nationalist movements in the underdeveloped world appear more revolutionary than in fact they were. But as time passed, it became manifestly clear that in most parts of the world nationalism was organised as mass movements directed against a particular set of economic ties ... and not as class movements dedicated to the overthrow of capitalism itself".\textsuperscript{86} In other words, nationalist or "ethnic" movements readily promoted their "revolutionary" credentials as a means of garnering the support of working class organisations and others in a bid to break the shackles of a competing layer of capital. Often "the nationalist movement was a coalition firmly under the control of national capitalist [or indigenous] interests whose political goal was to strengthen their position vis-à-vis international capital" or in other instances, settler capital.\textsuperscript{87}

The indigenous African class of capital was initially "formed upon the basis of straddling between salaried employment and the intent to establish enterprise in agriculture and trade... it was precisely the revenue element of wage-form of salaried employment, the government stipend, which made investment in private enterprise possible".\textsuperscript{88} As Michael Cowen and Scott MacWilliam have identified:

Primary accumulation and then straddling ensured that indigenous accumulation was first embedded in agriculture. During the inter-war, colonial period of the commercialisation of African agricultural activity, straddlers developed small farms, which were not the smallholdings of rural-rural and/or rural urban labour migrants who circulated between wage work and landholdings in the reserves. Innovating in new agricultural activities, employing wage labour and directing production for sale, the relatively small farms

\textsuperscript{84} Swainson, "The Rise Of A National" p. 40.
\textsuperscript{87} Ibid.
\textsuperscript{88} Cowen and MacWilliam, Indigenous Capital, p. 140.
were small by scale with respect to European-owned estates contrary to the smallholding, and the scheme of smallholdings, which was developed by the colonial administration to secure means of subsistence, small farms of straddlers served as part of the essential basis for the desire to accumulate land and assets... From the late 1910s, the small farm was part of the process of straddling which involved not merely wage employment but also non-agricultural trading enterprise. In setting up, for instance, shop and/or tea room/hotel, mill or wagon transport enterprise, individual African-owned business was multiplex.\textsuperscript{99}

Michael Cowen and Kabiru Kinyanjui also point out that the "Africanisation of places" in the post-colonial period, is the "most obvious indication of the movement of positions" from European to African. In one aspect of the straddling process, there is a "single form of replacement of African individuals in occupations occupied hitherto by European individuals. Simple replacement occurs if the notion of the position remains unchanged, namely if senior European and African administrators are equally immersed in the process of straddling".\textsuperscript{100} There is as well "evidence to suggest that this was the case during the colonial period. Administrators and professionals (lawyers, accountants, doctors) employed both by the state and outside the state, used revenue from permanent employment to engender revenue for private enterprise". The enterprise was more often than not, "concentrated within the spheres of commercial capital and small estate agricultural production".\textsuperscript{101} In the post-colonial case, "putative social agents for the trusteeship of development, such as state officials and the 'technocrats', also owned private property and sought to extend the basis of property".\textsuperscript{102}

Cowen and MacWilliam describe the existence within the Kenyan indigenous bourgeoisie – "following David Blackbourn's seminal account of the formation of the German bourgeoisie" – of the Bildungs, or the educated bourgeoisie, and Besitz, the propertied bourgeoisie.\textsuperscript{103} For Cowen and MacWilliam it is important to acknowledge the presence of these binary elements within the bourgeoisie. "The distinction, expressed for Germany as between the propertied and educated bourgeoisie, is central to the matter of

\textsuperscript{99} Ibid., pp. 145-46.
\textsuperscript{101} Ibid.
\textsuperscript{102} Cowen and MacWilliam, Indigenous Capital, p. 16.
\textsuperscript{103} S. MacWilliam, "'These Truths We No Longer Hold Self-Evident': A Review Essay", The Australasian Review Of African Studies, (22,1, June) pp. 68-69.
class agency or awareness of class distinctiveness that forms the basis for class action". In Kenya, “Contrary to the dependency idea that this dimension has been lacking in the existence of a comprador or dependant post-Independence class in Africa ... indigenous capital was formed in agriculture from the nineteenth century”. Significantly, the “location played a critical part in the class’s attachment to the late colonial-initiated agrarian doctrine of development”. In other words, the previous colonial environment provided a template that was crucial to and determined (to a large degree) the trajectory and actions of that particular indigenous bourgeois.

As a consequence, during the early post-colonial period in Kenya, indigenous capital – as one means of successfully organising – established “so called tribal associations [which] were exclusively led and supported by the first class of straddlers between employment and business”. “Tribal” organisations acted both as a vehicle for advancing accumulation as well as attempting to ameliorate social dislocation, poverty and unemployment. “Thus, for instance, the athomi in central Kenya ... who were both Bildungs and Besitz, used inventions of community and tradition as well as modern forums for political action to succour the extension of private enterprise and indigenous African business within each tribal territory” – as constructed under the colonial regime.

In Australian Aboriginal affairs too, there has been the rise of an educated class of indigenous leaders imbued with the notions of trusteeship and combined with entrepreneurial activity. Representative of this phenomenon is the “charismatic” indigenous leader Murrundoo Yanner, of northern Queensland. Yanner describes how he returned after completing a university degree to the “Gulf of Carpentaria to run the Carpentaria Land Council after his father’s death and ‘pick up my spear’. A one time Black Panther, his father, Phillip Yanner, set up a land council as a means of buying

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94 Ibid.
95 Cowen and MacWilliam, Indigenous Capital, p. 141.
97 See especially Chapters 4-8.
pastoral properties and helping Gulf clans return to their homeland”. Yanner, also a board member of the Federal Aboriginal and Torres Strait Islander Commission, has this to say about indigenous organisations committed to the alleviation of poverty and unemployment, “Aboriginal leaders will continue to emerge from their misery of their communities. As long as there are Palm Islands ... you are going to see strong young Aboriginal people rise up to change those conditions”. As indicated above, and reiterated here by Cowen and MacWilliam: “To be ‘bourgeois’ is to be, and act through sources of activity which are both expected to engender economic efficiency and social order in the course of capitalist development”.

The “multiplex condition” of Kenyan business, from its foundations in agricultural production, made it the “indigenous source of internal capital in Kenya”. After the removal of “racial discrimination over both African business and employment”, from the 1960s onwards, the “scale of straddling was enlarged”. As Cowen and MacWilliam explain:

Senior ranks of the administration and military and, then later, African directors of subsidiaries of international firms in Kenya moved to acquire and operate large farms in the old racial preserve of the white highlands. Professionals, such as lawyers and doctors followed in their wake. To this extent, the multiplex condition of African business was succoured by the international firm and state agency, which opened up the economic space for the ownership of multiple enterprises. There is little doubt that African privately-owned agricultural estates, either being acquired through the purchase of single owner-occupied European farms or through the acquisition of shareholdings of company farms, came to occupy a much expanded, and possibly even predominant position on large-farm production by the early 1970s.

By the late 1970s, indigenous owned businesses had shifted into what has been termed FIRE, “namely finance, insurance and real estate, large-scale and import and export trading, transport and a plethora of other activities in what is normally called the

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98 "The Third Wave", The Weekend Australian, 2-3 March 2002. The newspaper article is subtitled, “A New Generation Of Well-Educated, Highly Motivated Young Indigenes Is Searching For Fresh Answers To Old Angsts”. The article also notes that, “The new political class developing in Aboriginal Australia is angry about the past but optimistic about the future”.
100 Ibid, p. 76.
102 Ibid.
commercial sector of the economy”. This expansion was achieved by either “acquiring the total/and or partial shareholding of existing companies or by forming new companies, especially banks ...”\textsuperscript{103}

As the layer of indigenous capital expanded and further consolidated it found various ways, particularly through the agency of government, to increase the space it occupied by tackling non-indigenous capital. In the post-colonial period, the indigenous bourgeoisie was actively involved in appropriating “businesses from non-citizens, but the actual apportionment of the spoils has, of course, been the subject of tough political battles”.\textsuperscript{104} Swainson discovered that, between 1972 and 1975, in all the “central trading areas in Kenya’s largest towns ... a large number of non-citizen businesses were served with notices to quit the premises by the provincial trade officers”.\textsuperscript{105}

Another significant feature of the post-colonial period in Kenya was the “large-scale extension of credit institutions such as the Agricultural Finance Corporation and the Industrial and Commercial Development Corporation [ICDC]”\textsuperscript{106} The pivotal role of the ICDC in the post-colonial era was the “financing of local trading and industrial enterprise but it also [took] ... some equity shares in large foreign industrial projects”.\textsuperscript{107} The allocation of ICDC “loans reinforced a pattern whereby credit was distributed to already established enterprises and to those owning a number of other businesses. It is clear that the more powerful political elements within the bourgeoisie were always able to capture the largest proportion of state finance for expansion of their enterprises”.\textsuperscript{108} In their formative stages African controlled companies requested and gained a large degree of support from “state finance rather than ... commercial banks”. Swainson found that many indigenous corporations relied for their finance on state provided finance, “the state in

\textsuperscript{103} Ibid., p. 152.  
\textsuperscript{104} Swainson, The Development Of Corporate, pp. 191-92.  
\textsuperscript{105} Ibid.  
\textsuperscript{106} Ibid., p. 190.  
\textsuperscript{107} Ibid.  
\textsuperscript{108} Ibid.
bridging the gap in credit at this early stage of capital expansion ... [was critically] important". 109

Cowen and MacWilliam have described the process whereby a “common form of business institution of combined investment ... is to be found across a range of countries, cultures and societies”. In respect to business organisation, the “common form of organisation belongs to different layers of capital where each particular layer has been strongly identified with race and identity”. 110 It is obvious however, that “ethnic and racial attributes, associated with different religious and/or cultural belief and practice, cannot provide an explanation for the emergence of business organisation”. 111 Further: “Virtually all the studies of indigenous capitalism reject the association between culturally founded attributes and the evaluation of business commitment and success”. 112 For capital, including indigenous capital, “business becomes the basis for a layer of capital as aspirant capitalists find the means to move from one level of business to another”. In particular, “Race, region and ethnicity are sources of identity, which have historically defined exclusion of business from one level in relation to the other. As such the categories of identity do not so much influence as determine the means by which business levers up capital from one level to another”. 113

As class cannot be created by the state (unlike the concept of race) and intentional development can only open space – that is, it cannot create a trading bourgeoisie no matter how privileged it is – there is then the historical question of agency. In other words, how primary accumulation is transformed into capitalist accumulation. It is necessary therefore to trace the trajectory of indigenous capital, including both its setbacks and advances, in order to better understand the strategic role indigenous capital plays in contemporary “Aboriginal” or indigenous economic development. Importantly, indigenous capital’s access to the political arena and therefore state power, which has assisted and facilitated the expansion of indigenous capital, has been achieved by

recognising and utilising the concepts of community, culture and ethnicity to effectively mobilise. In turn governments implementing the policy of indigenous trusteeship, which strengthens and encourages these notions, have bolstered accumulation by providing labour for capital to both produce and consume in areas of previously vacant productive space.

(2.4) CONCLUSION

Partly because of earlier colonial categories that racialized the administration of settler regions (including discrimination in employment and property holding), and partly for contemporary reasons of domestic political formation, indigenous business aspirations in many countries has flown under the flag of race or ethnicity. The question this chapter has raised is whether this racializing business is sui generis theoretically important and necessary. In looking at cases in North America and Africa it was found that while important, race is not a durable or robust analytical classification for examining business formation and growth. But since it is used as a vehicle or organising category, it has to be taken seriously in any proper investigation. And the chapter established that business organisation is often tied to particular projects of accessing state power.

Indeed, indigenous business interests in many countries including Australia, Canada and the United States, were often given a boost by changing state administration of populations, especially at the end of the long post-World War Two boom in the late 1960s and early 1970s. Indigenous business also received a substantial fillip by the move to re-locate the trusteeship role toward leaders in indigenous populations. In the earlier chapter, it was found that this was partially achieved by the reinvention of tradition and community as much by the state as by leading indigenes. So attempting to both ensure spatial immobility of relative surplus populations and reattaching that labour to means of production consisted of “reinventing” race and ethnicity, and this involved, among other things, transferring property rights to an aspiring leadership. This moment of restructuring in state administration was very important historically, even though it has had mixed results in terms of transforming surplus labour into profit-making workers. It
has however, released pent-up entrepreneurial commercial aspirations of some indigenes and in so doing helped to set in motion an indigenous business class. It is that dual process that the thesis seeks to examine in more detail in its Australian, and specifically in the Kimberley regional setting.
CHAPTER 3. DEVELOPMENT AND ABORIGINAL ENTERPRISE IN THE KIMBERLEY

From various causes, the white man came to recognize that ... [there was] placed on him a grave responsibility. During the first quarter of the present century [twentieth century] men became familiar with the idea of guardianship of native races in colonization. Phrases such as “trusteeship”, “dual mandate”, “sacred trust of civilization” and even “white man’s burden” passed current.

- Paul Hasluck 1

(3.1) INTRODUCTION

In the Kimberley region of Western Australia, prior to the late 1960s, Federal and State governments actively restrained indigenes business activities, particularly in their ability to access land. These restrictions were mainly instigated to protect white pastoralism and other commercial ventures, as well as part of an overarching policy of state trusteeship, whereby church missions and pastoral stations were part of an arrangement to order rural Aboriginal populations as sources of pastoral labour.

Before European contact in the Kimberley, Aboriginal social relations were dynamic and involved concepts of land ownership and wide-scale trading and production. The arrival of pastoralism, which in the Kimberley began in the 1880s, witnessed both the impoverishment of the indigenous population and the blocking by local colonialists of any expansion of indigenous primary accumulation, especially through the settlers appropriation and control of land. At the time, the explorer Edward John Eyre considered that “the manner in which ... [the original owners’] lands had been appropriated for the

1 P. Hasluck, Black Australians: A Survey Of Native Policy In Western Australia, 1829-1897, (Carlton, Melbourne University Press, 1942) p. 11.
benefit of white settlers was thoroughly iniquitous.” The seizure of lands by pastoralists and farmers in regions such as the Kimberley (as elsewhere in Australia) was underpinned by the legal concept of *terra nullius*: a theory that postulated that there was no indigenous ownership of land before European contact.\(^3\)

As Paul Hasluck also reported in his seventy year review (1829-1897) of the European colonial advance: “The limited measures taken for the protection of the native from violence, the prevention and treatment of diseases and the provision of means of subsistence for him ... were inadequate to preserve his life”.\(^4\) Rural Aboriginal populations, especially those on the frontier experienced rapid decline. The combined effects of disease, famine, military defeats and settler attacks often decimated Aboriginal populations. In other words, the intended trusteeship of British colonial policy was powerless when confronted by the “realities of an expanding settler frontier”.\(^5\) As Bill Bunbury points out, “the pastoralists were a dominant force in colonial government and for a long time after that”.\(^6\)

This chapter is divided into two parts. The first analyses indigenous social relations that existed in Australia, specifically those prevailing in the North West region of Western Australia, before European settlement. The second section traces the evolution of government policy that actively stymied an aspirant indigenous business class in the Kimberley. The chapter shows that government policies (up until the late-1960s) both

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\(^3\) Aboriginal groups, and others (most notably Henry Reynolds) challenged the notion of *terra nullius* in the High Court of Australia, and the subsequent Mabo judgment in 1992 overturned the legal concept of *terra nullius*.

\(^4\) P. Hasluck, *Black Australians: A Survey Of Native Policy In Western Australia, 1829-1897*, cited in S. MacWilliam, “Liberalism And The End Of Development: Partington Against Hasluck And Coombs”, *Island*, (70, Autumnn, 1997) p. 91. Further, the pastoralists’ “own interests lay chiefly in stopping wild natives from causing trouble and in keeping the domesticated ones useful and amenable as a source of low-skilled ... labour”. P. Hasluck, *Black Australians*, p.204.

\(^5\) Ibid.

attempted to ameliorate the social conditions experienced by indigenes due to economic development, as well as providing land, labour and finance to settler owned commercial operations. State trusteeship required the construction of reserves and mission settlements, in the effort to retain or segregate people in isolated and rural areas, including pastoral stations; support for the process of subsuming indigenous labour within capitalist relations of production; and — by way of contrast to the theory of the “smoothing of the dying pillow” — the implementation of health, educational and vocational programs. When the pastoral industry began to undergo a period of rapid restructuring beginning in the late 1960s its ability to continue employing rural labour was severely tested. By this time and for reasons discussed in the next chapter, the structure of state trusteeship began to seem both unviable and iniquitous.

Before recounting the course of indigenous development in the Kimberley region, it is worth pausing for a moment to consider pre-colonial social relations. The next section explores the proposition that Aborigines had lived in a static and undifferentiated primitive communist society. The following section surveys the literature on this topic.

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7 Ironically these policies laid the groundwork, albeit unintentionally, which later greatly benefited an indigenous class of capital once it had sufficiently organised.
8 In 1951, Western Australian Aboriginal reserves and missions, according to the Commissioner of Native Affairs, “vary in size, the largest approximately twenty million acres and the smallest being that of a townsite block. Native Missions throughout Western Australia are situated usually on land which has been declared a native reserve, thus giving them protection against violation”. Commissioner of Native Affairs, Annual Report, 1951, p. 36.
9 In the “north of the State four native hospitals ... [were] maintained by the Medical Department and where the Government District Medical Officer supervise[d] the health of the whole district”. Commissioner of Native Affairs, Annual Report, 1951, p. 36. The theory of the “smoothing of the dying pillow” postulates that government policy at this time (colonial and early post-colonial period), while attempting to make conditions slightly more bearable for Aboriginal people, recognised that ultimately the Aboriginal population, especially the “full blood”, would eventually “die out”. However, among other things, the theory fails to understand the importance of indigenous labour to agricultural and pastoral industries at this time. Importantly though, as J. Eyer correctly points out, “many of the changes to the health profile of Aborigines during this period mirrored those of large sections of the European peasantry who in the eighteenth century and nineteenth centuries had been transformed by capitalism into a surplus population enduring both malnutrition and stress-related diseases”. Eyer cited in S. Siggers and D. Gray, “Policy And Practice In Aboriginal Health” in J. Reid and P. Trompf (eds) The Health Of Aboriginal Australia, (Marrickville, Harcourt Brace Jovanovich Group, 1991) p. 384.
before tying Aboriginal social relations back to the question of development and indigenous enterprise in the mid-twentieth century.

(3.2) PRE-COLONIAL SOCIAL RELATIONS

Pre-colonial social relations in Australia have historically been portrayed as homogenous or at the very most differentiated by age and gender – that is, in terms of “stratification”. The broad spectrum of theories relating to “social stratification” is often classified as functionalism. The major determining characteristic of functionalism is the attempt to explain social institutions insofar as their “role [lies] in maintaining and reinforcing the social structure”.¹⁰ Some of the well-known sociologists and anthropologists who can be categorised at least to some degree as functionalist are Emile Durkheim, Bronislaw Malinowski, Alfred Radcliffe-Brown, Talcott Parsons, and R.K. Merton.¹¹ One of the characteristic features of functionalism is that it tends to focus on continuity and accepts an equilibrium approach to social and economic processes. But as Ralf Dahrendorf has contended: “An equilibrium approach cannot come to terms with certain substantive problems of change. Equilibrium theories lend themselves to explain continuity alone, and even then this only with respect to the most formal aspects of the political system”.¹² This section explores some of the limitations of such approaches in dealing with pre-colonial Aboriginal economic relations.

In Australia, increasingly complex, intensive and productive systems of resource management had been developing prior to British colonial rule. When climactic and

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¹¹ *Ibid.* Both Radcliffe-Brown and Malinowski had close connections with Australian anthropology. Radcliffe-Brown’s connections and influence were strengthened by his appointment to foundation Professor of Anthropology at the University of Sydney. Moreover, as McGregor argues: “While functionalists were critical of conjectural reconstructions of the course of human evolution, they advanced no critique of fundamental social evolutionary premises”. R. McGregor, *Imagined Destinies*, (Victoria, Melbourne University Press, 1997) pp. 102-03.
environment variations became less marked “modifications in patterns of economic activity” became apparent.\textsuperscript{13} A greater reliance on staple foods made it possible to feed more people while remaining in one locality. As these more intensive methods of resource management emerged there was growing regional diversity. The “simpler and more uniform pattern of opportunistic hunting and gathering”\textsuperscript{14} was giving way in some localities to more complex forms of food production, which increasingly depended upon large amounts of labour. This suggests that some of the limitations on population density and sedentary living inherent in simple hunting and gathering were being overcome by adopting new technologies and new ways of organising the food quest.\textsuperscript{15} Over that time exchange networks also emerged and were closely connected with the developments in food and other items of production.\textsuperscript{16}

Contrary to the orthodox theories of equilibrium – and considering the recent detailed exposition of Aboriginal “economic activity” in the pre-colonial era – there is, within the anthropological literature, much data that now suggests that pre-contact social relations were in fact dynamic. “In recent years the anthropological consensus seems to incline in favour [of the view] that power has traditionally been concentrated in the hands of some individuals and that this society was far less egalitarian than had been assumed by many”.\textsuperscript{17} The notion that pre-colonial individuals did not acquire property in goods and land, and were “completely self-sufficient ... has turned out to be a myth”.\textsuperscript{18} The Judge-Advocate and Secretary of the New South Wales Colony, David Collins, in an account of

\textsuperscript{13} T. Dingle, \textit{Aboriginal Economy: Patterns Of Experience}, (Victoria, Penguin, 1988) p. 45 It has been estimated that these developments occurred during the last 3000-4000 years.

\textsuperscript{14} \textit{Ibid.}, pp. 46-7

\textsuperscript{15} \textit{Ibid.} Some recent research conducted by archaeologist Heather Bulith, of Flinders University, suggests that in one place in Western Victoria in the pre-contact period, due to improved food “technology”, up to 600 people lived a sedentary lifestyle. “Rethinking The Noble Savage”, \textit{The Weekend Australian}, 3-4 August 2002.

\textsuperscript{16} \textit{Ibid.}

\textsuperscript{17} E. Kolig “The Powers That Be And Those Who Aspire To Them” in J.C. Altman (ed.) \textit{Emergent Inequalities In Aboriginal Australia}, (Sydney, University of Sydney, 1989) p. 46.

the colony originally published in 1798, and in recognition of the property rights existing in Aboriginal economies, stated that:

Their spears and shields, their clubs and lines, etc are their own property; they are manufactured by themselves and are the whole of their personal estate. But, strange as it may appear, they have also their real estates. Bennillong ... often assured me, that the island Me-mel (called by us Goat Island) close by Sydney Cove was his own property; that it was his father's ... To this little spot he appeared much attached; and we have often seen him and his wife Ba-rang-a-roo feasting and enjoying themselves on it. He told us of other people who possessed this kind of hereditary property ... 19

Some of the early nineteenth century ethnographers recorded observations that clearly highlighted a concentration of economic power in the hands of a few. Notable here is Alfred William Howitt's description of a man “cloaked in impressive regalia, who, in the fashion of a general commanding his troops, was carried on his men's ... shoulders from which he issued his orders.” 20 In 1839, Reverend John Dunmore Lang, Principal of Sydney College, wrote to Thomas Hodgkin of the Aborigines Protection Society in London, assuring him not only that the “Aborigines of Australia” had European concepts of “land ownership but that in practice differences between them and Europeans were more imaginary than real”. 21 Another pointer to Aboriginal property rights and the consolidation of property is George Grey’s 1841 comment, in his journals of exploration of Western Australia, that: “The whole tendency of their superstitions and traditional regulations, is to produce the effect of depriving certain classes of benefits...” 22 Grey, on the matter of individual ownership, insisted that, “land was the property not of a tribe, or several families, but of a single male”. 23

The journal of Robert John Sholl in part describes his first contact with Aboriginal people at Nichol Bay in the North West of Western Australia. On January 19 1866, Sholl wrote in his diary: Pajingarry "informed me that he was the ‘mama Governor’ of this part and Mullogon the ‘pickaminie Governor’, meaning that he was the greatest man, he being the chief of all the niggers [sic] ‘Chingi’ (South) and ‘Erajou’ (East) whereas the said Mullogon was only a small chief, ruling only a few niggers on the sea coast. [Pajingarry’s] country is extensive. Mullogon’s territory is very small".

When, in pre-colonial times, indigenous trade networks spread to embrace people of greater distances, ceremonial and political alliances were forged over wider areas. In these circumstances, there was scope for certain "elders" to increase productivity by acquiring wives from more distant groups. It was reported in the Perth Gazette, in 1866 – long before any large-scale industry or European settlement had been established in the hinterland of the North West – that "King Mullignan, [aka Mullogon] the chief of the Tien Tsin Bay tribe of Aboriginals is a fine specimen of a native, standing six feet one in height, and well proportioned ... he rejoices in the possession of five wives, one being a late acquisition and the result of a friendly visit to the Fortescue River, when he took advantage of his friend being asleep to give him a knock on the head and walked off with his wife".

With changes in production, the "chiefs or men of high degree" controlled the larger labour force now required by more complex productive technology. John Richard von Sturmer discovered that the production sites, in western Cape York, belonged exclusively

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24 Robert Sholl, according to Neville Green, was "sent by the colonial government to report on the state of affairs at Camden Sound [in the North West of Western Australia], later became the government resident of Cossack where he had a powerful influence over the destiny of hundreds of Aborigines". N. Green, "Aborigines and White Settlers", in C.T. Stannage, A New History Of Western Australia, (Nedlands, University of Western Australia, 1981) p. 99.


26 Dingle, Aboriginal Economy: Patterns Of Experience, p. 47.

27 Perth Gazette, 12 January 1866.
to certain individual males. "Focal sites", as he describes them, were in pre-colonial economic terms considered "premium real estate", such as favoured camp locations at the mouth of a river. These sites also offered ready access to resources and/or were strategically placed in relation to trade routes. More often than not, these sites were under the control of a "powerful" individual that spent most of "his" time there. These individuals inherited their status from their fathers and passed it on to their sons. Protecting these sites in the interim was dependent upon political acumen and strength. "To all intents and purposes the sites were their personal property". 29

The ability to both command, and gain access to, labour underpinned the prosperity and security of a class involved in acquisition. In most areas of Australia: "The organisation of society was maintained through the control of labour achieved through a religious [my emphasis] ideology". 30 It has been argued that a society that can maintain trade relationships is a society that is able to support traders who are reliant upon the productive labour of others to make the items for exchange. 31 As internal trade networks expanded within pre-capitalist economies, in conjunction with the number of goods, products or items in circulation, increased levels in productivity occurred which provided the potential for an even larger social surplus. 32

Throughout much of pre-colonial Australia, trade networks covered areas of many thousands of square kilometres, and a wide variety of goods were traded. These goods included hand made items, "requiring great skill and craftsmanship", such as stone axes, boomerangs, spears, nets and possum skin rugs. Raw materials such as ochre, shells,

28 Dingle, Aboriginal Economy, p. 47.
29 von Sturmer cited in Hiatt, Arguments About Aborigines, p. 32.
30 I. Keen, "Aboriginal Governance", in J.C. Altman, (ed.) Emergent Inequalities, (Sydney, University of Sydney, 1989) p. 31.
32 Ibid., p. 91.
spear shafts, axe blanks, and pitjuri (a type of narcotic) were also traded. Among the objects traded, the most spectacular were pearl shell, which originated in the West Kimberley, and penetrated almost the whole continent. Reflecting the transport costs of early land trade, the “farther away from the coast the more high priced they became”. Early nineteenth century European observers of these patterns of exchange interpreted trade relations in terms reminiscent of their own commercial trading habits and referred to them as “fairs, markets, trade centres, trade routes, and commercial transactions”. In other words, trading of a social surplus was becoming an important platform by which the expanded acquisition of wealth could proceed.

In regions including the Kimberley however, the advent of colonial power effectively ended indigenous access to land and the further colonising of land: “Just as pastoralists now depended on their properties to provide grass for their cattle and sheep, so Aborigines had previously depended on these same areas to nourish their kangaroos ... before the appropriation of their territories”. What is more, the convenient but erroneous judgment by the local colonial administration, pastoralists and others that there was no concept of land ownership (commonly known in Australia as _terra nullius_) held by sections of the indigenous population before European contact perfectly justified the appropriation of Aboriginal land for the establishment of pastoral and agricultural operations.

The problem for the colonial state then was how to enshrine property relations while reattaching Aboriginal labour to other means of production, including land, under the conditions of settler pastoralism. In response to this conundrum, the project of colonial/state trusteeship, devised on the basis of the experience of industrial development in Europe, enlisted the institutions of state, Church and pastoral

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33 Dingle, _Aboriginal Economy_, p. 18.
34 Kolig, _Silent Revolution_, p. 126.
35 Dingle, _Aboriginal Economy_, p. 19.
36 Hiatt, _Arguments About Aborigines_, p. 18.
management. Importantly, due to the labour intensive nature of the pastoral industry (the region’s most dominant), throughout the late nineteenth century and the first half of the twentieth century, state trusteeship provided the labour and stability necessary for the industry to prosper. As Hasluck has noted, the “difference between northern and southern conditions was that the natives had a greater economic importance in the north ... [In] the pastoral industry the natives were essential to white enterprises”. 37

The next section examines how the process of dispossession and attachment was implemented. This section will also show that the process of instituting state trusteeship established some of the continuing themes of Aboriginal development that recur again and again throughout the thesis. The section begins by giving a description of the policy of state trusteeship.

(3.3) COLONIAL/STATE TRUSTEESHIP

Thus were the ... [primary producers during the enclosure movement in Britain] forcibly expropriated from the soil, driven from their homes, turned into vagabonds, and then whipped, branded and tortured by grotesquely terroristic laws into accepting the discipline necessary for the system of wage-labour.

– Karl Marx, *Capital, Volume One*, 38

Background. An outline of the policy of state trusteeship

In Western Australia aborigines and their descendants have now reached a point beyond which without the guidance and assistance of a competent welfare authority they cannot readily progress. Their general standard of existence is at a level below that accepted as a normal, civilised living standard ...

– Commissioner S.G. Middleton, Department of Native Affairs 39

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37 Hasluck, *Black Australians*, p. 31.
From the commencement of the Kimberley pastoral industry in the 1880s, large tracts of the most productive land were given over to white pastoralists and farmers.40 As an indication of the extent to which the pastoral industry had developed, by the end of the nineteenth century, sheep numbers in the West Kimberley had reached 232,000, while the cattle herd throughout the whole of the Kimberley was estimated at 205,000 head.41 State governments of all political persuasions during the late nineteenth and early twentieth centuries, through various means, assisted in providing much needed labour to these white enterprises by way of subsidising the cost of maintaining indigenous labour on station properties, church missions and reserves; restricting the movement and property rights of indigenous people; and providing health facilities, training, and education for indigenous labour.42

In the Kimberley, “the political power of pastoralists firmly restricted attempts at any regulation of Aboriginal labour”.43 As an indicator to the importance of indigenous labour to pastoral enterprises, the Secretary of the Pastoralists Association argued in 1927 that: “The Aboriginal is a valuable adjunct to the pastoral industry, and without him ... it would be impossible to carry on under conditions as they exist”. These conditions included the problem of adapting pastoralism in the North West to climate, remoteness,

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39 Commissioner of Native Affairs, Annual Report, 1953, p. 3.
40 See the, Report Of The Royal Commission On The Pastoral Industry In Western Australia, (Perth, 1940) in regard to the importance and scope of the pastoral industry during this time, especially pp. 8-11
42 It was the case, throughout the period of state trusteeship, that the government provided the necessary means, both financially and legislatively, for the training and reproduction of indigenous labour. It was left to the State government, as in many cases individual pastoralists would not provide these amenities and facilities. The Report Of The Royal Commission On The Pastoral Industry In Western Australia, (Perth, 1940) pointed out that it had heard many complaints from pastoralists in the Kimberley and elsewhere about the “effect of the system of native control as administered by the Native Affairs Department” — that is, the proper care and maintenance of the Aboriginal labour force. (p. 156) Further, “The Native Administrations Act and Regulations provide for the establishment and maintenance of training institutions, farms and stations, rationing depots, hospitals, provision of clothing and blankets for natives, and many other matters. Of particular importance however, from station management point of view is the provision for permits to be obtained in respect of all employment of native labour”. p. 158
43 Bunbury, It’s Not The Money, p. 29.
as well as land and feed quality. The Secretary continued by saying that, “Frankly until their Profit and Loss Accounts warrant it, pastoralists think there should be no cash payment to or on behalf of aboriginals employed by them”. Indeed, low-cost indigenous labour – either paid in truck or at wages well below award rates – was critical in maintaining pastoral station profit margins for eighty years until the end of the 1960s (Aboriginal pastoral workers in the Kimberley were not granted award wages until 1968).

Policies to do with Aboriginal affairs instituted by Western Australian governments, in this period can best be summarised as state trusteeship, and involved a complex mixture of integration and segregation. An important aspect of government policy was the effort to stem the decline in the State’s Aboriginal population (the Western Australian Aboriginal population was mainly concentrated in regional and rural areas), especially as Aboriginal labour was crucial for agricultural and pastoral operations in areas such as the Kimberley.

Table 1 highlights the total Aboriginal population of Western Australia (of which the Kimberley proportion constituted on average about 35% and by far the largest of any region) during the years 1903 – 1970. From an estimate of 32,000 in 1903 the population fell by more than 40% in the first half of the twentieth century. Importantly, active

44 Memo: The Secretary, Pastoralists Association of North and Central Australia. 1 June 1927. In 1883, John Forrest, Chairman of the Western Australian Native Commission, reported that: “In the districts north of the Murchison River … the native population supplies the principal labour of the district and do nearly all the shepherding, shearing, stock riding and even fencing”. Forrest cited in Hasluck, Black Australians, p. 31.
45 In 1949, a report was submitted from the West Kimberley District Officer, which found that: “The usual procedure is to give stockmen a ‘hand-out’ of from £1 to £5 on each droving trip. This did not always take the shape of a cash payment but very often in the goods from the [station] store”. Commissioner of Native Affairs, Annual Report, 1949, p. 9. In 1954, the Northern District Officer reported, “Two methods are still being used in the payment of native wages. The one being in cash and the other the ‘book credit system’”. Importantly, “Wages are still comparatively low in this district to others, although due to labour shortages, which are already being felt on many Stations, there is an inclination to pay more and offer better conditions as enticements to employment”. Commissioner of Native Affairs, Annual Report, 1954, p. 37.
46 In the early years after Federation, what the Department referred to as “full bloods” constituted by far the largest proportion – albeit rapidly declining – of the State’s Aboriginal population. In 1903, “full bloods”
integration into the workforce was seen as a significant way of protecting Aboriginal populations from the ravages of introduced diseases. In 1956, Commissioner S.G. Middleton could report,

Indications that the general decline ... may have stopped and is now at least static in most places and increasing in others. Where they are fully conditioned to European food, daily wearing of clothing and to some extent have become immune to the illnesses and diseases introduced by white civilization – particularly influenza, measles, and such complaints with epidemic characteristics – their population is increasing. This is particularly noticeable on mission stations and pastoral stations where they are well cared for and in places where medical attention and treatment is readily available, which is now the general rule.47

Table 3.1. Western Australian Aboriginal population: 1903 - 1970

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1903</td>
<td>40,000</td>
</tr>
<tr>
<td>1927</td>
<td>30,000</td>
</tr>
<tr>
<td>1932</td>
<td>20,000</td>
</tr>
<tr>
<td>1953</td>
<td>10,000</td>
</tr>
<tr>
<td>1963</td>
<td>30,000</td>
</tr>
<tr>
<td>1970</td>
<td>40,000</td>
</tr>
</tbody>
</table>

made up approximately 97% of the indigenous population, yet by 1927 this proportion had fallen to 88% of the total Western Australian Aboriginal population (see footnote 80). In conducting the census, the Department acknowledged that these figures were subject to a margin of error due to the vast difficulties in undertaking this exercise. Acknowledgement of the work of the Department in this regard – that is, ensuring the reproduction of Aboriginal labour – was received from employers of Aboriginal labour in the Kimberley. The West Kimberley District Officer reported that, "I think that the greatest factor contributing to the progress that has been made is the appreciation by employers that the Department's policy is long range – this term is becoming hackneyed but it does correctly describe our intentions so far as these Northern natives are concerned". Commissioner of Native Affairs, Annual Report, 1950, p. 14.
47 Commissioner of Native Welfare, Annual Report, 1956, p. 7
Source: Department of Native Affairs Annual Reports, 1949-1954; and Department of Native Welfare, Annual Reports, 1955-1970.

Government officials and others such as police and pastoralists were the key agents in directing and carrying out the policies of state trusteeship. An essential feature also of this policy included the enlistment of the Church, who believed it possessed the understanding of what was required to make development constructive (trusteeship). These policies were put in place for the intention of developing those who had been debilitated by the course of what has been described elsewhere as immanent development – one effect of which in this case was the impoverishment of indigenous Western Australians. In short, the implementation of these policies saw the state as the principal instrument of development. As the Reverend Jobst, of the Vicariate of the Kimberleys, pointed out in 1970:

We owe our Aborigines the services we have extended to them since 1890, such as education both academic and technical, religious and social, housing and general improvement of their standard of living. Our missionaries have been and have acted as trustees [my emphasis] of the Aborigines, and when both the Government and Church authorities are satisfied that the Aboriginal people can manage their own affairs, have their own teachers, doctors, lawyers and religious ministers, then we will gladly hand over management and ownership to them. In my opinion these people have a long way to go.48

Significantly, during the course of state trusteeship, especially in the Kimberley, State government administrations by giving wholesale support to white businesses and severely restricting the property rights of indigenes effectively and purposefully stifled indigenous commercial activities. There is much evidence of budding indigenous enterprise (discussed at length below). However, an aspirant indigenous business class was not yet sufficiently organised – politically or economically – to be able to successfully compete and any advance was quickly checked. State trusteeship in the twentieth century inherited

48 Letter to: The Director of the Office of Aboriginal Affairs, Canberra. From: Vicariate of the Kimberleys, Most Reverend J. Jobst, Broome Western Australia. Re: Beagle Bay and La Grange Mission. 10 September 1970.
many of the practices of the colonial period, with important qualifications. The next section outlines key features of colonial administration of indigenes in Western Australia.

**The colonial era: 1829-1901.**

The official “native policy” of the British government in the Australian colonies, prior to Federation, was “intended to be humane”.\(^{49}\) British policy was based on the principles of “protection and preservation”,\(^{50}\) that is, colonial trusteeship. At the outset of colonial rule in Western Australia beginning in 1829, the “care and advancement of Aborigines was vested in the Colonial Secretary in London, and the official attitude was founded on [so called] Christian and humanitarian principles”.\(^{51}\) In 1886, the Imperial government – in an effort to, among other things, ensure the reproduction of indigenous labour in an era of labour shortage – enacted special legislation in an attempt to protect Western Australian Aboriginals from the worst effects emanating from the advance of pastoralism including violent confrontations between black and white.\(^{52}\)

In the Kimberley, as pastoralism became predominant it quickly supplanted the previous forms of production, and as a consequence many indigenous people became severely impoverished. It is an important point however, that in the colonial period, pastoral operations were mostly owner-operated (or petit-bourgeois), that is to say these types of operation were not a form of industrial capital. Indeed, settler pastoralism was subject to capital and most directly merchant capital, such as the operations that were beginning to be undertaken by Alexander Forrest and others (see below, especially footnote 57).\(^{53}\)

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\(^{49}\) *Report Of The Special Committee On Native Matters, Presented to Both Houses of Parliament, (Western Australia, 1958)* p. 7.

\(^{50}\) *Ibid.*


\(^{52}\) Geoffrey Bolton points out, that in the Kimberley “white occupation dated back no further than the early 1880s … here Aboriginal resistance was still at times formidable”, especially when large tracts of land were being handed over to pastoralists, food was scarce and there was widespread cattle spearing. As a result, there was “energetic action” undertaken by police, on behalf of the white pastoralists to quell any disturbances. G.Bolton, “Black And White After 1897”, in C. Stannage (ed.) *A New History Of Western Australia*, (Nedlands, University of Western Australia, 1981) pp. 125-26.

Henry Reynolds has described this situation, as it existed in the formative period of pastoral development in the Kimberley and elsewhere in northern Australia, in these terms. “The pastoral industry was the single most important agent in the destruction of Aboriginal society and the squatters [or pastoralists] were often the most persistent advocates of racist theories”, which were regularly used as a justification for the dispossession of land and subsequent violent actions directed at the indigenous inhabitants. In response, a Western Australian Aborigines Protection Board with five members was established by the Imperial government to ensure that the indigenous people were provided with basic necessities such as “food and clothing, as well as to provide education” and a modicum of protection from frontier violence. The Protection Board survived until 1897 – seven years after Western Australia obtained self-government.

After the “control of Aborigines” had somewhat been reluctantly passed to the jurisdiction of the Western Australian Conservative government of John Forrest in 1897, the previously aired misgivings of the “mother government” were soon to be realised.

As was the case in other parts of rural and regional Australia, when Aboriginal affairs shifted from Imperial to Colonial administrations, “patterns of behaviour, already two

56 Ibid.
57 Report of the Special Committee, p. 7. It is also worthwhile emphasising that Alexander Forrest (member for the electorate of the Kimberley Division 1887-1890), the younger brother of John Forrest, was commercially active in pastoral regions such as the Kimberley and elsewhere in Northern Australia. When a member of the Survey Department, Alexander Forrest was severely criticised, alongside his brother John Forrest (who was between 1883 and 1890 a Member of the Legislative Council, Surveyor General and Commissioner of Lands), “for their investments in North-West station properties”. Further, Alexander Forrest later “turned from surveying to set up as a land agent specializing in the Kimberleys. He was consulted by the Duracks and Emanuels, the MacDonald brothers and many more who swarmed to take up over 52 million acres (21 million ha) of Kimberley pastoral leaseholds by 1883”. Australian Dictionary Of Biography, p. 541. As well, in 1894, to help meet the quickly growing demand for beef in Western Australia caused by a dramatic population increase (1891 – 50,000; 1901 – 184,000), due mainly to the gold rushes occurring at the time, Alexander Forrest and Isadore Emanuel formed a company known as Forrest, Emanuel and Co. “By contracting with Blue Funnel Line and Adelaide Steamship Company they formed an organized marketing outlet for their own and surrounding West Kimberley stations’ products, transporting
generations old, were too deeply entrenched to be changed by an edict from London and especially one which threatened the most powerful economic interests of the country”, such as pastoral operations.\textsuperscript{58} Indeed, in the early stage of self-government the frontier was a violent place. “Killing took place on both sides not just of cattle but also of people, as Aboriginal people retaliated against the loss of their country and their way of life and Europeans reacted to the loss of their livestock”.\textsuperscript{59} Furthermore, “Hostility to the Aborigines and to those who defended them was rampant and squatters [and pastoralists] continued to behave as they pleased on ‘their’ land”.\textsuperscript{60}

Whereas not less than one percent of the colonial revenue had previously been set aside for “Aboriginal welfare” – that is, for amelioration – the allocation by the Western Australian government now became only a fraction of the previous amount.\textsuperscript{61} In 1897, in its last year of operation, the Aborigines Protection Board spent £33,912. When the government of Western Australia assumed control of Aboriginal welfare and abolished the Board, setting up the Aborigines Department in its place, it significantly reduced expenditure. In 1900 this amounted to only £19,604 and it was not until 1908, when expenditure totalled £35,898, that the 1897 (nominal) levels of spending on Aboriginals was again matched.\textsuperscript{62}

The Aboriginal affairs policy implemented by the Western Australian Forrest government, in 1898, was described by a 1967 Departmental annual report (this document, of course, was constructed from the vantage point of the 1960s when sensitivities to such matters were fundamentally different) as a policy of “apathy, neglect,

\begin{thebibliography}{9}
\bibitem{} the cattle to Perth and then on to the goldfields”. A. Kerr, \textit{Australia’s North-West}, (Nedlands, University of Western Australia, 1967) p. 44.
\bibitem{} Reynolds, \textit{Frontier}, p. 155.
\bibitem{} Bunbury, \textit{It’s Not The Money}, p. 21.
\bibitem{} Reynolds, \textit{Frontier}, p. 155.
\bibitem{} Report Of The Special Committee, p. 7.
\end{thebibliography}
and indifference to injustice and exploitation”. In summary, it could be said that apathy was perhaps an understatement if not a complete misrepresentation of the real behaviour and the reasons for it. In regions such as the Kimberley, the primary aim of the local Colonial administration during the period up until Federation, as elsewhere in Western Australia, was to open areas to agricultural production. In order to achieve this outcome, the Western Australian government’s newly created sub-department known as the Aboriginal Department operated under a Chief Protector and a travelling inspector was appointed. Virtually all field staff contact was through police officers that were also designated “Protectors of Aboriginals”. For the Kimberley pastoralists, the policeman was there to both “ensure that the killers and eaters of his cattle were apprehended and dealt with”, and also to maintain the supply of labour to pastoral and agricultural enterprises. The dual role of Aboriginal trusteeship is discussed in more detail in the next section.


The Constitution under which the Australian colonies federated in 1901 gave no legislative power to the Commonwealth government in regard to Aboriginal welfare, which meant in effect that the government of Western Australia became solely responsible for Aboriginal affairs. The situation in regard to the status and condition of Aboriginals had so deteriorated that in 1904 the State Labor government led by Henry Daglish appointed Dr. Walter Roth to undertake a Royal Commission. With cross party political endorsement, the Roth Royal Commission was established to investigate and report upon the circumstances of Western Australia’s Aboriginals. Roth’s recommendations were “intended” to bring “Aboriginal-white relations more securely

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63 Ibid.
65 Bunbury, It’s Not The Money, p. 20.
66 Commissioner of Native Welfare, Annual Report, 1967. p. 7. It was not until after the 1967 Federal referendum that the Commonwealth government became increasingly involved legislatively and financially in Aboriginal affairs.
under the rule of law—especially now that the appropriation of land for agricultural production had been more or less completed. In 1905, the Western Australian parliament, with minimum debate and bipartisan support, enacted legislation embracing the more “acceptable” of Roth’s recommendations.

Your Commissioner recommends legislation on the lines of Section 3 to 10 of the Aborigines Bill, as laid before Parliament this last session: ‘A Bill for an Act to make provision for the better protection and care[my emphasis] of the Aboriginal inhabitants of Western Australia.

A major provision of the Roth report was for the establishment of large Aboriginal reserves that were to be classified as “inviolable”. These government reserves – in which only “Aboriginal people” were allowed access – was land, considered marginal and unsuitable for agriculture, mining, or pastoral use. The original intention in most instances was that reserves were to be places in which the indigenous occupants would remain “undisturbed” and therefore protected against the “harmful effects” of modern development.

The new legislation, as recommended by the Roth Royal Commission – the Aborigines Act, 1905 – also stipulated that the Chief Protector would remain reliant on the police force for the administration of the Act and the “whole concept was one of strict control and ameliorative welfare measures”. The Act was later considered to have been in many ways extremely “repressive”, in that it made Aboriginals subject to “penal

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69 Ibid, p.130 Bolton notes, however, parliament rejected Roth’s suggestion of cash payments for Aboriginal labour.
70 Roth Royal Commission Report On The Condition Of Natives: Report And Recommendations (31 August 1904) (29 December 1904)
provisions, which singled them out from the normal population. There were restrictions on marriage, drinking of alcohol and free movement throughout the State”.  

Between 1908 and 1919, government settlements were established, “special hospitals” were built and food depots established in remote areas throughout the Kimberley. The settlements quickly became not only “places in which to confine the troublesome, as well as somewhere to send part-Aboriginal children who had been taken from their parents” but also, importantly, centres for the schooling of indigenous labour, particularly now that there were serious labour shortages occurring across the Kimberley. One training location, Moola Bulla station in the East Kimberley, was established in 1910 with the intention of “providing a large property where Aboriginal people could settle, receive rations and also acquire training in pastoral skills, riding, mustering and fencing”.  

Missions were also constructed in many of the newly established reserves and some of the most pronounced, “missionary effort to change the outlook of aborigines took place on these reserves”. There were, nevertheless, some “drifting of ‘foreign’” indigenes into the reserves and some movement of local Aborigines out. A large part of officialdom’s task was to try to prevent the population from leaving the reserves as well as impeding their attempts to “come nearer to white settlements and to copy white ways. Younger aborigines were being attracted slowly but steadily away from the reserves to the fringes of white settlement”.  

As a consequence of the increasing movement of indigenous people, several more “Aboriginal Protection Acts” were passed between 1910 and 1920. These acts had two underlying functions: “one was to assist the natives in the reserves and those outside who

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73 Ibid.  
74 Ibid.  
75 Bunbury, It’s Not The Money p. 20  
77 Hasluck, Shades Of Darkness. p. 15.
were either too young or too old and weak to work”. The other was to protect and confine the people who were employed by white farmers and pastoralists who were “housed and fed, and whose family were housed and fed by the settlers.”

The anthropologist Professor A.P. Elkin — described by one Commissioner, “as the greatest living authority on the Australian aboriginal” — stated that throughout the early twentieth century, due to growing labour shortages across the country, white commercial operations, in the “northern ... regions, were, and are unable to [undertake] pastoral, gardening or mining activities without native labour”. Therefore, the requirement by the State government to ensure favourable conditions for the reproduction of Aboriginal labour was essential, especially in light of a declining Aboriginal population. Between 1903 and 1927 — due to disease, malnutrition and miscegenation — the total Western Australian Aboriginal population classified as “full bloods” fell almost 30% from 31,150 in 1903 to 22,815 in 1927.

In 1914, in an attempt to rectify this situation, John Scadden’s State Labor government entrusted Aboriginal affairs to a minister without portfolio R.H. Underwood. Underwood, as the member for Pilbara, was keenly aware of what was needed by his constituency; that is, the ability of white farmers and pastoralists, among others, to freely access land and labour, as well as the requirement for maintaining order. Underwood’s first significant action was to replace the Protector of Aborigines with a man even more certain of the necessity of segregating Aboriginals on reserves and pastoral stations.

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80 Elkin cited in Bunbury, “Australia And The Aborigines”, p. 517
81 Commissioner of Native Affairs, Annual Report, 1952, p. 38. In the Kimberley, the majority of the Aboriginal population at this time was considered “full bloods”. As well, the Kimberley region contained the largest proportion of the State’s total indigenous population.
Auber Octavius Neville was to hold office from 1915 to 1940, and was regarded throughout this time as the quintessential administrator of Aboriginal affairs.  


Unlike the period immediately before the late 1920s, the Depression years now witnessed growing Aboriginal unemployment and poverty (as was the case in the general population), particularly in rural areas. In 1934, as a result of the growing rates of indigenous unemployment the Western Australian Labor Government led by Phillip Collier conducted another Royal Commission. The Magistrate Henry Moseley was appointed to carry out the task. Moseley made significant recommendations and new legislation was enacted. The legislation was entitled the Native Administration Act, 1905-1936, and it transformed the Aboriginal Department into the Department of Native Affairs. The new legislation imposed even greater control and enforced removal of people, especially – as a result of the economic downturn in agricultural and pastoral industries – for the growing number of unemployed indigenes congregating in urban and semi-urban centres. From a vantage point forty years later, the compiler of the 1972 Department report suggested that the “Aboriginal community had become an embarrassment to the Europeans”.  

To give an idea of the extent of the downturn in the pastoral industry during the years 1930-34, Table 2 shows the gross value of pastoral production between the years 1925-1939. In short, “The Depression years saw further decline in the beef industry”.  

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84 Report Of The Pastoral Leases Committee, 1963, p. 12. Furthermore, “Poor financial returns were the dominating factor as late as 1948, when the average cattle price at Wyndham Meat Works was about £8 per head”. p. 18.
Table 3.2. Gross value of pastoral production in Western Australia: 1925 – 1939

<table>
<thead>
<tr>
<th></th>
<th>Value in £</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Average for 5 years</strong></td>
<td></td>
</tr>
<tr>
<td>1925-26 – 1929-30</td>
<td>6,088,535</td>
</tr>
<tr>
<td><strong>Average for 4 years</strong></td>
<td></td>
</tr>
<tr>
<td>1930-31 – 1933-34</td>
<td>4,745,325</td>
</tr>
<tr>
<td><strong>Average for 5 years</strong></td>
<td></td>
</tr>
<tr>
<td>1934-35 – 1938-90</td>
<td>5,388,092</td>
</tr>
</tbody>
</table>

Source: Report of the Royal Commission on the Pastoral Industry in Western Australia, 1940, p. 64.

The new Native Administration Act (1905-1936) determined that, “Aboriginal children became the wards of the Commissioner of Native Affairs, the Minister was given power to have Aboriginals confined to settlements without trial or appeal; the Act empowered protectors to demolish camps; it prevented Aboriginals entering prescribed areas or towns without permits; [and] it required permits to be issued before they could be employed”. The only “positive measure”, as argued by a later Departmental report, was the “provision for the education of Aboriginal children”.

The occasional expressions, during the 1930s, for the more “humanitarian treatment” of indigenes included criticism of the power of the Western Australian Department’s authority to relocate itinerant Aboriginals to settlements, reserves or pastoral stations. “Liberal thought” viewed this power as particularly “repressive and discriminatory”. Alternatively, the Department’s argument was that it was a “necessary protective

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86 Ibid.
measure. During the period 1934-1948, for those people who belonged to the growing indigenous surplus population,

The main policy ... [was] to keep them in the country and prevent them from drifting into the towns. Hence the state is falling back on the reserves, which are to be made habitable and attractive. Government stations will be established and suitable centres for general welfare and training for natives in crafts and industries.

In the post World War Two period, between 1948 and 1960, by way of comparison, a thorough shake up of Department operations occurred. These “reforms” were undertaken due partly to rapidly improving economic conditions and the subsequent growing labour shortage in pastoral and agricultural regions such as the Kimberley.


Generally speaking, interest in the native is manifested only from the economic point of view. He is welcomed at harvest, mustering, shearing, and similar agricultural and pastoral times of need, or when he or she has wages or child endowment money to spend in the towns, but is expected to get back to the reserve or camp as soon as possible after the job is completed or the money spent, and stay out of sight, and presumably out of mind [my emphasis], until again required.

Native employment is daily becoming a matter of more importance to the economic life of the State, and indeed to the country as a whole. Natives are proving themselves competent workers, not only in avenues of pastoral and agricultural employment, but also to a lesser degree in industrial circles.

— Commissioner S.G. Middleton, Department of Native Affairs, 1949.

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87 Hasluck, Shades of Darkness, p. 15.
89 Commissioner of Native Affairs, Annual Report, 1949, p. 23.
90 Ibid.
In 1948, the Western Australian Liberal Country Party Coalition Government, led by Duncan McLarty, determined that the post-war period was opportune for a further enquiry into the situation-affecting Aboriginals. The Magistrate F.E.A. Bateman was appointed to the task. "Appalled by the conditions prevailing in the settlements and the reserves, generally, the Bateman Report, as it became known, recommended major changes in administration and a call to abandon the negative measures of the past". The government accepted the requirement for reform, and a re-organisation and new policies were inaugurated. "This was the beginning of the period with which the Department of Native Welfare is mainly identified".

The first reform instituted, as a result of the findings of the Bateman Report, was the remodelling of the Department of Native Affairs. A serving Papua New Guinean administrator S.G. Middleton – with twenty years field experience and described as a believer in "exercising strong and benevolent guidance" – was appointed Commissioner. There was also a move to decentralise the administrative structure. "The strong centralistic administration was ... altered and the State was divided into six main administrative divisions and these divisions further sub-divided into districts. At the same

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93 Ibid. According to the Commissioner in 1950, "The total acreage of Native Reserves is now 34,200,476 acres. This represents an increase of 1,115,075 acres over the previous total, due mainly to the reservation of 1,115,000 acres at Camden harbour for the Kunmunya Mission. This large tract of land represented open country between the Munja native Station and the Kunmunya Mission, and with the taking over of Munja by the Kunmunya Mission authorities, the request for the intervening lands to be declared as a reserve was approved to ensure immunity from possible outside interference ... The policy in regard to Native Reserves remains as previous, in that reserves are inviolable to [those] other than natives". Commissioner of Native Affairs, Annual Report, 1950, p. 39.

94 Bolton, "Black And White", p. 153. According to Commissioner Middleton, the position of Commissioner was "widely advertised throughout the Commonwealth, and I was invited by Doctor Elkin, Professor of Anthropology, Sydney University, to submit an application for consideration". Commissioner of Native Affairs, Annual Report, 1949, p. 5.
time, an attack on the physical and hygienic conditions affecting Aboriginals on camping reserves was set in motion”.

However, the component of the Native (Citizenship Rights) Act of 1944 and others, which imposed strict legal restrictions on personal freedom of indigens in regions such as the Kimberley, remained in force. The continuing repressive nature of government legislation is also highlighted by Section 44 of the Native Administration Act which determined that: “Any person who enters or persuades a native to leave any lawful service without the assent of a Protector shall be guilty of an offence under this Act”.

As for restrictive employment practices, “natives must be employed under permit”. As well, “under the current legislation a native worker is under the supervision of a Police officer or Protector and may not absent himself from his service or quit his work without reasonable cause. Thus he is not permitted to barter his service, or change his place of employment whilst under the provisions of the Permit to Employ without the consent of his employer”.

In rural areas such as the Kimberley, approval and support for Departmental operations, particularly in matters of control, not unexpectedly came most stridently from those white businesses who had most to benefit from these types of policies, particularly pastoralists. In 1949, the District Officer reported that “in the East Kimberleys the stations are all cattle stations and, with the exception of a few, are holdings of a million acres”. And in regard to Aboriginal labour, “The stations would experience great difficulty in functioning without this labour and the native would, on the whole, be unhappy in any other class of work”. In such a situation it was not surprising that one

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96 Ibid.
97 Cited in Bunbury, It's Not The Money, p. 52.
District Officer concluded that, "all that is required is a gradual improvement in his [the 'native's'] general conditions". 99

Grave concern about Aborigines being absent from station work, particularly in light of a growing labour shortage was often expressed. In 1952, at a meeting held in Derby and attended by local pastoralists and the Department of Native Affair’s District Officer, this concern was made obvious:

**Chairman.** The pastoralists would like to know what is being done by the Native Affairs Department here to return Natives discharged from hospital to their places of employment? **Reply.** There has been not a little controversy over this matter, as all Natives were not being discharged from the Native Hospital to my care to arrange transport etc. However, the matter has now been settled satisfactorily whereby all Natives discharged from the native hospital are sent without exception to me, and they are returned by earliest available transport to their previous place of employment. This was agreed to be most satisfactory. 100

Over the ten years 1946-1956, the annual Western Australian governmental expenditure for "native welfare grew from £83,736 to £446,741", an almost six fold increase, and this money was "expended almost entirely on amelioration". 101 Emphasis was also placed on the government policy of "integration". Indeed, the Western Australian government’s Special Committee investigating Aboriginal affairs in 1956 stated that: "With the aid of finance, legislation, and intensive education ... a significant proportion of natives in this state could be integrated within a generation". 102 Furthermore,

Clearly, positive action to enable these people to become fully self-supporting is called for. When that stage is reached, economic assimilation will have become a reality and social integration will be great deal nearer. The cost of putting such a policy into effect can be regarded as a capital investment, paying dividends in the

99 **Commissioner of Native Affairs, Annual Report, 1950, p. 17.**
100 **Letter to: The Commissioner Department of Native Affairs. From: District Officer, Northern Area. 19 November 1952.**
101 **Report Of The Special Committee, p. 9.**
102 **Ibid.**
form of reduced annual expenditure in the years to come.\textsuperscript{103}

It was believed by the Special Committee that for "general integration" to occur, an "effective governmental policy to assist natives is essential". The Committee also observed that while there has been a general "livening of interest in the concept of integration during the last few years, the process must be greatly accelerated if a crisis is to be avoided, for increasing education without social acceptance and full employment could lead to a turbulent situation [my emphasis]".\textsuperscript{104} The policy of integration however, was by no means comprehensive and consistent. It did not for instance involve the expansion let alone integration of indigenous property rights, and especially did not entail any government support for budding indigenous owned businesses. In fact, as outlined in the following section, there was a deliberate policy of undermining and obstructing nascent indigenous enterprises.

(3.4) INDIGENOUS ENTERPRISE DURING THE PERIOD OF STATE TRUSTEESHIP: ONE STEP FORWARD TWO STEPS BACK

In Australia, according to Ian Palmer, demands for the control and ownership of land by Aboriginal persons, albeit largely unsuccessful, can be traced back at "least as far as the 1930s" if not further.\textsuperscript{105} In 1928, it was reported in The West Australian newspaper that a number of Western Australian Aboriginals, some of whom were farmers, came together to form a short lived political pressure group in order to lobby the State Labor government and its Premier (Philip Collier) for, among other things, citizenship rights, including the right to own property. These initiatives were vehemently opposed by the agricultural industry and – with much assistance from their political representatives – these demands by indigenous agitators were quickly silenced.\textsuperscript{106}

\textsuperscript{102} Ibid.
\textsuperscript{104} Ibid., p. 8.
\textsuperscript{106} \textit{West Australian} newspaper article cited in Bolton, "Black and White", p. 142.
Don McLeod,\textsuperscript{107} Aboriginal activist and company director, maintains that in the early 1940s the Northern Development and Mining Corporation, was the first privately owned Aboriginal Company registered in Western Australia, and most likely Australia.\textsuperscript{108} The company was initially involved in mining in the North West, and a report noted that the company had become viable and felt that it “will become a permanent establishment”. The report goes on to suggest that: “To a large extent, complete success is dependent upon the success of its mining operations, the sole source of finance for all activities. At the present time the chief mineral being mined is columbite, valued up to £3,000 per ton. If the demand continues the project is an assured success”.\textsuperscript{109} Later, during the early 1950s, the Northern Development and Mining Company commenced pastoral operations by purchasing four station properties. These properties included: Riverdale Station (£10,000), Yandeyarra Station (£9,000), Meentheena Station (£5,000), and Glen Ern Station (for an undisclosed sum).\textsuperscript{110}

In spite of, or more correctly because of, the successful commercial enterprises undertaken by the Northern Development and Mining Company there were deliberate and effective acts of sabotage. Sustained government action, often utilising draconian means,\textsuperscript{111} on behalf of vested interests, ultimately forced the Company to scale down

\textsuperscript{107} Don McLeod was a director of Northern Development and Mining. McLeod was also a one-time member of the Australian Communist Party and was convinced that indigenous controlled enterprises would lead to Aboriginal “self-sufficiency”. It is worth noting that the Comintern and V.I. Lenin in the 1920s acknowledged and supported the worth of indigenous entrepreneurial activity, as it was believed that this was one effective way to combat and eventually overcome colonial power. See Cowen and MacWilliam, \textit{Indigenous Capital In Kenya}, (Helsinki, Interkont Books, 1996) especially pp. 23-80. When undertaking research on Don McLeod, the author requested access to file 1957/2239, \textit{Donald McLeod activities in connection ...} from the National Archives in Canberra, to which I was informed “our records indicate that it may have been destroyed”. Letter from: Carolyn Connor, National Archives. To: Tony Smith. 12 July 2001.

\textsuperscript{108} D. McLeod, \textit{How The West Was Lost, The Native Question In The Development Of Western Australia}, (Port Hedland, self published, 1984) p. 100.


\textsuperscript{110} \textit{Ibid.}, p. 104.

\textsuperscript{111} The Yandeyarra lease was forfeited because the operation had not “complied with the stocking conditions”. In short, a technicality was invoked as a means of stripping the Northern Mining and Development Company of the lease. McLeod, \textit{How the West}, p. 101. However, as the \textit{Report Of The Pastoral Leases Committee} (1963) makes obvious, it was usually the case that the stocking conditions “cannot be complied with without overstocking and degradation of the country. Conditions in pastoral areas
operations dramatically. As an indication of the concern shown by white business interests toward McLeod and similar indigenous operations, the Secretary of the Pastoralist and Graziers Association wrote to the Minister for Native Welfare, E.H. Lewis and stated: “The Yalgoo District Committee of this Association has notified the Executive of the presence of Mr D. McLeod in the Yalgoo area. The Association is deeply concerned at his presence there as it is only too mindful of his activities ... and its effects both on the native and pastoral industry... No doubt your Department is watching the activities closely. The Association wishes to assure you of its assistance should it be needed”.112 According to McLeod, during the period between the 1940s and early 1960s, “the authorities were bent on wrecking any [indigenous] project”.113 Furthermore, “The destruction of our companies was accomplished quite deliberately by a morally corrupt state”.114

In the mid 1950s, assets of the Northern Mining and Development Company, including the mining and pastoral operations, were broken up and sold to corporations including Bell Brothers – a large Western Australian company.115 State intervention as experienced by indigenous enterprises, throughout the period of state trusteeship, shows that indigenous businesses were not sufficiently organised – either politically or economically – to adequately combat other commercial interests. Indigenous enterprises held little state power at both State and Federal levels and remained severely restricted in their commercial activities.

vary so much that it is impossible to lay down rigid general provisions regarding either maximum or minimum stocking rate”, p. 93. Further, “In some instances properties were purchased by Eastern States interests [and others] who ... considerably over-estimated the carrying capacities”. p. 18.
112 Letter to: E.H. Lewis, Minister for Native Welfare. From: the Secretary of the Pastoralists and Graziers Association of Western Australia. 29 April 1963.
113 McLeod, How the West, p.105.
114 Ibid., p. 122.
115 Ibid, p. 104. Meentheena Station purchased by Northern Mining and Development for £5,000, was sold to Bell Brothers for £2,500. (Bell Brothers itself was later taken over by Robert Holmes a Court, whose wife Janet Holmes a Court inherited the estate on her husband’s death. Janet Holmes a Court was
Another incident reflective of this situation was a letter sent by the District Officer to the Commissioner of Native Welfare, dated the 13 May 1954. The District Officer outlined a complaint received from the Fitzroy Crossing storeowner, Mr Fallan, regarding the establishment of a store on the nearby mission, which was in direct competition with his business. “Mr Fallan [a white store owner] ... was adamant on the point that Mr P. Walker [indigenous proprietor] sold goods in a quantity that effected his trading ... As Mr Walker is absent ... the matter has been left in abeyance until such time as I [the District Officer] am able to interview him in respect to Mr Fallan’s allegations”.116 Presumably, the complaint was made in the knowledge that the Department of Native Welfare would act on the “allegations” and close the offending store.117

As a consequence of the privileged position extended to white commercial interests, there was generated a great deal of anger within sections of the indigenous population. As one Commissioner of Native Affairs reported: “There is evidence ... of a growing resentment and bitterness between white and hybrid populations that is bordering upon class hatred”. What is more, according to the Commissioner, “it cannot be considered racial since the hybrids are descendents of Caucasian stock”.118

In 1958, recognition was made by the Special Committee investigating Aboriginal matters in Western Australia that there should be some consideration for those indigenous people who had been deprived of their land and were being constrained in their commercial activities: “The fact [is] that the aborigine has suffered such extreme disabilities and injustices in the past that common humanity demands that he be given some appropriate recompense. One factor alone (and there are many others) may justify

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117 As will be shown in a later chapter, in Fitzroy Crossing since the late-1980s Leedal Investment Co Pty Ltd owned by the resource agency Marra WorraWorra now operates most if not all the commercial enterprises in the town.
special assistance – the confiscation of his land without due compensation”.\textsuperscript{119} It was argued by the Special Committee that in some areas, such as the Kimberley, there existed a stratum of indigenous people, who the Committee believed, had the ability and desire to operate small businesses and should be assisted: “The deserving native warrants special financial and other assistance, and there is now ample legislative provision under the Native Welfare Act to cover such projects, provided the necessary funds are made available”. It was also noted that: “The committee is of the opinion that these surveys should not be confined to farming only, but should extend to pastoral, mining, fishing, market gardening and any other likely industries”. Accordingly, “It may be possible to operate small commercial concerns cooperatively, but no desire to combine in such a way has been evidenced by the part-aboriginal who lives in localities where such experiments could be tried”.\textsuperscript{120}

In other words, Aboriginal business people at this time had yet to reach a scale where the benefits of organising collectively were recognised. Yet the individualist stance taken by these business people also suggests a keen understanding of the debilitating effects on commercial operations of having to provide welfare to friends and relatives. Indeed, as the Special Committee specifically noted, a “number of men who would have been suitable leaders in such enterprises, informed the committee that, while they would welcome financial assistance to undertake certain commercial activities, they preferred this to be on an individual rather than a collective basis”.\textsuperscript{121} Needless to say, the recommendation by the Committee for government support of indigenous “commercial concerns”, either in the provision of land or finance, was left in abeyance.

Ernie Mitchell, Chairman of Directors of the indigenous corporation known as the Pindan Group, published a pamphlet in the early 1960s calling for a government licence

\textsuperscript{118} Commissioner of Native Affairs, \textit{Annual Report, 1949.} p. 6.
\textsuperscript{119} \textit{Report Of The Special Committee.}, p. 9.
\textsuperscript{120} \textit{Ibid.}, p.26.
\textsuperscript{121} \textit{Ibid.}
to allow his organisation to export iron ore from Mt Goldsworthy (a rich and massive source of iron ore) in the North West of Western Australia. According to Mitchell: "The granting of an export licence to us, the only successful self-contained Aboriginal group in Australia, would go a long way towards silencing the many critics of Australia’s policy towards the original Australians". Furthermore:

We do not ask for an export licence on terms different from those that would be applied to other persons or groups. We do ask that the following facts be considered:

1. We are lifetime residents of the district.
2. We have the mining skills, and the workforce necessary to handle the project.
3. We are familiar with the problems that may arise, and have experience of solving such problems in recent years. We have been basically responsible for producing many thousands of tons of valuable minerals.
4. We can make arrangements equivalent to those of any other sound business concern, and we have a pool of labour, resident in the district, and accustomed to working in the climactic and other arduous conditions of the Mt Goldsworthy area.
5. We are aware, as all Australians should be, that our country’s policy in New Guinea towards the natives, and in Australia towards us, has been vigorously attacked in the councils of the United Nations Organisation ... We feel to grant us, the Aboriginal people of the Pindan Group, an iron ore export licence, would go a long way towards convincing such critics of our Government’s sincerity and goodwill towards us, and would be a major contribution to the realisation of our plans to raise our standards to the level of our white fellow Australians by enterprise and hard work. We do not seek charity.123

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122 "An opportunity for Statesmanship", Pamphlet written by Ernie Mitchell, Chairman of Directors, Pindan Pty Ltd, Port Hedland Western Australia. Date unknown.
123 Ibid. Mitchell argues further: "of all the contenders for the Mt Goldsworthy iron ore export licence who can make out a better case than we can make? Let us profit from the mineral resources of our tribal territories. Mt Goldsworthy has for countless centuries been a prominent feature of our secret ceremonial life, and has a special place in our culture. All our best hunting grounds have been taken over by grazing interests without any compensation to our People, and now is the opportunity for some measure of Justice to be done to us. Let us, the Black Australians, stand level with our white fellow Australians. No kind word, no hand-out, nothing at all could weigh with world opinion as would the granting to us of the opportunity to attain the standards we seek".
In 1962, despite the pleas of the Pindan Company, Goldsworthy Mining Ltd (a BHP controlled company) was granted a lease to mine ore at Mt Goldsworthy.\(^{124}\) It was not until the 1970s and 1980s, and the advent of land rights legislation and later the High Court Mabo decision (overturning the legal concept of \textit{terra nullius}), that indigenous corporations – this time represented by well organised political structures, such as the Kimberley Land Council (see Chapter 7) – would enter into partnerships and other arrangements with mining companies and receive royalties and associated economic benefits from commercial operations conducted on "their land". Insofar as the scale of indigenous business activities are concerned, there is a distinct contrast between the period covering the pre-1940s – 1960s (state trusteeship), and the multiplex business operations that arose in the 1970s and 1980s (indigenous trusteeship).

To a significant degree, the burgeoning labour scarcity during the 1950s and 1960s explains the State and Federal governments' continuing engagement in the reproduction of indigenous labour for commercial operations in the Kimberley. This action was undertaken on behalf of not only those established and well-organised commercial associations that had historically cultivated strong and effective political connections and representation, but also the emerging mining and industrial concerns.

\(^{124}\) F.K. Crowley and B.K. de Garis, \textit{A Short History Of Western Australia}, (Melbourne, Macmillan, 1970) p. 98. It is significant that a multinational company such as BHP, with much access to political power at the Federal and State level, was granted the licence to mine ore at Mount Goldsworthy at the expense of both local white and black capital. Lang Hancock (a local mining rentier) was also denied the right to mine ore at various locations throughout the State, although, unlike Pindan, he received substantial mining royalties from iron ore discoveries in the Pilbara region of Western Australia. As a consequence of this denial, Hancock reportedly financed Democratic Labour Party candidates at the 1971 State election on the basis that he had good reason to "resent both Labor and Liberal ministers with whom he had been at loggerheads over the granting of mining leases". D. Black, "Liberals Triumphant", in C.T. Stannage (ed.), \textit{A New History Of Western Australia}, (Nedlands, University of Western Australia, 1981) p.469
(3.5) THE DEPARTMENT OF NATIVE WELFARE. “A VERY EFFECTIVE LABOUR EXCHANGE”: 1960-1969

Labour [my emphasis] ... is a major problem. The number of people attracted to the pastoral areas is very limited, yet the need for good staff is urgent. Favourable lease tenure, good roads, advanced research and all other concessions are affected if suitable labour cannot be found.

– Report of the Pastoral Leases Committee

There is marked over-employment in this district, and the Field Officer is in the happy position of having more jobs available than natives to fill them – this results in a firm policy of guiding the workers to the stations that provide the best conditions and amenities.


In Western Australia, between 1960 and 1968, due to a growing labour shortage, indigenous labour was required in ever increasing numbers (see Appendix 10.1 for population statistics). This was especially the case in farming and pastoral regions such as the Kimberley. Due to the increasing labour scarcity and notwithstanding the official policy of “integration”, beginning in the 1950s, indigenous people in the Kimberley during the 1960s were still forcibly sequestered on pastoral stations and missions. In 1961, as an indication of the labour shortage, the Western Australian Police Commissioner, J.M. O’Brien, responding to complaints from the Pastoralists Association about Aboriginal people being absent from station work, stated: “My District Inspector at Broome reports that vagrancy laws are applied to natives at various times in Northern towns, by police throughout the district, with the consent of and by arrangement with the local Native Welfare Officer. Discretion is naturally exercised in applying this law in

126 Commissioner of Native Welfare, Annual Report, 1962, p. 34.
Northern areas. This was done in order to return itinerant “natives” to their pastoral or mission settlements.

In the early 1960s, according to the Commissioner of Native Welfare, the “traditional industries” of the Kimberley were, still providing the “greatest employment opportunities for native labourers”. Without doubt, the vast majority of indigenous labour was “employed on cattle and sheep stations but running a clear second at this stage [more] than ever before … [was] the employment of natives in towns. So great is the demand from this quarter that the stations lose more and more each year” (see Table 3). What is more, the rapidly developing “new industries” in the Kimberley, such as the “rice projects at Camballin (near Derby) and Kununurra (near Wyndham), new dams at Uralla Creek, Diamond Gorge and the Ord River Project” were all “proving lucrative sources of employment for natives”.

From the early 1960s, development in the Kimberley was occurring at such a rapid pace that the Commissioner of Native Welfare could make this bold assertion:

There is no doubt that natives will always fit the pattern of economic life in the remote area and with new skills imparted and old skills improved natives will never want for employment here. Wages are always improving and must continue to improve due now mainly to the shortage of labour but also to the vastly more educated and semi-skilled natives entering employment.

Indeed, demand for labour in the West Kimberley far exceeded supply – so much so that the requirement for “able-bodied men … [was] so great as to be embarrassing”. The same chronic situation of “over-employment” existed in regard to female employment,

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129 Ibid.
130 Ibid.
especially for “domestic labour requirements”\textsuperscript{132}. Thus, the Department’s 1962 Annual Report recorded that, “the native labour force is fully engaged; the greater proportion with the pastoral stations and the balance with Government projects, Public Works Department, Harbour and Lights Department, Main Roads and a fair number with local industry”.\textsuperscript{133} The Annual Report outlined the “important” duties one of its offices in the Kimberley District was undertaking during this period of full employment. “The District Office functions as a very effective Labour Exchange and in future it is intended to keep an accurate record of jobs found”\textsuperscript{134}

In the Kimberley, as a result of the growing labour shortage,

Wages and general conditions of employment show a gradual improvement. The average minimum wage being paid is in the vicinity of £6 per week with the more skilled worker demanding and receiving the basic wage or better. In summation, I would say that at the present time the native is more favourably regarded as an employee than for many years past.\textsuperscript{135}

In 1962, the Native Welfare Department’s Northern District Inspector reported that for: “Wyndham – There is no serious employment problem in this Sub-District as those natives who are unable to hold jobs in Wyndham or at Kununurra are able to find employment on the various cattle stations where lower wages are paid”.\textsuperscript{136} And, generally those “natives employed in the towns, by the Public Works Department, Main Roads Department or by private firms are paid the award rate or basic wages”. Furthermore, and very significantly: “Difficulty is encountered by this office in finding sufficient men to meet the demands of the cattle stations. The natives are most reluctant to accept the low

\textsuperscript{132} Ibid.
\textsuperscript{133} Ibid.
\textsuperscript{134} Ibid.
\textsuperscript{135} Ibid.
\textsuperscript{136} Ibid., p. 34.
wages offered by the Stations unless they are unable to find work under more favourable conditions elsewhere.”\textsuperscript{137}

In his 1962 Annual Report summary, the Commissioner of Native Welfare wrote: “It can be seen that there is no unemployment ‘\textit{bogy}’ [my emphasis] in the [Kimberley] district.”\textsuperscript{138} The following year’s Annual Report also described a full employment situation for the Kimberley. District Officer Stevens reported that:

Derby and the surrounding District is developing rapidly and combined with this is the higher standard of education of the younger generation of native people has opened up a number of new avenues of employment which has previously been limited to station work and general labouring. Many men are working with Government Departments such as the Public Works Department, Main Roads Department, Harbours and Lights etc and earning good money while others have positions as mechanics, truck drivers, lugger crews with private businessmen and are being paid award rates or more. This healthy situation is revealed also by the fact that many stations are having trouble finding employees as the people come into Derby to better paying jobs. Because of this \textit{some stations are being forced to implement improvements and higher wages to attract staff} [my emphasis]. All willing and efficient domestics are in constant employment; in fact, at present there are more positions available than girls to fill the vacancies.\textsuperscript{139}

Assistant Superintendent Brennan could report that the labour shortage was so critical that “in some instances police pressure was necessary to oblige a few individuals to accept jobs and cease to be a burden to their friends”. And, “It is usual for the police in these cases to deliver an ultimatum – accept one of the jobs offering or face a charge of being idle and disorderly”.\textsuperscript{140} The police pressure, Brennan stated, “usually has the desired effect …” and what is more “it is to the natives ultimate benefit to be in employment … Fortunately, most family men in Wyndham are in steady employment, in fact they earn good wages – well above the basic rate.”\textsuperscript{141}

\begin{itemize}
\item \textsuperscript{137} \textit{Ibid.}
\item \textsuperscript{138} \textit{Ibid.}
\item \textsuperscript{139} Commissioner of Native Welfare, \textit{Annual Report}, 1963. p. 33.
\item \textsuperscript{140} \textit{Ibid.} p. 34.
\item \textsuperscript{141} \textit{Ibid.}
\end{itemize}
Throughout the Kimberley, during 1963-1964, the Commissioner could predict with confidence that there was “sufficient employment available to maintain most natives throughout the year and the need for Social Services or departmental assistance because of unemployment ... remained at a reasonable level”.\textsuperscript{142} Nevertheless, the Commissioner sounded a prescient warning: “Economically, Western Australia is prospering and there is little unemployment, even among unskilled workers. However, the latter will be the first to feel the effects of any recession and, unfortunately, too many natives remain in this category”.\textsuperscript{143}

In the mid 1960s, the “speeded” up development of the Kimberley region saw the construction of “new meatworks and deep water jetty at Broome, new port facilities and investigation of tidal power at Derby, long-term irrigation potential of the mighty Ord and Fitzroy Rivers, [and] greatly intensified mineral searches”.\textsuperscript{144} These rapidly expanding development projects also meant that the various “Government bodies” involved in development projects required increasing amounts of labour. The “demand for reliable labour” was so great that the Commissioner was convinced that the demand must continue expanding and “to do so for many years as the tempo of these projects increases”\textsuperscript{145} The most important aspect, for the Commissioner and his Department, was to be “able to have trained native people ready to meet vacancies as they occur”. The Department insisted: “Adequate education ... is a must for the young people of today to prepare them for the future”.\textsuperscript{146}

In 1964, there was no “shortage of work” reported anywhere in the Kimberley Division. However, wages and conditions varied considerably. At centres such as Derby, Kununurra and Wyndham, wages were in excess of £4 per day and were not

\textsuperscript{143} \textit{Ibid.}
\textsuperscript{144} \textit{Ibid.}, p. 16.
\textsuperscript{145} \textit{Ibid.}
\textsuperscript{146} \textit{Ibid.}
“uncommon”, whilst the same amount or less per month plus keep was the going rate on some pastoral properties.\textsuperscript{147} Table 3 highlights the importance of the pastoral industry in employing indigenous labour (column 7), however other rural and industrial employment (column 5) was beginning to constitute a large proportion as well.

\textbf{Table 3.3. Aboriginal employment in the Kimberley (1964)}

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<tr>
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<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
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<td>...</td>
<td>...</td>
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<tr>
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<td>7</td>
<td>2</td>
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<td>...</td>
<td>341</td>
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<td>10</td>
<td>113</td>
<td>...</td>
<td>81</td>
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<tr>
<td>Total</td>
<td>6</td>
<td>4</td>
<td>11</td>
<td>29</td>
<td>780</td>
<td>2</td>
<td>837</td>
<td>28</td>
<td>7</td>
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</table>

Source: Commissioner of Native Welfare, \textit{Annual Report, 1964}.

\textbf{Key to employment}

1. Professional.

2. Clerical and Commercial.

3. Tradesmen/Skilled Occupations – Dressmaking, Photograph tinting, yandying etc.

4. Rural Workers (male) – Farm employees, Shearers, Fencing and Clearing Contractors. Unskilled Occupations (female) – Fruit picking, grass seeds etc.

5. (a) Female domestic workers (555 of total) – Urban, Agricultural and Pastoral. (b) Industrial Workers (225 of total) – Factory Hands, Meat Workers, Wharf Labourers, Railway Fetters, Road Workers, Truck Drivers etc.


\textsuperscript{147} \textit{Ibid.}
Labour shortages in the Kimberley reached such a stage during the mid 1960s that cotton farmers at Kununurra “went to the extent of importing native labour from outside the State”. This action, according to the Department of Native Welfare, did not affect the “local employment situation in any way and the position for the future appears very promising”. The Department also argued that, in the “event of the pastoral award coming into force [as it did in 1968, see below], a vast unemployment situation is not anticipated as it is felt that many employment avenues outside the pastoral industry will be open to native workers”. The Department’s optimism about future employment potential was of course premised on the continuation of the global post-war long boom and the regional development policies of the State and Commonwealth governments.

Throughout 1967, the labour shortage crisis in the Kimberley continued with demand still outstripping supply. The Department reported that “many smaller properties … [were] desperate for labour … These stations are experiencing extreme difficulty in obtaining workers… the payment of the basic wage by Government and private concerns in towns, … caused some pastoral properties to make slight increases and this continued incentive, plus the need for good employees”, the Department contended, would “induce others to provide similar facilities”.

**Beef production and the Kimberley economy**

At this juncture it is worth once again emphasising the importance and value to the Kimberley regional economy of beef production for export in the period up until the late 1960s. In 1969, the Kimberley region (occupying 16.64 % of the Western Australian land mass) carried 595,700 head of cattle for meat production, or 38 per cent of the State total. Table 4 below traces beef production and its export value from 1951 to 1969 for the State as a whole – of which the Kimberley was the single largest regional producer.

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149 Ibid.
151 Australian Bureau of Statistics. See Table 4.
The killing and freezing works that operated at the Kimberley ports of Wyndham, Broome and Derby were principally used for export. Between 1951 and 1969, beef production for export increased from 7,699 tonnes at a value of $1,221,000 in 1951 to 20,210 tonnes at a value of $16,939,000 in 1969. Table 5 shows the proportion of beef produced in the Kimberley vis-à-vis the rest of Western Australia during the years 1966-1969. It will be noticed that the district with the greatest cattle production – that is, the West Kimberley/Derby district – also counted the greatest number of Aboriginal inhabitants (see Appendix 10.2).

Table 3.4. Western Australian beef exports: 1951 - 1969

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<tr>
<td></td>
<td>Tonnes</td>
<td>$000</td>
</tr>
<tr>
<td>1951</td>
<td>7,699</td>
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</tr>
<tr>
<td>1952</td>
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<td>5,016</td>
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<td>1955</td>
<td>6,776</td>
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<td></td>
<td>20,528</td>
<td></td>
<td>11,497</td>
<td></td>
<td>19,360</td>
<td></td>
<td>11,730</td>
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<td>18,115</td>
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<td></td>
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<td></td>
</tr>
</tbody>
</table>

Source: Australian Bureau of Statistics.

Table 3.5. Cattle kept for meat production

<table>
<thead>
<tr>
<th>Kimberley district</th>
<th>1966</th>
<th>1967</th>
<th>1968</th>
<th>1969</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broome</td>
<td>42,249</td>
<td>41,351</td>
<td>47,400</td>
<td>39,108</td>
</tr>
<tr>
<td>Halls Creek</td>
<td>147,590</td>
<td>154,675</td>
<td>154,562</td>
<td>179,581</td>
</tr>
<tr>
<td>West Kimberley/</td>
<td>220,266</td>
<td>223,496</td>
<td>226,484</td>
<td>258,916</td>
</tr>
<tr>
<td>Derby</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wyndham/East Kimberley</td>
<td>113,520</td>
<td>113,973</td>
<td>119,624</td>
<td>118,095</td>
</tr>
</tbody>
</table>

| Kimberley Total    | 523,625| 533,495| 548,070| 595,700|
| Total Western Australia | 1,271,226| 1,357,042| 1,426,936| 1,546,254|
| Kimberley percentage of total | 41% | 39% | 38% | 38% |

Source: Australian Bureau of Statistics.
To highlight the value of pastoral production, Table 6 outlines the net value of pastoral production (includes cattle, wool and sheep\textsuperscript{152}) to the Western Australian economy in general. The pastoral industry during the years 1964-1969 was an extremely important sector of the Western Australian economy. In 1964-65 pastoral production (37.89\%) was the largest single component of primary production followed by agriculture (34.79\%) and then mining and quarrying (12.06\%). In the years 1965-68, pastoralism (average 31.79\%), was the second largest producer after agriculture (average 39.6\%).\textsuperscript{153}

Table 3.6. Net value of pastoral production in Western Australia: 1964 – 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Value ($‘000)</th>
<th>Proportion of total (%)</th>
<th>Total Primary Production ($ ‘000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1964-65</td>
<td>101,069</td>
<td>37.89</td>
<td>266,726</td>
</tr>
<tr>
<td>1965-66</td>
<td>129,773</td>
<td>35.70</td>
<td>363,490</td>
</tr>
<tr>
<td>1966-67</td>
<td>126,049</td>
<td>32.62</td>
<td>386,372</td>
</tr>
<tr>
<td>1967-68</td>
<td>119,231</td>
<td>27.06</td>
<td>440,663</td>
</tr>
</tbody>
</table>

Source: Australian Bureau of Statistics. "Net value represents the return to the producer after the cost of all goods consumed in the process of production and the costs of marketing the product have been deducted from the gross value. It is consequently the sum available for payment of wages, interest, rent, depreciation, other overhead costs and for the producer’s own income".

\textsuperscript{152} Australian Bureau of Statistics, \textit{Western Australian Year Book, 1971}, p. 338. In 1952, pastoral areas of the State, including the Kimberley, carried 24.7\% of the total Western Australian sheep flock. By 1969, however, the proportion was down to 12.2\%. p. 338. Pastoral areas of the State include the Kimberley (16.64\% of total land mass), Pilbara (17.57\%), North West (7.76\%) and Central (3.10\%) Statistical Divisions, together with the Shires of Boulder, Coolgardie, Laverton, Leonora and Menzies, which form part of the Eastern Goldfields Division. p. 139.

\textsuperscript{153} \textit{Ibid.} The gross value of pastoral production in Western Australia, based on principal market prices, in 1968-69 was 218,643,000. Australian Bureau of Statistics, \textit{Year Book, 1971}. p. 339.
The beginning of the end of an era

The previous sections of the chapter established how booming economic conditions in the Kimberley region represented a period when indigenes were thoroughly integrated into various forms of productive activity, albeit under conditions of often harsh and paternalistic administration. But in the late 1960s conditions began to rapidly change. The Kimberley pastoral industry in 1967, was still the largest single employer of Aboriginal labour. Working conditions varied considerably throughout the region and yet it was noted, “increasing preference is being given [by indigenous labour] for alternative employment offering award conditions”. In 1968, the introduction of the Cattle Industry Pastoral Award for Aboriginal workers helped to precipitate a social and economic crisis with many implications. The previous labour shortages in the Kimberley, in conjunction with the introduction of the pastoral award substantially increased the cost of labour to pastoral operations and this “hit the pastoral industry hard”. (These and other issues will be discussed at length in Chapter 4).

By the late 1960s and early 1970s, the Kimberley pastoral industry, largely as a consequence of the downturn in pastoral production and commodity prices (at the time of the coming to an end of the global post-war long boom) and the higher cost of labour, witnessed the increased use of contract labour and the introduction of labour saving technology such as motorbikes and aerial mustering. In 1969, across Western Australia, employment statistics indicated a reduction of 6.4% of the total Aboriginal workforce employed in agriculture, as compared with previous years. Accompanying the downward trend in rural employment was a noticeable movement of indigenous labour migrating to urban centres that were “providing more opportunity for employment in industrial and other activities”. In 1969, the Department envisaged, in response to the

---

155 Bunbury, It's Not The Money, p. 114.
156 Commissioner of Native Welfare, Annual Report, 1969. p. 13. These issues and others will be discussed at length in Chapter 4.
economic difficulties now confronting the Kimberley pastoral industry that a shift to a more seasonal pattern of employment would occur. The Department also predicted that due to the increased cost of labour there would be the “impetus given to mustering by contract”; in other words, there would be a substantial growth in the use of self-employed contractors by pastoral operations.\textsuperscript{158}

It was pointed out that in 1968 only 26.8\% of the male Aboriginal work force was now engaged in the agricultural industry, as compared with 30.7\% five years previous. Further, by 1969, throughout Western Australia, rural employment accounted for only 20.4\% of the total Aboriginal workforce (a reduction of over 10\% in only six years), while there was a corresponding increase in the overall percentage of industrial workers – from 23.8\% in 1968 to 29\% in 1969.\textsuperscript{159} The Commissioner of Native Welfare inquired as to whether this “drift from the casual and seasonal employment of the rural areas to centres where regular unskilled and semi-skilled work is available will continue”.\textsuperscript{160} The ongoing labour migration indicated a “growing dissatisfaction with the seasonal type of work at present available for Aboriginals in rural areas, with its consequent depressed family economy”.\textsuperscript{161}

The rapid change in conditions affecting rural employment forced State and Commonwealth governments to radically change policies for dealing with indigenous populations in remote areas like the Kimberley. One such policy shift was the introduction of measures designed to assist those indigenous people who were classified as “self-employed”, specifically as a means for generating employment. One way it was believed for achieving this outcome was the introduction of the \textit{Aboriginal Enterprises (Assistance) Act, 1968} by the Commonwealth government, including the Commonwealth’s Capital Fund (discussed at length in Chapter Four. See also Appendix

\textsuperscript{158} \textit{Ibid.}
\textsuperscript{159} \textit{Ibid.}
\textsuperscript{160} \textit{Ibid.}
\textsuperscript{161} \textit{Ibid.}
10.7). It was thus hoped by both the State and Commonwealth governments that this "would open up avenues of assistance" to those self-employed Aboriginals in addition to those subsidies already available through Section 9 of the Native Welfare Act.\textsuperscript{162} In 1969, "Many enquiries about the Capital Fund were ... received and a number of applications ... forwarded to the Office of Aboriginal Affairs in Canberra".\textsuperscript{163}

In Table 7, covering the year 1967 (for Kimberley Aboriginal employment in 1972 see Appendix 10.5), it will be noted that there was a sector of the total workforce classified as "self-employed". This sector, albeit small, covered a wide range of occupational activities from "station contracting to the making of artefacts".\textsuperscript{164} In the Kimberley, beginning in the late 1960s, both the Commonwealth and State governments increasingly came to support indigenous "self-employed" people, who had previously been restrained in their commercial activities. It is worth noting therefore the categories listed below involving "Professional", "Clerical" and "Commercial" employment, as many of the these people became closely involved in the operation of Aboriginal businesses, as well as occupying positions in the emerging black bureaucracy (which largely came to determine and deliver government policy in the late 1960s and early 1970s).

\textsuperscript{162} Ibid.
\textsuperscript{163} Ibid.
\textsuperscript{164} Ibid., p. 15.
Table 3.7. Aboriginal employment in the Kimberley. (1967)

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wyndham</td>
<td>...</td>
<td>3</td>
<td>2</td>
<td>62</td>
<td>232</td>
<td>...</td>
<td>175</td>
<td>2</td>
<td>1</td>
<td>477</td>
</tr>
<tr>
<td>Halls Creek</td>
<td>1</td>
<td>6</td>
<td>1</td>
<td>20</td>
<td>194</td>
<td>1</td>
<td>335</td>
<td>...</td>
<td>1</td>
<td>559</td>
</tr>
<tr>
<td>Derby</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>47</td>
<td>414</td>
<td>...</td>
<td>398</td>
<td>...</td>
<td>6</td>
<td>880</td>
</tr>
<tr>
<td>Broome</td>
<td>6</td>
<td>2</td>
<td>3</td>
<td>7</td>
<td>103</td>
<td>...</td>
<td>61</td>
<td>12</td>
<td>6</td>
<td>200</td>
</tr>
</tbody>
</table>

| Total   | 11 | 16 | 12 | 136 | 943 | 1 | 969 | 14 | 14 | 2116 |


Key to employment

1. Professional.
2. Clerical and Commercial.
3. Tradesmen/Skilled Occupations – Dressmaking, Photograph tinting, yandying etc.
4. Rural Workers (male) – Farm employees, Shearers, Fencing and Clearing Contractors.
   Unskilled Occupations (female) – Fruit picking, grass seeds etc.
5. (a) Female domestic workers (656 of total) – Urban, Agricultural and Pastoral. (b) Industrial
   Workers (287 of total) – Factory Hands, Meat Workers, Wharf Labourers, Railway Fetters,
   Road Workers, Truck Drivers etc.

(3.6) CONCLUSION

Before capitalist development in Australia, Aboriginal social relations, contrary to some opinion, were not static or egalitarian but dynamic and conflictual (hierarchical), as well as involving complex notions of ownership. Within this society there included reasonably
sophisticated handicraft technology and wide-scale trading relationships. However, in the Kimberley, the advent of capitalist development – specifically pastoralism – destroyed the extant social structure. Instead, colonial power, on behalf of powerful pastoral interests and others promoted and assisted the appropriation of land for pastoral activities, and in doing so stalled any possibility for wide-scale indigenous commercial operations.

The necessary separation of labour from the primary means of production (that is, land) as the capitalist mode of production became dominant – a process which commenced in the Kimberley when the pastoral industry began in the 1880s – nonetheless presented the Western Australian government, and its agents, with the question of how to make that section of the population both productive and orderly. In the Kimberley region – as in many other places in Australia – state trusteeship determined that these populations would largely be confined to mission settlements, reservations, or pastoral stations. These arrangements perfectly suited the labour requirements of expanding white enterprises – especially the dominant pastoral industry whose operations were extremely labour intensive throughout the late nineteenth and early twentieth centuries. Importantly, in implementing these programs the government also effectively stymied much of the indigenous commercial potential. Nevertheless, when the pastoral industry began to undergo a period of rapid restructuring beginning in the late 1960s its ability to continue absorbing rural labour was severely tested.

In the late 1960s, the “golden age” of full employment and rising living standards for people, including indigenes, living in the Kimberley came to an abrupt close when – in conjunction with the global phenomenon of the post-war long boom ending – there was also the introduction of the pastoral award and new production methods were deployed. Unemployment, poverty and social dislocation became a fact of life for many Aboriginal people. This forced a rapid change in state policy and practice in administering indigenes. Chapter 4 discusses in some detail how the transition to what is termed
indigenous trusteeship, which began in piecemeal fashion, soon came to mark a significant break with the earlier phase of development. The chapter shows how the transition from state trusteeship to indigenous trusteeship did not end the need for intentional development. Rather the new demands for alleviating the process of economic development added extra pressures on government. And in responding to these new needs, governments, in league with an emerging indigenous leadership, were required to engage indigenes themselves as agents for development policy. The next chapter will show how this marked the beginning of a transition phase in development policy towards what can be termed indigenous trusteeship.
CHAPTER 4. LAND RIGHTS, COMMUNITY AND THE BEGINNING OF THE ERA OF SELF-DETERMINATION: COMPENSATION OR AMELIORATION?

The granting of land to former hunter-gatherers in the United States, Canada and Australia during the 1970s raises several questions, not least why capitalist nation states should recognise or deliberately create non-capitalist forms of land holding. Australia is especially significant ...¹

I’m afraid that we’re now realising … that the Aboriginal is not as important and not as essential to the pastoral industry up here [in the Kimberley] as we in the past have believed … and when the award wage comes in [1968] … you’re going to see [unemployment] in excess of 50 per cent, almost immediately.

— Peter Morris, pastoral manager for Vestey’s Pastoral Company.²

(4.1) INTRODUCTION

In Australian Aboriginal affairs, the era of self-management and self-determination (is here termed indigenous trusteeship) can be traced to the late 1960s and the early 1970s and coincided with the end of the global post World War Two long boom. This period, especially in the Kimberley region of Western Australia, was ushered in by the failure of segregationist and integrationist policies as directed by state trusteeship (discussed at length in the previous chapter). The policy of state trusteeship had seen, since the time of Federation, the state as the principal instrument and facilitator of development. Among other things, this approach involved facilitating the provision of Aboriginal labour for the pastoral industry. However, the inability of these policies to deal with the consequences of a changing economic climate, that began to occur in the late 1960s, was graphically illustrated by rapidly increasing rates of unemployment and the mass migration of indigenes to regional towns and centres across the Kimberley.

Paradoxically some analysts have suggested that unemployment and social dislocation was somehow a deliberate policy agenda. Eric Kolig, an anthropologist who worked in the Kimberley during the 1970s, claimed that: “Saddening and scandalous as the mindless creation of a semi-urban [lumpen] proletariat has been, it nevertheless gave a boost to traditional Aboriginal religiosity in the Fitzroy area”. This chapter seeks to establish that on the contrary, the Commonwealth and Western Australian governments actively pursued a development policy of intentional development. The new policy – promoting “traditional” culture, ethnicity and community – was instituted in an attempt to halt the destructive process associated with imminent or spontaneous development, including that of unemployment and the problems for social order accompanying the rapid increase in the rate of formation of a relative surplus population.

In the Kimberley (as elsewhere in regional Australia) in order to deal with the consequences of a rapidly growing relative surplus population, of which indigenes were a significant part, the Commonwealth and State governments, in close consultation with an emerging Aboriginal leadership, began to formulate a new policy direction for Aboriginal affairs – that is, indigenous trusteeship (commonly known as self-management or self-determination). From the early 1970s onwards it was recognised that: “The emphasis was now more on community development and on acknowledgment that some aspects of aboriginality might have merit”. In 1971, the Commonwealth government’s Council of Aboriginal Affairs argued that “increasing emphasis must be given to measures to promote the greater economic independence of Aboriginal Australians ... especially in the north and centre [Central Australia] as communities, and to strengthen their capacities to manage their own affairs”. Furthermore, the Western Australian and Commonwealth governments would no longer direct trusteeship themselves but ostensibly passed the responsibility of trusteeship to local indigenes – such as

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“community leaders” or “traditional elders”\(^6\) — in an endeavour to maintain order and contain the effects of unemployment.

Chapter 4 examines some of the factors contributing to the creation in the Kimberley, during the early 1970s, of a relative surplus population (of which a large proportion was Aboriginal) and the government response, including the “granting of land to former hunter gatherers”. The current chapter also analyses the government policies that were conducive to indigenous commercial activities. Importantly, these new government initiatives, dealing with the indigenous component of the surplus population, were developed with significant input and direction from an emerging Aboriginal leadership. This leadership was becoming increasingly aware of the requirement to organise politically and economically.

The economic space created by the new policies of indigenous trusteeship, especially those designed to soak up unemployment, provided an aspirant indigenous business class — at this stage predominantly small business operators and well-educated State and Commonwealth employees — with new commercial opportunities. Typical of the opportunities becoming available is highlighted in a letter J.C. Tozer, of the Department of the North-West, wrote to the Shire President of West Kimberley in 1971:

Over a period of 12 months Mrs. Mary Selsmark has spoken to me of a plan that she has evolved for the creation of what she describes as a walk in sanctuary for flora, fauna and aboriginal art and culture ... Dr Coombs of the Commonwealth Office of Aboriginal Affairs has had a close look at the proposal on the ground, and, it is reported, has indicated a keen interest in it as a means to create aboriginal employment in the manufacture and sale of artefacts... I feel that financial assistance can be attracted from the Commonwealth Office of Aboriginal Affairs, provided employment opportunities for aboriginals can be indicated.\(^7\)

\(^6\) As Scott MacWilliam points out, “while trusteeship smacks of ‘European paternalism’, stewardship of non-human material, particularly land, can take its place in the search for sustainable development. However, when it is social order that is threatened, stewardship must take another form”. “Tribal elders”, for example, “underpinned by the national state become trustees, the authority with the capacity to restore order, whether of a democratic or despotic disposition”. S. MacWilliam, “Liberalism And The End Of Development: Partington Against Hassluck And Coombs”, in Island, (70, Autumn, 1997) p. 97.

\(^7\) Letter to: The Shire President of West Kimberley. From: J.C. Tozer, Department of the North-West, 21 December 1971.
The shift toward the new policy of indigenous trusteeship was important in several ways in underpinning the expansion of indigenous business. This is the sense in which the chapter will explore the evolution of Aboriginal business development out of a realignment in government Aboriginal development policy. In short, Aboriginals were now to be the instruments of their own development, and that development would now increasingly involve indigenous leaders and enterprises in organising and managing labour. The chapter covers the period of the late 1960s and early 1970s.

Background

In regions such as the Kimberley, the “administrative changes” involved in the policy move to indigenous trusteeship directly corresponded with a period of great social upheaval for “Aboriginal people”.\(^8\) Kim Beazley senior, later Minister for Education in the Whitlam government, explicitly recognised the terms of the shift in Aboriginal conditions and the “new” parameters for government policy, when he pointed out in the House of Representatives in 1967:

> The Aboriginal population at present is an underprivileged, underfed, underpaid, untrained labour force, increasing in numbers and not closely considered. While we enthuse about the development of our natural resources we make no real effort to draw this force into the process of development. We are allowing social dynamite to accumulate.\(^9\)

From the late 1960s, the global economy, and several agricultural industries in Western Australia in particular, encountered crises that were reflective of the coming to an end of the global post-war long boom. One result of the end of the long boom was that export prices for many Australian primary commodities were significantly less buoyant than in the two decades preceding the 1970s. Pastoralists were especially hard hit, and this had its greatest impact on the Kimberley where the majority of indigenes were employed in the pastoral industry.\(^10\)

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It is suspected that the cumulative effect of the introduction of the Pastoral Industry Award and the general rural recession is adversely affecting employment of Aborigines in these areas [the Kimberley]. Unless adequate data collating schemes are established serious situations could develop unexpectedly ...  

The orthodox view of the shift in Aboriginal policy points to a number of factors which combined to "create a favourable climate for changes in policy". Among these factors was the increasing "international attention paid to Australia because of its colonial role in Papua New Guinea, the embarrassment of the White Australia policy at a time when links with Asia were being built and the influence of black activists such as the Black Power movement". The anthropologist Nicholas Peterson has argued, that the new policy agenda was implemented because the Western Australian and Commonwealth governments had been the essential cause for the "peripherilisation of such fourth world people by perpetuating an unequal distribution of resources [and was] now seeking a more complete incorporation of such people on any one of a number of grounds, such as equity, elimination of political problems or expansion of the labour force". Manning Clark has suggested that the Federal Labor government (1972-75) led by Gough Whitlam introduced Aboriginal land and social reform on the basis that it was "not just because their case was beyond argument but because all Australians were diminished so long as Aborigines were denied their rightful place ..."  

The orthodox view, however, has largely ignored or chosen not to consider the impact that material issues such as growing unemployment and the need to maintain social order had on policy change. The chapter argues that the rapid increase in unemployment was crucial in determining changes in Federal and State government policy. In the late 1960s, the Department of Native Welfare was reporting that, the "recession in rural

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12 Peterson, "Capitalism", p. 94.
13 Ibid., p. 85.
15 Indeed, there is evidence to suggest that Australia was by no means unique here, and the situation in the United States and Canada throughout this same period was quite similar. See for instance, T.R. Berger, Village Journey: The Report Of The Alaska Native Review Commission, (New York, Hill and Wang, 1985); R. Ridington, "From Artifice To Artefact: Stages In The Industrialization Of A Northern Hunting People", Journal Of Canadian Studies, (18,3, 1983); J.B. Waldram, "Native Employment", Journal Of Canadian Studies, (23,3, 1987)
employment and [growing] population concentrations ... interact[ed] to create unsatisfactory employment situations in many places". The advent of large numbers of unemployed gathering on the outskirts of towns, embodying or expressing social dislocation and poverty, represented a powerful reason for the decision by the Western Australian and Commonwealth governments to continue their attempts (previously achieved by the policy of segregation) to retain people in regional and remote areas. This was done by the implementation of such things as land acquisition and the introduction of particular “development” projects. In contrast to the buoyant conditions in the Kimberley region in the mid-1960s, it was being reported that:

Work opportunities in some areas, (particularly Derby, Halls Creek, Fitzroy Crossing and Wyndham), both of a casual and permanent nature, are limited and inadequate in relation to the Aboriginal workforce. In addition, there does not appear to be obvious viable projects that would provide any significant future employment opportunities... In view of the above, we need to build employment opportunities and labour demands for Aboriginals; and also to develop in able young people and their parents a readiness to move to places where employment and training opportunities are located.17

In response to the poverty and unemployment existing in Derby, the Bardi Aborigines Association was established in 1973 to provide a “cohesive community at One Arm Point”,18 north of Broome. This was done for the “material benefit, maintenance and welfare of its Aboriginal members”, of which its Constitution stated that: “The Association will be governed by a Council of Management [Council of Elders] appointed from amongst its members ... The association shall have the power to do all legal acts...including the full and unfettered power to co-opt any persons to the Council to assist it in carrying out its powers, duties or functions”.19 Funds were provided by the Commonwealth Department of Aboriginal Affairs on the basis of enabling the “Bardi

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16 Report on visit to Aboriginal communities, Missions and Pastoral Stations in northern part of Port Hedland DEO Area. P J. Bright (Clerk) Aboriginal employment. 23 September 1969.
17 Ibid.
18 Memo. From: Economics Regional Officer. To: Regional Officer - Northern. Re: Bardi Aboriginal Association - Budget 1975-1976, Department of Aboriginal Affairs. The Bardi move to One Arm Point was, according to the Department, one result of the impoverished “living conditions” they had experienced whilst living in Derby.
people [to] establish their community at One Arm Point as a self-determinate group maintaining a balance between housing, economic and social aspirations.\textsuperscript{20}

In order to sustain the proposition that evolving conditions were critical in the transformation of Aboriginal policy, the next section considers the way the changing rural economy began to produce unemployment amongst Aboriginal populations in the Kimberley region. The chapter then moves on to consider the changes in state policy in response to this situation.

(4.2) THE FORMATION AND GROWTH OF A SEMI-URBAN RELATIVE SURPLUS POPULATION: 1968-1975

The Aboriginal work force was probably the first and most seriously affected by the general economic recession. With approximately 40\% of the total Aboriginal workforce directly involved in agricultural, pastoral and related activities... it is this sector which is most affected by reduced wool prices, drought and changed operating techniques...

– Commissioner of Native Welfare, \textit{Annual Report, 1972}.\textsuperscript{21}

\textbf{The transformation of the Kimberley pastoral industry}

When in 1968 compulsory award wages were introduced into the pastoral industry – hitherto Aboriginal pastoral workers had been paid at rates below those paid to white workers\textsuperscript{22} – a wave of Aboriginal expulsions from Kimberley cattle stations occurred leading to a rapid growth in unemployment. The increased unemployment has been attributed to the introduction of these award wages.


\textsuperscript{22} In 1949 Patrick Durack argued at a pastoralists’ conference that the Department of Native Affairs “should lay down a set standard of wages payable to natives be it 5/- or 25/- so that there would be no arguments by the natives or individual pastoralists” – in order to regulate and continue the low wages regime. Conference between representatives of the Pastoral Association and the Commissioner of Native Affairs 7 February 1949. While indigenous wages remained below white wages, the gap began to close due to the labour shortage being experienced in the Kimberley up until the late 1960s. Low cost “Aboriginal” labour sustained healthy profit margins in the industry up until the late 1960s. Corporate entities in the pastoral industry, during the difficult economic times post-1968, took advantage of their larger economies of scale and their corresponding ability to further reduce costs to protect their profit margins.

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A major topic of conjecture and concern has been the introduction into the industry of the application of the Federal Pastoral Award to the employment of natives on station properties and its effects on rural communities. It was felt in many quarters that this would be responsible for the movement of large numbers of natives from the stations into towns and, indeed, it appeared that this was so during the first three months after the application of the Award in December 1968.  

The table below indicates the decline in pastoral and agricultural employment for Aboriginal workers in the Kimberley region between the three years 1969-1972 — a decrease of 43%.

**Table 4.1. Kimberley division. Agricultural and pastoral Aboriginal employment**

<table>
<thead>
<tr>
<th>District</th>
<th>1969(a)</th>
<th>Net reduction</th>
<th>1972(b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wyndham</td>
<td>175</td>
<td></td>
<td>103</td>
</tr>
<tr>
<td>Halls Creek</td>
<td>327</td>
<td></td>
<td>281</td>
</tr>
<tr>
<td>Derby</td>
<td>468</td>
<td></td>
<td>164</td>
</tr>
<tr>
<td>Broome</td>
<td>97</td>
<td></td>
<td>61</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,067</td>
<td></td>
<td>609</td>
</tr>
</tbody>
</table>


The dramatic reduction in Aboriginal pastoral employment was also driven by changes in the long term structure of the pastoral industry, with growing concentrations of pastoral holdings (by which the ownership of stations passed into the hands of fewer owners or firms), increases in capitalisation and expansion of corporate entities, 24 coupled with decreasing rates of viability and profitability. The Pastoral Industry Review Committee

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24 Even in 1966 large companies controlled more than 70% of Kimberley cattle stations, the four major groups included Vestey's, Hookers, Peel River, and Naughtons, *The West Australian*, 25 May 1966.
(1979) discovered that, at this time, "The capacity to increase productivity per unit area or per man is limited in the pastoral areas", such as the Kimberley, due mainly to restricted carrying capacities as a result of environmental – including climate and soil – factors. Therefore, Kimberley pastoralists are "less able to cope with the cost price squeeze than most other rural producers". In short, the process of the concentration of ownership was expedited by the deteriorating economic situation. As the Review Committee also found, "It cannot be emphasised too often that the economics of raising cattle in Northern Australia is such that there is little or no scope for the smaller operators. Experience shows that it is the bigger companies which can best survive in the rugged conditions that prevail in the area". What is more, "The large operators in the Kimberley are clearly in a stronger price bargaining position than the smaller operators since they trade more than 70 per cent of the cattle to the meatworks". On top of this, the Australian Bureau of Statistics described the industry in the late 1960s and early to mid 1970s as being "associated with low beef prices, poor seasonal conditions and producer liquidity pressure".

The Kimberley Pastoral Industry Inquiry (1983), set up by the Western Australian Labor government (led by Brian Burke) to investigate the ongoing viability of the industry, reported that in the immediate aftermath of the post-war global long boom period, the "apparently relatively stable economic climate", that had existed in the Kimberley during the 1950s and 1960s, had come to a close. And, by the mid 1970s, the "full effect of the beef slump" had become obvious. The decline in beef prices – culminating in 1974 when beef reached its lowest price in over two decades – was attributed to worldwide overproduction, especially in Europe. "As a result prices collapsed on world export

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28 *Year Book Australia, 1980,* (Australian Bureau of Statistics, Canberra Australia) p. 344.
29 Brian Jennings (Chair), *Kimberley Pastoral Industry Inquiry*, (Department of Regional Development and the North West, 1983) p. 18. Also, exacerbating the beef slump was the diminishing importance of wool to the regional economy. As the Pastoral Industry Review Committee in 1979 pointed out, "It is important to note that the sheep population was once spread throughout the whole of the pastoral area, but in recent years has tended to be confined to that area outside the Kimberley and the Shires of the East Pilbara". Pastoral Industry Review Committee, *The Present and Future Pastoral Industry of Western Australia*, April 1979, p. 25.
markets and the slump in Australia’s beef industry was severe.\textsuperscript{30} Importantly, “Beef from cattle slaughtered at Wyndham, Broome and Derby in the Kimberley Division [was] principally for export”.\textsuperscript{31} Table 2 emphasises the fall in beef production beginning in 1973. In 1973, 106,294 Kimberley cattle were sent to market, and in the next year (1974) this figure had fallen to 60,548 and by 1975 only 47,249 head of cattle were being shipped to market, a reduction of over 50% since 1973. Significantly, for the Kimberley pastoral industry, in the early 1950s the numbers of cattle in northern pastoral areas such as the Kimberley constituted 70% of the total Western Australian herd, whereas by 1975 this figure had fallen to 35% and then to less than 30% in 1977.\textsuperscript{32}

Table 4.2 Total cattle marketed ex-Kimberley properties, 1973 - 1978

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of cattle</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973</td>
<td>120000</td>
</tr>
<tr>
<td>1974</td>
<td>100000</td>
</tr>
<tr>
<td>1975</td>
<td>80000</td>
</tr>
<tr>
<td>1976</td>
<td>60000</td>
</tr>
<tr>
<td>1977</td>
<td>40000</td>
</tr>
<tr>
<td>1978</td>
<td>20000</td>
</tr>
</tbody>
</table>


The Inquiry recognised that a major transformation of the industry was occurring which included the accelerating concentration of the ownership of pastoral leases and

\textsuperscript{30} Kimberley Pastoral Industry Inquiry, p. 57. According to the Inquiry, about 75% of the meat from northern export abattoirs went to the North American market as hamburger mince. The balance of export production was spread between nine other major offshore markets (p. 54). Kimberley beef prices before and after the 1970s were very dependent on offshore markets.

\textsuperscript{31} Western Australian Year Book, 1977, pp. 377-78. In 1976, the “Kimberley Statistical Division carried 741,358 head of cattle for meat production, or 29.8% of the State total”.

\textsuperscript{32} The Present And Future Pastoral Industry, p. 29.
businesses into the hands of what it termed “absentee-owners”. The Inquiry also noted the increasing ownership of pastoral enterprises by Aboriginal “owner-operators”\textsuperscript{33} The character of ownership and management of pastoral stations in the Kimberley is extremely important to the thesis and the situation that occurred in this regard in the 1980s and 1990s will be covered in detail in Chapter 8.

The decision to introduce the pastoral award meant that station owners could justifiably evict their Aboriginal tenants on the grounds that it was too expensive to pay wages to all inhabitants. In effect, the award enabled pastoralists to significantly reduce their costs in increasingly difficult global economic conditions. As one Kimberley station owner commented: “The stores [supplying Aboriginal station dwellers] ... used to comprise about 4 tons of flour, 2 tons of sugar, several tons of tinned goods, a couple of bales of blankets for the wet season, and much clothing ... Now the order could be much smaller and a lot of money saved”.\textsuperscript{34} Therefore, rather than assume the burden of indirect wages themselves in an unfavourable economic climate, pastoralists successfully transferred the costs of maintaining a surplus population to the public sector, namely the Commonwealth, even though this would mean payment of award wages to employed “Aboriginals”.\textsuperscript{35} According to one account, “It was no accident” that the Federal parliamentary leader of the Country Party, Jack McEwen, “himself took the initiative in formulating the new policy”, in an effort to reduce labour costs to an absolute minimum on pastoral stations and farms.\textsuperscript{36} Taken together, these processes ended the balance between the intent to develop (state trusteeship) and the pastoral industry in the Kimberley region.

As H.C. (Nugget) Coombs observed:

\textsuperscript{32} Kimberley Pastoral, p. 18.
\textsuperscript{33} L.A. Schubert, Kimberley Dreaming, (Mandurah, Words Work Express, 1992) p. 88. L. Schubert was proprietor of Louisa Downs Station.
\textsuperscript{35} Ibid.
The accommodation reached between Aboriginals and the pastoralists was shattered by declining viability and structural change in the pastoral industry, coinciding with legislative change requiring the compulsory payment of award wages ... Again, Aborigines were forced to build up new communities [my emphasis] and had to adjust to life as dependents of government, given the lack of other sources.  

Rising unemployment in the Kimberley

Station owners, battling falling commodity prices and decreasing rates of profit were driven even more emphatically to restructure production. Now with the aid of labour saving technology, such as aerial mustering and the use of motorbikes, pastoral stations need only employ contractors during busy times. As the Western Australian Minister for Native Welfare, E.M. Lewis, pointed out: “I understand that generally pastoralists are applying the award rates to Aboriginal employees. It is possible that the cattle industry will become a purely seasonal source of employment and there could be a recession when the next wet arrives”. In 1969, the results of a report undertaken by the Commonwealth Department of Labour and National Service found that in Halls Creek:

There is an Aboriginal population of approximately 400 of which 130 are under the age of 15 years (During the wet season this builds up to over 600). A number of these were retrenched from neighbouring stations. It appears that the present policy of the pastoralists in the area is to reduce the numbers permanently employed and to engage contractors for mustering and yard building.

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39 Report on visit to Aboriginal communities, Missions and Pastoral Stations in northern part of Port Hedland DEO area. P.J. Bright (Clerk) Aboriginal employment. 23 September 1969. The report undertaken by the Department of Labour and Service was carried out after the need for such a survey was recommended by the Report of the Interdepartmental Committee in its in its 1968 Cabinet Submission. The Report recommended: that the Department of Labour and National Service, in consultation with the Council and Office of Aboriginal Affairs where appropriate,
   (a) estimate the size and composition of the Aboriginal workforce and population of working age and its future growth;
   (b) survey employment opportunities for Aboriginals and methods of increasing opportunities;
   (c) investigate methods of providing incentives and employment training for Aboriginals; with a view to
   (d) providing incentives and training for employment;
   (e) increasing employment opportunities, including migratory, seasonal and contract employment opportunities;
   (f) placing Aboriginals in employment in urban and country areas.

129
Indicative of the concern shown by the Federal government, in respect to increasing unemployment in the Kimberley, was a letter written by the Minister-in-charge of Aboriginal Affairs, William C. Wentworth, on 5 February 1969. Wentworth wrote to E.M. Lewis, the Western Australian Minister of Native Welfare, and stated:

I have been told that, whether or not as the result of recent wages decisions [my emphasis] there is likely to be some unemployment among Aboriginals in the pastoral industry in the northern part of Western Australia, and that they and their families may lose accommodation on pastoral properties. In particular, I am told that some twenty families, about 120 persons in all, have been sent off Christmas Creek by Mr. Emmanuel ... If it is desired to develop any property (especially property in reserves) for the benefit of Aboriginals consideration should be given to providing the necessary funds... I can assure you that the Commonwealth realises the difficulties which are not confined to one State, and indeed which exist within the Commonwealth's own territories. We will continue to co-operate with you in your endeavours to overcome your problems in Western Australia. Please do not hesitate to let me know any way in which you think we can help.40

The “combination of thousands [sic] of people leaving the stations, missions closing, universal availability of social security payments, no alcohol restrictions, all in a few short years, was shattering”.41 In February 1969, a “thorough” census of people in Fitzroy Crossing alone found “133 displaced persons as a direct or indirect result of implications of the Pastoral Award”.42 Furthermore, the population of Halls Creek, Wyndham and Derby had “almost doubled over night”. “Turkey Creek ... was suddenly transformed into a refugee camp of more than 300 people” 43

Only ten months after the Department’s “thorough” census of people in Fitzroy Crossing, in a letter to the Minister of Native Welfare, E.H. Lewis, dated the 14 December 1969, the Commissioner of Native Welfare, F.E. Gare, found that the population had increased further:

The current situation at Fitzroy Crossing is that there are 210 men, women and children recently arrived there from Christmas Creek and Cherabun Stations ... these people are camping on the bank of the Fitzroy River. All present indications are that the workingmen in this group will not be re-hired by any of the Emmanuel Brothers’ stations. The Superintendent, Northern Division, has some hope that a number of the men can be found employment on stations nearer Derby, but this is by no means certain ... At this stage I am not able to suggest any immediate viable economic activity for aboriginals who have lost their positions on pastoral properties. With the exception of the 2,027 acres on which the UAM Fitzroy Crossing Mission is located, this Department holds no land in the area and it will not be a simple matter to create employment outside the normal economy there.  

In 1969, “it was ... reported in the local newspaper[s] that there were signs of unrest and dissatisfaction among aboriginals”. The Pastoralists and Graziers Association was also well aware of the consequences of an environment of social discontent. In a 1969 West Australian newspaper article entitled, “Graziers Commend Welfare Action”, the (absentee owner) grazier E.H. Lee-Steere – and later Lord Mayor of Perth – was recorded as saying:

The government was showing an appreciation of the problems that had arisen with the introduction of the Pastoral Industry Award for aboriginal workers, Mr. E.H. Lee-Steere, the president of the Pastoralists and Graziers Association said... The Association was concerned about the drift of aboriginals into towns when they could not be employed under the award on stations. Mr. Lee-Steere said the specifically prepared native compound at Fitzroy Crossing was a good start on the State Government’s part. It was hoped that Native Welfare Minister Lewis’s plan for vocational training in the North West was brought into effect as soon as possible.  

In the Western Australian Department of Native Welfare’s 1970 Annual Report, the Commissioner acknowledged that the “more seasonal form of employment and the development of contract mustering... appears now to be the future pattern of employment in this industry”. According to the Commissioner the “immediate effects of

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43 Yu, “The Kimberley”, p.25. By 1975, according to Peter Yu, the population of Fitzroy Crossing had “swelled to over 2,000” p. 26.
this change have been the rapid urbanisation of many women and children in towns, while their menfolk move from job to job".47

The Department explained the deterioration in rural sector indigenous unemployment, throughout Western Australia, by citing the effects of the global economic slump, further exacerbated by drought conditions:

The decreasing influence of agriculture as a major source of employment for Aboriginals was heightened during the year by the widespread drought... In the last report it was observed that from providing employment for 30.7% of the male Aboriginal workforce, five years earlier, rural industry had dropped to only 20.4% in 1969. This trend has continued to the point where agricultural, farming and related workers constitute only 13.4% of the male Aboriginal workforce... While admittedly inconclusive, these figures are not inconsistent with population movements from areas predominantly rural to those with a secondary industry bias.48

As a consequence of the diminishing employment opportunities in rural areas there was a corresponding increase in people searching for jobs in urban centres. A "growing preference for industrial employment is becoming more apparent. Recent years have seen a consistent increase in the proportion of the Aboriginal male workforce employed in industry. Undoubtedly [there are] many factors... associated with the change including changing social pressures... and the need for stable rather than seasonal employment".49

In 1971, the indigenous population exodus from rural to urban locations throughout Western Australia accelerated, and the subsequent repercussions became even more obvious and critical. "The continued agricultural recession has meant a severe reduction in employment opportunities in country areas and this has had a particularly bad effect on Aboriginal country populations and increased the overall movement towards the city in a search for more stable employment".50 In the Kimberley, in particular, rural to urban migration (which began on a large scale at the end of 1968) was still in progress and, according to the Commissioner, "many families have moved from station properties to

48 Ibid.
49 Ibid.
the nearest towns, overcrowding reserves and placing a strain on available accommodation. The results of these upheavals in long established socio-economic patterns are manifested in ways which are distressing”. 51

During 1971, the severe overcrowding of reserves and facilities continued in most areas of the Kimberley, especially at Wyndham and Halls Creek. At Wyndham, the Commissioner reported, “an attempt to find an additional reserve site [had] not been successful and this matter is becoming very protracted”. At Halls Creek “approval [had] been received for an extension to the existing reserve”. 52 Furthermore:

Aboriginal families have continued to seek permanent accommodation in the towns, which, service the main pastoral properties, and station populations have undergone a general reduction. Aboriginal men in the pastoral industry are much more mobile than hitherto and, as station work increasingly becomes more seasonal and its demand for labour [declines], this trend is likely to continue.53

The Western Australian government, “confronted with the situation of several thousand people living in severely overcrowded native welfare reserves on the edges of town or in hastily gazetted refugee camps, often without any housing or essential services”, 54 looked to implement new policy initiatives (which are discussed at length below). Considering that the actual financial and social “implications to the state government of the collapse of pastoral colonialism were enormous and without precedent”, 55 it was imperative for the State and Commonwealth governments to tackle the accompanying problems and, in particular, the maintenance of social order.

Symptomatic of spiralling indigenous unemployment was the corresponding rapid increase in crime and social unrest – as highlighted in Table 3. The rate of urban and semi-urban crime during the late 1960s is exacerbated when the growing Aboriginal

51 Ibid.
52 Ibid., p. 10.
53 Ibid., p. 12.
55 Ibid.
population in the Kimberley is also taken into consideration.\textsuperscript{56} In 1958 there were recorded 4,860 Aboriginal residents in the Kimberley\textsuperscript{57}, and by 1968, there were 7,015 (Appendix 10.2). As will be seen in Table 3, there was an increase of over 75% in the total number of convictions of Aboriginals for various crimes between 1965 and 1969 (see also Appendix 10.6).\textsuperscript{58} It was the ferment that forced governments at both State and Federal levels to reformulate policies for dealing with the emerging social crisis. The next section examines the responses in more detail.

### Table 4.3. Offences by Aboriginals in Western Australia – Number of convictions: 1965 - 1969

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Offences against the person</td>
<td>263</td>
<td>300</td>
<td>317</td>
<td>382</td>
<td>440</td>
</tr>
<tr>
<td>Offences against property</td>
<td>825</td>
<td>884</td>
<td>1,326</td>
<td>1,857</td>
<td>2,129</td>
</tr>
<tr>
<td>Offences against good order</td>
<td>5,064</td>
<td>5,336</td>
<td>7,476</td>
<td>7,498</td>
<td>7,917</td>
</tr>
<tr>
<td>Other Offences</td>
<td>1,206</td>
<td>1,143</td>
<td>1,296</td>
<td>1,672</td>
<td>2,427</td>
</tr>
</tbody>
</table>

(including Breach of Native Welfare Act and Liquor Laws)

| Total                         | 7,358     | 7,663| 10,418| 11,410| 12,913|

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\textsuperscript{56} While estimates of indigenous populations are inherently problematic (due to among other things self-identification as the basis of ethnicity), an Australia-wide survey undertaken in 1971 indicated that the “Aboriginal population may reach 400,000 or more by the end of the century, of which some three quarters might be persons of mixed descent”. Cited in Parliamentary Debates, HANSARD Number 24, Senate, 24 December 1971. Second Reading States Grants (Aboriginal Advancement) Bill. Senator Greenwood (Victoria - Attorney General).

\textsuperscript{57} Commissioner of Native Welfare, Annual Report, 1958, p. 52.

\textsuperscript{58} Western Australia Year Book 1971, p. 140. According to the 1966 census, the largest concentration of the Aboriginal population – that is, 32.02% of Western Australia’s “Aboriginal population” – lived in the Kimberley region. What is more, this percentage was by far the largest proportion of Aboriginals living in any region of Western Australia. As one significant pointer to the effectiveness of state trusteeship in maintaining social order throughout the 1960s, there was little serious indigenous crime and social disorder reported in the Kimberley. In 1961, the Commissioner of Native Welfare could inform that in Broome, “no serious cases of crime occurred in the native community... whilst no figures are yet to hand, it is felt sure that the number of court cases of natives during 1960/61 was less than the previous year”. For Halls Creek it was recorded that “the native population” were “remarkably law-abiding ...” What is more, “during the year
(4.3) EVOLVING GOVERNMENT RESPONSES FOR DEALING WITH
INDIGENOUS UNEMPLOYMENT AND DISORDER

It is a reasonable hypothesis that the population is going to increase in numbers at the [Kimberley]
towns ... without the ability of the towns to absorb the population in the normal economic stream. 59

In the late 1960s, in the context of this turbulent period in regional Australia, both the
Federal and State governments tacitly abandoned the “assimilation policy” and state
trusteeship as the means of implementing it. By then it was becoming clear – in the
growing rates of unemployment, crime, poverty and social dislocation in regions
including the Kimberley – that this policy was not just “inhumane”, 60 but more
significantly, an abject failure in terms of achieving its desired aims of dealing with a
growing relative surplus population. State trusteeship’s policy objectives, particularly in
the Kimberley, were structured in the context of prosperous pastoral and rural industries,
and thus it was rapid change that the existing policy was incapable of mediating. An
important part of the new policy of indigenous trusteeship invoked notions of community
and ethnicity as a way of holding groups of displaced Aboriginals together. As the
Western Australian Acting Commissioner of Native Welfare argued in 1970 that,

retention or rediscovery of ‘identity’ is essential if a person is to adjust in any society... Socio-economic
advancement of Aboriginals requires community effort to be successful. Sending them to gaol ... is a
negative approach, the positive one being to deal with the root causes of maladjustment found in the areas of
health, education, and the social, home and economic aspects. 61

From 1967, after the successful passing of the referendum allowing the Commonwealth
to become more involved in Aboriginal affairs, a new “sense of purpose” pervaded

59 Memo. From: K.I. Morgan, Superintendent, North West Division. To: Commissioner of Native Welfare.
60 P. Turner, “Public Policy In Indigenous Affairs - No Miraculous Solutions”, Australian Journal Of Public
Administration, (56,2, June 1997) p. 5.
Federal initiatives on Aboriginal affairs. Advisers including the likes of H.C. Coombs and W.E.H. Stanner and Cabinet Ministers from both major parties, such as W.C. Wentworth and Gordon Bryant, guided these new initiatives. As Coalition Prime Minister, Harold Holt, marking the beginning of the Federal government's shift away from its former policy of "assimilation", pointed out in 1967: "To attain our goal, patience, persistence and understanding are essential. What we are doing will not mean that Aboriginals, as citizens, will lose their identity, their pride of race and their culture". In 1970, the Federal Coalition Minister-in-charge of Aboriginal Affairs, Wentworth, reported to the Parliament: "The House will recall that the Prime Minister [John Gorton] has promised that all legislation discriminating against Aboriginals, whether on State or Federal basis, would be eliminated in the life time of this Parliament".

Across rural Western Australia, and especially in the Kimberley region, the State and Federal governments conducted several major surveys to help construct a policy response to escalating unemployment and its attendant consequences. One such survey involved officers of the Federal Department for Labour and National Service who undertook a visit to "Aboriginal Communities, Missions and Pastoral Stations in the Kimberley" for the purposes of:

(a) Seeing at first hand the aboriginal people, their work and living conditions.
(b) Evaluate the extent to which Aboriginals require assistance with employment
(c) Enquire into employment problems in the area
(d) An appraisal of the need for and possible effectiveness of the proposed measures for vocational training and improving the employment prospects of Aboriginals.

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62 Bolton, “Black and White”, p. 167
63 Speech by Mr. Harold Holt, Prime Minister, “Commonwealth of Australia”, Parliamentary Debates. House of Representatives, 7 September 1967. This directive is in stark contrast to the previous policy of state trusteeship. “Accepted policy throughout the State is that English is spoken in all dealings with native children. It is in this way that the children get practice in the use of the language. Attention had been drawn to the fact that occasionally some missionaries, excepting schoolteachers, were using the native dialect almost to the exclusion of English. Field Officers and Missionaries were requested to discourage this practice”. Commissioner of Native Welfare, Annual Report, 1957, p. 12.
The need to grant some type of tenure in land was explained by the influential Gibb Report (1970) if the “lot of Aborigines was to be ameliorated”. 66 In particular, the report identifies land rights as a welfare measure. On the strength of the Gibb Report and others, the implementation of land rights, by the Federal Coalition government began to be planned and then delivered. The recommendations of the Gibb Report regarding the situation of indigenes in pastoral areas, argued that the only way government could “improve their situation” was to “carve out ‘living areas’ (i.e. areas from a few sq. hectares to a few sq. kilometres) so that they had tenure”. 67 And in the process, as part of the formative policy of indigenous trusteeship, the report argued for the transfer of some capital resources to indigenous people. A concomitant recommendation was the legal incorporation of regional “Aboriginal communities” in order that they could receive government housing grants as well as other benefits. 68

In the 1970s, land occupation and land ownership became a particularly important part of Aboriginal affairs policy. In 1974, the Royal Commissioner, Mr Justice A.E. Woodward, at one time counsel for the Yirrkala of Gove, investigated land rights for Aboriginals in the Northern Territory. In its final report, the Woodward Royal Commission argued the necessity of granting land to Northern Territory Aboriginals. 69 To this end, the Commonwealth government established the Aboriginal Land Fund Commission (ALFC) to purchase land on behalf of indigenous people throughout all parts of Australia, including the Kimberley. The ALFC, comprising a majority of “Aboriginals” as its commissioners, began operations in 1975. Kimberley-based, landowner, businessman, politician and member of the Aboriginal Lands Trust, Ernie Bridge (see Chapter 8 for a full biographical description of Ernie Bridge) was appointed an inaugural member of the

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65 Report on visit to Aboriginal communities, Missions and Pastoral Stations in northern part of Port Hedland DEO area. P.J. Bright (Clerk) Aboriginal Employment. 23 September 1969.
67 Ibid.
68 Ibid.
ALFC. The Commission set certain conditions and priorities for the purchase of land, which included the following:

(i) Land to which the applicants had a proven traditional claim and which would apparently offer them some economic advantage.
(ii) Land to which a traditional claim could be established, on the assumption that when those involved in the claim began to live on the land an economic base would develop.
(iii) Land purchased primarily on the basis of economic need. Purchases included large pastoral properties [especially in the Kimberley].

In 1970, Henry Schapper, a Western Australian academic, investigated the specific requirements of Western Australian Aboriginals. Subsequently, in one of a series of publications commissioned by the Academy of Social Sciences, Schapper advocated “integration” instead of “assimilation”, as the aim of Aboriginal policy. Schapper defined the term as the provision of “real and equal life opportunities” within a framework of “tolerance of cultural differences between persons of differing ethnic heritage”. For Schapper, “as long as Aboriginal participation remain[ed] outside government; apartheid and sell-outs and political benevolence and paternalism were ... likely to continue”. Further, Schapper argued that land rights should be an integral part of any State and Commonwealth policy response:

Land Rights theory emphasise[s] the spiritual and physical importance of land in traditional Aboriginal culture and suggests that land rights be given to Aboriginals. Land rights are seen as a requirement for the return of Aboriginal self respect and for their further advancement ... [W] here the right to land can be shown to be a condition of advancement ... [they] should be considered. Some Aborigines, who have advanced, already have acquired rights to residential and farmland.

The Western Australian Labor government led by John Tonkin, elected to office in 1971, determined that its priority in indigenous affairs would be the continuation of the

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70 E. Young, *Aboriginal Cattle Stations In The East Kimberley: Communities Or Enterprises* (Canberra, Australian National University, 1988) p. 3.
dismantling of any remaining legislation categorised as, or tainted by, the previous policy of segregation. The Citizenship Rights Act was repealed, and the Native Welfare Department was amalgamated with other instrumentalities to form the Department of Community Welfare (the move for which Schapper takes credit\(^{74}\)). The word “native” was expunged from all government vocabulary. Legislation was also enacted to create the Western Australian Aboriginal Lands Trust. On 30 June 1972, the Western Australian Aboriginal Affairs Planning Authority came into existence to perform those functions that could not be delivered by existing government departments. Importantly, for emerging indigenous business interests, these included “formal consultation with Aborigines, economic development of Aboriginal reserves, support of Aboriginal culture, and planning and advisory services”\(^{75}\).

In 1973, soon after the establishment of the Western Australian Aboriginal Affairs Planning Authority (as the successor to the Department of Native Welfare) and the Aboriginal Advisory Council, the Whitlam Labor government proposed assuming control of Aboriginal affairs. As a result, in June 1974, the Planning Authority was merged with the Federal Department of Aboriginal Affairs. F.E. Gare, former Commissioner for Native Welfare simultaneously became the director of the Western Australian Office of the Department of Aboriginal Affairs under Federal jurisdiction and Commissioner for Aboriginal Planning under State legislation\(^{76}\).

After 1972, any residual Federal government legislation still considered to be “paternalistic” – that is, those policies remaining from the state trusteeship era – were systematically removed by a Labor policy, which later came to be classified as “self-determination”. Although “self-determination”, at the time, was not mentioned in any official Labor policy statement, it was given priority in speeches by Gordon Bryant who became the first Federal Minister for Aboriginal Affairs in December 1972. One of

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\(^{73}\) Proposal for a demonstration and research project in Western Australia for Aboriginal Advancement. This proposal was partly an outcome of a major research project on “Planning for Aboriginal Advancement”, by Henry P. Schapper, University of Western Australia. 1 July 1968.

\(^{74}\) Personal interview with Henry Schapper, October 1999.

\(^{75}\) Bolton, “Black And White”, p. 167.

\(^{76}\) Ibid., p. 168.
Bryant's first references to "self-determination" was in his address to the Victorian Fabian society on 11 July 1973, when he said that: "Our programs are designed to restore to the Aboriginal people their lost power of self-determination".  

(4.4) "FORERUNNERS OF A NEW TIME": AN EMERGING ABORIGINAL LEADERSHIP

The emergence of Aboriginals who provide an articulate voice for their peoples' aspirations is a new phenomenon, which has characterised the last few years. Their presence on television and radio is no longer a novelty, they are very much a part of the media's daily material and their views sought and published. Once an inarticulate and ignored segment of society, they are steadily becoming a political force [my emphasis].


The period from the mid 1960s to the 1970s witnessed the emergence of a "new group of Aboriginal leaders". They were, according to the well-known Aboriginal bureaucrat and businessman Charles Perkins, mostly "mixed-race people" and many "were well qualified educationally". The emerging "leaders", were viewed as "radicals operating in the image of the black rights campaigners" who were active in the United States at the time. In an interesting debate conducted in 1975, Bobbi Sykes, a renowned Aboriginal activist, commented on Black Power in the United States thus: "Many militant blacks in America have totally dissociated themselves from the idea of Black Power, [which]... was found to have been coined by a group who believed in the political and power

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79 As part of the formation of indigenous commercial figures there was an associated educated stratum.
80 C. Perkins, "Australian Aborigines: Politics The Law And Aboriginals" in J. Jupp (ed) The Australian People: An Encyclopaedia Of The Nation, Its People And Their Origins, (North Ryde, Angus and Robertson, 1988) p. 237. In the 1968 Report of the Interdepartmental Committee's Cabinet Submission No.92, investigating Commonwealth Aboriginal policy, it is stated: "Hesitation in formulating a policy could have quite serious repercussions for us, both internally and internationally. Communists are devoting great efforts to capturing Aboriginal organisations, and unless we have an alternative to offer, they are likely to succeed. They plan both to develop an 'American Negro injustice' image and to focus the hatred of Asian peoples upon Australia".

140
structure of America ... that is, a capitalist structure, and who merely wanted some of that power to fall into their own hands”. 81

In Western Australia there was an organised Black Power movement that included Aboriginal activists such as Ken Colbung and the playwright Jack Davis, both of whom were later to become chairpersons of the Aboriginal Lands Trust. Jack Davis on one occasion in 1970 was introduced to Minister-in-charge of Aboriginal Affairs, Wentworth, by Kim Beazley senior: “Mr. Jack Davis from Pingelly Western Australia saw me yesterday on the introduction of Mr. K.E. Beazley M.P with whom he is associated in moral-rearmament”. 82 Davis later wrote to Wentworth concerned about the activities of “Communists” (or anti-establishment activists) within Western Australian Aboriginal organisations, including Black Power. Wentworth’s reply stated: “I am very disturbed at what you have told me in your letter of 14 November, although I have been aware of the situation for some time. Unfortunately, the same problem also exists in other organisations in other areas and has caused much concern ... The dangers you mention are very real and not only can Communist influence divide and weaken the Aboriginal people, but it can also alienate Aboriginals from large sections of society ... I thank you for bringing this matter to my attention and assure you I am vitally interested”. 83 Part of the Black Power program called for the formation of an “Aboriginal council, elected by Aborigines which would use Aboriginal money for all Aborigines – not just a few”. 84

Aboriginal leaders became actively involved in directing the government’s self-determination policies through their participation in “functionally based Aboriginal organisations”. These organisations “ranged from a mixture of independently funded operations, to quasi-government organisations which had independent administrations

81 B. Sykes and N.T. Bonner, On Trial: Black Power In Australia, (Victoria, Heinemann Educational Australia, 1975) p. 9
82 Letter to: The Director, Office of Aboriginal Affairs. From: Minister Wentworth. 27 August 1970. Moral Rearmament was a worldwide evangelistic and ideological movement based on strict Christian principles and vehemently anti-communist.
83 Letter to: Jack Davis. From Minister Wentworth. Date unknown.
84 Black Power Movement, Aborigine Communiqué to initiate oppressed natives. Authorised by Ken Colbung - Co-coordinator leader, Black Power Group Western Australia
but received funding from ... the federal government". During the 1970s this "new Aboriginal leadership" generally formed into two groups. One group was associated with "socio-economic matters such as health, education, training, employment, legal aid and housing". The other concerned itself essentially with the acquisition of land. Some members of this "new Aboriginal leadership" can be considered "straddlers", within the context of an emerging indigenous business class. Many of these individuals, especially the well educated, combined employment in the newly formed black bureaucracy with private business activities.

A principal preoccupation of the Aboriginal leadership was to shift government policies away from programs that had been historically "designed and executed by white administrators and based on their judgments of the needs of the situation". According to Charles Perkins, who was later to become head of the Federal Department of Aboriginal Affairs, the "main single emphasis of the political resurgence" was the push by the indigenous leadership for "Aboriginal and Islander self-management and self-determination". Both the Federal government and Perkins agreed that: "Aboriginal leaders best understood the cultural and social needs of their people" and as a result found themselves "to be directly involved in decision making and program and service delivery". These initiatives "naturally" and purposefully "encouraged the formation of new community and other service-based organisations".

In September 1969, Liberal Senator Dame Annabelle Rankin declared that it is, "important to push on with direct consultation with representative groups of Aboriginals by the Office and Council for Aboriginal Affairs. The Government believes it is essential

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86 Ibid.
87 Michael Cowen and Scott MacWilliam describe straddlers as "putative social agents for the trusteeship of development, such as state officials and the 'technocrats', [who] also own private property and seek to extend the basis of property". M. Cowen and S. MacWilliam, Indigenous Capital In Kenya, (Helsinki, Institute of Development Studies University of Helsinki 1996) p. 16. See also Chapter 1 and Chapter 2.
89 It is interesting to note that Perkins who had been a radical black activist in the 1960s and 1970s including a much-publicised "freedom ride" around South Australia was by the 1980s campaigning vigorously against Asian immigration. Cited in G.Bolton, The Oxford History Of Australia: The Middle Way 1942-1988, (Melbourne, Oxford University Press, 1993) p. 287.
to provide Aboriginal citizens with regular opportunities to make their desires and views known to those at the centre of policy formation and as far as practicable to help in the formulation of policy”. The Senator argued further:

Members of the Council and the staff of the Office, which now includes amongst its Aboriginal members four distinguished and well known Aboriginals, have travelled over the whole face of Australia and have made direct touch with thousands of Aboriginals. I am sure that honourable Senators will sympathise with my wish to place on record my particular appreciation of the work of the Aboriginal members of the Office. In particular, Mr. Saunders, Mr. Perkins and Miss Laurie, have travelled far and wide, have worked indefatigably, and have made an already invaluable contribution. I see them as the forerunners of a new time [my emphasis] for their people.93

In Western Australia, the level of policy input into government decision-making now being exercised by the Aboriginal leadership was demonstrated in the Commissioner of Native Welfare’s statement in 1971: “Consultation between Aboriginals and the Government continued during the year through the regional Consultative Committees and the State-wide Advisory Council for Aboriginals”. Moreover, “It is proposed that, in the future, the Council will be an all Aboriginal body of twelve persons and that departmental officers will only be present in a consultative capacity”.94 The Commissioner reiterated the Department’s commitment to the policy that can be described as indigenous trusteeship when he said that, “it is an indisputable fact that, for the first time, there is genuine consultation between Aboriginals and the government and the hard facts of economic and political reality are being absorbed by an emerging [Aboriginal] leadership”. Importantly, “All Superintendents report that, at a regional level, the methods of handling matters of local concern have been immeasurably assisted by the understanding and advice of the Consultative Committee”.95

In 1972 (following a trial period that began in 1969) the Aboriginal Advisory Council – “consisting entirely of delegates from seven regional consultative communities” – was

91 Ibid.
92 States Grants (Aboriginal Advancement Bill) Senate, Senator Dame Annabelle Rankin, 19 September 1969.
93 Ibid.
143
given specific legal status. Action was undertaken to make the Advisory Council an “effective sounding board for Aboriginal opinion, for the pooling of information, the airing of grievances, and the exchange of ideas”.

Increased funding by both the Federal and State governments of “self-managing Aboriginal organisations” underpinned the overall policy objective. At the inaugural meeting of the Aboriginal Lands Trust, on the 23 November 1972, the Western Australian Minister for Community Welfare, W.F. Willesee, proclaimed that the:

... formation of the Trust was the most important step taken in Western Australia for Aboriginal development planning and touched upon the necessity for Aborigines to involve themselves in the political arena and in the field of leadership [my emphasis] in both professional and public vocations. Mr. Willesee continued, stating that legislation had provided for the care of individuals regardless of racial origin and that the Trust was responsible for Aboriginal ethnic groups – to help them, to protect them and to provide opportunities [my emphasis] – through the land for which the Trust is to become responsible.

An important aspect of the day-to-day running of these newly founded indigenous organisations was the reliance on the role of particular notions of “community”, which was imbued within the emerging operational and policy structure of indigenous trusteeship. The next section explores how these notions became incorporated into state policy.

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96 Ibid.
97 Ibid.
98 Ibid., p. 168
99 Aboriginal Lands Trust, Inaugural Meeting. 23 November 1972. Members present: J.L. Davis - Central Region, Chairman; S. Canning - Eastern Region; A. Barunga - Northern Region; E. Bridge - North Eastern Region; H. Calgaret - Southern Region; P. Coffin - North Western Region; K.I. Morgan - Acting Secretary; R. Hayward - Clerk Lands and Reserves, Aboriginal Affairs Planning Authority.
Trusteeship and welfare: the role of “community” organisations

There is no doubt that the growth of [community] organisations interesting themselves in Aboriginal affairs is a phenomenon which is still very much on the increase and is a significant factor in a progressive Aboriginal involvement in local affairs.

— Western Australian Commissioner of Native Welfare, 1971.\(^9^9\)

Beginning in the 1970s, the concept of “community” became a primary category in the administration of indigenous people in the Kimberley. It was the vehicle by which self-determination came to operate, particularly in dealing with the issue of the maintenance of social order. Indicative of this situation, as the Department of Native Welfare pointed out, was that: “Particular attention has been given to the study of techniques and skill based on community development principles [my emphasis] established in other parts of the world. It has been interesting to note the change in emphasis in the conduct of programmes for social development among Aboriginals from one that centred on the individual to one that places Aboriginals in a group or community context”.\(^1^0^0\)

Community councils were intended and devised to be the vehicle of “self-determination” as part of the policy of indigenous trusteeship. In an unpublished 1968 Commonwealth Report, the Interdepartmental Committee, investigating Aboriginal policy, flagged the intention of the Federal government’s future support for “community” and “self-help organisations”. The Report argued that:

The types of Aboriginal self-help organisations, which it is desired to encourage, are proprietary companies, co-operatives, savings and loan groups, social welfare associations etc.

(a) It is envisaged that these organisations should register with appropriate State Authorities (eg registrars of Co-operatives) and with the Office of Aboriginal Affairs. It is intended that Special Liaison Officers be appointed to work, preferably in association with State and other authorities, to train Aboriginal groups to form and conduct such organisations.

(b) It is hoped that in time the elected officers of these organisations might constitute a source of whence consultants and possibly Aboriginal Council members could be drawn [my emphasis]. 101

The institution of community associations, "with membership presided over by an elected council, itself convened by an elected chairman", was a process designed as an instrument capable of dealing with matters of social control and replacing the existing systems which were failing, "such as the Euro-legal, administrative and political apparatuses". 102 As one illustration of the emphasis now placed on "community elders and councillors" (that is, the indigenous leadership) for the responsibility of imposing order, it was recorded in the minutes of an Aboriginal Lands Trust meeting that Ernie Bridge, had stated, "for some time now councillors from various Aboriginal reserves have undertaken the task of maintaining discipline amongst their own people ... In order for this system, which has proved successful, to continue, Mr. Bridge suggested that perhaps a set of uniforms be provided". 103

The draft of the proposed Mirima Council Constitution also revealed the status now conferred on "traditional community" and "councillors or elders" when it stated:

Objects: (a) to reproduce the values and authority of the Aboriginal way of life...
(b) to encourage and develop self-help projects such as :-
   (i) Market gardens
   (ii) Orchards
   (iii) Farming domestic animals
   (iv) Business enterprises...

Members (a) Members shall be persons of Aboriginal descent who wish to promote the objectives of the Council...

Officers (a) The officers of the Council shall be a president and five other elected members who will be recognised as the executive committee by the Council (known as the Elders) ... 104

102 Sullivan, All Free Man, p. 31.
103 Minutes of Aboriginal Lands Trust Meeting, 11-13 December 1974.
The formation of growing numbers of “Aboriginal self-help community groups” in remote and regional areas of the Kimberley, each undertaking activities on their “own behalf”, was according to the Department of Native Welfare, one of the most “significant developments of recent times”. The Department noted: “Although most have always existed through traditional tribal groupings, their recent undertaking of activities on their own behalf is of great importance, and is an indication of self-confidence and group identity”. In 1972, it was reported that in Wyndham, “a small body of Aboriginal women formed the Aboriginal Progress Movement, under the leadership of Mrs Thelma Birch”. Another organisation, which formed at Wyndham at the same time, was the Oombulgurri Association. The Association “was brought about by two families attempting to re-establish themselves by developing market gardens, one at the Old Forrest River Mission and the other at Oondaguri (20 miles from Wyndham on the west side of the Cambridge Gulf). These efforts have led to an exploration into the development of a pallet making factory”.

In the East Kimberley, the Warmun centre at Turkey Creek – created expressly for those unemployed people expelled by pastoral stations – was established, in the early 1970s, to cater for the exodus of people forced to leave Texas Downs, Alice Downs, Mabel Downs, Violet Valley, Bow River, Nicholson, Turner and other nearby pastoral stations. Prior to the establishment of the Warmun centre, Turkey Creek was a small police and telegraph station on the Wyndham road. The Department of Aboriginal Affairs began to “fund houses, a power station, bores for drinking water and the Catholic Education Office set up a school” and placed “community leaders” in charge of the overall operation. In other words, a “community” was created in line with the policy of indigenous trusteeship. It was in these ways that the (re-) creation of “community” was

106 Ibid., p. 21. At Kununurra, the Mirima Council was formed to “develop the values and authority of the Aboriginal way of life in relationship to the rest of the Australian community”. As well “A market garden and small citrus orchard have been started and pumping equipment has been acquired... These spontaneous movements have been assisted by Departmental officers if and when required and are the first signs of a community renaissance in the north”. Commissioner of Native Welfare, Annual Report, 1972 p. 21.
107 Ibid.
108 Sullivan, All Free Man Now, p. 23.
constituted as the “future for Aboriginals in the Kimberleys — new fully serviced townships [or villages] from which the population would seek employment on surrounding stations, in craft industries, community enterprises and in domestic duties” (see also chapter 7).¹⁰⁹

Not surprisingly, some “forms of analysis suggest [that the maintenance of social order] proceeds by the calculated distortion of the principle of self-determination with the sinister intention of subjugating Aboriginals as firmly as in the past”¹¹⁰ — that is, reminiscent of the segregation period. Typical of this form of analysis is correspondence between the Department’s Supervising Anthropologist forwarded to the Derby field Anthropologist in 1973, which reports: “I have taken the liberty of drawing administration’s attention to your more general comments on the issue of ‘isolationism’ … which appear to be among the risk elements in the present … policy”.¹¹¹ In other words, self-determination was seen by some as the new means of control in fixing indigenes to isolated and regional areas for the purpose of halting, or at least slowing the process of urbanisation and unemployment. As Peterson has argued, “what the rhetoric of unique and specific religious links to land of Aboriginal entitlement and of natural justice has obscured is the fact that in essence land rights [and, especially in Western Australia, the acquisition of land] are a welfare measure and not the act of compensatory justice they appear to be”.¹¹²

¹⁰⁹ Ibid.
¹¹⁰ Ibid., p. 43.
The Commonwealth’s Capital Fund and other sources of finance

Our aim is to restore Aboriginal initiatives and independence in both the social and economic sense. Indeed, I do not believe that it is possible to achieve either of these two objectives in isolation. Social independence cannot be effectively exercised unless it is built upon a secure economic foundation ... We aim to make Aborigines self-supporting in the economic sense ... One of the most significant of the Commonwealth projects has been the establishment of the Capital Fund under Aboriginal Enterprises (Assistance Act) 1968. The Fund has nominal capital of $5 million ... The guiding concept of the Fund is to provide capital and technical help for individual Aboriginals and groups of Aboriginal who wish to undertake productive enterprises ...

— Liberal Senator Dame Annabelle Rankin, 19 September 1969.  

Beginning in the late 1960s and early 1970s, Federal and State government agencies began to provide finance for the benefit of Aboriginal enterprises. The Commonwealth Capital Fund for Aboriginal Business Enterprises established in 1968 became a principal source of finance for Aboriginal business ventures. The Commonwealth’s Capital Fund was initiated by H.C. (Nugget) Coombs and was purposely devised to alleviate burgeoning rural unemployment and poverty. For Coombs, the intent was to prevent Aboriginals from becoming a “dependent, landless proletariat with no other options”.

The Capital Fund was initiated in a period when wholesale changes in the scale and scope of indigenous business began to commence. Importantly, the growth of indigenous businesses now occurred in an environment where governments offered a number of positive forms of assistance, in contradistinction to the earlier period of state trusteeship.

115 H.C. Coombs, Issues in Dispute, Aborigines Working For Autonomy, (Darwin, NARU, 1993) p.3. The options to be avoided at all costs for Coombs et al were that poor unemployed, increasingly urbanised Aboriginals should resort to civil disobedience and unrest as a consequence of their situation.
The stratum of Aboriginal leaders that either held or were seeking land – such as pastoral stations and former reserves – were now able to source public funds for economic activities and enterprise development on “their land”, and elsewhere. As indigenous economic ventures received growing amounts of government financial support, indigenous commercial activities began to proliferate.

As mentioned above, the Commonwealth Office of Aboriginal Affairs provided the Commonwealth Fund for Aboriginal Enterprises, which, when operational, was specifically instituted:

(i) to take up equity shares in a co-operative, or limited liability company with predominately Aboriginal shareholders;
(ii) to make a loan to an individual, co-operative, or corporate enterprise predominately Aboriginal owned;
(iii) to provide a guarantee for a loan made to such an enterprise by a bank approved by the Minister and the Treasurer;
(iv) to make a deposit with an approved bank as a backing for a loan made by that bank to such an enterprise.

... It will be noticed that there is no provision for assistance to an organisation which merely employs Aborigines; the enterprise itself must be predominately Aboriginal owned or have a preponderance of Aboriginal shareholders.¹¹⁶

Once the Capital Fund became operational in Western Australia, the Department of Native Welfare recorded that: “The Aboriginal Enterprise (Assistance) Act, 1968, which established the Commonwealth Capital Fund ... generated interest and resulted in many enquiries being submitted. To date [30 June 1970] three projects in the State have been approved with a total of twenty-two applications... still current”.¹¹⁷

Most significantly, according to the Department in 1971: “A growing interest has been invoked in self employed, enterprise projects” and this interest was reflected in the amount of enquiries and applications submitted for consideration to the Commonwealth

¹¹⁶ Letter to: Superintendent of Native Welfare, Northern Division. From, F.E.Gare, Commissioner of Native Welfare. 15 April 1969.
Capital Fund. A number of “community enterprises” also submitted requests for assistance in preparing applications. In total for 1971, the Department received from thirty-three individuals or partnerships the following results.\(^{119}\)

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawn by applicant after investigation:</td>
<td>7</td>
</tr>
<tr>
<td>Submitted for Capital Fund consideration and approval:</td>
<td>5</td>
</tr>
<tr>
<td>Approved but later withdrawn or deferred:</td>
<td>3</td>
</tr>
<tr>
<td>Rejected:</td>
<td>2</td>
</tr>
<tr>
<td>Under consideration:</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>26</td>
</tr>
<tr>
<td>Still in process of preparation as at 30/6/1971:</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>33</strong></td>
</tr>
</tbody>
</table>

In 1972, further assistance to commercial activities was made available through the Commonwealth’s Capital Fund. “Impetus to community activities and enterprises” was now “accelerated following the Prime Minister’s [William McMahon] policy statement of January 26, 1972”. The policy announcement “established an additional source of funds to assist Aboriginal communities with grants, in addition to loans, which are made through the Capital Fund”.\(^{120}\)

In 1972, it was recorded by the Western Australian Department of Native Welfare that “Aboriginal groups and communities” taking “advantage of the funds available through this Act” — that is, the *Aboriginal Enterprises (Assistance Act)*, 1968 — were on the increase. Commercial activities financed by the Capital Fund, at this time included, among others, “small garden projects, such as those at Fitzroy Crossing and Kununurra and the Ieramugadu Gardening Service at Roebourne to the more ambitious projects such as the Esperance Carrying and Pastoral Company”. Assistance in providing the necessary

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\(^{119}\) Ibid.

managerial skills was “provided through a network of interested local residents and Departmental officers”. 121

**Pastoral stations and former reserves: the vehicle for expanding commercial opportunities**

The late 1960s and early 1970s heralded the beginning of an era when indigenous issues assumed a “prominence that could never have been anticipated in previous periods” 122. To this end, on the 15 November 1968, the Federal Minister-in-charge of Aboriginal Affairs, W.C. Wentworth, wrote to the Western Australian Minister for Education and Native Welfare, E.H. Lewis, outlining some of these new initiatives:

You may be interested to know that the Council for Aboriginal Affairs and the Department of the Interior is discussing the nature of industrial development on the reserves in the Northern Territory and have developed a series of criteria for the guidance of companies desiring to undertake or extend enterprises therein. These criteria are now being applied by the Administrator of the Northern Territory. The Council feels that the criteria may be of interest and possibly some use to you and the Ministers’ of Aboriginal Affairs in other states. In dealing with the requests to establish enterprises within the Reserves, the Administrator now reminds the companies concerned that the area is part of lands reserved for the Aboriginal people, and that it is the policy of the Government to reserve these lands until the Aboriginal citizens can themselves share in the benefits, which arise from their development. The administrator indicates that the Government, will, therefore, in considering such requests, attach great importance to the willingness and capacity of the companies to ensure effective participation in the industry and effective sharing in any benefits from it. 123

The specific criteria by which the Federal government determined how industrial development and most importantly how Aboriginal involvement in this development (in Northern Territory Reserves) would occur is as follows:

(a) Facilities for equity participation in the company for Aboriginal citizens, and/or Government, Mission or other participation in trust for them.
(b) Employment of Aboriginals in as varied functions and as wide a range of levels as practicable

121 *Ibid*
122 Turner, “Public Policy”, p. 5
(c) Willingness of the company to co-operate with the Administration in setting up promptly special arrangements for the training of suitable Aboriginal workers in technical and administrative functions.

(d) Willingness and capacity of the company to facilitate the establishment of Aboriginal owned enterprises related to the company’s enterprise, and to provide for such Aboriginal owned enterprises marketing and other arrangements acceptable to the Administration.

(e) Willingness of the company to be guided by the Administration in planning its community facilities for the enterprise and to co-operate with the Administration in planning the development of the region.  

Although foreshadowed by the outgoing McMahon Coalition government (March 1971 – December 1972), the actual purchase of land by the Federal government on behalf of “Aboriginal groups” properly began on a large scale following the election of the Whitlam Labor government, and in particular with the establishment of the Aboriginal Land Fund Commission (ALFC). Immediately after the 1972 election, but prior to the establishment of the ALFC, the first two purchases were completed – that of Pantijan Station in the West Kimberley, for people living on the Mowanjum Mission near Derby; and that of Willowra, on the eastern edge of the Tanami Desert in the Northern Territory. Both purchases were presented as satisfying the “social needs of aboriginal groups claiming strong traditional attachment to the land”. According to a Department report:

The Mowanjum Mission is located 6 miles from Derby on the Derby/Fitzroy Crossing road ... the mission occupies an area of 170,000 acres on which natives have run cattle for the past 15 years. At the present time it is half freehold and half lease, and will be free standing in the next ten years. Recently the community acquired another station known as Pantijan Downs and registered it as the Pantijan Cattle Company Pty Ltd. Pantijan Downs is located 200 miles north of Derby. The Mowanjum Community is comprised of three tribal groups ... Eight elders control the community ... The industries they hope to develop are pigs, poultry, cattle and fishing.  

Between 1972 and 1977, the Federal government on behalf of “Aboriginal communities” purchased a number of cattle stations in the Kimberley, including Pantijan. The purchase

124 Ibid.

125 Young, Aboriginal Cattle Stations, p. 3.

of Noonkanbah, Billiluna and Lake Gregory Stations and their transfer to "Aboriginal ownership" allowed "Aboriginals to attain ownership of their lands and to run associated economic enterprises". As well, in the Kimberley, sizable areas of land, many plots being former Aboriginal Reserves, were leased to Aboriginal enterprises and entrepreneurs. In 1972, the Commonwealth advanced a grant and loan to the Mugarinya Group Pty Ltd on the proviso that the Aboriginal Lands Trust made Reserves 31427 and 31428 available to Mr. P. Coffin. Coffin was at the time, Managing Director of the Mugarinya Group, as well as a founding member of the Aboriginal Lands Trust.128

(4.6) CONCLUSION

In the late 1960s and early 1970s, in the Kimberley, mass unemployment, which included a large proportion of Aboriginal labour, occurred due mainly to a combination of the introduction of the pastoral award for Aboriginal workers, increased capitalisation of pastoral stations and the ending of the post-war global long boom. The effects of the ending of the long boom on the pastoral industry employing Aboriginal labour involved cost inflation against the background of the emergence of overproduction. To ensure even short-term viability of pastoral stations required a rapid restructuring in production methods and techniques. One immediate effect of this restructuring was the expulsion of Aboriginal labour from pastoral stations, and the emergence of surplus Aboriginal labour in rural towns, with attendant social problems. Without obvious new industries to absorb this displaced labour, the Western Australian and Federal governments were confronted with the prospect of significant and potentially long term social problems should the drift to rural towns and then cities not be arrested.

It quickly became clear that the Federal and State government's existing development policy, that of state trusteeship, was incapable of dealing with these changed circumstances. Any alternative policy regime thus had to both halt the drift of labour from the countryside, and gradually re-absorb those unemployed Aboriginals that had

128 Minutes of inaugural meeting of Aboriginal Land Trust, 23-24 November 1972.
already been displaced, and do so in a economic environment with no obvious industries to attach such a policy to.

Guided by white advisors and politicians, the evolving policy regime witnessed indigenous leaders being increasingly given the responsibility of trusteeship for those suffering poverty, unemployment and social dislocation. In many instances, these policies were an attempt to ameliorate the worsening social conditions for indigenes in rural and remote areas including the Kimberley. In the process, the new policy provided an indigenous business class – which hitherto had been actively stymied by the State and Federal governments – access to finance, land and labour. While initially the importance of Aboriginal run enterprises was seen more in their employment potential (and thus their “social” role was emphasised along with a recognition of the need for ongoing state assistance), government subvention allowed for the expansion of indigenous commercial activities firstly in pastoralism and later in agriculture and other sectors of the economy. Chapter 5 continues to chart this development of indigenous enterprise and shows that by the 1980s, Aboriginal enterprises had emerged not only as significant employers in the Kimberley; many were now highly profitable across a range of commercial activities.

The next chapter however shifts attention to the significant changes that occurred within the structure of Federal and State government instrumentalities that followed the introduction of the policy of indigenous trusteeship. In providing a description of the restructuring, beginning in the late 1960s, the chapter will concentrate, in particular, on the establishment of new government departments and semi-autonomous government agencies – such as the Western Australian Aboriginal Lands Trust, Western Australian Aboriginal Affairs Planning Authority and others – both as institutions for shifting state development policy, and increasingly as forums through which the aspirations of an emerging Aboriginal leadership were played out in state policy.

Probably in no other field of Aboriginal affairs can such positive progress be demonstrated as in the field of economic development. Throughout Western Australia, Aborigines are indicating their desire to take part in the benefits derived from the State’s expanding economy and they are seeking … to undertake a growing range of enterprise activities.

– Aboriginal Affairs Planning Authority, Annual Report, 1973.¹

(5.1) INTRODUCTION

The previous chapters examined the transition from one phase of development to another – that is, the shift from what can be described first as state trusteeship, and subsequently as indigenous trusteeship. The policy regime characterised as indigenous trusteeship (which has been popularly ascribed as self-management or self-determination) began to be implemented in regions such as the Kimberley, from the late 1960s and early 1970s, in an attempt to ameliorate deteriorating social conditions, including unemployment, poverty and social dislocation. The new policy approach, which was increasingly being directed by an Aboriginal leadership, allowed economic space – especially in the allocation of land, finance and labour – for a layer of indigenous business to expand its activities and participate in a growing range of multiplex business operations. The previous chapters were thus also concerned with charting the formation and trajectory of an indigenous commercial class in the Kimberley, as well as the ability of this class to organise economically and politically in order to gain influence in the delivery of government policy. It will be shown in the current chapter that crucial to the commercial success of this emerging class was state support in acquiring land, labour and finance.

This chapter begins with an investigation of the operations of the Western Australian Aboriginal Lands Trust (ALT) during the period 1973-1987. The analysis will trace the scope and characteristics of the reorientation in State and Federal government policy and forms, as well as the effect this reformulation has had on indigenous enterprises once the policy of indigenous trusteeship was introduced. After providing some background on the formation of the ALT (which was instituted and began operating under the auspices of the Western Australian Aboriginal Affairs Planning Authority) the chapter explores the indigenous leadership’s function within state instrumentalities such as the ALT. The chapter also examines the commercial opportunities – particularly in the provision of land, labour and finance – that these types of government organisations provided to indigenous business people and enterprises in their role as vehicle for delivering Aboriginal development policy.

**Background**

A major aspect of indigenous trusteeship embraced a policy framework that actively promoted and encouraged notions of “traditional culture”, community and ethnicity. Typical of such a policy shift was the statement of Senator Ivor John Greenwood, the Federal Coalition government’s Attorney General, to the Parliament in 1971 that, “we hope and believe that they will ... take pride in their Aboriginal identity and culture. In more isolated areas ... developments are likely ... to have a corporate or group character and ... significant elements of Aboriginal tradition”.² Another fundamental component of this new policy regime was the devolution of power and authority to semi-autonomous government bodies (predominantly controlled by the Aboriginal leadership), local indigenous enterprises and individuals.

One such government organisation, the ALT, perfectly encapsulates the emerging policy of indigenous trusteeship, particularly the indigenous leadership’s role in determining and managing that policy. The ALT, in many ways, was pivotal to the success and expansion of indigenous business in the Kimberley. And, significantly, “Membership of the Trust is

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157
[and was] restricted to persons of Aboriginal descent". From its beginnings many of the ALT membership were successful Aboriginal business people, including Frank Sebastian (Director of the Rubibi Aboriginal Land, Heritage and Development Co Pty Ltd and Executive Member of the Kimberley Land Council) and Ernie Bridge. The ALT began operations in 1972. At the inaugural meeting it was stated that: "The object of the Trust is to exercise control, on behalf of the Aboriginal community, over those lands for which it has assumed responsibility. As at 30 June 1973, this amounted to 23,965,610 acres" – the total amount of designated Aboriginal land at the time was 47 million acres. "The remaining Aboriginal reserves [would] be transferred to the Trust as soon as the necessary formalities [could] be completed".

An important part of ALT operations was the promotion of indigenous commercial activities for which ownership of and/or control over land was critical. According to the ALT’s 1973 Annual Report:

The economic utilisation of these great areas [of land] is governed by many factors ... In the Kimberleys many reserves are in remote locations ... many mission reserves have been partially developed to allow some economic flow-on to their immediate communities. To date, these have been limited largely to pastoral type enterprises. Cohesive Aboriginal groups are now forming and coming to the forefront for the purpose of developing economically a number of reserves.

Nevertheless, the implementation of the new policy of indigenous trusteeship was not always smooth and without opposition. In the course of instituting the policy there were often well-planned and vitriolic attacks launched by politically powerful organisations,

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4 Australian Securities and Investment Commission. Australian Company Number, 071 882 990. "Mr. Frank Sebastian of Derby was appointed to the vacant position caused by the resignation of Mr. J Biendurry in June 1980". Aboriginal Lands Trust, Annual Report, 1981, p. 23. Interestingly, in 1995 there were eight native title claims covering significant areas of Broome and its surrounds – areas of between 1 sq km and 1,882 sq. kms – that had been lodged by Rubibi Aboriginal Land, Heritage and Development Co Pty Ltd. Cited in Western Australian Native Title Progress Report, No. 2, 31 October 1995, pp. 8-9.
5 Ernie Bridge is one of the best-known Aboriginal businessman and politicians in the Kimberley. See Chapter 8 for a more complete biography of Ernie Bridge.
7 Ibid., p. 15.
especially those representing pastoralists and miners. Ian Palmer has described the actions of the Western Australian Chamber of Mines in their attempts to oppose “Aboriginal rights” – particularly the acquisition of land – when in 1984 it “conducted a concerted publicity campaign throughout Western Australia”. The “campaign suggested that Aboriginal land rights would create a privileged black group, threaten the mining industry and therefore Australia’s economy, and even threaten the security of whites’ family homes”.

It is important to recognise, however, that the new policy of passing of land to indigenous organisations and individuals did not automatically lead to increased accumulation activities. The nature of tenure, business organisation and the path to business were subject to continuing tensions and evolution, including the inherent tension between the trusteeship role – in which the tensions between welfare and accumulation are always present – and the increasingly commercial aspirations of the indigenous leadership (for which land occupation and ownership were critical), and particularly the difficulties related to the ongoing process of proletarianisation.

(5.2) THE ABORIGINAL AFFAIRS PLANNING AUTHORITY

The Aboriginal Affairs Planning Authority (AAPA) was established on 1 July 1972, under the provisions of the Aboriginal Affairs Planning Authority Act. The establishment of the AAPA was one that emphasised the emerging policy – and reorientation in state forms – that occurred through the implementation of indigenous trusteeship. A central component of the new policy of trusteeship was underpinned by the invocation of the ideas of “traditional culture”, community and ethnicity. Indicative of the new policy was Section 13 of the 1972 Act, which stipulated the functions of the AAPA. The functions were to:

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8 I. Palmer, *Buying Back The Land*, (Canberra, Aboriginal Studies Press, 1988) p. 156. These were the same tactics used by competing companies, such as mining and pastoral capital, when opposing the High Court’s Mabo judgment, and the subsequent legislative response that determined the existence and parameters of Native Title.
- provide consultation with persons of Aboriginal descent;
- recognise and support as may be necessary the traditional Aboriginal culture;
- promote opportunity for the involvement of all sectors of the community in the advancement of Aboriginal affairs;
- foster the involvement of persons of Aboriginal descent in their own enterprises in all aspects of commerce, industry and production, including agriculture [my emphasis];
- provide consultative, planning and advisory services in relation to the economic, social and cultural activities of persons of Aboriginal descent, and advise on the adequacy, implementation and coordination of services provided or to be provided from other sources;
- make available such services as may be necessary to promote the effective control of management of land held in trust by or for persons of Aboriginal descent; and
- generally to take, instigate or support such action as is necessary to promote the economic, social and cultural advancement of persons of Aboriginal descent in Western Australia, and to that end apportion, apply or distribute the monies available to it.⁹

In exercising its functions under Section 13, the AAPA was directed to “at all times take into account the expressed views of the Aboriginal Advisory Council”.¹⁰ The purpose of these initiatives – in a climate of deteriorating social conditions – especially in rural regions such as the Kimberley, “was to make available to persons of Aboriginal descent all the community services and facilities provided for the ordinary community and at the same time to establish a specialist organisation designed to coordinate the activities of Government agencies concerned with Aboriginal advancement and to foster the economic, social and cultural advancement of the Aboriginals of the State”.¹¹

In more recent times, it is often forgotten that both Commonwealth and State governments, beginning in the late 1960s and early 1970s, became actively involved in sponsoring the policy of indigenous trusteeship: a policy largely engineered and delivered by an indigenous leadership. Through concepts that promoted such things as tradition, culture, community and ethnicity, indigenous trusteeship was put in place in an effort to cope with the worsening social environment, as well as to mobilise political and economic support for an aspiring indigenous business class. These policy initiatives, and

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¹⁰ Ibid.
¹¹ Ibid.
specifically their indigenous architects, have not been adequately explained or understood. Instead, it has been assumed that a monolithic and unchanging government apparatus – that is, state trusteeship – had been at work continuously since Federation. Rosalind Kidd for instance, in a 1998 ATSIC publication, argues that for most of the twentieth century, and without any indigenous policy input, “Aborigines have been the most intensively supervised sector of the population and if we are to understand why present social indicators for Aborigines – health, education, employment, family cohesion – are so appallingly deficient, we must investigate how the machinery of government has created these circumstances”. The next part of this chapter seeks to show a different dynamic that was at work.

Statutory bodies.

The operational foundation of the Aboriginal Affairs Planning Authority Act was the establishment of three statutory organisations, which were co-ordinated and supported by the AAPA. The design and operation of both the Aboriginal Advisory Council (formed in December 1969) and the ALT were imbued with the concept of self management, and involved significant policy input from the indigenous leadership. The statutory organisations were:

(i) The Aboriginal Advisory Council. Aboriginal consultation involving the active cooperation of the Government ... the first formal state-wide meeting with Aboriginals and senior officers of the Department of Native Welfare was held in June 1969 ... In October 1971, the Aboriginal Advisory Council held its inaugural meeting as an all Aboriginal organisation responsible to the Minister and, on the 1 July 1972, it became a statutory body in its own right and, for the first time, consultation with Aborigines was given specific legal status ... The Council comprises fourteen Aboriginal members – two from each of the seven regions’ Consultative Committees – elected by the committee members and their official delegates.

(ii) The Aboriginal Affairs Co-ordinating Committee. The Committee has a membership of seven, comprising the Commissioner for Aboriginal Planning, as Chairman of the Aboriginal advisory Council and the officers (or their deputies) immediately responsible to a Minister of the Crown for

12 ATSIC, As A Matter Of Fact, (Canberra, ATSIC, 1998) p. 11. Ironically, this ATSIC publication aims to tackle the “myths and misconceptions about Indigenous Australians”.

[various] Public Service Departments ... The Committee met for the first time on 20 July 1972 and the Honourable W.F. Willisee, MLC Minister for Community Welfare at that time, welcomed members to the inaugural sitting at which Dr. H.C. Coombs, Chairman of the Council for Aboriginal Affairs was also present ... the concept of coordination [rather than the control] of essential services, in so far as they effect the Aboriginal community, was the raison d'être for the establishment of the Committee ... ¹⁴ and the

(iii) Aboriginal Lands Trust ... (see below).

Beginning in the early 1970s, the increasing Commonwealth and State government support, both morally and financially, for the indigenous leadership – in its capacity as service provider and architect of the new Aboriginal affairs policy – was essential, it was believed, if the delivery of the policy was to be successful in resolving unemployment and poverty.

Statement of intent
In January 1972, the Coalition Prime Minister William McMahon issued a Statement of Objectives. This statement was a guideline to Commonwealth government policy in regard to Aboriginal affairs. In September of the same year, the AAPA prepared a Statement of Policy “appropriately framed for local needs and this received the unanimous approval of the Aboriginal Affairs Coordinating Committee and the Aboriginal Advisory Council”.¹⁵ Later in 1972, the Statement was submitted to the Minister for Community Welfare, W.F. Willisee, and adopted as policy by the Western Australian government. The Statement of Policy reads:

The fundamental objectives of Government policy in relation to Aboriginal Australians are that they should be given the opportunity as individuals and as groups, to hold effective and respected places within one composite Australian society with equal access to the rights and privileges it provides and with acceptance of responsibilities towards it. At the same time they should be encouraged and assisted to preserve and develop their own culture, languages, traditions and arts so that these can become living elements in the diverse culture of Australian society.

¹⁴ Ibid.
¹⁵ Ibid., p. 7

162
The Government recognises the rights of Aboriginals to effective choice about the manner in which, and the pace at which, they come to incorporate themselves into that society; and believes that they will do so more readily and more effectively when membership of it encourages them to maintain and take pride in their identity, traditions and culture [my emphasis].

The second part of the statement confirms the role played by the indigenous leadership in devising and delivering the policy.

It also believes that programmes to give effect to such a policy must evolve in accordance with the needs of the time. Above all, they must take into account the expressed wishes of Australian Aboriginals themselves. Indeed programmes will prove ineffective unless Aboriginal Australians are voluntarily involved. The role of governments should increasingly be to enable them to achieve their goals by their own efforts.

The government considers that a balanced strategy directed at the essential problems facing many persons of Aboriginal descent requires a programme, which will:

- encourage and strengthen their capacity increasingly to manage their own affairs and to determine their own goals – as individuals, as groups, and as communities;
- increase their economic independence and facilitate the development and enjoyment of land reserved for or acquired by them;
- reduce existing social and other handicaps facing them in the achievement of their goals.16

The scale of government subvention provided through these Commonwealth and State initiatives was crucial to the expansion of indigenous enterprises in regions such as the Kimberley. Indeed, the evolving policy regime, and particularly the opportunities it afforded indigenous business, is in marked contrast to the previous policies of state trusteeship – policies that had, less than a decade earlier, actively and purposefully stymied indigenous business activities.

Commonwealth liaison and economic development
According to the AAPA Annual Report for the financial year 1972-73, “the major factor influencing Aboriginal affairs in Western Australia during the past year has been the immediate utilisation of vastly increased Commonwealth funds made available to the

16 Ibid.
authorities responsible for health, education, housing and employment ...\(^{17}\) Table 1 shows the growing financial involvement of the Commonwealth in Aboriginal affairs, as well as emphasising the increasing amount of government expenditure in these areas. Indicative of this increased government spending was the fact that combined government expenditure more than doubled between 1967 and 1972, from nearly $20 million in 1967 to over $44 million in 1972. Table 2 highlights the increase in Commonwealth spending between the years 1973-1988 on Aboriginal programs throughout Australia. In 1973 spending amounted to less than $59 million yet by 1988 this had increased to over $671 million.

Table 5.1. Commonwealth grants to Western Australia: 1968 - 1972

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<tr>
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<tbody>
<tr>
<td>Amount</td>
<td>$825,000</td>
<td>$1,255,000</td>
<td>$1,680,000</td>
<td>$2,500,000</td>
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Purposes of proposed allocations to Western Australia for 1971-72

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Regional Housing</td>
<td>$1,245,000</td>
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<tr>
<td>Health</td>
<td>$285,000</td>
</tr>
<tr>
<td>Education</td>
<td>$316,000</td>
</tr>
<tr>
<td>Employment and Special Works Projects</td>
<td>$577,000</td>
</tr>
<tr>
<td>Regional Projects</td>
<td>$77,000</td>
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</table>

Total $2,500,000

Major direct expenditure on “Aboriginal Advancement” 1967-68 to 1971-72 for all States

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</thead>
<tbody>
<tr>
<td>Expenditure by States from their own resources</td>
<td>11.0</td>
<td>12.1</td>
<td>13.2</td>
<td>12.6</td>
<td>13.0</td>
</tr>
<tr>
<td>(estimates)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Expenditure by Commonwealth in respect of its Territories</td>
<td>8.9</td>
<td>9.6</td>
<td>14.3</td>
<td>14.8</td>
<td>16.33</td>
</tr>
<tr>
<td>Expenditure by Office of Aboriginal Affairs</td>
<td>---</td>
<td>(a) 8.9</td>
<td>8.1</td>
<td>11.8</td>
<td>14.93</td>
</tr>
<tr>
<td>(a) Of this $4.6m was set aside as bank credit for the Capital Fund for Aboriginal Enterprises</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>19.9</td>
<td>30.6</td>
<td>35.6</td>
<td>39.2</td>
<td>44.26</td>
</tr>
</tbody>
</table>

Source: *States Grants (Aboriginal Advancement) Bill*, Senate, 7 December 1971
Table 5.2. Commonwealth expenditure on Aboriginal programs: 1973-1988

![Bar chart showing Commonwealth expenditure on Aboriginal programs from 1973 to 1988. The chart indicates a steady increase in expenditure over the years.]

Source: Report of the Select Committee on State Funding of Aboriginal Programmes (December 1988)

Beginning in the 1970s, the growing availability of Commonwealth funds, particularly in the Employment and Special Works Projects area – that is, the provision and financing of employment projects – in many ways greatly assisted indigenous enterprises. These extra funds were received by the AAPA through the supplementary Commonwealth Budget on the basis of dealing with deteriorating social conditions.

To this end, during 1972, a statewide survey of unemployment and under-employment was undertaken by the Commonwealth to provide for the allocation of funds to various indigenous organisations and enterprises. This research assisted with the preparation of a series of priorities of employment needs covering the whole State, and so provided a platform to initiate work programmes in the most affected areas, including the Kimberley.¹⁸ In structuring these programmes consideration was given to the employment requirements of Aboriginal enterprises, and “the benefits [that] will accrue to the Aboriginal community as a result of work programmes; the job training which can

be provided and the ... initiating [of] ... enterprise activities ... that can be carried on by Aboriginal groups themselves”.

As a consequence of increased government funding in general, the Authority reported that: “The general uplift in Aboriginal morale is now very apparent throughout Western Australia. There is almost a tangible feeling in the air that, for the first time since European settlement made its disastrous impact on Aboriginal society, the principle of self-determination [indigenous trusteeship] has really taken root and is alive”. In 1972, the policy saw the new structures of government administration to economic development, welfare and regional housing for the Aboriginal population “given impetus ... [by] the positive effect of the Commonwealth Government’s financial contribution”. Furthermore, and very importantly, “Aboriginals are increasingly taking administrative control of welfare committees and councils formally run by non-Aboriginals [my emphasis] ... The Authority through the Act and the structure and deployment of its specialist sections and field extension, is committed to fostering and supporting this burgeoning principle of Aboriginal self-determination”.

In 1972, the AAPA’s Economic Development Section began to provide an economic resource, namely that of start up capital, to emerging indigenous businesses represented by “individuals, groups and communities”. This was achieved by “assisting, with the formulation and, subsequently the implementation of projects and commercial ventures”, which became “possible due to the far greater availability of funds from the Commonwealth government”. Major enterprises, employing indigenous labour, were funded in the Kimberley and elsewhere in regional Western Australia. The 1973 Annual Report pointed out that: “Aboriginals are developing the ability to work for themselves in long-term projects”. According to the Department, this improving situation was reflected “dramatically [in] the change from dependence to self-determination”. During 1972-73,

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19 Ibid.
20 Ibid. p. 10.
21 Ibid.
23 Ibid.
24 Ibid.
AAPA staff provided advice for some twenty indigenous organisations across Western Australia that were in various stages of corporate development. It was reported that, “the most advanced of these” were the “Mugarinya and Mowanjum Communities”, in the Kimberley, which were “actively undertaking pastoral development programmes”\textsuperscript{25}.

There was also an increasing awareness of the availability and take up of Commonwealth Capital Fund loans to engage in business activities.\textsuperscript{26}

That is, an enlarged flow of Commonwealth funds were being provided for indigenous business operations to employ labour in an effort to ameliorate deteriorating social conditions. It was critical therefore that the assisted enterprises offer at least some potential to absorb unemployed Aboriginals, and thus much of this assistance was advanced in a welfare-type measure. However, these organisations needed to remain viable if not to expand, so that a tension was inserted at the outset in the policy framework between the requirement of indigenous enterprises to provide a welfare service (principally employment creation) and the necessity for business growth.

\textbf{(5.3) ABORIGINAL LANDS TRUST OPERATIONS}

\textbf{Operations: 1973-1985}

By 1973, there were already some forty-seven million acres that served as Aboriginal “sanctuary, art, historical and cultural reserves, including mission stations and sundry other areas designated as land for the use of selected Aboriginal farmers”.\textsuperscript{27} A large proportion of these areas were situated in the Kimberley (see land tenure chart Appendix 10.8). The inaugural ALT meeting was held on 23 November 1972, and according to the minutes of this meeting, the establishment of the ALT, in accord with the policy of self-management, “heralded an entirely new approach to Aboriginal involvement with land

\textsuperscript{25} Ibid.
\textsuperscript{26} Ibid.
\textsuperscript{27} Ibid., p. 10.
management and development concepts". During the first year of operations, the Trust met quarterly and developed its executive functions over the course of three meetings.

The overall function of the Trust, consistent with the new policy framework, was to manage and distribute the land held by it or for which the ALT was made responsible. Section 23 of the *Aboriginal Affairs Planning Authority Act 1972* set out the functions of the Trust and these were:

- to carry out such of the functions of the Authority as may by delegated to the Trust under Section 24 of this Act, or as the Minister may direct;
- to acquire and hold land, whether in fee simple or otherwise, and to use and manage that land for the benefit of persons of Aboriginal descent;
- to ensure that the use and management of the land held by the Trust, or for which the Trust is in any manner responsible, shall accord with the wish of the Aboriginal inhabitants of the area so far as that can be ascertained and is practicable;
- to consult, negotiate, enter into financial arrangements, contract and to undertake or administer projects, either directly or in association with other persons or bodies, as may be necessary or desirable for the development of the land for which the Trust is responsible;
- generally, on behalf of and as the corporate entity representing the interests of the Aboriginal inhabitants to which the matter relates, to take instigate or support any action that may be required to ensure the most beneficial use of the land.

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29 *Ibid.* The ALT's foundation membership was:
Mr Jack Davis, of Perth – Chairman.
Matron S. Camning, MBE, of Leonora.
Mr. H. Calgaret, of Bunbury.
Mr. Ernie Bridge, of Halls Creek.
Mr. P. Coffin, of Port Hedland.
Mr. A. Barunga, of Derby.
Of particular interest to the first meeting was the approval given to the following Aboriginal groups to lease reserve lands in the Kimberley.
Mugarinya Group Pty Ltd – Yandeyarra Reserve [of which P. Coffin was Managing Director].
Balgo Aboriginal Association – portion of Balwina Reserve.
31 Aboriginal Lands Trust, *Annual Report, 1975*, p. 24. From 1974, the Lands and Reserves Staff of the Aboriginal Affairs Planning Authority under the general guidance of the Chairman performed the executive day-to-day operations of the Trust. Aboriginal Lands Trust *Annual Report, 1974*, p. 27.

169
On 28 June 1974, the Commonwealth’s Department of Aboriginal Affairs acquired the responsibility for administering the *Aboriginal Affairs Planning Authority Act 1972*. The majority of the staff of the AAPA transferred to that Department. Nevertheless, the Lands and Reserves section of the Authority remained within State jurisdiction so ensuring that the ALT would continue under the mandate of the State Minister, and thus retaining a measure of State autonomy in this field. The Commissioner for Aboriginal Planning, whilst being appointed the Director of Aboriginal Affairs for Western Australia, retained his statutory appointment as Commissioner of the AAPA. The ALT considered this development a “happy arrangement inasmuch as it has enabled close liaison between two bodies vitally concerned with Aboriginal interests and well-being”.

The ALT met quarterly in Perth and in conjunction with these city meetings undertook regular field tours. In a tour of the North West conducted in 1974,

The Trust generally was impressed with the social community development of Aboriginal groups … and endorsed the developmental programmes at each place … The Chairman, with the Secretary, visited Derby, Wyndham [in the Kimberley] and Warburton ranges. Discussions were held with the Mowanjum Community of Derby concerning the vesting of Pantijan pastoral station in the Trust. After due deliberation, the Mowanjum people decided that they desired direct ownership of the property. The services of the Trust continue to be available to the Community. The Oombulgurri Group at Forrest River [in the east Kimberley] was visited. This Group is following a plan of social development …

In 1981, the ALT conducted five formal meetings, including one at Derby, “thus enabling the members to meet with representatives of local communities”. The Derby field trip also gave members the “opportunity to visit Pandanus Park, a property of eighty-seven hectares situated on the Fitzroy River 75 kilometres from Derby. The property is sub-leased by the Trust to the Pandanus Park Community Incorporated”. The Pandanus Park enterprise, purchased in 1976, is representative of the ALT’s interest and brief in

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33 *Aboriginal Lands Trust, Annual Report, 1974*, p. 27.
35 *Ibid.* While in Derby, the “Trust also formally met with the Kimberley Land Council, an autonomous Aboriginal organisation whose stated aim is to achieve Aboriginal independence through land” (see Chapter 7).
promoting indigenous enterprises. Pandanus Park, as reported in 1982, “continued to progress with provision of housing for community and the extension of the community’s tropical fruit enterprise”. The enterprise, employing indigenous labour, initially consisted of a small banana plantation with vegetable sidelines. However, eelworm problems were encountered and as a result perennial tree crops such as mangoes, limes, cashews, jackfruit, coconuts, guava and dates replaced the banana plantation. A selection of vegetables was also grown. These crops formed the basis for a more profitable enterprise.\(^{36}\)

Another case in which the ALT demonstrated its commitment to indigenous enterprise was the brokering of a land deal for the Kalumburu Aboriginal Corporation. In 1981, discussions took place concerning the future of land at Kalumburu involving the Kalumburu Aboriginal Corporation and the Benedictine Community Incorporated. Agreement was reached in principle for the Benedictine Community to surrender portion of the surrounding reserve. However, the discussions were complicated by the proposed purchase by the Kalumburu Aboriginal Corporation of the adjoining Carson River pastoral enterprise. The ALT finally gained approval in a tripartite leasing arrangement involving the ALT, the Kalumburu Aboriginal Corporation and the Aboriginal Development Corporation (ADC).\(^{37}\)

A further indication of the ALT’s priority in supporting indigenous enterprises in the Kimberley, as elsewhere in Western Australia, was the commitment to establishing and assisting in the commercial venture known as “Morrell Park Farm” (part of Reserve No. 38518, consisting of a land area of one hundred and forty one hectares) in Broome.\(^{38}\) As was reported by the ALT: “The future of this valuable land will be examined in the near future in an endeavour to resolve a worthwhile direction for the property to benefit the general Aboriginal population of Broome”.\(^{39}\) In 1985, Morrell Park Farm was partly developed with a house, a shed, cashew trees and other fruit trees. At that time, the

\(^{36}\) Ibid.
\(^{37}\) Ibid.
\(^{38}\) Aboriginal Lands Trust, Annual Report, 1985. p. 34. See also, Aboriginal Affairs Department, Annual Report, 1996, p. 81.
\(^{39}\) Ibid.
cashew trees were leased to Cashew Technology, a private company. The 1985 Annual Report describes the management of the farm, which was of great interest to the ALT.

The Trust consulted with 8 Broome groups in order to formulate a plan of development for the farm. A meeting was held in September 1985, which resulted in a steering committee ... being formed. Those at the meeting resolved that the farm should be developed as a general training complex for Aboriginal youth and that a portion of the southern area should be considered for emergency accommodation in the short term. The resolution was fully supported by the Trust. However, in April 1986, the Chairman of the steering committee resigned and the committee relinquished its responsibility and transferred management of the farm back to the Trust.\footnote{Aboriginal Lands Trust, \textit{Annual Report}, 1986, p. 50.}

The ALT later received a lease application for the farm, from the Janyagurdiny Aboriginal Corporation, which the ALT supported and the Minister for Aboriginal Affairs, Keith Wilson, endorsed. "The farm is to be used by the Corporation for horticultural and residential purposes. It is hoped that the Corporation will be able to attract funding for future operations from relevant authorities and agencies".\footnote{Aboriginal Lands Trust, \textit{Annual Report}, 1987, p. 52.} It is important to note that lessees of Reserve 38518 include, among others: E.M. Puertollano; C. Puertollano; J. Puertollano; Kevin Puertollano,\footnote{Aboriginal Affairs Department, \textit{Annual Report}, 1996, p. 81.} Chairperson of the ATSIC Kularri Regional Council in Broome,\footnote{ATSIC Kularri Regional Council, \textit{Annual Report}, 1998-99, p. 6.} and Patrick L. Dodson.\footnote{Aboriginal Affairs Department, \textit{Annual Report}, 1996, p. 81.} Dodson has been Director of the Central Land Council (1982-88), Western Australian Royal Commissioner into Aboriginal Deaths in Custody (1988-90), Executive Director of the Kimberley Land Council (1990-91), Chair of the Council for Aboriginal Reconciliation (1991-97) and is, in 2002, co-owner of Dodson Lane Consultancy.\footnote{Kimberley Land Council, \textit{The Kimberley: Our Place Our Future, Conference Report}, (Derby, KLC, 1998) p. 7.}

In 1985, in the ALT's Annual Report it was noted that, ALT Reserves located in agricultural and remote regions, such as the Kimberley, continued to be a cause for concern to the Trust, inasmuch as Aboriginal farmers and others found it difficult to raise medium to long term finance to further commercially develop these areas. The problems
in raising finance were due largely to the fact that banks, finance companies and the ADC would not mortgage these types of property for security. As the ALT pointed out: "Ways of overcoming this problem will have to be addressed or the Trust may have to examine methods of purchasing fully developed properties for prospective Aboriginal farmers".\^6

One method of providing immediate finance for Aboriginal enterprises and organisations was the distribution by the State Treasury of mining royalties derived from Aboriginal controlled land (see below).

In regard to the question of land tenure – held in various forms by the ALT on behalf of indigenous enterprises and organisations (see land tenure chart in Appendix 10.8) – the ALT argued, in its 1985 Annual Report, that in light of the 1984 Seaman Inquiry commissioned by the State government,\^7

The Government must now look towards using existing legislation to transfer vestings of reserves to stable Aboriginal communities. The Seaman Report and the Aboriginal Land Bill have acted as catalysts to stimulate public awareness of the antiquated forms of tenure Aboriginal people have been subjected to [my emphasis] and the Government must act to amend this unsatisfactory situation while the injustices are fresh in the public's mind.\^8

\^7 “One of the Burke government’s early initiatives was to establish the Seaman Inquiry to prepare recommendations for Land Rights legislation ... Seaman’s report was received favourably from Aboriginal organisations”. S. Hawke and M. Gallagher, Noonkanbah, (Fremantle, Fremantle Arts Press, 1989) pp. 323-34.
\^8 Aboriginal Lands Trust Annual Report, 1985. p.39. The Terms of Reference for the 1984 Seaman Inquiry included:
“Specifically the Inquiry shall consider the most appropriate form of title over land reserved for the use and benefit of Aborigines or leased to Aboriginal communities.
In addition, the Inquiry shall consider the question of what kinds of Aboriginal relationships to land should be protected and the ways in which to satisfy the reasonable aspirations of Aboriginal people to rights in relation to land.
The Inquiry will make recommendations about the terms and conditions upon which such land could be granted and by which body or bodies the titles should be held.
The Inquiry will consider the extent to which waters adjacent to granted lands should be protected for the use of Aboriginal people.
The Inquiry will consider the relationship of granted areas to resource development projects and in particular the question of compensation and royalties.
The Inquiry will review the operation of the Aboriginal Heritage Act in order to make recommendations about the most appropriate way of protecting sites of significance to Aboriginal people.
The Inquiry is to consider the question of resource development and to make recommendations on ways of accommodating the legitimate concerns of Aboriginal people about land and the social impact of development.

173
However, there was strident opposition to the Seaman report from the extant controllers of land in the Kimberley, including prospectors and pastoralists. One means available to these competing businesses – especially that of stalling the process of distributing land to indigenous organisations – was the blocking of the proposed Land Bill in 1985 by the “conservative, Liberal-dominated Legislative Assembly”\(^{49}\). As a consequence of political opposition, the Burke Labor government sought to make alternative arrangements for Aboriginal land tenure within existing legislation.\(^{50}\) In the following year (1986), the issue of Aboriginal land and land tenure became a central element in a reorganisation by the Western Australian Labor government of land title and other arrangements. The changes in Aboriginal affairs also included the promotion of Ernie Bridge (Member of the Legislative Assembly) to a Ministerial post – the “first Aboriginal” to be appointed to such a position.

**ALT operations: 1986-1987**

The Minister responsible for the administration of the *Aboriginal Affairs Planning Authority Act* in the first six months of 1986 was Keith Wilson – the Minister with Special Responsibility for Aboriginal Affairs. In March of that year, following the State government elections, Ernie Bridge (see Chapter 8 for a comprehensive biography of Bridge) was appointed as Minister assisting the Minister for Aboriginal Affairs. This, according to the minutes of the 1986 ALT Annual Report, was an “historic event as he [Bridge] is the first Aboriginal to be appointed to a Ministerial post in Australia. The Trust congratulated the Government on this initiative and welcomed Mr Bridge’s appointment on behalf of Aboriginal people”\(^{51}\).

\(^{49}\) Palmer, *Buying Back*, p. 5.

\(^{50}\) S. Hawke and M. Gallagher, *Noonkanbah*, (Fremantle, Fremantle Arts Press, 1989) pp. 323-34. During the state trusteeship era, Native Missions enjoyed secure tenure by the granting of 99-year leases on the basis that the land would only revert to the Crown “should a Mission cease at any time to serve as a Mission to natives”. Commissioner of Native Welfare, *Annual Report, 1955*, p. 4.

\(^{51}\) Aboriginal Lands Trust *Annual Report, 1986*, p. 43.
The Trust for the first time is working with a Minister who is an Aboriginal person with a special understanding of the land aspirations of the Aboriginal people. The Trust hopes the necessary legislation will be passed to enable Mr Bridge to be sworn in as full status Minister in the coming year. With his appointment, Aboriginal people are assured of a strong voice in Cabinet and have the opportunity of establishing a better relationship with the Government. As Acting Minister, Mr Bridge has signalled his intention to give the Trust greater support to enable it to become more significant to the Government and the Aboriginal people as a land holding and managing body.\textsuperscript{52}

In March 1986, the Burke Labor government announced its program in respect of Aboriginal affairs for its second term of government. Aboriginal land tenure, as a central component of the policy of indigenous trusteeship, framed the basis of these initiatives, which involved, “long-term leases over Aboriginal reserves to Aboriginal communities, which the Trust determined in consultation with Aboriginal people; the acceleration of the processing of excisions from pastoral leases; the facilitation of the transfer of mission land to Aboriginal interests; and the transfer of the Department for Community Services reserves that were used exclusively for Aboriginal purposes to Aboriginal Groups”.\textsuperscript{53}

As a result of the State government’s 1986 land reforms and other changes in land management, the ALT received greater control in the management and distribution of Aboriginal land. The Minister for Aboriginal Affairs determined that the ALT would be restructured to “enable it to meet its new responsibilities and challenges”.\textsuperscript{54} The Minister sought the views of the existing members on how the ALT should be restructured. The terms of membership of members, Mr. R. Isaacs, Mr. R.L. Thomas, Mr. Frank Sebastian (Kimberley) and Mrs G. Corunna, which were due to expire in February 1986 were extended to 30 May 1986, enabling them to participate in the ALT meeting specifically convened to discuss the restructuring.\textsuperscript{55} From the special ALT meeting held in May 1986, a report was presented to the Minister, which included the recommendation that: “The membership shall be increased to 16 – comprising one member from each of the 8 consultative areas” and importantly “one member from each of the eight Aboriginal Land

\textsuperscript{52} Ibid., p. 54.
\textsuperscript{53} Aboriginal Lands Trust Annual Report, 1986. p. 43.
\textsuperscript{54} Ibid., p. 45.
\textsuperscript{55} Ibid.
Councils". On 30 June, the Minister appointed a new full-time Chairperson and two other members to replace the retired members for an interim period of six months while the restructuring took place. As well, in July of 1986, Ernie Bridge became the Western Australian Minister for Aboriginal Affairs.

In addition to its main role as a land holding body, the ALT, beginning in 1986, was also given responsibility for ensuring that "Aboriginal communities and individuals ... [had] secure tenure over their land". In doing so, the ALT examined the requests for living areas (excisions) and made recommendations to the Minister regarding these requests. Due to the narrow scope of existing legislation, the recommendations also included the type of leasing arrangements considered most appropriate and sustainable, usually terms of 99 year leases (renewable) at peppercorn rental. In other words, secure and lengthy tenure at a nominal rent was to be provided for indigenous organisations and individuals.

In 1986, the ALT examined and supported twenty-three land applications and made nineteen recommendations relating to leases. In the Kimberley, these recommendations included those set out in Box 1. It is worth reporting that Philip Matsumato – one of the Kimberley’s leading Aboriginal business people – was supported by the ALT in his application for prime commercial land in Broome, principally to be used as a retail operation. In 1998, Matsumato was Deputy Chairperson of the Kularri ATSIC Regional Council.

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56 Ibid.
57 Ibid.
58 Ibid., p. 47.
59 Ibid.
60 Kularri Regional Council, *Annual Report, 1998/99*, p. 6. Matsumato states that he has also "managed his own business for 9 years"; has "gained a Degree from Curtin University in the field of Bachelor of Applied Science Community Management and Development"; is Administrator of the Beagle Bay Community; is "active in promoting the Kularri Roadworks Aboriginal Corporation (KRAC), of which he is Chairperson; is Treasurer of the Kimberley Aquaculture Aboriginal Corporation (KAAC); and a Steering Committee Member for the Survey of the Local Government Service Delivery."
Box 5.1. A sample of ALT land recommendations in the Kimberley (1986)

- Blueberry Hill Camp (Halls Creek) Supported application by Ngoojuwah community for reserve status for the camp.
- Lamboo Station (Halls Creek) Supported applications by the Butchibiddle community.
- Ord River Regeneration Area. Supported land application by Jack Mosquito.
- Brooking Springs Station. Supported excision request by the Darlungunaya group.
- Broome Reserve No.21801. Supported the application by Mr. P. Matsumato for portion of the Reserve for a ... retail shop [see above].
- Morgan's Camp. Supported application for portion of the area by Ms. Patricia Parkman.
- Cape Levique. Reserve No.20927. Recommended a grazing lease over portion of the Reserve.
- Mount Barnett Station. Supported excision request by Mr Reggie Tataya.


In 1986, as a means of providing further land for commercial purposes, the policy of transferring Department of Community Services reserves and hostels, which were used exclusively for Aboriginal purposes, to the ALT gained momentum (see Goolarabooloo and Paddy Roe below). Another important initiative, as one means of financially assisting Aboriginal enterprises, was the examination by the ALT of the possibility of “subsidising the initial rates payments to allow lessees of the reserves to pursue development programmes free of extra monetary burdens”.

In effect, these ALT proposals, by subsidising tax and other government charges accruing to indigenous organisations, would provide a substantial fillip to emerging indigenous enterprises.

In 1987, the ALT received further responsibilities in response to the evolving policy of indigenous trusteeship. These initiatives concerned Aboriginal affairs in general but most related specifically to land reform. During the 1986-87 financial year, the Trust, in consultation with the Land Section of the AAPA, was involved in arranging long-term leases over Aboriginal land. A total of fourteen 99-year leases were put in place and a

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further fourteen were scheduled for implementation in 1988. The Trust also reported that it is “committed to accelerating the processing of excisions from pastoral leases for Aboriginal living areas”.

Living areas (see Chapter 6), by holding people in regional districts, were an important part of the policy of indigenous trusteeship. These areas were primarily instituted in the attempt to halt the process of urbanisation and particularly the population drift away from remote regions within the Kimberley. Pastoral excisions, as a welfare measure, were also a means of removing groups of people from the pastoral lease proper, thereby reducing conflict between the management, including Aboriginal management, and the indigenous residents. In 1982, the ALT organised a pastoral excision on the basis that “the purpose of the acquisition was to provide land for Aboriginals who were made homeless following a dispute with the Gordon Downs management”.

Since its inception in 1972, the ALT actively played a critical part in facilitating and enlarging the project of indigenous trusteeship. “The operations of the Trust, in keeping with those of the AAPA, have been guided by the principle of full consultation with Aboriginal people across the State. The consultation has been conducted by the all-Aboriginal membership of the Trust and by staff of the AAPA”. Apart from the delivery of land and labour, one important function of the ALT, as discussed in the next section, was the provision of finance to incipient indigenous enterprises, especially those that, for one reason or another, could not access finance through normal commercial channels, including private banks and finance companies.

**ALT and the provision of finance**

As noted above, due to the land leasing arrangements and the nature of land tenure it was difficult for nascent Aboriginal commercial enterprises to gain ongoing finance from regular sources, such as banks, finance companies and the ADC. In 1973, however, in an attempt to alleviate the situation and provide more economic development opportunities,

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64 *Ibid.*
it was determined (by the then Western Australian State Labor Premier and Treasurer John Tonkin) that extra finance would be allocated to select Aboriginal enterprises and organisations. This additional finance would be provided, particularly when all other avenues for finance were exhausted, through the distribution of mining royalties and associated mining payments collected from Aboriginal land.

The Trust welcomed the approval by the Honourable Treasurer in August 20 1973 that the Trust receives the following categories of revenue derived from Aboriginal reserves:

- Normal royalties from mining on Aboriginal reserves;
- Rents for mining tenements on Aboriginal reserves;
- Additional royalties or other considerations, as negotiated by the Aboriginal Affairs Planning Authority or the Aboriginal Lands Trust, respecting mining on Aboriginal reserves; and
- Revenue derived by way of leasing or renting or dealing in any other way with Aboriginal reserves. 65

The ALT received a grant, as determined by the Treasurer, equivalent to the collections of royalties (made by the Department of Mines) derived from mining operations conducted on Aboriginal controlled land. The Mining Revenue formula was set according to the following scale (Table 3).

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65 Aboriginal Lands Trust, *Annual Report, 1974*, p. 29. Moreover, “The Trust felt that this approval is a true manifestation of much that has been said” in relation to the financing and promotion of indigenous enterprises. The Chairman envisaged that with “reasonable financial resources”, this arrangement “could become a positive force in Aboriginal advancement and assist Aboriginals in these areas where no other source of finance is available”. Aboriginal Lands Trust, *Annual Report, 1974*, p. 29.
Table 5.3. Distribution of mining royalties

<table>
<thead>
<tr>
<th>Annual Collection of royalties and fees</th>
<th>Amount payable to ALT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to $50,000</td>
<td>100%</td>
</tr>
<tr>
<td>$50,000 to $150,000</td>
<td>$50,000 plus 50% of the excess over $50,000</td>
</tr>
<tr>
<td>$150,000 to $250,000</td>
<td>$100,000 plus 30% of the excess over $150,000</td>
</tr>
<tr>
<td>$250,000 to $450,000</td>
<td>$130,000 plus 15% of the excess over $250,000</td>
</tr>
<tr>
<td>$450,000 to $700,000</td>
<td>$160,000 plus 10% of the excess over $450,000</td>
</tr>
<tr>
<td>$700,000 to $1,000,000</td>
<td>$185,000 plus 5% of the excess over $700,000</td>
</tr>
<tr>
<td>$1,000,000 plus</td>
<td>$200,000 plus 3% of the excess over $1,000,000</td>
</tr>
</tbody>
</table>


In 1979-1980, Kimberley organisations received from the ALT, as a result of collected rents and royalties, financial assistance totalling over $16,240 (Table 4). This finance was to be invested in development projects.

Table 5.4. Actual payments of royalties: 1979 - 1980

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Oomulgurri Community Incorporated Wyndham</td>
<td>$5,991.00</td>
</tr>
<tr>
<td>(b) Kalumburu Community Incorporated Kalumburu</td>
<td>$2,132.00</td>
</tr>
<tr>
<td>(c) Gunian Community, Halls Creek</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>(d) Wyndham Amenities Club</td>
<td>$623.10</td>
</tr>
<tr>
<td>(e) Oomulgurri –NullaNulla Project</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>(f) Ngoonjuwah Council Incorporated, Halls Creek</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>(g) Gordon Downs Group. Gordon Downs Station</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>(h) Waringarri Group. Kununurra</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>


66 Supplementary income for these Kimberley organisations and enterprises were received annually. In 1982, “an amount of $180,832 was provided from the State Consolidated Revenue fund”. This sum included an allocation of $43,151 under the Commonwealth Aboriginal Advancement Programme and also $27,832 representing revenue collections resulting from mining activities within reserved lands. Two separate grants totalling $13,500 were received from the Aboriginal Development Commission, a
As well, two small amounts of $7,784 were carried forward from 1979-80 *ex gratia* payments relating to mining activities on the Forrest River reserve. These funds were passed to the resident “Oombulgurri Association Incorporated for the restoration of the Community barge ‘Dadaway’ and the development of a cattle project at NullaNulla”.  

In the 1985-86 Western Australian Budget, $750,000, in addition to normal funding, was “allocated to the Trust to upgrade those of its properties that were in need of additional equipment and/or urgent minor works”.  

The ALT contacted all Aboriginal organisations and enterprises that were leasing or occupying ALT properties and requested their submissions for the supplementary finance. As a result, fifty-two projects were identified and a priority order was established to fund the most urgent of these (Table 5). It is significant that in the Kimberley region more projects were financed than all other regions combined, and the recipient Kimberley organisations and enterprises received over 50% of the total funds made available.

“Commonwealth organisation established for the purpose of assisting in land and enterprise related matters”. Receipts derived from farming activities came to $140,969. Other summary receipts were $22,335. As in past years, the Trust distributed 60% of the money received from mining activities within reserves to Aboriginal organisations. Costs associated with farming projects were $163,845 of which $41,870 was utilised in land development. Other land related expenditure amounted to $51,123. Aboriginal Lands Trust, *Annual Report, 1982*. p. 27.

67 Ibid.


69 Ibid.
Table 5.5. Number of projects and amount approved within consultative area: 1985 - 1986

<table>
<thead>
<tr>
<th>Consultative Area</th>
<th>No of Projects</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern (Kimberley)</td>
<td>18</td>
<td>$265,956.99</td>
</tr>
<tr>
<td>North Eastern (Kimberley)</td>
<td>4</td>
<td>$143,540.04</td>
</tr>
<tr>
<td>Central Country</td>
<td>3</td>
<td>$100,476.00</td>
</tr>
<tr>
<td>Central Metropolitan</td>
<td>2</td>
<td>$19,030.00</td>
</tr>
<tr>
<td>Eastern</td>
<td>5</td>
<td>$38,130.00</td>
</tr>
<tr>
<td>Gascoyne Murchison</td>
<td>3</td>
<td>$50,255.00</td>
</tr>
<tr>
<td>Southern</td>
<td>1</td>
<td>$100,000.00</td>
</tr>
<tr>
<td>North West</td>
<td>2</td>
<td>$22,555.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>38</strong></td>
<td><strong>$739,993.03</strong></td>
</tr>
</tbody>
</table>


The ALT urged the Government to continue the $750,000 annual allocation on an annual basis to allow for the ongoing improvement and development of ALT properties.\(^{70}\)

During the 1986-87 financial year, a total of $650,000 was allocated to the Trust for upgrading of Trust properties. These funds proved invaluable to the operations of the Trust and, as the Trust pointed out, contributed substantially to the improvement of living conditions and also to increasing the efficiency of farming and other commercial operations.\(^{71}\)

As well as financing indigenous projects, the ALT (beginning in the mid 1970s) worked in close cooperation – in the pursuit of, among other things, indigenous land claims – with several Commonwealth departments and agencies, most notably the Aboriginal...

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Land Fund Commission. It is necessary therefore in order to trace the antecedents of these types of Commonwealth/State arrangements to briefly return to the mid-1970s.

(5.4) LIAISON BETWEEN THE ABORIGINAL LANDS TRUST AND THE ABORIGINAL LAND FUND COMMISSION

During 1974, the Commonwealth government enacted the *Aboriginal Land Fund Act*. This Act provided for the establishment of the Aboriginal Land Fund Commission (ALFC), which formally began operations on 30 May 1975. The ALFC consisted of the Chairman and four other members. Ernie Bridge was made an inaugural member of the ALFC. The function of the Commission was to administer the ALFC. In doing so the ALFC:

...May make grants of money to an Aboriginal Corporation to enable it to acquire an interest in land for the purpose of enabling Aboriginals to occupy that land. The effect of this legislation is that the trust in seeking funds from the Federal government for land or fixed assets now approaches the Aboriginal Land Fund Commission and not the Department of Aboriginal Affairs as in the past.

It is noteworthy that throughout the period of the late 1960s and early 1970s the implementation federally of the policy of indigenous trusteeship, and especially the establishment of organisations such as the ALFC — like their State government counterparts — regularly attracted stringent criticism. As was the case elsewhere in Australia, often the most vocal opposition came from those with vested interests such as white pastoralists and miners. As a result, the transition to the policy of indigenous trusteeship was marked by obstructions, difficulties and ideological battles.

Palmer, in his study of the ALFC, has described the existence, in the early 1970s, of the underlying enmity between the Federal Department of the Interior and the Office of Aboriginal Affairs, during the term of Federal Coalition government. The hostility

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73 Ibid.
74 Ibid.
between these two Departments was emblematic of wider issues and involved “more than an administrative split for it entailed an ideological division as well”. This “split” had occurred due to the fact that a Country Party Minister usually headed the Department of the Interior.\textsuperscript{75} And for this reason, the “relative dominance of pastoral capital interests were represented at the Federal level through” the Department of the Interior.\textsuperscript{76} As Palmer has noted, although the Department had partial responsibility for Aboriginal affairs, its general “philosophy appears merely to have represented [white] pastoral interests”.\textsuperscript{77}

Not unexpectedly, the “reorganisation by Labor of the administration of Aboriginal affairs”, in its term of government (1972–1975), “did not stop attempts by pastoral interests to contain the DAA’s practice of purchasing pastoral properties”.\textsuperscript{78} In particular, vehement opposition to the policy of “land rights” by these “interests was expressed in Parliament and through the media”. One example was the “two-pronged ideological attack [parliamentary and media] on the purchasing of pastoral properties for Aborigines [that] surfaced during 1973 and 1974”.\textsuperscript{79} Nevertheless, despite the ongoing and often bitter opposition by competing commercial operations, the purchase of pastoral and other properties on behalf of Aboriginal concerns continued apace.

The Aboriginal Lands Trust and the Commonwealth in the purchase and operation of pastoral leases

By the late 1970s and early 1980s, a number of pastoral leases had been acquired in Western Australia on behalf of Aboriginal organisations and enterprises. However, a “peculiar situation” became apparent due to the leases being held by not only the Aboriginal groups, but also the ALFC, the ALT and the Commonwealth Department of Administrative Services. The lack of a defined policy often meant the DAA and the ALFC nominated the ALT as the lessee for pastoral properties, which involved

\textsuperscript{75} I. Palmer, Buying Back, p. 15.
\textsuperscript{76} Ibid., p. 23.
\textsuperscript{77} Ibid., p. 15.
\textsuperscript{78} Ibid., p. 31.
\textsuperscript{79} Ibid., Palmer cites the case of the Federal Country Party parliamentarian Stephen Calder, who stated in 1973: “The Government is spending millions of dollars on the purchase of cattle stations and at present the Aboriginals are threatening the pioneers who own another one”. p. 32.
financial/functional responsibility roles. The ALT proposed to discharge these duties and thereby strengthen the particular land holding organisation’s claim on the land. This was achieved by two means:

(1) Sub-leasing to Aboriginal communities whereby they obtained direct control and assumed the responsibilities of the head lease.

(2) By expecting that ongoing land requirements would be made direct to the communities. This expectation relied heavily upon the funding agencies to develop the infrastructure within communities for receipt and disbursement of funds.

In its financial/functional role, the ALT was determined to devolve power and authority to “community organisations” in control of pastoral leases. The ALT declared that it would not “presume an authoritarian approach – in actual fact, expenditure is only occurred after direction from either the community or the funding agency – the Trust virtually is but a bookkeeper. Nor does the Trust presume a management capacity – it firmly believes that this is the prerogative of the community”. Furthermore, the ALT argued that pastoral land should be held directly by “communities” and managed by their leadership, especially when social order had been introduced and maintained. The ALT reasoned that as “communities establish stability there is no reason, practical or theoretical, why land (whatever its tenure may be) should not be held directly by communities”. In other words, the ALT’s role as the land holding body would be interim and that the ALT, as it was constituted, would in time become simply a resource body to local trusts, providing largely an administrative/liaison role.

In 1981, it was pointed out by the ALT that, there was evidence of growing criticism – mainly concerning competency – levelled at Aboriginal controlled pastoral leases. To investigate these allegations an inspection of the Noonkanbah pastoral lease – at the time, one of the highest profile Aboriginal owned stations in the Kimberley, if not Australia –

81 Ibid.
82 Ibid.
83 Ibid.
84 Ibid.
was undertaken. The inspection discovered contrary to the predictions of some, that Aboriginal ownership had provided adroit economic management and that the enterprise was in fact operating in a sound financial manner. It was also found that “previously denuded pastoral land has been regenerated carrying a cover of annual and perennial grasses” giving stock plenty of quality feed. “A Pastoral Inspector who accompanied the party observed that the river frontage country was a refreshing example of the potential of regeneration of the soil when good positive management is applied”. What is more, “eleven watering points” had been “fully overhauled” and were of a “high standard”. A further five points were operating “giving sixteen watering points throughout the lease”. The ALT inspection report concluded by stating that: “All in all the practical management of Noonkanbah is of a pleasing standard”.

The 1981 pastoral inspection of Noonkanbah adjudicated that Aboriginal management was indeed operating the station in an economically sound and commercially viable manner, which also included a thorough understanding by management of what was required to continue to operate the pastoral enterprise successfully. In other words, the pastoral enterprise was now a more fully commercial venture rather than just a welfare measure. In the next section, the purchase of land for Aboriginal enterprises by the ALT is outlined and, in particular, the relationship of property acquisitions to commercial considerations.

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85 The Noonkanbah Station and Waratea leases were acquired on behalf of the “Cooljardarra and Millijiddee communities”. The ALT’s role in these properties was budget control until such time as the enterprises were ready to assume the full responsibilities of management, at which time the Trust transferred the land direct to the particular organisation. Aboriginal Lands Trust, Annual Report 1977, p. 25. By 1983, the enterprises had full control of the pastoral operation. See below.
87 Ibid.
(5.5) ABORIGINAL CONTROLLED LAND IN THE KIMBERLEY: "SPRINGBOARD FOR THE FUTURE"

The acquisition of land is undertaken with the view to assisting Aboriginal people to become self-reliant and to further their aims of becoming cohesive, self-respecting units ... The acquisition of the Broome leases, which are for agricultural purposes, is to gauge local interest ... The Kununurra land has been obtained to enable local enterprises to be established ... The purpose for which land is acquired during the past year has been illustrated in detail in order that it may clearly be understood and appreciated that acquisition is pursued with a positive end in view. The affiliation of Aborigines to land is inherent and it is only from a land base that their future as a whole can be assured. Land is their springboard for the future [my emphasis].

– Aboriginal Lands Trust, 1976

Since 1972, large areas of land in Western Australia have been ceded to indigenous organisations and enterprises; this was especially the case in the Kimberley region. The ALT, as Western Australia’s principal indigenous land holding body, was instrumental in this process. Aboriginal enterprises in particular were able to utilise this land as a means of employing labour and further underpinning their commercial activities.

During 1977-1978, the following lands came under the control of the ALT and were distributed as set out in Box 2. It is interesting to note, according to the Western Australian Pastoral Lessee Contacts Report, that by 1999 the pastoral stations DoonDoon and Glen Hill were completely owned and operated by the Woolah Aboriginal Corporation.

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89 Aboriginal Lands Trust, Annual Report, 1976, p. 27.
90 See Appendix 10.8 for a survey of the location and the amount of Kimberley land that has been transferred (1972-1996), as well as the enterprises that have benefited from the land transfer.
91 Lessee Contacts Report, Western Australian Department of Land Administration, 1999.
Box 5.2. Newly acquired ALT land in the Kimberley: 1977 - 1978

- Reserve 34593 Luman situated at Turkey Creek. The Warmun Group who developed the land for mixed farming occupied and managed this reserve.
- Dunham River and Glen Hill leases were purchased by the ALFC on behalf of the “Woolah Community” and placed in the name of the Trust.


As well, between July 1977 and June 1978, a further 52,391 hectares of land were placed with the ALT bringing the total area of land held by the Trust to 20,464,395 hectares. The additional Kimberley lands that were acquired over this period included, among others, Broome Reserve 34937. The Goolarabooloo Group of Broome had sought a portion of this reserve, which at the time was vested in the Department of Community Welfare. After investigation by the ALT, the request was granted and the “area excised from the parent reserve with a new reserve being set aside to satisfy the requirements of the Aboriginal Group”. The reserve was leased for 99 years at peppercorn rental. The Chairperson of the Goolarabooloo Group, in 1982, was Paddy Roe. Roe (now deceased) was a successful Aboriginal businessman with extensive business interests in and around Broome and throughout the Kimberley (see Chapter 8 for a comprehensive outline of Roe’s business activities). Also, Goolarabooloo controlled the Goolarabooloo Arts and Crafts Aboriginal Corporation (established in May 1985), a retail and wholesale outlet for Aboriginal art from the West Kimberley; and the Goolarabooloo Aboriginal Building Group (established in May 1993), a Kimberley building contractor, which conducted its commercial activities out of several Broome locations.

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92 Aboriginal Lands Trust, Annual Report, 1978, p. 23
93 Ibid.
94 Cited in Directory Of Aboriginal Organisations And Resources In Western Australia, 1982, (Education Department of Western Australia.) p. 6. Furthermore, as of October 1995, the Goolarabooloo Group had several major native title claims pending, including pastoral leasehold, leases, reserves and vacant Crown land in the western Kimberley. Cited in Western Australian Native Title Progress Report No 2, 1995.
95 Australian Securities and Investments Commission. Goolarabooloo Aboriginal Arts and Crafts ASIC No. WA 880 6725 E. Goolarabooloo Aboriginal Building Group ASIC No. WA 008 3911 Y.
In 1979, additional lands in the Kimberley that were also passed to the ALT were the Billiluna and Lake Gregory pastoral leases in the East Kimberley. The Billiluna lease of 162,889 hectares was acquired by the ALFC and placed in the name of the ALT for the use of the “Mindibungu Community”. As well, the Lake Gregory Pastoral lease was acquired by the ALFC and held in the name of the ALT for the use of the “Mulan Community”. The Lake Gregory pastoral lease covered an area of 271,796 hectares. Both the Billiluna and Lake Gregory pastoral leases later became owned and operated by the Tjurrbalan Pastoral Company.

The ALT, in 1980, resolved to lease the undermentioned lands (Box 3), subject to approval (mostly a formality) from the then Coalition Minister for Community Welfare, Bill Hassell. Goolarabooloo Group received a 99-year lease at peppercorn rental to lease Broome Reserve 34937 for “residential and community purposes”. As well, Broome Reserve 11122, also known as Airport Reserve, was leased to Mr. J. Sahanna and Ms J. Jungine, among others (see below), at a term of 99 years at peppercorn rental for the development of “residential and market gardening purposes”.

Applications by these two people for portions of Reserve 11122 were tabled. The purposes of the applications are for residential and market gardens. The Investigations Officer advised that he had contacted the Department of Transport because the Reserve is adjacent to the Broome Airport. The Department of Transport advised that there was no problems as far as residential development is concerned, however, they were looking into the question of the market garden development, especially if trees of any quantity are to be cultivated. Moved Mr. Dean, seconded Mrs. O’Brien, that the application be granted subject to the outcome of investigations with the Department of Transport and that the lease term be 99 years at peppercorn rental ...

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96 Aboriginal Lands Trust, Annual Report, 1979, p. 25.
97 Ibid.
98 Australian Securities and Investments Commission. Australian Company Number 007 838 511, and the 1999 Pastoral Lessees Report. In 1995, during the period of Coalition government led by Richard Court, Tjurrbalan initiated Native Title claims over extensive areas of the East Kimberley. These Native Title claims covered both pastoral leases and adjoining areas. The types of tenure the land claims involved included pastoral leasehold, vacant Crown land and reserves. Cited in Western Australian Native Title Progress Report No. 2, 1995. In August 2001, Justice Christopher Carr, of the Federal Court, “formally handed over 26,000 sq km of land to the traditional owners”— that is, Tjurrbalan. The Tjurrbalan claim was “settled by consent with the [now] West Australian Labor Government”. “After 22,000 Years, Tjurrbalan Claim Their Land”, The Australian, 21 August 2001.
99 As Hawke and Gallagher point out, Hassell was Minister in the Court and O’Connor Governments from 1980 to 1983. His Ministerial responsibilities during 1980, the time of the Noonkanbah dispute, included the Department for Community Welfare, the Aboriginal Lands Trust, and the Police Department. S. Hawke and M. Gallagher, Noonkanbah, p.338.
100 Minutes of Aboriginal Lands Trust, 29th meeting, 12-13 January 1980.
This land was considered prime real estate due to its strategic proximity to the tourist townsite and regional centre of Broome.

**Box 5.3. A sample of ALT Kimberley leases (1980)**

- Portion of the Reserve to be leased to Mr. J. Maraltadj for a term of 30 years at peppercorn rental for residential and pastoral purposes.
- Portion Broome Reserve 11122. Portion of the Reserve to be leased to Mr. J. Sahanna and Ms J. Jungine for a term of 99 years at peppercorn rental for residential and market gardening purposes.
- North Argyle Downs Reserve 31165. A sub-lease to be issued in favour of Mirima Council Incorporated under the same terms and conditions of the Trust’s head lease from the Public Works Department.
- Broome Reserve 34937. To be leased to the Goolarabooloo Group incorporated for a term of 99 years at peppercorn rental for residential and community purposes. [see above]
- Noonkanbah and Waratea Stations. To be sub-leased to Yungngora and Kadjina communities under the same terms and conditions as the Trust held leases from Lands and Surveys Department.\(^1\)


In 1981, Minister Hassell, approved the following arrangements, as set out in Box 4, with regard to land usage in the Kimberley. Note that Airport Reserve 11122 was further subdivided to “fourteen Aboriginal families to allow them the initiative for small-scale economic enterprises”. Recipients of portions of this lease, included the Pigrum, Jungine, Sahana and Roe families, and later the Yu family.\(^2\)

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\(^1\) The Corporation listed as carrying on Noonkanbah pastoral business is Noonkanbah Enterprise Management Company Pty Ltd (Australian Company Number 083 848 953) Directors of this company include Dickey Cox and Nita Cox. Australian Securities and Investments Commission.

\(^2\) Aboriginal Affairs Department, *Annual Report, 1996*, p. 79.
Box 5.4. A sample of ALT Kimberley leases (1981)

- Reserve No. 11122 Broome. Lease of portions of the reserve for a term of 99 years at peppercorn rental to fourteen Aboriginal families to allow them the initiative for small-scale economic enterprises.
- Reserve No. 13873. Oombulgurri.
- Lease of 35,140 hectares to the Gore family group for a term of 30 years at peppercorn rental to enable economic activities to be pursued.
- A similar lease to the Taylor family group. The exact area has yet to be determined.


In 1981, the ALT also considered the matters listed below in relation to Kimberley land. It will be noticed that at this time the Woolah Community Corporation received a sub-lease of the DoonDoon and Glen Hill Pastoral leases.

Box 5.4(a). ALT and Kimberley land (1981)

- The future of Violet Valley Reserve No. 13944 was discussed with local Aboriginal groups and it was considered that the request by the Baulu-Wah Aboriginal Corporation to hold tenure over it should be granted.
- Two requests were received for the use of portions of Reserve No. 25404, which was currently virgin land. Both requests embodied a proposal that in return for clearing, pasturing, fencing and provision of water supplies, *free use of the land* [my emphasis] be given for a period of 10 and 15 years respectively. The Trust agreed that the proposals had merit.
- The Trust received a request from the Woolah Community Corporation for the lease of DoonDoon and Glen Hill pastoral leases. The Trust decided that a sub-lease would be the most appropriate form of tenure.


During 1983, the following land arrangements (Box 5) in the Kimberley were approved by the ALT. Significantly the further development of Airport Reserve No. 11122 for "residential and tropical fruit culture purposes" was put in train.
Box. 5.5. ALT Kimberley leases (1983)

- Reserve No. 11122 Broome. Lease of portion of the reserve to Mrs J. Clark for residential and tropical fruit culture purposes.
- Reserve No. 33688 Halls Creek. Lease to the Ngoonjiruah Council Incorporated for community resource centre.
- Fitzroy Location 4, Noonkanbah. Transfer to the Yungngora Community Incorporated.


In 1985-86, the total area of land held by or under the control of the ALT is shown in the Table 6. As a comparison, the previous year’s figures are included. During 1985-86, the total area of freehold land controlled by the ALT was reduced by the sale of 731 hectares of land. Interestingly, this land was “sold to assist with liquidity problems, due to the downturn in the farming economy, experienced by [one of its] lessees”.

Table 5.6. Land (in hectares) held by or under the control of the ALT

<table>
<thead>
<tr>
<th></th>
<th>1984-85</th>
<th>1985-86</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reserve Lands</td>
<td>18,986,143.0035</td>
<td>19,032,459.7367</td>
</tr>
<tr>
<td>Freehold</td>
<td>3,640.0568</td>
<td>2,908.8531</td>
</tr>
<tr>
<td>Pastoral Leases</td>
<td>1,564,700.7065</td>
<td>1,564,700.0000</td>
</tr>
<tr>
<td>Other leases</td>
<td>57,511.7065</td>
<td>57,511.7065</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>20,611,944.7668</strong></td>
<td><strong>20,657,580.2963</strong></td>
</tr>
</tbody>
</table>


As a result of the increased commitments and responsibilities of the ALT (during the year 1986-87), the number of resolutions and ensuing recommendations made to the Minister for Aboriginal Affairs, Ernie Bridge increased substantially. Seventy-one

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recommendations were made during this year (1986-87) compared to thirty-seven from the previous year (1985-86).\textsuperscript{104} Whilst the ALT examined requests for living areas (excisions) and other land matters in general, the main emphasis throughout 1986-87 was the consideration and submissions made on matters relating to the transfer of Department of Community Service’s reserves and hostels to the ALT. The Trust’s recommendations in the Kimberley are outlined in Box 7. Peter Yu, one-time Executive Director of the Kimberley Land Council, Deputy Chair of the Indigenous Land Corporation, and Board Member of the Kimberley Development Commission\textsuperscript{105} was recommend to receive, and later gained, portion of Airport Reserve No. 11122.

**Box 5.6. ALT land recommendations in the Kimberley: 1986 - 1987**

- Reserve No. 30788. Recommended lease to Ngoonjuwah Council Incorporated over a portion of reserve and a lease over the remaining portion to Kimberley Language Centre.
- Reserve No.26600 (Mirima) Recommended lease to Mirima Council.
- Reserve No.11122. Supported surrender of portion of Cox lease. Re-lease to P. Yu. [Executive Director of the Kimberley Land Council]
- Supported reservation of P. Roe conditional purchase lease and lease to Roe family. [see Goolarabooloo above]
- Lot 82 Morrell Park. Recommended lease to Janyagurdiny Aboriginal Corporation.
- Reserve No. 9656. Supported surrender of lease from United Aborigines Mission and vesting of Reserve in Trust and lease to Junjuwa Community Incorporated.
- Reserve No. 35167 (Windmill). Recommended for lease to Junjuwa Community Incorporated and sub-lease to Kurku. [see Chapter 6]
- One Arm Point. Reserve No. 20927. Supported area to be excised and leased to Hunter family.\textsuperscript{106}

(5.6) CONCLUSION

The establishment of the ALT (in 1972) expressed the evolving policy of indigenous trusteeship and the reorganisation in State and Federal government forms and administration. Significantly, an increasingly well-organised indigenous leadership (on both a regional and State-wide basis) – mostly drawn from an emerging business class – provided important elements of the new policy. The ALT was largely comprised of successful Aboriginal business people and political leaders such as Ernie Bridge and Frank Sebastian. For the Western Australian and Commonwealth governments, a fundamental reason for the introduction and facilitation of the new policy – by passing the welfare responsibility of unemployed and impoverished Aboriginal people to an indigenous leadership – was the attempt to ameliorate deteriorating social conditions in semi-urban and urban locations throughout the Kimberley. One means of achieving this outcome, by holding people in remote areas, was the promotion and support of notions of "traditional culture" ethnicity and community. These ideas also greatly assisted the indigenous leadership to mobilise economic and political support.

A major outcome of the implementation of the indigenous trusteeship policy was that Aboriginal enterprises received – especially through government and quasi-autonomous government agencies such as the ALT – significant assistance, by way of the provision of finance, land and labour, thus providing an emerging indigenous business class with opportunities to expand into multiplex commercial activities. The vehicle through which accumulation was initially articulated in the Kimberley region was by way of the acquisition and expansion of pastoral properties. As small-scale land acquisition was consolidated, the contours of indigenous accumulation began to become evident firstly in pastoral and then in horticultural activity. By the early 1980s, there were the first signs of diversification of accumulation into a range of commercial activities that often involved employing large amounts of indigenous labour. Nevertheless, significant pools of surplus labour remained, especially in the Kimberley area. In Chapter 6, the operations of the ALT, the Western Australian Aboriginal Affairs Planning Authority and the Western Australian Aboriginal Affairs Department will be charted from 1987 – 1996 to show the
extent of this transformation of indigenous commerce, as well as the continuing attempts to retain labour in the area and to reabsorb it where possible.

The State government has a strong commitment to providing Aboriginal communities with secure title to living areas for cultural, social and economic purposes [my emphasis]. The social advantages of this initiative are marked. Aboriginal people have been able to re-establish smaller communities on traditional land away from the social ravages and impoverishment that came from living in large communities, often on the edge of town. Although this initiative, often referred to as the homelands or outstation movement, involves the provision of significant resources, the cost is more than offset by improvements in health, a lessening of law and order problems, and a general improvement of personal wellbeing through the reassertion of cultural strength and traditional authority [my emphasis].

– The Western Australian Aboriginal Affairs Planning Authority (1991)¹

(6.1) INTRODUCTION

The preceding two chapters dealt with the policy of indigenous trusteeship principally as a means for coping with surplus populations of Aboriginal labour, such as those that emerged in the Kimberley region of Western Australia from the late 1960s onwards. In Western Australia, the Federal and State government policy of indigenous trusteeship, also known as self-management or self-determination, was from the early 1970s – in a major reformulation of state forms – typically delivered through agencies that comprised, among others, the Western Australian Aboriginal Lands Trust (ALT), the Western Australian Aboriginal Affairs Planning Authority (AAPA) and the Western Australian Aboriginal Affairs Department (AAD).² This chapter continues the analysis of the

² The AAPA was established in 1972 when the Department of Native Welfare was abolished. Until 1984, the Authority was merged with the Commonwealth Department of Aboriginal Affairs. The AAPA was reformed in 1984 as a statutory authority under the Western Australian Public Service Act. Ms Sue Lundberg (Gordon) became the first Aboriginal Commissioner in 1986. Following her appointment as Special magistrate in the Children’s Court, Mr Cedric Wyatt was appointed Commissioner in September 1989. Aboriginal Affairs Department, Annual Report, 1994. p. 2. In 1994, the Department of Aboriginal
indigenous leadership’s function and place in directing and implementing government policy for the administration of indigenes. The main aim of this chapter is to show the other side of this administration – namely the important role played by the ALT and other government departments in the facilitation of land, labour, and finance to Aboriginal controlled businesses and their expanding commercial operations across the Kimberley.

In particular, success of the new policy regime required the linking of labour market programmes to the expansion of existing businesses, by encouraging new enterprises that were considered capable of re-absorbing labour in regions of high indigenous population. In this way, indigenous trusteeship helped to underpin the activities of an emerging Aboriginal business class by assisting it to acquire land, labour and finance. As well, the policy provided the necessary legislative requirements for the “Aboriginal leadership” to impose social order on “Aboriginal controlled land”, necessary because of the rising tensions – that is, between accumulation and welfare activities (see Chapter 5) – that were becoming obvious within the policy of indigenous trusteeship.

Indigenous trusteeship also contained an external tension. Throughout the 1980s and 1990s the Aboriginal affairs policy continued to attract criticism and opposition from various quarters, most conspicuously from miners, pastoralists and farmers. This criticism reached a crescendo with the High Court’s Mabo decision on 3 June 1992. The Mabo judgement formally determined the existence of Native Title, and later the Wik decision (1996) established that Crown land, especially pastoral leasehold, did not extinguish Native Title. The National Party and the National Farmers Federation were two powerful political organisations that were particularly strident in their criticism. In one case, two-thirds of the pastoral area owned by the one time National Party Federal President Don McDonald was found to be subject to Native Title. “Five of the nine properties owned by Mr McDonald and his brother Bob [were] subject to claims. These claims all on pastoral leases, affect over two million hectares”. As a consequence, McDonald and others were “strong advocate[s] of blanket extinguishment of native title.

Affairs (DAA) was established, replacing the AAPA and its operations. The Western Australian Labor Gallop government in 2001 changed the Department of Aboriginal Affair’s name to Department of Indigenous Affairs.
over pastoral leasehold land". Donald McGauchie, the National Farmers President, declared, in relation to the Wik decision, that: "This decision has just about ended Aboriginal reconciliation, certainly with the pastoral industry". The National Farmers Federation, under McGauchie spent about $750,000 on a "highly contentious television advertising campaign" damning the policy of self-determination. Notwithstanding the vigorous campaign directed at overturning or at least limiting indigenous acquisition of land (especially that of commercially viable land), the Aboriginal leadership was able to continue to advance its cause through the policy of indigenous trusteeship.

The current chapter examines the operations, during the period 1988–1996, of the ALT before investigating the workings (and further re-orientation) of the Aboriginal Affairs Department. The analysis, from a policy perspective, will focus on the indigenous leadership’s central role – alongside the guidance and support provided by Federal and State governments (of all political persuasions) and their advisors – in the formulation and delivery of government policy; a policy that greatly assisted Aboriginal-owned and controlled enterprises. As well, the policy provided for the maintenance of social order through encouraging, and sometimes “reinventing”, notions of tradition, community and ethnicity. This chapter begins by reviewing the nature of indigenous trusteeship, and the particularities of the Kimberley region of Western Australia.

Background.
Throughout the period 1988–1996, the distribution of land, labour and finance to Aboriginal organisations and corporations in the Kimberley, mainly through the agency of the ALT and the AAD – formerly the AAPA – proceeded apace. So much so that the expansion of Aboriginal controlled enterprise activities can be seen in a marked growth

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3 "Title Claims Affect Most Of Nats Chief’s Pastoral Empire", The Australian, 18 June 1997. The
McDonalds in 1997 were the second largest private landholders in Australia. The largest was Hugh Mac
Lachlan the cousin of the then Defence Minister Ian Mac Lachlan. In 1997, owners of Western Australian
pastoral properties included Australia’s wealthiest businesswoman Janet Holmes a Court, media magnate
Kerry Packer and also Hugh Mac Lachlan. Companies such as S. Kidman and Co, Australia's biggest
corporate landholder, National Mutual Rural Enterprises and the multinational BHP also had substantial
holdings in Western Australia. The West Australian, 9 May 1997. In 2002, it was reported that the mantle
of Australia's largest woolgrower went to South Australian Hugh MacLachlan. "Beefed-up Clans Buy
in particular forms of commodity production. As was pointed out in the earlier chapters, the major vehicle through which indigenous acquisition was initially articulated in the Kimberley region was by way of securing title to and finance for the expansion of pastoral stations. As land acquisition was consolidated, the contours of indigenous accumulation began to become evident firstly in cattle rearing and then later in horticulture. By the late-1980s, there were the definite signs of a diversification of indigenous accumulation into a range of multiplex commercial activities, including retail, construction, transport, agriculture, service delivery, media and tourism.

However, in the late 1980s and early 1990s, the inherent tensions between the ownership of Aboriginal enterprises and their labour force, particularly those workers and residents who lived on Aboriginal controlled land—such as pastoral properties and reserves—were starting to come to the surface. In the Kimberley, these tensions were in many ways reminiscent of those that had become apparent between white management and their Aboriginal workforce during the last phase of state trusteeship in the late 1960s, including the problem of how to deal with those people for whom the station could not profitably offer paid work. A significant State government response included the implementation of the *Aboriginal Communities Act* (1994), which transferred special policing powers to the leadership of Aboriginal organisations and corporations controlling Aboriginal land. In this regard,

Seven communities in the Kimberley have been taking part in a pilot training program to help them deal more effectively with law and order and social issues. The program operated under the auspices of the Aboriginal Communities Act, was launched at the Bidyadanga community, La Grange, on April 22nd 1994, and was scheduled to be completed at Oombulgurri in late July. Other participating communities are Beagle Bay, Bardi, Looma, Warmun, and Wirrimanu.

Ironically, all of the organisations and corporations involved in the pilot scheme had themselves initially been sponsored, if not created, by the Commonwealth and State.

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5 The policy of state trusteeship, in operation prior to the 1970s, saw the state as the principal instrument and facilitator of development, and involved, *inter alia*, providing much Aboriginal labour to the pastoral industry. The police force was regularly used throughout this period to enforce order by, among other things, restricting the movement of Aboriginal people.

governments as a way of dealing with law and order issues arising out of the social and economic crisis that became evident throughout the Kimberley in the late 1960s and early 1970s. In 1972, for instance, the Western Australian Department of Native Welfare – in close consultation with the local Aboriginal leadership – recommended the establishment of the “Bardi community” at One Arm Point. It was hoped that the establishment of Bardi would “increase their own internal discipline and strengthen their family ties and traditional culture”. What is more, it was determined by the Department that this move would “keep their group intact and away from the damaging influences of the towns, in a place where they can live in their traditional manner”.7

Many of the Kimberley Aboriginal organisations that implemented – on their own land – the Aboriginal Communities Act (1994) (discussed at length below) have been involved in a variety of business activities receiving Federal and State government funding. These funds delivered through the operations of the ALT and AAD – including finance provided by the Commonwealth’s Capital Fund, Aboriginal Development Commission (ADC), the Community Development Employment Projects (CDEP) and later the Aboriginal and Torres Strait Islander Commission (ATSIC) – were made available on the basis of, among other things, creating social stability and providing employment for there indigenous occupants.

(6.2) OPERATIONS OF THE ABORIGINAL LANDS TRUST: 1988-1996

The operations of the Trust, in keeping with those of the AAPA, have been guided by the principle of full consultation with Aboriginal people across the State. This consultation has been conducted by the all-Aboriginal membership of the Trust and by staff of the AAPA.8

Since its inception in 1984, negotiations involved in the securing of land tenure for Aboriginal organisations and corporations has been one of the main activities of the AAPA. For without “secure land tenure”, the AAPA recognised, Aboriginal

organisations would be "unable to attract ... capital and recurrent funding". Further, according to the AAPA, "the land tenure and development strategy [it articulated] provides the backbone for the development of Aboriginal communities".  

The policy of consolidating land holdings involved the "acquisition of land to be held in trust by the ALT and leased to Aboriginal communities for use and benefit of Aboriginal people". Priority was given to organisations seeking to "live on land with which they have a traditional cultural affiliation and to groups relocating from unsatisfactory living conditions", especially on the outskirts of towns. Aboriginal organisations and corporations were also provided with finance and assisted in the gaining of skills and resources required to manage the commercial operations conducted on the land under their control. The acquisition of land by the ALT typically came through either the purchase of freehold land, the creation of reserves on Crown land, or excisions from pastoral leases. The AAPA’s land tenure strategy was significantly strengthened by the implementation of the Commonwealth/State Aboriginal Land Agreement signed in February 1986. The Agreement provided for the establishment of "Aboriginal living areas both on Crown land and excisions from pastoral leases, and the subsequent leasing of land established as Aboriginal reserves to Aboriginal communities".

Another important aspect of the Commonwealth/State Aboriginal Land Agreement of 1986 was the decision to transfer Church-held mission lands in the Kimberley – land that had been ceded to the church as part of the previous policy of state trusteeship – specifically Beagle Bay, Djarindjin (Lombadina), Kalumburu, Bidyadanga (La Grange) and Balgo, to the ALT. Complex negotiations were "due in part to the differing land area and title needs of the resident Aboriginal communities and the Church". However, the High Court Mabo decision in 1992 and the subsequent Native Title legislation (1993) created the "additional obligation to ensure that the retention of any freehold title by the

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10 Ibid.
11 Ibid.
12 Ibid., p. 23.
Church [did] not interfere with the common law, which may be found to exist”. Many of the Aboriginal organisations had already established successful enterprises on former Church land. One Arm Point, Lombadina, was described in 1991, as an “enterprising” operation that commercially exported trochus shell either raw or as value added jewellery and ornaments. One Arm Point has also instituted extensive Native Title claims (5,347 sq. Kms.) over the surrounding area, including freehold, leases, Aboriginal and other reserves, and vacant Crown land. Djaringo Pty Ltd operated and continues to operate pastoral and tourist operations on the Djarndjin/Lombadina reserve on the Dampier Peninsula. The process of handing over Church land in the Kimberley to Aboriginal groups is discussed at length below.

In line with the central tenets of indigenous trusteeship and of ensuring that the land acquired by the ALT was suitable for the economic and social requirements of Aboriginal individuals and corporations – specifically, that these lands “held in trust” were properly managed and developed – the ALT, with the support of the AAPA, focussed on the following priorities:

- consolidation and future development of farming [and pastoral] properties …
- continued support for the acquisition of land for living areas and the leasing of lands to Aboriginal communities.

In 1988, the Minister for Aboriginal Affairs, Ernie Bridge – Justice of the Peace, Kimberley Labor MLA, businessman and landowner (see Chapter 8 for a complete description of Bridge’s extensive commercial and political activities) – sought and obtained Cabinet approval for the establishment of the ALT Secretariat as a sub-department of the AAPA. The separation of land activities from the AAPA and the creation of a sub-department it was envisaged would ensure that the ALT had a “direct

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13 Ibid.
15 Western Australian Native Title Progress Report. No.2. 1995.
and active role in the total process of land acquisition holding and vesting.”\textsuperscript{18} It was hoped that the changes would give the ALT a “higher profile” and be “seen as the Government body that is able to action these land requests and needs”\textsuperscript{19}

On 1 March 1988, the ALT Secretariat was established as a sub-department of the AAPA. As well, the position of Executive Officer to the Trust was designated as a Senior Officer pursuant to Section 28 of the \textit{Public Service Act}.\textsuperscript{20} These changes were designed to expedite the allocation of selected Aboriginal land to indigenous enterprises. As a result, the following measures were implemented:

- The ALT as a statutory body was set up as a body corporate by Section 20 of the AAPA Act 1972, as amended to take on a higher profile pursuant to the State/Commonwealth Aboriginal Land Agreement.
- The Trust will be
  (a) an autonomous body subject to and with direct responsibility to the Minister.
  (b) properly serviced by a Secretariat headed by a senior Officer who can provide an appropriate level of advice and support to the members; and
  (c) have separate responsibility for the allocation of its resources.\textsuperscript{21}

Ken Wyatt (the brother of Cedric Wyatt, see also below) was seconded from the Ministry of Education to the position of Acting Executive Officer to assist the transition from that of an AAPA Lands Section to the sub-department, ALT Secretariat. The ALT pointed out that: “This initiative ensures that the profile of the Trust and the creation of the Secretariat is now in keeping with its new and increased responsibilities as \textit{Trustee and Manager} [my emphasis] of large areas of Aboriginal reserves and other lands with fixed assets of considerable value”.\textsuperscript{22}

Throughout 1987-88, the ALT continued its program of granting long-term 99-year leases to Aboriginal organisations as provided by State government policy regarding

\textsuperscript{18} \textit{Ibid.}, p. 43.
\textsuperscript{19} \textit{Ibid.}
\textsuperscript{20} \textit{Ibid.}, p. 39.
\textsuperscript{21} \textit{Ibid.}
\textsuperscript{22} \textit{Ibid.}
Aboriginal land tenure. The policy stipulated that “Aboriginal communities or groups identify ... areas of land, often [but not necessarily] of traditional significance, and apply to have the land set aside for the use and benefit of Aboriginal people”.23 Aboriginal reserves were vested in the ALT and usually leased to Aboriginal organisations or individuals for a term of 99 years (renewable) at a peppercorn rental. The next section details the Trust’s “Living Areas Program”, which, beginning in 1988, helped to consolidate and expedite the transfer of land to Aboriginal individuals and organisations.

The “Living Areas Program”: the essence of indigenous trusteeship
The “Living Areas Program” (established in 1988) embodied and was crucial to the continuing policy of indigenous trusteeship, particularly its emphasis on holding people in remote and regional areas such as the Kimberley. In February 1986, the State/Commonwealth Aboriginal Land Agreement created the Living Areas Program. In 1989, thirty-four applications had been finalised to the stage of secure tenure. The number comprised thirteen excisions from Pastoral Leases and twenty-one Crown reserves and vacant Crown land.24 Also, in 1989, a Ministerial Taskforce was established based on an agreement between the Ministers for Aboriginal Affairs and Lands as a further means of accelerating the Living Areas Program. The Taskforce included two senior officers, one from the ALT and one from the Department of Land Administration (DOLA). The officers were responsible for overseeing negotiations aimed at finalising living area applications, especially on pastoral leases.25

Under the “Living Areas Program” Aboriginal organisations applied to the ALT to obtain secure tenure over areas of land in which they lived and operated in, or to which they sought to relocate from major regional centres. In most cases, as the ALT reported, the “motivation is a wish by Aboriginal groups either to return to lands of traditional affiliation and/or to move away from unsatisfactory living conditions in towns”.26 In 1988, the AAPA established a listing of high-priority applications to provide a focus for

23 Ibid., p. 42.
25 Ibid.
26 Ibid.

204
the program. The high-priority applications were those, “which are long-standing, and comprise groups with a strong commitment and an established land need. These applications have been the subject of priority handling since the establishment … of a ministerial Taskforce on Aboriginal land”.

Most applications that involved living areas were either for land held as pastoral lease, areas of Crown reserve or vacant Crown land. Land excised was generally created as Aboriginal Reserve under Section 29 of the Land Act 1933, and where possible was proclaimed under the APA Act 1972. The land was then leased to the resident Aboriginal group by the ALT for a period of 99 years at a nominal rent. In cases where the presence of mining tenements precluded reservations, the Aboriginal organisation or corporation was provided with secure tenure through the issue of a Special Purpose Lease under Section 116 of the Land Act 1933.

Throughout the financial year 1988-89, for instance, fourteen living areas were gazetted, representing 42% of those applications finalised since the inception of the State/Commonwealth Land Agreement. All the excisions from pastoral leases finalised followed consent agreements with the existing lessee: that is, the owner of the pastoral lease agreed for a section of their lease to be handed over to an Aboriginal organisation. It remained the case however, that there were a number of long standing applications on pastoral leases, which were unable to be resolved by mediation.

Where negotiation became impossible – in order to break the impasse – the Ministers comprising the Taskforce jointly sought Cabinet endorsement for the use of resumptive powers under the Land Act 1933 to forcibly establish excisions on pastoral leases. On 14 August 1989, the Western Australian State Cabinet decided that compulsory resumption of land would proceed for those areas “where protracted and reasonable

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29 Ibid.
30 Ibid.
31 Ibid.
negotiations have failed ... and on the basis of strong support for the Aboriginal community by State and Federal government bodies". Also central to providing this "strong support" for "Aboriginal community" was the State/Commonwealth Aboriginal Land Agreement (1986). This agreement was principally concerned about the provision of secure leasing arrangements, especially leases that could provide tenure to indigenous organisations and individuals on more or less the same terms as freehold tenure.

**Leasing program.**

The State/Commonwealth Aboriginal Land Agreement provided Aboriginal organisations "residing on and/or traditionally affiliated with Aboriginal reserve lands" with the provision of secure long-term tenure in their own right through the issuing of a 99-year lease (usually at peppercorn rental and renewable) by the ALT. This type of lease was generally issued subject to the following conditions:

(i) that the land be used for the benefit of the Aboriginal inhabitants
(ii) that the land not be mortgaged or sub-let without approval of the Trust.

Land held by indigenous organisations and individuals, as part of the Land Agreement, made it possible to obtain a mortgage or to sub-let the property, so long as approval was given by the ALT. The 99-year lease program offered Aboriginal individuals and corporations the necessary security of tenure to be able to, among other things, access State and Commonwealth funding for further economic development. Initiatives such as the provision of secure tenure had long been sought by the ALT and other organisations.

Nineteen 99-year leases, or agreements to lease were executed by the ALT during the 1987-88 financial year, of which fourteen (Box 1) were in the Kimberley. It is noteworthy, that Ngoonjuwah received, in addition to its other Halls Creek properties, a 99-year lease for Reserve 33688 at peppercorn rental. Ngoonjuwah is a private service organisation with extensive business interests, including agricultural and retail

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33 Ibid.
enterprises, in and around the Kimberley town of Halls Creek.\(^{35}\) As well, the Beagle Bay Community Incorporated (discussed above) was given in excess of 395,000 hectares at a nominal rental for a lease of 99-years (renewable).\(^{36}\)

**Box 6.1. Land agreements in the Kimberley: 1987-1988**

<table>
<thead>
<tr>
<th>Organisation/enterprise</th>
<th>Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broome Regional Aboriginal Medical Service</td>
<td>Broome Reserve 21801</td>
</tr>
<tr>
<td>Mallingbarr Aboriginal Corporation</td>
<td>Broome Reserve 25790</td>
</tr>
<tr>
<td>Bayulu Community Incorporated</td>
<td>Reserve 35197 GoGo Station</td>
</tr>
<tr>
<td>Yura Yungi Medical Service Aboriginal Corporation</td>
<td>Reserve 30811 Halls Creek</td>
</tr>
<tr>
<td>Ngoonjwavh Council Incorporated</td>
<td>Reserve 33688 Halls Creek</td>
</tr>
<tr>
<td>Lundja Community</td>
<td>Reserve 37420 Halls Creek</td>
</tr>
<tr>
<td>Mirima Council</td>
<td>Reserve 26600 Kununurra</td>
</tr>
<tr>
<td>Bau-wah Aboriginal Community</td>
<td>Reserve 13944 Turkey Creek</td>
</tr>
<tr>
<td>Beagle Bay Community Incorporated</td>
<td>Reserve 1012 Beagle Bay (Northern portion)</td>
</tr>
<tr>
<td>Beagle Bay Community Incorporated</td>
<td>Reserve 22615 and 1834 Beagle Bay</td>
</tr>
<tr>
<td>NyulNyul Aboriginal Corporation</td>
<td>Reserve 1012 Beagle Bay (Southern portion)</td>
</tr>
<tr>
<td>Nillirr Irbanjin Aboriginal Corporation</td>
<td>Reserve 26516 Broome</td>
</tr>
<tr>
<td>Ngarinyin Aboriginal Corporation</td>
<td>Reserve 21327 Maurice Creek</td>
</tr>
</tbody>
</table>


It was planned that some further twenty-eight leases were to be ceded to Aboriginal organisations and enterprises in the following year (1989).\(^{37}\) Throughout this time, land and the ability to gain secure tenure remained (as it continues to remain) a priority for the ALT, particularly for indigenous commercial operations. According to the ALT’s 1989 Annual Report the “major achievements” of the Trust in the Kimberley for the financial year 1988-89 were:

\(^{35}\) See Chapter 7 for a more complete description of the commercial activities of Ngoonjwavh.

\(^{36}\) See Appendix 10.8 for more detail of leasing arrangements.

the continued success of the 99 year leasing program and the acceleration of the finalisation of Aboriginal living area applications;
- the establishment of the Traditional Land Owners Advisory Committee for the Broome and Dampier Peninsula areas;
- the development and implementation of a Good Neighbour Scheme in conjunction with the Western Australian Farmers Federation for Aboriginal communities involved in the Aboriginal pastoral industry. The scheme provides advice to pastoralists on a voluntary basis and upon request;
- a review of future directions and uses for the former Derby leprosarium;
- the involvement of the Trust on a Task force set up to accelerate consideration of Environment Protection Authority recommendations over existing and proposed Conservation reserves and National Parks. This has ensured that Aboriginal interests were considered and included where necessary in recommendations for land usage.38

Significantly for the East Kimberley, and especially for the facilitation of indigenous land claims, in September 1988, a Regional Office was established in Kununurra to “improve the delivery of services to Aboriginal groups wishing to acquire land in the Kimberley region”.39 And as the ALT informed: “This initiative has been the main factor in accelerating the number of Aboriginal living areas secured”.40

It was determined in 1989, by the new Minister responsible for the AAPA, Carmen Lawrence – replacing the previous Minister Ernie Bridge who was promoted to a more senior Cabinet position41 – that the ALT would cease to function as a sub-department from 30 June 1989 and would be re-amalgamated with the AAPA. This, it was believed, “should result in a more co-ordinated and effective use of resources”.42 Also in 1989, a major review of the AAPA Act was undertaken and the Minister endorsed a series of recommendations for changes to the Act. One of the areas of proposed change was combining the appointments to the State consultative bodies (the Aboriginal Advisory

38 Aboriginal Lands Trust, Annual Report, 1989, p. 36.
39 Ibid.
40 Ibid.
41 In 1989, the ALT stated: “The Trust had the privilege of serving two Ministers during the year. The Hon. Ernie Bridge JP MLA was the Minister for Aboriginal Affairs until February 1989 when he relinquished the portfolio to accept a more senior role in Cabinet as Minister for Agriculture, Water Resources, and the North West. He was succeeded by the Hon. Carmen Lawrence BPsych PhD MLA”. Aboriginal Lands Trust, Annual Report, 1989, p. 36.
42 Ibid.
Council and the ALT) with the elections of ATSIC Regional Councils, which were established under the Federal ATSIC Act 1989. Another initiative to be considered was the establishment of a direct link to the DOLA Information Access System and System 38 (Crown Reserves). This interconnection was designed to hasten and simplify the identification of land where Aboriginal people could make further “claims to traditional lands” (see below).

Members of the ALT continued to be appointed for terms set by the Minister under Section 21 of the Act. “The Trust consists of a chairperson and at least six other members, all of whom must be Aboriginal [my emphasis]”. In 1990-91 membership of the ALT was:

Mr Cedric Wyatt – Chairperson
Mrs Rose Whitehurst – South West
Mr Ted Baljubu – Pilbara
Ms Julie Brockman – Gascoyne Murchison
Mr Bill Wasley – Goldfields
Ms Josie Farrer – East Kimberley
Mr Robert Watson – West Kimberley.

Throughout the financial year 1992-93, four living areas were located on Crown land or Crown reserve where sixty-five living areas had already been established (thirty two of these being excisions from pastoral leases, mainly in the Kimberley). Also there were, in 1993, one hundred and two outstanding applications for living areas, thirty two of these were excisions from pastoral leases. It was estimated by the Department that this “strategy has directly benefited over 7000 Aboriginal people, approximately 17.5% of the State’s Aboriginal population”. In other words, the policy of sequestering people in remote and regional areas, particularly in the Kimberley – in an effort to, among other things, slow or halt the population drift to more urban areas – was continuing and at an

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43 Aboriginal Affairs Planning Authority, Annual Report, 1990. p. 7. See also Chapter 7.
44 Ibid. p. 1.
46 Ibid.
increasing rate. To further assist in the control of population migration, some of the key areas for ALT operations in the financial year 1993-94 were the:

- Consideration of the implications for the Aboriginal land estate of the introduction of the Western Australian Land (Titles and Traditional Usage) Bill 1993 and the Commonwealth Native Title Act 1993. [see below]
- Consolidation and future development of properties in Western Australia to provide a long term economic base for Aboriginal people
- Continued support for the acquisition of land for living areas and the leasing of land to Aboriginal communities and individuals
- Ensuring that land is properly managed and developed by Aboriginal communities and that they receive adequate support from relevant agencies.
- Negotiations with mining companies about entry permits.48

These ongoing policy initiatives provided the wherewithal – that is, access to land, labour and finance – necessary to underpin indigenous commercial operations in remote and regional areas, including the Kimberley.

Acquisition of land for Aboriginal organisations for the financial year 1994-95, nevertheless, slowed pending a decision by the State government on its commissioned Aboriginal Living Area Review Report (discussed at length below). The report was presented to the Minister for Lands in October 1994. Despite the delay, Aboriginal groups continued to submit applications for new areas of land and/or were seeking progress on existing applications. More than one hundred and thirty applications remained outstanding in 1994-95.49

Notwithstanding the temporary moratorium on land acquisition, during 1994-95 some land transfers occurred or were agreed to in principle. Two transfers of existing Aboriginal reserves to freehold land owned by Aboriginal groups were finalised. Importantly the AAD provided finance and advice to the Bunuba Aboriginal Corporation at Fitzroy Crossing to implement a company structure in order to purchase and operate

48 Aboriginal Affairs Department, Annual Report, 1994, p. 22.
Fairfield Station in the Fitzroy Valley. In 1999, the Bunuba Aboriginal Corporation owned and managed – in addition to the Fairfield pastoral lease – the Leopold Downs and Millie Windie Pastoral Stations, and was (and still is) closely affiliated to Marra WorraWorra resource agency and the Leedal Investment Corporation. Leedal is recognised as the largest controller of enterprises in Fitzroy Crossing, including the Crossing Inn, Foodland Supermarket, Caravan Park, Motel and Architects practice.

Furthermore, Patrick Green, businessman, landowner and the principal Director of Bunuba Aboriginal Corporation, was (and is) a Director of Leedal Investment Company. Green was also an important member of the review panel that conducted an investigation into the operations of the ALT. Cedric Wyatt, listed as a Director of Leedal Investment Corporation (appointment date 16 May 1989), was in 1995, when the Fairfield and other property transactions occurred, Chief Executive Officer of the AAD and Chairman of the ALT (beginning in 1992). Prior to becoming Chief Executive Officer of the Department, Cedric Wyatt was Commissioner, between 1990-1995 and before that, in 1988-90, Acting Commissioner for the Aboriginal Affairs Planning Authority, the precursor of the AAD.

Straddling – that is, the relationship between employment in the bureaucracy and business activities in the private sector, such as that enjoyed by Cedric Wyatt et al – in itself is not surprising as it is a long and well established practise for the trustees of development to extend individual accumulation activities within private enterprise. What is interesting in this case, however, is that the practice of straddling at senior levels of the bureaucracy indicates that an indigenous business class, having recognised the

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50 Ibid., p. 8.
51 Lessee Contacts Report, Western Australian Department of Land Administration, 1999.
52 See also Chapter 7 for more details of the commercial operations of these enterprises.
53 Bunuba Aboriginal Corporation, Australian Securities and Investments Commission Australian Company Number 168 928.
54 Leedal, Australian Securities and Investments Commission Australian Company Number 009 224 579.
benefits of organising politically and economically, has successfully gained a firm grip on state power. In order to develop the proposition that the Aboriginal business class had indeed obtained access to considerable state power, the next section considers the changing forms of state organisation and how these changes expressed tensions between an increasingly confident indigenous commercial class and the requirements of trusteeship.

Land for “real economic development”
Since its inception in 1972, the ALT had concentrated on gaining land for indigenous landholders on the basis of the indigenous landholders or leadership assuming a position of trusteeship, albeit firmly with commercial considerations in sight. However, by the mid 1990s, increasingly the focus was to provide land for solely commercial purposes. According to the AAD Annual Report, the Land Management Division during 1995-96 planned its work program to meet the following objective:

The directorate is charged with providing secure land tenure to Aboriginal people and Aboriginal access to land. It aims to provide Aboriginal people with a range of choices and options so that they can make their own decisions about their land and associated resources, particularly in regard to its use and as a basis for their cultural and economic development [my emphasis].

To achieve the above objective the Land Management Division developed four broad strategies:

- Develop and implement the reform of the ALT.
- Inform, provide advice and direction to the State Government about Aboriginal land and resource issues.
- Develop and implement working arrangements between State and Commonwealth agencies in relation to land acquisition, and improved economic and environmental use of Aboriginal land; and
- Provide practical information for Aboriginal people about land title and use.

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58 Aboriginal Affairs Department, Annual Report, 1996. p. 11.
59 Ibid.
It was noted in the AAD’s 1996 Annual Report, that as a consequence of the 1992 Mabo decision, the *Native Title Act 1993*, and the *Indigenous Land Fund Act 1995*, there was a marked upsurge in the expression of Aboriginal land aspirations. "They [the legal developments] have been a significant influence on the development and implementation of policy within the division". This new "legal environment" stimulated demands by Aboriginal individuals and corporations for even further access to Aboriginal designated land and in particular land for "real economic development" – that is, not just for welfare purposes. As a result of these developments, during 1995-96 the Department introduced several important initiatives. One proposed change included fundamental reform of the ALT:

The review of the ALT was recommended by the [WA] Premier’s Task Force on Aboriginal Social Justice to determine whether the Land could be used for real economic development [my emphasis] thus making Aboriginal people less dependent on Government. The review team was headed by former Senator Neville Bonner AO. Other members of the team were Patrick Green, Carole Petersen, Simon Williamson and Peter McEntee. It is worth emphasising the membership of the ALT review panel because it highlights the marriage of the indigenous commercial and educated classes – or the Besitz and Bildungs bourgeoisie (considered in Chapter 2). Members of the panel included: the Review Chairman Neville Bonner, former Liberal Senator and the first Aboriginal to be elected to an Australian parliament; Peter McEntee, a Director of MSU Aboriginal Corporation, owner of the Kimberley pastoral stations Louisa Downs, Mt Pierre, and Bohemia Downs; and Patrick Green, Aboriginal businessman and land owner (see above).

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60 Ibid.
61 Ibid.
62 According to Geoffrey Bolton, in 1975 an opportunity to clarify the legal position of Aboriginals and land tenure, specifically in relation to "prior occupancy", was put up by Senator Bonner, but was ignored for various political reasons by the Whitlam Labor government. G. Bolton (ed), *The Oxford History Of Australia: The Middle Way, 1942-1988*, (Melbourne, Oxford University Press, 1990) p. 236
63 *Conference Report: The Kimberley, Our Place Our Future*, (Kimberley Land Council, 1998) p. 142. See also Appendix 10.9.
The ALT review conducted “extensive consultation ... throughout the State with Aboriginal and non-Aboriginal people, State and Commonwealth government agencies and the private sector”. And: “The principal recommendation of the report [was] that the lands held by the ALT be transferred to Aboriginal people leading to the eventual wind up of the ALT within 6 years”. In other words, it was strongly recommended by the Report of the Review of the Aboriginal Lands Trust that Aboriginal individuals and corporations should immediately receive complete control and tenure of Aboriginal designated land in Western Australia, including – most importantly – that already leased to or held by indigenous landholders. In part, the Report stated:

The principle recommendation of this Report is that all land managed by the Aboriginal Lands Trust on behalf of Aboriginal people in Western Australia should be transferred to the ownership of Aboriginal people throughout the State, leading to the closure of the Aboriginal Lands Trust in 2002 ...

This Report recommends the ALT be reconstituted to facilitate any differing Aboriginal interests in the land, specifically those rights granted to the inhabitants of ALT land under the Aboriginal Affairs Planning Authority Act 1972 and rights identified under the Native Title Act 1993, both of which are valid and must be accommodated in future ownership arrangements ...

The Report further recommends that land title held by the ALT must be transferred to legal entities (“trusts” or “corporate bodies”) which clearly identify the owners and what rights they hold over the land and, where relevant, identifying how Aboriginal people who hold other legitimate interest in the land are to be presented (e.g. in agreements between owners and residents).

The Report finds that Aboriginal people are seeking land title options which offer them scope for economic development and social and cultural protection. It recommends wider choice be given to Aboriginal people in the process of transferring land from the ALT, making more constructive use of land title options under existing Western Australian legislation.

In essence, the report argued for the complete dismantling of the ALT, and instead Aboriginal land, preferably converted to freehold, should be handed directly to indigenous organisations and individuals. Before returning to the land activities of the

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64 Aboriginal Affairs Department, Annual Report, 1996. p. 11.
ALT it is important to note that in September 2001, and in line with the report recommendations, the ALT transferred 260 ha of freehold land to the Noonkanbah Pastoral Company. According to The West Australian newspaper, the handover of the Noonkanbah land was in response to the 1996 report “which recommended that land held by the trust be handed back to the direct control of Aborigines”.\(^6\) At the handover, the Western Australian Labor government’s Indigenous Affairs Minister, Alan Carpenter said that, “the Aboriginal Lands Trust still held 27 million hectares of freehold land in trust on behalf of WA Aboriginals”.\(^7\) While a considerable amount of land remains under the trusteeship of the ALT, it appears likely that sometime in the future the Western Australian government will implement most if not all of the ALT review findings.

In 1996, the ALT Annual Report recorded that improved access to secure land, outside the ALT estate, continued to be the “key activity over the past year”.\(^8\) In particular, emphasis was placed on “working with other State government agencies to assist them develop policies and procedures which enable Aboriginal people to gain secure land tenure”.\(^9\) In this regard, and in consultation with DOLA, the ALT developed criteria and a new scheme for Aboriginal land applications under Section 9 of the Land Act 1933. “As part of the new procedures, 375 outstanding land applications were assessed against the new criteria”.\(^10\) The ALT, during 1995-96, was also involved in negotiations with Aboriginal organisations and corporations in the East Kimberley region to obtain land as part of the “economic benefits package” stemming from the Ord River Stage Two Project.\(^11\)

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\(^8\) Aboriginal Affairs Department, Annual Report, 1996, p. 11.

\(^9\) Ibid.

\(^10\) Ibid.

\(^11\) As well, the Mirriuwung-Gajerrong lodged a landmark Native Title claim (1994) with the Federal Court that covered a “vast area around the East Kimberley town of Kununurra, including Lake Argyle and the Ord River and the Keep River national park”. “Open-Air Court For Native Title Case “, The West Australian, 21 July 1997.
As a key plank in the policy of indigenous trusteeship, the concepts of tradition, culture and ethnicity were used as important criteria for determining the access and control of land for indigenous organisations and individuals, so much so that an Office of Traditional Land Usage (examined in the next section) was established for just this purpose.

**Returning to the land – “Traditional land usage”**

Beginning in 1994, the Western Australian Coalition Minister for Aboriginal Affairs Kevin Prince, with agreement from the Minister for Lands, under the *Land (Titles and Traditional Usages) Act*, was authorised to grant title to land either as freehold, lease or licence to Aboriginal individuals, organisations and corporations.\(^{72}\) The legislation, according to the AAD was designed to provide Aboriginal groups with an additional avenue for acquiring land through the newly formed Office of Traditional Land Usage (OTLU). The AAPA actively assisted the OTLU, as required by legislation, with investigations on land acquisitions and applications.\(^{73}\) Under the Provisions of the Act notification to the affected existing owner of the lease must occur within fourteen days of the application.\(^{74}\)

Outlined below (Box 2) is a selection of land either held by the ALT or transferred to Aboriginal corporations and individuals in the Kimberley during 1990-95. In 1995, the direct handover of land to the Mamabulanjin Aboriginal Corporation including Lots 2074-2078 (Freehold) Chapple Street, Broome, and Lot 2801 to the Goolarabooloo Aboriginal Corporation also in Broome, occurred. Paddy Roe, a high profile businessman and member of the Aboriginal leadership, controlled both these organisations (see also Chapter 5 and Chapter 8). As well, Frank Sebastian – one time member of the ALT, executive member of the KLC and Director of the Rubibi Aboriginal Land, Heritage and Development Co Pty Ltd – received Broome Location 82 (Freehold).

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\(^{73}\) *Ibid.*

Box 6.2. Land in the Kimberley held by the ALT: 1990-95

<table>
<thead>
<tr>
<th>Freehold land</th>
<th>0.2024</th>
<th>Leased to Mallingbarr Aboriginal Corporation, expiring 2086.</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Broome Lot 52</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Broome Location 82</td>
<td>6.7456</td>
<td>Leased to Frank Sebastian and Mark McKenzie 75</td>
</tr>
<tr>
<td>- DoonDoon (Pastoral Station)</td>
<td></td>
<td>Woolah Aboriginal Corporation</td>
</tr>
<tr>
<td>- Glen Hill Station (Pastoral Station)</td>
<td></td>
<td>Mandagala Aboriginal Community Corporation 76</td>
</tr>
<tr>
<td>99-Year leases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Rugan Aboriginal Corporation</td>
<td></td>
<td>Reserve 41765, King Location 730, Luman Location 77.</td>
</tr>
<tr>
<td>- Goolarabooloo Aboriginal Corporation</td>
<td></td>
<td>(Mr Paddy Roe) – Reserve 40108 Broome.</td>
</tr>
<tr>
<td>- Pandanus Park Community Incorporated</td>
<td></td>
<td>Reserve 40277, Fitzroy location 22. 77</td>
</tr>
<tr>
<td>Special Purpose and other leases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Joorook Ngarni Aboriginal Corporation</td>
<td></td>
<td>Lot 666 Murphy Street Wyndham.</td>
</tr>
<tr>
<td>Direct Handover</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Mamabulanjin Aboriginal Corporation</td>
<td></td>
<td>Lots 2074-2078 (Freehold) Chapple Street Broome. 78</td>
</tr>
<tr>
<td>Leases/Sub-Leases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Kimberley</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Broome Aboriginal Media Association (Goolarri Media) (See below)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>East Kimberley</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Mirima Council Aboriginal Corporation</td>
<td>31221</td>
<td>(Head lease). 79</td>
</tr>
</tbody>
</table>


Another important feature of ALT operations during the late 1980s and early 1990s was the passing of large areas of land previously held under Church ownership to the indigenous leadership. The shift from church to indigenous management marked the significant transition in government policy that had occurred within the space of two decades. That is, the policy of state trusteeship, which had actively restricted Aboriginal

75 Ibid. p. 20.

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control of land up until the late 1960s, stands in contrast to the policy of indigenous trusteeship that was in the process of transferring substantial tracts of land to indigenous control.

Secularisation and trusteeship: Transfer of Church held-mission lands
The policy of state trusteeship that held sway up until the late 1960s was mostly superseded in the early 1970s by the policy of indigenous trusteeship. State trusteeship delegated the custodianship and welfare of large numbers of Aboriginal workers and their families to certain institutions and employers, especially in regional and remote areas. The policy included ceding control of much Aboriginal designated land to the Church. In the Kimberley, the Catholic Church became one of the biggest controllers of Aboriginal land during the period of state trusteeship. The Bishop of Broome, in a succinct summary of state trusteeship, pointed out – in a letter to the Director, Commonwealth Office of Aboriginal Affairs in 1970 – that the “Church considers itself as acting as trustee [my emphasis] for the Aborigines” and will not hand over Church held Aboriginal land in the Kimberley “until it considers that the Aborigines are ready and capable of the responsibility of looking after their own affairs.”

A chief priority therefore for the Department in the 1980s, in keeping with the evolving policy of indigenous trusteeship – as well as ridding Aboriginal affairs of the last vestiges of state trusteeship – was the transfer of mission land held by various church bodies to the management of the Aboriginal leadership. A joint State/Commonwealth study into the issue, completed in late 1987, provided a detailed database of church-held land, which enabled negotiations to commence. During 1988-89, a State/Commonwealth Working Party, comprising representatives from the ALT and the Commonwealth Department of Aboriginal Affairs, undertook wide-ranging consultations with Aboriginal organisations and individuals concerning the future potential of Catholic Church-held mission lands in

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80 It was reported that Broome was the “most Catholic city in Australia,” due mainly to the size of the Aboriginal Catholic population. “Government Aid For Mission Rejected”, The Melbourne Advocate, 6 November 1969.
81 Letter to: Mr. O’Rourke, Mr. Moy, Director, Office of Aboriginal Affairs. From: B.C. Byrne. 23 September 1970.
the Kimberley. Funding was also provided to enable Kimberley Aboriginal corporations at Balgo, Kalumburu, Lombadina-Djarindjin, Beagle Bay and Bidyadanga to obtain independent legal advice on the options available. Late in 1988, negotiations with the Bishop of Broome were well advanced, with a broad agreement on the size and nature of lands to be transferred to Aboriginal corporations.\textsuperscript{83}

In 1991, negotiations were near to conclusion for the transfer to Aboriginal groups of Catholic mission lands at Bidyadanga (La Grange),\textsuperscript{84} Beagle Bay and Balgo. Land transfer arrangements at Kalumburu were protracted due to the further negotiations required for the siting of future housing, which would allow for the reserve’s expansion. Similar town planning considerations delayed the formalisation of negotiations at Djarindjin/Lombadina. The State and Commonwealth governments jointly commissioned town-planning studies in both reserves in 1991-92 in order to hasten the land transfers.\textsuperscript{85}

Following the High Court Mabo judgement in 1992, the AAPA became concerned that the judicial decision may affect the proposed land tenure arrangements. The AAPA requested the Aboriginal organisations’ legal representatives, among others, investigate, in consultation with the Church, all relevant legal matters and advise of the situation.\textsuperscript{86} In 1995, as a consequence of these discussions and inquiries, there was general agreement between the Bishop of Broome, the Aboriginal corporations, the ALT, and the Western Australian Minister for Lands about the terms of reference for a memorandum of understanding. Under the memorandum the Bishop would surrender the majority of Aboriginal land previously controlled by the Church. The land was then created as Aboriginal reserves vested in the ALT and leased back to the Aboriginal organisations to be used for commercial and other purposes.\textsuperscript{87}

\textsuperscript{83} Ibid.
\textsuperscript{84} In 2002, the Karajarri Native Title claim over Bidyadanga involving 31,220 sq km in the West Kimberley, covering pastoral, fishing, pearling and mining areas, was settled. The claim resolution “recognises the Karajarri people’s rights to possess, occupy, use and enjoy the land and waters ‘to the exclusion of all others’”, “Blacks Win Big Land Title Claim”, \textit{The Australian}, 13 February 2002.
\textsuperscript{86} Aboriginal Affairs Planning Authority, \textit{Annual Report, 1992}, p. 16.
\textsuperscript{87} Aboriginal Affairs Department, \textit{Annual Report, 1995}, p. 9.
Apart from negotiations surrounding Church lands, the other issue that began to engage increasingly confident Aboriginal leaders concerned mineral royalties. The next section discusses the growing interest in mining activities in the Kimberley.

**Mining and exploration**

In contrast to the famous “Noonkanbah dispute” of June 1979, AAPA officers during the 1990s continued to provide advice and support to Aboriginal organisations and corporations, as well as negotiating on their behalf with mining and resource development companies. These negotiations assisted in developing resource agreements for exploration and mining on land vested in the ALT. During 1992-93, significant negotiations occurred at Forrest River and Balwina Reserve in the East Kimberley. According to the AAPA, the access agreements negotiated on behalf of the Aboriginal organisations would successfully “facilitate development whilst ensuring employment, training and other economic benefits for Aboriginal people, and to minimise adverse social impacts, and provide for protection of Aboriginal culture and heritage.” The standard agreements for exploration and mining on Aboriginal reserve land in Western Australia were developed and approved by the State government. The AAPA argued that these “agreements would assist in streamlining negotiations in this area”.

In 1993-94, a series of negotiations for exploration on the Cosmo Newberry reserves were concluded with a mining company, with benefits of about $750,000 over 3 years being provided to the resident Aboriginal organisation. The benefits included “capital development, employment, training and subcontracting work. Successful negotiations were also undertaken for Forrest River (Oombulgurri) and Balwina Reserve”.

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88 In June 1979, the Western Australian government insisted that an oil exploration program undertaken by a consortium led by the multinational company Amax proceed on the Noonkanbah pastoral lease against the wishes of the Aboriginal owners. Much physical force, including a sizeable police presence, was used to ensure the exploration went ahead. See S. Hawke and M. Gallagher, *Noonkanbah*, (Fremantle, Fremantle Arts Press, 1989)


91 Ibid.
Aboriginal Lands Register.

A comprehensive database of land held by the ALT and the AAPA was mostly completed in 1992-93. The land register formed the basis for the development of an Aboriginal Planning Information System (APIS), to meet the twin requirements of “enhancing planning at the local level where specific community needs are determined and at the strategic level where Commonwealth/State programs, priorities and funding are determined”.

The APIS provided a means of planning in order to determine “land, housing and infrastructure requirements” and then join these to the “achievement of social and economic goals as well as forming the basis for measuring performance of government programs in these communities”. The system was designed to accommodate details of the “physical characteristics of Aboriginal communities, including legal boundaries, land tenure, topography, soils and land form, drainage, sewerage and waste disposal”. As well, it would show “physical improvements (housing, medical, educational facilities, power and water supply etc) and their condition, access, water resources, and constraints to development, such as existing and prospective mineral deposits”.

It was envisaged that the system would be further developed to contain information on all Aboriginal controlled land throughout the State. It would thus provide detailed analysis of “population and have the capacity to provide geographically specific information on trends and occurrences”. This, it was believed by the AAPA, “would allow planners and service agencies to accurately forecast housing, health, welfare, education and employment needs, monitor the performance of social and economic programs, set priorities and plan service delivery”. In other words, by identifying the necessary requirements for the reproduction and holding of labour, systems such as APIS were instituted as part of the policy of indigenous trusteeship. This was done as one effective means of containing Aboriginal labour in remote regions such as the Kimberley.

93 Ibid.
94 Ibid.
95 Ibid.
(6.3) "COMMUNITY" MANAGEMENT AND "DEVELOPMENT PROGRAM"

Objectives: to ensure that Aboriginal people have secure tenure and adequate management processes for land and are assisted to develop any economic initiatives through self-management. 96

One upshot of the failure of the Aboriginal Land Bill to pass through the Western Australian Legislative Council in 1985 (proposed legislation that was defeated by the conservative controlled Upper House. See Chapter 5) was the Commonwealth and Western Australian government's agreement on a joint initiative known as the Aboriginal Communities Development Program (ACDP). 97 The program sought to upgrade the standard of land tenure and living arrangements in order to "satisfy Aboriginal peoples' land aspirations". 98 In July 1986, the Western Australian and Commonwealth governments announced a joint five years $100 million initiative designed to "expedite the physical, social and economic development of Aboriginal communities upon their own lands". 99 The Western Australian component of the program was administered by the AAPA and ATSIC was responsible for the Commonwealth's contribution. The financial year 1990-91 was the fifth and final year of the program. The focus of the program was directed to the "development of capital infrastructure and services for newly tenured communities and developments on ex-Department for Community Services (DCS) reserves. Over 50% of the total State component of ACDP" was "spent on these communities". 100

The ACDP was principally devised to "meet the specific needs of groups throughout the state to make ... improvements to [their] land". This particular source of funding allowed the Trust to acquire land when there was an "urgent need to relocate people" from semi-urban areas to more remote regions. 101 The initiatives established under the ACDP were continued, after the initial funding ended, by the AAPA and AAD. In 1991-92, under a

96 Aboriginal Affairs Planning Authority, Annual Report, 1990. p. 1
98 Ibid.
99 Ibid.
100 Ibid.
different funding regime, the AAPA pursued the concept of “Community Development”, which in practice saw the transfer of people to more remote areas. This initiative was achieved through “Cabinet budgetary processes, [and] the direction of appropriate resources to issues of need in Aboriginal affairs under the principle of self-determination”.\textsuperscript{102} In the circumstances of the “urgent need to relocate people,” it was necessary to provide this continuing government support if the policy of containing people in remote and regional areas was to proceed.

As an indication of the success of the policy in holding people in regional locations, the Kimberley Aboriginal population by region is provided in Table 1. In December 1985, it was also estimated that of the one thousand six hundred and forty seven Kimberley residents that were officially unemployed, approximately 70% were Aboriginal people.\textsuperscript{103} However, by 1995, 68% of the Kimberley Aboriginal labour force was employed in someway by regional Community Development Employment Projects (CDEP).\textsuperscript{104} Table 2 highlights the amounts of money provided to organisations and enterprises (1989-90) for “community development”, of which the Kimberley proportion was the highest for any Western Australian region. It will be noticed that most of these organisations were located in regional areas of potentially high indigenous unemployment where there would most likely be out-migration without the “community sector” providing employment.

\textsuperscript{102} Aboriginal Affairs Planning Authority, \textit{Annual Report, 1991}, p. 1.

\textsuperscript{103} Kimberley Region Plan; \textit{A Strategy for Growth and Conservation}, Department of Regional Development and the North West, and the Department Planning and Urban Development, p. 39.

### Table 6.1. Aboriginal population in the Kimberley region (1986)

<table>
<thead>
<tr>
<th>Local authority</th>
<th>Aboriginal population</th>
<th>Proportion of Shires total population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broome</td>
<td>2,495</td>
<td>41%</td>
</tr>
<tr>
<td>Derby - West Kimberley</td>
<td>2,955</td>
<td>45%</td>
</tr>
<tr>
<td>Wyndham – East Kimberley</td>
<td>1,910</td>
<td>33%</td>
</tr>
<tr>
<td>Halls Creek</td>
<td>2,109</td>
<td>76%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9,469</strong></td>
<td><strong>45%</strong></td>
</tr>
</tbody>
</table>


### Table 6.2. “Community Development” expenditure in the Kimberley: 1989 - 1990

<table>
<thead>
<tr>
<th>Organisation/enterprise</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joorook Ngarni, Wyndham.</td>
<td>$17,300</td>
</tr>
<tr>
<td>Karmulinunga, Derby</td>
<td>$28,900</td>
</tr>
<tr>
<td>Kurnangki Village, Fitzroy Crossing</td>
<td>$32,000</td>
</tr>
<tr>
<td>Lundja, Halls Creek</td>
<td>$4,200</td>
</tr>
<tr>
<td>Mallingbar, Kennedy Hill, Broome</td>
<td>$40,000</td>
</tr>
<tr>
<td>Mindi Rardi, Fitzroy Crossing</td>
<td>$15,000</td>
</tr>
<tr>
<td>Mirima Village, Kununurra</td>
<td>$23,635</td>
</tr>
<tr>
<td>Moongoong Darwung</td>
<td>$22,000</td>
</tr>
<tr>
<td>Ngoonjuwah, Halls Creek</td>
<td>$16,500</td>
</tr>
<tr>
<td>Nillir Irbanjin, Broome</td>
<td>$12,000</td>
</tr>
</tbody>
</table>
Nwillywah, Kununurra  $25,000
Warrayu, Wyndham  $6,500

Kimberley sub-Total  $221,765
Western Australian Total  $568,525


Other strategies instituted, as part of the ACDP program, to assist Aboriginal corporations (which increasingly were being turned into management and corporate forms) included the:

- involvement in identifying corporate objectives including long term planning;
- advising an appropriate resources, structures and strategies for the achievement of these corporate plans;
- coordinating training programs for committees and employees;
- assisting in reviews and evaluations, and targeting problem areas.\textsuperscript{105}

The Community Management Support Budget also extended finance for the continued operations of the Aboriginal Management and Economic Support Unit. These extra funds were to provide management expertise for Aboriginal organisations and corporations involved in ‘management activities and enterprises’.\textsuperscript{106} In 1992, the AAPA provided ongoing management and funding support to twenty-seven projects. These funds totalled $799,166 and were provided either direct to the organisations or to Aboriginal resource agencies, such as Ngoonjuwah and Marra WorraWorra (see Chapter 7), which provided the “administration support”.\textsuperscript{107}

The Western Australian component of the ACDP programs and their associated expenditures in broad category areas included:

\textsuperscript{105} Aboriginal Affairs Planning Authority, Annual Report, 1990, p. 9.
\textsuperscript{106} Aboriginal Affairs Planning Authority, Annual Report, 1990, p. 9.
\textsuperscript{107} Aboriginal Affairs Planning Authority, Annual Report, 1992, p. 16. See Chapter 7 for more details of these type of organisations and others commercial operations.
- land management
- pastoral excisions
- land improvements and upgrading
- maintenance of utility services
- community management support
- economic and enterprise development
- alcohol, drug and substance abuse
- justice research
- cultural and social programs

Another major priority of the ACDP (in 1991) was the promotion of Aboriginal media, particularly in the Kimberley. Although the AAPA had in the past provided significant financial resources to the Western Australian Media Association in Perth, the focus of the 1991 support package was essentially directed to initiatives in the Kimberley. A grant of $205,000 each was provided to the Broome Aboriginal Media Association (BAMA), also known as Goolarri, and the Puranyanga-Rangka Kerren Aboriginal Corporation to assist in the purchase of studios and production facilities. In 1999, as a pointer to the success of this venture, Goolarri Media Enterprises had established, inter alia, Goolarri Radio, Goolarri Television, Goolarri Film and Television Productions, Goolarri Music/Marketing/Events, Gimme Gimme Club/Shop, Goolarri Multi Media, and Goolarri Media Technical Services (see also Box 3 for land provided to Goolarri by the ALT). According to a Goolarri promotional pamphlet,

BAMA [Goolarri] has come a long way in its short history and looks forward to what the future holds. The rapid development has given the organisation the impetus to delve into other areas such as television, print, sound, video conferencing, as well as the endless possibilities that are available via the information super highway, which guarantees greater access to services for the people of the West Kimberley. From the central base of radio, BAMA will play an integral role in the Australian information industry.

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109 Ibid.
110 Ibid.
111 Australian Securities and Investments Commission, Australian Company Number 074 817 253.
112 Goolarri promotional pamphlet.
Kevin Fong, who had been the Aboriginal Development Commission Branch manager in Broome,\(^{113}\) was in 2001, among other things, the Managing Director of Goolarri, as well as Broome Shire President.

The Department informs, in regard to the ongoing ACDP project, that the State government has initiated diverse programs catering for “employment and enterprise development”, as well as a range of “social and cultural initiatives” in remote regions such as the Kimberley.\(^{114}\) What is more, through the auspices of the AAPA, the State government supported initiatives under ACDP on the basis of “extensive consultation with Aboriginal people and other government agencies”.\(^{115}\) Further, the State component of ACDP was characterised by “priority setting by Aboriginal people and co-operative planning and implementation by State and Commonwealth agencies”.\(^{116}\)

In the late 1980s and early 1990s, it was clear to the AAPA nevertheless, that Aboriginal unemployment, poverty and social dislocation was an ongoing “phenomenon and is one in which dispossession and powerlessness are more sharply brought into focus”.\(^{117}\) In other words, the gathering of large surplus populations on the outskirts of towns and regional centres, and the accompanying social problems, continued despite the best efforts of the State and Commonwealth governments to retain people in remote areas. For these reasons, during the late 1980s and early 1990s, and notwithstanding the various measures put in place – like the ACDP and the Living Areas Program – matters concerning the maintenance of social control and order, particularly in remote areas including the Kimberley, remained a serious problem. In an attempt to staunch some of the social problems of ongoing social dislocation, wide-ranging policing powers, as provided by the *Communities Act* (discussed below), were given to the leadership of local Aboriginal “communities” as one way of dealing with the increasingly volatile situation.

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\(^{115}\) *Ibid.*


(6.4) "COMMUNITY" CONTROL AND THE ABORIGINAL COMMUNITIES ACT

The *Aboriginal Communities Act, 1979* was legislation devised, in close consultation with the Aboriginal leadership, by the Western Australian government to assist Aboriginal organisations and their management to control their “community lands and for related purposes”\(^{118}\). There was however, identification by the AAPA — through the administration of the Act between 1979 and 1988 — a need to facilitate the Act’s extension and implementation processes. As a way of achieving this outcome, the *Aboriginal Communities Act* project commenced in 1988. Between 1988 and 1992, over thirty “Aboriginal communities” statewide initiated the legislative process by which the Act was proclaimed\(^{119}\). During this period, the AAPA continued to administer the *Aboriginal Communities Act, 1979*. The Act empowered the Minister to authorise certain Aboriginal organisations to “develop and implement community by-laws”. This was done “in order that Aboriginal communities can have more authority over community law and order issues”\(^{120}\).

In the Kimberley, eleven corporations and organisations in 1990 were in the final stages of the above process. It is worth pointing out that many of the organisations involved were commercially successful enterprises employing a large amount of labour. They included:

- Looma Community Incorporated
- Warmun Community Incorporated (Turkey Creek)
- Oombulgurri Association Community
- Kalumburu Aboriginal Corporation Community
- Mulan Aboriginal Corporation (Lake Gregory Pastoral Station)
- Woolah Aboriginal Corporation (DoonDoon Pastoral Station)
- Mindibungu Aboriginal Corporation Community (Billiluna Pastoral Station)
- Junjuwa Community Incorporated (Fitzroy Crossing)
- Wangkatjunka Aboriginal Community (Christmas Creek Pastoral Station)

\(^{118}\) Aboriginal Affairs Planning Authority, *Annual Report, 1990*, p. 11.

\(^{119}\) *Ibid.*

\(^{120}\) Aboriginal Affairs Planning Authority, *Annual Report, 1992*, p. 4.
- Yungngora Association Incorporated Community (Noonkanbah Pastoral Station)
- Mowanjum Aboriginal Corporation Community

The *Aboriginal Community Act 1979*, as the AAPA outlined in 1991, continued to gain considerable support from Aboriginal organisations that viewed it as an “effective means of addressing community social issues by way of their own by-laws”. During 1991, further evidence of the growing support for the scheme came when an additional “eleven communities came under the Act”.

One important reason for the introduction of the Act, according to the AAPA, was due to many “communities” experiencing a “break down of their traditional culture due to rapid social and technological change, alcohol and substance abuse, disruptive behaviour of community members and recidivism. These social problems have caused Aboriginal community members’ considerable anguish and tension”. As a consequence, there were throughout the early 1990s an increasing number of Aboriginal organisations that implemented the “Act as a vehicle to discourage these activities or behaviour which community ... [leaders viewed] as inappropriate within the boundaries of community lands”. By the end of June 1991, there were twenty-five Aboriginal organisations in Western Australia operating under the Act with another fourteen in the process of being proclaimed.

The AAPA and the government believed that the implementation of the Act was particularly important in remote and isolated areas, such as the Kimberley where there was often no “police post and where visits by police cannot always cover the times when disputes and other disruptions need to be managed”. By 1992, there were a total of twenty-eight Aboriginal “communities” throughout Western Australia proclaimed under the Act, of which thirteen existed in the Kimberley.

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During 1992, the AAPA commissioned a review of the *Aboriginal Communities Act* as it operated in the Kimberley. The review was undertaken by a “qualified legal consultant” and based on “extensive consultation with participating communities”.128 The report of the review to the AAPA, known as the McCallum Report, recommended legislative amendment and reform of the Act. One major recommendation argued for “Community justice programs to strengthen community management strategies”.129 Significantly, the report also contained a summary of other community justice programs and their operation in other jurisdictions, both interstate and overseas.130

As part of the review process, the Western Australian Chief Justice, the Minister for Aboriginal Affairs and the North West (Ernie Bridge), senior police, other judicial and legal representatives and representatives of the AAPA, as well as members representing the leadership of twenty-nine Aboriginal organisations were among those who attended a “community workshop” at Bungarun, Derby in May 1992.131 The workshop, the AAPA reported,

was a valuable forum for the exchange of ideas and provided opportunity for discussions on community policing protocols and relations between police and Aboriginal communities. It was a unique opportunity for Aboriginal elders, the Chief Justice and Government ministers to discuss the role of recognition of Aboriginal customary law in terms of sentencing options for Aboriginal people both at the local community level and in the general criminal justice system.132

“Communities” proclaimed under the revised Act were authorised to “exercise control over community members in the absence of police through their by-laws”. The AAPA’s strategy during 1992-93 was specifically directed at implementing more completely the recommendations of the McCallum Report (Report on the Review of the Operation of the Communities Act in the Kimberley 1992).133

One serious shortcoming of the original Act, as identified by the McCallum Report, was that “communities” which had been previously proclaimed were not legislatively empowered to independently enforce the by-laws. However, this anomaly was addressed during 1993 through the “development and negotiation of amendments to the existing legislation to enable the appointment of community Wardens/Rangers with authority to enforce the by-laws”. The other problems encountered by Aboriginal organisations “in enforcing the by-laws on community land [was] addressed through the review and definition of lands proclaimed under the Act for each of the relevant communities”.

In 1994, the newly instituted by-laws program was co-ordinated by the AAD, and involved seven other government agencies. Training was provided for “community members to become wardens/special constables, Justice’s of the Peace, registrars, mediators, correctional officers, juvenile justice team members, and alcohol and substance education officers”. In April 2001 – after the spearing of a man as punishment – in a reflection of the growing social conflict and the subsequent commitment to often-draconian legal measures, the Western Australian Labor Attorney-General, Jim McGinty, argued that, “traditional Aboriginal punishments must be incorporated into the state’s legal system”. For McGinty, “tribal punishment is a good thing”.

(6.5) CONCLUSION

During the period 1988-96 the policy of indigenous trusteeship, commonly known as self-management or self-determination, continued apace and was further consolidated – albeit attracting ongoing and concerted opposition from extant political organisations such as pastoralists, farmers and miners. The implementation of the policy through the auspices of the Western Australian ALT, AAPA and the AAD – largely directed by the Aboriginal leadership, and given substantial bi-partisan political support by Federal and

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134 Ibid.
135 Ibid.
State governments – significantly underpinned the accumulation activities of an emerging indigenous business class. In this respect, the indigenous business class was greatly assisted by the allocation of land, labour and finance and the opening of economic space that allowed for multiplex business activities. The success and advance of this emerging business class can be seen in the growing amounts of labour it employed, as well as the range of enterprises that indigenous corporations and individuals became involved with. Enterprises included tourism, pastoralism, horticulture, hotels, media, retail and more. Furthermore, the phenomenon of straddling – that is, the relationship between employment in the public service and private accumulation activities, as in the case of Cedric Wyatt (one time Chief Executive Officer of the AAD and AAPA, Chairman of the ALT and Director of Leedal Investment Corporation), et al – indicated that the emerging indigenous business class held a substantial and direct grip upon state power.

However, as was the situation between white business owners and Aboriginal labour in the late 1960s and early 1970s, growing tensions began to become apparent (beginning in the 1980s) between the management of Aboriginal enterprises and there Aboriginal workforce. This was particularly the case in the Kimberley, where remote Aboriginal settlements, pastoral stations and semi-urban locations became increasingly racked by serious acts of social disorder and crime. One irony was/is that the Aboriginal organisations operating the enterprises in these areas were originally established – with substantial aid from the State and Commonwealth governments – on the basis of combating the economic and social crisis that had occurred in the late 1960s. In the 1990s, the response by the State government to these types of social problems (often involving violence and drunkenness) included providing extra policing powers, often draconian, to the Aboriginal leadership in a bid to quell social instability and restore social order. Just as the previous policy of state trusteeship had failed in times of economic uncertainty, it remains highly unlikely that disputes between Aboriginal workers and management will be resolved in the long-term by indigenous trusteeship and the arrangements set out in the provisions of the Aboriginals Community Act.

232
Beside the provision of land and finance to indigenous enterprises, a very important consideration for the policy of indigenous trusteeship, especially in remote regions such as the Kimberley, was the retention of productive force — that is, the holding of labour in these areas for both production and consumption. In the next chapter, the various means that have been instituted for retaining productive force in the Kimberley are discussed in detail.
CHAPTER 7. WHAT CORPORATE FORM?
THE ROLE OF THE KIMBERLEY LAND COUNCIL, ATSIC, AND
RESOURCE AGENCIES IN INDIGENOUS ACCUMULATION:
early-1970s - 1996

Clearly the spending by the Aboriginal organisations and Aboriginals is a significant
component of the economy of the Kimberley region.¹

(7.1) INTRODUCTION

In previous chapters it was established that the Kimberley pastoral industry, historically
the largest employer of indigenous people and mainstay of the Kimberley economy, from
the early 1970s became substantially less buoyant due to, among other things, a long-
term downturn in world commodity prices and the emergence of overproduction in many
international commodity markets, including beef.² It was also established that the
pastoral industry, in a bid to reduce operating costs in difficult macroeconomic
conditions, began using, with the aid of technology and contract labour, significantly less
permanent labour. To ensure even short-term viability of pastoral stations there required
a complete restructure in production methods and techniques. For these reasons, among
others, there was (from the late 1960s and early 1970s) rapidly increasing unemployment
across the Kimberley.

In response to the growing inability of existing policies to deal with a expanding rate of
increase in the relative surplus population (in the Kimberley, this surplus population
included a large proportion of Aboriginal people) the Commonwealth and State

¹ G.Crough and C.Christophersen, Aboriginal People In The Economy Of The Kimberley Region, (Darwin,
North Australia Research Unit, Australian National University, 1993) p. 258.
² According to the Kimberley Pastoral Industry Inquiry (1983) about 75% of the meat from northern export
abattoirs went to the North American market. The balance was spread between nine other major markets.
(p. 54). In other words, Kimberley beef prices were and still are very dependent on offshore markets. In the
early 1970s “prices collapsed on world markets and the slump in Australia’s beef industry was severe”. p.
57.

234
governments were forced to shift away from the program of state trusteeship. In its place – and instituted in close collaboration with an Aboriginal leadership – emerged the new policy of indigenous trusteeship, also popularly known as self-management or self-determination. An important part of this project was the attempt to stanch the loss of productive force that resulted from the collapse of the pastoral industry. The incremental loss of productive force was associated with rising unemployment and a geographical shift of the unemployed.

According to the Kimberley Development Commission (KDC) by 1996, the largest industry sector for the Kimberley, in terms of overall employment, was the community services sector. Approximately 28% of the total Kimberley labour-force was employed in someway by this sector, which involved "health, education, police and other community services and welfare employers". The KDC also counted the labour employed by the many Community Development Employment Project (CDEP) schemes (discussed below) operated by Aboriginal controlled enterprises, including pastoral stations, as part of the community services sector. These enterprise projects were and continue to be funded by the Aboriginal and Torres Strait Islander Commission (ATSIC) on the basis of providing "community-based employment in areas where insufficient [employment] opportunities exist".

One of the themes explored in the current chapter is the growing tension in Aboriginal development between Aboriginal communities as welfare organisations and the commercial aspirations of an Aboriginal leadership. The chapter examines this tension through the changing way that the demands of trusteeship and entrepreneurship were played out in the evolving forms that Aboriginal corporations including resource agencies were taking.

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3 Kimberley Development Commission, Kimberley Region, p. 19.
4 Ibid.
The establishment in the Kimberley, beginning in the 1970s, of resource agencies, such as Marra WorraWorra and Ngoonjuwah, were critical early moments in the policy of indigenous trusteeship. Resource agencies were at first fully funded by the Federal and State governments as a means for delivering welfare services. Nevertheless, from the 1980s these agencies, often controlled by the local Aboriginal leadership and their families, became involved in broader commercial activities alongside their welfare responsibilities. In the Kimberley, the role and place of resource agencies (also known as resource organisations) have been described by a KDC report thus:

Organisations range in profile from specialist local and family entities to high profile region-wide service organisations. By and large they are legal entities that perform some of or all of the following activities: service delivery; selling goods; providing employment; managing funds; and, managing economic assets. Regional organisations operate within a very diverse range of objectives and activities. Some organisations operate for commercial outcomes, some give voice to the socio-cultural, economic and commercial aspirations of Aboriginal people while other organisations exist solely to hold land titles in common or to deliver specific local services.5

The establishment of resource agencies was part of a concerted effort to stem the loss of productive force in regional areas such as the Kimberley. Particular State and Commonwealth projects such as the CDEP – which, among other things, assisted Aboriginal owned corporations, including pastoral enterprises, in subsidising their labour costs, as well as holding labour in an environment of high unemployment – were set up during this period and were fundamental to the new policy regime. The state agency known as the Kimberley Land Council (KLC) and later, in the early 1990s, the establishment of the Aboriginal and Torres Strait Islander Commission (ATSIC) and its regional councils greatly assisted the provision of, among other things, land and labour for Aboriginal corporations including resource agencies.

This chapter will continue to explore the course of the policy of indigenous trusteeship with special attention directed at the types of indigenous corporate forms that were
integral to indigenous business activities, including such things as partnerships, cooperatives, corporations and resource agencies. The structure of these Aboriginal controlled organisations is important in that it reveals many of the structural characteristics and tensions within Aboriginal development. As well, the chapter will investigate the role of state agencies including the KLC and ATSIC that provided much aid and advice to the commercial undertakings of resource agencies and others. The chapter concludes with an overview of the commercial operations of various high profile Kimberley resource agencies.

(7.2) THE RETENTION OF PRODUCTIVE FORCE IN THE KIMBERLEY: THE FUNCTION OF THE CDEP AND OTHER GOVERNMENT SCHEMES

The population and settlement trends... highlight some important characteristics that make the Kimberley a distinctive region in Western Australia. One of the characteristics is the high Aboriginal population ... [constituting] approximately 45% of the total resident population at the 1991 census.⁶

Within the Kimberley region, commencing in the early 1970s, a policy of indigenous trusteeship began to account for a large proportion of public expenditure specifically directed to Aboriginal organisations for the purposes of dealing with indigenous social conditions. These expenditures included funding to indigenous organisations for: “The construction of housing and essential services, Aboriginal use of medical and education facilities; expenditure on increasing employment levels and administering programs and communities; [which] all required a major and consistent outlay of capital and recurrent expenditure”⁷ And, as pointed out by Peter Yu (former Executive Director of the Kimberley Land Council), this public expenditure on Aboriginal affairs, since the demise of the pastoral industry as the major industry, effectively underpinned the Kimberley

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regional economy. Four of the Kimberley’s six regional centres – Derby, Fitzroy Crossing, Halls Creek and Wyndham, and particularly the businesses operating within them (increasingly indigenous owned)\(^8\) – have relied for their economic survival almost entirely on the continued retention of indigenous people within these areas. The ongoing economic viability of the two major towns of the region, Kununurra and Broome, is also dependent to a large degree on the stability of the indigenous population.\(^9\)

During the 1970s, after the collapse of the pastoral industry, it became obvious to State and Commonwealth governments that in the Kimberley there was insufficient large-scale industry that could sustain the regional economy. Beginning in the 1970s, the majority of people living in the Kimberley were involved in someway in dealing with the Aboriginal population,\(^10\) especially through the agency of the newly established Aboriginal service agencies and corporations. As H.C. (Nugget) Coombs recognised, in regard to the East Kimberley: “Increasing Commonwealth and State government provision for Aboriginal communities, and servicing of the growing [indigenous] population of the area since the early 1970s has led to considerable public sector stimulation of the East Kimberley economy in which Aboriginal people play a significant role as consumers of goods and services”.\(^11\) The development of the East Kimberley region since the 1970s, as indeed the development of much of northern Australia, was substantially bolstered by the “expansion and support of the public sector”.\(^12\) The growth in public sector activity was driven most particularly by the Federal and State government’s new policy of devolving responsibility (or indigenous trusteeship) for Aboriginal affairs to the leadership of Aboriginal service agencies and enterprises. Although still on a small-scale, the

\(^9\) *Ibid*. It was argued by one Kimberley report that if funding for Aboriginal programs and services were to be reduced the effect in the region would be felt very broadly, particularly by the businesses in the main towns. Crough, *Aboriginal People*, p. 263. Furthermore, “total expenditure of the Aboriginal organisations for which information was obtained in 1991-92 was $66.3 million. Spending on wages and salaries accounted for 46% of the total expenditure of these organisations ($30.2 million). At least 173 businesses with operations in the region provided services and products to Aboriginal organisations in 1991-92”. Crough, *Aboriginal People*, p. 264.
developing "retail, commercial and service enterprises", as well as "building and construction activities", and "transport services"\textsuperscript{13} were all, from the early 1970s, increasingly undertaken by indigenous controlled organisations. These organisations were financially underpinned by the assistance provided by State and Commonwealth governments.

By the 1990s this transformation in the scale and scope of indigenous trusteeship in the region was such that a study of the Kimberley regional economy, commissioned by the KLC and published in 1993, (by Greg Crough and Christine Christophersen) could report that other than one major resource project, the Argyle diamond mine, there was no large-scale private sector income or employment generating activities operating within the region. Nevertheless, the report concluded that the "region is likely to continue growing because of the growth of the Aboriginal population"\textsuperscript{14} It was (and is) the Aboriginal organisations servicing of the regional indigenous population, which attracted the financial resources to sustain the regional economy. The financial injection into the Kimberley economy mainly occurred through the implementation of the policies of indigenous trusteeship, especially in the form of grants and social security payments from ATSIC. ATSIC program spending alone (see below) in the Kimberley in 1992 was more than "$62 million a year ... and social security payments to Aboriginal people ... as much as $30 million annually"\textsuperscript{15}

Table 1 highlights the changing numbers of people employed in the Kimberley between 1976 and 1986. It shows the growing significance of the "community services" sector to the overall employment situation in the period 1976–1986, whilst the 1991 column reflects the percentage of Aboriginal people involved in each employment sector in that year.

\textsuperscript{13} Ibid.
\textsuperscript{14} Crough, Aboriginal People, p. 61.
\textsuperscript{15} Ibid.
Table 7.1. Employment profiles by industry sector for the Kimberley

<table>
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<tr>
<th>Industry Sector</th>
<th>Total</th>
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<td></td>
<td>Number</td>
<td>Proportion</td>
<td>Number</td>
<td>Proportion</td>
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p. 40. For the year 1991, the proportional percentage relates only for the Aboriginal population. Kimberley Development Commission, *Kimberley Region*.

For each of the four local government regions in the Kimberley, "community services" in 1996 remained by far the leading sector in terms of employment. According to the KDC, beyond the "community" sector, the region's employment base was underscored by the varying significance of other employment sectors in each municipality. In the Shire of Halls Creek, agriculture (10.8%) employed the second largest number, reflecting the importance, albeit much diminished from the time of the late 1960s, of the pastoral industry. In the Shire of Wyndham - East Kimberley, after "community services", mining (13.1%), agriculture (12.2%) and wholesale and retail trading (10.7%) were the next significant employers. Employment in the Shire of Derby - West Kimberley was especially dominated by the Community Services sector (42%); whilst the wholesale and retail trade (10.3%); public administration (8.3%) and mining (8%) were the next major sectors. Important employment sectors other than community services within the Shire of Broome were recreational, personal and other services (13.4%) and wholesale and retail trade (13.3%), bearing testimony to the importance of tourism to the local Broome economy. Agriculture and fishing were also significant in the Shire of Broome accounting for 10.8% of employment, based primarily on the pearling and fishing industries. In 1996, the Kimberley Aboriginal labour force totalled an estimated 5,230 persons. What is more, the vast majority of these people (an estimated 75%) were employed in publicly financed or publicly subsidised organisations, agencies or enterprises that were Aboriginal owned or controlled. The largest employers of Aboriginal labour throughout the Kimberley were the Aboriginal enterprises operating ATSIC funded CDEPs. The

17 *Ibid.*, p. 20. According to the KDC, "Although the mining sector contributes significantly to the size of the Kimberley economy in terms of value, it makes a far smaller contribution to employment providing around 800 jobs for people residing in the region in 1991. The relative contribution of wholesale and retail trade, manufacturing and finance and business services to the region's GDP is considerably less than for the State as a whole". (KDC p.22)
importance of CDEPs as a means of financing employment projects differed between the three Kimberley ATSIC regions. CDEP enterprises employed approximately one quarter of all Aboriginal people aged fifteen and over in the Broome region. In the Derby region the proportion was about one third, and for the Kununurra region, including the Halls Creek area, it was more than one half.\textsuperscript{19} The high proportion of CDEPs in the Kununurra region highlighted the use of CDEP subsidised labour in the Aboriginal owned commercial operations in the pastoral and agricultural industries.

Importantly, in the Kimberley, the operation of the CDEP scheme provided "employment and commercial development where there is [and was] largely an absence of conventional labour market activity"\textsuperscript{20} – and, as the KDC observed, the Kimberley "Aboriginal labour force is dominated by participants in CDEP", or in proportional terms, "68% of Aboriginal labour".\textsuperscript{21}

The operation of the CDEP scheme greatly assisted indigenous-owned enterprises by significantly reducing the cost of labour. The 1998 ATSIC Annual Report described the CDEP scheme as,

\ldots a community-based employment and community-development initiative. The scheme commenced in 1977, the original objective being to assist in the development of communities through work programs and thus have them achieve a greater economic, social and cultural strength. CDEP participants forego their right to unemployment benefits or training allowances and are in return paid wages by CDEP organisations to work and/or training to develop and improve their community... CDEP is now the most extensive program in Aboriginal and Torres Strait Islander affairs, and in monetary terms, ATSIC's largest program. It should be noted, however, that 63% of the CDEP scheme's funds (some $235m) are an offset against participants' unemployment benefits that would otherwise be payable through the Department of Social Security (DSS).\textsuperscript{22}

\textsuperscript{19} Ibid.
\textsuperscript{20} Kimberley Development Commission, Kimberley Region, p. 21.
\textsuperscript{21} Ibid.
\textsuperscript{22} ATSIC Annual Report, 1998. p. 43.
The KDC acknowledged the significance of the ATSIC-sponsored labour programs for local indigenous enterprises when it stated that, most of the "income and expenditure derived from programs such as the CDEP is year round, which contrasts with the seasonality of other sectors. The income and indirect employment generated by the transfer payments to the Aboriginal population is likely to provide an important stabilising effect on the regional economy".\textsuperscript{23} For the KDC: "Success in achieving regional economic development in the Kimberley will be assisted by increased participation of Aboriginal people in a broader range of economic opportunities".\textsuperscript{24} The KDC also argued for the importance of indigenous owned enterprises as a means for generating employment. "Economic development may be indicated by employment across a broader range of economic opportunities, and through increased involvement of successful Aboriginal owned enterprises... There is increasing awareness of and commitment to the need for economic development outcomes as a pathway to achieving self determination and independence".\textsuperscript{25}

The importance of the Aboriginal population to the Kimberley economy, the KDC pointed out, is reflected in the regional demographic statistics. As a result – of among other things, both historic and recent government policies – Kimberley Aboriginal people are "less transient in comparison to the non-Aboriginal population", and for this reason they make up a large proportion of the region’s long-term residents. "Approximately 40% of the Kimberley Aboriginal people were under the age of 15 in 1991, indicating that the Aboriginal people will continue to constitute a substantial proportion of the population in the future".\textsuperscript{26}

In their study, Crough and Christophersen discovered that other than Aboriginal expenditure there were "few other economic activities that ... bring into the region this

\begin{flushleft}
\textsuperscript{23} Kimberley Development Commission, \textit{Kimberley Region}, p. 96.
\textsuperscript{24} Ibid.
\textsuperscript{25} Ibid.
\textsuperscript{26} Ibid., p. 95.
\end{flushleft}
[large] amount of income”\textsuperscript{27}. Therefore, not only is income and employment maintained in the Kimberley region, but indigenous business operators are able to tap into these programs – on the basis of providing employment for indigenous people – as part of the project of indigenous trusteeship. For these reasons, outlined in more detail below, an indigenous business class, beginning in the 1970s, could now effectively confront “white” capital, and further expand into multiplex business operations. In some cases, like at Fitzroy Crossing, indigenous commercial operations have become predominant (historically, white businesses since European settlement had controlled most aspects of the Kimberley regional economy). So much so that Patrick Green, land owner and Aboriginal Company Director – of, among others, Leedal Pty Ltd, Marra WorraWorra resource agency and several pastoral stations, (see below) – was quoted as saying in a 1995 newspaper article: “The bottom line … is you do business in Fitzroy Crossing with [Aboriginal controlled] Leedal or you don’t do business at all”\textsuperscript{28}. In the Kimberley, an extremely important and pivotal state agency established and designed to, among other things, assist in the facilitation of land to organisations such as Mara WorraWorra and Leedal was the Kimberley Land Council, which is discussed in the next section.

(7.3) KIMBERLEY LAND COUNCIL (KLC)

Mr Justice Woodward, the author of The Aboriginal Lands Right Commission Report, suggested that the establishment of regional land councils in all States should be encouraged where they do not already exist and that these councils might discuss the Commission’s report on its relevance to their region ... In regards to the establishment of land councils, it was suggested the Lands Trust be retained particularly at this stage of being able to get together enough reliable Aboriginal people to really understand the responsibilities and have the business [my emphasis] knowledge to handle land tracts ... \textsuperscript{29}

In 1976, the Federal Coalition government (led by Malcolm Fraser) introduced the Aboriginal Land Rights (Northern Territory) Act, a modified version of the former

\textsuperscript{27} Crouch and Christophersen cited in Ibid.
\textsuperscript{28} The Australian Magazine, May 6 – 7 1995. Both Leedal Pty Ltd and Marra WorraWorra are discussed at length below.
Whitlam Labor government's (1972-1975) legislation. Among other things, it provided for Aboriginal land councils in the Northern Territory to practice as agents for "traditional Aboriginal owners in respect of land matters".\(^{30}\) The enactment of the Northern Territory legislation indicated to regional Aboriginal organisations and their leadership that the Commonwealth government would either persuade State governments to legislate for the provision of land councils, or instead it would utilise its own powers achieved as a result of the 1967 referendum to enact nation-wide legislation.\(^{31}\)

Before any national land council legislation could be initiated however, various regional organisations established their own unofficial land councils, notably the KLC and the North Queensland Land Council (NQLC).\(^{32}\) These two councils were established to lobby for land rights, principally based on the Northern Territory model, on behalf of local indigenous organisations and their leadership. The book, \textit{Our Land Our Life}, published by the Central Lands Council, provides a description of the role-played by Northern Territory Land Councils and by extension as a model for the KLC and NQLC.

The Land Councils have the statutory function to assist Aboriginal people in the management of their land and to negotiate, on behalf of the traditional landowners, with entrepreneurs and companies wanting to use Aboriginal land. By employing lawyers and professional staff with expertise in land management, including mining, pastoral development, environmental protection, parks and tourism, as well as economic and commercial analysts, the Land Councils are a valuable resource for traditional landowners ... \textit{Land Councils actively assist traditional landowners to develop commercial business opportunities which maximise financial returns and create employment opportunities} [my emphasis] ...[these include] tourist operations, cattle and fishing projects, community stores and other enterprises.\(^{33}\)

\(^{29}\) Minutes of Aboriginal Lands Trust meeting, 11 – 13 December 1974.
\(^{31}\) \textit{Ibid}.
\(^{32}\) \textit{Ibid}.

245
The KLC was established in 1978 to, *inter alia*, petition for land rights and deal with mining companies wishing to enter Aboriginal controlled land.\textsuperscript{34} “[S]enior Kimberley Aboriginal people [or leadership] determined that there was a need for a regional organisation to represent people in their aspirations for land ownership”. Also, since 1993, the KLC has been recognised as a Native Title Representative Body\textsuperscript{35} gazetted under the *Commonwealth Native Title Act, 1993*.\textsuperscript{36}

In 1978 Steve Hawke and Michael Gallagher emphasised that: “The most significant initiative for Aboriginal people [in the region] was the formation of the KLC, in May at Noonkanbah”. At the meeting that founded the KLC there were “people from thirty Kimberley and five Northern Territory communities in attendance at Noonkanbah. Many delegations included … community leaders. The two Kimberley members of the National Aboriginal Conference, Jimmy Bieunderry and Reg Birch, and Ernie Bridge were there, as well as Galawurry Yunupingu of the Northern Lands Council”\textsuperscript{37}

\textsuperscript{34} “The application of CRA Exploration for renewal of their permit to enter the Forrest River Reserve was tabled and it was noted that the Commission [and KLC] had approved further entry...” Minutes of Aboriginal Lands Trust, 27\textsuperscript{th} meeting, 6, 7 and 8 July 1979. “The Chairman reported the Institute of Aboriginal Studies had funded the KLC to employ an anthropologist to survey sacred sites in the Kimberley area”. Minutes of Aboriginal Lands Trust meeting, 7, 8 and 9 October 1978. More recently in 1999, the KLC brokered an agreement between local Kimberley Aboriginal organisations and seven major mining companies. Representatives of the KLC and the Explorers group, which consists of seven major mining companies including BHP, Rio Tinto and Shell, signed the memorandum of understanding. The agreement will encourage the protection of Aboriginal heritage but also streamline the process of granting exploration tenements across the Kimberley region, bypassing complex native title laws. The council’s director, June Oscar, says in the past the relationship between indigenous people and mining companies has been poor. But she says today’s agreement shows that this is changing “from the denial of people’s rights, conflict and division to respect, recognition and further steps on the path to reconciliation,” *ABC Online*, 22 June 1999, “Native Title Agreement Born From Mutual Respect”.

\textsuperscript{35} According to the 1999 ATSIC *Annual Report*, the Native Title Representative Bodies (NTRB’s) “play a pivotal role in the operation of the Act, providing a cost-effective means for native title holders to exercise their rights. Their core functions are to assist claimants with the preparation and lodgement of claims, the resolution of disputes between claimants and the representation of claimants in negotiations with those wishing to use native title lands. NTRB’s may also cooperate with industry and government and can significantly reduce their transaction costs by, for example, identifying native titleholders and providing them with legal representation in negotiations. During 1998-99 ATSIC provided funds for operational purposes, used to meet the recurrent costs of NTRB’s, particularly the employment of expert staff”. pp. 131-32.


\textsuperscript{37} S. Hawke and M. Gallagher *Noonkanbah*, (Fremantle, Fremantle Arts Press, 1989) p. 94.
The initial organisational structure of the KLC included a Chairman as head of the KLC alongside an executive of twelve. All executive positions are elected at a biennial general meeting from regional “Aboriginal communities”.

The KLC is governed by a body of Traditional Owners [sic] of the Kimberley drawn from all parts of the region. Members of the Executive are elected every two years... The Executive council consists of four community representatives elected from each of eight land areas of the Kimberley. These land areas are broadly centred on: Broome – Bidyadanga – Dampierland Peninsula; Derby; Fitzroy Crossing – Fitzroy Valley; Halls Creek; Warmun; Balgo – Billililuna – Mulan; Kununurra – Ord Valley; Wyndham – Oombulgurri – Kalumburu. The Executive Director is also an ex officio member of the Executive Council. The Executive is the organisation’s policy-making body and Board of Management. The Executive determines the organisation’s priorities in all policy and operational matters and oversees the conduct of the organisation affairs through the position of Executive Director. The Executive Director is appointed by the Executive. Sub-committees of the Executive hold portfolio responsibility for Native Title and Finance and Administrative matters.38

Executive meetings are held monthly and there are at least three full meetings during the year. These meetings are held at various locations throughout the Kimberley.39 The Regional Offices of the KLC are staffed by a “mixture of specialist professional and technical officers drawn from disciplines such as law and anthropology, generalist project officers, field and clerical support staff”.40 Staff members undertake research for “native title claims; provide legal representation in other land matters especially in connection with resource development and work with Traditional Owners on economic and community development projects which prepare communities for the return of their land”.41

Other functions of the KLC are provided by the Head Office, located in Derby, and include “generalised research and advocacy functions such as responses to legislative and public administration reviews, commission information and the servicing of the

Executive Council”.  Corporate Services such as “financial management and accounting, assets management, contract administration and human resources administration are also provided by the Derby Office”.  

Kimberley resource agencies (see below) are closely associated with the KLC at the executive committee level and there is much collaboration and cross membership between the KLC, resource agencies and the ATSIC regional councils.  In a KLC submission to a report reviewing West Kimberley Aboriginal resource agencies, the KLC proposed that that the KLC itself be comprised of “delegates of member communities plus the Chairperson of the local Resource Agency”.

Since the KLC’s inauguration, the expectations generated by its activities have encouraged a continual and growing stream of demands for the further access of Aboriginal land. In a 1978 Aboriginal Lands Trust meeting: “The Chairman referred to correspondence received from the KLC on behalf of the Gordon Downs Group requesting an area of 40-50 square miles from Gordon Downs Station and 55-60 square miles of vacant crown land”. In another example recorded in the minutes of an Aboriginal Lands Trust meeting held in 1981: “Mr Gordon tabled a submission from the Kimberley Land Council supporting Mr Patrick Roe’s claim to the [Fishermen’s Bend Broome] Reserve”.

The increase in indigenous land aspirations paralleled a dramatic rise in commercial development in the Kimberley. Beginning in the late 1970s, development included tourism, mining, aquaculture and National Parks. As a consequence of the expanding development opportunities, there was growing conflict between so-called “European and

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41 Ibid.
42 Ibid.
43 Ibid.
44 Sullivan, All Free Man, p. 98.
46 Minutes of Aboriginal Lands Trust meeting, 7, 8, and 9 October 1978.
47 Minutes of Aboriginal Lands Trust meeting, 10 – 11 June 1981.
Aboriginal land use in the region”.48 In other words, there have been serious disagreements over the control of land between white owned operations, the historic controllers of businesses in the Kimberley, and indigenous enterprises looking to exploit the growing commercial opportunities. A major task for the KLC was to resolve, in favour of the indigenous landowners, the hostility and conflict that existed between these two competing groups. In 1989, a report outlining the activities of the KLC found that:

...the KLC will seek to develop a regional profile as a service agency acting as a mediator between European developmental interests and the ‘defensible interests’ of Aboriginal people [my emphasis]. The major service need, identified in this report, is for -
- the detailed determination of Aboriginal land needs and the implication of a process for the speedy satisfaction of these needs
- the protection of the Aboriginal cultural heritage (including the protection of Aboriginal sites, of Aboriginal interests in land subject to development and of Aboriginal interests in respect of the social and other impacts of development)49

The 1996 KLC Annual Report points out that an essential aspect of the KLC operation is to aid “Aboriginal people of the Kimberley region in matters affecting traditional lands and waters”. In particular, the KLC assists: “Traditional Owners to exercise legal rights under the Commonwealth Native Title Act 1993 and other legislation such as the Commonwealth Aboriginal Torres Strait Islander Heritage Protection Act 1984”50.

In addition, and most significantly, the KLC undertook to encourage “Aboriginal people of the Kimberley region in the development and management of economically and environmentally sustainable projects including tourism developments, pastoral and horticultural interests, and coastal and fisheries protection”.51 The KLC urged and supported: “Traditional Owners to make agreements with developers seeking to use

49 Ibid.
51 Ibid.
traditional lands and waters including mining and exploration companies, pearling and other commercial fishing interests and tourism operators”. 52

Under instruction from “its members and Executive Council”, the KLC represented Kimberley Aboriginal interests in “numerous regional, state and national forums”. This representation included “negotiation and legislation affecting Aboriginal people in the region; the development of agreements on town planning processes, which recognises and respects traditional interests and usage; and negotiation on major regional development projects such as the expansion of the Ord River Irrigation Area”. 53 The next section provides some case studies, which are representative of the activities undertaken by the KLC in this regard.

**Case Study – “Balangarra Native Title Community Awareness Plan”**.

A key KLC priority is to assist Aboriginal people to establish structures which are capable of undertaking the work involved in managing traditional country. Traditional owners of the Forrest River Area in the northeast Kimberley have been working towards establishing such a structure, to be known as the Balangarra Aboriginal Corporation. 54

The KLC, in its efforts to bolster indigenous enterprises in the Kimberley, gave advice to the “Traditional Owners” operating the Balangarra Aboriginal Corporation in relation to the “legal and development issues associated with their native title claim”, as well as outlining the “rights and responsibilities which will flow to them once their claim is determined”. 55 To this end, the KLC conducted the “Balangarra Native Title Community Awareness Programme”. The long-term goal of this plan was to “contribute to the establishment of a more independent economic future for native titleholders within the Balangarra claim area”. 56 The short term objective was to provide information to “Traditional Owners which will help them make decisions on social and economic

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52 Ibid.
53 Ibid.
54 Ibid., p. 11.
55 Ibid.
development issues... involved in the Balangarra Native Title Claim; and to support the community of native title holders to define the specific roles and responsibilities of the Balangarra Aboriginal Corporation...” Other issues discussed involved “land and resource management, the need to formalise the body corporate rules; and for provision of direction on development planning and negotiation”.

In other words, the KLC provided much assistance for, among other things, the commercial operations of Balangarra Aboriginal Corporation. Box 1 outlines the amount of area, location and type of tenure that encompassed the Balangarra Native Title Claim, which is ongoing.

**Box 7.1. Balangarra Native Title claim**

<table>
<thead>
<tr>
<th>Title Claim</th>
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<tr>
<td><strong>File Number:</strong></td>
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<td><strong>Location:</strong></td>
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<tr>
<td><strong>Size:</strong></td>
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<tr>
<td><strong>Description of claimants</strong></td>
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<tr>
<td><strong>Current status:</strong></td>
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<td><strong>Tenure Affected:</strong></td>
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**Case Study – Rubibi Land, Heritage and Development Company**

The “Yawuru, Djugan and Goolarabooloo people”, according to the KLC, are “members of a broad cultural group with historical and familial ties to each other and to the same areas of land within the Broome region”.

Nevertheless, in 1993, at the time of commencement of the Native Title process at least two of these groups, “Yawuru and Goolarabooloo”, had a long history of disputes, usually centred on arguments over who had the right to “speak for country”. Or, to put it another way, which organisation held

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legal commercial access to particular areas of land that had become a matter of legal dispute. As a result of these conflicts, it was considered by the KLC, that there was every possibility of a “three way contest over native title, with each group undermining the other’s case with the use of separate legal representation and anthropological advice”. 59

In an attempt to resolve the dispute, the KLC convened a meeting of the three organisations to discuss Native Title and to “negotiate a joint approach to native title claims”. 60 Through KLC mediation, the three groups came to an amicable agreement in the formation of Rubibi Land, Heritage and Development Company. The Rubibi Development Company was established as a company incorporated under the Western Australian Corporations law to provide, among other things, a “formal structure for negotiating native title and land use agreements”. 61

In 1996, the KDC outlined the scope of the partnership that had been formed “between the Rubibi group and the State government”. 62 The partnership included: “Plans... for a development that will result in Australia’s largest aquaculture park being located in Broome”. Furthermore:

The park has been developed by the State government in partnership with the local Rubibi Aboriginal Land, Heritage and Development Working Group and will take the form of a commercial enterprise park, providing serviced sites to both industry and to a range of Government and private enterprises. It is planned that the park will provide the foundation for commercial aquaculture operations, research and development projects and related activities such as eco-tourism. 63

The partnership plan envisaged the State government developing the essential infrastructure at the site of the aquaculture park in Broome, and the Fisheries Department and the Rubibi Group jointly managing the Park. The Rubibi Group with an active role in the development and management of the park would “receive 49% of the Park profit and

59 Ibid.
60 Ibid.
61 Ibid., p. 17
63 Ibid.
of any proceeds should the park be sold".64 Importantly, for the Park's operation, a
"Native title claim over the area has been set-aside for the purposes of the Park
development": the setting aside of the land claim "means that the Park will not be
affected by the outcome of the native title claim". And, because of this resolution, the
KDC predicted that the "end result is that there are benefits for all involved... [as] all
parties have a vested interest in the success of the Park".65 According to the KDC:
Under this arrangement, local Aboriginal people will have significant opportunities for sustainable
employment and training opportunities [my emphasis] to allow their participation in the development of the
Kimberley's exciting aquaculture industry. The management skills and experience to be gained from the joint
management involvement will be invaluable, and there is potential for substantial economic benefit to come
directly from the project.66
Another Rubibi initiative was the local "Government Development Program", devised in
1999. This Program was jointly prepared by the Rubibi Working Group and the Shire of
Broome to recognise "cultural and heritage values of Aboriginal people within the land
planning process". The Rubibi Working Group also undertook negotiations with the State
government that would "guide future development in and around Broome".67 In
particular, The Broome Airport Relocation Task force (BART) was established to
determine a suitable site for the new Broome Airport, and a site was eventually selected
some 12 km from Broome.68 It is worth noting (see the Appendix 10.10) that several
people close to the Rubibi Group and associated organisations own 99 year leases, in
which housing and other developments have occurred, in and around the prime real estate
site of the original Broome airport. Lease owners of Airport Reserve 11122 include, D.C.
Pigram, D.I. Pigram, P. Yu, J.A. Jungine, J. Sahana, E.L. Roe and V.L. Roe (see also
Chapter 5).69

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64 Ibid.
65 Ibid.
66 Ibid.
67 Country Land Development Programme – Pilbara, Kimberley Update, (Government of Western
68 Ibid.
A considerable aspect of the KLC’s operations – that is, the facilitation of land and commercial opportunities for indigenous individuals and enterprises – is reflected in its involvement in the pastoral industry. This involvement is analysed in the next section.

**Pastoral.**

Since its inception the KLC has considered the pastoral industry as the most significant level at which “Aboriginal people participate in the productive economy of the Kimberley”.\(^{70}\) In 1996, the KLC’s “pastoral lands” operation comprised three main strands and included “assistance with the development of a regional strategy for the acquisition of properties on behalf of Aboriginal people; negotiation for access to non-Aboriginal held pastoral leases by Traditional Owners and involvement in the Kimberley Aboriginal Pastoralists Association”.\(^{71}\)

During the financial year 1995-96, the KLC sought purchase options on behalf of Aboriginal corporations for a number of properties across the Kimberley. This undertaking involved the coordination of “economic assessments of a number of leases, surveys of traditional affiliation and ownership and advocacy on behalf of those making applications for funding assistance”.\(^{72}\) The KLC notes that, despite the intricate nature of applications the work performed in this area was an “essential part of the process”. It was reported that in the year 1995, that the KLC assisted in the purchase of four properties – “Lambool, Tablelands, Fairfield and Mowla Bluff Stations”.\(^{73}\)

The KLC also noted that funding for land acquisition and management would shift to the Indigenous Land Corporation (ILC) in the 1997 financial year. And in this respect, particularly in the negotiations leading to the establishment of the ILC, the KLC was responsible in “gaining statutory protection for regional based strategic planning of land

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71 Ibid.
72 Ibid.
73 Ibid., pp. 20-21.
acquisition and management”. To this purpose, the KLC, with other relevant land related Kimberley agencies would move toward establishing a “partnership with the ILC in the development of effective land management strategies for the Kimberley region”. Given the extent of “Aboriginal involvement” in the Kimberley pastoral industry, the KLC determined to “work closely with the Kimberley Aboriginal Pastoralists Association” (KAPA), and jointly prepared a “regional strategy for land acquisition and management”. The scale of indigenous activity in the pastoral industry now warranted organisational representation. The next section discusses the Kimberley Aboriginal Pastoralists Association (KAPA).

**Kimberley Aboriginal Pastoralists Association**

The KAPA had its beginnings at a conference at Kununurra in May 1993. Whilst KAPA is now considered by some to be an independently incorporated association, the KLC maintains close administrative support for the association and is an active member of the governing committee. In 1996, eighteen of the twenty-two operative Aboriginal cattle properties were KAPA members.

When first devised by the KLC, the KAPA project included “reviews and developmental plans for all participating properties; an assessment of marketing methods and potential new markets was undertaken; and a feasibility study for leucena feed lot to be used in common by the Aboriginal properties was undertaken”. Subsequent studies initiated by KAPA investigated such matters as the “relationship between government funding agencies, principally ATSIC, the ILC and the Aboriginal pastoral industry, training needs and land care issues”. Another important function of KAPA, and as a way of easing the

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75 *Ibid.* It is important to note that Peter Yu (at the time Executive Director of the KLC) was during the early period of ILC operations its Deputy Chair. Yu it has been reported “directed much of the ILC’s resources towards buying up cattle stations. One was Roebuck Plains, near Broome in WA, which at $8 million remains the ILC’s most expensive purchase to date”. “A Place Of Our Own”, *The Australian*, 5 June 2002.
conflict between indigenous and non-indigenous pastoralists, was the recognition that all pastoralists in the Kimberley share the same problems in “attaining ecologically sustainable rangeland, management, and land care related issues”\textsuperscript{80} It was also reported that some form of rangeland deterioration then affected half of the Kimberley land area. As a consequence, KAPA identified a need for a regional rangeland management strategy to be implemented based upon a relationship between the Aboriginal and non-Aboriginal pastoral industry and by government and non-government agencies.\textsuperscript{81}

In short, KAPA has been instrumental in assisting Aboriginal interests to gain ownership of pastoral enterprises, as well as aiding indigenous owned pastoral stations to operate in a more efficient and profitable manner. In this regard, KAPA is similar in many respects to other organisations, such as the Pastoralists and Graziers Association, established to garner political and economic support as well as additional resources from the State and Federal governments.

\textbf{Managing “Sea country” (Farming the sea).}

The KLC has argued that for many years concern about the developmental issues relating to the Kimberley coast and its offshore fishery have been articulated by Aboriginal organisations including the KLC. However, as the KLC makes clear, it was not until the passage of the \textit{Native Title Act} in 1993, that there was any legal basis upon which indigenous organisations could assert the right to manage these resources.\textsuperscript{82} The KLC points out, in its Annual Report, that most of the 1300 km Kimberley coastline is Aboriginal reserve and/or vacant crown land, and it is “without question that traditional rights and interests continue beyond the waters edge...”\textsuperscript{83} And, since 1993, more than 60% of the Kimberley coastline has been subject to Native Title claims. Moreover, the Kimberley coast, the KLC insists, has “been a relatively unmanaged area in terms of integrated and planned government management”. For these reasons,

\textsuperscript{80} Ibid.
\textsuperscript{81} Ibid.
\textsuperscript{82} Ibid., p. 24
\textsuperscript{83} Ibid.
The lack of management, and particularly a lack of involvement by Traditional Owners in decision-making, has led to problems which are common along the coastline: the effects of commercial fishing (pollution, by-catch, decreasing fish stocks) regulation of Aboriginal fishing, lack of community control over increasing numbers of tourists obstruction of access to places caused by pearling leases, and structural barriers to involvement in commercial fishing.\textsuperscript{84}

The legal struggle for offshore native title is ongoing. “Although the \textit{Native Title Act} offers the basis, much uncertainty surrounds the concept of offshore native title, and what kind of rights it will encompass. Full beneficial ownership has been claimed by native title-holders instructing KLC in sea claims”.\textsuperscript{85} The move to claim “sea country” is however clearly indicative of the move from welfare to commerce in native title claims as well as suggesting an increase in the confidence of Aboriginal business in asserting its aspirations more directly.

\textbf{Outstation Movement.}

Since its inception, the KLC has supported and assisted in the substantial demographic shift that has occurred in the Kimberley. Until the early 1970s, many Aboriginal people lived in government or Church reserves, or in camps on cattle stations. The previous policy objective – that is, state trusteeship – became ineffective when there was the wide-scale migration of unemployed indigenes into Kimberley towns and semi-urban centres. As part of the new policy of indigenous trusteeship, introduced in the early 1970s, Aboriginal people were returned to “small communities, or outstations, on traditional country”\textsuperscript{86}. In 1996, as testimony to the success of the policy of indigenous trusteeship, it was estimated by the KLC that more than 40\% of the Kimberley Aboriginal population now lived on outstations in remote areas of the Kimberley. It was expected (in 1996) that by the year 2000 more than 50\% of the Kimberley Aboriginal population would be living on outstations (The outstation movement is discussed in detail in Chapter 6).\textsuperscript{87} The next

\textsuperscript{84} \textit{Ibid.}
\textsuperscript{85} \textit{Ibid.}
\textsuperscript{86} \textit{Ibid.}, p. 25.
\textsuperscript{87} \textit{Ibid.} In 1986 an agreement was struck between the Commonwealth and Western Australia government, which determined the necessity of returning Aboriginal people to “traditional lands”. The Aboriginal
section also examines another very important state agency – that is, ATSIC – particularly in its efforts to retain productive force in the Kimberley and its assistance to indigenous controlled businesses.

(7.4) ATSIC OPERATIONS IN THE KIMBERLEY: 1990-1995

The challenge for people living in a region that is economically as narrow as the Kimberley region, with limited growth prospects and small population is to continue to attract resources from the rest of Western Australia and Australia as a whole. A crucial source of such income is associated with the Aboriginal people and Aboriginal organisations in the region.\footnote{Crough and Christophersen, \textit{Aboriginal People}, p. 61.}

ATSIC began its operations on the 5 March 1990. The Commission replaced the former Commonwealth Department of Aboriginal Affairs (DAA) and the Aboriginal Development Corporation (ADC). ATSIC was a further extension of the project of indigenous trusteeship within the Commonwealth Aboriginal Affairs administration. The ATSIC model was somewhat unique in that it included both an executive; that is, a regular public service structure, and an elected structure made up of regional councillors and commissioners.\footnote{\textit{Ibid.}, p. 211.} When first established, local and regional self-determination was to be delivered through the election of sixty regional ATSIC councils throughout Australia. Regional councillors would then elect seventeen commissioners to sit on the ATSIC Board. With three government appointees – by the year 2000, all members were elected – the Board would determine national priorities.\footnote{P. Turner, “Public Policy In Indigenous Affairs – No Miraculous Solutions”, \textit{Australian Journal of Public Administration}, (56,2,June, 1997) p. 6.}

Gerry Hand, the Aboriginal Affairs Minister in the Federal Labor government (led by Bob Hawke), who oversaw the establishment of ATSIC, said: “We must ensure that Aboriginal and Islander people are properly involved at all levels of the decision making process ... Aboriginal people need

\footnote{Community Development Employment Projects assisted the return of indigenous people to remote areas; in much the same way reserves in Western Australia had sequestered people throughout the twentieth century. In an effort to halt the exodus of people from rural to semi-urban locations there was the “creation of small reserves or special leases, usually excisions from crown land, national parks or pastoral leases... Most outstations and all large communities [were] vested with the Aboriginal Lands Trust”}

258
to decide for themselves what should be done – not just take whatever governments think or say is best for them".91

Prior to the inauguration of ATSIC, the Fraser Coalition government had established the ADC in 1980 – to implement economic development for “indigenous communities”. As part of the policy of indigenous trusteeship it was “given an all-indigenous board of 10 appointees, who ...[had] control of the budget”.92 The ADC was established by Parliament in a bid to promote Aboriginal economic development by advancing grants and loans to “Aboriginal individuals and organisations from the funds provided”.93 In effect, the ADC delivered a large segment of these funds to assist the construction of houses but also, importantly, financed loans to “help establish” indigenous “commercial enterprises of various kinds”, including Aboriginal owned construction companies (see below), “pastoral properties, retail stores, transport services, tourist accommodation, arts and craft production and marketing, and equity participation in non-Aboriginal enterprises”.94

The ATSIC version of the ADC’s funding activities was initiated under the ATSIC Act in 1990. The Aboriginal and Torres Strait Islander Commission Aboriginal Development Commission (ATSICADC) was given the task of engaging “in commercial enterprise activities on behalf of, and involving, Aboriginal and Torres Strait Islander joint-venture partners”.95 Moreover, ATSICADC was said to operate on a “strictly commercial basis, not making grants or concessional loans”.96 Assets of the former ADC and the ADC’s Capital Fund were transferred to the new corporation. Also included in the new portfolio were the Central Land Council, Northern Land Council, Tiwi Land Council, Anindilyakwa Land Council, Aboriginal Land Commissioner, and Aboriginals Benefit Reserve, all established under the auspices of the Aboriginal Lands Rights (Northern

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91 Ibid.
92 Ibid.
94 Ibid.
As well, the Indigenous Land Corporation (ILC) (see above) was set up on 1 June 1995. "Using funds made available to it each year from the Aboriginal and Torres Strait Islander Land Fund Reserve, the ILC assists Aboriginal and Torres Strait Islander people to acquire and manage land". In the period under ATSIC administration, the ADC placed particular emphasis on supporting economic ventures in the Kimberley region. Both the Western Australian Aboriginal Affairs Planning Authority and the ATSICADC had, as part of the policy of indigenous trusteeship, been "directed to devote their attention to ameliorating Aboriginal conditions in the European economy".

In 1989-90, ATSIC’s total national expenditure was "$537 million and of this $373 million (or 70%) was in the form of direct grants to indigenous people and their local organisations". These funds were directed toward a diverse array of activities from "land ownership, broadcasting and communications, to the CDEP [Community Development Employment Project] scheme". According to Bill Arthur, the allocation of funds by Western Australian government agencies can also be classified on a functional basis as either economic (such as enterprise development) or social (including health and education). The allocations by individual Western Australian government departments were organised into two broad categories, social and economic. During the period 1989-1990, the total special allocations by State, Commonwealth and local government to Western Australian Aboriginal programs and delivered by local indigenous organisations included: "$127 million … directed to social and $111 million to economic functions; that is, the social stream received 54% and the economic stream received 46% of the total special allocation to Aboriginal affairs". The Western Australian State government allotted "$14 million or 38% of its total allocation of $36 million for

96 Ibid.
97 Ibid.
98 ATSIC Annual Report 1998-99, p. 9. In 2002, it was reported that the ILC has "almost $1.3 billion in funds, and has spent more than $135 million on 151 properties across Australia". "Aboriginal Agency Sets Its Sights On The City", The Australian, 3 June 2002.
99 P. Sullivan, All Free Man Now, (Canberra, Australian Institute of Aboriginal and Torres Strait Islander Studies, 1996) p. 105.
100 W.S. Arthur, Funding Allocations To Aboriginal People: The Western Australian Case, (Canberra, CAEPR, Discussion Paper No.15, Australian National University, 1991) p. 7.
economic purposes, while the Commonwealth allocated $97 million or 48% of its special funds to economic purposes".102

In 1989-90, the total ATSIC allocation to Western Australia was an estimated $104.25 million and of this $88.85 million or 85% was distributed to the remote region, of which the Kimberley is the largest (both in terms of Aboriginal population and in area).103 Although the economic and social functions are not official policy classifications, according to Arthur, the ATSIC allocations to the “economic and social functions in each zone are not too dissimilar”. Nevertheless “a remote/urban division is implicit in the resource allocations”.104 As Arthur shows, an analysis based on the remote/urban division, albeit considering only the ATSIC funding, underlines the priority attracted by the remote region. The preceding chapters of this thesis have established that an important aspect of indigenous trusteeship, since the 1970s, has been the attempt to deal with the rapid increase in the rate of growth of an indigenous relative surplus population and especially that which became evident in the Kimberley. In 1989-90, as a consequence of mass unemployment and social dislocation, “85% of ATSIC funding” going to Western Australia was directed to the Kimberley region even though only “53% of the Aboriginal population reside there; in other words, 1.6 times the funding is allocated to the remote region than would be the case if the distribution was reckoned purely on a per-capita basis”.105

ATSIC spending during 1991-92, in Western Australia, and particularly the Kimberley region remained substantial. Program expenditure by ATSIC in Western Australia was “$114.3 million, and administration expenditure of $8.1 million”. Specifically, in the Kimberley region, total expenditure consisted of program expenditure of $61.3 million

102 Ibid.
103 Arthur, Funding Allocations, p. 15. The Kimberley region, Crough and Christophersen argue, “benefits from a higher level of per capita funding by ATSIC than other areas of the State. This is partly explained by the high uptake of CDEP in the region, the range and number of Aboriginal organisations. The relatively high level of funding to this region has at times been criticised by Aboriginal people in other parts of Western Australia”. Crough Aboriginal People, p. 235.
104 Arthur Funding Allocations, p. 15.
105 Ibid, p. 17.
and administration expenditure of $3.5 million. Of the total ATSIC expenditure in the Kimberley, during 1991-92, the Community Development Employment Projects (CDEP) amounted to about 48%. Payments of CDEP wages totalled “$22.6 million”. As Crough and Christophersen argue, “no other government department or authority for which information ...[had] been obtained is responsible for larger expenditure in the Kimberley region than ATSIC”. In 1991-92, program expenditure by ATSIC was almost three times the total expenditure of the four shire councils ($23 million). Even after CDEP expenditure is subtracted from the ATSIC figures, “program expenditure of ATSIC was 50% larger than that of the shire councils”.

The bulk of government expenditure on indigenous programs and services during 1991-92 in the Kimberley, and delivered by local and regional Aboriginal controlled organisations, was spent by ATSIC ($65 million). Other government expenditure included the Department of Social Security ($30 million); the Health Department of Western Australia ($28 million); the Ministry of Education ($10 million); the Department of Education, Employment and Training ($3.2 million); the Department of Community Development ($3.5 million) and the Aboriginal Affairs Planning Authority ($1.6 million). The approximate total of all spending by government agencies in the Kimberley during 1991-92 is therefore at least $140 million. And this total, according to Crough and Christophersen’s calculations, “is likely to be an underestimate of the government expenditure attributable to Aboriginal people”.

During 1991-92, the value of production or turnover of any industry in the Kimberley, apart from the Argyle diamond mine, did not exceed that of the spending of ATSIC. These figures tend to contradict the popular (and even official) perceptions of the Kimberley economy as mainly consisting of private sector investment. Indicative of this perception was a pamphlet published by the former Department of State Development which suggested “that the economy of the Kimberley is based on agriculture, fishing,

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106 Crough, Aboriginal People, p. 235.
107 Ibid.
horticulture, mining and the pastoral and tourism industries. That is not to suggest here that these industries do not generate considerable income and economic activity. However, it is government spending, and especially Commonwealth government spending on indigenous programs and services, and delivered through the agency of indigenous organisations that is the single major component of the regional economy. In short, “If the value of production of the Argyle diamond mine is excluded from estimates of the regional economy, then spending attributable to Aboriginal people in the Kimberley region represented at least 40% of the income in the regional economy in 1991/92”.

Another indicator of the significance of government spending on Aboriginal affairs in the Kimberley economy is emphasised by construction activity. As the KDC outlined:

The circulation of income and expenditure through the Kimberley economy arising from these [government] programs has a substantial positive impact on employment and business activity in the region. Impacts are felt particularly... in building and construction and in some of the service industries. Substantial infrastructure development has also occurred as a result of these programs.

Construction in the region was the third largest industry during 1990-91, as measured by Gross Domestic Product. “Total expenditure on Aboriginal housing and community infrastructure (capital) in the Kimberley region by ATSIC and Homeswest in 1991/92 was $12.4 million”. These figures would suggest that spending on indigenous “housing and community infrastructure” accounted for at least half of the building activity in the Kimberley region. And, as a consequence, the economic activity generated by the construction industry, and increasingly carried out by Aboriginal owned construction

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110 *Ibid.* Crouch and Christophersen point out that, “net income of the 82 Aboriginal organisations for which data was obtained in 1991-92 was $62.9 million. Approximately 80% of this income was comprised of ATSIC grants, and 83% was delivered from all Commonwealth sources. Total non-government income of the Aboriginal organisations amounted to $6.4 million, 10.2% of total income. Total income of Aboriginal organisations in the Kimberley region was at least $72 million in 1991-92”. p. 264.
companies, is directly affected by spending on Aboriginal housing and community infrastructure.\textsuperscript{113}

One of the growing numbers of indigenous controlled construction enterprises in the Kimberley is Northern Building Consultants (NBC). NBC is a division of "Northern Consultants and Associates Pty Ltd which is an Aboriginal owned business that provides architectural consulting, planning, community development, project management, research and related services in the Northern Territory and Western Australia".\textsuperscript{114} In early 1993, the NBC Aboriginal Corporation was established to undertake the business operations of Northern Consultants and Associates Pty Ltd in Western Australia. The "company has been involved in numerous housing and community infrastructure projects in the Kimberley region, including the Guwarti Ngartu aged people's facility in Fitzroy Crossing, the Kooljaman project for the Bardi and Darindjin communities at Cape Leveque, housing for the Mirima community at Kununurra, and housing at Beagle Bay".\textsuperscript{115} Another example of indigenous owned construction companies is the Kununurra-Waringarri Aboriginal Corporation (see below) which owns "Mayaroong Constructions, a building company established in 1985".\textsuperscript{116}

In summary, the overall economic effect of government spending in the Kimberley since the 1970s has been pivotal to the regional economy. Much of the government spending in the Kimberley is due to the high percentage of indigenous people residing year round in the Kimberley (in 1993, some estimates put the Aboriginal population as at least 50% of the total Kimberley population).\textsuperscript{117} Government spending not only constitutes the base of the economy but has also allowed an indigenous business class to further expand into multiplex business operations. According to Crough and Christopherson,

\textsuperscript{113} Ibd.
\textsuperscript{114} Ibd.
\textsuperscript{115} Ibd.
\textsuperscript{116} Ibd., p. 60.
\textsuperscript{117} See Crough, Aboriginal People.
The reality is that Aboriginal people in the region have been able to establish a significant foothold in the economy of the region. Added to this is the fact that Aboriginal people comprise the bulk of the long-term residents. The challenge for Aboriginal people will be to build on the present economic base that they have in the form of dozens of Aboriginal organisations in the region.¹¹⁸

To reiterate, the policy of indigenous trusteeship, through the transfer of responsibility or trusteeship of Aboriginal welfare to local indigenous controlled organisations, seeks to both ameliorate the living conditions of indigenous people – especially that caused by unemployment and social dislocation – as well as to halt or at least slow the process of urbanisation and migration away from the Kimberley region. To support this proposition, in the next section a description of the history of welfare and commercial activities of some well-established Kimberley resource agencies will be given.

(7.5) ABORIGINAL RESOURCE AGENCIES IN THE KIMBERLEY

It should be remembered that regional Projects cover grants of varying amounts to community groups who are undertaking activities of their own accord. Some undertaken to date include small market gardening projects, gardening services and a range of other activities, depending on local opportunities. It must be remembered that the value of these projects lies very largely in their social development content, which should include such activities as local Aboriginal welfare organisations such as the Wyndham Aboriginal Progress Movement and Reserve Advancement Councils. Special Works Projects relate basically to the provision of grants to local Authorities or other semi-government organisations to undertake realistic work programs in their areas through the employment of Aborigines.¹¹⁹

In the 1970s, throughout the Kimberley region, Aboriginal resource agencies were known as "progress associations" and "advancement councils". These local and regional associations were devised as part of the early project of indigenous trusteeship by the Commonwealth and State governments in an attempt to deal principally with the consequences of rapidly growing unemployment and social dislocation. In many ways these were to act as models for the ATSIC regional councils of the 1990s. Importantly, by

¹¹⁸ Ibid., p. 264.
harnessing the financial and land holding assets of resource agencies, the Aboriginal leadership was able to use these organisations as a springboard for expanding commercial activities. Businesses included multiplex operations, such as pastoralism and agriculture, and later retail, tourism, contracting and construction.

The term resource agency became the general description applied to regional indigenous organisations in the 1980s. During the 1980s, there were at least six of these organisations in the Kimberley region, including Ngoonjuwah (Halls Creek), Waringarri, Wanang Ngari (Derby), Marra WorraWorra (Fitzroy Crossing) and Balangarri (Kununurra). "Mamabulanjin was also established in Broome during the 1980s. Balangarri amalgamated its Kununurra operations with Waringarri and relocated Balangari to Warmun (Turkey Creek) to serve that area exclusively."¹²⁰ In 1988, the Wyndham Amenities Club changed its name to "Joorook-Ngwini with the intention of assuming some of the functions of a resource agency".¹²¹ The term resource agency encompasses a broad range of organisations, while the official government mandate for these agencies was to deliver services to their indigenous "client groups".¹²²

Resource agencies were typically funded by the Commonwealth and State governments, but from the 1980s increasingly generated a percentage of their own income through business activities such as pastoralism and agriculture (see below). Resource agencies also functioned as development brokers, assisting in the purchase of commercial enterprises for various associated indigenous corporations.¹²³ Resource agencies often had access to the accounts of local indigenous service organisations and, as a "type of financial adviser and coordinator... [were] in a powerful position". The development of

¹¹⁹ Memo. From: Aboriginal Affairs Planning Authority. To: Economic Liaison Officer. 2 April 1973.
¹²⁰ Sullivan, All Free Man Now, p. 83. Patrick Green in 1982 was Chairman of Ngoonjuwah Council in Halls Creek. Later, in the 1990s, he moved from Halls Creek and was director of Marra WorraWorra and Leedal Investment Corporation in Fitzroy Crossing. Cited in Directory Of Aboriginal Organizations And Resources In Western Australia 1982. (Education Department of Western Australia) p. 4.
¹²² Sullivan All Free Man Now, p. 83.
these organisations was part of a transformation in relationships between (and importantly within) Aboriginal “communities” and the state. Whereas, prior to the 1970s, indigenous populations were “dependent on the government administration” pastoralists and the Church, indigenes now, in the era of indigenous trusteeship, had to “some extent [become] dependent on Aboriginal organisations”.

According to the records of one resource agency, these organisations are usually managed by a “core of professional non-Aboriginal workers, but are controlled by Aboriginal executives who have the power to hire and fire staff, and they are often significant employers of Aboriginals”. Further, these Aboriginal agencies have tended to become the instrument for the political aspirations of particular Aboriginal groups or individuals. “Indeed they are compelled at first to secure a place in local politics and often transcend this for wider involvement”. Membership of the Aboriginal Lands Trust (and other political organisations) was, and continues to be, a sought-after position for individuals representing service organisations. By the mid-1970s, competition for places on the executive of state agencies had already started. Indicative of this situation, as recorded in a 1976 Aboriginal Lands Trust meeting, was that:

The investigations officer advised during his visit to Halls Creek in November 1975, Mr David Turner and Mr Archie Sturt, the two nominations received from the Ngoonjuwah Community at Halls Creek, for the position of an additional trust member to represent the North Eastern Area were interviewed... [A]fter “acting upon personal observations and after consultation with senior members of the Community, the Investigations Officer suggested that Mr Turner should be preferred to represent the North Eastern Area.

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124 Ibid, p. 31.
125 For instance, the company secretary of Leedal Investment Co Pty Ltd is John Nicholas born in Subiaco, Western Australia. ASIC Company Extract.
126 Sullivan, All Free Man Now, p. 79.
127 Ibid.
128 Minutes of Aboriginal Lands Trust, 13th meeting, 17-18 January 1976. Dick Skinner who was chairman of the Marra Worrwa Worrwa Aboriginal Corp, Yungngora Group, Kularriya School and Muldja Aboriginal Community. Directory Of Aboriginal Organizations And Resources In Western Australia 1982 (Education Department of Western Australia). In 1998, Ivan McPhee was a director of Leedal Investment Co Pty Ltd. (Cited in ASIC Company Extract. Australian Company Number 009 224 579), as well as chairman of the KLC. Cited in The Kimberley: Our Place Our Future, (KLC, 1998). “The election of representatives to ATSIC from such a small population, such as that of the Kimberley, means that many regional councillors
A major obstacle facing the management of indigenous owned business – specifically those conducted by resource agencies – is that many of the practices demanded by “community welfare” ventures are intolerable in an economic enterprise. While indigenous involvement in the wider economy is becoming more extensive the level of conflict between the Aboriginal leadership (trustees) and its (“community”) workforce has emerged precisely as a consequence of the tension between the requirement for commercial imperatives (such as protecting profit margins and the ability to reinvest profitably) and welfare considerations.

In 1999, Mary Cowley, Regional Manager of the Aboriginal Affairs Department in the West Kimberley, posed the rhetorical question as to why a successful company in Fitzroy Crossing such as Leedal Investment Company, closely associated with Marra WorraWorra resource agency, was amassing large profits and reinvesting them in the acquisition of more businesses rather than redistributing the proceeds to the “local community”. In a more general case, in the operation of pastoral contracting businesses – organised and controlled by individuals and families who are often in a leadership position within resource agencies – there have been serious disputes as to who should actually receive the profits; that is, should profit be distributed amongst the “community”, or instead benefit the individual or family owners of the particular business? As Patrick Sullivan argues, “it is questionable whether a community organisation should develop into the controller of large businesses. As the resource agency develops in efficiency, spawning new projects in the name of the community, as well as processing all the daily needs of individual community needs, the possibility of effective community control recedes”.

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are also associated in various ways with the organisations that are applicants for ATSIC funding. Turner, “Public Policy In Indigenous Affairs”. p. 10.
129 Personal interview conducted in Broome on 22 November 1999.
130 Arthur, “Between Two Worlds”, p. 134. “Some contracts were organised by families and others by Incorporated Communities (Bayulu, Junjuwa and Yilyi) this resulted in confusion regarding the difference between the idea of family ownership and community ownership. Without exception the contracts which experienced the greatest difficulties were those organised around the Incorporated Communities rather than around families”. p. 134.
Some examples of early service agencies in the Kimberley

It was in the mid-1970s, that the Commonwealth and State governments, as part of an emerging policy regime toward indigenous trusteeship, began to provide finance and land to assist in the establishment of regional service agencies. In a Western Australian Aboriginal Lands Trust meeting held in Halls Creek between the 3-5 of April 1976,

Mr Bouzidis reported that he had been following the matter of the land aspirations of the Mirima Group. He had recently attended a meeting of the Department of Lands and Surveys during which he was advised that there was no objection to the area held by Fielder Downs to be acquired. This would require an approach to Fielder Downs and then if the property is available, funding sources investigated.\(^\text{132}\)

In Halls Creek, one of the first types of indigenous service agencies in the area was known as Ngunjuwah (established in 1973), and originally called the Halls Creek Advancement Council.\(^\text{133}\) Initially, an area of land was sought to use as a base for operations. In 1974, Ernie Bridge, the well-known Kimberley politician and businessman (see Chapter 8), advised “that a local group in Halls Creek, had established themselves with the purpose of providing a community hall and to this end had sought a grant of $70,000 from the Australian Government. Mr Bridge believed that the group had requested the assistance of the Trust to obtain land”.\(^\text{134}\) Later in 1974, Bridge enquired “as to the present situation concerning an area of land known as Red Hill and desired by the Ngunjuwah Group for agricultural purposes and the proposed Community Centre in Halls Creek”.\(^\text{135}\)

\(^{131}\) Sullivan, *All Free Man Now*, p. 97.

\(^{132}\) Minutes of Aboriginal Lands Trust Meeting, held at Halls Creek, 3 – 5 April 1976.

\(^{133}\) In Halls Creek in March 1973, the Halls Creek Reserve Advancement Council had “no formulated plans or intentions at present – perhaps approximately $6,000 could be earmarked for possible garden project for the reserve and/or Garden Area”. Memo. To: Economic Liaison Officer, From: Regional Liaison Officer North East. Re: Regional Projects and Special Works Project. Estimates of Expenditure. Aboriginal Affairs Planning Authority, 26 March 1973.

\(^{134}\) Minutes of Aboriginal Lands Trust, 6th meeting, 28 – 29 March 1974.

\(^{135}\) Minutes of Aboriginal Lands Trust, 8th meeting, 26 –27 September 1974. In 1976, in regard to “Halls Creek Lot 343”. Mr Bouzidis could report “that this was now held by the trust as a result of the request by the Ngunjuwah Community to acquire it for a Community Centre site. Resolution 1076. Moved Mrs Drage, seconded Mr Barunga, that Reserve 30811 be leased to the Ngunjuwah Council Incorporated at peppercorn rental and that the Chairman be authorised to affix the Common seal to the lease documents”. Minutes of Aboriginal Lands Trust, 14th meeting 3 – 5 April 1976 at Halls Creek. Furthermore, at an Aboriginal Lands Trust meeting in 1979, “Mr. Gordon, seconded Mr. O’Brien, [suggested] that $1,000 be
Likewise, a representative of the Halls Creek Aboriginal leadership, a “Mrs Green” (a relative of Patrick Green, Aboriginal Company Director of Marra WorraWorra and Leedal Investment company), “indicated that she was most satisfied with the Trust’s progress of investigations on land matters affecting the Community, however other matters had since arisen and requested the Investigations Officer to return to Halls Creek for consultation with the people”. In 1976, “The Investigations Officer reported that permission had been granted by the Land and Surveys department for the Ngoonjuwah Community to sink test bores over Red Hill to establish whether sufficient water supplies were available for market gardening activities”.

In 1976, on the basis of generating employment in Halls Creek, a proposal by Ngoonjuwah, was put forward to establish a retail site as a venue to sell various commodities.

Shop Site - Halls Creek. Mr Bouzidis advised that the Department of Lands and Surveys had been approached seeking a site in the commercial area for a retail shop to be operated by the Ngoonjuwah Council. Department of Lands and Surveys had referred a number of individual privately held lots. Owners had been approached and one alone desires to sell and at a greatly inflated price beyond reasonable expectations. It was suggested that perhaps Mr Bridge’s old shop would be acquired. Mr Bridge advised that he would have to confer with members of his family as he did not own the land in his sole right.

Soon after the suggestion that Bridge’s property could be used as a retail site by the organisation, the acting Secretary of the Aboriginal Lands Trust reported that: “Mr Bridge had advised that after consultation with his family it was agreed the store was available for sale subject to negotiation. The community was advised to make an application through the Area Officer, North Eastern Area, for the purchase of the store”.

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136 Minutes of Aboriginal Lands Trust, 12th meeting 2-5 October 1975.
137 Minutes of Aboriginal Lands Trust, 15th meeting, 3-4 July 1976.
138 Minutes of Aboriginal Lands Trust, 14th meeting, 3-5 April 1976 at Halls Creek.
139 Minutes of Aboriginal Lands Trust, 16th meeting, 2-3 Oct 1976.
Another significant Kimberley resource agency established in the 1970s was Waringari. This agency was set up in Kununurra in 1973, and began life as the Kununurra Aboriginal Progress Association. The Kununurra Aboriginal Progress Association was established to “meet the needs of town Aborigines in general”. The Chairman of the Aboriginal Lands Trust in 1974 reported that,

he with the secretary met with members of ... the Kununurra Aboriginal Progress Association on June 7. The meeting was arranged at short notice ... Mr Toohey of the Aboriginal Legal Aid Service was present ...

Two main points in regard to land arose:

(a) Request for land north east of Kununurra
(b) Lewis Creek - application by Mr D. Green.

The meeting was assured that the Trust would assist in these matters.

By the early 1990s, the Kununurra-Waringarri Aboriginal Corporation, with a workforce of more than thirty people, could boast of providing services to approximately thirty affiliated groups, including outstations. As well, the Waringarri Aboriginal Corporation operated a myriad of commercial enterprises, including Myaroong Constructions, Waringarri Aboriginal Arts, and a successful commercial radio station and nursery.

The KDC could report in 1996 that the Waringarri Aboriginal Corporation was not only a large employer of indigenous labour but was also at the forefront of indigenous commercial development in the Kimberley: “An example of the opportunities for Aboriginal people that exist in agriculture is the Mirriuwung farm, a commercial project of the Waringarri Aboriginal Corporation”. Further, since “taking over the 287 ha irrigated farm in 1991, Waringarri has worked to establish a major mango production enterprise with some 18,000 trees planted by late 1996 and a further 9,000 seedlings to plant by the end of 1997”. Significantly, during the farm development stage, two of the

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141 Minutes of Aboriginal Lands Trust, 7th meeting, 14 June 1974. It is worth noting that Toohey later became a member of the High Court, and presided over the Mabo decision.
143 Kimberley Development Commission, *Kimberley Region*, p. 98.
144 Ibid.
blocks comprising 180 ha were “leased out to earn a consistent income to help fund ongoing development”.  

It was envisaged by the Waringarri management that the commercial operation of the mango enterprise would generate both employment and profits.

While establishing a mango farm necessarily involves a lot of hard work initially with little or no fruit for a number of years, the Executive of Waringarri has recognised that the investment of effort today by both management and the people on the farm [labour] will be rewarded by the benefits to come later. A mango enterprise of this size will provide not only significant employment opportunities and business and management experience for Aboriginal people, but should also help the Corporation to move towards its goal of greater economic independence.  

Another project that was considered for the Mirriuwung Farm, as reported by the KDC, was the “investigation of the establishment of a commercial mango packing, grading and marketing facility”. The Waringarri Executive had identified the feasibility of establishing a “best-practice” shed that would service the production of the Mirriuwung Farm as it came on line, and furthermore the Executive could “see that other mango growers in the Ord River valley would also benefit from the scale and quality advantages and group marketing power afforded by a large and professionally managed fruit handling shed”. For the Waringarri management, the opportunity to establish this service would allow it to “play an important role in the rapidly developing Ord mango industry. The hard work presently being done on the Mirriuwung Farm is laying the foundation for what could become a great success for local Aboriginal people. This may also provide a model to stimulate further Aboriginal participation in the opportunities of Ord Stage Two”.

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145 Ibid.
146 Ibid.
147 Ibid.
148 Ibid.
149 Ibid.
"A shining example" – The Marra WorraWorra resource agency

In the Fitzroy River valley, the number of resource agencies increased from one in 1977 to six in 1994. The most significant and oldest of these organisations is the Marra WorraWorra resource agency,\(^\text{150}\) which is now regularly cited as a "shining example of how black management can work."\(^\text{151}\) Established in 1979 by two indigenous former Department of Community Welfare officers, Marra WorraWorra began a welfare agency to deal with the crisis of displaced Aboriginal stockmen and their families.

It was recognised by the founding directors of Marra WorraWorra that there was an obvious connection between the welfare requirements of the Aboriginal people flooding into Fitzroy Crossing from the surrounding pastoral stations, as a consequence of the slump in pastoral employment, and the opportunity to access land (as one way of dealing with the growing unemployment), presented as part of the Commonwealth and State government’s evolving policy. In the Aboriginal Lands Trust meeting, conducted between 29-30 March 1980, the minutes recorded that the: “Marra WorraWorra application for land will be investigated upon further information being made available by Mr Bieundury”.\(^\text{152}\) The agency was officially incorporated in 1981 under the Aboriginal and Councils Association Act 1976-1980.\(^\text{153}\)

In the early 1980s, the management of Marra WorraWorra began a service cashing Social Security cheques and at the same time arranged a “community contribution” scheme. By 1985, the turnover involved in this operation alone was estimated to be $1.5 million per annum.\(^\text{154}\) The services provided by Marra WorraWorra were organised and managed in two sections, including an accounting service and a resource service. These two services overlapped considerably. Specifically, Marra Worra Worra’s role in accounting and resource work involved “administering social security payments ... extracting

\(^{150}\) Arthur, “Cultural Autonomy”, p.29. In 1994, Arthur reports that there were approximately 1800 Aboriginal people in the valley and 1300 non-Aboriginal people. That is, Aboriginals represented approximately 58% of the total population.

\(^{151}\) The Australian Magazine, 6 – 7 May 1995.

\(^{152}\) Minutes of the Aboriginal Lands Trust meeting, 29 – 30 March 1980.

\(^{153}\) Arthur, “Between Two Worlds”, p. 89.
community deductions such as rent and power, or ‘chuck in’, paying community and personal bills".155

Marra WorraWorra also administered all the “Incorporated Community accounts, made purchases and arranged other business transactions for Incorporated Communities, groups and individuals”.156 It maintained all the accounts of government funding and was accountable to the various funding bodies such as the Western Australian Department of Aboriginal Affairs, and to the Government Auditor. It managed Aboriginal station accounts, and accounts for Aboriginal contracts, and paid all Aboriginal wages in Incorporated Communities. In 1984-85 “some $5 million passed through the organisation”.157

Initially about 30-40\% of Marra Worra Worra’s income was derived from accounting fees.158 Later, the pastoral enterprises managed and controlled by Marra WorraWorra generated considerable income. Pastoral income was also augmented by the liaison with mining companies over exploration on pastoral leases.159 According to the Western Australian Department of Land Administration 1999 Lessee Contacts Report, the Bunuba Aboriginal Corporation, a close affiliate of Marra WorraWorra, controlled the pastoral stations Fairfield, Leopold Downs and Millie Windie.160 The Australian Securities and Investment Commission listed Patrick Green of the Junjuwa Community, Fitzroy Crossing, as the managing director (or Chief Executive Officer) of Bunuba Aboriginal

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155 Arthur, “Between Two Worlds”, p.92. Typically the accountants used by resource agencies were Perth based and included practices such as: KPMG Peat Marwick, King and Oh, and Arthur Anderson. Crough, *Aboriginal People*, p. 257.
156 Ibid.
157 Ibid.
159 Ibid.
Green is also a director of Marra WorraWorra and Leedal Investment Pty. Ltd (see Appendix 10.10). In 1987, Marra WorraWorra and five local "community groups" began operating several regional businesses by establishing their own investment company, Leedal Pty Ltd. "The first big acquisition was a controlling interest in the Crossing Inn, the local pub ... [Leedal] now runs the local supermarket, and has a one third interest in an architect’s firm which does much of the government contract work in the region." In 1993, Leedal had ownership (in partnership with the well-known Western Australian businessman, Brian Copin), in Fitzroy Crossing, of the Tanunda shopping centre, Foodland supermarket and Fitzroy Crossing Caravan Park. In 1992-93, the Crossing Inn alcohol sales were estimated to be at least $3 million. In the same year, total retail sales enjoyed by the Tanunda Supermarket were estimated to be in the vicinity of $2.2 million.  

The commercial opportunities for indigenous enterprises in the Kimberley region in the 1990s and 2000 are exemplified by the operations of Leedal Pty Ltd and the Marra WorraWorra resource agency. In Fitzroy Crossing, as with other regional centres throughout the Kimberley, indigenous controlled businesses, underpinned by the policy of indigenous trusteeship, beginning in the 1970s, now proliferated.

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161 ASIC company extract. Bunuba Aboriginal Corporation, Post Office Box 30, Fitzroy Crossing. Australian Company Number 070 168 928
162 ASIC company extract. Leedal Investment Pty Ltd. Registered Office: level 34-36 Central Park 152-158 St George's Terrace Perth. Australian Company Number 009 224 579. The Junjuwa community itself was established in 1980. "The secretary reported that the Chairman and he had attended a meeting at Fitzroy Crossing to discuss the land required by the Junjuwa Community. Representatives of the Junjuwa Community, the United Aborigines Mission, Department of Community Welfare and the Department of Aboriginal Affairs were present. The two main points considered (a) Land requirements of the Junjuwa Community. This is the land on which the Junjuwa Village is located and is on the part of the Reserve, which is under lease to the Aboriginal Mission. The Mission agreed that the area lying south of a line parallel to the southern boundary of Location 73 would be made available to the Junjuwa Community either by sub-lease from the mission or a lease from the trust". Minutes of Aboriginal Lands Trust, 31st meeting, 4–6 July 1980 (Broome).
163 Ibid.
164 Personal interview conducted with Patrick Green, Fitzroy Crossing, 24 November 1999.
165 Crough, Aboriginal People, p.60.
(7.6) CONCLUSION

In the Kimberley region from the 1970s onward, an intrinsic aspect of the Federal and State governments’ policy of indigenous trusteeship, in close cooperation with the indigenous leadership, included the establishment of the KLC; and later, in the early 1990s, ATSIC and its regional councils. The intent of indigenous trusteeship during this time was to alleviate the worsening living conditions for Aboriginal people – highlighted by rising unemployment, poverty and social dislocation – by appointing indigenous leaders as trustees for the welfare of the Aboriginal population. As well, and just as importantly, as part of the new policy, there was a concerted effort to retain productive force in the region. Thus, in response to the collapse of the Kimberley pastoral industry, there was a large injection of government funds into the regional economy delivered through the auspices of indigenous controlled organisations and their various enterprises. This government subvention was part of the policy devised to provide employment in an economic environment where there was no longer any large existing industry. This was done mainly in a bid to soak up the growing numbers of unemployed Aboriginals, and to maintain indigenes in remote and regional areas.

The establishment of the KLC and ATSIC, alongside development projects including the CDEP scheme, greatly assisted resource agencies – such as Marra WorraWorra and Ngunjuwah – and an emerging indigenous business class in their efforts to expand commercial activities, and also to effectively confront the historic controllers of businesses in the region (that is, white commercial operations which were not readily about to relinquish control). In establishing resource agencies and associated corporations, and with considerable subvention provided by the KLC and ATSIC, indigenous business operators were able to consolidate their efforts in extending multiplex business operations. These operations involved, initially, pastoralism and agriculture, and later, construction, tourism, hotels, labour contracting, service provision, among others. The next chapter will analyse some specific enterprises and individuals that were at the forefront of the expansion of this indigenous class.
CHAPTER 8. THE ABORIGINAL LEADERSHIP AND INDIGENOUS ACCUMULATION IN THE KIMBERLEY

I point out again that strictly spoken ‘tribes’ did not exist in the pre-contact situation. However, in post-contact times ‘tribal’ images have formed among Aborigines and these, for pragmatic reasons, form the basis to operate on in ... Aboriginal land claims.

– Eric Kolig, Department Anthropologist, Derby. June 1972

It is the internal conjuncture of the economic and political which explains why the development of a layer of capital may be thwarted. This, indeed, is why a layer of capital often appears absent from sight. However, any such absence, from one or other form of activity, should not lead us to deduce that an authentic trajectory of indigenous accumulation is missing for the case in question.

– Michael Cowen and Scott MacWilliam

(8.1) INTRODUCTION

Earlier chapters charted how in the Kimberley region of Western Australia Aboriginal labour had been incorporated into the pastoral industry. They also surveyed the process whereby a relative surplus population in the Kimberley rapidly grew toward the end of the long boom in the late 1960s and early 1970s. A large proportion of this growing surplus population comprised unemployed indigenous labourers and their families. In an attempt to resolve this situation, Federal and State governments formulated the new policy of indigenous trusteeship, commonly known as self-management or self-determination.

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An important element of the indigenous trusteeship policy involved the transfer of considerable amounts of land to the Aboriginal leadership. The leadership, throughout the Kimberley (as elsewhere in Australia), accepted forms of tenure of both large and small properties, such as pastoral stations, that were handed over to indigenous corporate bodies and individuals alike, on the basis of reintegration and making productive the growing number of unemployed people. In short, an indigenous leadership in the Kimberley began to assume responsibility for the welfare of poverty-stricken and unemployed indigenes.

To this end, beginning in the 1970s, the Commonwealth and State governments, in close cooperation with the indigenous leadership, financed and initiated many enterprise projects on “Aboriginal land”. In a bid to retain people in remote and regional areas, including the Kimberley, “Land purchase ... figured prominently among the many measures designed to promote policies of self-determination and self management”. What is more, development programs were directed toward both individuals and more often “communities” and corporate entities in various forms. The process of transferring

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4 The Secretary of the Aboriginal Land Fund reported in 1973 “that an area of land at Fitzroy Crossing had been sought by the Department of Native Welfare to assist Mr. F. Muller in a gardening project. Information now to hand indicated that a survey had been completed in the area requested defined as Fitzroy Location 68”. The Department of Lands and Surveys had requested to set the location aside for “Aboriginal Enterprise Purposes” and rest it in the Trust with power to lease. The Report was accepted and it was agreed that the question of leasing of the area be determined at a later meeting but as a general guide the rental be peppercorn or at the most $5.00 p.a. to cover administrative costs. Minutes of Aboriginal Lands Trust, 3rd meeting, 11-12 June 1973. Another case is, Violet Valley Reserve -- “Mr. McAdam’s application to lease Violet Valley was tabled. Mr. Bridge advised that he had knowledge of this matter that Mr. McAdam is of good character and worthy of consideration. Resolution 15/73. Moved Mr. Bridge seconded Mr. Calgaret, that the Secretary write to the present lessees of Violet Valley seeking the possibility of terminating the lease agreement in order to make the reserve available for direct Aboriginal usage”. Minutes of Aboriginal Lands Trust, 2nd meeting, 8-9 March 1973. The Broome Reserve 34937 is also a case of land being purchased on behalf of a corporate entity. “The Trust considered the matter of the leasing of this Reserve to the Goolarabooloo Group Incorporated for whom the Reserve was obtained. Some discussion ensued as to the term of the lease and after consideration it was decided that the term be 99 years ... Resolution 38/79 ... Reserve 34937 be leased to the Goolarabooloo Group at peppercorn rental for a term of 99 years”. Minutes of Aboriginal Lands Trust, 27th meeting, 6, 7 and 8 July 1979.
land to Aboriginal control increasingly required the adoption of corporate forms and the employment of corporate commercial practices.

The phenomenon of “hybridity” (discussed at length below) saw within the indigenous leadership certain individuals and families of a mixed “European and Aboriginal” heritage – largely because of their background and aptitude in commercial activities – become involved directly in the implementation of the evolving policy regime of indigenous trusteeship. Hybridity in this sense\(^5\) can best be summarised as those families of mixed heritage that had been historically involved in commercial operations (albeit usually on a modest scale), particularly pastoral operations, being invited by government to assist in the delivery of the new policy of indigenous trusteeship and the amelioration of the social crisis that was occurring. In this way – especially in the provision of land, labour and capital – the new policy regime greatly benefited those existing indigenous businesses.

This chapter will examine specific indigenous commercial projects – including the individual ownership and management structures – undertaken in the period from the early 1970s to 1996. There will also be a profile of some well-known Aboriginal business individuals and families (hybridity) that reflects the trajectory of an indigenous business class in the Kimberley. The chapter begins by analysing the significance of the pastoral industry – especially to indigenous enterprises – and in so doing investigates some of the government requirements and other regulations necessary for obtaining and operating a Kimberley pastoral station.

\(^5\) Hybridity here is used in contrast to the theories of neo-colonialism (see Chapter 1) that postulate that “hybridity” is a form of “creating new spaces, structures, scenes, and ‘intentionally’ diasporizing, intervening as a form of subversion, translation, [and] transformation”. R. Young, Colonial Desire: Hybridity In Theory, Culture And Race, (London, Routledge, 1995) p. 25.
(8.2) KIMBERLEY ABORIGINAL PASTORAL PROPERTIES

The leaders and particularly the elders wanted to return to country, but they didn’t want to return as workers for white bosses. They wanted to return to country to be their own bosses [my emphasis] in their own land... It was a very traditional oriented, traditionally rooted and in some ways very conservative view.

— Steve Hawke ⁶

A large pastoral lease, when fully developed, can provide employment for a significant number of people (15-25) depending upon the time of the year and stage of development. Thus a pastoral lease could offer enough employment opportunities for a very large Aboriginal community. Even if there are more able-bodied men, a pastoral station offers valuable training for younger Aboriginals who then can seek employment on other stations, but return to their home station in the wet season.

— Kimberley Pastoral Inquiry Report ⁷

The Kimberley Pastoral Industry Inquiry, set up by the Western Australian Burke Labor government in 1983, examined the process of operating an Aboriginal controlled pastoral station in the Kimberley during the 1970s and early 1980s. It reported that the ongoing viability of the industry was “extremely complex”. ⁸ The complexity lay in the nature of the initial and ongoing financial funding from the Commonwealth, and the requirement for land titles to be held by a corporate body recognised by the State government. ⁹

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⁶ Hawke cited in Bunbury, It Isn’t The Money, p. 158.
⁷ Kimberley Pastoral Industry Inquiry, 26 February 1984, p. 171.
⁸ Ibid.
⁹ An example of these types of requirement was the Balgo Cattle Project. The Aboriginal Lands Trust initiated a report regarding this matter. It was stated that: “The Trust noted that the Commonwealth is prepared to make a grant and loan available provided that there is an Aboriginal Group incorporated and that the land required for the project is leased to the group. The Group – Balgo Aboriginal Association is being currently incorporated”. Minutes of Aboriginal Lands Trust, inaugural meeting, 23-24 November 1972. “Resolution 17/72. That action to date by the Aboriginal Affairs planning Authority in regard to the Balgo Cattle Project is endorsed by the Trust and in so endorsing the action, requests the Aboriginal Affairs Planning Authority to continue the action, reporting to the Trust at the next meeting”. Minutes of Aboriginal Lands Trust, 2nd meeting, 8-9 March 1973.
corporate body was deemed a requirement for holding the lease and operating the pastoral activities in order to protect the "interests of the Aboriginal community". The Aboriginal leaders thereby organised "community membership" in corporate forms, underpinned by a sense of "traditional culture", as a means of maintaining and managing the "business of the community". A prerequisite for the "successful expediting of the business ... is that the leader has authority over the members of the community for which he is nominated head". Having gained control of the "community" the "leadership" then has the required power to "elicit compliance from the other community members". As a result, in theory at least, the "community members acquiesce to the demands of their leader, and the conduct of community affairs, by its members, remains ordered and cohesive".

However, in many cases, workers within station "communities" do not always support the Aboriginal management in their "attempts to operate the stations commercially". Disputes have occurred over such issues as, "whether the community should be allowed to take cattle for its own consumption without paying the station; and whether sections of station land should be made available for new communities and outstations". In other words, there is a marked tension between station business activities and welfare measures. As Ernie Bridge, an owner of at least two pastoral properties at the time, argued in an Aboriginal Lands Trust meeting, in reference to an application for a land excision,

"The Trust noted the progress towards formalization of the initial formalities. The Trust considered that the Aboriginal group should be granted tenure of the area required and that membership should be totally Aboriginal. Resolution 10/73. Moved Mr. Barunga, seconded Mr. Calgaret, that the area required by the Balgo Cattle project be leased at the appropriate time to a totally Aboriginal group which group should have the right to engage consultants". Minutes of the Aboriginal Lands Trust, 2nd meeting, 8-9 March 1973.

10 Kimberley Pastoral Industry Inquiry, p. 166.
11 K. Palmer, "An Aboriginal Cattle Station: Economy Of A Community In The North Of Western Australia", in E. Young and E. Fisk (eds.) Small Rural Communities, (Canberra, ANU) p. 57.
12 Ibid.
such an area would develop into a reserve situation and the behaviour would get out of hand. [Bridge] felt that the inhabitants would be restricted by the Station and be subject to staunch scrutiny. The establishment of such an area would not be in the best interests of the Station and ... [he] felt a sense of proportion must be maintained. Precedents would be set and then it would be difficult to determine where excisions start and finish.¹⁵

Ironically, but not perhaps surprisingly, these are the same sort of disputes that former Aboriginal workers had in the past with the non-Aboriginal owners. These disputes highlight increasing differentiation as the basis of diverging opinions within “Aboriginal groups” – that is, between the leaders and the occupants – about what the pastoral enterprises are principally for and who should benefit. The question it poses can be re-framed as: is an Aboriginal controlled-pastoral station a social or commercial resource?¹⁶ As indigenous lawyer Ribnga Green has argued: “I think a number of Aboriginal-owned cattle stations also had to confront certain realities. And that is that having a large communal existence around the cattle station economy was simply not going to work because you could only generate so much income and that could go so far, and of course the more people you have the shorter the distance that money will travel”.¹⁷ An obvious corollary of this is however, that Aboriginal pastoral stations may not have the capacity to absorb all the labour present on the station. In the same way as with white station owners of the past, the question arises as to how to administer such populations.

It must also be remembered that in order to maintain a commercially viable enterprise, the Aboriginal management (leadership) must generate a profit and continue to operate in a commercial manner, just as their white counterparts, and therefore cannot allow

¹⁴ Ibid.
¹⁵ Minutes of Aboriginal Land Trust, 2nd meeting, 8-9 March 1973.
¹⁶ The Secretary advised that the Authority was proceeding towards the acquisition of 19,000 acres odd of Liverings station in the Looma area for the Community resident in the area”. Minutes of Aboriginal Lands Trust, 3rd meeting, 11-12 June 1973.
revenue to be “disbursed to relatives and friends, all of whom, according to Aboriginal custom [allegedly], have a perfect right to ask for their share”.

An important point worth re-emphasising is that the legal and organisational forms of Aboriginal pastoral stations have increasingly, from the early 1970s, assumed corporate and managerial structures that parallel those in other forms of commerce and industry. A typical company structure of a Kimberley Aboriginal pastoral station, purchased by the Commonwealth government in the late 1970s – in this case the stations Noonkanbah and Waratea – is outlined in Box 1.

**Box 8.1. Station management structure**

<table>
<thead>
<tr>
<th>Minutes of Director’s meeting ...</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Secretary - Mrs. Glennys Thompson appointed.</td>
</tr>
<tr>
<td>(2) Share allotment - Noonkanbah Pastoral Company. Minimum shares to qualify to be allotted to: Nipper Tabagee, Sammy Costain as Trustees for the Yungora Association.</td>
</tr>
<tr>
<td>(3) Share allotment - Waratea Pastoral company. Minimum shares to qualify for directorships to be allotted to: Charlie Rangi, Tommy Boxer as trustees for the Kadjina Group ...</td>
</tr>
<tr>
<td>(6) Directors - Noonkanbah Pastoral company. Messrs Charlie Rangi and Tommy Boxer appointed ...</td>
</tr>
<tr>
<td>(7) Directors - Waratea Pastoral Company. Charlie Rangi and Tommy Boxer appointed ...</td>
</tr>
<tr>
<td>(10) Policy.</td>
</tr>
<tr>
<td>(a) to pass total management to the two groups, bearing in mind that the new directors are responsible to the companies and answerable to the shareholders.</td>
</tr>
<tr>
<td>(b) when all actions by the Department of Lands and Surveys are complete, and subject to requisite approvals being obtained, total transfer of the companies shares and assets to the groups.</td>
</tr>
</tbody>
</table>

Source: Minutes of Aboriginal Lands Trust, 21st meeting, 6,7and 8 January 1978.

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18 E. Young, “Aboriginals And Land In Northern Australian Development”, *Australian Geographer*, (19,1) p. 110.
Between 1972 and 1984, the Commonwealth government on behalf of Aboriginal groups in the Kimberley acquired thirteen pastoral leases, including Noonkanbah and Waratea. Two of the leases, Bow River and Mount Anderson, were purchased for Aboriginal organisations in 1984. Religious bodies held two leases, La Grange and Carson River, but the latter was “taken over and run by Aborigines themselves”. Three of the properties, Glen Hill, Mowanjum and Frazier Downs, when purchased, were thought to be uneconomic, without substantial government assistance, as pastoral properties. However, Noonkanbah and Billiluna/Lake Gregory Stations were considered extremely viable pastoral stations and equivalent to the “best of other non-Aboriginal stations”.

From the financial records of four stations, including the two considered to have above-average potential as cattle stations (Billiluna/Lake Gregory and Noonkanbah), the survey team qualified the impact of Government support for these Aboriginal stations. Records were available for fifteen financial years (3 stationss with 4 sets of accounts covering the period 1979/80 and 1 station with 1 set of accounts for the period 1979/80 to 1981/82). During this period, surplus income over and above operating costs [profit] was generated in eight periods, with government support. If Government support was excluded, then cattle trading activity generated surplus income in only 3 out of 15 financial years ... At Billiluna/Lake Gregory, the turn off of heavy-weight bullocks showed a high degree of cattle control despite the lack of mustering facilities.

As stated above, pastoral properties in the Kimberley, such as Lake Gregory/Billiluna, were purchased on the condition of incorporation.

The Chairman referred to Mr. Viner [Federal Minister for Aboriginal Affairs 1975-77] a recent telex received from the Aboriginal Land Fund Commissioner advising of the impending purchase of Lake Gregory and Billiluna Stations on behalf of the local group. At the same time the trust was requested to hold title to

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19 According to Hawke and Gallagher, Nipper Tabagee, was an “Elder of the Yunggora community at Noonkanbah”, as well as “Chairman of the Noonkanbah Management Committee”. S. Hawke and M. Gallagher, Noonkanbah, (Fremantle, Fremantle Arts Press, 1989) p. 338.
20 In 1976, “The Secretary reported that Noonkanbah and Dunham River Stations had recently been purchased by the Commonwealth Government and placed in the name of the Trust. Funds for operating expenses had been received recently”. Minutes of Aboriginal Lands Trust, 15th meeting, 3-4 July 1976.
21 Kimberley Pastoral Industry Inquiry, p. 165.
22 Ibid., p. 169.
both properties temporarily in order to allow the group to become incorporated. Mr. Viner stated that the
government's policy would allow groups to hold title to land in their own right and at the same time be fully
responsible for managing the properties, as the State Department of Lands and Surveys decision, the
Aboriginal Land Fund Commission could not hold more than 1,000,000 acres.23

In 1978, a resolution — moved by Mr. McMahon, seconded by Mr. Bridge — “giving a
sub-lease over Lake Gregory/Billiluna” was to be “prepared in favour of the two
communities presently occupying these properties upon incorporation. The term of the
lease and rental be similar to the present lease held by the trust”.24 Box 4 shows the
structure of the Tjurralbalan Pastoral Company — as of 1999, the owner of both the Lake
Gregory and Billiluna pastoral properties. In August 2001, Tjurralbalan was granted Native
Title over the pastoral leases Billiluna and Lake Gregory pastoral stations, as well as a
significant portion of the surrounding area: the total area of land involved in the
successful Native Title claim was 26,000 sq km.25

In September 2001, the Aboriginal Lands Trust (ALT), in line with new policy
guidelines, transferred over 260 ha of freehold land to the Noonkanbah Enterprises
Management Company; details of the company structure are listed in Boxes 2 and 3. The
Western Australian Labor government’s Indigenous Affairs Minister, Alan Carpenter said
during the handover that “community chairman” (and company director and secretary of
Noonkanbah Enterprises Management Company) “Dickey Cox had played a key role in
the [Noonkanbah] dispute 21 years ago and had done much to develop the community he
represented”.26

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23 Minutes of Aboriginal Lands Trust, 20th meeting, 8, 9 and 10 October 1977.
24 Minutes of Aboriginal Lands Trust meeting, 7-8 October 1978.
25 “After 22,000 Years, Tjurralbalan Claim Their Land”, *The Australian*, 21 August 2001. The Tjurralbalan
land, which includes the historic Canning Stock Route, is 120 km south of Halls Creek. “The Tjurralbalan
agreement is the third large native title claim to be settled in Western Australia in the past year”.
Box 8.2. Noonkanbah

Noonkanbah Enterprises Management Company Pty Ltd

<table>
<thead>
<tr>
<th>Company No:</th>
<th>083 848 953</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name Start:</td>
<td>11/08/99 [although the land was handed over in the early 1970s]</td>
</tr>
<tr>
<td>Type:</td>
<td>Australian Proprietary Company</td>
</tr>
<tr>
<td>Registered Office:</td>
<td>C/- Pan Business Consultants, 35 Outram St. West Perth WA</td>
</tr>
<tr>
<td>Principal Place of</td>
<td>Noonkanbah Station, Fitzroy Crossing</td>
</tr>
<tr>
<td>Business:</td>
<td>Noonkanbah Station, Fitzroy Crossing</td>
</tr>
<tr>
<td>Directors:</td>
<td>Dickey Cox, Dennis Boke, Nita Cox, Sammy Constatin,</td>
</tr>
<tr>
<td>Secretary:</td>
<td>Dickey Cox</td>
</tr>
</tbody>
</table>

Source: Australian Securities and Investments Commission

Box 8.3. Yungngora (trading as Noonkanbah Enterprise Management Company)

Yungngora Store (Noonkanbah)

<table>
<thead>
<tr>
<th>Registration Number:</th>
<th>WA A 077 004 1 Y</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Business</td>
<td></td>
</tr>
<tr>
<td>Comenced:</td>
<td>12/1/1999</td>
</tr>
<tr>
<td>Nature of Business:</td>
<td>Aboriginal Community Store</td>
</tr>
<tr>
<td>Principal Place of</td>
<td></td>
</tr>
<tr>
<td>Business:</td>
<td>Yungngora Associations Incorporated, Fitzroy Location 4 Fitzroy Crossing</td>
</tr>
<tr>
<td>Start Date:</td>
<td>12/1/1999</td>
</tr>
<tr>
<td>Corporation Carrying on</td>
<td></td>
</tr>
<tr>
<td>Business:</td>
<td>Noonkanbah Enterprise Management Company Pty Ltd</td>
</tr>
</tbody>
</table>

Source: Western Australian Department of Fair Trading
Box 8.4. Tujurbalan Pastoral Company

<table>
<thead>
<tr>
<th>Lake Gregory and Billiluna Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lessee Contact:</td>
</tr>
<tr>
<td>Locality:</td>
</tr>
<tr>
<td>Registered in:</td>
</tr>
<tr>
<td>Registration Date:</td>
</tr>
<tr>
<td>Name Start:</td>
</tr>
<tr>
<td>Type:</td>
</tr>
<tr>
<td>Registered Office:</td>
</tr>
<tr>
<td>Principal Place of Business:</td>
</tr>
<tr>
<td>Directors:</td>
</tr>
<tr>
<td>Appointed Auditor</td>
</tr>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Share Structure</td>
</tr>
<tr>
<td>Number of Shares Issued:</td>
</tr>
<tr>
<td>Members</td>
</tr>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Address:</td>
</tr>
</tbody>
</table>

Source: Australian Securities and Investments Commission

The other Aboriginal controlled pastoral stations in the Kimberley, purchased between 1972 and 1984, were Carson River, Dunham River, Bow River, and Pantijan. These
stations were typical of many Kimberley pastoral properties that were believed to have a “wide variation in vegetation, terrain ... natural productivity” and therefore variable economic potential. 27 The Pantijan/Panta Downs Lease, according to a Report, investigating economic potential of the adjoining “Collier Bay Reserve No. 30674 (414,000 acres)”, stated that,

the reserve has potential economic value especially for ventures concerned with salt water. The recent acquisition of Panta Downs pastoral leases for the benefit of the Mowanjum people adds emphasis to the economic potential as Panta Downs adjoins the Collier Bay Reserve... Mr. Barunga explained that there were pastoral opportunities on adjoining stations, particularly Oombagoorna and Taraji; that these stations had not been utilized to any great degree by the lessees over a long period of time; and that the whole area including Collier Bay was of importance to the Mowanjum people both because of economic potential and also by their affiliations with the area... 28

In 1972, in view of the economic potential of the Collier Bay Reserve, the Aboriginal Lands Trust “agreed in principle that Reserve No.30674 should be utilised for development of projects for the benefit of Aboriginal people, in particular, the Mowanjum people...” 29 In 1974, the ALT indicated “that it was prepared to hold the land in trust on their behalf and subsequently give them a lease of that area”. However, after consideration, the Mowanjum “leadership” “decided that they did not want the lease to be in the name of the Trust, but if the Trust could offer a better tenure of land other than leasehold, they would then re-consider. No objection was raised by the Australian Government ... if the Mowanjum people so desired.” 30

The extent of government involvement in indigenous development in the Kimberley, especially in regard to Aboriginal pastoral properties, is emphasised by the Pastoral Inquiry which found that during the “1979/80 to 1982/83, the financial records for four

27 Kimberley Pastoral Industry Inquiry, p. 165.
28 Minutes of Aboriginal Lands Trust, inaugural meeting, 23-24 November 1972.
29 Minutes of Aboriginal Lands Trust, inaugural meeting, 23-24 November 1972.
30 Minutes of Aboriginal Lands Trust meeting, 11-13 December 1974.
pastoral leases showed that income derived from off-station sources (primarily State and Federal governments) contributed from 27% to 64% of the total income recorded. Development and operating expense funding over this period ranged from $153,200 to more than $566,000 per lease”.31

It was accepted by the Kimberley Pastoral Industry Inquiry that if the State and Federal governments did not provide the ongoing assistance for “cattle control facilities and/or maintenance”, then Aboriginal pastoral stations would “reflect the adverse situation facing many non-Aboriginal pastoral station businesses”.32 And as a result, just as non-Aboriginal owned stations, some properties would remain under-developed and herd numbers would stagnate. “Management capacity, vegetation and terrain characteristics, state of development, cattle numbers and access to capital need careful evaluation so that the potential viability of any station can be determined….33 Furthermore, the Kimberley Pastoral Industry Inquiry found that – as was the case with non-Aboriginal Kimberley pastoral operations throughout the 1970s and later – it would be unlikely that Aboriginal management, “could successfully develop pastoral stations to their full potential if they were financed under normal commercial terms, given the current state of the properties and level of cattle numbers”.34 The Inquiry also argued that from a “sociological point of view, Kimberley pastoral stations give Aborigines the opportunity to develop a life-style commensurate with their expectations”.35 In other words, despite ongoing commercial problems, the policy of purchasing pastoral stations should continue, in particular because the efforts to retain indigenous people in remote and regional areas was seen as one practical way of halting or at least slowing their ongoing population drift into towns and urban centres, and preventing the destructive social activities of unemployed urban indigenes.

31 Kimberley Pastoral Industry Inquiry, p. 166.
32 Ibid., p. 169.
33 Ibid., p. 170.
34 Ibid.
35 Ibid.
The changing nature of the Kimberley pastoral industry: Growing concentration and centralisation

One effect of the downturn in the global beef market, beginning in the 1970s, was the quickening pace at which the concentration of pastoral station ownership occurred, due to the ever growing non-viability of the smaller owner-operated leases.\textsuperscript{36} The Kimberley Pastoral Industry Inquiry recognised that a major transformation of the industry was happening, which included the accelerating concentration of the ownership of pastoral leases and businesses into the hands of what it termed “absentee-owners”. The Inquiry also noted the increasing ownership of pastoral enterprises by Aboriginal “owner-operators”\textsuperscript{37}

The Pastoral Industry Inquiry identified four classes of pastoral lease in the Kimberley: “Absentee owners (oversea and interstate), absentee owners (living in Western Australia), owner operators and Aboriginal owners” (see tables 1-3 below). Absentee owners were classified as those “who do not reside on/or do not personally work the station for a significant part of the year”. Where a company involved some “silent partners resident elsewhere (in Australia or overseas)” but had a “partner actively managing the property”, that lease was given the status of “owner operator”\textsuperscript{38} Owner operators were, according to the Inquiry, “lessees with a financial interest in the pastoral lease, and actively managing the property on a day-to-day basis for a significant part of the year”. Aboriginal controlled enterprises owned and operated eleven pastoral leases in 1983 and were classified by the Inquiry as “owner operators in their own right”.\textsuperscript{39}

\textsuperscript{36} In 1983, “49% of the cattle were owned by 9 businesses and about 47% of cattle turned off came from 8 businesses”. B. Jennings, Chairman, \textit{Kimberley Pastoral Industry Inquiry}, (Department of Regional Development and the North West, February 26 1984), p. 213. See also Chapter 4.
\textsuperscript{37} \textit{Ibid.}
\textsuperscript{38} \textit{Ibid.}, p.34.
\textsuperscript{39} \textit{Ibid.} Note that eleven leases were owned by Aboriginal enterprise and two were held by the ALT on behalf of the resident Aboriginal “communities”.

290
Table 1 shows the number and size of absentee-owned pastoral operations vis-à-vis owner operated pastoral stations in the Kimberley region in 1983. While the area of pastoral lease land in the Kimberley (Table 2) remained at about twenty-two million hectares over the twenty years 1963-1983, and continues to do so, the number of leases fell sharply and the ownership of the actual station businesses concentrated markedly. In 1963, there were three hundred and forty two pastoral leases and one hundred and twenty three station businesses, and yet by 1979 there were one hundred and one pastoral leases and sixty eight station businesses. And in 1983, the number of pastoral leases had fallen to ninety three while station businesses had declined to sixty-three.\(^{40}\)

Table 8.1. Pattern of leasehold ownership in the Kimberley as at December 1983

<table>
<thead>
<tr>
<th>Pattern of ownership</th>
<th>Number of leases</th>
<th>Number of businesses</th>
<th>Area of leases ha 1983</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ownership 1983</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Absentee</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- WA Based</td>
<td>15</td>
<td>8</td>
<td>3,957,496</td>
</tr>
<tr>
<td>- Other</td>
<td>35</td>
<td>19</td>
<td>9,281,319</td>
</tr>
<tr>
<td>Total Absentee</td>
<td>50</td>
<td>27</td>
<td>13,238,815</td>
</tr>
<tr>
<td>Owner Operator</td>
<td>32</td>
<td>27</td>
<td>6,629,966</td>
</tr>
<tr>
<td>Aboriginal Operator</td>
<td>11</td>
<td>9</td>
<td>2,169,864</td>
</tr>
<tr>
<td>Total pastoral 1983</td>
<td>93</td>
<td>63</td>
<td>22,038,645</td>
</tr>
<tr>
<td>Total pastoral 1979</td>
<td>101</td>
<td>68</td>
<td>22,774,635</td>
</tr>
</tbody>
</table>

Source: Kimberley Pastoral Industry Inquiry, p.35.
Table 8.2. Lease numbers and business number changes: 1963 - 1983

![Lease numbers and businesses chart]

Source: Kimberley Pastoral Industry Inquiry. p.35. It is important to note that the area of leasehold land remained stable during this period: 1963, 22.25 million ha; 1979, 22.77 million ha; 1983, 22.04 million ha.

Table 3 shows a proportional breakdown of area held, cattle owned and cattle turned off for each class of lease and business ownership during 1983.\textsuperscript{41} Note that in 1983 Aboriginal interests controlled 9.8% of the land area, 14.2% of the businesses and 6.4% of the cattle.

\textsuperscript{41} Ibid., p. 36.
Table 8.3. Proportion of resources by ownership type in 1983

<table>
<thead>
<tr>
<th>Ownership</th>
<th>Absentee owners</th>
<th>Owner operator</th>
<th>Aboriginal</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>WA</td>
<td>Other</td>
<td></td>
<td>%</td>
</tr>
<tr>
<td>Land area</td>
<td>18.0</td>
<td>42.1</td>
<td></td>
<td>30.1</td>
</tr>
<tr>
<td>Lease number</td>
<td>16.2</td>
<td>37.6</td>
<td></td>
<td>50.8</td>
</tr>
<tr>
<td>Business number</td>
<td>12.7</td>
<td>30.2</td>
<td></td>
<td>52.9</td>
</tr>
<tr>
<td>Cattle number</td>
<td>31.9</td>
<td>30.3</td>
<td></td>
<td>31.4</td>
</tr>
<tr>
<td>Cattle turnover</td>
<td>33.9</td>
<td>34.6</td>
<td></td>
<td>26.6</td>
</tr>
</tbody>
</table>

Source: Kimberley Pastoral Industry Inquiry, p. 49.

In 1983, absentee owners with only twenty-seven out of the sixty-three businesses controlled about 60% of the land and 62% of the cattle. The ongoing concentration of station ownership is highlighted by the fact that about 50% of the Kimberley pastoral area was controlled by fourteen businesses, and half the Kimberley cattle herd was owned by nine businesses, with nearly 50% of the cattle turned off coming from eight businesses.\(^\text{42}\)

In 1996, there were ninety-eight pastoral stations in the Kimberley covering 22,828,850 hectares. The herd size was estimated by Agriculture Western Australia to be about 450,000 head.\(^\text{43}\) Of the ninety-eight pastoral stations, Aboriginal “owner operators” controlled twenty-two (see the Appendix 10.9 for a complete list of the names of the Aboriginal owned pastoral stations). By 2001, the Kimberley Development Commission found that Aboriginal interests now owned “thirty-two pastoral stations” — that is, nearly

\(^{42}\) Ibid., p. 49.

\(^{43}\) Kimberley Development Commission, Kimberley Region, p. 28.
two and a half times the number held in 1983—“covering 68,000 square kilometres” (over 30 per cent of pastoral lands), and “involving a cattle herd of some 75,000 head”. The impressive gain in Aboriginal controlled pastoral stations is almost a 50% increase on the 1996 figures.

The commercial activities of an Aboriginal business class in the Kimberley initially involved mainly pastoral operations. Its further quest for access to state resources and commercial opportunities, and especially its recognition of the requirement to organise politically and economically—a process that was largely achieved along “ethnic” and “cultural” lines—is discussed in the next section.

(8.3) KIMBERLEY ABORIGINAL ENTERPRISES

In the Kimberley, to an indigenous business class and its leadership, the control of increasing amounts of land and labour provided the opportunity to consolidate and further expand their commercial activities. The leadership, on the basis of protecting their “communities welfare and culture”, actively pursued the acquisition of land such as pastoral stations, reserves and other leases. Indeed, in the mid-1980s, it was observed that when existing station owners or occupiers “sell out or relinquish their leases often the local Aboriginal group prevails upon government to purchase the station”.

As a means for the “Aboriginal leadership” to gain a successful outcome within the political arena—that is, among other things, the purchase of land on their behalf—“the creation and maintenance of Aboriginality by various Aboriginal groups [and individuals] must involve ... robust political activity in which Aboriginals compete as Aboriginals. It is not possible to keep Aboriginality and politics apart and ... there is no good reason to

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do so". Importantly, it was (and remains) necessary within state development policy for Aboriginal leaders to not only refer to their "Aboriginality" in a community or cultural context, but to emphasise it in an effort to secure land purchases and future development programs. Indicative of this requirement was an application made in 1973 by a Mr Johnstone of Derby, from the Commonwealth government’s Community Enterprise Projects scheme, to purchase the Mt Barnett pastoral property. In denying the request, the Commissioner for Aboriginal Planning F.E. Gare argued:

As a result of preliminary work by the Anthropologist, the following relevant excerpts from his [Johnstone’s] report are forwarded... The claimant is an individual person who does not represent a group, community council, ‘tribe’ etc. The claim is motivated by Mr Johnstone’s personal interest and does not reflect the wish of a pre-existing group or community... The project is not a community enterprise but the initiative of an individual person... Apparently he envisages that he will represent the ‘boss’, owner and manager of the enterprise... There are vague indications that Ngarinjin Aborigines who have traditional links to the relevant area would resent the operation of a grazing enterprise on their ‘territory’ without involving them. In view of the above it could not be recommended that Mr Johnstone be financially assisted to obtain a pastoral property.47

In the early 1970s, it was essential therefore that the Aboriginal leadership and indigenous businesses, particularly in their quest for land and finance, be seen to provide (and represent) some “community” needs such as, among other things, employment opportunities in a regional or remote “community” environment. For these reasons, many of those within an emerging indigenous business class during this period drew “their power and their support from their communities”. In order to do this, it was important that the leadership “performs some of the tasks of brokers, but they are themselves more than that, both in relation to white administrators and their own people”.48 Importantly, much political and economic power has accrued to these leaders. “A degree of real

47 Letter from F.E. Gare, Commissioner for Aboriginal Planning to Mr. Watkins, Secretary, Department of Aboriginal Affairs. 21 March 1973.
Aboriginal power seems to exist within ... certain individuals”. An illustration of this phenomenon can be seen in the case of Banjo Woorunmurra:

Mr. Banjo Woorunmurra, the leader of the group was most anxious to acquire the property, which would be exclusively run by his Group. The Group had recently been encouraged by the vendor of the property to reside on the land, perhaps in order to further enhance the sale prospects. The chairman informed Mr. Woorunmurra that the Trust would endeavour to assist his people in every way to procure Pandanus Park...

Mr. Butcher stated that prior to any firm decision by his Department on the acquisition ... it would have to be established if the people who at present reside at Pandanus Park were willing to stay there permanently.

Since the inception of the ALT, its Chairman has travelled extensively throughout the State mainly as a means to ascertain the land requirements of Aboriginal organisations and individuals. In 1974, whilst in Kununurra, the then Chairman, Mr Ken Colbung reported that, “he, with the secretary, met with members of the Mirima Council and the Kununurra Aboriginal Progress Association on June 7”. At the meeting two main points in regard to land arose. First, there was a “request for land north east of Kununurra”. And secondly, that Mr. D. Green had applied for land at Lewis Creek. “The meeting was

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49 Ibid.
50 Minutes of Aboriginal Lands Trust, 10th meeting, 20-21 March 1975. Prior to gaining the land, “Mr. Banjo Woorunmurra, the original applicant for Pandanus Park, forwarded telegrams of protest for the delays in acquiring the property for his group ... Upon receipt of a report from AACM-BRM suggesting acquisition of Pandanus Park, Quanbun Station and the Waratea Lease to enable the operation of small enterprises...” Minutes of Aboriginal Land Trust meeting, 11-13 December 1974.

"The Secretary reported Pandanus Park had been acquired by the Commonwealth government. The property was placed in the name of the Trust on behalf of the Burraba Aboriginal Community who are at present developing the area”. Minutes of Aboriginal Lands Trust, 13th meeting, 17-18 January 1976.

The following letter was sent to the Pandanus Park community, and was read to the meeting by the Secretary:

Pandanus Park – Fitzroy Crossing Location 69

"Are you aware, Pandanus Park is a Special Lease granted for a term of 10 years from 1 January 1972, the lease thus expires on 31 December 1981. Whilst providing the property is properly worked and developed there is no reason not to anticipate a renewal of the present lease when it expires, the Trust believes that a better title should be obtained to protect your community. To this end approaches have been made to the Department of Lands and Surveys seeking freehold title. A copy of a recent letter from the Department is attached. You will note that three conditions are necessary before a freehold title will be given:

(a) Boundary fencing to a satisfactory standard;
(b) Not less than 2/3 of the lease to be developed for the production of fruit and vegetables with associated water supply and watering facilities;
(c) Erection of residences to local authority by-law standards".

297
assured that the Trust would assist in these matters." 51 Importantly, the ALT minutes pre-figure a shift that occurred from the late 1970s onwards, where individuals were increasingly successful, on their own or in association with other individuals in gaining access to land. Later, in 1975, the secretary of the ALT reported that,

"[H]e had received a suggestion from the Department of Aboriginal Affairs for the Trust to acquire 3 agricultural properties at Kununurra for future development by an Aboriginal Group as it was considered that a similar opportunity to purchase such land may not re-occur. The Trust agreed to this proposal. 52"

In another case, an application for commercial agricultural land at Morrell Park by Messrs T. King, J. Roe, S. Djiagwenn, S. Edgar, A. Howard, and C. Sibosado (themselves representative of the emerging commercial class and "hybridity", see below) was tabled at the ALT meeting in 1980.53 A visit of inspection was undertaken by the Trust, which determined that the property was suitable for market gardening and would require labour (see Chapter 5).

Mr. Phillip Cox, Chairman of the Milliya Rumurra returned a plan of Morrell’s Park showing the area, which his group is interested in together with areas sought by individuals. These were discussed with various applicants. The plan allowed for 50 acres available for the Milliya Rumurra, 2 x 20 acre blocks with the balance divided into 10 to 15 acre lots. Moved Mr. McMahon, seconded Mr. Dean, that the Trust sub-lease

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51 Minutes of Aboriginal Lands Trust, 7th meeting, 14 June 1974.
52 Minutes of Aboriginal Lands Trust, 10th meeting, 20-21 March 1975.
53 Minutes of Aboriginal Lands Trust, 31st meeting, 4-6 July 1980.

Minutes of Aboriginal Lands Trust, 19th meeting, 9-10 July 1977.

At Fitzroy Crossing, Reserve 9656, "The secretary reported that the chairman and he had attended a meeting at Fitzroy Crossing to discuss the land required by the Junjuwa Community. Representatives of the Junjuwa community, the United Aborigines Mission, Department of Community Welfare and the Department of Aboriginal Affairs were present. The two main points were considered: -

(a) Land requirements of the Junjuwa Community.
This is the land on which the Junjuwa village is located and is on that part of the reserve, which is under lease to the United Aboriginal Mission. The Mission agreed that the Reserve which is under lease lying to the south of a line parallel to the southern boundary of location 73 would be made available to the Junjuwa Community either by a sub-lease from the mission or a lease from the trust. The Junjuwa is to consider this aspect and advise of their election". Minutes of Aboriginal Lands Trust, 31st meeting, 4-6 July 1980 (Broome).

Minutes of Aboriginal Lands Trust, 29th meeting, 12-13 January 1980.
subject to the approval of the Minister for Community Welfare and Minister for Lands individual lots to those persons who have made application on terms, conditions and rents as applicable to the head lease ... 54

The next section reviews an example of State and Federal government subvention – as part of the policy of indigenous trusteeship – that focuses specifically on the purchase of land and provision of finance for a particular indigenous enterprise in the Kimberley.

**Warmun (Turkey Creek)**

At Turkey Creek, the ALT purchased land on behalf of the local group for which the “leadership” of the local group planned to develop through incorporation.

Mr. Bouzidis reported that action has been proceeding towards the acquisition of land for the Turkey Creek Group. Latest information is that the Department of Lands and Surveys had made an internal recommendation and that final advice should be forthcoming. The Turkey Creek delegate advised that they are in the process of becoming formally incorporated. Lack of station employment has increased their membership ... The delegates expressed concern that a roadhouse is mooted close to their area and that this would be licensed to sell intoxicating liquor ... The delegates further explained their objects of developing the land by establishing gardens, poultry and other livestock. 55

When the road house at Turkey Creek, which had apparently “operated in an antagonistic and exploitative relationship to the nearby reserve, Warmun, for many years”, later came up for sale, the Aboriginal Development Commission (ADC) and others decided to assist in purchasing the business on behalf of the “community”. 56 The ADC provided capital for much “needed upgrading and the roadhouse now offers a greatly improved service”. However, “apart from an improvement in race relations, there is no notable difference in its operation and nothing about it to suggest that it is owned by Warmun” 57 – including

54 Minutes of Aboriginal Lands Trust, 31st meeting, 4-6 July 1980 (Broome).
55 Minutes of Aboriginal Lands Trust, 14th meeting, 3-5 April, 1976.
56 P. Sullivan, *All Free Man*, p. 68.
the continued sale of “intoxicating liquor”. The roadhouse operations comprise a service station, restaurant, motel, caravan park and store.58

The Warmun local “Aboriginal Community”, with assistance from the ADC, the Aboriginal Enterprise Company and a “local business man, Dick David”, purchased the roadhouse. The stated reason for the purchase of the roadhouse was that the “Warmun community”, and presumably Dick David, were “looking for business opportunities and the roadhouse is close to the community. There was also a desire by the community to have control over such a close commercial outlet, [and ostensibly] to minimise negative influences”.59 In the second year of operation the enterprise went from a $70,000 loss to achieving a moderate profit.60 The roadhouse management did not find this turn around an easy matter and offered the following advice: “[F]or other Aboriginal people thinking of starting a similar business, you need a high level of expertise regarding financial management – this is a cash business, not credit”.61 In other words, indigenous enterprises must be operated, as do other successful businesses, in a commercial manner and not distribute revenue as welfare, thereby lowering profit margins. Box 5 details the financial contributions made by the partners in the enterprise for the establishment of the Warmun operation, and Box 6 outlines the particular decision-making arrangements.

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59 Ibid.
60 Ibid., p. 131.
61 Ibid.
### Box 8.5. Funding support for Warmun community enterprise

<table>
<thead>
<tr>
<th>Source/Provider</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warmun community provided</td>
<td>$150,000</td>
</tr>
<tr>
<td>Dick David provided</td>
<td>$100,000</td>
</tr>
<tr>
<td>Aboriginal Development Commission provided</td>
<td>$400,000</td>
</tr>
<tr>
<td>Aboriginal Economic Company provided</td>
<td>$150,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$800,000</strong></td>
</tr>
</tbody>
</table>

Source: J. Byrnes, *Enterprises in Aboriginal Australia, 50 case studies*,\(^{62}\)

### Box 8.6. Warmun decision-making.

There are five directors of the company:
- Two community representatives
- One Aboriginal Development Commission Representative
- One Aboriginal Enterprise Company Representative
- Dick David

Source: J. Byrnes, *Enterprises in Aboriginal Australia, 50 case studies.*

In keeping with the theme of indigenous enterprises and their ownership and management the following section provides some examples of successful Kimberley Aboriginal business people, who often belonged to families of a mixed European and Aboriginal heritage (hybridity). These types of families usually had an extensive history in business matters, particularly pastoralism, sometimes reaching back to colonial times. Beginning in the early 1970s, Federal and State government agencies actively sought out

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(8.4) "HYBRIDITY".63 SOME EARLY EXAMPLES OF SUCCESSFUL INDIGENOUS BUSINESS OPERATORS

When my mother brought me home from hospital, the people saw my colour – lighter colour – and they didn’t like that colour because I was the only one in my tribe that colour. They was [sic] going to kill me.

But my full-blood [step] father – he was a big man – he called a meeting – and he said, ‘This little boy … we ought to leave him, let him grow, cos sooner or later there’s going to be a lot more of these lighter people … he might come in handy to us’.

And that’s true too. I came in handy on my people’s culture and came in handy on the European side, to run stations … doing all those things.

– Paddy Roe

One may not be able to return to the world of one’s ancestors, but one can claim to be doing so, with political effect…. Like authenticity, hybridization is a metaphor that does not define a particular political program. Hybridization is most often invoked by advocates of pluralism and tolerance … Authenticity and creolization are best regarded as valuable rhetorical tools that can be made to serve liberation.64

In the Kimberley as elsewhere in Australia, Federal and State governments attempted to deal with deteriorating Aboriginal social conditions that became apparent beginning in the late 1960s and early 1970s. These initiatives included the institution of a policy that can be characterised as indigenous trusteeship, which – importantly – involved close consultation with the Aboriginal leadership. A substantial aspect of the new policy program determined that the small number of Aboriginal people already involved in commercial operations, as well as a politically active leadership, would be required to act as trustees for the welfare of Aboriginal people. In particular, it was believed that indigenous business operations could be an effective way of creating employment. This

63 Michael Cowen first suggested the terms hybridity and hybridicity for this context.
emerging view was readily apparent during the conference of Commonwealth and State Ministers responsible for Aboriginal affairs, held immediately after the 1967 referendum empowering the Commonwealth to legislate on behalf of Aboriginals. The conference resolved that,

the advancement of Aborigines should be considered not only in terms of their becoming wage and salary earners in the community but also in their taking up avenues of self-employment or business undertakings [my emphasis]. These developments should be fostered wherever possible. Conference drew attention to the value of the continuing development of individual business and corporate enterprises conducted by Aborigines [my emphasis] and affirmed that the further development of such projects would be encouraged by advice and financial assistance ... as well as special arrangements and where applicable, incentives for industrial development.66

Definitions of “Aboriginality” were fundamental to indigenous business people gaining access to land, capital and labour, and especially for those who belonged to a leadership stratum within the “Aboriginal community”. Government policy in the late 1960s and early 1970s, in regional areas including the Kimberley, emphasised the need to assist and encourage “Aborigines to help themselves become economically and socially stabilised in the community ... Advancement requires community effort to be successful”.67

In Western Australia, the Department of Native Welfare in the late 1960s and early 1970s viewed indigenous enterprise, and persons such as Ernie Bridge, who was in 1969 the Halls Creek Shire President (in addition to owning and operating various commercial activities, including several pastoral properties, see below), as one effective way of generating employment and thereby a potential instrument for soaking up surplus labour. Bridge in the report is described as a “caste native”.68


303
Ernie Bridge epitomises a particular trajectory of accumulation and that trajectory constitutes a model or ideal type of hybridity – or in this case “caste native” – that conflicts with the notion, particularly as it is held by proponents of the theories of neo-colonialism and post-colonialism. That is that the hybrid (or mixed heritage) populations can provide some sort of threat or challenge to the dominant “culture” or economic system. Robert Young has argued that black activists and cultural theorists have claimed the term hybridity for themselves and in effect “deployed it against the very culture” (that is, western capitalism) that practices “colonial oppression”. In the examples of Ernie Bridge and those outlined below however, the opposite is true. Indeed successful “Aboriginal business people” in the Kimberley often required a background of mixed “Aboriginal European” heritage in order to gain access to the evolving policy of indigenous trusteeship. Many of the successful indigenous business individuals and families prior to the late 1960s and early 1970s had been involved in some way or another in pastoralist or agricultural activities. S.M. Kelly describes the phenomenon in these terms: “In many cases in pioneer [pastoralist] families it was the half-caste sons, remaining in the area with their acclimatised mothers, who developed the properties and businesses”.

Government departments and agencies responsible for Aboriginal affairs, throughout the early period of indigenous trusteeship, made specific mention of the many relationships between “white male pastoralists” and “Aboriginal” women. Reflective of this situation is a 1972 report discussing the ownership of Mount Barnett Station whereby the Aboriginal Affairs Planning Authority’s Regional Liaison Officer, in consultation with the Department’s anthropologist, described the situation thus:

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68 Report on visit to Aboriginal communities. 23 September 1969.
69 According to Ania Loomba, “Postcolonial studies have been preoccupied with issues of hybridity, creolization, mestizaje, in-betweeness, diasporas and liminality, with the mobility and cross-overs of ideas and identities generated by colonialism”. What is more, some activists often invoke hybridity as an “anti-colonial strategy”. Loomba, Colonialism, p. 173 (see Chapter 2 for a discussion of post and neo-colonialism).
Mr. Russ’s daughter is part-Aboriginal married another part-Aboriginal lad, Laurie Birch. As a gift, Mr. Russ had a portion of the Gibb River Station lease converted to Mount Barnett, and gave the station to the young couple. Mrs. Laura Russ ... was a half caste Australian Aboriginal lady ... Mr. and Mrs. Russ reared a fine family, 4 boys and 2 girls. The boys are now running Gibb River Station. 72

In the next part of this section there will be an analysis of several case studies that outline the phenomenon of hybridity as it occurred in the Kimberley. In short, hybridity – far from challenging or subverting the capitalist economy, as supposed by the adherents of the theories of neo-colonialism – in many ways strengthened the economic position of those families of mixed Aboriginal European heritage who were, and had been historically, involved in commercial activities.

Cox family

The Cox pastoralist family who own and operate Louisa Downs Pastoral Station are the direct descendants of the white pastoralist William Cox. William Cox, also the purchaser of Koongie Park Station (a property later owned by the Bridge family), selected Louisa Downs some time during the mid 1890s. 73 Cox originally drove a mob of sheep to Louisa Downs from his Noonkanbah Station. 74 Freddie Cox, William Coxes’ “half caste son” went with his father to Louisa Downs. However, another “half-caste son” Davey Cox, remained at Noonkanbah with his mother, and is believed to be the direct ancestor of the West Kimberley Coxes, which distinguishes them from the Coxes of the East Kimberley

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72 Memo to: Economic Liaison Officer from regional Liaison Officer, Northern region Aboriginal Affairs Planning Authority, 18 August 1972.
73 L. Schubert, Kimberley Dreaming, (Mandurah, Wordsworth Express, 1992) p.1. In the book Kimberley Dreaming Schubert profiles the Cox pastoralist family. Ernie Bridge, in the foreword – who knew the Cox family personally, read the “manuscript and approved it” – describes the Coxes of Louisa Downs pastoral station as the “pioneer in the integration of two races” and recalls the “joyous result of a displaced family finally retrieving their land”. Furthermore, according to Bridge, Schubert “has captured the spirit of the Cox era, and the ... course the family chartered through the difficult issue of Aboriginal and European relationships”, p. 1.
74 Ibid., pp. 9-10.
and Louisa Downs. Significantly, the Noonkanbah Enterprise Management Company, which has two principal directors as well as its company secretary listed as Coxes, owned in 1999 both the Noonkanbah Pastoral Station, as well as the Yungngora Aboriginal Community Store (see above).

William Cox on arriving at Louisa Downs Station recruited a large number of Aboriginals from the surrounding region. Cox was not “above assisting” in the movement of the indigenous people from the areas within and beyond the pastoral lease to a centre close to the homestead.

The practice of raiding the camps of the incumbents and bringing in the women and children to the homestead and giving them plenty of beef and other “tucker”, thus keeping them there, soon brought the men to the homestead ... By bringing in the natives to the homestead the practice of the natives spearing the cattle for food at random was eliminated.

The actions undertaken by Cox successfully delivered the necessary labour for running the station enterprise. As discussed in Chapter 3, Aboriginal labour in the Kimberley, from the late nineteenth century through to the mid-twentieth century, was essential as pastoral stations were particularly labour intensive in this era of periodic and severe labour shortages.

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75 Ibid.
77 Schubert, Kimberley Dreaming, p. 13.
78 Ibid., p.14. Schubert obtained this information first hand from Freddie Cox. An elderly Aboriginal called Joe who had lived all his life on Louisa Downs gave corroboration. Schubert asked Joe where he had come from and he said “Billy Cox run me down with his horse when I was little.” p.14 Moreover, “The land around the homestead was soon exhausted of traditional food, increasing the strain on the station supplies ... The number of people accumulating in a settlement would quickly put a station out of business if not controlled. The people themselves soon complained if strangers to their ‘country’ attached themselves to the camps”. p. 19. Soon after establishing Louisa Downs, William Cox acquired another “young native woman” as a housekeeper and de facto wife and when she became pregnant she was retired to the camp and another took her place. Schubert spoke to two of the surviving women at Louisa Downs who “proudly claimed at
When William Cox died in 1944, and the estate sold,\(^79\) the Cox family remained on Louisa Downs. It was the Cox family’s determination not to abandon Louisa Downs which, when the opportunity arose, provided by the Commonwealth government as part of its effort to return people to their “traditional land”, allowed for the successful claim of Louisa Downs. This event occurred one hundred years after the family first arrived on the pastoral station. In 1989, Norman Cox, great-grandson of William Cox, now operated the station,\(^80\) and a cousin Leonie Cox oversaw the Yiyili village store.\(^81\) According to the *Aboriginal Development News*:

Western Australian Aborigines took back legal title to more than half a million hectares of Kimberley land at a special ceremony at Fitzroy Crossing on 18 February 1989. The [Federal] Minister for Aboriginal Affairs, Gerry Hand, handed over title to three stations ... Norman Cox accepted title to Louisa Downs (199,000 hectares).\(^82\)

**The Roe family of Broome**

The famous Roe family of Broome is also representative of the “hybridity” phenomenon. There is conclusive evidence of a direct familial link between the Broome Roe family and John Septimus Roe, politician, property owner and Western Australia’s first surveyor general.\(^83\) John S. Roe’s descendants have relationships through marriage with other pioneer and establishment families such as the Hassells, the Cliftons, the Clarksons, the Drummonds and the Lee-Steerites, and have branches in Perth, Swan, Piawaning, Gingin, Arthur River and Albany.\(^84\)

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\(^80\) Schubert, *Kimberley Dreaming*, p. 163.

\(^81\) Ibid., p. 189.

\(^82\) *Aboriginal Development News*, (Winter 1986).

\(^83\) As outlined by S.M. Kelly in her book *Proud Heritage*. Kelly traces the genealogy of the Broome Roe family, and the book was written with the complete co-operation and assistance of the family, in particular Clara Jackamarr. Kelly utilised archival material gathered from the Battye Library and State Records Office, and also, where possible, crosschecked information with “old identities such as Cass Drummond and Tommy Edgar”. p. 35.

\(^84\) Kelly, *Proud Heritage*, p. 44.
In 1873, George Roe, who was John S. Roe’s second youngest son, went to Broome where he purchased and operated the pastoral station Thango, and also later owned a fleet of pearling luggers. No official records of his marriages exist. However, it is known that he had at least four de-facto relationships with Aboriginal women, which produced a total of twelve children. George Roe’s many descendants now live in Broome and include the Roe, Robinson, Foy, Dean, Rahman, Fong and Evans families.

Although it is difficult to place members of the Broome Roe family precisely within a particular branch of the family tree – due to such things as poorly kept, non-existent, or incorrect records – there are many members of the Roe family who have been involved in successful commercial enterprise. The well-known Broome identity Paddy Roe, the original “family patriarch” and the youngest son of George Roe, was a strong advocate of Aboriginal traditional “community”. As well, Roe owned several properties, including commercial market garden ventures, in Broome and elsewhere.

In 1969, Paddy Roe, along with several others, submitted an application to the Commonwealth government for a loan from the Capital Fund in order to help establish the Broome Aboriginal Co-operative. The market garden enterprise envisaged by Roe and the Co-operative, on Broome Reserve 21801, aimed to offer “consumer commodities to Aborigines at lower prices, and in the long run to create employment opportunities for young Aboriginals”. Membership was “open to anyone on condition that the control of the company remains in the hands of an Aboriginal majority”. In March 1973, Roe submitted an application for a proposed “market garden venture” in the Station Hill

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86 Ibid., p. 30.
87 Paddy Roe tells the editor of his book, Gularabulu, the story that his “mother nearly killed him at birth because his skin colour revealed white paternity”. S. Muecke (ed.) Gularabulu (Fremantle, Fremantle Arts Centre Press, 1983) p. ii. Roe also refers to the name of his biological father (George Roe) in Bill Bunbury’s book, It’s Not The Money, p. 36.
88 The West Australian, 15 October 1969.
area. According to ALT records, Roe also applied for and subsequently received land at Coconut Wells (located in the vicinity of what is today the prime real estate of Cable Beach, Broome), also for the purposes of market gardening.

An Aboriginal Land Fund minute, taken during the meeting of 3 April 1976, recorded that the Secretary had visited Broome and discussed the matter of land, and that Roe "appeared satisfied with the arrangement" which would allow him continued usage of the land – that is, Reserve 21801 – "for as long as he required it". The arrangement being that: "It was expected that the land would [now] be used for ceremonial purposes, store site and the promotion of Aboriginal culture and artefacts". During the ALT meeting, held in July 1976, the Secretary tabled correspondence, received from the Minister for Community Welfare, stating that the Department was prepared to transfer all the land to Roe, together with the buildings located on Reserve 21801. Conspicuous, however, was a Broome newspaper article quoting Roe, soon after being awarded the Order of Australia, defending himself against allegations that he "promoted his ancestral heritage for monetary gain".

In Broome, in 1998, both Daniel and Edward Roe were staff members of the Kimberley Land Council. Joseph Roe and his brother Phillip, also grandsons of Paddy Roe, were directors of the Rubibi Aboriginal Land Heritage and Development Company (see Chapter 7). As well, Joseph Roe is named as one of the principal claimants for several

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89 Aboriginal Affairs Planning Authority, Memo, 19 March 1973.
90 Minutes of Aboriginal Lands Trust meeting 28 and 29 June 1973.
91 Minutes of Aboriginal Lands Trust meeting, 3 April 1976.
92 Minutes of Aboriginal Lands Trust meeting, 28 and 29 July 1975.
93 Minutes of Aboriginal Lands Trust meeting, 3 and 4 July 1976.
94 Broome Echo date unknown, article viewed in archives, Broome Museum. In January 1981, M. Gordon tabled a submission to the ALT from the Kimberley Land Council supporting Roe’s further claim to the Fishermen’s Bend Reserve 30906. Minutes of Aboriginal Lands Trust meeting 10 and 11 January 1981.
96 Extract from Australian Securities and Investment Commission, ACN No.071 882 990.
Native Title claims covering large areas of land in and around the townsite of Broome. What is more, in 2001, Kevin Fong, whose father owns Fong’s supermarket Broome, and is closely related to the Roe family, was, among other things, Broome Shire President and Managing Director of Goolarri Media Enterprises (see Chapter 6).

**Ernie Bridge**

Ernie Bridge is perhaps the leading representative of the emerging Aboriginal business class, as it expanded in the Kimberley. Bridge was “grandson on his father’s side of a pioneering overlander and on his mother’s side of a senior man of the local Aboriginal clan” in the Halls Creek district. Bridge has owned many businesses, including the Kimberley pastoral stations Koongie Park Station and Elvire, a butcher shop, general store, picture garden, MacRobertson Miller Airline agency and a contract mustering operation, and was also for a time Halls Creek Shire President.

In 1975, after an “ugly conflict” and “race riot” in Skull Creek Laverton (300 km north of Kalgoorlie) – tensions driven by rural unemployment and social unrest – Bridge was appointed by the Federal and State governments to inquire into this and other conflicts. It was this experience, he says, which led him to accept a Labor Party approach to politics. One aspect of this approach involved a philosophy that was largely informed by a tradition embracing family, community, and nation. This view is encapsulated in Bridge’s statement:

> Throughout my efforts over the years to move governments towards restructuring the Kimberley pastoral industry I have stressed one factor above all others – the quality of the individual pastoralist [as against

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98 See Kelly, Proud Heritage.
100 The West Australian, 21 February 1986.
101 This tradition as it is embedded within the Australian Labor Party is highlighted in the party’s Platform Constitution And Rules, (1984) where in relation to matters involving “Aboriginals and Islanders” it states: The Labor Party will “[e]nsure that Aboriginal ... people ... have access to land grants held under secure title

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310
absentee owners]. I have referred to the owner/operator and to family [my emphasis] operations. It is hardly a revolutionary concept, in fact it is as old as agriculture to say that the men and women who live on their land ... remain the best guarantee of a productive rural sector.102

Bridge has also argued that, “our farmers represent generations of knowledge, labour, capital and commitment ... The number of farms in Australia today is less than half the number we had in 1960. As the farmers leave so do the towns people. We lose a way of life. We lose a culture. We lose the character of our nation”103

Bridge was endorsed Labor party candidate for the seat of Kimberley in the 1977 State election. In a bitter and hard fought campaign, Bridge narrowly lost to the Liberal candidate Alan Ridge, but was elected to that same seat in February 1980 becoming Western Australia’s first “Aboriginal” to sit in the State parliament.104 Bridge later also became Australia’s first “Aboriginal” Cabinet Minister, subsequently holding many portfolios including, most notably, Aboriginal Affairs, Small Business and Agriculture, Water Resources and the North West. Prior to being elected the member for Kimberley: “He was well known and popular in Aboriginal communities through his work on the Aboriginal Lands Trust and Aboriginal Land Fund Commission”.105

Sometime in the 1980s, in a move symbolising that the Aboriginal leadership had indeed gained substantial access to State power, an approach was made to the Federal government’s Aboriginal Development Commission (which replaced the Aboriginal Land Fund Commission [ALFC] in 1980) to purchase Bridge’s pastoral properties, Elvire and Koongie Park Station. It is interesting to note that in a 1978 meeting, Bridge – in his capacity as an influential member of the ALT – suggested that a letter be sent to the

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102 E. Bridge, Individuals Not Empires, (1985) p. 6
104 Bolton, “Black And White”, p. 175.
Federal government "expressing its concern over the lack of finance available to the ALFC to acquire land [such as pastoral properties] on behalf of Aborigines". This suggestion was made immediately before a discussion concerning the sale of Bridge's pastoral property Elvine.106 Both Elvine (considered such poor country it was not viable in its own right) and Koongie Park Station were later sold to the ADC in 1987. These transactions occurred whilst Bridge was Western Australian Minister for Aboriginal Affairs.107 After resigning from State politics in 2001, Bridge moved to Perth to further his business interests.

(8.5) CONCLUSION

In the Kimberley beginning in the late 1960s and early 1970s, an emerging indigenous business class, or Aboriginal leadership, became instrumental in directing important aspects of the new government policy of indigenous trusteeship. The new policy was implemented in an attempt to ameliorate deteriorating social conditions. A major component of the policy saw a small number of existing Aboriginal business operators gain greater access to land, labour and capital. This was done as one means for generating employment in an environment of rapidly increasing unemployment. Many of these Aboriginal business people who now enjoyed a broader opportunity for undertaking commercial activities usually came from a background of a mixed Aboriginal European heritage (hybridity). These types of business people gained their experience in the operation of profitable ventures from their parents who had also been involved in business activities – albeit on a lesser scale.

Nevertheless, tensions that were apparent between white business operators (particularly those involved in pastoral operations and "community" enterprises) and their Aboriginal

106 Minutes of Aboriginal Lands Trust meeting, 7-8 October 1978.
107 P. Sullivan, All Free Man Now, (Canberra, Australian Institute of Aboriginal and Torres Strait Islander Studies, 1988) pp. 49-50.
workers, during the previous development policy (in operation prior to the late 1960s), have re-emerged with the maturing and success of Aboriginal ownership and the program of indigenous trusteeship. To date, this tension is evident, but far from fully played out. For many Aboriginal business operations, welfare and commerce can still be contained, especially since many rural organisations remain operational on the basis of subsidised labour. But there are many others where this tension can no longer be bound together and a separation between welfare and commerce is underway. In the Kimberley not only are Aboriginal businesses looking to expand outside the region, to where profits are highest, it may be that in order to do so Aboriginal businesses and business leaders (see Ernie Bridge, above) may relocate to the metropoles of Perth and elsewhere.
CHAPTER 9. AN OVERVIEW OF THE ABORIGINAL COMPONENT OF THE KIMBERLEY ECONOMY. CONCLUSION

(9.1) INTRODUCTION

The global search for a new logic to underpin development policy is not simply about the breakdown in confidence of international development institutions dealing with third world issues. It is also evident in the problems with the so-called welfare state in the developed world as well. Nowhere perhaps is this more sharply in focus than in the crisis of development policy for indigenes in places like the United States, Canada, and Australia.

Despite a current crisis in development policy, there is growing recognition that the ambit of development is much broader than simply some problems of the third world. As Amartya Sen and others have argued, the study of development is at least as relevant for developed countries as it is for developing. This recognition has been important, but perhaps ironic. Michael Cowen and Bob Shenton have shown that the idea, or doctrine, of development first originated out of the problems of industrialisation in places like Britain. The thesis has attempted to use these insights in the study of local responses to global change in indigenous development in the Kimberley region of Australia. The Kimberley is one that has retained a large Aboriginal population, and often has been affected rapidly by the changing fortunes of the world economy. Many government policies and practices have been trialled or pioneered in the administration of this population.

The current thesis has outlined many of the important ways that Aboriginal development policy has since colonial times undergone at least two major phases. After the initial (and ongoing) dispossession of Aboriginals from the most productive grazing land in the Kimberley, development policy in the colonial and post-colonial era and after was dominated by the accumulation needs of the pastoral industry (established in the 1880s), the region’s most dominant. Importantly for the structure of Aboriginal development policy, during this time, was that pastoral expansion required a sizeable and reliable source of labour. Governments with bi-partisan political support, formulated and
implemented a development policy – that has been termed colonial/state trusteeship – that would not only provide skilled labour for pastoral operations but also, as part of this process, impose a degree of "protection"\footnote{As the well-known Aboriginal political leader and activist Noel Pearson has argued, "During the 'protection' phase of our colonial experience … the state established an elaborate system to regulate relations with the outside mainstream economy, the stated intention being to avoid the gross exploitation of Aboriginal people as sexual and labour slaves". N. Pearson, Our Right To Take Responsibility. (Cairns, Noel Pearson and Associates, 2000) p. 27. It should be noted however, that such protection also severely curtailed the rights of Aboriginals to move freely from stations, and police were often involved in ensuring that station workers remained bound to pastoralists.} for the pastoral industry's indigenous labour supply. The policy of state trusteeship thus bound together state agencies, the Church and pastoralists in a way that attempted to deal initially with the effects of Aboriginal displacement, and then the accumulation needs of organising pastoral production over a vast and often harsh region. Another important element of the policy was to purposefully inhibit (but did not prevent all) the commercial activities of a nascent indigenous business class.

Due to its almost complete reliance on the pastoral industry and its exports, throughout the period of state trusteeship, the prosperity of the Kimberley economy was determined to a large degree by the fluctuating global economy and the prices paid for pastoral commodities. In the Kimberley, throughout the so-called "golden age" of employment in the 1950s and 1960s, and as a result of a continuing labour shortage, Aboriginal employment, wages and conditions (as was the case in the general population) steadily increased.

In the late 1960s and early 1970s, at the close of the post-World War Two global long boom however, there was the beginning of a serious and long-term downturn in the Kimberley pastoral industry. Significant consequences of this decline included an acceleration in the pace of pastoral station ownership concentration,\footnote{Historically, in the Kimberley, owner-operated pastoral stations were in the majority, albeit steadily decreasing. However, as Chapter 8 delineates, the diminishing number of owner-operated pastoral stations escalated in the late 1960s and early 1970s, and were instead replaced by increasing numbers of enterprises controlled either by Aboriginal ownership or other corporate entities.} as well as the substantial restructuring in production techniques and processes in order to remain profitable. Importantly, this restructure saw the mass expulsion of indigenous labour (and

315
their families) from pastoral holdings and a subsequent large-scale migration to towns and semi-urban centres both inside and outside the Kimberley region.

In Western Australia, as elsewhere in Australia, in an attempt to counter the consequences of rapidly increasing Aboriginal unemployment and rising social tensions, the State and Federal governments, with much assistance from an Aboriginal leadership, devised the new policy of indigenous trusteeship. Trusteeship was now based increasingly on the principle of assigning the welfare responsibility for those populations suffering unemployment and poverty, to a group or Aboriginal leadership that were believed to possess the wherewithal and ability to care for such populations. At the end of the long boom in the late 1960s and early 1970s, the advent of the policy of indigenous trusteeship witnessed an Aboriginal leadership assuming the welfare responsibilities for those indigenes affected by the economic and social crisis caused by the collapse of the once dominant pastoral industry.

Indigenous trusteeship involved, among other things, the provision of land, labour and extensive financial subvention, as well as significant moral support, to an incipient indigenous business class. This was done principally in an effort to halt the escalating rates of Aboriginal unemployment and poverty across the Kimberley. It is a significant point nevertheless, that although the ceding of large tracts of land to indigenous organisations and individuals – in combination with the provision of labour and finance – unleashed considerable pent-up entrepreneurial activity, this subvention did not lead automatically to expanded accumulation activities. The nature of land tenure, commercial organisation and the path to business success were (and still are) subject to continuing tensions and evolution, including the inherent tension between trusteeship and the commercial activities of the leadership (for which land occupation and ownership were especially crucial). These underlying tensions have also been compounded by the difficulties related to the ongoing process of proletarianisation. As well as the tensions intrinsic to the policy of indigenous trusteeship, there was in the Kimberley (as there was throughout Australia) virulent and sustained external hostility to the policy – particularly in the facilitation of land – from the existing controllers of businesses including farmers,
pastoralists, prospectors and miners. For these reasons the thesis showed that the implementation and practice of the new policy of indigenous trusteeship was not smooth or without obstruction.

This chapter surveys some of the research findings of the thesis with particular emphasis on the scope and scale of indigenous business operations in the Kimberley since the 1970s. In the final section, there is a discussion of some of the inherent tensions and conflicts that have become increasingly evident within the policy of indigenous trusteeship itself.

(9.2) INDIGENOUS BUSINESS IN THE KIMBERLEY.

The present thesis has shown that in the 1970s and 1980s, the establishment of government departments – largely Aboriginal controlled and directed – including the Western Australian Aboriginal Lands Trust (ALT), Aboriginal Affairs Department and later the Aboriginal and Torres Strait Islander Commission (ATSIC) were important components of the new development policy. This policy was devised to, among other things, secure populations and productive force to regional areas as well as to support burgeoning Aboriginal enterprises. In so doing, the policy of intent provided economic space for indigenous business to expand and consolidate its commercial activities. In the Kimberley region, in the period immediately after the collapse of the pastoral industry, there was recognition by governments that public expenditure on Aboriginal affairs was required to underpin the regional economy. In an effort to halt the loss of productive potential in the Kimberley both the State and Federal governments introduced several important initiatives.

Beginning in the 1970s, the majority of the Kimberley population became involved in some way in servicing the Aboriginal economy.\(^3\) In the mid-1970s, the introduction of the Community Development Employment Project (CDEP) – by retaining labour in

\(^3\) See G. Crough and C. Christophersen, *Aboriginal People In The Kimberley Economy Of The Kimberley Region*, (Darwin, North Australia Research Unit, Australian National University, 1993)
regional areas – was an essential component of the new policy. Initially devised as a welfare measure (the first work for the dole scheme in post-war Australia), the CDEP has now come to be seen as a means of shifting people from “welfare” into the “real economy” in the Kimberley region.⁴

An important state agency established (in 1978) for assisting Aboriginal organisations and individuals in gaining access to land and further commercial opportunities, was the KLC. Membership of the KLC was and remains largely comprised of local Aboriginal businesspeople and/or “community” leaders. It is well recognised that the KLC is a practised and effective political lobbyist. The KLC has achieved much in both the political and economic arena, reflected by not only the prominence of KLC members in State and National Aboriginal organisations, but also their proven ability in attracting government resources. To date, the KLC has successfully facilitated the acquisition of land, labour and commercial opportunities for Aboriginal corporations (including resource agencies). In this regard, the KLC has proven to be a very effective political and economic instrument for the advancement of indigenous capital. In other words, the KLC, State and Federal government departments have provided much assistance to indigenous commercial operations including those of resource agencies.

Resource agencies were established and financed by the Federal and State governments in the mid 1970s ostensibly as a device for delivering welfare services. These agencies were sponsored in the attempt to ameliorate the worsening social and economic crisis that was occurring in remote and regional areas of the Kimberley. Importantly, from the 1980s onwards these agencies – often operated by the local Aboriginal leadership and their families – became involved in broader commercial activities alongside their welfare or trusteeship responsibilities.

⁴ ATSIC described the CDEP scheme as one that was to “provide work for unemployed Aboriginal and Torres Strait Islander persons in community-managed activities which assist the individual in acquiring skills which benefit the community, develop business enterprises and/or lead to unsubsidised employment”. *ATSIC Annual Report, 1998-99*, p. 50. Furthermore, in 1999, the “CDEP scheme is community-based employment and community development initiative involving 265 Indigenous community organisations and 31,900 participants at 30 June 1999. The scheme commenced in 1977, the original objective being to assist in the development of communities through work programs and thus have them achieve greater economic, social and economic strength”. p. 50.
Indigenous commercial activities in the Kimberley were initially comprised mostly of pastoral and horticultural operations – later however, indigenous controlled organisations and their associated enterprises became involved in a growing range of multiplex operations that included the construction, retail, tourism and other sectors of the economy. By the 1990s, these enterprises were employing large amounts of labour, often subsidised through the CDEP. In 1994, for example, a survey was undertaken across Western Australia to ascertain the involvement of Aboriginal persons working in CDEP schemes. The results of the survey found that: “In rural areas, 71% of employed persons were CDEP scheme workers compared with 30% in urban centres. The ATSIC regions with the highest proportion of employed persons in the CDEP scheme were Kununurra (87%) and Derby (76%)”.

In contrast to the era of state trusteeship whereby indigenous businesses were purposefully restrained, the period of indigenous trusteeship has seen an impressive advance in Aboriginal commercial operations. According to a Kimberley Development Commission (KDC) report, the retail sector of the Kimberley economy now dominates many of the activities of Aboriginal enterprises. In 2001, Aboriginal businesses operated some “twenty-eight retail outlets across the region including three major roadhouses and fuel outlets, twenty-two community stores, at least one major supermarket and two hotel and accommodation establishments”. In addition to “providing local service and supply outlets to a very diverse number of communities, these outlets are responsible for very substantial turnover and employment outcomes”. The KDC discovered that the:

average turnover of community stores across the region is currently over $1 million each per year while the three roadhouses and fuel outlets have an average turnover of around $2 million each. These businesses generate substantial regional employment for both Aboriginal and non-Aboriginal people. Across these twenty-eight outlets, it is estimated that at least one hundred and fifty regional jobs are directly created and

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5 Australian Bureau of Statistics, Western Australian Year Book, 1997, p. 301. The result of the survey discovered that 42% of Aboriginal workers were employed by a public sector organisation while 57% worked in the private sector. Significantly though, “Of those who worked in the private sector, 31% were employed by an ATSIC community organisation. In rural areas this proportion rose to almost half (49%)”.

supported by these enterprises. Other state and regional businesses greatly benefit from these Aboriginal business activities including transport companies, grocery wholesalers and general business suppliers.  

In summary, the KDC report found that the Aboriginal organisation sector of the Kimberley economy has substantial “size and strength”.s In addition to the sizeable economic stimulus provided by Aboriginal resource agencies, there is the substantial and increasing economic activity generated through Aboriginal controlled enterprises. As pointed out throughout the thesis, regional economic activity is dependant to a large degree on retaining productive potential in the area. In other words, the stability of the Kimberley Aboriginal population provides the basis for both production (labour supply) and consumption (purchasing by indigenous consumers) for the expanding number of indigenous commercial operations. As the KDC noted, “regional demographic trends clearly indicate that the Aboriginal population is growing strongly. With this trend … the future is likely to see a growing increase in the level of the economic contributions and subsequent economic influence of the Kimberley’s Aboriginal people”.

Yet despite the policy of indigenous trusteeship (in operation since the 1970s) and the continuing Commonwealth and State government expenditure, the social crisis affecting Aboriginal populations continues. In 1994, for instance, in the Broome district alone, the unemployment rate for Aboriginal workers was more than 36% and in Derby the labour force participation rate was less than 58%. Indicative of the high level of indigenous unemployment is the extreme rate of Aboriginal imprisonment.

These statistics may help to explain some of the popular misconceptions that have surrounded the history of Aboriginal affairs in Australia and specifically the implementation of the policy of indigenous trusteeship. An illustration of the misunderstanding of the core elements of indigenous trusteeship and particularly the

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7 Ibid.
8 Ibid.
9 Ibid., p. 40.
10 Ibid., p. 43.
11 Western Australian Year Book, 1997, p. 301.
12 See Appendix for Aboriginal rates of imprisonment.
central role played by the Aboriginal leadership, was the proposition in 1997 by Aden Ridgeway – at the time Executive Director of the NSW Aboriginal Land Council and later an Australian Democrat Senator – who argued that: “It must be strongly said that we should no longer be fooled by the rhetoric of accountability. We should no longer take the blame for the failure of governments to do their job. We should continue in our struggle for justice and demand that governments at all levels treat us fairly ... It is not acceptable that government should further disadvantage the most disadvantaged ... it must also be accepted that to rectify the present and the future requires an unequal input to achieve an equal outcome”.

(9.3) POLICY AT THE CROSSROADS: THE TENSIONS WITHIN – CAN THEY BE RECONCILED?

How do we reconcile communal ownership of assets (the land and natural resources) with individual or family enterprise? How do we maintain our traditional values of sharing and obligation when we engage in private enterprise? ... Our failure to properly reconcile our social and cultural considerations with the imperatives of enterprise development – I suspect, is the greatest impediment to enterprise development in our communities and a central explanation for our failures to date.


By the early 1970s, as part of the policy of indigenous trusteeship – in contrast to the earlier period of state trusteeship, which saw Aboriginal property rights and business operations actively discouraged – indigenous enterprises were provided with significant government subvention, including finance, land and labour. This assistance was provided on the basis of relieving the social and economic crisis that was occurring in Aboriginal populations in regional areas throughout Australia, including the Kimberley. Another important reason for these types of government initiative was the effort to retain productive potential in remote and rural regions. At this stage therefore – considering the

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13 ATSIC, As A Matter Of Fact, (Canberra, ATSIC, 1998) p. 12. This statement was made at the Australian Reconciliation Convention in May 1997.
14 Pearson, Our Right, p. 89.
high levels of indigenous unemployment and poverty – welfare and the maintenance of social order were the primary considerations for the provision of the government assistance to Aboriginal enterprises.

However, in later years, once indigenous enterprises had become more established organised and confident, there was a discernable shift in emphasis by the Aboriginal leadership from simply providing a welfare function to a more commercially oriented view. That is to say, not only were these organisations increasingly employing large amounts of labour (often through CDEP schemes), but also these organisations began to acquire significant assets. While government policy continued to emphasise these assets as communal and the managers of them as trustees, there has been an increasing criticism from many “trustees”, led most vocally by Noel Pearson, that trusteeship imposes unfair and iniquitous restraints on the commercial success of Aboriginal organisations.

It has been well documented, that in the commercial operation of Aboriginal-owned enterprises (especially in remote areas), serious conflicts have emerged between the workforce and management. In the cases of pastoral stations and/or “community” enterprises, these conflicts revolve around the essential reason for the establishment of these enterprises. Or to put it another way, there is confusion and sometimes anger as to whether these types of operation are a commercial resource or a welfare measure.\(^{15}\) Part of the reason for these types of conflict centre on the requirement of commercial entities to generate a profitable outcome – in other words, in order to remain viable, enterprises cannot allow their revenue to be distributed as largess amongst their workforce.

While from one perspective, the drive to accumulate may be seen as a corruption of the original intent to alleviate the effects of Aboriginal unemployment and social dislocation, from the point of view of the indigenous business leaders who run them, it may simply be seen as a normal commercial aspiration to retain profits for expanded operations. Up until now, the tension between welfare considerations and the ability to trade profitably is

manifest but far from fully resolved. For a considerable number of Aboriginal enterprises, welfare and commerce can still be contained indeed many rural organisations remain viable only on the basis of subsidised labour. But there are many others where this tension can no longer be bound together and a separation between welfare and commerce is underway. The thesis showed that the commercial intent of several such organisations in the Kimberley is now strongly evident, and there is some evidence that this may be occurring in other regions as well. Further research is clearly needed to see whether the Kimberley experience is representative or not.

As Noel Pearson has argued, “there are some enterprises which simply will not work on the basis of communal ownership. The essential ingredients for business success – reward, incentive – are absent in communal enterprise and it is no wonder they routinely fail”.

Further, “We must seriously question the approach to the distribution of communal capital”. That is, profit generated from such things as mining royalties, pastoral, agricultural, tourist and retail operations conducted on Aboriginal land, should be reinvested profitably and not allocated as welfare. For Pearson, “community” profits apportioned as welfare, just as government provided social security, is the primary cause for the malaise affecting contemporary Aboriginal society. “It is the nature of passive welfare ... that explains our social crisis”.

Whether or not Pearson’s spatial separation strategy can be a successful way of resolving the growing tension, the recognition that commerce and welfare are now increasingly incompatible is significant. And indications from the Kimberley region suggest that Pearson’s comments are not simply a prediction. There are already moves by Aboriginal

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16 Pearson, *Our Right*, p. 89.
17 Ibid., p. 90.
18 Ibid., p. 91. One suggestion of Pearson’s is to invest this capital in the “outside real economy where capital can be profitably invested. By investing in tertiary industries outside of our regions we can defer investment in our local and regional projects until we receive income from investments. In this way we have a better chance of succeeding in building an asset base in the long term. Or we should only be applying a limited portion of our capital streams towards riskier local projects in favour of investments in the general economy”.
19 Pearson, *Our Right*, p. 23. Furthermore, Pearson has called for Aboriginal Australia to terminate its historic alliance with the “progressive Left” and instead to forge ties with the “Conservative Right”. P. Kelly, “The Road Less Fellow Travelled”, *The Australian*, 7 August 2002.
businesspeople like Ernie Bridge to invest outside the Kimberley, with others likely to follow suit. Limited opportunities for profitable business expansion in the Kimberley region have seen investments extend to Perth and beyond.

One dilemma that the Kimberley case suggests is that not only are Aboriginal businesses looking to expand outside of the region, to where profits are highest, it may be that in order to do so Aboriginal businesses and business leaders may relocate to Perth and Sydney. How development policy can be then attached to these increasingly mobile investment groups and their owners under the “imperatives of enterprise development” is unclear. As Noel Pearson has argued, however, the task of resolving these types of concerns is now perhaps the major issue within Aboriginal development policy. This dilemma is by no means unique to the current situation as it is occurring in the Kimberley and the rest of Australia. As Cowen and Shenton have identified this predicament has determined and influenced development policy from the beginning of capitalist development.

It may be that if this growing separation between the imperatives of (indigenous) commerce and the necessity for intentional development continues, it may effectively spell the end of the period of indigenous trusteeship. With high rates of unemployment and social distress once again seemingly intractable, the need for the state to directly ameliorate the effects of such development are again coming to the fore. While many critics of the existing regime of indigenous trusteeship proffer alternatives such as moving away from “community” (and community leaders as trustees), the promise to end the need for development seems as far off as ever. The salutary lesson from the thesis is that capitalism does not only not guarantee employment for all – the destructive aspects that accompany its tremendous productive potential are integral moments. It is grappling with this process that takes us once again from the frontiers of capitalism back to its heartland.
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328
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*The West Australian.*

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APPENDICES

Appendix 10.1

Kimberley Aboriginal population as at 30 June 1963

"The following figures are based on all records and information available but are still, of necessity, near approximations only of those persons in this State who possess more than one quarter Aboriginal blood [sic]." ¹

<table>
<thead>
<tr>
<th>District</th>
<th>&quot;Full Blood Aborigines&quot;[sic]</th>
<th>&quot;Others&quot;</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Derby</td>
<td>2,306</td>
<td>277</td>
<td>2,583</td>
</tr>
<tr>
<td>Wyndham</td>
<td>947</td>
<td>90</td>
<td>1,037</td>
</tr>
<tr>
<td>Halls Creek</td>
<td>1,120</td>
<td>139</td>
<td>1,259</td>
</tr>
<tr>
<td>Broome</td>
<td>827</td>
<td>484</td>
<td>1,311</td>
</tr>
<tr>
<td>Totals</td>
<td>5,200</td>
<td>990</td>
<td>6,190</td>
</tr>
</tbody>
</table>


Appendix 10.2

Kimberley Aboriginal population as at 30 June 1968

<table>
<thead>
<tr>
<th>District</th>
<th>&quot;Aborigines&quot;</th>
<th>&quot;Part-Aborigines&quot;</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Derby</td>
<td>2,367</td>
<td>421</td>
<td>2,788</td>
</tr>
<tr>
<td>Wyndham</td>
<td>862</td>
<td>370</td>
<td>1,232</td>
</tr>
<tr>
<td>Halls Creek</td>
<td>1,301</td>
<td>217</td>
<td>1,518</td>
</tr>
<tr>
<td>Broome</td>
<td>758</td>
<td>719</td>
<td>1,477</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5,288</strong></td>
<td><strong>1727</strong></td>
<td><strong>7,015</strong></td>
</tr>
</tbody>
</table>


Appendix 10.3
Kimberley Aboriginal population as at 30 June 1972

<table>
<thead>
<tr>
<th>Division</th>
<th>Aborigines</th>
<th>Part-Aborigines</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern (Kimberley)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Derby</td>
<td>1,291</td>
<td>371</td>
<td>1,662</td>
</tr>
<tr>
<td>Wyndham</td>
<td>523</td>
<td>470</td>
<td>993</td>
</tr>
<tr>
<td>Halls Creek</td>
<td>1,158</td>
<td>381</td>
<td>1,539</td>
</tr>
<tr>
<td>Fitzroy Crossing</td>
<td>943</td>
<td>80</td>
<td>1,023</td>
</tr>
<tr>
<td>Broome</td>
<td>764</td>
<td>637</td>
<td>1,401</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4,679</strong></td>
<td><strong>1,939</strong></td>
<td><strong>6,618</strong></td>
</tr>
<tr>
<td>North West</td>
<td>2,231</td>
<td>2,042</td>
<td>4,273</td>
</tr>
<tr>
<td>North Central</td>
<td>845</td>
<td>2,258</td>
<td>3,103</td>
</tr>
<tr>
<td>Eastern</td>
<td>1,529</td>
<td>1,238</td>
<td>2,767</td>
</tr>
<tr>
<td>Central</td>
<td>60</td>
<td>5,679</td>
<td>5,739</td>
</tr>
<tr>
<td>Southern</td>
<td>70</td>
<td>2,844</td>
<td>2,914</td>
</tr>
<tr>
<td><strong>Overall Totals</strong></td>
<td><strong>9,414</strong></td>
<td><strong>16,000</strong></td>
<td><strong>25,414</strong></td>
</tr>
</tbody>
</table>


Appendix 10.4
Sheep and lambs shorn in the Kimberley: Year ended 31 March: 1965 - 1969

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Broome</td>
<td>56,244</td>
<td>54,412</td>
<td>54,179</td>
<td>55,332</td>
<td>51,033</td>
</tr>
<tr>
<td>Halls Creek</td>
<td>600</td>
<td>600</td>
<td>550</td>
<td>550</td>
<td>892</td>
</tr>
<tr>
<td>West Kimberley</td>
<td>125,700</td>
<td>110,979</td>
<td>106,307</td>
<td>97,868</td>
<td>89,293</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>182,544</strong></td>
<td><strong>165,991</strong></td>
<td><strong>161,036</strong></td>
<td><strong>153,750</strong></td>
<td><strong>141,218</strong></td>
</tr>
<tr>
<td><strong>Total, WA</strong></td>
<td><strong>23,178,887</strong></td>
<td><strong>25,473,304</strong></td>
<td><strong>28,384,504</strong></td>
<td><strong>31,500,875</strong></td>
<td><strong>35,415,220</strong></td>
</tr>
</tbody>
</table>

2 Commissioner of Native Welfare, *Annual Report, 1972*, p. 39. "The... figures are based on all records and information available, but are still, of necessity, near approximations only of those persons in Western Australia who possess more than one quarter Aboriginal blood. Variations from previously published figures are due, in the main, to changes in administrative district boundaries and the movement of Aborigines". p. 39.
Appendix 10.5
Aboriginal employment in the Kimberley (1972)

<table>
<thead>
<tr>
<th>1972</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Derby</td>
<td>1</td>
<td>8</td>
<td>2</td>
<td>6</td>
<td>158</td>
<td>14</td>
<td>3</td>
<td>...</td>
<td>2</td>
</tr>
<tr>
<td>Wyndham</td>
<td>...</td>
<td>3</td>
<td>2</td>
<td>12</td>
<td>91</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Halls Creek</td>
<td>...</td>
<td>2</td>
<td>3</td>
<td>48</td>
<td>246</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>1</td>
</tr>
<tr>
<td>Broome</td>
<td>1</td>
<td>6</td>
<td>9</td>
<td>10</td>
<td>55</td>
<td>5</td>
<td>12</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Fitzroy Crossing</td>
<td>...</td>
<td>2</td>
<td>3</td>
<td>5</td>
<td>171</td>
<td>3</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Total</td>
<td>2</td>
<td>21</td>
<td>19</td>
<td>81</td>
<td>721</td>
<td>22</td>
<td>15</td>
<td>...</td>
<td>3</td>
</tr>
<tr>
<td>Self-Employed</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>5</td>
<td>...</td>
<td>6</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1972</th>
<th>10</th>
<th>11</th>
<th>12</th>
<th>13</th>
<th>14</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>contd.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Derby</td>
<td>12</td>
<td>3</td>
<td>2</td>
<td>17</td>
<td>114</td>
<td>342</td>
</tr>
<tr>
<td>Wyndham</td>
<td>10</td>
<td>4</td>
<td>2</td>
<td>52</td>
<td>31</td>
<td>207</td>
</tr>
<tr>
<td>Halls Creek</td>
<td>1</td>
<td>...</td>
<td>...</td>
<td>15</td>
<td>136</td>
<td>452</td>
</tr>
<tr>
<td>Broome</td>
<td>6</td>
<td>1</td>
<td>2</td>
<td>132</td>
<td>78</td>
<td>317</td>
</tr>
<tr>
<td>Fitzroy Crossing</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>79</td>
<td>263</td>
</tr>
<tr>
<td>Total</td>
<td>29</td>
<td>8</td>
<td>6</td>
<td>216</td>
<td>438</td>
<td>1581</td>
</tr>
<tr>
<td>Self-Employed</td>
<td>1</td>
<td>1</td>
<td>...</td>
<td>1</td>
<td>2</td>
<td>16</td>
</tr>
</tbody>
</table>


Key to employment

1. Professional Technical Workers.
2. Clerical Workers.
3. Sales Workers.
4. Farmers and Agricultural Workers.
5. Pastoral Workers.
6. Related Workers of Agricultural and Pastoral Industry.
7. Commercial Fishermen and Hunters.
8. Timber Getters.
10. Transport and Communications
11. Tradesmen.
12. Apprentices
13. Production Process Workers and General Labourers.
Appendix 10.6

Offences by Aboriginals for all of Western Australia – Number of convictions: 1965 - 1969

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder.</td>
<td>1</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Manslaughter.</td>
<td>1</td>
<td>3</td>
<td>...</td>
<td>...</td>
<td>2</td>
</tr>
<tr>
<td>Sex offences.</td>
<td>16</td>
<td>22</td>
<td>18</td>
<td>32</td>
<td>18</td>
</tr>
<tr>
<td>Assault.</td>
<td>241</td>
<td>274</td>
<td>299</td>
<td>350</td>
<td>418</td>
</tr>
<tr>
<td>Other.</td>
<td>4</td>
<td>1</td>
<td>...</td>
<td>...</td>
<td>2</td>
</tr>
<tr>
<td>Total.</td>
<td>263</td>
<td>300</td>
<td>317</td>
<td>382</td>
<td>440</td>
</tr>
</tbody>
</table>


Appendix 10.7

Confidential. Commonwealth Cabinet Submission No.92. Aboriginal
Policy Report of Interdepartmental Committee (1968)

...[T]he Committee observed that the Submission envisages a comprehensive Commonwealth programme of special benefits for Aboriginals designed to bring them up to the general level of other Australians. The programme envisages particularly –
(a) Special Capital assistance for *Aboriginal entrepreneurs.* [my emphasis]
(b) Grants to the States in the spheres of housing, education and other matters.
(c) Additional expenditure of a like kind in Commonwealth internal Territories.
(d) A special Commonwealth scholarship scheme for Aboriginals.
(e) Development of a Commonwealth employment programme for Aboriginals.
(f) A programme of investigation and research in a variety of fields...

Capital Fund
7. The fund is envisaged in the Submission as a source of Commonwealth finance, perhaps supplemented by contributions from the States and individuals; for Aboriginals with good business propositions but insufficient capital. The fund would constitute a source of equity capital to supplement the resources of Aboriginals, thus establishing a base for borrowing from banking institutions, or for guarantees to banks. The Fund would be accompanied by an Advisory Service within the Office of Aboriginal Affairs to marshal expertise where necessary and to be the point of contact with the body
administering the Fund and banking institutions. The Fund would be administered by the Commonwealth Development Bank or some other banking institution.

8. Enterprises which might be supported by the Fund include small scale stores serving Aboriginal communities, fishing and prawning co-operatives, small scale pastoral and agricultural projects, saw milling projects, mining, production of artefacts, lapidary work, and service industries such as trucking, the establishment of Aboriginal-run motels and tourism generally.

9. The Committee could not see any insuperable problems in the concept of assisting Aboriginals with both capital and advice in an endeavour to make them self-supporting not in the Commonwealth itself taking the initiative to sponsor the scheme.

10. In the further development of the scheme the following points might be taken into account:

(a) The States and Northern Territory are already engaged to some extent in the support of Aboriginal enterprises.

(a) There would seem to be a strong likelihood that a proportion of equity capital advanced might not be repaid, at least for a considerable period, and therefore the scheme would appear to fall more into the welfare rather than the banking sphere. The concept of a revolving fund as mentioned in the Submission will be circumscribed to this extent.

(b) There is a question whether without amendment of its charter the Commonwealth Development Bank would be able to administer the scheme.

(d) The most appropriate means to give effect to the scheme might be examined in further detail by the Office of Aboriginal Affairs and the Treasury in consultation with the Commonwealth Banking Corporation, the banking system if necessary, and the States and the Department of the Interior...

Appendix 10.8

Aboriginal controlled land in the Kimberley for the period ending June 1996

1. Reserves vested in Aboriginal Lands Trust

East Kimberley

<table>
<thead>
<tr>
<th>Name of Area</th>
<th>Amount of Area and Lessee (Hectares)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 mile Flat 23345</td>
<td>4.047 Proclaimed on 6/6/1973</td>
</tr>
</tbody>
</table>

3 Cited Aboriginal Affairs Department, Annual Report, 1996.
<table>
<thead>
<tr>
<th>Location</th>
<th>Area</th>
<th>Status and Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brook Creek</td>
<td>147.531</td>
<td>Leased by Ngiling Anjaru Aboriginal Corporation (Expires 29/6/2087)</td>
</tr>
<tr>
<td>Cape Bouganville 24705</td>
<td>111,531.363</td>
<td>Leased by Kalumburu Aboriginal Corporation (Expires 29/6/2087)</td>
</tr>
<tr>
<td>Crocodile Hole</td>
<td>200.211</td>
<td></td>
</tr>
<tr>
<td>Darlu Darlu 40546</td>
<td>1,248.602</td>
<td>Occupied by Darlu Darlu Aboriginal Corporation</td>
</tr>
<tr>
<td>Doongan 41886</td>
<td>900.000</td>
<td>Occupied by Maranbanpiddle Aboriginal Corporation</td>
</tr>
<tr>
<td>Galeru Gorge 40570</td>
<td>99.835</td>
<td>Leased by Galeru (Looma Gorge) Aboriginal Corporation (Expires 31/12/2087)</td>
</tr>
<tr>
<td>Godfrey's Tank</td>
<td>6,070.2</td>
<td>Proclaimed on 6/6/1973. Occupied by Wirrimanu Aboriginal Corporation</td>
</tr>
<tr>
<td>Gordon Downs 37670</td>
<td>3,500</td>
<td>Proclaimed on 22/11/1983 Leased by Kundat Djaru Aboriginal Corporation (Expires 29/6/2087)</td>
</tr>
<tr>
<td>Gulgagulganeng 40260</td>
<td>23,906</td>
<td>Leased by Gulgagulganeng Aboriginal Corporation (expires 19/11/2086)</td>
</tr>
<tr>
<td>Halls Creek 30788</td>
<td>3,969</td>
<td>Partial Lease: Leased by Ngoonjuwah Council Aboriginal Corporation (Expires 21/3/2087)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Partial Lease: Leased by Kimberley Language Resource Centre (Expires 21/3/2009)</td>
</tr>
<tr>
<td>Halls Creek 33688</td>
<td>0.607</td>
<td>Leased by Ngoonjuwah Council Aboriginal Corporation (Expires 31/10/2085)</td>
</tr>
</tbody>
</table>
Halls Creek 39389
0.109 Leased by Yura Yungi Medical Service Aboriginal Corporation (Expires 31/9/2086)

Kalumburu
166,000.00 Proclaimed on 6/6/1973 Leased by Kalumburu Aboriginal Corporation (Expires 29/6/2087)

Kearney 26399
2,085,061.000 Proclaimed on 6/6/1973
Occupied by Wirrimanu Aboriginal Corporation
Occupied by YaggaYagga Aboriginal Corporation

Koolena 40324
1,500.008 Leased by Ngarantjadu Aboriginal Corporation (Expires 29/6/2087)

Kununurra 31213
0.563 Occupied by East Kimberley Medical Service

Kununurra 31213
48.038 Occupied by Ngaliwh Aboriginal Corporation
Occupied by Waringarri Aboriginal Medical Service
Occupied by Mirima Aboriginal Corporation

Kununurra 40515
0.190 Occupied by Waringarri Aboriginal Association

Lamboo 40948
400.00 Occupied by Butchibiddie Group

Linga Valley 40883
1,072.272 Leased by Skeen Family Group
Linga Aboriginal Corporation (Expires 31/7/2091)

Louisa Downs
761.824 Leased by Yiyili Community Aboriginal Corporation (Expires 30/9/2085)

Lundja 37420
67.854 Leased by Lundja Aboriginal Corporation (Red Hill) (Expires 31/3/2086)

Mindibungu 38974
32.079 Leased by Mindibungu Aboriginal Corporation (Expires 30/11/2085)
<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mirima 26600</td>
<td>4.047 Leased by Wirrpining Darwung Council Aboriginal Corporation (Expires 30/9/2085)</td>
</tr>
<tr>
<td>Molly Springs 41312</td>
<td>470.00 Leased by Wijilawarrim Aboriginal Corporation (Molly Springs) (Expires 24/3/2089)</td>
</tr>
<tr>
<td>Mt Bertram 42828</td>
<td>14.753 Occupied by Ganinyi Aboriginal Corporation</td>
</tr>
<tr>
<td>Mudd Springs 40536</td>
<td>95.299 Leased by Ribinyung Dawang Aboriginal Corporation (Expires 31/7/2091)</td>
</tr>
<tr>
<td>Mulan 39102</td>
<td>96.913 Leased by Mulan Aboriginal Corporation (Expires 30/11/2085)</td>
</tr>
<tr>
<td>Ngumpan 39302</td>
<td>2,634.78 Partial Lease: Leased by Ngumpan Aboriginal Corporation (Expires 30/9/2085)</td>
</tr>
<tr>
<td>Old Flora Valley 40868</td>
<td>99.719 Leased by Wungu Aboriginal Corporation (Expires 31/12/2091)</td>
</tr>
<tr>
<td>Oombulgurri</td>
<td>1,073,884.000 Proclaimed on 6/6/1973 Partial Lease: Leased by Taylor, L. (Expires 31/12/2011) Occupied by Oombulgurri Association Incorporated</td>
</tr>
<tr>
<td>Red Rock 39049</td>
<td>213.838 Occupied by Meearu Djarula Group</td>
</tr>
<tr>
<td>Turkey Creek 34593</td>
<td>1,447.871 Leased by Warmun Community Incorporated (Expires 31/5/2087)</td>
</tr>
<tr>
<td>Turner Plains 40467</td>
<td>113.684 Leased by Kartang Rija Aboriginal Corporation (Expires 29/6/2087)</td>
</tr>
<tr>
<td>Violet Valley 13944</td>
<td>96,568.00 Partial Lease: Leased by Baulu-Wah Aboriginal Corporation (Expires 31/10/2085) PartIAL Lease: Leased by Wurreranginy Aboriginal Corporation (Expires 29/6/2087)</td>
</tr>
<tr>
<td>Wyndham 27020</td>
<td>4.937 Leased by Warrayu Aboriginal Corporation (Expires 10/9/2085) Leased by Joorook Ngarni Aboriginal Corporation (Expires 29/6/2087)</td>
</tr>
</tbody>
</table>
Wyndham 34958
0.342 Occupied by Joorook Ngarni Aboriginal Corporation

Wyndham Nine Mile Reserve 25238
22.177 Leased by Guda Guda Aboriginal Community Incorporated (Expires 30/11/2077)

Yura Yungi 30811
0.402 Leased by Yura Yungi Medical Service Aboriginal Corporation (Expires 31/8/2086)

Sub Total
4,468,025.883

West Kimberley

Airport Reserve
28.213 Proclaimed in 6/6/1973 Partial Lease: Pigram, D.C. (Expires 31/12/2080), Pigram, D.J. (Expires 31/12/2080), ... Yu, P. (Expires 31/12/2080) ... Jungine, J.A. (Expires 31/12/2080) ... Sahanna, J. (Expires 31/12/2080), Sahanna, O. (Expires 31/12/2080) ... Roe, E.L. (Expires 31/3/2081), Roe, V.L. (Expires 31/12/2080), et al.

Alligator Hill 40940
1,807.358 Leased by Ngurtawarta Aboriginal Corporation (Expires 31/8/2088)

Beagle Bay 1012
20,901 Partial Lease: Leased by Beagle Bay Community Incorporated (Expires 30/4/2087), Leased by Nyul Nyul Aboriginal Corporation (Expires 15/4/2087)

Beagle Bay 1834
315,250.00 Proclaimed on 6/6/1973 Partial Lease: leased by Beagle Bay Community Incorporated (Expires 30/4/2087)

Bidyadanga 38399
174.02 Leased by Bidyadanga Aboriginal Community (La Grange) Incorporated

Blythe Creek 21328
6,474.970 Proclaimed on 6/6/1973 Leased by Ngarinyn Aboriginal Corporation (Expires 31/5/2087)
<table>
<thead>
<tr>
<th>Location</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broome 21801</td>
<td>3.211 Partial Lease: Leased by Jalygurr Guwan Aboriginal Corporation (Expires 30/12/2091) Partial Lease: Leased by Mamabulanjin Aboriginal Corporation (Expires 31/12/2085)</td>
</tr>
<tr>
<td>Carnot Bay 22615</td>
<td>60,298.000 Proclaimed on 6/6/1973 Partial Lease: Leased by Beagle Bay Community Incorporated (Expires 30/4/2087)</td>
</tr>
<tr>
<td>Cherabun 39060</td>
<td>256.002 Leased by Djugerari Aboriginal Corporation (Expires 30/9/2085)</td>
</tr>
<tr>
<td>Christmas Creek 35196</td>
<td>255.433 Leased by Wangkatjunka Community Incorporated (Expires 30/9/2085)</td>
</tr>
<tr>
<td>Coconut Well 40108</td>
<td>16.685 Occupied by Moordjal Aboriginal Corporation</td>
</tr>
<tr>
<td>Derby 13980</td>
<td>2.984 Leased by Karmulinunga Aboriginal Corporation (Expires 28/2/2091) Leased by Karmulinunga Aboriginal Corporation (Expires 28/2/2091)</td>
</tr>
<tr>
<td>Derby 25767</td>
<td>10.064 Leased by Karmulinunga Aboriginal Corporation (Expires 29/6/2087)</td>
</tr>
<tr>
<td>Derby 30725</td>
<td>6.933 Leased by Karmulinunga Aboriginal Corporation (Expires 30/6/2085)</td>
</tr>
<tr>
<td>Fitzroy Crossing 41310</td>
<td>0.174 Leased by Wangkiyjupurnananupurru Aboriginal Corporation (Expires 28/2/2091)</td>
</tr>
<tr>
<td>Fitzroy Crossing 9656</td>
<td>992.759 Proclaimed on 6/6/1973 Leased by Junjuwa Community Incorporated (Expires 26/2/2086)</td>
</tr>
<tr>
<td>Garlgarl Walbu 39130</td>
<td>40.020 Leased by Garlgarl Walbu Aboriginal Corporation (Expires 29/6/2087)</td>
</tr>
<tr>
<td>GoGo 35197</td>
<td>223.417 Leased by Bayulu Community Incorporated (Expires 30/9/2085)</td>
</tr>
<tr>
<td>Goolarabooloo 34937</td>
<td>3.217 Partial Lease: Leased by Goolarabooloo Aboriginal Incorporated (Expires 30/6/2079)</td>
</tr>
</tbody>
</table>
Joy Springs 40569 11.999 Leased by Eight Mile Aboriginal Corporation (Joy Springs) (Expires 30/9/2087)

Kurnangki 32244 4.592 Occupied by Kurnangki Community

La Grange 11175 1,618.743 Proclaimed on 6/6/1973 Leased by Bidyadanga Aboriginal Community (La Grange) Incorporated (Expires 29/6/2087)

Lombadina 38931 39.988 Occupied by Djarindjin Aboriginal Corporation

Mallingbarr 25790 1.012 Leased by Mallingbarr Aboriginal Corporation (Kennedy Hill) (Expires 31/3/2086)

Maurice Creek 21327 6,070.285 Proclaimed on 6/6/1973 Leased by Ngarinyin Aboriginal Corporation (Expires 31/5/2087)

Mindi Rardi Reserve 35167 94.462 Leased by Junjuwa Community Incorporated (Expires 30/9/2085)

Mornington 41959 238.365 Occupied by Terralintji Aboriginal Corporation

Morrell Park 38518 141.842 Portion of Lot 78 Occupied by Milliya Rumurra, 26 blocks sub-divided for housing and low-key horticulture and variously leased to families. Partial Lease: ... Leased by Puertollano, E.M. (Expires 30/6/2083), Puertollano, K. (Expires 30/6/2083) ... Puertollano, C. (Expires 30/6/2083), Puertollano, J. (Expires 30/6/2083), Puertollano, K (Expires 30/6/2083), Puertollano (Expires 30/6/2083) ... Cox, K.A (Expires 30/6/2083), Cox, P. (Expires 30/6/2083), Cox, R. (Expires 30/6/2083) ... Dodson, P.L. (Expires 30/6/2083) ... Pigram, S. (Expires 30/11/2086)

Mount Agnes 41921 819.00 Occupied by Madjurrin Aboriginal Corporation
<table>
<thead>
<tr>
<th>Location</th>
<th>Area (ha)</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mt Barnett 40092</td>
<td>258.979</td>
<td>Occupied by Kupingarri Aboriginal Corporation</td>
</tr>
<tr>
<td>Muludja 39301</td>
<td>139.752</td>
<td>Leased by Muludja Aboriginal Corporation (Expires 30/9/2085)</td>
</tr>
<tr>
<td>Munroe Springs 41648</td>
<td>500.00</td>
<td>Leased by Mulibidee Aboriginal Corporation (Expires 28/2/2091)</td>
</tr>
<tr>
<td>Ngalingkadji 40568</td>
<td>100.961</td>
<td>Leased by Ngalingkadji Aboriginal Corporation (Expires 31/8/2087)</td>
</tr>
<tr>
<td>Nillirr Irbanjin 26516</td>
<td>11.304</td>
<td>Leased by Nillir Irbanjin Aboriginal Corporation (Expires 18/6/2087)</td>
</tr>
<tr>
<td>One Arm Point 20927</td>
<td>14,339.488</td>
<td>Proclaimed on 6/6/1973 Partial Lease: Leased by Bardi Aboriginal Association Incorporated (Expires 30/6/2074)</td>
</tr>
<tr>
<td>Pandanus Park 40277</td>
<td>87.440</td>
<td>Occupied by Pandanus Aboriginal Corporation</td>
</tr>
<tr>
<td>Saddlers Springs 40571</td>
<td>400.000</td>
<td>Occupied by Imintji Aboriginal Corporation</td>
</tr>
<tr>
<td>St Georges Ranges 40861</td>
<td>256.000</td>
<td>Leased by Yaknara Aboriginal Corporation (Expires 31/7/2088)</td>
</tr>
<tr>
<td>Sunday Island 251061</td>
<td>1,619.000</td>
<td>Proclaimed on 6/6/1973 Leased by Bardi Aboriginal Association Incorporated (Expires 30/6/2074)</td>
</tr>
<tr>
<td>Waratea 40349</td>
<td>300.003</td>
<td>Leased by Djlumbuddi Community (Expires 30/9/2087)</td>
</tr>
</tbody>
</table>

| Sub Total            | 564,860.688 |
| Kimberley Total      | 5,032,886.571 |
| Western Australia Total | 20,192,304.799 |
### 2. Freehold land held by the Aboriginal Lands Trust.

<table>
<thead>
<tr>
<th>East Kimberley</th>
<th>Hectares</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kununurra 1788/141</td>
<td>0.103</td>
</tr>
<tr>
<td>Oombulgurri 1019/700</td>
<td>40.486</td>
</tr>
<tr>
<td>Oombulgurri 1019/701</td>
<td>364.293</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>West Kimberley</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beagle Bay 1635/760</td>
<td>0.100. Occupied by the Beagle Bay Community</td>
</tr>
<tr>
<td>Beagle Bay 1647/784</td>
<td>246.798. Occupied by Beagle Bay Aboriginal Community</td>
</tr>
<tr>
<td>Bedunburra 1802/940</td>
<td>16.187. Leased by Bedunburra Aboriginal Corporation (expires 31 August 208)</td>
</tr>
<tr>
<td>Broome 1178/199</td>
<td>0.202. Leased by Mallingbarr Aboriginal Corporation (Kennedy Hill) (expires 31 March 2086)</td>
</tr>
<tr>
<td>Broome 1657/932</td>
<td>0.073. Leased by Mamabulanjin Aboriginal Corporation (Expires 31 August 2086)</td>
</tr>
<tr>
<td>Broome Lot 2074 2016/656</td>
<td>0.101</td>
</tr>
<tr>
<td>Broome Lot 2075 2016/655</td>
<td>0.101</td>
</tr>
<tr>
<td>Broome Lot 2076 2016/654</td>
<td>0.101</td>
</tr>
<tr>
<td>Broome Lot 2077 2016/653</td>
<td>0.201</td>
</tr>
<tr>
<td>Broome Lot 2078 2016/659</td>
<td>0.101</td>
</tr>
<tr>
<td>Broome Lot 2079 2016/658</td>
<td>0.081</td>
</tr>
<tr>
<td>Broome Lot 2080 2016/657</td>
<td>0.080</td>
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<tr>
<td>Derby 1460/824</td>
<td>6.746</td>
</tr>
<tr>
<td>Derby 1477/957</td>
<td>0.094</td>
</tr>
<tr>
<td>Fitzroy Crossing 1417/796</td>
<td>5,750.000. Leased by Looma Community Incorporated (Expires 31 December 2075)</td>
</tr>
<tr>
<td>Loo ma 1145/372</td>
<td>257.765</td>
</tr>
<tr>
<td>Looma 1248/602</td>
<td>0.540</td>
</tr>
<tr>
<td>---------------</td>
<td>-------</td>
</tr>
<tr>
<td>Sub Total</td>
<td>6,279,269</td>
</tr>
</tbody>
</table>

3. Pastoral leases held by the Aboriginal Lands Trust

**East Kimberley**

<table>
<thead>
<tr>
<th><strong>Billiluna 3114/110 5186</strong>&lt;br&gt;Corporation</th>
<th>489,0000 Occupied by Mindibungu Aboriginal Corporation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DoonDoon 3114/953</strong>&lt;br&gt;Corporation</td>
<td>387,182.0000 Occupied by Woolah Aboriginal Corporation</td>
</tr>
<tr>
<td><strong>Glen Hill 3114/425</strong></td>
<td>14,275.0000</td>
</tr>
<tr>
<td><strong>Lake Gregory 3114/1106</strong>&lt;br&gt;Corporation</td>
<td>271,699.0000 Occupied by Mulan Aboriginal Corporation</td>
</tr>
<tr>
<td><strong>Sub Total</strong></td>
<td><strong>859,645.0000</strong></td>
</tr>
</tbody>
</table>

4. Other leases held by the Aboriginal Lands Trust

**East Kimberley**

| **Chinaman’s Garden 3116/10248**<br>Corporation | 1,035.995 Occupied by Yaranga Aboriginal Corporation |
| **Flying Fox Hole 3116/10690**<br>Corporation (expires 31 August 2042) | 63.286 Leased by Worrworrum Ningguwunng Aboriginal Corporation |
| **Mullawilli Hill 3116/10689**<br>(Expires 30 September 2041) | 600.000 Leased by Ngalya Willi Community |
| **Water Range 3116/10534**<br>Corporation (Expires 31 December 2039) | 656.535 Leased by Windjingayr Aboriginal Corporation |
| **Sub Total**                                      | **2,355.816** |
| **Kimberley Total**                               | **5,901,166.656** |
| **Grand Total**                                   | **26,932,415.739** |
### Appendix 10.9

**Aboriginal controlled pastoral holdings in the Kimberley**

**Bohemia Downs** (see also Louisa Downs and Mt Pierre)

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Bohemia Downs Pastoral Aboriginal Corporation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lessee Contact</td>
<td>Bohemia Downs Aboriginal Corporation</td>
</tr>
<tr>
<td>Address</td>
<td>C/- MSU Aboriginal Corporation</td>
</tr>
<tr>
<td>Locality</td>
<td>Broome, Western Australia</td>
</tr>
<tr>
<td>Lease Number</td>
<td>398/807</td>
</tr>
</tbody>
</table>

**Billiluna Station**

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Tujurbalan Pastoral Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>via Halls Creek</td>
</tr>
<tr>
<td>Lease Number</td>
<td>3114/1105</td>
</tr>
</tbody>
</table>

**Bow River**

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Juwulinypany Aboriginal Corporation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Bow River Station, via Kununurra</td>
</tr>
<tr>
<td>Lease Number</td>
<td>3114/958</td>
</tr>
</tbody>
</table>

**Carranya**

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Meearu Djarula Aboriginal Corporation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Ngoonjuwah Council Resource Agency C/- Ngoonjuwah</td>
</tr>
<tr>
<td>Lease Number</td>
<td>3114/1155</td>
</tr>
</tbody>
</table>

**Carson River**

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Carson River Pastoral Company Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Mail bag 10, via Kalumburu</td>
</tr>
<tr>
<td>Lease Number</td>
<td>3114/1056</td>
</tr>
</tbody>
</table>

**Djarindjin Station**

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Djaringo Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>via Broome</td>
</tr>
</tbody>
</table>

**DoonDoon**

| Company Name                  | Woolah Aboriginal Corporation                   |

---

*Lessee Contacts Report, 1/7/99.*
Address: via Kununurra
Lease Number: 3114/953

Elvire (see also Koongie Park)

Company Name: Lamboo Gunian Aboriginal Corporation
Address: via Halls Creek
Lease Number: 3114/885

Fairfield (see also Leopold Downs and Millie Windie)

Company Name: Bunuba Aboriginal Corporation
Address: Fitzroy Crossing
Lease Number: 3114/748

Frazier Downs

Company Name: Bidyadanga Aboriginal Community
Address: via Broome
Lease Number: 3114/483

Gibb River

Lessee Contact: Aboriginal Development Commission
Address: via Derby
Lease Number: 3114/997

Glen Hill

Lessee Contact: Aboriginal Lands Trust
Address: via Kununurra
Lease Number: 3114/425

Kalyeeda

Company Name: CAMP
Address: via Kununurra
Lease Number: 3114/757

Koongie Park (see also Elvire)

Company Name: Lamboo Gunian Aboriginal Corporation
Address: via Halls Creek
Lease Number: 3114/923

Lake Gregory (see also Billiluna)
Company Name: Tjurbalan Pastoral Company
Address: via Halls Creek
Lease Number: 3114/1106

Lamboo

Company Name: Ngunjiwirri Aboriginal Corporation
Address: via Halls Creek
Lease Number: 3114/1109

Leopold Downs

Company Name: Bunuba Aboriginal Corporation
Address: Fitzroy Crossing
Lease Number: 3114/750

Louisa Downs

Company Name: Louisa Downs Pastoral Aboriginal Corporation
Address: C/- MSU Aboriginal Corporation, Broome
Lease Number: 398/808

Milliewindie

Company Name: Bunuba Aboriginal Corporation
Address: Fitzroy Crossing
Lease Number: 3114/914

Millijiddee

Company Name: Kadjina Community Incorporated
Address: via Derby
Lease Number: 3114/1210

Mount Anderson

Lessee Contact: Ngygina Cattle Company Looma
Company Name: Looma Pastoral Company
Address: via Derby
Lease Number: 3114/480

Mount Barnett

Company Name: Kupingarri Aboriginal Corporation
Address: Mount Barnett Station, Derby
Lease Number: 3114/980
Mowanjum

Company Name: Mowanjum Aboriginal Corporation
Address: via Derby
Lease Number: 3114/1008

Mowla Bluff

Company Name: Koola Koola Boor Aboriginal Corporation
Address: via Derby
Lease Number: 3114

Mt Pierre

Company Name: Mount Pierre Pastoral Aboriginal Corporation
Address: C/- MSU Aboriginal Corporation, Fitzroy Crossing
Lease Number: 398/806

Noonkanbah

Company Name: Yungngora Association
Address: via Derby
Lease Number: 3114/576

Pantijan

Company Name: Kevin Jorda – Pantijan Aboriginal Corporation
Address: via Derby
Lease Number: 3114/723

Appendix 10.10

A sample of Kimberley Aboriginal company structures

Bunuba Aboriginal Corporation

Company No: 070 168 928
Name Start: 30/06/1995
Status: Deregistered
Type: Australian Proprietary Company
Class: Limited by Shares
Subclass: Proprietary Company
Registered Office: King and Oh, 8, 88 Walters Drive Herdsman WA

5 Information sourced from Australian Securities and Investments Commission in 1999.
**Principal Place of Business:**
Junjuwa Community Office, Fitzroy Crossing WA

**Directors:**
- Patrick Green
- Teik Peng Oh
- Danny Marr
- Selina Middleton
- June Oscar
- Lynette May Barber
- Craig Elvin Sullivan

**Secretary:**
Teik Peng Ho

**Share Structure**

<table>
<thead>
<tr>
<th>Class:</th>
<th>Ordinary Shares</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Shares Issued:</td>
<td>100</td>
</tr>
<tr>
<td>Total Amount Paid:</td>
<td>$100</td>
</tr>
<tr>
<td>Total Amount Unpaid:</td>
<td>0</td>
</tr>
<tr>
<td>No. of Shares Subject to Options:</td>
<td>0</td>
</tr>
</tbody>
</table>

**Members**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Cedric Wyatt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>197 St Georges Tce, Perth WA</td>
</tr>
<tr>
<td>Class:</td>
<td>Ordinary</td>
</tr>
<tr>
<td>No. Held:</td>
<td>26</td>
</tr>
<tr>
<td>Beneficially Held:</td>
<td>Yes</td>
</tr>
<tr>
<td>Paid:</td>
<td>Fully</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name:</th>
<th>Bunuba Aboriginal Corporation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>As above</td>
</tr>
<tr>
<td>Class:</td>
<td>Ordinary</td>
</tr>
<tr>
<td>No. Held:</td>
<td>74</td>
</tr>
<tr>
<td>Beneficially Held:</td>
<td>Yes</td>
</tr>
<tr>
<td>Paid:</td>
<td>Fully</td>
</tr>
</tbody>
</table>

**Carson River Pastoral Company**

<table>
<thead>
<tr>
<th>Company Number:</th>
<th>008 999 899</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name Start:</td>
<td>Unknown</td>
</tr>
<tr>
<td>Status:</td>
<td>Registered</td>
</tr>
<tr>
<td>Type:</td>
<td>Australian Proprietary Company</td>
</tr>
<tr>
<td>Class:</td>
<td>Limited by shares</td>
</tr>
<tr>
<td>Subclass:</td>
<td>Proprietary Company</td>
</tr>
<tr>
<td>Registered Office:</td>
<td>Level 30 Central Park, 152 St Georges Tce Perth, WA</td>
</tr>
</tbody>
</table>
### Start Date:
24/05/1993

### Principal Place of Business:
C/- Peat Marwick, address as above

### Start Date:
30/06/1993

### Directors:
- Laurie Waina
- Pauline Unghango
- Augustine Unghango
- Clement Maraltadj

### Appointed Auditor
- Name:
  KPMG Peat Marwick
- Start Date:
  29/07/1991

### Share Structure

<table>
<thead>
<tr>
<th>Class:</th>
<th>Ordinary Shares</th>
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</thead>
<tbody>
<tr>
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<td>3</td>
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<tr>
<td>Total Amount Paid:</td>
<td>$3.00</td>
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<tr>
<td>Total Amount Unpaid:</td>
<td>0</td>
</tr>
<tr>
<td>No. of Shares Subject to Options:</td>
<td>0</td>
</tr>
</tbody>
</table>

### Members

<table>
<thead>
<tr>
<th>Name:</th>
<th>Augustine Unghango</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class:</td>
<td>Ordinary</td>
</tr>
<tr>
<td>No. Held:</td>
<td>1</td>
</tr>
<tr>
<td>Beneficially Held:</td>
<td>No</td>
</tr>
<tr>
<td>Paid:</td>
<td>Fully</td>
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</table>

<table>
<thead>
<tr>
<th>Name:</th>
<th>Pauline Unghango</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class:</td>
<td>Ordinary</td>
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<tr>
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</tr>
<tr>
<td>Beneficially Held:</td>
<td>No</td>
</tr>
<tr>
<td>Paid:</td>
<td>Fully</td>
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</table>

<table>
<thead>
<tr>
<th>Name:</th>
<th>Laura Waina</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class:</td>
<td>Ordinary</td>
</tr>
<tr>
<td>No. Held:</td>
<td>1</td>
</tr>
<tr>
<td>Beneficially Held:</td>
<td>No</td>
</tr>
<tr>
<td>Paid:</td>
<td>Fully</td>
</tr>
</tbody>
</table>

---

**Djaringo Pty Ltd**

<table>
<thead>
<tr>
<th>Company No:</th>
<th>077 110 368</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name Start:</td>
<td>16/01/1997</td>
</tr>
<tr>
<td>Status:</td>
<td>Registered</td>
</tr>
<tr>
<td>Type:</td>
<td>Australian Proprietary Company</td>
</tr>
</tbody>
</table>
Class: Limited by Shares
Subclass: Proprietary Company
Registered Office: 13 Clementson St. Broome
Principal Place Of Business: As above

Directors: Martin Vincent Sibosado
Raymond Christophers
Omar Alphonse Bin
Robert Darrell Mahony

Share Structure
Class: Ordinary
No. of Shares Issued: 1
Total Amount Paid: $1.00
No. of Shares Subject to Option: 0

Members
Name: Nirrumbuk Aboriginal Corporation
Address: 13 Clementson St. Broome
Class: Ordinary
No. Held: 1
Beneficially Held: Yes
Paid: Fully

Leedal Investment Corporation

Company No: 009 224 579
Name Start: 19/04/1987
Status: Registered
Type: Australian Proprietary Company
Class: Limited by Shares
Subclass: Proprietary Company
Registered Office: 34-6 Central Park, 152 St Georges Tce Perth, WA
Principal Place Of Business: Forrest Rd, Fitzroy Crossing

Directors: Martin Vincent Sibosado
Cedric Wyatt
Maureen Carter
Maurice Eugene Frichot
John David Nicholas
James Brown
Ivan McPhee (KLC Chair)
Secretary: John David Nicholas

Share Structure
Class: Ordinary
No. of Shares Issued: 2
Total Amount Paid: $2.00
No. of Shares Subject to Option: 0

Members
Name: Maurice Eugene Frichot
Address: Cottesloe
Class: Ordinary
No. Held: 1
Beneficially Held: Yes
Paid: Fully

Name: John David Nicholas
Address: Applecross
Class: Ordinary
No. Held: 1
Beneficially Held: Yes
Paid: Fully

Chargee/Trustee: Foodland Associated Limited

Looma Pastoral Co Pty Ltd

Company No: 009 090 804
Name Start: 06/07/1994
Status: Registered
Type: Australian Proprietary Company
Class: Limited by Shares
Subclass: Proprietary Company
Registered Office: C/- King and Oh, 8 88 Walters Drive, Herdsman WA
Principal Place of Business: Mount Anderson Station, via Derby WA
Start Date: 30/06/1992

Directors:
Harry Watson
Robert Watson

Secretary: Robert Watson

Appointed Auditor: King and Oh Chartered Accountants
Share Structure
Class: Ordinary
No. of Shares Issued: 3
Total Amount Paid: $3.00
Total Amount Unpaid: 0
No. of Shares Subject to Options: 0

Members
Name: Harry Watson
Address: Looma via Derby
Class: Ordinary
No. Held: 1
Beneficially Held: No
Paid: Fully

Name: Ivan Watson
Address: Looma Pastoral Company, via Derby
Class: Ordinary
No. Held: 1
Beneficially Held: Yes
Paid: Fully

Name: John Watson
Address: Looma Pastoral Company, via Derby
Class: Ordinary
No. Held: 1
Beneficially Held: Yes
Paid: Fully

Noonkanbah Enterprises Management Company Pty Ltd

Company No: 083 848 953
Name Start: 11/08/99
Status: Registered
Type: Australian Proprietary Company
Class: Limited by Shares
Subclass: Proprietary Company
Registered Office: C/- Pan Business Consultants, 35 Outram St. West Perth
WA
Principal Place of Business: Noonkanbah Station, Fitzroy Crossing

Directors: Dickey Cox
Dennis Boke
Nita Cox
Sammy Conlain

Secretary: Dickey Cox

Rubibi Aboriginal Land, Heritage and Development Company

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<td>Broome</td>
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<td>Start Date:</td>
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Directors: Ronald Charles Carter
Frank Sebastian
Mary Tarran
Louisa Grey
Francis Xavier Oizies
Joseph Roe

Secretary: David Irvin Lavery

Share Structure

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Members

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<tr>
<td>Address:</td>
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<tr>
<td>Name:</td>
<td>Phillip Roe</td>
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<td>Address:</td>
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<td>No. Held:</td>
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366
Beneficially Held: Yes
Paid: Fully

Name: Frank Sebastian
Address: Broome
Class: Ordinary
No. Held: 1
Beneficially Held: Yes
Paid: Fully

Name: Roslyn Shadforth
Class: Ordinary
No. Held: 1
Beneficially Held: Yes
Paid: Fully

Name: Mary Tarran
Class: Ordinary
No. Held: 1
Beneficially Held: Yes
Paid: Fully

Tujurbalan Pastoral Company

Company No: 007 838 511
Registered In: South Australia
Registration Date: 08/07/1977
Name Start: 12/06/1979
Status: Registered
Type: Australian Proprietary Company
Class: Limited by shares
Subclass: Proprietary Company
Registered Office: 1st Floor, 47-49 Stirling Highway Nedlands
Principal Place of Business: Pastoral House, Billiluna Station, via Halls Creek
Start Date: 16/10/1996

Directors: Peter Ovi
Steven Youmarie
Fabian Whisputt
Sturt Butcher
Francis Fernander
Pye Andrew Stockman
Danny Tchooga
Frank Gordon
Robert McKay
David Stuart  
Philip Nungoray  

**Secretary:** Gordon Robert Adam  
**Appointed Auditor:** Hall Chadwick  

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| **Class:** | Ordinary Shares  
| **Number of Shares Issued:** | 3  
| **Total Amount Paid:** | $3.00  
| **Total Amount Unpaid:** | 0  
| **No. of Shares Subject To Options:** | 0  

**Members**  

| Name: | Mulan Aboriginal Corporation  
| Address: | C/- Lake Gregory Station via Halls Creek  
| **Class:** | Ordinary  
| **No. Held:** | 1  
| **Beneficially Held:** | Yes  
| **Paid:** | Fully  

| Name: | Mindibungu Aboriginal Corporation  
| Address: | Billiluna Station, Halls Creek  
| **Class:** | Ordinary  
| **No. Held:** | 1  
| **Beneficially Held:** | Yes  
| **Paid:** | Fully  

| Name: | Jalyrirr Aboriginal Corporation  
| Address: | C/- Jalyrirr Community, via Lake Gregory Station  
| **Class:** | Ordinary  
| **No. Held:** | 1  
| **Beneficially Held:** | Yes  
| **Paid:** | Fully  

---

368
Appendix 10.11

A sample of Kimberley Aboriginal company structures (State registered)

Bidyadanga Community Store

<table>
<thead>
<tr>
<th>Registration Number:</th>
<th>WA 835 0242W</th>
</tr>
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<tbody>
<tr>
<td>Date Business</td>
<td></td>
</tr>
<tr>
<td>Commenced:</td>
<td>14/12/1984</td>
</tr>
<tr>
<td>Nature of Business:</td>
<td>Store – Food and Clothing</td>
</tr>
<tr>
<td>Principal Place of Business:</td>
<td>Bidyadanga Aboriginal Community, Broome</td>
</tr>
<tr>
<td>Start Date:</td>
<td>12/11/1984</td>
</tr>
<tr>
<td>Corporation Carrying on Business:</td>
<td>Bidyadanga Aboriginal Community</td>
</tr>
</tbody>
</table>

Bidyadanga Produce

<table>
<thead>
<tr>
<th>Registration Number:</th>
<th>WA 020 894F</th>
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</thead>
<tbody>
<tr>
<td>Date Business</td>
<td></td>
</tr>
<tr>
<td>Commenced:</td>
<td>20/03/1997</td>
</tr>
<tr>
<td>Nature of Business:</td>
<td>Horticulture</td>
</tr>
<tr>
<td>Principal Place of Business:</td>
<td>Bidyadanga Aboriginal Community, Broome</td>
</tr>
<tr>
<td>Start Date:</td>
<td>13/06/1997</td>
</tr>
<tr>
<td>Person Carrying on Business:</td>
<td>Mark Anthony Polich, Bidyadanga</td>
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Goolarabooloo Aboriginal Arts and Crafts

<table>
<thead>
<tr>
<th>Registration Number:</th>
<th>WA 880 6725 E</th>
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</thead>
<tbody>
<tr>
<td>Date Business</td>
<td></td>
</tr>
<tr>
<td>Commenced:</td>
<td>May 1985</td>
</tr>
<tr>
<td>Nature of Business:</td>
<td>Retail/Wholesale outlet for Aboriginal art</td>
</tr>
<tr>
<td>Principal Place of Business:</td>
<td>Broome WA</td>
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<tr>
<td>Start Date:</td>
<td>1/05/1988</td>
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<tr>
<td>Corporation/Individuals Carrying on Business:</td>
<td>Ken Neilson, Joe Edgar</td>
</tr>
<tr>
<td>Jurisdiction:</td>
<td>Ministry of Fair Trading, WA.</td>
</tr>
<tr>
<td></td>
<td>Deregistered during 1995/96, as reported by the Registrar of Aboriginal Corporations</td>
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Information sourced from the Western Australian Department of Fair Trading in 1999.

369
### Goolarabooloo Arts and Crafts Aboriginal Corporation

<table>
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<tr>
<th>Registration Number:</th>
<th>Unregistered organisation</th>
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<td>14/01/1991</td>
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<td>Principal Place of</td>
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<td>Business:</td>
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<td>Start Date:</td>
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<tr>
<td>Corporation Carrying</td>
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### Goolarabooloo Aboriginal Building Group

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<tr>
<td>Date Business</td>
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<td>Commenced:</td>
<td>Building contractors</td>
</tr>
<tr>
<td>Nature of Business:</td>
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<tr>
<td>Principal Place of</td>
<td>6/05/1993</td>
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<td>Ronald William Grey</td>
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<tr>
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<td>Wayne Peter Randall</td>
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<td>on Business:</td>
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### Nirrumbuk

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<td>Date Business</td>
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<td>Commenced:</td>
<td>Aboriginal economic development and investment</td>
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<td>Renewal Date:</td>
<td>17/02/1998</td>
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<tr>
<td>Nature of Business:</td>
<td>640 Dora St. Broome</td>
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<td>Principal Place of</td>
<td>17/02/1995</td>
</tr>
<tr>
<td>Business:</td>
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<td>Corporation Name:</td>
<td>Nirrumbuk Aboriginal Corporation</td>
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<td>Corporation Name:</td>
<td>Bobieding Aboriginal Corporation</td>
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### Purnnulu National Park Tours

<table>
<thead>
<tr>
<th>Registration Number:</th>
<th>WA 839 251 2R</th>
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<tr>
<td>Date Business</td>
<td>1/031987</td>
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<td>Commenced:</td>
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Appendix 10.12
Kimberley Native Title land claims as at 31 October 1995

Balangarra

File No: WC95/30
Location: East Kimberley
Size: 15,570 sq km
Current Status: Public Notification
Description of Claimants: 18 individuals on behalf of the Gwini, Walmbi, and Wunabal people
Tenure Affected: Aboriginal reserves, vacant crown land, pastoral leasehold, sea, islands.

Goolarabooloo No. 1

File No: WC94/4
Location: Broome
Size: 2,051 sq km
Current Status: Pre-mediation
Description of Claimants: Joseph Roe on behalf of the group
Tenure Affected: Pastoral leasehold, leases, reserve, vacant crown land, seas

---

7 Cited in Western Australian Native Title Progress Report No.2, October 1995.
Goolarabooloo No. 2

File No: WC95/10
Location: Broome
Size: 286 sq km
Current Status: Public notification
Description of Claimants: Joseph Roe on behalf of group
Tenure Affected: Pastoral leasehold, reserves, vacant crown land

Karajarri

File No: WC95/8
Location: West Kimberley
Size: 116 sq km
Current Status: Pre-mediation
Description of Claimants: J. Mulardy and J. Dodo on behalf of four individuals and the “traditional owners and their families”

Tenure Affected:

Leregon (Langanjun) Clan

File No: WC95/43
Location: Broome
Size: 2 sq km
Current Status: Not yet accepted
Description of Claimants: J. Lee on behalf of the “Leregon clan of the Yawuru tribe”
Tenure Affected: Aboriginal reserve

Mirriuwung Gajerrong No. 1

File No: WC94/2
Location: East Kimberley
Size: 6,350 sq km
Current Status: Federal Court
Description of Claimants: 15 individuals
Tenure Affected: Pastoral leasehold, leases, vacant crown land, Aboriginal, conservation and other reserves

Mirriuwung Gajerrong No. 2

File No: WC94/6
Location: East Kimberley

372
| Size: | 7,625 sq km |
| Current Status: | Mediation |
| Description of Claimants: | Several claimants on behalf of group |
| Tenure Affected: | Pastoral leasehold, leases, reserves, vacant crown land |

**Ngarinyin and Ungummi**

| File No: | WC95/39 |
| Location: | West Kimberley |
| Size: | 1,797 sq km |
| Current Status: | Public notification |
| Description of Claimants: | J. Dann and P. Goonak on behalf of group |
| Tenure Affected: | Pastoral leasehold, vacant crown land |

**Ngarinyin**

| File No: | WC95/23 |
| Location: | West Kimberley |
| Size: | 8,228 sq km |
| Current Status: | Public notification |
| Description of Claimants: | Four individuals on behalf of group |
| Tenure Affected: | Pastoral leasehold, reserves, Aboriginal reserves |

**One Arm Point (Djarindjin/Bardi Community) Lombadina**

| File No: | WC95/48 |
| Location: | Broome |
| Size: | 5,347 sq km |
| Current Status: | Not yet accepted |
| Description of Claimants: | P. Sampi on behalf of group |
| Tenure Affected: | Freehold, leases, Aboriginal and other reserves, vacant crown land |

**Purnululu**

| File No: | WC94/11 |
| Location: | East Kimberley |
| Size: | 4,543 sq km |
| Current Status: | Pre-mediation |
| Description of Claimants: | Four individuals on behalf of group |
| Tenure Affected: | Pastoral leasehold, national park, reserves |
Rubibi No 1

File No: WC94/9
Location: Broome
Size: 328 sq km
Current Status: Accepted
Description of Claimants: 13 individuals on behalf of group
Tenure Affected: Freehold, reserves, vacant crown land, sea

Rubibi No 2

File No: WC94/9
Location: Broome townsite
Size: 1 sq km
Current Status: Referred to president re. acceptance
Description of Claimants: M. Gilbert and J. Roe on behalf of group
Tenure Affected: Portion of Broome townsite, leases, reserves, vacant crown land

Rubibi No 3

File No: WC95/5
Location: Broome townsite
Size: 4 sq km
Current Status: Referred to president
Description of Claimants: M. Gilbert and J. Roe on behalf of group
Tenure Affected: Leases, reserves, vacant crown land

Rubibi No 4

File No: WC95/6
Location: Broome townsite
Size: 1 sq km
Current Status: Referred to president
Description of Claimants: M. Gilbert and J. Roe
Tenure Affected: Leases, reserves, vacant crown land

Rubibi No 5

File No: WC95/7
Location: Broome townsite
Size: 8 sq km
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<td>M. Gilbert and J. Roe</td>
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<td><strong>Tenure Affected:</strong></td>
<td>Leases, reserves, vacant crown land</td>
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**Rubibi No 6**

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<td><strong>Current Status:</strong></td>
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**Rubibi No 7**

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<td><strong>Current Status:</strong></td>
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<td><strong>Description of Claimants:</strong></td>
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**Rubibi No 8**

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<td>1,882 sq km</td>
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<td><strong>Current Status:</strong></td>
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**Tujurbaln No 1**

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<td>P.G. Ngalpil on behalf of group</td>
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<td><strong>Tenure Affected:</strong></td>
<td>Vacant crown land</td>
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Tjurbalan No 2

File No: WC95/74
Location: East Kimberley
Size: 25,902 sq km
Current Status: Not yet accepted
Description of Claimants: P.G. Ngalpil on behalf of group
Tenure Affected: Pastoral leasehold, vacant crown land, reserves

Yawuru

File No: WC94/1
Location: Broome
Size: 1,291 sq km
Current Status: Mediation
Description of Claimants: Six individuals on behalf of Yawuru group
Tenure Affected: Leases, reserves, vacant crown land, Broome townsite, pealing leases

Appendix 10.13

Income of Kimberley Aboriginal organisations, by ATSIC region (1999)

<table>
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<tr>
<th></th>
<th>Broome (Kularri) $000</th>
<th>Derby (Malarabah) $000</th>
<th>Kununurra (Wunan) $000</th>
<th>Total $000</th>
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<td>13,848</td>
<td>12,370</td>
<td>36,162</td>
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<td>ATSIC Capital</td>
<td>167</td>
<td>846</td>
<td>360</td>
<td>1,373</td>
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<td>ATSIC grant NAHS</td>
<td>713</td>
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<td>0</td>
<td>713</td>
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<tr>
<td>ATSIC Grant Recurrent</td>
<td>5,806</td>
<td>762</td>
<td>527</td>
<td>7,905</td>
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<tr>
<td>Unexpended Grant</td>
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<td>3,421</td>
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<td>23,965</td>
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<td>35,535</td>
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<td>Community Service Charge</td>
<td>58</td>
<td>0</td>
<td>606</td>
<td>664</td>
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<tr>
<td>Community Contributions</td>
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<td>1,533</td>
<td>590</td>
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<td>Contract Work</td>
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<td>929</td>
<td>688</td>
<td>1,617</td>
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<td>Diesel Fuel Rebate</td>
<td>56</td>
<td>59</td>
<td>246</td>
<td>361</td>
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<tr>
<td>Gross Profit from Trading</td>
<td>329</td>
<td>5</td>
<td>0</td>
<td>334</td>
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<tr>
<td>Interest</td>
<td>61</td>
<td>121</td>
<td>85</td>
<td>267</td>
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<td>Lease Fee</td>
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<td>377</td>
<td>393</td>
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<tr>
<td>Other Income</td>
<td>455</td>
<td>3,262</td>
<td>1,490</td>
<td>5,207</td>
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<tr>
<td>Rebates and Refunds</td>
<td>113</td>
<td>0</td>
<td>0</td>
<td>113</td>
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</tbody>
</table>
Rents Received  |  569  |  294  |  319  |  1,182  
Sales          |  512  |  333  |  285  |  1,131  
Self Generated Income |  274  |  4    |  1,330 |  1,608  
Argyle – Good Neighbour |  0    |  0    |  779  |  779    

Total          |  24,479 |  48,737 |  30,844 |  104,060  

Source: Kimberley Development Commission

Appendix 10.14

Proportion of Aboriginal persons (%) in Kimberley Correction facilities (1997-98)

[Image of bar chart showing proportions]

Source: Kimberley Development Commission Report.
Note: CBS = Community Based Service.

Appendix 10.15

Number of Aboriginal and non-Aboriginal persons, by shire (1996)

<table>
<thead>
<tr>
<th></th>
<th>Aboriginal persons</th>
<th>non-Aboriginal persons</th>
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<td>Broome</td>
<td>3,423</td>
<td>6,345</td>
</tr>
<tr>
<td>Derby-West Kimberley</td>
<td>3,958</td>
<td>2,557</td>
</tr>
<tr>
<td>Halls Creek</td>
<td>1,950</td>
<td>959</td>
</tr>
<tr>
<td>Wyndham-East Kimberley</td>
<td>2,138</td>
<td>4,344</td>
</tr>
</tbody>
</table>
Appendix 10.16
Percent of Aboriginal persons in the Kimberley, by shire (1996)

Source: Kimberley Development Commission

Appendix 10.17
ATISC program and administration expenditure in the Kimberley by ATSIC region

<table>
<thead>
<tr>
<th>Program Expenditure ($000)</th>
<th>Administration Expenditure ($000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kununurra (Wunan)</td>
<td>21,697</td>
</tr>
<tr>
<td>Derby (Malarabah)</td>
<td>37,970</td>
</tr>
<tr>
<td>Broome (Kularri)</td>
<td>1,608</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>61,275</strong></td>
</tr>
</tbody>
</table>

Source: Kimberley Development Commission
Appendix 10.18

ATSIC program and administration expenditure in Kimberley (1991-92 and 1997-98)

<table>
<thead>
<tr>
<th>Land and Economic Program</th>
<th>1991-92 ($000)</th>
<th>1997-98 ($000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land ownership and administration</td>
<td>4,420</td>
<td>909</td>
</tr>
<tr>
<td>CDEP wages</td>
<td>22,613</td>
<td>44,473</td>
</tr>
<tr>
<td>CDEP On-costs</td>
<td>3,924</td>
<td>13,933</td>
</tr>
<tr>
<td>CDEP support</td>
<td>3,016</td>
<td>65</td>
</tr>
<tr>
<td>Other</td>
<td>5,688</td>
<td>909</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Social Advancement</th>
<th>1991-92 ($000)</th>
<th>1997-98 ($000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health</td>
<td>3,483</td>
<td>4,793</td>
</tr>
<tr>
<td>Community development support</td>
<td>235</td>
<td>0</td>
</tr>
<tr>
<td>Recreation and sport</td>
<td>33</td>
<td>500</td>
</tr>
<tr>
<td>Law and justice</td>
<td>60</td>
<td>372</td>
</tr>
<tr>
<td>Housing and rental accommodation</td>
<td>5,515</td>
<td>5,868</td>
</tr>
<tr>
<td>Community infrastructure</td>
<td>11,048</td>
<td>3,238</td>
</tr>
<tr>
<td>Municipal services</td>
<td>0</td>
<td>8,774</td>
</tr>
<tr>
<td>Remote Area Essential Services Program</td>
<td>0</td>
<td>986</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>231</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Heritage and Culture</th>
<th>1991-92 ($000)</th>
<th>1997-98 ($000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art and culture</td>
<td>196</td>
<td>680</td>
</tr>
<tr>
<td>Broadcasting and communications</td>
<td>1,009</td>
<td>1,044</td>
</tr>
<tr>
<td>Aboriginal women’s issues</td>
<td>0</td>
<td>436</td>
</tr>
<tr>
<td>Language maintenance</td>
<td>0</td>
<td>529</td>
</tr>
<tr>
<td>Corporate service executive services</td>
<td>35</td>
<td>0</td>
</tr>
</tbody>
</table>

| TOTAL                                          | 61,275         | 87,740         |

Source: Kimberley Development Commission (August 2001)