

1 THE POLITICAL CONTEXT OF THE STRUGGLE FOR LAND BASED SECURITY IN THE KARLAMILYI (RUDALL RIVER) REGION

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1.0 INTRODUCTION

This submission to the Resource Documents for the Western Desert Regional Study¹ and Western Australia's Department of Conservation and Land Management (CALM)² broadly addresses the issue of resettlement. To that end, it may be seen as a further contribution to a growing literature on the general dimensions of the Homelands Movement in Aboriginal Australia. However, it has a perspective somewhat different from other published work on the subject.³ This document only tangentially discusses the recent evolutionary development of communities in the Great Sandy, Little Sandy and Gibson Deserts. Furthermore, it does not consider in any depth those factors which motivate people to return to their homelands. It also does not detail an on-the-ground adjustment to new social and economic configurations in an environment that once supported small, nomadic family units. Rather, it focuses on the larger political context that conditions the quality of the resettlement effort and the contingencies that threaten the movement's existence.

¹ Throughout this submission, I refer to a 'Regional Study' rather than the 'Social Impact Study' announced by the Department of Premier and Cabinet. There is a semantic associated with the latter that connotes *fait accompli*. Indeed, nearly all social impact analyses in the Australian context have been attempts to discover what went wrong after development has affected Aboriginal communities (e.g. The East Kimberley Impact Assessment and Aborigines and Uranium). The Land Council's proposition for such a study was based on entirely different thinking. It was to be an investigation into operational parameters that would minimise social disruption. To speak of the "effects on Aborigines by mining, exploration and tourism" suggests that such an effect is inevitable. This need not be the case; the study should be an attempt to ascertain the mechanisms for ensuring so. In the conclusion, I discuss the Land Council's ideas further.

² There are a number of acronyms employed in the text. They are introduced, in parentheses, when the organisation or department is first addressed.

³ I refer the reader to three particular references on the Homelands Movement. Recently, there has been a general and wide-ranging view of the phenomenon by the Standing Committee on Aboriginal Affairs (1987). Cane and Stanley (1985) describe the resource base of the movement. And Ashe (1984) specifically addresses the Western Desert experience.

The contribution is designed to explicate three themes :

- (a) the historical struggle by Western Desert people to regain social and spatial security within the region, treating the Karlamilyi (Rudall River) National Park (RRNP) as the epicentre of the movement;
- (b) through a description and analysis of certain key events, examine the legal, administrative and political mechanisms that tend to circumvent domestic and territorial stability for Aboriginal residents of the region; and
- (3) note failed perspectives of Aboriginal interests based on "heritage", and a notion of rigid territoriality that play into the hands of powerful operatives, both public and private, who covet the desert's land based resources for reasons of their own.

Unlike some experiences in other parts of the continent, the return to homelands in Western Australia has been doggedly resisted by a variety of interests. An understanding of the dynamics that shape this opposition is required if procedures and policies are to emerge, safeguarding the aspirations of Aboriginal people going back to the Western Desert. With this in mind, this submission emphasizes the range of 'actor groups' that have contributed to the debate on the disposition of the region's resources.

1:1 METHODOLOGY AND PRESENTATION

In presenting this material, I have chosen to linearly chronicle a series of key events, decisions and documents (including correspondence and newspaper accounts) that inform upon the themes introduced above. This approach exposes the generative nature of the debate and helps exemplify the dynamic processes underlying shifting alliances and changing policy. For it is within the context of never quite knowing what next to expect, from either governmental or commercial concerns, that Western Desert people experience the most apprehension and frustration. (This is not to say, of course, that knowing an exploration company is about to overrun your community, or that tourists may enter at all hours of the night, in any way reduces anxiety).

My qualifications for addressing these materials in such a fashion stem from a close association with their genesis and deliberation. Employed by the Western Desert Land

Council (WDLC)⁴ in early 1985, originally to process land claims, my role with the organisation was necessarily transformed to explore alternative patterns of secure tenure after the failure of the Aboriginal Land Bill. All of this transpired as the State and Commonwealth Governments were debating, in a vague sense, the mechanics and desirability of Aborigines holding land in Western Australia. In such an environment, it became important to pay close attention to ideological difference and political process. After an initial period of familiarisation with the region and its people, my activities increasingly came to bear on decisions emanating from government departments and Ministerial offices in Perth. As an employee of Western Desert people, it was my responsibility to monitor and influence these developments.

The data upon which this chronology is based, therefore, reflects a close participation in the emergent deliberations on such issues as mining, exploration, sites protection, National Parks, tourist incursions and the like. Often, the exegesis requires descriptive synopses of key meetings and other events where differences were aired. Equally, it is based on official policy statements, documents, proposals and to a certain degree, investigative journalism. The elaboration of these developments over time points to a pattern of official behaviour underlying the problems confronting Western Desert people in their attempts to sustain a domestic presence in the Karlamilyi (Rudall River) Region.

1:2 LIMITATIONS TO THE DOCUMENT

To exhaustively describe and evaluate the range of issues, events and 'actor groups' contributing to the Karlamilyi (Rudall River) situation is beyond the scope of this exercise. Such an undertaking would require extensive additional research and would ultimately lead to many volumes of printed material.⁵ I make no attempt to comprehensively depict the anthropology of traditional Western Desert land tenure. But when, in April 1988, the East Pilbara Shire issues a press release asserting that no residents of Parnngurr have traditional ties to it, a different level of polemic is

⁴ In the text, I invariably refer to either the 'Land Council' or 'Western Desert' when designating the umbrella organisation that comprises Aboriginal communities in the region. In early 1988, the organisation officially changed its name to the Western Desert Puntukurnupana Aboriginal Corporation, in order to reflect its 'resource agency' role. Nevertheless, in popular (and official) vernacular, it remained the 'Land Council'; furthermore, it never relinquished the responsibilities of a land council, which, in Western Australia were onerous, to say the least. Since this submission addresses issues relating to land, I have chosen to retain the organisation's original name throughout the text.

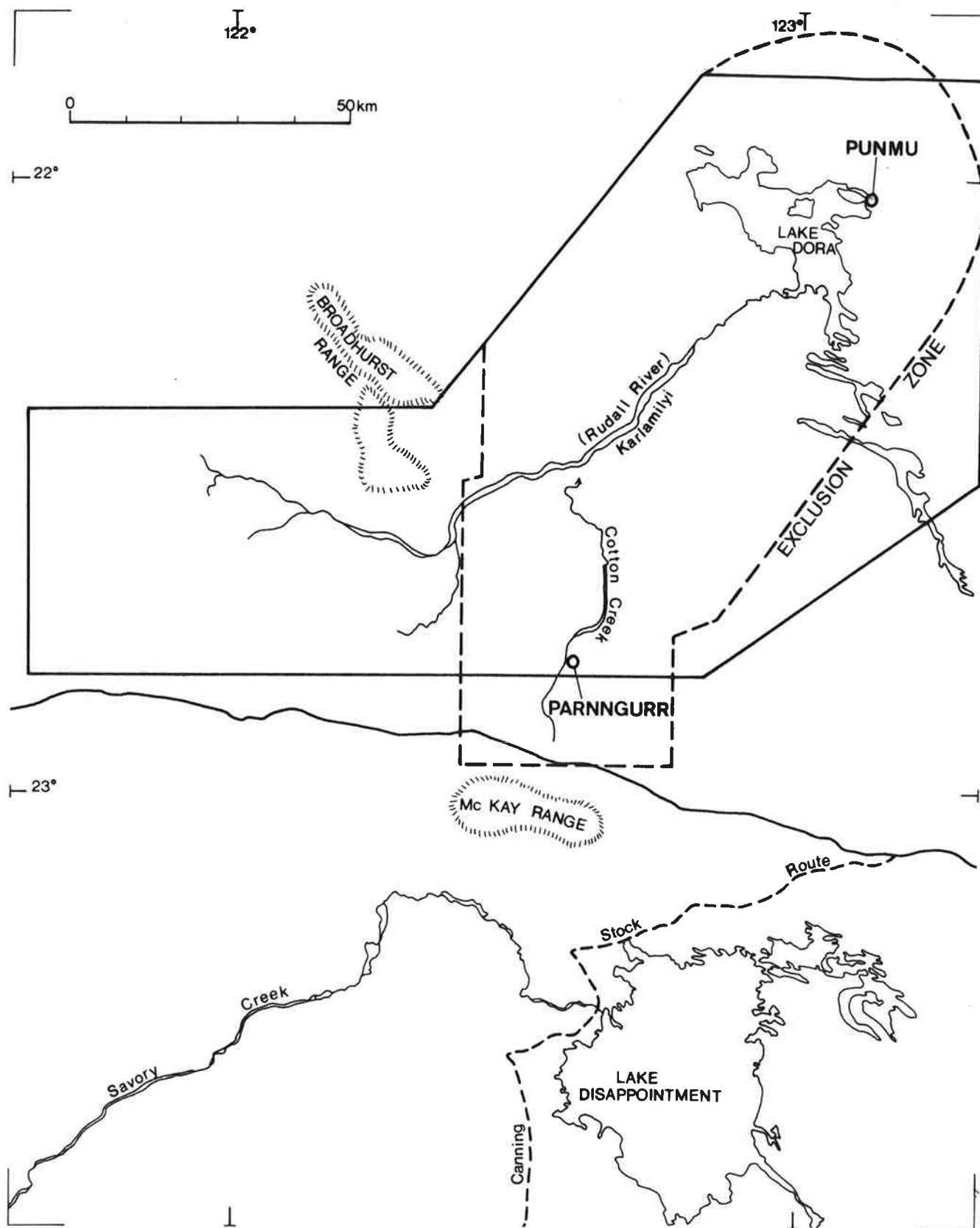
⁵ For example, to adequately reveal the political stance and corresponding actions of certain mining exploration companies, it is necessary to have an ethnographic grasp of land tenure systems throughout Aboriginal Australia. Since another contributor to the Resource Document is addressing this issue, (Tonkinson), I intend to approach it only as it interfaces with particular decisions in the series of events I describe.

enjoined, one involving land tenure and equally one motivated by conscious and false pretence. This reworking of ethnographic fact for political expediency is precisely the sort of event this document addresses.

Two other caveats should be noted. First, there is a certain selectivity to the data presented. The sheer enormity of discussions, meetings and correspondence, on myriad issues, requires such an editing. First and foremost, I have attempted to isolate the key features, or themes, that inform upon the ongoing debate over access to land based resources. As such, I have chosen to stress fundamental relationships between principal advocates - in particular, Aboriginal communities, mining interests and land management authorities. It should be acknowledged, however, that other parties, both organisations and individuals, played important roles in the unfolding of events. These will be introduced when appropriate.

Related to this selectivity, is the problem of uncertainty. The Land Council necessarily operate in a reactive stance and often on the basis of reading the morning's newspaper or listening to the early ABC News. Once the 1987 conflict was enjoined, decisions affecting Western Desert people were increasingly made without the knowledge or input of either the constituency or the South Hedland office. The classic example was the announcement of the Exclusion Zone (see Map 1). On a Friday night (after offices had closed), in the very public forum of the ABC's "7:30 Report", the Minister for Minerals and Energy declared the indefinite ban on mineral exploration. While the motivation for such an undertaking was clear, given the imminent visit of the Federal Minister for Aboriginal Affairs to Parnngurr, the community at the heart of the controversy, no attempts were made to consult with Aboriginal residents on the size, location or governance of the zone.

This example points out the difficulties of describing political terrain when one is not party to the decisions defining it. To this extent, there were numerous 'events' and Ministerial decisions, the motivations for which I have little knowledge. As such, they can scarcely be included in the historical framework I am documenting. However, the fact that such closeted communication transpired is grist for this document's larger argument - that Aboriginal sentiments and aspirations only proceed at the behest of political and governmental exigency.



Map 1

1:3 THE PURPOSE OF THE DOCUMENT

Given the above remarks, it would be easy to anticipate that what follows will be a cynical recreation of unfolding relations between powerful vested interests and powerless minority communities. Readers assuming this would be in error on two counts. First, Western Desert people have dealt with their adversaries in a united and coherent fashion and as a result have obtained several important concessions from Government. It would be wise for Government and other interested parties to recognize this resilience.

More to the point, however, this document is not intended as a negative narration of past grievance or as a catalogue of systematic prevarication and deception. The disjointed and confused lines of communication within official policy circles preclude such a theory of conspiracy. Rather, its purpose is to prepare the groundwork and define the parameters upon which peaceful coexistence might ensue. To be sure, Western Desert people have suffered at the hands of shifting and inexact policy, and to the extent that these conditions have frustrated the resettlement movement, this document addresses them. But in the recounting are the issues with which Government can avail itself of solutions.

It is not the purpose of this document to make specific recommendations to either the Regional Study or the Karlamilyi (Rudall River) National Park Plan of Management. Nevertheless, it is written with tangible results in mind. After all, the very chronology I am describing lies now with the Regional Social Impact Study, which the Land Council, itself, proposed.

2.0 A CHRONOLOGY OF EVENTS - THE EARLY YEARS

Although a more complete version of the history of Aboriginal contact with white Australia is given by Gallagher elsewhere in this volume, the main points are worth repeating here.

Western Desert people were one of the last in Australia to be affected by European encroachment. Periodically, exploration parties (e.g. Warburton, Carnegie) ventured into the Great Sandy desert, but contact with Aboriginal residents of the land was sporadic. In the early 1900s, however, Canning travelled southwest across the desert while investigating the viability of a stock route that would make the droving of cattle possible. Gradually, as the stock route became a seasonal reality for those criss-crossing its length, indigenous migrations toward Balgo in the north and Wiluna in the south took place (see Gallagher, this vol.).

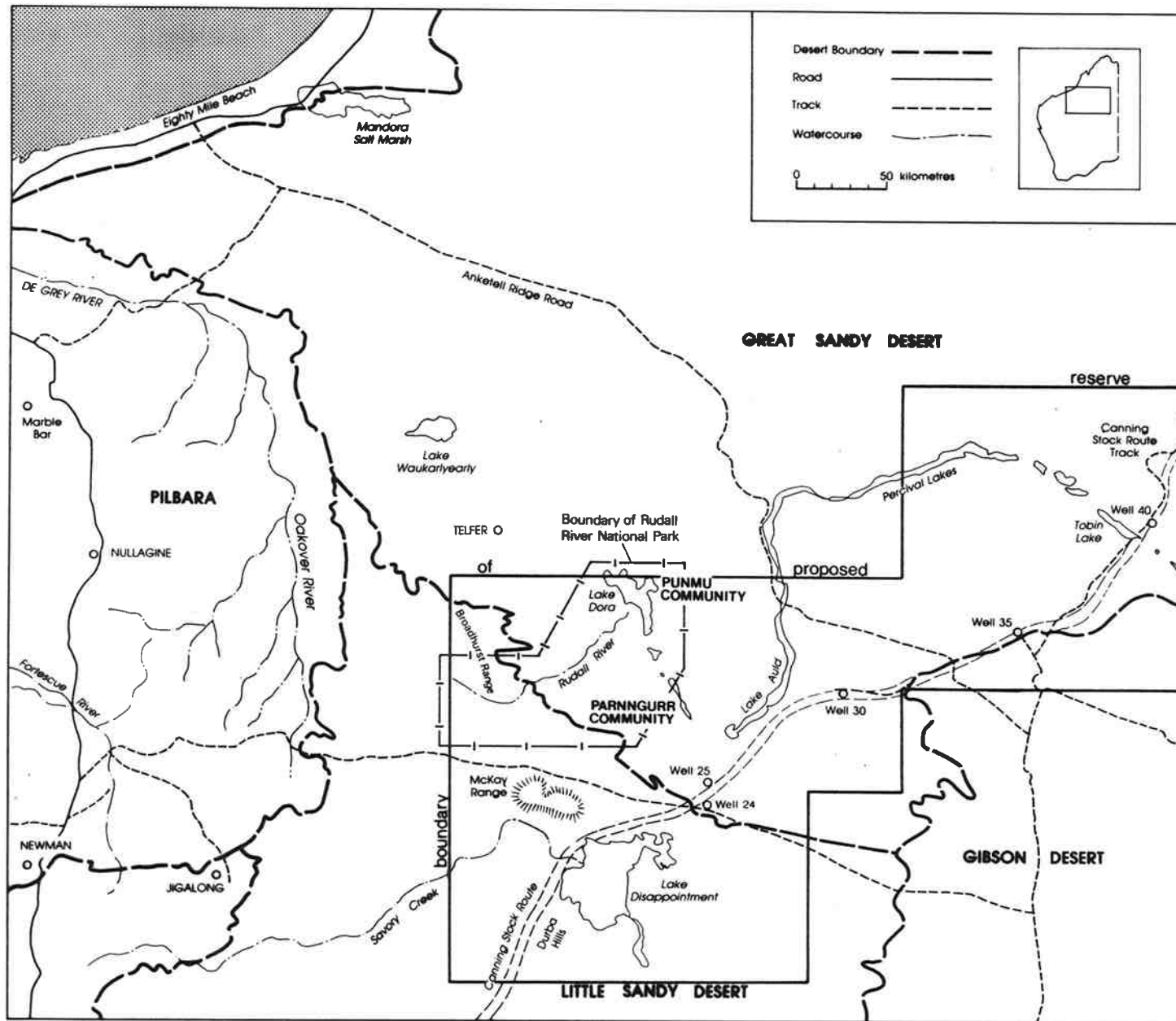
Desert dwelling people had been drawn to Jigalong, then a maintenance depot for the Rabbit Proof Fence, as early as 1907. By 1947, when Jigalong became a mission, many Western Desert people, particularly the Warnman, Manyjilyjarra, Putitjarra and Kurajarra, were residing there and in other settlements along the fringe of the desert.

Nevertheless, if certain segments of the desert population were drawn to the wages and material benefits of the European periphery, others preferred the traditional life in their natal country. But it was not long before even they migrated or were forced to the European administered missions, stations and towns. In 1964, the last known group of Aborigines in the western Great Sandy Desert gathered at Parnngurr Rockhole, near the present community of the same name, and were subsequently transported in to the Jigalong Mission.

However, the policies of assimilation, whether secular or ecclesiastic, do not appear to have succeeded to any real extent. As Tonkinson (1974) points out, the effects of material benefit and European political power did not undermine the underlying authority of the Aboriginal Law. Christianity did little to dim ceremonial life, and Dreamtime knowledge continued to be imparted to successive generations, although the physical separation from country made the task more difficult. There were simply no means available to return to the land from whence they had just come.

2:1 THE JIGALONG COMMUNITY TRADITIONAL LANDS RESERVE PROPOSAL

If physical resettlement was not a viable option during the 1960s and 1970s, there was no lack of concern over external pressures brought to bear on Western Desert land. The first initiatives for some sort of corporate tenure over this land can be traced back to events commencing in 1976. Significantly, the initiatives were in response to Government propositions for conserving the environment and a nascent notion of tourism in the area. In February of that year, State Cabinet considered a proposal for the alienation of Crown Land in the Durba Hills area for the establishment of a Class A Reserve, focusing on the preservation of the ecological system. Disturbed at the implications of the decision, particularly the possibility of increased tourist traffic along the Canning Stock Route, Aborigines living at the Jigalong Community proposed an alternative plan whereby traditional lands of several different linguistic groups would be included in a reserve vested in the community of Jigalong itself.



Map 2

Pending the completion of a study justifying such a proposal, the decision on the Class A Reserve was deferred. In June of 1978, a team of researchers under the direction of the Western Australian Museum, commenced to survey the wider region, focusing particularly on the Canning Stock Route, but also concentrating on areas to the west and east of the Route. The results of the study were published in 1980 (Western Australian Museum 1980).

Its recommendations were that approximately 73,000 square kilometres, including a long section of the Stock Route, the Lake Disappointment/Durba Hills area, the Percival Lakes and the Lake Dora/Karlamilyi (Rudall River) Region, be gazetted as an Aboriginal Reserve (see Map 2). Subsequent inaction rendered the investigation futile on the issue of the Reserve, although Aboriginal opinion was somewhat mollified when the Conservation Reserve proposal was put into temporary abeyance.

Meanwhile, in a little publicised move, the Karlamilyi (Rudall River) National Park was gazetted in May of 1977. Significantly, no consultation on the decision was ever undertaken with Aboriginal people who maintain traditional ties to the country in question. It was not until the Seaman Inquiry on Land Rights in 1984-85 that traditional owners of the Karlamilyi (Rudall River) region even learned that a vast area of the Western Desert was no longer Vacant Crown Land, therefore making it unclaimable (see below). To this day, residents of the Western Desert have difficulty accommodating the Park's authenticity. Indeed, until the events of the last 18 months, CALM equally appeared to the Land Council to question, if not the existence, then certainly the importance of the Park.

2:2 THE SETTLEMENT AT PUNMU

During their comparatively short period of time in the Pilbara, Western Desert people resided for the most part at the Jigalong Mission and on pastoral stations throughout the region.⁶ In the late 1970s, a group of Warnman and Manyjilyjarra speakers, who had spent the last decade moving between Jigalong and the Strelley Station near Port Hedland, relocated to Camp 61, then a Strelley outstation. By 1981, they had decided to leave the Pilbara and return to their traditional country. Reasons for wishing to leave are complex, but their peripheral political position in the Strelley organisation (the Nomads Group) and fears over the influence of alcohol on younger generations were

⁶ Western Desert people went elsewhere as well. Many Mangala and Walmajari speakers travelled to the southern Kimberley and to the La Grange mission south of Broome. Manyjilyjarra went south to the Wiluna region. And Pintupi travelled eastwards to settlements in the Northern Territory and South Australia.

paramount concerns.⁷ Originally intending to make for Kunawarriji (Well 33 on the Canning Stock Route) by travelling up the Karlamilyi (Rudall) River and then eastward through the sand corridors, a shortage of water forced them to divert to Rawa, a set of permanent springs on the eastern edge of Lake Dora. Finding that this water source was sufficient for the group, they remained.

Over time, infrastructure was brought in, and the Punmu Community (originally named Panaka Panaka) eventually incorporated. In 1983, the community formally broke ties with the Strelley organisation after a prolonged financial dispute and soon after began receiving Department of Aboriginal Affairs support. Meanwhile, a group from the community went on to Well 33 and established an outstation just west of the Stock Route. Only four hours apart by road, the two communities today are inextricably connected by a variety of relations, not the least important of which, are economic ties. All provisioning is supported by the communities' collective income.

2.3 THE LAND INQUIRY/LAND COUNCIL FORMATION

During this initial period of resettlement, political pressure was brought to bear on the Western Australian Government to enact legislation guaranteeing 'land rights' for the State's Aboriginal population. As a result, the Seaman Inquiry was enjoined to canvass the range of opinion, both Aboriginal and non-Aboriginal, on the granting of inalienable freehold title over several types of Crown Land. The Inquiry met with Western Desert people at Well 33 in April, 1984. Significantly, the Aboriginal representatives at the meeting came from a variety of communities on the desert's periphery, including Balgo, Christmas Creek, Fitzroy Crossing, Looma, LaGrange, Jigalong, Wiluna, Kiwirrkura and Kintore.⁸ Two days before meeting with the Commissioner, the assembled group formally incorporated as the Western Desert Land Council (now the Western Desert Puntukurnuparna Aboriginal Corporation, WDPAC).

Western Desert Aborigines emphasised to Commissioner Seaman that they spoke with one voice for Western Desert Land and that despite the existence of 'tribal' (linguistic) differences, saw themselves as mutual owners of the region. This sense of mutual identity and joint responsibility perseveres to this day. Despite realising that Western Australian 'land rights' would not necessarily resemble the Northern Territory Act or

⁷ There is an irony in that the European Strelley leadership, for its own political reasons, continued to characterise the Western Desert outstation membership as drunkards. In fact, all Western Desert outstations are dry, while the Strelley communities remain close to the alcohol outlets in Hedland.

⁸ The Strelley organisation, although invited, declined to attend. Instead, they submitted a statement to the Inquiry suggesting that their land had been irrevocably stolen.

the provisions in South Australia (from which several of the delegates had come), the Land Council tendered the following demands :

- (a) inalienable freehold title to nuclear and adjacent lands identified by the Land Council constituency;
- (b) discrete land trusts within the region to be adjudicated by the membership and not by conciliators or through a tribunal (i.e. 'in house' resolution);
- (c) the handover of existing Reserves;
- (d) the power of veto over exploration and mining, and the clear separation of Agreements relating to these distinct activities;
- (e) royalty payments for mining disturbance, as in the Northern Territory;
- (f) National Parks and Conservation Reserves be made eligible for claim, because there had been no consultation with Aboriginal people over their gazettal;
- (g) statutory power to administer the Aboriginal Heritage Act on claimable land;
- (h) the Canning Stock Route to be eligible for claim; and
- (i) no further alienation of Western Desert land during the land claim process.

The meeting's primary significance was its success in bringing together, for the first time since the beginning of their diaspora, close kinsmen and those having mutual interests in the Western Desert. Numerous discussions addressed the practical issues of returning to traditional homelands, and an umbrella organisation (the Land Council) was formed both to facilitate this process and to protect the land based interests of Western Desert people. The cruel irony of the gathering was that it raised expectations that were to be utterly destroyed in twelve months time.

2:4 CRA EXPLORATION AND THE RETURN TO PARNNGURR

Within weeks of the Well 33 meeting, word reached Jigalong that a mining exploration company was drilling in the vicinity of the Parnngurr Rockhole. As noted above, the rockhole, which is approximately 240 kilometres east of Jigalong, was the gathering point for the last group to come off the western Great Sandy Desert. Equally, it had

sacred associations, as did much of the other geography in the McKay, Broadhurst and Harbutt Ranges. Knowledge of these exploration activities, and subsequent attempts to control them, was to influence the history of the region for the ensuing five years.

Upon learning that sites of significance were under threat, a core group of primarily Warnman and Manyjilyjarra speakers returned to the rockhole and set up camp. While there, attempts were made to informally direct CRAE's activities on the ground, and some success was attained in moving the drilling rigs away from one important women's site. Meanwhile, the Land Council office in South Hedland, through its solicitors in the Aboriginal Legal Service (ALS), began negotiations with the Company, in an effort to formally ratify procedures for protecting places applicable under Western Australian Heritage legislation (Aboriginal Heritage Act, 1972-80).

Negotiations were difficult and, in the opinion of the Land Council, purposely protracted by CRAE, so that the exploration season could terminate without an agreement. The Company expressed the view that other exploration interests had worked in the region without such arrangements and that no Aboriginal people had shown concern over these earlier incursions. It also resisted appropriate remuneration for the cost of a site survey. Both parties to the dispute made representations to various Government departments on the merits of their positions, and as the exploration season drew to a conclusion, the Land Council approached the Minister for Minerals and Energy for intervention. The Land Council also learned that the Company was under scrutiny for failing to observe environmental procedures while drilling in the Park.

In late October 1984, CRAE vacated its exploration camp at Mt. Cotten (eight kilometres north of the rockhole and just north of the Park's southern boundary) and relocated to its camp at Coolbro Creek. Immediately thereafter, those Aborigines camping at Parnngurr shifted their makeshift housing to the bore at Mt. Cotten. Within a few days a windmill and tank were erected over the bore and Jigalong soon supplied a tin shed for storage purposes. Western Desert people have maintained a continual presence at Parnngurr ever since. In 1986, DAA began funding infrastructure for the community, and now Parnngurr has alternative water supplies, reticulation, ablution facilities, a clinic and housing. In addition, the State Government has provided limited funding to improve the condition of the Talawana Track, which links the community with Jigalong.

2:5 1985

For the first few months of 1985, the Land Council studiously observed the progress of the Aboriginal Land Bill in State Parliament. Having already rejected many of Commissioner Seaman's recommendations, the Labor Government proceeded to fashion legislation that adopted the notion of freehold title in name only. Under extreme pressure from the mining and pastoral lobbies, the Government proposed arrangements that would give Aboriginal people absolutely no control over access to 'their land'; there would be no veto on either exploration or mining. Neither would the 'owners' of the land receive royalty monies for the wealth that was extracted from it.

All of this proceeded in a vicious atmosphere of calculated obfuscation, orchestrated primarily by the Opposition, but not helped by the Government's lacklustre and ineffective support. The Labor Government was reduced to defending its extremely weak legislation by warning of possible Commonwealth intervention if the Bill was not passed. Ironically, as the date for the vote approached, several segments of the mining industry altered their rhetoric to support the legislation. After all, their access to all land that Aborigines might want to claim was guaranteed and perhaps they, too, were thinking of Commonwealth initiatives. Nevertheless, the Aboriginal Land Bill was rejected by the Legislative Council (Upper House) on April 17, 1985.

It had not been difficult to foresee that the Bill was likely to fail. Consequently, the Land Council had earlier refocused its energies away from Vacant Crown Land and towards land that had already been alienated. This was an obvious decision, given that the two largest emergent communities in the Western Desert were situated in a national park.

In March 1985, a delegation representing the Department of Aboriginal Affairs (DAA), the Aboriginal Affairs Planning Authority (AAPA) and the Public Works Authority visited the Punmu Community in order to ascertain the viability of some form of tenure for those living there. Recognizing that the community was "there to stay", it was agreed that a proposal for a 'living area lease' in the Park would be submitted to State Cabinet. The size of, and deed restrictions relating to the lease would be the subject of negotiations between the National Parks Division of CALM and the Land Council.

Later that year, in September, the Minister with Special Responsibility for Aboriginal Affairs visited Jigalong. During discussions with community residents and representatives of the Land Council, he agreed to take to State Cabinet a proposition for a living area lease for the Parnngurr Community. With these undertakings from State

Government, the Land Council proceeded to develop a lease proposal for residents of the Park (see 2:6, below).

During the debate over the Land Bill, WDLC continued to intervene with mining interests over exploration programs in the region, again on the basis of the Heritage Act, the only piece of legislation in its otherwise nondescript legal armory. A notable achievement was an agreement signed with Amoco Oil Corporation. Amoco was embarking on the largest seismic programme in Australian history, and the Company went to extraordinary lengths to ensure that Aboriginal interests were protected in the vast Canning Basin.

Of more immediate concern, to Punmu in particular, were the activities of Churchill Resources N.L., operating in sandhill country to the north of the community. The Company was at first reluctant to enter into an agreement. Finally assenting to a contractual arrangement, the Company nevertheless provided a minimum of logistical support for the anthropologist and Aboriginal scouts employed to survey the programme. More worrying than the lack of co-operative spirit, however, the Company's access routes into the permit were coming disturbingly close to the community. Indeed, you could now reach Telfer without travelling the much longer Wapet Road (Anketell Ridge Road), and the contractors' heavy equipment had sufficiently damaged the latter to make the trip to Port Hedland dangerous (later to be repaired by Amoco along that portion it had utilised).⁹

While the artificially imposed boundaries of the park scarcely mattered to Aboriginal people, a large proportion of Churchill's seismic programme was conducted inside the Karlamilyi (Rudall River) National Park. As with the former National Parks Authority in its supervision of CRAE in 1984, CALM did not appear to be concerned that an exploration company was damaging land it was authorised to protect. It was nearly a year until the Director of National Parks overflew the permit and witnessed the effects of the seismic programme. It was difficult to imagine how the seismic lines could be erased.

The Western Desert people were in a conundrum over the strange and disturbing events encircling them. Having recently been told by Government that they had no proprietary rights over land they had lived in for centuries (keeping in mind that

⁹ Mining companies use of roads in the Western Desert is a vital concern. They usually improve them when beginning exploration programmes, paradoxically assisting Aboriginal people back to their traditional country. Upon exiting, the companies often leave the roads in disrepair, leaving Aboriginal settlements virtually stranded.

witnessing a cruel and paradoxical twist. Believing that the Seaman Inquiry was an investigation into traditional Aboriginal relations to land, they saw their proposals defeated and then were asked to passively acquiesce as European interests exploited their own theories on the meaning of land. What had been, ostensibly, an exercise in the legitimization of Aboriginal aspirations, was increasingly being transformed, not only into their denial, but equally a programmatic validation of their undoing. Adding to the deepening malaise, was confusion over the European concept of National Parks. Never exactly accepting of the RRNP's existence, Western Desert people had, nevertheless, an understanding that these reserves were supposed to be safe havens for the environment. Why, then, was the Government allowing activities contrary to the management of natural resources?¹⁰

If Amoco was an enlightening experience and Churchill a puzzle, then the 1985 season's relations with CRAE could only be described as tedious. CRAE was also interested in the Park's geology, but questions about European care of the environment were insignificant compared to the difficulties of protecting the Aboriginal sacred geography. Much of the latter half of 1985 was consumed by consultations and negotiations on the Company's proposed work programme.

Because of the difficulties experienced the previous year, the Department of Mines had exerted pressure on CRAE to meaningfully negotiate with the Land Council over a site avoidance agreement. For whatever reasons, the Company delayed its overtures until late in July 1985. From that point on, discussions with the Company were both intense and frustrating. While much of the difficulty can arguably be traced to the rigid stance of CRAE's then Manager of Negotiations and Administration, it is worthwhile detailing the substantive differences that kept the parties apart. Although an Agreement was ultimately reached, several of these issues remain contentious today and consequently reveal differences that exacerbate relations between Western Desert people and mining interests.

Initial discussions were sponsored by, and held at, the Department of Aboriginal Sites. CRAE proposed that it hire its own anthropologist to conduct the survey (and indeed, had flown its choice from Darwin to attend the Perth meeting). The Land Council maintained that it be allowed to select the appropriate professionals, or at the very least, that they be acceptable to both parties. Additionally, the Land Council insisted that there be a women's component to the survey, given that it was disturbance to a women's site

¹⁰ In fact, several companies had exploration tenements in the Rudall River Region prior to the gazettal of the Park. As such, their rights as explorers superseded certain regulations pertaining to the management of National Parks.

that caused the most concern the previous year. Western Desert argued that a properly conducted site survey could not proceed without Aboriginal custodians fully trusting the individuals who were recording private information. And this could not occur with a company, that was already distrusted, being allowed to employ its own anthropologist(s).

There was another reason CRAE was insistent on its choice of the Darwin based anthropologist; he was a pilot. CRAE contended that aerial surveys were sufficient to examine the escarpment country of the Karlamilyi (Rudall River) Region. The Land Council saw them as neither effective for the enterprise nor appropriate for Aboriginal people introducing strangers to their land. There was the added practical consideration that many older people, especially women, would simply refuse to fly.

Of more concern, however, was the problem of "names" and personal associations to country and sites. CRAE was adamant that any report provide the names of custodians speaking for the particular exploration tenements surveyed. The Land Council was equally unyielding in its assertion that scouts' personal names were immaterial to the exercise. Aboriginal organisations throughout the northern half of Western Australia considered that CRAE (and other mining companies) commonly used the tactic of divide and rule. Once individuals could be associated to particular tracts of land, subsequent negotiations need not involve corporate bodies, and private transactions could undermine collective sentiment. CRAE's perceived use of such a strategy in the Ashton Joint Venture (with the State Government) had aroused enormous resentment in the East Kimberley.

Furthermore, the association of particular individuals with localised geography was not ethnographically appropriate, given Western Desert land tenure systems. The question of "ownership" in the region is discussed in another contribution to the Resource Document (Tonkinson). For present purposes, it is sufficient to note that Aboriginal people saw the selection of proper spokesmen and women for their country as their own responsibility and not one that should be arranged by operatives intent on making a quick deal. It was also believed that the Company's insistence on obtaining names was irrelevant to the survey. CRAE was seeking indemnity from the inadvertent desecration of cultural geography - not a compendium of private associations to sites of significance. In any case, Western Desert people were consulted on the proposition and gave their opinion in an emphatic letter to the Minister for Minerals and Energy, refusing the divulgence of personal names.

Not unrelated to the issue of names was an operational and philosophical question that continues to plague relations between the Land Council and CRAE. Quite simply, the Company insists that entire tenements be cleared for sites of significance, while the Land Council maintains that the Company should first specify its work programme, allowing Aboriginal people to then declare whether the Company's activities risk disturbance. CRAE asserts that, unlike seismic work, mineralisation exploration requires a random approach in which they need a guarantee of maximum of flexibility.¹¹ For Aboriginal people, clearing large areas forces the irrevocable revelation of sacred information that is unrelated to the search for mineral deposits. Furthermore, and paradoxically, it forces scouting parties to reveal sites, when the exercise is intended to avoid them. Also, Western Desert people refuse to divulge their personal associations to country in fear that clearance activities might disclose individuals that subsequently can be selectively exploited to define, rather than protect, sacred geography.

The meetings in Perth did not produce an agreement, although they were beneficial in defining positions and philosophies. After consultation with member communities, the Land Council office restated its views on a workable arrangement, and the Department of Mines intervened once more, this time organising a formal negotiating session in South Hedland. At this meeting, much of the same ground was again debated, and a compromise was ultimately attained. The Minister for Minerals and Energy's representative at the meeting agreed with the Land Council that scouts' names were immaterial to the protection of sites. The Land Council agreed to survey the entire tenements specified by CRAE, although clearance activities were to be differentiated according to whether the Company's proposed activities involved "drilling" or "reconnaissance." (This, incidentally, was a distinction proposed by CRAE, apparently because the Company was anxious to begin fieldwork and wanted drilling clearance immediately). The Land Council and CRAE also compromised with an arrangement allowing the Director of the Department of Aboriginal Sites to review the anthropologists' methodological procedures in conducting the survey. The anthropologists, themselves, were to be mutually agreeable to both parties, and clearance activities were to take place on the ground - not in the air.

While an Agreement was signed, it would be wrong to assume that either party was satisfied. CRAE was unhappy with the costs involved and only grudgingly accepted a

¹¹ The Land Council no longer believes that such exploration is as random as the Company makes out. Modern photometric techniques can detect quite specific anomalies that then become the subject of surface exploration. Indeed, the Land Council has recently entered into two agreements where companies quite explicitly detailed the specific geology they wished to drill.

provision that it guarantee two producing water bores on the Talawana Track (no doubt apprehensive that reliable water draws Aboriginal settlement). For its part, the Land Council was suspicious of the Company's development plans and was wary of clearing the exploration tenement in which the Parnngurr Community was situated. Nevertheless, CRAE undertook not to drill in that tenement during the, then, current work season, and made it apparent that its priorities were in the Yandagoogie Creek region in the northwest of the Park. It should be noted that CALM played no role whatsoever in the negotiations, and the Land Council remains convinced that CRAE never consulted with CALM over its programme that season. Pressured into the Agreement, CRAE's negotiator forthrightly announced that he would issue the Minister with a "sideletter" detailing unacceptable provisions of the contract. This he subsequently did.

The ensuing survey commenced soon after. While CRAE field staff were helpful in providing logistical support (according to contractual arrangements), the anthropologists were hurried, due to the Company's desire to immediately begin drilling in the Yandagoogie Creek region. Identified "drilling areas" were cleared first, to accommodate this request. But hampering the work was a major ceremonial cycle at Jigalong; women, especially, were reluctant to travel the Talawana Track. And, unlike the male scouts, they refused to fly to staging areas. Nevertheless, the specified tenements were eventually cleared and identified sites were marked on aerial photographs provided by the Company. The Land Council was unhappy that specific sites were located but had been unable to negotiate an acceptable alternative. Practically speaking, CRAE had been able to gather equivalent information for areas identified for both drilling and reconnaissance.¹²

In December 1985, CRAE provided its field geologist and a drilling rig to drill for water, and water was subsequently discovered at two points along the Talawana Track. But the exploration season's end was not highlighted by this "good neighbour" gesture. Shortly before Christmas, word reached the Land Council that a significant uranium deposit had been discovered at Kintyre, just south of the Park's northern boundary and in a tenement only just surveyed by the Land Council constituency. The stakes were no longer simply points defining a tenement's boundaries; they now

¹² Nevertheless, the Land Council all along maintained that the hurried nature of the clearance exercise had not allowed it to adequately clear the reconnaissance areas. CRAE's then Manager of Negotiation and Administration eventually wrote to confirm that these areas would be resurveyed for the purposes of drilling. However, the Company began drilling in the Harbutt Ranges before such procedures were carried out. The Land Council offers no indemnity should a site be disturbed.

involved political, economic and social futures. CALM, especially, could no longer ignore its own Park.

2:6 THE RRNP LIVING AREA LEASE PROPOSAL

Prior to knowledge of the uranium discovery, the Land Council had made overtures for, and received assurances over, secure tenure for communities resident in the National Park.¹³ With this commitment by the State Government, the organisation's anthropologist proceeded to develop a comprehensive proposal that reflected the desires of the Park's Aboriginal residents, as well as the political sensibilities of a Government that was terrified of any proposition appearing to offer land to Aboriginal people. For the Aborigines' part, they insisted there was not to be a repetition of past experiences with "reserves" or "horse paddocks" as such enclosures were popularly referred to. They demanded a lease arrangement, albeit for only twenty years, that reflected, at a bare minimum, their physical reliance on the land.

The Land Council had for some time been re-evaluating the philosophical arguments, on the Land Bill in particular, and Aboriginal aspirations for land in general. Those who supported Aboriginal rights to land had done so on the basis of the latter's role in shoring up a coherent, and religious, foundation upon which traditional culture could be sustained. In reality, the Land Bill's debate had been a story of apples and oranges all along. Those supporting it had indeed stressed the unique mystical experience Aborigines had towards the environment; however, those opposing land rights warned of economic assets being irrevocably locked away from the general public. The latter argument easily won the day.¹⁴

From late 1981, Aboriginal people have sustained a physical regrouping in an environment deemed uninhabitable by European interests. To be sure, there was the odd supply loading from provisioning centres in the West Pilbara. But both Punmu and Parngurr persevered because of the profound knowledge of water resources and the region's natural wildlife. Western Desert people may very well have returned to their country to pay homage to a timeless cultural geography, but they survived on the basis of understanding economic terrain.

¹³ Tenures were (and remain) not simply an ideological exercise. It is crucial if the Department of Aboriginal Affairs is to provide funding for community infrastructure. Without tenure, there is a continuing risk that other economic interests will supplant the underlying foundations of Aboriginal living areas.

¹⁴ Ironically, there was little analysis paid to the real cost/benefit ratio. Australian citizens forever complain of the money allocated to Aboriginal Affairs and Aboriginal people. Seldom do they complain of their natural resources being taken overseas by multinationals.

On this basis, the Land Council developed a lease proposal that emphasized the human necessities of living in such an environment. While it did make mention of the rich cultural heritage in the Karlamilyi (Rudall River) Region, especially the water resources that had sustained life there for centuries, it did not identify it, and the proposal gave little attention to the Dreaming associations in the region. Rather, it pointed to the economics of hunter/gathering necessity and the social communication of the Punmu/Parnngurr/Jigalong triangle. The lease emphasized the importance of the Karlamilyi (Rudall River) corridor and the role it played in facilitating the survival of the Western Desert Homelands Movement.

There was another important consideration in the development of the lease proposal. Prior to the discovery of uranium at Kintyre, the Land Council had read its maps, perused the geology and concluded that there were essentially two spheres of interest in the Karlamilyi (Rudall River) National Park. After the 1985 site avoidance exercise, CRAE had indicated its interest in the western half of the Park; since 1981, Aboriginal traditional owners had staked their *de facto* claim in the east. Although the Land Council had erred, in retrospect, in misconstruing CRAE's apparent lack of interest in the immediate Mt. Cotten vicinity, this did not matter for the purposes of the lease proposal. Perceiving that the State did not care about its Karlamilyi (Rudall River) property, the Land Council offered a proposal that would give the Western Australian Government a way of satisfying multinational investment and Aboriginal domestic stability at the same time. The lease proposal categorically serviced the carving up of the Park; CRAE (the major tenement holder) could hold the escarpment country in the west and north, and Aborigines would lease the Karlamilyi (Rudall River) catchment to the east and south.

The discovery of uranium at Kintyre did little to alter the Land Council's thinking. Indeed, it reinforced it. Since no one was paying attention to the region as a Park, a uranium discovery, as well as an Aboriginal presence, would perhaps offer State Government a solution. The Land Council did not condone the uranium exploration and has resisted the development of a mine to the present. Unlike their counterparts in the Alligator Rivers Region, Western Desert people could not reap economic benefits from such an enterprise, and in any case, remained steadfastly opposed to the mining of such a dangerous substance.¹⁵ But the apparent geological gradient provided a possible social buffer for the Aboriginal residents in the eastern half of the Park.

¹⁵ Western Desert Aborigines usually refer to uranium as "poison". They know very well that there could be a financial emolument should they relax their opposition to the mining of uranium. Nevertheless, unlike their counterparts in the Kakadu National Park, they continue to refuse compensation for the possible degradation of the environment on which they depend.

The Land Council's lease proposal was submitted to CALM in March, 1986 (see Map 2). It highlighted the social and economic requirements of people living in the region, and it emphasized the single-minded tenacity of the two communities' efforts to remain on traditional land. Equally, it argued that a European concept of 'living area' was inappropriate for the harsh and remote environs of the Great Sandy Desert; three bedroom homes and the quarter acre block might fit the suburbs of Perth, but such configurations, and associated meanings of 'living', were unrealistic for Western Desert people. The Land Council waited nine months for ministerial acknowledgement of the proposal.

2:7 1986 - MT. COTTEN REVISITED

The first few months of 1986 were relatively quiet, and the Land Council expended much of its energies on developing infrastructure on its three major outstations - Punmu, Well 33 and Parnngurr. Once Amoco had left the Canning Basin, intensive participation in mining exploration diminished. CRAE, as it had promised the year before, kept its drilling rigs in the northwest of the Park, seemingly content to develop its Kintyre prospect.

Nevertheless, other forces were irrevocably shaping events within the region, and the Land Council found itself increasingly contemplating alliances it had previously rejected. Because of a proposed gold mining venture in the Hammersley Range National Park, in the West Pilbara, a public debate emerged on the value of activities such as exploration and mining in Western Australia's National Parks. Realising that the issue had electoral significance, the State Government empanelled a three member committee to develop recommendations and guidelines for all mining operations in National Parks and other reserves dedicated to conservation. The conclusions of the 'Bailey Committee' are not the concern here, and they have yet to be implemented in law.¹⁶ What is important, however, is that the widely publicised debate forced the Land Council to rethink its attitude towards the Karlamilyi (Rudall River) National Park.

uranium. Nevertheless, unlike their counterparts in the Kakadu National Park, they continue to refuse compensation for the possible degradation of the environment on which they depend.

- 16 The Land Council was never overly concerned with the impending Bailey legislation. First, the organisation had historically dismissed the Rudall River National Park's existence. Second, it knew that most of the exploration tenements of concern to Aboriginal people had been issued prior to the Park's gazettal and were, therefore, unlikely to be affected by any new legal initiatives, especially in a State where mining legislation supercedes much other law. However, as an ironic aside, the Land Council believed that it might very well have influenced one of the Bailey recommendations. The proposal to rationalize a National Park's boundaries, should mineral deposits be found within it, was eerily similar to the 'Living Area Lease Proposal' which, in essence, carved off the uranium province in the northwest of the Park.

Prior to the debate, the Land Council had been content to ignore the environmental (European) attributes of the Karlamilyi (Rudall River) Region. It acknowledged the existence of the Park, but only to the extent that it was gazetted land that CALM had statutory authority to grant Aboriginal people certain rights and responsibilities over. As already noted on several occasions, the Land Council took seriously CALM's non-interest in the Park.

But once the debate on National Parks had been enjoined, CALM was forced to rethink its attitude towards the Karlamilyi (Rudall River) property, especially since it was not simply a question of exploration and mining, but also one in the volatile arena of uranium policy. Consequently, the Land Council had to rethink its stance with CALM and concurrently to entertain allying with a public argument that had little to do with Aboriginal sentiment.

Western Desert made tentative overtures to the Australian Conservation Foundation (ACF), the organisation most outspoken in its attempts to prevent all mining activities in the State's National Parks and Conservation Reserves. Initially, these discussions were intended to essentially share information. Because of its position on the ground in the Park and because of continuing negotiations with various exploration companies, the Land Council was better informed of events in the region;¹⁷ because the ACF was based in Perth, it could best monitor developments with the Bailey deliberations. Nevertheless, the Land Council was at first chary of its relationship with the ACF. As noted above, it required a complete about-face in the organisation's arguments over historical and 'natural' rights to landed tenure for Aboriginal people. In other words, it meant rejecting Aboriginal opinion and taking up an argument on European environmental values. Perhaps more importantly, it meant embracing a movement, certain segments of which were opposed to all disturbance of the environment, no matter that Aborigines had been managing it for thousands of years.¹⁸

At the same time that the Land Council began communicating with the ACF, it also began talking to CALM in a different fashion. In mid 1986, CRAE had approached the

¹⁷ Nevertheless, the Land Council was studious in never divulging confidential information supplied to it by mining companies. To do otherwise would have broken down all lines of communication.

¹⁸ Other contributors (Veth & Tonkinson, this vol.) discuss the habitation sequence in the Western Desert. It is beyond the scope of this submission to enter the hoary debate over whether Aboriginal people actually hastened or retarded the desiccation of the Australian environment. However, there is evidence that Aboriginal firing techniques actually supported and prolonged the biology of riverine systems such as the Rudall River.

Council with an ambitious exploration programme that it wished to have cleared for Aboriginal heritage; the majority of the tenements were in the Park. Despite its 'side letter' and objections to the previous year's Agreement, CRAE seemed content to fund anthropologists and scouts, work with the umbrella organisation in South Hedland and for once and for all gain a complete foothold on a band of geology stretching from the Broadhurst Range in the northwest to Well 23 in the east. The Land Council, as in the previous year, resisted such a blanket clearance and seized upon the public concern over disturbance to National Parks as a means of circumvention.

Under its own Act, CALM was required to clear and monitor all activities which potentially disturbed land under its jurisdiction. Now, with public attention forcing CALM to more closely attend to the general issue of conservationist values, Western Desert decided to employ a new tactic. It knew that CRAE, with a potentially controversial uranium find, would be more carefully abiding of State Legislation. It also knew that CALM and CRAE were now discussing specific exploration proposals. These proposals were not vague statements about wanting to take over a given tenement; they were detailed descriptions about tracks, drilling pads, fly camps, rubbish tips and the like. It occurred to the Land Council that if such specifics were appropriate for a bureaucracy located far away in Perth, then they should be equally available for people actually living in the Park. CRAE had all along claimed to Aboriginal interests that the Company could divulge nothing because of the random nature of their exploration programme; when push came to political shove, they were more than willing to get specific for those officially representing the natural environment.

Knowing that CRAE was providing specific information on its work programme to CALM, the Land Council suggested to CALM's Operations Officer in Karratha that such information be made available to it for the purpose of negotiating site avoidance agreements. The Land Council received confirmation from the Karratha office that the idea had merit. Nevertheless, CALM's Perth office did not approve this request, stating that the information was provided it in confidence by the company. Evidently, CALM suggested to CRAE that the company should provide information about its work programme directly to the Land Council. This attempt to put the onus for protection of Aboriginal heritage on the company was to prove most embarrassing in a year's time. Indeed, the whole problem of inter-governmental communication (Aboriginal Affairs, Mines Department and CALM) was to become instrumental in the Land Council's argument that State Government was not embracing a proactive policy regarding issues pertinent to the Karlamilyi (Rudall River) Region. All policy was reactive,

reactive, especially the one involving Aboriginal Affairs¹⁹, and none of the interested parties knew where they stood vis-a-vis one another

Two other developments influenced the Land Council's approach to the Homelands Movement. One involved a State/Commonwealth agreement and initiatives to improve the social welfare of Western Australia's Aboriginal population. The other was a calculated assault upon a declared sacred site.

Contrary to speculation in certain circles, the failure of the Aboriginal Land Bill did not lead to the Commonwealth imposing Federal legislation on the Western Australian Government. Indeed, both Governments declared the issue of land rights to be null and void. Nevertheless, the Commonwealth, perhaps thinking of the impending Bicentennial, realised that some form of leverage had to be brought to bear on a State that had demonstrated a remarkable lack of concern for Aboriginal welfare. In June of 1986, the formation of the Western Australian Aboriginal Land and Community Improvement Program (WAALCLIP) was announced. This unwieldy title was later amended to the Aboriginal Community Development Program (ACDP). The 'joint initiative' (as it was commonly referred to) involved two components - a large capital expenditure to improve living conditions in Aboriginal communities and secure forms of tenure for Aboriginal living areas. It was in the context of this arrangement that the Land Council was asked to redesignate itself as a Resource Agency. Development funds for homelands communities were to be channelled through and administered by locally-based organisations rather than traditional government departments.

Of particular concern to the Federal Minister for Aboriginal Affairs was Western Australia's meaningful contribution to ensuring secure land tenure. After all, the Commonwealth was reluctant to spend significantly on infrastructure if the State could not guarantee that such tenure would not be removed at the whim of mining interests, pastoralists and other parties seeking access to land based resources. The State agreed to the implementation of 99 Year Leases for categories of land that were not already alienated for other purposes (i.e. freehold title, Class A Reserve, etc.). Pastoral leases were to provide living area excisions, existing Reserves were to be revested and all Vacant Crown Land (VCL) was to be made available for claim.

¹⁹ It would be in error to categorically blame the State Department for Aboriginal Affairs, and its Authorities, for the governmental chaos. Aboriginal issues have never been a high priority in the State's thinking and the Department was invariably the last consulted when issues relating to land were the concern.

With the exception of Jigalong and the Karlamilyi (Rudall River) National Park, Western Desert people's land based aspirations all focused on VCL. Problems relating to tenure in the Park have already been introduced and the situation of the Jigalong Reserves is presently under scrutiny by the Department of Land Administration.²⁰ As for VCL applications, the Land Council was soon to learn that the State's commitment was not what had been promised; State Government, it seems, was less powerful than law governing mining legislation and the Mines Department. While this was not exactly a shock to the Land Council, it served to underscore the organisation's skepticism over the proposed 'joint initiative.'

Applications for 99 Year Leases on VCL were actually quite straightforward exercises. Upon reception, the Aboriginal Lands Trust immediately sent them to the Mines Department (via a short stop at the Department of Lands Administration). At this point, the applied for land was checked against existing exploration tenements and permits. Should mining interests have a 'prior' claim, the application was automatically rejected. Should the applied for land not coincide with existing mining claims, the geology was then investigated. If the region was 'prospective', the application was then rejected. It was a very simple system, indeed, abrogating for the most part any scrutiny by other departments having responsibility for Western Australia's land resources.

The Land Council actually tried the procedure out. An application for Mulyarlkiri, an outstation north of the Percival Lakes, was filed on the basis that the lease's boundaries were vacant of petroleum permits - 'vacant' Vacant Crown Land, as it were. The Mines Department rejected the Aboriginal application, not on the basis of petroleum prospectivity, but with a claim that the Amoco Oil Corporation had produced a permit application prior to the Land Council's submission. The Land Council considered this to be factually incorrect and this prevarication convinced Western Desert people that the State had no commitment to the 'joint initiative' and that land tenure was an illusory proposition.

Subsequent to the initial Mulyarlkiri rejection, the State decided on another ploy. "Special Purpose Leases" could be granted over large tracts of VCL, with the proviso, a bit like its earlier land rights proposition, that the lessees have no power of veto over activities on their land. By this point, the Land Council was thoroughly discouraged over the future of Aboriginal land tenure in Western Australia. Nevertheless, it proceeded to develop four lease applications over the next two years. The Land Council

²⁰ Quite recently, and just after the Jigalong 99 Year Lease application had been filed, CRAE took advantage of the legal morass and applied for an exploration tenement in the community's backyard. If the applicant prevails, there can be little doubt about the State's true priorities.

recently learned that all of the VCL applications, including Mulyarkiri, have been rejected.²¹

In May of 1986, Western Desert people received another setback by being asked to give up what little they had already received. CRAE, quietly working away in its new uranium prospect at Kintyre, filed a Section 18 application under the Aboriginal Heritage Act (AHA) requesting permission to drill Mt. Cotten, a site revealed in the previous year's survey and at the base of which lay the Parnngurr Community. The Land Council was well aware that CRAE might attempt to undo the previous year's Agreement, but it was not prepared for the particular thrust of the Company's assault. In an environment where the State Government was being coerced into finally recognizing certain Aboriginal rights, why direct attention to a focal community in the Western Desert Homelands Movement? And why, given the commotion over conservationist values and mining, pinpoint an area of geography (geology) that was located inside the Karlamilyi (Rudall River) National Park?

The Land Council was much later to learn the commercial reasons for CRAE's actions, but at the time of the Section 18 application, it was forced to look for other motivations. The Department of Aboriginal Sites, whose Aboriginal Cultural Materials Committee (ACMC) was empowered to review the application, harboured notions that CRAE might be attempting to test the very legislation upon which sites protection in Western Australia was based. The Land Council, on the other hand, entertained other ideas. First, the Company could be forcing litigation that it knew the Council was ill-financed to pursue, especially if it reached the Western Australian Supreme Court. Second, it could have been a calculated move to pressure the population of Parnngurr to vacate the premises. On both counts, the move was seen as a determined attempt to undermine Aboriginal aspirations and rights.

People living at Parnngurr were incensed over attempts by CRAE to gain exploration access to Mt. Cotten. Permission to drill would, indeed, have forced the community to return to Jigalong. The Land Council, in preparing its defense of the site's significance, was of two minds in its approach. The site had been identified for its sacred associations, but it equally was part of a living "anthropological" presence. Under the Act, both classifications sustained legal protection. The Land Council,

²¹ The State's participation in the 'joint agreement' has been nothing short of a farce. Lease applications are regularly lost, and the Aboriginal Lands Trust has neither the personnel nor the resources to intervene with a State political machinery intent on seeing the programme scuttled. It is somewhat surprising that the Commonwealth continues to fund 'living area' infrastructure on land that the State is systematically withholding from Aboriginal people.

given the then current (ideological) environment in the State, was tempted at first to approach both the ACMC and the State Minister for Aboriginal Affairs on the basis of Mt. Cotten's importance for those Aborigines sustaining a living presence there. Eventually, it decided on arguing the site's sacred significance, primarily because Mt. Cotten had been originally identified in such a context.

Western Desert presented materials emphasizing the importance of Mt. Cotten as a significant site in Western Desert cosmogony. The ACMC agreed and the Minister ratified the decision in December, 1986. CRAE did not proceed (under its rights) with an appeal to the Supreme Court; Mt. Cotten was not to be drilled. Nevertheless, the upshot of the experience was a watershed in the Land Council's thinking. Sites legislation might have protected living Aboriginal people in this instance, but only because a sacred site was next to them. From that point on, the Land Council renounced the notion of Aborigines as quaint museum pieces, as was their wont under virtually all legislation and thinking, and instead embraced their rights as the only residents of the region.

3.0 A CHRONOLOGY OF EVENTS - THE RECENT HISTORY

The continuing invasion of Western Desert land by commercial interests and a non-policy towards Aboriginal people by the State Government were to combine to characterise events from early 1987 onwards. Indeed, they would be enough to finally force the Commonwealth Government to intervene. Equally, other decisions were to eventually muddy the situation in the Karlamilyi (Rudall River) Region. Uranium, a most contentious commodity in Labor Party circles, would soon force the 'unholy trinity' into not only a national but an international spotlight. And, despite the Land Council's reservations, the Karlamilyi (Rudall River) National Park would become the focus of arguments having little to do with the rights of its indigenous residents. Nevertheless, the publicity that the Land Council eventually courted was the only means of saving a resettlement movement that was being virtually ignored by all parties other than those participating in it. Indeed the Federal Government might have remained quiescent to the plight of Western Desert people, had not the Land Council stirred the National Park/uranium/Aboriginal mix.

That mix was initially aired publically with a front page newspaper article in the *Sunday Territorian* on March 22, 1987. In essence, it suggested that the Federal Government would reward its environmentalist supporters in the recent election by not mining further the Kakadu National Park, and instead shift the next on-line mine to

the Karlamilyi (Rudall River) National Park.²² Naturally enough, the Northern Territory Government was disturbed over the potential loss of revenue. Equally, the Western Australian Minister for Minerals and Energy was delighted. Nevertheless, the Federal Resources and Energy Minister downplayed the report, lamely attempting to appease a Labor Party constituency and a conservationist vote that wanted nothing further than the current Three Mines Policy.

It is beyond the scope of this contribution to discuss the uranium debate that ensued. Indeed, it still continues amidst speculation that the Federal Labor Party will soon deregulate Australia's uranium market. Nevertheless, the newspaper article ultimately set off a chain of events that took the Karlamilyi (Rudall River) National Park to the Eastern States' consciousness. This, in turn, activated a public awareness that neither the State nor the Commonwealth Governments could ignore. The Land Council, in the business of advocating Aboriginal aspirations in the Western Desert, increasingly found itself addressing other social issues paramount in the national arena - not with a view of abandoning Aboriginal opinion, but with the hope that a wider alliance could influence political wills.

3:1 THE "GOVERNMENT MEETING" AT COTTEN CREEK

By early 1987, CRAE was pressuring the Land Council into a further site clearance agreement for the region between its Kintyre prospect and the community at Parnngurr. The Land Council continued to resist the blanket clearance of entire tenements. CALM, likewise, continued to refuse the divulgence of information detailing the Company's specific work programme. Sensing that a confrontation was possible, and still wary of Commonwealth pressures over its treatment of Aborigines, the State Government finally decided to sponsor a meeting of all interested parties at Cotten Creek. It was rather a grandiose affair, and the first of its kind for Aboriginal residents in the Park. Top CRAE management also attended, although they were asked to meet separately with the Land Council.

Another contributor to this document is addressing the cultural protocols that characterised this meeting (Gallagher, this vol.). I wish to briefly summarise the direction of its content. Participants included State Government officials having relevant portfolios - the Aboriginal Sites Department, Ministry for Aboriginal Affairs,

²² In reality, the Labor Government had nearly lost the election, precisely because of its cavalier treatment of the 'green' vote. Kakadu was Australia's centrepiece National Park and was, therefore, an easy object for environmental attention. As with so many of the issues, including Aborigines, it seemed to be Commonwealth policy that contentious problems were delivered to the Western Australian Government. Out of sight, out of mind, over the Nullabor, as it were.

CALM and the Department of Mines. The Federal Department of Aboriginal Affairs also sent observers. Aborigines, not surprisingly, selected representatives from CALM and the Mines Department as the targets of their ire. Two issues preoccupied their attention. Why was it that tenure for Punmu and Parnngurr - the 'living area lease' - was not proceeding? For the Mines Department representative, there was heated questioning on why their 'Aboriginal Liaison Officer' refused to inform Aboriginal communities of exploration activities in the Western Desert. In general, Aboriginal people were interested in why they were always the last to know of activities threatening their traditional land.²³ At best, the meeting was an unproductive confrontation; at its worst, it reaffirmed for Aboriginal people that the 'joint initiative' replacing 'land rights' was going nowhere. They enjoyed having their say, but it would be just one more example of wasted rhetoric.

After the Government had left by plane for their Newman hotel, Aboriginal people sat down with CRAE management, a patient group that had camped at a discreet distance for most of the day. Aborigines listened attentively as the Company outlined its plans for Kintyre, future exploration and a 'good neighbour policy' which would unilaterally inform Aboriginal communities of the Company's movements. There was also a good bit of technical discussion on the safety of uranium mining.

As the CRAE personnel left for their own plane, there were cheerful goodbyes and warm handshakes. Even the Land Council staff were oddly appreciative of the Company's efforts - while believing none of it. The day's meeting had produced a certain declension. For most of it, Aborigines had met with a group of government representatives, who by their very nature could politically resolve nothing; in a brief afternoon session they met with commercial interests who ostensibly explained everything.

What CRAE did reveal most cogently were two things. First, it wished to communicate directly with the Chairman of the Parnngurr Community on activities it was proposing for the region (effectively resorting to its traditional *modus operandi*). Second, it implied that it was preparing to move its exploration activities southeastwards into the area defined by the Land Council as an Aboriginal living area. Less cogently, it cryptically suggested possible compensation, should uranium mining proceed at Kintyre.

²³ The Land Council office in South Hedland had consistently requested that the Mines Department provide it with information relating to tenement applications in the region. The requests were seldom obliged. Western Desert usually only learned of exploration activities as they were physically encountered in the field (with the notable exception of Amoco).

The "Government Meeting", as it turned out, only set the stage for the frustrations that were shortly to become very public. For CRAE, there were false intimations of accomplishment. For the State's representatives, there was a reaffirmation of official confusion. For Aboriginal residents of the Park, there was an ironic sense of accomplishment; they had had their say and thought, within the terms of their own didactics, that it had registered. But everyone, in reality, left in a state of programmatic and directional disarray. Nevertheless, it was decided to set up the "Rudall River Co-ordinating Committee", a group composed of relevant government officials and Land Council representatives. This committee, as its title suggested, was to improve communication between the various competing parties.

3:2 THE EVENTS OF JULY, 1987

Before the committee could meet, however, other matters got in the way. In early July, 1987, the Land Council learned that the State had accepted a \$50,000 donation from CRAE towards the development of a Management Plan for the Karlamilyi (Rudall River) National Park. Not wanting the source of the information known, the Land Council remained silent. Nevertheless, the ACF soon learned of the contribution and promptly went to the Press, outraged that a large multinational uranium miner could possibly influence the management policy of a National Park. The Land Council followed suit, but with a different message. How could the State accept monies from CRAE and still fulfil its obligations to the Aboriginal residents of the Park, especially given the Company's renewed designs on the Mt. Cotten site and indirectly the Parnngurr Community?

For the first time, the Land Council went public with its concerns over Aborigines living in the Park. At the same time, it allied itself with a conservationist movement intent on saving (and consequently publicising) the national park. It was not lost on the Aboriginal organisation that such publicity could have negative repercussions. Aboriginal residents of the Karlamilyi (Rudall River) Region essentially wished to be left alone. Depicting their plight in the newspapers and over the airwaves, and using the Park as a foil, would ultimately attract a trespass of another kind - those wishing to physically experience what the commotion was all about. Nevertheless, Western Desert people had come to understand that their only hope in slowing down the mining invasion was to embrace the conservation movement. They are yet to realise the full implications of putting Australia's second largest National Park on the map.

Two weeks after the ACF publically exposed the CRAE donation to CALM, the Land Council received a private and direct communication from the Company, announcing

that it would soon commence drilling operations at three locations near the Parnngurr Community.²⁴ While Western Desert never quite understood the timing of this move, it was not averse to using the news to its best advantage. The media was informed, front page stories appeared and both the State and Commonwealth Ministers for Aboriginal Affairs were asked to intervene. As far as the Land Council was concerned, the proposed drilling was an Aboriginal issue at that point and had little to do with the environmental values of a National Park. The State Minister succeeded in convincing CRAE to a drilling moratorium in the immediate Parnngurr vicinity and arranged for the Rudall River Co-ordinating Committee to meet in late July.

Meanwhile, another drama was unfolding. The Land Council learned that CRAE had established a fly camp on top of a sacred site along the headwaters of the Karlamilyi (Rudall) River - midway between the Kintyre prospect and the Parnngurr Community, and in a tenement the Land Council had never cleared for sites of significance. CRAE was later to claim that it had employed the Strelley Organisation to clear the area, although it subsequently transpired that the Strelley scouts did not know the specific geography they were scouting.²⁵ For the Land Council it was a perfect example of how CALM was not attending to regulations governing Aboriginal Heritage. By this point CALM was meticulously attending to exploration plans in the Park, and CRAE had alerted CALM of its impending disturbance to Karlkan Karlkan. But CALM treated it as something physical rather than something potentially cultural (therefore having social connotations). It is an attitude towards the Park that the Land Council continues to try to disabuse CALM of.

²⁴ CRAE sent a telex to the South Hedland office announcing its intentions. In the past the Company had always communicated via the Land Council's solicitors at the Aboriginal Legal Service. The Land Council never understood this direct contact, although the Company could have been sending a message. It, like the Land Council perhaps, was tired of governmental indecision and wanted some sort of private accommodation. Several government officials had been voicing similar opinions. In retrospect, the Land Council might have dealt constructively with CRAE in private; nevertheless, there were too many other parties involved by this point in time.

²⁵ It is a sad indictment of both mining companies and government agencies that they play Aboriginal groups off against one another for their own ends. The Land Council constituency had for years invited its kindred relations at Strelley to meetings that addressed the disposition of Western Desert land. There was a perception in the Land Council that Strelley's European advisors counselled against embracing "traditional country", arguing that the Strelley membership would make more money acknowledging that the land had been lost. When, however, there was a smell of financial compensation from a uranium mine, the European advisors at Strelley were, in the Land Council's view, more than willing to convince the Nomads membership to go out and claim it. The Land Council has never denied that certain members of the Strelley Community have traditional ties to the Karlamilyi (Rudall River) Region, but it continues to resist if it feels that they are being exploited by operatives intent on financial greed or bureaucratic facility.

The Rudall River Co-ordinating Committee first met in Perth on July 31, 1987. Virtually all parties, including Federal observers, were present. CRAE was asked not to attend since the Land Council reasoned that the problem was one for State Government to resolve. Nevertheless, the Company did table a document indicating its plans for the Karlamilyi (Rudall River) Region. Not much eventuated from the meeting. Vague terms of reference were arrived at, and both CALM and the Mines department agreed to seek mechanisms for facilitating the flow of information on development plans within the Park.

However, the Land Council tabled three ideas which it sought assurances over. First, it asked that the State (Labor) Government publically announce its stance on uranium mining. Second, it asked that Government support the continuation of the moratorium on exploration in the eastern half of the Park. Third, it asked that all further exploration in the wider region cease, pending an inquiry into the social and economic implications of such activities on Aboriginal residents of the region.

The demand for the Regional Study came out of the first Co-ordinating Committee meeting. The Land Council argued that site surveys, which CRAE continued to call for, were not sufficient for protecting the social and economic welfare of Aboriginal communities. Indeed, all they did was ratify the loss of Aboriginal influence over the resources that sustained such communities. The Land Council was no longer willing to argue Aboriginal rights on the basis of heritage alone and demanded that Government(s) recognise the utilitarian dimensions of living in the Western Desert.

3:3 THE SECOND 'CO-ORDINATING COMMITTEE' MEETING

The second meeting occurred one month later. In the interim, the Land Council had briefed the Federal Minister for Aboriginal Affairs on developments and solicited Commonwealth support for its proposals, particularly the comprehensive study of the effects of exploration activities on Western Desert people. The Minister offered to discuss the situation with his State counterpart.

At the second meeting, support was indicated for the proposed study, although the comprehensiveness of the undertaking and who would pay for it remained vague. Also, there was no conclusion as to how CRAE should continue operations pending the results, although the Land Council had accepted that the Company was already firmly entrenched in tenements near Karlkan Karlkan. The second meeting also produced the concept of an "Exclusion Zone", something that would replace the existing exploration moratorium. Initially, it was proposed that boundaries of 30 kilometre

diameter would be drawn around Punmu and Parnngurr. The one around Punmu would prohibit all exploration within it; the one around Parnngurr would allow exploration, but somehow prohibit the search for uranium. The proposal was patently absurd and it treated Aboriginal people with contempt. They may not have well understood the chemistry of mineral analysis, but they knew that drill cores were drill cores; what the samples revealed had little to do with any intentions of avoiding what was not yet known. The Land Council dismissed the proposal immediately.

The Aborigines also saw another map of an Exclusion Zone and it created more interest. It included virtually all of the Karlamilyi (Rudall) River catchment basin and it was not very different from the boundaries of the 'living area lease' proposed eighteen months earlier. The question of the Rudall's water resources and possible contamination by uranium mining had, all along, worried residents of the region. Nevertheless, the plan was an Aboriginal Affairs Planning Authority proposal; it did not have the blessing of the Mines Department. The second meeting of the Co-ordinating Committee ended as inconclusively as the first.

Up to this point, the Land Council had coherently stated its case, although admittedly it had sought out different alliances for expediting its purpose. It wanted tenure for Aboriginal communities in the Park. It wanted mining exploration activities (and not just CRAE's) excluded from such a lease. And it should offer tenure and safe haven for other communities in the larger region. It had called for State Government to fund a Regional Study that would equitably adjudicate the competition for land based resources in the Western Desert. All it had received was a bureaucratic run-around.

3:4 FEDERAL INTERVENTION

Following the second Co-ordinating Committee meeting, the Land Council decided to more actively engage Commonwealth Aboriginal Affairs. It had all along had the support of DAA, but it decided to seek out the personal intervention of the new Federal Minister. The Minister had indicated his intentions of addressing the Aboriginal situation in Western Australia, and the Land Council seized upon his interest as a way of finally realising certain objectives.

Specifically, the Land Council requested the Minister's presence at a meeting of Western Desert people to be held at Parnngurr in mid-October of 1987. The Minister accepted and it was to prove momentarily decisive for State policy towards the Karlamilyi (Rudall River) Region. Word was rife that the Minister would soon visit

Parnngurr and there were larger concerns in State Government over his remaining itinerary. Aboriginal Affairs suddenly came to life.

Four days before the Minister's arrival, the State Minister for Minerals and Energy announced on evening television that he had created an Exclusion Zone for the Karlamilyi (Rudall River) Region. It approximated the Aboriginal Affairs Planning Authority proposal but noticeably shifted the western boundary eastwards towards the community. This may have had something to do with CRAE's then current exploration programme in the Karlkan Karlkan region. It also included country outside the Park, recognising that Aboriginal community interests were not isomorphic with artificially defined Park boundaries. But nothing much was said about the rules governing the Exclusion Zone, except that it was temporarily off limits to mining exploration.²⁶ Over the weekend, the State Minister for Aboriginal Affairs contacted the South Hedland office, confirmed the Exclusion Zone and asked that he be allowed to attend the Parnngurr meeting. It was not thought appropriate and instead he sent his written proposals on the plane carrying the Federal Minister.

The Minister arrived with a number of his staff and a sizeable contingent of Eastern States' media. He carefully listened to Western Desert people's concerns, but was equally careful not to commit himself to specific remedies. Much of the meeting was taken up by Aboriginal people speaking of their particular relationships to Western Desert land and of their frustrations in not obtaining secure tenure over it. The Minister also wanted to hear about education and health systems in the region. He left with a promise that he would discuss the issues with the State Government.

For the next six months, the State and Commonwealth tried to influence one another on the merits of various proposals relating to Aboriginal needs in Western Australia. The Karlamilyi (Rudall River) issue was only one of many, including pastoral excisions in the Kimberley and a Management Plan for the Bungles National Park. Also simmering was Labor's policy on uranium, with the State wishing to see it changed. Again, it is not possible here to adequately address the uranium debate. While CRAE obviously lobbied for altering the policy, there were many other factors confusing deliberations, including existing excisions of known deposits in Kakadu, threats by other companies to take their operations overseas, and, of course, the politics of mining in National Parks. Federal Labor policy on uranium remained quite confused leading up to the Hobart Conference in June, 1987..

²⁶ Even the State Government understood little of what it was proposing. In an ensuing Parliamentary debate, initiated by the Opposition, Government spokespersons could not agree as to whether the Exclusion Zone was permanent, temporary or something in between.

3:5 THE WATER AT COTTEN CREEK

If much of the recounting of events in this chapter addresses developments with the State and Commonwealth, it would be inappropriate to ignore a third tier of government that belatedly entered the debate. The East Pilbara Shire had long ignored its Aboriginal constituents, arguing they did not provide the tax base upon which services could be delivered. Nevertheless, and despite growing problems with Aboriginal fringedwellers in Newman, the Shire ideologically supported the concentration of the Aboriginal population in and around Jigalong. It did not fancy the outstation movement towards the east, probably fearing that it would one day have to financially support it. The Land Council had on numerous occasions pressured the Shire to do something about the condition of the Wapet (Anketell Ridge) Road (Punmu's lifeline) and the Talawana Track (Parnngurr's). The Shire consistently refused, knowing that once improved, roads would have to be maintained.

On April 29, 1988, the Shire decided to enter the Karlamilyi (Rudall River) debate with a vengeance. In a press release issued late on a Friday afternoon (taking a cue, perhaps, from Government Ministers), the Shire Clerk announced that its own analysis of the Parnngurr Community's water supply proved it to be uranium contaminated. Significantly, the release barely mentioned possible adverse effects on Aboriginal health, but went straight into a diatribe about how Parnngurr's residents were obstructing CRAE's important work. It wanted the community abandoned and government funding of the Land Council halted. It also claimed that none of the residents had traditional ties to the region.

The quandary for the Land Council was whether CRAE was behind this blatant attempt to scare Aboriginal people back to Jigalong. The Land Council thought not. The Company was a tough negotiator, but it did not operate in that style. Besides, CRAE and before it Agip Australia, had been drinking the water. They certainly would not have risked withholding information on contamination, for legal reasons alone.²⁷

Western Desert people were incensed, and it did not hurt their cause that the Press and the State's Nuclear Disarmament Senator were attending a large Land Council meeting at Punmu when the story broke. Aboriginal action was swift and widely publicised. Five days after the Shire's announcement, the State Health Department reported that radiation levels in the water did not constitute a health risk. Later, the

²⁷ At a later date the Company confirmed that it was as taken aback by the Shire's announcement as the Land Council was. The last thing CRAE wanted was publicity on radiation contamination in its uranium province. Equally, they would never have publically called for the removal of an Aboriginal community for the purposes of expediting their commercial activities.

Land Council commissioned a more thorough analysis of radiation in the Mt. Cotten vicinity, and tests confirmed that background radiation was no higher than in Perth, or Newman for that matter. Whatever purpose lay behind the Shire's actions, it seems to have backfired.

3:6 FROM EXPLORATION TO THE TOURIST INTRUSION²⁸

The Land Council had argued all along to the Co-ordinating Committee that the Regional Study should focus on the effects of mining exploration on Aboriginal communities. Indeed, in early July of 1988, Council staff met directly with CRAE personnel in Perth and began discussions on how such a study might be constituted. But Aboriginal residents of the Park were increasingly being besieged by random tourists. Publicity generated for over two years was finally having its effect. Indeed, CRAE had been kept away from Parnngurr, but now a most uncontrollable type of incursion was raising Aboriginal anxiety.

To this end, the Land Council again approached CALM. In the CALM Act (1984) were several mechanisms that could be enacted maintaining the "necessary operations" of the Park prior to the development of a Management Plan. The Land Council argued that Aboriginal residents of the Park were the only competent people that could enforce such measures and that some form of interim leasing arrangement should be possible, protecting not only people but the flora and fauna as well. The Director of National Parks demurred, but did not reject the possibility outright.

During this period, Western Desert (and DAA) had approached the Premier of Western Australia, suggesting that he meet with the residents at Karlkan Karlkan. Many Aborigines of the region had personally known the Premier and there was hope that he would listen to their troubles and truly co-ordinate a solution. The indecision and obfuscation had been going on for four years, and it was not helping anyone's mental or physical health. The meeting was set for August 5, 1988.

Prior to the Karlkan Karlkan visit, both the Land Council staff and government personnel, particularly from State Aboriginal Affairs and the Mines Departments, worked feverishly to develop proposals that the Premier could realistically embrace. It was an election year, and hard demands from Aboriginal communities were not

²⁸ This entire period had a complicated history, and it is impossible to adequately address all of it. After the Hobart Conference, uranium policy remained vague and, as such, the subject of political manipulation by a variety of interests. The State and Commonwealth continued to discuss directions in Aboriginal policy for Western Australia. And the Land Council was forced to finally confront the tourism issue.

likely to be entertained. On the other hand, the Land Council had proved that it could make noise when required, and that should also not be ignored. The trick was middle ground. The issue by this time was no longer simply uranium, mining exploration and the Exclusion Zone, catalysts that precipitated the series of events catalogued above. It now involved tourist incursions, tenure in the Park, a Plan of Management and the comprehensive Regional Study. Indeed, the concept of the study, itself, was changing; no longer did it focus entirely on mineral exploration.²⁹

Another ingredient that guided the proposals was a recent letter from the State Minister for Mines. In it, he agreed that the Exclusion Zone would remain in effect until such time as tenure was resolved for both communities. He also undertook not to grant any further exploration tenements in the Zone as long as it was in effect.

With these issues in mind, and the politics of an election year in the offing, the Land Council developed for the Premier a set of modest proposals that could be safely addressed in the immediate future. They were presented in letter form to the Premier as he arrived at Karlkan Karlkan and the main points are summarised below :

(a) **EXCLUSION ZONE**

1. Ask assurance that your Minister of Mines extension of the Zone be guaranteed, until such time as tenure for Punmu and Parnngurr is realised, and that tenure then extend over an area similar to the Zone.

(b) **THE REGIONAL STUDY**

1. Ask your support for an independent investigation into relations between Aboriginal communities and exploration companies, so as to formulate mechanisms arbitrating such relations with a broader scope than just site surveys.
2. Ask for public funding for the investigation and ask your support for the implementation of its recommendations.

²⁹ This change satisfied neither the Land Council nor CRAE. Both parties had been inching forward in private discussions with a 'study' that would address the themes of exploration and Aboriginal communities. Neither understood what the inclusion of tourism would entail. And, incidentally, both parties were united in their disapproval of tourist behaviour in the region.

3. Ask that there be no further exploration in and adjacent to the Park pending completion of the investigation.

(c) **TENURE AND THE PARK PLAN OF MANAGEMENT**

1. Ask that you immediately implement mechanisms available under the CALM Act, so that there be protection of communities and the Park from a massive increase in unregulated and uncontrollable tourism.
2. Ask that your government provide funding so that Western Desert can directly contribute to the Park's Management Plan.
3. Ask that your government consider amendments to the CALM Act, so that Joint Management in essentially 'Aboriginal Parks' can be implemented.

3:7 THE PREMIER'S MEETING AT KARLKAN KARLKAN

The actual meeting was paradoxically both tense and anti-climactic. The day before the Premier's arrival, a small delegation from the Strelley organisation showed up, uninvited. Historically, there had been a great deal of political ill-will between Strelley and the Land Council, and it was the latter's view that the former's strategy was to deliver the Park to CRAE. The Strelley *organisation* had long ago decided that Aboriginal people had irrevocably lost their land and that financial compensation was now the only avenue of redress. This attitude could be easily exploited by mining interests wishing to gain cheap and easy access to sacred geography. Nevertheless, the Land Council attendance was 30 fold in number, had themselves invited the Premier and consequently had decided to meet the plane as a unified group. If the Strelley Aborigines wished to embrace the Western Desert arguments, that was fine. If not, then the Strelley group could meet separately with the Premier afterwards.³⁰

Dawn broke overcast and cold. Soon, a steady rain began falling. The Premier's plane landed and the Chairman of the Land Council presented him with the letter. Unfortunately, discussions began before he could read it. The meeting was quite unremarkable, and the Land Council felt that the Premier had not been properly briefed

³⁰ This is, in fact, what occurred. The Strelley delegation sat apart during the Premier's meeting with the Land Council. They met briefly with him before the Government party left for Newman. Later that day, and still in a steady rain, the two Aboriginal groups sat down and extensively discussed their differences.

on the relevant issues. Nevertheless, two concerns were discussed at length - the Regional Study and the Exclusion Zone.

The Premier asked repeatedly why such a study was necessary. Western Desert people replied, as they had for four years, that their communities were not safe from the miners, that they never knew where the miners would strike next, and that more recently, tourists were coming and going with total disregard for Aboriginal privacy. They also complained about CRAE's contribution to CALM and demanded that a regional investigation be funded independently by government. The Premier seemed unaware of the distinction between the Park's Plan of Management and the larger regional concerns; and he argued that funds should be sought from any available source. Nevertheless, Aboriginal insistence eventually convinced him of the need for such a study, although he left that morning with no specific proposals on who might fund it or how it would be carried out. However, it was obvious that both CRAE and the Land Council had been removed from major roles in the enterprise.³¹

The Premier was more conversant with the Exclusion Zone and from the outset attempted to dissuade Aboriginal people of its necessity. He suggested that the Zone be removed, exploration companies allowed in and then the Zone put back in place after the exploration had ceased. This was patent nonsense to Aboriginal people, as their entire experience in the region had been that "once in, in for good." Equally, it meant that CRAE would swoop on the Parnngurr Community at the first opportunity. Western Desert people had asked all along that a region of their traditional land be made safe from the *potential* of further dislocation. If the Exclusion Zone went, then the potential became real. Once mineral deposits had been found, there would be no putting the Exclusion Zone back in place, and Aboriginal people would once more be displaced. The Land Council also brought up the Minister of Mine's recent assurance that the Zone would remain in place until such time as secure tenure for the communities was guaranteed. The Premier was apparently unaware of this promise.

In the press release of the following day, it was claimed that Western Desert had agreed to relinquish the Exclusion Zone. This was certainly not true. The discussions with the Premier had been quite confusing, not helped by the discomforture of the inclement weather. But it was assuredly not the case that Aboriginal residents of the Park had

³¹ The Land Council had argued for over two years that the Government finally exercise its responsibility and coherently address the Rudall River situation. The Government had finally seized the initiative. However, neither the Land Council nor CRAE experienced much comfort after the decision had been reached. Both remain wary of political expediency.

given up their only discernable victory in an eight year struggle to resettle in their own country.

The major outcome of the meeting became evident ten days later, when the Premier announced that the Regional Study would take place. The proposal was officially ratified on October 17 at a Cabinet Meeting in Derby. Specifically, the study was "to ascertain the effect of exploration, mining and tourism on Aboriginal communities in the Western Desert (Karlamilyi (Rudall River)) Region." Murdoch University's Remote Area Development Group was commissioned to conduct the study, in consultation with the Land Council, CALM, mining interests and other Government agencies.

3:8 THE PARNNGURR VIOLATION

One final event warrants attention, partly for its pathos, but also as an example of what occurs when mechanisms are not enacted to protect Aboriginal sensibilities. In September, a convoy of 11 Toyotas entered the Parnngurr Community and stopped. Their occupants got out and several with cameras began photographing the community and its inhabitants. They were immediately asked to leave and were also shown an alternative route bypassing the area when returning from their excursion to Well 23. Parnngurr was in mourning over the recent death of a man who had spent his life fighting for the community's survival. The next day, ignoring its request, the 11 vehicles drove straight back through the community.

The community was incensed and the South Hedland office immediately wrote to the Director of National Parks, once again detailing the senselessness of not establishing mechanisms protecting Aboriginal people in the Park. Within a day there was a response and a promise that CALM regulations would be employed to circumvent unwarranted trespass. Also, CALM was willing to post its own signs on the periphery of the Exclusion Zone, warning that it was an infraction to proceed beyond them. A sad irony was that the man who fought so hard for Aboriginal security in the Karlamilyi (Rudall River) Region never lived to see them.

4.0 CONCLUDING REMARKS

In the introduction, I made reference to a "pattern of official behaviour" regarding the interests of Western Desert people. This "pattern", while not necessarily concerted or orchestrated, nevertheless involves a series of decisions that have led to both denial and neglect towards the Aboriginal people of the Karlamilyi (Rudall River) Region. The State Government quite simply, has been incapable of formulating a coherent policy

towards indigenous residents, mining interests and the presence of a National Park. Equally, the Commonwealth has not exercised powers available to it for seeing that Aboriginal interests are recognised in Western Australia; in the Karlamilyi (Rudall River) Region, this is a reflection, in part, of the Federal Labor Government's inability to decisively define its uranium policies.

The purpose of narrating the events I have just described is to emphasize how Western Desert people remain at the mercy of such inexact policy. They suffer immensely for it. By analogy, it would be something akin to a suburb in any Australian city waiting daily for over eight years to learn whether it would be removed for a new airport. The only difference is that Aboriginal people know that they would once again be displaced from their homes without any compensation. But European thinking, be it in politics or with the lay public, is leery of analogical thought when it does not resolve self-interest. Western Desert people, on the other hand, are despairing of an official line that leads them nowhere. The irony is that, **unlike many other Aboriginal groups in Australia, they have steadfastly maintained a belief that government(s) would recognise and respect their legitimate claims to traditional land.** They believed it when they endorsed the Jigalong Reserve Proposal. They still believed it when they met with the Premier at Karlkan Karlkan. But their faith is notably waning.

I also introduced "two failed perspectives" of Aboriginal interests and have alluded to them throughout the narrative. **The notion of fixed territoriality, and therefore readily identifiable ownership, is a fiction in Western Desert society (see Tonkinson, this vol.).** Nevertheless, it has proven to be an amenable vehicle for groups intent on undermining those who truly aspire to protecting relationships to Western Desert land on the one hand and who have a genuine respect for land based resources on the other. Both mining companies and government agencies have been guilty in embracing a false anthropology that delivers unto them land coveted for narrow self interests, be it for financial gain or bureaucratic expediency.

Related to this perspective is an inordinate attention to Aboriginality as an ancient heritage and a relic phenomenon. Indeed, Aboriginal 'tradition' is protected in Western Australia solely on the basis of sacred geography or paraphernalia handed down from the Dreaming. Mt. Cotten is a site of significance not because of the actual people who live there, but rather because it is an important node in the local Dreamtime geography. There is an implication with such a perspective that living people are insignificant. Unfortunately, there are circles, both within and outside government, that embrace such a view. The East Pilbara Shire, for example, welcomes Aborigines

as 'localised' wards of the State and denies their living association to the Mt. Cotten region. Mining companies prey on the notion of heritage (while sometimes legally attempting to dismantle it) precisely because it provides easy access to Aboriginal land.

The Land Council arrived at the notion of a 'Regional Study' because it could no longer rely on Sites legislation to protect those Aborigines who were actually still alive and well in the Western Desert. Besieged for years by CRAE to clear vast tracts of territory so that the Company could pursue its activities unimpeded, Western Desert resisted, knowing that this practice was one further invitation to social dislocation. Indeed, the 1985 Agreement had essentially led to the permanent alienation of many Punmu residents from country that could be turned into a uranium mine in the northwest of the Park.

But the proposal of a Regional Study was not simply a move to stop all further mining exploration. Nor was it an attempt, as the need became obvious, to deny tourist access to the region. It was an endeavour to protect Aboriginal communities in an extremely remote region from disruptive activities that were easily 'out of sight, out of mind' for regulatory bodies of government. Similarly, the development of a Management Plan for the Karlamilyi (Rudall River) National Park must address those mechanisms that protect the Park's residents. The Land Council has argued, additionally, that because of CALM's scarce resources, Aboriginal people should be given a major role in managing the Park.

However, neither the Regional Study nor the Management Plan should have *a priori* assumptions of inevitable social impact. Certainly, past mining exploration and more recent tourist incursions have had effects on Aboriginal communities in the region. No doubt such activities shall continue to have effects. But the purpose of the Regional Study is to minimise them - not to predict them as a self-fulfilling prophecy. It should be an attempt to define operational mechanisms that ensure the social welfare and civic culture of Western Desert people. Aboriginal people are remarkably versatile, but they cannot remain so forever when confronted by a neverending series of reversals in their attempt to gain domestic stability on their own terms in their own country.

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