

## 2 Underlying issues

### The impacts of regional development

2.1 The Region, as defined for the KRSIS, constitutes the area bound by Stages 1 and 2 of Kakadu National Park. It has always been recognised in developing this study that this is an arbitrary geographic region which has been chosen primarily because it constitutes the immediate vicinity that experiences three key development impacts:

- the physical presence of the Ranger uranium mine and mill and the mining town of Jabiru, home to a significant non-Aboriginal population of some 1,500, and some 100 Aboriginal people (Taylor 1996: 10);
- visitation into the National Park by an estimated 235,000, mostly non-Aboriginal, people per annum; and
- the possibility of further uranium mining and milling from prospects at Jabiluka and Koongarra.

2.2 From the Aboriginal perspective, there is no clear-cut distinction between the Kakadu Region and Arnhem Land to the east or Jawoyn country to the south (that includes southern Kakadu National Park and Nitmiluk National Park): the indigenous social universe extends well beyond the study region. The social, economic, cultural and political inter-relationships between this Region and Arnhem Land and Jawoyn country need to be both recognised and acknowledged. Indeed a proportion of the traditional owners of the Region live elsewhere (Taylor 1996: 21), largely in these adjoining regions. Nevertheless, two key characteristics that differentiate this Region also need to be recognised. First, despite the fact that most of Kakadu National Park is either Aboriginal land or is under claim, it is not a region where high non-Aboriginal visitation can be entirely regulated, except internally for park-management purposes. The Kakadu Region cannot be completely insulated or isolated from mining development and tourism growth. This is in contrast to western Arnhem Land which is Aboriginal land where a permit is required for visitation. Second, there is a large non-Aboriginal settlement in Jabiru.

2.3 From a non-Aboriginal and regulatory perspective, the Region can be conceptualised as comprising three geographic areas:

- the National Park on partly Aboriginal land leased to the Director of National Parks and Wildlife (Stage 1 of 6,144 sq kms proclaimed in 1979; Stage 2 of 6,929 sq kms proclaimed in 1984);
- the 'closed' township of Jabiru within the National Park on Commonwealth land leased by the Director of National Parks and Wildlife to the Jabiru Town Development Authority (JTDA) until 2021 (leased for 40 years and comprising 13 sq kms); and
- a number of mineral leases on Aboriginal land (the Ranger Project Area, Jabiluka and Koongarra mineral leases with a total area of 163 sq kms) that were issued prior to land rights legislation and were never included in the National Park.

Each of these geographic areas, as will be shown later, has different specific (although changing) functions and operates under very different land management regimes. Crough and Cronin (1997) outline the different political jurisdictions operating in the Region. These can be summarised as:

- Commonwealth Government;
- Northern Territory Government;
- Aboriginal organisations; and
- Aboriginal traditional law.

2.4 In the late 1970s the Commonwealth Government approved uranium mining in the Kakadu Region, despite Aboriginal opposition, and put in place a series of safeguards and offsets intended to minimise the risk to Aboriginal people and to protect the unique environment. As the Ranger Uranium Environmental Inquiry (Fox et al 1977) intended, Aboriginal people in Kakadu would have employment opportunities and business development concessions that do not exist elsewhere. Educational opportunities would be provided and capital for development would be available (from mining moneys earmarked for the Region). As a balance, the KNP would act as a buffer, with traditional owners having the option of residing on their land away from the township of Jabiru and away from high visitation areas and utilising the rich environment for subsistence. Determining why these opportunities have either not been available or not taken up has been an important consideration for the SAG.

2.5 The issue of direct and indirect impacts of development on the Aboriginal population has not been unambiguously answered through KRSIS. At best it can be said that positive impacts of mining and tourism are not clearly established vis-à-vis other impacts; but negative impacts are equally not clear-cut. Much of the evidence from consultancies that were meant to address this issue is vulnerable to variable interpretation. For example, Taylor (1996), using 1991 and 1994 data, showed that the socio-economic status of Aboriginal people in the Region is similar to other parts of the Top End. Crough and Cronin's research (1997) does not clearly establish if, in comparative or absolute terms, the Kakadu Region is over- or under-resourced. There is an oft-stated expectation that with mining there should be improvement in the socio-economic status of Aboriginal people. However, as discussed above, there is no clear-cut evidence in this region of such beneficial outcomes. What has been clearly articulated are the indirect impacts and pressures of living in the Kakadu Region: impacts and pressures that come from living in a World Heritage area and in proximity to uranium mining. For Aboriginal people, these pressures are sometimes felt through loss of privacy, little respect for their proprietary interests, difficult decisions over 'caring for country', and internal friction within the Aboriginal community.

2.6 In the Kakadu Region, Aboriginal people have the option of withdrawing to remote outstations, buffered from wider contacts and pressures. In that sense, Kakadu National Park can be viewed as both part of the problem and part of the solution. People can choose to live out bush in remote outstations in the Park or they can choose to live in the town, either in suburban housing via gaining regular employment or else in the substandard Manaburduma town camp. Of course availability and access to servicing and infrastructure determine what sort of choices these in fact are. Also, living in the town without employment is not an option currently available to Aboriginal people. Options for town living will be considered later (Chapter 3).

### **The changing Aboriginal population and polity**

2.7 A key research complexity that has bedevilled the KRSIS has been the dynamism in the regional Aboriginal population. To measure social impacts it is important to identify a population potentially impacted upon. The question who has been impacted by regional

development is complex enough with a stable population, but the very rapid change of the regional Aboriginal population in the last 20 years has made any assessment of longer-term impacts difficult to assess. The APC (1997) and commissioned research by Crough and Cronin (1997) have made a distinction between those Aboriginal people who resided in the suburbs of Jabiru (who were largely left outside the scope of the APC's concerns) and all others.

2.8 It is imperative that the regional population, in all its diversity, is accurately conceptualised to understand the variability of impacts on different sections of the contemporary (1997) Aboriginal population, to understand the differing aspirations of this population and to fathom political divisions that have developed over time. It is certainly the case that the population of the Region is very different from that which has experienced development impacts (including participation in the Ranger Uranium Environmental Inquiry in the mid-1970s) over the past 20 years; indeed while it is rarely openly stated, the growth of the regional Aboriginal population, and its changed composition is itself a direct (migration for employment) and indirect (attraction to the perceived benefits of development, recognition of traditional ownership, conservation management) impact.

2.9 In the mid-1970s, the Aboriginal population in the Region was estimated to total between 60 and 70 persons; it was enumerated at 44 in the 1976 Census and was estimated at 139 (on average) in 1979 during the Alligator Rivers Stage II land claim. By the early 1980s, this population had expanded to over 200 (Altman 1983) and currently the regional Aboriginal population is estimated at 412 (1991 Census) and up to 533 according to administrative counts (Taylor 1996). Some of this population growth has been due to migration; either a return by people with traditional affiliations to the Region or by people seeking employment opportunities. Also, some people with recognised traditional ownership links to the Region continue to reside outside it, at locations like Katherine, Pine Creek, western Arnhem Land and Darwin. This has implications for the regional polity that will be addressed later. A key social impact of this population growth highlighted by Taylor (1996) using official social indicators is that there has been continual pressure on housing and infrastructure and little improvement in employment rates and economic status.

2.10 In conceptualising the regional Aboriginal population today the following parameters, many of which overlap, need to be considered. There are Aboriginal people in the Region who:

- are traditional owners of the Kakadu Region (Stages 1 and 2 of the Park) and others who are not traditional owners;
- are traditional owners of key places (mineral leases, the Jabiru town site, key tourist attractions like Ubirr, Nourlangie Rock or Yellow Waters) and traditional owners of other places;
- are traditional owners recognised under the *Aboriginal Land Rights (Northern Territory) Act 1976* and traditional owners who are not (for example in the western part of the Park);
- have regional affiliations and others with none;
- are members of one or more regional associations (Gagudju, Gundjehmi, Djabulukgu, Minitja) or of none;
- are long-term residents and others who are recent migrants;

- who are long-term visitors and others who are transitory visitors;
- are well versed in traditional ways and others who are not; and
- are well versed in western ways and others who are not.

2.11 Differentiating the Aboriginal population in these broad ways carries with it no value judgements: it is just part of today's lived Aboriginal reality. This diversity though is problematic for a social impact study. Judgements need to be made about the weighting of differing views of different segments of the population, particularly in a polity where political and legal authority is often based on the right to speak for country (land ownership) rather than on western democratic principles. There is a core regional population of traditional owners and long-term residents that numbered less than one hundred only 20 years ago. Their views were paramount in the 1970s and 1980s and still are on many important matters like the management of the National Park, their traditional land. And there is also a returning population, drawn back to the Region by attachment to place, a strong need to re-establish identity and at times, a legitimate desire for economic opportunity both for themselves and for their children.

2.12 Those returning, or long-term residents without the status of traditional ownership, sometimes feel disenfranchised and disaffected; they may be articulate but have diverse interests within the Aboriginal domain; their voices could be heard in reports of camp consultations (Crough & Cronin 1997). It is equitable that this component of the indigenous polity has a fair say, but in regional terms this must also be recognised as a potential source of acrimony and divisiveness. It is also important that their relative overall significance is rigorously assessed, an issue over which there was little overall agreement (APC 1997: 12).

2.13 The mechanisms whereby different segments of the regional Aboriginal population get political authority is both complex and dynamic. Under land rights law, traditional ownership is of paramount importance, but ownership of what, and recognised by whom? Traditional ownership is not a static construct and such issues can be, and are, fiercely contested in a region like Kakadu that has been depopulated and re-populated; where many distinctly Aboriginal modes of establishing authority (for example, in the ceremonial domain) have largely dissipated, but are in the process of being re-established, and where the transposition of traditional authority into modern statutory forms provides opportunities for continual challenge and disputation, both in the Aboriginal domain and in the courts. The APC, by its very composition, could not deal with all these issues.

2.14 The political authority of the regional Aboriginal population is not only in a constant state of flux (owing in part to generational change and the ebbs and flows of clan demographic success) but is also largely determined and legitimised by statutory and non-statutory relations with non-Aboriginal institutions new to the Region (similar observations were made by von Sturmer (1982) and AIAS (1984) with respect, primarily, to western Arnhem Land). Many people in the Region have stated that this is a central problem – where is Aboriginal authority articulated by and for itself (APC 1997: 47)? This issue can be demonstrated with the following arbitrary examples:

- the traditional owners of the Ranger Project Area (members of the Mirarr Gundjehmi clan) are formally recognised by both the NLC and ERA, primarily because of statutory requirements to consult stipulated in the *Aboriginal Land Rights (Northern Territory) Act 1976*;
- the far larger group of traditional owners of Kakadu National Park are formally recognised by Parks Australia North (PAN) and NLC (through the *Aboriginal Land Rights (Northern*

*Territory) Act 1976*) and since 1989 this recognition has extended to appointment to the regionally-powerful Kakadu Board of Management;

- because Jabiru is located on Commonwealth (non-Aboriginal) land, the traditional owners of the Jabiru town site (who are the same group as the owners of the Ranger Project Area) are only informally recognised by ERA and the Jabiru Town Council (JTC);
- many long-term residents in the Park are recognised by the four currently key Aboriginal associations in the Region to whom they belong; and
- recent Aboriginal migrants, most of whom have come for employment, are largely recognised by their employers only and do not, at least initially, participate actively in the Aboriginal polity.

2.15 There are features of the regional Aboriginal population that while not unusual for indigenous populations in north Australia, nevertheless make political representation and amenability to infrastructure and service delivery extremely difficult. These include the following:

- a degree of residential mobility both within the Region and also between the Region and elsewhere. Calculating the service population (that may fluctuate seasonally) can be extremely difficult;
- there is potential, and examples of, fairly regular movement between localities for residence often associated with occupational mobility; and
- there has been a degree of vacillation in the size of particular communities, with some previously occupied (and serviced) locations now being abandoned and others being established.

2.16 These factors explain some of the difficulties that service providers may face in adequately meeting the needs of the growing regional Aboriginal population, but they do not justify neglect. Similarly, in terms of political representation, it is noteworthy that some traditional owners currently reside elsewhere, but have a right to speak about the Region and an automatic right of return. These absentee traditional owners also currently enjoy rights to financial resources generated from mining and tourism activities in the Region.

## **Mining and tourism moneys**

2.17 Mining has brought significant payments to Aboriginal interests. A key issue that has dominated both Aboriginal politics and public policy in the region in the last 20 years has been the payment of mining moneys (Howitt, 1996). This was raised in the APC Report (1997) in some detail; it has been the source of regional conflict (Altman, 1996) and it has been increasingly viewed by both Aboriginal people and researchers as the reason for inadequate provision of government resourcing for the Region. Since the early 1960s, payments have been made to Aboriginal people in the Northern Territory from mining on their lands (then reserves). It is only since the passage of the *Aboriginal Land Rights (Northern Territory) Act 1976* that the payment of a proportion of royalties raised on Aboriginal land was earmarked, in statute, for those residing in areas affected by a mining operations.

2.18 Payments are made, in the case of uranium, as a percentage of the value of production (*ad valorem*). Under the *Aboriginal Land Rights (Northern Territory) Act 1976* there is provision to pay the equivalents of all statutory royalties (2.5% *ad valorem*) to Northern Territory Aboriginal interests via the Aboriginals Benefit Trust Account (ABTA). There is

also provision to negotiate additional mining payments beyond the statutory rates stipulated in mining laws, normally paid directly to traditional owner interests. The royalty equivalent payments through the ABTA are subject to a 40/30/30 division where 30% goes to incorporated groups in the 'area affected' as required by the *Aboriginal Land Rights (Northern Territory) Act 1976*. The remainder is earmarked for land councils (at least 40%) and general use by the ABTA (up to 30%). In contrast, negotiated additional mining payments are not normally divided and are generally paid to traditional owners in accordance with the terms and conditions of the negotiated agreement. This distinction creates, at times, two types of payments: royalty equivalents that emanate from Commonwealth consolidated revenue, and negotiated payments made directly to traditional owner interests. The SAG has not attempted to examine and articulate in any detail the rationale for the existing mining money regime, but notes that there are instructive examples of how it has been applied in other areas, in particular with the Kunwinjku Association (O'Faircheallaigh, 1988) and the Naborlek Traditional Owners Association (Altman and Smith, 1994) both just outside the Region.

2.19 The current mining moneys regime operating in the Kakadu Region is especially complex. When the Ranger Agreement was signed, it was the first under the *Aboriginal Land Rights (Northern Territory) Act 1976*, and there were no existing Aboriginal royalty associations. Also, the Commonwealth was a part-owner of the uranium prospect. Beyond the statutory royalty of 2.5% (which is required to be paid through the ABTA), there was an up front payment of \$1.6 million, \$200,000 annual rental and an additional negotiated royalty of 1.75% *ad valorem*. However, unlike other post-land rights mining agreements throughout the Northern Territory, the additional negotiated royalty of 1.75% is paid as if it is a statutory royalty through the ABTA. From the regional perspective, this is a poor financial deal because only 30% (rather than 100%) of the additional royalty payments is made to incorporated groups in the 'area affected' (Carbon and Johnston, 1997).

2.20 Since 1991, payments have also flowed into the Region from new financial arrangements for the leasing of Kakadu National Park by the Commonwealth (some of these payments have also been paid outside the Region with respect to Stage 3 of the Park). In the last 17 years some \$40 million in mining moneys (almost all of which are royalty equivalent payments to 'areas affected') and \$4 million in tourism moneys (park payments) have been paid by the NLC to Aboriginal 'royalty' associations and individual traditional owners residing inside and outside the region. Assessing the impacts of these payments is a complex task that has been undertaken elsewhere at different times (Altman, 1983; O'Faircheallaigh, 1986, 1988; Altman, 1988; Altman and Smith, 1990, 1994; Altman, 1996; Crough & Cronin, 1997; see Howitt, 1996 for a summary). These moneys have been used for investment, service delivery and as payments to individuals and outcomes have been variable.

2.21 Of key interest to the SAG is how these moneys might be utilised in the future to ensure socio-economic betterment from regional development. A fundamental issue beyond the scope of the KRSIS that needs to be resolved is whether these moneys are paid as compensation (for the negative impacts of mining or tourism) or as rent (both for land use and in the economic sense as a share of profits generated from the use of Aboriginal land) or as both. It has been suggested that the rationale for the existing regime needs to be clarified.

2.22 There are certainly indications in the Aboriginal Land Rights Inquiry (Woodward 1974) that preceded the passage of the land rights legislation that 'areas affected moneys' were intended for group compensation and for economic betterment. If this is the case, then it could be argued that they should be used to ameliorate the impacts of development and

ensure positive benefits. Further, when such payments are made governments should not automatically renege on their other social service provisions funding responsibilities. Some governments have assumed the opposite and reneged on their functional responsibilities. This issue of 'substitution' was raised with particular reference to mining payments in the early 1980s (Altman 1983: 143-44, Altman 1985: 147-59) but has never been resolved.

2.23 There is no doubt that substitution has occurred on a significant scale in this Region although the extent to which governments have reneged on their legitimate obligations is difficult to quantify. For example, in the early 1980s, the Gagudju Association became the de facto outstation resource agency for the Region: it provided housing and infrastructure to a number of communities in the National Park and provided a range of services including at various times, health, education, housing, transport and outstation support services to both its members and non-members residing in the Region. The Gagudju Association readily accepted this role as a regional service agency, with very limited direct government support, while it was relatively financially affluent (its annual income from royalty equivalents at that time fluctuated between \$2 million and \$3 million per annum). It is now sometimes overlooked that initially the willingness of the Association to utilise mining moneys on a range of activities normally funded by government was a proactive strategy: it gave the Association an independence from government and the freedom to provide its members with services appropriate to their needs (Altman 1983: 124).

2.24 By the early 1990s, for a variety of reasons, this strategy was in difficulty. First, on the income-side, revenue from mining activity began to decline (especially in real terms) as the world price of uranium dipped. The Association's tourism-linked enterprises were also experiencing financial difficulties owing to the 1989 pilots' strike, the recession of the early 1990s and the subsequent decline in forecasted tourism growth. The capacity of Gagudju to fulfil its service-delivery functions (while maintaining its business investments and making payments to individual members) gradually declined. Second, on the service-needs side, there was a growth in the regional population and a growing reluctance by Gagudju to provide the full range of services to newcomers, especially as the facilities provided to members and long-term residents were depreciating after a decade and requiring ongoing maintenance. It has also been suggested that people began to expect more from Gagudju than in the 1980s, such as a higher standard of housing. Belated attempts by the Gagudju Association to access Commonwealth resources in the 1990s have been relatively unsuccessful for a variety of reasons including the broader perception that the Association was relatively affluent (Altman 1996: 33), established historic funding commitments to others; and the relative inexperience of the Association in this resource-bidding arena.

2.25 The broad implications of this historical experience which are discussed further in Chapter 3 are as follows:

- using mining moneys to finance community service provision can be a dangerous strategy owing to the instability of these sources of income which in this region is primarily based on the value of uranium sold;
- once funding regimes based on mining activity or tourism are established, it can be difficult to access normal funding sources, especially if perceptions are created that a region is affluent;
- owing to fragmented administrative arrangements in the Region, no one agency has been able to take responsibility for the excess demand for housing, infrastructure and services

that has developed in recent years and that has not been adequately met by associations receiving mining moneys; and

- a regional strategic approach using mining and tourism moneys creatively is needed to ensure that governments do not renege on their responsibilities. For example, Aboriginal people may decide to focus on business development, and to only provide service delivery functions through bilateral agreements with the governments.

### **The socio-economic status of the regional Aboriginal population**

2.26 There is a broad perception today, supported by available official statistics that, on average, the socio-economic status of Aboriginal people in the Region is unacceptably low. The SAG accepts this view without reservation, but makes the following observations. First, there is evidence that regional socio-economic status is not lower than that of other Aboriginal people in the Aboriginal and Torres Strait Islander Commission (ATSIC) Jabiru region (Taylor 1996). (The ATSIC Jabiru region extends from Port Keats in the west to Maningida in the east, and is estimated to have an Aboriginal and Torres Strait Islander population of approximately 8,500 people.) That is, while regional development may not have had the beneficial impacts expected, there has not been a decline in socio-economic status. Indeed there is some possibility, linked to the historical discussion above, that the socio-economic status in the Kakadu Region may have stagnated while that of other Aboriginal people may have improved. Given the separate royalty stream into the Kakadu Region, no change in socio-economic status would be consistent with the funding substitution hypothesis outlined above which suggests that separate sources of funding have not been accessed. It would also be consistent with the view put forward by Taylor (1996: 67) that much has improved absolutely, but that rapid population growth has undermined this positive change.

2.27 Second, despite Taylor's (1996: 2–3) warnings about the paucity and shortcomings of the baseline data, the short timeframe for KRSIS meant that almost no primary data were collected on household economies and their constitution and variation, the informal (subsistence) economy in a resource-rich region, and household income and expenditure patterns. There is certainly evidence that there is a growing disparity in the socio-economic status of Aboriginal people in the Region, particularly between those in Jabiru town suburbs and those in town camp and outstations in the Park, even though census statistics only allowed comparison between the town (including town camp) where mean adult income was about \$18,000 per annum in 1991 and outstations in the Park, where this income was a much lower \$8,000 (Taylor 1996: 39). It remains unclear though who those with higher economic status might be, beyond the observation that full-time employment seems to be the primary mechanism to lift household economic status. Third, the relatively low socio-economic status of Aboriginal people in the Region stands in marked contrast to the relative affluence of non-Aboriginal people resident in Jabiru.

2.28 The issue of Aboriginal people's socio-economic status has become a highly politicised issue. At one end of the spectrum are those regional interests who oppose further uranium mining in the Region and argue that there has been no demonstrable benefit to the regional Aboriginal population from mining; at the other end of the spectrum, are those who favour mining precisely because of the promise of access to new financial resources. In particular, ERA argues in the EIS for the Jabiluka project (ERA, 1996) that mining has provided Aboriginal people (both in the region and from further afield) with significant financial resources and employment and training opportunities. Independent commentators (Altman



1983; O'Faircheallaigh 1986) have also argued that regional developments, and associated financial flows, have provided a potential avenue for enhanced Aboriginal socio-economic status.

2.29 There is a possibility raised above that the material aspirations of the new settlers, migrating to the Region from Darwin or other urban centres, exceed those of the long-term regional population. New settlers may also be more articulate, and aware of how to access resources, and may also be employed and therefore have housing supplied. On the other hand, there is no doubt that some long-term residents of the Region, at places like Mudginberri and Manaburduma (town camp), have been neglected.

2.30 The regional fiscal analysis (limited generally to only one year) by Crough and Cronin (1997) does not extend to look at indigenous fiscal flows from mining moneys and park moneys to the regional population. Over the past 18 years, as noted above, some \$45 million have been received in the Region, at the rate of \$2–3 million per annum of untied funding. At some stages in the early 1980s, the Gagudju Association was receiving income of \$10,000 per annum per member, although distributions to individuals have never exceeded \$2,000 per annum.

2.31 Much of the research undertaken during the KRSIS does not generally differentiate the variable impacts of mining and tourism in the Region (Altman & Smith 1990). This is especially pertinent today because tourism payments are generated via rentals and a share of revenue, and because many direct (employment as rangers), indirect (commercial outlets, production for tourist market) and induced economic impacts from tourism accrue to the regional economy (Altman 1988; Knapman et al 1991). The direct financial flows from tourism to the regional Aboriginal economy are greater than those from mining (Crough & Cronin 1997: 18). However, there has been only limited scrutiny of this development impact either during the KRSIS or in associated discussions of the impacts of regional development. (The SAG discusses this further in Chapter 4.) Interestingly, ERA's EIS for the Jabiluka project emphasises for its own purposes that the social impacts of tourist visitation in terms of visitor nights probably exceeds that of mining in terms of residence nights (ERA 1996: 7–15). This of course may be arguable in terms of the actual social impacts experienced by Aboriginal people from residents versus tourists.

## **Taking responsibility 1**

2.32 A number of commentators and studies over the years have demonstrated that despite the extremely high level of governance and regulation of the Kakadu Region, no one agency has taken responsibility for either the management and administration of regional Aboriginal interests or monitoring social change (see Howitt 1996 for a summary). As already noted, it is of significance that even within the Region, as defined for the KRSIS, there are at least three geographic jurisdictions (national park, town and mine site) where different levels of government and different agencies have ultimate or joint authority. All too often, the needs of Aboriginal people in the Region do not fall squarely within the functional ambit of any one agency and consequently there is a real potential for, and growing evidence of, neglect. This was highlighted by Kesteven and Lea (1997) in their consultancy on Jabiru and by the marginal status of Aboriginal people living in the town camp.

2.33 As demonstrated above, this has not always been the case: at various times in the past 20 years one or other agency has taken a lead role in representing and meeting the material needs of a large proportion of the regional Aboriginal population, with the Gagudju Association historically being the key institution, although it has never been able to

adequately meet all needs. Even today there are organisations in the Region that are either independently or jointly attempting to take action for the benefit of Aboriginal people. It is important to assess the intersection between the regional Aboriginal population and the plethora of governmental bodies, agencies and organisations with whom they interact. Linkages between particular categories of traditional owners and particular institutions were shown above. In the next section some assessment will be undertaken of taking responsibility within the Aboriginal domain; the focus here is on non-Aboriginal institutions.

2.34 The following discussion is by necessity abbreviated and indicative only. It is largely limited to a brief description of the diversity of interests that participated in the SAG over the past nine months. No attempt is made to analyse the wider political agendas at the intergovernmental or interagency level that might create barriers to cooperation: SAG merely note that they exist; that they must be overcome; and that from the Aboriginal perspective they are counter-productive.

2.35 The Commonwealth Government is somewhat anomalously a key player in the Region, partly because its involvement pre-dates Northern Territory self-government. It is simultaneously interested in the effective environmental protection of World Heritage Kakadu National Park (the Director of National Parks and Wildlife being the lessee of the Park) and regional and national economic development via mining and tourism. The Commonwealth retains the mineral right to the uranium (prescribed substance) that is mined in the Region. It also has overarching responsibility for the *Aboriginal Land Rights (Northern Territory) Act 1976* and for the economic and social enhancement of Aboriginal people. The Commonwealth's major representatives in the Region include PAN responsible for managing Kakadu National Park jointly with Aboriginal traditional owners; and ERISS that has focused on monitoring the bio-physical (environmental) impacts of the Ranger uranium mine and broader environmental research to benefit the Region.

2.36 While the Northern Territory Government has a key service delivery role in the Region, especially in the areas of education and health, it has a limited presence in the Region. This situation probably reflects the dominant position of the Commonwealth Government which, as mentioned previously, pre-dates self-government. The Northern Territory's responsibilities are focused on Jabiru, with membership on the JTDA, and services such as the school, health clinic and police station all located in Jabiru. The Northern Territory Government also has a regulatory role at the Ranger uranium mine.

2.37 The NLC has statutory responsibility to represent the interests of traditional owners; it also has statutory functions, clearly stipulated in the *Aboriginal Land Rights (Northern Territory) Act 1976*, to consult with traditional owners and affected communities about any proposed regional developments. A key role of the NLC in the Region is its power to determine which Aboriginal organisations will be the recipients of 'areas affected' moneys. Interestingly, there is a strong (and understandable) regional perception that it is mining in the Region that is supporting the financing of the NLC (and other land councils in the Northern Territory). This is arguable, because just as the Commonwealth provides a partial (30%) statutory royalty equivalent to regional interests, so it provides another part to land councils. The Northern Territory land councils have been referred to as para-governmental institutions because they play a key role in representing the development interests and views of traditional owners (Altman & Dillon 1988). The NLC has an important regional presence, and actually has a structurally complex multiple role to play in the Region, with many of its activities largely determined by the requirements of the *Aboriginal Land Rights (Northern Territory) Act 1976*.

2.38 The JTC is the regional quasi-local government, although its jurisdiction is limited to Jabiru town. Because Jabiru is a purpose-built 'closed' mining town it has a complex mix of administrative arrangements. The site is within the National Park but on land excluded from Aboriginal land grants. The town is leased from the Director of National Parks and Wildlife to the JTDA. The JTDA has created the JTC and delegated most of its functions to the Council. The JTC is made up of eight members of the local community, seven elected and one appointed by ERA. Development in Jabiru is regulated by Commonwealth and Northern Territory legislation, the Kakadu National Park Plan of Management, the Town Lease between the Director and the JTDA, and a Town Plan that must be approved by the Director. Aboriginal people have some opportunity for input to the planning and development of Jabiru at the regional level through the Kakadu Board of Management. However most day-to-day matters are dealt with by the JTC where there is no direct Aboriginal involvement other than through informal consultation undertaken by the town clerk (Kesteven & Lea 1997: iii). While a number of community groups with JTC membership have been established to tackle some specific issues (such as the Gunbang Action Group and the Kakadu Accommodation and Infrastructure Group), the JTC's responsibilities as a service provider to Aboriginal people are limited to the residents within the town subdivisions, and to a lesser extent the town camp, Manaburduma. The planning and administration of the town does not adequately consider the special needs and provisions for a traditional Aboriginal community located in a 'closed' mining town, and since the late 1980s a variety of social and health problems have become evident in Manaburduma. The outstations in the surrounding Kakadu Region do not come within the JTCs servicing responsibilities.

2.39 ERA represents the key private sector interest in the Region and is the reason that Jabiru was constructed in a joint venture with the Northern Territory Government and the Commonwealth. Its aim is to run a mine effectively and profitably for its shareholders which it has done, and has certain financial, environmental and social responsibilities under existing agreements. It has invested heavily, possibly over invested, in Jabiru township construction and its headworks, the net result being that ERA currently has an unrecovered debt of \$23 million (the Northern Territory Government debt is \$8.8 million). In 1991 ERA invested in the purchase from Pancontinental of the Jabiluka prospect for \$125 million. ERA has an overriding control responsibility for the town of Jabiru through membership of the JTDA, and through an agreement with the Northern Territory Government, ERA also supplies electricity to the town. The recent decision by the Commonwealth to cease the excise fuel rebate on diesel used to generate electricity for towns will affect this arrangement. ERA has stated in its draft EIS for the Jabiluka project (ERA 1996) that it is prepared to forego its rights to the \$23 million of unrecovered debt, provided that as part of any negotiations, the Commonwealth Government be requested to grant a long extension to the head lease to ERA on all the residential blocks in Jabiru, including those which are undeveloped. The current head lease expires in 2021.

2.40 ATSIC has statutory responsibility to service Aboriginal clients in the ATSIC Jabiru region of which the Kakadu Region forms only a small part (in population and geographic terms). Historically, ATSIC has funded either on a rigorous needs basis or else on the basis of regional council decisions; increasingly the former approach is being used, with relative need in the Region being assessed as low compared to other communities in the Regional Council's jurisdiction. ATSIC does not have a strong regional presence, and is not regarded by local Aboriginal organisations as a major player in the Kakadu Region.

2.41 The critical issue that arose during the KRSIS is that none of this diversity of stakeholders has appropriate mechanisms, jurisdictional responsibility or adequate resourcing

to unilaterally take actions for the entire Region. Simultaneously, because of the diversity of regional jurisdictions and service populations, there is no ready formal mechanisms available that allows this set of stakeholders to reconcile their functional or political differences, undertake joint action based on consistent standards and take responsibility for the well-being of the regional Aboriginal population where required. There is also variable and often limited recognition given to traditional owners. Overservicing can be a disempowerment, because no-one takes responsibility, and it is very arbitrary in terms of who should provide the service and who should receive it. Despite the structures that exist, people are falling between the cracks. At present there is no focus for decision-making among multiple servicing agencies.

2.42 Some attempts are now being made to take coordinated action in certain key areas in concert with Aboriginal organisations through various non-statutory action groups. Kesteven and Lea (1997: 22) suggest that the emergence of the community action groups, such as the Gunbang Action Group, reflects a growing need for participatory and consultative mechanisms not being catered for under the existing governance arrangements.

2.43 During the course of the KRSIS some key players, and in particular ERA, have indicated a willingness to commit additional resources to meet pressing Aboriginal needs. But there is still a sense that a significant backlog now exists and that significant resource commitments and new organisational forms might be needed to ensure that Aboriginal people are adequately and equitably serviced. In the interim, urgent action is needed to enable housing and servicing to be provided for Aboriginal people in Jabiru town, and at outstations in the Park.

2.44 At an individual level, it is also important for all people who work and live in Kakadu to provide an affirmation that they do so with an acceptance that the privilege of being in the Region carries certain responsibilities. The special nature of Kakadu carries special privileges and special responsibilities. In simple terms, there needs to be an acceptance of the curbs on the rights and expectations of individuals in order that the mix of communities may flourish. The intention is to attain a living, diverse and evolving human landscape. For example, it may be that the perceived 'rights' of various cultures may need to be curtailed in order that others may live in an acceptable fashion.

## **Taking responsibility 2**

2.45 There is a growing number of incorporated Aboriginal organisations in the Region. Historically, the Gagudju Association was the major resource and royalty association for the Region. Incorporated in 1980 and with a membership of approximately 300, this Association was the key indigenous organisation in the Region throughout the 1980s and into the early 1990s. More recently, other institutions have either been established or re-activated including the Djabulukgu Association (incorporated 1982, membership approximately 90); the Minitja Association (incorporated 1994, membership approximately 25) and the Gundjehmi Aboriginal Corporation (incorporated 1995, membership approximately 25). The objectives of these associations do not vary markedly; all are established for a mix of commercial and benevolent purposes to serve a particular defined constituency. Another incorporated group, the Manaburduma Housing Association, formed to represent the interests of town campers in the 1980s, has never been active. As noted above, membership of different incorporated organisations frequently overlap, both within these associations and also to other associations outside the Region.

2.46 As mentioned earlier, over the last few years there have also been several non-statutory action groups established focusing on specific issues important to the Aboriginal community

and with representation from various Aboriginal bodies as well as service organisations. These groups include the Gunbang Action Group (alcohol abuse), the Kakadu Accommodation and Infrastructure Group (Aboriginal housing) and the Kakadu/West Arnhem Employment, Education and Training Group, and participants have reported good cooperation between the parties involved.

2.47 An issue that constantly arose during the KRSIS and frequently reported in both the APC Report (1977) and the Howitt (1996) and Crough and Cronin (1997) consultancies was a view that Aboriginal people were somehow disempowered. Historically, throughout the 1980s, the Gagudju Association was not just a commercial, charitable and service organisation; it was also a powerful political organisation, the de facto representative body for the Region's Aboriginal population. This role abated somewhat from 1991 when the Board of Management for Kakadu National Park was formed, with all key traditional owner groups appointed to represent all parts of the Park. In short, a new forum for Aboriginal political action was created; simultaneously, the fortunes of the Gagudju Association were reduced owing to declining income (from royalty equivalents) and associated financial difficulties (Altman 1996).

2.48 Aboriginal people are a special interest group because of their attachment and ownership to Kakadu, but they are also diverse. Consequently there is a danger that they could miss important economic and political opportunities. This contrasts with the original early 1980s aspirations of the Gagudju Association, when its leadership had a clear vision to fully participate in the regional economy while enhancing political power and influence via economic power. There always will be a great deal of politicking in the Aboriginal domain associated with ownership of country, and associations with place and historical connections. However, more recently there has been an emerging politics of anti-uranium mining which has created divisions and resentments between individuals, clan groups and organisations.

2.49 The Kakadu Region needs to ensure that reconciliation occurs, not just in the Aboriginal domain, but also between Aboriginal and non-Aboriginal interests. For real progress for indigenous interests to occur, as aspired to in the APC Report (1997), there is an urgent need for joint regional development, incorporating all stakeholders, in all their diversity; some as shown above have clear-cut and uni-dimensional objectives, others, and especially in the Aboriginal polity, have diverse and at times contradictory (for example, pro-versus anti-development) and often ambiguous (independence from government with more intervention) objectives. It is important that the KRSIS is used to facilitate greater collaboration, cooperation and taking of responsibility by all parties in the Region to ensure positive opportunities are maximised.