Mining royalty payments and the governance of Aboriginal Australia

Distinguished lecture 2017

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Delivered at
Griffith University
South Bank campus
9 August 2017

This distinguished lecture is dedicated to my wife Carol, who felt passionately about the matters that I am discussing this evening.

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Introduction

To say that Indigenous policy is challenging and complex is an obvious understatement. Governments and policy makers in Australia have struggled for decades to address Indigenous social and economic disadvantage, while at the same time maintaining Indigenous cultural identity. In this situation you would expect that if there was one policy response whose effectiveness was established beyond doubt, governments would grasp it with enthusiasm and relief, and then turn their minds to finding other and complementary policy solutions.

I want to argue this evening that there is such a policy response, which involves the fostering and encouragement of Indigenous autonomy and Indigenous self-government. By 'autonomy' I mean the capacity to set your own goals and the means by which you pursue them. By self-government I mean a particular form of autonomy which involves a negotiated, permanent transfer of governance powers, and of the resources required to exercise those powers, to Indigenous institutions.

I am not saying that Indigenous autonomy is a 'silver bullet' that would resolve all issues facing Australia's Indigenous peoples. But I will show that there is overwhelming empirical evidence to suggest that it can make a major contribution. I will argue that despite this evidence Australian governments have, especially in the last decade, not only failed to embrace Indigenous autonomy, but have consistently rejected and undermined it. This rejection constitutes a huge problem in terms of addressing Indigenous disadvantage and promoting Indigenous cultural vitality.

It is important to explain the reluctance of Australian governments to recognise the value of Indigenous autonomy, let alone embrace it. I will attempt to do this, arguing that key factors include non-Indigenous institutional interests associated with existing patterns of governance and service delivery; the paternalism and racism that is still a powerful influence on Australia's approach to its Indigenous peoples; and, linked to this second factor, Australia's failure to fully address the history of its relations with its First Nations. I will conclude the Lecture by considering what academic researchers can do to help address government reluctance to embrace Indigenous autonomy and the factors that underpin that reluctance.

Mining Royalties and Indigenous Autonomy

I want to begin by discussing a specific policy area, and one on which my own research has focused for some decades. This relates to the payment and management of royalties which, since the 1970s, have been paid by a growing number of large mining projects on Aboriginal land to Traditional Owners and affected Aboriginal communities. While reports of billions of dollars in total payments are exaggerated, a significant number of projects now make payments in the millions of dollars annually and a small number significantly more, particularly in years of high mineral prices.

Most of these payments accrue to communities or their residents in remote Australia, where the level of Aboriginal social and economic disadvantage remains distressingly and indeed disgracefully high. It is worth dwelling on this point for a moment. In recent years in particular the incomes, educational achievements, housing and health status of some Indigenous Australians has improved significantly. At the same time the overall situation of Indigenous people in Australia has failed to improve and in some respects deteriorated. The explanation for this is that in remote Australia the social and economic situation of Aboriginal communities continues to be dire. For example in the latest year for which statistics are available, 2014-15, 50 per cent of Indigenous people in very remote areas, and 30 per cent of those in remote areas, lived in overcrowded housing. Only 30 per cent of Year 7 Indigenous students in very remote areas achieve the national minimum standard for reading. Emphasising the fact that this does not result from locational disadvantage, the equivalent figure for non-Indigenous students in these same areas is 90 per cent. Only 14.6 per cent of young Indigenous people in remote areas were working or studying full time. The hospitalisation rate for Indigenous people in very remote areas is twice as high again as for those living in capital cities (Productivity Commission 2016).

I am not suggesting for a moment that there are any circumstances under which allocation of mining royalties could overcome disadvantage on this scale, nor am I suggesting that they should be substituted for government funding of services. The latter outcome would be highly inequitable, as it would mean that Aboriginal people affected by large resource projects would receive no net benefit from royalties to help compensate for the negative cultural, social and environmental effects of mining. Rather my point is that the circumstances facing Aboriginal people in remote Australia makes it extremely important to ensure that mining royalties generate the maximum possible benefit for Traditional Owners and the communities in which they live.

The reality is that outcomes from royalty payments have been very mixed. In some cases they have been strongly positive, indicating that there is no reason to believe that mining royalties will inevitably fail to generate significant benefits. For example for 15 years in the 1980s and 1990s the Gagudju Association, which received royalties from the Ranger uranium mine, used them to develop successful tourism ventures, build trust funds for children, assist their members to live on country, and supplement personal incomes and health and education services to Gagudju outstations (O'Faircheallaigh 2002). In the decade after they signed an agreement covering Rio Tinto's bauxite mine at Weipa in 2001, Traditional Owners and affected communities built up a

long-term capital fund of close to $50 million to generate an income after mining ceases. (One could argue that Australia failed dismally to achieve an equivalent outcome from the huge increase in government revenue resulting from the dramatic increase in iron ore prices at the end of the last decade.) On a smaller scale some the native title holders of land used to build Liquefied Natural Gas (LNG) plants at Gladstone in the last decade are using the modest compensation payments they receive to help support educational opportunities for their children. The Port Curtis Coral Coast native title claim group, for instance, provided support to 493 children from Prep to Year 12 in 2017. The PCCC also established a long-term investment strategy in late 2016 under which a substantial portion of its income will be invested in a capital fund designed to generate ongoing income from the mid-2030s when payments under an Indigenous Land Use Agreement with the Gladstone Ports Corporation are due to cease (PCCC 2016).

In other cases outcomes have been much less positive. Indeed it was the stark contrast in outcomes from royalty payments from the Ranger mine to Gagudju, and from another uranium mine at Nabarlek, just 50 km away, that first got me interested in this area. I became aware that much of the royalty income flowing from Nabarlek to the Kunwinjku Association was lost as a result of poor investment decisions and fraud by non-Aboriginal staff, and was spent on successive distributions of cash and motor vehicles, the major social outcome from which was an increase in road accidents and fatalities. When mining ceased at Nabarlek, there was little else to show for the millions that had flowed to affected Traditional Owners and communities. What could explain such different outcomes in contexts that seemed to share much in common?[1]

This contrast in outcomes is just as evident today, a point illustrated by the recent experience of the Groote Eylandt Aboriginal Trust, which receives royalties from manganese mining on Groote Eylandt. After 2008/09 the Trust benefitted from a rapid rise in royalty payments due to booming commodity prices. Much of the additional income, and probably in excess of $20 million, was dissipated through misappropriation and excessive expenditure on vehicles and boats which benefitted a small group of office holders and non-Aboriginal advisers and business people associated with them. One Aboriginal person, the Trust's Public Officer, was convicted of fraud and served a jail term (Wild 2016).

What explains such outcomes? Absence of formal regulatory oversight of royalty payments or of formal accountability regimes is certainly not the problem. However I want to argue that the nature of the regulatory regime currently in force *is* a major issue. Indeed it goes to the heart of the problem, and also highlights broader issues regarding the governance of Aboriginal Australia.

Since the establishment of the first royalty associations in the 1970s, government agencies and the mining companies that pay royalties to Aboriginal groups have encouraged the use of incorporated associations and, more recently, of charitable trusts to manage royalty payments. In the early

[1] The specific case of uranium royalties in the Northern Territory is explored in detail in O'Faircheallaigh 2002.

1980s for example the then Department of Aboriginal Affairs assisted in drafting what was a complex and lengthy Constitution for the recipient of royalties from the Nabarlek mine, the Kunwinjku Association, and facilitated its establishment under the Northern Territory *Associations Incorporation Act 1978*. The Constitution contained extensive provisions regarding preparation and public advertising of expenditure estimates, mechanisms designed to ensure that actual spending was in line with estimates, and presentation of financial statements documenting financial allocations to Annual General Meetings. In more recent years, use of charitable trusts as a key mechanism for managing royalty payments has become almost ubiquitous and indeed is often insisted upon by mining companies as a component of agreements with Traditional Owners. Such trusts are intended to prevent cash payments to individuals and to ensure that royalties are used for what might broadly be described as 'community development purposes'. Charitable trusts usually operate under the auspices of the Australian Charities Commission and often have external (usually non-Indigenous) directors whose role is to ensure that the terms of the Trusts are complied with. The associations that receive royalties are incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (*CATSI Act*), and as such are required to submit annual reports that document in detail their governance arrangements and the way in which their income has been expended.

This system of regulation and oversight has clearly not prevented misappropriation and waste of mining royalties. For example the Kunwinjku Association's constitution was entirely ignored by most of its officers and employees (O'Faircheallaigh 2002, 165-67). The Groote Eylandt Aboriginal Trust is a registered Aboriginal corporation and is required to report regularly to the Office of the Registrar of Indigenous Corporations. More than two years before Traditional Owners on Groote Eylandt became aware that large sums were being misappropriated from the Trust, its Auditor began reporting irregularities in its *Financial Report*. It noted, for example, allocation of unauthorised funds to projects, and that insufficient audit evidence was available to support the 'validity and accuracy' of amounts recorded for wages and sitting fees which had doubled in 12 months (GEAT 2010). The following year the Auditor recorded numerous irregularities as a result of which it declined to express an opinion on the Financial Report (GEAT 2011). Yet it was March 2012 before Traditional Owners became aware that there were major problems with their association and mobilised to remove those involved in misappropriation of funds.

A major problem is the complexity and lack of transparency, from an Aboriginal point of view, of the governance arrangements for royalty trusts. For example the *CATSI Act* is 603 pages in length and has 700 clauses. Like much legislation, is not easily accessible to a lay person, let alone to an Aboriginal Traditional Owner living in a remote area for whom English may be a third or even fourth language. The policy statement explaining just one aspect of the legislation, the powers of the Registrar of Indigenous Corporations to intervene in the affairs of corporations, is 15 pages, while the Guide on preparing financial reports is 26 pages. The provisions relating to when a person may inspect the books of an Indigenous corporation run to over two pages and include 7 cross-

references to other sections of the *Act*. It is hardly surprising that such provisions proved of little assistance to Groote Eylandt Traditional Owners in keeping track of what was happening with their royalty income.

The structures established to handle royalties are often equally opaque. For example, royalties from the Argyle Diamond Mine in Western Australia are channelled through a limited company and two trusts. There are numerous internal transactions between these entities, requiring one to sit down with financial statements for all three entities and examine numerous notes to the financial statements to get a sense of what income is being received, when it is received, and how it is expended. Two highly experienced journalists working on a recent news story on Argyle for the ABC (West and Smith 2017) were, after weeks of work, still trying to sort out exactly what had happened to payments to the Trusts. If investigative journalists found it so hard to decipher the accounts, what hope have Traditional Owners with limited formal education and financial training of doing so?

The other problem with the formal structures that are typically put in place to manage royalties is that they pay no heed to the political realities of remote Australia. Aboriginal people in remote Australia are poor in material terms. When substantial sums in mining royalties appear, they are inevitably the focus of intense political activity. The Registrar of Indigenous Corporations in Canberra or the External Directors of Charitable Trusts are in no position to be aware of, let alone determine the outcome of, this politicking. Unless there are robust *Aboriginal* structures in place that permit Traditional Owners as a whole to influence decisions about royalty allocations, the privileged few who know how to operate the formal, non-Indigenous legal and accountability regimes will be in a position to promote their own interests to the detriment of other community members.

In summary, institutional forms created to reflect 'mainstream' and corporate values and practices rather than Indigenous values are inevitably fragile and vulnerable. They may play a useful function for Aboriginal people who understand how they can be employed to hold organisational decision makers accountable, but they lack transparency to many of the Traditional Owners and other Aboriginal community members for whose benefit they supposedly operate. As a result they are vulnerable to exploitation by politically-astute Indigenous individuals and unscrupulous non-Indigenous employees and businesses.[2] Evidence from the last three decades shows clearly that these institutional forms and regulatory processes are insufficient, on their own, to ensure that positive outcomes eventuate for Aboriginal people. From the Kunwinjku Association in the early 1980s, to the Groote Eylandt Association at the end of the last decade, structures and processes

[2] Brigg and Curth-Bibb (2017, 208) make the same point in relation to governance of Aboriginal health services: 'Technical mechanisms of corporate governance organise authority in relatively hierarchical structures of governance that can be used by individuals to wield power in a way that is not accountable to the community while simultaneously claiming the legitimacy afforded to them by the role in a hierarchical structure born of the settler-state'.

based on 'mainstream' legal and regulatory forms have failed to prevent waste and misuse of precious funds that could have contributed to the welfare of Aboriginal Australians living in remote areas.

What does lead to positive outcomes? Success comes when Aboriginal people control decision making and develop accountability and management mechanisms that make sense in terms of their own social and cultural values and practices. Autonomy is critical. A key to the Gagudju Association's success was that it vigorously defended its autonomy from all external agencies, including the then Department of Aboriginal Affairs, other Commonwealth agencies, and the Northern Land Council, which exercised statutory powers in relation to royalty payments under the *Aboriginal Land Rights (Northern Territory) Act 1976*. Indeed over a number of years Gagudju steadfastly resisted repeated attempts by the NLC to intervene in its affairs. Gagudju used its autonomy to develop accountability practices that worked 'on the ground' and to allocate funds in the way it wanted to. Accountability was direct, immediate and face-to-face. Annual general meetings of its members considered, amended and approved spending proposals. The next year's meeting would receive a report of spending against the approved budget. Critically, in the interim Association members had immediate access to its staff in Jabiru, the local town. It was a common sight to see members visit the office to check up on what was happening in relation to, for example, work on a facility or service that had been promised for an outstation.

Also important was the fact that the annual rental payment on the Ranger mine lease, a not inconsiderable sum in the mid-1980s of $200,000, worth some $800,000 today, was made available to the senior Mirrar traditional owner to use at his own discretion. This allowed him to mobilise and maintain support for support for Gagudju's operations and decisions by allocating resources through customary social and cultural mechanisms. In other words it helped create space for the operation of *Aboriginal* politics quite separately from non-Aboriginal institutional domain and legal processes.

Gagudju's insistence on its autonomy was also evident in its relations with government service delivery agencies. For example it used its own resources to establish education and health services and, having done so, was able to negotiate with government agencies from a position of strength. For instance it built a school in Kakadu National Park, and agreed to have it incorporated into the NT education system and have its teachers on the government payroll only on terms it found acceptable. Gagudju made it clear that if it was not allowed to run the school in the way it wanted, it would revert to operating the school independently. It adopted a similar approach by hiring its own doctor to service Gagudju outstations, using pressure from non-Aboriginal residents of Jabiru to have access to the Gagudju doctor to negotiate funding for the Gagudju service through Medicare (O'Faircheallaigh 2002). These examples raise a more general and important point. Autonomy does not mean non-engagement with government or a withdrawal by government from Aboriginal service provision. It means that the nature of the engagement with government and allocation of government funding are driven by Aboriginal priorities.

To cite a current example of autonomy in action, the Port Curtis Coastal Corridor native title group, whose education initiatives I mentioned earlier, has charted an independent course, designing organisational and governance structures and developing policies that suit its circumstances and the goals its members have established. This does involve the use of 'mainstream' institutional forms in some cases, but these have been chosen by the PCCC's members because they serve specific purposes they wish to pursue (for a specific example see PCCC 2015, 10). The key point is not which structures are used, but that the choice of structures is driven by the needs, priorities and cultural values of Aboriginal people.

Sadly the lessons of history have not been learned and government has not sought to embrace Aboriginal autonomy as a key component of policy towards use of mining royalties. Indeed it has rather responded to reports of misuse or waste by attempting to further increase government control. For example over a number of years the former Minister for Indigenous Affairs, Jenny Macklin, pushed for a greater role for the Commonwealth, for example by registering all agreements involving native title payments and mandating what would constitute acceptable and unacceptable uses for mining royalties (Australian Government 2013; Macklin 2008).

I want to argue that the tendency of Australian governments to ignore the importance of Aboriginal autonomy is by no means confined to the area of mining royalties, and indeed is characteristic of their overall approach to Indigenous policy.[3] It is to this broader issue of autonomy, self-government and Indigenous policy that I now wish to turn.

Autonomy and Indigenous policy in Australia

The first point to be made in relation to Indigenous autonomy is that its importance, and demands for according it a central role in government policy, have been consistently articulated by Indigenous Australians at least since the 1920s. Of the hundreds of references that could be cited in this regard, let me mention just two, nearly 100 years apart. In 1925 when the Australian Aboriginal Progressive Association was launched in New South Wales, it demands include that 'Aborigines should control any administrative body affecting their lives' (Goodall 2000). In May 2017, when Indigenous delegates gathered at Uluru to discuss constitutional change, their 'Statement from the Heart' said: 'When we have power over our destiny our children will flourish'[4].

The critical importance of Aboriginal autonomy and self-government in addressing economic and social disadvantage, in achieving positive outcomes for Indigenous people, and in maintaining their cultural vitality, is supported by a wide range of research across multiple jurisdictions. Perhaps the best-known example of such research is the Harvard Project on American Indian Economic

[3] Similar responses in relation to Aboriginal health services are documented by Brigg and Curth-Bibb, who state (2017, 208) that 'Governments have routinely responded to governance challenges by increasing technical accountability mechanisms in an effort to monitor and control organisations'.

[4] The text of the Statement is available at https://antar.org.au/reports/uluru-statement-heart

Development, probably the longest-running and most systematic study of the conditions required for effective governance of Indigenous communities and Indigenous economic engagement. The Project found that critical elements in successful economic development were not the natural resource endowment of tribal lands, or education levels or access to capital. Rather they involve how Indian nations are organised, make decisions and govern themselves. Of particular importance in this latter regard is 'sovereignty', or control over their own affairs; and the 'match', or lack of match, between specific Indian cultural values and practices and the organisational forms used by tribes to pursue economic development (Cornell and Kalt 1995; and more generally Cornell and Kalt 1998, 2010). For example, in one study of 67 Indian reservations and controlling for the impact of other factors, they found that having autonomous governing institutions reduced unemployment by 5 per cent (Cornell and Kalt 1998, 14). Their overall conclusion was that 'Sovereignty is the starting point. Without it, successful development is unlikely to happen on Indian country' (1998, 24).

Even more significant in my view is a 2016 econometric study by Frye and Parker which compared US Indian reservations that were outside the jurisdiction of the Federal Bureau of Indian Affairs (BIA) after 1934, and therefore enjoyed greater autonomy in conducting their affairs, and reservations that remained under BIA influence. The study's significance arises from the lengthy time period involved (75 years) and the very large sample size (217 US reservations), which adds greatly to the statistical robustness of their analysis; and from the fact that their methodology allows them to control for a number of other potential influences on economic performance, for example the institutional capacity and resource endowments of reservations at the beginning of the period concerned. Frye and Parker found that the more autonomous reservations experienced a 53 per cent growth in per capita incomes relative to reservations that were under BIA control. To give some indication of the significance of this difference, had average Indigenous incomes in Australia been 53 per cent higher in 2011, this would have reduced the gap between average Indigenous and non-Indigenous weekly income from $350 to $153. Frye and Parker's overall conclusion is that BIA oversight 'stunted long-run income growth for the average reservation', and that self-governance 'outperforms the path marked by paternalism and oversight …' (Frye and Parker 2016, 235, 238-39).

Reinforcing Frye and Parker's findings, two recent econometric studies in Canada found that First Nations that achieve greater autonomy through negotiation of modern treaties enjoy higher incomes than First Nations which do not (Aragon 2015; Pendakur and Pendakur 2017).

Turning to Australia and shifting the focus to social issues, there is substantial evidence that Aboriginal control over the design and provision of services contributes greatly to their effectiveness. For example, in Fitzroy Crossing and Halls Creek in the Kimberley, alcohol restrictions initiated and promoted by Aboriginal women led to a significant decline (between 20% and 40%) in the number of alcohol-related crimes and alcohol-related admissions to hospitals (Hudson 2011, viii). There is evidence that alcohol restrictions imposed externally by government are considerably

less effective (Grey and Wilkes 2011). Numerous evaluation studies, including many conducted by government, demonstrate that Aboriginal Community Controlled Health Services (ACCHSs) are more efficient and effective than mainstream services in improving Aboriginal health outcomes (for a comprehensive outline of relevant studies see Alford 2014, 54-57). One recent 5-year study of comparative cost-effectiveness of preventive interventions for non-communicable diseases found that up to 50 per cent more health gain could be achieved where programs were delivered by ACCHSs, than if the same programs are delivered via mainstream medical services (Brigg and Curth-Bibb 2017, 201). Similar findings have emerged from studies of Maori controlled health services in New Zealand (see for example Russell et al. 2013).

The importance of Indigenous autonomy in fostering Indigenous economic engagement and social well-being has been widely recognised by governments in a range of countries with significant Indigenous populations. Megan Davis documents this point in relation to numerous jurisdictions including Canada, Norway, Panama, New Caledonia, New Zealand, Finland, Sweden, Colombia, Nepal and the Russian Federation (Davis 2015).

In Canada for example, recognition of Aboriginal autonomy and right to self-government is at the centre of the way in which Federal and Provincial Governments deal with Aboriginal policy and service delivery. So for instance land claim settlements in Canada involve recognition of interests in land, water and resources, but they also involve recognition of an Aboriginal right to self-government, within the Canadian political system. Typically, negotiations on land claim settlements occur along two parallel tracks. One deals with identification of sub-surface and surface lands that will be held by Aboriginal claimants in fee simple. The other deals with devolution of responsibility for political and administrative functions (including land management) and public services, and access to revenue streams to allow Aboriginal governments to deliver these. Self-government is not only a component of land claim settlements. It can also be negotiated separately by First Nations who occupy reserves land as a result of historical treaties (AANDC 2017), and in relation to particular areas of service delivery across multiple First Nations (Alphonso 2017).

Self-government agreements confer extensive law-making and policy and administrative functions on Aboriginal governments. In a typical agreement, these include the power, in relation to the members of the First Nation, to enact laws in relation to taxation; programs and services in relation to spiritual and cultural beliefs and to Aboriginal languages; provision of health, education, housing and social and welfare services; to custody and care of children; marriage; education, inheritance and wills; determination of mental competency; law enforcement and corrections; and dispute resolution. In exercising these powers, Aboriginal governments are required to provide a system of reporting through which they are 'financially accountable *to their Citizens*' (emphasis added).

In relation to reserve lands or lands covered by land claim settlements, powers include land use, control, administration and settlement; land expropriation for Aboriginal government purposes; use and management of natural resources; control of gathering, hunting, trapping and fishing; business licencing; building construction and planning; regulating the sale of alcohol; administration of justice;

and control of pollution and protection of the environment. In other words, Canadian Aboriginal governments exercise powers not dissimilar to those of state governments in Australia.[5]

These powers are available under self-government agreements, but there is no compulsion on Aboriginal governments to draw all of them down or to draw down powers within a specified time frame. This recognises the necessity for some governments to build their organisational capacity and so their ability to effectively exercise powers over time. It is also worth noting that if Aboriginal peoples take the option of negotiating their self-government arrangements in the form of a treaty, those arrangements enjoy protection as 'existing Aboriginal rights' under Canada's constitution and cannot be altered unilaterally by Canada.

It is important to stress that negotiation of self-government does not mean either a withdrawal of Canada from its commitments to fund services for Aboriginal communities, nor relegate Aboriginal to a lower level of service provision, as a number of Australian analysts fear has occurred or might occur in Australia when delivery of public services is allocated to Indigenous organisations (see for instance Dillon and Westbury 2007). Self-government agreements explicitly require that First Nation citizens should have access to opportunities and essential public services comparable to those enjoyed by all Canadian citizens. Long-term funding arrangements (typically five yearly, but in some cases longer) are negotiated with Canada and the relevant province or territory to support provision of services in the Aboriginal government's areas of responsibility. For example in 2011-2012, the Government of Canada provided the Nunatsiavut Inuit Government in Labrador C$32.5 million to help fund program delivery to some its approximately 5,000 citizens.[6] In relation to this funding, First Nations maintain and publish accounts consistent with the standards generally acceptable for governments in Canada. In comprehensive land claims settlements, funding includes substantial capital grants to help establish the operations of the Aboriginal government. In the case of the Labrador Inuit, for instance, the capital grant amounted to C$190 million over 14 years.[7]

The approach to Aboriginal self-government taken in Canada reflects in part its colonial history, and in particular the conflict between the British and French colonists and all that flows from it in terms of the history of settler-Aboriginal relations in Canada, including the signing of treaties. But it is important to stress that there was no inevitability that Canada would afford a central role to autonomy and self-government. The underlying foundation for current practice is that Federal policy, and I stress policy, recognises an inherent right to Aboriginal government based on the fact

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[5] See for example The Champagne and Aishihik First Nations Self-Government Agreement Among the Champagne and Aishihik First Nations and The Government of Canada and The Government of the Yukon, 29 May 1993; Labrador Inuit Land Claims Agreement between the Inuit of Labrador and Newfoundland and Labrador and Canada, 22 January 2005.

[6] Labrador Inuit Land Claims Agreement Annual Report April 1st, 2012 - March 31st, 2013

[7] Labrador Inuit Land Claims Agreement between the Inuit of Labrador and Newfoundland and Labrador and Canada, 22 January 2005.

that at the time of settlement Aboriginal peoples were self-governing (AANDC 2017). This policy came about after Canada, initially reluctant to embrace self-government, was persuaded in part by political pressure from First Nations. To cite two leading scholars of Aboriginal administrative history, 'The self-government movement emerged out of the deep flaws in … [existing] Canadian government policy for Aboriginal peoples … For the federal and provincial governments, self-government provided the only widely-supported alternative to an admittedly flawed and unsuccessful system of Aboriginal administration' (Coates and Morrison 2008, 106).

Aboriginal autonomy and self-government in Australia

Given the weight of evidence indicating that autonomy is central to any effort to improve the social and economic conditions and life chances of Indigenous people, if the current issues facing Indigenous Australia were a medical condition, and the responsible medical authorities refused to make 'autonomy' the core of their treatment program, they could be struck off for incompetence. Yet this refusal is exactly the position adopted by Australian governments in recent decades and today, despite the fact that it has long been recognised that Australia, like Canada, has 'a flawed and unsuccessful system of Aboriginal Administration'. Indeed, the overall trend in administration of Indigenous affairs is clearly running against Indigenous autonomy.

Australia did engage with the issue of Indigenous autonomy by formally adopting policies of Indigenous 'self-determination' and 'self-management' in the 1970s and 1980s, which led for example to support for the Aboriginal outstation movement, and to the creation of the Aboriginal and Torres Strait Islander Commission (ATSIC) in 1989. ATSIC's autonomy was however always limited, given that its staff were accountable to the Minister for Aboriginal Affairs and not the Commission; that its Chairperson was appointed by the Minister; and that the Minister controlled its budget. The significance of this last point became very clear shortly after the election of the Howard Government in 1996, when ATSIC's budget was cut by 11 per cent. The then Minister for Aboriginal Affairs, Senator John Herron, also quarantined certain program areas from the cuts, requiring the Commission to eliminate entire programs in other areas in order to operate within its reduced budget.

While ATSIC may have had its shortcomings, it also had demonstrable strengths in devolving a measure of budgetary control to the regions and in establishing a substantial internal capacity for evaluation and audit, the only Commonwealth Department to do so at the time. When the Howard government decided to abolish ATSIC in 2004, this did not reflect a careful weighing up of the costs and benefits of having an elected Indigenous representative organisation with a degree of control over resource allocation. The Coalition had strenuously opposed the establishment of ATSIC and, while it couched its criticism of the organisation in terms of supposed failures of accountability, it cut ATSIC's budget before a Special Auditor appointed to examine issues of accountability had reported. The Special Audit cleared 95 per cent of 1,122 ATSIC-funded organisations and

programs, and most cases of non-compliance involved minor technical breaches such as late submissions of management reports (Ivanitz 1998, 29).

The fact that this finding was not enough to save ATSIC from abolition suggests that the Howard Government's approach was driven more by ideology than a genuine concern for accountability in Indigenous affairs. It was perhaps also driven by a perceived need not to be outflanked on the right by Pauline Hanson, who from her maiden speech in Parliament waged a relentless campaign against ATSIC and called for its abolition on the grounds that it was, in her view, 'encouraging separatism in Australia' and undermined her belief that it was essential to have 'one people, one nation, one flag' (cited in Ivanitz 1998, 5).

Since the abolition of ATSIC, there have been no concerted initiatives to move towards recognition of the value of autonomy or self-government in dealing with Indigenous issues, and indeed the trend has been in the opposite direction. An important and underlying issue in this regard has been the legal and policy interpretation of native title in the aftermath of the 1992 *Mabo* decision. Unlike in Canada, recognition of inherent Indigenous rights in Australia has been interpreted purely in terms of property rights, with no reference to the inherent right of Indigenous self-government. There is no historical or logical basis for this difference in approach. In 1788, Aboriginal and Torres Strait Islander Australians were not only in possession of Australia, they were self-governing in exactly the same way as their Canadian counterparts at the time of British and French settlement. Across a vast continent they exercised 'constant and purposeful' management of their ancestral estates and displayed a high degree of economic organisation (Gammage 2012), which in turn required the exercise of self-government.[8] Against this background there is no logical basis on which to deny recognition of an inherent Aboriginal right to self-government. The legal scholar Kent McNeil has shown that this denial does not arise from the *Mabo* judgment, but from the way in which the Parliament of Australia chose to interpret that judgment in framing the *Native Title Act 1993*, and subsequent interpretations of the *Act* by the Australian courts. It is significant in this regard that Paul Keating, whose government passed the *Native Title Act 1993*, has described Mabo as 'establishing that Aboriginal and Torres Strait Islander people had *a property right to their own soil*' (Keating 2012, 409, emphasis added). In McNeil's view (2012, 226) this misinterpretation of *Mabo* has had the effect of 'practically eliminating the potential for Indigenous inherent governmental authority over native title land'.

Turning to other key areas of government policy, there are conflicting views, including among Aboriginal Australians, on the need for the so-called Northern Territory Intervention by the Howard and then Rudd/Gillard governments. However there is near unanimous agreement, including among

[8] Bruce Pascoe's work on pre-contact economic production and governance documents similar points. As he notes, later non-Indigenous generations managed to ignore the evidence of early European explorers regarding the sophisticated nature of Aboriginal economic production and settlement, let alone the evidence that Aboriginal governance involved 'a system of pan-continental government that resisted the propensity of humans to murder and steal in wars to conquer territory' (Pascoe n.d. 138).

its supporters, that it was designed and carried out with virtually no consultation with Aboriginal people in the Territory, in a way that undermined their autonomy and which adversely impacted on its effectiveness (Hemming 2010; Scott and Heiss n.d.). This was despite the fact that the *Little Children are Sacred* Report, which provided the trigger for the Intervention, repeatedly stressed, including in its first recommendation, that it was 'critical that both [Territory and Federal] Governments commit to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities' (Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse 2007, 7, 21, 22). The Commissioners cited a former Federal Minister for Aboriginal Affairs Fred Chaney in support of their call (Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse 2007, 21):

> I think governments persist in thinking you can direct from Canberra … that you can have programs that run out into communities that aren't owned by those communities, that aren't locally controlled and managed, and I think surely that is a thing we should know doesn't work. So I am very much in favour of a model which … builds local control in communities.

But the advice of former Ministers of Aboriginal Affairs, even from the same side of politics, apparently carries little weight, because according to one of the Commissioners, Pat Anderson, 'Our key recommendation about working with Aboriginal communities was ignored' (Anderson n.d., 34).

Another example is provided by the creation of so-called 'Super Shires' by the Northern Territory Government in 2008. This involved a top-down decision to disestablish 57 small, remote elected councils, the vast majority of them Aboriginal community councils, and incorporate them into 9 shires, each based in a large town. Significantly, the only four pre-2008 councils that were not disestablished had a majority of non-Indigenous residents. This process had a destructive effect on the autonomy of many Aboriginal communities, on the quality of services they receive, and on their interest in being involved in governance and, according to Nicholas Peterson, 'destroyed one of the few avenues for real community development' in the Territory (Peterson 2013, 339; see also Langton 2012; Sanders 2012a, 2012b). As Will Sanders notes, the councils 'were Aboriginal people's own creations over the previous 30 years … Labor, in a grand visionary plan, took these community councils away from Aboriginal people' (Sanders 2012a, 697). Wright notes in relation to a specific community, Ali Curung, that 'the combined effect of the changes by the new shire [into which the Ali Curung community council was absorbed] and the Intervention took a major toll on Ali Curung people's ability to take responsibility for the self-governance of their own community affairs' (2016, 124). The example of the Super Shires illustrates that the denial of Aboriginal autonomy is not restricted to the federal level or to the conservative side of politics[9]. The latter

[9] For another illustration of the tendency of Labor state governments to deny Aboriginal autonomy, see Mark Moran's discussion Queensland's response to the Mapoon community's efforts to manage alcohol (Moran 2016, 27-28).

point is further reinforced by the fact that the NT Intervention was, with only minor adjustments, continued by the Rudd/Gillard governments.

A further example I want to discuss in more detail, both because it is very recent and because its effects are still being felt, involves the so-called Indigenous Advancement Strategy (IAS) initiated by the Abbott Coalition Government after its election in 2013.

The IAS constituted one of the most radical overhauls of federal Indigenous affairs policy and programs in recent decades. It involved rationalising all programs, grants and activities for Indigenous Australians under the IAS, which would be administered by the Department of Prime Minister and Cabinet (PM&C); a cut of $534.4 million to the annual Federal funding allocation to Indigenous programs; and a major change in the way in which the Commonwealth procures services for Indigenous peoples. On this last point, there was a shift to a single competitive tendering process that, at least initially, attached no weight to the value of involving Indigenous organisations in designing and delivering services, and which led to a large increase in the involvement of non-Indigenous non-government organisations (NGOs)[10]. The IAS also required Indigenous organisations applying for grants over $500,000 to incorporate under the *CATSI Act*. A new structure was created within PM&C, involving a National Director, based in Canberra, Regional Managers based in 12 regions across Australia; and 37 offices in capital cities, regional and remote locations. PM&C would be responsible for administering all grants and for the oversight of programs. In effect, the IAS constituted a substantial centralisation of control over the administration of Indigenous affairs policy.

These changes were undertaken with no consultation with Indigenous people or organisations; resulted in major gaps and shortcomings in delivery of services and infrastructure; and critically, in the context of this lecture, served to undermine Indigenous autonomy and organisational capacity. These points are documented extensively for example in a Senate Finance and Public Administration Committee (SFPAC) *Report* into the introduction of the IAS, published last year. It should be stressed that while Government members of the Committee did argue in 'Additional Comments' to the *Report* that the Government's actions were driven by a desire to ensure that public funding 'is serving ATSI communities best', they did not resile from the Committee's substantive findings (SFPAC 2016, 65-66).

The Committee found, for example, that 'there had been a lack of consultation and engagement by government with Indigenous communities in the program design and implementation of the IAS', and cited a submission from the Mr Mick Gooda, the ATSI Social Justice Commissioner, that 'it was a bureaucratic process of officers of the Department [of the Prime Minister and Cabinet] out there

[10] The trend towards displacement of Aboriginal service delivery organisations by non-Indigenous NGOs was already well established, it should be noted. It was further accelerated by the IAS. The growing use of non-Indigenous NGOs by Australian is a major factor undermining Indigenous autonomy and deserves detailed discussion in its own right.

deciding what was need[ed] by communities, when in fact that is the opposite of what you should be doing' (SFPAC 2016, 15). Numerous submissions from Indigenous organisations attest to the lack of consultation.

In defending the Government's approach, the senior PM&C officer responsible for the IAS claimed that 'budget processes are more confidential. What we did in the lead-up to that budget process was…look at all the reviews and things that had gone before to get us to that place. Once the IAS was established we then communicated about the IAS and the next steps' (SFPAC 2016, 16). Quite apart from the fact that Government routinely undertakes consultation with stakeholder groups ahead of major budget changes, this ignores the reality that the IAS involved a great deal more than changes in budget allocations. This official did acknowledge 'that we probably had underestimated the amount of effort that we are now realising was needed up-front … do not think we had recognised the depth of that early enough' (SFPAC 2016, 16). The Senate Committee's overall assessment of the situation was that 'There was little to no consultation or engagement with communities and organisations on this fundamental change to Aboriginal and Torres Strait Islander programs and no input sought at the start of this process' (SFPAC 2016, 60).

Other Indigenous service delivery organisations questioned the basis for the changes wrought by the IAS and highlighted its negative impact on them. For instance the Victorian Aboriginal Child Care Agency said:

> There did not appear to be any evidence base directing the changes to Commonwealth funding grants… We seriously question the approach that was taken and wonder what the objectives of the Government were. Certainly, the way the changes happened and the overwhelming feeling in the Aboriginal community is one of being under siege, uncertainty and insecurity (SFPAC 2016, 18).

The Senate Committee came to the same conclusion:

> The committee questions the evidence base for the program design. While PM&C were able to identify the analysis done by the ANAO and the Department of Finance as the evidence underpinning the case for policy change to the service delivery of Indigenous programs, it did not articulate the evidence base for the development of the IAS as the means by which to address earlier policy failings in this area (SFPAC 2016, 61).

Another major concern was that a single, open competitive process pitted small, Indigenous community-controlled organisations against well-resourced and experienced applicants, including large not for profit associations and the university sector.

> Many [Indigenous] organisations had neither the capacity nor the resources to put together the kind of application required with the tender, and those that did spent a significant amount of time and money to complete their application (Mick Gooda, cited by SFPAC 2016, 21).

Numerous submissions to the Committee highlighted the negative effect of the changes on Indigenous organisational capacity, service delivery and autonomy:

> The lack of weighting, particularly with respect to developing and maintaining working relationship[s] with Indigenous communities and other relevant stakeholders disadvantaged organisations that had a long-standing history of working with communities and other local providers (SFPAC 2016, 23).
>
> … the IAS program design does not support Aboriginal people and their communities to determine funding priorities, nor adequately ensure that funding is directed to Aboriginal controlled service provision as a priority … The CLC [Central Land Council] remains concerned about the consequences of the increasing use of non-Aboriginal nongovernment organisations (NGOs) in Aboriginal service provision … and the gradual erosion, undermining and loss of Aboriginal-controlled organisations (SFPAC 2016, 23).

Other submissions highlighted the negative impact of the IAS even in terms of one of the Federal Government's own key Indigenous policy goals, creation of employment opportunities:

> The Aboriginal controlled organisations delivering these services are not only best suited for doing so, but provide the priority outcomes that the Government is seeking in terms of sustainable Aboriginal employment as well as experience and engagement in governance and management, and the development of community self-reliance and responsibility (SFPAC 2016, 23).

Another major finding of the Committee was that confusion regarding the application process for grants, contradictory information provided by DP&C and the limited experience of some DP&C staff in Indigenous affairs resulted in delays in providing funding and to gaps in services, including legal services, to some Indigenous communities (SFPAC 2016, Chapter 3). The result, according to the Committee, was that 'Government was forced to introduce multiple rounds of emergency funding, to address gaps in frontline services' (2016, 60).

A key recommendation of the Committee was that 'future selection criteria and funding guidelines should give weighting to the contribution and effectiveness of Aboriginal and Torres Strait Islander organisations to provide to their community beyond the service they are directly contracted to provide' (2016, 64). Given what is apparently a fundamental lack of interest within Australian government in promoting Indigenous autonomy, it is hard to be optimistic regarding the likelihood that this recommendation will be implemented.

Before turning to a discussion of what explains this general lack of value on or antipathy towards Indigenous autonomy, there are two points I should stress. First it is far from the case in contemporary Australia that Indigenous people fail to exercise autonomy. They do so in many spheres of life, a reality indicated for example in the recent *Empowered Communities* Report (Empowered Communities 2015) and in Mark Moran's 2016 book *Serious Whitefella Stuff* (see also ATSISJC 2013, 110). Moran presents a number of case studies from different regions of

Australia that document the practical exercise of autonomy at the level of practice in areas including housing, ceremonial activity, alcohol management and town planning. However the point is that Aboriginal people exercise autonomy in most cases despite, rather than with the support of, government policy. As the ATSI Social Justice Commissioner has noted, 'these pockets of good practice are based mainly on the energy, goodwill and commitments of individuals rather than the systematic embedding of this right [to self-determination] in our governance structures and in government institutions' (ATSISJC 2013, 108).

The second point is that whatever the formal policy of government on autonomy, there are many individual public servants in Australia who do recognise the value of autonomy and Indigenous agency and encourage it to the extent they can. But again the key issue is that they must often do so without institutional support or in contexts where sudden shifts in government policy can result in withdrawal of that support. Indeed Moran notes that 'frontline workers do not regularly conform to the dictates and measures of policy' and concludes that 'The mismatch between policy and frontline practice is much greater than what one would expect under a system designed to address Indigenous disadvantage' (2016, 178).

What Moran seems to be saying somewhat obliquely is that the system is in fact not designed to overcome Indigenous disadvantage, a view with which I concur. And a critical reason why this is so is that the system places little value on, and often works to undermine, Indigenous autonomy. I now turn to consider why this is so.

Undermining Indigenous autonomy

There are three factors that help explain the current failure to recognise the value of Indigenous autonomy and afford it a central role in Indigenous policy.

The first involves the entrenched interests associated with the current approach to Indigenous policy and service delivery. Some $5 billion annually in funds for Indigenous programs is channelled through mainstream government agencies and non-Indigenous government contractors. This generates extensive employment, incomes and career and organisational opportunities, which in turn creates considerable pressure for maintaining the 'status quo', and considerable resistance against moving towards Indigenous autonomy and self-government. An important component of this institutional configuration is represented by large, non-Indigenous non-government organisations that have grown to play a major role in service delivery to Indigenous communities in recent decades.

The second involves paternalism and racism towards Indigenous peoples. Paternalism and racism represents a rationale for refusing to grant autonomy to Indigenous people, on the grounds that they are incapable of fending for themselves. As one Aboriginal organisation noted in its submission to the Senate Finance and Public Administration Committee, the 'high level of reporting and lack of long-term funding arrangements show the deep level of distrust within the department [of Prime Minister and Cabinet] on the ability of Aboriginal organisations to deliver the best outcomes for our

communities' (SFPAC 2016, 56). Brigg and Curtin-Bibb make the same point in relation to Aboriginal health services:

> … it is hard to avoid the conclusion that ACCHSs [Aboriginal Controlled Community Health Services] have been subjected to longstanding and deep culturally informed prejudices that the settler-state and its agents are the purveyors of good governance while Aboriginal people are in need of governance tutelage' (2017, 202).

Racist ideologies also provides a rationale for denying that there is anything distinctive about Indigenous Australians or their communities, and so denying that there is any justification for Indigenous autonomy or distinctive service delivery mechanisms. More broadly, racism and the accompanying denigration of Indigenous people not only cause great harm and pain in the Indigenous community, they serve to undermine the empathy and trust which needs to exist in non-Indigenous Australia if Indigenous disadvantage is to be successfully addressed and in particular if there is to be public support for Indigenous autonomy.[11]

John Howard famously stated in response to the Cronulla riots: 'I do not accept that there is underlying racism in this country. I have always taken a more optimistic view of the character of the Australian people. I do not believe Australians are racist.' I am not sure what is meant by 'underlying racism'. The eminent legal scholar George Williams is one of many researchers who have argued that racist views of Aboriginal people as being close to sub-human played a key role in the justification for their dispossession, for European settlement, and for the establishment of the Australian state, which might certainly qualify as one definition of 'underlying racism' (Williams 2012). In the contemporary context, public surveys over recent decades consistently show both that a substantial minority of Australians do hold avowedly racist views, and that as many as half of all Indigenous respondents have experienced racism during the survey period (see for example Blair et al 2017). Anyone who works for extended periods of time with Indigenous organisations in Australia will certainly be aware that racism is a palpable and everyday reality. And anyone who spends extended periods of time in Australia and Canada quickly notices the stark difference in the type of public discourse on race related matters that is acceptable in both countries. I am often struck by public manifestations of racism in Australia by commentators and politicians in Australia which simply would not happen in Canada. Their acceptability is in my view both an indication of the prevalence of racist attitudes, and also reinforces those attitudes.

The third factor, related to the second, involves Australia's failure as a nation to properly acknowledge the history of its relations with its First Peoples. Despite Kevin Rudd's apology to the Stolen Generations and Paul Keating's acceptance in his 'Redfern Speech' of the fact of

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[11] I acknowledge here Noel Pearson's point (Pearson 2007) that it is important that recognition of the impact of racism should not become a basis on which Indigenous people develop a 'victim' mentality, which is then seen both by them and some in the non-Indigenous community as relieving Indigenous people of any responsibility to overcome the disadvantage they face.

dispossession, of cultural destruction and of frontier violence, in my view Australia as a nation has not come to grips with the reality that over the period from 1788 to the turn of the 20th century Australia's Indigenous population was decimated, falling from somewhere in the region of 500,000 people[12] to about 93,000; and that Indigenous people were dispossessed of nearly all of Australia's land mass that was even marginally suitable for agricultural production. The impact of these changes was and, more importantly, continues to be profound. Recognition of this reality should help form the basis for a genuine reconciliation that accepts that if Indigenous Australians tell us that autonomy and an end to their powerless is essential to their well-being, this should be the starting point for Indigenous policy.

As I have shown, Indigenous policy is now a long way from such an acceptance, and indeed possibly further from it than at any point in the last 40 years. To some extent this reflects the denial of history that was involved in the so-called 'history wars' of the 1990s and 2000s. Encouraged by John Howard's critique of what he called a 'black armband' view of Australian history and his insistence that unity was more important than diversity (Howard 1996), writers including Keith Windschuttle contested what they saw as an exaggeration of the extent of the violence on the colonial frontier presented in the work of historians such as Henry Reynolds (Reynolds 2001). Windschuttle and others argued that the population decline and dispossession that did occur were inevitable, and that the settlers brought with them technologies and capacities that benefit current generations of Australia's Indigenous peoples. They argued that settlement history should not have contemporary relevance in terms of Indigenous affairs policy (Attwood 2005, 29-35; Windschuttle 2002).

The revisionist work of Windschuttle and others is essentially ideological rather than historical. This is evident for example from the fact that application of what Windschuttle claims to be much more realistic assessment of the numbers of Aboriginal people killed by settlers in Tasmania to estimates of the Indigenous population of Australia as a whole, yields a figure almost identical to Reynolds' figure for violent killings (Reynolds 2006, 11). Also, Windschuttle's questioning of the details and motivations for colonial killings seems to shift attention away from the main point, made for example by the historian Plomley who Windschuttle regards as the 'most scrupulous scholar' of the white settlement of Tasmania: 'As a result of this [British] invasion, the Tasmanian Aborigines ceased to exist as a natural society, and their numbers were reduced within three quarters of a century to a few individuals …' (Windschuttle 2002, 433).

The problem is that the polemic of writers such as Windschuttle and the conservative commentators who quote him approvingly have reduced the possibility that Australia would fully address the legacy of its history and the implications of this history for contemporary Indigenous policy. As Rodney Hall notes, 'Of all the challenges facing Australia none is more deep-rooted than

[12] There are a wide range of estimates of pre-1788 population in the literature, from 300,000 to 2,000,000, with a population of about 500,000 being a common estimate.

the unresolved suffering caused by the dispossession of the Indigenous peoples. Until we address this openly we will continue to make inappropriate and patronising policies: regulating, intervening, patronising' (Hall n.d., 165). I believe that there is a profound sense in which this failure to address the past generates a fear which is at the heart of Australia's relations with its Indigenous peoples. Marcia Langton's response to a question about why proposals for constitutional recognition of Indigenous Australians create fear in some sections of the community has a wider resonance:

> I think the fear is that the recognition of our peoples brings into question their status as Australians. It's shaking up the very foundations of what they believe Australia is … [they] believe Australia is a white country and they don't want to admit how they obtained that country.[13]

Fear arising from the failure to deal with history helps explain, in turn, the persistence of racist attitudes towards Indigenous people, and the reluctance to grant them the autonomy they need to address the economic and social disadvantage they face, while at the same time retaining their cultural vitality and resilience.

What can researchers do?

I want to stress again that I am not arguing that granting autonomy or self-government to Indigenous Australians would in itself allow Indigenous disadvantage to be overcome. Issues of representation at the national level, which have figured prominently in the recent Uluru meeting and at this week's Gama festival in the Northern Territory, and more mundane matters relating to the anomalies associated with fiscal federalism, also need to be addressed. However my specific concern in this lecture is that in an area where the scientific evidence provides strong support for the value of autonomy, Government policy appears to be moving in a direction the exact opposite of what the evidence suggests. What is the responsibility of academic researchers and universities in this situation? What if anything can they do?

First I think it is important to disseminate as widely as possible and in many ways as possible the hard evidence that now exists to support the link between the exercise of Indigenous autonomy and success in overcoming Indigenous social and economic disadvantage.

Second, it is crucial to try and re-insert the issue of self-government into the debate regarding recognition of native title and regarding Indigenous policy more generally. I do not underestimate the challenge involved here given that neither major political party in Australia currently has an appetite for doing so, and the attacks that proposals for Indigenous self-government will generate from the political right. But in my view it is essential not to allow the issue of autonomy and self-government to disappear from the debate by default, given the strength of the evidence indicating their importance to the future welfare of Indigenous Australians.

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[13] Q&A, Australian Broadcasting Commission, 7 August 2016.

Third, we must do what we can to encourage an honest engagement of Australians with the impact of their colonial history on Indigenous peoples its contemporary implications. As Bruce Pascoe says, '… we will never reconcile our black and white selves while we do not share a history… (n.d., 134).

Finally and perhaps most importantly, we should document, and support in whatever way we can, the work of the Indigenous peoples and organisations across Australia which are, in the face of formidable obstacles, exercising autonomy on the ground. Ultimately it is when governments and the Australian public see the positive consequences of this exercise of autonomy that attitudes towards Indigenous policy will start to change. More immediately, the scientific evidence shows unequivocally that autonomous Indigenous action offers the best prospect for addressing Indigenous disadvantage and encouraging cultural vitality. On that basis we, as scientists, should do all we can to support it.

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