

Notre Dame

Nulungu

**Talking Heads
Seminar Series**



A New Partnership, William Roe, 1994

Kimberley Aboriginal Land Title – Can the Gordian Knot be Cut?

Thursday 26 May 2016

12:30 – 1:30pm

Howard Pedersen – Kimberley Historian

Howard Pedersen has worked for thirty-five years with Aboriginal organisations and government, and has an enduring interest in the question of Aboriginal land ownership and related land tenure within a Kimberley context. His presentation traces the evolution of a system of land tenure developed in the colonial past of Western Australia, and the need for its reform in a post-colonial and Native Title context. This juxtaposition has the utmost relevance for us here in the Kimberley, given current discussions around Aboriginal community 'closures' and the impending introduction of the "Rangelands lease" as a land tenure alternative.

Venue: The University of Notre Dame Australia

Behind the Screen Building (NDB11), 88 Guy Street, Broome

For further information **08 9192 0670** | cathie.martin@nd.edu.au



Nulungu

Research Institute

The University of Notre Dame Australia

Fremantle

Broome

Sydney

nd.edu.au/nulungu

Kimberley Aboriginal Land Title – Can the Gordian Knot be Cut?

Howard Pedersen – Kimberley Historian

Western Australia is the only Australian jurisdiction that does not have a statutory land title recognising Indigenous communal ownership. In all other states and territories, parliaments have passed laws handing over land titles, previously held by governments under paternalistic trust arrangements, to Indigenous representative bodies. Not so WA. Here the State Government still owns Aboriginal Reserves, a form of statutory title first created in 1890, which is the land tenure today for almost 270 discrete or remote communities in the State, and covering approximately 24 million hectares or 12% of the State's land mass.

In 1996 the Court Liberal Government commissioned the late Senator Neville Bonner to review the Aboriginal Lands Trust (ALT), which holds reserves "for the use and benefit of Aboriginal people". In his report, Bonner wrote, "The very fact that the ALT still holds lands 'on behalf' of Aboriginal people at this point in time is remarkable. The continued existence of a 'trust' which makes decisions for Aboriginal people is indicative of the failure of successive governments to understand the significance of land to Aboriginal people and, ultimately, to recognise Aboriginal people in their own right."

Twenty years on, and after much of Western Australia, through litigation or agreement, has been recognised as native title lands, Neville Bonner's comments remain as relevant as they were in 1996. Aboriginal Reserves still exist and the ALT still makes decisions for Aboriginal people.

Nowhere in WA is this coexistence of colonial and post-colonial land tenure more obvious than the Kimberley. More than 80% of Western Australia's discrete communities are located in the Kimberley. The Kimberley is where Western Australia's political saga of "closing communities" is largely being played out, and land tenure has a lot to with that story.

Howard Pedersen has worked for thirty-five years for Indigenous organisations and government, and has an enduring interest in the Indigenous land question. His presentation traces the history of Kimberley land tenure and explores ways that the community and government double ownership over the same land can be terminated in recognition that the relationship is irretrievably broken.



Nulungu

Research Institute

The University of Notre Dame Australia

Fremantle

Broome

Sydney

nd.edu.au/nulungu