THE AUSTRALIAN NATIONAL UNIVERSITY

Aboriginal economic development and land rights in the Northern Territory: Past performance, current issues and strategic options

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DISCUSSION PAPER No. 126/1996

ISSN 1036 1774
ISBN 0 7315 2560 4

CENTRE FOR ABORIGINAL ECONOMIC POLICY RESEARCH

CAEPR Reprint

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July 2004

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ABSTRACT

The *Aboriginal Land Rights (Northern Territory) Act 1976* incorporated, in large measure, progressive social measures recommended by Mr Justice Woodward to facilitate economic development for Aboriginal people. These included financial provisions for mining moneys to be channelled to Indigenous interests in order to facilitate the empowerment of land councils and the independent funding of the land claim process; to support regional economic development and the amelioration of the negative impacts of mining; and to assist general improvements in the socioeconomic status of Aboriginal people throughout the Northern Territory. This paper broadly assesses how over $300 million in mining royalty equivalents paid in the last 20 years to the Aboriginals Benefit Trust Account (ABTA) have been utilised; whether largely unchanged provisions in the Land Rights Act made in 1976 are still appropriate in 1996 after passage of the *Aboriginal and Torres Strait Islander Commission Act 1989* and the *Native Title Act 1993*; and if not, what changes to the statute need to be considered by Indigenous interests to ensure that access to scarce discretionary resources are utilised optimally in the future. The analysis will end on a speculative note by assessing where Aboriginal economic development and land rights will be in 20 years time, with and without changes to the statute.

ACKNOWLEDGMENTS

An earlier version of this discussion paper was initially presented on 16 August 1996 at the conference Land Rights: Past Present and Future jointly convened by the Northern and Central Land Councils. The conference was convened to celebrate 20 years of Land Rights in the Northern Territory and was held at Old Parliament House, Canberra.

Subsequently, the paper was included in a collection of conference papers published by the Northern and Central Land Councils. The paper is now also produced, after refereeing, as a CAEPR Discussion Paper to allow its wider distribution.

I would like to thank Hilary Bek and Jin Liu from the Centre for Aboriginal Economic Policy Research, The Australian National University for research assistance and Viv Axford from the ABTA, Darwin for providing statistical information at short notice. Nicolas Peterson and John Taylor provided helpful comment on an earlier draft.

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The *Aboriginal Land Rights (Northern Territory) Act 1976* (henceforth the ALRA) incorporated, in large measure, progressive social measures to facilitate economic development for Aboriginal people as recommended by Mr Justice Woodward's Aboriginal Land Rights Commission (Woodward 1974). It is interesting to note, however, especially in the current political climate, that these measures had their historical origins in equally progressive, if not radical, measures instituted by Paul Hasluck when Minister for Territories in the early 1950s.

Woodward's recommendations were implemented in statutory measures that earmarked royalties raised on Aboriginal land for the use by Aboriginal people in three ways:

- to provide independent funding, and associated political influence, to Aboriginal land councils;
- to ameliorate the negative impacts of mining on adjacent Aboriginal communities and provide finance for regional economic development; and
- to provide resources for the economic betterment of Aboriginal people throughout the Northern Territory.

The central proposition of this paper is that the operations of the financial institutions established under the ALRA have been extremely successful drivers of Aboriginal economic development in the past 20 years. This argument is couched very much in terms of the opportunities that statutory arrangements have provided to expand the Aboriginal land base in the Northern Territory, with associated potential for longer-term and strategic economic gains for Aboriginal people.[1]

Aboriginal economic development and land rights are very complex policy arenas and there are no perfect statutory solutions: there are a number of current, and not so current, issues that need to be addressed to improve the statutory framework. Some will be outlined. The paper ends by considering some strategic future options that the Aboriginal leadership, and in particular land councils, need to consider to ensure that the gains of the past 20 years are consolidated in the next 20 years.

NON-REVISIONIST HISTORICAL ANTECEDENTS

From 1911, when the Commonwealth took over administration of the Northern Territory, to the early 1950s, an unusual political economy of reserved land and associated controls over commercial development, especially mineral exploration of reserves, existed. The Commonwealth earmarked considerable tracts of unalienated land as reserves for Aboriginal people under Crown Land Ordinances. The *Aboriginals Ordinance 1918* limited access of non-Aboriginal people onto these declared reserves. Mining laws also denied the holders of miners' rights access to reserves; prospecting was forbidden. During the period 1911 to 1952 this regime held sway, with very few exceptions (Altman 1983: 3-9).

In 1952, in the assimilation policy era, restrictions on mining appeared likely to be lifted after the discovery of bauxite in the Arnhem Land reserve, and a perceived strategic need for this mineral. The Minister for Territories at the time instituted a process whereby Aboriginal people could benefit financially from mining on reserves. The discourse of that time focused on regional economic development, rather than

on cultural or social issues: the then Minister, Paul Hasluck, was adamant that the Administrator, who could now allow mining on reserves, would only do so in circumstances where significant mineral deposits were discovered. If mining went ahead on reserves, Aboriginal people were to be compensated.[2]

The Aborigines Benefits Trust Fund (ABTF) established in 1952 introduced institutional mechanisms that continue to exist, in modified form, today. First, the new provisions allowed for royalties from mining on reserves to be earmarked for the use of Aboriginal people, irrespective of the fact that neither statutory nor common law, at that time, recognised Aboriginal land ownership; Aboriginal people then neither owned the land nor the minerals, but they were allocated the royalties.

Second, if mining occurred on Aboriginal reserves then the statutory royalty was doubled from 1.25 per cent of the value of minerals to 2.5 per cent. Under these provisions, mining companies were penalised for mining on reserves, a disincentive that the Minister for Territories intentionally created to discourage insignificant development that would unnecessarily impinge on Aboriginal people. On the other hand, the Minister was adamant that, if mining occurred on reserves, Aboriginal people would benefit.

Mining did not eventuate in 1952, but began on Groote Eylandt in 1965. Manganese deposits were discovered on the island and the Church Missionary Society (CMS) took out prospecting rights on behalf of Aboriginal people. Subsequently, Broken Hill Proprietary Company Limited (BHP), successfully negotiated with CMS to give up its prospecting rights in exchange for an additional negotiated royalty: BHP was willing not only to pay the double statutory royalty of 2.5 per cent, but also in this situation an additional 1.25 per cent.

At Gove, on the other hand, in 1968 Nabalco was unwilling to pay the double royalty to mine a massive bauxite deposit, but Commonwealth Government desire for the mine resulted in the passage of a special ordinance which incorporated a less than generous output-based statutory royalty that converted to a value-based royalty of only about 1 per cent.[3]

Partington (1996) has recently depicted Hasluck as the champion of the assimilationist era. And while Partington (1996: 71) briefly discusses Hasluck's role in ensuring the payment of a double royalty if mining occurred on Aboriginal reserves, his analysis does not extend to seeing the paradox that Hasluck's ABTF was the antecedent to the key financial institution in the ALRA, the Aboriginals Benefit Trust Account (ABTA): Partington's arch assimilationist created the key economic institution of the land rights era, a long-standing hallmark and product of self-determination.

THE NEW ECONOMIC INSTITUTIONS OF THE ALRA

The functioning of the ALRA is largely financed from mining activity on Aboriginal land. This is an aspect of the legislation that is poorly understood. With the passage of the Act in 1977, all former reserves (Schedule 1 lands) were transferred to Aboriginal ownership. The subsequent expansion of the Aboriginal land base via the claims process has been primarily funded from what are termed today 'mining royalty equivalents'. This term was created when it was recognised that Aboriginal people did not receive mining royalties, as generally perceived, but received their equivalents paid from Commonwealth consolidated revenue (Altman 1983: 48). This change occurred because financial provisions of the ALRA were enacted

Table 1. ABTA income and expenditure, 1978-79 to 1995-96.[a]

Year	Total income ($ million)	Total expenditure ($ million)	Balance at 30 June ($ million)
1978-79	2.1	1.6	1.9
1979-80	2.3	2.3	1.9
1980-81	4.3	3.6	2.5
1981-82	6.1	6.2	2.5
1982-83	18.3	13.5	7.3
1983-84	18.1	18.9	6.5
1984-85	19.7	18.6	7.4
1985-86	23.6	18.9	16.7
1986-87	23.3	15.9	23.3
1987-88	21.9	21.9	23.4
1988-89	21.7	26.2	18.9
1989-90	37.7	28.5	28.0
1990-91	38.0	33.5	34.6
1991-92	37.3	37.2	34.7
1992-93	20.5	31.5	23.9
1993-94	34.3	27.3	30.9
1994-95	31.4	28.8	33.5
1995-96	29.4	31.3	31.5
Total	**390.0**	**365.6**	

a. Data do not add up due to carryover from the ABTF, ex gratia payments, rounding error, other expenditure, taxation, etc. and changes in accounting conventions over time. Data for 1995-96 have not been audited.

Source: ABTA, Darwin, August 1996.

at the same time as the Northern Territory became self-governing. Consequently, mineral rights (and associated royalty rights) for all minerals, except uranium, were vested with the Northern Territory Government.[4]

The operations of the ABTA, the institutional mechanism created to distribute and accumulate mining royalty equivalents, are complicated. To simplify the analysis, the concentration here is on the payment into the ABTA of 'statutory royalty equivalents', that is, the equivalents of royalties stipulated in mining law[5] and their utilisation. The income of the ABTA comes from royalty equivalents and from investment income earned on accumulated funds. In Table 1, this income stream is shown for the period 1978-79, when the ABTA first began operations, to 1995-96: it totals $390 million in nominal terms. The payments out of the ABTA are principally of three types and have accounted for $366 million, or 92 per cent of the ABTA's income in the period 1978-79 to 1995-96.

The first payments out of the ABTA are to incorporated groups whose members are traditional owners of, or residents in, areas affected by mining, although the geographic jurisdiction of such areas has never been precisely defined. It is land councils which determine how these moneys will be divided between

Table 2. ABTA major expenditure categories, 1978–79 to 1995–96.[a]

Year	Land councils expenses ss.64(1) and 64(7) ($ million)	Major expenditure categories Areas affected moneys s.64(3) ($ million)	General grants to NT s.64(4) ($ million)
1978-79	0.5	0.3	2.5
1979-80	1.4	0.6	1.1
1980-81	2.0	1.2	0.5
1981-82	3.8	1.7	0.9
1982-83	7.4	5.3	0.7
1983-84	7.1	5.1	2.0
1984-85	8.6	5.2	4.9
1985-86	8.7	6.7	3.5
1986-87	8.7	6.0	1.1
1987-88	12.0	5.6	4.1
1988-89	12.2	5.6	8.1
1989-90	14.9	8.4	2.5
1990-91	14.3	10.7	8.3
1991-92	17.8	11.4	7.7
1992-93	16.2	5.6	9.7
1993-94	16.5	9.7	0.5
1994-95	17.2	8.6	2.3
1995-96	19.2	8.0	3.5
Total	**188.5**	**105.7**	**63.9**

a. Data do not always add up due to rounding error, other expenditure, taxation, etc. Data for 1995-96 have not been audited.

Source: ABTA, Darwin, August 1996.

regional incorporated groups, often called 'royalty associations'.[6] These payments account for 30 per cent of the royalty equivalents received with respect to any particular resource development project. Over the period 1978-79 to 1995-96, $106 million, or 27 per cent of ABTA's total income, was paid via land councils to a growing number of incorporated groups in 'areas affected'.

Payments to land councils to meet their operational expenses are also non-discretionary. Land councils are statutory authorities established by Commonwealth law with legally specified functions. This is not to say that they are not very unusual statutory authorities, primarily because they are representative and therefore highly political organisations. Their budgets are submitted for approval to the Federal Minister for Aboriginal and Torres Strait Islander Affairs. While 40 per cent of ABTA royalty-equivalent income is earmarked for land council operational costs, if approved budgets exceed this amount, additional resources can be made available via so-called 'supplementary funding'.

Conversely, if earmarked payments to land councils exceed approved budgets, these 'surpluses' must be distributed. During the period 1978-79 to 1995-96, land councils received $188.5 million to meet their operational expenses. This amount accounted for 48 per cent of ABTA income. While the cost of land councils has been politically contentious at times, it has also been argued that these costs could have been limited to close to 40 per cent but for the impost well after the passage of the ALRA of a new mining withholding tax (Altman 1985; Crough 1989; Australian National Audit Office 1993) on any royalty equivalents paid out of the ABTA.

Payments made as grants to be used to, or for, the benefit of Aboriginal people residing in the Northern Territory are discretionary, being based primarily on the recommendations of an all-Aboriginal advisory committee nominated by land councils. While Mr Justice Woodward (1974) recommended that these payments should account for 30 per cent of the ABTA's receipts, over the period 1978-79 to 1995-96 they have totalled $64 million, or only 16 per cent of the ABTA's total income. These payments are arguably intended to compensate Aboriginal people who neither own land in the Northern Territory nor benefit from economic development on their land; since 1989 a significant proportion of these moneys has been used to purchase pastoral stations that have then become eligible for land claim.

PAST PERFORMANCE

Whether the millions paid to the Northern Territory land councils to claim and manage Aboriginal land have been optimally spent is a complex question. But there is little doubt that the transfer of land to Aboriginal interests via the claims process is a redistribution, or restitution, of a land base that has the potential to be of immense future economic significance.

In 1977, 258,000 square kilometres of then existing reserves were scheduled and transferred to inalienable Aboriginal title. This represented 19 per cent of the Northern Territory. By July 1996, the Aboriginal land base had more than doubled to 560,000 square kilometres or 42 per cent of the Northern Territory. Some of this expansion occurred owing to negotiated Northern Territory title to land (14,500 square kilometres). But the vast majority of the expansion was due to successful claims which expanded the Aboriginal land base by 275,000 square kilometres, almost all of which was unalienated Crown land at the time of claim. It is estimated that once the claims process is completed (new claims cannot be lodged after 1997) Aboriginal land could cover over half the Territory.

Even assuming that all the royalty equivalents paid to land councils were used to finance land claims, inalienable title to 275,000 square kilometres has been gained at a cost of only $685 per square kilometre.[7] While it can be argued that this land base has had limited immediate and visible impact on Aboriginal economic status, it is likely to have immense economic value in the 21st century, especially if Aboriginal owners negotiate with mining, tourism, commercial harvesting and pastoral interests for multiple use of these lands, possibly in joint ventures.

The utilisation of moneys paid to 'areas affected' has not been rigorously assessed. There is evidence that in some situations impressive regional developments have occurred, most notably at Kakadu National Park via the Gagudju Association (Altman 1983, 1996; O'Faircheallaigh 1986), and in central Australia

via the Ngurratjuta Association (Marshall 1994). There is also documented evidence of failures, in terms of regional economic development, as with the Kunwinjku Association in Western Arnhem Land (O'Faircheallaigh 1988; Altman and Smith 1994).

It is the granting operations of the ABTA that have been most closely monitored, primarily because the ABTA has been institutionally located within the Aboriginal affairs bureaucracy and has consequently been amenable to constant scrutiny. It has been reviewed on a number of occasions and each time it has been criticised for lacking appropriate financial and expenditure policies, but also for making grants in contravention of its own policies. Blame has invariably been laid with the ABTA Advisory Committee, but rarely with the Commonwealth Minister or his delegates.

A key criticism made of the ABTA as a trust account is that it has a poor savings and investment performance: its accumulated reserves at 30 June 1996 totalled $31.5 million (in nominal terms) or 8 per cent of income. However, such concern is, in my view, misplaced as there is no statutory requirement for the ABTA to save; indeed, Woodward's (1974) recommended 40/30/30 formula merely treated the ABTA as a clearing house. Furthermore, in strategic terms, if Aboriginal interests are viewed globally then investment in successful land claims may prove of far superior value to accumulated financial reserves.

CURRENT ISSUES

Whether the ALRA is the economic success story in Aboriginal affairs policy of the past 20 years, as I argue, will be judged with greater fullness of time; certainly recent events and the current inability of the *Native Title Act 1993* to transfer land to Indigenous Australians suggests that land councils may have been prescient in focusing so intently on claiming land during what future historians may term a 20-year window of opportunity. In the next 20 years, the institutional structures of the ALRA will need to increasingly adapt from a focus on land claim to land development. This shift will present land councils with an increasingly complex juggling act: on the one hand, they will need to continue to represent their constituents; on the other hand, they will need to focus on wider development concerns. There are several broad issues that need to be addressed.

First, any impropriety in the utilisation of royalty equivalents paid to areas affected by resource development projects will leave land councils and, indirectly the ALRA, potentially vulnerable. To date there has been an evident reluctance by both the Commonwealth and land councils to work together to improve the effectiveness of royalty associations, even when outcomes have been poor. In a recent review of the relatively successful Gagudju Association, the following general points were raised for the Northern Land Council to consider (Altman 1996: 46):

- Why are statutory royalty equivalents paid to incorporated groups in areas affected by mining? At what point do these public moneys become private?
- To what purposes should these public moneys be applied and should areas affected moneys be payable to individuals?
- Should the statute specify an investment ratio for royalty associations and categories of investments permissible?

- Should areas affected be more precisely defined and should residents of these affected areas be differentiated in any way from traditional owners of these areas?
- Should land councils have a formal role in regularly monitoring the activities of royalty associations?

These are complex issues for a representative organisation to address for a variety of reasons. Land councils may not wish to monitor the activities of royalty associations because this places them in the invidious position of being in potential direct conflict with their constituents. It might be preferable to allow governments to monitor the activities of these associations, but this will require statutory amendment. Similarly, land councils and government are all too aware that the only guaranteed returns from mining to traditional owners is via areas affected moneys; these need to be provided as an inducement to traditional owners to trade away their de facto property rights in minerals provided by the veto (or right of consent) provisions. Alternatively, inducements can be provided to traditional owners via agreement payments, but such moneys would arguably be more private than royalty equivalents and hence less legally amenable to external accountability.

Second, in 1984 it was recommended that the ABTA should become a peak organisation that operated as a statutory authority to independently manage all financial aspects of the ALRA (Altman 1985: 26-9); this recommendation was never implemented. Today, over ten years later, this view remains valid.

The ABTA's granting operations, which even today remain under ministerial control, are looking increasingly anachronistic. The fact that the ABTA only retains income after the payment of non-discretionary areas affected moneys and land council administration expenses has not only marginalised its operations, but has also frequently placed it in an adversarial relationship with land councils as supplementary funding directly impinges on resources available to the ABTA Advisory Committee for granting purposes.[8] The ABTA itself is in an invidious position: when it provides grants to purchase pastoral stations for Aboriginal people it is criticised by non-Indigenous vested interests for providing a means under the ALRA to convert these stations to Aboriginal freehold title. When it responds to Aboriginal priorities, such as providing grants for the purchase of vehicles, it is criticised as economically irresponsible.

One of the tensions that has bedevilled the ABTA's activities is that between the broad policy ambit of self-determination, which recognises that granting activity should be in accordance with Aboriginal priorities and which has resulted in high expenditure, and bureaucratic and governmental preferences for accumulation. It is land councils who have strategically recognised that the resources of the ABTA could be utilised to both purchase land and as a source of development capital. But this recognition has not resulted in a concerted effort to seek statutory amendment to establish the ABTA as the overriding authority that not only manages all financial resources raised from commercial activity on Aboriginal land, but also has mandatory statutory functions to develop that land.

STRATEGIC OPTIONS FOR THE NEXT TWO DECADES

Land councils have been brilliant in defending established rights in the ALRA in the face of challenges from many quarters, including the Commonwealth's preferred national land rights model in 1985 (Libby 1989). Over the next two decades, if not in the next few years, the ALRA could become increasingly entangled in a potentially more encompassing issue: native title. Much will hinge on the High Court decision in the Wik case, but it is certainly a possibility that co-existence of native title on pastoral leases will be recognised. This would be welcomed by Indigenous Australians. But this could see the Howard Government move quickly to amend the *Native Title Act 1993* to extinguish native title or remove the right to negotiate on pastoral leases. It is not difficult to foreshadow, in such a context, a renewed attempt by the Northern Territory Government to dilute the existing right of veto in the ALRA on the grounds that it is a far stronger property right than the right to negotiate.

Under these circumstances it is imperative, in my view, that land councils actively seek to develop solutions to any existing problems in the ALRA (such as those outlined above and continuing concern about conjunctivity in right of consent provisions)[9] and actively market them to the Federal Parliament so that they can influence directly any potential reform agenda.

There is a pessimistic mood afoot in Indigenous affairs that is depicting the past 20 years as a failure in terms of improving the socioeconomic status of Indigenous Australians. Progressive policies such as land rights, and associated mechanisms for longer-term economic development, are presented as part of the problem rather than as part of the solution. Under these circumstances, it is incumbent on land councils to maintain, and possibly strengthen, their focus on development that has already been evident in recent years. In political terms, this will require a fine balancing act between the interests of constituents, in all their diversity, and wider interests; between acceptable development and uncontrolled developmentalism.

CONCLUDING COMMENT: LAND RIGHTS AND ECONOMIC DEVELOPMENT

In the 1950s, Hasluck established the ABTF as an institution to facilitate Aboriginal economic development during the assimilationist era. This instrument was incorporated, in modified form, in the ALRA as the ABTA during the current modern policy era of self-determination. Can the land rights framework deliver economic development in the 21st century in a manner that is neither assimilationist nor separatist?

Social indicators derived from the five-yearly census clearly indicate that there has been little change in the overall economic status of Aboriginal people in the Northern Territory.[10] A clear correlation between land rights and economic development cannot be demonstrated to date. This could be because normative criteria do not accurately reflect economic (not to mention cultural, social and political) benefits to Aboriginal people from land rights. Land might be used for unorthodox commercial activities, like wildlife harvesting, or non-market activities, like hunting and gathering (see Bomford and Caughley 1996). Such activities improve people's standards of living, but are not measured by official statistics.[11] It could also be because the historical legacy associated with dispossession, exclusion from the mainstream

provisions of the Australian state, and other consequences of past government policy and practice will take far longer than 20 years to rectify.

This paper argues that the transfer of land to Aboriginal interests in the Northern Territory *will* have significant longer-term positive impacts. But it must be recognised that land is only one factor of production; policy makers and Aboriginal interests must recognise that, if enhanced economic status is a goal, then that land must be developed via mining, tourism, pastoralism or commercial harvesting. Such development will require access to capital, investment in education (human capital) and access to entrepreneurship. While all land councils have established development corporations, access to capital remains a real constraint on development. This is why consideration must be given to accessing the ABTA's reserves for development purposes. And, equally importantly, Indigenous people must access big business expertise. The most obvious way that this can occur, as demonstrated in a number of situations, is by joint venturing with non-Indigenous partners. The activities of the Aboriginal and Torres Strait Islander Commercial Development Corporation are instructive (see Arthur 1996).[12] If development is the goal, then ventures will need to be strictly commercial. And the mind-set will need to be reconciliatory: 'developing the land together, rather than them and us'. Alternatively, in those situations where economic betterment is not a high priority goal then this can be accepted, at least under current land rights law.

In celebrating the twentieth Anniversary of Land Rights, it is appropriate to end with a key economic quote from Woodward (1974: 138), who noted 'There will be no immediate and dramatic change in the Aborigines' [sic] manner of living. In truth the granting of land rights can only be a first step on a long road towards self-sufficiency and eventual social and economic equality for Aborigines'. In reply to Woodward, this paper suggests that a very positive first step has been taken in the last 20 years. The challenge now is to effectively utilise the economic institutions created under the ALRA to continue to head in the right direction in the next 20 years.

NOTES

1. The focus here is on Aboriginal benefit: others, like Centre for International Economics (1993) contra to Manning (1994), have argued the costs and benefits for the Northern Territory economy generally of the ALRA.
2. No administrative or statutory mechanism was established until the early 1970s to ensure that those who directly bore economic, and other social and cultural, costs associated with mining actually received a share of royalty payments or that such payments were linked to actual costs incurred. It was also unclear how mining would occur without earlier exploration.
3. The passage of the *Mining (Gove Peninsula Nabalco Agreement) Ordinance 1968* resulted in the unsuccessful attempt by Yirrkala Aborigines to halt mining through the Northern Territory Supreme Court. This action is now generally viewed as the legal precursor to the High Court judgment in *Mabo v Queensland (No. 2)*.
4. The distinction between uranium and other minerals and petroleum and gas is important. From the ABTA's perspective, there is no difference between uranium and non-uranium royalty equivalents. But from the Commonwealth's perspective there is one major difference: as uranium royalties are paid to the Commonwealth their transfer to the

Northern Territory merely represents income foregone. Non-uranium royalties, however, represent a greater net cost to consolidated revenue as the Commonwealth has to pay the equivalent of all royalties raised by the Northern Territory Government on Aboriginal land that Commonwealth consolidated revenue does not receive.

5. This is a simplification because all mining agreements have additional negotiated financial components, in the form of agreement or upfront payments, that will not be discussed here. It should be noted, though, that the major difference between the Hasluck financial provisions and the ALRA is that the latter gave traditional owners a right to prevent exploration and mining on their land; this property right can be traded for private payments beyond statutory limits.

6. This term is a misnomer because all royalty associations receive other agreement and rental payments.

7. This is a very overstated simplifying assumption because, increasingly, as the land claims process has slowed, especially in the last decade, land councils' activities have focused on other functions like land management and development.

8. It is difficult to discern if such tension is between land councils and the ABTA Advisory Committee or bureaucracy ('secretariat'): the former possibility makes little sense as the members of the Advisory Committee are nominees and generally members of land councils.

9 This is a complex issue. Following amendments to the ALRA in 1987, and since a Northern Territory Supreme Court ruling in 1992, it has transpired that disjunctive mining agreements are not permitted. This means that the right of consent can only be exercised in negotiations over exploration; if exploration is approved, the veto cannot be exercised at the production stage. The efficiency impacts of this ruling are unclear.

10. The best comparative official statistics on the relative economic status of Indigenous Australians in the Northern Territory come from the five-yearly census. Comparing the proportion (Indigenous to other Australians in the Northern Territory) for three social indicators for the period 1976 to 1991 provides mixed results: median individual incomes increased from 32.2 per cent to 45.1 per cent; the employment population ratio declined from 57 per cent to 50 per cent and the unemployment rate remained almost identical with Indigenous Australians 2.3 times more likely to be unemployed if in the labour force.

11. Interestingly, the positive impacts of vehicle purchases funded by ABTA grants both for subsistence (hunting, fishing and gathering) activity in particular and the outstations movement more generally have never been rigorously assessed.

12. In particular, one could contrast what the Commercial Development Corporation has achieved since its establishment in 1990 with a subvention of $40 million, with the commercial activities of the ABTA that had access to nearly $100 million in grants and reserves (Tables 1 and 2).

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