

SOCIAL ECONOMICS, POLICY AND DEVELOPMENT

Working Paper No. 61

**A Review of Anne-Katrin Eckermann and
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The Gunggari Struggle for Land: A Native Title
Case Study***

by

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Title Case Study*¹**

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¹ For information about how to obtain copies of this book see footnote on abstract page.

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Chief Investigator: C.A. Tisdell and Partner Investigators: Associate Professor K.C. Roy and Associate Professor S. Harrison. However this series will also provide an outlet for papers on related topics. Views expressed in these working papers are those of their authors and not necessarily of any of the organisations associated with the Project. They should not be reproduced in whole or in part without the written permission of the Project Leader. It is planned to publish contributions to this series over the next few years.

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A Review of Anne-Katrin Eckermann and Lynette Nixon (2015), *A Place Called Home – The Gunggari Struggle for Land: A Native Title Case Study*, Brisbane: Cross Cultural Consultants Pty. Ltd. Paperback, Pp. x +109.

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ABSTRACT

Reviews the above mentioned book which contains a social history of the Gunggari Aboriginal group located in South West Queensland and which outlines their struggle for land rights. Following the commencement of the British settlement of Australia in 1788 and the proclamation then of British Sovereignty over New South Wales (which at that time included the area of the subsequent state of Queensland), the land rights of Australian Aborigines were not recognized. Legal recognition has only been given to prior land ownership of some Australian Aboriginal groups in recent decades. The extent to which they have been able to obtain legal restitution of these rights has varied considerably and also the economic consequences for indigenous groups have been very unequal. The process of having their previous land rights legally recognized (and salvaging whatever rights have not been extinguished) has been a major struggle for Aboriginal groups. This book provides a valuable and balanced case study of social dynamics of this process. It is considered that this book deserves the attention of all who are interested in Indigenous affairs, both general readers and specialists in Australia, as well as elsewhere.

Keywords: Australia, Australian Aborigines, Australian history, colonization, economic and social inequality, Indigenous affairs, land rights, native land title, Queensland.

JEL Classifications: Y3, Z13, N57

* This book is also available as an ebook, ISBN 978 0 99429 731 0 from Amazon Kindle. The paperback version can be purchased at <http://binangoonj.com.au/shop/> For more information contact the publisher, Cross Cultural Consultants Pty Ltd. PO Box 919 Mt Omaney, Brisbane, Australia, 4074, Email: info@crossculture.com.au.

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This book provides a valuable case study of the historical evolution of the conflict between Australian Aborigines and British colonists and their successors and its resolution in the case of the Gunggari; traditional owners of land in South West Queensland prior to the establishment of British Sovereignty. It is jointly written by an eminent anthropologist, Anne-Katrin Eckermann (who has studied Gunggari society for almost 50 years) and by a Gunggari woman, Lynette Nixon, who has been active in the development of her community for over 30 years. It draws on a wide range of sources including the unique knowledge and oral traditions of the Gunggari about their changing social status and their struggle for land rights.

A Place Called Home covers the requisition by force of Gunggari land by British settlers and their successors beginning in the mid-1850s: a process which eventually resulted in the Gunggari losing all their land and their freedom. This process was of course, repeated throughout Australia wherever European settlement occurred. This book provides relevant insight into the moral and pseudo-scientific arguments (such as evolutionary racism¹) which the colonists used for taking land rights and denying other rights to Aborigines, including the Gunggari. Despite land disposition, loss of basic human rights, and entrenched discrimination, this book shows how the Gunggari (against the odds) managed to retain their social cohesiveness and their cultural identity and strengthen this from 1967 onwards. These factors proved to be crucial assets in their struggle to obtain legal recognition of their prior land rights and in obtaining restitution of these, to the extent legally possible.

Australian attitudes towards native land rights have altered markedly in the last few decades of the 20th century. Major turning points were decisions of the High Court of Australia in the cases of *Mabo v. Queensland* (1992) and *Wik Peoples v Queensland* (1995), recognizing prior ownership of land by Australian Indigenous groups. Nevertheless, many hurdles have to be overcome by Australian traditional landowners in order for their claims to be legally recognized, as the book documents. For example, the group claiming native title must be fully identified; they must show continuity of connection with their land and demonstrate the continuing importance of their normative system of traditional law and custom. The process

of doing this can be derailed by division within the Aboriginal community itself.

It was only in 2012 that the Gunggari obtained legal recognition of their claim that they were the traditional owners of land in their area prior to the establishment of British Sovereignty. However, in the case of the Gunggari, this was more a psychological victory than an economic one because Native Title to most land of any economic value was deemed to be extinguished, for example, freehold land.² Nevertheless, this was an important victory for the social identity of the Gunggari because “their concern was to establish the principle of prior land ownership rather than become large landowners” (Eckermann and Nixon, 2015, p.82). Consequently, as a result of their land claims, they did not acquire Native Title to a large area of land unlike some Aboriginal groups in northern and central Australia, particularly the Northern Territory.³

This study will help to enrich the knowledge of all Australians of their social history and should provide an inspiration to other Indigenous groups to record their social history and their struggle for land rights. Moreover, it identifies strategies that are likely to succeed in achieving legal recognition of these rights as well as recipes for failure. The book deserves the attention of all who are interested in Indigenous affairs (both general readers and specialists) in Australia as well as elsewhere.

Notes

1. As documented in this book (pp. 19-22), British colonists (as well as other European colonists) relied on a various reasons for taking Aboriginal land. These included:

- The view that they were ‘heathens’.
- They were generally regarded as being lower on the evolutionary ladder than Europeans who were regarded as being at the top. The greater military powers and the more productive economic system of the Europeans (among other things) seemed to prove this. The *Queensland Year Book of 1897* reported that the Aborigines of Australia “are lower in the racial scale than most of the ‘African’ races. In stature, they are inferior to Europeans”
- Europeans believed that because Aboriginal people relied entirely on hunting and gathering, they had no rights to land. Only those who used the land ‘productively’ for agriculture, animal husbandry and mining deserved to own land.

2. Eckermann and Nixon (p.91) point out that the claim of the Gunggari for Native Land Rights prior to British Sovereignty covered 13,600 square kilometres. This is a large area. However, their continuing rights in this land were greatly diminished. This, they state, is because:

“.... all existing freehold and leasehold land, as well as all land dedicated to general services such as roads, rail, electricity and water supplies, all town and villages, are exempt from the claim. As a result very little existing crown land has actually been handed back to Gunggari. Still the number of hectares, which they might reclaim was never of any real importance to Gunggari – what was important was to assert recognition of prior ownership over the whole of their country – including those areas disputed by Bidjera and Mandandanji.”

3. In a few cases, Aboriginal groups in northern and central Australia have been able to earn a substantial amount of income from mining royalties and from tourism since being granted Native Title to their land. Nevertheless, most Australian Aborigines in remote areas are economically disadvantaged compared with their non-Aboriginal counterparts and Aborigines living in more central places (see, for example, C.A. Tisdell, 2014, *Human Values and Biodiversity Conservation*, Cheltenham, UK and Northampton, MA, USA: Edward Elgar, Ch.16). Furthermore, the economic benefits which Indigenous groups (Australian Aborigines and Torres Strait Islanders) have obtained from restitution of their land rights to the extent legally possible are very unequally distributed in Australia. In areas that have been most closely settled by non-Indigenous people in Australia, Native Title in most land has been extinguished, given the factors mentioned in Note 2 which legally extinguish it. Moreover in these more settled areas, it is likely to be more difficult for Indigenous groups to satisfy the criteria for claiming land ownership prior to the declaration of British Sovereignty than it is for those groups living in remote areas. The latter are more likely to have continuity of connection with their land and greater maintenance of traditional law and custom.

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