

## Whose coup? Canberra and clan both celebrate a deal

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The Age  
September 22, 2007



*Galarrwuy Yunupingu: Memorandum of understanding puts land grab fears to rest.*

IT'S a powerful image: Indigenous Affairs Minister Mal Brough, casually dressed, at ease and at home with one of the most strident and powerful opponents of his charge into remote Northern Territory Aboriginal communities, Galarrwuy Yunupingu.

But as the Federal Government celebrated the land rights champion's surprise turnaround as a potent endorsement of its emergency intervention in territory communities over child welfare, other Aboriginal leaders and commentators say the document underwriting the alliance represents a backdown of key elements of the Government strategy.

The proposed 99-year lease remains in the hands of the local community, delivering a coup to the Gumatj clan, and recasting the shape of the intervention.

The memorandum of understanding signed this week by Mr Yunupingu and Mr Brough after a secret meeting in Arnhem Land brokered by eminent Cape York Aboriginal campaigner and supporter of the intervention, Noel Pearson ensures that Mr Yunupingu's clan retains control of much of its land at Gunyangara (Ski Beach).

It also recognises the voices of local elders "to remind governments that they are not in control of our lives", as Mr Yunupingu wrote in *The Australian* yesterday, enlarging on talks which will also deliver unspecified millions of dollars to the community.

Mr Yunupingu described it as a "new model" which put his concerns of a land grab to rest and empowered traditional owners.

Olga Havnen, a prominent territory leader and a member of the new National Aboriginal Alliance which opposes the intervention said a key part of the draft deal was that the land-holding entity under the lease would be a local Aboriginal body. "This is a significant shift," she said. "Will those options be available to other people, other communities?"

She also questioned whether the deal would allow the community to bypass some of the emergency response, such as the quarantining of welfare money. A spokesman for Mr Brough said the emergency measures would still apply.

Early last month, at the annual Garma Festival in Arnhem Land, Ms Haven and Mr Yunupingu were among leaders condemning the intervention as a land grab. "I don't want his money. I want my land," he said then. In yesterday's opinion article, Mr Yunupingu said he had changed his position on meeting Mr Brough and being assured they shared a commitment to improving children's lives.

Ms Havnen's analysis of the draft deal was that Mr Yunupingu has kept control of his land and got the money, though Mr Brough said yesterday there had been "no talk at all of money this is not about being bought off this is about what is right for the next generation".

David Dalrymple, a Darwin barrister and expert on Aboriginal land issues, said the Gumatj agreement differed importantly from talks with other communities by not handing over the lease to a government entity. This was critical because under section 71 of the Land Rights Act, indigenous people lose their statutory entitlement to live and practice culture on land leased to a body other than an Aboriginal corporation.

"The beauty of Galarrwuy's deal is that the head lease goes to an Aboriginal corporation, so they retain that entitlement," Mr Dalrymple said. "The other important thing about this deal is that the Gumatj mob themselves are determining what commercial leasing will happen there and in what terms.

"It's the antithesis of the government model. The community in Wadeye had been trying to negotiate something virtually identical before the intervention, and Brough knocked them back.

"Here, Brough has had to eat humble pie. He has surrendered, and what he has got in exchange is a public relations coup."

Mr Brough said the Gumatj deal related to different circumstances because the traditional owners wanted an arrangement that would allow them to "unleash the

value" of landholdings beyond the township. Such an arrangement was "available to anyone in the territory".

Professor Mick Dodson, a senior Aboriginal leader, said of the draft deal: "The problem I have is that this doesn't appear to be a sound public policy approach reacting to criticism in this way. It's bad policy. The precedent is now set. Jump up and down, and the Government will come in and bring some prominent Aboriginal people who agree with them to talk to you and to do a deal with you to keep you quiet. Is that how it works?"

"Galarrwuy has been one of the most strident and outspoken critics of the intervention, particularly this aspect of it the leases," Professor Dodson said. "It must be a large inducement to turn his view around."

Of the intervention, he said "there seem to be major problems arising each day. And this is symptomatic of bad planning, and planning on the run."