

# **Native Title and Community: A Social and Environmental Justice Perspective**

**Dr Meaghan Katrak and A/Professor Mark Harris**

## **Abstract**

This paper is concerned with the impact of native title on an Aboriginal community in Robinvale, rural Victoria, Australia. It draws on the authors' lived experience of over three decades, living and working alongside the local Aboriginal community and the observance of this impact. Far from being a positive and beneficial process that has empowered the community, it will be argued that the native title process actually damaged and fractured the relations within the Aboriginal community. This historical perspective will highlight this as a continuation of imposed notions of community and enforced organisational structures that have continued to impact Indigenous communities since colonisation. This will include and encompass the implementation of the Native Title Act (Cth) 1993. It will be argued that native title, as yet another imposed government structure and definition of Aboriginal identity, has negatively impacted on this Aboriginal community from social, cultural and environmental justice perspectives.

## **Native Title, Community and Identity**

The High Court judgement in *Mabo v Queensland (No 2)* 1992, and the recognition of the Indigenous property rights which overturned the legal doctrine of terra nullius was considered a significant landmark in a legal sense, but also in the advancement of the rights of Aboriginal people. The case ran for ten years and when the judgment was handed down in 1992 it was the High Court's first opportunity since its establishment in 1901 to confront the central question of the existence and nature of native title in Australia (Keon-Cohen, 1992). At a grass roots level it also heralded a new optimism within many Aboriginal communities around validation of land claims and recognition as First Nations people. However, this has, over subsequent decades, unfolded into a complex entanglement of interpretation and reinterpretation of key concepts of identity regarding who is a valid Indigenous claimant for the determination of native title. This ongoing interpretation of identity can be argued to have extended beyond the imposed scope of native title requirements and to have had significant impacts on the social fabric and well-being of many Aboriginal communities.

It must be recognised that the very term 'community' is a contested term (Peters-Little, 2000) and the discourse can be said to construct 'communities'. Rawsthorne & Howard (2011) remind us that we must be mindful how homogeneity and the idea of the "happy communities" distracts us from paying appropriate attention to

conflict and power; how the grand narratives (“community is unequivocally good”) inhibit our ability to name community problems (p.10).

Effects of these impacts can be argued to have fractured and split Indigenous communities significantly (Vincent, 2013). Cox & Jones (2018) discuss this in a Western Australian context, describing it as a contemporary phase of settler colonial power. They provide analysis as to the manner in which this discourse continues to undermine Aboriginal sovereignty and “foster a contentious politics of rejection among Aboriginal communities” (p. 358). Applying a settler colonial lens, they assert native title operates as a regime of extinguishment and division rather than recognition (citing Foley, 2007; Johnson et al., 2017; Wensing & Porter, 2015).

## **Policy and the Lived Experience**

This paper will draw on the authors’ experience, including doctoral research within this community regarding the impact of successive policies of displacement, resettlement and imposed ‘reinterpretation’ of Aboriginality and connection to place. This qualitative research explored the lived experiences of Aboriginal (and some non-Aboriginal) people in relation to welfare and social work from the late 1960’s to the late 2000’s against the backdrop of an analysis of legislation and policy development over that time. Drawing on Indigenist research methodologies, and guided by Elders and community members, 22 community members with long term connection to this place participated in the research. This case study analysis, which acknowledges ‘yarning as a legitimate form of research’ (Bessarab, D. and Ng’andu, B., 2010), draws on the perspectives of community members reflecting on this history. This analysis highlights how this more recent manifestation of colonial power is a continuation and extension of successive policies and legislative frameworks that have, since colonisation, impacted this community in North West Victoria. It will assert that in the context of historical displacement policies of Victoria, contemporary imposed ‘classifications’ have served to undermine and devalue historical and cultural connections of the Indigenous community and their generational and contemporary connection to land.

Parallels will be drawn between experiences of this Aboriginal community and other Indigenous communities internationally.

## **Imposing Identity Classifications**

A key feature that emerged through the native title claim process and caused division between Aboriginal community members is around who are considered to be, for the purposes of native title, the ‘traditional owners’. That being, who can evidence unbroken attachment to the land. This has, in many ways excluded those Aboriginal community members who are not able to evidence the connection to country in terms that are recognised by the Native Title Act (Cth) 1993.

Thus, within some Aboriginal communities there has been the emergence of factionalising of groups; disputes over traditional owner status, and lack of recognition of those members of the Aboriginal community who have historical connections. In the Victorian context, many Aboriginal peoples were displaced from their traditional lands as part of the succession of policies aimed at 'protection' and assimilation of Aboriginal peoples. However, what has followed, as a testament to the resilience and survival of displaced peoples, is often the reformation of communities and the development of real and ongoing connections to the land of this resettlement over several generations. Edelman (2009, p.3) notes that the concept of 'traditional owners' does not actually appear anywhere in the Native Title Act, yet it emerged as the most significant aspect, and is frequently referred to in Indigenous Land Use Agreements (ILUAs) and in disputes between Indigenous community members. He suggests that the origin of the term can be traced to the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) which provided for claims over unalienated Crown Land in the Northern Territory. What is of significance for this paper is Edelman's observation (2009, p. 5) that the term implies what he notes as a 'ranking' or 'hierarchy' of Indigenous association with the land. As a consequence, an Aboriginal person who may have been resident in an area and may have a cultural association with the land but cannot trace descent from the original custodians of the area, is excluded from being part of a native title application and their Aboriginal identity thus delegitimised. It can also be evidenced that this 'ranking' pervades community life beyond the realm of native title, affecting the community not only from an environmental justice perspective but also eroding the social fabric of the community. It is also clear that divisions within and between Aboriginal people and communities created by governments is not a new thing, but rather an insidious strategy of colonisation and assimilation. With 1 in 10 Aboriginal families directly affected by the forced removal policies (BTH, 1997), and most Victorian communities affected by displacement policies, the impact of this is immeasurable and the implications for native title application significant.

## **Environmental Justice**

In considering the impacts of these legislative frameworks on the Aboriginal community, the examination of this via an environmental justice lens can be useful. Environmental justice is a concept used in the United States to describe and analyse environmental politics (Arcioni & Mitchell, 2005). In large part the origins of the environmental justice movement in the USA had a particular emphasis upon communities of colour and the extent to which negative environmental outcomes (including the location of factories, provision of safeguards against pollution, and siting of waste disposal and garbage centres) were disproportionately influenced by race. There was of course an intersectionality with communities that were of low socio-economic standing but an abiding consideration in the environmental decisions or outcomes was that of race.

In Australia the literature on environmental justice is relatively sparse by comparison and has tended to focus upon certain disadvantaged communities battling against environmental decisions that adversely impacted upon them to a disproportionate level. An example of this is the mobilisation of the western suburbs of Melbourne Victoria (low income and high percentage of persons from non-English speaking backgrounds) against the location of a toxic waste dump in their suburbs. The notable Australian exceptions of environmental justice that fits closely with the US paradigm is that of the Aboriginal community who resided near and worked in the asbestos mines at Baryulgil in New South Wales or the Jabiluka uranium mine in the Northern Territory.

Mining within many traditional lands cannot be halted (save for a few exceptions involving culturally significant sites or objects) and as such the focus of native title has shifted to a concern with who is a legitimate native title claimant. In a sense the native title does not halt the mining that has been so destructive in Indigenous communities. It simply provides a process whereby, in return for limited benefits (or the promise of limited benefits) there is some form of compensation obtained. In this way the Indigenous community is incorporated into the native title process.

The concern of this paper, however, is upon the impact of native title which was presented at its introduction into legislation in 1993 as beneficial recognition of the rights of Indigenous Australians to their traditional lands and waters. From the original vision of native title that promised so much it can be seen that the process has been gradually diminished by legislative change and narrow judicial decisions; so that it is now described as little more than a third-rate form of property title. McGregor (2018) discusses, from an Indigenous environmental justice perspective, the way in which dispossession and disruption of Indigenous relationships with land have had devastating consequences for Indigenous peoples worldwide. In the Australian context, the underexplored relevance of native title to environmental justice is significant in that the original High Court decision and subsequent legislation recognised the extent to which Indigenous Australians can have an obligation to care for the land and waters as its custodians.

The reality, however, has been that the process has denied the claims of some groups, has given a limited recognition to other groups that cannot be differentiated from the rights of non-Indigenous peoples or left communities in a legal limbo for long periods, often for more than a decade. This community in North West Victoria, for example, was advised in 2012 after 16 years, that their native title claim had no potential to be successful, and it was therefore withdrawn. Community Elders were left wondering why they had been left with 'their hopes up' for such a long time (King, 2012). In the interim the Native Title Act (passed in 1993 and amended in 1998) provides a process for negotiation over the use of lands that may be the basis of native title claims. It is this 'future act' regime, along with provisions in the Act for Indigenous Land Use Agreements that allow companies and the government to

negotiate with communities to access minerals and other resources. Far from providing an economic base of the sort that can be found in other Indigenous peoples (Native Americans and First Nations in Canada and the Maori in New Zealand) this has led to compensation agreements that have not translated to an appreciable change in the living conditions of many Indigenous communities. Rather, Aboriginal people continue to have a significantly lower life expectancy and disproportionately higher chronic health conditions than non-Indigenous Australians. Indigenous Australians continue to remain over represented in the criminal justice system and Indigenous children are ten times more likely to be in the child protection system and out of home care than non-Aboriginal children (AIFS, 2014).

## **The Historical Context**

To fully understand the impact of native title on communities from a social and environmental justice perspective, it is important to place this within the historical context of the displacement of Victorian Aboriginal Peoples since colonisation. White colonisation saw the attempted decimation of Australia's Aboriginal people, by murder, massacres, and introduced disease. Subsequent policy and legislation paid particular attention to the notion of Aboriginality, with Aboriginal people being 'categorised' by 'quantum of blood' for purposes of control by authorities.

The issue of Indigenous identity has been one of classification and construction since colonisation (Chesterman & Galligan, 1998; Gardiner-Garden, 2003; McCorquodale, 1986; Paradies, 2006). While the authors note the issue of Indigeneity is one that should be defined by Aboriginal people themselves working through their own processes, it is clear that this has historically been an imposed political endeavor with significant negative implications for Aboriginal people.

In the final report of the Royal Commission into Aboriginal Deaths in Custody (1991), Commissioner Elliott Johnston, QC, commented that:

How 'Aboriginal' has been defined, and the qualities attributed to Aboriginal people, have varied over time and from place to place, in ways that can only be understood in terms of the local, national and international concerns of a European colony of settlement in the South Pacific. Declaring this or that individual person Aboriginal or not Aboriginal has been a political act, prompted often enough by administrative convenience or economic advantage, such as access to land or the control of cheap labour. (ALRC, 2018).

From 1858, recommendations were made for the establishment of a system of reserves in remote areas of the colony where Aboriginal people would be 'relocated' with the aim of the aforementioned 'protection', and ultimate control of Aboriginal people (SLV, 2012). Under the *Aborigines Protection Act 1869* (Vic) the Aborigines

Protection Board was established. This Board had ultimate power to make laws to control all areas of Aboriginal people's lives including the displacing of Aboriginal people from their traditional lands to these designated areas and reserves within the state. These laws also included the ability to remove children from their families or communities based on their Aboriginality, leading to generations of the forced removal of Aboriginal children from their families and communities, now acknowledged as The Stolen Generations (Read, 2014).

In 1886, this policy of segregation developed further with the focus placed on keeping 'full bloods' on reserves and excluding 'half castes' missions and reserves, with the aim of separation and absorption of Aboriginal people into the white community (HREOC, 2008; SLV, 2012). This legislated displacement and dispersal separated families, destroyed communities and has been described as a "devastating business" (Renkin, 2000). In 1917, the Board decided to concentrate the Victorian Aboriginal population in one area, Lake Tyers, and this became the focus for several decades (Renkin 2000; SLV 2012).

## **Transitional Housing Settlements**

From the 1940s and 1950s, the deplorable living conditions of Victoria's Aboriginal population often in 'town camps' along the river, or overcrowded city dwellings, began receiving more attention from citizens groups. They in turn, placed more pressure on the State Government regarding what was termed the 'Aboriginal Problem' (Lyons, 1983, p. 61; McLean, 1957, p. 21). The subsequent 1957 Victorian Board of Inquiry into the *Aborigines Act 1928* (SLV 2012) led to development of transitional Aboriginal housing estates as a means to address the substandard living conditions of hundreds of Aboriginal people. During the late 1960's these transitional housing estates were constructed on the outskirts of towns, ostensibly replacing the 'town camps' and fringe dwellings previously occupied by many Aboriginal people. Robinvale was chosen as one of three sites within Victoria for this transitional housing pilot. It was well documented at the time in local media that this was not viewed favorably by the white community, with the township expressing fear that providing housing for Aboriginal people would encourage more Aboriginal people to shift to the area, and that was generally considered an undesirable outcome (Harris, 2002).

As recalled by Aboriginal community members when reflecting on that period;

The town was in a bit of an uproar over it...they didn't want it there...most white people that is...(Max' interview notes).

Many local Aboriginal people lived on the riverbank and then made the move to the transitional housing settlement when houses became available. While sub-standard, compared to 'white standards', many of the makeshift homes in which Aboriginal people lived prior to the establishment of the housing settlement were well kept

and often provided a sense of community for Aboriginal people (Haebich, 2008, p. 498). This further exemplifies the resilience of the Aboriginal community in forming and reforming significant meaningful cultural connections to place and community following enforced displacement.

The transitional housing settlement did have advantages such as electricity and running water, however it also placed its residents under greater scrutiny and social control with strict rules around such things as overcrowding. Despite these sanctions, many Elders look back on those times as very positive and community orientated years:

When I look back they were good years [on the mission] everyone got along; helped each other out and all that. There wasn't all this conflict we have now in the [Aboriginal] community. ('Sandra' interview notes).

Despite the policies of assimilation and integration which informed the development of the transitional housing settlements, the attachment this community has to this land is obviously continuing and meaningful. The community continue to view this as a historic place of significance, with art and artefact workshops, and a community vegetable garden located there.

Harris (2002) notes a similar phenomenon of the sense of place and belonging in relation to other Victorian former missions and reserves, stating:

former missions and reserves in places such as Lake Tyers, Framlingham and Lake Condah in Victoria have remained the focus of community activity and group solidarity. (Harris 2002, p. 22) .

While acknowledging the strength and resilience of the Aboriginal community in creating and maintaining this connection to place, it cannot be denied that the historical displacement and subsequent resettlements has provided an enforced structure of community based on government requirements of the time. These continue to be perpetrated and reinforced by further imposed structures in a shifting legislative landscape.

## **Discourse of Factionalism**

In this community, from the late 1960's and early 1970's, further fracturing occurred when families began being moved from the river camps to the 'mission' (as the transitional housing settlement was termed by the Aboriginal people) under imposed legislative frameworks, and then from the 'mission' to town. As noted, the assimilationist aim of the transitional housing settlement were clear. The aim being to 'teach them (Aboriginal people) to live like whites', and those deemed to have achieved that were 'rewarded' with a house in town. This reward and punishment system caused division within the local Aboriginal community, to the extent the tensions were reported as front-page news in the statewide Victorian newspaper,

The Herald, which was major coverage for this small community, some 500kms away from the capital city. In the article “Whites are Angry but Hate puts black against black” (The Herald 1968), the reporter speaks of the movement from riverbank to town of the local Aboriginal community members, along with the resettlement of other Aboriginal families to the area. It discusses associated tensions within both the white and Aboriginal communities at the development of the transitional housing settlement. In the article, a definite hierarchy within the Aboriginal community was perpetrated.

The article stated:

The hometown aboriginals, trying desperately to keep up with the white Joneses, versus the coloured ‘blow-ins’ in their riverbank ‘ghettos’. They say the building of Manatunga settlement just outside town to house aboriginal families close to each other attracted first all the families relatives and then aboriginals from far and wide who heard that a ‘good thing’ was available’. (Joachim, 1968, p.1).

This form of enforced community groupings has implications for the political advancement of Aboriginal peoples. Frankland and Lewis (2011) discuss how the process of colonisation has created confusion when it comes to voice and self-determination within the Aboriginal community. Who speaks for country? Who speaks for current, historically mixed Aboriginal communities? Who speaks for the various areas of policy and human services delivery? Continued lack of cultural knowledge on the part of governments and the non-Indigenous community in general has led to policies which continually cut across the “often-informal Aboriginal community authority structures” (Frankland, Bamblett, Lewis & Trotter, 2010, p 108). An historical analysis allows this pattern of conflict around hierarchy to be viewed within the context of the ongoing impacts of colonisation.

Indigenous researcher, Francis Peters-Little, questions the very term ‘community’ in her Discussion Paper, “The Community Game: Aboriginal Self- Identification a local level (2000). Peters-Little questions the commonly held perception that “community invokes notions of an idealised unity of purpose and action among social groups who are perceived to share a common culture” (p.5). Peters-Little examines the history of development of Aboriginal ‘communities’ as politically motivated social constructs, and challenges readers to incorporate into their thinking this issue of displacement and the role governments played in formulating concepts of Aboriginal communities.

## **Resistance and Resilience**

However, the analysis must be nuanced. Peters-Little (2000, p.13) reminds us that the tenforced notion of ‘community’ has been used by some Aboriginal community



groups, in playing “the community game to their own advantage” often to the disadvantage of less powerful groups.

An example of this ‘playing the community game’, the formulation of community, by the community, to the advantage of the community, can be drawn from the establishment of Aboriginal Organisations and Cooperatives. In this community of Robinvale in Victoria, the local Aboriginal organisation was established in 1974 with membership open to all community members of Aboriginal descent (and their non-Aboriginal partners, if relevant) regardless of traditional owner status. These organisations developed initially with housing, social and health services, and were highly political with a strong activist and lobbying focus. The development of the programs extended over time to include a wide range of community-controlled programs. The aim of the Aboriginal community-controlled organisation is fundamentally self-determination; however, the reality has been impeded by restrictive government funding structures. While these organisations were and continue to be highly political, there was not historically the connotation of hierarchy of status within the community organisation based on imposed definitions of Aboriginality or traditional owner status.

## **Parallel Experiences**

Eve Vincent draws a similar perspective from a South Australian community, asserting that “the native title claims process has precipitated the destruction of Aboriginal self-understandings and local social relations” (2013, p.155). It can be seen that not only does native title identify or play into community conflict, but rather “reconstitutes and rearranges” the social and community landscape (Vincent, 2013, p.155). Edelman (2009) argues this recognition can be important, not just in relation to symbolic acknowledgment, but also as it may involve other important benefits to groups. This can include land, employment, economic opportunities and roles in management. Therefore, disputes and disagreements can sometimes arise, particularly in areas of high social dislocation due to European settlement, such as the case in Victoria (2009, p.31).

Similarly problematic is the notion that within the legal construct of native title, Aboriginal social structures and the state of traditional law and customs are frozen at 1788. Not only does this make native title difficult for many Aboriginal communities to establish, it also excludes customary laws and systems within contemporary Aboriginal Australia, many of which have evolved to allow function within the reality of a post-colonial context (Brennan, 2003).

In this Victorian community of study, as stated, the initial engagement of the community with the native title process was seen as a collaborative process, and that community unity would increase the chances of a successful native title application. There appeared to be a shared understanding of the context of ‘community’. ‘Ann’, a long-term community member commented that:

Originally we were all in it together, (native title) it was sort of formed around the Co-op, and we put all the family groups down...it felt good to be part of this community application. ('Ann', interview notes).

This initial optimism wasn't maintained however as the specificities of the native title process and requirement for connections to land to be identified, became more pronounced.

Then it all started...arguing, fighting about who were traditional owners... lots of us weren't...we didn't pretend to be either, we just wanted to support the community. But then some other families started pointing the finger saying why she is on it (the application) she's not from here...I was shocked. ('Ann' interview notes).

This has also played out with contention between some families around recognition of traditional owner status; with some claiming sole traditional owner status and refuting all other family groups assertions of the same. The changing landscape has multi-layered implications as reflected upon by a long-term community member:

Things have really changed. Over the years we've had cultural officers who really took cultural matters forward, recognition of sacred sites and that kind of thing...important work and they were very respected. How it is now they wouldn't be recognised as traditional owners, probably wouldn't be allowed talk....('Mary' interview notes)

Similar consequences of the Native Title Act 1993 (Cwlth) is also noted by Babidge (2010) in recounting the experience of the Aboriginal community in Charters Towers, Queensland, quoting a community member as saying, "Everyone used to get on good here, no fights. It's just when the Native Title came...we lost harmony here. I'm sorry it ever came about" (p. 158). Likewise, Peters-Little states in relation to the impact on families and communities of the native title process, "These broken relationships are likely to take many generations of healing, a process to continue long after native title claims have been won or lost in the Federal Court" (2000, p.2) These structures of community and identity, imposed by the government and legal system and the competitiveness and divisiveness within the community can manifest as lateral violence. Aboriginal and Torres Strait Islander Social Justice Commissioner Mick Gooda addressed this, stating:

In this way, native title processes provide a platform for latent conflict to develop into lateral violence because families, communities and organisations have to meet to decide fundamental questions about their identity and where they fit within the native title claim group. These issues of power and questions about identity feed into the cycle of latent conflict and lateral violence. (Gooda, 2011).

Unsurprisingly, response to the very limited outcomes from native title processes in Victoria in the late 1990's and early 2000's, not unrelated to a history of extensive land use and dispossession of Aboriginal peoples in Victoria, have been responded to by the implementation of further imposed legislative structures. This has included the implementation of the Traditional Owner Settlement Act 2010 (Vic) and the operation of Victoria's Aboriginal Heritage Act 2006 (Vic) (Bauman, Smith, Lenffer, Kelly, Carter & Harding, 2014). Parker & Guan (2011) in their aptly named paper 'The Traditional Owner Settlement Act (TOSA) 2010 (Vic): because sometimes acronyms have two meanings', discuss this implementation as a response to the unworkability of the native title system, including determination of whether traditional owners still hold customary title, through continuous connection to lands (p. 17). What the authors draw attention to is that TOSA imbues approaches, ostensibly to land justice, that are purposely beneficial to the ongoing colonial project of Victoria. Therefore, what is primarily evidenced is a construction of 'traditional owner' as defined through an Anglo-Western paradigm. (p. 10)

Further complexities manifest as these imposed structures allow no space for Aboriginal ways of decision making and conflict resolution. Martin, Bauman & Neale (2011), note that under incorporation laws the responsibility for government and management lies with the appropriate board and senior management. Disputes may be addressed through processes of dispute resolution and mediation, but ultimately matters may be resolved by the courts. Reliance upon the courts to resolve these matters is problematic however since there is no equivalent forum or authority for this type of determination within Aboriginal societies. The obligation of a process driven outcome such as those found in the courts can be seen to be at odds with the "epistemic openness and fluidity of Aboriginal social and political process" (Martin, Bauman & Neale, 2011, p. 20, citing Merlan, 1997, 1998 & Burke, 2007).

It is not appropriate for the authors, nor within the scope of this paper to attempt to draw conclusions regarding 'status' of traditional owners versus those Aboriginal community members with historical connections to place. It is noted and respectfully acknowledged there is also the important counter perspective of traditional owners or custodians voicing concern about being displaced in the hierarchy by more recent community formations (see Foley, 2005). What this paper is concerned with centering in the discourse is this displacement and categorisation as a contemporary process of colonisation. This continues to subject Aboriginal people to policy and legal frameworks of hierarchy of identity and the subsequent impacts on their spiritual and emotional well-being.

## **Identity, Connection to Country and Wellbeing**

Connection to land and country is an integral part of many Aboriginal people's culture, beliefs and world view. Increasingly, the importance of this as a protective

factor regarding mental, social and emotional wellbeing is being recognised (Zubrick, et. al, 2014). Connection to country is an important but complex concept to define, and has been explained by Garnet & Sithole (2007) as being achieved through knowledge of place and natural history. This is intertwined with personal and family experiences and a deep connection to the past and therefore Aboriginal identity. Land, country, community are inextricably linked to a deep sense of personal and community identity. Connections are further being drawn between Aboriginal people's health reflecting the health of country (Kingsley, Townsend, Phillips & Aldus, 2009). Likewise, social cohesion, the quality of social relationships, trust and mutual obligation along with cultural identification have been recognised as important protective factors in relation to Aboriginal health and wellbeing (Ganesharajah, 2011; Wilson & Marmot, 2003).

The impacts of native title, as one of a continuing stream of frameworks imposed upon Aboriginal people, can be identified as damaging on many levels to these culturally protective factors. For Aboriginal people in Victoria the policies of displacement and assimilation have in many cases led to the re-formation of significant Aboriginal communities, such as this community of study. Edelman supports the reality that 'historical people' do not live in a cultural vacuum, but rather may form very strong ties with the region of residence (2009, p,8). Many of these residents may not meet the categorisation of traditional owner that has gained greater credence in the post native title discourse. The subsequent interrogation of the validity of their connection to place and the interrelated sense of identity can have repercussions at the individual and broader community level.

## **Conclusion**

Learnings within this historical perspective for those committed to working alongside Aboriginal communities are significant. For those non-Indigenous allies, there are significant challenges to work from a position of social and environmental justice when working alongside Aboriginal and Torres Strait Islander Peoples. A critical lens must be applied to the context of displacement and re-formation of Aboriginal communities that goes beyond the imposed legalistic frameworks such as native title. A lens that places it in the context of yet another aspect of the ongoing colonisation of Aboriginal Australia, and values the resilience and strength of Aboriginal people to continue culture, to re-create, connect and reconnect with country amidst this tide of (white) history.

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