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Planning in (Post)Colonial Settings: Challenges for Theory and Practice

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Abstract

Planning processes that make space for Indigenous peoples in Australia appear to herald more inclusive and socially just practices, in the critical collaborative tradition, as they respond to Indigenous rights-claims and aspirations. The article describes a case in western Victoria where non-Indigenous planners are forging new relationships with Indigenous land claimant groups. The case extends current theorisations about more collaborative and socially just practices of planning in multicultural settings, and highlights the further theoretical and practical work to be done to fully realise the complexities of planning in (post)colonial settings.

Introduction

Calls for wider and more genuine public participation in planning and land-use decision making have been heard now for decades, especially since the emergence of corporate forms of governance in planning and the rise of neo-liberalism. In particular, such calls have focused on a fuller engagement with diverse communities of different ethnic, racial, or religious backgrounds. In Australia, and in other settler countries, the case of Indigenous peoples is of particular importance because Indigenous peoples have been, and continue to be, profoundly affected by colonial processes. Colonialism in Australia is the result of British occupation of Australian lands and waters on the assumption that the country was *terra nullius*, or 'empty land', despite the presence of Indigenous peoples. The acquisition of territory was founded on a racialised assumption of property rights, whereby Indigenous peoples were not categorised as humans capable of land tenure holdings. As a (post)colonial nation, Australia continues to be shaped by ongoing racialised assumptions and widespread marginalisation of Indigenous peoples from mainstream society. Colonialism is understood, then, as the process and material effects of appropriation of territory by a foreign power, and the construction of a racialised hierarchy of difference within and through that appropriation, such that the myriad, locally-constituted relationships between coloniser and colonised become embedded within structures of economy and power, as well as embedded in frames of meaning. To be (post)colonial, is to be both within and beyond those structures and relationships, the parentheses signifying the continuing presence of colonial processes and their ongoing material effects, despite the voices of the colonised becoming an ever more unsettling challenge.

Colonialism is further conceptualised in this article as unique to particular places and times (following Thomas, 1994). Whilst structured by the same forces of capitalist expansion, racialised social attitudes, violence and state oppression as in other colonised parts of the world, the article shows how colonial relationships and power are made manifest in the minutiae of everyday interactions and the cultural specificities shaping those interactions. Thus, while the recognition of 'fourth world' peoples is international in scope, and specifically the move to include Indigenous peoples and their knowledge in areas such as environmental planning a global

phenomenon (see for example the contributions to Jaireth & Smyth, 2003), the situation in Victoria offers a unique perspective on those shifts.

Unlike other settler countries such as New Zealand and Canada, Indigenous Australians' continued ownership of, and rights to, land has only recently been recognised. This has occurred firstly through the Australian High Court's landmark decision in *Mabo v Queensland [No. 2]* (1992) 175 CLR 1 (hereafter Mabo decision), and subsequently enshrined in Australian statute via the *Native Title Act 1993 (Cth)*. It profoundly changed the parameters for relations between Indigenous peoples and the Australian nation state because it overturned the concept of terra nullius, recognising a continuing form of 'native title' operating on Australian lands and waters. As a result, Indigenous voices have become ever more prominent in debates and contests concerning land use, and especially natural resource and protected area management (see Birkhead *et al.*, 1992; Howitt *et al.*, 1996). Indigenous peoples are claiming rights as the traditional owners of country² in Australia, and their ongoing status as land owners responsible for the care of their country. This includes specific rights to enjoy and utilise their land in accordance with traditional practices and customs. Indigenous peoples successfully utilise state apparatuses and technologies to further their aspirations, and the state has consequently shifted to accommodate their rights and interests.

As a result, land use and especially protected area planning practices and norms have been confronted with new and significant challenges in responding in culturally appropriate and legally adequate ways to the rights claims mounted by Indigenous peoples. In many parts of Australia, the state has responded with new forms of planning governance and land management approaches. Notably, this includes the development of 'joint management' in some national parks in Australia, where Indigenous traditional owners jointly manage the park with the relevant government agency (see for example De Lacy & Lawson, 1997; Smyth, 2001). In other cases, but by no means all, planners (and they are mostly non-Indigenous people) have responded with a sensitive and nuanced appreciation of the planning dilemmas at hand, building on new sensitivities in practice along the lines theorised by critical planning theorists such as Healey (1997, 2003b), Forester (1989, 1999a) and Sandercock (1998, 2003). It is appreciated that there are differences in intellectual genealogy and approach within this body of work, and the discussion is not intended to suggest that the kinds of planning theory and practice envisioned by the authors discussed are the same. Yet they do all offer a critique of forms of planning that prevent real possibilities for change and mobilisation that would better support more socially and culturally just ways of being. As Forester states, "planning is the organization of hope" (1999b, p.177), and it is this central thread to the critical strand of planning theory that underpins the discussions in this article.

This article explores one such case in western Victoria, a south-eastern state of Australia. The research underpinning the description of this case was undertaken throughout 2002 and 2003 as part of a wider investigation into the relationship between Indigenous land claimants and non-Indigenous planners in Victoria (Porter, 2004a). The material presented in this article is derived from observation at key community meetings, and interviews with Indigenous native title claimants, Aboriginal Cultural Heritage Officers, and planners and land managers in relevant government agencies. The case demonstrates how these new practices can be usefully

theorised through a deliberative/communicative planning lens. Yet the case also extends that theoretical work by adding important new contributions, and exposing some key gaps in our theoretical understanding of planning in complex (post)colonial settings.

The article begins by narrating the case of a new initiative developed in Victoria between the Indigenous traditional owner group and the Victorian government agency responsible for managing public land in the State. It is then argued that the case highlights how some of the work theorising more inclusive, participatory and deliberative planning practices are being put to work in (post)colonial Victoria. The case study extends that theoretical work by enabling a reconceptualisation of 'stakeholders' in planning practices. Yet it also exposes, in conjunction with a reading of another (post)colonial planning dilemma in western Victoria, that there is much more work to be done theorising the practice of planning in (post)colonial settings. The article concludes with a reflection on this question.

Developing Communicative (Post)Colonial Practices? A Narrative from Western Victoria

On the dry plains of western Victoria, Indigenous land claimants, the Wotjobaluk people, and staff at the regional office of the Department of Sustainability and Environment (DSE) are forging new working relationships. The DSE is responsible for the management of all public land in Victoria, and in particular overseeing the management and use of protected areas including national parks (the day-to-day management of which is contracted out to Parks Victoria), and forests. As part of this role, in each of DSE's regional offices there are permanent staff whose job is to ensure that the Department is complying with native title requirements. This is predominantly a process of 'native title notifications', whereby native title claimants are notified as a legal requirement of proposals that involve country they are claiming under the native title provisions.

However, community cultural politics in the region are extremely complex. Suitable agricultural land made the western region of Victoria the focus of aggressive squatter settlement in the early colonial period, resulting in widespread conflict with Indigenous groups. Warfare, widespread state-condoned massacres, starvation and disease all served to decimate the populations of Indigenous nations in the region, and resulted in the incarceration of remaining people on government or church-run missions. The (post)colonial reality of western Victoria is consequently very complex, and politically charged as families and Indigenous groups attempt to reconstruct with each other the Indigenous cultural landscape of the region and negotiate which groups and individuals can speak for which parts of the country. The Wotjobaluk people are the traditional owner group claiming native title rights to lands in the western region of the state, particularly along the Wimmera River.

At the Horsham office in western Victoria, staff had developed, over many years, a good working relationship with the regional Aboriginal Cultural Heritage Officer. Aboriginal Cultural Heritage Officers operate under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)* and their role is to liaise with state agencies and private landowners about the requirements to protect Indigenous cultural heritage including archaeological artefacts, sacred places and other points of

significance in a landscape. But DSE was now required to develop working relationships with the Wotjobaluk people through the Wotjobaluk Traditional Land Council (WTLC), who were claiming native title rights and interests to many parts of the Wimmera region. Cultural heritage and native title, while interlinked, are different kinds of recognition of Indigenous rights and the mechanisms to resolve questions about either cultural heritage or native title are entirely different. Cultural heritage refers to the protection and management of material and non-material artefacts of specific Indigenous cultural groups in Victoria. Native title, as outlined earlier, refers to the recognition of a pre-existing form of Indigenous land title that survived the occupation of Australian lands and waters by the British crown.

The Cultural Heritage Officer is not a member of the Wotjobaluk group, nor a traditional owner, and according to Indigenous law had no authority to speak for the country that the Wotjobaluk group were claiming. Whilst the DSE had been working with the Cultural Heritage Officer for some time, they had failed to appreciate that he was not a member of the traditional owner group. The Native Title Coordinator for DSE thought that this problem was largely created and then exacerbated by the attitudes and actions of agencies such as DSE. According to her, DSE has been 'guilty' of discussing issues only with the Cultural Heritage Officer of the region and assuming that "because we had spoken to an Indigenous person" then the consultation phase was complete.

This caused considerable division and hurt within the community, and a great lack of trust in the Department by the Wotjobaluk people who felt marginalised and ignored. One spokesperson for the WTLC, stated the problem as follows:

And that's one of the things that other government organisations or other people outside Aboriginal communities cannot understand—the pathways within. They go to [Aboriginal Cultural Heritage Officers] and they think that they're talking to the right [people], and they're not ...

The appreciation of this problem by the DSE officer led her to seek out her colleagues in other organisations—water catchment boards, roads departments, local authorities and Parks Victoria—and discuss how to approach native title negotiations in the region. One of her colleagues had previously met a Wotjobaluk man then employed by the WTLC as a native title project officer. After consulting with him about the problem, he suggested a social event to gather the relevant people together informally. A barbecue was organised and held down on the banks of the Wimmera River. Invited along were all the members and families of the WTLC, plus all of the staff from the government agencies now involved in the group. The Cultural Heritage Officer was initially excluded because of the history of conflict and hurt. After a few months of meeting together informally, enough trust had been established to include the Cultural Heritage Officer in the group, as his role was crucial to land use and management issues in the region.

This group is now known as the Wimmera Indigenous Resource Management Partnership (or WIRMP), whose purpose is to facilitate information exchange about native title and cultural heritage and build good working relationships between native title claimants and government agency staff. WIRMP meets monthly, and responsibility for chairing the meeting, setting the agenda and taking minutes is

equally shared between all members. Cultural heritage and native title form the primary focus of the group and members are now successfully working through complex and sensitive native title and cultural heritage matters.

Native title is, thus, a key mechanism enabling Indigenous peoples to get to the negotiating table, because of the weight of the legislative regime that underpins native title. To this degree, native title, as a concept embodied within that legislative regime, has been important in shifting the nature of the relationship between state-based planners and Indigenous communities. It has forced government agencies to rethink their standard practices to, at the very minimum, achieve 'legislative compliance', and in this case has proven to foster new dialogues between state-based planners and Indigenous communities. This is not a 'native title outcome' as such. However, something else is happening, some more subtle, local changes in accepted practices and the park management canon, as a result of the existence of native title.

Newly forged spaces of dialogue are likely to be one of the lasting positive shifts that results (see Langton & Palmer, 2003). Having direct, and personal, relationships with the WTLC and cultural heritage staff means that planning issues and management decisions are discussed with Indigenous communities outside (informally) and before the 'standard consultation' of the planning process would normally arise. Many issues are resolved before planning operations are even completed in their usual draft stage. For example, DSE's Fire Management Officer for the Horsham District described how, prior to WIRMP, the annual Fire Operations Plans would only go out for public comment (via submission) once they were decided. The same plans now receive comments from the WTLC as part of the internal review process. Creating employment for Indigenous peoples on fire crews had been a key aim of that process. However, when DSE previously attempted to advertise for Indigenous peoples to join fire crews, they received no applications. It was only through the personal relationships established through WIRMP that the Fire Officer was able to discern the problem. Indigenous peoples in the region tended not to have driving licences (a requirement of being on a fire crew), and most people felt they had neither the skills nor confidence to apply. This issue is now being addressed through a range of training packages targeted toward Indigenous communities.

State agencies are able to share information about native title procedures, and have a direct relationship with both the WTLC and the Cultural Heritage Officer to resolve issues effectively. For the Indigenous representatives, the group makes dealing with government bureaucracies much simpler. Through a roster system, each agency representative is tasked with attending monthly WTLC meetings to discuss particular, or perhaps sensitive, issues in more detail and develop closer working relationships with all members of the Council. In these ways, WIRMP has positively changed the processes of land management and (post)colonial relationships in the western region of Victoria.

WIRMP as Transformative Practice?

The case of WIRMP is an excellent, although by no means perfect, example of the kinds of transformative practices envisioned by critical planning theorists who have

critiqued the technical-rational paradigm of planning and its epistemological practices, the manner in which this approach generates and exacerbates social inequalities, and how structural relations of power and oppression are embedded in the very practice of the profession (see Forester, 1989; Friedmann, 1987; Healey, 1997; Krumholz & Forester, 1990; Leavitt, 1994; Leavitt & Saegert, 1990; Sandercock, 1998; Schon, 1983).

All of this theoretical work provides crucial insights into how planning is practiced and what that means for diverse publics. Friedmann's 'transactive' approach, Forester's 'deliberative practitioner', Healey's 'communicative planner', and Sandercock's 'epistemologies of multiplicity', while diverse in their approaches and intellectual genealogies, all seek to transform planning practices so that they acknowledge (and even celebrate) the non-rational, contextual nature of planning knowledge and action, whilst attending to the politics of planning's relations and actions (see Forester, 1999a; Friedmann, 1993; Healey, 1997; Sandercock, 1998).

In the case of WIRMP, the DSE officer was closely attending to those politics in a complex (post)colonial setting. The impetus itself came from highly standardised and regulatory bureaucratic requirements, namely the requirement for the DSE to comply in legislative terms with the *Native Title Act 1993 (Cth)*. Instead of dealing with that requirement in the usual faceless, sterile bureaucratic way, DSE's Native Title Officer in Horsham thought differently. She did what Forester shows is the real work of planning: she addressed problems by “creating them anew, reformulating them so action and strategy are possible, sensible and agreeable in the case at hand” (Forester, 1989, p. 16). This required sensitive awareness and recognition about a key political issue within a local community—the tension between the Wotjobaluk traditional owner group, and the Cultural Heritage Officer, and the role that the DSE had played in creating that tension. Appreciating this problem, actually paying attention to it as a real issue to be resolved carefully and thoughtfully, required sensitivity, empathy and a willingness to get involved even where there was pain (Forester, 1999a). It also required recognition of the relations of power that are always already present and operating in planning situations. Both of these parties had to be involved together on WIRMP, despite past hurts, because of the legislative requirements posed to land management agencies by native title and cultural heritage regulations. A sensitive appreciation of the issue allowed that inclusion to occur with trust and openness.

That the partnership is a process, an ongoing conversation rather than a finite project, is also a key strength. The regularity of meetings and contact between the people on WIRMP enables relationships to be developed and at least begin to break down some historical barriers. There is no particular plan or project under discussion, the meetings cover a variety of issues and topics, each participant has a dedicated opportunity at every meeting to have their say, and be involved in the management and leadership of the group through the rotating chair. In terms of 'process design' (following Healey, 2003b), WIRMP has significant transformative possibilities because it has attended to memory, the embedded nature of power relations, the multiplicity of identities, and the “situated specificity” (ibid, p. 107) of each of the participants.

Trust, learning and recognising the operations of embedded power relations constitute the new planning literacies that Sandercock advocates for inclusion in the

contemporary planning canon: knowing through dialogue, from experience and from local knowledge, learning to read symbolic and non-verbal evidence, learning through contemplative or appreciative knowledge, and learning by doing (Sandercock, 1998, pp. 76-82). The Native Title Officer in Horsham drew on her extensive local knowledge to appreciate that there was an issue that needed to be sensitively addressed, learned more about the problem through dialogue with the right people, and attempted to begin developing answers to the problem through 'learning by doing'. The WIRMP process has evolved over time, as new issues have arisen and as positions have changed. In this way, WIRMP has been achieved not through adherence to rule structures (although this was its original impetus) but through subversion of the normal practices of bureaucratic planning hierarchies.

Of course there are inevitable limitations and problems. WIRMP is not an institutionalised or statutory body of DSE or any other government agency and thus is necessarily founded only on the fragility of the attitudes and goodwill of individuals within the bureaucracy. Whilst there have been shifts in the interpersonal power relations of this group, by virtue of the structure of the group and its co-operative nature, this does not address the more pressing question of structural power relations (between the state and Indigenous peoples), where nothing has really changed. WIRMP, in one sense, is merely a more informal, personal and co-operative system of native title notifications. In this sense, WIRMP is hardly an example of 'radical' planning as some authors have described it (see Rangan, 1999; Sandercock, 1999). These questions will be left aside, important as they are, in order to address two crucial aspects of planning in post-colonial settings that WIRMP exposes, and in doing so asks us to do some more theoretical work.

Indigenous Peoples as Stakeholders

The communicative turn imagines a renewed practice of planning as one "enabling all stakeholders to have a voice" (Healey, 1997, p. 5) to make planning a more inclusionary practice for diverse social groups. Indigenous peoples are, by definition, a distinct collection of social groups who suffer particular kinds of oppression and domination (Young, 1990). However, conceptualising Indigenous peoples as 'stakeholders' in planning processes fails to appreciate their unique status as original owners of country that was wrested from them by the modern, colonial state. As Langton points out, within Indigenous law rests the notion that "Aboriginal people are born with an inchoate, inherited and transmissible right in a 'country'" (Langton, 1997, p. 1). Indigenous peoples in Australia must occupy a position more significant than that of another stakeholder in land management questions.

Further, the approach of including stakeholders of different voices in more deliberative, communicative processes assumes that such inclusion is the key aspiration of Indigenous peoples. Inclusion is in fact highly problematical as it turns on paternalistic notions of compassion and comparative disadvantage, compassion being an insufficient mechanism for delivering rights (see Dodson, 1994, p. 67). Inclusion fails to appreciate the depth and breadth of aspirations held by Indigenous peoples, and the extent to which an Indigenous domain is always operating (although often unrecognised) alongside modern legal and administrative processes. Such a domain constitutes Indigenous peoples as distinct peoples who "share a sense of

kinship and identity, a consciousness as distinct peoples and a political will to exist as distinct peoples” (Dodson, 1994, p. 69).

WIRMP is a (more) collaborative planning process designed only for Indigenous interests. It is not open to any landholder in the region that might be affected by decisions about land management on nearby public lands for which the DSE is responsible. As a result, WIRMP recognises the particular and unique position that Indigenous peoples hold Australia and bring a more complex (post)colonial understanding to bear on the idea of 'stakeholder' rights. Developing 'closed' processes such as this to more effectively respond to Indigenous rights-claims and aspirations is highly problematic for a modern state which is supposed to govern representatively and fairly for all citizens. Further, it opens the door for trenchant criticism from other non-Indigenous social groups who commonly resist the recognition of particular Indigenous rights (Lane & Corbett, 2005, p. 148).

The case of WIRMP therefore complicates the idea of processes that include all stakeholder voices as inherently more just and democratic than processes that are closed or serve to recognise only the interests of one group. Underpinning our sense of what is morally 'thick' (borrowing from Beauregard, 2005) in planning practice and theory is a belief in democracy and the rights of all citizens to a voice in decision-making processes: Healey tracks how planning processes can be more “socially just” (2003, p. 108). Forester identifies planners as having a “legal mandate to foster a genuinely democratic planning process” (1989, pp. 27-28). Sandercock offers stories about radical democracy and planning's role in promoting such actions. Friedmann desires a non-Euclidean form of planning that “furthers the cause of human flourishing and diversity throughout the world” (1993, p. 485). Yet the example of WIRMP extends a theorisation of stakeholder rights and interests in planning that moves beyond process design and communication strategies for democracy, to attend more specifically to how the ongoing effects of colonial power and history are lived everyday for Indigenous peoples. By actively excluding certain citizens from the table, WIRMP is responding to planning dilemmas that arise in places and for people where histories of colonial rule and oppression have profoundly shaped the possibilities for action.

Recent research has also highlighted how more 'inclusive' planning approaches can be profoundly marginalising of Indigenous peoples. In a recent paper evaluating Indigenous participation in community-based environmental management processes in Australia, Lane & Corbett (2005) concluded that the assumption that all community-based initiatives are inherently democratic is misplaced and somewhat dangerous. One aspect of their findings was that the agenda of community-based initiatives continues to be fixed to reflect “the cultural priorities of non-indigenous people” (Lane & Corbett, 2005, p. 153). This was partly due to a lack of Indigenous representation on the relevant boards and decision-making forums. However, Lane & Corbett also concluded the existence of an “epistemic barrier to accommodation of indigenous perspectives” (ibid, p. 148).

The authors point to, but do not elaborate or theorise, the critical point to which planning in (post)colonial settings must attend: the colonial cultural roots and living reality of planning practice. The next section describes another planning dilemma currently faced by planners and Wotjobaluk people in western Victoria, but with very

different outcomes. The story shows the further theoretical and practical work needed to expose and trace the colonial culture of planning and its shaping of place, identity, nature and practice.

Exposing Planning's Colonial Culture

Cross-cultural issues and the challenges of practicing in multicultural settings are widely talked about in much of the planning theory literature that this article has drawn on. Healey's work, for example, conceptualises power as operating at the "deeper level of cultural assumptions and practices" (2003, p. 113) and is committed to querying how we perceive our own cultural boundedness and how this is embedded within institutional practices (Healey, 1997, 2005). Sandercock's work places multicultural (now 'intercultural', in her terminology) challenges at the heart of her theorising about the transformative possibilities of planning and specifically identifies the rise of Indigenous claims as a key socio-cultural shift facing planners in the 21st century. Sandercock's call for a new multicultural praxis in the face of such challenges entails, in part, the recognition of multiple publics and the development of multicultural literacies (1998, p. 30).

Recognising, celebrating, understanding and developing good transactive and collaborative dialogues with socio-cultural groups that are 'other' to planning is, in my view, a right and proper aim. Academic and practitioner focus in many (post)colonial countries, including Australia, is engaging in important theoretical and practical work to understand the specific interactions between Indigenous peoples and state-based planning structures and processes (see Carrick, 1999; Cosgrove & Klinger, 1997; Jackson, 1996, 1998; Lane *et al.*, 1997, Lane, 1999; Porter, 2004; Rangan, 1999). Yet those approaches consistently miss what is the first and most important theoretical and practical work to be done: to turn our analysis toward the culture of the practice of planning. Even when power relations are well theorised, and local histories and cultural nuances sensitively understood, to pretend that planning is the position from which the clamour of 'difference' in (post)colonial settings can be heard, translated and mediated is to forget that planning's own genealogy is colonial and its work a fundamental activity to the ongoing colonial settlement of territory.

Forgetting to theorise planning's own cultural position renders the inclusion of Indigenous peoples in land management decisions a continuation of colonial power. The insertion of Indigenous 'voices' as stakeholder views is an act of power because that insertion occurs where the state can define and legitimate an appropriate Indigenous interest. Rights to knowledge, the land and decisions about its use and management continue to be the preserve of the state and the state-based planner, founded on an original and re/newed appropriation of territory.

This is particularly the case when we look in detail at actual practice to investigate where and how Indigenous peoples are legitimately given a 'voice'. Indigenous peoples in Victoria are deemed to have an interest in planning and land management in very limited 'sites' within planning frameworks. These generally revolve around cultural heritage management (the protection, for example, of significant sites, burial mounds, scarred trees and so on, see Porter 2006 for a detailed study of this problem); and the legislative requirements of native title which planners are legally obligated to comply with (other issues include employment and reconciliation). Cultural heritage

and native title are of course the two questions around which the structure and process of the WIRMP group revolve.

The construction of an appropriate Indigenous voice and the site of its inclusion in planning processes is inextricably linked with the production of Indigenous peoples as the 'Other' of the modern west (see During, 1991; Said, 1978; Young, 1990). In Victoria, this construction is profoundly shaped by early colonial history, which culminated in the total dispossession of lands from Indigenous peoples, and their incarceration in reserves and mission stations (Clark, 1998, 1995; Cole, 1984; Critchett, 1980, 1990). The 'civilising' mission of the early settler and colonial governments in Victoria, and the dispossession that resulted, has meant that Indigenous peoples in Victoria are deemed 'less traditional' or even 'less Indigenous' than others who live lifestyles defined in more 'classical' terms. In this way, Indigenous peoples in Victoria are deemed to have irretrievably lost their culture, or be no longer practicing 'proper' Indigenous culture. Thus, to be thought 'not-primitive' (a bizarre perversion of early colonial attitudes that deemed Indigenous peoples as irretrievably primitive) is to be considered fundamentally corrupted by the vices of modern society.

Yet for Indigenous peoples, the ability to use land and its resources for cultural activities is inextricable from rights to the land itself, whether pursued through native title or other means. Cultural heritage becomes meaningful through the ongoing practice of culture. This involves the practice of hunting and gathering activities, often on Crown land that is reserved in national parks or other forest systems. Hunting and gathering practices are a means of transmitting cultural information to young people, continually revitalising and recreating cultural practices and law systems, contributing to a local Indigenous economy and better health, and perhaps most fundamentally 'caring for country'.

Victorian government land management agencies are distinctly uncomfortable with the idea of Indigenous custodians continuing hunting and gathering practices in national parks and forests. This discomfort stems from the requirement for the government agencies responsible for public lands (namely DSE and Parks Victoria) to ensure that actions and uses in the park comply with current legislation. Under the provisions of the National Parks Act 1975 (*Vic*), it is a criminal offence to take any kind of natural resource from a park. Destruction or killing of wildlife is expressly forbidden under this Act, because, as DSE's Senior Policy Officer for national parks explained:

the major objective of [the National Parks Act] is the protection of indigenous flora and fauna and it doesn't have any ability for the Secretary or the Minister to [allow anyone to] hunt and destroy wildlife unless it's required for the management and care and protection of that park such as they might be dangerous or [because of] population explosion or various other management reasons. (Personal communication, 12 March 2003)

Further, the provisions of the Wildlife Act 1975 (*Vic*) also make it an offence to kill or destroy wildlife on public lands without a permit from DSE. Whilst this Act was amended in the early 1990s to enable permits to be issued free of charge for the taking of wildlife for cultural purposes, on Crown lands outside National Parks (pers. comm.,

Senior Policy Officer, DSE, 12 March 2003), Victoria remains the only state in Australia where Indigenous peoples still require a fishing licence to fish in their traditional waters (pers. comm., Manager Indigenous Programs, Parks Victoria, 12 September 2002). Yet Indigenous custodians do continue to undertake cultural practices, such as hunting of animals and utilising other resources such as tree bark and plant material, which result in the removal of 'natural resources' from the protected area estate. That such practices currently constitute a criminal offence under modern Australian planning statute means that Indigenous custodians are forced to practice their customs furtively, always hoping they are not caught by government officers, who have the power to prosecute.

In western Victoria, the Wotjobaluk people continually express aspirations to undertake cultural practices on the protected area estate. One Wotjobaluk native title claimant and spokesperson describes this aspiration as follows:

One of the things that we've been talking about is that we would like the veto to be able to go into the park area and sustain some of our culture. And that is in the way of camping, fishing, hunting, and gathering. So, that has been a new concept to them and they would probably have to change legislation. And we're saying, well, hang on, our people have been doing this for x amount of years... they've been sneaking into these areas ... we don't want to sneak in there anymore. (Personal communication, 15 July 2002)

However, for government officers this is a prickly issue, as described by a senior executive in Parks Victoria:

Some communities that we go to are adamant that they'll do it [hunt] anyway, and that puts [Parks Victoria] officers in an awkward position ... [because we have] to say that's the law, we can't just flaunt it, so if you're out there then we're going to have to do the right thing [and prosecute]. (Personal communication, 12 September 2002)

Nevertheless, this Parks Victoria senior manager is prepared to look at creative ways of getting around the requirement for legislative compliance:

What we've got to do is say well at the moment under the Act, it's not allowable, not a permissible thing. We've heard what you've said, we'll take that on board, but we can't guarantee anything will change. But in the meantime we'll look at your aspiration [that you] want to be able to take kangaroos four times a year [for example] for ceremonies. Alright, well under the Wildlife Act, the Chief Executive can provide a permit for that, but it has to be out in State Forest, or some other Crown Land. Or [it] could be part of a permit on private land because they've got a problem with the [kanga]roos overgrazing or something like that.

According to the Wotjobaluk people, creative manipulation of the protected area legislative regime is ridiculous:

I laugh at Parks Victoria [when] I say [to them] 'I'd like to go out and shoot a [kanga]roo'. But [they say] 'you can't do it on Parks ground'. Oh, okay—so if I get a road kill then I can take it into [the] Park? 'Yeah you can'. So, [we have] this joke that we herd all these roos out [of the park] and then we shoot one and take it back in!

They're really, really skeptical about those sorts of things. (Personal communication, 15 July 2002)

In Victoria, Indigenous use of natural resources on the protected area estate remains 'uncommon ground' (Cronon, 1995) between park managers and traditional owners. The dominant view of protected areas as essentially pristine natural places, and human intervention as essentially destructive in its intent and outcome, is powerfully inscribed into the protected area management legislative framework in ways that foreclose on Indigenous ontological and epistemological philosophies and their manifestation as lived cultural practices.

Conflict over kangaroo hunting in western Victoria highlights the crucial gap in our understanding of planning in (post)colonial settings, even as positive initiatives such as WIRMP are reshaping relationships in the region. It shows how colonial conceptualisations of place, nature, identity and practice are deeply embedded in contemporary processes. Ordering of space, determination of who is an Indigene, and the limitation of what constitutes acceptable practice—all of it authored by planning practices at the inception of colonial rule in Victoria—continues to be the modus operandi of planning practice today. Thus, whilst WIRMP is a more positive story, it continues to locate the inclusion of Indigenous peoples into certain positions (cultural heritage and native title) deemed appropriate by colonial tropes concerning place, nature, identity and practice. In (post)colonial dilemmas such as these, there is more theoretical work to be done in exposing, understanding and undoing the colonial (not just the modernist) roots of planning.

Conclusion

What is clear in (post)colonial settings such as Australia, is that planning makes manifest epistemological and ontological philosophies about place, identity and governance that are colonial in their roots and their ongoing specificity. Therefore, what remains absent from current critical theory is recognition of the colonial cultural roots of planning's epistemological and ontological position. Claiming that planning can 'include the other' by virtue of being more attentive to the fact that an 'other' exists and what that 'other' looks like, renders planning a-cultural: a culturally colourless backdrop to an array of other/ed cultures and life-ways, Indigenous being merely one of many.

This article finds that critical theoretical approaches to planning must begin to acknowledge and grapple with its colonial as well as its modernist roots. Unveiling planning's complicity in colonial dominion over space requires careful tracking of planning's historical role in colonialism's processes, and rendering those processes visible to planners. This would require accepting that the very objectives, values, processes and knowledge that constitute the daily practices of state-based planning are themselves complicit with the ongoing colonial domination of place. Planning, and the technologies and assumptions it uses to produce place, would thus be viewed as a culturally-bounded position, not as a set of individuals occupying a particular cultural position, but as an ontological and epistemological practice that is defined by colonial processes. This should require a more critical examination of planning techniques previously thought of as neutral, and to bring those techniques under negotiation with Indigenous communities. To see planning as bound by its own colonial cultural roots

and profoundly structured by ways of thinking that continue to assert the colonial dominion over Australian landscapes allows a new gaze to be fashioned: one that seeks to understand the detailed practices and meanings of Western cultures (rather than Other/ed cultures) to discover the opportunities for transformation.

Notes

1. In Australia, the term 'Indigenous' refers to both Aboriginal and Torres Strait Islander peoples. In this article, the term 'Indigenous' is used throughout to avoid confusion and aid readability. This includes reference to Victorian Indigenous groups claiming native title even though they do not include peoples of the Torres Strait. The term 'Aboriginal' is used where a direct quote or proper title employs that term.
2. 'Country' refers to "the collective identity shared by a group of people, their land (and sea) estate" (Palmer, 2001) and includes all the "values, places, resources, stories, and cultural obligations" associated with that estate (Smyth, 1994).
3. The Wotjobaluk, with other claimant groups, received recognition of their native title in December 2005, although only over a substantially reduced area than was in their original claim.

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