

AUSTRALIAN ANTHROPOLOGICAL SOCIETY  
NEWSLETTER



NUMBER 1  1994

# AUSTRALIAN ANTHROPOLOGICAL SOCIETY ANNUAL CONFERENCE 1994

THE UNIVERSITY OF SYDNEY

This year's AAS conference will be held on September 28, 29 and 30 at the Women's College, The University of Sydney. The sessions proposed, and their convenors, are outlined below. Papers that do not obviously fit these sessions will, of course, be accepted and an attempt will be made to organise them into coherent sessions. Copies of titles and abstracts should be sent both to the relevant session convenor, and to the conference organiser no later than Friday August 19. While offers of papers after this date may be considered, subject to available space, they will not be included in the conference program.

Accommodation will be available at The Women's College at a Bed and Breakfast rate of \$40 per single and \$60 per twin; Full Board \$52 per single and \$80 per twin. The conference organisers need to be advised of accommodation booking at least two weeks in advance of the conference.

**CONFERENCE ORGANISERS:** Neil Maclean and Jeremy Beckett, Department of Anthropology, University of Sydney, NSW 2006. Ph: (02) 692 3509  
Fax: (02) 692 3046.

**KEYNOTE ADDRESS:** We currently expect that Professor Faye Ginsburg - Department of Anthropology New York University, Director of The Centre For Media Culture and History, and recent awarded a Macarthur Fellowship - will give a keynote address to the conference.

Proposed Sessions:

## **ANTHROPOLOGY AND AESTHETICS**

Convenor: Diane Losche, Art Theory, C.O.F.A., U.N.S.W., P.O. Box 259  
Paddington, NSW 2021. Tel: (02) 339-9??? Fax: (02) 339-9506

Recent debates about primitivism, multiculturalism and postmodernity are making apparent what may have been the case for a long time; the fact that in some ways apparently neighbouring discourses within the same cultural context are as foreign and orientalist to one another as foreign and not very friendly countries. These debates seem to call for interdisciplinary approaches to a range of issues. Despite this convergence there are formidable theoretical and methodological differences between disciplines which also need to be addressed. The intersection of anthropology and aesthetics is what this session broadly takes as its brief. It has been prompted by a desire to investigate the problems and possibilities which this intersection presents. Within this broad brief we will explore common ground and differences between the approach of anthropology and aesthetics particularly in the arenas of exchange, translation and context.

## **IMPLODING WORLDS OR IMPLODING CONCERNS?: THE PREDICAMENTS OF THEORY.**

Convenor: Sanjay Srivastava, School of Social Sciences and Liberal Studies, CSU - Mitchell, Bathurst, NSW 2795. Ph: (063) 384893; Fax: (063) 384401; E-mail: ssvrast@csu.edu.au

This panel seeks contributions both from those interested in utilising poststructuralist / postmodernist frameworks for thinking about matters social as well as from those who regard the postmodernist turn as an escape from 'politics' - those who view the power of theory as the new imperialism and Cultural Studies as part of a universalising tendency. The panel hopes to serve as an umbrella for a wide ranging dialogue on the so-called 'postmodernist' condition and its implications for work carried out in anthropology departments. Can a critical anthropology move us beyond the dialogue of 'difference' to one which also considers asymmetries? Do we need to rethink Theory's condemnations of 'essentialism'? Is there a need to introduce an element of

'strategic economism' into our encounters with Theory? This description is not intended to circumscribe the range of discussion but rather to describe its focal point.

### **TOURISM AND LEISURE**

Convenors: Janice Newton and Joan Knowles. Contact: Janice Newton, Humanities and Social Sciences, University of Ballarat, Gear Avenue, Mt Helen, P.O. Box 663, Ballarat, Vic. 3353 Tel: (053) 279000 Fax: (053) 279545

Papers provisionally on offer include: 'Tourism, Nationalism and Post-colonial Myths of the Plantation in the Carnival of Trinidad' (John Cook, CSU Albury); 'Revisiting Elementary Forms in Melbourne: Australian Rules Football' (John Morton, Latrobe); 'The Red Green Show: contesting definitions of Australian National Identity' (David Collett and Joan Knowles, Tasmania); 'Buildings in the bush and problems of authenticity: bush huts in Tasmania' (Brett Noble and D. Collett, Tasmania), 'Rights and Responsibilities for Women on Holiday: a qualitative look at the holidays of women with pre-school aged children'.

### **CHANGING FORMS AND THEORIES OF RACISM**

Convenor: Gillian Cowlshaw, Dept. of Anthropology, The University of Sydney, NSW 2006. Ph: (02) 692 3509 Fax: (02) 692 3046

When race lost its conceptual validity in anthropology and other branches of social science, 'ethnicity' became a popular alternative (cf. de Lepervanche, 1980 ANZJS). The concept of racism was equated with prejudice and became a term of popular abuse. Intricate but unconvincing reasoning tried to separate 'ethnocentrism' from 'racism'. Traditional culture replaced racial categorisation as the definitive characteristic of the authentic other. Work on the essentially racist nature of colonial culture, such as that of Fanon and Cabral, was not taken up by Western academics. Since then concepts such as 'new racism', racism as common sense, orientalism and essentialism have been used in different contexts to analyse some phenomena which could be called racism.

This session will consist of papers that are either ethnographically based or theoretically innovative. In either case they should try to reveal the way racism operates as a particular, though not isolated, form of social differentiation and as a dimension of social relations. That is, papers are invited which explore material and discursive aspects of racialising processes and racialised social relations, in relation to other forms and representations of inequality or to other aspects of social relations.

### **A SESSION IN MEMORY OF THE LATE DR. ROBERT ARISS**

Convenor: Chris Lyttleton, Dept. of Anthropology, The University of Sydney, NSW 2006. Ph: (02) 692 3509 Fax: (02) 692 3046

Robert's research was, in his words, "a study about the attempts people have made to interrupt predominant constructions of illness from their particular experiential perspective". His thesis 'Against Death: the Sydney Gay Community responds to AIDS' documents identity construction, discursive strategies of resistance and the emotional structure of protest. We would like to call for papers addressing themes raised in Robert's work, specifically those of critical medical anthropology, sexuality and identity and HIV/AIDS. A number of papers have already been offered but the session is still open to further presentations focussing on any of the above issues.

### **ANTHROPOLOGY AND PHOTOGRAPHY**

Convenor: Julie Marcus, School of Art and Cultural Heritage, CSU Albury, PO Box 789 Albury, NSW 2640. Ph: (060) 41 8968. Fax: (060) 41 8973

### **THE ASIA - AUSTRALIA CONNECTION: IMPLICATIONS FOR AND PERSPECTIVES FROM ANTHROPOLOGY**

Convenor: Raoul Pertierra, Dept. of Sociology, UNSW, NSW 2052. (02) 385 2399 Fax: (02) 313 7859

### **LANDSCAPE, LAND USE AND THE CULTURES OF AUSTRALIA**

Convenors: David Trigger (UWA) and Debbie Rose (NARU). Department of Anthropology, University of Western Australia, Nedlands, Perth, W.A. 6009 Ph: (09) 380 2855 Fax: (09) 380 1062

The session will explore perspectives and ideologies about landscape and land use among diverse groups of Australians. We encourage contributions from a range of disciplinary backgrounds (anthropology, history, cultural geography, cultural studies, etc.) and papers dealing with a variety of research subjects (urban city settings, small rural towns, remote locations such as mining camps and pastoral stations, and so on). We hope to encompass various theoretical orientations to the study of culture, ideology and environment. Possible papers from interested contributors so far include: 'Mining, culture and development ideology: doing anthropology 'at home' in Australia'; 'Cattle kings and sacred cows in ideologies of production in north Australia'; 'Pastoralist and Aboriginal attachments to land

### **THE AUTHORISATION OF MEMORY**

Convenors: Andrew Lattas and Jeremy Beckett. Post and Phone: Andrew Lattas, 166 Lawson St. Redfern, NSW 2016. Ph: (02) 318 1827 Fax: Jeremy Beckett (02) 692 3046

This session will explore the social and cultural construction of memory and its insertion within a political field. The focus will be not only on the 'fictional' nature of memory but also on the necessary material role of the remembered past in the production of the present and the future. papers should seek to explore the ethnographic practices and techniques through which memory is realised as well as the political implications of the particular ways of rendering memory accessible. Here one possible avenue is to explore the role of narrative in the mediation and construction of memory. Memory is not just there but there are particular narrative techniques for organising one's recall of one's self. How people organise and produce their sense of themselves is mediated by the practices and techniques through which memory is produced.

Papers from different ethnographic areas are welcomed. Possible topics include:

- (1) Aboriginal Dreaming and the politics of land-rights;
- (2) Contemporary Aboriginality and the politics of authenticity;
- (3) The politics of tradition;
- (4) The role of rituals, songs and place-names in the production of memory spaces

### **THE NATIVE TITLE ACT AND ITS IMPLICATIONS**

Convenor: Jim Fingleton, Native Title Research Unit, AIATSIS, GPO Box 553 Canberra, ACT 2601. Ph and Fax: (06) 246 1131

### **A PANEL ON APPROACHES TO THE TEACHING OF ANTHROPOLOGY**

Convenor: Linda Connor, Dept of Anthropology and Sociology, University of Newcastle, NSW 2308. Fax: (049) 216902

# *Australian Anthropological Society*

*PO Box 49  
Rundle Mall  
Adelaide S.A. 5000*

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Secretary: David Mearns, c/o Anthropology, NTU, Casuarina, PO Box 40146, NT 0811. Tel.(089) 466765

## ELECTION OF OFFICE BEARERS

NOMINATIONS ARE CALLED FOR THE FOLLOWING POSITIONS TO SERVE FROM OCTOBER 1994 TO OCTOBER 1995: N.B. OFFICERS MUST BE FELLOWS OF THE SOCIETY EXCEPT IN THE CASE OF THE PUBLICATIONS OFFICER

### *EXECUTIVE:*

President, Vice President, Secretary, Treasurer, 2 (Two) Ordinary members

### *ACCREDITATION COMMITTEE:*

Three fellows who are not members of the Executive

### *PUBLICATIONS OFFICER.*

One person who is a member or fellow of the Society

PLEASE RETURN NOMINATIONS ON THE FORM BELOW TO THE SECRETARY BY JULY 1

.....  
(Please print clearly)

POSITION: .....

NAME OF NOMINEE .....

NOMINATED BY .....

SECONDED BY .....

SIGNATURE OF NOMINEE  
.....

I accept nomination to the position as set out above

PLEASE NOTE: FEES FALL DUE ON JULY 1st

TREASURER'S REPORT 1992-93

An interim report was presented to the AAS Annual General Meeting, 30 September 1993, and included in the minutes of the AGM published in the AAS Newsletter No. 55, November 1993.

Since then, certain missing records have been located, and an accountant engaged to undertake a professional auditing of the books. An annual report has now been lodged with the NSW Office of Consumer Affairs in accordance with conditions of the registration of the Society as an incorporated society.

The auditor's report is appended for the information of members.

*C. J. Healey*

*Treasurer, 1992-93*

AUSTRALIAN ANTHROPOLOGICAL SOCIETY INC  
STATEMENT BY CHAIRPERSON AND TREASURER

In my opinion, the accompanying financial statements, being the Balance Sheet and Income & Expenditure Statement and accompanying Notes, as set out on pages 2 to 3, are properly drawn up so as to give a true and fair view of the state of affairs of the Australian Anthropological Society Inc. as at 30 June 1993, and of the results of the Society for the financial year then ended.

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Chairperson  
Dated: 3 February 1994  
Darwin, NT

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Treasurer

AUDITORS' REPORT TO THE MEMBERS

SCOPE

I have audited the financial statements of the Australian Anthropological Society Incorporated for the financial year ended 30 June 1993, as set out on pages 2 to 3. The Society's officers are responsible for the preparation and presentation of the financial statements and the information contained therein. I have conducted an independent audit of these financial statements in order to express an opinion on them to the members of the Society.

My audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial statements are free of material mis-statement. My procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with Australian Accounting concepts and standards so as to present a view which is consistent with my understanding of the Society's financial position and the results of its operations.

The audit opinion expressed in this report has been formed on the above basis.

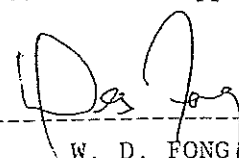
QUALIFICATIONS

Due to the organisational structure and nature of the Society, it has not been practical for the Society to introduce procedures to establish accounting control over income transactions; prior to entering cash receipts into the cash receipts records. Accordingly, I have not been able to extend my audit of income beyond those cash records, and I am therefore unable to confirm whether all such income has been recorded.

AUDIT OPINION

In my opinion, subject to the effects, if any, on the financial statements of the matters discussed in the preceding paragraphs, the financial statements present fairly the financial position of the Australian Anthropological Society Inc. at 30 June 1993 and the results of its operations for the year ended in accordance with Australian Statements of Accounting Concepts and the applicable Accounting Standards.

Dated: 3 February 1994  
Darwin, NT

  
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W. D. FONG  
AUDITOR

# **AUSTRALIAN ANTHROPOLOGICAL SOCIETY**

President: Nicolas Peterson  
Anthropology  
Vice-President: James Fox  
University  
Secretary: David Mearns  
Treasurer: Chris Healy

Dept of Archaeology and  
Australian National  
University  
ACT 0200  
Ph 2493498; Fax 2492711

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## **CONSULTANCY FEES**

From time to time the Society has been approached by members seeking advice about the appropriate rates to charge when carrying out short term consultancies.

So far the Society has not published a schedule of fees because of the complexity of factors involved in setting them. However, with the increase in the numbers of people carrying out consultancies and the likelihood of further increases as a result of the native title legislation the Executive of the Society has decided to publish an *advisory* fee schedule.

The factors affecting the appropriate level of fees for any particular consultancy are complex. Basic factors for all consultancies are the level of professional training, the amount of experience, the nature of the task, whether a supervisory role is involved and the costs of running a consultancy. These latter include expenses involved in running an office, indemnity and other insurances, the cost of covering sickness, holidays and superannuation. In addition other factors may be taken into account either by the contractor or contractee which may lead to a discounting of fees. Such factors might include whether the consultant is in full-time employment and the extent of funds available to the contractor.

There is, of course, no simple formula whereby the amount of experience can be converted into an equivalent level of professional training in the case of those consultants who have only limited professional training. As in the case of all consultants,

AUSTRALIAN ANTHROPOLOGICAL SOCIETY INCORPORATED  
STATEMENT OF INCOME AND EXPENDITURE  
FOR THE FINANCIAL YEAR ENDED 30 JUNE 1993

<u>1992</u>	<u>INCOME</u>	<u>1993</u>
634.00	Conference Registration Fees	90.00
319.75	Interest Received - CBA Cheque A/ct	323.79
2425.00	Membership Fees & Application Fees	8,510.00
460.40	Miscellaneous Income	134.35
20.00	Newsletter Fees	0.00
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3869.15		9,058.14
	 <u>EXPENDITURE</u>	
120.00	Audit Fees	120.00
5.60	Bank Fees & Charges	84.00
0.00	Bank Transactions Taxes	6.60
540.00	Conference Expenses	750.00
0.00	Corporate Affairs Fees	30.00
336.62	Insurance	336.62
413.50	Legal Expenses	0.00
302.88	Newsletter Printing & Production Costs	872.16
6.59	Petty Cash & Sundry	45.00
238.87	Postage & Stationery Requisites	513.30
20.00	Refund - Net	0.00
0.00	Software Purchases	394.00
693.25	Wages	1,286.80
-----		-----
2677.31		4,438.48
-----		-----
1191.84	NET OPERATING SURPLUS FOR THE YEAR:	\$ 4,619.66
=====		=====

AUSTRALIAN ANTHROPOLOGICAL SOCIETY INCORPORATED  
BALANCE SHEET  
AS AT 30 JUNE 1993

MEMBERS FUNDS:

7936.86	Balance at Beginning of Year (1.7.92)	9,128.70
1191.84	Add Operating Surplus for the year	4,619.66
-----		-----
9128.70		13,748.36
=====		=====

represented by:

CURRENT ASSETS

9128.70	CBA Cheque Account No. 0090 8287	13,748.36
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9128.70		13,748.36
=====		=====

reputation and the kind and amount of previous work carried out will influence the rates people charge and contractors pay.

The following schedule is based on known contract rates and the fee levels of other professions. In addition to these fees it would be expected that the contractor meet all expenses associated with the consultancy.

### **RECOMMENDED FEE SCHEDULE**

	Full time no other income	Discounted
	RATE PER DAY	
BA(hons)	200-400	200+
MA	300-500	300+
PhD	700+	400+

# BUDGETING FOR RESEARCH CONSULTANTS

Peter Sutton

Aldgate, S.A.

*[This paper was prepared at the request of the Aboriginal and Torres Strait Islander Commission and delivered at its workshop for representative bodies in relation to native title determinations, Canberra, March 1994.]*

The success of a land claim usually rests on three things: the inherent strength of the claimants' case, the quality of the research and its presentation as evidence, and the quality of the legal or other advocacy. Given that the claimants have a good case, a claim can be won on the basis of good research even where the legal and advocacy work is poor. I doubt, though, that a claim can be won where the research is inadequate, no matter how good your lawyers are. The research component of native title claims will be critical. It will also, in most cases, consume a great deal more work time than the legal side. The current shortage of suitable researchers has to be addressed both by the researchers' professions and by the organisations that need their services.

## RESEARCH REQUIRED FOR NATIVE TITLE CLAIMS

Apart from legal research, the research required for native title claims is primarily anthropological. While the broad historical context is important, the historical research for a land claim of this type is mainly focused on family histories. This means that finding and organising information on births, deaths and marriages, for example, while it involves the use of archival documents, has to be approached with a view to the importance of these facts in establishing the way native title is handed down through the generations, and the way land ownership is shared among people who belong to identifiable social groups. These are basically the areas where the skill of the anthropologist, who is also usually the one recording current genealogical knowledge with the claimants, is extremely valuable. There is no special role, in my view, for genealogists as such. Archivists, historians and genealogists may be useful assistants who locate documents in archives and libraries, but what they find has to be cast in a form that meets the requirements of the law. In the end, the main expert witnesses who can be expected to have their evidence tested in a tribunal are going to be those responsible for showing how the mass of details concerning family trees, the land's occupational history, traditional land title and land use form a system of laws and customs observed by the claimants. These people will usually be anthropologists; sometimes they will be linguists with competence in the required type of research.

It is far too expensive to employ a highly trained and experienced anthropologist to do all the work that makes up the research component of the claim. There are some routine jobs requiring less expertise, such as obtaining birthdates for claimants or assembling raw materials from archives, that can be done by others who are not so specialised. When it comes to field research, the holding of claimant meetings, and organising the attendance of claimants and other witnesses at tribunal hearings, there are many jobs that can and should be done by people other than the researchers. The availability and quality of field staff in the relevant organisation is most important. The best field officers are not only well trained and supervised but are also usually people from the local region who know the relevant families, not to mention the roads and where particular people can be sought out when they are required as witnesses. It is a waste of resources to fund research consultants without also funding field staff.

It is very hard to estimate how much research is going to be needed for a claim of this kind, because no native title claims have yet been heard under the new legislation; nobody can be sure how detailed a case will need to be made out. The amount of time required for research depends on the size of the land, the number of Aboriginal or Islander people holding interests in it, the number of different groups - perhaps with slightly different traditions - concerned with various parts of the land, the state of relationships between the claimants (eg whether or not mediation is required), the physical difficulty of carrying out work on the land such as field mapping, the number of researchers working on it, how good they are, the amount of backup assistance provided to the researchers, the degree to which the claim is opposed by non-claimants such as commercial enterprises, and even the weather, or deaths of relevant people, can cause unavoidable delays and costs. And this kind of research is never carried out from beginning to end in a single bloc of time - consultants normally have several contracts or teaching commitments running over the same period, the work for which is interleaved. It is common, for example, for work on a claim in the NT or Queensland to begin with a literature survey during the

summer, followed by two to four field trips between April and September, the lodging of a draft claim book in about September-October, with a hearing in November. In some cases work is begun in one calendar year and the final stage is not reached until about twelve months later. Organisations need to engage consultants many months in advance if the schedules of the two parties are going to be compatible. A retainer fee, non-refundable in the event that the client drops the consultant's services, will encourage forward commitments of this kind (the fee is absorbed by time charges if the case goes ahead). Consultants who set aside months of time for a client, refusing other work, and who are then told on a few days' notice that the job no longer exists, may regret not having required a retainer.

It has become customary in other jurisdictions for the research team to consist of at least two people, normally a female and a male. One of these will usually be the principal researcher and will work the maximum number of days. The other researcher will carry out joint field work with them and probably draft a few of the chapters in the claim book. Of the team, one might concentrate on researching the history and law of the use of the land, and its ownership system, while the other might concentrate on genealogies and family histories, but a common division of labour is for one to work mainly with men and the other with women, and on roughly the same subjects.

Substantial land claims, such as those over pastoral leases or blocks of similar size in the Northern Territory, usually involve the main researcher for 100-120 days, or the equivalent of six months of full-time work, up to the stage where the claim book is lodged with the tribunal. The other researcher may be involved for 40-60 days during this phase if they are playing a secondary role. Where neither researcher is highly qualified or experienced it is common for a more senior anthropologist to be called in to attend the final hearing and give evidence as to the quality of the research and be cross-examined on the main issues. This so-called 'greybeard' role (carried out by women and men with equal alacrity) might take anything from a few days to a few weeks, depending on the length of the hearing. All main researchers involved in the claim will normally be present for pre-hearing proofing of witnesses as well as for the hearing itself. As this last stage might take between two and six weeks, normally, the consultants also have to be engaged for this period. Before that stage, one or two senior researchers are normally engaged to write a formal assessment of the draft claim materials, before they are revised and lodged with the tribunal. That normally takes one to three days. In total, it would not be abnormal for a substantial land claim to require about 200-230 days of research consultancy services from beginning to end, but using consultants at two or three different levels of expertise and therefore different levels of hourly or daily charges. On the present consultancy rates being paid, the research budget for these claims, from beginning to end, probably ranges between \$50,000 and \$100,000. On the rates clients can expect to have to pay in the coming years, in my view these figures will soon go up about 20 per cent.

## DEMAND FOR CONSULTANTS

I believe figures will go up because they are currently too low, and this is at a time when demand for research services to Aboriginal organisations is increasing, while the supply of competent researchers appears to be well behind demand. Part-time assistance from people who hold permanent full-time university positions has long played an important role in this field, but can no longer be expected to cope with the demands generated by new legislation of recent years, the most dramatic of which has been the Native Title Act.

The consultants presently available, and potential new practitioners, are not easily attracted away from their more or less secure jobs to full-time freelance research work. Few people are at present working towards a full-time career as a freelance anthropologist. While insecurity and modest financial returns are among the main reasons for this, other factors include the length of training involved (usually a minimum of eight years tertiary study to reach the PhD level), the range of analytical, linguistic, report-writing, interpersonal and bush skills required, and the often very tough and demanding physical and social conditions under which work has to be carried out. Travel and the time spent away from home base are one of the main drawbacks of the work. On current fees, many consultants have to spend half or more than half the year away from home in order to make a living.

I believe the problems of recruitment have to be worked through with a view to providing the best service for Aboriginal clients at rates which will be affordable but also attractive to those who are qualified to do the work. It takes years to train and break in a good anthropologist. It is not in the clients' interests to have to recruit a fresh crop of green anthropologists every few years, just because they cannot keep the good ones interested.

Full-time in-house researchers already exist in some organisations but cannot cope with the work load, and sometimes the specialised tasks involved really have to be done by people of more expertise and experience than the average junior anthropologist who works under supervision in a land council or similar body. This is especially true of work that is going to be tested in tribunals, particularly where strong forces are opposed to Aboriginal interests. Outside consultants are probably more efficient users of time, in the sense that they are hired to do just one thing at a time, they are not involved in office administration, and if they don't perform they don't get paid, so they tend to work quickly. Full-time employees often have to spend a lot of time on meetings and routine reports, and on something called 'the telephone' (or 'networking'). Consultants are expected to do nothing much more than research itself. They usually get paid more per day in gross fees than do employees, and employees often have a poor grasp of where this money goes. Some think the fees go straight into the consultant's pocket and that they are earning the same amounts every week of the year. This simply is not so. I will come back to this in a moment.

### WHO SETS THE FEES?

There is no government regulation of fees charged by anthropologists, historians or archaeologists. The professional associations of these groups have recommended fee schedules (see below), although the Australian Anthropological Society has until recently allowed its schedule to lapse into being out of date. David Trigger (*Australian Anthropological Society Newsletter* 39:11-17) raised the issue among the anthropologists in 1989 and the AAS Executive Committee subsequently provided a simple fees guide: \$55 per hour for Fellows, \$44 for Ordinary Members (*AAS Newsletter* 41:25 1989). The new 1994 schedule will be more complex and is based on daily rates (see below).

I know of two land councils who set their own fees for consultants but with other clients it is more common for fees to be negotiated or for the researcher to set a fee the client can either take or leave. The maximum fees of the two bodies I am referring to are \$400 and \$475 per day respectively, and most of their consultants would be paid less than that. I am not aware of any organisations that set fees of legal counsel without negotiating with them, by the way. The biggest negotiated fee paid to senior anthropologists, as far as I am aware, is around \$600 per day, the same as going 4.4 hours with a psychologist or 4.8 hours with a psychiatrist in Adelaide in 1994. I will make more detailed comparisons with other professions later but this will give you some warning of what I will say.

My own view is this: If a client has a task that they want carried out for a set, predetermined fee, they will need a pool of people willing to work at those rates on which to draw. I'm not sure that this is the case, or that it can continue for long if it is the case. Rates set by the client in this way may be more appropriate for the less demanding jobs that require less senior researchers. Complex and difficult jobs should be negotiated with the consultant. The land councils have been able to rely on a large measure of goodwill from the researchers in the past, and also on the fact that many of them held tenured, full-time jobs at universities and the fees only had to cover their salaries (rather than their real establishment costs) or a salary plus some cream on the top. In my own case I now expect to negotiate all fees, regardless of the kind of job. I am also less and less willing to accept a client's time estimate for a job - this too needs to be negotiated rather than presented to the researcher as a *fait accompli*.

### WHAT DETERMINES THE LEVEL OF FEES?

The main factors here are:

- 1 the complexity, difficulty and importance of the case;
- 2 the extent to which the researcher, at the end of the process, becomes an expert witness who has their name and career on the line;
- 3 whether the job is to take a few hours, a week or so, or several months;
- 4 whether the job involves desk work, court work, travel, or remote field work, for example.
- 5 the expertise, qualifications and experience of the researcher

## 6 the extent to which the researcher has an institutional support base vs. being wholly self-employed

You will notice that I have not mentioned the cultural or so-called racial composition of the governing body of the client institution. There is a view that professionals should charge less for Aboriginal clients, for reasons that you can all guess. I have practiced some quite severe fee restraint myself, on these same grounds, in the past. There is some merit in the argument that fees should be adjusted in view of the client's ability to pay. But I'm not sure that many Aboriginal people would be charmed by a plumber or electrician who had discount rates for the disabled, age pensioners and Aboriginal people, and 'normal' rates for other people, across the board and regardless of actual ability to pay. I don't think anyone likes being treated as a charity case.

In my view, a new and struggling land council or similar body whose staff are working for little or nothing does deserve special consideration from the consultants or lawyers they engage, but an established organisation with a reasonable budget within which priorities can be allocated should expect to be treated as grown up. That means being prepared to negotiate fees that are appropriate to the nature of the work and the quality of the professional doing the work.

Basically, higher fees should be paid for the more difficult and complex work and lower fees for the less demanding, more routine work, and this is already generally the case. I make a distinction in my own fees between an hourly rate and a daily rate, the daily rate being less than seven of the hourly charges. Most consultants are willing to accept a lower rate for long-term jobs, for example jobs that are guaranteed by contract to last more than 30 days. Clients and their funding bodies have to be prepared for consultants requiring an advance before they will go off spending their own funds on a three or four week trip to the claim area, especially if their invoices, once they return, are treated as thirty day invoices (some clients treat them occasionally as sixty and even ninety day ones - hardly an incentive to work for them again).

Two-tiered funding can present major problems. Where the organisation passes on its consultants' invoices to an external funding source the delays in payment can be very long. Arrangements need to be made for advance funding in order to avoid this kind of lag, which may become months long.

Many consultants in other fields charge a lower rate for travel than for desk research, and a lower rate for desk research than for field work. Some people in other professions charge double their highest rate for court appearances. The most demanding work in the field of applied anthropology is the field work and the court work. Desk time is intellectually demanding but doesn't seem to take as many years off your life. Written opinions on evidence fall somewhere between the two extremes of difficulty and responsibility. I believe active court time should be paid at a penalty rate something like twice the hourly rate, where the researcher is, for example, giving evidence or acting as an advocate.

Fees should reflect a clear recognition that a recent honours graduate in anthropology is not likely to offer anything like the same service as someone who has lived in an Aboriginal or Islander community over a period of years, speaks one or more local languages, and has a research track record that enables them to be qualified before a tribunal as an expert witness. And there is a major difference between the practice overheads of a university employee, especially one on secondment but even one on unpaid leave, and those of someone who is wholly self-employed. My own practice overheads cost around \$95 for each of 365 days in a year, which is probably modest when compared with the institutional cost of each university staff member, leaving aside salaries.

### THE OVERHEAD COMPONENT

Self-employed researchers have to pay, out of their own pockets, for all their office and equipment needs, several different kinds of insurance, local vehicle costs, and many other items necessary for running a professional practice. These are normally called the overheads. There are two kinds of overheads: capital costs and recurrent costs.

Private research practitioners have to provide all their own office space, furniture, equipment and consumables, and whatever form of security they can afford, entirely from their fees. Equipment purchases are not usually tax deductible, but they can be depreciated. Many have to be replaced as they wear out or become obsolete. This means you have to set aside money for office costs from fees each year, or buy things on overdraft rates. Researchers have to buy something like the following list in order to set themselves up:

## CAPITAL COSTS

Office furniture, lamp(s), heater/cooler  
 Shelving (e.g. six or more book/report cases)  
 Filing cabinets (I have 5 but also cartons of stuff on the floor)  
 Map cabinets (I have 2, requirements governed by length of practice)  
 Computer (I am on my third in 10 years, assume ?\$3000 every 3-4 years)  
 Software (keeps changing, non-government prices very high; several hundred a year)  
 Printer (I'd like to upgrade to a laser...)  
 Fax (archaic in my case, hates 2+ sheets of paper; will replace one day)  
 Modem  
 Camera  
 Tape recorder (bush-bashed, needs replacing)  
 Camping gear (swag(s), tucker box etc)  
 Off-road vehicle (e.g. 5 year old 4x4, about \$25000; depreciation & running costs below)  
 Off-road gear (kangaroo jack, winch, tools, extra spare wheels etc)

That's basically my list but I know others who also invest in more mapping equipment, extensive medical kits, two-way radios, pilot's licences and so on. I would like to add a photocopier, a new fax, and a better printer - if and when cash-flow improves. But the items on the list apart from the vehicle (which some consultants would not choose to purchase) have cost me about \$12-15,000 in outlays over three years and I believe this, along with provisional tax, is one of the hurdles for people starting a practice of this or any other kind. You ideally need a good capital start, or a low-interest overdraft and clients who pay on time. At the end of a freelancer's first year they have to pay tax on the year's income, plus the same and a little bit more in advance for the next year. You can pay this provisional tax in instalments but it is still a struggle in the first year.

If consultants have a mortgage and work full-time from home, or pay rent for an office, they will have a significant office rental bill, while if they own an office outright they will still need to pay rates, electricity and upkeep on it.

Depending on how shoe-string an operation you have, total recurrent overheads for a researcher would normally be between \$25000 and \$35000 per year, assuming you are trying to achieve something like the office base, accident and sickness cover, liability cover and superannuation, that come with full-time employment. These overheads for a year are estimated to be something like this - remember that none of these are the items reimbursed by clients, such as air travel etc.; these are all out of the researcher's own pocket:

## RECURRENT COSTS

Insurance		
Accident & sickness	960	
Professional liability	1300	
Work-related contents	150	
Work-related building	140	
Superannuation	3600	
Accounting	500	
Bank fees & charges (overdraft etc)	800	
Depreciation office equipment	600	
Motor vehicle (1988 4x4, % running costs & depreciation)	5000	
Replacement of equipment & tools		1000
Rent of premises (or % of mortgage interest - capital gains tax applies on resale)	5000	
Rates (% of council & water)	500	
Electricity (%)	450	
Postage (%)	450	
E-mail	600	
Telephone & fax (%)	2000	
Maps, reports, tapes, film, books	2500	
Subscriptions (professional, journals etc)	600	
Conferences (registration, travel)		1400
Printing, copying, stationery, disks, ink cassettes	2500	
Sundry office expenses	450	

TOTAL

\$30500

This allows nothing for investing in new computer hardware and software or other office equipment. As time goes on, there is always an absolute increase in storage items (filing cabinets, bookshelves, disk containers etc.). By charging some of the above costs to clients (e.g. some communication costs, photocopying, library visit parking fees etc.) one can perhaps save another \$1000 per year, enough to buy a new item of equipment every few years. But it is hard to provide detailed receipts for some items (e.g. e-mail) and most of us absorb part or all of the minor costs. In effect, they are made part of the fee for time, where the fee is adequate. If not, the consultant is subsidising the client. This form of subsidy, as well as the modest fees charged in most cases, reflect the fact that the Aboriginal organisations employing consultants have benefited from quite a lot of goodwill in the past. It would be a pity if this kind of relationship were threatened by the toughening up of the consultants' approach to fees which is now happening.

#### ARRIVING AT A FIGURE FOR FEES

Let us assume that consultants of different levels of qualifications and experience have the following targets for a taxable income (that is gross income after deducting business expenses):

#### ILLUSTRATIVE TAXABLE TARGET INCOMES

Level I	35,000
Level II	45,000
Level III	60,000
Level IV	85,000

In case the last figure seems too high, being about \$5000 above a professor's salary, let me remind you that this is a very highly specialised job with no security, and the senior researchers frequently end up in court under enormous pressures, being cross-examined for hours on end, and with their reputations and livelihoods constantly on the line. By comparison, SES positions in the federal public service offer packages much more secure and better paid than my highest example (the Deputy Principalship of AIATSIS, for example, which is currently being advertised, offers a package worth about \$93,000). In any case, I do not take academic salaries as a guide to consultants' fees because they are seriously below what comparably qualified people earn in other jobs.

For the sake of argument, we should assume that all four of these fictional types pay overheads of about \$30,000 a year (in practice, the more you make the more you spend on the practice, in my experience). So the amount of gross fees income the different practices have to generate in each case are:

#### GROSS PRACTICE CASHFLOW REQUIRED

Level I	65,000
Level II	75,000
Level III	90,000
Level IV	115,000

How many days in a year can the fees be generated from? After removing weekends, public holidays and four weeks for recreation, there are about 220 official working days in a year. In a permanent job you can also expect guaranteed sick leave, long service leave, and in some cases study leave. A qualified professional can expect to have to deduct the following typical numbers of days each year also (I am being conservative here):

administration of practice (equipment purchases, doing tax, invoicing, setting up jobs etc)	5
sick days	5
advisory committee work, meetings of councils etc (may pay a sitting fee little more than overheads but only for meeting days), assessment of grant applications	10
supervision of students, assessment of theses/papers/books, writing reviews, writing conference papers, attending conferences, answering academic inquiries	40

TOTAL  
60

This last category is very important. University employed anthropologists are paid to study their subject, both during the non-teaching half of the year and the months of study leave they can accrue. They are expected to keep up with developments in anthropology, to read new studies and reports that come out on their special areas of expertise, and they are expected to enhance their professional standing by research publications, conference attendance, examining theses and so on. No one can do all this while spending every working day of the year carrying out applied research for clients. The clients themselves need expert witnesses who can be shown to still be alive - professionally speaking. The first thing a researcher has to do when they give evidence in a tribunal is to satisfy the tribunal that they have credibility and standing as a member of the relevant profession, not someone with a fossilised glorious past followed by years of repetitive hack work. And I doubt that freelance anthropologists can actually stay in the profession for long periods without being able to get away and re-charge their batteries with a less demanding kind of work. If you want to keep them, you have to allow them to be interested in their subject. In other words, the clients have to pay for study leave as a fraction of the hourly fee.

So there are, at least for the more senior levels of consultant, about 160 fee-paying days in a year. Dividing the target gross practice incomes by 160 gives the following:

#### ILLUSTRATIVE DAILY RATE CALCULATIONS

Consultant	Target	Daily
Level I	65,000	406
Level II	75,000	469
Level III	90,000	562
Level IV	115,000	719

This is a daily average, of course, and I think it is likely that people at the lower end of the scale might actually work more chargeable days in a year than people at the higher end. As in all professions, the more seniority you attain the more you are involved in peer assessments, councils and committees, assessing applications for jobs and funding, and so on - and most of this work is voluntary.

In practice, these average daily fee figures could be achieved by someone at Level IV, for example, who charged \$100 per hour or \$700 per day for jobs of up to a fortnight or so, and \$600 per day for jobs lasting from 20 to 100 days so long as they were mingled with odd court appearances at \$200 per hour. A more junior consultant would spend fewer days per year on being a member of advisory councils or marking higher degree theses, for example, so the lower levels here could be adjusted downwards a little - but not very much (e.g. by assuming chargeable work days per year were 180 rather than 160, at Level I this would require a fee of \$360 per day or about \$50 per hour for a seven hour day.).

#### COMPARISONS

I have made a quick survey of professional fees in Adelaide and nationally and found that most charge by the hour at something like the hourly rates just mentioned. These are the charge out rates I have found, which my informants in these professions (usually the state professional association, or a reliable member of the profession concerned) say are common:

Anthropologists [new AAS recommended fee schedule]:

	Full time no other income	Discounted
BA (Hons)	200-400 per day	200+ per day
MA	300-500 per day	300+ per day
PhD	700+ per day	400+ per day

Archaeologists:

Historical archaeologists (old mines etc)	
short term ( a few days, hours)	100.00 per hour
2-3 weeks	60-75.00 per hour
over a month	400.00 per day
unqualified assistants	20-30.00 per hour
Prehistorians [more in demand]	

	minimum rate [set 1990, now used by very few]			57.00 per hour
	most principal consultants 1994			70-80.00 per hour
	subconsultants [set 1990, = 80% min. rate]			46.00 per hour
	assistants			19-29.00 per hour
Historians: [general oversupply]	Annual	Weekly		Hourly
Historian/researcher				
Long	31980	861		n/a
Medium		38376	1033	
27.55				
Short	n/a	1137		30.32
Consulting Historian I				
Long	44075	1187		n/a
Medium		52890	1424	
37.97				
Short	n/a	1566		41.76
Consulting Historian II				
Long	54838	1476		n/a
Medium		65805	1772	
47.25				
Short	n/a	1949		51.97
Senior Consulting Historian				
Long	77900	2097		n/a
Medium		93480	2517	
67.12				
Short	n/a	2768		73.81
Expert witness work				double
Private practicing psychologists:				
Australian Psychological Society recommended fee				134.00 per hour
Normal range				95.00 to 134.00 per hour
[Note: This assumes 20 contact hours per week, 4 weeks rec. leave, 2 weeks study and conferences, while administration, referrals etc. take up the rest of the time; hospital psychologists work on a basis of 15 contact hours; annual practice cashflow at this rate is assumed to be about \$120,000.]				
Psychiatrists (scheduled fee; some charge more):				124.65 per hour
Accountants:				
Sole practitioner				110.00 to 125.00 per hour
Partner in small firm				about 150.00 per hour
Partner in larger firm				about 200.00 per hour
Qualified employee				68.00 to 80.00 per hour
Computer operators				from 45.00 per hour
Machine time plus operator (some firms)				100.00 per hour
Building engineers:				
Principal or partner				to 90.00 per hour
[reduction for long-term work is slight; big jobs often have fees based on a percentage of cost]				
Junior employee engineer				55.00 per hour
Planners:				100-120.00 per hour
Architects [demand has long been weak]:				
Sole practitioner		1 or 2 hours		120-125.00 per hour
hour				
		longer jobs		80-95.00 per hour
Outside range				60-200.00 per hour
[typically assumes 25 chargeable hours per week, i.e. 1200 hours p.a.]				

## Physiotherapists:

Initial consultation (up to an hour)	about 45.00
Other consultations (around half an hour, often 20 mins)	about 35.00

## Conservators (graduate):

85.00 per hour

[daily rate: \$600-650]

Most of these professionals, if they have a reasonably large operation, employ (often shared with others) at least one member of office staff, but there are many sole practitioners who do not (e.g. architects, physiotherapists, archaeologists). Some of these professions require postgraduate qualifications, but most do not. (A bachelor's degree would not alone normally qualify a person as an anthropologist, except at the most elementary level perhaps as an assistant or field officer.) Architects and engineers need to spend more on technical equipment than, say, psychologists, and have high professional liability insurance payments (over \$2000 a year would be normal). Anthropologists and historians would fall about midway in terms of equipment and communications costs, and perhaps below midway in the amount of liability cover they need to take out (e.g. an architect might need \$2 million in cover as a minimum, while an anthropologist might find \$1 million perfectly adequate). The highest charges seem to reflect a number of things: a low proportion of chargeable hours in the week (e.g. psychologists, psychiatrists), the degree to which clients are commercial enterprises (e.g. accountants, engineers) and demand (historians are the worst off in this list, and architects and engineers suffer a shared fate as a result of oversupply of professionals and a long-term lull in the building industry).

It is very clear to me that many of these professions are carried on by people with qualifications that are either comparable to those of anthropologists and historians or of a less demanding nature. Most of them work in offices in cities and towns, in comfortable circumstances, although architects and engineers make site visits on a regular basis. By contrast, the range of intellectual, linguistic, practical and diplomatic skills required of field anthropologists and those researchers who play an active role in court or tribunal hearings, and the physical conditions under which they often have to work in tropical or inland Australia, are generally far more demanding than in the case of other professionals. I have deliberately avoided comparisons with brain surgeons and QCs in this case, since there is no comparison between their fees and those of the humbler professions such as the one to which I belong. I note, however, that lawyers working on native title claims are to be paid 80% of the Federal Court's schedule rate, which will be \$120 per hour.

## CONCLUSION

I see no reason why researchers working on Aboriginal land claims should agree to be paid less than comparable professionals in other disciplines, under normal circumstances. If the result of what I am suggesting is that such researchers end up with gross taxable incomes slightly above those of comparable permanent full-time employees, this only reflects the insecurity of their employment, the often high stress levels involved, and the often very public testing of their work and reputations in the adversarial contexts of tribunals. Self-employed people need to balance out bad years with better ones, they need resources to tide them over possible periods of major illness, especially in middle age, and they deserve some compensation for not knowing where their next month's rent is coming from.

Finally, unless something like the levels I have suggested are actually paid, it will be very difficult to attract quality people into the relevant professions, and to retain the services of those already active. It will not be enough, given the high demands now being exerted on all of us in this field, just to rely on our commitment to the cause, which, despite everything, remains high.