



Australian Government
National Oceans Office



Consultation
REPORT

Living on Saltwater Country:

Southern Gulf of Carpentaria
Sea Country Management,
Needs and Issues



Healthy
for the
oceans



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ABORIGINAL ENVIRONMENTS RESEARCH CENTRE
UNIVERSITY OF QUEENSLAND ON BEHALF OF
CARPENTARIA LAND COUNCIL ABORIGINAL CORPORATION

TITLE:

SOUTHERN GULF
OF CARPENTARIA
SEA COUNTRY NEEDS
AND ISSUES RESEARCH

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LIST OF ABBREVIATIONS

AFMA	Australian Fisheries Management Authority
ATSEF	Arafura and Timor Seas Expert Forum
ATSIC	Aboriginal and Torres Strait Islander Commission
AUST	Australia
CDEP	Community Development Employment Project
CLC	Carpentaria Land Council
CLCAC	Carpentaria Land Council Aboriginal Corporation
CRA	Conzinc Rio Tinto
CSIRO	Commonwealth Scientific Industrial Research Organisation
CYLC	Cape York Land Council
CZL	Century Zinc Limited
DOGIT	Deed of Grant in Trust
Envt	Environment
GIS	Geographical Information System
h.p.	horse power
ILUA	Indigenous Land Use Agreement
LSM	Land and Sea Management
M	Mother
M.I.	Mornington Island
MoU	Memorandum of Understanding
NHT	National Heritage Trust
NLC	Northern Land Council
NORMAC	Northern Management Advisory Committee (Commonwealth Fisheries)
NPA	Northern Planning Area
NRMP	Northern Regional Marine Plan
NSW	New South Wales
NT	Northern Territory
PBC	Prescribed Body Corporate
PMA	Paul Memmott & Associates
QLD	Queensland
SA	South Australia
TAFE	Tertiary and Further Education
UHF	Ultra-high frequency
WWF	World Wildlife Fund



CHAPTER 1: AIMS AND METHODOLOGY

INTRODUCTION

Australia's Oceans Policy

Australia has an enormously large and biologically rich ocean territory. It has over 4,000 fish species and an area of 16 million square kilometres between 3 and 200 nautical miles from the coast. These waters (comprising Australia's Exclusive Economic Zone - the responsibility of the Australian Government) are home to the world's largest areas of coral reef and 30 of the world's 58 seagrass species. Ocean based tourism and recreation, oil and gas production, shipping, fishing and aquaculture earn Australia \$30 billion in income annually.

Australia's oceans are of great value to the nation and need to be managed. (National Oceans Office 2003.)

In December 1998 the Australian Government launched Australia's Oceans Policy. The Oceans Policy recognises the need to maintain the oceans ecosystem health and aims to promote strong, diverse and internationally competitive marine industries and the long-term ecological sustainability of a wide range of ocean uses. The vision set out in the Policy is:

**"Healthy oceans:
cared for,
understood and used wisely
for the benefit of all,
now and in the future."
(National Oceans Office 2003.)**

The National Oceans Office & Regional Marine Planning

The National Oceans Office, based in Tasmania, was formed in December 1999 to support the National Oceans Ministerial Board, the National Oceans Advisory Group and Regional Marine Plan Steering Committees. It also coordinates the development of Regional Marine Plans, the overall implementation and further development of Australia's Oceans Policy and acts as the main inter-governmental administrative coordination point on oceans policy issues. The National Oceans Office coordinates and distributes information to all stakeholders on oceans policy and regional marine planning matters and provides advice to the National Oceans Ministerial Board on marine research priorities related to the Policy. (National Oceans Office 2003.)

The National Oceans Office is the lead agency for the Regional Marine Planning process. State Governments have been invited to participate in the process so that

the Regional Marine Plans cover both Commonwealth and State waters. Regional Marine Plans will, among other things:

- identify community and sectoral interests, including the interests of Aboriginal & Torres Strait Islander communities;
- identify priorities for industry and economic development of the region;
- put in place a planning regime to prevent conflict between different sectors over resource access and allocation.

(AUST, Env. Aust 1998:12,13.)

The first Regional Marine Plan to be prepared is for the South-east Region. This covers marine areas off Victoria, Tasmania (including Macquarie Island), southern New South Wales and eastern South Australia. It is expected that the final plan for that Region will be released late in 2003. (National Oceans Office 2003A.)

The next Plan to be produced is the Northern Region Marine Plan (NRMP). This covers the seas up to 200 nautical miles from the coast of eastern Arnhem Land through the Gulf of Carpentaria and to the northern tip of Cape York Peninsula in Queensland (excluding the Torres Strait). (National Oceans Office 2003B.) A map of the Northern Planning area (NPA) is on the following page (courtesy of the National Oceans Office).

Aboriginal & Torres Strait Islander Communities

In its published guidance to Australia's Oceans Policy, the Australian Government has made clear that it will respect the social, cultural and economic relationships that Aboriginal and Torres Strait Islander communities have with their traditional sea 'countries'. The Australian Government says it will protect the traditional rights of Aboriginal and Torres Strait Islander communities in relation to the use, conservation and management of the ocean environments in which they have established interests. The Government's policy is that the cultural interests, traditional knowledge and management practices of Indigenous peoples should be recognised and incorporated into ocean planning, policy development and management. (Aust., Env. Aust.1998:8.)



In developing integrated ocean planning and management processes, the Government states that it will seek to ensure that traditional conservation and use practices are valued. Its declared intention is that the reliance of many coastal Indigenous communities on marine resources will be treated as an important ocean use. The Government's policy is that Indigenous communities will be given every opportunity to take up commercial activities related to the oceans. The Government will continue to work with Indigenous communities to establish Indigenous protected areas and to support Indigenous training and employment in jointly managed parks. (Aust., Env't. Aust. 1998:30.)

The Government will ensure that when specific Aboriginal & Torres Strait Islander issues are under discussion, the Minister responsible is able to carry those to the National Oceans Ministerial Board. It also assists to provide for:

- Aboriginal & Torres Strait Islander representation on the National Oceans Advisory Group and on Regional Marine Plan Steering Committees;
- Aboriginal and Torres Strait Islander participation at the National Oceans Forum; and
- Consultation with peak Indigenous groups regarding a national consultative mechanism, such as an annual forum. (Aust, Env't. Aust. 1998:30.)

Local Indigenous communities will be encouraged to participate in local industries and in management strategies and to continue to share responsibility for the management of ocean resources. (Aust, Env't. Aust. 1998:40.)

SCOPING PROJECT

The National Oceans Office agreed to facilitate the participation of the Indigenous Traditional Owners in the Northern regional marine planning process, so that the sharing of information could actively assist both Traditional Owners and the National Oceans Office in achieving a workable sustainable development strategy for the NPA. (CLCAC 2003A.) The Traditional Owners of the sea countries comprising the NPA have and continue to assert their rights and responsibilities as titleholders and custodians under traditional law and custom. (CLCAC 2003A.) The waters surrounding the Wellesley Island group extending to the mainland coast are the subject of a major native title claim which presently awaits determination. A scoping project to ascertain the nature and extent of Indigenous interests

and aspirations in relation to their traditional sea country within the NPA was required. This would result in a more holistic planning approach and one that could be embraced more readily by the Indigenous population of the NPA.

The Northern Land Council (NLC), Carpentaria Land Council Aboriginal Corporation (CLCAC) and the Balkanu/ Cape York Land Council (Balkanu/CYLC) proposed to undertake the project respectively to the extent that it relates to the jurisdictions for which those organisations are recognised as bodies representative of Indigenous land interests (CLCAC 2003A). CLCAC took responsibility for the lower Gulf of Carpentaria from the Northern Territory border to the Staaten River. Its brief was for a scoping work, to ascertain the nature and extent of Indigenous interests and aspirations in relation to their traditional sea country.

Aims of Scoping Project

The general aim of this scoping project was to ascertain the nature and extent of Indigenous interests and aspirations in relation to their traditional sea country between the Staaten River (Cape York Peninsula) and the Queensland/Northern Territory border in the Northern Planning Area (NPA). This information will assist the Northern Regional Marine Plan ("NRMP") process in the identification of major planning themes to be further developed. It should influence decisions as to the potential scope of the NRMP. It was expected to:

- facilitate the sharing of information between Indigenous groups and other stakeholders;
- ensure Indigenous expertise relating to sustainable management of sea country is utilised;
- ensure the NRMP does not compromise cultural needs;
- assist in reducing the existing conflict between Indigenous groups, governments and commercial fisheries in relation to resource management; and
- maintain openness, transparency and accountability in relation to Aboriginal issues relevant to the NPA. (CLCAC 2003B.)

It is expected that recognition of Indigenous interests and aspirations and inclusion of Traditional Owners in planning consultations, policy development and management processes will result in a holistic plan that can be readily embraced by the Indigenous population of the NPA (CLCAC 2003B).

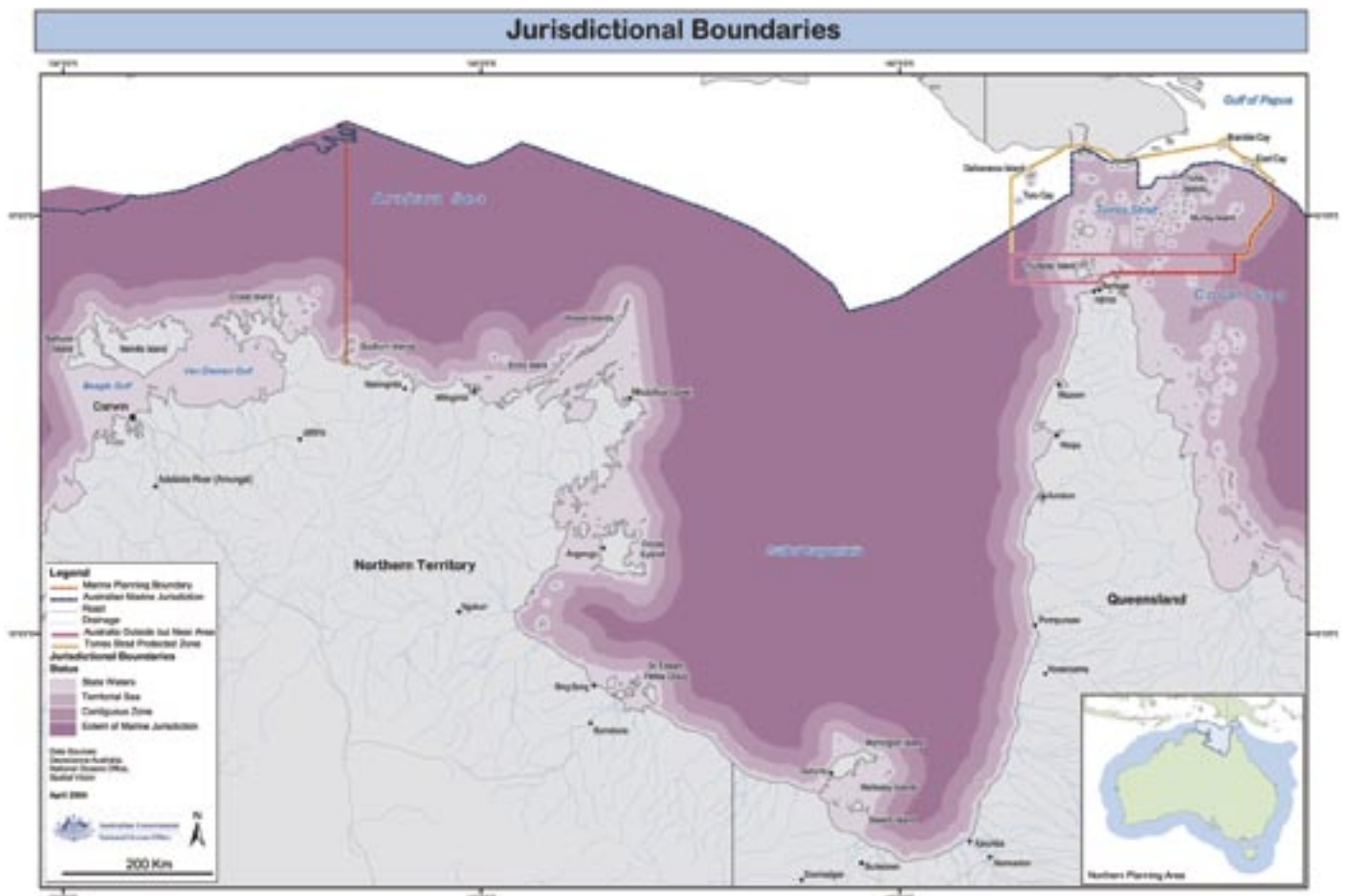


The general aims were to identify how to address Indigenous sea-country interests, priority research and other management issues. For these purposes the CLCAC needed specifically to:

- (1) Develop appropriate participatory consultation arrangements with Indigenous land and sea owners and managers regarding their sea country interests, use and management issues;
- (2) Conduct actual consultations, addressing all the issues of significance to the relevant Aboriginal communities and the NRMP process;
- (3) Explore and define the nature of traditional and contemporary interests in and use of the marine environment within the NPA;
- (4) Explore Aboriginal community concepts in relation to their appropriate levels of involvement in and their aspirations for the outcomes of planning, policy development and management processes for the NPA;
- (5) Explore the particular concerns of the Aboriginal communities and action recommended by them in relation to their designated marine zone within the NPA and the condition of any area, flora or fauna or the conduct of any industry or other activity within that zone;
- (6) Explore the extent, accessibility and completeness of the knowledge available to Aboriginal communities to protect their interests and inform their contribution to the NRMP process, identifying significant gaps and training or research required to fill those gaps.

Map of the Northern Planning Area

(courtesy of National Oceans Office)





The Northern Planning Area stretches from the eastern Arnhem Land through the Gulf of Carpentaria and on to the Cape York Peninsula. The NPA is populated largely by Indigenous people. The majority of coastline in the Northern Territory is held under statutory customary title and the coast of the lower Gulf of Carpentaria and the west of Cape York is subject to significant Indigenous ownership and Native Title.

The Role of the Carpentaria Land Council (CLCAC)

In order to meet the Indigenous requirements specific to the NPA, the National Oceans Office approached the NLC, the CLCAC, and Balkanu/CYLC to discuss a process for the engagement of Indigenous interests in the NRMP process (CLCAC 2003B).

The CLCAC was well equipped for this purpose. Its effective performance of its routine functions depends upon its ability to properly identify and consult all relevant constituents. Additionally, the CLCAC's grass-roots governance structure itself acknowledges the importance of ensuring all Aboriginal people have an opportunity to have their land interests asserted and protected. As a consequence the CLCAC was ideally placed to facilitate the required scoping project to ascertain the Aboriginal communities' and traditional owners' rights and interests in the Carpentaria sector of the Gulf of Carpentaria. (CLCAC 2003B.)

The CLCAC maintains offices at Burketown, covering the southern Gulf region; Normanton, covering the eastern Gulf region under CLCAC jurisdiction; and Doomadgee, covering the western Gulf region. At the time of writing it was in the process of re-establishing an office on Mornington Island, to cover the Wellesley Island communities. (CLCAC 2003B.) The CLCAC has a great deal of experience in conducting workshops and consultations across its jurisdiction and is best placed to engage with Traditional Owners, who are regularly consulted by the CLCAC regarding business pertaining to native title and cultural heritage matters, obviously including land and sea management.

The National Oceans Office agreed to fund CLCAC to conduct the Scoping Project to ascertain the nature and extent of Indigenous interests and aspirations in relation to traditional Aboriginal sea country between the Staaten River (Cape York Peninsula) and the Queensland/Northern Territory border in the Northern Planning Area.

As determined from the outset of planning for the Scoping Project, and in order to reduce funding and time constraints, the CLCAC consultation model was largely based on the model used by the Northern Land Council. The model as used by CLCAC has been altered to specifically meet the needs of the individual communities being consulted. This model was designed to facilitate consultation with Aboriginal owners and managers living in the Carpentaria sector of the NPA. However, it is important to note that this project was a scoping work only and effective ongoing inclusion of communities and Traditional Owners in the planning, policy making and management processes will require other methods and commitments. (CLCAC 2003B.)

For the purposes of this project, the CLCAC has performed the function of Project Manager, which embraces administration of Project funds, responsibility for logistical support, and the convening of consultation meetings. The CLCAC appointed consultants to assist with the project and had the added function of monitoring and validating the consultation process and the consultant's final report.

Consultants

A consultant anthropologist with experience of working with most of the communities involved and with CLCAC assisted with the consultation of these groups and individuals. The anthropologist was Dr Paul Memmott of Paul Memmott and Associates (PMA) and the Aboriginal Environments Research Centre, University of Queensland. He was assisted by three of his staff, Ms Rachael Stacy (consultant anthropologist), Mr Stephen Long and Mr Graeme Channells (Senior Research Assistants). The CLCAC engaged PMA as anthropologists due to extensive experience with the Traditional Owners living within the coastal communities of CLCAC jurisdiction, to ensure a productive workshop response.

So as to give some structure to the consultation in each area, the facilitators aimed to cover a range of issues in relation to the social, environmental and economic aspects of marine and coastal use and management.

Basic Assumptions

Indigenous interests are a dominant characteristic of the NPA. As such the production of the NRMP must have proportionate Indigenous input, if it is to be appropriate and effective.

It should be noted at the outset that there exist a set of fundamental barriers to Indigenous self-determination, such as imbalanced power relationships and inequitable access to resources underpinning most Indigenous issues across the NPA:



- Rational/legal systems of authority and scientific knowledge systems assumed by Australian governmental agencies (and “mainstream culture”) and implicit in their processes are not necessarily valued and credited by the Traditional Owners of the NPA;
- Literate authorities valued by Australian governmental agencies (and “mainstream culture”) and implicit in their processes are not necessarily valued and credited by the Traditional Owners of the NPA;
- The Traditional Owners of the NPA do not feel an intellectual obligation to integrate knowledge in the manner presumed by the strong modern presumption that scientific explanations can eventually be ‘unified’;
- The Traditional Owners of the NPA generally lack strong skills of literacy and numeracy;
- The Traditional Owners of the south-eastern Gulf of Carpentaria, nonetheless, share a logically integrated cosmology and religion, accompanied by clear and widely understood traditional law informing their rights and responsibilities as landowners;
- The Traditional Owners of the NPA have historically been obstructed from properly caring for their littoral and saltwater estates for a period (in some cases) of up to nearly one hundred and fifty years. This was a direct result of the intrusion and the asserted power of non-Aboriginal settlement, industry, government agencies and church missions;
- The Traditional Owners of the NPA are strongly of the view that their historical inability to properly care for their littoral and saltwater estates has resulted in significant environmental degradation to date (for example the threatened status of dugong and some turtle species);
- The Traditional Owners of the NPA are strongly of the view that their effective, on-going involvement in the NRMP process will require the effective concession to them of a measure of their traditional authority over access to and the taking of marine product from their lands and saltwater estates.
- The Traditional Owners of the NPA are strongly of the view that only by means of such a concession is it feasible to give effect to the Government’s stated intention to ensure that:
 - “traditional conservation and use practices are valued;
 - that the reliance by many coastal communities on marine resources is treated as an important ocean use;
 - and that communities are given every opportunity to take up commercial activities related to the oceans”

The NRMP process needs to acknowledge these fundamental concerns both in the engagement of Indigenous interests and the development of key planning themes (CLCAC 2003A).

Identification of Traditional Owners

Through the conduct of various native title applications involving sea country within the CLCAC area of jurisdiction, the CLCAC has been able to effectively identify the Traditional Owners for large portions of sea country. All applications lodged with the National Native Title Tribunal have passed the Registration Test and CLCAC has certified that all Traditional Owners connected with these areas have been identified. Where areas of coast are not covered by native title applications CLCAC has already conducted investigations on the traditional groups for those areas and has determined the Traditional Owners in respect of various estates. (CLCAC 2003B.)

There is only one area found within the jurisdiction of CLCAC where an area of the coast is subject to an overlapping claim between groups (see Chapter 5). At the time of consultation the CLCAC was conducting a research program to determine the correct traditional group for the area in question. Unfortunately this work had not been completed in the specified time frames for these initial consultations. The CLCAC does not feel that this will inhibit its ability to effectively consult with the Traditional Owners as in this instance both groups assert uncontested claims to coastal areas adjoining the disputed area, therefore having little impact upon this process (CLCAC 2003B).

Key knowledgeable Traditional Owners able to speak with suitable authority for sea country in the region were consulted. (CLCAC 2003B.)

METHODOLOGY

A workshop was held at Gununa, Mornington Island on September 2nd and 3rd, 2003.

Ms Chantal Roder, a representative of the National Oceans Office attended the workshop. The National Oceans Office representative made a presentation to the Traditional Owners about the role and the purpose of the NRMP; and answered questions on the Oceans Policy, the Oceans Office and the Queensland Government response to the Oceans Policy.



Residential locations of workshop participants were as follows:

Mornington Island / Gununa and Outstations
 Bentinck Island and Outstations
 Normanton
 Doomadgee
 Burketown
 Borroloola
 Robinson River
 Old Doomadgee Outstation

Several key workshop questions were devised to help focus on the themes raised by the National Oceans Office including: "communities, conservation, management, and transport, fishing and extraction." The basic question structure has aimed to elicit the following:

- Identification of saltwater issues, and details about problems and concerns
- Saltwater management and the roles of Aboriginal Traditional Owners
- Knowledge systems: "what we know and don't know"
- Future directions and needs relating to marine management, research and monitoring (based on social, environmental and economic criterion). (CLCAC 2003B.)

These questions became the initial agenda for the workshop which was set out on the first day as follows:-

Workshop Agenda

- (1) Sea issues, problems and concerns.
- (2) Aboriginal land and sea knowledge.
- (3) Traditional land and sea management.
- (4) Future plan for land and sea management.

CLCAC regional staff members were in attendance at the workshop to assist with identifying key individuals, as well as assisting with documenting the proceedings. Dr Paul Memmott and Mr Stephen Long of PMA were also in attendance and facilitated the meeting and workshops on both days.

Attendance at Workshop:

Joseph Rainbow (Chairman of Kurtijar Land Trust)
 Phillip George (Deputy Chairperson Gkuthaarn)
 Tony Logan (Gkuthaarn)
 Alfie Johnny (Old Doomadgee – Gangalidda)
 Jack Green
 (Garawa - Robinson River through to QLD)
 Norman Kingsley (Garawa)
 Roger Kelly
 (ATSIC Regional Council, Bentinck Kaiadilt)
 Wunhan Williams (North Side M.I. – Lardil)
 Tony Sewter:
 (observing – Waanyi, though have been living on Mornington Island for many years and understand the issues)
 Jagama Yanner (Gangalidda)
 Valerie Douglas (Old Doomadgee – Gangalidda)
 Delma Loogatha (Kaiadilt)
 Shenane Jaco (Kurtijar)
 Netta Loogatha (Kaiadilt)
 April Peters (Garawa)
 Clara Foster (M country Gunamula – Gangalidda).

Paul Memmott (centre) with Lardil Traditional Owners at Workshop at Gununa on 3rd September 2003.



Pauline Fietz (CLCAC) and Roger Kelly standing. Workshop of Traditional Owners at Gununa, 3rd September 2003.





Reporting:

Following each regional consultation, digital tapes of proceedings were cleared internally with appropriate CLCAC staff and then prepared into draft reports for each region. These reports were collated into a single report for submission to the National Oceans Office. The CLCAC liaised with Dr Dermot Smyth during the course of preparing the consultation reports to ensure that the reporting was coordinated with the work being done on the wider project wherever possible.

All recorded material was considered confidential until such time as the final report was available as a public domain document. This was essential for the CLCAC to fulfil its obligations of accountability to Traditional Owners and to engender a good working relationship with the Traditional Owners and the Queensland and Australian Government with regard to Oceans Policy generally.

Proposed Outcomes of CLCAC Scoping Project

- Collection and analysis of current information from coastal Indigenous owners and managers living in the CLCAC sector of the NPA about their sea country interests, needs and issues. This information will inform the research and planning directions of the NRMP and contribute to the formulation of the Gulf of Carpentaria Commercial Fisheries Environmental Management Plan and Gulf Regional Development Plan by clarifying the key issues and how they can be addressed.

- Establishment of a planning foundation and relationships for subsequent engagement between coastal Indigenous groups, National Oceans Office and other stakeholders in the development of the NRMP.
- Development of a participatory consultation model for assessing and mapping Indigenous marine needs and use that will have wide applicability across the Gulf of Carpentaria.
- Indigenous groups, and their community and resource organisations within the CLCAC representative sector of the NPA will be informed about the NRMP.
- A statement of Traditional Owner needs and concerns with relation to sea country. Reports compiled with assistance of expert non-Indigenous consultants with relevant anthropological and natural and cultural resource use knowledge of the region and supplied together on completion of the project as one combined report.
- CLCAC to ensure that information in a report to the National Oceans Office for use in the NRMP is collected with fully informed consent of Traditional Owners in order to avoid publication of culturally sensitive material. (CLCAC 2003A.)

Steve Long (writing) with Garawa and Gangalidda Traditional Owners at Workshop at Gununa, 3rd September 2003.





Table 1: Draft 'Key Themes' for Regional Marine Planning by Northern Land Council August, 2003.

Indigenous issues and perspectives	Management challenges
Particular groups of Aboriginal people have rights and responsibilities to particular areas of the sea.	How to reflect area based Aboriginal rights and responsibilities in fisheries and other marine management?
Sea country extends inland to the furthest limit of saltwater influence – includes beaches, salt pans, mud flats, beach ridges (which become islands in very high tides, additional wet season effects) etc. Land and sea is inseparably connected.	How to integrate marine and coastal management to reflect holistic Aboriginal view of maritime environments?
Visitors to sea country require permission from Traditional Owners before entering the area or using resources. Current arrangements-particularly for fisheries, are not addressing this.	How to build customary requirements for seeking permission into contemporary fisheries and other marine activities?
Visitors using sea country resources must share those resources with Traditional Owners	How to establish benefit-sharing arrangements between Traditional Owners and marine industries and visitors?
Special cultural sites, dangerous story places etc., must be respected and avoided.	How to communicate and protect cultural sites, while retaining privacy and cultural protocols?
Aboriginal people have an established tradition of trading in local marine resources, within their own group, between groups and with outsiders – e.g. with Macassans	How can customary trading relationships be recognised in contemporary marine resource use?
Use and management of sea country and marine resources are central to the maintenance of Aboriginal culture, identity and economy	How can this fundamental, non-transferable connection between people, sea country and marine resources be recognised?
Coastal Traditional Owners have traditionally built their economy on local sea country resources	How can the economic futures of small, isolated Traditional Owner communities and outstations be supported through marine resource management?
Aboriginal use and management of sea country is intimately connected with complex cultural values and practices, including language, customary law, stories, songs, ceremonies, belief systems, social structures etc.	How can the complexity of cultural values, practices and knowledge associated with sea country be maintained? What is the role of marine planning and management in maintaining these values and practices?
Aboriginal connection to sea country has resulted in very long associations between groups of people and their descendants with particular coastal and marine areas	How can this continuing long-term relationship be recognised in contrast to the largely transient non- population?
Traditional Aboriginal society equipped each generation with the skills and knowledge to use and manage their sea country	What training, education and other capacity building is needed to equip current and future generations of Traditional Owners to manage their sea country in the context of greater complexity in marine management?
To make it worthwhile for Traditional Owners and their representative organisations to engage comprehensively in the regional marine planning process, key Aboriginal issues must be addressed as a priority	How can the regional marine planning process proceed in ways meaningful to Aboriginal people?
People are tired of meetings and committees and talking that does not lead to practical changes and outcomes	How can development of the regional plan itself operate to allow Traditional Owners to address real management issues for their sea country?
Sea country decisions are made at the local or sub-regional level according to traditional law and knowledge	How can Oceans Policy work to strengthen this system and support this extensive knowledge base in a way that is culturally appropriate?



CHAPTER 2: FINDINGS FROM THE LARDIL AND YANGKAAL

Most of the material in this section has been taken from the documentation prepared for the Wellesley Islands Sea Claim, more formally identified as QG207 of 1997 in the Federal Court of Australia. A key source document is the report titled *Expert Witness Report on the Lardil and Yangkaal Sea Claim in the Wellesley Islands* by Associate Professor Paul Memmott (1998).

1. SALTWATER ISSUES, PROBLEMS AND CONCERNS OF THE LARDIL AND YANGKAAL

a) Issues of Recognition and Authority

The Lardil tribe has traditionally occupied the North Wellesley Islands. The North Wellesleys include Mornington Island, Sydney Island, Wallaby Island, Rocky Island, Manowar Island, Moondalbee Island, Pisonia Island, Bountiful Island and Tulburrerr Island. The Yangkaal traditionally occupied and owned the south-western Wellesley Islands. The south-western Wellesleys include Andrew Island, Francis or Pains Island, Forsyth Island, Denham Island, Robert or Bayley Island and Allen Island (Memmott 1998:2-4). The respective identities and territories of the Lardil and Yangkaal have been successively clarified by anthropological evidence from Sharp (1935, 1939), Tindale (1974) and Memmott (1979), all cited in Memmott 1998. (Memmott 1998:7,8.) There is no anthropological evidence of any preceding group in these territories being succeeded by the Lardil and Yangkaal or of any other group succeeding to any part of any prior territory of either group. There is however, some evidence that Lardil occupation of their territory may be more than 6,500 years old. (Memmott 1998:5.)

The Lardil people probably numbered about 250 at the time of mission establishment. They were divided into sub-sections for some purposes but spoke a common Tangkic language and were presided over by a 'governing body' of mainly male Elders. These Elders controlled the allocation of "... important economic resources, the maintenance of behavioural codes, trade and feud with neighbours, male initiation ceremonies and the ritual expression of religious and cosmological knowledge to manipulate the behaviour of people and of activity in the natural environment." (Memmott 1998:3.)

Land-and-sea countries were traditionally held in the Lardil tribe primarily by exogamous patrilineal descent groups or patrilans (i.e. say, a man, his father and father's father, his sons and sons' sons, the sisters and daughters of each of them). (Memmott 1998:8,9.) Patrilan (land-and-sea-owning) groups were probably between 28 and 36 in number, averaging a membership of about 10 each at the turn of the century (Memmott 1998:3,8). Memmott has mapped the 'countries' of the Lardil and Yangkaal in 1975 and reconstructed them back to about 1914. The genealogy of each of the descent groups or patrilans has also been recorded by Memmott and they are appended to his report. (Memmott 1998:10,11.)

Each patrilan was usually presided over by a senior male (or by several senior persons who were brothers or parallel cousins) who was termed the *Dulmada*. The role of *Dulmada* was generally inherited on a patrilineal basis by the deceased leader's son, grandson or brother's son. The *Dulmada* was usually qualified by seniority and leadership skills and was usually nominated by his predecessor. In some circumstances the *Dulmada* could be female. (Memmott 1998:9.)

In the Yangkaal tribe ownership of land was not so clearly by patrilineal descent. An interest in land was also recognized through one's mother. This is: "... the manifestation of a 'Jungkayi' type relationship that is common in indigenous land tenure throughout the Gulf country to the west and well into the interior to the south-west. This type of relationship involves two categories of rights in land, firstly that of the 'owners' who obtain their status through patrilineal (or *patrifilial*) descent and that of the *jungkayi* who are the children of the women of the patriline ... and who have the status of country and ritual 'managers'." Under this system an individual could claim land through any of his or her four grandparents. (Memmott 1998:9.)

The Yangkaal were a much smaller group of people, probably numbering 60 or 70 in 1914, who spoke a distinct (but mutually intelligible) Tangkic language. The Yangkaal had a close relationship with the Lardil and acted as intermediaries between the Lardil and the Kaiadilt of the eastern South Wellesleys as well as mainland groups, especially the Gangalidda. (Memmott 1998:3,4.)¹

¹Those four tribes comprise the Tangkic language group, sharing a common proto-language (Evans 1998:3)



Both Lardil and Yangkaal occupied land-and-sea-countries defined primarily in terms of their boundary places on the waterfront. Their populations have been described as “geographically extroverted, orientated to the sea from the island perimeter ... The entire island could be described as a ‘sociofugal space’, a term that describes spaces which cause people to move to their periphery.” (Memcott 1998:49.)

Customary control of the environment was vested in the *Dulmada* or collectives of *Dulmada* for both the Lardil and Yangkaal people. Traditionally, the *Dulmada* controlled the taking and distribution of large sea animals (dugong and turtle), fish and other plant and seafoods. It was traditionally a technical requirement that the *Dulmada* approve the taking of any such resource. Permission to do so could be refused by the *Dulmada*. The *Dulmada* could close an area or defer the taking of any resource pending its ripeness or maturity. The *Dulmada* was also responsible for protecting and performing increase rituals at land and sea story places within his estate. (Memcott 1998:47.)

The distribution function of the *Dulmada* assured the sharing of the food resource. This was an important function in minimising waste. Traditionally, when large animals were taken, the *Dulmada* would send invitations to neighbouring groups to share in the food. Traditional sharing continues into the present day. (Memcott 1998:47) Food sharing is regarded as a significant influence on social cohesion. (Memcott 1998: 3). The only food that people traditionally were not obliged to share was *dulnhu*, the seasonal schooling fish netted in great quantities. The surplus catch of this fish could be smoked and stored: waste was therefore not an issue and there was no obligation to share it. (Memcott 1998:47.)

The role of the *Dulmada* continues in contemporary times but is capable of some individual interpretation. One *Dulmada* informant interprets his responsibilities in his ‘country’ as:

“burn fires around oak trees and keep them clean
clean up after fishing trawlers
stop kids from ringbarking
do not take fat to the sea or Hawk or Rainbow
will get you in the stomach [markirri sickness]
only take what you want for a feed and leave
the rest
look after the country; it looks after you”
(Memcott 1998:47).

Lardil and Yangkaal *Dulmada* assert a continuing right to direct people to leave their ‘country’ for any infringement of Aboriginal Law. They further assert that they have the right to refuse mainland people or non-Aboriginal people access to their ‘countries’. Memcott records one *Dulmada*’s account of ‘evicting’ a white man who was living on his land (Memcott 1998:48).

The Lardil and Yangkaal *Dulmada* have been active in relation to the management of the waters of the Wellesley Islands. Through their elected Shire Council they have:

- Applied to the Queensland Department of Fisheries and Wildlife for closure of the larger rivers on Mornington Island to commercial fishermen;
- Opposed the location of a proposed fishing resort at Bountiful Island;
- Opposed the location of a phosphate slurry pipeline and port at Sweers Island;
- Supported scientists from James Cook University in their research and monitoring of dugong and turtle in the Wellesley Islands waters. (Memcott 1998:48).
- Employed a number of rangers in an attempt (among other things) to enforce fisheries regulations and traditional customs in and around the Wellesley Islands. Their specific duties included: patrolling, protecting and managing sacred sites, patrolling rivers and foreshores to monitor compliance of non-residents with State fishing and hunting legislation. (Memcott 1998:48,135.)

A meeting of the Mornington Shire Council on 13th April 1995 was called to discuss a proposed Century Mine trans-shipping development. Issues discussed included the potential of lead and zinc contamination of waters from the development. *Dulmada* participating in that meeting noted that the community had already been warned about the dangers of consuming heavy-metal-contaminated turtle and dugong offal (liver and kidneys). Considering turtle and dugong meat, if it were also affected by lead and zinc contamination, they stated: “... we’ll die if we eat that ...” (Memcott 1998:48.)

The involvement of the Mornington [i.e. Wellesley Islands] Shire Council in this wide range of issues in relation to the Wellesley Islands marine environment has been to a large degree at the behest of and with the support of the Traditional Owners. This involvement demonstrates the continuing commitment of the community to its on-going responsibilities to its traditional sea territories. (Memcott 1998:48.)

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b) Issues of Appropriate Usage

In recent decades there has been a growing threat to the *Dulmada* control of their 'countries' as a result of the actions of non-Indigenous fishermen. They have used netting and dynamiting practices, which kill too many animals and threaten their survival. The non-indigenous fishermen have been responsible for taking dugongs, turtles and crabs, as well as fish. These fishermen do not recognise the authority of the *Dulmada*. (Memcott 1998:47.)

Customary management mechanisms and authorities are not recognised by non-indigenous fishermen or in Australian law. Despite maintaining constant surveillance the *Dulmada* are not able to control non-Indigenous fishermen whilst their status and authority as *Dulmada* is not recognised or ratified by Australian Law and Government. (Memcott 1998:48.)

Practices of concern that are known to the Traditional Owners, detrimental to the fishery and threatening to the traditional rights and practices of the Lardil and Yangkaal include:

- Use of dynamite by non-Indigenous fishermen which threatens marine environments and marine species numbers;
- Non-Indigenous netting practices threaten marine species numbers including use of large shark nets which also trap dugong and turtle;
- Too many non-Indigenous commercial fishermen exploiting the eastern end of Mornington Island;
- A Torres Strait Islander fishing boat has also been seen at Wurdu Creek on Mornington Island;
- Between Moondalee Island and a nearby reef, non-Indigenous fishermen set nets that caught turtle and dugong that then drowned. Sharks were also injured there;
- Depletion of crabs by non-Indigenous fishermen trawling for crabs and setting crab pots that are exposed at low tide, spoiling the catch;
- Depletion of fish by non-Indigenous fishermen who throw away dead fish left in the nets too long. Also pollution of rivers with dead fish;
- Non-Indigenous fishermen established a base camp on the north-east corner of Wallaby Island;
- Damage was caused to birds on Rocky and Manowar Islands by fishermen moored there shooting at roosting birds;
- Scallops have been taken by non-Indigenous fishermen;

- Zinc and lead loading from Century Mine has the potential to pollute waters and marine species affecting those species (including people) who subsequently consume them;
- Barramundi have been taken from Elizabeth River despite its closure;
- Trees in Digger Adams' country have been damaged by fishermen.

The Traditional Owners wish to find ways to improve surveillance by the *Dulmada* (are there enough boats and are there outstations on each estate or sufficiently located around the coast lines?) (Memcott 1998:47,48.)

2. SEA KNOWLEDGE SYSTEMS OF THE LARDIL AND YANGKAAL

a). Knowledge of the 'Dreaming' and manifestations of it in contemporary life

Memcott records that Lardil and Yangkaal Laws and customs are mainly 'embedded in and derived from' a system of religious belief. He points out that his account is 'an intellectual abstraction synthesised by the author' and that it is based on information from a number of informants with differing styles and perspectives. Furthermore it is only some individuals, among the Lardil and Yangkaal, the 'creative philosophers and intellectual leaders', who are able to 'articulate a systematic model': a situation that he points out is paralleled in non-indigenous society. (Memcott 1998:50.)

'The Dreaming' in Lardil and Yangkaal beliefs refers on the one hand to the '... ancient past ... during which Aboriginal people ... fauna and flora were adapting and evolving ...' Sacred history relates to this time and comprises stories of the doings of ancestral beings. Some of these appear to have been human, some animal, plant or other natural phenomenon, but most were a combination of both human and other. In Lardil sacred history all animals in the Dreaming had human qualities. There were, for example, a dog man, barracuda man, yam woman and moon man. These beings travelled through the land and sea "... interacting with each other and the environment, experiencing adventures, making places, leaving signs of their presence, even parts of their bodies, and eventually dying and/or going into the ground, the sea or sky." These beings left perpetual traces of their own energies in the places they somehow touched. (Memcott 1998:50.)



The residual energies of those beings raise a different concept of the Dreaming. These energies may now be transferred to contemporary people through their association with a Dreaming site by birth, ceremony or ritual. The Lardil and Yangkaal believe that the energy of their individual conception and reproduction was derived from association with a particular site and that the same energy remains in them, linking them to that site as well as to ancestral beings. It is not just traces of energies that the Lardil and Yangkaal believe they are linked to though, it is another contemporary universe, “coexisting in time but inaccessible to normal human perception’. Their Dreamtime is a contemporary ‘unseen’ world that contains contemporary ‘unseen people’.” (Memmott 1998:50.) People can interact with the unseen universe and its energies. Increase ceremonies at story places can replenish natural cycles from ancestral energies. It is man’s responsibility to maintain the ecological balance of this world. Story places also acted as sources of totemic (personal) energy. (Memmott 1998:51.)

b) Knowledge of Creation Stories and contemporary relevance to ways of being on country

The Lardil and Yangkaal view the world as having existed, empty of living creatures, before the hero-ancestors gave it its present form of hills, rivers and so on. Each successive ancestral being, in its travels, created places and added to the symbolic content of the landscape. Some theorists have argued that some of the events recorded in Aboriginal creation stories can be viewed as an oral history of past geological events. In the case of the Lardil and Yangkaal it is most notably accounts of land being inundated by sea and of channels and islands being formed that appear to have a foundation in geological events. (Memmott 1998:55,56.)

Lardil and Yangkaal stories tell of the islands (then a peninsula) being inhabited by animals and other entities even before the coming of humans. The animals in one story, including Barracuda, Butterfish, Rock Cod, Yellow Trevally, Dingo, Redbill and Moon, danced and performed (or rehearsed for performance of) an initiation ceremony. Rat and Squid travelled from Rocky Island to Wurdu Creek on the north west of Mornington Island and then fought with firestick and spear. Stingray and Sea Eagle talked and hunted together and Stingray splashed water onto a swarm of native bees to prevent them crossing to Sydney Island. Other stories tell of travels through the seas of Shark,

an ancestral being who planted and established cycad trees as a food source in many locations. Nighthawk, Yellow Trevally, Crane, Seagull and Redbill made other such travels. Two Dingos made very important journeys and are credited with bringing the initiation ceremonies and the eight subsection or class system to the Lardil and Yangkaal, however this was not until after the arrival of humans. (Memmott 1998:56,57,59.)

The first humans to arrive in Lardil and Yangkaal territory were three ancestral heroes, *Maarnbil*, his wife *Jirn Jirn* and her uncle *Diwaldiwal*. These people were immortal and had the skills to create places in the environment. They brought the basics of the Lardil moiety system and its behavioural rules. They made fish and marine-animal traps, wells, fishing places, many geographic places and story places. They planted fruit and berry trees and named many places. They also created increase rituals for the story places, flood-making and flood-abating ceremonies (with which to punish the people), rules for the preparation, cooking and consumption of food items. They also made the first Lardil and Yangkaal marriage Laws. (Memmott 1998:57-59.)

Another very significant Dreaming figure with immense contemporary influence, especially over the saltwater area is *Thuwathu*, who came to the Wellesley Islands in human form as a powerful, second degree initiated, lawman and eventually metamorphosed into the Rainbow Serpent. *Thuwathu*’s metamorphosis was brought on when his body was badly burned. During a heavy rainstorm his sister, breaking communication taboos, had repeatedly asked him to shelter her sick baby in his large shelter. He had refused and the baby had died. His sister had set his shelter on fire all around. When he emerged, burned, writhing in pain, he had cursed his sister and crawled away, changing into the serpent’s body as he went. In that process he vomited up many animals and left traces of blood (which now may be found as red ochre). He submerged the area of his camp in the sea and cut out the grooves that became the Dugong River and its tributaries before travelling to the north side of Mornington Island. He later entered the earth at a place named *Bukakan* but now lives in all the marine and littoral systems of the Wellesley Islands. (Memmott 1998:61,62.)

Thuwathu jealously guards the saltwater realm and will take revenge on those who break the saltwater Law. This is most often reported to occur in regard to breaking a Law that land and saltwater things should not be mixed and, in particular that land food (especially land meat and fat) should not be taken into the saltwater area. Ignoring this Law will result in the offender experiencing *markirii* sickness. *Markirii*

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is experienced as extremely painful and sometimes fatal. It follows the entry into the victim's stomach 'like a bullet' of *Thuwathu* or another totemic entity such as Seahawk. *Markirii* can also be brought on by the wearing into the sea of ochre, blood or grease used in body decoration for dance, by a woman breast feeding on the water or allowing breast milk to enter the water and by the breaking of certain taboos in relation to menstruation. Cooking land and seafood on the same fire will also cause *markirii* sickness. (Memcott 1998:62,63.)

c) Knowledge of the Unseen People and How to Interpret Them

Lardil and Yangkaal people believe they may have direct and beneficial contact with the 'unseen people' who live in the contemporary universe. It is believed that these unseen people: "comprise deceased members of the local tribes people who live in a similar hunter/gatherer lifestyle to that of their this-world life, but are now immortal in the Dreamtime dimension." While informants' accounts differ, however, they agree that the unseen people are not simply a re-incarnation of the deceased. When a person dies their corpse splits into at least two elements or 'shadows'. The good spirit travels to a place in the Milky Way. Another 'shadow' remains in the land to become one of the unseen people with an ongoing local identity. "Thus a component of the dead transforms permanently into the country." (Memcott 1998:52,54.)

These unseen people hunt land and seafood, have dances, fun and even initiation. They are shy and flee when approached but can sometimes be heard clapping or cutting sugarbag. There are several types of unseen people living in different parts and habitats including cave people, interior bush people and mermaids (who live in tidal pools, estuaries and fresh water pools and communicate most often with women). (Memcott 1998:52,53.)

The unseen people appear to sleeping people (most often near a story place) and teach new songs and dances and provide other knowledge including omens of good luck and warnings for a relative. Sleeping people may be heard singing in their sleep – in which case others there will listen and attempt to memorise the song. The Unseen People sometimes teach knowledge that has previously been lost. Unseen people are considered to have far more knowledge and foresight than the living. It is considered by the Lardil and Yangkaal that the unseen people have: "... a total science, a complete system of knowledge and truth...." They monitor everyday Lardil events. Their knowledge is considered to be power. (Memcott:52-54.)

d) Knowledge of Story places, their locations and the rituals and behavioural codes connected with them

The Dreaming energies in story places allow contemporary Lardil and Yangkaal people to influence their environment in powerful ways. Many such places are 'increase centres'. Increase rituals performed at these places "catalyse the reproduction or fertility process of the totemic entity". In effect, they multiply the corresponding plant or animal resource, assuring subsistence needs. Other story places are used to make floods, cyclones and strong winds. Most story places are located in the sea, on the foreshore or in the nearby coastal lands. (Memcott 1998:42.)

The *Ngawilan* site comprises three rocks rising from the sea near the eastern end of Mornington Island, which the Lardil and Yangkaal believe to be the remains of *Maarnbil*, *Jirn Jirn* and *Diwaldiwal*, the ancestral heroes. It is considered dangerous for others to interfere with story places – which is why the Traditional Owners need to protect and manage their sacred sites and exclude those not guided to and through these places. (Memcott 1998:42,43.) For example:

"As a boy I was told not to go anywhere near this spot [Wallaby story place], but always walk around by the beach. With leaves over our hearts to avoid us looking to that direction,..." and later as a young man: "We stood at the place, and noticed a lot of holes in the flat rock surface, and some were large, some were small. During the wet season these holes were like springs, water would be coming out, and legend says that these were the bad smell of the male wallaby penis. The tribal name for this place is called *Booga-Nullwad-a-Gunjina*, and *Booga* means bad, *nullwad* means penis, *Gunjina* means wallaby."

Story places are named (e.g. Rock Cod story place) after the Dreaming being or natural phenomenon they represent. Most are unique within Lardil and/or Yangkaal territory, but there are two Wallaby story places. There is usually (but not always) a distinguishing physical feature, sometimes reflective of the identity of the Dreaming being in the story place. Sometimes there is some mark of the being involved, such as stains on rocks said to be his sperm or, in other cases, tracks. The being or phenomenon of the story place is said to inhabit it and to be 'inside' the place. The author (with Aboriginal informants) has mapped about 100 story places – only 13 of those are in the interior land system. (Memcott 1998:43.)



There are behavioural codes (both general and specific) for story places. In general women and children can go near these places but must be quiet and reverent. Sometimes one may not look directly at a site or touch some particular part of it. The *Dulmada* of the site may perform a simple ritual at the site, which releases the Dreaming energies it contains. This may lead to propagation of the species. There are many sites that influence the weather. Rituals performed at these sites may be as simple as hitting or poking the site with a stick or brushing it with bushes. (Memmott 1998:43.)

‘Stirring up’ a story place may have positive consequences (such as the increased supply of a food resource) or, in some cases, negative consequences such as the multiplication of mosquitoes, cyclones or strong winds. Story place entities are often involved (with Rainbow) in visiting *markirri* sickness on people who break the saltwater Law. (Memmott 1998:44.)

Memmott has appended a table showing a range of behavioural rules for story places. He has listed 19 species of fish, mollusc and seabird for which there are Story places. There are also many story places for features of the weather and sea waters. (Memmott 1998:44-46.)

e) Knowledge of naming and classifying places and sites and imposing cultural properties in a system of geography

Mapping by Memmott and others with Lardil and Yangkaal informants has disclosed that there is Indigenous knowledge of a high intensity of geographic properties, and place naming, in the coastal systems. This contrasts with a relatively low intensity in the sparsely-named interior land systems: “... few parts of the coastal systems were unnamed...” Around Sydney Island, for example, there is about one place name for every 350 – 500m of coastline. (Memmott 1998:27.)

Named coastal places (with boundaries usually at right angles to the adjacent land – there are no boundaries parallel to the coast) comprise both a body of water and the adjacent coastal land. Accordingly, most of the offshore seas are named places. It is common also for Lardil and Yangkaal informants to be able to name and confirm the naming of sea features such as: “reefs, rocks, oyster banks, sandbars and spits.” (Memmott 1998:27.)

f) Knowledge of Traditional Law relating to the Sea and of the Rights and Responsibilities of Dulmada and others

Memmott points out that the Lardil and Yangkaal *Dulmada* have maintained their connection with their traditional lands and seas through a number of mechanisms including:

- Visiting it (travelling over, camping on, meeting on, picnicking on, conducting rituals on);
- Economic usage of it (hunting, fishing, collecting and harvesting marine resources);
- Maintaining the local place properties of it (naming and reinforcing concepts of);
- Maintaining oral traditions (talking about the ‘country’, oral and sacred histories, recollections);
- Maintaining emotional attachments to (thinking about, missing, enjoying, spiritual experiences in and about) ‘country’;
- Dreaming of country (visitation to, apparitions in and gifts of knowledge about);
- Expression of social and spiritual identity with ‘country’ via totemism and dance;
- Active custodianship of including ritual, site recording and protection, cleaning etc. (Memmott 1998:145.)

Memmott has argued that the system of traditional Lardil and Yangkaal Laws has survived as a dynamic system since pre-contact times because of:

- Continuing knowledge of the geography, component sites and spiritual connections of their traditional territories;
- Continuing knowledge of the membership of territory owning groups;
- Continuing knowledge and observance of traditional Laws and traditional forms of organisation by those groups;
- Continuing knowledge of a wider system of explanation (including historical and spiritual explanations) of how those Laws and forms of organisation came into being;
- Continuing use of methods of transmission of traditional knowledge;
- Continuing use of traditional methods of recovering lost Laws and customs;
- Continuing knowledge and use of methods for introducing and subtending outside visitors to these systems;

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- Continuing recognition and activity of traditional authorities who exercise controls, pass judgement and impose penalties for the breaking of Laws;
- Continuing recognition of spiritual entities also able to impose penalties on Law-breakers;
- Continuing processes for the acquisition of rights in Law, the distribution of knowledge and changes in the Law in response to cultural change. (Memcott 1998:144.)

Lardil and Yangkaal individuals have free access across all Lardil and Yangkaal lands and seas to more widely dispersed resources such as oysters, which are owned collectively. Anyone who hunts outside of their own 'country' risks public rebuke ('growling') by the owner. The *Dulmada* also claim a right to a share of 'meat' taken in their country. Their (Traditional Owner) host must accompany visiting mainland Aboriginal people, whether hunting on land or sea. (Memcott 1998: 19,143,36.)

According to traditional Law, the *Dulmada* have the following rights in their traditional marine estates:

- The right to ownership and individual or joint control of their seas including the seas, sea-bottoms and the resources therein and the taking and sharing of staple foods;
- The right to use and (to permit or refuse permission to others) to travel over, occupy and enjoy, hunt, fish or gather resources from their seas;
- The right to have the custody and control of story places within their estate, including the right to control the access to and behaviour in the vicinity of those sites of other people;
- The right to management and custodianship of marine resources and habitats and the control of resources for the long-term survival and well-being of the Lardil and Yangkaal people and the plant and animal species of their territories. (Memcott 1998:146.)

The *Dulmada* have asserted these rights to all of their estates and, in particular, to:

- All areas of the sea visited and used by the Lardil and Yangkaal;
- All areas of the sea of which the surface is visible from the land, whether or not all of those areas are regularly visited by the *Dulmada*;
- All of the associated land in which the Sea Law associated with ancestral beings is potent, including littoral estuaries, creeks, mangrove and tidal flats (which may extend some kilometres inland)

and former lands submerged in the Dreamtime. (Memcott 1998:145.)

In the Lardil and Yangkaal system of Law customary custodianship of the sea is under the control of both the individual *Dulmada* as well as collectives of *Dulmada*. Management occurs at individual *Dulmada* level for some issues and at the collective level including:

- Sociogeographic group according to direction;
- Language group;
- Lardil and Yangkaal;
- All Tangkic language groups;
- A wider regional set of tribal groups. (Memcott 1998:22.)

Dulmada are responsible for the following:

- Major coastal and marine resources (eg. dugongs, turtles);
- Control and harvesting of plant and animal marine resources;
- Restricting the taking of resources in their own country;
- Restricting the distribution of resources in their own country;
- Restricting access to certain places;
- Ritual duties in their own country to control local increase sites (i.e. Story places);
- Prevention of taking any of the natural harvest until proper ripening has occurred;
- Control over seasonal schools of fish and organising large-scale netting at appropriate times, eg. mullet, *dulnhu*;
- Managerial control over rock wall fish traps in their own country;
- Managerial control over Story places in their own country;
- Control of storms, waterspouts and winds at sea with songs, actions and rituals that are known to make or stop these phenomena. (Memcott 1998: 47,146,48,143,19,20.)



g) Totemic system of knowledge

The Lardil and Yangkaal have and share a system of totemic knowledge, which is documented by Memmott. Under this system the people claim strong affiliation with the story places of their patriclan 'countries'. This affiliation may be reflected in the individual's naming – the name of the patriclan's story place Dreaming-being (e.g. Rock Cod) may be held by several clan members and passed on to successive generations. Totemic links may be based on place of the [spiritual] conception or birth as distinct from patriclan where an individual is born or conceived close to a story place. Totemic links may also be taken from an individual's 'milk country' – the patriclan estate of an individual's mother or mother's brothers. (Memmott 1998:51.)

Individuals may see their totemic story place as a place of self-identity and an image of that individual's self. "It represents the meeting of two thought systems – one concerning the classification of places, and one concerning the classification and distribution of the energies of living beings." Individual Totemic affiliation often carries with it responsibility to care for the totem creature. For example a barramundi dreaming man may refuse to eat barramundi. Many individuals have totems from the salt-water realm. (Memmott 1998:51.)

h) Knowledge of dangerous places and ways to avoid interfering with them

Memmott lists a variety of rules, rituals, and dangers in relation to story places. Quite specific rules, rituals and dangers attach to some sites. There is a general rule of respect in all story places: an individual should show respect and reverence, not swearing, whistling, singing or shouting. In some places one must not point, look backwards or perform other actions particular to that site (including for example, dig or cut a tree). Some story places must be approached in a particular way to avoid danger. Story places hold particular dangers for specific classes of people in some cases. For example children, uninitiated males or women may be in particular danger. (Memmott 1998:45,46.)

At many sites customary actions, usually performed by *Dulmada*, may assure increase in the totem being or some change in the weather. Any littoral or marine place may be dangerous because of Rainbow Serpent (*Thuwathu*) and the potential for *markirii*. (Memmott 1998:45,46.)

i) Knowledge of the Marine Environment

"There is a large body of customary knowledge concerning the marine environment, its plants and animals, the off-shore weather, the tides and the behaviour of the seas. For example, there is knowledge of the seasonal year, the nature of offshore winds, the movements of fish schools, the times of the fattening of fish and the reproduction of sea animals, the various techniques to catch sea animals, and customs associated with their consumption. There is an interrelationship between knowledge of lunar cycles, tides and star movements (esp. Pleiades) which is expressed in hunting songs. Marine knowledge (including place-specific knowledge) is at times expressed in public and ritual dancing." (Memmott 1998:42.)

Memmott posits that the depth of the Lardil knowledge of the marine environment can be gauged through the number of words contained in the language which relate directly to the sea. Using the Lardil dictionary (published in 1997) he provides the following list:

Category	Number of Words
Marine & coastal birds	33
Fish, including crabs & stingrays	139
Sea animals (including reproductory stages of dugong)	34
Shells and shellfish	15
Body parts and 'cuts' of (meat of) sea animals (Memmott 1998:42).	26

On one occasion three informants spontaneously provided the names of nine species of stingray with their colourings, habits and information on which species' 'pins' are used as customary circumcision knives. (Memmott 1998:42.)

j) Knowledge of Geomorphic, Meteorological and Navigational Values of Places

The Lardil and Yangkaal intimate knowledge of the geomorphic values of their foreshores is reflected in the high frequency of place names on the foreshore (one every 350 – 500 metres). (Memmott 1998:27) As noted above, in paragraph 2. e), inshore waters carry the same names as the adjacent foreshore land. Furthermore reefs, rocks, oyster banks, sandbars and spits often have their own unique names. (Memmott 1998:27). The location of the paths of journeys through the sea by ancestral beings are also known (Memmott 1998:57). Special meteorological values attach to some saltwater places and rituals in those are believed to directly control the weather. (Memmott 1998:45,46.) These numerous separate connections

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with the seas (including their totemic connections and considerable sea-going experience) give the Lardil and Yangkaal people an exhaustive knowledge of the navigational values of their seas. (Memmott 1998: 27,57,45,46,28,29.)²

k) Knowledge of Flora, Fauna and Ecological Values of Places

The Lardil and Yangkaal customarily and currently obtain most of their food from the marine systems in their country. This is why most campsites are (and traditionally have been) located on the coast. (Memmott 1998:28).

“My people always obtained most of their food from the sea, from the off-shore reefs at low tide. We catch fish in big stone fish traps, or in traps made by fencing off a shallow creek or inlet with bushes stuck in the mud, so that the fish are stranded when the tide goes out. We also catch fish with hand nets and by spearing. In the old days our people made rafts to paddle along the reef and spear the best meat from the sea, dugong and turtle.” (Roughsey, 1971 in Memmott 1998:27)

Where several family groups camp together it is common for the men and women to split into separate groups for food gathering purposes. The men usually hunt marine creatures including dugong, turtles, fish, crabs, turtle eggs and sand goannas. The women may obtain vegetable products and small game from the interior plus crabs, oysters, molluscs and some vegetable products from the foreshore. (Memmott 1998:28.)

One *Dulmada* provided Memmott with the following description of marine resources readily available within 5km of his outstation:

- Dugongs in Sandalwood River;
- two species of marine turtle;
- three species of schooling fish which run down the coast;
- five species of fish that inhabit rocky reefs;
- three species of coastal stingray;
- five species of fish frequenting the river estuary;
- two oyster species; and
- two species of crustacean - mud crabs and prawns. (Memmott 1998:28,29.)

Memmott analyses Lardil and Yangkaal food resources according to the ecological niche from which they are usually taken. He speaks of eight groups of natural niche plus the man-made niche of rock-wall fish traps. The natural niches are: offshore reefs and submerged rocks; sandbars and spits; channels and estuaries; sea-grass areas based on the muddy substrate of estuaries and associated coastal waters; inter-tidal mud based areas; tidal flats including salt pans; sand-based land systems; and beaches. One informant alone gave Memmott Lardil names for 60 species of fish. English names for locally common fish species include: ‘... shark, stingray, kingfish, queenfish, bluefish or parrotfish, rock cod, mullet, whiting, bream, flathead, trevally, salmon, snapper, perch, marlin, barracuda, prawns ...’ (Memmott 1998:28,29.)

Sandbars and spits are preferred locations for the spearing of fish and also for the netting of schooling fish. Two species of prawn were traditionally netted (in grass-string nets) in channels and estuaries – nylon nets are now used. Turtle and dugong were also caught in estuaries. ‘Estuary dams’ made of poles and foliage were traditionally constructed for a similar purpose. Stupeficients were used to stun fish in estuary dams and bring them to the surface. (Memmott 1998:28,29.)

Dugong feed in the sea-grass areas. They were traditionally hunted with rope nets. In contemporary times they are usually hunted with a *wap*. At least thirteen species of bivalve are harvested in estuaries and in the inter-tidal mud-based areas. Crabs are also speared in those areas. Mangrove fruit, timber oysters, other shellfish, crabs and flying foxes are also taken in inter-tidal mud-based areas. Tidal flats were sources of red ochre, which had ritual and medicinal uses. These areas were also a source of fish and crabs during the high ‘Christmas tides’. (Memmott 1998:30,31.)

Rock-wall fish traps at Point Parker were documented in 1896. Fish traps at Bentinck Island were documented in 1901. These artefacts are found extensively throughout the Wellesley Islands. They are 18 inches to three foot in height and covered by the high tide. As the tide falls fish are stranded in them and are then easily speared. (Memmott 1998:29,30.)

² An understanding of the precision of Lardil and Yangkaal knowledge of place can be gauged from their languages, in both of which objects under discussion are routinely designated under the grammar of the language as being to the north, south, east or west of the speaker. This issue is discussed specifically in relation to the Kaiaidilt in the next Chapter but is also known to be true of the Lardil and Yangkaal.



1) Knowledge of Sea Travel

The Lardil and Yangkaal people have traditionally undertaken travel between the islands of the north and south Wellesleys and to the mainland. Travel is regarded as a right. In traditional times travel was undertaken by *walba* (mangrove raft) although crossings on foot could be made between Mornington Island and Sydney or Wallaby Island or between Robert and Francis

Islands by walking at low tide. (Memmott 1998:38.) The Lardil and Yangkaal *walba* were identical to those used by the Kaiadilt of the south Wellesley Islands. A raft could be up to 5 metres long and 1.6m wide at the rear and could transport up to six people. In all cases paddles made from the stem and buttress roots of mangroves (the same material used to make the raft) were used. Since the establishment of the Mornington Island Mission and the subsequent adoption of new technologies, patterns of travel have changed in a number of periods. (Memmott 1998:146,38-39.)

Adult couple on *walba* in Appel Channel, 1916. Photo by Chief Protector Bleakley from his Annual Report for 1916 (Bleakley 1917). (AERC Ref. No. L8/4-1 and L8/2-224.)



Lardil man Scotty Wilson (DG No. 15) cutting up a dugong with a knife, 1936. From Nelson Collection. (AERC Ref. No. L8/2-7A)



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Lardil man Lindsay Roughsey (DG No. 17) spearing fish, in Appel Channel, 1936. From Nelson Collection 1936. (AERC Ref. No. L8/2-7B)



"Albinia" beside the "Morning Star" (probably 1930s). From Rev. Andrew Wilson Collection. (AERC Ref. No. L8/2-221.)





Group of men displaying their fishing catch and holding Rev. Belcher's infant son. Original caption reads:- "One catch at Mornington Island on camping holiday, married couples huts on beach, 1946." From Rev. D. Belcher Collection; possibly also in Douglas Baglin Collection. (AERC Ref. No. L8/2-130B and 2-131A.)



Construction of canoe owned by Lardil man Fred Jarrarr (DG No. 16) and Maude Jarrarr (in foreground), 1946. Jacko Jacob is to right of Maude in the photo and his wife Lettie is in centre holding her son Kirk Jacob (DG No. 20). From Rev. D. Belcher Collection. (AERC Ref. No. L8/4-87A and L8/4-121.)



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Original caption reads:- "A fishing day, when fish were plentiful. They were caught and cooked on the spot, 1950s."



Photographs by Percy Trezise taken in the 1960's of Kenny Roughsey carrying out the Flood-Making ceremony at Langunganji or Sydney Island. [Reproduced from Dick Roughsey's 'Moon and Rainbow' (1991).]

Chief floodmaker carrying the doolmidgal. (P. Trezise)



Swimmer with the doolmidgal, watched by his mate standing on the coral head. (P. Trezise)



Men in dugout outrigger canoe powered by paddle and sail, after catching dugong. Original caption reads:- "Dugong caught opposite Woody Point, May 1960." [sic, probably Timber Point, Mornington Island.] The men in the canoe are said to include; Dan Bush (Lardil), Darwin and Dugal (Kaiadilt). From N. B. Tindale Collection, South Australia Museum.



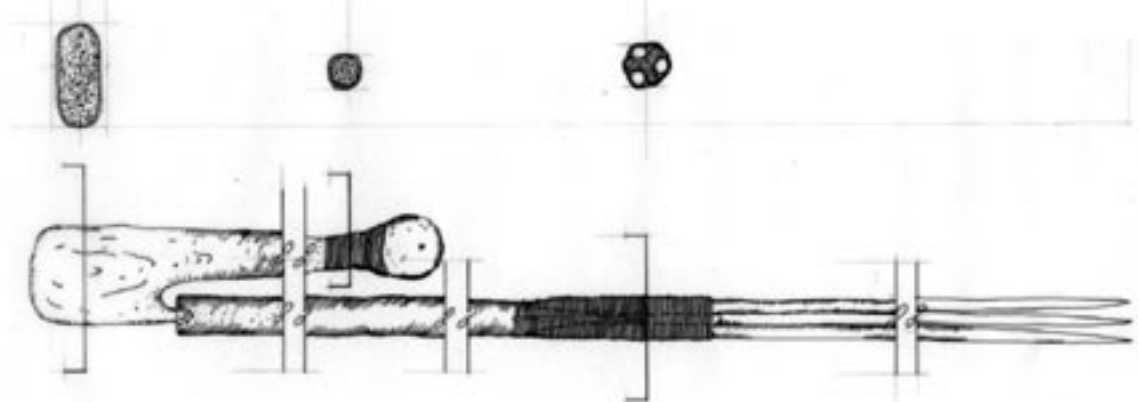
Lardil man, Pompey Wilson (DG No. 15), left and Henry Peters, right (DG No. 2) after catching three turtles at Rocky Island, c1960. From Rev. D. Belcher Collection. (AERC Ref. No. L8/2-132A.)



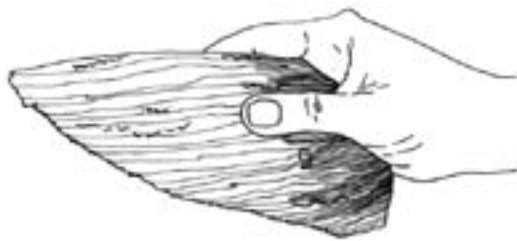


Illustrations of items of traditional Lardil material culture associated with marine hunting prepared by Paul Memmott, and based on a collection of specimens manufactured at Mornington Island by Lardil men in 1975 for the University of Queensland Anthropology Museum.

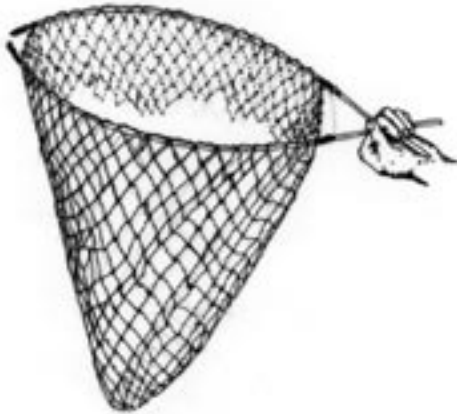
1. Fishing spear or kurrambu and woomera or murraku (Acacia prongs, grass string)



2. Shell knife for cutting turtle and dugong meat.



3. Grass string hand fishing net (mijil) for catching fish in reefs.



4. Large fishing net or kira munda for catching schools of fish, including the 'mouth fish' or dulnahu.



5. Paperback torch or mika used for nocturnal fishing.



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New travel and sea-faring patterns emerged after the establishment of the Mornington Island Mission. Lardil and Yangkaal men crewed the Mission sailing boats, the 'Morning Star' and the 'Albinia'. Dugout outrigger canoe technology was introduced during the period up to 1930. The canoes were made from a *Melaleuca* species available in the Islands. The advantages of canoes for hunting were quickly recognised. An average sized dugout canoe could transport 3 or 4 adults. They were used for hunting turtle and dugong, the Torres Strait Islander style wap (harpoon) also being adopted. (Memcott 1998:40.)

During the 1950s and 1960s Lardil and Yangkaal people were sent to work on mainland cattle stations. Government welfare cheques replaced the food rations previously issued by the Mission. By the mid-1960s individuals and families began accruing enough capital for the purchase of aluminium dinghies and small outboard motors. These soon became popular for hunting purposes using the same harpoon technology that had been used with canoes. They were also valuable for travel purposes. The speed and carrying capacity of the dinghies made for more successful hunting. They also made camping trips to more distant countries or estates feasible. Once owning a dinghy and motor the most common ambition was for a bigger motor. (Memcott 1998:40.)

During the 1970s unemployment benefits were introduced and people were able to afford larger dinghies and more powerful motors (e.g. up to 40h.p.). They used these for hunting and fishing and also for visiting their patriclan countries and obtaining raw materials for handcraft manufacture. All of these uses were of a traditional nature and often camps were set up (as they had been traditionally) to support a specific hunting purpose. These camps had the traditional orientation to the sea. (Memcott 1998:40,115.)

During the 1980s a work-for-the-dole CDEP scheme was established and supported further development of the cash economy. A basic road network was also developed and people increasingly came to purchase motor vehicles. These gave easy access to many different launching points for dinghies and motors as well as giving direct access to traditional land-countries. These factors, and the continuing trend to larger boats and motors, supported increasing travel back to and time spent in traditional land-and-sea-countries. (Memcott 1998:41.)

In the 1990s the trends to more powerful means of marine and land travel continued. Four-wheel-drive vehicles were located on Denham and Forsyth Islands and the community acquired a powerful Air Sea Rescue

vessel in 1994. The Air Sea Rescue vessel was used for a variety of community purposes including recording sacred sites, supporting 'outstations' and transporting Gangalidda people from the mainland for dance festivals and initiations. These transport options helped to support a burgeoning 'outstation' movement. People increasingly established permanent homes on traditional land-and-sea estates. These are typically located close to the foreshore. (Memcott 1998:41.)

3. SALTWATER MANAGEMENT AND THE ROLES OF LARDIL AND YANGKAAL TRADITIONAL OWNERS

a) Current Lardil & Yangkaal Management Environment

The Lardil tribe are the Traditional Owners and occupiers of all of the Wellesley Islands, including the Bountiful Islands, to the north-east and east of the Appel Channel. The Appel Channel separates Mornington and Denham Islands and forms the boundary between Lardil and Yangkaal. Lardil territory includes Mornington Island, Sydney Island, Wallaby Island, Rocky Island, Manowar Island, Moondalbee Island, Pisonia Island, Bountiful Island and Tulburrerr Island. The Yangkaal traditionally occupied and owned the south-western Wellesley Islands including Andrew Island, Francis or Pains Island, Forsyth Island, Denham Island, Robert or Bayley Island, Little Allen Island and Allen Island. The Yangkaal share interests in Little Allen Island and Allen Island and surrounding seas with Gangalidda and Kaiadilt (Memcott 1998:2-4,23).

The Lardil and Yangkaal have always relied on and continue to rely on a marine economy supported by their seas. (Memcott 1998:1.)

Lardil and Yangkaal individuals have free access across all Lardil and Yangkaal lands and seas to more widely dispersed resources such as oysters, which are owned collectively. Anyone who hunts outside of their own 'country' risks public rebuke ('growling') by the owner. The *Dulmada* (owners) also claim a right to a share of 'meat' taken in their country. Visiting mainland Aboriginal people must be accompanied by their traditional owner host, whether hunting on land or sea. Hunters and fisherman have an obligation to take 'no more than they can eat' and to share. (Memcott 1998:19,143,36,47.)



According to traditional Law, the *Dulmada* have the following rights in their traditional marine estates:

- The right to ownership and individual or joint control of their seas including the seas, sea-bottoms and the resources therein and the taking and sharing of staple foods;
- The right to use and (to permit or refuse permission to others) to travel over, occupy and enjoy, hunt, fish or gather resources from their seas;
- The right to have the custody and control of story places within their estate, including the right to control the access to and behaviour in the vicinity of those sites of other people;
- The right to management and custodianship of marine resources and habitats and the control of resources for the long-term survival and well-being of the Lardil and Yangkaal people and the plant and animal species of their territories. (Memmott 1998:146.)

The *Dulmada* have asserted these rights to all of their estates and, in particular, to:

- All areas of the sea visited and used by the Lardil and Yangkaal;
- All areas of the sea of which the surface is visible from the land, whether or not all of those areas are regularly visited by the *Dulmada*;
- All of the associated land in which the Sea Law associated with ancestral beings is potent, including littoral estuaries, creeks, mangrove and tidal flats (which may extend some kilometres inland) and former lands submerged in the Dreamtime. (Memmott 1998:145.)

Dulmada are responsible for the management of their seas and of the following:

- Major coastal and marine resources (eg. dugongs, turtles);
- Control and harvesting of plant and animal marine resources;
- Restricting the taking of resources in their own country;
- Restricting the distribution of resources in their own country;
- Restricting access to certain places;
- Ritual duties in their own country to control local increase sites (i.e. Story places);

- Prevention of taking any of the natural harvest until proper ripening has occurred;
- Control over seasonal schools of fish and organising large-scale netting at appropriate times, eg. mullet, *dulnhu*;
- Managerial control over rock wall fish traps in their own country;
- Managerial control over Story places in their own country;
- Control of storms, waterspouts and winds at sea with songs, actions and rituals that are known to make or stop these phenomena. (Memmott 1998: 47,146,48,143,19,20.)

In the Lardil and Yangkaal system of Law customary custodianship of the sea is under the control of both the individual *Dulmada* as well as collectives of *Dulmada*. Management occurs at individual *Dulmada* level for some issues and at the collective level including:

- Sociogeographic group according to direction;
- Language group;
- Lardil and Yangkaal;
- All Tangkic language groups;
- A wider regional set of tribal groups (Memmott 1998:22).

b) Future Management

At the Workshop of Traditional Owners held at Gununa on 3rd September 2003, the Traditional Owners made the following proposals for the future management of their seas:

1. Need to create a Southern Gulf Traditional Owners Incorporated Association that can legally negotiate and make agreements on behalf of Traditional Owners for coastal regions and ocean, enter Indigenous Land Use Agreements (ILUA's), and make other agreements. Need to set up a Steering Committee;
2. Agreement to be sought with State and Commonwealth Fisheries and the Karumba Fishermen's and Trawlers Association for a buffer zone in waters adjacent to traditional Lardil and Yangkaal waters;
3. Division of traditional seas into two zones:
 - an inside zone - contains all sacred sites and story places; and
 - an outside zone - commercial fishing can occur, but some form of remuneration (eg royalties or licence fees) needs to contribute to the funding of the proposed land and sea management offices.

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4. Use the forthcoming native title Prescribed Body Corporate (PBC) as the legal avenue for land and sea management goals. Rangers, with positions based on CDEP, to be incorporated within the PBC;
5. A Land and Sea Management Office to be established at Gununa for permit issuing to visitors, to manage bookkeeping and administration. Head Office for communication with Rangers to notify intended location of visitors for monitoring;
6. Birri visitors (plus Gununa staff) and other visitors must get a permit for camping and fishing for each individual estate (*Dulmada*) that they intend to visit;
7. Any fishing boat/other commercial vessel docking at Mornington Island need to be charged a fee. This needs to be incorporated into Mornington Shire Council by-laws in order to implement a mooring fee and unloading catch for transport fee, with the funds to be put back into Land and Sea Management projects;
8. Negotiate an agreement with the Gununa Police to investigate and prosecute illegal fishing (rangers will be collecting evidence);
9. An agreement with Commonwealth Government, Coastwatch and Immigration to report illegal foreign entry – need training and resource support;
10. Ranger program structure to include:
 - Ranger stations to be established at Birri, Baradkiya, Forsyth, Gentharr;
 - Need to be equipped with 4WD vehicles, boats, radios, and cameras in order to carry out patrols on land and sea;
 - GIS mapping and aerial photography training;
 - Sacred site register needs to include extensive site information recorded during sea claim which is not currently accessible to community;
 - Other community programs to link in with Rangers to make program holistic and involve whole community, such as dry-out sessions for alcoholics, parole and community service programs for offenders, school camps, old peoples' trips;
 - Rangers need to be paid wages, links with CDEP;
 - To undertake training.
11. Ranger Program activities and duties to include:
 - Fencing graves;
 - Checking up on story places and instruction of young people;
 - Patrol commercial and recreational fishing and trawlers;
 - Monitoring of dugong and turtle populations;
 - Collection and burning of nets;
 - Getting permission from the *Dulmada*;
 - Collection of plastic and other debris;
 - Shooting pigs;
 - Monitoring bins at camping sites;
 - Monitoring permits for camping areas for non-Aboriginal purposes;
 - Mapping of sacred sites on GIS for access and use by Traditional Owners
12. Marine research and university studies conducted in the area should go through the Land and Sea Management Office and should also:
 - Employ a Ranger to assist;
 - Provide copies of results/reports to Traditional Owners;
 - Include training for Rangers;
 - Teaching knowledge back to the community;
 - Need regular monitoring of sea grass stocks;
 - Need urgent study of recent dugong and turtle health problems and causes.
13. Mornington Shire Council to be restructured and supported by State government. The restructure would be based on a *Dulmada* or Clan model for the whole shire;
14. Negotiate an agreement with Mornington Shire Council in the form of an Indigenous Land Use Agreement (ILUA);
15. Mornington Shire Council to help build and maintain camping facilities and
16. CLCAC to assist with the implementation of this plan.





CHAPTER 3: FINDINGS FROM THE KAIADILT

Most of the material in this section has been taken from the documentation prepared for the Wellesley Sea Claim, more formally identified as QG 207 of 1997 in the Federal Court of Australia. A key source document is the report titled *The Kaiadilt People* by Associate Professor Nicholas David Evans (1998).

1. SALTWATER ISSUES, PROBLEMS AND CONCERNS OF THE KAIADILT

a) Issues of Title, Recognition and Authority

The Kaiadilt tribe has traditionally occupied the South Wellesley Islands, comprising Bentinck, Sweers, Fowler, Albinia, Douglas, Karndingarrbayi, Duurathi, Jawari and Dararrbayi Islands. In addition the Kaiadilt have shared ownership of Allen and Horseshoe Islands with the Yangkaal and Gangalidda tribes. The Kaiadilt also own the surrounding littorals and seas "... as far as the eye can see ...". (Evans 1998:1,60.)

Flinders first recorded the Kaiadilt in occupation of their territory in 1802. However, linguistic evidence points to their having come to occupy their territory (in isolation from their closest linguistic relation, the Yangkaal) some time in the preceding one thousand years. The language is 'a sister dialect' of Yangkaal, is 'also extremely close' to Gangalidda and 'shares a great deal' with Lardil. Together with the extinct *Nguburindi*, linguists group those four languages into the Tangkic group. (Evans 1998:3.)

The Kaiadilt were isolated within their territory for a long period; that isolation ended in the 1940s when the Kaiadilt were removed to the Mornington Island Mission. They had falsely believed that they would be repatriated to the South Wellesleys but this has happened, in part, only in recent decades. From the time of their removal exogamous marriages became common. The Kaiadilt population may have been about 120 throughout much of their isolated existence, but was estimated at 270 in 1998. (Evans 1998:2,54.)

Evans records that the sea country of the Kaiadilt is more important to them than their land because:

- The land, in contrast with the sea, is relatively impoverished;
- The sea is the focus of economic activity;
- The sea is a 'central organising theme' of Kaiadilt religion;
- The sea abounds in sacred sites, both benign and dangerous. (Evans 1998:2.)

The Kaiadilt believe that they have always owned their territory. Traditionally the Kaiadilt had a sense of shared ownership of the South Wellesley Islands which they saw as 'all one country' (with the exception of Allen and Horseshoe Islands in which they acknowledged Yangkaal and Gangalidda interests). In pre-contact times strangers, unable to assure their peaceful intentions in the Kaiadilt, Yangkaal or Gangalidda tongues (or by approaching naked, without weapons but with gifts) would risk immediate attack if found in Kaiadilt country. (Evans 1998:2,53.)

The Kaiadilt also had a number of ways of claiming an interest in or ownership of land-and-sea estates within the South Wellesleys, based on birth, conception, descent and bequest. Because of the multiple ways of claiming connection with country the Kaiadilt estate owning group is not a distinct 'clan-like unit' and a person may claim an interest in several estates. All members of an estate-owning group are termed *dulmarra dangkaa* and the question of which *dulmarra dangkaa* has the final say on any issue is determined in practice by age and respect. The permission of a *dulmarra dangkaa* is required before even a Kaiadilt person may fish or hunt in an area. It is etiquette for the person given permission to then promise to share the catch. (Evans 1998:51-53,79,88.)

Unlike Lardil, the Kayardild language (i.e. language of the Kaiadilt) has one primary term for 'my country' (*ngijinda dulk*), which does not distinguish between connections with country through the speaker's patriline, matriline or place of conception. On the other hand Kayardild does (unlike Lardil) have one primary term *ngalkand* for 'birthplace, to which one has rights'. (Evans 1998:56,57.)

Kayardild contains a number of verbs which deal specifically with "unauthorised behaviour on other people's territory":

"*Wungija*, the basic verb for 'steal (objects, country, rights)' is often applied to unauthorised removal of food from someone else's country, ... *Rabatha*, whose most basic meaning is 'tread on; trample', is frequently used with the sense 'trespass' ... *Karulutha*, meaning 'muck around with, wreck through stupid behaviour, destroy wantonly' is often applied to inappropriate behaviour in sacred places ..." (Evans 1998:56.)



Traditionally, a *dulmarra dangkaa* might take revenge for the 'stealing' of food from his estate. This could be done by sorcery (*walka*), wind or weather magic, spearing or a tribal fight. (Evans 1998:89,91.)

In contemporary times Kaiadilt people continue to insist that it is necessary (even for non-Kaiadilt) to obtain permission before entering their land-and-sea estates and to share their catch with the *dulmarra dangkaa*. Kaiadilt accuse persons fishing in their area without permission of 'stealing fish', 'acting like its their country' or 'acting like a boss for the country'. The Kaiadilt frequently 'express perplexity' about the behaviour of Europeans who go to their 'countries' without asking permission. The Kaiadilt have often referred to the boats of White people that have been lost in Kaiadilt waters. The *dulmarra dangkaa* see it as part of their responsibility, where their permission has been asked, to warn people of the dangers of sites within their estates. This often extends to taking the visitors into their estate, pointing out dangers and exhorting the sites to welcome the visitors. When speaking of the boating accidents that White people have had the Kaiadilt have frequently expressed the view that this occurred because they were not properly introduced to the 'country'. (Evans 1998:53,81,82.)

However, the Kaiadilt have experienced frequent incursion into their area since early in the twentieth century and that has motivated them to seek formal recognition of their ownership under Federal law. The Kaiadilt also have a history of atrocities committed against them by non-Aboriginal people.³ Other events which have been experienced as threatening to the relationship of the Kaiadilt to their estates have been:

- the effects on their seas of commercial fishing, tourist fishing and prawning;
- the establishment of a tourist fishing lodge on Sweers Island;
- a dispute over a proposed phosphate slurry pipeline;
- a dispute over a slurry pipeline and port linked to the Century Mine; and
- the location of a buoy in Investigator Road between Bentinck and Sweers Islands. (Evans 1998:2,51.)

Evans records that the Kaiadilt attempted to re-establish settlement on Bentinck Island during the 1970s but that their authority to do so was questioned by the then Director of Aboriginal and Islander Affairs. The Kaiadilt found this 'confusing'. A Kaiadilt leader (the late Darwin Moodoonuthi) undertook a speaking tour of the southern states seeking legal recognition of Kaiadilt title in 1981. Finally the Queensland Government transferred title to the country 'above high water mark' to the Kaiadilt in 1994. However, this still did not satisfy the Kaiadilt claim to ownership of their seas and in 1998 the Kaiadilt became party to the Wellesley Islands Sea Claim, under federal legislation. (Evans 1998:2,3.)

The Kaiadilt succeeded in re-establishing settlement on Bentinck Island, via a number of outstations during the mid-1980s. It was reported that between 30 and 40 Kaiadilt people were permanently based on Bentinck Island in 1998. (Evans 1998:50.)

b) Issues of Appropriate Usage

A major factor influencing the Kaiadilt to join in the Wellesley Islands Sea Claim was their perception of "the effects on the local marine ecosystem of commercial prawning and fishing, as well as tourist fishing in what are Kaiadilt waters by their traditional law..." (Evans 1998:2.) Among the impacts of those activities is the generation of a large volume of rubbish on beaches. (CLCAC 1998:)

There have been a number of disputes regarding the location of mining related infrastructure in Kaiadilt waters which have not all been resolved satisfactorily (Evans 1998:2). The Kaiadilt, through the Mornington Shire Council, opposed a proposed phosphate slurry pipeline and port intended to have been located at Sweers Island. That development did not proceed. Nor did a proposed Century Mine slurry pipeline to Point Parker. However, a mooring buoy associated with the Century Mine was located in Investigator Road (i.e. between Bentinck Island and Sweers Island) despite Kaiadilt Traditional Owner protests and contrary to 'Saltwater law'. Two divers died installing the buoy and the Kaiadilt consider that tragedy and the loss of a light aircraft and six passengers in that vicinity to both result from the inappropriate location of the buoy. (CLCAC 1998.)

The Kaiadilt are of the opinion that the loading of Century Mine ore at Karumba and in the Gulf has

³In this, the experience of the Kaiadilt is comparable with that of the Ganggalidda, Kukatj, Gkuthaarn and Kurtijar during the 'wild times' and 'no good times' (see Ch 4 and Ch 5), though perhaps not as tragic. Two boys were allegedly abducted in 1866. A Kaiadilt man was taken captive in October 1872. The Kaiadilt allege that John McKenzie, who established camps on Bentinck and then Sweers Island from 1914 to 1918, killed 11 people in retaliation for attacks on his stock. McKenzie is also alleged to have abducted and raped young girls and to have 'boiled up' light-skinned babies born to them. A party of RAAF radar servicemen visited Sweers Island in October 1943 and, in a confrontation with Kaiadilt men there, shot and killed one man. (Evans 1998:42,43,44,45,60.)



resulted in pollution of the Gulf waters and explains the recent poor condition of and physiological changes in the turtle and dugong taken by Wellesley Islands hunters. Official explanations of these changes in turtle and dugong claim they are due to a decline in sea-grass resources in the Gulf. The Kaiadilt consider that the decline in sea-grass areas is due to siltation caused by dredging for the Century Mine ore shipping and to the damage caused by trawling operations. (CLCAC 1998:2-7.)

The Kaiadilt are not always negative in relation to proposed developments. In 1996 following consultation with two groups of *dulmarra dangkaa* (responsible for two alternative proposed sites) approval was given for the siting of a Telecom repeater tower on Bentinck Island. (Evans 1998:81.)

The Kaiadilt are concerned that there is not effective compliance with, policing of or enforcement of existing fishery regulation by State or Federal authorities. The Kaiadilt seek the establishment of effective enforcement through the resourcing and training of Kaiadilt rangers. (CLCAC 1998:4.)

2. SEA KNOWLEDGE SYSTEMS OF THE KAIADILT

a) Knowledge of the Cosmology of Creator Beings who created Kaiadilt 'country'

In Kaiadilt cosmology three 'creator beings' *Dibirdibi* (Rock Cod), *Bujuku* (Black Crane) and *Kaarrku* (Seagull), travelled eastwards to the South Wellesleys, 'cutting out' the islands, forming their geographical features and building some of the existing stone fish traps. 'Rock Cod' flattened some of the mainland area in his dying spasms, and his liver, cast away by the other two, turned into a perpetual water source on *Sweers Island*. The ancestral Dog also visited Bentinck and *Sweers Island* before turning back to *Forsyth Island* and visiting *Mornington Island*. The ancestral beings also made many story places (which 'function as natural religious monuments') at sea and on the land. These places have magical properties and require protection as damage to them can have catastrophic effects including flood or cyclone. *Bujuku* (Black Crane) brought fish trap technology and *Kaarrku* (Seagull) brought the making of grass string (another technology of great traditional value). (Evans 1998:6,10.)

Kaiadilt cosmology has other important elements, including *Thuwathu* (Rainbow Serpent) and the *damurra dangkaa* or *Warmakurld* (short people) who punish inappropriate behaviour. A complex set of rules regarding diet and for behaviour on land and at sea must be followed by everyone to avoid the anger of

Thuwathu and *damurra dangkaa*. Provoking *Thuwathu* may result in severe digestive disorder (*mulgri*) or drowning at sea. Not avoiding the places frequented by *damurra dangkaa* may result in 'cancer-like ailments'. (Evans 1998:10.)

b) Knowledge of Connections between Religious/Spiritual life and Lands & Seas

The Kaiadilt know of their individual personal connection to a place signified by a 'sign' given to the father before their birth. These 'signs' are presaged by an unusual event "such as a fish or dugong presenting itself for killing rather than trying to escape". These events lead to a relevant naming of the child and the story is frequently repeated to him or her. This creates a lifelong link between the individual and his or her 'conception place'. Most Kaiadilt receive conception totems affiliating them with a feature of the natural world, generally a sea creature. There is a traditional law prohibiting the eating of one's totem creature (though not against killing it). Failure to abstain from eating one's totem may, in most cases, have dire consequences, including the stillbirth of babies. This kind of restriction may be relaxed where the totem creature is large (such as turtle and dugong). (Evans 1998:10.)

Kaiadilt people feel "uninhibited and at home" when in the 'country' they are connected with but are subdued and say 'we no-one here' when on someone else's land where they need to ask permission before going anywhere or taking any resources. (Evans 1998:10.)

Some of the Kaiadilt story places are considered safe, with no danger to people who go there. However, many are believed to be dangerous. The location of story places at sea and on land are known to the Traditional Owners, the *dulmarra dangkaa*, who also know whether or not the places are dangerous and what actions need to be performed and/or avoided to avert danger. The preferred method by which a *dulmarra dangkaa* can show a visitor 'country' is by accompanying them there. This allows the *dulmarra dangkaa* to perform the introduction. "This is done in much the same way as one would introduce a stranger to another person: by calling out to the site in Kaiadilt language, identifying oneself and one's relationship to the site, stating the kin relationship of the visitor, calling out for safe passage, and perhaps singing a song linked to the place." (Evans 1998:84.)



Evans records a number of the 'dangerous places' within Kaiadilt territory. Intruding on these places is likely, according to Kaiadilt belief, to result in various specific dangers. These include the possibilities of 'massive cyclones and flood tides', deaths, initiation (i.e. circumcision) of men and women by spirit beings, skin disorders, 'everlasting' sores, becoming lost, being pursued by swarms of mosquitos, being abducted by mud-dwelling women spirits, death by wasting disease and inability to defecate and so on. It is common for the Kaiadilt to call out to sites and to sing them songs in the Kayardild language. This is particularly the case in regard to sites at sea. (Evans 1998:82-85.)

Evans records that it is Kaiadilt practice to close off fish traps which have been repaired and maintained (and to close even sandbars and spits used by) a respected Elder where they are now deceased. Closure may last for 'a generation'. No one may then use that fish trap or sandbar until it is opened again – this is done as a mark of respect for the deceased but may endure until oyster stocks, for example, have re-generated. It is the responsibility of the *dulmarra dangkaa* to make and enforce decisions of this nature. (Evans 1998:85-87.)

c) Knowledge of Kinship as the Basis on which Relationships are organised

In common with all other Australian Aboriginal tribes, the Kaiadilt use a classificatory system of kinship. The significance of this is that:

- all people in the 'familiar social universe' are treated as having kin relationships;
- attributed kin relationships are based on the classification of certain individuals as 'equivalent to others' – for example my father's brother is classified as my father and so his children are my brothers and sisters;
- kin relationships are also attributed to any strangers who are accepted into the group.

The Kaiadilt also share with all other Tangkic peoples (the Kaiadilt, Yangkaal, Gangalidda and Lardil) the *Nyulnyul* type kinship system which use the terms 'husband' and 'wife' between the children of cross-cousins. The children of cross-cousins are the preferred marriage partners. The *Nyulnyul* type kinship system is also characterised by recognising 'four distinct lines descending from the four grandparents (and their siblings), each of which has a separate named term'. Contemporary Kaiadilt people often use Lardil, Creole

or English words in describing their relationships – nonetheless recognition of the traditional kinship rules continues. These rules are immensely complex (and comprehensive) compared to European kinship practice and the Kayardild language illustrates this complexity. As examples, there are Kayardild words that name particular groups of people according to their kin relationships:

- *babijungarrba* means 'pair made up of a woman and her son's child'
- *murrukurnangka* means a group including the speaker comprising 'person who is my cross-cousin and your father, given that I am your father-in-law'. (Evans 1998:17-24.)

d) Knowledge of Rights to Territory

Evans argues that, more than simply sharing language similarities; the Tangkic peoples (Kaiadilt, Yangkaal, Lardil & Gangalidda) could interact through 'a shared conceptual system'. This extended to details of their kinship system (including e.g. the "complex Omaha skewing rule"), concepts relating to the hunting and butchering of large marine animals (allowing cooperation in the hunt), and to food and saltwater rules. However, 'a central area in which assumptions of shared culture are important' related to ownership of land-and-sea estates and appropriate behaviour in the country of another. Evans argues that there was general agreement between the four Tangkic tribes as to the boundaries of countries and the identity of landowners. (Evans 1998:7,8.)

The Kaiadilt tribe has traditionally occupied the South Wellesley Islands, comprising Bentinck Island, Sweers Island, Fowler Island, Albinia Island, Douglas Island, Bessie Island and Margaret Island. (Evans 1998:1,60.)

Evans recorded unanimous agreement (between all the Kaiadilt with whom he has discussed the issue) regarding the extent of Kaiadilt traditional territory. The Kaiadilt name the following areas as those they own:

- Bentinck, Sweers, Fowler, Albinia, Douglas, *Karndingarrbayi*, *Duurathi*, *Jawari* and *Dararrbayi* Islands;
- Allen and Horseshoe Islands (of which the Kaiadilt have shared ownership with the Yangkaal and Gangalidda tribes). These islands had episodic visits from the three tribes, Evans suggests "as a refuge area during times of conflict, as transit points between the mainland and the South Wellesleys proper, for inter-tribal meetings, and for romantic liaisons";

CHAPTER 3: FINDINGS FROM THE KAIADILT



- “all the littoral surrounding these areas, taking in the fish traps, reefs, shoals, sandbanks and sea, out as far as the eye can see ...” (Evans 1998:1,60.)

The Kaiadilt also hold that they “... have always had title to the *rarumbanda dulk* or *kayardilda dulk* (Kaiadilt country), under their own system of law ...” (Evans 1998:2.)

The Kaiadilt have knowledge of who built fish traps and whether they were real people (either named historical individuals or simply ‘the old people’) or Dreaming beings. They also know who now is responsible for these fish traps (Evans 1998:13.)

The Kaiadilt know a number of ways of claiming a personal interest in or ownership of land-and-sea estates within the South Wellesleys, based on birthplace, spiritual conception site, descent (through father, mother or grandparent) and bequest. The various ways of claiming connection with country mean that the Kaiadilt estate owning group is not a distinct ‘clan-like unit’ and a person may claim an interest in several estates. All members of an estate owning group are termed and the country-owning group is described as a ‘*dulkuru jardi*’. (Evans 1998:5,51,52,53,79.)

The Kaiadilt use hunting and gathering activities based on their seas as an opportunity to fulfil other cultural obligations including ‘looking after country’ (including speaking to them in Kayardild) and passing on knowledge, including knowledge of special sites, language and law to younger people. Kaiadilt people frequently recite place names in sequence around the coast as they travel by boat over the sea and will even do the same thing, if the opportunity presents, in other circumstances. (Evans 1998:15,96-97.)

Kaiadilt recognise the rights of estate owners and the obligation of others to seek permission to be in or take resources from another group’s estate. They also recognise an obligation to share resources taken in another’s country with the *dulmarra dangkaa*. However, within his or her own ‘country’ a Kaiadilt person ‘has full freedom to obtain resources’ and with the exception of restrictions at dangerous sites or areas which have been closed after a death, may go anywhere without permission. Furthermore that person has the right to consume any resource taken without sharing. (Evans 1998:88,94.)

e) Knowledge of Economic Significance of Places

Evans quotes Tindale, who studied the Kaiadilt in the 1960s and who wrote that: “the most marked relationship between population and area is between reef and man”:

“Males explore the wider littoral, either walking up to their waists or chest in water or drifting over deeper reefs on their rafts of logs lashed together; at half tide either spearing fish trapped behind the walls of their stone fish traps or standing motionless for hours on the edge of outer reef channels waiting, in the hope of spearing a dugong, a turtle, or a shark...” (Tindale 1962:304 quoted in Evans 1998:12.)

Evans estimates that 90% of the food gathering activities of the Kaiadilt are oriented to the sea. Furthermore, given Kaiadilt dietary laws and traditional religious belief, seafood is the basis of physical and spiritual health and provides the ‘currency’ for reinforcing family ties and allowing the practice of religious observance. (Evans 1998:14.)

3. SALTWATER MANAGEMENT AND THE ROLES OF KAIADILT TRADITIONAL OWNERS

a) Issues of Territory, Recognition & Authority

The Queensland Government has recognised and conceded to the Kaiadilt title to Bentinck Island lands above high water mark, but there has been no effective recognition by government of the traditional rights of the Kaiadilt to their saltwater estates. The Kaiadilt are a party to the 1998 Wellesley Islands Sea Claim, which is not yet determined. Much of the material in this chapter is drawn from the expert evidence tendered by Dr Nicholas Evans to the hearing of the Wellesley Islands Sea Claim on behalf of the Kaiadilt people.

The claim of the Kaiadilt people is to Traditional Ownership of the South Wellesley Islands (including shared ownership of Allen and Horseshoe Islands) and to all of the seas surrounding those islands ‘as far as the eye can see’. It has been demonstrated in this chapter that:



- the ownership by the Kaiadilt people of these islands and seas has long been agreed with adjoining tribal groups;
- the ownership by the Kaiadilt people of these islands and seas has been documented over a considerable period (since 1802);
- the close relationship with and dependence on the sea of the Kaiadilt has similarly been documented over a long period;
- the Traditional Owners of Kaiadilt land-and-sea estates have well documented responsibilities for the management of their seas;
- the Kaiadilt continue to exercise a proprietary interest in their seas, to the extent that:
 - they continue to claim exclusive proprietary rights to their seas including the right to give or deny permission for other persons to enter and use those areas and the right to take a share of resources taken in their estates;
 - they continue their various connections to the sea by fishing, hunting, travel over, ritual observance at sites in and management of the seas;
 - while making some degree of accommodation to other interests, they continue to take a high profile in attempts to protect their seas from the dangers posed by intrusive tourism, commercial fishing (including prawn trawling) and mining operations;
 - the Kaiadilt have advanced a plan for the future management of their seas.

b) Issues of Sharing

It has been pointed out above that in Kaiadilt etiquette it is considered appropriate for a person permitted to enter and collect resources in the territory of a *dulmarra dangkaa* to offer to share with the Traditional Owners. (Evans 1998:88.) The Kaiadilt acknowledge that this etiquette will not function effectively in modern Australia. However, the Workshop of Traditional Owners held on 3rd September 2003 agreed that some form of compensation, perhaps in the form of permit fees, should be required of all persons other than Traditional Owners who fish or otherwise use the waters within 16 km of traditional Kaiadilt lands. That compensation is to be paid to the Kaiadilt community to support those (Rangers) directly involved in enforcing regulation of the traditional Kaiadilt seas.

c) Issues of Future Management

See next section – issues raised at Workshop on 3 September 2003.

4. KAIADILT ISSUES RAISED AT WORKSHOP ON 3/9/03

Re-establishing the Recognition and Authority of the Traditional Owners

- Extend native title claim onto all traditional Kaiadilt lands including Sweers Island;
- Kaiadilt Traditional Owners seek the agreement of State and Commonwealth government departments to assist us with sea rights and concerns, not to take an adversarial or passively resistant posture;
- The Kaiadilt community needs constructive feedback and information from these departments regarding our demands and concerns. Departmental representatives are urged to visit Bentinck Island and to sit down with us to discuss these issues;
- Kaiadilt Traditional Owners recognise a need to reach an Agreement with the Gulf of Carpentaria Commercial Fishermen's Association recognising Kaiadilt Traditional Ownership of waters and the regulatory regime proposed by the Traditional Owners;
- Kaiadilt Traditional Owners wish to regulate all of their traditional waters under a Zoning Plan which will require applications for permits to fish in or otherwise use any traditional Kaiadilt waters – applications are to be accompanied by an appropriate fee, to be approved subject to conditions or rejected by the Traditional Owners or their representatives and to comply with the Zoning Plan;
- Enforcement of the Kaiadilt Zoning Plan and the conditions of permits issued to be by Kaiadilt Rangers under the supervision of the Traditional Owners. (CLCAC 2003:10.)

Resource Needs Issues

- Funding from World Wildlife Fund, National Heritage Trust or other source is required for the clean up from beaches of nets, plastic containers and other garbage;
- Rangers, to patrol sea and land effectively, need at least two boats and a 4WD vehicle with cameras and UHF radios in all boats and vehicles.



Issues of Regulation and Enforcement

- Kaiadilt Traditional Owners wish to regulate all of their traditional waters under a Zoning Plan which will provide:
 - From Bentinck Island and all traditional lands out 2km – a No Fishing Zone;
 - From 2km to 10km out – an Escorted Fishing Zone (requirement that a permit is obtained and that visitors are accompanied by Traditional Owners);
 - From 10km to 16km (the limit of traditional waters): - a Recreational Fishing Zone (requirement for a permit available for recreational fishing only);
 - Beyond 16km out: open fishing, including commercial activity, subject to regulation of State or Commonwealth.
- The No Fishing Zone around Bentinck Island will include its rivers;
- Permits are to be required for all fishing in traditional waters and are to be obtained from the Traditional Owners;
- Tourists using/fishing in waters within 10km of traditional lands should be accompanied by Traditional Owners in accordance with the terms of their permit;
- Training of rangers on land and sea to be funded by government and to be provided by Elders, this would include the passing on of cultural information regarding resource use, story places, other historical information etc;
- Additionally, Rangers would need to obtain external training to equip them for enforcement duties (including the confiscation of fish which were not caught in accordance with a permit) and environmental monitoring;
- Tourists to get permission from Traditional Owners before they arrive at the Sweers Island resort lease;
- Signposting to be erected periodically along the Kaiadilt coast advising **'No access, no fishing, no camping, no trespassing'**;
- Environmental monitoring to occur regularly by specialist scientists and rangers to ensure there is no ongoing damage to sea country and resources – reports of monitoring observations and their interpretation to be provided regularly to Traditional Owners.

Issues of Special Sites

- Graves on Bentinck Island should be marked;
- Red buoy to mark sacred sites in sea including burial site from plane wreck;
- Remove Pasminco buoy mooring, plus compensation and an apology (to Kaiadilt);
- Sacred Sites (including burial sites within resort lease) to be fenced;
- Signpost dangerous areas on land, including on Sweers Island, and sea;
- Management plan for Sweers Island to deal with rubbish disposal (including fish bones), education, access and fishing restrictions.



Sequence of photos of Kaiadilt men constructing a fish trap in a tidal estuary near the Mornington Mission in the late 1940s, and using a species of mangrove (*Aegiceras corniculatum*) as a stupefacient to stun fish on the out-going tide. (Photos from the F. McCarthy Collection.)
 1. (AERC Ref. Nos. L8/2-17A.) 2. (AERC Ref. Nos. L8/2-21B.)





Sequence of photos of Kaiadilt men constructing a fish trap in a tidal estuary near the Mornington Mission in the late 1940s, continued... Kaiadilt man, Arthur Paul (now deceased) is collecting the fish with a hand-net. (AERC Ref. Nos. L8/2-16A.)



A Lardil man (deceased, DG No. 10) is waiting for a share of the fish. (AERC Ref. Nos. L8/2-16B.)





Unidentified woman smashing shells to extract oysters, Wellesley Islands, c1963. From N. B. Tindale Collection, South Australia Museum.

Kaiadilt men constructing a walba or raft in c1960 (or possibly 1963), Wellesley Islands. The grass provides cushioned seating. From N. B. Tindale Collection, South Australia Museum.



Two Kaiadilt men standing in one of the fish traps at Jilkirindirr on the southern end of Sweers Island, 1983. The man with his hand on head is Dougal who is demonstrating how the Black Crane carried each rock on his head when constructing the trap in the Dreamtime. (Photo and caption by Dr Richard Robins, Queensland Museum - Neg. 5691.)





CHAPTER 4: FINDINGS FROM THE GANGALIDDA AND GARAWA

Most of the material in this section has been taken from the documentation prepared for the Wellesley Sea Claim, more formally identified as QG 207 of 1997 in the Federal Court of Australia. A key source document is the report titled “Report Concerning Gangalidda People” by Associate Professor David Trigger 1998. The author has had no similar level of documentation for the Garawa. The current document relies on comments, made by Garawa representatives at the workshop held on 2nd and 3rd September 2003, that generally complement the findings for the Gangalidda.

A. SALTWATER ISSUES, PROBLEMS AND CONCERNS OF THE GANGALIDDA AND GARAWA

1. Issue of Territorial Boundaries at Sea

a) Shared Understanding with Wellesley Islanders

There is a high degree of shared culture and understanding between the Gangalidda, the Lardil of the North Wellesley Islands and the Yanggal and Kaiadilt of the South Wellesley Islands. Genealogies and oral histories “indicate a pattern of ongoing interaction and intermarriage”. These groups share the same body of ‘Saltwater Law’ and customs (Trigger 1998:11-12).

b) The Extent of Gangalidda Sea Country

Traditional Gangalidda country includes land and sea on the mainland coast “from Massacre Inlet in the west to the Leichhardt River in the east” (Trigger 1998:9). This area includes the lands of the former Mingginda people who are believed to have become extinct during the early decades of the 20th Century. The Gangalidda are believed to have succeeded to Mingginda lands in a manner “consistent with regional custom and tradition” (Trigger 1998:41,42). Gangalidda land runs inland and also out to sea. The extent of Gangalidda ‘country’ is conceptualised in terms of the oral traditions of earlier generations’ places of occupation and resource use. In relation to the boundary at sea it is conceived of as lying halfway between the coast and the lands of the Wellesley Islanders. Otherwise the extent is described as extending to sea without a designated endpoint or as extending as far as it is possible to see (from an elevation up to several metres above sea level). (Trigger 1998:9,10.)

c) The Extent of Garawa Sea Country

Traditional Garawa country includes coastal lands and seas from Massacre Inlet (adjacent to the western boundary of Gangalidda country) to and beyond the Queensland/Northern Territory border.

d) Dreaming Routes

The ‘dreaming routes’ of ancestral beings such as Dingo, Rainbow Serpent, Dugong, Groper and Shark, marking their travels, are recorded in oral traditions as passing through areas that are now located in the sea. These routes link to further extensions of the dreaming travels recorded in the oral traditions of the Wellesley Islanders and other traditional tribal groups to the north-west and south-east. (Trigger 1998:10,18,24.)

2. Issues of Recognition and Authority of the Gangalidda and Garawa People

a) Insistence that commercial fishermen should have to have permission before taking marine resources

“Associated with the right to control the taking of marine resources is the view that Gangalidda people, according to their law and custom, have rights to say who might move through and use the seas more generally. Both non-Aboriginal people and Aboriginal people other than the Saltwater People of the Wellesley Islands ideally require permission before travelling through Gangalidda seas. In the Gangalidda perspective, this amounts to a right to exclude such persons, prior to agreement being reached after requests for access to the seas.” (Trigger 1998:55.)

Trigger established the existence of these principles in 1980. His informants explained to him a traditional requirement (especially in times of ritual significance) that Yanyuwa people wishing to travel into Gangalidda country first obtain permission. The Yanyuwa people (so as to guarantee their acceptance and safety) were required to send forward a messenger with a message stick (marked with a feather) formally requesting permission to visit Gangalidda country. A reply would be sent back by the senior landowner (the *dulmarra dangga*) and, if the visit was approved, it would include advice that the visitor(s) would be guided through the country (Trigger 1998:56).



In relation to fishing rights in the Gangalidda 'saltwater country' it was traditionally expected that all Gangalidda people and the Aboriginal people of the Wellesley Islands would access these waters without question. However, inland Aboriginal people were expected to follow an 'etiquette involving an implied permission' (Trigger 1998:55). The visitors were required to inform the relevant *dulmarra dangga* of their fishing intentions. If the visitor was trespassing or the *dulmarra dangga* had 'an argument' with the visitor permission might be denied (Trigger 1998:55).

The Gangalidda remain of the view that visitors to their lands and waters should have the approval of the traditional owners. They have an expectation that visitors will not fish in their waters whilst any dispute remains between them. There needs to be agreement between the parties. The Gangalidda also expect some return contribution from those who share in the productive wealth of their seas (Trigger 1998:55-56).

b) Insistence that tourists should have to have permission before entering Gangalidda and Garawa coastal lands

The Gangalidda have frequently asserted the view that tourists should not be able to visit their territory, including their 'saltwater country', without permission. In traditional times (see above) formal permission would have been required and Gangalidda guides would often have been required to accompany visitors. The most critical elements of the Gangalidda position (consistent with Gangalidda traditional law) are that intended visitors should inform the traditional owners of their travel (and fishing) intentions and that no such visits should take place unless there is (some) basic agreement between the parties (Trigger 1998:55-57).

"In our culture, it wasn't permission, it was let you know. That Waanyi person would go over [saying to the relevant senior Gangalidda person]: "I go over here fishing", like that. In a kind [form of] words that [Gangalidda] grandfather would say: "Yeah". If he's trespassing and he's got an argument with him then he won't be allowed to. Other tribes have to let them know they are going in the sea." (Eva Gilbert quoted in Trigger 1998:55.)

However an essential element in understanding the Gangalidda view is their proprietorial attitudes to

their lands and waters. Trigger recounts the story of his admonishment by a senior landowner in 1980. The incident illustrated to Trigger the "... extent to which the coastal areas are regarded as private and part of Gangalidda property ...". Trigger was engaged on a mapping trip, travelling with Willy Doomadgee, a senior Elder with whom he had a close (adoptive) family relationship. Their vehicle became badly bogged. Trigger and Doomadgee walked about 5km to a (non-Aboriginal) fishermen's camp. The fishermen were very helpful, assisting Trigger with the bandaging of an infected leg, driving he and Doomadgee back to their vehicle and pulling their vehicle out of the bog. Trigger was very grateful for this help. In casual conversation with a fisherman he pointed out to him the route to a large freshwater lagoon close to the beach. Willy Doomadgee later made it plain that Trigger was not free to disclose that kind of information. He expressed regret that he had ever "... instructed 'Whitefella' [Trigger] about the country." Trigger came to a realisation that even knowledge about Gangalidda country was considered their "intimate property" and was not to be thoughtlessly broadcast. (Trigger 1998:57-58.)

c) Belief by Gangalidda and Garawa that 'visitors' to their waters should in some sense 'share the catch' with the traditional owners

"Among the Gangalidda people themselves, there is a widespread view that correct etiquette involves distributing some of the catch to families most closely associated with particular areas (e.g. particular estates or sites); however, this practice varies with circumstances and is derivative of the more general custom that allows all Gangalidda people to fish throughout ..." (Trigger 1998:55).

Trigger does not record here what traditional obligation visitors to Gangalidda 'country' have in regard to sharing their catch with the senior traditional owners. Given the obligations of the Gangalidda people themselves to share and of visitors to let the traditional owners know of their fishing intentions it would be reasonable to expect that sharing has traditionally also been required. Evidence from the Lardil or Kaiadilt may throw light on that point. However, Trigger does record contemporary Gangalidda opinion that trawler operators and other commercial fishermen should give some kind of share to the Gangalidda. (Trigger 1998:56.)



d) Awareness by Gangalidda and Garawa of extensive unauthorised use of their coastal lands and waters

Trigger gives numerous examples of contemporary observations of commercial fishermen and tourists gaining unauthorised access to what are considered Gangalidda lands and waters and of their catching and taking marine resources. (Trigger 1998:56-58.)

e) Gangalidda and Garawa objection to excessive and wasteful catches

Trigger recorded a consistent contemporary theme among the Gangalidda of concern about the excessive and wasteful catches of commercial fishermen.

He quotes Michael Booth, for example, as saying:

"One day I saw this Whitefella out on the water. I saw him put a heap of nets here there and everywhere. I told him he better be careful because we don't like people netting like that and we'd block him out soon, won't be able to waste all the fish like that when we get that claim. We don't like these people just killing everything and wasting it, you know... Whitefella way. We want to get back to our old ways, hunt to share, don't waste and kill fish just to leave them lying there..." (Trigger 1998:56.)

f) Gangalidda and Garawa will resist unauthorised use of their coasts

Trigger records one case of an interview with Gangalidda Elder Eva Walden on the question of what would have happened traditionally if another Aboriginal group had sought to use Gangalidda country without permission. Her opinion was that her people "would fight" in that case. (Trigger 1998:58.)

The Gangalidda demonstrated during the Century Mine negotiations, which continued for about six years in the early 1990s, that they are capable of vigorously asserting their collective rights. "... the Gangalidda people were always clear about one aspect of the negotiations, namely that they were steadfastly opposed to large shipping and a port development in their seas." (Trigger 1998:58.)

3. Issues of Concern for the State of the Environment: Gangalidda and Garawa want to manage their own seas in order to be able to protect their 'country'

Trigger recorded three issues raised by Gangalidda people in 1998, which reflected their lack of control over their traditional lands and their desire to manage their traditional estates so as to preserve traditional values. These issues were:

- i. The decline of the fish resource during the lifetime of one informant (Alan Jupiter), attributed to the development of the commercial fishery;
- ii. The (recent) desecration of a sacred site associated with the Jabiru Dreaming; and
- iii. The (recent) desecration of Gaynors Lagoon near the Nicholson River. This is an important sacred site but had been subject to extensive earthworks by a local pastoral station.

"April Peter said she felt upset to see this important place [Gaynors Lagoon] in the state it was in and commented: "We bleed for our country, it's dug up and spoilt" (SP p.29). Another member of the group, Betty O'Lochlin, explained about the Lightning Dreaming at the place. Eva Gilbert stated she had a particularly personal relationship with the area because her Gangalidda name (*Bulumbulunyarra*) meant the monsoon storms that are spiritually connected to the site. Clara Foster suggested that the storms linked to the site arise in the sea during the wet season." (Trigger 1998:57.)

Trigger noted that concerns in relation to the effects of tourists and cattle station activities on Saltwater Country had often been expressed to him during coast trips undertaken in the late 1970s and the 1980s. On several occasions people had spoken of asserting proprietary interests over the lands through the Doomadgee Community Council so as to limit the activities of non-Aboriginal people. (Trigger 1998:57.)

4. Gangalidda and Garawa Proprietary Rights - the Right to Decide

a. The Gangalidda and Garawa people were steadfastly opposed to a large port development in their seas and to a slurry pipeline for CRA

Trigger was engaged as a consultant at various stages of negotiations concerning Century Mine. He provided examples of the assertion of Gangalidda ownership of and rights in the seas. In 1992 he attended a meeting at Doomadgee where spokespersons for the CRA mining company presented a description of the project and explained options for a slurry pipeline from the inland mine to the sea. Two options were within Gangalidda coastal country, namely Point Parker and a site near Burketown.



Sentiments expressed at the meeting illustrated strongly felt concerns among Gangalidda about large-scale development and shipping in their traditional seas and coastal lands. Quotes from some of the speakers illustrate this:

Wilfred Walden:

"We concerned about the land, concerned about the sea, we been all talking about it now, ... all that land out there [on the coast] been untouched, even by White man and all that, you can't find a can of coke ... or can of beer or anything like that, the country blang us fellas, Gangalidda people, untouched land, ... we're concerned that you keep away from that a little bit ... but when you gonna start putting that pipe ... what its gonna create, a polluted sort of thing ..."

Clarence Walden:

"The People say no as from now. They don't want it to go anywhere in the sea. You are creating a very big problem, even at Karumba [the third option outside of Gangalidda country]. One leak comes out of the pipe mate, everybody on the coastline dead as a door nail."

Michael Booth:

"I'll explain there. See we got one place that we can call home. And that's Old Doomadgee. Everybody goes down there. We free to go ... to go in that area. And now we trying to fight for Point Parker, because once you fellas get it, and have the sole benefit of it, we be ... wiped out. ... We want freedom, not to be a millionaire, not to be rich, but to please ourself to go and fishing and dugong hunting and everything, in our own way. We been pushed about, kicked about, chuck in the wood heap, give us raw meat, or half stinkin' meat, ... we like to be free now before we pass away before the next generation come."

After some time the company decided on a different option for the slurry pipeline. However, the point that Trigger found significant was the assertion by the Gangalidda of their fundamental right to be consulted. Also salient in the event was the Gangalidda assertion of a proprietary interest and a right to make decisions about their traditional territories. (Trigger 1998:58-59.)

5. Gangalidda and Garawa Opposition to Inappropriate Usage of Traditional Coastal Lands & Seas

a) Wasteful practices of commercial fishermen who take too much and kill large amounts of bycatch

The Gangalidda and Garawa, in common with the Lardil, Yangkaal and Kaiadilt of the Wellesley Islands consider themselves "Saltwater people" (Trigger 1987). They share a great deal of culture and are all heavily dependant on saltwater resources.

"That sea is a hunting ground for us Gangalidda people. You can get all around there with a raft, low tide. We were kids on that raft, right out, all around the islands. They get that rope ... [made from bark], you couldn't break it. That raft you will never break ... They go with the tides ... I been on those rafts, right out, fishing..."

"...I remember we ate off the sea." April Peter.

"We fish for dugong, but [also for] crabs when the tide comes in and goes out and leaves these big crabs in the ground..."

"... all the Gangalidda ladies they used get some grass and they weave that grass, make that grass into strings. And make net. And they used to go out and drag it, not only with the bait but get prawn they call it. Then they used to make fishing line but the old ... the men used to go out and spear the fish. In the early days they used to use rafts and go right out"

'Now I use the sea as my K-Mart, Woolworths, fast foods store. So that's my everyday meal out there when I'm on my holidays. You know, cooking crabs, dragging nets and getting prawns and crabs and, you know, fishes from the sea.' (Trigger 1998:29,30,54.)

Trigger refers to the 'substantial stone fish traps located in areas between Moonlight Creek and Bayley Point' taking them as strong evidence of the involvement of earlier generations of Aboriginal people in this environment. He refers to an earlier document which: "... contains multiple photographs taken in September 1983 of Gangalidda people mending the traps, spearing and cooking stingray, obtaining crabs and so on." He notes that the traditional triangular mangrove rafts used by these people were the same as the traditional rafts of the Wellesley Island people. However, he points out that dinghies and outboard motors have become

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the preferred craft over the past 50 years.
(Trigger 1998:32,33)

There is a body of 'sea law' or 'saltwater law' that was common knowledge among the Gangalidda. One example of this was the etiquette of behaviour when fishing or hunting other marine creatures: "people catching fish or taking other species should do so with a degree of circumspectness. They should not gloat over success in fishing, for example, or grab a catch too quickly" (Trigger 1998:34,36).

"When I go fishing with the young fellas I lay the law down ... you can't throw rubbish in the water, you'll see that Rainbow, I have to warn these young fellas not to do certain things, ...", says Michael Booth (EM p.6) (Trigger 1998:51).

Michael Booth in 1998 suggests (EM p.6) that: *'There's enough to feed everyone, but we don't like all this waste that them commercial fishermen bring into it.'* And again (EM p.7): *'We just take what we need, not like these Whitefella fishing operators. They kill heaps more than they actually take, big waste.'* (Trigger 1998:56)

"One day I saw this Whitefella out on the water. I saw him put a heap of nets here there and everywhere. I told him he better be careful because we don't like people netting like that and we'd block him out soon, won't be able to waste all the fish like that Like we have fishermen and trawlers, you know, prawning trawlers and that come into the area and I think they're taking a little bit too much today ...". (Trigger 1998:56.)

The wasteful practices of the commercial fishing industry and the scale of the by-catch in particular, are repugnant to the Gangalidda and Garawa people and are viewed as representing a gross mismanagement of the fishery with inevitably deleterious consequences for the marine environment. Current commercial fishing practices within the traditional waters of the Gangalidda and Garawa are considered to be unsustainable both ecologically and by virtue of their legal inconsistency with the enduring traditional rights and laws of the Gangalidda and the Garawa.

b) Assertion of right to control fishing and other activities of persons not members of traditional communities

The Gangalidda and Garawa people were for a time severely impacted by White settlement in the South

Eastern Gulf of Carpentaria. The Gangalidda and others refer to a 'Wild Time' with high levels of violence between Aboriginal and non-Aboriginals. The first (unsuccessful) pastoral occupation had commenced in 1864. From 1874 permanent pastoral occupation was established. In 1889 the dreaded Queensland Mounted Native Police were introduced. High levels of violence continued into the first decade of the 20th century. In 1897 a report to the Queensland Government by W Parry-Okeden sought the establishment of a reserve for the roughly estimated 2,000 Aboriginal people of the area from Burketown to the Northern territory border, including the Wellesley Islands. The Northern Protector of Aboriginals, Dr W. E. Roth, in his annual report for 1902, supported the concept of a large area in the north west to be dedicated for Aboriginal use. Roth acknowledged the sacrifice of "many human lives" which was occurring for the sake of "a few pounds of rents" that the land returned as pastoral lease. The Wellesley Islands reserve was declared in 1905 but the mainland reserve was not established until 1917.⁴ Aboriginal oral traditions tell of the "quietening down" of their people by the violence of the "Wild Times". Most came to live in camps on stations and in Burketown. Some did continue to move around, working for White bosses, hunting and fishing in the seas and travelling back and forth to the Wellesley Islands. During this time many Aboriginal people were removed from their communities. Some were children and some were adults convicted of (sometimes minor) infractions and sent to distant 'penal' settlements (such as Palm Island). Forty-nine Aboriginals were removed from the Burketown district between 1912 and 1935 (Trigger 1998:43,44).

By 1933 a mission had been established on a large sand ridge several kilometres from the beach at what is now known as 'Old Doomadgee' (from the traditional place name *Dumaji*), also then known as Hoosens Camp. In 1936 the mission was shifted to the present location of Doomadgee on the Nicholson River. From that time the missionaries forbade the speaking of the Gangalidda tongue. There had been some freedom of movement up to this time but under 1839 Queensland legislation the mission staff had gained close control over the movements of Aboriginal people and were able to exercise

⁴A mission was established on Mornington Island by the Presbyterian Church in 1914.



authoritarian control over many aspects of their lives. The missionaries severely limited the ability of the people to travel to their saltwater country. The missionaries were dedicated to the 'eradication of Indigenous culture and assimilation of' the people into 'mainstream' culture. Children were taken out of the custody of their parents and raised in dormitories. The dormitories operated up to the late 1960s (Trigger 1998:45-46).

During the foregoing period it became very difficult for many of the Gangalidda and Garawa people to effectively perform their cultural obligations to their land and to transmit their traditional culture to their children.⁵ Nonetheless, knowledge of Gangalidda custom and law was maintained. Gangalidda people were able to visit their countries, though infrequently, while staying at or travelling to Mornington Island. (Trigger 1998:45,46.)

Community government replaced the Doomadgee mission in 1983⁶. From the middle 1970s there had been a growing interest in revival of traditional culture. Cultural connections with Mornington Island (including with Gangalidda people living there) had assisted the Gangalidda to re-establish their connection with land (Trigger 1998:48). The initiation of young men (assisted by Borroloola lawmen) had resumed during the late 1970s⁷ (Trigger 1998:50). Trigger reports that he had previously: "described a degree of withdrawal of Aboriginal residents into a domain of life where Blackfella ways could be practised away from the administrative Euro-Australian gaze." (Trigger 1998: 46) The cultural revival laid a foundation for the assertion of traditional rights with a new authority. The new assertiveness was in stark contrast to the 'withdrawal' of the people during the missionary period. People now could consider that they could assert their traditional authority over their countries not just over other Aboriginal people but over any people. Trigger describes one clearcut example of the assertion of traditional rights beyond the traditional community:

"... This occurred during my research for this report (in August 1998) when a group of Gangalidda people came across a non-Aboriginal who had set a line of crab pots in what is known as "Doomadgee River" (Arthurs Creek, near

the location of Old Doomadgee outstation). In my presence, as our boat travelled past the line of pots along the river, people voiced concerns about establishing the identity of people who were fishing in Gangalidda waters. Once we arrived at the landing place where the non-Aboriginal man (a visiting tradesman from Doomadgee) was located, a Gangalidda man (Murrandoo Yanner) stepped off the boat and asked the man to remove the crab pots. While this was an assertive action, that perhaps only some Gangalidda persons would have carried out, all on the boat appeared to be in agreement with this request. Furthermore, later as we were anchored off the mouth of the river, all could see the visitor come out in a dinghy and lift the pots out of the water. Again, those present expressed the view that this was appropriate, as they believed that no permission had been obtained from senior Gangalidda people." (Trigger 1998:59-60.)

6. Special Sites

a) Gangalidda and Garawa need to manage behaviour in their own coastal area as far as that is necessary to protect their country's special sites from desecration.

There is a traditional responsibility on senior traditional owners to protect the story places and other special sites in their country, including their saltwater country. Where proper care is not taken and a site is damaged in some way, or people behave in an inappropriate way, there may be disastrous results for the Gangalidda. A traditional story of retribution for inappropriate behaviour concerns two boys who were turned to stone "just off the eastern side of the mouth of Massacre Inlet." In more contemporary times Alan Ned told a story of becoming stranded by weather with his family when the "behaviour of two boys at a well near the beach" was thought to have caused a large and unseasonable storm. Digging a well at *Giwarra* (Devil Dreaming site) in 1983 was done "very carefully" because of the "potential dangers of this spiritually potent area". Within the Gangalidda and Garawa communities control of 'inappropriate behaviour' is generally exercised effectively. However, it is not presently possible (see item 2 (g) above) for traditional owners to manage the behaviour of non-Aboriginals in relation to these sites. (Trigger 1998:14,52,22,57.)

⁵During this time, up to the referendum of 1967, Aboriginal people were still not counted as citizens of Australia. Their land was still legally terra nullius until 1992.

⁶Local government had replaced the Mission at Mornington Island in 1978.

⁷This continues to the present time.

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b) Not only are such incidents the cause for considerable trepidation among the Gangalidda and Garawa, they also cause feelings of personal hurt and/or offence

Paragraph 2(g) above contains extensive quotes from Trigger recording the reactions of some Gangalidda people to the desecration of the sacred sites, including a Lightning Dreaming site, which had been subject to extensive earthworks by a local pastoral station:

'April Peter said she felt upset to see this important place [Gaynors Lagoon] in the state it was in and commented: "We bleed for our country, it's dug up and spoilt" (SP p.29). Another member of the group, Betty O'Lochlin, explained about the Lightning Dreaming at the place. Eva Gilbert stated she had a particularly personal relationship with the area because her Gangalidda name (*Bulumbulunyarra*) meant the monsoon storms that are spiritually connected to the site. Clara Foster suggested that the storms linked to the site arise in the sea during the wet season. (Trigger 1998:57.)

7. Proprietary Knowledge of Country

a) Information regarding important places in Gangalidda and Garawa country should not be given to outsiders

Trigger (1998:58) was admonished for unnecessarily giving away knowledge of the country. Knowledge of country is owned by the traditional owners in a manner that may be analogous to the ownership of the commercial secrets of a 'mainstream' business.

As stated in paragraph 2(b) above, an essential element in understanding the Gangalidda view is their proprietorial attitudes to their lands and waters. Trigger recounts the story of an incident in 1980. The incident illustrated to Trigger the "... extent to which the coastal areas are regarded as private and part of Gangalidda property ..." Trigger was engaged on a mapping trip, travelling with Willy Doomadgee, a senior Elder with whom he had a close (adoptive) family relationship. Their vehicle became badly bogged. Trigger and Doomadgee walked about 5km to a (non-Aboriginal) fishermen's camp. The fishermen were very helpful, assisting Trigger with the bandaging of an infected leg, driving he and Doomadgee back to their vehicle and pulling their vehicle out of the bog. Trigger was very grateful for this help. In casual conversation with a fisherman he pointed out to him the route to a large freshwater lagoon close to the beach.

Willy Doomadgee later made it plain that Trigger was not free to disclose that kind of information. He expressed regret that he had ever "... instructed 'Whitefella' [Trigger] about the country." Trigger came to a realisation that even knowledge about Gangalidda country was considered their "intimate property" and was not to be thoughtlessly broadcast (Trigger 1998:57-58).

B. SEA KNOWLEDGE SYSTEMS OF THE GANGALIDDA AND GARAWA

1. Cosmology – Dreamtime – Creation – Relations of Material & Spiritual

a) Holistic knowledge of 'Saltwater Country' as a distinct territorial domain

Gangalidda knowledge of 'Saltwater Country' is holistic. It encompasses the sea itself and up to 10km of coastal land (ending at the limit of the most inland saltpan) encompassing all the land affected by tidal waters including that inundated by the high 'spring' tides. Tidal inundation is the most dynamic influence on the land, giving it a distinct flora and fauna. (Trigger 1998:12.)

"...The logic of this connection is evident to Gangalidda people from the links between the Dreamings or spiritual figures throughout both the sea and coastal areas of Saltwater Country." (Trigger 1998:13.)

The 'dreaming routes' of ancestral beings such as Dingo, Rainbow Serpent, Dugong, Groper and Shark, marking their travels, are recorded in oral traditions as passing through areas that are now sea. These routes link to further extensions of the dreaming travels recorded in the oral traditions of the Wellesley Islanders and other traditional tribal groups (Trigger 1998:10,18-24).

"... the Rainbow Serpent is understood to be ever present throughout the sea and the rivers and creeks flowing into it ..." "Rainbow's ubiquitous presence throughout the Saltwater domain is further evident from its location at the powerful storm, rain and lightning Dreaming places on the east side of the Nicholson River ..." (Trigger 1998:13,14.)



b) Knowledge of the major Dreamings associated with each “estate” (or “country”), the ‘skin’ associations for each estate and the people who inherit the country patrilineally

“From Massacre Inlet in the west to the vicinity of Moonlight Creek in the east, coastal Saltwater Country is divided into discrete “countries”, or estates, each of which contains sites of significance ... The estates are bounded by distinctive geographic features to the east and west, e.g. salt arm creeks, and by the sea to the north and north-east.” (Trigger 1998:17.)

Trigger has appended extensive genealogies for each of the estates and the cognatic groups associated with them. There is at least one major Dreaming or totemic site in each estate. These sites give the estate a totemic or skin association, which gives a distinctive quality or essence to many kinds of things in the natural or social worlds. This ‘skin’ is shared with the people who inherit the country patrilineally.

These Dreamings commonly extend into the sea – either via specific routes recounting their travels (e.g. Shark Dreaming ...) or generally held assumptions about the essential and intimate connection of a Dreaming with salt water (e.g. Barramundi Dreaming located at Gunamula ...) (Trigger 1998:17.)

Traditionally people inherited their country through their father or father’s father. People also held associations with other estates including their mother’s father’s country, their father’s mother’s country, their mother’s, mother’s country, the country of their conception and the country of their birth. (Trigger 1998:25.)

The Saltwater Law includes “the rule that senior people need to speak to the country in the Gangalidda language, especially during visits to certain areas. This is to ensure safety while moving through the coastal country and the sea as well as success in obtaining bush and marine resources.” There must be no swearing. The sea “... can be calmed by talking in the Gangalidda language to ‘spirits’”. (Trigger 1998:36.)

c) Knowledge of the Rainbow Serpent and the role of the Rainbow Serpent in punishing breaches of the law, especially the Saltwater Law

The sea is regarded by the Gangalidda as linked to a range of spiritual phenomena inherent in the physical world. The Rainbow Serpent in particular is understood to be omnipresent in the sea and the waters that flow into it. The appearance of storms, lightning, cloud formations and rainbows in the sky are regarded as evidence of the presence of ‘Rainbow’ in saltwater country.

There are rules for use of the sea to control potential dangers from the Rainbow Serpent. Particular events in the oral tradition of the Rainbow dreaming are recalled as examples of what might happen if the ‘law’ is broken. (Trigger 1998:13,14.)

d) Knowledge of Gurdidawa or ‘short people’

Entities described as *Gurdidawa* or ‘short people’ punish people who break rules relating to the use of saltwater country and inland lands. There is an appropriate etiquette to be applied when taking resources from the sea. People should not gloat over a good catch, take a catch too quickly or swear or speak disrespectfully of their quarry. The likely consequences of not following proper etiquette (resulting from the actions of the ‘short people’) are lack of success next year or next time. (Trigger 1998:36.)

2. Knowledge of the geomorphic features of sea places

Knowledge of estates and geographical features which distinguish them, including areas of sea close to shore

See quote in 1. b) above: the Gangalidda know the coastal border points of each patriline ‘country’ or estate – “... bounded by distinctive geographic features ...”. (Trigger 1998:17)

3. Knowledge of the personal lifecycle significance of sea places

Knowledge of ways of claiming connections to country (including MM, MF, FF, FM, and conception) and rights that exist under each connection

A saltwater ‘country’ may be defined by story places located in the sea on one of the ‘dreaming routes’. The Gangalidda are familiar with a number of ways of claiming connection to country. People have traditionally inherited primary ownership rights through their patriline (i.e. through their father and father’s father) but they also know of rights to inherit interests in land through their mother’s mother, mother’s father and father’s mother). (Trigger 1998:17,24).

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4. Knowledge of the economic significance of sea places, their flora and fauna and the ritual and technology needed to manage and exploit those resources

a) Knowledge of the economic importance of the sea to the Gangalidda and Garawa

The Gangalidda have knowledge of the patterns of subsistence practiced among their forebears and of the economic value to them of their own current hunting, fishing and gathering practices. Their knowledge of earlier generations' subsistence practices is supported in part by direct environmental evidence of past occupation and resource use. (Trigger 1998:13,32.)

b) Knowledge of rituals for ensuring success at fishing, increasing efficiency of techniques for obtaining resources and calming seas for fishing

Gangalidda Elders speak to the estates (including their sea country) in their language to care for and increase its productivity. They follow rules regarding the disposal of fish and turtle waste to ensure continuing plenty. They sing songs to improve their fishing effectiveness and to calm rough seas if necessary. (Trigger 1998:32.)

c) Knowledge of the body of knowledge defined as 'sea law' or 'saltwater law' which is knowledge pertaining to a general range of spiritual and material properties of the sea and the resources within it and rules for interactions with the sea

The Gangalidda follow a number of strict rules in relation to behaviour in the 'saltwater' realm. Following these rules helps to assure safety from 'punishment' in the form of severe illness or death. The main rules are:

- the prohibition of land food (and particularly fats) in the 'saltwater' domain;
- the prohibition of breastfeeding in the 'saltwater' domain;
- a prohibition on entering the sea applying to women at certain times associated with their reproductive function and to men at times associated with their initiation. (Trigger 1998:34-37.)

Further rules to ensure continuing plenty of marine resources and success in hunting and fishing. These include:

- circumspectness in regard to success in fishing or the hunt: no gloating, no taking the catch too quickly or greedily;

- speaking to fish in the Gangalidda tongue and not swearing;
- senior people talking to 'the country' in the Gangalidda tongue;
- disposal of leftovers from sea foods in the fire rather than back to the sea. (Trigger 1998:34-37.)

d) Knowledge of Gangalidda and Garawa rights and interests including all areas where their 'law' is relevant which includes the seabed, water and all resources

The Dreamings that pass through the sea are in some cases specifically considered to pass on and within the sea bottom. Similarly, the Gangalidda consider that their rights and interests extend to the waters, the seabed and the creatures that move within them. The Gangalidda are well aware that many species graze upon the sea bottom. (Trigger 1998:16.)

The Gangalidda know that they and the Aboriginal people of the Wellesley Islands have an 'as of right' entitlement to use their traditional seas. They consider that they also have the right to control access to those waters, that others require their permission to access the area and that others given permission to be in the waters have an obligation to 'share their catch'. (Trigger 1998:55.)

e) Knowledge of seasons, the availability of certain resources at various times and the environmental correlates of that availability

Trigger records that the Gangalidda people have knowledge of the seasons and of the foods (such as turtle eggs) available in each season. This knowledge extends to knowledge of the environmental correlates of seasons and available food supplies. For example, turtle eggs are available when wattle trees are blooming. (Trigger 1998:30)

f) Knowledge of marine species including fish, shellfish and plants that inhabit Saltwater country

The Gangalidda are and have been 'saltwater' people, dependent on the sea for sustenance and with deep knowledge of the marine environment. In that respect they bear a strong resemblance to other 'saltwater' people of the Wellesley Islands. Trigger has identified (in one 1983 field-book) forty-one words for marine species of fish, shellfish and plants in the Gangalidda language. (Trigger 1998:29, see also Trigger 1983 and 1987a.)



g) Knowledge of material culture and ways of catching fish and other marine species including shellfish; preparing cooking and eating seafood according to cultural traditions

The Gangalidda, in common with the Lardil, Yangkaal and Kaiadilt of the Wellesley Islands consider themselves “Saltwater people” (Trigger 1998:11,12). They share a great deal of culture and are all heavily dependant on saltwater resources. They have a traditional culture that included the knowledge to make, use and maintain large-scale rock-walled fish traps, rafts, paddles, ropes, large nets for catching dugong, fish spears and fishing lines (from hand made grass string). The Gangalidda now use modern technology including dinghies, outboard motors, drag nets, cast nets, fishing lines, hooks and lures. However, they still maintain rock-walled fish traps and still make fish spears and wops for hunting turtle and dugong. The Gangalidda still have the knowledge to make rafts and ropes. The Gangalidda eat a large number of fish species as well a shellfish, turtle and crab. (Trigger 1998: 29-33, 54)

C. SALTWATER MANAGEMENT AND THE ROLES OF GANGALIDDA AND GARAWA TRADITIONAL OWNERS

1. The Gangalidda and Garawa people consider that they should have a degree of control of the use of their traditional waters and that they could contribute positively to its management.

The Gangalidda people consider they are entitled to exercise control over their seas, extending out as far as it is possible to see. They are of the view that current management has allowed a decline in fish and marine animal stocks. The Gangalidda do not approve of the wasteful aspects of contemporary commercial fishing practice. They want to be involved in the process of considering for approval any large development within their ‘saltwater country’. The Gangalidda consider that the restoration of at least some of their traditional control is the only action that would be consistent with their traditional rights. (Trigger 1998: 10,57,56,55.)

D. ISSUES RAISED AT THE WORKSHOP OF GARAWA AND GANGALIDDA TRADITIONAL OWNERS HELD ON 3RD SEPTEMBER 2003.

Issues of Recognition and Authority

- The Garawa and Gangalidda need respect and acknowledgment from Government, especially regarding the importance of protection of culture, sacred sites, burial grounds, initiation grounds and other ceremonial sites;
- The Garawa and Gangalidda need to run and manage their own land and sea;
- The Government needs to recognise that Traditional Owners do not distinguish between what is under the land and sea as opposed to what is on top – to them it is all connected and the same (people have bush names and dreamings for all the land under and over);
- The Garawa and Gangalidda Traditional Owners need to have their own rules for the sea formally acknowledged as Whiteman rules are not sustainable;
- The Garawa and Gangalidda need Native Title over both land and sea;
- All tourists entering the area should be required to obtain permission from the Garawa and Gangalidda Traditional Owners;
- The Garawa and Gangalidda want control and management of their traditional waters.

Issues of Regulation & Enforcement

- The Garawa and Gangalidda want buffer zones used along the coast, as well as around sacred sites, story places etc on the land;
- The Garawa and Gangalidda Traditional Owners want Garawa and Gangalidda rangers to monitor tourism to prevent waste being left behind, destruction of the area and so on;
- The Fisheries Department should increase patrols to monitor fishing activity by tourists and commercial fishermen;
- The Garawa and Gangalidda want protection (by regulation and enforcement powers) for traditional stone fish traps along the coast (e.g. those at Point Parker and Bailey Point);
- Increased sea patrols are needed during the wet season as it is difficult to monitor activity from land during this time.

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Issues of Waste

- Waste washing up on beaches needs to be removed;
- The Garawa and Gangalidda do not want tourist wasting fish parts as Traditional Owners use all parts;
- Traditional Garawa and Gangalidda areas should be made drug and alcohol free.

Issues of Sharing

- The Garawa and Gangalidda Traditional Owners should share in tourism royalties – if tourism is to occur it should be operated by Traditional Owners as it concerns their culture – why should the leaseholders get it – money could then be applied to homeland development;
- Trawlers and other commercial fishermen should share their catch with Traditional Owners – for example they should give all by-catch and waste or unwanted fish to the Garawa and Gangalidda Traditional Owners.

Issues of Consultation Strategy

There is a need for a meetings and consultation with Torres Strait, West Cape, Gulf, Northern Territory, and Kimberley's groups and agencies to share ideas and funding. The Garawa and Gangalidda want a national Northern Sea Management Committee.

Issues of Community Support & Resourcing

- Government funding is desperately required for the resettlement of homelands and support of rangers to extend the fishery management regime;
- The Homeland movement should be supported to get people back onto their 'countries' to manage and enforce fishery strategies and reduce social problems arising from alcohol and drugs in young people;
- Training courses are required for land and sea management officers (rangers);
- Infrastructure for homelands is required to help traditional owners to return to and protect their land-and-sea estates.

Land Issues

- The Garawa and Gangalidda need respect and acknowledgment from Government – regarding the importance of protection of culture, sacred sites, burial grounds, initiation grounds and other ceremonial sites;
- The Garawa and Gangalidda want access to pastoral properties and respect given to Traditional Owners by pastoralists (particularly Hells Gate, Westmoreland, Woollogorang). Government needs to apply pressure to pastoralists if necessary to ensure that Traditional Owners have access through pastoral leases to the coast. Also absolutely no tourism in these areas;
- The Garawa and Gangalidda want all pastoral holdings to be handed back to the appropriate Traditional Owners as freehold land;
- The Garawa and Gangalidda want Native Title over land and sea;
- The Garawa and Gangalidda don't want uranium mining on Westmoreland as uranium kills people both here and overseas – we don't want our mining waste going overseas and killing other people;
- The Garawa and Gangalidda want to ensure that no further mining occurs in this region: this assurance is needed to fully protect culture;
- The Garawa and Gangalidda want no mining at all along the coastal zone;
- The Garawa and Gangalidda want no new mines – there are too many already.



Original caption reads:- "Bark canoe and native of Bayley Island, Wellesley Group, Gulf of Carpentaria", c1906. It is probable, in the anthropologists' view, that this was a Karawa or Yanyuwa visitor to Bayley Island rather than a Yangkaal or Gangalidda person, as the bark canoe technology was associated with these former groups. From Klaatsch, H. (1907:Plate 1) (AERC Ref. No. L8/4-73.)



Ronnie Jupiter spearing a crab, Bayley Point fish trap, on a falling tide, September 1983. (Photo and caption information from Trigger 1985:Plate 27.)



Lardil man, Albert Wilson (with singlet), Arthur Paul (Kaiadilt) and others butchering dugong at Bayley Point, 1988. This group transported Gangalidda/Lardil man Eric Peter back to Gunana with them. (Photo and caption by Dr Richard Robins,)

Aerial photograph of adjoining fish traps at Bayley Point by Connah and Jones of the University of New England, 12/5/82.





CHAPTER 5: FINDINGS FROM THE KUKATJ, GKUTHAARN AND KURTIJAR

Most of the material in this section has been taken from a document entitled *Social Impact Study of the Proposed Century Project on the Aboriginal people of Normanton and Surrounds* (1995) prepared for the Bynoe Community Advancement Cooperative Society Ltd by Associate Professor Paul Memmott and Peter Kelleher. Reference is also made to the 1984 doctoral thesis of Dr John Taylor, *Of Acts and Axes: An ethnography of socio-cultural change in an Aboriginal community, Cape York Peninsula*.

A. IDENTITY, SALTWATER INTERESTS AND HISTORY OF THE KUKATJ, GKUTHAARN AND KURTIJAR

1. Identity of the Kukatj, Gkuthaarn and Kurtijar

a) Kukatj, Gkuthaarn and Kurtijar Traditional Territories

The Kukatj, Gkuthaarn and Kurtijar traditionally occupied distinct coastal territories between the Staaten River on Cape York Peninsula and the Leichhardt River on the southern coast of the Gulf of Carpentaria. The impacts of European settlement within the region generally and a lack of early or comprehensive anthropological recording have resulted in some lack of clarity, especially in relation to the distribution of nearby inland groups, however Memmott concluded that:

- The Kurtijar occupied the lands and waters from the Staaten River in the north to the Smithburne River;
- The Gkuthaarn occupied the lands and waters from the Smithburne River south and west to the Flinders River; and
- The Kukatj occupied the lands and waters from the Flinders River westerly to the Leichhardt River. (Memmott 1994:21-26.)

It has since emerged that there are claims from both the Gkuthaarn and Kurtijar over lands north of the Norman River. That issue has not been resolved in favour of either group at this time, and there may well be areas of shared interest once it has been fully investigated by Land Council personnel.

From the Leichhardt River, to the west as far as Massacre Inlet, the lands and waters were traditionally owned by the Gangalidda. That area

was dealt with in Chapter 4. The Leichhardt River was a very important boundary: marking a divide between the Tangkic people to the west (dealt with in Chapters 2, 3 and 4) who had strong cultural and linguistic connections (which also extended to groups to the south-west and north-west). The Leichhardt River also marked the eastern extremity of the practice of male initiation by circumcision and sub-incision. There were however trading networks, marriage ties and other links across the whole region. East of the Leichhardt River, the Kukatj, Gkuthaarn and Kurtijar language groups/peoples, had strong cultural and linguistic connections with people to the north and east of them on Cape York Peninsula. (Memmott & Kelleher 1995:12.)

b) Lack of anthropological literature for these groups

Four doctoral theses are available for the Tangkic language group to the west of (and in the Wellesley Islands to the north and west of) the Leichhardt River. However there has been very little anthropological study of the Kukatj, Gkuthaarn and Kurtijar and the other tribes and language groups surrounding Normanton. There has been relatively little in-depth research into the social organisation and land tenure of these people. Nonetheless, Memmott & Kelleher acknowledge ethnographic material collected by linguists active in the region during the 1970s and conclude that, within the general tribal or language-group area of the Kukatj and Gkuthaarn, smaller patrilineal groups were the land-holding groups. (Memmott & Kelleher 1995:12.)

Specific totems and totemic sites were associated with patrilineal groups but it is probable that individuals beyond the patrilineal group obtained connections with sites and areas through their conception Dreamings. Individuals may have had multiple totemic connections. As with the Tangkic language group people, the Kukatj and Gkuthaarn followed a distinct Aboriginal kinship system, with "specific rules for selecting marriage partners" and behavioural rules which varied in relation to particular categories of kin. (Memmott & Kelleher 1995:12.)

It is now apparent that contemporary members of these groups recognise land and sea ownership only according to language group affiliation and language group territories. The shifts within traditional culture evident in the populations of these groups reflects the physically violent contact history of these people. (Memmott & Kelleher 1995:12,13.)



c) Recent Distribution of Aboriginal Population

Evidence of the pre-contact distribution of ten language groups including the three coastal groups (Kukatj, Gkuthaarn and Kurtijar) was examined in Memmott's 1994 report to the Minister for Family Services and Aboriginal Islander Services (Memmott 1994:21-26). Although there was then one Aboriginal (Kurtijar) owned cattle station in the Normanton area (Delta Downs), there was no other extensive Aboriginal land-holding in the area under discussion. The Aboriginal people were in fact dispossessed of their lands in the late nineteenth century and largely remain so today. As a result, approximately 90% of the Aboriginal population living in the coastal lands between the Staaten River and the Leichhardt River, at the time of the 1991 Census, lived in Normanton. At the time of the 2002 Census 559 of 624 Aboriginal people (in Collector Districts Nos. 020203, 020205 plus Normanton and Karumba) lived in the town of Normanton ... once again about 90%. (Memmott & Kelleher 1995: 13 – Table 1 and Figure 6, ABS 2001 Census.) Normanton is located about 74 km inland by road from Karumba. Both towns are situated on the Norman River; Karumba at its mouth on the Gulf of Carpentaria.

The Normanton population predominantly includes most of the surviving Kukatj, Gkuthaarn and Kurtijar people. Those peoples are represented by a number of incorporated bodies including:

- the Bynoe Community Advancement Cooperative Society Limited;
- Normanton Kukatj Aboriginal Corporation (which recognises Kukatj and Gkuthaarn as Traditional Owners of areas surrounding Normanton but also represents Kurtijar, Areba and Kwanthar people);
- Kurtijar Aboriginal Corporation – formed to accept transfer of the ownership of the Morr Morr Pastoral Company from ATSIC. (Memmott & Kelleher 1995:122-134.)

d) Continuing Identity of the Kukatj, Gkuthaarn and Kurtijar

Despite their removal from their traditional territories and the prohibition of expression of many aspects of their culture the Aboriginal people of the Kukatj, Gkuthaarn and Kurtijar language groups continue to identify with their traditional groups. This was

evidenced during the years of existence of the Norman River Town Camps by their division into 'Top' and 'Bottom' Camps – the former comprised of Kukatj and Gkuthaarn people (with Traditional Ownership over the surrounding country) and the latter comprised of Kurtijar and other northern groups. In more recent times (up to 1995) the people associated with the corporations listed in the foregoing section unequivocally declared their respective group affiliations. (Memmott & Kelleher 1995:122-134.)

2. Saltwater Dependence of the Kukatj, Gkuthaarn and Kurtijar

a) Traditional marine dependence of the Kukatj, Gkuthaarn and Kurtijar

It was generally the case, around the Australian coastline, that coastal Aboriginal groups were traditionally heavily reliant on the sea for the majority (or a major part) of their resource needs. This has already been demonstrated (in Chapters 2, 3 and 4) in relation to the groups to the west of the Kukatj. In relation to the coastal peoples to the north of the Kurtijar, evidence of heavy traditional dependence is adduced under c) below. (Memmott & Kelleher 1995.) Despite a lack of detailed empirical evidence for the Kukatj, Gkuthaarn and Kurtijar it can be concluded from their neighbours to both the west and north that the same marine dependency existed in this part of the Gulf of Carpentaria.

b) Current heavy reliance on Norman River and Coastal Areas

The Kukatj, Gkuthaarn and Kurtijar have continued to rely to a high degree on the tidal waters of the Norman River and the sea for their food needs. Memmott & Kelleher recorded that "there is a significant dependence by the Aboriginal people of Normanton on seafoods, especially fish prawns and crabs, including from the Norman River and other streams and areas of coast ..." No quantified estimate of the degree of that dependence is available. (Memmott & Kelleher 1995:87.)

c) Ethnography of Saltwater Use - Comparable Groups

The Lardil, Yangkaal, Kaiadilt, Gangalidda and Garawa people share cultural links to the Borroloola community and to the Alyawarr people of the Sandover River Basin in Central Australia. However the Kukatj, Gkuthaarn and Kurtijar peoples ('the Normanton people') do not share those links. Instead, they (and especially the Kurtijar) 'tend to associate with the tribal people to the north'.

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(Memmott & Kelleher 1995:122-134.) In attempting to come to an understanding of the traditional relationship of the Kukatj, Gkuthaarn and Kurtijar people to the sea it is therefore appropriate to look to the north.

Ethnographic research was carried out in the Edward River (now Pormpuraaw) community, by Dr John Taylor between 1968 and 1973. This community is located about 200 km to the north of the Staaten River. Taylor studied the Kuuk Thaayorre with a focus on cultural change since the mid-1930s. His doctoral thesis *Of Acts and Axes: An ethnography of socio-cultural change in an Aboriginal community, Cape York Peninsula* (1984) responded to R. L. Sharp's 1952 paper *Steel axes for stone age Australians*. Sharp had studied the same community in the mid-1930s. Taylor described the pre-contact seasonal subsistence activities of the Kuuk Thaayorre. (Taylor 1984:60-80.)

The Kuuk Thaayorre saw the year as divided into 'four major seasons' as follows:

<i>raak karrtham</i>	('wet-time')	Approx. Dec. to Feb.
<i>raak wurripan</i>	('dry-wet time')	Approx. Mar. to May
<i>raak kaal kurrch</i>	('cold-time')	Approx. June to Aug.
<i>raak papaath</i>	('sun-hot time')	Approx. Sept. to Nov.

(Taylor, 1984:61.)

i) Raak karrtham - ('wet-time')

Heralded by storms that replenished surface waters and allowed camps at permanent water sites to be abandoned in favour of coastal camps above flood level. Huts of bark and grass were built in anticipation of heavy rains. Wet conditions made travel difficult in the interior areas due to mud and flooding. Many native fruits ripened in this season, ten varieties of root-stock were available and water lilies could be harvested towards the end of the season. Protein and fats were supplied by:

- molluscs collected in mangroves and on mudflats;
- prawns caught in scoop nets in backwaters;
- fresh-water fish speared in brush barricades across flooded waterways;
- fishing in tidal arms and offshore mudflats - the most popular activity;
- possums and smaller, burrowing marsupials, birds eggs, scrub fowl, brush turkey, pied goose and other waterfowl. (Taylor 1984:64-65.)

Each *raak karrtham* camp (comprising usually one or two 'hearthgroups' or families) would range over a territory, which encompassed "beach and mudflat, saltpan and melonhole plain, as well as coastal ridge. Its boundaries were circumscribed by the ranges of neighbouring camps and, in a physical sense, by the floodwaters, mud and difficulty of moving through bogs and undergrowth in strength-sapping humidity." (Taylor 1984:65-66.)

ii) Raak wurripan - ('dry-wet time')

Rains usually dwindled in March and April. Water bodies retreated. The people tended to gather in larger camps near to swamps rich in 'bulguru' [*Eleocharis dulcis*] – the women working together harvested the tubers which were roasted and mashed. The majority of the camps were still on the coastal ridges. Yams and mangrove seed-pods were also harvested at this time. There was also much cooperative fishing activity associated with fish weirs constructed for the purpose. Barramundi were caught on baited fishing poles. Fledgling waterfowl were hunted. Later in this season people began to systematically burn-off, spearing wallabies and bandicoots flushed by the flames. Women came behind the flames catching lizards, snakes and small marsupials that had gone to ground. Generally speaking, food was plentiful and this was a favoured time for large gatherings for ceremonies. (Taylor 1984:66-67.)

iii) Raak kaal kurrch - ('cold-time')

The cold-time was also the dry season and saw a continuation of hunting associated with burning off. People spread across the land more widely (although the majority still camped on the waterfront ridges) and the women gathered waterlily roots and swamp turtles before the swamps dried up. (Taylor 1984:67-68.)



iv) Raak papaath - ('sun-hot time')

In this season many people moved away from the coastal range but many also remained in the coastal complex. There was very hot, humid weather. Most watercourses and water holes dried up – concentrating animal life near the permanent waterholes. In many sand ridge camps the people dug wells. Available fruits included the bush apple, monkey nut and the nonda plum. Later in the season palm tops (*Livistonia muellerii*) were cooked and eaten. (Taylor 1984:68-69.)

Much fishing was done and the offshore mudflats provided sharks, rays, fish and crabs. Turtle eggs were often gathered from the beach. (Taylor 1984:66-67.)

Nonda plums, waterlilies and 'sugarbag' (native bee honey) were gathered in the inland camps. Freshwater fish, crayfish, mussels, water snakes, fruit bats and water birds were also hunted.

Fresh water fish were mostly caught by poisoning with stupefiers derived from plant leaves and seedpods. Separate techniques were used for deep and shallow pools. These inland camps each had a limited term – people moved camp frequently to follow the fresh water and food supply. When the first storms came people moved back again to their 'wet-time' camps and the cycle re-commenced. (Taylor, 1984:66-67.)

The following table is derived from Taylor's Figure 2.10 (1984:78).

Seasonal patterns of resource exploitation in Edward River Reserve pre-settlement economy (nominally December to November)

Staple food source	
Occasional food source	
Sporadic Food Source	

Food Resource / Month	D	J	F	M	A	M	J	J	A	S	O	N
Waterlilies												
Yams												
Eleocharis dulcis (Bulguru tubers)												
Arrowroot												
Mangrove seeds												
Other rootstocks												
Nonda fruits												
Palm hearts												
Sugarbag – wild honey												
Sea – Sharks & rays												
Sea – Fish												
Sea – Crustaceans and shellfish												
Freshwater – Fish												
Freshwater – Crustaceans and shellfish												
Waterfowl												
Landfowl												
Bird eggs												
Reptile eggs												
Wallaby												
Kangaroo												
Bandicoot and echinida												
Marsupial rats and mice												
Possums												
Flying fox												
Lizards and snakes												
Tortoises												

Note from the above table that seafoods were collected all year round, being a staple for eight months and an occasional food source for four months of the seasonal year.

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d) Probable Saltwater Utilisation of the Kukatj, Gkuthaarn and Kurtijar

It is highly probable that the Kukatj, Gkuthaarn and Kurtijar, with very similar seasonal, climatic and geographic constraints and opportunities would have followed the patterns of the Kuuk Thaayorre in their pre-contact subsistence economy. This is especially probable given their cultural connection with northern peoples. The saltwater environment would have been indispensable to them, especially in the height of the wet season when sandy ridges provided feasible camping places and saltwater fish, molluscs and crustaceans provided their major protein source. Continuing high levels of saltwater-related activity of the Kukatj, Gkuthaarn and Kurtijar also support their traditional use of and dependence on the saltwater environment.

3. Contact History of the Kukatj, Gkuthaarn, Kurtijar and Related Groups

a) Early contact history

A series of early Dutch and English 'explorers' traversed and charted the coast of the southern Gulf of Carpentaria: Janszoon in 1606, Carstenz in 1623, Tasman in 1644, Flinders in 1802, Stokes in 1841 and Chimmo in 1856 (Memmott & Kelleher 1995:16). The first European land 'exploration' was by Leichhardt's party in 1844 (east to west) and that was followed by Gregory's (west to east) in 1856. Burke and Wills' tragic expedition reached the Bynoe River by 1861. Three search parties for Burke and Wills passed through the area in 1861 and 1862. (Memmott & Kelleher 1995:16.) Settlement followed almost immediately.

There is one account of a run on the upper Flinders being stocked by settlers as early as 1861. One run was taken up on the Albert River in 1863. A wave of settlers occupied the upper Flinders during 1864 and the Floraville Station was established on the Leichhardt River. There is one report that soon after this it was stocked with 40,000 sheep. "... stations appeared down the course of the Flinders and westwards on the upper Leichhardt River ..." during 1865. "All of the country on the Gulf suitable for grazing purposes was portioned out and occupied between the years 1864 and 1868." (Memmott & Kelleher 1995:16.)

Burketown had been established as a port town on the Albert River in 1865. An epidemic of yellow fever in 1866 led to evacuation of the town to Sweers Island for about six years. Normanton on the Norman River was founded in 1867 and became

the pre-eminent Gulf town and port. It prospered with the opening up of the Etheridge goldfield in the early 1870s. Normanton became a municipality in 1886. (Memmott & Kelleher 1995:17.)

b) The 'No Good' Time

In effect, pastoralists occupied the Kukatj, Gkuthaarn and Kurtijar lands in four or five years beginning in the mid-1860s. Prior to about 1864 most of the Aboriginal people would never have sighted a Whiteman. By 1868 they were sharing their land with a White station-owner or manager and hundreds or thousands of cattle or sheep. Conflict of interests was immediate, with intense competition for fresh water sources. (Memmott & Kelleher 1995:16.)

Throughout much of the southern Gulf the Aboriginal clans chose to fight to save their territories. Relations soon turned violent. North of the Gilbert River, the remote and isolated Vanrook Station was stocked with 30,000 cattle and local tribesmen resisted. Three men and hundreds of cattle were speared in 1864.

"Whenever disputes arose," Charles Bynoe a Kurtijar descendant, wrote in his book 'Memories of Normanton', 'the Europeans always ultimately won the fight by using firearms ...' . (Memmott & Kelleher 1995:20.) Rolly Gilbert, a knowledgeable Kurtijar Elder, since deceased, had informed Bynoe:

"The white men would drive us away from the places they wanted. They drove us away from our soak at [site name] or Skull Hole, so that their cattle could have the water. They shot many of our people there, and you could still see the bones in recent years, before the last flood. The white men or the Native Police also shot up whole camps of our people at such other places as [four place names]. ... 'Sometimes white people left poisoned flour for our people to take, and some of our people died from that too ...

The neighbouring tribes were probably worse off than ours was – at least there seem to be fewer of these people left today." (Memmott & Kelleher 1995:19.)

As the conflicts escalated spearings of cattle became more common. An 1870 Crown Land Commissioner's report highlighted cattle spearing as causing heavier losses than floods. (Memmott & Kelleher 1995:18.)



The *Brisbane Courier* published a letter from a Burketown correspondent in 1868:

"I much regret to state that the blacks have become very troublesome about here lately. Within ten miles of this place they speared and cut steaks from the rumps of several horses. As soon as it was known, the Native Police, under Sub-inspector Uhr, went out, and, I am informed, succeeded in shooting upwards of thirty blacks. No sooner was this done, than a report came in that Mr Cannon had been murdered by blacks, at Liddle and Hetzer's station, near the Norman. Mr Uhr went off immediately in that direction, and his success I hear was complete. One mob of fourteen he rounded up; another mob of nine, and a last mob of eight, he succeeded with his troopers in shooting. In the latter lot there was one black who would not die after receiving eighteen or twenty bullets, but a trooper speedily put an end to his existence by smashing his skull. ... [Uhr found some possessions and then the bodies of three people killed by the Aborigines.] ... 'Everybody in the district is delighted with the wholesale slaughter dealt out by the native police, and thank Mr Uhr for his energy in ridding the district of fifty-nine (59) myalls ...'" (Memmott & Kelleher 1995:18.)

There are reports of massacres and other severe impacts upon Aboriginal people from a number of areas around the south-eastern Gulf region. For example:

- Some Kukatj clans may have been among the first slaughtered: the remains of twenty to thirty skeletons 'littered the plain' near the Inverleigh Station homestead when a Mr William Malone first came there near the end of the nineteenth century;
- There are reports of massacres on Magowra Station and extensive skeletal remains at a site about five kilometres from the homestead;
- Mayikulan territory (inland neighbours of Kukatj) was first settled in 1864 at which time the tribe numbered about 400 people: it had dropped to about 200 by the mid-1880s 'due to the rifle and syphilis';
- "Gkuthaarn country was first occupied by whites in about 1866. In 1875 this tribe comprised 250 persons, but by the mid-1880s it had been reduced to 160 by rifle and syphilis. 90 men were allegedly shot.";

- "The Mayi-yapi population [inland from Kukatj] was 1,000 when whites first settled. Only a few years after, in 1868, there were but 250 persons remaining. In 1879, the Native Police, measles, and venereal disease had further reduced the population to about 80." (Memmott & Kelleher 1995:18,19.)

c) The Pastoral Era

During the early 1870s most of the Aboriginal resistance was subdued and Aboriginal people were rapidly absorbed into the pastoral industry. There were advantages in utilising Aboriginal labour. They were available on the spot, there was a shortage of European and Chinese labour (especially after the goldrushes of the early 1870s) and Aboriginal people were employed much more cheaply than others. Aboriginal pastoral labourers in the Carpentaria district were receiving wages as well as keep by the early 1880s. A minimum Aboriginal wage of 5 shillings (50 cents) a month was fixed in 1901. It had been reported that the weekly wage for a European stockman in 1865 was two pounds and ten shillings per week (about \$5.00 per week, \$20 per month) plus keep. (Memmott & Kelleher 1995:21.)

Aboriginal women were also employed and exploited. They "...performed those tasks traditionally assigned to European females such as domestic duties and childcare. On the male-dominated frontier domestic work often went hand in hand with sexual services and the acquisition of a permanent Aboriginal companion considerably enhanced the lives of many European males ..." (May 1983:83 quoted in Memmott & Kelleher 1995:21).

The employment of Aboriginal people in the pastoral industry (which has been the only significant industry in the south-eastern Gulf region) grew and continued up to the 1960s. While the greatest loss of Aboriginal land and population had occurred by 1870 and some Aboriginal people had made the transition into pastoral employment it is clear that the race troubles of the Carpentaria Region were far from over:

- an Aboriginal woman and child were allegedly abducted and enslaved by Chinese in Normanton in 1874;
- the Acting Land Commissioner of Normanton wrote to the Colonial Secretary in December 1874 giving examples of Aboriginal cattle spearing around Normanton, pleading for more protection for the town and expressing the fear that the Aborigines might burn the township to the ground;

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- in 1880 Isaac Watson wrote to *The Queenslander* asserting that while the Aborigines in the Gulf were inclined to be peaceful, the police continued to round them up, shoot the men and dispatch the women and children to slavery in a town or on a cattle station;
- some Aboriginal people attempted to preserve a traditional lifestyle on their traditional estates but a correspondent complained to *the Queenslander* in June 1886 that such people were ‘being slowly starved to death’ because they were being chased away from their hunting grounds;
- In November 1887 it was reported that six Aborigines were shot down by the Native Police when they were asked to ‘clear out the blacks’ at the Kimberley (i.e. Karumba) Telegraphic Office; (Memmott & Kelleher 1995:21,19,20.)

Inspector Galbraith of Normanton commented as follows on hunting rights in the 1902 Annual Report of the Northern protector of Aborigines:

‘Another contentious matter which must be approached with great care is the right of the aborigines to hunt and fish on the watercourses. It is their right, and it is their only means of existence when in their natural state. They must camp by water to appease their thirst ... Their food (i.e. game) is nearly always found by or in the water. To deprive them of this right simply means wiping them out or driving them into the smaller townships, where the women must prostitute themselves in order to enable the men and children to live. Those that are myalls will naturally kill cattle, or even commit murder, if driven away from their hunting grounds. The station owner or manager claims that his stock have to go to water – so have the aborigines’ game – and that the sight of the blacks disturbs his cattle. The result is that the blacks are often dispersed by the station hands. Of course, such dispersals are not reported to the police.” (Roth 1903 quoted in Memmott & Kelleher 1995:22.)

Nonetheless, pastoral employment allowed many Aboriginal people to preserve their association with their traditional lands and saltwater areas. “Some small bands of hunter-gather-fishers still maintained their lifestyle through the early decades of the century, especially on the coastal saltpan, mangrove and sand ridge country which was the least attractive for cattle herding.” A photographic record of people following this lifestyle was made by Francis Birtles in 1915 and 1916 and published in numerous popular and motoring magazines. Birtles

made observations on “dance, material culture, economy, mortuary practice and camping behaviour”. (Memmott & Kelleher 1995:25.)

Some of the remaining Kukatj and Gkuthaarn people were resident on Inverleigh and Magowra stations, which were located on their respective tribal territories. These station camps may have served as ‘base camps’ for the coastal hunting groups. The existence of such Aboriginal camps near the homesteads of stations was common in the period 1890 to 1920. It provided a better existence than the town fringe camps and preserved connection with the land. Nonetheless there is evidence that station Aboriginal residents suffered disease and were sometimes treated brutally. It appears that by the 1930s most Aboriginal people were working on stations. (Memmott & Kelleher 1995:26,27.)

Black (1975) is quoted in Memmott & Kelleher describing how a similar arrangement benefited the Kurtijar to the north and fostered the preservation of their language:

“As they were absorbed into the station life in their own tribal territory, both their language and some aspects of their culture were allowed to survive well into the present century. In fact, members of such decimated tribes as the Kunthar of the Galbraith area were amalgamated into the Kurtijar and learned this language in addition to their own. The Kurtijar apparently did not move into Normanton until after World War 2, but it is their language which nevertheless has now become known as ‘the Normanton language’ ...” (Memmott & Kelleher 1995:26.)



d) The Aboriginals Protection and Restriction of the Sale of Opium Act, 1897

The 1897 Act provided for some degree of protection of Aboriginals against exploitation, although its enforcement was not thorough in remote north-west Queensland. Police officers were appointed as local Protectors and were responsible for supervision of the Aboriginal population. The Act also introduced measures for the more complete control of Aboriginal people, including:

- control of their employment;
- control of their wages and bank accounts;
- approval of their marriages;
- enforced pastoral indenture or reserve residence;
- removal to distant communities for wrong-doers; and
- removal of mixed-race children for domestic training and ultimate 'assimilation'. (Memmott & Kelleher 1995: 22,23.)

The Act required employers of Aboriginal people to obtain a permit from the local Protector and to pay the wages of female employees into savings accounts controlled by the Protector. These measures were unpopular with the pastoralists and Protector Galbraith of Normanton speculated that this was partly because it had not been the pastoralists' practice to pay wages to the females. Galbraith reported for 1903:

"There is an increase of 135 aboriginals under agreement, as compared with the previous year ... These figures speak for themselves, and prove that Aboriginal labour is in demand and required." (Memmott & Kelleher 1995: 22,23.)

There were a small number of prosecutions under the Act for the supply of opium or alcohol to Aboriginal people in the early years of the 20th century. Memmott reports that 227 persons were removed from Normanton under the Act between 1901 and 1963. Most removals were of mixed-race children. (Memmott & Kelleher 1995:23,25.)

e) Growth of the Normanton Town Camps

Meanwhile town camps of Aboriginals was steadily growing at Normanton, but the people lived there in appalling conditions.

Parry-Okedon, the then Commissioner of Police, wrote in 1897:

"At Normanton I got together over 100 blacks and distributed tobacco freely amongst them. They were the most miserable, disease-stricken wretches I ever saw, but I was assured these were 'kings and queens' compared with those of the south-west and further along the coast west of and around Burketown. I saw one leper who was segregated under police supervision near the town. His gin had followed her man from their own country, fifty miles away, and was camped quite close to him. She was in a fearful condition of syphilis ... Dr Roth informed me that over 600 blacks have been in Normanton at one time. They are principally from the north-east, from the Gilbert and Norman Rivers." (Memmott & Kelleher 1995:22.)

A medical examination of the Normanton Town Camps in August 1900 found about half the population of 176 suffering from introduced venereal diseases. (Memmott & Kelleher 1995:22.)

In the early decades of the 20th century at least six separate camps existed and provided some degree of separation for the different tribal groups (between whom relations were at times difficult). These apparently were approachable from the town by separate travel routes, allowing the residents of each to avoid the residents of others. It appears that these camps usually housed mainly women and children, with some Elders. The numbers of men would increase during the slack station times. The humpies within these camps, made of scrap iron and flattened kerosene tins with bare earth floors, belonged to the people who had built them and often were occupied, in the absence of the owners, by friends or members of their extended family. (Memmott & Kelleher 1995:27-29.)

In 1935 the local Protector at Normanton, Mr L. H. Roles began correspondence with the Chief Protector advocating the establishment of a town reserve settlement. He made a long report on the exploitation of Aboriginal women for sex and labour by local pastoralists and proposed housing the women in a town reserve whilst the men continued in pastoral employment. In 1936 Mr Roles estimated that there were 80 Aboriginal occupants of three town camps. He identified a site about three

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kilometres from town with a 3.6m well.

Two of the existing camps lacked permanent water supply. The Carpentaria Shire Council had supported the reserve proposal on the grounds of the health problems associated with the existing camps, which lacked toilet facilities. Reserve R78 of 180 acres was eventually gazetted in March 1939 but the other camps apparently continued in existence. (Memmott & Kelleher 1995:27-30.)

Rolly Gilbert, a Kurtijar man who had been a station worker since childhood, recalled of this period:

“Starting about the time of World War 2, white people began moving us off the stations and into Normanton, far south of our traditional land. It was only then that we really began to understand that our land was being taken away from us. In Normanton there wasn’t much for us...” (Memmott & Kelleher 1995:30.)

In 1942 Reserve R78 was inspected by a new local Protector and found to be unsatisfactory on several grounds. All R78 residents were moved to the existing Hospital Ridge Camp during 1942. In 1944 it was estimated this camp of 30 humpies, normally accommodating 60 people, held up to 400 people at Christmas time and Race time. Numbers resident would increase to about 200 during the wet season. A number of health problems were mentioned in this camp during the war years. They included yaws, skin diseases and tuberculosis. This camp was part of a new reserve (R79) of about 112 acres that was proclaimed in 1948. In about 1952 Aboriginals who had been camped at Karumba since the 1930s were also moved to the Reserve. (Memmott & Kelleher 1995:27-29.)

In 1948 the Reserve (R79) had been inspected by the Minister for Health and Home Affairs who was appalled at conditions. Plans were then made for the erection of four large sheds as accommodation. These were purchased in 1953 but, despite numerous official reports critical of health conditions at the camp, were not erected until 1956. Their cost was paid for by a 5% levy on the Aboriginal people’s bank accounts. However, the new sheds were not satisfactory housing. They leaked, and there were no adequate water supply, cooking, laundry, toilet or bathing facilities. The people living in these sheds had little privacy and were heavily overcrowded. No allowance was made for traditional obligations of avoidance. In 1957 eleven of the original humpies were also still in existence. (Memmott & Kelleher 1995:31-32.)

In 1956 following an incident with two white ringers, non-Aboriginal people were officially banned from the Reserve. This rule was strictly maintained into the 1970s. Three kitchen sheds with wood stoves and a dining shed were provided in 1959. (Memmott & Kelleher 1995:31.)

During the mid-1960s water was connected to the Reserve. However, an Australian Inland Mission school which had been run on the Reserve since the war years was closed in 1962 and enrolment of Aboriginal children in the town school was opposed by a group of white citizens. Similarly, when the Government proposed to build 8 houses for Aboriginal people within the Normanton township in 1969 a group of white citizens opposed the proposal. Rolly Gilbert, Kurtijar, interviewed by the press, had this to say:

“My people are hurt. Our feelings have been injured, our pride has taken a blow ... I cannot understand why some of the white people in Normanton would want to do this. We have worked for them and with them for years. We have worked on their cattle stations and their roads and have helped to build their homes. We have helped make many of these people what they are today and they turn round and do this to us. Many of our native women in the camp have helped rear white children. They have acted as baby-sitters, nursed children and cooked for white families ... The women who are to go into the new houses are disgusted at what the white people are saying of their cleanliness.” (Memmott & Kelleher 1995:31.)

Writing in 1969 shortly after the Normanton housing controversy, Stevens gave the following description of accommodation at the Reserve:

“Closer inspection of the reserve does little to relieve the depressing first impressions. For struggling away in a masquerade of Western community habits are some fifty families which have been thrown together in a collection of garage-like structures which, if used to house European prisoners-of-war, would be judged as a crime against humanity.

The huts, which measure approximately sixty by twenty feet, are the standard type of structure one finds on many Queensland properties to house machinery or act as an animal or hay shed. They are unlined and have solid concrete floors.

As though in keeping with the farmyard reference, each hut is split into twelve pens with a corridor



running down the centre. As the walls do not go to the roof and they have no ceilings, they can hardly be described as rooms.

For ease of maintenance, the corrugated iron divisions are slightly elevated above the concrete floor to allow the occupants to run a hose through the areas to rid them of the soil and smell of human occupation.

As the sheds were obviously designed for other purposes there is not sufficient windows for each pen. Where they do exist they are also of corrugated iron and of 'push out' design.

The occupants of the pens unfortunate enough not to have window, have invariably kicked a section of the iron away to allow some cross ventilation in what would be, under any circumstances, a stifling atmosphere.

Whilst most of the men are out working on the surrounding cattle stations during the year the six huts house a permanent population of upwards to one hundred and fifty people. When the men come home, for either the race meetings or for a longer break stretching upwards to four months during the wet season, the full complement of the town's three hundred Aborigines are expected to seek shelter in what becomes, veritably the Black Hole of Carpentaria.

Simple arithmetic will demonstrate that, during the high period of occupancy, each indigene is able to obtain some twenty-five square feet of floor space. As beds are not provided this barely enough for a stockman to stretch out his swag to rest. The result of this overcrowding is the erection of shanties around the huts during the holiday season. Some of these remain as residences after the men have returned to work. However, they normally disappear following orders by the Protector to 'clean up the reserve'. The families involved are then herded back into the personal oblivion of the sheds.

In these circumstances there is, of course, no privacy or sanctity of family life. Inter-personal relations on the reserve simply bubble along at a level slightly short of riot. The resulting effect is a complete fractionalisation of parental control and constant overt demonstration of delinquent behaviour. ... Any resident with varying psychological requirements is carried along on the maelstrom of the lowest common denominator. ... The food and

ablutions areas are similarly communal property and reflect the same absence of privacy of ownership.

Each shed has a kitchen annex fitted out with three fuel stoves standing on ornate iron legs. There is no other furniture to encourage the Aboriginal wife to develop the culinary arts so treasured by the lighter skinned Normanton women. ... Water for cooking is drawn from a tap at the end of the dormitory sheds and the tap is approached across a quagmire stirred up by children and dogs revelling in the ooze. ... most family groups are forced to devour their food either standing up with their plate in their hand, or sitting in the dust with their food between their feet.

The state of the small communal shower area is sufficient evidence, however, that, given reasonable facilities, the Aborigines on the settlement not only appreciate the use of them but adopt a standard towards them which the townsfolk would find hard to match. At least this was my thought whilst standing outside the shower area one winter's morning waiting my turn, with soap and towel in my hand, watching a stream of shivering residents emerge from the blast of cold water. Indeed the general condition of the toilet areas on the reserve was far better than those in the hotels and garages in the town which were used primarily, by European clients." (Stevens 1981:130-131.)

After the Station Hands Award gave equal wages to Aboriginal stockmen in 1968, the numbers living at the Reserve increased substantially. From that time on there were fewer women and seldom any children living on the stations. (Memmott & Kelleher 1995:31.)

Throughout Chapter 2 of Memmott and Kelleher's study extensive evidence is given of the exploitation of Aboriginal people and of their powerlessness to end the abuse of their rights. The 'mainstream' community easily forgets this shameless abuse: an oversight that in recent years has been given vocal political expression in Queensland and at the national level with a belated insistence on equality before the law. Many injurious actions since 1864, of both settlers and governments, have a continuing impact on the Kukatj, Gkuthaarn and Kurtijar and the few remaining who represent the other seven language groups occupying the region before 1864.

CHAPTER 5: FINDINGS FROM THE KUKATJ, GKUTHAARN AND KURTIJAR



f) Ongoing assertion of Native Title Rights

Despite the extreme hardship of their contact history since the 1860s the Aboriginal people of Normanton, primarily the descendants of the Kukatj, Gkuthaarn and Kurtijar peoples, have maintained a connection to their traditional lands and seas.

This is despite the following circumstances (as outlined above):

- their 'dispersal' at times from particular areas of lands and seas by the illegal actions of settlers;
- the illegal support given to settlers in those actions by the colonial government;
- the excessive force applied (atrocities committed) by settlers and the agents of the colonial government in dealings with the Kukatj, Gkuthaarn and Kurtijar and other Aboriginal peoples of the south-east Gulf of Carpentaria;
- the denial of accepted human rights to the remnant Aboriginal peoples of the south-east Gulf of Carpentaria until well into the 1970s; and
- the social and economic marginalisation of the remnant Aboriginal peoples of the south-east Gulf of Carpentaria until the present day.

The Aboriginal people of Normanton cannot accept that it is consistent with Australian and British law that the victims of illegal actions may be denied their lawful rights by virtue only of the changes in their environmental relationships achieved by those illegal actions. Accordingly the Kukatj, Gkuthaarn and Kurtijar maintain that it is their right to be consulted and to participate in the planning, policy making and management of their traditional seas as though their relationships with their traditional culture, lands and seas had not been compromised by force.

B. SALTWATER ISSUES, PROBLEMS AND CONCERNS OF THE KUKATJ, GKUTHAARN AND KURTIJAR AND THEIR ROLES IN SALTWATER MANAGEMENT

a) Century Zinc environmental impacts anticipated in Social Impact Study – problems and concerns of the Lardil, Yangkaal and Kaiadilt.

Possible environmental problems arising from the Century Zinc Limited (CZL) Mine were identified in the Century Mine Social Impact Study (Memmott & Kelleher 1995). To some degree CZL was able to give some assurances addressing those concerns. However, definite assurance acceptable to the Kukatj,

Gkuthaarn and Kurtijar could not be provided in most cases. Memmott and Kelleher commented on CZL's responses to an issues paper distributed within the Normanton Community, noting that the company had addressed many of the issues in terms of 'broad schematic plans' which could not be effectively evaluated until further developed. The specific issues with which the Normanton community had been concerned had included:

1. Marine pollution through the spillage of lead and zinc concentrate by low-level continuous spills, larger spills as a result of handling errors whilst trans-shipping concentrate, the sinking of a loaded barge or bulk carrier ship or the impact of cyclones;
2. Marine pollution through pipeline leaks; and
3. Marine pollution through the release into Gulf waters of ships ballast waters which may, for example, carry invasive foreign life forms;
4. Marine pollution through the circulation of sediments stirred up by dredging – this could possibly have detrimental effects on sea grasses (including those on which dugong and turtle feed). (Memmott & Kelleher 1998:78-85.)

The above anticipated impacts, whilst not raised as a specific concern of the Kukatj, Gkuthaarn and Kurtijar in the current project, are of concern to the Yangkaal and Lardil (refer Ch.2:25) and the Kaiadilt (refer Ch.3:28). The persistence of these concerns among a large part of the coastal Aboriginal population of the south-east Gulf of Carpentaria shows that:

- either there is on-going environmental damage associated with the Century Mine; or
- there is no on-going damage but existing monitoring and community liaison arrangements are not adequate to effectively inform the communities in question of the true picture.

This observation has strong implications for the NRMP and the Scoping Project. The level of mistrust of official pronouncements by Aboriginal people is, in the author's experience, very strong. That mistrust may appear quite reasonable to persons familiar with the contact and subsequent history of Aboriginal people as outlined in this Chapter. Statements about the scientific status of any particular aspect of the NPA seas may be subject



to similar doubts if they are at all inconsistent with the direct perceptions of the Aboriginal people of the area.

It may be of value to the National Oceans Office to consider strategies for winning the confidence of Aboriginal communities in relation to questions of fact about their traditional seas and the species that inhabit them. Those strategies should probably include:

- ways of involving community rangers or other community representatives (after appropriate training provision) in the scientific monitoring of the marine environment; and
- developing means of communication with communities which support the transmission of relevant findings (of scientific monitoring of the marine environment) in a manner which is interesting and accessible to persons of only basic literacy skills.

Involving communities in the monitoring process and regularly disseminating scientific information in an accessible and acceptable format would do much to build the social capital (including the trust and cooperation) of the communities required for their effective participation in the NRMP process and subsequent management. Failure to engage the Indigenous communities at this point may lead to long-term difficulties and difficulty in achieving cooperation in the long-term.

b) Issues raised at Workshop on 3rd September, 2003 - Saltwater

The following Saltwater issues and proposals were raised at the Workshop of Kukatj, Gkuthaarn and Kurtijar Traditional Owners on 3rd September 2003:

- The need for regionalisation of Land and Sea Resource Management Offices in the Gulf of Carpentaria. This would entail sharing of information, resources, support networks to operate across sea country. Traditional Owner Rangers to be employed, resourced and trained for enforcement duties within traditional land and sea territories including buffer zones. Ranger placements to be arranged, for example in Kowanyama, to learn from the successful Centre they have operating there;
- The need to utilise Northern and Southern Gulf Catchments resources to assist in goals of protection of sea country (Paul Hill – Indigenous Liaison Officer for Southern Gulf, based in Mt

Isa; and Noelene Gross – Indigenous Liaison Officer for Northern Gulf, based in Georgetown);

- The need for CLCAC to employ a Land and Sea Management Project Officer to assist Traditional Owners implementing these goals;
- The Kukatj, Gkuthaarn and Kurtijar seek State Government assurance of access over existing pastoral leases to their traditional waters;
- The need for protection of the intertidal area by creation of a buffer zone which is closed to professional fishermen and crabbers. Entry to only be permitted in emergency situations with bad weather and/or repair to boats (does not include the repair of gear such as nets). Strictly no camping in this area (this will prevent camping in the area by professional fishermen and crabbers);
- The need for different types of permits: one for camping; one for fishing (with subclasses of professional licences, recreational licences and different lengths of licence);
- Renewal/issue of Queensland/Commonwealth commercial fishing permits for the Gulf to be contingent on the applicant first undertaking or having undertaken a course in cultural awareness. Prior to being given a tourist permit the applicant must be provided with information on cultural awareness;
- Commercial fishermen now have to pay to enter or pass Delta Downs station: that rule should be introduced right across the country where the Traditional Owners control the land;
- GIS mapping should be undertaken and a database compiled showing all sacred sites, story places, all sites of significance on land and in sea country for in-house use and provision to Traditional Owners;
- A camera to be acquired for proposed rangers to record evidence of destruction of areas, nets and debris washing up, vegetation such as mangroves on coast etc.

c) Issues raised at Workshop on 3rd September, 2003 – Coastal Lands

- There is an urgent need for the State Government to change the terms of pastoral leases in order that Traditional Owners be able to access pastoral properties;
- The following properties are within the territories of the Traditional Owner groups shown:

CHAPTER 5: FINDINGS FROM THE KUKATJ, GKUTHAARN AND KURTIJAR



Kurtijar Traditional Area	Gkuthaarn Traditional Area	Kukatj Traditional Area
Vanrook	Magowra	Inverleigh
Dorunda	Inverleigh	Wernadinga
Miranda Downs	Glenore	Warren Vale
Stirling	Kelwood	Newmayer Valley
Double Lagoon		Tempe Downs
Lotus Vale		Floraville
Myra Vale		
Macaroni		

- Changes to lease terms should provide specifically for:
 - Access for Traditional Owners over pastoral leases to burial sites, hunting grounds and waters;
 - Access for protection of all sites of significance on all relevant pastoral leases;
 - Access to fish, hunt camp, carry on traditional ceremonies, gather traditional foods and materials for didgeridoos boomerangs etc on all relevant pastoral leases.
- Educate pastoralists and the broader public regarding exercise of Native Title rights and implications for access to and protection of sea country. This needs to involve cultural awareness, environmental protection and respect;
- Carpentaria Shire Council need to understand the importance of sea country to Normanton-region groups, and to support and encourage attempts to educate and inform broader public within Shire;
- Control of feral animals and weeds on coast which cause damage to natural habitat;
- Monitoring program to evaluate the effect of tourism on country to ensure that excess use and camping of a particular area does not occur;
- Distribution of educative brochures and information to advertise permit system, rights of Traditional Owner, relevant cultural information etc;
- Training to occur on country by Elders for junior rangers;
- Run ranger training and employment through local CDEP together with employment agency training (such as North Queensland Employment Agency), which provides a bonus to the local community CDEP with reduced costs and will be accredited training;
- No non-Indigenous hunting on traditionally owned country.



Fishermen with grass twine nets From Birtles 1916



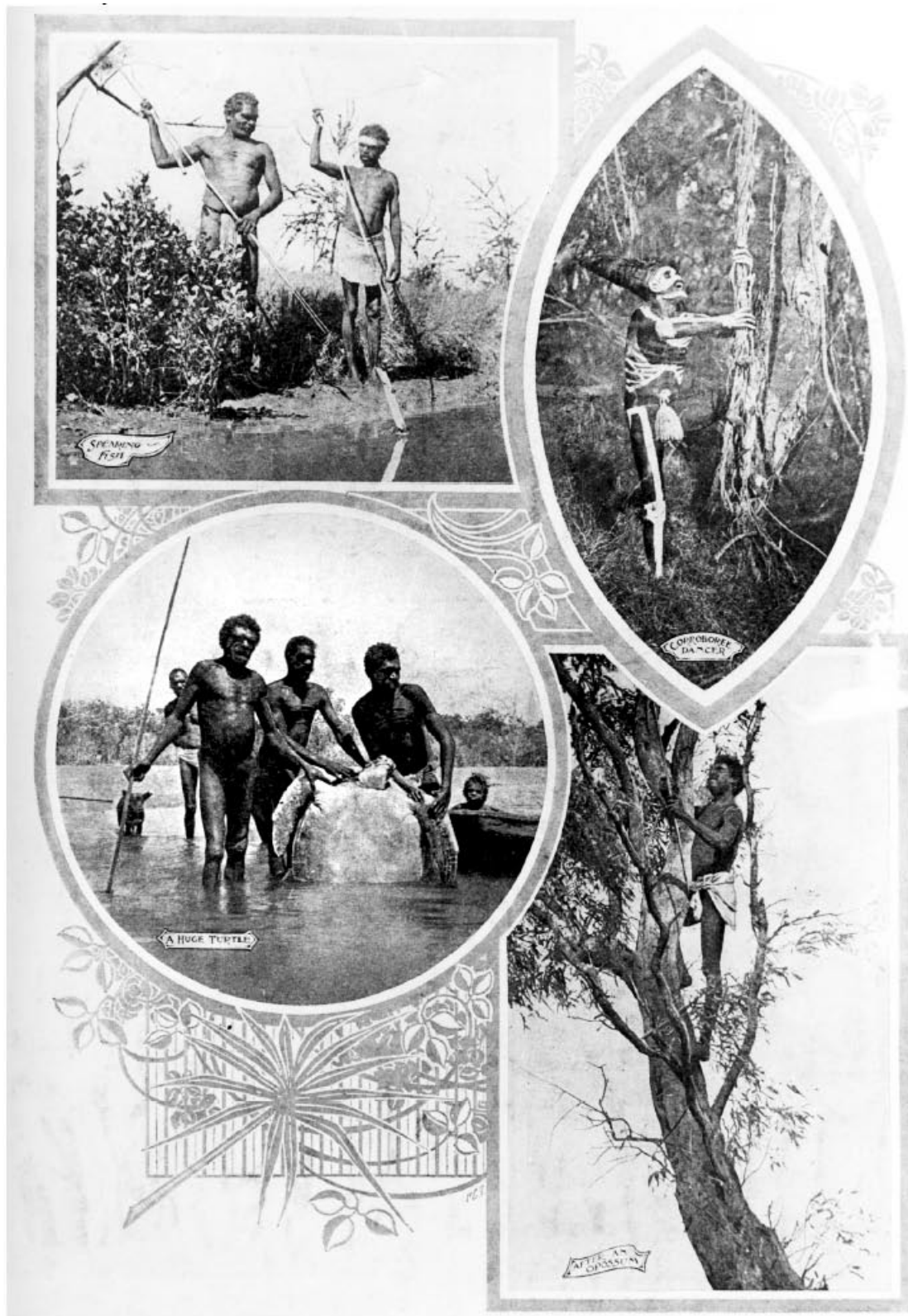
Man painted up for dance From Birtles 1916



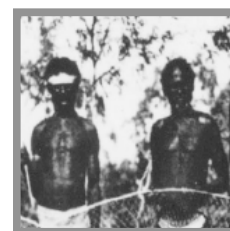
CHAPTER 5: FINDINGS FROM THE KUKATJ, GKUTHAARN AND KURTIJAR



Group of photographs from Birtles 1916 Top L: Fishermen with fish spears Top R: Dancer painted for "Devil Dance" Centre: Hunters with large turtle Bottom: Man hunting possum







CHAPTER 6: SUMMARY OF SEA COUNTRY REGIONAL ISSUES FOR SOUTH-EASTERN GULF OF CARPENTARIA

Regional outcomes of the consultation were endorsed at the Workshop (sponsored by the National Oceans Office) at Gununa, Mornington Island on 2-3 September 2003 with representatives of Lardil, Yangkaal, Kaiadilt, Gangalidda, Garawa, Kukatj, Gkuthaarn, and Kurtijar Traditional Owners. After separate Workshops for each of these groups (as detailed in Chapters 2 to 5 above) a plenary session of all representatives agreed to endorse the following issues and proposals applied to the whole Region.

1. BOTTOM-LINE ISSUES

1.1 Aboriginal Law needs to be respected by both White people and Black people

Australia is a multi-cultural society: rights to mutual respect are enshrined in Australian anti-discrimination laws and are an established aspect of Australian culture. Specific recognition of Aboriginal cosmological and religious beliefs and associated laws may not, however, have been given in the past as readily as it was given to other immigrant religions. The Aboriginal Traditional Owners of the lands and seas of the south-eastern Gulf of Carpentaria continue to seek that specific recognition.

There are direct and practical consequences of recognition of the right of Aboriginal people to their own ancient religion. Taking it on its own terms, as described in the foregoing Chapters, it is closely tied to an appreciation of specific 'countries' (including the sea) and to the 'history' of specific sites or areas in those 'countries'. Particular people may have a special 'controlling' status in respect of specific sites or areas. That status may be verified by reference to Aboriginal Elders. Access to different sites and areas may be limited to different individuals or classes of individuals. Generally speaking, access to any particular part of a traditional (land-and-sea) 'country' requires the consent of a traditional owner, and probably one of special status (such as a *dulmada*).

The repression of Aboriginal culture in the south-eastern Gulf of Carpentaria since the 1860's has encouraged culturally ignorant and exploitative

understandings and attitudes on the part of those dependant for an income on the coastal lands and waters. Redress of that situation may be possible with the assistance of a government-supported program of cultural awareness promotion.

1.2 Native Title to land and sea to be recognised across the Region

The principles spelled out in Australia's Oceans Policy make it clear that the regional marine planning process can straddle State and Federal jurisdictions in relation to territorial issues. Furthermore they attempt to assure the needs and interests of coastal Indigenous communities. In particular:

- "... it will respect the social, cultural and economic relationships that Aboriginal and Torres Strait Islander communities have with their traditional sea 'countries';
- ... it will protect the traditional rights of Aboriginal and Torres Strait Islander communities in relation to the use, conservation and management of the ocean environments in which they have established interests;
- ... the cultural interests, traditional knowledge and management practices of Indigenous peoples should be recognised and incorporated into ocean planning, policy development and management;
- ... it will seek to ensure that traditional conservation and use practices are valued;
- ... the reliance of many coastal Indigenous communities on marine resources will be treated as an important ocean use;
- ... Indigenous communities will be given every opportunity to take up commercial activities related to the oceans;
- ... the Government will continue to work with Indigenous communities to establish Indigenous protected areas and to support Indigenous training and employment in jointly managed parks;
- ... Local Indigenous communities will be encouraged to participate in local industries and in management strategies and to continue to share responsibility for the management of ocean resources". (Aust, Env't. Aust. 1998:8,30,40.)



These processes are unconditional; they are not expressed as being dependent on judicial recognition of native title rights. Accordingly the Aboriginal communities seek to have the NRMP process recognise their interests in all the seas adjacent to their traditional lands, as far to sea as the eye can see. These are the areas of sea covered by the Wellesley Sea Claim plus all seas visible from the coast throughout the remaining area (ie between the Northern Territory border and the Staaten River).

Similarly, as effective control of the inshore seas requires management of all tidal areas (regarded in Aboriginal culture as part of 'saltwater country') the Aboriginal communities seek complementary State legislation endorsing an Aboriginal role in all adjacent coastal lands.

1.3 Aboriginal management of land and sea to be implemented across the Region

The Aboriginal Traditional Owners of this region seek to have the NRMP implement a system of Aboriginal management of traditional sea and land 'countries' through an Aboriginal Ranger Service supported by Regional Land and Sea Management Offices. It is expected that these arrangements would also permit cooperation and a degree of integration with Federal and State Fisheries Departments and enforcement officers.

1.4 Aboriginal Rangers to work across the Region for Land and Sea Management

It is proposed that all Aboriginal Rangers within the Region would form a regional service under one employer with standard regional training and a set of regional career paths.

1.5 Access of Rangers and Traditional Owners to all coastal areas and seas

Although Native Title rights allow native title holders to access their traditional lands for traditional hunting and gathering and other purposes, it has been difficult (in some cases since as early as the 1860's) for traditional owners to assert those rights against opposition from pastoral lease holders. The Aboriginal people of this Region seek the specific legislation of those rights to assure access by Rangers and Traditional Owners to all coastal areas, seas and cultural sites in the Region.

1.6 Ongoing support for Traditional Owners in return to Homelands

Proper care of their lands and seas requires Traditional Owners to spend time in their traditional estates. The Traditional Owners seek the support of governments for their continuing return to their homelands. This process has been commenced with government assistance for the outstation movement.

2. SOUTHERN GULF OCEAN PLAN

2.1 Negotiations to commence immediately

The Traditional Owners seek the immediate commencement of negotiations between all levels of government, commercial fishermen and themselves to develop a Land and Sea Management Plan (LSM Plan) for the Southern Gulf of Carpentaria which will in turn form part of the Northern Regional Marine Plan.

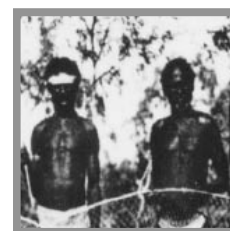
2.2 Affirmation of the Commonwealth and State laws and regulations

The Traditional Owners affirm the value of Commonwealth and State fisheries laws and regulations and the intention that they be incorporated in the LSM Plan to ensure sustainable fisheries across the Region.

2.3 The Plan to utilise buffer zones

It is the intention of the Traditional Owners that the LSM Plan for the Southern Gulf of Carpentaria will define zones and classify sea areas. The Plan will contain associated zone-specific rules of access and use for recreational and commercial fishing (in both State and Commonwealth jurisdictions).

The proposed zones would extend 'as far as the eye can see' from land. Calculating that distance is a complicated task, involving many variables such as the state of tides, amount of sea surface movement, height of viewing person, height of vantage point above sea level, atmospheric visibility etc. In the Wellesley Sea Claim, naval consultants were engaged to make these calculations for the Federal Court. The distances varied. Along the low mainland coast of the Gangalidda they ranged from only about five to ten kilometres. Around the more elevated islands the distances are much greater, often 20kms and up to 23 or 24kms in certain places (eg from Inspection Hill on Sweers Island). The Traditional Owners point out that this is a relatively small part of the southern Gulf of Carpentaria and that the southern Gulf fishery is far more extensive. The Traditional Owners would contrast the relatively modest extent of this total



area with the comparatively massive area of the new Great Barrier Reef zones announced by the Australian Government in November 2003. The new Great Barrier Reef zones will increase the protected area of the Reef from 4.6% to 33%. (The Age 2003.)

2.4 The LSM Plan to guarantee protection of culturally significant sites

The Traditional Owners propose to negotiate agreement between State and Federal Governments and LSM Offices assuring the protection of all culturally significant sites.

2.5 Training needed for Aboriginal Rangers

Training for Aboriginal Rangers needs to be incorporated in the LSM Plan to support them at the local and at the regional level so that they can operate effectively in all coastal areas of the Region.

2.6 Links to Southern Gulf and Northern Gulf Catchments Projects

The Traditional Owners seek the complementary involvement of NHT-funded Southern and Northern Gulf Catchment Projects to support preparation of the proposed LSM Plan.

2.7 Marine research to occur through Aboriginal Land and Sea Management Offices

The Traditional Owners propose that all future marine research within their traditional seas be undertaken through and in cooperation with Aboriginal LSM Offices: this will provide capacity building and scientific training for Traditional Owners.

2.8 Public education on Aboriginal cultural values and sea management

Public education on Aboriginal cultural values and sea management is required, and needs to be provided for as part of the LSM Plan, to promote understanding and acceptance of Aboriginal rules concerning use of seas and coastlines. Brochures and other educational materials need to be developed and distribution strategies agreed.

2.9 The Plan should incorporate Coastwatch and Immigration Issues

The LSM Plan should incorporate Coastwatch and Immigration issues so that Rangers and LSM Offices can participate in the prevention of illegal entry of foreigners.

3. OPERATIONAL STEPS AND GOALS

3.1 Need for a Southern Gulf Traditional Owners Incorporated Association

The Traditional Owners of the southern Gulf need to form an incorporated association to enable them to legally engage in the Plan and in consequent administrative actions including the operation of LSM Offices and employment of Rangers.

3.2 Carpentaria Land Council Aboriginal Corporation (CLCAC) to negotiate with government

The Carpentaria Land Council Aboriginal Corporation is acceptable to the Traditional Owners to negotiate for funding for land and sea management pending the formation of an incorporated association.

3.3 Regionalise LSM offices and administration

The establishment of LSM Offices encompassing all coastal areas and Traditional Owner Groups is to be planned on a regional basis.

3.4 Permit fee system to be implemented

A system of permits and permit fees is to be established and applied wherever possible to tourists and recreational fishermen using traditional land-and-sea countries so as to raise recurrent funds for Aboriginal LSM activities.

3.5 CLCAC to assist with implementation of the Land and Sea Management Plan

The Carpentaria Land Council Aboriginal Corporation is sought to assist Traditional Owners with LSM planning and to appoint a special projects officer to get it started.

3.6 Develop strategies to resource each Aboriginal Ranger group

Strategies need to be developed to resource Ranger groups, based with regional LSM offices, with 4WD vehicles, large dinghies and motors, trailers, two-way radios, cameras and operational budgets.

3.7 Computerised database system to be established

A computerised database system is to be established and networked for the whole region, supporting Rangers in their duties.





APPENDIX 1: REGIONAL MARINE PLANNING – NORTHERN PLANNING AREA

Extracts from an information brief by National Oceans Office (2003):

Australia's Oceans Policy was launched in 1998 - the International Year of the Oceans. Some of the key goals of Oceans Policy are to:

- Understand and protect Australia's marine biological diversity;
- Promote ecologically sustainable economic development and job creation;
- Accommodate community needs and aspirations; and
- Establish integrated oceans planning and management arrangements.

The primary means by which the Commonwealth Government is demonstrating its commitment to integrated and ecosystem-based management of the marine environment is through the regional marine planning process.

In September 2001 the National Oceans Ministerial Board (NOMB) agreed to the commencement of regional marine planning in the Northern Planning Area. The area comprises the Torres Strait, Gulf of Carpentaria and Eastern Arafura Sea (to a line 133° 23' East - coinciding with the Goulburn Islands).

The Torres Strait has subsequently been separated from the remainder of the planning area and is being handled as a separate planning process with close links to the Torres Strait Treaty obligations and consultation process, the Torres Strait Regional Authority and the newly approved Torres Strait CRC.

Queensland and Northern Territory Cooperation

The Chair of the National Oceans Ministerial Board, the Hon Dr David Kemp, wrote to the Queensland Premier and Northern Territory Chief Minister in December 2001 inviting them to participate with the Commonwealth in the development of a marine plan for the Northern Planning Area. The Chief Minister and Premier responded favourably in March and April 2002 respectively, but contingent upon the development of agreed Memoranda of Understanding between the Commonwealth and Queensland and the Northern Territory governing the working relationship between the jurisdictions during the scoping phase of the Plan's development.

An MoU has now been concluded with each jurisdiction (the terms of each are identical).

The Hon Kon Vakkalis, Minister for Lands and Planning, and the Hon Dean Wells, Minister for the Environment, are the Ministers responsible for input to the process by the Northern Territory and Queensland respectively. The Queensland Environmental Protection Agency and the Northern Territory Department of Infrastructure, Planning and the Environment are the lead agencies to coordinate the Queensland and Northern Territory whole of government input to the regional marine planning process.

Officials are currently engaged in the development of a draft Scoping Report and accompanying information. Section 15 of the MoU outlines the intended content of the Scoping Report and accompanying information and is attached at the end of this brief for reference. In addition, agreement on appropriate institutional arrangements to support the planning process and mechanisms to enable joint decision-making will be pursued as part of the scoping phase. Discussions on these issues are at an early stage. Upon completion of the scoping phase in late 2003, Queensland and the Northern Territory will decide whether or not to participate further in the planning process.

Following the scoping phase there will be a formal assessment phase commencing in 2004. It is anticipated that this phase will seek to address those issues agreed as the key planning issues for the regional marine planning process through multi-stakeholder working groups and targeted research and information projects. These issues will be formulated from an initial list collated from all key stakeholder groups with interests across the Northern Planning Area.

Input from stakeholders will be sought on those marine planning issues that they consider to be key planning issues for the regional marine planning process in the Northern Planning Area.



Research and information

Northern Planning Area

The National Oceans Office is continuing to refine its Information and Research Strategy supporting development of the Northern Marine Plan, with input from Queensland and the Northern Territory as well as Commonwealth scientific and research agencies. The contact officer for the Information and Research Strategy is Steve Jackson (Steve.Jackson@oceans.gov.au). Projects funded, or in the process of being funded, under this strategy include:

1. Description of Key Species in Northern Planning Area

The information in the report will be used as a basis for developing ecosystem models in the Area (eg seagrass, mangrove, open ocean etc), assist in the identification of critical habitats and provide direction for, or clarity on, key research needs for important species (addressing information gaps). Key species will include important commercial, recreational, cultural and conservation dependent species, as well as important by catch species. Key researchers and office staff are currently finalising the project design.

2. Description of State and Territory marine management and institutional arrangements

Commonwealth marine management and institutional arrangements are being collated by the Oceans Office. For each marine activity there will be information on relevant legislation, regulation, administrative arrangements, policies and plans, and Institutions. This information will then be entered onto a database for the use of governments and others with an interest in marine planning and management. Minter Ellison Lawyers is currently contracted to undertake this project.

3. Overview of major uses and ecological characteristics of the Northern Planning Area

This report, due for release soon, will provide a summary of the environment and activities in the Northern Planning Area and highlight some of the features that make this area important.

4. Finding solutions to derelict fishing gear and other marine debris in northern Australia

Jointly funded by Environment Australia and in cooperation with the World Wildlife Fund and the Dhimmurru Land Management Aboriginal

Corporation, this is a publicly released document available from the National Oceans Office website, www.oceans.gov.au. It seeks to identify strategic actions to address marine debris problems across the planning region.

Other major studies addressing information needs and communication products and strategies for the Northern Planning Area to be completed this year are identified in the MoU and are listed as part of the attachment. Other significant projects are undertaken as part of the Office's National Work Program.

Significant projects related to habitat mapping, ecosystem modelling of tropical ecosystems such as sea-grasses and marine debris related studies are all likely longer term projects to be undertaken as part of the planning process.

National Work Program

The National Oceans Office is funding two streams of work nationally that will have particular relevance for the Northern Marine Planning area. The National Bioregionalisation Work Program aims to update regionalisation of Australia's oceans with particular emphasis on waters greater than 40 metres depth or offshore of 3 nautical miles. Projects under this work program include mapping of demersal fish, updating bathymetric coverage of Australia's ocean floors, mapping sediment distributions and mapping ocean characteristics (eg primary productivity, currents, water masses). In addition, scoping projects are investigating the usefulness of invertebrates and marine plants for bioregionalisation. Collation and update of national datasets on mammals, reptiles, birds and pelagic fish is being considered as an adjunct to the bioregionalisation work program. These groups are unlikely to define bioregions but may be useful in describing the characteristics of bioregions and will certainly be important in regional marine planning. These projects are national in scope. Bioregionalisation for the Northern Marine Planning area will be based on datasets particularly relevant to North - data such as turbidity, sediments, seagrass, waves and tides may be more relevant in the northern region than data used at a national level (eg depth) for defining finer-scale bioregions. Data and analysis needs for Northern Australia bioregions will be refined in the context of the Research and Information Needs Strategy. All outcomes of this work program will be fully integrated with the existing IMCRA (Interim Marine and Coastal Regionalisation of Australia).

The National Oceans Office is investigating options with AFMA, NORMAC and CSIRO to extend the biodiversity



sampling for the Gulf by contributing to the field and processing resources available for these studies. Initial discussions have included the potential to extend the area surveyed and the post-cruise identification of samples collected. The National Oceans Ministerial Board has approved the funding of the Office's contribution to these projects.

The present focus of the Socioeconomic work program is on collating and mapping socioeconomic information relevant to regional marine planning. Planned projects include national mapping of fisheries and non-fisheries uses (2 projects), similar to the Marine Matters Atlas for the South-east Marine Region. The Office is currently investigating projects on selected socio-economic information on coastal communities (eg employment in fisheries, unemployment) for contextual background for planning. As for bioregionalisation work, some of these projects will be national in scope, while others will be designed specifically for the North.

Ms Vicki Nelson is the officer in the Office's Science Team responsible for science issues off northern Australia.

International

The National Oceans Office has been active during 2002 and early 2003 in developing closer relationships with Indonesia, East Timor and Papua New Guinea in the field of marine research and information sharing to support regional marine planning and oceans management. An example of this closer relationship is the Arafura and Timor Seas Expert Forum.

Arafura and Timor Seas Expert Forum (ATSEF)

The primary purpose of ATSEF is to provide an informal mechanism for the littoral states of the region (Australia, Indonesia, East Timor and Papua New Guinea) to discuss areas of potential scientific cooperation and collaboration to support an holistic and integrated approach to the sustainable management of the Arafura and Timor Seas. ATSEF also provides a mechanism to promote scientific and research capacity-building in the region, informally discuss research and management priorities and facilitate exchange of information likely to assist in more sustainably managing the Arafura and Timor Seas. The National Oceans Office is the lead Australian agency of the Forum which is made up of government and non-government members from the 4 countries. It was initiated in early 2002 by the Australian Marine Science Consortium, which comprises representatives from the CRC Reef, the Australian Institute of Marine Science and the Australian National University.

Linkage with other processes

The National Oceans Office is cognisant of other State, national and international planning and research activities currently in place or proposed for northern Australia and is actively seeking to maximise the benefits from linking with these activities. Examples include State and national coastal policies, Millennium Ecosystem Assessment, coordinated through the United Nations Development Program, and oceanographic research and monitoring. Whether any Northern Territory and Queensland marine and coastal planning processes are formally linked to the regional marine planning process will be decided by the respective governments upon the completion of the scoping phase.

Conservation measures

The National Oceans Office and Environment Australia have recently commenced initial discussions on the coordination of conservation measures in the Northern Planning Area, including the National Representative System of Marine Protected Areas. Efforts from both agencies to date have focused on the South-east Marine Region where broad areas of interest have been identified for candidate areas.

Consultation Strategy

Effective stakeholder engagement is a crucial element in regional marine planning. The National Oceans Office is working with Queensland and Northern Territory officials on the means to ensure that all key industry, conservation, Indigenous and other organisations are kept informed of developments and have opportunities to provide input. National Oceans Office officials have held a number of meetings with many key organisations to inform them in general terms about Australia's Oceans Policy, the role of the Office and the process by which regional marine plans are developed. Meetings between Commonwealth, Queensland and Northern Territory officials are being held on a regular basis.



Aims of the Scoping Report and accompanying information:

- (i) Provide the rationale for the development of the Northern Regional Marine Plan and the broad outcomes sought through the planning process;
- (ii) Describe the geographic area to be covered by the Northern Regional Marine Plan;
- (iii) Describe the existing responsibilities of State and Commonwealth agencies involved in the Northern Planning Area and existing institutional and management arrangements;
- (iv) Identify activities managed by the Commonwealth and Queensland that will be considered under the northern marine planning process;
- (v) Describe the proposed consultation activities for progressing the northern marine planning process;
- (vi) Provide preliminary identification of areas of particular environmental or cultural significance within the Northern Planning Area;
- (vii) Provide preliminary identification of the impacts of current activities within the Northern Planning Area;
- (viii) Identify social, economic and cultural issues about which further information is required;
- (ix) Identify key biophysical, ecological and environmental knowledge gaps to be addressed through the northern regional marine planning process;
- (x) Identify institutional and jurisdictional issues requiring further analysis through the northern marine planning process;
- (xi) Describe the institutional, consultation and reporting arrangements proposed for the remainder of the northern regional marine planning process;
- (xii) Identify the issues which will form the basis of assessment reports;
- (xiii) Describe the processes proposed for preparing the Northern Regional Marine Plan; and
- (xiv) Include anything else jointly agreed to by the Commonwealth and Queensland.



APPENDIX 2: MINUTES OF WORKSHOP AT GUNUNA, SEPTEMBER 2ND AND 3RD, 2003

Wunnan Williams:

Lardil welcome to country and one minutes silence.

Kelly Gardner:

Explained brief overview of National Oceans Office project

Paul Memmott:

When you land at the airport you can't help but remember all the people who have died in the sea. We might start by going around the room and everyone introducing themselves – where they come from and who they represent.

Joseph Rainbow: Chairman of Kurtjar Land Trust

Phillip George: Deputy Chairperson Gkuthaarn

Tony Logan: Gkuthaarn

Alfie Johnny: Old Doomadgee - Gangalidda

Jack Green: Garawa - Robinson River through to QLD

Norman Kingsley: Garawa

Roger Kelly: ATSIC Regional Council, Bentick (Kaiadilt)

Wunnan Williams: North Side M.I.

Tony Sewter: observing – Waanyi, though have been living on Mornington Island for many years and understand the issues

Jagama Yanner: Gangalidda

Valerie Douglas: Old Doomadgee - Gangalidda

Delma Loogatha: Kaidailt

Shenane Jaco: Kurtjar

Netta Loogatha: Bentick

April Peters: Garawa

Clara Foster: My country Gunamulla - Gangalidda

Paul Memmott:

Some people here call me Bluefish.

Today we might have a couple of introductory talks, and talk about some of the worries. Tomorrow we might talk about knowledge about saltwater law and managing the sea, and how do people want to develop managing plans with the government etc.

Now we might ask Chantal here to give us some background on why we're all here.

Chantal:

I work with the National Oceans Office for the Commonwealth Government. This isn't a department, but an executive agency that reports to a ministerial board. In this case we report to 5 ministers. These are the ministers responsible for various aspects of the marine environment, including: Environment, Tourism, Industry and Resources, Transport and Regional Services, Fisheries and Science. Our role is to implement Australia's Ocean Policy, which was launched in 1998. We are implementing Australia's Ocean Policy in all of Australia's waters through regional marine planning.

The first Regional Marine Plan is on the southeast coast, from SA to NSW. What has happened there is that many stakeholders have got together to talk about how they use the marine waters, some of the problems in the use or allocation. The idea is to get all of the users of that water together and develop management plans with everyone's ideas.

The second Regional Marine Plan is here in the north and involves the Gulf from the Torres Strait, to include all of Gulf of Carpentaria, and across to the Goulbourn Islands in the Northern Territory. This is the first meeting we've had here involving the Indigenous groups of the Southern Gulf. Whatever we talk about here in the next few days we will document and put into a scoping report and in the next few years we will look at further developing these ideas and see how the government can help in doing that.

The NLC is doing the consultations for the Northern Territory side, CLCAC for southern gulf and Balkanu/ Cape York on the western side of Cape York. We are in the scoping phase now, and would like to develop a consultation strategy for the rest of the planning process. We want to develop a strong framework for how we can move forward



Roger Kelly:

What about when we had these judges here?

Delma:

We're just going over the same words we've all already told you; the CLC has all of this information already.

Paul Memmott:

We can update those ideas you've already given us.

Roger Kelly:

On low tide you can see on low tide right back to Forsyth from Cyrils Creek you can see, and I'd like to see that stay that way.

Paul Memmott:

Okay we'll give you a sea claim update first. Gangalidda, Lardil, Yanggal, Kaiadilt. You all gave evidence back in 1999. We're still waiting for that judge to put his findings forwards. The judge said he wanted to wait for some important cases that were being heard first – Croker, Ward, De Rose Hill and Yorta Yorta. The problem is that each of those cases raised the bar higher and higher in regards to proving and obtaining your Native Title.

Out of all the parties that opposed your Native Title, the Commonwealth Government fought that claim the hardest. The State Government went a bit easier. The Commonwealth Government was worried about two things. These people said they claimed as far as they could see. I reckon it was about 20km out that we worked out. When the whitefellas came back to us they said it was about 16km. The Commonwealth Government were worried about how far out to sea was claimed – they were trying to push it back closer to the coast. The other thing they didn't like is that all the coast country is divided up into clans or estates, with a dulmada, who is in charge of that part of the coast. There is a strong rule that says if you want to take anything from there you have to share the catch and ask permission from the dulmada. That means that white fellas would have to follow that law too, and ask permission. And this is what the Government is worried about; that white fellas would have to ask permission too. And if that happened here then Government is worried that other groups all round Australia will want the same thing.

Joseph Rainbow:

That's why the Commonwealth Government say it's a big no no because they like to look after their interest – its all about money.

Delma Loogatha:

Meanwhile our turtles are getting sick; meat is spitty and stringy, and dugong is the same. The fat is supposed to be green but its black. They did some testing and they say that it is the lack of sea grass. The colour of the meat – it's got all white jelly sticky stuff all over it. That's because of the mines that are all coming up.

Tony Sewter:

What is the role of the QLD fisheries?

Chantal Roder:

Queensland manage from high tide mark to 3 nautical miles out to sea, which includes line fisheries and a joint management role for northern prawn fisheries. The Commonwealth manages from 3 nautical miles to 200 nautical miles, where we border with Indonesia and PNG.

Joseph Rainbow:

And you try to get any funding to do any cultural heritage work – it's almost impossible. The worst one's that Ecofund – as soon as you mention the word culture in an application they chuck it away. At national level very hard to recognize cultural values in any policy.

Tony Sewter:

There needs to be pressure put on Queensland and Commonwealth Governments to give feedback to local communities. We've given over so much information – information that is sacred to these people and they shouldn't have told them, but they did it and what have they got to show for it?

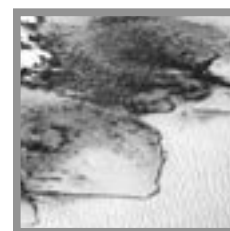
Joseph Rainbow:

Shouldn't we form a Steering Committee to put some force behind it? That way you get one big group together and the Land Council has more ammunition to work on it.

April Peters:

What about tourists? When I went in the chopper I saw a lot of tourists on the coast. They set their nets and they are wasteful people. We're not wasteful people – we share. We use everything that we catch, including the bones. They don't.

APPENDIX 2: MINUTES OF WORKSHOP AT GUNUNA, SEPTEMBER 2ND AND 3RD, 2003



Valerie Douglas:

We already had our management plan put together; that's our sea claim. There's Traditional Owners sitting on their land for the sea. There are a number of people here who are Traditional Owners. What I'd like to see is that we can be a strong voice to fight this government. I don't want to see another plane go down.

Delma Loogatha:

My mother was in that plane when it went down. Because of what Century mine did, putting that buoy in that important story place. That reef at Bentick Island; that's our story place. White people don't understand... .

Valerie Douglas:

Our own punishment is if we don't look after our sea is that we will die. That's our spirituality. That's our supermarket. White people aren't recognizing the Traditional Owners and aren't following the rules.

Delma Loogatha:

We're getting sick and tired of giving information, give give give, and getting nothing back.

Netta Loogatha:

The lives of our people have been taken away.

Tony Sewter:

These people are giving out this sacred information and are giving this information out and pending our sea claim we can't do anything. These white fellas are everywhere. There is no way for us to police that. We have one custom port that polices our whole area and that's in Weipa. There's no Ranger Service on this island. If the government is serious then they need to set these positions up and resource them so that they are utilised and resourced in the proper manner.

Jack Green:

All the jumping fish at Borroloola, we have song for that, it's very important for us and we are sick of giving out this information. We set up a sign, saying this is sacred site, and tourists, you know what they done, they came in and took pictures! There is a border there [QLD – NT border], it's been put there by white man, it can be taken away by white man. Here you're family, you're Gangalidda, here have a feed, we feed each other. We don't want to give our story away. Like this on the sea country here all our elders gone now, when we going to stop tourists, some are really good but others don't respect us.

Netta Loogatha:

The sea is our mother, us, we aboriginals, we got totems, me I'm dugong, my brother is a dugong, this one is a whale [referring to Delma]. The sea is just like a mother to us. This sea is our mother land, which we are responsible for looking after.

Jack Green:

Now when you go out and kill dugong he's weak, like when I went out before and tired to kill him, he would pull you along he was strong.

Tony Sewter:

When they do the testing is that information made public? Because we need to see the results of this so that everyone knows. All of these tests that they do on Century and other places should be made public and given to the people on the island.

Chantal Roder:

At the moment the regional planning is in the Commonwealth waters, not the inshore waters. But unlike the South-east Regional Marine Plan, the Queensland and Northern Territory Government have signed on to the developing stage. It's yet to be decided whether they want to participate in the ongoing plan.

Paul Memmott:

Like Jacky said there are white man's borders, am I right in saying that people here would like to see one plan only?

Clara Foster:

What do those trawlers do, they must drag the sea-grass too. We see them from Point Parker right in on the coast in the shallows dragging their chains through the sea grass.

Jack Green:

You always see those ads on TV with a Fisheries man holding up a little fish saying if you keep a little fish then you get in trouble. Whiteman only worried about the size so he can jam it down his throat, measure it with a tape measure. [For] Aboriginal people he's [fish, other marine species are] important to our song, to our Dreaming. Fish is important, goanna is important. It hurts Aboriginal people. Why don't we see Aboriginal people on ads holding up a fish and telling the white fella how important it is to us?



Wunnan Williams:

Few years ago we had a meeting with David Ritters from Birri and he said he would come and get us when tourists are going out. He's at Sandalwood now and he's got all the crab from there. He's got all the fish from Charlie Bush now. All of this is happening out there, he tried to come and get my father and it makes us wild. They just ignore us. They are dragging and wrecking the sea-grass.

Dave Birri taking people to story place too, mapped it, takes tourists out there to the reef. That reef they found out there, like the Great Barrier Reef, it's a big story place. Birri took them there, he knows it's a big story place.

Before you stop the tourists and fishermen you've got to stop him, these people. Sweers is same but a bit better.

Delma Loogatha:

He tried to bar traditional owners from the area. He's very bold. If they'd listen to us and respect our culture then maybe we'd be able to do the same for them.

Wunnan Williams:

This morning I told them we got story place for south-easterly wind, white clay you got to wash it in the water. This bloke white fella just said, well it's just a wind to me.

Delma Loogatha:

If they would just listen, they might respect us.

Tony Sewter:

These fisherman, they have a license that says they are only allowed to fish within a certain area. They don't. The government gets the money from those licenses and if they've got money they should enforce them.

Jack Green:

They got to sort out their own back yard first – the government.

Delma Loogatha:

We need rangers.

Paul Memmott:

We'll they've got a ranger program at Normanton TAFE.

Joseph Rainbow:

Trying to get someone there now.

We should have a buffer zone where no one can come inside those limits.

Paul Memmott:

What you need is the power to fine so that it has some impact on commercial activity.

Joseph Rainbow:

We got people now coming over land to get to sea country, cutting fences, killing everything that moves, including stock. So need a buffer zone all along the coast of a couple of kilometres to stop people landing on coastal country – only allowed in to get out of bad-weather etc. Need permits to stop people just wandering and going wherever they want and doing whatever they want as well. And the permit should only be for one activity at a time – not fishing, shooting, camping etc. Just the one activity and that's it.

Paul Memmott:

Another thing – who's coming to do all these studies and taking away all this knowledge? They should be made to integrate this knowledge with Traditional Owner knowledge in a knowledge study centre, and share information with everyone here.

Joseph Rainbow:

I think that we should be asking the government now how many more surveys do they want to do, and how many more different studies do they want to run? The government should tell us this now – over the last five years we've done hundreds and nothing's changed.

Paul Memmott:

Okay we might break there if everyone's had enough for the day. We'll meet here again tomorrow and kick off at 9 in the morning. 8 o'clock breakfast here, and 9 o'clock start.

Meeting closed at 5pm.

APPENDIX 2: MINUTES OF WORKSHOP AT GUNUNA, SEPTEMBER 2ND AND 3RD, 2003



WEDNESDAY 3 SEPTEMBER 2003

MEETING OPENED AT 9:30AM

*Summary of outcomes of Day 1 written up overnight
and presented back to the Workshop on Day 2*

Agenda

- (1) Sea issues, problems and concerns
- (2) Aboriginal land and sea knowledge
- (3) Traditional land and sea management
- (4) Future plan for land and sea management

Proposed Steering Committee Representatives from following groups

- Lardil
- Yangkaal
- Kaiadilt
- Gangalidda
- Garawa
- Kukatj
- Gkuthaarn
- Kurtijar

Sea Problems noted on Day 1

- Normanton TAFE not functioning well for training Rangers – problem getting staff
- Little policing of fisheries and tourism. Queensland Fisheries are not applying fishing laws
- Tourists waste fish, visit places without permission, break rules of permits, show disrespect to Traditional Owners and Law
- Need for tourists and tourist operators to be culturally aware
- People are setting nets in rivers
- Lack of negotiation on sea matters by government
- Mooring buoy in Investigation Road
- Netting sharks just for fins or medicines/drugs
- Lack of government and council support for Aboriginal rangers
- Birri Lodge staff taking tourists fishing and crabbing. Too big an impact on stock and not showing respect to Traditional Owners
- Sea-grass damaged at Rocky Island
- Land Council not visiting and not supporting a local office for sea issues. Mornington Shire Council not helping with space for an office

- Scientific research/study results and not returned to the community. Need to make the results of studies public
- Waste of fish catch
- Poor turtle and dugong meat possibly because sea-grass is damaged
- Trawlers are coming too close to the coast and dragging through sea beds
- State Government is not respecting coastal cultural heritage

Suggested Preliminary Proposals from the Meeting

- Start up the regional aboriginal sea committee with representatives from Lardil, Kaiadilt, Yangkaal, Gangalidda, Garawa, Kurtijar Kukatj and Gkuthaarn
- Start up Aboriginal sea rangers
- Start up training for Aboriginal sea rangers at Normanton TAFE
- Rangers to monitor tourists, tour operators, fishermen and mines
- Develop powers for rangers so that they can fine people who do the wrong thing
- Set up buffer zones around the coast. Entry to buffer zones only by approval of the Traditional Owners

Heather Toby (Yangkaal):

opens meeting with a prayer

Paul Memmott:

Quite a few new faces here today – for those that weren't here yesterday this workshop is about sea management. This meeting is being chaired by Pauline Fietz from CLC Burketown, and this is Chantal from National Oceans Office and this is Stephen who assisting me. If you look around at the walls yesterday you'll see we have been very busy compiling all this information on what you see as the problems in the sea – this was important as Garawa and the Normanton groups haven't done this type of work before.

There's also the idea of a steering committee being formed to continue this type of work right across the CLC region. Everyone has their own areas to talk for. At this stage I'd like to acknowledge and welcome Billy Kurrabubba who is a Traditional Garawa man who talks for country from near Massacre Inlet all the way to the QLD/NT border. Jimmy Pyro, who is recognised as the



senior man for that area, was going to attend but was unable to because he was unwell.

Couple of issues discussed last night – we might get Chantal to raise these.

Chantal Roder:

Along the western side of Cape York and in the Northern Territory, marine debris a big issue – it's been estimated that in every kilometre there's ½ tonne of marine debris along the northern coast of west Cape York. Col Limpus is a turtle researcher and sees marine debris as a real threat to turtle populations.

Netta mentioned it to me yesterday that on Bentinck there is a lot of plastic washing up, nets and containers, and this is a big issue to them.

You'll get some nets that continually undertake "ghost-netting", which is where a fishing net has been discarded – generally from an overseas vessel – and then we find the nets washing up with a lot of dead animals. The tide will come in again and the net will end up back in the water catching more animals, moving around with the currents.

You can identify where these nets come from using a guide which shows all the different types of nets available. In order to get rid of them it's best to collect and burn them so can't wash out again.

Joey Rainbow:

It's a really big problem in the Gulf, ghost netting. We have a big problem as we've got 70km's of it [coast] and these nets don't just catch marine animals, but also catch our cattle when they try to walk over them. Government has funded a project in the Gulf to get rid of the ones we've got here, but it's yet to go ahead.

Jack Green:

I agree we also see nets being cut off and discarded, turtles eating plastic. It's all really bad.

Netta Loogatha:

We've found fish bones in plastic containers where they've been caught. They smell really bad too and now I have to use that container for water, but I can't get the smell out of it, no matter what I clean it with.

Joey Rainbow:

That program is due to kick off in November in Karumba to clean up the beaches. A lot of invites will be sent out to everyone in the Gulf – and all the Traditional Owners as well.

Chantal Roder:

Yep that project is going to be run by NHT – the Northern Gulf Resource Management Group (which operate in the Northern Gulf between the Norman and Mitchell Rivers) are submitting a proposal to NHT. This group are proposing to hold a large meeting to get all groups from around the Gulf of Carpentaria and the NT to come together to talk about the way forward to address the marine debris issue. NHT is the Natural Heritage Trust created by the sale of Telstra to run projects to improve the environment.

Roger Kelly:

Why hasn't this money been given straight to Traditional Owners to do these projects so they don't have to wait for government to make a decision? We're the first people and we have travelled all over this country in rafts to get food. My fathers' went miles out to sea to get food in their *walpu* [traditional raft]. This is still our traditional sea and we hunt and you'll see our fish traps. All that area, all that sea, we still own it. They [government] should give us a fair go – funding – to go and look after our sea. Two men came from Sweers to put that buoy for Century and went missing ... *Dingili*, Willy Wagtail that country, where those two divers died. That *Dingili* had got to bring our people back [those that died in the plane]. Where that plane crashed we'd like to look after that area now. White people need to listen to us. Not only the land has stories, but our sea does too.

Netta Loogatha:

[These white people need to] understand our feelings. That was my younger sister on the plane [that crashed at sea] and she always wanted to take my place. Always begged me to let her go to meetings instead of me as she was really keen to be a part of it. But no, she went and I'm still alive.

Joey Rainbow:

There's \$30,000 to do this project, but they won't tell you that until you push them. You've got to keep pushing and pushing them or else they'll never tell you anything.

Netta Loogatha:

We're still strong. We've got a lot of young boys here on Mornington Island but they should be home on their own country, on the land given to them by their ancestors. But they can't as we're still struggling with jobs and houses and food. People come on our land without our permission. My boy Murrandoo he was a strong talker and he fought for us, now they put him in jail – that's not right. He should be home. I flew from Mt Isa with my younger sister and she said "Look over there in our grandmother's country". I said

APPENDIX 2: MINUTES OF WORKSHOP AT GUNUNA, SEPTEMBER 2ND AND 3RD, 2003



“what you see there”, and there was a yellow buoy there. They [Pasminco] never asked us Kaidilt whether they could put that buoy there. What are we, skeletons walking around on our island? We need the government to come to the community and listen to us.

Paul Memmott:

So what you're saying is that you want the government to come here and talk to you, not just send off information to a government who doesn't understand?

Joey Rainbow:

From what I've gathered from what you've all been telling me is that the Council here doesn't listen to you either, even though they're elected by you, and they won't talk to State or Commonwealth Governments for you. CLC can put in a request for assistance, but government will think that they're just after more money. It has to be the people sitting around this table that make their feelings known.

Jack Green:

Government needs to come to understand what's going on and how it works traditionally.

Netta Loogatha:

We're a sharing and caring people on Bentick, but we're originally from the mainland many years ago.

Paul Memmott:

Just about these sea rangers, perhaps Joey Rainbow can say a few words.

Joseph Rainbow:

I've been involved in sea management from the early 80's. Now we've got a permit system to stop people running around our country, but they still don't recognise our culture and heritage. This same permit system operates in Kowanyama, Laura and Aurukun.

From the Cape to Kowanyama they have buffers along the coast and we want to start this too. I think it extends about 1.7 nautical miles out from the coast. This stops fisherman coming in as they're only allowed to come in bad weather or if repairs to their boat are needed. Like those prawn fisherman pulling chains through the sea-grass affecting the dugong and turtles – this would stop that. Maybe this can be pushed with your sea claim to have these buffers – and its worked up north.

If fishermen get caught in these areas then you can sue the arse off 'em and prosecute them.

In Kowanyama the old ranger had too many friends – getting grog and rifles and in return let fishermen come in to that area. Need to be careful of these people in your community and you need a strong

person to do this work. We got a permit system in place and we don't call them rangers anymore, but “Land and Resource Management Officers”. They get \$30,000 to manage the area. Advantage of the permit system is that you don't need to rely on government funding and can do it yourself.

We've got an Indigenous land trust, with no white fellas on the board, just Kurtijar and we make our own recommendations to government and if they don't agree then we ask them why. With permits we made \$50,000 in one month. Like Sweers they should have to get permission off you first and you could charge \$4,000 per month.

Pauline Fietz:

You might need to explain that you can do that because you actually own the land, which will be different to most groups around here. Around Bentick you could do that as it's Aboriginal land, but for Garawa and Gangalidda they own some properties, but the majority of their traditional country is still held by pastoralists.

Joey Rainbow:

Before we could do anything on our land we had to get the leases changed to allow us to achieve what we wanted, like being able to have the permits. We're going to start doing this in the rivers as well – can't catch anything but catfish. So we'll stop the fishermen just coming in and taking all the fish for themselves. That's another reason why we want the 1.7nm as our buffer along the coast.

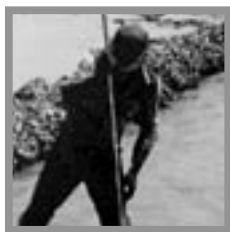
Valerie Douglas:

We claim as far as the eye can see – we get Morning Glory which is one of our totems as well and we can see a long way. We feed from the sea bed to the waves. We need to know where we can meet and manage our waters. I think that's a really good idea but we need to know how it works for us.

With Century we've been blaming everyone else but ourselves. And we've got big problems now – we need to renegotiate as it's ruining our food in the sea. Too many mines around now and causing too many problems.

Joey Rainbow:

With these buffer zones you get a certain colour buoy and they know not to go past them or they get in trouble. Also in the Torres Strait they have different colour buoys to mark traditional estate boundaries.



Netta Loogatha:

We had a buoy where the plane went down and that's a really sacred area to us and no one should be allowed to go there or pass over it like trawlers.

Joey Rainbow:

In the Northern Territory they're enforcing their bylaws and shutting places down when people go there to stop any access. In Kowanyama where some old fellas died they shut that down to protect culture and it was a really good fishing spot and heaps of tourist went there. But they still shut it down, and had to nominate another place instead where people could go.

In the last few fisheries meetings I've been to – don't even go there, all they argue about is mud-crabbers and grunter. No mention of turtle, dugong etc – only interested in money. They sell those [turtle and dugong] too on the black-market. They have the hide to say we're taking too many – bullshit – they taking too many and making too much money. We need to protect our areas now.

Now fisherman only allowed to go where we tell 'em on Delta and if they're found elsewhere they're gone. You can do that too – it's happening elsewhere so you can do it. We get our fellas trained as a proper ranger and they enforce it for us.

Valerie Douglas:

So it goes back to CLC – we have to fight to be able to sit on our land. We mean it now – talking rubbish at first, but now we're serious. We want to go back and watch to stop people going in and routing around ruining things. But our people need to make their move and go back there.

Netta Loogatha:

I want to be buried next to my dad on Bentick.

Joey Rainbow:

Another thing in Kowanyama they had to get the DOGIT rewritten and new bylaws to be able to what they've done. Need to pressure your Council as they're not listening to you and you're the ones that elected them. Get rid of 'em if you have to.

Netta Loogatha:

My son's children should be with me at home rather than be here [Mornington Island] learning white man's ways. I'm always over here babysitting, and those kids always want to go back with me.

Roger Kelly:

We need to go out beyond the buoy/buffer as on Croker they can't chase turtle beyond the buoy and they can't get enough to eat.

Joey Rainbow:

No it's different to there. You'll be able to fish beyond the buoys, but they won't be able to come in and further. You need different colour buoys to make different people's country. That way people will know who's territory they're in.

Roger Kelly:

In the old days old people used to go over to the mainland and get woman to come back with. You can get speared for that.

April Peters:

We see the mineral on the shore from the barges where they go from the little ship to the big ship. They tell us that it [the transfer of mineral and shipping process] would be perfect, but nothing perfect these days.

Netta Loogatha:

We should go back to the old days and walk around naked and see what happens to us then. My grandmother is from the west of Bentick and my father from [elsewhere, but he] never claimed that country, they claimed Bentick.

Paul Memmott:

We'll break up into four small groups now – Gangalidda People and Garawa together with Stephen, Normanton groups with Pauline, Kaidilt with Kelly and Yangkaal and Lardill with me.

Joey Rainbow:

Need to connect it to land management as well as government will think you're living on a houseboat. Sounds silly but that's what they think.

Paul Memmott:

Just remember we're going to talk about this management plan. We know what the issues are, now we need to know how to deal with them.

Roger Kelly:

With the DOGIT area it's still under the shire and we should try to fight while CLC is here to help us to manage our land and sea rather than Council who's putting us down. I talk strong cause I've been through this type issue before.

Paul Memmott:

We'll break now into small groups to work out management plans for each traditional group.

APPENDIX 2: MINUTES OF WORKSHOP AT GUNUNA, SEPTEMBER 2ND AND 3RD, 2003



[Each group of Traditional Owners broke away from the main meeting to discuss what framework they'd like to see in a management plan.]

Paul Memmott:

Okay we'll get back together now and go through the points each group developed before lunch.

[Presentations by each group followed – these are written up in the main report and also listed below.]

Paul Memmott:

That's a good effort getting all of the information down and it's a good start. We'll just go over the issues to make sure that nothing's been missed:

[P.M. Then summarized the main issues arising from the Workshop. These are written up in the main report and also listed below.]

Pauline Fietz:

We'll put together a report on these and that will be available within a week. We'll send them out to everyone who puts their names and addresses down.

Joey Rainbow:

Are we going to form that committee now before we break up?

Paul Memmott:

We should at least form an interim committee as there's enough people here to mandate that another meeting should be held and funded for.

Paul Memmott:

Okay that's it everyone. Thanks for all your help. Just a wind-up; on behalf of CLC I'd like to thank everyone coming along. We've been really lucky this afternoon to have a Traditional Owners present for this country that we're sitting on: Karen Chong – Karen would you like to say a few words?

Karen Chong: Yep I'd like to say that the money that I received in compensation for my accident wasn't enough. I wrote a letter to Tony Bailey about this but he has written back, so I need help to write another one.

Pauline Fietz:

Just in regards to the committee process, perhaps we should give those groups who haven't been involved before, the opportunity to go back to their groups and formally elect representatives to sit on the committee.

Paul Memmott:

We'll have to make sure that CLC is around a lot more in the future to follow up on all these types of ideas.

Meeting closed at 3:30pm

SEPARATE WORKSHOPS

Separate workshops of the representatives of different language/tribal groups were held during adjournment of the above meeting on 3rd September 2003. Details of the matters agreed at the separate workshops are recorded below. Following these separate workshops a plenary meeting of all groups was held. Details of the matters agreed at the plenary meeting are also recorded below under the heading 'Regional Issues Agreed at Workshop on 3rd September 2003'.

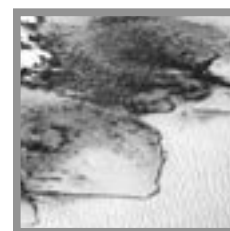
Lardil and Yangkaal Issues, raised at Workshop on 3/9/03

1. State Land Trusts under the State Land Rights Act for both Lardil and Yangkaal – should be easy to get land back if used to be Aboriginal land. No land rights at Mornington Island as never applied. Next step is Native Title over land, as well as sea claim – double barrelled protection;
2. Birri Lodge: originally an agreement between the lodge and Traditional Owners, but now the staff of the lodge show no respect as staff and visitors to the lodge are going everywhere on the island – CLC to write letter to Mornington Shire Council to assert Traditional Owners views and restrict use of the island by Birri Lodge including fishing restrictions and limits, permits and fees. Need to change lease and/or MSC bye laws;
3. CLC letter to go to QLD and Commonwealth Fisheries and Karumba Fisherman's and Trawler's Association for an agreement for a buffer zone;



4. Ranger program structure to include:
 - Ranger stations to be established at Birri, Baradkiya, Forsyth, Gentharr;
 - Need to be equipped with 4WD vehicles, boats, radios, and cameras in order to carry out patrols on land and sea;
 - GIS mapping and aerial photography training;
 - Sacred site register needs to include extensive site information recorded during sea claim which is not currently accessible to community;
 - Other community programs to link in with Rangers to make program holistic and involve whole community, such as dry-out sessions for alcoholics, parole and community service programs for offenders, school camps, old peoples' trips;
 - Rangers need to be paid wages, links with CDEP;
 - To undertake training.
5. Ranger Program activities and duties to include:
 - Fencing graves;
 - Checking up on story places and instruction of young people;
 - Patrol commercial and recreational fishing and trawlers;
 - Monitoring of dugong and turtle populations;
 - Collection and burning of nets;
 - Getting permission from the dulmada;
 - Collection of plastic and other debris;
 - Shooting pigs;
 - Monitoring bins at camping sites;
 - Monitoring permits for camping areas for non-Aboriginal purposes;
 - Mapping of sacred sites on GIS for access and use by Traditional Owners
6. Need Land and Sea Management Office at Gununa for permit issuing to visitors, to manage book-keeping and administration. Head Office to radio to Rangers to notify intended location of visitors for monitoring;
7. Birri visitors (plus Gununa staff) and other visitors must get a permit for camping and fishing for each individual country (dulgada) that they intend to visit;
8. Mornington Shire Council help build and maintain camping facilities;
9. zones in the sea – inside zone (contains all sacred sites and story places) and outside zone (commercial fishing can occur, but royalties need to go into the management centres);
10. Mornington Shire Council to be restructured and supported by State government. The restructure would be based on a dulmada or Clan model for the whole shire;
11. Need to create a Southern Gulf Traditional Owners Incorporated Association that can legally negotiate and make agreements on behalf of Traditional Owners for coastal regions and ocean, enter ILUA's, other agreements. Need to set up a Steering Committee;
12. Marine research and university studies conducted in the area should go through the Land and Sea Management Office and should also:
 - Employ a ranger to assist;
 - Provide copies of results/reports to Traditional Owners;
 - Include training for rangers;
 - Teaching knowledge back to the community.
13. Need regular monitoring of sea grass stocks;
14. Need urgent study of recent dugong and turtle health problems and causes;
15. Any fishing boat/other commercial vessel docking at Mornington Island need to be charged a fee. This needs to be incorporated into Mornington Shire Council bye laws in order to implement a mooring fee and unloading catch for transport fee, with the funds to be put back into Land and Sea Management projects;
16. Use the forthcoming native title Prescribed Body Corporate (PBC) as the legal avenue to achieve land and sea management goals. CLC should set the PBC up now. The PBC will ultimately hold the native title once a determination is reached in the sea claim. Include a request to Mornington Shire Council to supply CDEP positions as rangers to incorporate within the PBC;
17. Negotiate an agreement with the Gununa Police to investigate and prosecute illegal fishing (rangers will be collecting evidence);

APPENDIX 2: MINUTES OF WORKSHOP AT GUNUNA, SEPTEMBER 2ND AND 3RD, 2003



18. An agreement with Commonwealth Government, Coastwatch and Immigration to report illegal foreign entry – need training and resource support;
19. Negotiate an agreement with Mornington Shire Council in the form of an Indigenous Land Use Agreement (ILUA);
20. CLC to assist with plan implementation.

Kaiadilt Issues, raised at Workshop on 3/9/03

1. No fishing zone around Bentick Island including rivers;
2. Permits required for fishing and tourism from traditional owners, tourists should be accompanied by Traditional Owners;
3. Agreement with Gulf of Carpentaria Commercial Fishermen's Association;
4. Training of rangers by elders on land and sea which would include passing on of cultural information regarding resource use, story places, other historical information etc. Additionally need to obtain external training to allow for enforcement and confiscation of fish;
5. Signpost dangerous areas on land and sea, including on Sweers Island;
6. Signpost periodically along coast stating no access, no fishing, no camping, no trespassing;
7. Tourists on Sweers Island resort lease to get permission from Traditional Owners before they arrive;
8. WWF or NHT funding to clean up beaches, nets, plastic containers, other garbage;
9. Environmental monitoring to occur regularly by specialist to ensure no ongoing damage to sea country and resources;
10. Sacred Sites within resort lease to be fenced including burial sites;
11. Management plan for Sweers Island to deal with rubbish disposal (including fish bones), education, access and fishing restrictions;
12. Rangers need two boats, camera, UHF radio in all boats and vehicles, 4WD vehicle to patrol sea and land;
13. Graves on Bentick Island should be marked;

14. State and Commonwealth government departments to assist us with sea rights, need feedback and information from these departments regarding our demands and concerns – they need to visit the island and sit down with us to discuss these issues;
15. Red buoy to mark sacred sites in sea including burial site from plane wreck;
16. Remove Pasminco buoy mooring, plus compensation and an apology;
17. Extend native title claim onto Kaiadilt Land including Sweers Island;
18. Zoning Plan: From Bentick out 2km No Fishing Zone; 2 - 10km Escorted Fishing Zone (with Traditional Owners's) then beyond that 10 - 16km limit, permit to recreational fishing only, from there out open fishing, including commercial activity.

Garawa and Gangalidda Issues, raised at Workshop on 3/9/03

1. Government funding desperately required;
2. Need for a meeting/coalition with Torres Strait, West Cape, Gulf, Northern Territory, and Kimberleys groups and agencies to share ideas and funding. Want a national/northern sea management committee;
3. Need to run and manage our own land and sea;
4. Homeland movement to get people back on country to manage and enforce strategies and reduce social problems arising from alcohol and drugs in young people;
5. Courses for land and sea management officers;
6. Infrastructure for homelands to help return and protect country;
7. Respect and acknowledgement from government – regarding the importance of protection of culture, sacred sites, burial grounds, initiation grounds and other ceremonial sites;
8. Access to pastoral properties and respect given Traditional Owners by pastoralists (particularly Hells Gate, Westmoreland, Woologorang). Government needs to apply pressure to pastoralists if necessary to ensure that Traditional Owners have access through pastoral leases to the coast. Also absolutely no tourism in these areas;



9. Government needs to recognise that Traditional Owners do not distinguish between what is under the land and sea as opposed to what is on top
 - to them it is all connected and the same (people have bush names for all the land under and over)
 - need to lobby government to ensure that no further mining occurs in this region to fully protect culture;
10. Traditional Owners need to have their own rules for the sea formally acknowledged as white man's rules are NOT sustainable;
11. Waste washing up on beaches needs to be removed;
12. Share in tourism royalties – if tourism is to occur it should be operated by Traditional Owners as it concerns their culture – why should the leaseholders get it – money could then be applied to homeland development;
13. Don't want tourist wasting fish parts as Traditional Owners use all parts;
14. Traditional areas have to be drug and alcohol free;
15. Trawlers etc should share catch – i.e. should give waste/unwanted fish to Traditional Owners;
16. All pastoral holdings to be handed back to the appropriate Traditional Owners as freehold land;
17. Need Native Title over land and sea;
18. Need rangers to monitor tourism to prevent waste being left behind, destruction of the area;
19. Buffer zones used along coast, as well as around sacred sites, story places etc on the land;
20. Fisheries Department should increase patrols to monitor fishing activity by tourists and professional and commercial fishermen;
21. All tourists entering the area to obtain permission from Traditional Owners;
22. Want their own control of management;
23. Don't want uranium mining on Westmoreland as uranium kills people both here and overseas – we don't want our mining waste going overseas and killing other people;
24. No mining at all along the coastal zone;
25. No new mines – too many already;

26. Want protection for traditional stone fish traps along the coast (e.g. Point Parker and Bailey Point);
27. Need increased sea patrols during the wet season as it is difficult to monitor activity from land during this time.

Kurtijar, Gkuthaarn and Kukatj Issues, raised at Workshop on 3/9/03

1. Negotiate for a change of the terms of pastoral leases in order to be able to access pastoral properties:

Properties within Kurtijar traditional area:

- i. Vanrook
- ii. Dorunda
- iii. Miranda
- iv. Stirling
- v. Double Lagoon
- vi. Lotus Vale

Properties within Gkuthaarn traditional area:

- i. Magowra
- ii. Inverleigh
- iii. Glenore
- iv. Kelwood

Properties within Kukatj traditional area:

- i. Wernadinga
- ii. Warren Vale
- iii. Newmayer Valley

This would include:

- Access to pastoral leases for Traditional Owners to burial sites, hunting, protection of sites;
 - Protection of all sites of significance on all relevant pastoral leases;
 - Access to fish, hunt camp, carry on traditional ceremonies, gather traditional foods and materials for didgeridoos boomerangs etc on all relevant pastoral lease;
2. Educate pastoralists and broader public regarding exercise of Native Title rights and implications for access to and protection of sea country. This needs to involve cultural awareness, environmental protection, respect;
 3. Carpentaria Shire Council need to understand importance of sea country to Normanton-region groups, and to support and encourage attempts to educate and inform broader public within Shire;

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4. Control of feral animals and weeds on coast which cause damage to natural habitat;
5. Monitoring program: effect of tourism on country to ensure that excess use and camping of a particular area does not occur;
6. Distribution of educative brochures and information to advertise permit system, rights of Traditional Owner, relevant cultural information etc;
7. Regionalisation of Land and Sea Resource Management Offices in Gulf. This would entail sharing of information, resources, support networks to operate across sea country. Ranger placements could be organised in other locations, such as in Kowanyama to learn from the successful Centre they have operating there;
8. Training to occur on country by elders for junior rangers;
9. Run ranger training and employment through local CDEP together with employment agency training (such as North Queensland Employment Agency), which provides a bonus to the local community CDEP with reduced costs and will be accredited training;
10. No non-Indigenous hunting on traditionally owned country;
11. Commercial fishermen now have to pay to enter Delta Downs– should be introduce right across country where Traditional Owners own the land;
12. Renewal/issue of QLD/Commonwealth fishing permits contingent on undertaking a course in cultural awareness (need to lobby State and Federal Governments);
13. In order to obtain a tourist permit the applicant must be provided with information on cultural awareness;
14. Different types of permits: one for camping; one for fishing (with subclasses of professional licences, recreational licences and a different lengths of licence);
15. GIS mapping and database of sacred sites, story places, all sites of significance on land and in sea country for in-house use and provision to Traditional Owners;
16. Protection of intertidal area by creating a buffer zone which is closed to professional fishermen and crabbers. Entry is only permitted in emergency situations with bad weather and/or repair to boats (does not include the repair of gear such as nets). Strictly no camping in this area (this will prevent the area being used as camps for professional fishermen and crabbers);
17. Camera to record evidence of destruction of areas, nets and debris washing up, vegetation such as mangroves on coast etc;
18. Utilise Northern and Southern Gulf Catchments resources to assist in goals of protection of sea country (Paul Hill – Indigenous Liaison Officer for Southern Gulf, based in Mt Isa; and Noelene Gross – Indigenous Liaison Officer for Northern Gulf, based in Georgetown);
19. CLC to employ a Land and Sea Management Project Officer to assist Traditional Owners implementing these goals.

Regional Issues Agreed at Workshop on 3rd September 2003

Regional outcomes endorsed at the National Oceans Office sponsored Workshop at Gununa, Mornington Island on 2-3 September 2003 with the Lardil, Yangkaal, Kaiadilt, Gangalidda, Karawa, Kukatj, Gkuthaarn, and Kurtijar groups of Traditional Owners.

(1) Bottom-line issues:

- 1.1 Native Title to land and sea to be recognized across the region;
- 1.2 Aboriginal management of land and sea to be implemented across the region;
- 1.3 Ongoing support needed for Traditional Owners to move back on to their countries where this has not occurred;
- 1.4 Aboriginal law needs to be respected by both white and black people;
- 1.5 Aboriginal Rangers to work across the region for Sea and Land Management;
- 1.6 Access of Aboriginal Rangers and Traditional Owners to all coastal areas and seas to be facilitated in Australian law.

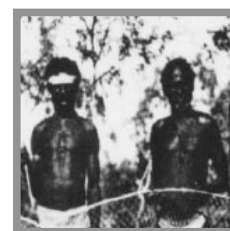


(2) Southern Gulf Ocean Plan:

- 2.1 Negotiations to commence immediately between all levels of government, commercial fishermen and Traditional Owners to develop a Sea and Land Management Plan [also referred to as an LSM Plan] for the Southern Gulf of Carpentaria which will in turn form part of the Northern Regional Marine Plan;
- 2.2 Renewal of the Commonwealth and State laws and regulations to ensure sustainable fisheries across the region;
- 2.3 The Plan should utilize buffer zones to define and classify sea areas and associated rules of access and use for recreational and commercial fishing (in both State and Commonwealth jurisdictions);
- 2.4 Training needed (as part of the Plan) for Aboriginal Rangers, to be supported at the local and regional level so that they can operate effectively in all coastal areas;
- 2.5 Guaranteed protection of culturally significant sites by agreement between State and Commonwealth Governments and Land and Sea Management (LSM) Offices;
- 2.6 Complementary use of NHT funded Southern Gulf and Northern Gulf Catchments projects to support the LSM Plan;
- 2.7 All future marine research to occur through Aboriginal Land and Sea Management Offices and in so doing, provide capacity building and training for Traditional Owners;
- 2.8 Public education is required as part of the Plan on Aboriginal cultural values in the sea and land, and on Aboriginal sea management rules (through brochures, with fishermen etc);
- 2.9 The Plan should incorporate a component with Coastwatch and Immigration so that Rangers and LSM Officers can participate in the prevention of illegal entry of foreigners.

(3) Operational Goals:

- 3.1 Need for a Southern Gulf Traditional Owners Incorporated Association to legally engage in the Plan;
- 3.2 Carpentaria Land Council (CLC) to negotiate with government for funding for Land and Sea Management;
- 3.3 Regionalise LSM offices and administration to encompass all coastal areas and Traditional Owner Groups;
- 3.4 Permit fee system to be implemented wherever possible for tourists and recreational fishermen so as to raise recurrent cost funds for Aboriginal LSM activities;
- 3.5 CLC to assist with implementation of Land and Sea Management Plan and to appoint a special projects officer to get it started;
- 3.6 Develop strategies to equip each Aboriginal Ranger group with 4WD, large dinghy and motor, trailer, radio camera and operational budget;
- 3.7 Computerized database system for whole region to be established.



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