



Northern Edition

LAND RIGHTS NEWS

NORTHERN
LAND COUNCIL

Our Land, Our Sea, Our Life

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AT LAST!

Two of the most outstanding claims under the Aboriginal Land Rights (Northern Territory) Act 1976, each dating back to the 1970s, have been put to rest.

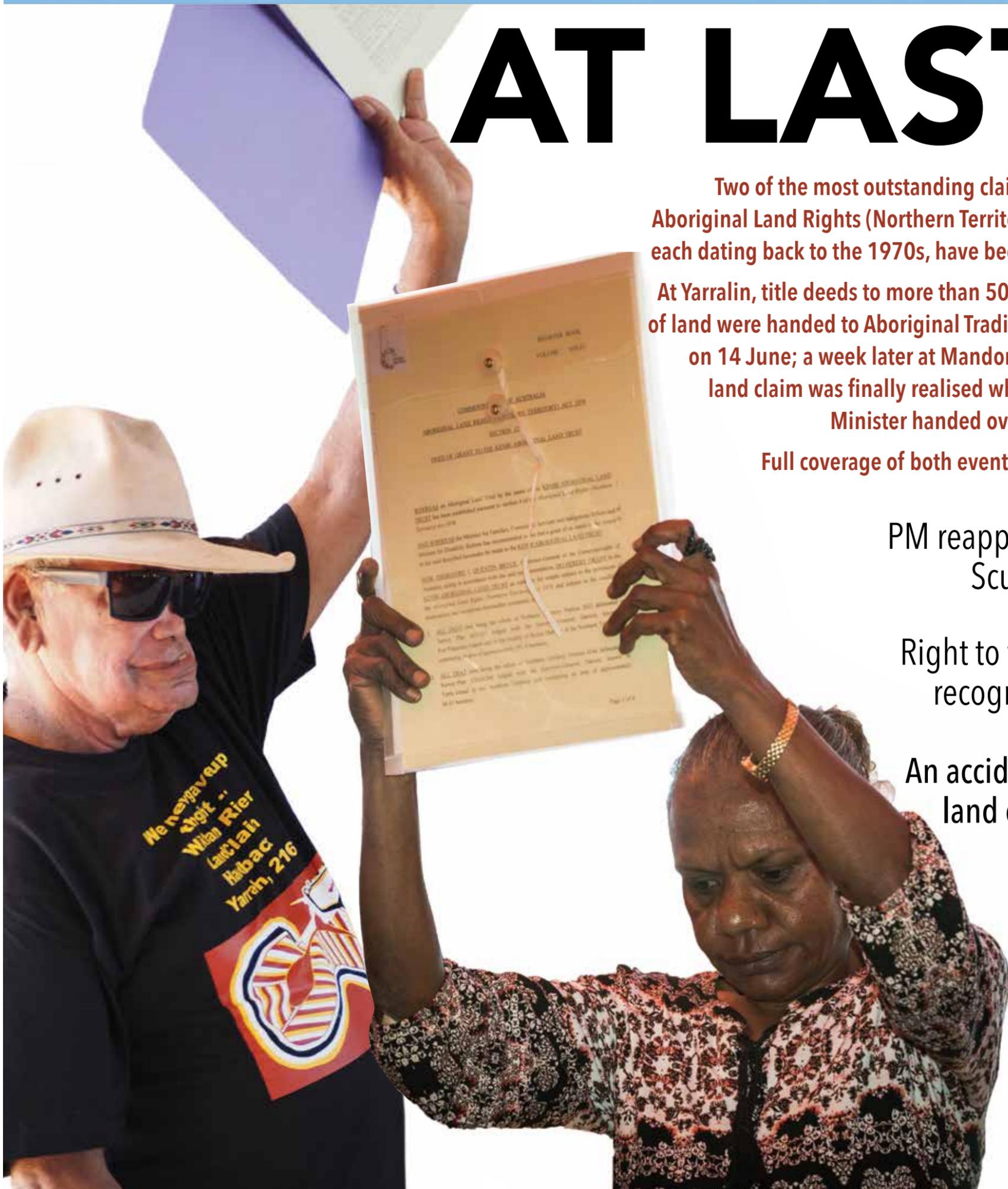
At Yarralin, title deeds to more than 50,000 hectares of land were handed to Aboriginal Traditional owners on 14 June; a week later at Mandorah, the Kenbi land claim was finally realised when the Prime Minister handed over title deeds.

Full coverage of both events from page 4

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HEED THE DEED: Traditional Owners display the title deeds to the Yarralin and Kenbi land claims - George Campbell at Yarralin on 14 June, and Raylene Singh at Mandorah on 21 June.

A word from the Chairman



The Northern Land Council, over its 40 year history, has often been at loggerheads with controlling Ministers; but relations with CLP Senator Nigel Scullion, reappointed this month as Indigenous Affairs Minister, have set a new, low benchmark.

I endorse the call by our CEO Joe Morrison for Prime Minister Malcolm Turnbull to replace Senator Scullion. He has been a divisive force; on his watch, the administration of Indigenous affairs has never been worse, and I am deeply disappointed that Mr Turnbull has seen fit to reappoint him.

Senator Scullion has tried to isolate Joe Morrison by criticising him for having made a submission to a Senate committee on behalf of the NLC, “without the knowledge of NLC members”. But that criticism misrepresents the role of the CEO: he and the administration are charged with making all sorts of submissions, including to Senate committees.

Joe Morrison continues to have my total and unqualified support – and that of the NLC Executive and Full Council. He has bravely voiced reservations about Senator Scullion’s performance held by many other Indigenous bodies, some of them too intimidated to speak out - lest they, too, suffer the Minister’s wrath and have their funding cut.

Senator Scullion is all-powerful: he effectively determines the budget allocations for a huge swathe of Indigenous organisations and many have already suffered through his oversight of the Indigenous Advancement Strategy.

The NLC’s functions under the Aboriginal Land Rights Act are funded out of the Aboriginal Benefits Account (ABA), and Senator Scullion controls that as well. Already this year he has knocked back applications by the NLC to fund projects recommended by his officials who

recognised that they were fundamentally necessary for the efficient running of our organisation. I can only hope that Senator Scullion does not penalise us further in this new financial year.

On a brighter note, I was delighted to be present at ceremonies last month to mark the handover of title deeds to the Yarralin and Kenbi land claims, both of them dating back to the 1970s. The management of logistics for both occasions was a tribute to the hard work of many NLC staff, and I thank them for that.

This year’s 40th anniversary of the passing of the Aboriginal Land Rights Act will culminate in a joint meeting at Kalkarindji next month of the Northern Territory’s land councils. The NLC’s Full Council will attend, in recognition also of the 50th anniversary of the Wave Hill walk-off.

There was more good news last month from the Federal Court, which has decided that a “right to trade” exists within the bundle of native title rights at Borroloola, and I look forward to a ceremony there next month to mark the court’s determination.

Also last month, the NLC co-hosted (with the Australian Institute for Aboriginal and Torres Strait Islander Studies) the annual Native Title conference, held in Darwin in recognition of the Land Rights Act anniversary. The conference was a big success, and I was pleased to attend with the other members of our Executive Council.

Finally, I remind Aboriginal people in our region about the NLC elections. They are held every three years and nominations close at the end of July. The new Council will meet in mid-November.

SAM BUSH-BLANASI

Chairman

Sacred Sites Act Review: A Missed Opportunity

The Northern Land Council has dismissed the NT government’s review of the *Northern Territory Aboriginal Sacred Sites Act* (NTASSA) as “a shoddy piece of work” that missed “a great opportunity to achieve progressive reforms”.

The review was born out of the Giles’ government’s dissatisfaction about how the Aboriginal Areas Protection Authority (AAPA) was dealing with the proposal to extend the Ord Stage 3 irrigation scheme into the Northern Territory, and out of threats by Local Government and Community Services Minister Bess Price to sack the board of AAPA.

“This exercise was tainted from the start and has given rise to the review containing misleading parts, including unjustified political attacks on land councils,” NLC CEO Joe Morrison said after the review was released on 13 July. It had been delivered to the government nearly three months earlier.

The review was announced by Minister Price, in July last year. The terms of reference were finalised by the Department of Chief Minister, and a contract was awarded to PricewaterhouseCoopers’ Indigenous Consulting unit - 49% owned by one of the world’s big four consulting conglomerates, PwC.

Announcing the release of the review, Minister Price took the opportunity to attack

the Labor Party Opposition for its “previous ... claims the government was planning to scrap the AAPA”.

“This is just another Labor scare campaign,” she said. “In fact the review identifies ways that AAPA can be strengthened and its process streamlined for a more efficient working environment.”

Mr Morrison said the review was “atrociously” written: “It’s so sloppy that meaning is often obscured by poor expression.”

This small excerpt is just one example of the muddled writing that litters the review:

“The ALRA (Aboriginal Land Rights Act) establishes that sacred sites are protected and sets the parameters for complimentary [sic] Territory legislation. The Frazer [sic] Government’s approach when drafting the ALRA to give the new Territory Legislative Assembly powers to make laws to protect sacred sites was informed by the constitutional precedent that the making of laws for the administration and development of land is a state not a Commonwealth responsibility.

“The NTASSA and hence the Authority are a part of the Territory’s land administration system. The Authority is given the independence necessary to carry out its functions but is accountable to the Territory Government.

“The Land Councils are independent statutory authorities established by the Commonwealth to assist traditional Aboriginal owners, Native Title holders and affected Aboriginal communities to secure and manage their land, most of which is held under forms of communal title. The land council’s [sic] primary function is to carry out their clients [sic] wishes regarding the management and use of their land. This regularly involves entering the political domain to advocate on behalf of their clients.

“Land Councils invoke the Whitlam Government’s ALRA as the authority for a major role in the carriage of functions under the Territory’s sacred sites legislation but the case for a separate Territory entity, responsible to the Territory Parliament, is compelling.”

Mr Morrison said the review missed an opportunity to strengthen the Sacred Sites Act by not removing the right of

the Minister to issue a Certificate, not recommending measures such as mandatory sacred site clearances for major works, and not simplifying prosecutions for damage to sacred sites along the lines of other NT legislation.

Further, the list of stakeholder negotiations appended to the review suggests that no custodian groups were consulted.

“There’ve been two well-publicised prosecutions by AAPA for damage to sacred sites – at the Bootu Creek manganese mine and at Judburra National Park,” Mr Morrison said. “The respective custodian groups could have offered valuable insights from their experiences, but there is no evidence in the review that they have been consulted.

“This has been a disappointing exercise, and brings no credit to the government, its highly-paid consultants and its approach towards including Aboriginal Territorians’ unique culture and heritage into the future planning of the Northern Territory,” Mr Morrison said.

PM reappoints Scullion

Myles Morgan, NITV journalist: Prime Minister, you said it was so important to consult with Indigenous people before making decisions to Indigenous people. Did you consult any Indigenous people before reappointing Nigel Scullion as Indigenous Affairs Minister?

Prime Minister Malcolm Turnbull: Well, Nigel has been doing an outstanding job as Indigenous Affairs Minister. I'm delighted that he's, he's continuing in that role, and I have, I have met with ah many Indigenous people, including recently the ah handover, or the conclusion if you like, the handover of the title deeds to the Kenbi land claim in Darwin not so long ago which I think many of you were present at.

From a press conference at Parliament House, Canberra, 18 July 2016

Prime Minister Malcolm Turnbull has reappointed Northern Territory CLP Senator Nigel Scullion as his Indigenous Affairs Minister, and claimed to have consulted Indigenous people during the Kenbi handback ceremony at Mandorah four weeks before he announced his new Cabinet line-up.

Mr Turnbull spent nearly four hours at the Kenbi ceremony on 21 June. He was constantly in the company of Senator Scullion, NT Chief Minister Adam Giles, NLC Chairman Samuel Bush-Blanasi and CEO Joe Morrison; neither Mr Bush-Blanasi nor Mr Morrison witnessed any consultation about Senator Scullion's ongoing role.

Later, on 12 July, Mr Morrison wrote to Mr Turnbull urging him to reconsider who should be Minister for Indigenous Affairs, because Senator Scullion's performance had been "profoundly disappointing".

"It was never a good look that a member of the Northern Territory Country Liberal Party should be the Commonwealth Minister for Indigenous Affairs," Mr Morrison wrote.

"The CLP has a long history of outright hostility to land rights and to the two mainland Northern Territory Land Councils in particular. Senator Scullion's alignment with the National Party gives rise to the perception of a return to the 1960s and early 1970s, when the Country Party, antipathetic to Indigenous interests and especially to land rights in the Northern Territory, determined the course of Indigenous policies for Coalition governments."

Mr Morrison directed the Prime Minister to Senator Scullion's maiden speech on 13 February 2002, when he said: "The Aboriginal land act [sic] is an ill-considered piece of legislation that became law in the Northern Territory in 1976 because Territorians had no choice in the matter."

The new Senator continued: "Whilst I am sure that the social debris from the collision between a Stone Age culture and modern times is not going to be cleaned up through implementing just one or two ideas, I suspect that the special Aboriginal freehold title issued to indigenous Territorians under the current legislation (the *Aboriginal Land Rights [Northern Territory] Act 1976*) is a sad comparison with the real freehold title enjoyed by other Australians. The nature of the tenure of this land is a principal impediment to development and the economic self-determination that will surely follow."

Now Senator Scullion says he is not opposed to land rights.

In a statement to the ABC on 19 July, the day after his reappointment as Indigenous Affairs Minister, Senator Scullion's office said in a statement: "The Minister's commitment is demonstrated by the four land grants delivered to Aboriginal traditional owners over the past two months

and the announcement of a positive land rights policy during the election - hardly the action of a Minister who is opposed to land rights."

The Liberal Party's Coalition policy platform (36 policies are listed on the party's website) and the National Party's policies (33 listed) are silent about land rights. So, too, are the Country Liberals, but Senator Scullion did say at a land handover at Santa Teresa on 6 June that "the Turnbull Coalition is absolutely committed to the recognition of land rights".

Senator Scullion was appointed Minister for Community Services by Prime Minister John Howard in January 2007. With Indigenous Affairs Minister Mal Brough, he had a central role in the infamous federal Intervention into the Northern Territory.

Senator Scullion was appointed Indigenous Affairs Minister by Prime Minister Tony Abbott in September 2013, and his relationship with the Northern Land Council quickly soured.

He had come to the job determined to have the Senate pass regulations which would have enlivened amendments to the Land Rights Act (passed by the Howard Government in 2006) and enabled land council powers to be devolved to local, largely unaccountable, Aboriginal corporations; further, Minister Scullion would have supplanted the role of land councils and put himself as ultimate decision maker.

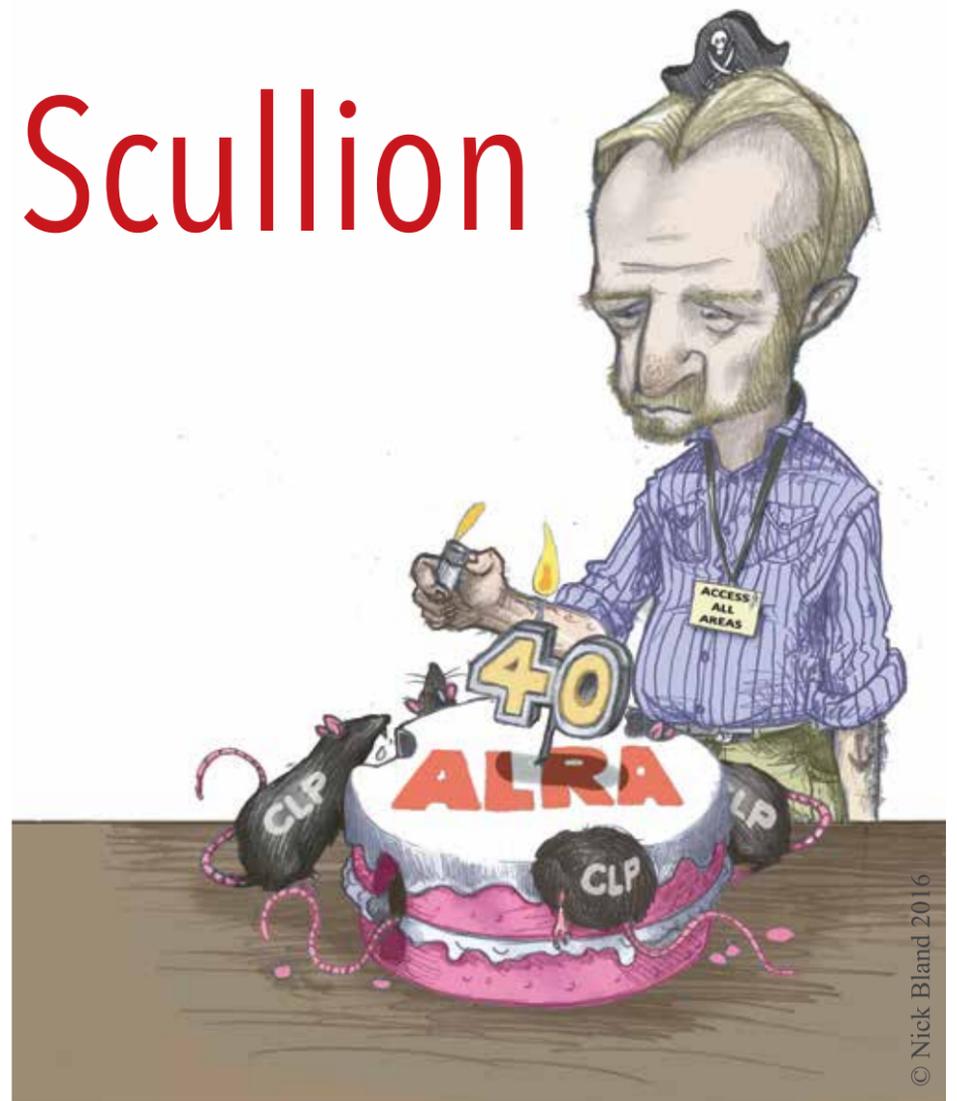
In early 2014, the NLC successfully lobbied Labor and Green Senators to have the Senate disallow Minister Scullion's regulations. Scullion was furious, and obscenely abused the NLC Chairman, Deputy Chairman and the CEO, Joe Morrison, in the privacy of his ministerial office.

Mr Morrison addressed Senator Scullion's record as Indigenous Affairs Minister in a speech to the National Press Club on 11 February last year: "From our perspective, the Minister's influence within the Government is completely inconsistent with the goodwill which underpinned the (Aboriginal Land Rights) Act's original intent ... and the stated desire of the Abbott government to work constructively with Indigenous Australians to better their future."

"It is no accident that Senator Scullion is the first Federal politician from the Northern Territory in any Coalition Government to serve as Minister for Indigenous Affairs. No other Government has seen fit to ignore the political history of the Territory and allow the CLP to get its hands on the land rights machinery.

"And it seems clear to us that the Senator is pursuing an Indigenous policy agenda of the Country Liberal Party, rather than the broad-based Coalition policy approach enunciated by Prime Minister Tony Abbott."

A few days after Mr Morrison's National Press Club address, the NLC was summonsed



to appear before the Senate Finance and Public Administration Committee where Mr Morrison was grilled (especially by the Chair, Liberal Senator Cory Bernardi, and National Party Senator Bridget McKenzie) about the NLC's operations.

Senator Scullion would later dilute his attack on the powers of land councils and late last year the Senate approved an amendment to the Land Rights Act which was more palatable to the Northern and Central land councils. The new legislation would still empower local Aboriginal corporations, but removed the Minister's role as decision maker.

At the NLC Full Council meeting in Ngukurr on 19 May this year, Senator Scullion announced that he would use money from the Aboriginals Benefit Account to fund those local corporations, "to pursue local decision making through a delegation of land council functions".

At the same meeting, Senator Scullion went out of his way to drive a wedge between Joe Morrison and council members.

He was upset that the NLC had made a submission to a Senate inquiry into his ill-fated Community Development Program (CDP) - his work-for-the-dole scheme that would require (Aboriginal) adults between 18 and 49 years to undertake work-like activities for up to 25 hours per week; he said Mr Morrison's "representations or misrepresentations" to the Senate committee had been made without the knowledge of council members.

At the National Native Title Conference in Darwin on 2 June, Mr Morrison said Senator Scullion's criticism of the Senate submission was "sheer mischief ... and demonstrated an ignorance on his part of usual practice and process within the NLC."

"No matter that on this occasion, like many others, we were exercising our democratic right - indeed, exercising our statutory function - by being a legitimate part of the parliamentary process and public debate."

Senator Scullion, said Mr Morrison, would "brook no opposition to his policies, no matter how flawed they are ... and, though his divide-and-rule tactic did not go down well with the Full Council, it did send

a chilling message: don't mess with the Minister, or else he'll shoot the messenger."

Mr Morrison called on the Prime Minister to replace Senator Scullion, because he was "not up to the job". He recalled the Senator's maiden speech: "In that speech, he (Scullion) said that since the introduction of the Native Title Act, the Northern Territory had a double whammy - two Commonwealth acts which dealt with essentially the same issues. If the Native Title Act was good enough for the rest of Australia, then it should be good enough for the Northern Territory," Mr Morrison said.

"How about turning Senator Scullion's proposition around? If the Land Rights Act is good enough for the Northern Territory, why isn't it good enough for the rest of Australia?"

"Senator Scullion knows that the Native Title Act, by comparison, offers only a fragile bundle of rights that can be readily extinguished. Native Title, he knows, has never given Traditional Owners the same right of veto over development of their lands by third parties, as the Land Rights Act allows."

"That lies at the heart of Senator Scullion's abiding scorn for our Land Rights Act, and I know that he would undo in a trice, if he could, all the benefits that the Act has delivered to Aboriginal people in the Northern Territory."

"We have a Minister who measures his own success by the number of communities he's visited, a minister who sees his job as a project officer, micro-managing and meddling in the minutiae of all matters Indigenous."

"I believe that these are bleak times in the history of Indigenous affairs. In fact, they've never been bleaker than under Senator Scullion's watch, when Aboriginal and Torres Strait Islander affairs were folded into the Department of Prime Minister and Cabinet."

Senator Scullion responded by labelling Mr Morrison as "cranky" and his speech as a "rant".

The Senator was just as snuffy after Mr Morrison criticised his reappointment on 18 July as Indigenous Affairs Minister. He dismissed Mr Morrison as "a functionary".



Kenbi Handback

Around 1000 people gathered on 21 June on the foreshore at Mandorah, a ferry ride across the harbour from Darwin, to witness the handover of title deeds to the Kenbi land claim – more than 37 years after the Northern Land Council lodged the claim with the Aboriginal Land Commissioner.

The Prime Minister, Mr Malcolm Turnbull, handed over the deeds, packaged in paperbark harvested on Cox Peninsula the day before, from what is now Aboriginal land.

Organising the ceremony was a huge logistics job for NLC staff. Ferries and buses were chartered to transport invitees to Mandorah. A bough shelter was built to display a series of illustrated panels which traced the long history of the land claim. Those attending were able to sit under the shade of big marquees erected for the occasion, and lunch was provided for all.

Mr Turnbull and his entourage travelled by ferry from Cullen Bay at 9.30am with NLC Chairman Samuel Bush-Blanasi, Deputy Chairman Wayne Wauchope and Chief Executive Officer Joe Morrison. He left Mandorah by ferry back to Darwin at 1.30pm.

Before the official ceremony, the Prime Minister met with Aboriginal Traditional Owners from the Tommy Lyons Group.

Here is an edited transcript of his speech on the day:

Today we formally recognise what Larrakia people have always known – that this is Aboriginal land; that this is the lands of the Larrakia people.

I acknowledge that Larrakia people have cared for this country for tens of thousands of years. That your songs have been sung since time out of mind and those songs have held and passed on the knowledge of your customs, your traditions, your lore and I pay my deepest respects to you and your elders past and present.

Today marks a historic day in the settlement of one of the most complex and protracted land claims in the history

of the Land Rights Act.

I recognise that the journey towards this settlement has been a long and difficult one, ever since the land claim over this Cox Peninsula was officially lodged on the 20th of March 1979 – 37 years ago.

There have been three Federal Court and two High Court challenges. There were five Land Commissioners who examined this claim and who twice reported on the way forward.

Finally, Justice Peter Gray found in 2000 that there were six persons recognised as Traditional Owners and I recognise here today the members of the Tommy

Lyons group – Raylene, Zoe, Jason and Kathleen, and more broadly the Belyuen people and all Larrakia people.

What followed Justice Grey's report was a 16-year settlement, the terms of which are finally agreeable to all parties, especially the Traditional Aboriginal Owners, the Belyuen group.

Through all of this, over 37 years, you and your families never gave up. The Kenbi Land Claim was a hard fought land rights battle. But it represents so much more than a battle over land. It is a story that epitomises the survival and the resilience of our First Australians, the survival and the resilience of the Larrakia people.

For you are the land and the land is you.

This is both a celebration and a commemoration – a day to celebrate what has been achieved but also to remember what has been lost. Today I pay our respects to your elders, your old people, who fought so hard but passed on before their land could be rightfully returned to them.

I also acknowledge this claim and other claims near Darwin and over Darwin have been contested and have not all been resolved in a way that some would have hoped.

I want to acknowledge the Northern Land Council Chairman, Samuel Bush-Blanasi, and Chief Executive Officer Joe Morrison who have spoken so eloquently this morning, and the representatives of the Northern Land Council who have worked

with the Belyuen group, the Larrakia people, the Government, and the broader community to help secure the agreement.

Can I thank all parties for their good faith negotiations, which have ultimately resulted in a settlement which will benefit the Belyuen group and future generations of Larrakia people.

It has been 40 years since the Land Rights Act and 50 years since the 1966 Wave Hill walk-off triggered movements locally and nationally amongst Aboriginal people for land rights and representation. It has been even longer since the 1963 bark petition challenged the Government to find a just answer for the Yolngu people of Arnhem Land.

We continue to address challenges that confront us daily of poor outcomes for our First Nations peoples – the persistent gap that we seek so desperately to close in health and social outcomes. We must work together if we are to see our First Nations peoples have equality of opportunity.

Yet, we must not fail to appreciate what is being achieved in the face of adversity.

Already more than 40 per cent of

Photo above: Traditional Owner Raylene Singh holds aloft the title deeds to the Kenbi land claim after their presentation by Prime Minister Malcolm Turnbull. From left, NLC Chairman Samuel Bush-Blanasi, Prime Minister Turnbull, NT Chief Minister Adam Giles, Federal Indigenous Affairs Minister Nigel Scullion (holding the paperbark which wrapped the deeds), Raylene Singh and her sister, Zoe.

Kenbi Land Claim History

At the handback ceremony at Mandorah on 21 June, NLC CEO Joe Morrison traced the long history of the Kenbi land claim. Here is an edited extract of his address.



NLC CEO Joe Morrison outside the display of the history of the Kenbi land claim.

Australia's land mass has been the subject of a successful land rights or native title claim.

Handing back your land must be done with an acknowledgement of the injustices and the trauma of the past, much of which Aboriginal people still live with today. Prior to the arrival of the Europeans, this land, Australia, was cared for by hundreds of nations of Aboriginal people. Yours are the oldest continuing cultures on earth.

Our nation is as old as humanity itself and the Larrakia people were, and are, the Aboriginal people of the Darwin region. In policies past, Larrakia people were not treated with the respect they deserved – you were confined to reserves, your movement was restricted, your camps like Lameroo Beach were relocated to compounds and, over generations, children were separated from their families.

This trauma and suffering cannot be denied and today we acknowledge these injustices. But today, with the recognition of you as Traditional Owners and with your land being handed back to you, we look to the future with hope and with optimism.

The successful resolution of the Kenbi Land Claim shows the capacity of our laws to deliver justice for our First Australians. Although a long and protracted process, it has produced a result that will ensure the Belyuen group and the Larrakia people more broadly have cultural, social and economic opportunities into the future – and that the sharing of benefits can occur in a way that respects the findings of Australian laws and meets the cultural requirements of the Larrakia people.

In a symbol of hope and of optimism, the Kenbi Land handover will ensure Larrakia people build autonomy and independence, in a partnership based on mutual respect with all other Australians. It will ensure your hard fought rights are protected and managed according to the Belyuen group and the Larrakia people and that those rights are converted into economic opportunities.

Like Aboriginal people across our nation you have respected your country and have sacred and special knowledge of the environment and the ecosystems.

What happens next is up to you.

The innovative way you have negotiated the land claim means the benefits derived from the settlement are shared between the Traditional Owners and the Larrakia people and community.

You have the opportunity to guide the next stage and we will walk with you on the next part of the journey. By working together, we can ensure your hopes for your future and the future of Belyuen people and of Larrakia people, are realised.

I look forward to this land enabling strong economic growth and empowerment for the Larrakia people. One of the most important objectives – in some ways the most important – must be greater economic empowerment, more entrepreneurship among Aboriginal people.

This year, 2016, is the fortieth anniversary of the Northern Territory Aboriginal Land Rights Act. It passed through the Commonwealth Parliament in December 1976 under Mr Malcolm Fraser's Coalition government.

A year before then, Mr Fraser's predecessor, Labor Prime Minister Mr Gough Whitlam, was removed from office before he could enact broadly similar legislation. But, anticipating the legislation, Mr Whitlam in April 1975 appointed an interim Aboriginal Land Commissioner, Justice Dick Ward.

The newly incorporated Northern Land Council wrote to the interim Commissioner in March 1975, seeking advice about lodging a land claim to Cox Peninsula, where we are gathered today.

The prospect of Aboriginal land rights frankly terrified much of the Territory's non-Aboriginal population. Land rights were certainly unsettling the Country Liberal Party when it assumed self-government of the Northern Territory in July 1978.

One of the first acts of the new government, in December 1978, was to promulgate town planning regulations which declared that large areas around Darwin, Katherine, Tennant Creek and Alice Springs were to be treated as if they were part of a town, and therefore unable to be claimed as Aboriginal land. That was in spite of the Northern Land Council having foreshadowed, before self-government, a claim to land on this

very peninsula.

Notwithstanding the Northern Territory's town planning regulations, the NLC lodged the land claim to Cox Peninsula and various islands to the west of here on the 20th of March 1979 – more than 37 years ago.

“The prospect of Aboriginal land rights frankly terrified much of the Territory's non-Aboriginal population. Land rights were certainly unsettling the Country Liberal Party when it assumed self-government of the Northern Territory in July 1978.”

The validity of the town planning regulations would bedevil the process of the Kenbi claim for more than a decade. The legal challenges, all the way to the High Court, were complex and expensive.

The very first Aboriginal Land Commissioner, the late and much-respected Justice John Toohey, held initial hearings in 1979 to ascertain whether he could proceed with hearing the land claim. He found that he could not, as he was unable to question the motives

of the Government in making the Town Planning regulations.

The NLC took the decision to the High Court which, in 1981, directed the Land Commissioner to consider whether the regulations had been made for the ulterior and improper purpose of defeating the claim.

In the subsequent hearing, the Northern Territory Government refused the Land Commissioner's order to produce all relevant documents about the planning decision. The Government took this through the Federal and High courts – and lost again.

It was not until 1988 that Justice Howard Olney, the fourth Land Commissioner to deal with the matter, found that the planning regulations were invalid because they had been made for the improper purpose of preventing claims under the Land Rights Act.

The NT Government appealed to the courts, again unsuccessfully.

Finally, in September 1989, the High Court's refusal of special leave to appeal allowed Justice Olney to begin hearing the Kenbi claim. The hearing lasted for 30 sitting days and ended in disappointment.

Justice Olney handed down his report in February 1991, finding that there were no Traditional Aboriginal owners of the claimed land. That was because the Land Rights Act required that there be at least two persons of patrilineal descent who had primary spiritual responsibility for sites on the land, and the Commissioner found that only one such person existed.

A year later, in February 1992, the Federal Court overturned that finding and ruled that persons of matrilineal descent could satisfy the term “Traditional Aboriginal Owners” as defined in the Act.

Thus the path was cleared for a second hearing and by then the office of Aboriginal Land Commissioner was held by Justice Peter Gray. He sat for 57 days between October 1995 and June 1999.

The NT government held to its obsession that the Cox Peninsula was required for the future expansion of the City of Darwin. It argued that Darwin would expand to a population of one million, and that of four available options, only the Cox Peninsula could be used for that expansion.

But Justice Gray was critical of the government's town planning exercise, saying that it had more to do with defeating the Kenbi land claim than attempting to plan for the possible future expansion of Darwin. Aboriginal interests, he said, were given little or no weight, whereas much

emphasis was placed on the desirability of providing vast areas for people who might wish to live in low-density, rural-residential environments.

In his report, delivered in December 2000, Justice Gray observed that a town could be constructed in the south-east portion of the peninsula, which had not been recommended for grant in the land claim.

More importantly, he found that six persons known as the Tommy Lyons Group were Traditional Aboriginal Owners of most of the land claimed. Further, he reported that the land would be for the benefit of all

“In May 2002, that finding became a reality, and legal challenges were finally put to rest, when the Territory’s new Labor government decided to abandon any further appeals through the courts.”

1600 Larrakia people who have traditional interests, not just the six Traditional Owners.

In May 2002, that finding became a reality, and legal challenges were finally put to rest when the Territory’s new Labor government decided to abandon any further appeals through the courts.

But that was not the end of the journey.

First there were discussions with governments about how Justice Gray’s recommendations would be put to effect. That’s resulted in agreement for 52 thousand hectares to become Aboriginal

land under the Land Rights Act.

Another 13 thousand hectares in the northern part of Cox Peninsula will be freehold land vested in the Kenbi Land Trust. Twenty per cent of that freehold will be granted to the Larrakia Development Corporation.

Then in 2008 along came the High Court’s Blue Mud Bay decision which gave ownership of 85 per cent of the Territory’s coastline, including Cox Peninsula, to traditional Aboriginal owners.

That has been factored into the final settlement, and has resulted in permit free access for recreational fishers to most of the Cox Peninsula coastline and the islands to the west, barring exclusion zones around sacred sites.

Finally, the Commonwealth, through the Departments of Finance and Defence, has agreed to remediate lands across the Kenbi claim area which have been degraded by toxic waste and arms materiel.

The journey has been stressful for many, and I acknowledge that many Larrakia remain unhappy about the outcome.

Further, we must not forget those senior Larrakia people who did not live to see this day eventuate. Thirty seven years is far too long to wait for lands to be returned.

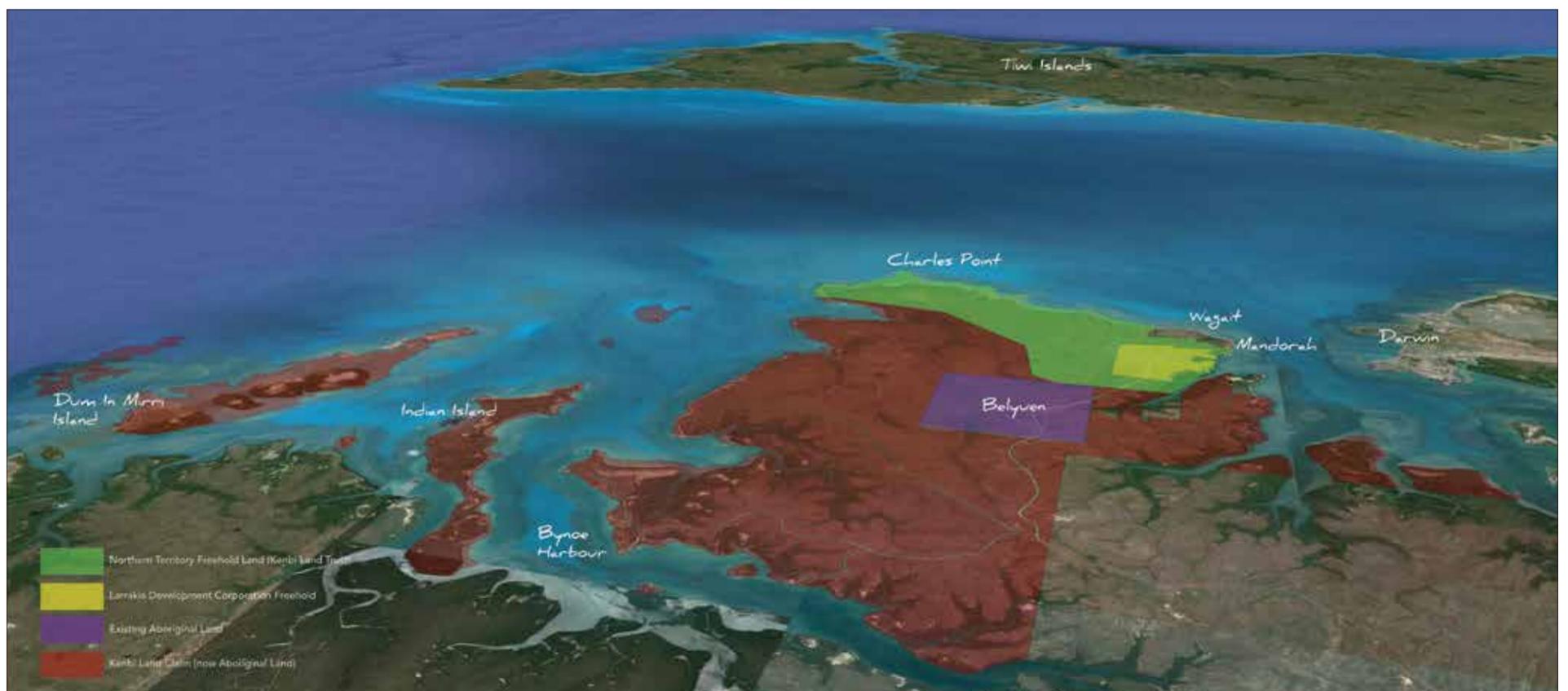
But I stress that today really is a day for celebration.

Today’s handback ceremony will deliver certainty to the whole community, and opportunity for Aboriginal people themselves to participate in the economic development and cultural protection of the Cox Peninsula now and forever into the future.

That, surely, is a great outcome.



Prime Minister Malcolm Turnbull and Chief Minister Adam Giles are led by the Kenbi dancers to the handback ceremony.



The then Aboriginal Land Commissioner, Justice Peter Gray, recommended in 2000 that the rights of Traditional Aboriginal Owners to most of the land at Cox Peninsula be recognised.

In the years after then, the Northern Land Council negotiated with the Northern Territory and Commonwealth

governments to reach a settlement which opened up economic opportunities while preserving cultural ties to the land. The NLC also undertook extensive negotiations with the Traditional Owners and the affected Larrakia family groups and the Belyuen community.

The outcome is that 52,000 hectares (coloured brown

on the map above) are now Aboriginal land under the *Aboriginal Land Rights (Northern Territory) Act 1976*; 13,000 hectares (coloured light green) will be NT freehold, of which 20% (coloured light green) will be granted to the Larrakia Development Corporation.



Prime Minister Turnbull meets Traditional Owner Jason Singh. Raylene Singh looks on from the background.

Traditional Owners reflect at the handback ceremony

Jason Singh

This is a big day for us.

At long last we will be getting our land back.

I want to thank the Prime Minister, Mr Turnbull for being with us today. It is a great honour to have him here to hand back our land.

I thank the Chief Minister for coming here today. I also want to thank the other important people who have joined us on this great occasion.

I am very happy that after 37 years we will be getting our land back.

I am very sad that our mother is not here today. She fought hard for the Kenbi land claim.

Today I also think of my dad who helped my mum to fight for our country.

Raylene Singh

We are very happy today because at long last we are getting our land back.

Our land is very important to us. We are nothing without our land.

Our mother taught us about this country, and I am very sad that she is not here today. Our mother was very important in the long fight to get our land back.

Today I also remember all the other people who have passed away and cannot be here for this big occasion.

It has taken 37 years, and today is the end of a long fight.

It is good that the Prime Minister has come here to give us back our land. He is a busy man, and I thank him for coming here today.

And I thank everybody else who has come to celebrate.

Zoe Singh

Thank you all for coming today, especially the Prime Minister, Mr Turnbull, who met with us family earlier this morning.

I feel very proud that we are getting our land back.

I'm very glad that the long fight for our land is finally over.

Today I remember all those people who have passed away over the many years since we first claimed our land.

Most of all, I remember my mother who passed away. She taught us everything about our country.

It has been a long, hard struggle for me and my brother and my sister, and the other clan groups.

Now we just want to get on with our normal lives.

I look forward to caring for the country that has been given back to us.



The artwork used to illustrate the invitations and official program for the Kenbi handback derives from a work by traditional Aboriginal owner Raylene Singh. It depicts the Kenbi dreaming which provided the name for the land claim.

The dreaming was described in evidence as a didgeridoo, a bamboo or a tunnel – essentially a subterranean passage linking various sites, particularly those associated with sources of freshwater.

It is believed that the Kenbi dreaming connects the various sources of freshwater, so that the water from springs is the same as in the Belyuen waterhole.

In ceremony it was crucial that young boys and girls bathe in the waterhole at Belyuen. This transmitted the sweat of the initiates to freshwater sources throughout the land, particularly those connected with the Kenbi dreaming, so that they could move safely through the land claimed.

At certain times, tidal movements in Woods Inlet create a sound which is held to be the sound of an old man playing the Kenbi didgeridoo.

NLC Chairman: "This claim has hung like a dark cloud"

At the Kenbi land claim handback at Mandorah on 21 June, NLC Chairman Samuel Bush-Blanasi said it was "a great day in the history of the Northern Territory."

Here is an edited transcript of his address.

Here we are, more than 37 years after the Northern Land Council first lodged the Kenbi land claim, finally celebrating the handover of title deeds.

Too many people are not with us to witness this historic event because they have passed away too soon.

Only a week ago I was at Yarralin, a small community in the Victoria River District, to witness the handback of 50,000 hectares of Aboriginal land.

That too was an historic event.

That Yarralin claim was lodged and heard in 1975, even before the *Northern Territory Aboriginal Land Rights Act* was passed by the Commonwealth Parliament in December 1976.

So this is the fortieth anniversary of Aboriginal land rights in the Northern Territory.

The Land Rights Act has enabled the return to Aboriginal ownership of half the land mass of the Northern Territory, and more than 85 per cent of the Territory's coastline.

And that has been achieved without the mayhem and social disruption that those who so loudly opposed land rights forecast back in the 1970s and 80s.

The Land Rights Act has delivered justice – a justice largely denied to Aboriginal people in other jurisdictions.

We are a more enlightened society in

2016. The fears about land rights which were so prevalent 40 years ago have been put aside.

And today we should also put aside the disagreements that I acknowledge some Aboriginal people feel about how this Kenbi land claim has been worked out.

Today, let us join together in a spirit of real celebration.

The realisation of the Kenbi land claim is a great occasion for us all.

This beautiful place we call Cox Peninsula, and the islands to the west, are finally back in Aboriginal hands, and many more Aboriginal people than just the few Traditional Owners will benefit from that.

Aboriginal people themselves now have great opportunities for economic development. Caring for this country, nurturing its cultural and environmental values, will now be the responsibility of Aboriginal people themselves.

We will all be better off for that.

Getting here has meant hard work by so many staff of the Northern Land Council over the past four decades, and I thank them all for their dedication.

I also thank the Commonwealth and Northern Territory governments for their commitment to bringing about final settlement of this claim which has hung over these lands like a dark cloud for far too long.



From left: Traditional Owner Raylene Singh, Prime Minister Turnbull, Traditional Owner Jason Singh, former Land Commissioner Peter Gray (who decided the Kenbi claim in 2000) and NLC Chairman Samuel Bush-Blanasi.



A letter to the Larrakia

Dr Maria Brandl is an anthropologist who led the work on the first Kenbi land claim. She attended the handback ceremony at Mandorah on 21 June, and penned the following lines as a Letter to the Larrakia:

This has been a long journey, the Kenbi claim dreaming track, ending here today on this the shortest day of 2016.

It was unforgettable at the beginning in 1978 and now has become a unique and significant experience for the Larrakia people and their descendants, and for the people of Australia.

Since I heard of the final legal decision my thoughts have been full of the old people – your old people, the Larrakia – and of your Larrakia community in all its richness and diversity today.

Of course my first thoughts were of the successful claimants especially Kathleen, and Raylene, Jason and Zoe, and their mother and grandmother with whom Michael Walsh, Adrienne Haritos and I were privileged to work so closely in 1979.

And I remember others who stood alongside the old people, all who have now gone. Like the sister of the Singh children's father's mother's mother, the little old lady born at Anson Bay, who refused to be ordered into Darwin by administrators; and her nieces – other heroines of the "old people" from whom many of you here today descend.

We remember and honour them because they fought long before the Woodward Commission or the 1976 Act, and who were regularly knocking on the door of the old NT Lands Branch or Northern Territory Administration's Welfare Branch to get rights where they could and they fought for their Larrakia kin – as over Duwun, known to other 20th century Darwinites as the RAAF bombing target, Quail Island.

Once the Kenbi claim was launched, a cast of at least hundreds needs to be remembered for their help, many that you will be thinking of I will not name; in fact, most of those who have gone I will not name. And I know that all of you will know someone who has gone. But I will name a few, known to us researchers without whom we could not have written that first claim book.

Here goes: The kin, the spouses, the neighbours of the Larrakia to the west, to the south, to the east and even to the north, the Tiwi Islanders; the archivists who went back over 100 years of old records; the lawyers and barristers and judges; the anthropologists and the Northern Land Council staff over the 37 years of the claim; our navigators, Indigenous and non-Indigenous; the writers and the journalists - I mention Xavier Herbert and Keith Willey in particular; the public servants like Les Penhall, from the time of the old Northern Territory Administration's Welfare Branch and those later ones from the Departments of Aboriginal Affairs and Social Security, and the National Gallery of Australia; and, above all, the late Peter Ucko former Principal of the then Australian Institute of Aboriginal Studies, now AIATSIS;

I also remember the late HC (Nugget) Coombs, former Senator and Federal Minister for Aboriginal Affairs Fred Chaney, former NT Opposition Leader Jon Isaacs, former Director of the National Gallery of Australia James Mollison, and local warriors Bill Day and the late Norma Coonan who typed the claim book.

Yes, we remember them today.

This handover, though, is a time for a new beginning, for new dreamings and for the future – the future that all these old people, Indigenous and non-Indigenous, made possible through the wonder that has become this Kenbi triumph.

It has been a hard-won confluence of anthropology, law, history, and morality.

The thought for today is: What will now follow from the handover of this title is all for posterity – for you and your children, especially for the hundreds of the wider Larrakia community and their kin who will long benefit from this victory brought with the steadfastness, the persistence, the courage, and the vision of your forebears who have gone on into the Dreaming.

I am honoured to have been part of it. I am honoured to be here with you, to be witnesses of this handover of land title.

On behalf of all I know and all who have worked on and stood by this claim through the years, I wish the Larrakia landowners peace and happiness and prosperity now that you have secured a formal title to your ancient land.



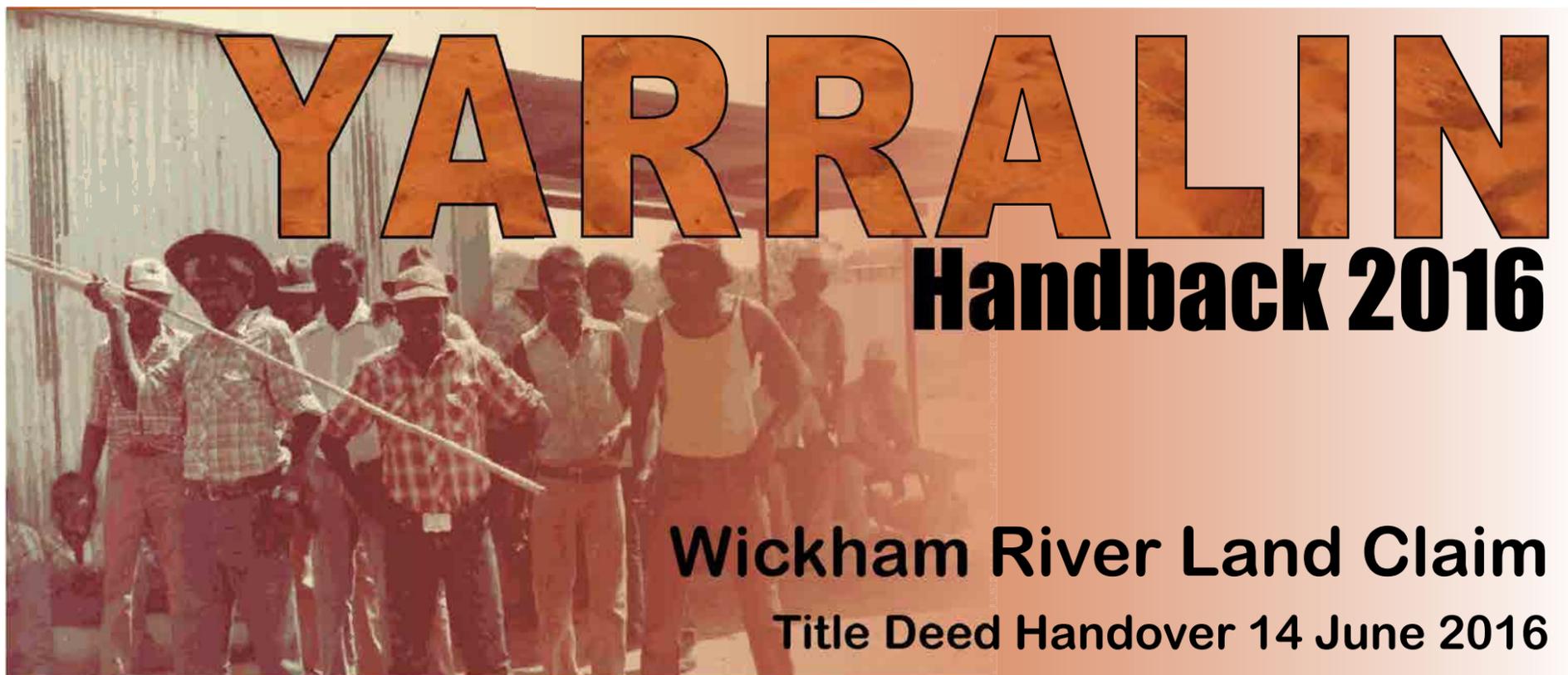
Remembering those who had passed away: From left, NLC CEO Joe Morrison, Lingiari MP Warren Snowdon (who represented Opposition Leader Bill Shorten), Federal Indigenous Affairs Minister Nigel Scullion, NT Chief Minister Adam Giles and anthropologist Dr Maria Brandl.



Prime Minister, Malcolm Turnbull meets with members of the Tommy Lyons Group



The happy aftermath – Indigenous Affairs Minister Nigel Scullion (holding the paperbark which had wrapped the Kenbi title deeds) stands beside Traditional Owner Kathleen Minyinma, in wheelchair.



Hundreds of residents from the Victoria River district crowded into the small community of Yarralin on 14 June for a ceremony to mark the presentation of title deeds to more than 50,000 hectares of land – more than 40 years after the traditional Aboriginal owners lodged a claim to the land under the then nascent Northern Territory Aboriginal land rights legislation proposed by the Labor government of Gough Whitlam.

Federal Indigenous Affairs Minister Nigel Scullion, who thanked the Traditional Owners for their perseverance and patience in fighting for the land claim, handed over the title deeds on behalf of the Commonwealth.

He welcomed "the interest" from traditional owners in a township lease over the community – although none of the traditional owners present indicated a skerrick of interest in relinquishing the land to which they were just about to receive title.

Aboriginal demands for land at Yarralin began seriously after workers and their families walked off Victoria River Downs station in April 1972, fed up with pay and conditions.

They joined the Gurindji at Wattie Creek who had walked off Wave Hill Station in 1966.

VRD Station was then owned by the Hooker Corporation, a Sydney-based real estate company.

After difficult negotiations with the company, the walk-off group began moving back in October 1973 to an area of land around the old Gordon Creek outstation, which they called Yarralin.

Gough Whitlam's Labor government, anticipating the passage of its Northern Territory land rights legislation, appointed a Northern Territory Supreme Court Judge, Justice Dick Ward, as interim Land Commissioner in April 1975.

The Yarralin people claimed title to their block, and Commissioner Ward heard their case in September 1975. He recommended the claim be granted, but the new Liberal Party Government of Malcolm Fraser, elected in December 1975, sat on the recommendation.

After years of inaction, the NT Government agreed to hand over the Yarralin block, (14,900 hectares) to Ngarinman Yarralin Community Incorporated (but not as Aboriginal land under the *Land Rights (Northern Territory) Act 1976*). The ownership body was subsequently

mismanaged, and by the mid-1980s the title to the land at Yarralin was held by a bank in Katherine as security against a large overdraft.

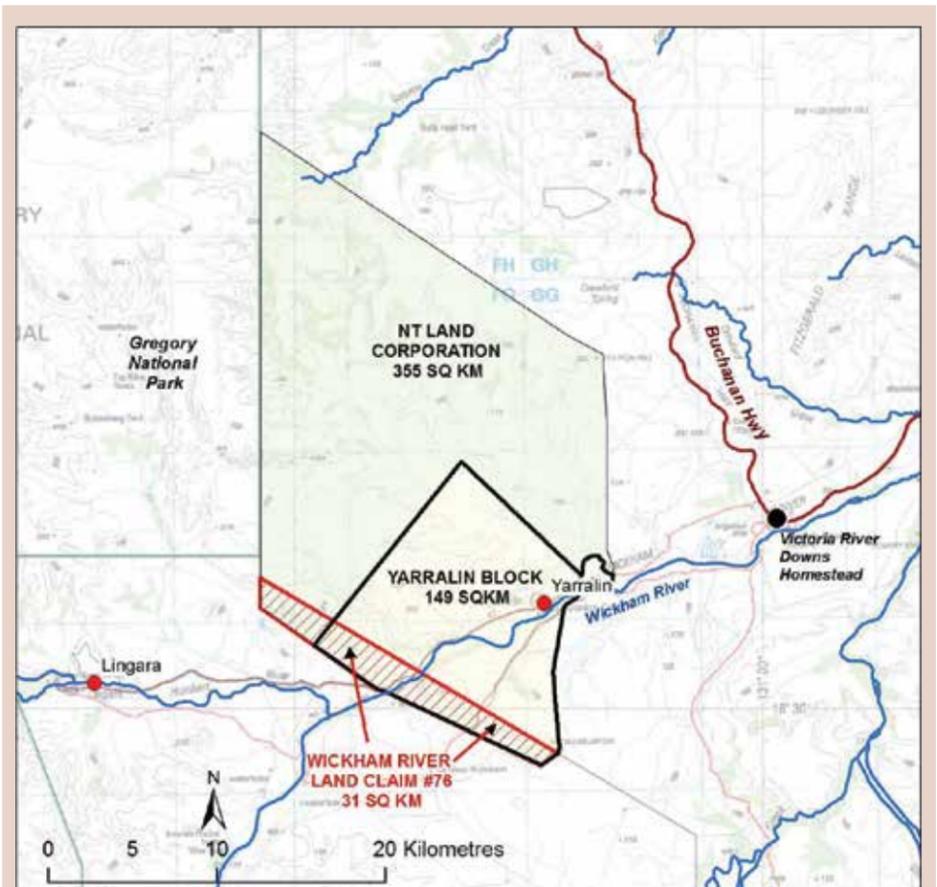
By the mid-1990s, Ngarinman Yarralin Community Incorporated was dissolved. Because it was registered under NT legislation, the NT Commissioner for Consumer Affairs came to hold the title to the land.

But, by virtue of a surveying oversight, a slice of land at the southern end of the Yarralin block had been left unalienated, and the Northern Land Council moved to take advantage on behalf of the Traditional Owners. The NLC lodged the Wickham River Land Claim in 1983 over the unalienated land; the claim was not heard by the Aboriginal Land Commissioner until 2009.

The then NT Labor Government conceded the Wickham River claim, and agreed that all the original Yarralin block should be Aboriginal land also.

As well, the Government agreed to hand over title to a larger block to the north of Yarralin (35,500 hectares), which the previous CLP government had vested in the NT Land Corporation, in order to put it beyond claim under the Aboriginal Land Rights Act.

So, more than 44 years after they walked off VRD station, more than 50,000 hectares of land is now back in Aboriginal ownership.



After the handover of title deeds on 14 June 2016, Aboriginal people will own more than 50,000 hectares of land at Yarralin, and to the north, under the *Aboriginal Land Rights (Northern Territory) Act 1976*.

It comprises two blocks:

- The original Yarralin block (14,950 hectares) to which the Ngarinman Yarralin Community Incorporated gained title in the mid-1980s. The body went broke in the mid-1990s, and the title to the land at Yarralin rested after then with the NT Commissioner for Consumer Affairs.
- A block (35,500 hectares) immediately to the north of the Yarralin block, which was previously owned by the NT Land Corporation and was therefore not able to be claimed under the . During settlement of the Wickham River land claim, the NT Government decided in 2009 to hand over the block as Aboriginal land.

The land handed back totals 50,310 hectares - 140 hectares less than the combined land area of the two blocks, because land for public roads has been excised.

Minister Scullion acknowledges "perseverance and patience"

The Minister for Indigenous Affairs, Country Liberals Senator Nigel Scullion, said the land handback at Yarralin on June 14 was a day for the community to celebrate the resolution of its long fight for land rights.

"Today's ceremony formally recognises the land as Aboriginal land, something traditional owners have known to be the case for many generations," Minister Scullion said.

"I thank the traditional owners for their perseverance and patience in fighting for this claim and look forward to working with them to ensure the land can now be best utilised for the benefit of the Yarralin community. This could include commercial development and home ownership if traditional owners are keen for this to occur.

"I welcome the interest the traditional owners have expressed in a township lease for the Yarralin community as an option to improve the existing land administration arrangements.

"I am also pleased that together with the Country Liberals Northern Territory Government, we have allocated a significant investment in housing in Yarralin – including twenty new houses and seventeen upgrades."

At a press conference later, Mr Scullion conceded that the delivery of new housing was dependent on a lease being signed, at least over residential blocks at Yarralin. Mr Scullion's preference is for a lease over the whole community – a "township" lease.

Minister Scullion acknowledged the close link the parcel of land had with the historic walk-offs from Wave Hill Station and Victoria Downs Station when Aboriginal stockmen and their families stopped work in protest at poor wages.

"The walk-offs were pivotal moments in the lead up to the land rights movement and a vital part of the process that led to today's grant of land."



Traditional Owners with Indigenous Affairs Minister Senator Nigel Scullion hold a framed copy of the title deeds.



Johnny Dann



Nora Anzac

Anthropologist Debbie Rose reflects on her work in Yarralin



Anthropologist Debbie Rose (Professor Deborah Bird Rose) left, came to Australia in 1980 in the hope of finding Aboriginal people who would allow her to live with them and learn about their relationships with country and other species. Instead of going home to the USA, she stayed to work with people on land claims and other matters. She worked on many claims for the Aboriginal Land Commissioner as consulting anthropologist; in other claims she worked directly with Traditional Owners.

She wrote claim books for a number of successful claims and disputes, including three in the Victoria River district: the

Wickham River land claim, the Jasper Gorge-Kidman Springs land claim and the Bilinara land claim. She also worked for the Sacred Sites Authority (later the Aboriginal Areas Protection Authority), documenting sites for registration with people from Yarralin, Lingara, Pigeon Hole, Amanbiji and other communities.

Her ethnography of Yarralin and Lingara people, *Dingo Makes Us Human: Life and land in an Australian Aboriginal Culture* won the Stanner Award years ago for its contributions to understanding Aboriginal society. Her book *Hidden Histories: Black Stories from Victoria River Downs, Humbert River, and Wave Hill stations,*

North Australia won the Jessie Litchfield Award for Literature. She is a Professor in the Environmental Humanities Program at the University of New South Wales. Her website is dedicated to stories of ecological and social justice (<http://deborahbirdrose.com/>)

Debbie Rose attended the handback ceremony at Yarralin, and has kindly written this article for Land Rights News about her long association with the community.

How interesting it is to be forever in debt. That's what happened to me when I came to Australia as a novice anthropologist. Elders taught me. Families invited me in. Communities gave me a place, weaving me into their fabric. All that generosity changed my life, and there's no way the debt can be paid. I did not go back home to America.

Instead, I stayed in Australia to work on land rights and to help register sacred sites. I did what I could, and I'm incredibly grateful for both sides of this story: grateful for the generosity of the elders and their families, and grateful for the opportunity to contribute to changing some of the brutal past.

Aboriginal Law is like that hill there. It never changes.

When I settled into the Yarralin community in 1980 people were extremely optimistic. The heart of their recent history was the walk-off, and they were thriving in the power they had gained to shape their own lives. The people who came to be known as Yarralin mob had walked away from Victoria River Downs Station in 1972. They were joined by people from

Humbert River Station, and they lived at Daguragu where the walk-off had started in 1966.

Of course the idea of a walk-off had been brewing for a long time, but the actual event was huge. It started a massive flood of change that brought down a terrible system of exploitation. One of the Yarralin elders who had been part of the walk-off was Hobbles Danaiyarri. Hobbles was a wonderful story-teller, eloquent and insightful, and he wanted Whitefellas to understand that Aboriginal people had been 'prisoners in their own country.' His point was that Australia had been settled by the work of people who were not free. First there was convict labour, and later

Aboriginal people replaced convicts as the un-free, un-paid labour with which much of the country was taken over. In short, the country was stolen and so was their labour.

The people who walked off had numerous industrial grievances, particularly the fact that they were not paid equal wages. And they had a wider and more powerful aspiration: to regain their land.

They were walking away from both sides of violence: labour exploitation and dispossession from country. The aim was to establish their own communities, each located in traditional homelands.

The Yarralin mob (Ngarinman) settled at the old Gordon Creek outstation of

Victoria River Downs. The Pigeon Hole mob (Bilinara) went back to that outstation. The Humbert River people (Lingara mob) went to Yarralin and from there they started an outstation near the old Humbert River homestead.

One group, the Karangpurru people who had lived at the VRD head station, was divided. Some of them stayed at the camp near the head station because the old man, King Brumby, would not leave. That area was his own country, and the main Dreaming for the group was right there too.

It was a sadly impossible situation for them: the place they most wanted to have a community was right there at the head station, and that was a place Whitefellas were never going to be willing to share. Some of them settled at Yarralin with the objective of gaining land to the north that was part of Karangpurru country and close to other Dreamings and historic sites.

Most of these people have experienced the return of some of their former lands through land claims, but it is important to remember that the *Land Rights Act (NT) 1976* had a hit or miss quality to it. Some people have benefitted massively, others still long for the country they were aiming to get when they walked off the stations forty-four years ago. The Karangpurru mob is one such group, and the Lingara mob also has not fared particularly well.

The Yarralin mob has had a stormy history in their struggle to gain freehold title. *Land Rights News* (July 2016) recently published an excellent account, telling about people's aspirations, the first title they were given, and how that title was lost. It goes on to tell about the small parcel of land that was a surveyor's error and that became the Wickham River Land Claim. Recently these blocks of land were bundled together under Aboriginal Freehold Title, and were returned to Traditional Owners on 14 June, 2016.

I hadn't been to a handback for many years. It was terrific to see that the Land Council was taking these events very seriously now, perhaps to honour forty years since the Land Rights Act came into being. The Yarralin 'handback T-shirt' has on the back the slogan '40 – An Act of Social Justice'. On the front it says 'We never gave up the fight ... Wickham River Land Claim Handback, Yarralin 2016'.

The handback was a day of celebration, and rightly so. The fact that various blocks were put together under Aboriginal Freehold marks an excellent phase in the changing relations between Aboriginal people and governments, both NT and Federal. It is another step in the long struggle for justice. The fact that the Minister for Aboriginal Affairs was present for the occasion and spoke to people in a very personal and committed manner was significant.

The handback was also a time for reflection. Many of us were thinking about the people who had walked off and then waited for decades for the land to be returned, and who were still waiting

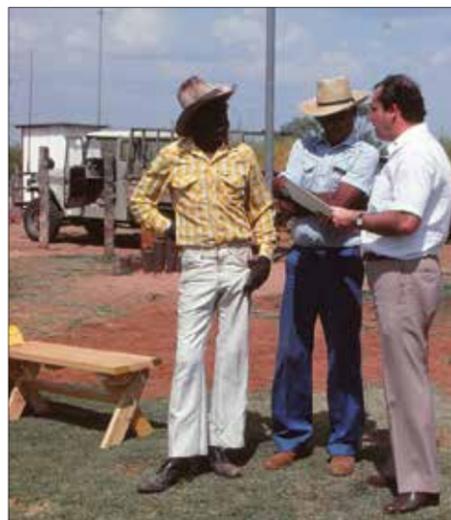
when they died. It was beautiful, actually, to remember those old people on this handback day. For the Yarralin mob, these long-gone people were their parents, grandparents, and great-grandparents. For me, they were my teachers and guides. They were the people to whom I am forever in debt.



Hobbles Danaiyarri. Photo H. Ludwigson

As I listened to the politicians' speeches, I remembered how Hobbles always enjoyed turning Whitefella words around to pull out a somewhat different story. One of the words he liked was 'freehold'. Here is what he said:

"You [Whitefellas] made the wrong for the Aboriginal people. Well, this land: we should get it. Because we've got all the culture. That Dreaming place, important one, you don't know about it. That's why we worry. We want to try to get it. This land, it's got no lease. It's the freehold. It's the freehold, altogether. When that Captain Cook came, he was stealing the freehold. People were free, sitting on land belonging to them. It's the freehold all over."



NT Chief Minister Paul Everingham (right) hands over title to the Yarralin community in 1984. The title was forfeited back to the Government in the 1990s. With Everingham are Hobbles Danaiyarri and Doug Campbell.

If Hobbles had lived to see the handback, I'm sure he would have told the Minister for Aboriginal Affairs that freehold in its Aboriginal form wasn't something governments conferred. It was the relationship between people and country, and it was circular. Country enlivened and empowered people, and people took care of country. Responsibility was the point of life – to raise new generations who

could take care of the country, protect the Dreamings, and keep the generations going. Country was not only an aspiration, but was people's most powerful source of strength.

When Welfare Officers tried to get people to go back to work saying they needed wages in order to survive, and when 'Lord Vestey' offered good working conditions as a way to regain control over Aboriginal people, Tommy Vincent Lingiari replied: "You can keep your gold, we just want our land back". That was the truth of the walk-off generation. That was how they broke away from brutality.

Freedom in the mode of responsibility meant aiming to regain homelands where people could continue to live from generation to generation. Those old people saw responsibility as an unchanging force in their lives.

One of the people who was prominent in everyone's memory at the handback was Doug Campbell, father and grandfather of a large number of the Traditional Owners. I remember the day Doug pointed to the big hill near Yarralin and said to me: "Aboriginal Law is like that hill there. It never changes." That's part of the beauty of Law that comes from the ground: the hill is always there. To see is to remember.

They were walking away from both sides of violence: labour exploitation and dispossession from country. The aim was to establish their own communities, each located in traditional homelands.

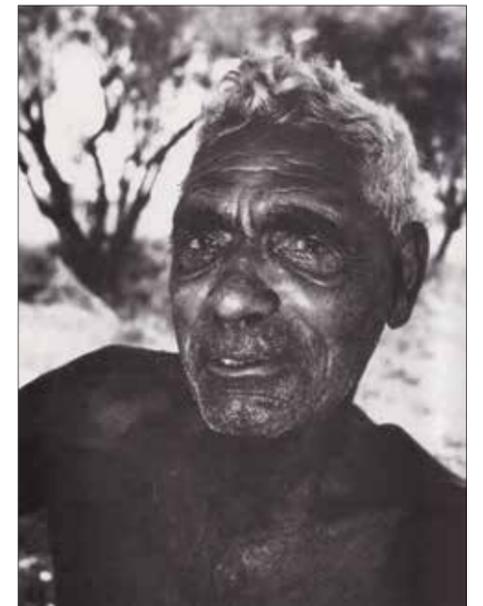
I was also reminded of continuity when I saw the photo on the handback program. It showed a group of Yarralin men, and was taken by Rob Wesley-Smith. Off to the left is Big Mick Kangkinang, holding a spear and looking wonderfully dignified in his western shirt and cowboy hat. He was one of the leaders of the walk-off and one of the founders of Yarralin. His home country was away to the north in the Stokes Range, and his land aspirations were met through the Stokes Range land claim.

I remembered a conversation with Big Mick in which he reflected on Whitefellas and their continual comings and goings. Big Mick was born in the bush, and when he was a child there came a time when there was a lot of shooting. It became safer actually to live on the station than to live in the bush, and so his family settled at VRD.

Big Mick's father had seen the first Whitefellas come into the region with their horses and cattle. Big Mick himself had seen the first donkey teams. Later he'd seen camel teams, and he'd seen

the first motorcars. Still later, he'd seen road trains, and then airplanes. He'd seen helicopters, and by night he'd seen satellites. And with all that coming and going, he liked to say that he was still right there in his country watching it all.

The walk-off generation was politically astute and at the same time they were idealistic. Many of them had a further aim



Doug Campbell. Photo D. Lewis

when they left the stations. Beyond equal wages, beyond parcels of land, they were committed to a wider transformation. Through land rights, injustice could be overcome, and a new nation could emerge. This would be a different Australia, made up of citizens who respected each other, who shared the wealth, who lived according to their own culture and knowledge, and who were committed to the idea that what was best for country would be best for Australia. Many of these old people truly desired an Australia in which Whitefellas and Aboriginals could work together, 'be mates together', and take care of country together.

The idealism of this vision involved an assessment that Whitefellas were capable of setting aside their misguided sense of racial and cultural superiority. It envisioned a future in which Australians would face each other as equals because all would be committed to the profound work of continuity in country. For years now the land councils and many committed individuals have kept these ideals alive. Somebody had to, because governments for the most part have failed to rise to the challenge of the walk-off generation. Inequality is growing throughout Australia. Hatred and fear seem to be increasing. The *Racial Discrimination Act* has been torn to pieces. Big issues that impact on country, like climate change, are not adequately addressed. The list goes on.

'We never gave up the fight' is a great story to celebrate, but there's more to it. The fight isn't over. The brutality of the past is being given new shape and power in the present, and so the fight for responsibility and justice must go on. That vision of transformation, the vision that empowered the walk-off generation, is still the greatest challenge of our time.



Traditional Owner George Campbell

NLC Chairman: Without our land we are lost people

Land rights for Aboriginal people in the Northern Territory had their beginnings in these parts when the Gurindji people walked off Wave Hill Station in 1966, fifty years ago.

You Ngarinman people joined the Gurindji at Wattie Creek six years later.

Between you both you laid the foundations for the land rights which Aboriginal people in the Northern Territory enjoy today.

And let's not forget that you also helped to lay the foundations for the cattle industry which prospers today because of your sweat and blood, and which greatly contributes to the economy of the Northern Territory.

Land rights have given you the opportunity to develop your own pastoral enterprises, and there is much opportunity for you to keep building up your businesses.

The Yarralin claim was lodged way back in 1975, a year and a half before the Aboriginal Land Rights Act became law in December

1976.

Today we celebrate not only the handback of this land at Yarralin and beyond.

We're also celebrating the fortieth anniversary of the Land Rights Act.

It's good to look back on all that history and remind ourselves how far we've come in a relatively short time.

Much still has to be achieved for us to gain real equality, but getting our land back puts us all, black and white, in a better place.

Without our land we are lost people.

Our land is our life, and the lives of the Ngarinman people will be greatly enhanced from today because your land rights have finally been recognised.

I congratulate you all and wish you all the best for the new future that lies ahead.

Speech by Samuel Bush-Blanasi, Chairman of the NLC at the Yarralin handback ceremony.



Bloody events have stained these lands

I acknowledge the Traditional Owners here, the Ngarinman people, who are about to receive title to their land more than four decades after their claim was lodged with the Interim Land Commissioner in 1975. You never gave up the fight, and today's ceremony is testament to your tenacity.

It is a tragedy that so very few of you who began the fight to get your land back, are alive today to witness this historic event. So many of your forebears have passed away too early.

For me, I take great pleasure in being CEO of the Northern Land Council on the occasion of this wonderful event, as I would have been 19 years old when I first came to Yarralin to work with the CDEP on a housing and community garden project. That was 24 long years ago.

Yours has been a tumultuous history. As the Interim Land Commissioner was told way back in 1975, your land was taken by force, without permission and without payment.

Many of your ancestors died defending their rights and resisting the unwanted occupation of your lands and desecration of your waters and sacred sites. Those stories are not told in our education curricula, as I believe they should be, but they have been written down by people of good will and some of those historians and anthropologists are here today.

I thank them for their profoundly important contribution that remains a permanent record of the often bloody events which

have stained these lands.

That history must never be forgotten.

It's a matter of great significance that today's ceremony is taking place this year, the fortieth anniversary of the Aboriginal Land Rights Act. The Act has given Aboriginal people ownership in white man's law of 50 per cent of the land mass of the Northern Territory and 85% of its coastline.

Let us remember that the Northern Territory is the only jurisdiction in Australia to have such land rights enshrined in Commonwealth law – a tribute to the governments of Gough Whitlam and Malcom Fraser.

Your Ngarinman ancestors walked off VRD station in 1972 to join the Gurindji at Wattie Creek and returned to this place, which you called Yarralin, 18 months later.

Your ancestors and yourselves have endured and suffered far too much for far too long. Today you get your land back, and I congratulate you all for never having given up the fight.

The Northern Land Council has been with you for 40 years. We will be with you for the next stage of your journey to mobilise those property rights so that you and future generations benefit through the community development unit we are about to establish.

We look forward to the future with you.

Speech by Joe Morrison, NLC CEO, at the Yarralin handback ceremony.



The Yarralin community gathers around a framed copy of the title deeds



Children from the Yarralin school sang about their community

Right to trade recognised

The Federal Court has recognised the rights of the Rumburriya Borrooloola people (the traditional owners of Borrooloola and members of the wider Yanyuwa group) to exclusive possession over vacant Crown land in the town, and to take and use resources for any purpose including commercial purposes – a so-called “right to trade”.

“This is a landmark native title decision,” said Joe Morrison, CEO of the Northern Land Council which ran the case on behalf of the native title claimants. “This is the first time native title rights of this nature have been recognised in the Northern Territory,” he said.

The right to trade was opposed by the Northern Territory and Commonwealth governments. They argued that the native title rights of the Rumburriya Borrooloola people were not of a commercial nature; rather, they were a right to take the resources of their estate, and to control access to their estate and its resources by others, only for personal or communal purposes of a domestic or subsistence nature.

The case was heard by Justice John Mansfield over 11 days earlier this year. He handed down his 111-page judgement on 30 June. Much of the judgement focussed on the history of the harvesting of trepang (bêche-de-mer, a sea cucumber) in the Gulf region by the Macassan people from the southwest corner of Sulawesi.

The judgement is notable for Justice Mansfield’s rejection of the thrust of much of the evidence by the anthropologist for the Northern Territory and Commonwealth governments, Professor Basil Samson.

Generally, Justice Mansfield preferred and accepted the evidence of anthropologist Jeff Stead, a former manager of the NLC’s (then) Anthropology and Land Tenure Branch, who gave evidence on behalf of the native title claimants.

“I am disinclined to accept the very firm views of Professor Sansom that the engagement of the people of the Gulf region with the Macassans was entirely outside of, and in no way managed by reference to, their traditional laws and customs,” Justice Mansfield said.

“In my view, the views of Professor Sansom ...are not supported by the evidence as a whole, or by other material to which his attention was drawn in the course of his evidence. His views do not fit readily with the views of the lay witnesses, or of the informants to earlier anthropologists or ethnographers.”

The “lay witnesses” were Aboriginal people who gave evidence about the relevant traditional laws and customs of the claim group, and Justice Mansfield found them to be “truthful and reliable”.

They gave extensive evidence as to their own and others’ taking and using the resources from the claim area and nearby to it, “which was clearly genuine and reliable”. Justice Mansfield said that prior to sovereignty (7 February 1788, the day of proclamation of the Colony of New South Wales), long distance exchange routes criss-crossed the continent.

In his judgement he divided the general Borrooloola region into three environments: marine (coastal), the adjacent islands, and

the adjoining inland plain or tableland areas that stretch well inland of Borrooloola. Each had different resource bases and unique technologies for their exploitation.

Resources taken from the marine region focused on foods such as sea turtles, dugongs and sea bird eggs and the technologies needed to exploit these such as canoes, paddles, harpoons and native ropes. Resources taken from the inland zone featured species such as fish, small game and specific flora species and the technologies required to utilize such resources included spears, fish nets, fish traps, dilly bags, and the containers required to process flora. Resources taken from the plains/tableland zone featured resources such as seed, grass, tubers, wild honey, reptiles and small marsupial species and the technologies required to exploit these included stone tools such as axes, spear heads and grinding stones. Material non-food items were taken such as ochre, stone, fibres and wood.

That “extensive” catalogue, Justice Mansfield said, indicated “the unrestricted right to take and use the resources of the claim area at the time of sovereignty, and continuously thereafter”.

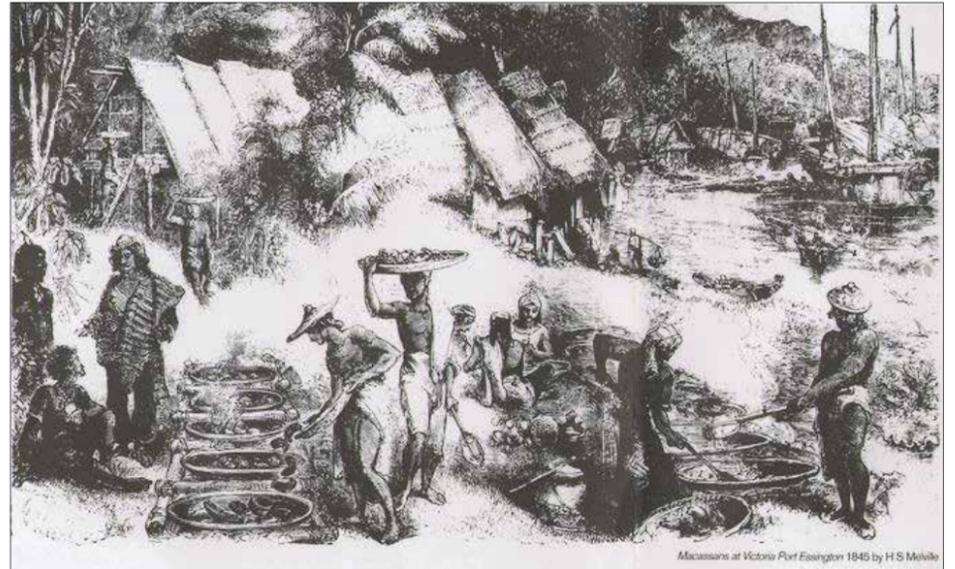
He said the evidence of the Aboriginal witnesses was “of significance” as it related to the existence at the time of sovereignty of “a traditional right to control access to the claim area and to take and use the resources of the claim area and of the continuity of those traditional rights and the manner of their exercise of those rights”.



Raffles Bay, Coburg Peninsula 1838

For at least several years prior to sovereignty, he said, Macassan trepangers were coming annually from the Celebes (Sulawesi) to northern Australia, including to the islands of the Sir Edward Pellew Group, to capture trepang, which was in great demand in parts of Asia.

“The Macassans needed and obtained access to places on shore for cooking and



The Makassan trepang industry in northern Australia began around 1720, with the earliest recorded trepang voyage made in 1751. This illustration by H S Melville, draughtsman on HMS Fly, of trepang processing at Port Essington, is dated 1845.

curing the trepang. A plentiful supply of firewood was needed to do these things. The Macassans also took away with them other resources from the land or sea, including pearl and tortoise shell,” the judgement recorded.

“The Macassans provided Aboriginal people with items that were of high value to them, including the dugout canoe, the steel axe, iron for harpoon tips, glass, rice, tobacco and a kind of rum called arrack.

“The Macassans had sexual relations with Aboriginal women. Sexual relations between Aborigines and Macassans involved both commercial and social aspects. Husbands and relatives of the women concerned expected regular gifts from the Macassan men involved.

“The Macassans negotiated a form of agreement with their Aboriginal hosts that was probably an agreement grounded in economic considerations of bargaining and mutual advantage. The Macassans sought and got permission from Aboriginal land holders.

initial dealings with the Macassans were simply invasive. But it did not follow that “for whatever reason and despite [any assumed] physical superiority and resource superiority of the Macassans and their desire to take advantage of it, the dealings between the Macassans and the people of the claim region did not become in part or in whole consensual”.

And while the Judge acknowledged that there may have been nothing in the traditional laws and customs of the Aboriginal people in the claim area to deal with that engagement, he said the evidence showed that they had traditional laws and customs dealing with their intersection with more remote Indigenous people, including ceremonial intersections.

“It may be that those traditional laws and customs were called into play when responding to the advance of the Macassans. It may be that, having been confronted with the advance of the Macassans, they applied and perhaps adapted their traditional laws and customs to address those new circumstances.”

But he was “disinclined to accept the very firm views of Professor Sansom that the engagement of the people of the Gulf region with the Macassans was entirely outside of, and in no way managed by reference to, their traditional laws and customs”.

Nor did he accept that there had to be “some inherent objective measure” of the value of the goods or resources taken from the claim area: “I do not consider that there is a need for the Applicants to show that they had a unit of currency as that is conventionally understood, or an objective measure of value, before the claimed right can be established”.

Justice Mansfield concluded that the right to take resources was not confined to taking for personal or communal purposes of a domestic or subsistence nature – as the Northern Territory and Commonwealth governments urged: “There is no basis for concluding that the admitted right to take resources was confined in this way [or at all]”.

Joe Morrison said: “We hope that this decision will encourage the Northern Territory Government in the future to recognise Indigenous commercial native title rights so that Aboriginal people can get on with their lives and not have to be tied up in protracted court cases to prove their inherent and ancient rights.

“The Macassan visitations continued until 1907 when Australian waters became closed to them”.

The Judge said “one critical issue” was whether in 1788 the people of the claim region dealt with the Macassans according to their traditional laws and customs.

It was “certainly a possibility” that the



Stokes Range

An accidental land claim

Big Mick Kankinang

As endless pages of Land Rights News from both Northern and Central land councils have attested over many years, the vast majority of land claims under the *Aboriginal Land Rights (Northern Territory) Act 1976* have been fought bitterly by the Northern Territory Government. Many claims have stretched over decades, and have faced legal challenges at every turn. But at least one of them, the Stokes Range Land Claim, may be judged as “the accidental land claim”, as former NLC staffer Chips Mackinolty recalls.

For many years, the Northern Territory Government had a strategy of shifting title in vacant crown land, including pastoral lands, into the Northern Territory Conservation or Land Commissions as a way of preventing Aboriginal traditional owners laying legitimate claims. It was one dodgy method – which included the expansion of the town boundaries of Darwin, Katherine and Tennant Creek to areas greater than the City of London – to prevent claims inside town areas. It was legal trench warfare, designed to do anything possible to prevent Aboriginal claims to land.

But an NLC lawyer, Ione Rummery, was doing a routine search at the Land Titles office in June 1986 when she discovered a wonderful thing: in resuming pastoral properties for the then-proposed Gregory National Park, the government had neglected to transfer title to an area known as Stokes Range. Some bureaucrat had failed to do the paperwork! It was thus vacant crown land.

There were no spare lawyers or

anthropologists. I had knocked around the VRD region for a few years as a craft adviser, and knew the players. So, it was panic stations as I was assigned to hit the road in the old yellow twin cab and get the hell out to Timber Creek to take instructions from traditional owners as to whether they wanted to lodge a claim under the Land Rights Act. That was something that could be taken for granted, perhaps, but it was seen as vital that the process was undertaken in a completely legal fashion. So the VHS camera was checked out, especially to confirm its time/date-stamp function was working accurately.

I left Darwin just before dark for the near 600-kilometre trip to Timber Creek, and swagged it across the road from the Timber Creek pub. NLC field officers had rallied Big Mick Kankinang and others to gather in the parking area in front of the pub to be shown various maps describing the area that was potentially claimable. It was the morning of 20 June 1986 – the pub wasn’t even open.

The claimants, in front of the camera – not unsurprisingly – gave the required legal instructions to claim an area of land they thought had been lost to them under European law.

As a footnote, I then radioed Darwin on the two-way. There was some dumbarse code like “the eagle has landed” to confirm the instructions. The claim was lodged that afternoon with the Aboriginal Land Commissioner, with an initial list of 19 claimants – surely a world record between the receipt of instructions and the lodging of a land claim!

Presumably some poor junior public servant had his or her arse kicked for not transferring title in order to obstruct the rights and powers of traditional owners.

Not that this prevented the usual bastardry. A month after the claim was lodged, the Northern Territory registered a perpetual crown lease over the whole claim area to the benefit of the Northern Territory Development Land Corporation. In the event, it did not prevent the claim being heard. In rejecting the ploy, Land Commissioner Howard Olney said it “reflect(ed) an extraordinarily obstructive attitude on the part of the NT Government”.

In any event, the claim was successful – not just over a bureaucratic mistake, but for the power of evidence given by the traditional owners of the lands. Over a week in June 1989, 43 Aboriginal people

gave evidence in support of the traditional owners’ claim. Part of the evidence was about the impact of the advent of the pastoral industry in the region from the 1870s; evidence was given of massacres in the region. Stokes Range was a major sanctuary for the Ngaliwurru and other language groups of the region as they sought refuge and safety in the frontier wars.

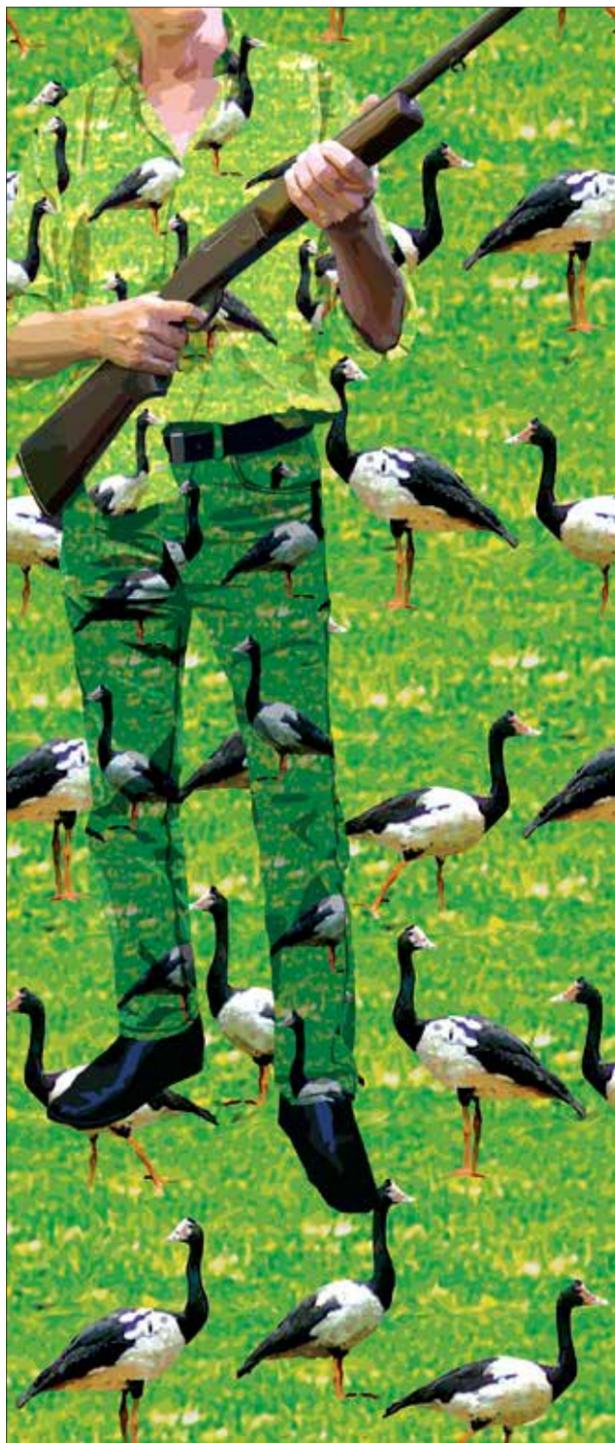
The Land Commissioner recommended on 28 June 1990 that the land be returned to its traditional owners, four years and eight days after that scene in the pub carpark at Timber Creek. The anthropologist assisting the Land Commissioner was John Avery, a participant in the first land claim hearing under the Land Rights Act, as recounted elsewhere in this issue of Land Rights News.

Sadly Big Mick Kankinang died before this recommendation was made.

During the gathering of evidence for the claim, I was privileged to visit one afternoon by helicopter the part of Stokes Range, known as Kuwang country, a beautiful rugged mesa stretching north of, and travelling west along a length of the Victoria Highway. At the top there is an amphitheatre as a ceremonial ground, and the bush had an abundance of bush bee nests, in the ground and trees. There was an overwhelming scent of wild honey: Waytjkan in the Ngaliwurru language, one of the major dreamings of the area.

Lead poisoning from 'shot' a concern in NT

The NT Health Department is conducting an education campaign across Top End communities to encourage game hunters to change from using lead shot, which is widely used across the Top End. It's also warning people to keep ammunition containing lead away from young children, and not to let them play with batteries.



Artwork: Chips Mackinolty

The campaign arises from the discovery of elevated lead levels in the blood of children in three communities in the West Daly region.

Elevated lead in the body can cause a wide range of health problems. In children, it can cause behavioural problems and learning difficulties; at higher levels it can also cause anaemia and kidney damage. In adults, higher levels can increase blood pressure as well as cause anaemia and kidney damage.

Children and pregnant women are most at risk. For most people with lower lead levels there is no specific treatment to get rid of the lead; when the exposure is reduced it slowly leaves the body.

The Department says the most likely source of elevated lead levels is lead shotgun ammunition, and has identified three most likely ways the lead can be ingested: children playing with lead shot shells (both spent and unspent) and putting them in their mouths; eating bush tucker meat that has been killed with lead shot; and eating magpie geese that may themselves have eaten lead shot in wetlands, mistaking it for food.

Lead shot used to kill bush tucker meat can break into many small pieces, which may be swallowed. Lead from these pieces can leak into the meat itself and contaminate the meat, even if the pieces are removed.

Elsewhere in the NT, magpie geese have been found to have high lead levels in their bodies from having eaten lead shot which has fallen into the wetland mud where they feed. In 1990 magpie geese in hunting reserves near Darwin had very high lead levels. An extremely high amount of lead shot was found in the wetland area and many birds had lead shot in their gizzard and showed signs of poisoning. The geese were mistaking the lead shot for seeds or small stones they use to crush their food. The discovery resulted in lead shot being banned in those areas by hunters who need a permit.

Also, research overseas has shown that birds like hawks and eagles absorb lead and also become sick when they eat other birds that have lead in them.

Community clinics in the West Daly region were first alerted to the problem of elevated lead levels among

some children when they became aware of behavioural problems.

Subsequent tests found that 36 out of 63 children and 21 out of 75 adults had lead in their blood above the safe level set by the National Health and Medical Research Council. Those results were not from a screening program in the communities: the majority either had a clinical reason for testing or were identified as sharing a house with a person with an elevated lead level.

The families of 27 of the children with elevated blood levels completed a questionnaire to identify possible sources of lead, including food, drinks, hunting and fishing habits, whether children put certain items in their mouth, exposure to old cars and car batteries, the paint in houses and use of natural medicines and cosmetics. From this, possible sources of lead exposure were considered to be:

- Drinking water from sources such as creeks or billabongs (19 children)
- Swimming in waterholes near hunting areas (23 children)
- Eating magpie geese killed with lead shot (26 children)
- Finding lead shot in other meat (24 families)
- Playing with lead shot shotgun ammunition (9 children)
- Playing with car batteries or other batteries (7 children)

Children who played with ammunition were seen to bite or suck the shotgun shells, play with the lead pellets and use empty shells for whistles.

The Department of Health's environmental health branch also tested the drinking water as well as swimming water sources in all three communities where children were found to be affected by lead; no elevated lead levels were found. Nor were they found from tests of soil and inside houses. The Department of Mines reported no known deposits of lead ore or old mines in the region.

Now the Department is working with the Department of Land Resource Management this dry season to test lead levels in magpie geese.

The Department of Health has researched the difference in price between lead and non-lead ammunition. Acting Chief Health Officer Dr Hugh Heggie says there's little difference. At one gunshop the wholesale price of the cheapest brand of lead shot shells was \$120 for 250 shells; for steel shot shells it was \$125.

The Department has also addressed safety concerns about changing from lead shot – some gun users have warned that older weapons may not be capable of safely firing alternative ammunition. After wide-ranging research, the Department says it seems that if a shotgun is safe to use with lead shot, it's safe to use with other ammunition, but with this caveat: "The safety of each individual gun is the owner's responsibility, and we recommend that gun owners check with the manufacturer of their gun or a gunsmith about the suitability and safety of its use with different types of ammunition."



"Little" price difference: Left, lead shot \$16.50; right, steel shot \$19 - at Fishing and Outdoor World, Darwin.

GANALANGA MINDIBIRRINA

Indigenous Protected Area declared



The Waanyi and Garawa Traditional Owners, staff from the NLC Caring for Country Branch and various program partners have celebrated the dedication of the Ganalang Mindibirrina Indigenous Protected Area (IPA) at Wallace Creek on the Waanyi Garawa Aboriginal Land Trust.

The Ganalang-Mindibirrina IPA was declared by the Waanyi and Garawa people over the entire Waanyi Garawa Aboriginal Land Trust, an area of some 11,000 square kilometres in the southern Gulf of the NT. It is being managed in accordance with IUCN category VI (Managed Resource Protected Area) for the conservation of biodiversity and associated cultural resources, guided by the Ganalang-Mindibirrina Plan of Management.

Len Cubby, senior Traditional Owner for Wallace Creek, welcomed everyone to country and, following a minute's silence to acknowledge those Traditional Owners who have passed on, gave a moving speech that told the story of the long fight for land and struggle to get resources to look after their country and outstations. This struggle continues today.

Jack Green, Bradley Dick, Jack Hogan and Eugene Escott spoke about how the journey to establish the ranger group and the IPA has been a very long one, and how hard it was to get help to deal with all of the late season wildfires that were really damaging to country.

The first planning meeting to discuss managing the land trust took place at Wangalindji, with Jack Green, Jack Hogan, Iris Hogan, Andrew Ross and Joe Morrison who was then working for Parks and Wildlife. Several meetings were later held at Corella Creek.

The first IPA meetings took place back in 2005 at Siegel Creek. Since then, the Traditional Owners, with the help of Nic Gambold (planning consultant), Séan Kerins (ANU), and the Waanyi/Garawa Rangers, have worked tirelessly to record their vision for country and establish priorities and complete the Plan of Management for the IPA.

A key part of their vision was the establishment of the Waanyi and Garawa Ranger groups, which have been supported by the NLC since 2008 through funding from the Australian Government Working on Country program. The rangers will continue to work every day in accordance with the IPA Plan and under the guidance of Traditional Owners to help keep culture strong, protect important sites, record and pass on cultural knowledge, look after the special plants and animals, and control the threats that may damage them like late season fires and the introduction of weeds and feral animals.

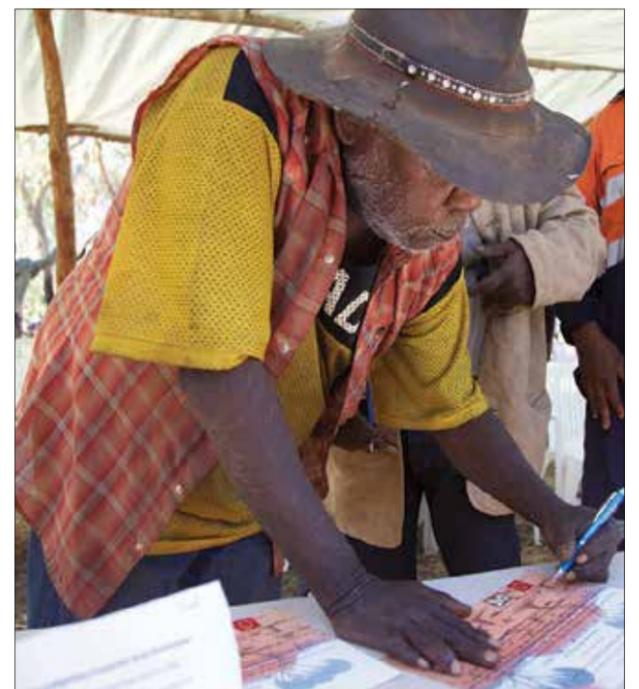
The NLC will continue to work in partnership with government, non-government and the various philanthropic groups to support the Traditional Owners in achieving these and the other big priorities. These include getting funding to fix up their outstations and remote ranger bases and roads to help get people back out to care for country. Support for the development of enterprises - such as a savanna burning carbon abatement projects - is also an immediate aspiration.

The Ganalang Mindibirrina IPA was officially recognised by the Australian Government on 29 September 2015, and now forms part of Australia's National Reserve System. IPAs play an important role in supporting Aboriginal and Torres Strait Islander peoples' visions and aspirations to live on and care for their country while helping to conserve and protect Australia's significant and unique cultural heritage and biodiversity.

From the Chairman, CEO, elected members and all NLC staff, congratulations to the Waanyi and Garawa Traditional Owners for achieving this significant milestone.

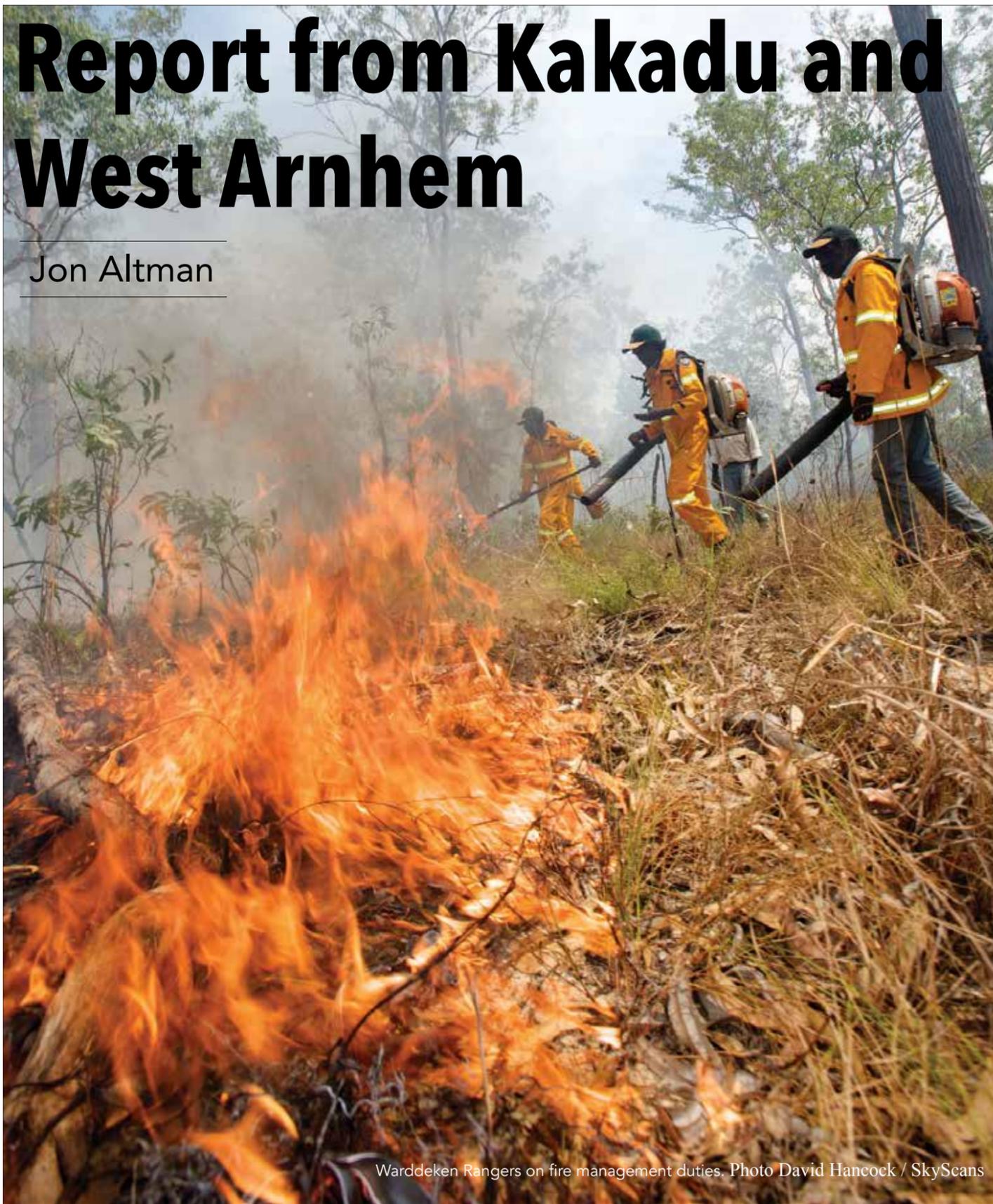
Photo right top: Len Cubby signing IPA Dedication Certificate

Photo right below: Ceremony at the IPA Dedication



Report from Kakadu and West Arnhem

Jon Altman



Warddeken Rangers on fire management duties. Photo David Hancock / SkyScans

As we flew over western Arnhem Land in a light plane from Jabiru to Kabulwarnamyo outstation and ranger station I could see a massive fire line on the horizon.

It was the early dry season regionally called yekkeh when Aboriginal traditional owners of this region working for Warddeken Land Management Limited were out in choppers, vehicles and on foot lighting fires.

Today this work is undertaken in collaboration with Balanda (non-Aboriginal) colleagues utilising western technology – in the rugged Arnhem Land Escarpment, the stone country, Warddewardde, helicopters and ‘raindance’ aerial incendiary devices are critically important.

This early dry season burning is beneficial for biodiversity conservation and carbon abatement in the contemporary knowledge systems of Bininj (Aboriginal people), and western scientists.

It also constitutes an assertion of Aboriginal political jurisdiction – authority over the management and use of the lands and resources now Aboriginal-owned under

Land Rights law passed in 1976.

In this part of Arnhem Land, the West Arnhem Land Fire Abatement (WALFA) project, a collaboration among five Indigenous ranger groups, reduces carbon dioxide equivalent emissions by 100,000 to 200,000 tonnes per annum. The abatement produced by the ranger groups is calculated using sophisticated remote sensing techniques and is sold today under two agreements: one made in 2006 in the Western Arnhem Land Fire Management (WALMA) Agreement with ConocoPhillips; the other from a competitive auction bid under the Abbott Government’s Emissions Reduction Fund regulatory umbrella. The agreements are for 17 and 10 years respectively.

The significant funds earned annually are all rolled back into generating employment for Aboriginal rangers and paying for helicopter charters and other equipment to care for the environmental and cultural values of the Warddeken Indigenous Protected Area.

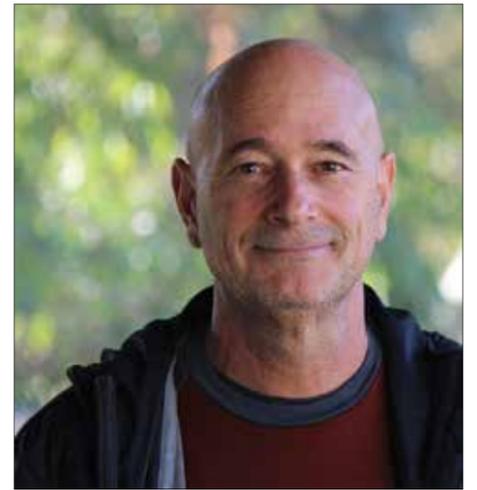
This is an example of the workings of Aboriginal territorial and property rights alongside legitimate intercultural

governance: the right to burn accords with Bininj notions of appropriate resource management and simultaneously generates a regional development pathway and national and global benefits in efforts to Cool the Planet.

My colleague and companion on this flight was the American anthropologist, Associate Professor Paul Nadasdy, who was on his first ever brief visit to Australia (with his family) after a year’s residence in nearby Indonesia.

At the instigation of the Gundjeihmi Aboriginal Corporation, with co-sponsorship from the Northern Land Council, he came to the Top End for a visit to share some of his learnings from long-term research with Canadian First Nations, and also to glean a comparative perspective on what was happening in Aboriginal/state relations - here particularly on Aboriginal-owned lands and national parks.

Paul is based at Cornell University in the USA and has worked for more than two decades in the Canadian north. His ethnographic fieldwork has focused on the Southwest Yukon where he has lived and worked



Jon Altman, research professor, Alfred Deakin Institute for Citizenship and Globalisation, Deakin University, Melbourne

with members of the demographically tiny Kluane First Nation, mainly residing in a village Burwash Landing with a population of fewer than 100.

The precursor to this visit was my recommendation of Paul’s highly-regarded *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations* in the Southwest Yukon to the CEO of the Gundjeihmi Aboriginal Corporation.

The book is an exploration of the comprehensive land settlement agreements or modern Treaties between the Canadian state and Yukon First Nations in the early 21st century.

Based on research with hunters of the Kluane First Nation and cognisant of their beliefs and practices regarding human-animal-land relations, it explores the inevitable tensions that arise in resource management when there are incompatibilities between Kluane and western concepts of ‘knowledge’ and ‘property’ in relation to the co-management of wildlife.

Paul’s analysis looks to properly account for the complicated, actually existing relations between First Nations and the state. This clearly has parallels with the extraordinarily complex relations between Aboriginal people and the Australian state in the joint management of World Heritage listed Kakadu National Park. Burwash Landing lies on the border of Kluane National Park, also part of a World Heritage site.

My role was to facilitate Paul’s visit to Kakadu and West Arnhem, allowing him to absorb as much as possible in four days and engage in a number of information exchanges with our hosts, the Gundjeihmi Aboriginal Corporation Board and staff in Jabiru, and staff of the NLC in Darwin, as well as with managers and staff of Kakadu National Park in Jabiru and academics at Charles Darwin University.

An ambitious itinerary was arranged along a vehicular and aerial transect from Darwin to Kabulwarnamyo deep in West Arnhem. It included visits to rock art sites, Yellow Waters billabong and cultural centres in Kakadu National Park; a visit to the Ranger Uranium Mine site and Jabiru township; a visit to Kabulwarnamyo; and to Gunbalanya focusing on the Injalak Art Centre.

These were all places and institutions with which I have worked at various times and in various capacities over the past 40 years since the passage of Land Rights law. Travelling with an expert visitor from overseas challenges one’s perspectives and generates fresh questions and new insights about what is happening here. Here is just a snippet from each day.

On Day 1 we stayed at Cooida, owned by the local Gagudju Association and Indigenous Business Australia, but managed by the multinational Accor Group and mainly staffed by backpackers from all over the world. It was only when we took the two-hour boat tour on the world-renowned Yellow Waters guided by an Aboriginal man with local connections and visited the Warradjan Cultural Centre that we got a sense that this was actually an Aboriginal place.

The latest Kakadu National Park Management Plan 2016–2026 vision seeks to ensure that the cultural and natural values of this World Heritage national park are protected and that Bininj/Mungguy (Aboriginal) culture is respected.

It is also envisioned that Bininj/Mungguy gain sustainable social and economic outcomes from the park. The long struggle to find an active livelihood role for the Aboriginal people who live in, and own, the Park is very much ongoing nearly 40 years after its establishment in 1978.

On Day 2 we worked intensely with the Mirarr traditional owners of the Ranger Uranium Mine project area and staff of the Gundjeihmi Aboriginal Corporation. Much of our discussion focussed on the big picture challenges the Mirarr faced as the Ranger Uranium Mine moved to closure in 2021, and their ongoing efforts to secure a sustainable livelihoods for future generations through innovative education and a perpetual trust fund.

Mine closure will mean not only that compensation funds paid in a benefit-sharing agreement would cease, but also that the environmental task of rehabilitating the massive mine site on Mirarr land would require completion within five years. Information provided by the mining company Energy Resources of Australia (ERA) at a new public relations office in Jabiru states that since 2012 more than \$405 million has been spent on rehabilitation and water management activities. Will this be enough to restore Mirarr land to its environmental condition before a deep open cut mine pit was excavated for decades?

Inevitably our discussions also focused on the future of Jabiru that is clearly in a state of decline, particularly as its population has reduced with ERA increasingly operating a fly-in-fly-out operation as activity at Ranger winds down.

If the future of the township is mainly as a tourism and service hub how will its commercial enterprises – some already closed down – be sustained, especially as the popularity of Kakadu as a tourist destination seems to have peaked?

Far more so than stated in the Management Plan, Mirarr and others land owners want to see Kakadu as a distinct Aboriginal park; but having nominal political authority as a majority on the Board of Management does not readily translate into effective control over what happens in the park.

This was highlighted by a recent decision by park management to cull 2000 wild water buffalo in the south of the Park, a decision that the Mirarr and others we spoke to abhorred because almost all the buffalo were shot to waste, good meat was left to rot. This form of culling is a management option that could not be contemplated in the Yukon.

On Day 3 we flew to Kabulwarnamyo. We were able to directly observe the work of the Warddeken rangers from the air and to see their impressive ranger station and homeland once we had landed and driven the four kilometres from the bush airstrip

to the isolated community. This is a place that I had visited on a number of occasions as a director of Karrkad-Kanjndji Limited, a company committed to assist cultural and natural resource management work in West Arnhem.

Only re-established as a residential place in the 21st century, Kabulwarnamyo is not much smaller than Burwash Landing in the Yukon, but has fewer facilities with the Australian government reluctant to provide equitable services provision to Aboriginal citizens living on their remote country, even if they are undertaking important work in the national interest.

This is clearly demonstrated by the recently-established Nawarddeken Academy, a small bicultural community school supported with philanthropic funds raised by Karrkad-Kanjndji Ltd to provide educational opportunity on country for the school-aged children living at this remote community. The entire school was away at a Dalabon language camp when we visited.

On Day 4 we did two notable things.

First, we met with Kakadu National Park management and staff and returned in our discussion to the issue of buffalo culling. From the park's perspective there is no question that the estimated 12,000 wild buffalo in the park (alongside the numerous

incompatibilities recounted in Paul's work on 'Hunters and Bureaucrats' in the Yukon. With ultimate authority currently vested with the Minister, national priorities will inevitably trump local ones.

Next we travelled to Gunbalanya and the Injalak Arts Centre to meet staff and artists working together in this vibrant cultural enterprise. The sheer, overwhelming presence of Aboriginal people here makes it clear it is an Aboriginal place. Its governance is an all Bininj Board, its management is Balanda, artists are very visible in situ actively engaging with visitors. It is a thriving arts and culture business, and was out last stop before heading back to Darwin.

Day 5 was Paul's last before he returned to Indonesia; we did two things.

First, we discussed with NLC staff the nature of modern Treaty-making in Canada that has evolved from a series of legal decisions since the early 1970s with rights guaranteed under section 35 of the Canadian Constitution Act of 1982. This includes the inherent right of self-government. Would constitutional recognition in Australia encompass such possibility for Indigenous forms of domestic sovereignty?

Second, Paul gave a seminar at Charles Darwin University presenting a chapter from a manuscript he has completed, 'The

consent of all traditional owners obtained after extensive consultations, ALFA is now engaging in the abatement of carbon (sometimes referred to as 'carbon farming') across a massive 70,000 square kilometres of Arnhem Land. On top of the 100,000 tonnes of carbon dioxide equivalents contracted from the WALFA project to ConocoPhillips, an additional 190,000 tonnes per annum for the next 10 years have been purchased by the federal Emissions Reduction Fund.

This is not the occasion to discuss the exciting potential and early governance achievements of ALFA in any detail.

But as I headed back to Melbourne, where there is talk of Treaties with the First Nations of Victoria, I thought anew about the relationship between territoriality, property rights and political jurisdiction and its productive deployment in the Yukon, although many challenges clearly remain.

In north Australia, the overall project of appropriate sustained Indigenous development has stalled despite unimagined expansion in Aboriginal territory. I have been around for far too long to believe that enhanced self-governance and property rights alone will be the silver bullets to the massive development challenges Aboriginal people face in remote and difficult circumstances.



Mirarr traditional owners with Paul Nadasdy and Jon Altman at the Gundjeihmi Aboriginal Corporation offices. From left: Stewart Gangali, Paul Nadasdy, Jon Altman, Annie Ngalmirama (chairwoman of GAC), Ruth Gamarruwu, Martia (18 months), Melanie Elgregbud and Valerie Balmoore.

feral pigs, horses and donkeys) should be culled, but what if the traditional owners feel differently?

This raises important questions about jurisdiction and authority. The park staff we met were empathetic to the notion of Aboriginal control; a high proportion is Aboriginal, a smaller proportion, perhaps a quarter, is local.

But their boss, the park manager, is an outsider and directly accountable to the federal Minister for the Environment and Canberra, not to the Aboriginal majority Board of Management or the Northern Land Council with its statutory role representing traditional owner interests.

There is clearly a significant structural tension here reminiscent of the

Cultural Entailments of Sovereignty: First Nation State Formation in the Yukon'. In this seminar he outlined how the resolution of First Nation comprehensive claims transformed human-environmental relations in the Yukon; modern treaties are powerful engines for social and economic changes but require various forms of inevitable bureaucratisation.

On Day 6, I met with the CEO of Arnhem Land Fire Abatement (NT) Ltd a new Aboriginal company with which I am collaborating in research and advocacy. ALFA currently represents an alliance of six ranger groups working across Arnhem Land that is growing the WALFA model described above.

Assisted by the key statutory role of the NLC to ensure the free, prior and informed

But given the clear failure to improve circumstances over the last decade using a heavy-handed and top down approach, perhaps the incoming Turnbull government might be willing to consider more productive approaches - be they home-grown forms of emerging self-governance like the Gundjeihmi Aboriginal Corporation, Warddeken Land Management Limited, ALFA (NT) Ltd or Injalak Arts, or be they from elsewhere, like the productive mix of territoriality, alongside political authority, vested through modern treaties with the First Nations of the Yukon in northern Canada.

Borrooloola: The first land claim

The first Aboriginal Land Commissioner, Justice John Toohey, was confronted with “new and novel” legislation when in September 1977 he began hearing the first application under the *Aboriginal Land Rights (Northern Territory) Act 1976* – the Borrooloola No 1 land claim, lodged by the Northern Land Council in July 1977.

The claim comprised three areas within the Borrooloola region: the Borrooloola Town Common, the Sir Edward Pellew group of islands, and the (then) proposed reserve at Robinson River.

Anthropologist John Avery gave evidence for the NLC and Traditional Owner claimants. Avery’s work, Justice Toohey reported, was “difficult and it was complex and ... it was done painstakingly and well”.

John Avery was the independent anthropologist advising Aboriginal Land Commissioners in about twenty claims from 1985 to 2000 and now works as a consultant.

On the 40th anniversary of the Land Rights Act, he recounts his experience of the Borrooloola claim.

Land Rights has changed everything in the Northern Territory. It has given Traditional Owners access to and say over restored lands. Just as important, it has created an Aboriginal estate with political influence in the Territory and the nation. Rights in land, self-determination and optimism replaced the welfare and protection policies that had held Aboriginal people in a depressing and negative space.

The welfare and protection regime had lost political credibility steadily after World War II, especially with Aboriginal campaigns for citizenship, equal wages and land rights in the 1960s. Overall, these campaigns delivered structural change for Aboriginal people in the Northern Territory, securing them a stake in the future underpinned by land rights. Since 1993 the overlay of native title laws has cemented these gains.

No events to date, including the Intervention, have reversed these structural advantages. The hot controversies that first greeted the land rights in the Northern Territory have cooled. NT Government ministers joined the Prime Minister and his Minister for Aboriginal Affairs to celebrate the handover of the Cox Peninsula to Traditional Owners.

The Borrooloola land claim was first land claim to be heard by an Aboriginal Land Commissioner under the land rights act (the *Aboriginal Land Rights Act (Northern Territory) 1976*). As the first land claim it was a broad target of reaction to the change from the remnants of the welfare regime, from a mining company intent on developing claimed land, from peak mining, fishing and pastoral interests and from Northern Territory Government bureaucrats and politicians.

Three main areas of unalienated crown land were claimed: the Sir Edward Pellew

Islands, including the five large Islands of Vanderlin Island, North Island, Centre island, Southwest Island and West Island and numerous smaller islands and reefs above low water mark; the Borrooloola town common of 1366 square kilometres; and, later, the Aboriginal reserve at Robinson River of 39 square kilometres.

The Pellew islands and the town common were part of the McArthur River system, which extends inland to the rim of the Barkly Tablelands. Land rights arrived at Borrooloola at a time of economic and social change in the McArthur River-Barkly Tablelands region, as I will explain.

At the time of the land claim, Borrooloola consisted of the Borrooloola Inn, a few solid buildings and a myriad of shanty camps scattered on both sides of the McArthur River. Situated about the tidal limit of the McArthur River, it was established in the late nineteenth century to service and supply the Gulf and Barkly Tablelands pastoral industry. Supplies were unloaded from a boat landing downstream from Borrooloola, which was the furthest navigable point up river. Aboriginal river pilots guided the boats through the delta and up river, Aboriginal men unloaded supplies and transported them to town and Aboriginal ringers did hard and dangerous cattle work on the cattle stations. Eventually shipping was replaced by road transport and the role of Borrooloola declined in importance except as a source of Aboriginal labour.

The Gulf-Barkly Aboriginal community of the 1970s was only a few generations from the blood-soaked ‘wild times’, events seared in collective memory. The wild times commenced in the 1880s as whitemen overlanded cattle westward through the Gulf, or via the western Queensland black soil plains, and established stations on the McArthur River country, along the Gulf and



John Avery

on the Barkly Tablelands.

The white men selected the richest places and strategic locations, ‘big-name countries’ in Aboriginal terms, as their homesteads. Violence ignited over cattle killing, the occupation of key sites and interference with cattle operations and spiralled into tit-for-tat hostilities. The cattle were a ready source of meat and the front line force of the colonisation of the land. Incoming police and magistrates protected lives and property under an uneasy peace.

Aboriginal elders remembered how under the police the ‘wild black fellows’ eventually were made ‘quiet’ and rebuilt their lives around the head stations and depots like Borrooloola and Anthony Lagoon. At these places they could get basic rations and a measure of visibility and protection afforded by the police.

Until 1953, Aboriginal ordinances protected all persons of Aboriginal descent unless made exempt. In 1953, the explicitly racial ordinances were replaced by Welfare ordinances that applied protection to people listed in a Register of Wards because they were deemed in need of protection. The umbrella of protection and welfare was often administered through the cattle stations jointly with government or directly by government managers at places like Borrooloola. Borrooloola supplied workers for the stations, arranged under the welfare. Whole families migrated seasonally between the town and the stations.

The welfare regime was in terminal decline with the establishment of the Department of Aboriginal Affairs in 1972 to promote Whitlam policies for self-determination. Remnants of it remained entrenched at Borrooloola where the local manager’s brother had an interest in the Borrooloola Inn.

Cattle station workers on the Barkly had

received wages ahead of others in the VRD and had not joined the equal pay strikes in the 1960s. Gradual changes in production on the cattle stations were eroding demand for their labour. In 1975 a deep slump in the beef price meant it was not worthwhile for stations to muster. Aboriginal employment collapsed decisively at that point in the Gulf-Barkly district as stations and stores shut down and the people were forced by circumstances to leave.

Many Aboriginal ringers looked back on their station days with pride and satisfaction. They remembered most the stock camps where by day they mustered wild cattle from the bush from horseback and did the routine cattle handling. Cattle drives were remembered as the highlight of the business. Aboriginal ringers from the Gulf and Barkly drove mobs of cattle far beyond the usual horizons to Oodnadatta, Boulia, Alice Springs and even Mareeba.

It was hard and extremely dangerous work. In 1976 at Lawn Creek stock camp on Alexandria Downs I saw young ringers with their coats sewn up against the cold tableland winds, hobbling off at daylight in borrowed riding boots. At night the stockmen slept in the lee of windbreaks just tall enough to shield the back of a sitting man. Many of the men bore life long injuries from this work, some died.

Hard and harsh as it definitely was, cattle station work created new opportunities to extend traditional networks and to pass on traditional law. As of old, it was customary for young men, after initiation, to camp with the older single men separately from the married people.

The stock camp extended the single men’s camp and led to a widening of the ambit of tradition as local ringers mixed with others from different countries. The men occupied nights reciting the sacred ceremonial songs (kujika) aligned with the traditional routes over the land on which they worked. Mastery of the kujika, used mainly for ‘making men’, was a mark of male maturity and a desirable trait in a prospective son-in-law or brother-in-law. Men desired for their sons to learn their kujika and other ceremonial law, to ‘follow in their father’s footsteps’. They also would teach their nephews (the sons of their sisters and brothers-in-law), who would look after their ceremonial business as jungkayi.

The other main business was ilbinji. The three ilbinji song cycles used in the stock camps of the pastoral region of the central Northern Territory had originated in sacred traditions in Central Australia, evidently having spread through cattle work. Ilbinji ‘love songs’ expressed the longing of lovers separated by stock work and could be used to lure the opposite sex with magic. Men and women wore conspicuous items, such



Land Commissioner Justice Toohey (centre, wearing hat) with parties associated with the Borroloola No 1 land claim, on the site of the MIM "pilot" mine at McArthur River Station, 1977. Photo courtesy of NT Archives.

as buckles, badges and puggarees, which charged with love songs to catch the eye of a girlfriend or boyfriend. Ilbinji and kujika were complementary cultural pursuits integral to the region's way of life.

Couples married by arrangement or eloped, hiding for a while before having to face up and fight angry family. Marriages stuck through affection, custom and family pressure, and it was normal for children to be brought up by both parents. Failure to marry and to sustain marriage was uncommon in that era. So was suicide.

Though it was racist, paternalistic and physically harsh, cattle station work had enabled the Aboriginal people of the region to lead meaningful lives with continuing connection to their land, former way of life and traditions. When this era came to a sudden end with the stations' closure of 1975 it was another catastrophe of homelessness and uncertainty for the people of the region.

For those at home at Borroloola there no longer was a prospect of seasonal employment and the travel and variety that came with it. Unemployed, many turned to heavy drinking, sapping welfare monies. For a time the majority of senior men and women did not join the drinking scene, instead pursuing traditional business with conspicuous energy. Other than that, it was a bleak time.

During the Cyclone Tracy wet season of 1974-5 the Aboriginal population of Borroloola had swelled to about 600 with as few as nine Europeans remaining. Despite the fierce weather six initiation rites were held in succession, each 'making men' of several youngsters at a time.

Each series lasted about ten days and culminated in two nights when first women danced and then the men. On both nights men sang kujika songs to accompany the vigorous dancing at the ring place until daylight. During the most violent of the cyclonic storms of that violent wet season, singers, dancers and novices sought refuge as best under the leafy boughs that ringed the eastern periphery of the ground; often the rain pelted down on the faces of the

relentless singers, as it blurred the sacred feather designs that decorated the wearying dancers and comprehensively muddled the grounds.

With the closure of the stations Borroloola became a key centre of Aboriginal law in the Gulf and Barkly Region. Not only was it one of the few remaining places where initiations were held, the Yanyuwa and Garrwa at Borroloola revived several of their higher ceremonies commencing with post-mortuary rites. In 1976, a Gunabibi was held for the first time for many years. Jungkayi had closed the ceremony over conflict with a similar ceremony considered too dangerous that belonged to the top of the McArthur River in Gurdanji and Wambaya country and on the edge of the tablelands. The centre of gravity, of traditional authority, had swung from the tablelands to Borroloola. People from as far as Numbluar and Wuyakiba attended the Gunabibi. Energised by the revival of ceremony at Borroloola, the people were fully capable of meeting the demands of a land claim.

After Woodard delivered his report to the Whitlam government, the government proceed to act upon it urgently. It established interim land councils as corporations ahead of the statutory land councils. These could assist with further consultation on the details of draft legislation, assist claimants lodge claims before an interim Aboriginal Land Commissioner and hold lands that might be granted. The Interim Land Commissioner was established 'in order to hasten action on such matters as the provision of land for the Gurindji of Wave Hill and for Aboriginal groups in towns'. In April 1975 The government appointed Justice Dick Ward interim Aboriginal Land Commissioner. Justice Ward could hear claims to land on the basis of traditional right and on the basis of need and advise the Minister of Aboriginal Affairs accordingly. Apparently the claim process was not intended to be protracted or stringent.

In June 1975 John Wilders and others from the Northern Land Corporation (the interim land Northern Land Council) flew

to Borroloola to address a meeting of the Aboriginal community about the land claim process and the prospect of a lodging a claim with Justice Ward.

It was customary then for the community



Anthropologist John Avery at his Whistling Tree camp, Borroloola, 1977. NLC Chairman Galarrwuy Yunupingu is in the background.

to meet in the shade of a grove of mango trees at the east of the Yanyuwa and Mara camp. The manager of the "welfare" depot and the local police officer usually had the most business to discuss. Municipal affairs such as the supply or firewood, the filling of water drums, littering and so forth, misbehaviour and punishments summarily meted out to miscreants and supervised by the police were standard topics. The community advisor, appointed by the new Department of Aboriginal Affairs, though senior in rank, would vie with the manager and policeman for attention.

The people of mixed Aboriginal descent

whose families held interests in smaller cattle stations southeast of the McArthur River did not normally attend these meetings though they were an integral part of Aboriginal society. The Aboriginal community at these meetings was, in effect, defined by the reach of the welfare regime, which, not only had ceased to extend to all people of Aboriginal descent but tended to exacerbate divisions.

Wilders told the meeting that the government would allow Aboriginal people to claim back their traditional country in the Pellew Islands and on the town common. Afterwards, when Aboriginal people had the chance to discuss the matter amongst themselves in the camp, they knew that a land claim would mean trouble at Borroloola. Nevertheless they would fight for their country: 'they can shoot us'.

As for the details, I sensed that it was puzzling if not provocative news that these places had been taken away in the first place. It was not just that these places were unalienated Crown land and mostly unoccupied. As is well known, the concepts of western land tenures were foreign and very different from the structures in Aboriginal law. Traditional law does not envisage land as neatly bounded blocks that could ever be alienated. Aboriginal country is an open network of named places, some of which are 'big name country' while others are of local significance. The pathways of ancestral figures that travelled 'in the beginning' (wanggala) link the 'big name' countries with their smaller local sites into an open network that extends indefinitely. These travels and the associated sites are celebrated in sacred ceremonies and the kujika songs. When asked, Aboriginal people would explain the meaning of 'kujika' as 'road', and give examples such as the Stuart Highway.

This traditional geography mirrors customary kinship. For example, people belonging to different countries on the same dreaming road through their fathers, have 'one body' and 'one ceremony' and the different local groups are 'all company'. They may call each other 'fathers' or 'brothers' or 'sisters' and so on, even if they speak different languages. The children of women having these dreamings in common by a father link are of 'one milk' or 'one uterus' and are 'brothers' or 'sisters'. Connections to country are given in the make up of every individual and cannot be taken away or given back.

The connections to big name countries often were by way of spiritual conception to the smaller places. While many of adults in the 1970s had spirit conception sites outside their own countries, especially in the station country where they worked and at Borroloola, some families were quite neatly mapped by conception filiation to different sites ranged across their country. Arrayed in this way, the family mirrored the landscape, and their special connection to the smaller places within stamping each one with the unique dignity of the arcane traditions of the smaller places held within the family.

Viewed from the outside, that is as Aboriginal saw it, white land occupation displayed much the same pattern of big name connected by roads, with lesser places as satellites networked around them. Stations were seen as centred on the homestead areas rather than broad expanses of country. (I eventually gave up asking people what station we were on, only to be told the station, that is the homestead, was 'over there'.) Boundaries were unfenced. Fencing was to manage cattle, not to define land ownership. If there was a symbol of ownership it was the cattle brand: it was evidence of the ownership of cattle, not

land. The bloody trouble of the wild times was not about land in white terms, it was about the ownership of the cattle occupying Aboriginal lands, killings and reprisals.

The Yanyuwa people of Borroloola therefore did not speak as if their land had been taken away from them. Most of the Pellew islands, their heartland, was vacant except for few white hermits. Vanderlin Island, though, was occupied by Steve Johnson, who ran cattle there under grazing licences and with a special purpose lease over Yukuwi where he resided. His father, also Steve Johnson, had married a woman from West Island in the Pelles. That marriage would have been straight had she married an Aboriginal man from Vanderlin Island. Steve Johnson junior and his brothers were born on the island, so it was given that they had been spiritually conceived there. Steve hunted dugong and brought meat to give to old Tim and other senior Vanderlin men when he came to Borroloola. They agreed Steve was right to live on Vanderlin and that he should stay there to look after it. This issue was to emerge in formulating the land claim. Justice Toohey found that even the special lease was claimable under the land rights act because all the rights and interests were held by persons of Aboriginal descent.

After the meeting, Wilders asked me if I would produce a list of the clans and their countries on the unalienated town common and the Sir Edward Pellew Islands for the purposes of lodging a claim with Justice Ward. I agreed at once, though soon began to have doubts. How had I missed something as important and obvious as the “clans” which Wilders had casually asked me to rattle off? As Wilders departed for the air-strip, I turned to Nero Timothy, AIM pastor and son of Old Tim (both now deceased): “I have been here for a good while but I have not heard any talk of clans.” I explained what I knew of named clans in Arnhem Land and elsewhere but Nero could not help me. It seemed the land claim might fall over at the first hurdle, for want of clans.

In hindsight, the problem lay with the anthropological theory of descent groups underpinning the definition of Traditional Owners in draft land rights legislation. In his report to the Whitlam Government in April 1974 Woodward had used ‘clan’ as synonymous with the concept of ‘local descent group’ that was to be incorporated into the legislation. The clan was identified by one or more names and its members were recruited by patrilineal descent: fathers to sons and daughters, then through the sons to the sons of sons and so on. From the outside this looks very much like what actually does happen but it did not adequately reflect how the McArthur River people saw connection to country. They did not speak of land owning entities (as if they were companies or organisations) as distinct from the individuals connected by their personal spiritual ties to the same country, hence they did not name them. One of my Aboriginal ‘fathers’, a most learned man, took me aside one day with the emphatic message in Yanyuwa that there was ‘one (boss) for the country’, that is traditional ownership came down to the most senior man for the country.

Second, instead of a single strand of descent always running down the generations of men, paternal connections looked more like cross stitches connecting men to actual or step-grandparents in their fathers’ fathers’ generation. Culturally, there was no imperative to define continuous lines of descent from an ancestor, though this was could always be done on request: more important was sustaining an eternal pattern of identities from the dreamtime

(wanggala) through personal spiritual connections to sites, by receiving names from paternal ancestors two generations back and by reenacting the traditions in unchanging ceremonies. This was the meaning of ‘following the father’: not some helpful guide to recruitment to a group.

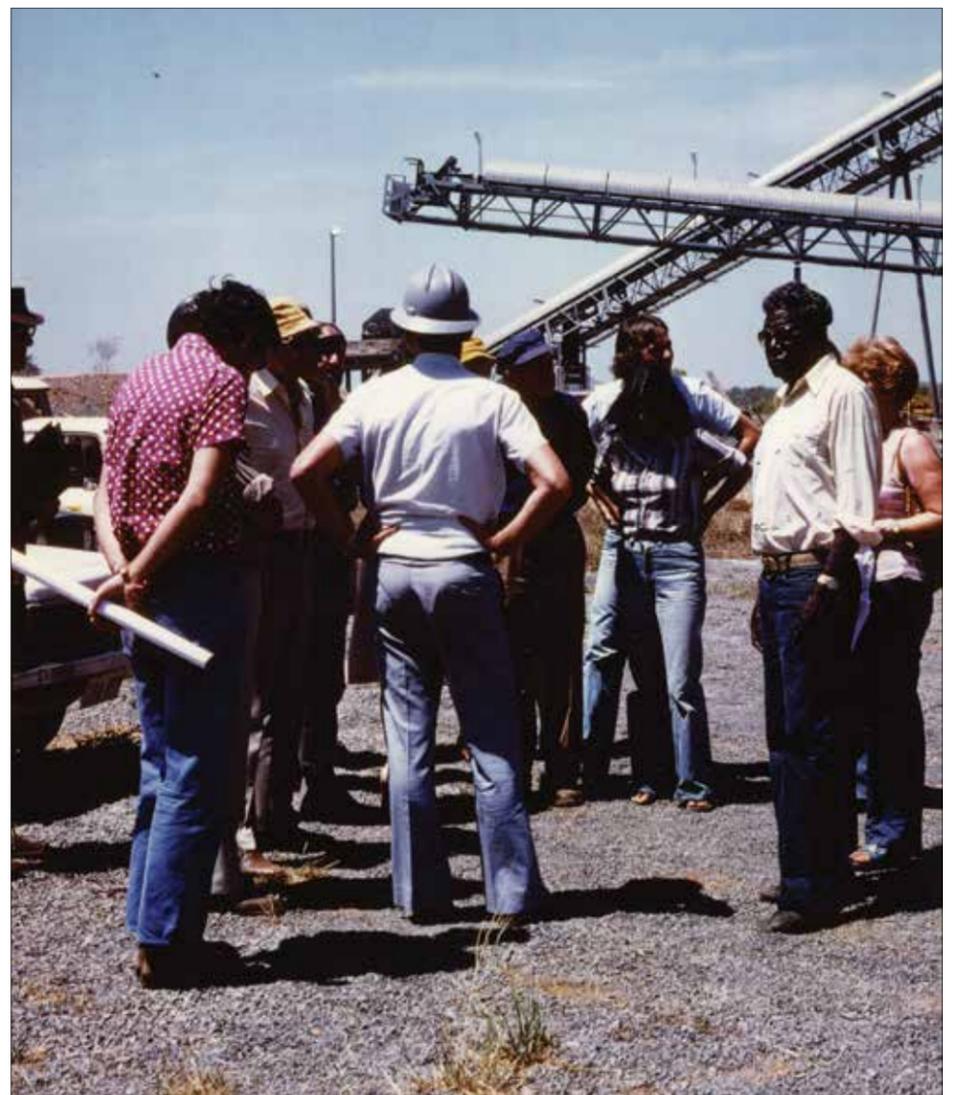
These differences between the external legal-anthropological and the internal cultural understanding were felt from the very start, with Wilders’ request for a listing of clans and countries. In a way this was expected. Woodward had emphasised the great difference in Aboriginal and white thinking about land but it was felt to be the role of the leading anthropologists of the day to bridge the gap. It is at least ironical that anthropology’s efforts to understand land rights should return to determine under legislation how they would be recognised. It took several claims before Justice John Toohey, the first Aboriginal Land Commissioner declared that the terms of the land rights act were not to be approached as terms of anthropological art but to be taken in their ordinary meanings. Native title does not venture to impose extraneous definitions as criteria for connection so the same issues do not arise.

McArthur River people, especially the coastal Yanyuwa, Mara and Garrwa, do have names entities that they called ‘skins’ (ngalki), the so-called (misleadingly) ‘semi-moieties’, which do have something to do with connections to land. People, places, dreamings various other things, species and natural phenomena belonged to one (or two) of the four named semi-moieties through sharing an imputed common quality (ngalki). As noted, the Yanyuwa were particularly firm that people should ‘follow the father’ for skin, ceremony and country. Ideally the semi-moieties were in phase with Arnhem land moieties and with the subsections common in Central Australia. They fit as local variants within the open-ended kinship and ceremonial network extending across much of the Northern Territory. The skins are too general to be named land-owning clans or local decent groups. Besides, once the technical issues of naming and structure were left aside it was easy enough to identify the people belonging to particular countries by asking.

I used my own labels to identify the different groups of Traditional Owners for different countries under claim in my report to Justice Ward and in my later report for the 1977 land claim, and explained separately how these groups could be construed as local descent groups or clans. I noted the importance of spirit-child (ardiri) conception and of managers (jungkayi) being the children of female traditional owners. Woodward had also noted these connections but considered descent to be the overriding principle of land ownership. I followed suit. This meant that Steve Johnson and the majority of the people of mixed descent from white fathers could not be claimants, exacerbating the divisive legacy of the welfare regime.

With this limitation the traditional claim fell into place fairly easily for the purposes of the report to Justice Ward. Looking back it seemed the most challenging task was to make out a case on ‘need’ for the land that whites had not thought useful enough to acquire until, that is, a land claim was in prospect!

I travelled to Darwin for the first time in October 1975 for my report to be presented to Justice Ward as the interim Aboriginal Land Commissioner. I returned to Borroloola shortly afterwards. I heard nothing further about it. In Canberra events were building to the constitutional crisis that culminated in the dismissal of the Whitlam government on



Inspecting the MIM “pilot” mine. Photo courtesy of NT Archives.

11 November and its subsequent electoral defeat in December. Prime Minister Fraser and his Minister for Aboriginal Affairs, Ian Viner, continued to support land rights in principle for the Northern Territory but disagreed with the previous government’s approach, particularly with regard to land claims based on needs.

The very principle of land rights was hotly debated in the Northern Territory. The land claim always had the potential to inflame tensions at Borroloola. It was not the only fuel for the fire. Self-management was being implemented in the town under an Aboriginal Council while a new Community Advisor, Jeff Stead, set about disrupting the cosy relationship between the Borroloola Inn and the ‘welfare’ under which the pub had enjoyed free electricity and mysterious access to government emergency supplies to sell when its own stores had run out. Mount Isa Mines was promoting its plans to develop its mineral deposits upstream of Borroloola on McArthur River Station, with roads and pipeline to carry the ore to a deep water port on Centre Island. The land claim threatened to disrupt these plans. The Northern Territory Government backed the miners before during and after the land claim. In August 1976 Minister Viner directed Justice Ward not to proceed with the land claims for Borroloola and Ranger, both of which placed mining interests

In October I returned to Sydney having spent two violent wet seasons and the following dry seasons at Borroloola with minimal accommodation, with the one brief break in Darwin. I had continued to research connections to land for the purposes of the future land claim.

My colleague in this work was the very able Dhene McLaughlin who did excellent site recording and mapping for the Borroloola claim with the Northern Territory Museum under the National Site Survey. This was particularly important as Wilders had no additional personnel and limited other resources to support detailed

surveying of the islands in particular. There was no opportunity at any stage for substantial groups of claimants to visit the islands. Most of my preparation for the claim was done at Borroloola or on the town common using maps.

The Northern Land Council lodged the Borroloola land claim with the Aboriginal Land Commissioner in June 1977. The Robinson River reserve was added to the islands and the town common. Neither Dhene nor I had been there to survey sites; however, we had been to areas nearby with senior Garrwa, including with Blue Bob, a remarkable recluse and charismatic personality. Dhene did a flyover with senior men after the claim had commenced to confirm our findings.

The land council engaged Ted Laurie QC with Geoff Eames from the Central Land Council as his junior to run the claim. At the time Laurie was frequently quite ill from a chronic medical condition and had suffered the loss of his wife in extremely tragic circumstances. While he bore his suffering lightly —I had no idea — he might not have been able to apply himself to the case as he might have in other circumstances. Eames on the other hand was vigorous and combative. The land claim was shaping up as a fight with the mining company over its plans to run a pipeline and roads over bridges straddling islands to a port on Centre Island.

The land council did fund Dhene and me to make an additional brief site survey of the islands with a few of the senior men. Steve Johnson was funded to provide transport and assistance with the survey. We were able to survey parts of Southwest Island, Centre Island, North Island and some of the smaller islands but did not have time to land on Vanderlin Island or West Island. A fundamentally decent and friendly man, Steve was uneasy about our presence in his domain.

The Land Council was nervous about exposing the claimants to examination and

hostile cross-examination in an unfamiliar setting. If the claimants had any experience of courts and tribunals it was in the criminal domain and was usually negative. The practices that would eventually become accepted of allowing Aboriginal witnesses to give evidence at locations on the claimed land and in the company of others were yet to be developed.

Nerves about the claim were unsettled in the lead up to the hearings. It emerged in evidence later that lands department officers had visited several of the men who had squatted on the town common to discuss possible leases that might be issued, but for the land claim. One man said he had had enough useless correspondence with the lands department 'to choke a donkey'. Another was rumoured to be coming to town to dispose of me. One day he drove up to the Borroloola Inn where I was sitting outside. He studied me from his Toyota for a while before getting out and flashed a chromed pistol he was carrying in his pocket on his way to the Borroloola Inn shop. Evidently he thought better of it and returned to his vehicle without shooting me.

During the ("Fox") Ranger Uranium Inquiry, which heard what was actually the first land claim under the land rights act and reported on it in May 1977, traditional evidence was presented by pre-recorded video. The land council decided to do the same with the Borroloola claim using videotapes of claimants talking about their countries.

The meeting took place on 6-7 September 1977, about three weeks before the commencement of the hearing in Darwin, under the mango trees where community meetings were customarily held. About 200 people attended. In addition to claimants based at Borroloola and the tablelands, the land council flew relatives and claimants from Doomadgee in Queensland, and Numbulwar, for the meeting. The people waited quietly for their turn to explain their connections to the various countries as set out in the land claim book.

The tapes were duly tendered to the land Commissioner as evidence. In his report Justice Toohey stated:

"To receive such a record of what took place would offend strict rules of evidence, not being the subject of oath or affirmation and no opportunity being presented for cross-examination. Nevertheless in proceedings such as these the use of videotapes may be a valuable way of hearing from a large number of people who might otherwise find it difficult to give evidence and in any event whose evidence if taken in the usual way would prolong the hearing of claims unduly. I found it helpful. There is precedent in the Ranger Uranium Environmental Inquiry."

Twelve senior male claimants were flown to Darwin to observe the opening of the hearing due on Tuesday 27 September 1977. Most were accommodated at the Baptist Hostel. On the night before the hearing, several of the men stayed up chatting on the lawn until bedtime. That was the last we saw of Blue Bob, the key witness for the Robinson River reserve, for some 18 months. He had disappeared without apparent trace, unknown to police, hospitals or government. When he eventually reappeared in Borroloola he explained his absence with tales of wild travels with spirits, leaving no clue where on earth he had been living. His absence from the claim hearings was a major disappointment.

The hearing before Justice Toohey opened with the usual introductions and opening remarks of the parties. The parties covered the range of industry and government interests in the Northern



Land Commissioner Justice John Toohey (wearing hat) talks to Ted Laurie QC, who acted for the Northern Land Council during the Borroloola land claim. Photo courtesy of NT Archives.

Territory including the Northern Territory Government, Mount Isa Mines, mining, fishing and pastoral interests. As the author of the anthropological part central to the claim, I spent the next three or four days under examination and cross examination from these parties on my qualifications, my methods, my impartiality (or lack of it) and on the substantive evidence I had presented in the claim book. Dhene suffered the same treatment, though I think for a shorter time. As young men we felt these burdens very keenly. In his report, Justice Toohey kindly remarked of us, "their work was difficult and it was complex and in my view it was done painstakingly and well".

The hearing in Darwin lasted 10 days. Justice Toohey adjourned the hearing until 13 October to hear further evidence at Borroloola from claimants and other interests.

The hearings at Borroloola were held in a room at the newly built primary school. The room was arranged as a courtroom with school desks for the Commissioner's team and others in a row for counsel, a lone chair for witnesses and chairs set out for the audience. Local whites generally hostile to the proceedings soon occupied these seats. One woman provided derisive commentary. Many of the Aboriginal people present looked in from the veranda. It was a terrible setup.

When one senior man became confused and distressed under cross-examination the Commissioner asked if there was anyone who could translate. Seeing her father's difficulty, the man's daughter rushed to his side and offered to translate. Counsel objected that the man's daughter should not act as his translator. The Commissioner asked if there was anyone who could translate who was not related to the witness, a stipulation that ruled out every Aboriginal person in the region. A missionary, who had been studying Garrwa, apparently without making much progress, gingerly put up his hand. The Aboriginal evidence was over in a miserable, gut-wrenching, heartbreaking two days.

The ceremonial bosses had opened a new Gunabibi ahead of the land claim hearings. They invited Justice Toohey and other lawyers to witness the sacred performances that were held each afternoon at sundown. They felt this should convince the Commissioner of the authenticity of their land claims. Justice Toohey agreed and, with his associate and some other lawyers, was solemnly inducted on the ceremony

ground to view the sacred rites. No doubt for Justice Toohey the experience was as opaque and perplexing as the claimants' experience of the land claim process. There is no reference in his report to the event.

The hearings at Borroloola concluded on 17 October 1977 and resumed in Darwin on 1 November for a further 7 days. Most of this was occupied with detriment evidence. Counsel presented their final submissions on 12 December 1977.

On 3 March 1978 Justice Toohey delivered his report to the Minister. He recommended that all of Vanderlin Island and West Island and the unalienated crown land on the Town Common (excepting small areas of special purpose lease) be granted. Southwest Island, Centre Island, North Island and significant smaller islands and islets in the Pellews were not recommended for grant.

Justice Toohey found that there was insufficient evidence of the nature of the traditional linkage of the Wuyaliya (semi-moiety) claimants to Southwest Island for him to conclude that they were the Traditional Owners. This was a terrible disappointment for the claimants who felt insulted snubbed, and for me.

Otherwise, Traditional Owners were identified for the rest of the Pellews including Centre island, North Island, a part of Southwest Island and numerous smaller islands. Justice Toohey did not make recommendations that these areas be granted along with Vanderlin and West Islands because was not able to conclude on the evidence that the claimants had sufficient strength of traditional attachments to these places for him to make a finding of traditional ownership. There was, in his view, insufficient evidence of visitation and of the desire to live or use these areas.

The failure to establish the claim to the reserve on the Robinson River was disappointing but perhaps less perturbing than the losses in the islands. This area had been made a reserve to accommodate Aboriginal people who had been living at Borroloola by choice. They were relocated there against their wishes, they resisted and made their way back to town leaving it abandoned. Later it was claimed as part of the Robinson River land claim.

Justice Toohey had appointed Dr Marie Reay, an anthropologist, to assist him with the anthropological opinion and traditional evidence. Dr Reay had done some fieldwork, apparently unhappily, at Borroloola in the early 1960s. She gave evidence on her report on 12 December. She was mildly critical of my work being somewhat inclined to identify semi-moieties as clans, though apparently she agreed with the way the claim areas and groups had been divided along lines of smaller local descent groups for different countries.

Justice Toohey made some general remarks on the role of expert witnesses such as Dhene and me qualifying the commendatory comments I cited earlier. He said:

"At the same time it is true that too close an involvement of an expert witness with the party calling him is likely to lead to misunderstanding. Perhaps this would have been avoided had Mr Avery and Mr McLaughlin each confined his role to that of witness and not been responsible for the compilation of the claim book which was in essence the applicants' written case."

Perhaps so, but I cannot see how the claimants' written case could be compiled without an anthropologist on the ground and without that anthropologist giving expert evidence. The point I think went to the overall strategy for presenting the claim. It

was true that too much reliance was placed on the statement of claim in the claim book. The video evidence was unclear and weak, particularly for South West Island, and the setup at the school was disastrous for the Aboriginal witnesses.

The land council, our lawyers, Dhene and I, did our best to shield the claimants from the process, fearing the worst. This was a terrible error of judgment. Experience in land claims by the same people and by others in other areas has shown that Aboriginal witnesses are articulate and unchallengeable on their connections to country. We should have placed them in the foreground and fought for appropriately comfortable arrangements for them to give evidence. The anthropological evidence and site mapping would have supported and assisted the claim, as is appropriate.

We knew at the time that the Wuyaliya claimants for Southwest Island had a strong traditional claim to it, a truth recognised in follow up claims that found in their favour as well as in for the other parts of the Pellews that missed out in the first claim despite Justice Toohey identifying their Traditional Owners. The later claims Borroloola people have made to under the land rights law and under native title law have been outstanding successes and have repaired the damage, if not the hurt left behind by the first claim.

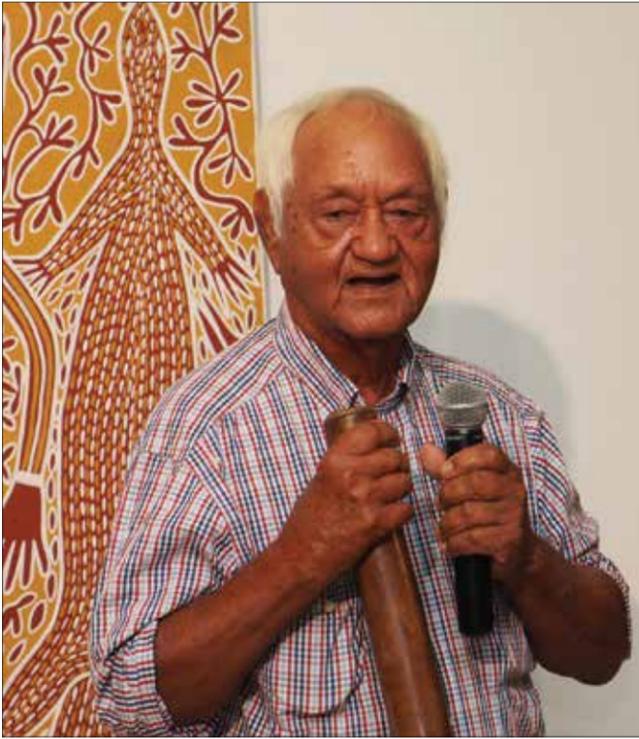
With Southwest Island and Centre Island lost, the energy spent during the claim fighting against the mining easement and the port at Centre Island turned out to be pointless. With hindsight, the land council and the lawyers should have been focused on ensuring all elements of the matter the Land Commissioner is bound to consider were satisfied by the evidence adduced in the course of the claim. My anthropological evidence did not make the case systematically with regard to all of the required elements in relation to such claimant groups. We failed to pick up and to address these gaps in the evidence. These were bitter lessons for all of us.

The struggle to block the mining easements and the port continued with the lodgment of the second claim in 1979, which the NT Government tried to block by declaring the town of Centre Island on extensive boundaries. That is a whole new story.

The claimants eventually established outstations on the former town common, now Aboriginal land, the largest at Wandangula on Yanyuwa/Garrwa land in the northeast, and four others on Gurdanji land in the southwest near Ryans Bend and Cow Lagoon at a Gurminyini closer to the main road. The land was used seasonally for hunting and foraging, especially by women who scoured the burnt earth for goannas, blue tongue and tortoises, though this is not done so often lately. Steve Johnson continued to live on Vanderlin Island with his family as before with the consent of the elder until he died some years ago.

In retrospect, the Borroloola people were unlucky to have their claim run first before the standards, methods and procedures that would guide later claims were settled. It bears testimony to their special grit that has persisted beyond the first set backs to reclaim the remainder of the Pellew Islands and Robinson River Station under the Land Rights Act and to have extended their coastal estate under native title laws. The very recent determination that native title exists in the Borroloola township area and extends to some commercial rights is also testimony to their fighting spirit.

Yidumduma Bill Harney's retrospective exhibition in Katherine



By Margie West who, with artist Yidumduma Bill Harney, curated a retrospective exhibition of his works.

Well-known Wardaman artist Yidumduma Bill Harney has been honoured with his first retrospective exhibition at the Godinymayin Yijard Rivers Arts and Culture Centre in Katherine.

It's been a long time coming for this remarkable man who has now been painting since the 1990s. In indomitable style, Yidumduma staged his first solo exhibition at the Museum and Art Gallery of the Northern Territory with paintings on wood – similar to the ceremonial headboards once used in Wardaman ceremonies. After that he switched to painting canvas and has been one of the most consistent entrants in the Museum's National Aboriginal and Torres Strait Islander Art Award ever since.

Bill Harney draws much of his inspiration from the extensive rock art in his country, often called the Land of the Lightning Brothers because of the remarkable anthropomorphic beings that dominate many of its shelters. However he says he's careful not to copy these rock images directly, because they are the sacred 'shadows' of the actual Dreaming ancestors who disappeared into the rock during the Buwarraja (Dreaming).

Yidumduma is now the Wardaman's most senior initiated man who sees painting as a way of passing on his extensive knowledge to his children and grandchildren: "If we don't

show it (the paintings) everything might get lost. That's why I paint for all the young ones and the Wardaman. They're very interested and want to know the story so they can get a good understanding about what the culture means in the paintings. So we've been giving the story about what the Dreaming is. That's what motivated me all the way. I've got to show all this in my painting before I finish."

Now in his 80s, Yidumduma continues to be a major force in the Katherine region, running his cattle station at Menngen, working with an array of academics on various projects, occasionally undertaking rock art tours, and sitting on numerous boards including the Godinymayin Yijard Rivers Arts and Culture Centre, Katherine West Health, Gregory National Park and the Katherine Water Committee.

He's also a member of the NLC's Katherine Regional Council and was acknowledged by its CEO Joe Morrison who, as a close countryman from Katherine, opened Bill's exhibition in May 2016, praising his 'prowess, intellect and deep knowledge of his country and its rock art, of astronomy and of the customs of the people who have belonged to that land since time began.'

Thanks to Visions of Australia and the Godinymayin Yijard Rivers Arts and Culture Centre in Katherine, many others will be privileged to see the "Yidumduma Bill Harney, Bush Professor" show during its national tour between September 2016 and July 2018.

2016 NT RANGER AWARDS

Developed by the NT Government, the Ranger Awards recognise outstanding contributions and efforts of individuals and teams who are leading the way in caring for country and culture, and developing partnerships and new and innovative ways for doing this important work.

The 2016 winners are:

Outstanding Environmental Achievement – Integrated Feral Management Team, Kakadu National Park, in recognition of their ground-breaking, ongoing and successful efforts in controlling Mimosa, other Weeds of National Significance and feral animals within this World Heritage listed protected area.

Upholding both the natural and cultural values within a World Heritage area is a huge obligation, and the team works with the Park's Traditional Owners to ensure weed and feral eradication techniques do not compromise these values. The majority of the team are Bininj staff who are proud to be working on and protecting their own country.

Outstanding Team Effort – Warddeken Land Management Limited, in recognition of their outstanding achievement in working as a team with their neighbours to manage 2015 late season wildfires that threatened vast areas of country within Kakadu National Park, the Warddeken Indigenous Protected Area and surrounding areas.

Warddeken Land Management Limited nominated a team of 33 Warddeken rangers who in 2015 attended and successfully suppressed more than 21 wildfires across the 1.4 million hectare Warddeken Indigenous Protected Area.

Working in hot and humid weather in the baking sandstone of the West Arnhem Land escarpment, these 33 rangers worked a combined total of 4766 hours fighting fires – an outstanding team effort.

The work of this team, combined with the burning undertaken earlier in the season, ensured that the cultural and environmental assets across the IPA were protected from devastating late dry season fires. The West Arnhem Land Fire Abatement project, of which Warddeken is a member, abated a record 230,000 tonnes of greenhouse gas emissions.

Leadership in Protected Areas Management – Josephine Grant from the Central Land Council, in recognition for her leadership and outstanding contributions in supporting and mentoring various Indigenous rangers from across the CLC region.

Josephine has been involved in the CLC ranger program since 2012 and has progressed rapidly from a ranger to senior ranger in Tennant Creek, then to a regional ranger support officer role across the Northern CLC region.

As a regional ranger support officer, she has developed strong partnerships with five remote ranger groups and the traditional owners governing these groups where she acts as mentor, project leader, and acting group coordinator.

Commitment to Partnerships and Diversity – NT Parks and Wildlife Commission Gulf Team, for their Aboriginal Rock Art Site Protection project in Limmen National Park.

Participants carried out extensive site recording, environmental protection and interpretation works at 36 rock-art and other culturally significant sites within Limmen National Park. The project would not have been successful without the knowledge, commitment and support of the senior and junior Alawa, Marra and Gudanji Aboriginal people who participated in and guided the project.

Innovation in Protected Areas Management – for the team who developed the Garig Gunak Barlu National Park Integrated Conservation Strategy (ICS).

The team that created the Garig Gunak Barlu ICS were from many areas of government and non-government and included members of the Cobourg Board and Traditional Owners, Park rangers, planners, GIS specialists and scientists from the Parks and Wildlife Commission, Department of Land Resource Management, Charles Darwin University and the Darwin Centre for Bushfires Research.

The Park is nationally and internationally significant for its wetlands, endemic species, relatively unmodified landscapes, extensive mangroves and rainforest, nesting sites of threatened marine turtles and is home to more than 20 threatened species.

The team worked together over many months to develop the ICS for Garig Gunak Barlu National Park which summarises the Park's key values and outlines how these values will be protected and maintained by managing key threats.

The Outstanding Environmental Achievement (Highly Commended) went to Rob Lindsay and the Malak Malak

Land Management Team. Under the leadership and direction of Albert Myoung (Malak Malak senior Traditional Owner and Cultural Advisor), the rangers undertake a variety of important management activities across the Malak Malak Aboriginal Land Trust in the Western Top End. This includes the control of invasive plants and animals, fire management, sacred site protection, environmental monitoring, visitor management and permit compliance. A key achievement of the Malak Malak Land Management team is their ongoing efforts and success in controlling the spread of Weeds of National Significance, including Mimosa, Parkinsonia and Gamba grass across 30,000 hectares of Aboriginal land bordering the Daly River.



Rob Lindsay, The Hon. Bess Price MLA and Amos Shields (Malak Malak Land Management)



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