

AN ABORIGINAL PERSPECTIVE OF NATIVE TITLE

RESOURCES '96 CONVENTION

MINES & ENERGY, SOUTH AUSTRALIA

4 - 6 DECEMBER, 1996

Thank you for your invitation to speak at this conference it has been some time since I have before the industry.

I have been watching the Native Title debate from the sideline with great interest. Before I share those thoughts with you I would like to go back to 1990 when Robert Champion de Crespigny and I shared a vision to take Mining and Aboriginal relations in Australia into a new era. That vision is still evolving as more companies each year take the positive step of building a relationship with Aboriginal communities. That vision was based on making it quite clear that we were an exploration and mining company that was willing to respect Aboriginal social, cultural and economic aspirations also willing negotiate a fair deal - A simple Win Win concept to a complicated process.

As you may be aware during those years I stood on the tightrope with one end tied to the Aboriginal community and the other end tied to the Corporate flagship now known as Normandy Mining. At times that rope tangled around me and left knot within me, if you feel for your people finding the right path was not easy. 1993 was the year I jumped from the flagship into a little canoe which is called Gongon Consultancy. Sometimes I wish that I was carrying some of the artillery that I had access to on the flagship but my little canoe is only big enough for a couple of handmade spears. Effective if you are close and right on target.

I am going to throw one of those spears this afternoon and I would like you to walk in my shoes as a Bundjalung Man. The Native Title debate is not going to go away and is going to cause industry and the Aboriginal and Torres Strait Islander community a huge headache in the future. This is not likely to change no matter how much legislation is changed or introduced in the future.

Aboriginal and Torres Strait Islander people live within two cultures we are taught to be part of our extended family, our people, to respect our elders, protect our land in which we belong and to participate in protecting our cultural heritage. How do you undertake those activities when the media continually presents negative stories, Government/s are forever changing the goalposts, Corporations are only mindful of profits and an Australian society which has been educated about the noble savage and does not link the current status of Aboriginal and Torres Strait Islander people to historical events that is still unknown.

There is a basic fault with introducing western concepts of legislation over another culture without taking into account cultural processes or protocols. But I suppose the dominant

culture always knows what is best for the future but you have only called on the wisdom of your legal system and forget that we as indigenous Australian's have a system that we have to respect no matter what your laws stipulates.

It is that issue that I am going to take up, the imposing of a legal process that will have everyone armed with our own legal and anthropological adviser because our cultural expertise (our system - our elders) is not worthy of recognition.

To understand me and what I am saying we have to start with the story of the Clarence River in the northern rivers of NSW, Bundjalung Land.

In 1770 great change was about to come over this land and I have often thought of how my Great Great Great Grandfather a man by the name of Toolbillibam felt when hearing stories of the White Men who were taking our lands without respecting the Aboriginal Law or people. What sort of people are these who take everything and do not share or have respect.

During this time the legal system in England was applying Terra Nullius which was a concept that my Great Great Great Grandfather would never understand. His whole legal system and cultural values no longer applied with a new individual or corporate land ownership system, the land he belonged to and has custodial responsibilities for was no longer legally his.

He also did not know what many of these new Australian settlers thought of him, his family and people. A man who commanded respect because of the leadership and wisdom he applied as one of the Bundjalung Elders.

In 1837 the Schooner Susan, travelled up the Clarence River in search of the Big River Cedar. From then on land was being taken up by settlers in the Northern River area.

In about May 1841 Yulgilbar Reach the land that Edward Ogilvie first recording of having sheep

Early 1841 - 42 there was recordings of losing sheep and disputes between Aborigines and settlers.

THE SYDNEY MORNING HERALD

From a letter sent by Edward Ogilvie to the Sydney Morning Herald published (04/06/1842). This letter was written 2 days after the encounter with my family.

"Since the hostile encounters about a year ago, they have rarely shown themselves, but have kept among the mountains, always making off as fast as possible if accidentally seen. Though they have occasionally crept unobserved upon the huts, and carried off the shepherds' blankets and axes. I had several times tried to bring them to a parley, to establish a better understanding, but always without success. Until having seen a smoke rising amongst the hills, some miles distant, my brother and I myself mounted our horses,

and set out to make another attempt. After clambering about the hills some time, we entered a narrow valley. We suddenly came in sight of a camp situated upon a small flat, surrounded on three sides by a creek, and backed by a mountain.

Setting spurs to our horses, we galloped across the creek into the camp. We found it untenanted, however, except for a woman with an infant at the breast, and a child apparently about four or five years old. On our approach they fled up the mountain, the woman carrying her child astride her neck.

As we neared them they cried out in great fear. The woman took the infant from her shoulders and clasping it to her bosom, threw herself upon her knees and bowed her face to the ground, thus concealing and protecting her little one with her body. The other child crouched at her side, and hid its face in the grass. I dismounted, and taking the child by the shoulders, raised her face from the ground, but she set up such a terrible squealing, that I let go again, when she dropped quite stiff and stark into her former position, and was again silent. I sat down near them, and having some knowledge of their language, which I had gained from a young boy Pundoon who was taken in one of the fore mentioned encounters, and who has since remained with me, I addressed the woman, telling her not to fear, as we had no hostile intentions, and would not harm her. After a time she raised her head and looked steadfastly at me. She seemed to have been reassured, for she began to speak.

She first said that she was afraid of the horses, and she asked if they would not bite her. We told her that they are harmless and lived upon grass; upon which she seemed to lose all fear, answering all our questions, and saying a great deal more than we could understand. We learned from her that the men were hunting upon the surrounding mountains. After a great deal of shouting and calling in which the lady joined - though not until she had made me repeat several times that I was not an enemy - we heard an answering shout from a hill top. All was then silent again for some time. As we felt assured that the blacks were reconnoitring, we concealed our only gun in the grass, and assuming as unwarlike appearance as possible, sat down beside our horses.

We had not long remained thus when we were roused by a sudden shout upon the mountainside, and as we got upon our feet, two men, armed, but perfectly naked, came in view over the shoulder of the hill, about one and fifty yards above us. One of them, a large finely proportioned man, immediately stood forward, and waving one arm in the direction of the river, in a most undaunted and uncompromising manner, told us to begone. I called out to him that our intentions were friendly, that we were unarmed, and that I wanted to speak with him, but he talked so loudly himself, that he could not hear me. He also spoke so rapidly that I could but partially understand what he said, which was, however, something to this effect:

“Begone, begone, and take away your horses - why do you come hither among the mountains to disturb us? Return to your houses in the valley, you have the river and the open country, and you ought to be content, and leave the mountains to the black people. Go back - keep the plains, and leave us the hills. Go, go, begone.”

Having at length induced him to attend, I advanced some distance towards him. After again, assuring him that my intentions were not hostile, calling upon him to observe that I was not armed, I said "Lay down your weapons and approach me."

He regarded me for a moment, and then, with great deliberation, threw from him his spears and his boomerang, and came forward a few paces, retaining his parrial (or wallaby stick) in his hand. I told him to put that down also, and he did so with some reluctance, but would not consent to come any lower down the hill. I therefore slowly ascended towards him, keeping a steady watch upon his movements.

As I approached, he seemed uneasy, and went behind a tree but, as if ashamed of this, he soon stood out again. By this time, feeling satisfied from his bold and open expression that he might be trusted; I walked straight up to him and took him by the hand.

He asked "are we friends?" I again assured him that we had none but friendly intentions towards him.

He appeared to be much delighted at finding me speaking his own language, and soon, became quite at his ease. His companion, who had till this time remained some distance in the rear, now threw down his weapons, and joined us. They, however, still showed great fear of the horses, and would, on no account, consent to their being brought near.

My brother, therefore, fastened them to a tree, and came up the hill, carrying in his hand a tomahawk that we had brought with us, and which we presented to our tall friend, whose name we found to be Toolbillibam. He was overjoyed at the gift, and leaped and shouted with delight.

We were now upon the best terms possible.

Toolbillibam began to shout for the rest of his tribe on the surrounding mountains to come in and see us. I then asked him if he knew anything of Pundoon; at hearing the name, his countenance brightened. With great earnestness of manner, he told me he was the boy's second father, or uncle, and that the father was among his companions. To bring him to me he now redoubled his shouting. In a short time five of them made their appearance, running along the mountainside towards us.

Toolbillibam called out to them, telling them how matters stood, and they instantly threw their weapons out of their hands.

He pointed out one of them as Pundoon's father, calling him by his name of Pundoonbam. Upon Toolbillibam calling out to him that he had news of his son, the old fellow came running down, with outstretched arms. Coming first to my brother, he gave him the full benefit of a most literally sweet embrace, as the old gentleman had evidently dined on honey. For want of a spoon, he had used his fingers, besides having smeared his face and beard a good deal more than was pleasant. He asked me many questions about his son, much more quickly than he could be answered. Upon learning that he lived in a house and ate bread, and wore clothes like ourselves, and that we would soon bring him back to the

river, and that he should see him, the old fellow's joy was unbounded. Having, by this time, eight or nine of the blacks about us, we told them to sit down in a row, and made them a regular harangue.

We said that we had made war upon them because they had killed white people, but that now our anger was gone and we wished to live at peace with them; that we wanted nothing in their country but the grass, and would leave them their kangaroos, their opossums, and their fish. Toolbillibam here interposed to know if we would not leave them the honey also. We assured him that it was quite at their service, and that he might make himself perfectly easy about rats, bandicoots, grubs and all other small game.

All this appeared to be extremely satisfactory to our audience.

We told them that if they would not rob or injure our people, nor kill our sheep, that no person would harm them; but on the contrary, would give them bread when they came to the stations. We promised that, if they conducted themselves peaceably for a time, we would give each of them a tomahawk. We pointed out to them the direction of all our stations, and told them that when they visited them, not to sneak from tree to tree, but to walk up openly and call to give notice of their approach, and put their weapons out of their hands - all this they promised to attend to. The sun was now sinking. After distributing amongst them our pocket knives, our handkerchiefs, and such articles of our dress as we could spare, we told them that we must go.

They all rose and accompanied us to the camp, which lay in our route. Toolbillibam walked before, and with much care parted the long grass with his hands, and cleared away all obstacles from our path.

Before parting with our wild-looking friends, we remained a few moments to examine their household goods and utensils which were in the camp. Hanging near each fire was a large bag, about the size of a two bushel sack, very ingeniously fabricated of grasses or rushes woven together, which appeared to contain all their property. Some spears were piled against the trees, and clubs, boomerangs and shields were scattered about.

Of opossum cloaks they appear to have a very scanty supply, as I saw none but very old and well-worn ones, but as a kind of substitute they had large bunches of the skins of flying squirrels' tails tied together, which they use as a covering at night. The blacks appeared uneasy at our taking so much notice of their valuables. Therefore, having attempted in vain to persuade some of them to accompany us home, we took our leave.

Toolbillibam, who was evidently the head of his tribe, again preceded us, clearing our path as before, until he had conducted us as far from his camp as was consistent with his notions of politeness. None of these people could speak or understand a single word of English, and some had possibly never seen a white man before. I have not since seen them, but they have visited some of the out-stations, always approaching as they were desired, calling out to give notice of their approach, and laying down their weapons.

I shall not fail to follow up this first step by all means in my powers, and hope it may prove the commencement of a friendly intercourse with the natives of the River.”

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Extract from Farwell George, Squatter's Castle - The saga of a pastoral dynasty, Angus & Robertson Publishers, 1993, pp 144-150.

Closing Statement

I am here wearing the black arm band of guilt, or to confront you with those words that you should be to blamed for the actions of your Forefather's but I cannot separate the history from inside me because it is that history that has shaped my thinking and shaped my destiny, as it does with you. There is a direct connection from past to present.