2. ‘Government been mustering me…’: Historical background

The title of this chapter comes from the statement, ‘Government been mustering me from the beginning, now they still mustering me’, made by an elderly Waanyi woman resident on Mornington Island (interview, July 2003). She was discussing her personal experience of state control of Indigenous people, and reflecting on her perception that the Gulf Communities Agreement (GCA) restricts Indigenous choices about the nature of their engagement with the mining industry. The metaphor used by her calls upon the historically unequal relations between Indigenous and non-Indigenous Australians in the pastoral industry and that were sanctioned by the state. The statement also presents a powerful allegory of history repeating itself in the context of large-scale mineral development. In the opening pages of his book retracing an ancestor, Nicholas Jose evocatively describes the southern Gulf of Carpentaria in the vicinity of the Northern Territory and Queensland border as ‘a highly contested land where old fights continue and yet a dream still hovers of dignified independence, with like and unlike in harmonious coexistence’ (Jose 2003: 4). This statement could easily be applied to all three field sites and the manner in which Indigenous people aspire to the future and live their history. The relationship between the mining industry and many Indigenous people has become a contemporary site for the attainment of personal and cultural autonomy, long sought Indigenous aspirations throughout the settled history of Australia.

This chapter presents a combined history of the southern Gulf of Carpentaria, the Alligator Rivers Region (Kakadu Region) and the Pilbara—the regions within which the Century mine, the Ranger mine and the Yandicoogina mine are situated. First, the early history of exploration and settlement in all three regions is traced. It draws upon commonalities in the historical experience of Indigenous people across the three regions to demonstrate that settlement of all three areas entailed the overlaying of European interests on pre-existing Indigenous interests. Despite frontier violence, Indigenous engagement with early explorers and the subsequent development of the pastoral industry facilitated European expansion. Second, the chapter outlines the emergence of Indigenous land rights discourse with specific relation to mining development. It traces how local events historically shape national Indigenous agendas to assert that the contemporary emphasis in the relationship between the mining industry and Indigenous people upon agreement making has only emerged in response to the threat presented by Indigenous resistance to mining development, particularly since the passing of the Native Title Act 1993 (NTA). A comparison is made
between the changing attitude of the mining industry to Indigenous interests in the mid 1990s, and the much earlier shift on the pastoral frontier towards more conciliatory approaches to Indigenous resistance in the form of protectionism.

While establishing the historical context for the later discussion of Indigenous people’s experience of mining agreements, the presentation of a combined history also enables the illumination of connections and commonalities between the three field sites subject of this study. In this sense this is not a conventional historical account, but one that seeks to locate the historically unequal interdependencies that characterise relations between Indigenous and non-Indigenous Australians across the three field sites. The ‘dream of a dignified independence’ identified by Jose, and that emerges from the historical account, could usefully be re-characterised as a dream of dignified interdependence in which Indigenous cultural dispositions are recognised and legitimated by non-Indigenous people and institutions.

**Early exploration**

The Dutch made the first European sighting of Australia during the 1606 voyage of the *Duyfken* under the command of William Jansz. This ship sailed along the southern coast of New Guinea and, missing the Torres Strait, sailed south along the west coast of Cape York Peninsula. The ship made the first recorded landfall on the Australian continent at Pennefather River on the west coast of Cape York. In 1616 Dirk Hartog made the second recorded European landing on an island in the vicinity of Shark Bay on the coast of Western Australia. Further Dutch expeditions occurred in 1623 with the voyage of the *Pera* and the *Arnhem* under Carstenszoon. The two ships became separated in the vicinity of Cape York Peninsula, and the *Arnhem* travelled west across the Gulf of Carpentaria where it encountered the north coast of what is now known as Arnhem Land.

In 1644, Abel Tasman’s second expedition undertook detailed mapping of the north Australian coast from western Cape York Peninsula, around the Gulf of Carpentaria, westwards along the north coast and the Kimberley coast to the Pilbara coastline. From approximately 1650 Macassan seafarers had made seasonal voyages to the north coast to harvest trepang, *bêche de mer*, to supply Chinese markets (Macknight 1976: 94). Such visits were made during the wet season to coastal locations from the Cobourg Peninsula on the north coast, eastwards to the Wellesley Islands in the southern Gulf of Carpentaria (Macknight 1976: 61). The Macassans, who sailed from southern Sulawesi, established seasonal camps along the coast and nearby islands. The remains of many of these camps are identified by the presence of tamarind trees, the fruit of which was used in
the processing of the trepang. Regular visitation enabled the fostering of social and trade relationships with coastal Indigenous groups with local items such as turtle shell, pearl shell, and pearls being traded for alcohol and tobacco.

In circumnavigating Australia, Matthew Flinders surveyed the Gulf of Carpentaria and sections of the north coast during 1801–03 (Bauer 1964: 27–8). During this voyage Flinders made repairs to his ship in the Wellesley Islands in the vicinity of Investigator Road (see Fig. 6.1), a passage between Sweers and Bentinck Island within the traditional estate of the Kaidilt people (McKnight 2002: 35). Mornington Island, the largest of the Wellesley Islands, is the country of Lardil people. Flinders also met with a fleet of Macassan prahus1 at Arnhem Bay in north-east Arnhem Land. The record of his conversation with Pobasoo, the credited commander of the Macassan fleet, is the earliest record of the extensive Macassan enterprise in North Australia (Bauer 1964; Macknight 1976). Indigenous experience of Macassans is cited as a reason for their lack of hostility towards early explorers.

Four voyages undertaken by Captain Philip King surveyed the north coast, including the van Dieman Gulf, between 1818–22 (Bauer 1964: 27). In response to his voyage reports, the British Colonial Office sent an expedition to establish a post on the north coast to regulate the trepang trade, provide sovereign security against potential Dutch expansion, and to provision marine traffic en route between England and New South Wales (Spillet in Keen 1980a: 172). Consequently Fort Dundas on Melville Island, the earliest British settlement in the north, was established in 1824 (Bauer 1964: 28). The settlement was relocated to Raffles Bay on the Cobourg Peninsula in 1827, but was closed two years later (Bauer 1964: 33–5). A third attempt at settlement was made in 1838 with the establishment of Victoria settlement on Port Essington, also on Cobourg Peninsula (Bauer 1964: 35–7). A combination of disease and poor location2 led to the abandonment of this settlement in 1849. A lasting legacy of these settlements in the region was the release of Timor ponies, banteng cattle and water buffalo. Water buffalo, in particular, have spread throughout the northern half of the Northern Territory, and have damaged freshwater wetland environments along the north coast. Buffalo, however, played a significant role in the history of the Kakadu region. They represent a resource that attracted Europeans into the area and that created an industry which engaged Indigenous people. Buffalo remain important to the livelihoods of Indigenous people in the region today (Altman and Whitehead 2003: 5–6).

1 The name given to Macassan sailing vessels.
2 Port Essington was not directly on routes used by Macassan seafarers. Also due to its sheltered location, sailing ships had difficulty entering the harbour and often were becalmed for extended periods without being able to make landfall.
During the period of Victoria Settlement at Port Essington, the *Beagle*, initially under the command of Wickham and later Stokes, continued coastal exploration (1837–44) (Bauer 1959: 17). In 1841 the *Beagle* retraced Flinders’ route through the Gulf of Carpentaria. Observations from this expedition, along with Flinders’ earlier observations, shaped the future development of the Gulf region by identifying potential anchorages and port sites. Notably, however, Stokes’ navigation of the Albert River, on which the town of Burketown is currently situated, reported on the pastoral potential of country he sighted and named the vast coastal plains ‘the Plains of Promise’ (Bauer 1959: 18). Bauer (1959: 18) notes that ‘it was a name which was to cost Queensland dearly’; it raised hopes for prosperity in the region and focused national attention on the Gulf region for the first time.

The 1844–45 overland expedition by Ludwig Leichardt from Moreton Bay to Port Essington on the Cobourg Peninsula was the first foray into the inland of Northern Australia (Bauer 1964: 39; Favenc 1987: 155). Leichardt travelled through the southern Gulf of Carpentaria, and crossed all the major Gulf Rivers, including the Nicholson River at Turn Off Lagoon on Waanyi country (Roberts 2005: 8). Roberts (2005: 8) poignantly notes that at this location Leichardt:

> would have noticed a well-worn Aboriginal footpath following the river upstream from there, for this was a major east-west trading route and later a stock route and road known as Hedley’s Track.

May (1994: 20–1) also highlights the use of pre-existing Indigenous tracks and trails by early explorers, who actively sought such routes. Crossings of major Gulf rivers were usually those used by Indigenous people (Roberts 2005: 43). For example, Leichardt’s Bar, the crossing of the Roper River in the Northern Territory, is a registered sacred site of the Ngalakan people under the Northern Territory *Sacred Sites Act 1989* (Asche, Scambary and Stead 1998; Holcombe and Scambary 2002). In addition stock routes were established along Indigenous trade routes that had been established in pre-contact times due to their proximity to water and bush resources (Roth, in Trigger 1992). The overlaying of European interests on pre-existing Indigenous demarcations of space, and hence resources, is a recurrent theme that emerges from the history of early exploration and settlement across the three regions subject of this study, and Australia more generally. The path of Leichardt, along a trade route connecting the southern Gulf of Carpentaria with the Roper River area, became known as the Coast Track (Roberts 2005: 8). From the Roper River, Leichardt travelled north along Flying Fox Creek and into the South Alligator River region, before reaching the Victoria Settlement at Port Essington. Leichardt’s journals are largely devoted to recording flora and fauna, but also record a number of interactions with Indigenous people in both the southern Gulf of Carpentaria...
and the South Alligator regions. Bauer (1959: 19) notes that Leichhardt’s journals repeatedly ‘remarked on the extensive and deliberate burning of the open grassy forests and plains by the blacks’.

The failure of Victoria Settlement, due to a combination of disease and poor location (Spillet 1972), spurred a desire for greater knowledge about the north. A.C. Gregory’s expedition, which commenced from the defunct Victoria Settlement and ended at Moreton Bay in 1856, reported on the fecundity of the northern lands (Bauer 1964: 41). Gregory travelled to the Victoria River region and also passed through the southern Gulf region, keeping south of Leichhardt’s route.

Burke and Wills’ expedition (1860–61) from Melbourne to the Gulf of Carpentaria had a profound impact on the development of Queensland despite the expedition’s tragic outcome. The impact was not due to the expedition itself, which is recorded as the first north to south traverse of the continent; it resulted from the exploration activities of those men (including McKinlay, Landsborough and Walker in 1862–63) sent to search for the lost explorers (Bauer 1959: 21). The identification of suitable pastoral land by these subsequent expeditions led to the almost immediate settlement of the southern Gulf region. The first cattle began to arrive in the upper reaches of the Flinders River from 1861 onwards (Memmott and Kelleher 1995: 16). In 1865 Beame’s Brook, Floraville, and Gregory Downs were the first stations to be established in the southern Gulf of Carpentaria (Bauer 1959: 24). A subsequent pastoral development rush led to the establishment of Burketown in Gangalidda country on the Albert River in 1865. However, in 1866 the town was abandoned for five years after the outbreak of a virulent fever that killed many of the first residents. After the abandonment of Burketown, Normanton was established in 1867, and quickly became a regional centre due to its superior port, and its proximity to the Palmer River and Croydon gold strikes (Memmott and Kelleher 1995: 17). The European settlement and development of Normanton displaced Kukatj people (Memmott and Kelleher 1995: 18).

John McDouall Stuart’s south-to-north traverse of the Australian continent was made in 1862. His route was the basis for the construction of the overland telegraph from 1870–72 (Bauer 1964: 42–5; Favenc 1987: 204). Stuart’s expedition fuelled the desire of the South Australian administration to colonise the north; it had assumed control of the Northern Territory in 1863 (Berndt and Berndt 1987: 5). Escape Cliffs, near the mouth of the Adelaide River, was chosen as a site for

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3 See also Bauer (1964: 45–64) for a detailed account of the circumstances surrounding the annexure of the Northern Territory to South Australia. Bauer (1964: 192–4) also attributes the degenerative effects of alcohol, opium and disease on the Indigenous population with poor management by the South Australian administration, and states ‘...much of the later difficulties may be traced directly to the complete lack of regard for the rights and responsibilities of this people during the early years’.
the capital, named Palmerston. Forays from Escape Cliffs east to the Alligator Rivers region were confounded by wet season rains and led to unfavourable reports of the settlement potential of the region. However, the settlement at Escape Cliffs was short lived (1864–67), and the settlement subsequently was moved to Port Darwin, the current location of the city of Darwin.

The construction of the Overland Telegraph\(^4\) enabled better communication and influenced settlement activity in the Northern Territory. Discoveries of gold in the Finnis River, and subsequently in the Pine Creek area, from 1865 into the 1890s spurred a number of gold rushes. Pastoral development of the Victoria River and Barkly Tablelands began, but was slower in the northern areas of the Northern Territory. The remoteness of the region and the climatic conditions of the wet-dry tropics kept settlement activities localised and small.

In 1861, F. T. Gregory (younger brother of A. C. Gregory) explored the Pilbara region of Western Australia after earlier leading an expedition that discovered the Gascoyne River. On this second expedition he located and named the Fortescue Ranges and the Hamersley Ranges (Favenc 1987: 199–01). Settlement of the north-west began in 1863 in response to Gregory’s early accounts (1861–1862) of the prospect for pastoral activities. The De Grey and Harding River districts were first settled in 1864, shortly after the first sheep station was established on the Gascoyne (Biskup 1973: 16). The town of Roebourne was established adjacent to permanent water on the Harding River in 1866 (Edmunds 1989: 1). A link from the west coast to the east coast was nominally achieved in 1879 by the expedition of Alexander Forrest, who had travelled from the De Grey River in the Pilbara to the Overland Telegraph Line north of Daly River, and then to Port Darwin (Forrest 1996). Forrest identified the Ord and Victoria Rivers as being suitable pastoral country.

News of Forrest’s successful expedition coincided with Favenc’s crossing of the Barkly Tableland in 1878 (Roberts 2005: 46). Favourable reports arising from these expeditions of new pastoral lands, combined with a downward revision in pastoral rents by the South Australian administration, created a pastoral boom in both the Northern Territory and the Kimberley (Roberts 2005: 54). As the Coast Track provided more reliable water sources, it was the preferred route to access and stock these areas from the settled east coast (Roberts 2005: 11). The first stock traversed the Coast Track in 1872, beginning what was to be a flood of droving, settler and prospecting expeditions along the route. This marked the beginning of a period now known by local Indigenous people in the southern Gulf of Carpentaria as the ‘wild time’, acknowledging the extremely violent

\(^4\) The Overland Telegraph line provided the first communication link between Melbourne and London other than by sea. A raised cable traversed the continent interspersed by a number of telegraph stations where messages were relayed by Morse code. Northern Territory towns such as Alice Springs, Warrego, Tennant Creek, Larrimah and Katherine all began as telegraph stations.
relationships between Indigenous people and settler traffic on the ‘Coast Track’ (Roberts 2005; Trigger 1992). The southern Gulf of Carpentaria became a focus of northern development, and thus had a significant impact on Indigenous people in that region.

The southern Gulf of Carpentaria

In 1868, in response to reports of settlers being murdered in the vicinity of the MacArthur River in the Northern Territory, D’Arcy Uhr of the Native Mounted Police perpetrated the first reported massacre in the region (Roberts 2005: 12). Roberts’ account of early contact between Indigenous people and Europeans in the southern Gulf provides a chilling account of atrocities perpetrated against Indigenous groups. The Coast Track became renowned for violence. Ernestine Hill (1951: 11) commented, ‘the blacks were shot along the track like crows’. Conflict between drovers and Indigenous people occurred for a number of reasons. Reports of prior incursions against settlers led Europeans to shoot Indigenous people on sight, as Roberts (2005: 62) notes ‘out of fear, or malice, or cruel fun’. Interference through abduction, enslavement and rape of Indigenous women and children brought reprisals against Europeans. The destruction of water sources by introduced cattle exacerbated conflict, by placing pressure on Indigenous resources to support local populations, which in turn placed pressure on land based resource management practices (Layton and Bauman 1994: 13; Roberts 2005: 51, 97). Consequently Indigenous people killed cattle and horses both for sustenance and in retaliation, which drew further reprisals. Roberts (2005: 101) notes ‘Aboriginal resistance, however, provoked a savage vengeance resulting in massacres’.

The owners of stations that bounded the Coast Track in the southern Gulf of Carpentaria complained of large numbers of cattle being removed by cattle duffers en route to the new pastoral lands in the north. A police station was subsequently established at Corinda Station in 1886 and later moved to Turn Off Lagoon (Roberts 2005: 235). The police station was staffed by the Native Mounted Police, formed in Queensland in 1848 in response to frontier violence. The force consisted of ‘black troopers under white command [who] moved around new settlement areas to punish Aborigines where violence (to life or property) had occurred’ (Johnston 1988: 76). Indigenous people were not recruited to the Native Mounted Police from the areas in which they subsequently worked, but rather from different country and different language groups. The use of

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5 See Chapters 4–6, this volume, for an explanation of territoriality and definition of rules and norms pertaining to land ownership and resource use in the Pilbara, the Kakadu region and the southern Gulf of Carpentaria.

The Native Mounted Police were controversial; their activities prompted a number of government enquiries (Johnston 1988: 79). Perhaps this explains the euphemistic language of police reports which included terms such as ‘dispersal’ or ‘teaching the blacks a lesson’, meaning retributive shootings; or ‘despoiling’, meaning rape (Long 1970: 92; Roberts 2005: 58, 235).

The impact of pastoral settlement in the southern Gulf of Carpentaria on Indigenous people was catastrophic both in terms of frontier violence and the spread of disease. During the 1890s there was also evidence of resistance, particularly by Waanyi people, whose country spans the Northern Territory and Queensland border. It took the form of targeted reprisal attacks against particular station owners, managers and workers (Roberts 2005: 247).

Early settlement on the Queensland side of the border in the early 1860s influenced the movement of Indigenous people within the region. Roberts (2005) notes that some people sought refuge from settlers by retreating to the coastal fringe, which was less desired for pastoral activities, whilst others retreated eastwards into the Northern Territory. In the 1890s, however, drought prompted the large-scale movement of stock into these coastal areas (May 1994: 60), affecting ‘Garrwa [sic], Gudanji, Yanyuwa, and Wakaya’ (Roberts 2005: 242). Waanyi, however, were the most impacted. Having already lost much of their land to Alexandria and other stations, it was dangerous for them to go north into Garrwa country where some of the cattle had been taken. Cresswell Downs lay to the west; to the east were the Native Police at Turn Off Lagoon; and south-east were Lawn Hill and Lilydale where the local people, including the eastern Waanyi, had been almost exterminated in earlier years. Nevertheless many chose to migrate to the eastern side of the border where pastoral activities were in decline but the risk of being shot was still high (Roberts 2005: 242–3).

Trigger records that the general movement of Indigenous people from the west to the east during the wild time continued into the second decade of the twentieth century. Escaping from violence, and access to food and commodities (like tobacco) were primary reasons for such movement (Trigger 1992: 26).

Frontier violence in Queensland came under increasing public and official scrutiny after the release of a report by Archibald Meston. Meston reported unfavourably on the Native Mounted Police, and some of his recommendations were incorporated in the *Aboriginals Protection and Restriction of the Sale of Opium Act 1897*. This was the first legislation of its kind in Australia, with other States introducing protectionist legislation in the years following. According to
May (1994: 9), by the time the Northern Territory and the Kimberley were being stocked from the eastern states, the use of Aboriginal labour in the Queensland pastoral industry was well established. Consequently Queensland administrators were asked to assist in the establishment of protectionist legislation in Western Australia and the Northern Territory.  

Under the legislation protectors were appointed, including Archibald Meston as the Southern Protector of Aborigines and Walter Roth as the Northern Protector of Aborigines. Police and magistrates were also appointed as local protectors. May notes that this legislation also heralded the Queensland Government’s softer and more conciliatory approach, a response to increased Indigenous resistance on the pastoral frontier. The resistance was having a serious impact on the viability of northern pastoral operations. The passing of this legislation and the new protectionist approach assert state demarcation between Queensland and the Northern Territory. Previously police on either side of the border had powers outside their own jurisdictions and pastoralists occupied areas beyond their leases, in some cases spanning the border. As the new legislation only applied to Indigenous people in Queensland, Native Mounted Police efforts became focused on restricting the movement of Northern Territory-based Indigenous people into Queensland (Roberts 2005: 257). Consequently the movement of Waanyi people, whose traditional country spans the border, was restricted. Waanyi and other similar groups have to contend with the historical application of jurisdictional controls determined by state borders.

The new legislation gave the State of Queensland the power to remove Indigenous people to reserves, and to remove children of mixed race to reserves or missions. Proclaimed in the interests of Indigenous people, the protectionist policy aimed to minimise the impact of Indigenous resistance on pastoral activities, and also the impact of Indigenous livelihood activities that presented cattle as the only source of sustenance within the greatly reduced range of Indigenous groups of the southern Gulf of Carpentaria (May 1994: 63). May (1994: 65) points out that whilst the provisions of the Act were used to restrict interference with stock and to protect the interests of the pastoralists, paradoxically the cattle industry could not operate without the use of Indigenous labour and Indigenous knowledge of country and local resources. Like other protectionist laws enacted elsewhere in Australia, the legislation became a tool both in the control of Indigenous people and the recruitment of their labour.

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6 W. E. Roth conducted a Royal Commission on the condition of Aboriginal people in Western Australia in 1904 resulting in the *Aborigines Act 1905*. J. W. Bleakly, Chief Protector of Aborigines in Queensland from 1914–42, reported on ‘the condition of Aborigines and half-castes of central and northern Australia’ in 1928 (May 1994: 9).
Provision for the payment of wages to Indigenous pastoral workers was included within the legislation. The establishment of minimum wages for Indigenous workers in Queensland preceded the establishment of any similar regime in other parts of Australia (Trigger 1992: 44). Under the *Aboriginals Protection and Restriction of the Sale of Opium Act 1897* wages were payable in accordance with individually negotiated agreements. The payment of wages, however, was highly variable, with the protector of Aborigines having discretion over individuals’ access to wages. In addition the agreements imposed physical restrictions, obliging Indigenous workers to remain on their stations of employ.

From the turn of the century until the 1930s, the policy of protection coerced Indigenous people and determined their movement and residence. Trigger (1992: 38) notes that large Indigenous camps became established at stations such as Westmoreland and Lawn Hill, and also at Turn Off Lagoon, Burketown and the Gregory Downs Reserve. Another congregating point was situated at the Chinese gardens at Louie Creek near Lawn Hill (Roberts 2005). Residence at these locations has created historical associations between areas of land and people. For example, predominantly Gangalidda people from the coastal areas became resident on the fringes of Burketown near a site known as Munggabayar, whilst inland Waanyi people became resident at stations associated with water courses within their own country (Trigger 1992: 38). Many people from such locations sought employment within the pastoral industry as stockmen, drovers, fencers, or domestic workers (Trigger 1992: 38). Whilst the policy of protection resulted in the forced removal of Indigenous people, involvement in the pastoral industry also facilitated mobility within the southern Gulf region over 1900–30. As in other parts of the north, such mobility was important in the maintenance of Indigenous institutions associated with traditional land tenure systems.

**Missions**

In 1905 the Wellesley Islands, with the exception of Sweers Island, were set aside as a reserve, and a Presbyterian Mission was established on Mornington Island in 1914 (McKnight 2002: 28). Many mainland people were removed to the mission at Mornington. The first missionary, Rev. Robert Hall, endeavoured to create economic self-sufficiency and promoted a number of enterprises, including the gathering and curing of trepang and the manning of the mission ketch by an entirely Indigenous crew (McKnight 2002: 32). A Lardil man murdered Rev. Hall in 1917. His replacement, Rev. Wilson, instituted the dormitory system, which

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7 Sam and Opal Ah Bow ran the Chinese Gardens in the first three decades of the twentieth century (Carrington 1977: 13). Opal, an Indigenous woman, is referred to in Roberts (2005: 261–62) as having been kidnapped by early pastoralist Frank Hann on Cresswell Downs Station in the Northern Territory in 1881. She legally married Sam Ah Bow, the cook from Lawn Hill Station, two years after escaping from Hann. Descendants of Opal are largely resident in the Camooweal area.
2. ‘Government been mustering me...’: Historical background

segregated children from their families and, according to McKnight (2002: 34), created a generation gap in the transmission of traditional knowledge. During the war years, like other missions, caretaker staff manned the Mornington Island mission and most of the Mornington Islanders returned to subsistence activities. McKnight (2002: 34) notes that ‘despite 25 years of missionary influence they evidently did so without much difficulty’.

In 1930, at the invitation of the Department of Native Affairs, the Plymouth Brethren established an additional mission on the mainland at Bayley Point on the coast north east of Burketown (Long 1970: 148; Trigger 1992: 57). In 1936, after the mission buildings were destroyed by a cyclone, the mission was moved to the current location of Doomadgee on the Nicholson River, in closer proximity to already established Indigenous camps. Initially the new mission was populated with destitute and old people from Burketown and from a number of surrounding stations, with the population remaining in the vicinity of 200 until its increase in 1947 (Long 1970: 149).

Both the Mornington Island and Doomadgee Missions became an important source of pastoral labour (Long 1970: 142); missionaries were appointed as protectors of Aborigines. Trigger emphasises the tensions between the Doomadgee Mission, a number of stations in the region and the Burketown protector of Aborigines. The reasons for this include the moral gaze of the missionaries in relation to the treatment of Indigenous people in the region, but probably more significantly the competition for the provision of labour. A clear perception existed that the missions were acquiring Indigenous residents to increase their own workforce, and thereby reducing the available workforce to surrounding stations. As Trigger (1992: 65) underscores, this perception is not borne out by the historical record; Doomadgee residents were more likely to be engaged in paid employment and earning better wages.

Like Mornington Island, the Doomadgee mission utilised a dormitory system segregating boys and girls from each other and their families. The Plymouth Brethren who administered Doomadgee have an enduring reputation for the harsh discipline utilised within this system. For example, the treatment of women, particularly the practice of keeping women in the dormitories until marriage, remains a focus of criticism (Long 1970).

Community government replaced the Mornington Island Mission in 1978, and at Doomadgee Mission in 1983 (Memmott Channells 2004: 42). Trigger’s (1992) study of Doomadgee was conducted at the time of this transition, and it characterises relationships between Indigenous residents and missionaries in terms of the spatial and ideological divide between ‘blackfella’ and ‘whitefella’ domains. The maintenance of the ‘blackfella’ domain, Trigger (1992: 222) argues, was a form of resistance to the restrictions imposed on Indigenous practice.
by the missionaries, which ‘dulled the full impact of colonial forces which would otherwise become all encompassing and result in the homogenisation of Aboriginal people into Australian society’. Importantly, however, such resistance was also accompanied by accommodation, characterised by increasing Indigenous dependency ‘within a pattern of consumption of commodities and services that have come to be regarded as essential’ (Trigger 1992: 223).

From the mid 1970s there has been increasing interest in reviving traditional culture in the region, and cultural links with Indigenous people in the Borroloola region are called upon in the conduct of ceremonial activity. Accompanying this revival is the assertion of traditional rights and authority over country, ‘not just over other Aboriginal people but over any people’, that is in contrast with the earlier missionary period (Memmott and Channells 2004: 42). (For further detail on Indigenous rights and authority, see Chapter 6.)

The Alligator Rivers region (Kakadu)

Whilst violence associated with the colonial encounter occurred in the Alligator Rivers region, it was not as dramatic as that experienced in the southern Gulf of Carpentaria. However, common to all regions subject of this study, diseases introduced by colonial settlement—tuberculosis, venereal disease, malaria, smallpox and leprosy—decimated the Indigenous population. Keen (1980a: 171) estimates that the Indigenous population was reduced to about 3 per cent of the population at the time of contact.\(^8\) Rapid population decline in this region was exacerbated by the removal of mixed race children. Another hardship brought about by contact was the demand of white and Chinese settlers on Indigenous women (Keen 1980a: 175).

Although the Alligator Rivers region is adjacent to the main focus of early Northern Territory settlement, firstly in the Adelaide River region and later Darwin, climatic conditions restricted the development of pastoral activity. Early leases to the west of the region were in proximity to the settlement of Palmerston (now Darwin), notably Marrakai station. However, Paddy Cahill took up a lease on the East Alligator River in 1906. It later became the Oenpelli mission settlement under the Church Missionary Society in 1925 (Keen 1980a: 174).

In the absence of pastoral activity, buffalo hunting became the predominant economic activity around the Alligator Rivers. Lasting from the 1880s until the 1950s, this industry focused on the wild harvest of buffalo horns and skins and relied largely on Indigenous labour (Levitus 1995: 70). Like pastoralism in the

\(^8\) Presumably Keen’s (1980b) estimation is based on 1976 Census figures, and also a report by the same author in the same year.
west, Aboriginal workers were paid in provisions, and tobacco functioned as a form of currency (Levitus 1995: 73). Due to environmental factors associated with the wet season, buffalo hunting was carried out in the dry season (see Carroll 1996; Keen 1980a, 1980b; Levitus 1995). In addition to buffalo hunting, Levitus (1995: 69) notes that a range of small scale ventures, including brumby shooting, timber getting, mineral prospecting, dingo poisoning and crocodile shooting, became the mainstay of what he describes as a ‘fossicking economy’ that ‘offered many opportunities for the participation of Aborigines’.

In the absence of major settlement activity in the Alligator Rivers region, Indigenous people interacted with Europeans and were engaged in casual employment. Gimbat and Goodparla pastoral leases, which now form the southern part of Kakadu National Park, were established in the period 1900–37 and employed Mayali and Jawoyn people as stock workers (Levitus 1995: 79). As Goodparla bounded the main north-south track between Pine Creek and Oenpelli, it fostered contact between miners, early settlers and Indigenous people from the Alligator Rivers region. Contact and engagement with the fossicking economy entailed considerable mobility, Indigenous people providing labour for Europeans in a range of economic activities. With depleted population and increasing concentration of residence at, or on the fringe of European camps, Indigenous people became ‘dependent on such enterprises for at least a large measure of their subsistence’ (Merlan 1992: 40). Merlan (1992: 44) recounts that Jawoyn people engaged in pastoral activity, buffalo shooting, and mining activities. A number of now deceased claimants in the Jawoyn (Gimbat Area) Land Claim:

were labouring, digging, washing out minerals, and learned to always be on the lookout for possible mineral finds. They all developed a sense of what their employers were saying about the movement of the mineral market, e.g., that at a certain time the price of wolfram went down, while that of tin was favourable.

Early mining operations existed in the southern part of what is now Kakadu National Park in proximity to Pine Creek. Levitus (1995: 74) observes that Indigenous people were attracted to mining camps, and that this aided in the spread of disease, and exposure to alcohol and opium. Later, mining activity at Moline and at Yimalkba saw the establishment of stable Indigenous communities at such locations and exchange and employment relationships with non-Indigenous miners (Levitus 1995: 75).

Uranium exploration and subsequent mining was spurred by major finds and development at Rum Jungle in the Batchelor/Litchfield region to the west. However, considerable uranium related activity was already occurring in the upper reaches of the South Alligator River. Mining of uranium at Sleisbeck
by the North Australian Uranium Corporation commenced in the early 1950s, at Coronation Hill from 1956, and around the same time at a number of other deposits including Palette, Scinto, and Rockhole (Merlan 1992: 44). During this period large settlements associated with mining activity were located at Rockhole and El Sherana until the cessation of mining in 1964. Rehabilitation of these mine sites is an ongoing issue for the current management of Kakadu National Park (Commonwealth of Australia 2006: 49–53).

In the absence of any major settlements other than the Oenpelli mission, Indigenous residence in the region became focused on European operations. Munmalary Station provided an opportunity for stock work. Twenty-two Indigenous workers resided there in 1952, when senior Mirrar Gundjeihmi traditional owner Toby Gangale (dec.) was the head stockman (Keen 1980b: 55). Mudginberri Station was also a site for Indigenous residence, one that has endured as a major residential area within Kakadu National Park. Safari hunting camps were also established at Nourlangie and later at Patonga and Muirella (Heritage 2006). Nourlangie later became a Ranger station associated with Kakadu National Park. The safari camps also provided limited employment opportunities for Indigenous people, again including Toby Gangale at Nourlangie (Keen 1980b: 56), who was later a key Indigenous leader in the Ranger mine negotiations.

Missions

The earliest mission in the area was established at Kapalgo (now Kapalga)9 on the lower South Alligator River in 1899, but had ceased by 1903 (Cole 1985: 39–40). Paddy Cahill’s station, which he established at Oenpelli in the 1890s, became formalised as a pastoral lease in 1906. The station became a focus for Gagudju people in the region who were engaged in buffalo hunting with Cahill (Levitus 1995: 77). By the 1920s there was a gradual migration of Kuninjku people and other West Arnhem Indigenous groups ‘towards the buffalo camps, the mining settlements and Darwin’, and increasingly Oenpelli (Cole 1975: 6).

In 1916 the Commonwealth acquired Cahill’s operation for the development of an experimental dairy. Cahill was appointed manager, and a Protector of Aborigines in 1917 (Keen 1980b: 50). However, industrial action in Darwin precipitated the closure of the Vestey’s meat works10 and the experimental dairy ceased operations in 1919 (Cole 1975: 14, 1985: 122). An area of 2 000

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9 Kapalga became a scientific research zone within Kakadu National Park and incorporated a research station operated by CSIRO until 1998. It is currently the main residential focus of Limilngan people whose traditional estate encompasses the north-western extent of Kakadu National Park.

10 Industrial action by the Australian Workers’ Union was taken in 1919 in protest at alleged corrupt dealing of the first Northern Territory Administrator, Dr Gilruth. Dr Gilruth was forcibly removed from Darwin. The events have been characterised as Australia’s second constitutional crisis after the Eureka Stockade (Alcorta 1984).
square miles (approximately 5 000 square kilometres) surrounding the Oenpelli settlement was gazetted as a reserve in 1920; the area was encompassed by the much larger Arnhem Land Reserve in 1931 (Cole 1975: 1; Keen 1980b: 50–1). In 1925 the Commonwealth offered the area to the Church Missionary Society to be run as a mission. Then a program of social engineering was established. It entailed training, daily attendance at church and engagement in mission enterprises. Levitus (1995: 77) identifies its main institutions as ‘church, school, dormitory and garden’.

Mission life appears to have been somewhat seasonal; numbers declined in the dry season as people moved to buffalo camps in the west (Levitus 1995: 78). Problems associated with supply led the mission to request ‘Aborigines to go walkabout to get their own tucker’ (Cole 1985: 130). Nonetheless the population of the mission grew from an establishment population of about 30 Indigenous residents, to a population of 580 in 1975 (Cole, in Keen 1980a: 178). A hiatus in population growth occurred during World War II when the Church Missionary Society evacuated white and mixed race women to southern states, and the army interned large numbers of Indigenous people in camps at Mataranka, Koolpinyah, Pine Creek, Katherine and Maranboy (Keen 1980b: 54). In the post-war period, mission activities consolidated and population increased. During the 1960s a number of enterprises were established, including a construction team, a mechanical workshop and a meat works, and they all put emphasis on training and skills development (Cole 1985: 132–3). Increased government funding facilitated such development (Cole 1975: 80; Levitus 1995: 78). By 1981 the meat works had been passed to Indigenous ownership under the Gunbalanya Meat Supply Company Ltd, and it employed 35 local Indigenous people (Cole 1985: 134).

The Border Store on the East Alligator River, 17 kilometres from Oenpelli, received a liquor license in 1969. The Northern Territory Licensing Court overruled opposition to the granting of the licence by the Oenpelli Council. Despite the serious impacts of alcohol consumption on Oenpelli and other settlements in the region, a subsequent objection in 1974 was also unsuccessful (Fox, Kelleher and Kerr 1977: 44). Subsequent to the Ranger Uranium Environmental Impact Inquiry the liquor licence was not renewed. The Oenpelli Council purchased the Border store in 1982 and subsequently sold it to the Gagudju Association

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11 The Oenpelli Reserve was resumed and re-proclaimed as part of the Arnhem Land Reserve in 1961 (Cole 1975: 1).
12 Cole (1985: 131) notes that problems that saw delays of up to two years in the delivery of supplies via sea and then via the East Alligator River were overcome in the late 1950s with the construction of an airstrip and a road crossing on the East Alligator River.
13 Reasons for moving Indigenous people to such camps during World War II included issues of safety and troop movement in forward areas, preventing contact with Japanese airmen who had been shot down, and the control of malaria, prostitution and venereal disease (Keen 1980b: 54).
My Country, Mine Country

(see Chapters 4 and 5). In an attempt to combat alcohol abuse in the region the Oenpelli Council established a wet canteen, the Gunbalanya Sports and Social Club, at Oenpelli in 1979 (D’Abbs and Jones 1996: 29). Cole (1985: 137) records that this establishment actually exacerbated the alcohol problem in the region.

Alcohol related trouble in Oenpelli precipitated the move towards the establishment of decentralised communities (also known as outstations) in the west Arnhem region. According to Cole (1985: 137), the first such community was established 70 kilometres from Oenpelli at Gumarderr in 1966 by Timothy Nadjowh, and others followed. This development followed the change in government policy emphasis from assimilation to self-determination, which led to an increase in funding and the subsequent recognition of land rights in the Northern Territory (see below). These factors provided the opportunity to realise ‘the desire to occupy one’s country’ (Cole 1985: 137). Gray (1977: 116) also suggests that increased mining activity in the Arnhem Land Reserve reinforced the desire not just to reside on one’s country but to protect it.

Large scale mineral prospecting on the Arnhem Land Reserve from the late 1960s caused concern amongst Oenpelli residents, and as Cole (1975: 85) notes had the twofold effect of promoting land rights as a central issue and stimulating an interest in the creation of Indigenous mining enterprises. The latter is reflected in the establishment of a tin mine by Oenpelli resident David Namilmil, and the establishment of the First Aboriginal Mining Co (Cole 1975: 85). In June 1970, Queensland Mines Ltd (QML) desecrated a sacred site whilst undertaking exploration activity that identified the Nabarlek uranium reserves. Traditional owners were not opposed to mining per se; they objected to QML mining at Nabarlek due to the desecration of a sacred site and they feared the potential impacts of mining for Indigenous residents (Cole 1975: 101). Nevertheless, mining did go ahead at Nabarlek in accordance with an agreement under the Aboriginal Land Rights (Northern Territory) 1976 Act (ALRA). Altman and Smith (1994) have documented the impacts of mining at Nabarlek and the QML agreement (see also Kesteven 1983).


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14 The Woodward Royal Commission into Land Rights in the Northern Territory recommended that mining interests such as Nabarlek be recognised as ‘prior interest’ mines for the purpose of the subsequent ALRA.
Like the southern Gulf of Carpentaria and the Alligator Rivers region, current residence patterns and political divisions of Indigenous people in the Pilbara have been largely influenced by colonisation, particularly: the early intrusion of pastoralism in the 1860s (Biskup 1973; Dench 1995; Edmunds 1989; McLeod 1984; Palmer 1983; Tonkinson 1974 1980; Wilson 1980); small scale mining activities in the vicinity of Nullagine and the Ashburton River region; and from 1960 onwards the industrial expansion of large scale iron ore mining. Edmunds (1989: 3) characterises the Indigenous experience in the Pilbara by ‘three major elements: dispossession, colonisation, and alienation’. However, the colonisation also gave rise to later independent Indigenous movements in the Pilbara, and successful campaigns for the preservation of Indigenous rights and institutions and, indeed, survival in the face of rapid change.

As convict labour was not permitted in the north-west (Biskup 1973: 152; Wilson 1980: 18), there was a greater imperative to engage Indigenous labour to establish and run pastoral enterprises. In the early days of pastoral settlement of the Pilbara region, Indigenous people were relatively free to move in and out of areas that had been settled by Europeans. As Biskup (1973: 18) notes the Land Regulations of 1864 contained a type of reservation clause that gave Indigenous people rights of access to pastoral lands for the purposes of obtaining sustenance. As such the process of colonisation was initially less intrusive than it had been on the east coast of Australia and in the more arable lands of south west Western Australia. As Tonkinson (1974: 23) observes, due to ‘the isolation and uninviting nature of their homeland, desert Aborigines were never displaced or depopulated as a direct result of alien intrusion’. In the Jigalong area, Tonkinson (1974: 23) credits the gradual migration of Aboriginal people away from the desert to European outposts, pastoral stations, mining settlements, railheads and missions on the desert fringe, to curiosity and the gradually increasing desire for items such as tea and tobacco.

As Indigenous people moved into settled areas, large numbers became resident on stations. As in other parts of Australia the intimate and long-term involvement of Indigenous people with the pastoral industry from the 1860s to 1968 has added an additional layer of relatedness to country (Wilson 1980: 155). In particular the stations of Rocklea, Mulga Downs, Bamboo Springs, Juna Downs, and Hamersley have close historical associations for many individuals and family groups involved in this study. (For discussion of contemporary relationships to land, see Chapter 5.)

The initial period of pastoralism was typically marked by seasonal work and a return to country in off-seasons (Biskup 1973: 18). This pattern was common
throughout north Australia and it continued until the late 1960s, despite the introduction of restrictive employment practices on pastoral properties. The impact of pastoral development in the Pilbara, including the depletion of traditional resources and the introduction of disease, had serious consequences for the population and resulted in migration of Indigenous people (particularly from the eastern desert areas to the coastal region) (Dench 1995; Palmer 1983; Tonkinson 1974; Wilson 1980).

Wilson (1980: 152) alludes to the complexity of the relationships between pastoralists and Aboriginal people. The relationship could entail mutual respect and coexistence or violence and massacre. Depletion of local resources made the killing of livestock by Indigenous people more common and retributions for such offences by pastoralists were often fierce. Biskup (1973: 17) details a number of massacres of Indigenous people at the hands of early pastoralists, including chilling reports of 150 Aborigines shot near the coastal town of Cossack in 1868 ‘while resisting arrest’, and further atrocities on De Grey Station. Such events went largely unchallenged until the rule of Governor Weld (1869–1875) who responded to the murder of an Indigenous pastoral worker by a prominent pastoralist by declaring that he would use all means available to prevent ‘acts of violence against Aborigines’ (Biskup 1973: 17).

The influx of non-Indigenous people into the region increased competition for land and resources and hastened the spread of epidemics. This had serious consequences for Indigenous people. They not only suffered extreme depopulation (Bates 1947: 53; Biskup 1973: 34), which then affected the transmission of ritual knowledge from senior people to younger generations, as Wilson notes (1980: 156), but they also eventually lost access to land. However, in time, as the station settlements became more permanent and regarded as home, people moved ritual objects to the stations. In addition to the station holidays, ritual life and social relations were maintained by the input in both realms from desert migrants who had moved east. Local Indigenous landowners accommodated them and accorded migrant elders the status of travelling law people. According to Wilson, such arrangements established a basis for future crisis with the desert migrants being given a minor role in ritual by the often lesser knowledgeable local land owners (Palmer 1983; Wilson 1980).

Pearling

Competition for Aboriginal labour came with the discovery of pearl shell in the 1870s and the subsequent development of a pearling industry. Early pearling operations were established at Shark Bay and Cossack (Biskup 1973: 16). Difficulties in attracting Aboriginal labour led the pearlers and associated bêche-de-mer gatherers to engage in kidnapping and fraud to attract labour.
Biskup explains that due to such practices ‘a series of acts was passed between 1870 and 1875 which prohibited the employment of aborigines in the pearling industry unless engaged under a contract witnessed by a justice of the peace or a police constable’ (Biskup 1973: 19). It was common for pearlers not to return their Indigenous employees to where they had come from, which influenced migration throughout the region and into the Kimberleys. As Dench (1995: 19) notes:

this practice drastically affected the whole fabric of Aboriginal society. Marriages, and relationships among participants in the process of male initiation were typically established at birth and these vitally important social systems broke down with the departure of so many young men and women.

With increased regulation on the employment of Indigenous labour (from 1884), the pearlers came to rely heavily on Malay labour. By the turn of the century, Pilbara pearl resources had been largely exploited and the industry moved north to the Kimberley (Wilson 1980).

**Gold and tin at Nullagine**

In 1878 gold was discovered at Nullagine, which prompted a gold rush that brought many miners to the region (Biskup 1973: 35). The discovery of alluvial tin at the same location in 1892 saw the entry of Indigenous people into the mining industry, the early adaptation of the yandy (a traditional winnowing dish) allowed Indigenous people, particularly women, to compete effectively with non-Indigenous miners. The yandy had traditionally been used to winnow grass seed in preparation for making damper (bush bread). By 1906 approximately 300 Indigenous people were working on the tin fields. Despite the indentured labour arrangements on pastoral stations, the restrictive nature of the *Aborigines Act 1905* and the *Native Administration Act 1936*, participation in the industry on a relatively independent basis appears to have been made possible by the remoteness of the region and the difficulty in enforcing control over the movement of people. Wilson (1961: 13) notes in relation to the emerging regime of government authority in the region that ‘many of the official rulings were modified at the level of application by local interests’. This reflected local pragmatism and a shortage of resources for their enforcement (Wilson 1980: 155). This is important, as the involvement of Indigenous people in independent mining operations in the Pilbara only declined after the arrival of large-scale mining operations in the 1960s and 1970s.

One Indigenous woman, now in her seventies, recalled that she yandyed at the Shaw River mine until the tin price fell in the 1960s. It would take her two days to yandy one hundredweight of tin (1 hundredweight equals 44 kilograms),
which would obtain a price of approximately $200 (interview, April 2005). Uni Parker (in Costenoble 2000: 45–6) recounts yandying for tin at Tabba, but tells a different story of the financial gains:

Tabba was run as a tin mine in those days. We would sell the tin to the manager, and he would take the tin to Port Hedland in a horse and dray. I think we used to get two or three pounds a bag. The bag was about 18 inches tall and 8 inches wide. It was very low money in those days.

A Nyiyaparli woman, similarly recounted that she and her family would often yandy for gold during their station break, a practice she says many continued until the 1970s (interview, September 2004). Osmar White (1969: 69–70), reports of increasing restrictions on the practice of yandying with the entry of large mining companies with formalised leases into the Pilbara.

Missions

Attempts to establish mission settlements in the Pilbara were short-lived due to the pastoral industry’s opposition to such institutionalisation. It was thought that the establishment of missions would create competition for Indigenous labour and increase scrutiny of the labour practices of pastoralists in relation to Indigenous people (Wilson 1980: 157). Wilson (1980: 157) states that ‘pastoralists managed to keep missions out of the Pilbara until 1945’. However, Jigalong in the East Pilbara was established as an outpost on the Rabbit Fence. It became an Apostolic mission in 1945 and a government settlement in 1970 (Tonkinson 1974, 1977). The absence of missions in the central and west Pilbara meant that the Indigenous population was engaged in pastoral, pearling or mining activities and therefore dispersed throughout the region (Biskup 1973; Palmer 1983; Wilson 1980). Nonetheless, under the policy of protection many Indigenous people of mixed descent were removed to missions elsewhere, particularly Moore River (Costenoble 2000: 47–50; N.A. 2002).

There was a much later attempt to establish a mission and Aboriginal pastoral station at White Springs in 1949. It was designed to lure pastoral strikers (see below) away from the 1946 strike movement (McLeod 1984: 67; Wilson 1980: 164). It was short lived, and closed two years later.

Indentured labour

In the 1870s the indentured labour system was introduced into the pastoral industry. It made pastoralists responsible for the provision of food and clothing to Indigenous residents and workers and also for their health care. Aboriginal people were obliged to remain with that employer (Wilson 1980: 153). The
punishment for absconding from the station was three months in prison. Wilson (1980: 153) notes that the intention of the system was to protect Aborigines against the increasing encroachment of pastoral activities and the inevitable depletion of native foods, but the system ‘was translated into a device to obtain further compliance for the Aboriginal workforce’. Although self-government was granted in Western Australia in 1890, the British Colonial Office remained responsible for the welfare of Indigenous people in the west. It stipulated the dedication of 1 per cent of the colony’s gross revenue to Indigenous welfare (Biskup 1973: 25; Wilson 1980: 154). Responsibility for Indigenous welfare was ceded to the colony in 1901 after lobbying from John Forrest, the first Premier of Western Australia. Immediately the Aborigines Protection Board, established in 1886, was disbanded, and police and magistrates became protectors of Aborigines. The allocation of 1 per cent of gross revenue for welfare purposes was cancelled, and greater control of Indigenous people by local settler interests followed (Wilson 1980: 154). Despite the harsh provisions of the indentured labour system, the remoteness of the region and limited resources (particularly police protectors) meant that large numbers of people remained able to move freely within the region and engage in independent economic activities, particularly mining.

National and international criticism of the indentured labour system led to the establishment of the Roth Enquiry (1904), a Royal Commission to examine the condition of Western Australian Aboriginal People (May 1994: 9). Roth made a number of recommendations for cash payment to Indigenous pastoral workers and the establishment of hunting reserves. However, the recommendations were ignored in the even more restrictive Aborigines Act 1905 (Wilson 1980: 154, 157). Legal control over Indigenous people in Western Australia was strengthened through the provisions of the Native Administration Act 1936, and this became a prime motivator in the development of what Wilson identifies as the Pilbara Aborigines’ social movement (Wilson 1980: 155).

Historical accounts indicate that despite the restrictive policies of protection in Western Australia, significant diversity in the Pilbara Indigenous polity began to emerge in the first half of the twentieth century. As the pastoral estate was consolidated, there was an increasing labour shortage. Rapid depopulation associated with epidemics had long-term effects, further increasing the labour shortage. Migrants from eastern desert regions were considered burdensome by pastoralists because they were less skilled in pastoral work than those who had grown up in the pastoral environment (Wilson 1980: 156). Local pragmatism in the enforcement of protectionist policy allowed a number of Indigenous people a degree of autonomy, which appears to have been enjoyed by a range of skilled workers. Notably, limited cash payments were available for some pastoral workers, affording greater choices and, as Wilson (1980: 157)
suggests, greater expectations. A number of skilled Indigenous pastoral workers established themselves as contractors, whose services were in high demand from the pastoral sector and who ‘had greater economic bargaining power’ (Wilson 1980: 158). In addition, according to Wilson (1980: 158), many mixed-race Indigenous people in the town of Port Hedland who ‘were skilled workers in a diversity of occupations’, began to organise themselves politically in response to protectionist policy. In 1934 they formed the Euralia Association, a funeral fund which also focused on town housing and improvement in conditions for coloured townspeople (Broome 1982: 166; Shoemaker 2004: 81; Wilson 1980: 158).

With the outbreak of World War II, the labour shortage worsened. The war did provide greater economic opportunities for some sectors of the Indigenous polity, but wartime uncertainty impacted harshly on the relationships between pastoralists and their Indigenous workers. In Port Hedland, despite the support of the local Indigenous population for the war effort, attempts were made to restrict the movements of Indigenous people in the town. Such moves were strenuously opposed by the Euralia Association, whose protest actions were supported by local non-Indigenous prospector and unionist Don McLeod (Wilson 1980: 159). Importantly McLeod also inserted the plight of indentured pastoral workers into the debate, fuelling discussion of potential industrial action. Dissatisfaction with pastoral conditions was already widespread amongst Indigenous workers, and McLeod was co-opted into an Indigenous groundswell of opposition that sought redress of poor conditions for pastoral workers, and aimed to obtain an Indigenous owned pastoral lease ‘where a school could be set up and old people looked after’ (Wilson 1980: 161).

The Pilbara strike

On 1 May 1946 Indigenous pastoral workers walked off the job by pre-arrangement. The decision to declare the strike had been made through a series of meetings and word circulated throughout the region by the distribution of calendars, marking 1 May 1946 as the day to stop work (McLeod, 1984). The strike particularly affected the Northern Pilbara, where approximately 800 workers walked off 25 stations (McLeod 1984: 42). Many stations south of the Hamersley Ranges were not immediately affected by the strike. However, due to the mobility of the Indigenous population, members of the Yinhawangka, Banyjima, and Nyiyaparli groups, whose interests are documented in this study in relation to the Yandi Land Use Agreement (YLUA), were involved in the strike through their employment on stations in the north. Notably one of the strike leaders, Alec Kitchener, was a Nyiyaparli man. In addition the strike movement moved north to Broome and Derby in the Kimberley, but police quickly quelled the action at these locations (McLeod 1984: 49).
The Five Mile and Twelve Mile camps on the outskirts of Port Hedland were the initial congregating point for the strikers. However, their proximity to the town meant that there was significant harassment from police and protectors. Mass arrests were made, and many of the strike leaders were incarcerated (McLeod 1984: 46). Often prisoners were transported by foot linked together by neck braces and donkey chains. Verbal accounts of the strikers recorded in a 1987 film recount that up to 12 men were linked in such a manner for many days at a time (Noakes 1987). Strike leaders Dooley Bin Bin, Clancy McKenna and Don McLeod ‘were arrested and sentenced to three months hard labour’ (Wilson 1980: 162). News of the strike quickly spread to the south, where support from a number of churches and the Communist Party of Australia, led to the establishment of the Committee for the Defence of Native Rights in Perth, and the lodgement of a successful appeal against the sentences (Wilson 1980: 162). In addition the Waterside Workers’ Union supported the strike by refusing to load wool from stations where award wages were not paid. Apart from the support of such external organisations, the strike movement employed tactics such as street marches in Port Hedland, and flagrant disregard for the provisions of the Native Affairs Act 1936. Consequently the jails became overcrowded and many of the provisions of the act became unworkable (McLeod 1984; Wilson 1980: 163).

According to Palmer, the strike caused further displacement of Indigenous people from stations, which deprived them of resources (such as rations) and forced Pilbara Indigenous people to seek alternative sources of income and subsistence (Palmer 1983). As such the strike of 1946 provided a catalyst for increased economic participation of Indigenous people in non-pastoral activities. The extensive skills base of Indigenous people was effectively captured in the form of collectives, which allowed the strikers and, indeed, many other Indigenous people, to survive in the mainstream economy in the absence of any state implemented safety net. Attempts were made to coerce strikers back to the stations by making access to ration books conditional upon returning to stations. Rationing continued due to the shortages created by World War II. Without access to rations, the strike years (1946–49) were difficult for those who had left the stations. The strikers sustained themselves through a range of customary hunting and fishing activities, and by yandying for minerals. With the assistance of McLeod, they also began to engage in a range of commercial activities. The sale of kangaroo and goat skins, collection of pearl shell under a licence obtained by McLeod, and the collection and supply of buffel seed to businesses in Sydney were early enterprises undertaken by the strikers. As McLeod records (1984: 49) ‘This provided a cash flow, broadening the opportunities for retaining an independent existence and sustaining them in their demand for control of their own estate’.

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15 Attwood (2002) has documented the role of church and left leaning lobby groups nationally in instances of Indigenous resistance from the 1870s–1970s.
Whilst undoubtedly influencing these early initiatives, Wilson (1980: 164) points out that McLeod did not publicly join the social movement until 1949, after the active strike action ceased, and the restrictions on association that prevented non-Indigenous people coming within 100 yards of a group of Indigenous people were lifted. With the assistance of McLeod they engaged in systematic prospecting for minerals and subsequently developed a lucrative wolfram mining operation. The success of the mining operation attracted many more people to the group, which numbered 700 people during 1951–53. By comparison approximately 250 remained on pastoral leases in the area (Wilson, 1961: 89, 1980: 164).

In order to facilitate the increased size of the group a company was formed and income generated from mining was centralised in the Northern Development and Mining Company Pty Ltd (Nodom) (Wilson 1961: 80). A second company, the Glen Ern Pastoral Company, was created and the leases of Yandeyarra, Menthine, Ailsa Downs and Glen Ern, purchased with the proceeds of the mining venture, and came under the control of Nodom. Yandeyarra became a base for the group, and school and healthcare facilities were quickly established. In addition a house at Marble Bar was purchased for use as an outpatients’ centre, to provide care for infirm members of the group in close association with the Marble Bar health services (Wilson 1961: 81, 90).

By 1952 Nodom was actively engaged in mining deposits of wolfram, sheelite, tin, tanto-columbite, and gold (Wilson 1961: 84). McLeod (1984: 123) notes that by 1954 the Nomad group was turning over $500 000 per annum. However, commercial difficulties emerged at the same time and ultimately the company was liquidated and Yandeyarra closed. McLeod (1984: 123) recounts that at no time since the strike had the Department of Native Affairs ceased to pressure the group, and that this was instrumental in the demise of the Nodom group and McLeod’s removal. Wilson’s (1961) more nuanced account highlights the commercial shortcomings of Nodom, but also shows that the actions of the Department of Native Affairs undermined the social program of the group by refusing to work with McLeod and those associated with him because of his links with the Communist Party. Nonetheless, having taken over the assets of the group and closing Yandeyarra, the Department attempted unsuccessfully to continue the mining operations, which resulted in McLeod being asked to return in 1955 and a new company, known as Pindan, being formed (Wilson 1961: 102). Again the operation was successful until commercial matters associated with a joint venture forced a split in the group in 1959.

16 In 1947 the State government changed, heralding a new approach to Indigenous affairs, and a number of stations had started paying higher wages in accordance with the demands of the strikers, hence a number had returned to work on pastoral properties.
Despite the existence of a corporate structure, or perhaps because of it, the split emerged along the lines of traditional land affiliation. Coastal and river people, referring to themselves as the Mugarinya group, reacquired Yandeyarra Station through negotiations with the State government, whilst desert people aligned with McLeod and continued working in mining under a new corporate structure called Nomads. Wilson (1980: 165) observes that ‘what had begun as a dispute over economic and administrative policy ramified into the areas of kinship and ultimately, to some extent, into the ritual realm’. Ultimately, McLeod’s Nomads Pty Ltd acquired Strelley Station and still maintains its independence; consequently its contemporary relationship with the State of Western Australia remains marked by distrust.\(^\text{17}\)

**Implications of the Pilbara pastoral strike**

The Pilbara strike was not just about industrial relations; it entailed a broader claim for autonomy and equality. Wilson (1980: 162) notes that:

> Working on the stations was regarded by [the strikers] as more than a contractual instrumental activity. As in traditional Aboriginal life, a social obligation was implied. The widespread response by pastoralists, to resist wage rises, called very much into question this implicit assumption.

The reliance of the early industry on Indigenous labour, and Indigenous knowledge of landscape resources would undoubtedly have engendered social relations that gave rise to such an assumption. Implicit in the Pilbara Aboriginal social movement that emerged from the strike was a claim to citizenship rights (Wilson 1961: 97), which occurs within a broader context of Indigenous struggles for recognition and rights (see Attwood 2003). However, the influence of the strike movement on the national consciousness of Indigenous issues and later Indigenous protest movements is significant. The success of the Pilbara strikers in asserting their right to control their economic, social and religious affairs, and their appearance as a successful collective, won them the support of advocacy groups such as the union movement, the Australian Communist Party, and a range of lobby groups such as the Council for Aboriginal Rights. Such bodies were instrumental supporters of the much later, and considerably more famous, Gurindji walk-off in 1966 (see below). Somewhat like McLeod in the Pilbara pastoral strike, Frank Hardy facilitated contact between the Gurindji and external players. But as Attwood (2003: 282) recounts:

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\(^{17}\) The organisation and activities of Pindan and, subsequently, Nomads Pty Ltd has been documented (Brown 1976; McLeod 1984; Stuart 1959; Wilson 1961, 1970, 1980). Holcombe (2004, 2005) documents the contemporary implications of early organisation and management of these companies.
the story of the Pindan mob was well known in left-wing circles, and it was one that intrigued Hardy. The Aboriginal people at Wave Hill had also contact with the Pindan mob or had learned of their heroic struggle by some other means, and they too wanted to apply for a mining lease; and so when Nyurrmiyari asked Hardy to make a sign for Wattie Creek they agreed he should write Gurindji Mining Lease and Cattle Station.

The active involvement of the Australian Workers’ Union and the Communist Party of Australia in supporting the strike had impacts on struggles in Victoria and New South Wales, and the Gurindji walk-off (Attwood 2003), which was a decisive event in the Northern Territory land rights movement (see below). In the mid 1980s the leaders of the strike movement also gave their support to the Yungngora people in their opposition to mining at Noonkanbah (Hawke and Gallagher 1989); this was a defining moment in the relationship between Indigenous people and the mining industry in Australia.

Aside from the linkages that can be drawn between the Pilbara strike and the development of the Northern Territory land rights struggle, a number of themes that emerge from the Pilbara strike are relevant for this analysis of mining agreements and the contemporary experience of Indigenous people in the Pilbara. Notably, the formation of Pindan demonstrates the capacity for a successful Indigenous organisation to incorporate the diverse social and religious organising prerogatives of the membership, and Indigenous people’s capacity to become proficient and profitable independent miners. Conversely, however, the Pindan experience also highlights how commercial factors that impact upon the corporate structure can have significant impacts in the social realm. Rowley (1971: 420) notes that the Pindan movement has used the ‘western legal method of incorporation as a framework for autonomous decision making which had to be recognised by the government’. How organisations are used as markers of identity in the contemporary setting is a recurring question this study strives to answer. In particular, the way the Pindan movement coalesced members of 23 language groups into its commercial and social program is directly relevant to the following consideration of the nature of aggregated and disaggregated community in the context of modern day mining agreements at Ranger, Century and Yandicoogina. Holcombe (2004, 2005), too, has drawn a number of conclusions from the Pindan movement that relate to the contemporary mining based organisations of the Pilbara. Her conclusions focus on a tension between individualism and autonomy that arises in the context of combining commercial activities with social agendas, and the role of leadership and dispersed governance. However, probably the most enduring and simple theme that is demonstrated by the Pilbara strike, is that, despite the odds against them, the strikers and their supporters have strived to understand, and engage with, Western society, without compromising the integrity of their own cultural identity.
Mining and land rights

In the 1960s two events in the Northern Territory catalysed public opinion over Indigenous affairs, and raised the profile of land rights in a broader campaign by Indigenous people for recognition and equal rights.

The first was the Menzies Government’s 1963 excise of 148 square kilometres from the Arnhem Land Reserve in order to lease the area to a mining company (Attwood 2003: 215; Howitt and Douglas 1983: 66). Protest by Yolngu people, who asserted their ownership of the land in question, led to the petitioning of the Commonwealth Government via the now famous bark petition. Subsequently a Standing Committee of the Commonwealth Parliament was established, before which a number of Yirrkala people gave evidence about their prior ownership of the land and the lack of consultation. Rowley (1972: 147) emphasises that ‘the Report from the Select Committee in Grievances of Yirrkala Aborigines forms a turning point in Aboriginal Affairs’. Although it did not recognise any Indigenous tenure rights the Select Committee recommended that compensation for loss of occupancy was due (Attwood 2003: 235), and that access to sacred sites and hunting areas be protected (Keen 2001: 159). Prompted by the lack of consultation concerning the establishment of the Gove bauxite mine, associated alumina plant, town and port, in 1969 Yolngu\(^\text{18}\) people took legal action against Nabalco and the Commonwealth. The subsequent case *Millirrpum and ors. v Nabalco Pty Ltd and the Commonwealth of Australia* was heard before Mr Justice Blackburn in the Northern Territory Supreme Court in 1970; ultimately its assertion that communal Indigenous title to land could be recognised at Australian common law was unsuccessful (see Williams 1986). However, the case was a key event in the assertion of land rights in Australia; it prompted the establishment of the Aboriginal Land Rights Commission under Justice Woodward in 1973,\(^\text{19}\) and the subsequent passing of the ALRA, which largely derived from Woodward’s recommendations (Peterson and Langton 1983: 3–4).

The second significant event in the Northern Territory occurred on May Day in 1966 when Aboriginal stock workers at Newcastle Waters withdrew their labour in response to ‘the Conciliation and Arbitration Commission’s decision to grant them equal wages but delay application of the new award until December 1968’ (Attwood 2003: 260). The Newcastle Waters Strike was followed by a strike of mainly Gurindji stock workers who walked off Vestey’s Wave Hill Station in the Victoria River District and established a camp at nearby Wattie Creek.\(^\text{20}\) The Wave Hill walk-off was initially

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\(^{18}\) Yolngu is a generic north-east Arnhem Land term for people Indigenous to the area. The term incorporates a number of named clans and language groups whose interests are locally delineated.

\(^{19}\) Justice Woodward had earlier acted on behalf of the Yolngu in *Millirrpum and ors.*

\(^{20}\) Lord Vestey operated a cattle conglomerate with extensive pastoral land holdings across north Australia that enjoyed favourable treatment from the Australian and British Governments in terms of land access, and taxation breaks. Combined with cattle producing interests in Argentina, a shipping line and meat processing facilities, Vestey’s held a monopoly particularly on production and supply of canned meat for much of the early twentieth century. Vestey’s also owned the Darwin meatworks, which was central to the 1921 ‘Darwin uprising’ (Alcorta 1984).
spurred by the demand for the payment of wages, but as Attwood asserts the strike
was focused upon redressing inequality and the tyrannical and oppressive treatment
to which the stock workers had been subjected:

This history of oppression not only took the form of poor wages but also
the late payment of these, rations of dry bread and salted beef, houses
that were more akin to dog kennels, and sexual abuse and coercion of
‘their women’. As a consequence they wanted to be free of the control
of ‘the white man’ (Attwood 2003: 263).

With the assistance of a number of non-Gurindji activists associated with the
Northern Territory Council for Aboriginal Rights, the Federal Council for the
Advancement of Aborigines and Torres Strait Islanders, and the Communist
Party of Australia (Attwood 2003: 260), the strike grew from a demand for better
wages and conditions to a protest aimed at displacing the Vestey’s and returning
land to Aboriginal control (Attwood 2003: 265).

Whilst these two events were critical in the development of the ALRA, they
undoubtedly occurred within a context of growing national opposition to
the policy of assimilation and support for racial equality (Rowley 1971: 398)
in terms that de-emphasised cultural difference (Attwood 2003). Policies of
protection had been replaced by the new policy approach of assimilation in
the 1950s. Like current changes occurring within Indigenous policy, this shift
was produced by a process of attrition, and not via the singular acceptance of
a defined policy position. The first expression of an assimilationist policy came
in 1937 when John McEwen, Minister for the Interior, issued a policy statement
promising a new deal for Aborigines in the Northern Territory (Austin 1997:
303; Rowley 1971: 31). McEwan’s position was undoubtedly influenced by
A.P. Elkin, the Vice-Chairman of the Aborigines Welfare Board of New South
Wales, who had advocated the need for positive policy (Attwood 2003: 101, 202;
Austin 1997: 303–04). The shift towards assimilation was driven by meetings of
Commonwealth and State Government officials working in Indigenous affairs
in 1937 and 1948—although it was stalled by World War II (Rogers 1973: 11;
Commonwealth body, the Australian Council of Native Welfare, marked the
beginning of a unified approach towards an assimilation policy. Rowley (1971:
398) argues, however, that due to separate state statutes concerning Indigenous
affairs, assimilation policy remained ill-defined and had ‘little more political
significance than as an assurance to a mildly concerned public opinion’. The
Commonwealth and State governments agreed to a common definition of
assimilation in 1961:

The policy of assimilation means that all Aborigines and part-
Aborigines are expected eventually to attain the same manner of living
as other Australians and to live as members of a single Australian community enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs and influenced by the same beliefs, as other Australians (Native Welfare Conference, Commonwealth and State Authorities: Proceedings and Decisions, January 1961 in Rowley 1971: 399).

Rowley interprets the definition of the policy as presenting a monolithic view of Australian society entailing a cost ‘in the loss of cultural and social autonomy, to be paid for an eventual equality’.

Attwood (2003) notes that for much of the 1940s through to the 1960s non-Indigenous activists advocating assimilationist ideology played a significant role in the ongoing campaign for Indigenous rights. However, increasingly Indigenous activists rejected the policy’s ideals by asserting Indigenous rights to maintain cultural identity. Increasingly Indigenous people expressed their identity in terms of relationships to land. The broad shift from protection, with its emphasis on segregation, towards assimilation in government policy eroded the inviolability of reserve lands (Attwood 2003: 140). In 1957 the Commonwealth Government passed the Commonwealth Aluminium Pty. Ltd Agreement Act of 1957 (The Comalco Act), allowing the granting of a lease to mine bauxite on the Mapoon Reserve on Cape York Peninsula, to mining company Comalco, a subsidiary of Consolidated Zinc. The Presbyterian Mission Board managed Mapoon Mission and the reserve lands with a total area of 1 200 000 acres (Rowley 1972: 138). After mining leases were granted only 75 acres of this was reserved for Indigenous people (Roberts 1978: 100). Development of the area around old Mapoon prompted the closure of the mission in 1963 and the relocation of residents to Bamaga (Rowley 1972: 137). As the lease also encompassed Weipa, which became a focus of mineral development, the Weipa mission was also relocated (Howitt 1996: 9–10). A clear assumption existed that the presence of international capital in the form of large-scale mining would provide employment opportunities for Indigenous people, and thus negate the need for access to land for subsistence activities (Roberts 1978: 100). The loss of reserve lands in both settled and remote parts of Australia stimulated a national campaign for land-rights. This new political discourse emphasised legal rights and entailed a major shift in concepts of Aboriginality and the manner in which identity had been constructed in relation to modernity thus far (Attwood 2003: 216).

The 1950s not only marked a shift in outlook but an emerging post-war mineral development boom in Australia. In addition to the development of bauxite deposits on Cape York and the Gove Peninsula, significant iron ore reserves had been discovered in the Pilbara, uranium mines were already in production at Rum Jungle and Sleisbeck, and the lead-zinc deposits at MacArthur River in the Northern Territory and at Century in Queensland had been identified. The
emergence of the land rights discourse and the economic forces driving the increased mineral development brought the mining industry into direct conflict with Indigenous interests, particularly in relation to access to reserve lands for mineral activity (Roberts 1978). The emerging relationship is characterised by often vitriolic competition for land and tenure security, with Indigenous people and the mining industry drawing on oppositional constructions of the value and productivity of landscapes, and of each other. This study occurs within the context of inter-subjective constructions of land and, hence, identity.

As with the development of pastoralism, conflict between Indigenous people and the mining industry was characterised by a number of physical and abstract frontiers. Physical locations of proposed mining operations, such as the Gove Peninsula, Cape York, Ranger and Noonkanbah, are the sites of well-known conflict between the industry and traditional owners. Battles on abstract frontiers, fought through the media and the lobbying of government, emerged from the debates that surrounded the recognition of Indigenous rights, through the passage of statutes such as the Racial Discrimination Act 1975, the ALRA, and much later the NTA. Attwood (2003: 216) describes the emergence of land rights aptly: ‘what had previously been regarded as merely local struggles for land became a national one’. However, the increasing involvement of multinational corporations and peak industry bodies in the debates about Indigenous rights add a global element to the context of this study. Indeed, Indigenous people have utilised global networks in their opposition to mining development in a number of instances, most notably in negotiations relating to the Century Mine in Queensland (see Chapters 3 and 6), and at Jabiluka in the Northern Territory (see Chapters 3 and 4).

Whilst it would be possible to overstate the influence of the 1946 Pilbara pastoral workers strike on the emerging land rights debate, there is no doubt that such events called upon networks of people and organisations, therefore ensuring the dissemination of ideas and tactics nationally. Early support for the Pilbara strike came from the Perth based Committee for the Defence of Native Rights, with representatives from church groups, unions, the Communist Party, and a number of academics and intellectuals (Wilson 1980: 162). In the early 1950s the emergent Pindan co-operative gained support from the Council for Aboriginal Rights, which was formed from a coalition of church and political groups and drew upon the support of a number of existing protest organisations, including the Australian Aborigines League of which Pastor Doug Nicholls was the Secretary (Attwood 2003: 135–36). In 1951 the Council had emerged in protest against the treatment of Indigenous strike leaders at the Berrimah Farm

21 The term ‘traditional owner’ is legally defined under s.23(a) of the ALRA, but is now used extensively throughout Australia by Indigenous people asserting interests in land that underlay contemporary tenure regimes.
in Darwin who, with the support of the North Australia Workers’ Union, had led a march on Darwin (Attwood 2003: 132). In the Council’s on-going campaign to publicise particular instances of oppression, it championed the Pindan co-operative as an inspiring example of Indigenous endeavour and sponsored lecture tours by Don McLeod in 1955 (Attwood 2003: 143–44).

The role of the Council for Aboriginal Rights and its links with the Communist Party and the North Australia Workers’ Union significantly determined the extent of the impact of the Pilbara strike on events such as the Gurindji walk-off and the Gove Land Rights case. Dexter Daniels was prominent in the Gurindji walk-off; he was a Marra man from the Roper River region in the Northern Territory and an organiser for the North Australia Workers’ Union. In 1961 Dexter’s brother, Davis Daniels, and Jacob Roberts, another prominent Marra man from the Roper River, formed the Northern Territory Council for Aboriginal Rights as an affiliate of the Federal Council for Aboriginal Rights (Attwood 2003: 183). These men played a significant role in the North Australia Workers’ Union claim for equal wages and the repeal of discriminatory clauses in the pastoral award before the Conciliation and Arbitration Commission in 1965–66. Daniels’ involvement in the Gurindji walk-off is well documented (Attwood 2003; Hardy 2006). Left-wing writers and intellectuals such as Cecil Holmes, who had made a film about Don McLeod and the Pindan cooperative (Attwood 2003: 269), and Melbourne Herald journalist Douglas Lockwood, who had reported on the Pilbara strike (Attwood 2003: 185), also successfully promoted awareness of the Pilbara and the Northern Territory Indigenous political actions. Lockwood (1962) wrote a biography of Philip Roberts, a prominent Indigenous health worker, and brother of Jacob Roberts. Phillip Roberts became the president of the Northern Territory Council for Aboriginal Rights, and through his personal and traditional ties with north east Arnhem Land interacted with Yolngu people, notably Millirrpum, over the loss of reserve lands (Attwood 2003: 229).

The prominence of these Roper River men in the political life of the Northern Territory is also pertinent to this study. The Roper River Mission, now known as Ngukurr, is also adjacent to the Coast Track, the route traversed by Leichhardt, and used to settle and stock much of the Top End and the Kimberley. Significant ceremonial and kinship connections exist between Indigenous people in this region and Indigenous groups in both Arnhem Land and the southern Gulf of Carpentaria (Asche, Scambary and Stead 1998). Similarly such links extend from Roper River south west to Newcastle Waters, the site of the first Northern Territory pastoral strike, which was catalytic in the Gurindji walk-off (Attwood 2003; Hardy 2006). This is not to suggest that the Roper River region was a hub for protest action, rather the prominence of Roper River people in the land rights movement demonstrates the interconnectedness of Indigenous groups across wide geographic areas.
Although land rights was on the national agenda, the Aboriginal Land Rights Commission (1973) headed by Justice Woodward only considered the Northern Territory, the only region over which the Commonwealth could legislate without state opposition (Peterson and Langton 1983: 4). The passing of the ALRA, substantially based on Woodward’s recommendations, heralded a policy shift away from assimilation to self-determination. Whilst not applying to town areas, the legislation created a new form of tenure known as Aboriginal freehold title, a communally held and inalienable form of title. The legislation provided a mechanism for the transfer of reserve lands to Indigenous control through the formation of land trusts, a mechanism for claiming unalienated Crown Land, and provisions for the veto of mineral exploration on land legally recognised as Aboriginal freehold title. In addition the Act established two land councils whose jurisdiction covered the entire Northern Territory. Silas Roberts, brother of Phillip and Jacob, was the first Chairman of the Northern Land Council, and was a prominent advocate for traditional owner opposition to the establishment of the Ranger mine.

As Vachon and Toyne (1983: 307) note ‘ever since the Gove case, Aboriginal land rights have been inexorably linked to the question of mining’. The first land claim under the ALRA coincided with the development of the Ranger mine, and the establishment of Kakadu National Park. The Ranger Uranium Environmental Inquiry headed by Justice Fox (hereafter referred to as the Fox Inquiry) considered all three issues in two parts between 1975 and 1977. Conservation, nuclear proliferation, and land rights were paramount issues in the national psyche at the time and, consequently, the recommendations of the Inquiry were an attempt to achieve a fine balance between competing and controversial agendas. In designing a framework for the co-existence of competing interests in the region a number of compromises were made. Indigenous opposition to Ranger mine was not allowed to prevail (Fox, Kelleher and Kerr 1977: 9; see Altman 1983b in relation to Woodward’s recommendations concerning the prior interests). Mining industry opposition to Aboriginal land rights legislation was surmounted by the recommendation of a grant of Aboriginal freehold title, and uranium mining within the bounds of Australia’s newest and largest national park was sanctioned (Lawrence 2000).

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22 A land trust is a legal entity established to hold title to land granted as Aboriginal freehold title. Under the Act, reserve lands gazetted as Aboriginal freehold title, included the Arnhem Land Reserve, Groote Eylandt, the Tiwi Islands, the Daly River/Port Keats Reserve, and extensive areas in Central Australia.
23 Commonly known as the Northern Territory claim process in which Indigenous people must satisfy the criteria of being a member of a local descent group, exercise primary spiritual responsibility for sacred sites, and have the right to forage, in order to qualify as a legally recognised traditional owner of the land claimed.
24 Initially the ALRA entailed a double veto on exploration and mining. Amendments to the legislation in 1987 removed the veto on mining if exploration had been consented to.
25 These are the Northern and Central Land Councils; subsequently the Tiwi Land Council and Anindilyakwa Land Councils were formed.
Lang Hancock, Western Australian mining magnate, was a notable critic of the Fox Inquiry; he actively lobbied the Commonwealth Government over the development of a uranium industry in Australia and the conduct of the Fox Inquiry (Duffield 1979). Hancock is credited with having made the first significant iron ore find in the Pilbara in 1952, and with earlier having established the now controversial blue asbestos mine at Wittenoom in the Hamersley Ranges. He is seen as somewhat of a maverick in the Australian mining industry, and undoubtedly his iron ore finds were critical in the Menzies Government’s lifting of the iron ore embargo in 1953. In addition, Hancock’s efforts in attracting multi-national corporations to develop the vast Pilbara iron ore reserves brought about the merging of Rio Tinto and Consolidated Zinc into Conzinc Rio Tinto of Australia (CRA), an Australian subsidiary of Rio Tinto Zinc (Duffield 1979: 13). With Kaiser Steel of America, Rio Tinto Zinc formed ‘Hamersley Iron, the huge consortium which symbolised Australia’s mineral boom of the late 1950s’ (Duffield 1979: 13).

From the late 1960s, industrial development in the Pilbara was rapid and non-Indigenous people migrated into the region to take up work opportunities in the iron ore industry, and to reside in the purpose-built mining towns of Tom Price, Paraburdoo, Pannawonnica, Wickham, Dampier and later Karratha. Indigenous people were excluded from the burgeoning economy through the lack of targeted employment and consideration for sacred site and cultural heritage issues, and the imposition of restricted access in the inland mining towns (Cousins and Nieuwenhuysen 1984; Edmunds 1989). Small scale Indigenous mining operations were unable to compete with the influx of multinational corporations into the Pilbara; in particular, their capacity to peg and register mineral leases was significantly reduced (McLeod 1984; Wilson 1980).

Although Lang Hancock is credited with generating the Pilbara mining boom, Indigenous participants in this study maintain that much of his knowledge of the mineral potential of the region was based on the prospecting and mining activities of the Pindan cooperative. A prominent Banyjima woman (interview, April 2003) maintains that Indigenous people were mining asbestos in the Pilbara before Lang Hancock and Don McLeod (1984: 93) claims to have introduced Hancock to mining.

In the absence of land rights legislation in Western Australia, the mining industry enjoyed unfettered access to the mineral resources of the Pilbara from the 1950s until the introduction of the NTA. Edmunds (1989: 41) states in relation to the Pilbara:

> the attitudes of miners and mining companies have grown out of a work situation that has in practice excluded Aborigines from both its workforce and its goals [indicating] a much wider State and national
situation in which a capital intensive mining industry, dependant as it is on access to vast tracts of land and advanced technology, has taken a high profile and aggressive role in promoting its own interests against a significant number of relevant interests groups.

Nowhere was this approach more pronounced than at Noonkanbah pastoral lease in the Kimberley region of Western Australia, where in 1980 Amax Iron Ore Corporation with the sanction of the Western Australian Government desecrated a sacred site of the Yungngora people (Hawke and Gallagher 1989; Kolig 1989). Events surrounding the Noonkanbah dispute created a national and international furore, during which the United Nations Human Rights Commission issued a rebuke over Australia’s handling of the matter (Vincent 1983: 338).

The Burke Labor Government was elected in Western Australia in 1983, and established a Commission of Inquiry into Land Rights. Critical to the defeat of proposed land rights legislation in Western Australia was ‘an expensive and concentrated anti-land rights media campaign carried out principally by the mining industry’ (Edmunds 1989: xvii). The propaganda campaign conducted by the Western Australia Chamber of Mines and the Australian Mining Industry Council aimed to raise alarm in the general populace through images such as ‘a pair of black hands building a brick wall across a map of Western Australia’ (Beresford 2006: 181).

At the time of the anti-land rights campaign, an ex-Hamersley Iron senior executive was the chair of the Western Australian Chamber of Mines. Edmunds (1989) illuminates the role that the mining industry assumed in defining arguments associated with the national interest associated with mining, and the poor record of governments (particularly Western Australia’s) to ensure a balance between economic and social development. Notably, in the mid 1980s an intellectual movement known as the New Right emerged. Its key spokespeople included historian Geoffrey Blainey, former Commonwealth Treasury head John Stone, and Western Mining Chief Executive Officer (CEO) Hugh Morgan (Beresford 2006: 167). An anti-land rights platform, particularly promoted by Morgan, was a central concern of this movement and associated think tanks such as the H. R. Nicholls Society. The aggressive anti-land rights campaign occurred within the context of this conservatism, which was also influential in setting corporate direction in relation to Indigenous affairs in the Pilbara, and more broadly within CRA. In 1991 CRA was involved in a bitter dispute in the Hamersley Ranges with the Banyjima, Yinhawangka, and Kurrama people over the proposed development of the Marandoo deposit within the bounds

26 Notably Don McLeod and the ‘Strelley mob’ played a key support role for the Yungngora people in their protests against the activities of Amax and the State of Western Australia (Hawke and Gallagher 1989; McLeod 1984).
of the Karijini National Park. As in the Noonkanbah dispute, the Western
Australian Chamber of Mines asserted that Indigenous people were opposed to
the national interest and won the support of the Lawrence Labor Government.
In 1992 special legislation was passed excising the proposed mine site from the
Western Australian *Aboriginal Heritage Act 1982* (Beresford 2006: 273). At the
same time as the Marandoo dispute, CRA was involved in bitter negotiations
with Indigenous people concerning the Century mine in the southern Gulf
of Carpentaria. Trigger has documented circumstances surrounding these
negotiations (Blowes and Trigger 1998; Trigger 1997b; Trigger and Robinson
2001) (also see Chapters 3 and 6).

The passing of the NTA in response to the successful common law claim to the
Murray Islands (*Mabo v the State of Queensland*), marked a significant change
in the corporate approach to Indigenous affairs. Reminiscent of its anti-land
rights campaign in Western Australia, the Australian Mining Industry Council
mounted a new national anti native title campaign, stressing the threat that
recognition of Indigenous rights would place on the industry and the national
interest. Despite significant pro-mining amendments to the Act in 1997, it
became apparent that a more conciliatory approach to Indigenous issues was
required.27

In a 1995 speech to the Securities Commission, Leon Davis, CEO of Rio
Tinto, announced a new Rio Tinto corporate approach to Indigenous issues,
emphasising the need to reach agreements on land access (Davis 1995).
The Marandoo dispute was cited as a critical turning point in the corporate
approach. The new direction defined by Davis met with immediate opposition
from the Australian Mining Industry Council. However, Rio Tinto’s influence
within the industry is such that a commitment to working within the NTA has
become an industry standard. The GCA concerning the Century mine, and the
YLUA with predominantly the same traditional owners of the Marandoo mine,
are early agreements negotiated under this new approach. Key CRA personnel,
were involved in the negotiation of both agreements. Whilst CRA divested its
interests in the Century mine prior to production commencing, the GCA remains
valid. Rio Tinto, formed after CRA acquired its parent company Rio Tinto Zinc
in 1995, acquired North Ltd in 2000. The purpose of the acquisition was to
acquire North Ltd’s Pilbara iron ore interests. A consequence of this takeover

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27 The NTA was amended in 1998 in response to the High Court decision in the matter of *The Wik Peoples v The State of Queensland & Ors; The Thayorre People v The State of Queensland & Ors* [1996] HCA 40 (‘Wik’). The court case primarily concerned the ability of native title to coexist with pastoral leases. The amendments
to the NTA, known as the ‘10 point plan’ amendments were designed to provide certainty of title for
pastoralists and miners, and significantly diminished the ‘right to negotiate’ provisions applicable to mining
and infrastructure development (Prime Minister 1997).
was the acquisition of the Ranger mine and the controversial Jabiluka lease in the Kakadu region of the Northern Territory. The Ranger Uranium Mine (RUM) Agreement, the GCA and the YLUA will be discussed in the following chapter.

**Conclusion**

This chapter has provided a historical sketch as a background of contemporary Indigenous initiatives in the context of mining agreements to be considered in this study. The primary objective of this chapter is to assert the legitimacy of Indigenous interests in land and the distinctiveness of Indigenous culture and identity, despite the overlay of colonial interests. The following chapters examine the contemporary relationships between the mining industry and Indigenous people, to reinforce the distinctiveness of Indigenous institutions in the context of modern mining agreements. One distinct quality is Indigenous ambivalence towards mineral development in terms of an acceptance of administrative arrangements designed to mitigate and compensate for the impacts of such development. Ambivalence is motivated by both a recognition of the inevitability of such development, but also a need to maintain and negotiate a distinctive Indigenous identity in the face of challenges presented by mining agreements. In this context value and the productive action of Indigenous people are defined through the attitudes of Indigenous people to mineral development, and to the challenges and opportunities that are presented by such development. The responses of Indigenous people are shaped by the historical legacy of the colonial encounter. This chapter recounts the long held aspirations of Indigenous people for control of their religion, culture, economy and associated public institutions, within a policy environment that has sought to control how they live their lives. Aspirations that seek a combination of citizenship and specifically Indigenous rights are discernible at the local sites subject to this study, but are also key features of a broader national and international Indigenous rights discourse grounded in the colonial experience of Indigenous people.