

# 'Sea long stretched between': perspectives of Aboriginal fishing on the south coast of New South Wales in the light of *Mason v Tritton*

Brian Egloff

Umbara, an Aboriginal elder and seaman, composed this song during the closing years of the nineteenth century<sup>1</sup> (Howitt 1887: 331):

capsizing me striking me  
wind blows hard  
sea long stretched between  
striking hard hitting  
striking me  
dashing me  
striking

Today, Aboriginal families are fighting to both regain and retain their access to maritime resources. The complexity of regulations governing coastal fishing and the merging of traditional or customary rights to fish with commercial pursuits threaten their livelihood and cultural heritage.

## Background

In 1992, three archaeologists were commissioned to draft reports in the defence of seven Aboriginal men charged with 'shucking abalone' in the waters of the south coast of New South Wales and with possessing an excessive number of abalone contrary to the *Fisheries and Oyster Farms (General) Regulations 1989 (NSW)* (Cane 1998; Strickland 1994: 28). In their defence to criminal charges, the accused stated that they had exercised a traditional and customary right to fish. A report by Sarah Colley (1992) addressed the nature of prehistoric abalone and shellfish exploitation and Scott Cane (1992) compiled a report on the family fishing traditions of the defendants. A third report was prepared on the historical significance of coastal maritime resources (Egloff 1992). This study was to form the basis of a submission to the Minister for Natural Resources seeking amend-

---

<sup>1</sup> Umbara, also known as Merriman, had a boat which is described as being built in Sydney (Howitt 1904). See Egloff (1981: 10) for a picture of Merriman and a discussion of his involvement in the 1883 initiation at Mumbulla Mountain to the north of Bega (also refer to Howitt 1904: 529; Howitt nd; Mulvaney 1970).

ments to the *Fisheries and Oyster Farms Act 1935* and for possible inclusion in the legal proceedings.

It is the merging of the past with the present, in particular the recent historical context, which is the focus of the body of this paper. It is extremely difficult to discuss in brief our knowledge of Aboriginal maritime activities on the south coast and how it might contribute to demonstrations of native fishing rights as a defence against criminal charges. The paper focuses on the relatively rich information gathered before and during the preparations for *Mason v Tritton* which pertains to two different kinds of maritime activity, both practised on the south coast of New South Wales, one which has lapsed and the other which is continuing. The first is the whaling activity of the Thomas family which demonstrates a rapid adaptation by a family whose roots lie in the tablelands to the limited economic opportunities which British colonisation brought (Morgan 1994: 16, 121). The second is the fishing tradition of the Brierlys, a coastal family, which documents the merging of native custom and commercial practice.

### **Mason v Tritton**

Scott Cane presented his perspective of the *Mason v Tritton* case at the 1996 Australian Anthropological Conference (Cane 1998). In the paper Cane did not consider a detailed analysis of *Mason v Tritton* in the *Australian Criminal Reports of 1993-1994* (Strickland 1994). In addition to this summation, the case is discussed in five publications entered by 1998 in the *agis* data base (Behrendt 1995; Butt 1996; Hiley 1996; Stieniswensen 1995; Austin 1995) and has been referred to in other publications, for example an article by Kennedy (1996) which discusses the case of *Dershaw v Sutton* on the exercising of native hunting rights in Western Australia.

Preparation for the case was extremely rushed. Cane and Colley finished their studies in less than three weeks, while the report by Egloff was awaiting review by the Aboriginal community at the time the hearing commenced. Cane drafted an exemplary report under considerable duress as in fact there were seven defendants and it was not known which would be called. Perhaps because this was one of the first cases of its kind in eastern Australia, the instructions from the defence to the researchers did not focus on a critical matter. Colley reviewed prehistoric matters and Egloff researched Aboriginal historical and contemporary use of the sea, both of which were not being questioned. One of the essential matters at issue was the Aboriginal system regulating fishing and abalone gathering. This matter was not addressed in detail by the three researchers. During cross-examination in the Magistrates Court, Cane was asked 'Apart from the fact of fishing by aboriginal people in the coastal waters are you aware of an aboriginal law that deals with fishing rights or practices', the answer given by Cane was 'no'. Strickland (1994) states that:

There is no material in Mr Cane's report indicating an assertion by Aboriginal communities or Aboriginal members of communities of exclusive rights to fish in an area of the coasts of New South Wales.

Strickland (1994: 28) in *The Australian Criminal Reports 1993-1994* states that:

The highest evidence went was to show that some Aboriginal people enjoyed eating and harvesting abalone from time to time prior to 1788. However, there is no evidence that the eating and harvesting represented some right in the nature of land right or was under a recognised system of Aboriginal law and custom.

Reports by Colley and Cane were admitted by the Magistrate but the report prepared by the latter was considered to be presented in a 'a strange form' which could have been interpreted as 'wishing to please the person who had asked for the opinion'. Strickland (1994: 35, 45) goes on to state that he believes that the plaintiff relied upon 'quasi-scientific information which did not focus on the point at issue'.<sup>2</sup>

Reviews of *Mason v Tritton* suggest that the case failed upon evidentiary grounds (Sutherland 1996: 26). The only witness for the defence was Scott Cane with neither the defendant or any Aboriginal elder providing testimony. Judge Priestly of the Court of Appeal commented harshly on the absence of testimony by Aboriginal elders which in his words had proved so effective in other cases, particularly in *Mabo* [no. 2].

In summary, the body of legal publications reporting the case of *Mason v Tritton* recognises native or customary rights to fish but indicates that the evidentiary burden is exacting and that four matters need to be demonstrated (Sutherland 1996: 26):

- traditional laws and customs extending the 'right to fish' were exercised by an Aboriginal community immediately before the Crown claimed sovereignty over the territory;
- the appellant is an indigenous person and is a biological descendant of that original Aboriginal community;
- the appellant and the intermediate descendants had, subject to the general propositions outlined above, continued uninterrupted, to observe the relevant laws and customs; and
- the appellant's activity or conduct in fishing for the fish in question was an exercise of those traditional laws and customs.

### Whaling and the Thomas family

British colonial occupation on the far south coast of New South Wales at Eden and Bega took place in the 1830s as pressure on grazing properties caused stock to be brought down off the tablelands on to the coast as far south as Gippsland<sup>3</sup> (Thompson 1985). It was at this time, or perhaps earlier, that the whaling station at Kiah on Twofold Bay, near Eden, was established. In the report for 1841 Commissioner Lambie wrote:

At the stations bordering on the Coast a good many ... of the natives are employed in sheep washing, hoeing maize and reaping, and last year three boats' crews, in number eighteen, were employed by the Messers Imlay in the Whale Fishery at Twofold Bay on the same lay or term as the whites. The blacks were stationed on the opposite side of the Bay to the other Fisherman, and they adopted the same habits as the whites. They lived in huts, slept in beds, used utensils in cooking, and made flour into bread; but as soon as the fishing season was over, they all returned to their tribe in the Bush' (from Cameron 1987: 81).

2. Other matters discussed in the summation by Strickland are instructive but outside the bounds of this paper, such as:

- does a licence which seeks to regulate act contrary to the customary rights of indigenous people; and
- is the restrictive nature of fishing regulations acting contrary to the *Racial Discrimination Act 1975* (C'th)?

3. Refer to Wesson (2000: 98, 120, 129) for a discussion of the movement of the Aboriginal population of the tablelands to coastal places.

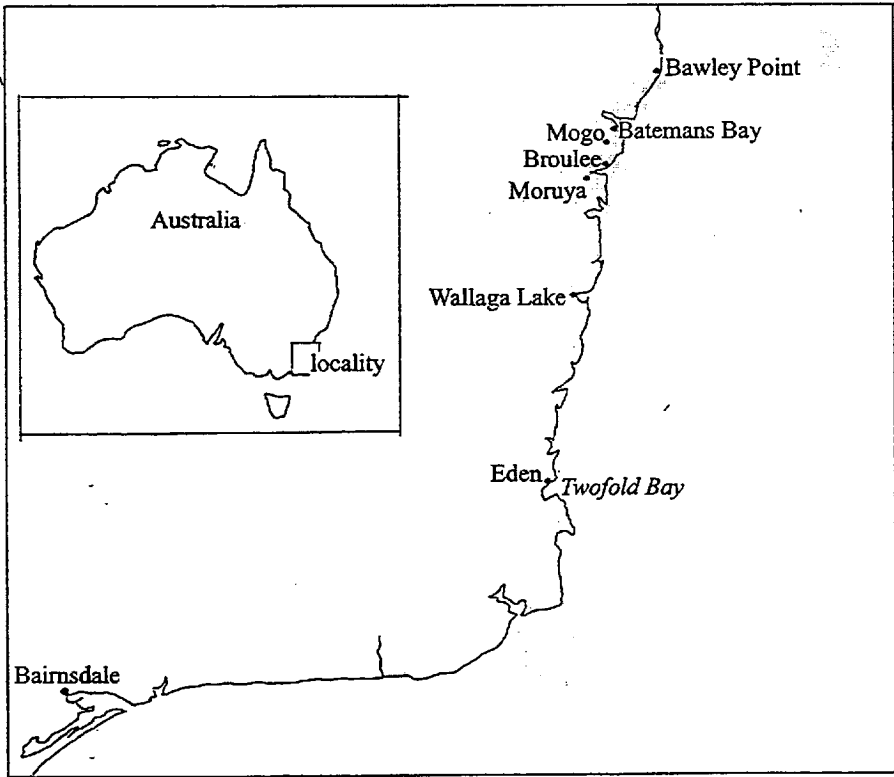


Figure 1. Map of southeastern New South Wales showing the location of Twofold Bay at Eden where the shore-based whaling station was located. To the north is Moruya, a small coastal town which is home to the Briery family.

Twomey (1981) comments that whaling complemented traditional skills with spotting and harpooning as specialities while the dangers of whaling promoted mutual respect with sufficient profits for all, and was not prohibited (hunting and moving across the country in groups were prohibited)<sup>4</sup>. Willy (Bill) Thomas (William Lindsay Thomas) was one of the last Aboriginal whalers to be interviewed and recorded. He was born in 1903 at the place where the cannery was later built, in Eden. Albert 'Bukal' Thomas<sup>5</sup> was his brother and Charaga was Willy's father. Young Albert Thomas<sup>6</sup> and

4. Commissioner Lambie commented that 'when most required ... [Aborigines] are frequently found absent on some hunting or shooting expedition' (from Cameron 1987: 81). Presumably this meant that Aboriginal people had and used firearms. No doubt this prompted unease amongst the colonial settlers as it was not until the 1850s that incidents of sniping and wife stealing abated and fatal conflicts diminished throughout the south coast.

5. A picture of an Aboriginal whaling crew at Twofold Bay includes Albert 'Bukal' Thomas (in 'Whaling at Eden', *Lone Hand* July 1908).

6. The grave of Albert Thomas is marked with a plaque reading 'Albert Thomas / Last King of the Mankutas / Born 11th February 1876 / Died 11th July 1976 / Respected Citizen of Wreck Bay'.

Willy worked with the whalers. Six people including George Davidson's sons Jim and Wallace were employed at the whaling station. Bert Penrith, another Aboriginal whaler, was Bill's uncle. Willy was 23 years old when the last whale was killed. It was '92 feet' long and it took about one week to render the oil.

During the annual migration, killer whales came to the mouth of the river, surfaced, making their presence known (Davidson 1987, Mead 1961). The men would ride out to the look-out by horse to see if the 'killers' had a whale, then ride back. It was best hunting whales at night as the phosphorescence indicated the direction they were turning. Willy Thomas went on his first hunt at 21 and in his words when he recounted his experiences, 'was a bit frightened':

Davidson had a five 'oared' boat and a seven 'oared' boat. Alley Greg would follow in a launch and pick you up if your boat got smashed by a whale. They never used the launch to kill whales. They had a bomb gun in the boat but did not use it. Horses were not in use at the station so a winch was employed to move the greased whale carcass. Generally speaking they produced '80 to 90 pounds' of oil per ton of whale.

Killer whales migrated with the whales and according to Willy, when whaling stopped at Eden, they were never seen again. Mrs Davidson cooked food for all and they ate in common with the family<sup>7</sup>. There were three separate sleeping huts for the men. In leisure time Willy played football at Eden or had a cup of tea at the convent. One afternoon, Jack Davidson's son, daughter and wife went out fishing with him, the boat overturned, his wife swam to shore and he drowned holding onto the children. It is believed that the killer whales patrolled to protect his body. His remains were found next day on the beach. After that tragic event whaling ceased. During the depression Willy left Eden for Wallaga Lake Aboriginal Reserve. Arthur Ashby, Bert Penrith, Charlie Roberts, William and Albert Thomas, Dan Parsons and Charlie Adger are mentioned by Eileen Morgan's *Calling of the spirits* (1994: 119, 121) and Tom Mead in his *Killers of Eden* also refers to Sam Haddigaddi, Charlie Adger, Bert Penrith, Peter and Albert Thomas, and Dan Parsons as members of the whaling crews.

### Fishing and the Brierly family of Moruya

One of the links between the whaling station and coastal fishing is through the Brierly family. Brierlys have lived in the Moruya locale for a considerable number of years. Oswald, the Aboriginal patriarch of the family, was named after the British colonist who adopted and raised him at a cottage near Kiah (Bassett 1966, Brierly 1842-44). Oswald Brierly was the manager of the whaling station at Twofold Bay. He accompanied the *HMS Rattlesnake* expedition to Papua and was to become the Maritime Artist to the Queen. Scrutiny of Brierly's painting 'Coming out of Eden' reveals a 'black man' as a member of the crew in pursuit of a whale.

During the 1870s and 1880s, fishing boats were provided by the government to Aboriginal families on the south coast and fishing seems to have been a widespread activity (Carter 1979, Cameron 1987, Egloff 1992, Goodall 1982, Twomey 1981). The

<sup>7</sup>. The biography of Daryl Tonkin (Landon and Tonkin 1999) provides insights into Aboriginals and white Australians working and living together in the forest industry during the period following World War II.

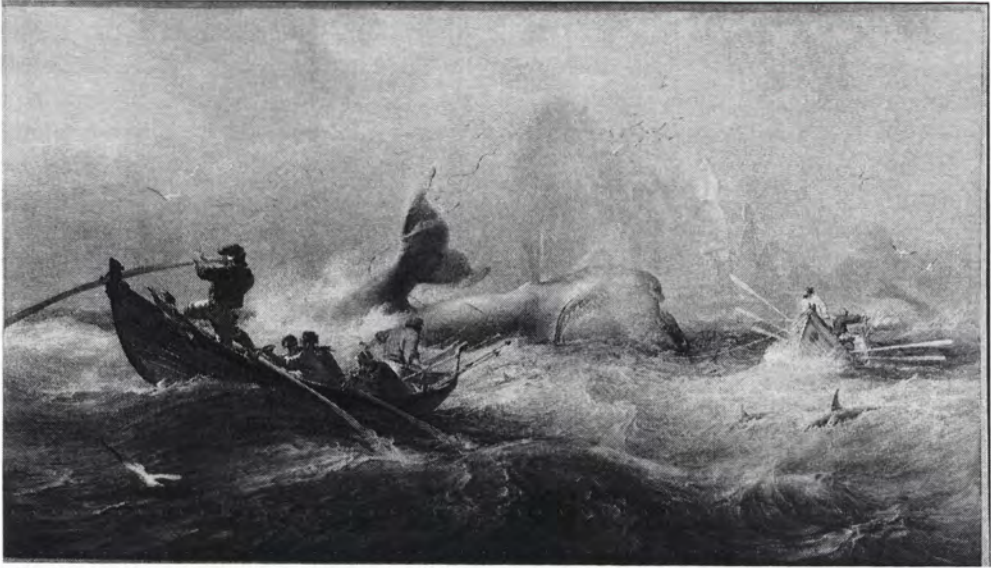


Figure 2. *Out of Eden* was painted in 1867 by Oswald Brierly, the maritime artist and one-time manager of Ben Boyd's whaling station. A young Aboriginal man at the whaling station took his name from the manager and was also known as Oswald Brierly. He is the direct ancestor of the Brierly family of Moruya.

Although this is one of the most reproduced paintings in the collection of the Art Gallery of New South Wales, to the best of the author's knowledge no one has speculated that the 'black' oarsman could be the Aboriginal Oswald Brierly. Australian Aboriginals are recorded as being employed both on the maritime whaling ships and at the coastal whaling station. (Courtesy of the Art Gallery of New South Wales.)

Report of the Protector to 31 December 1882 (in Organ 1990: 339–40) states that there were 41 Aborigines and 26 'half-castes' living in Moruya with

Three half-casts working for wages. All very well off. Four boats in this portion of district in fair order, and properly cared for. Impossible to say what they earn. ... The half-castes in this district are remarkably well off, and can earn the same wages as Europeans. The half-casts generally use the boat.

Living memory extends back to shortly before World War II when the Brierly family had a '22 foot' vessel and at first used hand-lines and then employed nets. Initially, Walter Brierly worked for a British family in order to get enough money to buy a net. They fished for salmon, mullet, blackfish, garfish and bream, later acquiring trucks to haul the fish.

An arrangement was made with a Sydney firm who supplied the Brierly family with a '45 foot' launch, the *Jean*, with the payment for the boat being taken out of the catches. The *Jean* had a Buick 6 engine. With that boat Walter worked with a white man, Roy Davis an Aboriginal and Walter's son Ernie; others were recruited to handle a big catch. At that time a licence was two shillings and six pence and although it was common to have unlicensed people on the boat they were never booked. The boat was lost in the big flood which swept away the Moruya bridge in 1945 or 1946.

After the *Jean* was lost, Ernie Brierly bought a '16 foot' boat, which was never named. He was then old enough to have a drivers licence and worked to pay for his own gear. Ernie only had two other jobs in his lifetime; one in the 1940s to 1950s as a sleeper cutter, and a short period of work on the Moruya aerodrome. By and large throughout his life, Ernie's livelihood has come from fishing with a bit from trucking. The Brierlys would take the catch to Sydney in a truck owned by the Nyes. Ernie was one of the first locals to dive for abalone and to send them to Sydney for sale. He also sold lobsters for one shilling and six pence apiece. In those days fish were worth one shilling and six pence a box, then the price rose to two shillings and a six pence just before the war. As today, when it was rough there was no fishing. Women worked with the nets and would help 'shoot' (launch) the boats. The fishing camp ate whatever fish they had at the time and liked them all. Changes in technology were few, with nylon nets coming in during the 1950s. The Brierly crew regularly fished from Durras to Bermagui, down to the Victorian boarder and occasionally up to Jervis Bay, particularly later when Ernie had the *Kamila I*, which was used for tuna fishing. Ernie sold that boat about 10 years ago, in the 1980s.

Ernie's son John Brierly was born in 1953, left school early and has spent the greater part of his adult life fishing. Starting in 1968 he helped with beach fishing and working with the nets. At that time they had small boats which had to be rowed to haul the nets. The team worked the Broulee area by sitting on the hill and spotting the mullet. With the addition of trucks they were able to move from place to place. At first, a common truck was the old army blitz which was hired. Later Ernie acquired a Chevrolet truck.

In the 1970s, the Brierlys worked with the *Kamila 1*. They fished between Eden and Wollongong for tuna. John was 'poling' (catching tuna with a lure, line and pole) from the time he left school. It was a good time, like a holiday, but not good for money as the family was never into fishing in a big way, only enough to get along. Now, in John's words, it is difficult with the big American purse-seine rigs taking all of the tuna. Once, they only had to go out a few miles to get their catch but before they quit tuna fishing, say in 1982, they had to go out up to 150 miles to get a catch. John believes that 1978 to 1979 were the last good seasons before the high-tech electronic gear moved in.

Abalone or muttonfish was not regarded as anything special as they were always there to be eaten. They were smashed off with a rock or levered off with an iron tool made from a car spring with the handle covered with a bit of rubber tube; 'they just waited for the tide to go out and waded into the sea'. In the past people dived at shallow depths for the plentiful abalone. Gear was simple with a face-mask and snorkel, if these could be afforded, and then wetsuits which were described by John 'as not the best'. Throughout the 1970s abalone furnished most of John's income when he was not away from the beach. They were plentiful, John states, and it was common for the fishermen to barter abalone with the locals for vegetables. During this period, John damaged his eardrum and no longer dives. John remembers a price of 30 cents a pound which rose to \$1 a pound. He suspects that the abalone were worth a lot more, but that was all that the agent was offering them. From Moruya beach to Broulee they gathered 'conks', 'bimblers' (cockle) and 'pippies', with oysters coming from the Moruya River.

Beach fishing was preferred, 'almost an instinct' (refer to La Perouse Aboriginal Community 1988 for a description of beach fishing). They never looked at the dollar

value as when there were fish to be had from the beach they went after them even if a catch in the lakes could have been more valuable. In 1992 John Brierly stated that 'there is good money in mullet as the roe is in demand fetching up to \$3.70/kilogram if it is of good quality'. John has four boats and a Range Rover utility which the Aboriginal Development Commission helped him purchase. The boats are all-purpose built vessels of '14 to 15 feet' in length; one has a flat bottom for 'meshing' in the lakes. The other boats are also used for 'prawning or meshing' in the lakes. Today they catch mostly mullet and then bream and whiting.

The seasonal round is as follows:

January — the last of the lobsters are being gathered but prawning in lakes such as Kiola, Broulee, Durras, Illawarra and Tuross is more profitable. A bit of mullet meshing is carried out from time to time.

February — continue to mesh for prawns while looking for an early run of mullet.

March — begin to work full-time on the mullet while on rough days will work the lake or go for garfish, with a special net, on the rocks.

April, May and sometimes into June — pattern described for March continues.

June — begin to dive for lobsters, do some meshing and chasing salmon and mullet (it all depends on the weather and if they can get out). During the cold weather the fish seem to be dispersed, are more difficult to find and the catch can be reduced to half a box.

October — prawn season starts and lasts until January. Prawns continue to be in demand and bring a good price.

September, October, November and December — season for lobster-potting in the day and prawns at night. They go after whichever is the most plentiful.

John regularly works with Alan and Wayne and with his 14 year old son Christopher. Many Aboriginal families have been in and out of the fishing game and over a period of time people have given up licences as the fees increased. Aboriginal fishing families on the south coast identified by John are Squires at Eden, Brierlys at Moruya, Nyes at Mogo, Butlers at Bawley Point, Ardlers at Wreck Bay and Connollys at Orient Point (see Cane 1992 for additional family names).

They were fishermen, not businessmen as John points out, and really had no idea what the fish or abalone were fetching outside of the local area. As the price went up in the 1970s and 1980s there was an influx of divers who only needed a \$2 licence and a rig to make a lot of money. When licenses were only \$2 there was little hassle from the Inspectors; they even used to help with the haul. Today, John perceives a problem in the way quotas are established. In his words, 'fisheries look at your catch and reduces the quota if the previous year's quota is not reached'. This is regarded as unfair as the fishermen may not choose to catch fish because the price is low or may not be able to if the sea is rough. Also, the complexity of the regulations is increasing, with talk of endorsements for particular species coming into effect in the near future. John feels that Aboriginal extended families should be given gathering rights as they have been carrying on coastal fishing for as long as they can remember.



## Conclusion

Stuart Cameron (1987: 76), in a study of the history of New South Wales far south coast Aboriginal communities, states that 'Aborigines very rapidly came to occupy an important, if undervalued, place in the new local economy both through the exploitation and extension of their traditional skills and by means of their swiftly acquired mastery of new skills'. He suggests that this negates the notion that Aboriginal people were unsuited for the modern world and supports the counterargument presented by other researchers that Aboriginal society did not fade away but was 'suppressed'.

The available evidence reveals a rapid adoption by many Aborigines both during and after colonial dispossession ... The view that traditional practices and attitudes provided an unsurmountable barrier to Aboriginal employment is simply misleading. It would appear to be more an article of faith than an empirical assessment. The material presented here endorses Keesing's suggestion that although colonialism brings; 'great devastation', it also reveals the 'enormous resilience and adaptive capacities of indigenous people', a dramatic ability to survive in the face of oppression and devastation as long as life survives (Cameron 1987: 76).

The historical picture that emerges is one of British colonists attempting to push out and marginalise coastal Aboriginal people as they expropriate Indigenous lands. Then, as the new settlers moved inland, Aboriginal people re-established their hold over the coastal margins that were perceived by the settlers as wastelands. The process was assisted by people such as Oswald Brierly at Kiah who had fostered a relationship with Aboriginal people which encouraged them to come to and remain at the coast. It was not until recently that Australians began to perceive the coast not as a wasteland but as a recreational and retirement paradise. Much to the amazement of many Australians they found the coastal margins to be occupied by Aboriginal reserves, camps, settlements and individual householders.

Throughout the first half of the twentieth century, Aboriginal beach fishing enterprises contributed considerably to the economic position of Aboriginal people (Egloff 1990, Fox 1978, La Perouse Aboriginal Community 1988). Fishermen are known to have operated at La Perouse, Port Kembla, Ulladulla, Batemans Bay, Moruya and Bermagui as well as at fishing camps between these major centres (Cane 1998). As the costs associated with beach or long-shore fishing increased over the last few decades, particularly licensing, family businesses which had thrived for many years — but which had a limited economic and managerial horizons — were forced out of operation (John Brierly interview 1992, Scott 1969). Gradually pursuits which once formed the basis of Aboriginal economies, particularly agricultural work, timbering and fishing, have been removed without replacement, thus worsening the financial position of Aboriginal communities (Castle and Hagen 1978, 1984).

Involvement by archaeologists in the *Mason v Tritton* case varied markedly from their successful participation in earlier land-use controversies on the south coast of New South Wales (Cane 1988; Egloff 1981, 1990; Egloff et al. 1995). They now found that their research was being scrutinised by a court of law, and it fell short of requirements. The participation of Egloff in 1978, leading to the declaration of Mumbulla Mountain as an Aboriginal place and the granting of the Wreck Bay reserve to the community, may have given the impression that a demonstration of Aboriginality and attachment to place were the only essential elements of the native claim process. Today, that compla-

gency may be further reinforced by the successful transfer of Jervis Bay National Park, now Booderee National Park, to the Wreck Bay Community Council. This process involved a report to the Minister by three archaeologists (Egloff et al. 1995).

From the perspective of one of the scientific experts who contributed to the *Mason v Tritton* case, there are some fields of expertise which are perhaps best dealt with by anthropologists, historians, geographers and archaeologists, and other instances where the voices of the Aboriginal insiders must be heard together with that of outside 'experts'. The defence was criticised by the court for not bringing forward testimony by either the defendant or community elders. Although there may well have been sound reasons for this action on the part of the defence, how did the defence expect to gain a favourable outcome without essential testimony? Reviewing the subsequent case of *Sutton v Dershaw* in Western Australia, it is doubtful if *Mason v Tritton* could have had a favourable outcome given the kind of evidence required by the court (Kennedy 1996). The offences of the seven defendants in *Mason v Tritton* ranged from the possession of 1450 abalone, with ten as the legal limit, to possession of eight undersized lobsters (Cane 1998). The decision to run with all seven cases, instead of defending the individual most likely to succeed, is questionable. It certainly made Scott Cane's task seven times more difficult and perhaps deflected him from more pertinent research.

The Court of Appeal was not entirely hostile to the defence. Judge CJ Gleeson in his summation states:

Enough has therefore been said to show that a claimant making a Mabo claim faces a difficult evidentiary task. That task is not made easier by former policies concerning Aboriginal Australians and the ignorance of their history and culture which fosters those policies. What is sufficient evidence to maintain a particular claim will vary according to the particular circumstances of the case. ... I do not underestimate the difficulty of gathering and adducing such evidence (Court of Appeal 1994)

Last century when Umbara composed his song of the sea, was he continuing the native tradition of fishing or was he the forerunner of a commercial industry carried on today by the Brierly family and other coastal Aboriginals? The more we record the 'stories' of members of the south coast families, the more likely we are to convincingly bridge the divide between the past and the present.

### Acknowledgements

The author of this study was assisted by Mr Ron Nye of the South Coast Regional Aboriginal Land Council and the following informants: Mr Ernie Brierly, Mr John Brierly, Mr Joey Brown, Mr Andrew Nye, Mr David Nye and Mrs Symalene Nye. The interview in 1994 with Mr Willy Thomas at his home in Bairnsdale shortly before his death was real special. Nicolas Peterson drew my attention to the recent review of *Mason v Tritton* by Scott Cane, and Scott kindly provided a copy of the paper for my consideration.

### References

- Austin, D, 1995. 'Mabo: an attempted shield.' *Commercial Law Quarterly* 9(1): 18-19.  
 Bassett, M, 1966. *Behind the picture: H.M.S. Rattlesnake's Australia-New Guinea Cruise 1846 to 1850*. Oxford University Press, London.

- Behrendt, J, 1995. 'So long, and thanks for all the fish.' *Aboriginal Law Bulletin* 3(72): 11-15.
- Brierly, OW, 1842-44. Journal of a visit to Two-Fold Bay, Maneroo and Districts beyond the Snowy River. Manuscript, Mitchell Library, Sydney.
- Butt, P, 1996. 'Native title take off.' *Australian Law Journal* 69(1): 8-12.
- Cameron, SB, 1987. 'An investigation of the history of the Aborigines of the far south coast of New South Wales in the nineteenth century.' Unpublished Bachelor of Letters thesis, Australian National University, Canberra.
- Cane, S, 1988. 'A summary of Aboriginal issues affecting defence proposals in Jervis Bay, NSW.' Report to Sinclair Knight & Partners, ANUTECH, Canberra.
- Cane, S, 1992. 'Aboriginal fishing on the south coast of New South Wales.' Report prepared for Blake Dawson and Waldron and the NSW Aboriginal Land Council.
- Cane, S, 1998. 'Aboriginal fishing rights on the New South Wales south coast: a court case', in N Peterson and B Rigsby (eds) *Customary marine tenure in Australia. Oceania* Monograph no. 48, University of Sydney, pp 66-88.
- Carter, M, 1979. 'Acculturation at Lake Tyers Aboriginal Mission Station 1862-1913.' Unpublished BA (Hons) thesis, La Trobe University, Bundoora.
- Castle, RG and Hagen, JS, 1978. 'Dependence and independence: Aboriginal workers on the far south coast of New South Wales 1920-1975', in A Curthoys and A Markus (eds) *Who are our enemies: racism and the Australian working class*. Hale and Iremonger, Neutral Bay.
- Castle, RG and Hagen, JS, 1984. 'Aboriginal unemployment in rural New South Wales 1883-1982', in RG Castle and JS Hagen (eds) *Unemployment in the eighties*. Longman and Cheshire, Melbourne.
- Colley, S, 1992. 'Archaeological evidence for abalone fishing by Aboriginal people of the NSW South Coast.' Report to Blake Dawson and Waldron.
- Court of Appeal, 1994. Supreme Court of New South Wales, Mason v Tritton and ANOR.
- Davidson, R, 1987. *Whalemen of Twofold Bay*. Privately published, Eden.
- Egloff, BJ, 1981. *Mumbulla Mountain: an anthropological and archaeological investigation*. Occasional Paper no 4, National Parks and Wildlife Service, Sydney.
- Egloff, BJ, 1990. *Wreck Bay: an Aboriginal fishing community*. Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.
- Egloff, BJ, 1992. 'A report on the significance of coastal maritime resources for Aboriginal communities on the south coast of New South Wales.' Report to the South Coast Regional Aboriginal Land Council and Blake Dawson and Waldron.
- Egloff, BJ, K Navin and K Officer, 1995. 'Jervis Bay National Park and Botanic Garden as Aboriginal land.' Final report to the Minister on the significance of the land and water in the region of Jervis Bay Territory to indicate the appropriateness of a grant under the *Aboriginal Land Grant (Jervis Bay Territory) Act 1986 (as amended)*.
- Fox, T, 1978. 'A history of Aboriginal people of Roseby Park, authorised by the Elders of the Jerrinja Tribal Council.' *Tetangala* 4: 10-12.
- Goodall, H, 1982. 'A history of Aboriginal communities in New South Wales, 1909-1939.' Unpublished PhD thesis, University of Sydney.

- Hiley, G, 1996. 'Native title litigation.' *Queensland Law Society Journal* 26(4): 307-37.
- Howitt, AE, 1887. 'Notes of songs and some song makers of some Australian Tribes.' *Journal of the Anthropological Institute of Great Britain and Ireland* 16: 327-35.
- Howitt, AW, 1904. *The native tribes of south-east Australia*. Macmillan, London.
- Howitt, AW, nd. Copies of papers held by the National Museum of Victoria in the Australian Institute for Aboriginal and Torres Strait Islander Studies, comprising nine boxes of manuscripts, some undated notes and returned circulars and correspondence.
- Kennedy, L, 1996. 'Exercising native title hunting rights Dershaw v Sutton.' *Aboriginal Law Bulletin* 3(85): 31-2.
- Lambie, J, 1842-45. Census of the Aborigines in the District of Maneroo for the years 1842-1845, New South Wales Governor's Despatches, vols 38, 42, 44, 47. Mitchell Library, Sydney.
- Landon, C and Tonkin, D, 1999. *Jackson's track: memoir of a dreamtime place*. Viking, Ringwood (Victoria).
- La Perouse Aboriginal Community, 1988. *La Perouse: the place, the people and the sea*. Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.
- Mead, T, 1992. (reprint of 1961 edn). *Killers of Eden*. Dolphin Books, Sydney.
- Morgan, E, 1994. *The calling of the spirits*. Aboriginal Studies Press, Canberra.
- Mulvaney DJ, 1970. 'The anthropologist as tribal elder.' *Mankind* 7: 205-17.
- Organ, M, 1990. *A documentary history of the Illawarra & south coast Aborigines 1770-1850*. Aboriginal Education Unit, University of Wollongong.
- Scott, WD & Company, 1969. Report on a reconnaissance of means of Aboriginal advancement on the South Coast of New South Wales.
- Strickland, P, 1994. Mason v Tritton (NSW Sup Ct, Young, J), Fiori Rinaldi (ed.) *The Australian Criminal Reports 1993-1994*, 70: 28-45.
- Stieniswensen, T, 1995. 'Mason v Tritton (on appeal).' *AMPLA Bulletin* 14(1): 10-12.
- Sutherland, J, 1996. *Fisheries, aquaculture and Aboriginal and Torres Strait Islander peoples: studies, policies and legislation*. Commissioned by the Department of the Environment, Sport and Territories, Canberra.
- Thompson, K, 1985. 'A history of the Aboriginal people of East Gippsland.' Report prepared for the Land Conservation Council, Victoria.
- Twomey, AT, 1981. 'Cognition, language and culture: foundation for Aboriginal schooling.' Unpublished PhD thesis, University of Wollongong.
- Wesson, S, 2000. 'An historical atlas of the Aborigines of eastern Victoria and far south-eastern New South Wales.' *Monash Publications in Geography and Environmental Science*, 53.