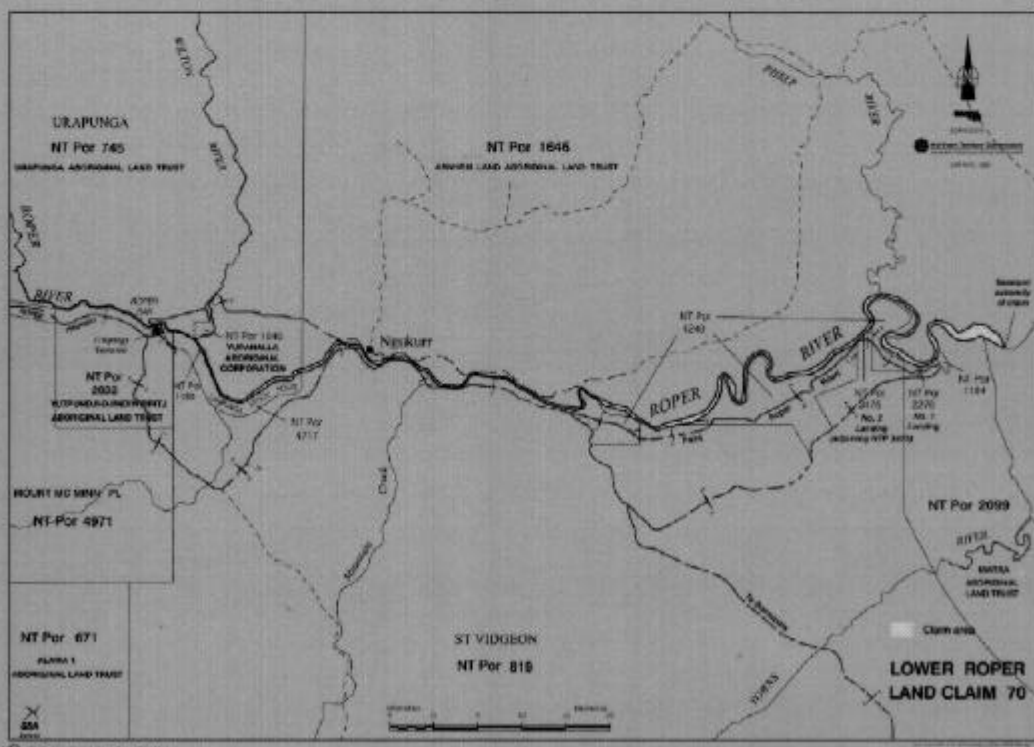




# Aboriginal Land Rights (Northern Territory) Act 1976

## Lower Roper River Land Claim No. 70

Report and recommendations of the Aboriginal Land Commissioner,  
Justice H W Olney, to the Minister for Immigration and Multicultural and  
Indigenous Affairs and to the Administrator of the Northern Territory



# LOWER ROPER RIVER LAND CLAIM

(Claim No 70)

Report and recommendations of the Aboriginal Land Commissioner  
Justice H W Olney  
to the Minister for  
Immigration and Multicultural and Indigenous Affairs  
and to the  
Administrator of the Northern Territory

Office of the Aboriginal Land Commissioner  
9-11 Cavenagh Street  
DARWIN NT 0800

7 March 2003



Justice H.W. Olney  
Aboriginal Land Commissioner  
Commonwealth Courts Building  
305 William Street  
MELBOURNE VIC 3000

Tel: (03) 8600 3706  
Fax: (03) 8600 3718

7 March 2003

The Hon Philip Ruddock MP  
Minister for Immigration and Multicultural  
and Indigenous Affairs  
Parliament House  
CANBERRA ACT 2600

Dear Minister

**Lower Roper River Land Claim (Claim No 70)**

In accordance with section 50(1) of the Aboriginal Land Rights (Northern Territory) Act 1976 I present my report and recommendations in relation to this claim.

You will note that I have found that there are traditional Aboriginal owners of the claimed land and I have recommended that the land be granted to a Land Trust in accordance with sections 11 and 12 of the Act.

As required by the Act, I have also forwarded a copy of the report to the Administrator of the Northern Territory.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'H.W. Olney', with a horizontal line underneath it.

H W OLNEY  
Aboriginal Land Commissioner

JUSTICE H.W OLNEY  
ABORIGINAL LAND COMMISSIONER  
GPO Box 2289  
DARWIN NT 0801

Telephone: (08) 8981 1799  
Facsimile: (08)89813465

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His Honour Mr John Anictomatis AO  
Administrator of the Northern Territory  
Office of the Administrator  
The Esplanade  
DARWIN NT 0800

Your Honour

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*Aboriginal Land Rights (Northern Territory) Act 1976*

# LOWER ROPER RIVER LAND CLAIM

(Claim No 70)

Report and recommendations of the Aboriginal Land Commissioner  
Justice H W Olney  
to the Minister for  
Immigration and Multicultural and Indigenous Affairs  
and to the  
Administrator of the Northern Territory

Office of the Aboriginal Land Commissioner  
9-11 Cavenagh Street  
DARWIN NT 0800

7 March 2003

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*ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) ACT 1976*

LOWER ROPER RIVER LAND CLAIM

(Claim No 70)

REPORT AND RECOMMENDATIONS  
OF THE ABORIGINAL LAND COMMISSIONER  
JUSTICE H W OLNEY

Introduction

- 1 This report is made to the Minister for Immigration and Multicultural and Indigenous Affairs (the Minister) and to the Administrator of the Northern Territory (the Administrator) pursuant to s 50(1)(a)(ii) of the *Aboriginal Land Rights(Northern Territory,) Act 1976* (the Land Rights Act). It relates to an inquiry conducted by the Aboriginal Land Commissioner (the Commissioner) into a traditional land claim to the bed and banks of, and islands in, a portion of the Roper River in the Northern Territory. The claim was made in an application received by the Commissioner on 16 November 1983 and identified in the records of the Office of the Aboriginal Land Commissioner in Darwin as the Lower Roper River Land Claim (Claim No 70). The application was made by the Northern Land Council (NLC) on behalf of Aboriginals claiming to be the traditional Aboriginal owners of the area of land claimed.
2. The purpose of the inquiry is to determine whether the claimants or any other Aboriginals are the traditional Aboriginal owners of the claimed land and if it is found that there are such traditional owners, to make recommendations to the Minister for the granting of the land or part of it in accordance with ss 11 and 12 of the Land Rights Act.
3. Central to the inquiry is the definition of the term 'traditional Aboriginal owners' in s 3(1) of the Act which provides:  
traditional Aboriginal owners, in relation to land, means a local descent group of Aboriginals who:
  - a) have common spiritual affiliations to a site on the land, being affiliations that place the group under a primary spiritual responsibility for that site and for the land; and
  - b) are entitled by Aboriginal tradition to forage as of right over that land.
4. An application pursuant to s 50(1)(a) may relate only to unalienated Crown land or to alienated Crown land in which all estates and interests not held by the Crown are held by or on behalf of Aboriginals.

5. In the event that a Commissioner recommends to the Minister in a report made to him under s 50(1)(a) that an area of Crown land be granted to a Land Trust for the benefit of Aboriginals entitled by Aboriginal tradition to the use or occupation of that area of land, whether or not the traditional entitlement is qualified as to place, time, circumstance, purpose or permission, the Minister may recommend to the Governor-General that a grant of an estate in fee simple in the land, or part of the land, be made to a Land Trust (s 11(1)) and the Governor-General may execute a deed of grant of an estate in the land in accordance with the Minister's recommendation and deliver it to the grantee (s 12(1)).

### **The claimed land**

6. The application as lodged with the Commissioner on 16 November 1983 identified the claimed land as:
  - All the beds and banks of, and islands in, the Roper River in the Northern Territory of Australia as shown hatched on the plan attached to this Application EXCEPTING any land on which there is a road over which the public has the right of way; and any land that is not unalienated Crown land.

The hatched area on the plan attached to the application extends upstream from the mouth of the Roper River to a point adjacent to the western boundary of Northern Territory Portion (NTP) 2632 (being land that subsequent to the date of the application was granted to the Yutpundji-Djindiwirritj Aboriginal Land Trust).

7. The application does not specifically define the term "beds and banks" in relation to the claim area but it is accepted that the relevant definition in s 4 of the *Water Act 1992* (NT) accurately expresses the intention of the claimants. That definition provides that:
  - "bed" and "banks", in relation to a waterway, means the land over which normally flows, or which is normally covered by, the water of the waterway, whether permanently or intermittently, but does not include land from time to time temporarily covered by the flood waters of the waterway and abutting on or adjacent to its bed and banks, the bed being the relatively flat portion and the banks being the relatively steep portions of the land comprising the bed and banks.

Although the *Water Act 1992* was passed subsequent to the date of the application the same definition appeared in s 2 of the *Control of Waters Act* (NT) which was in force at the date of the application and it may reasonably be assumed that the concepts expressed in the statutory definition apply to the description of the claim area.

8. The area in respect of which the claimants sought an inquiry does not include the whole of the land described in the application but rather extends upstream from the mouth of the Roper River to the river crossing known as the Roper Bar. Following the conclusion of the evidence of the Aboriginal witnesses (and at my suggestion) the claimants amended the application by excising that part of the claimed portion of the river which is upstream from the Roper Bar and adding

the same portion to the land claimed in the Roper Valley Area Land Claim (Claim No 164) which relates to various parts of the Roper River immediately upstream from the western boundary of NTP 2632.

9. The area of land claimed in the application as amended is now described as:  
All the beds and banks of, and the islands in, the Roper River in the Northern Territory of Australia from the Roper Bar (at approximate coordinates 134 degrees 30 minutes east and 14 degrees 42 minutes south) in the west to the seaward extremity of the Roper River in the east.

The amended land description does not expressly exclude from the area of land claimed "any land on which there is a road over which the public has the right of way; and any land that is not unalienated Crown land" as was the case in the original application.

10. Although on the face of it the amended description of the claim area may appear to include a claim to public roads within the relevant area, to do so would expand the claim to land which was expressly excluded from the original application. If such is the intention, and I do not think it to be the case, I am, by virtue of s 50(2A) of the Land Rights Act (the sunset clause), unable to perform any function in respect of any such land. Accordingly I propose to treat the claim area as expressly excluding any public roads which are within the outer boundary of the land described in the amended application.
11. The absence of any express exclusion from the amended land description of land which is not unalienated Crown land also calls for comment. As originally expressed the area of land claimed excluded that part of the left bank of the river between the low and high watermarks adjacent to NTP 1646 which was vested in the Arnhem Land Aboriginal Land Trust by a grant of title made pursuant to ss 10 and 12 of the Land Rights Act on 6 June 1980. The claim as amended cannot extend above the low watermark on the left bank adjacent to NTP 1646 and clearly there has never been any intention that it should.
12. Slightly different considerations apply with respect to a section of the right bank of the river which was granted to the Marra Aboriginal Land Trust on 6 February 1985. During 1980 the then Commissioner (Toohey J) conducted an inquiry in respect of the Limmen Bight Land Claim (Claim No 5) and on 30 December 1980 furnished his report to the Minister and the Administrator (Report No 8) in which he recommended that a grant of title be made to land on the right bank of the Roper River. The recommendation was that the grant should extend to the low watermark and in due course the grant made to the Marra Aboriginal Land Trust adopted that recommendation. The position as at the date of the present application (16 November 1983) was that the river bank in question was unalienated Crown land and available to be claimed but it was nevertheless land in respect of which the Commissioner had made a finding in favour of the traditional owners and recommended a grant of title. Although the intertidal zone of the section of riverbank subsequently granted to the Marra Aboriginal Land Trust was not excluded from the application lodged on 16 November 1983, the land in question ceased to be available to be claimed upon it being granted to the Marra Aboriginal Land Trust. (Lest it be thought that the Marra grant may be

affected by the provisions of s 67A of the Land Rights Act, I point out that that section postdates the date of the grant).

13. Later in this report details will be provided with respect to each area of land which adjoins the land under claim. It is however appropriate to indicate at this stage that apart from the grants of title made to the Arnhem Land and Marra Aboriginal Land Trusts to which reference has been made above there is no evidence before the inquiry to suggest that any other part of the land encompassed by the claim made in the amended application has been alienated from the Crown. For the purposes of this inquiry the area of land which is the subject of the claim (hereafter referred to as the claim area) can be described as:

The beds and banks of, and islands in, the Roper River in the Northern Territory extending from the Roper Bar in the west to the seaward extremity of the Roper River in the east BUT EXCLUDING any land on which there is a road over which the public has the right of way and any land vested in the Arnhem Land Aboriginal Land Trust and the Marra Aboriginal Land Trust.

14. The map annexed to this report shows the boundaries of the claim area as well as the various areas of land adjacent to it.

15. In the Maria Island Region Land Claim (Claim No 198) lodged by the NLC on 28 May 1997 a claim is made, inter alia, to:

All that land in the Northern Territory of Australia being the beds and banks of the Roper River adjacent to Northern Territory Portion 2099, otherwise known as Marra Aboriginal Land Trust, including the beds and banks of the Roper River adjacent to Northern Territory Portions 2276 and 1189.

The reference to NTP 1189 is clearly erroneous as that area is some distance inland from the river. Presumably it was intended to refer to NTP 1184. Be that as it may, the claim to the bed and banks of the river adjacent to NTP 2099 and NTP 2276 duplicates in part the claim made in the application presently under inquiry. The applicants have indicated that they do not seek an inquiry in respect of the relevant part of the Maria Island application at this stage.

#### **Status of the claim area**

16. The application asserts that the whole of the area claimed is unalienated Crown land. As there is no basis to contradict this assertion, it is clear that the claim area as more precisely defined in the preceding paragraphs is available to be claimed. All parties concerned accept that the Roper River is tidally affected from its seaward extremity as far upstream as the eastern side of the Roper Bar.

### The inquiry

17. Notice of my intention to commence an inquiry was advertised in the following newspapers:

*Northern Territory News* - 29 June 2002 and 5 July 2002

*Tennant & District Times* - 28 June 2002

*Centralian Advocate* - 28 June 2002

*Katherine Times* - 3 July 2002

Notice was also given to the proprietors of all adjoining land as well as to other individuals organizations and officials thought likely to have an interest in the claimed land or the outcome of the inquiry. Persons and organizations who desired to be heard by the Commissioner were invited to give written notice of their interest and a brief outline of the points they sought to raise.

Notice of intention to be heard was received from:

- (a) The Attorney-General for and on behalf of the Northern Territory,
  - (b) Messrs Cridiands for and on behalf of Northern Territory Seafood Council Inc:
  - (c) Messrs Withnall Maley & Co for and on behalf of the Amateur Fishermen's Association of the Northern Territory Incorporated;
  - (d) Georgina Bell (Ahmat),
  - (c) Paul Reed.
18. The notice received from Ms Bell is somewhat different from the usual notice of intention to be heard. It was expressed in the following letter addressed to the Executive Officer. Mr Robert Bird:

Dear Mr Bird

I wish to forward this letter to show our interest about Roper River Claim on behalf of my sisters and myself. Our parents are deceased and we have not much to go on. We know Rosie Queen (Maringgiringgi) and Big Polly (NGIMA) are our Great Grandmothers, but in what order. And now we are trying to look into anything and everything for our people so our children know also. Please keep us informed about any information that becomes about the Claim. I have rang NLC but haven't received any into back yet.

Yours sincerely

G Bell (Ahmat)

The letter is exhibit ALC 1 in the inquiry. Ms Bell was made aware of the hearing date of the inquiry but did not seek to take part in it.

19. Mr Reed gave notice of his interest in the inquiry by telephone to the Executive Officer on 17 July 2002. Due to the remoteness of his location he was unable to give written notice. Although he did not seek to take part in the inquiry as an individual, Mr Reed's interests were represented by the Northern Territory Seafood Council Inc. Exhibit SFC 1 is a statement of evidence made by Mr Reed.

20. The inquiry commenced at Nalawan, an Aboriginal outstation about 21 kilometres from Ngukurr on 2 August 2002. During the period 2 to 5 August 2002 evidence was given by the claimants' witness both at Nalawan and at a number of sites on or close to the claim area, which were visited either by helicopter or by road. The claimants and the Northern Territory were represented by counsel. In addition to the oral testimony of the claimants' witnesses, numerous documents were tendered as evidence on behalf of the claimants, the Northern Territory, the Northern Territory Seafood Council, and the Amateur Fishermen's Association. Following, the conclusion of the evidence written submissions were made on behalf of the parties.
21. Particulars of the parties taking part in the inquiry and their representatives, the dates and places where the inquiry was conducted, the names of witnesses who gave evidence and the documents tendered by the parties are set out in Appendix 1.

### **The claim documents**

22. In accordance with the Aboriginal Land Commissioner's standard practice directions the NLC provided, prior to the commencement of the inquiry, a number of documents setting out the basis of the claim and identifying the claimants. These documents were later tendered in evidence. They include:
- (a) Anthropological report (exhibit NLC 1): This document was prepared by Dr Sarah Holcombe and Mr Ben Scambary, both anthropologists then employed by the NLC. The document is commonly referred to as the claim book.
  - (b) Genealogies (exhibits 6.1 - 6.9 inclusive): Each genealogy is intended to trace the line of descent of the claimants from their ancestors and show the relationships of the claimants among themselves. Prior to the commencement of the inquiry the NLC submitted an extensive list of corrections to the genealogies as originally tendered (exhibit NLC 7).
  - (c) Claimant profiles (exhibit NLC 2): This document is intended to identify each claimant by reference to his or her usual name, as well as his or her Aboriginal name (if any), date and place of birth (if known), place of residence, and the basis of the claimant's claim to be a traditional Aboriginal owner. The document also includes, in respect of each separate group of claimants, what is intended to be an alphabetical list of claimants. Unfortunately many names in the alphabetical list have been duplicated and in some cases claimants have been designated simply as "unnamed boy" or "unnamed girl".
  - (d) Site map (exhibit NLC 4): The map indicates the location of significant sites on or near the claim area and identifies the Dreaming with which each site is associated.
  - (e) Site register (exhibits NLC 5): The register complements the information contained on the site map by providing in relation to each site its Aboriginal name, its non-Aboriginal name and geographical features, its location by reference to relevant co-ordinates and a note as to the site's significance and semi-moiety classification.

23. The claim book contains in chapter 3 an historical overview of the main events and activities in the Roper River region, which provides a useful background to the historical context in which the claim is made and as no issue has been raised as to the accuracy of the history, the whole chapter is reproduced as Appendix 2. Footnotes and site numbers have been omitted. The references at the conclusion of Appendix 2 have been extracted from the Bibliography at the end of the claim book.

#### **Other claims in the region**

24. There have been a number of traditional land claims and native title determination applications in the general region of the claim area which have involved many of the present claimants. The prior traditional land claims are:
- (a) Limmen Bight Land Claim (Report No 8 - submitted to the Minister on 30 December 1980) (the Limmen Bight claim);
  - (b) Yutpundji-Djindiwirritj (Roper Bar) Land Claim (Report No 15 - submitted to the Minister on 31 March 1982) (the Roper Bar claim);
  - (c) Cox River (Alawa/Ngandji) Land Claim (Report No 18 - submitted to the Minister on 20 November 1984) (the Cox River claim);
  - (d) Roper Valley (Kewulyi) Land Claim (Report No 56 - submitted to the Minister on 13 May 1999) (the Roper Valley claim);
  - (e) Urapunga Land Claim (Report No 60 - submitted to the Minister on 7 June 2001 ) (the Urapunga claim);
  - (t) Maria Island and Limmen Bight River Land Claim (including part of the Maria Island Region Land Claim) (Report No 62 - submitted to the Minister on 28 March 2002) (the Maria Island claim);  
 Lorella Region Land Claim (including part of the Maria Island Region Land Claim) (Report No 63 - submitted to the Minister on 18 June 2002) (the Lorella claim);
  - (h) Hodgson Downs Pastoral Lease Land Claim (Claim No 139 - claim withdrawn after the claim area was added to Schedule 1 of the Land Rights Act by amending Act No 37 of 1995) (the Hodgson Downs claim).
- There have also been two native title determinations made by the Federal Court of Australia. namely
- (i) Wandarang, Alawa, Marra and Ngalakan Peoples v Northern Territory of Australia 177 ALR 5 12 (the St Vidgeon native title claim),
  - (ii) Ngalakan People v Northern Territory of Australia 186 ALR 124 (the Urapunga Township native title claim).

#### **Social organization and land tenure**

25. The claimants are members of a number of different language groups, notably the Ngalakgan, Alawa, Wandarang, Nunggubuyu and Marra. The social organization and land tenure systems of each of these groups have been the subject of investigation in the land claims and native title applications referred to above. In the Roper Bar claim, Toohey J found that people referred to by the term Minggirringi were the traditional owners although, but for the assertions of the claimants to the contrary, he would have included those called Junggayi



(Roper Bar report, paras 12-14). In the Cox River claim the then Commissioner (Kearney J) found that the Minggirringi, Junggayi and a third category called Darlnyin all fulfilled the criteria of traditional ownership under the Land Rights Act and similar findings in relation to all three categories have been made in subsequent land claims and native title applications in the region.

26. The summary of the social organization and land tenure systems of the claimant groups which appears in the following paragraphs is based upon the contents of chapter 4 of the claim book which itself is adapted from reports prepared for the various land claims and native title applications referred to above. In view of the fact that the material has been extensively canvassed elsewhere, and has not been the subject of any dispute in this claim, what follows is but a brief overview of the matters discussed.
27. The claimants believe that ancestral beings (Dreamings) gave them a set of economic, social and religious rights and obligations to particular areas of land ("country"). The country is the fundamental area over which the local descent group exercises its primary spiritual responsibility for sites and land, and includes the land and water and all flora and fauna and other resources within it. Each country is associated with a set of ancestral beings whose activities gave form and meaning to the land. Many ancestors were relatively sedentary with their influence being restricted to a limited geographic area whilst others covered large distances journeying across the country of many language groups and land holding groups, creating linkages between those groups. The core of the country is made up of named places, most of which were created, or given meaning, by the ancestral beings. Away from the core of sites and tracks, countries tend to merge into each other without clear cut boundaries.
28. Kinship has wide implications in Aboriginal life and social structure. The claimants' system of social organization has four fundamental elements, which affect and influence the land tenure system. They are:
  - the moiety system;
  - the semi-moiety categories;
  - the sub-section system; and
  - the kinship terminology.
29. Dua and Yirritja are the two categories into which all of society including country and the natural world is divided. A man and his offspring are in one of these moieties, his wife and her siblings and their father are in the other. In the Roper River region the moieties do not have one specific "totem" species associated with them but rather they are linked with major ceremonies. The Kunapipi and Balginy ceremonies are Dua; the Yabaduruwa and Mardayin are Yirritja.
30. Each moiety has within it two "semi-moieties" which divide non-European phenomena into four named categories: Burdal, Guyal, Murrungun and Mambali. All flora and fauna, ancestral beings, natural phenomenon, sites and land belong to one of these categories. The Dua moiety is comprised of the Mambali and Murrungun semi-moieties; the Yirritja moiety is comprised of the Burdal and Guyal semi-moieties. An individual belongs to the same semi-moiety as his or

her father and their marriage partner should come from a semi-moiety of the opposite moiety.

31. Subsections are named categories that are based on principles drawn from the kinship system. They classify all individuals into one of eight socio-centric categories. Each category has male and female terms. In the Roper River region semi-moiety terms appear to be preferred over subsection terms.
  32. For interpersonal interaction a wide range of specific kin terms are used. These partially mirror, but do not equate with, such English terms as 'father', 'mother', 'uncle' etc. The kinship system is described as being of the 'Aranda' type named after the group from which it was first described. Such systems are characterised by several features including having kin terms that apply to relatives from five generations namely, ego's own generation, then two ascending and two descending generations.
  33. The modes of recruitment to each land holding group draw on a number of principles: descent, filiation, ceremonial succession and adoption. The most common means of recruitment are from father's father (Minggiringi); from mother's father (Junggayi); from father's mother's brother (Abiji Junggayi); and from mother's mother's brother (Darlnyin).
  34. The term Minggiringi is sometimes translated into English as, 'owner', 'traditional owner' or 'boss'. The Minggiringi call the ancestral beings associated with their country father, or father's father. An individual Minggiringi's role in the customary system of land tenure is revealed in the spheres of ritual and ceremonial performances, access to and care of sacred sites and general care and use of the country. It is normally the Minggiringi who can ask for a particular ceremony associated with their country to be performed but it is the Junggayi and Darlnyin who decide when it will be performed and who are responsible for its organization.
- c
35. The term Junggayi is often translated into English as 'caretaker', 'master of ceremonies', 'policeman' or 'boss' for the Minggiringi. An individual is Junggayi to those in his or her mother's and father's mother's brother's semi moieties. Specifically, he is Junggayi for sites, ceremonies and historic ancestors associated with his mother's and mother's father's country and father's mother's brother's country. The characteristic duty of the Junggayi associated with ritual and ceremony is to paint the Minggiringi's country designs onto the bodies of the Minggiringi. The Junggayi (along with the Darlnyin) also prepare the ceremony grounds and the ritual equipment needed to perform the ceremonies. They decide the timing of ceremonies and ensure they are carried out in the manner deemed by the ancestral beings. The senior Junggayi are responsible to train both the next generation of Minggiringi and Junggayi. The Junggayi also play a role in secular matters. When there are dealings with, for example mining companies, the Junggayi always attend and often speak on behalf of the Minggiringi. Decisions about the resource utilization of a country cannot be made without the Junggayi being consulted and their agreement being obtained.

36. The classification of Darlнын applies to traditional owners who trace their descent to a country through their mother's mother's brother. The term is often translated in English as 'ranger'. Often a Minggirringi will call his Darlнын 'my partner', probably because they assist each other in the performance of the ceremonies that belong to their moiety. An individual will be Darlнын for sites, ceremonies and ancestral beings in his mother's mother's brother's country. The Darlнын assist the Junggayi in their general role of 'looking after' and protecting country from intruders, and in conjunction with the Junggayi, decide when a ceremony will be held. Senior Darlнын can insist they be invited to any negotiations associated with the non-Aboriginal development of their mother's mother's country. Usually, no decisions about utilizing the resources of a country can be made without consulting the Darlнын.
37. If demographic anomaly, introduced disease, massacres or forced movement has resulted in the drastic reduction of numbers of Minggirringi associated with a country, action is taken by the Junggayi to recruit others to take over the role. In such circumstances succession is essential to ensure that countries are not deprived of people to perform spiritual responsibilities. Those spiritually conceived on the country will be obvious candidates to take on the role of Minggirringi. Alternatively, a country with numerous Minggirringi of the correct semi-moiety may surrender some young men to be initiated into the depleted group. In some cases the country lacking Minggirringi may be merged with an adjacent one on the same ancestral track so that one land holding group assumes responsibility for what were formerly two distinct countries.
38. Adoption is an accepted way of becoming incorporated into a land holding group. Ideally, children are placed under a father who is in the appropriate semi-moiety (i.e. their mother's Aboriginal husband). People taken away as babies under welfare policy are placed under the father from whom they would appropriately take Minggirringi country. This is often the case for Aboriginal people of mixed descent. Such people often have a European father and thus no access to land through the father or father's father. Usually, such people are adopted by an Aboriginal man, often the person who married his or her mother. Adoption on its own is usually not sufficient in itself to gain status as a full Minggirringi (in the case of men). Induction into ceremonial roles associated with the country of adoption is also important.
39. The ancestral beings often left a powerful essence or presence at sites which is perceived as the Dreaming. The claimants believe that the animating spirits of unborn babies are found in major water sources and are a consequence of their presence. The animating spirit is recognized either in a dream (normally by the father) or by some other sign such as an unusual feature in (or episode with) an animal species or an episode during the pregnancy (or soon after). The animating or conception spirit is usually found by the father in his own country. However, in some cases the spirit of animation is found in the country of another land holding group. These individuals are often described as "sharing one water" or being "soaked in one water" with the land holding group. Gaining rights in the country of conception is mostly dependant on the individual concerned. If he or she is eager to be involved in the rituals of his or her conception country they can

do so with the permission of the relevant Minggirringi, Junggayi and Darlnyin. Again, acceptance into the ceremonial roles associated with the country is important. The ceremonial role taken by the individual with the conception rights is that of Minggirringi.

### **The claimants**

40. ^The application as originally submitted identifies the Aboriginals on whose behalf it was made as:

Those people still living and the descendants of those people whose names are listed in paragraph 80 of the Report by the Aboriginal Land Commissioner to the Minister for Aboriginal Affairs and to the Administrator of the Northern Territory on the Yutpundji-Djindiwirritj (Roper Bar) Land Claim A.G.P.S. 1982.

In his report on the Roper Bar claim Toohey J (at paragraph 80) named 132 individuals as the traditional Aboriginal owners of the land then claimed. That land has subsequently been the subject of a grant of title pursuant to the Land Rights Act and is vested in the Yutpundji-Djindiwirritj Aboriginal Land Trust.

41. In the Roper Bar report Toohey J wrote (at paragraph 32):
32. Traditional Ngalakan country stretches well beyond the claim area from the headwaters of the Jalboi (Djalboy) River in the west to Ngukurr, east of the claim area. It extends northwards up the Wilton River towards Bulman and south-east of the claim area as far as the Hodgson River. Within that area lie a number of estates. Two estates fall within the claim area. Each is said to be owned by a patrilineal clan. Each is associated with a particular set of ancestral beings who journeyed across the land. Named sites refer to events that took place at that time or are the names given to places by those beings.

and at paragraph 40:

40. As mentioned earlier in this report, parts of two estates fall within the boundaries of the claim area. Like so many other claims, the boundaries of the claim area, determined as they are by alienated Crown land, bear no relation to the traditional boundaries of the estate-holding groups...

42. It is clear from these statements that the finding of traditional Aboriginal ownership made in the Roper Bar report extended to include a portion of the Roper River presently under claim as well as land beyond the river to the north. The Roper Bar findings do not extend to the whole of the present claim area.
43. The overall claimant group as ultimately presented at the inquiry is significantly larger than that referred to in the application. There are in fact nine separate groups of claimants of which the group referred to in the application is but one. The claimant groups and the group or clan name by which each is identified are:

- Group 1: Milwarapara -Yutpundji
- Group 2: Warlanji
- Group 3: Larrbayanji and Millingbarrwarr
- Group 4: Marawalwalgunyigunyi clan
- Group 5: Wurlngarri/Gulungurr clan
- Group 6: Warrgujaja
- Group 7: Markuri clan
- Group 8: Numamudidi clan
- Group 9: Nayirrinji

### **The Northern Territory's concession**

44. It will be apparent from the detailed description of the extent of the claim area that virtually all of the land immediately adjacent to the claim area has either been the subject of a traditional land claim under the Land Rights Act, a native title determination application or is Aboriginal land by virtue of a grant of title pursuant to Schedule 1 of the Land Rights Act.
45. In view of the extensive history of claims in the region, prior to the commencement of the inquiry, the NLC and the Northern Territory entered into discussions as to the extent that the Northern Territory was prepared to make concessions concerning the various claimant groups. These discussions are evidenced by an exchange of correspondence which was tendered to the inquiry (exhibit NTG 1) at its commencement by Mr Pauling QC (Solicitor-General for the Northern Territory) who said at the time:

MR PAULING: ... Your Honour, there has been a series of correspondence between ourselves and the Chairman of the Northern Land Council, effectively Ms Creswell, as to what concessions might be made in this claim. As we know, there are nine groups claiming various areas in relation to about 130 kilometres of the Roper River in respect of beds and banks.

Your Honour, the first letter was initiated by Poppy Gatis, dated 30 May 2002, suggesting that concessions could be made in this case. There was a response from Penny Creswell of 9 July 2002, responding to particular questions we'd asked as to, for example, the model of land-holding, the name or other reference term for each of the land-holding groups, and various matters to do with Zenealouies and so on.

Your Honour's well aware of course that on either side of the river there've been numerous hearings, both under the Land Rights Act and Native Title Act, and we took that into account.

The next letter was from the solicitor for the Northern Territory dated 15 July 2002, again raising some further questions that may, if answered to our satisfaction, lead to concessions, and saying we were getting instructions, and also, your Honour, attaching - which I think your Honour will find, I think, useful - a summary prepared by Hugh Bland, our anthropologist.

Then there's two letters of 22 July 2002 and, ultimately, a letter of 31 July 2002. Your Honour, significant concessions are made in respect of some, but not all, of the groups. So I tender as a bundle those documents. We have a copy for the Land Council. (Transcript p

46. The extent of the Northern Territory's concessions as at the beginning of the inquiry was that the group 1 claimants satisfied the requirements of a "local descent group" and that groups 2 and 4, and with a minor reservation, group 9 satisfied the requirements of the elements of the definition of "traditional Aboriginal owners". During the course of the hearing Mr Pauling made the further concession that the group 3 claimants had established traditional ownership; and on the final day of the inquiry, after the conclusion of the Aboriginal evidence he added:
- And I will be going through the rest of the groups and ticking the boxes and it may well be that we will relieve, or substantially relieve, the Northern Land Council of having to do much by way of submission on that aspect of the case. (Transcript p 294)
47. By letter dated 16 September 2002 (exhibit NTG 14) the Solicitor for the Northern Territory advised as follows:
- Dear Justice Olney  
 LOWER ROPER RIVER LAND CLAIM (CLAIM NO. 70)  
 I refer to the comments made by the Solicitor General for the Northern Territory, Mr Tom Pauling QC on 5 August 2002 regarding further possible concessions as to traditional evidence.  
 Further I refer to Exhibits NTG 1.1 and 1.6 being bundle of letters regarding concessions as to traditional evidence in particular the concession that (Groups 2, 4 and 9 satisfy the elements of the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)("ALRA") as traditional Aboriginal owners (see exhibit NTG 1.4, Letter from Solicitor for the Northern Territory to Northern Land Council dated 22 July 2002).  
 The Northern Territory has now had the opportunity to assess the transcript of traditional evidence, which was heard onsite at Nulawan Community from 2-5 August 2002. On the basis that all queries raised in respect of groups 1, 3, 5, 6, 7 and 8 have been clarified, we are willing to concede that these groups also satisfy the elements of ALRA as traditional Aboriginal owners.
48. The concessions made by the Northern Territory are not necessarily determinative of the question of whether the claimants satisfy the requirements of the definition of traditional Aboriginal owners in respect of relevant parts of the claim area. However, the circumstances in which the concessions have been made support the conclusion that they are well justified. Having been the presiding Judge in the St Vidgeon native title application and the Commissioner who conducted the inquiries into the Roper Valley, Urapunga and Maria Island claims, I have extensive prior experience in relation to the vast majority of the individual

claimants, and in addition I have had the advantage of hearing the further evidence given in the present claim. In all the circumstances I have no hesitation in finding that each of the claimant groups is a local descent group which have common spiritual affiliations to sites on a part or parts of the claim area being affiliations that place the group under a primary spiritual responsibility for those sites and for the land and are entitled by Aboriginal tradition to forage as of right over that land.

### **Traditional Aboriginal owners**

49. The concessions made by the Northern Territory and the findings made as a result of those concessions render it unnecessary to examine in detail the structure and composition of each claimant group and similarly it is unnecessary to repeat in this report the detailed description in chapter 5 of the claim book of the various Dreamings to which those groups have spiritual affiliations. It is however appropriate to summarize the main features of each group and to identify the respective portions of the claim area for which each has responsibility.

#### **Group 1 - Milwarapara-Yutpundji**

This group was identified as:

- (a) the Budal 3 group in the Hodgson Downs claim;
- (b) the claimants in the Urapunga Township native title claim;
- (c) Group 9 in the St Vidgeon native title claim; and
- (d) Group 1 in the Urapunga claim.

Semi-moiety Affiliation: Burdal

Geographic Focus: Roper River from west of the Roper Bar to the Wilton junction and in the lower reaches of the Wilton River, following the north bank of the Roper River to Ngukurr

Main Dreaming Affiliations: Jardugal (Plains Kangaroo), Native Cat (Nyuluk) and Left Hand Kangaroo (Ngulumurru)

Senior Spokespeople: Samson Ponto (Minggirringi)  
Doreen Ponto (Minggirringi)  
Tex Camfoo (Minggirringi)  
Peter Woods (Minggirringi)  
Mildred Ponto (Minggirringi)  
Dawson Daniels (Junggayi)  
Barney Farrer Ilaga (Darlnyin)

The Burdal country that is the responsibility of group 1 is located on both the Roper River and the Wilton River. The section on the Roper River around the Bar was extensively documented in the Roper Bar claim, while the section on the Wilton River was well documented in the Urapunga claim. In this claim the focus is on the section of Burdal country on the Roper River from the Bar to Ngukurr.

## Group 2 - Warlanji

This group was identified as:

- (a) the Murrungun 1 group in the Hodgson Downs claim;
- (b) Group 11 in the St Vidgeon native title claim; and
- (c) Group 6 in the Urapunga claim.

Semi-moiety Affiliation: Murrungun  
 Geographic Focus: Roper River and Hodgson River junction area  
 Main Dreaming Affiliations: Mermaids (Gilyirringgilyirring)  
 Senior Spokespeople: Ashwood Farrell (Minggirringi)  
 Felix Farrell (Minggirringi)  
 Barney Ilaga (Junggayi)  
 Jim Farrer (Junggayi)  
 Jacob Carew (Darlnyin)

This group is associated with a small section of the Roper River opposite the Hodgson River.

## Group 3 - Larrbayanji and Millingbarrwarr (the "Roberts mob")

This group was identified as:

- (a) claimants for the Burdal estate from Lirritjal in the Cox River claim;
- (b) the Burdal 2 group in the Hodgson Downs claim; and
- (c) Group 1 in the St Vidgeon native title claim.

Semi-moiety Affiliation: Burdal  
 Geographic Focus: An area located on the south bank of Roper River including Larrbayanji and on the north bank in the vicinity of the Old Mission  
 Main Dreaming Affiliations: Rain and Lightning (Awaran) and Barrka (Combfish)  
 Senior Spokespeople: Steven Roberts (Minggirringi)  
 Robert Roberts (Minggirringi)  
 Sammy Limmen (Junggayi)  
 Peter Jackson (Junggayi)  
 Maureen Thompson (Junggayi)  
 Roslyn Munna (Darlynin)

The country on the south bank was discussed in significant detail in the St Vidgeon native title claim. This area extends into the central west and south west portions of St Vidgeon Station through the Yarrgarla (Plains Kangaroo), Buburnarra (Black Nosed Python) and Rain ancestors' tracks. The inclusion of the area of the Old Mission into this country is the result of recent research for this claim.



#### Group 4 - Marawalwaigunyigunyi clan

This group was identified as group 8 in the St Vidgeon native title claim.

|                             |  |
|-----------------------------|--|
| Semi-moiety Affiliation:    | Guyal  |
| Geographic Focus:           | Main focus on the claim area is the beds and banks between the Number Two Landing and Wadangaja Billabong on the south bank of the Roper River                                   |
| Main Dreaming Affiliations: | Yimayirri (Groper), Wardabirr (Goanna)   |
| Senior Spokespeople:        | Fred Conway (Minggirringi)<br>Betty Roberts (Minggirringi)<br>Angelina George (Minggirringi)<br>Walter Roberts (Junggayi)<br>Kevin Rogers (Junggayi)<br>Marjorie Hall (Junggayi) |

Group 4 has well recognized affiliations to land north of the Roper River. One such affiliation is to a country located on the coastal plain between the Roper and Phelp Rivers associated with a Nakarran (Devil Devil) Dreaming. The Nakarran path travels east from Urapunga to a site near the Joshua's outstation at Boomerang Lagoon and beyond. The Dreaming that influences this claim area is Wadabirr (Black Goanna). This Goanna path follows the coast from the north, crossing Roper River in the east of the claim area, then moving inland along the southern bank of the Roper. In the context of the current claim group 4 county extends as far west as Diwaj near the mouth of Mountain Creek.

#### Group 5 - Wurlngarri/Gulungurr clan

|                             |   |
|-----------------------------|---|
| Semi-moiety Affiliation:    | Guyal   |
| Geographic Focus:           | Nalawan on the north bank of the Roper River  |
| Main Dreaming Affiliations: | Marthulu (Sandridge Goanna)   |
| Senior Spokespeople:        | Alex Thompson (Minggirringi)<br>Albert Rami (Minggirringi)<br>Cheryl Daniels (Minggirringi)<br>William Hall (Minggirringi)<br>Dawson Daniels (Junggayi)<br>Timothy Gumbili (Darlnyin) |

In the context of this land claim the country of this group is on the north bank of Roper River in the area of Nalawan. Nalawan is the last major site for this group as they follow the pathway of the Marthulu from the north.

### Group 6 - Warrgujaja

|                             |  |
|-----------------------------|--|
| Semi-moiety Affiliation:    | Murrungun  |
| Geographic Focus:           | A series of billabongs and swamps on the north bank of the Roper River, the largest of which is Warrgujaja   |
| Main Dreaming Affiliations: | Gilyirringgilyirring (Mermaids)  |
| Senior Spokespeople:        | Joseph Garadji (Minggirringi)<br>James Garadji (Minggirringi)<br>Steven Daniels (Junggayi)<br>Brian Daniels (Junggayi)<br>Elaine Daniels (Abiji Junggayi)<br>Queenie Riley (Darlynin)<br>Freida Roberts (Darlynin) |

The Minggirringi of this group - the Garadjis - are responsible for two areas of country. Both countries are associated with the Balgyin ceremony. The country within this claim area is on the north bank of the Roper River, the focal site of which is Warrgujaja. The Gilyirringgilyirring (Mermaids) travelled from the north east past Narburr Gorge to this billabong and across the claim area via Nadbanjula (Kangaroo Island). The beds and banks on the north side of the island are considered Murrungun, while the beds and banks on the south of the island are regarded as Guyal for group 4.

### Group 7 - Markuri clan

|                             |   |
|-----------------------------|---|
| Semi-moiety Affiliation:    | Murrungun   |
| Geographic Focus:           | Mablighalu Plain on the north bank of the Roper River, Warrgujaja and Nadbanjula  |
| Main Dreaming Affiliations: | Mermaids (Wandimulungu)   |
| Senior Spokespeople:        | Gorrkin Markuri (Minggirringi)<br>Narthurin Markjui (Minggirringi)<br>Mamuna Markuri (Minggirringi)<br>Wally Malayu (Abiji Junggayi)<br>Mujiji Nyunkarkalu (Abiji Junggayi)<br>Don Nundhirribala (Abiji Junggayi) |

This is the only group to identify principally as Nunggubuyu. This language group extends to the north of Wandarang and incorporates the community of Numbulwar where these claimants reside. The country of this group could be regarded as being co-extensive with that of group 6 in the area of Warrgujaja and Nadbanjula. However, whereas the responsibilities of group 6 claimants cease in the area of Narburr Gorge, the country of group 7 extends to the north and east to include the extensive Mablighalu Plain on the north bank of the Roper River. It is the southern extent of this group's country.

**Group 8 - Numamudidi clan**

|                             |  |
|-----------------------------|--|
| Semi-moiety Affiliation:    | Mambali  |
| Geographic Focus:           | North bank of the Roper from Marlibri Plain to the Roper mouth   |
| Main Dreaming Affiliations: | Garrujardbunggu (Quiet Snake)  |
| Senior Spokespeople:        | David Daniels (Minggirringi)<br>Roger Rogers (Minggirringi)<br>Dawson Daniels (Minggirringi)<br>Brian Daniels (Minggirringi)<br>Roy Hammer (Junggayi)<br>Bobby Nunggumajbarr (Junggayi)<br>Doreen Ponto (Junggayi) |

This clan group is closely associated with Wuyagiba, the site of an outstation on the coast just to the north of the Roper River mouth. Senior members of the group reside there. The mouth of the Roper River is closely associated with the Gurrujardunggu.

**Group 9 - Nayirrinji**

This group was identified as:

- (a) Estate 1 "Naiyarindji" claimants in the Limmen Bight claim; and
- (b) Group 7 in the St Vidgeon native title claim.

|                             |   |
|-----------------------------|---|
| Semi-moiety Affiliation:    | Mambali   |
| Geographic Focus:           | There are 2 separate geographic foci to this country. One part focuses on the site Nayirrinji at the mouth of the Towns River. The other, more northern area, is focused on the Number One Landing on the Roper River. The land extends west and south-west into St Vidgeon. The majority of the claim area's north-east part is the responsibility of group 9. |
| Main Dreaming Affiliations: | Gilyirringgilyirring/Mungamunga (Mermaids)  |
| Senior Spokespeople:        | Donald Blitner (Minggirringi)<br>Ernest Daniels (Minggirringi)<br>Fred Conway (Junggayi)<br>Cleo Wilfred (Junggayi)<br>Hazel Farrel (Junggayi)  |

Each portion of land was originally associated with a distinct named set of Minggirringi; Nayirrinji with the Barbul clan and the Number One Landing area with the Gulmangara clan. The last male Gulmangara died in 1975. The senior Minggirringi Mordecai had earlier adopted Donald Blitner (a Barbul man) as his son and heir. The country of the Gulmangara and Barbul is now seen as a single estate, identified generally as Naiyarindji. It borders that of a Burdal group (identified as group 6 in the St Vidgeon native title claim) to the south of the Towns River. It extends

west and south of the Marra Aboriginal Land Trust into St Vidgeon Station as far as Nawarrburr and takes in most of the coastal land between the mouth of the Towns and the Roper Rivers. Its northern boundary extends to the Roper River, and west where it meets with the country of Guyal Group 4 in the vicinity of Number 2 Bend.

50. The individual Aboriginals who comprise each of the claimant groups and who I find to be traditional Aboriginal owners of the claim area are identified in the genealogies (exhibits NLC 6.1 to 6.9) and the claimant profiles (exhibit NLC 2). As a result of evidence given at the inquiry some minor variations have since been made to the composition of the claimant groups. In a few cases names have been withdrawn whereas in others names have been added. All of those variations have been preceded by consultation between representatives of the NLC and the Northern Territory. The lists of names set out in Appendix 3 represent the final make-up of each of the groups. Many claimants are named in more than one list. In some cases where the claim documents have not provided a family name for a claimant the person's Aboriginal name (if provided) has been added in italics; in other cases the family name of one of the person's parents (if known) has been used, and in others only the claimant's given name is used. Whilst the process of identification adopted is not entirely satisfactory in that it may not be immediately apparent from the report exactly who the named person is, any doubt or difficulty can be readily resolved by reference to the relevant genealogy and claimant profile document. The names of two senior claimants who have died since the hearing have been omitted from the lists in which their names would otherwise have appeared.

#### **Strength of traditional attachment**

51. It is a requirement of the Land Rights Act that in making a report in connection with a traditional land claim the Commissioner shall have regard to the strength or otherwise of the traditional attachment of the claimants to the claimed land (s 50(3)).
52. The concessions made by the Northern Territory in relation to the traditional ownership of the claim area by the several claimant groups did not expressly extend to the question of the strength of the claimants' traditional attachment to the land. The written submissions made by the Territory (exhibit NTG 16 ) do however address this question. At paragraph 29 of the submission it is stated that:
- The Territory accepts that the evidence in the Inquiry supports a finding of strong traditional attachment to the whole of the claim area.
53. The Territory's concession is well founded. It is beyond question that the Roper River, including its bed and banks is regarded by the claimants as being as much part of their traditional country as the land which abuts its banks. The evidence in this and other related claims and applications to which reference has been made establishes that many of the claimants have been born on the land, have continued to reside on or close to their traditional country and to have actively participated in both the ceremonies associated with the country and in the fulfilment of their traditional obligations to look after it. There can be few areas in Australia where

the traditional attachment of the indigenous people to their land exceeds that of the present claimant Groups.

#### **Section 50(4) - Secure occupancy principles**

54. Subsection 50(4) of the Land Rights Act provides:

In carrying out his functions a Commissioner shall have regard to the following principles:

- (a) Aboriginals who by choice are living at a place on the traditional country of the tribe or linguistic group to which they belong but do not have a right or entitlement to live at that place ought, where practicable, to be able to acquire secure occupancy of that place:
- (b) Aboriginals who are not living at a place on the traditional country of the tribe or linguistic group to which they belong but desire to live at such a place ought, where practicable, to be able to acquire secure occupancy of such a place.

The function of s 50(4) has been discussed in a number of recent reports notably the reports in relation to the McArthur River, Maria Island, Lorella Region and Garrwa (Wearyan and Robinson River Beds and Banks) Land Claims. In the last mentioned report reference is made to a then pending proceeding in the Federal Court in which the Northern Territory sought the review of recommendations that I had made in the three former reports. In each of the matters under review I recommended to the Minister that a grant of title be made to areas of land described as the intertidal zone, being land between the high and the low watermarks along the seacoast. In each case the land in question was unsuitable for occupation and was not sought for the purpose of being occupied. The thrust of the Northern Territory's argument to the Federal Court was that the principles set out in s 50(4) when applied to land, which is incapable of occupation and which is isolated from other land held, or occupied by, Aboriginal interests, should inhibit the recommendation for grant.

55. The decision of the Federal Court was given on 3 September 2002 (*Northern Territory v Olney and Others* 192 ALR 116). In each case the review application was dismissed. (The Northern Territory is seeking special leave to appeal to the High Court against the Federal Court decision). It is unnecessary in this report to canvass the reasoning of the Federal Court as the argument advanced in relation to the review applications is not advanced in this claim. The distinction here, as in the Garrwa claim (see Garrwa report para 52), is that whereas in the claims under review none of the land recommended for grant was adjacent to any existing Aboriginal land, the contrary is the case in this claim. Indeed the whole of the left bank and significant portions of the right bank of the section of the Roper River under claim are immediately adjacent to Aboriginal land. The Northern Territory has not advanced any argument in this claim suggesting that a grant should not be recommended on the basis that the claim area is incapable of occupation. In the context of this inquiry the principles contained in s 50(4) have no relevance.

## Recommendations

56. Having regard to:
- (a) my finding that the whole of the claim area is unalienated Crown land;
  - (b) my finding that the Aboriginals named in Appendix 3 are traditional Aboriginal owners of the claim area;
  - (c) the traditional attachment of the claimants to the claim area, which I find to be strong, and
  - (d) the principles expressed in s 50(4) of the Land Rights Act;

I recommend to the Minister that the claim area more precisely described in paragraph 13 of this report being the bed and banks of, and islands in, the Roper River extending from the Roper Bar in the west to the seaward extremity of the Roper River in the east excluding any land on which there is a road over which the public has the right of way and any land which is vested in the Arnhem Land Aboriginal Land Trust and the Marra Aboriginal Land Trust, be granted to a Land Trust in accordance with sections 11 and 12 of the Land Rights Act for the benefit of Aboriginals entitled by Aboriginal tradition to the use or occupation of that land, whether or not the traditional entitlement is qualified as to place, time, circumstance, purpose or permission.

57. I further recommend that in considering the establishment of a Land Trust in accordance with s 11 of the Land Rights Act the Minister have regard to the fact that there are already four existing Land Trusts holding land adjacent to the claim area. It is respectfully suggested that it would be desirable to seek the views of the existing Land Trusts to a proposal that, rather than create a fifth trust in the region, the area recommended for grant be vested in one of the existing Land Trusts. Having regard to the extent of the common boundary of the Arnhem Land Aboriginal Land Trust with the claim area, consideration might usefully be given to vesting the claim area in that Land Trust.
58. I also recommend that in order to remove any doubt as to the status of the land on which the several boat ramps and landings to which reference is made later in this report are constructed consideration be given to expressly excluding such boat ramps and landings from any grant.
- The function to comment

59. Section 50(3) of the Land Rights Act provides:

In making a report in connection with a traditional land claim a Commissioner shall have regard to the strength or otherwise of the traditional attachment by the claimants to the land claimed, and shall comment on each of the following matters:

- (a) the number of Aboriginals with traditional attachments to the land claimed who would be advantaged, and the nature and extent of the advantage that would accrue to those Aboriginals, if the claim were acceded to either in whole or in part;

- (b) the detriment to persons or communities including other Aboriginal groups that might result if the claim were acceded to either in whole or in part.
- (c) the effect which acceding to the claim either in whole or in part would have on the existing or proposed patterns of land usage in the region; and
- (d) where the claim relates to alienated Crown land - the cost of acquiring the interests of persons (other than the Crown) in the land concerned.

The following paragraphs deal with the matters upon which comment is required.

**Number of Aboriginals advantaged**

60. In aggregate, there are approximately 2500 names in the various lists in Appendix 3. Many claimants are named as members of more than one group. The actual number of individuals named is approximately 2000. It is reasonable to assume that each of the named persons would be advantaged to some extent by a grant of title to the claim area; and that advantage would extend beyond the traditional owners to members of their families and to all other beneficiaries of the grant namely to those Aboriginals who are entitled by Aboriginal tradition to the use or occupation of the claimed land whether or not the traditional entitlement is qualified as to place, time, circumstance, purpose or permission. It is not possible to do more than guess that the number of individuals to whom the advantage of a grant would extend would be of the order of several thousand.
- Nature and extent of the advantage
61. Paragraph 5.7 of the claimants final submission (exhibit NLC 9) asserts:  
 The claimants have a range of legitimate and serious concerns about the use and management by non-Aboriginal people of the marine environment in this general region. The beds, banks and islands of the Roper River form a significant part of this environment. The claimants' concerns have been ventilated in the present claim and/or in previous claims and include the following:
- (a) the protection of sacred sites and other areas of cultural or historical significance;
  - (b) the long-term sustainability of marine life;
  - (c) preventing, or at least controlling, the camps of crabbers in the mangroves and on land;
  - (d) waste, by-catch and pollution
  - (e) closer monitoring of compliance with fisheries legislation and regulations imposing controls on fishing activities;
  - (f) unlawful use of existing Aboriginal land;
  - (g) preventing the removal or damaging of trees, preventing uncontrolled fires and enforcing the need for areas to be left as they were found.

and at paragraph 5.12 it is said:

Although the nature and extent of the advantage of a grant of land under the ALRA will vary according to the nature of a person's interest in the claim area, the claimants and other persons advantaged by a grant in the present proceeding may well be advantaged in the following ways:

by the formal and public recognition of the fact that they have a major stake in the claim area. Such recognition would make it more likely that the claimants will be given a permanent, regular and formal voice in the way in which the Roper River is managed and that their concerns about the matters described above will be addressed,  
by obtaining an enhanced capacity to protect sacred sites and other areas of cultural or historical significance;  
by obtaining the sort of intangible advantages referred to by Gray J at paragraph 6.2.3 of his report on the Malngin and Nyinin Claim to Mistake Creek.

Although unlikely, it is possible that a grant might ultimately provide the claimants with the ability to address their concerns comprehensively and directly, by exercising the power to control access to the river and the terms on which such access is granted.

62. Although the concerns expressed in paragraph 5.7 of the submission are readily understandable it is difficult to see how the granting of title to the riverbed and bank could enhance the claimants' capacity to address those concerns except as indicated in the final sentence of paragraph 5.12 of the submission by controlling access to the river and the terms on which such access is granted.

#### **Detriment**

##### **Other Aboriginal groups**

63. No other Aboriginal group would suffer any, detriment if the claim is acceded to in whole or in part.

##### **Adjoining land holders**

64. Reference has already been made to the interests of the Arnhem Land Aboriginal Land Trust and the Marra Aboriginal Land Trust in sections of the riverbank adjacent to the claim area. It is clear that the respective Land Trusts would suffer no detriment if the claim were acceded to in whole or in part.
65. The section of the claim area from its western extremity (the Roper Bar) to the western boundary of NTP 1646 (the Arnhem Land Aboriginal Land Trust) is adjacent to NTP 745. At the date of the application this land was the subject of Pastoral Lease 657, which extended to the top of the bank of the river. More recently the land has been vested in the Urapunga Aboriginal Land Trust pursuant to a grant of title made on 17 May 2002. The Land Trust would suffer no detriment if the claim were acceded to in whole or in part.



66. At the date of the application the whole of the land adjacent to the section of the right bank which is subject to claim was either unalienated Crown land or was held by the Northern Territory Land Corporation (NTLC) under PL 700. Since the date of the application there have been a number of changes in relation to the adjoining land and these are dealt with in the following paragraphs.
67. NT Portion 2632: At the date of the application NTP 2632 was unalienated Crown land but was the subject of a recommendation by the then Commissioner (Toohey J) that it be granted to a Land Trust. The recommendation is contained in the Commissioner's report on the Yutpundji-Djindiwirritj (Roper Bar) Land Claim (Report No 15) which was furnished to the Minister and the Administrator on 31 March 1982. A grant of title was made to the Yutpundji-Djindiwirritj Aboriginal Land Trust on 11 June 1986. The grant extends to the top of the bank of the river. the Land Trust would suffer no detriment if the claim were acceded to in whole or in part.
68. Urapunga Townsite: On 17 March 1887 the Town of Urapunga was proclaimed by a notice published in the *South Australia Government Gazette*. Although tile proclamation defines the boundaries of the town area by reference to straight lines, it does indicate that the area in question is "situated on the southern side of the Roper River". Maps of the town area put in evidence and the subsequent plan of NTP 2632 suggest that the proclaimed area extends to the top of the riverbank. In all other respects the town is surrounded by NTP 2632. The area in question although officially a town is indistinguishable from the surrounding undeveloped land. In 2001 the Federal Court of Australia made a native title determination in favour of one of the present claimant groups in respect of most of the town area (*Ngalakan People v, Northern Territory* 186 A LR 124). None of the claimed area is within the town. The native title holders would suffer no detriment if the claim were acceded to in whole or in part.
69. Urapunga stock route: This area which is identified as NTP 4717 was originally part of the St Vidgeon pastoral lease (to which reference is made below) but is not part of the current leasehold. It is also referred to in paragraph 9 of the Yutpundji Djindiwirritj (Roper Bar) Land Claim report. The land in question was declared a stock route pursuant to s 113 of the *Crown Lands Act* by notice published in *Northern Territory, Government Gazette* No S83 on 26 November 1986. The land is currently unalienated Crown land. The declaration in the Gazette indicates that the river frontage of the stock route is at "the right bank of the river".
70. NT Portion 1185: An area of 14.5 hectares within the Urapunga stock route has been the subject of Special Purposes Lease 220 (SPL 220) since 1969. The purposes for which the lease was granted are expressed as "Barge Landing and Storage Depot and Ancillary". This area is discussed in more detail under the heading Roper Bar barge landing.
71. NT Portion 819: This area was formerly the St Vidgeon pastoral lease and is still referred to as St Vidgeon. At the date of the application it was held under PL 700 by the NTLC. PL 700 was surrendered on 20 August 1985 when the same land (excluding some roads) was granted to the NTLC under Crown Lease in Perpetuity 346 (CLP 346). The original pastoral lease extended to the top of

the riverbank, as does the current perpetual Crown lease. Several small areas have been surrendered from CLP 346 and become the subject of other interests to which reference is made below. The remainder of CLP 346 is part of the proposed Limmen National Park, which is discussed later in the report.

72. NT Portion 4249: This portion is comprised of three discrete areas excised from NTP 819 in 1992. The land is held in fee simple by Carpentaria Aquafarm Pty Ltd. With two minor exceptions NTP 4249 does not actually extend to the bank of the river but is surrounded by NTP 819. There are numerous drainage and water supply easements over those parts of NTP 819 that lie between NTP 4249 and the riverbank. Where NTP 4249 has a river frontage, it is at the top of the bank. There is no evidence before the inquiry as to the current use of the land. Its former use as a prawn farm was discontinued some years ago. Presumably any future use that may be considered is likely to require river access. It is not possible to determine what, if any, detriment may result if the claim is acceded to in whole or in part.
73. NT Portion 3475: This small area (1.65 hectares) was excised from NTP 819 in 1990. It is held by NTLC under CLP 1298. The leasehold extends to the top of the riverbank. There is no evidence to suggest that any detriment would result if the claim is acceded to in whole or in part.
74. NT Portion 2276: At the date of the application this area of 20.8 hectares was, and remains, unalienated Crown land. It is designated as "Government set aside" and according to survey plan S.82/171 it extends to the low watermark of the river. Further reference is made below to this land and its use.
75. NT Portion 1184: This is an area of 188 hectares, which has been the subject of Special Purposes Lease 219 since 1971. The present lessee is Roper Properties Pty Ltd. The plan annexed to the lease indicates that the leased area does not extend to the riverbank and there is accordingly a margin of unalienated Crown land between the river and the leasehold. The lease identifies the purpose for which it was granted as "Trawler Base, Base Airstrip, Factory, Accommodation and Ancillary". There is no evidence to suggest that the land is currently used for these or any other purposes. There is no evidence to suggest that any detriment would result if the claim is acceded to in whole or in part.

### **Fishing in tidal waters**

76. The evidence before the inquiry is that the Roper River upstream from its mouth to Roper Bar is tidally affected and that the river is used for both recreational and commercial fishing. In its written submission (exhibit NTG 16) the Northern Territory has addressed the question of the effect of a grant as Aboriginal land of land which is subject to tidal waters. The relevant portion of the submission (paragraphs 44 to 52 (inclusive)) is as follows:

44. The grant of Aboriginal land does not include a grant of the tidal waters above it, nor does it include any right to control the use made by others of those waters.

45. In the *Director of Fisheries v Arnhem Land Aboriginal Land Trust* ("the *Fish Writ* case") (2001) 109 FCR 488. the Northern Land Council and the Arnhem Land Aboriginal Land Trust argued that the grant of Aboriginal freehold under ALRA and the ALRA regime itself, abrogated the common law right to fish in waters overlying Aboriginal land. Without expressing a final view, the Full Court of the Federal Court identified certain obstacles in accepting the contention that the grant of Aboriginal freehold or the ALRA scheme itself confers exclusive rights to the waters above the land.

46 The Northern Territory's position remains that ALRA does not displace the operation of the common law public right to fish in tidal waters as affected by fisheries legislation and that the common law right as regulated and controlled by the *Fisheries Act* (NT) can (and does) operate compatibly with ALRA.

47 On that view, the grant of the beds and banks of tidal rivers and of the land to low watermark would not affect any public right to fish in the waters above the land, including the right to fish pursuant to licences issued under the *Fisheries Act*.

48. The Northern Territory asserts that activities that fall within the public right to fish include:

- (a) the taking of free swimming fish;
- (b) the taking of sedentary fish and other aquatic life, which do not have such a close connection with the solum that it forms part of the land.
- (c) the temporary affixing of nets to the solum, which does not involve the assertion of an estate or interest in the land., and
- (d) passage over the waters for the purposes of fishing.

49. The sole commercial fishing activity in the waters overlying the claim area is mud crab fishing.

50. This industry requires the temporary affixing of nets and mud crab pots respectively to the riverbed as part of the fishing exercise.

51. If the temporary affixing of nets (or mud crab pots) on the bed of the sea or beds and banks of the river is part of the public right to fish, as asserted by the Northern Territory, then the grant of the beds and banks would not significantly impede those activities of recreational and commercial fishermen operating in these waters above the land.

52. If the effect of the grant is that nets and other items cannot be affixed to the beds and banks, then significant detriment would result to both commercial and recreational fishers as this would eliminate virtually all fishing activities in waters above the claim area.

77. The issues raised by this submission have been the subject of comment in several recent reports notably the reports on:

the McArthur River Region Land Claim and part of the Manangoora Region Land Claim (Report No 62);  
 the Maria Island and Limmen Bight River Land Claim and part of the Maria Island Region Land Claim (Report No 61)., and  
 the Lorella Region Land Claim and part of the Maria Island Region (Report No 63).

78. As yet there has been no definitive judicial determination as to whether the grant of Aboriginal freehold title and the Land Rights Act regime itself have the effect of abrogating the common law right to fish in waters overlying Aboriginal land nor is there any specific authority to support the Northern Territory's assertions in paragraph 48 of the submission quoted above in so far as Aboriginal land is concerned.
79. In the report on the McArthur River claim I suggested at paragraph 169 that ultimately legislative action on the part of both the Commonwealth and the Northern Territory may be required to achieve an acceptable result, a view which I still maintain. Any such legislation could also usefully address the question of obtaining access to tidal waters across the banks of rivers which are Aboriginal land.

### **Commercial fishing**

80. The Northern Territory Seafood Council Inc (NTSC) as representative of the Territory's commercial fishing, interests and the various licensees who operate in the relevant fisheries in the region seeks comment under both s 50(3)(b) (detriment) and s 50(3)(c) (effect on patterns of land usage). The Council's submissions are based upon the assumption first that the claim will be acceded to in whole in so far as the interests of the licensees are concerned, and second, that no, or no suitable, arrangement is able to be entered into with the traditional Aboriginal owners to answer the concerns of the licensees. It is pointed out that, to the extent that acceptable arrangements are able to be entered into, the detriment that is likely to result will be correspondingly diminished.
81. The submissions of the NTSC are supported by the following witness statements:
- (a) Statement of Paul William Reed who is currently the owner of a five unit barramundi licence which he has held for approximately 10 years (exhibit SFC 1 ).,
  - (b) Statement of Darryl Everett who is Chairman of the NT Crab Fishermens Association Inc, a member of the Executive of the NTSC and member of the Mud Crab Fishery Management Advisory Committee (exhibit SFC 2);
  - (c) Statement of Ngia Long Tran who currently owns five mud crab licences (exhibit SFC 3);
  - (d) Statement of Iain McKenzie Smith, the Executive Officer of the NTSC (exhibit SFC 4). Mr Smith's statement is supplemented by a further statement (exhibit SFC 5).

None of the other parties sought to cross-examine any of the statement-makers nor has any contradictory evidence been tendered. In the circumstances, the contents of the statements can be accepted as factual.

82. Mr Reed's barramundi licence entitles him to fish commercially with 500 metres of net during the commercial barramundi season. He has been involved in commercial fishing for 23 years and for the most part has operated from the general area of his present location on the southern (right) bank of the Roper River approximately 14 kilometres upstream from the mouth. The river itself is closed to commercial barramundi fishing. Mr Reed has a house and fishing camp on a small part of NTP 2276 which he occupies under an occupation licence granted annually by the Northern Territory. During the barramundi season he operates his licence from his land based camp, travelling by dinghy each day to the closure line at the mouth of the river and then onto where he has set his nets on the mudflats adjacent to the river mouth. At the end of each day he fillets his catch seaward of the river mouth and returns by dinghy to his camp. The dinghy is normally anchored in the river when he is at his land base. At tides other than astronomical high he has to walk across the mud adjacent to where he anchors the dinghy to reach his land base. There is an NT government funded boat ramp approximately 500 metres from the land base (No 1 Landing) which Mr Reed maintains on behalf of the government. The ramp extends some distance down the riverbank past high watermark. He uses the ramp if he has occasion to take the dinghy out of the water.
83. Mr Reed estimates the value of his barramundi licence to be at least \$180,000 and that of his fishing gear and base camp to be at least \$ 100,000. His operations are entirely dependent on having access to the waters of the Roper River adjacent to his land base at all tides and times. He has no other options available to him to continue to operate his barramundi licence economically if as a result of the bed and banks of the river becoming Aboriginal land his access to the river is unduly restricted or denied. In those circumstances he would suffer real financial and practical detriment in his business operations.
84. Mr Everett is a director of a family company, which currently leases 11 mud crab licences, 6 of which are presently working mainly in the area under claim. Approximately 5 to 7 tonnes of mud crab a week are marketed through the company. There are 49 mud crab licences issued in the Northern Territory. No additional licences can be issued. Each licence is valued at approximately \$395,000. The licences are fully transferable and many are leased (or temporarily transferred) to licensees to operate. In calendar year 2001 in excess of 1140 tonnes of mud crab were harvested in the Northern Territory, with an estimated beach value of \$11.3 million. Approximately 23% of the catch occurs in the Roper River which represented (in 2001) a value of approximately \$2.6 million. Mr Everett says that any restriction or denial of access to the waters of the Roper River would have a significant detrimental effect on licence holders and co management strategies of the mud crab fishery as it would result in an increase in fishing effort in other areas with an attendant detriment in the sustainability of the mud crab fishery in those areas.
85. Mr Tran is currently the owner of 5 mud crab licences which he has held for many years. He also leases another 8 licences which are operated by others on his behalf. He is now primarily involved in the collection of the catch, its packaging, marketing and distribution. At present he has 2 licences working in

the Roper River, normally he would have 3 or 4 in that area: in a good year (such as 2001 ) he could have up to 8. A mud crab licence authorizes the operator to crab inside rivers as far as they are tidally affected. In the case of the Roper River the operators can go as far as Roper Bar. The majority of Mr Tran's operators are based at No 1 Landing near the mouth of the Roper River. The catch is normally collected at No 1 Landing by truck on a weekly basis but in the wet season until about mid-April there are restrictions on heavy vehicle access to No 1 Landing which means the collection may take place either at Roper Bar or at the boat ramp opposite the Ngukurr community. About 30% of Mr Tran's total catch is landed in the Roper River area and in the event of there being any restriction or denial of access to the waters of the river many fishing operations would be affected and fishing effort displaced to other areas thus putting unacceptable pressure on those other areas.

86. The organization of which Mr Smith is the Executive Officer directly represents approximately 200 businesses with investments in the wild catch and aquaculture sectors of the NT seafood industry. In the Roper River region the two fisheries with which the Council is concerned are the mud crab and barramundi fisheries. There are 49 licences in the mud crab fishery held by 38 licensees and 26 licences in the barramundi fishery held by 25 licensees. All 49 mud crab licences may be operated in the Roper River up to Roper Bar but barramundi licences cannot be operated upstream from the river mouth. The mud crab fishery is the most valuable fishery in the Northern Territory, it having a gross value (in 2001 ) of \$11.278 million. The importance of the catch taken in the Roper River is demonstrated by the following statistics:

| <b>Year</b> | <b>Total Catch</b> | <b>Roper River Catch</b> | <b>% of Total</b> |
|-------------|--------------------|--------------------------|-------------------|
| 1998        | 528,325 kg         | 94,409 kg                | 17.86%            |
| 1999        | 754,812 kg         | 136,306 kg               | 18.05%            |
| 2000        | 1,037,755 kg       | 148,860 kg               | 14.34%            |
| 2001        | 1,139,237 kg       | 263,556 kg               | 23.13%            |

87. Mr Smith says that should continued access to the river within the claim area be unduly restricted or denied as a consequence of the granting of the claim, a very significant detriment would impact upon the mud crab fishery generally for the reason that the displaced fishing effort would be imposed on the remaining major productive mud crab harvesting areas around the northern coast. It is clear that a grant of title to the bed and banks of the claimed section of the Roper River could cause serious detriment to the commercial fishing industry in the region unless suitable arrangements are put in place to guarantee access to the river and the placing of nets and anchors on the riverbed.

### **Recreational fishing**

88. In the Northern Territory's outline of detriment issues (exhibit NTG 7 - paras 4 to 12) the following assertions are made in relation to the recreational fishing in the Northern Territory in general, and in the Roper River region in particular:

4. Recreational fishing is a valuable and important activity/industry in the Northern Territory.
  5. The popular Roper River is promoted for recreational fishing purposes on the NT Fishing Map and in the North Australian Fish Finder Magazine.
  6. The public may currently access the Roper River adjacent to St Vidgeon Station (Northern Territory Portion 819) with no permission required from the lessee (see section 79 of the *Pastoral Land Act*).
  7. A grant of beds and banks of the Roper River may impede public access to this waterway.
  8. Access to the rivers, is becoming more restricted and any further impediment to public access in these areas will result in less tourism or recreational activities in the region, or increased impact on other accessible areas in the Northern Territory.
  9. Katherine residents and a growing number of tourists who travel from the Nathan River road from Borroloola to Roper Bar access the river.
  10. There are public boat ramps at the No 1 Landing - Port Roper, St Vidgeon and Roper Bar. These are all popular camping spots that are accessed by tourists and locals all year round.
  11. The mouth of Mountain Creek is also a popular camping spot and recreational fishers in small boats also access the Roper River at this point.
  12. If the effect of a grant is that recreational fishers cannot have contact with the riverbed, not only will it preclude crabbing, it will also prevent anchoring, beaching, and collection of bait. These activities are vital to effective and safe recreational fishing.
89. These assertions are entirely consistent with the evidence of Claire George (Policy Officer with the Northern Territory Tourist Commission) (exhibit NTG 6) and of William Francis Flaherty (Deputy Director of Fisheries) (exhibit NTG 10). Although no statistics are available that relate exclusively to the claim area, it is clear from the material advanced that recreational fishing is a major contributor to the overall economy of the Territory. For example, over \$30 million in annual expenditure is directly attributable to recreational fishing and resident investment in fishing boats is estimated at nearly \$70 million of which \$51 million is directly attributable to recreational fishing
90. The Amateur Fishermen's Association of the Northern Territory Incorporated (AFANT) has lodged an outline of detriment issues (exhibit AFA 1) which for the most part repeats the submissions made in the Northern Territory's outline (exhibit NTG 7). Additionally the AFANT outline further asserts:

13. Recreational fishing is an important industry in the Northern Territory and the Roper River falls within the Gulf sub-region which is in turn part of the Katherine region.
  14. The Northern Territory Tourist Commission recognizes that fishing is a key attraction for visitors to the Gulf sub-region which includes the areas under claim.
  15. AFANT actively promotes and receives numerous inquiries from members as well as members of the public regarding the Lower Roper River area. AFANT is of the view that the Roper River is a very popular destination for many recreational fishermen.
  16. To the extent that suitable arrangements are able to be entered into with the NLC and traditional owners, the detriment which may be suffered by recreational fishers will be reduced. However, acceding to the claim may lead to restrictions on recreational and sport fishing in the Lower Roper River region in relation to both the intertidal zone and the beds and banks of the river.
  17. Applying restrictions, through the granting of this land claim which restricts access for recreational angling will lead to a greater concentration of effort in other areas, a reduction in the number of visitors and tourists to the area and an erosion of very limited access currently available to recreational and sport fishing in the Northern Territory.
  18. Any change to the current arrangements will have an adverse impact on the number of visitors as the existence of restrictions, especially complex and confusing rules and prohibitions, are not conducive to attracting tourists and visitors to areas.
91. The submissions made on behalf of AFANT are supported by a statement of its Executive Officer John Harrison (exhibit AEA 2). There is no doubt that AFANT represents the views of a significant number of Northern Territory residents and tourists who regularly engage in fishing, for recreational purposes. Nor is it open to question that large portions of the Northern Territory coast and some of its rivers are Aboriginal land which is not freely accessible to recreational anglers. There is substance in AFANT's concern that in the absence of suitable arrangements being entered into with the traditional owners or the NLC the granting of title to the claim area could impact adversely on recreational fishing and tourism generally in the Roper River region.

### **Limmen National Park**

92. Michael Butler is currently the Director of Conservation Policy in the Northern Territory Department of Infrastructure, Planning and Environment. His statement (exhibit NTG 9) deals with the establishment and management of the Limmen



National Park. His evidence in two earlier land claim inquiries namely the Maria Island Region and the Lorella claims is referred to in the reports furnished to the Minister in those matters.

93. The Limmen National Park has not Yet been formally declared under s 12 of the *Territory Parks and Wildlife Conservation Act* but is managed by the Parks and Wildlife Commission under agreements made pursuant to s 74 of the Act. The park is comprised of three former pastoral leasehold properties now held by the Northern Territory Land Corporation, namely St Vidgeon (NTP 8 19), Nathan River (NTP 1334) and Billengarra (NTP 1323). The right bank of the Roper River from its mouth to the boundary of NTP 2632 (Yutpundji-Djindiwirritj Land Trust) forms the northern boundary of the park.
94. In this claim Mr Butler's evidence deals extensively with planning, management, conservation and tourism issues relating to the park. He says that the purpose of the park is to protect the conservation values of the area while providing for controlled recreational pursuits such as fishing, boating, camping and four-wheel driving. In 2001 over 600 people visited the park. To date, apart from routine consultation, there has been little Aboriginal involvement in the planning and management of the park. There is, however, a clear government intention to more fully involve the traditional owners and to establish a cooperative management regime, yet to be worked out. The park provides integrated management of habitats and wildlife values associated with the Roper River within the broader management of the surrounding environment. Wildlife surveys in the St Vidgeon area have shown the Roper River corridor has a high diversity of habitats and associated fauna richness. The riparian vegetation along the river includes the unusual combination of vine thicket patches interspersed with mangrove species. As the current manager of both the riverine and terrestrial habitats of the area, the Commission is able to maintain the integrity of the conservation values whilst providing for controlled recreational pursuits through integrated area management. Amongst other things, Limmen National Park is intended to provide a management regime for this popular tourism area and infrastructure for recreational fishing. The retention of public access to the river is an essential aspect of this. In fact, the Commission aims to provide additional access for other pursuits such as picnicking and camping.
95. The concern of the Commission is that outside ownership and/or control of the bed and banks of the Roper River adjacent to the park has the potential to make management of this portion of the park unworkable through prevention or restriction of public access. If the effect of a grant of the bed and banks is such that recreational fishers and other persons cannot have contact with the riverbed or banks. then it is the view of the Commission that significant detriment will result. Further, it is the view of the Commission that a grant of the claim area may be detrimental to the future management and development of the park. This would be particularly so if the Commission were not able to institute visitor management measures such as provision of defined areas for vehicles, picnicking, camping etc, in order to minimize impact of the environment and wildlife. Walker Creek in Litchfield National Park and Elsey National Park are two examples of the Commission's management having reduced serious impacts. Should a cooperative management regime be established over the park,

as intended, guaranteeing adequate public access to the river and allowing for effective environmental and visitor management, detriment would no longer be an issue in respect of tourism/recreational management.

### **Northern Territory Police**

96. In a letter from an official of the Northern Territory Police Fire and Emergency Service to the Department of Infrastructure, Planning and Environment dated 3 October 2002 (exhibit NTG 13) a number of matters of concern to the NT Police Service are outlined. The relevant portions of the letter are set out below:

#### **ROPER RIVER BED AND BANKS - LAND CLAIMS**

#### **ISSUES OF DETRIMENT**

I have received instructions from Sergeant James O'Brien OIC of Ngukurr Police, that although there are unlikely to be adverse impacts on Police, Fire and Emergency Service's infrastructure, there is an issue with a boat ramp currently used by police accessed from the Roper Bar Store.

I am advised that the freehold land on which the store is situated adjoins the Roper River banks, where an all-weather, all-season boat ramp has been constructed known as Four Mile Landing. This on land over which former store owner Mr Dieter Januschka holds a lease.

Ngukurr Police are concerned that the road joining the Roper Bar Store and the boat ramp may be subject to this claim and could become inaccessible if the claim succeeds. The road is approximately 5 km in length. Access to the boat ramp has become an integral part of the way Ngukurr Police conduct their operations, particularly during the wet season when access to the Ngukurr Community is limited to either air or via the Roper River, which effectively cuts the Ngukurr police district in two.

The Four Mile Landing offers a secure area to anchor the police station boat whilst members are conducting business in other parts of the district. It has been used by members of Ngukurr Police for the purposes of prisoner escorts and emergency medical evacuations from other parts of the district back to Ngukurr; urgent police responses to incidents occurring in areas to the south of the Roper River, including motor vehicle accidents on the Roper Highway and the Nathan River road to Borroloola. It has also been used to ferry police staff in and out of Ngukurr, including members of Criminal Investigation Branch to investigate serious incidents. If access to the Four Mile Landing is prevented, members of the Ngukurr Police will be obliged to travel considerably further up river to the Roper Bar crossing. In the wet season this would mean travelling by boat past the confluence of the Roper and Wilton Rivers, which is notoriously dangerous owing to extreme turbulence. If members of the police were required to do this, it would affect the level of service provided to communities on the southern side of the Roper River including a number of aboriginal communities. Police would have to face unnecessary risks

and would lose the benefit of a secure area to moor the police boat and the ability to park the police vehicle at Roper Bar Store in relative security.

### **Roads**

97. By reason of the express exclusion from the claim of roads over which the public has the right of way it is necessary to identify any areas affected by the exclusion. Apart from the road which crosses the Roper River at the Roper Bar (as to which there is no dispute that it is a public road) there are four other areas that warrant consideration, namely, the Roper Bar boat ramp, the Roper Bar barge landing, the St Vidgeon boat ramp and the Port Roper boat ramp. In each case the status of the ramp or landing is likely to be affected by the status of the road by which access is obtained.
98. The Roper Bar boat ramp is an extension across the river bank of a road which Toohey J in the Roper Bar claim (Report No 15 at paras 111, 112 and 114) and O'Loughlin J in the Urapunga Township native title claim (186 ALR 124 at para 28) found to be a public road. The present claimants do not seek to argue to the contrary. In these circumstances, in the absence of any other evidence, it is reasonable to conclude that the Roper Bar boat ramp is part of a public road and as such is excluded from the area of land that is claimed and if that be so no question of detriment arises. If as a matter of law the contrary view is correct, then there is potential for detriment to result to members of the public who use the ramp to gain access to and from the river in the event that a grant of title should result in access to the boat ramp being prohibited or restricted.
99. The Roper Bar barge landing is discussed later under a separate heading
100. The St Vidgeon boat ramp is located approximately 21 kilometres downstream from the junction of the Roper and Hodgson Rivers. It is an extension of an unnamed access road which conies off the Nathan River Road. A ramp was originally built on the site in about March-July 1997 and was upgraded in 1999. The former Department of Transport and Works had previously built a watering access point at the site in 1988. In tile absence of any other evidence it is not possible to make any finding as to the status of the present boat ramp. It was obviously first constructed after the date of the application and in the circumstances should not be regarded as caught by the exclusion of public roads from the claim area. A grant of title to the land on which the St Vidgeon boat ramp is constructed would have the potential to cause some detriment to government authorities and the public who use the ramp if as a result of the grant access to the river was prohibited or restricted.
101. The Port Roper boat ramp (more commonly referred to as No 1 Landing) is located on NTP 2276. It is a concrete structure last upgraded in 1999. An existing earthen boat ramp had been used by the public since prior to 1982. In his Limmen Bight report, Toohey J found that the 'high' and 'low' roads leading to No 1 Landing were public roads and he recommended to the Minister that an area of 20 hectares be set aside to provide access to the river. In the result NTP 2276 (as it became) was excluded from the land ,ranted to the Marra Aboriginal Land Trust.

102. There is no evidence as to whether or not No 1 Landing should properly be regarded as an extension across the riverbank of a public road and thus itself be regarded as a public road excluded from the claim area. Whatever the technical position may be it would seem entirely inappropriate at this stage, in the absence of compelling evidence, to effectively negate the decision made in 1985 when NTP 2276 was excluded from the grant then made. Such would be the result if as a consequence of the present claim the land on which No 1 Landing is erected, or a significant part thereof, were to be made the subject of a grant.

103. The statement of Kenneth William Grattan (exhibit NTG 12) deals with issues relating to public roads in the immediate vicinity of the claim area. Mr Grattan is presently the Manager, Road Planning Branch of the Road Development Division in the Department of Infrastructure, Planning and Environment. He has previously provided statements in the Urapunga claim (exhibit NTG 4 in that inquiry) and the Carpentaria Downs/Balbarini Land Claim (No 160) (exhibit NT 7 in that inquiry). The latter statement (a copy of which is exhibited to exhibit NTG 12) sets out the department's policies relating to the functional classification of roads and the width of road reserves required for each classification.

104. Mr Grattan's evidence is that the Roper Highway extends from the Stuart Highway eastwards to Ngukurr. Its current classification is as a 'local road'. It crosses the Roper River at the point known as the Roper Bar crossing, a concrete invert which lies across the riverbed. Consistent with the policy in relation to road reserve widths for local roads a road reserve of 100 metres is required for the crossing. In view of the fact that the claim as amended is expressed to extend eastwards from the Roper Bar, it would not seem to be necessary to expressly exclude the crossing from any grant that may flow from the claim but rather the location of the western extremity of the claim area would need to be adjusted to facilitate the required width of road reserve. It should be noted further that the Roper Highway is the primary regional feeder road for the South Arnhem Region and in the department's view its significance will increase proportionately with the growth and future development of the region including Aboriginal development in Arnhem Land. For these reasons the Roper Highway has been identified as a future Rural Arterial Road which would under the policy require a road reserve of 150 metres.

105. Investigation by the department is currently underway regarding the feasibility of improved access between Roper Bar and Ngukurr. Two options have been identified:

- (a) realigning a section of the Roper Highway with a bridge access across the Roper River approximately 4 kilometres downstream from the Bar.,
- (b) a bridge across the Roper River originating from the existing Nathan River Road, adjacent to the Ngukurr township.

This realignment as part of the primary regional feeder road would have the future road status of rural arterial road, which would require a 150 metre road reserve. The department would seek to negotiate the exclusion of the adopted corridor from any land grant.

106. Water used in road construction and maintenance is taken from the Roper River when needed. Currently, the main water points are at Roper Bar, the intersection

of Mountain Creek and the Roper River. and at the St Vid2eon boat ramp. Access to water may also occur at other points on occasions where access to the river is available. Any restriction on gaining, access to the river for the purpose of obtaining water for road construction and maintenance would inhibit the effective carrying out of those activities.

### **Roper Bar barge landing**

107. Reference has been made earlier in this report to NT Portion 1185 which is held under SPL 220 for the purpose of "Barge Landing and Storage Depot and Ancillary". This is the same area oil which the "Four Mile Landing" referred to in the correspondence from the NT Police Service is erected. Whilst it is unclear whether the leasehold interest extends to the top of the bank or stops short of the bank, it is clear from photographic evidence before the inquiry that at least part of the structure is built on the riverbank thus giving access to boats using the river.
108. The landing is accessed by a road from the nearby Roper Bar store which clearly crosses both the stock route and NTP 1185. The status of this road is unclear. It may be classed as a public road (certainly it is used by the public) but in the immediate vicinity of the landing, it passes over land which is held under SPL 220 and it is unlikely that it is more than a means of access to and from the landing, which is provided by the leaseholders for the mutual benefit of themselves and those who use the landing. In any event there is no evidence to suggest that the landing itself could be regarded as part of a public road.
109. By letter dated 24 September 2002 (attachment GN 2 to exhibit NTG 11 ) the present lessees of NTP 1185, H D and V J Januschka wrote to Mr Newhouse of the Department of Infrastructure, Planning and Environment in these terms:

Dear Sir.

The access road from Roper Bar Store to the 4 Mile Landing, is not only essential to Roper Bar Store for the practical use of the block, but also to the Community of Ngukurr throughout the year.

From October to May this access road is used continuously by the Community Football teams, The Ngukurr Bulldogs and Yugal Power, to access the bus going to Katherine,/Darwin. Ngukurr Store use this road and the block every week as do the police department.

Approximately thirty vehicles belon2ing to school teachers, nurses, local council and other residents of the Community, keep their vehicles on Roper Bar Store's property. These people usually boat up the river to the 4 mile landing and use this access road to travel to Katherine and further.

We do not deny access, however, we ask that people use a maximum 4 tonne vehicle on the road during the wet season so that road quality is maintained. Last year due to no road works bein. supplied by the Government we paid Suffern Contactors \$ 14,000.00 to fix the road. Of this Millingburrwarr Store contributed \$5,000.00, as this road is important to them in order to gain access to their wholesalers.

This road is heavily used from October to May for wet season issues. In the dry season, I estimate that it is used by approximately thirty tourists a day since April. The 4 mile boat landing has a much better water access than the boat landing supplied by the government. The water is deeper, there are less hazardous rock shelves and is closer to the popular fishing spots.

Throughout the wet season, commercial barramundi fishermen also use this ramp and access road, as the road to their place of work is often closed by the government.

As you can see, this access road is accessed by more people than originally thought. We would be happy for this road to become a public road so long as it was maintained adequately by Transport and Works.

Please find attached letters of support, reinforcing the need for this road to be set aside from the land claim.

Thank you for your consideration regarding this matter.

Regards

H D AND V J JANUSCHKA  
PMB 32 KATHERINE NT 0851

110. The letters of support referred to in the penultimate paragraph of the letter were written by Sgt James O'Brien, the Office-in-Charge of the Ngukurr Police Station and the Store Manager and Public Officer of the Millingburrwarr Aboriginal Corporation which trades as Ngukurr General Store.

111. The Roper Bar barge landing is obviously a facility in which virtually every sector of the community has an interest. Any grant of title which does not exclude the land on which the landing is constructed would have the potential to give rise to severe detriment to all concerned. The concern of the leaseholder as to the status of the access road is understandable but as the road itself is not under claim this is not a matter that can be resolved through the land claim process.

#### **Cumulative effect of land claims**

112. There have been a number of land claim reports in recent years in which recommendations for the granting of title have been made in respect of areas of the inter-tidal zone and tidal rivers in the Gulf region. Most, if not all, of those reports have been referred to above. In each, one of the concerns expressed is that if by reason of a grant of title access to waters of the ocean and rivers by commercial and/or recreational fishers is prohibited or restricted, there is likely to be a corresponding increase in fishing effort in other areas. This reasoning has not been challenged. In these circumstances it would seem logical that the recommendation in this report should not be considered in isolation from those contained in the other reports in question but rather, a regional, if not Territory wide, approach should be adopted in considering whether, and to what extent, the recommendations should be given effect to.

113. In the McArthur River report (Report No 62) submitted on 15 March 2002 I wrote (at paragraph 169):

169. It is likely that the pending claims identified in paragraph 47 will give rise to similar, if not identical, issues as have been raised in this inquiry in relation to access to rivers and the sea, and to the management of both marine resources and coastal ecosystem. The evidence is very strongly against dealing with these issues on a purely local, rather than a regional or even a Territory-wide basis. It would seem that a final resolution of these claims may be dependent upon the resolution of outstanding legal questions concerning the rights which attach to Aboriginal ownership of tidal rivers and the bed of the intertidal zone and also the larger question of whether the seabed beyond the low watermark is susceptible to claim under the Land Rights Act. Ultimately legislative action on the part of both the Commonwealth and the Northern Territory may be required to achieve an acceptable result.

The question of the availability for claim of the seabed below the low watermark has been resolved but the other issues are as relevant now as they were then. I do not think that the provisions of s 11 of the *Aboriginal Land Act (NT)* (whereby the Administrator, on the recommendation of a Land Council, may declare an area of Aboriginal land to be an open area) are capable of providing a satisfactory and permanent resolution of the problems that may flow from a grant of title.

#### **Effect on patterns of land usage**

114. The Roper River is a popular recreational fishing area and an important area for the commercial mud crab fishery. It is also a popular tourist destination particularly in relation to visitors to the Limmen National Park. If a grant of title to the claim area were to result in the imposition of restrictions on access to the river by non-Aboriginals and if recreational and commercial fishers were no longer to be able to have contact with the riverbed or banks there would be a significant impact on the existing pattern of land usage in the area. Any such restrictions would necessarily impact upon the potential for land on the right bank of the river which is not Aboriginal land, in particular NTP 4249 (which was formerly used for a prawn farm and aquaculture venture), being used for commercial purposes.

#### **Cost of acquiring other interests**

115. As the claim area does not include any alienated Crown land there are no interests of persons other than the Crown that would need to be acquired to facilitate a grant of title.

#### **Summary of comments**

116. (a) It is not possible to accurately quantify the number of Aboriginals with traditional attachments to the claim area who would be advantaged by a grant of title but it would be considerably more than the number of persons

who are identified in Appendix 3 as the traditional Aboriginal owners of the land.

- (b) The nature and extent of the advantage that would accrue to Aboriginals with traditional attachments to the land if a grant is made would be limited to any advantage that may flow from the capacity of the traditional owners to impose restrictions and conditions upon access to the waters of the river and the capacity to have contact with the river bed and banks.
- (c) No detriment would result to any other Aboriginal community if a grant of title is made.
- (d) A grant of title to the claim area could have the effect of diminishing the capacity of non-Aboriginals to take advantage of existing public rights of access to the river and the right to fish in its waters.
- (e) Commercial and recreational fishers would suffer detriment if as a result of a grant of title access to the river and its bed and banks were to be prohibited or restricted. The extent of the detriment would be considerably diminished if the land occupied by the Roper Bar, St Vidgeon and Port Roper boat ramps were to be excluded from the grant.
- (t) The effective operation of the Northern Territory Police service in this region, as well as other community services and commercial activity at Ngukurr and Roper Bar, would be severely disrupted if as a result of a grant of title access to and the use of the Roper Bar barge landing is restricted or prohibited. The exclusion of the land on which the landing is constructed from the grant would avoid the occasion for such detriment arising.
- (g) The effective management of the Limmen National Park could be affected by a grant of title to the claim area unless a co-operative management regime involving the traditional Aboriginal owners is established.



## APPENDIX 1

### 1. Representation of parties

Mr T Keely (of counsel) and Ms P Creswell (instructed by the Northern Land Council) appeared for the claimants:

Mr T Pauling QC, Solicitor-General for the Northern Territory with Ms K Gatis (instructed by the Solicitor for the Northern Territory) appeared for the Attorney General for the Northern Territory;

Messrs Cridlands represented the Northern Territory Seafood Council Inc.;

Messrs Withnall Maley &, Co represented the Amateur Fishermen's Association of the Northern Territory Incorporated.

Notices of an interest in the claim were also received from Georgina Bell (Ahmat) and Paul Reed.

### 2. Hearings

2-5 August 2002 Opening statements and evidence at Nalawan

Evidence was also given at the following sites in close proximity to the claim area:

|               |                               |
|---------------|-------------------------------|
| 3 August 2002 | Manbilirla (Site 47)          |
|               | The Old CMS Mission (Site 68) |
|               | Nalawan billabong (Site 88)   |
|               | Warrgujaja (Site 112)         |
|               | Wangayirri (Site 98)          |
| 4 August 2002 | Yirriwurlwurldi (Site 139)    |

### 3. Witnesses

Albert Rami  
 Alex Thompson  
 Arnold George  
 Bessie Numamudidi (Wunyaga)  
 Betty Roberts  
 Bobby Nungumajbarr  
 Brian Daniels  
 Cheery Daniels  
 Daphne Daniels  
 David Daniels  
 Davis Daniels  
 Dawson Daniels  
 Don Nundhirribala  
 Elaine Daniels  
 James Garadji  
 Joseph Garadji  
 Kathleen Duncan

Lindsay Hall  
 Marjorie Roberts/Hall  
 Maureen Thompson  
 Michael Gumbali  
 Roger Rogers  
 Roslyn Munna  
 Ruth Hall  
 Stephen Roberts  
 William Hall

(The name of a senior claimant from groups 5 and 9 who has died since the hearing has been omitted from the list of witnesses.)

#### 4. Exhibits tendered to the inquiry

Note: Exhibits marked R are subject to restrictions on access and use by direction of the Aboriginal Land Commissioner.

##### (a) Tendered by the Northern Land Council

| Exhibit No  |   | Description of Exhibit  |
|-------------|---|---|
| NLC 1       |   | Anthropologists' report   |
| NLC 2       |   | Claimant profiles   |
| NLC 3       |   | Submission on status of land  |
| NLC 4       | R | Site map  |
| NLC 5       | R | Site register   |
| NLC 5.1     | R | Response to queries concerning sites  |
| NLC 6.1-6.9 | R | Genealogies of groups 1 to 9  |
| NLC 6.3A    | R | Amendment to group 3 genealogy  |
| NLC 7       | R | Letter NLC to Commissioner (18.7.02)<br>(corrections to genealogies)                                |
| NLC 8       | R | Letter NLC to Commissioner (28.1.03)<br>(corrections to genealogies and claimant lists)             |
| NLC 9       |   | Final submission of claimants<br>(excluding detriment)  |
| NLC 10      |   | Final submissions of claimants on detriment and reply to<br>Attorney-General and NT Seafood Council |

##### (b) Tendered by the Attorney-General for the Northern Territory

|       |   |
|-------|---|
| NTG 1 | Bundle of correspondence between NT Solicitor and<br>NLC (concerning concessions) |
| NTG 2 | Notice of intention of Attorney-General to be heard                               |
| NTG 3 | Compiled plan 4926  |
| NTG 4 | Bound volume of tenure material   |
| NTG 5 | Topographical map of Roper River mouth  |
| NTG 6 | Topographical map of Urapunga   |
| NTG 7 | Outline of detriment issues (3 1.7.02)  |
| NTG 8 | Statement of Claire George (2'.9.02)  |

- |        |   |
|--------|---|
| NTG 9  | Statement of Michael Butler (27.9.02)   |
| NTG 10 | Statement of William Francis Flaherty (3.10.02)   |
| NTG 11 | Statement of Graham Newhouse (3.10.02)  |
| NTG 12 | Statement of Kenneth William Gratten (3.10.02)  |
| NTG 13 | Letter NT Police to Department of Infrastructure<br>Planning & Environment (3.10.02)      |
| NTG 14 | Letter NT Solicitor to Commissioner concerning<br>concessions (16.9.02)                   |
| NTG 15 | Letter NT Solicitor to Commissioner concerning<br>corrections to genealogies (30.1.03)    |
| NTG 16 | Submission of the Attorney-General for the Northern<br>Territory (3.2.03)                 |
| NTG 17 | Supplementary submissions of the Attorney-General for<br>the Northern Territory (14.2.03) |
- (c) Tendered on behalf of the Northern Territory Seafood Council Inc
- |       |   |
|-------|---|
| SFC 1 | Statement of Paul William Reed (18.10.02)                                 |
| SFC 2 | Statement of Darryl Everett (25.10.02)                                    |
| SFC 3 | Statement of Ngia Long Tran (25.10.02)                                    |
| SFC 4 | Statement of Iain McKenzie Smith (25.11.02)                               |
| SFC 5 | Supplementary statement of Iain McKenzie Smith<br>(6.12.02)               |
| SFC 6 | Submissions on matters for comment under s 50(3)<br>(4.2.03)              |
| SFC 7 | Notice of intention to appear and outline of detriment<br>issues (2.7.02) |
- (d) Tendered through the Aboriginal Land Commissioner
- |       |   |
|-------|---|
| ALC 1 | Letter from Georgina Bell (Ahmat) (18.7.02)       |
| ALC 2 | Letter concerning interest of Paul Reed (17.7.02) |
- (e) Tendered by the Amateur Fishermen's Association of the Northern Territory Incorporated
- |       |                                       |
|-------|---------------------------------------|
| AFA 1 | Outline of detriment issues (11.2.03) |
| AFA 2 | Statement of John Harrison (20.2.03)  |

## APPENDIX 2

### AN HISTORICAL OVERVIEW (FROM CHAPTER 3 OF EXHIBIT NLC 1)

#### 3.0 Introduction

This chapter is adapted from the histories presented in the Anthropologists' reports prepared for the Urapunga Station Land Claim, the St Vidgeon Native Title Claim and the Maria Island (Limmen River) Claim.

An understanding of main events and activities in the Roper River/Western Gulf of Carpentaria region is essential in comprehending Aboriginal history of this area. Of particular importance are the following: the journeys of early explorers; the use of the Roper River during the construction of the Overland Telegraph Line; the establishment of Roper Bar and Borroloola; the development of the Gulf pastoral industry and the establishment of the CMS Roper River Mission.

There is 110 attempt here to describe all these events. Excellent historical analyses of these occurrences are available and should be read in conjunction with this chapter (see Bern 1974. Bern *et al* 1980, Morphy and Morphy 1981. Kumarage. and Stead 1997, Layton and Bauman 1994. Asche *et al* 1999. Bradley 1988, 1992, Baker 1989, 1990). The most thoroughgoing of these is Ashe, Scambary, Stead and Wells (1999).

This chapter is focussed on two themes. The first is the continuity of connection between the claimants, their ancestors and the claim area thus demonstrating long term traditional attachment. The second relates to the recorded attempts by the claimants and their ancestors to gain European title to their lands, a matter that also demonstrates long term traditional attachment to these lands.

#### 3.1 Pre-History

There has been no significant archaeological work undertaken within the claim area. Archaeological sites abound within the area and overall region and the present writers have seen a number of them. The most spectacular of these are Yurlurrinji Cave the large traditional burial cave and rock art shelter on nearby St. Vidgeon PL and the engraved rock surfaces at "Queensland Crossing" on the Hodgson River.

For much of this region's prehistory, the Gulf of Carpentaria was a vast plain with the coast many miles to the north. The present rivers ie the Roper and the Wilton were in place, though the Roper must have flowed into the sea at a distant location. These rivers were likely to have functioned under this different regime in much the same manner as today. When the climate was drier they would have been likely to be even more significant as a hunting, foraging and travelling corridor.

Archaeologists have not dated material from this area but we can infer human occupation back at least several thousand years from research in adjacent areas. Detailed work in western Arnhem Land has shown occupation back to the late Pleistocene at least (Rhys Jones (ed) 1985). At this time Kakadu was similarly a site well inland of its present position. More recent work on the coast of the Gulf of Carpentaria has proved occupation back over 1,300 years (Robins. R.P. *et al* 1998). This demonstration of

old dates from two separate areas on either side of the claim area allows us to infer occupation of the claim area of comparable antiquity. Aboriginal people were clearly living on the claim area at the time of Leichhardt's journey.

Archaeological material seen by the authors on surface sites in the area include such easily recognisable stone tool types as knife blades, bifacial points and ground edge axe heads. These are common elements to the late ("upper",) assemblage illustrated in Jones (1985:8).

That Aboriginal people were resident in the claim area or adjacent areas prior to permanent European occupation is evidenced by the historical record created by non-Aboriginals as they made their early incursions into the Roper River region.

### **3.2 Early Exploration and the Roper River Supply Depot**

The earliest European contacts in the general claim area were with the explorers Ludwig Leichhardt and AC Gregory.

The explorer Ludwig Leichhardt travelled from Queensland to Port Essington between 1844-45 (for a summary of Leichhardt's contacts with Aboriginal people in the claim region see Asche et al 1999:1-3). In late October 1845 Leichhardt's party reached the Roper River well downstream of Roper Bar. Leichhardt observed that 'natives' seemed numerous as 'their footpath along the lagoon was well beaten' and the party 'passed several of their fisheries and long fish traps' (Leichhardt 1847:442-5 1).

Most contact with the Aboriginal inhabitants occurred in the better watered areas, for example, along the Roper and Limmen Bight Rivers and lagoon (billabong) areas. Leichhardt's observations confirm the important role the lagoon/billabong environmental zone plays in local subsistence activities. Leichhardt's party found evidence of Aboriginal social and economic exploitation of the claim area, especially the latter, in the form of campsites, fires, burnt out areas, wells and fish traps. He also met many Aboriginal people.

Gregory's expedition of 1855-56 did not encounter Aboriginal people on the claim area but saw evidence of Aboriginal occupation in the region.

While explorers of the mid 1800s had minimal contact with Aboriginal people, their journeys foreshadowed a period of pastoral expansion and movement of Europeans throughout the Gulf/Roper Valley region. Morphy and Morphy's research (1981:6) indicates that events which were to have a significant impact on the Aboriginal owners of the region include:

the development of a supply depot for the Overland Telegraph on the Roper River;

the establishment of a stock route from Queensland, up through Borroloola and the claim area past Roper Bar and through to the north west of the Northern Territory (this route essentially followed Leichhardt's route);

the Pine Creek and Kimberley gold rushes of the 1880s which brought many "old miners (diggers) through the region; and  
the establishment of permanent cattle stations.

After the decision was made to construct an Overland Telegraph line from Darwin to Adelaide, a surveyor George MacLachlan was dispatched to the Leichhardt's Bar (ie Roper Bar) area, to locate a site suitable for a depot for the western section of the line. MacLachlan encountered Aboriginal people within the claim region and was impressed by their physical features and friendly manner (Australian Archives Adelaide, File 1640: 71/41, 71/73).

A supply ship was dispatched from Palmerston (ie Darwin) to deliver supplies for the depot at Leichhardt's Bar (Morphy and Morphy 1981:6). The ship's captain was to leave the supplies buried under a tree with the word dig carved into the bark. They were also instructed to blaze every tree in the surrounding area. As Morphy and Morphy (1981: 6.43) point out this was a disastrous way of entering Aboriginal land, the Coolibah trees at Leichhardt's Crossing being of great religious significance.

*All along the track the Plains Kangaroo Ancestor coolibahi trees (Moyo) represent manifestations of one or other of the Ancestral Kangaroos ... Damage to such trees is seen as a threat to the life of clan members (Morphy and Morphy 1981:11).*

The initial depot (and associated boat landing) was constructed east of Leichhardt's Bar opposite the junction of the Roper River with the Wilton. Later it shifted further east to the Aboriginal site, Narakgarani (Morphy and Morphy 1981:6-7). A small town of over 300 people quickly developed. For a short time it was the largest town in the Northern Territory (Morphy and Morphy 1981:7). It was serviced regularly by 3 steamships (Omeo, Young Australian and the Larrikeh. By 1873 most of the Overland Telegraph workers had left.

There were numerous contacts between the depot's residents and the Aboriginal people many of whom were hostile. The attitude of the Europeans is reflected in the words of Patterson, the leader of the Overland Telegraph construction in the north of the Territory:

*I fear we will have to shoot a score or more of them before we can establish a funk of the white man in the native mind (Patterson 1871-20).*

Most of Patterson's interactions with Aboriginal people involved aggressive actions. A major conflict occurred at the landing itself. In an attempt to recover goods allegedly stolen, an Aboriginal man was kidnapped and brought into the depot. He was taken to the blacksmith's shop where a bullock chain was riveted round his neck (Patterson 30 May 1872). Two younger men crossed the river to join the captive. One of these men was subsequently caught and similarly chained to the tree. Both men remained chained to the tree for the night before being released the following afternoon. It was determined that there was little chance of recovering the goods as it was 'by no means clear that the natives understood the cause of their captivity' (Patterson: 30 May 1872).

From the early 1870s the overlanding of cattle from Queensland, and the westerly movement of Europeans to the gold fields of Pine Creek and the Kimberley meant continued contact between local Aboriginal people and Europeans. The first cattle were driven through the claim area in 1872. They were used to feed the Overland Telegraph workers as well as the gold miners at Pine Creek (Duncan 1967:3 8).

The stock route that developed essentially followed Leichhardt's route. A store was built at Leichhardt's Bar mainly to cater for the drovers and would be "diggers" (see Searcy 1909:13). Searey also indicates that Aboriginal people were not allowed within the vicinity of the store.

By the 1880s police stations had been established at Roper Bar, Borroloola and Eisey station. McMinn (ND), the customs officer at Borroloola in 1886 estimates that in a 3 month period 1,500 cattle with 300 people passed through the region mostly heading north. The reaction of the Aboriginal residents to this increasing number of Europeans and bullocks is still remembered by their descendants. Sandy August indicates.,

*"No policeman in those days, they [early pastoralists] had their own policemen all right, they been travel round here. They jusi itsed to do anything with the black-fella. See him in the road and shoot him. They didn't know what looked like a blackfella on the land. They been reckon it might be animal, that's why they used to shoot them ". (Quoted in Layton and Bauman 1994:13).*

The destruction of water sources by introduced cattle exacerbated conflict. Layton and Bauman argue that as the cattle destroyed the capacity of indigenous resources to support the local population, cattle were increasingly speared for food (1994:13). By the late 1890s a number of stations had been selected and stocked in the general claim region. Eisey station was leased by Wallace in 1877, and in 1884 Mason leased Hodgson Downs (Merlan 1978:79). In the south McArthur River Station was established in 1884 by the Amos brothers, covering an area of almost the size of Tasmania (22,000 square miles, Kumarage and Stead 1997:13). Also to the south of the claim area, Bauffinia Downs was taken up by CJ Scrutton. and the Valley of Springs (incorporating the current Nathan River and Lorella Springs PLs) was established by John Costello in 1884 (Kumarage and Stead 1997:13). By 1887 Costello's leasehold spread from the Limmen River to Lake Alien approximately 30 kilometres north of the Roper River. Part of this leasehold included the area of St Vidgeon that was taken up by Jimmy Gibb in the 1920s (Bern *et al* 1980: 11).

Aboriginal people resisted pastoralism in the form of cattle killing and occasionally attacking and killing of Europeans (Layton and Bauman 1994:13). For instance, Valley of Springs was abandoned in 1893-5 because of the:

*... great mortality amongst horses (from disease and poison weed) (and because, of) depredation's of the natives amongst the stock " (Government Resident's Report 1900).*

Layton and Bauman (1994:13-16) document numerous violent incidents which occurred between the Alawa and Europeans. At Sandy Lagoon two Europeans were speared. At Buffalo Hole, an unknown number of Aborigines were shot and Barney Ilaga's grandmother was tied in chains. Other shootings also occurred at the old St Vidgeon Homestead (probably Peter's Yard).

A large massacre occurred near Hodgson Downs Homestead just prior to 1903. Accounts of this event are still well known by Aboriginal people of the region. Some 30 to 40 Aboriginal people were murdered, apparently killed in retaliation over the death of some horses (see Layton and Bauman 1994:15-16 and Hercus and Sutton 1986:177-182 for extended versions of the massacre and the reasons leading up to it).

Layton and Bauman (1994:16) postulate that the white stockmen who carried out the massacre may have worked for the Eastern and African Cold Storage Company, which purchased Hodgson Downs and Elsey Stations in 1903. In 1899, the company leased 20,000 square miles of eastern Arnhem Land. The Company planned to stock its Arnhem Land holding with cattle driven from Hodgson Downs (Layton and Bauman 1994:16).

According to the research of Merlan (1986), Morphy and Morphy (1981) and Bauer (1964) the six year life of the company had the most dramatic and unfortunate consequences of any event in the contact history of the Roper Valley/South Arnhem [.]and region. According to Bauer (1964:157)

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*... the company employed 2 gangs of 10 to 14 blacks headed by a white man or halfcaste to hunt and shoot the wild blacks on sight.*

Early Roper Valley cattleman George Conway, who led one of the killing teams, claimed that his gang had killed dozens of Aboriginal people (Merlan 1978:87).

Bauer describes these attacks as:

*... probably one of the few authenticated instances in which. Aborigines were systematically hunted " (1964:157).*

The effect of these attacks on day to day Aboriginal life can be gauged from Lockwood's recording of Bamabas Roberts' account of life in the bush at this time.

*Many years we bin live like animal. We bin cover tracks, walk along grass, walk along hill country. Can't have corroboree, can't have Kunapipi, can't have Yabudurawa, Earth Mother must wait. Can't have Lorrkun (funeral ceremony) 'cos when blackfella dead finish white fella burn his body. Arright. When I boy I got fear all the time. Nothing happy, just worry, worry, fright-fright, run-run, hide-hide, bin not cry-cry 'cos Mumma she growl, she say, White-Fella-Man hear 'im and come " (Lockwood 1962:159).*

In the 1930s the anthropologist Thompson noted the result of this frontier experience on the people of the region as very rapid depopulation (1983). Layton and Bauman (1994:16) support this view. They argue the actions of the Eastern and African Cold Storage Company, together with increasing rates of mortality from disease, greatly reduced the Alawa population of the Hodgson Downs area. Morphy and Morphy suggest that the events of these times may well explain why those Ngalakgan groups that held land in what is today Roper Valley PL are either extinct or represented by a handful of survivors (1981:14). In this area many non-local Aboriginal people came to work and reside mainly due to the negative impact the European settlers had on the Indigenous population. Often these people came to be regarded as members of local families. In doing so they became active participants in the group's ritual, and helped to maintain a traditional connection to land. Examples of this within the claim area are the roles of the Farrell family (Group 2), The Hall and Thompson families (Group 5) and Sandy August (Graham 1998 and Merlan 1986, 1993).

By the turn of the century some of the claimants' ancestors were working on those pastoral leases which had survived the bad seasons and the cattle killing (eg Elsey). By 1906 a discernible pattern had been established. Permanent European presence had



been consolidated. A police station and store had been built at Roper Bar with a small but permanent population of Europeans. To the south a police station and small town had developed at Borroloola. To the west, stores and a police presence were to be found at Daly Waters and Mataranka. A small number of cattle stations had gained a foothold drawing in a number of Aboriginal people and curtailing the behaviours of others.

Whilst Aboriginal people survived the initial onslaught of this invasion, considerable depopulation of the region (especially in the area west of the claim area) occurred. Despite this, the claimants' ancestors maintained distinctive cultural and social organisation. For instance, Spencer and Gillen during their ethnographic/scientific expedition to the south of the claim area encountered and documented the social structures, material culture and spiritual beliefs of the Alawa and Marra amongst others (see Spencer and Gillen 1912:471-473, Spencer 1928:550-555, Gillen 1968:299-308).

Layton (1981:1-12) compared the data collected by Spencer and Gillen and that obtained for the Cox River (Alawa/Ngandja) Land Claim. This analysis demonstrates a close structural similarity between Spencer and Gillen's kinship material and his. With regard to Spencer and Gillen's material on totemism and ceremony he argues,

*... [it] suggests that the fundamental relationships between descent groups, Dreamings and the land have not changed" (Layton 1981).*

### **3.3 The Roper Bar Police Station and Aged and Infirm Depot**

Rations were distributed sporadically to elderly Aboriginal people from the Roper Bar Police Station in the early 1890s. Aboriginal people of all ages could receive rations of flour and tobacco in exchange for items from their material culture. In 1907 the supply of rations from Roper Bar became official practice. The following year Mounted Constable Kelly distributed 25 pairs of blankets to over forty people at Roper Bar. Flour, tobacco, tea and sugar were also given to elderly Aboriginal people. When the Protector of Aborigines, Cecil Strangman visited Roper Bar that same year he found a camp of about sixty Aboriginal people. Some were employed at the Police Station. Others had worked on surrounding cattle stations or on the coastal steamer 'Wai Hoi'. In accord with the general perception that frontier violence had diminished in this area, Strangman reported no recent cases of ill treatment by Europeans. He suggested that Aboriginal peoples general appearance demonstrated a plentiful food supply.

Aboriginal people provided labour for the Police Station, both as police trackers and in private employment as labourers and domestic servants. Apart from routine police duties and patrols, police trackers were also responsible for many tasks. These included tailing cattle, caring for and tracking the station horses, carting stores from the river landing to the Police Station, notifying the police when boats were at the landing, carrying out repairs on the station and relaying messages from the Police Station to surrounding pastoral stations and the Roper River Mission. 'Private boys' were responsible for collecting and carting firewood, stripping bark for building purposes, herding the bullocks onto good feed, delivering mail to the Mission station and surrounding cattle stations, watering the station vegetable garden, digging wells, making fences and looking after the station's herd of 530 goats (Lewis 1998; Roper River Police Station Journal 1928-1932). In the Roper River Police Station Journal (1928-32) a list of "Private boys" employed during the 1928-32 period reveals a significant number of ancestors of the claimants.

Official records verify that Roper Bar was a long-term living, place for a large number of Aboriginal people. Between forty and sixty names were recorded on census and in official reports throughout the 1940s, 50s and 60s. Ngalakgan people such as Tommy Costello (original owner of Group 5 country) and Jack Jawtilunggurr (important Group 1 ancestor), amongst others were living at and receiving rations from the Roper River Aged and Infirm depot in the 1950s. BY the late 1950s the non-Aboriginal staff at the Police Station lived in a tropical bungalow'. The police trackers lived in the old Police Station and the remaining Aboriginal people resided in huts during the wet season or 'humpies' by the river during the dry. Throughout the 1950s it was often suggested that the Depot should be closed. Constable Haag suggested that Aboriginal people would 'best be looked after at the mission'. However, he did acknowledge that as 'they were born in this area the natives do not want to move to another place to spend their last days'. After years of debate the Depot was officially closed in September 1964. While the police trackers and laundresses remained at the Police Station, most of the residents moved to Urapunga or Roper Valley Station or to the Roper River Mission. Roy Golokurndu (recently dec.) and his spouse Janet Naragkal (dec.) lived at the Police Station with their two children, Gina and Wayne. Roy was employed at the station as a tracker. The Police Station moved to Ngukurr in mid-1980.

### **3.4 The Roper River Mission**

Missionary activity in the Roper River region commenced in 1907 when the Right Reverend Gilbert White travelled the region in search of a site for a Church Missionary Society's Mission (White 1918:Chapter X 11).

Missionaries came the following Year to establish the Roper River Mission near 'Mirlinbarrwarr', located approximately 80kms upstream from the Roper River's mouth. This site was apparently chosen by Pilot Bob, a Burdal man who is associated with Group 3 claimants. Some claimants have indicated that this site was chosen as there were no sacred sites in the immediate vicinity. This first mission site was, however, flood prone and moved to the current location in 1941.

One of the stated aims of the Mission was the protection and uplifting of the black race of Northern Australia' (Harris 1990). This aim together with the missionaries' friendliness and willingness to distribute flour and tobacco to the Aboriginals represented a departure from the treatment that Aboriginal people in the area had come to expect. This no doubt encouraged them to come into the Mission. Some Ngalakgan people moved to the Mission in its early days of establishment (Asche *et al* 1998:15-6). Early Mission records indicate that there were representatives of six tribes' at the Mission and that Aboriginal people had been 'most friendly and had cordially welcomed the missionaries'. By late 1909 the average number of Aboriginal people regularly at the Mission was about 70 - although at times it reached over 200. The missionaries estimated that around 300 Aboriginal people inhabited country within a 20 mile radius of the Mission. They were unable to visit any of the surrounding camps because of insufficient staffing.

The missionaries initially tried to induce Aboriginal people to lead regulated and sedentary lives in a basic agrarian self-sufficient existence. However, a few years after the Mission's establishment, missionary Thomas wrote that they had failed to get 'into the mind of the Black' who 'adhered tenaciously to their superstitions'. This was

probably because of the 'unsympathetic attitude' shown by the missionaries towards Aboriginal customs and traditions. The missionaries' hope for Aboriginal salvation was in the children. They were housed in dormitories near the Mission house, deliberately separated from their parents who lived some distance away in bark huts. They were further removed from the 'myall blacks' who had established a living place on the outskirts of the Mission. These 'myall blacks' worked intermittently at the Mission for food, tobacco and clothing. As well as attending school and religious services the children were responsible for a range of tasks. The girls worked in the kitchen, laundry, bakehouse, missionaries houses, dormitories and looked after younger children. The boys laboured in the garden, milked the goats, chopped wood, and looked after the horses, yard and stores (Dewar 1992: 10).

Despite the dormitory system, parents continued to withdraw their children from the school to take them bush - a situation believed by the missionaries to cause a 'grievous difficulty'. A visitor, Elsie Masson, (1913) noted that the children had been 'accustomed to run away to the bush whenever they liked' but now the missionaries demanded that children seek permission before they went. Children who did not ask for permission were punished on their return by being deprived of food. Roper River Missionary, Katie Chrome, lamented the way that children were constantly absconding from the Mission. Her diary covering only two months in 1913-14 describes at least twenty women and children absconding from the Mission and the subsequent punishment of whippings and canings for this offence (Dewar 1992:12). Some years later it was reported that only girls continued to be housed in the dormitories and boys lived with their parents. This reflected a growing national trend of missionary and government focus on Aboriginal women and girls (Dewar 1992).

By 1917 over half the children at Roper River Mission were of mixed descent. In line with government policy of removing children of mixed descent from their Aboriginal families the Roper River Mission assumed the role of a 'Half-caste Institution'. It was funded by the government for this purpose (Dewar 1992:14). In September 1924 16 girls of mixed descent were transferred from Roper River to a new Mission established by the Church Missionary Society on Groote Eylandt. Here they were to be shielded from their 'familial cultural influences' (Dewar 1992:25). The following month a further 19 girls and boys of mixed descent were transferred there from Roper River. Aboriginal mothers would rub charcoal on children with lighter skins in attempts to dupe the missionaries and retain their children (Dewar 1992:26). Conditions at Groote Eylandt for these children were often appalling. Medical inspections revealed instances of severe mistreatment. Girls were punished for misdemeanours by being chained up or put in stocks. Meals were deficient in nutrients, the dormitory accommodation was unsatisfactory and there was a high incidence of Hansen's Disease at the Mission (Austin 1997:182, Dewar 1992:34).

Conditions at Roper River Mission were also far from satisfactory. When Bleakley inspected it in 1928 only about 45 Aboriginal people were at the mission. The rest were 'down the river in the camp'. While there were about 200 Aboriginal people in the district, Bleakley reported that about only a third 'availed themselves of the mission'. He suggested that the Mission had been at a standstill and had 'in fact ... deteriorated for some time for lack of energetic management' (Bleakley 1929). In 1933 a Government Board of Inquiry was held into the mismanagement of the Mission. Although it was recommended that the Mission be closed down, it remained open (Dewar 1992:74).

In 1935 the Mission population was reported to be in flux as people from the local camp 'moved about at the whim of their nomadic instincts' and parents continued to take their children on 'walkabout'. However, the missionaries' early enforcement of a sedentary, agrarian lifestyle had been relaxed. The value in Aboriginal children retaining bush skills was recognised. By the 1930s the Mission encouraged Aboriginal children to go out hunting and collecting. When Patrol Officer Sweeney visited the Mission many years later he reported that all Aboriginal people spent Saturdays hunting, and a proportion of the natives were hunting during the week. Three fortnightly 'walkabout periods' were structured into the school curriculum. The teacher, his assistants and Aboriginal parents accompanied the children and gave instruction -in nature study, bush craft and hunting skills'. It was perhaps just as well that the Mission 'encouraged' Aboriginal people to retain their bush skills and 'go bush' sometimes for months at a time to live off the land.

Aboriginal people constituted most of the Missions' labour force. While the Mission distributed rations to Aboriginal residents no wages were paid. Patrol Officer Sweeney noted in 1951 that as men were free to obtain work on adjacent cattle stations the Mission was losing some of their better stock men and progressive natives. They were seeking employment on cattle stations, in droving or other jobs where wages were paid. Mostly wages took the form of clothing, blankets, calico, flour, tea and tobacco. These rations were supplemented from bush foods, especially fish, turtle, lily roots and seeds. It is likely that Aboriginal people undertook employment on cattle stations where they could have more autonomy than at the Mission. Station life also meant that there were opportunities for Aboriginal workers to visit country, hunt bush tucker and learn (and use) their bush skills (Asche *et al* 1998). The lay off during the wet season allowed cattle station people to return to their traditional country, perform ceremonies and pass on the knowledge to younger generations.

### **3.5 World War II, Twentieth Century Pastoralism and the Employment of Aboriginal People**

Aboriginal labour was highly prized during World War II. The region experienced a considerable build up of military personnel, the Roper River being considered a possible entry route for Japanese infiltrators. Troops were stationed in the area for some time in advance of any possible enemy moves (Graham 1998:9, Layton and Bauman 1994: 18). Army camps were set up at Mt St George (located near the old Mission), Flick's Hole on Hodgson River PL, Anderson's Hole on the Cox River, PI, and at Big Hole on Nutwood Downs. Air raid trenches were even dug at the Roper River Mission. Many of the claimants were employed at these camps. Others worked at the major army camps located at Katherine and Mataranka. Thus the war exposed Aboriginal people of the region to the wide range of experiences documented by Berndt and Berndt (1987).

During the war there was a concentrated effort to remove coastal people from their traditional country. Their labour was needed on the cattle stations of the Barkly Tableland. Those not employed by the army continued to work on the stations of the region eg Elsey, Nutwood Downs, St Vidgeon, Hodgson Downs, Roper Valley and Tanumbirini. Layton and Bauman (1994:18-20) document life on these stations during the 1940s and 1950s. Men worked at mustering, horse breaking, blacksmithing and yard building. Women worked mainly at domestic tasks but there were female stock workers. Payment for work was in the form of rations such as, bread, beef, tobacco, sugar and tea. Clothing was occasionally included.

Rations were supplemented by traditional foods, especially fish, turtle, lily roots and seeds. Layton and Bauman (1994:19) postulate that the largely unfenced, lightly stocked character of stations, allowed the continuance of a partial hunting and gathering life. As in the initial periods of pastoral expansion, the wet season lay off period allowed the claimants (and their ancestors) to maintain contact with parts of the claim area, and to join other Aboriginal groups to perform ceremony (see Asche el al 1998).

Most of the stations of the region had poor living conditions (see Patrol Officer reports cited in Layton and Bauman 1994:20). By the mid 1950s Aboriginal people of the region were expressing concern about station working conditions and demanding equal wages. Under the Wards Employment Ordinance, Aboriginal cattle workers received about 20% of the minimum amount payable to Europeans under the Cattle Station Industry (NT) Award (see Layton and Bauman 1994:20).

The introduction of award wages in 1968, combined with a slump in the pastoral industry, resulted in a 32% reduction in levels of Aboriginal employment on Northern Territory cattle stations (Layton & Bauman 1994:20). There was a sharp decline in the number of Aboriginal people working on pastoral properties in the claim region.

This slump in employment resulted in increased Aboriginal dependency on welfare incomes. Throughout the region Aboriginal people who had long working relationships with pastoralists and pastoral companies were now living in poor conditions in camps located near homesteads.

Bern carried out a survey of 6 cattle stations in the Roper Valley in 1968 (Woodward 1973: Appendix III). Approximately 350 Aboriginal people were residing on these stations. Of these, 40 identified as Alawa with most living at Hodgson Downs. Very few Marra (11 persons) were living in the survey area with Elsey (5 persons) and Roper Valley (4 persons) having the majority. This suggests that most Marra resided on the Mission or outside the region. Forty Ngalakgan were recorded in the census with 18 living on Roper Valley, 10 on Urapunga, 8 on Moroak and one each on Elsey and Hodgson Downs (Woodward 1973: Appendix III).

### **3.6 1970s to Present**

Immense social change characterises the period since 1970. The cattle industry is no longer a major employer of Aboriginal people. Many of those who departed pastoral properties were subsequently employed at Ngukurr on a variety of Government training schemes. Others became reliant on social security benefits.

A change in Aboriginal policy from "assimilation" to "self determination" (and eventually to self management) occurred when the Federal Labour Government was elected in 1972. This eventually led to Aboriginal communities (eg Ngukurr) taking control of their own administration and management. The claimants' residential patterns were also influenced by legislation such as the ALRA. The Arnhem Land Reserve became scheduled Aboriginal land. Land claim applications were placed on St Vidgeon PL, and vacant Crown land to its east (Limmen Bight Land Claim). The vacant Crown land surrounding the Roper Bar was subjected to a claim application. Further negotiations over excisions on a number of pastoral properties (under the Gibb Committee guidelines) commenced. The ALRA land claims were successful (other than

over St Vidgeon) and excisions were eventually negotiated on Urapunga, Elsey, Roper Valley and Hodgson Downs. During the last decade Elsey, Hodgson Downs, Roper Valley (part only) and Urapunga leases were purchased for the Aboriginal residents and traditional owners. Thriving Aboriginal communities are located on all these leases.

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## APPENDIX 3

## Group 1

|                          |                          |                         |
|--------------------------|--------------------------|-------------------------|
| Adrian Runyu             | Citrina Runyu            | Eileen Lindsay/Cummings |
| Ainsley Ponto            | Claude Holtze Jnr        | Eileen Moore            |
| Alan Joshua              | Clayton Camfoo           | Elaine Daniels          |
| Albert McMasters         | Clayton Duncan           | Elena Lawrence          |
| Alberto <i>Ranyburra</i> | Clayton <i>Yamayinga</i> | Elizabeth Roberts       |
| Alec Hayes               | Clem McMasters           | Elston Ponto            |
| Alec Ponto               | Clifford Duncan          | Elton Huddleston        |
| A Ifonso Rankin          | Clinton Ponto            | Ena Holtze              |
| Alicia Camfoo            | Connie Minymul           | Erie Roberts            |
| Alison Nilco             | Coralic Moore            | Erie Roberts Jnr        |
| Alwyn Camfoo             | Corleen Holtze           | Errol Martin            |
| Ambrose Sandv            | Curtis Harrison          | Esau Martin             |
| Andrew Fejo              | Cynthia Murray           | Esmeralda Murray        |
| Andrina <i>Jupba</i>     | Cynthia Rankin           | Estelle Roper           |
| Angela Hood              | Daisy Sammy              | Esther Ponto            |
| Angus Ponto (1)          | Dallan Lawrence          | Ethel Farrer            |
| Angus Ponto(2)           | Damien Fuller            | Eve Roberts             |
| Angus Stott              | Damien Mardy             | Evelyn Mardy            |
| Anita Camfoo             | Danella Campbell         | Ewen Martin             |
| Anita John               | Daniel Camfoo            | Fabian Tyson            |
| Anna Bama                | Daniel Fejo              | Fiona Hayes             |
| Annette Miller           | Daniel Kuwilya           | Frances Limmen          |
| Annie Daniels            | Danny Camfoo             | Francesca Jolin         |
| Anthea Anderson          | Danny Daniels            | Francine Hall           |
| Anthony Ponto (1)        | Danny Dennis Duncan      | Francine Rogers         |
| Anthony Ponto (2)        | Darcy Roper              | Francis Hayes           |
| Antonella Pascoe         | Darry I John             | Francis Murray          |
| Arnold Duncan            | Darryl Joshua            | Fred Conway             |
| Barney Farrer            | David Espie              | Frederick Holtze        |
| Barry Roper              | David Ross               | Gary Haves              |
| Berryl Roper             | Dawson Daniels           | Gary Holtze             |
| Betty Bin Juda           | Deanne Ponto             | Gary Roberts            |
| Bill Dempsey             | Debbic Roberts           | George Holtze Jnr       |
| Bobby Stott              | Deidre <i>Majaj</i>      | Gilbert Champion        |
| Bradley Anderson         | Delina Ponto             | Gillian Champion        |
| Bradley Farrer           | Delma Waller             | Gillian Limmen          |

|                    |                          |                           |
|--------------------|--------------------------|---------------------------|
| Bradley Mason      | Demetris Mardy           | Glen Roberts              |
| Brian Farrer       | Dennis Daniels           | Grace Ponto               |
| Brianna Roper      | Dennis Duncan            | Grace Wailer              |
| Bronson Ponto      | Dennis Holtze            | Gracibelle <i>Nyulpbu</i> |
| Cameron Camfoo     | Dennis Murray            | Graham Campbell Jnr       |
| Cara Roper         | Desmond Campbell         | Graham Lawrence           |
| Carol John         | Desmond Lindsay          | Greshima Holtze           |
| Carolyn Sammy      | Dianthia Murray          | Gwendoline Runyu          |
| Cassandra Martin   | Donald Daniels           | Hamish Roper              |
| Cecil Campbell     | Donna McMasters          | Hannah Tyson              |
| Cecily Ponto       | Donovan Waller           | Harold Brown              |
| Chalina Lawrence   | Doreen Limmen            | Hazel Ponto               |
| Chantelle Miller   | Doreen Ponto             | Heather Lindsay           |
| Charlene Camfoo    | Dorothy "Dotty" George   | Helen Minymul             |
| Cheryl Hayes       | Dorothy Watson           | Helen Moore               |
| Cheyenne Jolin     | Dylan Fuller             | Henry Bawuda              |
| Christine Camfoo   | Eddic George             | Hesten Tyson              |
| Christine Ponto    | Edward Roberts           | Hilda Roberts             |
| Christopher Woods  | Edwina <i>Gayarrwala</i> | Hupert Wurrumarra         |
| Ian Avalon         | Justine Roberts          | Margaret Lindsay          |
| Ian McMasters      | Kaitlin Ponto            | Maria Ponto               |
| Irene Roper        | Kaliana Murray           | Marie Sammy               |
| Iris Cookie/Camfoo | Kara Martin              | Marissa Ponto             |
| Iris Harrison      | Karen Sammy              | Marjie Duncan             |
| Iris Ponto         | Katherine Patterson      | Mark Runyan               |
| Isiah Marlin       | Kathleen Duncan          | Marlene Roberts           |
| Jacob Bama         | Katrina Camfoo           | Mary Farrer D'Arcy        |
| James Murray       | Kenneth Murray           | Matt Hood                 |
| James Woods        | Kenny Waller Jnr         | Matthew Duncan            |
| Jamie John         | Kenny Minymul            | Matthew Hall              |
| Jamie Ponto        | Kenny Waller             | May Stott                 |
| Jane Hall          | Kerry Camfoo             | McEwen Harrison           |
| Janelle Roberts    | Kim Avalon               | Melba Hood                |
| Janice Farrer      | Kim Lawrence             | Michael Harvey            |
| Janice Roberts     | Kira Camfoo              | Michael Ponto             |
| Janita Ponto       | Kira Costello/Roberts    | Michael Roberts           |
| Jason Campion      | Kiron Danicis            | Michelle Cummings         |
| Jason Dodds        | Kirsten Daniels          | Michelle Martin           |

|                           |                         |                        |
|---------------------------|-------------------------|------------------------|
| Jason Tyson               | Kirsten Murray          | Michelle McMasters     |
| Jeannie Stott             | La Toya Blanas          | Mike Kuwily,a          |
| Jeffren John              | Lachlan Harrison        | Mildred Ponto          |
| Jeffrey Lawrence Jnr      | Lachlan Lawrence        | Moima Gudabi           |
| Jeffrey Waller            | Lansen Paddy            | Moses Ponto            |
| Jemarlh Ponto             | Laura Harrison          | Nancy <i>Galawarga</i> |
| Jeremy Bama               | Laurel McMasters        | Nasmina Camfoo         |
| Jeremy Murray             | Lauren Espie            | Natalie Waller         |
| Jermaine Camfoo           | Lazarus Murray          | Nathan Thompson        |
| Jermaine Ponto            | Lee-Sean Harrison       | Nathaniel Joshua       |
| Jerome Camfoo             | Lenny Harrison          | Nicole Roberts         |
| Jerry Martin              | Lenora Lawrence         | Nigel Duncan           |
| Jessica Duncan            | Lenora Roper            | Nikara George          |
| Jim Farrer                | Lcon Duncan             | Noel Blitner           |
| Joan Koops                | Leonardo Rankin         | Noelene Ponto          |
| Joanne/Kaya Roberts       | Leslie Moore            | Noreen Holtze          |
| Jodie Roberts             | Letitia Camfoo          | Norman George          |
| John Patterson            | Lia Camfoo              | Paddy Ryan Jnr         |
| John Ratikin              | Liam Georoe             | Patricia Campion       |
| Johnathan Martin          | Liam Runyu              | Patricia Roberts       |
| Johndo Ponto              | Linton Lawrence         | Patricia Roper         |
| Johnny Huddleston         | Lionel Duncan           | Patrick Daniels        |
| Johnson Martin            | Lisa Farrer             | Penny Braun            |
| Jonathon Waller           | Lisa Murray             | Peter Duncan           |
| Joseph Ah Matt            | Lloyd Murray            | Peter Espie            |
| Josephine Hood            | Loretta Lindsay         | Peter John             |
| Josephine Minymul         | Lorraine Lawrence 1)    | Peter Lindsay          |
| Josiah Jolin              | Lorraine Lawrence (2)   | Peter Stott            |
| Josiah Weston             | Lucelle Thompson        | Peter Woods            |
| Joyce Mardy               | Luke Camfoo             | Phillip Stott          |
| Joyee Roberts             | Luke Murray             | Pixie Dodds            |
| Juanita <i>Wajambirra</i> | Lynette Fejo            | Polly Anne Ponto       |
| Judith Wailer             | Lynette Martin          | Priscilia Roberts      |
| Judy <i>Budbin</i>        | Mandy Sammy             | Rachel Camfoo          |
| Julianne Martin           | Marcella Dixie Harrison | Rachel Minymul         |
| Junie <i>Gardinen</i>     | Marcia Roberts          | Ralph Roberts          |
| Justin Murray             | Margaret Duncan         | Ramsay Lawrence        |
| Justin Wailer             | Marearet Joshua         | Randall Campion        |

|                             |                          |                                |
|-----------------------------|--------------------------|--------------------------------|
| Randall Carew               | Sharon Campion           | Vanessa Murray                 |
| Rayleile Cummings           | Sharon Carew             | Vanessa Rankin                 |
| Raylene <i>Gabandula</i>    | Sharon Hayes             | Veronica Martin                |
| Reanna Ponto                | Sharon Joshua            | Veronica Sandy                 |
| Reggie Huddleston           | Shaun Lawrence           | Vivian Lawrence                |
| Reggie Waller               | Shaun Murray             | Wanita Ponto                   |
| Rhoda Sandy                 | Shauna Forbes            | Warren Camfoo                  |
| Rhonda Camfoo               | Shaunette Harrison       | Warren Camfoo Jnr              |
| Rhonda Campion              | Slieena Cummings         | Wayne Roberts                  |
| Rhonda Duncan               | Sheena Lawrence          | Wendie Espie                   |
| Richard Sandy               | Shelton Murray           | Wesley Lawrence                |
| Rico Ponto                  | Sherina Forbes           | Wesley Woods                   |
| Rochelle Ponto              | Sherita Campion          | Whitney Hood                   |
| Roderick Stott              | Sherona Murray           | Wilfred Ponto                  |
| Rodney Duncan               | Shirley Russell          | William Wanta                  |
| Roger Roper                 | Shuwana Campion          | Winston Roberts                |
| Roland Murray               | Simon Ponto              | Wynian Duncan                  |
| Ronnie John                 | Sinione Lawrence         | Yolanda Runyu                  |
| Ronnie Lindsay              | Sonia <i>Mindurrbuma</i> | Yvonne <i>Murrayi Gungurru</i> |
| Rose Martin                 | Sonia Murray             | Yvonne Lawrence                |
| Rose Ponto                  | Sonya McMasters          | Zac Murray                     |
| Roseanne Rankin             | Sophia Wailer            | Zachariah Sandy                |
| Rosemary Graliain           | Splinter Harris          |                                |
| Rosemary Hayes              | Stephanie Waller         |                                |
| Rosina Camfoo               | Stephen Rankin           |                                |
| Roxanne Lawrence            | Stephen Sandy            |                                |
| Rupert Roper                | Steve Brown              |                                |
| Russel Daniels              | Stuart Rankin            |                                |
| Russell Martin              | Susan Murray             |                                |
| Ryan Douglas Ponto          | Susan Sammy              |                                |
| Samantha Duncan             | Susan Waller             |                                |
| Saniantha <i>Yangguluma</i> | Tammy Roberts            |                                |
| Samantha Wilfred            | Tania Joshua             |                                |
| Sammy Ponto                 | Tara Camfoo              |                                |
| Samson Ponto                | Tasha Paddy              |                                |
| Samuel Duncan               | Teddy Mason              |                                |
| Samuel Ponto                | Teresa Hayes             |                                |
| Sarina Martin               | Teresa Ponto             |                                |

Scott Martin  
Scotty Ponto  
Sebasco Harrison  
Sebina Roper  
Selena Ponto  
Senita Huddleston  
Serina Waller  
Sevantia Runyu  
Shane McMasters  
Shane Miller  
Shane Runyu  
Shantella Sandy  
Sharalee Avalon

Teresita Ponto  
Terrance Runvu  
Terrence Mardy  
Tex Camfoo  
Tim Camfoo  
Timmy Duncan  
Tony McMasters  
Tony Waller  
Tracey Camfoo  
Tracy Camfoo  
Trefina George  
Trevor Ponto  
Trudy Waller

## Group 2

|                        |                        |                      |
|------------------------|------------------------|----------------------|
| Aaron Farret           | Edith Tyson/Darcy      | Levi Farrel          |
| Abraham Farrel         | Edward Joshua          | Lillian Joshua       |
| Alan Watson            | Elena Farrel           | Lorraine Farrer      |
| Alma Farrel            | Elton Farrei           | Luke Farrel          |
| Amos Dennis            | Esau Hodgson           | Lynette Joshua       |
| Angus Ponto            | Esther Ponto           | Macuen Hall          |
| Annabel Jolinson       | Felix Farrel           | Malcolm Farrel       |
| Antonette Farrel       | Fenton Farrel          | Maria Johnson        |
| Ardale Farrel          | Franklin Hall          | Mary Farrer          |
| Ashwood Farrel         | Gillen Farrel          | Mary Farrer Darcy    |
| Audrey <i>Babi</i>     | Gina Farrel            | Mathias Farrel       |
| Barney Farrer          | Glen Watson            | Matthasila Farrel    |
| Brendan Farrer         | Gloria Farrel          | Maureen Hodgson      |
| Brian Farrer           | Hazel Ponto            | Mayleen Farrel       |
| Brielia Morris         | Hilda Hall             | Melakay Farrel       |
| Bronwyn Farrel         | Iris Ponto             | Melissa Farrel       |
| Bronwyn Sandy          | Isaac (Tom Boy) Farrel | Melissa Jeffries     |
| Bruce Farrel           | Jack Farrer            | Merissa O'Keefe      |
| Camernl Doctor         | Jake Farrel            | Michelle Farrel (1)  |
| Cameron Farrel         | Jalinda Farrel         | Michelle Farrel (2)  |
| Carlene Farrel         | James Farrel           | Mike Warren          |
| Carol Farrel           | Janet Vera Farrel      | Mildred Joshua       |
| Cathy-Anne Wunta       | Janice Daniels         | Mildred Ponto        |
| Celina Farrer          | Jason Farrel           | Miranda Farrel       |
| Cerise Farrel          | Jay Morris             | Mylene Farrel        |
| Chris Farrel Jnr       | Jennifer Sandy         | Narelle Farrel       |
| Chris Sandy            | Jeremiah Doctor        | Nathaniel Farrel     |
| Cliristine Farrer      | Jim Farrer             | Neil Jeffreys        |
| Christopher Farrel     | Jim Farrer             | Nicholas Farrel      |
| Cynthia Sandy          | Joanne Farrel          | Nicodemus Farrel     |
| Danielle Hall          | Joas Dennis            | Owen Farrel          |
| Darlika Farrel         | Joel Farrel            | Pansy Johnson        |
| Darren Farrel          | John Farrel            | Pat Farrel           |
| Darryl Farrel          | Johnny O'Keefe Jnr     | Patricia Farrel      |
| David Farrer 'Bushman' | Jonah Joshua           | Peter Farrel         |
| David Hall             | Jonathan Farrel        | Peter Farrel Jnr (1) |
| Deborah Farrel         | Joshua Sandy           | Peter Farrel Jnr (2) |

|                     |                    |                  |
|---------------------|--------------------|------------------|
| Denis Watson        | Katrina O'Keefe    | Peterson Hodgson |
| Dennis Farrel       | Kayleen Hall       | Phillip Watson   |
| Derrick Hall        | Keitli Farrel      | Rayiene Roberts  |
| Diane Hall          | Kelvin Farrel      | Rebecca Dennis   |
| Doreen Limmen       | Kerry-Anne Roberts | Regina Roberts   |
| Doreen Ponto        | Kyal Farrel        | Remus O'Keefe    |
| Dorothy Joshua      | Lansen Farrel      | Rhoda Watson     |
| Dorothy Watson      | Lansen Joshua      | Rhonda Watson    |
| Douglas Wunta       | Lena Watson        | Riana Farrel     |
| Dwayne Farrel       | Lenny Hall         | Roberta Roberts  |
| Edgar Sandy         | Lenny Joshua       | Robin Jeffreys   |
| Edith Farrer        | Leonie Kingsley    | Roddy Joshua     |
| Romas Farrel        |                    |                  |
| Rosalyn Farrel      |                    |                  |
| Rosalyn Farrer      |                    |                  |
| Roseanne Farrel     |                    |                  |
| Rosemary Joshua     |                    |                  |
| Roy Farrer          |                    |                  |
| Rupert Farrel       |                    |                  |
| Ryan Jeffreys       |                    |                  |
| Sabina,liviyartri   |                    |                  |
| Sally-anne Kingsiev |                    |                  |
| Samson Ponto        |                    |                  |
| Sandra Joshua       |                    |                  |
| Seamus Farrel       |                    |                  |
| Sebastian Hodgson   |                    |                  |
| Sene Farrel         |                    |                  |
| Senita Kingsley     |                    |                  |
| Serina Kingsley     |                    |                  |
| Sheila Joshua       |                    |                  |
| Shirlene Farrel     |                    |                  |
| Sila Farrel         |                    |                  |
| Simeon Kingsiev     |                    |                  |
| Simone Farrer       |                    |                  |
| Susan Farrer        |                    |                  |
| Suzanne Farrel      |                    |                  |
| Teddy O'Keefe       |                    |                  |
| Teresa Farrer       |                    |                  |

Teresa Johnson  
Thomas Farrel  
Tisaac Farrel  
Tod Boy  
Tom Boy Farrel Jnr  
Topsy Hall/Farrel  
Trudy Wujumurr  
Vicky Farrel  
Wallace Dennis  
Wanita Farrel  
Wilfred Ponto  
William Farrel



## Group 3

|                        |                    |                       |
|------------------------|--------------------|-----------------------|
| Aaron Joshua           | Dean Cooper        | Isiah Roberts         |
| Adrian Daniels         | Dean Roberts       | Isobelle Hume         |
| Alfle Roberts          | Dean Tambling      | Jackie Vincent        |
| Alfred Woodie          | Deanna Daniels     | Jacqueline Joshua     |
| Alina Farrel           | Denise Lasetski    | Jake Daniels          |
| Alison Bush            | Denise Patterson   | Janet Vera Farrel     |
| Angela Bush            | Dennis Fulton      | Janice Joshua         |
| Angelina Joshua        | Derrick Kingsley   | Jennifer Roberts      |
| Anita Hodgson          | Desley Lansen      | Jermaine Malachai     |
| Anthony Bush           | Desley Lasetski    | Jethro Roberts        |
| Antonio Joshua         | Dion Cooper        | Jill Cooper           |
| Arnold Cooper          | Donald Hume        | Joanne Lansen         |
| Ashton John Forrest    | Donna Kingsley     | Joanne Roberts        |
| Audrey Hodgson         | Dorothy Bush       | Jodie Cooper          |
| Barbara Raymond        | Duane Tonson       | Joel Roberts          |
| Belinda Thompson       | Dyson Bush         | Johnathon Martin      |
| Bill Patterson         | Edmond Roberts     | Johnny O'Keefe (1)    |
| Bonita Lansen          | Edna Roberts       | Johnny O'Keefe (2)    |
| Bradley Munna          | Edward Cooper      | Johnson Roberts       |
| Brendan Cooper         | Edward Daniels     | Jonathon Roberts      |
| Brendan Edwards        | Elena John-Forrest | Josiah Roberts        |
| Brian John Thompson    | Enoch Silver       | Judith Ward           |
| Bronwyn Roberts        | Erica Kingsley     | Julian Ashley         |
| Caitlin John-Forrest   | Esau Hodgson       | Julie Limmen/Miller   |
| Camelia John-Forrest   | Esau Thompson      | Justin Cooper         |
| Cara Joshua            | Esther Hume        | Kara Martin           |
| Carl Roberts           | Estherlita Roberts | Katie Fulton          |
| Carmelina John-Forrest | Ethel Michels      | Katrina O'Keefe       |
| Caroline John-Forrest  | Eunica Silver      | Katriona John-Forrest |
| Cassandra John-Forrest | Evelyn Fulton      | Kelly Patterson       |
| Cassandra Martin       | Faith Thompson     | Kerry-Anne Patterson  |
| Chabascoe Bonson       | Franklin Kingsley  | Kesha Thompson        |
| Charles Bush           | Freddie Tonson     | Kevin Lansen Jnr      |
| Cheyenne Ward          | Frederick Bush Jnr | Kieran Bush           |
| Christine Edwards      | Gabriel Roberts    | Kim Bush              |
| Cleo Wilfred           | George Tonson      | Kylie Thompson        |
| Curtis Lee Thompson    | Gilbert Bush       | Leanne Roberts        |

|                      |                    |                          |
|----------------------|--------------------|--------------------------|
| Curtis Wilfred       | Gilbert Rex        | Leanne Tonson            |
| Ctirtly Silver       | Gowan Bush         | Lee Bush                 |
| Cy Tracey Bush       | Gregory Hauser     | Lcon Daniels             |
| Dallas Kingsley      | Hannah Daniels     | Leonic Kinusley          |
| Damien Roberts       | Harold Kingsley    | Linda Tonson             |
| Damien Tonson        | Harold O'Keefe     | Linton Wilson            |
| Dan Hume             | Hazel Farrel       | Lisa James               |
| Dan Thompson         | Helena Tonson      | Lisa Thompson            |
| Daniel Kingsley      | Herman Roberts     | Lorenzo Cooper           |
| Danielle Roberts     | Hope Herbert       | Loris Hume               |
| Darryl O'Keefe       | Ina Thompson       | Lynette Roberts          |
| Davis Wilfred        | Isiah Martin       | Mackie Roberts           |
| Malcolm Hauser       | Robert Bush        | Theresa John-Forrest     |
| Margaret Roberts     | Robert James       | Thomas McKeen            |
| Margerita Daniels    | Robert Roberts     | Tiffani Cooper           |
| Maria Lansen         | Roberta Lasetski   | Tina Tonson              |
| Marie Gibbs          | Roberta Roberts    | Tom Hume                 |
| Marie Limmen         | Roderick Roberts   | Torn Thompson            |
| Marie Michels        | Roger Hodgson      | Trephina Austral/Roberts |
| Marisa O'Keefe       | Roland Kingsiey    | Triscilla Roberts        |
| Mary Magdalene       | Ronald Roberts     | Troy Lansen              |
| Maureen Hodgson      | Rose Cook          | Vanessa Kingsiey         |
| Maureen Thompson     | Rose Daniels       | Vanessa Roberts          |
| Mavis Limnien        | Rose Martin        | Veronica Martin          |
| May Fulton           | Rosemary Roberts   | Victoria/Tina Bush       |
| May Hume             | Roslyn Munna       | Vincent Bush             |
| Megan Kingsley       | Rossack Roberts    | Vivien Cook              |
| Meredith Kiningsley  | Rowena Roberts     | Walter Lasetski Jnr      |
| Merissa Roberts      | Roxanne Roberts    | Walter Joshua            |
| Michelle Farrel      | Roy Creswell       | Warren Lee               |
| Mike Warren          | Russell Martin     | William Bush             |
| Miriam Roberts       | Ruth Joshua        | William Cooper           |
| Morris Hauser        | Sally-ann Kingsley | William Hodgson          |
| Nadia Lansen         | Samantha Kingsley  | Yvonne John-Forrest      |
| Nathan/Noel Kingsley | Sammy Limmen       |                          |
| Nathaniel Wilfred    | Samuel Thompson    |                          |
| Nelson Limmen        | Scott McKeen       |                          |
| Nicodemus Farrel     | Sebastian Hodgson  |                          |

|                       |                     |
|-----------------------|---------------------|
| Noel Thompson         | Senita Kingsley     |
| Noelene Hodgson       | Serina Kingsley     |
| Nonnie Michels        | Shaun Thompson      |
| Patricia Michels      | Sherelle John       |
| Patrina Thompson      | Shirley Hodgson     |
| Paula Kingsley        | Shirley Hume        |
| Pearl Hodgson         | Silas Roberts Jnr   |
| Peter Jackson         | Simeon Kingsley (1) |
| Peterson Hodgson      | Simeon Kingsley (2) |
| Phillip Bush          | Simon Patterson     |
| Phillip Kingsley      | Simpson Thompson    |
| Phillipa Thompson     | Sonia Joshua        |
| Phyllis Ashley        | Stella Roberts      |
| Priscilla Kingsley    | Stephanie Bush      |
| Ralph Roberts         | Stephanie Roberts   |
| Ray Roberts           | Stephen Daniels Jnr |
| Raymond Michels       | Stephen Roberts     |
| Raymond Roberts       | Steve John-Forrest  |
| Remus O'Keefe         | Susan Daniels       |
| Rhoda Roberts         | Suzanne Wilfred     |
| Rhonda Roberts        | Sybome Lansen       |
| Richard Herbic/Butler | Tania Hodgson       |
| Rina Cooper           | Teddy O'Keefe Jnr   |
| Rita Bush             | Teresa Farrer       |
| Rita Roberts          | Tex Silver          |

## Group 4

|                               |                          |                   |
|-------------------------------|--------------------------|-------------------|
| Abel Joshua                   | Bruce Sandy              | Derek Wilfred     |
| Adain Gumbuli                 | Calissa Daniels          | Derrick Thompson  |
| Adrian Brown                  | Calvin Rogers            | Desley Lansen     |
| Agnes Wilfred                 | Cameron Doctor           | Desmond Daylight  |
| Alan Joshua (1)               | Cameron Farrel           | Diane Hall        |
| Alan Joshua (2)               | Campbell Herbert         | Dianne Dingle     |
| Alan Joshua (3)               | Cara Joshua              | Dinah Garadji     |
| Albert Rogers                 | Cariene Farrel           | Dion Daniels      |
| Alberta Ashley                | Caroline Hastings        | Don Gibbs         |
| Alexandra Garadji             | Casey <i>Galibudowlk</i> | Donita Dingle     |
| Alfonso Joshua                | Cathy-Anne Wunta         | Donovan Thompson  |
| Alfranen Wilfred              | Cecilia Lansen           | Dorianne Joshua   |
| Alfred Rogers                 | Cecilia Lewis            | Dorianne Roberts  |
| Alvin Daniels                 | Cecily Huddleston        | Doris Dingle      |
| Ambrose Daniels               | Cecily Joshua            | Dorothy Joshua    |
| Amos Dennis                   | Cedric <i>Yalibingga</i> | Douglas Roberts   |
| Ananais Hodgson               | Cedric Wilfred           | Douglas Wunta     |
| Anderson George               | Celina George            | Dwaine Joshua     |
| Atidrew Lansen                | Cerise Farrel            | Dwayne Dingle     |
| Andrew Robertson              | Chantelle Hall           | Dwayne Farrel     |
| Andy <i>Murrulula</i>         | Charles Robertson        | Eddie Albert      |
| Anngelina Ashley              | Charlotte Sandy          | Edith Farrer      |
| Angelina Asliley              | Charlton Ashicy          | Edward Joshua (1) |
| Angelina George               | Charmane Ashley          | Edward Joshua (2) |
| Angelina Joshua               | Cherradine Sandy         | Edwin Dingle      |
| Angelina Lewis                | Cheryl Conway            | Elena Farrel      |
| Anna Marie Lewis              | Cheryl Rogers            | Elizabeth Joshua  |
| Anna Marie <i>Midbarlirri</i> | Chris Rogers             | Elsa Wilfred      |
| Anthea Daniels                | Christian Rogers         | Einerstina Dingle |
| Antoinette Farrel             | Clarence Dingle          | Emery Joshua      |
| Antonio Joshua                | Clarrie Rogers           | Emily Dingle      |
| Arnold Gibbs                  | Cieo Wilfred             | Erie Joshua       |
| Arthur Dingle                 | Clifford Conway          | Erie Roberts (1)  |
| Arthur Dingle Jnr (Batman)    | Colin Joshua/Hall        | Erie Roberts (2)  |
| Arthur Huddleston             | Craig Rogers             | Erica Robertson   |
| Barnu Gibbs                   | Curtis Dingle            | Erin Joshua       |
| Barry Rogers                  | Cyrus Wilfred            | Estelle Wilfred   |

|                      |                        |                   |
|----------------------|------------------------|-------------------|
| Basil Gibbs          | Dalika Farrel          | Estellita Roberts |
| Beatrice Russell     | Damien Lewis           | Esther Wilfred    |
| Bemadette Hall       | Daniel Robert Barraway | Euan Rogers       |
| Bemadette Joshua     | Daniel Thompson        | Eugene Joshua     |
| Betty Joshua         | Danielle Roberts       | Eunice Joshua     |
| Betty Roberts        | Darren Joshua          | Eve Roberts       |
| Bonson Thompson      | Darryl Frith           | Evelyn Gumbuli    |
| Bradon Daylight      | Darryl Hastings        | Eveyn Larsen      |
| Brenda Rogers        | David Muluwana         | Ezekiel Joshua    |
| Brian Robertson      | Dawn Daniels           | Fabian Thompson   |
| Brielia Morris       | Dean Gumbuli           | Felicia Dingle    |
| Bronwyn Daniels      | Deborah Dingle         | Fenton Farrel     |
| Bronwyn Farrel       | Delores Dingle         | Fiona Joshua      |
| Frances Conway       | Jetlrey Huddleston     | Kyal Farrel       |
| Francesca Hodgson    | Jennifer Jefferies     | Kylie Daniels     |
| Francis Dingle       | Jeremiah Doctor        | Lachlan Hodgson   |
| Frank Conway         | Jeremiah Huddleston    | Lance George      |
| Fred Conway          | Jeremiah Morrison      | Lanceatta George  |
| Gabrielia Conway     | Jeremy Walla           | Lansen Joshua     |
| Gene Daniels         | Jessica George         | Leanne Gidibula   |
| George Valasi        | Jim Gibbs              | Lee-Sean Dingle   |
| Gersham Joshua       | Joanne Farrel          | Lena Gibbs        |
| Gertie Huddleston    | Joanne Larsen          | Lenny Joshua (1)  |
| Gleneth Joshua       | Joaquin George         | Lenny Joshua (2)  |
| Grace Jefferies      | Joaz Dennis            | Leon Dingle       |
| Graham Gibbs         | Joe Joe Huddleston     | Leon George       |
| Greg Joshua          | Joel Farrel            | Leon Joshua       |
| Hamish Roper Wilfred | Joel George            | Leonie Joshua     |
| Hannah Thompson      | John Dingle            | Lconna Garadji    |
| Harry Thompson       | John Graham Bingham    | Les Joshua        |
| Hazel Farrel         | John Huddleston        | Les Joshua Jnr    |
| Henry Huddleston     | John Joshua            | Lesley Conway     |
| Hilda Thompson       | Johnny Dingle          | Lesley Hall       |
| Holly Walilingarra   | Joline Russell         | Lesley Joshua     |
| Ian Conway           | Jonah Joshua           | Levi George       |
| Ian Garadji          | Jonathan Dingle        | Liam Wilfred      |
| Ian Jefferies        | Jonathan Farrel        | Lillian Joshua    |
| Immanuel Joshua      | Jones Wilfred          | Lillian Wanajahi  |

|                       |                      |                         |
|-----------------------|----------------------|-------------------------|
| Isaac Hodgson         | Joseph Garadji       | Linda <i>Midbelerri</i> |
| Isaac Rogers          | Joseph Ttompson      | Linda Wilfred           |
| Isaac Torn Boy Farrel | Josephine            | Lindsay Hall            |
| Ishmael Gumbuli       | Josephine Wilfred    | Lindsay Joshua          |
| Ishmiah Hall          | Josita Joshua        | Linton Dingle           |
| Isiah Roberis         | Joyce <i>Jirrbul</i> | Linton Farrel           |
| Ivan Garadji          | Judith Dingle        | Lionel Thompson         |
| Jack Gibbs            | Julianne Rogers      | Livina Thomas           |
| Jackson Joshua        | Junior Gibbs         | Lloyd Hastings          |
| Jacqueline Joshua     | Justine Rogers       | Lloyd <i>Nawagin</i>    |
| Jake Farrel           | Karen Bingham        | Loretta George          |
| James Garadji         | Karen Wilfred        | Louise Huddleston       |
| Jamie Iads            | Kate George          | Lucas Daylight          |
| Jana Dingle           | Kay Wilfred          | Lucas Hall              |
| Janelle Roberts       | Kayleen Rogers       | Lynette Joshua          |
| Janet Vera Farrel     | Kayleen Thompson     | Lynette Roberts         |
| Janice Joshua (1)     | Keith Rogers         | Macuen Hall             |
| Janice Joshua (2)     | Kerri-Anne Garadji   | Malcolm Farrel          |
| Janine Rogers         | Kerri-Anne Roberts   | Manuel Thompson         |
| Janita Joshua         | Kerry Blitner        | Mara Dingle             |
| Janita Russell        | Kerry Dingle         | Marcia Roberts          |
| Jarrod Roberts        | Kevin Rogers         | Margaret Dingle         |
| Jasmine Hastings      | Kifa Hall            | Margaret Hall           |
| Jason Rogers          | Kimberley Rogers     | Margaret Mary Conway    |
| Jay Morris            | Kirsten August       | Margaret Matry Joshua   |
| Jeff Valasi           | Kurt Rogers          | Maria Conway            |
| Maria Lansen          | Phylicia Daylight    | Scima Hall              |
| Maria Ponto           | Priscilia Roberts    | Senita Kingsley         |
| Mario Joshua          | Raelene George       | Shana Dingie            |
| Marita Roberts        | Ralph Dingle         | Shane Joshua            |
| Maritza Rogers        | Randal Daniels       | Shane Robinson          |
| Marius Joshua         | Randy Lawara         | Sharon Joshua           |
| Marjorie Roberts/Hall | Ray George Jnr       | Sharon Rogers           |
| Mark Conway           | Rayiene Roberts      | Shaun Joshua            |
| Martika Rogers        | Raynor Rogers        | Shaunette Dingle        |
| Martina Hall          | Rebecca Conway       | Shaye Garadji           |
| Mary Dingle           | Rebecca Dennis       | Sheila Joshua           |
| Mary Josephine Conway | Rebecca Huddleston   | Sherina Gumbuli         |
| Maryanne Diringayi    | Reggie Rogers Snr    | Sherryanne Dingle       |

|                      |                       |                        |
|----------------------|-----------------------|------------------------|
| Mathias Conway       | Regina Joshua         | Shirley Dingle         |
| Matthias Rogers      | Regina Roberts        | Shirona Rogers         |
| McEwan Rogers        | Regina Rogers         | Sibena Lansen          |
| Megan Huddleston     | Renata George         | Simeon George          |
| Melakay Farrel       | Renelle Rogers        | Simeon Kingsley        |
| Melissa'Fhompson     | Richard Garadji       | Sonia Joshua           |
| Melva Wilfred        | Richard Herbert       | Sophia Rogers          |
| Michael Gibbs        | Richard Noel Thompson | Stanley Joshua         |
| Michael Rogers       | Richard Thompson      | Stanley Thompson       |
| Michell Thompson     | Ricky Paterson        | Stefan Joshua          |
| Michelle Farrel      | Ricky Thompson        | Stephen Rankin         |
| Mildred Joshua       | Roberta Roberts       | Stewart Dingle Garadji |
| Miranda Rogers       | Robin Dingle          | Stewart Gordon         |
| Miriam <i>Mamba</i>  | Robin Rogers          | Stuart Hall            |
| Myrtle Joshua        | Roddy Joshua          | Tabasco Dingle         |
| Naomi Wilfred        | Rodney Hall           | Tamara Joshua          |
| Narelle Farrel       | Roger Roper           | Tania Joshua           |
| Natasha Daylight     | Roger Thompson        | Tara Dingle            |
| Nathaniel Frith      | Ron Daniels           | Tay lor Roberts        |
| Nerissa Hall         | Ron Thompson          | Ted Dingle             |
| Ngali Gibbs          | Rosanne Gordori       | Thomas Farrel          |
| Nicodemus Farrel     | Rosemary Joshua       | Thompson Joshua        |
| Owen Farrel          | Rowena Roberts        | Tiffany Daniels        |
| Owen Lewis           | Rupert Farrel         | Tina Dingle            |
| Parina Sandy         | Ruth Joshua           | Tisaac Farrel          |
| Patricia Farrel (1)  | Sadia Lewis           | Tod Boy Farrel         |
| Patricia Farrel (2)  | Sallyanne Dingle      | Tom Boy Farrel Jnr     |
| Patricia Garadji     | Sally-Anne Kingsley   | Tommy Lewis            |
| Patsy Huddleston     | Samara Wilfred        | Tony Dingle            |
| Paul Joshua          | Sampson Joshua        | Tony Joshua            |
| Paula <i>Warlili</i> | Sandra <i>Bingayi</i> | Torian George          |
| Pauline Gibbs        | Sandra Joshua         | Tracey Garadji         |
| Peter Farrel         | Sarah Conway          | Travis Thompson        |
| Peter Farrel Jnr     | Sarah Dingle          | Trisha Rogers          |
| Peter Jackson        | Scott Dingle          | Una Joshua             |
| Peter Lansen         | Seamus Farrel         | Vaimai Roberts         |
| Phillip Huddleston   | Scan Dingle           | Valmai Rogers          |
| Philomena Conway     | Selda Gumbuli         | Vanessa Roberts        |

Vera Thompson  
Veronica Joshua  
Vicky Farrel  
Violet Huddleston  
Vivian Thompson  
Wailace Dennis  
Walter Joshua  
Walter Rogers  
Ward Hastings  
Warren Barraway  
Warren Farrer  
Wayne Joshua  
Wesley Hastings  
William Conway  
Winston Joshua



## Group 5

|                           |                       |                           |
|---------------------------|-----------------------|---------------------------|
| Alberta Ashley            | Cain Thompson         | Darrylyn Hall             |
| Alexander "Alex" Thompson | Caine Harrison        | David Chadham             |
| Alfred Rogers             | Caleb Thompson        | David Daniels Nangkaparra |
| Alicia Harrison           | Calvin Rogers         | David Thompson            |
| Alison Lansen             | Camille Thompson      | Davis Turner              |
| Aima Daniels              | Cara Jane Rami        | Dawson Daniels            |
| Amarita Gondora           | Carina Thompson       | Delilah Rogers            |
| Amelia Huddleston         | Carissa Daniels       | Delina Ponto              |
| Amy Johnson               | Carlo Tapau           | Delores Thompson          |
| Andre Rami                | Carmelina Daniels     | Delvina Ngalmi            |
| Andre-Kurt Rami           | Carol Daniels         | Delvine Thompson          |
| Andrew Thompson           | Carol John            | Derek Thompson (1)        |
| Angela Bush               | Caroline Sammy        | Derek Thompson (2)        |
| Angelina Ashley           | Carolyn John          | Dereze Numamurididi       |
| Anita Daniels             | Carrol Andrews        | Derrick Thompson          |
| Anita Thompson            | Cassidy Hall          | Desiree Thingle           |
| Anna Rickson              | Cathy-Anne Thompson   | Devin Hall                |
| Annabel/Alma Daniels      | Cecilia Thompson      | Diana Rami                |
| Anne Thompson             | Chanelle Huddleston   | Dianna Hall Minyarma      |
| Annette-Kathy Daniels     | Charlene Thompson     | Dianna Thompson           |
| Anthea Daniels            | Charles Bush          | Dianne Gumbili            |
| Anthea Thompson           | Chariton Ashley       | Dion Junior McDonald      |
| Anthony Daniels           | Charmaine Ashley      | Dion McDonald             |
| Anthony Harris            | Charmaine Thompson    | Dixi Blitner              |
| Audrey Bush               | Cherry Daniels        | Don Blitner               |
| Baby Daniels              | Cherry-Anne Daniels   | Donavan Nawidj            |
| Baldhead Rogers           | Christopher Munna (1) | Doreen Daniels            |
| Bamabas Turner            | Christopher Munna (2) | Dudley Daniels            |
| Barry Rami                | Christy Gondora       | Dylan Thompson            |
| Barry Rogers              | Cinnita Chadham       | Dyson Bush                |
| Basil Murrungun           | Clayton Daylight      | Dyson Ngaimi              |
| Belinda Byes              | Cliff Thompson        | Eddie Harrison            |
| Belinda Robertson         | Clifford Thompson     | Eddie McDonald            |
| Bernadette Hall Mulpurr   | Clinton Gumbili       | Eddie Tapau               |
| Bernice Nawidj            | Codelle Kelly         | Eden Graham               |
| Bert Rami                 | Colleen Harrison      | Edgar Thompson            |
| Bianca Daylight           | Colleen Lirrawi       | Edmund Thompson (Buddy)   |

|                      |                      |                       |
|----------------------|----------------------|-----------------------|
| Billy Hall           | Conrad Hall          | Edris Kurt Lingiari   |
| Boas Munna           | Craig Jolin          | Edward Thompson       |
| Bob Ganambarr        | Craig Rogers         | Edwina Riley          |
| Bobby Roberts        | Cris Rogers          | Elija Deilnis         |
| Bradlene Rami        | Crystal-Lee Thompson | Elizabeth Rami        |
| Brandy Gumbula       | Cynthia Turner       | Eikira Ngalmi         |
| Brendan John         | Daina Gumbula        | Enoch Thompson        |
| Brendan Robertson    | Daisy Sammy          | Eric Hall             |
| Brett Dudley Danicis | Dallas Thompson      | Ernastina Dingul      |
| Brian Daniels Bluesy | Dan Thompson         | Ernest Daniels        |
| Brittany Thompson    | Dane Thompson        | Ernest Daniels Jnr    |
| Bruce Thompson       | Danielle Thompson    | Esau Thompson Snr     |
| Cadell Thompson      | Darryl John          | Esau Thompson         |
| Esmeralda Thompson   | Jamalh Dennis Ponto  | Kurt Rolers           |
| Ethan Thompson       | Jamie John           | Kylie Thompson        |
| Ethel Sammy          | Jana-Marie Daniels   | Kymalis Thompson      |
| Eunice Joshua        | Janelle Harrison     | Laurel Harrison       |
| Evangeline Gumbili   | Janet John           | Leanna Harrison       |
| Ezra Thingle         | Janet Lirrawi        | Lee Thompson          |
| Fabian Rami          | Jason Thompson       | Leonie Larsen         |
| Fabian Thompson      | Jaydene Daniels      | Leslie Hall           |
| Faith Thompson       | Jefferina Kelly      | Lester Gumbili        |
| Faye Chadham         | Jefferina McDonald   | Lester Gumbula        |
| Felicia Dingul       | Jetrey John          | Letora Ngaimi         |
| Felicity Numamurdidi | Jemiah Gumbuia       | Liam Hall             |
| Fiona Gumbili        | Jeremy Hall          | Lilly Ganambarr       |
| Francis Lirrawi      | Jessica Hall         | Lincoln Harrison      |
| Fred Colin Hall      | Jill Danicis         | Linda Munna           |
| Fred Mutina          | Jimmy Hall           | Lindsay Hall Jalmagri |
| Frederick Dennis     | Joalene Gondora      | Lionel Thompson       |
| Gabrielia Thompson   | Jodie Farrer         | Lisa Ngaimi           |
| Garrett Daniels      | Joel Daniels         | Lisa Thompson         |
| Gary Huddlestone     | Joel Thompson        | Lisha Larsen          |
| Gene Daniels         | Joelene Harrison     | Lloyd Thompson        |
| Geraldine Daniels    | Joelene Russel       | Lorraine Robertson    |
| Gertrude Gumbili     | Joey Thompson        | Luanna Daniels        |
| Gilbert Bush         | John Thompson        | Ludavina Lalara       |
| Girsham Ngalmi       | John Wilson          | Luke Nawidj           |

|                       |                      |                         |
|-----------------------|----------------------|-------------------------|
| Gloria Thompson       | Johnny Daniels       | Luke Turner             |
| Graeme Daniels        | Johnson Hall         | Lyndon Gumbula          |
| Graham Turner         | Jonothon Blitner     | Mahalia Gumbula         |
| Grant Thompson        | Jordan Thompson (1)  | Malcolm Byes            |
| Gregory Daniels       | Jordan Thompson (2)  | Mandy Sammy             |
| Hannah Thompson       | Joseph Thompson      | Manuel Thompson         |
| Harry Thompson        | Josephine Lirrawi    | Marcus Hall             |
| Haydon Daniels        | Juan Rickson         | Margaret Hall           |
| Heath Munna           | Juanita Gumbula      | Margaret Thompson       |
| Helen Hall            | Judith Thompson      | Marie Sammy             |
| Helen Munna           | Julian Thompson      | Marie-Claire Robertson  |
| Herbert Rami/Thompson | Julianne Rogers      | Marilyn John            |
| Herbert Thompson Jnr  | Justin Foster        | Marissa Thompson        |
| Heshion Hall          | Justine Rogers       | Maritza Hall            |
| Holly Lalarra         | Kailis Gondora       | Marjorie Daniels        |
| Howard Turner         | Kara Rami            | Marjorie Tapau          |
| Hubert Rami           | Karen Sammy          | Mark Antony Lingiari    |
| Ian Harris            | Kate Hall            | Mark Daniels            |
| Ida Chadham           | Keanan Numamurdidi   | Mark Harris             |
| Ina Thompson          | Kelly Rogers         | Mark Thompson           |
| Ipsley Munna          | Kerri-Anne Thompson  | Martin Dennis           |
| Irene Andrews         | Kerry Thompson       | Martina Hall Ngadapi    |
| Isobel Daniels        | Kevin Kurt Rogers    | Mary-Anne Thompson      |
| Jack Hall             | Kevin Lirrawi        | Mathew Rogers           |
| Jackson Rogers        | Kieran Rogers        | Mathius Roberts         |
| Jacob Daniels         | Kieron Kelly         | Matthew Thompson        |
| May Rebecca Dennis    | Phyllis Hall         | Sheila Riley            |
| Maya Thompson         | Queron Daniels       | Sherena Thompson        |
| McEwan Hall           | Quinton Hall         | Sherianne Ladd          |
| Mekisha Daniels       | Raisha John Forrest  | Sherwin Bunya           |
| Melanie Thompson      | Raymond Thompson     | Shibohn McDonald        |
| Melinda Chadham       | Raynor Rogers        | Shimika Ganambarr       |
| Melissa Thompson (1)  | Regina Rogers        | Shirleen Daniels/Ngalmi |
| Melissa Thompson (2)  | Reginald Rogers Jnr  | Shirly Johns            |
| Michael Rogers        | Rekeisha Joshua      | Simone Huddlestone      |
| Michelle Ngadabi      | Rhys Hall Naningmula | Simpson Thompson        |
| Mikaela Lansen        | Richard Chadham      | Solomon Daniels         |
| Miranda John          | Rita John            | Sopa (Beryl) Tapau      |

|                    |                        |                        |
|--------------------|------------------------|------------------------|
| Mitcliell Hall     | Robert Rickson Jnr     | Sophia Nawidj          |
| Monica Nawidj      | Robin Thompson         | Stanley Thompson       |
| Moses Kelly Jnr    | Rodney Hall            | Stefan Gumbula         |
| Moses Silver       | Roger Ashley           | Stephailic Daniels     |
| Muriel Joy Daniels | Roland Lansen Jnr      | Stephanie Thompson     |
| Natalie Gondora    | Roland Kingsley-Lansen | Stewart Daniels        |
| Natasha Daniels    | Ronald Thompson (1)    | Stewart Hall           |
| Nataslia Rami      | Ronald Thompson (2)    | Susan Sammy            |
| Nataslia Thompson  | Rondelle liall         | Taniar Gumbili         |
| Nathan Byes        | Ronnie Chadham         | Tammy Chadham          |
| Natlianiel Byes    | Ronnic John            | Tammy-Lee Hall         |
| Neil Hall          | Ros(s) Lirrawi         | Tara Thompson          |
| Nelson Gumbili     | Rose Munna             | Tarasita Daniels       |
| Nelson Hall        | Roseanne Lalarra       | Tasha Thompson         |
| Nerrida Hall       | Roslyn Munna           | Tegan Thompson         |
| Nickesha Ladd      | Russell Gumbili        | Terence Gumbula        |
| Nicole James       | Ruth Hall              | Terence Hall           |
| Nikita Nawidj      | Ruth Munna             | Terence Turner         |
| Nikota Wilson      | Ryan Douglas Ponto     | Terry Thompson         |
| Noel Thompson (1)  | Sadie Thompson (1)     | Theresa Lirrawi        |
| Noel Thompson (2)  | Sadie Thompson (2)     | Timothy Gumbili        |
| Noelene Roberts    | Sally Thompson         | Tina Thompson          |
| Owen Turner        | Sammy Bulabul          | Titus Dennis           |
| Pat Daniels        | Sammy Lalarra          | Toni Hall              |
| Patrice Ganainbarr | Samuel Thompson        | Torn Thompson          |
| Patricia Thompson  | Scott Dingul           | Trefina Thompson       |
| Patrick Daniels    | Sebastian John         | Trevor Gumbili         |
| Patrick Thompson   | Seima Hall             | Tristan Hall           |
| Patrina Lingiari   | Shane Daniels          | Tristan Kelly          |
| Paul Daniels       | Shane Ladd             | Trixon Thompson        |
| Paul Munna         | Shane Ladd Jnr         | Troyston Munna         |
| Pauline Daniels    | Shania Miller          | Trudy Hall Mardarli    |
| Pauline Thompson   | Shanton Ladd           | Una Thompson           |
| Peter Daniels Jnr  | Sharon Rogers          | Valerie Nawidj         |
| Peter Gumbula      | Sharon Thompson        | Vanessa Thompson       |
| Peter John         | Sharona Thompson       | Vaneta Gumbula         |
| Philemon Robertson | Shaun Ladd             | Veronica Gumbula       |
| Phillip Daniels    | Shaun, Thompson        | Victor Huddlestone Jnr |

Phillip Robertson  
Vincent Bush  
Vnette Ngalmi/Daniels  
Vinnie Numamurdidi  
Waiter Thompson  
Warwick Thompson  
Wendy (Wilma) Munna  
Wilfred Harris  
William Bush  
William Hail Baipulun  
Willy Harris  
Wilston Huddleston  
Winston Thompson (1)  
Winston Thompson (2)  
Xavier Carlos Danieis

Shay Ladd

Vince Thompson

## Group 6

|                        |                         |
|------------------------|-------------------------|
| Alexandra Garadji      | Juan Watson             |
| Alfonso Rankin         | Justin Lansen           |
| Alma Daniels           | Kerry-Anne Garadji      |
| Amanda Jeffreys        | Kevin Lansen Jnr        |
| Annabelle Daniels      | Leah Lansen             |
| Blangina Ngalmi        | Leonardo Rankin         |
| Bonita Farrer          | Leonna Garadji          |
| Brian Daniels          | Maria Lansen            |
| Brittney Barraway      | Marijah Murrungun       |
| Caleb Garadji          | Mark Gordon             |
| Carol Daniels          | Melissa Jeffreys        |
| Chenele Lansen         | Melissa Lansen          |
| Cynthia Rankin         | Nadia Manoola           |
| Daniel Robert Barraway | Neil Jeffreys           |
| Danielle Barraway      | Nicolas Lingarri Gordon |
| David Daniels          | Patria Gordon           |
| Deakin Lansen          | Phillip Jeffreys        |
| Debbie Watson          | Queenie Riley           |
| Desley Lansen          | Reginald Watson         |
| Donita Wunungmurra     | Richard Garadji         |
| Dudley Daniels         | Richard Noel Thompson   |
| Eddie Albert           | Robin Jeffreys          |
| Edris Gordon           | Rosanne Gordon          |
| Elaine Daniels         | Rosanne Rankin          |
| Elsy Joshua            | Rvan Jeffreys           |
| Evelyn Lansen          | Samuel Thompson Jnr     |
| Fabian Thompson        | Shaye Garadji           |
| Freida Roberts         | Sheniah Barraway        |
| Gaye Blitner           | Solomon Daniels         |
| George Blitner         | Steven Rankin           |
| Glen Blitner           | Stewart Gordon          |
| Godfrey Blitner        | Stewart Gordon Jnr      |
| Gordon John-Forrest    | Stuart Dingle           |
| Grace Jeffreys         | Syborne Mangola         |
| Gwyneth Blitner        | Tracey Garadji          |
| Hannah Thompson        | Troy Mangola            |
| Ian Garadji            | Vanessa Rankin          |
| Ian Jeffreys           | Vincent Garadji         |

Isobelle Daniels  
Ivan Garadji  
Jacob Daniels  
James Garadji  
Jennifer Jeffreys  
Jeremiah Morrison  
Joanne Lansen  
John Scott Thompson  
Joseph Garadji  
Joseph Thompson (1)  
Joseph Thompson (2)

Warren Barraway

## Group 7

|                                 |                         |
|---------------------------------|-------------------------|
| Amakarr Markuri                 | Mujiji Nungarrgalug     |
| Anthony Mardarra                | Narthurin Markuri       |
| Beveline Markuri                | Nelson Mardarra         |
| Brett John Markuri              | Nigel Mardarra          |
| Castina Markuri                 | Percy Markuri           |
| Claretice Markuri               | Renita Markuri          |
| Clifton Mardarra                | Rexalle Urramarra       |
| Colleen Markuri                 | Salandra Markuri        |
| Dalajira Nundhirribala          | Sebastian Nungumajbarr  |
| Dale Markuri                    | Sheiene Mardarra        |
| David Murrungun                 | Suzanne Markuri         |
| Dilimbi Nundbirribala           | Tanya Nungumajbarr      |
| Ditania Nundbirribala           | Tashiana Markuri        |
| Don Nundhirribala               | Trevina Nungumajbarr    |
| Douglas Riley Nungarrgalug      | Triselle Markuri        |
| Elizabeth Mardarra              | Wally Nundhirribala     |
| Gorrkin Markuri                 | Wilfred Mardarra        |
| Jacquilitic Murrungun           | Wularbular Nungarrgalug |
| James Markuri                   | Wulyja Nungarrgalug     |
| Jane Markuri                    | Wunkatana Nungarrgalug  |
| Jangu Nundhirribala             | Yanpulija Nungarrgalug  |
| Jeanette Markuri                |                         |
| Jeffrey Nungarrgalug            |                         |
| Joyce Markuri                   |                         |
| Juan Urramarra                  |                         |
| Justin Markuri                  |                         |
| Kentrik Markuri                 |                         |
| Kerry-Anne Nungumajbarr         |                         |
| Kevin Markuri                   |                         |
| Kinyibuwa Murrungun             |                         |
| Kurt Nungumajbarr               |                         |
| Kuybarda Nundhirribala          |                         |
| Larlbij Nungarrgalug            |                         |
| Lefanda Nungumajbarr            |                         |
| Leo Riley (Dogggy) Nungarrgalug |                         |
| Lousia Markuri                  |                         |
| Lucas Markuri                   |                         |



Majindina Markuri  
Malandunya Nundhirribala  
Malcolm Markuri  
Mamuna Markuri  
Mangurajai Ruth  
Manjarrawan Murrunoun  
Marilyn Nyunkayinbala  
Mario Markuri  
Martina Nungumajbarr  
Mathurlu Nundhirribala  
Melita Nungumajbarr  
Morro Markuri

## Group 8

|                       |                       |                         |
|-----------------------|-----------------------|-------------------------|
| Adani Joe             | Bronson Ponto         | Dawn Daniels            |
| Adrian Daniels        | Bronwyn Daniels       | Dawson Daniels          |
| Adric Wilfred         | Bronwyn Roberts       | Dayson Joe              |
| Alan Ngalmi           | Calisa Daniels        | Dean Roberts            |
| Alastair Evans        | Calvin Rogers         | Deanna Daniels          |
| Albert Rogers         | Carissa Daniels       | Deborah Daniels         |
| Alfia Joe             | Carl Roberts          | Delina Ponto            |
| Alfie Roberts         | Carlos Simon          | Denise Daniels          |
| Alfred Joe            | Carmelina Daniels     | Dennis Daniels          |
| Alfred Rogers         | Carol Daniels         | Dennis Duncan           |
| Alica Joe             | Carol Simon           | Denzel Daniels          |
| Alina Farrel          | Caroline John-Forrest | Derrick Thompson        |
| Alma Daniels          | Caroline Riley        | Desmond Robertson       |
| Aloba                 | Carolyn Sammy         | Desmond Wurumarra       |
| Alrina Joe            | Casey <i>Wamala</i>   | Dianne Gumbuli          |
| Alvernan Wurumarra    | Cassandra Daniels     | Dion Daniels Jnr        |
| Alvin Daniels         | Cecily Ponto          | Donald "Booboo" Daniels |
| Alvin/ Doug Joe       | Celina Daniels        | Donald Danicis          |
| Ambrose Daniels       | Chabascoe Bonson      | Donna Daniels           |
| Ambrose Sandy         | Chantelle Hall        | Doreen Limmen           |
| Analaise Andrews      | Charis Robertson      | Doreen Ponto            |
| Andrea Wurumarra      | Cherry-Anne Daniels   | Doris Joe               |
| Andrina Andrews       | Cherry-Anne Simon     | Dorothy Daniels         |
| Angus Andrews         | Cheryl Rogers         | Douglas (Toady) Daniels |
| Angus Ponto           | Chery-Lynn Yunupingu  | Dudicy Daniels          |
| Anita Daniels         | Chris Rogers          | Dylan Daniels           |
| Annabel/Alma Daniels  | Christian Rogers      | Edmond Roberts          |
| Annette-Kathy Daniels | Christine Ponto       | Edris Kurt Lingiari     |
| Annie Daniels         | Christine Riley       | Edward Daniels          |
| Anthea Daniels        | Cindy                 | Eileen Ngalmi           |
| Anthony Daniels       | Clarrie Rogers        | Eilsa Nunggargarlu      |
| Anthony Ponto         | Clinton Gumbuli       | Elaine Daniels          |
| Arnold Duncan         | Craig Rogers          | Elaine Timothy          |
| Attili                | Cynthia Turner        | Elena Daniels           |
| Aynjabayabayn         | Cyrus Daniels         | Elija                   |
| Bamabas Simon         | Daisy Sammy           | Elston Ponto            |
| Bamabas Turner        | Dallas Joe            | Elton Daniels           |

|                          |                         |                        |
|--------------------------|-------------------------|------------------------|
| Barry Rogers             | Damien Roberts          | Eivis Joe              |
| Benny Nunggumajbarr      | Daniel McKinnon         | Emastina Dingul        |
| Bernadette Riley         | Danielie Roberts        | Emily Evans            |
| Bessie Numamudidi        | Danny Daniels           | Erie <i>Ganjiwarla</i> |
| Bobby Nunggumajbarr      | Daphne Danicis          | Emest Daniels          |
| Bobby Nunggumajbarr Jnr  | Darren Danieis (Gardy)  | Emest Daniels Jnr      |
| Bonita Nunggumajbarr     | Darryl O'Keefe          | Emest Malirrima        |
| Brenda Rogers            | Darryl Wurumarra        | Esmereida Simon        |
| Brett Dudley Daniels     | David Allen             | Esterlita Riley        |
| Brian Daniels Bluesy     | David Daniels           | Esther Ponto           |
| Brian Simon              | Davina Daniels          | Estherlita Roberts     |
| Bridget <i>Wuringali</i> | Davis Daniels           | Ethel Farrer           |
| Euan Rogers              | Jack Daniels            | Keifer Hall            |
| Eva Riley                | Jacob Danicis           | Keith Ngalmi           |
| Evan Ngaimi              | Jacqueline Daniels      | Keith Rogers           |
| Evangeline Gumbuli       | Jacqueline Riley        | Kennan Nunggumajbarr   |
| Fanny Riley              | Jamaih Dennis Ponto     | Kenny Riley            |
| Fay Joe                  | James Turner            | Kerry Simon            |
| Fay Riley                | Jamesy Weston           | Kesley Daniels         |
| Felicia Dingul           | Jamie Ponto             | Kevin Rogers           |
| Felicity Nunggumajbarr   | Jana-Marie Daniels      | Kimberley Rogers       |
| Fiona Gumbuli            | Janie Sandy             | Kirsten Daniels        |
| Florette Daniels         | Janine Rogers           | Kurt Daniels           |
| Frances Limmen           | Janita Ponto            | Kurt Rogers            |
| Franklin Joe             | Jaquille Wurumarra      | Kyline Daniels         |
| Gabajarra                | Jasmine 'Nosey' Daniels | Lancelot Ngalmi        |
| Garrett Daniels          | Jason Rogers            | Larry Simon            |
| Gary Gawurdanga          | Joanne Riley            | Leanne Roberts         |
| Gene Daniels             | Joanne Roberts          | Leigh Barney           |
| Genevieve Ngaimi         | Jock Riley              | Leon Daniels           |
| Geraidine Daniels        | Jodie Evans             | Lester Gumbuli         |
| Gertrude Gumbuli         | Joe Gujan               | Lester Wurumarra       |
| Gillian Bamey            | Joel Daniels (1)        | Lila Riley             |
| Gillian Limmen           | Joel Daniels (2)        | Limmen Bamey           |
| Glenda Robertson         | Joel Daniels (3)        | Limona Nunggargarlu    |
| Glenda Simon             | Joel Roberts            | Linda Riley            |
| Gloria Joe               | John Graham             | Lindon Daniels         |
| Grace Joe                | John Graham Bingham     | Lolinda Collins        |

|                           |                              |                           |
|---------------------------|------------------------------|---------------------------|
| Grace Ponto               | Johndo Ponto                 | Lolita Graham             |
| Grace Riley               | Johnny Daniels               | Lorna Joe                 |
| Graeme Daniels (1)        | Johnny O'Keefe               | Luanna Daniels            |
| Graeme Daniels (2)        | Johnson Roberts              | Luke Tumer                |
| Gregory Daniels           | Jojo Danicis                 | Lynette Roberts           |
| Gwenyth Simon             | Jonathon Roberts             | Lynette Simon             |
| Hannah Daniels            | Josephine Mawuldi            | Malcom Joe                |
| Hannah Tyson Duncan       | Josephine Jarndu             | Mandy Sammy               |
| Harold                    | Josephine Timothy            | Manuel Joe                |
| Harold O'Keefe            | Joshua Riley                 | Manuel Ngalmi             |
| Haydon Daniels            | Joy McKinnon                 | Margaret <i>Madhu</i>     |
| Hazel Ponto               | Joy Sandy                    | Margaret Duncan           |
| Helen <i>Larrajiwarnu</i> | Judith Simon                 | Margarita Daniels         |
| Henry <i>Anjayamin</i>    | Julianne Rogers              | Maria Ponto               |
| Henry <i>Juluba</i>       | Julie Joe                    | Marie Sammy               |
| Herman Roberts            | Justine Rolgers              | Marjorie Daniels          |
| Hilda Ngalmi              | Kane Bamey                   | Marjorie Joe              |
| Howard Turner             | Kane Daniels                 | Mark Antony Lingiari      |
| Isaac Rogers              | Karen Wirriwidin.val         | Marlene Joe               |
| Ishmiah Hall              | Karen Bingham                | Marsela Harrison          |
| Isiah Roberts             | Karen Sammy                  | Martin                    |
| Isobel Daniels            | Kathleen Duncan              | Mavis <i>Unugangan</i>    |
| Ivan Ngaimi               | Kathy Anne <i>Walimun.gu</i> | MeEwan Harrison           |
| Ivan Timothy              | Katrina McKinnon             | Mckisha Daniels           |
| Jacinta Wurumarra         | Kayleen Rogers               | Melinda Thompson          |
| Melinda Wurumarra         | Queenie Simon                | Rupert Nunggumajbarr      |
| Meredith Ngalmi           | Queron Daniels               | Russel Gumbuli            |
| Meredith Robertson        | Quinton Joe                  | Russel <i>Wunyjarrman</i> |
| Mialia Daniels            | Rachel Riley                 | Russell Daniels           |
| Michael Rogers            | Ralph Roberts                | Russell Simon             |
| MichelleAllen             | Randall Daniels              | Ruth Riley                |
| Michelle Farrel           | Ray Roberts                  | Ryan-Douglas Ponto        |
| Mickail Daniels           | Raymond Roberts              | Sacarina Joe              |
| Mikela Daniels            | Raynor Rogers                | Sally-Anne Simon          |
| Mildred Joe               | Rebecca                      | Samantha Weston           |
| Mildred Ponto             | Reggie Rogers Snr            | Sammy Ponto               |
| Miranda Rogers            | Regina Rogers                | Sammy Riley               |
| Miriam Joe                | Reginald Yadu                | Samson Daniels            |

|                              |                         |                         |
|------------------------------|-------------------------|-------------------------|
| Monica Joe                   | Renaldo Riley           | Samson Ponto            |
| Moses Joe                    | Renato Witrumarra       | Samuel Barney           |
| Moses Ponto                  | Renee Yunapingu/Daniels | Samuel Duncan           |
| Muriel Joy Daniels           | Renelle Ro ers          | Samuel Ngalmi           |
| Murphy Joe                   | Renita Riley            | Samuel Ponto            |
| Nanciata Yunupingu           | Rhoda Sandy             | Sandra Ngalmi           |
| Nancy Daniels                | Rhonda Duncan           | Scott Dingul            |
| Narisa Hall                  | Rhonda Hammer           | Scotty Ponto            |
| Natasha Daniels              | Rhonda Nunagumajbarr    | Sean Evans              |
| Nathan Daniels               | Rhonda Simon            | Sebastian Evans         |
| Nelson Gumbuli               | Rhys Hall               | Selena Ponto            |
| Nerissa Ngalmi               | Riana Wurumarra         | Selvina Wurumarra       |
| Nevilie Ngalmi               | Richard Hammer          | Shane Daniels           |
| Nicky Simon                  | Richard Sandy (1)       | Shane Robinson          |
| Nixon Nungumajbarr           | Richard Sandy (2)       | Shannon Daniels         |
| Noelene Ponto                | Rita Ngalmi             | Sharon Rogers           |
| Norma Simon                  | Rita Roberts            | Sharonta Wurumarra      |
| Olga Daniels                 | Robert Hammer           | Sheila                  |
| Pat Daniels                  | Robert Roberts          | Sherlie Simon           |
| Patrick                      | Roberta Roberts         | Sherita Riley           |
| Patrick Daniels              | Robin Rogers            | Shirleen Daniels/Ngalmi |
| Patrina Lingiari             | Roderick Roberts        | Shirona Rogers          |
| Paul <i>Wunymurri</i>        | Rodney Duncan           | Simon Ponto             |
| Paul Daniels                 | Roger Rogers            | Solomon Daniels         |
| Pauline Daniels              | Ron Daniels             | Sophia Rogers           |
| Peatra Robertson             | Ronald Daniels          | Sophia Simon            |
| Peter Daniels Jnr            | Ronald Roberts          | Stacey Daniels          |
| Peter Ngalmi                 | Rose Cook               | Stanley Alien           |
| Peter Woods                  | Rose Daniels            | Stella Ngalmi           |
| Peterson <i>Bilbajirminy</i> | Rose Ponto              | Stella Roberts          |
| Petrina Thompson             | Rosemary Roberts        | Stephanie Daniels       |
| Phillip Ngalmi               | Rosie Yungarnanji       | Stephanie Roberts       |
| Phillip Daniels (1)          | Roslyn Hammer           | Stephen Sandy           |
| Phillip Daniels (2)          | Rowena Roberts          | Steve John-Forrest      |
| Polly Anne Ponto             | Roxanne Roberts         | Stewart Daniels         |
| Prescott Wurumarra           | Roy Hammer              | Susan Sammy             |
| Preston Harrison             | Roysten Riley           | Suzanne Daniels         |
| Tamar Gumbuli                | Yvette Riley            |                         |

|                          |                     |
|--------------------------|---------------------|
| Tammy Daniels            | Yvette Robertson    |
| Telita Wurumarra         | Yvonne John-Forrest |
| Terence Turner           | Yvonne McKinnon     |
| Teresa Ponto             |                     |
| Terice Nunggumajbarr     |                     |
| Terry McKinnon           |                     |
| Tess Daniels             |                     |
| Thelma Bamey             |                     |
| Theresa John-Forrest     |                     |
| Theresa Simon            |                     |
| Thomas Simon             |                     |
| Tiffany Daniels          |                     |
| Timothy Gumbuli          |                     |
| Timothy Simon            |                     |
| Titus                    |                     |
| Titus Lester Daniels     |                     |
| Tom Simon                |                     |
| Tommy <i>Wumaminy</i>    |                     |
| Topsy Riley              |                     |
| Trenice Wurumarra        |                     |
| Trephina Austral/Roberts |                     |
| Trevor Gumbuli           |                     |
| Trevor Ponto             |                     |
| Trisha Rogers            |                     |
| Trudy Hall               |                     |
| Vali.nai Rogers          |                     |
| Vanessa Kruger           |                     |
| Vanessa Roberts          |                     |
| Velma Timothy            |                     |
| Vena McKinnon            |                     |
| Venita Daniels           |                     |
| Vema Riley               |                     |
| Vema Wurumarra           |                     |
| Veronica Sandy           |                     |
| Veronica Wurumarra       |                     |
| Vinette Ngaimi/Daniels   |                     |
| Vivien Cook              |                     |
| Walter Rogers            |                     |

Wanita Ponto  
Warren Lee  
Warren Simon  
Warren Timothy  
Wayne Collins  
Wilfred Ponto  
Wilfred *Yangurmana*  
William Riley  
Willy  
Winston Ngalmi  
Xavier Carlos Daniels  
Yurlgi

**Group 9**

|                    |                           |                   |
|--------------------|---------------------------|-------------------|
| Adrian Daniels     | Inna Blitner              | Rosalic Blitner   |
| Agnes Wilfred      | Isaac (Tom Boy) Farrel    | Rosalyn Blitner   |
| Alan Busbridge     | Janice Joshua             | Rose Daniels      |
| Alan Joshua        | Jenny Blitner             | Roslyn Hall       |
| Alfred Blitner     | Jerry Blitner             | Ruth Joshua       |
| Allan Blitner      | Jessica Blitner           | Sandra Blitner    |
| Andrew Blitner     | Jessica Busbridge         | Sara <i>Biyen</i> |
| Angela Blitner (1) | Joanne Farrel             | Sarah Blitner     |
| Angela Blitner (2) | Jonathan Farrel           | Sheila Joshua     |
| Angeline Blitner   | Josephine Blitner         | Stephanie Blitner |
| Anne Blitner       | Josephine Wilfred         | Susan Daniels     |
| Benjamin Blitner   | Joyce Blitner             | Syvana Blitner    |
| Bryonie Blitner    | Karen Wilfred             | Terenita Blitner  |
| Camilia Blitner    | Kay Wilfred               | Thomas Farrel     |
| Campbell Herbert   | Kayleen Blitner           | Tina Blitner      |
| Cleo Wilfred       | Kerry Blitner             | Tina Busbridge    |
| Cynthia Busbridge  | Kira Blitner              | Tina Thompson     |
| Damien Thompson    | Kylie Blitner             | Vicky Farrel      |
| Darryl Frith       | Laura Blitner             | Waiter Blitner    |
| Deanna Daniels     | Leanne Thompson           | Waiter Joshua     |
| Don Blitner        | Leon Daniels              | Wendy Blitner     |
| Donald Blitner     | Leonie Blitner            | Willy Blitner     |
| Donald Blitner Jnr | Linton Farrel             |                   |
| Donna Blitner      | Loren Blitner             |                   |
| Eddy Davis         | Mac.Blitner               |                   |
| Edward Daniels     | Margaret (Gillie) Blitner |                   |
| Ernest Daniels     | Margaret Mary Joshua      |                   |
| Estelle Wilfred    | Marie Spicer              |                   |
| Esther Wilfred     | Mark Busbridge            |                   |
| Fay Hall           | Mary <i>Rumbulmerri</i>   |                   |
| Fenton Farrel      | Maureen Spicer            |                   |
| Fiona Joshua       | Melva Wilfred             |                   |
| Fred Blitner       | Naomi Wilfred             |                   |
| Fred Blitner Jnr   | Narelle Farrel            |                   |
| Freddy Thompson    | Natasha Blitner (1)       |                   |
| Gaye Blitner       | Natasha Blitner (2)       |                   |
| George Blitner (1) | Nathaniel Frith           |                   |



|                        |                     |
|------------------------|---------------------|
| George Blitner (2)     | Neville Blitner     |
| Gerald Blitner         | Patricia Farrel (1) |
| Gerald Blitner Jnr (1) | Patricia Farrel (2) |
| Geraid Blitner Jnr (2) | Peter Farrel Jnr    |
| Gilbert Rex            | Richard Hall        |
| Glen Blitner           | Richard Herbert     |
| Glen Hall              | Richard Spicer      |
| Godfrey Blitner        | Ricky Blitner (1)   |
| Gwenyth Blitner        | Ricky Blitner (2)   |
| Hamish Roper Wilfted   | Rodney Spicer       |
| Hazel Farrel           | Rodrick Blitner     |
| Helen Fejo-Frith       | Ronald Blitner      |

