

Aboriginal Land Rights (Northern Territory) Act 1976.

Urapunga Land Claim

(Claim No 159)

Report and recommendations of the Aboriginal Land Commissioner
Justice H W Olney
to the Minister for
Aboriginal and Torres Strait Islander Affairs
and to the
Administrator of the Northern Territory

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

JUNE 2001



ABORIGINAL LAND COMMISSIONER
JUSTICE H.W. OLNEY

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7 June 2001

The Hon. Philip Ruddock MP
Minister for Aboriginal and Torres Strait
Islander Affairs
Parliament House
Canberra ACT 2600

Dear Minister

Re: Urapunga Land Claim (Claim No 159)

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'.

H.W. Olney
Aboriginal Land Commissioner

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The Esplanade
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ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) ACT 1976

URAPUNGA LAND CLAIM

(Claim No 159)

**REPORT AND RECOMMENDATION
OF THE ABORIGINAL LAND COMMISSIONER****JUSTICE H.W. OLNEY****Introduction**

- 1 This report is made to the Minister for Aboriginal and Torres Strait Islanders Affairs (the Minister) and to the Administrator of the Northern Territory (the Administrator) pursuant to the provisions of s 50(1)(a)(ii) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (the Land Rights Act). The report relates to a traditional land claim made to an area of land in the Northern Territory commonly known as Urapunga Station. It contains my findings concerning the traditional Aboriginal ownership of the claimed land and my recommendation to the Minister for the granting of the land in accordance with ss 11 and 12 of the Land Rights Act.
2. The two key terms *traditional Aboriginal owners* and *tradition land claim* are defined in s 3 (1) of the Land Rights Act as follows:
 - 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.
 - traditional land claim*, in relation to land, means a claim by or on behalf of the traditional Aboriginal owners of the land arising out of their traditional ownership.
3. The functions of the Aboriginal Land Commissioner (the Commissioner) under s 50(1)(a) are to ascertain whether those Aboriginals on whose behalf a traditional land claim is

made, or any other Aboriginals, are the traditional Aboriginal owners of the claimed land, and to report his findings to the Minister and to the Administrator. Where the Commissioner finds that there are Aboriginals who are the traditional Aboriginal owners, he is required to make recommendations to the Minister for the granting of the land, or any part of it in accordance with ss 11 and 12 of the Land Rights Act.

The Application

4. On 4 October 1996 the Northern Land Council (NLC) on behalf of Aboriginals claiming to be the traditional Aboriginal owners of land in the Northern Territory, namely the land comprised in Perpetual Pastoral Lease 1099 (PPL 1099) made application to the Commissioner pursuant to s 50(1)(a) of the Land Rights Act. The application asserts that the claimed land is alienated Crown land in which all estates and interests not held by the Crown are held by or on behalf of Aboriginals and that the land is "owned by the Northern Land Council for and on behalf of the traditional Aboriginal owners".
5. On 10 November 1996 the NLC wrote to the Executive Officer in the following terms:

RE: URAPLTNGA LAND CLAIM No 159

The above land claim was lodged with your office on the 4 th October 1996 and registered accordingly. Unfortunately, due to some problems with the Form of Transfer, it may be that the land was not yet available for claim on that day.

In order to remove any doubt, I hereby lodge another form of application with respect to the same land. Please amend the date of lodgement accordingly.

The further application which accompanied the NLC's letter is in identical terms to that lodged on 4 October 1996. It was received on 12 November 1995. For present purposes the application will be treated as having been made on 12 November 1996.

6. The persons on whose behalf the application is made are named in the application as:

Tex Camfoo
Mildred Ponto
Hedric Hall
Warren Camfoo

Samuel Ponto
 William Hall
 Nelson Hall.

Consent to the Application

7. Section 50(2C) of the Land Rights Act provides that where it appears to the Commissioner that an estate or interest in land the subject of an application made under s 50(1)(a) is held by or on behalf of Aboriginals, the Commissioner shall not perform, or continue to perform, a function under s 50(1)(a) in relation to that land unless the Aboriginals who hold that estate or interest have, or the body which holds that estate or interest on their behalf has, consented in writing to the making of the application.
8. On 12 July 1996 the NLC executed a Declaration of Trust (Exhibit NLC 8) which recites that the NLC proposed to enter into a contract to purchase PPL 1099 and to do so as trustee for and on behalf of those Aboriginals who by virtue of Aboriginal tradition have interests in Urupunga Station or any incorporated association the membership of which is made up exclusively of the Aboriginal owners. The NLC became the registered proprietor of PPL 1099 under the *Real Property Act* (NT) on 15 October 1996.
9. By letter addressed to the Commissioner dated 5 October 2000 (Exhibit NLC 1, attachment B 4) the NLC consented in writing to the making of the application in the following terms:

URAPUNGA STATION LAND CLAIM: NO 159

The Northern Land Council is the owner of Perpetual Pastoral Lease 0 1099, being comprised of NT Portion 745 ("the land"). It is held by the Northern Land Council for and on behalf of the traditional Aboriginal owners.

The Northern Land Council unconditionally and unreservedly consents, without claim for compensation or other payment, to the making of an application by persons claiming to have a traditional land claim to the land pursuant to section 50 of the *Aboriginal Land Rights (Northern Territory) Act 1976*.
10. On 13 November 1998 the Aboriginal and Torres Strait Islander Commission (ATSIC) and the NLC executed a Deed (Exhibit NLC 8. 1) which recites that:

- A. Upon request from the Land Council the Commission has approved a grant of TWO MILLION DOLLARS (\$2,000,000-00) (hereinafter referred to as "the grant") to enable the Land Council to acquire the land specified in the Schedule to this deed (hereinafter referred to as "the Land") for and on behalf of and for the benefit of the traditional Aboriginal owners of the Land (hereinafter referred to as "the traditional owners") within the meaning of that expression as defined by the *Aboriginal Land Rights (Northern Territory) Act 1976* (hereinafter referred to as "the Land Rights Act").
- B. The Land Council has entered into a contract to acquire the Land (hereinafter referred to as "the Contract").
- C. The Land Council agrees that the Land shall be used for the sole purposes (hereinafter referred to as "the designated use") of..
 - (a) a property managed in accordance with Pastoral Lease 1099 and the Pastoral Land Act (except in so far as the lessee is relieved or excused from compliance with the Lease and the Act); and,
 - (b) the conduct of the business of a store; or
 - (c) land subject to a land claim made [sic] application under the Land Rights Act.
- D. The Land Council intends to make a land claim made [sic] application on behalf of the traditional Aboriginal owners identified by it immediately upon completion of the Contract.
- E. The Land Council has agreed to enter into a written agreement with the Commission not to change the designated use of the Land, or surrender, sell, transfer, encumber, gift or otherwise dispose of the Land without the prior written consent of the Commission.
- F. The Land Council has agreed to accept the grant on the terms and conditions set out in a Letter of Offer from the Commission dated the 5,h day of July 1996.

The land specified in the Schedule to the Deed is the land comprised in PPL 1099.

- 11. The principal covenants entered into by the NLC, so far as they are presently relevant, are:
 - 1 . The Commission agrees to fund the acquisition of the Land in consideration of which the Land Council agrees covenants and undertakes as follows:

- 1.1 That it will acquire, hold and dispose of the Land as trustee for and on behalf of and for the benefit of the traditional owners.
 - 1.2 That it will use the Land for the designated use only and will not change or cause or allow to be changed the designated use of the Land without the prior written consent of the Commission.
 - 1.3 That it will not surrender, grant, transfer, sell, mortgage, encumber, part with possession of, grant any licence affecting, or in any other manner dispose of the Land or any part thereof or any interest in the land without the prior written consent of the Commission provided that such written consent is hereby given to allow the surrender of such part of the land as may be included in a recommendation by the Minister for Aboriginal and Torres Strait Islander Affairs under sections 10 and 11 of the Land Rights Act.
 - 1.4 That it will proceed to make a traditional land claim application to the Land to the Aboriginal Land Commissioner on behalf of the traditional owners identified by it pursuant to section 50 of the Land Rights Act within seven days after completion of the contract.
 - 1.5 If a traditional land claim application to the land is made it will thereafter do everything reasonably practicable on its part to secure the expeditious conduct of the Aboriginal Land Commissioner's inquiry and the delivery of a deed of grant of the Land to an Aboriginal Land Trust.
12. The *Aboriginal and Torres Strait Islander Commission Act 1989* (the ATSIIC Act) authorises ATSIIC to make grants of money for the purpose of furthering the social, economic or cultural development of Aboriginal persons or Torres Strait Islanders (s 14(1)(a)) upon such terms and conditions as the Commission determines (s 14(2)). Where an individual or body has acquired an interest in land using money granted under s 14(1)(a), the provisions of s 21 apply whereby certain liabilities and obligations are placed upon the individual or body concerned. Section 21 A provides:
- 21A.(1) Any liability or obligation of an individual, a body corporate or an unincorporated body to the Commission arising:
 - (a) under the terms and conditions of a grant or loan referred to in subsection 14(2); or
 - (b) under section 20 or 21;

- is taken to be an interest of the Commission in the land to which it relates.
- (2) The land is charged with the payment of all costs and expenses incurred by the Commission in respect of its enforcement of the liability or obligation.
 - (3) The land is taken, for the purposes of the Aboriginal Land Rights (Northern Territory) Act 1976, to be alienated Crown land in which all estates and interests not held by the Crown are held on behalf of Aboriginals.
 - (4) ...

13. In the course of preparing this report I had occasion to consider the provisions of the ATSIC Act to which reference is made above and having formed the tentative view that ATSIC's consent is required under s 50(2C) of the Land Rights Act I wrote to the NLC suggesting that it would be desirable, to put the issue beyond doubt, for ATSIC to formally consent in writing to the making of the application. At the same time I expressed the view that consent could reasonably be implied from the terms of the Deed of 13 November 1998. The NLC has questioned the need for any, or any further, written consent from ATSIC but has nevertheless sought same. The fact that formal consent has not been received at the time of finalising this report is due to the need for appropriate administrative procedures within ATSIC to be observed. At my request the Executive Officer also referred the matter to the Solicitor for the Northern Territory to seek an indication of the attitude of the Territory. The following response was received by letter dated 11 May 2001.

URAPUNGA LAND CLAIM NO. 159

I refer to our telephone conversation and to your subsequent facsimile on Tuesday 8 May 2001 regarding the issue that the NLC requires written consent from ATSIC for the making of the claimant application in this case. Please be advised that the Northern Territory does not concede that written consent is to be found by way of implication in a Purposes Deed.

However, the Territory is prepared to take no objection on this point in this inquiry, on the proviso that ATSIC provide their written consent to the Commissioner at the earliest opportunity.

Could you please bring the contents of this letter to the attention of His Honour Justice Olney? If you have any queries please do not hesitate to contact me.

This response is slightly refined in the Territory's final written submissions dated 14 May 2001 (Exhibit NTG 10) in which it is said (at paragraph 8):

The Territory notes that the NLC has requested the written consent of ATSIC to the making of the application and will provide that consent to the Commissioner as soon as possible. On the basis that the consent of ATSIC will be forthcoming, the Territory does not contend here that the Commissioner should not continue to perform any functions under ALRA in relation to the application. However the Commissioner should not proceed to make any recommendation for grant in respect of the claim area unless and until the written consent of ATSIC is provided to him.

14. The effect of s 21A(I) of the ATSIC Act is to give the Commission an interest in land acquired with money granted under s 14(1)(a). It follows that ATSIC has an interest in the claimed land. As s 21A(3) provides that for the purposes of the Land Rights Act, all estates and interests in the land not held by the Crown and to be taken to be held on behalf of Aboriginals, it must follow that ATSIC's interest arising by virtue of s 21A(I) is so held, in which case its written consent to the making of the application is required to enable me to perform or continue to perform, a function under s 50(1)(a) of the Land Rights Act in relation to the application.
15. In my opinion ATSIC gave the necessary consent when it executed the Deed dated 13 November 1998. This view is based upon the following:
 - (a) The grant to the NLC was made for the specific purpose of acquiring PPL 1099 for the benefit of the traditional Aboriginal owners;
 - (b) The Deed was executed some two years after the land had been acquired and the traditional land claim made;
 - (c) In paragraph 1.3 of the Deed ATSIC expressly consented to the NLC disposing of its interest in the land to allow the surrender of such part of the land as may be included in a recommendation by the Minister for Aboriginal and Torres Strait Islander Affairs under sections 10 and 11 of the Land Rights Act.
 - (d) ATSIC expressly imposed an obligation on the NLC to make a traditional land claim on behalf of the traditional owners.

There can be no question that the only reasonable construction that can be put on the Deed is that ATSIC has consent in writing to the making of the application.

16. I am satisfied that the claimed land is alienated Crown land in which all estates and interests not held by the Crown are held on behalf of Aboriginals. Such interests are held by the NLC, by virtue of its standing as trustee for the traditional Aboriginal owners of the land and by ATSIC by virtue of s 21 A of the ATSIC Act. As both the NLC and ATSIC have consented, in writing, to the making of the application, I am able to perform the functions of the Aboriginal Land Commission under s50(1)(a) of the Land Rights Act in relation to the application.

The Inquiry

17. Notice of my intention to commence an inquiry in relation to the application was advertised in the *Northern Territory News*, the *Tennant & District Times*, the *Centralian Advocate* and the *Katherine Times* during the first week of October 2000. In addition, copies of the notice were forwarded by post to adjoining land holders as well as to other persons and organisations thought likely to have an interest in the matter. The only response to an invitation for interested parties to give notice of their interest in the claim and of their intention to be heard was from the Attorney-General for the Northern Territory (the Attorney-General) who identified the following as the matters in respect of which he intended to be heard:
1. Traditional Aboriginal ownership.
 2. The matters referred to in s 50(3) of the Land Rights Act.
 3. Any jurisdictional issues which may arise before or during the hearing of the claim pursuant to the Land Rights Act.
18. On 6 February 2001 Mr Simon Mattsson, the Manager of the Wongalara Pastoral Company, the lessee of the land immediately adjacent to the northern boundary of PPL 1099 (known as Wongalara Station) wrote to the Executive Officer to express his concern in relation to a problem affecting the fencing of the common boundary. Copies of Mr Mattsson's letter together with an accompanying map (Exhibit ALC 1) were referred to the NLC, the Solicitor for the Northern Territory and the Northern Territory

Department of Lands, Planning and Environment. Reference will be made later to the matter raised in the letter.

19. The inquiry commenced at Urapunga Station on 15 November 2000. It continued at that place and at various sites on or close to the station on 16, 17, 18 and 19 November 2000 when the evidence of the claimants' witnesses was heard. Further documentary evidence was tendered at a hearing in Darwin on 6 March 2001 and through correspondence from the parties. Subsequently, each party made written submissions. Throughout the inquiry the claimants and the Attorney-General were represented by counsel. Particulars of the representation of the parties, the witnesses who gave evidence and the exhibits tendered are set out in Appendix 1.

The Claim Area

20. The land to which the application relates (hereafter referred to as the claim area) is more particularly described as:

ALL THAT land being Northern Territory Portion 745, being the whole of the land comprised in Perpetual Pastoral Lease 1099 registered in the Register under the *Real Property Act* (Northern Territory) in Volume 493 Folio 9 1.

The Certificate as to Title issued in respect of PPL 1099 reveals that the lease is subject to the following reservations, special provisions, statutory reservations and conditions, namely:

Reservations and Other Special Provisions:

The lease is, pursuant to section 130(1) of the Pastoral Land Act, subject to the conditions, to the extent that they are not inconsistent with the Pastoral Land Act, applicable as at 25 June 1992 to Pastoral Lease number 657 entered in the Register Volume 047 Folio 004, being conditions not relating to the development of the lease.

The Lessee will at all times from the commencement of the lease grant to the Territory its licensees and agents and its and their contractors servants and workmen and any other person authorised by the Territory free and unrestricted access to and use of gravel pits and water bores and dams constructed by or on behalf of the Territory and not subsequently purchased by the lessee from the Territory which were in existence at the date of commencement of the lease.

Statutory Reservations and Conditions:

The lease is subject to the conditions and reservations set out in sections 38 and 39 of the Pastoral Land Act:

Exclusions:

1. A strip of land 100 metres in width, being the land 50 metres each side of the line shown on the attached plan from the north bank of the Roper River to the boundary of the Amhem Land Aboriginal Land Trust, containing a road constructed by or on behalf of the Territory as a public road.
 2. A strip of land 100 metres in width, being the land 50 metres each side of the line shown on the attached plan from the Ngukurr access road to the boundary of NT Portion 1545, containing a road constructed by or on behalf of the Territory as a public road.
 3. A strip of land 100 metres in width, being the land 50 metres each side of the line shown on the attached plan from Urapunga Station Homestead to the NT Portion 1545 access road, containing a road constructed by or on behalf of the Territory as a public road.
21. The plan attached to the lease identifies two other Northern Territory Portions namely NT Portion 1545 (which is referred to in Exclusions 2 and 3), and NT Portion 3 710. Both are expressed to be excluded from the lease. NT Portion 1545 is an area of 341.5 hectares which was excised from NT Portion 745 in 1980 and leased to Rittarunga Community Inc. for Aboriginal communal living pursuant to Special Purposes Lease 455. In 1987 SPL 455 was surrendered on a grant of freehold title obtained. In 1993 the name of the registered proprietor was changed to Yupanalla Aboriginal Corporation. NT Portion 3 710 is an area of 2.6 hectares situated close to the Roper Bar-Ngukurr Road which is registered in the name of Australian Telecommunications Commission. Neither NT Portion 1545 nor NT Portion 3710 is the subject of the application. Map 1 in the Schedule is a copy of the plan attached to PPL 1099.
22. The road referred to in Exclusion 1 has been variously described but is best known as the Roper Bar-Ngukurr Road. The road corridor of 100 metres is not part of the land covered by PPL 1099 and is not claimed in the application. The plan attached to PPL 1099 shows a road "100 wide" running from "Roper River Road" to the northern boundary of NT

Portion 1545. This is presumably the road referred to in Exclusion 2 and is not claimed. Exclusion 3 presents something of a dilemma. Not only does the plan attached to the lease not show a road from the Urapunga Homestead to the "NT Portion 1545 access road" (presumably a reference to the road covered by Exclusion 2) but a physical inspection of the area does not reveal any such road. This situation is confirmed by an e mail dated 6 October 2000 from the Land Records Unit - Survey Branch, Department of Lands Planning and Environment to NLC. The message states:

The road referred to as 'exclusion 3' was probably omitted from the title diagram because it's [sic] location was not known.

From a practical point of view however there is no distinct road connecting the homestead [sic] to the Portion 1545 access road - inspection of the aerial photo shows the homestead complex immediately abutting the road.

As there is no road as described in Exclusion 3, nothing is thereby excluded.

23. The claim area encompasses an area of 1880 square kilometres. It is not highly developed. For the most part development is confined to the homestead area which is adjacent to NT Portion 1545 on which there is a school, a health centre, some houses and a store. The latter is leased and operated by non-Aboriginals.
24. Apart from the Roper Bar-Ngukurr Road, which passes through the pastoral lease but is not part of it, there are no substantive roads on the claim area. There are some rough station tracks which require the use of four wheel drive vehicles and are impassable in the wet season. Access to the homestead (and to NT Portion 1545) is by a dirt road leading from the Roper Bar-Ngukurr Road. To the west of the homestead access road the Roper Bar-Ngukurr Road crosses the Roper River, and to the east, it crosses the Wilton River. During much of the wet season these crossings are impassable by vehicular traffic and boats have to be used.
25. The Aboriginal community at Urapunga comprises from 60 to 90 residents who live either in houses on NT Portion 1545 or in the homestead and surrounding buildings on

the claim area. The resident population varies according to the number of short and long term visitors at any particular time. There are many neighbouring communities which make up a regional population with connections through work, residence, marriage, shared historical experiences and shared or overlapping cultural traditions. Small groups of non-Aboriginal people work in the schools, offices and stores on the various communities as do a few who work on the pastoral leases to the west of Roper Bar. The largest non-Aboriginal population in the region is at the store and caravan park near Roper Bar.

26. The main physical features of the claim area are the Wilton River and its tributaries which influence the eastern portion, the Roper River which forms the southern boundary and the Jalboi River and its tributaries which dominate the south-west. Except in periods of extreme drought, the lower reaches of the Wilton River always contain fresh water. Apart from the rivers, hilly, mountainous and escarpment land forms dominate the pastoral lease. These include the Strangman and Bold Ranges and a large block of ranges which run north and then north-west of Mt James to Mt Throsby. The remainder of the land consists of valleys located between the hilly and mountainous areas and the plains which fan out to the rivers and river corridors.

The Region

27. The claim area is located in the Gulf Region of the Northern Territory approximately 300 kilometres south-east of Katherine. Its southern boundary is the left (north) bank of the Roper River. To the east is bordered by the Amhem Land Aboriginal Land Trust; to the north by the Wongalara pastoral lease; and to the west by the Big River (formerly Roper Valley) pastoral lease. The right (south) bank of the Roper River opposite to the claim area forms part of the northern boundary of each of the Mt McMinn pastoral lease, the Yutpundji-Djindiwirritj Aboriginal Land Trust and the Urapunga Stock Route which is adjacent to the former St Vidgeon pastoral lease. Map 2 in the Schedule identifies the boundaries of the claim area in relation to adjoining land.

28. The climate in the region is monsoonal with hot, humid summers and mild winters. Maximum temperatures hover around 37°C in November/December and 30°C in June/July. The average winter temperature (minimum) is around 12°C. Average relative humidity is high for most of the year. Average rainfall at Roper Bar is approximately 800mm. Most rain falls from November to April. This period is usually characterised by the heavy flooding of the rivers on and close to the claim area.
29. In 1885 a township site abutting the southern bank of the Roper River at Roper Bar was surveyed and was officially proclaimed as the Town of Urapunga in March 1887. A failing pastoral industry and an altered stock route which bypassed Roper Bar meant that lots in the township remained unsold and the settlement at Roper Bar failed to develop in the way that had been anticipated. The significance of the Town of Urapunga in the present context is that although it could not be the subject of a traditional land claim under the Land Rights Act (being "land in a town") it has recently been the subject of a native title determination by the Federal Court under the *Native Title Act 1993* (*Ngalakan People v Northern Territory*; O'Loughlin J, 5 June 2001). Another native title determination application involving some of the present claimants commenced in September 1999. It involved a claim to the former St Vidgeon pastoral lease. The Court made a determination of native title on 25 July 2000 (*Wandarang People and others v Northern Territory and others* 104 FCR 380). The Yutpundji-Djindiwirritj Aboriginal Land Trust was granted title to NT Portion 2632 following a report in 1982 of the Aboriginal Land Commissioner (Justice Toohey) in the Yutpundji-Djindiwirritj (Roper Bar) Land Claim. A number of the present claimants gave evidence in that claim and were found to be traditional Aboriginal owners of the land claimed.
30. The significance of the prior land claims and native title applications is twofold. First, it is clear that over an extended period the claims of the local Aboriginal population have been the subject of considerable research and scrutiny; and second, much of the evidence given in the earlier proceedings is relevant to the present inquiry. For these reasons 1

31. have agreed to accept as evidence (without objection from the parties) relevant portions of transcript and some exhibits from those earlier hearings. Particulars of the transcripts and exhibits in question are set out in Exhibit NLC 7.

The Claim Documents

31. In accordance with standard practice directions which apply in relation to traditional land claim inquiries the NLC provided, in advance of the hearing, a number of documents which set out the basis of the claim and other relevant material. They include
- i) Anthropologists' Report (Exhibit NLC 2): This document is commonly referred to as the claim book. It is the result of the combined efforts of Professor John Bem and Mr Robert Graham (consultant anthropologists), Mr Jeff Stead and Dr Sarah Holcombe (anthropologists employed by the NLC) and Ms Samantha Wells (consultant historian).
 - ii) Genealogies (Exhibit NLC 4): The genealogical connections between the members of six claimant groups and with their ancestors are demonstrated by these documents.
 - iii) Claimant Profiles (Exhibit NLC 3): A total of 1106 claimants are identified according to gender, place and date of birth (where known) and place of residence. Some claimants are included in more than one of the claimant groups.
 - iv) Site Map (Exhibit NLC 6): This map indicates the location of significant sites on or near the claim area and identifies the Dreamings with which each site is associated.
 - v) Site Register (Exhibit NLC 5): The register complements the information on the site map by providing, in relation to each site, its European name (if any), its location, a brief description of its physical features and details of the significance of the site to the claimants.
32. Subsequent to the conclusion of the oral evidence of the claimants' witnesses a second series of claim documents was tendered which more accurately reflect the evidence. These latter documents are:
- i) Addendum to the Anthropologists' Report (Exhibit NLC 2. 1)

- ii) List of additional claimants (Exhibit NLC 3. 1). A revised list of additional claimants was received on 30 May 2001 (Exhibit NLC 3.2)
 - iii) Revised Genealogies (Exhibit NLC 4. 1).
33. The claim book contains a considerable amount of information relating to the history of the region in which the claim area is located and of the social organisation of the claimant groups. The authors of the claim book and of the addendum were available to be questioned by the representatives of the Attorney-General but were not called upon for that purpose. Chapter 2 of the claim book was written by Ms Samantha Wells, a consultant historian with experience in undertaking historical research in relation to various native title applications in the Northern Territory. The chapter provides a useful background to the historical context in which the claim to Urapunga Station has been 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 the claim book.
- Social Organisation and Land Tenure**
34. The following paragraphs dealing with the social organisation and land tenure system of the claimant groups summarise those parts of the claim book and the addendum which deal with the basis upon which the claim to traditional Aboriginal ownership of the claim area is based.
35. Members of the claimant groups identify themselves as Ngalakgan people. The land tenure system of the Ngalakgan, and their immediate neighbours, has been the subject of investigation in previous traditional land claims and native title determination applications. In his report on the Yutpundji-Djindiwirritj (Roper Bar) Land Claim in 1982 Justice Toohey found that people referred to as Mingirringgi were the traditional owners of the land under claim although he tended to the view that those called Junggayi should also be included. He was however persuaded otherwise by the claimants' assertions of the differences in the respective roles of the two categories (Report No 15,

paragraphs 12-14). In the claim to the former Cox River pastoral lease Justice Keamey found that the Mingirringgi and Junggayi together with a third category, Darlnyin, all satisfied the statutory criteria of traditional Aboriginal ownership (Report No 18). In 1988 Justice Maurice found in the Mataranka Area Land Claim that all three categories together were the traditional owners of the land in question (Report No 29). The latter finding included claimants of two countries which are relevant in the present claim. Similar findings have been made in the Roper Valley (Kewulyi) Land Claim (Olney J; Report No 56) and in the native title determination application in respect of the former St Vidgeon pastoral lease. (Olney J; *Wandarang People v Northern Territory*: 104 FCR 380).

36. Recruitment into one of the land holding groups may occur, depending on the circumstances, by means of descent, filiation, ceremonial succession and adoption. The most common means is by descent from either father's father (Mingirringgi), from mother's father (Junggayi), from father's mother (Junggayi) or from mother's mother (Darlnyin).
37. The term Mingirringgi is sometimes translated in English as 'owner', 'traditional owner' or 'boss'. An individual is Mingirringgi for the sites, ceremonies, ancestral beings and country associated with his or her father and father's father. It is normally the Mingirringgi who ask for a particular ceremony associated with their country to be performed. However, it is the Junggayi and Darlnyin who decide when it will be performed and its organisation. Mingirringgi cannot approach some important or dangerous sacred sites nor explain the significance of the sites. In such circumstances the senior Junggayi usually introduces a newcomer to the site by talking to the ancestors who reside there spiritually. Even when the site is not subject to such restrictions the Junggayi usually go in front of the Mingirringgi to ensure all is correct. If these restrictions are not adhered to, the Mingirringgi can be penalised by the Junggayi, usually in the form of a 'fine' (e.g. money, clothing and artefacts).

38. The term Junggayi is often translated in English as 'caretaker', 'master of ceremonies', 'policeman' or 'boss for the Mingirringgi'. The characteristic duty of the Junggayi associated with ritual and ceremony is to paint the Mingirringgi's country designs onto the bodies of the Mingirringgi. They (together with the Darlnyin) must ensure that the right designs are painted on the Mingirringgi. They also prepare the ceremony ground and the ritual equipment needed to perform the ceremonies and decide the timing of ceremonies. They ensure that ceremonies are carried out in the manner deemed by the ancestral beings. If ceremonies do not proceed in the appropriate manner, they can punish the offenders. The Junggayi have a general brief to watch the land, and ensure that it is not damaged by strangers and intruders, including Europeans. This responsibility applies especially to preventing damage to trees, not only sacred trees but any mature tree. The senior Junggayi have responsibility to train the next generation of both Mingirringgi and Junggayi. Junggayi also play a role in secular matters. When there are dealings, for example, with mining companies the Junggayi always attend, and often speak on behalf of the Mingirringgi. Decisions about the resource utilisation of a country area cannot usually be made without the Junggayi being consulted and their agreement being obtained.
39. The term Darlnyin is often translated in English as 'ranger'. An individual will be Darlnyin for sites, ceremonies and ancestral beings in his mother's mother's country. When Darlnyin participate in ceremonies they may, if required, dance along with the Mingirringgi but in those circumstances they wear the designs for which they are Mingirringgi not those of the actual Mingirringgi. Darlnyin may paint the appropriate designs upon the Mingirringgi, and in the secret parts of some ceremonies the Darlnyin have the specific role of painting particular parts of the body. However, in ceremony the characteristic role of the Darlnyin is ensuring that the Junggayi apply the correct design on the Mingirringgi. Darlnyin 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 Darlnyin can insist they be invited to any negotiations associated with the non-Aboriginal development of their mother's mother's land.

Usually, no decisions about utilising the resources of a country can be made without consulting the senior Darlnyin.

40. If demographic anomaly such as introduced disease, massacre or forced movement has resulted in a drastic reduction of the number of Mingirringgi associated with a country, action may be taken by the Junggayi to recruit others to take over that role. Those spiritually conceived on the country will be obvious candidates to take on the role of Mingirringgi. Alternatively, in some cases a country with numerous Mingirringgi may surrender some young men to be initiated into a depleted group; and in other cases a country lacking Mingirringgi may be merged with an adjacent country on the same ancestral track, so that one land holding group assumes responsibility for what were formally two distinct countries. These different processes of succession have been recognised as a legitimate means of becoming a member of a local descent group in a number of reports of Aboriginal Land Commissioners.
41. Adoption is also an accepted means of becoming incorporated into a land holding group. People taken away as babies under welfare policy may be placed under the father from whom they would appropriately take Mingirringgi country. This is often the case for Aboriginal people of mixed descent who frequently have a European father and thus no access to land through their father or father's father. Usually, such people are adopted by the Aboriginal man who is married to his or her mother. Adoption alone is normally not sufficient to gain status as a full Mingirringgi. Induction into the ceremonial roles associated with the country of adoption is also important.
42. The claimants believe that ancestral beings (Dreamings) gave them economic, social and religious rights and obligations to particular areas of land. Such an area is sometimes described as an 'estate' but in the present context the term 'country' is preferred. Each country is associated with ancestral beings whose activities gave form and meaning to the land. Some restricted their activities to limited parts of the country while others travelled extensive distances and connected countries. The core of each country is made up of named places but away from the core sites and tracks, countries tend to merge into each

other without defined boundaries. People associated with a country are often referred to by the name of that country's site of pre-eminent importance. A country may consist of more than one area of land.

43. The claimants' system of social organisation has four fundamental elements which affect and influence the land tenure system. They are:

- The moiety system;
- The semi-moiety categories;
- The subsection system; and
- The kinship terminology.

Each is discussed below.

44. 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, his wife and her siblings and their father are in the other. In his work *The Australian Aborigine and How to Understand Him* (Angus & Robertson, Sydney 1974) the noted anthropologist A. P. Elgin wrote (at pp 121-2):

Moiety means half, and over quite a large area of Australia, each tribe is divided into two halves or moieties. This division, known as the dual organisation, is a definite social and ceremonial grouping. Moreover, it is usually extended to embrace all things in heaven and earth so that it is totemic in nature, bringing man and nature into a common scheme, which is animistic or even "personal" in character. More specifically, each moiety has in some regions an animal or bird for its totem and name...

In the region under consideration, the moieties do not appear to have one specific totem species associated with them. Instead of an intimate connection to an animal species they are linked with the major ceremonies. The Kunapipi and Balginy ceremonies are Dua, the Yabaduruwa ceremony is Yirritja. In this region the moieties conform to Elkin's further observation (at p. 123) that a moiety's function is 'almost wholly ceremonial'.

45. Each moiety has within it two 'semi-moieties'. Semi-moieties 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 Mambali and Murrungun semi-moieties constitute the Dua moiety whilst Burdal and Guyal are Yirritja. 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. All ancestral beings are socially categorised as belonging to a particular moiety and semi-moiety and each site created by ancestral beings belongs to the same moiety and semi-moiety. Occasionally sites will have more than one semi-moiety category indicating that ancestral beings of different semi-moiety categories interacted at the site.

46. Subsections are named categories that are based on principles drawn from the kinship system. They classify all individuals into one of eight sociocentric categories. Each category has male and female terms. In this region semi-moiety terms appear to be preferred over subsection terms. The semi-moiety terms are the more deeply embedded in Roper River society. The subsection system of the claimants has a number of essential features. People of the same category are considered to be siblings, either brothers or sisters to each other. The children of women are distinguished from those of their brothers with the result that children of men of a category belong to a different subsection than do children of women of the same category. Further, the subsections are ordered into four sets of pairs and there is preference that marriages should take place between paired subsections.
47. Moieties, semi-moieties and subsections are all essentially sociocentric systems of classification. They are important in the organisation of ceremonial life and in structuring relations between people on a regional basis. They are utilised like a type of shorthand, describing in a general way people's relationships - both to each other and sometimes to such things as ceremony, ancestral beings (Dreamings) and country. In this region semi-moieties are particularly used to describe country and those associated with it in this way. Moieties, semi-moieties and subsections operate as an addition to a more fundamental, ecocentric kinship terminology. It is this, which designates specific relationships between individuals, their families and ultimately their country and those of others. For every day and interpersonal interaction a wide range of specific kin terms are

used. These partially mirror but do not always equate with such English terms as 'father', 'mother', 'uncle' etc.

48. According to Aboriginal traditional beliefs the paths followed by the ancestral beings (Dreamings) and the sites which those beings are believed to have created or visited in the course of their travels across the landscape will, in most cases, define the location of the area for which the relevant land holding group has spiritual responsibility. The ancestral beings associated with the claim area are set out below. In each case the Aboriginal name of the Dreaming is followed by its English equivalent and the relevant semi-moiety category.

- (i) Parrka (Combfish) (Burdal)
- (ii) Ngulumurru (Left hand Kangaroo/Wallaby) (Burdal)
- (iii) Nyuluk (Native Cat) (Burdal)
- (iv) Jardugal (Plains Kangaroo) (Burdal)
- (v) Ngerrkngerrk (White Cockatoos) (Burdal)
- (vi) Nakarran (Giant man/Devil like being) (Guyal)
- (vii) Duwoh (Plum Bird) (Guyal)
- (viii) Diwaj (Duck) (Guyal)
- (ix) Jambirrina (Turkey) (Guyal)
- (x) Gurrujardbunggu (Quiet Snake) (Mambali)
- (xi) Malakirr (Eagle) (Mambali)
- (xii) Yaliyalinyinga (Uncircumcised men)
- (xiii) Kamtayi/Marlinji ('Devil like being') (Murrungun)
- (xiv) Angguru (Alligator) (Mun-ungun)
- (xv) Gilyirringgilyirring (Mermaids) (Murrungun)

49. The claim to traditional Aboriginal ownership of the claim area is made on behalf of six groups of claimants. Each group is associated with one or more of the Dreamings referred to and has a particular geographic focus which is determined by the locality of the relevant Dreaming tracks. In the claim book, at paragraph 4.5, the authors say:

The six countries cover the pastoral lease with three concentrations at Ah Cup, Lake Allen and the homestead area. The complex web of sites and affiliations, concentrated as they are in particular areas of the claim, emphasise the interconnections of the claimants. Of the three main concentrations of sites and country the one closest to the homestead occupies the most attention. This area is associated with the Jardugal (Plains Kangaroo) in particular.

The ancestral beings who gave meaning to the countries are celebrated in ceremonies which are actively pursued in the region. The major ceremonies of Balgyin, Kunapipi and Yabuduruwa that are held at Ngukurr, Hodgson Downs and elsewhere in the region include the celebrations of the countries identified in this claim. They are an important aspect of the maintenance and transmission of the people's spiritual affiliations with their country.

50. In this paragraph the Dreaming affiliations of each claimant group and the country for which each claims primary spiritual responsibility is summarised.

Group 1

Semi-moiety Affiliation:	Burdal
Geographic focus:	Roper River from west of the Roper Bar to Wilton Junction and in the lower reaches of the Wilton across to the Arnhem Land border. Also in the south west of the claim area around Mount James and in the north at Ah Cup waterhole.
Main Dreaming affiliations:	Jardugal (Plains Kangaroo); Nyuluk (Native Cat); Ngulumurru (Left Hand Kangaroo)

Group 2

Semi-moiety Affiliation:	Guyal
Geographic Focus:	Northern section of the claim from the western border to Jundamiyra (north of Ah Cup waterhole).
Main Dreaming Affiliation:	Nakarran (Devil)

Group 3

Semi-moiety Affiliation:	Guyal
Geographic Focus:	Wilton River near Lake Allen
Main Dreaming Affiliations:	Nakarran (Devil); Diwaj (Duck) Duwah (Plum Bird) and Jambirrima (Turkey)

Group 4

Semi-moiety Affiliation:	Mambali
Geographic Focus:	Extensive area on a path from the south west to the north-east of the claim area.
Main Dreaming Affiliations:	Gurrujardbunggu (Quiet Snake)

Group 5

Semi-moiety Affiliation:	Murrungun
Geographic Focus:	Small area south of Gorrongor and in the west of the claim area.
Main Dreaming Affiliations:	Anggurru (Alligator), Kamtayi/Marlinji (Devil)

Group 6

Semi-moiety Affiliation:	Murrungun
Geographic Focus:	South-east corner of claim area.
Main Dreaming Affiliation:	Gilyirringilyirring (Mermaids)

The Claimant Groups

51. Of the six claimant groups, several have featured in previous traditional land claims and/or native title applications in which detailed evidence has been given concerning the genealogical connections between the various group members. On the basis of that prior evidence counsel for the Attorney-General indicated at an early stage of the inquiry that the genealogies presented in relation to groups 1, 4 and 6 would not be contested and that no further evidence concerning the make up of those groups would be sought. Oral evidence was however given in relation to the composition of groups 2, 3 and 5. After the conclusion of the evidence the NLC produced an addendum to the claim book and amended genealogies which reflect the evidence given during the inquiry.

52. The final written submission of the Attorney-General (Exhibit NTG 10) contains a very useful summary of the case put by the claimants in relation to the composition of the groups who claim traditional Aboriginal ownership of the claim area, together with a number of observations concerning the attitude of the Northern Territory to both the model advanced and the conclusions to be drawn from the evidence. Paragraphs 18 to 24 of the submission are reproduced below (footnotes omitted):

Local Descent Group

18. The Applicants advance a model whereby local descent groups are comprised by persons claiming the country through their father's father (Mingirringgi), mother's father (Junggayi), father's mother (Junggayi) and mother's mother (Darlnyin).
19. The model of Mingirringgi, Junggayi and Darlnyin as a local descent group was accepted in the Roper Bar Land Claim, the Roper Valley (Kewulyi) Land Claim and is consistent with the composition of the native title holding group accepted in *Wandarang, Alawa, Marra and Ngalakan Peoples v Northern Territory*. A similar model was proposed for the native title holding group during the hearing of the Urapunga Township Native Title Determination Application.
20. The Territory accepts that the evidence in this case is consistent with the model proposed.

Recruitment to the local descent group by means other than biological descent

21. Certain methods of recruitment to the local descent group by means other than biological descent were seen as problematic by the Territory in relation to 3 estates [Groups 2, 3 and 61. Those issues were as follows:
- (a) Succession appears to be made part of a political process and taken into ceremony so that a "ceremonial executive" assumes the power to endow ownership of country upon selected persons, with confirmation of succession to ownership being ratified by a ceremonial act.
 - (b) There is a form of "adoption" which is not the adoption of growing a person up, but the regarding of a child of living parents being "as if a son to me". In those cases the child grows up with a true father and an "as if" father, and inherits rights in country from the latter.
 - (c) As a consequence of the above, anticipatory succession could exist, with successors being recruited to an estate in anticipation of

a lack of provision of male heirs in the patriline associated with that estate.

Evidence as to adoption, incorporation and succession.

22. It is clear from the evidence that in some situations the incorporation of male heirs into the group was a consequence of depopulation which led to there being a death [sic, dearth] of male heirs for the "handing down" of rights and entitlements.
23. The incorporation of males into a diminishing local descent group depends on the "incorporatee":
 - (a) being of the appropriate semi-moiety
 - (b) having requisite knowledge as to local traditions and customs; and
 - (c) being accepted by the group (comprised of the Mingirringgi, Junggayi and Darlnyin) and his "incorporation" being ratified by the performance of the function of the relevant office at ceremony.
24. Inclusion of persons in the local descent group or native title holding group on the basis of incorporation through ceremony has been accepted in other ALRA and native title claims in the region. The Territory does not contend to the contrary in this matter, and accepts, with respect to groups 2, 3 and 6, that persons have been incorporated into the local descent group through ceremony so as to stand as traditional owners in a primary Mingirringgi relationship with the land that entails exercise of primary spiritual responsibility for the land and sites on that land.
53. The Northern Territory's response to the evidence in relation to the composition of the claimant groups is entirely appropriate and consistent with the material placed before the inquiry. Having said that, lest it be later thought that what has been established in this claim necessarily has application elsewhere in the Northern Territory, or even in other parts of Australia, the following further observations made by the Territory in its final submission (paragraphs 25 to 30) should be noted:
 25. It should not be assumed, however, that similar processes are at work in other areas of Australia. Either "succession" by ceremonial incorporation or anticipatory succession is likely to be unique to the "Roper River region".
 26. In the Roper River region, regional ceremony has at its core the division of persons into three categories in relation to country. Regional custom also dictates that an heir or successor to an estate must stand in a relationship of Mingirringgi to that estate. Nor is it possible to "change over" and

become Mingirringi for an estate having previously been Junggayi for that estate.

27. This imposes a structural limitation on ordinary processes of succession whereby secondary ties of association with an estate are transformed into primary ties. In the Roper River region, it is not possible for a person to become a substitute heir for one's mother's country (often described as mother's father's country); close matrikin are thereby disbarred from succession.
28. In addition, an entire moiety of the local population made up of persons who stand in the relation of Junggayi to an heirless or potentially heirless estate is disbarred from succession.
29. Thus, it is suggested that the process of anticipatory succession, ratified and effected by an act of endowment performed during secret men's ceremony, as is evidenced in this case, is a process so far reported only for the Roper River region.

it is unnecessary in the context of this inquiry to simply do more than note, without comment, these submissions.

54. The six claimant groups comprise approximately 1200 claimants. A number of claimants feature in more than one group. Each group consists of Aboriginal persons who have the status of either Mingirringi, Junggayi or Darlnyin in relation to the area of land for which the group claims traditional Aboriginal ownership. Given the long history of land claims involving many of the claimants, and the uncontested nature of the evidence presented to this inquiry, no useful purpose would be served by describing the intricacies of the various family relationships that make up each of the groups. Each group has clearly been shown to be a local descent group for the purposes of the Land Rights Act.

Spiritual Affiliations

55. An essential element of the definition of the term traditional Aboriginal owners in the Land Rights Act is that the Aboriginals who constitute the local descent group "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". The evidence before the inquiry (including the evidence given by senior claimants in other traditional

land claims and native title applications) amply demonstrates that each claimant group has spiritual affiliations to its country which are both common to the members of each group and are of a primary nature. These spiritual affiliations are manifested by such things as the continued presence on or near the claim area of most of the senior claimants, the practice of "looking after" the land (including taking action to protect sites through the Aboriginal Areas Protection Authority), the ongoing process of educating the young in the traditional stories associated with the land and sites and the continuance of a strong ceremonial life. The Northern Territory accepts (quite appropriately in the circumstances) that there is sufficient evidence to indicate a traditional attachment by the various estate groups to the claim area, both spiritual and historic (Exhibit NTG 10, paragraph 49).

Entitlement To Forage

56. The final element of the definition of traditional Aboriginal ownership is the requirement that the members of the local descent group "are entitled by Aboriginal tradition to forage as of right over (the) land". The traditional right to forage over the claim area is asserted by the claimants and is in fact exercised. The claimed right has not been challenged. The Northern Territory accepts that there is sufficient evidence to establish a traditional entitlement to forage over each estate of the claim area (Exhibit NTG 10, paragraph 48). I am satisfied that this element of the definition has been established.

Traditional Aboriginal Owners

57. Each of the elements of the definition of traditional Aboriginal owners has been established in respect of the whole of the claim area. It has been established that:
- (a) there are six local descent groups whose traditional countries together encompass the whole of the claim area;
 - (b) the requisite common spiritual affiliations and primary spiritual responsibilities of the members of each local descent group have been proved;
 - (c) the group members have by Aboriginal tradition an entitlement to forage over the land as of right.

Accordingly, I find that the six claimant groups are traditional Aboriginal owners of the claim area. The names of those Aboriginals who have been found to be traditional Aboriginal owners of the claim area are set out in Appendix 3.

58. The following observations are made concerning Appendix 3:
- (a) For the most part the European names of the claimants as disclosed in the amended genealogies (Exhibit NLC 4. 1) and/or the claimant profiles (Exhibit NLC 3) have been used.
 - (b) In cases where the European name includes both a first name and a family name, the claimant's Aboriginal name is not used.
 - (c) Where the material discloses only a first name and the person has an Aboriginal name, the latter is added in parenthesis.
 - (d) If it has not been possible to identify either a family name or an Aboriginal name, and in cases where there are two or more claimants with the same name, reference is made to a parent or other ancestor of the claimant.
 - (e) In each list, the names appear in alphabetical order of the first names of the claimants.

Further Functions of the Commissioner

59. The ascertaining of whether there are traditional Aboriginal owners of the land is but one, albeit the primary, function of the Commissioner. The further functions of reporting and making recommendations in accordance with s 50(1)(a)(ii), are affected by ss 50(3) and (4) of the Land Rights Act which provide:
- 50.(3) In making a report in connexion with a traditional land claim the 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.
- (4) In carrying out his functions the 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.

60. The requirement to have regard to the strength of the claimants' traditional attachment to the land (s 50(3)) and the principles to which regard must be had (s 50(4)) are matters which bear upon the exercise of the function to make recommendations to the Minister for the granting of the land. In the present case there is no doubt about the strong traditional attachment by the claimants to the claim area nor is there any doubt that the claimants, both those who presently reside on the claim area and others who reside elsewhere, desire to obtain secure title to the claim area.

Recommendation

61. Having regard to the strength of the traditional attachment of the claimants to the claim area and to the principles expressed in s 50(4) of the Land Rights Act I recommend to the Minister that an area of Crown land in the Northern Territory namely:

ALL THAT land being Northern Territory Portion 745 being the whole of the land comprised in Perpetual Pastoral Lease 1099 registered in the Register under the Real Property Act (NT) in Volume 493 Folio 91

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.

Matters for Comment

62. Section 50(3)(a) - Advantages of a grant.

- (a) It is not possible to state with any degree of certainty the total number of Aboriginals with traditional attachments to the claim area who would be advantaged by a grant of title to a Land Trust. It is however fair to say that each of the Aboriginals named in Appendix 3 (approximately 1200) together with their non-claimant spouses and children and other members of their extended families who are not otherwise named would be advantaged. In addition, advantage would accrue to non-claimants connected to the claim area through conception Dreamings or place of birth or by affiliation to other parts of Dreaming tracks that cross the claim area.
- (b) The primary advantage of a grant of the claim area to a Land Trust would be that secure, inalienable title to the land would be obtained.
- (c) Other advantages flowing from a grant of title include an enhanced capacity to protect the land and sites on the land by obtaining a greater control over future mining on the land pursuant to Part IV of the Land Rights Act, and the ability to control access to the land pursuant to both the Land Rights Act and the *Aboriginal Land Act (NT)*.

63. Section 50(3)(b) - Detriment.

- (a) It is difficult to foresee any circumstance by which a grant of title could cause detriment to any Aboriginal group. Even assuming that some persons without traditional attachments to the claim area may reside at, or in the future may wish to reside at, or have access to, the adjacent Rittarunga Community (N'rp 1545), the claim, (and therefore the recommendation) does not include the land on which the access road to that community is built, and accordingly, in such circumstances, no question of consent from the traditional owners would arise.
- (b) Conversion of title to the claim area from a perpetual pastoral lease to Aboriginal land under the Land Rights Act would mean that the public right of access to rivers and waterways through the pastoral lease (which currently is preserved by s 79 of the *Pastoral Land Act (NT)*) would no longer apply.

- (c) The road from Roper Bar to Ngukurr passes through the claim area. A corridor 100 metres wide is expressly excluded from PPL 1099 and is not part of the claim area. A grant of title to the whole of the claim area would not affect this corridor. However, the Northern Territory has indicated that it proposes at some undisclosed future date to upgrade the road to a Rural Arterial Road for which the standard corridor width is 150 metres. But for this land claim and the provisions of s 67A of the Land Rights Act, the Territory would have the capacity under Northern Territory law to acquire the additional area required for the wider road corridor. In the circumstances, the Territory has already suffered detriment by reason of the claim having been made. In the event that a grant is made for the whole of the claim area that detriment will continue. The arguments advanced during the inquiry for and against increasing the width of the road corridor have been debated in numerous other land claim inquiries. In the present case there does not appear to be any aspect of the evidence to suggest that the widening of the road corridor to 150 metres is a matter of immediate concern. However, the ultimate decision is one for the Minister to make in the event that the Minister decides to make a recommendation to the Governor-General under s 11 (1) of the Land Rights Act. There is nothing presently available to me in the exercise of my functions under the Land Rights Act that would justify limiting my recommendation pursuant to s 50(1)(a)(ii) to exclude any part of the claim area.
- (d) The Northern Territory is also concerned to preserve its current rights of access to and use of gravel pits, water bores and dams on the claim area which are protected by a reservation in PPL 1099. In the event of a grant of title to a Land Trust the Territory's existing rights would be protected by s 14 of the Land Rights Act, but the establishment of any further gravel pits, bores or dams would require the consent of the traditional owners.
- (e) Although it is not strictly a question of detriment, attention is drawn to the concerns of the proprietor of Wongalara Station in relation to the fencing of the common boundary between Wongalara and Urapunga. The problem, which appears to arise from the nature of the country, is that it is not practicable to build a fence on the boundary. This is a matter which could usefully be the subject of

negotiation in the event that the Minister decides to recommend a grant of the land pursuant to s 11 (1) of the Land Rights Act.

64. Section 50(3)(c) - Effect on patterns of land usage.
It is unlikely that a grant of the land to a Land Trust would have any effect on the existing patterns of land usage in the area. The claim area is not presently used as a commercial cattle station due mainly to the inability of the current residents to secure the necessary funding to support such activity. There is no doubt that many of the claimants are experienced and capable cattlemen but in the absence of appropriate financial support they have so far been unable to develop a viable commercial enterprise on the land. Whatever may become of Urapunga subsequent to a grant, it is unlikely that any, existing or proposed use of other land in the region would be affected.
65. Section 50(3)(d) - Cost of acquiring interests.
No cost would be involved in acquiring the interests in the claim area of persons other than the Crown in the event of a grant of title to a Land Trust. The present registered proprietor of PPL 1099, the NLC, holds its interest in the land as trustee for the traditional owners and has unconditionally consented to the making of the application without any claim for compensation or other payment. By virtue of s 21A of the ATSIC Act, ATSIC is taken to have an interest in the land but it is obvious for the terms of the Deed to which reference is made above that it originally funded the acquisition of the lease by the NLC for the express purpose of seeking to have it granted to a Land Trust. ATSIC has made no claim for compensation or payment in the event of a grant being made.

Summary of Findings and Recommendation

66. The following is a summary of the findings and recommendation contained in this report:
- (a) The application was made to the Aboriginal Land Commissioner on 12 November 1996 by the Northern Land Council on behalf of Aboriginals claiming to be the traditional Aboriginal owners of the area of land in the Northern Territory being Northern Territory Portion 745 and being the whole of the land comprised in

- Perpetual Pastoral Lease 1099 which is registered in the Register under the Real Property Act (N) in Volume 493 Folio 91;
- (b) The claim area is alienated Crown land in which all estates and interests not held by the Crown are held on behalf of Aboriginals;
 - (c) The Northern Land Council and the Aboriginal and Torres Strait Islander Commissioner each holds an estate or interest in the claim area on behalf of Aboriginals;
 - (d) The Northern Land Council and the Aboriginal and Torres Strait Islander Commission have each consented in writing to the making of the application;
 - (e) The Aboriginals named in Appendix 3 are traditional Aboriginal owners of the claim area;
 - (f) I recommend that the whole of the claim area be granted to a Land Trust 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;
 - (g) The number of Aboriginals with traditional attachments to the claim area who would be advantaged by a grant of title to a Land Trust exceeds 1200;
 - (h) In the event that title to the claim area is granted to a Land Trust
 - (i) the public right of access over the land to rivers and waterways presently preserved by s 79 of the Pastoral Land Act (NT) would cease; and
 - (ii) the Northern Territory would require the consent of the traditional owners to the establishment of any new gravel pits, water bores or dams on the land;
 - (i) Subject to the above, no persons or communities (including other Aboriginal groups) would suffer detriment if the land is granted to a Land Trust; A grant of title to a Land Trust would not affect the existing or proposed patterns of land usage in the region;
 - (k) No cost would be involved in acquiring the interests of the Northern Land Council and the Aboriginal and Torres Strait Islander Commission in the claim area.

APPENDIX 1**a) Representation of Parties**

Mr T Keely (of counsel) instructed by Ms Penelope Creswell (of the Northern Land Council) appeared for the claimants.

Ms R Webb (of counsel) instructed by Ms K Gatis (of the Solicitor for the Northern Territory) appeared for the Attorney General for the Northern Territory.

b) Witnesses

Dawson Daniels

Peter Woods

Doreen Ponto

Tex Camfoo

Victor Sandy

Moses Silver

Splinter Gerrepbere

Jacob Carew

Samson Ponto

Ishmael Andrews

Hannah Tyson

Nellie Camfoo

Ashwood Farrel

Mildred Ponto

Johnny Rankin

Alex Thompson

Cherry Daniels

Sandy August

Tommy Gibbs

Albert Rami

* Splinter Gerrepbere's brother, who has since passed away, also gave evidence.

c) Exhibits

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

Exhibits NLC 1 - NLC 12 were tendered on behalf of the claimants.

Exhibits NTG 1 - NTG 20 were tendered on behalf of the Attorney-General for the Northern Territory.

Exhibit ALC 1 was received by the Aboriginal Land Commissioner.

Exhibit No	Description of Exhibit
NLC 1	Submission on Title
NLC 2	Senior Anthropologists' Report
NLC 2.1	Addendum to Anthropologists' Report
NLC 3	Claimant Profiles
NLC 3.1	List of Additional Claimants
NLC 3.2	Revised List of Additional Claimants
NLC 4 R	Genealogies
NLC 4.1 R	Revised Genealogies
NLC 5 R	Site Register
NLC 6 R	Site Map
NLC 7	Particulars of transcripts of other claims accepted in evidence
NLC 8	Declaration of Trust dated 12 July 1996
NLC 8.1	Deed executed by NLC and ATSIC dated 13 November 1998
NLC 9	Bundle of census material
NLC 10	Errata amending claim documents
NLC 11	Statement of Penelope Alice Creswell dated 12 February 2001
NLC 12	Final Submissions on behalf of Claimants.
NTG 1	Letter from Solicitor for NT to NLC dated 2 November 2000
NTG 2	Outline of detriment submission
NTG 3	Statement of Robert Adams dated 12 December 2000
NTG 4	Statement of Kenneth William Gratten dated 13 December 2000
NTG 5	Statement of Arthur Busato dated 14 December 2000

Exhibit No Description of Exhibit (Cont'd)

NTG 6	Statement of Malcolm David Bound dated 2 March 2001
NTG 7	Copy of dealing lodgment form No 093964 (excision of NTP 1545)
NTG 8	Copy of Special Purposes Lease 455.
NTG 9	Copy of Certificate of Title Volume 326 Folio 115 (NTP 1545)
NTG 10	Final Submissions on behalf of the Attorney-General
ALC 1	Letter from Wongalara Pastoral Company to Office of Aboriginal Land Commissioner dated 6 February 2001

APPENDIX 2**An Historical Overview
(From Chapter 2 of Exhibit NLC 2)***Introduction*

It is impossible to comprehend Aboriginal/Ngalakgan history in the Roper River region without an understanding of the region's main events and activities. In particular these were: the explorations of Leichhardt which put Roper Bar on the European map; the placement of the Overland Telegraph Line Supply Depot directly across the river from the present day Urapunga PL; the establishment of **the Roper Bar** Police Station in 1890; the establishment of the Roper River Mission; and the government's establishment of the Roper Bar Aged and Infirm Depot. The development of the pastoral industry itself, especially Urapunga and Roper Valley stations, and Aboriginal peoples' adaptation to station life is especially crucial. The proximity of the Urapunga PL, to all these developments ensured that there was constant interaction between the claimants' ancestors and non-Aboriginals. This directly influenced patterns of Aboriginal settlement, activity and land use within the Roper River region. The maintenance of cultural and economic ties with land in this region as demonstrated by the historical record is set out in chapter 6 and is only briefly mentioned here.

This chapter draws heavily on sources such as governmental archival records, explorers' and travellers' journals and colonial newspapers. Some secondary sources are referenced throughout the chapter. Historical material contained in previous land and Native Title claims, particularly the Yutpundji-Djindiwirritj (Roper Bar) Land Claim Book (Bem et al 1980), the Hodgson Downs Land Claim Book (Layton and Bauman 1994), the St Vidgeon Station Native Title Application Book (Asche et al 1998) and the Urapunga Township Native Application Book (Asche, Graham and Stead 1998) is also used.

Prehistory

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 "The Tombs" the large traditional burial cave and rock art shelter on nearby St. Vidgeon PL and the engraved rock surfaces at "Queensland Crossing" of 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 separated 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 (P.8).

Thus, while the claim area has not been the subject of a systematic archaeological survey, the available archaeological evidence from the surrounding region suggests an Aboriginal presence and use of the claim area for at least several thousand years. 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.

Early Exploration and the Roper River Supply Depot

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). Following a 'broad footpath of the natives' along the south side of the Roper,

Leichhardt's party passed several freshwater lagoons. Here there were numerous Aboriginal camps showing 'fresh bumings and mussel-shells'. He also observed that trees in the area had been cut with iron tomahawks. These were most likely obtained by direct or indirect exchanges with Macassan fisherman. Leichhardt's party encountered Aboriginal people around the junction of the Hodgson and Roper Rivers but initially kept them at a distance by the 'discharge' of their guns. Undeterred by this hostility three Aboriginal people approached Leichhardt's camp the following morning and gifts were exchanged. The following day these Aboriginal people again approached the explorer's camp and introduced 'many new faces' to Leichhardt.

Leichhardt's party continued along the Roper noting that the 'extensive bumings, and the number of our sable visitors, shewed that the country was well inhabited'. On October 24 Leichhardt's party crossed the Roper River via a ledge of rock which subsequently became known as Leichhardt's Bar (present day Roper Bar) and continued along the north side of the river, passing briefly through the area of the present day Urapunga PL, Leichhardt noted that 'all along the outside of the scrub, we observed old, camps of the natives; several of whom were seen crossing the plains'. Near what is possibly Flying Fox Creek or the Jalboi River one of Leichhardt's party

met and spoke with some Aboriginal people who did not appear to be afraid of him'. However later that night four Aboriginal people allegedly prepared to attack Leichhardt's camp but were detected before they could do so. Although these Aborigines quickly disappeared Leichhardt continued to hear them 'cooeing' in the scrub and soon silenced them by discharging his gun (Leichhardt 1847:442-456). Leichhardt's observations of camping areas with recent burnings containing the remains of lately roasted mussel shells, Aboriginal 'fisheries', the abundance of fish and bird life plus his constant reiteration of an Aboriginal presence highlight the importance of the river/lagoon environment to Aboriginal economic and subsistence activities. It is likely that such an environmental niche played an important economic role in Aboriginal life.

Gregory (1855-56) and Stuart (1860-62) explored country in the vicinity of the Roper River (for a summary and analysis of Gregory's contacts with Aboriginal people in the general area see Asche et al 1999). These parties did not enter the current Urapunga PL area. However their reports on the river systems and fertile grazing lands resulted in a movement of Europeans into the Roper River area. In 1870 surveyor George MacLachlan was sent to the Roper River to select a site for a supply depot which would service the parties working on the construction of the Overland Telegraph Line. MacLachlan's party camped at Roper Bar for two nights and 'frequently' saw Aboriginal people described as 'generally fine looking fellows' and 'very friendly'. In December 1871 the Roper River Supply Depot was established at Roper Bar. However the wet season forced them to relocate seven miles downstream towards the junction of the Roper and Hodgson Rivers, at a place called Narakgarani (55, Narakgarani) by the Ngalakgan. The depot was located directly opposite the present day Urapunga pastoral lease (Taylor 1980:13 1; Morphy & Morphy 1981:6). A few men remained at Roper Bar.

The Roper River Supply Depot continued its operations until 1874 - almost two years after the telegraph line had been completed. During that time period there were many interactions between Aboriginal people and telegraph line workers, sightseers and travellers. Not all these interactions were friendly. Various journal entries of RC Patterson (northern section line leader), indicate a readiness to use violence against Aboriginal people. Before arriving at Roper Bar Patterson had pondered the necessity of shooting 'a score or so' to establish in Aboriginal minds a fear of Europeans (Patterson: 8 December 1871). The language Patterson uses in describing subsequent encounters with Aboriginal people immediately interprets Aboriginal action as unfriendly and warlike (see Patterson: 22 May 1872). A major conflict occurred at the Depot when Aboriginal people were detected stealing into the camp at night. They were subsequently shot at and forced back across the river. In an effort to recover the allegedly stolen goods 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).

James Lowrie's journal (1871-73) (Captain of the paddle steamer which transported stores and material from the mouth of the Roper to the Depot) constantly refers to Aboriginal people and camps seen on journeys up and down the river. Lowrie records that Aboriginal people 'never did a destructive or malicious act until after the arrival of Captain Douglas with his survey parties and Mr Smith's party at the Port Survey camp who had several collisions with them'. From this

time on Aboriginal people were responsible for looting stores, damaging and burning marker buoys, cutting down beacons and raiding their gardens. This resistance came to a head in mid December 1872 when it was reported that Mr Davis had been badly wounded by Aboriginal people at Mr Smith's camp at the Port Roper Depot. Davis was allegedly speared in retaliation for the 'shooting of a Bangawa dead at the landing' (Lowrie: 4 February 1873).

That Aboriginal people occupied the upper Roper River is obvious from the historical record left by members of the construction party. For instance, when Mr Davis requested Aboriginal people to visit the Depot in November 1872 and 'make themselves useful' in return for food, a group of about fifty men, women and children came and camped on the north bank of the river opposite the Depot. Lowrie provides some evidence as to who at least some of these Aboriginal people were by appending a 'Roper River vocabulary' to his remarks on Aborigines at the conclusion of his journal (Lowrie: February 1873).

A year after the Roper River Supply Depot had been abandoned Roper Bar again became the focus of European attention. In June 1875 CH Johnston, Charles Rickards, Abram Daer and two unnamed Aboriginal people left Daly Waters station and travelled to Roper Bar searching for stock. They met with Aboriginal people on the way to Roper Bar who were described as 'very quiet to all appearances, some of them riding on the wagon'. However while stopped at Roper Bar for lunch the three European men were speared (Johnston was speared and killed while swimming, Rickards was speared though not fatally and Daer died some weeks later from his wounds). Before his death Daer reported that there were 'very few old Roper natives, none of the old Bungawah's being there'. He thought that the Aborigines responsible were mostly 'Moles Hill blacks' (Mole Hill is located on the eastern boundary of Elsey PL) (*Northern Territory Times* 17 July 1875). A punitive party was issued with arrest warrants and immediately dispatched by the government to the Roper River. Perhaps reflecting public sentiment at the time, the editor of the *Northern Territory Times* urged the party to:

Save themselves the trouble of bringing the prisoners such a distance to serve no sensible purpose. The only things that have hitherto proved of any value in bringing the niggers to their senses have been dogs 4-7nd the revolvers; and we trust the party now gone ovt will not be afraid to use them (Northern Territory Times 17 July 18 75).

The punitive expedition reached Roper Bar on August 2 without seeing any Aboriginal people. There they found a notice from W Batton. It contained the information that he and his party had found 'the natives mustered strong at Mount McMinn whom they quickly dispersed and did their best to avenge for Mr Johnston's death'. Several Aboriginal people were recognised by the punitive party, a quantity of clothing was recovered and the camp afterwards burnt. Punitive parties spent the next three weeks at Roper Bar searching for Aboriginal people up and down either side of the river. They passed in and out of the present day claim area. An Aboriginal man was eventually charged with the murders and taken to Darwin. He was tried, found not guilty and released.

Pastoral Development and the Township of Urapunga

Despite such violent confrontation non-Aboriginal interest in the Roper River region did not wane. In November 1880 a party of men led by Surveyor Lindsay conducted a trigonometrical

survey of the Roper River region. He found Aboriginal people in the area to be 'very friendly' and recorded an Aboriginal vocabulary including some place names. Morphy indicates that the word list collected was in the Ngalakgan language (1993:230). Lindsay reported favourably on the country surveyed and believed that the whole country passed over was 'well suited for grazing purposes and a great deal of it fit for agriculture'. Lindsay returned to undertake further exploration of the Roper River area in August 1883. He travelled along the north side of the Roper River, making towards the Wilton River. He passed Mount Elsie and about six miles later his party crossed a big sandy creek, went through some stony hills and 'disturbed some natives' before deciding to camp on a 'nice water-hole in well-grassed country'. He described the hole on which they were camped as a chain of lagoons 'with a lot of natives camped about one mile away' (Lindsay 1884).

On 7 August 1883 Lindsay and his party reached the Wilton River and decided to follow it to its source. Travelling through country north of Mount Bagster and south of Mount Fumer (in the north of the claim area), Lindsay and his party found the site of a 'very large native encampment'. He described it as 'quite a quarter of a mile across' and the humpies (one reaching 12 ft high) being 'superior' to anything Lindsay had previously seen in the Territory. This camp contained small enclosures as if small game had been yarded and kept alive'. Aboriginal people were observed to have excavated five large holes of varying size (one was over 18 ft long) and shape in the red clay soil. Lindsay thought that the camp 'must have contained quite 500 natives, and have been the scene of some great festival, the corroboree, or dancing grounds, being numerous and well-worn'. Lindsay also described the 'remains of another large camp' located about two miles to the north of the explorer's main camp on the Wilton (located on some large water holes in the river just north of Knuckey's Bluff). Here Lindsay recorded seeing a painted post set firmly in the ground with about twenty pieces of paperbark bound up with creepers and placed in the form of a star with the inner ends embedded in the ground around it (Lindsay 1884).

In further explorations along the north side of the Roper towards its mouth, Lindsay encountered Aboriginal people or their camps, recorded Aboriginal names of waterholes, observed a 'native fishtrap' and had three of his horses speared and killed (Lindsay 1884). In summarising his explorations Lindsay praised country about the Wilton River describing it as most excellent grazing and good agricultural land. Lindsay (perhaps unconsciously) acknowledged Aboriginal burning practices in his lament that the horses of the expedition suffered badly because the 'whole country was either burning or recently burnt with the young grass just springing' (Lindsay 1884).

Favourable reports on country encouraged pastoral development of the Roper region. Pastoral runs established in the 1880's included Elsey Station at the head of the Roper, Bauhinia Downs, Wollogorang, Valley of Springs and Hodgson Downs south of the Roper and Florida Station to the north. Florida Station, above the head waters of the Wilton, was taken up by Queensland pastoralists Macartney and Mayne in 1884 and eventually stocked with over 8,000 head of cattle. They had been driven overland from Queensland, along the Roper and up into present day Amhem Land via a route forged along the Wilton River. Further pastoral activity on the present day Urupunga PL, occurred when John Costello, who had established Valley of Springs Station on the Limmen River in 1884, expanded his holdings along the Roper River and established Lake Ellen and Wangalara Stations. Jack Farrar overlanded 1500 head of heifer to Lake Ellen

(now known as Lake Allen) and Wangalara and became the manager of these properties (Duncan 1967).

In 1884 Hay and Armstrong opened a store at Roper Bar to service these enterprises, the increasing numbers of drovers moving cattle west from Queensland and the gold seekers heading to the Kimberleys. In September 1885 a hotel was built close to the store. Visiting Roper Bar in 1885, Customs Officer Alfred Searcy wrote that there was 'plenty of life' at the Bar provided by a 'constant stream of overlanders, comprising good honest men, brumby hunters, cattle duffers, horse thieves, and nondescript outlaws'. Searcy wrote that brumby hunters were wild horse hunters and that 'as a rule the niggers feared them, and from what I heard they had reason to'. It was not only the brumby hunters who Aboriginal people had reason to fear. Searcy writes that a number of Aboriginal people were camped across from Roper Bar and that they were not allowed to cross the Bar without permission, and, when given this, had to wear a tin plate slung round their neck - 'It was bad for the health of one crossing without the badge' (Searcy 1909:103-147).

Government belief that a township was essential to the successful development of the inland pastoral industry led to the surveying of a township site at Roper Bar in 1885. A preliminary township survey had been carried out in 1872. The Government Resident of the time had suggested that it be called Amhem. However Surveyor Hingston acted contrarily and 'obtained from the natives the name of Urapunga' which he understood to mean 'the upper Roper River, or the river that runs through their country'.) Morphy suggests that Urapunga was almost certainly a transformation of Yutpundji, the Ngalakgan name for the general Roper Bar area (1993:226). The township of Urapunga was officially proclaimed in March 1887. Little interest was shown in taking up land in the township. A failing pastoral industry and an altered stock route, which bypassed Roper Bar meant that lots in the township of Urapunga remained unsold. The settlement at Roper Bar failed to develop in the way the colonial optimists anticipated (Morphy 1993:219).

The movement of a large number of stock around Roper Bar had severe environmental effects resulting in Aboriginal resistance to these pastoral incursions. That Aboriginal people would resist pastoral expansion was indicated by Lindsay as early as 1883 (Lindsay 1884). The Northern Territory Government Resident acknowledged Aboriginal resistance and its causes in his 1884 report on the Northern Territory. The Government Resident feared:

Unquiet times may be expected in connection with the native tribes. The blacks are beginning to realise that the white man, with his herds, and his fences, and his preservation of water, is interfering with what they properly enough, from their point of view, regard as their natural rights. Their hunting grounds and game reserves are being disturbed, and their food supply both diminished and rendered uncertain. They can no longer, as they could a few years ago, travel from one lagoon or billabong to another, and be certain that on arrival there would be flocks of wildfowl to be snared... The natives will resist the intrusion of the whites and regard themselves as robbed of their inheritance, they will set the grass alight when they are so minded, and if hungry or by way of reprisal, they will spear cattle when they think they are out of range of the rifle.

Provisions had been made under the Northern Territory Crown Lands Consolidation Act, 1882, for Aboriginal people to remain on pastoral leases to hunt and gather. Pastoralists' rejection of this provision in the Roper region is evidenced in demands for police protection for themselves and their stock. Mr Creagh (from Hodgson Downs) wrote that Aborigines in the area were 'very defiant and aggressive' and were in fact the 'worse tribe' he has encountered. This assessment and other complaints resulted in the sending of a 'Native Police Force' consisting of two European constables and six South Australian natives to the Roper River in 1885. The police were stationed at Mt McMinn on the north side of the Roper. They were primarily responsible for patrolling the Roper country and 'checking' the hostile actions of Aborigines in that area. However, reports continued of Aboriginal people raiding stores from the Roper Bar Store, PR Dury's camp on the Wilton and surrounding pastoral properties. An attempted robbery was made on the Police Station itself. In recognition of the detrimental impact that pastoral expansion was having on Aboriginal people's subsistence patterns Constable Power suggested that thefts could be prevented by distributing stores to Aboriginal people. He also suggested the establishment of a reserve for Aboriginal people where the 'hunting ground was good'.

The Police Station was abandoned at the end of 1886. This was despite continual reports of cattle and horse spearing which argued that Aboriginal people were retarding pastoral success and expansion.

The Government Resident claimed that the 'rights of the aborigines to as much of the land - the best of the land' as was 'necessary for their sustenance and tribal life' was 'indisputable'. However, he knew that pastoralists were already taking the law into their own hands (see Government Resident's Report on the Northern Territory, 1887). This was common knowledge and practice in the region. For instance, a correspondent to the *Argus* admitted to seeing '20 bodies of natives who had recently been shot by a well-known Queensland overlander' in the vicinity of St Vidgeon station when he was there around 1886.

In 1890 a Police Station was established at Roper Bar. In the first year of operation there was an alleged attack by an Aboriginal man on Mounted Constable Martin which resulted in Martin shooting his assailant. The Government Resident concluded his report on this incident by indicating that, 'natives at Roper very daring and getting worse and useless to cultivate friendship with them'. For the editor of the *Northern Territory Times* this incident raised the question of whether this district was 'to be peopled by blacks or whites'. He suggested that if it was by the latter there would 'no room for the nigger unless he consents to fall in behind and give up his murderous tricks'. The editor argued that it was 'quite clear that the aboriginal question, as it refers to certain parts, can only be settled to the satisfaction of the white man by a liberal use of powder and ball' (*Northern Territory Times* 4 July 1890).

By 1893 both Florida PL and the various holdings of John Costello in the Roper River region had been abandoned. In 1898 Mounted Constable Stott reported that there continued to be 'a deal of depredation committed among the stock on cattle stations, they use so much stratagem in killing cattle and horses that it is almost impossible to prove a case against them. The seriousness with which the police took Aboriginal people spearing cattle is shown by the 1903 example of Constables Dowdy and Macaulay. They ran down and arrested an Aboriginal man found in possession of fresh beef near Six Mile Gorge and shot him when he tried to escape from their custody.

Violence between Aborigines and non-Aboriginals escalated when the Eastern and African Cold Storage Company leased much of the eastern half of Amhem Land. Company employees drove cattle from Elsey, Hodgson Downs and Wollogorang stations up the Wilton River stock route to their Arafura Run in 1903. One such drover was George Conway. He indicated to Bauer that the Company ensured the safety of the cattle by employing two gangs of 10 to 14 Aborigines headed by a white man or 'half-caste' to hunt and shoot 'wild blacks' (Bauer 1964:157). Conway claims that his party killed dozens of Aborigines between 1905 and 1906 (Layton & Bauman 1994). This appears to have been the time of greatest violence along the south Amhem frontier. Its consequences can be gauged from the fears and lifestyle reported by old Aboriginal people and in the "depopulation" reported by Donald Thompson in 1936.

Alawa man Bamabas Roberts, born around 1894, remembered the impacts and the strategies used to survive in these times:

White people hunt us out from there, shootim people like Kangaroo, like bird. Oh terrible days we used to had. We never walk around much 'mongst the plain country or groun'. We used to up la hill alla time to save our live. Our oldpeople you know.. Used to take us away from plain or river or billabong. Only night time they used to run down and get the lily (lily seed). Alla young men you know: Can't go daytime, frighten for white people. Too many murderers went about killing native (in Hercus & Sutton 1986 p.66).

Anthropologist Donald Thompson noted (in the 1930s p.77) that a result of this experience on the Aboriginal people of the Roper River, was a very rapid depopulation:

While it is impossible here, as in most other parts of Australia, to quote exact figures, since no accurate census could be taken at the outset, there is abundant evidence of the fact that the Roper [River] Valley supported, until quite recent years, a very dense population. The organisation of the tribes that formerly occupied this area, and the evidence of the survivors prove this fact. But in 1936 there remained only a few completely detribalised Aborigines who lived as hangers-on of the Europeans renting their territory from the Government, and employing or to use a more accurate phrase, working the more able bodied. Alternatively, they live as detribalised outcasts in the territory that all their traditional lore tells them to be the birthright of their ancestors (Thomson 1983 p.77).

As late as 1954 Patrol Officer Greenfield acknowledged that the 'excessive use of firearms' and the violence of the not so distant past had made the whole population throughout the area 'firearm conscious'. However, unlike other Aboriginal groups in the Northern Territory who were moved onto missions or settlements away from their traditional country, those Ngalakgan who survived this violence stayed about their traditional country. They received some sustenance and protection at the Roper River Police Station, the Roper River Mission and on Urapunga and Roper Valley Stations.

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 people's 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 Guyal 3 country) and Jack Jawulunggur (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 constantly 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. Group 4 claimant Roy Golokumdu and his spouse Janet Nara-kal (dec) lived at the Police Station with their two children, Gina and Wayne. Roy was employed at the station as a tracker (CRS E944). The Police Station moved to Ngukurr in mid- 1980.

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 XII).

Missionaries came the following year to establish the Roper River Mission at 'Mirlinbarrwarr', located approximately 11 Okms upstream from the Roper River's mouth. 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 was very different to their usual treatment. 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 seventy - although at times it reached over two hundred. 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, dormitory 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 sixteen 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 forty-five 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'. When money and rations ran low at the Mission, Aboriginal people went bush sometimes for months at a time and lived 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.

Twentieth Century Pastoralism and the Employment of Aboriginal People

Country within the present day Urupunga PL, area was taken up by early pastoralists. However, few of these enterprises lasted. Ownership of Urupunga Station changed hands many times. In 1909-1910 John and Kate Rogers took up Paddy's Lagoon Station. Paddy's lagoon is located just north of the Roper Bar to Ngukurr road a short distance from the Urupunga homestead turn-off. A number of historic European graves in this area date to this early homestead including the grave of Harry Warrington, 1911. According to a 1910 pastoral map it encroached north of Mount Favenc, extending over the southern bank of the Wilton and Roper junction and adjoined the surveyed township of Urupunga (Cartwright 1999). Paddy's Lagoon Station later became known as Urupunga Station. In 1917 the Rogers sold Urupunga to Dalkie and Bruxner and bought Maryfield Station from Bob Farrar. After his wife's death in 1921, John Rogers moved back to the Roper River region. He purchased Roper Valley Station from Sayles and Conway who established it in 1920. When the Pastoral Leases Investigation Committee reported on Roper Valley and Urupunga Stations in 1935 both were reported to be owned by Rogers although it was acknowledged that he was trying to sell them. Rogers sold Roper Valley to Holt and Chisolm in 1934 and returned to Urupunga until his death a short time later. On Rogers' death Urupunga was taken up by FJ Earle who then sold it to Jim Gibbs around 1940 (Cartwright 1999).

Gibbs remained on the station during World War II. Gibbs and his Aboriginal stockworkers assisted the troops (who had moved into the Roper River region to prevent possible Japanese incursions) conduct their patrols along the Roper River. Police trackers at Roper Bar were employed by the Army and assisted in patrols, mustering cattle, looking after horses, building huts and imparting local geographic knowledge. While the troops record that 'myall' Aboriginal people continued to be seen during their patrols about the Roper, the majority of Aboriginal people from Roper River were moved into the Army Control Camps at Mataranka and Katherine for the duration of the war. After the war Gibbs sold Urupunga to Robert Astle Ward who in turn sold it to Fred Ogden in 1951. By the time Max Cartwright, Ray Arbon and Merv Andrew took up Urupunga in late 1953, Cartwright records that the property had been so run down that even the Aborigines had left. However by the end of the 1953 wet season most of the Urupunga Aborigines had returned home. By the start of the dry the population had soared to about 120, including children (Cartwright 1999). Apart from droving stock long distances Aboriginal people were employed mustering, horse breaking, blacksmithing and yard building. Women also did stockwork, as well as domestic chores (Cartwright 1999).

Cattle killing on the Roper continued. Morphy and Morphy's research (1981) demonstrates that for the first 40 years of the 20th century unlawful possession of beef competed with alcohol offences as the major crime for which Aboriginal people were convicted. Penalties for unlawful possession of beef could be quite high, with sentences ranging up to twelve months imprisonment. The only volume of the Roper River Police Station diary still extant shows that cattle killing continued on Urupunga during the late 1920s and early 1930's. As late as 1962 it was reported to the police that 'nomadic' Aboriginal people were killing cattle on Urupunga Station.

Urapunga Station changed hands many times. However, official records indicate that various claimants and their ancestors were employed or living on Urapunga Station during the 1950s and 60s. A medical inspection report from 1956 indicates that there were approximately forty residents of Urapunga Station. In 1966 the number of Aboriginal people living on Urapunga Station was forty-four.

Claimants and their ancestors were also employed or living on neighbouring Roper Valley Station throughout the 1950s and 1960s.

Living conditions for Aboriginal people on the region's stations were generally inadequate. Urapunga station under the joint ownership of Max Cartwright, Ray Arbon and Brian Bowman was briefly considered the exception. The station employed people as domestics, stockmen and labourers and paid them cash. Aboriginal and non-Aboriginal station residents were fed from the kitchen and ate the same food. Aboriginal people were issued with good quality clothing and provided with newly erected huts. The owners later established a school on the station at their own expense for Aboriginal and non-Aboriginal children (Cartwright 1999).

However, by 1967 conditions for Aboriginal people on Urapunga Station had deteriorated. By May 1968 Arbon and Bowman planned to sell Urapunga. Seven Aboriginal stockmen were currently employed and there had been a recent large influx of people from Roper Bar. The population was also boosted by a number of people who came in from time to time from a place locally known as the cattle camp which was about 6 miles upstream from Urapunga on the Wilton River. A census attached to this report showed Ngalakgan people employed on the station were Duncan Warpingala [Yapungalal, Doreen Ngulp-ora [Nyulpbull Hannah Karitji [Garadjil] and Splinter Caraprai [Gerrepbere].

After several years agitation over poor wages and working conditions, the Commonwealth Conciliation and Arbitration Commission decided in 1965 to 'vary the Cattle Station Industry (NT) Award by deleting references excluding Aborigines from its conditions'. This basically meant that from December 1968 Aboriginal people were to receive Award Wages (Morphy and Morphy 1981). Between September and November 1968 John Bem produced a population survey of cattle stations in the Roper region. He indicated that over 350 Aboriginal people were employed on the six stations surveyed. Marra, Alawa, Wandarrang and Ngalakgan people were found to be at Eisey, Hodgson Downs, Mountain Valley, Moroak, Roper Valley and Urapunga Stations. Ngalakgan people were located at Eisey (1), Hodgson Downs (1), Roper Valley (18), Urapunga (10) and Moroak (8) (Bern 1968). Bem recorded a total of eight people employed on Urapunga Station.

When Urapunga Station was inspected in July 1969 there were six Aboriginal stockworkers employed on the station. Rations were issued to them and they prepared their meals in the camp. It was noted that there had been a drop in the population at Urapunga because of the movement of three families to the Roper River Settlement. Whether the movement of the three families was in response to changed employment conditions on Urapunga Station is unclear. However, Layton and Bauman's research (1994:20) demonstrates that the introduction of Award wages, combined with a slump in the pastoral industry resulted in a 32% reduction in levels of employment of Aboriginal people on Territory cattle stations.

The claimants' desire to gain ownership of cattle stations in the Roper region was expressed forcibly to Aboriginal Land Commissioner Woodward when he visited Roper River in 1973. He visited the Roper Valley stock camp and was told that the workers there were 'Nulakan' and that Ngalakgan country comprised, 'All this area, this goes from here to the river to the Roper River, goes to the Big River. All along the Roper River right to Roper Bar Police Station and Mission only on this side of the river'. In response to a question regarding the number of non-Aboriginal men on the station, Woodward was told, 'Few come and work one or two years and go away but Aboriginal people stay here until they die' (Woodward 1973a). The Ngalakgan man Blutja (Bluja) told Woodward that he had spent almost 50 years working on and running the stock camp on Roper Valley Station. He told Woodward that he was a Ngalakgan man, born on the Jalboi River and now wanted to 'find some country here near Roper Valley, but what is mine'. Peter Jumboi represented Aboriginal people from Urapunga Station and presented Justice Woodward with a letter. It read:

Dear Judge Woodward, The people of Urapunga want you to help us get the land rights for some sacred places. We want to get the right to Yulu, called in European way Lake Ellen, Walunji, Kulairi, Barrungolburkburkminga, Tjinbirriyongyin - that is a big rock going across the Wilton River, Wilbilburri, Tjinjhill, the eight mile rock hole, the sacred spring between Yulu and Eight Mile Rock Hole, the spring on top of Pumpkin Yard Hill. We aboriginal people want the right to one square mile around where our houses are. On this land are many sacred trees and rocks'.

From, Peter Jumboi (President). (Woodward 1973, 1973a).

Summary

Archaeological and historical evidence establishes Aboriginal occupation of the claim area prior to the arrival of Europeans. The historical record confirms Aboriginal use and occupation of the claim area since the earliest European incursions to the area. It also demonstrates that despite violence, disease and an altered economic base, Aboriginal people have remained about Urapunga station and adjacent areas. Through work as police trackers or stock workers the claimants and their ancestors were able to move about much of their traditional land, keeping in touch with their country. Documentary sources continually attest to the constant movement of Aboriginal people between Urapunga and Roper Valley Stations, the Roper Bar Police Station and the Mission as people moved to go hunting, to visit family, to take up work or to participate in ceremonies.

The historical evidence also reveals attempts by the claimants to protect sites on the claim area.

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APPENDIX 3

Traditional Aboriginal Owners

Group 1**Mingirringgi**

Alfonso Rankin
 Angus Ponto
 Annette Miller
 Anthony Ponto
 Barry Roper
 Berryl Roper
 Bronson Ponto
 Cara Roper
 Cecily (Magaygay)
 Christine Camfoo
 Christine Ponto
 Clayton (Yumayinga)
 Cynthia Galayarin Malangarra
 Cynthia Rankin
 Danny Camfoo
 Darcy (Mundu)
 Deanne Ponto
 Dennis Murray
 Dianthia Murray
 Doreen Limmen
 Doreen Ponto
 Elston Ponto
 Estelle Roper
 Esther Ponto
 Francis Murray
 Grace Ponto
 Gracibelle (Nyulpbu)
 Hamish Roper
 Hazel (Lumbirrpirr)
 Henry (Bawuda)
 Irene (Lanjanbin)
 Iris Cookie/Camfoo
 Iris Ponto
 Jamie Ponto
 Janita Ponto
 Jemari Ponto
 Jermaine Ponto
 Jerome Camfoo
 John Rankin
 Johndo Ponto
 Kenneth Murray
 Kirsten Murray
 Lazarus Murray
 Lenora (Bolyorra)
 Leonardo Rankin
 Letitia Camfoo
 Lisa Murray
 Lloyd (Biridun)

Junggayi

Ainsley (Arrama)
 Alberto (Ranyburu)
 Alec (child of Ainsley Arrama)
 Ambrose Sandy
 Andrina (Jupba)
 Angela Hood
 Angus Ponto
 Angus Stott
 Anita Camfoo
 Anita John
 Anthony Ponto
 Arnold Duncan
 Bobby Stott
 Brianna (child of Irene Lanjanbin)
 Carol John
 Carolyn Sammy
 Cassandra Martin
 Chalina Lawrence
 Chantelle Miller
 Claude Holtze Jnr
 Clayton Duncan
 Clifford (Jurlminda)
 Clinton Ponto
 Connie Minymul
 Coralie Moore
 Corleen Holtze
 Daisy Sammy
 Daniel Camfoo
 Daniel Ponto
 Danny Dennis Duncan
 Darryl John
 Darryl Joshua
 Dawson Daniels
 Debbie Roberts
 Deidre (Majaj)
 Dennis Duncan
 Dennis Holtze
 Desmond Lindsay
 Dixie (Wurubangana)
 Dorothy "Dotty" George
 Edwina (Gayarrwala)
 Eileen Lindsay/Cummings
 Eileen Moore
 Elena Lawrence
 Elizabeth Roberts
 Ena Holtze
 Eric Roberts
 Eric Roberts Jnr

Darlnyin

Adrian Runyu
 Alan Joshua
 Albert McMasters
 Alec Hayes
 Alicia Camfoo
 Alison Nilco
 Alwyn Camfoo
 Andrew Fejo
 Anna Bama
 Annie Daniels
 Anthea **Anderson**
 Antonella Pascoe
 Bamey Farrer
 Betty Bin Juda
 Bill Dempsey
 Bradley Anderson
 Bradley Farrer
 Bradley Mason
 Brian Farrer
 Cameron Camfoo
 Cecil Campbell
 Charlene Camfoo
 Cheryl Hayes
 Cheyanne John
 Christopher Woods
 Citrina Runyu
 Clayton Camfoo
 Clem McMasters
 Curtis Harrison
 Dailan (child of Vivian Lawrence)
 Damien Fuller
 Damien Mardy
 Danella Campbell
 Daniel Fejo
 Danny Daniels
 David Espie
 David Ross
 Delma McCartney
 Demetris Mardy
 Dennis Daniels
 Desmond Campbell
 Donald Daniels
 Donna McMasters
 Donovan McCartney
 Dorothy Watson
 Dylan Fuller
 Eddie George
 Edward Chisholm

Group 1 (Cont'd)**Mingirringgi**

Luke (Birliwanga)
 Maria Ponto
 Marissa Ponto
 Michael Ponto
 Michelle Martin
 Mildred Ponto
 Moima Gudabi
 Moses (Narritjjuri)
 Nasimina Camfoo
 Noelene Ponto
 Peter Woods
 Pixie Dodds
 Polly Anne Ponto
 Rachel Camfoo
 Raylene (Gabandula)
 Rhonda Camfoo
 Rico Ponto
 Rochelle Ponto
 Roger Roper
 Roland Murray
 Rose (Jalungurra)
 Roseanne Rankin
 Ryan Ponto
 Samantha (Yangguluma)
 Sammy Ponto
 Samson Ponto
 Samuel Ponto
 Scotty Ponto
 Selena (Magunyirmin)
 Shaun Murray
 Sheiton Murray
 Simon Ponto
 Sonia (Mindurrbuma Dugun)
 Sonia Murray
 Stephen Rankin
 Stuart Rankin
 Susan (Ringiwanga)
 Teresa Ponto
 Teresita Ponto
 Tex Camfoo
 Tim Camfoo
 Tracey Camfoo
 Trevor (Malagurlu)
 Vanessa Rankin
 Wanita Ponto
 Warren Camfoo
 Warren Camfoo Jnr
 Wilfred Ponto
 Yolanda Rungu
 Yvonne (Murrayi Gungurru)

Junggayi

Errol Martin
 Esau Martin
 Esmeraida Murray
 Ethel Farrer
 Eve Roberts
 Ewen Martin
 Frances (Malindidi)
 Francine Rogers
 Frederick Holtze
 Gary Holtze
 George Holtze Jnr
 Gilbert Campion
 Gillian (Yardawalma)
 Gillian Campion
 Glen Roberts
 Grace Waller
 Graham Lawrence
 Greshima Holtze
 Hannah Tyson
 Heather Lindsay
 Helen Minymul
 Helen Moore
 Iris Harrison
 Isiah Martin
 James Andrew
 Jamie John
 Janelle Roberts
 Janice Roberts
 Jason Dodds
 Jeannie Stott
 Jeffrey Waiter
 Jeremy Andrew
 Jerry Martin
 Jessica Duncan
 Joanne/Kaya Roberts
 Johnathan Martin
 Jonathon Waller
 Josephine Hood
 Josephine Minymul
 Josiah Daniels
 Joyce Roberts
 Juanita (Wajambirra)
 Justin Murray
 Justin Wailer
 Justine Roberts
 Kaitlin Ponto
 Kaliana Andrew
 Kara Martin
 Karen Sammy
 Kathleen Duncan
 Kenny Minymul
 Kenny Wailer

Darlnyin

Elaine Daniels
 Elton Huddleston
 Eveyin Mardy
 Fabian (Jarranaji)
 Fiona Hayes
 Francesca John
 Francine Hall
 Francis Hayes
 Fred Conway
 Gary Chisholm
 Gary Hayes
 Graham Campbell Jnr
 Gwendoline Runyu
 Harold Brown
 Hesten (Nyuluk Guliyin)
 Hilda Roberts
 Hupert Wurrumarra
 Ian Avalon
 Ian McMasters
 Jacob Bama
 James Woods
 Jane Hall
 Janice Farrer
 Jason (Boriborl)
 Jason Campion
 Jeffren John
 Jeffrey Jnr (child of Vivian Lawrence)
 Jeremy Bama
 Jermaine Camfoo
 Jim Farrer
 Joan Koops
 Jodie Roberts
 John Patterson
 Johnny Huddleston
 Johnson Martin
 Joseph Ah Matt
 Josiah John
 Joyce Mardy
 Judith McCartney
 Judy (Budbin)
 Julianne Martin
 Junie (Gardinen)
 Katherine Patterson
 Katrina Camfoo
 Kerry Camfoo
 Kim Avalon
 Kira Camfoo
 Kira Costello/Roberts
 Kirsten Daniels
 La Toya Blanas
 Lansen Paddy
 Lauren Espie

Group 1 (Contld)
Mingirringgi

Junggayi
 Rhoda Sandy
 Rhonda Champion
 Rhonda Duncan
 Richard Sandy
 Roderick Stott
 Rodney Duncan
 Ronnie John
 Ronnie Lindsay
 Rose Martin
 Rosina Camfoo
 Roxanne Lawrence
 Rupert Roper
 Russell Martin
 Samantha (Mamuma)
 Samuel Duncan
 Scott Martin
 Sebina Roper
 Sevantia Runyu
 Shane Miller
 Shane Runyu
 Shantella Sandy
 Sharon Champion
 Shaun Lawrence
 Sherona Andrew
 Sophia Waller
 Splinter Gerrepbere
 Stephanie Waller
 Stephen Sandy
 Susan Sammy
 Susan Waller
 Tammy Roberts
 Terrance Runyu
 Timmy Duncan
 Tony Waller
 Tracy Camfoo
 Trefina George
 Trudy Waller
 Vanessa Murray
 Veronica Martin
 Veronica Sandy
 Vivian Lawrence
 Wayne Roberts
 Wendy Espie
 Wesley Lawrence
 William Wanta
 Winston Roberts
 Wynian Duncan
 Yvonne Lawrence
 Zac Murray
 Zachariah Sandy

Darinyin

Tania Joshua
 Tara Camfoo
 Tasha Paddy
 Teddy Mason
 Teresa Hayes
 Terrence Mardy
 Tony McMasters
 Wesley Woods
 Whitney Hood

Group 2**Mingirringgi**

Arthur Dingle Jnr
 Barbara Errenini
 Beverley Monallal
 Clarence Dingle
 Clayton Silver
 Connie Minymul Wilfred
 Deborah Murunung
 Dorisina Silver
 Elizabeth Silver
 Enock Silver
 Eunica Silver
 Francis Garrarndji
 Harold Albert
 Harry Albert
 Heather Forrest
 Janet Rogers
 Jessica Silver
 Johnathan Silver
 Josephine Minymul
 Judy Daniels
 Julie Albert
 Kenny Minymul
 Kieran Silver
 Leslie Dingle Ngarrij
 Leslie Silver
 Lionel Silver
 Lynton Silver
 Margaret Huddleston
 Moses Silver
 Sarah Silver
 Shirley Silver
 Steve Silver Jnr
 Tex Silver
 Tony Silver

Junggayi

Anastasia Wilfred
 Anita Martin
 Arthur Huddleston
 Besma Murunung
 Cecily Huddleston
 Charlene Forrest
 Christopher Sandy
 Clement Forrest
 Conrad Murunung
 Cyrus Daniels
 Desley Murunung
 Eileen Daylight
 Gennaine Murunung
 Grace Ponto
 Helen Minymul
 Jake Wilfred
 Jamie Ponto
 Janita Ponto
 Jeremiah Huddleston
 Joanne Wilfred (1)
 Joanne Wilfred (2)
 Jonathan Forrest
 Kaylene/Josephine Minymul
 Lesley Sandy
 Lindsay Murunung
 Mervyn Wilfred
 Miranda Rogers
 Noelene Ponto
 Olga Daniels
 Patsy Huddleston
 Pollyanne Ponto
 Rachel Minymul
 Rebecca Huddleston
 Sammy Ponto
 Scotty Ponto
 Shannon Daniels
 Stewart Garrarndji
 Talita Wilfred
 Teresa Ponto
 Trevor Huddleston
 Trisha Rogers
 Troy Martin
 Victor Sandy
 Violet Huddleston

Darlinyin

Carmen Gibbs
 Gerald Gibbs
 Louise Gibbs
 Michelle Gibbs
 Roderick Gibbs
 Roseanne Gibbs
 Serina Gibbs

Group 3**Mingirringgi**

Albert Rami
Alexander "Alex" Thompson
Alison Lansen
Andre-Kurt Rami
Andrew Thompson
Anita Thompson
Anne Thompson
Barry Rami
Bert Rami
Bradiene Rami
Brittany Thompson
Bruce Thompson
Cadell Thompson
Cain (child of Celia Thompson)
Camille Thompson
Cara Jane Rami
Carina Thompson
Cathy Thompson
Celia Thompson
Charlene Thompson
Charmaine Thompson
Cherry Daniels
Clifford Thompson (son of Alex)
Clifford Thompson (son of
Tithenboy)
Crystal-Lee Thompson
Dallas Thompson
Dan Thompson
Dane (child of Melissa Thompson)
Daniel Thompson
Danielle Thompson
Delores Thompson
Delvine Thompson
Derek Thompson (son of Dan
Thompson)
Derek Thompson (son of
Tithenboy)
Dereze Numamurididi
Diana Gondora
Dianna Thompson
Dylan Thompson
Edgar Thompson
Edmund Thompson
Edward Thompson
Elizabeth Rami
Enoch Thompson
Esau Thompson Senior
Esau Thompson (son of Tithenboy)
Esmeralda Thompson
Ethan Thompson
Fabian Rami
Fabian Thompson

Junggayi

Alberta Ashley
Alfred Rogers
Alicia Harrison
Amarita Gondora
Angelina Ashley
Anita Daniels
Annette-Kathy Daniels
Anthea Daniels
Anthea Thompson
Anthony Daniels
Baby Daniels (child of Delores
Thompson)
Barry Rogers
Basil Murrungun
Bernice Nawidj
Boaz Munur
Brendan Johns
Brett Dudley Daniels
Caine Harrison
Caleb Thompson
Carissa Daniels
Carol Johns
Chariton Ashley
Charmaine Ashley
Christy Rami
Colleen Harrison
Darryl Johns
David Thompson
Eddie Harrison
Edwina Riley
Epsily Muna
Emest Daniels
Emest Daniels Jnr
Eunice Joshua
Gene Daniels
Geraidine Daniels
Graeme Daniels
Greg Rogers
Gregory Daniels
Hayden Ngaimi
Heath Munur
Jam ie Johns
Jana-Marie Daniels
Janelle Harrison
Janet Johns
Jaydene Daniels
Jeffrey Johns
Joel Thompson
Joelene Gondora
Joelene Harrison
John Wilson

Darinyin

Amy Johnson
Barnabas Turner
Belinda Robertson
Billy Hall
Bobby Roberts
Brendan Robertson
Carlos Tapau
Carmelina Daniels
Carolyn Johns
Cherry-Anne Daniels
Colleen Lirrawi
Craig Johns
Cynthia Turner
Davis Turner
Delina Ponto
Delvina Ngalmi
Donavan (child of Valerie Nawidj)
Dyson Ngalmi
Eddie Tapau
Eden Graham
Edris Kurt
Emastina Dingul
Felicia Dingul
Francis Lirrawi
Graham Turner
Howard Turner
Irene Andrews
Jamalh Dennis Ponto
Janet Lirrawi
Jill Daniels
Josephine Lirrawi
Kevin Lirrawi
Letora Ngalmi
Lisa Ngaimi
Luke Turner
Marie-Claire Robertson
Marjorle Tapau
Mark Antony
Miranda Johns
Nikita (child of Valerie Nawidj)
Owen Turner
Philemon Robertson
Phillip Robertson
Rita Johns
Ross Lirrawi
Ryan Douglas Ponto
Scott Dingul
Joet Ngatnii Sebastian Johns
Sopa Tapau
Terence Turner
Theresa Lirrawi

Group 3 (Cont'd)

Mingirringgi

Felicity Numamurdidi
 Fina Thompson
 Gaylene Thompson
 Gloria Thompson
 Grant Thompson
 Harry Thompson
 Herbert Rami/Thompson
 Herbert Thompson Jnr
 Hilda Thompson
 Hubert Rami
 Ina Thompson
 Joelene Russel
 John Thompson
 Jordan Thompson
 Judith Thompson
 Julian Thompson
 Kara Rami Wudburr
 Keanan Numamurdidi
 Kerri-Anne Thompson
 Kerry Thompson
 Kylie Thompson
 Kymalis Thompson
 Lee Thompson
 Lester Gumbula
 Lisa Thompson
 Lyndon Gumbula
 Mahalia Gumbula
 Manuel Thompson
 Margaret Thompson
 Marissa Thompson
 Mark Thompson
 Mary-Anne Thompson
 Matthew Thompson
 Maya Thompson
 Melissa Thompson (daughter of
 Alex)
 Mel issa Thompson (daughter of
 Enoch)
 Natasha Rami
 Noel Thompson (son of Sarnuel)
 Noel Thompson (son of Tithenboy)
 Patricia Thompson
 Pauline Thompson
 Raymond Thompson
 Ricky Thompson
 Robin Thompson
 Ronald Thompson
 Sadie Thompson
 Samuel Thompson
 Sharon Thompson

Junggayi

Juanita Gumbula
 Jutie Rogers
 Kailis Rami
 Keith (Christopher) Muna
 Kieran Rogers
 Laurel Harrison
 Leanna Harrison
 Leonie Lansen
 Lincoln Harrison
 Lionel Thompson
 Lisha Lansen
 Lloyd Thompson
 Lorraine Robertson
 Ludavina Lalara
 Luke Nawidj
 Marilyn Johns
 Marjorie Daniels
 Mark Daniels
 Mekisha Daniels
 Michael Rogers
 Mikaela Lansen
 Monica Nawidj
 Natalie Rami
 Natasha Thompson
 Nikota Wilson
 Patrick Daniels
 Patrick Thompson
 Peter Johns
 Queron Daniels
 Richard Johns
 Roger Ashley
 Roland Kingsly-Lansen
 Roland Lansen Jnr
 Ronald Thompson
 Ronnie Johns
 Sadie Thompson
 Sally Thompson
 Shane Daniels
 Sharon Rogers
 Shirleen Daniels/Ngaimi
 Shirley Johns
 Sophia Nawidj
 Stefan Gumbula
 Stephanie Daniels
 Tarasita Daniels
 Tristan (Troyston) Muna
 Vaterie Nawidj
 Vanessa Thompson
 Vinette Ngaimi/Daniels
 Warwick Thompson

Darlinyin

Group 3 (Cont'd)

Mingirringi

Sharona Thompson

Shaun Thompson

Sheila Riley

Sherena Thompson

Simpson Thompson

Stanley Thompson

Stephanie Thompson

Tara Thompson

Tasha Thompson

Tegan Thompson

Terence Gumbula

Terry Thompson

Tina Thompson

Tithenboy Thompson

Tom Thompson

Trixon Thompson

Una Thompson

Vaneta Gumbula

Veronica Wilson

Vince Thompson

Vinnie Numamurdidi

Walter Thompson

Winston Thompson

Winston Thompson Jnr

Junggayi

Xavier Carlos

Darinyin

Group 4**Mingirringgi**

Alberta (Bunduwan)
 Alfonso Carew
 Alice Ashley Jnr
 Alistair Ashley
 Amos Ashley
 Angelina (Garlili)
 Anita Ashley
 Barbara John
 Branto Ashley
 Candice Conway
 Charlton (Marriliyawuy)
 Charmaine (Wuyulga)
 Christine Conway
 Christine Roy
 Clara Ashley
 Clarrie Conway
 Clayton Conway
 David John
 Donald Ashley
 Doreas Ashley
 Fay (Juluwanu)
 Fiona Conway
 Francisca John
 Frank Ashley
 Gina Roy
 Harold Ashley
 Jacob Carew
 Jeffrey John
 Jennice John
 Jerry Ashley
 Jimmy Conway
 Johnson Ashley
 Josephine Carew
 Josephine John
 Josiah John
 Julie Roy
 Leandra Ashley
 Lewis Roy
 Lionel (Ngakgerrkan)
 Lorna Ashley
 Macuen Conway
 Marcus Ashley
 Max Ashley
 Michelle Ashley (child of Roy)
 Myiin Ashley
 Nancy (Galawarga)
 Nathan Conway
 Norah Roy
 Phyllis Ashley
 Piiyilis Conway
 Randel Carew
 Rena Ashley Nyinyi

Junggayi

Anton Conway
 Barry Ashley
 Bradley Ashley
 Casey Carew
 Cecily Conway
 Clayton John
 Clifford John
 Davis Wilfred
 Debbie Roberts
 Deborah Carew
 Delvina Carew
 Derrick Conway
 Disan Ashley
 Elizabeth Roberts
 Eric Roberts
 Eric Roberts Jnr
 Eve Roberts
 Germaine John/Carew
 Glen Ashley
 Glen Roberts
 Howard Fisher
 Jake Daniels
 Janelle Roberts
 Janet Conway
 Janice Roberts
 Joanne/Kaya Roberts
 John (child of Fay Juluwanu)
 Joyce Roberts
 Justine Roberts
 Marcia Roberts
 Marcia Wilfred
 Margaret Ashley
 Margarita Daniels
 Marisa John/Carew
 Mathew Conway
 Matthew Ashley
 Maxian Ashle_y
 Melissa Ashley
 Michelle Ashley (child of Loma)
 Minnie Carew
 Nicole Roberts
 Patricia (child of Fay Juluwanu)
 Peter Ashley
 Peter Conway
 Priscilia Roberts
 Queenie John
 Ralph Ashley
 Ralph Roberts
 Ramsey Ashley
 Randal Ashley
 Raymond Ashley
 Rena Ashley

Darlinyin

Cecil Campbell
 Danella Campbell
 Desmond Campbell
 Edward Roberts
 Gary Roberts
 Graham Campbell Jnr
 Hilda (child of Joyce Roberts)
 Jodie (child of Joyce Roberts)
 Joseph Ah Matt
 Kira Costello/Roberts
 Marlene Roberts
 Michael (child of Joyce Roberts)
 Patricia Roberts

Group 4 (Cont'd)**Mingirringgi**

Roseanne Roy
Roy Ashley
Semetris Ashley
Sharon Carew
Shiane John
Shirley John
Splinter Gerrepbere
Stephen (Ricky) Carew
Sylvia Carew
Terrence Ashley
Tibby Ashley
Trevor Carew
Wayne Ashley
Wayne Roy
William John

Junggay!
Richard Ashley
Robert Conway
Sally-Anne John
Samantha John
Sandra John
Sean John
Senita Conway
Serina (child of Fay Juluwanu)
Sonay Conway
Stella Ashley
Talbin Ashley
Tarnmy Roberts
Tasha Fisher
Travis Fisher
Vince (child of Fay Juluwanu)
Vincent Wilfred
Wayne Roberts
Wesley Wilfred
Winston Roberts
Zachariah John/Carew

Darlinyin

Group 5**Mingirringgi**

Agnes Hodgson
 Andrea Andrews
 Connie Minymul Wilfred
 David Wilfred
 Edna Andrews
 Eileen Andrews
 Emie Andrews
 Esther Walker
 Gerard Andrews Jnr
 Gladys Wilfred
 Helen Minymul
 Imelda Andrews
 Ishmael (Gerard) Andrews
 Josephine Minymul
 Josephine Walker
 Karen Walker Hodgson
 Kay Walker
 Kaylene/Josephine Minymul
 Kenny Minymul
 Liam Andrews
 Marlene Andrews
 Melba Walker
 Melissa Andrews
 Naomi Walker
 Neville Andrews
 Rachel Minymul

Junggayi
 Alex Amold
 Amanda Arnold
 Anastasia Wilfred
 Baby Ponto (child of Sarmmy Ponto)
 Billy Arnold
 Braxton Wilfred
 Bruce Amold
 Carmen Gibbs
 Danielle Amold
 Darren Joshua
 Denise Amold
 Dennis Amold
 Dennis Amold Jnr
 Domella Amold
 Edna Amold
 Edward Joshua
 Evelyn Joshua
 Ewan Rodgers
 Fiona Joshua
 Gerald Gibbs
 Grace Ponto
 Hannah Joshua
 Harold Joshua
 Jake Wilfred
 Jamie Ponto
 Janita Ponto
 Joanne Wilfred (1)
 Joanne Wilfred (2)
 Joshua Amold
 Josita Joshua
 Kathleen Amold
 Kimberley Rodgers
 Louise Gibbs
 Marjorie Amold
 Mervyn Wilfred
 Michael Joshua
 Michelle Gibbs
 Nolan Ponto
 Pollyanne Ponto
 Priscilla Amold
 Roderick Gibbs
 Roseanne Gibbs
 Sammy Ponto
 Sarah Wilfred
 Scotty Ponto
 Serina Gibbs
 Sharona Rodgers
 Stefan Joshua
 Talita Wilfred
 Teresa Ponto
 William Arnold

Darlinyin

Adam Wurramarra
 Andy (child of Edna Arnold)
 Carol (child of Marjorie Amold)
 Cecil (child of Marjorie Amold)
 Daniel Kuwilya
 Danny James
 Darlene (child of Edna Arnold)
 Dean Wurramarra
 Dennis (child of MaLijorie Amold)
 Ishmael Wurramarra
 Joelene (child of Edna Amold)
 Josiah Weston
 Leanne James
 Lesley (child of Marjorie Amold)
 Lisa (child of Edna Amold)
 Mike Kuwilya
 Robert (child of Edna Amold)
 Sebastian (child of Roseanne Gibbs)
 Serina Wurramarra
 Sylvester (child of Roseanne Gibbs)
 Victor James
 Zackie (child of Roseanne Gibbs)
 Zelda Wurramarra

Group 6**Mingirringgi**

Aima Farrel
 Ardale (child of Lansan Jarrburda)
 Ashwood Farrel
 Audrey (Babi)
 Briella Farrel
 Bronwyn Sandy
 Carol Farrel
 Cerise Farrel
 Chris Farrel Jnr
 Chris Sandy
 Christopher Farrel
 Cynthia Sandy
 Darlika Farrel
 Darren (Darribang)
 Darryl Farrel
 Deborah Farrel
 Dennis Farrel
 Dwayne Farrel
 Edgar Sandy
 Elena Farrel
 Elton Farrel
 Felix Farrel
 Fenton Farrel
 Gillen (child of Darren Darribang)
 Gloria Farrel
 Jalinda Farrel
 James (Gambarraginy)
 Janet Vera Farrel
 Jay Morris Farrel
 Jennifer Sandy
 Joanne (Wagamudbi)
 Joel Farrel
 John Farrel
 Jonathan Farrel
 Joshua Sandy
 Keith Farrel
 Kelvin Farrel
 Kyal (child of Malcolm Gambarraginy)
 Lansan (Jarrburda)
 Levi Farrel
 Luke Farrel
 Malcolm (Gambarraginy)
 Malechai Farrel
 Mathias Farrel
 Matthasila Farrel
 Mayleen Farrel
 Melissa Farrel
 Michel le Farrel (daughter of Felix Farrel)
 Michelle Farrel (daughter of Thomas Farrel)

Junggayi

Aaron (child of Sabina Jiwarra)
 Abraham Farrel
 Annabel Johnson
 Antonette (child of Vicky Gugubija)
 Bamey Farrer
 Brendan Farrer
 Brian Farrer
 Bronwyn (child of Vicky Gugubija)
 Bruce (child of Sabina Jiwarra)
 Cameron (child of PaUicia Wilmundwya)
 Celina Farrer
 Christine (Jurdlurba)
 Danielle Hall
 David Farrer 'Bushman'
 David Hall
 Diane Hall
 Dorothy Joshua
 Dorothy Watson
 Edith (Judulba)
 Edward Joshua
 Gina (child of Carol Farrel)
 Hilda Hall
 Jack Farrer
 Jake (child of Patricia Wilmundanya)
 Janice Danicis
 Jason (child of Sabina Jiwarra)
 Jim Farrer
 Johnny O'Keefe Jnr
 Kathrina (Margarara)
 Kayleen Hall
 Lansan Joshua
 Lenny Hall
 Lenny Joshua
 Lillian Roberts
 Lorraine Farrer
 Lynette Farrel
 Macuen Hall
 Maria Johnson
 Mary Farrer Darcy
 Melissa Jeffries
 Merissa O'Keefe
 Mildred Joshua
 Neil Jeffries
 Nicholas (child of Carol Farrel)
 Owen (child of Vicky Gugubija)
 Pansy Johnson
 Remus O'Keefe
 Robin Jeffries
 Roddy Joshua
 Romas Farrel
 Rosalyn (Wundijbana Garragayin)
 Roseanne Farrel

Darinyin

Alan Watson
 Amos Dennis
 Cameron Doctor
 Cathy-Anne Wunta
 Dalika Farrel
 Denis Watson
 Derrick Wilfred
 Douglas Wunta
 Dwayne Farrel
 Edith Tyson/Darcy
 Esau Hodgson
 Franklin Wilfred
 Glen Watson
 Jeremiah Doctor
 Joas Dennis
 Joel Farrel
 Jonah Joshua
 Kerry-Anne Roberts
 Lena Watson
 Leonie Kingsley
 Maureen Hodgson
 Mike Warren
 Peterson Hodgson
 Phillip Watson
 Raylene Roberts
 Rebecca Dennis
 Regina Roberts
 Rhoda Watson
 Rhonda Watson
 Roberta Roberts
 Salty-Anne Wunta
 Sebastian (Dungudungu)
 Senita Wunta
 Serina Kingsley
 Simeon Kingsley
 Wallace Dennis

Group 6 (Cont'd)**Mingirringgi**

Miranda Farrel

Myiene Farrel

Narelle Farrel

Nathaniel Farrel

Nicodemus Farrel

Pat Farrel

Patricia (Wilmundanya)

Peter Farrel (grwidson of the late

Tommy Farrel)

Peter Farrel (son of the late Peter

Farrel Miyamburra)

Peter Farrel (son of the late Tommy

Farrel)

Riana (child of Darren Darribang)

Rosalyn Farrel

Rupert Farrel

Sabina (Jiwarra)

Seamus Farrel

Sene Farrel

Shirlene Farrel

Sila Farrel

Suzanne Farrel

Thomas Farrel

Tod Boy Farrel

Tom Boy Farrel

Tom Boy Farrel Jnr

Topsy Hall/Farrel

Vicky (Gugubija)

William Farrel

Junggayi

Rosemary Joshua

Roy Farrer

Ryan Jeffries

Sandra Joshua

Sheila Joshua

Simone Farrer

Susan Farrer

Teddy O'Keefe

Teresa (Wawul)

Teresa Johnson

Trudy (Ngabarlayindi)

Wanita Farrel

Darinyin

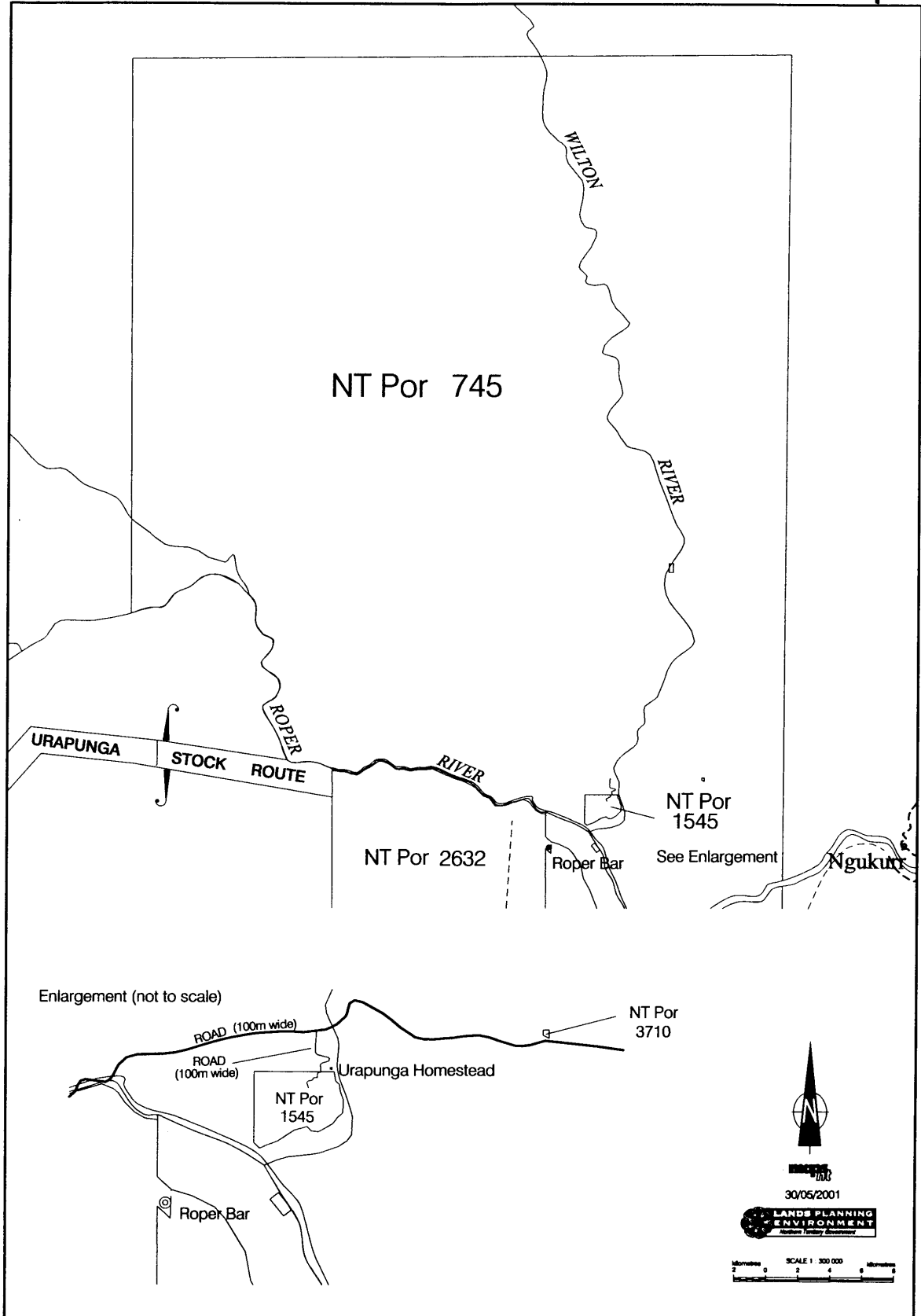
SCHEDULE

Map 1:
1099

Plan from PPL

Urapunga Land Claim - LC 159

Map 1



Map 2: Area

The Claim

Urapunga Land Claim - LC 159

Map

