

1962-63.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

---

HOUSE OF REPRESENTATIVES.

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REPORT

FROM THE

SELECT COMMITTEE

ON

GRIEVANCES OF  
YIRRKALA ABORIGINES,  
ARNHEM LAND RESERVE.

PART I—REPORT AND MINUTES OF PROCEEDINGS.

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*Brought up and ordered to be printed, 29th October, 1963.*

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**PERSONNEL OF THE COMMITTEE.**

**Mr. R. L. Dean (Chairman).**

**Mr. C. E. Barnes.**

**Mr. K. E. Beazley.**

**Mr. G. M. Bryant.**

**Mr. D. L. Chipp.**

**Mr. C. R. Kelly.**

**Mr. J. N. Nelson.**

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## EXTRACTS FROM THE VOTES AND PROCEEDINGS.

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No. 101 OF 12TH SEPTEMBER, 1963.

6. SELECT COMMITTEE ON GRIEVANCES OF YIRRKALA ABORIGINES, ARNHAM LAND RESERVE.—Mr. Beazley moved, pursuant to notice—

- (1) That a Select Committee be appointed to inquire into the grievances of certain aboriginal people of Yirrkala relating to the excision of land from the Aboriginal Reserve in Arnhem Land, contained in their Petition presented and read to the House on the 28th August, 1963.
- (2) That the Committee consist of seven members, four to be appointed by the Prime Minister and three to be appointed by the Leader of the Opposition.
- (3) That every appointment of a member of the Committee be forthwith notified in writing to the Speaker.
- (4) That the Chairman be one of the members appointed by the Prime Minister.
- (5) That five members of the Committee constitute a quorum.
- (6) That any member of the Committee have power to add a protest or dissent to the report of the Committee.
- (7) That the Committee have power to send for persons, papers and records, to sit during any adjournment of the House and to adjourn from place to place.
- (8) That the Committee report to the House not later than the 12th November, 1963.
- (9) That the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

Debate ensued.

Question—put and passed.

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No. 104 OF 19TH SEPTEMBER, 1963.

6. SELECT COMMITTEE ON GRIEVANCES OF YIRRKALA ABORIGINES, ARNHAM LAND RESERVE.—Mr. Speaker informed the House of the following appointments of Members as members of the Select Committee on Grievances of Yirrkala Aborigines, Arnhem Land Reserve:—

Mr. Barnes, Mr. Chipp, Mr. Dean and Mr. Kelly had been appointed by the Prime Minister and Mr. Beazley, Mr. Bryant and Mr. Nelson by the Leader of the Opposition.

*Point of Order.*—Mr. Hasluck (Minister for Territories) on a Point of Order referred to Standing Order No. 326 and raised a question as to whether the honorable Member for Wills (Mr. Bryant), who had been nominated to serve on the Committee, was personally interested in the matters to be inquired into by the Committee.

*Statement by Speaker.*—Mr. Speaker stated that, in his opinion, the Chair was not able to determine whether or not a Member was personally interested in a committee of inquiry and could not properly be called on to so decide. A Member must be guided by his own feelings in the matter and by the dictates of respect due to the House and to himself. Having regard to the existence of the Standing Order and its terms, it was likely that if a matter of this kind were to be brought to issue, it would be one for the House to decide.

Mr. Bryant addressed the House with regard to the matter raised.

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No. 112 OF 16TH OCTOBER, 1963.

5. SELECT COMMITTEE ON GRIEVANCES OF YIRRKALA ABORIGINES, ARNHAM LAND RESERVE—POWER TO SIT DURING SITTINGS OF HOUSE.—Mr. Dean (Chairman) moved, by leave, That the Select Committee appointed to inquire into the grievances of certain Aboriginal people of Yirrkala relating to the excision of land from the Aboriginal Reserve in Arnhem Land, contained in their Petition presented and read to the House on the 28th August, 1963, have power to sit during any sittings of the House.

Debate ensued.

Question—put and passed.

**TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE HOUSE OF  
REPRESENTATIVES IN PARLIAMENT ASSEMBLED**

*The Humble Petition of the Undersigned aboriginal people of Yirrkala, being members of the Balamumu, Narrkala, Gapiny and Miliwurrwurr people and Djapu, Mangalili, Madarrpa, Magarrwanalinirri, Gumaitj, Djambarrpuynu, Marrakulu, Galpu, Dhaluayu, Wangurri, Warramirri, Maymil, Riritjinu tribes, respectfully sheweth—*

1. That nearly 500 people of the above tribes are residents of the land excised from the Aboriginal Reserve in Arnhem Land.

2. That the procedures of the excision of this land and the fate of the people on it were never explained to them beforehand, and were kept secret from them.

3. That when Welfare Officers and Government officials came to inform them of decisions taken without them and against them, they did not undertake to convey to the Government in Canberra the views and feelings of the Yirrkala aboriginal people.

4. That the land in question has been hunting and food gathering land for the Yirrkala tribes from time immemorial; we were all born here.

5. That places sacred to the Yirrkala people, as well as vital to their livelihood are in the excised land, especially Melville Bay.

6. That the people of this area fear that their needs and interests will be completely ignored as they have been ignored in the past, and they fear that the fate which has overtaken the Larrakeah tribe will overtake them.

7. And they humbly pray that the Honourable the House of Representatives will appoint a Committee, accompanied by competent interpreters, to hear the views of the Yirrkala people before permitting the excision of this land.

8. They humbly pray that no arrangements be entered into with any company which will destroy the livelihood and independence of the Yirrkala people.

And your petitioners as in duty bound will ever pray God to help you and us.

*(English translation)*

Certified as a correct translation. **Kim E. Beazley**

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*Bukudjulni gonga'yurru napurrunha Yirrkalalili Yulnunha malanha Balamumu, Narrkala, Gapiny, Miliwurrwurr nanapurru dhuwala mala, ga Djapu, Mangalili, Madarrpa, Magarrwanalinirri, Djambarrpuynu, Gumaitj, Marrakula, Galpu, Dhabuayu, Wangurri, Warramirri, Maymil, Riritjinu malamanapanmirri djal dhumapa.*

1. Dhuwala yulnu mala galki 500 nhina ga dhiyala wanapura. Dhuwala wanga Arnhem Land yurru djaw'yunna naburrungala.

2. Dhuwala wanga djaw'yunna ga nhaltjana yurru yulnungunyudja dhiyala wanga nura nhaltjana dhu dharrpanna yulnu walandja yakana lakarama madayangumuna.

3. Dhuwala nunhi Welfare Officers ga Government bungawa lakarama yulnuwa malanuwa nhaltjarra nhuma gana wanganaminha yaka nula napurrungu lakarama wlala yaka lakarama Governmentgala nunhala Canberra nhaltjana napurruga guyana yulnyu Yirrkala.

4. Dhuwala wanga napurrungyu balanu larrunarawu napurrungu nathawa, guyawu, miyspunuwu, maypalwu nunhi napurru gana nhinana bitjarrayi nathilimirri, napurru dhawalguyanana dhiyala wanganura.

5. Dhuwala wanga yurru dharpal nha yurru yulnuwalandja malawala, ga dharpal nha dhuwala bala yulnuwuyndja nhinanharawu Melville Bathurru wanga balandayu djaw'yun nyumukunin.

6. Dhuwala yulnundja mala yurru nhamana balandawunu nha mulkurru nhama yurru moma ga darangan yalalanumirrinha nhaltjana dhu napurru bitjarra nhakuna Larrakeahyu momara wlanguwuy wanga.

7. Nuli dhu bungawayu House of Representatives djaw'yn yulnuwala nathili yurru nha dhu lakarama interpreteryu bungawawala yulnu matha, yurru nha dhu djaw'yun dhuwala wanganunda.

8. Nunhiyina dhu marrrayun marrama'-ndja nhinanharawu yulnuwu marrnamathinyarawu. Dhuwala napurru yulnu mala yurru liyamirriyama bitjan bili marr yurru napurru hha gonga'yunna wangarr'yu.

*(Australian matha)*

*(Here follow the Signatures)*

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# REPORT FROM THE SELECT COMMITTEE ON GRIEVANCES OF YIRRKALA ABORIGINES, ARNHEM LAND RESERVE.

## INTRODUCTION.

1. On the 28th August, 1963, Mr. Beazley presented a Petition to the House of Representatives from the aboriginal people of Yirrkala praying that (1) the House will appoint a committee accompanied by competent interpreters to hear the views of the people of Yirrkala before permitting the excision of any land from the Aboriginal Reserve in Arnhem Land, and (2) no arrangements be entered into with any company which will destroy the livelihood and independence of the Yirrkala people.

2. Mr. Beazley then moved that the petition be printed and informed the House, in accordance with the requirements of Standing Order 132, that he intended to submit a notice of motion in connexion with the petition. The question was carried on the voices.

3. Similar petitions had been presented to the House by Mr. Nelson and Mr. Wentworth on the 14th August, 1963 and Mr. Calwell (Leader of the Opposition) on the 28th August, 1963.

4. On the 12th September, 1963, upon the motion of Mr. Beazley, the House of Representatives resolved—

That a Select Committee be appointed to enquire into the grievances of certain aboriginal people of Yirrkala relating to the excision of land from the Aboriginal Reserve in Arnhem Land, contained in their Petition presented and read to the House on the 28th August, 1963.

5. At the first meeting of the Committee, Mr. Dean was elected Chairman.

6. The Select Committee has the honour to present to the House of Representatives the following Report.

## REPORT OF THE COMMITTEE.

### BRIEF HISTORY OF THE YIRRKALA ABORIGINES.

7. It is doubtful whether any other group of Aborigines in Australia has been subjected to such intensive contact with alien peoples as have the Aborigines of eastern Arnhem Land.

8. It is the opinion of anthropologists that contact with Indonesians, Malaysians and Macassans began in the early sixteenth century. This accounts for the strong Macassan influence on aboriginal art in Arnhem Land.

9. Arriving with the north-west monsoons in October or November, these traders would depart with their cargoes of trepang, pearl shell and timber, with the south-east winds some six months later.

10. Occasionally, some would stay with their ships through the winter, and at various sites in the region, settlements were founded.

11. The contact with these visitors continued until 1907 when, for customs reasons, the Commonwealth Government prohibited further trading.

12. The above era was quickly followed by an influx of Japanese pearlers and traders and some Europeans interested in trepang.

13. Professor Berndt in his book entitled "Arnhem Land" discloses that "the Japanese did not remain for long on friendly terms with the local natives; there were occasional spearings and massacres, especially in the region about Caledon Bay and Blue Mud Bay. Some Europeans, too, were involved in spearings, so that by the 1930's, the Aborigines of these parts had gained a reputation for being savage and warlike. The natives, however, were not entirely to blame for their occasional attacks on invading strangers, who had not the long-standing trade ties of economic reciprocity and friendship that the Indonesians had enjoyed."

14. The visits of the Japanese continued until shortly before Australia declared war on Japan in 1941.

15. Following conferences between representatives of organizations interested in aboriginal welfare, including missions, it was decided by the Methodist Overseas Mission who already had a mission established in 1918 at Milingimbi, to examine suitable sites in the north-east of the reserve for a mission. The Reverend Wilbur Chaseling arrived in Darwin in May, 1934, and went to Caledon Bay but failed to find a suitable site in that area. He then returned to Yirrkala and deciding this was the best site available in the tribal area took the first steps towards the establishment of a mission with the erection of a shed in November, 1934. Mr. Chaseling reports that the early population of the mission numbered some 200.

16. The development of the new mission at Yirrkala continued steadily and with the construction of a R.A.A.F. airstrip and base on Gove Peninsula between 1942 and 1943, the Aborigines found themselves in close contact with some thousands of Europeans for the first time in their tribal area. This contact would appear to have been well handled, many of the men being employed in and around the R.A.A.F. base. The discipline of both parties appears to have been outstanding and no mutual interference took place.

17. The immediate post-war period saw a speeding up in the provision of facilities at the mission through the large amount of iron, piping, equipment, &c., which was readily available and left behind by the Air Force. These years have seen a gradual stabilizing of the community although some movement still continued by groups south to Caledon Bay and west to Arnhem Bay and the English Company's Islands.

18. The conduct of the people of Yirrkala has been good in the post-war years. There have been the inevitable incidents involving spearing but these usually follow the traditional pattern of avenging tribal wrongs involving women.

19. A contributing factor to this is the orientation of the native peoples. Those who originate from the peninsula itself and areas to the west including the adjacent islands, camp north of Yirrkala Creek, while those whose tribal areas are to the south and south-west, camp to the south of the creek.

20. Literature available is not conclusive as to the limits of movement of the people in their traditional ways of living, mainly because of the changing pattern of hunting rights over the total area. As an example, Chaseling reports, "As well as having a link with the distant Woolen River, the Rirritjinu had its own Totem centre near Port Bradshaw, and were co-guardians with the Galpu. But this did not guarantee unity, for the question of guardianship led to quarrels in which several were killed and the Rirritjinu withdrawing to Melville Bay 40 miles away. But the Galpu victory was short lived, for in driving off the Rirritjinu they so weakened the home-front, that their hereditary enemies, the Djapu of Blue Mud Bay, descended on them with such vindictiveness that the remnant fled to the English Company's Islands 80 miles away, and they have been on the defensive ever since." More recent inquiries reveal that the Cape Arnhem area has recently changed hands as some authorities state this to be formerly Balamumu whereas now it is claimed to be Gumaitj. However, again as a generalization, the limits of the roaming in pre-European days would be Blue Mud Bay to the south, Arnhem Bay to the west, and the English Company's Islands to the north-west.

21. It is safe to state that the traditional nomadic characteristics of the people began to diminish with the establishment of Yirrkala Mission although it would be false to give the impression that traditional ceremonial and ritual does not still play a large part in their lives. There are some groups who still make periodic visits to the traditional areas of origin, but as mentioned earlier, there is a gradual stabilizing of the population of the Mission, which is best illustrated by the following Table:—

Year.	No. in Regular Contact.*	No. Regularly Resident.	Irregular Visitors.
1958 .. .. .	444	269	67
1959 .. .. .	405	355	118
1960 .. .. .	495	384	96
1961 .. .. .	517	423	†
1962 .. .. .	458	429	7
1963 .. .. .	501	501	57

\* These figures are inclusive of those regularly resident as shown in the next column.

† Not available.

#### PROCLAMATION OF THE ARNHEM LAND RESERVE.

22. The area known as the Arnhem Land Reserve comprises the following:—

*Oenpelli Reserve:* area about 2,000 square miles. Proclaimed on 14th April, 1920.

*Arnhem Land Reserve:* area 31,200 square miles, including all adjacent islands east of longitude 132° 44' excepting Groote Eylandt and Truant Island. Proclaimed on 14th April, 1931.

*Extension of Southern Portion of Arnhem Land Reserve:* area 2,500 square miles. Proclaimed 8th October, 1940.

*Darch and Croker Islands:* area 480 square miles. Proclaimed 17th December, 1940.

23. The *Oenpelli Reserve* was proclaimed under section 6 (f) of the *Northern Territory Crown Lands Act 1890* (an Act of the State of South Australia continued in force in the Northern Territory) and the *Arnhem Land Reserve* was proclaimed by virtue of section 102 of the *Crown Lands Ordinance 1927*.

24. All later extensions to and resumptions from the Arnhem Land Reserve were made under the *Crown Lands Ordinance 1931* and subsequent amendments. The legal effects of these proclamations and resumptions are set out in Appendix II.

### RESUMPTION OF PORTIONS OF THE ARNHEM LAND RESERVE.

25. During the 1920's and 1930's, the general public was becoming interested in aboriginal affairs, and many bodies pressed for the reservation of large areas as sanctuaries for nomadic tribes, particularly in the south-west of the Northern Territory and in Arnhem Land.

26. Having proclaimed the Arnhem Land Reserve, the Government considered that the fact that the Aboriginals Ordinance (forerunner of the Welfare Ordinance) provided that persons should not enter reserves without permission, indicated that it was the intention of the Ordinance to ensure that reserves should be used solely by Aborigines.

27. It was not intended that the lands included in the reserve should be handed over absolutely to the Aborigines, and that, if a payable gold or mineral field were discovered in a reserve, such field should be worked and the area withdrawn from the reserve. It was suggested that any valuable discovery of gold or other mineral substance made within the boundaries of an aboriginal reserve should carry an obligation to pay the Crown a specified amount by way of royalty or other charge and that any such moneys should be utilized solely for the benefit of Aborigines.

28. Nevertheless, reserves were proclaimed for the express purpose of providing the Aborigines with adequate land to meet their hunting and other requirements in order to preserve the aboriginal race. If the area of these reserves was to be reduced by allowing portions to be withdrawn from time to time for developmental purposes, the object of the reservation would be defeated.

29. It was considered that the large area left unreserved should have been ample to enable development to proceed, at any rate for a number of years to come, without encroaching on the small reserved area, and that therefore, before any encroachment was made upon the aboriginal reserves, the possibilities of developing the unreserved areas should be exhausted.

30. The fact that although permits had been granted on many occasions in the past for large prospecting parties to enter reserves, but that no important mining discovery had been made in the reserved area, was also taken into consideration.

31. In 1948 the Minister for the Interior approved the resumption of Truant Island, lying 30 miles south-east of Cumberland Strait in the Wessel Islands, for uses as a pearling base, in order that pearl-ers could make full use of the pearling season without the necessity for taking their luggers on the long trips back to Darwin to refuel and re-supply. Truant Island was chosen as the most suitable spot as it was not occupied by any Aborigines and its isolated position rendered visits by Aborigines from neighbouring islands or the mainland very difficult.

32. The present thinking in regard to aboriginal reserves is summed up in the statement made by the Minister for Territories (Mr. Hasluck) on the 6th August, 1952—

“ A policy of assimilation and the measures taken for the education and care of natives means that less dependence is placed on reserves as an instrument of policy than was placed on them in the days when it was considered that the interests of the natives could only be served by keeping them away from white settlement.”

33. That part of the Arnhem Land Reserve which had been revoked from the Coburg Peninsula Flora and Fauna Reserve and added to the Arnhem Land Reserve in 1940, was resumed in 1962. The balance of the Flora and Fauna Reserve was also resumed and a new Flora and Fauna Reserve, consisting of these two parts, was created.

34. On the 13th March, 1963, an area of 140 square miles was excised from the Arnhem Land Reserve on the Gove Peninsula. This area had been prospected for a number of years and it had been established that there were vast deposits of bauxite there. The Government's policy of assimilation assumed that the development of reserves should take place, provided that the Aborigines shared in the benefits of the development. Cabinet had decided in 1952 that prospective miners on reserves would have to put up a very strong case, and also show that no injury would be suffered by the Aborigines, before they would be allowed to enter on the reserve.

35. Where the Administrator of the Northern Territory considers that parts of a reserve should be resumed for mining purposes, he must forward to the Governor-General, with his recommendation, a statement setting forth the effect of the resumption on the welfare of Aborigines in the reserve.

36. The statement in respect of the excision from the Gove Peninsula was as follows:—

“ The object of revocation of the part of Arnhem Land Reserve recommended to His Excellency the Governor-General in Council is to permit large scale bauxite mining operations in the area.

The area to be revoked constitutes a small portion (140 square miles) of the total area of the Reserve which is over 35,000 square miles.

The revocation will not adversely affect aboriginal wards resident within the area and their rights and needs are adequately protected and catered for. Specific proposals have been made in this regard and they will be adopted as the development of mining activities shows the need for them.

The mining operations will offer training and employment opportunities for wards in the area, which would not otherwise be forthcoming and will contribute towards their assimilation in the Australian community.”

### LEASES WITHIN THE EXCISED PORTION OF THE ARNHEM LAND RESERVE.

37. Within the 140 square miles excised from the Reserve at Gove Peninsula, certain mining leases have been granted. (See Appendix III.)

38. Originally, certain permits to prospect in the reserve were granted and, in November, 1958, Special Mineral Lease No. 1, over an area of 21.8 square miles, was granted to Comalco. This lease has since been cancelled because of non-fulfilment of conditions and is once more at the disposition of the Commonwealth Government.

39. On 11th March, 1963, Special Mineral Leases Nos. 2, 3 and 4, over a total of 57.2 square miles, were granted to the Gove Mining and Industrial Corporation Limited.

40. The original Yirrkala Mission lease expired in 1957 and there is no longer provision in Northern Territory legislation for the grant of mission leases, the appropriate tenure now being Special Purposes Leases. On 24th May, 1963, the Minister for Territories approved in principle the grant of a Special Purpose Lease to the Methodist Overseas Mission of 2.56 square miles at the Yirrkala Mission site. The terms and conditions of the proposed lease have not yet been determined.

41. At present, two other applications for leases within the excised area are pending. An application by the Mission in respect of 1.1 square miles is under examination and an application by the Gove Mining and Industrial Corporation Limited for an area of .2 of a square mile is subject to challenge in the Warden's Court of the Northern Territory.

42. Therefore, of the total of 140 square miles excised from the Reserve, 82.9 square miles is either the subject of leases or of applications for leases.

### THE PETITION.

**That the procedures of the excision of this land and the fate of the people on it were never explained to them beforehand, and were kept secret from them.**

43. Your Committee finds that no discussion took place between Administration representatives and the Yirrkala people before excision. The discussion was between the Administration and the Methodist Mission authorities.

44. Your Committee is of the opinion that it was not an obligation on the Yirrkala Mission authorities to inform the Yirrkala people of Government policy, even if they had been completely certain what it was. Confusion seems to have arisen on this point. The Administration apparently thought that the decision had been given to the people.

45. This situation arose partly because Mr. Evans, the capable and conscientious Chief Welfare Officer, was absent on leave during the vital period when consultation could have taken place.

46. Your Committee feels that the Welfare Branch's lack of proficient linguists also led to a failure in clear communication in May, 1963, after excision and the granting of the lease, when officers met representatives of the people to explain the proposal.

47. Your Committee was impressed by the quality of the aboriginal evidence given in their own tongue. We feel that the Welfare Officers should take competent interpreters with them when matters affecting the people are discussed.

**That when Welfare Officers and Government Officials came to inform them of decisions taken without them and against them, they did not undertake to convey to the Government in Canberra the views and feeling of the Yirrkala aboriginal people.**

48. It is the opinion of the Committee from the evidence given that Welfare Officers and Government officials did convey the views and feelings of the people to the Government in so far as these officers understood them. Once again linguistic difficulties created confusion.

**That the land in question has been hunting and food gathering land for the Yirrkala tribes from time immemorial: we were all born here.**

49. The area of north-east Arnhem Land may appear to the European observer to be altogether barren and inhospitable but, in reality, it is capable of supporting a considerable aboriginal population.

50. It has its own specialized flora and fauna and the Aborigines have developed equally specialized and not always obvious methods of capture, collection and preparation of these resources.

51. The food supplies of the area are seasonal, since it is in the belt of monsoonal rains, and each period of the year has its characteristic vegetable and animal food.

52. From the sea the Aborigines obtain dugong, turtle, fish and various shellfish and from the land and rivers—wallabies, kangaroos, crocodiles, emus, goannas, fresh water tortoises, water snakes and "sugar bag" (wild honey). Vegetable foods such as water lily roots, yams and rakai (a small corm of the swamp plant) are available to them in season.

53. Although evidence was given that, with the greater exploitation of sea foods and the development of other food sources, hunting is becoming more a recreational exercise than an essential means of supplying food, it is the opinion of your Committee that it is essential from the point of view of the dignity and self-respect of the Aborigines that there be opportunity for the continuance of their old traditional skills in hunting and food gathering. It is also important in respect of nutrition.

54. As no provision has been made in the Special Mineral Leases for the protection of fauna, a declaration of the area as a protected area is necessary in order that people other than Aborigines shall be prevented from hunting there.

55. Of particular concern to the aboriginal witnesses was the question of the water supply which must be considered under this heading. As Yirrkala Creek, which flows from the lagoon, has been reduced to a trickle twice within memory, it would be disastrous, in their opinion, if there was a large drawing off of this water by the mining company. Your Committee feels that this problem has been acknowledged in the lease agreement. (See Appendix IV.)

**That places sacred to the Yirrkala people, as well as vital to their livelihood are in the exercised land especially Melville Bay.**

56. It is said that the constant supply of food in North-East Arnhem Land not only depends on the rhythm of the seasons but also, so the Aborigines believe, on the mythical characters of the "Eternal Dreaming" period. To ensure an adequate supply of animal and vegetable food they relied in the past on their sequences of great ceremonials and rituals which connected with the most important Ancestral Beings and serve as the basis of the indigenous religion.

57. Songs and stories tell how the Ancestral Beings came to the mainland with their sacred objects and throughout the area special sites are said to have been associated with the Ancestral Beings.

58. These sites have very real spiritual significance to the Aborigines, and the Ancestral Beings may be symbolized by such things as rocks, hills and trees while the lagoon itself has special ceremonial significance. Other areas are sacred to individuals because the bones of departed relatives are there.

59. Evidence showed that no conference had been held with the Aborigines to discover the precise location of sacred places, although provision was made in respect of sacred places in the collateral letter to the Special Mineral Leases. (See Appendix IV.)

60. It was stated in evidence by the Aborigines that they wish to be consulted before mining operations commence in each area, so that they may ensure that the area has no sacred features. It is from some of these sacred places that they obtain most of their colour for bark paintings.

61. The evidence showed that, although all of the land has spiritual significance to the Aborigines, none of their sacred places are within the boundaries of the leases but some border on them. However, there are many sacred places within the whole of the excised area.

**That the people of this area fear that their needs and interests will be completely ignored as they have been ignored in the past, and they fear that the fate which has overtaken the Larrakeah tribe will overtake them.**

62. It is pointed out by the Committee that, as the people of Yirrkala are not a tribe but an aggregation of tribes, the Larrakeah people are also an aggregation of tribes in the Darwin area.

63. The weight of evidence given was that Larrakeah people are still in the Darwin area and they are a sophisticated group who have been in contact with Europeans ever since the settlement of Darwin.

64. The Chief Welfare Officer (Mr. Evans) informed the Committee that the phrase "as they have been ignored in the past" has no basis in fact as far as the Yirrkala people are concerned. This phrase was probably not intended to be a general criticism of policy by the Aborigines but a rhetorical reference to the lack of prior consultation on this occasion. Mr. Evans further stated that he hoped that discussions since the presentation of the Petition had removed their "fear that their needs and interests will be completely ignored."

65. Your Committee believes that the people of Yirrkala still need the protection that the proclamation of a reserve gives them from the intrusion of Europeans who have no good reason for going among them.

66. In the opinion of your Committee the development of land at Gove Peninsula and the development of a town gives the Commonwealth the opportunity, for the first time in history, to demonstrate that urban development by Europeans does not automatically reduce Aborigines to the status of fringe-dwellers, and that land development does not reduce them to the status of a dispossessed people.

67. In the view of your Committee it is desirable that the Yirrkala people should be free to live in the town which may develop in association with the processing of bauxite. Some building lots within the town site should be reserved for Aborigines nominated by the Yirrkala people so that they can share in the wealth attendant upon the growth of a town. Conditions should preclude re-sale for some years, and include supervision of re-sale if it does take place. Building for their occupancy should be encouraged, especially for those who may work for the company. Adult education in home making and home maintenance is urgently needed.

68. Your Committee believes it is necessary to develop simultaneously homes for European Australians and Aboriginal Australians.

**They humbly pray that no arrangements be entered into with any company which will destroy the livelihood and independence of the Yirrkala people.**

69. Section 112 of the Crown Lands Ordinance provides that a lease of any Crown Lands, not exceeding 160 acres in area, may be granted to any Aboriginal. While recognizing that the Aborigines have no legal tenure of their tribal lands, your Committee considers that some compensation is due in the form of land grants and suggests action under the Ordinance for leases for agricultural purposes. A suitable grant of land to those who desire it, together with more agricultural training than the Mission is at present able to provide, would be a measure of compensation. This is not a reflection on the Mission agricultural training but a recommendation that the Commonwealth take steps to support and expand it.

70. In addition, where, upon investigation, it is clear that there was claim to an area of land which was felt by the Yirrkala people to constitute ownership, your Committee believes that a direct monetary compensation should be paid for any loss of traditional occupancy, even though these rights are not legally expressed under the laws of the Northern Territory.

71. Your Committee is also of the opinion that, when the town develops, social service benefits should be paid directly to the people of Yirrkala.

72. The Yirrkala people appear keen to develop a fishing co-operative and to do this they need launches. As evidence was given of the ability of some of them to maintain engines, capital equipment they acquire should include fishing vessels. Fish are a vital protein supplement in their diet. Adequately equipped they might also be able to develop a profitable trading relationship with the town as it grows.

73. They love the sea and any position taken up by the Mission and their home site should be as favourably placed in relation to the sea as is the present Mission site.

74. The Commonwealth must prevent fringe-dwelling alongside the new town and should arrange for the Yirrkala people to be consulted before the site of the new town is finally determined. Your Committee considers that at least the first £150,000 in royalties should go to meet the capital needs of the Yirrkala people. This consideration is not intended to supersede the lease arrangements which oblige the company to re-erect the Mission buildings and settlement if their removal is found necessary but is intended to be additional to those arrangements. Town services should not be charged to the sum of £150,000.

75. The projected development of Yirrkala justifies the appointment now of a resident medical practitioner. Work there could, in fact, be vital medical research for Australian universities in transforming the hygienic ideas of primitive communities and it would have vitally important applications into health and in the work of the World Health Organization.

#### RECOMMENDATIONS.

76. Your Committee recommends—

- (a) That the excised portion of Gove Peninsula be declared a protected area in order that people other than Aborigines shall be prevented from hunting there.
- (b) That early action be taken to carry out a complete survey and early development of water resources.
- (c) That the Yirrkala people be consulted as early as possible on the location of their sacred places.
- (d) That the sacred places be set aside (perhaps under the Historical Objects Ordinance) for their exclusive use.
- (e) That the hill from which the artists obtain their pigments be set aside as an inalienable reserve for their use and benefit.
- (f) That a proclamation be made to prevent unauthorized persons entering the Mission area.
- (g) That some building lots within the town site be reserved for Aborigines.
- (h) That homes for European and Aboriginal Australians be developed simultaneously.
- (i) That compensation for loss of traditional occupancy be made by way of—
  - (i) land grant (*see* paragraph 69).
  - (ii) capital grant (*see* paragraphs 72 and 74).
  - (iii) monetary compensation (*see* paragraph 70).
- (j) That the Yirrkala people be consulted on the location of the proposed town.
- (k) That, when the town develops, social service benefits be paid directly to the people of Yirrkala.

### CONCLUSION.

77. The Petition is in essence an appeal to the House of Representatives for protection.

78. The Rev. Ellemor in his evidence given at Yirrkala stated—

“First, it seems to me that a deposit of bauxite such as we have here is a national asset. It is bound to be developed in some form by somebody, and we have to accept that as a basic fact. I believe that this bauxite development—because it is in this area—presents us with a challenge to the whole policy of assimilation. I believe that challenge must be accepted by everybody concerned—the Government through its Welfare Branch, our Mission as such, the mining company and the Aborigines themselves—must share in grappling with this challenge.

I further believe that the place to grapple with this problem of assimilation is here. I myself would be quite opposed to the moving of this Mission. I think that would be backing away from a challenge. I do not think we can talk about assimilation in words and then dodge it in deeds. I know that problems will arise. There will be costs to be faced and possibly losses by the aboriginal people. There will be adjustments to be made and some suffering to be borne. But this should all be faced here, and we should not draw away from the challenge.”

79. Your Committee accepts this challenge and accordingly recommends—

**That for the next ten years there shall be a Standing Committee of the House of Representatives to examine from time to time, the conditions of the Yirrkala people and the carrying out of this Committee's recommendations.**

80. Your Committee believes that this Standing Committee should be empowered to go to the Yirrkala people to hear them, as did this Select Committee, and to enquire into matters affecting their welfare.

### PROCEEDINGS OF THE COMMITTEE.

81. Your Committee held public hearings at Yirrkala and Darwin for a period of five days from the 30th September, 1963. Intense public interest was shown at these hearings particularly by the aboriginal people at Yirrkala.

82. Oral evidence was taken from 25 witnesses of whom eleven were Aborigines and the thanks of your Committee is extended to them all for their co-operation. A list of witnesses is attached as Appendix I.

### APPRECIATION.

83. Your Committee appreciated the hospitality and many kindnesses of the Yirrkala Mission and the Gove Mining and Industrial Corporation.

84. Your Committee wishes to express its deep appreciation of the services of the Parliamentary officers.

85. The Serjeant-at-Arms, Mr. A. R. Browning, who acted as Secretary to the Committee, established excellent relations with the Mission authorities, the company, the Yirrkala people and the Administration. He was at all times notable for the courtesy and efficiency which characterized his work; at all times he upheld the dignity of his office and the Parliament. Aboriginal witnesses found him easy to approach and thoughtful for them. This helps to account for the confidence with which they gave their evidence. Mr. Browning made them feel they were Australian citizens free to speak their minds.

86. Mr. Gordon Pike, the Transport Officer, made the work of the Committee easier by the smoothness of all arrangements for which he was responsible and by the good relations he established with those with whom the Committee had to deal.

87. The three *Hansard* staff members—Messrs. G. H. Randall, R. G. Thomson and N. Franzi—rendered outstanding service to the Committee by their accurate transcripts, and by their personal attributes which quickly made witnesses realize that the *Hansard* men were there to help them. They brought to the Committee an air of confidence and efficiency which helped greatly to create an atmosphere of orderliness and alertness, to which the witnesses responded.

88. The successful questioning of the aboriginal witnesses would not have been possible without the panel of five competent interpreters—Dadayna, Daymbalipu and Djalalinba nominated by the Aborigines, and Miss Beulah Lowe and the Rev. Arthur Ellemor nominated by the Mission. The grateful appreciation of the Committee is extended to them.

89. Your Committee also places on record its thanks to the Department of Territories and all sections of the Northern Territory Administration for their help in the smooth working of the Committee's programme and to Group Captain Henderson and his air crews who transported the Committee to and from Yirrkala.

R. L. DEAN,  
Chairman.

Canberra,  
29th October, 1963.

## MINUTES OF PROCEEDINGS.

THURSDAY, 19TH SEPTEMBER, 1963, AT CANBERRA, A.C.T.

*Present:*

Mr. Barnes. Mr. Beazley. Mr. Bryant. Mr. Chipp.		Mr. Dean. Mr. Kelly. Mr. Nelson.
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The entries in the Votes and Proceedings No. 101 of 12th September, 1963, and No. 104 of 19th September, 1963, regarding the appointment of the Committee and the appointment of Members to the Committee, respectively, were read by the Clerk.

On the motion of Mr. Chipp, Mr. Dean was elected Chairman of the Committee.

The Committee deliberated.

On the motion of Mr. Nelson, it was agreed, That the Transport Officer (Mr. G. C. Pike) accompany the Committee to the Northern Territory.

On the motion of Mr. Beazley, the following motions were agreed to:—

- (1) That a telegram be sent to the Rev. Edgar Wells, Methodist Mission, Yirrkala, via Darwin, Northern Territory, asking that the Mission itself nominate, and the aboriginal people at Yirrkala nominate, interpreters in whom they have confidence. That the telegram inform the Rev. Wells that what the Committee has in mind is that translated questions to an aboriginal may finally seem to come from the interpreters and that it is therefore important that they should be persons to whom they can talk freely.
- (2) That the following information be supplied by the Department of Territories by the 27th September, 1963:—
  - (1) The date of the proclamation of Arnhem Land Reserve.
  - (2) The legal effects of the proclamation.
  - (3) The purpose in proclaiming the Reserve in Ministerial directions, correspondence or statements, at the time of proclamation.
  - (4) The date of granting Mission leases at Yirrkala.
  - (5) The nature of the original requests of the Methodist Church for the Mission leases.
  - (6) Undertakings, if any, given in association with the request for the lease.
  - (7) Rights and privileges associated with the granting of the lease, if any; and conditions associated with the granting of the lease.
  - (8) Subsequent arrangements made concerning the Mission lease.
  - (9) Population statistics of Yirrkala—numbers, age distribution, sex distribution.
  - (10) Population Statistics which show separately, if the situation makes it necessary, numbers associated with the Mission and not associated and living elsewhere in the area.
  - (11) Birth rates, infant mortality rates, neo-natal mortality rates, and child mortality rates at Yirrkala.
  - (12) Population figures for Yirrkala for each of the last ten years, if recorded.
  - (13) A brief history of the Yirrkala people over the last 30 years. Have the authorities any idea of the limits of their roaming in living their traditional life? Are they the people associated with attacks on the Japanese fishermen at Caledon Bay in the 1930's? When did nomadic characteristics diminish? Are they at all nomadic now?
  - (14) Age limits of literacy. What is the age of the oldest literate in English? How many people are literate and how many (apart from pre-school children) are illiterate?
  - (15) Have any been educated away from Yirrkala, and does any arrangement exist for education away from Yirrkala?
  - (16) How long has education been available at Yirrkala?
  - (17) Have any aborigines of Yirrkala been able, by reason of their education, to leave Yirrkala and earn their living elsewhere?
  - (18) Any estimates available of the game and water supply of the living and roaming area of Yirrkala people.
  - (19) How far are they self-supporting by traditional means, and how far are they dependant on rations?
  - (20) Agricultural prospects in the area. Can significant food crops be grown?
  - (21) Has the Department plans for developing food supply by agriculture?
  - (22) What is the estimated value of social service payments to Yirrkala people per annum?
  - (23) What, if it is known, is the value of rations issued to—
    - (a) the population generally
    - (b) school children in particular
    - (c) the hospital.
  - (24) What information is known in regard to—
    - (a) religious habits
    - (b) religious beliefs
    - (c) sacred places.
- (3) That a map of the Arnhem Land Reserve be obtained for each Committee member; and also a map for each member of the company leases; actual and proposed, and a map of the Gove Peninsula area; and a map of the mission leases.

The Committee deliberated.

The Committee adjourned until Tuesday, 24th September, at 12.30 p.m.

TUESDAY, 24TH SEPTEMBER, 1963, AT CANBERRA, A.C.T.

*Present:*

MR. DEAN (Chairman).

Mr. Barnes.	Mr. Chipp.
Mr. Beazley.	Mr. Kelly.
Mr. Bryant.	Mr. Nelson.

The minutes of the previous meeting were read and confirmed.

The general arrangements for the visit to Darwin and the Yirrkala Mission were considered by the Committee.

On the motion of Mr. Beazley, it was agreed, That representatives of the Press and the Australian Broadcasting Commission be invited to accompany the Committee to the Yirrkala Mission.

The Committee deliberated.

The Committee adjourned until Thursday, 26th September, at 1.30 p.m.

THURSDAY, 26TH SEPTEMBER, 1963, AT CANBERRA, A.C.T.

*Present:*

MR. DEAN (Chairman).

Mr. Beazley.	Mr. Kelly.
Mr. Bryant.	Mr. Nelson.
Mr. Chipp.	

The minutes of the previous meeting were read and confirmed.

The Committee deliberated.

Mr. C. R. Lambert (Secretary, Department of Territories) appeared before the Committee and answered questions relating to the Arnhem Land Reserve.

The Committee deliberated.

The Committee adjourned until Monday, 30th September at 9.15 a.m.

MONDAY, 30TH SEPTEMBER, 1963, AT DARWIN, NORTHERN TERRITORY.

*Present:*

MR. DEAN (Chairman).

Mr. Barnes.	Mr. Chipp.
Mr. Beazley.	Mr. Kelly.
Mr. Bryant.	Mr. Nelson.

The minutes of the previous meeting were read and confirmed.

The Committee deliberated.

On the motion of Mr. Beazley, it was agreed, That the information on infant, neo-natal and child mortality rates at Yirrkala not known to the Department of Territories be sought from the Department of Health.

The following witnesses were called, examined and withdrew:—

Mr. R. J. Withnall (Crown Law Officer).

Mr. H. C. Giese (Director of Welfare).

Dr. I. D. Byrne (Director of Health).

Mr. C. F. Adams (Director of Mines).

Mr. H. Brennan (Member for Elsey, Northern Territory Legislative Council).

Mr. Davis Daniels (Secretary, Northern Territory Council for Aboriginal Rights).

The Committee deliberated.

The Committee adjourned until Tuesday, 1st October, 1963, at 1.0 p.m.

TUESDAY, 1ST OCTOBER, 1963, AT YIRRKALA MISSION, ARNHAM LAND RESERVE,  
NORTHERN TERRITORY.

*Present:*

MR. DEAN (Chairman).

Mr. Barnes.	Mr. Chipp.
Mr. Beazley.	Mr. Kelly.
Mr. Bryant.	Mr. Nelson.

The minutes of the previous meeting were read and confirmed.

The Committee deliberated.

Milirrpum was called and examined.

Witness withdrew.

The Committee having suspended its sitting until 8.0 p.m.—

The Rev. G. J. Symons (Chairman, North Australia District, Methodist Church of Australia) was called and examined.

Witness withdrew.

The Rev. E. A. Wells (Superintendent, Yirrkala Mission) was called and examined. (*Examination unfinished.*)

The Committee adjourned until Wednesday, 2nd October, 1963, at 8.30 a.m.

WEDNESDAY, 2ND OCTOBER, 1963, AT YIRRKALA MISSION, ARNHEM LAND RESERVE,  
NORTHERN TERRITORY.

*Present:*

MR. DEAN (Chairman).

Mr. Barnes.	Mr. Chipp.
Mr. Beazley.	Mr. Kelly.
Mr. Bryant.	Mr. Nelson.

The minutes of the previous meeting were read and confirmed.

The Committee deliberated.

The Rev. E. A. Wells (Superintendent, Yirrkala Mission) was called and further examined.

Witness withdrew.

The following witnesses were called, examined and withdrew:—

Wandjuk.  
Djalalinba.  
Dadayna.

The Committee deliberated.

The Rev. E. A. Wells was called and further examined.

Witness withdrew.

The following witnesses were called, examined and withdrew:—

Narritjin.  
Mungurrawuy.

The following witnesses were called and examined together:—

Yinitjuwa.  
Nyubililnu.

Witnesses withdrew.

Mawalan was called and examined.

Witness withdrew.

Mr. E. C. Evans (Chief Welfare Officer) was called and examined.

The Committee having suspended its sitting until 8.0 p.m.—

Mr. E. C. Evans was called and further examined.

Witness withdrew.

Mr. S. B. Dickinson (Chief Technical Adviser, Gove Mining and Industrial Corporation Limited) was called and examined. (*Examination unfinished.*)

The Committee adjourned until Thursday, 3rd October, 1963, at 8.0 a.m.

THURSDAY, 3RD OCTOBER, 1963, AT YIRRKALA MISSION, ARNHEM LAND RESERVE,  
NORTHERN TERRITORY.

*Present:*

MR. DEAN (Chairman).

Mr. Barnes.	Mr. Chipp.
Mr. Beazley.	Mr. Kelly.
Mr. Bryant.	Mr. Nelson.

The minutes of the previous meeting were read and confirmed.

Mr. S. B. Dickinson (Chief Technical Adviser, Gove Mining and Industrial Corporation Limited) was called and further examined.

Witness withdrew.

The following witnesses were called, examined and withdrew:—

Garramali.  
The Rev. A. F. Ellemor (State Secretary, Methodist Overseas Mission of Victoria).

The Rev. E. A. Wells (Superintendent, Yirrkala Mission) was called and further examined.

Witness withdrew.

The Committee deliberated.

*Ordered.*—That the Director of Agriculture, Northern Territory Administration and an officer of the Department of Social Services appear before the Committee on Friday, 4th October, 1963, in Darwin.

The Committee adjourned until Friday, 4th October, 1963, at 9.0 a.m.

FRIDAY, 4TH OCTOBER, 1963, AT DARWIN, NORTHERN TERRITORY.

*Present:*

MR. DEAN (Chairman).

Mr. Barnes.		Mr. Chipp.
Mr. Beazley.		Mr. Kelly.
Mr. Bryant.		Mr. Nelson.

The minutes of the previous meeting were read and confirmed.

The following witnesses were called, further examined and withdrew:—

Mr. C. F. Adams (Director of Mines).

The Rev. A. F. Ellemor (State Secretary, Methodist Overseas Mission of Victoria).

Mr. W. N. Curteis (Director of Agriculture) was called and examined.

Witness withdrew.

The following witnesses were called, further examined and withdrew:—

Mr. H. C. Giese (Director of Welfare).

Dr. I. D. Byrne (Director of Health).

Mr. R. N. Eden (Director of Water Resources) was called and examined.

Witness withdrew.

Mr. H. C. Giese was called and further examined.

Witness withdrew.

Mr. R. C. Ward (Solicitor) was called and examined.

Witness withdrew.

The Committee deliberated.

There being no senior officer of the Department of Social Services available in Darwin—

*Ordered.*—That the Director-General nominate an officer to appear before the Committee in Canberra.

The Committee deliberated.

On the motion of Mr. Dean (Chairman), a vote of thanks was extended to the Administrator and the Administration staff for their help in the smooth working of the Committee's programme.

The Committee adjourned until Wednesday, 16th October, 1963, at 1.30 p.m.

WEDNESDAY, 16TH OCTOBER, 1963, AT CANBERRA, A.C.T.

*Present:*

MR. DEAN (Chairman).

Mr. Barnes.		Mr. Chipp.
Mr. Beazley.		Mr. Kelly.
Mr. Bryant.		Mr. Nelson.

The minutes of the previous meeting were read and confirmed.

The Committee deliberated.

Mr. I. Prowse (Assistant Director-General (Policy and Benefits), Department of Social Services) was called and examined.

Witness withdrew.

The Committee deliberated.

On the motion of Mr. Bryant, it was agreed, That the consent of the House be sought for the Committee to sit during the sittings of the House.

The Committee deliberated.

The Committee adjourned until Thursday, 24th October, 1963, at 8.30 p.m.

THURSDAY, 24TH OCTOBER, 1963, AT CANBERRA, A.C.T.

*Present:*

MR. DEAN (Chairman).

Mr. Barnes.		Mr. Chipp.
Mr. Beazley.		Mr. Kelly.
Mr. Bryant.		

The minutes of the previous meeting were read and confirmed.

The entry in the Votes and Proceedings No. 112 of 16th October, 1963, giving power to the Committee to sit during any sittings of the House was read by the Clerk.

The Chairman submitted his Draft Report.

The Committee proceeded to the consideration of the Draft Report.

Paragraphs 1-15 agreed to.  
 Paragraph 16 amended and agreed to.  
 Paragraph 17 amended and agreed to.  
 Paragraph 18 amended and agreed to.  
 Paragraphs 19-26 agreed to.  
 Paragraph 27 amended and agreed to.  
 Paragraphs 28-31 agreed to.  
 New paragraph inserted and agreed to.  
 Paragraph 32 amended and agreed to.  
 Paragraph 33 amended and agreed to.  
 Paragraphs 34-42 agreed to.  
 Paragraph 43 amended and agreed to.  
 Paragraph 44 agreed to.  
 Paragraph 45 amended and agreed to.  
 Paragraph 46 amended and agreed to.  
 Paragraphs 47-51 agreed to.  
 Paragraph 52 amended and agreed to.  
 Paragraph 53 amended and agreed to.  
 Paragraph 54 amended and agreed to.  
 Paragraph 55 amended and agreed to.  
 Paragraphs 56 and 57 agreed to.  
 Paragraph 58 amended and agreed to.  
 Paragraph 59 amended and agreed to.  
 Paragraphs 60 and 61 agreed to.  
 Paragraph 62 amended and agreed to.  
 Paragraph 63 amended and agreed to.  
 Paragraph 64 amended and agreed to.  
 Paragraph 65 agreed to.  
 Paragraph 66 amended and agreed to.  
 Paragraph 67 agreed to.  
 Paragraph 68 amended and agreed to.  
 Paragraph 69 amended and agreed to.  
 Paragraph 70 agreed to.  
 Paragraph 71 amended and agreed to.  
 Paragraph 72 agreed to.  
 Paragraph 73 amended and agreed to.

The Committee continuing to sit until after midnight—

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FRIDAY, 25TH OCTOBER, 1963.

Consideration of the Draft Report continued.

Paragraph 74 amended and agreed to.  
 Paragraph 75 amended and agreed to.  
 Paragraph 76 agreed to.  
 New paragraph inserted and agreed to.  
 Paragraph 77 amended and agreed to.  
 Paragraphs 78-80 agreed to.  
 New paragraph inserted and agreed to.  
 Paragraphs 81-86 agreed to.

On the motion of Mr. Beazley, it was agreed, That the Draft Report, as amended, be the Report of the Committee.

The Committee adjourned until Monday, 28th October, 1963, at 12.00 noon.

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MONDAY, 28TH OCTOBER, 1963, AT CANBERRA, A.C.T.

*Present:*

MR. DEAN (Chairman).

Mr. Barnes.  
 Mr. Beazley.  
 Mr. Bryant.

Mr. Kelly.  
 Mr. Nelson.

The minutes of the previous meeting were read and confirmed.

The Committee deliberated.

On the motion of Mr. Nelson, it was agreed, That the Minutes of Evidence be printed.

On the motion of Mr. Beazley, it was agreed, That the Chairman make a Statement to the House after presenting the Report.

The minutes of this meeting were read and confirmed.

The Committee adjourned *sine die*.

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## APPENDIX I.

## LIST OF WITNESSES.

- Adams, Mr. C. F., Director of Mines, Northern Territory Administration.
- Brennan, Mr. H., Member for Eusey, Northern Territory Legislative Council.
- Byrne, Dr. I. D., Director of Health, Department of Health, Darwin.
- Curteis, Mr. W. M., Director of Agriculture, Northern Territory Administration.
- Dadayna, an Aboriginal, Yirrkala Mission.
- Daniels, Mr. Davis, an Aboriginal who is Secretary of the Northern Territory Council for Aboriginal Rights.
- Dickinson, Mr. S. B., Chief Technical Adviser, Gove Mining and Industrial Corporation Limited.
- Djalalinba, an Aboriginal, Yirrkala Mission.
- Eden, Mr. R. N., Director of Water Resources, Northern Territory Administration.
- Ellemor, The Rev. A. F., State Secretary, Methodist Overseas Mission of Victoria.
- Evans, Mr. E. C., Chief Welfare Officer, Northern Territory Administration.
- Garramali, an Aboriginal, Yirrkala Mission.
- Giese, Mr. H. C., Director of Welfare, Northern Territory Administration.
- Mawalan, an Aboriginal, Yirrkala Mission.
- Milirrpum, an Aboriginal, Yirrkala Mission.
- Mungurrawuy, an Aboriginal, Yirrkala Mission.
- Narritjin, an Aboriginal, Yirrkala Mission.
- Nyubililnu, an Aboriginal, Yirrkala Mission.
- Prowse, Mr. I., Assistant Director-General (Policy and Benefits), Department of Social Services.
- Symons, The Rev. G. J., Chairman, North Australia District, Methodist Church of Australia.
- Wandjuk, an Aboriginal, Yirrkala Mission.
- Ward, Mr. R. C., a solicitor.
- Wells, The Rev. E. A., Superintendent, Yirrkala Mission.
- Withnall, Mr. R. J., Crown Law Officer, Attorney-General's Department, Darwin.
- Yinitjuwa, an Aboriginal, Yirrkala Mission.
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## APPENDIX II.

## LEGAL EFFECTS OF PROCLAMATIONS AND RESUMPTIONS.

Section 103 of the Crown Lands Ordinance, which is the section empowering the Governor-General to proclaim reserves, reads—

- “ 103.—(1.) Subject to this ordinance the Governor-General may at any time, by Proclamation—
- (a) resume any Crown lands not subject to any right of or contract for purchase—
    - (i) for the use and benefit of the aboriginal native inhabitants of the Northern Territory;
  - (b) reserve, for the purpose for which they are resumed, the whole or any portion of the lands so resumed;
  - (c) reserve, for any purpose mentioned in paragraph (a) of this sub-section, any unalienated Crown lands not subject to any right of, or contract for, purchase;
  - (d) resume the whole or any portion of the lands so reserved; and
  - (e) revoke, wholly or in part, any reservation or dedication of lands made in pursuance of any law in force in the Northern Territory at any time prior to the commencement of this Ordinance.

(2.) The Minister shall lay before both Houses of Parliament, within thirty days after the Proclamation, if the Parliament is then sitting, or if Parliament is not then sitting, within thirty days after the next meeting of the Parliament, a statement setting forth the reasons for any resumption under paragraph (d) of the preceding sub-section.”

The legal effects of resumptions under the *Welfare Ordinance 1957–1963* are as follows:—

“ *Saving*

‘ Section 5. Notwithstanding the repeal effected by the last preceding section—

- (a) a reserve which was set apart as a reserve within the meaning of the repealed Ordinances and which existed as a reserve, immediately before the date when this Ordinance comes into operation, shall be deemed to be a reserve for the purposes of this Ordinance until that reserve is altered or revoked; ’

*Definition*

‘ Section 6.

- ‘ reserve ’ means land which, in accordance with the provisions of a law for the Territory, is declared to be a reserve for wards; ’

*Other effects*

‘ 17.—(1.) Where the Director or a welfare officer considers it in the interest of a particular ward or in the interest of wards in a particular place or in the public interest, he may apply to a court of summary jurisdiction for an order under this section in respect of the ward.

(2.) Under this section a court of summary jurisdiction may order that a ward be taken into the custody of the Director and—

- (a) that the ward be removed to a reserve or institution named in the order and there detained for the period specified in the order; and

23. A person shall not—

- (a) where a ward is detained in a reserve or institution under the authority of a warrant issued under section seventeen of this Ordinance, remove the ward from, or assist or induce the ward to leave the reserve or institution; or

44. The Administrator, the Director, a welfare officer and the superintendent may—

- (a) enter and remain on a reserve; and..
- (b) authorize a person to enter or remain on a reserve.

45. A person shall not enter or remain on a reserve unless—

- (a) he is a ward who resides on the reserve or a relation of that ward;
- (b) he is an officer, non-commissioned officer or constable of police or an officer or employee of the Commonwealth Department of Health, or an agent or employee of an agent of that Department, acting in the course, and for the purposes, of his duties;
- (c) he is authorized to enter or remain on the reserve under the last preceding section; or
- (d) his action is necessary for the protection of life or property; or
- (e) he is the holder of a permit issued—
  - (i) under the *Mining Ordinance 1939–1960* permitting him to enter or to carry on mining on the reserve; or
  - (ii) under the *Petroleum (Prospecting and Mining) Ordinance 1954–1960* permitting him to enter upon the reserve for the purpose of searching for petroleum or for carrying on mining operations or to search for petroleum or to carry on mining operations on the reserve.

48.—Notwithstanding the provisions of section forty-four, forty-five, forty-six or section forty-seven of this Ordinance, the Administrator may cause notice in writing to be served personally or by post on a person ordering that person—

- (a) not to enter or remain on a reserve or on the land included in a lease granted to an institution under this Ordinance or on the land reserved for the purposes of an institution established by the Commonwealth; or
- (b) not to authorize any person or a person specified in that notice, to enter or remain on a reserve or on the land included in a lease granted to an institution under this Ordinance or on the land reserved for the purposes of an institution established by the Commonwealth.

49. A person upon whom a notice is served under the last preceding section shall not—

- (a) enter or remain on a reserve;
- (b) authorize any person or a person specified in the notice, as the case may be, to enter or remain on a reserve;
- (c) enter or remain on land—
  - (i) included in a lease granted to an institution under this Ordinance; or
  - (ii) reserved for the purposes of an institution established by the Commonwealth; or
- (d) authorize any person or a person specified in that notice, as the case may be, to enter or remain on that land.

Penalty:

In the case of a ward—Twenty pounds or imprisonment for six months, or both;

In the case of any other person—for a first offence—One hundred pounds or imprisonment for six months, or both;

For a second offence—not more than Two hundred pounds or imprisonment for twelve months or both, and not less than Fifty pounds or imprisonment for three months;

In other cases—not more than Five hundred pounds or imprisonment for two years, or both, and not less than One hundred pounds or imprisonment for six months.

61.—(1.) The superintendent of a reserve or an institution or, in the absence of the superintendent, a welfare officer, may, for the purpose of controlling the management of or maintaining order on the reserve or institution, give orders and directions to a ward who is on the reserve or institution.

(2.) A ward to whom an order or direction is given under the last preceding sub-section shall comply with that order or direction.

Penalty: Imprisonment for three months.

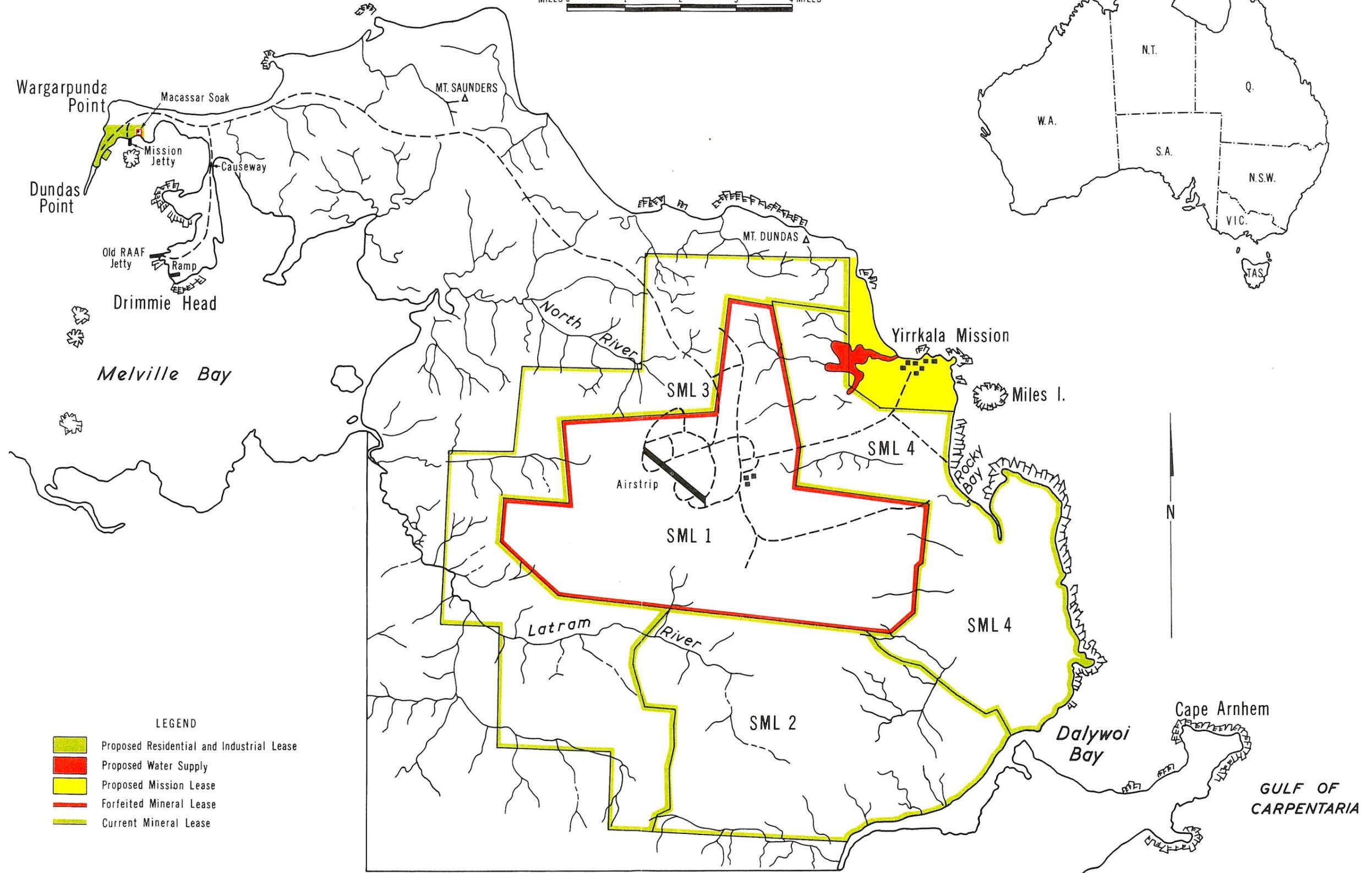
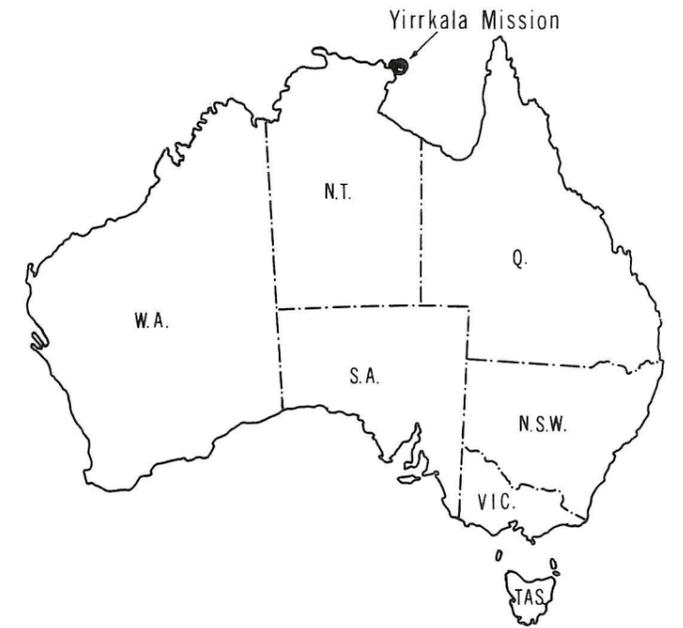
(3.) A welfare officer or the superintendent of the reserve may arrest without warrant a ward whom he believes on reasonable grounds to have committed an offence against the last preceding sub-section.' ”.

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APPENDIX III.

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# GOVE PENINSULA Northern Territory



- LEGEND
- Proposed Residential and Industrial Lease
  - Proposed Water Supply
  - Proposed Mission Lease
  - Forfeited Mineral Lease
  - Current Mineral Lease

## APPENDIX IV.

## PROVISIONS IN THE SPECIAL MINERAL LEASES TO SAFEGUARD THE INTERESTS OF THE YIRRKALA MISSION.

## 1. Provisions Included in the Mining Leases.

2 (e) unless authorized by the Administrator under the *Control of Waters Ordinance* 1938-1962 as amended from time to time, not to bore or sink for, pump or raise water, or erect any dam on existing rivers or water ways;

2 (j) in respect of any land that for the time being is land included in a reserve within the meaning of Part VIIA of the Ordinance—

(i) to comply with the conditions and restrictions of a permit issued to it under section 140c of the Ordinance; and

(ii) not to employ on or about the lease a person, other than a ward, who is not the holder of a permit granted and in force under that section;

2 (k) if the Administrator after the commencement of mining operations on the land leased considers that by reason of those operations it is not desirable that the Methodist Overseas Mission Station at Yirrkala should remain on its present site, to remove and re-establish the Mission Station with equivalent buildings, equipment and facilities on a site approved by the Administrator, or, if the re-establishment is effected by the Methodist Overseas Mission with the approval of the Administrator to pay the reasonable cost of effecting the removal as assessed by the Administrator;

2 (l) to permit and protect completely the rights of free ingress, egress and regress to, from and across the land leased at all times of wards within the meaning of the *Welfare Ordinance* 1953-1961 as amended from time to time;

2 (m) to permit and protect the access—

(i) to any part of the land comprised in the leases referred to in the next succeeding clause by the staff of the said Mission and officers and employees of the Commonwealth in pursuance of their duties; and

(ii) to areas from which the said Mission is isolated upon the granting of the leases aforesaid by the staff of the Mission;

2 (n) at the request of and after consultation with the Administrator to erect such fences around or on the land leased as are deemed by the Administrator to be necessary.

4 (b) that the lessee may, upon payment of all rent and royalty then due to the Commonwealth and, with the approval of the Minister, at any time surrender this lease or from time to time may surrender any part of the land leased and that the lessee shall upon the request of and after consultation with the Administrator surrender for purpose of reservation for water conservation that area of the land leased which consists of the Yirrkala Lagoon and surface drainage channels leading thereto.

## 2. Provisions Included in Collateral Letter.

(d) The lessee will be granted such leases of land, and rights under the appropriate legislation to take water, timber, stone, sand, lime and other materials, except those which can be readily supplied by the Yirrkala Mission on terms and conditions acceptable to the company as the Minister or the Administrator is satisfied are reasonably required to be granted to the company for its purposes.

(f) It was agreed as follows:—

(i) Having regard to the special problems affecting the general welfare of wards and the work of the Mission in relation thereto, the lessee, in determining its labour employment policy in relation to wards, including conditions of employment, &c., will consult with, and have regard to the views of the Director of Welfare. The lessee is prepared to consider using the wards-in-training scheme as a means of recruiting skilled labour, to the extent practicable. If the lessee employs wards it will accept in principle the preservation as far as practicable of the family unit, so that employees will either live on the Mission while working for the lessee or be provided by the lessee with suitable housing units of a standard laid down by law. The Mission authorities will in the latter case continue to have full access to the wards and their families for spiritual, physical and social welfare purposes.

(ii) The lessee will not, unless authorized by the Administrator, conduct mining operations inside the existing Mission boundary fence or within one mile radius of the Mission whichever is the greater distance from the Mission. The lessee will pay compensation as determined by the Administrator for any loss of developed land through mining operations on the area which is inside the two miles radius of the present Mission settlement and on which there is some development work at the date the mining leases are granted. Alternatively, the lessee will if required by the Administrator establish for the Mission equivalent improvements on land in another area.

(iii) On the request of and after discussion with the Administrator the lessee will make available to the Mission arable areas or areas of religious significance to aborigines within the boundaries of the special mineral leases. If required by the Administrator any such areas will be surrendered by the lessee from the special mineral leases.

(iv) It was agreed that the lessee will in consultation with the Administrator and the Mission work out a set of rules for the conduct of its employees towards wards living on the Yirrkala Mission and elsewhere in the Gove Peninsula.

(g) It was agreed that the lessee may retain its present base-camp site for mining operations for a period of up to three years provided the number of personnel dwelling at the camp will not exceed 50 and subject also to the approval of the Administrator to the lessee's present and/or proposed provisions for the discharge of effluent, sewerage, &c., from the camp. It was understood that the position would have to be reviewed when the lessee submits its development plans for the construction of an alumina plant including the erection of a townsite.

