



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

JOINT COMMITTEE ON NATIVE TITLE AND THE ABORIGINAL  
AND TORRES STRAIT ISLANDER LAND FUND

**Reference: Section 206(d) of the Native Title Act 1993**

TUESDAY, 4 JULY 2000

WEIPA

BY AUTHORITY OF THE PARLIAMENT

## **INTERNET**

The Proof and Official Hansard transcripts of Senate committee hearings, some House of Representatives committee hearings and some joint committee hearings are available on the Internet. Some House of Representatives committees and some joint committees make available only Official Hansard transcripts.

The Internet address is: **<http://www.aph.gov.au/hansard>**

To search the parliamentary database, go to: **<http://search.aph.gov.au>**



**JOINT COMMITTEE ON NATIVE TITLE AND THE ABORIGINAL AND TORRES STRAIT  
ISLANDER LAND FUND**

**Tuesday, 4 July 2000**

**Members:** Senator Ferris (*Chair*), Mr Snowdon (*Deputy Chair*), Senators Abetz, Crossin, McLucas and Woodley and Mr Causley, Mr Haase, Mr Melham and Mr Secker

**Senators and members in attendance:** Senators Abetz, Ferris and McLucas and Mr Haase and Mr Secker

**Terms of reference for the inquiry:**

Section 206(d) of the Native Title Act 1993.



**WITNESSES**

**JINGLE, Councillor Roy Alf (Private capacity)..... 1051**  
**MADUA, Ms Susie (Private capacity)..... 1040**  
**PARRY, Mr Glen (Private capacity) ..... 1040**  
**PARRY, Mr William, Private capacity..... 1040**  
**PARRY, Mrs Peggy (Private capacity)..... 1040**  
**WOODLEY, Mr Edwin Ralph (Private Capacity)..... 1021**

**Committee met at 12.37 p.m.**

**WOODLEY, Mr Edwin Ralph (Private Capacity)**

**CHAIR**—I declare open this public meeting of the Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund. I especially welcome Mr Eddie Woodley, who has made an effort to come along and give us evidence today at Weipa. Mr Woodley, do you have any comments to make on the capacity in which you appear before the committee?

**Mr Woodley**—I was born on Mapoon. I am appearing here in my private capacity. I am a community councillor of the Mapoon Aboriginal Council. I was elected at the last election. Also, I am deputy chair for the peninsula regional council for all this area. I am currently on leave, but I made time to come up here to attend this important meeting.

**CHAIR**—Thank you, we appreciate that. The questions that we will ask you and the statements that you will be making to us we would prefer to be made in public. But if somebody asks you a question and you want to answer it privately, just tell us that you would like to do that. Could you make some opening remarks for us which perhaps cover the situation here on Cape York Peninsula? Following that, we will ask you some questions.

**Mr Woodley**—As far as the situation where I work on the cape and the Aboriginal people of Cape York are concerned, I can only answer for the areas that I speak for here. In regard to a lot of indigenous issues and stuff like that, there is a huge need for clear understanding between traditional and historical owners and other people. I think that is a very important issue that is not being addressed and highlighted properly.

**CHAIR**—What kinds of problems is that causing for the traditional owners?

**Mr Woodley**—It is causing huge confusion between the community councils, historical people and traditional owners. I am not very experienced in what Mr Mabo did, but I know that traditional people now have the right to speak out and their rights are to be addressed from the other side. I feel that needs to be identified and addressed properly because that is the cause of problems with economic development, infrastructure and whatever happens in DOGIT communities—that lack of understanding of people's rights.

**CHAIR**—Are overlapping claims or claims being made by traditional owners and historical owners for the same area, which then make people confused, causing difficulty for you? Is that a problem?

**Mr Woodley**—That is an issue because of intermarriages—traditional people being married to historical people. Also, there is not very clear identification of traditional boundaries. There are a few cases of overlapping and traditional people from other areas claiming land. That is another issue.

**CHAIR**—Do you have any thoughts on what we could do to make it a little bit easier and to help to clarify some of those situations? Is mediation through the Native Title Tribunal an option?

**Mr Woodley**—I believe so. There needs to be mediation at some point. I do not know what our Aboriginal rep bodies are doing—people like the land councils—but traditional owners certainly need assistance in identifying boundaries because there is that lack of knowledge that is causing an overlap.

**CHAIR**—Have the anthropologists been able to help at all?

**Mr Woodley**—Only to what their budget allows them. They seem to be full on while the money is there, but as soon as their budget runs out they walk away. They have been helpful up to a stage by cross-referencing old mission maps and talking to some of our old elders. But, as you will realise, as time goes by a lot of our old elders are passing on. We, as middle-of-the-road traditional owners, are seeing the urgency to try to get as much information from our old people as possible.

**CHAIR**—When you were negotiating with some of the mining companies were you able to ask them for any financial assistance to help with some of the anthropological work?

**Mr Woodley**—Yes. We have asked for assistance from the mining companies to try to help fund projects to bring anthropologists in. We have also written to ATSIC, but ATSIC said that they do not do it because they fund organisations like the land councils and they handle the native title issues. We have been asking for assistance but they seem to be flooded with other claims here and there.

**CHAIR**—For your claim to pass a threshold test you really need to be able to establish those links to country and sometimes that is pretty hard to do unless you have got some help.

**Mr Woodley**—Yes. Right now here in Mapoon, Weipa, we have got so many little clustered clan groups and it is very complex. We need fairly huge support, like anthropologists, to help us identify boundaries because at the moment there are not many elders left. It is young people now who are going over cases, going over boundaries and just stabbing at the dark, so to speak.

**CHAIR**—They do not have the history.

**Mr Woodley**—There are a few of us left.

**Mr SECKER**—Have you had any dealings with the Indigenous Land Council, the ILC?

**Mr Woodley**—We have never had many dealings with them, no.

**Mr SECKER**—Are you interested in them buying any land for you?

**Mr Woodley**—Yes, we would be interested if we came to a situation where we needed to buy some of our land back or something like that.

**Mr SECKER**—Referring to what the chair was talking about, I suppose you need the anthropological background and expertise to actually designate what you want. That seems to be a key to what you want. You need the backup which you are not getting at this stage.

**Mr Woodley**—Yes. We need support from anthropologists in that area.

**Mr SECKER**—Has the native title been of any help to you with protecting your land?

**Mr Woodley**—Up to an extent there, because native title then comes to a bit of a halt with DOGIT council. I have only been in this game for maybe five years, but in Mapoon we had been operating as a corporation until March this year when we got full council status. So we will be learning quickly about the council rules. I was just looking at a policy there from the state government. DOGIT council seems to have a hell of a lot of power over traditional lands, and that is one of the things that I see needs to be thought out because, to me, it is not reaching a common win-win situation.

**Mr SECKER**—Do you think you are getting enough say in what is happening? It is obviously early days for you.

**Mr Woodley**—No.

**Mr SECKER**—You don't? You want more say in what is happening?

**Mr Woodley**—As traditional owners, to run any successful thing on communities, I feel that respect and recognition should be given to traditional owners up-front with DOGIT council because there are lots of things that can happen to benefit communities. But, because this thing does not meet in the middle, it is causing a lot of confusion and holding up a lot of economic development and progress in communities because there are a lot of things where the DOGIT council seems to have power over traditional owners. In the other sense, there are instances where the DOGIT council has to run back to traditional owners for approval.

**Mr SECKER**—This is not working as smoothly as you would like it to?

**Mr Woodley**—No. I would like to see some sort of policies developed right at the top where the two meet.

**Mr SECKER**—So you can have more say and more influence?

**Mr Woodley**—I would not say more say, but have a common agreement up so the council, or whoever it is, can get on with business, but with the common knowledge of approval from the traditional owners. I do not know if I am getting to the point, but that is what I see in communities.

**Mr SECKER**—You want a smoother relationship. What about your relationship with Comalco? Is that good, or is it getting better?

**Mr Woodley**—With Comalco it is a bit hard because the company change their policies all the time. They have never identified traditional owners before. They might have but to their way, but now it is coming back this other way. They have since changed, and they are sitting down at the table and negotiating now, and that to me is a huge step forward. They are talking about land after the mining is finished and all these types of things. Comalco has changed quite a bit.

**Mr SECKER**—Have they brought many employment opportunities for your people?

**Mr Woodley**—Yes, over the last year, they have been told to restructure their way with indigenous people and to open up doors for employment and training. They have since done that. They took on a small number of people on a seven-month work experience contract—something like that. They are currently in big negotiations. Instead of paying compensation to each clan group, they have come up with a structure where compensation is paid into one trust fund. That will be shared with Aurukun, Napranum and Mapoon. I think it is roughly \$2 million, or something like that. Like I said, that is still under negotiation.

**Mr SECKER**—I take it that you are fairly positive about the development here because there are more jobs hopefully coming your way?

**Mr Woodley**—Yes, we are looking—

**Mr SECKER**—You are not against development?

**Mr Woodley**—No, we are not against the development, providing there is support there by environmental people. The mining company have environmental issues—

**Mr SECKER**—Are they important to your people?

**Mr Woodley**—Yes, they are very important to our people. The good thing is that they are starting to negotiate with us. They are talking about doing a study into areas where they want to mine, looking for heritage areas, sacred sites and stuff like that, which is fairly good for us.

**Senator McLUCAS**—Eddie, could you tell us the story of Mapoon and when people were taken away—just a bit of the history of Mapoon so that the committee really understands what happened—culminating in the new council in March of this year?

**Mr Woodley**—Like I said, I was born and bred in Mapoon in 1947 in a corrugated little house that belonged to my grandfather. The lady who delivered me was my grandmother. I was lucky to survive all the sickness and stuff like that. I know a lot of other children never made it, but we made it. Mapoon was, as you know, one of the largest mission stations on the west coast. It took in a lot of children from the gulf area—the so-called stolen generation—from Lawn Hill and further out. We have descendant connections from Lawn Hill and further out. The mission was first developed by Mr Hey, as I read back on things, with the traditional owners identified right up-front. That is how he got to survive there.

When they developed Mapoon Mission, it was set out in the way it is today—in large blocks, 100 metres by 100 metres—and that is how we like to live there today. It also had two dormitories: one for boys and one for girls. That was where all the little children came and were reared, in a community residence. They got married. Some were sent off to Thursday Island and to other islands. Some made contributions to Mapoon and some went. We survived and had a fairly good lifestyle there. I remember, from my school days, that it was a good mission.

**Senator McLUCAS**—There was a school there, Eddie, was there?

**Mr Woodley**—Yes, there was a good school. It was made of corrugated iron but built up by about three or four metres. There was the overseer's house and the mission house. They were all lovely buildings—good strong buildings. There was the school. Mapoon was sort of an independent mission. They had gardens and they had cattle. The men would croc shoot. They did a little bit of this and that. We were going along fairly good and then all of a sudden, in the fifties, when they discovered bauxite in this area, they started having meetings and talking about changes. In the middle fifties or late fifties, they started talking about shifting us. I was a young lad when I used to go with my grand-dad and we used to sit in on the meetings. They used to have big arguments. Mapoon people wanted to stay in Mapoon; they did not want to shift anywhere. No-one mentioned the undercurrents. The Presbyterian missionaries and Mr Killoren said that they wanted to shift us because of the location, that it was too sandy there and that there was too much disease there like hookworm and stuff like that. They said that they would like to shift us up to Bamaga; it was nicer country there. Straightaway the old people said Mapoon was their home and they did not want to go onto another person's land.

**CHAIR**—How far away was it, Eddie?

**Mr Woodley**—Up to Bamaga? I think it is a hundred and something kilometres up the coast, right up to the tip. For a few years, the old people bailed up; they did not want to go. Then the Presbyterian mission and Mr Killoren said that they had no choice. It was too hard for service delivery into Mapoon and stuff like that. They said, 'We will be closing down the dispensary and the store, cutting tucker and stuff like that if you people don't shift, because it is too hard.' No-one mentioned the mining, but the old people were not fooled. We knew that there was some undercurrent there. When they started talking about cutting rations and medical supplies, the old people then said, 'What are we going to do now?'

Those who had been working on stations around Normanton knew what the outside life was like. The government then put an option to my old people: those who wanted to go and live in cities like Cairns, Normanton, Charters Towers or Townsville were welcome to go and they would be exempt, or something like that, under the act. A few families opted to take that. Florrey Chargers' family took the option. They said, 'All right, there's not much hope of us staying here if they're going to cut supplies.' They went way down to Stanthorpe, and that is a big change in culture in the flick of a switch. The Charger family went because they wanted freedom too.

**Senator McLUCAS**—Because they got exempted under the act.

**Mr Woodley**—Yes. It was said to us, ‘You people must realise that, when you go, you are on your own and you have to work and budget your own money. The church will not be there to look after you any more, and if you have no money then it is your bad luck.’ But there are other agencies like endowment and stuff like that. It is lucky that some of our people had a bit of experience. That family went, and my family packed up and said goodbye. It was a big thing; everybody gathered and farewelled each family as it went. We went to Mareeba and then we made life at Gordonvale and stuff like that. Then we went on to Silkwood. That is when the bigger families started moving from Mapoon. They were used only to the community life. They stood their ground right up until the last day the boat—the *Galum*—sailed in there from Thursday Island with some island police. They rounded up the last few of the people and put them on the boat. The Torres Strait police, under Mr Pat Killoren, torched the homes so that our people would not come back, and then the boat sailed away. They took the bulk of the people up to that little place now called new Mapoon. They have been granted an area under this deed of grant in trust. They made life there.

**Senator McLUCAS**—That was in the sixties, wasn’t it?

**Mr Woodley**—Yes, in 1962 or 1963. All the old people who went away pined and died, but the Chargers were fairly lucky. They made life there and then they came back to Weipa. Old Mr Charger was fairly old then, but he was happy to come back. But the other ones all died out. The younger ones in new Mapoon have seen that we established old Mapoon, and they said that they would like to come and visit but they are used to that life up there now. Some want to come home.

**Senator McLUCAS**—Some will come.

**Mr Woodley**—Yes, some of the older ones have made the move and we housed them at old Mapoon. In the middle of the 1970s some families started creeping back to old Mapoon. That was the Alwyn Peters family. His father and mother rode a dingy from Bamaga back along the coast and started camping back at the site of old Mapoon. Comalco was on to them and told them that all that land was under the Comalco lease. Comalco had taken over the lease and leased all the Mapoon land. They told them to get off. They came into Weipa but they snuck back and kept going back and built little shacks there. That is the how the resettlement of old Mapoon started. The old people—Jean, Jimmy and other people—started supporting them from outside. That is how the resettlement started again at old Mapoon. Once that outside influence came in and support from outside, then the doors were starting to open up. In 1987 Mr Blanco and those people had their little shed and stuff like that. There were a few families back there then, starting to go back. They were told about this CDEP and that you could access through ATSIC, the work for the dole type scheme. They started talking to the state government and they gave them a bit of a grant to start to get some wells dug and put in one power generator there. They then formed a little working group and used some of that money to pay a little bit of wages. That is how it started back up again. Then they accessed funding from ATSIC through the CDEP, the work for the dole scheme, and they formed a working gang with a proper work compound, and then it just blossomed from there.

**Senator McLUCAS**—There are about 70 people who live at Mapoon now. Is that right?

**Mr Woodley**—There are 150 people there.

**Senator McLUCAS**—Can you tell us about the school?

**Mr Woodley**—Yes. It grew in the 1980s. There was a fight by Mr Blanco. He was the works coordinator who coordinated the CDEP there. All the other agencies started to click, such as the Department of Family, Youth and Community Care from the state and ATSIC. It started to grow and then people heard that Mapoon had this and that and a few families started to come back. I was working in Normanton on the cattle stations and the railway. I packed up from there and I came back. In 1993 I started work and got into council and got elected as deputy chair and then the corporation. We then started asking for a school and a health clinic. We got support there. We have a state primary school. It is a nice school. We have a principal and two other teachers, I think. We have a brand new health clinic with a registered nurse situated there. We have power. We used to handle the power before with an old diesel generator but now we have Ergon Energy, which was FNQEB. All our power was set up by ATSIC funding: the power poles, the lines, the generator. Then FNQEB looked at the thing and we said that the corporation could not handle the diesel and the running of power any more. It was too big for us.

**Senator McLUCAS**—They took it over?

**Mr Woodley**—So we negotiated. FBQEB took over and bought the whole infrastructure. They took all that and now it is Ergon. That is out of our hands and has made it a lot easier for us councillors. We have got a power card system. Every house gets a power card. You buy your power card and put it in. If you run out, that is your bad luck. It is about educating our people to try to budget. The water department and natural resources came in and helped us put in proper things in the bores. We have got good drinking water and samples are getting monitored regularly.

**Senator McLUCAS**—Thanks very much for putting that on record. It is an important story that the committee needs to understand. The history of Mapoon is very recent, but it has a good ending.

**Mr Woodley**—We operated all that by being a corporation. We have struggled hard and said that we want to be recognised as our community council, and that has been granted to us by people down south. The minister came up and congratulated us. Now we are fully-fledged DOGIT council No. 15.

**CHAIR**—Have you had any experience in negotiating land use agreements?

**Mr Woodley**—Land use agreements?

**Mr SECKER**—Indigenous land use agreements.

**CHAIR**—With companies on a commercial basis?

**Mr Woodley**—Not on a commercial basis, not yet. We went into a big negotiation with Alcan.

**CHAIR**—Could you tell us a little bit about how that has worked out for your community?

**Mr Woodley**—Alcan came to us because Alcan and Comalco had some sort of negotiation about the price of bauxite. Alcan decided to build their own. They said to Comalco, ‘Stuff you, we will build our own plant at the head of the Pennefather River. We will build our own plant, we will mine our own bauxite, wash it and ship it out ourselves.’ That was when they came to us. They wanted an agreement with the traditional owners about putting this wharf out on the beach at Pennefather River. That is when they looked to traditional owners for agreement. It was one thing that the traditional owners looked at and we looked at because we had no other hopes of getting good employment and something for the future. We thought it was a good thing.

**CHAIR**—Was it difficult to negotiate? Did it take a long time?

**Mr Woodley**—Not really, no, because we saw the benefits and stuff like that that would flow back into our communities, so it did not take much. The company showed where they wanted to go and all this and that. It took a while because the old people were concerned at what sort of damage would be done. That is why an environmental impact study was done on that.

That went through. That got an approval from the traditional owners, it was all set to go and then Comalco said to Alcan, ‘You can get your price—what you want for your bauxite and stuff like that.’ They made a deal and Alcan got what they wanted. Now the situation is that Alcan said, ‘There is no need for us to build this plant out here for bauxite. We are pretty good with Comalco now.’ So they squashed that, and that was a slap to our face then. We said, ‘Well, what is going to happen to us now after all the things we have been put through?’ Alcan paid some sort of compensation—two hundred and something thousand dollars a year—to the traditional owners for some sort of deal. I do not how long that is going to go for. I do not know if it is for five years or something like that. They have finished with that. There is no more said about that plant now. We have been told now that all the land that Alcan lease on our traditional lands is going to be mined by Comalco. It is going to be part of Comalco’s mining operation. When they finish mining their land, they will go and just carry on mining as usual with Alcan’s land.

**CHAIR**—From your point of view, do you think it could have been done any better with your traditional owners? Were you happy with the process that developed that agreement?

**Mr Woodley**—We were happy for Alcan to develop their own mine there because of job opportunities and stuff like that. But that deal was squashed and that left us with nothing. Now it is back into Comalco’s hands. Comalco have said that they will not enter into any negotiations and that they will carry on business as usual with what their mining operations are. There is nothing beneficial that I can see that came out of that.

**CHAIR**—That would make you fairly cynical about the mining companies.

**Mr Woodley**—Yes. I really feel our people were a pawn used for some sort of game, whatever it is.

**CHAIR**—I understand.

**Mr Woodley**—I do not make things about anything. I am a straight-out man. I speak what I see as being on the table. Out of all that, there is this negotiation now, and compensation deals and stuff like that. I believe Rio Tinto has come into having a big play in this—Comalco operations or Rio Tinto, I do not fully understand, but I have seen things and heard things. I think Rio Tinto has got a fairly big share in Comalco now—they just about own it. The only thing that has changed is that they have been able to develop this community relations unit within the company that interacts with the community people and handles some community issues, and they are opening the door a little bit to Aboriginal employment again. They have got some Aboriginals employed there now in a work experience program, and they have offered bursaries from both companies. Alcan has offered bursaries for students to go to university. That is a bit of an ongoing thing. We had that negotiation—traditional owner and commercial company—that is the big one.

The other one is the Skardon River one, but that is ongoing over there—the Kaolin mine. That has been negotiated and it had traditional owners' approval, DOGIT trustees, but because of financial difficulties, the mine never really got off to a flying start. It changed hands and it went into receivership. It was a shareholder thing from Venture Mining.

**Mr HAASE**—Eddie, thank you for being here today. I come from Western Australia, over in iron ore country that is owned and run by Rio Tinto, but I do not know what Rio Tinto has to do with Alcan or Comalco, so I cannot tell you about that.

**Mr SECKER**—It owns 98 per cent of Comalco.

**Mr HAASE**—Does it? Well, there you go. You were talking earlier about the frustration as a council member in dealing with traditional owners.

**Mr Woodley**—Yes.

**Mr HAASE**—The council that you are speaking of is a local government council, isn't it?

**Mr Woodley**—Yes.

**Mr HAASE**—It is nothing to do with ATSIC councils?

**Mr Woodley**—No, this is local; like us DOGIT councillors.

**Mr HAASE**—Yes, local government.

**Senator McLUCAS**—It is a different act in Queensland, but it is a local government type operation.

**Mr HAASE**—I found it interesting to hear you talking about the frustrations because, of course, those same frustrations are the basis for the fear of many pastoralists who have a pastoral lease now from the government. With the threat of native title being acknowledged, they believe that they are going to have to suffer great frustration through having to go to

traditional owners to get permission to do various things on their land. And you are suffering that same frustration as a member of the council dealing with the traditional owners. Where is your grandmother from, Eddie?

**Mr Woodley**—My grandmother is from east of Weipa here, and her land runs down to the northern banks of the Watson, towards Aurukun.

**Mr HAASE**—I do not know those places, but how far is that from Aurukun?

**Mr Woodley**—I am not familiar with the mileage around Aurukun and stuff like that.

**Mr HAASE**—Would it take a day to drive, or would you go by boat?

**Mr Woodley**—Oh yes, it is only about three hours drive from here by road, and Sudley Station up here is a part of my grandmother's traditional land, and also further east. She is from the Mbiwum tribe, and I believe her land covers all that area going back towards Aurukun way.

**Mr HAASE**—So she is not listed as a traditional owner of Mapoon?

**Mr Woodley**—No. She was taken away from here when she was a young matron of 14 years or 15 years.

**Mr HAASE**—Do you have any idea what year that would have been?

**Mr Woodley**—Yes, I have personal things from Brisbane. It must have been in the early thirties, or something like that.

**Mr HAASE**—In the 1930s?

**Mr Woodley**—Yes, around about then.

**Mr HAASE**—Your grandmother?

**Mr Woodley**—Yes, Rose Woodley.

**Mr HAASE**—So she was taken to where Mapoon is now?

**Mr Woodley**—Yes.

**Mr HAASE**—And you were born at Mapoon?

**Mr Woodley**—Yes.

**Mr HAASE**—When that happened in the 1930s, what was the title of the country around here—your grandmother's country and where the mission was built? Was it pastoral lease? Was it stations? I do not know this country. You know it better than I.

**Mr Woodley**—No, it never was pastoral lease.

**Mr HAASE**—So it was just crown land?

**Mr Woodley**—Yes, crown land.

**Mr HAASE**—Do you know why the location of Mapoon was picked as a mission location?

**Mr Woodley**—Yes. It was picked mainly because all the traditional people from around all the areas were gathered back into Mapoon.

**Mr HAASE**—Why?

**Mr Woodley**—Because of fear of being wiped out by pastoralists.

**Mr HAASE**—So there were pastoralists in the area?

**Mr Woodley**—Yes, there was one pastoralist up here at York Downs. I do not know who the owner was, but Lachlan Kennedy was the manager there. But it was owned by some pastoral people.

**Mr HAASE**—Okay, that is fine. So why Mapoon? What is special about Mapoon that took people from many different skin groups and tribes to Mapoon?

**Mr Woodley**—Well, mainly for survival.

**Mr HAASE**—Yes, but why Mapoon?

**Mr Woodley**—Because you had a pastoralist up on Bertiehaugh there who wanted to develop that as pastoral, and his name was Jardine. Jardine had 15 or so black mounted police from New South Wales. When they came through they wanted to make a cattle empire and any Aboriginal who was in their way was shot.

**Mr HAASE**—Or hunted off?

**Mr Woodley**—Hunted off.

**Mr HAASE**—Yes. And you do not know why they went to Mapoon?

**Mr Woodley**—Yes, they went to Mapoon because the church was there. Mr Hey had refuge there.

**Mr HAASE**—So the church was there already?

**Mr Woodley**—Yes.

**Mr HAASE**—Why was the church there?

**Mr Woodley**—I do not know. It is part of the development of this country, I suppose.

**Mr HAASE**—I am just trying to understand what is special about Mapoon that the church would go there and other people would go there?

**Mr Woodley**—Because they were looking for a site to establish a mission.

**Mr HAASE**—So, white fellows went there first?

**Mr Woodley**—Mr Hey was not the first. The Tjungunji tribe was there. Hey asked their permission—the Tjungunji agreed, then helped Hey build the mission.

**Mr HAASE**—Was it for beche-de-mer?

**Mr Woodley**—No. I think Hey had the plight of the Aboriginals in mind.

**Mr HAASE**—Was it perhaps a harbour? Was it a good natural harbour area?

**CHAIR**—I think Senator McLucas might know that.

**Mr HAASE**—We will take an answer from Senator McLucas.

**Senator McLUCAS**—Eddie, I think there were people living at Mapoon and then the church came to Mapoon. Is that right?

**Mr Woodley**—Yes.

**Mr HAASE**—All right. Maybe we have to pass that on. But my point was that many people came to Mapoon. There would have been some people at Mapoon originally who would now, today, have traditional owners' entitlement?

**Mr Woodley**—Yes. The Tjungunji tribe.

**Mr HAASE**—But the majority came into the Mapoon area from elsewhere?

**Mr Woodley**—Yes.

**Mr HAASE**—And then left and then came back. Okay. And now you have this trouble between historical associates of that country and traditional owners of that country.

**Mr Woodley**—Yes.

**Mr HAASE**—For traditional ownership, are they going back to grandmother stage or great-grandmother stage to define who the traditional owners are?

**Mr Woodley**—We have identified that. We have a couple of family groups that are the true traditional owners.

**Mr HAASE**—The traditional associates that have lived at Mapoon over many years from so many different countries are now wanting recognition for native title ownership. That is a source of frustration, isn't it, that you mentioned when you first spoke?

**Mr Woodley**—Yes. Now that they have rights to be recognised, they are looking for respect and recognition and are identifying their boundaries. We have people from six different tribes living in Mapoon. They mainly went there because in the mission days there was flour, tea and sugar and everything was handy, plus the missionaries wanted to bring them in and educate them and stuff like that. That is how the tribal people came in from different areas and for their safety.

**Mr HAASE**—Native title recognises historical association as well as traditional owners, doesn't it?

**Mr Woodley**—Yes.

**Mr HAASE**—Is that something that you feel should be changed? Do you feel it should recognise traditional owners only?

**Mr Woodley**—Native title for traditional owners and historical people is a really fine line now because of intermarriage. It is a complex issue. Another issue for traditional owners is that some people do not want to recognise them because of the fact that they like living there but they do not want to bow down to traditional owners.

**Mr HAASE**—Because they are not traditional owners?

**Mr Woodley**—No, they do not want to be answerable to traditional owners.

**Mr HAASE**—It is a big dilemma, and it is not just in Mapoon. It is right across Australia—the question of traditional owner and historical association. It is causing big arguments amongst Aboriginal communities.

**Mr Woodley**—My view is that if, as a historical person, you were brought there, you served your purpose and you have moved on, it is finished. You have started another life somewhere else, or you might have moved back to your natural traditional area.

**Mr HAASE**—And you should go and make a claim as a traditional owner on that country.

**Mr Woodley**—Yes. Native title should be identified for the people where it is their land and left at that.

**Mr HAASE**—But if those that have come from somewhere else have the same entitlement as a traditional owner from the area that they are in now and they still have an entitlement in the area they have come from, that gives them a double entitlement, doesn't it?

**Mr Woodley**—Exactly.

**Mr HAASE**—That is perhaps something we cannot address; that would be unfair.

**Mr Woodley**—If you are a historical person and you have been there and you have moved on, it should be finished—extinguished.

**Mr HAASE**—I understand.

**Mr Woodley**—But if you are a historical person who has lived there and you are still living there, you should be entitled to your rights—only 50 per cent.

**Mr HAASE**—And you should have no entitlement about the country you really came from?

**Mr Woodley**—That is where we see it as—

**Mr HAASE**—It is like wanting to have your cake and eat it too.

**Mr Woodley**—Exactly.

**Mr HAASE**—I am not sure if we could all agree on that.

**Mr Woodley**—Well, that is how it stands right now.

**Mr HAASE**—We could talk all day, and I would like the opportunity, but time does not permit. Perhaps somebody would like to ask some questions.

**Senator ABETZ**—You speak about your boyhood or childhood at Mapoon and you seem to have pleasant memories of that; is that right?

**Mr Woodley**—Yes.

**Senator ABETZ**—Did any indigenous people go to Mapoon voluntarily because of the services that were there— for instance, education and health?

**Mr Woodley**—A lot of them are making their way back there, because the facilities are there now.

**Senator ABETZ**—Sorry, I meant when you were a boy, when you were in Mapoon. Can you remember whether people went to Mapoon in those earlier days because of the facilities there? A missionary station and health and education services were there. Did people come voluntarily for those things?

**Mr Woodley**—Not in my time, because the people who were there were from around there. There was no need for other people to come. If they came, it was because of in-laws and other relations. In the earlier times, when the mission was being established, there were clan groups from around the area. They would say, ‘Let’s go in there because they are getting flour, tea, sugar and all these necessities.’ That is how the six traditional groups started coming in. The message got out from the traditional people from Mapoon that these nice things were there: tobacco, tea, flour, sugar and all that. That is how people kept coming. And they got approval. The missionaries in those days asked the traditional owners there if the other tribes could set up camp around the place. That approval was given, and that is how the traditional owners from the six tribes all congregated in Mapoon. There was the Batavia mob in one area and so forth.

**Senator ABETZ**—So some of them came to Mapoon voluntarily because of the things that were there. Others came because they were hunted out of their country by Jardine’s people?

**Mr Woodley**—Yes. The Teppathiggi tribe from the south-eastern part of Mapoon came and some came for their safety, too. Just up from Pargan country there is Bertiehaugh Station, and that is where Jardine wanted to make a cattle station.

**Senator ABETZ**—And you said your mother, I think, came to Mapoon at age 14.

**Mr Woodley**—My grandmother.

**Senator ABETZ**—Sorry, your grandmother. If I am asking questions that you do not want to answer, tell me, and that is fine.

**Mr Woodley**—I will.

**Senator ABETZ**—Are you able to tell us why she was brought to Mapoon?

**Mr Woodley**—My grandmother was born and reared on the York Downs Station. Her father was a European man and he said that she needed schooling. So she was sent to the old site, Weipa, the old mission further up the river, where she started school at the age of five and went from six, seven, eight, nine and 10. She did not go to Mapoon when she was 14. At 15 or 16 she was married to an Alf Costello, a European fellow.

**Senator ABETZ**—A white fellow.

**Mr Woodley**—Yes, he was a bit of a pastoralist from up that way. They helped on the old mission. They helped the community of Weipa, as it was called then. And then my grandmother started learning the skills of nurse, a matron in a dispensary, and all that. They said that they needed her at Mapoon to help in the dispensary. At that time the war was on and old Alf Costello went to war and died over there. My grandmother was a widow then, and she went over and helped at Mapoon as a nurse in the dispensary. She stayed and helped them from that time on.

She met my Aboriginal grandfather when she was over at Mapoon, and she married him. My grandfather was from the west of Queensland. He grew up as a stolen generation child, but he

was also adopted by one of the Tjungundji elders, an old fellow called Archie. They reared him. He was a big man, and he married my grandmother. They contributed to Mapoon from then on. She helped by nursing in the mission, and the old fellow helped in the development—carpentry and whatever. So that is how they settled in Mapoon.

**Senator ABETZ**—That is very interesting. Thank you for sharing that with us.

**Mr Woodley**—It was a pleasure.

**CHAIR**—Eddie, you have given us a really good understanding of life on the cape, not just today but in the past. As I can recall, those of us who do not come from Queensland, such as Senator McLucas, have not heard that in evidence before. We really appreciate that you have come and shared that with us, because we understand that sometimes our questions might seem to be a little more personal than you might be accustomed to. We really are trying to understand the situation, not only on the cape but also in the Torres Strait, where we are going tomorrow. We do thank you.

**Mr Woodley**—Just one more thing, Chair. As a regional councillor of the present day, I really feel the need for community development. The state and federal governments really need to have a clear recognition of and respect for traditional owners in the services of, say, housing and infrastructure. State housing has a policy that when they give housing to a community it is given to the council, but on a tiny fine line underneath, it has to be signed off by the traditional owners. Yes, they give us six houses, but they will not let the council build or do anything else until the traditional owners sign the approval. I really think that the state and federal governments should highlight that. Instead of a little fine line, it should be in bold at the start.

**CHAIR**—To give it the respect that it deserves.

**Mr Woodley**—Yes. It should be addressed up on top. That is what I was talking about earlier. I would really like to see the two meet up for the one common agreement—maybe an MOU signed between them.

**Senator ABETZ**—What are the pressures within ATSIC between traditional and historical owners? There may well be situations where the traditional owners are in fact outnumbered by the historical owners.

**Mr Woodley**—Exactly,

**Senator ABETZ**—If you want to win an ATSIC election, you clearly would need the support of the historical people if they outnumbered the traditional people. Are there ever any difficulties or clashes with ATSIC elections in that regard in this area?

**Mr Woodley**—No, there is no pressure from the historical and the traditional when it comes to elections; it is the people as a whole. But, going back to native title, that is where it needs to be looked at again, maybe to try to find a solution where you have traditional owners and then you have historical owners. The thing that you really have to look at with the traditional owners and the historical owners is the historical people who have been there and gone. That is one

issue that I think the government should look at, because when you have moved on, you have moved on. The other one is that if you are a historical person and you have stayed there with that community then there are no issues about that because you are continuing there.

**Senator ABETZ**—With equal rights for the traditional owners?

**Mr Woodley**—Yes, equal rights. But you cannot talk about equal rights until you identify these two issues. Otherwise, it is not worth talking about equal rights, because you have intermarriage and you might get a historical person marrying a traditional owner. So that is one of the issues you have to look at. The other issue is traditional owners being there and historical people having been there. They have served their purpose and the mission has looked after them, but when they are gone they are gone. They could well go back to their own country and start their own land claim over there.

**CHAIR**—I was just saying to the secretary that the historical owners are the people that the Indigenous Land Corporation was established to buy land for. They are the people who will never be able to get native title because they cannot pass the threshold test for registration of their claim. So in an area where there is tension between the historical owners and the traditional owners, one way to resolve that tension would be for the Indigenous Land Corporation to buy land adjoining somewhere where it is appropriate for the historical people to be able to have their own land. When we next talk to the Indigenous Land Corporation representatives, we will ask them whether there are any areas where they have been able to resolve that tension in that way.

**Mr Woodley**—It is well and good to say that, but you have to realise that if you have to go out there and buy land whose land are you going to buy? Traditional owners own every inch of this country. Just to please the historical people, you say, ‘We’ll go and buy this land here for them,’ and then you can negotiate over there because down that track over here there are some traditional owners.

**Mr HAASE**—I have one important question I would like you to answer because I need your opinion on this. If we were to recognise historical association under native title recognition, what then of the problem of non-traditional owners speaking for country on the same basis as traditional owners?

**Mr Woodley**—It cannot happen.

**Mr HAASE**—Do you mean that it cannot happen that non-traditional owners speak for country? Is that what you are saying?

**Mr Woodley**—Non-traditional owners cannot speak for land other than their own land or only on a traditional intermarriage basis.

**Mr HAASE**—For the country?

**Mr Woodley**—Yes, not even country, only on traditional intermarriage basis—

**Mr HAASE**—Therefore they cannot have native title rights acknowledged. That is our dilemma.

**Mr Woodley**—Yes, because you cannot speak for somebody else's land.

**Mr HAASE**—That is why we have a problem in recognising native title for non-traditional owners. Do you see the dilemma we are in?

**Mr Woodley**—Yes. It is commonsense that no man can speak for another man's land.

**Mr HAASE**—Therefore, we cannot give historical association people native title recognition over land?

**Mr Woodley**—Exactly.

**Mr HAASE**—I am sorry that that is the problem.

**Mr Woodley**—That is the very issue faced by all communities we service up the cape, and even Yarrabah or wherever.

**Mr HAASE**—So if somebody comes to a country and stays for a long time, the only native title claim they can make is back at their original country?

**Mr Woodley**—Yes, or claim on behalf of their children by intermarriage to a traditional person.

**CHAIR**—That is very interesting. That is a difficulty many of us on this committee have been thinking about for a long time, and we have not come up with an answer. We will be talking to the Indigenous Land Corporation to hear if they have come up with any answers. But we certainly understand the dilemma a lot better now than perhaps we did before coming up here.

**Mr Woodley**—I have just one more question: when indigenous people want to lodge a native title claim, how long do we have to wait?

**CHAIR**—The native title claim is registered with the tribunal and the Federal Court. But the claim has to pass a threshold test, and that evaluation takes place within the tribunal. I know that the tribunal had put on some extra staff to deal with the number of claims because, if you remember, at one point they had 700 different claims. They have been able to amalgamate a lot of those claims so that they are being considered as one claim instead of a number of claims. But it has taken quite a long time. When we were in Kalgoorlie, we heard evidence about the length of time taken to resolve claims in the Goldfields. It is a difficult issue. Thank you very much indeed for coming and for being so frank with us. We appreciate it very much.

**Proceedings suspended from 1.57 p.m. to 2.06 p.m.**

[2.06 p.m.]

**MADUA, Ms Susie (Private capacity)**

**PARRY, Mr Glen (Private capacity)**

**PARRY, Mrs Peggy (Private capacity)**

**PARRY, Mr William (Private capacity)**

**CHAIR**—I thank you all very much for coming. We appreciate that you have taken some time out from a meeting of traditional owners at Comalco. We very much thank you for making the effort to talk to us today. Could you tell us a little bit about your lives, where you live and how you have come to be living back at Old Mapoon? The previous witness was able to tell us a little of the history of Old Mapoon. If there is anything you would like to add to that, we would be very interested to hear it. Perhaps you could just cover for us anything that you would like to say in relation to difficulties with native title or claims or perhaps some of the issues that were referred to by the previous witness to do with traditional owners versus historical owners. Since each of you are traditional owners you are probably quite aware of that problem. Is there anything you would like to say about that?

**Mrs Parry**—I was born in old Mapoon in 1939 but my grandparents are from the Batavia tribe. My mother is from the Normalita tribe. My father is married to my mother and we lived in Mapoon. When I grew up I lived around Mapoon. When I was a girl I got married to my husband William. We lived all our lives in Mapoon until the government came and moved us away from old Mapoon. I had three kids when the government boat came in. A constable and a Torres Strait Island man came on the boat and came ashore to get the people to go to Bamaga.

I was pregnant with my fourth boy. They left us with no food. There was mango and fish and I was pregnant. My husband had to go all the way to Weipa—with the old dinghy—to try and get some food for us. But when they came back with that food, the government had already come in and taken everybody. We were the last ones left there and a few more other people. When they took those two to Bamaga, we were still left there waiting for them to come back and pick us up.

They asked us where we wanted to go and we said, ‘We will not go to Bamaga. We have come to Weipa. We are farmers in Weipa.’ They tried all kinds of things to make us talk everyone into going there. We were to tell them our reason but they did not tell their reason why they wanted to move us away from Mapoon. They knocked our house down. When we were there we saw them knocking down the houses and burning them. My husband said to me, ‘Look at the big fire,’ but they were burning the homes down, and my children were crying. I said to my kids—but he was only three years old—‘Well, what can I give you? We have hardly got any food.’ It was heartbreaking. We left all our belongings. We just took what we could take on the boat—a houseboat.

**Ms Madua**—They got the *Reliance* down. The constable took us to the island—Constable Hughes—and the Torres Strait police boys came down, and I think Mr Tanner was there too. I

thought he was there too, removing the people. I am talking about the removal of the people from Mapoon because my mother was from Mapoon. She was in the hospital at the time and she never got back to take anything that she needed from the house. Everything just went down the same. Some of the people that were there last were brought back to Weipa, and I think some of them went to Bamaga in a dinghy because they did not want to go on the *Reliance*.

It was a big heartbreak. Everything went down—animals, whatever pet you had in the house had to be left. Whether they shot them no-one knows. But they destroyed Mapoon completely—burnt their houses down, all the homes excepting for one. There was one bloke there left. He was out shooting for himself, hunting with a shotgun. By the time he got home, he found everybody standing and the houses all packed underneath with coconut leaves ready to strike the match, and he came out in time and he told them to leave because he was going to shoot the lot, he was just going to fire his shotgun at them. Then they stopped and walked away. I think that was a nasty thing to do to the people. After all, people struggled to get those homes built and by their own sweat. Nothing was given to anybody to build a home by the government or the mission.

**CHAIR**—Perhaps, Peggy, you might like to tell us how you have gone back there now and been able to re-establish your family life there again. Would you like to do that?

**Mrs Parry**—I was very sick from the bauxite, and I was in and out of the hospital in Weipa. The doctor advised me to go to Cairns. My children were just little and we went to Cairns and lived there. We got a home from the DAA with five bedrooms and we lived there, but I was still in and out of hospital for my eyes and high blood pressure. I am a diabetic also. I had meningitis. I was living in Cairns for 14 years. I was looking after myself. I was getting insulin injections for six years, but the doctor took it away from me and he asked me if I would like to go back to old Mapoon. He keep on asking me if I am from old Mapoon and I said, ‘Yes.’ He see it on my chart. He said, ‘Well, one day you might go back.’ I said, ‘Yes, I have made up my mind to go back to old Mapoon.’ When I got well, we came back to old Mapoon. We came back in 1993. We were living here for a while, but when we went up to old Mapoon. We just had a little shack, and me and my husband and my children were in just a little dugout until they put up a home for us. When they burnt our homes we felt that the government should give us compensation. I think that is right, because I feel that the men went to get their own iron, they cut their own timber from the bush and brought it home on their shoulders. They asked them for timber to make our floorings and made the roofs and we build our own homes. But the government came and destroyed them. I feel that they should give us compensation. They are giving us that home, but we still have to pay rent.

**CHAIR**—And how many people are now living at old Mapoon with you in the community? Have many people who lived there before come back?

**Mrs Parry**—Not very many.

**Ms Madua**—Not the oldies.

**CHAIR**—Would there be 50 or 100 people?

**Ms Madua**—Who came back?

**CHAIR**—Yes.

**Mr G. Parry**—The funding is not for them. The government still does not want to give funding for what the people need.

**CHAIR**—How many houses have been built there?

**Mr G. Parry**—I would not know how many people are living there. A fair number, but funding is not—

**Ms Madua**—They are coming, I believe, next week, or next month, something like that. There will be more coming up.

**CHAIR**—So you have got electricity, you have got water?

**Mr G. Parry**—Yes.

**CHAIR**—And another school?

**Mr W. Parry**—Yes.

**Senator ABETZ**—Any health services?

**Ms Madua**—Yes.

**Mr W. Parry**—On the day of the removal, at the time they came to move the people out, the boat was sighted around about 4 o'clock or 5 o'clock on the other side, a place we call Normalita. When we looked over we thought it was a fishing boat, so we did not take any notice. It was the government boat, with all the police on board. They waited there until around about 7 o'clock or 8 o'clock and they sneaked in. They got the people by surprise. Some people came home from hunting and they got a shock to see police waiting for them at their door. There wasn't time to have a bath, or change their clothes. They were told to just pick up their things and go with them, just take what they could get their hands on. The rest were left behind. That was all burnt with the home when they burnt the home. The rest of the stuff was left behind. They were told just to pick up what they could get in their suitcase and that is it. They were marched down at gunpoint—

**CHAIR**—So many of those people have not come back. They still live somewhere else. Do some of them live in Weipa?

**Mr W. Parry**—Yes.

**CHAIR**—Some of them live in Cairns?

**Ms Madua**—Most of them are up at—

**CHAIR**—So that is where they have stayed?

**Ms Madua**—Most of them are there. Some have died now.

**Mr W. Parry**—They marched them down and they guarded them all night, put them in one of the houses. That is where the assistants stay. The minister has an assistant who stays in that building. That is where they kept the people all night with the police guarding them. They escorted them down to the old open toilet. The next morning they marched them down to the beach under the almond tree and let them all sit around under the almond tree, police around them. Two girls volunteered to cook their lunch. They were escorted by the police to bring their food. They sat under the almond tree from 8 o'clock to about 5 o'clock in the afternoon before they started to load them on board the ship. There was a family behind camping there. They had to go around and pick them up from behind the back beach and bring them up and take them all over to Bamaga. They said there will be a home waiting for them. When they got there, there was nothing. They loaded them up on the truck, took them there and just dumped them under the shed and left them there. They do not care about them. There was no home.

**Senator ABETZ**—There were no houses?

**Mr W. Parry**—No. They had to fit them all in..

**CHAIR**—How many people were there altogether?

**Mrs Parry**—Seven farmers went.

**Mr W. Parry**—Six families, 63 or 64. That is when they took the first lot. Six families they took to Weipa. All our things got burnt. Before I got married I got a new sheet of iron but we had to cut our own timber to make a home. We had new sheets of iron and that all got burnt with the rest of my stuff. I had to buy my own nails.

**Ms Madua**—He is talking about iron and other things that he used to build his home. All that was bought with croc money. All our men went out croc shooting—getting the hides and taking them up to Thursday Island, selling them and coming back with what they needed to build a home.

**CHAIR**—Yes.

**Ms Madua**—Even adzes and crosscut saws. All those kinds of things were bought. Then the government and Comalco came in and destroyed everything with no compensation to date.

**Senator ABETZ**—What sort of housing do you have now at new Mapoon?

**Ms Madua**—All good homes.

**Senator ABETZ**—All good homes?

**Mr W. Parry**—All on piles.

**Senator ABETZ**—Who has provided that? The Queensland state government?

**Ms Madua**—The state government. They offered us these homes, but why do we have to pay rent? They are not paying us back for what they destroyed that belonged to the people. Men worked for nothing all their lives to get their own homes built, and the government came in and destroyed it, Then they sent these homes and people still have to pay rent on them. Where is the compensation? There is nothing.

**Senator ABETZ**—Have you applied to the state government for compensation?

**Ms Madua**—I think it has been said to Comalco, because Comalco is behind it all.

**Mr G. Parry**—We talked to the government a few times about the burning of the homes, but this government today will not believe it. They think it is just lies because it did not happen in their time.

**CHAIR**—In the discussions that you have with Comalco now as a traditional owner, are you able to raise this issue with them? Have you been able to do that?

**Ms Madua**—It can be done but it is up to William, Peggy and the rest of them to say it to Comalco. We are having a terrible time negotiating with Comalco. Excuse me for mentioning this, but for myself, as a traditional owner of the Weipa peninsula, all these years they worked on my land, and last Thursday I was in for another meeting and they said they had my package ready to hand out. On Friday I looked into the bulletin, and what I got in the bulletin was \$400,000 for all those years Comalco worked on my land. That is the first offer they are offering to me now, today, and I am not happy with it. Besides that, they are giving me some other things, like homes—three high set and three low—and some dongas, the lease around Albatross and around MacNamara. There is land there that we can use. But I do not want those things because I am old and I cannot manage them. I will not accept it. I never told them that, but I will.

**CHAIR**—I just wonder if the company knew how strongly you felt about this issue, even though it is quite a long time ago now, and whether they might understand better that this is an important part of your negotiation process. Is there anything else that you would like to talk to us about in relation to native title claims? Do you have any difficulties with historical claimants versus the traditional claimants? Is that something that you have had to deal with?

**Ms Madua**—I would like to get my native title recognised in Weipa. I would like to see it written out in black and white.

**CHAIR**—Have you made a claim?

**Ms Madua**—Not yet. I was told that if I want to I will have to ask about that. I would like to get one. Do I get it from you, or do I make the complaint to someone else and then come back to you?

**CHAIR**—You need to apply to the Native Title Tribunal to have your claim registered and accepted.

**Senator McLUCAS**—You should talk to the Cape York Land Council first of all.

**Ms Madua**—I was told that I could get my representatives to see about that. We did not have much time this time we came through. We have come today and gone tomorrow.

**Senator McLUCAS**—We do not deal with the native title in terms of reviewing it. Our job is to watch it happening and make recommendations to the government about what could be made better. So we are not part of that process; we simply look at what is happening and tell the government what is good and what is not good about native title.

**CHAIR**—In the first instance perhaps Susie might need to speak to the Cape York Land Council and see how they can help.

**Senator McLUCAS**—Is the land council involved in the negotiations that are happening now?

**Ms Madua**—They should be here today. I do not know why they are not here. They were not even at the meeting at the lodge.

**Senator McLUCAS**—Is it hard without the land council here?

**Ms Madua**—I do not think so—not that hard. We would like them to be present at the time because they can listen to what we are talking about. It is a meeting for everybody—what we call the Quinagan meeting. They are all around and I am in the centre. We try to get all these groups to come in and make one agreement. If anybody has any difficulties or anything like that, they can come back to the base and we can sit and talk about it and share our ideas.

**Senator McLUCAS**—How many tribunal groups—not towns—are there at that meeting?

**Ms Madua**—There is a big circle with partitions and me in the middle. I have never counted. There is a bit of argument there as well—all going at poor Peter, but I think he deserves it. I cannot speak for them. Everybody speaks for themselves. I think he should have listened. They have hurt his feelings at one stage. He had some plans against Comalco and was trying to get every group to make a decision and stand up against Comalco never mind what they do.

**Senator McLUCAS**—But the idea is to get one agreement?

**Ms Madua**—To make one big body. To make one big umbrella where everybody comes in from all around. Each groups decides what they want. They make that decision and come back.

Everybody gets together and tells each other what they have decided. After that we bring it into one and make it into one under the umbrella. Then we can pass it on and share it to see what everybody thinks about it.

**Senator McLUCAS**—What will you give Comalco for this package? What does Comalco want out of this agreement?

**Ms Madua**—They want everybody to accept what they are offering. That is my point of view.

**Senator McLUCAS**—And then Comalco will continue to mine as they are doing now?

**Ms Madua**—They want to continue to mine. He said the township is still under native title in my name and he said they were going to carry on working as they have been doing for all these years even though it is under native title in my name. I said to him, ‘Peter, just understand one thing: you are renting a home and you pay rent on it. Don’t forget that.’ He said he was going to give me some money at the end of every year or month—monthly, I think.

**Senator ABETZ**—Susie, I understand you are the only traditional owner of the area?

**Ms Madua**—No, but I have been a spokesperson for the family.

**Senator ABETZ**—And the offer that was made to you that you told us about is for the whole family, is it?

**Ms Madua**—Yes, for the whole family.

**Mr SECKER**—How big is that family?

**Ms Madua**—There are four, so that would be \$100,000 for each group. Is that enough for all these years? I cannot see it being enough for us. These four groups have children, grandchildren and great grandchildren.

**CHAIR**—Susie, it is not for us to pass any opinion about this offer.

**Ms Madua**—I am sorry about that.

**CHAIR**—No, that is quite all right. We, as a government committee of the parliament, cannot assist you with your negotiations. We are interested to know if there are any native title complications that you think we could have helped you with, but it seems that at the moment that is not the case because your claim has not yet been formalised.

**Ms Madua**—No, not yet.

**Senator ABETZ**—Peggy, when did your people come to old Mapoon? Were you the traditional owners there before the white man came?

**Mrs Parry**—Yes.

**Mr G. Parry**—Yes, my father's tribe was the traditional owner of Mapoon. My mum's tribe is of the River Wuringle—a captive from Batavia.

**Senator ABETZ**—Was it Mr William Parry's father or grandfather who would have witnessed the arrival of white man at Mapoon?

**Mr W. Parry**—My grandfather.

**CHAIR**—When we get back to Canberra, Susie, we will send you some material on how you can put a claim together. You can read that before you talk to the Cape York Land Council, because it is a daunting job.

**Ms Madua**—Thank you.

**Mr G. Parry**—I think our father is having a bit of difficulty with native title. He has done two claims, one with the land council, but he keeps getting replies from the land council that they cannot assist him with any assistance on native title.

**CHAIR**—Do you know why that is?

**Mr G. Parry**—I do not know. I forgot to ask them when they were here. They have asked him to fill out another one, so there is going to be three. I think they are having a problem with the Injinoo mob, with Larry of the Anggamuthi mob up in Injinoo. He has put in a native title claim to come to Mapoon. His claim was going to be accepted by the tribunal, but it has been knocked back for some reason. We had to do that thing quickly, but it still did not go through.

**Senator ABETZ**—Are there overlapping claims where people who are not entitled to claim your country are claiming your country? Is that what you are saying?

**Mr W. Parry**—Yes.

**CHAIR**—To help you find out what the problem is we can send a copy of what you have just told us to the Native Title Tribunal. They will send us a response, and we will make sure that your get a copy of that. We will also send it to the Cape York Land Council to see if they would like to tell us anything that we can pass on to you that would help.

**Mrs Parry**—I would like to put in a claim for my father's tribal land. He is a Tappathiggi tribe. There is no-one there yet, but people are going in and doing what they like on the land. We would like to make a claim there because they think it is anybody's land. I think the tribe wants to.

**CHAIR**—Perhaps we will send some material on how to put your claim together to you also.

**Senator ABETZ**—Peggy, were you born at old Mapoon?

**Mrs Parry**—Yes.

**Senator ABETZ**—What brought your family to Mapoon?

**Mrs Parry**—When the missionary went in there in the early days, the old people were like next door neighbours.

**Senator ABETZ**—You were next door?

**Mrs Parry**—Yes, Tjungundji people and Teppathiggi people together. His grandfather was married to a Teppathiggi woman. They came when they were married. They were married in a tribal way. They brought them in and they let them stay at old Mapoon. They schooled them there. My grandmother was from Pennyfather. She was brought in for schooling. We owned the neighbouring land, Teppathiggi and Tjungundji are one. I married William just like his grandmother married his father. I am a Teppathiggi and he is a Tjungundji. His grandfather is a Tjungundji, but his grandmother is a Teppathiggi. They are two tribes, but we are intermarried now. I am married to him. His grandfather married in a tribal way, but my father married in a European way. We were two Aboriginal races, but now we are one.

**Mr HAASE**—Peggy, can you tell me how you get a right to speak for a particular country? Does that come from your mother or from your father?

**Mrs Parry**—It comes from the father.

**Mr HAASE**—Is all Cape York the same? Is it always from the father? Does it always come down from the father's line?

**Mrs Parry**—Yes, from the father's line.

**Mr W. Parry**—All our grandparents are not from the one tribe. We have one from over there and we have a grandmother from there. My grandfather is from right there where the mission was in old Mapoon. He is a tribal traditional man from old Mapoon, the Tjungundji tribe. He married a *Batavia* woman from the Teppathiggi tribe. My mother was from around the Weipa area, but her father is from the Solomon Islands. But my area is where my grandfather is, that is where my roots are. But, if the mother area where my other grandparents come from needs any help, I am there to support them.

**Mr HAASE**—This is the traditional way?

**Mr W. Parry**—Yes. And then after, when I am finished there, I come back to where my roots are. That is where I belong.

**Mr HAASE**—But you speak for country down from your father?

**Mr W. Parry**—But I speak for the rest of my grandparents' country, but I always come back to where my roots are.

**Mr HAASE**—According to where your father comes from?

**Mr W. Parry**—Where my father comes from; that is where my roots are.

**Mr HAASE**—So when Peggy marries William, Peggy's country is where William's country is; is that right? So it is always from your husband's father? Can you explain to me if you have any traditional rights to country according to where your father comes from? I am suggesting it would be unusual if you had claims to two countries. Do you claim William's father's and grandfather's country, or can you claim and speak for your father's country even though you are married to William?

**Mrs Parry**—I talk for my father's country.

**Mr HAASE**—Even though you are married to William?

**Mrs Parry**—I can step over him. I can maybe help him a little bit, but his children can help him.

**Mr HAASE**—Thank you. I understand.

**CHAIR**—So Glen can help him?

**Mrs Parry**—Yes.

**Mr G. Parry**—I will help him and I will help my mum.

**Mrs Parry**—And then he help me.

**Mr G. Parry**—I will help them both, it does not matter where they come from. I will not just let these so-and-sos come in and take my mother's land and do whatever they want to do with their land. I would not just sit there and let my father's land go, no.

**Senator ABETZ**—Are both Peggy and William traditional owners of Mapoon?

**CHAIR**—It is a different area, one in Mapoon and one up north.

**Mrs Parry**—It is a different area, he is a traditional owner of Mapoon and I am a traditional owner of another area.

**Senator McLUCAS**—You do not lose country by marrying somebody; is that right? You do not lose your country because you are married to William?

**Mrs Parry**—No.

**Senator McLUCAS**—You keep your country?

**Mrs Parry**—I keep my culture.

**Senator ABETZ**—Do you gain?

**Senator McLUCAS**—Yes, I think the point is you do not ever lose responsibility for land. Is that right?

**Mr W. Parry**—Part of the problem is that that is where my grandmother comes from too. My grandmother is from the same country as my grandfather. My grandfather is from the top and my grandmother is from the bottom.

**Mr HAASE**—It confuses me because in Western Australia, in the Pilbara and the Kimberley, the traditional way is that the inheritance of country, the right to speak for country, only ever comes from the mother not the father. That makes it simple, everyone knows the way.

**Mr W. Parry**—Our totem lies in that bay—the head is there and the tail in *Batavia*. That barramundi lies in Mapoon bay, the head on that point and the tail in *Batavia*. That is our totem. That is where my grandparents come from—my grandfather from the head of the fish and my grandmother from the tail of the fish and they both meet in the middle.

**CHAIR**—Thank you very much indeed for coming and talking to us and for sharing with us a very painful memory that you have. We understand that and we thank you for telling us about it.

**Senator ABETZ**—Thank you very much.

[2.56 p.m.]

**JINGLE, Councillor Roy Alf (Private capacity)**

**CHAIR**—Welcome. We are very pleased that you could come and talk with us today and that you have had the opportunity to hear some of our previous witnesses, so that you are able to reflect on the evidence that they have given to us and perhaps add to it from your personal dimension. What we normally do in these situations is encourage our visitors to give us a bit of a talk first and then we will ask them some questions about the issues that they have raised. Perhaps you would like to have a bit of a chat with us about the issues that you are worried about, tell us a little about your community and then we will have some questions for you.

**Councillor Jingle**—Thank you, with my respect for you members of the parliament; a very sincere thank you. At the early stage of the meeting I was listening. It was very interesting. It is the first time I have been in a meeting such as this, not that it is new to my Napranum Aboriginal Council work. I have been out in the field many times with Bob Katter, our state minister and Clive Holding, who was a federal minister at the time. When I started, Napranum was self managed, and there was Bob Katter and me. They were very exciting times for me and Bob, and for Clive Holding also. As I said earlier, I have heard a lot of interesting things and that is why I have got for myself a clear picture of what I see as a councillor for Napranum itself, the community itself and Rocky Point. Those early stages of the meeting have given me a picture of how it should be with the Napranum council and Rocky Point. I suppose I got a different outlook from the one I had before the early stages. I was in Napranum and in mining and in the company. Something was missing. Where are the children, the people? I was missing out on that.

I say Napranum-Weipa. I always call it Napranum-Weipa. Napranum was there at all times. Napranum did not sit at any other place. Weipa came to Napranum. This is all Napranum. Where we are it is Napranum. I am not from here. I originally come from Coen. I was here from 1955. My traditional tribal land is south-west of Coen. I will be going there next week some time to meet with tribes there. Originally there was a council and I was chairman of the committee. This happened to me when I first started the committee. I was chairman. With Bob Katter we got the self-management going as a CDP. I say should Napranum now become just one council right across the board here, along with Rocky Point. The council will become just one Napranum council. I see around about us, with the mind and with native title, it is just around us and there is no ground or place for future development for our committee as a whole. The future of tomorrow has got no place to develop. The mine around us and the native title and the council in good faith are about to relinquish all the DOGIT area back to the tribal owners. That is what I like. It is a very good thing as I am one of the traditional owners. I am saying things for people. What is going to happen tomorrow for the whole Napranum-Weipa development? The future tomorrow wants to develop. With the Coen, Rocky Point and Napranum children they are increasing in number. We need to have a place that is already set aside for development. That is why I am saying it should be just one Napranum council right across the board.

**Mr SECKER**—They are separate still?

**Councillor Jingle**—Yes. I am just talking about where we are now in the Weipa area.

**Mr SECKER**—You do not overlap with Mapoon?

**Councillor Jingle**—No. I am not speaking on behalf of the landowner. I am not speaking about native title. I am speaking just like a member of any normal city council. I am speaking in terms of our future—our tomorrow. There is Comalco and there is native title, with traditional ownership. That is around us. The company itself is around us. But we have not got a place that is ready to be developed and to be put back in a place where it is going to be a whole Napranum-Weipa development. That is the main town: buildings uptown, a sporting facility and things like that. I would be looking at maybe things like a proper professional footy grandstand. When I see our community and here, it is just one Napranum community. We are the most central community in the whole of the cape. We have got the road, the harbour and the airport—we have got the lot—and there is no place in readiness for Napranum-Weipa to go on and develop.

**CHAIR**—How would an amalgamation of those two councils benefit your community? If the two councils were to come together, as you would like—

**Councillor Jingle**—Exactly.

**CHAIR**—how would your people benefit from that? What would it do for them?

**Councillor Jingle**—A lot of the town itself would be developed.

**CHAIR**—Is that being held up now?

**Councillor Jingle**—It is not happening now, and that is why we would like to see it. They call it Rocky Point ‘council’. The ‘councillor’ of Rocky Point is Ron Doherty. We are good mates and we talk a lot. With my idea, I am sure he will come my way 100 per cent because he likes to see things happening. He likes to see motivation and things being developed. He is just the same as me. Our community is getting bigger and bigger and we have got no place to extend or to build.

**Mr HAASE**—Mr Jingle, where is your community—Napranum? Where is it now? You are saying that these are the same people, but where is the council? Where are your headquarters?

**Councillor Jingle**—We are south from here. That is where Napranum is.

**Mr HAASE**—How far?

**Councillor Jingle**—Where we are now, this has always been Napranum and has belonged to Napranum.

**Mr HAASE**—I understand that, but where is your centre now?

**Councillor Jingle**—Our centre is back at Napranum.

**Mr HAASE**—Yes, but where is that; how far?

**Councillor Jingle**—About a couple of kilometres.

**Mr HAASE**—So it is very local?

**Councillor Jingle**—Yes.

**Mr HAASE**—You could walk if you had to?

**Councillor Jingle**—I did it many times.

**Mr HAASE**—Of course. I just needed to understand that. It was very difficult to comprehend what was going on. You are talking about Rocky Point. Where is Rocky Point?

**Councillor Jingle**—Here. There was no Rocky Point when I first came here in 1955.

**Mr HAASE**—So Comalco built Weipa at Rocky Point?

**Councillor Jingle**—When they came they started to call it Rocky Point. But the real traditional owner does not like that and is not very happy about that. This was known as real traditional land.

**Mr HAASE**—It was a real what?

**Councillor Jingle**—Known by a real tribal name.

**Mr HAASE**—And they have removed that and called it Weipa?

**Councillor Jingle**—No, they removed that and they called it Rocky Point.

**Mr HAASE**—All right.

**Mr SECKER**—Weipa was changed to Napranum, according to this. It says, 'Formerly known as Weipa, Napranum was established in 1898.'

**Mr HAASE**—So the DOGIT council, Napranum, would include what you know as Rocky Point—Weipa? Is this the point that you are putting to us, that you should combine this immediate area and Napranum?

**Councillor Jingle**—Exactly.

**Mr HAASE**—All right. I was getting the impression that you were talking about amalgamation of Mapoon and Napranum.

**Councillor Jingle**—No, I was talking about Weipa alone.

**Mr HAASE**—I have to get the problem clear.

**Councillor Jingle**—When you look at 1918, like the gentleman said, this is Napranum where we are now. It was Napranum at all times; it belonged to Napranum.

**Mr HAASE**—That is clear in my mind. What evidence exists to indicate that your control over the whole area is not recognised? I would have imagined that your DOGIT would have been controlling the total area anyhow—

**Councillor Jingle**—No.

**Mr HAASE**—and that the people were the same. What evidence exists to say that it is not the same?

**Councillor Jingle**—Our DOGIT does not cover Rocky Point. That is what I was getting at.

**Mr HAASE**—Because Rocky Point is under the control of Comalco directly?

**Councillor Jingle**—Comalco?

**Mr HAASE**—Because it is a company lease?

**Councillor Jingle**—Yes, a company lease, exactly.

**Mr HAASE**—And therefore cannot be influenced by the local government, which is your council?

**Councillor Jingle**—Yes.

**Mr HAASE**—All right. That situation exists in many parts of Australia, doesn't it, where there are areas under the control of local council, and then there are specific company areas that have their country under lease? That exists all through the Pilbara, where the mining towns have moved in and we are mining iron ore in Western Australia. I can clearly understand the relationship of your council and the services that are Comalco services. You should be able to develop, independently, community facilities independent of Weipa or Rocky Point for your community. That should not necessarily be contributed to by Comalco. Often by negotiation it would be, but if you were to take the initiative in providing those facilities then there would be no act in state government to prevent you from doing so, I am sure. It is just that perhaps you are talking about a duplication at this stage, because Comalco provide the facilities already in some form, do they?

**Councillor Jingle**—What I was coming from, through the chair, is that somewhere along the line we are not recognised. That is still keeping us different. My argument is, where does that leave the people?

**Mr HAASE**—When you say they do not recognise—who are they?

**Councillor Jingle**—The company, and Rocky Point is under the lease of that company. But, as I said, there was no Rocky Point; this is old Napranum. Suppose we have just one council right throughout Napranum which would make things happen.

**Mr HAASE**—Are you suggesting that there is a council, a local government area called Weipa, which is not the company, it is a local government which the state—

**Councillor Jingle**—It is.

**Mr HAASE**—All right. I did not understand that, sorry.

**Senator McLUCAS**—It is not actually a local government. There is still some decision about whether or not the Weipa Town Council, as it is now called, will get local government status, and there are still negotiations between the current Weipa Town Council, Comalco and the state government as to whether or not there will be a local authority in Weipa.

**Mr HAASE**—Okay. And this DOGIT is a state government initiative?

**Senator McLUCAS**—Yes.

**Mr HAASE**—There needs to be some state government involvement. You need to get on to that state government and get them to sort it out. I back you all the way, Mr Jingle.

**CHAIR**—Mr Jingle, would you like to make any other comments on native title, land use agreements or any other issues that you have heard being raised here today?

**Councillor Jingle**—In terms of our traditional way, there is a lot of involvement. I did not want to get involved, but, now that I am the chairman of Napranum Council and they are my people, I have to do what I have to do.

**Mr SECKER**—Roy, have you looked at ILUAs, the indigenous land use agreements, as a way of negotiating more with Comalco?

**Councillor Jingle**—More negotiation with the company?

**Mr SECKER**—Are you happy with your negotiations with Comalco?

**Councillor Jingle**—Yes. Apart from that the company, my council and I get along well. We get things done together. They are aware of all this and they are aware of the Napranum council. We work very closely. That is why I said earlier that I would rather see just one council right

throughout the whole of Mapoon and Weipa. That way we can always work together with the company. I could be wrong, but that is what I would like to see. My worry is that, in the future, tomorrow, there is no place in readiness for them to develop.

**CHAIR**—Thank you very much. That is useful background knowledge to have on the area. I thank you for waiting patiently today to give your evidence after you have been able to reflect on some of the other evidence.

**Councillor Jingle**—Thank you, Chairman. Through the chair I thank the respected members of parliament.

**Committee adjourned at 3.16p.m.**



