

An Historic Moment: Jutpurra (Gregory) National Park handback and joint management

Toni Bauman, Research Fellow, NTRU

On 13th May 2010, an event of great historical significance took place at Mulukurr, close to Jasper Gorge, about 350km south west of Darwin, and east of the town of Timber Creek in the Northern Territory. Gregory National Park, now renamed as Jutpurra, and one of Australia's largest national parks consisting of an area of around 1.3 million hectares, was handed back to its Traditional Owners (TOs). Hundreds of TOs and their relatives camped at dusty Mulukurr, waiting with great interest for the Governor-General, Her Excellency Ms

Quentin Bryce, the woman they referred to as 'the Australian Queen', and for the Federal Minister for Indigenous Affairs, Jenny Macklin, to initiate the handback ceremony.

Jutpurra straddles both the Northern Land Council (NLC) and Central Land Council (CLC) regions. It comprises a smaller northeast section along the Victoria Highway and a larger southern section between the Victoria and Buntine Highways. It contains highly significant Aboriginal sites that have remained untouched for tens of thousands of years and startling land formations. Jutpurra also includes *Gregory's Tree Historical Reserve* which is the site

of the base camp for Augustus Gregory's 1855-1856 North Australia Expedition.

The handback was part of a comprehensive landmark settlement by the Northern Territory Government, the CLC and the NLC (on behalf of TOs) in 2005. This settled outstanding, existing or potential claims over 27 parks and reserves made under the *Aboriginal Land Rights Act 1976* (ALRA) and the *Native Title Act 1993* (NTA). These claims would have otherwise taken years to finalise in court. Part of the settlement involved new legislation, the *Northern Territory Parks and Reserves (Framework for the Future) Act 2005* and amendment to existing legislation, the *Territory Parks and Wildlife Conservation Amendment Act 2006*.

As part of this settlement, a set of core principles was established, defining the overall objective of joint management and how such an objective would be achieved. A new form of 'Northern Territory Parks Freehold' was also created. Key provisions recognise and promote Aboriginal cultural values, common joint management arrangements with a focus on



Traditional Owners and senior members of the Nalipinggak, Bilinara-Jutpurra and Winan Aboriginal Land Trusts proudly showing their land title agreements to Jutpurra (Gregory) National Park with (from L to R) Northern Territory Parks and Wildlife Minister Karl Hampton, the Federal Member for Lingiari Warren Snowden, the federal Minister for Family and Housing Community Services and Indigenous Affairs (FaHCSIA), Jenny Macklin, and the Governor-General, Quentin Bryce. Traditional owners also signed documents agreeing for the Park to be leased back to the NT Government for 99 years under a joint management arrangement.

Photo by Mahala Strohfeldt, courtesy of The Koori Mail

responsibilities of the partners, the granting of community living areas within parks, joint management deeds, the establishment of advisory regional joint management groups

and a peak Northern Territory joint management forum to advise the Minister, and the development of an employment and training strategy.

In 2005, Indigenous land use agreements (ILUAs) were signed by the CLC, the NLC and the Northern Territory Government for the purpose of granting Gregory National Park as Aboriginal land under the ALRA. The purpose of the ILUA is to satisfy the condition set out in s 10(1)(b) of the *Parks and*

Reserves (Framework for the Future) Act, and to otherwise deal with native title issues with respect to the scheduling of the park as Aboriginal land under the ALRA (Agreements, Treaties and Negotiated Settlements Project, <http://www.atns.net.au/agreement.asp?EntityID=3111>).

Traditional Owners, the Northern Territory and Federal Governments agreed that the land would be scheduled as Aboriginal freehold under the ALRA and leased back to the Northern Territory Government for 99 years for use as a national park. Representatives of three land trusts accepted titles to the land: the Winan Land Trust for the main portion of the park including the eastern portion around Langgayi or the Victoria River Crossing; the Bilinara-Jutpara Land Trust for the southern portion in the CLC's region and the Nalipinggak Land Trust which includes Gregory's Historic Tree Nature Reserve. It is also expected that existing land under the Wambardi Land Trust will soon be leased back to Jutpurra under joint management arrangements thereby linking up eastern and western sections of Jutpurra.

Numerous language groups should benefit from the handback and joint management arrangements including the Ngaliwurru, Ngarinyman, Nungali, Bilinara, Malgnin, Karangpurru, Wardaman, Jaminjung and Gurindji. Indeed the range and diversity of the affiliations and languages of groups in the area presented something of a challenge to TOs in finding



Local school children and the crowd members enjoying the ceremony. Photo by Toni Bauman.



Alan Griffiths' songs performed by dancers with spectacularly coloured woven 'boards' related to his picking up his daughter from Broome in Western Australia to where she had been taken by government officials. Photo by Ross Turner



Site of Jutpurra National Park handback. Photo by Francois Faber

an appropriate name for the park. Such a name needed to be inclusive and representative, but also, as the TOs considered, easy to pronounce and amenable to tourism promotions. The name 'Jutpurra' was agreed not long before the handback ceremony was about to commence. As Larry Johns, a senior TO commented to the *Koori Mail*: 'If this name is going to travel the world and people overseas can say "Canberra", I'm sure they can say "Jutpurra". Jutpurra is a very important, sacred ceremony place of the people' (*Koori Mail*, 19 May 2010, p. 6).

The Governor-General acknowledged 'the ancient and living keepers of this sacred land beneath and around us' and her privilege 'to experience the beautiful place'. She also recognised the hard work, co-operation and pragmatics required as those involved worked towards common ground over many years. Minister Macklin commented that what was 'a day of national significance' represented a reconfiguring of relationships which will see the land in the 'safekeeping of the Traditional Owners for generations to come' and for all Australians to share.

Senior men from the area, Jerry Jones and Bill Harney sang songs, both newly dreamed and

ancient, accompanied by Jimmy Wave Hill on the didjeridu. One of Alan Griffiths' songs performed by dancers with spectacularly coloured woven 'boards' related to his picking up his daughter from Broome in Western Australia to where she had been taken by government officials. Women from Kalkaringi, Dagaragu and Lajamanu painted their bodies and danced the stories of their ancestral women. NLC provided wonderful food and a local band, The White Water Band, from the neighbouring Aboriginal community of Yarralin, entertained the crowd.

There were a number of other speakers including the NT Parks and Wildlife Minister Karl Hampton, the Federal Member for Lingiari, Warren Snowden, NLC Chief Executive Officer, Kim Hill, and NLC Chairman, Wali Wunungmurra. David Ross, CEO of CLC commented, 'for years people have had to stand on the sidelines while other people made decisions about their traditional country... Now, with these joint management arrangements, people will be asked – asked about future developments on their land, about the use of it, about access to it – this is the crux of joint management. To be finally recognised as the traditional land owners is an enormous step forward for these peoples.'

Local Indigenous people will be trained as rangers and to set up tourism enterprises and TOs should be more able to fulfill their responsibilities to protect sacred sites. Opportunities should also present themselves for economic development including eco-tourism ventures, for weed and fire management and for the preservation and research of native flora and fauna.

But these activities will only occur with the necessary Northern Territory and Federal Government support for building the foundations of such activities including good governance, office space, transport and salaries and the prioritisation of local people in the park's management and contracting processes. As Sharona Bishop, a young artist, commented: '...the government should provide start-up money for art galleries, accommodation and tour guide operations (*The Australian*, May 14 2010).

So let's hope that TOs, Larry Johns and Jerry Jones, who shared their birthday on the day of the handback have something else to celebrate; that the 13th May will be, as Larry predicted: '...the most important day in the lives of my people' (*The Age*, 10 June 2010).

Case Note: *Aplin on behalf of the Waanyi Peoples v State of Queensland [2010]* FCA 625

By Zoe Scanlon, Research Officer,
NTRU

Federal Court of Australia - Brisbane Registry
Dowsett J
18 June 2010

Background

The Waanyi people filed their native title application in 1999. Their claim covered land in both Queensland and the Northern Territory, in the southern Gulf of Carpentaria region. Mr Phillips, who does not form part of the claim group, claimed his ancestor, 'Minnie', was a Waanyi woman, therefore he and Minnie's other descendents should be recognised as members of the claim group. The rest of the claim group, however, rejected this assertion, and do not recognise Mr Phillips as part of the group. They argued that group identity depends substantially, if not entirely, on acceptance from other members of the claimant group that the person in question is of Waanyi descent. Mr Phillips, conversely, submitted that identity depends on biological descent or adoption and the acceptance of that fact by one or more senior Waanyi people [79].

Is Minnie recognised as a Waanyi person?

Justice Dowsett gave detailed consideration to the evidence relating to Minnie's identity provided by various interviewees in Professor Trigger's report on this matter. He found that, on the balance of probabilities, Minnie identified as a Waanyi person and, at least at certain points in her life, was accepted by Waanyi people at Burketown and Lawn Hill as being Waanyi. He noted however, that crucially, the contemporary Waanyi people have as yet refused to recognise her as a Waanyi person.

He then reiterated that the central question was whether Minnie's descendents are accepted as Waanyi. This would also require a finding as to whether the claim group accept Minnie as a Waanyi person.