

REPORT



Fitzroy River, Western Australia

Martuwarra Country

A Historical Perspective (1838 - present)

Martuwarra RiverOfLife

**A Report prepared for the
Martuwarra Fitzroy River Council**

**Addendum to the 'Conservation and Management
Plan for the National Heritage Listed Fitzroy River
Catchment Estate' - The Plan.**



Australian Government

Department of the Environment and Energy

This peer-reviewed publication, *Martuwarra Country: A Historical Perspective (1838-present)* is published by The University of Notre Dame Australia as part of the Nulungu Publication Series and is available at https://researchonline.nd.edu.au/nulungu_research/.

Nulungu Publication Series Co-Editors: Mrs Melissa Marshall, Dr Kathryn Thorburn, Ms Gillian Kennedy and Ms Anna Dwyer

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Citation: RiverOfLife, M., McDuffie, M., & Poelina, A., (2020). *Martuwarra Country: A historical perspective (1838-present)*. Martuwarra Fitzroy River Council; Nulungu Research Institute, The University of Notre Dame Australia. <https://doi.org/10.32613/nrp/2020.5>

Keywords: Martuwarra, First Law, Environment, Aboriginal, Indigenous, Kimberley, Colonisation, Western Australia, Fitzroy River

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Publications from the Martuwarra Fitzroy River Council are available at <https://martuwarrafitzroyriver.org/publications>.

Design & Typesetting: Oethica Group Productions

Photography: Mark Jones (Cover)

Martuwarra Country: A Historical Perspective (1838 - Present)

October, 2020



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“... The Nyikina people’s relationship with the land is all connected with their way of life. The land is part of us and we are part of the land. That is the whole basis of our culture. Unless people can learn to respect the land as we do, we have no hope for the future of ourselves and our children”¹.

Lucy Marshall AM, 1983

¹ Marshall, L., & Pandanus Park Community. (1983). MS 1879: Submissions [Commissioner P. L. Seaman]. WA: Aboriginal Land Inquiry. Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra

CULTURAL WARNING

Aboriginal & Torres Strait Islander readers should be aware that images of deceased persons, for example, in archival photographs are contained in this Report and may cause distress to Indigenous people.

Preface

My first time on Martuwarra Country was in 2007, when I spent some time in Balkinjirr and Oongkalkada, at the tail end of the wet season. To escape the stifling heat of the afternoon, a few Aboriginal families would take the kids, chairs, some food and drinks, and go and sit in the River. On one of those days, as we sat in the shade of the pandanus palms, someone said to me, “you know, if you drink that water, you will always come back here, because this River, the Martuwarra, will call you back”... so I drank a cup of water from the River.

Since then I have been privileged to spend time on Country every year for thirteen consecutive years, and I have come closer to booroo (Country), and liyan (feeling, emotion) (Hattersley, 2014, p.94; Wooltorton, S., Poelina, A., Collard, L. et al., 2020). The conversations with Martuwarra people on Martuwarra Country have brought me closer to the essence of what being Yi-Martuwarra means - belonging to the River.



Photo: 'Martuwarra' by Magali McDuffie, 2018

Preface (cont.)

In one of our films, *Three Sisters, Women of High Degree* (Poelina, Marshall, Warbie & McDuffie, 2015), the Martuwarra is also a prominent character: images of water, billabongs, creeks, soaks, springs, and significant sites on the River, are interwoven in the conversations with the women, through slow dissolves, as the River making its own statement of presence and existence – emphasising the use of film as “witness of place” (Verran & Christie, 2007, p. 219).

I had edited the River into the film so that it became its main character, its storyline, its underlying structure. Traditional Custodian, Senior Nyikina Elder, Jeannie Warbie’s comment after seeing the completed film for the first time was: “Proper water this one. Proper water” (J. Warbie, Personal Communication, 2014).

In the process of “becoming” (Muecke, 1994, p. 3), or “inter-textuality” (Langton, 1993, p. 35), I have learned to see, and to listen, in booroo. As Anne Poelina says: “Country knows you, Country teaches you – Country reads you” (A. Poelina, Personal Communication, 2014).

Through my 13-year collaboration with Martuwarra communities, I have had the opportunity to work with environmental scientists, biologists, various academics, Aboriginal media organisations, Indigenous rangers, counsellors, educators, grassroots activists, palaeontologists, drone scientists, linguists, teachers, artists, musicians, lawyers, writers, librarians, tourism operators, philosophers, environmental organisations, all people of many different nationalities. Of course, I have also worked closely with the Martuwarra, the River of Life, the plants, the trees, the insects, the birds, and the animals that have all been a significant part of our films at one point or another, coming together to deliver a potent message from booroo to the world.

Where these networks and connections emerge and converge (Turner, 1991), they create an assemblage of players, of “varied allies of all ontological sorts (molecules, colleagues, and much more)” who set out to tell new “Gaia Stories”, or “geostories” (Haraway, 2016, pp. 40–42), erasing the imaginary divide between society and nature, and proposing an alternative to the human-centred concept of Anthropocene (McDuffie, 2019).

This is the reason why this report is also an exercise in decolonising discourse - by putting the River first and foremost as the main author, I am acknowledging that everything that I have learned, every direction I have taken in my research, and everything that is still to be learned, has been guided and nurtured by the Martuwarra, and its people. And for this, I am immensely grateful.

Dr. Magali McDuffie, Researcher.

Introduction

This report has been prepared for the Martuwarra Fitzroy River Council , and is based on historical research carried out by Dr Magali McDuffie, Researcher, for her PhD Thesis Dissertation titled '*Jimbin Kaboo Yimardoowarra Marninil: Listening to Nyikina Women's Voices*' (McDuffie, 2019), from which content has been derived. Instances of these citations are indented in the report text, and also contain direct quotations within inverted commas.

Whilst the nature of past and present connections of Aboriginal people to the Fitzroy River has been examined extensively, in particular through native title processes and anthropological studies, not much has been written on the original state of the River Country at the time of colonisation - this report is attempting to rectify this gap. This document reviews historical and archival sources: it does not explore anthropological considerations, such as ceremonial life, creation stories, or customary practices, which have been examined at length in past and contemporaneous anthropological works. The report also does not delve into ecological considerations, presenting only historical facts relative to the appearance of the landscape, within the broader political and social context of the time. This is no doubt an aspect that should be given due consideration in a subsequent study, in terms of its significance in understanding the evolution of the Fitzroy River's natural environment over the past 140 years of colonisation.

According to McDuffie (2019),

(...) when the first British penal colony was established in New South Wales in 1788, De Vattel's Law of Nations was still the main influence on international law (De Vattel, 1797). Privileging the notion that cultivation was the main factor underpinning the concept of private ownership, newly discovered territories could be deemed to be Terra Nullius under the Doctrine of Discovery. In essence, "wandering tribes," as they were seen, were not considered as Landowners (Hinchy, 2015, pp. 28–29), and colonial powers could lay claims to territories whose inhabitants were not subjects of a European Christian Monarch (Miller et al., 2010). Colonial Australia's legislative system was therefore built on this premise, overturned only, to a certain extent, with the Mabo Case (Mabo v. Queensland (No. 2), 1992). This legal power of English law over Indigenous Law, and the denial of the existence of a very distinct, complex, and adaptive Aboriginal Law, were a direct mechanism in the forced assimilation and destruction of Australian Aboriginal cultures, and the injustices faced by Indigenous people up to the present day (Hinchy, 2015, pp. 57–59).

The concept of *Terra Nullius* dictated that Australian Aboriginal people were only seen as hunters and gatherers, moving through the country from one season, or one food source, to the next. Authors such as Bill Gammage (2011) and Bruce Pascoe (2018) have challenged this myth. Their vivid depictions of the Australian land and Aboriginal agricultural practices², before European arrival, through early explorers' diaries, paintings, anthropological and ecological accounts of Aboriginal people past and present (Gammage, 2011; Pascoe, 2018), paint a picture of finely tuned Aboriginal life-ways.

To a certain extent, this report seeks to produce a similar, albeit more concise study about the Fitzroy River (*Martuwarra*) region of Western Australia. By examining early explorers' and anthropologists' accounts, scientists' and travellers' notes, depictions, and drawings, one can gain a deeper understanding of the early state of the Fitzroy River Country, and of the relationship of Kimberley Aboriginal people with their Country prior to colonisation, seeking to address:

- How were Kimberley Aboriginal people living prior to white people invading their territories?
- What was the natural state of the Fitzroy River region landscape?
- In terms of their Country's health and of the abundance of food sources, wildlife, fauna and flora habitats, how much did Aboriginal people lose through the colonisation process?

The report seeks to examine the impacts of colonisation, more particularly pastoralism, on the *Martuwarra* Country and its people and concludes with the contemporary voices of *Martuwarra* people. In doing this, one must note the at times highly disparaging tone of the European explorers, the dark deeds they committed, and their racist expressions and bias, which may offend some readers.

This report provides an extensive, period-specific historical account of the *Martuwarra* people's connections to their Country as a point of departure and a premise for discussion contrasting Aboriginal perspectives and the development lens of the State. In doing so, this report also juxtaposes the events of the past with the continued contemporary imposition of development strategies still at odds with Aboriginal life-ways.

² One should note that the term "agricultural" has been challenged by both Indigenous and non-Indigenous academics who refuse to be associated with the notion of intensive, and at times destructive, Western agricultural practices, which they deem to be entirely different from their own regimes of care and maintenance of Country (Grieves, Personal Communication, 2019).

1.0 Global Historical Context

In order to better understand the content of early historical materials, this report must first be framed within the context of the time. In her PhD thesis, McDuffie presents the following analysis of the 19th and early 20th century socio-political concepts underpinning the European colonising enterprise:

The colonisation process cannot be seen as happening in a space and time-vacuum of its own, isolated from other world events or political theories, or even epistemological beliefs. It is indeed very much steeped into the economic rationale and the “high modernist” context of the period (Scott, 1998), which followed the later stages of the industrial revolution in the mid 19th century.

Spurred on by a supreme self-confidence about continued linear progress, the development of scientific and technical knowledge, the expansion of production, the rational design of social order, the growing satisfaction of human needs, and, not least, an increasing control over nature (including human nature), commensurate with scientific understanding of natural laws (Scott, 1998, pp. 89–90). Western Europe and North America’s ethnographic visions of progress came to rest in their unquestioned ability to reach ever-higher stages of human society. The perception was that “only through material advancement could social, cultural and political progress be achieved” (Escobar, 1995, p. 39). (...)

One of the main drivers of colonisation was to make the mother country even greater, both in wealth and in power. In the Western Australian context, early “expeditions of discovery” (A. Forrest, 1880; Grey, 1841; Stokes, 1846) were not only the individualistic endeavours of courage, hardships and exploits in foreign lands that the public loved to hear (Crowley, 1981), they were also encouraged and financed by governments eager to find new territories to boost their economic wealth and power. Knowledge of their newly claimed territories was of paramount importance (J. Forrest, 1875): “...making uncharted places and people more ‘legible’, or ‘manipulable’, through detailed observations and maps, also meant a greater control over them” (Scott, 1998).

By the later stages of the industrial revolution, the dichotomy between the human and the natural world was well established: "... by mastering nature, humans had affirmed their uncontested superiority over all things" (Scott, 1998).

The more nature was conquered and tamed, the less humans depended on it. Progress was closely linked to the growing separation of humans away from nature (Blaser, 2004, p. 27), moving from a nurturing, reciprocal relationship, to one of exploitation (Shiva, 1999, pp. 206–207).

Parallel to this, as nature became "natural resources", seen only in terms of potential commercial potential, people became "human resources" in order to provide the skilled labour necessary to exploit these resources (Shiva, 1999, pp. 211–212). Starting with the factory workers in the 18th and 19th century, humans had to become "fit for the machine": *homo laborans* could only realise his full potential as a human being through work, and by fulfilling the requirements of mechanical production (Gronemeyer, 1999, p. 57).

More than an ideal, progress had become human destiny (Sbert, 1999, p. 197). By the end of the Victorian Era, when the Kimberley was being colonised, a virtuous man, as dutifully inculcated by the church and the schools, was the good worker who displayed all the qualities of a clock: "discipline, accuracy, order, diligence, neatness, stamina, and punctuality" (Gronemeyer, 1999, p. 57).

Poverty, or what was perceived as poverty in European eyes, was interpreted as laziness, or refusal to work (Gronemeyer, 1999, p. 58) and in Western terms, the commercial imperative of productivity was the key. The new territories, conceived of as 'virgin' with the concept of *Terra Nullius* mentioned earlier, were solely viewed through an economic lens, and for how they could be developed and rendered productive. All the settlers saw was "problems, darkness, and chaos" that needed to be fixed (Escobar, 1995, p. 56).

Because Indigenous people were deemed to be so close to nature, and were not "productive" in European terms, their treatment was justified, as like nature, they had to be dominated and tamed (Blaser, 2004, p. 27).

If cultures were interpreted as a chronological succession of stages in civilisation, then in Indigenous cultures, the “savage” had to “grow up” and become civilised (Sachs, 1999, p. 104). Because Indigenous societies were deemed to be in the “infant stage” of human development, they could only be saved by superior Western advancements and achievements (Escobar, 1995, p. 30).

The moral power of traditions represented a threat “to the expansion of the market, industry, and the modern state” (Sbert, 1999, p. 197), and they therefore had to be subsumed by the dominant societies in the quest for progress:

“Since the technological revolution is itself irresistible, the arbitrary authority and irrational values of pre-scientific, pre-industrial cultures are doomed. Three alternatives confront the partisans of tribal values and beliefs. Resistance, if sufficiently effective, though it cannot save the tribal values, can bring on total revolution. Or ineffective resistance may lead to sequestration like that of the American Indians. The only remaining alternative is that of intelligent, voluntary acceptance of the industrial way of life, and the values that go with it” (Ayres, 1962, in Sbert, 1999, pp. 194–195).

This Eurocentric vision of humanity, together with contemporaneous notions of ‘progress’, underpinned not only the construction of the Aboriginal ‘Other’, but also the way in which the Kimberley was perceived, written about, and ‘constructed’ by early explorers and subsequent settlers (Said, 1978).

Most early writings focus on the potential for commercial development of the newly ‘discovered’ Kimberley region. Detailed observations of Aboriginal people are few and far between, upholding the contemporaneous social Darwinist vision of the ‘primitive’ versus the ‘civilised’ European.

The initial view of Aboriginal people as ‘untutored’ (Stokes, 1846) and defenceless beings, recalling the image of Dryden’s noble savage (Dryden, 1808), is most often presented in the accounts of early explorers. Europeans would fixate on what they thought was a reflection of themselves in prehistory, a ‘remnant’ of the first stage of humanity (British Pathé, 1932; Crawford, 2001, p. 7; Prichard, 1843) – a ‘primitive’ race of people, who had failed to evolve and who were therefore in dire need of the civilising values of European culture.

During his expedition along the north-west and north coast of Australia for the Dutch East India Company in 1644, Tasman described the inhabitants as “possessing rude canoes made of bark of trees, but no houses; to live poorly, go naked, and eat yams and other roots” (Battye & Fox, 1915, p. 4).

Two centuries later, William Dampier, alighting in what is now known as Cygnet Bay, in the north-western corner of King Sound, infamously declared that:

“the inhabitants of this country are the miserablest people in the world (...) have no houses and skin garments, sheep, poultry and fruits of the earth, ostrich eggs, etc. (...) they differ little from brutes (Battye & Fox, 1915, p. 5; Collins, 2018).

In a similar fashion, Stokes’ writings highlight the perennial Eurocentric interpretation of people’s simple lives as one of deficiency, poverty and primitiveness: “... if the principles of science are admitted to be true, these savages are woefully deficient in all the qualities which contribute to man’s moral supremacy” (Stokes, 1846, p. 89).

One should note here that the ‘poverty’, ‘penury’ or ‘scarcity’ that some early explorers perceived existed very much in the eyes of the beholders only: with the notion of poverty defined exclusively through a Western lens, people were perceived as ‘lacking’, as experiencing some kind of ‘deficit’, or ‘deficiency’ (Gronemeyer, 1999, p. 54; Rahnema, 1999, p. 159).

Anything which did not belong to the modern Western knowledge system was marginalised or disqualified (Apffel-Marglin, 1990, in Escobar, 1995, p. 13). Thus, the ‘poor’ of the world, including traditional peoples, were asked to become aware of their ‘predicament’ and to understand the ways in which high standards of living, and ‘superior civilisation’, had been reached by European countries (McDuffie, 2019).

Never for a moment doubting this seemingly uncontested European superiority, on reaching the Fitzroy River mouth, Stokes enthused:

I prepared to enter upon the exciting task of exploring waters unfurrowed by any preceding keel; and shores, on which the advancing step of civilization had not yet thrown the shadows of her advent, nor the voice of that Christianity which walks by her side through the uttermost parts of the earth. (Stokes, 1846, p. 121)



Figure 3: *Natives of Western Australia (Frontispiece)* - (Stokes, 1846).

These representations continued to prevail right through the end of the 19th century, and the first half of the 20th century. In 1910, the infamous Mjoberg (see page 35 for an expanded account of Mjoberg's 'dark deeds') expresses the disparaging opinion that Kimberley Aboriginal people have not evolved because of their isolation:

Those who have lived in the northern parts of Australia especially, know what a God forsaken country it is. There are cases of white men, who already, in less than half a lifetime, have been pushed to the ground and sunk to a level, clearly lower than the blacks - who lived in these areas for thousands of years and had been kept at the older stone-age phase by the power of circumstances (...)

(cont.) There are no temptations to progress. They have never had any incitement to measure their strength against enemies in the form of other people. This latter fact has perhaps been more decisive than anything regarding their development. Isolation has at all times meant stagnation, if not regression (E. Mjoberg, 1915; 2012, p. 133).

As McDuffie (2019) further states, these representations were far from isolated:

In 1915, Sir Arthur Keith even went as far as describing Aboriginal people as being “more primitive than any form of fossil man yet found in Europe” (Crawford, 1981, p. 11). Calvert’s book on his journeys through North-Western Australia in 1897 upholds the white supremacist views of the time:

“... The feeling and demeanour of humility that so strongly characterises the dusky servitor, appears to be attributable to the moral force which is more or less unconsciously exerted by the European, who, as the heir of ages of enlightenment, of intellectual growth, and also of muscular development, makes him, in the estimation of the savage, the personification of powers, and of energy of a kind to which he feels that he can lay no claim (Calvert, 1897, p. 255).

Yet in spite of their Eurocentrism, early explorers’ diaries do provide researchers with extremely useful information about the state of Australia prior to European invasion, as works such as *Dark Emu* (Pascoe, 2018), and *The Biggest Estate on Earth* (Gammage, 2011) have demonstrated.

The vivid descriptions of the landscapes they encountered in the Kimberley tell of a country teeming with an abundance of game, fish, roots, vegetable foods, fruit and water resources, and of people living at the rhythm of seasonal and ceremonial cycles. Their observations have been summarised in the next parts of this report.

2.0 Early Years (1838-1922)

2.1 A Land of Abundance

John Lort Stokes

By all early accounts, when the first explorers set foot on the *Martuwarra* Country, what they saw and reported on was an abundance of fauna and flora, a 'rich' country in terms of the opportunities it would afford new settlers. Seen through the lens of development and productivity, landscapes were depicted in terms of 'resources': grass was good for sheep and cattle, game would sustain a growing population of settlers, water would support irrigation and agriculture, and geological features were all potential mining opportunities (Hardman, 1886).

When Stokes set sail on the H.M.S. Beagle in 1837, under the command of Commander and Surveyor John Wickham, he was under instructions to survey the Dampier coastline, between Roebuck Bay and Cygnet Bay, in order to ascertain the existence of a major river in the region. Upon alighting on Valentine Island (*Malabooro*), he was pleasantly surprised by the tropical vegetation:

(...) We landed, and struggled for a good mile through a mixture of deep mud and sand, drifted, at the coast line, into the hills of from twenty-five to thirty feet high, and bound together by a long coarse grass; immediately beyond which we came upon a small lake of freshwater, where all the luxuriant growth of tropical vegetation was starting into life, and presenting an almost miraculous contrast to the barren sterility, that stamped an aspect of changeless desolation upon the rest of this inhospitable shore (Stokes, 1846, p. 122).

Stokes found that game was abundant and easy to get on the island:

During the afternoon I shot over the island, and enjoyed some very fair sport; especially with the pheasant-cuckoo, and quail, large and small, which were numerous: several birds not unlike the so-called crow of the Swan River colonists were seen. We found no fresh water, but in addition to the abundance of game, the presence of the natives, proves the island to be not wholly destitute of this first requisite of life (Stokes, 1846, p. 125).



Figure 4: John Lort Stokes (Pearce, circa 1879).

The flora the men encountered was seen as a potential development opportunity, where Indigenous people were seen to have “failed”:

During our walk we noticed the wild oat in great abundance. This valuable species of corn is then indigenous to this part of the world. Ere long, perhaps, the time will arrive when upon the coast, where now in native negligence ‘it springs and dies’, it may spread the white and glistening garment of cultivation – testify the existence – and promote the comfort of social life (Stokes, 1846, p. 125).

After renaming the *Martuwarra* “Fitzroy River”, Stokes and his crew sailed up the river as far as they could. Stokes remarked on the absence of human habitations along the river banks, and on the absence of animal life, apart from curlews and plovers (Stokes, 1846, p. 135; 146), which may have been due to the expedition taking part towards the end of the wet season, during February and March.

Those who stayed behind at their encampment had a vastly different experience:

Our sportsmen had been actively and successfully employed during our absence, having shot a great number of quail; they had seen two emus, and Messrs. Bynoe and Dring had obtained several specimens of rare birds, all of which are now figured by Mr. Gould in his *Birds of Australia* (Stokes, 1846, p. 135).

The description of the alluvial plains along the river would be echoed by Forrest's detailed accounts of the landscape some 40 years later: mainly flat, grassy plains sprinkled with solitary trees or clumps of trees, or open woodlands (Stokes, 1846, p. 146) inhabited by a large number of birds:

In the evening we made an excursion into the interior. It was one vast unbroken level, covered with a strong and wiry grass, intersected with numerous water-courses, which the tide filled at high water, there were also indications of more important, but less regular, visits from the sea. Here and there a solitary tree assisted us in estimating the distance we had walked. We saw two emus in this plain, which appeared also a favourite resort of quail and bronze-winged pigeon (Stokes, 1846, p.140).

James Martin & Frederick Panter

James Martin wrote an account of two voyages to the Glenelg River (Martin, 1864). The expedition travelled on the schooner *New Perseverance* and under the lead of Frederick Panter. It was originally supposed to travel from Roebuck Bay to the Fitzroy River and investigate the potential of the "*provincia aurifera*" – the "gold province" (Martin, 1864).

However, owing to a slow voyage from Brecknock Harbour, and delays due to boat repairs, much to Martin's regret, they were unable to complete this stretch of their exploration. The expedition stopped in Roebuck Bay and Cape Villaret, and travelled 50 miles inland (Martin, 1864, p. 75). Martin described the country they went through as being "sufficiently well grassed" (Martin, 1864, p. 72), albeit of inferior quality to that of the Glenelg River. However, mention is made of the luxuriant, green grass growing on the alluvial plains, a country "well-fitted for the keeping of any kind of stock" (Martin, 1864, p. 75).

Of the Roebuck plains, Martin said:

These plains are well-grassed and will feed a large number of stock, the soil near our halting ground is alluvial of a deep black color, consisting chiefly of decomposed vegetable matter, with little sand. To the eastward these plains extend as far as the eye can see gradually increasing in breadth (...) If we could only spare 3 or 4 weeks to work we could doubtless now reach the Fitzroy in this direction with our present resources (Martin, 1864, p.7).

Martin estimated the Roebuck Bay district to be 2,112,000 acres, with a capacity to carry more than 1 million sheep (Martin, 1864, p. 82). Panter described the land in the vicinity of Roebuck Bay as bearing “favourable comparison with some of the best runs in Victoria” (Panter, 1864).

The flora was a perpetual source of wonderment for Martin, who vividly described the scents of wild flowers and shrubs encountered along the way:

Nearly every tree and plant in flower yields a strong and grateful odor – the dwarf myrtle, so common here, perhaps has the most powerful odor, but some of the acaciae and small shrubs possess scents exquisitely beautiful. The perfume of the heliotrope, the violet, clove pink, the rose, the stock – were all recognised; but many others although delicious were such as could not be likened to that of any commonly known plant or flower (Martin, 1864, p. 75).

The account also makes mention of pigeons, kingfishers (Martin, 1864, p. 76), cockatoos, cranes, kangaroos, turkeys (killed to feed the expedition’s members) (Panter, 1864), snakes, numerous and echidnas (taken for further scientific examination) (Martin, 1864, p. 82).

Alexander McRae M.L.C.

Three years after Martin and Panter’s voyage, in 1866, the McRae’s expedition travelled up the Fitzroy River. Its purpose was to “... find a good practicable route in view of the stock belonging to the Roebuck Bay Company being taken to the Fitzroy” (Logue, in McRae, 1881). McRae is widely considered to have been the first white man to cross the Fitzroy River (K. Forrest, 1996).

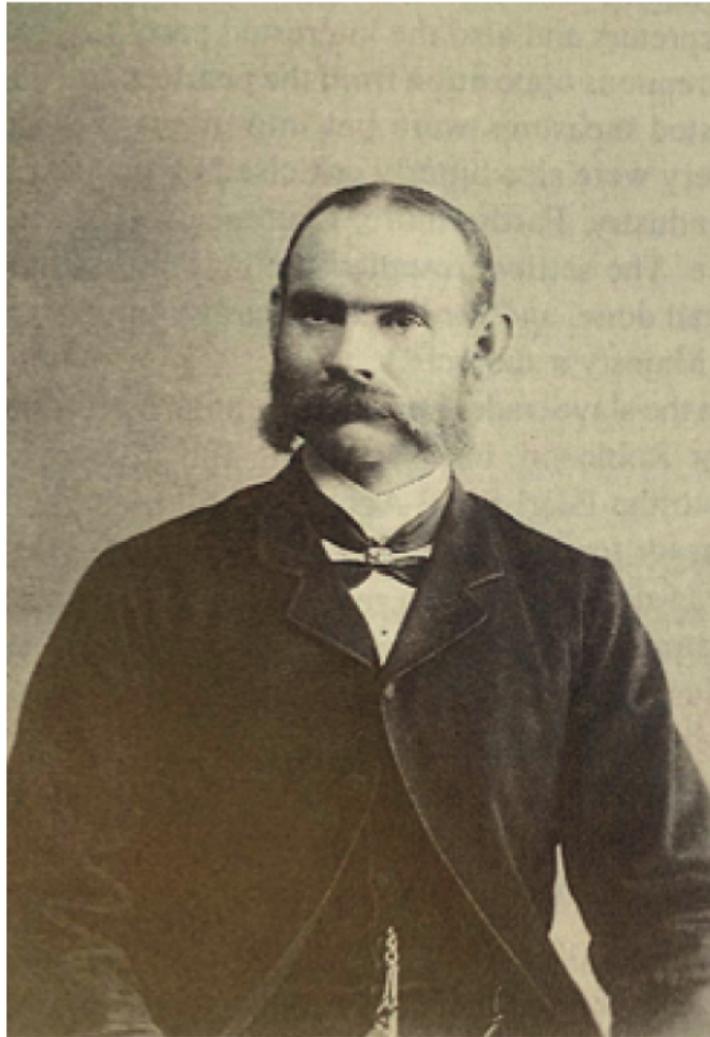


Figure 5: Alexander McRae, M.L.C., 1866 (K. Forrest, 1996).

McRae's account was not published until 1881, when it was released by the Colonial Secretary's Office for general information. Like his predecessors, McRae enthuses about the luxuriant grass growing on the floodplains of the Logue, which he named, and the Fitzroy:

The country along the river is lightly timbered and well grassed (...) The river now widens out into a clear broad reach 100 yards wide, swarming with ducks and other wild fowl (...) The country passed over this evening was mostly open plains, extending a couple of miles back from the river, well-grassed (...) (McRae, 1881, p. 2).

After crossing a rich alluvial flat for a mile, where the grass grew so strong that our horses had as much as they could do to wade through it, we struck the Fitzroy River running to the N. by W (McRae, 1881, p. 3).

I may add in connection with the country seen on and about the Fitzroy River... is the best I have seen on the N.W. (...) The principal timber was white and flooded gum, with two kinds of wattle, the baobab also grows here in great luxuriance, one monster measured 13 and a 1/2 feet in diameter. The principal game seen was ducks and other waterfowl and pigeons; the former were found in swarms on every sheet of water (McRae, 1881, p. 3).

News Articles

Aside from explorers' diaries, various expeditions' accounts were published in the newspapers of the time, and avidly consumed by readers eager to read about the latest developments in the colony. In 1866, the same year as McRae's expedition, the Perth Gazette and West Australian Times printed the following excerpts from Hall's letters:

An expedition to the Fitzroy has succeeded in reaching that river, which is by far the largest river on this coast, and I think will ultimately turn out of great importance; the soil appears rich, the grass the most luxuriant ever seen by any of the party, and water good and abundant. The country is described as low, but with sufficient elevated sites for building purposes; high hills were seen in the distance from the banks of the river, on which the party stayed a part of two days. The good country apparently extended a long distance. An expedition to the Fitzroy River found a good country with an abundance of fresh water; plenty of game in the shape of wild ducks and pigeons, but no kangaroo. (...) We have cut about four tons of grass hay which the horses appear to eat well (Hall, 1866).

In 1886, the following account was printed in the Western Mail. Using the wet season's "slack time" in the office, Dr Lovegrove, a government employee residing in Derby, enlisted the help of Captain Strachan to explore the lower reaches of the Fitzroy River. They succeeded in navigating the first 50 miles of the river without too much difficulty. In his letter to the Director of Public Works, Dr Lovegrove suggests the river should be open for traffic, particularly with the discovery of gold in Halls Creek, to facilitate transportation, and that the cost of clearing the river of

In his account published in the *Western Mail*, Captain Strachan remarks:

The water here was beautifully fresh, and the river banks on either side were black with whistler ducks, pelicans, storks, curlews, snipes and other fowl. A large number of ducks were shot from the boat by the Dr. and his son (Strachan, Capt., 1886).

Frank Hann

In 1898, new land to the north of the King Leopold Range (now renamed Wunaamin Miliwundi Ranges) was being explored by Frank Hann to assess its suitability for pastoral uses, and its potential for gold mining. Hann reported favourably the presence of “rivers, creeks and lagoons that intersect the whole country” and on the lushness of the natural grasses that surrounded these natural water courses (McLellan, 1983, p. 19).



Figure 6: Frank Hann, (John Oxley Library, State Library of Queensland).

Commenting on the “splendid cattle country” near Mount House (Donaldson & Elliot, 1998, p. 78), Hann marvels at the quality of the country, and vows to return to take it up:

(...) Saw good place for a station. I must try and take this country up (...) I will go right back to Derby if all go well [sic] and take this country up as it is too big a thing to lose but at the same time I doubt if anybody will be out here. I had no idea the country was so good. I never saw a better watered creek in my life (Donaldson & Elliot, 1998, pp. 78–79).

Alexander Forrest

As McDuffie (2019) argues:

The most influential expedition for the Kimberley region was undoubtedly the one led by Alexander Forrest earlier on in 1879, which opened up the region to pastoral occupation (Battye & Fox, 1915, p. 30). Forrest’s report, which mentioned the ‘discovery’ of 25,000,000 acres of country suitable for pastoral or agricultural purposes, as well as potential gold mining opportunities (Battye & Fox, 1915, p. 30), received a glowing reception amongst the pastoralists in the South and East who were hungry for new land.

The influence of the Forrest family was far-reaching – an illustration of the notion that Western Australia’s economic development was inextricably linked, from the outset, to the decisions of lawmakers and politicians who had very strong personal economic interests in the development of the colony and owned pastoral properties themselves (Hasluck, 1942). Sir John Forrest was himself a well-off landholder, having acquired over one million and a quarter acres in the North West with his brother Alexander in 1876 (French, 2010, p. 19). He subsequently worked hard throughout the 1880s, on a scheme to have previous legislation amended to encourage the settlement of the northern areas of Western Australia.

The object of the scheme was to “settle population – a bold peasantry – on the soil; to encourage the agricultural progress of the colony; and while doing this, to give as much security as possible to the pastoral tenant, especially in centres not suited for agricultural development” (Battye & Fox, 1915, p. 36).

Alexander Forrest had served as a second-in-command of Sir John Forrest’s first transcontinental expedition, and was appointed as a surveyor in 1871 (Bolton, 1981).

After a few other expeditions, he planned a six-month exploration journey through the Kimberley region. The exploration party followed the Fitzroy River for 240 miles (A. Forrest, 1880, p. 17), turning North for an incursion to Secure Bay, and retracing their steps back down to the Margaret River, through the King Leopold Ranges, Ord River, and all the way to Port Darwin.

The expedition's fate hung in the balance when they ran out of supplies, had to kill some of their horses, and some expedition members fell sick, but they nevertheless reached (Port) Darwin after a last dash by Forrest and one of his companions to the telegraph station during which they almost perished of thirst.



Figure 7: Members of the Alexander Forrest expedition (State Library of Western Australia).

Coming across pools of water and a tributary of the Fitzroy River, Forrest mentions the thousands of ducks covering those expanses of water (Forrest, 1880, p. 13), and the abundance of game:

The country abounds in game – ducks, turkeys, and cockatoo being particularly plentiful. Those who remained in camp, also, caught an abundance of fish (Forrest, 1880, p. 13).

Near the St George Ranges, the expedition came to:

A splendid grassy plain, intersected by a large dry river which we had some trouble to cross. Continuing through the same kind of country for six miles more, we reached a swamp, very deep and with an abundance of wild fowl, where we camped. From this plain in every direction magnificent level lands extend – the best I have seen yet on the Fitzroy (Forrest, 1880, p. 16).

On the expedition's return journey from Secure Bay, in the King Leopold Ranges, Forrest comments:

Our ration of flour also is very small, and it is fortunate for us that the country abounds so greatly in every description of game, and that the streams are so numerous and so well supplied with fish. Had it not been so, many a time we should have lain down at night with empty stomachs (Forrest, 1880, p. 27).

Forrest's diary, like many of the other explorers of his time, emphasises the magnificence and the economic potential of the Fitzroy River valley. He was later criticised for having exaggerated his depictions of the luxuriant country (Bildad the Shuhite, 1884).

These banks are timbered with Eucalypti of different kinds, with banksia, acacia, and palms, and, like the plains above them, are most splendidly grassed. The country is very similar to that at the DeGrey, and is well suited to any kind of stock, but more particularly horses and cattle; although I feel sure that sheep would do well also. (...) These well-grassed flats apparently stretch back some distance from the river banks, and are here, I should say, about twenty miles wide. The back country also seems to be well covered with feed, and the timber of a very large description (Forrest, 1880, p. 13).



Figure 8: Map of the Alexander Forrest Expedition (Petermann, 1881).

2.2 The Use of Fire

Alexander Forrest

Observing the country near the King Leopold Ranges, Forrest makes an important observation:

Scarce a tree was to be seen on the rolling plains, except along the banks of the numerous streams which traverse them in every direction (Forrest, 1880, p. 27).

The openness of the country points to the use of fire by Aboriginal people as a means to maintain their environment (Gammage, 2011). This is in contrast to the more scrub-like aspect of the country today. Stokes himself relates the following about the Fitzroy River in 1838:

To the westward the country was open; the trees were small and in clumps, with green grassy patches between; but in other directions, it was densely wooded, and on the eastern bank the trees were large (Stokes, 1846, p. 151).

Indeed, Lucy Marshall, Senior Nyikina Elder, often mentions that when she was young, travelling through the country with her family, she could see the whole open country for miles, unlike now (L. Marshall, Personal Communication, 2009). Stokes's and Forrest's observations would be echoed by Hardman in 1884, particularly in his detailed drawings (see illustrations pp. 29-30).

In his book, *The Biggest Estate on Earth* (2011), Bill Gammage analyses early explorers' and settlers' diaries, paintings and testimonies, building a picture of Australia at the time of colonisation not as an untouched wilderness, but as a finely managed continent: extensive grass plains (grass was what the colonisers were looking for hence the constant references to it in early accounts) (Gammage, 2011, p. 188), interspersed with clumps of trees, clear edges between vegetation types, belts (grass lanes or timber lanes), and clearings (Gammage, 2011, pp. 190-210).

Gammage argues that the chief ally of Aboriginal people in the maintenance of their Country was fire, and in no way a haphazard mosaic making, but a planned, precise, fine-grained local caring:

Random fire simply moves people's guesses about game around the country. Effective burning, on the other hand, must be predictable. People needed to burn and not burn, and to plan and space fires appropriately (...). Means were local, ends were universal (Gammage, 2011, p. 2).

Contemporary accounts of Kimberley Aboriginal people still refer to the use of fires to maintain the Country. An ecological interpretation of the historical observations of the *Martuwarra*, Fitzroy River basin, would shed some light on the major environmental changes that have occurred since colonisation. Whilst there is no doubt that the Country has been affected by the lack of burning, one must also take into account the impact of hooved animals, extensive grazing, non-native weed proliferation, and the use of herbicides and insecticides.

Edward Hardman

Edward Hardman became Western Australia's government geologist in 1883, at a time when settlers were interested in the possibility of finding gold fields in the newly "discovered" northern regions. Hardman was sent to the Kimberley in 1883 and 1884 as part of survey parties, and published a report on the geology of the Kimberley district in 1884, which included maps and drawings. Hardman's finding that it was probable payable gold could be found in the Kimberley stimulated prospectors' interests in the region, and the discovery of gold near Hall's Creek in 1885 precipitated the Kimberley gold rush (Playford, 1972).

While the report primarily details the geological aspects of the Kimberley region, the drawings that accompany it reveal a wide, open, grassy country – similar to Forrest's and Stokes's observations. A photograph of Mount Anderson taken in 2009 highlights the contrast between the vast expanses of grass represented in Hardman's drawings, and the more scrub-like aspect of the country today.



Figure 9: Plains on the Fitzroy (Hardman, 1884).



Figure 10: Grant Ranges in the distance (Hardman, 1884).

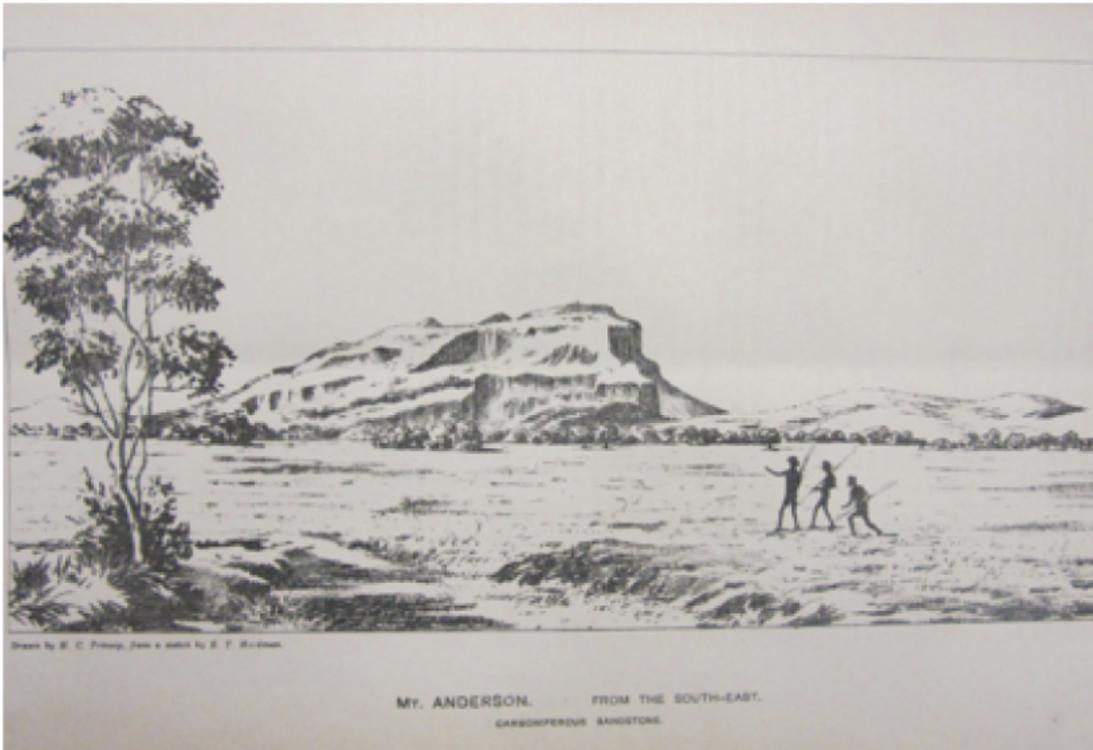


Figure 11: Mount Anderson - (Hardman, 1884).



Figure 12: Mount Anderson (Magali McDuffie, 2009).



Figure 13: St. George Ranges Plains (E. Mjoberg, 1915; 2012, p. 162).

James Martin

James Martin, during his 1864 exploration voyage, also comments on Aboriginal people's deliberate use of fires:

It was well grassed and timbered like the ground passed over in the morning. In places our progress was delayed by fallen trees and dead brushwood, the accumulated result of many years. Bush fires, in the sense understood in southern parts of Western Australia seem not to obtain here. The grass burns with difficulty until after noon, and at night, the first formation of dew arrests the fire or else extinguishes it. Where the natives burn around their wells, we can see the grass is burnt only by dint of firing in many places. Trees are rarely burnt here (Martin, 1864, p. 75).

Alexander McRae

In a similar vein, McRae's account (from 1866), is incredibly significant as it depicts Aboriginal people on the Fitzroy River burning the country and maintaining the land. Riding along the Logue, McRae first remarks that the grass has been recently burned, and that his horses strayed five or six miles up the river because of the grass being burned (McRae, 1881, p. 2).

He then describes the following scenes:

The first two miles of country passed over this morning were thickly grassed, and in many places six feet high; then seven miles of plains of a hard clay were through a lightly timbered country which had been lately burnt and is now covered with fine green grass six inches high; saw 18 or 20 natives on the plain, they were engaged in burning the grass for pigeon's eggs, which are very numerous. We rode up to some of them; they were not armed, and appeared very frightened of us, and tried to hide themselves in the grass (McRae, 1881, p. 3).

W.E. Archdeacon

In 1880, W.E. Archdeacon was sent on a survey mission on the "Meda" to examine Beagle Bay and King's Sound to find suitable anchorage for the purposes of the settlement of the region. He too reports seeing fires being burnt on the country:

From the point reached by the "Meda's" boats a considerable tract of level grassy country was seen gently rising towards a ridge of moderate height, about eight (8) miles to the South East and South. Smoke was seen in this direction for a considerable distance, and the ground near the river had lately been burnt. The whole of this extensive plain appeared to be covered with grass, with here and there a few thick clumps of timber (...)
(Archdeacon, 1880).

Julius Brockman

Julius Brockman, during his 1881 expedition, also comments on the use of fire by Aboriginal people on the Fitzroy River: "... the country having been lately burnt, the grass is green and luxuriant" (Brockman, 1881).

C.J. Gregory

C.J. Gregory also alludes to the country being burned, from observations he made during an earlier expedition in 1887:

The best land exists about 50 miles up the Fitzroy River - fine, undulating plains with a light, chocolate soil and a clay subsoil that holds the moisture. I saw in 1887 about 100,000 acres of dry grass, with some green, burnt off in the month of May, carrying about one ton to the acre, and in a few weeks it all sprouted up again from four to eight inches high without rain, and the stock fattened on it.

The Fitzroy Valley possesses resources that none of the other rivers offer in Western Australia. It runs most of the year with beautiful fresh water, and there are numerous lagoons and billabongs on either side for a distance of upwards of 300 miles. Near the watershed is the Kimberley goldfield, which has not yet been properly exploited. And Freney's oil finds near Mount Wynne. All this is part of the Fitzroy Valley. The soil is very rich among the billabongs, and is heavily grassed, which is regarded as the best in the country (Gregory, 1923).

2.3 Later Explorations: Still a Land of Plenty

Eric Mjoberg

McDuffie recounts the infamous Mjoberg expedition of 1910 (2019):

In 1910, the Mjoberg expedition went through *Martuwarra* Country. Swedish ethnographer and zoologist Eric Mjöberg, a keen entomologist, and the head of the first Swedish expedition to Western Australia in 1910-1911, was in charge of collecting flora and fauna specimens, and making anthropological observations. Against his colleagues' exhortations, and intent on proving his theory of human evolution (that Aboriginal people were "the missing link"), he stole human remains from sacred burial grounds in many different parts of the Kimberley, including Nyikina Country, and took them back to Sweden. He was very open about his bone collecting activities in current Australian newspaper articles of the time (E. Mjoberg, 1911), and later boasted about his macabre achievements, including getting his Aboriginal guides to carry bags of human bones without their knowledge, in his book *Among Wild Animals and People in Australia* (E. Mjoberg, 1915; 2012).

In the 2012 translation of his 1915 account, Mjoberg marvels at the abundance of wildlife, even in the dry season, mentioning bowerbirds (E. Mjoberg, 1915; 2012, p. 91), native companions [brolgas], jabirus (E. Mjoberg, 1915; 2012, p. 92), frilled lizards (E. Mjoberg, 1915; 2012, p. 93), bustards (E. Mjoberg, 1915; 2012, p. 88) and goannas (E. Mjoberg, 1915; 2012, p. 79).

The beauty of the country, and an abundance of wildlife, appear to make a strong impression on him:

What an idyllic place this small oasis is. The dense freshwater mangrove bushes with their fruits attached on long threads and beautiful, long-stemmed clusters of flowers throw a dark almost sullen shadow over the water. The eucalypts stand with their blue-green crowns leaning against each other forming the leaf canopy. The whole seems so perfect as if it were woven with care by a human hand, and yet, how originally wild and informal this is! Here in undisturbed peace, play the blue-dewy dragonflies and other winged beings. A large, yellow-banded, long legged pond-skater crosses the water surface and soon falls victim to my net. At the water edge small, neat, metallic-coloured species of *Stenus* and all sorts of small animals run, just as dependent on the water, as the bush kangaroos that have literally trampled a path down to the water (E. Mjoberg, 1915; 2012, p. 84).

Later in the book, Mjoberg links the abundance of wildlife to the supposed “inferiority” of Aboriginal people, highlighting the Eurocentric mindset of his time, and the lack of understanding of the complex, finely tuned relationship between Aboriginal people and their Country:

The black aborigine, who certainly came from a wetter climate, probably from the north, was in no way encouraged to settle down and cultivate the earth, so much less as his brain in many cases still does not understand connecting the seed together with the growing plant. No, he became a nomadic type, who, without herds other than his own kind, settled where abundant prey was, and sought new hunting grounds when the old were hunted out.

There was a lot of game, plenty of frogs, snakes, and lizards, grasshoppers and wild honey. Fish in the rivers, kangaroo herds and emu flocks on the plains. The latter he soon learned to master with the help of throwing stick and sharp spears. He learned to live a carefree life by the day. Thoughts of tomorrow forgotten as soon as he was fed.

So he was shaped by the power of circumstances into a type on his own, different from other people. And he still would have lived, happy in his paradise, had not a higher race, the highest, reached and exploited the continent, which before was his own unbounded world (E. Mjoberg, 1915; 2012, p. 135).

Herbert Basedow

Herbert Basedow was a highly qualified scientist and physician, who was invited by a consortium in Adelaide to undertake the investigation of a reported outcrop of scheelite, a rare tungsten mineral, in the Napier Range east of Derby. After his survey was completed in 1916, Basedow took this opportunity to undertake further explorations and scientific investigations in the Kimberley region (Kaus, p. IX, in Basedow, 1916). He travelled from Derby to Meda Station, Kimberley Downs Station, the Lennard River, Barker River, and Napier Downs station before heading to Sunday Island, Wyndham and Forrest River Mission further north. As such, only the initial part of his journey is of interest to this report.

Like his predecessors, Basedow describes, on leaving Derby, the vast plains of grass, echoing Stokes's and Gammage descriptions of a landscape that was carefully maintained through fire:

Mr. Sanders and I penetrated the "Pindan" in the afternoon, collecting, but the tall, rank speargrass (*Heteropogon contortus*) impeded progress, and we reluctantly retired after but a short advance. The grass in places stood from 12 to 14 feet high, and its growth was so dense that nothing could be seen of the landscape (Basedow et al., 1918, p. 15).

We had passed along a natural avenue of acacias - a lovers' walk in the making - when another swamp had to be negotiated (Basedow et al., 1918, p. 17).

Basedow also describes the abundance of wildlife around the May River, just north of the Fitzroy River:

Ironshot sands clothed with Pindan continued unbrokenly for six miles; then we crossed a shallow creek, and before us lay an extensive grassy plain upon which grew, in scattered clumps, tall skimpy acacias resembling, in their outward shape, the larch fir (*acacia suberosa*). As the day was oppressive, we frequently halted to give the horse a blow.

In the crown of a shady tree, we were thus lingering under, several of the tiny yellowish green tits were plaintively chirping as they rummaged the leafy tops. From the seclusion of the tall grass stalks on the banks of the May came rustles produced by the feet of feeling game; every now and then a bustard would rise, or the loud vibrating note of a native companion give warning to his mate. We drew up at nine miles beneath the verdant cover of a spreading baobab tree, opposite Emmanuel Yards. (...)

After a pannican-bath at the billabong we breakfasted, struck camp, and moved onwards, adhering more or less to the course of the May. Laterite and sandy Pindan prevailed. In the bushes numerous crimson-backed Superb Warblers (*Malurus orientatus*) were noted; invariably one cock bird, richly tinted in vivid crimson and jet black, would be accompanied by several of the dull greenish grey hens perkily swaying their tails skyward. We halted for lunch at the Corner Billabong (8 miles). Birds were plentiful and I shot a number for preserving. Immediately south lay a reedy swamp upon the brink of which we counted over fifty native companions (*Mathewsia rubicunda*) and other grallatores which were proudly strutting in quest of food (Basedow et al., 1918, pp. 20–21).

The Easton Expedition

Another account, that of the Easton Expedition, written in 1922, notes that the five members of the exploring party (1920) survived “satisfactorily” on kangaroo, duck, geese, fish and mussels, for the duration of their exploration of the Fitzroy River. The author of the article written about the expedition, “Nemad” enthuses about the “succulent fish” and the river’s surroundings;

There were pleasant afternoons fishing and catching the succulent fish that frizzled charmingly in the frying pan at the evening campfire. There was picturesqueness superabounding in the surroundings – in the freshwater mangroves, with their great glossy leaves that fringed the water courses; in the blended glory of white, pink, blue and scarlet water lilies that half-veiled the lagoons. In the lustre of hibiscus blossom, yellow, red, mauve, and the scarlet blaze of the woolly butt in full flower. But the main points were that water was everywhere and grass feed luxuriant (“Nemad”, 1922).

Summary

In this section, we have examined the accounts of early pioneers and explorers from 1838 to 1922, focusing on their vivid depictions of Kimberley landscapes.

Two dominant impressions emerge from these writings - the first, that the *Martuwarra* Country was not only a land of beauty, but also a land of abundance, harbouring a rich variety of fauna and flora: the mentions of plentiful grass, water, game, birds, fish, and various trees, as seen throughout this section, are consistent and numerous.

The second is that, unlike the way it was represented by the explorers, the *Martuwarra* Country was not a wilderness. Fires had been used by Aboriginal people to shape the landscape over thousands of years - the land of abundance was not only a result of godly intervention, or providence, but of a careful regime of maintenance which was deeply affected by the arrival of the white settlers, and their pastoral practices. This will be examined further later in this report.

Aboriginal people lived in this landscape and maintained it. The following section analyses their early encounters with the colonisers, the evolution of their relations, and the early observations of their ways of living.

3.0 Encounters: Aboriginal People on the *Martuwarra*

3.1 Early Contacts

John Lort Stokes

In 1838, whilst sailing between Roebuck Bay and Beagle Bay, John Lort Stokes remarked on the region being ‘thickly populated’, as “the smoke from native fires was constantly to be seen” (Stokes, 1846, p. 93). Stokes commented on the Aboriginal people living on Valentine Island, who the crew observed from their boat, *The Beagle*:

On landing we found a fire still burning, near the beach, and beside it a bundle of the bark of the papyrus tree, in which were carefully packed a quantity of ground nuts, they were each about three quarters of an inch long, and in shape not unlike a kidney potato [yam]; it seemed clear, judging from the native value of the commodities thus rashly abandoned, that our arrival had rather taken by surprise these untutored children of the wilderness: we saw nothing of them till we had reembarked, when (four or five only in number) they returned to the beach; and we could perceive that our foot tracks, upon which they appeared to hold an animated debate, had, to say the least, mightily puzzled them. I ascended the highest point of the island in the afternoon, and from thence looked over several miles of densely wooded country, but offering no appearance of land to the eastward of SSE. We gazed with indescribable delight upon the wide expanse of open water which lay before us in that direction, and already anticipated the discovery of some vast inlet, terminating in the mouth of a magnificent river, upon the exploration of which our imagination was already busily engaged (Stokes, 1846, pp. 123–124).

Further upstream, Stokes describes another encounter on the river:

The banks were low and covered with a coarse grass. Here we saw three natives, stretching their long spare bodies over the bank, watching the leading boat with the fixed gaze of apparent terror and anxiety. So riveted was their attention that they allowed my boat to approach unnoticed within a very short distance of them; but when they suddenly caught sight of it, they gave a yell of mingled astonishment and alarm, and flinging themselves back into the long grass, were almost instantly out of sight. They were evidently greatly alarmed (Stokes, 1846, p. 141).

James Martin & Frederick Panter

Panter and Martin's exploration party came across numerous "native wells", from eight to sixteen feet deep (Panter, 1864) and "native paths" during their incursion into the interior (Martin, 1864, p. 73; 76). Several parties of Aboriginal people were met, including a group of young men painted up for what Martin surmised may have been a "recent festivity", undoubtedly a ceremony.

The members of the exploration party showed firearms, sugar, spades, matches and horses to the Aboriginal people they met. The author's descriptions of these encounters always emphasise the supposed "superiority" of the white man and the "primitiveness" of Aboriginal people, and of their implements, weapons, and life ways (Martin, 1864, p. 74). An interesting remark indicates that in spite of the expedition's friendly overtures, the people they met would throw away the "presents" given to them (Martin, 1864, p. 81) – even, as Martin mentions, rejecting "useful" objects such as matches (Martin, 1864, p. 74). Martin also comments on the carvings adorning the everyday objects used by Aboriginal people:

The only specimen of native art yet found here are the scoops they use for digging wells; the makers are most lavish in the ornamenting of these implements, carving them all over, inside and out, with oblique and curved lines (Martin, 1863, p. 74).

The Aboriginal people they met were travelling (Martin, 1863, p. 80), hunting (Martin, 1863, pp. 74; 76), getting water from their wells (Martin, 1863, p. 80), collecting honey (Martin, 1863, p. 76), observing the expedition from afar or simply wanting to make contact with the white men (Martin, 1863, p. 77). Ironically, in light of the violent end he met with only a year later, they were described by Panter as timid, harmless and friendly (Panter, 1864). In one, more formal meeting, instigated by the Aboriginal men themselves, an old man insisted on calling Martin "Iago" (Martin, 1863, p. 78), which could be translated as yakoo (brother-in-law)³ – demonstrating, interestingly, that Aboriginal people were endeavouring to welcome the newcomers into their own kinship systems:

During the afternoon, four native men came up to us and we held a conference of not less than two hours' duration; but as neither party understood a sentence of what the other said, it ended in the most amicable manner, as such meetings not infrequently do in other parts of the earth.

³ *Yakoo*: husband; husband's brother; woman's sister's husband (Hattersley, 2014)

At parting we each made the most friendly signs; in the bestowal of gifts the reciprocity was almost entirely on our side; our presents to them consisted of pins, buttons, string, fish-hooks, paper, colored pencils, etc. From them we gained only a limited number of words to add to our vocabulary and those only by dint of no little display of patience. One old man insisted upon calling me *lago* (*yagoo*) (Martin, 1863, pp. 77-78).

Alexander McRae

McRae's account in 1866, on the other hand, also shows Aboriginal people's surprise and fear at these incursions into their country:

There were a few natives on the river as we passed down, who were not a little surprised to see us, and made off in great haste when we fired at some ducks (McRae, 1881, p. 2).

Alexander Forrest

By the time Alexander Forrest began his expedition into the Kimberley in 1879, Beagle Bay was already widely used as a port by the pearling industry (Streeter, 1886). Forrest recounts Beagle Bay people coming into their camp, bringing some fish (A. Forrest, 1880, p. 9), and performing a corroboree for his group. He also indicates being "followed by several natives, some of whom informed us that they intend to accompany us to the Fitzroy" (Forrest, 1880, p. 10).

The guides, speaking in broken English (Forrest, 1880, p. 10) then led the expedition to springs and "native wells" (Forrest, 1880, p. 11). Stopping at Lake Louisa, Forrest mentions the thousands of ducks at the centre of the lake, which he was unable to get to – but states that a number of ducks were brought to the camp the next morning by four Aboriginal men (Forrest, 1880, p. 10). The guides eventually left them when they came to the bounds of their own country (Forrest, 1880, p. 10), possibly from Nyul-Nyul Country to Nyikina Country.

As he progresses further into the interior, Forrest mentions Aboriginal people turning up into his camp, "most of whom have never seen a white man before" (Forrest, 1880, p. 12), and others fleeing at the sight of his party (Forrest, 1880, p. 13), much like McRae's observations. Climbing to the top of a hill which he named Mount Clarkson, on Nyikina Country, Forrest surveyed the landscape and found:

From the top of the hill, which I christened Mount Clarkson, I had a very extensive view of the surrounding country. To the Westward clear grassy plains stretched out to the distance, while to the South the lowlands of the Fitzroy could be seen. Columns of smoke from native fires rose up in every direction, and gave me the idea of a thickly populated country (Forrest, 1880, p. 12).

A similar observation was made from Mount Pierre, on the expedition's return journey from Secure Bay:

In the afternoon, Pierre and I rode to a high sandstone hill about two miles off, from which I took a round of angles, and had a fine view of the country ahead. Native fires were numerous in every direction. I named this hill Mount Pierre (Forrest, 1880, p. 24).

In contrast to other groups the expedition came upon near the Secure Bay area (Forrest, 1880, p. 21), Forrest's depicts Aboriginal people on the Fitzroy River as shy and cautious, and the *Martuwarra* Country as thickly populated:

Two natives came within fifty yards of the camp, but soon went away. A little before dark eleven of them came up and remained until dark (...) Ten natives came up this morning and remained with us all day, many others being occasionally visible in the distance, but apparently too timid to approach (Forrest, 1880, p. 16).

On our way today, we came across an old native man and three children, who made a tremendous noise when they saw us, and seemed to be dreadfully frightened. Farther on we met three women returning to their camp, whose terror deprived them of speech. When, however, we moved on, they commenced shouting loudly (Forrest, 1880, p. 25).

The smokes of natives' fires we saw in every direction, and just before dusk seven of them came to within half a mile of the Camp, but went away again before long, greatly surprised no doubt at seeing so many strange people (Forrest, 1880, p. 26).

Julius Brockman

Later that same year, in November 1879, Julius Brockman brought some sheep to Beagle Bay, and after putting up fences and stockyards, travelled along the Fitzroy and Lennard Rivers - the first of his two expeditions into the West Kimberley.

The depiction of his encounters with Aboriginal people points to Kimberley people being friendly and accommodating, albeit shy at times, particularly women and children. Aboriginal men often guided the white men to water, and offered food to the weary travellers:

We reached the Fraser about 9 o'clock am. at a large brackish pool, just where the river empties itself on to the plain. Four natives came up to us here, who seemed friendly ; they took us up the river about two miles, where the water was better. Here we shot 30 ducks, and gave the natives a feast. A heavy shower fell during the afternoon, so we filled our bags with the only fresh water we had tasted for three days, and then went down the creek again and camped, taking one of the natives with us as a guide to show us the road to the Fitzroy. We kept watch here, as we saw a good many blackfellows amongst the bushes. They, however, did not come within speaking distance.

December 8th. Got off early this morning, steering about east to the Fitzroy, which the natives told us we should reach by dinner time. The country here is open, with sandy rises, lightly timbered, but pretty well covered with short grass, which at present is very dry (...)

Flood-marks were observed, 3ft high, for nearly a mile out from the Fitzroy river, which we reached at 11 am (...). We camped near a large crowd of natives; the women and children made off across the river, but the men and boys stayed with us for several hours, bringing us fish, for which we gave them some damper. They told us that there were alligators down the river, so I took my rifle and walked down for nearly two miles, but did not see any.

We tried to cross the river here, where it is about one hundred yards wide, and shallow; but it was too boggy, so we followed it down a mile and crossed at a wide sandy ford, where the water was running fresh and strong, two feet deep and about fifty yards wide. We then travelled in an easterly direction between eight and nine miles over a level plain, well grassed and void of trees, except towards the beach, where we saw a few bean trees and cork bark. We came at last to a deep wide creek which we could not cross, and here we met twelve natives, fine-looking men, who took us over to a lagoon of fresh water, where we camped and shot some ducks. The country passed over today was composed of a good rich soil, similar to the Irwin Flats, but no doubt subject to floods in the rainy season.

(cont.) *December 9th.* - We gave the natives some flour this morning and left them. Taking a boy with us, we crossed the creek and followed it up on the Eastern side for four miles. Here the country gradually rises to the East, and is well grassed and timbered. We turn now to the Southward, through beautiful country, till we struck the Fitzroy, and, crossing at a deep ford, we camped on the opposite bank for dinner. Saw fresh tracks of an alligator on the river sand. After dinner we followed the river up, until dark, and camped on the bank, amongst large York and red gum trees. We travelled about 25 miles to-day, through good country.

December 10th. We sent the native boy back this morning, and struck out Westward for two hours, which brought us to lighter soil, covered with intermingled soft spinifex and grass. The doctor and I climbed a large baobab tree, and could distinctly see the plains on the Fraser, and the range of hills beyond, the country intervening showing alternate sandy ridges and gum flats thinly grassed and timbered (Brockman, 1880).

A member of the same expedition party, Paterson, also wrote his own journals, making similar observations:

On the 25th [November] Messrs. Brockman, Paterson, Cornish, Withnell Taunton, and a native started on a trip to the Fitzroy, and reached the Fraser River, which was dry, [the] next day. On the 27th, there was some little difficulty in advancing owing to want of water. We pick up the journal on Sunday, November 28th. Making an early start this morning, we passed Mount Clarkson on our right, travelling six miles to a freshwater river-bed and marsh, through a perfectly treeless stretch. The country now began to wear a different aspect. Hitherto, except for a few flats upon the Fraser, we have passed over nothing but sandy ridges, thickly timbered with wattles and gums, fairly grassed, but badly watered. Travelling on, we struck the Fitzroy six miles from its mouth, but, finding the water salt, we went on a few miles higher up, when we came upon some natives, fishing, who followed us, helped us to find water for ourselves and horses, and were very friendly. In the afternoon I shot 30 ducks, much to the delight of the natives, who carried them to our camp, and remained with us all night.

Nov. 29th. - Brockman and I went fishing while breakfast was getting under weigh, and caught a dozen decent-sized fish in a very short time. We followed the river flats through the forenoon, and shot a number of ducks in different waterholes. The country was well grassed and, the soil good.

(cont.) I noticed flood marks at least 10 feet above the flats, but fancy the water does not often rise to such a height. Our native guides still accompanied us, and they took us to a lake, about seven miles from the river, where we camped. The country round this lake, in places, is stony, but well grassed and lightly timbered.

Tuesday, Nov. 30th. - This morning we found another permanent lake about 4 miles S.E. from the one at which we camped last night! Continuing our course we saw some natives, hunting, who at once came to us and accompanied us to the river. We crossed over to the Eastern side and went as far as Mount Anderson, passing several permanent pools on the flats, and some of the very best grass I have ever seen. At the Mount we obtained our supply of water from a beautiful spring, situated in a cave on the Northern slope (Paterson, 1882).

Demonstrating, again, the willingness of Aboriginal people to support the white men in their exploration surveys, Captain Strachan's own diary mentions several Aboriginal men accompanied him on his boat, travelling fifty miles upstream on the Fitzroy River, even negotiating with one of the men to keep his son until they reached the river mouth:

The Dr. engaged the natives to accompany us, believing their knowledge of the river would be serviceable, through the interpretation of Capt. O'Donohue. Landed the two native men at midday near the Yeeda station, but with the consent of Dr. Lovegrove and his (the boy's) father, retained the boy Jimmie, a lad of 9 or 10 years (Strachan, Capt., 1886).

In 1910, the Mjoberg expedition also used two Aboriginal men, Charlie and Snoki, who guided them through the Country around the *Martwarra* River, and up to the St George Ranges.

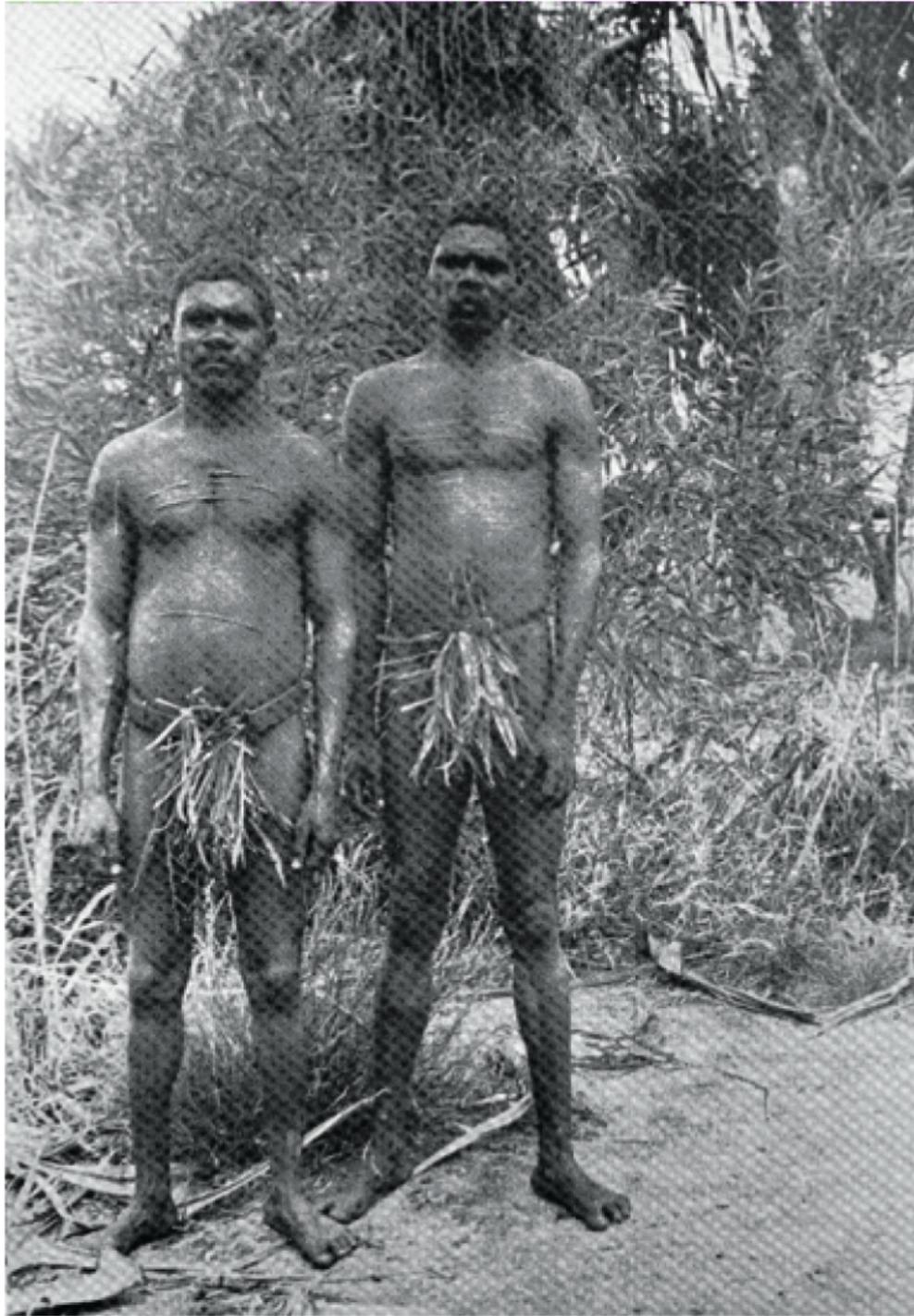


Figure 14 - Guides Charlie and Snoki (E. Mjoberg, 1915; 2012).

In 1922, the author of the article about the Easton Expedition, “Nemad”, also comments on the good health of Aboriginal people encountered in the region:

The party had no collision with the natives, had, in fact, seen very little of them. Though native smoke signals were seen and cooees heard at almost every camp, the blacks kept as much as possible out of the sight. They were not hostile, but suspicious. Tall, lusty, well-developed niggers – one was over 7 ft. high, well-proportioned and muscular at that. They had every right to good physique, their food supply being so abundant and varied. Game – red and grey kangaroos, ducks, geese, and native companions – abounded on the water fringes. The timber was alive with small birds, pigeons, finches, etc. Iguanas, lizards, reptiles of all sorts from the python to the green tree-snake, afforded variety in the aboriginal menu. The nuts of the pandanus, which fringed the river banks, the kernels of the mighty baobab nut, the roots of the ever-abounding water lily, and a wild grape of very pleasant flavor, afforded vegetable food: while the big freshwater mussels and fish in shoals were available in the streams (“Nemad”, 1922).

White incursions into the River Country became more and more numerous - and as white men brought their cattle, sheep, and fences with them, it soon became apparent they were here to stay. In his journal, published in 1882, Paterson says:

Arrived at the river about noon, and in the afternoon followed it in search of a high ridge with good feed for the sheep. We selected our resting place near a bend on the north end of the flats, and about a hundred yards from the river.

March 19th. As our journey, for a season, has now come to an end, our present work is to form a comfortable camp, a sheep-yard being the first item. It is also necessary to look out for a supply of fish and fowl to help out our dwindling rations of flour (Paterson, 1882).

As McDuffie argues (2019):

Once the inevitable march of “progress” had begun in the Kimberley, it seemed nothing was going to stop it. The opening up of the region was swift: numerous applications for grazing land in the new territory were received (Battye & Fox, 1915, p. 32), and by 1883, a survey by Surveyor-General John Forrest revealed that eight pastoral stations were already in existence. Two port sites, Broome and Derby, were selected and named in 1883 (Battye & Fox, 1915, p. 36) and the two town sites proceeded to grow quickly.

(cont.) In this, surveying was a form of conquest: the mapping process, and the Torrens system of land titling, conveniently enabled parcels of land to be sold quickly to the new settlers while totally disregarding the Aboriginal perceptions of land, country and territories (Scott, 1998, pp. 49-51).

The impacts of the pearlers, pastoralists, and police, on the lives of Aboriginal people of the *Martuwarra* river will be examined in section 4. In this next part, we will explore the relationship of Aboriginal people with their Country, examining the accounts of an important figure of the time, Daisy Bates, who lived with Aboriginal people in the Broome and Fitzroy River regions for three years at the turn of the 20th century.

3.2 Living Off the Country: Native Foods

Early explorers', pioneers' and anthropologists' accounts point to Aboriginal people living in close connection with seasonal cycles, following clearly established hunting, fishing, and food preparation practices. The *Martuwarra*, Fitzroy River, is described as a country of abundance, with numerous native foods.

Julius Brockman

Julius Brockman, on his second expedition on the Fitzroy River in 1881, states the following:

May 4th. - Started at 11 a.m, for the Fitzroy River, accompanied by Messrs. Collins, Bryan, and Boulton, and reached Lake Louisa soon after dusk, where we camped. The lake is now nearly dry, there being only about eight inches or water in it. We obtained a few water melons, which were acceptable ; the natives had however forestalled us, and cut up what they could not eat and strewn the place with them.

Baobabs are plentiful on this side of King's Sound. We obtained a good many of the nuts, or fruit, which are very good eating, either raw or cooked. The natives seem almost to live on them ; they also cut into the young trees and eat the inner soft wood, which tastes much like sugar cane. In many places where there is no water they live for days on the baobab juice (Brockman, 1881).

Daisy Bates

One of the most interesting accounts of the lives of Aboriginal people in the West Kimberley region comes from Daisy Bates's observations and notes, which have been analysed in detail in McDuffie's thesis (2019):

Daisy Bates first went to the Kimberley in 1900, after becoming acquainted with Bishop Gibney in Perth and developing a passion for his cause. She convinced him she would support his missionary activities by writing articles on the condition of Aboriginal people in the Trappist mission of Beagle Bay (Salter, 1972, pp. 78–79). Her detailed articles for the Journal of the Department of Agriculture became an instant success, published by both English and Australian newspapers (Salter, 1972, p. 90). She was to spend a further two years in the region, when her husband, Jack Bates, became the manager of Roebuck Plains Station in 1901 (Salter, 1972, p. 90). And whilst mostly referring to “Broome Aboriginal people” in her papers, the extent of her writings actually covers the country between Broome, the Dampier Peninsula to the North, and the Lower Fitzroy River to the East (...)

Daisy Bates came from the generation of ethnographers who believed that Aboriginal people were a doomed race, and as a consequence, set about to record as much as she could of their “primitive” lives before they disappeared - typical of Wolfe's “evolutionist anthropologist” (Wolfe, 1999).

Whilst Daisy Bates was not a trained anthropologist, and indeed made many statements which outraged contemporary anthropologists and the public at large, her early observations, in particular, are worthy of interest, if not just for the considerable amount of time she spent with people, and the surprising extent of her records. The bulk of her notes for her intended book on *The Native Tribes of Western Australia* (Bates, 1985) which was edited by Isobel White and published after her death, comprises 99 folios spread in 53 boxes at the National Library of Australia, and was written between 1901 and 1912.



Figure 15: Daisy Bates (Traynor, 2018).

Daisy Bates had indeed spent an extensive amount of time on the Fitzroy River and in Derby, and referred to Nyikina people as the “*Wallungaree*” people, spelt in a variety of ways: “east of the Waddiabbulu were the Waiung-arri of the Mount Clarkson area. The eastern boundary of the Waiungarri was the Fitzroy River, at its mouth” (Bates, 1985, p. 60).

Bates was referring to the Nyikina *Warloongariy* ceremony, using the ceremony's name to describe the people who practiced it. A thorough search of her notes then revealed almost one-hundred pages of observations about the importance of the *Warloongariy* ceremony, with remarkable transcripts of songs, and word lists in Nyikina language. Bates spent considerable time following the *Warloongariy* ceremonies performed across the region, which are described in great detail in her notes.

She also depicts other customary practices, such as the *Jeerungoomai* seed increase ceremony, which she describes in the context of “economic activities” with neighbouring tribes, pointing to a well-developed system of trade, exchange and reciprocity (Bates, 1903).

Daisy Bates was well-known amongst Aboriginal people of the region, and the stories about her involvement with different Aboriginal nations in the region were passed down through the generations to the present day (L. Marshall, Personal Communication, 2010).

More than 30 years later, another female anthropologist, Phyllis Kaberry, working with Bunuba women, would produce a map of the Aboriginal trade routes of the Kimberley, pointing again to a highly organised social and economic system, known in the broader Kimberley region as the “Wunan” network, and originating in the Northern Kimberley (Akerman, 1980; Ngarjno et al., 2000; Preaud, 2009).

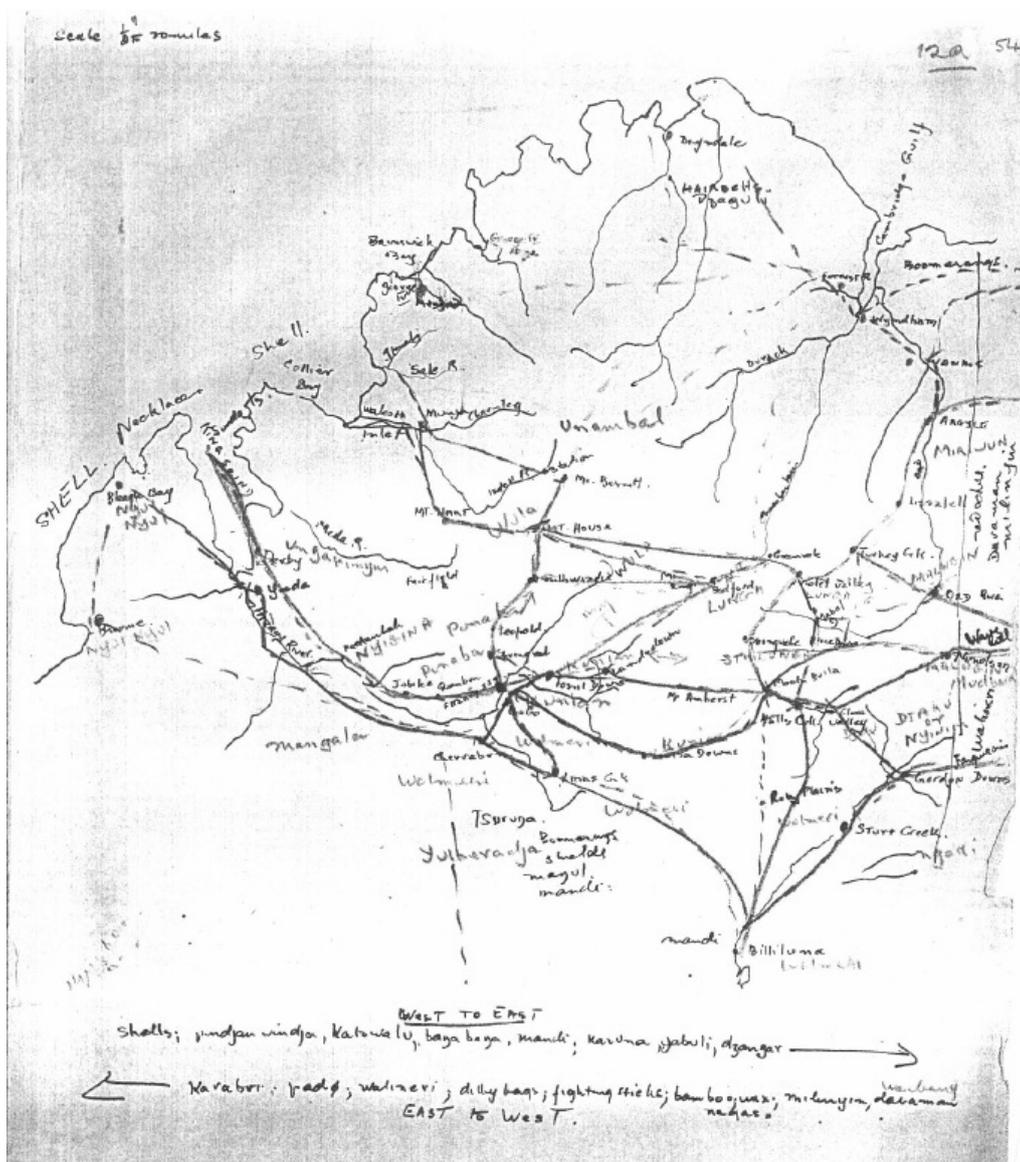


Figure 16: Pencil sketch map of Kimberley trade routes, hand drawing by Phyllis Kaberry (1934-1936).

Bates' observations of hunting, fishing, fruit and seed gathering, and food preparation practices, at the turn of the century, demonstrate the close connection of *Martuwarra* people with the River Country. The following excerpts are taken from Section VIII of her journals and notes, available at the National Library of Australia, and on microfilm at the State Library of Western Australia (Bates, 1903).

Hunting Practices

In the West Kimberley district a native will sometimes cover himself and his weapons entirely with mud, to destroy the odour, and then climbing a tree near a waterhole he spears the emu or kangaroo as they come to drink.

In spinifex country the grass is always burnt to get at the game. Eagles are always plentiful in spinifex country, as are also hawks.

In the West Kimberley district the game was caught by spearing; hitting with boomerang (*lanjee*), and knocking over with a club.

Porcupine were hit on the throat with a *nowloo* (club, Broome). Several wallabies (*yalwa*) will sometimes make burrows close to each other, all being entrances to a common sleeping place. The Kimberley men close all the burrows except one, and crawling down that, kill the *yalwa*. Dingoes are not infrequently caught asleep, and are knocked on the head with a *nowloo*. If they have young ones, these are either eaten or kept. If kept, their feet are tied together, the front ones only being loosed when the animal is fed. *Koordee* and *Karringboo* (two species of bandicoots) are killed by putting the foot down upon them in their nests. Rats and flying foxes are killed by hitting them with *nowloo* as they fly in clouds towards the flowering trees (...).

The entrance to wild cat burrows (usually hollow trees) is closed and a hole is made near the nest and the animal speared through it. Sometimes a spear is driven down through the hole and when the animal rushes out it is caught by the tail and swung round and killed.

When hunting emu the Kimberley man will paint himself with *karmul* (mud) all over, also his spear, and selecting a dry tree (not a green one as the emu would notice the difference in the colour of the tree and the hunter) the native takes up his position in the morning.

His spear has also been covered with *karrmul*. At noon the emu will probably come to the waterhole to drink, and the *womba* (man) spears it as it stoops to the water. The emu at once runs off with the spear in its body, stopping now and then to try and pull it out. The *womba* chases and when it falls despatches it with his *nowloo* and carries it to his camp in triumph.

Turkeys may be caught in some places in the Nor'West by placing a net around their nest while they are away feeding. In the Broome district they are stalked by the natives holding *wirrigin* (small boughs) in front of them and when close enough, throwing their *nowloo* (clubs) when they seldom miss their quarry. Pigeons, especially the spinifex pigeon, were caught at springs and waterholes, by allowing them to come to the edge of the pool to drink, and then shouting behind them, when they rush into the water and are easily caught.

In the West Kimberley district the following snakes were used as food: *banningbooroo* (carpet snake), *balleedee* (carpet snake, another species), *goonda goonda* and *ngoomboo*, two more species of carpet snake, *ngool-ngool*, black snake, *koolerding* and *me'al'booroo*, mangrove snakes, and many others. When the *Woolgardain* is chased it runs to the *koombara* (rocks) and puts its heads between the stones, when it is easily killed with a hammer.

Carpet snakes are easily tracked. Having followed up the trail to their holes, one of the natives who carries a long green supple stick, inserts this in the snake's nest, and if the stick happens to reach the snake, a hole is dug just over the place where the snake is located. When the hole is made the snake will then be worked along until the native, by putting his hand into the hold, will be able to seize the reptile by the tail and draw it about half way out, when its back will be broken by a sharp hit with the club (*nowloo*). When the entire snake is pulled out of the hold, the natives generally smash its head, although they know it is not poisonous. They then carry it twisted round their bodies where it will continue writhing for some time.

Lizards, snakes, iguanas and other reptiles are found amongst the rocks, trees and thick undergrowths, and are either chased or burnt out. *Winnaroo*, the big black iguana of the West Kimberley district, is a favourite food in its season.

In the West Kimberley district the grubs of the *kandeeleep* tree are called *joogardoo*, the jamwood grubs being called *bal'ngan' joonjoon*.

The jamwood grub is very large and is found at the roots of the tree. The bandicoot digs at the roots and exposes them and the native gets the grub easily. The jamwood supplies seed, gum, grubs and the best of wood for their weapons and message sticks.

The “*jammoy*” tree also supplies an edible grub to the Kimberley native.



Figure 17: Spear thrower, Noonkanbah, Kimberley
(E. Mjoberg, 1915; 2012, p. 150).

In 1910, Mjoberg describes the following hunting practices:

Nothing in the surroundings escapes his extremely sharp senses. Kangaroos fall almost every day by his spear. The large, more than a metre long, “*borrinin*”, a *Varanus* lizard, represents a particularly sought after meal. They chase her from tree to tree, bombard her with sticks, and force her finally to run down to her hole somewhere close by, with furious speed. When she is finally there, she is sold, as they now take a sturdy stick and dig her out, grab her by the long tail and kill her with the thump over the head. All sorts of snakes are eaten with delight. With great skill they track the frog deeply buried in the sand, dig her out and eat her alive with a complacent grin (E. Mjoberg, 1915; 2012, p. 142).

Mjoberg also extensively depicts the weapons made and used by *Martuwarra* people, such as stone axes (which according to him were barely used any longer in 1910, having been replaced by steel axes) (E. Mjoberg, 1915; 2012, p. 153), spears, and boomerangs, their sophistication, and how they are made.



Figure 18: St George Ranges Men
(E. Mjoberg, 1915; 2012, p. 136).

Fishing Practices

Majala

Bates describes one of the uses of *majala* (freshwater mangrove) for fishing. The story of *majala* is very important to the people of the *Martuwarra* Country. The creation story of the *Martuwarra* tells of how the Ancestor Being, *Woonyoomboo*, created the river by spearing the snake, *Yoongoorrookoo*, at Mijirikan. *Woonyoomboo* had brought the *majala* seeds with him, one of the vital resources used by Aboriginal people over thousands of years. Bates describes one of its uses:

An interesting method was observed by Dr. House amongst the northern Kimberley natives: with coarse grass and wattle bark, they make what looks like an enormous straw bottle, the inside of which they fill with bark obtained from the root of a shrub which grows along the banks of all the rivers in those regions, and which is known on the Fitzroy River as *magalla*, and then drag the “bottle” backwards and forwards through the pool, the result being that the fish become “stupefied” and come to the surface where they are easily caught. Whether the stupefying effect is due to the properties of the bark, or the effect of stirring up the pool, Dr House could not state (Bates, 1903).

Mjoberg also refers to the use of *majala* in 1910:

Smaller fresh water ponds are poisoned with leaves of the freshwater mangrove bush and all fish float up to the surface, turning the belly up (Mjoberg, 1915, 2012, p. 142).

In the vicinity of the Fitzroy River I saw the aboriginals occupied with poisoning waters to get the fish. For this purpose they peel the bark of one of the bushes growing by the billabong, the bushman’s so called “freshwater mangrove”. The plant (*Barringtonia sp.*), belong to *Melastomacernas* family, has not the slightest to do with the real mangrove tree (*Avicennia*). The leaves sit organised in a sort of star-like wreath, and the rather small, red flowers sit scattered on the long, slender, thread-like floral stalks.

When the blacks have collected a pile of the bark, they work it between stones, until it is significantly softened, and rub it with their hands under the water.

(cont.) Through this action, they press out some juices, which contain a strong substance, which within a short time numbs the fish and it floats up to the surface, abdomen up in the air.

They are not made dangerous by the substance as the blacks eat them with voracious appetite, without any harmful consequences (Mjoberg, 1915, 2012, p. 219).

Anthropologist Phyllis Kaberry, in 1936, also describes the use of *majala* in the river:

Towards the close of the “wet”, a dam may be constructed of mud six to eight inches high, so that the men and women can scoop out the fish. When the pools are shallow, bark from certain trees may be thrown in to stupefy the fish, which then float to the surface. Women may help, but young children are excluded. One type of bark is effective after a few hours; another takes three or four days (Kaberry, 1936, p. 18).

A newspaper article written in 1948 also depicts the use of *majala* on the Fitzroy River:

Towards the end of the dry season, when the pools are contracting, the natives catch the fish, by throwing into the water a juice which they extract from the bark of mangrove trees. Soon the fish rise to the surface, temporarily paralysed (A.G.O, 1948).

The ongoing use of the *majala* tree in Nyikina Country has been described at length in McDuffie’s thesis (2019):

The bark of the *majala* tree is used to “poison”, or stun the fish in the river: by placing the bark in a shallow, enclosed area of the river, and beating it with *boolirri* sticks, the *majala* takes the oxygen out of the water and puts the fish to sleep. People then collect the fish that they are allowed to collect and let go of the other fish (McDuffie, 2019).

Senior Nyikina Elder Jeannie Warbie describes the use of *majala* as follows:

Cut them big one, low, and we get them that *boolirri*, and *majala* tree, we cut him, *boolirri* to hit them that *majala* - that another tree. And we hit them that *majala*. And when we ready now, when he get dry, the sand, little bit of water this side, we see them that fish, we got to poison this river now, one side river, you know, finish, dry. When they cut them *majala* they put them one line, and when we ready, we get them that log and bring them and hit them, all the way to the water, then get in that much water [gesture: chest deep] and put it there. Bark hit them, throw leaves there in that water. Woonyoomboo bring that *majala* all the way from *Moorrool Moorrool*. When he been walk, seed been fall down all the way (J. Warbie, Personal Communication, 2010, in McDuffie, 2019).



Figure 19: A majala leaf, and majala flower (McDuffie, 2010)

Senior Nyikina Elder Lucy Marshall remembers how, when she was growing up, her family used to go down to the river to “poison the fish” with majala, according to very strict rules:

The managers from Liveringa used to organize a big picnic. We would make all our wire spears, our Aboriginal spears, and poison this waterhole with the majala. And the managers, they knew what the old people used to do. Get the brush, break the leaves, put it down, put the paperbark, draft the water so no other water can go in to poison the one waterhole. They’d cut trees and belt the water until it got like soap. Then you’d see all the fish floating. They’d say: ‘Dooon’t kill bream, dooon’t kill mullet’. You gotta wait for shark, stingray, and sawfish. They’re the first ones that used to come out of the water, because they take out all the oxygen. Then the big barramundi used to come out and they’d tell us which way to throw the spear – not anywhere, gotta be on top of the neck or the side of the head (Marshall & Hattersley, 2004).

Daisy Bates’s notes also mention other fishing practices:

The Kimberley natives feed abundantly on the freshwater mussels which abound in the Prince Regent and other rivers on the north coast. In the vicinity of these rivers are many pandanus and other trees which yield an abundant quantity of seed pods, containing a kernel-like fruit which tastes like almonds. These the natives eat with mussels, a very agreeable combination. Freshwater turtles were cooked by being placed in their shells on the hot coals. When they were done, a light pull removed the bottom shell, and the animal was eaten off the upper shell which served as a dish (Bates, 1903).

In 1910, Frank Hann marvels at the amount of fish Aboriginal people can catch:

Five miles all good country on both sides of the creek. Boys and gins caught more fish than I ever saw caught before. Will salt a lot of them. (Donaldson & Elliot, 1998, p. 79)

Mjoberg depicts fishing practices on the Fitzroy River in 1910:

All sorts of fish are a welcome feed for these Negroes. With a special spear they kill them in the water. They can sit completely immobile for hours watching the large “barramundi”. The same with the crocodile, which they have to strike in certain places on the body to secure their game (E. Mjoberg, 1915; 2012, p. 142).

Roots, seeds, and fruit

Daisy Bates intimately observed and recounted Aboriginal people's foraging and food preparation practices.

The abundance of root and other foods varied with the nature of the soil and other causes, but there was no lack of vegetable products of one kind or another at all seasons in both the northern, southern, and inland regions. In addition to the root foods there were also fruits and seeds, every season having its own special supply of one or another of these.

In his own district the native knows exactly the localities where certain roots and other vegetable foods grow, the proper time of ripening, and the readiest means of obtaining them. His camp is continuously being shifted to that portion of his ground which contains the greatest abundance of certain root and other foods. He remains in the vicinity until the supply of such food is exhausted. The *warrain*, *koolyoo*, *joobok*, and other roots have their defined habitats and their proper seasons. Outside their own area they are unknown.

Some species of *joombain* tree do not need cooking. These the natives cut into lengths and beat with a nowloo, loosening the strands which they throw into the water. The *joombain* tree bears an edible seed. Its wood is used at *Munjungarree* (autumn) for poisoning the fish.

There was a species of sweet yam growing plentifully on the margins of trenches, dug by the Trappists of Beagle Bay, but whether this root was indigenous to the district or was introduced by the Malays or Manilamen could not definitely be ascertained. It now grows plentifully along the edges of waterholes, etc., in West Kimberley.

In the West Kimberley districts certain seeds are a staple food in the dry "*lallurn*" season, such as the *beeloorn* and *jeerungoo* seeds, the latter being the seed of the jamwood tree.

The nether millstone upon which the *beeloorn* and *jeerungoo* seeds are ground is called "*lallurnjoonoo*". These [stones] were also left in the neighbourhood of the trees whereon grew the principal seeds. There is always a considerable cavity in these nether millstones showing that they have been used for centuries. No "magic" can be put into the *beeloorn* and *jeerungoo mai* (seed, or vegetable food) and their importance is shown by the special ceremony attending the gathering of the "first fruits".

Vegetable foods – local names for edible root, seed and other vegetable foods in various districts:

Fitzroy: berries, figs, gum, waterlily bulbs, native oranges, white ants (...) *billa* (yam), *pinga* (manna), *koonanga* (fig). (...)

All these fruit, seed [sic], roots, ripen in their respective seasons, and a move is generally made to the locality where they are most abundant. The upper mill-stone, called *cobardoo koombara* (little stone), is generally carried to the camps where the food of such camp has to be pounded, the *lallurnjoonoo* (nether millstone) will be left at the camps as it is too heavy to transport.

Bates goes on to depict an important seed increase ceremony performed with the seeds of the *yirrakooloo* (wattle tree) and the gum of the *barrakooloo* (plum tree):

Both the seeds and gum of the jamwood tree are a favourite food of the natives. The tree itself is called *yeeragool*, and its wood is also used for making *lanjees* (boomerangs) and *mungoorl* (wooden spear shafts). The seeds are called *jeerungoo mai*, and the gum *barragoolajoonoo*. It will therefore be seen how important this tree is in the economy of native life.

When the seeds of the *yeeragool* are ripe (*yoojumboola jinna*), all the married and old men and their women and girl children go to the *yeeragool* ground carrying *ninjin*, *goordeen* [*koodiny*: bark], *warndal* (bark and wooden vessels), and *baggal* (strips of red bark) with them. No *wongalong* (unmarried men or boys) must accompany them, the young men going fishing or hunting by themselves. As soon as the trees are reached, the seeds are collected and placed in the various vessels, and when all these are as full as they can hold, they are carried by the women to some paperbark or other branching trees, and placed in the forked branches of these. Some will be wrapped in the *baggal* and buried at the foot of larger trees, and covered over with earth and logs. Here the seeds remain for two days, the seed-gatherers returning to camp the same evening.

On the afternoon of the second day the seeds are brought into camp, and the old women hold the vessels containing them over the *yoola* (ashes) until they are sufficiently cooked. They then separate the grain from the husk by a curious motion of the wrist (called *maggalboon* – sifting), whereby the seeds are collected at the end of the vessel, and the husks or chaff (called *deelarr*) at the other.

The *dee'larr* is then brushed off, and the seeds are brought by the women who prepared them to the oldest man in camp who is seated in readiness for them. "*lallurnjoonoo koombawa*" or nether millstone is in front of the old man and he holds a little millstone in his hand (*koombara*). Some water is also placed beside him in a small bark vessel or *koojila* (shell). When the *jeerungoo* seeds are brought to him, the old man, who is *jalngangooroo*, takes a handful out of the vessel and putting them on the *lallurnjoonoo*, pounds them with the smaller stone, mixing the seeds with a little water during the process. When he has pounded and crushed a certain quantity, he takes a little of the *boora-boora* (pounded seed) in his hand and putting it in his mouth, masticates it for a little time, and then spits or squirts it all around him. When this has been done the ceremony is over. If this ceremony were not gone through in this manner the *ranjee* would send great heat, and would withhold the wind, and all the *beeloorn* and *jeerungoo mai* would be dried and burnt up, or he would send a *meerijool wangal* (willy willy, or magic wind), which would break all the trees and scatter the seeds, or a storm of hail (*jang'ala*) which would come down and destroy them. The *beeloorn* ripens at the same time as the *jeerungoo*, and the process of preparation is similar. Alternate vessels of each are sometimes placed before the oldest man, or if there are two old men each will take one of the seeds and perform the ceremony. At every place in the West Kimberley district where these seeds grow, the same process is gone through, the oldest men in each tribe performing the ceremony. After this ceremony the *jeerungoo* and *beeloorn mai* can be eaten by everyone. The gouty stemmed tree grows as far South as the Roeburne district and is also found in the northern Kimberley district. This tree yields an excellent fruit, in shape like a coconut. Inside the rind is a soft white pulpy fruit in which are placed several almond-like seeds, arranged somewhat like those in the pomegranate. If the bark of the tree is cut it yields an edible gum of a milky whiteness, which in taste and appearance resembles macaroni. When this bark is soaked in water, a most agreeable drink is obtained. This tree grows also in the neighbourhood of Cambridge gulf and in other parts of the North Kimberley. Gregory, Cunningham and other explorers described it as bearing resemblance to the *Adansonia* of Africa. There are several kinds of grapes and berries also in the Kimberley district, all of which are edible. Many of these sweet tasting berries grow on parasitical plants attached to various trees. In have eaten several species on the Shaw river, the plants attaching themselves to some species of mallee, jamwood, etc. There are also many kinds of fungus, almost all of which are eaten raw or cooked. The phosphorescent fungus is not eaten.

According to *Yabbaroo*, seven varieties of spinifex furnish seed food for the Nor Western natives, the native names of the various species being as follows;

- *Tootalga* – roughest edible kind for stock;
- *Waddadee* – grassy spinifex;
- *Yoomboo* – oaten-headed;
- *Thoonthoorarra* – edible coast spinifex;
- *Wintha* – “buck” spinifex;
- *Maiaburna* – “buck” spinifex;
- *Perridin* – porcupine or thistle buck

The *jarradin baaloo*, a species of tree in the Kimberley district, is somewhat similar to the *mungaitch* of the Southwest, in that it produces a honey-bearing flower called womma-womma, which is made into a sweet drink. If much of this drink is taken it produces a light giddiness, as the flower ferments if kept in water for any time. The flowers are ripe in barrgana (winter).

In the West Kimberley district, *gillalla* is the name given to a “tobacco leaf”, in shape like a turnip, which is dried in the sun, slightly cooked in the ashes, and then chewed without any other preparation. It creates a curious sensation in the users of it, stupefying them and having a somewhat drunken effect upon them. The *jammai* or *jammoy* (mangrove fruit) are cooked with hot stones, the process being called *raara*. *Loonda* (like mulberry) is eaten raw. *Nealburnoo* (grass seed), is pounded and eaten either raw or cooked. *Jallajallur* (like a turnip) is cooked. *Kaalurdoonjin* (fruit) eaten raw. It is called *walgajoon* when ripe, as the *walga* (sun) has ripened it; *joombain* (like a green apple) is eaten uncooked so also is *jeereebee*, a fig-like fruit, and *malgarning* (like white grapes). *Mambinjoonoo* is a fruit with seeds like a watermelon. The melon part is eaten raw, the seeds are cooked (Bates, 1903).

In 1910, Mjoberg, travelling through Noonkanbah station, mentions figs being collected by local Aboriginal people:

The blue-green Bauhinia trees start to increase, and, over there further away the whitewashed trunks of the damp-loving eucalypt, indicates that water is not far away. At only about fifty metres distance lie the sandy banks of the Fitzroy River, now to a large degree dry, only holding water in smaller side pools [Mjoberg travelled in December, prior to the wet season].

A dense hedge of green, lush, freshwater mangrove bushes makes up a dividing wall. Man-high phragmites grass blocks the gaps, making the living wall still more difficult to penetrate. A large fig tree contrasts pleasantly against the monotonous, large-trunked Melaleucas at the steep river edge. Underneath the ground four Negro women crawl and collect the half-ripe, green, cherry-sized figs. Although almost tasteless, the figs are highly valued by the Aborigines (E. Mjoberg, 1915; 2012, p. 123).

Mjoberg then contradicts his earlier account in his book that Aboriginal people lived almost solely on meat, and alludes to their expertise and knowledge of medicinal plants:

Just as they know the animal world, they are versed as well in Flora's kingdom. They know every bush, tree, and herb. The small fruit of the "kongeberribush", reminiscent of blueberries are almost daily ingredients in their diet. They collect masses of the green unripe fruit of the fig trees, so there is enough for weeks ahead. Very much liked are the sort of starchy tubers of a beautiful blue waterlily, which sends her clean, neat cups, often in hundreds, over the calm reflective surface of smaller pools of water.

As well as the Australian negro recognizes the more edible plants, so he also recognizes the poisonous plant forms and the ones that are useful in a medicinal sense. For bad dysentery he will thus have an infallible cure by means of a decoction of leaves of a bush that, according to what is said, is still unknown to science. And many are the other ailments that he knows how to cure with the help of all sorts of drugs (E. Mjoberg, 1915; 2012, pp. 142-143).

Six years later, on the King Sound, at the mouth of the Fitzroy River, Basedow's team met with several Aboriginal men on a hunting and foraging expedition:

They had also been searching the baobabs for the large nuts. To ascend the tall, smooth trunks, they made use of the following method. Several short pegs having been cut, the climber faced the tree and drove them into the bark on either side of him, alternatively increasing the height as he stepped upwards. Such ladders were noticed on a number of the trees; they had, perhaps, been left to serve the purpose in coming seasons (Basedow et al., 1918, p. 55).

Honey

Finally, Bates depicted how *Martuwarra* people followed bees to find honey:

Wild honey, the product of the stingless bee or the Nor West, is either eaten in its natural state or mixed with water and used as a drink. The bees are stingless and much smaller than the common housefly. It is therefore difficult to track them by sight to their nest. If a native can catch one of these little insects, he will attach a tiny patch of white down, or some other light substance, to the bee, and following this slight guide, will soon reach the nest. Or selecting a tree that looks as if it contains a nest, the honey seeker goes down on his hands and knees and scans the ground closely for any dead bees which may have been thrown out of the nest. He very soon finds one, and climbing the tree, soon chops out the honey. It will be remembered that honey seeking is connected with a certain stage of the young men's initiation in the West Kimberley district.

Honey is extracted from various flowers and is eaten or made into a drink. The *bilowel*, *milburn*, *yoolgoo* and *jarradin* flowers are honey-bearing (Bates, 1903).

Summary

In this section we have examined how Aboriginal people from the *Martuwarra* made use of some of the resources available on their Country. Many aspects of these life-ways are corroborated in contemporaneous oral histories which McDuffie recorded in her thesis (McDuffie, 2019).

Daisy Bates' accounts contrast markedly with early explorers' perspectives, who failed to understand that Aboriginal people were astute land managers, not just "nomads", or "hunters and gatherers" wandering through the country aimlessly in search of food. This myth of non-management prevailed until more recent works such as Bill Gammage's *Greatest Estate on Earth* (2011) and Bruce Pascoe's *Dark Emu* (2014) challenged these beliefs and established a clearer picture of finely-tuned Aboriginal life-ways.

In the next section, we will examine the impacts of colonisation, particularly pastoralism, on the people of the *Martuwarra* and wider region.

4.0 The Impacts of Colonisation

4.1 The Pearling Industry

The Pearling Industry in Broome

McDuffie (2019) examines at length the impacts of colonisation on Kimberley Aboriginal people, particularly from the pearling and pastoralist industries:

While the first pastoralists were starting to take over Nyikina Country, another industry had been having profound impacts on communities along the Fitzroy River for a while (Neville, 1936). Pearling on the North West coast had started as early as 1868. Cossack and Roebourne were established as the first pearling centres (Streeter, 1886, p. 146), followed by Broome some time later. Broome quickly became the hub of the very lucrative industry: by 1910, the town had become the world's largest pearling centre, with 400 luggers and more than 3,500 people involved in the industry (Western Australia Department of Fisheries and Wildlife, 1981). Pearling masters dominated Broome's social life in their sprawling houses, while Aboriginal people lived in camps in the sand hills or in the mangroves (Reynolds, 2005).

The *Pearl Shell Fishery Regulation Act 1873* was the first piece of legislation pertaining to the treatment of Aboriginal people in Western Australia. It was supposed to compel the owners of pearling luggers to enter in a written, binding contract with Aboriginal people in an effort to prevent forced labour, and prohibited Aboriginal women to work on pearling boats – with little success. As early as 1872, 350 Aboriginal men, women and children were indentured in the pearling industry. This number reached an estimated 600 to 700 in 1886, and subsequently declined after the employment of indentured Malay workers (Reynolds, 2005, p. 132), and the use of the hard hat diving suit (Edwards, 1983). In the Roth Enquiry of 1904-1905, Graham Blick, District Medical Officer and Acting Magistrate of Broome, reports having 15 children under indenture in his district (Roth, 1905, p. 64), and states they are never visited by a Justice (Roth, 1905, p. 64). Streeter also mentions the usefulness of children in finding the small pearls in the shells which may have escaped the adult men (Streeter, 1886, pp. 153-154).

Blackbirding and Its Effects on Martuwarra People

Pearling affected Aboriginal communities (Neville, 1936), not only on the coast, but also inland, as kidnapping expeditions went further and further inland in search of a cheap labour force - pearlers preferring the free labour they could get from Aboriginal people (Elkin, 1979; Hunt, 1986) rather than employing and paying Asian migrants. The industry made countless victims as Aboriginal people were rounded up from the coast, inland and further into the desert, to be forcibly taken onto pearling luggers to dive “bare pelt” for pearls (Durack, 1969; Hunt, 1986; Neville, 1936; Streeter, 1886).

A police report by Constable Lemon in 1883 names the men responsible for procuring Aboriginal men for diving:

Fraser Creek, September 2nd: Met an old native here, who states that he has seen Bryan, Wilson, Hunter and two other white men, with a great many natives chained up a short time ago, and that the natives were taken to the pearling vessels at Beagle Bay, and from thence to the Lacepede Islands, where the natives still are, and the vessels that had taken them had returned to Beagle Bay” (Lemon, 11.09.1883, in Broome, 1886, p. 23).

The police reported such kidnapping events in their records. According to Hunt, “...in 1886, Sergeant Troy reported that John McLarty of the Kimberley Pastoral Company rounded up Aborigines 70 and 80 miles up the Fitzroy River, and kept them at his station until they were collected by pearling luggers” (Hunt, 1986, p. 25).

Both the pearling and the pastoralist industry made use of professional “blackbirders” in the 1870s (Neville, 1936, p. 41), and well into the 1880s. In fact, Aboriginal people were often indentured to a pastoralist in the dry season, and on the pearl luggers in the wet season: “the 'Pearlers' or 'Nor-Westers' as they are usually styled, generally combine sheep farming with pearling, thus employing the divers on the station during the cold season” (Streeter, 1886, p. 147).

Martuwarra people’s lives were profoundly affected by the pearling industry. As Su-Jane Hunt recounts:

The boats met the land party at an appointed spot on the Fitzroy River (where much of the black-birding took place) and loaded the chained Aborigines onto the vessels. The natives were then signed on as indentured labourers by a JP who was most often a fellow pearler or a sympathetic pastoralist (Hunt, 1986, p. 24).

It seemed that the police were unable to do much about this situation, having only a small contingent of men for such a huge tract of land, and little legislative powers to stop questionable practices. In the meantime, pastoralists were taking over Nyikina land, and the role of the police turned to protecting their interests (Phillips, 1888).

4.2 Pastoralism

Alexander Forrest's report and enthusiastic depictions of the vast floodplains of the Fitzroy River, of a rich, bountiful country (Forrest, 1880), certainly attracted attention. Pastoralists in the South of the State and in other parts of Australia soon heard about the glowing report and set out to claim their stakes in the remote region. This process was rather swift: "by the end of 1881 some five and half million acres had been leased, and from the reports of the Surveyor- General we learn that these figures were almost trebled before the end of June, 1882" (Battye & Fox, 1915, p. 32).

By the time of Basedow's expedition, numerous Kimberley Aboriginal people were already working on the pastoral stations. He depicts the following scene at Kimberley Downs Station (*Balmaningarra*), marvelling at the women's abilities (McDuffie, 2019):

"... Some dozen gins were employed who were expert fleece pickers, and could sort the clippings into locks, fleeces, pieces and bellies as well as any white man. Their adept skill in throwing the fleece upon the table was creditable. Others were constantly employed sweeping the shed floor, and opening the pen doors; some boys in the yards attended to the branding. The work is performed cheerfully and conscientiously. (...) These women are also very clever with the needle; they do all the sewing and mending on the Station" (Basedow, 1916, p. 23).



Figure 20: Domestic staff, Derby, 1898 (Martin, 1898).

Back Row, left to right: Charlie, Jack, Paddy, Terry, Dubadub,
Pompey, Spoof and Ike, Banjo, Lumpy

Front row, left to right: Rosie, Ouida, Fanny, Lilkie, Lulu, Button,
Polly, Polly, Kitty, Lassie, Judy

Correspondence from the Kimberley region at the time highlights the resistance of Aboriginal people to pastoralists taking over their country:

The natives of the district are not improving as time and settlement go on. (...) Sheep stealing, cattle spearing are constantly occurring. The settlers have been so hampered and interfered with in their endeavours to make the natives useful, that they have abandoned all ideas of employing them in any number as shepherds, and are compelled to go to great expense in paddocking instead. Mr. Inspector Lodge appears to have realised that the noble savage was bidding fair to make squatting pursuits an extremely difficult business, and he has made efforts to stop sheep-stealing, capture offenders, and generally to give the native better ideas as regards "*meum and tuum*" (Anonymous, 1888).

The only drawback from which some of our far-outlying stations are suffering is the nigger, and these gentlemen have been playing havoc of late amongst the cattle on the Upper Fitzroy. I hear of five cattle being speared in one mob under the Oscar Ranges, the property of Mr. John Collies. Six were speared on the Margaret - Emanuel & Co's country, whilst others have suffered equally (Anonymous, 1894).

McDuffie depicts the records of early retaliations to white men entering Aboriginal country, and the terrible consequences that ensued for Kimberley Aboriginal people (2019):

Hamlet Cornish, having formed the Murray Squatting Company, set out for the Kimberley in 1880, and was granted a selection of 100,000 acres free of rent for fourteen years on the Yedah (now Yeeda) (Cornish, 2011, p. 12). As one of the first early pastoralist pioneers in this part of the country, he describes how his party had to contend with harsh conditions and the threatening attitude of local Aboriginal people on the Fitzroy River. In his diary, Cornish shows a certain amount of mistrust towards the locals, and explains how he thwarted several of their attacks, while at the same time using two Nyikina guides to explore the country. However, the death of his brother, Anthony Cornish, killed by an Aboriginal man, Guirella, at Luluigui Station, sheds some light on the tensions and violence arising during the very first years of European invasion. Cornish launched a revenge expedition to track Guirella, which was to last several days. During that time, Hamlet Cornish and his men chained up all the Aboriginal people they found until they got the alleged culprit: "the natives still keep coming in, we are well prepared for them and we have now forty on the chains and tell them we will let them free when we catch Guirella" (Cornish, 2011, p. 18).

(cont.) Eventually captured, Guirella was sent to Perth, sentenced and hanged, while the other prisoners were found guilty and sent to Rottnest Island.

As had happened previously in many parts of Australia, with the ever-increasing white arrivals and their land grab for pastoral leases, conflicts erupted. Developing “unproductive” land was paramount in the settlers’ psyche. Fences were put up where Aboriginal families once had free access, waterholes were claimed by pastoralists for their beasts, and native game was shot because it competed with the new arrivals for food. To compound these measures, the *Dog Act 1883*, by limiting dog ownership, had greatly reduced the ability of Aboriginal people to hunt on their land as they had been accustomed to, the impacts of which were condemned by Roth in his 1905 report (Roth, 1905, p. 27).

An article from 1905 in the *West Australian* reveals the extreme extent of the measures taken by pastoralists to eradicate kangaroos, which were viewed as a pest competing with their cattle and sheep for food and water:

“... There are from 40 to 60 others shooting with more or less success in the Fitzroy district alone, and what with this army of killers and the big floods experienced some little time ago, Mr. Skipworth estimates that 330,000 kangaroos have been killed in the district during the past two years” (Anonymous, 1905).

Mr. Skipworth is able to show by a much-thumbed account-book that for 187 days of last year-including broken days-his killing averaged 75 kangaroos per day, the highest record being achieved on February 24, when, by his rifle alone, the aggregate of the Fitzroy River “roos” was depleted by 179! Of these, 96 were skinned on the spot, and all were scalped for the Government Bonus. On 48 days over 100 per day fell victims to the king of kangaroo killers. His first day's work in the district -January 19, 1903- consisted of the killing and skinning of 70 kangars; his last day -October 27, 1904- yielded a “bag” of 62 of these animals” (Anonymous, 1905).

During his 1910 expedition, Mjoberg wrote the following in his journal:

Among the most common kangaroo species are the brown river kangaroo (*Macropus Agilis*). It is in places extremely common despite being exposed to extreme persecution.

(cont.) Just before my arrival at Derby, according to what Dr. Adams informed me, a kangaroo hunter had come down from the interior after a trip of about a month's duration, and brought in no less than three thousand scalps in order to get the bounty money.

For a few years now the government pays fourpence for every kangaroo scalp that is shown to the relevant authority. The kangaroos have over the last few decades grown in frequency to an unsettling degree, and as grass eaters, are noticeably detrimental for the large cattle herds. The introduction of bounty money has resulted in a large group of people, who are of more undecided disposition, becoming amateurs in kangaroo hunting and this way earn the neat income of fifteen to thirty kronor per day. (E. Mjoberg, 1915; 2012, pp. 95-96)

Other animals, such as dingoes and eagles, also bore the brunt of the new settlers' campaigns to rid the country off the so-called "pests" targeting their sheep and cattle. In 1910, Mjoberg depicts how dingoes are dealt with with arsenic, and are less commonly seen in the Kimberley:

The boundary rider and the dingo hate each other deeply. He the dingo, while in an equally cavalier and efficient way reduces the flocks, the latter, the boundary rider does not allow him to freely follow his custom, inherited over generations, of killing as often as an opportunity arises.

Sharp senses protect him from bullets and gunpowder. But doses of arsenic, insidiously put into a lovely sheep liver, are almost impossible to avoid. And so the dingo, just as his former black master, goes further and further into decline.

Earlier the dingo was very common and was seen in packs. He is now very difficult to find in the Kimberley. Fresh tracks and his terrible hollow howling at night bear witness that he still exists although greatly reduced in number.

His scalp is priced in the Kimberley, at fifteen kronor bounty money. This has triggered general persecution. The best evidence of a boundary rider's qualifications is the number of dingoes scalped each week. And he does his best! It is about cash.

(E. Mjoberg, 1915; 2012, pp. 165-166)

Eagles fall victim to the same fate:

Only a few miles' ride and we meet up with a drama. Seven beautiful eaglehawks (*Uroaetus audax*), lay arsenic poisoned among the spinifex tussocks. They have shared the dingo's fate and fallen victim to arsenic poisoning. A half-rotten sheep lies just beside them. "Half a crown each", says the boundary rider contentedly! And I let the craniums end up in my saddlebag. The eagle is an extremely severe pest in the Kimberley. In some places he periodically lives almost exclusively at the expense of the flocks of sheep. The small lambs he kills *en masse*, but half grown sheep also fall victim (E Mjoberg, 1915; 2012, p. 167).

The abundance of wildlife along the Fitzroy River is still discussed in a 1948 article in the West Australian – however, the kangaroos are even more of a "threat" than to the pastoral industry:

While the river itself abounds in fish - not to mention its crocodiles - the surrounding country teems with wildlife of many kinds. Across the wide, fertile plains of Liveringa, are hundreds of thousands of euros – a small species of kangaroo – many so sure of their immunity from attack that they will sit up and watch a car pass them. There are more euros than sheep and cattle in the Kimberleys and the damage they cause by eating out valuable pastures makes them the most serious pest in the North. There are also other local inhabitants in large numbers – white cockatoos screeching and fluttering around the homesteads and along the river banks, half-tame scrub turkeys, graceful brolgas, and many varieties of smaller birds (A.G.O, 1948).

Kangaroo and wallaby eradication continued unabated well into the late 1950s with the introduction of the 1080 poison against the "wallaby menace" (Gooding & Long, January-February 1958). The retaliations continued, this time enshrined in legislation, as McDuffie (2019) notes:

From the 1890s onwards, cattle and sheep spearing by the locals increased. However, there was another dimension to the killings. It was not only that Kimberley Aboriginal people were hungry: they were resisting, fighting back the settlers by directly attacking "the economic basis of the settlers' existence – his cattle" (Robinson & York, 1977, p. 87), deliberately. They did so in creative ways, having learned to incorporate new techniques, and new ways of living into traditional social and economic patterns (Reynolds, 1981, p. 130; 134–135).

Increasingly repressive measures, such as the legalisation of flogging for Aboriginal offenders in 1882 (Moran, 2009, p. 34), are a testimony of the sustained resistance of Kimberley Aboriginal people (Robinson & York, 1977, p. 85).

We received an allowance of 10/- for every native flogged to engage a man to administer the punishment, and, according to the letter of the law, a justice of the peace must be present at the flogging. We used an improvised cat of plaited greenhide. It was soft and did not cut, and was painful but humane (Pilmer, 1998, p. 152).

Aboriginal people were rounded up from the bush, put in neck chains and brought into settlements like Derby or Roebourne to serve time for stealing cattle or sheep (Maudie Lennard, in Hattersley, 2001, p. 23).

In 1910, whilst in Roebourne, the infamous Mjoberg would describe the prisoners in chains from the Kimberley:

About thirty prisoners, all men, were kept within the prison's secure walls. They were all standing in a wide-angled line. It was indescribably interesting to stand eye-to-eye with the Australian stone-age people and the unadulterated, wilder edition of that. The unhappy beings, put in iron chains, who stood in front of us with a half-confused look and shy, wandering gaze, had been caught in their own land, Kimberley's wilderness, by bush police and were considered as having committed acts, which their superior white cousins regarded as deadly, but which they themselves though fully natural and prize worthy. They had followed their own consciences, killing the white intruders. (E. Mjoberg, 1915; 2012, pp. 47–48).

As McDuffie (2019) recounts,

The prisoners would usually get up to twelve months' imprisonment and hard labour for the killing of a sheep or a cow (Moran, 2009, p. 170). Hard labour gave the new colonisers the workforce they needed to build infrastructure, clear land, and support the pastoral industry. A description of Derby by Father McNab shows that by 1884 the town "consisted of a number of businessmen, a small contingent of police, and sentenced Aboriginal prisoners, who were chained together to perform the tasks required of them (Moran, 2009, p. 54).



Figure 21: Aboriginal prisoners in chains in a railway wagon, Derby, 1897 (Martin, 1897).

Conflicts between Kimberley Aboriginal people and white settlers persisted unabated all over the region, as Aboriginal people became adept in using guerrilla tactics (Robinson & York, 1977, p. 84). Police accounts themselves reveal numerous individual and group actions in the West Kimberley to try and fight off the invaders (Pilmer, 1998, p. 57), culminating in “Jandamarra’s War” in the mid-1890s (Pedersen & Woorunmurra, 2000).

Mjoberg, in 1910, appears to criticise the police attacks on Kimberley Aboriginal people:

The first cattle and sheep stations arrived, and the white man became more and more settled. The police started to make their punitive excursions here and there, and they certainly did not save on bullets or gunpowder. Some actually took it as a sport to chase them and shoot without the slightest qualm, the guilty as well as the totally innocent (E. Mjoberg, 1915; 2012, p. 138).



Figure 22: Aboriginal Prisoners from Northern Kimberley, Derby
(E. Mjoberg, 1915; 2012, p.132).

Examining news archives, McDuffie (2019) found substantial evidence of violent policing in the Kimberley, which appeared to have caused great concern to some members of the white community at the time:

These brutal police actions, well remembered in contemporary oral stories, were praised by the settlers (Pilmer, 1998, p. 105), but were also controversial in non-Indigenous social and political circles even at the time of their occurrence. Numerous articles appeared in the newspapers of the time, concerned with the reports of violence and massacres in the Kimberley.

Some members of the police force themselves condemned these practices. An ex-policeman's letter to the Morning Herald, with some information reprinted in the Kalgoorlie Western Argus in 1901, states that the writer

has seen many cases of great cruelty by the whites; also that traps have been set for natives in order to convict them of stealing meat. Those working on the stations are ill-fed and miserably clad, while others have been driven into the ranges, where there is no food. According to the writer, great perils attend the indenture system, and natives are frequently flogged on any pretext whatever (Anonymous, 1901).

The anonymous journalist reprinting the information then goes as far as calling for a Royal Commission in the treatment of Kimberley Aboriginal people - a demand that would eventually be fulfilled in 1905 with the Roth enquiry. A letter was sent to the Kalgoorlie Miner, reporting on the killings of Fitzroy River Aboriginal people in 1896. A police expedition was mounted to find a group of Aboriginal men who had allegedly speared a boundary rider. The account that follows is indicative of the tragic events that unfolded in the Fitzroy River region through that period:

The natives are reported to have attempted to surround the police party in the river bed, 'whereupon the officers of the law shot three of the natives, the rest escaping into the cane. Not content with having done this, the members of the expedition followed the blacks to 'an almost inaccessible stronghold in the St George's Range,' which they scoured at night, and at dawn on the 14th surprised the camp'. 'The natives,' it is added, 'attempted resistance, but the police dispersed them after killing six and wounding two.' The telegram also states that all those captured were wanted for cattle stealing, besides being members of Albert's gang, which 'was organised for the stated purpose of clearing out the whites, while one was an escapee from gaol.' ("Opinion - Killings of Aboriginal People in the Kimberley region," 1896)

This massacre is still talked about today by descendants of those who were killed on that day in the St George Ranges, Kalijida (Marshall & Hattersley, 2004), albeit in subdued tones. In the following conversation recorded on film in 2014, Rosie Mulligan, a Senior Nyikina Elder from Noonkanbah, and her daughter Grace, relate to Anne Poelina what happened to their people at that time:

“... Rosie: *Walangkooroo*... They been shooting them right to Noonkanbah River. Kardiya been shooting them long time.
Grace: Policeman too, or manager?
Rosie: Policeman shoot them.
Anne: Killed them all?
Grace: policeman shoot them.
Rosie: *Walangkooroo* they call him (...)
Grace: George Range, that’s the *Kandarra*. Other side of the river, that’s *Walangkooroo*.
Rosie: George Range, it’s for my... ol’ grandfather. George Range, *Kandarra* land.
Grace: massacre right through... police...
Rosie: yeah...
Grace: through that country... Biggest massacre.
Rosie: Right through to Noonkanbah they been shooting them. My family now. That old man.
(Rosie and Grace Mulligan, in Poelina et al., 2014)

Many massacres occurred in the Kimberley region and *Martuwarra* Country, some of them registered on the *Colonial Frontier Massacres Map* (The Centre for 21st Century Humanities, 2019). While the following paragraphs are by no means an exhaustive list, it does give a sense of the atrocities *Martuwarra* people were victims of.

In 1892, seven Nyikina and Bunuba people were killed in reprisal for the spearing of two white men a month earlier (Centre for 21st Century Humanities, 2019; Owen, 2016, pp. 296-297). Also in 1892, Constable Pilmer came across a group of Aboriginal men in possession of beef on the Margaret River, who started using their spears against the police during their raid.

Pilmer reported killing nine men, probably Gooniyandi and Bunuba, whose names were Murjarri, Widali, Wonboni, Coolya, Mulabia, Mungar, Calapi, Mulyalli and Culcul (Centre for 21st Century Humanities, 2019; Owen, 2016, pp. 322-324).

In 1894, at least thirty Nyikina, Gooniyandi and Bunuba people were killed by Police Constable Spong and his native assistants. The police account also reports more than eighty Aboriginal people having been killed across the region, at Oobagooma and Liveringa (Owen, 2016, pp. 326-330). Also in 1894, at the height of the Jandamarra Resistance, Pilmer reports killing 17 men at Geikie Gorge near Fitzroy Crossing (Centre for 21st Century Humanities, 2019; Owen, 2016, pp. 315–316). In 1916, it is thought that more than 300 Aboriginal people perished at Geegully Creek, during the Mowla Bluff massacre, which has been reported in multiple Kimberley oral history accounts and police reports (Centre for 21st Century Humanities, 2019; Owen, 2016, pp. 439-440).

4.3 Legislating Development

As McDuffie argues, government legislation purportedly aimed at protecting the settlers from attacks was used as a justification for the violent colonisation of the Kimberley region, and for the repressive measures taken against Aboriginal people over a long period of time (McDuffie, 2019):

Originally official policies attempted to resolve the conflicting issues of curbing hostility, protecting the settlers from attacks, while at the same time promoting the spread of civilisation and Christianity among Aboriginal people (Hasluck, 1942, p. 42). The goal of “civilising” Aboriginal people, who were after all ignorant of British laws, and still being punished harshly for their non-observance of these laws (Hunter, 2012, p. 114), was promoted by Governor Hutt in particular (Reynolds, 1972, p. 154). It was however quickly abandoned in the face of the urgency of protecting settlers. Having somewhat achieved their goals of pacification, the role of the State was then seen as relieving distress. By 1883, “the view expressed by the Commission of 1883, and general at the time, was that the native might be taught enough to make him useful (and, hence, in the white view, happy) to the white man, but no more” (Hasluck, 1942, p. 99).

This led to a total reliance on Christian missionaries to fulfil the “civilising” mission, which was given less and less government money (Hasluck, 1942).

The Aborigines Protection Act 1886 was passed by the Western Australian Government, granting “better protection and management of the Aboriginal Natives of Western Australia”. This Act would become the colonisers' main instrument of power and control over Aboriginal people's lives for many years to come (Poelina, 2009).

It set up the Aborigines Protection Board and defined the board duties as follows: applying money granted out of the Consolidated Revenue Fund, distributing blankets, clothes and rations, suggesting custody and education measures regarding Aboriginal children, providing medical attendance to the sick and aged, managing all native reserves, supervising everything having to do with the welfare of Aboriginal people and protecting them from ill-treatment (Hasluck, 1942, p. 67).

In 1887, other regulations, proposed by John Forrest, came into existence (Battye & Fox, 1915, p. 37), relaxing lease provisions, and pastoral settlement continued at an increased pace. Meanwhile, the pearling industry was starting to thrive, and two geological expeditions led by Edward Hardman in 1883 and 1884, had suggested the metamorphic rocks of the Kimberley region were likely to contain some gold (Battye & Fox, 1915, pp. 37–38; Hardman, 1884), prompting more settlers to try their luck in the new territory. By the end of 1886, some 2,000 men were working in the Kimberley (Battye & Fox, 1915, p. 38), and reports of progress and “improvements”, were a popular theme in the press of the time. Highlighting the utilitarian purposes of the “high modernist” colonisation process (Scott, 1998), centred on productivity, one writer said about the Kimberley:

Here are millions of acres of fertile country warmed into productiveness by a tropical sun and watered by spontaneous rains and numerous rivers. The soil supports forests, jungle of dense undergrowth, and prairies of nutritious grass. The country abounds in game, and the waters are black with wildfowl (...) It is not to be supposed that a country such as this is to reach the maximum of its usefulness in the rearing of sheep and cattle. Land which can produce vegetation as that land does has greater capabilities when science, capital and labor are applied to it (Anonymous writer, in Battye & Fox, 1915, p. 106).

The Aborigines Protection Act was consolidated in 1905 with the passing of The Aborigines Act 1905, which made the Chief Protector the legal guardian of all Aboriginal children and instituted a system of surveillance and strict controls over Aboriginal people (Poelina, 2009).

The Aborigines Act was to play a significant role in the policies of forced removal of Aboriginal children from their families, particularly the “half-caste” policies resulting in the stolen generations, and the breaking up of many Aboriginal families. Brigida Nailon mentions its purpose as being twofold:

|| Tutored assimilation to uplift Aborigines to the level of ‘our’ civilisation;
|| Assimilation by breeding out colour. It was stated that “black brood breeds out in three generations” (Nailon, 2009, p. 79).

The Act established strict controls over Aboriginal people’s lives, particularly women, which were reinforced in the 1936 Native Administration Act (Choo, 2001, p. 114).

Before the Aborigines Act 1905, the Commonwealth Government had abrogated all its responsibilities towards the Indigenous inhabitants of the country by making Aboriginal people a State issue in its Commonwealth Constitution of 1900, excluding the Commonwealth from making laws for Aboriginal people (section 51), and from including Aboriginal people on the Census (section 127) (Poelina, 2009).

At the end of the 19th century and beginning of the 20th century, policies shifted from violent repression to misguided protection measures (Fink, 1960). Aboriginal people had come to be viewed as a dying race, a fact which was seen as inevitable by Social Darwinism, and a “direct consequence of the law of natural selection” (Department of Indigenous Affairs, 2003, p. 10). Government policies, institutional and missionary efforts were then aimed at “smoothing the dying pillow”, a now-infamous expression coined by Daisy Bates. Policies enforced the assimilation of “half-castes” into white society with the hope that the Aboriginal race would be bred out (Nailon, 2009, p. 79). As Jack Davis argues, “the manner of passing of the Aboriginal was mentioned in the Western Australian Hansard in 1897: 'Nothing can be done for these poor wretches, they are doomed'" (Davis, 1980).

An exhaustive list and analysis of Western Australian and Commonwealth legislation shows the extent to which Aboriginal people’s lives were controlled and managed by governments over 150 years of white settlement, and their direct impact on Nyikina people’s lives (Kaartdijin Noongar, 2018; Poelina, 2009; McDuffie, 2019 - *refer to Appendix*). Two conflicting notions of, on the one hand, emptying the land of Aboriginal people to open up the country (Jebb, 2002, p. 69; Roth, 1905, p. 28) and on the other, viewing them as a useful, and cheap, labour force for the pastoralists (Broome, 1886; Crawford, 1981), underpinned the development of the Kimberley region.

Robert Watson explains this in an interview in 2007:

I think it's really important to understand history, to understand pre-colonisation and post-colonisation, to understand how the Kimberley was developed, and how that relates to how different parts of Australia was developed. For instance, some of the practices that white people practiced in Sydney, there were some practising it over here 130 years later in the Kimberley. They were still culling people out for the purpose of getting people off the country.

Then you look at how it was thought, to stop killing people then the assimilation policies came in, and they were putting people either into missions, or people became fringe dwellers on the stations, living on the outskirts of stations because they saw them as an important part of labour to build these industries (Robert Watson, in Poelina et al., 2015).

In the economic development paradigm imposed by the settler colonial world, Aboriginal people did not have much freedom of choice. Their efforts to protect their Country and waters from the white settlers were met with sheer violence and retaliations, which prevailed for years, followed by forced labour on the stations (McDuffie, 2019).

Conclusion

Portrayed as a land of beauty, and abundance, by the early explorers, the *Martuwarra*, Fitzroy River Country, was much more than this to the people who lived in it, and had maintained it through customary practices for thousands of years. Viewed solely through a euro-centrist, development lens, the *Martuwarra*, and the broader Kimberley region, became a development venture to the colonisers intent on using its resources for economic profits.

While Aboriginal people of the *Martuwarra* appear to have been peaceful and welcoming in their first encounters with white people, often supporting them and guiding them through their Country, they soon realised that the pastoralists were there to stay. They witnessed their water holes being fenced, their Country being divided into sprawling pastoral properties, and their game being shot because it was competing with the white man's cattle. When they rebelled against this, protecting their Country, the police rounded them up, putting them in chain gangs or sending them to far away prisons. Under the guise of "protecting" Aboriginal people, the government brought in legislation to safeguard the interests of the settlers. Those who were not sent to prison were confined to missions or pastoral stations to work as indentured labourers for nothing more than rations.

Pastoralism, aside from its social impacts on the very foundations of Aboriginal societies, also had considerable environmental impacts on the Country's fauna and flora diversity. The introduction of weeds disturbed the fine balance of local ecosystems. The subsequent weed killing campaigns polluted the river and were responsible for the deaths and illnesses of many workers from the Agricultural Protection Board - their families are still fighting for recognition today (McDuffie, 2019, pp. 173-174).

In May 2018 Traditional Owners from the Fitzroy River catchment agreed on the setting up of the Martuwarra Fitzroy River Council (MFRC) (Laborde & Jackson, 2018), hoping for collaborative planning between government, native title holders and industry.

"I believe that the Fitzroy river council is possibly the most amazing development, Indigenous development, that we've had in the region since the Noonkanbah dispute. This is the first time in 40 years that traditional owners have come together and said, "We need to stand united in terms of being able to protect the Fitzroy River as its continuing guardians" (Anne Poelina, Nyikina, in RiverOfLife, M., Poelina, A., & McDuffie, M., 2020).

(cont.) Representatives of the Council, including Anne Poelina, met with the heads of three government departments to promote a more coordinated approach to water management: pastoralists in the region, led by Gina Rinehart, have been pushing for greater access to the river for irrigation purposes (Wahlquist, 2018).

This came at a time when Northern Australia is being touted as the next “great food bowl”: a CSIRO report (Petheram et al., 2018) has recently identified thousands of hectares in the Fitzroy River basin suitable for irrigated agricultural crops, including sugar and cotton, through the construction of dams (Kelly, 2018; Petheram et al., 2018; Vukovic, 2018).

More recently, the McGowan Government unveiled its Pastoral Lands Reform package to give better opportunities to pastoralists across Western Australia, through a suite of measures designed to enhance land management and improve security of tenure: statutory right to pastoral lease renewals, ability to increase lease term, increased diversification and streamlining of the delivery of permits for non-pastoral activities (Department of the Premier & Cabinet, 2019).

One question arises: with all the development plans earmarked for the Kimberley region, including irrigation, agriculture, pastoral and mining enterprises, will Aboriginal voices be heard, or will the impositions of the last 150 years continue unabated?

The 2020 film, *Voices for the Martuwarra* (RiverOfLife, M., Poelina, A., & McDuffie, M., 2020), featured on the Martuwarra Council website (RiverOfLife, M., 2020), showcases contemporary voices of Martuwarra people, and their ongoing fight to protect their River Country.

Please view the short film ‘*Voices for the Martuwarra*’:
<https://vimeo.com/387436447>.

“How are we going to make things right? Only thing is, we've got to get together, and sit down at the table and you know, make things better. Just like that. That we've got to think of what our future generation, we got to think of what lives in the Country, like all the creatures. And when they went to try and do something, grading the road or grading whatever they built, we're going to know where the bush tucker, where there is bush medicine in the Country, whatever animal nesting place, the bird could have nesting there from long time or kangaroo had breeding place somewhere, and they've got to have a home too. Just like how we got home and then we got to think of all the other things, you know, same time not thinking that because the land is better to grow garden or land is better for something to build money. Well now I'm a T.O. I don't think about the money, I think about the right of my Country, you know” (Mervyn Street, Gooniyandi Traditional Custodian, in RiverOfLife et al, 2020)

“The river is important because it's been there for generations, thousands of generations before white people even came and destroyed tribes and groups of people that lived along the river. And today we still carry that knowledge and the way we gather, eat, cook, and hunt for food is important because it gives us present of what today is about for Indigenous people. And it's also where our rights and strengths come from” (Hozaus Claire, Gooniyandi/Bunuba Traditional Custodian, in RiverOfLife et al., 2020).

“The river is so important to the Bunuba people because it's a healing place, it has stories, it brings people together. It's our life. It heals us, it gives us our food. So yeah, the river is the life of our system. It's not just a resource, it's a living thing for us as Aboriginal people, and for our younger generation that's coming up, we're teaching them how to respect the river and how the river respects you. It's part of your life that the river is alive” (Selina Middleton, Bunuba Traditional Custodian, in RiverOfLife et al., 2020).

“Now we are looking for the whole of Australia to come and join us and support this, not only Australia, overseas, many other Indigenous people that lost their river, come and support us” (Kimberley Watson, Nyikina Traditional Custodian, in RiverOfLife et al, 2020).

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Appendix

LEGISLATION APPLYING TO WESTERN AUSTRALIAN ABORIGINAL PEOPLE: A CHRONOLOGY

Adapted from Kaartdijin Noongar: Noongar Knowledge (2018)
& Poelina (2009, pp. 36-38).

Western Australian & Federal Legislation that applied to Western Australian Aboriginal people	Brief Description
Western Australian Act, 14th May 1829 (UK)	Gave effect to the settlement of Western Australia on wild and unoccupied lands In his despatches to the British government, Governor James Stirling would refer to the physical occupation of land as an invasion.
Governor Stirling's Proclamation, 18th June 1829	Stirling's proclamation enacted the protection of Aboriginal people as British subjects, but also argued for the creation of a militia to protect the settlers.
An Act to constitute the Island of Rottneest a legal prison 1841	Established a prison at Rottneest. The Act also stated that its purpose was to instruct Aboriginal people 'in useful knowledge, and gradually be trained in the habits of civilised life'.
Waste Land Act (UK) 1842 (which resulted in regulations in WA)	Regulated the sale of 'waste' lands in the Australian colonies. W.A enacted regulations in 1843. Reserves were for the 'benefit and use of Aborigines'.
An Act to allow the Aboriginal Natives of Western Australia to give information and evidence without the sanction of an oath 1841 (It was taken out of the Act on the insistence of the British government.)	Evidence admitted in court, which would allow Aboriginal people to give evidence against Europeans and each other. This was initially attached to summary punishment provisions, which aimed to prosecute Aboriginal people for the theft of settlers' property.

<i>The Publicans Act 1843</i>	Prohibited the supply of liquor to Aboriginal people.
<i>An Act to prevent enticing away girls of the Aboriginal race from school or from any service in which they are employed 1844</i>	Permission was required to remove Aboriginal girls from school or 'service' unless they had consent from an employer or protector. (Repealed by Aborigines Act 1905)
<i>An Ordinance to provide for the Summary Trial and Punishment of Aboriginal native offenders in certain cases 1849</i>	An Aboriginal male convicted of 'any felony or misdemeanour' could be sentenced to a whipping, of no more than two dozen lashes, as well as be imprisoned.
<i>An Ordinance to provide for the issue of Licenses to kill Kangaroos. 1853 (The Kangaroo Ordinance 1853)</i>	Licences to kill kangaroos were introduced in attempt to control large numbers being killed.
<i>Amendment of Summary Trial and Punishment of Aborigines Act (Summary jurisdiction Act) 1859</i>	Extended period of imprisonment for Aboriginal people to three years.
<i>An Act to regulate the hiring and service of Aboriginal Natives engaged in Pearl Shell Fishing 1871</i>	Also to prohibit the employment of women in this industry.
<i>The Pearl Shell Fishery Regulation Act, 1873</i>	Regulation of Aboriginal employment in pearl fisheries. 'An Act to regulate the hiring and service of aboriginal natives employed in the Pearl Shell Fishery: and to prohibit the employment of women therein'
The Summary Jurisdiction Act was amended 1874	Allowed (in towns where there was only one magistrate), two or more Justices of the Peace to impose sentences of no more than six months. Definition of 'Aboriginal native' extended to include 'person of whole or half- blood'.
<i>The Game Act 1874</i>	Authorised Aboriginal people to kill native animals for food.

<p><i>The Industrial Schools Act 1874</i></p>	<p>Authorised institution directors and managers to have the legal guardianship and custody of orphaned Aboriginal children, or children voluntarily surrendered by their families, as well as Aboriginal workers, until the age of 21 and to apprentice them as they saw fit.</p>
<p><i>The Capital Punishment Act 1871, as amended 1875</i></p>	<p>Abolished public executions but exempted Aboriginal people who could still be executed in public: 'except in the case of such of the aboriginal natives who may from time to time be condemned to death, in which case such judgment shall be carried into effect by the proper officer at such place as may be'</p>
<p><i>The Wines, Beer and Spirit Sale Act 1880</i></p>	<p>Authorised Aboriginal interpreters to act without taking an oath.</p>
<p><i>Aboriginal Offenders Act 1883</i></p>	<p>Enacted similar provisions to the repealed 1849 Summary Jurisdiction Act. Justices of the Peace (JP) granted power to sentence a person defined as 'Aboriginal' to two years jail.</p>
<p><i>The Dog Act 1883</i></p>	<p>Dogs of 'Aboriginal natives' could be destroyed in certain cases. Amended in 1885. It was legal for an 'Aboriginal native' to have an unregistered dog, but if the number was more than the total number of people in a group, then the extra dogs were liable to be destroyed. Efforts by government for this kind of Act started in the 1840s.</p>

<p><i>The Aborigines Protection Act 1886</i></p>	<p>Established the Aborigines Protection Board (APB). Officials, including Chief Protector, had increased power to regulate the employment and movement of Aboriginal people. The Act also attempted to enforce written contracts for Aboriginal employees (witnessed by a third party), and made provision for the distribution of food or clothing to destitute Aboriginal people.</p>
<p><i>The Aborigines Act 1889</i></p>	<p>APB authorised to cancel work contracts in certain circumstances. Governor was allowed to create reserves on Crown land 'for the benefit of Aboriginal natives'.</p>
<p><i>The Constitution Act 1889</i></p>	<p>British Government insisted that the Constitution Act include a provision (s.70) that 5000 pounds or one percent of gross revenue (whichever was greater) was paid to the APB to provide Aboriginal people with food and clothing, and assist in promoting the 'education of Aboriginal children (including half-castes), and the preservation and well-being of the Aborigines'.</p>
<p><i>The Aboriginal Offenders Act, amended in March 1892</i></p>	<p>Aboriginal males could be punished with whipping, separate from, or in addition to prison.</p>
<p><i>The Aborigines Protection Act 1886, amended in March 1892</i></p>	<p>Aboriginal natives were punished with three month's prison and an employer fined 20 pounds if they breached the contract (dealt with under the Masters and Servants Act 1892).</p>

<p><i>The Police Act 1892</i></p>	<p>Unlawful for non-Aboriginal people to be in the company of 'Aboriginal natives' in certain circumstances without a good reason.</p>
<p><i>The Aboriginal Offenders Act amended in 1893</i></p>	<p>Maximum term of imprisonment for an Aboriginal person by a Justice of the Peace increased from 2 to 3 years (and 5 years for previous offenders).</p>
<p><i>Elementary Education Act 1871, Amendment (1893) (Hetherington, 2002, p.138)</i></p>	<p>Section 22, Part 4, stipulated that the following children could be excluded from school: 'suffering from any infections or contagious disease, or whose presence was otherwise injurious to the health and welfare of other children'. Non-Aboriginal parents could thus request the removal of Aboriginal children.</p>
<p><i>Constitution Amendment Act 1894</i></p>	<p>Repealed section 70 of the Constitution Act of 1889: 'ON and after the first day of January, One thousand eight hundred and ninety-five, the seventieth section of 'The Constitution Act, 1889,' and Schedule C of that Act, shall cease to have any force or effect; and the funds necessary for the relief and for assisting generally to promote the preservation and well- being of the aboriginal inhabitants of Western Australia shall be such as may be provided by Parliament from time to time'.</p>
<p><i>The Aborigines Act 1897</i></p>	<p>Abolished the Aboriginal Protection Board, which was replaced by an Aborigines' Department.</p>
<p><i>The Land Act 1898</i></p>	<p>Aboriginal people could be granted or could lease Crown land of no more than 200 acres. Governor also authorised to reserve land for the 'use and benefit of Aborigines'.</p>

<i>The Fisheries Act 1899</i>	Aboriginal inhabitants could catch fish, as long as it was in the traditional manner for food.
<i>The Criminal Code Act 1901-2</i>	Discretion for sentence to include whipping.
<i>Commonwealth Constitution Act of 1900</i>	Made Aboriginal people a State issue, excluding the Commonwealth from making laws for Aboriginal people (section 51) and from including Aboriginal people in the census (section 127).
<i>Commonwealth Franchise Act 1902</i>	No 'Aboriginal native' was entitled to be on the electoral roll unless entitled under s41 of the Commonwealth Constitution.
<i>The Dog Act 1903</i>	An adult Aboriginal male could keep one unregistered dog if the dog was free of disease.
<i>Mining Act 1904</i>	An 'Aboriginal native' was not permitted to work on a mining tenement unless the mining Warden gave permission.
<i>Royal Commission on the Condition of the Natives (W.E. Roth, Commissioner, 1904- 1905)</i>	Reported on the conditions of Aboriginal people in the North West of Australia after numerous accounts of violence and massacres by settlers and police. Known as the 'Roth Report'.
<i>The Aborigines Protection Act 1905 (Jebb, 2002, p.79)</i>	Responded to the recommendations of the Roth Commission. Chief Protector of Aborigines was made a legal guardian of all Aboriginal children under 16 and Governor had the power to declare or confine Aboriginal people on reserves, or remove them. Work permits were instituted to provide minimal protection and medical care of Aboriginal workers, including the provision of clothes and rations, but severely limited the movements of Aboriginal people by making them liable to prosecution if they refused to work or 'absconded'

<p><i>The Electoral Act 1907</i></p>	<p>Prohibited any 'Aboriginal native' from enrolling as an elector, or if enrolled, from voting in an election.</p>
<p><i>The Licensing Act 1911</i> Amendment to the <i>Aborigines Act 1905</i> (Jebb, 2002, p.70)</p>	<p>Alcohol sale to Aboriginal people prohibited, as well as Aboriginal people entering into or loitering near licensed premises. Amendment to the <i>Aborigines Act 1905</i> to provide legislative support for greater government intervention in Aboriginal people's lives. The amendment also lessened the likelihood of Aboriginal people being gaoled for cattle killing.</p>
<p><i>The Shearers Accommodation Act 1912</i></p>	<p>Provision of adequate accommodation for shearers and shed hands was required but not applicable to Aboriginal workers employed in this capacity.</p>
<p><i>The Land Act, Amendment Act 1934</i></p>	<p>Allowed 'Aboriginal natives', at all times, to enter any 'unenclosed and unimproved' parts of the land on a pastoral lease so that they could seek 'their sustenance in their accustomed manner' - Section 11 (2)</p>
<p><i>Native Administration Act 1936</i></p>	<p>Act implemented in response to the Moseley Commission of 1934-1935. Established the Department of Native Affairs and permit system. It also established a court for 'tribal aborigines'. People of one-fourth or less Aboriginal descent were not considered to be Aboriginal unless they applied to be classified as such. The Governor could appoint travelling inspectors to report on the 'conditions of natives and the management and conduct of native institutions'</p>
<p><i>The Native Administration Act, amended 1941</i></p>	<p>Restricted Aboriginal people from travelling across a 'boundary line' (20th parallel) to prevent the spread of leprosy.</p>

<p><i>The Natives (Citizenship Rights) Act 1944</i></p>	<p>Citizenship was conditional and required proof that a person was 'civilised', i.e. a fit and proper person to obtain a certificate – one of the conditions being that this person did not associate any longer with Aboriginal people, other than their own immediate family. Provided a Citizenship Certificate.</p>
<p><i>Commonwealth Electoral Act 1949</i></p>	<p>Aboriginal people who had completed military service were granted the right to vote in Federal elections or if they were on the State Electoral roll, but Aboriginal people in Queensland, Western Australia, and the Northern Territory still could not vote in their own state/territory elections.</p>
<p><i>The Fauna Protection Act 1950</i></p>	<p>'Natives' could take fauna from Crown land (or other land with permission) for food for sustenance.</p>
<p><i>Native Administration Act, amended in 1954</i> Jebb, 2002, p.249</p>	<p>Some people who had been called 'natives' were now exempt from being called 'native' under the Act. Lifting of Exclusions to Social Security payments to Aboriginal People</p>
<p><i>Commonwealth Social Service (Consolidation) Act 1960</i></p>	<p>This Act lifted restrictions applying to Aboriginal people receiving maternity and aged benefits.</p>
<p><i>Commonwealth Electoral Act 1962</i></p>	<p>Aboriginal people over 21 achieved the right to enrol (not compulsory) and vote at Federal elections. Western Australia passed laws that meant that Aboriginal people could vote for the first time.</p>
<p><i>The Native Welfare Act 1963</i></p>	<p>Replaced previous 1905-36; and 1940-60 Acts. Department of Native Welfare created under the Minister for Native Welfare.</p>

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<i>The Native (Citizenship Rights Act), amended in 1964</i>	Children named in parents' certificate of citizenship could obtain their own certificate at 21.
<i>The Commonwealth Constitution, Amendment Act, 1967</i>	Referendum to change section 51(29) authorising the Commonwealth parliament to make special laws relating to Aboriginal people and remove s127 of the Constitution so that Aboriginal people could be counted in the census.
<i>The Federal Pastoral Industry Award 1968</i>	Allowed for equal wages for Aboriginal people working in the pastoral industry.
<i>The Aboriginal Affairs Planning Authority Act 1972</i>	Legal definition of 'Aboriginal' extended to someone who identifies as Aboriginal and is accepted by the community as such. Establishment of Aboriginal Lands Trust, Aboriginal Advisory Council, and the Aboriginal Affairs Coordinating Committee.
<i>The Aboriginal Heritage Act 1972</i>	First Act that focused on Aboriginal cultural heritage. Aim is protection of Heritage sites of significance to persons of Aboriginal descent.
Commonwealth, 1973	First national elections for Aboriginal people organised to elect 41 members of the National Aboriginal Consultative Committee (more than 27,000 people voted).
<i>The Fauna Conservation Act, amended 1975</i>	'Person' of Aboriginal descent changed to the same meaning in the Aboriginal Affairs Planning Authority Act 1972.
<i>Wildlife Conservation Act 1976</i>	Included what flora and fauna Aboriginal families could take for food.
National Aboriginal Conference, 1977	Established as the first Aboriginal elected body with direct access to government.

<p><i>The Aboriginal Communities Act 1979</i></p>	<p>Aboriginal communities defined under AAPA given authority to control their own affairs on community land.</p>
<p><i>Fisheries Act, amended 1979</i></p>	<p>A person of Aboriginal descent may take fish from any waters for food for himself and his family but cannot sell them.</p>
<p>Creation of ATSIC, 1990</p>	<p>The Aboriginal and Torres Strait Islander Commission was created with elected regional councils. A board of commissioners made the decisions on policy and funding.</p>
<p><i>The Native Title Act 1993</i></p>	<p>Enacted following the Mabo decision in 1992, which recognised that Aboriginal people had native title rights that survived the assertion of British sovereignty. Overturned the doctrine of <i>Terra Nullius</i>.</p>
<p>HREOC Report, 1996</p>	<p>The Human Rights and Equal Opportunity Commission tabled a report on the separation of Aboriginal children from their families.</p>
<p>Statement of Commitment to a New and Just Relationship between the Western Australian Government and Aboriginal Western Australians, 2001</p> <p>Retrieved from http://www.nrm.wa.gov.au/media/10539/consulting_citizens.pdf</p>	<p>Principles</p> <ul style="list-style-type: none"> • Recognition of the continuing rights and responsibilities of Aboriginal people as the first peoples of Western Australia, including traditional ownership and connection to land and waters. • Legislative protection of Aboriginal rights. • Equity with respect to citizenship entitlements. Regional and local approaches to address issues that impact on Aboriginal communities, families and individuals. • A commitment to democratic processes and structures. • Inclusiveness. The need to address issues arising from past acts of displacement. • A commitment to improved governance, capacity building and economic independence.

<p>Western Australian Elections, 2001</p>	<p>Carol Martin (Australian Labour Party) became the first Indigenous woman to be elected in the Western Australian State Parliament when she won the Kimberley seat.</p>
<p>Broome Shire Council Elections, 2011</p>	<p>First local government election in which a majority of Aboriginal councillors was elected. Election of Dr Anne Poelina as the Deputy Mayor of Broome Shire Council after campaigning with the <i>No Gas</i> platform.</p>
<p>Nyikina-Mangala Native Title Claim Consent Determination 2014</p>	<p>May 2014: Nyikina-Mangala Traditional Owners get Native Title over more than 26,000 km² of Kimberley country.</p>



Photo: Lachie Carracher

Fitzroy River, Western Australia

A publication of the Martuwarra Fitzroy River Council.

Martuwarra RiverOfLife