

MLT. MD

Government House,
Canberra.
20th June, 1967.

Dear Sir,

I am directed to refer again to the petition of yourself, Mr. Pincher Manguari, Mr. Gerry Ngalgardji and Mr. Long-Johnny Kitgnaari to obtain tenure of land in the Wave Hill-Limbunya area, Northern Territory, addressed to His Excellency the Governor-General in April last.

I am directed by the Governor-General to state that he has carefully studied your petition and has received the advice of his Minister for Territories on it.

The land which you seek to be made available to the Gurindji people under annual rental is Crown land (i.e. not owned by any one individual but by the Commonwealth of Australia) of which a pastoral lease has been granted by the Minister for Territories and is held by the Wave Hill Pastoral Company limited. This lease has another 37 years to run and is in force until the year 2004.

The Crown Lands Ordinance of the Northern Territory provides that a pastoral lease is subject to a reservation in favour of the Aboriginal natives of the Northern Territory authorizing them too –

- (i) enter and be on the leased land;
- (ii) use the natural waters and springs on the leased land; and
- (iii) kill upon the leased land and use for food, wild birds and animals ferae nature.

This reservation does not extend to authorising an Aboriginal to establish exclusive occupancy over any area of leased land or to interfere with or damage any property of the lessee.

Your letter states that you have occupied a small area under Miner's Rights. The mining legislation of the Territory provides that the holder of a miner's right may mark off, and apply for registration for, areas of one acre of Crown Land (and this term includes land held under pastoral lease) for a residence and, five acres for a market garden area. Such holdings, however, may be taken up within Goldfields or Mineral Fields only and the land sought by your people is outside the boundaries of proclaimed Gold Fields and Mineral Fields. The land cannot therefore be occupied by virtue of a Miner's Right.

You say that you will continue to build a new home on the area at Seal Yard occupied under Miner's Rights and will then buy some working horses with which you will trap and capture wild unbranded horses and cattle.

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You should be careful that you do not do anything to break the law in any way or to interfere with the rights of the pastoral lessee. Officers of the Northern Territory Administration will be available to advise you about this.

You refer to sacred caves of your people. Provision exists under Northern Territory legislation under which action can be taken for the preservation of objects or pieces of ethnological, anthropological, archeological and historical interest and value. If your people wish action to be taken for the specific purpose of protecting your sacred places you should put a proposal, in the first instance, to the Administrator of the Northern Territory and this would be given every consideration.

In the Northern Territory, reserves totalling about 94,000 square miles have been set aside for the use and benefit of the Aborigines. Legislation is at present before the Legislative Council to make it possible for leases to be granted to Aborigines, and Aboriginal cooperatives and companies within those reserves. The Government's intention is that the legislation should provide for the grant of leases to be made on the advice of a Special Land Board having an Aboriginal majority. If this legislation is passed Aborigines will have ample opportunity to obtain leases of land within reserves.

With regard to land outside the reserves, as well as having the same rights as any other person to apply under the general provisions of the land ordinances for a lease of available land, an Aboriginal may, at present, apply under a special provision for a lease of unalienated Crown land of an area not exceeding 160 acres and the Bill at present before the Legislative Council seeks to remove this upper limit. An application by your people for a lease or licence over vacant Crown land would be fully considered.

His Excellency has asked me to state that in the light of these facts and acting with the advice of his Minister for Territories, he has not been pleased to grant the request in your petition.

Yours faithfully,

(M. L. Tyrrell)
Official Secretary to the
Governor -General.

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