



## INDIGENOUS AUSTRALIANS' RIGHTS AND FREEDOMS

How does the National Museum of Australia's 'Old Masters' bark paintings exhibition help us understand the Yirrkala petition?

### A CASE STUDY

Every time the Australian Parliament sits (and the various state and territory parliaments as well) some Members of Parliament present petitions from the people they represent. It is part of what we understand by our system of *democracy*.

- 1** What is a democracy?
- 2** When did Australia become a democracy?
- 3** What rights and freedoms does this entitle us to? Think of your daily life and reflect on all that you assume you can do as you plan your life.

- 4** Why do they matter?

We say Parliament is part of our *representative democracy*. But how does it represent us and any changes that we think should be made to laws?

- 5** What actions do people sometimes take when they believe that their rights and freedoms do not exist or are less than others? List these.
- 6** What ways exist for people to create change by influencing their Parliament? How can they influence their Parliament?

One possible way is by a *petition*. A petition is a formal call by a group of people for a certain action to be taken by the Parliament.

- 7** What do you think it might take for a petition to be successful, and for there to be the change that people are asking for? In your answer consider such things as:
  - the justice of the claim
  - who signs the petition
  - the number of people who sign it
  - the influence of the politician presenting it
  - public opinion on or publicity about the issueand any other factors that you think might be relevant.

**In 1963 a group of Yolngu (Aboriginal people in eastern Arnhem Land, in the Northern Territory), presented two petitions to the Australian Parliament.**

So what? Hundreds of petitions are presented each year. But these petitions were a bit different.

**In this unit you are going to see what happened with one petition, and work out from the evidence why it succeeded or failed in the way it did.**

### CURRICULUM CONNECTION

Year 10

The Modern World and Australia

Depth Study 2

Rights and Freedoms

#### HISTORICAL KNOWLEDGE AND UNDERSTANDING:

Methods used by civil rights activists to achieve change for Aboriginal and Torres Strait Islander peoples, and the role of ONE individual or group in the struggle (ACDSEH134)

#### HISTORICAL SKILLS:

##### Chronology, terms and concepts

- Use chronological sequencing to demonstrate the relationship between events and developments in different periods and places
- Use historical terms and concepts

##### Historical questions and research

- Identify and select different kinds of questions about the past to inform historical inquiry
- Evaluate and enhance these questions
- Identify and locate relevant sources, using ICT and other methods

##### Analysis and use of sources

- Identify the origin, purpose and context of primary and secondary sources
- Process and synthesise information from a range of sources for use as evidence in an historical argument
- Evaluate the reliability and usefulness of primary and secondary sources

##### Perspectives and interpretations

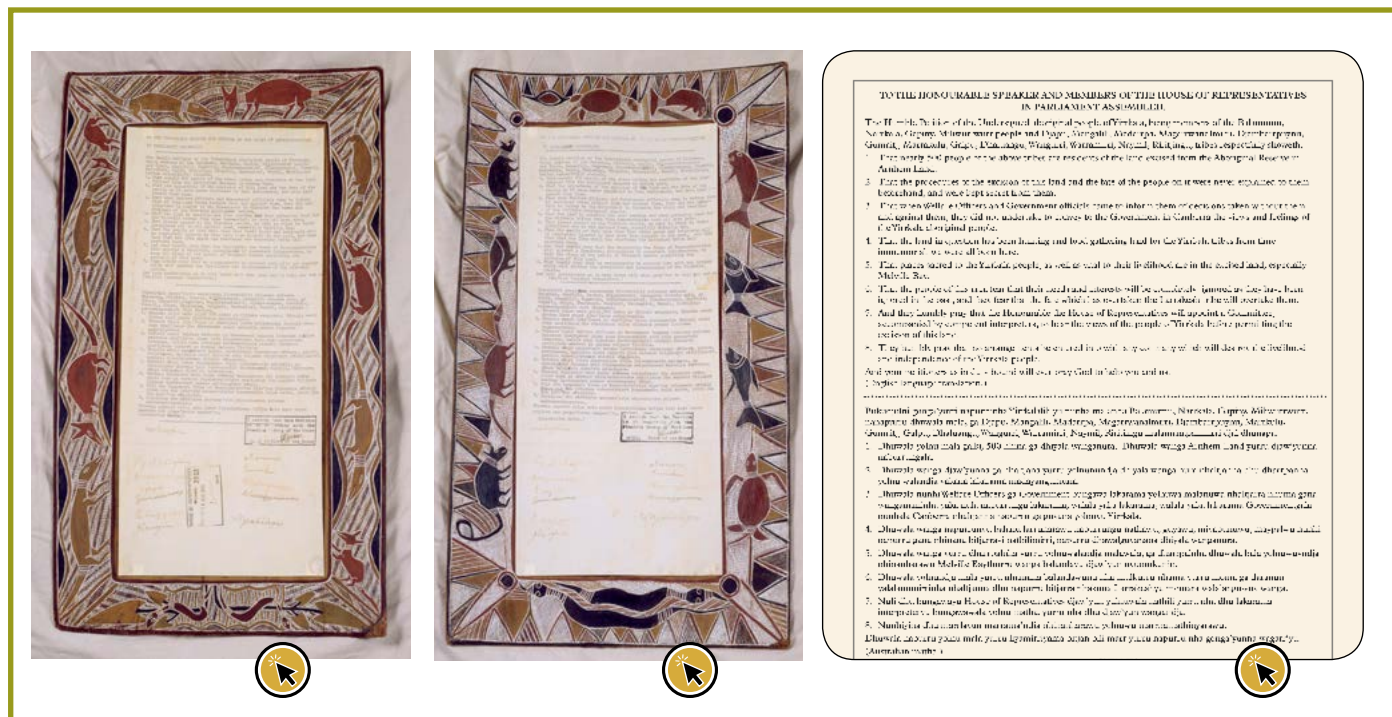
- Identify and analyse the perspectives of people from the past
- Identify and analyse different historical interpretations (including their own)

##### Explanation and communication

- Develop texts, particularly descriptions and discussions that use evidence from a range of sources that are referenced
- Select and use a range of communication forms (oral, graphic, written) and digital technologies

# Two Petitions

Here are the two petitions that the Yolngu people (or Yolŋu, with the ŋ sound as in *ring* or *anger*) of Arnhem Land presented to the Australian Parliament in 1963. The typed text and the signatures in both are exactly the same.



The petitions refer to the excision of an area of land from an Aboriginal Reserve in Arnhem Land. 'Excision' involves legally separating part of an area of land. This excision allows some special use of the land different from the rest.

Look at the petitions and answer these questions.

- 8 How many tribes or groups were involved in the petition?
- 9 How many people were affected by the petition?
- 10 How did the petitioners use the land?
- 11 What is the petitioners' complaint about the decision to excise the land?
- 12 What do they fear will be the outcome of this excision?
- 13 What do they want done about the decision?
- 14 There are two petitions. The words on both are exactly the same. How are the two petitions different?
- 15 The typed sheets were pasted on bark. Look at the two bark sheets and describe what is on each of them.
- 16 Why do you think the petitions were presented in this way?

- 17 Look back at your discussion of what might influence whether a petition would succeed or fail. List what you see as the potential strengths and the potential weaknesses at this stage of the likelihood of success of this petition. Summarise these in a table like this:

The petitions might be likely to succeed because ...	The petitions might be likely to fail because ...

To understand the petitions more fully we need to explore:

- the place they originated from (**Investigation 1**),
- the background of events that led to them (**Investigation 2**),
- the form (bark painting), that they were presented in (**Investigation 3**), and
- their outcome (**Investigation 4**).

## INVESTIGATION 1 Where is Yirrkala?

The petitions were from eastern Arnhem Land, and referred to Yirrkala, on the Gove Peninsula.

- 1.1** Locate the Gove Peninsula and Yirrkala on this map.



Here is a video introduction to the Yolngu people of Arnhem Land. Click to watch.

Now read the information below about Arnhem Land and use it to answer these questions:

- 1.2** Why might the people of Arnhem Land have had contact with people other than post-1788 Europeans for some hundreds of years?
- 1.3** Consistent European contact did not begin until the twentieth century. Why might it have taken so long for this close and consistent contact to occur?

The **Arnhem Land Region** is one of the five regions of NT. It is located in the north-eastern corner of the territory and is around 500 km from the territory capital Darwin.

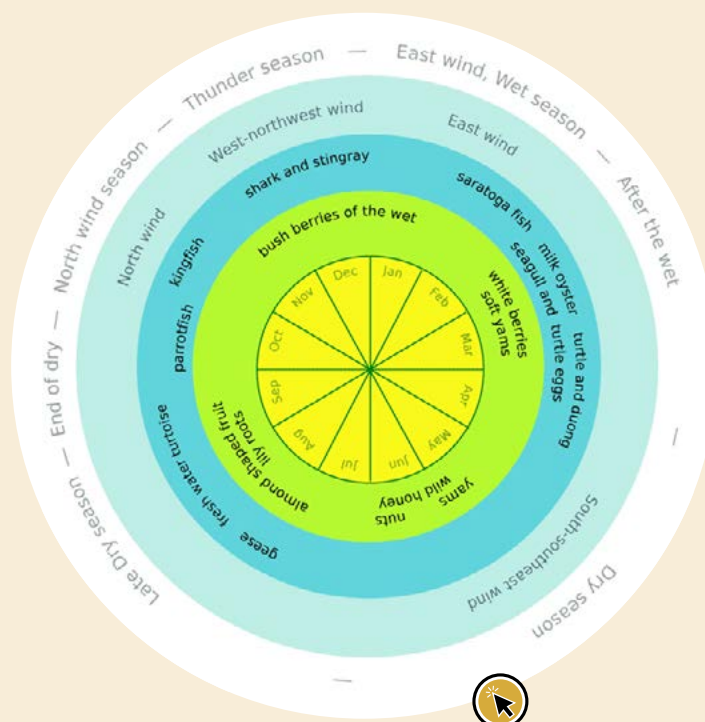
Arnhem Land has been occupied by Indigenous people for tens of thousands of years and is the location of the oldest-known stone axe, which scholars believe to be 35 500 years old.

Northeast Arnhem Land is home to the Indigenous Yolngu people, one of the largest Indigenous groups in Australia, and who have succeeded in maintaining a vigorous traditional culture. Under Yolngu Law the 'Land' extends to include sea. Both land and sea are connected in a single cycle of life for which the Yolngu hold the songs and designs.

The Arnhem Land region has an area of 97,000 km<sup>2</sup>. It is named after the Dutch ship *Arnhem*, itself named after Arnhem in the Netherlands. The *Arnhem* sailed into the area in 1623. Malays and Macassans had contact with the coastal Aboriginal groups and traded with them from about the mid-1600s.

The climate of Arnhem Land is tropical monsoon with a wet and dry season. Temperatures do not fluctuate widely throughout the year, though it can range from overnight lows of 15 degrees Celsius in the dry season (April to September) to daily highs of 33 degrees Celsius in the wet season (October to March).

The Yolngu identify six seasons:



[http://livingknowledge.anu.edu.au/learningsites/seacountry/10\\_observing\\_seasons\\_e.htm](http://livingknowledge.anu.edu.au/learningsites/seacountry/10_observing_seasons_e.htm)

PERIOD	WEATHER	ACTIVITIES
<b>SEASON 1: Dhuludur</b>		
Late October, November, December	The 'nose of the wet season', with or bringing thunder – late October. Period of maximum heat and humidity immediately before the rain season, characterised by violent thunder storms of increasing frequency.	Nomadic activities much restricted. People generally in camps near permanent water.
<b>SEASON 2: Barra'mirri</b>		
Late December, January	The NW winds predominate bringing the monsoon rains – the wet season sets in, with heavy rains and thunder storms, virtually every day.	Macassan fleets used to arrive with north-west winds and disperse to regular sites for trepang fishing. People concentrated in wet season camps leading almost sedentary life. Inland travel restricted by floods and dense growth of rank grass. Plants burst into rapid growth. The green grasses grow to metres high. The waterholes fill and the creeks and rivers rise to flood levels. Birds and animals are in abundance. The mosquitoes swarm in plague numbers.
<b>SEASON 3: Mayaltha</b>		
January, February, March	Wet season proper.	Annoying flies and biting sandflies are everywhere. The plants start to flower, and the numbers of birdlife become prolific. People concentrated in camps. Inland travel restricted by floods.
<b>SEASON 4: Mirdawarr</b>		
Late March, April	End of wet season with scattered showers. Still humid. The winds swing around from the east and the weather becomes cooler.	People generally sedentary and living in big camps. Nomadic movement restricted by floodwaters. Long rank grass and mosquitoes. Macassan traders used to depart at this time with south-east winds. Goose-hunting expeditions into swamps. Fishing, especially large-scale communal fishing operations and drives where floodwaters receding; including basket traps in weirs, nets and the gurl in use only in the valley of the Glyde River. This is the season of an abundance of food and the rains cease. This is harvest time. Again, good fishing is to be had with the barramundi in the mangroves and other fish species in the shallow waters near the shore.
<b>SEASON 5: Dharratharramirri</b>		
Late April, May, June, July, August	The predominant winds are from the south-east and come in strong gusts which flatten the tall grasses which grew tall with the previous rains.	People nomadic; big wet-season camps breaking up. Systematic burning of all extensive grassed areas, communal drives for kangaroo, bandicoots, goanna. Fishing still important, with nets, grass barriers, in shallow waters on plains and salt pans. August to November (inclusive) is the most important period for ceremonial activities. With the lack of rain, the vegetation dries out and small fires are lit by the Yolngu to flush out the animals to be hunted and speared for food, plus to help regenerate the plants for regrowth.
<b>SEASON 6: Rrarrandharr</b>		
September, October	Hot dry season. Hot periods towards close of dry (south-east) season. Wind chiefly north-east, lightning frequent and first thunder heard.	Nomadic activities lessen after burning of grass. Poisoning of fish in waters now concentrated by evaporation. Fish spearing continues in estuarine and coastal waters. Important ceremonial time. Larger bushfires are started by the Yolngu, again for hunting purposes but also to clear and clean the buildup of undergrowth associated with the previous wet season. Most fish species are fat and hungry and the barramundi move from the freshwater areas into the saltwater. The mango trees are fruiting. When the mangoes are nearly finished, the weather changes and the thunder begins – the next season of Dhuludur' is about to begin and the cycle starts over again.

You now need to understand the context or background events that led to the creation of the Yirrkala petitions.

Based on  
Justin Willmetts With acknowledgement to Stephen Davis  
(author of: "The Hunter for all Seasons") – East Arnhem Collection at Nhulunbuy Community Library.  
<http://www.goveonline.com/forums/nhulunbuy-faq/weather-patterns-ne-arnhemland-a-yolngu-explanation>

## INVESTIGATION 2

### What was the background events to the Yirrkala petitions?

Use the information in the timeline below to answer these questions about the creation of the Yirrkala petitions.

**2.1** Why were 'outsiders' interested in the area?

**2.2** What did the government authorise?

**2.3** Why? In your answer consider the change in attitude from 'protection' to 'assimilation'.

**2.4** Do you agree that the Yolngu should have been consulted about the decisions made about the land?

**2.5** Do you agree that the Yolngu should have had the right to control the way the land was used?

**2.6** How did the dispute become public?

**2.7** How did the Australian Parliament become involved?

c. 50 000 years ago	Aboriginal people arrive in Arnhem Land. They develop a semi-nomadic life that takes advantages of seasonal food resources and weather patterns, and, develop traditional practices, beliefs and laws.
c. mid-1600s	Coastal Arnhem Land people start to have regular contact with Malayan and Macassan (Indonesian) fishermen who gather trepang (also called bêche-de-mer, sea slug, or sea cucumber) a slow-moving invertebrate gathered from the sea floor. The trepang are boiled and then smoked on the Arnhem Land shores before being transported back to markets.
1906	The South Australian Government (which then administered the Northern Territory) stops issuing permits for trepang harvesting. The Indonesians are replaced by Japanese.
1911	The Commonwealth takes over legal responsibility for the Northern Territory.
1935	The Methodist Overseas Mission establishes the Yirrkala Mission, for about 200 local people. Slowly more people become less nomadic and more permanently settle around the mission.
1920-1940	Various areas of Arnhem Land are set aside by the government and legally protected for Aboriginal people, to protect their hunting and cultural practices. This reflects an attitude that the interests of the Aboriginal people need to be protected from European contact. This philosophy is called <i>protection</i> .
1942-43	The Commonwealth builds an airstrip for use by the Air Force against the Japanese in the Pacific. The airstrip is named Gove, after the British airman, William Gove, who was killed in action in 1943. This brings local people into close contact with large numbers of Europeans (other than missionaries) for the first time.
1952	Commonwealth Minister for Territories (Paul Hasluck) supports a policy of <i>assimilation</i> of Aboriginal people into Australian life, rather than protection by separation. This means that Aboriginal people will be encouraged to participate in all aspects of European life. But prospective miners on reserves will have to put up a very good case if there is to be development in the area and show that Aboriginal people will participate in, benefit from and not be damaged by the mining activity.
1952	Geologists report extensive deposits of bauxite in the Gove area.
1956	Australian Government decides it wants a processing plant built to provide jobs for Australians and form the basis for a town.
1962	Reverend Edgar Wells appointed as Superintendent of Yirrkala Mission.
February 1963	The Government approves the excision of 310 square kilometres on the Gove Peninsula of the 90 000 square kilometres Arnhem Land Reserve for the mining of bauxite. The Aboriginal residents of the area were not to be harmed by the decision, and they were to gain training and employment from the mining. This agreement is between the NT Administration and the Methodist Mission (but excluding Rev. Wells, who is on leave). Local people are not consulted or properly informed (because of interpretation problems) about the discussions or the decision.

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19 February 1963 .....

Rev. Edgar Wells, Superintendent of Yirrkala Mission, sends telegrams to the Central Methodist Mission, the federal Opposition Leader, Stan Davey secretary of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI) and the capital cities press, protesting about the excision of the land.

9 April 1963 .....

Paul Hasluck, Minister for Territories, announces the excision in Parliament, and argues that the decision will bring benefits to the people. Opposition member Kim Beazley argues against it.

(You can see the arguments of these men at the Collaborating for Indigenous Rights website <http://indigenoustrights.net.au/subsection.asp?ssID=58>)

16 July 1963 .....

Gordon Bryant and Kim Beazley visit the Yirrkala Mission and meet with Elders. Beazley suggests the idea of a petition and advises on the appropriate wording. After seeing the Yirrkala Church panels, Beazley suggests that the petition is in the form of the people's own culture.

The Church panels were painted by Narritjin Maymuru. He began painting in the 1940s after time as a cook, and produced grand episodic narrative bark paintings from the 1950s onwards. Narritjin's paintings in particular are both historical recordings and artistic masterpieces. Narritjin's clan design consisted of diamonds, rows of dashes, anvil shapes and an X pattern that is derived from the breast girdle worn by ancestral women during mourning ceremonies. Narritjin used a brush of human hair, 'a marwat', to intricately cover the entire surface of his barks in geometric designs. The figurative elements of his compositions remained subservient to a seemingly abstracted grid.

Human, animal and spirit figures usually appeared in a silhouette black or with limited patterning. The contrast between the stark figurative elements and their intricate background created an optical clarity, but more importantly it highlighted the dominant purpose of Narritjin's compositions, to relay narratives of great significance.

<http://www.aiam100.com/profile.php?id=MaymuruNarri>

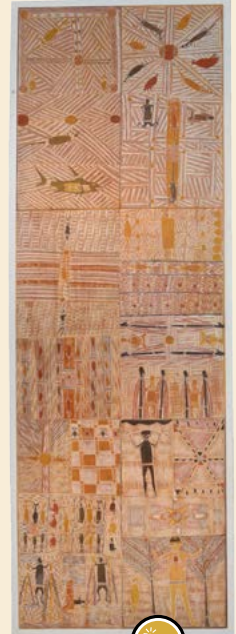
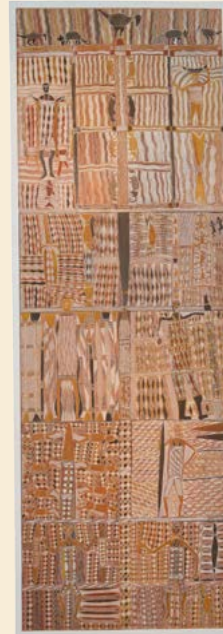
The Yolngu people of north-eastern Arnhem Land divide society (and much of the natural world) into two moieties: *Dhuwa* and *Yirritja*. Each of these is represented by people of a number of different clan groups, each with their own lands, languages and philosophies:

SKIN NAME	CLAN GROUPS
<b>Yirritja</b>	Gumatj, Gupapuyngu, Wangurri, Ritharrngu, Mangalili, Munyuku, Madarrpa, Warramiri, Dhalwangu, Liyalanmirri.
<b>Dhuwa</b>	Rirratjingu, Galpu, Djambarrpuyngu, Golumala, Marrakulu, Marrangu, Djapu, Datiwuy, Ngaymil, Djarrwark.

Many things are either *Yirritja* or *Dhuwa* – fish, stone, river, sea etc., belongs to one or the other moiety. Things that are not either *Dhuwa* or *Yirritja* are called *wakinnu*. Yolngu also have a kinship system with eight subsections (four *Dhuwa* and four *Yirritja* which is what creates moiety).

August 1963 .....

Petitions from the people of Yirrkala presented to Parliament by Mr Nelson, Member for NT, Mr Wentworth, Mr Beazley and Mr Calwell. These include the petitions on page 2.



The petitions used formal parliamentary language, but were presented on traditional bark paintings. What was the significance of this form of presentation of the petitions? Look at the next Investigation to explore this question.

## INVESTIGATION 3 What was the significance and meaning of presenting the petition on two bark paintings?

The Yirrkala petitions were on bark.

To understand the meaning and significance of this we need to investigate some examples of bark paintings and understand what they show, and what it means.

We can do this by looking at five examples of bark paintings from the **Old Masters: Australia's great bark artists** exhibition at the National Museum of Australia, and applying the knowledge we gain from them to the Yirrkala petitions.

Not all the paintings are from the Yolngu people of eastern Arnhem Land who created the Yirrkala petitions, but they all help us understand how bark paintings used images to create meanings and messages for the viewer.

**3.1** Look at the following bark paintings from the Old Masters exhibition and answer the questions associated with each of them. You might like to look at each one and analyse it, or let small 'expert' groups analyse one and report back to the whole class on their findings.

### Example A



John BULUNBULUN  
Gurrumba Gurrumba clan, Ganalbingu language  
1946–2010  
*Creatures of the Arafura Swamp*, about 1984  
Aboriginal and Torres Strait Islander Affairs Art collection  
125 x 91 cm

- A.1** Look at this bark painting and describe what it shows.
- A.2** What do you think is its message or meaning?

Now look at this additional information.

The environment plays a crucial role in the development and maintenance of Aboriginal social life in Arnhem Land. The physical environment includes a wide variety of landscapes including low cliffs, sandy beaches, dense eucalypt forests, mud flats and mangroves and the upland dry regions or stone country. The Arafura Swamp is a large freshwater basin and is unique because of its extensive perennial swamps fed by the springs of the Goyder River and lack of a continuous river channel to the sea. It has international significance not only because of its diverse wildlife and natural beauty but because of the cultural significance the land holds by Aboriginal people. John Bulunbulun's *Creatures of the Arafura Swamp* explores this wildlife diversity by depicting magpie geese, long-necked turtles, whistling ducks and file snakes.

**Rivers:** The Goyder and the Gulbuwangay rivers flow through the Arafura Swamp and are represented by the vertical bands running through the painting.

**Fish trap:** A fish trap, of the type constructed from branches, is drawn horizontally across the picture. Note the suggestion of three dimensions: some of the animal and plant figures disappear under or into the water. The fish trap is also a symbolic container of the souls of the dead. The shimmer of the crosshatched patterns suggests sacred forces present within the ancestral realm, which the deceased have entered.

**Gumang the Magpie Geese:** These bird figures are drawn in such a way as to make the connection with carved and painted objects used in ceremony. The name of Bulunbulun's clan, Gurrumba Gurrumba, means 'flock of geese'.

**Bandarr the Long-Necked Turtle:** The ancestral long-necked turtle Bandarr created Djulibinyamurr, the sacred waterhole. Bandarr also created and named the Ganalbingu, and gave them language, law, ceremonies and painted designs.

**Karritjarr the Water Python:** The snake rises on its tail to create the first rains of monsoon season in November or December, known as the 'nose of the wet season'. Lightning is the flash of Karritjarr's tongue and its body shines with the colours of the rainbow.

**Yarman the Waterlily:** Yarman is depicted in the painting as the bulb of the waterlily. Pads of waterlilies float along the river channels of the Arafura Swamp during the wet season. The flowers of the waterlily are symbolic of the Evening Star.

**Frogs:** These creatures 'sing' the rain clouds of the monsoon.

**Waterholes:** Just as significant as the wildlife are the Ngalyindi and Djulibinyamurr waterholes. The two main clan freshwater springs are placed centrally in the composition of this painting to emphasise their significance in terms of Gurrumba Gurrumba clan identity. They contain the souls of all clan members, past, present and future, and are also the repositories of sacred ritual objects. Djulibinyamurr is the main waterhole for Bulunbulun's people and provides physical and spiritual sustenance. It is the place where the ancestral creator beings of his clan emerged.

In a court case brought by John Bulunbulun claiming that a fabric manufacturer had used some of his designs without permission, he explained that his bark paintings incorporated traditional ritual knowledge belonging to the Ganalbingu people. Mr Bulunbulun gave evidence that it is his duty to create such works as part of his traditional land ownership responsibilities in accordance with Ganalbingu custom and law. Further to this role, Mr Bulunbulun stated that he was obliged to consult with other traditional owners on certain kinds of reproductions of the painting. Mr Bulunbulun gave evidence that reproduction that was not subject to proper consultations threatened the framework of Ganalbingu society.

John Bulunbulun & Anor v R & T Textiles Pty Ltd

<http://ab-ed.boardofstudies.nsw.edu.au/go/aboriginal-art/protecting-australian-indigenous-art/case-studies-of-copying-and-appropriation/case-study-5-john-bulunbulun-and-m-v-randt-textiles>

**A.3** How might this painting be seen as evidence of 'ownership' of an area?

## Example B



Dick NGULEINGULEI MURRUMURRU  
Bularihdja clan, Dangbon and Kunwinjku languages  
about 1920–1988

*Butchered Kangaroo*, 1974  
Aboriginal and Torres Strait Islander Affairs Art  
collection, collected at Gunbalanya (Oenpelli),  
western Arnhem Land  
63.5 x 49 cm

**B.1** Look at this bark painting and describe what it shows.

**B.2** What do you think is its message or meaning?

Now look at this additional information.

This painting depicts a kangaroo which has been prepared for distribution among clan members. The sharing of kangaroo meat was a carefully orchestrated event with choice pieces going to members of the hunter's family in order to maintain and reinforce social relationships. For example, the tail piece – a highly prized portion of the animal – would go to the hunter's mother-in-law. Bark paintings such as Nguleingulei's not only reflect this tradition of maintaining relationships through sharing but it also imparts important information about the way a kangaroo should be butchered. Bark paintings like these are not only reflections of Aboriginal cultural life but they also serve to teach younger people important life lessons. This bark painting utilises the artistic style of 'x-ray' painting – showing the insides of the subject. In the detail, the heart, lungs and liver – all culturally significant parts of the body – are detailed according to the artistic conventions of the western region of Arnhem Land.

**B.3** How does this bark painting tell us about rights and responsibilities?

## Example C



Narritjin MAYMURU  
Maggallili clan  
about 1914–1982

*Coat of Arms*, 1963  
Irene Davidson Collection, collected at Yirrkala  
eastern Arnhem Land  
48.5 x 18.5 cm

**C.1** Look at this bark painting and describe what it shows.

**C.2** What do you think is its message or meaning?

Now look at this additional information.

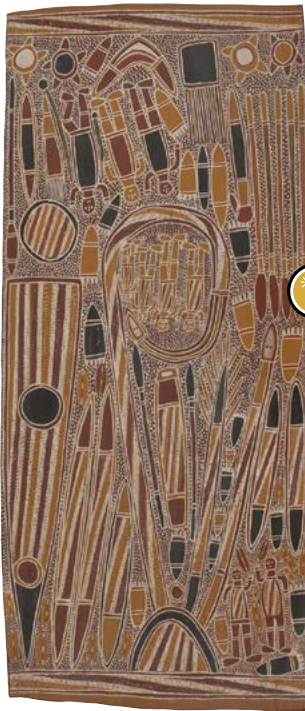
Arnhem Land societies are structured as two halves or moieties. In central and eastern Arnhem Land they are called Dhuwa and Yirritja, and Duwa and Yirridjdja in the west. Every person, every clan, every animate and inanimate thing, whether an ancestor, an animal, a feature of the landscape or a natural phenomenon, belongs to one moiety or the other. In marriage, a person must choose one of the opposite moiety. Narritjin's reinterpretation of the Australian coat of arms establishes a corollary between Westminster law that governs Australia, and Yolngu law, epitomized by the spear-thrower as a symbol of authority. The painting connects 'pairs' to illustrate unity in diversity as a reflection of modern Australian society: the Kangaroo representing the law and the earth, the Emu symbolising knowledge and the sky; and where the sea meets the land, freshwater meets salt. The painting reflects the coming together of different peoples.

After the establishment of the Yirrkala Mission in 1935, Narritjin came to live there. He was one of the first Yolngu people to become a Christian and worked with the missionaries "to bring peace to the Yolngu and stop them fighting among themselves". He tried to educate his children in both the old and the new ways. Narritjin was always concerned to convey to non-Aboriginal Australians through his art some understanding of and respect for Yolngu culture and Yolngu ties to the land.

<http://mulka.org/theartcentre/artist/36>

**C.3** What does this bark painting tell us about Yolngu law and society?

## Example D



DAWIDI  
Galwanuk clan, Liyagalawumirr language  
about 1921–1970

*The Wāgilak Story*, 1967  
collected by Helen Groger-Wurm at  
Milingimbi, central Arnhem Land  
125.5 x 55 cm

**D.1** Look at this bark painting and describe what it shows.

**D.2** What do you think is its message or meaning?

Now look at this additional information.

The Wāgilak story concerns the rules of marriage, the creation of the first monsoon and the concept of transformation. In the narrative, Wititj the Rainbow Serpent swallows the Wāgilak Sisters but regurgitates them when he realises they belong to his moiety, the Dhuwa. In the Wāgilak story, the sequence of swallowing and regurgitation is a metaphor for transformation, as in initiation where boys enter the ceremony and emerge as men. Initiation is an important rite of passage in which people commence their religious instruction of ancestral law, embodied in what is commonly known as the Dreaming.

In painting, the Wāgilak Sisters theme is recognisable through a particular set of visual clues, just as in Christian art there are certain elements used to depict the birth of Christ or his crucifixion. In the Wāgilak case there are three basic elements: the circular waterhole, the serpent rising from this, and the Sisters encircled by Wititj. In combination, these elements express the notion of swallowing/encircling as part of the process of transformation.

In *The Wāgilak Story*, Dawidi has introduced an innovation: the waterhole is depicted as a semi-circle at the lower edge of the picture to suggest it extends into the viewer's space. The viewer is caught up in the drama, as if standing in the waterhole witnessing Wititj's actions.

**D.3** What does this painting help us to understand about symbolism in bark paintings?

Having looked at these four examples, what can you now see about what the images and designs in bark paintings tell us about society, law, beliefs and rights and responsibilities?

**3.2** What would the creators of these bark paintings expect those who saw them to understand?

Look back at Yirrkala petition on page 2.

**3.3** What do you think might be the key messages and understandings that the creators wanted the lawmakers of the Australian Parliament to understand? Read the additional information below to help you formulate your answer to the questions that follow.

The 1963 pair of barks were tabled in the House of Representatives. One panel is *Dhuwa* and the other is *Yirritja* and they represent each Yolngu moiety, as explained by Wandjuk Marika in *Wandjuk Marika Life Story*:

*There is land—that land is one, it look the same—but the land is divided up to two group. Yirritja and Dhuwa. Doesn't matter if the country look the same, but there is a name and tribe living in two different area of the land—two landowners—the Yirritja on their land—and Dhuwa, we learn on our land.*

Indigenous art, including art from Arnhem Land has been offered as an exchange to non-Aboriginal people for a long time. From early contact with missionaries to government officials, bark paintings by Yolngu artists from Arnhem Land were presented with much ceremony to visitors.

Each time the bark paintings were made and given, the painters were articulating their claim as the original owners of the land. Only months prior to the 1963 bark petitions, the clans of the Gove Peninsula had recorded their title to lands in paintings on two great panels for the Yirrkala Methodist Mission church.

*'Yolngu have used art for hundreds of years as a means of asserting their rights and engaging outsiders. Their art is an expression of a way of life and of a view of the world: it is a gift of immense value. It is offered in exchange'.*

Howard Morphy in *The Oxford Companion to Aboriginal Art*.

It is also clear that the House of Representatives privileged the contents of the typed petition over the bark painting, which was seen only as a decorative border, in much the same way that medieval illustrated manuscripts combined text and image.

Galarrwuy Yunupingu notes that the petition contained 'the clan designs of all the areas that were threatened by mining, [it was] not just a series of pictures but represented the title to our country under law'. This would also explain why there are two panels, as the threatened area crossed the boundaries of two moieties, the *Dhuwa* and the *Yirritja*.

The iconography on the *Dhuwa* panel depicts bandicoot (*nyik-nyik*), snakes (*gunudar*), goannas (*djarrawuyuy*), yam plants (*yukuwa*). The scallop design represents the sand dunes at Yalangbara (Port Bradshaw) a site significant to the thunderman (*Jambawal*). [More importantly, Yalangbara is the place the original *Dhuwa* ancestors, the *Djan'kawu*, set foot on land and created the first human beings.]

The iconography on the *Yirritja* panel shows wet season snakes (*gunudar*), possums (*warnnyu*), night birds (*guwak*), fish (*guyiwa*) turtles (*guwaritji*) and dugong (*djunungguyangu*), as well as sand dunes and clouds.

Both panels record not only evidence of Yolngu spirituality, as in the animal motifs listed above, but as Schwarz discerns, 'key aspects of Yolngu material culture (pigment and bark) and law (as defined in the figurative, abstract field of the paintings).'

<http://australia.gov.au/about-australia/australian-story/bark-petitions-indigenous-art>

### 3.4 What can you now say about:

- The reason why two petitions were presented?
- What they tell us about attitudes to land rights?
- How they tell us about rights and responsibilities?
- What they tell us about law and culture?

**3.5** Imagine that you have been asked to explain the nature and significance of the petitions to the class immediately lower than you — next year's class to look at the Yirrkala petition. Develop your explanation. You will need to summarise the information clearly and simply, and provide an explanation that explains the context and meaning of the petitions. You will need to include visual material to support your explanation. This might be presented as a poster, a Powerpoint summary, a short documentary, or any other way that you think will help your audience understand the petitions.

Were these petitions successful in helping Aboriginal people gain land rights in Australia? Look at the next Investigation to work out your answer.

## INVESTIGATION 4

### What happened when the petitions were presented?

To decide if the petitions were successful we need to look at the events that followed their presentation to the Australian Parliament.

Here is a timeline of key events. You can look at it and answer the following questions, or transfer the information into your own timeline (with your visual illustrations) and then answer the questions. You can create a timeline by signing on to software such as <http://www.tiki-toki.com> or <http://www.timetoast.com>.

- 4.1** How was the Opposition able to set up the committee to investigate?
- 4.2** What did the Committee recommend?
- 4.3** Were these recommendations followed?
- 4.4** Why did the Yirrkala people start a legal case?
- 4.5** Who helped them to create this case? Why?
- 4.6** What was the decision reached in the case?
- 4.7** How was the effect of this decision changed by later events — including legislation and another court case?

<b>12 September 1963</b> .....	Parliament votes to hold a Select Committee of Inquiry into the grievances of certain Aboriginal people in Yirrkala. The Menzies Government is in a minority, so the Committee is able to be set up with a majority of Opposition members.
<b>29 October 1963</b> .....	The Select Committee reports back after hearing from 25 witnesses, eleven of them Aboriginal, in Yirrkala and Darwin. It recommends that there must be consultation with Aboriginal people, that certain sacred areas should be protected from development, and that there should be compensation by special Aboriginal land leases and money. Aboriginal people are also to be able to live in the town that will be developed and gain education and employment from the development.
<b>30 October 1963</b> .....	Parliament is dissolved and a new Liberal-Country Party Government is elected with a clear majority.
<b>1965</b> .....	Swiss-Australian consortium Nabalco is granted a mining lease on the Gove Peninsula by the Australian Government. The recommendations of the Select Committee are not followed.
<b>1968</b> .....	Nabalco starts to mine. It wants to call the town Gove, but Yolngu insist it is called Nhulunbuy, the name for the nearby sacred hill and source of the pigment used in bark paintings. They send another bark painting to Parliament, <i>Wuyal the Honey Ancestor</i> by Dundiwuy Wanambi, to show the cultural significance of the name.  The Yolngu began preparing a court case using volunteer legal specialists and advisers to challenge this decision.
<b>1970</b> .....	<i>Milirrpum v. Nabalco Pty. Ltd. and the Commonwealth of Australia</i> (Gove Land Rights Case) starts in the Supreme Court of NT. This is a claim by Yolngu that their interests in the land set aside for mining had been invalidated unlawfully by the company and the Commonwealth. They claim that Yolngu have the sole legal right to that land.
<b>1971</b> .....	The decision of Mr Justice Blackburn is that any rights the Yolngu held had been lost when the Crown claimed Australia. Nabalco is able to proceed and starts the process of creating a mine and mining town of 4000 new people.
<b>1972</b> .....	The Government confirms that there will be no Aboriginal title to land, but Aboriginal people are entitled to apply for leases as long as they put the leased land to reasonable economic or social use. This results in the Aboriginal Embassy being set up in Canberra on Australia Day as a protest against the refusal of the Commonwealth to grant land rights to indigenous people.
<b>1976</b> .....	Liberal-Country Party Government pass the <i>Aboriginal Land Rights Act</i> (developed a year earlier by the Labor Government) which gives some Indigenous people land rights.
<b>1978</b> .....	Yirrkala people get title under this Act, but the mining leases are excluded.



1982 .....

In May 1982, Eddie Mabo and four other Meriam people of the Murray Islands in the Torres Strait begin an action in the High Court of Australia seeking confirmation of their traditional land rights. They claim that Murray Island (Mer) and surrounding islands and reefs have been continuously inhabited and exclusively possessed by the Meriam people who live in permanent communities with their own social and political organisation. They concede that the British Crown in the form of the colony of Queensland became sovereign of the islands when they were annexed in 1879. Nevertheless they claim continued enjoyment of their land rights and that these have not been validly extinguished by the sovereign. They seek recognition of these continuing rights from the Australian legal system. This is the 'Mabo case'.

1992 .....

Ten years after the start of the case the High Court holds by a majority of six to one that the lands of this continent were not terra nullius or land belonging to no-one when European settlement occurred, and that the Meriam people are 'entitled as against the whole world to possession, occupation, use and enjoyment of (most of) the lands of the Murray Islands.' This is a decision that only applies to the Meriam people, but provides a precedent that could be used in all further claims by indigenous people in similar circumstances. The Australian Government promises to put this principle of law into an Act that will apply to all Indigenous people.

1993 .....

The Commonwealth's *Native Title Act* is passed, giving Native Title to Indigenous people throughout Australia where their occupation of the area has been continuous and has not been validly extinguished by governments. This includes the Indigenous people of Arnhem Land.



# Conclusion

The Australian Curriculum History asks you to explore and analyse *Methods used by civil rights activists to achieve change for Aboriginal and Torres Strait Islander peoples, and the role of ONE individual or group in the struggle.*

- 1** This case study of the Yirrkala Petition of the Yolngu people of eastern Arnhem Land in 1963, has shown the role and influence of many different participants in the petitions:

- local people
- local leaders
- church officials
- politicians
- legal experts
- courts
- the Australian Parliament
- the media
- pressure groups (such as FCCATSI)
- mining companies
- changing attitudes
- protesters.

Individually or in small groups, retell the story of the Bark Petition from the perspective of one of these groups. Create a slideshow that incorporates text, images and sound. Make sure you reference your sources.

Use the evidence in the investigations and the following additional quotations from people involved in the process to develop your answers.

- 2** Were the Yirrkala petitions successful or unsuccessful in achieving land rights for the Yolngu people of eastern Arnhem Land? Justify your decision.
- 3** Is a petition approach an effective way of bringing about a change in issues that are important to you? Considering what issues are important to you today and developing your own petition. You can use survey monkey [www.surveymonkey.com](http://www.surveymonkey.com) to canvas the opinions of others in your class to find out which issues are most important in your class or school.
- 4** Consider the other ways in which citizens can advocate for change (through popular culture, protest, media campaigns and these days through social media). Select an issue you think needs to be addressed by society and identify three strategies you could use today to draw attention to the topic and advocate for change.

## A

### Edgar Wells, Superintendent at Yirrkala Mission 1962-1963

Mr Beazley gave the group of Aborigines who showed the two visitors [Beazley and Bryant] around the essential preamble for the petition to Canberra so that they could match the words of the petition in their own dialect. However the painting of the surrounds could not be done in time for the petition to be taken to Canberra by the parliamentarians; first, the work had to be organised and the essential typing completed. The petition was to be posted later; five major copies were to be completed as soon as possible. This delay was to prove unfortunate in that senior officers of the administration of both Government and Church found it hard to believe that a missionary from Yirrkala was not responsible for the quite extraordinary furore the petition created in the Australian Parliament sometime later.

From: *Reward and Punishment in Arnhem Land 1962-1963*, by Edgar Wells, Canberra: Aboriginal Studies Press, 1982, p. 80 Digitised by AIATSIS and online at <http://www.aiatsis.gov.au/collections/exhibitions/treaty/m0023272.html>

## B

### Kim E. Beazley, Member for Fremantle, Labor spokesman on Aboriginal Affairs, and Chairman of the Labor Party's Committee on the Aborigines and Papuans

When bauxite is mined, the whole surface of the land is cleared, leaving a moonscape behind. Sacred sites would be destroyed. Townships and ports would be developed. The mining effluent would flow into Melville Bay with unknown consequences to the fishing.

The elders talked the situation over with the mission superintendent, the Reverend Edgar Wells, and wrote to Bryant. Bryant asked me to come with him to Yirrkala, where we sat down with the tribal council.

The elders' concerns had been ignored, both by the government and by the leaders of the Methodist Church in Sydney. This would never have happened had the people concerned not been Aboriginal. They were being treated as a conquered people, not as Australian citizens. Bryant and I were determined that parliament would uphold their right to be consulted.

But how could this be done? After breakfast the next day we went to the mission church to look at the magnificent bark paintings there. Suddenly I had an idea. We met again with the tribal council, and I urged them to petition parliament with a bark painting. I was sure this would catch the attention of the press. Then it could not be ignored in the way that most petitions are.

From: *Father of the House: The Memoirs of Kim E. Beazley*, by Kim E. Beazley, Fremantle: Fremantle Press, 2009, p. 156-157

C

**Milirrump, signatory on the Bark Petition, giving evidence at the hearings of the Select Committee on Grievances of Yirrkala Aborigines, Arnhem Land Reserve, on Tuesday 1st October 1963:**

The Chairman asked: "Do you think it is a good idea for the mining people to come here and work on some part of the area? Do you think that this will bring advantages to your people?"

Milirrump replied: "We did not know what people came here. First of all Aboriginal people not get whisper nowhere. Other people really plunder this country – only take from this country. We did not know, first of all, why they came. But later on, we soon get a little bit of word. But all Aboriginal people did not get the word from mining people to mission. After that, when mission people get a little bit of word from mining people and mission tell us they went to all the marks. After mission tell us, we were worrying a little bit about our country. All Aboriginal people did not know anything about why they mine bauxite. That is why the people little bit worry. They see men plunder this country. We were worrying about our children and our country. We want to hold all the country. All generations of our people here. The people here little bit worry because of all this whisper, and that is why we people come together this afternoon for this business.

"If this country taken, we want something else from mining people. This Aboriginal people's place. We want to hold this country. We do not want to lose this country. That is how the people are worrying about this country. We want to get more room for our hunting and our fishing, because later on we got more people. Our children are to come. All my children at school in this country. They want to hold this country. We fought the law for our children for all this country. Please, we do not want to lose this country. We stand on this country. The Aboriginal people were the first Australians here. Then you people come along. Please, that is my word I am telling you. That is my last word. Thank you."

From: House of Representatives, Parliament of the Commonwealth of Australia, Report from the Select Committee on Grievances of Yirrkala Aborigines, Arnhem Land Reserve. Part II Minutes of Evidence, Canberra: Commonwealth Government Printer, 1963, p. 29  
<http://www.aiatsis.gov.au/collections/exhibitions/yirrkala/intheirown.html>

D

**Wali Wunungmurra was just 17 when he signed the petition alongside elders at Yirrkala, on the east coast of the Gove peninsula, 18 kilometres south of Nhulunbuy.**

He said he remembered the responsibility coming down on him "like a ton of bricks".

"I was under pressure by the old people. Because they saw me as an up and coming leader for the people, so I had no choice but to sign it.

"We didn't know what they were really asking for, because minerals to Aboriginal people at that time was a foreign idea. The old people saw them as pinching our land while they were digging for minerals, taking away land from us, something very, very serious in Aboriginal culture."

He was initially troubled by signing the petition.

"We felt that we should make a stand and make some paintings to illustrate to the foreigners, the miners, telling them 'look, this is our land'.

The only way we can express ourselves and our feelings was through this bark painting. That we have got a live Aboriginal culture, that we are very much attached to the land and we are to here to look after the land and the land to look after us."

Wali said he now had a sense of pride in the bark petitions.

"Before then I wasn't feeling proud, just like it had been forced on to me. I didn't know what sort of impact I would have. And now I'm finding that the impact has grown to be really big and I'm happy about that. But there's more to it than just what's in the paper or in the artefacts."

Wali notes many things have changed since the petitions and mining is now a crucial part of Aboriginal economic livelihood in north-east Arnhem Land.

<http://www.abc.net.au/news/2013-07-10/yirrkala-bark-petitions-50-years-on/4809610>

## Further resources

Documenting a Democracy website

<http://foundingdocs.gov.au/item-did-104.html>

Collaborating for Indigenous Rights

<http://indigenousrights.net.au/section.asp?SID=21>

2013 National NAIDOC week theme

<http://www.naidoc.org.au/celebrating-naidoc-week/2013-national-naidoc-week-theme/>

National Museum of Australia Art and Indigenous Rights

[http://www.nma.gov.au/exhibitions/yalangbara/art\\_and\\_indigenous\\_rights](http://www.nma.gov.au/exhibitions/yalangbara/art_and_indigenous_rights)

AIATSIS Online Exhibition Yirrkala Bark Petitions 1963

<http://www.aiatsis.gov.au/collections/exhibitions/yirrkala/home.html>

Bark petitions: Indigenous art and reform for the rights of Indigenous Australians

<http://australia.gov.au/about-australia/australian-story/bark-petitions-indigenous-art>

Creative Spirits. The 1963 Yirrkala bark petitions

<http://www.creativespirits.info/aboriginalculture/land/the-1963-yirrkala-bark-petitions>

National Museum of Australia 'Old Masters' Exhibition

[http://www.nma.gov.au/museum\\_magazine/issue\\_four/old\\_masters](http://www.nma.gov.au/museum_magazine/issue_four/old_masters)

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

The Humble Petition of the Undersigned aboriginal people of Yirrkala, being members of the Balamumu, Narrkala, Gapiny, Miliwurrwurr people and Djapu, Mangalili, Madarrpa, MagarrwanaImirri, Djambarrpuynu, Gumaitj, Marrakulu, Galpu, Dhaluangu, Wangurri, Warramirri, Naymil, Riritjingu, tribes respectfully sheweth.

1. That nearly 500 people of the above tribes are residents of the land excised from the Aboriginal Reserve in Arnhem Land.
2. That the procedures of the excision of this land and the fate of the people on it were never explained to them beforehand, and were kept secret from them.
3. That when Welfare Officers and Government officials came to inform them of decisions taken without them and against them, they did not undertake to convey to the Government in Canberra the views and feelings of the Yirrkala aboriginal people.
4. That the land in question has been hunting and food gathering land for the Yirrkala tribes from time immemorial: we were all born here.
5. That places sacred to the Yirrkala people, as well as vital to their livelihood are in the excised land, especially Melville Bay.
6. That the people of this area fear that their needs and interests will be completely ignored as they have been ignored in the past, and they fear that the fate which has overtaken the Larrakeah tribe will overtake them.
7. And they humbly pray that the Honourable the House of Representatives will appoint a Committee, accompanied by competent interpreters, to hear the views of the people of Yirrkala before permitting the excision of this land.
8. They humbly pray that no arrangements be entered into with any company which will destroy the livelihood and independence of the Yirrkala people.

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

(English language translation.)

.....

Bukudjulni gonga'yurri napurrunha Yirrkalalili yulnunha malanha Balamumu, Narrkala, Gapiny, Miliwurrwurr, nanapurru dhuwala mala, ga Djapu, Mangalili, Madarrpa, Magarrwanalimirri, Djambarrpuynu, Marrkulu, Gumaitj, Galpu, Dhaluangu, Wangurri, Warramirri, Naymil, Riritjingu malamanapanimirri djal dhunapa.

1. Dhuwala yolnu mala galki, 500 nhina ga dhiyala wanganura. Dhuwala wanga Arnhem Land yurru djaw'yunna naburrungala.
2. Dhuwala wanga djaw'yunna ga nhaltjana yurru yolnunundja dhiyala wanga nura nhaltjanna dhu dharrpanna yolnu walandja yakana lakarama madayangumuna.
3. Dhuwala nunhi Welfare Officers ga Government bungawa lakarama yolnuwa malanuwa nhaltjarra nhuma gana wanganaminha yaka nula napurrungu lakarama, walala yaka lakarama, walala yaka lakarama Governmentgala nunhala Canberra nhaltjanna napurru ga guyana yolnuyu Yirrkala.
4. Dhuwala wanga napurrungu balanu larrunarawu napurrungu nathawu, guyawu, miyapunuwu, maypalwu nunhi napurru gana nhinana bitjarrai nathilimirri, napurru dhawalguyanana dhiyala wanganura.
5. Dhuwala wanga yurru dharrpalnha yurru yolnuwalandja malawala, ga dharrpalnha dhuwala bala yolnuwuyndja nhinanharawu Melville Baythurru wanga balandayu djaw'yun nyumukunin.
6. Dhuwala yolnundja mala yurru nhamana balandawunu nha mulkurru nhama yurru moma ga daranun yalalanumirrinha nhaltjanna dhu napurru bitjarra nhakuna Larrakeahyu momara walalanguwuy wanga.
7. Nuli dhu bungawayu House of Representatives djaw'yun yolnuwala nathili yurru nha dhu lakarama interpreteryu bungawawala yolnu matha, yurru nha dhu djaw'yun wangandja.
8. Nunhiyina dhu marrlayun marrama'ndja nhinanharawu yolnuwuy marrnamathinyarawu.

Dhuwala napurru yolnu mala yurru liyamirriyama bitjan bili marr yurru napurru nha gonga'yunna wagarr'yu.  
(Australian matha.)

[Signatures]

Milirrpum

Djalalingba

Daymbalipu

Dhayila

Dundiway

Dhuygala

Raiyin

Manunu

Larrakan

Wulanybuma

Wawunymarra

Nyabilingu

[STAMP]

I certify that this Petition

Is in conformity with the

Standing Orders of the House

14/8/63

Clerk of the House

[STAMP]

House of Representatives

RECORD 3023

14 August 1963