

Mr. Paul Seaman Qc.
ABORIGINAL LAND ENQUIRY
17 Emerald Terrace
WEST PERTH, W.A. 6005

Dear Mr. Seaman,

We the people of Pandanus Park Community would like to submit some of our own ideas in the Aboriginal Land Enquiry.

But first we would like to tell you a little about our lives and land at present.

We are only a small community of about sixty people, but we are a Community in the true sense.

We are the people of the lower Nyigina Tribal Group, in our country we are known as the River Side People; we live by the river and our whole lives and Community evolves around the river. It is our life and our nature is the river.

The Pandanus Park Community at present is run by white man's standards, and expectations, which is good in the way that we can get experience to run the farm at a profit ourselves, but when a man works under a boss he works by his boss's standards and not his own, if we own our land we would be working for ourselves and our children.

Although the farm and gardens would be run as a profit making venture, and would still work under the white man's work standards. But we as people would be working as our own boss's.

After hearing the tape and discussing the terms of reference we have listed our own ideas and we hope that they will help you in your Enquiry, so that you may in turn help us.

1. With the issue relating to land Titles, Pandanus people want control of their land by way of free hold title, and that the Community should control the land in the usual manner.

1. The Community should be the owner of this land rather than any one individual, or outside organization, whether it be an Aboriginal Agency or other.

2. The Nyigina 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.

The Aboriginal people should be granted Land in terms of Traditional ownership and need. All Aboriginal people including part Aboriginal, would be treated equally, however the emphasis is on Traditional ownership as that is the foundation of our Law and Beliefs and cannot be changed. All our people already own land even though our rights as the owners is not recognized by Non-Aboriginal people. Vacant Crown Land and Station Land should not be excluded in the Land Rights Issue. And in certain areas we intend to recover sacred sites, such as on the Mt. Anderson, Yeeda and Lower L Liveringa Stations. We need this Land to preserve our Culture and our children's future, so we feel that this land should be granted or Leased to us on the basis of our Traditional ties and our needs for the future training of our children in their own Culture and Traditional ways.

3. The protection of Sacred sites can occur if the control of the Aboriginal Heritage Act is given to Aboriginal people. Non-Aboriginal people are making decisions for Aboriginal people in terms of this Act and this is not right. We need representation in the Governing of the Act. The Act also needs to be re-written as it is inadequate for the protection of Sacred sites. All sacred sites on our Land should be protected by an Aboriginal Agency, possibly the Kimberley Land Council or perhaps alternatively a special Land Advisory branch of the Aboriginal Legal Service where by any developer should discuss his plans with them, and for K.L.C. to refer the developers on to the Community in question, then they can get their A.L.S. Solicitor to help them with the negotiations, this would have to take place before an exploration can begin.

Funds would be provided by the developer before they proceed with any exploration so we can physically protect our sites with the aid of anthropologists. This should be made law.

There are too many exploration companies currently exploring our land and we have no control over them at all. If they want to test on our Sacred sites, we cannot stop them.

All information on our Sacred sites would be held in trust by K.L.C., or a special Land Advisory branch of the A.L.S. and our own Committee for future reference.

We have to retain control of our Culture and no information is to return to the Museum or any-one else unless we decide to release this information.

4. N/A

5. Agreements should be drawn up between our respective councils and Committees also A.L.S. then negotiate with the mining Company. These agreements would have to be endorsed by the Minister under his guidance, and this way our interests will be Legally binding. All negotiations would take place Legally through our agreement. If any of our land is damaged in the course of exploration/mining, compensation has to be made to the Community in question.

It is impossible to take our land, it is tied up in our family groups as that is our Law.

We will expect compensation for damage in terms of our Community's Development. In our Law if you take something away from the land you must give something back.

Royalties on Companies profits is essential in order to put something back into the land instead of taking all of the time. We wish to live in our traditional land not in an open cut mine. We need to respect and preserve our land and the river as it is our reason for living. Royalties would be payable to those people and their council on whose land the mining takes place.

6. Our concerns about mining on our land are very real, we fear for our land as Non-Aboriginal people have little idea about our relationship with the land, and our beliefs and customs in relations to our Sacred sites.

Mining companies and the government need to be Educated in order to understand our feelings and Life Style. Unless people can learn to respect the land as we do, we have no hope for the future of ourselves and our children. We have seen many Companies destroy our land and Sacred sites, and the Government sits idle. We have to retain control of what Developers can and can't do with our land and our lives.

There is alot of land in this big country, all of which belonged to us at one time, all we ask is for a small portion of it back, so we can live the way we want.to.

with all of the Crown Land still left vacant, other people could also live the way they want to.

If more Crown Land was released there would be less pressure on all people. we feel that all Australians should get a fair deal, wether they be black or white, with so much why not get the Crown to give back alittle to the people.

After giving you our views on the land issue, we only hope that you can use some of the information we have given you. We would be interested in knowing your itinerary for your visit to the West Kimberley as we would like to also discuss a few of the points on our Submission with you and your team.

Yours sincerely,

LUCY MARSHALL

CHAIRPERSON - PANDANUS PARK

INCORPORATED COMMUNITY - P.O. BOX 308, DERBY, 6728 W.A.

15th August, 1983

Lucy Marshall