

**INNAWONGA AND BUNJIMA PEOPLE NATIVE TITLE
APPLICATION WC96/61; WAD6096/98.**

**MARTU IDJA BANYJIMA PEOPLE NATIVE TITLE APPLICATION
WC98/62; WAD 6278/98**

**COMMENTS ON THE
KINGSLEY PALMER
ANTHROPOLOGIST'S REPORT
2010**

by

William B. Day PhD

May, 2011

Introduction

1. The report by Kingsley Palmer presents a good case for a single Banyjima claim by arguing that rights to land in Banyjima society follow a cognative descent system through matrilineal and patrilineal descent. After presenting well-supported evidence of patrilineal descent of rights in Banyjima society (Paragraphs 205, 528, 530, 571), Palmer (Paragraph 496) speculates that it is possible that a preference for patrilineal descent may have become lessened as a result of demographic changes (see Paragraph Error: Reference source not found). Palmer then uses the historical evidence of descent of rights to support a supposed movement towards a cognative system as a legitimate extension of a customary system (Paragraph 206). However, it is suggested in a cognative system a person would have 16 choices of rights from great-great grandparents and 32 choices from another generation back. Such a system would be unworkable.
2. Similarly, Palmer (Paragraph 499) describes a change from defined estates to ‘coalesced estates’ as ‘radicular, since the contemporary way of defining country is developed from and based upon the customary system’ and therefore not a break with the past. The former analysis of continuity may be justified; however, as I will argue, within the Fortescue Banyjima there is evidence that the patrilineal descent of rights has continued through apical ancestors Pirripuri and Wirrilimarra, and putative descendants and that these male descendants continue to be keepers of ‘fundamental rights’ and esoteric ritual knowledge.
3. There are also many examples throughout this report of errors in the genealogies recorded by Kingsley Palmer that serve to blur the genealogical separation of holders of ‘fundamental rights’ in the male descent line of the Fortescue Banyjima genealogies and the more cognative descent lines of the Top End Banyjima group. Overall, I believe that by confusing the genealogical record Palmer overstates the connections between the Bottom End claimants and the Top End.
4. Palmer also fails to acknowledge the divisive belief among Banyjima people who have kept the law alive in unbroken succession and those who have joined a revival movement in more recent times. Although there are a variety of historical and cultural reasons why some families may have discontinued practising Law and customs, the proof of an unbroken system and practice of laws and customs is required in native title cases. Palmer makes a good case, but in wishing to maintain unity has not addressed the division between the ‘law keepers’ and others that is often given as the reason for a reluctance to unite as one Banyjima.

5. In Paragraph 445 Palmer believes multiple rights to country will not be remedied by ‘the privileging of one group over another’. It is not clear what this means when the MIB group is making no claim to rights over Top End, outside a possible shared area (already shared in land use agreements and in the National Park) while the IB group contains those with claims to rights over the Fortescue Banyjima country, including the Mulga Downs area.
6. In Paragraph 176 Palmer states that a society is not a political entity but ‘a set of people who recognise commonality and identify by reference to shared beliefs, practices and normative determinants’. This is the crucial point. By including a diverse group are the members of IB or Top End Banyjima ‘a political entity’ rather than a society? Would ‘One Banyjima’ be a society if it includes people who do not have those commonalities? Could a core group be created who would satisfy this definition? Or are the Bottom End group a society within themselves, excluding those who prefer to run with Top End?
7. In Paragraph 432 Palmer writes:...members of country groups exercised rights to more than one area or estate... If there was intermarriage and consociation between members of two dialect groups (Mungardu and Milyaranba Banjima) as seemed likely to have been the case ... it would follow that rights to country would not be exclusively held.
8. To me, the striking feature of the two groups is how the Bottom End people have forged relationships with neighbouring Indjibandi and Nyiyaparli language groups while the Top End group has forged relationships with the neighbouring Gurama, Innawonga and Ngarlawongga people. Greg and Alec Tucker are notable examples of ties to Indjibandi families while the Smith family have connections to Gurama. However, Palmer downplays these inter-language connections to explain ‘coalesced estates’ (Paragraph 438) where rights are gained from multiple pathways through cognative descent. If this is so, what of the rights held on the Gurama side, the Indjibandi side or the Nyiyaparli side of each family?
9. Rather than a brief mention in Paragraph 153, the dispute over mining at Marandoo was a strong display of connection to country. The ‘Marandoo dispute’ in the early 1990s was led by Bottom End people with little participation by Top End. This is worth mentioning as evidence of connection. During the last decade the management of the Karijini National Park has been shared between Top End and Bottom End in what could be a model for shared country.
10. In the limited time available I have not been able to analyse all the less contentious sections of Palmer’s report. Based on my earlier work and the detailed analysis below I agree with Palmer that the two Banyjima groups are interconnected in enough ways to be described as a single society., My criticisms of the Palmer report are intended to paint a more detailed and accurate picture of those connections as well as differences.

Mixing of groups

11. Through intermarriage and cognative descent, there are undeniable interconnections between groups. However, according to my analysis it is remarkable how tracing marital affiliations confirms the existence of two distinct Banyjima groups. Also in this report I question many of the connections between the two groups described by Palmer. Although Palmer concludes, ‘intermarriage serves, in my view, to consolidate the members of the different descent groups and render a single close community of kin (Paragraph 820), I contradict this opinion with evidence that intermarriage has been more to adjoining groups to the northwards and the southwards or in some cases with no connections to other Banyjima families.

12. Louis Warren identified five groups within the region of his survey. He lists (Warren 2000:9) ‘Martuwitja’, or Fortescue River people, ‘Milarangpa’ or ‘top-enders’, ‘Martangkara ... whose current elder is Pat Long’, ‘Inawongga’ and ‘Warrawandoo ... whose current elder is David Stock’. In discussing the mixing of groups, Warren (2000:10) continues:
 1. ...Nowadays, therefore, it would be highly unusual to find a family group which is not descended from one or more such mixed marriages. This is clearly the case with the Warrawandoo group. David Stock, Horace Nelson and Horace Parker all claim descent from members of that group, yet all have mixed Pandjima and Nyiyaparli ancestry, whilst two also have a degree of non-Aboriginal ancestry. In addition, Mr [Horace] Parker is the senior elder of a neighbouring [‘Martuwitja’] group.
 2. It appears from the early anthropological records that, even in the very early days of contact (and therefore, it is reasonable to assume, in the pre-contact era), the giving and taking of wives between neighbouring land-owning groups was the norm. This would tend to blur linguistic boundaries and also would create an outward-looking patchwork of rights and responsibilities in regard to parcels of land other than those normally resided upon by any given individual. The situation in the survey area also exemplifies this point.

13. As stated in my earlier report, this mixing is mostly clearly evident in exogamous marriages between Fortescue Banyjima and Indjibandi and Nyiyaparli and between Top End Banyjima and Gurama and Innawonga.

The Descent of rights

14. Palmer worked extensively amongst the people at the ‘Yandearra’ [sic] community in the 1970s when undertaking doctoral research (Paragraph 242, 263, footnote 131, Paragraph 656; see Palmer 1981). Referring to his work at Yandearra, Palmer (Paragraph 242) comments: ‘Based on my work in the region I am of the view that these comments and understandings would apply, generally, to the Banjima culture.’

15. Continuing to the present, the Banyjima people participate in initiation ceremonies at Yandeyarra, involving shared Laws and customs. As for the Banyjima, at Yandeyarra Palmer notes, 'Rights to country are potential and must be realised through ritual induction, during which time the novice learns of the religious mysteries which relate to the inherited estate (Palmer 1983:172)'.¹
16. Palmer (1983:173) states:
- In ritual, land-owners can demonstrate their spiritual relationship with land through the purveyance or revelation of esoteric songs or objects which are symbolic of their relationship with their country. Such relationship would involve obligations to 'look after' the country and ensure that miners or prospectors and other intruders did not destroy or alter the countryside. Being absent from the country and living in a European Australian town with no 'traditional' interests is taken by Yandeyarra people as signifying loss of interest.
17. It is suggested in this report that the above system survives amongst the Fortescue Banyjima.
18. In Paragraph 525 Palmer (2010) refers to fundamental rights 'to the Juna Downs area'. Palmer notes that Slim Parker was of the view that such people 'had to have a command of relevant ritual objects and traditions'. Eric Carey also confirmed that 'the exercise of fundamental rights to country should be underpinned by ritual qualifications' (Paragraph 525). Palmer also cites Brian Tucker's reference to 'ritual esoteric items which signify country', knowledge of which comes through 'ritual induction' that equips a man to "speak for" country (Paragraph 526). The late Johnny Parker likened the right to 'a ticket' (Paragraph 527). Based on cited interviews, Palmer (Paragraph 530) concludes that ritual instruction, and it follows, rights to country, is 'more likely to come from a man's father or father's father than from matrikin'.
19. Distinguishing 'use rights' from 'fundamental rights', Palmer (Paragraph 564) states that the latter 'are realised through the acquisition of relevant ritual knowledge' and that 'fundamental rights take precedence in their exercise over use rights'. In Palmer's view, (Paragraph 569) 'use rights ... relate to economic exploitation or use of that country that does not effect the spiritual integrity of the country either physically or spiritually' while 'fundamental rights' are 'more focussed on ancestral country [and] ritual action related to it'.
20. Writing of the Kimberley region, Kolig (1980s:42) differentiated 'ownership rights' from 'usufruct rights'. According to Palmer (Paragraph 567), Kolig was of the view that

¹ Interestingly, Palmer (2010) does not refer to this article in his report.

‘patriliates were those who held absolute rights in the religious property of the clan estate’. Others including Kim Barber (1997) also discuss ‘primary’ rights to country. In conclusion, Palmer (Paragraph 571) cites Radcliffe-Brown’s work in the Pilbara region that members of the land owning group ‘may have traced descent from common ancestors in the male line’. Writing principally of the Kariara people, Radcliffe-Brown states:

Membership of the horde is determined by descent in the male line; that is to say, a child belongs to the horde of its father and inherits hunting rights over the territory of the horde. The horde is exogamous and since marriage is apparently always patrilocal a woman changes her horde on marriage, passing from that of her father to that of her husband. (Radcliffe-Brown 1930-1: 208 cited in Palmer, Paragraph 198)

21. Almost twenty-six years earlier, Clement (1904, 6-7) also described patrilineal descent of rights (Paragraph 197). However, possibly reflecting his description of a combined native title claim group, Barber (1997:62-3) takes a much more inclusive view of rights to land in the central Pilbara.² Barber (1997:62-3) states:
22. Previous research in the area in question has focussed on a narrow set of rights to land relating to site issues. These rights equate to those who have primary spiritual responsibility over areas of land. The ideology of land ownership in the region is linked to this approach. There are, however, others in addition to those with primary spiritual responsibility who have ownership interests in the Project Area through the kinship system. The two structures are, therefore, (a) a ritual and religious framework which defines a narrow set of rights to land based on a spiritual responsibility and (b) the kinship network and system which allocates and formalises responsibility and authority for land (and things of social and material value) through the kin matrix. Yandicoogina, and Marandoo before it, have highlighted the existence and interaction of these two elements of land ownership.
23. In *The Gurama Story* (Brehaut and Vitenbergs 2001:20), the Gurama elder, Peter Stevens, is quoted as saying:

² ‘On 20th November 1996 a Memorandum of Understanding was signed by Hamersley Iron Pty Ltd (HI) and representatives of Gumala Aboriginal Corporation (Gumala). Gumala represents the interests of the Bandjima, Nyiabali and Inawongga peoples in the Project Area. The Memorandum preceded a formal agreement between Gumala and Hamersley for the benefits to come from the development. That formal agreement was signed in March 1997.

At the time of the formation of Gumala a Native title claim was lodged by signatories who are members of the Gumala Aboriginal Corporation. The area of the claim comprised the area of the Yandicoogina Project and a large area of surrounding land’ (Barber 1997:13-14).

When they get into that tribe, say if a Yinawangka's married to a Panyjima man, well that family's got to be all the time Panyjima. Panyjima daughter go back to the Yinawangka. That's how they go, you can't change that, can't get tangled up with each other.

24. O'Connor (1991:15) notes:

Criteria for membership of the estate group and, by extension, for inheritance of land varied across Australia. In the [Central Pilbara] region of the survey, if we analyse the historical record and contemporary Aboriginal usage, patrilineality appears to have been the major criterion, although matrilineality and place of birth also gave secondary rights of membership.

25. Palmer (Paragraph 467-469) acknowledges that 'a small group of IB claimants' insist on the exclusivity of matrilineal descent. Indeed, in a front-page story of the newspaper, *Pilbara News* (September 2, 2009) under the heading, 'Native title claims clash over burial', a IB claimant emphasises that Banyjima, 'follow the culture of your mother...'. The same claimant earlier stated:

We Milyuranpa Banjyma also follow the mothers line - even for the land - this has been structured long time ago - anyone can be the father we get our skin group grandmother/granddaughter - me banaga as my grandmother, my mother burrungu like her grandmother - heaven knows if we followed the father - where the bloody hell everyone would end up - Lots of white people have been coming in and telling us -fathers line etc. You follow the man through the bush line but not for land line, paternal line is followed by white people, we follow the maternal line - if uncle David [Stock] followed his fathers line he would be Banjyma [sic].³

26. Of course, the correspondent has a point, that 'anyone can be the father' and this has been the case since humans walked on two legs. However, as I will discuss in the following paragraphs, Banyjima society generally acknowledges that the step-father or the male spouse 'who reared up' the child is accepted as the father. Similarly, claimants told Palmer (Paragraph 464) 'that a child adopted into a family was accorded the same rights with respect to country as a biological child'.

27. After presenting well-supported evidence of patrilineal descent of rights in Banyjima society (Paragraphs 205, 528, 530, 571), Palmer (Paragraph 496) speculates that it is possible that a

³ Email from IB claimant, May Byrne, to the author on 14/12/2006.

preference for patrilineal descent may have become lessened as a result of miscegenation or demographic changes (see Paragraph Error: Reference source not found). Palmer then uses the historical evidence of descent of rights to support a supposed movement towards a cognative system as a legitimate extension of a customary system (Paragraph 206).

28. Similarly, Palmer (Paragraph 499) describes a change from defined estates to ‘coalesced estates’ as ‘radicular, since the contemporary way of defining country is developed from and based upon the customary system’ and therefore not a break with the past. The former analysis of continuity may be justified; however, within the Fortescue Banyjima there is evidence that the patrilineal descent of rights has continued through apical ancestors Pirripuri and Wirrilimarra, and that male descendants continue to be keepers of ‘fundamental rights’ and esoteric ritual knowledge.
29. Palmer (Paragraph 463) gives examples where Banyjima claimants said they could ‘follow’ either their father or mother with respect to country. However, Palmer (Paragraph 465) continues: ‘[A]s I will show in the next chapter (see Paragraphs 528-530 below), there is a preference on the part of at least some claimants for asserting rights in the country of FF or MF. Presumably, if Palmer is to be consistent with the evidence for ‘fundamental rights’ that are associated with men’s ritual knowledge, ‘following’ the mother is referring to secondary rights.
30. Apparently, Palmer’s discussion of primary rights passed from father to son throughout his report is to develop an argument in support of the ‘radicular’ legitimacy of a contemporary cognative descent system, as a continuation of a previously recognised customary system of patrilineal descent of rights (see Paragraph 528-530). In Paragraph 205, Palmer states:
31. My expert view is then not to discount the former importance of patrilineal systems, but to favour a shift away from patri-filiative principles and a greater acceptance of cognation built upon existing processes and certainly maintained adherence to the principle of descent
32. While a cognative system of descent of rights may be justified in native title claims, in the following paragraphs, with reference to the Banyjima genealogies, I will suggest that the recorded system of patrilineal descent of ‘fundamental’ or ‘primary’ rights as described by Palmer (above) and others like Clement (1904), Radcliffe-Browne (1930-1) and Kolig (1980) remains the basis of rights within the Fortescue Banyjima group, while being less clear in the Milyarumpa Banyjima group.

33. Palmer suggests that cognative descent of rights may have gained more acceptance ‘where patriline were broken by miscegenation or other demographic upheavals’ (Palmer 2007:49, cited in Paragraph 206). However, ‘miscegenation’ does not seem to have weakened the patriline. For example, the biological father of Herbert Parker was a white station owner, Ronald Parker (Day 2004), while the biological father of Horace Parker was said to have been a Chinese cook on Mulga Downs (O’Connor 1991:26-27). Gregory Tucker’s white father is an unknown station worker on Winning Pool Station (Olive 1997:90-91). The respected Gurama elder, the late Peter Stevens had an English father (*pers com*).⁴ However, in each case, the male line is kept by following the male spouse of the mother. Miscegenation therefore is not viewed as an interruption of patrilineal descent, even in the case of children who were removed from their mothers at an early age. An example of a removed child who later returned is Ronald Mills, the son of a Banyjima man, Wobby Parker, and an Indjibandi woman, Egypt, of Mulga Downs. Horace and Herbert Parker are accepted as having inherited their rights from their common grandfather, Pirripuri. In each case, ‘miscegenation’ does not appear to have changed the traditional practice of patrilineal descent because the fundamental rights have been passed from father to son within a Banyjima system of customary law. Likewise, the descendants of Wobby Parker, who was a brother of Horace, Herbert and Ginger, are following the male Banyjima line.

34. In contrast to the patriline of the Fortescue Banyjima group, the late Nellie Jones and the late Herbert James have Gurama fathers or step-fathers and Banyjima mothers, as do Alice Smith and her sister, Annie [Black] @ Kardily. Alice is also the daughter of a non-Aboriginal man, but ‘follows’ her Aboriginal parents. In keeping with their patriline, Nellie Jones identified as Gurama in Noel Olive’s biographies (Olive 1997:30-31) and her brother Herbert James identified as ‘Kurrama/Punjima’ (Olive 1997:26).⁵ In the example of Alice Smith, the father of her children was a Gurama *marban* man who had inherited rights to Gurama country, as described in a segment of *The Gurama Story*, ‘Alice Smith talks about her husband, a traditional healer’ (Brehaut and Vitenbergs 2001:99-100). Alice Smith’s brothers, Jirriwin @

⁴ The eulogy to Peter Stevens, 14/01/2006 states: ‘He was born on Hamersley station behind the homestead in about 1927. His marlpa father was one of six sons of the famous Gurama leader, Windawarri. He was reared up at Hamersley until he was about eight years old, then went to Rocklea - all the time walking or riding packhorses all around Gurama country with his father Alec, his cousin Waggin, his brother Mirru George and old aunties Naji, Jiti, and Jinki. In his book, he said, ‘them three’s the one reared me up; they shared me all the time, them mob.’

⁵ Herbert James states: ‘my step-father was Johnny. My father was Wakin... Kathleen Johnny, Nellie Johnny, Eileen Parker [Park] are my three sisters and Mirru George my brother, the younger one is gone. This country [Wakathuni] was my father’s country and the hill on the horizon [Mt Tom Price] was my father’s’ (Olive 1997:26).

Gerry Wing or Gerry Wednesday and Bodaderry @ Nugget have Gurama names, while elsewhere Jirriwin is recorded as a Gurama man.⁶

35. In 1980, Palmer (1980:13) documented Jerry Wing's ancestry:

Jerry Wing is approximately 70 years old, and now lives at Peedamulla Station. His mother's mother and Mother's father were both Bandjima from Weeli Wolli and Mindi springs respectively, and his second mother's father and his mother were Bandjima from Hamersley Station. His father's father was from lower Turee Creek (Inawunga), his mother's father was Gurama from Rocklea Station, and his father was Gurama from an area to the west of Paraburdoo. .⁷

36. Alice Smith (2003:211), adds that her mother was married to a Gurama man, George Pintangarti, whose second wife was a Banyjima woman, Dinah @ Bumbah (p. 27).

37. In *Under a Bilari Tree I Born*, Alice Smith (2003) discusses her family history:

My grandmother, Kujinbangu, she had two sons and one daughter with her first husband. He was a Banyjima man from Mount Bruce...⁸ My grandmother was the first one who crossed into Kurrama country, when she had all her little ones. She had her second husband there, Bindimayi, a Kurrama man,⁹ and my mother was born in Hamersley station. My nana died in Hamersley Station; she buried there.

My mother was a full-blood Aborigine; Banyjima mother, Kurrama father.¹⁰ Her name was Yalluwarrayi, that's her Aboriginal name, Yallu for short. Yalluwarrayi is the name of the windmill where she born. Maggie is her whitefella name... (Smith 2002:211).

⁶ Alice Smith (2003) tells how her brother was born at 'Date Palm Spring ... They call him Jeruwiny – that's the name of that place. It's the Aboriginal name, but whitefella made it short: Jerry. My second brother was Babadarri – Baba, and Nugget was his whitefella name. And then the first sister: Kardily was her Aboriginal name, whitefella name Annie.'

⁷ Palmer reveals a complicated web. Jerry's mother, Maggie Yalluwarra (1899-1959), had children from Gurama men, George Pintangati and Johnny. His mother's mother Kudjipangu (TE Banyjima) was married to Gurama elder, Bindimai (1871-1931) and Idinggananha, mother of Kunyanbina (TE Banyjima).

⁸ Alice Smith (2002:211) claims that Mount Bruce Station was called Birdibirdi, or Dignam, and 'they changed the name to Karijini.' Wobby Parker says: The ranger's station is at Dignam's Well, a part of the station, the place that Dignam's homestead was moved to ... the top side of the Hamersley Ranges we call that Karijini.' (Olive 1997:46)

⁹ Bindimai is said to have died in 1931 at the Ashburton River meeting camp.

¹⁰ Tindale (1953) also noted that Maggie was Banyjima.

38. The above examples reveal a predominantly Gurama male descent line, which in the example of Alice Smith is continued through her spouse, Gurama *marban* man, Jack Smith. Although secondary rights would obviously be passed through the Banyjima mothers of these families, the passing on of esoteric knowledge for Banyjima country from father to son or even through MF need be would follow a confused pathway. Evidence seemingly confirming a Banyjima maternal line is the listing of the woman, ‘Gawi’, the MMM of Alice Smith, as an apical ancestor for the Top End Banyjima group (Palmer 2010: Paragraph 726).

39. Furthermore, Police and Native Affairs records reveal that in the 1940s at least, ‘the Rocklea mob’ attended Law meetings at Turee Creek. A letter from Constable J C Maller dated June 2, 1941, states: ‘Mr Walter Smith assured me that all the other natives were camped somewhere on the Turee creek about 100 miles or more from Rocklea.’ Maller added that Alice was ‘in the Pinkeye camp with the rest’.¹¹ This appears to be the same ceremony camp attended by the Aboriginal people involved in a ‘big corroboree’ at Turee Station in July 1941. The names listed below (many from Rocklea station): are mentioned in witness statements concerning an alleged poisoning at Turee Creek:¹²

1. Tumbler [Ngarlawonga, Turee]
2. Cuboo [Ngarlawonga, Turee]
3. Tommy [Innawonga]
4. Cookie [Innawonga]
5. ‘Jerrawing’ [Jerry Wing]
6. Nugget ‘Bobadarry’ [brother of Alice]
7. Mummy [Innawonga, wife of Nugget]
8. Little Billy [Brumby Billy, Nhunawonga]
9. William ‘Jooalong’ [Innawonga, brother of Mummy]
10. Wingbuddy
11. Reuben [Banyjima]
12. Alex [Gurama]
13. ‘Old Bobby’
14. Jack [Smith], [Gurama]
15. Charcoal [Prairie Downs]

40. A ‘Pinkeye camp’ is held for initiations, where ‘esoteric knowledge’ through ritual is passed to a succeeding generation. The source of this knowledge amongst ‘the Rocklea mob’ appears to be through a Gurama male line.

41. In his earlier analysis of the descent of rights, Palmer (1983:175) wrote:

¹¹ J C Maller, Constable 1506, to Commissioner, Dept Native Welfare, Perth, June 2, 1941

¹² Police report, Accession AN5/3 Acc430, Item File 4697/1941

Aborigines at Yandearra differentiate between effective and ineffective land-owners. Effective land-owners are those with inherited rights in an estate which rights are realised through ritual induction, and are exercised. An ineffective land-owner, on the other hand, either has not realised his *de facto* control over the estate, or does not exercise his rights in practice.

42. Again the importance of inherited rights through ‘ritual induction’ is emphasised, as it is amongst Fortescue Banyjima. Furthermore, Palmer emphasises the importance of sacred paraphernalia for land-owners. Palmer (1983:176) notes: ‘Physical possession of [esoteric ritual] objects is of critical importance to land-owners. To have such paraphernalia at hand is to demonstrate land-owning status to other land-owners, for the artefacts are the witness of a man’s rights to country.’
43. At Yandearra, according to Palmer (1983:177), ‘Primary rights are inherited, either through matri-kin or patri-kin’; however, ‘Rights must be realised through ritual induction and by a land-owner being showing himself to be active in religious matters relevant to his country’. Primary rights are therefore conditional and may be passed on through a male on the mother’s side, presumably MB. Palmer adds, ‘[At Yandearra] Secondary rights are not inherited but exist by virtue of the spiritual conception site (p.177).’
44. Fortescue Banyjima leaders maintain they it is they who have inherited the primary rights to land by continuing the customs of ritual induction and instruction that is passed through the male line.
45. In Paragraph 195 Palmer claims that Dench described the two Banyjima dialects as, ‘Pantikura (plateau, that is the southern areas) and Mijaranypa (lower areas, that is the northern areas; Dench 1991, 126)’. Confusing the high and low areas is easily done from the plateau looking to the ranges, but it is obvious that Dench understood the Mijaranypa dialect to be the ‘Top End’. In his chapter of *The Handbook of Australian Languages, Volume I* (pp.124-243), Dench includes a following sentence which Palmer conveniently does not quote (p.126): ‘The Pantikura dialect was spoken on the higher plateaus of the Hamersley range, while the Mijaranypa dialect was spoken in lower areas. *The data on which this description is based was collected from people who identify with the Pantikura dialect*’ (my emphasis). Dench’s acknowledgements make clear who were his ‘Pantikura’ informants. Below is the section from Dench (1991) in full:

ACKNOWLEDGEMENTS

My association with the Panyjima community extends over ten years and I count myself very lucky in having had the support of people of Onslow throughout that time. In particular, I thank the Parker family for the encouragement and friendship. The late Herbert Parker effectively sponsored my research from the beginning by introducing me to the best speakers of the language and keeping a close eye on my education. He was very quick to put down any illusions I might have had that I could understand the language without immersing myself in the everyday life of the community, and I thank him for that.

But my greatest debt is to the late Percy Tucker who devoted six months of the last year of his life to this project. I believe that he was well aware of his terminal condition some time before I met him and knew that the time we had to work on the language was limited. I hope that this description does justice to his memory. (Dench 1991:243)

Boundaries

46. In 1892, a virtual state of war existed in the Hamersley Ranges. On August 20th, 1892, a shepherd named James Coppin who was employed on Stevenson and Pollett's Mount Bruce Station was murdered by a group of Aboriginal men. A man named 'Parody was charged with murder. At the Mount Bruce Station, the manager John Pollett threatened to 'take the law into my own hands' in a letter published in the *Nor'West Times* on January 30, 1892 under the heading, 'Troublesome Natives'. The letter ended, 'something will have to be done, and that shortly, or we shall not be able to live up here at all'.
47. Coppin had been living with Maggie, who had been forced to flee with the attackers for fear that she would report the murder. The witnesses' statements say that after the murder, for about six months until they were captured, Parody protected Maggie from Billy, who threatened to kill her.¹³ Her father, Parody, had been one of the attackers. According to reports of the trial, the other accused belonged 'to the tribe adjoining that of the women Maggie'.¹⁴ The waterhole where Coppin was murdered was variously named as Kangelgarra or Cundagulla and is now known as 'Coppin Pool'. According to an oral history given by Lola Young (Day 2004) the Aboriginal name for Coppin Pool is 'Gungallagarri'.
48. When other suspects were captured on Ashburton Downs, reports stated, 'This tribe of natives are not stationary in the Range but travel to and fro between that part and the Upper Ashburton and belong to the same people who sometime ago murdered the half-caste Coppin.' In her oral history Lola Young claims that her grandfather, 'George Cutacross' was involved

¹³ *Nor'-West Times* March 2 and December 10, 1892.

¹⁴ *Nor'-West Times* December 10, 1892.

in the attack on Coffin. The eulogy written by Lola to be read at her funeral on 11 December 2010 states: 'My dad's name is Cookie Cuttercross, a Banyjima man, and my mum's name is Dora Delaport, a Gurruma woman.' (The genealogy records him as Innawonga).

49. After the guilty verdict, an execution was planned to be held in the district of the murder. A telegram from Roebourne police stated, 'am informed it is contemplated hanging this offender [Parody] at scene of murder Hamersley Ranges. Police tell me there are very few natives there and do not believe any could be collected to witness execution.'¹⁵ The Nor'West Times reported, 'The idea of having the execution carried out in the district in which the crime was committed was to warn other natives, more especially those of the condemned man's tribe.' However, on January 21, 1893, the newspaper reported, 'The native Parody, who was sentenced to death for the murder of James Coppin last year and who was to have been hanged near the Hamersley Range, has cheated the hangman, despite all the care taken of him. He died within 100 miles of his final destination.'

50. On March 25, 1893, the newspaper announced, 'Cudderabiddy alias Billy, one of three convicted murderers of James Coppin, is to be hanged in Roebourne gaol at a date to be hereafter fixed. The other two, Cuggerabung alias Georgie and Nudderabin have been committed to Rottnest under a life sentence to penal servitude.'

51. This incident is relevant to a discussion on Banyjima boundaries because the above reports and other records reveal a movement of people from the Mount Bruce area southwards towards the Ashburton River, similar to the movement and intermarriage of the present Top End Banyjima group. Maggie and her father Parody, of the 'adjoining tribe' belonged to the Mount Bruce area, where Parody was due to be hung as a warning to his tribe.

52. In the same year as the Coppin Pool attack, Charles Straker Inspector of Aborigines visited Mulga Downs.¹⁶ Staker reported that he arrived from Mt Florence Station on the 29th October 1892 and proceeded to visit the natives at their different camps ... originally this was a small station owned by Leski and McRae but 'some years back' it had been bought by the present owners who had added 'a great extent more country'. Straker reported that

¹⁵ J Beresford, Sergt Police, 2139/92, 24 March 1892. If there were so few Banyjima people in the area, it is surprising that the owner of Mount Bruce wrote in 1892 'something will have to be done, and that shortly, or we shall not be able to live up here at all.'

¹⁶ Acc 495, File 726/92, Straker, C. Report on Ashburton Downs Station, November 1892, SROWA. Charles Straker was a travelling inspector of Aborigines. He eventually came to own Hamersley and Coolawanyah Stations (Battye 1915, 219).

under the new owners 'a good number' of Aboriginal people had 'come in from the Range' to work.

53. A Mr Hester reported that would be impossible to keep natives against their will as they could 'within a few hours get into the Hamersley Range where it is next to impossible to catch them if they wish to avoid being caught'. However, Hester said he was confident that he could get more people to come in. According to the manager, one problem with the 'hill natives' was that they 'cause a lot of trouble by coming and loafing on the shepherds as they consume their rations and lead them into all sorts of mischief'.

54. Under the heading, 'Trouble from hill natives', Straker added:

There are a large number of bush native in the Range up this way. Some time ago forty came into the station with the avowed intention of killing all the white men Just lately they have sent in a message to the effect that shortly they would come in and kill all the white men and native men and take away the women.

55. At Hamersley Station, Straker was shown a man 'who had received a flogging ordered by Mr Keep when that gentleman visited the Hamersley to witness the execution of Coppin's murderer'. He also reported that 'within and about the Hamersley Range there are a large number of bush natives who refuse to work for any master'. Straker observed, 'This tribe of natives are not stationary in the Range but travel to and fro between that part and the Upper Ashburton and belong to the same people who sometime ago murdered the half-caste Coppin.'

56. Similarly at Middle Creek owned by Stevenson and Pollett and managed by Mr John Pollett.

Straker heard of 'hill men [who] give endless trouble and are a great nuisance. They not only kill his cattle wholesale but have murdered one of his stockmen (Coppin) some time ago and have repeatedly come into the camp with the expressed intention of killing all the white men.' Straker noted, 'These natives who roam about from this part of the Upper Ashburton have little fear of police and fancy they can do this sort of thing with impunity. These are the same tribe of natives about whom Mr Thompson complains.'

57. From the above reports, it appears attacks were occurring on white settlements from 'hills natives', although local people like Maggie on Mount Bruce and those working on Mulga Downs had learned to accommodate the intrusion of settlement. At Mount Bruce, some of the aggressors retreat to the south west, presumably to their country, while at Mulga Downs they hid out in the hills. At times they 'loafed' on the Aboriginal shepherds and 'led them astray', terms that imply a kinship relationship.
58. If the Fortescue flats at Mulga Downs had not been Banyjima country, would it be expected that the 'hills natives' would have been so aggressive as to virtually declare war, as reported? The thefts, spearing of sheep and other attacks imply a desperate, possibly starvation situation in the Hamersley Ranges as hunting areas were taken up. For example, Straker was told the station owner would not allow Aboriginal people to use the waterholes.
59. By 1914, there is evidence that violent conflict had ceased between groups at Mulga Downs, at least for the duration of initiation ceremonies; however, a police report suggests the station manager did not welcome 'strange natives' who did not belong to the station. The Journal of a Constable Napier of the Tableland District, July 1st to July 31st, 1914, records a mixed gathering of Aboriginal people on Mulga Downs for initiation ceremonies:¹⁷

Sunday 12-7-14

Left camp at 8 a.m. and arrived at Mulga Downs Station at 1 p.m. and camped. Saw the manager Mr S Criddle.

Note: Mr Criddle informed the P.C. that there were a number of strange natives in the Station Native Camp that he would like to have shifted or cleared away.

After making careful inquiries the P.C. ascertained that the reason there was such a number of strange natives about Mulga Downs was owing to there being three young boys belonging to the Station, about to become circumcised and to through some tribal customs that are still practised in this District.

60. Therefore by 1914, after the date when many ancestors of present claimants were born on the station, those people who had moved onto the station were confident enough to

¹⁷ Journal of Constable Napier 452 Tableland 1/7/14 to 31/7/14,, AN 5 Acc 430 File 5368/1914

be hosting ceremonies and conducting 'meeting camps'. From the genealogical record we assume that members of the Tucker family were born on Mulga Downs from at least 1880 and many known ancestors of present claimants were being born on the station around the time of the above police report. We can also assume that Indjibandi and Banyjima people were mixing on the station as they were up to recent times. Undoubtedly, the 'hill country' was becoming depopulated as people moved onto the station, but we know from names like Dignam's, Manjina and Mount Bruce and the many bush birth places recorded in the genealogies that Banyjima people still moved across the ranges.

61. Tindale (1976:15) claimed 'the scarp-faced uplands of the Hamersley Range clearly defined the home of the Pandjima, ardent followers of the twin rites of circumcision and subincision and therefore holding both their near and more remote neighbours in thorough disdain.'

62. The historian Forrest quotes

Fresh root and seed eating people of the lowlands [who] do not possess the active habits of mind and body which are characteristic of the hunter – the fierceness, energy or savagery – of the natives who inhabit the more elevated regions.

Despite the descriptions, would it be likely that such a people be limited in range to the escarpment overlooking the Fortescue floodplain?

63. In his report on an ethnographic survey for the Great Northern Highway, Mulvaney (1984:31) commented:

Probably then it was likely that the Fortescue Valley was utilised by small groups of people extending their range when produce was obtainable and alleviating resource pressure on the more permanently occupied areas within the Hamersley Plateau and Chichester Ranges. This mobility pattern may account for the ambiguities of traditional tribal ownership of this valley section and for the shared tribal areas of the groups which traditionally occupied this proportion of the Pilbara.

64. To the northeast, the Banyjima people had a similarly fierce reputation. In May, 1953, Norman Tindale notes he ‘worked with Bailgu Pandjima and Indjibandi men’.¹⁸ Under the heading ‘Intertribal enmity’, Tindale writes:

The Pandjima and Bailgu were not friends and prior to the white times would kill each other if there was opportunity. When a lone man was seen he was killed. His friends missed and sought him without success. Then they would plan and carry out an attack on the enemy camp while they were asleep, using spears to kill. Only men were killed as a general rule, for the women were taken as wives, and the children reared as one’s own. The killing of one man meant his brothers had to take revenge. There was no end to the fighting until white men stopped it.

65. All facts considered I suggest that the Fortescue Banyjima people were in occupation of an area beyond the escarpment of the Hamersley Ranges at the time of sovereignty and continued to resist encroachment on their lands until the twentieth century, when the geographical division between ‘Top End’ and ‘Bottom End’ now under debate became more pronounced.

66. Concerning the eastern shared boundary at Weeli Wolli Creek, I have done many heritage surveys on both sides of Weeli Wolli Creek with a combined team of Fortescue Banyjima and Nyiyaparli consultants (Day 2004a,2004b, 2004c, 2005a, 2005b, 2005c, 2007a, 2007b). The Banyjima consultants were insistent that they could only speak for land on the western side of the creek and the Nyiyaparli consultants vice versa.

Analysis of Banyjima genealogy (Palmer 2011)

67. **Group 1.1 ‘Gawi (Gujinbangu)**. The apical ancestor for Group 1.1 (Palmer 2010:Paragraph 726) is listed as ‘Gawi (Gujinbangu)’ who had a daughter called Gujinbangu who was married to Bindimayi and ‘Yardinjarra’ @ Idingana. However, Palmer fails to mention that Bindimayi was a noted Gurama songman and descendant of legendary Gurama leader, Windawari.¹⁹ Instead Palmer follows the matrilineal descent line through the Banyjima

¹⁸ Norman Tindale, N W Australia Journal, page 251.

¹⁹ Barber (1996) writes: ‘Windawurri is regarded as ‘grandfather’ (ancestor for all of all of the groups including Inawongga, Gurama and Bandjima language groups). He came from Hamersley country and was a big boss for the Innawongga and Gurama tribes ... His youngest brother was Nadi. He had a lot of wives. It was stated that he had seven wives, which related to the story of the seven stars’ constellation in the night sky. The seven wives were given to build up different tribes in the area.’

woman, Gawi, and her daughter Gujinbangu. Therefore, according to his previous account of fundamental rights Gujinbangu (born 1865) was a partner to both Bindimayi (born 1871) and Yirtitjana/Yardinjana @ Idinggana (born 1860) who supposedly disappeared on Mount Bruce in about 1920.²⁰ Gujinbangu's son to Idinggana was named Kunyanybina²¹ who is recorded on Barber's 1997 genealogy as the father of Jack Dowton, who married Lucy Tucker or Putha, daughter of Wirrilimarra (Palmer does not mention this latter connection).²²

68. O'Connor (1991:26) records

Kurtipinpangu [Gujinbangu of Palmer's genealogy], a Panjima woman from Minthay Spring. They had one child, a daughter named Yarlawadda [Maggie], who married Johnny, a man of Kurama-Innawongga descent²³. From this union, the Smith family is descended, as is Jeriwing, the only surviving male member [in 1991] of the first descending generation. Kurtingpangu then married Irdingnyagga [Yirtitjana/Yardinjana @ Idinggana of Palmer's genealogy], a Pandjima man from Minthay Spring. They had two children: Tjinpirinya, who died without issue; and Sally, who married Pantarayi [Pontroy], a Nyamal man from Wodgina. George Pontroy is the sole surviving child of this union [in 1991]. Irdingnyagga then married a woman whose name has not yet been collected. The Injie family and Dowton families are descended from this union. Irdingnyagga walked into a cave in Marandoo Hill in the late 1890s and was never seen again. His spirit is said to still reside on that hill.²⁴

69. In Paragraph 726 Palmer again stresses the intermarriage of groups. He states that Horace Parker and Sam Coffin also 'married into this [Top End] descent group'. Horace's first wife Bidy [Coffin] is a granddaughter of Sally Wabun on her mother's side.²⁵ Sally was a daughter of Gujinbangu to a European man, so by this roundabout connection it can be said that Sam and Horace 'married into this group' so that the sons and daughters of Bidy [Coffin] can trace descent from Kawi as being their MMMMM. This would be an unlikely

²⁰ *Pers com* Joyce Injie; O'Connor 1991; Barber genealogy 1997.

²¹ An affidavit by Stuart Ingie says that Kunyanybina @ 'Sleep all the time' was a *burungu* Banyjima man promised to Ada Muli.

²² A 'Report on Application for Certificate of Citizenship' for Jack Dowton, born 1906, states that his father was also named Jack Dowton and his mother was named Lucy Tucker. The report is signed by Ian Blair, Onslow, 5/4/1960.

²³ O'Connor (1991:26) says that Yarlawadda [Maggie] was the child of Kurtingpangu (Banyjima woman) and Tjinnapi from Yule River, a Kariera man.

²⁴ Note: Therefore, according to O'Connor, Jack Dowton had a different (unidentified) grandmother to the woman recorded on my genealogy.

²⁵ 'I married a Yindjiparndi woman we had two sons. My second wife was a Nyiyaparli woman and we had 14 children, we lost three children 2 girls and one boy.' Affidavit of Horace Parker sworn at Port Hedland on 27 May 1999

means of claiming rights to land, compared to FFF. Similarly, as Palmer (Paragraph 728) relates, Gawi is Alice Smith's MMM.

70. In Paragraph 728, Palmer writes that Jerry Wing 'told me in about 1979 Bindimayi, whom he called Yinjingana, had a spiritual association with Minthicoondunna Springs'. However, Palmer adds, 'Alice Smith, however, told me he was Gurama'. As stated elsewhere in this report, Bindimayi was a Gurama leader and a son of Windawarri.²⁶ The 'Yinjingana' Palmer recorded in 1979 is more likely Gujimbangu's second husband (described above) named Irdingnyagga (O'Connor 1991), Yirtitjana/Yardinjana @ Idinggana (Palmer 2010:Paragraph 726), or Iding-gananha (Barber 1997).

71. In Paragraph 728, Palmer says in 1979 in an interview with Jerry Wing he recorded a man called 'Yinjingana' as being the same man as Bindimayi, husband of Gujimbangu (Palmer 1979b:14). In 1975 Palmer also recorded (footnote 728; see Palmer 1975:5) that one of Gujimbangu's husbands was 'Yardinjana' (Paragraph 728). As I have suggested in the preceding Paragraph, it seems obvious that 'Yinjingana' and 'Yardinjana' are the same person, the man who was 'lost on Mount Bruce' (see O'Connor 1991:26).

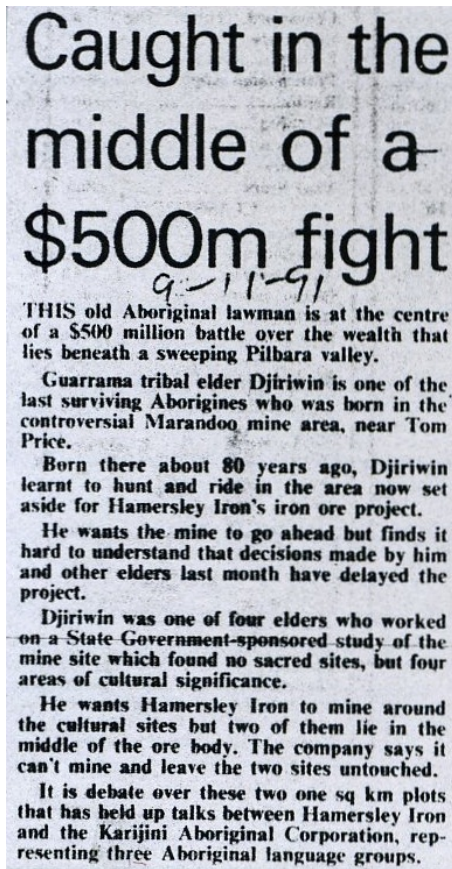
72. Kingsley Palmer (1980) summarised Jerry Wing's genealogy:

Jerry Wing is approximately 70 years old and lives on Peedamulla station. His M.M. and M.F. were both Banyjima from Weeli Wolli and Mindi Springs respectively and his second M.F. and his mother were Banyjima from Hamersley Station. His F.F. was from lower Turee Creek (Inawunga), his M.F. was Gurama from Rocklea and his father was Gurama from an area west of Paraburdoo. Jerry's F.F. is believed to live as a spirit inside Bimbulungu 6 kms north west of Mt Bruce.

73. I have spent some time trying to unravel the genealogy of Jerry Wing according to the above description of Palmer (1980). According to my records, based on research by Tindale, O'Connor, Chambers and Barber, and interviews with many descendants, Jerry's mother, Maggie Yalluwarra (1899-1959), had children from two Gurama men, George Pintangati and Johnny. Jerry's mother's mother (MM) Kudjipangu (TE Banyjima) was married to Gurama elder, Bindimai (1871-1931, Jerry's MF), and also Idingganaha/Yardinjana (also a MF), father of Kunyanbina (TE Banyjima, mother's sister). Considering the conflation of the two names described above, I believe Palmer should have recorded that Jerry Wing's MF who was

²⁶ See Bindimayi's Songs About His Country - sung by Nelson Hughes, translations by Nelson and Peter Stevens in *The Gurama Story* by Peter Stevens with Brehaut and Vitenbergs (2001:66-7).

associated with Mount Bruce was 'Irdingnyagga' ['Yardinjana'/ Iding-gananha] as described by O'Connor (1991:26).



Above: Newspaper story published on November 9th, 1991, at the height of the Marandoo dispute.

74. In this report I have gone to some length to untangle the facts recorded by Palmer in 1980 to illustrate: (a) how earlier genealogical recording by Palmer (1979, 1980) may not be reliable; (b) that descendants of Gawi have a strong Gurama patrilineal descent line.

75. Paragraphs 731 and 732 reasonably speculate on birth years for ancestors of Alice Smith and the origins of the apical ancestor, Gawi. Kim Barber (1997) recorded that Gawi/Kawi was born in 1845 and died at 'Bidibidina'. She had a son Mindjiana who was a Top End *banaga* man born in 1860 at 'Mindjiana' and died in 1949 at 'Pumindjina'. Palmer (2010) does not mention this information. Nothing appears to be known about the father of Gawi's children, although it can be assumed at that time that they 'followed' their father's connection to country.

76. Maggie is undoubtedly of Banyjima descent through her mother although she was known as 'Maggie Minderoo' and her father and her two husbands are all Gurama men of high

reputation.²⁷ Alice's brothers, Jerry and Nugget, have Aboriginal names connected to sites in Gurama or Innawonga country (Jeriwin/Palm Springs and Bodadary/Fish Pool). As recorded, Alice and her parents attended initiation ceremonies at Turee Creek with Innawonga, Ngarlawongga and Gurama people. Alice's husband Jack Smith was also a Gurama *maban* man. A witness statement to police by 'Jerrewing' lists some of those who attended the annual Law meeting at Turee Creek. The witness said:

77. I am a Rocklea native and have lived there all my life. I went to Turee Station about the middle of last year with Bodadarry [brother Nugget], William (One Eyed Bill), Rueben [Banyjima] Alex [Gurama], Old Bobby, and Jack [Gurama] (half caste) for Pinkeye [ceremonies]. Tumbler [Ngarla] and his woman Cuboo [Ngarla] were at the camp. Bobadarry had his woman Mummy [Innawonga], with him.

78. Another of Alice Smith's sisters, Annie, had at least four children to a Banyjima man named Reuben between 1935 and 1942. Annie then had five children to her second husband, a Nyamal man named Scottie Black, between 1951 and 1956. All these children are included as descendants of Gawi.

79. **Group 1.2 – Paragraphs 733-740:** In Paragraphs 734 and 735 of his 2010 report, Palmer discusses a genealogy sketched by Radcliffe-Brown on which appears the name 'Wilirimara'. At a Karratha meeting with MIB claimants Kingsley Palmer spent some time explaining the possibility that a man called 'Wilirimara' recorded in the 1911 Radcliffe-Brown genealogies could be Bob Tucker, the apical ancestor of many of the Banyjima claimants.²⁸

80. As Palmer correctly noted, according to Radcliffe-Brown the man 'Wilirimara' was married to a woman named Polly, with sons Jinabi, Jimmy, Dick, Tommy, Yawi and Dougal, plus other siblings. However, Radcliffe-Brown records that Wirilimara was 60 years old in 1911 and had a Kariyarra father and an Indjibandi mother.²⁹ According to Mark Chambers, the Pearling Register shows that Wirilimara was employed in 1882 at the pearling port of Condon by F McRae who held the 'licence to employ'. The same man, recorded as 'Willerimara Cadell', is also listed in the Register of Native Agreements as being hired at Condon in 1882.³⁰ Although Palmer notes, 'It is tantalising to consider that Radcliffe-Brown's Wilirimara and Wirilimura

²⁷ In the book, 'Yamatji' (Clark 1992:103-107) a chapter on Monty Smith states: 'There were twelve of us in the family,' Monty remembers. 'The old man [owner of Rocklea] died of a heart attack and never left a will.' The mother [Maggie] moved her large family to Minderoo Station. There, young Monty grew to adolescence.

²⁸ Radcliffe-Brown (Series 47, Box 130, item 22)

²⁹ Palmer (footnote 739) says he is unable to interpret his copy of the genealogy this way.

³⁰ A white man named Cadell was a notorious pearling lugger captain.

are one and the same', Kariyarra families living in Port Hedland in 2009 trace their ancestry from this man, who can definitely be excluded as being Bob Tucker.



Above: Sign painted by descendants of Bob Tucker 28 kilometres north of Auski Roadhouse on the Great Northern Highway.

81. In fact, there is little evidence concerning the existence of Bob Tucker @ Wirrilimarra, apart from the oral history. He is mentioned by Percy Tucker as a 'boss' of the Hamersley Ranges and Palmer records in 1979 and 1980 that he 'came from Dales Gorge'.³¹ The name Wirrilimarra has more recently been promoted by some of his descendants as the name of a small community on Mulga Downs Station and as an apical ancestor clan name. A dissident group within the Yindjibarndi Aboriginal Corporation uses the Indjibarndi name 'Wirilumurra', which is similar to Wirrilimarra, although there is no known connection.
82. Despite my genealogies being circulated widely during my employment in Tom Price between 2001 and 2006, no-one has anyone suggested that Bob Wirrilumurra had two daughters 'Nyathaba and Ruby' as stated by Palmer (2010) in Paragraph 733. From 2003 to 2006 I worked with Greg Tucker, who reviewed the genealogies and did not contradict Barber's recorded information that the children of Bob Tucker were Tommy, Jacob and Putha.
83. The addition of a daughter named Nyathaba seems a convenient connection between the descendants of Annie Black and the descendants of 'Wirilimurra', as Palmer spells Wirrilimarra (see Dench 1980).³² According to my records, Nyathaba @ Mary is the mother of Annie Black's husband Kungga. I was told that she was buried near the Bellary stockyards. In addition the same informants have told me that her European name was Mary and her Aboriginal name was Natha.³³ She was born at Dales Gorge and lived in Kalamina Gorge in a cave. I confirmed this story with May Byrne's mother, Kathleen Hubert, daughter of Annie

³¹ Palmer, K. 1979. An Archaeological Survey of the Proposed Railway Line Route: West Angelas Project. Part 2 (53.9km Peg - 306km Peg). Unpublished report held by DIA. Palmer now thinks he may have 'got it wrong' in 1979 (*pers com KP*)

³² See statement by Percy Tucker recorded by Alan Dench at Onslow Nhuwala Centre on 19 June, 1980.

³³ *Pers com May Byrne.*

Black, in 2005. Kim Barber (1997) gives Nyathaba's name as Thadana or Narda. According to the oral history as told to May Byrne, Mary 'was frightened of the white men. Her husband was jealous and made her stop in the cave.'

84. Palmer (Paragraph 736) says 'Nyathaba [@Mary] married Gudara by whom she had five children', including Reuben (not Rueben as written by Palmer). My records record Reuben's father as 'Kudaramarda' @ Damper (*pers com* Kathleen Hubert).³⁴ Kudaramarda corresponds to Palmer's 'Gurdara' (above). As Palmer notes (Paragraph 736) Tindale 1953, sheet 136, records Reuben's mother as 'Pandjima FB, dead Hamersley Ranges', deceased.³⁵ On the same sheet, Tindale also records Reuben's unnamed father as 'Pandjima FB of Hamersley Range, dead'. As Palmer (Paragraph 736) notes, Tindale (1953, sheet 136) does not name Reuben's parents; however, Tindale 1953, sheet 55, records Damper as father of 'Kungga' and 'Mary' as mother. Tindale (1953, sheet 55) shows one unnamed brother to 'Kungga' who died before 1953 and an unnamed living sister.
85. Palmer also comments in Paragraph 736, last line, 'Another child of Nyathaba [Mary] and Gurdara [Kudaramarda/Damper] was Evelyn [@ Garnja] who married Sam Coffin'. This may be Kungga's unnamed sister who Tindale records as dead by 1953. My records show that the Aboriginal name of Reuben's sister Evelyn was 'Garnja'. I record that Kathleen Black told Mark Chambers in 2005 that Garnja died at Kartitingunna Spring, Yampire Gorge. However, Barber records that she was born and died at Dales Gorge. Interestingly, Barber's 1997 genealogy identifies Evelyn @ Garnja and her sister Winur as Bottom End Banyjima women.
86. Kathleen also stated that Garnja @ Evelyn was a partner of Sam Coffin before he married Whitehead. This would make Garnja the step mother of Wobby Parker, since he is Sam Coffin's son to Whitehead. By her previous (childless) marriage to Sam Coffin, Garnja's brother Reuben would also be Wobby's uncle. Wobby confirms this in Noel Olive's biography when he states: 'Kungkanhawarra Hill belongs to Lena Long's father of Roebourne, his name was Kungkuna, my uncle. It's just out from Newman, and from Juna Downs (Olive 1997:50).'
87. Norman Tindale in 1953 records a relationship between Kungga's sister, Evelyn [Garnja], and a man simply noted by Tindale as, 'Sam (half caste – no children)'. My records state that Kungga's sister, Garnja @ Evelyn, was born in about 1880 and died in 1938. She had a sister

³⁴ My genealogical notes record: 'Pat [Long] remembers Damper at Marillana. He was from Turee and was Innawonga says Pat.'

³⁵ Reuben's ancestry and siblings chart (Tindale 1953, sheet 136) goes off the page and does not appear to be complete.

named Winur (or Weano) born in about 1895 who died after falling off a horse at Marillana in 1935.³⁶ As stated, Evelyn died in 1938. Sam Coffin had a lasting relationship with Bidy from at least 1951 to 1959 before he died in 1961. Therefore, I consider Palmer's statement that 'Another child of Nyathaba [Mary] and Gudara [Kudaramarda], Evelyn [Garnja] married Sam Coffin' to be misleading (Palmer Paragraph 736). I suggest Palmer's use of the word 'married' in this case without the additional evidence supplied above gives the impression of a more lasting relationship

88. Reuben died and was buried on Mount Florance Station. In a reminiscence recorded by Louis Warren in 1997, a long serving Pilbara police officer, Ian Blair, relates that Reuben was only 35 or 40 years of age when he died suddenly. Blair told Warren, 'We asked Jack Edney if Reuben had been OK yesterday and he replied that he had been fine. He said, "Christ, I gave him a bloody good hiding yesterday. He was alright." We looked over the body, but couldn't see any marks on him. It was assumed that he had had a heart attack.' In 1947, Edney wrote: 'I have in my employ for the last ten weeks a native by the name of Ruben ... this native was employed at Ashburton Downs station as he was out of his district which is incidentally Roebourne or really Tableland.'

89. As well as two sisters information recorded by Barber and Chambers shows Reuben had a brother named Peter Maidbong. Norman Tindale (1953, page 627) records in his diary:

Friday 3 July 1953. At Wittenoom. Left at 9.30am for Mt Florence Station, owned by Mr Richard B. Andrews, a South Australian of the Clare District who once worked on Burgaree Station, came to Mt Florence in 1910, and is now owner of his own Station, with his son, whom we did not meet. After explaining our purpose to Mr Andrews and to the leading old man, Peter, and having a very pleasant lunch we put in a concentrated four hours work and measured 7 adults and several children. I was able to confirm the position of the eastern boundary of the Indjibandi and with Peter Maidbong (Photo R760) the old Pandjima man; to confirm and check the Pandjima social framework and to identify some of the tribes bounding the Pandjima territory, known to him ... most of his life he had spent on the Indjibandi side, having worked in Indjibandi country since he was a young fellow.

90. As noted by Tindale, Peter spent most of his life in Indjibandi country. Barber records Reuben's mother Natha @ Mary as a Bottom End or Fortescue Banyjima. The daughters Evelyn and Winur are also recorded by Barber as Bottom End Banyjima. Interestingly, two of Reuben's children to Annie, Lena and Sydney, married into the Fortescue Banyjima group.

³⁶ Dates are recorded by Kim Barber (1997). Details of death are from Kathleen Hubert (*pers com* 2005).

His sister Evelyn was a partner of Sam Coffin. The recorded connections between Fortescue Banyjima and Reuben and Annie's children indicate stronger commonalities than the connections, or lack of, between Fortescue Banyjima and the children of Annie's second husband, Scottie Black. Coupled with Wobby Parker's testimony that Reuben is his uncle (Olive 1997:50)

91. In Paragraph 737 Palmer claims that Greg Tucker disputes both 'Nyathaba, and her sister Butha' were descended from Bob Tucker.³⁷ I find this statement puzzling because have been over this part of the genealogy with Greg many times and he has always accepted the connection between the Tuckers and the Cook and Downton families through Bob Tucker's daughter Putha. In addition, Jack Downton's Native Welfare files give his mother's name as 'Lucy Tucker'.³⁸ As I have stated above, Palmer's suggestion that Nyathaba [@Mary], mother of Kungga, was a daughter of Bob Tucker is not confirmed by my research. In addition, Palmer cites Greg Tucker's view that there is no connection between Nyathaba/Natha/Mary and Bob Tucker. In the same Paragraph, Palmer adds that unnamed members of the Tucker family provided him with 'this view' to connect Tuckers to the Smiths, Blacks and other Top End claimants. As stated above, my records do not show Nyathaba and Ruby to be daughters of Bob Tucker.
92. In Paragraph 739 Palmer persists in listing Ruby as a daughter of Bob Tucker, although he admits that he has no documentary evidence. Previously, Palmer had claimed that Ruby married George Cuttacroos and had a son Jack Smith. This is the most basic of errors that could only be true if Ruby was another name for Butha (Lucy Tucker) who married Cuttacroos.
93. Greg Tucker told me prior to 2006 that 'Cookie's mother is Tommy Tucker's sister', but a woman named Ruby was not mentioned. It is more likely the Ruby mentioned by Palmer is Ruby Wurura at Rocklea Station who was the mother of Clarrie Smith and Bardi Smith. Ruby was a Ngarlawonga or a Nhanuwanga, wife of Gerry Hyland (the father of Tadgee Limerick and Maisie Hyland). According to the late Clarrie Smith, Ruby's mother was Kitty (*pers com*). Jack Smith, Monty Smith and Clarrie Smith are brothers through the Smith brothers who owned Rocklea but each has a different mother. According to Alice Smith (2001), a Gurama woman named Rosie Purminji was the mother of Jack Smith. There is no apparent descent from Bob Tucker to Jack Smith as claimed by Palmer.

³⁷ Footnote 740 at Greg's name states, 'Greg, Gladys and Marie-Anne Tucker KPFN, 18.'

³⁸ Department of Native Welfare Report of Applicant for Certificate of Exemption, Onslow, 4th February 1959.

94. My records show, however, that Palmer (Paragraph 740) is correct to claim that ‘it is not necessary to show that Nyathaba was the daughter of Bob Tucker to establish a Banjima identity and association with the Hamersley Ranges.’ This is because Nyathaba @ Mary is associated with Dales Gorge, although her husband Damper is said to be Innawonga according to Pat Long. The connection through Nyathaba therefore does not come through Bob Tucker. In Palmer’s genealogy, the apical ancestor for the descendants of Nyathaba is Gawi, through Kungga @ Reuben’s wife Annie Black, as restated by Palmer in Paragraph 738. Neither Nyathaba or Reuben are listed as apical ancestors by Palmer. In contrast, as explained above, my research confirms that the descendants of Butha @ Putha are correct in their belief that they have an ancestral connection to Bob Tucker (Palmer Paragraph 740).
95. Despite the above, Top End sisters Lena Long and Kathleen Hubert (nee Black) to some extent are two women who worked, married and lived among the Bottom End group. However, Footnote 916 on comments that ‘Henry [Long] married Lena Black who traced descent from Bob Tucker and Bindimayi (see Genealogical groups 2.1 and 1.1). I have already disputed Palmer’s contention that Natha (Lena’s grandmother) was a daughter of Bob Tucker.
96. The next apical ancestor listed by Palmer (Paragraph 741) is **‘Group 1.3 Yinini (Arju)’**. According to my information, the parents of Arju, who was also known as Leonie James, are a Ngaluma man named Mangles and a Banyjima woman named Kitty.³⁹ Arju’s daughter, Nina, married Percy Tucker. Nina’s daughter, Gladys Tucker, told me that Arju’s country was Milimbirinya (see Palmer 2010:Paragraph 462) and that she was born at Cooyapooya. Palmer (Paragraph 741) claims Arju was also known as ‘Nutha’. In footnote 742, Palmer notes that it was Steven Smith who told him that Steven’s MMM (great-grandmother) Arju was also known as ‘Nutha’. As I have discussed in reference to descendants of Gawi, Steven Smith’s FFM (Steven’s great-grandmother) was Natha@Mary who I presume is the same woman as ‘Nutha’. While Steven may have confused the names of his great grandparents, it is surprising that Palmer accepted uncritically ‘Nutha’ as another name for Arju.
97. Certainly all Arju’s seven children named by Tindale and listed by Palmer in Paragraph 741 identify as Ngaluma/Indjibandi following their father, Wally Walibon, so the Tucker connection to Banyjima ancestry through Arju may not be significant for the purpose of

³⁹ Native Affairs file 941/40. Palmer lists the mother’s name as ‘Yinini’ and gives her approximate birth date as 1891. My records show the daughter Arju’s year of birth as 1895, so the mother would have been born at least before 1880. Mingu of Palmer’s genealogy (Paragraph 741) could be the same man as ‘Mangles’.

defining Banyjima ancestry. Marnmu Smyth told Palmer, 'If someone asked me "what's your *bajarli*?" I'd reply, "Wirilimura and Bugaraman"'. Palmer adds (Paragraph 470), 'Wirilimura was her FFF; Bugaraman her MF.'

98. **Group 2.1. Bob Tucker married to Thalana (Jacob and Tommy).** Paragraph 744. In Paragraph 745, Palmer says that Ivy is Jacob Tucker's daughter known as 'Naydung'. Palmer adds, 'but this is not universally accepted'.⁴⁰ However, Alec Tucker told Palmer that Ivy had no children (Paragraph 745) and according to my information this is correct. Alec Tucker told Palmer that the mother of 'Ivy's children' (Paragraph 745) was actually Ivy's sister. Alec should know, as Ivy Tucker @ Nulingu (not Naydung) was Alec's aunt and a sister of Jacob Tucker's daughter Naidjong (Palmer's Naydung?); however, Ivy may have cared for Naidjong's five children – at least those who were not removed. Palmer does not seem to have enquired which of Ivy's sisters was the mother of the children, because he notes after Alec's comment, 'presumably [Ivy's sister] Elsie'.

99. In 2005 Nellie Jones told me that Ivy Tucker lived with a Ngarlawonga man named Spider @ Kila Kila; however, Palmer (Paragraph 745) names Ivy's husband as 'Guyana'. My records have Kayuna as the husband of Naidjong, who is Ivy's sister, and this has been confirmed over the years by Greg Tucker, who is himself a descendant of Naidjong and Kayuna.⁴¹

100. 'Butha' [Putha], shown as Gayana [Kayuna]'s mother in Palmer's account (Paragraph 745) is Kayuna's father-in-law's sister (WFZ), not his mother. Kayuna was also Whitehead's brother. However, in the following paragraph I demonstrate how Putha can be categorised as Whitehead and Kayuna's mother. Despite this, Palmer is partly correct in his comment in Paragraph 746 that 'Guyana's relationship to Butha and so to Bob Tucker is not material to this case. The other two matters in dispute [above] similarly are not relevant to the tracing of descent by family members through Jacob to Bob Tucker (Wirilimura)'. However, I suggest that the disputed matters discussed in my preceding paragraphs are relevant to proving the reliability of some of Palmer's information.

Margaret Laphorne (nee Dowton) and Elizabeth Dowton identify as Banyjima through their grandmother, Putha, who was the sister of Jacob and Tommy Tucker. Margaret says: 'My father always said that Tommy Tucker was his uncle. I know that Putha was the mother of my father, Lola Young's father and Auntie Whitehead.'⁴²

⁴⁰ Palmer in footnote 751 gives Greg, Gladys and Marie Anne Tucker as references for this statement.

⁴¹ In 2010 Greg Tucker was using a business name incorporating the name of his maternal grandfather, Kayuna.

⁴² Statement made to Dr Bill Day on 29-6-05.

According to the family tree and Aboriginal custom, Putha could be classed as a mother to Whitehead by the following pathway:

Chookie was the son of Putha.

Putha was the sister of Jacob Tucker.

So Jacob's daughter Naidong was a cousin-sister of Chookie.

Putha was Naidong's father's sister, so Putha would have been a 'mother' (aunt) of Naidong.

Naidong married Kayuna.

Whitehead was Kayuna's brother.

So Whitehead was a sister-in-law of Naidong.

Putha was Naidong's 'aunty-mother.'

That makes Whitehead a daughter-in-law of Putha.

Whitehead called Putha 'mother' in Aboriginal custom.⁴³

101. In last sentence in the Paragraph 750, Palmer likens the move by Jacob Tucker 'from the hill country to the Fortescue river flats' to the case for the descendants of Bindimayi (Bindimayi) who moved from the hill country. Presumably Palmer means that this group moved to Rocklea, though this is not clear. As I have discussed, in Paragraph 728 Palmer writes that Jerry Wing told him about 'Bindimayi, whom he called Yinjingana' (see Palmer 1979). As I have explained, Bindimayi was a Gurama man and 'Yinjingana a Banyjima man – two very different partners of Jerry's maternal grandmother, and not the same person. Once again, the basis for Palmer's reasoning is brought into question.

102. In Paragraph 471 Palmer writes, 'Wirilimura was Slim Parker's FMMF'. I will not even attempt to analyse how this could be so, except to deny its possibility. Then in Paragraph 753 Palmer states: 'Members of the Parker family consider that Wirilimura is one of the principle 'roots' or *bajarli* for their family. Certainly the Parkers accept that Wirrilimarra is an apical ancestor for the Fortescue Banyjima claim group, but Slim Parker denies that he told Palmer 'we all come from Wirilimura'.⁴⁴ Similarly Palmer quotes Slim Parker as saying, 'We all come from Wirilimara'.⁴⁵ Palmer also states that Margaret Laphorne confirmed this statement as a 'senior member of the Parker family'. Margaret Laphorne and her sister are indeed descendants of Wirrilimarra through Putha and also members of the MIB claim group for the same reason; however, they are not strictly 'senior members of the Parker family' as Palmer states.

⁴³ Whitehead may have been born in about 1888 and Putha at about the same time, judging by the birth dates of their children around 1908.

⁴⁴ Slim Parker *pers com* 27-04-2011.

⁴⁵ Paragraph 753, footnote 763, names Slim Parker as the informant (KPFN, 25)

103. Palmer names Margaret Laphorne as a senior member of the Parker family. Margaret and her sister Elizabeth are descended from Butha (Lucy Tucker) and therefore claim descent from Wirilimura; however, according to my records this connection to Wirrilimarra does not apply to the other members of the Parker family. Although Palmer mentions, ‘Others stressed descent from Whitehead seeing Wirilimura as an ancestor for the Tucker family’, Palmer appears to discount this evidence, continuing to describe Whitehead as Wirrilimarra’s daughter’s daughter (dd) and Steven Smith’s FFM Nyathaba [@ Mary] as a descendant of Wirrilimarra when no such connection has previously been related to me.⁴⁶
104. Between Paragraph 758 and 766, Palmer (2010) discusses a statement in Pantikura Banyjima language made by Percy Tucker recorded by the linguist Alan Dench in 1980. Palmer (p.222) includes a table (Table 12.2) of the ancestors mentioned in the statement, including Herbert Parker’s grandfather, Pirtupiri, and father, Marntunha. In the statement Percy Tucker claims that his ancestors are ‘the gang, the boss for the Hamersley Range’. Following this sentence, Percy Tucker adds, ‘All of these *Marntiyarrangara*⁴⁷ of this name, my grandfather, Herbert Parker’s grandfather, the father belong to them, my father, my uncle his father’. He concludes, ‘...they were the boss of what’s left behind, us little fellas. Now we are the boss. We took over from the old fellas’.⁴⁸
105. Palmer (Paragraph 760) citing Dench, explains that *marntiyarra* means ‘brothers and fathers’ in the plural sense, adding in Paragraph 763, putatively but not necessarily by blood in this account ‘Birdubiri’ and ‘Wirilimura’ are understood to have been related. Additionally, Palmer (Paragraph 765) suggests Percy Tucker’s recorded statement categorises the descendants of Wirrilimarra and Purripuri as ‘a single group’. In the same Paragraph Palmer states:
106. Whatever the relationship between Birdubirdi and Bob Wirilimura, according to Percy Tucker, their descendants comprised a single group. Thus, according to this account, claimants tracing descent to those individuals would be able to assert rights to those areas of the Hamersley Ranges identified as *birdurrula*.

⁴⁶ Steven Smith and his brothers can trace descent from Wirrilimarra through their mother, Gladys Tucker, not through their father, Sydney Smith.

⁴⁷ Palmer (Paragraph 760) citing Dench, explains that *marntiyarra* means ‘brothers and fathers’ in the plural sense, adding in Paragraph 763 that ‘Birdubiri’ and ‘Wirilimura’ ‘are understood in this account to have been related.’

⁴⁸ Statement by Percy Tucker recorded by Alan Dench, at Onslow Nhuwala Centre, 19 June, 1980. Copy faxed by Alan Dench, University of Western Australia, to Mark Chambers of Yamatji Land and Sea Council, on 28 February 2005.

107. In my analysis of the recorded statement, all the descendants of Herbert Parker's grandfather and Percy Tucker's grandfather are the 'little fellas' who took over from the 'oldfellas' as bosses of the Hamersley Ranges. I believe this would also include the descendants of Whitehead, who was Herbert's mother.
108. Palmer (Paragraph 766) believes that his analysis of Percy Tucker's statement 'does not in any way invalidate the claims made by the descendants of Gawi'. Rather he views the statement as supporting his discussion (Paragraph 210, 227 and 362) that more than one local group can assert rights to the same area of country. Why is it that Palmer describes the two separate descendant lines of Wirrilmarra and Pirripuri as a single group to support his argument that more than one group can assert rights to country? Percy Tucker does not suggest the descendants are one group, only that the two families are 'bosses', or the holders of fundamental rights for the Hamersley Ranges. Why does Percy's statement not reflect on the claims by the descendants of Gawi as Palmer proposes in Paragraph 766? In his statement Percy Tucker does not mention Gawi's lineage as land-owners, although his daughter was married into that group.⁴⁹
109. Although I have maintained that Percy Tucker describes two groups in his statement, it cannot be denied that the Tucker and Parker families were living in close proximity on Mulga Downs and also intermarrying. For example, Ginger Parker married Gertie Tucker and Selina Tucker was 'Herbert's woman' in 1944, as shown in an extract from a police report written on 28 January 1944:
110. Three native sisters were arguing over cards in the Mulga Downs native camp. Blanche [Tucker] and Gertie were combined against Selina [Naidjong's daughters]. The natives Wabby [Parker/Coffin] and Herbert Parker took the side of Selina, who is Herbert Parker's woman, and Darkie [Doug Tucker], who is the uncle of all three sisters, took the side of Blanche and Gertie, with the result that about sundown or a little after Parker and Darkie had a fist fight. Darkie's sister Ivy, and another male native [name deleted] joined in to assist Darkie, but before the fight had properly started it was stopped by other natives in the camp.
111. According to Kim Barber's genealogy (1997), Whitehead's brother Kayuna married Jacob Tucker's daughter Naidjong. Therefore Naidjong's daughter Selina would have been Herbert Parker's cross-cousin and potential *Nuba* or partner which is perhaps confirmed by the fact that in 1944 Herbert was living with Selina. Naidjong had numerous children

⁴⁹ Percy Tucker's daughter Gladys married Sydney Smith. Her children were born between 1963 and 1972.

including Eric Cosmos (Conway), Harold White and Douglas Macarthur to different fathers. She was Greg Tucker's grandmother.

112. In Paragraph 767 Palmer next sets aside a section specifically for descendants of Butha @Putha headed, 'Group 3.1 Bob Tucker Wirilimura married to Thalana.' My information is also that Thalana was Bob Tucker's wife. In 1980, according to Palmer (1980:21) Percy Tucker stated that his father's mother (Thalana) came from the Dales Gorge area. Palmer writes:⁵⁰

Percy's [mother] was Bandjima, born on Juna Downs while his [mother's father] was Inawunga and his [mother's mother] a Bandjima probably from upper Turee. His [father] was a Bandjima who came from the Packsaddle area, and both his [father's mother] and [father's father] were Bandjima from the Dales Gorge area.

113. I discuss the above Paragraph in more detail in another section of this report. In Paragraph 767, Palmer states that 'Bob Tucker had a daughter Butha'. This information accords with my research which has been checked by Greg Tucker and other members of the Tucker family. In the next sentence, Palmer claims Butha was the mother of Whitehead by a man named Nyiliya. Palmer may have confused 'Butha' with 'Nathana' who I have recorded as Whitehead's mother. Butha was the daughter of Bob Tucker and mother of Chookie (Jack Downton) and Cookie.

114. In Paragraph 768 Palmer gives his references for 'Butha as mother to Whitehead' as Slim and Maitland Parker and Margaret Laphorne (footnote 782). Perhaps there was confusion between 'Butha' (Bob Tucker's daughter) and 'Nathana' (Whitehead's mother) when Palmer's notes were made. As I have related, Butha may have been Whitehead's aunt-in-law through the marriage of Whitehead's brother Kayuna to Butha's brother's daughter.

115. In footnote 783, Palmer also repeats his information that 'Greg Tucker and his siblings stated that Butha and her sister Nyathaba (see group 1.2 above) "belonged to another family"' (KPFN, 18). Gladys Tucker and her sister are not 'siblings' of Greg Tucker but are MMBD. All have previously confirmed that Putha is the daughter of Wirrilimarra. My only explanation for their answer to Palmer, is that if asked about the two names together, Palmer's

⁵⁰ Palmer, K 1980 The Central Hamersley Plateau, An anthropological Survey: an account of known sites and places of importance to Aborigines in the vicinity of TR 4885, TR 5623, TR 5585, TR 6998 and TR 6999. A Report Prepared for Texasgulf Australia.

informants would disagree that they were sisters, and that this disagreement was misunderstood.

116. In Paragraph 771, Palmer cites a statement by Wobby Parker who said that the mother of Whitehead was a woman called 'Poodanya' (Paragraph 25). Palmer (Paragraph 771) believes it is most likely that this is the same woman he has identified above as 'Butha', and suggests this may have originally been 'Bertha' (footnote 791). Wobby Parker also stated that Wirilimura's son was brother to Butha. According to Palmer, Wobby stated that Wirilimura's oldest son (presumably either Jacob or Tommy Tucker) was 'grandfather' to him (Wobby Parker) (Paragraph 28). As I have similarly explained, if Wobby's mother's brother was married to Jacob's daughter Naidjong, Jacob would be Wobby's great uncle, or grandfather.

117. According to my information, Wirilmura's son could not be Wobby's MMB as Palmer states in Paragraph 771, although he would be Wobby's grandfather through a different pathway as I have explained (above). In Paragraph 772, Palmer also notes that Wobby Parker's statement was drafted 'poor contemporaneous notes' and may be unreliable for the purpose of genealogy. Instead, Palmer refers to an affidavit by Horace Parker sworn at Port Hedland on 27 May 1999. In the affidavit, Horace Parker states:

1. My name is Horace Parker, my Aboriginal name is Padjaringuru. I was born at Mulga Downs Station and I was reared up there. George Hancock was manager
2. My mother was a full blood, she was known as Whitehead her Aboriginal name was Payungu and my father's name was George Parker, Marndu.
3. My father's father name was Pirripuri. My father's mother was Thampanha.
4. My mother's mother was Thuranha.
5. My mother's father was Nathanha they were all Banyjima people.

118. Palmer concludes in Paragraph 775 that 'it is possible that Butha was a daughter of Wirilimura and sibling to Tommy and Jacob', which is also what is shown by Barber and my research. This would also partly explain why Butha is listed as 'Lucy Tucker' on the application for citizenship by her son Jack Downton. The next two Paragraphs, Paragraphs 776 and 777 repeat Palmer's insistence that Butha is the mother of Whitehead, a suggestion that I have earlier refuted. To add to the confusion, Palmer (Paragraph 778 suggests that Butha was 'not the biological daughter of Wirilimara, but putatively so'.

119. In this paragraph, I offer an alternative calculation to the 'highly speculative' dates of birth suggested by Palmer in Paragraph 777. Whitehead's children were born over 16 years,

between about 1908 and 1924. Her husband George Marndu lived between 1875 and 1950. I suggest that she was born in about 1890. There is no reason to believe that Whitehead was the same age as Sam Coffin, as Palmer states. Wobby was born in 1924 and Sam also had children to Bidy between 1952 and 1959. Whitehead's brother, Kayuna, married Naidjong, who bore children to different men between 1916 and 1940. Naidjong was born in about 1898 and I suggest Kayuna was older and born in about 1888. Putha @ Lucy Tucker had children Cookie and Chookie in around 1906, so she may have been about the same age as Whitehead. Her brother Tommy Tucker is said to have been born in 1880. Palmer (Paragraph 777) calculated that Wirilimura was born in about 1863, but I suggest his birth date may have been ten years earlier, considering the rituals a man would need to go through before marriage.

120. Palmer's contention that Butha was mother of Whitehead persists into Paragraph 780, 'Group 3.2. Birdubiri', when Palmer states that Birdubiri ... would have been the of the same generation level as Butha. As I suggest above, Butha @ Lucy Tucker and Whitehead both had their first children in about 1906, and are of the same the same generation level. In the same Paragraph, Palmer agrees that George Mandu's father Birbubirri may have been born around 1850, or before white settlement of the Pilbara (before sovereignty). Palmer (Paragraph 782) then relates that he was told 'there were two principal *bajarli*, or the roots of people for the Parker family. These were Wirilimara and Birdubiri.' The Parker family has not to my knowledge previously said that Wirilimura is *bajarli* of their family, so can only assume that what was meant was that there are two principal *bajaril* of the Fortescue Banyjima group. Paragraph 783 repeats the expert opinion shared by Palmer and myself that Birdubiri was most likely to have been in possession of portions of the claim area prior to the time of effective sovereignty.

121. Group 3.3. Paragraph 784-789: My information is that Sam Coffin came from Millstream area and that he was Indjibandi. Records show his father was likely to have been Billy Coffin and his mother a Banyjima woman named Winnie.⁵¹ Rory O'Connor, (1991:27) notes: 'Whitehead subsequently married Sam Wanyie, an Injiparni man born on Millstream. Wobbi, the son of this marriage was born on Mulga Downs Station.' He may have been born in 1893.⁵² Alma Tumbler told me that Sam was from Daniel Well near Millstream and that he was an Injibandi man (*pers com*). A very different story of Sam's origins was given to Palmer by members of Johnny Parker's family (Paragraph 785).

⁵¹ Application for Social Service Benefits in 1960 gives Sam Coffin's date of birth 1/7/1904 - father's name Billy Coffin, mother's name Winnie. Application in 1961 says born approximately 1893 at Millstream (Note: applications often give an early birth date.

⁵² 1958 Marillana station report says 'Sam Coffin, 65 yrs and Bidy 40 yrs (child Phillip Roy at Riverdale)'.

122. At a Fortescue Banyjima claimants' meeting in Tom Price Johnny Parker gave some insights into why he was anxious to follow his father's father, rather than be included amongst descendants of Pirripuri. Johnny explained that at men's meetings he did not want to be a junior participant of the Parker men, but felt he should have his own lineage to participate as an equal. His reasoning confirmed to me the strength of Banyjima laws and customs amongst fundamental rights holders.
123. In Paragraph 761 Palmer writes that there is little information about Billy Coffin; however, I have written a history of his life based on Native Affairs files obtained by his descendants (Day 2005e). Billy is also said to be Indjibandi. William Coffin, the only other confirmed son of Billy, identified as Nyiyaparli by birth on Roy Hill Station. Billy Coffin had six children with an Indjibandi woman, Ivy Sandiford, between 1914 and 1926, and one son in 1903 from Maggie who was from Mundabullangana station. Sam does not appear to have any communication with these siblings and his name does not appear in any of Billy Coffin's records. Billy Coffin owned a small station near Woodstock and was buried in 1929 by Frank Leeds near Woodstock. In September 1936 a cheque for 34/5/5d was issued by the Curator of Intestate Estates' Office - with interest this came to 35/19/10d. Ivy Coffin was described as 'Next of kin (not legally married)', with children: 'Willie 33, Jack 25, Ada 24, Clara 20, Albert 19, Jordan 13, Allan 11, Freddy 9, Sandy 6 (Day 2005).' To my knowledge, none of Billy's many descendants from Ivy and Maggie identify as Banyjima or acknowledge any connection to Sam Coffin. I have seen no evidence to show that Billy Coffin was likely 'to have been in possession of the claim area prior to the time of effective sovereignty' as suggested by Palmer (Paragraph 789).
124. The descendants of Sam and Whitehead could be included in the descendants of Nathana, the mother of Whitehead. The descendants of Sam Coffin and Bidy could be included with the descendants of Pirripuri because of Bidy's earlier marriage to Horace Parker. All are also descendants of Winnie, Sam Coffin's mother.
125. **Group 4.1. Daisy Yijiyangu.** Paragraphs 790. Daisy's children, Ivy, Billy and Susan were regarded as the children of a white stockman named James Swan from Victoria. Susan was born the year that James died in a riding accident at Mount Florance in 1904.⁵³ Billy was born on Mulga Downs in about 1895 and Ivy in about 1902. A neighbouring young station owner, Harold Wyborn Parker, was the father of Daisy's last son, Jackie Parker, who was born

⁵³ James Swan died after falling from his horse on 10 October, 1904 aged about twenty-eight, and is buried on Mount Florance Station (*More Lonely Graves of Western Australia*, page 375).

at Mulga Downs in about 1910 (O'Connor 1991; Day 2004). In 1996 Kim Barber recorded Daisy's Aboriginal spouse 'Djimbangu', as belonging to the Nyamal language group.

126. After presenting information gained about Daisy from various informants (Paragraphs 791-793), Palmer concludes: 'There is insufficient data for me to form a concluded view as to the country or language identity of Daisy Yijiyangu.' It would be likely that she spoke the Banyjima language, if she lived on Mulga Downs. Palmer (Paragraph 791) was told she died at Roy Hill, whereas my information has always been that she wandered into the bush and died on Mulga Downs Station. According to Daniel Vachon, the anthropologist researching the Nyiyaparli native title claim, Nyiyaparli informants said Daisy's mother was of the Nyiyaparli language group (Paragraph 793; footnote 811).

127. The significant point not addressed by Palmer in this section of his report is the lack of evidence of any filiative connections to country, as is the case in every other group so far discussed. Her children had exogamous marriages and moved away from the district. A 1923 report from Mulga Downs states: 'Ivy – female, age about 17, white father, single, uneducated, is employed in manager's house and sleeps and lives at the house, neither is she allowed to go to the native camp without permission.' The same report records that Porky [Susan] 'age about 19, white father' and 'William [Billy] age about 23, white father' both 'live in native camp'.⁵⁴

128. Inspector Ernest Mitchell wrote in 1928 to the Protector of Aborigines in Perth recommending that Ivy Swan be paired with Nyiyaparli man, Kip, 'her natural protector'. Considering Kip's agreement to this arrangement, it could indicate that Ivy was the right social category for Kip and suggests that she was a Nyiyaparli woman. The letter also indicates that Ivy had no filiative protectors at Mulga Downs amongst the Banyjima people:

Young h/c female Ivy, mother of child Leslie born 9 Nov 1923. It is commonly accepted by all that the child is the son of Clarence Albert Rodriguez, one time Manager during Hancock's absence. ... Ivy twice told me she desired to marry a fb [full-blood] native called Kip. Subsequently saw Kip who says he is willing. As it is necessary to provide this woman with her natural protector, otherwise she is game for any whiteman... Ivy is working in the house tho child Leslie is very white, and is with her the whole time, she could have the child for another say 12 months.

⁵⁴ Police Dept Northern District, Tableland Station, February 15th, 1922. List of Half-Castes in Tableland Police Sub-District 52/18/22

129. In a subsequent report, Inspector Mitchell wrote again to the Protector. His letter again describes Kip as 'her tribal man', although the relationship had not worked because Ivy was 'too fussy for an Aboriginal husband', and that 'this was the only occasion that Ivy associated with Aborigines'. As a result Ivy was given permission to marry a station worker, Frank Derschow. Both letters seem to confirm that Daisy's children were Nyiyaparli and had no links to the other Aboriginal people on Mulga Downs.⁵⁵

Ivy Swan h/c female and her two children Leslie a quadroon aged 5 9/11/28 Felix h/c by FBM Kip - Ivy lived with the latter, Kip, nearly 12 mos, and child, above Felix, was the issue - Ivy told me she could not possibly live with Kip, she put up a good trial, he Kip was too dirty, Kip did not like her. I suggested she on the other hand, was too clean, too fussy for an aboriginal husband. Kip left her he was not driven away. Ivy then appealed to Derchow to protect her, when Ivy became pregnant, Derchow appealed to the CPA for permission to marry her ...I charged Mr Hancock with being neglectful in regard to instructions, as the outcome of my last inspection, that the h/c Ivy should live with her tribal man FBM Kip to which they had agreed. To my surprise Mr Hancock told me this had been carried out and Ivy had given birth to as child as the result this child is obviously not the child of another whiteman. .. the h/c Felix was produced by Ivy as a result of my instructions, it would be cruel indeed to take advantage of her accident, as this is the only occasion that Ivy associated with Aborigines.

130. Ivy Swan had eleven children, all of whom took their surname from Ivy's white husband Frank Derschow. One son, Les, was born on Mulga Downs in 1923 and married Amy Coffin, whose son, Peter, identifies as Nyiyaparli. Susie Swan had her first child, Ned, to a white man when she was sixteen then Alice and Jack were born over the next four years, followed by ten children to Edward Dhu between 1925 and 1949. All her children bear the Dhu surname. The first eight were born on Mulga Downs/Cowra Outcamp.

131. Billy Swan was Daisy's son, born in 1895. Pixie Christian, Tommy Stream and Amy Dhu all told me that Billy Swan was a Banyjima man. Others are sure he was Nyiyaparli. He had several wives. One wife, Minnie, has been recorded as a Banyjima woman who died near Hamersley Gorge in about 1929. The children, Ethel Ashwin (4 children),⁵⁶ Marjorie Zonderbeugh (7 children) and Mervyn Sara (9 children)⁵⁷ were removed by the Department of Native Welfare in the 1930s and remained in the south of the state. Police Reports suggest that

⁵⁵ Derschow was a German immigrant and an internee during both World Wars, as his correspondence in the National Archives shows. Series K1171, Derschow, Frank (1430) [German Internee]

⁵⁶ I am told Wendy Ashwin identifies as Banyjima.

⁵⁷ I had some telephone conversations with Mervyn's son, John Sara of Bunbury, some years ago and I seem to remember he identified as Nyiyaparli John Sara 0417 995 114

Billy Swan was not the father of these children as Ethel and Mervyn were born on Corunna Station in 1920 and 1922 respectively. Marjory was born in 1926 at Shaw Patch near Cooglegong. Their mother Minnie died about 1930 and the report states the children were cared for by 'Lucy who claims to be their aunt'.⁵⁸ After working on Bamboo Springs, Billy spent his last years in the Marble Bar district and died after a fall in 1987. His last wife, Dolly, died in 1999.

132. **Group 4.2. Yandiguji married to Tharu:** In Paragraphs 795-802 Palmer admits he undertook 'limited work in relation to this family' (Paragraph 795). In Appendix D, 'Descendants of Yandiguji and Tharu', Palmer describes a woman named 'Yandiguji' as David Stock's grandmother and 'Tharu' as her spouse. According to my records, Mark Chambers (2005) also records the name 'Tharu', but as the wife of apical ancestor, 'Yandikutji'.

133. Paragraph 799 discusses the man, Kip, who Palmer claims 'was married to Ivy Swan'. Evidence cited in the previous section of this report, indicates that the marriage was arranged by a government official and the station manager and lasted less than a year. Palmer records that Felix [Bill] Dershaw had seven children. The genealogy records their mother as Betty Indich. My impression from David Stock was that Kip was probably not a blood relative of Yandiguji, although a classificatory 'brother'. Yandiguji is said to have been a Banyjima Man. Kip's daughter, Stella Kip, married Poonda Bob, a Niyaparli man and their son was Johnny Poonda.⁵⁹

134. Palmer (Paragraph 796) states Tharu was married to a woman called Yandiguji'. Paragraph 797 Palmer writes that David Stock told him that 'his own fm was called Yandiguji and it is her name that he now carries'. The report is puzzling because I record David Stock's FF as 'Yandikutji', and not his FM. My information also comes from David Stock as I will explain in the following section. Palmer (Paragraph 798) also claims that David Stock's father Woodstock Paddy was a Banyjima man. However, much of Palmer's information appears to have come from claimants other than David Stock (Paragraph 798).

135. As Palmer notes in footnote 821 to Paragraph 798, a report by Clark and Smith (1982), cited below, suggests that David Stock's grandmother was buried near Yandicoogina Creek. The report also states that David Stock 'had inherited ownership of rights [to Yandicoogina Creek area] with his sister [Dollican, (dec. 1993)]'. Research by Bill Day with

⁵⁸ Report from Protector, Marble Bar, to Chief Protector of Aborigines, Perth, 6th November, 1934.

⁵⁹ See Adrian Day (2010:224-228) for an account of an incident involving Dollican Stock and Poonda Bob.

David Stock in about 2004 records that David's grandfather was named 'Yandikutji' and it is through his grandfather that he inherited his name. This would be most likely, through Aboriginal tradition. However, David's Banyjima rights to the Yandicoogina area could come through both his grandparents, including his grandmother's burial place near Yandicoogina Creek

136. David's father, Paddy Stock, alias 'Mardathada', also known as 'Woodstock Paddy', married a Nyiyaparli woman, Walaba, and their son, David Stock, grew up on Roy Hill station. David stock told me in 2005 that she was born on Poonda Station. He said, 'That's where my mother's mob, my uncles used to stay. Up from Marillana on the flat, the floodout near Coondina Pool between Roy Hill and Marillana (*pers com*)' David Stock therefore inherited rights as a Nyiyaparli man through his mother and her connection to Mount Newman, an important site on a Dreaming track described by Louis Warren in 1998 and 2000 (below). None of the above information appears to contradict the observations by Clark and Smith cited below.

137. Kim Barber records 'Dardana' as Yandikutji's wife, which is the same name David Stock gave me. David Stock's comment regarding his grandfather 'Yandikutji' was, 'My father told me about him'. As stated above, Mark Chambers (2005) also recorded 'Yandikutji' as the male apical ancestor who died 'before 1910'; however, in 2005 Chambers recorded 'Tharu' as Yandikutji's wife.

138. It is not known who Palmer's 'other claimants' were. However, David Stock was the source of the genealogical data recorded by Bill Day that 'Dardana' was the wife of David's grandfather, 'Yandikutji'. Therefore it would be Dardana's grave that is referred to by Clarke and Smith (1982:8). David's comments to Bill Day were, '[Dardana] died before I was born'. Kim Barber in his 1996 genealogy records her death as 1915. As stated, Chambers records her name as 'Tharu'.

139. In summary, earlier reports refer to the burial of David Stock's grandmother near Yandicoogina Creek and that David Stock had inherited rights to the Yandicoogina area (and presumably the name); however, the reports do not say that the name or the rights were specifically inherited from the grandmother, although obviously there would be rights inherited through her burial place. David Stock told Bill Day that his grandfather was

‘Yandikutji’. This is also recorded by Kim Barber (1997) and Mark Chambers (2005). O’Connor (1996:23) noted:

140. Nyiaparli... (b) In the Hamersley Ranges, their boundary with the Pandjima was along the Weeli Wolli/Marillana/Yandicoogina Creek system (the tribal name of David Stock, a part-Nyiaparli man from Marble Bar, is ‘Yandicoogina’).

141. O’Connor (1996:7) notes: ‘The relevant Nyiaparli [sic] group was the Warrawandoo group, whose members included Mr David Stock’s mother, Mr Horace Parker’s mother and Mr Horace Nelson’s mother and father.’ According to Bill Day’s recorded genealogies, David Stock’s mother was named ‘Walapa or Yurawalypa’, a Nyiyaparli woman who is identified with Mt Newman. She was born on Poonda Station. In 2005 David Stock told me, ‘[My mother] got sick at Roy Hill and died at Millstream looking for a *marban* [Aboriginal doctor]’.

142. In a 2000 report, Louis Warren recorded information given to him regarding Mount Newman:

Mount Newman (Mirturamuna) Site identifier 17249

The following information on the site has been previously reported in Warren (1998:20-21). According to Mr Joshua Booth (a Manyiljarra man who resides at Newman), Mt Newman is a mythological site named Mirturamuna. The site is part of a kangaroo Ancestor ‘Song Line’ or ‘Dreaming Track’ of possible Banyjima language group origin (he said it was a Banjima Wartil). To his knowledge the Kangaroo travelled from Mirturamuna to another site (P02051) at the Jimlebar turnoff (a large rock immediately adjacent the Newman to Nullagine road to the east of Newman). ...Mr Gordon Yuline also gave the name of Mount Newman as Mirturamuna, and confirmed the mythological association of the site to a kangaroo Ancestor that had travelled through to the Newman area from Banyjima country. Gordon also related that the Kangaroo Ancestor was injured and bleeding and that the red colour (iron ore) of the former Mount Whaleback represented the blood.

143. David Stock was initiated at ‘Pug Well’ (*Pint@rli*) within the Nyiyaparli native title claim at a bore adjoining the MIB claim. David has grandchildren descended from his marriage to Phyllis Spade, who is recorded as the daughter of Jemina Ingan and granddaughter of Sally Warbun. Through cognative descent her children therefore may choose to be either Nyiyaparli, Top or Bottom End Banyjima or Thudgari from Phyllis’s father, Jack Spade. To

my knowledge they have not asserted any rights as Fortescue Banyjima or to membership of the MIB claim group.

144. Kip, recorded as Paddy Stock's 'brother', was the father of Felix [Bill] Derschow and Stella Kip. As noted by Clark and Smith, Stella Kip claimed the same grandmother as David Stock. The descendants of Yandikutji therefore could include the descendants of Poonda Bob and Stella Kip and the descendants of Felix 'Bill' Derschow and Betty Indich. It is not known by the writer of this report if any of these descendants identify as Banyjima.



Left: Snake McKenna, Bonnie Tucker and Fannie Waliba with children. Right: David Stock standing in front of his mother's site, Mount Newman (Mirturamuna). See Warren (2000).

145. In addition, Bonnie Tucker claimed that there was a female named 'Yandicoogina' who was married to a man who 'drowned in Nullagine'. 'Yandicoogina' in this case, is said to be the mother of Bonnie's father, Snake McKenna. There is no confirmation of this information. The parents of Bonnie Tucker were Fannie Waniba and Snake McKenna (pictured below with Bonnie). Snake is variously recorded as a Palyku/Kartujarra/Wanman/Nyiyaparli man but appears to have migrated from the Western Desert. I consider it unlikely that Snake had a mother named 'Yandicoogina'. In other words, I consider the information to be unreliable. If Bonnie's paternal grandmother did bear the name, 'Yandicoogina', I consider that it was unlikely there was any connection to Yandicoogina Creek. However, Bonnie's information may have added to the confusion over whether Yandikutji was male or female. Similarly, people have assumed the woman buried near Yandicoogina Creek was named 'Yandicoogina'. As I have noted, it was her husband, David Stock's grandfather who was named 'Yandikutji'.

146. Clarke and Smith (1982:8) state:

At Marble Bar there was general consultation. The oldest man with extensive local knowledge was infirm. A younger man, David Stock, bore the name 'Yandicoogina', and has inherited ownership of rights with his sister [Dollican]. Their grandmother had been buried there. An older but active man, Poonda Bob, had been born at Poonda, raised at Roy Hill, and worked

on surrounding stations including Marillana. He and Mundy Stevens were assigned to the initial survey. This included a visit to Marillana Station, Weeli Wolli Spring and the prominent peaks in the north and west of the survey area. Several sites were located, but further consultation was needed for the location of others, including the burial of the woman referred to above.

147. Clark and Smith (1982:9) continue:

The Panjima were consulted about the survey at Onslow. Herbert Parker and his brothers were regarded as the most appropriate informants. The survey area was Herbert's grandfather's country, and Herbert had been taken to the survey area as a child ...

Other Pandjima informants were consulted in April 1980 at Onslow including an old and infirm lady who had lived in the survey area as a child. Arrangements were made to proceed with the survey following a Bush Meeting. At the Bush Meeting, of which Herbert Parker is Chairman, some topical controversies about site protection, including Noonkanbah, were raised. The Aboriginal view was expressed that future conflicts would also be ruled in the developer's favour, and that site surveys were ineffective, and might even attract developers' attention to sites. Herbert Parker decided against further participation in surveys of Pandjima country. Marble Bar was visited to explain this development to the Niabali, who were, understandably, unwilling to proceed without the Pandjima.

148. On page10, Clark and Smith (1982) further note the extent of their consultation with traditional owners:

In October 1981 the survey area was re-visited with Poonda Bob and his wife Stella Kip, to whom the buried woman was a grandmother. We could not locate the burial, but defined the likely area in which it would lie. A visit to the area from Onslow with Herbert Parker and two younger men, his son Slim Parker and Trevor Hicks was also made... Herbert Parker confirmed the previous information about sites, and further defined the likely burial area. This was confirmed by his eldest brother in Onslow. Finally Marble Bar was re-visited to relay the results of the Pandjima visit to Poonda Bob and David Stock.

149. The conclusion from the above section discussing the descendants of Yandikutji is that Yandikutji was the grandfather of David Stock and that Yandikutji's wife was named either Dardana or Tharu and is buried near Yandicoogina Creek. However, it should be noted that the genealogies used by Palmer (2010) and those recorded by Day have all either directly

or indirectly incorporated information from the genealogies recorded by Kim Barber in 1996 for the original IBN native title claim. A subpoena was issued in 2011 to Gumala Aboriginal Corporation for Barber's genealogies but no trace of the genealogies could be found. Differences in genealogies appear to come from information gathered between 2006 and 2010 during the preparation for a 'One Banyjima' native title claim.

150. **Group 5.1. Yidingganin (Billy married to Minnie) Paragraph 803-809.:** In

Paragraph 803 Palmer refers to Tindale (1953, Sheet 55) who records Yidingganin as the father of Mary, Minnie Muni, a Banyjima woman, and her sister Diana who died before 1953. In a brother sister exchange, Minnie married Billy Pidilbung who died at Punda Station.⁶⁰ Minnie Muni was the grandmother of a woman named Dinah. However, Barber (1997:58) records Muni as the daughter of Wilga. Barber states:

To demonstrate the attachment of the TE Bandjima to the project area and to the locale of the ranger station it is asserted that the TE Bandjima were in the area of Pidapidinnya in pre-European times. It is stated that Wilga (TE Bandjima) was born and lived in the area of Mandjina as did her daughter Muni. Both of these individuals are ancestors of current TE Bandjima elders.

151. Barber's footnote adds, 'Puni and Murr, the mother's mother of Miru George, also lived and were born in the area'. My records show that Minnie and Billy Pidilbung had a daughter Biniyanku (1871-1939) @Boonie/Puni who married Laurie Pundililing (Barber 1997) @ Bundaliny (Olive 1997) who died in 1924. I recorded Laurie as a Gurama man, although Nellie told Palmer (Paragraph 807) that her MF Larry was Banyjima. The daughter of Larry @Laurie⁶¹ and Puni was Dinah @ Purmbah @ Tiny (1908-1982) who married Wagon@Wakin, another Gurama leader. Nellie [Jones] and Herbert [James] were children from this union. Nellie told Noel Olive (1997:30), 'My father was Wakin. But Johnny Dick [Gurama] was the one that reared me up.' Wagon's wife, Dinah, was also the mother of Miru George, Eileen Park and Kathleen Johnny to different fathers (see Olive 1997:26). All the children listed above trace their Banyjima ancestry through their MMF. They could all also identify as Gurama through their FFF. All belong to the return to homeland movement and have retained much of the culture shared by the Central Pilbara culture block.

⁶⁰ Minnie's sister married Billy's brother (Tindale 1953, sheet 55.

⁶¹ Larry also married Gurdagurda, an Innawonga woman from whom the Injie and Limerick families can trace descent. Larry is the son of the Gurama leader, Windawarri and a Gurama woman, and the brother of Bindamai who was Alice Smith's grandfather, so that Dinah's descendants have very strong Gurama ancestral connections.

152. The example of Nellie Jones and other descendants of the apical ancestor Palmer lists as Yidingganin is a complicated case of cognative descent where the father's line is strongly Gurama, with enough Banyjima ancestors on the mother's side to claim some secondary rights in Banyjima country. Possibly Yidingganin is the same man as Idinggunanah who disappeared on Mount Bruce (see Group 1.1.) though the dates do not fit. Otherwise I have no record of Yidingganin other than Tindale's genealogy.
153. Dinah's descendants listed above also identify as siblings of Alice Smith through Dinah's marriage to George Pintarngarti, a Gurama man who was murdered at Rocklea in 1933 (Barber 1997). George was also a spouse of Maggie, the mother of Jessie Bardidi, Alice, Jerry, Nugget and Annie (see Smith 2001:210). It may be more through this connection the descendants of Dinah trace their connection to the Top End Banyjima group. However, according to Tindale's records, the descendants of Dinah, as a descendant of apical ancestor 'Yidingganin', would be justified in identifying as 'Milyaranba Banjima' as Nellie Jones confirmed to Palmer at Wakathuni (Paragraph 807).
154. In Paragraph 805 Palmer discusses a man named Damper, described to him as 'Inawangga' and 'grandfather' of Wobby Parker (Paragraph 805). As stated above, Tindale (Sheet 55) records Damper as brother of Minnie (Muni) and brother-in-law of Billy Pidilbung. Damper is also remembered as the father of Lucy and Lenny Mackay. Palmer thinks the term 'Inawanga' in this context may be used 'to distinguish Damper from Fortescue River Banjima by indicating he was "Inawangga Banjima"' (Paragraph 805).
155. Tindale, sheet 55, recorded a Pilgangoora Well on 7th May, 1953, shows 'Damper' as the husband of a woman named 'Mary', with three children, a deceased male described as 'Kungga in Roebourne' and a living female. Palmer notes that Alice Smith said that Damper was a 'cousin' to her mother's mother, Gujimbangu. Although Tindale records 'Damper' and 'Mary' as the parents of 'Kungga' [Reuben] on sheet 55, Kingsley Palmer may not have made the connection to Reuben if he was unaware that Reuben's mother Natha was also known as 'Mary', as I have discussed earlier in this report.⁶² If Damper and Mary are the unnamed Banyjima parents of Reuben shown on Tindale, sheet 136, Damper died before 1953. Whatever Damper's identity, he is not shown as an apical ancestor for either Banyjima groups.

156. **Group 6.1 Maggie Nyukayi.**

⁶² Note: Kathleen Hubert says 'Kudaramarda' was father of Kungga. I recorded that Pat Long remembers Damper at Marillana. He was from Turee and was Innawonga. David Stock (2008 *pers com*) says Horace was not supposed to marry Olive because 'their mothers were sisters' - they had the same grandfather, Damper, an Innawonga man (September 2008)

Palmer records that a woman named Maggie Nyukayi was the mother of a woman named Carrie Blurton of Mulga Downs⁶³, whose parentage is confirmed by native Welfare records. (see Palmer footnote 836). In Paragraph 811, Palmer notes that ‘Eric Carey, who is Carey’s SS, told me⁶⁴ that Carey’s Aboriginal name was Garinba and that she was born at Cowra, on Mulga Downs’. Eric told Palmer that Whitehead was ‘aunty for Garinba’ and that Whitehead’s country was Mulga Downs⁶⁵. In addition he stated that Garinba was ‘sister’ to Wobby Parker, although he was not sure of the exact relationship. Trevor Parker also stated that Carrie was regarded as Banyjima. This confirms what Wobby Parker told me in 2005 (*pers com*).

157. I have recorded the story of Carey and her husband, Jack Andrews of Mount Florance Station in “‘The chance that they deserve’”: the children of Carey Andrews’ (Day 2008).⁶⁶ The story relates how in February 1923 Carrie Blurton, aged 18 years, gave birth to a son at Mulga Downs Station.⁶⁷ The event is recorded in a report to the Chief Protector of Aborigines headed, ‘List of Half-Castes in Tableland Police Sub-District.’ In his report Constable Edward Morrow wrote under the subheading, ‘Quadroons at Mulga Downs,’: ‘Humpy – male, born Feb. 14th, 1923. He is the child of half-caste Carrie and lives with her in native camp. ‘Father unknown’. Other documents reveal that the boy was named Richard after the father, Richard Simmons, a 50-year old carrier.⁶⁸

158. Richard Simmons junior’s future wife from Sherlock and Croydon Stations described how she was ‘given away in marriage’- although it was one year ‘before we actually lived together,’ as was usual in the Banyjima culture. She continues:

159. One day the father [Jack] came with his son, Richard Andrew. And my parents said to me ‘you’ll have to get your gear together because you are going with him to Mount Florence Station in the morning... We worked at Mount Florence [sic]. Richard was a station hand, and I would set the dinner tables. I wasn’t paid money, women never got nothing... My mother in

⁶³ Presumably ‘Carrie’ was short for Caroline. The surname ‘Carey’ was given to the children Amy and Fred by welfare agencies.

⁶⁴ Eric Carey KPFN, 26.

⁶⁵ Eric Carey KPFN, 27.

⁶⁶ List of half castes in Tableland Police Sub-district Police report 5418/22. Mt Florance Station (R Andrews, manager). Jacky – male age about 20, white father, married to native woman, lives in native camp, uneducated.

⁶⁷ Roebourne birth certificate 114/1925, signed by ‘R Simmons,’ carrier born South Australia, father of child, residence Mulga Downs.

⁶⁸ See ‘Wooleen: the story of Peg and David,’ Daphne Gratte (1986:26-27).

law was the cook at the muster camps. Carrie Andrews was her name. I got on alright with her, and with my husband, though I never really settled into this marriage.⁶⁹

160. Palmer (Paragraph 814) notes that Carey Andrew's son, Richard, was married to Ivy Wedge, who was also married to Herbert Parker. Consequently there are affinal links between the descendants of Carey Andrew and many other claimants. Sue Hodson (1994) notes another connection. She writes that '[Joyce Injie]'s mother was Kurama and her biological father is said to be unknown. She was brought up from early childhood by her mother's Panjima husband, Toby Andrews.' Toby Andrews was born on Mount Florance and is said to be the brother of Carey's husband, Jack Andrews. Joyce Injie told Noel Olive, 'My father's whitefella name was Toby and his name was Divin. His father's tribe was Yindjibarndi and his grandmother was Punjima' (Olive 1997:65).

Confusing Statements Regarding the Origins of Bob Wirrilimarra Tucker

161. In Paragraph 443 Palmer gives an example of multiple rights for two descendants of Bob Tucker:

For example, members of the Tucker family who are included in the IB application assert rights to areas of Mulga Downs which are exclusively within the MIB claim. They also trace ancestry to a man called Wirilimura (Bob Tucker) who originated according to their account from Juna Downs Station. Consequently they are listed with the IB claim which does not however make application for the recognition of native title to the area of Mulga Downs.

162. The above statement arouses many questions. Firstly, to my knowledge, the claim to origins at 'Juna Downs' has only come to the fore in recent years and I suspect may be fuelled by anthropological reports such as Palmer (1979, 1980) cited in my Banyjima Report (Day (2004). I know from feedback that this report was widely read amongst Gumala members. Secondly, 'Juna Downs' covers a wide area, including parts of the MIB native title claim. Thirdly, 'comes from' is vague terminology and no convincing account has been give of how it was that Wirrilimarra 'came from' or 'originated in' Juna Downs. One explanation Palmer (Paragraph 525) relates is that 'Alec [Tucker] told me that [Wirilimura] brought his esoteric ritual paraphernalia to Mulga Downs and so was able to assert his authority in spiritual and ritual matters there.'

⁶⁹This from 'Jukari Parker's' story in 'Karijini Mirlimirli' by Noel Olive (1997:41-45)

163. In 1980 Kingsley Palmer interviewed Percy Tucker who he described as a Banyjima man whose mother was a Banyjima woman with spiritual associations with a rockhole some distance east from Packsaddle (Brown 1983:6). Further detail is given by O'Connor (1996:26), who describes Percy's mother as 'Dandina, a Panjima-Inawongga woman from Minthay Spring, [who] married a Mr [Jacob] Tucker, a Pandjima man from the same camp.' Minthay Spring is on the banks of the upper Turee River (see Day 2010) and although the spring is more than 'a rockhole', it could be the water source referred to by Palmer (1980) associated with Jacob Tucker's 'Panjima-Inawongga' wife.
164. Brown (1983) quotes Palmer (1980:21) who recorded that Percy Tucker was born on Marillana Station and grew up on Mulga Downs. He worked as a Government dogger over a wide area of the Hamersley Ranges. According to Palmer, Percy Tucker's father was Banyjima man who had spiritual association with a hill north of Packsaddle called **Wiriwirbi**. Both his father's mother and father's father were Banyjima from the Dales Gorge area.
165. Palmer (1980:21) continues:
- Percy's [mother] was Bandjima, born on Juna Downs while his [mother's father] was Inawunga and his [mother's mother] a Bandjima probably from upper Turee. His [father] was a Bandjima who came from the Packsaddle area, and both his [father's mother] and [father's father] were Bandjima from the Dales Gorge area.
166. As stated above, O'Connor (1996:26) describes Percy's mother as 'Dandina, a Panjima-Inawongga woman from Minthay Spring, [who] married a Mr [Jacob] Tucker, a Pandjima man from the same camp. From that union are descended the Bobby, Smith (part), Smythe, Mackay, Hicks (part) and Sampi families.' A genealogy prepared by Bill Day records Percy's mother as Sally Djandina 'who used to talk to Gladys [Tucker] in Innawonga language' (*pers. comm.* Gladys Tucker)
167. Percy Tucker's father was Jacob Tucker. Jacob's father was Bob Wirrilimarra Tucker (Percy's father's father). According to Palmer's description, Jacob Tucker 'came from the Packsaddle area', Percy's mother, Sally, was 'a Bandjima born on Juna Downs and [Sally Djandina's] father was Inawunga and her mother was Bandjima probably from upper Turee' (Palmer 1980). In addition, according to Palmer in 1980, Percy's father's father, Wirrilimarra, and his wife were from 'the Dales Gorge area' and his father [Jacob] 'had spiritual association with a hill north of Packsaddle called **Wiriwirbi**'.

168. At a conference of experts held at the Federal Court in Perth on March 11th, Kingsley Palmer suggested that he ‘may have got it back to front’ regarding the contradictory evidence that Bob Wirrilimarra Tucker and his wife ‘came from the Dales Gorge area. However, the combined documented evidence cited in this report suggests that Jacob Tucker had an affiliation with Minthi Spring, although this may have been through his marriage to a woman from that area and her Banyjima/Innawonga parents. Future generations would most likely inherit some of those rights and interests. For example, the managerial interests held by the child of a female land-owner are discussed by Peterson (1983:137), whereby ‘the managerial interest gives a nephew the right and obligation to look after the ritual property of the MB...’

169. In the patrilineal line, according to Palmer in 1980, Percy Tucker’s ancestors are said to have a connection to ‘a hill north of Packsaddle called Wiriwirbi’. Elsewhere, Palmer (2009:218) records **Wirbiwirbi** as being another name for ‘Mount Robinson’; however, Mount Robinson is almost 20 kilometres south of Packsaddle (see map below).

170. In 1997, Wobby Parker described ‘Wirbiwirbi’ as being Mount Meharry, which is in a range of hills south of Packsaddle. Wobby told Noel Olive:

Mount Bruce’s Aboriginal name is Bunurrunna. Mount Meharry is **Wirbiwirbi**, that’s on the south side of Rhodes Ridge. The Kungkanhawarra Hill belongs to Lena Long’s father of Roebourne, his name was Kungkuna, my uncle. It’s just out from Newman, and from Juna Downs Station (Olive 1997:50).

171. To further confuse the issue, at a conference of experts held in the Federal Court building in Perth on 11th March 2011, Kingsley Palmer described ‘Wiriwirbi’ alias ‘Wirbiwirbi’ as Mount Robinson, on the southern boundary of the MIB native title claim. In his report for a single Banyjima native title claim, Palmer (2009:218) states:

172. In 1979 I recorded from Percy Tucker that his father Jacob was associated with the Packsaddle area and in particular with **Wirbiwirbi (Mt Robinson, site 48)** [my emphasis].⁷⁰ Jacob is buried at Mulga Downs and I was shown the location of his grave⁷¹. I am of the view that Jacob is also, generally, associated with the Mulga Downs area, perhaps by virtue of his residence there, ritual status (see Paragraph Error: Reference source not found below) and burial (see Paragraph Error: Reference source not found).

⁷⁰ Palmer 1979b, 21.

⁷¹ Alec Tucker and others KPFN, 52.



Above: Map of Packsaddle area showing Mount Meharry, Mount Robinson, The Governor, Juna Downs homestead, the boundary of the MIB native title claim, IB southern boundary, RTIO railways, Great Northern Highway and boundary of Karijini National Park

173. In Paragraph 729, Palmer (2009:219) adds:

Based on these data it is my view that Jacob Tucker probably originated from the Juna Downs-Packsaddle region. I speculate that he moved down to the station country with his parents (Bob Tucker and Thalana) as a younger man. It is possible that Tommy Tucker was born after this move to the north, thus his birth at Mulga Downs Station. The family then consolidated on Mulga Downs, acquiring an association with that place as well as the senior men gaining ritual status there⁷² (see Paragraph Error: Reference source not found).

174. In apparent contradiction to the above statements, Palmer (2010: Paragraph 461) cites information provided by ‘senior claimant Alec Tucker’ who told Palmer that his ‘FF was born at Mulga Downs’.⁷³ In a section headed, ‘Descent’, Palmer states:

For example, senior claimant Alec Tucker told me that Bandaguru (Fortescue River) Banjima country was his country and that of his forebears. His FF was born at Mulga Downs while his FFF (Bob Tucker or Wirilimura) may have been born near Juna Downs Station.’

175. As noted elsewhere, Alec Tucker’s father was Raymond Tucker, whose father (Alec’s FF) was Jacob Tucker, while in Paragraph 729 cited above, Palmer (2009) comments that ‘Jacob Tucker probably originated from the Juna Downs-Packsaddle region’.

⁷² Alec Tucker KPFN, 12. This may have led Marnmu Smyth to suggest to me that Jacob was ‘more for Mulga Downs’; KPFN, 14.

⁷³ Alec Tucker KPFN, 12 (Palmer 2010:133).

176. According to records, Tommy was born in about 1882⁷⁴ and his sister Lucy Tucker, or Putha, about 1896.⁷⁵ The brother of Putha and Tommy was Jacob Tucker, whose daughter Naidjong who was likely born in about 1910,⁷⁶ with Jacob's son Percy born in 1924. All of Jacob's remaining four children are identified with Mulga Downs.⁷⁷ If Jacob's daughter was born at Mulga Downs in 1910, Jacob may have been born about 1890, *after* Tommy Tucker's birth on Mulga Downs in about 1882, this is a very long association with Mulga Downs, from at least 1882 onwards, and is difficult to fit with Palmer's suggested migration of Wirrilimarra from Juna Downs. It is suggested that more research is needed on this question.

The Tuckers at Mulga Downs

177. Paragraph 729 states that Wiriilmura was able to 'talk for both sides' (i.e. Top End and Bottom End). This is not implied in Blanche Tucker's written submission to the Seaman inquiry recorded by the ALS anthropologist Sandy Toussaint in 1984:

178. I was born and rared up on Mulga Downs. Mulga Downs is my cousin Alec Tucker's country. It is my son Greg's country too. It has been handed to them through Aboriginal law. They know all about that country through the old people. I have some country at Mulga Downs through my grandfather but it is not really my place to talk about it. Alec has more right to talk about it. It is my spirit country. My mother and father and sons my children are buried at Mulga Downs. I stayed there for years and years. I worked there for old George Hancock. He was a good boss. He understood when we needed to go away for meetings and ceremonies. He was Lang Hancock's father. We all knew Lang Hancock as a boy ... We had a law ground at Mulga Downs. We made a new law ground at Wittenoom. Why can't we go back to Mulga Downs? I would like to go there. No one tells me why. And that country belongs to Alec and Greg. That belongs to them law way. I feel satisfied about that. We had to leave Wittenoom too. I can't go back there. Why? I would like to go back there' (ALS 1984).⁷⁸

⁷⁴ Mark Chambers records that Tommy Tucker was 73 when he died on December 10, 1955.

⁷⁵ Department of Native Welfare, Report on Applicant for Certificate of Citizenship, Jack Dowton. According to this form, Putha's son, listed as Jack Dowton, was born in 1906.

⁷⁶ DIA File 470/1936: 17-11-1936 'At White Springs stations recently I came across a native woman (full blood) named Naidong - no English alias - who had two very light half caste boys with her - Harold aged 5 years and Eric aged 4 years. She stated that she was a kitchen gin at Mulga Downs station and that she was at White Springs for a holiday.'

⁷⁷ Naidjong, Elsie, Ivy, Raymond, Doug, Percy.

⁷⁸ Statement given to Sandy Toussaint by Blanche Tucker in Roebourne, 1984.

179. The history recounted by Palmer in Paragraph 750 is highly speculative. In a police interview⁷⁹ in June 1947 Tommy Tucker confirms his ritual status but his previous history hardly fits Palmer's conjecture. Tommy said:

I am a station native born at Mulga Downs Station via Roebourne. I belong to the Punjamah tribe, and I am the leader of my people. My woman is named 'Blanche' she is only a young girl; I have had her since 1937; couple of years before the war broke out. When I was only young Mr William Pead of Cossack and Roebourne brought me up.⁸⁰

180. In addition a newspaper report of a warrant of commitment states:

Peteronbung Alias Tommy Tucker of Yandeyarra was this day duly convicted before JP. 'You the said Peteronbung and Aboriginal on the 12th day of October 1905 were found upon the premises of Herbert Reginald Hester for an unlawful purpose contrary to law ... three months gaol in Roebourne 7/12/05 at Croydon signed McRae JP.'

181. All of the above indicate a more unsettled early life than that suggested by Palmer. At the very least the records available are evidence, and not conjecture.

182. It appears that Tommy Tucker had a connection to Juna Downs Station. Apparently he worked there, although generally he seems to have led a migratory life. He claims that 'When I was only young Mr William Pead of Cossack and Roebourne brought me up,'⁸¹ In 1944 the Tucker and Parker families on Mulga Downs were linked in various ways. Some of these connections were recorded in a sworn statement to police by Wobby [Parker] after an altercation on Mulga Downs. On February 18th, 1944, Wobby stated:

⁷⁹ (see PDD File 2300/47)

⁸⁰ PDD File 2300/47. June 1947. George Park of Juna Downs complained that Blanche [Tucker] was being held by Tommy after being speared in the leg to prevent her running away. Investigating a complaint by George Park of Juna Downs station regarding the 'alleged spearing of a Gin by native known as Tommy Tucker,' the police constable wrote:

Tommy Tucker claims that he is head of his tribe; and for a station native he is well educated. He is known as a native lawyer. His native name is 'Bedernungbung' and he states that when only a young man he served three months in the Roebourne Gaol but claims he does not know for what offence. It appears apparent that when Tommy regained possession of Blanche at the gathering of the natives at Mulga Downs Station during March 1947 after she had been residing with Toby for several months; he remained at Mulga Downs until their baby died and then commenced his return journey to Juna Downs.

⁸¹ see PDD File 2300/47

Two Thursday nights ago, three sisters, Blanche⁸², Gertie⁸³, and Selina⁸⁴ were fighting over cards in Mulga Downs station camp. Blanche and Gertie were fighting Selina. I took the part of Selina, together with my brother Herbert⁸⁵, who is Selina's man.

Darkie⁸⁶ took the part of his two nieces, Blanche and Gertie, and Herbert and Darkie had a fight, but Darkie's sister Ivy⁸⁷, joined in with another boy, so we all stopped them.

183. The statement then describes how Wobby tried to stop a fight between Darkie's two sisters, Elsie⁸⁸ and Ivy. A 'kylie fight' using boomerangs and shields then broke out between Wobby and Darkie. After the initial exchange of boomerangs, Darkie was struck on the head. Wobby continued, 'As soon as Darkie fell down, my brother Herbert, speared me in the leg to stop me.' Wobby then adds, '**Tommy Tucker of Juno Downs Station** [sic; my emphasis] was at the fight, and he took Darkie's part, and hit me on the head with a wanna (big woman's stick).'

184. Absent from the above dispute or not mentioned in the police statement, were Darkie's brothers Raymond⁸⁹ and Percy. Jacob Tucker's daughter Naidjong (sister of Darkie) died before these events⁹⁰. According to Kim Barber's genealogies (Barber 1997), Naidjong married Kayuna who was the brother of Whitehead, mother of Horace, Ginger, Wobby and Herbert.

⁸² Blanche Tucker, born 1923, granddaughter of Jacob, is the mother of Lindsay, Archie and Gregory.

⁸³ Gertie Tucker, alias Garditha, born 1916, granddaughter of Jacob, married Ginger Parker, born about 1909, brother of Herbert. Her daughter was Sella Robinson.

⁸⁴ In 1958 Mulga Downs station report lists Pat, stockman on 5 pounds and keep and Selina, 40 yrs wife of Pat [Long]. Selina, housegirl has diabetes and is taking insulin.

⁸⁵ Herbert Parker, born 1921, brother of Wobby, Horace and Ginger.

⁸⁶ Doug Tucker, son of Jacob, died in Royal Perth Hospital on 11th May, 1944. He is buried in Karrakattagrave LC0617.

⁸⁷ Nulingu Ivy Tucker, daughter of Jacob, married a Ngarlawongga man named Spider (see Barber 1997).

⁸⁸ Elsie, daughter of Jacob, was the cook at Mulga Downs Station. 1944 Mulga Downs Report to Commissioner Native Affairs states: There is also a half-caste child named Johnnie, aged about 4 years, the son of a deceased woman named Mahjong, [Naidjong] who is alleged to have been taken from Roy Hill to Port Hedland and died there in the Locke Hospital, the child is now being cared for by a full blood woman named Elsie, the sister of Mahjong. Telegram 5-7-1949: ELSIE FROM MULGA DOWNS DESIROUS TRAVELLING CARNARVON TO VISIT HALFCASTE SON DOUGLAS MCARTHUR AT MISSION.

⁸⁹ Raymond Tucker, born 1913, son of Jacob, is the husband of Egypt, born 1913, mother of Alec Tucker, born 1943. Egypt is also the mother of Ronnie Mills, born 1942, son of Wobby.

⁹⁰ See footnote 16, above.



Above left: Alec Tucker wearing Fortescue Banyjima brand at Wakathuni ceremonies in 2003. Right: Top End Banyjima men wearing their brand at Wakathuni in 2003. Photos Bill Day

Horace Parker and ‘Wirrpi-wirrpi’

185. In an ethnographic survey report for Mining Area C undertaken for BHP Iron Ore in 2000, Louis Warren (2000:41-42) provides additional information about a site described by Warren as ‘**Wirrpi-wirrpi**’ [my emphasis]. Warren states:

Of those consulted, Mr Horace Parker appeared to be clearly the most knowledgeable of the survey area. When he was present during surveys, all participants deferred to him regarding cultural heritage matters. This was likely to be partly out of respect for his seniority, in both age and position in the community...

Only one previously unrecorded ethnographic sites [sic] was recorded as a result of the survey. This site (an increase site for honey bees named *Jirrplapar Thalu*, MACC-FS22) was reported by Mr Horace Parker (dec)⁹¹, who also provided details on the previously recorded ethnographic site P02239.

The survey resulted in no other reporting of the ethnographic sites or places of cultural significance within the survey area, although Mr [Horace] Parker did reported [sic] a named location or place within the survey area. He mentioned that the general area between C deposit and Marillana Creek (with particular reference to the highest range running east/west roughly 20 km north of Mount Robinson) is named **Wirrpi-wirrpi**. Mr Parker referred to the range and the land in the immediate area by the name **Würrpi-wirrpi**...

Mount Meharry, identified by Olive (1997:57) as **Wirbiwirbi**, is the highest point in a range running east/west. The mount is situated about 20 kilometres west-north-west of Mount Robinson (see map). However, there is a parallel range of hills north of Packsaddle and north

⁹¹ Horace Parker died suddenly on March 31, 2000.

of the Rio Tinto Iron Ore Yandi railway line which is situated 20 kilometres north of Mount Robinson. This range of hills also form a southern boundary of a section of the MIB and better fits Warren's description of Wirrpi-wirrpi as being '20 kilometres north of Mount Robinson'. The range is also north of Packsaddle, as described by Palmer (1980:21).

186. Warren (2000:42) adds further details about the 'Wirrpi-wirrpi' site. In his Area C report for BHP, Warren states:

187. In discussing this area with [Horace Parker] the author gained the impression that the name **Wirrpi-wirrpi** referred possibly to an 'estate' area, spoken for by a descent/estate group of that name. [Horace] also stated that '...the people all gone, that's why I took it on. Quite a lot of young people around for that area but they don't know, didn't learn. They all come behind of me' (H. Parker *pers com*).

188. Although other younger survey participants like Mr David Stock and Mr Horace Nelson (dec) had some knowledge of the northern part of the survey area from periods of time in the late 50s to 60s (when they worked in the areas mustering from Marillana Station) their knowledge was limited. They, along with Patrick and Henry Long, as well as Gordon Yuline, all knew various details about the previously recorded site P02239, but no others within the survey area.

189. Apparently, according to Louis Warren (above), Wirrpi-wirrpi is not a specific place, but rather an area, range of hills, or estate.

Summary

190. In summary, there is no confirmation that Wirbiwirbi is a name for Mount Robinson as claimed by Palmer (2009; see above). By 2000, according to Horace Parker, there were no surviving custodians for the area, or at least qualified people, so that Mr Parker 'took it on'. He did not mention Percy Tucker or Percy's father, Jacob, who was said by Palmer in 1980 to have 'a spiritual association with a hill north of Packsaddle called Wiriwirbi'. However, the location of the estate or site Wirbiwirbi /Wirrpi was confirmed in 2000 by Horace Parker when he told Louis Warren that he was custodian of Wirbiwirbi/Wirrpi-wirrpi and that it was an area '20 kilometres north of Mount Robinson between Area C and Marillana Creek'. As shown on the above map, the range of hills '20 kms north of Mount Robinson' is a southern boundary of the Martidja Banyjima native Title Claim, while Mount Robinson itself lies on the south-west lower corner of the claim and within the IB claim.

191. Palmer wrote in 1980 that Percy Tucker's F.F. and M.M. (i.e. Bob Wirrilimarra Tucker and his wife) 'came from the Dales Gorge Area'. In 2011, Palmer claims this was a mistake. Instead Palmer suggested in 2009 that Jacob moved to Mulga Downs with his parents. Palmer (2009) states:

[Jacob] originated from the Juna Downs-Packsaddle region. I speculate that he moved down to the station country with his parents (Bob Tucker and Thalana) as a younger man.

192. However, Jacob's brother, Tommy Tucker, claims to be born on Mulga Downs. Tommy's estimated birth date is 1882 and Jacob would have to be born no later than 1890 to have a daughter (Naidjong) born at Mulga Downs before 1910. During this period Mulga Downs was a remote station often under attack from 'hills natives' (Day 2004).

193. In a statement recorded by the linguist, Alan Dench, on 19 June, 1980, Percy Tucker claims that Jacob Tucker is one of the 'bosses' for the Hamersley Range and that now 'us little fellas' are the boss, 'We took over from the old fellas'. Percy names his father, Jacob, as '*Pilypangkanpangu*' and lists him along with '*Pirtanganpangu*' (Tommy Tucker) and Herbert Parker's grandfather '*Pirtupiri*' and father '*Marntunah*'. In his recorded statement, Percy makes no mention of other estates or spiritual connections.⁹²

194. Jacob married a woman from the Juna Downs area who had Innawonga-Banyjima ancestry. Jacob would have shared that connection, as would his children, by affiliation. The point is Kingsley Palmer's information is confusing and at times contradictory. According to the evidence reviewed above, is little confirmation of Palmer's thesis that Bob Wirrilimarra Tucker 'originated from the Juna Downs area', or what is the meaning of the rather loose expression, 'originated from'. Horace Parker's statement to Warren (2000) suggests that if Wirrilimarra's sons had a spiritual connection to Wirbiwirbi /Wirrpi-wirrpi, it was shared by others within the MIB native title claimant group.

Additional information on the Packsaddle-Mount Robinson Area

195. Bindon and Lofgren (1982:124) suggest that the concentration of walled rockshelters around the 'Area C' mining area near Packsaddle Ridge suggests 'that at some stage in the prehistory of this area, large numbers of people gathered to participate in ceremonies.' Brown

⁹² Statement by Percy Tucker recorded by Alan Dench, at Onslow Nhuwala Centre, 19 June, 1980. Copy faxed by Alan Dench, University of Western Australia, to Mark Chambers of Yamatji Land and Sea Council, on 28 February 2005.

and Mulvaney (1983b:6) describe the Packsaddle area as ‘a “divide” (watershed) with water courses draining north and east to the Fortescue River and south and west to the Ashburton River.’ Describing one of their informants, Brown and Mulvaney (1983b:11) cite Palmer (1979:21-22): ‘Brian Tucker is 20 years of age and of Pandjima descent. His father (now deceased) had extensive knowledge of the Hamersley Ranges and his immediate ancestors belonged to the central Hamersley Plateau.’

196. When the new Perth to Darwin highway was planned in 1977, staff from the Department of Aboriginal Sites examined the Packsaddle to Munjina Gorge section (Brown 1983). Kingsley Palmer also investigated Aboriginal sites in the area between 1975 and 1980 (Palmer 1975, 1976, 1979, 1980). Concerning the Packsaddle area, Brown (1983:9) wrote:

Generally the Pandjima have taken responsibility to ‘speak for the country’. Specifically Herbert Parker and his two brothers appear to be the ‘caretakers’ and spokesmen for this [Packsaddle] area. However, Jerry Wing, who is recognised as being the most authoritative person for an area west of the survey area, seems to have the most knowledge of the southern Packsaddle area.

197. Djirriwiyn alias Gerry Wednesday alias Jerry Wing (dec) was a Gurama/Top End Banyjima man who is registered by DIA as the custodian of Minthi Spring (Mindayi DIA Site 8296).⁹³ Kingsley Palmer (1980:15) described Jerry Wing in almost the same terms. In a Paragraph following the genealogical background of Percy Tucker, Palmer wrote:

However, it is Jerry Wing who is considered by Aborigines now living in Onslow and Roebourne as being the most authoritative person with spiritual affiliations to the central Hamersley region. Last year (November) I took Jerry through the Hamersley ranges while undertaking anthropological research concerning other Temporary Reserves in the region ... I also undertook quite extensive enquiries concerning the Marandoo area in 1975 (see Palmer 1975:4-6).

198. Brown (1983:9) notes: ‘[Jerry] was not generally familiar with a lot of the area north of Packsaddle. He specifically mentioned the snake track and stone arrangement site which he had described to Kingsley Palmer.’ A continuation of the track left by the snake was pointed out to the anthropologist John Wilson who documented Aboriginal sites in the Angelo River area in 1979-80 (Wilson 1980:14-15).

⁹³ Palmer (1980) describes Mindi Springs (Mindayi) as 'The place where the spiritual essence or Dreaming of Jerry Wing's M.F. was located.

199. In 1979, Jerry Wing described to Palmer (1979:19) a snake track and stone arrangement site (see also Brown and Mulvaney 1983a:46):

On the low range, east of the lake (Gundawuna), are located a dozen or more rocks each about the size of a human head. In the Dreaming a snake travelled from a spring in a big hill north of the lake, and went south, where it dropped its eggs at this site. These eggs turned into stones. The snake travelled on, and made the gap between The Governor and Mount Robinson. The stones are very dangerous, and he who touches them will 'swell up' and perhaps die. It is also dangerous to allow your shadow to fall on them.⁹⁴

200. In 'The Giles Mini Report', Palmer (1976:4) cites the explorer, Ernest Giles (1889), who named Mount Robinson and The Governor 'as lasting memorials to the intelligent and generous interest displayed by Governor Robinson [of Western Australia] (Giles 1989:299)'. Palmer (1976:5) also records that the Aboriginal name for The Governor is *Winda-rama*. He adds, 'Traditionally the country around Giles Mini was owned by the *Mardu-idja*, who had close affiliations with the *Munda-ra*, further west. *Mardu-idja* country extended eastwards to the present Mt Newman townsite and south to Round Hill (*Djugadidina*) and east towards Sylvania [sic].'

201. Tindale (1974:247), cited in Warren 2000:14), described the 'Mundara' as:

A small tribe on the Ophthalmia Range and on the plateau at the head of Turee and Weediwolli Creeks; south to Prairie Downs. Driven north to the Fortescue River by a southeastward movement of the Panjima and absorbed among the Niabali and Pandjima. Now extinct as a tribe.

202. More recently Edward McDonald goes to some length to explain the absence of any surviving evidence of the 'Mundara tribe' as a separate group. McDonald (2000:8) notes that 'Mandara is not a tribal name that is generally recognised today by Aboriginal consultants participating in various surveys in the region' (see also McDonald 1999) and suggests that the 'Mundara' referred to by Tindale and Palmer is actually a descriptive term for a location, rather than a 'tribe'. In his report, McDonald (2000:8-9) states:

⁹⁴ Brown and Mulvaney (1983a:46) note: Since the site is known to living Aboriginal people and is of traditional significance to these people as well as being of anthropological and archaeological importance the site should be made a Protected Area under Section 19 of the Aboriginal Heritage Act 1972-1980.

The term is more likely to be a local rather than a 'tribal' name or a descriptive term for 'hill' or upland people. Indeed, Palmer (1977:24) states that the *Mundara* [*Mandara*] are 'a subgroup of the Bandjima [Panyjima] people.' The term *munda/manda* would seem to be derived from a word common in Hamersley Range languages for hill/rock/stone [*manda/marnda/marnta*] (Dench 1991:230). The suffix *-ra*, according to Dench, is common in various Pilbara languages as an indication of people from a particular place (*pers. comm.*, September 1999; Dench 1987:2...

Conclusion

203. Kingsley Palmer has written a report that strongly favours a single Banyjima native title claim by presenting evidence that the two groups are connected in many ways such as by marriage, by descent and by shared laws and customs. In my comments I have suggested that there have been mistakes in the Palmer genealogies and the highlighting of casual connections over lasting relationships where these connections serve to emphasise the ties between Top End and Bottom End.
204. Although Palmer has discussed Banyjima laws and customs in some detail, Palmer has avoided the divisive issues like the continued adherence and maintenance of these laws and customs by interpreting both a shift to cognative descent and a lessening of the significance of continuing patrilineal descent of esoteric rituals and knowledge, as maintained by the Fortescue Banyjima land-owners.
205. I also believe that the fight for Aboriginal rights in the 1970s, the campaign against mining at Marandoo in 1991 and the formation of the Karijini Aboriginal Corporation in the early days of native title is admissible evidence of connection to country that has been overlooked in Palmer's report, perhaps for the sake of unity.
206. In more recent times there has been the remarkable 'return to country' movement documented in Lola Young's (Young 2007) book which is worthy of analysis. The administration of the National Park, attempts at Indigenous tourism and ground breaking Indigenous Land Use Agreements might also be relevant.
207. I repeat that in my opinion the contentious shared country is already shared in many ways, barring a disputed area between the eastern edge of the Karijini National Park and Area C. In conclusion, I agree with Palmer that the two groups are interconnected in enough ways to be described as a single society, though these connections have weakened as the elders who worked together on the stations passed away. Descent may produce a list of people who can

claim to be Banyjima but it fails to define the eligible native title holders as being those who can prove unbroken connection to land, laws and customs. As holders of 'fundamental rights', they demand respect in both Banyjima Laws and customs and by the wider Australian legal system.

References:

- Palmer, K. 1979a. Archaeological survey of proposed railway Line Route: West Angelas project. Part 2 (53.9 km peg - 306km peg).
- Palmer, K. 1980a *The Central Hamersley Plateau, an anthropological survey. An account of known sites and places of importance to Aborigines in the vicinity of TR 4885, TR 5623, TR 5585, TR 6998 and TR 6999.*
- Palmer, K. 1981. *Aboriginal Religion and the Ordering of Social relations*. Ph.D. thesis, University of Western Australia, Nedlands.
- Palmer, K. 1983 'Migration and rights to land in the Pilbara'. In *Aborigines, land and land rights*. N Peterson and M Langton, eds. Pp.172-179. Canberra: Australian Institute of Aboriginal Studies.
- Barber, K. 1997 *A Report to the Gumala Aboriginal Corporation on Elements of the Native Title Interests in the Vicinity of Hamersley Iron's Yandicoogina Project*. Tom Price, WA: Unpublished report.
- Bindon and Lofgren 1982
- Bradshaw E 1999 *Report on the Weeli Wolli Ethnographic Site Complex, Options for Protection*. Unpublished report for Hamersley Iron and Gumala Aboriginal Corporation.
- Brown S H 1983 *Perth-Darwin National Highway Newman-Port Hedland Section: A Survey for Aboriginal Sites on some Proposed Route Realignments*. Prepared for Main Roads Department.
- Brown, S H and K Mulvaney 1983a *A Survey For Aboriginal Archaeological Sites Relating To A Part Of, And Some Associated Works On, The Perth – Darwin National Highway*. Prepared for the Main Roads Department
- Brown, S H and K Mulvaney 1983b *Test Pit Excavations at Aboriginal Sites P4627, P4623, P5315 and P5316 Perth – Darwin National Highway Newman – Port Hedland Section*. Prepared for the Main Roads Department
- Chambers, Mark 2009 Notes on Banyjima Genealogies.
- Clark, B 1992 *Yamatji: Aboriginal memories of the Gascoyne*. Victoria Park, WA: Hesperian Press.
- Clarke, C and Smith, M., 1982. *Yandicoogina Prospect WA A survey for Aboriginal sites. Final report. A survey of Temporary Reserves 5259, 5603-4, 6501-4, 6685 and 6696 for CSR*. Unpublished report, Dept Aboriginal Sites, WA Museum, Perth.
- Clement, E. 1904. 'Ethnographic notes on the Western-Australian Aborigines'. Internationales Archiv fur Ethnographie XVI, pp. 1-29 plus plates.
- Day, A 2010 *Wadjelas: the memoirs of a 1950s Patrol Officer*. Victoria Park, WA: Hesperian Press
- Day, W B 2004a *Murder, Trial and Execution in the Pilbara: the Death of James Coppin*. Unpublished essay.
- Day, W B 2004a *Ethnographic Survey of Possible Burial Site at P02175, Yandi Village Walk Trail and Billiards Drilling Project at Weeli Wolli Creek, Yandicoogina*. Gumala Aboriginal Corporation and Hamersley Iron.
- Day, W B 2004b *Report of an Ethnographic Heritage Survey for Junction South East Extensions to Pilbara Iron's Yandi Mine, Weeli Wolli Water Monitoring Bores and Quail Siding, Yandicoogina, Pilbara, Western Australia*. Gumala Aboriginal Corporation and Pilbara Iron.
- Day, W B 2004c *Report of an Ethnographic Heritage Survey for Weeli Wolli Water Monitoring Bores, Quail Siding and Junction South East Extensions to Pilbara Iron's Yandi Mine, Yandicoogina, Pilbara, Western Australia*. Prepared for Gumala Aboriginal Corporation and Hamersley Iron Pty Ltd.
- Day, W B 2004d *Banyjima Native Title: Background Report*. Unpublished report, with the Gumala Aboriginal Corporation, Tom Price
- Dench, A 1987 *Maruthunia: An Aboriginal Language of the Pilbara Region of Western Australia*. PhD Thesis, Australian National University, Canberra.
- Day, W B 2005a *Report of an Ethnographic Heritage Survey of Junction South East Mine Expansion Areas at Pilbara Iron's Yandicoogina Mine, Western Australia*. Prepared for Pilbara Iron and the Gumala Aboriginal Corporation.

- Day, W B 2005b *Report of an Ethnographic Heritage Survey for Evaluation Drilling Programs, Mine Expansions and Water Monitoring at Junction South East and Billiards, Yandicoogina, Western Australia*. Prepared for Pilbara Iron and the Gumala Aboriginal Corporation.
- Day W. B. 2005c *Report of an Ethnographic Survey of the Yandi Access Road and Evaluation Drilling Areas at Billiards and Junction South West, including Junction Well*. Prepared for Gumala Aboriginal Corporation and Pilbara Iron.
- Day, W B 2005d Law time at Mulga Downs. Videorecording.
- Day, W B 2005e *The Coffin Family of Redcliffs Station, Pilbara, Western Australia*.
- Day, B 2007a *Report of an Ethnographic Survey of Northern and Southern Areas of Pilbara Iron's Billiards Prospect, either side of Weeli Wolli Creek, Yandicoogina, Pilbara, Western Australia*. For Gumala Aboriginal Corporation and Pilbara Iron Pty Ltd.
- Day, B 2007b *Preliminary Advice of an Ethnographic Survey of the Proposed Hope Downs 4 and Hope Downs 6 Geo-technical Drilling Program Project Area within E47/00429 and E47/00430, East Pilbara, Western Australia*. Prepared for the Martu Idja Niyaparli Aboriginal Corporation and Pilbara Iron Pty Ltd.
- Day, W B 2010 *Report on Martidja Banyjima Minthi Spring Section 18 Consultation concerning Rio Tinto Iron Ore's Marandoo Below Water Table Mining Project: Notes on Discussions held at Karijini Eco Retreat, September 1st and 2nd, 2010*. Unpublished report for Martidja Banyjima native title claimants.
- Day, W.B. 2009. 'Comments on the Kingsley Palmer Anthropologist's report'. Unpublished report provided to the author.
- Dench, A 1991 'Panyjima'. In R M W Dixon and B J Blake, eds. *The Handbook of Australian Languages, Volume 4*. Pp. 125-141. Oxford: Oxford University Press.
- Forrest, K 1996 *The challenge and the chance: the colonisation and settlement of North West Australia 1861-1914*. Victoria Park: Hesperian Press.
- Giles, E 1889 (1995 reprint) *Australia Twice Traversed*. Victoria Park, WA: Hesperian Press. 382pp.
- Gratte D 1986 *Wooleen: the story of Peg and David*,
- Hodson, S 1994 *Report on Preliminary Investigation of a Native Title Claim by Karijini Aboriginal Corporation*. Report for Land and Heritage Unit of the Aboriginal Legal Service.
- Kolig, E. 1980 'Report on Aboriginal relationships to land centred on the pastoral properties of Liveringa and Blina in the West Kimberley'. Report for Whitestone Petroleum Australia Ltd., Perth
- McDonald, E M 1999 *Report of an Ethnographic Aboriginal Heritage Survey of the Exploration Areas in the Vicinity of Ophthalmia, Pilbara, Western Australia*. Unpublished Report Prepared for Hamersley Iron and the Niyaparli Claimants.
- McDonald, E M 2000 *Report on an Ethnographic Survey for Aboriginal Sites of the Exploration Areas in the Rhodes Ridge, Pilbara, Western Australia*. Prepared for Hamersley Iron and the Niyaparli Aboriginal Corporation and the Gumala Aboriginal Corporation.
- Mullvaney, K 1984 *Archaeological Survey: Mount Robinson and Fortescue Sections, Pilbara Region Perth-Darwin National Highway*. Prepared for the Main Roads Department.
- O'Connor, R 1991 *Report on Aboriginal Person-Land Relationships Central Pilbara Region*. For Hamersley Iron Pty Ltd.
- Olive, Noel 1997 *Karijini Mirlilirli: Aboriginal histories from the Pilbara*. Fremantle: Fremantle Arts Centre Press.
- Palmer, K. 1975. *The Marandoo Report*. Unpublished report for Department of Aboriginal Sites, WA Museum.
- Palmer, K 1977 'Stone arrangements and Mythology', *Mankind* 11 (1): 33-38.
- Palmer, K 1976 *The Giles Mini Report*. Unpublished report for Aboriginal Sites Department, Western Australian Museum, Perth.
- Palmer, K. 1979. *An Archaeological Survey of the Proposed Railway Line Route: West Angelas Project. Part 2 (53.9km Peg - 306km Peg)*. Unpublished report held by AAD.

- Palmer, K 1980 *The Central Hamersley Plateau, An anthropological Survey: an account of known sites and places of importance to Aborigines in the vicinity of TR 4885, TR 5623, TR 5585, TR 6998 and TR 6999*. A Report Prepared for Texasgulf Australia.
- Palmer, Kingsley 2009 *Innawonga And Bunjima People Native Title Application WC96/61; WAD6096/98, Martu Idja Banyjima People Native Title Application WC98/62; WAD 6278/98: Anthropologist's Report*. Mongarlowe, NSW: Appleby Consulting Pty Ltd
- Peterson, N 1983 Rights, residence and process in Australian territorial organisation. In *Aborigines, land and land rights*. N Peterson and M Langton, eds. Pp.134-145. Canberra: Australian Institute of Aboriginal Studies.
- Radcliffe-Brown, A.R. c. 1911. Field notes. Mss collection. University of Sydney.
- Radcliffe-Brown, A.R. 1912. 'The distribution of native tribes in parts of Western Australia'. *Man* 75-6, pp. 143-6.
- Radcliffe-Brown, A.R. 1913. 'Three tribes of Western Australia.' *Journal of the Royal Anthropological Institute*, 48.
- Radcliffe-Brown, A.R. 1930-1. 'The social organisation of Australian Tribes', *Oceania* 1.1-4. (Oceania Monographs, no. 1). University of Sydney, Sydney.
- Smith, A. (with A Vitenbergs and L Brehaut) 2002 *Under a Bilari Tree I Born*. Fremantle: Fremantle Arts Centre Press.
- Stanner, W E H 1965 Aboriginal territorial organisation: estate, range, domain and regime. *Oceania* 36 (1): 1-26.
- Tindale, N B 1974 *Aboriginal Tribes of Australia: the terrain, environmental controls, distribution, limits and proper names*. Berkeley: University of California Press.
- Tindale, N 1953 *North West Australia Journal*
- Tindale, N 1976 Some ecological bases for Australian tribal boundaries. In N Peterson, ed. *Tribes and Boundaries*, Pp. 12-29. Canberra: Australian Institute of Aboriginal Studies.
- Wilson, J 1980
- Young, L. and Vitenbergs, A. 2007. *Lola Young. Medicine woman and teacher*. Fremantle Arts Centre Press, Fremantle.