The human rights of Aboriginal and Torres Strait Islander peoples are in a precarious situation. The land issue has not been resolved in this country. The Parliament and the people of Australia are currently presented with another opportunity to deliver justice to the first peoples of this country. They can choose a workable and fair co-existence that protects our human rights, or an unjust and discriminatory re-affirmation of *terra nullius*.

This report argues the case for the protection of the human rights of Indigenous Australians. If our rights are not upheld there will be no justice, nor will the land-management system of this country enjoy workability or certainty. Only land justice will enable our country to reach these goals.

**Chapter 2: The history of pastoral co-existence - By Ann McGrath**

The only ‘Aboriginal histories’ known to many Australians are those of fatal frontier conflicts between coloniser and colonised, and of separate, institutionalised lives. Yet, just as our history tore peoples apart, it also drew them together. Through work, domestic and familial relations, Aborigines and other Australians shared the same country, living their lives alongside each other.

Reactions to the Wik decision suggest that many Australians are unaware of the rich history of co-existence which occurred on northern cattle stations for much of the twentieth century. Although Aboriginal people were highly valued and respected workers, they are still frequently depicted as either unwilling slaves or lazy bludgers. In Australia’s northern pastoral regions they were in fact the backbone of the cattle industry, building it up from scratch. During the late nineteenth and early twentieth century many stations only employed a sprinkling of whites, with all the essential tasks and services performed by local Aboriginal men and women. Many station lessees conceded that the stations could not survive without Aboriginal labour. In his 1928 report on the Northern Territory, Queensland administrator J W Bleakley paid special homage to the Aboriginal woman, who, he argued, was the “true pioneer. Without them, white men could not have carried on. Even where white women ventured, Aboriginal women were indispensable.

With the early spread of pastoralism, Aboriginal people were confronted with a strange industry comprised of small groups of white men tending mobs of peculiar beasts. Sometimes animals appeared long before their human owners. Initially many Aboriginal groups were terrified, believing the unfamiliar creatures to be devils. Sometimes the horse and rider, observed from a distance, were thought to be a single monster. The white people also presented difficulties with peculiar coverings disguising their sex and skin the colour of death-paint, leading some Aboriginal peoples to believe whites were their returned dead relatives. Like many other groups, the Kulin people of central Victoria conducted tanderrum ceremonies to acknowledge acceptable strangers, introducing them to the local spirits. Whereas numerous Aboriginal clans violently fought the invaders, especially if they transgressed indigenous laws, in many parts of Australia Aboriginal people also had a generous tradition of welcoming others into their world, of sharing their land, pathways, water and food.

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From the 1830s and earlier, in South Australia, Victoria and NSW, Aborigines worked in a variety of jobs for Europeans: as hewers of firewood, domestic servants, messengers, blacksmiths, apprentice tanners, agricultural labourers, whalers and sealers. Historians Richard Broome, Heather Goodall and others have started to trace the extent of quality labour provided by Aboriginal groups in south-eastern Australia. Aboriginal trackers guided over-landers and other pioneering pastoralists through the landscape and hundreds were later employed on their runs in each colony. Aborigines became sought-after workers, especially as stockmen and as mounted messengers. Port Phillip Aborigines were especially interested in working with horses. As Edward Curr’s recollections stated, the Aboriginal stockman “excelled the average stockman. He had better nerve, quicker sight and stuck closer to the saddle. George McCrae also praised their honesty, their fearlessness and affection for horses, their pride in their whips and spurs. Demand for Aboriginal labour varied according to the availability of convict workers, increasing dramatically during the gold-rushes. In north Western Australia and elsewhere, pastoralists were willing to pay more for land which came with an Aboriginal labour force.

When the white intruders arrived with large numbers of stock, Aborigines resisted by spearing cattle, sheep and horses. Frontier warfare sometimes continued in pastoral areas for over a decade with Aboriginal people suffering a devastating toll. Amidst shocking massacres, a few women, men or young boys were spared, to be forcibly rounded up and kidnapped by the newcomers, then ‘tamed’ into a labour force. Other Aboriginal peoples voluntarily agreed to cease warfare, deciding to ‘come in’ to stations and work for the white man. Motivation varied among clans; from a desire to cease warfare, to ensure community survival, to maintain access to their land, to acquire new products, or to ‘help out’ the lonely white man.

In Queensland in 1876, over 40% of the pastoral workforce was black, and by 1886, 55%. By 1901, at least 2000 Aborigines were employed as stock workers and domestics, with many more working in the industry. In 1927, Victoria River Downs station in the Northern Territory employed 129 Aborigines. Another 73 people were classed as ‘dependants’ of workers, although they performed regular part-time work. By about 1937, 3000 Aboriginal people were employed on Northern Territory cattle stations. Aboriginal men and women worked in every facet of stock work, mustering, tailing, droving, breaking in horses, catching escaped horses, saddling, cattle-dipping, branding, ear-marking, separating weaners and working as blacksmiths. Skilful workers became head

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33 Broome, R., ‘Aboriginal workers on south-eastern frontiers’, op.cit.


37 McGrath, A., Born in the Cattle, op.cit, p 30.
stockmen, often in charge of white workers. While most Aboriginal men worked as stockmen, there were also more specialised jobs as butchers, caring for camels, mules or stallions, or in charge of the manager’s plant, wagon, car, mail, garden or kitchen.

White pastoralists and workers spent weeks at a time performing mustering and other activities alongside Aboriginal cattlemen and women. For example, Jackson of Bonrook was trained by Harold Giles from his boyhood in the 1900s as an all-rounder and stockman. When Giles was immobilised by back problems, Jackson cared for him and was responsible for doing most of the work single-handedly. While managers went away, they entrusted the keys to the store to reliable head women like Daisy Djunduin. Employers sometimes unfairly assumed they had acquired servants for life, and were bitterly disappointed when their employees left to spend time with Aboriginal relatives or have families of their own.

Managers often preferred women as stock workers because of their reliability in procuring bush foods, and as importantly, for sexual services and female companionship. Such liaisons included casual sexual exchanges akin to western prostitution, and harshly exploitative liaisons where women were imprisoned and raped. But there were also unions which observed the complex and lengthy indigenous protocols of the arranged marriage. However, the uneven power relationships of colonialism left great scope for brutal treatment. Due to racist attitudes and discriminatory legislation concerning mixed unions, including child-removal policies, very few white men sought or obtained a legal marriage with an Aboriginal woman.

On larger stations with more complex domestic requirements, Aboriginal women not only managed the cooking and cleaning, but also organised firewood, procured water, ran domestic gardens, cared for milking goats or cows and collected extra bush tucker. Aboriginal staff were paid in blankets, pipes, clothing, mouth-organs, pocket money and food rations.

White women relied heavily on Aboriginal women’s skills; they performed most of the domestic work and also acted as midwives during labour. The remoteness of cattle stations and their husbands’ frequent absence created a trusting reliance and often strong bonds. The reminiscences of the Northern Territory’s Jeannie Gunn and Queensland’s Jane Bardsley reveal how white women had to learn the roles expected of them, including an understanding of Aboriginal beliefs, customs and ceremonies. Bardsley recounted her head domestic, Kitty’s, sensitivity to her feelings, saying that “she watches me and understands if I feel sad. Sometimes Kitty went to great lengths to get Bardsley to laugh, dressing up and dancing for her.

Because of the great dependence of station whites upon certain Aboriginal domestics, these women were often prevented from going on annual walkabouts or holidays. They were expected to reside in the ‘big house’, and in some cases, such as Maudie Moore of Dunham River, in the Kimberleys, were prevented from marrying and having (or keeping) their own children.

Child-rearing arrangements demonstrated the reliability of Aboriginal women workers. Nannies suckled and reared many white babies from birth. Many white station children spoke local Aboriginal dialects before English and they enjoyed playing with the Aboriginal children. White station children thus grew up bicultural, comfortably moving between Aboriginal and English world views and lifestyles. Their affection for and dependence upon Aboriginal women could cause resentment or

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38 Ibid, p 32,35.
41 McGrath, A., Born in the Cattle, op.cit., Ch 4.
confusion for the station managers; many white station children were consequently sent off to boarding school to remove them from surrounding cultural influences.

White pastoralists understood labour management as a paternalistic regime, but they delegated many key responsibilities to selected Aboriginal workers, who ensured the labour force functioned smoothly. Aborigines called the bosses names like ‘mullaka’, denoting father (on Elsey station), or ‘missus’. Such names implied reciprocal obligations and if bosses failed to fulfil them, Aboriginal staff made their feelings clear. A squatter or manager had to earn their trust and respect. He had to prove himself a good cattleman and horseman and show his grit and stamina before he earned the respect of the Aboriginal stockmen. He had to show he was tough but fair.

Aboriginal workers refused to tolerate head stockmen or other station employees who were brutal or unjust, challenging them by threats of force or complaints to police. At Wrotham Park in North Queensland during the 1920s, station workers reported to a distant police station a policeman and accountant who were cheating Aborigines out of wages and forcing them to renew contracts. They complained of poor food and one man’s illegal imprisonment, but to guarantee action, included explicit details of the two men’s rampant sexual activities with Aboriginal station women. Aboriginal workers demanded certain standards of treatment and returns and were willing to struggle for their rights. Strikes and other forms of resistance occurred on Pilbara stations during the 1940s, with the best-known taking place at Wave Hill during the 1960s.

Within a context of structural inequality and exploitation, pastoral workers sustained an environment of richer human interaction. Station employment and prestigious roles such as head stockman enhanced the authority and dignity of Aborigines in the eyes of the wider community, as well as being a source of personal self-esteem. In a book about Glen Helen station, pastoralist Bryan Bowman described the abilities of a young Aboriginal man whose death some decades later was investigated by the Royal Commission into Aboriginal Deaths in Custody. Bowman wrote of Kwementyaye Price as “a superb stockman and horse tailor and the best man after wild cattle I ever rode with. A head injury caused by a fall from a horse was followed by severe epilepsy and deteriorating health, leading to his loss of employment. He fell into a spiral of alcohol abuse. In the report of the inquiry into his death, Commissioner Elliott Johnston found his health-related unemployment to be a primary underlying issue and considered unemployment generally to be a significant factor in many Aboriginal deaths in custody.

Although station wages were meagre, many Aboriginal workers liked the excitement of working with horses and cattle, stoically persisting with their strenuous work. They were classic Australian ‘battlers’. However, the substantial loss of employment in the pastoral industry was devastating to many Aboriginal communities.

Aboriginal payment and government regulation

Before World War II, Aboriginal workers in the Northern Territory and Western Australia were usually paid only in clothing, kit and rations, with occasional pocket money. They were generally supplied with only meagre accommodation and the most basic western food. On Territory stations during the 1920s and ‘30s, the government required that pastoralists not paying wages must feed workers and their dependants. In Queensland and around government rationing depots such as Moola Bulla in Western Australia, squatters expected the government should supply food to

42 Queensland State Archives, Wrotham Park Inquiry, A/31709.

‘dependants’, or workers’ relatives. Pastoralists resented the introduction of stricter legislative controls, such as the Queensland Native Labourer’s Protection Act 1897-1901, the award scales of 1919 and the improved living conditions demanded by government welfare in the 1950s.

When wage scales were introduced in Queensland, Northern Territory and Western Australia, a large proportion was compulsorily saved into government trust accounts. The system was never adequately explained to workers and as Aboriginal people expected remuneration as part of kinship reciprocity, they did not understand why the government was taking their money. Police were supposed to distribute the funds, but they were regularly transferred and Aboriginal workers were loathe to demand money of strangers. In any case, the requests they made were often refused and a large portion consequently remained in government accounts. Aboriginal workers lost huge amounts of money because they had such restricted access to their earnings. In the Northern Territory, where accumulated earnings rose to £3000 by the 1930s their growing balances were not spent on Aboriginal people, but were transferred to consolidated revenue. The Queensland government lucratively reinvested the vast forced earnings of Murrie workers, which totalled £323,007 by 1930, yet it refused to pay the account holders any interest. Most of it was used on general government expenditure. Although the schemes contravened the League of Nations’ Forced Labour Convention of 1930, Australia had only agreed to apply this to territories under its stewardship, not “internal dealings with subject peoples.

Aborigines preferred to negotiate with people in their own traditional country, from within their own extended kin networks, into which they had incorporated many of the non-Aboriginal station residents. They valued employers who treated them with respect as fellow men, who recognised their different cultural priorities and the demands of their ceremonial cycle. They were willing to show flexibility if it was reciprocated. A high cultural priority was for their relatives and old people to be permitted to stay on the stations, to be fed well, and provided with clothing and other necessities. With the introduction of welfare policies, the government rather than employers increasingly maintained worker’s dependants.

Like trust accounts, and even improved welfare, the introduction of equal wages was intended to provide greater ‘certainty’ for Aboriginal workers. Yet their win on one front was often accompanied by loss on another. The Wave Hill strikes and walk-offs supported the equal pay case of the 1960s, which argued that Aboriginal pastoral workers should receive the same award as other pastoral workers. Wages, however, were only part of the reason for the Wave Hill protest. Gurinji leaders also stressed the importance of land rights and concern about their women’s exploitation by white employees but they had no intention of leaving their country. Nor did they want to desert their station duties, expressing concern for the cattle that needed looking after.

Tragically, the introduction of equal wages became the catalyst for whole communities to be forced or ‘persuaded’ off the stations. Many pastoralists refused to employ them under the changed conditions; a large number of Aboriginal workers not only lost their jobs but also the right to stay on their own land. The exodus was exacerbated by diminishing employment opportunities due to rural recessions, low beef prices, increased fencing and technology and the introduction of road-trains and heli-mustering. Aborigines were also encouraged to seek medical help from urban hospitals and

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44 May, D., Aboriginal Labour and the Cattle Industry, op.cit., p 48-9; KLRC, passim.
45 McGrath, A., Born in the Cattle, op.cit., p 137-8.
education for their children from local towns. Many station managers refused to install water systems and other necessities. Furthermore, newly arrived managers sometimes had little respect for the achievements of local Aboriginal communities in pioneering the stations and were either ignorant of, or disinterested in, the generations who had long provided loyal service, generosity and hard work.

A history of cultural negotiation and co-operation

Under early Queensland law and continuing today in Northern Territory, South Australia and Western Australia, Aboriginal people had access rights to their land for hunting, gathering and, in some cases, for residential purposes. This was not always honoured in practice and Aborigines knew that reliance upon their labour enhanced their security of access to their land and its sustenance. One of the key motivations for Aboriginal people to work on cattle stations was clearly to ensure they could stay on or near their traditional land. Through active participation in the northern pastoral industry, they maintained their connection to traditional land. Co-existent rights to land were being exercised, whether officially recognised or not.

Station work provided Aborigines with highly valued opportunities to travel around their clan and wider range-lands. It was not incompatible with traditional economic pursuits nor vice versa; stockmen could shoo cattle away from significant sites and take advantage of opportunities to hunt game. They were strategically placed to ensure a continuing say about disturbance to particular sites in their country.

Wherever possible, Aborigines practiced their traditional bush economy. They played an indispensable role supplying varied bush foods to station lessees, especially essential to survival on remote stations regularly cut off by floods. In 1896, for example, Jane Bardsley told of how the Aborigines would come to the Midlothian kitchen with fish, duck, crabs and other foods.88 On remote Koolpinyah, the Herberts enjoyed magpie geese, eggs, a variety of fish and wild vegetables. The agreement of many northern pastoralists to maintain dependants of station workers, which became increasingly necessary with resource depletion, enabled workers to fulfill reciprocal obligations and importantly, to keep their communities together and Law strong. Aborigines in cattle country thus maintained their dignity, had productive work to do and could also train their children towards employment futures, teaching them simultaneously how to be good cattlemen and women, and good members of their Indigenous community. There was a practical co-existence of cultures.

Aborigines maintained their cultural practices in synthesis with the seasonal cycle of the pastoral industry. The evolution of the ‘walkabout’ is a prime example of Aboriginal peoples’ willingness to accommodate pastoral interests. Northern Aborigines adapted their previous yearly patterns of large ceremonial gatherings. These had traditionally been held during the dry season, where they gathered in large groups alongside the birds and other game which gathered around the remaining water-holes. In the Victoria River District, the big ceremonies had been held just after the wet season, a busy time for cattle stations.

In order to adapt to the demands of the cattle economy, Aborigines agreed to switch their big ceremony time to the wet season, the ‘slack time’ in the station calendar. Bosses endorsed the long annual holiday, sometimes lasting ‘three moons’, providing substantial rations. The walkabout usually involved a long journey on foot across their country where clans met up with kin and other clan groups, including station and ‘bush’ dwellers, or those pursuing traditional lifestyles. Here they stayed for some time to sort out business relating to marriage, trade, initiation, punishments, and the dead. They cemented ties with extended family members, discussed news, exchanged dreaming stories, danced, sang, carved and painted.

Here the elders were the ‘only bosses’; this was an Aboriginal world, allowing time to reflect upon the cattle world and upon the doings of white men. It was an intensive time to educate the young in bush skills, in ceremonies. Station managers required a few men to remain back to prepare for the coming season. Key household workers and domestics were always expected to remain. While some of these may have had their own reasons for not participating, most had no choice, and therefore missed out on this important breathing space and confirmation of personal and clan identity.49

The disadvantages of wet season walkabouts included the discomfort of rain and greater difficulty travelling, plus larger game being more dispersed. However, the interests of the cattle economy were given a degree of priority. Water was plentiful, and several bush fruits ripened during this season. The walkabout thus continued to play a crucial role in affirming the viability of the bush economy, in confirming identity and in the education of the next generation.

Pastoralists sometimes overtly recognised, respected and adapted to Aboriginal values. At Koolpinyah station during the 1910s for example, the Herbert brothers were troubled by illness and itching and were informed by local Aborigines that they should move their homestead as it was located at a louse dreaming site. The Herberts moved their dwelling elsewhere.50 Station managers had to accept that sometimes a valued employee might be called away on urgent ceremonial business. To avoid conflict over key staff, Aboriginal employees usually arranged for a suitably skilled replacement, who would appear for work, well-briefed. Aborigines learned to inform the boss when they needed to ‘go bush’ for ceremonial, community or medicine business. The station camp became the focus and meeting place for many smaller-scale ceremonies and rituals staged throughout the working year. Often held at night or on Sundays, some managers complained about the noise and crowds. Aborigines were keen to induct new station managers to witness or participate in ceremonies, for this was a way of teaching and incorporating them into the local Law, with its complex reciprocal relationships.

Some bosses were undeniably cruel and callous towards Aboriginal staff, and sometimes there were serious gulfs of understanding between parties, leading to violent conflict. But in the station world, it was in everyone’s interests to attempt to co-exist harmoniously. Station managers needed stock-workers and domestic labourers and they wanted to feel safe on their leases. Aborigines were cheap, efficient, and accessible. Managers required advice about and assistance with resources and bush foods and often they wanted female and male companionship. Aborigines valued security to live with their communities on their clan or tribal lands. They wanted an opportunity to negotiate about intrusions on sensitive sites. They wanted a future for their children, both in the cattle industry and in their country.

Aborigines undertook complex community and employer negotiations over generations in order to maintain, via pastoral work, a fragile form of security of tenure to their land. Their achievements and contributions to the industry have never been officially recognised. And, as has already been stated, new managers often failed to recognise the essential contribution of generations of indigenous people to developing the property. After World War II, the introduction of government rationing, assimilation policies, equal wages and other changes severely reduced Aboriginal presence on stations. Over the past three decades such factors, combined with increasing management obstruction, have made Aboriginal efforts to maintain their residency and links with their traditional land increasingly difficult or impossible. But the story is not over. Aboriginal communities have set up their own cattle stations and outstations. Tenure to these properties varied from freehold to leasehold. Native title potentially provides an opportunity for Aboriginal people to align ownership


of their traditional economic base with scope for strong participation in the cattle industry. Many Aboriginal people express a strong desire for further employment within the industry they have made their own.

The pastoral heritage

White Australia has forgotten the track of co-existence. White Australia has been celebrating mythologies of the outback bushman as exclusively white for a hundred years. During the 1890s and 1900s, the nation saw its future as white and Aborigines as a dying race. Stories of co-existence between coloniser and colonised were not considered relevant to nation-making (unlike Clancy of the Overflow or the Man from Snowy River). Today’s Aboriginal visitors to the Stockman’s Hall of Fame at Longreach thus search in vain for their ancestors; in this representation of the past, Aboriginal faces are few and far between. As the new millennium approaches, however, we should surely start to celebrate shared histories. The story of Aborigines and pastoralists on northern pastoral stations is a rich example: stories can be found of people working and living alongside each other in the same land, of shared and contrasting values, tempered by strong ties of inter-dependence for survival, brightened by creative adaptations on both sides, of cross-cultural collaboration, of listening, understanding and co-operation. Although power relations were asymmetrical, this is a history which contains promising lessons about the possibilities of a mutually beneficial co-existence.

Perhaps pastoralists, feeling accused of being slave-drivers by city humanitarians and white unionists for so long, reckon more positive histories of pastoralist/Aboriginal relations will not be believed. The paternalism of Jeannie Gunn’s We of the Never Never is seriously unfashionable. And it is true that pastoralists and white station workers played a role in labour and sexual exploitation which would be quite unacceptable today. Greed for profit, especially in the case of larger companies, led to neglect of workers’ health, avoidance of compensation payments, poor wages and rations. At the same time, however, the pastoralists’ desire to make a success of remote pastoral enterprises encouraged many to work alongside Aboriginal people, to learn from them, to understand them, to make it work as a mutually rewarding relationship. The pastoral industry did not generally uproot local Aborigines from their land, nor force them to become dependants in segregated bureaucratically-run institutions. Inter-dependent personal relationships were forged and friendships grew out of everyday intimacy, a reciprocal respect for different cultures and the reality of shared lives and spaces.

The barbed wire fence imagined to separate whites and Aborigines over the Wik decision is a fiction flowing from a narrow understanding of history. In order to work effectively alongside people of Aboriginal background, some pastoralists have displayed cultural sensitivity, astuteness and flexibility. Even as recently as the 1950s, pastoralists were willing to acknowledge that Aborigines were the owners of the land, while they owned the cattle, horses, buildings and fences. Although they held the pendulum of power, many demonstrated more than a passing respect for Aboriginal land relationships, kin obligations and different laws. The tenuous, though sustained achievement of co-existence and reconciliation achieved by pastoralists and Aborigines, has not been officially acknowledged. Once this is done, we will be able to move on to a co-existence based on mutual respect and accommodation for each other’s needs, but free of the unequal returns, and the many legal and civil injustices, which permeated Aboriginal people’s lives.

Inevitably, some pastoralists have had trouble coming to terms with the shifting realities of station life. For example, the events of the World War II led some employers to suggest that American soldiers or army benefits had ‘spoilt’ Aborigines. As well as the changes to pastoral work and employment opportunities described above, since the 1970s alcoholism has also taken its toll on

51 Coniston Muster, feature film AIAS.
relations. Add to this the dramatic native title and land rights developments of recent years and it seems that the cocktail of change has been too strong for some pastoralists to swallow. Aborigines, too, have had to cope with dramatic changes in their lives. They are will continue their struggle to ensure the rights they have always known to be their due. But they continue to employ strategies of co-operation in their struggle to guarantee ongoing co-existent rights to cattle country. Although competing interests may arise, pastoralists and Aborigines will find the best solutions about cattle country by working together. In the past, innumerable small-scale, regional negotiations, based on person to person discussions and compromises, have led to workable decisions and mutual understandings. If more pastoralists and farmers employed Aborigines and if more Aborigines were able to run their own enterprises, the two groups would no longer be mistakenly envisaged as polarised sectors.

It is wrong and utterly misleading to equate pastoralists with progress and Aborigines with backwardness. Aboriginal people’s widespread collaboration not only created our northern pastoral industry, it enabled peaceful relations, wealth and innovation. Aborigines not only share Australia’s pastoral heritage, they shaped it. Traditional lands have become cattle country and many Aborigines embrace the changes as part of their lives and their people’s histories. They are not caught up in western ideas of authentic Aboriginality as a frozen moment in time. Like other human cultures, they welcomed some aspects of new foods, technologies and lifestyles. Training in station work became incorporated as part of rigorous demands of manhood preparation, with Aboriginal elders taking on the role of teaching the young boys. They incorporated aspects of cattle culture into their own, combining a bush and station lifestyle not in a partial ‘adaptation’ but in a creative breakthrough, nurturing new and dynamic cultures to embrace their present, post-contact time. They also have much to offer in rectifying some of the environmental degradation caused by overstocking and poor knowledge of the land.

The meeting of Queensland pastoralists in mid-1997 to hear the Prime Minister, John Howard, speak at Longreach saw white men and women practising identity politics. White cattle men and women and the Sydney-based Prime Minister himself, proudly wore Akubra hats, RM Williams boots and stockman’s shirts. They gathered in front of the stage-like steps of the Stockman’s Hall of Fame, a monument to commemorate the Bicentenary of white settlement in Australia. Aborigines, it seems, were not invited. Yet, why not? Although denied the same economic benefits, they shared a past, and like white participants in the cattle industry, many Aborigines enthusiastically wear the same apparel, badges which signify their deep spiritual and historical affiliation with the station world.

Co-existence is a track which has its historical signposts after all. The Wik decision, with its recognition of native title on pastoral leases, potentially enables Australians to embrace our full bush heritage. National institutions like the Stockman’s Hall of Fame thus have the exciting scope to explain a more positive and more inclusive national story: one of creative adaptation and dynamism, where indigenous and other Australians pioneered economically productive, co-operative, though in the long run, tragically unequal, relationships. A truly just outcome of the Wik negotiations might bring together Aborigines and whites to stand side by side on the steps of the Stockman’s Hall of Fame. A just response to the Wik decision can enable both parties to walk the track to the future on a more equal footing. Beneath a calm sea of matching hats, we might picture the proud faces of Aboriginal and non-Aboriginal cattlemen and women, united by a complex but shared history.

**Chapter 3: The Wike case**

**The Wik and Thayorre Peoples**

I believe that my analysis of the High Court’s decision in *The Wik People and the Thayorre People v*
State of Queensland & Ors (the ‘Wik case’) should begin with an introduction to the peoples at the heart of that case.

Connection to country

The Wik and Thayorre peoples come from the remote, resource-rich lands of western Cape York. Wik country stretches from around Weipa in the north to the Edward River in the south. The traditional lands of the Thayorre overlap with the southern end of this area, hugging the edge of the Gulf of Carpentaria down to the Coleman River. This is tropical country, ruled by the ‘wet’ and the ‘dry’. Flat coastal flood plains rise to hills covered in rainforest. Further inland lie forests and pastoral country, draining to the sea through a series of large rivers.

The Wik peoples “are better considered as a ‘nation’ than a ‘tribe’. For some time the name ‘Wik’ has been used by anthropologists to refer collectively to groups including the Wik-Ompom, Wik-Mungkana, Wik-Me’anha, Wik-Iiyanh, Wik-Paacha, Wik-Thinta, Wik Ngathara, Wik-Epa, Wik-Ngathana and Wik-Nganychara.

The Wik were among the first Aborigines to have contact with Europeans. The Dutch ship Duyfhen landed on the western coast of Cape York in 1606. After spending some time on land, the crew was driven off by the Wik. The location of this landing was subsequently named Cape Keerweer, meaning ‘turn around’. It appears that the Dutch continued to visit this area sporadically throughout the next century and a half, and that “[i]t is possible that the strength of Aboriginal resistance to the Dutch in this region was a major deterrent to their colonising Australia a century or so before Cook.

Colonisation first began to have a serious impact on the Wik and Thayorre peoples during the second half of the nineteenth century. In the 1870s, a telegraph line was built through the middle of Cape York. The cattle industry followed. The expansion of white settlement into Wik and Thayorre territory brought with it frontier conflict, devastating diseases, and the kidnapping of men for forced labour on pearlers and luggers. The once-thriving Indigenous populations declined rapidly.

52 Wik Peoples and Ors v State of Queensland and Ors (1996) 141 ALR 129 (‘Wik’).


56 The Encyclopedia of Aboriginal Australia, op.cit., p.1179.


59 The Encyclopedia of Aboriginal Australia, op.cit., p. 1172.

60 Ibid.