

NOONKANBAH REVISITED

On 2 December 2015, **Bill Bunbury**, Presenter of Hindsight, ABC Radio Social History Unit, spoke to the Kimberley Society about the 1980 Noonkanbah confrontation in which the Court Government wanted to let AMAX drill for oil or gas on Noonkanbah – a decision resisted strongly by the Noonkanbah community. Bill's summary of the talk, during which he played excerpts from Hindsight, follows. The space available allows for the inclusion of only a small portion of those excerpts.

I've based this presentation on two sources, *It's Not The Money It's The Land* (a 2001 radio series and a 2002 book) and *Noonkanbah 25 Years On* (a radio feature I made in 2005). In that program I wanted to revisit the 1980 confrontation and ask the participants, the Aboriginal community and the Court government ministers how they now saw that dispute and whether, with hindsight they'd now handle it differently.

The Emanuel family, who established Noonkanbah Station on the North Bank of the Fitzroy River, first obtained land there in 1886. Ninety years later in 1976 the Commonwealth Government purchased the property for the Yungngora Community.

Their nearest town is Fitzroy Crossing where many Noonkanbah people spent the early 1970s. They have since returned to country where many of them were born and worked as station hands and where their ancestors had lived long before Noonkanbah became a sheep station in the 19th century.

That return to country came about in the context of the Equal Wages Decision of 1965 – the subject of the radio series and book mentioned above.

In 1965, the Commonwealth Conciliation and Arbitration Commission granted Equal Wages to northern pastoral workers in the Northern Territory, tropical Queensland and the Kimberley. The NAWU, the Northern Australian Workers Union had mounted a case that Aboriginal men and women who worked on stations had never been paid the accepted Australian wage for their work.

Pay, if it came at all, was in keep or handouts on race day. In effect the stations ran a welfare system. Workers were supplied with food and clothing and medical help.

If it sounds feudal, there were some compensations for both parties. Aboriginal people could still live on country, retain culture and carry out seasonal obligations to country.

For the station manager or owner there were less busy times of year, times when the Aboriginal community had the opportunity to perform ceremonies and obligations to country that were important to them and that often became an accepted part of the relationship.

Nevertheless it was argued that in the mid-twentieth century, Australia could no longer be seen to be employing virtually free labour.

Incidentally, one of the ironies of the situation was that as the Commission deliberated the issue, the pastoralists foresaw some of the risks involved in the proposed change but not totally with their own interest in mind. From an economic point of view pastoralists argued that if Equal Pay was granted then they would have to let a large part of the community go, only retaining a small number of skilled workers. Older people, some families and children would be affected.

In many situations, however disparate the status, there was a relationship between the pastoralist and the Aboriginal community, based on mutual dependence and often respect. The pastoralist could often see that this relationship would be broken if the community was dispersed following the Commission's decision.

And when that decision appeared inevitable, that full pay would be granted, some pastoralists in the East Kimberley tried to put a case that the Award should be implemented gradually allowing time for both parties to adjust. They could foresee the damage that social dislocation might bring with it.

But the Commission's decision in 1965 was for immediate implementation of full pay. The net result, large numbers of Aboriginal workers and their families ended up in towns like Katherine in the NT and Halls Creek and Fitzroy Crossing in the Kimberley.

Historian Mary Anne Jebb worked as a barmaid in Fitzroy Crossing at that time. She offers an eyewitness account of the outcome.

What I saw was people under siege. Each night the policeman would come to the pub with his car and this awful four-wheel drive vehicle.

I think it was an old four-wheel drive that had a cage on the back and he'd pick people up and just toss them in the back and drive off with a car full of people who were really distressed, screaming people.

It was chaos, it was absolute chaos in 1976, 1977 and that was when the big influxes were coming in people without food, without houses, people having a cup of beer, the publican would have to create all sorts of rules that sorted his own situation at the pub.

Even allowing for the effects of the Equal Wage Case, Noonkanbah station was no longer as economically viable as it had been.

Originally set up as a sheep station, the property now supported cattle and was marginally profitable. During the late 1960s and early 1970s many of the Aboriginal stockmen and their families either left or became surplus to station requirements.

At Noonkanbah those who did hang on to station life finally walked off in 1971.

But subsequent time in Fitzroy Crossing would undermine much of their original way of life.

Stockmen, proud of their skill with horses and cattle were now no longer a role model for their children. Unemployment, boredom and the effects of alcohol threatened community disintegration.

However, with the help of the Aboriginal Legal Service, the Commonwealth government and their own determination – a determination born of adversity, by 1976 they were back on their own country.

From the start the Noonkanbah people wanted to do things their way without unnecessary European influence or control. Although the Department of Aboriginal Affairs had suggested they employ a resident manager, they rejected the idea, preferring to run the station on traditional lines of authority and communal discussion. The only concession concerned the school they set up. There, for a time, they employed two white teachers. The school received no assistance from either Aboriginal Affairs or the State Education Department.

But they wanted to keep other aspects of white culture at bay, including drilling for minerals, gas or oil. Single white men on site, they feared, could bring in sly grog and also presented a predatory risk to the female community. Whether those fears were justified or not – they were influenced by previous experience and observation of what had happened in other places and at other times.

But above all they wanted to run an efficient cattle station, reviving the skills lost after the Equal Wage decision of 1965. Along with that practical aim they also saw return to country as spiritual revival, of being able to re-establish the law and care for country; aspirations that would be tested in 1980.

Following the beginning of the mineral boom in the 1970s, the Kimberley, after the Pilbara, was the next target of oil-thirsty and mineral-hungry exploration companies in the late 1970s.

As a leasehold property Noonkanbah was peppered with numerous mining leases, which under State law could be worked at any time on any pastoral property. Mining or exploration such as seismic testing, with its extensive shot lines across a large area of country, appeared to pose a direct threat to the Noonkanbah community because of the sacred and often secret places in their land. The Noonkanbah elders were especially concerned here for sites that were important to them like Pea Hill – which I'll come to shortly.

In 1980 the State Government's line was that it wanted to ensure miners' access to mineral deposits on pastoral leases. It also expressed concern that the growing push by the Commonwealth Government under Malcolm Fraser to buy up vacant pastoral stations for Aboriginal communities looked as if it would spread right through the Kimberley and could, if the Noonkanbah resistance was any guide, act as a deterrent to mining companies.

For the Noonkanbah community the principal issue was their concern that their own law, with its strong emphasis on protection of country, might not prevail. While they were told that the 'law of the land' decreed that mining or exploration could take place on their land, there seemed to be no way that they could argue for the validity, as they saw it, of their own law and their own case for protection of their country, the basis of their law and their very being. They produced their own map of the country to prove their point, with all its detail of important places.

But this was not a document that oilmen and the State Government could easily read when they empowered AMAX, an American company to test drill for possible oil or gas beneath the soil of Noonkanbah in 1980.

Peter Bindon was the anthropologist commissioned by the WA Museum; the authority responsible for investigation and listing important indigenous sites, to evaluate important places on Noonkanbah. Ivan McPhee was a leading Noonkanbah advocate for getting back to country. [Excerpts were played here.]

The conflict culminated in a forced entry by the drilling team, AMAX, pushed in turn by the State Government.

By now Noonkanbah was in the news nationally and internationally. Church leaders and supporters also drove up to the Kimberley to support the community.

They erected a blockade at the station gate with vehicles and when the police removed them, used their own bodies as a shield, before the convoy broke through the gate.

However the WA Government's hopes to start drilling quickly had a setback. The Australian Workers' Union, whose members comprised drillers and riggers, placed a ban on any work at Noonkanbah.

Temporarily halted, AMAX later employed non-union workers and the WA Government cleared the way for work to begin. Drilling started on 29 August 1980 but stopped in mid-November. There was no exploitable trace of oil or gas.

It was a very divisive intervention, back in 1980.

Twenty-five years later, in 2005, I thought it might be worth revisiting this story. What, I wondered, had been learnt from this episode.

I remember talking with historian, the late Geoffrey Bolton, while researching the planned broadcast. His comment seemed to sum it up. Talking of the police breaking up the protesters' barricade, he suggested that:

Premier Charles Court might have won this battle but in the end he lost the war.

I asked Sir Charles Court if he was aware of the Noonkanbah community's rationale in wanting to be back on their own land.

Not really because some of them were amazingly 'common sense' about the whole thing. I well remember talking to people like Dickie Skinner, as he was then, now Dickie Cox, and he could see quite quickly that they'd get better roads, water supplies from the drilling. They'd get other things as part of the negotiation with the drilling company.

The Noonkanbah story is essentially about differing views of land and its meaning. For European Australians land contains resources to be used, but, for indigenous Australians, land is the source of their being and their mental and physical health; concepts that were harshly tested in 1980.

On Noonkanbah there was one key site, the place called Pea Hill. Steve Shannon, a technical assistant with anthropologist Peter Bindon, got to know it well.

The site that was most favoured by AMAX was a very important site to a number of families in that area. It was what was known as an 'Increase Site' for goannas.

And the sphere of influence of that site was quite extensive. The core of it was 'Pea Hill' as the Europeans named it. And the feeling that was expressed quite forcefully was that if this area was disturbed, emanations would come which would cause sickness and perhaps death to custodians of that land.

There's obvious conflict in accepting those sorts of stories. We had a sceptical Government Mines Department and Government at the time who would perhaps say 'People are inventing sites to maintain their possession of the land; that it's a fabrication.'

But I don't think anyone who has recorded these stories in situ would have any doubt that for the people telling these stories – it's their story.

In this context I also asked both Peter Bindon and Community Chairman Dickie Skinner to explain the importance of areas inside Noonkanbah country.

In the land today there are a lot of secret places with a lot of stories in the country about trees and rocks. Some places have a specific significance.

Peter Bindon, as the WA Museum representative, was tasked with identifying what the Noonkanbah people regarded as sacred places, in the light of possible drilling by AMAX. One vital site was Pea Hill.

AMAX had a restricted target area.

There was some kind of restricted anomaly beneath the soil and they needed to test this. They wanted to drill a vertical hole down to it rather than one at an angle which they also could have done if they wanted to. Of course the vertical hole enabled them to look at the vertical strata as they descended to find out what there was down there

(Bill) Was there a difference between a vertical hole and an angled hole?

In terms of the cultural effect they could have drilled from outside the area that was of particular concern to the Aboriginal people, and drilled in on an angle and still hit the same spot beneath the ground, whereas if they drilled a vertical hole they had to drill a hole that people said was

very close to the place that was of particular significance to them. The area centred around this little geological area called Pea Hill, sticking out above the ground, near the Fitzroy River.

Now imagine in the huge flat landscape of much of Australia, anything that sticks up is of significance to anybody who lives there. Obviously of interest to geologists because it's an expression of something happening under the ground and its surface expression and easy to see.

It's of particular interest to Aboriginal people, looking at ways of navigating through the countryside, ways of marking off places in the countryside. It was just a particular feature that could be referred to for all kinds of reasons.

There are heaps of stories and I'd already done quite a bit of work in the Kimberleys and around Noonkanbah and had collected stories about the formation of the Fitzroy River and about various travels through the countryside by various ancestral heroes in the dreaming.

And they'd gone hunting and done all the things humans normally do and were recorded in myths and legends.

So this particular place, Pea Hill features in stories about the blue-tongued lizard and lizards that crawled down and made the bed of the Fitzroy River and another about lizards that crossed that at right angles and kangaroos that did something else. So it was a bit of a focus for quite a bit of activity in the area. And so when I first got there I was taken away by the Aboriginal people and they gave me their perspective on the place and they told me the stories that they wanted me to know about it.

And as Dickie Skinner pointed out.

Every site and every waterhole around here has a name.

Peter Bindon added that around Pea Hill

there was a laminated crop of limestone which more or less stood on its edge.

Pea Hill must have been coming up from some sort of basin. It might have been a radius of about a kilometre from this particular feature. And this particular chunk of limestone had various inclusions in it, little balls of ochre which were embedded in it.

Out on the plain people took me to a whole lot more of this stuff and they said this is evidence of the eggs that the ancestral heroes laid inside this particular feature in the dreaming. And further out beyond the edge of this area we could find pieces of limestone that related to other ancestral heroes but had obviously come from the same kind of geological structure.

And this limestone more or less ringed Pea Hill. And it was the first time, in my experience that I had been able to find a cultural site, as opposed to an archaeological site that was more or less delineated by a geological feature.

And I thought it was very interesting and people took me to lots of parts of it and said this is where this stuff comes from.

We've shown you the story boards that tell the story. You've seen, more or less, our title deeds to this place and here's the evidence on the ground and what we're telling you really is the case.

The dispute inevitably also involved authorities like the WA Museum. But their Board of Trustees was under considerable pressure to support the West Australian Government's stance.

Protection of Sacred Sites in Western Australia was governed by the Aboriginal Heritage Act, passed by a previous Labor government in 1972. And the WA Museum was the investigating body for all sites of importance.

It was originally intended I think to protect the small number of extremely significant sites. The feeling was that it was a comparatively simple matter, to elucidate from the Aboriginal people, which were their most important sites and protect them and the matter would be dealt with.

Of course that's not how it happened at all. And in the case of Noonkanbah there was a complication in that an added new concept was introduced.

It wasn't so much that there was a pile of rocks or there was this famous place, Pea Hill but that there was what was termed an area of influence around the hill which only the Aborigines knew about and could describe and which the passer-by wouldn't recognise as significant. And I think that caused some difficulty in the Noonkanbah case.

(Bill) When I talked to Ivan McPhee he said that he thought that they owned all of the land, what was on top and what was beneath the ground. Does this come into this 'sphere of influence'?

Yes, the Aborigines said you could drive trucks over the surface without altering the land, but if you speared a drill right into the centre of the thing, down below, you were doing something to its vital organs. And that was a horrendous concept to them, it would be ruining the sacredness of the place. And it was, as I recall, an increase place for goannas and you would kill the goanna if you speared it in its vital organs.

(Bill) You're wounding the land, Yes.

John Bannister was then the WA Museum Director. So was there a risk of '**wounding the land**' as the government saw it?

Peter Jones had been Minister for Cultural Affairs in the WA State Government. But he was now Minister for Resources Development and Mines, charged with settling the Noonkanbah '**problem**'.

This became more difficult, confusing and so on for those on the outside and particularly the way it was published and yes, the Museum had a difficult role to play and certainly the trustees were put in a difficult position. However the Government eased them out by quietly just making the decision for them.

That happened on June 5 1979.

Shortly, John Bannister at the Museum got an early telephone call.

I vividly remember one morning. I think it might have been before breakfast, the telephone ringing at home and Sir Charles Court was on the line, saying he'd spoken to the Minister responsible for the Museum Act, who had agreed that it would be appropriate for Sir Charles to speak to me and he'd like to see me at his office at 8.30 that morning.

And so I fronted up, clutching my copy of the Museum Act and there was Sir Charles Court. And he, quite straightforwardly, said "You're not going to like what you're going to hear. I disagree with the view taken by the Trustees, opposing us. I think essentially that they're wrong. They're wrong-headed. They're getting in the way of the government and I have to govern and essentially that was the tenor of his message.

And I tried to explain what the Trustees had done, under the Act, that they were acting in good faith. They'd taken anthropological advice. They'd seen the Report and agreed with its recommendations that the Aboriginal heritage in this area should be protected.

Steve Shannon takes up the next part of this story.

Two copies only of the Report were made and one was left with the Museum Director John Bannister and the other was to be hand delivered to the Minister for Mines and that, though circumstances, became my job and that time his office was in St George's Terrace, not far from Newspaper House where at that time existed the West Australian and the Daily News.

I can clearly remember going along St George's Terrace with this report in a sealed brown envelope, under my arm, to deliver to the Minister for Mines and passing Newspaper House, which had one of those sandwich boards saying

**MUSEUM GIVES GREEN LIGHT
TO MINING AT NOONKANBAH**

As you can imagine, this was somewhat of a shock, considering the Report under my arm which the Government had not yet seen, was completely opposed to mining at Noonkanbah.

In March 1980 three WA Government Ministers flew up to the Kimberley hoping for a successful last minute negotiation with the community – Peter Jones, Bill Hassell and Minister for Cultural Affairs Bill Grayden.

This is a message from Bill Grayden to the people of Noonkanbah. I am speaking for the government of Western Australia. I am Minister for Cultural Affairs. I am trying to help you. I want to talk about the trouble over drilling on Noonkanbah. It was bad for the people at Noonkanbah. It was bad for all of us. We need oil to make petrol for cars and trucks. It was wrong to stop the drilling. We need to find oil. Oil is a mineral.

We need to find other minerals too. To help find minerals we have a law. The law says people who obey the law can look for minerals. They can look on Noonkanbah and any other stations. And it is wrong to stop them. When you got the station we made an agreement. The agreement lets you live and run the station and raise your cattle. The agreement also lets anybody who obeys the law look for minerals on Noonkanbah. But you have broken the agreement. Some of your people have locked the gate to stop people looking for minerals. If you are worried about sacred sites please remember our law says proper sacred sites must not be damaged. We are your friends.

But in the end there was no land law to be broken and no gas or oil to drill for.

The expense of contesting the Noonkanbah community's refusal to allow AMAX in had been enormous (250,000 dollars for the convoy alone).

But it largely came back to how both parties saw land; a question I discussed with Sir Charles Court.

We had no problem with sacred sites. At least I personally had no problem. Because I found that the people I normally talked to, the people we thought were acknowledged as elders.

They told us very clearly and succinctly what were the sacred sites and why they were sacred sites. For instance, Pea Hill on Noonkanbah, had been known for a long time. We had already identified that and we felt comfortable with that. As you know, if you go into the detail later on when I made an offer to them over Pea Hill, that if they were not happy with the miners, we were prepared to put a big fence around a very wide area, not just a few hundred metres and give them the key to it. So that they wouldn't have miners or others wandering on the site at all. So it was a misconception that we wouldn't respect sacred sites if they were proved to be genuine sacred sites.

In talking to Peter Jones, I suggested that perhaps at that time few of us knew as much about Aboriginal religion and culture as we do now. Perhaps now we recognise that Aboriginal people see sacred sites as places that have as much to do with the present as the past and relate strongly to their long held relationship with land.

That is not an unreasonable comment to make in my view. But it's also easy to suggest that's the be-all or end all and is a reason for doing this or not doing this. We were guided, as were all people at that time and in all activity that occurred.

The one you heard about was this one at Noonkanbah where those interested, for reasons of their own, chose to make an issue over the whole principle of development in the northern part of Western Australia, where there were Aboriginal communities.

Now that period in time, nearly 30 years ago, the way that was conducted, was to identify sites through the eyes of the communities themselves. And in this case that had occurred. They'd asked for something not to be moved. They'd asked that the drilling not take place on the chosen place but somewhere else. That was done.

And that was how we looked upon sacred sites. We acknowledged they existed and were sacred to the local community, that they had importance and they did need to be preserved or dealt with or discussed as the occasion demanded. In this case activities were undertaken only after agreement by the community. So we looked at sacred sites, perhaps differently from the way it would be done today, but through the eyes of the local community and made no attempt to usurp their position.

In the end it came down to how two different cultures saw land and law. Peter Bindon and Ivan McPhee sum up.

I think the frustration was that we didn't understand one another. They had their laws, white man way and we had our law, Aboriginal way. We believe in what our culture say and white people believe in what their culture say.

(Bill) So you thought when you got away from Fitzroy and all the problems there, you thought this drilling on Noonkanbah might give you more problems?

Well, in a way, I think it was this pain in the arse. I am sorry to say that but you never forget what happened. A lot of those old people we lost them because of the upset the state government done to us. Old people feel really bad that white man law knock our culture away.

Peter Bindon sees the Noonkanbah story as about how we read land.

It's quite interesting today to look at a number of writers. Like David Tacey writing about the sense of the sacred in Australia and what we consider important and how landscape affects us and how we inter-relate with it.

The white population in Australia is searching for meaning in landscape and reason for being here and establishing a sense of belonging. Of course the Aboriginal people already had this. They were vainly demonstrating it to us in situations like Noonkanbah, They were saying 'Look at Landscape, look at how all these different things are inter-related.

So it was disappointing that the Government failed to understand this. I remember one person saying 'This Aboriginal religion is just a bunch of stories and Animism, relating to rocks and trees' and casting it off as though it was completely worthless.

That was a disappointment to me as well to think that we were going to have to take many more years to discover the same kinds of things that Aboriginal people were saying to us about our landscape and the continent in which we live.

*(Bill) It suggests perhaps that there are many different ways to read a map?
And there are many different maps.*

That comment by Peter Bindon seemed a good way to end the original radio feature. But there was an interesting post broadcast sequel.

As a broadcaster you don't always hear how a program has been received. Sometimes weeks later you meet someone in the street who tells you they found a broadcast interesting or you might get the occasional telephone call telling you what they thought of it and you as well. I got one on Monday morning after *Noonkanbah 25 Years On* had gone to air on Radio National during the weekend.

Making Hindsight I usually got to work early if for no other reason than to be in touch with the Eastern states for useful contacts. But the first contact that morning came close to home. At precisely 8am my phone rang and a by now familiar voice boomed down the line.

Charles Court here! Very fair program! Very well done.

I hope relating this story doesn't sound like a boast of an occasional broadcast eliciting a positive response. Rather I hope that hearing diverse voices and varying perspectives can sometimes give pause for thought and re-appraisal of a complex issue like the Noonkanbah story.

Thanks for sharing it with me.