Sharing the mountains: joint management of Australia’s alpine region with Aboriginal people

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Abstract

Mountain peaks throughout the world are charged with special significance. In Australia this is evidenced in two national parks that are in the process of being transferred to Local Aboriginal Land Councils and then leased back to the NSW Minister for the Environment. The initial step in the process leading to the return of Biamanga National Park, marked by the summit of Mumbulla Mountain, and Gulaga National Park, dominated by Gulaga Mountain, has established a particularly positive precedence. Recognising that these parks have a special significance for members of the south coast Aboriginal community, a particularly detailed and inclusive process was set in train to define the parameters of Aboriginal ownership as is required under the Aboriginal Land Rights Act 1983 (NSW). The notion of Aboriginal ownership is meant to be inclusive and contribute to community building as well as reinforce an individual's sense of belonging to the greater south coast Aboriginal community. Both mountains are the focus of the identity of local Aboriginal communities, or ‘sense of place,’ and have in the ethnographic past been the loci of ceremonial activity that continues in to the present.

There is potential for Aboriginal ownership and joint management of the Australian Alpine region under the same process that is being undertaken for Biamanga National Park and Gulaga National Park. NSW legislation provides for Aboriginal ownership of lands that are of cultural significance to Aboriginal people throughout the State. In this paper the structure of this legislative scheme is reviewed and the capacity of the legislation to provide a foundation for meaningful Aboriginal involvement in the management of lands of cultural significance to Aboriginal people and of high conservation value is discussed. The positive experience of the process being undertaken on the south coast of New South Wales is reviewed and the potential for the Australian Alps to be brought within the legislative scheme is considered.

In this year of the mountains, where to now in Australia for the sharing of the High Country, the Australian Alps with the Aboriginal peoples? What are the possibilities, the pitfalls and the lessons to be learnt from the experience of joint management of other mountain regions in Australia?

Biamanga National Park and Gulaga National Park

Mountain peaks throughout the world are charged with special significance. This is evidenced in many places in Australia, particularly for indigenous people who have known this continental landscape for more than 50,000 years with their intimate association continuing into the present. For southeastern Australia, a region where the life-ways of Aboriginal people have been disrupted by over 200 years of British colonial suppression, the association with sacred mountains is remarkably intact. Mountains feature prominently in the stories of indigenous gods and deities that reside in the sky. At Coolangatta Mountain, south of Sydney, R. H. Mathews wrote in 1898

It is believed that it was to this mountain that the dead went after burial in midden sands. The spirits of the recently buried had to ascend from a rock on the mountain's eastern side, to a world of the spirits.

Bialame is one of the god-like figures of southeastern Australia said to reside in the sky. Tom Knight (2001), considers in detail the Aboriginal spiritual nature of mountain peaks and their association with the god-like figure of Bialame (see also Howitt 1904: 501-503) and has aptly titled his thesis Stepping Stones to the Sky. He asserts that Aboriginal clever men and spiritual leaders sought out peaks to be near to, and to thus facilitate communication with Bialame.

In 1995, Isabel McBryde brought forward a thoughtful (prescient) article “Dream the Impossible Dream? Shared heritage, shared values, or shared understanding of disparate values?”. Isabel, from her intimate perspective of sharing through joint management of that powerful Australian icon of Uluru, explores the values that are so much a part of Aboriginal society and deeply rooted in the Australian landscape, and considers how they could be shared and ‘sustained or accommodated in management’. Ten years later the dream is becoming a reality in New South Wales.

The National Parks and Wildlife (Aboriginal Ownership) Act 1996 (NSW) amended the Aboriginal Land Rights Act 1983 (NSW) (the ALR Act) and the National Parks and Wildlife Act 1974 (NSW) (the NPW Act) to enable lands of cultural significance to Aboriginal people to become Aboriginal owned and jointly managed by Aboriginal owners with the NSW National Parks and Wildlife Service. This process commenced with the joint management of the highly significant rock engrained national park of Mutawintji, 130 km north east of Broken Hill, and now other lands in New South Wales, including the landscapes of the sacred mountains of Gulaga and Biamanga (Mumbulla), are moving towards agreements where local Aboriginal people will be a majority on boards of management established for these areas of land under the joint management scheme.

Gulaga was the first place in Australia to be named by British explorers when Captain Cook called it Dromedary Mountain. Gulaga has received considerable attention in the early anthropological writing of the region as a sacred place. Howitt (1904: 494-95) recorded the Yuin creation myth:

Long ago Daramulun lived on the earth with his mother Ngolebali. Originally the earth was bare and like the sky, as hard as a stone, and the land extended far out to where the sea is now. There were no men or women, but only
animals, birds and reptiles. He placed trees on the earth. After Kaboka, the thrush, had caused a great flood on the earth, which covered all of the east coast country, there were no people left, except for some who crawled out of the water on to Mount Dromedary. Then Daramulun went up to the sky, where he lived and watched the actions of men. It was he who first made the Kuringal and the bul- roarer, the sound of which represents his voice. He told the Yuin what to do, and he gave them the laws which the old people have handed down from father to son to this time. He gives the Gommeras' their power to use the Jolas, and other magic. When a man dies and his Tulugal (spirit) goes away it is Daramulun who meets it and takes care of it. It is a Man's shadow which goes up to Daramulun.

It was not until 1978 when Mumbulla Mountain was under threat from logging that the Aboriginal significance of the place was in part revealed to Europeans. The assertion by the Aboriginal Elder Ted Thomas that Mumbulla Mountain was highly significant to the Yuin people of the south coast was found to be supported by historical documentation (Egloff 1979). That study has been summarised a decade later by John Muvalney in *Encounters in Place: Outsiders and Aboriginal Australians 1566-1985*. Considerably earlier, Muvalney (1970) had written a well researched article on the role that A.W. Howitt played in the initiation ceremony of 1883 that took place in part on Mumbulla Mountain. Eileen Morgan, the sister of Ted Thomas, eloquently expressed the spirituality of the mountains in her *The Calling of the Spirits* (1994). Sue Feary, Sue and Gregg Borschmann in an article titled 'The first Australian Bush' (1999) have placed the Mumbulla Mountain controversy within a broader context.

Throughout the 1980s there was a renewal of spirituality on both Biamanga (Mumbulla) and Gulaga, with the activity being more public on the latter. Although known to have featured in the initiation of young males, it was not until relatively recently that the importance of the place to Aboriginal women was asserted (Australian Heritage Commission 1988). Deborah Bird Rose (1990) elaborated upon the overpowering significance of Gulaga stating that:

> the significance of the mountain can be analysed along several dimensions. These include the significance as the place of origin for local Aboriginal people; as a living presence which is reciprocally related to the Yuin people; as the abode of local ancestors; as a teaching site for women; as a repository of women's secret information and other matters; as a teaching site for men; as the home of a variety of living beings.

**The Register of Aboriginal Owners**

The cultural significance of Mumbulla-Biamanga and Gulaga led to their being listed on Schedule 144 to the NPW Act. Once lands of cultural significance to Aboriginal people have been listed on Schedule 14 and transferred to Aboriginal ownership and leased back to the National Parks and Wildlife Service pursuant to Part 4A of the NPW Act, boards of management for the lands are established. A majority of each board of management* must be chosen from Aboriginal people registered on the Register of Aboriginal Owners of land in NSW.

The Register of Aboriginal Owners was established under the ALR Act. The legislature gave the function of establishing and maintaining the Register to the Registrar. This was due to the political impartiality of that office toward management of the lands. For the name of an Aboriginal person to be entered in the Register of Aboriginal Owners that person needs to be directly descended from the original Aboriginal inhabitants of the cultural area in which the land is situated, and have a cultural association with the land that derives from the traditions, observances, customs, beliefs or history of the original Aboriginal inhabitants of the land.

Entering the names of Aboriginal people in the Register of Aboriginal Owners was a process that was undertaken by the Office of the Registrar with much caution. With respect to the joint management process for Gulaga and Biamanga National Parks, it was decided that the best way to obtain the information required to support requests for entry in the Register was to commission extensive research. The Office was aware of the social and political history of the far south coast and of the custodianship towards these mountains held by the south coast Aboriginal community and of the need for any research to include wide, inclusive consultation conducted with sensitivity.

The legislative requirement of the Registrar to use his best endeavours to enter in the Register the name of every Aboriginal person with a cultural association with land in NSW was interpreted by the Registrar in a liberal manner. Emphasis was placed on the Office assisting Aboriginal people to register through commissioning research, rather than requiring individuals to provide extensive information in support of their request to enter the Register. The research leading up to the ongoing registration of the Aboriginal owners of Gulaga and Biamanga National Parks would not have had the authority that it has if it were not for the willingness of Aboriginal family members to share their associations with the cultural area and the sacred places.

The research and consultation occurred over a 12-month period. A final report was provided to the Registrar in December 2001 and the entry of names in the Register of Aboriginal Owners for Biamanga and Gulaga National Parks commenced in March 2002. Based on the work conducted during this time requests to enter the Register continue to be received and determined by the Registrar.

The research report and process leading to its compilation has led to a number of benefits. The report has been used as a reference tool by the Registrar to assist him in entering the names of Aboriginal people in the Register. The report consolidated the vast amount of research that has been conducted on the Aboriginal cultural significance and association with the far south coast of NSW. The report identified 25 ancestors, based on oral, historical and ethnographical records, who are considered to be descendants of the original Aboriginal inhabitants of the cultural area in which Biamanga and Gulaga mountains are situated. Although not a complete nor comprehensive list of the only families descended from the original Aboriginal inhabitants of the region, it has provided a foundation from which individuals are able to assert their involvement in the management of the lands. Furthermore, the research has provided a level of confidence for individuals involved in the process. Their assertions to be involved in the management of lands are now supported by factual information and are free from political...
pressures exerted by dominant factions in the community that may otherwise impede their involvement.

The approach of consultation and research to support people in seeking entry in the Register has resulted in the emergence of a group of people who have expressed interest in being involved in the management of the mountains and the surrounding country of the national park. This has provided a foundation for Aboriginal involvement in the future management of these lands.

Sharing the mountains

The process being followed to provide for joint management of the sacred landscapes of Biamanga and Gulaga under Part 4A of the NPW Act is a process that may be applied in the alpine regions of NSW. As the management of the Australian Alps enters a period in which increased Aboriginal involvement in management is a possibility, consideration must be given to the nature and extent of that involvement and the foundations upon which it may rest: ethical, moral and legal. The experience gained at Mutawintji National Park, Biamanga National Park and Gulaga National Park suggest that there are two major challenges that must be faced when establishing a framework for the inclusion of Aboriginal people in the management of lands of cultural significance to them.

The first is establishing the rightful people who belong to country and may speak for it. Experience to date suggests this requires gathering information by extensive, inclusive and accurate research. The second challenge is to broaden Aboriginal involvement beyond the scope of consultation and cultural heritage to all areas of management of the land, while at the same time ensuring that management of the land remains joint management and does not become sole management and ownership by Aboriginal people. If this were to occur it would not accord with the underlying rationale of joint management nor with the legislative intent of establishing partnerships in the management of lands of cultural and conservation value.

Meeting the first challenge in sharing the mountains is made greater in the Australian Alps by the minimal amount of information currently available about the Aboriginal history, cultural association and rights and responsibilities to country. This paucity of information will hopefully be addressed by the Kosciuszko National Park Aboriginal Heritage Survey currently being undertaken by the NPWS. This is the first time an extensive survey and assessment of the Aboriginal history and heritage within Kosciuszko National Park has been done.

The experience to date with establishing and maintaining the Register of Aboriginal Owners suggest that it is essential that there be a process that allows people who might not otherwise speak up about their association with country to do so. Widespread consultation, established and respectful relationships between the Aboriginal communities and researchers and awareness on the part of the commissioning agency and the researchers of the political and social reality of Aboriginal communities on the south coast were central in obtaining the results at Biamanga National Park and Gulaga National Park. A significant number of Aboriginal people across a broad section of the Aboriginal community and representing numerous family groups and factions contributed to the research. The approach to the research and consultation has been critical to the integrity of the report and its validity. The outcome has been an acceptance of the process and of the Register.

The cultural significance of land and waters within Kosciuszko National Park to Aboriginal people may offer the opportunity for some or all of the land within the Park to be brought within the statutory joint management scheme set up under Part 4A of the NPW Act. This is one way to meaningful involvement by Aboriginal people in the management and protection of land. This has the potential to meet the second challenge, that of broadening Aboriginal involvement beyond the scope of consultation and cultural heritage to all areas of management of the land.

The NSW joint management scheme is a process that has its philosophical and moral bases in the recognition of prior ownership of lands by Aboriginal people and the centrality of land in Aboriginal culture. The scheme under Part 4A of the NPW Act has many characteristics that are generic to other statutory joint management arrangements across Australia. It is not possible in a paper of this length to review in detail the characteristics of all such schemes in operation in Australia.

A number of key elements may be discerned however, either in the establishing legislation and the compulsory requirements for the terms of the lease agreement or in the leases as negotiated. These elements have been provided in endeavours to ensure meaningful, equitable and empowering involvement by Aboriginal people beyond consultation and purely cultural heritage matters. While the various schemes have attracted criticism in their implementation these elements form a useful list of matters to be dealt with when considering joint management arrangements for the alpine region. They include:

- transfer of legal title to Aboriginal people and a compulsory lease back,
- payment of rent in return for the lease,
- Aboriginal training and employment,
- majority Aboriginal representation on the board of management,
- cultural awareness training,
- Aboriginal designated positions,
- transfer of Aboriginal cultural objects to the Aboriginal owners,
- reservation of certain rights to use and occupy to particular Aboriginal groups, including hunting, fishing, and gathering rights in accordance with tradition and culture.

In considering each of these elements the long-term aims of joint management must be kept in mind. Is it to be a medium-term structural change leading to eventual sole ownership and sole management of lands by Aboriginal people or a continued partnership in the management of lands for the whole Australian community? If there is to be an equitable balance of ownership and control between different groups, each of whom values the land for different yet connected reasons, then the structure established at the start needs careful thought and the people who are involved must be appropriate. This then allows for a sound basis for implementation, the success of which is dependent on the relationships between the parties and the intent of all involved.

Aboriginal people may be involved in the management of mountain landscapes through arrangements other than those under Part 4A of the NPW Act. Such arrangements include memorandums of understanding (i.e. Mungo National Park) and Indigenous Land Use Agreements arising out of native title claims (i.e. the Arakawal ILUA). Memorandums of
understanding drawn up between government agencies and Aboriginal groups provide some benefits yet they may rely upon assertions of rights allegedly in accordance with Aboriginal tradition which may not be substantiated by research. Further they are often entered into as a trade-off where rights are being claimed under other land rights legislation or where common law native title rights and interests are being asserted. It is an area that requires great sensitivity. It involves non-Aboriginal concerns regarding 'doing the right thing' by the Aboriginal spokespersons and concerns regarding the authenticity of claims of rights to speak for country and of traditional ownership. It also involves Aboriginal peoples' concerns about being asked to prove that they already know: who belongs to the land and who has rights in country, for the sole purpose of complying, once again, with an imposed legal process. Yet the benefits are many.

Conclusion

Within NSW, the processes involved in land claims and with obtaining common law recognition of native title rights and interests have involved much division, fracturing, and creation of conflict within Aboriginal communities. Moves toward joint management need to work away from increasing this division and conflict toward rebuilding relationships between Aboriginal and non-Aboriginal people and country, including the mountains that are so special and valuable to so many.

Meaningful involvement of Aboriginal people in the management and protection of lands of cultural significance to them is central to any involvement of Aboriginal people in land from which they have been dispossessed. The 'impossible dream' of Isabel McByrde, of sharing values and sustaining and accommodating them in management, is a distinct possibility for the mountain regions of the Australian Alps. The special place that the Australian Alps occupy for so many Australians and visitors, the highest country in this vast, dry, ancient continent offers the perfect opportunity for management that promotes shared understanding, respect for and participation in protecting the disparate values held by both Aboriginal and non-Aboriginal people in country.

References

Australian Heritage Commission. 'Sites We Want to Keep', video production 1988.


Endnotes

2 With respect to the Yui of the south coast of New South Wales, Howitt (1904:518) states that "Bambian is the name for the 'great master', whose true but secret name of Desramut it is not lawful to utter".
3 There are currently 7 areas of land listed on Schedule 14: Jervis Bay National Park, Mungo National Park, Mutawintji (Moongwingee) National Park, Mount Groenland Historic Site, Mount Yambuctok Nature Reserve, Biarama National Park and Gulaga National Park.
4 Boards of management under the legislation are to consist of 11 but not more, than 13 members.
5 NSW, Legislative Assembly, 20 November 1996. Second Reading Speech, Hansard p. 6275 'The register will be administered by the Register of the Aboriginal Land Rights Act, and therefore will be separate from any political or other party having a direct interest in the management of the lands.'
6 Section 171(2) Aboriginal Land Rights Act 1983 (NSW).
7 Provision was made for the retention by Aboriginal people of any intellectual property rights created in family genealogy, history and statements of cultural association during the research process.
8 Power (2002) identifies one of the main hurdles to increasing Aboriginal involvement in Uluru-Kata Tjuta National Park as the lack of training and skills available to Nguraritja to allow them to effectively participate in the Park and the related issue of individuals from outside the region, but who may live in the Park in the Mutiyulu community, exerting undue influence over the community and Park issues.
9 The joint management process undertaken at Mutawintji National Park initially resulted in a prominent member of the Paakantji people being excluded from the Register of Aboriginal Owners and the board of management for the Park. This was the result of a consensus amongst a group of Wumpa as to who were the original Aboriginal inhabitants of the cultural area in which the Park existed. Recent information from the current Aboriginal owners suggests that a further Aboriginal ancestor has been identified that may enable further people to be registered if they wish. Detailed and inclusive research is currently being undertaken by the Office of the Registrar to assist in identifying individuals who may wish to request entry in the Register. Some confusion exists in the literature as to the extent and nature of the research undertaken at the time the Park was transferred. See Feary 2001.
10 The tendency to move in the direction of sole management and control may be seen in statements in the Booderee National Park Management Plan. In the Wreck Bay Aboriginal Community Council Vision Statement its goals include ‘sole ownership of all lands and waters within the Jervis Bay Territory; (and) sole management of its freehold land and waters, allowing for Community responsibility, empowerment and self determination’. Booderee National Park Board of Management & Director of National Parks, Booderee National Park Management Plan, Commonwealth of Australia, March 2002.
12 Statutory joint management arrangements exist for Uluru-Kata Tjuta National Park, Kakadu National Park, and Booderee National Park under Commonwealth legislation. In the Northern Territory joint management of national parks on Aboriginal land occurs at Nitmiluk (Katherine Gorge) and Gurig National Park. In NSW Mutawintji National Park is the only National Park currently under statutory joint management. For an outline of the various joint management models in Australia see http://www.rnrm.uq.edu.au/lucr/pagess/chap15/ch15.htm at Weblink 15.8.
13 For comment on the workings of joint management at Uluru-Kata Tjuta National Park see Power 2002, 284-301.