Clarence Valley Aboriginal Heritage Study

Prepared by Australian Museum Consulting for Clarence Valley Council

Final

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1301205

WARNING: Aboriginal and Torres Strait Islander peoples are warned that the following document contains images of deceased persons.

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Executive Summary

Australian Museum Consulting (AM Consulting) was commissioned by Clarence Valley Council (Council) to prepare an Aboriginal Heritage Study for the Clarence Valley Local Government Area (LGA). The heritage study will inform future management of Aboriginal cultural heritage within the existing relevant New South Wales (NSW) and Commonwealth Statutory frameworks. The aim of this Study is to identify places of significance, record those places (if appropriate), and develop recommendations for their management and conservation, which will assist Council to develop strategies to manage Aboriginal sites and places and develop a protocol for ongoing Aboriginal community liaison.

Consultation with local Aboriginal community members was undertaken to ensure that their views and opinions were included in the identification and recording of any objects or places of Aboriginal cultural or archaeological significance within the study area. A summary of the Aboriginal consultation that has occurred is provided in Section 3.

The Clarence Valley Aboriginal community would prefer not to have detailed information about Aboriginal site locations included in a publically available document. It was therefore understood that not all heritage sites should be mapped or identified in detail, but that general areas that are important to the community, or where archaeological sites are present, should be indicated. However, historical research and consultation with the local Aboriginal community indicated that there are areas of Aboriginal heritage sensitivity within the LGA that Council should be made aware of when considering applications for development. These areas of Aboriginal heritage sensitivity are summarised in Section 5.

The environmental planning instrument that protects Aboriginal heritage in the Clarence Valley LGA is the *Clarence Valley Local Environmental Plan 2011*. This planning instrument requires Council to consider the impact of proposed development on known or potential Aboriginal heritage places and archaeological sites within the Clarence Valley LGA

A number of recommendations to Council are provided in Section 6, and are summarised as follows:

In considering applications for development, Council should determine whether an Aboriginal Heritage Assessment has been undertaken, and whether there is any potential for an Aboriginal object, place or site to be affected by the development. If no such assessment has been undertaken by the proponent, and there is reasonable potential for an Aboriginal object, place, site or area to be affected, then Council should request that an Aboriginal Heritage Assessment be undertaken, in consultation with the local Aboriginal community in accordance with OEH's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, before development consent is issued.

Any Development Application (DA) which proposes harm to an Aboriginal object or Aboriginal place must be dealt with as Integrated Development under Section 91 of the *Environmental Planning & Assessment Act 1979*. Such applications must be forwarded to OEH to determine whether the Director General of OEH is prepared to issue an Aboriginal Heritage Impact Permit. Ultimately the DA cannot be approved by Council without the approval of OEH, if an Aboriginal Heritage Impact Permit is required to enable the development to proceed.

It is recommended that an Aboriginal Heritage Assessment be undertaken, in consultation with the local Aboriginal community in accordance with OEH's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, in cases of Integrated Development.

Where a proposed development area includes archaeologically sensitive landforms, it is recommended that Council should require a due diligence process for assessing potential harm to Aboriginal objects to be undertaken, in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010) or an industry specific code of practice adopted by the *National Parks & Wildlife Amendment Regulation 2010*.

Aboriginal heritage site mapping is to be treated confidentially by Council, and is only to be used to assist in consideration of the adequacy of the Aboriginal heritage components of development applications. The information should be considered as need-to-know, and should not be made publically available. Specific site location information should not be included on any publicly accessible media or websites.

The local Aboriginal community in Clarence Valley LGA comprises a number of individuals and organisations. In the first instance, in liaising with the local Aboriginal community, Council should contact the CEO of the relevant Local Aboriginal Land Council, who should then be able to present Council's request/information to the members of these organisations, if appropriate.

Council should consider convening a forum to develop a formal communication protocol with the Aboriginal community, with input from representatives from each of the LALCs and community members. Council should consider implementing an annual review of the protocol, to ensure ongoing maintenance of Council's community relationships and involvement of the Aboriginal community in the development planning process.

This Aboriginal Heritage Study should be reviewed and updated, as appropriate, within five years. Due to the scale of the Council area, and the large number of potential Aboriginal community stakeholders, Council should consider adopting a staged process for the review and structuring it by region or LALC area(s).

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1 Introduction

1.1 Preamble

Australian Museum Consulting (AM Consulting) has been commissioned by Clarence Valley Council (Council) to prepare an Aboriginal Heritage Study for the Clarence Valley Local Government Area (LGA). The heritage study will inform future management of Aboriginal cultural heritage within the existing relevant New South Wales (NSW) and Commonwealth Statutory frameworks. The aim of this Study is to identify places of significance, record those places (if appropriate), and develop recommendations for their management and conservation, which will assist Council to develop strategies to manage Aboriginal sites and places and develop a protocol for ongoing Aboriginal community liaison.

1.2 Study Area

The study area comprises the whole of the Clarence Valley LGA, covering an area of 10,660km^2 (Australian Bureau of Statistics [ABS] 2008). Clarence Valley LGA is located in northern New South Wales in the Northern Rivers region. It is bounded to the west by Tenterfield, Glen Innes Severn and Guyra LGAs, to the north by Richmond Valley LGA, to the south by Bellingen LGA and to the south east by Coffs Harbour LGA. Clarence Valley Council was created in 2004 following the amalgamation of Copmanhurst Council, Grafton City Council, Maclean Shire Council and Pristine Waters Council (SGS Economics and Planning 2009:22). Clarence Valley LGA includes the towns of Brooms Head, Copmanhurst, Coutts Crossing, Glenreagh, Grafton, Halfway Creek, Iluka, Jackadgery, Junction Hill, Lawrence, Maclean, Minnie Water, Nymboida, Tyringham, Ulmarra, Wooli and Yamba (Figure 1.1).

The Clarence Valley LGA comprises a diverse range of landforms which can be classified into four broad environmental zones (Byrne 1985:36-58; 1986:20-49):

- Coast and coastal wetlands zone - defined as the coastal strip and low-lying hinterland area between the Pacific Ocean and coastal ranges. It includes the beaches, coastal sand dunes and rocky headlands along the coast, as well as the estuaries and wetlands (salt marshes and extensive swamps) of coastal rivers (Belshaw 1978:69; Byrne 1985:50; NPWS 1997:11; Department of Lands and Clarence Valley Council 2009:17).
- Uplands zone - defined as the undulating area between the coastal ranges and the Orara River; and the mountainous country to the west of Grafton which incorporates the Gibraltar and Richmond Ranges (Byrne 1985:46; 1986:46). It includes the lowland hills, foothills and escarpment ranges that rise abruptly from the surrounding lowland (floodplain) and coastal regions, and is dominated by steep hills and plateaus, narrow ridges of sedimentary bedrock and perched swamps (Belshaw 1978:69; Hall and Lomax 1993:26, 28-29; NPWS 1997:11; 2006:6; 2009a:5).
- Floodplain zone - defined as the low-lying frequently inundated areas of land between the Clarence, Coldstream, Orara and other major rivers and swamps, and the uplands zone (Byrne 1985:36). It includes areas of lowland forest and swamplands, as well as riverine plains and wetlands (Belshaw 1978:69; Keith 2006:122).
- Riverine zone - arbitrarily defined as a 1km wide margin on either side of major rivers and creeks that flow into the floodplain zone (Byrne 1985:41-42). It includes the narrow river valleys of the uplands zone, as well as the islands of the Clarence, Orara, Mann and Nymboida Rivers (Belshaw 1978:69; Hall and Lomax 1993:29).

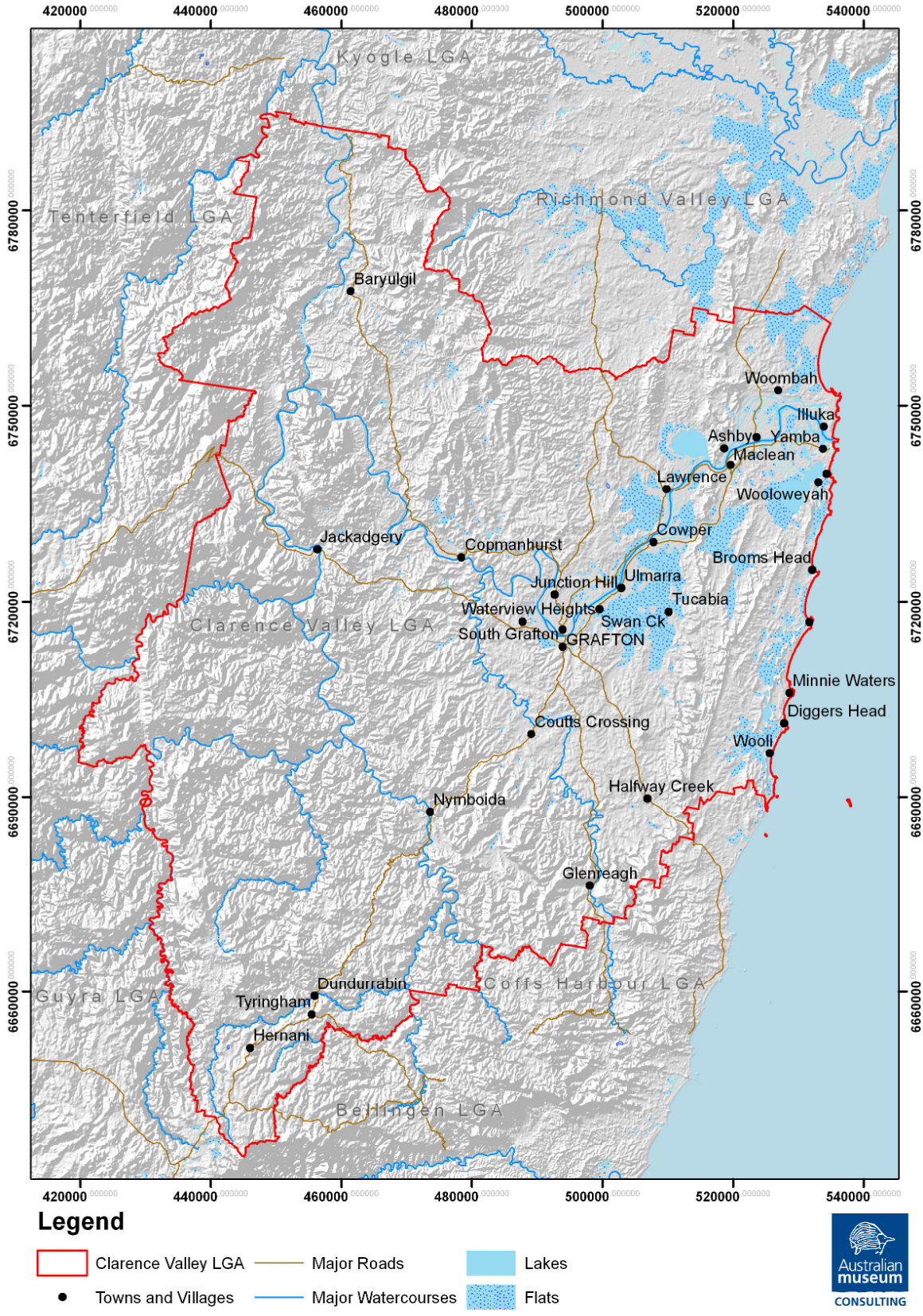

Figure 1.1 Clarence Valley LGA

1.3 Methodology

This report is consistent with the principles of *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013* (Burra Charter; Australia ICOMOS 2013). It has been prepared in accordance with the requirements of the relevant statutory authorities, including the Office of Environment and Heritage (OEH), and current heritage best practice guidelines as identified in the NSW Heritage Office *Heritage Manual* and associated publications including *Assessing Heritage Significance* (2001) and the Australian Historic Themes (Australian Heritage Commission 2001).

Aboriginal community consultation has been undertaken in accordance with the process required by Council, which is broadly consistent in principle with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (Department of Environment, Climate Change and Water [DECCW] 2010c) and *Ask First: A Guide to respecting Indigenous heritage places and values* (Australian Heritage Commission 2002).

AM Consulting have undertaken the following tasks for the Aboriginal Heritage Study:

- consultation with local Aboriginal groups, in accordance with Council requirements;
- preparation of a thematic history of the LGA, with particular emphasis on Aboriginal history;
- identification and recording of those Aboriginal heritage places within the LGA in accordance with the wishes of the local Aboriginal community;
- recording information obtained during the Aboriginal Heritage Study; and
- development of management policy and recommendations.

1.4 Authorship and Acknowledgements

This report has been prepared by AM Consulting Project Officers Ngaire Richards and Laressa Berehowyj, and reviewed by AM Consulting Project Manager Aboriginal Heritage, Christopher Langeluddecke. AM Consulting Senior Project Manager, Jennie Lindbergh reviewed the report for consistency and quality.

Ngaire Richards and Christopher Langeluddecke participated in the Aboriginal community consultation meetings.

The authors would like to acknowledge the assistance of the following people and organisations:

- Deborah Wray, Clarence Valley Council
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- Margaret Hodgson
- Kathleen Davies
- Clarence River Historical Society
- Maclean District Historical Society
- The Port of Yamba Historical Society

2 Statutory Context

Aboriginal sites within NSW are protected under the *National Parks and Wildlife Act 1974* (amended 2010) and in some cases may be protected under the *Heritage Act 1977*. The investigation and assessment of Aboriginal heritage is triggered by provisions under the *Environmental Planning and Assessment Act 1979* along with other environmental planning instruments, as detailed below.

2.1 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides a legal framework for the protection and management of places of national environmental significance. Several heritage lists are addressed by the EPBC Act, including the National Heritage List (NHL) and the Commonwealth Heritage List (CHL). The NHL protects places that have outstanding value to the nation. The CHL protects items and places owned or managed by Commonwealth agencies. The Australian Government Department of the Environment is responsible for the implementation of national policies and programs to protect and conserve the environment, water and heritage, and promote climate action. The Minister's approval is required for controlled actions which would have a significant impact on items and places included on the NHL or CHL.

There are no Aboriginal heritage items or places listed on the NHL or CHL within the study area or in its vicinity.

2.2 Native Title Act 1993

Native title is the recognition by Australian law that Aboriginal peoples or Torres Strait Islanders have rights and interests to land and waters that arise from traditional laws and customs. The *Native Title Act 1993* (Native Title Act) recognises and protects native title in Australia, and establishes a mechanism for determining native title claims. It also provides for negotiations between native title holders or registered native title claimants (native title parties) and other parties regarding the use and management of land and waters, in the form of Indigenous Land Use Agreements (ILUAs).

The Native Title Registrar of the National Native Title Tribunal (NNTT) keeps three public registers of native title information: the National Native Title Register, the Register of Native Title Claims, and the Register of Indigenous Land Use Agreements. Registered native title holders are recognised as having a right to speak for Country on Aboriginal culture and heritage (OEH 2012a:7).

2.2.1 National Native Title Register

There are two approved native title determinations within Clarence Valley LGA on the National Native Title Register, Bandjalang People #1 (NNTT Determination Reference NCD2013/001) and Bandjalang People #2 (NCD2013/002).

2.2.2 Register of Native Title Claims

There are three native title determination applications that have met the requirements for registration on the Register of Native Title Claims, The Yaegl People (NNTT Application Reference NC1996/038), Yaegl People #2 (NC2011/001), and Western Bundjalung People (NC2011/005).

2.2.3 Register of Indigenous Land Use Agreements

Indigenous Land Use Agreements (ILUAs) are a form of voluntary agreement that can be made between native title parties and other people or organisations with an interest in an area, such as governments, miners, pastoralists or energy companies. The agreements are legally binding, and can

cover a range of matters, including cultural heritage issues. If the agreements meet the conditions set out in the Native Title Act, they may be registered on the Register of Indigenous Land Use Agreements. There are no ILUAs within Clarence Valley LGA.

2.3 National Parks and Wildlife Act 1974

Under the provisions of the *National Parks and Wildlife Act 1974* (NPW Act), the Director-General of the National Parks and Wildlife Service (NPWS; now OEH) is responsible for the care, control and management of all national parks, historic sites, nature reserves, state conservation areas, karst conservation reserves and regional parks. The Director-General is also responsible, under this legislation, for the protection and care of native fauna and flora, and Aboriginal places and objects throughout NSW.

All Aboriginal Objects are protected under the NPW Act regardless of their significance or land tenure. Aboriginal Objects can include pre-contact features such as scarred trees, middens and open camp sites, as well as physical evidence of post-contact use of the area such as Aboriginal fringe camps. The NPW Act also protects Aboriginal Places, which are defined as a place that 'is or was of special significance with respect to Aboriginal culture'. Aboriginal Places can only be declared by the Minister administering the NPW Act.

There is one declared Aboriginal Place in Clarence Valley LGA (Table 2.1).

Table 2.1 Declared Aboriginal Places in Clarence Valley LGA

Aboriginal place name	Local Aboriginal Land Council	Gazettal date	Type of Aboriginal Place
Nymboida	Grafton-Ngerrie	06/04/1979	Burial ground

Under Section 86 of the Act, it is an offence for a person to destroy, deface, damage or desecrate an Aboriginal Object or Aboriginal Place without the prior issue of an Aboriginal Heritage Impact Permit (AHIP) issued under Section 90 of the Act. The Act requires a person to take reasonable precautions and due diligence to avoid impacts on Aboriginal Objects. AHIPs are issued by the Chief Executive of OEH, on submission of an AHIP application to the nearest OEH regional office. For projects within Clarence Valley LGA, permit applications are processed by the North East regional office in Coffs Harbour.

The *National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010* commenced on 1 October 2010. This Regulation excludes activities carried out in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* from the definition of harm in the Act. That is, test excavations could be carried out in accordance with this Code of Practice, without requiring an AHIP. The Regulation also specifies Aboriginal community consultation requirements (*Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*). In addition, the Regulation adopts a Due Diligence Code of Practice which specifies activities that are low impact, providing a defence to the strict liability offence of harming an Aboriginal object.

Aboriginal Heritage Information Management System

Part of the regulatory framework for the implementation of the NPW Act is the Aboriginal Heritage Information Management System (AHIMS), managed by the Aboriginal Heritage Information Unit (AHIU), OEH. AHIMS includes a database of Aboriginal heritage sites, items, places and other objects that have been reported to the OEH. Also available through AHIMS are site cards, which describe Aboriginal sites registered in the database, as well as Aboriginal heritage assessment reports, which contribute to assessments of scientific significance for Aboriginal sites. The AHIMS is not a comprehensive list of all Aboriginal heritage in NSW, rather it reflects information which has been

reported to OEH. As such, site co-ordinates in the database vary in accuracy depending on the method used to record their location. Under Section 89A of the NPW Act, individuals and corporations are obliged to report identified Aboriginal sites to OEH, regardless of land tenure, or whether such sites are likely to be impacted by a proposed development.

An AHIMS enquiry was made in December 2013, and the AHIU advised that as the search request was for all the sites within the LGA, an Aboriginal Heritage Information License Agreement (AHILA) was required before further information could be released. Endorsement of the AHILA was sought from Local Aboriginal Land Councils (LALCs) with an interest in the study area, including Bogal, Coffs Harbour, Grafton-Ngerrie, Jana Ngalee, Yaegl, Dorrigo Plateau, Armidale, Bowraville, Baryulgil, Birrigan Gargle, Casino, Glen Innes, Jubullum and Guyra; however, the release of such large-scale Aboriginal heritage site information was not agreed to. As such, mapping is based on information derived from historical research and unpublished Aboriginal heritage assessment reports held by OEH, limited AHIMS sample searches, and from information provided by the local Aboriginal community during consultation meetings for this study (see Section 0).

2.4 Heritage Act 1977

The *Heritage Act 1977* (Heritage Act) provides protection for heritage places, buildings, works moveable objects, precincts and archaeological sites that are important to the people of NSW. These include items of Aboriginal and non-Aboriginal heritage significance. Where these items or places have particular importance to the State of NSW, they are listed on the State Heritage Register (SHR).

There is one site with Aboriginal heritage significance listed on the SHR within Clarence Valley LGA (Table 2.2).

Table 2.2 State Heritage Listed Items in Clarence Valley LGA

Item name	Use	Primary address	SHR No.
Ulgundahi Island	Aboriginal occupation settlement	Clarence River by north arm, Maclean, NSW 2463	01721

2.5 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the principal law regulating land use planning and development in NSW, and requires consideration to be given to the environment as part of the land use planning process. The EP&A Act provides for the making of environmental planning instruments (EPIs). Two types of EPIs can be made: Local Environmental Plans (LEPs), covering LGAs; and State Environment Planning Policies (SEPPs), covering areas of State or regional environmental planning significance. LEPs and SEPPs commonly identify and have provisions for the protection of local heritage items and heritage conservation areas.

A Review of Environmental Factors (REF), Environmental Impact Statement (EIS) or Environmental Impact Assessment (EIA) considers environmental impacts as part of the land use planning process. In this context the environment includes Aboriginal and historic cultural heritage. The consent authority is required to consider the impact on all Aboriginal heritage values, including natural resource uses or landscape features of spiritual importance, as well as the impact on Aboriginal Objects and Aboriginal Places.

2.5.1 Clarence Valley Local Environmental Plan 2011

Part 5 of the Clarence Valley Local Environmental Plan (LEP) provides protection for heritage items and heritage conservation areas, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance (Clause 5.10 Heritage conservation). The LEP specifies that development consent is required when demolishing, moving, or altering a heritage item, an Aboriginal object, a building,

work, relic or tree within a heritage conservation area; or disturbing or excavating an Aboriginal place of heritage significance. Consent is also required when erecting a building or subdividing land on which a heritage item or Aboriginal object is located, or that is within a heritage conservation area or Aboriginal place of heritage significance (Clause 5.10(2)).

With respect to the effect of a proposed development of an Aboriginal place, the consent authority must consider the heritage significance of the place and any Aboriginal object known or reasonably likely to be located there, by means of an adequate investigation and assessment (which may require the proponent to provide a heritage impact statement). Local Aboriginal communities must be notified of the proposed development, and the consent authority must take into consideration any response received within 28 days before consent is granted (Clause 5.10(8)).

Twenty-one items with Aboriginal heritage significance are listed on Schedule 5 Part 1 of the LEP (Table 2.3).

Table 2.3 Items with identified and potential Aboriginal heritage significance listed in the Clarence Valley LEP 2011

Suburb	Item name	Address	Property description	Item No.
Angourie	Angourie Reserve	Angourie Road and Crown reserve (including Spookys Valley and Angourie Point Pools)	Property 128388	I7
Baryulgil	Aboriginal cemetery	351 Lionsville Road	Lot 30, DP 752401	I15
Baryulgil	Asbestos Mine site	351 Lionsville Road	Lot 11, DP 752401	I16
Baryulgil	Hall	351 Lionsville Road	Lot 1, DP 328235	I17
Baryulgil	The Square	7181 Clarence Way	Lot 5, DP 856073	I18
Grafton	Dwelling (former Tracker Robinson's cottage)	143 Alice Street	Lot 10, DP 758470	I459
Grafton	Susan Island	Clarence River	Lot 7021, DP 92919	I512
Lionsville	Bancroft Stamper Battery	Boundary of 1054 Lionsville Road, Washpool Creek, and 1030 Lionsville Road, Ewingar State Forest	Lot 95, DP 752369	I179
Lionsville	Lionsville Cemetery	351 Lionsville Road	Lot 11, DP 752369	I181
Lionsville	Lionsville village archaeological site	Near Donarra Creek, 1030 Lionsville Road	Various lots bounded by North Street, Ogilvie Street, Donarra Street and Ewingar State Forest	I184
Maclean	Residence ("Hillcrest")	Jubilee Street, Maclean, NSW 2463	Lots 61 and 62, DP 1036148	I220
Maclean	Showground and Pavillion	Cameron Street	Lot 7301, DP 1133705	I193
Moleville Creek	Grinding Groove	Moleville Rocks, Clarence River	Lot 93, DP 751363	I329
Moleville Creek	Recreation reserve	Moleville Rocks Road, Moleville Rocks	Lot 93, DP 751363	I330
Mylneford	First Falls Crossing	North and South Banks of the Clarence River adjacent to 344 Mylneford Road	Clarence River	I333
Trenayr	Grafton Agricultural Research & Advisory Station	Experiment Farm Lane	Lot 209, DP 751371	I378
Ulgundahi and Corolama Islands	Ulgundahi and Corolama Islands	Clarence River by North Arm	Lots 180 and 199, DP 751373	I391
Yamba	Light House precinct, including 2 boatman's cottages	Pilot and Clarence Streets (reserve fronting)	Lots 272–274, DP 48539; Lot 1, DP 90838; Lot 1 DP 802768	I417
Yamba	Sign	Rocky Laurie Drive	Road reserve	I421
Yamba	Yamborra Cottages	Rocky Laurie Drive	Lot 182, DP 44782	I422
Yulgilbar	Yulgilbar Station	351 Lionsville Road, Baryulgil	Multiple lots	I436

2.6 Non-statutory Registers

2.6.1 Register of the National Estate

The Register of the National Estate (RNE) was originally established under Section 22 of the *Australian Heritage Commission Act 1975* (AHC Act). Since the establishment of the NHL and CHL, there is now a considerable level of overlap between the RNE and heritage lists at the national, state and territory, and local government levels. In February 2012, all reference to the RNE was removed from the EPBC Act and the AHC Act. The RNE is now maintained on a non-statutory basis as a publicly available archive and educational resource.

The RNE lists twenty four Indigenous Places in Clarence Valley LGA, which are identified as having Indigenous heritage value (Table 2.4). Eight of these are Indicative Places, which were nominated for inclusion in the Register of the National Estate but were not assessed before it was frozen.

Table 2.4 Heritage places listed under the RNE identified as having Indigenous heritage value

Place ID	Name	Primary Address	Status	Principal Group
18915	Brooms Head Shell Midden	Brooms Head, NSW, Australia	Registered	Aboriginal Shell Midden
3451	Chambigne Area 1	Chambigne via Grafton, NSW, Australia	Registered	Aboriginal Art Site
3452	Jackys Creek Area	Chambigne via Grafton, NSW, Australia	Registered	Aboriginal Art Site
3453	Chambigne Site B1	Chambigne via Grafton, NSW, Australia	Registered	Aboriginal Occupation Site
3419	Whiteman Creek Area	Copmanhurst, NSW, Australia	Registered	Aboriginal Occupation Site
3420	Upper Copmanhurst Area	Copmanhurst, NSW, Australia	Registered	Aboriginal Art Site
3449	Nobbys Creek Area 1	Copmanhurst, NSW, Australia	Registered	Aboriginal Art Site
3454	Nobbys Creek Area	Copmanhurst, NSW, Australia	Registered	Aboriginal Art Site
13678	Whiteman Creek Axe Grinding Site	Copmanhurst, NSW, Australia	Registered	Aboriginal Grinding Grooves
3455	Blaxlands Flats Area	Coutts Crossing, NSW, Australia	Registered	Aboriginal Art Site
3463	The Bull Paddock	Coutts Crossing, NSW, Australia	Registered	Aboriginal Stone Arrangements
13666	Blaxlands Flat Stone Arrangement	Coutts Crossing, NSW, Australia	Registered	Aboriginal Stone Arrangements
3448	Seelands Area	Grafton, NSW, Australia	Registered	Aboriginal Occupation Site
13665	Moleville Rocks Recreation Reserve	Grafton, NSW, Australia	Registered	Aboriginal Grinding Grooves
3450	Nymboida Aboriginal Place	Nymboida, NSW, Australia	Registered	Aboriginal Burials/ Cemeteries/ Graves
13669	Wombah Archaeological Area	Woombah via Iluka, NSW, Australia	Registered	Aboriginal Shell Midden
19002	Mount Marsh State Forest (in part)	Camira Creek, NSW, Australia	Indicative Place	Places of significance to Aboriginal people
18972	Copmanhurst Area	Copmanhurst, NSW, Australia	Indicative Place	Aboriginal Art Site
18241	Mount Kremnos Stone Arrangements	Coutts Crossing, NSW, Australia	Indicative Place	Aboriginal Stone Arrangements
18935	Orara River Bora Grounds	Coutts Crossing, NSW, Australia	Indicative Place	Aboriginal Ceremonial Site
18969	Paddymelon Stone Increase Site	Nymboida, NSW, Australia	Indicative Place	Places of significance to Aboriginal people
18926	Barri Point Midden	Yamba, NSW, Australia	Indicative Place	Aboriginal Occupation Site
18927	Stockyard Midden	Yamba, NSW, Australia	Indicative Place	Aboriginal Shell Midden
102345	Dirrangun Reef	Yamba, NSW, Australia	Indicative Place	Places of significance to Aboriginal people

3 Aboriginal Community Consultation

Consultation with members of the local Aboriginal community has been undertaken for this project, to ensure that their views and opinions were included as stakeholders in the identification and recording of any objects or places of Aboriginal cultural significance within the study area.

Although there is no requirement for the project to be undertaken in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010c), as the project will not include an application for an AHIP, Council requires a process of Aboriginal community consultation which is broadly consistent in principle with these requirements. The consultation process that was undertaken is outlined below.

3.1 Identifying Aboriginal People with Rights and Interests in the Area

The following organisations were contacted in order to identify appropriate Aboriginal peoples to consult:

- Heritage Branch, Office of Environment and Heritage, Department of Premier and Cabinet (Heritage Branch);
- Office of Environment and Heritage, Planning and Aboriginal Heritage Section, North East Regional Office (OEH);
- Aboriginal Affairs, Office of Communities, Department of Education and Communities;
- National Native Title Tribunal (NNTT);
- Native Title Services Corporation Ltd (NTSCorp);
- Office of the Registrar, *Aboriginal Land Rights Act 1983* (NSW);
- NSW Aboriginal Land Council;
- Baryulgil Local Aboriginal Land Council;
- Birrigan Gargle Local Aboriginal Land Council;
- Grafton Ngerrie Local Aboriginal Land Council;
- Jana Ngalee Local Aboriginal Land Council; and
- Yaegl Local Aboriginal Land Council.

Based on contact with the above organisations, numerous Aboriginal parties were identified as likely to have an interest in the Aboriginal Heritage Study. Each of these parties, or their representatives, was contacted, an explanation of the Study was provided, and they were invited to be consulted and involved in the Study. Not all of the identified parties responded to the invitation; however, those that did are:

- Jannay Daley;
- Joyce and Colin Clague;
- Beris Duroux;
- Roger Duroux;
- Aaron Talbot and Natalene Mercy, Gomilaroi Cultural Consultancy;
- Ken McIntosh, Aboriginal Affairs NSW;
- Stephen Hart;
- Kenn Payne, Gurehlgam Corp Ltd;
- Bronwyn Bancroft;
- Elizabeth Smith, Ulgundahi Elders;
- Andrea Brown, Clarence Valley Council;
- Ferlin Laurie, Yaegl Local Aboriginal Land Council;

- Chris Spence, Coffs Harbour and District Local Aboriginal Land Council;
- Dale Mercy, Yaegl Local Aboriginal Land Council;
- Brett Tibbett, Grafton-Ngerrie Local Aboriginal Land Council;
- Terry Tibbett;
- Barbara Fahey;
- Terry Carbonny;
- Tori Edwards, NTSCorp on behalf of the Bandjalang Aboriginal Corporation Registered Native Title Body Corporate; and
- Robyn Bancroft.

Public meetings were organised in April 2014 to discuss the aims of the Study and the manner, timing and level of community consultation. All organisations and individuals were informed of the time and place by telephone, email or letter, and were asked to pass these details on to anyone in the local Aboriginal community who might be interested in attending. Meetings were held in Grafton and Maclean at the following times:

- Monday 7 April 2014 at 5:30pm in the Council Office Ante Room (2 Prince Street, Grafton), and
- Tuesday 8 April 2014 at 5:30pm in the Council Office Committee Room (50 River Street, Maclean).

Additional meetings were held in Grafton and Coffs Harbour with parties who were unable to attend the public meetings.

The following Aboriginal community members and representatives attended the meetings in April 2104:

- Brett Tibbett, Grafton-Ngerrie Local Aboriginal Land Council;
- Terry Tibbett;
- Terry Carbonny;
- Stephen Hart;
- Roger Duroux;
- Dale Mercy, Yaegl Local Aboriginal Land Council;
- Ferlin Laurie, Yaegl Local Aboriginal Land Council;
- Elizabeth Smith, Ulgundahi Elders;
- Beris Duroux;
- Joyce Clague;
- Colin Clague;
- Andrea Brown, Clarence Valley Council; and
- Chris Spencer, Coffs Harbour and District Local Aboriginal Land Council.

3.2 Establishing Protocols

Based on feedback from the local Aboriginal stakeholders, protocols were established for the project and refined during the meetings with the Aboriginal community in April. A letter was sent in response to feedback received during the meetings, providing the Aboriginal parties with information regarding the methodology for this study, the type of information that will be included in the report, and the ways in which they and their organisations could contribute. It was agreed that AM Consulting would produce a large, A0-sized map of Clarence Valley LGA, showing towns and villages, homesteads, and major watercourses, as well as places that AM Consulting believe may have Aboriginal cultural heritage significance based on historical research and the community consultation process. The maps were intended be used as a memory aid to assist the local community in remembering places, people and

events associated with the Aboriginal history of the Clarence Valley. A3-sized maps showing close-up views of the main towns were also produced. The aim of the map was to identify places within the Clarence Valley LGA that have Aboriginal cultural heritage significance, or are culturally sensitive. However, it was made clear to AM Consulting that the Aboriginal community would prefer not to have detailed information about site locations available in a public document, outside of those sites already known. It was, therefore, understood that not all heritage sites should be mapped or identified in detail, but that general areas and places that are important to the community could be indicated.

A second round of public meetings was held in August 2014, the aim of which was to discuss the heritage sensitivity mapping and community feedback to date, and to consider management and conservation recommendations. Following requests from Aboriginal parties that they should be held during the day, meetings were arranged Grafton, Maclean and Yamba at the following times:

- Monday 25 August 2014 at 2:00pm in the Council Office Conference Room (42 Victoria Street, Grafton),
- Tuesday 26 August 2014, 10am in the Council Office Committee Room (50 River Street, Maclean); and
- Tuesday 26 August 2014, 2pm in the Treelands Drive Community Centre (Treelands Drive, Yamba).

Additional meetings were held in Grafton, Malabugilmah, Baryulgil, Coffs Harbour, and Corindi Beach, with parties who were unable to attend the public meetings.

The following Aboriginal community members and representatives attended meetings in August 2014:

- Brett Tibbett, Grafton-Ngerrie Local Aboriginal Land Council;
- Elizabeth Smith, Ulgundahi Elders;
- Glenn Smith;
- Steven Smith;
- Patricia Laurie, Birrigan Gargle Local Aboriginal Land Council;
- Monica Laurie;
- Natalie Laurie;
- Ross James, Jana Ngalee Local Aboriginal Land Council;
- Allan Boota;
- Janice Boota;
- Terry Robinson;
- John Magner, Baryulgil Local Aboriginal Land Council;
- EJ Williams, Yarrawarra Aboriginal Corporation;
- Uncle Bing Laurie;
- Chris Spencer, Coffs Harbour and District Local Aboriginal Land Council; and
- Barry Williams.

The findings of the draft thematic history were discussed, and although no areas of sensitivity were marked on the map by the Aboriginal community the attendees mentioned additional places within Clarence Valley LGA that have heritage value to the Aboriginal community. These places have been noted in the thematic history, where appropriate. The possibility of obtaining endorsement for an Aboriginal Heritage Information License Agreement (AHILA) was also raised; however, while the local communities would like Council to be aware of the heritage value of some places and areas, they did not authorise the release of Aboriginal sites data for the LGA at this time.

Management recommendations for inclusion in the Aboriginal Heritage Study were also discussed at the meetings, and additional suggestions were provided afterwards by Aboriginal parties. These recommendations are discussed in Section 6 of this report. Additional information was provided by the following people:

- John Duroux;
- Colin Skinner; and
- Crystal Donovan.

This report was provided to the local Aboriginal community for their review and comment. Feedback was received from the following people, and has been incorporated into the report where relevant:

- Robyne Bancroft;
- Colin & Joyce Clague; and
- Matthew Smith (connected to the Aboriginal community by marriage).

Clarence Valley Council placed a version of the draft report on general public exhibition from 25 February to 27 March 2015, and the deadline for comment from the Aboriginal community was extended until the end of that period. No additional Aboriginal community feedback was received.

4 Thematic History

4.1 Preamble

Commonwealth and State government authorities have developed a series of Historic Themes to provide a framework for identifying and understanding heritage places. These themes focus on the human activities that produced the places we value, and the human response to Australia's natural environment. The major and minor historic themes that are identified as applying to the study area are discussed below.

4.2 Peopling Australia

4.2.1 Living as Australia's Earliest Inhabitants

Aboriginal occupation of NSW is likely to have spanned at least 40,000 years, although dates of more than 40,000 years have been claimed for artefacts found in gravels of the Cranebrook Terrace on the Nepean River (Stockton and Holland 1974; Nanson *et al.* 1987; Stockton 1993). Late Pleistocene occupation sites have been identified at Shaws Creek in the Blue Mountain foothills (14,700 BP, Kohen *et al.* 1984), Mangrove Creek and Loggers Shelter in the Sydney Basin (c.11,000 BP, Attenbrow 1981, 2004), and Burrill Lake on the South Coast (c.20,000 BP, Lampert 1971). Aboriginal occupation of the north coast dates back at least 8,500 years, according to radiocarbon dates obtained from basal occupation deposits during archaeological excavation of the Seelands rock shelter, located approximately 10km north of Grafton. Other Aboriginal sites in the area with evidence of Holocene occupation include the Wombah midden sites (c.4,000 to 3,300 years BP) and the Chambigne B1 occupation site (c.1,700 years BP), which are located in central Clarence Valley near Grafton (McBryde 1974:373-376; Hamm 1994:5).

A number of Aboriginal groups occupied the Clarence Valley region at the time of European contact, including the Bundjalung (Badjalang), Gumbaynggir (Gumbainggir, Gumbainggirr, Kumbainggiri), and Yaegl (Yaygil). According to the anthropologist Norman Tindale, the Bundjalung occupied the area between the headwaters of the Clarence and Richmond Rivers, inland to Tabulum and Baryulgil. The traditional territory of the Gumbaynggir included the land bounded by the Nymboida River to the west and across the range towards Bellingen and Urunga; along the coast to Coffs Harbour and Woolgoolga; and north towards Glenreagh and Grafton. The Jiegera or Jeigir (Yaegl) occupied the lower Clarence River from Grafton to the sea, though their northern boundary was not clearly defined (Tindale 2014 [1974]). Tindale's descriptions of tribal boundaries are based on the distribution of language groups in this area, which are derived largely from linguistic evidence published from 1884 to 1969; however, the boundaries are approximate, and probably varied over time. Further research has indicated that the Gumbaynggir occupied land as far west as Guyra and Armidale (Gay 1998:9); and the Yaegl people traditionally occupied the northeast portion of the study area; from Black Rock to Red Rock west to Woody Head, southwards toward the Wooli River and possibly as far as Corindi Beach, and west to around Ulmarra (Godwin and Creamer 1982:42; Heron 1991:10; Piper 1996:10; McSwan and Switzer 2006:17).

In 1924, the historian and journalist Duncan McFarlane observed that the dialect spoken by Aboriginal people on the Clarence was difficult to acquire, and that *there appeared to be a difference in the language of the tribes not many miles distant* (McFarlane 2005:63). There were up to twenty dialect groups among the Bundjalung, many of which shared similar languages (Tindale 2014 [1974]; Wilkinson 1992, Part 1:5; Moran 2004:48-49; Muurrbay Aboriginal Language and Culture Co-operative [MALCC] 2012). Bundjalung elder Charles Moran, who grew up at Pretty Gully near Tabulam in the 1930s and 1940s, recalled that Bundjalung people learned several dialects when they were children, as *it was vital to be able to converse with the owners of the lands where they travelled*

(Moran 2004:49). The Yaegl people had three associated dialects, which were spoken on the coast around the mouth of the Clarence River, upriver of Maclean, and in the area around Ulmarra (Maclean community meeting 8/4/2014; MALCC 2014).

Territories were clearly defined by physical places in the landscape, and boundary lines were indicated by natural features such as hills, watercourses and rock outcrops. Gumbaynggir people keep a story of the ancestor Yuludara, who turned two women into rocks to mark the northern and southern boundaries of Gumbaynggir territory (McDougall 1900:116-117). The Clarence River marked the boundary between the Gumbaynggir and the Bundjalung (Hall and Lomax 1993:6), and acted as a barrier to movement for groups from the northwest and east (Enright 1940:323). According to information provided at the Maclean community meeting, there was a trade route over the mountains along the Yaegl-Gumbaynggir boundary (Maclean community meeting 8/4/2014). This route may also have facilitated the movement of people from the New England Tablelands to the coast, where they met with Yaegl people at Green Point, Angourie for ceremonial purposes (Randall 1996).

In 1843 Oliver Fry, the Commissioner of Crown Lands for the Clarence River, observed that *[T]he vicinity of the Clarence, including its numerous sources, I have observed to be occupied by seven distinct Tribes, each varying from fifty to one hundred and fifty in number* [implying that between 600-1,050 people were living on the banks of the Clarence River and its tributaries]. He concluded that it was safe to state there were more than 2,000 Aboriginal people in the district (Commonwealth of Australia 1924 [1843]:652). This figure is broadly consistent with anthropologist A. C. McDougall's estimate of between 1,200 and 1,500 people occupying land between the Evans and Bellinger Rivers (McDougall 1900:116). Based on historical records, Belshaw suggested that the humid coastal zone between the Tweed and Macleay Rivers may have supported up to 6,300 people. It was argued that the wide range of sub-environments, including river valleys, coastal ranges, sandy dune formations, and areas of forest and swamplands, as well as the temperate climate and abundant array of food, made the coastal zone a rich resource area for Aboriginal people (Belshaw 1978:69).

Seasonal movement of people occurred between the coastal plains and the New England tablelands, in order to exploit seasonal hunting grounds and to escape the winter cold (Commonwealth of Australia 1924 [1843]:65; McFarlane 1934-1935c; Dawson 1935:25; McBryde 1974:9-10, 337-338; Belshaw 1978; Bowdler and Coleman 1981:12; Ryan 1988:141). William Bates wrote in the 1840s that:

> *The* [Aboriginal people] *had no permanent or fixed camps. When the seasons changed, or food gave out or grew scarce, or if anyone died, the site of the camp was changed. They found it too cold to stay on the high tableland in winter, so they made it down to the Rocky River, or other branches of the Clarence, to the east, or to the Mole district on the west, in the cold weather (Kerr et. al. 1999:22).*

These seasonal movements promoted contact between local tribes and more distant groups and also facilitated exchange, intermarriage, initiations and armed conflicts (Piper 1996:10).

4.3 Utilising Natural Resources

4.3.1 Aboriginal Habitation

The earliest description of Aboriginal habitation structures in the Clarence Valley is attributed to British navigator Captain Matthew Flinders, who landed on the south head of the Clarence River during an exploratory voyage along the coast in 1799 (Godwin and Creamer 1982:55; McSwan and Switzer 2006:17; Ryan 1988:166). Flinders observed three huts in the vicinity of what is now Yamba:

> *They were of a circular form, and about eight feet in diameter. The frame was composed of the stronger tendrils of the vine, crossing each other in all directions, and bound together by strong wiry*

> *grass at the principal intersections. The covering was of bark of a soft texture, resembling the bark of what is called the Tea-tree at Port Jackson, and so compactly laid on as to keep out the wind and rain. The entrance was by a small avenue projecting from the periphery of the circle, not leading directly into the hut, but turning sufficiently to prevent the rain from beating in. The height of the under part of the roof is about four and a half, or five feet, and those that were entered had collected a coat of soot, from the fires which had been made in the middle of the huts. They much resembled an oven (Collins 2003 [1802]).*

His Aboriginal interpreter, Bungaree, described the huts as *much superior* to any he had seen before (Collins 2003 [1802]).

More ephemeral structures were described by Duncan McFarlane, who published an account of Aboriginal dwellings of the Clarence River tribes in 1935:

> *[…] we found them [Aboriginal people] in tribal groups, camped usually in dense or sheltered scrub clumps, their camps merely low lean-to or arched protection of bark support on slender brushwood rods of twigs, just sufficient to accommodate a few occupants from the rigors of the weather. The roofing was generally the light outer bark of the small-leaved ti-tree, quite rain-proof, and texture akin to delicate paper. It also served for the camp flooring and was immune from damp (McFarlane 1934-1935a).*

Shelters can be seen in F. Henningham's photograph of an Aboriginal camp near Grafton, taken in 1895 (Figure 4.1).

Figure 4.1 'Camp of Australian Aboriginals' by F. Henningham, 1935 print taken from an original photograph dated 1895 in the Grafton district New South Wales (Source: Pictures Collection, State Library of Victoria, Image H18599-4, http://handle.slv.vic.gov.au/10381/76393).

4.3.2 Using Indigenous foodstuffs

Aboriginal tribes of the Clarence Valley enjoyed a rich economy providing quality and variety in food (McBryde 1974:254; Byrne 1981:7; Gardiner 2006:4; Hoff 2006:166). The types of traditional foods consumed and the methods for their procurement are described in contemporary ethnographic sources and the later oral testimony of traditional elders (Small 1898; Dawson 1935; Godwin and Creamer 1982; Ryan 1988; Byrne 1985; Heron 1991; Brown *et al.* 2002; Moran 2004; Clarence Valley Elders 1992). These foods ranged from fish, shellfish and eel, pademelon [paddymelon], kangaroo, possum, and iguana, to vegetables such as panandus, bracken fern root and yams, berries, seeds and fruit. This diet was derived from marine foods in the coastal zones; from the plants, wildfowl and small marsupials of the brush; and reptiles, macropods and other small mammals from the open forests (Byrne 1981:5; 1985:18).

Extensive midden deposits such as those found at Brooms Head, Barri Point, Micalo Island, and on the banks of the Clarence River at Wombah, as well as the observations of European settlers in the post-contact period, suggest that the coastal zone was a resource-rich area and a reliable source of food for Aboriginal people before and after European settlement (McDougall 1901:46; Dawson 1935:25; McBryde 1974:254; Godwin and Creamer 1982:9; Piper 1996:11; Maclean community meeting 8/4/2014). In 1898, J.F. Small, a local resident living on the Clarence River, noted that while people were living on the coast, their diet consisted largely of marine foods. These included fish such as perch, cod and mullet, shellfish including oysters, cockles and mud-whelk, and eels caught on the Orara, Clarence and other rivers (Small 1898:46). These observations are supported by information provided by Aboriginal elders from the Lower Clarence. Annie Randall grew up on Ulgundahi Island in the early twentieth century, and remembered helping fishermen with their nets and being given fresh fish to take home in exchange. She recalled eating a lot of fish, particularly mullet, which was fried or curried. Prawns were hauled from the river with a sugar bag and collected in a milk tin, and were eaten fresh or curried (Clarence Valley Elders 1992).

At Yamba, local Aboriginal people would wait for the blossoming of the *nu-um-nu-um* shrub, which would signal the coming of the fish shoals into the Clarence Headwaters from the sea (Dawson 1935:25; Ryan 1988:141). In her memoir, Ruby Langford Ginibi, a Bundjalung woman, writes about camping near the beach at Christmas time in the 1940s, with members of the Aboriginal community from Casino. She describes how *[T]he boys got up early before the tide went out and came back with fish they'd caught stranded between the rocks*. The fish included bream and snapper, and *made for good eating* (Ginibi 1998:38). Vivian King recalled that *[T]here were many mud oysters to catch* at Whiting Beach, and Allan Laurie remembered catching mullet at the waterhole that were then fried in their own fat (Clarence Valley Elders 1992).

Fish in the Clarence, Orara and Nymboida Rivers were either speared with unbarbed spears or stunned and netted (Figure 4.2). According to Isabel McBryde, unbarbed spears were characteristic of the Richmond and Clarence areas (McBryde 1978:178). Yaegl men fishing off Micalo Island would ensnare schools of fish using nets made of stinging bark tree attached to a bough about six feet long. Holding a net in each hand, they would encircle schools of sea mullet and catch dray loads at a time (Whitter 2000:10). Gumbaynggir fishermen would dive under water and rub bunches of the poisonous Bumbil Bumbil weed together to stun fish and make them float to the top of the water, where they could be speared and caught with ease (McDougall 1901:46). Natural rock formations at Angourie, Yamba (Hamm 1994:6; Randall 1996) and Woody Head, Iluka (NPWS 1997:25), were used as fish traps when the tide went out.

Figure 4.2 'Australian Aborigines spearing [i.e. fishing in river at Grafton]' by George Washington Wilson and Co, taken in 1895 in the Grafton District, New South Wales (Source: Pictures Collection, State Library of Victoria, Image a13359, http://www.slv.vic.gov.au/pictoria/gid/slv-pic-aab64124).

In 1843, Commissioner Fry noted that the food of the tribes on the Clarence River consisted principally of fish and honey (Commonwealth of Australia 1924 [1843]:653). Wild bush honey was obtained from the hives of native bees, and was either mixed with water to make a sweet drink or eaten with dippers made of ruffled bark. A darker variety of honey was used to treat sore throats, colds and constipation. A mixture of pollen and nectar known as bee bread was collected with the honey, and functioned as a laxative when eaten dry (Commonwealth of Australia 1924 [1843]:653; Moran 2004:40-41). In order to find honey, Aboriginal people would catch a native bee, attach a small piece of down to its wing, and track it as it flew back to the hive. Alternatively, they would watch the direction it flew after leaving a waterhole (Moran 2004:41).

McFarlane described the Clarence River groups as opportunistic hunters:

> *He took what first offered as he emerged from camp in the forenoon. Whether furred or feathered, it was indiscriminately acceptable to his taste. Every beast, bird or reptile had a flavour that brought it within the category of bodily nourishment… The standard of the tribal warrior was what would satiate the craving of appetite easiest and quickest. The question of choice did not enter into calculation. The decree of the bush patroller was to partake of the prey that luck threw in his way (McFarlane 1934-1935c).*

Although game such as kangaroo, wallaby and emu lived in the brush and forests of the Clarence Region; they may not have formed an important part of the traditional diet and appear to have been seldom caught (Hodgkinson 1845:97; Commonwealth of Australia 1924 [1843]:653; McFarlane 1934-1935c). The ability to outrun hunters made these animals difficult targets, and demanded

excessive energy output for successful capture. McFarlane described *troops of these magnificent Australian birds careening triumphantly across the country at racehorse speed in utter defiance of strategy or weapon* (McFarlane 1934-1935c). When caught, however, kangaroos and wallabies were cooked whole over hot ashes and coals (Heron 1991:26).

Smaller game included echidna, goanna, and possum. Special care needed to be taken when handling and preparing echidna as it had poisonous glands which could taint the meat, and so needed to be removed (Hoff 2006:166; Ryan 1988:133). When it was prepared correctly, the echidna was known for its sweet and tender meat (Moran 2004:38). It was rolled in clay before being baked in ashes, so that *the quills came off with the clay when it was broken away after cooking* (Bundock 1898:263).

It was believed that goanna was best eaten after winter, when it had emerged from hibernation and was still fat. The meat of the goanna was roasted over coals; and goanna oil was rendered by cooking the fat with the meat, or by placing the fat on a rock or piece of corrugated iron that had been heated by the sun. The oil was rubbed on the skin as a cosmetic, and was also used as a treatment for arthritis or sore joints (Moran 2004:38). Goannas were captured by hunters when running along the forest floor or were clubbed as they climbed a tree (Ryan 1988:138).

To capture a possum, hunters examined the bark of the trees for marks left by possum claws. If the marks were considered to be fresh, a hunter would climb the tree by cutting notches for toe-holds with a stone axe or hatchet or, later, a steel tomahawk. They were often supported by a vine looped around the trunk and tied around the waist (Figure 4.3). This left the hands of the hunter free to drive a long stick into the hollow of the tree and drive the possum downwards, trapping it at the base of the trunk. A hole was carved out of the tree just above the possum and it was scooped out (Gardner 1978 [1842-54]:249-250; Moran 2004:44; Ryan 1988:128).

According to McFarlane, carpet snake was captured and roasted on embers, producing a clean, bloodless flesh that resembled rashers of fish (McFarlane 1934-1935b). Freshwater tortoises were also consumed (Heron 1991:26). The cobra worm, a type of wood-borer, was found in logs partly submerged in tidal waters. When the logs were half-eaten and soft, a narrow piece of wood was chopped out, leaving the cobra worm exposed. They were collected and consumed on the spot, without any preparation (Hodgkinson 1845:225; Hoff 2006:165).

Figure 4.3 'Australian Aborigine climbing tree' by George Washington Wilson and Co., taken in 1895 in the Grafton district, New South Wales (Source: Pictures Collection, State Library of Victoria, Image a13369, http://www.slv.vic.gov.au/pictoria/gid/slv-pic-aab64262).

Studies of traditional Aboriginal diets in the Clarence Valley have revealed that plant foods, seeds and fruits played an important role in subsistence. Plants such as native yams (*Dioscorea bulbifera, D. transversa*), the shoots of the scrambling lily (*Geitonoplesium cymosum*, similar to asparagus), tree ferns (*Cyathea australis*), native parsnip (*Trachymene incise*), cherry ballart (*Exocarpos cupressiformis*), geebung (*Persoonia* spp.), wild raspberries (*Rubus rosifolius*), bush lemons and oranges (*Citrus taitensis*, *C. sinensis*), guava (*Eupomatia laurina*), native cherry/oparra (*Exocarpos cupressiformis*), peach heath (*Lissanthe strigosa*), manna from the manna gum (*Eucalyptus viminalis)* and peppermint trees, figs (*Ficus playpoda*) and possibly cycad (*Macrozamia plurinervia*) grew abundantly in well-watered parts of the scrub and in open forests and would have been frequently consumed (Heron 1991:28-30; Kerr *et al.* 1999:17; Brown *et al*. 2002:6; Packer *et al.* 2012:247-250). The seeds of the Saw Sedge (*Gathnia* sp.) were ground into flour and mixed with water to make a bread or damper that was roasted over coals (Brown *et al.* 2002:8).

Certain plant foods such as the blackbean and cunjevoi plants along with some varieties of wild yam (*Dioscorea* sp.) were unpalatable or toxic in their natural state and required complex processing before consumption. To combat toxicity, these foods were roasted in ashes, open fires or earth ovens; pounded and baked into cakes; or grated, peeled or sliced using bone, stone and shell implements and leached for lengthy periods of time in water (Beck 1985:107, 211; Bundock 1898:3; Hoff 2006:166; Ryan 1988:144).

Aboriginal women and girls also collected and used plants for medicinal purposes. The leaves or the inner bark of the Red Ash (*Alphitonia excelsa*) could be soaked in water to produce a soapy liquid that could be used as an antiseptic and for green ant bites. Young leaves and shoots of the native or Sweet Sarsaparilla (*Smilax glyciphylla*) were eaten raw or boiled like tea and consumed to cleanse the blood

and to cure lung ailments and scurvy, and aromatic oils were released when the leaves of the Headache Vine or Old Man's Beard (*Clematis glycinoides*) were rubbed together, producing a pungent scent that cleared sinuses and relieved headache when it was inhaled (Brown *et al.* 2002:6-7; Packer *et al.* 2012:247-250). According to Yaegl Elders, the leaves and stems of the cunjevoi (*Alocasia brisbanensis*) were used to treat burns and boils, cuts, sores, open wounds and ulcers. The leaves and stems of the Beach morning glory (*Ipomoea brasiliensi*) treated headaches and arthritis, while the skin of the potato (*Solanum tuberosum*) treated boils. The leaves of the narrow leaf sarsaparilla (*Smilax glyciphylla*) relieved pain, arthritis and coughs and, when mixed with water, created a revitalising tonic that purified the blood and managed diabetes (Packer *et al.* 2012:247-250).

4.3.3 Aboriginal art, clothing and ornamentation

Isabel McBryde's early archaeological research in the Clarence Valley (1974) identified and recorded a large number of occupation sites with rock art in sandstone shelters, particularly in the Upland hill country on outcrops flanking the Clarence River to the southwest of Grafton. McBryde proposed that drawn and painted rock art in the Clarence Valley formed a distinctive style of rock art characterised by images of the human figure, goannas, boomerangs and stencilled hands. These figures were depicted in outline form and filled in with red ochre, white pigment, charcoal or incised lines (McBryde 1974:84-89). Wet ochre was probably blown from the mouth or off a piece of bark, or flicked with a brush onto the rock surface and left to dry. According to archaeologist Dennis Byrne, who compiled an archaeological survey of the Ulmarra region in the 1980s, rock art figures were generally isolated from each other, and appear not to have been retouched or renewed after the contact period (Byrne 1981:5; 1985:26).

The distribution of these distinctive art types extends from the Orara River in the south, west to Nymboida and north into the Richmond Valley near Lismore (Northern Rivers LGA). At Blaxlands Flat, a well preserved group of white pigment hand stencils and traces of red ochre figures were observed on the rear wall of one rockshelter; in another a goanna and outline fish were depicted in red pigment (Blaxlands Flat sites 1A and 1B). At Chambigne, a large rockshelter with occupation deposit contained a variety of drawings in charcoal and red ochre. The drawings included human figures in red ochre, superimposed charcoal outlines of human feet and hands, one fish and a hand stencilled in white pigment. A similar stencilled hand was recorded on the rear wall of a rockshelter at Jacky's Creek, along with outline drawings in charcoal. At the Bull Paddock Site on the western bank of the Orara River, three goannas or men with lightly incised bodies were outlined in charcoal (McBryde 1974:76).

Rock art sites with linear engravings cluster around the Clarence River between Grafton and Copmanhurst, and comprise simple linear grooves, inverted U shaped figures and crown-like signs that were incised or abraded (McBryde 1974:91-96). At Seelands, a rockshelter approximately 200 yards (180m) from the bank of the Clarence River contained a series of short abraded grooves arranged in groups. A similar rockshelter with rows of abraded grooves was observed at Whiteman Creek, five miles (8km) west of the Seelands site. A rockshelter at Nobby's Creek in Copmanhurst contained incised crown-like figures, inverted U within U figures and lines of abraded grooves (Nobby's Creek 1). Bundjalung elder Dick Donnelly recalled being taken as a boy to see the Nobby's Creek Site:

> *His father could offer him no explanation of the engraved figures, and though the site was regarded with a certain awe by the local [Aboriginal people] it seems that the engravings were not executed within living memory (McBryde 1974:98).*

Engravings were observed at rockshelters that appear to have not been occupied as well as at sites with deposits of cultural material indicating past Aboriginal occupation.

Clothing was rarely worn, although possum skin cloaks were used for protection during cold and wet weather. The cloaks were made by women, who cured the possum skins by securing them to small sheets of board with wooden pins, and then set them out to dry. When a sufficient number had been collected, they were sewn together with a bone or wooden needle using plant fibres or sinew from animals such as kangaroos. String belts or fringes woven out of possum hair were also worn by both men and women (Bundock 1898:262; Dawson 1935:22; McBryde 1978:192; 'A Lady' [McPherson] 1978 [1860]:251, 253; Ryan 1988:146). On the Richmond River in particular, Bundjalung men wore tufts of possum hair front and back while women wore a continuous skirt about the hips. At Wyangarie (Kyogle LGA), warriors wore a belt of cane with a long fringe of possum hair spun into cords and worn bunched at the front and back (Hoff 2006:180). According to Mary Bundock, who spent time with the Bunjalung people of the Richmond River from the 1850s, young boys and girls were entirely naked (Bundock 1898).

In the early 1870s, the photographer John William Lindt took a series of portraits at his studio in Grafton featuring local Aboriginal people. Although the portraits were staged, the props may be representative of traditional clothing, adornments and tools. In two portraits, featured below, a seated man holds a spear and wears a possum skin cloak with a dingo tail headdress and feathers in his hair. Propped nearby are a war club, two boomerangs and a wooden shield (see Figure 4.4). Another portrait shows a woman, known as Mary Ann of Ulmarra, with short cropped hair who also wears a dingo tail headdress, as well as a necklace of snake vertebrae (Grafton Regional Gallery 2012:58). Both Mary Ann of Ulmarra and the unidentified man bear scars on their chests from adult initiation ceremonies (see Section 4.4.1, below).

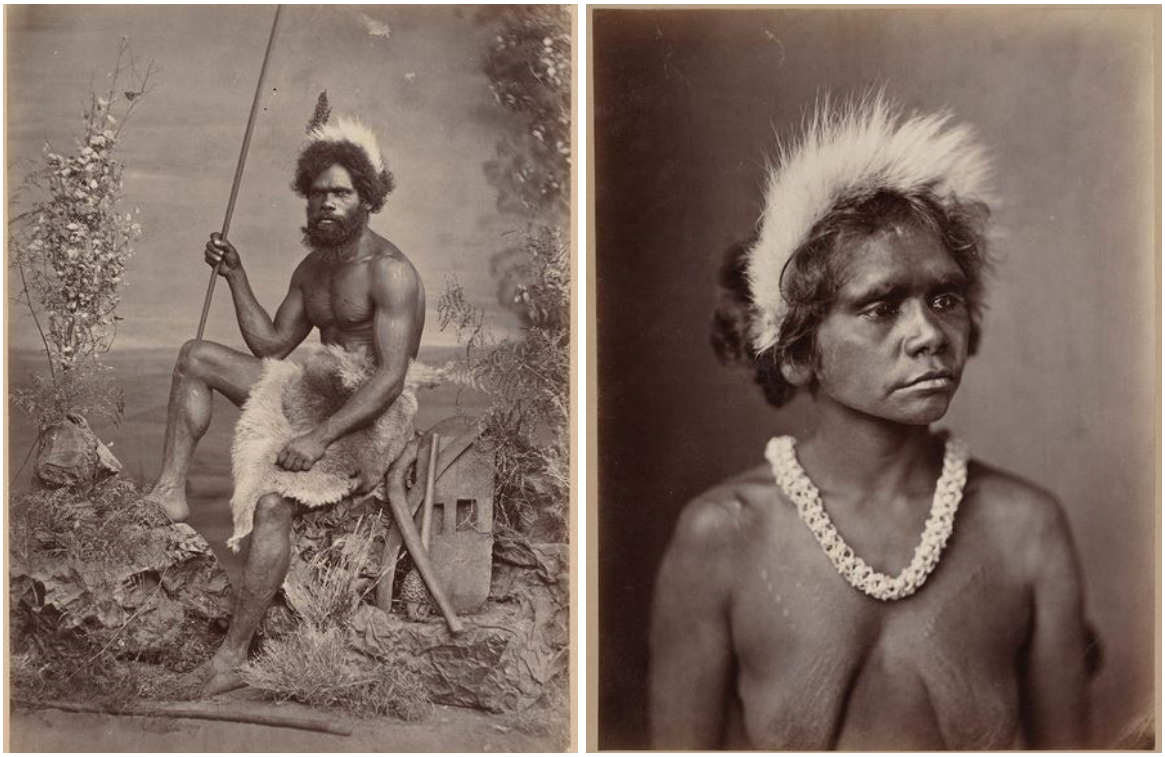


Figure 4.4 Two images in a series of photographs of Clarence River Aboriginals by photographer J W Lindt, c1873 (Source: State Library of NSW, PXA 432, Digital Order Nos. a848011 and a848002).

Aboriginal warriors were noted as wearing their hair long and tied on top of the head, which provided some protection when fighting. At other times, men adorned their hair with feathers, kangaroo teeth, and bird claws, or fastened dingo tails around their foreheads (Hoff 2006:180; McBryde 1974:12-13; 'A Lady' [McPherson] 1978 [1860]:254; Ryan 1988:147). Men also wore necklaces of dog teeth,

coloured beans, snake vertebrae, reed, and cane as well as prized shell necklaces. According to Robert Leycester Dawson, who wrote of Bundjalung men in the 1920s and 1930s:

> *Besides the necklaces of cane, they often wore a piece of nautilus shell as large as the palm of a hand, ground into an oval shape and hung on the breast by a string. These were highly valued and obtained by exchange from the blacks of the sea coast, about 50 miles away (Dawson 1935:22)*

It has been noted that during battles, corroborees or other major gatherings, Aboriginal people decorated themselves with body paint (*Clarence and Richmond Examiner* 1884:5; *Sunday Mail* 1932:4; Figure 4.5). Paint colours were derived from natural pigments and comprised white clay, red and yellow ochre and powdered charcoal and ash and, according to Bundjalung elder Aunty June Gordon (Northern Rivers LGA), body decoration varied in design according to kinship and gender (Hoff 2006:181). Ochre was obtained from places such as Red Rock near Woolgoolga (NPWS 2010:5), just south of the Clarence Valley LGA; Tabulam, near Turtle Point Aboriginal Reserve to the northwest of Clarence Valley in Kyogle LGA (Maclean Community Consultation Meeting 8/04/2014); and the eastern bank of the Orara River at Ramornie (Byrne 1985:41). On the Clarence River, a favourite facial motif was a horizontal red ochre stripe across the bridge of the nose and on the cheeks under the eyes (AMBS 2013:18; Hoff 2006:154, 181).

Figure 4.5 Girard family photograph 'Group portrait showing body decoration and application' from series of Photographs of Bandjalang [Bundjalung] people, Richmond River, NSW ca. 1865 (Source: State Library of NSW, PXB 133, Digital Order No. a876002).

At places such as Nymboida, the Grafton Aboriginal Home and Ulgundahi Island, European clothing and blankets were distributed bi-annually from Government stores from the early 1880s onwards (although this did not necessarily always occur regularly; pers. comm. R. Bancroft 16/12/2014); although evidence from historical photographs suggest that elements of European dress were adopted by some Aboriginal people living on the Clarence River prior to this (Figure 4.6; Aborigines Protection Board 1883-1884:Appendix B, 1889:Appendix B; Switzer 1988; Werry 1990:17; McFarlane 2005:63). On Ulgundahi Island, boys were given black trousers and blue shirts while girls were given purple dresses (Elders of the Yaegl Tribe 1996:24).

Figure 4.6 'Group of Blacks, Clarence River' by J W Lindt, Prince Street, Grafton, 1870-1875 (Source: Mitchell Library, State Library of New South Wales, PXA 951, Digital Order No. a627008).

4.4 Marking the Phases of Life

4.4.1 Being an adult

The passage from childhood to adulthood was marked by traditional initiation ceremonies, bringing about greater spiritual awareness, knowledge and responsibility for both men and women. The Aboriginal community met periodically for initiation ceremonies, though there appears not to have been a steadfast rule for how often these ceremonies occurred. In the mid-nineteenth century, Gardner claimed that these meetings were convened quarterly (Gardner 1978 [1842-54]:243); however, anthropologist R.H. Mathews stated that they took place *at irregular intervals as emergencies arise; they are generally held in the summer on account of the greater chance of having fine weather; but they may be held at any time of the year* (Mathews 1894:99). Initiates were put through a series of ordeals or trials, shown tribal boundaries and received instruction from elders regarding medicine and the healing arts, spiritual beliefs and traditional customs (Gardner 1978 [1842-54]:243; Byrne 1985:29; Coutts Crossing and Nymboida Districts Historical Society 1985:6; Hoff 2006:173, 192; MacPherson 1902:637, 646). Women and uninitiated men were strictly forbidden from attending these ceremonies (McBryde 1974:60; Moran 2004:55).

After passing through their apprenticeship from boyhood to manhood, *junaguns* [young boys] had their chests marked with cuts and filled with ash to created raised scars, before returning to the camp as men to participate in a smoking ceremony (Hoff 2006:173, 192). Raised scars were worn with pride as marks of initiation. Some traditional customs changed following contact with Europeans; however, initiation ceremonies were still conducted in the Clarence, Macleay and Tenterfield regions into the early twentieth century (Mathews 1894:99; Moran 2004). Harold Marsh, a Yaegl man, was initiated at a Bora ground at Nymboida as late as 1929 (Byrne 1985:29).

Women also underwent scarification of the chest and shoulders as a rite of passage from childhood (Figure 4.4). When a young woman was to be married, two joints of the little finger on her left hand

were removed by older women as a sign of her betrothal, indicating her status and identity to other members of the tribe (Figure 4.7). Journalist Archibald Meston and Australian Museum curator Robert Etheridge, using descriptions provided by Copmanhurst local William Campbell, both described the process of disarticulation. The finger was tightly bound with cobwebs and the girl kept isolated for a month until the limb putrefied and fell off. The practice was reportedly widespread amongst Copmanhurst tribes in the late nineteenth century (Etheridge 1904:273-274; Meston 1895:91).

Figure 4.7 Portraits of women and children by J W Lindt, Prince Street, Grafton, 1870-1873. All three women bear scars on their chests and shoulders and have disarticulated little fingers as markers of their status within the local community (Source: Grafton Regional Library, John William Lindt Collection, Plate 8 and 19).

In northern NSW, historical and ethnographic accounts most often describe male initiation ceremonies (also called *Boras*, *Borrahs* or *Boroes*) as taking place at ceremonial rings known as bora grounds (Gardner 1978 [1842-1854]:243; Mathews 1894; Byrne 1983:54). Bora grounds usually consist of a circular clearing defined by a raised earth circle. Some are connected by a pathway to a second, smaller circle, and are often accompanied by ground drawings or mouldings of people, animals or deities. The outermost layers of bark, rather than the inner wood of trees, were typically carved on nearby trees. Designs included lines and geometric patterns such as zig zags, concentric diamonds, spirals and circles. Two bloodwood trees with diamond carvings were recorded just south of Coutts Crossing and were originally associated with a bora ring, but the ring was destroyed in the 1920s and by the 1980s the carvings were unrecognisable (Byrne 1985:27).

Unfortunately, the raised earth features are easily destroyed by agricultural and pastoral activities, vegetation growth and natural weathering (McBryde 1974:29-31, 53; Connah *et al.* 1977:133-4; Byrne 1983:54). The bora grounds were renewed for each ceremony, and appear to have been formed by scraping back earth from the centre of the circle towards its perimeter (Byrne 1985:30). While there appears to have been a large number of bora grounds in the New England region near Lismore and Armidale (McBryde 1974:30, 44), relatively few bora grounds have been recorded in the Clarence Valley and they appear to occur mainly on flat areas in or near river valleys (Hall and Lomax

1993:23). According to Byrne, bora grounds are unlikely to occur in the coastal ranges due to insufficient flat terrain to site the grounds (Byrne 1985:30). In the vicinity of Clarence Valley LGA, ceremonial sites, comprising both bora grounds and stone arrangements, have been reported at places such as Skinners Swamp near Blaxlands Flat; in Yuraygir National Park, 3km southwest of Angourie; the Bull Paddock; at Braunstone on the Orara River; Nymboida; on 'Mylneford', a property on the northern bank of the Clarence river to the east of Copmanhurst; Banyabba Nature Reserve; Mount Kremnos; Carnham, Mount Carnham; and the Get Lost site complex in Sherwood Nature Reserve (McBryde 1974:55; Godwin and Creamer 1982:54; Byrne 1981:13; Byrne 1985:29; Hall and Lomax 1993:15, 20; NPWS 2006:7; RNE Listings #18935, 18241, 3463).

It is possible that bora grounds may have also been used at times for corroborees, gatherings where dancing, singing and storytelling took place, celebrations or judicial meetings, although this may have only occurred in the post-contact period (Gardner 1978 [1842-54]:243; McBryde 1974:30-31, 53-54; Connah *et al.* 1977:134; Moran 2004:54-55). A number of different matters were discussed at the gatherings, including *when to relocate the camp, preparations for visitors, or about trade and other special excursions* (Moran 2004:55).

4.4.2 Dying

Dealing with human remains

Though a number of Aboriginal burials have been recorded in the Northern districts (see 'A Lady' [McPherson] 1978 [1860]:255-256; Gardner 1978[1842-1854]:243), there are only a few early descriptions of burials in the Clarence Valley region. John F. Small provides an account of a 'contracted inhumation' burial he witnessed on the Clarence River in the 1890s:

> *When a man dies he is immediately tied, hands and feet, slung on a pole and carried away to the chosen burial place. On the way the Yooloorie [Doctor] walks beside the corpse and instructs it how to act in the world of spirits… On arrival at the grave, the corpse is placed there in a sitting position, covered with pieces of saplings and bushes over which the earth is piled and made perfectly smooth, the mould being reduced to the condition of flour. Then the grave is encircled by a string to prevent the soul returning to camp. For three mornings the grave is visited and carefully examined. The smallest crevice is filled so as to imprison the spirit while sojourning on earth… After the period of mourning, the camp is removed, and all the weapons and trinkets of the dead man are consumed by fire (Small 1898:46).*

This account is consistent with C. W. H. Dicker's depiction of a funeral on the Clarence River in the 1840s, showing the deceased trussed up and carried to the burial place (Figure 4.8).

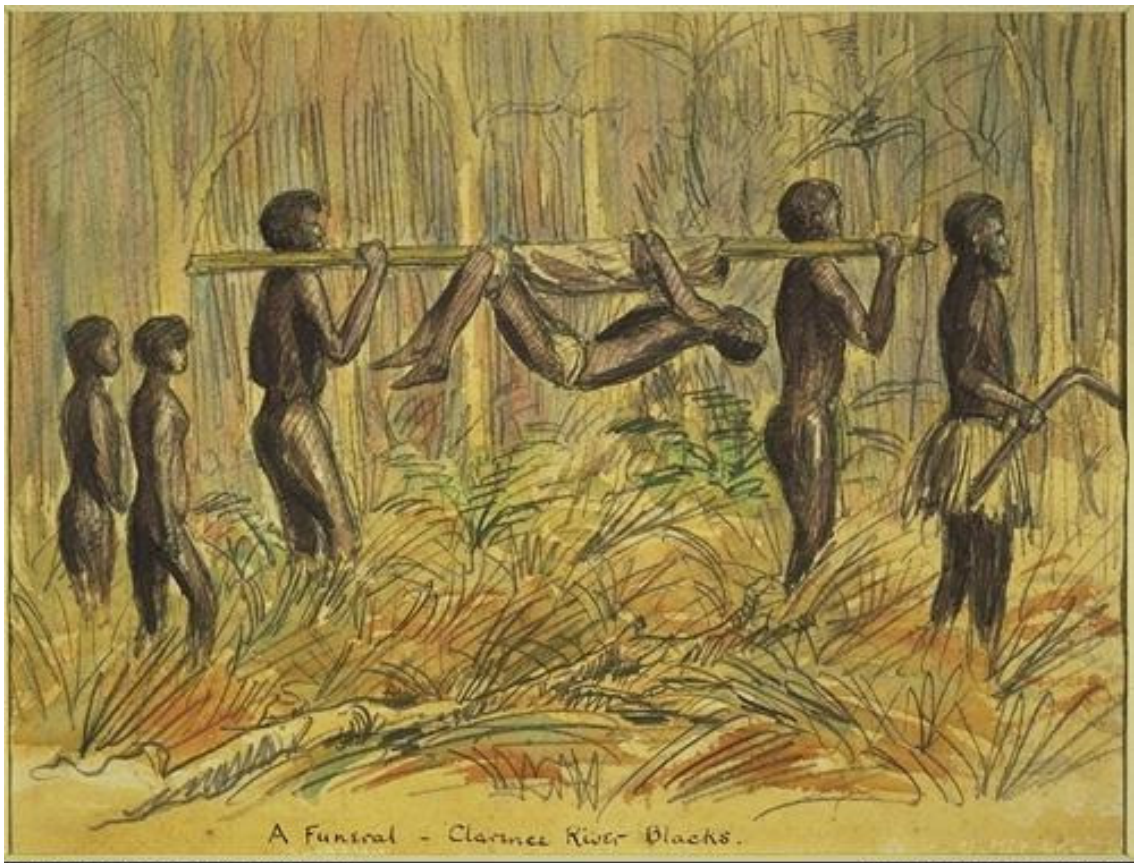


Figure 4.8 'A funeral, Clarence River blacks', by C. W. H. Dicker, watercolour and pencil (Source: National Library of Australia, http://nla.gov.au/nla.pic-an5202472).

A variety of burial methods were employed in the Clarence district, although these were generally confined to contexts with soft sediments such as middens, dunes and estuary banks, such as the midden burials on Micalo Island and the Sandon River (Byrne 1986:18; Piper 1996:8; Maclean community meeting 26/9/2014). During archaeological test excavations undertaken at Everlasting Swamp in the 1980s, Hillary Sullivan located a row of depressions, one of which contained a burial in a sitting position (Byrne 1986:38). An Aboriginal burial was reportedly also uncovered during sand mining operations approximately 7km north of Illaroo in Yuraygir National Park (Collins 2005:15).

Several burials have been reported in caves; however, this appears to have been a strictly pre-contact practice (Byrne 1985:28). For example, a rockshelter in Blaxlands Flat contained nine Aboriginal burials with evidence for contracted inhumation as well as cremation; with dates ranging from 720 to 860AD (McBryde 1974:141, 144; Thorne 1974:346). The bodies were wrapped in bark sheets and were deliberately protected from disturbance by sandstone flagging that capped the entrance to the shelter (McBryde 1974:137). In 1930 a cave burial was also reported at Tabulam to the north of Clarence Valley LGA, where three bodies had been *placed on the floor of the cave with the knees drawn up to the chin in the custom of Aboriginal burials and lying on their sides* (H E Snowden pers. comm., in McBryde 1974:146-147). Alternatively, bodies may have been smoked; or wrapped in bark before being placed in the ground, along with weapons such as boomerangs or nulla nullas and other belongings (McBryde 1974:148; Byrne 1983:44; 1985:28; Ryan 1988:91, 93; Hoff 2006:228). According to Mrs Mary Bundock, the Clarence Valley tribes bound or severed the limbs of enemies to prevent their spirits from doing any harm (Bundock 1898).

Aboriginal burial methods changed over time, possibly in response to European contact. European-style graves became more common in the post-contact period on reserves and pastoral stations (Department of Environment and Climate Change 2007:11), such as those at Ashby Aboriginal

Reserve and on Ulgundahi Island (McSwan and Switzer 2006:20). Five depressions on the north bank of the Clarence River opposite Brushgrove have been identified by Grafton-Ngerrie LALC members as post contact contracted inhumation burials, which suggests that some traditional burial customs continued to be observed (Byrne 1986:38). George Cadwell, an Aboriginal man from Grafton, remembered two of these burials from when he was a young boy. Members of the Bundjalung tribe bound the bodies with rope, wrapped them in Government blankets, and placed them in a sitting or crouching position in the prepared holes (G Cadwell pers. comm., in Byrne 1985:28).

4.5 Fighting for Land

4.5.1 Aboriginal Weapons and Tools

Contact between Aboriginal groups was not always peaceful, and raids and ceremonial fights occurred between neighbouring groups in the Clarence, Richmond and Macleay River districts. A letter in the *Clarence and Richmond Examiner and New England Advertiser* recalled a tribal fight held in 1849 with people from the Richmond and Lower Clarence districts (including Casino, Lawrence, and the coast) on one side; and the Clarence district (including Gordonbrook and Grafton) on the other (*Clarence and Richmond Examiner and New England Advertiser* 1884:5). In 1884, the *Freeman's Journal* described a battle on the Grafton Common, with *participants from the remnants of the aboriginal tribes from Nymboida as far as Lawrence* (*Freeman's Journal* 1884:16). Calley, an anthropologist who worked with the Bundjalung in the 1950s, reported that they considered the Gumbaingheri [Gumbaynggir] and the Dhangati of the Upper Macleay River valley to be their traditional enemies, and that some Bundjalung people would not travel south of the Clarence River (Calley 1964:49, 58).

Traditional weapons included spears, fighting boomerangs, war clubs (known as *nulla nulla*), spear throwers (*wummerah* or *woomerah*), shields (*hielaman*), and battle axes (or *palolour*) (Figure 4.9-Figure 4.11). It is likely that single point fire-hardened spears were used in the Clarence Valley (Dawson 1935:22; Piper 1996:11). Spears could be thrown by hand, or with a woomerah (McBryde 1974:13). Shields were constructed of lightweight timber from the cork tree and were approximately 20 inches long and 6-7 inches wide, with a handle cut in the back (Hoff 2006:190).

Hatchets or axes (also called tomahawks by European observers) were one of the tools used for hunting. They had a stone head that was fastened to a wooden haft with strips taken from the inside of the stringy bark tree. Tools were imported and traded from elsewhere or fashioned from local stone. According to McBryde, there are no known stone quarries on the north coast. Raw stone material used to manufacture edge-ground artefacts such as hatchets appears to have been obtained from the gravel beds of the Clarence valley (McBryde & Binns 1972:82; McBryde 1979:114, 116; Davidson 1982:44-5, 131-132; Byrne 1985:23). Settler George Gray described the process of creating ground edge axes on the Clarence River, whereby greywacke pebbles *were ground to shape in grinding grooves on boulders, situated in the bed of the river itself, with the aid of running water and sand* (Gray 1915:186-187). Grinding grooves have been identified at Moleville Creek near Grafton (Clarence Valley LEP 2011) and Whiteman Creek in Copmanhurst (McBryde 1974:93). Archaeological surveys at the Wombah, Station Creek and Schnapper Point sites and other areas within Clarence Valley LGA found that stone tool assemblages are dominated by locally available quartz, quartzite, chalcedony, chert or greywacke, with limited amounts of non-local stone material (Byrne 1985:25; McBryde 1982:76).

Unbarbed spears and woven nets were employed to catch freshwater fish, shellfish and eels in inland waterways (see Section 4.3.2). Because there were few rock platforms to fish from at the head of the Clarence River, the combined use of nets and spears would have been the most efficient technology for catching schools of fish (McBryde 1977:228; Byrne 1985:23; Piper 1996:11). Other tools were described by settler Edward Ogilvie, who observed Bundjalung people near Yulgilbar Station in 1843:

Hanging near each fire was a large bag, about the size of a two-bushel sack, very ingeniously fabricated of grass or rushes woven together, which appeared to contain all their property. Some spears were piled against the trees, and clubs, boomerangs, and shields were scattered about…they had large bunches of the skins of flying-squirrels tails tied together, which they used as a covering in the night (E. O [Ogilvie] 1843:143).

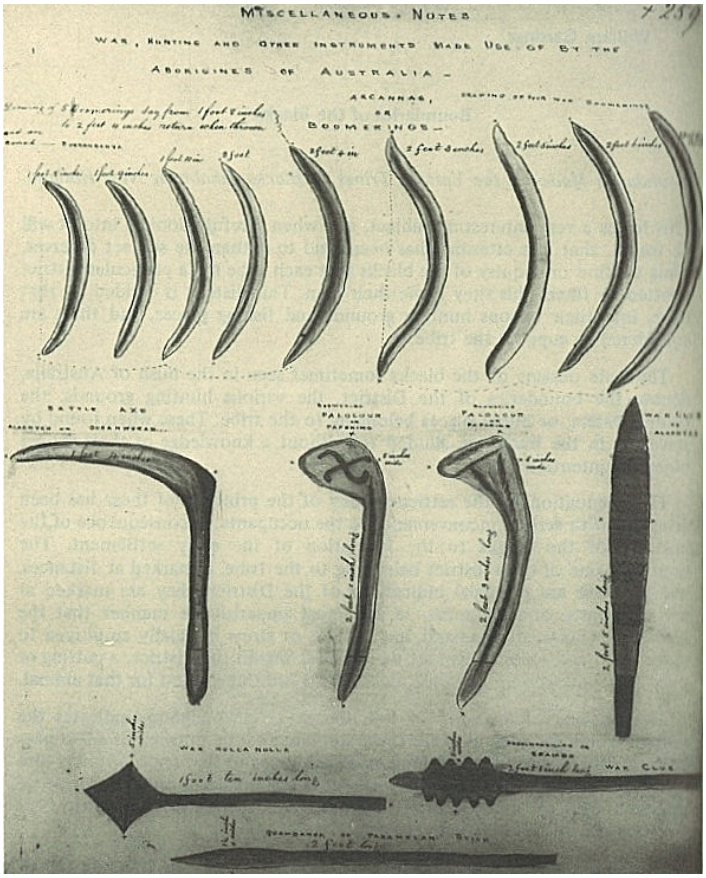


Figure 4.9 Illustrations of boomerangs, battle axes and clubs by Gardner (1978 [1842-54]:240)

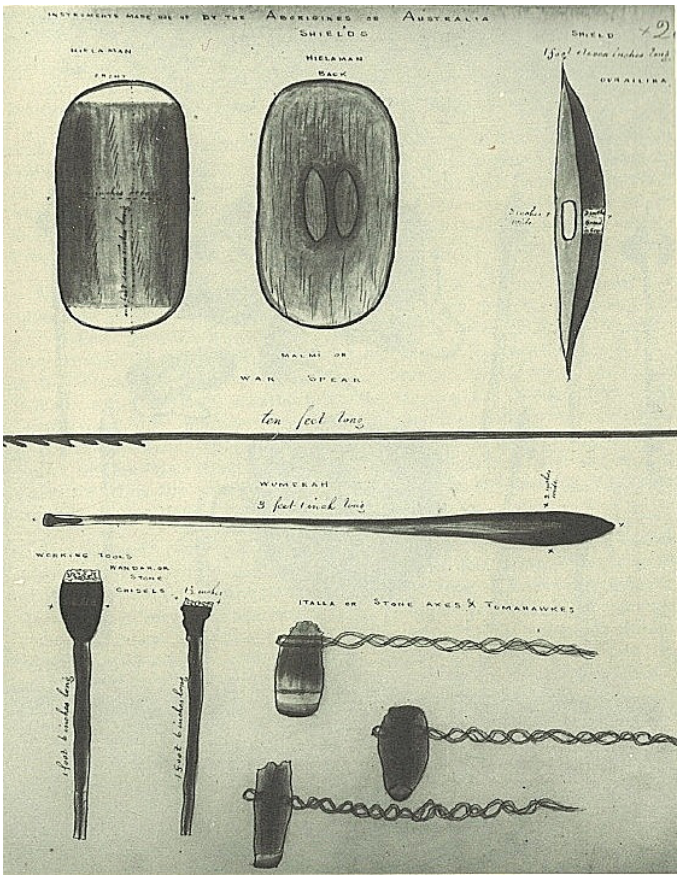


Figure 4.10 Illustration of shields, axes, chisels, war spear and woomerah (Gardner 1978 [1842-54]:241)

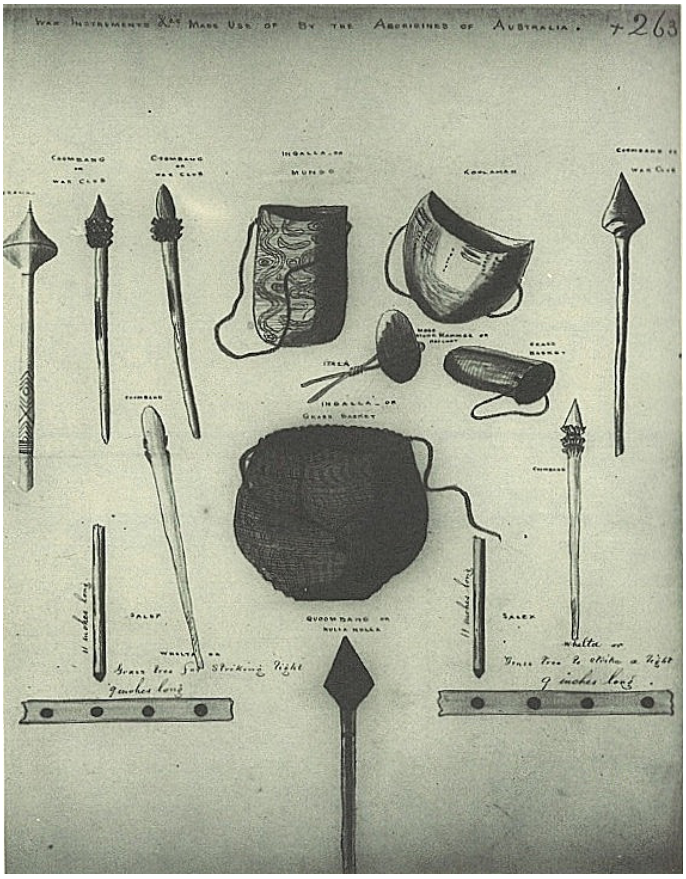


Figure 4.11 Illustration of clubs, baskets, coolamons, axe and firesticks (Gardner 1978 [1842-54]:242)

4.5.2 Resisting the advent of Europeans and their animals

The first European settlers in the Richmond and Clarence River districts were cedar cutters rather than pastoralists. By the beginning of the nineteenth century the forests along the Hunter River were being exhausted of their cedar resources, and timber was fast becoming a valuable commodity in Sydney. In 1837, Francis Girard and Joseph Grose, merchants from Sydney, sent a team of timber cutters to the 'Big River' [the Clarence] where they found substantial cedar trees. Word quickly spread that a great deal of money could be made in the forests to the north and others soon followed suit (Ryan 1988:166; Hamm 1994:6; Hoff 2006:17). The low lying, forested wetlands of the Clarence River were the most easily accessible and thus the first to be cleared of their stands of cedar (Stubbs 2004:51). It was prized as a material that naturally resisted rot and repelled white ants and other insects, making it preferred for building construction (Stubbs 2004:51; Heron *et al* n.d.:5).

During this time, there were conflicting reports regarding the nature of relations between local Aboriginal people and timber getters. It appeared that in Bundjalung country, at least initially, amicable relationships were formed between these groups (Ryan 1988:187). Teams of cedar cutters relied on Aboriginal men to show them tracks through the forest, to pick out individual cedar trees in the tangled growth, and later, to assist with the felling and transportation of logs. Joshua Bray, a timber cutter and squatter working nearby in the lower Tweed Valley [Tweed LGA], employed *16 or 17 blacks at work every day [to] split timber, mortice posts, pull the boat, trench the ground,* and for a number of other tasks (Bray 1863). Instances of mistreatment and conflict arising from the intrusion of cedar cutters on traditional Aboriginal land were reported following this initial period of contact (Hamm 1994:6). For example, on Susan Island on the Clarence River, a team of cedar cutters were described as *an unruly lot whose fondness for rum and violence towards local women caused serious trouble* after they were stationed there between 1837 and 1840 (*Northern Star* 1946:8); and in 1838, a massacre of Aboriginal people was reported on Woodford Island during cedar cutting operations (Hamm 1994:6).

Further disruption of Aboriginal life in the Clarence Valley was caused by the arrival of European squatters in the 1830s and 1840s (Byrne 1981:7; Commonwealth of Australia 1924 [1843]:172; Campbell 1978:7; Kerr *et. al.* 1999:31; Ryan 1988:185). Squatting licences were taken up at Ramornie and Copmanhurst in 1839; at Yulgilbar, Tabulam, Nymboida, Eatonswill and Glenugie in 1840; at Southgate in 1841; at Buccarumbi in 1844; and at Coldstream near Grafton in 1845 (Sabine 1970 Vol I:5-6; Stubbs 2004:8). This soon had an impact on Aboriginal land use and procurement of food resources, as riverine floodplains and forested wetlands were taken up for pasture, bringing the European and Aboriginal populations into conflict (Keith 2006:122). The Border Police were formed in 1839 to disperse tribes who launched sporadic raids against squatters and their livestock (Hoff 2006:260).

Despite this, Government despatches from the 1840s suggest that local Aboriginal tribes were non-confrontational and shied away from European contact (Commonwealth of Australia 1924 [1843]:65). Commissioner Rolleston of the Darling Downs District reported in 1844 that *Clarence River tribes confined themselves to the scrubs and ranges, and seldom appeared in the open country* (Commonwealth of Australia 1925 [1846]:261). These reports contrast with those published in local newspapers, which sensationally described Aboriginal attacks on the lives and property of European settlers within the Clarence District (*Sydney Morning Herald* 1842a:2; *The Maitland Mercury and Hunter River General Advertiser* 1848:3; *The Richmond River Herald and Northern Districts Advertiser* 1899:8; *The Evening News* 1903:3).

The *Grafton Argus* reported that two squatters were killed on the Orara River in 1840 (Ryan 1988:167). In two separate incidents on the Clarence River in 1841, a man was murdered by

Aboriginal people at Ramornie Station; and a hut-keeper from Yulgilbar (near Baryulgil), was killed. According to newspaper reports, the men were speared while following Aboriginal people who had robbed them of various belongings. In retribution, the Border Police along with squatters Edward and Fred Ogilvie, Alfred Lardner and the Mylne family attacked an Aboriginal camp on the Orara River, killing between 200-300 people (Webster 2005:23; Ryan 1988:167; Hoff 2006:261). In the same year, Aboriginal people were also reportedly wiped out in a massacre on the south arm of the Clarence near Tyndale (McSwan and Switzer 2006:17; Maclean Community Meeting 8/4/2014). There are other reports of Aboriginal people driving off stock at Blair Hall between 1840 and 1841, and attempting to rob a hut at Glenugie in the 1840s (Mackey and Edwards 2001:103, 118). In September 1842, it was reported that about twenty Aboriginal people were killed on Gordon Brook Station after stealing a flock of sheep, though it was later confirmed that the flock was recovered and no European or Aboriginal deaths occurred (*Sydney Morning Herald* 1842a:2; 1842b:3). Following the Orara River massacre, the Ogilvie brothers attempted to make peace with Aboriginal people living near Yulgilbar Station by exchanging gifts and promising safe passage through their land (E. O. [Ogilvie] 1843:143).

Direct confrontation was only one aspect of the conflict over land and resources. One local history describes how an *old dear in her nineties explained […] that when she was a girl at Broadwater on Yulgilbar Station, she had helped her mother mix the poisoned flour for the aborigines* (Hall 1977:28). Such poisoning of food supplies was not an isolated occurrence. In 1848, settler Thomas Coutts of Kangaroo Creek Station was accused of killing between seven and twenty-three Aboriginal people with arsenic-laced flour (*The Maitland Mercury and Hunter River General Advertiser* 1848:3; Navin Officer 1996:20; Brown *et al.* 2002:26).

While these incidents occurred within the Clarence Valley, Commissioner Fry considered neighbouring tribes to be responsible for the violence:

> *It will appear that all the above Outrages have been committed by Tribes on the outskirts of the district, who have but recently come in contact with the whites; in the more settled parts of the District the Tribes have become quite domesticated… nothing could be more tranquil than the state of the various Tribes on the Clarence and its several tributaries (Commonwealth of Australia 1925 [1846]:262).*

4.5.3 Displacing Indigenous people

From the 1870s, the attitude of the public towards Aboriginal people began to change. Given the damage that had already been done to their traditional way of life, it was believed that their race would soon become extinct (Walker 1962:14; Warburton 1962:22; Campbell 1978:13). In 1883, the Board for the Protection of Aborigines (later the Aboriginal Protection Board [APB]) was established to provide recommendations concerning the welfare of Aboriginal people and to manage Aboriginal Reserves in New South Wales. The responsibilities of the Board included organising housing, and issuing blankets, clothing, medicine, and ration coupons (Thornton 1883; McSwan and Switzer 2006:18; NSW Government State Records 2010a; Thinee and Bradford 1998:20; *The Sydney Morning Herald* 1895:3).

From the year of its inception, the Board issued Government blankets to Aboriginal people in Ulmarra, Corindi, Glenreagh, Sherwood, Dalmorton, Copmanhurst, Chatsworth Island and Clarence Heads (Thornton 1883:891, 906-908). Clothing was also distributed at Lawrence and Lionsville, and in 1887 a boat was provided to Yaegl people for the purpose of *going about the* [Clarence] *river* (Thornton 1883:5, 906). Rations were variously issued and accounted for during the years 1887-1890 at police stations in Copmanhurst, Grafton, Iluka, Ulmarra, Camira (Lawrence), Palmers Island, Orara River, Southgate, Brushgrove and Gordon Brook; it was the police who had charge of issuing rations on behalf of the Board (pers. comm. C Clague 14/12/2014). The provision of blankets and

rations to Aboriginal people in the Clarence Valley continued into the early twentieth century, at places such as Nymboida Police Station (Figure 4.12).

Figure 4.12 Blanket distribution outside the Police Station at Nymboida, c.1909 (Source: Central Mapping Authority, NSW Department of Lands 1987, 'Aboriginal New South Wales: A pictorial study guide' [poster], photograph courtesy of the Cartmill Family).

The police also had responsibility for periodically carrying out and submitting a census of Aboriginal persons in their patrol area. An 1887 census of the Grafton patrol area recorded *503 Full Blood Males and 390 Females; 89 Half Caste Males and 93 Females*. An 1889 census at Camira (Lawrence) recorded *18 Full Blood Adult Males and 7 Male Children, 6 Adult Females and 7 Female Children; 1 Half Caste Adult Male and 2 Male Children, 2 Adult Females and 0 Female Children*. An 1889 census at Copmanhurst recorded *31 Full Blood Adult Males and 10 Male Children; 25 Adult Females and Female Children; 2 Half Caste Adult Males and 8 Male Children, 7 Adult Females and 8 Female Children*. That almost 1,100 Aboriginal people were living in the immediate vicinity of Grafton in 1887 may have some correlation with the 1887 notification of the first portion of land that ultimately accommodated the reserve at Grafton (see below). Other records suggest that there were a number of families camped on Grafton Common through this period; specifically the birth records of the children of Fred Hookey (the maternal grandfather of Glen Mercy) and Nobby Neville (pers. comm. C Clague 14/12/2014).

In the Clarence Valley region, Aboriginal reserves and settlements were established on the north bank of Whiteman Creek (AR 2954, from 1887-1921); the Mitchell [Mann] River (AR 2953/6303, 1887-1888); the Nymboida River near Clouds Creek (AR 2958, 1887-1921); Lawrence (AR 50988, 1915), including Orara Reserve, 38 miles (61.1km) from Grafton (1887) and Camira Reserve (1887); Wooloweyah Estuary (AR 2955, 1887-1958); Grafton near Bunyip Creek (AR 2951, 1887-1925; AR 14493 1891-1925; AR 17794, 1893-1925); an Aboriginal Reserve and burial site near Blaxlands Creek (AR 15679, 1892); Southgate (AR 29829, 1899-1921); Ashby (AR 55640, 1922-1976); Ulgundahi Island (AR 38639, 1904-; AR 41619, 1907-); Iluka Creek (AR 2952, 1887-1916); in the Parish of Clarenza, 3 miles (4.8km) southeast of the Clarence River (AR 42532, 1908-1913); and

Nymboida Reserve (AR 45162/3, 1910; AR 50790; 1915). After the Second World War, several more Aboriginal Reserves were created when residents were relocated: Hillcrest at Maclean (established 1956); Baryulgil Aboriginal Reserve (1960); Glenreagh (AR 84929, 1964); at Bugilbar Creek (AR 84957/69558, 1964); and Pippi Beach Reserve (now part of Ngaru Village; 1966) (Byrne 1985:12-14; Thinee and Bradford 1998:341-372; McSwan and Switzer 2006:20).

Aboriginal Reserves were established for different reasons: some were created in response to complaints from white residents who objected to Aboriginal people living on the fringes of towns, and others were established at the request of Aboriginal people themselves who were seeking land for agricultural, living and schooling purposes (OEH 2012c). The APB made an effort to select sites that Aboriginal people already used, or sites where Aboriginal people had been living. For example, in Bundjalung country between the Clarence and Richmond Rivers, Aboriginal Reserves grew from unofficial camps where people *decided where they wanted to live and the Board brought the camp under its administration* (Calley 1959:16). In reality however, the creation of Aboriginal reserves across NSW reflected Government policies of segregation and protectionism:

> *They were underpinned by a belief that the best way to protect Aboriginal people was by separating them from white society. Station managers were appointed to help control who lived on the stations, and to manage their behaviour and movements (OEH 2012c).*

The Grafton Aboriginal Home on Bunyip Creek was initially described in the records as a 'Home for the Aborigines Clarence River District' and subsequently as the 'Home for Aborigines Grafton'. It comprised a total of 305 acres in the Parish of Great Marlow, about 2km from the village of Southgate and on the border of the locality of Trenayr. The reserve had frontage to Experiment Farm Road and what was originally called Blacks Home Lane (recently renamed James Lane). This station was one of only three in NSW with a full time manager, in that period. The Register of Expenditure for the Board of Protection of Aborigines records the managers as F.C. Currey (1899-1901) and A.E. Warrington (from 1902). A derelict building fronting Experiment Farm Road may possibly be the manager's residence (pers. comm. C Clague 14/12/2014).

Records of expenditure for the reserve indicate that it was a working farm, with records of draught horses, cattle and bullocks being purchased. These records also indicate that residents with trade skills were employed periodically, particularly for building work. A school was located on the western side of Blacks Home Lane, on land that waspart of the Agriculture Research Station at Trenayr, and is now occupied by NSW Forestry research plantations. The Aborigines Home Grafton School was a fully accredited school, unlike the provisional schools such as the one at Ulgundahi Island. Further, there appears to have been a church on the reserve, probably Church of England denomination. Richard Randall (born in Bellingen) and Lottie Jackson (born in Gordon Brook) were married there in 1908 according to the rites of the Church of England. The two had been in residence at the reserve since 1899, and all of their seven children were born there. In 1916, an eighth child died at birth; Lottie Randall died of septicaemia following the birth and was buried at the general cemetery, Grafton. Richard Randall married Caroline Avery (born in Gordon Brook) in 1918 in Christ Church Cathedral, Grafton, which may affirm the link between the reserve and the Church of England (pers. comm. C Clague 14/12/2014).

The reservations at Grafton near Bunyip Creek were revoked in 1925, resulting in the relocation of families and termination of the farming activities. The following year, these land areas were disposed under the government's 'Closer settlement grants scheme'. This land, with the permanent water of Bunyip Creek, would have been desirable for local farmers; another reserve (R2957 in the Parish of Ashby; 85 acres with frontage to the Broadwater, notified 15/1/1887) was revoked in 1900 with the notation "farmers will no doubt have benefit of it. Good grazing land." The Grafton Aboriginal Home would have had a significant impact on the cultural, social and economic life of the Aboriginal

communities of the Clarence area over a period of 35 years, and as a parcel of land from which the community was dispossessed not once but twice (pers. comm. C Clague 14/12/2014).

On 10 December 1904, 8 acres of Ulgundahi Island described as *well suitable for cultivation, rich, alluvial soil…with dense undergrowth of lantana* (Register of Reserves, Reel SR2847 Folio 9) were declared an Aboriginal Reserve. At this time there was already a small Aboriginal population on the island, who had been driven off their traditional land around Brushgrove and Maclean, and were forced onto the Island for their own protection. Within a month, on *21 January 1905 there were 21 Aborigines in all residing there* (Register of Reserves, Reel SR2847 Folio 9). In 1907 the remainder of the Island was declared an Aboriginal Reserve. Twenty-nine acres was to be put under cultivation, and 14 acres reserved for housing, other outbuildings, and grazing for horses. The island's manager, Mr. R. Henderson, reported to the APB in 1908 that the people were *respectable and industrious gardeners and farmers*. At his recommendation, an Aboriginal Provisional School, five huts with two rainwater tanks, a church building and various outhouses were constructed for Yaegl families at a cost of £57. The first teacher appointed was Ms. Ethel M. Hamer from the Aborigines Mission Station at Greenwell Point in Nowra. Families on Ulgundahi Island tended to their own parcels of land, growing fruit such as peaches, mangoes, oranges, passionfruit and grapes; vegetables including asparagus, artichokes, potatoes, corn, peas, French and lima beans, lettuce, cabbage, carrots and pumpkin; as well as maize and sugar cane. Tending to the fruit trees on the Island was the responsibility of Annie Randall and her family, as was picking beans and peas on the farm (*The Daily Examiner* 1921:2; Clarence Valley Elders 1992:2; pers. comm. C Clague 14/12/2014).

For Aboriginal children living on Ulgundahi Island, small weekly rations of sugar, flour and tea, and more rarely butter, golden syrup, jam, or peanut butter were distributed. In addition, children received *two suits of clothing a year and the customary blanket*, which were distributed to celebrate the Queen of England's birthday (Clarence Valley Elders 1992:4). The ledger records of the APB include numerous references to purchase of timber and corrugated roofing steel for houses and the school; payment for labour for construction of the school (including to residents Pat Blakeney and Cardy Craig); payments of allowances to Allan Cameron (Manager) and Mrs (Emily) Cameron (Matron); and payments for all forms of rations, school materials, carpentry tools, a motor boat and its repair, transport of children and ill residents (some to Sydney and possibly Nowra [Bomaderry Children's Home]), and burials (pers. comm. C Clague 14/12/2014).

Although the Government sought to control and suppress Aboriginal cultural practices, life on Ulgundahi Island was, in some ways, comparatively unrestricted (Gardiner 2006:4). Aboriginal people were allowed to participate in sport, mainly athletics, cricket and football (McSwan 1992:324). Della Walker recalled that there was a large playground where boys and girls played hockey, making hockey sticks out of mangrove trees limbs and balls from grass tied together with rags (Elders of the Yaegl Tribe 1996:14). Yaegl elder Ron Heron (1991:17) stated that the manager of the Ulgundahi reserve from the 1920s, Allan Cameron, encouraged the *dancing of corroborees, singing and speaking of the native dialects, and other harmless Aboriginal customs*, while at Maclean and Ashby surplus produce could be consumed or sold (Brown *et al.* 2002:32). However, children at Ulgundahi were forced to attend school lessons and church on Sunday, receiving a beating from the manager if they were absent (Elders of the Yaegl Tribe 1996:28). Visits from the APB were greatly feared (Yamba community meeting 26/8/2014), as the *Aborigines Protection Amending Act 1915* gave the board the authority to remove children from their parents if *it is satisfied that such a course is in the interest of the moral or physical welfare of such child* (Section 4, Clause 13A).

The population on Ulgundahi Island increased rapidly between 1924 and 1925 when the Aboriginal Reserves at Southgate and Grafton were resumed and families such as the Randalls were relocated (Goodall 1996:138; Ledgar 1998:5; McSwan and Switzer 2006:19). This influx, and the almost

immediate marriage of some of the adult children (most notably the sons of Richard Randall), led to the construction of a new generation of prefabricated two-room mini-orb steel buildings in the early 1930s (the deteriorated remains of two of these steel structures is all that remains of the residences and other buildings on Ulgundahi; pers. comm. C Clague 14/12/2014). However, the Island was plagued by constant flooding; in 1916 at least one person died, many homes were destroyed and families were evacuated to Ashby where they lived in makeshift shelters. The flood victims were buried in the Aboriginal Reserve Cemetery at Ashby, as was Una Mercy (Hookey), who died of tubercular pneumonia aged 21, in 1916. Dougal Cameron and Warby Lawrie were named as witnesses to the burial, and the Congregational Minister Joseph Howard (at the time also Acting Manager at Ulgundahi Island) read the service. Una was the mother of Glen Mercy, then 3 years old, who remained at Ulgundahi in the care of his maternal relatives the Blakeney family; Una's infant daughter Lilly Mercy was taken to the Bomaderry home (pers. comm. C Clague 14/12/2014).

After a sequence of floods from 1945 to 1954, a decision was made in 1956 to temporarily transfer residents to Hillcrest, and when flooding occurred again in 1963 the residents were relocated to Pippi Beach, Yamba in 1966 (McSwan and Switzer 2006:18-20). The Bultitude family assisted with moving families from Ulgundahi during floods, using their boats. The Bultitudes at one time owned Corolamo Island, commonly known by the name of its prior owners – initially McPhees Island and subsequently Bultitudes Island. Unlike Ulgundahi, Corolamo had electricity and town water connected once it was available. The island was purchased by the Nungera Co-operative Society Ltd in about 1979 (pers. comm. C Clague 14/12/2014).

Representations to secure land in Maclean for a residential site to relocate families from the flood-prone Ulgundahi Island were initiated by a committee led by the Church of England Rector at Maclean, Rev. Stan Gaden, under the banner of an Aboriginal Advancement League formed for the purpose. Rev. Gaden's activism was supported by the Bishops of the time, in particular Bishop Clements (1956-1961) and Bishop Arthur (1961-1973). Following evacuation of Ulgundahi after the disastrous 1956 floods, a meeting of the League was held at the Country Women's Association Hall attended by Uncle Wally Randall and Joyce (Mercy) representing the community. The meeting agreed to support arrangements for the evacuees to camp temporarily at the recently established Hillcrest Reserve. Eight houses were subsequently constructed by the Aborigines Welfare Board at the Hillcrest Reserve, and were occupied from 1959.

Under the *Aborigines (Amendment) Act 1973*, freehold title and mineral rights to all existing Aboriginal reserves in NSW were transferred to the Aboriginal Lands Trust (NSW Government State Records 2010b). In 1983 the *Aboriginal Land Rights Act 1983* was passed and the Local Aboriginal Land Councils were formed. The former reserves at Ulgundahi Island and Hillcrest, and Pippi Beach, were revoked and deeds for the land were issued to the Yaegl Local Aboriginal Council (Maclean) and Birrigan Gargle Local Aboriginal Land Council (Yamba), respectively. Since its closure, Ulgundahi Island has been leased by the Nungera Co-operative Society, who produce organic vegetables such as broccoli for local markets (Ledgar 1998:1; Maclean community meeting 26/9/2014). At Yamba, six fibro cottages (the Yamborra cottages) were built by the Aborigines Welfare Board in the mid-1960s to house people being resettled from Ulgundahi Island. The cottages (four of which remain) are still owned by Birrigan Gargle Local Aboriginal Land Council, and it is currently proposed to refurbish them for use by local businesses (Yamba community meeting 26/8/2014; State Heritage Inventory database #1990335).

4.6 Working

4.6.1 Surviving as Indigenous People in a White-Dominated Economy

As early as 1839, Aboriginal people in the Clarence Valley began to work with timber getters as bush navigators, cedar cutters and general labourers. Later on, they were employed as stock-riders about stations near South Grafton, Lionsville and Glenreagh (Thornton 1883:16-18; Ryan 1988:189; Ginibi 1994:67; Navin Officer 1996:6; McSwan and Switzer 2006:17). Table 4.1 describes how people were employed in different parts of the Clarence Valley in 1882. A few people received wages for their labour, but it was more common for Aboriginal employees to be paid in rations such as tea, sugar, flour, salt, tobacco, alcohol, and occasionally meat, or clothing (Ryan 1988:189).

Table 4.1 Location and employment of Aboriginal people in the Clarence Valley, 1882. Returns from the Inspector-General of Police and the officers of his department to the Protector of the Aborigines (after Thornton 1883:16-18).

Location	Employment
Blicks River	*In harvest time they help to collect the crops, they get honey, and sometimes are employed as stockmen […]*
Chatsworth Island	*Employed by Europeans getting firewood and such like.*
Clarence Heads	*Employed by farmers stripping sugar-cane and chopping wood.*
Corindi	*Living by getting honey, stripping bark, fishing, andc.*
Cossmanhurst [Copmanhurst?]	*Cutting wood and drawing water.*
Dalmorton	*Gathering honey and burning off timber for farmers.*
Glenreagh	*Stock-riding and getting honey.*
Grafton	*Employed by farmers for a few months in the year; the remaining time they are wandering about the town and bush.*
Lawrence	*Labouring amongst the farmers of the district.*
Lionsville	*Mostly all employed about stations stock-riding and different kinds of work. […] The women and elderly men live in the bush and support themselves, and are assisted by the others.*
Palmer's Island	*Stripping cane, cutting wood, and general farming labour.*
Rocky Mouth	*Occasionally chopping wood or cane stripping.*
Shearwood [Sherwood?]	*Stock-riding, getting honey, and general bush work. Some of them live in their wild state on game and fish.*
South Grafton	*Some as stockmen, but most of them are employed by farmers during several months of the year.*
Ulmarra	*Working for farmers*

Gold was discovered in the Clarence district in the early 1870s, prompting a gold rush that was described by the mining warden as *an extraordinary furore occasioned by the mining mania* (NSW Department of Mines 1876:50). In the Solferino division, Aboriginal people were involved in both prospecting and reef gold mining (Figure 4.13). The discovery of the Sir Walter Scott Mine in the 1870s was attributed to the Aboriginal police tracker Old 'Jack' Torrance, and the Caw Caw line of reef in 1913 to Mr William Little. Although the gold rush only lasted for a couple of years, smaller mining operations continued into the twentieth century, carried out by individuals and small groups of miners such as the Bancroft family at Lionsville (Hodge-Smith 1927:314; Bancroft 2001:133, 141-145; Stubbs 2004:43). The process of extraction was described by Bronwyn Bancroft, whose aunt and uncle had worked in the mines at Lionsville from the age of twelve. Gold was embedded between quartz crystals, forming in clumps rather than being evenly distributed throughout the quartz reefs. Explosives were used to break up the quartz which was found deep underground, and then carted to the surface using wooden wheelbarrows. From there it was transported via horse and bullock down the mountain to water wheel driven quartz crushing machines. A sifting machine was then used to separate the gold from the quartz (Bancroft 2013).

Figure 4.13 'Man and three Aborigines' by J.W. Lindt, from the album *Solferino, Lionsville, Grafton and Australian Aborigines, 1872-1873* (Source: State Library of NSW, PXA 1128, Digital Order No. a 1940009).

In the early- to mid-twentieth century there was little permanent work available in the Clarence Valley district. Many Aboriginal people moved between settlements, influenced by the availability of seasonal work such as corn and pea picking, and farm labour including clearing, poisoning, fencing and ringbarking. Yaegl Elder Allan Laurie went from place to place, stripping cane at Ashby, milking cows at the Kinchella Dairy farm (Kempsey LGA), banana chipping in Lismore and arrowroot chipping at Coomera (Elders of the Yaegl Tribe 1996:9). Some Aboriginal people made a living from gold mining at Lionsville, or from asbestos mining at Baryulgil (see Section 4.6.2; Moran 2004:14-15, 178; Webster 2005:25; Bancroft 2013; AMBS 2013:32). At Collum Collum Station on the Clarence River near Yulgilbar, between four and six Aboriginal labourers were permanently employed as stockmen and were often left to manage properties (Ginibi 1994:67). The foreman and head stockman was Toby Bancroft, who was followed by Dougie Harrington (Ginibi 1994:71). Collum Collum Station was purchased by the Aboriginal Welfare Board and managed by the Collum Collum Aboriginal Co-operative from the 1980s (Ginibi 1994:70; Ronin Films 2014).

On Aboriginal reserves around the Clarence Valley, Aboriginal children were provided with a basic education; but emphasis was placed on providing domestic and industrial skills with the aim of gaining employment in white society. Boys worked as farm hands and labourers while girls worked in houses as domestic servants, helping settlers wives with the washing, ironing and cleaning (Hoff 2006:249; McSwan and Switzer 2006:19, 324. For example, school children on Ulgundahi Island were taken to the Ashby Aboriginal Reserve, six at a time, to clean the manager's home and his private garden (Ledgar 1998:9). Della Walker was employed at the Craigmore Guesthouse in Yamba where she worked as a domestic (Clarence Valley Elders 1992:8). Life was reportedly better for men and boys, who could work their farms and sell any surplus produce, and were employed in seasonal work harvesting, at which they were paid a reasonable rate (Brown *et al.* 2002:32; McSwan and Switzer 2006:19). However, the system of cultivation used on Ulgundahi Island, described as 'very successful' by the NSW Inspector General of Police in 1910, was unique and it is unclear what situations were faced by Aboriginal people on other reserves (*Richmond River Express and Casino Kyogle Advertiser* 1910:4).

With increasing European settlement on the Lower Clarence in the 1860s, it became difficult for Aboriginal people to collect and consume the resources of their traditional lands. This forced many Aboriginal groups to set up camps on the fringes of towns such as Iluka, Yamba (at Reedy Creek, and in the vicinity of what is now The Story House), Grafton (Fisher Park Lagoon; Figure 4.14), Angourie, Palmers Island, Ashby, Maclean, Brushgrove, Tyndale and Lawrence (Grafton City Council and Sustainable Futures 2000:9; Day 2005:2; Gardiner 2006:4; McSwan and Switzer 2006:17, 21; Maclean community meeting 8/4/2014).

Figure 4.14 Fisher Park Lagoon, Grafton

The APB provided rations of flour, tea, sugar, tobacco and meat to Aboriginal people living on reserves, though this diet did not have great nutritional value (*Clarence and Richmond Examiner* 1892:8; Switzer 1988). Allan Laurie grew up on Ulgandahi Island in the 1920s, and recalled that although rations were supplied, living was hard. Dinnertime usually consisted of *bread and fat or damper and fat* (Clarence Valley Elders 1992). In many instances, rations were supplemented with traditional bush foods or surplus food grown on experimental farms, especially at the Grafton Aboriginal Home and on Ulgundahi Island. Ester Mercy, who grew up on Ulgundahi Island in the

1930s and 1940s, remembered fishing and hunting in a little creek near Murrayville (Ashby) where they collected cobra worms, honey and bush lemons (Werry 1990:5). Jessie Randall caught fish in the Clarence River by hammering sharp pieces of wire into the ends of tree branches to use as a spear; or by flattening square pieces of tin, sharpening the edges, and throwing them at schools of mullet (Werry 1990:13). Vivian King recalled being taught about bush food when she was growing up in Yamba in the 1940s (Clarence Valley Elders 1992). Bundjalung elder Aunty Heather Monaghan explained that cat fish and turtles from the Clarence River were, and continue to be, an important resource for the people of Baryulgil, who do not have access to a local store (*Daily Examiner* 2007:6). Traditional bush foods are still an important part of the diet of some Yaegl families (Maclean community meeting 28/8/2014).

Data from the most recent census suggests that permanent work continues to be scarce, with almost three quarters of the Aboriginal population of Clarence Valley unemployed; however the level of employment is reported to have gradually increased between 2006 and 2011. The most common jobs of Aboriginal and Torres Strait Islander people in the workforce are community and personal service workers, labourers, and clerical and administrative workers (Australian Bureau of Statistics [ABS] 2013; profile.id 2014).

4.6.2 Coping with Dangerous Jobs and Workplaces

Asbestos was discovered in Baryulgil as early as 1918 by Bill Little, a Bundjalung man. For revealing the outcrop of asbestos to prospectors, Little was reportedly rewarded with a bottle of rum and a plug of tobacco (Webster 2005:24). It appears that this deposit was explored and quarried for a short time, however mining ceased shortly thereafter. It was not seriously considered again until 1941, when the *Singleton Argus* reported on the *discovery of an asbestos deposit within a mile of Yulgilbar Castle, on the Upper Clarence* (*Singleton Argus* 1941:4). Sydney based firm Wunderlich Limited transported 10 tonnes of machinery and supplies as well as a preliminary staff to test 12 square acres, and within two months was shipping 15 tonnes a week to its Sydney works (*The Richmond River Herald and Northern Districts Advertiser* 1941:6). Twenty-five workers were employed to blast large boulders of earth from the side of a hill and pick lumps of the material out by hand. The 'hard and brittle' fibres were sent up and packed into bags before being loaded onto trucks and transported to Sydney (Elders of the Yaegl Tribe 1996:32).

By 1947 a mill was constructed nearby and full quarrying operation was underway. The managers of the deposit, Asbestos Mines Pty Ltd [an amalgamated company comprising Wunderlich and the James Hardie Group], advertised positions for quarry hands in the local papers (*Northern Star* 1947:11). A high proportion of employees were local Aboriginal people living in Baryulgil as well as Aboriginal men from other parts of northern NSW and southeast Queensland. The majority were sourced from the community at Baryulgil Square – direct descendants of the Aboriginal groups that had camped on the banks of the Clarence River in the 1840s when the Ogilvies constructed Yulgilbar Station. These people included Neil Walker, a jackhammer operator; Frank Hicking and Ken Gordon, mill hands; Bill Hindle, a machine fitter; and the Robinson, Donnelly and Little families; as well as jackhammer operator and mill hand Charles Moran from Kempsey (Clarence Valley Elders 1992:8; Moran 2004:117-125; Webster 2005:41).

Charles Moran described the process of asbestos mining and the appalling conditions faced by workers on a daily basis. Jackhammer operators drilled holes directly into the asbestos seam and the fibre-bearing ore was blown out. The ore was sorted and trucked up to the mill where it passed through a primary crusher and hammer mill for further separation:

> *Material leaving the hammer mill was shaken through a series of screens to remove excess dirt and dust. The asbestos fibre, which now resembled fine cotton wool, could then be sucked off the screens*

> *and conveyed to the holding bin in the bagging area, where men filled hessian bags from the bin's chute, sewed down the tops and stacked them ready for transport. The heavier unwanted material fell through the screens onto a conveyor belt, which carried it out to another holding bin from where it could be loaded onto trucks and dumped a short distance away as tailings.*
>
> *All these processes were carried out in great clouds of dust, which made working in these conditions awful. At times it was difficult to breathe and our eyes streamed because of the grit… It was impossible to see clearly in [the dust room] – hard even to see your mate holding the bag you were filling… A lot of dust spilled over the bags and onto the floor (sometimes over a foot deep)… Workers came out of there white [as] snow.*
>
> *Nothing was done for the safety of workers, There was no issue of protective clothing. We all went to work in shorts and shirts and usually no shoes. As the day heated up, off came the shirts and so we were spending hours every day covered in thick dust on our bare shin, and with no relief from it (Moran 2004:120).*

Community exposure occurred when women handled contaminated work clothes, and children inhaled dust from tailing dumps on roads, under and around houses and in school grounds (Division of Aboriginal Health, Division of Occupational Health and Division of Health Services Research [DAHOCHSR] 1979:1; Human Rights and Equal Opportunity Commission [HREOC] 1990:4). Charles Moran, Ken Gordon and others routinely made complaints to the mine management about the conditions; however, mine managers insisted that the asbestos dust was not hazardous or causing illness. Workers were periodically sent for medical examination but consistently given clean bills of health by the Dust Diseases Board, despite suffering from respiratory or heart problems (Webster 2005:85).

Although mining operations ceased in 1979 the effects of working are still being felt. Following the high number of deaths due to respiratory problems, the Aboriginal community at Baryulgil requested an investigation into their health status. Of the study group of ex-miners, over 70% had acute bronchitis, and that the symptoms were consistent with asbestosis (Webster 2005:85). In 1984 the NSW House of Representatives Standing Committee on Aboriginal Affairs released a report, determining that the environs of the mine site required extensive remediation to prevent further contamination (DAHOCHSR 1979:1; *The Canberra Times* 1981:22). In 1981, the Department of Aboriginal Affairs offered to relocate residents of Baryulgil to a newly created township just north of Baryulgil called Malabugilmah, but many residents resisted forcible removal as they felt a deep cultural and spiritual attachment to the land (Webster 2005:41).

4.7 Educating

4.7.1 Educating Indigenous people in two cultures

In the late nineteenth century, the Parkes government introduced educational reforms that had a significant impact on the way schooling was provided in NSW. The *Public Instruction Act 1880* made schooling compulsory for children aged between six and fourteen, who lived within two miles (3.2km) of a public school. The Department of Public Instruction established separate primary schools for Aboriginal children, particularly on missions and reserves where there were large Aboriginal populations; including Grafton Common in 1893, and Nymboida in 1908 (Figure 4.15, Figure 4.16; Cadzow 2009:9; Office of Board for Protection of Aborigines 1909:2). An Aboriginal Provisional School opened on Ulgundahi Island in 1908, catering for children living on Ulgundahi Island and in neighbouring Maclean and Ashby. It operated until 1951, at which point children rowed across the river to Maclean Public School (Cadzow 2009:9; McSwan and Switzer 2006:23). However, as Glen Mercy recalled, in those days, *there was no high school for us* (Clarence Valley Elders 1992:3).

Figure 4.15 Students of the Nymboida Aboriginal School, c.1909 (Edwards 1993:45, photograph courtesy of Mrs Lorraine King)

Figure 4.16 Formal group photograph of Aboriginal people, c.1910 [possibly Nymboida school] (Source: Clarence River Historical Society, Archive C265)

When there were not enough students, Aboriginal children were allowed to attend the nearest public school provided they were *habitually clean, decently clad and they conduct themselves with propriety* (Cadzow 2009:8-9; Windschuttle 2009). Reports from the APB suggest that by 1892 Aboriginal

children were irregularly attending Copmanhurst public school, and in 1908 there were between 8 and 17 Aboriginal children attending Maclean Public School (Fletcher 1989:69; Copmanhurst Public School 1991:22; Goodall 1996:110; Ledgar 1998:6). In 1902, the Department of Education adopted a policy of exclusion on demand, where Aboriginal children could be removed from government schools if any white family made a complaint (Cadzow 2009:10). This occurred in 1935 at Baryulgil Public School, although a subsequent proposal to forcibly transfer students to Woodenbong was resisted by members of the local community (*The Sydney Morning Herald* 1935a, 1935b; *The Courier-Mail* 1935a, 1935b).

A special curriculum for Aboriginal schools was developed by the Board of Education in 1916, emphasising manual work in order to train Aboriginal people as station labourers and domestic servants (Cadzow 2009:13). A number of Clarence Valley elders including Annie Randall, Glen and Esther Mercy, Allan Laurie, Della Walker and Vivian King, attended the Aboriginal Provisional School on Ulgundahi Island but do not recall 'learning much', apart from the Bible (Clarence Valley Elders 1992; Elders of the Yaegl Tribe 1996:14). They described reserve manager Mr Allan Cameron as a *bully* who would give children the cane or a beating if they did not attend school. The APB also made life difficult by taking away children who would not attend school, or simply those who *would benefit from a different upbringing* (Clarence Valley Elders 1992:3; Goodall 1996:120-123; Ledgar 1998:8).

Charles Moran attended Tabulam Aboriginal Public School, about 20km north of the Clarence Valley LGA, and was taught reading, writing and basic mathematics (Moran 2004:24-25). He recalls that *the teacher used to give us a hard time,* and that *there were no high expectations about what we could cope with at school or the sort of work we could do later on*. In contrast, Moran perceived his bush education to be more interesting and relevant, teaching him self-reliance and respect. Traditional knowledge and survival skills were passed down by Bundjalung Elders, including how to build a bark hut, and hunting and cooking techniques (Moran 2004:13-14, 30). Moran says:

> *They were the holders of our history and culture, our languages, songs and stories, spirituality and about the land in which they lived. Many had passed through tribal initiation and had earned their right to hold knowledge (Moran 2004: 30-31).*

Preserving Indigenous languages and art

Bundjalung dialects were still widely spoken in the late 1940s and 1950s, and Aboriginal children were often bilingual and were able to converse in a number of different dialects (Calley 1964:48). However, by the start of the twenty first century, English had become the most common language spoken at home, with only a few Aboriginal people in Clarence Valley LGA able to speak an Indigenous language fluently (ABS 2013). Moran observed that *The need to be absolutely precise in the pronunciation is breaking down with the loss of the Elders, With their passing, no-one will be left who can correct the mispronunciations of the younger people […]* (Moran 2004: 49-50). The Muurrbay Aboriginal Language and Culture Co-operative (based in Nambucca Heads on the mid north coast), together with the Many Rivers Aboriginal Language Centre, run a language revitalisation program with the goal of preserving, maintaining and reviving Aboriginal languages. Audio recordings of Bundjalung speakers made in the 1960s and 1970s, together with grammars, word-lists and dictionaries of various dialects complied during the nineteenth and twentieth centuries, are used as teaching and educational resources (Morelli 2012; MALCC 2012).

In 2011, a Ministerial Taskforce on Aboriginal Affairs was established to inform a new NSW Government plan to support strong Aboriginal communities in which Aboriginal people actively influence and fully participate in social, economic and cultural life. Being given the opportunity to learn local languages, have access to a good education and strong, stable employment opportunities,

and encourage local leadership were identified as important outcomes. In response, the NSW government set up Aboriginal Language and Culture Nests, whose goal is to *support the learning of languages in communities so that languages are preserved and used* (NSW Government 2013:8). Gumbaynggir and Bundjalung are two of the languages that have been selected to be part of a language teaching and learning trial in regional schools and communities on the north coast (NSW Government 2013:20; Maclean community meeting 8/4/2014).

In 2008 an exhibition at the Grafton Regional Gallery titled *Identity: Indigenous Art of the North Coast* was curated to promote the works of leading Indigenous artists of the North Coast, a region recognised for its distinct and pronounced arts activity and strong Indigenous community (See Section 4.3.3). The project coincided regionally with a surge in activity by Indigenous artists, which prompted the development of an Indigenous Arts Centre in Lismore and the development of 'G Country' – a creative industry specialising in the production of ceramic wares hand painted with Aboriginal stories of the region by Aboriginal artists in Ulmarra. For the curator, Alison Williams, Australian Aboriginal people retain a large portion of their identity through connection with family and land. This connection is the basis of spirituality, pride, and a sense of awareness and self (Grafton Regional Gallery 2008:3).

4.7.2 Maintaining religious traditions and ceremonies

Many Aboriginal places of significance are secret and sacred; however, there are a number of natural landscape features in the Clarence Valley region that have mythological importance, and which are known to the general public. For example, the spirits of ancestors reside in significant landscape features such as the Clarence River and Alipou Creek and surrounding mountain peaks. These are sometimes referred to as ceremony and dreaming sites, or spiritual/story places. Other places of significance are known as *jurbihls* (also spelled *djuribil* or *jurraveel*), which refers to both the site and the totem spirit which inhabits it. Jurbihls were resource increase sites; 'rogation spots' where the sacred being was ceremonially asked to make a certain natural resource more plentiful (Brooke *et al.* 2012:42). Ceremony and dreaming sites in the vicinity of Clarence Valley LGA include St Mary's Waterhole (*Miimiga Gaungan*), Susan and Elizabeth Islands, Bleeding Rock at Diggers Camp in Yuraygir National Park, the Pillar Valley, and the Jarrawarra waterhole on the Orara River.

The Clarence River and Alipou Creek

The Clarence River (Figure 4.17), also known as *Biirrinba* or *ngunitiji*, is an important site for several Aboriginal groups including the Bundjalung people and features heavily in creation stories of the area. Alipou Creek is the resting place of the Golden Eel, a mythical figure of great importance to neighbouring tribal groups. It is located on the south bank of the Clarence River to the east of the existing Grafton Bridge, in close proximity to several marriage trees. According to tradition, the trees were used to dissolve relationships rather that create them; arranged marriages were dissolved when the tallest limbs were removed. The Golden Eel resting place and ceremonial site are thus considered areas of high cultural significance (Biosis Research Pty Ltd 2004:11; 2011:24).

Figure 4.17 The Clarence River, Maclean

The river is used as a teaching site to educate young Aboriginal people about their traditional heritage. In a well-known creation story, the old witch Dirrangun came to rest at the entrance of the Clarence River in Yamba. After a quarrel, Dirrangun's son left his mother, taking his two sons with him. He constructed a canoe and, placing his sons at either end, sailed out from Iluka towards Ballina. Enraged that they had abandoned her, Dirrangun called for the sea to become violent and the wind to howl. As the father turned the canoe into Ballina the waves came up and sank the canoe with the two boys and their father still inside. Realising what she had done, Dirrangun drowned herself in the river and became a submerged rock at the head of the Clarence River at Yamba. Reportedly, visitors to Ballina can still see the canoe with the father and his two sons in the form of rock; and when the sea roars it is said to be Dirrangun calling for her lost son and grandsons (Byrne 1986:19; Currawinya Pty Ltd 2010; McSwan and Switzer 2006:17).

In a similar myth kept by members of the Bandjalang clan, an old woman was caring for a baby when it was stolen by two men. The two men cut bark from a nearby tree and made a canoe intending to sailing to Urunga. The woman ran to the water's edge and hit the ocean with her yam stick, calling for the waters to divide. This action caused the first waves to form on the ocean and, for Bandjalang people, explains why waves are formed (Hoddinott 1978:62; Godwin and Creamer 1982:51; Therin Archaeological Consulting 2004).

A related myth describes how a young man came to rest in a fig tree at the southern end of the Maclean Showground, on the northern bank of the south arm of the Clarence River (Randall 1996:1; Grafton Community Meeting 7/4/2014). When attempting to plunge his spear into water belonging to a mean old lady, Durrangan, he was washed away and managed to grab onto some branches at Maclean, where it grew into a large tree. The fig tree was removed in 1986 due to its deteriorating condition (Clarence Valley Council n.d.:10-11).

Glenugie Peak and other mountains

Gumbaynggir people recount that Glenugie Peak was created when two hero-ancestors, Birrugan and his Elder, Mindi fought over the collection of food. When Mindi refused to share his stockpile of yams with Birrugan, Birrugan cast a spell on Mindi's yam patch so that the yams grew into mountain ranges and stones. The stockpile later became Glenugie Peak. After a brief chase Birrugan speared and wounded Mindi near Tyndale, who fell into the water and drowned. A large standing rock on the South Arm of the Clarence River marks the spot where Mindi fell (Smythe 1948:109-110; Navin Officer 2009:23). Garby (Gumbaynggir) Elders identified the Coldstream River as an important corridor linking significant sites at Glenugie, Tyndale and Pillar Valley (Gumbaynggir Language and Culture Group 1992:15-18).

Uncle Dick Donnelly recounted that a sacred mountain near the Clarence River was inhabited by a powerful spirit who would cause harm to trespassers. At this place the Platypus, *Junbung*, dropped sparks from his firestick. On this mountain, Billie Charlie and other Aboriginal men found gold, and were about to betray its location to white prospectors. On the way they were killed and it is said that the *spirit of the place got them for going to betray a sacred spot* (Hoff 2006:225).

Susan and Elizabeth Islands

Susan and Elizabeth Islands were identified as sacred men's and women's sites on the Clarence River near Grafton. Susan Island, to the west of the Grafton Bridge, was identified as a site of secret women's business, and a centre for Aboriginal women's crafts, where good fibre for basket weaving could be found (Hall n.d.). A ceremonial ring was reportedly identified on the island (Biosis 2004:12). A group of Aboriginal women, *Nyami Julgaa*, is recognised and acknowledged as the cultural custodians of Susan Island (NPWS 2009b:1; Biosis Research Pty Ltd 2011:9). Similarly, Elizabeth Island, to the east of the Grafton Bridge, was identified as a sacred men's and or women's site with high cultural significance (Biosis Research Pty Ltd 2004:3; 2011:7).

Bleeding Rock, Diggers Camp

The headland on the southern side of Diggers Camp within Yuraygir National Park, known as Bleeding Rock, was an area of mythological and spiritual significance to local Aboriginal people. It was said to have been the place where 'Clever Men' (*Nguloongoora*) camped when they visited the coast for economic and ceremonial purposes (Department of Lands and Clarence Valley Council 2009:20).

Pillar Valley

The Pillar Valley, between the eastern coast and Grafton, was considered by Garby Elders to have been an important ceremonial place for both Gumbaynggir men and women (Navin Officer 2009:23). In the Pillar Valley, travel routes came up from the south across Colletts Crossing on the Wooli Wooli River, linking an initiation site for young men at Pillar Rock with other significant places like Cabbage Tree Mountain and the camp at Tucabia on the Coldstream River. Other routes went north to Maclean and upriver or forked west towards Grafton. Roy Bowling, who grew up in Tucabia, was told of these traditional Aboriginal routes by his father and grandfather (Kijas 2009:19).

Jarrawarra Waterhole

The Jarrawarra waterhole is a sacred site for Aboriginal people in Ulmarra, despite not being associated with a Dreamtime being. The waterhole, located on the Orara River just north of Bull Paddock is said to be the residing place of the spirit of an Aboriginal Stockman. It is said that an Aboriginal man drowned here in the 1890s after a violent flood (Byrne 1985:32).

St Mary's Waterhole (Miimiga Gaungan)

Miimiga Gaungan, located within Sherwood Nature Reserve, is a sacred, spiritually and culturally significant site for Gumbaynggir women. The waterhole is considered to have special healing attributes; preventing miscarriages and ensuring women carried children to their full term safely:

> *Sometimes four or more women would perform the ritual in the water and washing themselves as high as the breasts, while asking to Wooroomparahal (God) in the sky to help carry the babies till birth. After white people came to the district, many young Gumbainggeri women began to have miscarriages. They believed that unless they performed this ceremony, they would lose their baby. When they had completed the ceremony, the women were confident their pregnancies would go full term (WetRocks n.d.:1).*

Knowledge of the spiritual healing qualities of *Miimiga Gaungan* continues to be passed on to Gumbayngirr women needing spiritual and physical healing. Aboriginal women from the local community look after the site and visit periodically to clear leaves and sediment out of the waterhole. Men are forbidden from entering the site (OEH 2013).

4.8 Governing

4.8.1 Struggling for inclusion in the political process

The 1901 Australian Constitution made reference to Indigenous people in relation to their governance and identity as Australian people in Section 51(xxvi) and Section 127 (Bennett 2012):

> *51. The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to: -*
> *(xxvi.) The people of any race, other than the aboriginal people in any State, for whom it is deemed necessary to make special laws*
>
> *127. In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted.*

These clauses stipulated that Aboriginal people were not counted in the Australian census, and that the state of NSW retained power over Aboriginal Affairs. In practice, it meant that Aboriginal people were denied basic rights and freedoms that were given to other Australian citizens. In the early twentieth century, Aboriginal people did not have land rights. In many areas, they had been displaced from their traditional lands by European settlers (Section 4.5). They were generally discouraged from maintaining their own languages and traditions on missions and reserves. Aboriginal men and women were not entitled to full award wages and often worked for little, if any payment (Section 4.6). Children could be removed from their families by the Aboriginal Protection Board, and were expected to adopt European culture and assimilate into the community (Section 4.7) (Australian Law Reform Commission 2010).

By the early 1960s, publicity given to the push in the United States of America for greater civil rights for African American people found a resonance in Australia, and critics began to focus their attention on the relative absence of Aboriginal civil rights. The Australian Electoral Commission (AEC) states that it is a common misperception that all Aboriginal people were barred from voting until 1967; rather, Aboriginal males had legal voting rights from the 1850s as they were considered British subjects. Only Queensland and Western Australia actively barred Aboriginal people from voting. Most Aboriginal people did not vote simply because they did not know they had the right (AEC 2007). However, it is also recorded that:

> *when compulsory voting was introduced in NSW in 1929, Aboriginal people were still excluded from voting under the Commonwealth Electoral Act 1918. In 1962, the Federal Government gave Aborigines the optional right to vote. State laws, however, still classified "natives" as "wards of the state" and as such they were denied the right to vote in State elections (City of Sydney 2010).*

In 1965, a group of Sydney University students, led by Charles Perkins, travelled around a number of NSW country towns in a bus. The Freedom Ride highlighted social discrimination against Aboriginal people and the poor conditions many faced in areas such as health, education and housing (Australian Institute of Aboriginal and Torres Strait Islander Studies [AIATSIS] n.d.). The Freedom Riders stopped at Grafton, meeting in the Methodist Church Hall (Curthoys 1965; Maclean community consultation meeting 26/8/2014).

The 1967 Referendum

A referendum was called in May 1967 which advocated for the removal of discriminatory references to Aboriginal people in the Australian constitution and the recognition of Aboriginal people as equal members of Australian society. The referendum campaign effectively focused public attention on the fact that Aboriginal and Torres Strait Islander Australians were second class citizens with legislative and social limitations. Joyce Clague, a Yaegl woman from Ulgundahi Island, became involved in the campaign for citizenship recognition after realising that *if you are not counted in the census you also haven't got a voice* (National Museum of Australia 2014). She stood for the seat of Stuart at the 1968 elections, and convened the Cultural Development Committee of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders in 1969. For her services in combating racism, Joyce Clague was awarded the Member of the British Empire (MBE) in 1977 (National Museum of Australia 2014).

Though the Australian population voted overwhelmingly in the favour of changing the Constitution, in the district of Cowper, which included Grafton, Coffs Harbour and Nambucca Heads, 18 per cent of the population voted against the amendment. Newspaper reports carried stories of opposition to change:

> *It is depressing that the No vote on Aborigines was significant in places where the question was a real issue—in other words, in areas where there were Aboriginal people to resent and to be prejudiced about… When the vote is examined, however, we see that it is heaviest in the country electorates where there are racial problems (Sydney Morning Herald 1967).*

It was suggested that a proportion of these voters believed the measures would not benefit Aboriginal people (*Sydney Morning Herald* 1967), but the overarching motivations behind such a vote are not entirely clear. As a result of the Yes vote, Aboriginal people were finally counted in the 1971 census, and the Constitution was changed to allow the Commonwealth government to make special laws for Aboriginal people.

4.8.2 Going to War

There were over 1,000 Aboriginal men who fought in the First World War (Australian War Memorial 2015; Goodall 1996:125; Morley 2004; Londey 2014), though this figure may be an underestimate given that many men falsified their age, and race, to be enlisted. The *Defence Act 1903* excluded people who were not substantially of European origin or descent from enlisting.

Aboriginal men enlisted for reasons of patriotism, economic opportunity and increased acceptance and status within Australian society. In 1921 *The Daily Examiner* carried a report on Ulgundahi Island, describing the gardens and cane crop, the school, church and homes. The author mentions one child's father, *Tom Walker […] fell in the great war, fighting side by side with his white brethren in far-away*

France (*Daily Examiner* 1921:2; Ledgar 1998:13). Thomas James Walker enlisted in Maclean and served in the 25th Australian Infantry Battalion. He was killed in action in France in 1918 (Australian War Memorial 2014a). Arthur Harold Cowan, also known as Arthur Williams, was born in South Grafton in 1896, and enlisted in Grafton on 16 November 1917. He served in the Sixth Light Horse Regiment of the Australian Imperial Forces (Figure 4.18; Australian War Memorial 2014b).

Figure 4.18 Members of the 6th Australian Light Horse Regiment cleaning their kit during a training exercise, NSW c.1917. Fourth from the left (without shirt) is Aboriginal serviceman Private Harold Arthur Cowan (Source: Australian War Memorial, http://www.awm.gov.au/collection/P02229.001/?image=1).

A number of Aboriginal Servicemen served with distinction and were recognised for their heroic efforts on the battlefield. Norman Priestly, a 19 year old Labourer from Gordon Brook Station in Copmanhurst, enlisted as a Private in the Fourth Infantry Brigade in 1915. He was promoted to the rank of Lance Corporal and served in the 47th Australian Infantry Battalion, and was killed in action in Belgium in June 1917 at the age of 20. James Edward Phillips, a 30 year old Labourer from North Dorrigo, enlisted as a Private in the Ninth Infantry Brigade in 1916. He was promoted to the rank of Lance Corporal and served in the 53rd Infantry Battalion; fighting in the Somme Valley and in the second battle at Bullecourt, France. For his bravery on the battlefield, Phillips was recommended for the Distinguished Conduct Medal in 1918, and was awarded the Military Medal in 1919. The transcript for his recommendation for the Distinguished Conduct Medal read:

> *During the operations near Bellicourt from 30th September to 2nd October 1918 this N.C.O.* [Non-Commissioned Officer] *displayed great initiative and personal bravery in working his Lewis gun. During the early part of the advance he several times rushed ahead of his Platoon and gave them covering fire to continue their advance. During a heavy counter attack he stood up on the parapet firing his gun from the shoulder and causing heavy casualties amongst the enemy. While a bombing block was being built he took up an exposed position on the flank in order to sweep the trench and keep back the enemy until the Block was completed. His magnificent courage throughout the operation inspired all ranks with confidence (Australian War Memorial 1918).*

Other Aboriginal servicemen from the Clarence Valley known to have to enlisted in the First World War are detailed in Table 4.2, although the list is not comprehensive.

Table 4.2 Aboriginal Servicemen from the Clarence Valley, who enlisted in the First World War (from Morley 2004, records at the Australian War Memorial 2014; pers. comm. M Smith 8/01/2015; *The Daily Examiner* 31/12/2014; *Kurbingui Star* 2006).

Name	Place of Enlistment	Rank	Notes
Arthur Blakeney	Grafton, NSW	Australian Imperial Forces, 1917	Discharged less than a week after enlisting
Angus Bruce Carten	Sherwood Creek, Grafton, NSW	Private in the 5th Light Horse Regiment, 1915	-
Lewis Cess	Lawrence, NSW	Private in the 42nd Australian Infantry Battalion, 1915	-
Myers Delaney	Grafton Common, NSW	Australian Imperial Forces, 1917	Discharged a week later on grounds of being 'medically unfit'
Clive Donnelly	Born Yulgilbar, enlisted Grafton, NSW	Australian Imperial Forces, 1917	Discharged less than a month after enlisting on grounds of Aboriginality
John McKenzie Laurie	Maclean, NSW	Private in the 11th Light Horse Regiment, 1917	Returned to Australia 20 July 1919
Samuel Napoleon	Cangai, via Copmanhurst, Grafton, NSW	Private in the 9th Australian Infantry Battalion, 1915	-
William Olive	Cangai, via Copmanhurst, Grafton, NSW	Private in the 9th Australian Infantry Battalion, 1915	-
William Rhodes	Grafton, NSW	Private in the 33rd Australian Infantry Battalion	Killed in a car accident in France, 1917
Matthew Revenew	Born Grafton, enlisted Coonabarabran, Melbourne, VIC	Private in the 6th Light Horse Regiment, 1916	-
Albert Robinson	Born Tenterfield, enlisted Copmanhurst, Grafton, NSW	Private in the 9th Australian Infantry Battalion, 1916	Returned to Australia June 1919
Thomas (Tom) Robinson		Private in the 18th Australian Infantry Battalion, 1917	Wounded in action near Amiens, France; returned to Australia 17 June 1918
Thomas James Walker	Maclean, NSW	Driver in the 25th Australian Infantry Battalion, 1916	Killed in action in France, 11 August 1918

Indigenous Australians served in ordinary units with the same conditions of service as other members. Many experienced equal treatment for the first time in their lives in the army or other services. Many Aboriginal soldiers would have expected to benefit from the Soldier Settlement Scheme, which promised free land to returning servicemen. In reality, however few received any benefits, let alone acceptance amongst society or recognition for their sacrifice. Upon returning from the war, Condobolin man George Kennedy secured a block at Yelta in central NSW (Central Darling LGA), while Lismore man George Kapeen was granted a lease over his family block on Cabbage Tree Island (Goodall 1996:126; Ledgar 1998:13).

During the Second World War, Aboriginal men were sought by employers (to a lesser extent than women) to fill the places left by those men who were enlisting (Ledgar 1998:19), though this is not to say that Aboriginal men and women did not also enlist in the Australian services. As many as 6,000 Aboriginal and Torres Strait Islander peoples served as enlisted servicemen, members of irregular units, or in support units (Australian War Memorial 2014c). One such serviceman from the Clarence Valley was John Jackson of Southgate, who ended up as a prisoner of war in Borneo (Malaysian Sabah) and

was at the notorious Sandakan Prisoner of War Camp, where he died the day after the surrender of the Japanese forces (pers. comm. C Clague 14/12/2014). Further, Jessie Randall's husband, who lived on Ulgundahi Island, fought in the Second World War with the Australian Navy (Clarence Valley Elders 1992:7), while Charles Moran enlisted with the Royal Australian Electrical and Mechanical Engineers Corp during peacetime in the 1950s (Moran 2004:95).

5 Aboriginal Heritage Places

The Clarence Valley Aboriginal community explained to AM Consulting that they would prefer that detailed information about site locations, outside of those already available, were not included in a publicly accessible document. However, historical research and consultation with the local Aboriginal community has indicated that there are areas of Aboriginal heritage sensitivity within the LGA that Council should be made aware of when considering applications for development.

5.1 Aboriginal Heritage Context

This section describes the nature of the known Aboriginal archaeology of the study area and is based on a review of relevant archaeological reports and publications.

5.1.1 Regional Archaeological Investigations

Few regional archaeological investigations have been undertaken in the Clarence Valley owing to its vast size and relatively recent amalgamation into one council area. Three major studies have been undertaken which have relevance for the current study, focussing on the New England region (McBryde 1974), the Ulmarra Shire (Byrne 1985), and the Shire of Maclean (Byrne 1986).

Aboriginal Prehistory in New England (McBryde 1974)

Isabel McBryde (1974) produced one of the first regional archaeological surveys attempted in Australia for the New England region of NSW, providing detailed descriptions and discussion of the various archaeological sites to be found in the area. A field survey was conducted with the objective of recording all art, ceremonial, burial and occupation sites within the region (McBryde 1974:15). Targeted excavation of occupation sites followed in rockshelters at Seelands near Grafton (1960-1961), Whiteman Creek near Copmanhurst (1962), Chambigne near Coutts Crossing (1962), and Graman near Inverell (1965-1967); a midden site at Woombah near Iluka (1963-1964); and art sites at Bendemeer and Halls Creek near Tamworth (1964-1965) (McBryde 1974:16-17). The sites chosen sampled coastal, inland riverine, and upland environmental zones. The aim of the excavations was to identify stratified assemblages of stone artefacts and recognise indicators of seasonal occupation or specialised activities (McBryde 1974:17). Based upon historic research and the results of excavation, the following statements were made regarding the nature and distribution of Aboriginal sites across the New England region:

- Stone arrangements and bora rings are found in the coastal zone in the Clarence Valley and to the south, as well as on the New England Tablelands to the west. Within these two zones they are scattered and their distribution shows no clustering (McBryde 1974:29), although bora grounds appear to be more common around Lismore and Armidale than in the Clarence Valley (McBryde 1974:30 Figure 2);
- Both painted rock art and linear engravings are found in the Clarence Valley on rockshelters or on vertical rock faces adjacent to such sites (McBryde 1974:67). The distribution of art sites extends from the Orara River in the south, west to Nymboida and north into the Richmond Valley near Lismore, while engravings appear to be restricted to an area between Grafton and Copmanhurst (McBryde 1974:84);
- No stone quarrying sites have been identified in the Clarence Valley, as gravel beds of the river provided sufficient variety of rocks for most tool making purposes. Petrological analysis of axe heads has suggested some movement of raw material from one river system to another (McBryde 1974:154-155); and
- Axe-grinding grooves are found in both the coastal and northern tablelands region of NSW, though they are more abundant on the dry western slopes of the New England Tablelands

than in the Clarence Valley. Grinding grooves are found near occupation sites and where sandstone and water are readily available (McBryde 1974:159).

Archaeological Resources Management Study for the Ulmarra Shire (Byrne 1985)

Dennis Byrne (1985) prepared a preliminary Aboriginal archaeological resources management study for the Ulmarra Shire, a region bounded by Grafton, Yamba and Coffs Harbour, that now forms part of Clarence Valley LGA. He identified areas of known or potential Aboriginal cultural and archaeological significance based on four environmental land use zones – floodplain, riverine, uplands and coast/coastal Wetlands (Byrne 1985:36-58). Byrne proposed the following general trends in regional site distribution:

- Middens are the most numerous, but underrepresented, site type. They are mostly situated on fore dunes, though many more are likely to be found in the back-dunes, the margins of perched swamps and lagoons, the margins of back-swamps and the margins of estuaries. The food-rich estuaries provided the best location for sites, near their mouths where sites could have been positioned to take advantage of the estuarine, beach and rock platform environments (Byrne 1985:55);
- Artefact sites, consisting of scatters of flaked or ground-edged stone artefacts with or without subsurface occupation deposit, are likely to be found on high ground in and around the periphery of the floodplain (Byrne 1985:39), and in riverine environments on the flat tops of spurs running down to rivers (Byrne 1985:45). Because the floodplain is a depositional environment it is likely that most sites will be covered to some extent by alluvium. Artefact sites in rugged, upland country will be restricted to flat positions such as saddles and along the tops of ridges (Byrne 1985:49);
- Most art sites occur at shelters on sandstone exposures within 1km of rivers and creeks. Most art sites can thus be expected within the riverine zone (Byrne 1985:44);
- Burials are likely to exist in the coastal and coastal wetland zone, especially in dune contexts and in association with middens (Byrne 1985:56);
- Bora grounds are somewhat likely to be located on the floodplain and in riverine environments but their locations cannot be predicted accurately. The Orara River appears to have been a centre for ceremonial activity (Byrne 1985:43); and
- There is a slim chance of stone fish traps being found, particularly in the riverine environment (Byrne 1985:56).

Archaeological Resources Management Study for the Maclean Shire (Byrne 1986)

In the following year, Byrne produced a similar Aboriginal archaeological resources management study for the Maclean Shire. Given the proximity to the coast, Byrne's site prediction model focussed on types of sites that had already been, or were predicted to be found, in the coast/coastal wetland zone; such as shell and resource gathering sites, artefact sites and burials:

- Midden and occupation sites can be expected to occur between Brooms Head and the Clarence River, and inland of Ten Mile Beach, especially around swamps and lagoons, estuarine margins and creek banks (Byrne 1986:20, 27-28);
- It is highly likely that Aboriginal burials, singly or in groups, presently lie unrecorded in dunes, but there is no way that the location of such sites can be predicted (Byrne 1986:28);
- Bora grounds are typically located on flat terrain (Byrne 1986:18);
- No rockshelter sites had been identified in the Maclean Shire, though they were likely to exist in the uplands zone, in the band of Kangaroo Creek Sandstone running through the Shire (Byrne 1986:16); and
- No rock art sites had been identified in the Maclean Shire, but it remains a possibility that unrecorded sites exist in association with the Kangaroo Creek Sandstone. Clarence Valley

pigmented art sites are most likely to be found on the back walls or roof of rockshelters, while abraded grooves are likely to be found on walls inside rockshelters, on exposed rock walls and on rockshelter floors (Byrne 1986:17).

5.1.2 Local Archaeological Investigations

A comparatively greater number of small scale studies have been undertaken in response to proposed developments within Clarence Valley LGA (for example, see Navin Officer 1996; Everick Heritage Consultants Pty Ltd 2007); linear surveys for infrastructure projects such as proposed roads, transmission lines and water pipeline supply schemes (for example, see Byrne 1981; Hamm 1994; Collins 2005; Navin Officer 2009); and surveys over larger areas for a variety of purposes including management of State Recreation Areas and National Parks (for example, see Brown *et al.* 2002; NPWS 2006; 2009a; 2009b; 2010; 2011).

The distribution of Aboriginal sites described by McBryde (1974) and Byrne (1985; 1986) have informed background research and survey methodologies for Aboriginal cultural heritage assessments across the LGA. To date, the findings of these investigations have been generally consistent with the site prediction models, with shell midden sites the most commonly recorded site type in the coastal zone, and open campsites located on raised and well drained landforms adjacent to rivers and creek lines (Gay 1998:11 Collins 2005:14; Everick Heritage Consultants Pty Ltd 2007:19). These models have been refined, with further predictive statements made regarding the likelihood of other Aboriginal sites including quarry sites and grinding grooves, whereby the former were likely to occur where rock outcrops in ranges, or along watercourses with suitable pebble beds (Byrne 1981:12); and the latter were likely to be located on exposed sandstone outcrops in close proximity to water (Brown *et al.* 2002:45; Everick Heritage Consultants Pty Ltd 2007:19).

Concentrations of sites have been identified in the vicinity of cities and towns such as Grafton, Maclean and Yamba, as well as in proximity to riverine resource zones such as the Clarence and Orara Rivers. However, the site distribution pattern is partly the result of intensive surveys triggered by proposed developments, rather than accurately reflecting the nature of Aboriginal land use; and there is still potential for sites to occur outside these areas in the LGA.

5.2 Aboriginal Heritage Site Types

Previously recorded Aboriginal sites within the Clarence Valley LGA generally occur in the vicinity of watercourses, in elevated areas, and in areas with suitable geology or mature vegetation. Table 5.1 identifies and describes the types of Aboriginal sites which are known to, or potentially may, occur in the Clarence Valley LGA, and where such sites are usually located.

Table 5.1 Summary descriptions of known site and potential site types

Site Feature	Description
Aboriginal Ceremony and Dreaming	Previously referred to as mythological sites, Aboriginal Ceremony and Dreaming sites are locations that have spiritual or ceremonial value to Aboriginal people, e.g. natural unmodified landscape features, ceremonial or spiritual areas, men's/women's sites, dreaming (creation) tracks, marriage places (OEH 2012b:8). These types of sites are usually identified by the local Aboriginal community as having cultural significance, and do not necessarily contain physical evidence of Aboriginal occupation or use. Within Clarence Valley LGA, Aboriginal Ceremony and Dreaming sites are recorded on elevated landforms (ridges and hilltops), and are sometimes found in association with ceremonial rings and stone arrangements. Sites known to the general public include natural landscape features such as the Clarence River and Alipou Creek (Biosis 2004:11; 2011:24), Glenugie Peak (Smythe 1948:109-110; Navin Officer 2009:23) and Bleeding Rock (Department of Lands and Clarence Valley Council 2009:20).

Site Feature	Description
Aboriginal Resource and Gathering	These types of sites are related to everyday economic activities, including gathering food, hunting, procuring materials, and manufacturing goods for use or trade (OEH 2012b:8). Aboriginal Resource and Gathering sites in Clarence Valley LGA have been identified near fresh water sources, swamps and in the immediate vicinity of minor creek lines, in particular along the Yamba coast (Hall and Lomax 1993:14) and on Susan Island (Biosis 2004:12; Hall n.d.).
Art	Art sites have been identified in association with shelters and in areas where sandstone rock outcrops form surfaces suitable for painting or engraving (Gay 1998:11). Art sites have previously been identified on outcrops flanking the Clarence River, to the southwest of Grafton. Many rock art sites in Clarence Valley LGA are characterised by images of the human figure, goannas, boomerangs and stencilled hands. These figures were depicted in outline form and filled in with red ochre, white pigment, charcoal or incised lines (McBryde 1974:84-89).
Artefact	Objects such as stone tools, and associated flaked material, spears, manuports, grindstones, discarded stone flakes, modified glass or shell demonstrating evidence of use of the area by Indigenous people (OEH 2012b:8). This site type usually appears as surface scatters of stone artefacts in areas where vegetation is limited and ground surface visibility increases. Such scatters of artefacts are also often exposed by erosion, agricultural events such as ploughing, and the creation of informal, unsealed vehicle access tracks and walking paths. Isolated artefacts may represent a single item discard event, or be the result of limited stone knapping activity. The presence of such isolated artefacts may indicate the presence of a more extensive, in situ buried archaeological deposit, or a larger artefact scatter obscured by low ground visibility. Artefact sites are likely to be located on landforms associated with past Aboriginal activities, such as ridgelines that would have provided ease of movement through the area, and on dry, relatively flat or gently sloping land along with access to water, particularly creeks, swamps and rivers (Byrne 1985:39, 48-49; Hamm 1994:8; Gay 1998:11; Witter 2000:28).
Burial	This site type includes both traditional and contemporary burials (OEH 2012b:8). Soft sediments such as middens, dunes and estuary banks on, or close to, rivers, creeks and beaches, allowed for easier movement of earth for burial (Gay 1998:11); however, bodies were also wrapped in bark or placed in caves or rock shelters. Aboriginal burial sites can be marked by depressions, though many may occur outside designated cemeteries and may not be marked (McBryde 1974:146-149). Known pre-contact Aboriginal burials occurred at Everlasting Swamp, near Grafton (Byrne 1986:38), in Yuraygir National Park (Department of Lands and Clarence Valley Council 2009:20) and in rockshelters at Blaxland Flat (McBryde 1974:136-150). European-style graves became more common in the post-contact period and were often in or near reserves and pastoral stations (Department of Environment and Climate Change 2007:11). Contemporary Aboriginal burials are known at Ashby Aboriginal Reserve and on Ulgundahi Island (McSwan and Switzer 2006:20).
Ceremonial Ring	Ceremonial rings (bora grounds) are locations that have spiritual or ceremonial values to Aboriginal people, and are places where initiation occurred (OEH 2012b:8). They usually consist of a circular clearing defined by a raised earth circle, connected to a second, smaller circle by a pathway, and were often accompanied by geometric designs carved on nearby trees. Unfortunately, the raised earth features are easily destroyed by agricultural and pastoral activities, vegetation growth and weathering (McBryde 1974:29-31,53; Connah *et al.* 1977:133-4). While there appears to have been a large number of bora grounds in the New England region around Lismore and Armidale (McBryde 1974:44), comparatively fewer bora grounds have been recorded in the Clarence Valley area, mainly on flat areas in or near river valleys (Hall and Lomax 1993:23; Gay 1998:11). Bora grounds are unlikely to occur in the coastal ranges due to insufficient flat terrain on which to site the grounds (Byrne 1985:30).

Site Feature	Description
Conflict	Conflict sites are locations where confrontations occurred between Aboriginal groups, or between Aboriginal people and non-Aboriginal people (OEH 2012b:8). However, there is often very little detail recorded regarding specific events and locations; and often, sites are unmarked. Conflict sites are most likely to occur in places of Aboriginal and settler interaction, such as on the Orara River (Ryan 1988:167; Hoff 2006:261), on the Clarence River at Tyndale (McSwan and Switzer 2006:17; Maclean Community Meeting 8/4/2014), and at Blair Hall and Glenugie (Mackey and Edwards 2001:103, 118).
Earth mound	Earth mounds are mounded deposits that are round or oval in shape, containing baked clay lumps, ash, charcoal and, usually, black or dark grey sediment. Earth mounds may contain evidence of economic activities such as shells, bones or stone artefacts. Occasionally they contain burials (OEH 2012b:8). Like ceremonial rings, earth mounds are easily destroyed by agricultural and pastoral activities, vegetation growth and weathering. (McBryde 1974:29-31,53; Connah et al. 1977:133-4). No earth mounds have been identified in the Clarence Valley LGA although this is probably a reflection of site recording processes rather than absence.
Fish Trap	Fish traps are modified areas on watercourses where fish were trapped for short-term storage and gathering (OEH 2012b:9). These sites are most likely to occur along river banks, creeks and streams where fish resources were plentiful. Some however, made use of natural rock platforms and tidal processes (Hamm 1994:6; Randall 1996). A natural rock formation fish trap was identified in the Clarence Valley at Angourie, near Yamba (Hamm 1994:6; Randall 1996), and at Woody Head near Iluka (NPWS 1997:25).
Grinding Groove	Grinding grooves are grooves in a rock surface resulting from the manufacture of stone tools such as ground edge hatchets and spears, and may also include rounded depressions resulting from grinding of seeds and grains (OEH 2012b:9). Often, sandstone is chosen for grinding and water is used as the whetting agent. As a consequence these sites are generally located on sandstone outcrops in close proximity to water (Hall and Lomax 1993:22; Everick Heritage Consultants Pty Ltd 2007:19). Within the Clarence Valley LGA, grinding grooves are most likely to occur in the Jurassic sandstone belt near Grafton, with identified grinding groove sites at Moleville Creek near Grafton (Clarence Valley LEP 2011) and at Whiteman Creek in Copmanhurst (McBryde 1974:93).
Modified Tree	Modified trees are trees which show the marks of modification as a result of cutting bark from the trunk (OEH 2012b:9). Tree bark was utilised by Aboriginal people for various purposes, including the construction of shelters (huts), shields and containers (coolamons), hafting axes, wrapping bodies for burial, as well as being beaten into fibre for string bags or ornaments. The removal of bark exposes the heart wood of the tree, resulting in a scar. Over time the outer bark of the tree grows across the scar (overgrowth), producing a bulging protrusion around the edges of the scar. Trees may also be scarred in order to gain access to food resources (e.g. cutting toe-holds for climbing trees in order to catch possums) (Long 2003:10-15). Carved trees generally marked areas used for ceremonial purposes, or the locations of hunting grounds or fishing waters. Modified trees have been recorded in places such as at Coutts Crossing, and near Alipou Creek in Grafton, but their locations most likely reflect historical clearance of vegetation rather than the actual pattern of scarred trees.
Ochre Quarry	Ochre quarries are a source of ochre used for ceremonial occasions, burials, trade and artwork (OEH 2012b:9). Ochre quarries are only found where ochre occurs in the landscape and has been exploited in the past. Ochre procurement sites have been identified on the Orara River at Ramornie in Clarence Valley LGA (Byrne 1985:41), at Red Rock in Coffs Harbour LGA, and at Tabulam in Kyogle LGA (Maclean Community Consultation Meeting 8/04/2014; NPWS 2010:5).
Potential Archaeological Deposit (PAD)	This type of site is an area in which subsurface artefacts or other cultural material is considered likely to occur, based on a review of the environmental and historical context of the area, and previous archaeological investigations (OEH 2012b:9). Physical evidence of the potential deposit may or may not be visible on the ground surface, or may be obscured by dense vegetation. Within Clarence Valley LGA, PADs may be present across the landscape; particularly on ridgelines, spurs and along rivers, creeks, streams and swamps where suitable camping areas and pathways occur (Hall and Lomax 1993:21, 26).

Site Feature	Description
Shell	Shell sites, previously known as shell middens, are an accumulation or deposit of shellfish from beach, estuarine, lacustrine or riverine species resulting from Aboriginal gathering and consumption. They are found in association with other objects such as stone tools, fish bones, and burials (OEH 2012b:10). Midden deposits most often occur in close proximity to water sources within coastal, estuarine and riverine contexts. Shell sites in the Clarence Valley LGA have been recorded at places such as Barri Point (Day 2005:2), Brooms Head (Register of the National Estate ID 18915), on the Clarence River at Woombah (McBryde 1974:373-374), and Micalo Island (Piper 1996:8).
Stone Arrangement	Stone arrangements usually consist of low stone cairns or heaps of stones, although some also include circles and pathways. They are often found in close spatial association with bora grounds and thus are often isolated from known camp sites. The function of this site type is uncertain; however, they are thought to be ceremonial in nature (McBryde 1974:31, 54-55; Connah *et al.* 1977:134). Stone arrangements in the Clarence Valley LGA have been identified in the Sherwood Nature Reserve (Brown *et al.* 2002:48), at Skinner's Swamp near Blaxlands Flat (McBryde 1974:31-33), and at Mount Kremnos (Register of the National Estate ID 18241).
Stone Quarry	Aboriginal stone quarry sites are sources of good quality stone that have been quarried and used for the production of stone tools (OEH 2012b:10). Such sites are often associated with stone tool artefact scatters and stone knapping areas. Loose or surface exposures of stone or cobbles may be coarsely flaked for removal of portable cores. Raw materials can be sourced to these sites and provide evidence for Aboriginal movement and/or exchange. Stone quarry sites are found where suitable raw materials occur within the landscape, and where these have been exploited in the past. Within Clarence Valley LGA, quarry sites may be located where rock outcrops in ranges, or along watercourses with suitable pebble beds (Byrne 1985:25; McBryde 1982:76; Davidson 1982:44-5, 131-132; Gay 1998:11).
Waterhole	These sites are a source of water for Aboriginal groups, and may also have ceremonial or dreaming significance (OEH 2012b:10). Waterhole sites within the Clarence Valley LGA include the Jarrawarra waterhole on the Orara River, and unnamed waterholes at Fisher Park and in the Pillar Valley. *Miimiga Gaungan* in Sherwood Nature Reserve is located immediately south of the Clarence Valley in Coffs Harbour LGA.

5.3 Areas of Aboriginal Heritage Sensitivity

As discussed in Section 3.2, it was made clear by the Aboriginal community during the consultation process that not all heritage sites should be mapped or identified in detail, but that general areas that are important to the community could be indicated. A summary of places with Aboriginal heritage sensitivity identified by historical research and through consultation with the local Aboriginal community is provided in Table 5.2 and Table 5.3. Table 5.2 identifies places which are within the Clarence Valley LGA. Table 5.3 identifies places which have significance to the local Aboriginal community, but which are located outside of the Clarence Valley LGA. It is important to note that this information should be used in conjunction with the heritage sensitivity mapping, as not all of the places were able to be accurately located for mapping.

Aboriginal heritage sites and places of heritage sensitivity in the Clarence Valley LGA are reproduced in a series of A3 maps in this report (Figure 5.1-Figure 5.8). In addition, based on a review of previous regional and local archaeological investigations, areas that AM Consulting believe have the potential to contain Aboriginal archaeological sites are indicated as having heritage sensitivity. The sensitivity mapping is based on a range of variables, including environmental zones, surficial geology, and watercourses, as well as information provided by the local Aboriginal community. Due to the scale of the maps (1:150,000) and availability of base data, 'raised and well drained landforms' including saddles, ridges and the flat tops of spurs, have not been mapped. However, there is still potential for sites to occur in these areas. As further heritage and archaeological investigations are undertaken in the Clarence Valley region, refinements may be made to the predicted areas of sensitivity.

In order to verify the predicted areas of sensitivity, two AHIMS searches were undertaken to capture sample data describing previously recorded Aboriginal sites across the range of environmental zones within the LGA. The search areas covered the uplands and riverine zones in the south of the LGA from Nymboida to Tyringham, between the Guy Fawkes and Kangaroo Rivers, and the coast/coastal wetlands, floodplain and riverine zones in the east of the LGA, and from Brushgrove to Wooli, between the coast and the Orara River.

Table 5.2 Summary of areas of Aboriginal heritage sensitivity within Clarence Valley LGA referred to in the thematic history

Area of Aboriginal Heritage Sensitivity	Reference/Source of Information
Aboriginal cemetery, Baryulgil: Aboriginal cemetery in historic period	Clarence Valley LEP 2011 (Item No I15)
Asbestos Mine site, Baryulgil: place of employment for Aboriginal people in historic period	Long (1970:41) Wilkinson (1992, Part 2:233) Clarence Valley LEP 2011 (Item No I16)
Aboriginal Reserve (Ashby) AR 55640**:** Aboriginal settlement and cemetery in historic period	McSwan and Switzer (2006:20) Thinee and Bradford (1998:342)
Aboriginal Cemetery/Burial Ground (Ashby): Aboriginal settlement and cemetery in historic period, separate from Aboriginal Reserve	Pers. comm. C Clague (14/12/2014)
Alipou Creek: story site, natural feature of spiritual significance	Biosis Research Pty Ltd (2004:11; 2011:24)
Angourie Reserve: shell midden and reported location of fish trap	Clarence Valley LEP 2011 (Item No I7)
Bancroft Stamper Battery: five head stamper battery associated with the gold mining industry in the Lionsville-Solferino area and the Bancroft family	Clarence Valley LEP 2011 (Item No I179)
Banyabba Nature Reserve: stone arrangement*	Byrne (1981:13)
Barri Point midden: shell midden and occupation site	Day (2005:2) Randall (1996) Godwin and Creamer (1984:107) Register of the National Estate (ID 18926)
Baryulgil Aboriginal Reserve: Aboriginal settlement in historic period	Thinee and Bradford (1998:343)
Aboriginal Reserve (Blaxlands Creek) AR 15679**:** historic period occupation site and burial site	Thinee and Bradford (1998:355)
Blaxlands Flat Site 1A and 1B / Blaxlands Flat Area, Coutts Crossing: rockshelter with art	McBryde (1974:70, Plate 14) Register of the National Estate (ID 3455)
Blaxlands Flat rockshelter: pre-contact burial site	McBryde (1974:136-150, Plate 31) Byrne (1985:28)

Area of Aboriginal Heritage Sensitivity	Reference/Source of Information
Blaxlands Flat Stone Arrangement / Skinners Swamp, Blaxlands Flat: stone cairn arrangements	McBryde (1974:31-33) Byrne (1985:31) Register of the National Estate (ID 13666)
Bleeding Rock, Diggers Camp: place of spiritual significance, 'Clever Men' (*Nguloongoora*) campsite	Department of Lands and Clarence Valley Council (2009:20)
Braunstone on the Orara River: bora ground*	McBryde (1974:55)
Brooms Head: shell midden	Register of the National Estate (ID 18915)
Aboriginal Reserve (Bugilbar Creek) AR 84957/69558: historic period occupation site	Thinee and Bradford (1998:346)
The Bull Paddock, Coutts Crossing: stone arrangement*	Register of the National Estate (ID 3463)
Cabbage Tree Mountain: ceremonial place	Kijas (2009:19)
Chambigne Area 1: art site	Register of the National Estate (ID 3451)
Chambigne Site B1: occupation site	McBryde (1974:374) Register of the National Estate (ID 3453)
Carnham, Mount Carnham: bora ground and scarred tree*	Hall and Lomax (1993:20)
Clarence Creek: place of significance, Aboriginal dreaming site (waterholes where Birrigan stopped on travels and camped; Birrigan dropped axe at Gumbaynggir and Yaegl camp site)	Pers. comm. M Smith, (8/01/2015)
Clarence River: Bundjalung territorial boundary, natural feature of spiritual significance	Calley (1964:49, 58) Tindale (2014 [1974]) NNTT (2007)
Clarence River, Lower Southgate opposite Brushgrove: contact period burial site*	Byrne (1986:38)
Aboriginal Reserve (Parish of Clarenza) AR 42532: historic period occupation site*	Thinee and Bradford (1998:355)
Aboriginal Reserve (Clouds Creek) AR 2958: historic period occupation site	Thinee and Bradford (1998:355)
Coldstream River: landscape corridor linking significant story sites	Gumbaynggir Language and Culture Group (1992:15-18)
Collum Collum: station run by Collum Collum Aboriginal Co-operative	Ginibi (1994:70) Ronin Films (2014)

Area of Aboriginal Heritage Sensitivity	Reference/Source of Information
Copmanhurst Area, Copmanhurst: art site*	Register of the National Estate (ID 18972)
Corolama Island: Aboriginal settlement in historic period	Clarence Valley LEP 2011 (Item No I391)
South of **Coutts Crossing**: carved bloodwood trees associated with a bora ring [no longer extant]*	Byrne (1985:27)
Dwelling (former Tracker Robinson's cottage), Grafton: c1880s cottage associated with William "Tracker" Robinson (William Leslie)	Clarence Valley LEP 2011 (Item No I459)
Elizabeth Island: sacred men's and/or women's site	Biosis (2004:3; 2011:6-7)
Everlasting Swamp, Lawrence: burial site	Byrne (1986:38)
Dirrangun Reef, Yamba: place of significance, Aboriginal ceremony and dreaming site*	Register of the National Estate (ID 102345)
Fisher Park Lagoon: Aboriginal campsite in historic period	Pers. comm. K. Wilsmore, Grafton Historical Society (4/4/2014) Grafton City Council and Sustainable Futures (2000:9)
First Falls Crossing, Mylneford: travel route, major Clarence River crossing place	Clarence Valley LEP 2011 (Item No I333)
Get Lost Site Complex, **Sherwood Nature Reserve:** Aboriginal campsite with stone arrangement and modified tree	Brown *et al.* (2002:48)
Gillets Ridge/Gillets Island and Collets Island: burial ground	Pers. comm. M Smith, (8/01/2015)
Aboriginal Reserve (Glenreagh) AR 84929**:** Aboriginal reserve	Byrne (1985:13) Brown *et al.* (2002:21) Thinee and Bradford (1998:354)
Glenugie: grinding bowl in rock	Pers. comm. M Smith, (8/01/2015)
Glenugie Peak: Aboriginal ceremony and dreaming site	Smythe (1948:109-110) Navin Officer (2009:23)
Grafton Aboriginal Home / Aboriginal Reserve (Bunyip Creek) AR 2951, AR 14493 and AR 17794**:** historic period occupation site	*Clarence and Richmond Examiner* (1892:8) Thinee and Bradford (1998:354)
Grafton Agricultural Research and Advisory Station, Trenayr: grinding grooves*	Clarence Valley LEP 2011 (Item No I378)
Green Point, Angourie: meeting place for ceremonial purposes	Randall (1996)

Area of Aboriginal Heritage Sensitivity	Reference/Source of Information
Hall, Baryulgil: hall used by Aboriginal community for social occasions, including weddings and funerals	Clarence Valley LEP 2011 (Item No I17)
Harwood Island (next to cemetery): axe site and spear site	Jack Larrigo (1932), Ron Heron (pers. comm. M Smith, 8/01/2015)
Aboriginal Reserve (Iluka Creek) AR 2952: historic period occupation site	Thinee and Bradford (1998:355)
Jackys Creek Area, Chambigne: art site*	Register of the National Estate (ID 3452)
Jarrawarra Waterhole, Orara River: sacred site associated with spirit of Aboriginal stockman*	Byrne (1985:33)
Kangaroo Creek Station: conflict site where Aboriginal people were poisoned	*The Maitland Mercury & Hunter River General Advertiser* (1848:3) Navin Officer (1996:20) Brown et al. (2002:26)
Aboriginal Cemetery (Lawrence): cemetery	Pers. comm. M Smith (8/01/2015)
Aboriginal Reserve (Lawrence) AR 50988: historic period occupation site (includes Camira Reserve and Orara Reserve)	Thinee and Bradford (1988:355)
Lionsville / Lionsville village archaeological site, gold mining area, clothing distribution site, place of employment in the historic period	Bancroft 2013 Bancroft 2011: 131-145 Mrs Dorothy Bancroft in DEC (2010) AMBS 2013: 32, 41 Thornton (1883) Clarence Valley LEP 2011 (Item No I184)
Lionsville Cemetery: potential scarred tree	Clarence Valley LEP 2011 (Item No I181)
Lookout, Maclean: cave site where Auntie Annie Cameron born (now destroyed)	Pers. comm. M Smith (8/01/2015)
Woolitji House, Maclean	Pers. comm. M Smith, (8/01/2015)
Maclean Showground: Aboriginal ceremony and dreaming site, former location of giant fig tree associated with the Durrangan dreamtime story	Randall (1996) Clarence Valley LEP 2011 (Item No I193)
McLoughlin property: camp site on river	Pers. comm. M Smith (8/01/2015)
Micalo Island: midden site containing burials*	Piper (1996:8)
Malabugilmah Aboriginal Settlement: historic period Aboriginal settlement	Webster (2005:41)

Area of Aboriginal Heritage Sensitivity	Reference/Source of Information
Aboriginal Reserve (Mitchell [Mann] River) AR 2953/6303**:** historic period occupation site	Thinee and Bradford (1998:355)
Moleville Creek Grinding Groove / Moleville Rocks Recreation Reserve, Grafton: grinding grooves	Clarence Valley LEP 2011 (Item No I329) Clarence Valley LEP 2011 (Item No I330) Register of the National Estate (ID 13665)
Mount Kremnos Stone Arrangements, Coutts Crossing: stone arrangement*	Register of the National Estate (ID 18241)
Mount Marsh State Forest (in part), Camira Creek: place of significance*	Register of the National Estate (ID 19002)
'Mylneford', Copmanhurst on the northern bank of the Clarence River: bora ground*	McBryde (1974:55)
Nobbys Creek Area Copmanhurst: art site*	Register of the National Estate (ID 3449)
Nobbys Creek Area 1, Copmanhurst: art site*	Register of the National Estate (ID 3454)
Nymboida Reserve AR 45162/3, AR 50790: Aboriginal reserve and occupation site in historic period	Byrne (1983:78) Thinee and Bradford (1998:355)
Nymboida Aboriginal Place: burial ground	Declared Aboriginal Place (NPW Act) Register of the National Estate (ID 3450)
Paddymelon Stone Increase Site, Nymboida: place of significance*	Whitter (2000:10) Register of the National Estate (ID 18969)
Palmers Island: historic period fringe camp*	McSwan and Switzer 2006:17
Orara River Bora Grounds, Coutts Crossing: ceremonial site*	Register of the National Estate (ID 18935)
Pillar Rock and waterholes, Pillar Valley: men's initiation site	Kijas (2009:19) Navin Officer (2009:23)
Aboriginal Reserve (Pippi Beach) / **Ngaru Village:** Aboriginal reserve and occupation site in historic period	McSwan and Switzer (2006:20)
Plover Island: stone quarry	Pers. comm. M Smith (8/01/2015)
Reedy Creek camp, Shores Drive, Yamba**:** Aboriginal campsite in historic period	McSwan and Switzer (2006:21); Day (2005:2)
Residence ("Hillcrest"), Maclean: place of resettlement in 1960s for people from Ulgundahi Island	Clarence Valley LEP 2011 (Item No I220)

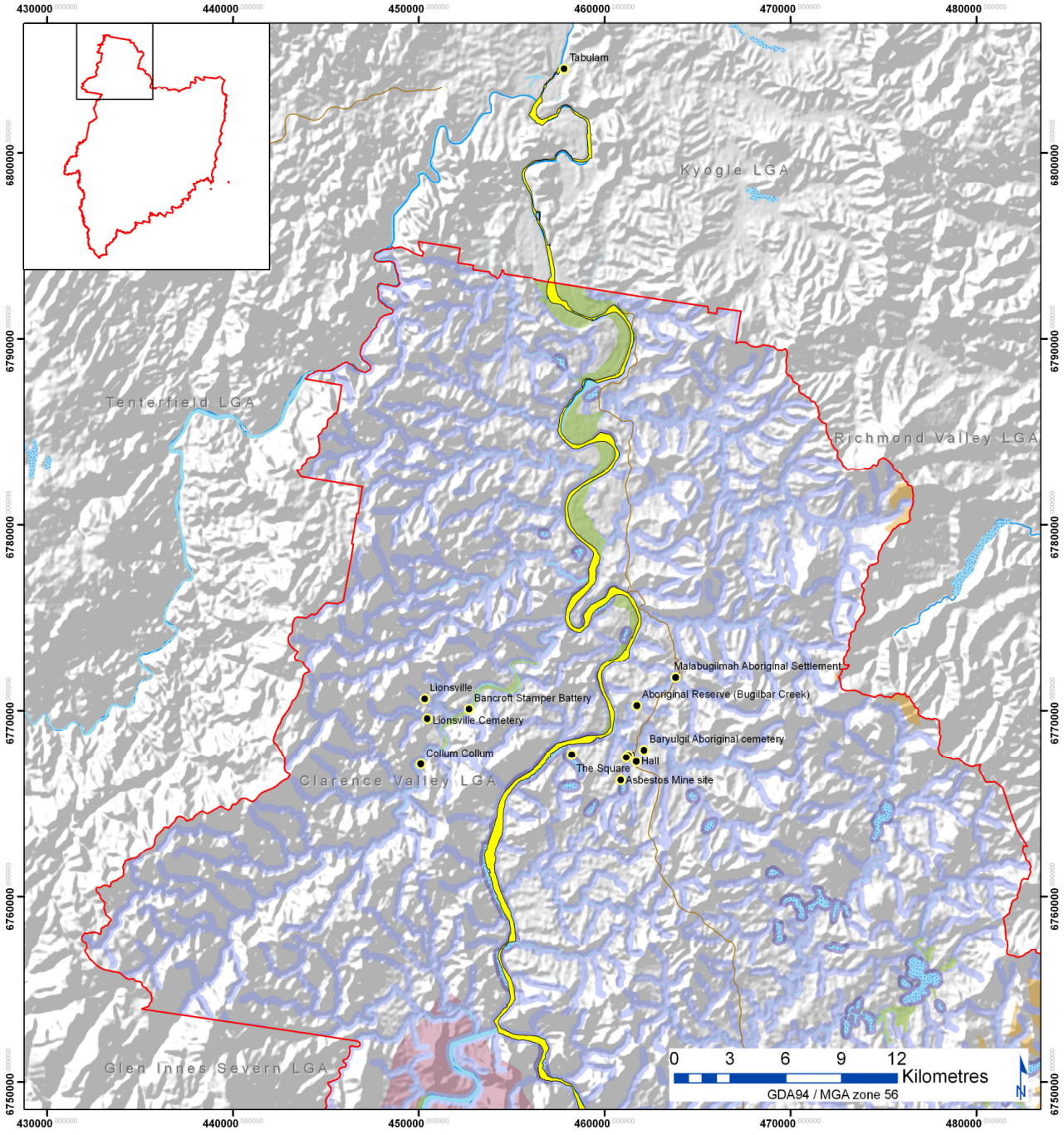
Area of Aboriginal Heritage Sensitivity	Reference/Source of Information
Rocky Laurie Drive sign, Yamba	Clarence Valley LEP 2011 (Item No I421)
Sandon Point: midden and camp site	Pers. comm. M Smith (8/01/2015)
Seelands rockshelter / Seelands Area: pre-contact occupation site	McBryde 1974:373 Register of the National Estate (ID 3448)
Shark Creek Headland: walking trail to lake	Pers. comm. M Smith (8/01/2015)
Aboriginal Reserve (Southgate) AR 29829: historic period occupation site*	Thinee and Bradford (1998:366)
The Square, Baryulgil: Aboriginal settlement historically associated with Yulgilbar Station and the Baryulgil Asbestos Mine	Clarence Valley LEP 2011 (Item No I18)
Stockyard Midden, Yamba: shell midden*	Register of the National Estate (ID 18927)
Story House camping area, Yamba: historic period camp site	McSwan and Switzer (2006:21)
Susan Island: women's site and centre for Aboriginal women's crafts	Biosis Research Pty Ltd (2004:12) Hall (n.d.) Clarence Valley LEP 2011 (Item No I512)
Ulgundahi Island AR 38639, AR 41619**:** Aboriginal reserve and settlement in historic period	State Heritage Register (SHR No 01721) Clarence Valley LEP 2011 (Item No I391)
Ulmarra: scarred trees	Pers. comm. M Smith (8/01/2015)
Lake at back of Ulmarra: place used to dive for turtles	Pers. comm. M Smith (8/01/2015)
Bora ground southwest of **Ulmarra**	Byrne (1985:29) AHIMS Site #16-4-66
Upper Copmanhurst Area: art site*	Register of the National Estate (ID 3420)
Aboriginal Reserve (Whiteman Creek) AR 2954**:** historic period occupation site	Thinee and Bradford (1998:355)
Whiteman Creek Area, Copmanhurst: occupation site*	Register of the National Estate (ID 3419)
Whiteman Creek Axe Grinding Site, Copmanhurst: grinding grooves*	Register of the National Estate (ID 13678) McBryde (1974:93)

Area of Aboriginal Heritage Sensitivity	Reference/Source of Information
Woodford Island: caves with carvings	Pers. comm. M Smith (8/01/2015)
Woodford Island/Tyndale, south arm of the Clarence River**:** massacre site	Hamm (1994:6) McSwan and Switzer (2006:17) Pers. comm. Colin Clague 14/12/2014
Woody Head: camp grounds behind beach swamp and dunes	Pers. comm. M Smith (8/01/2015)
Woombah midden, Clarence Estuary / Woombah Archaeological Area, Woombah: shell midden	McBryde (1974:373-374) Godwin and Creamer (1982:14) Hamm (1994:5) Register of the National Estate (ID 13669)
Aboriginal Reserve (Wooloweyah Estuary) AR 2955: post-contact occupation site	Thinee and Bradford (1998:371)
Wooloweyah Lake (north east foreshore, across toward Angourie Road, south of Yamba): shell midden	NPWS report for claim under ALRA (pers. comm. C Clague 14/12/2014)
Yamba: camp site on south head*	Collins (2003 [1802])
Light House precinct, Yamba: on Clarence Head, associated with two Aboriginal dreaming stories	Clarence Valley LEP 2011 (Item No I417)
Yamborra Cottages, Yamba: four (remaining of six) 1960s fibro cottages	Clarence Valley LEP 2011 (Item No I422)
Yuglibar Station: conflict site where Aboriginal people were reportedly poisoned	Hall (1977:28) Clarence Valley LEP 2011 (Item No I436)
Yuraygir National Park, 3km southwest of Angourie: bora ground*	Godwin and Creamer (1982:54)
Lake Arragan lagoon, Yuraygir National Park: camp site and meeting place	Pers. comm. M Smith (8/01/2015)
* Area of Aboriginal heritage sensitivity not identified in heritage mapping	

Table 5.3 Summary of areas of Aboriginal heritage sensitivity outside Clarence Valley LGA

Area of Aboriginal Heritage Sensitivity	Reference/Source of Information
Goanna Headland, Evans Head [Richmond Valley LGA]: Aboriginal reserve; land comprising the first claim lodged with the Registrar for determination under the *Aboriginal Land Rights Act* 1983.	Pers. comm. C Clague (14/12/2014)
Pretty Gully Aboriginal Reserve [Tenterfield LGA]: bush camp, gold fossicking area*	Moran (2004:6-15) Thinee and Bradford (1988:348)
Red Rock [Coffs Harbour LGA]: ceremonial area, ochre source, massacre site	Maclean Community Consultation Meeting (8/04/2014) Kijas, J (2009: 18)
Miimiga Gaungan – St Marys Waterhole, Sherwood Nature Reserve [Coffs Harbour LGA]: Aboriginal Place, women's site*	Brown et al. (2002:45) NPWS (2009:7)
Tabulam [Kyogle LGA]: Aboriginal settlement	Long (1970:39-42) Thinee and Bradford (1988:366)
Turtle Point Aboriginal Reserve, near Tabulam [Kyogle LGA]: Aboriginal reserve*	Moran (2004) NPWS (2010:12-13)
Woodenbong, Muli Muli [Kyogle LGA]: Aboriginal settlement*	Thinee and Bradford (1998:344)

* Area of Aboriginal heritage sensitivity not identified in heritage mapping



Legend

- Clarence Valley LGA
- Towns and Villages
- Major Roads
- Major Watercourses
- Lakes
- Flats
- Places identified in heritage study
- Places identified in heritage study

Heritage sensitivity

- Aboriginal community
- Kangaroo Creek sandstone within 1km of rivers
- Swamp and estuary margins
- Quaternary alluvium
- Coastal dunes
- Thematic history
- River and creek banks

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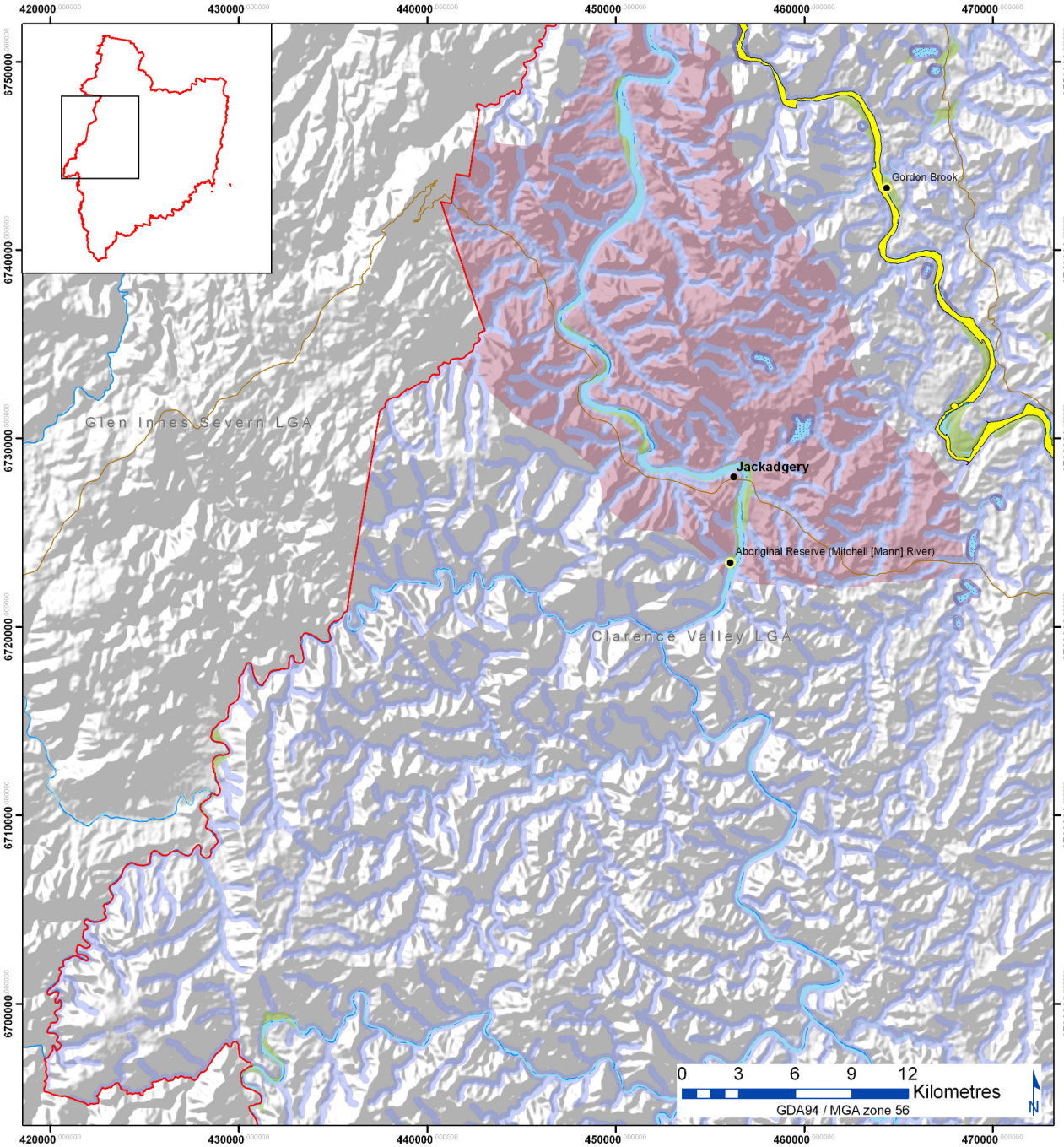
Figure 5.1 Areas of Aboriginal heritage sensitivity in the north west Clarence Valley LGA



Legend

- Clarence Valley LGA
- Towns and Villages
- Major Roads
- Major Watercourses
- Lakes
- Flats
- Places identified in heritage study
- Places identified in heritage study

Heritage sensitivity

- Aboriginal community
- Kangaroo Creek sandstone within 1km of rivers
- Swamp and estuary margins
- Quaternary alluvium
- Coastal dunes
- Thematic history
- River and creek banks

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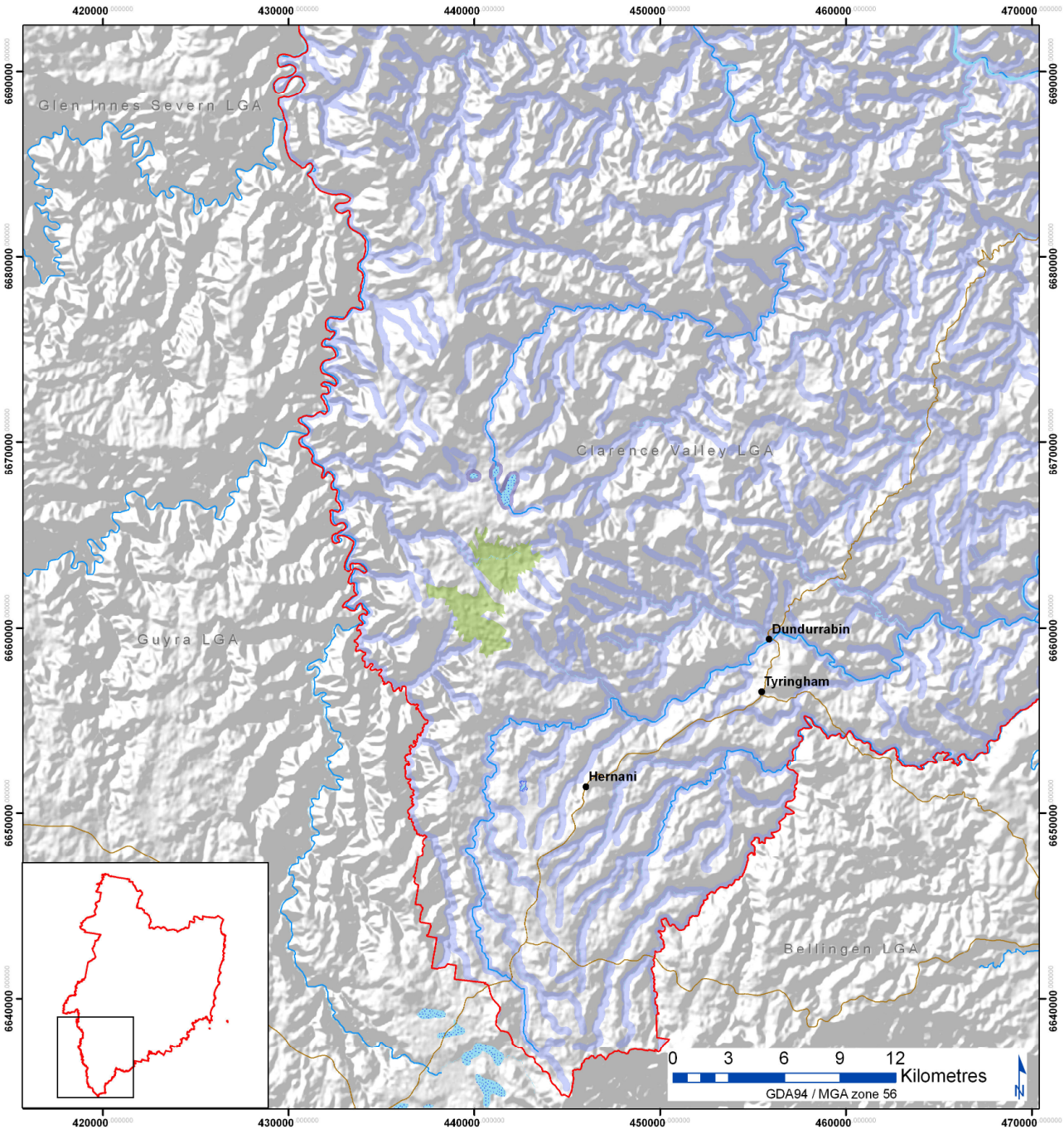
Figure 5.2 Areas of Aboriginal heritage sensitivity in the west Clarence Valley LGA



Legend

- Clarence Valley LGA
- Towns and Villages
- Major Roads
- Major Watercourses
- Lakes
- Flats
- Places identified in heritage study
- Places identified in heritage study

Heritage sensitivity

- Aboriginal community
- Kangaroo Creek sandstone within 1km of rivers
- Swamp and estuary margins
- Quaternary alluvium
- Coastal dunes
- Thematic history
- River and creek banks

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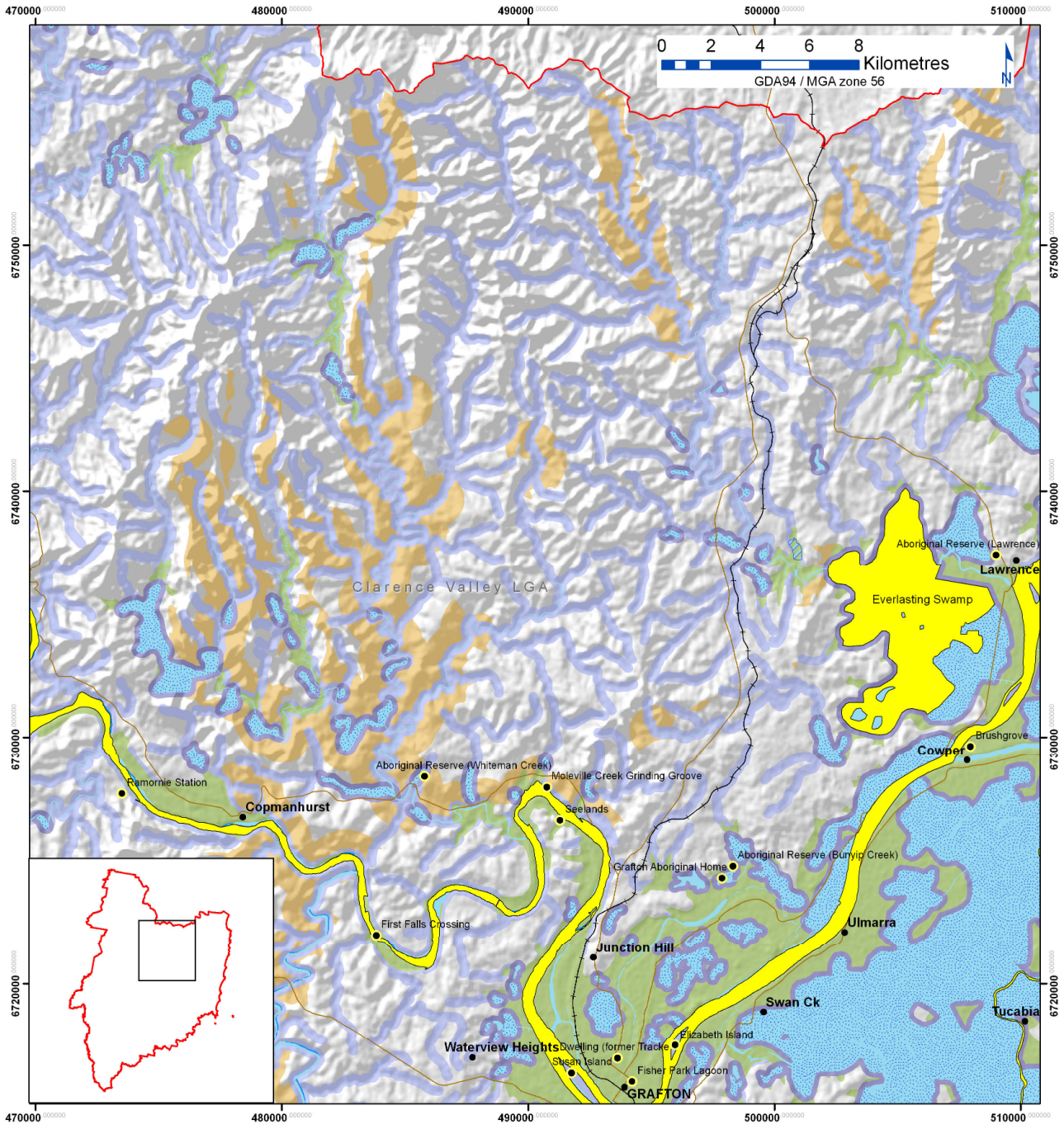
Figure 5.3 Areas of Aboriginal heritage sensitivity in the south west Clarence Valley LGA



Legend

- Clarence Valley LGA
- Towns and Villages
- Major Roads
- Major Watercourses
- Lakes
- Flats
- Railway
- Places identified in heritage study
- Places identified in heritage study

Heritage sensitivity

- Aboriginal community
- Kangaroo Creek sandstone within 1km of rivers
- Swamp and estuary margins
- Quaternary alluvium
- Coastal dunes
- Thematic history
- River and creek banks

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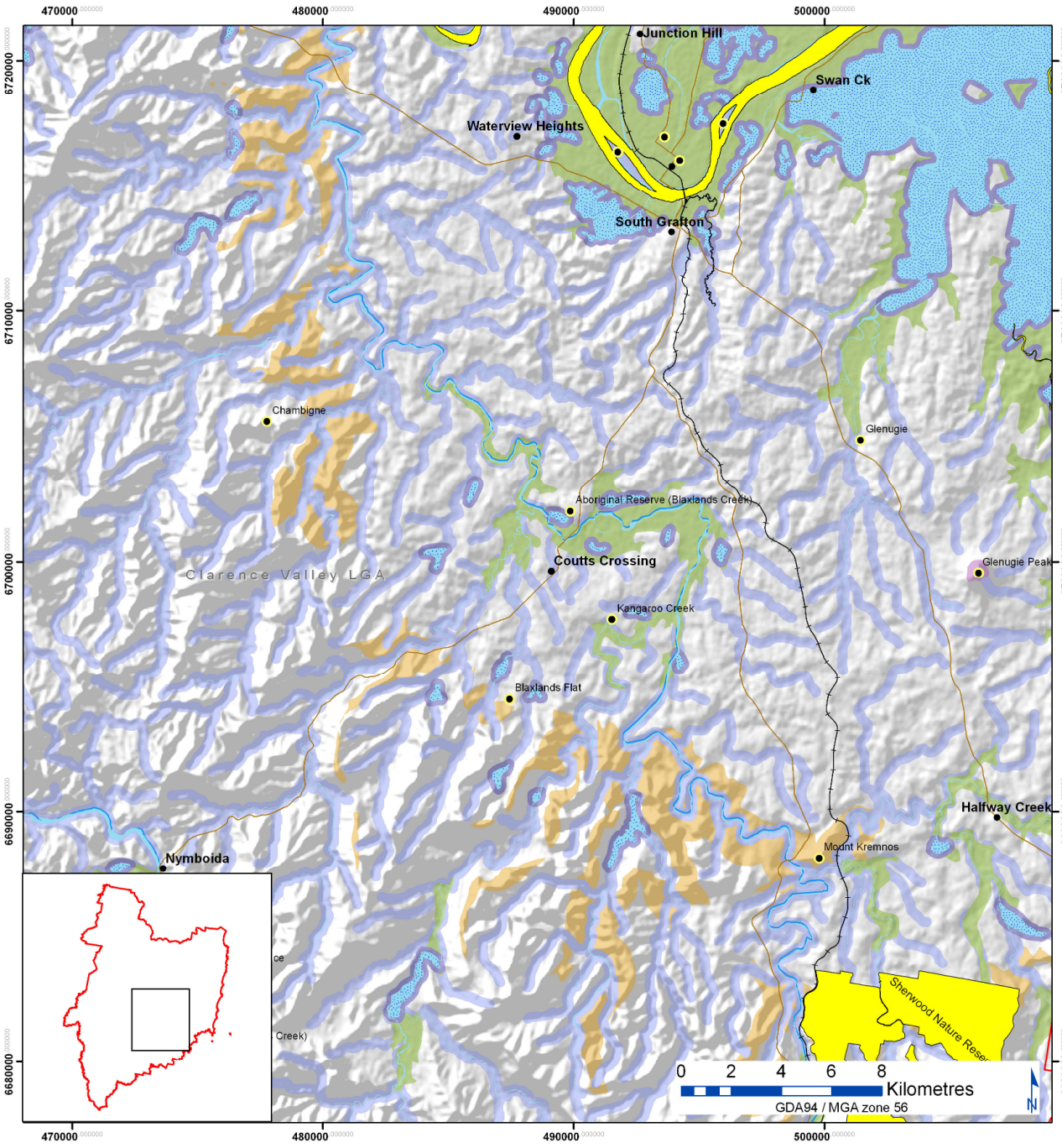
Figure 5.4 Areas of Aboriginal heritage sensitivity in the central north Clarence Valley LGA



Legend

- Clarence Valley LGA
- Towns and Villages
- Major Roads
- Major Watercourses
- Lakes
- Flats
- Railway
- Places identified in heritage study
- Places identified in heritage study

Heritage sensitivity

- Aboriginal community
- Kangaroo Creek sandstone within 1km of rivers
- Swamp and estuary margins
- Quaternary alluvium
- Coastal dunes
- Thematic history
- River and creek banks

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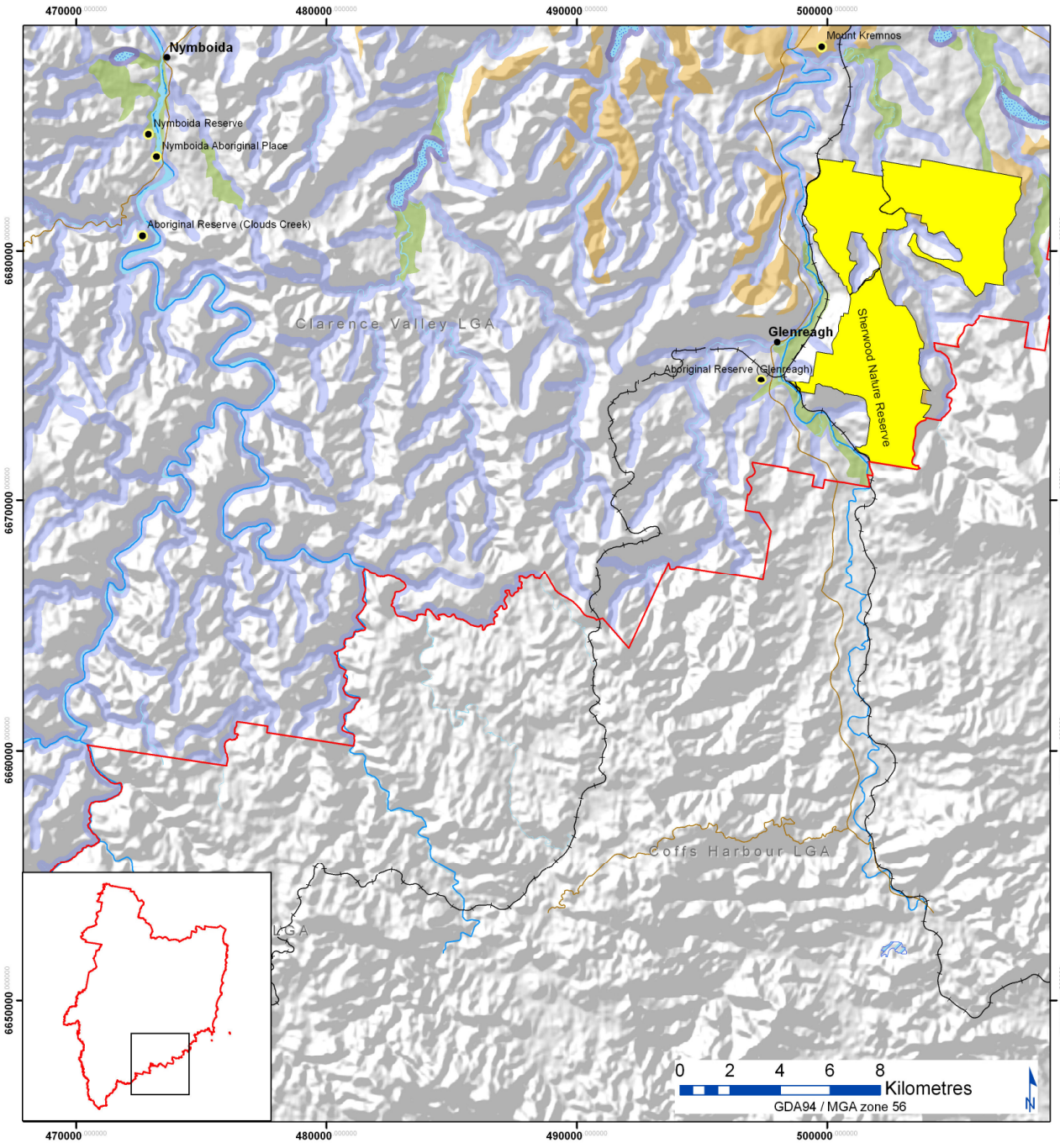
Figure 5.5 Areas of Aboriginal heritage sensitivity in the central Clarence Valley LGA



Legend

- Clarence Valley LGA
- Railway
- Towns and Villages
- Places identified in heritage study
- Major Roads
- Places identified in heritage study
- Major Watercourses
- Lakes
- Flats

Heritage sensitivity

- Aboriginal community
- Kangaroo Creek sandstone within 1km of rivers
- Swamp and estuary margins
- Quaternary alluvium
- Coastal dunes
- Thematic history
- River and creek banks

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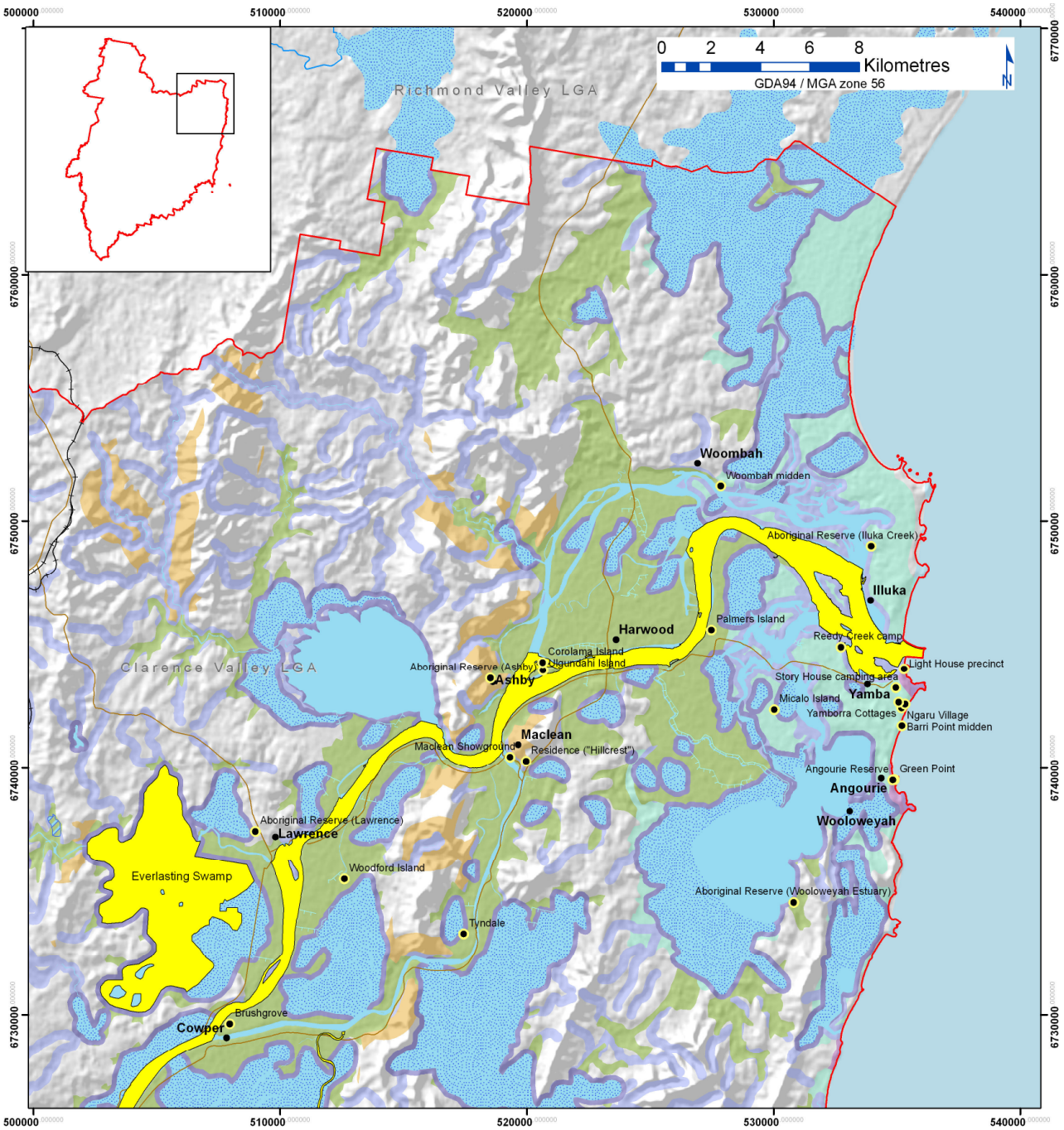
Figure 5.6 Areas of Aboriginal heritage sensitivity in the central south Clarence Valley LGA



Legend

- Clarence Valley LGA
- Towns and Villages
- Major Roads
- Major Watercourses
- Lakes
- Flats
- Railway
- Places identified in heritage study
- Places identified in heritage study

Heritage sensitivity

- Aboriginal community
- Kangaroo Creek sandstone within 1km of rivers
- Swamp and estuary margins
- Quaternary alluvium
- Coastal dunes
- Thematic history
- River and creek banks

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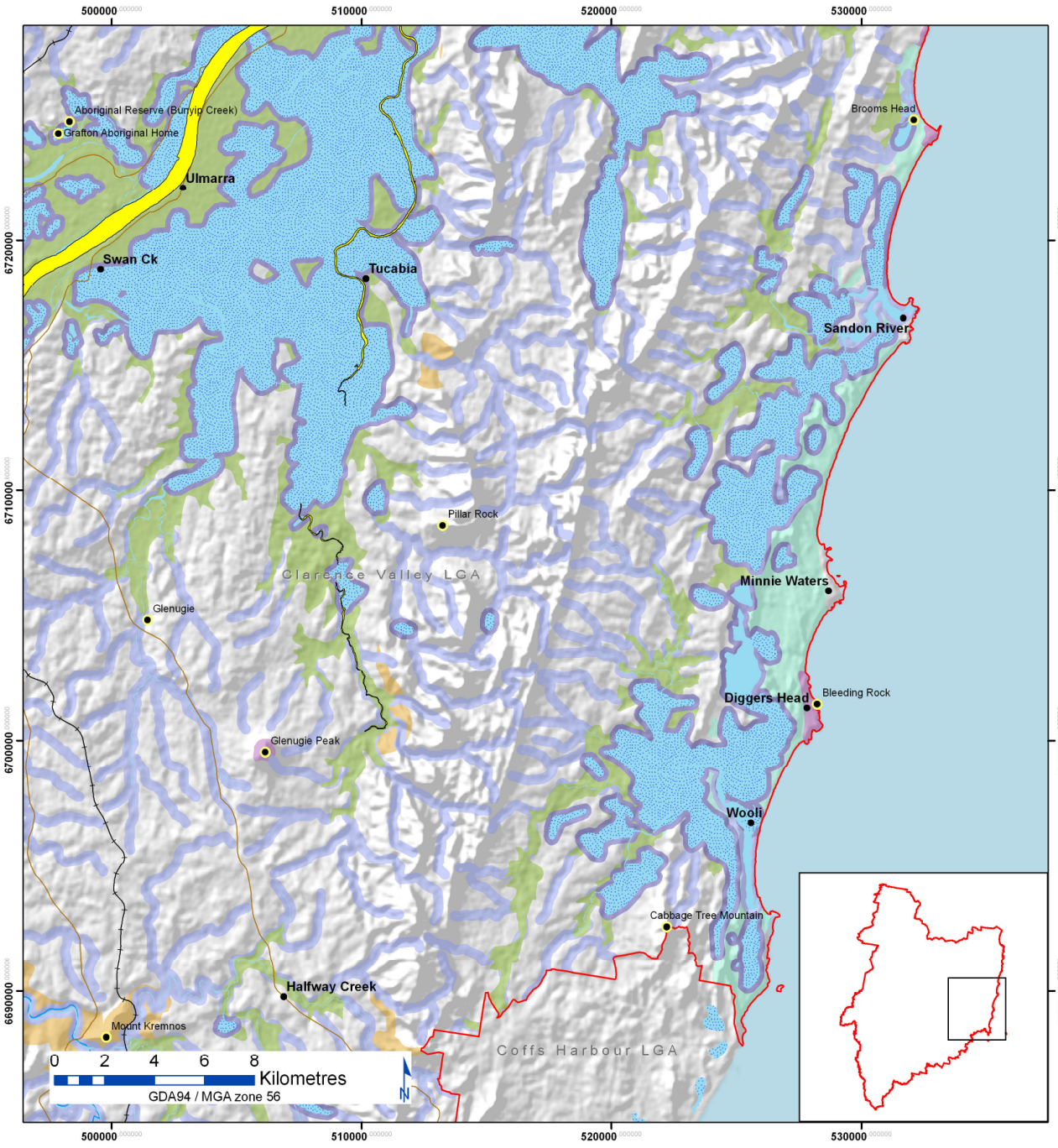
Figure 5.7 Areas of Aboriginal heritage sensitivity in the north east Clarence Valley LGA



Legend

- Clarence Valley LGA
- Towns and Villages
- Major Roads
- Major Watercourses
- Lakes
- Flats
- Railway
- Places identified in heritage study
- Places identified in heritage study

Heritage sensitivity

- Aboriginal community
- Kangaroo Creek sandstone within 1km of rivers
- Swamp and estuary margins
- Quaternary alluvium
- Coastal dunes
- Thematic history
- River and creek banks

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Figure 5.8 Areas of Aboriginal heritage sensitivity in the south east Clarence Valley LGA

6 Protecting Aboriginal Heritage

The following recommendations are based on the statutory requirements, heritage best practice and consultation with the local Aboriginal community.

6.1 Statutory Provisions

6.1.1 Aboriginal Heritage

The current environmental planning instrument for Clarence Valley LGA is the Clarence Valley Local Environmental Plan 2011, which is based on the current Standard Instrument Local Environmental Plan. The LEP contains standard Clause 5.10 Heritage Conservation, which aims to conserve environmental heritage of the Clarence Valley LGA. Subsections 2 and 8, in particular, address Aboriginal heritage:

> ***(2) Requirement for consent***
> *Development consent is required for any of the following:*
> *(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
> *(i) a heritage item,*
> *(ii) an Aboriginal object,*
> *(iii) a building, work, relic or tree within a heritage conservation area,*
> *(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
> *(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
> *(d) disturbing or excavating an Aboriginal place of heritage significance,*
> *(e) erecting a building on land:*
> *(i) on which a heritage item is located or that is within a heritage conservation area, or*
> *(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
> *(f) subdividing land:*
> *(i) on which a heritage item is located or that is within a heritage conservation area, or*
> *(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

and

> ***(8) Aboriginal places of heritage significance***
> *The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:*
> *(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
> *(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

A diagrammatic overview of the regulatory and procedural framework, which applies to development proposals under the provisions of the EP&A Act and the Clarence Valley LEP, is provided in Figure 6.2.

6.1.2 Historic Heritage with Aboriginal Heritage Value

Within the Clarence Valley LGA are a number of historic heritage items listed on Schedule 5, 'Environmental heritage' of the LEP, which also have, or have the potential to have, Aboriginal heritage significance. Changes to these items may require an AHIP under the NPW Act, even if the item is not currently registered on the OEH AHIMS database. Where a proposed development has potential to impact on the Aboriginal heritage significance of an historic heritage item, development applications should be referred to OEH for advice by specialists in Aboriginal heritage matters.

Development applications for historic heritage items that are listed on the SHR and are of significance to Aboriginal people should be referred to the OEH for assessment in consultation with the Aboriginal Heritage Committee of the Heritage Council. The Standard Exemptions for works requiring Heritage Council approval do not apply to anything affecting objects, places, items or sites of heritage significance to Aboriginal people or which affect traditional access by Aboriginal people (Heritage Council of NSW 2009:8).

6.1.3 Development Applications

When considering applications for development, Council should determine whether an Aboriginal Cultural Heritage Assessment has been undertaken, and whether there is any potential for an Aboriginal object or place of heritage significance to be affected by the development. If no such assessment has been undertaken, and there is reasonable potential for an Aboriginal object or place of heritage significance to be directly or indirectly impacted, then Council should request that an Aboriginal Cultural Heritage Assessment be prepared, in consultation with the local Aboriginal community and in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) and the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010c).

Integrated Development

Where a Development Application (DA) proposes harm to an Aboriginal object or Aboriginal place of heritage significance, it must be dealt with as Integrated Development under Section 91 of the EP&A Act. Such applications must be forwarded to OEH to determine whether the Director General of OEH is prepared to issue an Aboriginal Heritage Impact Permit. Ultimately the DA cannot be approved by Council without the approval of OEH, if an Aboriginal Heritage Impact Permit is required to enable the development to proceed.

In cases of Integrated Development, it is recommended that an Aboriginal Cultural Heritage Assessment be undertaken, in consultation with the local Aboriginal community in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010c).

Development without Consent

The Clarence Valley LEP does, in some instances, allow development to proceed without consent within Heritage Conservation Areas and without requiring a detailed assessment to determine if Aboriginal cultural heritage will be adversely affected (Clause 5.10(3)). If Aboriginal objects are uncovered during development works, all activities are required to cease until the proponent has obtained the relevant approvals and permits.

Council should consider requiring a due diligence process to be undertaken, in order to satisfy itself that the proposed development would not adversely affect the heritage significance of Aboriginal objects or places, in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010a) or an industry specific code of practice adopted by the NPW Regulation. Should a person later unknowingly harm an Aboriginal object without an AHIP, following a due diligence process will constitute a defence against prosecution for the strict liability offence under Section 86(2) of the NPW Act.

Confidentiality

Aboriginal cultural heritage site and sensitivity mapping is to be treated confidentially by Council, and is only to be used to assist in consideration of the adequacy of the Aboriginal heritage components of development applications. The information should be considered as need-to-know, and should not be made publically available. The mapping and site location information contained in Section 5 should not be included on any publicly accessible media, including websites. AM Consulting has provided two versions of the report to Council, one of which has had the Aboriginal heritage sensitivity mapping removed, and which can be treated as a publicly available document.

6.2 Understanding Aboriginal Heritage

6.2.1 Heritage Awareness

The Aboriginal community suggested that it would be appropriate for Aboriginal site and cultural heritage awareness courses or toolbox talks to be run for Council's field contractors. Instances where this would be appropriate could be additional to the standard toolbox talks for site workers. It was also suggested that an Aboriginal site/artefact identification manual could be compiled for Council and its contractors to use, and appropriate protocols for site/artefact management developed in co-operation with the LALCs.

6.2.2 Aboriginal Liaison

The local Aboriginal community in Clarence Valley LGA comprises a number of individuals and organisations. In the first instance, in liaising with the local Aboriginal community, Council should contact the CEO of the relevant LALC, who should then be able to present Council's request/information to the members of these organisations, if appropriate. Figure 6.1 shows the Local Aboriginal Land Councils within Clarence Valley LGA. Current contact details are provided below:

Grafton-Ngerrie LALC
50 Wharf Street, South Grafton NSW 2460
PO Box 314, South Grafton NSW 2460
Phone: (02) 6642 6020 Fax: (02) 6642 6994
Email: gnlalc@bigpond.com

Yaegl LALC
Community Hall, Jubilee Street, Hillcrest Maclean NSW 2463
PO Box 216, Maclean NSW 2463
Phone: (02) 6645 3676 Fax: (02) 6645 3754
Email: yaegl@internode.on.net

Birrigan Gargle LALC
Youth Stadium, 2 Robinson Street Yamba NSW 2464
PO Box 62 Yamba NSW 2464
Phone: (02) 6646 1664 Fax: (02) 6646 1672

Email: bglalc@internode.on.net

Jana Ngalee LALC
Malabugilmah Village, Baryulgil via Grafton NSW 2460
PO Box 1398, Grafton NSW 2460
Phone: (02) 6647 2209 Fax: (02) 6647 2119
Email: janangalee.council@harboursat.com.au

Baryulgil Square LALC
Baryulgil Square Community, Baryulgil via Grafton NSW 2460
PO Box 1383, Baryulgil via Grafton NSW 2460
Phone: (02) 6647 2131 Fax: (02) 6647 2131
Email: baryulgillalc@activ8.net.au

Coffs Harbour LALC
Cnr Pacific Highway & Arthur Street, Coffs Harbour NSW 2450
PO Box 6150 Coffs Harbour NSW 2450
Phone: (02) 6652 8740 Fax: (02) 6652 5923
Email: chris@coffsharbourlalc.com.au

Bogal LALC
2-4 Yabsley Street, Coraki NSW 2471
PO Box 72, Coraki NSW 2471
Phone: (02) 6683 2510 Fax: (02) 6683 2698
Email: bogallalc@bigpond.com

Dorrigo Plateau LALC
c/- Showgrounds, North Dorrigo Road , Dorrigo NSW 2453
PO Box 55, Dorrigo NSW 2453
Email: dpalc1@aapt.net.au
Phone: (02) 6657 2606 Fax: (02) 6657 2607

Armidale LALC
100 Taylor Street, Armidale NSW 2350
PO Box 1837, Armidale NSW 2350
Phone: (02) 6772 2447
Email: ceo@alalc.org.au

6.2.3 Aboriginal Community Consultation

The Aboriginal community identified that consultation and engagement with Council has been problematic in the past, particularly where community input has been sought in the final stages of projects instead of during the planning process. It was suggested that Council hold a forum to develop a formal communication protocol with the Aboriginal community, with input from representatives from each of the LALCs and community members. Council should consider implementing an annual review of the protocol, to ensure ongoing maintenance of Council's community relationships and involvement of the Aboriginal community in the development planning process.

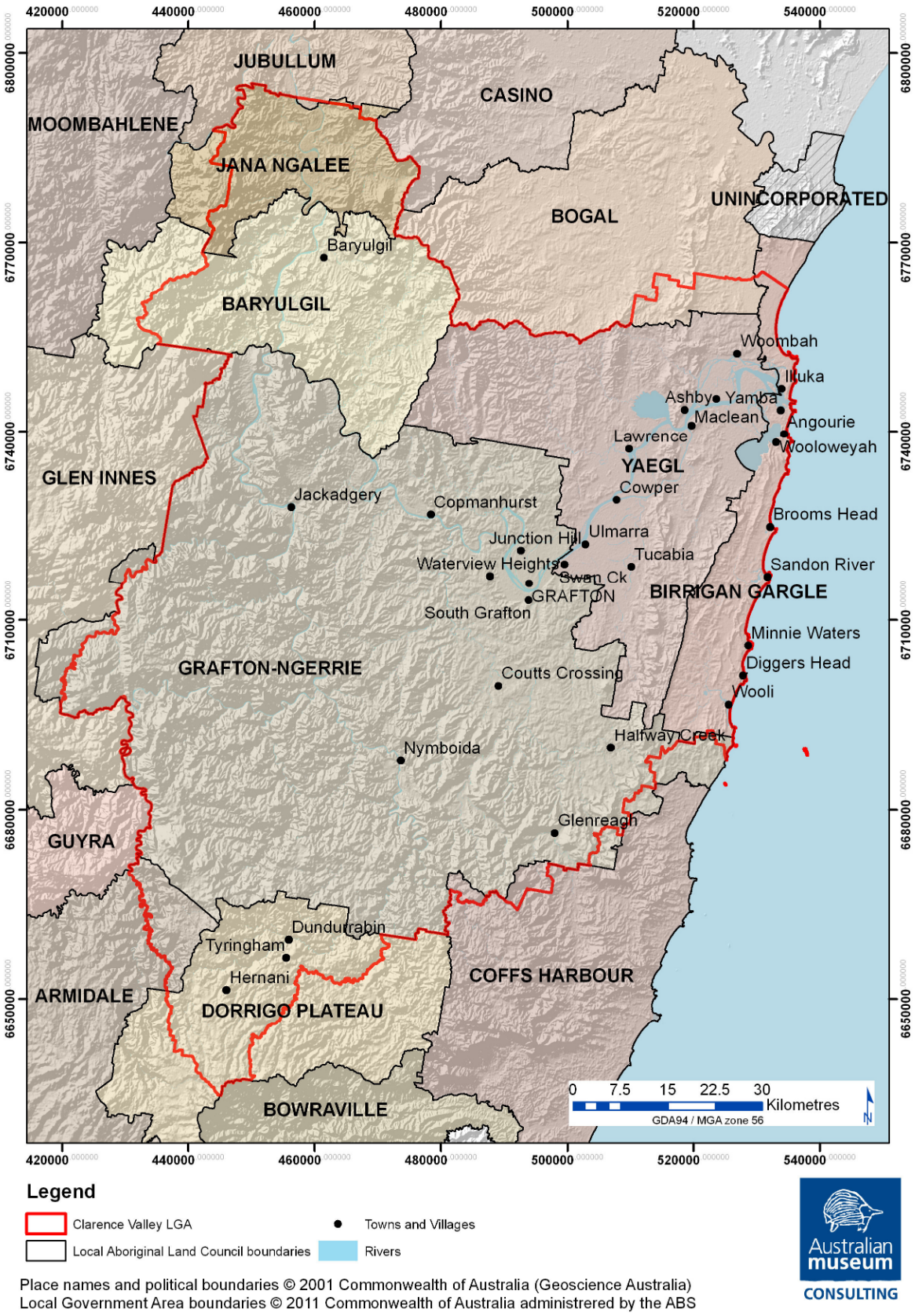


Figure 6.1 Local Aboriginal Land Councils within Clarence Valley LGA

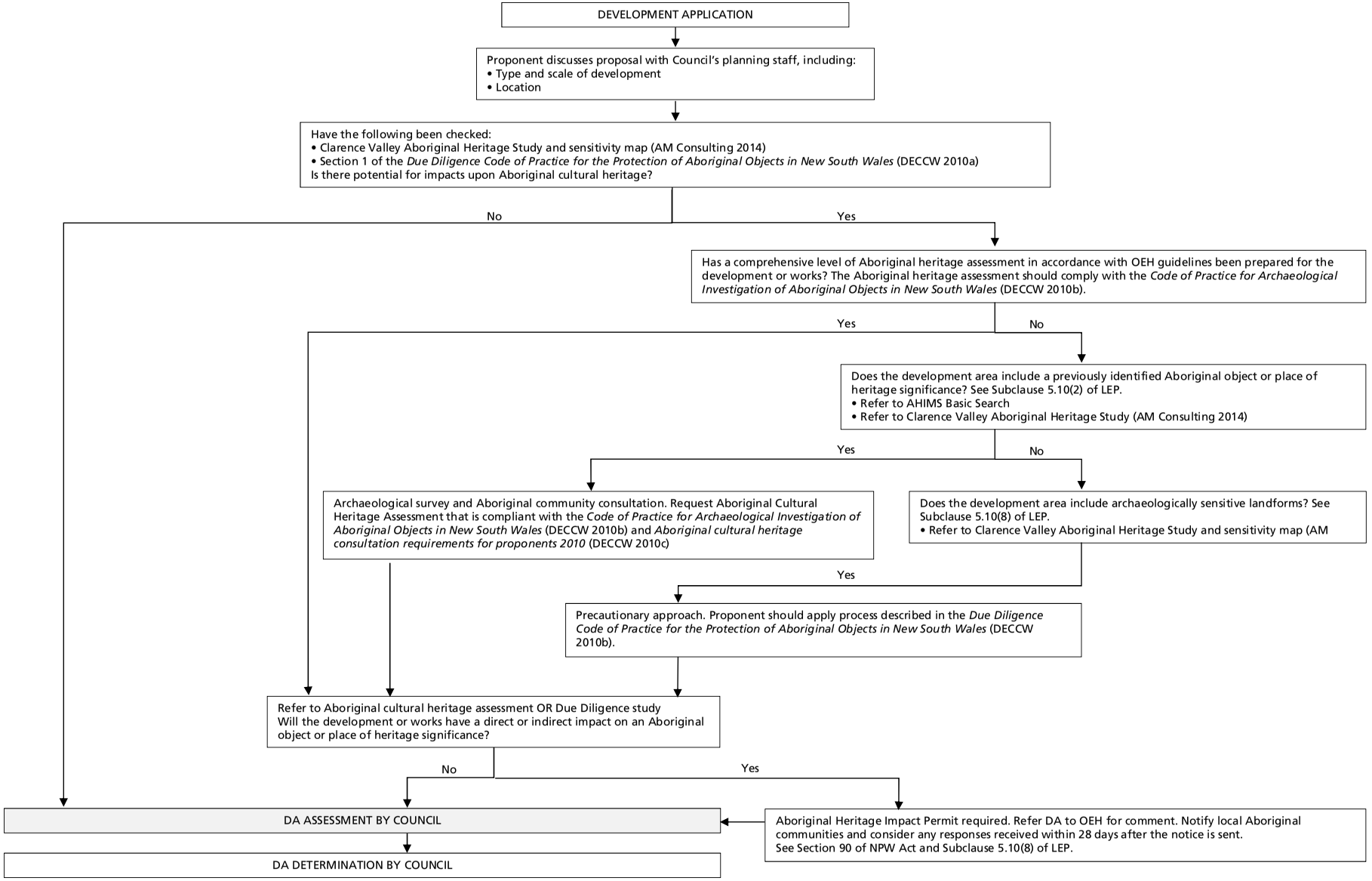
6.2.4 Aboriginal Community Feedback

This report has been provided to the local Aboriginal community for their review and comment. Feedback received has been incorporated into the report where relevant. The Aboriginal community should be approached by Council for their input when the LEP is updated.

6.2.5 Review of the Aboriginal Heritage Study

The Clarence Valley Aboriginal Heritage study should be reviewed and updated, as appropriate, within five years. Due to the scale of the Council area, and the large number of potential Aboriginal community stakeholders, Council should consider adopting a staged process for the review and structuring it by region or LALC area(s) in a similar format to the community based historical heritage studies. This would enable a more targeted approach in the recording and updating of information regarding Aboriginal cultural heritage in the LGA.

Figure 6.2 Development Applications and Aboriginal Heritage Assessment under the Standard Instrument LEP



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