

**THE TURRBAL RESPONSE**

**TO THE**

**QLD GOVT CONSULTATION PAPER ON THE  
REVIEW OF THE CULTURAL HERITAGE ACTS**

**Prepared by**

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**For & on behalf of  
the Turrbal Assoc &  
the Turrbal people.**

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## **1.0 WHO'S WHO IN THE ZOO - THE TURRBAL PEOPLE & THEIR COUNTRY - BRISBANE**

The detailed accounts and in some cases, scanty records of the earliest ticket-of-leave convicts (Pamphlet, Parsons and Finnegan), and explorers Oxley, Cunningham and others such as Fyans, Ridley who made the contact with the original inhabitants of the Brisbane area have been corroborated largely by the accounts of Thomas Petrie.

**1.1** *Tom Petrie's Reminiscences of Early Queensland* by Constance Campbell Petrie (1904), is undoubtedly one of the most detailed account of early European contacts with Aborigines in South East Queensland, particularly Brisbane. Tom Petrie was born in Scotland in 1831 and arrived in Brisbane in 1837 with his father Andrew, as a young six-year old boy. His life-long experience of living with the Brisbane Aborigines, written by his daughter Constance, represents an invaluable work of social history which vividly describes life in the Moreton Bay penal settlement from the 1830s. He lived and grew up with the original inhabitants of the Brisbane area, which he knew as the Turrbal. As a member of one of Brisbane's founding families, Tom Petrie grew up on the colonial frontier. He is arguably the **one of the primary** sources available about the culture, customs and beliefs of the original inhabitants of the Brisbane area. The reason for this is straight forward - whilst the other writers were mostly '**observers**' or '**passing through**', *Tom Petrie lived and grew up with the Aborigines, and spoke the Turrbal language fluently.*

**1.2** J. G. Steele<sup>1</sup> has urged readers to view Reminiscences as an "indispensable source of information on the Aborigines [sic] of the Brisbane area". Notable historian Mark Cryle, in his: Introductory comments to the book Tom Petrie's Reminiscences of Early Queensland stated that:

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<sup>1</sup> Steele, J G, Aboriginal Pathways of South East Queensland, UQP, 1984, p. 124

Reminiscences is doubtless a remarkable document, yet an accurate assessment of its value can only be made in the knowledge that the book was not written by Tom Petrie, but by his daughter, Constance. Unlike many other so-called “primary sources”, Reminiscences is not a diary, nor a collection of official or personal correspondence. It is, in fact, a blend of autobiography, biography, ethnology and anecdote, based - as are many sources in social history - on oral evidence. Indeed, Reminiscences often unfolds in much the same way as an oral history transcript - anecdotal and disconnected, moving back and forth between stories and characters<sup>23</sup>.

**1.3** Contemporary reviews of Constance Petrie’s book stressed its reliance on her father’s memory, for which they showed profound respect. “He was a boy of keen observation, almost everything he saw or heard he remembered. His book of reminiscences exhibits that rare combination of a child’s memory, minute and sure, interpreted with a woman’s sympathy”<sup>3</sup>.

The Sydney Morning Herald admired too the “marvellous memory of the man”<sup>4</sup>.

It should also be noted that Tom Petrie had written articles himself in The Brisbane Courier (31/8/1901 etc.) prior to the publication of Reminiscences by his daughter, Constance Petrie in 1904. Consequently, the arguments by those who viewed the writing of Reminiscences by Constance as questionable should be challenged. For example, in response to a Meston article, “Last of the Brisbane Aboriginal”, Petrie wrote:

I hope you will give space to a few remarks from a man who knew the Brisbane blacks before Archie Meston was born. (How the world got on without him I do not know and

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<sup>2</sup> Cryle, M, “Introduction” in Reminiscences, see Footnote 3, p. xvii

<sup>3</sup> A. G. Stephens, The Bulletin, 30 March 1905, “Red Page” in M. Cryle, Introduction to Reminiscences, 1992, p. xviii).

<sup>4</sup> 28 June 1905, p. 4 in Cryle, Introduction to Reminiscences, 1992, p. xviii), as did Nettie Palmer in the Preface to the second edition (Reminiscences, p. xiv).

neither does he!). Re his letter in Saturday's "Courier" it so often seems [a] waste of time contradicting but I wish he would leave my name out in the misstatements he makes<sup>5</sup>.

1.4 Predictably, Meston replied. "Petrie", he claimed "had acquired a reputation quite unjustified by his knowledge or experience"<sup>6</sup>. This exchange would tend to indicate that Mr. Meston was trying to establish a name or reputation for himself as an authority or "expert" on the Aborigines of the Moreton Bay area.

During 1901, Meston was a contributor to *The Queenslander's* "Ethnology" column. A statement he had made about the local Aboriginal name for the Brisbane River solicited a polite correction from Tom Petrie:

Mr. Meston makes a mistake when he says "the Moreton Bay blacks had no generic name for river". The Brisbane tribe called river "Waar-rai", and creek "Yin-nell" .... It was "Meeann-jin" that the Brisbane blacks (not Stradbroke people) called Brisbane .... Mr Meston must have been misinformed. As a lad in Queensland over sixty years ago, I played with the young Aboriginal boys, there being no white ones to play with, and I then learned their language and their ways and beliefs, and suppose I am the only white man now living who has been present at their ceremonies, bunya feasts & c. I can talk the Brisbane blacks dialect well, also fairly well those of other tribes. The Brisbane tribe - "Turrubul" not "Bo-obbera" - extended as far south as the Logan River; and north to the Pine River; then the dialect spoken at Humpybong was different again. Of late years, anyone seeking the name of a place, and & c. from an aboriginal cannot be certain of his information; for one thing, a blackfellow since they have mixed with the whites, will for 6d. (six pence) tell a stranger anything to please him; and then again you may asking about some locality, and the man questioned comes, perhaps, from a quite different part, and yet will have a name for it. For instance, Caboolture meant to the Brisbane tribe, a place of carpet snakes, and the Bribie blacks called it "Wong-i-doom", which meant the same thing. The blacks always put the cart before the horse, as "Inter tabbil bul-ky-e" (you water fetch it), and "Meeann-jin utta yarranar" (Brisbane I am going). Several native names given to places about Brisbane are incorrect. For instance, Woolloowin should be "Cooloowin", Pinkenba should be called "Dunbain", Binkenba (with a B) was the native name for New Farm, and meant "a place of the land tortoise". I remember when

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<sup>5</sup> M. Cryle, in *Reminiscences*, 1904, p. xxv

<sup>6</sup> *ibid*

a young boy going with the blacks catching the tortoises in the swamp at New Farm. Then Bulimba should be “Toogooloowa” (shape of a heart), and “Boolimbah” was the name of the present White’s Hill itself - not a hill near it. Booroodabin (the place of oaks) should be pronounced as it is spelt, with the accent on the bin. I trust Mr. Meston will grant me the privilege due to old age, and take these corrections in good part as they are meant (Thomas Petrie, *The Queenslander*, 31 August 1901, p. 436)

**1.5** The writings of Tom Petrie in para 1.4 above clearly settled the identity of the group that occupied Brisbane at the time of contact with the European settlers. Some people with ulterior motives have, over a period of time, attempted to claim Brisbane for the Jagera people and Yugera / Yugarapul language people. There is no primary evidence in support of such claim/s.

## **2.0 THE TURRBAL NATIVE TITLE CLAIM JOURNEY**

2.1 The Turrbal native title claim was lodged at the National Native Title Tribunal (NNTT), Brisbane office on 13 May 1998. It was the first native title application over a capital city in Australia, which not unexpectedly attracted national media attention. Subsequent amendments followed as a result of the 10-Point Plan under the Howard Government.

2.2 The application was accepted for registration on 5 November 1999.

The boundary of the native title claim stretched from the North Pine in the north; Moggill to the west; Logan River to the south and east to Tingalpa Creek. It should be noted however, that these external boundaries claimed in 1998 is smaller than ought to have been claimed – this was a strategic decision at the time. The map at Figure 1 at p. 6 is an approximation of the Turrbal ancestral homeland.

**Figure 1**

**3.0 Map of the Turrbal ancestral homeland**



**Figure 2**

**Map of Turrbal Claim area**



#### **4.0 THE SCRUTINY**

4.1 The Turrbal native title claim was subjected to not only legal (adversarial) scrutiny, but public attack as well. At one stage, it was split into two parts (Part A and Part B) – against the wish of the applicant. This made the application somewhat difficult and challenging to manage. If that was not enough, the Jagera people #2 repeatedly attacked the Turrbal native title application. The Jagera people sided with the State of Queensland on numerous court submissions – all aimed at undermining the Turrbal people’s native title determination.

4.2 In 2013, an extraordinary event took place. A relatively new native title applicants (the Yugara / Yuggarapul (“YY”) emerged out of nowhere. YY filed a native title application which overlapped the Turrbal people’s application which had been on foot for over - fifteen (15) years. To rub further insult into injury, the YY native title application was consolidated with the Turrbal application for the trial which commenced on 25 November 2013, despite the fact that the YY native title determination application did not pass the Registration Test.

#### **4.3 THE TRIAL**

Unsurprisingly, the trial was unsatisfactory – from the Turrbal’s standpoint. The YY applicants spent an appreciable proportion of their time attacking the Turrbal submissions. From the outset, it became abundantly clear that the YY applicants had no case to prosecute. As a result, their strategy was to attack and oppose the Turrbal people’s submissions all the way. In summary, the YY applicants demonstrated abundantly – right through the trial that they had no case to prosecute. Their main strategy was to undermine the Turrbal submissions and side with the principal respondent. Which begs the question: how, why and on what ground/s did the YY’s native title determination application consolidated with the Turrbal applicants, given the fact that the YY’s native title determination application had not passed the registration test as at the time of the trial commencement?

## **5.0 SPECIFIC QUESTIONS RAISED IN THE ‘DISCUSSION PAPER’**

### **5.1 Identifying Aboriginal & TSI parties**

From the Turrbal standpoint, every person claiming to be an Indigenous Australian must prove their connection to country. This is of critical importance, and there must be no exception. To be candid, the bar has been set by the scrutiny and adversarial approach meted out to the endured Turrbal native title claim. The Turrbal people have endured not only the adversarial environment of the Federal Court, but also the unpleasant scrutiny of the curious public. The fact is: **native title is a matter of public interest**. That is simply why there is no place to hide in this jurisdiction. The Australian public wants to know the identity/ies of the prospective claimants. This is precisely why the Turrbal journey to date has been laid out in sections 1 – 4 above.

### **5.2 Other groups claiming Brisbane at their ancestral homelands.**

It is no secret that both Jagera people and YY people are also claiming traditional ownership of Brisbane. However, the reality is that the Turrbal people are the registered native title claimants of Brisbane. If the Jagera or the YY peoples are intent on challenging the Turrbal’s position, then they should put up or shut up.

### **5.3 The Department of Aboriginal & TSI Partnership (DATSIP)**

It is not the role of DATSIP to favour one Aboriginal group over another. However, it has come to the attention of the Turrbal people that the Jagera people have been involved in cultural heritage matters / activities in an area where they are not the last claim standing. This is a clear breach of the law. The Turrbal people view this act as irresponsible, biased and

discriminatory. Why have a legislation when it is not complied with? The Turrbal people view this matter seriously and will reserve its right to seek appropriate remedy in due course.

#### **5.4 *Old Parliamentary Economics & Governance Committee 2018***

It is utterly inappropriate for this Committee to meddle in this jurisdiction at all. They have no expertise in this area. We respectfully oppose this initiative.

Similarly, extending the role of Native Title Representative Bodies to provide a certification for the identification of the Aboriginal or TSI parties is inappropriate. This will simply lead to layers upon layers of bureaucracy – a total waste of taxpayers’ funds.

### **6.0 CONCLUSION**

In conclusion, we are of the view that the “last man standing’ provision in the ACHA 2003 should remain in operation simply because it gives certainty to project proponents. A recent example was the Turrbal experience on the Qld government project at the Qld Academy of Maths, Science & Technology, Toowong<sup>7</sup> in which the “Last man standing” provision was used effectively and efficiently to progress a project that otherwise would have been stalled and costing the taxpayers substantial sums of money.

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<sup>7</sup> See *Watson v State of Queensland* [12019] QLC 19