

20.0 Cultural Heritage

20.1 Introduction

This section provides an overview of the cultural heritage in the Gove region and outlines Alcan's approach to cultural heritage issues.

The Gove Peninsula is located in Arnhem Land in the north-east of the Northern Territory. Arnhem Land is a large area of Aboriginal-owned land and is one of Australia's most significant areas of traditional Aboriginal culture.

East Arnhem Land covers an area of 96,000 km² and accommodates a population of approximately 14,000 people, with approximately 3,800 non-Aboriginal people living in Nhulunbuy. The balance live in the surrounding Aboriginal communities and homelands.

The Aboriginal people of North East Arnhem call themselves Yolngu and today blend western lifestyle with their traditional culture.

The cultural heritage of the north-east Arnhem region has many aspects including land, societal structures, traditional beliefs, values and aspirations, art and cross-cultural relationships with non-Aboriginal people.

The cornerstones of Alcan Gove's approach to cultural heritage are:

- Respect for the Yolngu people as Traditional Owners and longstanding occupants of the north-east Arnhem region;
- Recognition of the importance of traditional culture in Yolngu society;
- Recognition of the fundamental importance of land in Yolngu culture and its relationship with other aspects of Yolngu culture;
- A commitment to consultation and transparency in sharing information about the operations of Alcan Gove including the proposed expansion;
- A commitment to working with Yolngu people and organisations to support their initiatives to protect and strengthen Yolngu culture;
- Recognition of sacred sites and other areas with cultural heritage significance; and
- A continuing commitment to improving cross cultural understanding between Yolngu and non-Aboriginal communities.

20.2 Historical Context

20.2.1 Yolngu History

The earliest history of East Arnhem is recorded in painting, dances and songs of the Yolngu culture. It tells of creation ancestors bringing lands and waters, people, animals and plants into being and laying down the law that governs them all. The law defines who owns and manages the lands and waters, essential features of Yolngu identity and culture.

Yolngu people have lived on the Gove Peninsula for at least 50,000 years with recognised land and marine estates. Yolngu people still undertake a variety of traditional activities including hunting fish, bush animals and seasonal bush foods and retain their cultural and spiritual links to the land.

The Yolngu people have had a great deal of contact with outsiders for several hundred years, beginning with the Macassan traders who travelled from Sulawesi every year with the north-west wind of the monsoon to collect trepang (sea cucumber) for the China trade. They brought with them metal knives, cloth and tobacco to trade, and Macassan words and songs, which are part of Yolngu culture today.

The first recorded European contact with the region was an exploratory voyage by the Dutch. In 1623 William Van Colster sailed into the Gulf of Carpentaria and Cape Arnhem is named after his ship the Arnhem.

During the early 19th century, the Yolngu had contact with overland prospectors and cattlemen as they travelled north and this frequently led to conflict.

In 1934 the Reverend Wilbur Chaseling sailed along the coastline of the region looking for a suitable location to establish a Methodist Mission Station. He chose Yirrkala since it “had good water sources”. Within a few years, more than 200 people were living at Yirrkala. Numerous clan groups were attracted to the Mission and inter-clan tension was constantly present. The establishment of the Mission changed traditional lifestyles of the indigenous people although traditional beliefs, rituals and practices were still maintained.

Since 1973 the influence of the Methodist Church diminished after acceptance by the Aboriginals of the philosophy of community self-management. Yirrkala ceased to exist as a Mission in 1975 and today is run by an elected Aboriginal Council.

There are approximately 1,700 indigenous people of numerous clans living in the North-East Arnhem region. The five main clans are Gumatj, Rirratjingu, Djapu, Madarrpa and Dhalwangu. The Gumatj and Rirratjingu are the traditional owners of the land in the area of the Alcan Gove leases.

Aboriginal land is classified as private land and permits must be obtained for persons living in Nhulunbuy who wish to leave the Alcan Gove lease areas for recreational purposes. These permits can be obtained from Dhimurru Land Management Association or the Northern Land Council. The permit system helps to protect areas of land and objects that are considered significant or sacred to the Yolngu people as well as the environment.

20.3 Local Aboriginal Organisations

The *Aboriginal Land Rights (Northern Territory) Act (Land Rights Act)* was passed in 1976 transferring freehold title to the Arnhem Land reserve to the Aboriginal people. The Gove mining leases existed prior to this date and are held in trust by the Northern Land Council (NLC). In 2001 the NLC consisted of 81 Aboriginal members representing 54 communities from the top half (approximately) of the Northern Territory. The NLC meets a number of times a year to consider a range of development proposals and other relevant issues as required under the *Land Rights Act*. While these meetings are open to all indigenous persons in the area of the Council, the right to vote is vested in Council members. The NLC is required by the Act to represent the interests of traditional owners and to consult with them and other indigenous persons interested in the land for any proposed use or development of the land.

The Yirrkala Dhanbul Community Association is the local Council for Yirrkala. The main responsibilities of the Council include the allocation of municipal services and policy, including the provision of housing. The Council manages a community store, museum, a ladies resource centre, and home management and community development

training programs. The Council also manages patrols at Yirrkala and Nhulunbuy aimed at assisting the Nhulunbuy police maintain local peace and order.

The Laynhapuy Homeland Association operates a resource and administration centre at Yirrkala. More than 300 Aboriginals are employed in their development and training programs either full-time or part-time. These programs are implemented in the 22 Homeland communities of the Gove area.

The Dhimurru Land Management Aboriginal Corporation (Dhimurru) manages Aboriginal land on behalf of the traditional owners. This incorporated Aboriginal organisation was established by Yolngu landowners. Dhimurru's objectives are to address natural and cultural management priorities identified by its members, emphasising management of recreation areas following traditional methods (Dhimurru, 2002). Traditional owners have identified areas available for recreation by Nhulunbuy residents and visitors. Dhimurru is responsible for the protection, conservation and sustainable management of natural and cultural resources, based on Yolngu control and community-based management. This responsibility extends to issuing recreation permits for access to areas outside the Alcan Gove lease areas including (but not limited to) the Town Beach, Buffalo Creek, East Woody Beach and Macassan Beach. Dhimurru employs traditional owners as rangers and provides opportunities to attend formal training in natural resource management which complements their traditional management methods. The rangers also monitor visitor compliance with recreation permit conditions and monitor maintenance requirements in designated recreation areas (Dhimurru, 2002).

The Marngarr Community Government Council was formed by the Local Government Division of the Department of Lands, Housing and Local Government at the request of the Gunyangara (Ski Beach) aboriginal community. The Council is responsible for the maintenance of roads, parks, gardens, garbage collection, power, water and sewage reticulation within the town boundaries.

The Gumatj Association represents the cultural and business interests of the Gumatj clan. Gumatj Homelands include Gunyangara, Galupa, Bran Bran, Dhanaya, Bawaka and Mata Mata. The Gumatj clan are the major landowners of Special Mineral Lease (SML 11) which includes the mine site, refinery site and the conveyor corridor. They are the major recipients of bauxite royalties and lease rentals.

The Rirratjingu Association represents the cultural and business interests of the Rirratjingu Homelands which include Yirrkala, Gulurunga and Yalangbara. They are the major land owners of Alcan Gove's Special Purposes Leases which include Nhulunbuy township, the industrial estate, Wallaby Beach and portions of the residue disposal area and the mine lease.

20.4 Aboriginal Art and Culture of East Arnhem Land

Traditional art – in all forms including painting, dance, music and story-telling – plays a central role in preserving the cultural heritage of the Yolngu people because it is one of the main avenues for keeping cultural heritage alive and communicating it to future generations and the non-Yolngu world.

While traditional art is interwoven with many aspects of Yolngu life, the annual Garma festival and the art centres at Yirrkala and Nhulunbuy play an important role in preserving cultural heritage.

The Garma festival was established in 1999 to preserve and strengthen Yolngu culture. With a program that brings together Yolngu people from throughout the region, indigenous artists and community leaders from other parts of Australia and non-Aboriginal people who are interested in the Yolngu cultural heritage. It not only provides a showcase for practicing and sharing Yolngu culture but also a forum for discussion of key cultural heritage issues such as indigenous arts and culture (2003), environmental issues (2002) and legal issues (2001).

Alcan is an active supporter of Garma, providing not just financial sponsorship since Garma's inception but also practical logistical support for the event. Last year, Garma was attended by over 850 Yolngu people and 750 visitors.

Two art centres are located on the Gove Peninsula. These are Nambara Arts and Crafts near Nhulunbuy and Buku Larrngay Mulka in Yirrkala. Both are open to visitors to the region. These art centres not only facilitate the preservation of traditional art and culture but also help Yolngu people derive income from art.

The Nambara Arts and Craft Centre is located approximately 6 km from Nhulunbuy and has a wide range of contemporary and traditional Yolngu art and crafts on exhibition and for sale. The range of products includes art works on paper, ceramics, and fabric prints. More traditional items such as carvings, baskets, yidaki (didgeridoo) and bark paintings from local artists are also on sale.

The Buku Larrngay Mulka Arts Centre and Museum is located at Yirrkala and it displays a wide range of contemporary bark painting, including the historic Yirrkala Church Panels (1962) regarded as one of Australia's most important artworks. Also on exhibition are a collection of historical bark paintings, artefacts and historical photographs.

20.5 Cross Cultural Relationships

A cross-cultural workshop program has been developed by Alcan Gove to help build closer relationships between the Yolngu and non-Aboriginal communities by increasing the knowledge of Alcan Gove employees about Aboriginal culture.

During 2003, 631 employees attended a half-day workshop covering the Yolngu clan system, family structures and political leadership in this region, traditional law, cultural heritage, Aboriginal history and advice on communicating with Aboriginal people.

It is planned to continue cross cultural workshops during 2004.

As part of the Environmental Management Plan for the proposed expansion, Alcan Gove will ensure that cross-cultural awareness is included in the workforce induction program for the construction workforce.

Alcan Gove supports a number of other initiatives that contribute to the maintenance of cultural heritage including:

- Establishment of an indigenous community reference group. The reference group promotes respect for Yolngu cultural heritage by improving cross-cultural awareness and relationships, provides a forum for discussion of cultural issues and an opportunity for people and organisations (including Alcan) to work together on cultural heritage and other community issues.
- Community consultation on key projects including the expansion and the proposed gas pipeline across the NT. Cultural heritage issues have been a key concern in this consultation process.
- Support for the Nhulunbuy Harmony Djamamirri Mala group which has brought together a range of community and government organisations to tackle indigenous social problems including alcohol and drug abuse and homelessness.
- Financial and practical support for organisations that are dedicated to preservation and management of cultural heritage such as Dhimurru and Yirrkala Dhanbul Landcare.
- Establishment of the YNOTS indigenous training program which is helping maintain and strengthen Yolngu culture and community structures through the development of trainees' self-esteem, skills, education and

capacity to find employment. YNOTS also encourages trainees to maintain their culture and helps them achieve a balance between Yolngu and non-Aboriginal workplace culture.

- Alcan's longstanding support for YBE as a preferred contractor has contributed to strengthening Yolngu culture by promoting employment and business opportunities.
- Contributing to the development of sustainable indigenous business opportunities through support for specific projects and longer term initiatives. For example, Alcan was the driving force behind Invest Australia visiting the region in 2003 to produce a discussion paper on promoting sustainable business opportunities.
- Financial and logistical support for Yolngu ceremonies including funerals and important community events.

20.6 Registered Areas of Cultural and Natural Heritage Significance

20.6.1 Register of the National Estate

The Register of the National Estate is Australia's national inventory of natural and cultural heritage places. The Australian Heritage Commission is the Commonwealth Government's adviser on the National Estate compliance and maintains the register.

There are more than 12,000 natural, historic and indigenous places in the Register. These places are located throughout Australia and are owned variously by Commonwealth, State and local governments, by businesses, voluntary and other organisations and by private individuals. All places entered in the Register are strictly assessed against publicly available criteria outlining national estate values.

A search of the Register identified within the Gove region the interim and indicative listings given in Table 20.6.1.

Table 20.6.1
Places Identified on the Register of the National Estate

Place Name	Conservation Status	Place Location	Place Significance
Yalanbara Area (Number 103885)	Interim Indigenous List (date: 20/05/2003)	Located 22 km south-south-east of Yirrkala.	It is highly valued for its cultural, spiritual and religious significance. There are a total of 50 sites in the general area, including exposed rock reefs, rocky island, sand hills, caves and religious places.
Mount Bonner Springs Jungle (Number: 100795)	Indicative Natural Place	Located 26 km west-north-west of Nhulunbuy.	This small forest area is one of the five most floristically diverse examples of recorded Group One monsoon rainforest. It is possible that this area may have cultural values for both indigenous and non-indigenous people.
Rindarry Jungles (Number 100804)	Indicative Natural Place	Located 20 km south-west of Nhulunbuy.	The upstream area is the third largest recorded patch of Type Four wet monsoon vine forest. It is an excellent example of its type.

None of the places listed in Table 20.6.1 are located within the vicinity of the mine or refinery and they will not be affected by the existing or expanded operations.

20.6.2 Archaeological and Heritage Place and Object Listings

The Northern Territory Heritage Register lists all the places and objects that the Minister has declared under the *Heritage Conservation Act 1991*. It also includes details of interim conservation orders, conservation management plans and heritage agreements. A search of the Northern Territory Heritage Register administered by the Heritage Advisory Council was undertaken for the following:

- Declared Heritage Places and Objects;
- Interim Conservation Orders;
- Heritage Agreements;
- Conservation Management Plans; and
- New recommendations.

The search returned no items located within the vicinity of the Alcan Gove operations and hence no impacts on any listed places or object are expected.

20.6.3 Indigenous Sites of Significance

Indigenous people have a special relationship with their natural environment. They are traditionally semi-nomadic hunters and food collectors, however their range of movement was limited to some extent by roughly recognised territorial boundaries (Berndt, 1964). Land or areas associated with a particular social unit were defined in terms of mythical significance. Also there are mostly two kinds of groups related to land - one through descent and the other through caretaker occupancy or use. There is a group owning land through descent where ownership was not a personal one and territorial claims could not be transferred. There is also the land-occupying and utilising group which is mainly concerned with hunting and food gathering. These two units reflect the two basic issues in social life of the indigenous communities.

Berndt (1964) states “the land around the Gove Peninsula and the Yirrkala settlement do not represent a single cultural unit. It is part of a large socio-cultural block extending from Cape Stewart in the west to below Blue Mud Bay on the east”.

20.6.3.1 Indigenous Protected Area Management Plan

The Dhimurru Land Management Aboriginal Corporation (Dhimurru) has prepared an Indigenous Protected Area Management Plan (Dhimurru LMAC, October 2000) on behalf of the Yolngu owners to identify areas declared by the Aboriginal people to hold cultural significance. The creation of an Indigenous Protection Area (IPA) is a means of achieving collaborative conservation of Aboriginal land involving government conservation agencies (Environment Australia, Parks and Wildlife Commission NT) and other organisations such as the Northern Land Council.

The Management Plan does not impact on other authorised uses of the land such as the Alcan Gove lease areas. It adopts the set of guidelines for protected area management established by the International Union for the Conservation of Nature (IUCN).

Traditional Yolngu values are the primary focus of the Management Plan. These values are linked to the landscape and seascape, and provide the source of their society including food and shelter. A link is also provided between indigenous persons ancestral past and the present generations living on the land.

The Management Plan divides the IPA into the following four management units:

- Northern Beaches;
- Yarrapay;
- Manydjarrarna/Nanydjaka; and
- Southern Coastal and Inland Waterways.

The two IPA management units located within the vicinity of the Alcan Gove operations are Northern Beaches and Yarrapay. The Northern Beaches area includes coastal lands between Wopurrwuy (Melville Bay) and Yirrkala. It has high environmental and cultural values for the Yolngu people, for non-indigenous people, and for marine conservation. There are a number of registered sacred sites located within this IPA management unit. The Yarrapay area includes coastal land between Garrirri (Rocky Bay) and Barinura (Little Bondi Beach). This management unit has high cultural and environmental values for the Yolngu people, and for terrestrial and marine conservation.

The natural heritage values of these two IPA management units are linked to the existing ecosystems and habitats. They both have high plant diversity and faunal representation, including some species not recorded in other parts of the Northern Territory. This is reflected in their relatively intact natural values.

Dhimurru has indicated that the Management Plan will undergo a comprehensive review within five years of it being adopted including consultation with all interested Yolngu.

20.6.3.2 Sites of Significance

The Aboriginal Area Protection Authority (AAPA) is a prescribed statutory corporation under the *Northern Territory Aboriginal Sacred Sites Act 1989*. This Act provides the Northern Territory Government with special powers from the Commonwealth Government to protect sacred sites in the Northern Territory. The AAPA board is made up of five male and five female Aboriginal custodians, nominated by the relevant Land Council and two government representatives.

The Act allows the AAPA to receive requests for site protection from Aboriginal people, document the information provided in support of registration requests, and execute protection measures for all sacred sites. The AAPA also manages a public register and an appeals procedure against proposed site listings. Permits can be obtained from the AAPA to carry out activities in a registered area.

For a site to be registered on the AAPA register it must meet the definition of “sacred site” within the meaning the Act. The Act defines a sacred site as “*a site that is sacred to Aboriginals or is otherwise of significance according to Aboriginal tradition, and includes any land that, under a law of the Northern Territory, is declared to be sacred to the Aboriginals or of significance according to Aboriginal tradition.*”. Not all sites that are significant to the Aboriginal culture are necessarily registered with the AAPA, as they must meet the above requirement under the Act before they can be registered. This means that there can be sites that are important but not registered sacred sites.

Information on sacred sites must be placed on a public register, however information that is required by Aboriginal tradition to be confidential is not included on the Register of Sacred Sites (AAPA, 2002).

Based on the IPA Management Plan and sites registered with the AAPA, there are 19 sites of significance that have been identified on or around the Gove Peninsula. Those sites for which information is publicly available are listed in Table 20.6.2.

Table 20.6.2
Sites of Significance

Site Name	Site Location	Site Status	Reasons
Mt Dundas	Prominent hill between Nhulunbuy and Yirrkala.	Registered AAPA	Culturally sensitive.
Gunyipinya Swamp	A large billabong west of Yirrkala, including a spring that rises in a gully.	Registered AAPA	The place where ancestral women were making Merri string, when a flood came in.
Nhulun (Mt Saunders)	Located within the Nhulunbuy town area.	Registered AAPA	A special dreaming place.
Dimbukawuy Rock	East of Nhulunbuy.	Registered AAPA	Wuyal hung up his dilly-bag at this site and turned it into a rock.
Galuru (East Woody Beach)	North of Nhulunbuy.	Registered AAPA	A special place of dreaming.
Banambarna (Rainbow Cliffs)	An exposed and weathered rock profile produces a colourful effect on the cliff face.	Registered AAPA	Culturally sensitive
No specific site name or location	Ancestral Graves.	Registered AAPA	Ancestral Graves
Lombuy (Crocodile Creek)	West of Nhulunbuy.	Not registered	Wuyal (the Sugarbag Man) named this place.
Wirrawawuy (Cape Wirawawoi)	North-west of Nhulunbuy.	Not registered	The area was used extensively for ceremony, hunting and the collection of plants prior to the establishment of Nhulunbuy township.
Gaynaru (Town Lagoon)	North of Nhulunbuy.	Not registered	The lagoon was created by Witiitj the python when he created a large flood. Witiitj lives in the lagoon.
Yarrapay (Rocky Point)	An exposed laterite shelf providing cliff-top views to the south.	Not registered	This is Dhuma land and is an important site in the Banaumbirr (Morning Star) story.

Sources: AAPA Sacred Sites Register and Dhimurru Visitors Guide (2002).

The Banyan tree (*Ficus virens*) is a tree of cultural significance to the Rirratjingu people who know it as Rripiipi or Dawumaka or Dawu. The fruit of the tree is eaten, the bark of the prop roots is used to make string bags, and when men prepare for sacred ceremonies they sit under the tree and sing. The name Rripiipi also refers to the place where the spirit people live. One Banyan tree is located within the refinery. It is not a registered site with the AAPA.

None of the sites identified in Table 20.6.1 are located within the area of the proposed refinery expansion or the workforce accommodation areas and so will not be affected by the proposed expansion.

20.7 Native Title Act

The *Native Title Act 1993* recognises native title rights of indigenous Australians. It contains some basic principles about native title in Australia and provides the Government with powers to make legal past acts such as leases which native title might have made invalid. It provides an avenue for indigenous people to obtain some form of compensation for the loss of rights to use the land due to historic or future acts, and places conditions on the management of activities that can affect their traditional use of land and waters.

The legislation sets out a process for identifying who has native title rights and which people might be entitled to compensation. It allows, in certain circumstances, the acknowledged traditional owners of the land to hunt and fish as part of their native title rights without needing a permit when the land is leased to other persons for activities such as mining.

When the Act was passed it did not affect rights held under existing legislation such as the *Aboriginal Land Rights (Northern Territory) Act 1976*. Under Section 15 of this Act, mining leases do not extinguish native title. In some cases, native title-holders are entitled to compensation under the Act for acts that take away some of their native title rights while the mining lease is still valid. In the case of Alcan Gove, compensation is paid for each of the mining and special purpose leases to the acknowledged traditional owners.

Since the proposed Alcan Gove expansion will be undertaken completely within the existing lease boundaries, the project will have no additional implications for Alcan Gove with respect to its obligations under the *Native Title Act 1993*.

20.8 Impact of Alcan Gove Expansion

20.8.1 Impact of Alcan Gove expansion

As discussed in Section 20.6, none of the registered or important cultural heritage sites in the Gove region are located within the area of the proposed expansion or the workforce accommodation area. Hence no significant sites will be affected by the proposed expansion.

To ensure construction workers are aware of cultural heritage issues, the Principal Contractor will be required to include cross-cultural training in the construction workforce induction program.

Alcan Gove will also continue to consult with the indigenous community, support the indigenous community reference group and support local indigenous cultural activities.

20.9 Management and Monitoring

The traditional owners undertake ongoing management of cultural heritage sites. Where appropriate, Alcan Gove will continue to provide support to the traditional owners in maintaining important cultural heritage places and values. Alcan Gove's cultural heritage management plan is given in Section 25.