CrossRiver*Rail*

18. Indigenous Cultural Heritage

Cross River Rail

CHAPTER 18

INDIGENOUS CULTURAL HERITAGE

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Contents

18 Indigenous cultural heritage

18.1 Introduction

This chapter describes the existing Indigenous Cultural Heritage present within the study corridor and surrounding area and assesses the potential benefits and impacts on Indigenous cultural heritage attributable to the Project. Section 3.10.2 of the Terms of Reference (ToR) for the EIS identified the requirements for the cultural heritage study for this Project to describe Indigenous Cultural Heritage sites and places and their values. In accordance with the ToR, the assessment of Indigenous cultural heritage has been undertaken in conjunction with Aboriginal Parties[1] for the study corridor. Further information on Indigenous cultural heritage is provided in *Technical Report No.9 – Cultural Heritage*.

18.1.1 Study area

For the purposes of the description of the existing environment, an 800 m buffer was applied around the study corridor to ensure that all places that may potentially be affected by the Project were captured. This area is referred to in this chapter as the study area.

18.1.2 Methodology

The following methodology was adopted for the purposes of this study:

- review of legislative requirements relevant to Indigenous cultural heritage matters
- review of registers, databases and other information relating to the heritage of the study area
- consultation and liaison with Aboriginal Parties of the study area
- assessment of potential impacts of the Project on Aboriginal heritage values by Aboriginal Parties for the study area
- identification of recommended mitigation measures for any negative impacts on these values and enhancements of any positive impacts
- identification of policies, guidelines and legislation, including any development approvals relating to Aboriginal cultural heritage
- identification of strategies to manage impacts on places of Aboriginal heritage significance.

Cultural heritage focuses on aspects of the past that people value and that are important in identifying who we are. Cultural heritage incorporates places, objects, artefacts, documents, beliefs, skills and practices. Although there is obvious overlap and connections, legislatively Indigenous and Non-Indigenous cultural heritage is addressed through separate pieces of legislation.

Heritage register searches

Searches were undertaken of the Aboriginal Cultural Heritage Register and Cultural Heritage Database.

[1] Aboriginal Party is the term recognised for Native Title parties under Section 35 of the *Aboriginal Cultural Heritage Act 2003*

Literature review

Existing literature on the history and cultural heritage of the study area was consulted. Historical research was undertaken accessing resources at the University of Queensland Culture and Heritage Unit, the University of Queensland Social Sciences and Humanities Library, the University of Queensland Fryer Library, State Library of Queensland, the John Oxley Library and online sources. Heritage register citations for individual places on the Queensland Heritage Register and Brisbane City Plan Heritage Register were consulted. Unpublished heritage consultancy reports held by the Department of Environment and Resource Management (DERM) were also reviewed.

Survey

Surveys of the study area were undertaken by the two relevant Aboriginal Parties, Jagera, through Jagera Daran Pty Ltd and Turrbal, through Turrbal Association Inc.

The information contained in these two reports has been integrated with the results of the literature and database searches undertaken for *Technical Report No.9 – Cultural Heritage*, to identify impacts on Aboriginal cultural heritage and to provide potential strategies to mitigate these impacts. In addition, this information will be considered when the Cultural Heritage Management Plan is developed at the detailed design stage for the Project.

18.1.3 Cultural heritage significance

The Burra Charter (Australia ICOMOS 1999) sets the standard of practice in Australia for places of cultural heritage significance. It defines heritage significance as 'aesthetic, historic, scientific, social or spiritual value for past, present or future generations' (Australia ICOMOS 1999:2). Heritage significance is 'embodied in the place itself, its fabric, setting, use, associations, meaning, records, related places and related objects' (Australia ICOMOS 1999:2). Cultural heritage significance is not static and can change over time as a result of continuing history or use of a place, or if new information comes to light. Identifying and assessing cultural heritage significance helps to estimate the value of places to improve our understanding of the past, to enrich the present and provide for future generations (Australia ICOMOS 1999:12). Heritage significance is assessed at a number of levels and is subject to certain legislative criteria.

18.1.4 Heritage legislation, registers and significance criteria

The following section provides an overview of the legislation, heritage register and the criteria relevant to Non-Indigenous cultural heritage.

National legislation

In 2004, a new national heritage system was established under the *Environment Protection and Biodiversity Conservation Act 2004* (EPBC Act). This legislation is administered by the Department of Sustainability, Environment, Water, Population and Communities.

The EPBC Act established the National Heritage List, which recognises and protects places of outstanding heritage value to the nation, and the Commonwealth Heritage List, which protects Commonwealth owned or leased places of significant heritage value.

State legislation (Indigenous cultural heritage)

In Queensland, Aboriginal cultural heritage is administered under the *Aboriginal Cultural Heritage Act 2003* (ACH Act) by the DERM. The ACH Act replaced the *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987.* A Cultural Heritage Register and Cultural Heritage Database have been established under this legislation. The Cultural Heritage Register holds information about cultural heritage studies, Cultural Heritage Management Plans, cultural heritage bodies, and Aboriginal and Torres Strait Islander parties.

The Indigenous Cultural Heritage Database contains information about places of Indigenous cultural heritage and provides a research and planning tool to help assess heritage values of particular areas. An assessment of significance is not made on places entered in the Indigenous Cultural Heritage Database.

Local legislation

The Brisbane City Plan 2000 (City Plan) operates under the *Sustainable Planning Act 2009* which sets out the requirements for planning and development assessment in Queensland. City Plan is Brisbane City Council's planning scheme that describes its intentions and outcomes for the future development of the city. The City Plan Heritage Register is contained within the planning scheme in the Heritage Register Planning Scheme Policy. The Register contains places and precincts of cultural heritage significance at a City or local level, places of special cultural significance to Indigenous people, and places of natural heritage significance. Places contained in the Register require the City Plan's Heritage Place Code to be applied when an application for development is made under City Plan.

A place may be entered in the City Plan Heritage Register if it meets one of the following cultural heritage significance criteria:

- it is important in demonstrating the evolution or pattern of the City's or local area's history
- it demonstrates rare, uncommon or endangered aspects of the City's or local area's cultural heritage
- it has potential to yield information that will contribute to the knowledge and understanding of the City's or local area's history
- it is important in demonstrating the principal characteristics of a particular class or classes of cultural places
- it is important because of its aesthetic significance
- it is important in demonstrating a high degree of creative or technological achievement at a particular period
- it has a strong or special association with the life or work of a particular community or cultural group for social, cultural or spiritual reasons
- it has a special association with the life or work of a particular person, group or organisation of importance in the City's or local area's history.

18.2 Description of existing environment

> *Most people are aware that the aborigines of Australia are of a black colour … but very few comparatively are aware of the vast extent of the earth's surface which this ancient and singular race have roamed over from time immemorial, and which they have been unquestionably the aboriginal inhabitants. Long before European navigators had discovered New Holland and Van Diemen's Land … they had occupied, and parcelled out among their wandering tribes, the whole extent of these vast regions, which are nearly as large as all Europe* (Lang, J. D. 1861:309).

The study area is a precisely defined precinct within the bounds of modern Brisbane. However, in terms of Aboriginal occupation and significance, it is a small part of a larger dynamic landscape that hosted not only the Brisbane-based group but also a diverse range of neighbouring groups involved in economic, subsistence, social, ritual and political activities.

Aboriginal groups were usually organised along matrilineal lines and residence patterns were patrilocal. Resource access was also acquired maternally. These meant groups were socially, culturally and economically mobile both within and beyond home 'territories'. Groups were able to respond to geographic and seasonal resource variability, based on a network of contacts, rights and

obligations based on marriage, trade, and ceremonies (see Morwood 1986; Whalley 1987). Some of these aspects of the Aboriginal landscape are reflected in historical records of the 19th and early 20th century, and provide a description of Aboriginal life in early Brisbane. However in order to appreciate the Aboriginal cultural heritage of the study area, it is important to understand it within the broader regional context.

Following the regional description, Indigenous cultural heritage values are described within the study area as well as the north, central and south sections of the study area.

18.2.1 Moreton region

Archaeological evidence for Aboriginal occupation

The earliest archaeological evidence for occupation of the Moreton Region comes from Wallen Wallen Creek on North Stradbroke Island. Charcoal in association with cultural material was dated to 21,430 ±400 years ago (Neal and Stock 1986; Ulm and Reid 2000). The site was first occupied when Stradbroke Island was a sand hill and the coastline was many kilometres further east. The new Brisbane Airport site (indicated on the DERM Cultural Heritage Database as LB:C69), excavated by The University of Queensland between 1987-1990, has a basal date of 4,830 ±110 years before the present date (BP). (Ulm and Reid 2000). This airport, on which Smith and Prangnell worked in the late 1980s, was occupied at a time when the shoreline of Moreton Bay was at the foot of the cliffs at Banyo (the current location of the Australian Catholic University McAuley Campus). At that time the site was a beach spit; faunal remains recovered indicate that the occupants were exploiting shellfish and fish.

Other sites close to the present-day coastline, such as Bribie Island and Sandstone Point which exhibit reliance on marine resources, have returned dates of 3,280 ±80 years BP (Smith 1992) and 2,290 ±100 years BP (Ulm and Reid 2000) respectively. Platypus Rockshelter, overlooking the Brisbane River on a terrace now submerged by Wivenhoe Dam, demonstrated an occupation sequence from 4,540 ±80 years BP, with evidence of exploitation of riverine and terrestrial resources (Hall and Hiscock 1988). Other rockshelters in the Moreton Region such as Christmas Creek (3,720 ±60 years BP, Bonica 1992), Gatton (3,820 ±120 years BP, Morwood 1986), Maidenwell (4,300 ±70 years BP, Morwood 1986) and Bushranger's Cave (9,270 ±100 years BP, Ulm and Hall 1996) also demonstrate occupation sequences encompassing a range of environments and resource bases, as well as stone artefact raw materials and technological developments.

There are no dated Aboriginal archaeological sites within the Greater Brisbane area. Rapid urban expansion prior to the recognition of the importance of Aboriginal places would have destroyed many sites. The majority of these sites would have been open, rather than in rockshelters, and subject to natural erosional events such as weathering and flooding, and scavenging by animals. In the process of urban expansion archaeological and material culture items were casually collected. The Queensland Museum holds seven stone axes collected by the Petrie family from Brisbane Aborigines. The Museum collection also includes three dillies from the Turrbal tribe, a bullroarer and a hafted axe from Brisbane presented by the Petrie family in 1939 (Steele 1984:280, 293-294).

Other items from Brisbane in the collection include a beaked nulla of the Turrbal tribe with two points, a beaked club with four points, and a further hafted axe (Steele 1984:280, 288).The former Museum of Mankind (now part of the British Museum) holds five boomerangs collected c.1880, a boomerang presented in 1870, a stone pounder 'found on highland near Brisbane' and presented in 1897, a wooden shield collected near Brisbane c.1880, two clubs collected c.1880, and a pointed club presented in 1895 (Steele 1984:282, 285, 286-287, 290-291).

The Pitt Rivers Museum (University of Oxford) holds two pointed clubs used in a throwing game purchased in 1914 (Steele 1984:289). The Anthropology Museum at the University of Queensland hold a numbers of items from Brisbane including three ceremonial spears from the area of the Boggo Road Prison, ten hunting spears from the same locality, five throwing sticks, seven shields, and a hafted steel axe (Allen 1980:3, 66, 75, 86, 102-103).

Socio-cultural networks

Meston (1895:82) observed that 'each tribe was restricted to its own territory and spoke its own dialect', and that 'in Morton [sic] Bay alone there were no less than eight distinct dialects'. Certainly different groups had particular 'signifiers'. For example, the left little fingers of coastal women were removed, something the inland groups never did (see Petrie 1992:57). This discreteness of basic groupings may have contributed to the European misconstruction of Aboriginal groups as being entirely distinct from each other despite clear evidence to the contrary (Smith 2003). The historical sources, including Meston, indicate a complex web of social and political relationships throughout the Moreton Region and beyond (eg Mathew 1910; Meston 1895; Petrie 1992; Whalley 1987; Winterbotham 1957).

The Aborigines of South East Queensland participated in the triennial bunya (*bonyi*) festival, when groups came together from the Clarence in the south, the Burnett in the north, and west to the Moonie and Maranoa in the Blackall Ranges and Bunya Mountains. 'The strangers were received with every hospitality' (Meston 1895:82). Around 1847 Tom Petrie accompanied the Brisbane Aborigines to the bunya festival (see Petrie 1992). Other groups also hosted festivals or return feasts during seasonal resource gluts. For example, Bribie Island's attraction for large groups was the mullet run, a couple of months or so after the bunya festival (Smith 2003).

There were at least 120 bora grounds in the Moreton Region. Bora grounds were used for initiations and other ceremonies, and in dispute resolution. Some sites may have served both ceremonial (including initiation) and dispute settlement purposes, while others were used only for the latter (Satterthwait and Heather 1987:17). In discussing the initiation of young men Petrie states that the inland groups from Ipswich, Cressbrook, Mount Brisbane and Brisbane generally used the bora ground at Samford. Groups from further north, including the Maroochy, Noosa, Kilcoy, Durundur, and Barambah groups used the Humpybong bora ground. He describes the Logan, Amity Point (North Stradbroke Island), North Pine, and Moreton and Bribie Island coastal groups as having 'their ring' at North Pine (Petrie 1992:55).

Use of the bora grounds depended on which group 'had the most boys ready for the ceremony, and did the inviting. If a coastal tribe invited, then all the others went to the ring that tribe would naturally use, and so on' (Petrie 1992:55). There were also certain places for the fights that follow 'kippa' making. The inland groups went to the site now occupied by the Roma Street Station and the coastal tribes went either to York's Hollow (Victoria Park) or Eagle Farm (Petrie 1992:55) (see below). Petrie does not mention the bora ground at Woolloongabba, but William Clark who lived in South Brisbane as a boy in the 1850s described it:

> *At the hill – now at top of Merton-road and Inkerman-street - in old times the blacks had their largest and most used 'bora' ground, where they made kippers, or inducted the youths of the tribe into the mysteries and privileges of manhood—in a circular scoop out on the hill top, while round the base of the hill during the ceremony a number of old blacks acted as guards, whirling 'bull roars' made of hardened pieces of kangaroo or possum skin, fastened on the end of pieces of native buggeree (i.e. string made of twisted possum hair). No Philistine, white or black, could enter that mystic circle (The Queenslander 7 August 1909).*

The site of this bora ground is a designated Aboriginal cultural heritage site and on the DERM Cultural Heritage Database as LB:O25.

Mackenzie (1992:1) writes that 'Bora Rings existed at Tarragindi, Hamlet Terrace (Annerley) and Reid's Paddock at Moorooka' although she does not quote her source. She further states 'there are also no signs of Corroboree Circles (*sic*) today... an old fig marks the site of the old corroboree ring. The tree was planted by one Isaac Simmons who, in the early days, owned the property. Today the site is occupied by a factory at the end of Newman Street, Moorooka'. While this evidence is anecdotal it does point to Aboriginal occupation and use of this portion of the study area.

Subsistence and settlement in the Moreton Region

The Aborigines of the Moreton Region had available to them a rich resource base, particularly marine and littoral resources, a veritable 'seafood supermarket' (Hall 1982: 87). This resource base afforded the coastal groups a relatively sedentary lifestyle, in that there was no need to relocate to pursue different types of food only seasonally available. The Reverend John Gregor observed in 1846:

> *Their condition is one of plenty … It is a great mistake to suppose that the Aborigines of these districts have not an abundance of food. Throughout the whole year the supply is plentiful, and two hours exertion generally secures them enough to satisfy their wants for twenty-four (in Hall 1982:85).*

Daily subsistence activities are most commonly recorded as fishing by men, and fern root collection and processing by women (see Uniacke 1823 in Mackaness 1979). Other subsistence activities included shellfish gathering, hunting of terrestrial mammals and reptiles, hunting birds, and collection of honey and plant foods (see Hall 1982:85; Smith 1992, 2003).

Matthew Flinders and Uniacke (1823) observed Aborigines fishing in parties either with seine-type nets requiring co-operative use, or with the 'tow-row' scoop net common in many areas of the Moreton Region. The constant use of the nets caused the men to develop protuberances on their wrists; these were the mark of a fisherman (Petrie 1992:73). Weirs were also constructed to catch fish. Fish that were difficult to net, or present only in small numbers, were speared. Leftover fish were closely wrapped in grass to exclude flies, and then hung in dillies (Petrie 1992). Women traditionally did not fish, but with the introduction of European rods and lines adopted the practice (Petrie 1992:73). There is no evidence, however, that they subsequently took over fishing from the men to any degree. There was no seasonality in fishing as fish are available all year round, although species and numbers vary (see Walters 1987).

The fern root staple was *Blechnum indicum*, bungwall (dingowa on Stradbroke Island). This was collected by the women in great quantities, roasted, scraped and pounded into cakes (Eipper 1841 in Steele 1975; Petrie 1992). From all reports, its preparation was a female-only activity. Both Eipper and Petrie comment on the constant noise of the chopping when the root was being prepared, and of the sight of busy 'wives' and 'mothers' preparing the root for their families. Other vegetable foods included fresh-water rush roots, wild yams, and the shoots of cabbage-tree palms and common palms. Certain plants, such as cunjevoi, Moreton Bay chestnut, and zamia nuts had to be leached of poison before consumption by putting them into dillies and soaking them in water (Petrie 1992).

Swans were caught from canoes during the moulting season when they could not fly (Petrie 1992:90). Ducks were netted, or grabbed from underneath in swamps. Duck eggs were also a favourite food (Petrie 1992:91). Boomerangs were used to scare birds into nets stretched between trees, and emus were caught in staked out nets (Hall 1982:86).

Kangaroo and wallaby were either caught in nets stretched across clear pockets in forests, or driven into waterholes and speared (Petrie 1992:84-86). Although generally roasted whole like most animal foods (including other marsupials and reptiles), particularly fine skins were first removed for use as rugs and cloaks (possum being the preferred skin for the latter). Possums were caught by either knocking or poking them out of their holes, or chopping sections out of trees (Petrie 1992). Koalas were taken by people climbing trees.

Groups in the subcoastal Moreton Region were more mobile and less densely distributed than the coastal groups (Lilley 1984). Lilley (1984:27) suggests that people gathered at 'large extrafamilial base camps near major lakes and rivers during the drier winter months to exploit the resources in the fringing forest/aquatic zone, and lowland open forests'. During the wetter summer months they dispersed to hunt and forage in smaller family groups.

Material culture

Although stone artefacts dominate the known archaeological record the majority of material culture items used by the Brisbane Aborigines were, in common with Aboriginal people all over Australia, manufactured from organic materials. The material culture items of Brisbane did not vary significantly from those used by other Aboriginal groups in the Moreton Region.

Many material culture items were made of wood or bark. These included boomerangs, spears, 'waddies', digging sticks, shields, coolamons and canoes. Petrie described two types of boomerangs, one a 'toy' which returned when thrown and which was also used to frighten birds into nets. The other type of boomerang was used in fighting, and for hunting heavy game. It did not return when thrown, but generally travelled straight for a distance before curving to the right or left. The direction it followed was controlled by the throwing technique. The fighting/hunting boomerangs were heavier, rounder, and less curved than the toys, but manufactured in the same manner. A curved tree root or branch was selected, initial preparation was with stone axe or adze, and then the boomerang was shaved smooth using a shell (Petrie 1992:100-101). Petrie (1992:101-102) describes three types of spear. Vessels for holding honey, and water, were made from bark, wood, and palm fibre. Nets were manufactured from vine fibres. The mesh of the nets varied between small for fish and birds to heavier, more open weave for dugong and kangaroo (Mathew 1910; Meston 1895; Petrie 1992). Other fibres employed for various tasks included treated sinews and tendons, kangaroo fur, and human hair (Smith 2003).

*"*It was not every man who had a stone tomahawk [axe or adze] to leave behind him; they were hard to make and therefore not plentiful" (Petrie 1992:104). This is somewhat of an overstatement on Petrie's behalf, although it is true that there is a degree of skill involved in manufacturing extensively reworked artefacts. The blank was shaped, and then ground on wetted sandstone or other rock. When shaped, a handle of strong vine was attached and secured by bees' wax (Petrie 1992:104-105). Other 'tomahawks' were used without handles to break bones to get at the marrow. Petrie (1992:105) also refers to stone knives ornamented with possum fur stuck on with bees' wax, made from reddish-coloured flint stone.

Other 'formal' stone implements include grindstones and mullers, and the bevelled pounders characterised by Kamminga (1981) and used for processing bungwall (see also Gillieson and Hall 1982; Hall and Hiscock 1988; Higgins 1988). For most tasks, however, straightforward sharp stone flakes were sufficient and these form the majority of stone assemblages in the Moreton Region (see Smith 2003). Flaked artefacts are the result of flaking or fracturing a rock by the use of a hammerstone or other percussive instrument. Flaking often creates distinctive, conchoidal surfaces, so called because of their resemblance to a bivalve shell (Hiscock 1988:9). This controlled conchoidal fracturing only occurs in rock with certain characteristics; rock types that have these characteristics in varying degrees are siliceous rocks such as chert, obsidian, silcrete, quartz and quartzite, and many fine-grained volcanic rocks such trachyte, rhyolite, andesite and basalt. More than 30 different raw material types have been found at some Moreton region sites (Smith 2003).

Sources for the preferred raw materials for artefact manufacture occur throughout South East Queensland. In the Brisbane area there are pockets of volcanics (eg Mt Glorious, Brookfield) as well as the extensive Neranleigh-Fernvale and Kurwongbah metasedimentary beds, and the Brisbane Tuff which underlies some areas of the city (Willmott and Stevens 1992). Silcrete, quartz and quartzite river cobbles are common. Further afield the Glasshouse Mountains, part of the North Arm volcanics, provide an extensive range of sources of fine-grained volcanics as well as silica rich rocks such as chalcedony (Smith 2003).

The Gold Coast hinterland is also a source of high quality volcanic and sedimentary raw materials. Both North Stradbroke Island and Moreton Island have outcrops of stone suitable for artefact manufacture (Richardson 1979; Ross *et al.* 2003).

While river cobbles may have been casually collected and used, studies indicate that 'quarry' sites were socio-culturally important (Binford and O'Connell 1984; Cottrell 1985; Gould and Saggers 1985; McBryde 1984; Torrence 1986). Ross *et al.* (2003) have recently developed this further in a

specifically Moreton Region context. In their study, the quarries at Gunumbah (Cape Moreton) on Moreton Island are documented and discussed within an archaeological, anthropological and Aboriginal framework. Cape Moreton is one of the principal sources of a variety of raw materials, along with Point Lookout on Stradbroke Island (Richardson 1979; Ross *et al.* 2003). Particular families within the Ngugi Aboriginal community strictly control access to the Cape Moreton quarry sites. Although some parts of the quarries consist simply of cobbles away from the major outcrops, collection and removal must be strictly within Ngugi tradition and law (Ross *et al.* 2003).

Undoubtedly similar circumstances concerning access to and procurement of raw materials also applies at mainland primary and secondary sources (see Mulvaney and Kamminga 1999). Procurement practices were 'embedded' in the broadest sense in the active social, economic, political and ritual networks of which they were part. Exchanges such as those described by Ross *et al.* (2003) would have taken place during large formal gatherings, as well as less formal encounters involving one or more family members from various groups and the owners or traders which were part of daily life. In exchange for stone, the recipients would have provided both tangible and intangible goods (see McBryde 1984).

18.2.2 The study area

Colonial history

John Oxley was the New South Wales Surveyor-General from 1812 - 1828. In October 1823 he left Sydney to examine and report on the suitability of Port Curtis, Port Bowen and Moreton Bay as sites for penal settlements. On anchoring in Pumicestone Passage on 29 November 1823, his vessel was hailed by a group of Aborigines, one of whom was then discovered to be a European, Thomas Pamphlett. The story of the 'three castaways', Pamphlett, Finnegan and Parsons, and how they came to be in Moreton Bay in 1823, is well known (see Lergessner 1993; Mackaness 1979; Meston 1895; Steele 1972; Welsby in Thomson 1967). They and another convict, Thompson, left Sydney on 21 March 1823 in a large open boat to head south to the Illawarra to obtain timber. A storm blew them northwards and they were eventually shipwrecked on Moreton Island, Thompson having died during the voyage. Possessing no navigational equipment, they believed themselves south of Sydney, rather than 600 miles or so north. In the subsequent seven months the three moved widely over the Moreton region in the company of various Aboriginal groups, visiting Noosa, spending some time on Bribie Island, and travelling up the Brisbane River. Oxley found Pamphlett and Finnegan on Bribie Island and at Toorbul Point respectively on 29 and 30, November 1823; Parsons was found in the same area in September 1824.

Pamphlett and Finnegan were picked up, and Finnegan acted as Oxley's guide on his voyage up the Brisbane River as far as Goodna, plotting points and camping along the way. Groups of Aborigines were noted near the Toowong area. Oxley returned in September 1824 with the botanist Allan Cunningham to continue surveying and mapping the river and surrounding countryside. Near Breakfast Creek on 17 September 1824, his party encountered a group of Aborigines, one of whom stole Oxley's hat. Ten days later on the return trip downstream Oxley camped at Crescent Reach at Toowong and saw 'a large assemblage of natives on the same spot we saw them last year' (Oxley 1823 in Steele 1972:147). The camp was visited by the Aborigines, including the man who had stolen Oxley's hat at Breakfast Creek. Oxley demanded the return of his hat and was refused. Scuffles broke out and one of the Aborigines was shot '… apparently severely but not dangerously wounded' (Oxley 1823 in Steele 1972:148). Later that night sounds of dancing, perhaps a corroboree, were heard as well as the wailing of women and children. Oxley expressed no remorse at the shooting, nor speculated on the ultimate fate of the victim. Instead he hoped that the news would spread to the settlement (then at Redcliffe) and act as a deterrent against further petty thefts (Oxley 1823 in Steele 1972:148-9).

Steele (1978) and Colliver and Woolston (1978) suggest that Brisbane itself was sparsely populated before establishment of the European settlement in 1825. 'Aboriginals might occasionally be found fishing with nets in the shallow water, or gathering fern-root and chestnuts on the shore … They were nomadic, and although they sometimes camped by the ponds of fresh water in Roma Street, they

soon moved along their beaten paths to other campsites at Toowong, Bowen Hills, Newstead, Nundah and Nudgee' (Steele 1978:5). The choice of the site of Brisbane for the permanent establishment of the penal settlement was influenced, in part, by the absence of Aboriginals. At Redcliffe there had been constant problems with the theft of tools and animals; Brisbane, however, was situated on a pocket away from the natives' highway' (Colliver and Woolston 1978:58). Colliver and Woolston do not cite a source for their assertion of Aboriginal absence. In any case, all three writers overlook the Aboriginal social and economic mobility outlined in **section 18.2.1**. It is certainly at odds with the views expressed by the missionary Christopher Eipper in 1841 (and quoted in the same volume): that Moreton Bay was 'peculiarly adapted for missionary exertions, as it lies at the great thoroughfare of the Aborigines, when proceeding either from the north or south along the sea-coast, as well as those coming from the interior' (in Colliver and Woolston 1978:58).

Further evidence for the fluid nature of social and economic relationships between Aboriginal groups around Brisbane is provided by Charles Phillips, who arrived in Hamilton as a small boy in 1848. Phillips was friendly with the Aborigines, 'especially the Bribie Island 'tribe' which frequented the Hamilton and Eagle Farm areas and had their camps there. [Phillips] remembered a battle which took place approximately at what is now the corner of Hamilton and Toorak Roads, Hamilton, between the Bribie Island and the Bunya Bunya peoples, the latter being put to flight' (Colliver and Woolston 1978:69). In 1852 Dundalli, an adopted Bribie Islander, led a fight at York's Hollow between the Ningi Ningi and Bribie groups against the Meganchin (Brisbane Aborigines) (Knight 1898:311).

In 1853, a battle near Norman Creek was reported in the London Illustrated News:

> *[b]etween the Ningy-Ningy [sic] and Bribie Island clans (then resident near North Brisbane), and the Amity Point and Logan clans (probably resident at South Brisbane at that period)…after a Logan black, called Harry, stole a female of one of the opposite tribes. The battle commenced by her father running at Harry with a sharp knife…a most sanguinary conflict ensued…at last the Amity Point and Logan Blacks were routed (they were much less numerous than the others) and it was then discovered that one of the Bribie Islanders was killed (in Steele 1984: 33)*

Aborigines were tolerated within the settlement during the day but were excluded as the sun began to set. Mounted troopers used to ride about after 4 pm cracking stockwhips as a signal for the Aborigines to leave town. The numerous 'Boundary Streets' around Brisbane (including the one at Spring Hill that is in the study area) represent many of the old boundaries of Aboriginal exclusion. Despite these nightly curfews, it appears that Aboriginal economic and ritual activities were tolerated around the study area, at least in the early years of the free settlement (1842-1865). Tom Petrie often went hunting and collecting honey with the Aborigines along Bowen Terrace, Teneriffe, Bowen Hills, Spring Hill and Red Hill (Petrie 1992:88), most of which lie within the study area.

Ritualised fighting around the Brisbane area was common in the early days of the settlement. In the 1840s there was a large gathering to witness a new corroboree brought by the Ipswich clan. After the corroboree a fight broke out between the northern Bribie, Mooloolah, Maroochy, Noosa, Durundur, Kilcoy and Barambah groups on the one side, and the Brisbane, Ipswich, Rosewood, Wivenhoe, Logan and Stradbroke Island groups on the other. In all there were about 700 Aborigines involved. The Brisbane, Stradbroke, Logan and groups in between were camped at the Green Hills (above Roma Street Station), the Ipswich, Rosewood and Wivenhoe groups camped on the site of Petrie Barracks, and the northern groups camped on the site of the Normanby Hotel (Petrie 1992:160-161). All three are designated Aboriginal cultural heritage sites, and are on the DERM Cultural Heritage Database. The Green Hills camp site (LB:N80 on the database) and the Petrie Terrace camp site (LB:50) lie within the study corridor.

There are at least two recorded burial sites in or near the study corridor. Wheat Creek was a creek that began near what is now Roma Street Station and entered the river at the bottom of Creek Street. It was a chain of ponds flanking the convict wheat fields (hence its name). Close to habitation and ceremonial areas, it also held '[t]he bones of many Aboriginals … mixed together in the hollow trunk of a dead gum tree near Wheat Creek' (Steele 1978:5).

Charles Fraser, Colonial Botanist from 1821 to 1831, visited Moreton Bay settlement in 1828. 'Meston reported that Fraser found a native cemetery represented by hollow logs filled with the bones of blacks of all sizes at the mouth of Breakfast Creek.' (Colliver and Woolston 1978:76). Lang observed that when a person died:

> *[a]t Moreton Bay they usually carve the emblem or coat of arms of the tribe to which he belonged on the bark of a tree close to the spot where he died …The first of these affecting memorials of aboriginal mortality which I happened to see was pointed out to me near Breakfast Creek. I remained fixed to the spot for a few minutes, till I fancied I could identify the rude carving on the bark with the raised figures on the breasts of the aboriginal tribe of the Brisbane district (Lang 1861:367-8)*

Registered Aboriginal heritage places in the study area

There are seven places on the Queensland Indigenous Cultural Heritage Database that are located within the study area:

- LB:N50, the campsite referred to by Petrie (1992:160-1) in the vicinity of Petrie Barracks. This was the camp used by the Ipswich, Rosewood and Wivenhoe groups participating in ritual combat following a corroboree.
- LB:N80, the campsite referred to by Petrie (1992:160-1) in the vicinity of Roma Street Station. This was the camp used by the Brisbane, Stradbroke and Logan groups participating in ritual combat following a corroboree.
- LB:N62 and LB:N69, the extensive camp, contact and cultural site at Victoria Park. This is the area of York's Hollow, the semi-permanent base of the Brisbane Aborigines.
- LB:N74, a resource extraction site in the vicinity of Roma Street Station, formerly a string of waterholes and the source of Wheat Creek.
- LB:N82, the windmill on Wickham Terrace, the site of the execution by hanging of two Aboriginal men in 1841. The men had been convicted of the murder of the colony's Assistant Surveyor and one of his party.
- LB:O25, the site of a bora ground in the vicinity of Merton Road (and the present day Holy Trinity Church), Woolloongabba.

In addition the Bowen Hills/Spring Hill/ New Farm area was a large scale food resource area.

18.2.3 Northern section

This section describes prominent Indigenous cultural features within the northern section of the study area.

York's Hollow (Barrambin)

York's Hollow is the most important Aboriginal cultural heritage site known within the study area. It is the place most frequently referred to in the literature concerning Aborigines and early Brisbane.

It includes the area now covered by Victoria Park, the Royal Brisbane and Women's Hospital, and the Brisbane Exhibition Grounds. Prior to 1890, Breakfast Creek flowed through York's Hollow. The area includes sites LB:N62 and LB:N69 on the DERM Cultural Heritage Database of Aboriginal cultural heritage places.

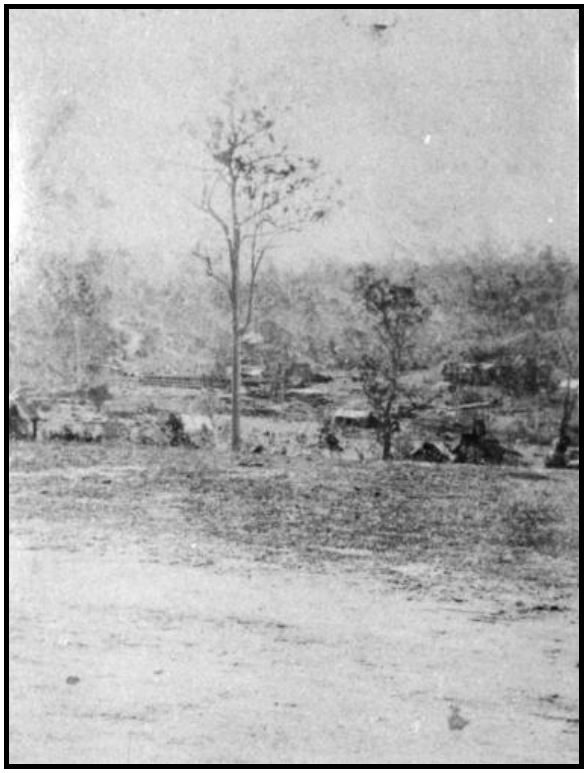

Figure 18-1 York's Hollow 1864

Source: John Oxley Library

It is clear from the literary sources that York's Hollow played an active role in the lives not only of the Brisbane Aborigines but also other groups within the Moreton Region. The Aboriginal name for the location was Barrambin; it acquired its European name from the Duke of York, the settlers' name for the acknowledged elder of the local Aboriginal clan. It was a useful food gathering spot, but there are also suggestions that it also held religious significance (Cryle 1986:26). It was here, in the 'wilds of Bowen Hills' that Tom Petrie spent memorable childhood moments observing and participating in Aboriginal life (Petrie 1992:27,118). As a boy he took refuge at the camp 'out Bowen Hills way' after being caught smoking by his father (Petrie 1992:3).

> *When [Tom Petrie], was quite a boy he was sent to look for some strayed cows to York's Hollow, which was all wild bush, and was a great fighting ground for the blacks … [they] were all camped there' (Petrie 1992:35). He encountered an old woman who was crying because her son had been killed. 'She had her son's skin … in her dilly bag. Petrie's father tried to buy it from her, but she would not part with it' (Colliver and Woolston 1978:79). Her husband subsequently gave Tom Petrie four pieces of his son's scarred skin.*

Groups of up to 800 gathered at York's Hollow for ceremonial and trading purposes from as far away as the Blackall Ranges (Petrie 1992:164-5). The Brisbane Aborigines did not have the aggressive reputation of some others, eg the coastal and northern groups, but such large gatherings were a source of disquiet for the local settlers (Cryle 1986:26).

The proximity of the York's Hollow camp to the European settlement meant that, although Aborigines were excluded from the settlement at night by curfews, the Europeans had easy and almost unrestricted access to the Aboriginal camp. Men from the settlement would occasionally enter the camps for sexual or violent purposes, often going armed. During the late 1840s and early 1850s, York's Hollow was the scene of several such incidents (Cryle 1986:26). The Duke of York's clan frequently bore the brunt of misplaced blame for the actions of neighbouring northern tribes and became the targets of white vigilantism (Cryle 1986:26).

This 'blame game' is exemplified in the events following the murders on 18 October 1846 of a North Pine settler, Andrew Gregor, and his housekeeper Mrs Shannon. Enquiries by the military and by the Crown Lands Commissioner Stephen Simpson indicated that the offenders were members of a warlike north coast tribe. Mrs Shannon's children, the only witnesses, were brought to Brisbane where they gave confused testimony that seemed to implicate members of the Brisbane clan. 'In the outbreak of white vigilantism that followed, the Duke of York's people bore the brunt of recrimination' (Cryle 1986:27).

William Augustine Duncan, Collector of Customs at Moreton Bay, wrote:

> *The murder of a white settler by a tribe living about forty miles from the settlement was the signal for a sort of general rising to hunt down the unfortunate blacks, several of whom were deliberately fired on and killed. A 'peaceable old man' [the Duke of York] who was in the habit of cutting wood for me was fired at by a constable in the public street, his camp was attacked by another party of whites and one man was shot dead, another wounded in three places; the camp was burnt, furniture carried off and a woman who was with child so terrified that she died in a few days"* (in Cryle 1986:28).

The pregnant woman was the Duke of York's daughter, Kitty, who had been raped during the attack. Following another Aboriginal fatality, the shooting of Jacky Jacky by a party of ex-convict surveyors during a nocturnal raid on York's Hollow (allegedly for obtaining Aboriginal women for sexual purposes), there broke out a press war between the *Moreton Bay Courier* and the *Sydney Morning Herald*. The *Courier* tacitly supported the vigilante approach while the *Herald* reviled it. The press war in part lead to the establishment of an enquiry into the raids which essentially came to nothing, as the witnesses called before Police Magistrate John Wickham were either constables or surveyors who had actively participated in the raids. Duncan, who suspected Wickham had organised the raids on York's Hollow, organised a parallel enquiry using Aboriginal witnesses, including the Duke of York, and his own batman McAllister. The enquiry was censored and again came to nothing (Cryle 1986:27-31).

In 1849, the York's Hollow clan were falsely accused of stealing one of Andrew Petrie's bullocks, planning to drive it into the swamp to hamstring and then butcher it. The Petries refused to believe that the Aborigines would steal anything of theirs, but by the time they arrived at the Hollow the constables had already raided the camp and shot three of the men (Petrie 1992:143-145).

The 1850s saw the encroachment of the European settlement into York's Hollow. John Dunmore Lang's immigrants settled in Fortitude Valley not far from the site; the Bowen Hills scrub began to be cleared for farming and new estates were being established in Herston. The Aboriginal groups were forced further out to Breakfast Creek and Enoggera (Cryle 1986:32). The relocation did not prevent the continuation of acts of unprovoked brutality (see Evans 1986). By the 1860s most of the Aborigines had gone from York's Hollow. In the 1870s the Brisbane Municipal Council 'grappled with the substantial task of filling some ten acres of wetland lagoons' on the Victoria Park reserve to convert it to parkland (Cryle 1986:33). The first Exhibition was held at the new Exhibition Ground in 1876.

The Windmill on Wickham Terrace

The location of the windmill on Wickham Terrace is designated as site LB:N82 on the DERM Queensland Indigenous Cultural Heritage Database. In 1841 it was the site of the first execution by hanging in Brisbane – that of two Aborigines who had been found guilty of the murders of the colony's Assistant Surveyor Grenville Stapylton and one of his men, William Tuck, in June 1840. Stapylton's party had been surveying in the vicinity of Mt Lindsay in the Macpherson Ranges when the murders took place. A survivor of the attack identified two of the Aborigines from the area, who were sent to Sydney to be tried. On being found guilty they were returned to Brisbane to be hanged (Steele 1975). As a boy of about ten Tom Petrie witnessed the hanging and was subsequently taken to view one of the bodies. 'The horror of the sight so frightened the child that it set him crying, and he could not get over it nor forget it for long afterwards. As a man he remembers it still' (Petrie 1992:247).

18.2.4 Central section

This section describes prominent Indigenous cultural heritage features within the central section of the study area.

Woolloongabba

The area around Woolloongabba (or One Mile Swamp as it was originally called by the European settlers) was important to the Aboriginal groups south of the Brisbane River. The area is ideally located in terms of residential desirability and resource exploitation, being elevated and close to the river, having a reliable fresh water supply, and on one of the traditional pathways. It is likely that, as Lilley (1984) suggests, the area was usually occupied by family groups exploiting the local resources, but it undoubtedly was also an important cultural and ceremonial centre as evidenced by the presence of the bora ground (LB:O25). Clark (1909) comments that the South Brisbane tribe was up to 400 strong, although the area's resources would not have been sufficient to support a resident population of this size and it would have been during social and cultural events that large numbers of people would have gathered for ceremonial purposes and dispute resolution (Satterthwait and Heather 1987).

Clark states that:

> *The One-Mile Swamp—now partly enclosed in the Woolloongabba Park—and adjacent ridges were the usual camping places of the blacks. In those old days the writer … when driving our cows out to grass, often met four or five hundred of these sable lords of the manor, with their gins and pickaninnies, marching in early morning to the settlement (The Queenslander 7 August 1909).*

Dutton Park/Boggo Road Precinct

Like many of the roads around Brisbane, Boggo or Annerley Road follows an Aboriginal pathway. Traditionally these often followed ridgelines which provided easier access through undulating country, as well as views of the surrounding areas. Although no specific reference in contemporary literature has been identified, the Dutton Park/Boggo Road Prison precinct would have been ideally placed for subsistence, settlement and cultural activities given its elevation, access to terrestrial and riparian resources, and proximity to the bora ground at Woolloongabba. There are thirteen ceremonial and hunting spears collected from this vicinity in the University of Queensland Anthropology Museum. Four stone artefacts were recovered close to T J Doyle Memorial Drive during Aboriginal cultural heritage assessment prior to the construction of the Eleanor Schonell Bridge, but it is not clear whether the artefacts were *in situ* or had been re-deposited.

18.2.5 Southern section

Aboriginal Parties were engaged to undertake an assessment of the southern section and have provided an initial overview of any areas of potential concern.

As the Project is primarily located within the existing rail corridor within the southern section there are limited opportunities for the Project to interfere with undeveloped land that may contain Indigenous cultural heritage values. However, Indigenous artefacts may be present in the land beneath the rail infrastructure.

Moolabin Creek was identified in the initial overview as an area that could potentially contain Indigenous cultural heritage values. The Jagera Tribe occupied the area south of the Brisbane River, before the arrival of white men in 1823. The Moorooka to Rocklea area provided plentiful food and water, which made it a favourite hunting ground. Rocky Water Holes Creek consisted of a series of lagoons, which were rich in edible plants as well as fish and waterfowl, while Moolabin Creek provided a source of food for local Aboriginal people.

18.3 Potential impacts and mitigation

The following section provides an assessment of the potential impacts of the Project to Indigenous cultural heritage and provides a range of mitigation measures and considerations to avoid or minimise the impacts.

18.3.1 Corridor-wide considerations

There are a number of cultural heritage issues that need to be considered in the delivery of the Project. These relate to best practice cultural heritage management as well as legislative requirements for the management of cultural heritage.

Legislative requirements

All work must conform to the requirements of the *Queensland Heritage Act 1992* (Heritage Act) and the ACH Act.

Burra Charter

All work should conform to the principles of the Burra Charter. Article 2.4 of the Burra Charter states that all 'places of cultural significance should be safeguarded and not put at risk or left in a vulnerable state' (Australia ICOMOS 1999). All reasonable and practicable measures should be taken to avoid harm to Aboriginal cultural heritage.

Cultural heritage awareness training

As part of the workplace induction process undertaken prior to the commencement of any on-site construction activities, all personnel need to undergo a cultural heritage induction session conducted by representatives of the Aboriginal parties and an appropriately qualified consultant. The training will ensure that participants are aware of the cultural heritage planning for the Project, the cultural heritage values of the identified places and the potential for archaeological deposits. Participants would be made aware of their legal obligations and the penalties that exist under the Heritage Act.

Contact with Aboriginal Parties

On-going contact must be maintained with Aboriginal Parties throughout the duration of the Project.

Direct impacts

Two registered Aboriginal cultural heritage places may be subject to impacts at the site of the Northern portal for the Project as follows:

- York's Hollow (LB: N62)
- York's Hollow (LB: N69).

Aboriginal Parties have also identified the area of Moolabin Creek in Yeerongpilly as one with potential Aboriginal cultural heritage significance. This creek would accommodate Project elements on the surface at the southern portal worksite.

18.3.2 Jagera

The Jagera People were commissioned by Transport and Main Roads to undertake a cultural heritage report of their native title claim area within the study area. Jagera has recommended the following items for consideration in the development of the Project's future Cultural Heritage Management Plan as part of the detailed design process:

- development of specific construction-related monitoring activities for the Project (including test pits) to facilitate the safe removal of any Aboriginal cultural heritage finds
- consideration of opportunities for Aboriginal people to be involved in the construction and development of the Project, including opportunities for traineeships and employment on the Project
- the use of interpretive signage at key places within the new rail corridor, acknowledging the history and culture of Aboriginal people within Brisbane
- consideration of the planting of native vegetation, including food plants, as part of the re-vegetation strategy for the Project
- inclusion of art work painted by Aboriginal Parties in the public art for the Project
- maintenance of gardens and lawns around the stations to sustain native vegetation.

In addition, Jagera has requested the consideration of the following items in the detailed design process:

- consideration of the use of properties acquired for the Project to provide services and affordable housing for Aboriginal people
- consideration of the return of remnant land acquired for the Project to Aboriginal Parties.

The issue of service provision and affordable housing is discussed in **Chapter 20 Social Impact Assessment.**

18.3.3 Turrbal

The Turrbal People were commissioned by Transport and Main Roads to undertake a cultural heritage report on their native title claim area within the study area. In view of the cultural and spiritual significance of the riverine system to the Turrbal people, Turrbal has recommended:

- discussions and negotiations with Turrbal representative regarding native title matters, cultural heritage and land use strategy, prior to commencement of construction of the Project
- all Project related activities that may impact on waterways be monitored by Turrbal personnel
- all ground-breaking activities related to the Project that may impact on Turrbal cultural heritage values be monitored by Turrbal personnel
- the removal or clearing of vegetation for the Project within the native title claim area be monitored by Turrbal personnel upon commencement of work
- activities (including ground disturbance) that may impact on any natural features of the landscape be monitored by Turrbal personnel
- Turrbal representatives to develop and deliver cultural awareness training to the Project's proponent prior to construction, at the cost of the Project.

18.3.4 Cultural Heritage Management Plan

A Cultural Heritage Management Plan should be negotiated between the Project proponent and both Aboriginal Parties prior to the commencement of construction, addressing the following issues:

- Aboriginal Parties to monitor certain surface earthworks, particularly at the location of York's Hollow
- Aboriginal Parties to monitor the removal of vegetation which may be associated with the Project, particularly within the location of York's Hollow
- Aboriginal Parties to monitor ground breaking activities that may impact on their cultural heritage values
- Aboriginal Parties to monitor construction works at Moolabin Creek and at other waterways as negotiated
- Aboriginal Parties to deliver the Aboriginal component of the cultural awareness training
- arrangements for the storage of any Aboriginal artefacts collected by the Aboriginal Parties during the monitoring activities and by Project staff during development activities
- any artefacts found during the course of construction be preserved. Artefacts found within an area of overlapping native title claim are to be kept in a neutral Keeping Place pending the outcome of the Native Title determination in relation to that area of overlap. Artefacts found in the non-overlap area should be retained by the relevant Aboriginal Party.
- consideration of opportunities to celebrate and commemorate Aboriginal cultural heritage including interpretive signage, public art and traditional plantings.

18.3.5 Other issues

Other issues raised by Aboriginal Parties will be considered further as part of the detailed design process. These issues could include the consideration of opportunities to address issues related to inequity for Aboriginal people, through employment and traineeships with the Project, as well as the potential use of land or property acquired for the Project prior to or post construction.

18.4 Summary

Brisbane has a rich Indigenous history, with a number of existing Indigenous cultural heritage places identified on the Aboriginal Cultural Heritage Register. In some locations, there are likely to be additional Aboriginal cultural heritage finds during the construction phase, which have the potential to add to the archaeological evidence for the region. This includes the potential for Aboriginal cultural heritage finds in the south of the study area, which has had limited previous formal investigation, unlike the north of the study area which has substantial investigations to draw upon.

This investigation has identified two existing Aboriginal cultural heritage places within the study corridor, both located within the wider area of York's Hollow. The impact on York's Hollow, which is of particular Aboriginal significance, will also need to be carefully managed. While this is an urban area with existing infrastructure within the rail corridor, any impacts on the shape and vegetation of the landscape may have cultural significance for Aboriginal Parties.

Both relevant Aboriginal Parties, Jagera and Turrbul, will need to be consulted throughout the detailed design process. The items identified in **Section 18.3.2** and **Section 18.3.3** will form the basis of a Cultural Heritage Management Plan. Native Title is described in **Chapter 9 Land Use and Tenure**.

With an agreed Cultural Heritage Management Plan in place and adhered to throughout the construction phase, the extent of the residual impact on Indigenous Cultural Heritage is expected to be low.