

## What is Native Title?

In Australia, the common law doctrine of Aboriginal title is referred to as native title, which is “the recognition by Australian law that Indigenous people have rights and interests to their land that come from their traditional laws and customs”.[1] The concept recognises that in certain cases there was and is a continued beneficial legal interest in land held by local Indigenous Australians which survived the acquisition of radical title to the land by the Crown at the time of sovereignty. Native title can co-exist with non-Indigenous proprietary rights and in some cases different Indigenous groups can exercise their native title over the same land. The foundational case for native title in Australia was *Mabo v Queensland (No 2)* (1992).[2] One year after the recognition of the legal concept of native title in *Mabo*, the Keating Government formalised the recognition by legislation with the enactment by the Australian Parliament of the Native Title Act 1993. The Act attempted to clarify the legal position of landholders and the processes to be followed for native title to be claimed, protected and recognised through the courts.

The Federal Court of Australia mediates claims made by Aboriginal and Torres Strait Islander peoples and hears applications for, and makes, native title determinations. Appeals against these determinations can be made to a full sitting of the Federal Court and then to the High Court of Australia. The National Native Title Tribunal (NNTT), established under the Native Title Act 1993, is a body that applies the ‘registration test’ to all new native title claimant applications, and undertakes future act mediation and arbitral functions.

At long last, Native Title have been granted to the Nanda and Malgana people of the Murchison and Shark Bay.

This has been a long drawn out procedure involving anthropologists as well as sworn statements of both families.

This has culminated with the use of genealogy and oral history. The process was slowed because their history dates back to before 1850 when white men’s records started. It was stated that Woothia was born in 1845 and died in 1917 -thus at according to European sources. However, she was also reputed at have been at a ‘ripe old age’ like 80. Therefore her year of birth would have been 1837.

In effect, it made little difference for she was of mixed blood in a period when there were no white settlers in the Murchison.

There were many others who were either conceived or born prior to 1850.

When lead was found in the Murchison convict labour was recruited to mine the metal from 1853 onwards. This also meant that these largely male convicts sought a bride and added to the genetic pool with Aboriginals -alas some who were of lighter skin colour that traditional natives. Indeed some had clear had European features and were versed in some white habits.

So where did these come from, and so many. Ships’ crews all too readily mixed with natives where ever they landed. So where was the ship they would have come from - you guessed it - the Zuytdorp.



DIRK HARTOG

1616 - 2016

## Marking our history, celebrating our future.

The time has come for West Australians - and others - to embrace another story of Australia's history on its west coast.

Before our Captain Cook set foot in 1770 on what is now New South Wales, 154 years earlier Dirk Hartog, a Dutchman, landed at Shark Bay, on an island named after him. This marked the beginning of many visits by other nationals like the French and British.

Being a Brit George Vancouver, in 1927, claimed the western part of Australia for the English Crown.

He landed where Albany is now and its geography with King George Sound presented a natural harbour and a bulwark against any attack, In spite of this, two years later, James Stirling persuaded the English Foreign Secretary to support to annex New Holland at Swan River.

This was likely because of the Dutch sailing close to its coast.

The British were seriously contemplating annexing WA to the rest of the Australian continent. Only in 1828, again as a result of rumoured French plans for this area, steps were taken to settle the Swan River district, which had remained unsettled until early 1829. However, despite continuing fears about its vulnerability, the Colonial Office's *Parmelia* sailed from London to Swan River taking the civil establishment, this time not to forestall the French but to found a colony of free settlers.

On 2 May 1829, Captain Charles Howe Fremantle took possession in the name of His Britannic Majesty of the west coast part of New Holland not included in the territory of New South Wales.

On 18 June 1829 Stirling proclaimed that His Majesty had been pleased to command that a settlement should be formed within the Territory of WA.

On 12 August 1829, a Mrs. Dance gave one blow with

an axe to a large tree, christening the site Perth in honour of the Member for Perth in Scotland and the Secretary for War and the Colonies – Sir George Murray. It is only appropriate to mention that the Chinese were here;

## It's official: Admiral Zheng beat Cook to Australia

History is littered with what-ifs and wild theories. Most are ignored, but one now being posed by a former British submarine commander could eventually rewrite the accepted history of Australia, America and half the world.

Gavin Menzies, a 65-year-old self-confessed "outsider", has sparked heated academic debate by claiming the Chinese beat Europeans to the New World by decades, if not centuries.

If true, his theories would recast the holy trinity of European naval explorers - Captain Cook, Christopher Columbus and Ferdinand Magellan - as followers in the great wake of 15th century China's Admiral Zheng He and his fleet of colossal, nine-masted teak junks.

Released earlier this month, Menzies' book, *1421, the Year China Discovered The World*, is likely to have a worldwide print run of a million copies. It sits next to Simon Schama's latest on Amazon's best-selling list for history.

The TV rights have been sold in Britain. On London's Tube, Menzies' first publishing venture is being promoted as the book that's rewriting history.

In Australia's case, Menzies claims Zheng's vice-admirals, Hong Bao and Zhou Man, beat Cook by almost 350 years. The two men, both eunuchs (as was the custom for captains), arrived in Australia in 1422 - Hong on the west coast, Zhou on the east - and spent several months exploring, landing in several places.

Their ships were massive - 122 metres long by 27 metres wide - not that much smaller than a modern aircraft carrier and absolute giants compared with those used by Columbus about 70 years later. The captains navigated by the stars.

Each ship had up to 1000 sailors, who were supplied with fresh vegetables, meat and rice grown on factory ships that accompanied the fleet. Sex was provided by prostitutes who came equipped with sex aids and aphrodisiacs.

The Chinese were after treasure, mainly minerals. To assist exploration, Menzies says, they built small villages, complete with observation platforms for surveying, near Gympie in Queensland and Eden in New South Wales. They found lead, silver, semi-precious stones and, in the Northern Territory, uranium.

According to Menzies, some of their men formed lasting sexual partnerships with Aborigines, especially in Arnhem Land, where Zhou's ships stayed for several months.

“There’s stacks of evidence that they were there,” he argues. “Wrecks, plants found in Australia by the first Europeans which had come from China, carved stones, kangaroos in the Chinese emperor’s zoo, Chinese jade, figurines and ceramics.”

Menzies says their visits were recorded by local Aboriginal people in cave drawings found near Sydney and shipwrecks found off Warrnambool, Perth and Byron Bay.

“I think it’s absolutely impossible to claim Columbus discovered America, Cook discovered Australia, and Magellan was the first to circumnavigate the world,” he says. “You’d have to be a crank nowadays to believe that. They are fairytales. Anyone who objectively looked at the evidence can’t say that.”

But Menzies’ evidence is mainly ancient maps, often hotly disputed charts prepared by 15th and 16th century European cartographers. He says they could only have been based on eyewitness reports of Zheng’s journeys between 1421 and 1423, which he says predate those of other adventurers.

He even identifies the eyewitness, a young and well-connected Venetian called Niccolo da Conti, whose accounts of the Chinese voyages were published on his return to Venice. But Menzies concedes that his research has not uncovered a smoking gun or revealed any single piece of startling new evidence.

The problem is partly of China’s own making. Not long after Zheng’s fleet set sail, his great supporter, the Emperor Zhu Di, was overthrown by his son Zhu Gaozhi, who reversed his father’s expansionist program and, on return of the fleet, ordered that no more voyages be undertaken. All relevant maps were destroyed. What Chinese settlements may have been left in Australia simply died out or were subsumed into Aboriginal society.

Faced with the lack of hard evidence from China, Menzies’ theory, which has been developing since he saw a mediaeval map of the spheres in Venice 13 years ago, is based on a re-evaluation and reinter-pretation of existing information - a fact that has opened him up to academic criticism.

The head of the map collection in the British Library, Peter Barber, describes Menzies’ theories as potentially dangerous, as they seek to rewrite history from outside the bounds of proper scrutiny and academic rigour. He draws a distinction between Menzies and academically trained populist historians, such as Simon Schama and David Starkey.

“These theories are not necessarily quite as harmless as people might think,” he says.

### **The Portuguese**

Sailed from the Cape of Good Hope in a northerly direction via Madagskar and/or Mauritius.

That is not to say that they may not have explored the west coast of Australia and not found any natives interested in

### **A New Movie of Batavia 1829**

Moves are on the way to turn one of W.A. is most fascinating historical stories into the film starring Oscar winning actor Russell Crowe. The Hollywood star has bought the option to film the 1629 Batavia murder spree, based on the 1966 the bestseller “Islands of angry ghosts” by W.A. author Hugh Edwards.

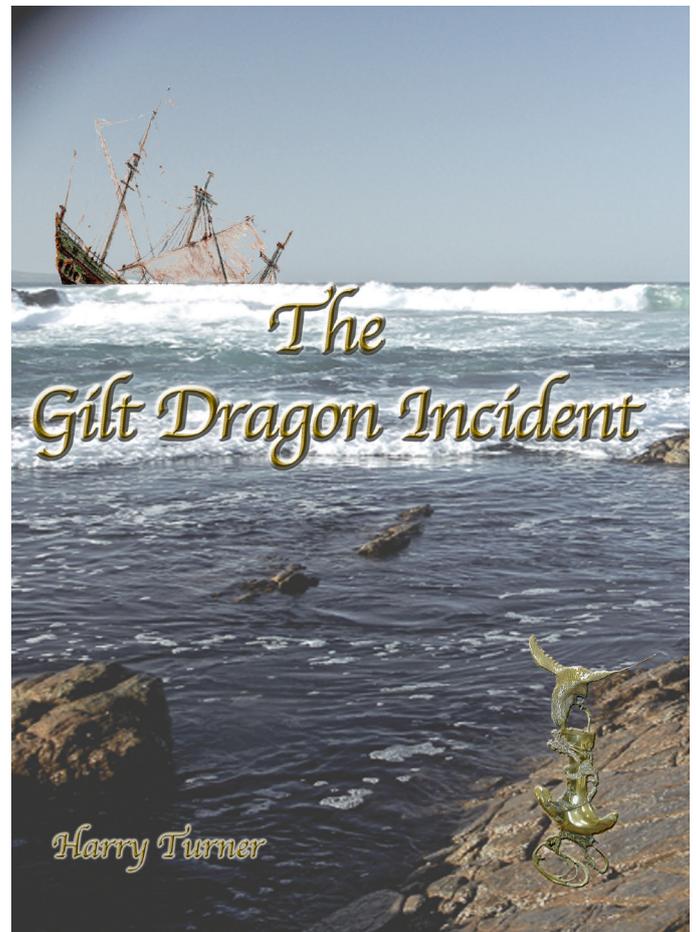


It makes me wonder why a young family would to go and see a movie of a bloody massacre of men, women and children and call this entertainment.

Would it not be better to make a movie of the Vergulde Draeck and its survivors. Harry Turner, a West Australian wrote a book with the title, “**The Gilt Dragon Incident**” that has all the element of human interest, treasure and adventure amounting to a heart-warming story.

Should Russell Crowe becomen aware of this story he may well re-consider and make a movie about West Australian history.

**If you would like to read the book, it is available as an E-book FREE of charge. Just email me on [tjv@iinet.net.au](mailto:tjv@iinet.net.au) to get this mesmerizing story.**



trade. Being traders themselves no further activity took place with the exception of the northern coast closer to Timor that they eventually occupied.

Unlike the Dutch, from 1611 onwards, sailed along the Brouwer Route that had the Australian coast on the East, sailing from Cape of Good Hope and being blown along the 'Roaring Forties' that brought them close to the Australian continent.

## TAWNY HAired ABORIGInALS IN CENTRAL AUSTRALIA

by Peter Charles Corkill 2018

Peter Corkill a member and supporter of both the VOCHS and the New Holland Bulletin has spent the last 20 years researching the data pertaining the White Tribe at Palm Valley. He has found that indeed there was a lake on which people frolicked in small boats and catching fish. The arid nature of the land created doubt about this until it was found that many rivulets emptied into a flood plain this causing a mass of water that helped to sustain the white tribe. He also found that there were many children were fair-haired.

The following extract by qualified observers:

### Twentieth century anthropology

As contact with more remote tribes increased into the twentieth century it became apparent that tawny hair was far more common and widespread in Central Australia than had been observed by Schulze, Stirling or Spencer and Gillen in the Aranda and Kukatj Children and, less frequently, women with tawny hair were recorded in most Aboriginal tribes throughout Central Australia including the Pitj andj ara, Walbiri, Anmatjera, Kaitish, Iliaura, Ngalia and others.

*The fact is that those familiar with Central Australia in particular take fair-headedness so much for granted that it attracts no special attention.* —

T.G.H. Strehlow in Abbie and Adey p. 339

Northeote W. Thomas (1868-1936) was a British anthropologist educated at Cambridge. Most of his anthropological work was in Africa but his book Natives of Australia published in 1906 was one of the earliest to record fair hair in Aborigines.

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*Spencer and Gillen regard jet black as the normal [hair] colour, but none of the twelve specimens in my possession approach this; in fact, the hair of one full-blood woman, twenty years of age, is fair to sandy at the tips, and others are of a reddish brown, darkening towards the roots.*

Thomas p. 21

Herbert Basedow (1881-1933) recorded one of the first detailed descriptions of fair-headed Aborigines in Central Australia in 1925. During his career Basedow held numerous federal and state government posts that required him to live and work among the Aborigines of Central Australia for long periods of time. He also participated in many exploratory expeditions into remote regions of Central Australia.

*...allowed me to spend the better part of every year in the great unbounded spaces of central and northern Australia, to live among the uncontaminated tribes, and to study Australian anthropology at the fountain head* -- Basedow p. vii

Basedow first observed fair-headed Aboriginal children in 1903. The blonde Wongapitcha [Pitjandjara] children lived in a very remote region on the borders of the Northern Territory, South Australia and Western Australia. These people lived as they had done for millennia and had little contact with Europeans. They were as Basedow put it, uncontaminated by any influence of civilization.

*By far the most remarkable, and genetically perhaps the most important, subject in connection with the colour of the Australian aboriginal's hair is the juvenile blonde. In 1903, [first came across a number of children of the Ulpariajia group of the Wongapitcha, in the Tomlinson Ranges, who had heads of hair of a flaxen colour.* —Basedow p. 48

Over time Basedow observed many more blonde children at other places in the southwest of the Northern Territory and the northwest of South Australia.

*Since then, I have seen many similar cases among the Aluricjia, in the Lilla Creek district, several Wongapitcha from the south of the Musgrave Ranges, at Ooldea, and a limited number among the western Arundta, on the Finke River, south of the McDonnell Ranges. The colour of these children's hair varied from straw-yellow through light brown, to dark brown.* - Basedow P.48

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