



# Woppaburra Land Trust

## Conservation Handbook

A handbook to guide the management, protection and conservation of the ancestral land and sea country of the Woppaburra people.

Prepared by  
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for  
the Woppaburra Land Trust

June 2009

# **A handbook to assist in the conservation and management of Woppaburra land and sea country -**

## **Keppel Islands, Queensland**

### **Preface**

This handbook documents knowledge and information on the ancestral land and sea country of the Woppaburra people. It is a resource document that will help understand the cultural and physical landscapes of their ancestral land and sea country.

It also contains a range of resource information to assist the Trustees and the community to make decisions about the future use and development of land owned by the Woppaburra Land Trust on Great Keppel Island.

The handbook is for use by members of the community and it has been written in a way that talks about the land and resources owned and used by the ancestors. The main section of the handbook has been set out as a series of questions with responses to those questions.

The final section sets out a conservation management plan for land owned by the Woppaburra Land Trust.

The handbook will provide a basis for discussions and negotiations with third parties over potential uses and development on Woppaburra owned land on Great Keppel Island. It will give the community a basis on which to identify those things they wish to protect and those areas which might be developed. It does not set out specific development proposals, but rather gives the landowners the resources with which to negotiate with outside interests – whether they be government agencies or private developers.

The handbook has been produced with funds provided under a Shared Responsibility Agreement between the Woppaburra community and the Australian Government.

In preparing the handbook generous assistance and information was provided by a number of people, including the Woppaburra Trustees, members of the Woppaburra Community, Mike Rowland of the Queensland Department of Natural Resources and Water, the Great Barrier Reef Marine Park Authority, the Queensland Environment Protection Agency and residents of Great Keppel Island. That assistance is greatly appreciated.

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# The Woppaburra Handbook

## Contents

### Our Land and sea country Page

1.	Where is our ancestral land and sea country? .....	1
2.	Where did our country come from? .....	2
3.	What names were used for land and sea country? .....	4
4.	What is the recent history of our ancestral lands? .....	5
5.	Who owns the land and sea country today? .....	7
6.	What land do we own? .....	9
7.	Who actually owns our land? .....	10
8.	How does our Land Trust operate? .....	12
9.	What other laws apply to our land? .....	14

### The lifestyles of our ancestors

10.	What is known about our ancestors' lifestyles? .....	16
11.	Interaction with other aboriginal groups .....	19
12.	How long have ancestors lived here? .....	20
13.	What are the links to our ancestors? .....	21
14.	The cultural landscapes of the Woppaburra .....	22
15.	How have our cultural landscapes changed? .....	23
16.	How did our ancestors use the land? .....	24
17.	How did our ancestors live? .....	25
18.	What food did our ancestors eat? .....	26
19.	What material culture items were used? .....	28

### Using the land

20.	What can we do with our land? .....	31
21.	Can we harvest traditional foods? .....	35

### The natural history of our land and sea country

22.	The natural history of our land .....	37
23.	The environment of our ancestral lands .....	38
24.	Geology and geomorphology .....	39
25.	The climate of our land and sea country .....	40
26.	Is the climate changing? .....	41
27.	Land units -- why are they important? .....	43
28.	What plants occur on the ancestral lands? .....	45
29.	What fauna lives on our ancestral lands? .....	47

### A conservation plan for our land

30.	What do we need to conserve? .....	50
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# 1

## Where is our ancestral land and sea country?

The land and sea country occupied by our ancestors covers what is known today as the islands and waters of Keppel Bay.

Our ancestors occupied both the both of the larger islands of Keppel Bay. The shallow waters, smaller islands and reef formations of Keppel Bay were all part of the land and sea country of our ancestors. This has been recognized by the Great Barrier Reef Marine Park authority and by the Queensland Department of Environment and Resource Management (DERM).

There is evidence that occupation of the islands commenced over 4000 years ago. This evidence comes from cultural sites on North Keppel Island.

Although there is no direct evidence that our ancestors occupied Great Keppel Island from 4000 years ago, it is likely that the period of occupation would have been similar to that of North Keppel. There is direct evidence of continuous occupation of Great Keppel Island for approximately 800 years.

We now own a small area of land on Great Keppel Island (Woppa Konomie), but our ancestral land and sea country and the area over which we have spiritual ownership extends well beyond that.



Woppaburra land and sea country

# 2

## What are the origins of our country?

### The Woppaburra - Who are we?

Our ancestors have occupied these islands since the dreamtime, when time began. We are the traditional owners of the Keppel Islands and we speak for our land and sea country. North Keppel and Great Keppel were our main islands of occupation over millennia. Our tribal name, Woppaburra, means 'island people' or 'people of the islands'.

Our ancestors travelled throughout the Keppels, depending on the seasons and the availability of food, water and shelter. Conducting ceremonies and traditional hunting on land and sea was a vital part of our living maritime culture and, today, we aspire to reconnect with our ancestors through the reinvigorated of our traditional cultural practices. The whale (Mugga-Mugga) is our totem and protector and cannot be hunted.

As descendants, we have a lifelong spiritual and physical connection to the land and sea -- every living thing is connected through the circle of life. We have a lifelong responsibility to our ancestors to care for land and sea country. Our knowledge of the islands is intimate, but it is underrated by the wider community. Through countless generations, our forebears have passed down traditional knowledge of the islands and the natural resources, the seasons, the tides and ocean movements, the flora and fauna, and what also used to be here.

*This statement of who we are is set out in the Woppaburra Tribal Aspirations Statement*

### Our story

The stories of how our land and sea country were stories that told of the relationship between people and their environment. Many of the stories that told of how our land and sea country was created have been lost since the coming of Europeans.

Keppel Island is very important to the Woppaburra people as many of us have not yet set foot on it – even many of the elders only know about its origins from their parents' stories.

We know that the inhabitants of the Keppel Islands and adjoining coasts were a prosperous group of people living in an abundant environment, and that they would have had stories to explain the relationships between people and their environment.

Some of our stories are lost due to the upheaval & forced removal of our people from the islands. However, the Woppaburra continue to maintain connections, traditions and customs to all the land and sea country we call Woppaburra. This continuity has been formally recognised by the Queensland Government in transferring land back to the Woppaburra in April 2007.

The connections have been maintained despite decades of institutionalisation on reserves following the frontier wars of the 19th century and the 'insidious government policy of assimilation' (Mullins 2006, p.35).

As part of the frontier wars aboriginal groups were punished by having to give up their 'ring

leaders'. These were mostly men of high degree, custodians of complex law and spiritual knowledge, but despite this 'punishment' their knowledge has been passed on.

These stories would have told of the origin of the landscape, the people and their way of life. They would have been passed on through a rich oral tradition of song poetry and legend. They would have given us oral accounts of the geological changes that have occurred over the aeons. The stories are likely to have been dramatic, involving great beings and amazing events but in all likelihood based on the truth of events such as

fluctuating sea levels, vegetation changes and relationships both within and between different groups.

Our ancestors gave the Keppel Islands and a number of coastal features names in the same way that people of Hinchinbrook Island did. Those names and their meaning have been passed down through an oral tradition from ancient times. The names the ancestors gave to these features have been recorded in Section 3.

A story, that may have been similar to the stories of our ancestors, is told about the naming of Hinchinbrook Island.

*Girro Gurrll (half man, half eel), rose up from the ocean and gazed around the newly made countryside. He delighted in every new tree and hill and stream. The animals and birds he saw surprised him by their very shapes and sizes and colours. The rugged landscape of the island impressed him and he rose from the water and pronounced its name loudly.*

*In his lifetime, he named every sand bank and Lagoon from the sea to the hills, every stream, prominence and valley (Isaacs 1980, p.81).*

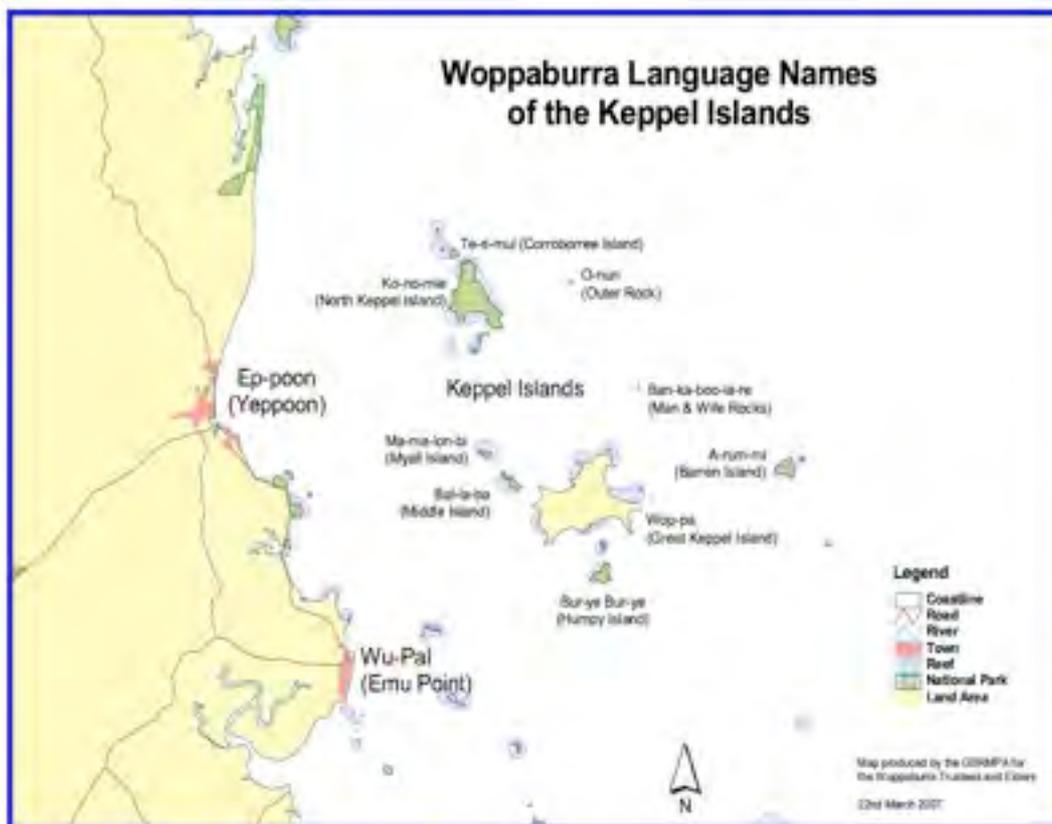
# 3

## What names were used for land and sea country

We have our own names for features of our land and sea country.

Our ancestors gave the Keppel Islands and a number of coastal features names in the same way that people of Hinchinbrook Island did. Those names and their meaning would have been passed

down through an oral tradition from ancient times. The names the ancestors gave to these features have been recorded in the table below and on the map below.



Woppaburra names	European names	Woppaburra names	European names
Wop-pa (Island)	Great Keppel Island	A-rum-ni	Barren Island
Ko-no-mie (North Wind)	North Keppel Island	Bal-la-ba	Middle Island
Te-ru-mil	Corroboree Island	Bur-ye Bur-ye	Humpy Island
O-nun	Outer Rock	Ep-poon	Yeppoon
Ban-ka-boo-la-ree	Man & Wife Rocks	Wu-pal	Emu Point
Ma-ma-mon-bi	Myall Island		

# 4

## The recent history of our ancestral lands

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Between 1884 and 1902, we were dispossessed of our land and cultural base and removed forcibly from the islands.

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Our ancestors have occupied offshore islands in the Ganuni Bara Island Group (Keppel Islands) for several thousand years. Over that period they developed a distinctive culture based on the way in which the natural resources of the islands and their surrounding waters were utilised to earn a living.

Following dispossession and removal, the population was reduced by about 75-80 per cent over this period. As documented by Mike Rowland;

*Some were shot, some poisoned, and others removed. Those left on the island (mainly women) were worked as slaves, poorly fed and clothed; on occasions punished and sexually assaulted. Most of the women contracted venereal diseases. The few survivors suffered further through indecision as a result of a clash of personalities between two white government officers, Walter Roth and Archibald Meston, (Rowland 2004).*

The Woppaburra were taken to Durrundur or Fraser Island. A comment by the Aboriginal Protector (Archy Meston) at the time succinctly describes their feelings as the remnants of the population were placed on the train:

*Archy Meston the Aboriginal Protector told them (as) the train was leaving to say goodbye to their home. They waved and cried and screamed never to see their home land again (Smithwick, nd. as quoted in Rowland 2007).*

Following that removal, we have become part of the wider story of Aboriginal Australians with its rapid decline of links to traditional lands and culture. Many of the Woppaburra descendants have established homes and families in different parts of Australia.

After removal of our people, the islands were used by fishermen, oystermen and boating parties from the mainland. A number of grazing leases were also issued but no stock were grazed on the land.

During the second World War American sailors were stationed on the island and used Long Beach as an emergency landing strip.

North Keppel Island was declared a National Park in 1938 and the surrounding islands in the Group were reserved in 1940. It was assumed that Great Keppel would also be reserved after expiry of the grazing lease, however, it was purchased by the Great Keppel Island Tourist Company from Lizzie Leeke in March 1945 for wool growing and tourism. This endeavour however never really succeeded and the Morris family bought the lease in 1958 and established the first tourist resort - Silver Sands.



Great Keppel Resort

With the growth of national and international tourism, and the aggressive promotional policies of the Queensland government during the 1970s tourism grew rapidly. The lease passed into

corporate hands when TAA (now Qantas) acquired the resort and associated leases in 1975. Since that time and until the resort closed in 2007, Great Keppel Island has been promoted as a destination for young people. The grazing lease is still held today and has been effectively tied in with the tourist enterprises on the island.

After 1982, TAA's promotion campaigns gave more emphasis to the island's values as a place for family



Leeke's Homestead

holidays and business conventions. In line with this there has been some attempt to promote heritage values - particularly European heritage. Leeke's Homestead has been renovated and is registered on the Register of the Queensland Estate under the *Queensland Heritage Act 1992*.

However, the way in which our history was presented to visitors underlines the lack of knowledge of the cultural history and romanticised attitude upon which much of the promotion of the island as a resort was based. In an historical overview of the island, Ganter (1985) comments that presentation of the history of the island included a

*'selection of facts, figures and names. It is a history without structure or conflict, without action or consequence – a history without a past'.*



Visitors arriving on Great Keppel Island

Tourism is the only economic activity on the Keppel Islands today, but it has experienced a serious downturn in recent years. There are now two major tourist facilities on the island. The Great Keppel Resort is currently closed for renovations and redevelopment and Keppel Haven has re-opened after refurbishment.

# 5

## Who owns our land and sea country today?

The European concept of land ownership has now been applied to our ancestral land and sea country.

### Land title and land rights

With the coming of European settlement in the 1800s an alien system of land ownership was put in place over our land and sea country.

This system allows parcels of land to be identified by means of lines on a paper map. The pieces of paper that describe the land parcels are called “land titles”. Land titles described on these maps can be owned by governments, individuals or corporations. Land under water can only be “owned” by the Government. However, different governments can

exercise control over what can or cannot be done on or under the sea.

Ownership of a title gives the title holder a set of rights and responsibilities over the land. The land can be used exclusively by the owner of the title, buildings can be erected, the land title can be bought and sold and the land rights transferred between different owners.

Land can also take on a monetary “value” that often has nothing to do with its historic, cultural, or environmental characteristics.

### There are a number of different types of land title (tenure)

Title type	Description
Crown land	Land owned by a Government or Government agency. There are several type of crown land allocations, including National Park, State Forest, unallocated land, specific purpose reserves, etc. Use or development of the land is generally controlled by legislation of the agency to whom the land is allocated.
Crown leasehold	The Government can lease land to individuals, organisations or corporations for specific periods and purposes. The rights and responsibilities associated with leasehold land are set out in the lease agreement. Lessees usually pay an annual rent for the duration of the lease. Some leases can be bought and sold between individuals or corporations. Ownership of the land remains with the Crown, and the lease can revert to the Government after the lease has expired.
Crown Licence	A Crown licence is a licence to use land for a certain purpose, for a set period of time, in accordance with agreed conditions. Licences are usually given to organisations, other levels of government or individuals seeking to use land for a specific reason for short periods of time. Rentals are payable to the Crown for licences.
Freehold	Freehold land is land owned by individuals, organisations or corporations. Use and development of this land is controlled through planning and building acts. A person can use their land in any way they wish provided it is in accordance with those acts.

## Land ownership on the Keppel Islands

The majority of the Keppel Islands is in Crown ownership. All Islands except Great Keppel are allocated as reserves or National Parks. They are under the control of the Environment Protection Agency. Great Keppel Island is a mixture of leasehold freehold and reserved land (see map below).

Some land has been granted to the Woppaburra community as inalienable freehold.

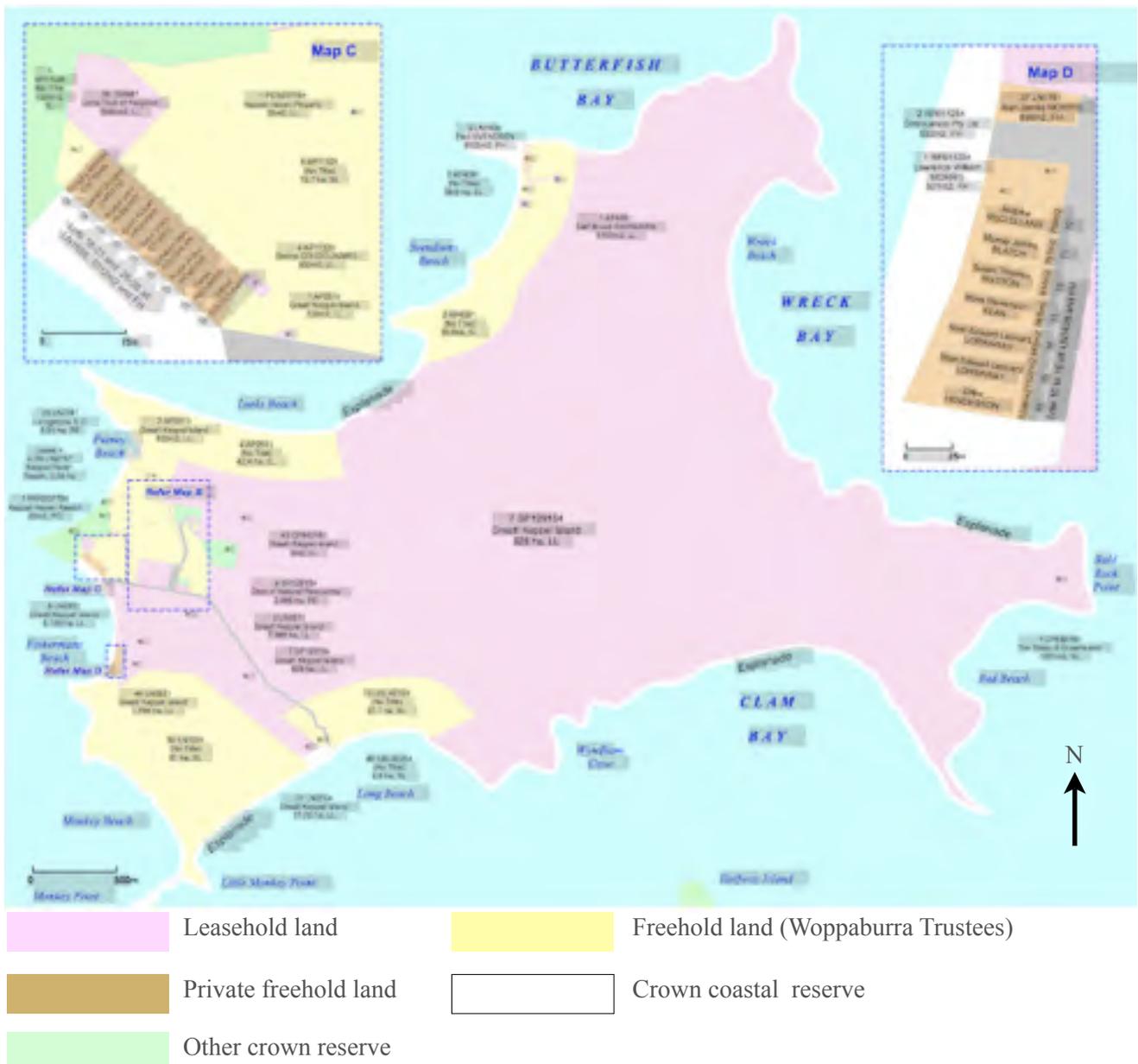
The surrounding waters are designated as part of the Great Barrier Reef Marine Park (Commonwealth

Government jurisdiction), State Marine Park, or State waters.

## Native Title

Although the Keppel Islands mostly USL, existing native title rights and interests of the Woppaburra are, by law, still intact and untested in the event of a native title claim is lodged by the Woppaburra. Once a native title claim is lodged under the Native Title Act (NTA) then any existing native title rights are governed and only recognised by the terms of the NTA itself.

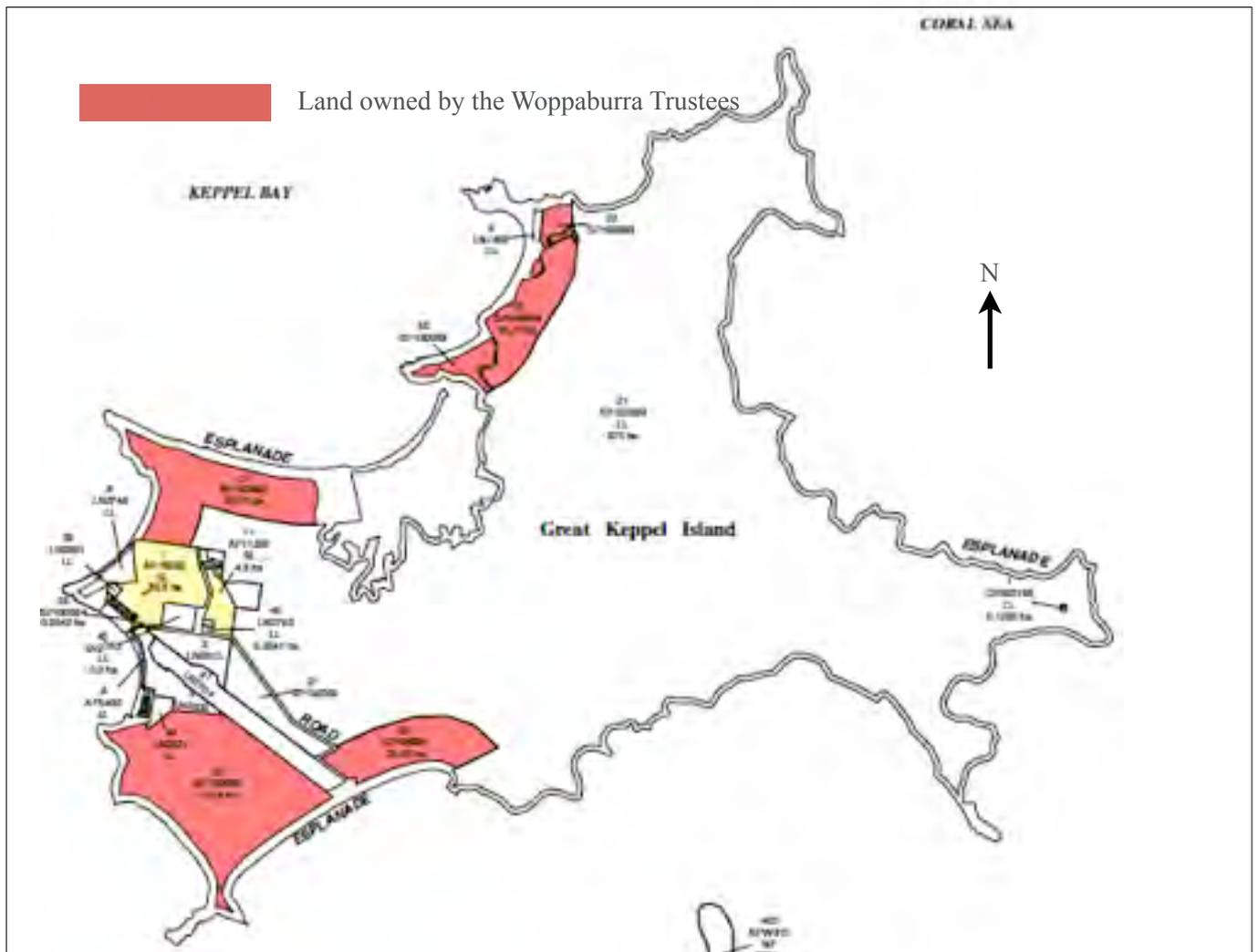
## Great Keppel Island - Land Tenure



# 6

## What land do we own?

The Woppaburra Trustees own 174 hectares of freehold land in 6 titles on Great Keppel island.



### The land is part of our cultural heritage

The Woppaburra Trustees gained freehold title to 174 ha of land on Great Keppel Island in 2006. The process to achieve this was begun in 1984. Without a strong desire by us to assert our cultural links with our land and sea country this could not have been achieved.

The land now owned by us is only part of the land our ancestors occupied prior to European settlement. Although it contains important cultural heritage sites,

there is other land around the island that is under other ownership. We will have to work with our neighbours to ensure that our cultural heritage is adequately protected, and that it is sympathetically and accurately presented. More importantly, we must ensure that in the future our heritage is respected and protected from damage, misuse, exploitation and is treated in the way that we want it to be treated.

# 7

# Who actually owns the land?

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The land is owned as inalienable freehold by the Woppaburra Trustees

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## Inalienable freehold

The land is owned in a fee simple tenure, but in a form referred to as inalienable. Fee simple ownership represents absolute ownership of real property but it is limited by basic government powers of taxation (our land is not subject to land tax or local government rates), and police powers.

Inalienable freehold means that the land can never be sold or compulsorily acquired. However, under the Aboriginal Land Act 1991 (Qld) where the Trust holds their title, as trustees for all Woppaburra peoples, any rights or interests in all or part of the land of the Trust can be transferred to a third party by means of a licence or lease. For a lease of land to a non-Aboriginal person or for a lease longer than 10 years Ministerial approval is required. A lease for commercial purposes may be granted for up to 30 years without the Minister's consent.

Ownership of the land under fee simple is also limited by certain encumbrances such as easements, restrictions on use or development under planning laws or restrictions under other government legislation. The State also reserves the rights to all minerals and petroleum on or below the land. This means that the government owns the rights to sell the minerals or petroleum, and has the right of entry to mine those resources.

## Transfer of land under the *Aboriginal Land Act (1991)*.

Ownership of our land under the *Aboriginal Land Act* (the Act) occurred when the ownership was

transferred from one trustee (a government department) to a group of aboriginal people (grantees) who act as trustees to hold the land to the benefit of aboriginal people.

Our land is not owned by an individual but by the Woppaburra Land Trust. Ownership by a Trust carries with it a range of responsibilities to the beneficiaries of the Trust.

## What is a Land trust?

When the land was granted, a land trust under the Act automatically arose. A land trust is a corporate body with a chairperson and a corporate seal, with the grantees as members. This body (the Woppaburra Land Trust) is the owner of the land.

The Trust are 'Trustees' appointed for the purposes of the Trusts Act. A trustee includes a corporation in which property subject to a trust is vested. The Woppaburra Land Trust is a Trustee Corporation.

## The beneficiaries of the Trust

The land is now the responsibility of the grantees acting as trustees on behalf of the beneficiaries. The beneficiaries are the Aboriginal people for whom the land is held in trust, including ancestors and descendants.

The Trustees have the right to make decisions regarding the development, disposal or use of the land on behalf of the beneficiaries of the trust. Minister's consent is required, the Minister must be satisfied that the lease is for the benefit of the beneficiaries of the Trust.

Extracts from public notice (28 October 2006) announcing the intended transfer of land to the Woppaburra Trustees.

# Public Notice

## Transfer of land

Under the Aboriginal Land Act 1991, the Minister for Natural Resources and Water must as soon as practicable appoint those persons he considers should be the grantees of areas of transferable land. The grantees will hold the land in inalienable freehold as trustees for the benefit of our Aboriginal people.

The Minister has consulted with aboriginal people who are particularly concerned with the following transferable land:

### **Part of great Keppel Island state land;**

**being lot 50 on SP 190989, lot 51 on SP 190992, lot 52 on SP 190991, lot 53 on SP 190990 and lot 29 on SP 198994.**

Adam John Saunders	Gordon Windsor Barney	Marlene Singleton
Albert Leslie Burns	Jason Cockatoo	Matthew Joseph Boustead
Bernard Lee Singleton Jnr	Jason Paul Murgha	Meaghan Jay Cummins
Beryl Rosetta Smith	Jay Jordan	Michael Hickey
Bessie Parsons	Jessie Stanley	Michelle Diane Howden
Brenda Jane Boustead	Jill Linda McBride	Nellie Ann Richards
Christine Konomie Barney	Joh-Ann Alice Coates	Peter Darryle Green
Clarice Rebecca Simon	John Cummins	Richard Joseph Gala
Colin James Barney	Julie Ann Blair	Robert Muir jnr.
Daphne Singleton	Kathryn Ann Mann	Rosetta Richards
Debra Richards	Katrina Tatipata	Scott Bradley Mitchell
Earnest Jack Currie	Kim Neal	Selina Evelyn Costelloe
Elizz Marma	Lillian Bessie Catley	Shane Morrision Singleton
Frances May Gala	Linette Joan Van Issum	Tarita Yvonne Borland
Frank Isaac Clarke	Lucy May Richards	Tegan Marie Green
Frederick Stanley	Malcolm John Fredrick Burns	Valmai Frances Rowena Burns
Georgia Monica Levi	Marilyn Clarke	Vanessa Noelene Kirk
Glenice Esmail Croft	Marlene May Cummins	Vincent Stanley Singleton

# 8

# How does our Land Trust operate?

Decision making by the Land Trust is subject to the Aboriginal Land Act and the rules of the Woppaburra constitution.

## The Aboriginal Land Act

Under the Act, the trust may—

- (a) grant a lease or licence over all or a part of the land; or
- (b) consent to the creation of a mining interest in the land; or
- (c) grant an easement over the land; or
- (d) enter into a conservation agreement under the *Nature Conservation Act 1992*, in relation to the land; or
- (e) dedicate a part of the land to public use through subdivision; or
- (f) surrender all or a part of the land to the State.

For decisions about whether to grant an interest in the land, or enter into an agreement about the land, the trustee must—

- (a) as far as practicable, act in a way that is consistent with any Aboriginal tradition; or
- (b) if there is no relevant Aboriginal tradition, operate under a process of decision making agreed to and adopted by the trustee.

The Minister cannot agree to a lease of trust land unless satisfied it is for the benefit of Aboriginal people particularly concerned with the land.

The trust can not grant a lease over the land for more than 30 years unless—

- (a) the trustee has explained to the Aboriginal people particularly concerned with the land the nature, purpose and effect of the lease; and
- (b) the Aboriginal people are given a suitable opportunity to express their views on, and are generally in agreement with, the grant of the lease.

## The Woppaburra Constitution

The operation and decision making of the land trust is governed by the Woppaburra Constitution and rules. The Constitution spells out how decision-making of the Trust is to occur.

The Executive of the Trust must first agree to consider a proposal to grant a legal interest in the Trust lands. They then must seek the approval of all the Trustees.

### Decision making process of the Trust under the constitution

Decisions of the Members of the Land Trust and its Committee must be made by the Members and the Committee in a way that is, as far as practicable, consistent with any Aboriginal tradition of the Aboriginal people who are Members of the Land Trust.

If there is no relevant Aboriginal tradition, the Members of the Land Trust and its Committee must make the decision in accordance with a process of decision-making agreed to and adopted by the Members in relation to decisions of that kind.

The Family Membership of each of the 5 families has control over their own decision making processes. Each family membership group must respect the decisions, and not interfere in the decision making processes, of other family membership groups.

The five family membership groups are:

- Fred Ross Family;
- Stanley Family descendants Jessie Keppel Ross (Stanley);
- Albert Ross-Peters Family;
- Konomie Ross (Richards) Family;
- Annie Ross Smith Family.

## Preamble to the Woppaburra Land Trust Constitution

Woppaburra descendants of the Fred Ross Family; Stanley Family descendants Jessie Keppel Ross (Stanley); Albert Ross-Peters Family; Konomie Ross (Richards) Family; and Annie Ross Smith family acknowledge and respect Woppaburra Elders, Law/Lore, Customs, Culture and Country. The Land Trust will always act in the interest of and for the benefit of Woppaburra people.

A full copy of the constitution is included in Part 2 of the Handbook

## Objects of the Land Trust

The Land Trust is formed for the following purposes:

- To acknowledge, recognise and respect Woppaburra Elders under Aboriginal law/lore.
- Act as the custodian for the land comprised within deed no 40053243 on behalf of the Aboriginal people for whom it is held.
- To research, develop and assert the Woppaburra Peoples air, land and sea rights and commerce within the Woppaburra peoples air, land and sea country.
- To promote, protect, preserve and revive Aboriginal law/lore, language, sites of cultural significance, arts and crafts.
- To exercise Woppaburra Peoples traditional rights and responsibilities to collect flora and fauna for traditional purposes and to prevent the illegal removal of flora and fauna from Woppaburra land and sea country.
- Reconnecting with Woppaburra land physically and spiritually for all Woppaburra descendants to promote the healing and wellbeing of the Woppaburra People.
- To negotiate land-use agreements (especially, joint management agreements) for air, land and sea country.
- To facilitate the provision of suitable training and employment programs for Woppaburra People.
- To maintain and preserve the Woppaburra Peoples intellectual property and copyright.
- Through education promote awareness of Woppaburra culture, protocol, customs and traditions.
- To promote understanding with the wider community of Woppaburra culture, protocol, customs and traditions.
- To facilitate the provision of resources (finance and facilities) to carry out the above objectives.

# 9

## What other laws apply to the use of our land?

Our land is subject to a number of planning and development controls which affect the type and intensity of use and development.

### Land use zoning

Land use zones are areas delineated on maps that specify the uses that can happen within a zone. Zoning controls exist under local government planning schemes. Our land comes under the Livingstone Shire Planning Scheme 2005 (Now operated by the Rockhampton Regional Council).

Two planning zones cover our Great Keppel Island - see map on following page

- a Comprehensive Development Zone (essentially the existing resort area, the airstrip and adjoining land), and
- a Conservation Zone (covering all of the Woppaburra Lands and the majority of lot 21) .

The planning scheme sets out specific controls for these zones which cover both use and development (e.g. height and size of buildings, infrastructure requirements etc.)

### Development of our land

The zoning for our land means that it can be used for conservation purposes only.

Whilst the zoning indicates restrictions on development, it does not prevent Council considering and approving a development. This would particularly be the case if the development were strongly supported by the State Government.

## What development does the Great Keppel Island Code allow?

The purpose of the code is to achieve development that is:

- (a) is located in precincts A, B and C,
- (b) integrated development with the natural environment, and
- (c) is well designed and protects landscape features

None of the Precincts is on Woppaburra land. On our land, the only nominated uses are local utilities.

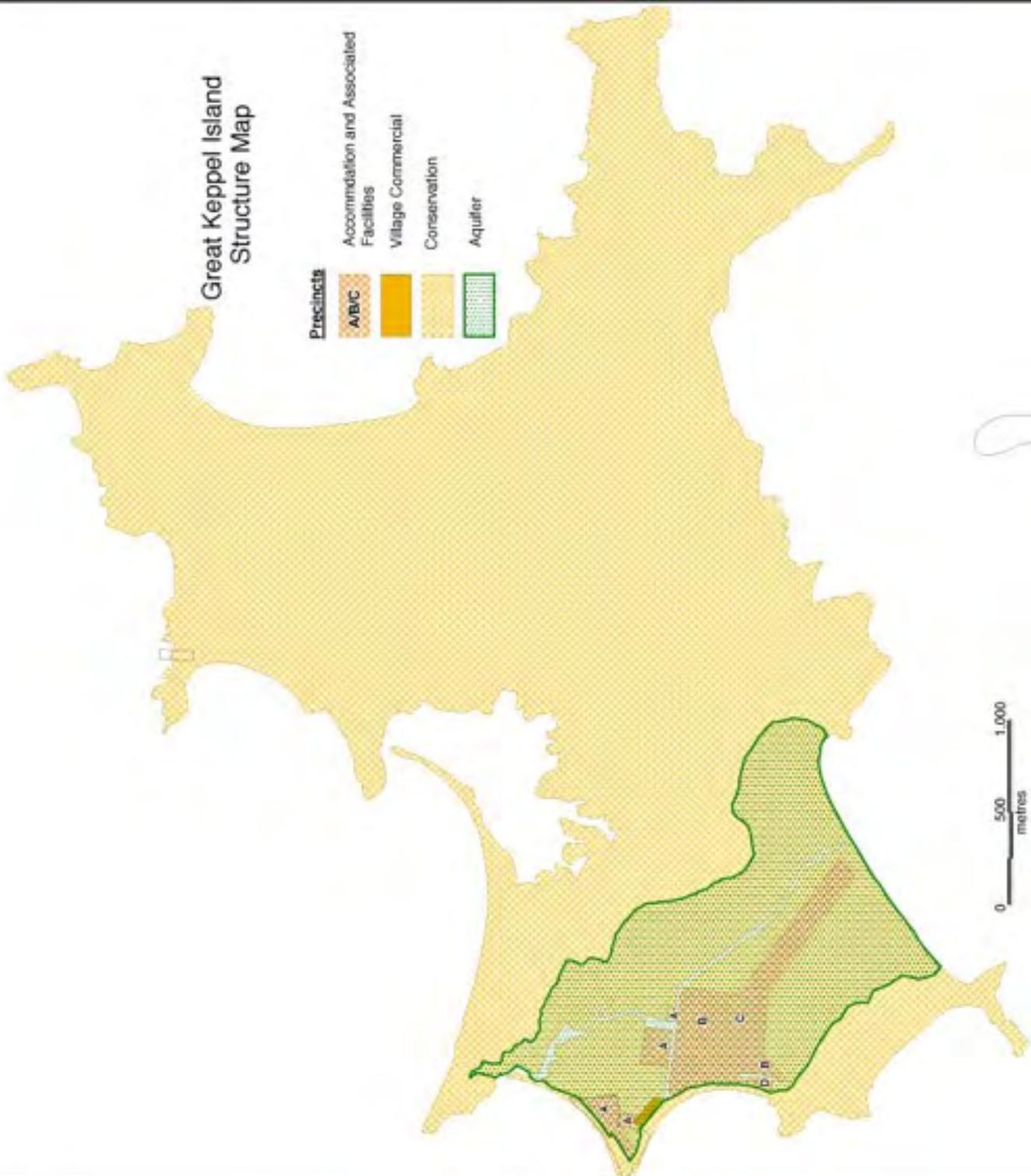
The Code also seeks to protect cultural values as follows

*“Cultural heritage values associated with the landscape features of a site and its surroundings or relics of past activities found during development of the site are respected and are not subjected to changes that would significantly reduce the capacity to appreciate those areas, places and sites, their character or the memories or history they represent, in terms of visual detracting, public accessibility or physical change, damage or removal.”*

This does not provide any real protection for cultural sites on land not owned by the Land Trust. There is strong case for the Trust to seek changes to the planning code to allow for some development of our land and to protect our heritage on all land covered by the code.

# Great Keppel Island Structure Map

- Precincts**
- AB/C Accommodation and Associated Facilities
  - Village Commercial
  - Conservation
  - Aquifer



# 10

## What is known about our ancestors' lifestyles?

There is extensive archaeological evidence of the lifestyles and material culture of our ancestors.

Archaeologists working with the Woppaburra people have revealed much about the lifestyles and material culture of our ancestors. There is no comparable group of islands on the Queensland coast, and few in Australia, where the extent and range of ancestral lifestyles is so extensively recorded.

Sites on the Keppel Islands have been studied since 1978 and have revealed results, which have contributed significantly to an understanding of Australian prehistory. They have also raised numerous questions that can only be resolved by further analysis of sites on the islands.

### What does the evidence show?

The available evidence shows that our ancestors used the available resources effectively and efficiently. Relatively small populations were able to survive in a difficult and constantly changing environment. The evidence shows:

- The size of the islands and their populations is considerably smaller than was previously believed sufficient to support substantial populations over long periods of time.
- The population density of these islands was higher than in southern areas of Australia.
- The capabilities of available watercraft was greater than that suggested elsewhere in Australia.
- The Woppaburra appear to have developed specific adaptations to marine resources and an island ecosystem which is demonstrated in the broad-based exploitation of island resources, the limited range of stone tools and wide range of other items such as fishhooks, nets and harpoons.
- The Woppaburra may have been influenced by Melanesian or Macassan contacts and in fact the Keppel Islands may have been the southern limit of such contacts.

A detailed account of archaeological findings is set out in Part 2 of the Handbook

Apart from these aspects, there is also a range of local and regional issues which are of significance in understanding our ancestors' lifestyles:

It was originally thought that the Keppel Islands might have been occupied largely on a seasonal basis as part of the estates of mainland groups, and substantially only within the last 2,000 years. This has not proved to be the case and the following is apparent:

- North Keppel Island was occupied shortly after sea-level stabilisation (Mazie Bay),
- there was a hiatus in occupation at Mazie Bay around 3,500 years ago which has yet to be fully explained, but environmental changes would seem to have been important;
- Great Keppel Island does not appear to have been occupied until the last 800 years, but environmental factors may have removed earlier evidence; and
- both islands appear to have been permanently occupied, at least for the last 800 years.

## Known cultural sites and areas on Great Keppel



### Protecting our Cultural Heritage

There is a considerable body of documentary evidence relating to our ancestors; their social organisation, language, physical appearance, material culture and lifestyles. It provides concrete evidence of direct links between those people removed from the island in 1902 and the present day Woppaburra descendants. The Keppel Islands and the archaeological sites on them are therefore of considerable significance to us. We have a legitimate right to be involved in any discussions on the conservation and management of sites on the island. This is supported by Queensland heritage legislation (i.e. *Aboriginal Cultural Heritage Act 2003*).

The location of some of the known sites is shown on the map above. There is no doubt that additional sites will be found with further investigation.

Archaeologist Mike Rowland who has investigated and mapped much of our cultural heritage with the assistance of community members, has drawn up a management plan for cultural heritage sites on the Keppel Islands.

Some aspects of the plan are set out below and further details are provided in Part 2 of the Handbook.

Site/area	Heritage	Management recommendation
Big Peninsula Quarry	Stone-working area	Should not be disturbed.
Leekes Beach	Scattered artefacts	Further investigation
Svendsen's Beach	Scatters of rock oyster and stone artefacts. Rock shelter at southern end of beach (burial cave)	Should not be disturbed. No development should be allowed in vicinity of rock shelter.
Big Sandhills Beach	Extensive site with occupation deposits to a depth of 20cm.	Should not be disturbed - no development should be allowed
Wreck Beach	Occupation deposits to a depth of 15-30cm. remains of hut structures	Should not be disturbed - no development should be allowed
Behind Big Peninsula	High percentage of fine-grained artefactual material.	Should not be disturbed - no development should be allowed
Monkey Beach	Occupation deposits to a depth of 5cm.	Should not be disturbed - no development should be allowed
Red Beach	Highly significant site with a quantity of worked stone	Should not be disturbed - no development should be allowed
Clam Bay Ridgeland	Occupation material to a depth of 50cm.	The site should not be disturbed.
Mt Wynbdham Cove	Recently exposed occupation site	The site should not be disturbed.
Leeke's Creek (old Lucas property)	Stone floor remains of an outrider hut.	The site should not be disturbed.
Little Peninsula	A rusting metal stay in a remains of a shelter. Robert Ross used to chain up 'difficult' Keppel Islanders in these shelters.	Should not be disturbed in any way and no development should be allowed.

The above information is derived from work carried out by archaeologist Mike Rowland assisted by many community members. The photo below shows the participants involved in a survey of sites carried out in 2006.



# 11

## Interaction with other Aboriginal groups

A number of other Aboriginal clans occupied the coastal and inland areas near Keppel Bay.

A number of other aboriginal groups occupied lands at the mouth of the Fitzroy River north to Alligator Creek, and adjacent coastal areas . Because of the devastation of traditional lifestyles following European occupation, it is almost impossible to know precisely how the relationships between the different clans worked. However, it is known that there was considerable interaction of both a formal and informal nature. Yeppoon was a meeting place to which people came from everywhere including the Keppel Islands.

There were at least four other dialect groups from coastal and inland areas, but little is known of the interaction between these more dispersed groups and the Woppaburra.

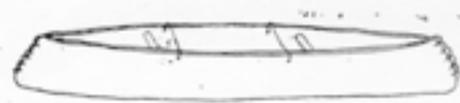
People of the islands would have had less interaction because of the difficulty of movement between the coast and Islands. They had to use the intimate knowledge of winds and tides to travel in their fragile three-piece bark canoes or 'swimming logs' and could only move the particular destinations when wind and tide allowed.

### Movement between islands and the coast by our ancestors

Roth (1897) noted that the Keppel Islanders used to travel from island to island either by swimming logs or in canoes. The existence of canoe trees, from which bark had been stripped, supports the view that canoes were used for movement between islands and the coast. Swimming logs may have been used after early white inhabitants destroyed our ancestors' canoes.

Swimming logs were generally made of pandanus and were from 4.2-4.8m in length and 15cm in diameter. The logs were propelled by the hands and not 'ridden on' as they were in other areas of Australia where people lay astride of them to cross rivers (Roth 1908:558). Keppel Islanders paddled from island to island and to the mainland on these logs, carrying their belongings with them on the timber.

The canoes were described as 2.1-2.4m in length and 0.6m wide, made of a single sheet of iron or stringy bark. The extremities were cut off at an angle, and tied up with ti-tree bark and vine strips. The sides were kept in



Sketch of a bark canoe used by coastal people

# 12

## How long have our ancestors lived here?

### Woppaburra people have lived on the Islands and used the surrounding seas for thousands of years

It is estimated that our ancestors have occupied the coasts and Islands of Keppel Bay for between 4000 and 5000 years. Occupation by our ancestors was made possible through the efficient exploitation of resources over countless generations. There is evidence of occupation on North Keppel Island more than 4000 years ago. Direct evidence of occupation on Great Keppel Island goes back some 800 years.

This occupation has occurred in a period of constantly changing climates and physical environments. As sea levels rose and fell, our ancestors would have had to adjust their lifestyles to cope with changing food supplies and different climates.

To the first Europeans the coast and Islands would have appeared sterile and not suitable for their type of use and lifestyle. But our ancestors saw much more. They saw plentiful food supplies, sufficient water and the landscape that was integral to their everyday life. The land was relatively densely populated and the ancestors

used that environment to support a lifestyle that was prosperous.

The lifestyle of our ancestors was much better suited to coping with changing climate and sea levels than the lifestyles of the European population that has occupied this area for less than 200 years. The ability of our ancestors to adjust to changing climates and advancing and receding shore lines meant that they were able to occupy the land continuously over very long periods of time.

This does not mean that life would have always been easy. There would have been droughts, floods, storms, periods of famine and constantly changing climate. However, their ability to adapt to these things has meant they have been able to occupy their ancestral land and sea country for several thousand years

Before 1978, when archaeological research commenced on the Keppel Islands, it was thought that occupation was largely on a seasonal basis, as part of the estates of mainland groups, and substantially only within the last 2,000 years. In fact this has not proved to be so and the following significant results have become apparent:

- North Keppel Island was occupied shortly after sea-level stabilisation (Mazie Bay);
- there was a hiatus in occupation at Mazie Bay around 3,500 years ago which has yet to be fully explained, but environmental changes would seem to have been important;
- Great Keppel Island does not appear to have been occupied until the last 800 years, but environmental factors may have removed earlier evidence; and
- both islands appear to have been permanently occupied, for at least 800 years.

# 13

## What are the links to our ancestors?

There is a clear link between the present day Woppaburra community and our ancestors, the traditional owners of land and sea country on the Keppel Islands.

This means that any archaeological sites are of considerable significance to us. It is recognized in the Queensland *Aboriginal Cultural Heritage Act 2003* that aboriginal people are the primary guardians, keepers and knowledge holders of this heritage. The cultural resources that have been identified on the Keppel Islands are of local, national and international significance. But they are of absolute significance to us.

There is evidence that the Keppel Islanders have distinct ethnographic characteristics from those of people living on the mainland.

The number and extent of sites of archaeological significance is high for an island environment. Despite the changes that have occurred since the late 19th century, many of these sites are

relatively undisturbed and for that reason are of very high value to the Woppaburra community.

The cultural landscape in which our ancestors lived still exists, albeit in a somewhat modified form, particularly on Great Keppel Island. This is also significant both to us and in general because of the extent of modification of traditional landscapes elsewhere in Australia, particularly in the more intensively settled coastal regions of eastern and southeastern Australia.

Identifying and documenting the way in which our ancestors lived is a critical step in putting in place management regimes to protect our heritage, both to provide direct links between the current Woppaburra people and their ancestral cultural heritage, and to allow us to play the lead role as guardians and keepers of that heritage. It will give us a chance to rediscover, revive and celebrate our heritage.

### Looking into our past

We can look into the past of our ancestors when elders pass on stories told by their parents, grandparents and great-grandparents about life on the Keppel Islands in the days before European settlement in 1884. Cultural remains can also tell us stories.

Archaeologists and Woppaburra community members have identified middens, a bora ring, remains of a hut at Wreck Point, a burial cave, buried campsites, a 5000 year old midden and an exposed campsite. They are evidence of the Woppaburra people's connection to the land.

According to Bob Muir, who has been working with the archaeologists, *"Keppel Island is very important to the Woppaburra people as many elders have not yet set foot on it – they only know about the island from their parents' stories. Younger Woppaburra people bring some of the elders to Keppel Island for the first time so they can get a sense of belonging. It's important for elders to know where they come from so they can get a sense of place and pride."* (Queensland Cultural Heritage Newsletter, Issue No. 6, November 2003)

# 14

## The cultural landscapes of the Woppaburra

### Our ancestors developed a distinctive culture in relative isolation from people who occupied land on the mainland coast

The culture of our ancestors was based on the way in which the natural resources of the islands and their surrounding waters were utilised.

They produced a humanised landscape, a landscape which has evolved in response to the practices of our ancestors as well as to natural factors such as climate. On the Keppel Islands, this humanising has been going on for at least 800 years and probably several thousand. The extent to which the natural world was modified was a reflection of the needs of our ancestors for food, shelter, cultural practices and development of their material culture.

The practices and activities of the Woppaburra have produced a landscape which is different from that which existed prior to human occupation. The landscape has also become embodied in the belief systems of our ancestors. The physical and spiritual links between the people and the natural world is well expressed in the following words:

*"Every living thing is here for a purpose, all elements, mankind, flora, fauna, we are dependant on each other's existence, Aboriginal people of Australia, have known this since our ancestors/ forefathers times."*<sup>1</sup>

To meet their needs for food, shelter, hunting, travel and their other daily activities, our ancestors modified the natural world and this happened in accordance with the belief systems that underlies our culture.

They lived in a landscape that had been shaped to meet their needs. It is natural in the sense often used in western culture today - particularly by tourist promoters or the conservation movement. The natural features of the land were shaped in many ways - some of them obvious such as the adaption of caves on the island for a variety of purposes (burials, shelter and meeting places) and many of them much more subtle - such as alterations to natural habitats to favour foods used by our ancestors. To treat the natural world of the Woppaburra as pristine is to deny the fact of our existence and close attachment to our traditional land and sea country. It is also dangerous, as it allows traditional ways of using land and sea country to be treated almost as irrelevant or as a museum relic.

The modern western practice of imposing development on the landscape and choosing selected elements of that landscape for exploitation, results in levels of change and modification of natural elements that far exceed those wrought by traditional use. It also results in the swamping of our cultural landscapes, and in some cases the direct destruction of the evidence of those landscapes. Modern western practice means that the use to which resources are put and the means of exploiting the resources often bears no relationship to its natural characteristics and capacities. It results in a far greater level of modification of the "natural". Our ancestors, on the other hand, had to rely much more on natural features of the land for food, shelter and most of their material culture.

# 15

## How have our cultural landscapes changed?

Our traditional cultural landscapes which evolved in response to the needs and lifestyles of our ancestors has been overlain by layers of new and alien landscapes.

When our ancestors were removed from the islands, the land was taken up mainly as grazing leases. Cattle were not run on the land, and land that had previously been used as the economic and cultural mainstay of our ancestors was left idle. Those who took up the land altered it to suit the new activities.

The main impact in the early years was the clearing of land for grazing (even though grazing did not occur until several years later). The early European settlers also introduced animals such as goats which have destroyed much of the vegetation which served as a food source and as a raw material for buildings, tools, ornaments and canoes.

Grazing has been replaced by tourism as the main economic activity, and this is now evolving into a landscape produced by land as a commodity to be exchanged in a market for profit. The proposal for a new resort is largely a real estate development which would see most of the land sold off to individual owners. Each of these individual owners would then place their own buildings on the land and modify the landscape to meet their needs without regard to the cultural landscape created by our ancestors.

Even the land we own is defined in Western terms by means of survey lines on a map. They are purely artificial lines, and have no meaning in terms of our ancestral culture.

They are given meaning through a body of legislation that allows land to be treated as an object, to be exchanged for money and have a new set of rights and responsibilities attached to it. These rights and responsibilities are embodied in other legislation, such as planning laws, which reflect the economic needs of the dominant culture.

To us these lands and other land and sea country of the Keppel Islands have a strong cultural and spiritual meaning. In Western terms these lands have a high monetary value and could be developed and sold for profit without regard for its cultural, spiritual and personal value to its original owners.

Aboriginal Australia (including the land and sea country of our ancestors) has been divorced from its traditional culture through the process of European colonisation and settlement. There is no going back to a pre-European time. We are now part of a wider, predominantly western, culture and in our day to day lives we have to live within and come to terms with the cultural landscapes created by that culture. However, it does not mean that we cannot create some space within which we can re-establish direct links to our traditional ways of life. Our land on Great Keppel Island is a starting point for that.

# 16

## How did our ancestors use the land?

### Our ancestors lived a hunter-gatherer lifestyle

Hunting and gathering were the two main means of collecting food and other materials required for the daily lives of our ancestors.



Traditional hunting and gathering included a range of fishing activities

There is no evidence of the permanent cultivation of land for food. However, the environment was modified to increase the yield from hunting and

gathering activities. The best example of this is fish traps and burning of vegetation to improve hunting opportunities.

As the terrestrial environment had low productivity due to poor soils, variable climate, limited water supplies and a limited range of food producing plants, our ancestors looked mainly to the sea and the inter-tidal zone for their food. Marine life in the waters surrounding the Keppel Islands is abundant and varied. Shellfish, fish, marine reptiles and marine mammals were all harvested both for food and for items to be used in their day to day lives.

A more detailed discussion of food gathering and other lifestyle information is given in the following pages.

### Hunting and Gathering and the environment

Hunter-gatherers consume less energy per capita per year than any other group of human beings. In addition, when populations are low these societies do not create significant amounts of environmental stress through over exploitation of resources. This is a major reason why the Keppel Islands have been able to support a permanent population over long periods of time. It was a society in which most of the people's material wants were easily satisfied. It was a use of land and resources that matched the capability of the environment to support the population.

# 17

## How did our ancestors live?

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Occupation of the islands by our ancestors was made possible through efficient use of resources over countless generations.

This occupation has occurred in a period of constantly changing climates and physical environments.

Interactions between the first white visitors and our ancestors in Keppel Bay were brief, but they suggest an environment that was home to prosperous groups of people, living in a pristine and abundant environment, (Mullins 2006, p.31).

To the eyes of the first Europeans, the land appeared sterile. When Matthew Flinders visited Keppel Bay in August 1802 it was described as:

*“Either stony hills, or very low land covered with salt swamps and mangroves”.*

Our ancestors saw much more. As Flinders reported that where ever his men landed there were signs that Aborigines were obviously living well off what the country had to offer.

Their campsites were scattered with:

“the shells of large crabs, the bones of turtle and the remains of a parsnip-like root,

apparently a fern; and once the bones of a porpoise were found; besides these they doubtless procure fish and wild ducks were seen in their possession.”

Our ancestors had learned to live in and make use of the resources available in the local environment. They were, however, not just passive users of those resources.

They modified their environment to support their lifestyle, used resources to craft and manufacture tools and artefacts, to build shelters and craft for exploiting the marine environment and for their spiritual and communal needs.

# 18

## What foods did our ancestors eat?

Our ancestors had a very specialised diet with a heavy reliance on food from the sea and surrounding reefs.

Our ancestors relied almost exclusively for protein on the sea, especially on fin and shellfish. There were no macropods (wallabies, kangaroos) and very

few small animals on the Keppel Islands for thousands of years. Also, limited fresh water restricted the variety of fruits and vegetables.

### a) Fish and Molluscs

Despite the limited picture of the diet of our ancestors, the evidence points to intensive use of the islands' resources. Evidence reveals that fish would have been a major component of the Woppaburra diet. The many distinct habitats - estuarine/tidal creeks, inshore and offshore zones - provided a range of species.

Rock pools would also have provided opportunistic catches. On the coralline platforms of Clam Bay and Mazie Bay large schools of Blue-tailed Mullet (*Valamugil seheli*) have been observed feeding on incoming tides in water less than 25cm deep where they could have been easily netted or speared. Fish must have been far more important in the Woppaburra diet than the

current the archaeological record suggests because most of the remains would have decomposed long ago or have been buried.

Molluscs are represented by a full range of ecological zones - tidal creeks, inshore muddy to sandy substrates, rock platforms, reef boulders, coral platforms, reefs - and the species are numerous and abundant (Creighton 1984). Molluscs formed an important part of the Woppaburra diet. Species used for food included rock lobster, mud crabs, oysters and a range of smaller shellfish. Archaeological investigations have revealed a range of shell, bone and other fragments that point to the heavy use of marine resources.

### b) Vegetables and food staples

Rowland (2007) has identified some of the native plants used as food by our ancestors. The original information is based on work done by Roth and Thozet. Roth lists a number of plants as being

exploited on the Keppel Islands (Roth 1898:17, 1901(3):13). Mike Rowland has constructed the following table which matches tree species and their likely use as food:

Common Name	Description
Broad-leaved apple tree	A small tree in open forest, alluvial soil. Flowers white and pink. Fruit like a middle sized apple. Eaten without preparation (Thozet 1866:10)
Rough-leaved fig tree	<i>Noomaie</i> Rockhampton tribe, <i>Balemo</i> Cleveland tribe. Very common in scrubs and plains. Fruit black when ripe. Eaten without preparation (Thozet 1866:11)
Wild plum	A beautiful scrub tree with erect trunk and pinnate glossy leaves. Eatable part (Sarcocarp) red.
Wild cherry	A small scrub tree. Bark almost black, scaly. Leaves thick, dark green. Fruit, red when ripe.
White Currant	A small shrub, found amongst grass. Large, alternate ovate serrated leaves. Berries brown and smooth, 2 or 4 in axillary peduncle
Scrub Honeysuckle	
Screw-Pine Nut	<i>Kaor</i> the eatable part is the side of the seeds adhering to the rachis (Thozet 1866:11)
Grass tree	<i>Kono</i> over ridges and mountain sides (Small part of the extremities of the young shoots, and the white tender base of leaves eatable (Thozet 1866:8)
Tuberous rhizome of Amargllid	

### c) Other foods

Koalas are thought to have been present but wiped out by land clearing operations in the 1960's. If they were present they could have formed part of our ancestor's diet. A small population of wallabies could also have survived on the island after the sea-levels rose and may have contributed to the diet. Possums are abundant and would have provided meat and other materials for use in everyday activities. There are no macropods on the island at present, but it is likely that they would have been present in the past. Some species of birds would have been exploited as food, some as a source of eggs and some may have provided feathers for ceremonial purposes.

Creighton (1984:130) suggests that dugong would not have been more than an opportunist and seasonally irregular food supply for the our ancestors. However, if seagrass beds were more extensive in the past, dugong could have been more plentiful and may have formed an important part of the diet. Turtles nest on the island and include green turtle, loggerhead, hawksbill and leatherback (Creighton 1984:21). Archaeological evidence indicates that turtle formed part of the the diet. It is known that when they had more turtle or dugong meat than they could consume it was cured for later use.

# 19

## What material culture items were used?

Our ancestors used a variety of materials to manufacture articles for shelter, hunting, gathering and preparation of food.

### Transport

In 1897 the people still living on the island used to travel from island to island either by swimming logs or in canoes. Although no remains of canoes have been discovered, canoe trees from which the bark had been taken to make a one-piece bark canoe have been identified.

from a flat piece of bone or coconut shell. A woven fibre line or string was tied to the hook and bait (usually small crabs) was attached to the hook with a fibre line.

Holes in the hook were drilled using a distinctive type of stone drill which according to Roth was present only on the Keppel Islands. The drills were



A tree from which the bark has been removed to build a canoe

Canoes were made from a single piece of bark from the iron bark or stringy bark trees. The ends were tied up with tea tree bark and fine strips. Swimming logs were generally made from pandanus. They were 4-5 m in length and about 15 cm in diameter. There are reports of people paddling from island to island using these logs. In addition, they were even used to cross to the mainland – a journey of some 15 km.

### Hunting

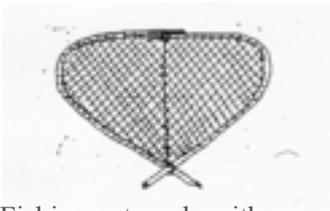
Our ancestors made fish hooks from bone, wood and shell. On Keppel Island, fish hooks were made

made using a piece of white quartz which was roughly ground to obtain a point. The drill was held vertically and rotated backwards and forwards between the flats of the hands.

Harpoons were used for capturing fish, turtle and dugong. They comprised a dart (normally about 15 cm in length), a shaft (usually about 3-3.5 m long) and a connecting rope (this was firmly tied to the dart). When an animal was struck with the harpoon the impact forced the dart from the shaft which was then hauled in by the attached rope.

Small crabs were collected from the beaches and used as bait. Some of the bait was thrown into the water and when the fish, turtles or dugong came to feed on the bait, people would dive in and catch fish and turtles or spear dugong.

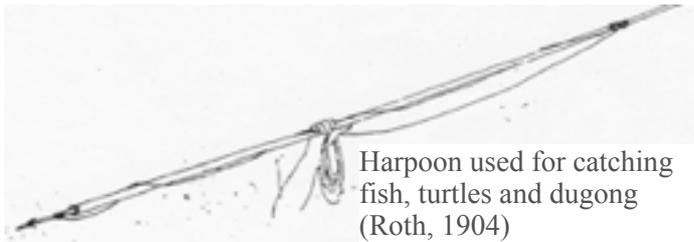
Fishing nets were also used in the Keppel Islands. The nets varied in size and mesh. The fibre used for making nets was commonly wattle bark, but harpoon strings and fish nets were made from a variety of materials including animal hair twine, fish bones, snake neck and from a variety of leaves and bark.



Fishing net made with kurrajong or vine and wattle bark netting. (Roth, 1898)

## Gathering

Dilly bags were manufactured from grass or twine. They varied in size from a few centimetres to over a third of a metre in height. Bags and baskets played



Harpoon used for catching fish, turtles and dugong (Roth, 1904)

an important role in

gathering and preparation of food. They were used to carry food and as strainers or colanders.

## Tools

Stone artefacts are abundant on all sites on the Keppel Islands. However the number of identifiable stone tools are relatively few compared with mainland assemblages. There are three possible reasons for this.

- Firstly, much of the stone material may have been brought to the site for purposes other than the manufacture of stone tools. For example, Roth (1901(3):8) notes that dugong turtle and large fish were baked with the aid of heated stones and also that women played a game with stones (Roth 1902(4):13).
- Secondly, fine-grained stone suitable for stone working on the island may have been limited.
- Finally, and at least partly as a corollary of the above, stone may have been relatively unimportant to our ancestors.

Shells were used as scrapers, turtle shell and coconut shell for fishhooks, cuttle fish for cutting hair, wooden digging sticks, bark strippers and oyster openers, harpoons, darts and barbs, bark for huts, containers and canoes and fibre for nets, baskets and fishing lines. Most of these could have been manufactured with the aid of the quartz or quartzite available on the island.

## Molluscs

Molluscs formed an important part of the Woppaburra diet. Species used for food included rock lobster, mud crabs, oysters and a range of smaller shellfish.



Molluscs occur in a range of ecological zones - tidal creeks, inshore muddy to sandy substrates, rock platforms, reef boulders, coral platforms, reefs. They are numerous and abundant .

The predominant shellfish in all excavation sites is rock oyster, indicating that it was an important food source for our ancestors. However, there is some evidence that our ancestors relied more on mud oysters when

they first occupied the Keppel Islands. Today, the mud oyster is not common on the Keppels, and they may have been over-exploited in the past, leading to a decline in numbers. It may also reflect a change in the local climatic conditions



Other dominant molluscs in middens on both islands include the Neritidae, the faded sunset shell, the Squat Turban and in the upper few centimetres of most sites the chiton.

Many other shellfish are also present in the middens, though not all of these have so far been identified. Some may have found their way into the middens other than as a food source. For example, the Barnacle is relatively common, but may have been attached to rock oysters or the lumps of 'island' stone on which the rock oysters were brought to the site.

# 20

# What can we do with our land?

## Can we use our land for short visits?

There is nothing to prevent members of the Woppaburra community from visiting the land and using it for short periods. The conditions under which visits can take place, the locations that can be used by community members would be a decision for the trustees. Currently, there are no rules set down covering use of the land.

If the land is used for activities such as camping or day visits a set of simple rules covering

locations that could be used, protection of cultural and natural resources, activities that could be undertaken (for example fishing, walking, harvesting foods within the boundaries of our land, use of resources such as wood or soil) need to be spelt out.

These activities can occur without any interference from state or local government or adjoining landowners.

## Can we build houses on our land?

At the moment it is not possible to build residences on the land. However, there is nothing to stop either the Trust or individuals with majority Trustee support from applying to the Rockhampton Regional Council for a permit to build a house.

It would be a lengthy process to obtain such a permit as the planning rules covering the land would have to be changed, (see below).

Before any building could take place, the landowners (the trustees) would need to give their approval. Currently, there are no guidelines

or rules within which such an approval might be given. For example, sites suitable for housing have not been identified, the type of title that might be granted by the trustees to allow house to be built (freehold, leasehold or licence) has not been decided.

Any building would need to be provided with infrastructure -- water, waste disposal, electricity and road access. The Rockhampton Regional Council would not consider an application for a house to be built unless these matters had been addressed

### The Woppaburra Business Plan

The recently completed business plan concluded that the best options for development are:

- providing accommodation, services, experiences and facilities for visitors to Great Keppel Island; or
- realising a return from the land through the sale or lease of a portion for private use.

The plan recognised the opportunities and limitations of the Trust's land ownership position, and the need to recognise legal controls over development in State legislation. A summary of the business plan is included in Part 2 of the Handbook.

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## Can we put commercial developments on our land?

The situation with regard to buildings that house commercial developments is similar to that for residences. However, matters such as infrastructure would have to be addressed in much greater detail if these commercial developments were to provide facilities, experiences or services for people who are not part of the Wopaburra community.

As with residential development, commercial development could not take place without the support and agreement of the trustees. If land is to be leased for commercial development the granting of the lease must be in accordance with the Aboriginal Land Act (see Section 8 above)

Before the Rockhampton Regional Council could issue a permit they would need to know what form the commercial development could take, how it is intended to operate, what buildings are required, what infrastructure is intended to be

provided, how many people would work in the development, what facilities would be provided for employees and any clients of the development, and how the facility is to be managed. In addition, details of how access is to

be provided to the facility for any clients would be required.

Any buildings or outdoor spaces proposed for the development would need to be designed and plans, drawings and descriptions of those buildings would need to be part of any application to the council.

In addition, technical reports on things such as water supply, waste management, road construction, and other aspects of the development would be required.

Our land could be used for commercial development, but such a development would require detailed planning and a permit from the Rockhampton Regional Council before it could proceed.



Developments such as the Karijini eco resort in Western Australia can be undertaken on Wopaburra Land with approval from the Rockhampton Regional Council. Karijini was developed by a member of the Western Australian Indigenous Tourism Operators Committee (WAITOC)

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## Can we use the land to create jobs for our community?

As indicated above the land can be used for a variety of purposes, provided a permit has been obtained from the Rockhampton Regional Council. Commercial or community developments could then be used to create jobs for members of the Woppaburra community.

Such job opportunities do not have to have a commercial basis. For example, training or education, cultural education, conservation or rehabilitation works or scientific research could all be undertaken.

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## How do we get access to water and power for our land?

Currently the Woppaburra lands do not have access to power or water.

The simplest way to obtain power for any use or development would be with diesel portable generators. However, these are costly and noisy. Other developments on the island use both solar and wind power. Solar power is an option for small scale development but involves a high initial investment. There are a number of government programs that provide subsidies for solar power installation. Wind power is a possibility for some locations in the southern or northeastern parts of the Woppaburra land.

Water is a scarce resource on Great Keppel Island, and will always limit the scale and type of development. There are no reliable surface supplies. Underground resources are limited and there is some evidence that the main aquifer has become saline with overuse by the major resort. The best option is collection and storage of rainwater. Facilities to collect and store rainwater should be installed in all new buildings as it provides the cheapest long-term option to supply water for use and development. Water quality may be an issue, and it may be necessary to treat drinking water.

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## How do we access our land from the sea?

None of the land owned by the Woppaburra has direct water access. All land adjacent to water bodies has a buffer zone (generally 30 m) between the land boundary and high water.

There are no restrictions on using small boats to access beaches adjacent to the Woppaburra land. Also the buffer zones are available for public use and any person wishing to access land owned by the Woppaburra could walk across that zone. However there are restrictions on the use of vehicles across the zones at Leekes Beach, Monkey Beach, and Svendsen's beach.

Before any structure or landing facility could be erected a permit would have to be obtained from

DERM. A further consideration is that many of the waters adjoining the Woppaburra lands have either Barrier Reef Marine Park or State Marine Park status. There are a number of restrictions on erecting structures in these areas.

There are some locations where access facilities could be provided. As with all other building or infrastructure development a permit would be needed and plans and specifications would need to be provided before the granting of the permit could be considered. Depending on the location permits could be required from local, State or Federal governments.

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## Can our land be sold or leased to other individuals?

Our lands are owned as “inalienable freehold” by the Woppaburra Trustees (The Woppaburra Land Trust) on behalf of the Woppaburra people. The Trustees have the right to make decisions regarding the development, disposal or use of the land on behalf of the people. They can lease the land for a period not exceeding 10 years. If they wish to lease the land for a longer period, the approval of the Minister for Natural Resources, Mines and Energy is required.

Land can be sold or leased to any individual, Corporation or company.

Land can only be sold as a single title or parcel (a parcel consists of several titles owned by the one person). If the trustees wish to sell or lease land that is not currently a separate title or parcel, it needs to be subdivided into smaller lots. In order to subdivide the land, approval for the subdivision is required from the Rockhampton Regional Council.

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## Do we retain any rights over the land if it is sold?

If any of our land is sold freehold, we do not retain any rights to use, develop or enter the land. This is despite the fact that the land previously belonged to the Woppaburra trustees, and was part of our ancestral land and sea country. The rights to use and develop the land and to prevent others from using the land pass to the purchaser. In some cases a covenant may be placed over the land to protect the interests of the previous owner or adjoining landowners. For example, a covenant could be placed over the land that prevented disturbance or damage to identified cultural sites.

Land can also be leased to a third party. The difference between a lease and a freehold sale is that the vendor retains certain rights over the leased land. The purchaser can only occupy and use the land in accordance with the conditions of the lease. For example, the lease could spell out the period for which the land could be occupied

by the purchaser, the types and intensity of development that might be allowed on the land, the responsibilities for managing and protecting features of the land or any other matters that the lessor wishes to include in the lease agreement.

Generally speaking, leases are far more restrictive than freehold title. In practice however, unless the conditions on the lease are enforced by the lessor, the lessee may do things which are outside the lease agreement. Most lease agreements have enforcement clauses and any disputes are usually handled through arbitration or in some cases the courts. In other words, if the trustees were to lease any land to a third party they would have the responsibility of ensuring that the conditions under which the lease was granted were adhered to. If that responsibility was not fulfilled, then the interests of the landowners (in this case the trustees and their beneficiaries) could be undermined.

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## Can we sell or lease only some of the land?

As set out above the trustees can decide to sell or lease all or part of the land. If they wished to sell or lease parts of existing titles, the portion

they wish to sell or lease would have to be subdivided from an existing title. The balance land would remain in its current ownership.

# 21

## Can we harvest traditional foods?

We are able to harvest food on our land and on sea country under a Traditional use of Marine Resources Agreement (TUMRA).

The Woppaburra have entered into an agreement with the Great Barrier Reef Marine Park Authority (a TUMRA) that covers the undertaking of activities as part of Aboriginal and Torres Strait Islander people's customs or traditions, for the purpose of satisfying personal, domestic or communal needs.

Use of marine resources activities may include:

- Fishing
- Collecting (for example shellfish)
- Hunting
- Looking after cultural and heritage sites.

Participation in these activities could be used to:

- Educate younger generations about traditional and cultural rules, protocols and activities in sea country;
- Practise their living maritime culture; or
- Provide traditional food for families.

Traditional use activities in the Great Barrier Reef Marine Park are managed under the *Great Barrier Reef Marine Park Act 1975*, and the *Great Barrier Reef Marine Park Regulations 1983*. The Great Barrier Reef Marine Park Zoning Plan 2003 recognises that under section 211 of the *Native Title Act 1993*, native

title holders may undertake traditional use of marine resources in the Great Barrier Reef Marine Park.

TUMRAs are formal agreements developed by Traditional Owner groups and accredited by the Great Barrier Reef Marine Park Authority (GBRMPA) and DERM. TUMRAs describe how Traditional Owner groups work with government to manage traditional use activities in sea country. A TUMRA may describe, for example, how Traditional Owner groups wish to limit their take of turtle and dugong, their role in compliance and their role in monitoring the condition of plants and animals, and human activities in the Great Barrier Reef Marine Park. The TUMRA implementation plan may describe ways to educate the public about traditional connections to sea country, and to educate other members of a Traditional Owner group about the conditions of the TUMRA.

TUMRAs are implemented through a Steering Committee consisting of traditional owners and Government agencies, and in accordance with an implementation plan. Some details of the implementation plan for our TUMRA are set out on the next page.

A draft implementation plan has been agreed to between the parties to the TUMRA.

**Draft implementation plan**

The parties to the implementation plan are:

- the Woppaburra clan groups
- Great Barrier Reef Marine Park Authority
- DERM.

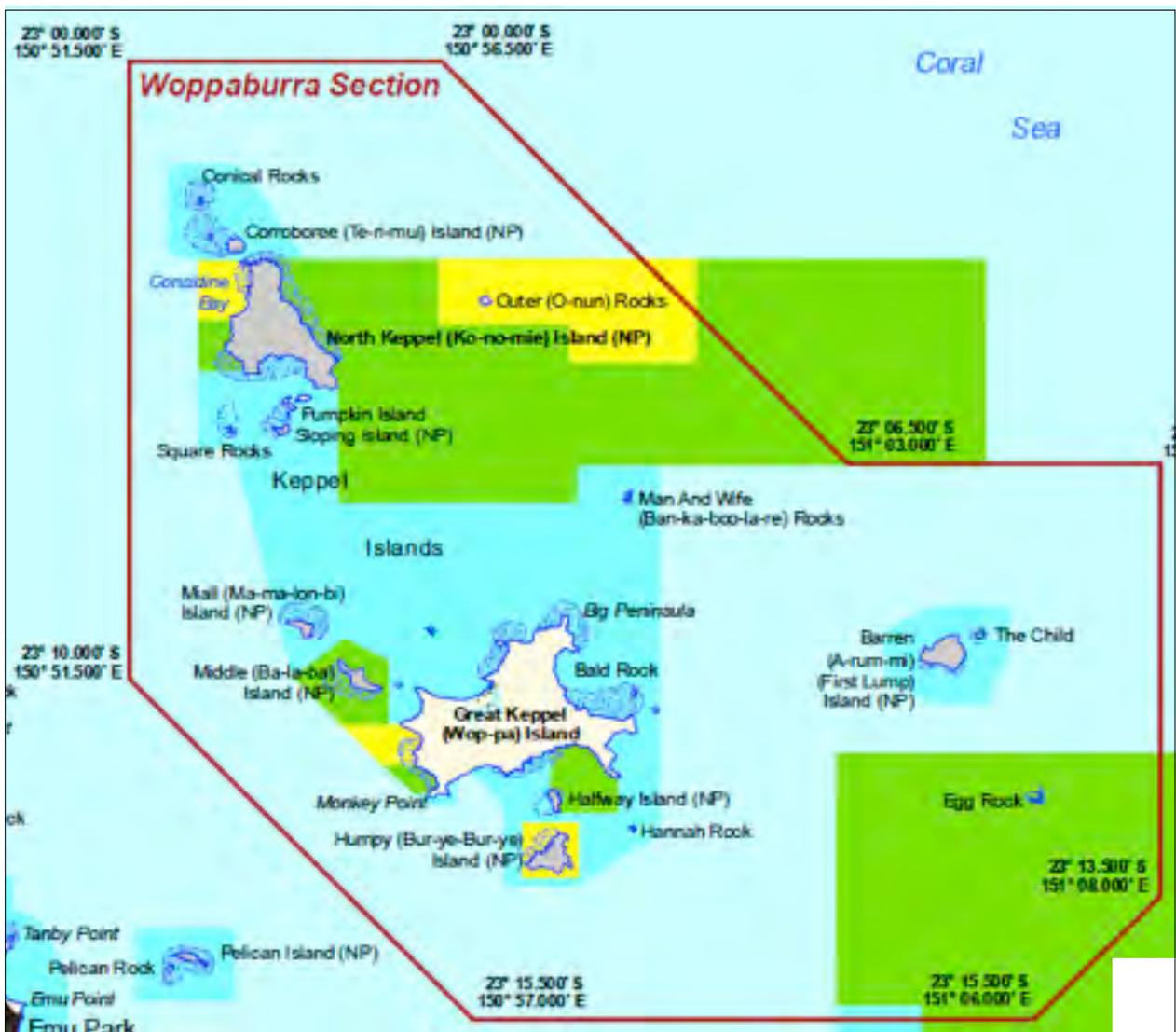
The area covered by the plan is shown in the map below. A draft implementation schedule was prepared in 2007 and many of the tasks are well advanced, (See Part 2 for details.)

The plan includes details of traditional hunting activities for green turtle and

Dugong. These activities will be managed through the Steering Committee. Other tasks include:

- Timing of the agreement (3 years),
- Communications and awareness,
- Administering the TUMRA,
- Involvement of traditional owners, and
- Monitoring implementation of the plan.

**Dharumbal TUMRA - Woppaburra Management Area**



# 22

## The natural history of our land & sea country

The following sections briefly describe the natural history of our land and sea country. Our ancestors survived through their knowledge of and ability to successfully use the available resources of the physical environment.

The physical environment is part of our heritage and managing the environment is part of protecting that heritage.

### **The European (scientific) story of how our land and sea country came into being.**

Prior to sea level rise associated with global warming approximately 6000 years ago the Keppel Islands were high points on a broad coastal plain that extended several kilometres to the east of the current Great Keppel Island. These high points were hills scattered across the plain. An ancient river (now called the Fitzroy) traversed this plain.

With sea level rise low lying areas were flooded leaving higher points as islands (it is estimated that current sea levels are up to 100 metres higher than they were 10 000 years ago).

The exposed high points are part of a drowned landscape, featuring numerous rocky islands and prominent coastal headlands. The islands themselves have coastlines that exhibit many of the features of drowned landscapes with prominent headlands and extensive embayments that have become filled with sediments since sea level rise occurred.

Keppel Bay is a relatively shallow embayment with water depths increasing slowly seaward. The

Bay has a tidal range of 5 m (which is higher than along most of the Great Barrier Reef), that generates strong tidal currents, and receives flood discharge from the Fitzroy River.

Sea levels have changed several times since the end of the last ice age some 18 000 years ago. There have been cooler and warmer periods with associated lower and higher sea levels over that time. Also, as sea temperatures rose and fell, and rainfall varied with the different climatic regimes both flora and fauna changed in response.

Ancient river channels are evident on the sea floor. One of these is the main shipping channel into Port Alma. This channel is dredged to maintain its depth. The Fitzroy River contributes extensive riverine flood plains and tidal wetlands to Keppel Bay.

The river has played a major role in the evolution of coastal features, especially during flood events. On these occasions large volumes of sediment can be deposited up to 30 km east of the estuary, having a dramatic impact on the coastline, fringing reefs and the islands

More detailed descriptions of the environmental and natural characteristics of the Islands are provided in Part 2 of the Handbook.

# 23

## The environment of our ancestral lands

Our ancestors had a close daily relationship with all the physical and natural elements of their land and sea country.

Understanding the physical environment of the Keppel Islands is important because of the close relationship between our ancestors and that environment during the time of their traditional occupation of the land. Knowledge of the environment can provide important clues as to how our ancestors obtained a living and help us understand the relationship between the physical and cultural landscapes in which they lived.

Detailed knowledge of the physical environment of the Keppel Islands is sketchy. The only study that has been specifically undertaken to improve our knowledge of the environment of our ancestors is one by Colin Creighton in 1984. The information provided below has been drawn from that study

and additional material provided in Mike Rowland’s work. In addition, broader investigations into offshore islands along the entire Queensland Coast, Keppel Bay, vegetation surveys in the Rosslyn Bay area and detailed investigations into reef and marine environments have provided some insights.

It will be an important task for us to obtain more information about the physical environment of Great Keppel Island to better understand our cultural heritage. This can come from an understanding of the physical environment in which ancestors lived. It will also help us to look after our ancestral land and sea country and the cultural landscapes in which our ancestors lived.

Aspects of the physical environment that are important in understanding land and sea country

Aspect	Items
Geology and geomorphology	Rocks and associated landforms - coastlines, reef formations, hills, drainage lines.
Climate	Rainfall, prevailing winds, temperatures, storms, climate change, climatic variation.
Land units	Description of small areas with similar landform, vegetation and drainage characteristics.
Vegetation	Vegetation communities and habitats for flora and fauna
Fauna	Birds, terrestrial animals, marine mammals, fish, molluscs

# 24

## Geology and geomorphology

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Great Keppel Island has a significant diversity of land forms with coastal flats, sand dunes, beaches, wetlands, hills and ridges, alluvial flats, and steep rocky cliffs and headlands.

Prior to sea level rise associated with global warming approximately 6000 years ago, our ancestral homelands were high points on a broad coastal plain that extended several kilometres to the east of the current Great Keppel Island. The Fitzroy River traversed this plain. The islands are part of a drowned landscape, featuring numerous rocky islands and prominent coastal headlands.

Great Keppel Island has many of the features of a drowned landscape with prominent headlands and extensive embayments that have become filled with sediments since sea level rise occurred. These sediments have been derived both from marine sources, and from material deposited by flood discharge from the Fitzroy River.

Keppel Bay is a relatively shallow bay with water depths increasing slowly seaward. The Bay has a tidal range of 5 m (which is higher than along most of the Great Barrier Reef), that generates strong tidal currents. It periodically receives flood discharge from the Fitzroy River. These deposits can have

both positive and negative effects. Serious damage to Reef formations can occur when sediment is deposited on them. On the other hand, the sediments can enrich the sea floor and provide conditions which allow food for both marine mammals and fish to flourish.

Ancient river channels are evident on the sea floor. One of these is the main shipping channel into Port Alma.

The reef formations that occur around the Keppel Islands survive in the shallow waters that surround those islands. They provide habitat for a range of fish and molluscs that would have been important food sources for our ancestors.

The varied land forms support an increased number of plant species. This variety was significant to our ancestors as it provided different food sources at different times of the year. Access to all of those different foods would have been important for their survival.

# 25

# The climate of our land and sea country

The Keppel Islands have a tropical climate with hot summers tempered by sea breezes and mild winters.

## Temperature

The mean daily temperature range in Yeppoon for July is 11-21°C, whereas the mean January temperatures ranged from 23-29°C, the ranges for Heron Island 17-24°C and 21-30°C respectively. The ranges for Great Keppel Island would lie between those for Yeppoon and Heron Island.

## Prevailing winds

The Keppel Islands also lie within the southeast trade wind belt winds. Summer winds tending to be more easterly and winter winds more southeasterly. Monsoonal winds are uncommon, but when they occur they deflect the trade winds towards the east and north-east. Under these conditions, northwest winds around the heat low in central Queensland turn the southeast trades into northeast monsoons and it is these latter winds that are the main factor causing the maxima in rainfall in summer. During spring and summer, late afternoon north-east sea breezes are frequent.

## Rainfall

The Keppel Islands have a distinct wet and dry season, with the wettest months generally occurring between December and March. Although there are no long-term records for the Keppel Islands average annual rainfall is of the order of 1100 mm. There are no records for evaporation, but, in common with other sites in the region, it is likely to exceed 1100 mm. The islands are considered to have a relatively dry climate and there can be long periods without substantial rainfall.

## Cyclones

The Keppel Islands lie within the cyclone risk zone. There is considerable year-to-year variability in cyclone numbers on the Queensland coast, but in a typical year approximately 3 cyclones cross the Queensland coast. Cyclones usually produce very heavy rain and high winds in coastal and island areas. They can result in flooding and extensive storm damage particularly in coastal locations.

## Why is it important to understand the climate?

An understanding of the climate of our ancestral lands is important because climate is part of our cultural landscape. Our ancestors depended on resources derived directly from the physical environment. Part of the knowledge base on which they depended for their survival was knowledge about the amount and frequency of rainfall, the temperature regimes and tidal movements. Changes in climate have affected their lifestyle in the past and future changes will have an effect on both physical and cultural resources of the Keppel Islands.

# 26

# Is the climate changing?

## Our ancestors experienced both warming and cooling, dry periods

### Is the climate changing?

Climate change affects the abundance or scarcity of resources and our ancestors would have had to cope with these changes in order to survive. Current predictions of climate change predict that changes will be much more rapid than in the past and that the opportunities to adapt lifestyles and manage the impacts will be much more limited than it was for our ancestors.

Anecdotal evidence suggests that rainfall on the Keppel Islands is decreasing. Trend mapping by the Bureau of Meteorology confirms this view. The table below summarises changes for the Capricornia region.

Changes in key climatic indicators,

Item	Change since 1950
Total Rainfall	75mm p.a. decrease
Mean temperature	0.75 degrees increase
Sea surface temperatures	0.8 degrees increase
Number of hot days	12.5 days p.a increase
Number of hot nights	25 nights p.a. increase
Number of warm days	10 days p.a. increase
Number of wet days	18 wet days p.a. less
Very heavy rain days	5 days p.a. less
Total wet day precipitation	40mm p.a. decrease

All of these indicators point to increases in temperatures and decreased rainfall. If these trends continue there are likely to be some significant effects on our ancestral land and sea country and the ways it can be used in the Keppel Islands. These effects are summarized below:

- Water supplies on Great Keppel Island are already limited. Existing large users rely on bore water and rainwater collection. Water shortages will occur if the available resources are not harvested at or above their maximum replenishment rate. Water conservation will need to be practiced for any development on the island.
- Changes in rainfall and temperature are likely to further limit the suitability of land on Great Keppel Island for agriculture. Soils on the island are generally poor and with only limited water supplies and higher temperatures the likelihood of maintaining an intensive agricultural operation is low.
- Rising sea surface temperatures are predicted to result in sea level rises. There are also some predictions of increased storminess. Both of these changes are likely to lead to increased erosion of sandy shorelines. Erosion is already an issue on some of the beaches on Great Keppel Island (see below) and it is likely to be increasingly so in the future. Erosion of beaches and sand dunes could directly affect a number of cultural sites that have been identified in the archaeological surveys. It could also lead to the exposure of cultural sites and artefacts and make them susceptible to damage from human activity. Damage to beaches, reef systems and inshore marine areas could make Great Keppel Island less attractive to tourists.

- Coral bleaching and increased acidification in surrounding waters could result in significant changes to the ecology of marine areas surrounding the Keppel Islands. This in turn could affect the availability of food available under TUMRA and have an effect on the attractiveness of Great Keppel Island to tourists.
- Changes in the frequency and intensity of cyclones could produce more extreme flood events in the Fitzroy River. This in turn could affect reef organisms and produce the levels of damage experienced in the floods of 2006.

Some research has been carried out by the Great Barrier Reef Marine Park Authority into the effects of climatic events on reefs surrounding the Keppel Islands (GBRMPA, 2007). These reefs are regarded as ecologically and socially important because of the great variety of habitats, the unusually high coral cover and fish diversity, the variety of interests and user groups (including the Woppaburra community) and the cultural value of the reefs to traditional owners. The work done by the authority concludes that, in the context of climate change, it will be particularly important to restore and maintain the resilience of reefs in the region.

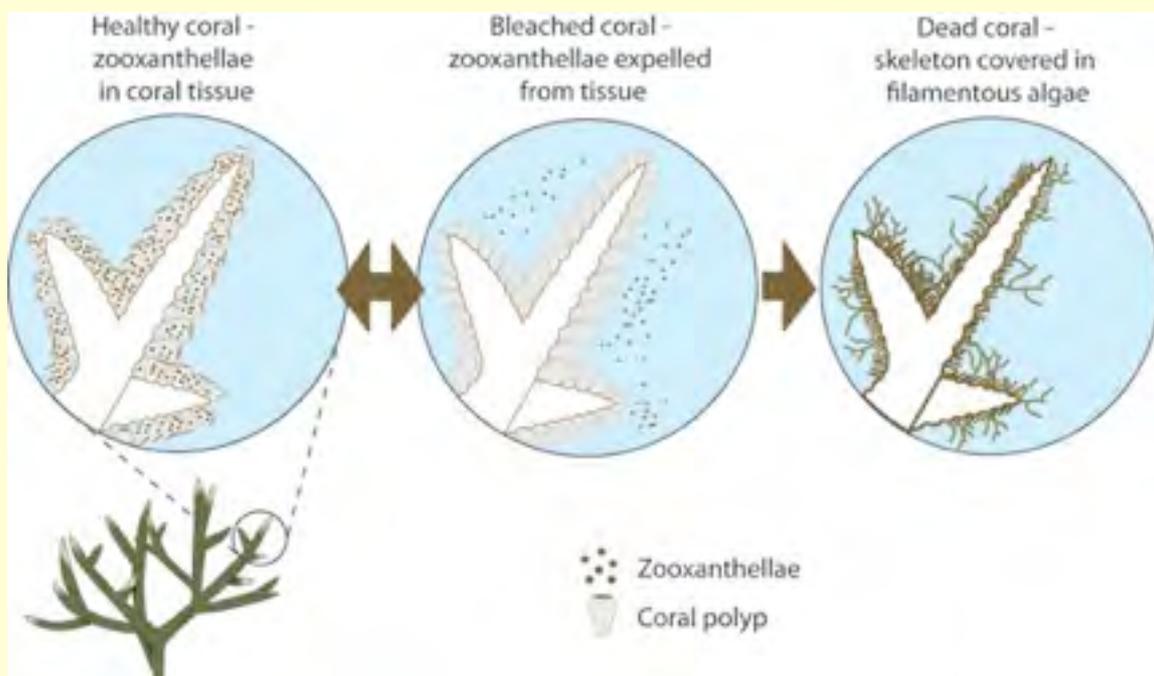
### Coral Bleaching (Source GBRMPA)

Up to 90 per cent of a coral's energy requirements comes from microscopic algae that live in the tissue of many coral. Coral bleaching occurs when the coral host expels its algae. While some corals are able to feed themselves, most corals struggle to survive without their algae.

The primary cause of coral bleaching is high water temperature. Other causes are disease,

sedimentation, pollutants and changes in salinity. Some scientists also think that increased acidification of sea water adversely affects new coral formation. Elevated water temperature associated with climate change is of great concern as it can affect reefs at regional to global scales. When bleaching occurs at these large spatial scales, it is a mass bleaching event.

Go to the [GPRMPA web site](#) for more detailed information.



# 27

## Land units - why are they important?

Great Keppel Island has a variety of land units which support a diverse variety of soils vegetation, birds and invertebrates

### The importance of diversity

Our ancestors used this diversity of land units to harvest different foods and materials for their everyday lives. The level of diversity has been decreased by recent activities such as grazing, damage by feral animals, weed infestations, erosion and the direct effects of large-scale building and infrastructure provision.

### Heathlands and Low Closed Woodlands

Low closed woodlands dominate the southern and south-eastern area of South Keppel Island extending along the coast from Long Beach to Wreck Beach with an inland extension from Wreck Beach through to Butterfish Bay on the northern coast of the island. The land owned by the Woppaburra behind Long Beach and Monkey Beach has extensive areas in this land unit.

Where there is vegetation disturbance, sand can be moved by the wind to cover existing vegetation and reduce the variety in the structure and composition of that vegetation. Grass disturbance from goats has occurred throughout this unit.

### Eucalypt-dominated Open Woodland

This unit has similar landform characteristics to the previous unit, but vegetation structure and composition differ. Ridges, side-slopes and several headlands comprise the unit. Maximum elevation is 130 m with the majority of the unit below 100 metres and slopes up to a maximum of 20°.

Creeks are incised to varying degrees with creek bottoms varying from boulders to gravel sands. The major creeks are at least seasonal sources of drinking water and they would have been important drinking water sources for our ancestors.

The boles of the open forest eucalypt species of this unit are sufficiently large to have been utilised for canoes.

### Leekes Creek Seasonal Wetland (Freshwater)

This unit is found west of the lower reaches of Leekes Creek and fringes the saltpan area of the Creek. Relief is generally flat and is not dissected by any major creeks, although several small creeks drain into the wetland area. It retains water for extended periods during the wet season and would have been a source of drinking water for our ancestors.

### Clam Bay Ridgeland

This unit forms a portion of the upper catchment of Leekes Creek extending upslope to the ridge associated with Mt Wyndham. It has been cleared for grazing and currently is undergoing regrowth with both native and weed species. Rubber vine is common. Fires have added to the complexity of this area. It was previously woodland with a bracken understory.

### Creek Associated Flats

This unit consists of creek associated flats supporting low closed woodland. The flats adjacent to Leekes Creek, Putney Creek and

Wreck Beach Creek are included. The unit has semi-permanent streams. Sub-surface flow may continue for prolonged periods following rainfall. The associated unconsolidated sediments provide a reservoir of drinking water for all but excessively dry periods. The unit is dominated by eucalypt open forest.

Both surface and underground water would have been important sources of drinking water for our ancestors and would have provided for all year round plant growth. Disturbance of water resources through clearing, ground works or over exploitation has reduced their significance in the overall cultural landscape.

### **Coastal Sands Land Systems**

Coastal Sands Land Systems comprising foredunes of predominately siliceous sands are found at Putneys Beach, Leekes Beach, Little Svendsen's Beach, Svendsen's Beach, Big Sandhills Beach, Wreck Beach, Little Wreck Beach and Long Beach/Monkey Beach. Associated with these are hind dune areas. Fore-dune landforms of predominately calcareous sands are found at Clam Bay.

Pleistocene-aged sands occur at Red Beach and landward of recent deposits at Long Beach, Wreck Beach and Little Wreck Beach. Tidal wetlands are associated with Leekes, Putney, Wreck, Svendsen's and Little Svendsen's Creeks.

The beaches in this land unit figure prominently in the tourist promotional literature, and are the places most frequently used by visitors to the island and it is where most building has occurred.

### **Putney's Beach Hind dune Landforms**

This unit occurs landward of Fisherman's Beach and Putney's Beach. The area comprises a series of ridges and swales, with the flat-topped ridges. It has open/closed woodland with a shrub storey and grassy

understorey. Portions of the area have been disturbed by tourist facilities.

### **Leekes Creek Tidal Wetland**

This unit comprises an intertidal mangrove woodland and salt pan with salt marsh and fringing mangrove communities. The entire area is below high water mark. Pools in the main channels hold water during low tides and therefore concentrate fish and aquatic invertebrates. The mangrove woodland is subject to tidal inundation while the salt pan is subject to varying degrees of inundation. This was an important food collection area for our ancestors.

### **Wreck Beach Creek Supratidal Wetland**

This unit occupies the lower sector of Wreck Beach Creek. It is below HWM and pools up to 1.5 metres deep retain brackish water for extended periods. The creek displays intermittent tidal inundation.

### **Long Beach Creek Area**

This is a small hind dune area on the eastern end of Long Beach. Streams are semi-permanent. All sectors of the creek are above normal tidal influence and debris indicates that under storm surge conditions the creek may be subject to marine influences. The area has low closed woodland.

### **Red Beach Pleistocene Landforms**

A thick mantle of recent sands has been eroded by wind and water. The main ridge is parallel to present HWM and elevated some 6 metres. Blowout/transgressive shaped dunes are present. A creek exits to the northern end of the beach. Semi-permanent pools of water are present in the lower sections of the creek. Vegetation has been destroyed by goats.

### **Pleistocene High Dunes**

Pleistocene High Dunes in the vicinity of the airstrip extend landward from Long Beach approximately 1km. There are two parallel dunes approximately 50 metres in height which are orientated in a south-east direction.

# 28

# What plants occur on our ancestral lands?

Vegetation was a vital resource for our ancestors.

### Why is vegetation important?

Vegetation provided food and the materials for shelter, tools, canoes and other daily needs of our ancestors. Indirectly, it is part of the cultural landscape of the Woppaburra.

Changes to the vegetation cover and structure since the arrival of Europeans have resulted in significant modifications, and in some cases loss or partial loss of vegetation communities. If we are to understand and recover our cultural heritage we need to understand the nature and role of vegetation on the daily lives of our ancestors. In some cases we will need to undertake rehabilitation of degraded areas, and that is best done through an understanding of the vegetation communities on the island.

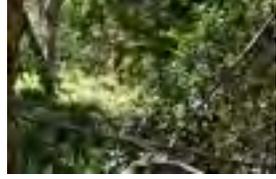
### Vegetation communities

The Keppel Islands fall within the Shoalwater group and Coastal Group land systems (Creighton 1984). The Shoalwater group includes grasslands, heath lands, low closed woodlands and dry open sclerophyll forest. Rainforests are not found on the islands. Coastal lands include inter-tidal mangrove, closed woodlands and supratidal marshes (marshes that occur above the normal high tide level and which are only occasionally inundated).

Almost 200 species of plants in 61 families have been recorded on the Keppel Islands. Of the 200 species at least 57 were used as food by our ancestors. The different communities are summarised in the table below

Vegetation communities

Vegetation community	Description
Beach Scrub 	Diverse communities of woodland or forest or vine thicket containing larger species, many of which are found in other habitats on sandy soil. Much of the land owned by the Woppaburra falls within this habitat type.
Beach Foredune 	This habitat is made up of plants which range from vines and grasses to trees and shrubs. Species are adapted to exposure of salt spray, wind and moving sand.
Mangrove 	This habitat is dominated by only a few species of plants which includes a salt tolerant ground cover that may contain grasses and ferns at the edges where the soil is a less salty. The mangrove communities can vary in size from low stunted shrubs to low open forest

Vegetation community	Description
Paperback woodland 	Paperback woodland occurs on poorly drained soils with a high water table. Ground cover consists of a diverse range of grasses, rushes, sags and herbs.
Riparian vegetation (Shoalwater Group Land System) 	Some riparian vegetation occurs close to seasonal water courses. The soils are generally sandy loams which support a range of vegetation including paperback woodland in poorly drained areas and eucalypt and Acacia woodland in areas of better drainage.
Eucalypt and acacia woodland (Shoalwater Group Land System) 	This community is dominated by a mixture of eucalypt or acacia species, a mid-storey of scrubby plants and a well-developed ground story of grasses and herbs. The habitat occurs mainly on infertile soils on plains and hillsides. It is widespread through the inland areas of Great Keppel Island.
Cleared land 	The vegetation in these areas consists mainly of introduced and native pasture species with some exotic tree species. There are also a number of weed species, some of which have spread into the surrounding woodland areas. Native woodland is regenerating at the margins of cleared areas.

The native vegetation of Great Keppel Island is subject to a range of influences which will affect its occurrence and distribution. Understanding these influences is important for the future management of our ancestral lands. Vegetation management will be a key component of any conservation management plan. It will mean that programs will have to be worked out with adjoining landowners as most vegetation communities are not confined to land owned by the Woppaburra community.

# 29

## What fauna lives on our ancestral lands?

The fauna that shared land and sea country with our ancestors was their most important food source.

The fauna that shared land and sea country with our ancestors was their most important food source, and its survival was critical to the survival of our ancestors. Over exploitation or destruction of fauna habitat would have potentially threatened their survival. Today there are very real threats to the survival of some species and habitats are being degraded through both direct action (land clearing, building construction, infrastructure provision or too frequent firing) and indirect action (poor land management practices, weed infestations,

introduction of feral plants and animals and climate change).

Learning about and understanding the fauna of our ancestral land and sea country is the first step to ensuring that we understand its importance and how to protect its habitat. We do not know a great deal about the the food resources that were exploited by our ancestors. The table below summarises current knowledge of both terrestrial and marine fauna of our traditional land and sea country.

### Birds of Great Keppel

Only 41 species have been recorded on Great Keppel. 29 of these species are known to nest there. These species are listed below.

Some of the nesting species would have been utilised as a source of eggs by our ancestors, whilst others would have been utilised as a direct source of food. Birds of prey may have provided feathers for ceremonial purposes.

Bird species recorded on Great Keppel Island					
Boobook owl	Sandpipers	Reef heron	Eastern curlew	Zebra finch	Pied oyster catcher
Bar shouldered dove	Varied honeyeater	Noisy friar bird	Grey tailed tattler	Frigate bird	Magpie lark
White breasted sea eagle	Sooty oyster catcher	Australian goshawk	Peaceful dove	Black bittern	Willie wagtail
Brown Quail	Wedge tailed shearwater	Mangrove bitterns	Rainbow lorriquet	Bush stone curlew	Brahminy Kite
Forest kingfisher	Little Pied cormorant	Chestnut eared finch	Kookaburra	Osprey	Bee eater
Stone plover	Silver gulls	Torresian ccrow	Mangrove kingfisher	White faced heron	Brown honeyeater
Richards pipit	Crested tern	Reef heron	Welcome swallow	Mangrove heron	White ibis
Brown falcon	Pheasant coucal	Nankeen night heron	Tawny grassbird	Sea curlew	

## Terrestrial fauna

There is little documented material on the terrestrial fauna of Great Keppel Island. Terrestrial mammals and reptiles are present (bats, sand goanna, blue-tongued lizard, common tree snake, carpet python) but limited in diversity and numbers.

Brush-tail possums are plentiful, and probably provided a food source for our ancestors.



Wallabies and koalas may have been present in the past - Koalas are thought to have been present but wiped out by land clearing operations in the 1960's. Also, the removal of top predators (humans and dogs) may have allowed the population to expand to the point where it ate itself out.

These animals would have formed part of the Woppaburra diet.

Several species of bat have been recorded on Great Keppel. It is likely that they formed part of our ancestor's diet.

Goats have been introduced to the island and currently cause significant damage to vegetation and contribute to erosion in a number of locations. Feral cats have also been recorded.

There are several species of lizards on the island and two snake species have been recorded. The larger reptiles (sand goanna,



blue-tongued lizard, common tree snake and the carpet python), may have contributed to the diet of our ancestors.

## Marine mammals

Marine mammals found in Keppel Bay include dugongs, dolphins, whales and seals. Dugongs spend most of their time in calm, sheltered, shallow, nutrient-rich waters where fine bottom sediments support meadows of seagrass and algae. Creighton (1984:130) suggests that dugong would not have been more than an opportunist and seasonally irregular food supply for our ancestors. However, Hermes (1984:5) was informed that sea-grass had been more extensive prior to the increase in pleasure craft and trawlers around the islands. Dugong bone has not yet been identified in the excavations or from surface collections.

In the waters surrounding the Keppel Islands, dolphins, several species of whales (the humpback whale is our totem) and seals are



sighted frequently. Whales come north from Antarctica each year to breed in waters off the east coast of Queensland.

## Marine reptiles

Marine reptiles found in Keppel Bay include turtles and sea snakes



Turtles nest on the island and include green turtle, loggerhead, hawksbill and leatherback (Creighton 1984:21). Turtle bone was apparent at a number of excavated sites on both North and South Keppel, indicating that it was a food source.

Two species of sea snake have been recorded. It is unlikely that sea snakes were exploited for food by our ancestors.

## Fish

The number of fish species available in the waters surrounding the Keppels is likely to have been numerous. Sand Whiting have been identified as the dominant species present in the upper layers in middens at

Mazie Bay along with Barramundi, snapper, Slatey, Red Emperor, flathead and Tuskfish. There are three different habitats in which various fish species would have been exploited by our ancestors.

Habitat	Fishing methods
<p>The estuarine /tidal creek environment (Leekes Creek, Putneys Creek, Wreck Beach Creek, Svendsen's Beach Creek)</p>  <p>Sand flathead</p>	<p>This area was exploited in different ways for a range of different fish, including poisoning of fish stranded in small pools, spearing a fish in small pools in the entrance channel when the tide was receding, construction of fish traps at Creek entrances and gathering of species buried in the inter-tidal mud. The species captured included sea mullet, blue tailed mullet, sand whiting, trumpeter Whiting, dusky flathead, two-lined tongue sole, hardyheads and mud crabs. Some species would also have been collected as bait for line fishing</p>
<p>Inshore fishing</p>	<p>Dip netting of schooled fish, drag netting, spearing and line fishing. Species caught by these different methods would have included hardyheads, garfish, sandy flathead, mullet, rays, happy moments, trevally, leather jacket, barracuda cod and several species of shark.</p>
<p>Offshore fishing from canoes</p>	<p>Although no direct evidence is available, it is likely that harpoons were used to hunt dugong from canoes. It is also likely that line and net fishing was practiced from canoes in deeper waters.</p>

# 30

# A conservation plan for land and sea country

The implementation of a conservation program over the Woppaburra land and sea country should result in protection and enhancement of our cultural heritage.

## Significance of our cultural heritage

Both the land and sea country and the sites located there are of paramount significance to us. We have a legitimate right to be involved in discussions and activities on the conservation and management of cultural sites and the wider cultural landscapes.

## Desirable outcomes

The desirable outcomes from a conservation program include:

- protection of all known cultural heritage sites and of areas likely to include cultural heritage sites;
- management, rehabilitation and long-term protection of our cultural landscapes;
- management, rehabilitation and long-term protection of significant environmental values of our land and sea country;
- management of development and use of land and sea country in a way that sustains our cultural heritage, including the natural environment; and
- building greater awareness among the wider community of our cultural heritage and our desire to protect it.

Although we do not have direct control over all of our traditional land and sea country the aim should be to achieve these outcomes over all our land and sea country. This will mean developing and implementing conservation and management programs that include direct action on our land and working with other land managers on land not in our direct ownership.

## Priorities to achieve the outcomes.

To achieve these outcomes a number of priorities need to be set. The proposed priorities are:

1. Recognition of the importance of the Woppaburra cultural heritage and the primary role of the Woppaburra descendants in its management.
2. Recognition of the demonstrated links of the Woppaburra descendants to the islands.
3. Agreement on and support for the following:
  - the renaming of some features (beaches, creeks, hills, islands, headlands, reefs and wetlands) according to the traditional names used by the Woppaburra descendants;
  - incorporation of knowledge about and understanding of the Woppaburra cultural heritage in all economic and community activities on the islands and their surrounding waters;
  - incorporation of cultural heritage considerations into all management activities on Woppaburra land and sea country;
  - involvement of the Woppaburra descendants in management and education activities on our land and sea country; and
  - support for ongoing research and investigation to improve the knowledge and understanding of our cultural heritage.

**The following pages set out a draft plan for the conservation and management of the cultural and environmental heritage of our land and sea country.**

# Introduction

## The plan consists of three sections.

<b>Section 1</b> General prescriptions for all land and sea country	Deals with conservation and management issues across all Woppaburra land and sea country. It sets out the general prescriptions to be put in place to achieve the overall aim for the plan.
<b>Section 2</b> Land owned by the Woppaburra Trustees	Deals with land owned by the Woppaburra Trustees and focuses on actions that can be taken by the Woppaburra community to achieve desirable conservation outcomes.
<b>Section 3</b> Land in other ownership	Deals with land which although not owned by the Woppaburra is part of their land and sea country. It proposes management partnerships to achieve the desired conservation outcomes.

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## Section I - Issues to be addressed across all land and sea country.

### Known and potential cultural heritage sites

The highest priority is the direct protection of known and potential sites which show evidence of Woppaburra occupation of land and sea country. The known sites are shown on page 17 of the Handbook. Recent damage to sites by persons unknown demonstrates a threat from either deliberate or inadvertent activities by people who do not understand the importance of the Woppaburra cultural heritage. All identified and potential sites need to be protected. This will involve:

- physical works to protect individual sites and any artefacts associated with those sites;
- on-site policing through regular monitoring by community members;
- rehabilitation of areas surrounding cultural heritage sites to provide protection from further damage and/or degradation;
- implementing measures to prohibit development on any identified site or area which has significant cultural landscape value - this includes building works, land clearing, infrastructure provision, filling or excavation; and
- informing owners, occupiers and users of Woppaburra land and sea country that they have a duty of care under the *Aboriginal Cultural Heritage Act 2003* not to harm cultural heritage.

A detailed heritage conservation plan for all of the sites and identified elements of the cultural landscape is required. Current work by archaeologists working with community members has already outlined the basis of a plan. However, this work will need to be continued and expanded to produce a comprehensive long-term program for protecting and conserving the values associated with these sites.

### Habitat protection

Habitats are important targets for conservation because of the need to retain biodiversity. Retention of biodiversity is critical to environmental management. The Woppaburra ancestors depended on a wide range of animal and plant foods for their survival. In turn, these animals and plants are part of diverse natural ecosystems. These ecosystems contain many different habitats which provide survival resources

for their inhabitants. Identification and protection of habitats that contain the food and resources used by our ancestors is required.

The main focus will be on protecting and managing the natural values of inshore marine areas, fringing reefs, tidal wetlands, paperback and eucalypt woodlands and major water courses. Existing documentation provides a basis to this work and the task will now be to ensure that measures are included in local planning schemes and any conservation or management plans drawn up by the Great Barrier Reef Marine Park authority or state agencies.

The measures that can be used to limit adverse impacts on biodiversity include:

- maintaining water quality through limiting pollution;
- vegetation retention and rehabilitation (including marine vegetation);
- limiting the impact and extent of development;
- managing the activities of users to ensure that environmental degradation does not occur;
- removing direct threats to natural ecosystems such as invasive weed species, inappropriate fire regimes, over grazing, erosion and feral animals; and
- repairing and rehabilitating degraded ecosystems.

Many of these measures are embodied in specific proposals under this plan.

### **Vegetation protection and rehabilitation.**

As identified above, vegetation and associated habitats upon which the Woppaburra ancestors depended has been damaged and/or degraded since European settlement. Land clearing, grazing by stock and feral animals such as goats, overuse of fire and introduction of invasive weed species have all contributed to this. Any program for land or conservation management must address the effects of these issues from a cultural heritage perspective as well as an environmental one. This is particularly important on Great Keppel Island which has experienced the most significant changes. Natural processes of erosion (sometimes associated with human activity such as land clearing) have also adversely affected heritage sites. Vegetation rehabilitation in the coastal sands land systems, the Leekes Creek tidal wetland, the land behind Long Beach, the area around the interpretation site at the western end of Long Beach and the Pleistocene high dunes is a priority. These are the areas most likely to come under pressure from use or development and will need high levels of protection.

### **Weed removal.**

A comprehensive weed survey particularly in and around areas where building and infrastructure development has occurred and in the vicinity of Leekes Homestead is required. This should then provide the basis for a programme of weed removal and containment. It is unlikely that invasive weeds such as rubber vine will ever be completely removed. However, a program which seeks to contain the spread of weeds is appropriate.

### **Feral animals.**

Goats and Cats have been introduced, and the possum population has expanded with the removal of predators. Control and/or removal of feral animals is difficult and costly, however, it should be possible

to develop a program that limits the damage on Great Keppel Island. The damage is most evident between Wreck Beach and Red beach, but most of the Island has been affected.

### **Erosion management.**

The most significant erosion threat is to the dune system particularly:

- on the northwestern corner of Great Keppel Island,
- the high dune system between Butterfish Bay and Wreck Beach, and
- the dunes at the western end of Long Beach.

The most cost-effective method to limit this threat is to encourage natural revegetation of the dunes. This will mean placing restrictions on development and use of these areas. Closure of access tracks and restricting vehicle access can also be undertaken. Planting of stabilising native vegetation may be feasible in some areas but the costs of doing this in larger areas is prohibitive.

There has also been some erosion in the steeper sections of water courses and steeper slopes on a number of Islands following grazing by goats and firing of vegetation. Any program to reduce the number of goats and control the use of fires will assist in reducing the erosion threat to these areas.

### **Building development.**

There should be no building on any beach dune system except for management and protection works or to provide specified access. Both vehicle and pedestrian traffic should be restricted to the specified access points.

### **Access controls**

Much of the existing and potential damage to cultural and environmental resources results from human activity. In the past there have been few restrictions over access to land and sea country throughout the Keppel Islands. One of the most effective ways to reduce potential damage is to restrict and/or manage access to fragile and important areas.

On Great Keppel Island a number of tracks provide access to areas with important cultural heritage values as well as areas with fragile environments. In addition, the tracks themselves result in significant environmental damage through erosion. Vehicle access should be restricted to only those areas where it is necessary to provide service support to existing facilities and/or new development. All other tracks should be closed to vehicles. Some of these tracks should then be assessed for their suitability as part of a walking track system. Tracks that give access to remote areas of high cultural or environmental value should be closed (Clam Bay track, the high-level track between Fisherman's Beach, Monkey Beach and Long Beach, the easternmost track between the existing settlement and Long Beach and a number of minor tracks between Putney Beach and the existing settlement).

Access from the water also needs to be managed to prevent damage and misuse of areas with high cultural and environmental values. All areas currently used for casual onshore camping should be reviewed, and only those areas suitable for such activities should remain open, (this issue needs to be addressed on all Keppel Islands).

## **Water quality**

Contamination of existing groundwater supplies is already an issue and has the potential to become worse if development intensifies on Great Keppel Island. As a general rule all development should rely solely on rainwater storage systems to prevent further drawdown from and reduce the potential for salt intrusion to the aquifer.

All liquid waste disposal should be to the standards currently applying to unsewered areas in other parts of Queensland.

## **Implementing the measures**

The measures proposed above cannot be implemented by the Woppaburra community, firstly because they do not have direct control over much of the land and sea country where the plan should apply, and secondly because of a lack of resources. In order to have the measures implemented the following should occur:

- negotiations should be held with agencies and individuals who control these areas to ensure that the principles embodied in this plan are incorporated into management programs, (this is already happening with the Great Barrier Reef Marine Park authority as part of the TUMRA and the EPA in the management of land under their control);
- the Woppaburra should seek to have direct involvement in planning management programs undertaken by other landowners;
- where cultural heritage sites are involved the Woppaburra should seek direct involvement to ensure that traditional cultural heritage is not adversely affected.

## Section 2 - Management of lands owned by the Woppaburra Trustees

The conservation/development priorities for Woppaburra land are set out in the table below.

Area	Constraints	Opportunities	Recommended conservation/development
Putney Beach hinterland	<ul style="list-style-type: none"> <li>• Cultural site at southern end.</li> <li>• High dune erosion potential.</li> <li>• Drainage channel at northern end.</li> <li>• Some weed infestation.</li> <li>• Existing vegetation cover needs to be maintained.</li> <li>• No infrastructure</li> <li>• Lack of potable water supply.</li> </ul>	<ul style="list-style-type: none"> <li>• Reasonable access using existing tracks (walking and 4WD at present).</li> <li>• Close to existing settlement.</li> <li>• Good aspect with shelter from prevailing SE - NE winds.</li> <li>• Flat land suitable for development.</li> </ul>	<ul style="list-style-type: none"> <li>• Of all the areas this has the most potential for development. As with all land on the Island it has high cultural significance and there are a number of management and environmental issues to be addressed if developed.</li> <li>• Management needs to protect existing cultural sites, maintain vegetation cover, remove weeds and and create buffers with adjacent dune areas.</li> </ul>
Ridge between Putney Beach and Leekes Beach	<ul style="list-style-type: none"> <li>• Steeper slopes with high erosion potential.</li> <li>• Limited access via existing 4WD tracks.</li> <li>• Existing vegetation cover needs to be maintained.</li> <li>• No infrastructure.</li> <li>• No potable water supply.</li> <li>• Any development has high visual intrusion potential.</li> </ul>	<ul style="list-style-type: none"> <li>• Good views.</li> <li>• Some limited potential for low density development.</li> </ul>	<ul style="list-style-type: none"> <li>• Known cultural site at base of ridge on southern side needs to be fully protected.</li> <li>• There is limited potential for development on the lower slopes behind Leeke's Beach.</li> <li>• Management needs to be directed towards maintaining vegetation cover and visual amenity.</li> <li>• No new access tracks or roads should be created, particularly on the northern flank of the ridge.</li> <li>• Existing tracks need to be upgraded.</li> <li>• Access to any development could be created from the water - will need to be carefully designed and managed.</li> </ul>
Second Beach (Little Svendsen's Beach)	<ul style="list-style-type: none"> <li>• Critical cultural heritage site</li> <li>• Limited access on existing 4WD track</li> <li>• Beach and adjacent hinterland has high environmental value.</li> <li>• No water supply or other infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>• Some opportunity for managed interpretation of cultural heritage</li> </ul>	<ul style="list-style-type: none"> <li>• This area deserves a high level of protection, with all existing vehicle access closed.</li> <li>• No development should occur.</li> <li>• Existing camping area should be closed and area rehabilitated.</li> <li>• Could be used as a stopover for cultural heritage tours run by the Woppaburra community.</li> <li>• Entry to land from seaward side should be restricted.</li> <li>• Cleared area behind dunes currently used for camping should be rehabilitated</li> </ul>

Svensden's Beach	<ul style="list-style-type: none"> <li>• Important cultural heritage sites.</li> <li>• Poor land access.</li> <li>• No infrastructure.</li> <li>• No water supply.</li> <li>• Fragile dune systems.</li> </ul>	<ul style="list-style-type: none"> <li>• The adjoining water provides good, sheltered anchorage for small boats.</li> <li>• Land behind the dunes suitable for small scale development.</li> </ul>	<ul style="list-style-type: none"> <li>• There should be no development on or near cultural heritage sites.</li> <li>• Only low key self sufficient development should be considered.</li> <li>• Vegetation removal should only occur to allow building development.</li> </ul>
Long Beach	<ul style="list-style-type: none"> <li>• Important cultural heritage sites.</li> <li>• No infrastructure.</li> <li>• No water supply.</li> <li>• Fragile dune systems.</li> <li>• Exposed to prevailing SE winds.</li> <li>• No safe anchorages.</li> </ul>	<ul style="list-style-type: none"> <li>• Land has limited development potential because of its exposure to prevailing winds.</li> <li>• Suitable for inclusion in cultural heritage tours.</li> </ul>	<ul style="list-style-type: none"> <li>• There should be no development on or near cultural heritage sites.</li> <li>• Only low key self sufficient development should be considered - located in the area behind the dunes at the south western end of the beach.</li> <li>• Vegetation removal should only occur to allow building development.</li> </ul>
Monkey Beach	<ul style="list-style-type: none"> <li>• Important cultural heritage sites.</li> <li>• No vehicle access.</li> <li>• No infrastructure.</li> <li>• No water supply.</li> <li>• Fringing reefs with high environmental value.</li> <li>• Steep land generally unsuitable for development.</li> </ul>	<ul style="list-style-type: none"> <li>• Can be readily accessed on foot.</li> </ul>	<ul style="list-style-type: none"> <li>• Cultural sites should be fully protected.</li> <li>• Upgrade existing interpretation area.</li> <li>• Land should be managed to retain its natural state.</li> <li>• No new access tracks and existing rough bush tracks to be closed and rehabilitated.</li> </ul>

### Building and associated development

If private or commercial development (including facilities for Woppaburra community members) is to occur on land owned by the trustees, it should be done in accordance with the conservation plan. The table above identifies areas that are suitable for development. Generally it is proposed that any development involving buildings should be confined to the following:

- locations where there are no known or potential cultural heritage sites;
- areas that are already cleared or partially cleared;
- locations that do not involve building on or disturbance to fragile land forms, particularly sand dunes and tidal wetlands;
- areas close to existing settlements and/or access tracks to the settlements in order to reduce infrastructure costs;
- locations setback at least 50 m from the outer boundary of any tidal wetland or water course; and
- locations where visual amenity can be maintained.

In addition, the following measures should be implemented as part of any development programme:

- development should be self-sufficient in terms of water supply, waste disposal and energy;

- building height should be limited to the height of surrounding vegetation;
- building siting and design should minimise the need for vegetation clearing;
- all buildings should be energy-efficient;
- infrastructure provision should be low key and sufficient to meet the needs of the development;
- buildings and access should be located so as to make use of existing access routes and not require new access routes particularly in or near tidal wetlands or unstable dune systems; and
- dedicated recreation facilities should be planned and integrated into the overall development framework, (facilities such as golf courses, marinas, etc., which require significant investments in infrastructure and major changes to local environments should only be contemplated where it can be shown that there will be no direct or indirect adverse impacts on cultural heritage sites or the environment);

Where it is proposed to have development that will attract users who are not resident on the site or are not members of the Woppaburra community, there is a need to put in place a series of management protocols to ensure that conservation outcomes are achieved. These protocols include:

- identification of areas where there should be no disturbance and /or no access;
- management of users to ensure that cultural heritage areas are protected;
- identification of sensitive natural areas that are critical to the maintenance of cultural landscapes and management of those areas to ensure that the attributes are protected from inappropriate misuse and damage;
- rehabilitation of degraded areas that have cultural landscape significance; and
- education of users in the importance of traditional cultural heritage and why it should be protected.

### **Protection of cultural heritage sites**

The following measures are proposed:

- No development should be allowed on or within the vicinity of any identified cultural heritage sites.
- Where sites are evident (e.g. canoe trees, burial caves at second beach), specific measures should be put in place to provide additional protection -- for example, fencing, reducing access and education of users.
- Research into potential sites should continue and measures to protect any newly identified sites should be implemented.

### **Vegetation and habitat protection**

The protection of areas of vegetation is a high priority for environmental management on our land and surrounding areas. The reasons for this are;

- The importance of vegetation in the cultural landscape
- The habitat role of existing woodland cover
- The important role played by vegetation in reducing erosion risk
- The landscape importance of wooded hills and slopes
- The protection of drainage lines and wetlands from erosion, pollution, siltation and degradation.

The vegetation protection program includes the following measures:

- There is to be no clearing of existing woodland, dune vegetation and mangroves unless such clearing is for weed removal or approved building development. This will include trees, understorey and ground cover.
- Regrowth patches, particularly at the edge of existing woodland and adjacent to drainage lines will be protected. The survival rate of new trees and understorey species is sufficient to ensure that native vegetation cover will re establish over time.
- Active planting is not required.
- All riparian vegetation is to be maintained. This vegetation has been damaged near tidal wetlands and in the lower reaches of Leeke's Creek and it may be necessary to fence some locations to allow establishment of seedlings and to provide protection during initial growth periods.

## **Weeds**

The weed management measures to be implemented are:

- Promotion of regrowth in cleared areas to support natural suppression
- Physical removal of identified weed species on Woppaburra lands in accordance with a weeds strategy. Plants should be physically removed prior to seeding with follow up removal over time.
- Corraling of weed outbreaks and gradual removal by physical removal at the edge of corralled areas.

## **Protection of drainage lines and wetlands**

Drainage lines will be protected so that they are able to perform their natural drainage functions. All drainage lines Woppaburra land will be protected by:

- ensuring that all building envelopes are set back a minimum of 50 metres from the outer edge of the drainage line or wetland boundary;
- protection of riparian vegetation and regrowth (see above);
- where roads or tracks cross drainage lines they will do so at right angles and measures to reduce scouring and erosion will be implemented;
- where trees and debris have been heaped into drainage lines these should be inspected to ensure that water flows are not unduly hindered. Where this occurs, physical removal of debris will take place; and
- run off from roads, buildings and hard surfaces will be diverted to groundwater infiltration zones or surface management facilities such as ponds or artificial wetlands.

## Section 3 - Land in other ownership

### The need for partnerships

Much of the Woppaburra cultural heritage is located on land and sea country over which we do not have direct control. Most of that country is in government ownership or control, except for some private leaseholdings on Great Keppel Island. For this reason it will be necessary for the Woppaburra to build partnerships with other owners to achieve conservation outcomes outlined in Section 1 of the plan.

In addition, the Woppaburra do not have the resources, detailed specialist knowledge nor the level of control over land and sea resources required to implement the plan. Its implementation will require cooperative partnerships with many other stakeholders. This type of approach has been successful in the development and implementation of the TUMRA covering the use and management of resources in the waters surrounding the Keppel Islands.

### Building partnerships

Partnerships will need to be established with a number of stakeholders.

### Great Barrier Reef Marine Park Authority

A good relationship has been established with the Authority through the TUMRA and this can be built upon to achieve our involvement in other management activities that affect our land and sea country, such as use of the fringing reefs and other marine resources not subject to the TUMRA. As a small community the Woppaburra have a limited capacity to influence wider effects such as rising sea temperatures or ocean acidification. The Woppaburra community can provide support to other government and non-government government stakeholders as well as lobbying governments to address issues such as CO<sub>2</sub> reduction and reef pollution. The matters in which involvement can occur include:

**Management and conservation of Turtle breeding sites.** There are known hatching sites at Leekes Beach and these need to be protected, particularly in view of proposals to expand tourism activity in the area. We can undertake a number of specific activities that will help in the conservation of turtles that use our country:

- manage hunting through the TUMRA;
- protect hatching sites from feral animals, dogs etc;
- get involved in research and the recording of information about sea turtles;
- cleanup rubbish, old nets and other articles that might injure or affect sea turtles;
- report sick and injured turtles; and
- monitor seagrass in areas adjacent to hatching sites.

**Reef management.** Involvement in efforts to address coral bleaching and other reef damaging impacts. Supporting and assisting the authority in the implementation of marine park plans, particularly in waters surrounding the islands can make a contribution to protecting the reef from some of these impacts.

**Dugong management.** There are a number of measures suggested by the authority and the Queensland EPA that will help manage the dugong population. These include;

- management of hunting through a traditional owner developed plan (the current TUMRA);
- involvement in dugong research programmes with such activities as recording dugong sightings and monitoring population sizes; ensuring that fishing hooks and nets are not left in locations where they could injure dugongs;
- work with the authority and DERM to develop an education program about the Woppaburra traditional hunting and management activities for dugongs;
- reporting sick and injured animals; and
- monitor seagrass beds to assist in their conservation.

**Management and conservation of sea-grass beds.** There are a number of seagrass beds in the waters surrounding the islands and support for GBRMPA in protecting these from damage from pollution and other human activities can make an important contribution to their conservation. The seagrass beds are important food sources for dugong, an animal which has great significance in our traditional culture. Woppaburra land and sea country should not be used for any development or use that would result in damage to or loss of any seagrass beds. For example, Leeke's Creek has been suggested as the site for a marina. Such a facility would require access across our land and we are in a position to influence any decision about the development of mooring facilities through our TUMRA.

**Marine mammal conservation.** Direct involvement in monitoring the range and type of marine species in the waters surrounding the Keppel Islands. In particular we could be involved in monitoring population change and migratory patterns of the humpback whale (Mugga Mugga) our totem.

**Men's and women's business.** Issues of both men and women's business related to traditional customs and practices associated with the marine environment can be pursued by the Woppaburra community. The GBRMPA has a positive record of working with indigenous groups in this area and it needs to be part of our ongoing involvement with the authority.

**Management of water quality.** There are already indications of increased pollution and salinity in the underground water reservoirs in the developed area of Great Keppel Island. These conditions have the potential to affect water quality in tidal wetlands downstream. As these wetlands are critical fish breeding areas and of great cultural significance they need to be protected from degradation. We can be involved by lobbying local and State government with the support of the Authority to ensure that any development does not depend on drawing further freshwater from existing aquifers nor are using the aquifers for disposal of black or grey water. We can also seek the support of the Authority in protecting mangroves within these tidal wetlands in order to protect the associated habitats. Leeke's Creek Tidal wetland is currently used for boat mooring and potential adverse effects on fragile areas from such practices as disposal of waste water or solid waste will need to be tightly controlled. We can be involved in the monitoring of any potentially damaging activities in these areas.

**Climate change.** The effects of climate change are already being felt both in the terrestrial and the marine environment. The GBRMPA has an extensive and detailed set of responses to predicted climate change, and awareness of these responses will be important in management of our land and sea country. For example, we will need to understand the likely extent of inundation resulting from sea level change and its impact on our land, particularly erosion prone sand dunes and low-lying land behind dune systems.

**Traditional tribal customs and practices.** Traditional tribal customs and practices will be an important part of any conservation plan. In developing partnerships with agencies such as the Marine Park authority, the Woppaburra community will need to ensure that the traditional customs and practices are used as far as possible in any undertakings under the plan, and secondly, that these traditional customs and practices are recognised in conservation planning.

### **State government.**

The State government has control over substantial areas of Woppaburra land and sea country. All of the islands apart from Great Keppel are National Parks and managed by DERM. In addition, the State government has designated a number of marine parks in waters surrounding the islands and on Great Keppel Island there are other formal reserves under control of DERM. It is understood that the land currently the subject of the lease review (Lot 21) may be designated as a conservation reserve once the current leasehold tenure expires and planning for use and development of this area requires our direct involvement. Although we have had some involvement in monitoring and some input into planning for these lands we need to develop a more extensive partnership with the authority in order to achieve:

- a greater awareness of Woppaburra cultural heritage;
- education of national park users about traditional cultural heritage and traditional customs and practices;
- respect for cultural heritage sites, particularly when planning for use development of national parks is under consideration;
- monitoring of the use of national parks to ensure that our cultural heritage is respected; and
- use of traditional Woppaburra names for features within areas under the control of the Department of Environment and Resource Management.

Once the Trustees have agreed on a conservation plan it will be a priority to enter into an agreement with DERM to identify and put in place measures to achieve the above. These measures could include:

- training Woppaburra community members in conservation management;
- employment of Woppaburra community members as Rangers and land managers;
- involvement in management activities such as feral animal control, fire management, weed reduction, vegetation rehabilitation;
- incorporation of men and women's business related to traditional customs and practices associated with the terrestrial environment into the development and implementation of management plans; and
- research, and assessment of impacts of human activity -- particularly tourism, recreation, building development and infrastructure development.
- Issues of both men and women's business related to traditional customs and practices associated with the terrestrial environment can be pursued by the Woppaburra community.

The State government already has a good record of involving the Woppaburra in the environmental education Centre on North Keppel Island. This relationship should be maintained and enhanced. We should also seek support for use of the facility to train our people in conservation management techniques. These techniques can be applied in our day-to-day management of our land, and in negotiations with other landowners on Great Keppel Island. The facility could also be used to further broaden the knowledge and understanding among non-indigenous people of our traditional heritage and culture.

**Private landholders**

The business plan canvasses the possibility of joint developments between private landowners and the Woppaburra trustees. If such development is to eventuate then relevant parts of the conservation plan should be applied to the development both in the construction and operational stages.

In cases where the Woppaburra community is not involved directly in the development process on private land, partnerships should be sought to ensure that both the cultural and environmental heritage aspects of the plan are realised.

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# **WOPPABURRA LAND TRUST**

## **CONSTITUTION**

**THE RULES OF THE**

**WOPPABURRA LAND TRUST**

**Preamble**

**Woppaburra descendants of the Fred Ross Family; Stanley Family descendants Jessie Keppel Ross (Stanley); Albert Ross-Peters Family; Konomie Ross (Richards) Family; and Annie Ross Smith family acknowledge and respect Woppaburra Elders, Law/Lore, Customs, Culture and Country. The Land Trust will always act in the interest of and for the benefit of Woppaburra people.**

## CONTENTS PAGE OF CONSTITUTION

SECTION	TITLE	PAGE
1	NAME OF LAND TRUST	3
2	INTERPRETATION OF THE RULES	3 & 4
3	TYPE OF ASSOCIATION	4
4	OFFICIAL ADDRESS	4
5	OBJECTS	4 & 5
6	POWERS	5
7	MEMBERSHIP	6
8	FIRST GENERAL MEETING	7
9	ADOPTION OF THESE RULES	7
10	APPOINTMENT OF THE RETURNING OFFICER	7 & 8
11	APPOINTMENT OF EXECUTIVE MEMBERS	8 & 9
12	ELECTION OF THE CHAIRPERSON AND THE DEPUTY CHAIRPERSON	9
13	APPOINTMENT OF THE SECRETARY, TREASURER AND PUBLIC OFFICER	10
14	FUNCTIONS OF THE EXECUTIVE	10 & 11
15	GENERAL MEETINGS, ANNUAL GENERAL MEETINGS AND SPECIAL GENERAL MEETINGS	11, 12 & 13
16	VOTING AT ALL MEETINGS	13
17	DECISION MAKING PROCESS	13 & 14
18	COMMON SEAL	14
19	BANKING	14
20	APPLICATIONS OF FUNDS AND PROPERTY	14 & 15
21	ACCOUNTS AND FINANCIAL STATEMENTS	15
22	AUDIT REQUIREMENTS	15 & 16
23	AMENDMENT OF THE OBJECTS AND RULES	16
24 18	DUTIES OF THE EXECUTIVE OFFICE BEARERS	16, 17 &
25	SUB-COMMITTEES	18 & 19
26	DISCLOSURE OF CONFLICTS OF INTERESTS	19
27	DISPUTE RESOLUTION	19
28	SIGNATURE OF EXECUTIVE	20
29	PROXY FORM	21

## **1. NAME**

1.1 The name of the Corporate Trustee is Woppaburra Land Trust.

## **2. INTERPRETATION**

2.1 In these rules:

“Aboriginal tradition” means the body of traditions, observances, customs and beliefs of Aboriginal people generally or of a particular group of Aboriginal people and includes any such traditions, observances, customs and beliefs relating to particular persons, areas, objects or relationships;

“Aborigine” means a person of the Aboriginal race of Australia;

“Act” means the *Aboriginal Land Act 1991*;

“Adult Aborigine” means an Aborigine who has obtained the age of 18 years;

“Chairperson” means the person who is elected by the Members as the Chairperson in accordance with rule 12 of these rules;

“Deputy Chairperson” means the person who is elected by the Members as the Deputy Chairperson in accordance with rule 12 of these rules;

“Executive Officers” means the Chairperson, Deputy Chairperson, Secretary, Treasurer and Public Officer;

“Facilitator” means an independent third party that convenes and conducts the first general meeting until these rules are adopted and the Chairperson is elected;

“Family Membership” is the:

1. Fred Ross Family;
2. Stanley Family descendants Jessie Keppel Ross (Stanley);
3. Albert Ross-Peters Family;
4. Konomie Ross (Richards) Family;
5. Annie Ross Smith Family;

“Grantee” means a direct descendant of the Woppaburra people, who has been elected as a Trustee on the Land Trust.

“Land Trust” means the Woppaburra Land Trust;

“Members” means all the elected grantees pursuant to these rules;

“Minister” means the Minister of the Government who administers the Act;

“Ordinary Resolution” means a resolution passed by a minimum of 3 out of 5 of the family members voting at the meeting;

“Registrar” means the Land Claims Registrar under the Act;

“Regulation” means the *Aboriginal Land Regulation 1991*;

“Returning Officer” means a person who is present at a meeting, but not an intended candidate for appointment as an Executive Officer at that meeting, and who is appointed by Ordinary Resolution by the Members present at the meeting to be the Returning Officer.

“Special Resolution” means a resolution passed by a minimum of 4 out of 5 of the family members voting at the meeting;

“Trust Act” means the Trust Act 1973; and

“Woppaburra People” means the direct descendants and the families of the Aboriginal people of the Keppel Isles.

2.2 Expressions used in these rules have the same meanings as the meanings given to them by the Act and Regulation.

2.3 In these rules, unless the contrary intention appears -

- a) words indicating a gender include each other gender;
- b) words in the singular include the plural and words in the plural include the singular;
- c) a reference to a clause is a reference to a clause in these rules; and
- d) a reference to any statute or regulation includes all statutes or regulations amending, consolidating or replacing them, and a reference to a statute includes all regulations, proclamations, ordinances and by-laws issued under that statute.

### **3. TYPE OF ASSOCIATION**

3.1 The Land Trust is a corporate body incorporated under the Regulation.

### **4. OFFICIAL ADDRESS**

4.1 The official address of the Land Trust is C/- Chairperson, PO Box 236, Rockhampton Qld 4700 or the official address as is notified in the Government Gazette from time to time.

4.2 If the Executive determines to change the official address, the Executive must within 2 weeks of making the determination, notify the Registrar of the new official address.

### **5. OBJECTS**

5.1 The Land Trust is formed for the following purposes:

- 5.1.1 To acknowledge, recognise and respect Woppaburra Elders under Aboriginal law/lore.
- 5.1.2 Act as the custodian for the land comprised within deed no 40053243 on behalf of the Aboriginal people for whom it is held.
- 5.1.3 To research, develop and assert the Woppaburra Peoples air, land and sea rights and commerce within the Woppaburra peoples air, land and sea country.
- 5.1.4 To promote, protect, preserve and revive Aboriginal law/lore, language, sites of cultural significance, arts and crafts.
- 5.1.5 To exercise Woppaburra Peoples traditional rights and responsibilities to collect flora and fauna for traditional purposes and to prevent the illegal removal of flora and fauna from Woppaburra land and sea country.
- 5.1.6 Reconnecting with Woppaburra land physically and spiritually for all Woppaburra descendants to promote the healing and wellbeing of the Woppaburra People.
- 5.1.7 To negotiate land-use agreements (especially, joint management agreements) for air, land and sea country.
- 5.1.8 To facilitate the provision of suitable training and employment programs for Woppaburra People.
- 5.1.9 To maintain and preserve the Woppaburra Peoples intellectual property and copyright.
- 5.1.10 Through education promote awareness of Woppaburra culture, protocol, customs and traditions.
- 5.1.11 To promote understanding with the wider community of Woppaburra culture, protocol, customs and traditions.
- 5.1.12 To facilitate the provision of resources (finance and facilities) to carry out the above objects.

## **6. POWERS**

- 6.1 The Land Trust has those powers as outlined and prescribed under the Act, the Regulation and the Trusts Act.
- 6.2 In exercising its powers to employ and contract agents, as provided for under Regulation 20(1)(f), the Land Trust is:
  - a) to give preference to employing ‘Woppaburra People’. That is, Woppaburra People will have priority if he or she has the appropriate experience and / or qualifications; and
  - b) cannot employ or contract executive committee members, irrespective of clause 6.2 a).

## **7. MEMBERSHIP**

- 7.1 In accordance with Woppaburra Aboriginal Tradition qualification for membership of the Woppaburra Land Trust requires a member to be a direct descendant of the Woppaburra. Each family group of the Woppaburra Land Trust will have a maximum of 11 members.
- 7.2 Family members who are not direct descendants of the Woppaburra People are welcomed but cannot become a Member of the Land Trust.
- 7.3 Each Member of the Land Trust:
- a) is entitled to attend, speak and vote at general meetings of the Land Trust; and
  - b) is eligible for appointment as an Executive Officer.
- 7.4 A Member ceases to be a Member of the Land Trust
- a) if the Member dies; or
  - b) if the Member resigns from Membership by written notice signed by the Member and given to the Minister; or
  - c) if the Minister removes or suspends a Member pursuant to the Act.
- 7.5 If a person ceases to be a Member of the Land Trust, under any circumstance as outlined in clause 7.4 (above):
- a) the Secretary must remove the person's name from the register of members;
  - b) the family group of the Member represented may nominate another family member to be a Member of the Land Trust.
- 7.6 The Land Trust may request the Minister to remove a Member if a Special Resolution is passed by Members present and voting at a general meeting, to seek to remove the Member from the Land Trust for whatever reason.
- 7.7 If a Special Resolution seeking to remove a Member is proposed:
- a) written notice of a proposed resolution is to be forwarded to the Member not less than 28 days before the date of the general meeting at which the resolution is to be moved; and
  - b) the Member is to be given an opportunity to reply to the proposed resolution at the meeting (whether the person is present at the meeting or not) and the reply may be made either orally or in writing.

## **8. FIRST GENERAL MEETING**

8.1 The first general meeting of the Members of the Land Trust shall be convened for the purposes of:

- (a) adopting these rules for the Constitution of the Land Trust;
- (b) appointing the Executive Members; and
- (c) electing a Chairperson and a Deputy Chairperson from the Members of the Executive.

8.2 The Facilitator shall convene and conduct the first general meeting until these rules are adopted and the Chairperson is elected.

8.3 A quorum for the first general meeting of the Land Trust shall be more than half of the total number of the Members.

8.4 All the Members of the Land Trust must be notified of the date, time and place of the first general meeting and the details of the business that is to be attended to at that meeting.

## **9. ADOPTION OF THESE RULES**

9.1 These rules shall be adopted at the first general meeting of the Land Trust by the passing of a resolution by more than half of the total number of the Members of the Land Trust.

9.2 After these rules have been adopted, all meetings of the Land Trust shall proceed in accordance with these rules.

## **10. APPOINTMENT OF THE RETURNING OFFICER**

10.1 The Returning Officer shall be elected by the passing of an Ordinary Resolution by the Members present at a general meeting.

10.2 The Facilitator/Chairperson shall be responsible for counting the votes, deciding the candidate who obtains the greatest number of votes and declaring the person who receives the greatest number of votes to be the Returning Officer for the general meeting.

10.3 The Returning Officer must not vote at an election.

10.4 The Returning Officer shall be responsible for:-

- a) counting the votes cast for each candidate;
- b) deciding the candidate with the greatest number of votes or more than half of the votes (depending on the voting method adopted by the members at the meeting);
- c) declaring the candidate with the greatest number of votes or more than half of the votes (depending on the voting method adopted by the members at the meeting) to be the Chairperson in accordance with rule 12.3; and

- d) declaring the candidate with the greatest number of votes or more than half of the votes (depending on the voting method adopted by the members at the meeting) to be the Deputy Chairperson in accordance with rule 12.4.

## **11. APPOINTMENT OF EXECUTIVE MEMBERS**

11.1 There is to be an Executive primarily responsible for the management of the Land Trust.

11.2 The Executive will be made up of 5 Members and shall include the Chairperson and the Deputy Chairperson.

11.3 One nomination for an appointed position as an Executive Member will be provided in writing by each of the family groups.

11.4 The Members of the Executive:

- a) are to be appointed at the first general meeting by the Members of the Land Trust;
- b) are subsequent to a) above then to be appointed at Annual General Meetings; and
- c) are eligible for reappointment.

11.5 A person may be nominated for an appointed position:

- a) by a Member present at the meeting at which the election is held; or
- b) by written notice received by the Chairperson or the Returning Officer at or before the time when nominations are called for at the meeting.

In order that a nomination is valid the person nominated must be a Member of the Land Trust and give his or her oral or written consent to the nomination before the appointment is made or the election is held.

11.6 Appointments are to be ratified by the Returning Officer who shall be responsible for declaring the candidates nominated as Executive Members.

11.7 Except as otherwise provided in these rules, the Members of the Executive shall hold office until the first meeting of the Executive after the annual general meeting at which their successors are appointed/elected.

11.8 A Member of the Executive ceases to hold office if:

- a) the person ceases to be a Member of the Land Trust (pursuant to rule 7.6 of these rules); or
- b) the Member resigns the office by written notice signed by the Member and given to the Chairperson and accepted by the Executive.

- c) a Special Resolution is passed at a general meeting, to remove the person from office on the ground that:
  - (i) the person has been convicted of any offence concerning the property or affairs of the Land Trust; or
  - (ii) the person is infirm; or
  - (iii) the person is absent from the Executive Meetings on three occasions without apologies; or
  - (iv) if for any other reason, the Land Trust is of the opinion that the person has ceased to be an effective Member of the Executive.

11.9 If a Special Resolution to remove a person from office is proposed:

- a) written notice of the proposed resolution is to be forwarded to the Member of the Executive not less than 28 days before the date of the general meeting at which the resolution is to be moved; and
- b) the Member is to be given an opportunity to reply to the proposed resolution at the meeting (whether the person is present at the meeting or not) and the reply may be either orally or in writing.

## **12. ELECTION OF THE CHAIRPERSON AND THE DEPUTY CHAIRPERSON**

12.1 The Chairperson and Deputy Chairperson are to be elected by the Members of the Land Trust.

12.2 In order to be elected as the Chairperson or the Deputy Chairperson, the Member must already have been appointed as an Executive Member.

12.3 The Member of the Executive who is nominated by the Members present at the meeting to hold the position of Chairperson and who receives the greatest number of votes or more than half of the votes (depending on the voting method adopted by the Members at the meeting) shall be declared by the Returning Officer to be the Chairperson.

12.4 The Member of the Executive who is nominated by the Members present at the meeting to hold the position of Deputy Chairperson and who receives the greatest number of votes or more than half of the votes (depending on the voting method adopted by the Members at the meeting) shall be declared by the Returning Officer to be the Deputy Chairperson.

12.5 A term of office for the Chairperson and the Deputy Chairperson shall be for a period of 2 years and expire on:

- a) the persons re-election for another term; or
- b) the election of the officer's successor.

12.6 The Chairperson and the Deputy Chairperson shall be re-elected by the Members of the Land Trust at a general meeting every 2 years in accordance with section 27 of the Regulation. In the event that either or both of the positions of Chairperson or Deputy Chairperson become vacant then a general meeting of the Land Trust shall be held for the purpose of electing an Executive Member or Members to the vacant position or positions.

### **13. APPOINTMENT OF THE SECRETARY, TREASURER AND PUBLIC OFFICER**

13.1 The Members of the Executive must appoint from the Members of the Executive the Secretary, Treasurer and Public Officer:

- a) at the first meeting of the Executive held immediately after the first general meeting of the Land Trust; and
- b) at the first meeting of the Executive held immediately after each annual general meeting of the Land Trust.

The Secretary, Treasurer and Public Officer are eligible for re-election.

13.2 A Member of the Executive elected to fill a casual vacancy in the office of a Secretary, Treasurer or Public Officer:

- a) holds that office until the next appointment of those positions; and
- b) is eligible for re-appointment.

13.3 A term of office of a Secretary, Treasurer and Public Officer shall be for a period of two years and expire on:

- a) the person's re-appointment for another term; or
- b) the appointment of the officer's successor.

### **14 THE FUNCTIONS OF THE EXECUTIVE**

14.1 The Executive's functions are to carry out the objects listed in rule 5. A quorum for an Executive meeting shall be at least 3 of the Executive Members.

14.2 The Executive must meet to attend to its business as often as it considers necessary, but at least once each three months.

14.3 Reasonable notice of each meeting of the Executive is to be given to each Member of the Executive stating the date, time and place of the meeting and setting out the business that is to be attended to at that meeting. Thus enabling the Executive to consult with the family groups and ensure family, rather than individual, decisions are reached at executive committee meetings.

14.4 The Secretary or such person as the Executive appoints must keep proper minutes of the proceedings of all meetings of the Executive.

- 14.5 The Executive:
- a) must manage and control the affairs of the Land Trust in accordance with these rules and with the Act and the Regulation; and
  - b) for that purpose, it may exercise the powers of a Land Trust as if those powers had been expressly conferred on the Executive by a general meeting of the Land Trust.
- 14.6 If a member of the executive is absent a proxy will be appointed in their absence by their Family Membership.

**15. GENERAL MEETINGS, ANNUAL GENERAL MEETINGS AND SPECIAL GENERAL MEETINGS**

- 15.1 The first general meeting of the Land Trust is to be held as soon as practicable, after incorporation.
- 15.2 The first annual general meeting of the Land Trust is to be held within 15 months after incorporation.
- 15.3 Each subsequent annual general meeting is to be held within 3 months after each 30 June.
- 15.4 The order of business at the annual general meeting is to be:
- a) confirmation of minutes of the previous annual general meeting and of any special general meeting held since the previous annual general meeting;
  - b) receipt and consideration of an annual report and audited financial report (including the income and expenditure statement and balance sheet) from the previous financial year;
  - c) update the Family Membership list;
  - d) the appointment, if due, of Members of the Executive;
  - e) the appointment of an auditor or auditors;
  - f) any other business that the meeting determines; and
  - g) the executive committee must provide an annual report of their term.
- 15.5 As soon as practicable after a Land Trust holds an annual general meeting after the end of a financial year, it must give to the Registrar:
- a) a copy of the minutes of the meeting;
  - b) a list stating the names and addresses of the current Members of the Land Trust's Executive; and

- c) the names and addresses of all the grantees for the time being forming the Land Trust.
- 15.6 The Executive may call general meetings in addition to the first general meeting and the annual general meetings, where:
- a) the Members need to consider an application to grant an interest in the land; and/or
  - b) the Members need to consider a major development or proposal involving the land; and/or
  - c) where the Members need to consider the trust incurring liabilities in excess of **\$20,000** must be approved by a Special Resolution at the annual general meeting.
- 15.7 All general meetings other than the first general meeting and the annual general meetings are called special general meetings.
- 15.8 If the Secretary receives a written request for a special general meeting signed by Members whose number amounts to a quorum, the Secretary must call a special general meeting to be held as soon as practicable but not later than two months after the Secretary receives the request.
- 15.9 Subject to these rules:
- a) the Executive determines the date, time and place of every general meeting; and
  - b) the Secretary must give notice of every general meeting to the Members at least 28 days before the date of the meeting, by any means the Executive considers appropriate.
- 15.10 Proper minutes of the proceedings of all general meetings are to be kept by:
- a) the Secretary; or
  - b) in the absence of the Secretary such person as the meeting appoints and the person keeping the minutes must record all motions and amendments to motions, the names of the proposer and seconder of each motion and whether each motion was passed or defeated.
- 15.11 The Chairperson must sign the Minutes when they have been accepted at the next meeting.
- 15.12 Except as otherwise provided in these rules, a quorum for all general meetings of the Members of the Land Trust is not less than 15, with each of the five family's represented by at least one family member.
- 15.13 No business is to be transacted at any general meeting unless a quorum is present.
- 15.14 For the purpose of this Constitution, the simultaneous linking together by telephone video conference, or other electronic means of a number of the Members, being not less than a quorum, shall be deemed to constitute a meeting of the Land Trust and all the provisions

hereof regarding meetings of the Land Trust shall apply to such meetings by telephone providing the following conditions are met:

- (a) all of the Members for the time being entitled to receive notice of a meeting of the Land Trust shall be entitled to notice of a meeting by telephone or other means and to be linked by telephone or other means for the purposes of such meeting;
- (b) each of the Members taking part in the meeting by telephone or other means must be able to hear or communicate with each of the other Members taking part in the meeting; and
- (c) at the commencement of the meeting, each Member must acknowledge his or her presence for the purpose of the meeting of the Land Trust to all the other Members taking part.

15.15 Each member of the Land Trust is to comply with meeting and cultural protocols and display appropriate behaviour at meetings. In the event of inappropriate behaviour refer to dispute resolution process at Rule 27.

## **16. VOTING AT ALL MEETINGS**

16.1 Except as otherwise provided in these rules, voting at all meetings is to be by a show of hands except if the Members at a meeting decide by way of an Ordinary Resolution that a vote is to be by secret ballot.

16.2 Except for an election of the Chairperson and the Deputy Chairperson, the principle of one vote per Family Group is to apply to all voting. That is, only one vote from each of the 5 Family Groups is to be counted.

16.3 The Chairperson is the Chairperson of all meetings at which the Chairperson is present:

- (a) if the Chairperson is not present, or during any period when the Chairperson is absent from duty or from the State or is, for any reason, unable to perform the duties of the office of Chairperson, the Deputy Chairperson is to take the chair.
- (b) in the absence of both the Chairperson and Deputy Chairperson, the Members present shall choose one (1) of their Members to be Chairperson.

16.4 At any meeting, a Member may exercise a vote by proxy on behalf of an absent Member if the absent Member has signed a completed proxy form (attached to these rules).

16.5 To be valid, a proxy form will need to be presented to the Secretary before the relevant meeting.

16.6 At a general meeting that is initiated under Rule 15.6 a), a decision to grant an interest in land must be made unanimously.

## **17. DECISION MAKING PROCESS**

- 17.1 Decisions of the Members of the Land Trust and its Committee must be made by the Members and the Committee in a way that is, as far as practicable, consistent with any Aboriginal tradition of the Aboriginal people who are Members of the Land Trust.
- 17.2 If there is no relevant Aboriginal tradition, the Members of the Land Trust and its Committee must make the decision in accordance with a process of decision-making agreed to and adopted by the Members in relation to decisions of that kind.
- 17.3 The Family Membership of each of the 5 families has control over their own decision making processes. Each family membership group must respect the decisions, and not interfere in the decision making processes, of other family membership groups.

## **18. COMMON SEAL**

- 18.1 The Land Trust is to have a common seal with the Land Trust's name inscribed on it in legible characters.
- 18.2 The common seal is to be kept in the custody of the Secretary.
- 18.3 The common seal is not to be used or placed on any document unless authorised by the Executive or a general meeting of the Land Trust.
- 18.4 If the common seal is placed on any document three (3) Members of the Executive must sign the document.
- 18.5 A document which can be executed without a seal is to be signed by an Executive Officer if there is a direction by the Executive to do so and the direction is properly minuted.

## **19. BANKING**

- 19.1 Official receipts are to be issued for all monies received by the Land Trust.
- 19.2 All funds of the Land Trust are to be deposited in the first instance to the credit of the Land Trust in an account at such a bank as the Executive determines.
- 19.3 All members of the executive are to be authorised by the Land Trust to be signatories of the Land Trust's accounts.
- 19.4 If the Executive decide to remove a person from acting as a signatory of the Land Trust's accounts by passing an Ordinary Resolution to that effect, then the person must sign the appropriate bank authority terminating that person's role as a signatory at the earliest possible opportunity.
- 19.5 A payment in excess of \$100 made by the Land Trust is to be paid by cheque.
- 19.6 All cheques and withdrawal forms are to be signed jointly by two authorised signatories referred to in rule 18.3.

## **20. APPLICATIONS OF FUNDS AND PROPERTY**

- 20.1 All funds or property of the Land Trust that are not subject to any special trust are to be available at the discretion of the Executive for the purpose of carrying out the objects of the Land Trust, provided that no part of the funds or property is to be paid or applied directly or indirectly by way of dividend or bonus or by any other way of profit to any Member.
- 20.2 Rule 19.1 does not prevent the payment in good faith of reasonable and proper remuneration to any Member of the Land Trust, an Executive Member, servant, agent or employee of the Land Trust for or in return for services actually rendered to the Land Trust.

## **21. ACCOUNTS AND ANNUAL FINANCIAL STATEMENT**

21.1 Proper accounts and records of all receipts, payments and other financial transactions and affairs of the Land Trust are to be kept by:

- a) the Treasurer; or
- b) any other person appointed by the Executive.

21.2 The Executive must do all things necessary to ensure that:

- a) all payments out of the monies of the Land Trust are properly made and correctly authorised; and
- b) adequate control is maintained over;
  - (i) the assets of, or in the custody of, the Land Trust; and
  - (ii) the incurring of liabilities by the Land Trust.

21.3 Accounts are to be approved for payment by the Executive.

21.4 The Executive must:

- a) by 30 September each year, prepare and adopt an annual financial statement for the financial year most recently ended; and
- b) within 28 days after adopting the statement, give a copy of it to the Registrar.

## **22. AUDIT REQUIREMENTS**

22.1 The land trust must have its accounts audited if the land trust's total income from all sources for the latest financial year was more than \$10,000.

22.2 Any audit of the land trust accounts must be by a person who is –

- (i) a member of Certified Practising Accountants Australia; or
- (ii) a member of the Institute of Chartered Accountants In Australia; or
- (iii) a member of the National Institute of Accountants; or
- (iv) a person approved in writing by the chief executive as having the necessary skills and experience for conducting the audit.

22.3 An audit of the land trust accounts must be received by the land trust by 30 November of the following financial year.

22.4 The land trust must provide a copy of their audited accounts to the Chief Executive (NRW) within 28 days of receiving them.

## **23. AMENDMENT OF THE OBJECTS AND RULES**

23.1 The Land Trust may, by passing a Special Resolution, amend the objects or rules of the Land Trust at a general meeting.

23.2 The amendment may be made by making new objects or rules or by varying or rescinding objects or rules in force. Each proposed amendment must be specified in the notice of the general meeting.

## **24. DUTIES OF THE EXECUTIVE OFFICE BEARERS**

### **CHAIRPERSON**

24.1 The primary duty of the Chairperson is to ensure the successful functioning of the Land Trust and achievement of its objectives. The Chairperson does not have a casting vote.

24.2 The Chairperson must:

- a) uphold these rules of the Land Trust;
- b) accept the nominations of the Executive Members (who have consented to the nomination) and ratify the appointment of the Executive Members at all general meetings at which the nominations are called for;
- c) declare the appointment of the officers of Secretary, Treasurer and Public Officer;
- d) preside at all meetings of the Land Trust; and
- e) subject to the instructions of a Land Trust provided at a meeting, represent and act on behalf of the Land Trust in the interval between meetings.

24.3 In particular, the Chairperson must:

- a) before each Land Trust meeting:
  - (i) consult with the Secretary in the preparation of an agenda;
  - (ii) ensure that the notice of the meeting conforms with these rules;
  - (iii) check the accuracy of any minutes of previous meetings being presented to the meeting for acceptance; and

- (iv) read over any correspondence or other material to be brought forward at the meeting.
- b) open the meeting when a quorum is present, ask for any apologies to be tabled, then welcome new Members and guests;
- c) sign minutes of previous meetings as correct when they have been accepted by the meeting;
- d) in the case of elections of the Chairperson and the Deputy Chairperson, ensure the appointment of a Returning Officer by the Members at the meeting;
- e) preserve order and warn any Member who is causing a disturbance at a meeting that the Member may be removed;
- f) order the removal from the meeting of any Member who, having been already warned, continues to cause a disturbance;
- g) ensure that debates are conducted in the correct manner and, in particular, that there is one speaker at a time;
- h) rule “out of order” any motion which involves the Land Trust acting outside its functions or powers under the Act or any other statute or rule of law; and
- i) close or adjourn the meeting when:
  - (i) a motion to that effect is carried;
  - (ii) all business has been finished;
  - (iii) the meeting is excessively disorderly and the Chairperson is unable to restore order; or
  - (iv) a quorum of Members is no longer present.

#### **DEPUTY CHAIRPERSON**

24.4 The Deputy Chairperson must:

- a) act as the Chairperson when there is a vacancy in the office of the Chairperson
- b) act as the Chairperson for any period when the Chairperson is absent from duty or from the State
- c) act as the Chairperson if the Chairperson is unable to fulfil the duties of the office of the Chairperson

#### **SECRETARY**

24.5 The Secretary must:

- a) maintain a register showing the names and addresses of Members. In performing the required duties of updating the name and address register of Land Trust members the secretary must: update the register two months prior to an Annual General Meeting and bi-yearly, at December 31<sup>st</sup> and June 30<sup>th</sup>; and the Secretary must ensure that the trustees of the Land Trust are informed of such changes in writing;
- b) maintain an accurate record of all meetings of the Land Trust in an official Minute Book of the Land Trust;
- c) call meetings and give the proper notice for meetings in accordance with these rules;
- d) maintain an attendance book showing the names of all the Members who attend each meeting together with the signature of each Member who is present;
- e) prepare an agenda, in consultation with the Chairperson, prior to each meeting;
- f) maintain any correspondence to and from the Land Trust and inform the Land Trust of such correspondence;
- g) keep the Land Trust's Common Seal in safe custody; and
- h) represent and act, subject to the instructions of a Land Trust meeting, on behalf of the Land Trust in the interval between meetings.

## **TREASURER**

24.6 The Treasurer must:

- a) maintain proper accounts and records of all transactions in relation to the operations of the Land Trust;
- b) ensure that all monies received are deposited as soon as possible in the Land Trust's bank account;
- c) ensure that the accounts and records of financial transactions of the Land Trust are inspected and audited by an auditor appointed by the Land Trust;
- d) ensure that a statement of accounts, together with an auditor's certificate in relation to the statement, is submitted to each Annual General Meeting;
- e) submit a brief financial statement at each Land Trust meeting, known as the Treasurer's Report;
- f) represent and act, subject to the instructions of a Land Trust meeting, on behalf of the Land Trust in the interval between meetings;
- g) submit to the Land Trust details of any expenditure, which in the Treasurer's opinion contravenes the Act, or the wishes of the majority of the Land Trust Members, or both; and

## **PUBLIC OFFICER**

24.7 The Public Officer must:

- a) act as a support person to all other executive members

## **25. SUB COMMITTEES**

25.1 The Executive in consultation with the Members may, appoint a sub-committee from the remaining Members or Woppaburra people.

25.2 The Executive shall:

- a) determine the portfolios, responsibilities and powers of the sub-committee; and
- b) determine meeting requirements including quorums and frequency of meetings.

25.3 Any sub-committee appointed with Rule 25.2 shall be dissolved or have any powers cease on:

- a) the date of completion, or achievement of, specified purpose; and
- b) The executive committee has resolved & thereby direct sub committee to cease functioning

## **26. DISCLOSURE OF CONFLICTS OF INTERESTS**

26.1 The Members must act for the benefit of all Woppaburra descendants, and not for themselves or their immediate families, friends or associates.

26.2 The Members must not profit personally from their position, and they must declare any potential or real interests and/or any conflicts of interest.

26.3 If a Member fails to disclose the potential or actual interests conflicting with the Land Trust, a Special Resolution will be passed as per Rules 7.6 and 7.7 to ensure the land trust is adequately informed and legally protected.

## **27 DISPUTE RESOLUTION PROCEDURE**

27.1 If any dispute between the Land Trust and any of its Members arises:

- a) the Executive should attempt to settle the dispute;
- b) if the dispute cannot be amicably settled by the Executive, the matter is to be referred to a general meeting of the Land Trust for decisions; and
- c) if the dispute cannot be amicably settled at a general meeting of the Land Trust, an independent mediator should be appointed by the Executive to facilitate resolution of the dispute.

**The Woppaburra Land Trust:**

**Executive Office Bearers**

.....  
**CHAIRPERSON**

.....  
**SECRETARY**

.....  
**TREASURER**

Accepted this Constitution on this Fourth day of April 2007 at Great Keppel.

Witnessed by a Solicitor/Justice of the Peace

.....  
(Name - printed)

.....  
(Signature)

...../...../.....  
(Date)

**APPOINTMENT OF PROXY FORM**

Rule 16

I, \_\_\_\_\_  
(full name)

of \_\_\_\_\_  
(address)

being a member of \_\_\_\_\_  
(name of land trust)

hereby appoint \_\_\_\_\_  
(full name of proxy)

of \_\_\_\_\_  
(address)

being a member of the land trust, as my proxy to vote for me on my behalf at the general meeting of the land trust (annual general meeting or other general meeting, as the case may be)

to be held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_,  
and at any adjournment of that meeting.

**Signature of member appointing proxy** \_\_\_\_\_

Date: \_\_\_\_\_

NOTE: A proxy vote may only be given to a person who is a member of the Land Trust.