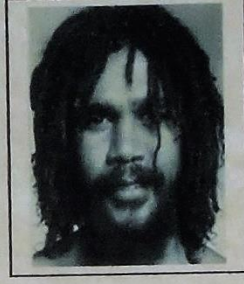
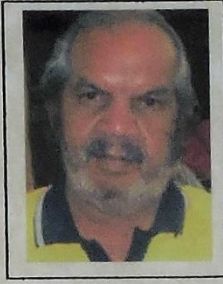


KATJINKA



BULUWAI

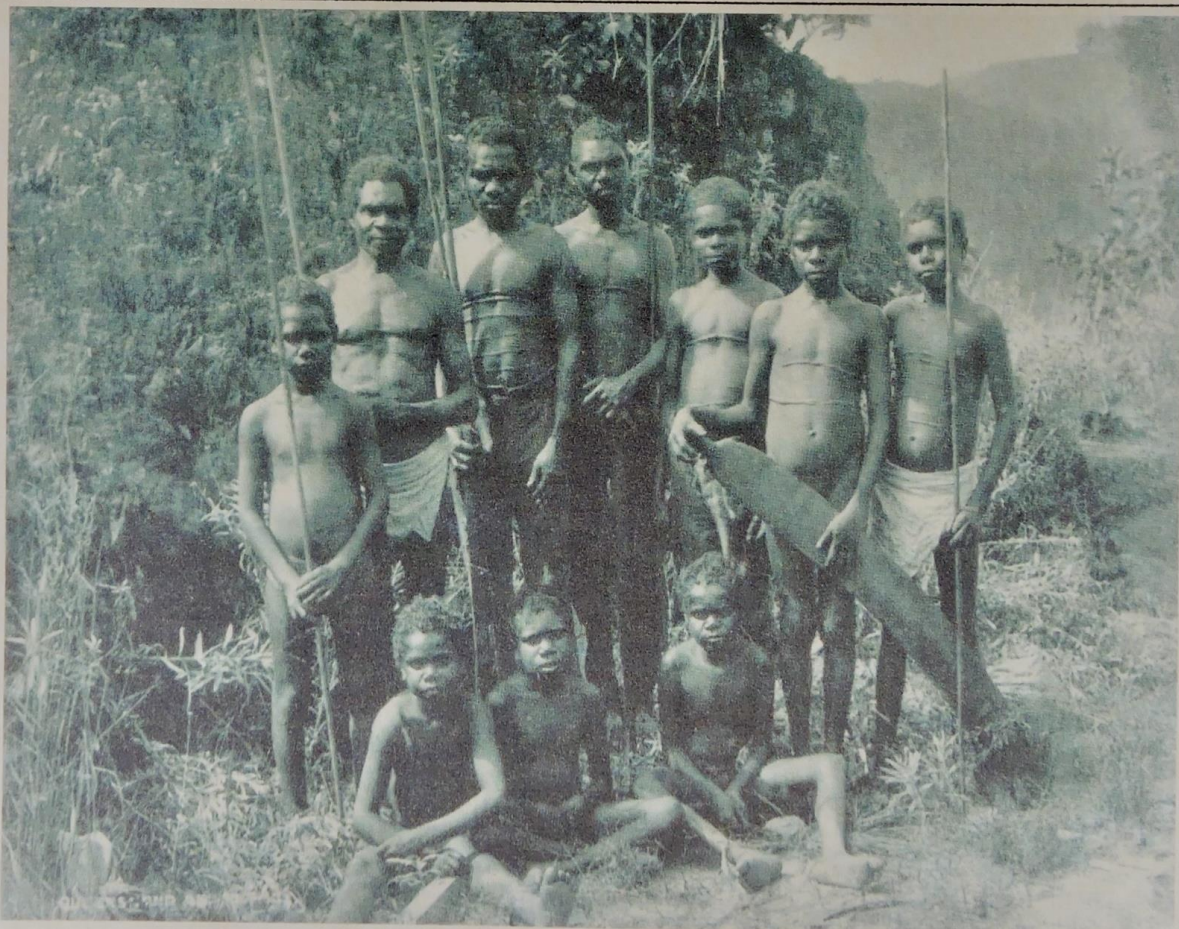
Native Title Appeal

For

Davies Creek National Park

Table of Contents

- 1 **Introduction**
- 2 **Appeal Report**
 - 2.1 Dr Sandra Pannell
 - 2.2 'Apical' Genealogical Discrepancies
 - 2.3 Conclusions
- 3 **Buluwai Claimant Group**
 - 3.1 Oral History - Primary Source
 - 3.2 Tribal Customs - Primary Source
 - 3.3 Buluwai Language - Primary & Secondary Sources
 - 3.4 Buluwai Genealogies
- 4 **Buluwai Traditional Lands & Waters**
 - 4.1 Oral History - Secondary Source
 - 4.1.1 Djabugay Oral History - Secondary Source
 - 4.2 Archaeological Literature
 - 4.3 Anthropologic Literature
 - 4.4 Facts & Conclusions
- 5 **Appeal - Davies Creek National Park**
- 6 **Attachments**



Toby Brim standing third from the left. Wrights Creek, Barron Gorge.

1. INTRODUCTION

This appeal report is represented and prepared by Mr William Cecil Brim and Ms Dianne P Brim, great-great grandchildren of Merikum/Merukan, great grandchildren of Tji: Auwin aka: Toby Brim (1867), grandchildren of Binnanewan aka: Cecil William Brim (1902) and children of Ivan Cecil Brim (1934) of the Taipan Clan in the Buluwai tribe.

We also represent other male descendants of the Taipan Clan in the Buluwai Tribe: Tjaimuru, Tjinaru:l (aka: Darkie), Konjimai and Kuipidji (Banning Family). We include male descendants of 'Buluwai Kitty' of Redlynch (Richardson Family), male descendants within other clan groups such as the Carroll Family and Collins Family. Male descendants of Leonard Hobbler, Djinbanydji Tribe.

We represent all of the above Buluwai male claimants in the official appeal against the 'Davies Creek National Park' decision made by North Queensland Land Council during 2006. The terms of reference are as follows:

- (1) Identify 'apical' genealogical discrepancies and conclusion statements in Dr Sandra Pannell's April 2000 Report, titled: "All One Group, All One Tribe";
- (2) Identify misrepresentations in North Queensland Land Council's written correspondence since 28th May 2004 with an events timeline.
- (3) A description of the Buluwai claimant group. This description will identify the 'apical' ancestors of the Buluwai claim group and describe the claimants as the descendants of these ancestors;
- (4) Identify the extent of the lands and waters traditionally affiliated with the Buluwai claim group, on the basis of oral family history and the extant archaeological and anthropological literature for the claim group; and
- (5) Prepare an Appeal on the extent of the traditional Buluwai lands and waters, based upon the research and information nominated in points 1, 2, 3 and 4.

This appeal report primary purpose is to provide a description of the Buluwai claim group and to assist in a formal Appeal application for our traditional lands and waters, Davies Creek National Park.

Research

The text of this appeal report is comprised of information from primary (claimants) and secondary sources.

In this document, information from primary sources is presented as dot point verbatim statements with informants and year of information being provided with these statements. The oral stories included in this appeal report span a time period from 1867 to modern day and also include statements made by the pioneer 'Veivers' family.

Secondary sources are referenced and include material of an archaeological, anthropological and linguistic nature. Secondary sources will also include material from the relevant Government Agencies, the Seventh Day Adventist Church and Literature (Non Fiction) readily available in libraries, book stores and world wide resources.

The claimant genealogies attached to this appeal report incorporate information from Norman Tindale's 1938 genealogies, recorded at Mona Mona, Yarrabah, Worrabinda and Palm Island, Births Deaths & Marriages, along with information provided by descendant Buluwai informants.

The information contained in this appeal report is based on oral stories carried down throughout 4 generations of family history, 7 years continuing paper research of information confirming these oral stories and various Government and non-Government Department archives. Research commenced in the year 2000.

2 APPEAL REPORT

2.1 Dr. Sandra Pannell

In the year 2000, at the request of the Principal Legal Officer of North Queensland Land Council Aboriginal Corporation, Dr Sandra Pannell had prepared a report titled *'All One Group, All One Tribe' - A Report on the Djabugay Claimant Group and the Extent of Their Traditional Lands and Waters* for the purpose of representing claimants in the 'Barron Gorge National Park' native title determination application No: QC94/4. This 155 page Report took 22 days to complete which included 11 days of interviewing.

2.2 'APICAL' Genealogical Discrepancies

The first most important point to remember is that the Djabugay land claim over the Barron Gorge National Park did not have the renowned and respected Djabugay 'Queen Maggie Donahue' or 'King Peter Donahue' as the 'apical' ancestors, nor were their descendants included. **[Attachment 1, 1a]**

'All One Group, All One Tribe' Dr Sandra Pannell April 2000 report states in Section: Djabugay Native Title Determination Application, Genealogy 1: Descendants of Toby Brim and Annie Hunter: References - Tindale, N B 1938-1939, Mona Mona genealogies. **[Attachment 2]**

Sheet numbers 1, 2 & 7 were used to compile Toby Brim's family tree, albeit these sheets belonged to the Snider family (KoKo Yalinji Tribe), Hobbler and Courtney families (Djabugay Tribe), none of which are Buluwai.

Featuring as a part of Norman Tindale's 1938 genealogies, Toby Brim's family tree, Sheet 21, was not utilized or scrutinized when compiling the Djabugay 'Apical' ancestor list. Tindale's name index for Mona Mona Mission 1938 is available at the Indigenous Library Unit, TAFE College, and Cairns. **[Attachment 3]**

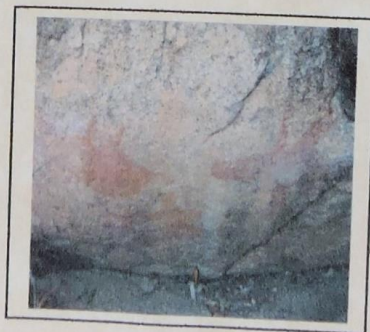
Toby Brim, Buluwai Tribe, and another woman Annie Hunter are represented as the Djabugay 'apical' ancestors for the Barron Gorge National Park. **[Attachment 1a]**

With regard to Annie Hunter, Dr Sandra Pannell has made an extraordinary error with the identity of this woman. Dr Sandra Pannell has an 'Annie Hunter' who came from the Mitaka Tribe, Birdsville and landed in Palm Island; she married a Jack Hunter. There are no records of this woman, Annie Hunter, having associated with Toby Brim or the Buluwai people; no oral or living memory of her exists. **[Attachment 4,4a]**

Toby Brim, Buluwai man, was married to Annie Annie of the Djabugay Tribe (Bilwon area); not Annie Hunter. This point continues to be registered as fact in Births, Deaths & Marriages from 08th March, 1927. **[Attachment 5]**

Dr Sandra Pannell has 'Annie Kuranda' as an alias for Toby Brim's wife. There is no mention of an Annie Kuranda anywhere in Toby Brim's family tree taken by Norman Tindale in 1938. There are no written words of an 'Annie Kuranda' on Cecil Brim's marriage certificate of 1927, nor is there any oral history of this woman.

Dr Sandra Pannell has brothers and sisters linked to families, where none existed before. An example is Barney Hunter and Annie Hunter are siblings, when they are not related. **[Attachment 6]**



2.3 Conclusion Statements

'All One Group, All One Tribe' Dr Sandra Pannell April 2000 report, P15, 2.2. Conclusion: 'From a review of the key anthropological and linguistic secondary sources spanning the period 1896 to the present, it is possible to make the following conclusions': [Attachment 7]

- (1) 'The anthropological evidence consistently identifies Djabuganydji, Yirrganydji and Buluwanydji as separate tribes.'

"All One Group, All One Tribe" Dr Sandra Pannell April 2000, P50, 3.2. Conclusion: 'From a review of the key anthropological and linguistic secondary sources spanning the period 1896 to the present, it is possible to make the following conclusions': [Attachment 8]

- (1) 'The anthropological evidence consistently identifies Djabuganydji, Yirrganydji and Buluwanydji as separate tribes, each associated with a distinctive territory';
- (4) 'Meston, and the anthropologists, McConnel and Sharp, associate the Djabuganydji tribe with Port Douglas';
- (6) 'In the literature, Buluwanydji is generally associated with a upland area located south, south-west of the Barron River, including Davies Creek National Park'

3. BULUWAI CLAIMANT GROUPS



3.1 Oral Family History - Primary Source

- 'The Brim family comes from the Taipan Clan (Katjinka) and this is carried down by all the males in the family'. Family knowledge carried down as Oral History
- 'Our family look after our land, we have to carry on tradition, restore paintings, clean our land, make sure everything is the way it's supposed to be, men's business'. Mr Cecil Brim - 1960's
- 'We don't have Kings and Queens, we have elders' Family knowledge carried down as Oral History

- *'Grandad Cecil's sister was struck by lightning outside Tolga, while on walkabout; they were under a tree waiting for the storm to pass. She was only little'. Mrs Marita Hobbler (nee: BRIM) - 1963*
- *'My dad helped one man Meson go for plants, show him which way to go, he was young man then'. 'Another time he dance for this man Meson, put on show'. Mr Cecil Brim - 1974*
- *'Another grandad got sent away for killing gadja (white man), come home, get caught, sent away again, gone'. Mr Cecil Brim - 1974*
- *'Grandad Cecil was born Speewah way, the Veivers family used to nurse him when he was a baby. His nickname by them was Bundle'. Mrs Eunice Levers (nee: BRIM) - 2000*
- *'Speewah name come from Spear War'. Mr Lyn Hobbler - 1964*
- *'There was another massacre...again. Grandad Cecil brothers were told to scatter into the bush, to run. They weren't taken or killed. Toby Brim and his family were taken to the mission, Grandad Cecil was around 13 years old at that time'. Mrs Marita Hobbler (nee: BRIM) - 1963*
- *'Atherton wanted a herd of cattle taken up Tolga way. He promised a cow as payment. When the job was done, Atherton gave them a horse instead. That wasn't right, they took the cow anyway and when they went to eat it, another massacre'. Mrs Marita Hobbler (nee: BRIM) - 1963*
- *'Atherton wanted all of our land, he had to finish the job, so he had troopers come in to help him. Two of the Veivers brothers got wind of what Atherton was planning to do. At Speewah, the Veivers found Toby and hid him and his family in their barn. When the troopers finished and gone, two of the Veivers brothers escorted Toby and his family to Mona Mona Mission unharmed'. Mr Willie Brim - 2000*
- *'My great grandfather was working, cutting timber out bush, Toby Brim nearly speared him until he saw who it was, my great grandfather didn't even hear him'. Mr Shane Veivers 2004*
- *'Work at Tinaroo on dam'. Mr Cecil Brim - 1975*
- *'Granny Maggie, who's land up that way? That's your land boy, that's Taipan's land'. Mr Willie Brim - 1975*
- *'All I know is the 'Hunter' family were our neighbours at Mona Mona, and we called them uncle or aunt, for respect'. Mr Ivan Brim - 2000*
- *'There is another grave site just above No: 2 tunnel at Redlynch, Aunty Ivy Bacon (aka: Ivy Veivers) showed me where it is, I'll take you and Willie to show you'. Mr Anzac Palmer - 2004*



3.2 Tribal Customs - Primary Source

In understanding Buluwai tribal culture, the most important detail to note is that Buluwai is a patrilineal exogamous society. Our tribal customs, throughout every generation is still carried through into modern times, with the custom of 'promising' children for marriage being still practiced and accepted well into the 1960's. Our tribal customs dictate who we should and should not marry and adhering to rules ensures pure tribal bloodlines are kept.

- *'In our family, we can not marry anyone unless they are 6 generations out, this way you keep the bloodline in your tribe pure - interbreeding is not allowed'. 'When a girl marries, she has to go to her husband's tribe. She can still teach her children her language, her knowledge, she can visit her family, but she can't go home until her husband dies'. Mrs Marita Hobbler (nee: BRIM) - 1975*
- *'If an aboriginal woman has a child to an aboriginal man, then her children follow their fathers line. But if the father is not an aboriginal then the children follow the mother's line'. Mrs Marita Hobbler (nee: BRIM) - 1975*
- *'All brothers and sisters are your brothers and sisters just as long as you have the same mother or father, we don't have half. All first cousins are your cousin brothers or cousin sisters. All of your parent's brothers and sisters are your uncles and aunts. All of your grandparent's brothers and sisters are your granddad, grandma or grannies. All of your great grandparent's brothers and sisters are your great grannies. You still show respects to your elders by calling them uncle, aunt or granny but our family know who we are related to, that's the difference'. Mrs Marita Hobbler (nee: BRIM) - 1967*
- *'When children have no parents, the eldest sister or brother takes them and rears them as their own, this way they are still in the family'. 'We do not let our old people go, when they are old, the children take turn in looking after them until its time'. Mrs Marita Hobbler (nee: BRIM) - 1963*
- *'I didn't love dad Lyn when we were married, it's custom, it had to be, but I did grow to love him over time'. Mrs Marita Hobbler (nee: BRIM) 1996 - 50th Wedding Anniversary*



Cecil and Dinah Brim's wedding (centre couple).

3.3 Buluwai Language - Primary & Secondary Sources

Buluwai, Bulway are other alternatives; represent the tribe as a whole. Bulwandji, Bulwan-dyi and Bulwandyi represent a person's identity. For example: Australian (Australia), Canadian (Canada), American (America), etc. It is important to also note that Bullwai is the commercial name representing the tribe and its people.

Whilst the word Bama represents aboriginal people in general, the word Gadja represents white or European people. Migaloo is a term which is used by a number of neighboring tribes.

The Buluwai language, dance, customs, knowledge and traditions have survived the Seventh Day Adventist Church's strict policies of 1913 and have been carried down regardless, starting from Toby Brim then Cecil Brim, on to Warren and Ivan Brim, and then carrying down to Willie Brim.

The Banning family who avoided capture and being taken to Mona Mona Mission in 1916 continued to speak the Buluwai language through Mr Gilpen Banning (Wurrumbul - Pelican).

The evidence of language is written in a book titled *Nganydjin Bulmba - Our Country* which was dedicated to Wurrumbul (Pelican), Mr Gilpen Banning with research assistance given from Wanyarra, Mr Roy Banning, Mr Warren Brim and Mr Dan Coleman. Copywrite 1992

'A Geographic History of Queensland', dedicated to the Queensland people, by Archibald Meston 1895, page 151 titled LAKES, SPRINGS, AND WELLS reads: *'They have a curious legend about an immense cedar log which passes occasionally from one lake to another by a subterranean passage, and will one day become a gigantic crocodile (Canyabra), out of whose mouth is to come a mighty legendary blackfellow called "Murgalainya."*

Wanyarra, Ganyarra and Canyabra all mean the word crocodile. Variations of the pronunciation depends on the orators own interpretation.

Norman Tindale, 1938, Sheet 2 genealogy of the 'Hobbler' family', 'Djabugay language':

Man calls father..... njumbu / waktuja
 Man calls mother..... yam:a / jaikal waktuja

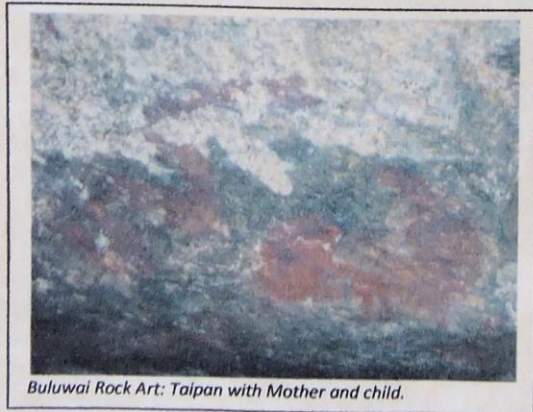
Dr Sandra Pannell, 'All One Group, All One Tribe', 2000, Page 2 of Geneologies - Djabugay language:

TaipanGajarraga

Whereas in Bullwai language:

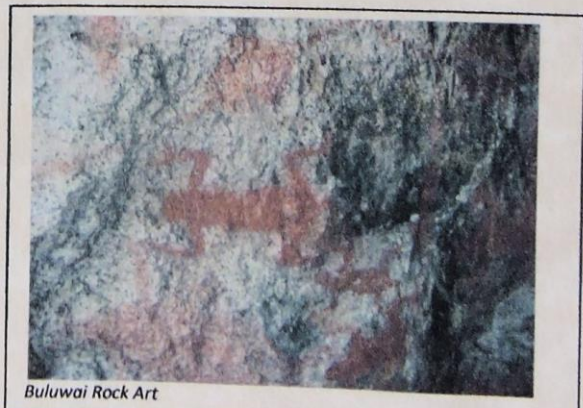
Father's father.....Ngadji
 Father's mother.....Bawi
 Taipan.....Katjinka

Bulwandji people had fighting boomerangs known as the *loangal* or *wangal* [Attachment 21], their own rainforest swords - both long and medium, axes (*Birbi-Birbi*), firesticks (*Gimala*) and spears (*Gulu, Galga* or *Biwurr*).



Buluwai Rock Art: Taipan with Mother and child.

Buluwai Native Appeal Davies Creek National Park



Buluwai Rock Art

3.4 Buluwai Genealogies - Secondary Source

Copies of Norman Tindale's Genealogies for relevant Buluwai family clan groups, Sheet Numbers included, recorded at Mona Mona Mission 1938. [Attachment 20]



'Queen' Maggie
Donahuc and
Cecil Brim

4. EXTENT OF BULUWAI TRIBAL LANDS & WATERS

4.1 Oral History - Secondary Source

Prior to European contact, Buluwai had two major camp sites, one located at Tinaroo and the other at Stoney Creek, which is known as 'Toby's Lookout'. Other camp sites are known as Darkies Camp, located in close vicinity to Stoney Creek, another at Yaranda (Speewah), while the Banning camp was located above what is now known as No: 1 Tunnel along the Queensland Rail line to Kuranda.

The Brim family run included Tinaroo, Tolga, Mareeba, Bare Hill, Speewah, Kuranda, Redlynch, Mona Mona and back again to Tinaroo, whilst the Banning family run incorporated the Redlynch valley, Speewah and Kuranda.

Over-lapping and interconnected places were not uncommon in Buluwai territory as these areas were used as 'common ground' with neighboring Idinji, Djabugay, Djinbanydji and Irrikandji, through marriage. Attendance to and at ceremonies, managing and accessing seasonal resources, avoiding areas and sites which were sacred or accursed, and general trade, constituted a broad network of indigenous walking tracks, of which the Buluwai people used regularly.

Buluwanydji people are associated with Kuranda, Stoney Creek, Redlynch, Crystal Cascades, along the Lamb Range to Tinaroo, Tolga, Davies Creek, Bare Hill and Speewah and its tribal boundary is marked and divided by the Barron River, Freshwater Creek and the Lamb Range. **The Djabugay people are associated with the Mowbray River near Port Douglas.**

Djabugay Country, Timothy Bottoms 1999, P11, Glen Williams Snr recalls: *'Above Stoney Creek Falls there's this place, an old Bama camping ground, lots of Guln.gay [Black Pine] grows there. Where this place is, the soil is really white and fine, like sand. There are lots of big grinding stones there, all for cracking Guln.gay nuts. A few of us have been in there, we used to cut timber out that way, but when we seen this place we told the boss, and we didn't end up cutting any timber from this place. Very near here, towards old Speewah my Elders told me about a place, a very special Bama place, there's an important Story there, Bulurru. There is very special track, on the other side of the gorge there, this is the same way that Bunanda went, when she went back up into the creek. It is very slippery and steep you have to speak lingo when you go there, and if you do not say this special song in language, you can not go through this way. You can only go one way on this path.'*

Djabugay Country, Timothy Bottoms 1999, P11, **'Djabugay Elder, Mr Selwyn Hunter Snr remembered that: "they used to walk in from Speewah to Kuranda. The Buluwanydji mob used to walk from out Bare Hill way"'**.

'1881 (13th August) Troopers dispersed blacks (Buluwandji) at head of Clobesy River'. Djabugay Country - Timothy Bottoms 1999 - P38: **'Similar factors seem to have been operating with the infamous incident now called the Speewah Massacre. This appears to have taken place about mid-1890. Probably the most notable Gadja selector in the district was John Atherton'**. (Toby Brim aged 14).

Brim and Banning families in particular, Buluwai camping places are linked inextricably to families or individuals. For instance **the Brim name is associated with Speewah and the Banning family with Redlynch**. The Banning name comes from an early pioneer named Andrew Banning who had his homestead near Crystal Cascades after 1886. [Attachment 21, 22]

Buluwandji man Toby Brim, surname precedes all early pioneer families of the Kuranda district, including that of 'Atherton' 1877 and 'Veivers' in '1883'. **KURANDA - The Village in the Rainforest 1888*1988, Shep Humston & Attachment 23, 23a.**

On the Barron River side of the Buluwai nation, 'break away' smaller tribes include the Djumbandji who settled around Redlynch and Nyagali [Attachment 24]. Nyagali had various small camp sites along the Barron River and today, the descendants continue to reside in areas such as Kuranda, Mantaka, Bottom Kowrowa and Top Kowrowa.

"All One Group, All One Tribe" Dr Sandra Pannell April 2000, The Djabugay Claimant Group, Traditional Lands, and Genealogies, P16: '6Bottoms (1999:108) records that in 1998 the Djabugay elders, Lyn and Marita Hobbler "referred to themselves as 'Djinbanydji', not Buluwanydji'".

1895 - The Speewah Massacre at Old Speewah, near Snake Gully. (Toby Brim aged 28).

1890 Darkie was sent to Fraser Island, he ended up being caught back at Kuranda in 1902. From here he was sent to Palm Island, as Mona Mona Mission was not in operation until 1913.

Toby Brim's youngest son, Cecil Brim, was born at Speewah 1902 and this is confirmed by a Statutory Declaration by Mr Walter Thron Veivers of Speewah. [Attachment 25]

Djabugay Country - Timothy Bottoms 1999, P50:

'Buluwanydji Elder, the late Warren Brim, recalled: They got picked up at Speewah see, them Riley's family got picked up in Mareeba. The Police went down there and tell them to go to Police Station and they give 'em blanket. When they went up, they locked 'em all up . . . Old fellow know . . . Selwyn . . . 'cos his eldest brother got locked up. Went down to Djabugay camp [at Mareeba], all decided to leave that evening, run away see, and when they come down her . . . They got to Speewah . . . The Police were waiting for them'.

Djabugay Country - Timothy Bottoms 1999, P51:

'Elder, Warren Brim, remembered how old Mrs Veivers tried to warn the Bama that the police were waiting to arrest them. Descendants of early white settlers, like George Austen Jnr, remembered his Aunt Rose Veivers of Speewah "tearfully telling how the police on horseback used their whips when herding the Aborigines".'

Djabugay Country - Timothy Bottoms 1999 - P11:

'Bare Hill's traditional name is Bunda Dibandji, and it contains important galleries. Buluwandji males occupied this significant site, depending on seasonal variations'.

Djabugay Country - Timothy Bottoms 1999, P13:

'Wanyarra, Roy Banning, has given further evidence of widespread use of walking pads: 'Boomerang Creek, Wangal-Wangal [led] straight up and over the hill from Crystal Cascades, the fast way to Snake Gully, the old Veivers property. You could walk up [well] above Stoney Creek Falls.' at the middle Barron River (between the top of the Falls and Biboohra), three major creeks run off the high Lamb Range (Bunda Djarryy Gimbul, meaning 'Bird-Barrier Mountain') to the south and drain north into the Barron.

This accounts for trails joining Freshwater Creek with Shoteel Creek (which runs into Clobesy River), just south of Speenab / Snake's Creek. It is also been demonstrated that a major trail skirted the western base of Lamb Range, crossing the previously mentions creeks, in a south-south-westerly direction and followed the Barron River to just above Tinaroo Falls, where a large Bama village was located'.

3 Years after Mona Mona Mission was officially opened in 1913, Buluwandji man Toby Brim aged 49, his wife Annie Annie aged 45 and their remaining son Cecil age 14, escorted to Mona Mona Mission in 1916 by 2 Veivers brothers. [Attachment 21]



4.1.1 Djabugay Oral History - Secondary Source

- Queen Maggie Donahue (nee: Hobbler), Nyagali, became Queen when she married King Peter Donahue, Djabugay tribe of Port Douglas. [Attachment 26]
- King Jack (Jackie) was from Port Douglas, he was king before Peter and the Djabugay main campsites were centered near the Mowbray River, near Port Douglas. [Attachment 26a]
- In his list of tribes interviewed, Meston identifies the 'chabbuki' at Port Douglas as a 'quiet tribe'. (1896) 'All One Group, All One Tribe' Dr Sandra Pannell April 2000, P20.

4.2 Archaeological Literature

Buluwai tribal territory has Initiation Sites, Birthing Sites, Camp Sites and evidence on Rock Art dating 5,000 years. [Attachment 27].

Painting of a Taipan and Annie Annie's totem the cassowary (foot) is part of the rock art directly above the birthing site.

4.3 Anthropological Literature

There exist various literatures written about aboriginal people who, either through curiosity, friendship or survival had contact with Europeans during colonization. Europeans of the time such as early settlers, Mission Superintendents / Reverends and or Anthropologists are the people who met, spoke and documented the original tribal people that came straight 'out of the bush'.

As cited as part of Dr Sandra Pannell's "All One Group, All One Tribe" April 2000, people such as Archibald Meston (1896), W. E. Parry Okeden (1897), Rev. E. R. Gribble (1897 & 1933), Francis Richards (1926), W. E. Roth (1907-1910, facsimile edition 1984), Ursula McConnell (1930, 1931-32, 1935, 1939-40), Lauriston Sharp (1938-39, 1943) and Norman B. Tindale (1938-39, 1940, 1941, 1955, 1974 & 1976) have all been quoted as part of the report as support for the Djabugay people.

Below are points of interest in support of the Native Title Appeal for the Buluwai people.

Archibald Meston was associating with and studying aboriginal people of the Cairns and district as early as 1893 as he had a homestead on a 160 acre property block in the Redlynch Valley along the Barron River which he named Cambanora. There is every likelihood that he associated with the Buluwai people especially if he identifies the "Chabbuki" at Port Douglas as a "quiet tribe" (1896) and cites an Idinji, Buluwai and Djabugay word 'Canyahra' (crocodile) in his dedication to the Queensland people 'Geographic History of Queensland' 1895.

W. E. Parry Okeden provided a map of Queensland, 21 years after Cairns was founded, which indicated the name, area and population numbers of Aboriginal groups in his 1897 report on the 'North Queensland Aborigines and the Native Police'. Parry Okeden identified Irikandji as group C: 'Umbey, Chum Chum, Walpoll and Tingeree' and they numbered 140. An area inland of group C is occupied by group E aborigines which included 'Eaton 100, Hucheon (Ngatjan) 200 and Tuffelcey (Djabugay) 100. 'The group E area is situated to the west and south-west of Cairns and does not appear to include the Barron River, Kuranda or any of the other areas often associated with the Djabugay group in the literature' - **Dr Sandra Pannell**.

At Yarrabah, **Rev. E. R. Gribble** established a mission in 1892 and stated in 1933 the tribe at Cape Grafton was called 'Goonjanji', the 'Narkalinji' dwelt on the upper Barron, the tribe on the Musgrave was called 'Yetinji' while the 'Majanji' occupied the coast north of the mouth of the Barron River. Arguably, Rev. Gribble mainly dealt with the coastal and immediate tribal people due to Cairns being established in 1876.

Ursula McConnell 'On the south side of the Barron River are the Bulwandji; low down on the Barron River are the Yirkandji' 'the Tja.bogai-tjandji are located on the northern side of the Barron River, and the area associated with this group appears to extend from railway siding of Bilwon, north along the Macalister Range, over the Mowbray River, and along the coast to Port Douglas' 'Nyakali is closely associated with the northern area of the upper Barron River from Bilwon' 'Yirkandji is located on the coastal flats from the headwaters of Freshwater Creek'.....

Norman B. Tindale 1938 'Speaking of one of the Djabugay antecedents, Cecil Brim, Tindale recorded a vocabulary of "Buluwai=Buluwandji" which he notes is the "language of the people who live in the mountains behind Kuranda'. 1976 Tindale goes on to describe the tribal area of the Buluwai: 'inland the Barron River with its once dense rainforests was the coastal limit of the Buluwai, whose territory extended up on to the rough parts of the range in a south westerly direction, to Tinaroo on the Atherton Plateau The Buluwai southern boundary lay at Black Mountain'.

As quoted on Page 17 of her report, Dr Sandra Pannell cites: *This identification is certainly consistent with Tindale's description of Cecil Brim as an "old Buluwandji" pygmoid (1938)*. In 1938 Toby Brim was aged 71, shrunk with age and Cecil Brim was aged 36.

Timothy Bottoms (1992 & 1999) 'In his 1992 publication, "The Bama: People of the Rainforest", the historian, Timothy Bottoms, identifies "Djabuganydji, Nyakali, Yirrganydji, Buluwanydji and Gultuy" as separate tribes'.....

Timothy Bottoms with the assistance of Toby Brim's grandson, Warren Brim, produce a map with Buluwai's place names written in language and it is this map that is used by the Cairns Museum. [Attachment 28, 29, 29a, 29b, 29c]

4.4 Facts & Conclusions

Continuing from our original land claim dated 28th May, 2004, ongoing oral history and knowledge, primary and secondary sources, anthropological and linguistic literature, modern perceptions from the period spanning from 1896 to modern day, the following facts and conclusions can be made:

FACT

- The Buluwai have occupied the areas of Bare Hill, Davies Creek, Stoney Creek and all of our tribal territory for more than 5,000 years.
- The Buluwai people did not become extinct.
- Speewah pioneer family 'VIEVERS' recognize the 'BRIM' family as traditional owners.
- Djabugay coastal base included Mowbray River, Port Douglas.
- Buluwai people were forcibly moved onto Mona Mona Mission located on Djabugay land.
- Time allowed, North Queensland Land Council opportunities to research and reassess the 'apical' ancestors of the Djabugay Native Title Claim.
- North Queensland Land Council through Dr Sandra Pannell made extraordinary misjudgments.
- As with the previous point, North Queensland Land Council through Dr Sandra Pannell granted the descendants of Annie Hunter, Mitaka Tribe, Birdsville claim to the Barron Gorge National Park.
- Annie Annie, 'Annie Hunter' and 'Annie Kuranda' are three different women.
- 'Hunter' family name derives from Ernest C. J. Hunter, first owner of Kuranda Fitzpatrick Hotel (1910). The 'Banning' name derives from Andrew Banning whose selection was in the Redlynch Valley (1886).
- 'Brim' name originates from Gordonvale, preceding John Atherton, Emerald End (1877) and Walter Hill Veivers, Speewah (1883).
- Kuranda elders were born at Mona Mona church Mission, whose policy of assimilation may have compromised ancestral knowledge.
- No acceptable compromise offered enabling Merikum and Marikidja being apical ancestors for Buluwai.
- North Queensland Land Council did not issue a Claim Number for Buluwai claim.
- North Queensland Land Council did not amend legal documents.
- Mr Michael Southon, Coordinating Anthropologist; *'To the best of Dr. Pannell's knowledge, Toby Brim and his descendants do not feature on the Tindale genealogies'*. This statement has been proven false.
- Buluwai is a separate tribe from Djabugay, Idinji, and Irrikandji and this has been written on maps as early as 1938 Norman Tindale and Ursula McConnel 1939.

CONCLUSIONS

The Buluwai people were not aware, nor, were it our business; the Irrikandji people formally lodged a claim for their traditional lands and waters. Dr Sandra Pannell's report should not have been cited and used against Buluwai for Davies Creek National Park.

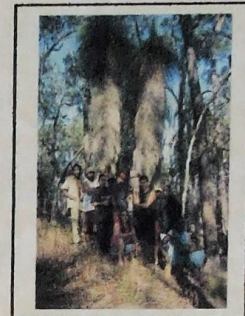
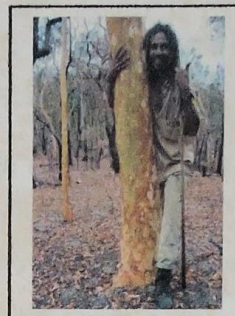
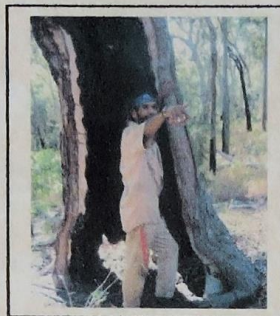
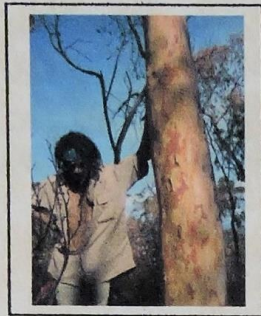
Davies Creek National Park and 90% Barron Gorge National Park are in Buluwai nation. The Barron River is the tribal boundary between Djabugay and Buluwai.

North Queensland Land Council discriminated against Buluwai people.

The Buluwai people offered more oral history and documentary evidence than the Djabugay people.

North Queensland Land Council had not invested any funds, time, and research in the Buluwai Native Title Application for Davies Creek National Park.

Buluwai claim contradicts Djabugay 'Apical' Ancestor list.



5. APPEAL - DAVIES CREEK NATIONAL PARK

In our Appeal for our traditional lands and waters, we the Buluwai people are confident the evidence contained in this report, onus is now on North Queensland Land Council to disprove our claims.

Should North Queensland Land Council concede, our expectations are:

- 1 North Queensland Land Council provides a Claim Number for our Buluwai Native Title Claim lodged 2004 for Davies Creek National Park;
- 2 As with Point 1, and after a claim number issued, North Queensland Land Council advises relevant departments, businesses our 2004 claim for traditional ownership has been registered in favor of Buluwai.
- 3 As suggested by Michael Southern and with the documentation provided, North Queensland Land Council hires another Anthropologist to read Buluwai claims.
- 4 Agreement of Point's 1, 2, and 3, North Queensland Land Council notifies relevant departments, businesses the amendment to 'apical' Djabugay ancestors, so it reads: Toby Brim and Annie Annie. This request was made in the year 2000.
- 5 As with Point 4, a reassessment and amendment to the Barron Gorge National Park 'apical' ancestor list will reflect the true traditional owners; an amendment that would be agreeable to all concerned.
- 6 North Queensland Land Council respect, acknowledge and support all tribal groups of the Cairns and Atherton Tablelands. We all have an inherited duty to land care management.

6 ATTACHMENTS

'APICAL' GENEALOGY

- | | | |
|----|--|---|
| 1 | The Cairns Post, April 28 th , 1995 | RE: Tribe lays to rest a beloved Queen |
| 1a | "All One Group, All One Tribe" Report: Dr Sandra Pannell | Page 18 - Jaboulay 'Apical' Ancestor List |
| 2 | "All One Group, All One Tribe" Report: Dr Sandra Pannell | Page 18 - Djabugay Native Title Group |
| 3 | State Library of Qld, Internet Website: 28/11/2002 | Name Index, BRIM (Sheet 21 MON) |
| 4 | State Library of Qld, Internet Website: 07/02/2004 | Name Index, HUNTER (Sheet 99 PI) |
| 4a | Tindale Genealogy Sheet 99, Palm Island: 01/11/1938 | Jack and Annie Hunter |
| 5 | BDM, Marriage Certificate: Extracted 11/09/2003 | Cecil Brim and Dinah Fulton 08/03/27 |
| 6 | "All One Group, All One Tribe" Report: Dr Sandra Pannell | Descendants of Toby Brim & Annie Hunter |

CONCLUSIONAL STATEMENTS

- | | | |
|---|--|---------|
| 7 | "All One Group, All One Tribe" Report: Dr Sandra Pannell | Page 15 |
| 8 | "All One Group, All One Tribe" Report: Dr Sandra Pannell | Page 50 |

BULUWAI LANGUAGE & GENEALOGIES

- 20
21

EXTENT OF BULUWAI TRIBAL LANDS & WATERS

- | | | |
|----|--|--------------------------------------|
| 22 | Seventh Day Adventist Intake Card 1916 | Toby Brim |
| 23 | | Andrew Banning |
| 24 | Tindale Tribes, Internet Website 07/02/2004 | dindji RE: Djumbandji |
| 25 | Statutory Declaration: Walter Thron Veivers 12/09/1969 | RE: Character reference - Cecil Brim |

DJABUGAY ORAL HISTORY

- | | | |
|-----|---|---------------------------------------|
| 26 | Sheet 2, Genealogy: Norman B. Tindale, 1938 | King Peter Donahue & Maggie Hobbler |
| 26a | Djabugay Country: Timothy Bottoms, 1999 | Page 56: King Jack (aka: Jackie King) |

ARCHEAOLOGICAL

- | | | |
|-----|---|-----------------------------|
| 27 | Pelican Training & Consultancy: FAgee B.Soc.Sc. Hons. Arch. | RE: Bare Hill Carbon Dating |
| DVD | Documentary: Ferdinand, Austria | RE: Bare Hill Rock Art |

ANTHROPOLOGICAL

- 28 Map: Timothy Bottoms & Warren Brim 1989
29 Map: Norman B. Tindale
29a Map:
29b
29c

NORTH QUEENSLAND LAND COUNCIL

- | | | |
|----|--|--|
| 9 | Barron Gorge National Park Native Title Claim 1994 | Pages 1, 12 & 13 |
| 10 | "All One Group, All One Tribe" Report: Dr Sandra Pannell | Page 1 |
| 11 | Same as Attachment 7 | |
| 12 | Letter from NQLC: Ian Kuch 21/07/2004 | RE: Cannot Proceed With Buluwai Claim |
| 13 | "All One Group, All One Tribe" Report: Dr Sandra Pannell | Page 63 |
| 14 | Letter to NQLC: D Brim 02/08/2004 | RE: 10 Questions |
| 15 | Same as Attachment 10 | |
| 16 | Agreement Djabugay, Yidindji, KuKu Yalanji: 04/02/1999 | RE: Stop Funding Yirrganydji Claims |
| 17 | Letter from NQLC: Michael Southern 09/08/2004 | RE: Response to 10 Questions |
| 18 | Letter to NQLC: D Brim 20/09/2004 | RE: Acceptance of Anthropologist Offer |
| 19 | Letter from NQLC: Dewayne Mundraby 03/02/2006 | RE: Inability to Sustain Claim |

LITERATURE REFERENCE

- Boomerang - Behind an Australian Icon - Philip Jones
- Djabugay Country An Aboriginal History of Tropical North Queensland - 1999
- 'All One Group, All One Tribe' - Dr Sandra Pannell - April 2000
- Trinity Phoenix - A History of Cairns - Dorothy Jones
- The Mecca of our Desires - Kuranda and The Famous Barron Falls -Margaret Clow 1914
- Geographic History of Queensland - Archibald Meston 1895
- Nganydjim Bulmba - Our Country - Michael Quinn 1992
- KURANDA - The Village in the Rainforest - Shep Humston
- The Cairns Post - 13/02/1896; 06/08/1896; 13/08/1896; 11/04/1902
- Archibald Meston (1896)
- W. E. Parry Okeden (1897)
- Ursula McConnell (1930, 1931-32, 1935, 1939-40)
- Norman B. Tindale (1938-39, 1940, 1941, 1955, 1974 & 1976)
- R. M. W. Dixon (1966, 1970, 1972, 1976, 1977, 1983, 1991a, 1991b, 1995)
- Elizabeth Patz (1991)
- Timothy Bottoms (1999)

BULUWAI and EUROPEAN HISTORY

- 1778 English settled in Australia.
- 1797 Merikum father born (using 35yrs age difference, 4 generations as per cover page)
- 1832 eg: Merikum born (same formula used when Toby born)
- 1867 Tji: Auwin (Toby Brim) born; Taipan Clan (Katjinka), Buluwai Tribe; youngest male with 4 older siblings.
- 1871 Annie Annie born, Djabugay Tribe, from Bilwon area. She becomes Toby's wife; her totem is Bundarra (Cassowary).
- 1876 Cairns founded.
- 1877 Emerald End established by John Atherton. Merikum 45, Toby 10.
- 1878 Bama speared travelers and packers at Middle Crossing; now known as Kuranda.
- 1879 Cyclone destroys Smithfield.
- 1881 *'One and half years after Atherton's letter to the Colonial Secretary, Sub-Inspector Carr reported to the Commissioner of Police that on 13th August, 1881, he and his troopers had 'dispersed blacks (Buluwanydji) at the head of the Clobesy River for killing cattle', which suggests that this was at the behest of Atherton, as this was part of the area over which he ran his herds'. Djabugay Country - An Aboriginal History of Tropical North Queensland, Timothy Bottoms. P.36*
- 1883 Walter Hill Vievers takes up selection, homestead at Speewah.
- 1885 Selectors take up land in Kuranda; J.R. Hall, F. Rosse, W. Mayers, J. Malcolm, W. Shaw, S. Crolliers, J. Kelly, J. Emde, H. Unbehaun, Ah Chun, D. Louk, C. Cade, H. Noone, J. Kelly, M. Belton and W. Hasson'. **KURANDA - The Village in the Rainforest 1888*1988, Shep Humston.**
- 1886 Toby and Annie's first son is born.
- 1887 Selectors take up land in Kuranda; J. Quanntim, J. Whitaker, R. Kingsford, J. Fallon, M. Dingwall, R. Brown, W. Cullen and E. Hansen'. **KURANDA - The Village in the Rainforest 1888*1988, Shep Humston.**
- 1888 *'23rd October, Thomas Behan filed the survey of a town near Middle Crossing and filed the name 'Kuranda'. His assistant, G. D. Edwards, is said to have suggested the name but had actually suggested Kurunda. Therefore this date, 23rd October 1888, is the official beginning of Kuranda'. KURANDA - The Village in the Rainforest 1888*1988, Shep Humston.*
- **Kuranda tribal name is NGOONBI meaning Platapus.**
- 1888 *'July - the Clobesy lands are open for selection and in keeping with the system of starting a settlement first with the erection of a hotel, William Jackson opened the Jum Rum Hotel at the middle crossing of the dray route in September'. Trinity Phoenix - A History of Cairns, Dorothy Jones. p288*
- 1890 *'20th July, George Hobson, brother of W.D. Hobson was gashed to death with scrub knives at Myola. For this murder, one aboriginal, Darkie 'was sentenced to death but the sentence was commuted to life imprisonment. He was eventually sent to Fraser Island from where he escaped in a canoe, reached the mainland and walked to Ingham'. Cairns Post 11th April 1902.*
- There is a strange unresolved story of a white woman being discovered living with the Mulgrave blacks in the early nineties. Mr Charles le Grand and others, timber getting on Behana Creek, observed a party of Aboriginal woman fishing when they realized, one copperskinned and European featured was not a native at all. They captured her, with difficulty because of her spirited defense, got her to their camp but she disappeared as if the ground had swallowed her while they prepared food.*

Between 25-30 years of age she could speak no word of English but pointed to her own arm and to Le Grands's to indicate they were the same skin color. Although the police offered a reward of 20 pounds for information helping to apprehend her she was never seen again and le Grand was of the opinion she had a child in the blacks camp.

Later an old wreck was said to be discovered near the mouth of the Mulgrave and the blacks said everyone had been killed by their people. The white woman of Behana Creek came to be associated with this wreck and it was thought she had been captured as a child and reared by the tribes'. Reid, Frank, **The Romance of the Great Barrier Reef** p.44, Angus & Robertson 1954. Trinity Phoenix - A History of Cairns, Dorothy Jones. P.314

Located at Bare Hill, part of the art gallery, is a painting of a yellow skin woman with a brown skin baby.

- 1891 '12th April the first work train steamed into Kuranda. On 13th May, the rails reached Myola'.
KURANDA - The Village in the Rainforest 1888*1988, Shep Humston.
- 1892 'Originally Mantaka was called Welcome Pocket and is still referred to this name today. A provisional school was opened there in 1892 with the first teachers being Denis Horan and Miss Colman. They were transferred to Mareeba when that school opened a year later'.
KURANDA - The Village in the Rainforest, Shep Humston.
- Mantaka is also said to come from 'Man Taken'. When the occasional railway worker was killed and eaten by rogue cannibal aboriginals.
- 1893 'On 04th August Meston, taking Harold and three blackboys, set out to explore the ranges at the head of the Little Mulgrave in typical Meston fashion by heading towards Wright's Creek on the wrong side of the Isley Hills from the Little Mulgrave'. Trinity Phoenix - A History of Cairns, Dorothy Jones. P.329
- '12th August, leaving Bailey and Broadbent to collect on the Mulgrave, Meston, accompanied by Harold, Charley, Jimmy and **Toby** started for a final exploration of Bellenden Ker. It was a flying trip, leaving everyone who reads of it puffed and incredulous'. Trinity Phoenix - A History of Cairns, Dorothy Jones. P.329
- 1895 'Similar factors seem to have been operating with the infamous incident now called the Speewah Massacre. This appears to have taken place about mid-1890. Probably the most notable Gadjia selector in the district was John Atherton.
- The sudden increase in Gadjia encroachment on Bama Bulumba led to conflict. Particularly when Atherton stocked the district with his cattle. He 'estimated his average loss as a bullock a day for five years, and once or twice a spear was aimed at him'.
- The story of how John Atherton engaged Bama to drive a herd of cattle over the Douglas Track, with a promise of a bullock for payment. Upon completion of the job, they were offered a horse. The Bama were offended and disgruntled, refused the horse and took the bullock instead. They travelled to Guwala, old Speewah, near today's Snake Gully, where they prepared the slaughtered beast for bayngga (earth oven-hot rocks)'. **Djabugay Country - An Aboriginal History of Tropical North Queensland, Timothy Bottoms. P38.**
- 1896 'By August, once more on the travelling show circuit, with tales of expert blacks spearing grasshoppers at sixty yards. When interest in the lecture flagged one was easily distracted by identifying the local farm hands, **Toby** or Sandy, Sambo or Tommy or Jimmy in unfamiliar guise as a myall in war paint'. Cairns Post, 13th February 1896. Cairns Post, 06th August and 13th August, 1896.
- 1899 Walter Thron Veivers born 07th August at family Speewah homestead.
- 1902 Binnanuwun (Cecil Brim) is born. Binna from the word 'ear' and nuwn from 'new one'. Cecil Brim's ear was slightly deformed; he always wore a hat to the side, grew his hair to try disguise the irregularity.

Tjinaru:l or Darkie: *By April 1902 he was back in Cairns, arriving impudently by ship. All the police were alerted and he was eventually recaptured at Kuranda.* **Cairns Post 11 April 1902.**

- 1910 Toby and Annie Annie youngest daughter born, her name unknown. Another daughter, Middie, born before Cecil, married Billy Thompson (brother to Queen Maggie Donahue nee: Hobbler).
Outside Tolga, the youngest girl, took cover under a tree during a storm, was killed by lightning.
- 1913 Mona Mona Mission opens. John Atherton dies at Emerald End. **Queenslander 26th October.**
- 1916 In the month of March Toby, his wife Annie Annie and 14 year old Cecil, escorted safely, given safe passage to Mona Mona Mission by Veivers brothers. Bannings camp was above No: 1 tunnel. The tunnel hid the Banning family until things quietened, and then they fled to Redlynch. The Banning families reside in Redlynch as of today's date.
- 1927 06th March, Cecil Brim marries Dinah Fullerton at Mona Mona Mission. **Marriage Certificate extracted 11th September, 2003.**
- 1928 15th July, Marita born; eldest daughter of Cecil and Dinah Brim nee: Fullerton. Marita's tribal name is *Gudimba* and Dinah Fullerton Brim's tribal name is *Wurringa*.
- 1932 18th July, Warren, born; eldest son of Cecil and Dinah Brim.
- 1934 18th February, Ivan Cecil born; 3rd child born to Cecil and Dinah Brim.
- 1938 Norman Tindale begins genealogies at Mona Mona Mission.
- 1941 **23rd October, Toby Brim dies at Mona Mona Mission aged 74 years.**
- 1955 Cecil and Dinah Brim given 'Certificate of Exemption No: 57/55' and 58/55 by the Superintendent of Mona Mona Mission. **Attachment 16 - Certificate of Exemption (Dinah Brim)**
- 1960 Lyn and Marita Hobbler (nee: BRIM) given 'Certificate of Exemption' No: 36/60 and 37/60. **Attachment 16 - (Lyn & Marita Hobbler)**
28th May; William Cecil Brim born.
- 1961 17th October, Ivan, Phyllis Brim and children Sharon, Henry and William are exempted by C. Litster, Superintendent of Mona Mona Mission; they live with Cecil and Dinah Brim at Oak Forest.
- 1962 Mona Mona Mission officially closes. Dianne Brim is born, 25th July, youngest daughter of Ivan and Phyllis Brim.
- 1968 January 11th, a letter advising that Cecil Brim had been given approval for a Special Lease in the Mareeba Shire and the Cairns Land Agent's District. The letter stating Cecil Brim as being the Lessee, for a term of 30 years from 01st August, 1967 shall pay an annual rent of \$2.00 with the rental period being the first ten years. Special Lease No: 31605, Portion No: 241, Parish Formartine, County Nares with Area 1 rood 32 perches. This land is located at Oak Forest.
- 1969 Mr E. Wallis-Smith, Member for Tablelands, Parliament House, and Brisbane writes a letter, 29th May, to The Hon. V.B. Sullivan, M.L.A., Minister for Lands, Brisbane requesting help on the matter of Cecil Brim obtaining an Age Pension. In a conversation with Cecil Brim earlier, the question was asked of his age given he was employed by the Forestry Department but was finding this type of work very demanding. Cecil Brim had thought he was in his late 60's. A copy of the letter was sent to the Director of Aboriginal & Island Affairs 02nd June, 1969.

12th September, Walter Thron Viewers writes a Statutory Declaration for Cecil Brim, who does not have a Birth Certificate, to try and help Cecil obtain an Aged Pension through Department of Social Security.

- 1970 A telegram is sent to Depart of Aboriginal & Island Affairs, 135-147 George Street, Brisbane stating 'RE TELEGRAM CECIL BRIM GRANTED PENSION 16-7-70 .. RDO CAIRNS'.
First letter, regarding pension, dated 29/05/1969.
- 1984 Cecil Brim dies at the age of 82.