

The native title campaigner whose people still have no power, water or sewerage

M Hayes Ampetyane played a key role in winning native title rights. But she never got a house at Irrkerlantye



The community of Whitegate or Irrkerlantye, where Arrernte woman M Hayes Ampetyane, who died this month, wanted to build a home but never saw her dream realised.

Calla Wahlquist
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At a federal court hearing in Alice Springs in 1997, during the first month of a two-year trial around native title rights, an Arrernte woman named M Hayes Ampetyane spoke about wanting to build a home on her ancestral land at Irrkerlantye, a community just outside the town boundary.

Ampetyane, the lead applicant in the Alice Springs native title claim, said the land at Irrkerlantye, also known as Whitegate, was her grandfather's country, Antulye country. As a senior Antulye woman, she told the court, she had both a right and an obligation to be on that country.

“Nobody can stop us from going round there,” she said.

Asked if that right extended to living at Irrkerlantye, Ampetyane said: “Yes, if we get a piece of land around there ... yes, we want to live there.”

Living at Irrkerlantye, in a proper house with electricity and flush toilets, was a key motive for Ampetyane's participation in the native title claim, which was granted in 1999.

Her longtime friend Jane Vadiveloo, the chief executive of Children's Ground, which works with Arrernte families to support the health and education of Indigenous children, said it was the "constant theme and message" of Ampetyane's life.

Ampetyane died this month and is referred to by her tribal name for cultural reasons. She had lived for the past eight years in a nursing home, after being diagnosed with dementia. She never got a house at Irrkerlantye.

Her niece, Felicity Hayes, still lives in the community in a tin shed with water trucked in once a month by Tangentyere council.

"There's no good roads, there's no lights, no electricity, no real toilet. It's just like in the old days," Hayes tells *Guardian Australia*. "In winter it's really cold, in summer it's really hot. It's unliveable."

There was once a water pipe but the connection was cut without notice by a contractor for the Northern Territory government in 2014. It has not been reconnected. Despite Irrkerlantye's importance to Arrernte people and its history as a campsite, it is not formally sanctioned as a community and has been deemed ineligible for basic services.

"It's really hard living out there," says Anna-Maria Palmer, Felicity's daughter. "If they had power and sewerage everyone would go out there. She had a lot of grandkids, my nana who passed, and great-grandkids ... It is devastating that nothing has changed. It's sad to see things like that. There's nobody willing to help."

Ampetyane and her brother were born on Undoolya station but returned to Alice Springs in the late 1960s after it ceased to be a prohibited area for Aboriginal and Torres Strait Islander peoples.

By the 1990s she was a fixture at Irrkerlantye and was regularly visited by politicians who would seek her out as a senior traditional owner.

"She was a well-spoken woman, she stood up for herself," Hayes said. "It was the 1990s that we went and talked to the government during the native title claim. She went and had a lot of meetings with people and we had a lot of ministers and all the politicians come through. The United Nations as well came out to Whitegate to talk to us."



Felicity Hayes (centre) at a rally for Irrkerlantye, also known as Whitegate.

A longtime friend, Rod Moss, who lived in a house just 500 metres away from Irrkerlantye, said Ampetyane was “physically and psychologically a force”.

“She was always referred to as the queen of Whitegate,” he said. “She was the final word and what she said went.”

In 1994, a year after the Native Title Act came into force, Ampetyane was the lead claimant in a group of 14 traditional owners claiming native title on behalf of all Arrernte people over 166 separate parcels of crown land in and around Alice Springs.

The area is known in Arrernte as Mparntwe. Between 1928 and 1965 it was a prohibited area for Aboriginal and Torres Strait Islander peoples, who were forced by the town’s white inhabitants to live on the fringes.

The native title claim was contested by the territory government on the grounds that although Arrernte ownership once existed it had been extinguished by white settlement.

The two-year hearing, from 1997 to 1999, was conducted against the background of the Howard government’s hostilities over the high court’s Wik decision, and had to be revised to account for the subsequent tightening of legislation in 1998.

During the hearing a phalanx of robed court officials inspected dreaming sites in the town centre under the direction of cultural elders.

“[One elder] took the judge to a tree in a concreted mall in Alice Springs,” Bryan Keon-Cohen, lead counsel for the Arrernte claimants, told *Guardian Australia*. “They gave evidence that that was puppy dog dreaming. It was a dingo dreaming that came in from somewhere out west, and there were the puppy dogs, three rocks, sitting against the concrete. It had survived, despite that whole area being covered in concrete ... It really

did reject the proposition that Arrernte culture all died out because whitefellas came and destroyed it.”

The determination granted non-exclusive native title rights to 113 of the 166 claimed areas, including Irrkerlantye. It was the first time native title had been granted over an urban area and was followed by even more meetings and promises by politicians to look at granting a lease over Irrkerlantye.

“It was just regular for politicians who came on either side of politics to go to Whitegate and to just sit down with her, sit down at Whitegate, talk to her about what the situation was, see the conditions that she was in,” Vadiveloo said. “They’d shake their head, say ‘This is terrible,’ and go on their merry way, never look back. It was an absolute circus.”

Despite the attention, Irrkerlantye remained unchanged. With the exception of a small collection of solar panels intended to power the washing machine, it has looked the same since the 1970s. Residents slowly shifted to neighbouring town camps which had been recognised under formal lease agreements.



Irrkerlantye, just outside Alice Springs, has looked the same since the 1970s.

Those camps are overcrowded, poorly maintained, and have extensive social problems, but at least they have houses, water and power. When the water was cut in 2014, Irrkerlantye’s population winnowed down to 10 people.

When Moss first visited Irrkerlantye in the early 1980s, it had about 40 residents. “People were living in car bodies, in tin sheds,” he said. “If you drove through there

today you would not think there were people living there. You would just think it was a place that had been abandoned or it was for animals. You would not dream of people living there.”

Moss visits the community daily to see the remaining residents and feed the numerous dogs and single goat who also share the space. He has acted as an intermediary between Felicity Hayes and the territory government in the most recent attempt to secure some form of secure tenure over the land. Progress has been “glacial”.

“Felicity is holding on out there,” Moss said. “All of her children would be back there tomorrow if there were facilities for the kids to be washed, fed and ready to attend school.”

Hayes wrote to the chief minister, Michael Gunner, on 20 September 2016 about Irrkerlantye. On Friday, a government spokeswoman said the NT government was “considering the options”.

“The Hayes family have been in correspondence with the government, however discussions have been interrupted and are due to recommence shortly,” she said.

Ampetyane will be laid to rest next month. Her family will keep fighting to build her house at Irrkerlantye.

“I think she needs to be recognised after all the hard work she done and what the government put her through,” Hayes says. “The NT government I think needs to recognise that Aboriginal people are the owners of the land.

“There’s a lot of old people that grew up on country. I think they should all be recognised as the true Australians and want their rights.”