SOUTH WEST YARRAGADEE
BLACKWOOD GROUNDWATER
AREA

ABORIGINAL CULTURAL VALUES
SURVEY

A report prepared for Department of Environmental Protection Water and Rivers Commission

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EXECUTIVE SUMMARY

The Waters & Rivers Commission are tasked with the development of a comprehensive Environmental management Plan for the Blackwood Groundwater Area (figure 1). A study of the Aboriginal cultural values associated with this groundwater resource, including the South West Yarragadee aquifer is required as input into development of this management plan. This is needed in order that any water taken by end users of this resource (Water Corporation) is done in compliance with the obligations set out under the terms of the Aboriginal Heritage Act (1972).

Archival research involved a search of the Department of Indigenous Affairs (DIA) Sites Register and a review of previously recorded reports (both published and unpublished) and a review of ethnographic historical literature. Thirty six registered Aboriginal heritage sites are located within the study area. Twenty five of these were archaeological sites. There were two quarry sites and another two ochre mine/pit sites that were reported during the community consultation process. All of the recorded sites are located in the vicinity of the regions sources of fresh water such as rivers and pools which confirms the importance of these water ways as areas favorable for camp sites and resource exploitation.

The Margaret River and Lake Jasper are both believed to have or to have had mythological significance to Aboriginal people. Both places have been reported to have stories of Aboriginal significance attached to them (although a story about Lake Jasper is reputed to exist, O’Connor 1995 refers to the existence of a story – the story is not contained in the site files Site Id 16878 or any other DIA or WA Museum archives). The Blackwood River is currently undergoing assessment by the DIA as a site of mythological significance in association with the Waugle. No previously recorded data regarding the significance to Aboriginal people of underground water was found regarding the survey area.

During the community consultation process there were several issues regarding the significance to Aboriginal people of water (rivers, pools, lakes, springs and underground water) in the study area. The Blackwood River was reported to be a site associated with the Waugle, that the Waugle lives in its waters. The Aboriginal informants also said that all of the Blackwood River’s tributaries and pools located on the tributaries were also associated with the Waugle that lives in the Blackwood River. The statement that the Waugle exists or had a previous association in all of the water sources (i.e. that the Waugle played a part in their creation) is consistent with early recordings of the Waugle mythology by Bates (1938) and contemporary recordings by O’Connor (1989). As the Yarragadee aquifer recharges the Blackwood River near Darradup the Aboriginal people consulted considered that the aquifer was ‘of the same spiritual energy as the Blackwood River’, that the aquifer was associated with the Waugle. The Aboriginal people consulted recommended that the Blackwood River and its associated tributaries should be considered a site (under the Act) and that the Waters and Rivers Commission should make an application under Section 18 of the Aboriginal Heritage Act (1972) prior to issuing a license to the Water Corporation to extract water from the Yarragadee aquifer. It was also stated by Mr Ken Colbung that the Donnelly River, the Scott River and their associated tributaries should be considered in the same manner.

The rivers and pools on these water courses within the project area were and are also considered to be of significance to the Aboriginal people as they had been access ways through the forest and camping places in traditional times. They were also known to Aboriginal people as places to procure food (fish, marron, ducks, sedges and other plants) and in the case of the Blackwood River a territorial boundary between the Pibbelmen and Wardandi language groups.
There were a number of concerns and issues raised by the Aboriginal representatives with regards to the Water Corporation proposal during the consultative process. Most of these concerns are of a broader nature and include the current domestic usage of the study area. Many people are concerned about the affect on marroning and fishing that the extraction of ground water may have. People are also concerned about the affect that the possible lowering of the water table will have on the regions flora and fauna. Other concerns are to do with possible environmental damage such of the exposure of acid sulfate soils and ground slumping. There was general agreement that prior to this project proceeding that there needed to be a greater understanding and acknowledgement of Nyungar values and beliefs with regards to sustainable land use practices by the Government and its agencies. The Aboriginal representatives consulted advised that there should be greater Aboriginal involvement in the assessment, planning and monitoring process for this project before the Waters and Rivers Commission issued a license for the Water Corporation to proceed.

As a result of the above survey the following recommendations were made:

It is **recommended** that the Blackwood River, its tributaries, its tributaries and associated pools (three pools identified during the survey were Barrabup, Workmans and Cambray) and the waters from the Yarragadee aquifer be entered upon the interim Aboriginal Sites Register as a site of mythological significance in association with Waugal beliefs. It should also be recorded that the above places have both traditional and contemporary significance as places that represent a cultural boundary, a path of migration between camps, and around the summer pools where traditional and contemporary resources procurement activities continue. Marroning and fishing are central to these activities.

It is **recommended** that the Donnelly River, the Scott River, and their associated tributaries should be considered in the same manner. Prior to issuing a license for the Water Corporation to harvest 45 gigalitres of ground water from the Yarragadee aquifer it is **recommended** that the Waters and Rivers Commission make application under Section 18 of the Aboriginal Heritage Act (1972) so that the ACMC can consider the status of these places as sites under the Act. Following this determination it is **recommended** that prior to any further decisions being made or works taking place that are likely to impact upon the Aboriginal communities sentiments, beliefs and cultural practices that the Waters and Rivers Commission enter into discussions with members of the South West Aboriginal community in order to determine a role for the Aboriginal community in the management and monitoring of water resources within the region.

It is also **recommended** that prior to any further decisions being made on the issuing of any further licenses for water harvesting, that the Waters and Rivers Commission investigate the question of ownership rights in regards to water resources with regards to any rights the Aboriginal community may have under the Future Acts clause of the 1993 Native Title Act.

It is also **recommended** that Waters and Rivers Commission continue to consult and inform the Aboriginal community as to the progress of the project and as to the findings of all other studies. This could be achieved by regular contact, consultation and briefings with the South West Aboriginal Land and Sea Council (SWALSC) at working party meetings and the provision of the findings of studies to the SWALSC.

It is also **recommended** that the Waters and Rivers Commission make provision for a suitably qualified Aboriginal person or persons to be involved with the Whicher Ranges Water Resources Management Committee. Advertisement, selection and appointment for such positions should be
entered into in a culturally appropriate manner. Written applications and submissions of CV’s are a significant cultural barrier to Aboriginal participation. In order to make this process effective the Waters and Rivers Commission should consult local Aboriginal organizations and the SWALSC.

It is also **recommended** that the Waters and Rivers Commission make provision for the employment of Aboriginal people within their department in scientific, policy development and water monitoring roles. This would greatly enhance the understanding and diffusion of Aboriginal cultural values with regards to the development of management plans for the regions water resources. It is suggested that this **recommendation** could be achieved by the creation of identified cadetships in sciences, identified positions in graduate development programs and traineeships for para-professional areas to do with the ongoing water monitoring program.

It is also **recommended** that the Waters and Rivers Commission request that the Water Corporation create identified positions, both within their department and with contractors engaged in construction works, that may result from approval to develop the Yarragadee aquifer. If local Aborigines are employed in all aspects of the project adequate monitoring of the Aboriginal peoples cultural interests can be achieved without having specific people just employed as ‘Cultural Monitors’.

It is finally **recommended** that the Waters and Rivers Commission advise the Water Corporation that any clearing of large habitat trees for bore locations and access roads be avoided and that Aboriginal community members are employed to monitor any necessary clearing for bore locations, pipelines etc.
# SOUTH WEST YARRAGADEE – BLACKWOOD GROUNDWATER ABORIGINAL CULTURAL VALUES SURVEY

## CONTENTS

**EXECUTIVE SUMMARY** ............................................................................................................................................ 1

**REPORT ON SOUTH WEST YARRAGADEE-BLACKWOOD GROUNDWATER AREA ABORIGINAL CULTURAL VALUES SURVEY** .......................................................................................................................... 6

**ISSUE** ............................................................................................................................................................................ 6

**REPORT OBJECTIVES** ...................................................................................................................................................... 6

**BACKGROUND** ............................................................................................................................................................... 6

**LOCATION** ...................................................................................................................................................................... 8

**ETHNOGRAPHIC BACKGROUND** .................................................................................................................................. 9

  - **TRADITIONAL NYUNGAR CULTURE** .......................................................................................................................... 9
  - **SETTLEMENT AND SOCIAL DISRUPTION** ..................................................................................................................... 13
  - **WATER AND ABORIGINAL SIGNIFICANCE** ................................................................................................................... 19

**ARCHIVAL RESEARCH** ..................................................................................................................................................... 23

  - **SITE REGISTER SEARCH** ........................................................................................................................................ 23
  - **REVIEW OF RELEVANT SITE FILES** ......................................................................................................................... 24
  - **ARCHEOLOGICAL SITES IDENTIFIED BY GLENN KELLY** ............................................................................................ 30
  - **REVIEW OF RELEVANT REPORTS** ........................................................................................................................ 30
  - **OUTCOMES OF ARCHIVAL RESEARCH** ................................................................................................................... 37

**IDENTIFICATION OF SPOKESPEOPLE** .......................................................................................................................... 37

  - **THE RIGHT TO SPEAK ON HERITAGE ISSUES** ....................................................................................................... 37
  - **NATIVE TITLE CLAIMS OVER THE SURVEY AREA** ............................................................................................. 38
  - **SELECTION OF SPOKESPEOLE FOR THIS SURVEY** ............................................................................................ 39

**COMMUNITY CONSULTATION** ....................................................................................................................................... 42

  - **AIMS** ............................................................................................................................................................................. 42
  - **METHOD** ................................................................................................................................................................. 42
  - **COMMUNITY CONSULTATION PROCESS** ................................................................................................................ 42
  - **FOLLOW UP INTERVIEW WITH MR. GLENN KELLY** .............................................................................................. 47
  - **FIELD TRIP** ............................................................................................................................................................... 47
  - **COMMUNITY CONSULTATION OUTCOMES** ........................................................................................................... 51

**SUMMARY AND RECOMMENDATIONS** ........................................................................................................................ 52

**REFERENCES** ................................................................................................................................................................. 55

**APPENDIX 1: MAP OF PROJECT AREA SHOWING ABORIGINAL SITES** ........................................................................ 60

**APPENDIX 2: MAP OF PROJECT AREA SHOWING NATIVE TITLE CLAIM BOUNDARIES** .................................................. 61
LIST OF FIGURES

Figure 1. Map showing the location of the study area ......................................................... 8
Figure 2. Southwest Boojarah Community representatives at the Aboriginal Cultural Values conference ................................................................. 46
Figure 3. The Southwest Boojarah representatives at Barrabup Pool ............................... 48
Figure 4. The Southwest Boojarah representatives on Longbottom Road Bridge at Darradup ................................................................. 50
Figure 5. Mr Ken Colbung and Mr Phil Prosser at the ford on the Great North Road ................................. 50

LIST OF TABLES

Table 1. Plant foods that are utilised by Nyungar people in the southwest ............ 12
Table 2. Summary of registered Aboriginal heritage sites located .................. 23
ISSUE
The Waters & Rivers Commission are undertaking the development of a comprehensive Environmental Management Plan for the Blackwood Groundwater Area (figure 1). A study of the Aboriginal cultural values associated with this groundwater resource, including the South West Yarragadee aquifer is required as input into development of this management plan. This is needed in order that any water taken by end users of this resource (Water Corporation) is done in compliance with the obligations set out under the terms of the Aboriginal Heritage Act (1972).

REPORT OBJECTIVES
To provide advice on all known and/or registered Aboriginal Heritage sites in the study area.
To record and to provide advice on all known and/or registered Aboriginal Heritage sites relevant to the significance of water.
To identify and document the Aboriginal cultural values associated with the water resources of the primary study area and how these values may be effected by human use of water both in situ and if withdrawn.

BACKGROUND
The Water and Rivers Commission and the Water Corporation, on behalf of the Government of Western Australia, are planning the future water sources for Perth’s Integrated Water Supply System (IWSS) for the next 20 to 30 years. One of the options under consideration is to take 45 GL per year from the southern flowing portion of the Yarragadee Aquifer within the Blackwood Groundwater Area. A range of other options are being considered, including a 30 GL/year seawater desalination plant at Kwinana. In addition to these major water source development options, the State is advance planning a number of smaller resources and taking action to increase water reuse and decrease demand to ensure strategic water issues are addressed. It is expected that the Government will make an announcement on a preferred option, if required, by November 2003.

The Water and Rivers Commission is the Government agency responsible for managing the State’s water resources, which includes the determination of sustainable limits, assessing water source development proposals and the provision of advice to Government on water resource matters relating to major source developments. In considering the potential for the Water Corporation to take water from the Blackwood Groundwater Area, the Commission is proposing to prepare a Sub-Regional Water Management Plan ("the Plan") that will describe the sustainable management of the groundwater resources within the Blackwood Groundwater Area. The Plan is to be prepared as a statutory water management plan under the Rights in Water and Irrigation Act 1914. Preparation of the Plan will involve the community through a public participation process. Key stakeholders include the Whicher Water Resource Management Committee. The Plan may be assessed for environmental acceptability under the Environmental Protection Act 1986.

Water resource matters fundamental to the assessment of the Water Corporation proposal to take 45 GL/year for the IWSS will be determined through an accelerated planning process under the
direction of the Commission, in consultation with the community and the Corporation. This will enable advice on the Corporation proposal to be forwarded to Government in October 2003.

The Sub-Regional Water Management Plan (the Plan) which will then form part of the Regional Water Management Plan for the Whicher Region (the Whicher Plan) to be developed over the next three years. This will enable the Commission to make an informed decision regarding the sustainable use of water resources in the area. However, the Plan produced may not necessarily support the application by the Corporation to draw 45 GL per year of water from the area. A community consultation process will share information with the community to maximize the understanding of water resource planning and will allow the Commission to gain an understanding of their issues and concerns.

As a part of this broader study a comprehensive Aboriginal cultural values survey has been commissioned. This study will assess both the ethno-historic and contemporary southwest Aboriginal values pertaining to all water resources in the Blackwood Groundwater area. The study will consist of research to determine the ethnographic and ethno-historic background of the study area, archival research to locate sites of significance in the study area and extensive consultations with members of the South West Boojarrah and Isaacs Native title claim’s groups in order to determine the current values with regards to water resources within the study area. Specifically Water Corporation’s proposal will be discussed in light of how the Aboriginal community perceives this proposal may affect their cultural values, and how the project may impact upon the Aboriginal heritage of the region.
SOUTH WEST YARRAGADEE – BLACKWOOD GROUNDWATER ABORIGINAL CULTURAL VALUES SURVEY

LOCATION

Figure 1. Map showing the location of the study area.
ETHNOGRAPHIC BACKGROUND

TRADITIONAL NYUNGAR CULTURE
The south-west of Western Australia is considered to form a distinct cultural bloc defined by the distribution of the Nyungar language. Before Nyungar was used as a group or linguistic name the south-west people recognised themselves, their language and culture, as ‘Bibbulman’ (Bates, 1985). Daisy Bates writes that the Bibbulman people were the largest homogenous group in Australia. Their land took in everything to the west of a line drawn from Jurien Bay on the west coast to Esperance on the south coast (Bates, 1966). Bates also mentions that over seventy groups that shared a common language and some local variations occupied the Bibbulman area. Bates (1985) recorded that the name of the dialect between Augusta and Vasse was Burrong wongi. Further, she explains:

“All coastal Bibbulmun were Waddarn-di – sea people, and called themselves, and were called by their inland neighbours, Waddarn-di Bibbulmun. The inland tribes were distinguished by the character of the country they occupied. They were either Bilgur (river people, beel or bil-river), Darbalung (estuary people), or Buyun-gur (hill people – buya-rock, stone, hill), but all were Bibbulmun [Nyungar]” (1985:47).

Tindale (1974) identified thirteen ‘tribal groups’ in the south-west based on socio-linguistic boundaries and minor dialect differences. He describes the Wardandi Bibbulmun territory as encompassing the coast from Koombanup (Bunbury) to Talanup (Augusta) following the Blackwood River inland to Nannup. The Nyungar people of the Capes region used the name Wardandi to describe themselves. They maintained a number of paths between the Vasse/Wonnerup area in the north and Augusta to the south, and as far as Nannup to the east, that followed the coast and the Blackwood River. The coastal path passed directly through the Hamelin Bay - Margaret River - Kilcarnup area and many of the Nyungar names for camping places are still in common use. Close to Kilcarnup are Wainielup, Gnarabup, Daleep and Gnoocardup, which are all traditional camping places of the Wardandi Nyungars (Collard, 1994). The territory or range of the Pibblemen included the lower Blackwood River, the Scott River Basin and from Bridgetown, Manjimup, the Gairdner River and Broke Inlet (Tindale 1974).

The Nyungar or Bibbulmun people of the south-west were a distinct group in that their initiation practices varied markedly from their desert and semi-desert dwelling neighbours. Unlike the desert people the Nyungars did not practice circumcision or sub-incision, but rather practiced a ritual of nasal septum piercing and ciatricision of the upper body (Bates, 1985). The people who followed these socio-religious practices have been described by Berndt and Berndt (1980), as being of the ‘Old Australian Tradition’.

Within the Bibbulmun, two primary moiety divisions existed, the Manichmat or ‘fair people of the white cockatoo’ and Wordungmat or ‘dark people of the crow’, which were the basis of marriage between a further four class subdivisions: Tondarrup, Didarruk and Ballaruk, Nagarnook (Bates, 1985). Bates describes the only lawful marriage between the groups to be “the cross-cousin marriage of paternal aunts’ children to the maternal uncles’ children”, and states that the four clan groups and relationships, under different names, are “identical in every tribe in Western Australia, east, north, south and southwest...” (1966:24-25).

Each socio-linguistic group, sometimes referred to as the ‘tribe’, consisted of a number of smaller groups. Each of these smaller groups was made up of around 12 to 30 persons, related men, their
wives and children and, at times, visiting relatives from other groups. These subgroups could be described as a family, a band or a horde. For every subgroup there was a tract of land with which they most closely identified themselves with, an individual or a group’s land was called their *Kalla* or fireplace (Moore, 1884). This referred to an area of land which was used by the group and over which the members of the group exercised the greatest rights to its resources. It was also the area for which the group would act as custodians of. Other groups would also have some rights of access and use gained through marriage.

“Ownership rights to land were held by groups of people linked through common descent; there was definite ownership of land in both social and personal ways. As well as belonging to a local descent group by birth, each individual simultaneously belonged to an economic or food gathering group” (Le Souef, 1993).

There are two forms of socially organised relationships to the land, a spiritual association and an economic one. Stanner (1965) uses the terms ‘estate’ and ‘range’ to distinguish these two different associations, he writes that the ‘range’ was that land in which the group ‘ordinarily hunted and foraged to maintain life’. The ‘estate’ refers to the spiritual country and which may be ‘owned’ by either an individual, by the group or by part of the group. The relationship to ‘estate’ is mostly religious, however there is also an economic benefit. The estate can be considered the country or home of a group. It is sometimes referred to as the ‘Dreaming place’ and as such includes all religious sites, myths and rituals that occur on or about that land. In this way ‘estate’ forms part of the Aboriginal ties to Dreaming and place (Stanner, 1965).

“There is a clear relationship between the individual and the land, which is expressed in a number of ways. There is a direct link between the mythic heroes and spirits of the dreaming and the land. Relationships with these beings, which are transmitted through birth, descent and marriage (to a lesser extent), are a reciprocal arrangement of rights and obligations and they are vital for claiming rights to the land” (Silberbauer, 1994:124).

The link between the individual and the land comes from the conception site, where the animating spirit enters the mother and thus there is a direct connection between the land, spirit and the identity of the individual (Machin, 1996). The spiritual ties with the land strengthened economic rights and land usage involved both ritual and social connections (McDonald et al., 1994).

Land use or ownership in traditional Aboriginal Australia is based on a religious view of the world and the position of people in it. This religious view is most often referred to as the Dreaming; the Dreaming is an ideological and philosophical basis for a close emotional connection between Aborigines and their land (Machin, 1996). The Dreaming refers to a distant past when the world had yet to be fully created. Dreamtime stories refer to mythic beings that roamed the Earth creating plant and animal species. During the struggles of these mythic beings many landforms such as hills and rivers were created. The landscape bears testimony to the struggles of creation and is studded with sacred sites recalling the Dreamtime.

“All permanent native waters have legends attached to them, legends of the “dream” time, which go back to the days when birds and animals possessed human attributes, or were human beings, or were groups of which the bird or animal was representative, or were magic animals and birds possessing the power of human speech. The natives cannot say that the “founders” of the various permanent waters were altogether human, although birds or beasts, or half bird half human, but the bird or animal name only is always given in the legend never a human name.” (Bates D. 1966)
These sites are owned by or belong to either one or more groups, and so such sites have a shared significance amongst the local population. The shared spiritual significance of these sites had a function of bringing together different groups. Another function of these shared sites is that knowledge of the local myths created rights of use to the land.

“Rights are recognised through active social relations, a process symbolized through the possession of knowledge. That is, knowledge is only gained through participation in social relations and rights to the land are reliant on the possession of relevant religious knowledge” (Machin, 1996:11).

Dortch 2002 puts forward an archaeological model of traditional hunter-gatherer soci-economic and territorial organisation in the southwest. He states that; ‘..rivers, wetlands and lakes, dune fields, escarpments and other topographical features that certainly would have influenced the positioning of estate boundaries and band foraging ranges…’. The Blackwood River is referred to as the acknowledged boundary between the Pibelmen and Wardandi. Lakes, rivers, wetlands and estuaries are all acknowledged as being places of importance in the social organisation of the traditional Aboriginal society, they are also considered ‘assets’ of particular groups. (Dortch. C E. 2002.)

Estimates of traditional Aboriginal population density in the region, point to a population density of between 20 and 50 people per hundred square miles for the southern end of the Swan Coastal Plain (Hallam S 1979). In the Jarrah and Karri forests the population was less dense, except along the larger rivers such as the Blackwood River (Hallam 1979). The swamps and alluvial valleys of the southwest were places that provided abundant plant foods, sedges, fresh water and frogs and long necked tortoises. Fish traps located in tidal estuaries and weir or slot type traps in the rivers and creeks were the focus of large gatherings of people (Meagher and Ride 1979). The weir or slot type fish trap that was widely recorded by early settlers and explorers were made of wood and as such have a low archaeological survival potential or chance of being rediscovered (Dix and Meagher 1976). However several wooden type fish trap have been rediscovered, one was located on Blackadder Creek near Northcliff (Dortch and Gardner 1976). Traditionally, the Bibbulmun Nyungar people recognised six different seasons in the year. Each of these seasons coincided with a particular seasonal abundance of a wide variety of food resources. Fish traps were used to catch large migrations of estuarine and river fish. These fish traps were so efficient at providing food that they formed the basis of regular meetings between neighbouring groups and were a focus of cultural activities (Contos et al 1998, Bates 1985).

“Mammals, birds and eggs, many reptiles and frogs, fish (especially marine species from the lower reaches of rivers, and from estuaries and inlets), and some invertebrates (especially the larvae of some beetles and moths) were eaten. So was a wide range of roots, seeds and fruits” (Meagher and Ride, 1979:71).

Both Bates (1985) and Meagher (1974) have described the traditional foods of the Nyungar people, and also their methods of procurement. Meagher (1974) lists the kangaroo, wallaby, possum, bandicoot, quenda, Tasmanian devil, and the native rat and mouse as the most commonly hunted mammals. Kangaroos were generally obtained by either driving the animals into swampy areas where they were more easily speared, by digging pits for entrapment, or by stalking and running down (Bates, 1985). Reptiles were tracked to their holes and grabbed by the tails, whilst birds were captured by spearing the nest from underneath, causing the birds to fly out of the nest to then be subsequently clubbed by the hunter (Bates, 1985). Fish were commonly caught by spearing using the gidgi, or by the use of fish traps, constructed weir-type structures into which
large schools of fish are driven often for the purpose of feeding large ceremonial gatherings (Tilbrook, 1983).

“Not all members of a ‘tribe’ or a larger constellation hunted or collected food together … Normally they spread over the country in small groups, varying in size according to season and according to circumstance” (Berndt, 1992:138).

According to Meagher (1974), roots, bulbs and tubers figure prominently in historical sources and seem to have been important food items throughout the year. Bird and Beeck (1988) have compiled a list of the plant foods were known to have been used by the Nyungar people (see table 1). They categorised the types of bush foods as underground storage organs (roots and tubers etc.), fruits, or other foods such as seeds, gum, flowers and leaves. Bird and Beeck suggested that bulbs, roots and tubers were the most important staples eaten by the Nyungar people, with fruits and other plant foods supplementing them as well as providing tasty treats.

Table 1 Plant foods that are utilised by Nyungar people in the southwest.

<table>
<thead>
<tr>
<th>PLANT NAME</th>
<th>ABORIGINAL NAME</th>
<th>PART EATEN</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dichopogon strictus</td>
<td>Chocolate lily</td>
<td>Root tuber</td>
<td>Eaten raw</td>
</tr>
<tr>
<td>Platysace deflexa</td>
<td>Yug</td>
<td>Root tuber</td>
<td>Eaten raw or roasted</td>
</tr>
<tr>
<td>Orchidaceae</td>
<td>Various</td>
<td>Root and stem tubers</td>
<td>Should not be eaten when flowering</td>
</tr>
<tr>
<td>Liperanthus nigricans</td>
<td>Djubag</td>
<td>Root tuber</td>
<td>Eaten raw or roasted</td>
</tr>
<tr>
<td>Astroloma prostraum</td>
<td>Not known</td>
<td>Fruit</td>
<td></td>
</tr>
<tr>
<td>Exocarpus sparteus</td>
<td>Djiyag</td>
<td>Fruit</td>
<td>Sweeter when eaten after falling from tree</td>
</tr>
<tr>
<td>Santalum acuminatum</td>
<td>Worinj</td>
<td>Fruit and kernel</td>
<td></td>
</tr>
<tr>
<td>Banksia species</td>
<td>Mungitj</td>
<td>Flower</td>
<td>Sweet nectar</td>
</tr>
<tr>
<td>Casuarina species</td>
<td>Not known</td>
<td>Seed</td>
<td>Sucked to relieve thirst</td>
</tr>
<tr>
<td>Sheoak</td>
<td>Xanthorrhoea preissii</td>
<td>Balag</td>
<td>Leaf base Also used for hut and fire making</td>
</tr>
</tbody>
</table>

Other plants were exploited for their various qualities rather than for food. The resin or gum of the blackboy Xanthorrhoea sp., known as tudibi, was used as a resin or glue to fix spear heads and to make the kadjo, which is a hammer or adze that is blunt on one end and sharp at the other (Berndt, 1979). The oil of sandalwood Santalum spicatum was used to polish spears (Meagher, 1974).

Plant foods were also traded to districts where they were unavailable. The highly prized seeds of the zamia palm Macrozamia riedlei are one such food (Bird and Beeck, 1988). The Nyungar also
traded for ochre *wilgi* and various goods such as ground axes and pearl shell that came from as far afield as the northern Australian coastline (O’Connor et al., 1995).

The Nyungar people of the south-west had to cover themselves against the cold winters and for this they wore a cloak *buka* constructed of three or more female kangaroo skins sewn together with sinew or rush and worn with the fur side innermost (Berndt, 1979). String headbands made from spun possum fur were worn by the men and decorated with emu or cockatoo feathers (Tilbrook, 1983). Two types of kangaroo skin bags were used by the women, the *goto* was for general purposes, and another, the *gundir*, was used for carrying babies. The men often carried a type of hammer or axe called a *kadjo* which consisted of a stone head blunt on one end and sharpened at the other fixed to a short stout stick (Berndt, 1974) The kadjo was carried in a belt of spun possum fur (Tilbrook, 1983). The digging stick used by the women in this area was called a *wonna*, from which Wonnerup takes its name. The *wonna* was made from the peppermint tree *Agonis flexuosa*, a coastal native that is found only in the southwest, and was a common trade item of the Nyungar people (Tilbrook, 1983). The men carried two types of spear and a throwing board (Tilbrook, 1983). The *gidji-garbel* was a light spear made from the swamp wattle *mungurn* with a point made by scraping and then firing to create a hard tip. The *gidji-borryl* was also made of swamp wattle *mungurn* but was much larger, being up to ten foot long and one inch in diameter. It was originally set with quartz in the tip and which shortly after settlement was often tipped with glass (Bates, 1985).

The Nyungar people also constructed huts made of various plant materials, these included bark, rushes, and leaves, particularly the fronds of the blackboy *Xanthorrhoea preisseii*. A typical construction consisted of a series of poles placed in a semi circle with a further frame of light branches woven or criss-crossed to form a base upon which a variety of materials could be added to form the roof and walls (Tilbrook, 1983).

There are few archaeological records of Nyungar material culture, with the exception of bone and stone artifacts, as the Nyungar relied largely on implements that were derived from non-durable natural materials such as bark, wood and skins (O’Connor, et al., 1995).

### SETTLEMENT AND SOCIAL DISRUPTION

Prior to settlement in Western Australia, the Dutch and the French, as well as sealers and whalers of mixed nationalities, had already landed and made contact with the local Aborigines. From the beginning of the 17th century the Dutch had been sailing north along the Western Australian coast en route to the Dutch East Indies, and ships were often forced close to the coast by the prevailing southwesterly winds. Many who realised their proximity to the coast too late came to grief there. The early reports by the Dutch described the coast as a bleak and desolate place. Apart from some expeditions to try and rescue shipwrecked sailors, the Dutch showed little interest in Australia. The Dutch flute *Elburgh* is reported to have recorded the first brief description of the Aborigines near Cape Leeuwin in 1659:

> “An armed party sighted three Nyungar Aborigines wearing kangaroo skin cloaks. At the sight of the European sailors, the tribesmen ran off into the bush leaving behind spears and small axes” (Cresswell, 1989).
Contacts were also made by the whalers and sealers who visited the coast to take on water. The sailors were also interested in the local females, and this interest was discovered by the first settlers to the Augusta region when the local Aboriginal group used the English word ‘woman’ when referring to females (Shann, 1926). Two further items point to considerable pre-colonization contact with whalers, the first being that in 1827, Major Lockyer of the Albany garrison ‘reported incidents of Aboriginal women being found on offshore islands, kidnapped and then abandoned by the sealers’. Secondly, when the first French and British expeditions of the late 17th and early 18th centuries did contact local Aborigines, they reported that while the men were approachable and friendly, they kept their women and children hidden or some distance away (Colwell, 1970). The French sent a number of expeditions to the area, particularly the Albany/King George Sound region, which was of interest because it was a good natural harbour. Between the years 1801 and 1803, Nicolas Baudin commanded the vessels Le Naturaliste and Le Geographe in an expedition of the southwest coast. Baudin and his expedition stayed in King George Sound for over a month, and while not reporting any direct contact with the Aborigines, they noted the presence of a number of kangaroo and fish traps. In 1801, Matthew Flinders visited King George Sound where he also stayed for one month. During this period Flinders reported that relations with the Aborigines were relaxed and that his sailors found it possible to trade with them (Colwell, 1970).

The first ‘settlement’ in Western Australia was the establishment of a garrison of soldiers at King George Sound in 1827. In 1829 the Swan River colony was founded and the settlement of Augusta took place in 1830. Initially relations between the Aborigines and the settlers were friendly, the Nyungar people showed the settlers to water sources and the Europeans shared game shot while being guided by the Nyungar men (Shann, 1926). On the 1st of May 1830, the schooner Emily Taylor dropped anchor in Flinders Bay close by what is now Augusta. On board were the first settlers who were to create the town of Augusta, the Molloy, Bussell and Turner families and their servants, Dr Green, Sgt Guerin and a detachment of soldiers (Pickering, 1929; Turner, 1956). Horses, cattle, machinery, merchandise and general stores of every description were rafted ashore through the surf. Turner (1956) recounts:

“While these strange operations were being enacted, natives lurked curiously in the background, watching every movement; it was something entirely new to them. The natives were timid and shy, but to cover this they ‘simulated rage,’ gesticulated and jabbered at the intrusion on their domain; but the settlers advanced, calling ‘abba abba’ and some of the few aborigine words they had already learned, and by offering a few trinkets and with friendly signs they soon established peace, and some natives led them to a ‘soak’, no doubt the spring so often referred to later” (1956:89).

Berndt (1979) suggests that the Aboriginals believed that the first European settlers, because of their light skin colour, were souls of the dead (djanga) returned from Kurannup, the home of the Bibbulmun dead located beyond the western sea. He describes:

“...the kanya (soul of the newly dead) going first to the tabu-ed moojarr or moodurt tree (Nuytsia floribunda or Christmas tree), where it rested on its way to Kurannup...here, their old skins were discarded and they appeared ‘white’” (1979:86).

In November of 1833, Georgina Molloy wrote to a friend in England that the Aborigines in Augusta were ‘fond’ of the settlers, and that the settlers and Aborigines lived “on the most peaceful terms”. In the same letter, which took four months to complete, she writes of “being troubled with natives who, though amiable, required watching in case of theft” (Pickering, 1929:47).
Whilst relations between the settlers and the Aborigines began amicably enough, pilfering of food and implements soon tested this. Early in 1834, an incident occurred in which a group of around 30 Aborigines attempted to intimidate Mrs. Molloy and Fanny Bussell whilst Captain Molloy and other male members of the settlement were absent. The Aborigines attempted to take a tablecloth and some potatoes before Mrs. Molloy’s servant Dawson (the only male present) produced a pistol and a rifle that scared the aborigines off. From the Molloy house the Aborigines went to Miss Bussell’s house from where they took three salt sellers. The Aborigines valued glass (dillilah) for pointing their spears. When the theft was discovered the settlers had the garrison of soldiers apprehend the Aborigines. There was an exchange in which the soldiers either threatened to shoot or to bayonet the women or woman responsible (the two accounts from Mrs. Molloy and Miss Bussell vary in detail). The salt sellers were recovered without any actual violence-taking place, yet it marked a significant worsening of relations between the Aborigines and the settlers (Pickering, 1929; letter of Fanny Bussell dated 16/2/1834). Georgina Molloy wrote of the incident:

“I am sure if Dawson had not been present, Mrs. Dawson and I and the poor children would have been murdered or otherwise injured, for it seemed that mans full intention to prevent me leaving my own premises. It gave me a great fright” (Pickering, 1929).

By 1832, the Bussell family realised the advantages of the Vasse region over the settlement at Augusta and took a 3700 acre grant of land in the area. The Vasse region proved to be abundant in game and the firestick farming of the Wardandi Bibulmun had produced excellent pasturelands for cattle as well as for kangaroos. In 1834, the area now known as Busselton, was settled by families, which had moved north from the settlement at Augusta. Although the settlers had enjoyed amicable relations with the Nyungar people in Augusta and continued to do so at the Vasse, relations soon became strained. In 1837, three Nyungar men were killed as a reprisal for the theft of a heifer, in the same year a house belonging to the Turner family in Augusta was burnt to the ground and the Government store was raided (Jennings, 1983). Despite the hostilities and tension existing between the settlers and the Wardandi, the Nyungars were often employed as farm labour and domestic help (Shann, 1926). As the settlers cleared and fenced more land the Aboriginal population became increasingly reliant on the food provided by the Europeans. The rapidly expanding farming operations took up more and more land and the pressure on the Nyungar people increased as the two lifestyles met. Cattle were speared and settlers attacked. Reprisals led to resentment and conflict replaced the early good will. In 1840, trouble flared up again when a Wardandi man Nungandung was arrested and would face hanging over his part in the death of a servant boy who had raped a Nyungar girl (Jennings, 1983). In 1841 a spear thrown by Gaywal, a Wardandi Nyungar Elder, killed George Layman. Immediately after the death of George Layman the settlers at Busselton took up arms and during the following hours and days many Nyungar people were killed (Shann, 1926; Jennings, 1983).

Following the establishment of Busselton on the Vasse Augusta was practically abandoned for a number of years. The establishment of a timber mill and harbour at Hamlin Bay during the 1860’s saw another wave of settlement in the area. A census of 1901 recorded the population of Hamelin Bay at 250 people (Cresswell, 1989). It is likely that the combined population of permanent and temporary residents and large number of sailors from visiting ships would have considerably increased this number. As a shipping port and timber town, Karridale and Port Hamelin lasted around 35 years. By 1910, most of the best timber in the area had been removed and the mill at Karridale had closed. With the mill closed, Karridale almost disappeared overnight (Cresswell, 1989). As work on the timber mill finished, the Nyungar people who worked there moved with the industry to other locations. Busselton and the Geographe Bay area also provided other
employment opportunities. To the south of the Blackwood River along the Scott Coastal Plain there was little impact from European settlement until after the construction of the Alexander Bridge during the 1890’s. M C Davies successfully tendered for the construction of the original Alexander Bridge in 1897. This bridge was completed in 1898 and remained serviceable until its replacement in 1968 when the present bridge was completed. The original bridge was located a short distance upstream from the present bridge and much of its structure survived until 1982 when a summer flood destroyed it (Cresswell 1989). Dense forests initially prevented the spread of European farming and settlement in the area of the Blackwood Plateau with the settlers spreading first along the Swan Coastal Plain and through the country to the east of the darling range. *Gastrolobium* or heartleaf poison grew along the Darling Range and proved a deterrent to settlement as it killed cattle. For a period of time the area of the Blackwood valley was largely undisturbed. Eventually Aboriginal guides led settlers to the area around Bridgetown and with the expansion of the timber industry the area was ‘opened up’.

“There is no reason to believe that, even with the operation of various missions and other camps, Aboriginal people ever completely left the Warren Blackwood region.” (Gibbs. M 1995).

Many of the tracks created by the Nyungar people, were used by the early settlers to explore the land, and eventually to create the basis for roads upon these tracks, many of which still follow similar alignments. Not only do the original paths used by the Nyungar people often coincide with existing road alignments but often link traditional areas of importance which are now the location of town sites (Collard, 1994). The settlers in Augusta employed the local Nyungars as guides and trackers and used the Nyungar paths through the bush to reach the Vasse district (Jennings, 1983). There is evidence to suggest that the mouth of the Blackwood River at Augusta, being fordable at certain times of the year, created an intersection of several paths (Gibbs M 1998 Cross J 1833). Brenans ford and Darradup are likely to have been similarly important intersections or focal points of different pathways through the forest and along the Blackwood River. Hallam writes about the use of fire to modify the landscape in by traditional Aboriginal people, one aspect of which was to allow for movement through the Karri and Jarrah forests. Areas of forest were burnt while other areas were left dense and used less. Tracks were followed through the burnt country and early settlers and explorers often followed Aboriginal pathways through the forest. The river valleys were also burnt to afford passage and to increase certain food resources. Often the areas along the river valleys that had been burnt regularly were utilized by early settlers ‘for example at Darradup, on the banks of the Blackwood River, where early European settlers followed the Aborigines occupation of the fertile grazing land between spring-line and river’ (Hallam. S. 1977).

“Mervyn Longbottom, a long time resident of Darradup, recalled that about the turn of the century there were still Aboriginal groups moving about that area, using traditional foods and camping places. Although they still had some traditional tools, they had European clothes and no longer wore skin cloaks. He also recalled that two hundred or so Aboriginal people would annually pass across the Darradup Ford en route to visit a ‘king’ at Karridale.” (Hallam S. 1977; Unpublished transcript of an interview with Mervyn Longbottom of Darradup in Gibbs M. 1989).

The practice of the early settlers of ‘buying off’ the local Aborigines with food, tea and tobacco was a major disruption of traditional life. Often small payments of flour or sugar would be given in exchange for services such as firewood collecting or bringing water. This source of ready food attracted the Aborigines into fringe dwelling camps and while they maintained their diet with bush foods and hunting they became increasingly dependent on the European foods. This
dependency increased as the settlers cleared more land and further encroached on the Aborigines means of survival. This relationship between the settlers and the local tribes spelt the beginning of the end for the Aborigines ‘fully traditional economies’ (Moore, 1989:8). As the settlers demand for labour increased Aboriginal people were employed as farm labour and domestic help in exchange for goods such as flour, sugar, and tobacco. The Aborigines became increasingly dependent on these European food supplements and, whilst still practicing some aspects of their traditional economies, the traditional lifestyle of the Nyungar people had ended as early as the 1860’s (Berndt and Berndt, 1979). Disease wrought havoc on the Aboriginal population that had little or no resistance to many diseases that were common throughout Europe and much of the rest of the world. Much of this destruction may have taken place some years prior to settlement, various diseases having possibly already been spread by visiting ships (Moore, 1989). The measles epidemic of the 1880’s caused a significant decline in the southwest Aboriginal population (Cresswell, 1989).

The hardships facing the Aboriginal people steadily increased as their mode of life clashed with European notions of farming. Some settlers complained about Aboriginal hunting and fishing practices. This caused the government to introduce legislation that impacted adversely on the Aboriginal people. Following a number of attacks on stock blamed on the Aborigines dogs, the Dog Act (1885) was introduced to force Aborigines to license their dogs or risk their destruction. As the Nyungar people used the dogs to aid in hunting and providing for themselves the Dog Act (1885) represented a blow to their means of survival.

“…any Aboriginal who had more than one dog, had to have a license to keep them under the terms of the 1885 Amendment to the Dog Act…. Attempts to enforce this particular regulation were deeply resented by Aborigines because of the cost of a license, together with the fact that they depended on the dogs to hunt meat and that they had always kept a number of dogs for this purpose.” (Tilbrook, 1983).

The settlers destroyed many fish traps in an effort to discourage the Aboriginal people from coming onto land, which was being farmed or otherwise occupied by the settlers. The weir type fish traps built by the Nyungar people were also sometimes a hazard to navigation and destroyed because of this. In 1899 the government passed a law prohibiting the building or use of fish traps, which caused a further blow to the Nyungar economy (Tilbrook, 1983). The Nyungar people were forced off their land and out of the best hunting areas and had to rapidly adapt to the new conditions to survive. Settlers would pay Nyungar people for help on their farms in flour and sugar and this source of food increasingly replaced the traditional bush foods, which were becoming more difficult to procure (Moore, 1989). Hunting and food gathering continued to play a major part in Nyungar life but work on farms for European foods soon replaced the traditional life. Many Aborigines were forced to live in fringe camps, following seasonal farm work on ‘runs’ and supplementing their diet with bush tucker and game they hunted (Tilbrook, 1983). Aborigines were seen throughout Western Australia as a convenient source of labour who required little if any pay. During the course of a parliamentary debate in 1883, John Forrest stated that, ‘Colonization would go on with very slow strides if we had no natives to assist us’ (Goddard and Stannage, 1984). Many farms employed Aboriginal labour and as cash was often in short supply, payment was commonly made in kind.
“Aborigines were employed from the earliest days of the stations (in the-mid 1840’s) and their bush skills and intimate knowledge of the country made them valued workers. For the Aborigines, work on the stations provided an alternative support as traditional foods were depleted by stock. It also enabled them to remain in their home territories and to retain aspects of their traditional way of life. Most stations had a small core of permanent Aboriginal workers together with a floating population combining a life of hunting with seasonal work on the stations. Over the years an exploitative paternalistic relationship developed between employers and Aborigines which was based on the former’s fundamental belief in white superiority, the acceptance of widely differing living conditions for Europeans and Aborigines and the prolonged dependence of Aboriginal workers on their employers” (Haebich, 1988).

A series of Government Acts were passed which increasingly eroded the Aboriginal people’s civil liberties. The Industrial Schools Act (1874) empowered managers of Aboriginal Missions to keep Aboriginal children to the age of 21 and place them as domestic servants or apprentices without their parent’s permission. The Aborigines Protection Act (1886) introduced controls over aboriginal employment. In 1889 the Constitution Act was introduced, it specified that 5000£ or 1% of the annual colonial gross revenue, whichever was greater was to be used to provide for the Aborigines in the state. The Aborigines Act 1897 repealed the Constitution Act 1889 and transferred control of Aboriginal affairs to the West Australian Government, which acted through the Aborigines Department- formed in the same year. Following the Roth Royal Commission in 1904, in which Roth described the Western Australian Police’s treatment of Aborigines as ‘most brutal and outrageous’ and described the conditions experienced by many Aborigines as ‘resembling cruelties committed in the Dark Ages’, the Aborigines Act (1905) was introduced (Haebich, 1988). The Aborigines Act (1905) allowed the government to remove Aboriginal people to live in Mission camps such as Roelands and Carrolup and to control many aspects of their lives including marriage and employment.

“Most politicians argued subjectively, drawing on their own limited experience or hearsay rather than documented facts. Few showed any sympathy for the Aborigines and provisions of unprecedented repression were discussed with little apparent insight into their implications for Aborigines. Most members were simply concerned to protect white employers or workers, and to spend as little time and money on Aboriginals as possible” (Haebich, 1988).

Some of the Nyungar people became itinerant labourers and lived off the land between work or in the most abundant seasons of bush food. By the 1870’s many of the local tribes were not as eager to work for the settlers and rather than turn to farm work large numbers chose to live in the less developed areas where they could remain more independent (Laurie, 1994). Those Aborigines who were working as farm labour and domestic help found that competition for employment increased suddenly with the influx of people attracted to Western Australia during the gold rushes of the 1880’s and 90’s (Tilbrook, 1983). Between 1890 and 1915, the population of Western Australia increased from 48,502 to 276,675, which included the assisted immigration of 55,000 ‘Britons’ between 1903 – 1915 (Haebich, 1988). This increased population combined with the restrictions of the Aboriginal Act (1905) meant that employment opportunities were limited or denied for many Aborigines.
Many Nyungar people have a family history that includes living and working on farms between bouts of camping and living off the land. Ironically, Nyungar people have often been instrumental in helping the European farmers in their agricultural successes on the land, which once was theirs. Working at shearing, hay carting, fishing and clearing farmland were typical jobs for the Nyungar people and combined with hunting and camping it has meant that many Nyungars have retained an unbroken sense of living off of and of being one with the land. This lifestyle predominated for many Nyungar people until the late 1960’s.

WATER AND ABORIGINAL SIGNIFICANCE

There is no doubt that water, especially fresh water was of vital importance to traditional Aboriginal people, the rivers and pools were a source of food, linked campsites along walk tracks and in the case of the Blackwood River defined the territories or estates of the Pibbelmen and Wardandi people (Hallam 1979). As the Blackwood River, particularly in the lower reaches created an impassable barrier to people without boats the places where the river could be crossed created an intersection of tracks and as such became focal points of traditional activity (Gibbs 1989). Fish traps were located on creeks, in rivers and in the tidal zones of estuaries, as these were an efficient and abundant source of food these also created focal points for traditional activity.

“It should also be recognised that a large number of Aboriginal names have been perpetuated in modern maps, although their original contexts and meanings are unknown. An examination of older maps, such as the 40 chain series held in the Battye Library, do not reveal much more detail, although a limited number of specific features, especially springs and watercourses, do have Aboriginal names indicated.” (Gibbs. M. 1995)

Archaeologists have confirmed that all water sources were important to traditional Aboriginal people and have recognized there is a higher likelihood of finding artifacts around freshwater sources, lakes and estuaries. Dortch (2002) has investigated a model of hunter-gatherer socio-economic and territorial organization in the southwest coastal regions. The distribution of topographical features such as estuaries, rivers and wetlands would have had a bearing on the population distribution; “rivers, wetlands and lakes, dune fields, escarpments and other topographical features that certainly would have influenced the positioning of estate boundaries and band foraging ranges are left out” [of his model] (Dortch 2002).

“Archaeologists and Anthropologists generally agree that prehistoric land use patterns were based on the seasonal migrations between the coastal plain and its hinterland to exploit the various food and water resources. There is a tendency, in all parts of the project area, for sites to be located near the various water sources, such as rivers, creeks, lakes, swamps and estuaries. Based on the existing information, the most important river systems in the project area are the Busselton Drainage Basins, Margaret River and the lower Blackwood River. The construction of dams on the rivers of the project area has the most potential to disturb archaeological sites compared to the development of bores to tap groundwater sources. However the latter has implications for ethnographic sites because of the potential alteration to the water table.” (O’Connor et al 1995)

Several early writers recorded parts of the Aboriginal mythology about water in the southwest. Clearly a lot of knowledge and stories have been lost in the years since settlement and no complete record of traditional mythology was ever made. Many of the European observers did
note the importance of water to the traditional people and that water also occupied a place in the traditional mythology. The small parts of mythology recorded and references to the *Waugle* or a snake like spirit of water are widespread both throughout the south west of Western Australia and other parts of Australia. Bates (1966) recorded that in the southwest. Their only deity was a *woggal* or serpent-god, that dominated the earth, the sky, the sea, and punished evil doers”

“All permanent native waters have legends attached to them, legends of the “dream” time, which go back to the days when birds and animals possessed human attributes, or were human beings, or were groups of which the bird or animal was representative, or were magic animals and birds possessing the power of human speech. The natives cannot say that the “founders” of the various permanent waters were altogether human, although birds or beasts, or half bird half human, but the bird or animal name only is always given in the legend never a human name.” (Bates D. 1966 p. 157)

Another reference to the *Waugle* or snake like spirit of water was recorded by Salvado (1850) and indicates the fear or reverence with which Aboriginal people regard the spirit of water and also the harmful powers of the ‘serpent’.

“If the natives are afraid to walk about at nighttime, for fear of Cienga, they dread even more going near large pools of water, in which they believe there lurks a great serpent called ‘Uocol’ [Waugal], who kills them if they dare to drink there or draw water during the night. A large number of natives came to me one evening asking for water. The first ones took all I had and drank it, and the others, about fifteen of them, asked me to go to the pool nearby to get some for them. I showed them the bucket and told them to go themselves. They all fell silent, and no one dared take the bucket, or tell me what they were afraid of, until, about an hour later, one of them said respectfully: ‘N-alla cape uoto, chetchet cuaragn: nunda uoto quaragn iuad’ (If we go and take water, very soon we will be killed, but if you go, you will be alright). I saw quickly that they had some superstition on the subject, and said that I would go with them, with the idea of banishing their false fears. As we went to the pool or stream, they made me go ahead, and all followed me in single file, in deep silence. While they were quenching their thirst, I started to move away, but immediately they shouted, ‘Nanap, nanap’ (‘Stop, stop’), fearing that I was going to leave them on their own. As we began to go back to the hut, they ran ahead and preceded me, again in single file, so that I came last. When I reproached them for their superstitious ideas, they replied condescendingly: ‘Nunda tonga but’ (‘You don’t know anything about it’). However much the natives of both sexes like to swim ‘dog-paddle’ style in summer, they will never go into water that is dark and deep, because they say that the serpent Uocol is there, and they are afraid of him even during the daytime.” (Bishop Salvado 1850 in Stormon E.)

Salvado (1850) recorded that the Aborigines ‘hide carefully from strangers their customs and, in particular, their beliefs’. Moore (1842) described the *Waugle* as a ‘huge winged serpent’ that lived in dark waters and was feared as a harmful force. A woman who fell ill or miscarried during a pregnancy was called *Waugalan*. The *Waugal* is of particular danger to pregnant women and so associated with fertility if in a harmful rather than replenishing manner.

Not all of the stories regarding the creation of water sources or rivers in the southwest and wider Nyungar country involve the *Waugal* or snake like spirit of water. In a story regarding the creation of the Margaret River a magic stick is the means of transformation or creation of the Margaret River. Another story that is believed to have been recorded in the Kojonup district tells of a crow and a hawk creating a fresh water soak.
“...Dinah, the mother of the late, distinctive Ted Smith, told (him) this legend of the Kojonup district. The country was gripped in drought and the only known water was salty. The health of the parched Aborigines, birds and animals deteriorated. An eagle-hawk, soaring about the sky and swooping to earth, observed that a fat and shiny crow had a wet beak, wet with fresh water. The eagle-hawk, seething with unparalleled fury, attacked the cunning crow. In so doing his claws split the rocks and the blood of the attacked crow was splattered over the surrounding rocks and earth. So, a fresh water soak is to be found in the Wakhinup area, hidden amid rocks and surrounded by rich, red loam.” (Bignell M. 1971).

Radcliffe-Brown (1926) wrote about ‘the Rainbow Serpent Myth of Australia’ he wrote that throughout Australia there is a belief in ‘a huge serpent, which lives in certain pools or water holes’. He wrote that the serpent was sometimes associated with the rainbow, it could also occur or be seen as ‘a wavy dark shadow” in the Milky Way. Certain commonalities exist in the myth of a serpent type creature that has creative and punitive powers and that lives in dark or deep pools of water. Radcliffe-Brown points out the similarities of this widespread myth although throughout his article he refers to different names and different attributes of the ‘Rainbow serpent’. (It is drawing a long bow to see a dark line in the Milky Way as a rainbow although it does point to the presence or representation of the ‘serpent’ in the sky as well as the water and landscape).

Crossing now to Western Australia. I have been able to trace the belief in the rainbow-serpent, living in deep, permanent water holes, through all the tribes from the extreme southwest at least as far north as the Ninety Mile Beach and eastward into the desert. In the tribes around Perth it is called wogal, and certain water holes are pointed out as being each the abode of a wogal. It is regarded as dangerous for anyone except a medicine man to approach such a water hole, as the serpent is likely to attack those who venture near its haunts. “It generally attacks females, and the person whom it selects for its victim pines away and dies almost imperceptibly. To this creatures influence the aborigine’s attribute all sore and wounds for which they cannot otherwise account. (Radcliffe-Brown 1926).

The notion of a serpent type deity associated with water also occurs throughout the northern and eastern parts of Australia. In these areas the deity is known as the Rainbow Serpent, it is the spirit of water, rain and flood. As a spirit creature it had excavated the beds of the rivers during its travels. It had ‘reached down from the sky to the waterholes and pools, bringing water to the earth’. Throughout Arnhem Land and the Kimberleys the Rainbow Serpent is associated with other myths regarding fertility and is sometimes regarded as male at others as female (A.W. Reed 2001). Other similarities with the Waugle or Marchant include the Rainbow Serpent having powers to harm, particularly those who offended against it.

“In the beliefs of many Aboriginal tribes, the rains would dry up, the earth would become parched, and life would cease to exist if it were not for the Rainbow Serpent.” (Reed, A.W;2001).

Mudrooroo, an Aboriginal writer who has lectured at several Australian Universities offers a contemporary story about the Waugle placed in a modern context. The story deals with current social and environmental issues for Nyungar people and the wider community.
“…this is a story about a big snake. European people do not like snakes. They think that they are bad and good for nothing, but to the Nyoongar people, the ancestor of all the snakes, the Waugyal, was not only good, but long ago made all the rivers and hills and valleys in South Western Australia. The rivers are the tracks he made as he twisted his way along. One of his tracks is the Swan River where this story happened. But before I begin our story, first of all I would like to say that after Waugyal had made everything, he went to sleep in a deep part of the river. And he is still there today. Perhaps I should say he tries to sleep, for these days there is too much noise and when he is disturbed, he becomes angry and restless and causes trouble. Sometimes he makes all the fish go away and other times he causes boats to capsize. He does not do these things because he is bad, but because people are bad. I’ll tell you one thing about the Waugyal. Watjelas have studied us and have found that Aborigines all over Australia respect snakes, and they have joined up all these stories about snakes and made something called a rainbow serpent. They say and even tell us that the Waugyal is a rainbow serpent, whatever that is. But he isn’t. He is a big hairy snake that made the rivers and hills and valleys and then, after he had done this, went to sleep in the deep part of the river. If he is any colour he is black, but when we tell them this, they say he is a Rainbow Serpent and refuse to listen.” (Mudrooroo A Snake Story of the Nyoongar People – a Childrens Tale, in Giblett & Webb 1996)

Ethnographers and anthropologists continue to debate the importance of the Waugle or water spirit snake to Nyungar people. Some observers believe that so much of the knowledge about the Waugle mythology has been lost, and that what is currently retained by the Nyungar community is severely fragmented. Few stories about the Waugle or water spirit/snake are associated with particular places or features. Most places Aboriginal people identify with the Waugle do not have a story or explanation to accompany them.

While Bates (1985:221) reports that the ‘woggal’ [Waugle] “made all the big rivers of the Southwest” and “wherever it traveled it made a river” she does not indicate that all of the watercourses are of the same mythological significance. Rather, Bates (1985:221) notes: “the places where it camped (stayed, entered the land) in these travels were always sacred”. That is these earlier reports referred to specific or “certain” places (Bates 1985, Radcliffe-Brown 1926). Moreover, the Waugle now does not generally seem to have the same evil or avoidance/sacred (winnaitch) qualities as found in earlier reports. In these circumstances most Nyungars reporting the presence of the Waugle are unable to provide any localised or contextualised mythological/ritual/ceremonial information with regard to the majority of reported Waugle sites. The Waugle is now essentially only the benign bringer of water. (McDonald; 2000).

The Aboriginal Communities views had changed over time. Historically the Waugal was both a creative and punitive spiritual force that inhabited deep pools and created other features of the landscape such as hills, where it traveled. In contemporary times the Waugal has become or is seen to be present in all water bodies – it is the benign ‘bringer’ of water. This change of view is largely based upon Aboriginal people now not knowing the traditional mythical stories but attributing significance by reading the country and assigning general significance. (Villers 2002). McDonald describes the Waugle as having changed or been lessened in meaning, from an entity that made all of the rivers to a benign bringer of water. Although Bates recorded that the Waugle made all of the rivers and watercourses in the southwest it was the places where it had camped or where it lived in the land which were the sacred or were winnaitch areas. McDonald would seem to be suggesting that these places are of greater mythological significance than the other parts of the watercourses. This point of view explains the Waugle as being seen in a different way than
that recorded by early European observers – Bates and Radcliffe-Brown can be contrasted with another view that sees the Waugle as a force in the present tense. Other contemporary observers have recorded the Waugle as a more complex entity and associated with a wider belief system.

“The Waugle is not just a mythic serpent, an Australian version of the Loch Ness Monster. The Waugle is not just a totemic ancestor. The Waugle is not just a spiritual being, a semi deity. The Waugle is indeed all of these but is, more fundamentally, a personification, or perhaps more correctly animalization, of the vital force of running water.” (O’Connor et al. 1989)

It should be noted that the Waugle has been reported to exist in the immediate proximity of the study area in Lake Davies at Hamlin Bay. Lake Davies is a still body of water and clearly not ‘running water’. Lake Jasper is also reported to be of mythological significance.

**ARCHIVAL RESEARCH**

Archival research involved an examination of the Department of Indigenous Affairs (DIA) sites register, a review of the relevant site files and a review of any ethnographic and archaeological reports relevant to the Blackwood Ground Water area.

**SITE REGISTER SEARCH**

A search of the DIA Sites Register on 3 April 2003 identified 36 registered Aboriginal heritage sites within the proposed project area. The name, type, and indicative location of the registered sites are shown in table 1.

<table>
<thead>
<tr>
<th>SITE Id No.</th>
<th>Name</th>
<th>LOCATION</th>
<th>SITE TYPE</th>
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<td>(MGA Zone 50)*</td>
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<td>Nannup</td>
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<td>Milyeannup Scar Tree</td>
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</table>

* Please note: Co-ordinates are indicative locations that represent the centre of sites as shown on maps produced by the DIA – they may not necessarily represent the true centre of all sites, particularly if access to specific site information is tagged as ‘closed’ or ‘vulnerable’.

**REVIEW OF RELEVANT SITE FILES**

Site ID 483 - Stewart Road, Quartermaine recorded this site in 1995. The AMG Zone 50 coordinates are 367339mE 6217597mN. The site is a quartz artifact scatter located in grey and yellow sand on the west side of a small gully with a pool, immediately south (six meters) of Stewart Road at a point 700 meters east of Milyeannup Road and 1.5 km east of Kookaburra road. The extent of the site is five by two meters.

Site ID 4882 - Dunnet’s Farm (Milyeannup engravings), Clarke recorded this site in 1983. The AMG 50 coordinates are 754000mE 6203000mN. It is described as a ‘series of flat limestone outcrops, some of which are engraved, scattered over an extent of 200mx50m of low lying and swampy land. The site is located in the northwest corner of a paddock (location 680) of the Dunnett farm, directly to the east of Roberts Road.

Site ID 5817 – Nannup, A local Nannup farmer, Talbot, recorded this site in 1974. The site coordinates are AMG 385400mE 6239400mN. The site contains chert artifacts and its location is recorded as extending ‘between the Blackwood River and railway cutting, close to the forestry
nursery in Nannup.’ It is bounded by the Blackwood River, town site and rail reserve. No other information is given.

Site ID 5818 – Nannup. This is a burial. The site is closed and access cannot be gained without the permission of the custodians. No information as to the custodians who recorded the site is stored at DIA.

Site ID 15083 - Nannup 01, McDonald Hales & Associates recorded this site in 1983. It consists of a quartz artifact scatter located directly behind the Bunnings facility in Nannup on the banks of the Blackwood River. No coordinates or site extent was recorded.

Site ID 4562 - Barlee Brook, This site is a surface artifact scatter situated on the west side of a small gully with a pool immediately south of Stewart Road and 700m east of Milyeannup Road. This site is also likely to be the same site as site ID 483.

Site ID 5656 – Barlee Brook, This site is a sparse artifact scatter recorded to be on the bank of the Barlee Brook on Stewart Road.

Site ID 4495 - Margaret River, Smith and Mc Donald recorded the Margaret River as a mythological site in a survey of the Ten Mile Brook for MRWA in 1989. The site AMG coordinates are 340000mE 6244000mN. Aboriginal informants note the river has mythological significance associated with the water-creative spirit ‘Waugal.’ ‘While it was reported, the Margaret River was thought to once have a Waugal. The Ten Mile Brook was not reported to have any significance. This river is registered and verified to be on the permanent register under section 5c ‘Sacred beliefs’ 39.2(b) 39 2 (c). This was determined at meeting 1687 on the 7/8/2001.b (See the story of Wooditch in Appendix 4)

Site ID 16878 Lake Jasper, On the 15th July 1995, Lake Jasper was recorded to be a site of mythological significance by informants from the Southern Aboriginal Corporation. The site was recorded on map sheet SI50-10 (zone 50) to be centered at 378 500E and 6191 500N. A straight line of extent was captured to be 2.5km (25 000m). The entire lake inclusive of its embankment’s was reported as the site. O’Connor (1995) has written that the land and social justice spokesperson for the Manjimup Aboriginal Corporation, who is also the secretary for the Southwest Coalition of Aboriginal Organizations, has said that the traditional owners of Lake Jasper have been traced, the lake was a site on a dreaming track and that the lakes dream time story pertaining to the lake had been recorded. This story was not contained in the site file or in O’Connors (1995) report. This informant’s name was also not reported. O’Connor (1995) added that Lake Jasper had been recently the subject of bitter dispute between a mining company and rival Aboriginal organizations and that any ethnographic information in regards to the known significance of Lake Jasper must be analyzed with this in mind.

Charles Dortch, the WA Museum (WAM) Archaeologist who recorded the pre-historic artifact sites on the bed of lake stated that he was not aware of any ethno-historic or ethnographic information pertaining to Lake Jasper. He stated that he had made extensive inquiries and that he had found no information (pers comm. 2003). Lake Jasper has been assessed to be a site on the permanent register as a result of the Aboriginal Cultural Materials Committee (ACMC) resolution 00/88 on the 13.06.2000.

Site ID 4649Lake Jasper 01, was recorded by Charles Dortch (WAM) on the 07.05.1988. This is an extensive artifact deposit that is located in a formation of hard pan soil on the eastern shoreline of Lake Jasper. Co-ordinates given in longitude/latitude are 34° 25’S and 115° 41’E. The extent of the site on the shoreline is an area of 25m x 25m. The site extends from the shoreline into the lake
for an unknown distance. A tree stump in this site was dated at 3800bp. Artifacts that are embedded in this soil pre-date the formation of the lake and are the oldest recorded at the Lake Jasper site complex and is of high archaeological significance.

**Site ID 4598 (S2449) Lake Jasper 02**, was recorded by Charles Dortch (WAM) on the 04.05.1988. This site is an extensive gravel bed quarry factory that was a major source of quartz and quartzite for pre-historic stone tool knappps. The site is located approximately 150m west of Site One in the water from the eastern shore. The site can be exposed with low water levels in the lake. The co-ordinates given are in longitude/latitude and are 34° 25’S and 115° 41’E. The sites extent is an area of 50m x 50m. The site is dated to 3400bp and of moderate archaeological significance.

**Site ID4599 (S2450) Lake Jasper 03**, was recorded by Charles Dortch (WAM) on the 04.05.1988. The site is a partly submerged artifact deposit on the southwestern shoreline of the lake. A tree and a black boy stump are a part of the site, which have been dated to be 3700-4000bp. The co-ordinates for the site are recorded in longitude/latitude at 34° 25’ S and 115° 41’E. The sites extent is an area of 25m x 25m. Test excavations have been carried out to a depth of 1.8m on the exposed portion of the site. The site is described as a rich example of tool types representative of Mid Holocene traditions and is of high archaeological significance.

**Site ID 4516 (S2658) Lake Jasper 04**, was recorded by Charles Dortch (WAM) on the 02.05.1990. The site is a submerged sparse gravel bed factory. The site is located approximately 30m from the eastern shore of the lake and is northwest of Site Two. The co-ordinates are recorded in longitude/latitude and were given as 34° 24’S and 115° 41’E. The site has an extent of 50m x 100m. The site is given low archaeological significance.

**Site ID 4534 (S2595) Lake Jasper 05**, was recorded by Charles Dortch (WAM) on the 11.02.1990. The site is a microlithic chipping floor at a depth of 4.8m 148m north/north west of the southern most shore of the lake. The co-ordinates are given in metric at 1:250 scale on map sheet SI50-10 as 378 190 and at 1:100 000 scale as 786 903. The site’s extent measures 1m x 2m and contains approximately 50 quartz flakes, backed blades and microliths. Tree stumps near the site have been dated at 3800bp. The results of this site’s investigation have been published in Australian Archaeology. The site is of high archaeological significance.

**Site ID 4517 (S2659) Lake Jasper 07**, was recorded by Charles Dortch (WAM) on the 09.05.1988. The site is a possible shoreline campsite where artifacts have been deposited. The site is located on the northwest corner of the lake and extends into the water. Artifacts have been collected to a depth of 1m. The site is estimated to be 3800bp. The co-ordinates for the site are recorded in longitude/latitude at 34° 24”S and 115° 39”E. The site’s extent is estimated to be 50m x 50m. The site is considered to be representative of other shoreline sites and is not considered of high significance.
Site ID 4535 (S2596) Lake Jasper 08, was recorded by Charles Dortch (WAM) in February 1990. The site is described as an artifact scatter that was a likely open air camp site prior to Lake Jaspers formation. This site is located in the deepest part of the lake in an area, which was previously a woodland. The site is located 250m north of the southern embankment. The coordinates for this site are recorded in longitude/latitude and are given as 34°S and 115°E. The sites extent is an area of 80m x 80m at a depth of 7.2m. Geometric microliths found at the site suggest the site pre-dates the lake, which is 5000 years old. Because of the age of the site and the undisturbed primary context of the archaeological material this site is highly significant.

Site ID 4536 (S2597) Lake Jasper 09, was recorded by Charles Dortch (WAM) in February 1990. This site is similar in every aspect to site ID 4535 Lake Jasper Eight. The site is located approximately 100m to the southeast of site eight. The extent of the site occupies an area of 10m x 10m. Microliths have also been found at this site at a depth of 7-8m. It is estimated that this is 5000 years old. This site is of high significance.

Site ID 18879 Augusta Flat Granite Rock, was recorded by Phill Haydock and Rachel Fray in March 1999. The site was described as a flat granite rock on the southwest shore of the entrance to West Bay on the Hardy Inlet. The site was important to Nyungars for camping and fishing, The site is listed to be a natural feature that has historical and contemporary significance. The coordinates recorded from map sheet SI50-9 (AGD 84) is given as 330 350E and 620 100N. The GDA/MGA co-ordinates are 330 488mE and 620 3247mN. The sites extent is listed as a 100m radius around this co-ordinate. This flat granite rock was considered significant to all South West Boojarrah people consulted because it was felt it would have been a look out point, a camping and fishing place, and a ford point between Piblemen and Wardandi language groups across the Blackwood River.

Site ID 5766 (S0367) West Bay Creek, Augusta, was recorded by Charles Dortch (WAM) on the 19.02.1975. The site is an open-air artifact scatter and a quarry located 100m south of West Bay Creek off the Bussell Highway. A single imperial co-ordinate is given to locate the site as 313.765. No further information is given.

Site ID 5764 (S0365) Hardy Inlet, was recorded by Charles Dortch (WAM) and M. Ellis (local farmer) in February 1975. The site is an open-air artifact scatter located on the eastern embankment of the Hardy Inlet due east of Thomas Island. The site is accessed from a sand track into the Ellis property from Scott River road. The co-ordinates at the site were not recorded in the site file. According to the landowner a Mr M. Ellis Aborigines were known to use the area as a camp in post contact times. A test pit dug at the site to a depth of 30cm revealed quartz artifacts and flaked green bottle glass. A fresh water spring is located SE of this trench making this an ideal Aboriginal camp area. A full description of the site is given in ‘Archaeological Sites in the Scott River Area’, Dortch C. (1975) by the WA Museum.

Site ID 15823 Kudardup 02, was recorded by J. Dortch for Telstra in January 1999. The site is located north/south of Fisher Road approximately 2km west of the Fisher Road/Malloy Island intersection. These co-ordinates given for the site on map sheet SI50-9 are 332 760mE and 6207 500mN. The sites extent measures 100m north/south x 330m east/west. The site is an extensive artifact scatter. Artifacts are exposed in grey sands along firebreaks and road cuttings. The site has potential for sub-surface deposits and is of moderate significance.
Site ID 15822 Kudardup 01, was also recorded by J. Dortch for Telstra in January 1999. This site did not appear on Waters & Rivers site search map. Kudardup 01 is also an artifact scatter located on a granite outcrop extending the fence on the south side of Fisher Road. The site is located in a paddock at Loc 1505, 3.4km west of the Fisher Road/Malloy Island Road intersection. The coordinates recorded on map sheet S150-9 are 331 380mE and 6207 320mN. The site’s extent is the granite outcrop. The site is of low archaeological significance.

Site ID 5771 (S0372) Brennan Ford-Scott River, was recorded by Charles Dortch (WAM) on the 17.02.1975. The site is located near Brennan Ford on the Scott River in a bulldozed area 800m north of Scott River Road. The site’s co-ordinates are given as a single imperial figure as 336,768. The sites extent is 50m radius AMG co-ordinates are 335 300mE and 6202 700mN. The site is described as a campground on the edge of the river’s flood plain. The site is of significance because it contains a large amount of silicified sandstone artifacts and geometric microliths from a recent industrial age.

Site ID 5770 Scott River Trench 1, was recorded by Charles Dortch (WAM), M. Ellis and J. Clarke on the 18.02.1975. The site is located in a firebreak along a fence line between lots 4482 and 448 on M. Ellis’s farm off the Scott River Road. The site was an extensive artifact deposit in leached sands on the south side of a soak. The co-ordinates are recorded on map sheet S150-9 as 333 050mE and 6204 650mN. A 1m x 1m pit was dug in the site which has a 300m radius. The site is of moderate significance.

Site ID 5768 (S0369) Rushy Creek/McLeod Creek, was recorded by Charles Dortch (WAM) on the 21.01.1974. The site is located in the Blackwood River Valley in a fork between McLeod and Rushy Creeks 300m east of Millard Road. A single metric co-ordinate is given on map sheet S150-9 as 315.780. The site consists of many small sites of quartz and Eocene chert flakes found in sandy patches following the creek’s embankments. The site’s extent is not given. The site is not archaeologically significant.

Site ID 5767 (S0368) McLeod Creek/Blackwood, was recorded by Charles Dortch (WAM) on the 26.03.1973. The site is located in the Blackwood River Valley on the Valm and Benbow properties east of Bussell Highway 4 miles north of Karridale. The co-ordinates recorded on map sheet S150-8 are 314.783. The site is described as an open campsite on sandy slopes of McLeod Creek. The site’s extent is not given. Artifacts consisted of chert, silicified sandstone geometric microliths meta dolerite and quartz. The site has low archaeological significance.

Site ID 5769 Upper Chapman Brook, was recorded by Charles Dortch (WAM) on the 02.03.1974. The site is located near a large deep pool on the Upper Chapman Brook off Rosa Glen Road. The co-ordinates recorded on map sheet S150-9 are 317.793. The site is described as a quartz artifact scatter over a sandy alluvium flood plain near a large deep pool. No further information is given. The sites verification project assessed this sites location to be not accurate.

Site ID 4494 (S2613) Rosa Brook Road – Margaret River, was recorded by McDonald Hales & Associates in November 1989. The site which is a meeting place (corroboree ground) is located somewhere along Rosa Brook Road. The informants could not accurately locate the site but it was though to be east of the Ten Mile Dam. The sites verification project on the 14.02.1998 assessed that there was insufficient information to list this report as a site and recommended that the file be moved to stored data.
Site ID 4522 (S2579) Margaret River Damsite 1, Ten Mile Brook, Rosa Brook Road was recorded by McDonald Hales & Associates in November 1989 for the Water Corporation. The site is located at the base of a fallen tree by Lorry Road in state forest south of the Margaret River. The co-ordinates recorded on map sheet SI50-9 are 265 405mE and 6326 240mN. The site is described as a small artifact scatter with a 5m x 5m extent. The site is not archaeologically significant.

Site ID 4523 (S2580) Margaret River Damsite 2, Ten Mile Brook, Rosa Brook Road was recorded by McDonald Hales & Associates in November 1989 for the Water Corporation. The site is located east of Lorry Road between the Ten Mile Brook and north of where a SEC power line crosses Lorry Road. The co-ordinates recorded on map sheet SI50-9 are given as 326 600mE and 6240 500mN. The sites extent is a 20m x 20m area within a 250m radius from the co-ordinates. The site is described as a quartz assemblage with one multi platformed core and a silcrete flake. The site is not archaeologically significant.

Site ID 19802 - Milyeannup Scar Tree. This tree is noted as a shield tree and is located north of and adjacent to the Milyeannup Coast Road 1km south of the intersection with the Scott River Road. The GPS coordinates are 341 561E and 6205 084N. The scar is 1m in height, 50 cm wide and 2.5m from the ground on a large old jarrah tree.

Site ID 4499 (S2626) Black Point-Cape Beaufort, was recorded by Charles Dortch (WAM) on the 08.05.1990. The site is located in a deflaked dunal ridge on the south side of Lake Bolghinup, an area of thickly vegetated marshes and pools situated in the headlands center. The co-ordinates are given on map sheet SI50-10 as 351 478 or by latitude/longitude as 34° 25” 20’S and 115° 32” 30’ E. The site is described as an extensive artifact scatter, which covers a 300m x 300m area. According to Dortch the unusually large size of this site is likely to reflect the importance of Lake Bolghinup as a permanent source of fresh water and habitat to supply a variety of wetland foods. Test pits were dug at this site but no dates are given in the site file. The site has high research potential and is archaeologically significant.

Site ID 4397 (S2837) Dune Swales 01, was recorded by W. G. Martinick & Associates in 1982. The sites, which consist of two extensive artifact scatters, are located in the Meerup Dunes at co-ordinates 381 967E, 179 834N and 387 050E, 175 450N. The sites extents are 95m east/west x 40m north/south and 400m x 150m. The sites are of moderate archaeological significance due to the size and lithic diversity. The sites verification project has assessed these sites and determined there to be insufficient information to accurately locate these sites.

Site ID 4518 (S2660) Lake Jasper 10, was recorded by Charles Dortch (WAM) in May 1990. Site 10 is located on the lakes western shoreline. No other information is recorded for this site. Imperial grid reference is 36 74. The sites verification project has assessed the site and has deemed there is insufficient information to accurately locate this site. It is recommended that the file be placed in stored data.

Site ID 5278 (SO 1000) Donnelly River, This site is recorded as an artifact scatter and a burial. The artifacts are located at the mouth of the river with the burial being located away from the river just upstream. As this site has a ‘closed status’ the site file cannot be accessed without written permission of the custodians of the site. If developments are to occur near the mouth of the Donnelly River it is recommended that Charles Dortch and Kate Morse of the Western Australian Museum be contacted in order to gain permission to view the site file and supply further information.
The Blackwood River. Following the previous report for the Water Corporation Mrs. Vilma Webb and her daughter Mrs. Gwenda Chapman made contact with the consultant and requested that the Blackwood River be registered as an Aboriginal heritage site under the Aboriginal Heritage Act (1972). The request was made on the basis of ‘generalized significance’ (discussed in the previous report) in that they believed that the river was created by and was home to a ‘Waugal’. They did not know any specific mythological stories about events of the rivers creation. It was also stated that the Blackwood River was a ‘bidi’ (path) from inland areas around Nannup to the west coast. The informants stated that the Blackwood River was a boundary between the Piblemen and Wardandi language groups and that a traditional ford extended at a point where Great North road now crosses the Blackwood River. A field trip was conducted to this place where a large ochre deposit was also recorded eroding out of the southwestern embankment. The informants in the field reaffirmed the significance of their beliefs about the Blackwood River and requested that this position be recorded as a ochre mine and traditional crossing point. The informants also stated that the whole river should be recorded as a place of mythological significance. Mrs. Webb stated that at this position on the River wives were exchanged between the moieties.

The ochre deposit is located at 34° 05" 23'S and 115° 17" 31'E.
The deposit contains red, yellow and white material that has been exposed by the collapse of the southwest embankment. The extent of the deposit is 10m north/south x 25m east/west.

ARCHEOLOGICAL SITES IDENTIFIED BY GLENN KELLY
Glenn Kelly identified a number of archeological sites not previously recorded in the project area.

East along the Milyeannup Coast Road from the Scott River Road you come to a creek crossing in a large depression with high dunes to the north. Adjacent to this creek the sands turn a deep red. These sands are an ochre site/deposit.

Where the Barlee Brook intersects with the Donnelly River eroding out of a steep hill on the South West side is a large red ochre deposit.

Mr. Kelly did not record any further information about the precise locations or extent of these places.

REVIEW OF RELEVANT REPORTS

The report contains a discussion of ethnographic knowledge about the Scott River Region. The report states that the region is one of ‘the ethnographically least known regions in the south west of Western Australia’. The report discusses Tribal boundaries based on maps by Tindale (1974), Curr (1866) and the note of Bates (1985). The report also contains an ethnographic survey recorded with members of the South West Boojarah Aboriginal community members. No ethnographic sites were identified during this survey.
This report notes Waugal sites of significance at various locations on the Collie River however does not identify the entire Collie River to be significant. The report provides a comparative theoretical explanation of what O’Connor terms to be “The ubiquitous Waugal myth.” The Waugal, O’Connor (1989) et al states is seen as a water creative spiritual force with a serpentine physical manifestation that is said to have created many of the south west rivers and whose essence remains in these rivers today. According to O’Connor this religious view of the significance of water is not restricted to the south west but has been recorded by Maddock (1982) and Kingsford (1982) for similar systems in Arnhem Land and the Murchison – Gascoyne district. He adds that the imputation of religious significance to water sources is at least as old as recorded human history and that it is not surprising that in an arid country such as Australia that it occurs in many totemic forms.


This report discusses at length the history of the Waugal myth as recorded by various authors over the last 100 years. The report noted that the Aboriginal Communities views had changed over time. Historically the Waugal was both a creative and punitive spiritual force that inhabited deep pools and created other features of the landscape such as hills, where it traveled. In contemporary times the Waugal has become or is seen to be present in all water bodies – it is the benign ‘bringer’ of water (ibid: 30). The report explains that this change of view is largely based upon Aboriginal people now not knowing the traditional mythical stories but attributing significance by reading the country and assigning general significance.


This report collates and summarizes from past survey reports, site files and ACMC decision documents information that relates to Aboriginal heritage issues raised pertaining to the above rivers. This report endeavors to provide the ACMC with clear policy guidelines with regards to the Aboriginal sentiments attached to the significance of these rivers and how this significance has been administered under the Aboriginal Heritage Act (1972). This document makes recommendations that past heritage management practices with regard to these rivers are not consistent with Aboriginal community sentiments and sets out base guidelines that should be adopted in order to address this problem. This report also sets out to raise questions that could be answered by further research that is needed to address past problems with heritage administration and Aboriginal community sentiments regarding metro rivers.


This ethnographic survey was conducted in order to identify sites of ethnographic significance that may be impacted upon by the shire of Margaret River’s proposed by-pass road east of the town. In the course of this survey two ethnographic sites were identified. Site ID 4495 Margaret River and site ID 4494 Rosa Brook Road. In regards to this report for Water Corporation
information not previously recorded about the mythological significance of the Margaret River was recorded. Aboriginal consultants mentioned that the Margaret River was created by Wooditch a local dreamtime creative spirit. Other Aboriginal consultants also associated the Margaret River with Waugal significance. However the Aboriginal consultants advised that they thought the Margaret River no longer had a Waugal.


This report was a large thematic Aboriginal heritage study conducted for areas covering the shires of Capel, Donnybrook, Dardanup, Balingup, Bridgetown, Manjimup, Nannup, Busselton and Augusta Margaret River. In this study, which was both archaeological and ethnographical, a number of sites reviewed in this survey were identified and discussed. Particular emphasis was placed on the rivers of the region and how their cultural significance has re-emerged by way of a process referred to as cultural revitalization. Nyungar people whom generally did not possess detailed mythological knowledge about the regions rivers due to western acculturation were now identifying the regions rivers with Waugal beliefs, a phenomenon not noted by researchers prior to more recent times.


This survey investigated the proposed haul route road for the Jangardup mineral sands mine at Stewart Road East of Milyeannup Road south west of Nannup. During this survey on artifact site was located, site ID 483 Stewart Road. This site was located in a small gully near a pool six meters south of Stewart Road. The site was a quartz assemblage of low significance.


This Aboriginal heritage survey was undertaken as a planning tool in order to identify a heavy haulage by-pass route east of Nannup for the proposed mineral sands mine at Jangardup. The results of this survey identified one previously recorded campsite, site ID 5817 Nannup, and associated artifact scatters.


This report sets out and explains the requirements and processes of the Western Australian Aboriginal Heritage Act (1972) – amended (1980), the 1993 Native Title Act and makes comments on how these statutes are likely to affect development issues in the Warren-Blackwood area. This report also documents and summarizes ethnohistorical, ethnographic and archaeological research that has been conducted to date in the study area. The report finally documents all known and recorded sites as defined by Section 5 of the Western Australian Heritage Act (1972). This documentation is set out by Shire and is divided into archaeological and ethnographic sections, and provides both detailed descriptions of sites and maps to locate them.
Dortch, C.E. 1993-1995. Final Report on Archaeological Investigations at Lake Jasper and of Estuaries, Offshore Islands and Other Features on the Southern Ocean Coast, South Western Australia. Unpublished report for the Heritage Council of Western Australia by the Anthropology Department of the University of Western Australia.

This report, which was funded by the Heritage Council of Western Australia, is a comprehensive report on archaeological sites that occur in and around south coast lakes, rivers and inlets. Early work conducted at Lake Jasper which pioneered underwater archaeological survey techniques prompted WA Museum researchers to embark upon a regional thematic study. Aboriginal archaeological sites were discovered and investigated at Broke Inlet, Wilson Inlet, Oyster Harbour, Torradup Inlet, Oldfield Inlet, Sandy Island, Chatham Island, Lake Jasper and Black Point. Results of this work, as well as collection and synthesis of data from other researchers is presented in this report.


This report assesses the possible adverse effects on submerged and shoreline Aboriginal archaeological sites at Lake Jasper, from developments carried out by CALM to provide facilities for recreational use.

This development included the construction of a camp area, a toilet facility and a boat ramp in the southeast corner of the lake. The report concluded that the construction actually did not affect any Aboriginal archaeological material or sites. The report however did identify that continual powerboat usage on the lake could have the potential to damage shore line sites due to erosion from increased wave action. The report also noted that by providing better recreational facilities increased visitation also increased the likelihood of unauthorized artifact collections being made by the public.

The report provides a comprehensive assessment of the nature and extent of all Lake Jasper sites but states only 10% of the lakes bed has been assessed. The report informs CALM of Lake Jaspers scientific and current ethnographic significance. The report finally sets out a number of recommendations to manage the heritage values of the lake.

Dortch, C.E. 1990. Aboriginal Sites in a Submerged Landscape at Lake Jasper, South-Western Australia. Unpublished report for the Anthropology Department, WA Museum, Francis Street, Perth.

This report documents Charles Dortch’s (WAM) first investigations of the shores of Lake Jasper in April 1988, when drought conditions had lowered the water level of the lake and had exposed sections of the lakes bed. During these investigations scatters of stone artifacts and black boy stumps were found leading Dortch to postulate that the bed of Lake Jasper represented an intact prehistoric landscape and that the possibility of reconstructing an image of this landscape and its Aboriginal usage prior to the lakes formation over 5000bp was possible with further research work.

This report also summarizes the results from Dortch and teams of divers from the WA Maritime Museum who conducted a series of underwater archaeological surveys, the first in 1989, the second in 1990 and the final ones in 1991.
The results of these surveys revealed a number of archaeological deposits (up to 10 sites) being found and provided a comprehensive understanding of the lakes pre-history and former usage by Mid Holocene hunter-gatherer groups being formulated.

Aboriginal Affairs Department. 1997. *Site management Options, Milyeannup Engravings, Scott River. Aboriginal Affairs Department – Site S01786 Dunnett’s Farm.* Discussion paper commissioned by the Aboriginal Affairs Department, Southwest Regional Office, Albany.

This report outlines the physical characteristics and management history of the Milyeannup engravings site. The report then discusses more recent investigations, develops a series of issues and management strategies that have resulted from consultations with the WA Museum and local Aboriginal communities. The report finally recommends that as this is a site of outstanding significance the site should be declared a protected area under Section 19 of the Aboriginal Heritage Act (1972) and be vested with the Crown. (Aboriginal Lands Trust, ALT).


This report is a comprehensive archaeological, ethnohistoric and ethnographic study of the significance of water bodies in the area from Busselton out to Wagin and down to Walpole. Here the authors provide ethnohistorical data which records important water bodies to the regions Aborigines as recorded by the regions early explorers. This project records and locates archaeological sites that are in association with the region’s rivers, lakes and springs. The ethnographic section of the report records and locates significant water bodies as known by contemporary Aborigines. This section of the report also discusses this significance in light of the politics of heritage administration and the struggle between environmental movements versus developers. The report finds that the regions waterways were the main focuses of Aboriginal traditional life, for provision of resources, campsites and access highways from inland areas to the coast.


This report recorded three archaeological sites along the western reach of Scott River Road and east of the Hardy Inlet. Mr. Dortch states that the oldest open sites in the region are located in a formation of stabilised, podzolised dunes running in a north south direction from Augusta to Ellen Brook. The report notes that no similar dunes have been identified on the south coast though some may be in the vicinity of the Alexander Bridge on the Blackwood River. The report also notes a lack of ethnographic knowledge of the Scott River/Augusta area and states ‘it is probable that Aboriginal adaptation here was very similar to that recorded around King George Sound and the Swan Coastal Plain’.
SOUTH WEST YARRAGADEE – BLACKWOOD GROUNDWATER ABORIGINAL CULTURAL VALUES SURVEY


This report documents archaeological and ethnographic surveys of a proposed sand mining operation at Beenup, approximately ten kilometers northeast of Augusta. The reported survey area encompasses lots 4152, 4262 and 4261. The report notes previously recorded archaeological sites ID 5769 (Upper Chapman Brook), 5770 (Scott River trench) & 5771 (Brennan Ford/Scott River) as discussed in this report. Aboriginal consultants participating in the ethnographic survey pronounced the survey area clear of any sites and recommended the project proceed.


This report compiles ethnographic observations and considers the early European occupation of the southwest of Western Australia, with a focus on the Scott River district. The report notes that the region to the east and south of the Blackwood River, inclusive of the Scott River, is one of the ethnographically least known regions in all of the southwest of the state. A speculative reconstruction of the late prehistoric socioeconomy of the district is considered in the light of ethnographic and historical recordings for adjacent areas and the rest of the southwest cultural bloc.


This report contains an ethnographic survey for an optic fibre cable corridor along Fisher Road to the Blackwood River crossing at Molloy Island. The route of the proposed optic fibre cable passed through one archaeological site. No ethnographic sites were identified.


The report contains the results on an ethnographic and archaeological survey of jarrah-marri woodlands located on the south side of the West Bay in the Hardy Inlet at Augusta. The report notes previously recorded archaeological sites ID 5769, 5770 and 5771, but revealed no sites of ethnographic significance within the area.


The report contains results of an ethnographic survey prior to the proposed bridge work on Alexander Bridge and proposed road improvements on the Brockman Highway between the Alexander Bridge and the Scott River Road. The report notes previously recorded archaeological sites ID 5769, 5770 and 5771. No ethnographic sites were identified during the survey.

This report documents the results of consultations conducted with members of the Southwest Boojarah Native Title claim group with regards to Leeuwin Energy’s wish to construct a wind turbine power generation plant that bordered the Scott River Road. During this survey no significant sites were identified in the project area. It was noted however that Traditional Aborigines had used a migration path that extended through the region from Lake Jasper running along the coastal dunes to a land point at the mouth of the Blackwood River to Augusta. A scar tree was identified on the Milyeannup Coast Road. This road approximated the location of this path.


This report is a comprehensive desktop study of all known and registered aboriginal heritage sites within the Water Corporation’s project area. This report locates sites, reviews their significance and makes recommendations for their management in line with the legal obligations set out under the Aboriginal Heritage Act (1972). This study pays specific attention to the Aboriginal significance of rivers and wetlands in the region and discusses their registration under the notion of ‘generalized significance’ and its relevance under the Aboriginal Heritage Act (1972). This study argues that despite not having developed any specific policy upon this notion that heritage administrations and the A.C.M.C. have accepted the notion by registering many waterways from general ethnographic information. The study sets out a number of recommendations that Water Corporation will need to comply with, in order to progress to construction while meeting their obligation under the Aboriginal Heritage Act (1972).


This report documents all previously recorded Aboriginal heritage sites that were not captured in the Water Corporation’s report. The Blackwood Groundwater study area, while overlapping the Water Corporation’s study area, extends further southwest and to the east, but does not extend as far to the north. This report reports the Blackwood River as a site of mythological significance and records an ochre site at a crossing on the Blackwood River at its intersection with the Great North Road. This report to be read in conjunction with the Water Corporation Report provides baseline Aboriginal Heritage information for planning for Water Corporation Yarragadee proposal and for Waters and Rivers Commission Environmental Management Plan for the Blackwood Groundwater region.
OUTCOMES OF ARCHIVAL RESEARCH
Archival research conducted for the Blackwood Groundwater Study Area has identified 36 previously identified Aboriginal heritage sites. Also two places of archaeological interest that have not been confirmed by archaeological inspection have also been reported to be within the study area.

Of these thirty-six sites, twenty-five are stone tool artifact scatters and a further two are stone quarries. Two unregistered ochre deposits are located on the Barlee Brook/Donnelly River confluence and the Scott River. These archaeological sites are all located in or on the margins of major water bodies in the region. Ten of these sites are located at Lake Jasper, which is also an important mythological site. The other sites are located on the margins of the Margaret River, the Donnelly River, the Blackwood River, the Chapman Brook, West Bay Creek, Rushy Creek and McLeod Creek. This outcome reflects the importance of the region’s sources of fresh water to traditional Aboriginal groups as areas favorable for campsites and resource exploitation.

The Margaret River has been identified to be of mythological significance. Tradition has it that Wooditch had created this river by the casting of his magic stick during a battle with a rival for Milyean. Lake Jasper is recorded as a site of mythological significance; however little ethnographic information pertaining to the nature of this significance exists with the records of DIA. Rosa Brook is reported as a ceremonial ground. The location of this site is unknown. The Augusta Flat Rock on Hardy Inlet is an important campsite for fishing and has been reported as a site of historical/contemporary significance. The Blackwood River has been reported by the Aboriginal community to be a place of mythological significance. This report is at present undergoing registration. All sites that have been identified in this research are in association with the regions water bodies. No previously recorded data exists as to sites associated with groundwater within the study area. As yet there is no research that has been conducted to date that addresses this issue.

IDENTIFICATION OF SPOKESPEOPLE
THE RIGHT TO SPEAK ON HERITAGE ISSUES
Various authors have discussed the contemporary problem of who in the Aboriginal Community has the authority to speak on heritage issues within an area. O’Connor et al. (1989:51) suggest that when this question is posed to people in Aboriginal Australia, answers are usually framed by such terms as ‘the traditional owners’, i.e., those people who are defined by place of birth i.e. descent. Meyers presents a broader and more contemporary view of ‘ownership’ based upon descent and association:

“An estate, commonly a sacred site, has a number of individuals who may identify with it and control it. They constitute a group solely in relationship to this estate. Identification refers to a whole set of relationships a person can claim or assert between himself or herself and a place. Because of this multiplicity of claims, land holding groups take essentially the form of bilateral, descending kindred. Membership as a recognized owner is widely extended” (cited in Machin, 1993:22).
Meyers then goes on to further clarify the current perception of ‘ownership’ when he states:

“....such rights exist only when they are accepted by others. The movement of the political process follows a graduated series of links or claims of increasing substantiality, from mere identification and residual interest in a place to actual control of its sacred association. The possession of such rights as recognized by others, called ‘holding’ (kanyininpa) a country, is the product of negotiation” (Ibid.).

While the notion of descent is clearly an important criterion within Meyer’s analysis, it must be seen in terms of the contemporary Nyungar situation. Nyungar tradition in the southwest has been seriously eroded since colonization, lines of descent have been broken, and previously forbidden and mixed marriages have interconnected many Nyungar groups who would not have traditionally had a close association (Ibid.). Consequently, in contemporary times the criteria of historical ‘association’ seems to be important in regards to the ‘right to speak’ on heritage issues within an area:

“Traditional subsistence no longer sufficed to support Aboriginals so they combined this with menial work on farms and over time new relationships to land developed. As a consequence, the more recent history associated with their involvement with European agriculture and labour patterns is often more relevant than the pre-contact mode of attachment to an old way of life and the roots of the identity as original owners of the land. Biographical associations are often tied to post-settlement labour patterns and identification. These can predominate. This is part of a dynamic process of ethnicity, identity and tradition” (Machin, 1995:11).

O’Connor, et al. (1989) identified several criteria for determining contemporary community spokes people. A spokesperson must have a long-term association with an area, usually as a young person, and had extensive contact with a member or members of the ‘pivotal generation of the culture transmitters’; those people who, as children themselves, had contact with people who could pass on their traditional knowledge. A spokesperson must also demonstrate knowledge of the region’s natural resources, its hunting, fishing and camping grounds, its local water sources, and the flora. This is important because a person without this knowledge is unlikely to be seen by their fellow Nyungars as truly being from that country, despite having been born or lived in that area. In some cases, people from outside a specific region have established themselves by political activism. They are accepted by their fellow Nyungar because they may have participated in mainstream white pursuits, such as advanced education, or legal and political careers, that has empowered them within the broader community. As such, these people are a valuable resource to the local Aboriginal Community. The people consulted in this survey fulfill at least one of these criteria.

NATIVE TITLE CLAIMS OVER THE SURVEY AREA
A search of the Register of Native Title Claims and the Schedule of Applications held by the Commonwealth National Native Title Tribunal was conducted on May 23 2003. The Schedule of Applications includes registered applications, unregistered applications and applications still undergoing the registration test. The search revealed two current native title applications overlying the area of proposed works.
SOUTH WEST YARRAGADEE – BLACKWOOD GROUNDWATER ABORIGINAL
CULTURAL VALUES SURVEY

South West Boojarah WC98/63

Applicants:
Mr. Benjamin Nannup, Mr. Donald Corbett, Mr. Franklin Nannup, Mr George Webb, Mr Glen Colbung, Mr Glen Councillor, Mr Ivan Corbett, Mr Jack Hill, Mr Ken Colbung, Mr Kevin miller, Mr Phillip Prosser, Mr Sam Miller, Ms Barbara Stammner-Corbett, Ms Donna Hill, Ms Frances Gillespie, Ms Teresa Miller, Ms Vilma Webb, Ms Wendy Williams.

Isaacs Family Native Title Claim WC98/042

Applicants:
Mr Clarrie Isaacs, Mr Victor Isaacs

SELECTION OF SPOKESPEOLE FOR THIS SURVEY

On the 18 February 2003 the consultant met with members of the working party of the South West Boojarah Native title claim group at a land council meeting held at the Busselton Civic Centre. Here the Waters and Rivers Cultural values study was discussed. It was agreed that the informants selected to participate in this study would consist of the Elders from families that have lived in the area, had traditional ties and knowledge of the area, and that were supported by applicant members of the Land Claim. It was also agreed that some ‘knowledgeable outsiders’ could be invited if they had significant knowledge of Nyungar spirituality with regards to water and that local people did not object.

Following this consultation the consultant was advised to draw up a short list and liaise with Mr. Ken Colbung, Mr. Jack Hill and Mr. Phillip Prosser for approval prior to sending out invitations for the attendance.

From this consultation process the following people were selected and invited to attend the conference.

Mrs. Vilma Webb is an applicant of the South West Boojarah Native Title Claim and is involved in its working party, she is also a member of Bibbulmun Mia Aboriginal Corporation Busselton and sits on the South West Commission of Elders. Mrs. Webb is also involved in teaching Nyungar language, history and culture to primary and high school students and at TAFE colleges. Mrs. Webb associates with the country around Busselton and Augusta, east towards Walpole and the Hay River and north again through Manjimup and Nannup. Mrs. Webb and her sister Frances Gillespie are able to trace their lineage to their great great grandparents who were traditional people from the Bibbulmun country. They both feel they have an unbroken ancestral link with their country. Mrs. Webb has lived in the area most of her life and has a wide knowledge of both traditional and more recent historical usage of the region.

Mr. Phillip Prosser is an applicant to the South West Boojarah Native Title Claim and president of the Aboriginal Veterans Affairs Association. Mr. Prosser was born at Ryans Mill, Cowaramup, to Arthur and Gladys Prosser in 1939. Mr. Prosser’s parents are descendants of the Sambos. His grandmother Eva Frances Wattling (who died at 82 years of age) was said to be the last of the traditional people in the area and had initiation scars on her shoulders and chest. Mr. Prosser was taken from his parents by police officers in 1944 and grew up at Roelands Mission. Mr. Prosser maintains regular association with the area through his political efforts to secure Native Title.
Mrs. Ellen Hill is a member of the South West Boojarah Native Title Claim Working Party and an executive member of the Gnuraren Aboriginal Corporation Busselton. She also assists with the Nyungar Education Committee, which helps Nyungar children at school. Ellen Hill is widely recognized as the senior Elder in the Hill clan who has traditional ties throughout the Blackwood catchment region.

Mr. Jack Hill is an applicant to the South West Boojarah Native Title Claim. Mr. Hill was born in Busselton. He was the first son of Les and Gloria Hill (nee Jones) and the grandson of Edward and Mary Hill (nee Isaacs) who were born in Karridale and Busselton respectively. Mr. Hill is a member of Gnuraren Aboriginal Corporation of Busselton, the Lake Jasper Juvenile Justice Project and sits on the executive committee of the South West Aboriginal Land and Sea Council. Mr. Hill has held a number of government positions in the area in the Ministry of Justice, Family and Children’s Services, the Australian Bureau of Statistics and is also the chairperson of the Nyungar Employment Development Aboriginal Corporation (NEDAC). Mr. Hill currently resides in Bunbury but is endeavoring to move back to Busselton when housing becomes available.

Mr. Ken Colbung, a well-known Nyungar Elder in the southwest, is the original applicant of the South West Boojarah Native Title Claim and is also a member of the Wagyl Kiap Native Title Claim. Mr. Ken Colbung also sits on the Aboriginal Cultural Materials Committee. Mr. Ken Colbung has hereditary ties to the Margaret River area and is knowledgeable about both traditional and contemporary Nyungar culture in the region.

Mrs. Barbara Corbett Councillor-Stammner is an applicant to the South West Boojarah Native Title Claim. She is the grand daughter of Frank Corbett and the great niece of Dan Corbett who were brought from the northwest at the turn of the century to be schooled at the Bussell family’s Ellensbrook Mission. After leaving the mission they took work as farm labourers in the Busselton Margaret River area and married into local Aboriginal families.

Mr. Wayne Webb is an Archeological Field Assistant. He has ancestral ties with the country from Busselton through Bridgetown and Manjimup to Hay River east of Denmark and everything to the west of this line. Mr. Wayne Webb is considered very knowledgeable about traditional and historical land use. He has 12 years of experience working alongside Archaeologists and Ethnographers for the University of WA, the Western Australian Museum and independent surveys.

Mrs. Francis Gillespie is Mrs. Vilma Webb’s sister and so shares her family history and associates with the same area of land. Mrs. Francis Gillespie is involved in the working party for the South West Bodjara Native Title Claim; she is an active member of the Biblemun Mia Aboriginal Corporation and sits on the South West Commission of Elders. She is also involved in the transmission of Nyungar culture, history and language at schools and TAFE colleges. Mrs. Francis Gillespie has lived in the area most of her life and has a strong affinity with the country.

Mr. Joe Northover is an applicant to the Gnaala Karla Boodja Native Title claim group and is chairperson of the Ngalang Boodja Council, Collie. He is employed as an Aboriginal Heritage Officer with the Department of Indigenous Affairs, Bunbury. He is widely recognized as a traditional custodian of the Collie River. He was born in Collie and claims traditional ties to the area through matrilineal descent. Although not from our study area Mr. Northover was invited to attend the conference due to his specialist traditional knowledge of the Southwest ‘Waugle’ Mythology and the values that are associated with this mythology in regards to all water bodies in the region. The Elders from the South West Boojarah/Isaacs claim area endorsed Mr. Northover’s attendance.
Mr. Terry Cornwall was the former chairperson of the Manjimup Aboriginal Corporation prior to this organization disbanding. Mr. Cornwall associates himself with an area from Bridgetown south to Walpole and east from Boyup Brook to the Tone River east of Manjimup. Mr. Cornwall has lived in Manjimup and sees his country as the Warren Blackwood region. Mr. Cornwall has worked on heritage projects for Charles Dortch of the WA Museum at Lake Jasper and along the south coast to the Donnelly River. Mr. Cornwall is a claimant on the Southwest Boojarah native title claim and is employed as an Aboriginal heritage officer with the Aboriginal Tourism, education and training unit with the Dept. of Conservation and Land Management at Kensington in Perth.

Mr. Harry Nannup lives in Mandurah but has hereditary ties to the Blackwood catchment area. Mr. Harry Nannup sits upon the working party of the Southwest Boojarah native Title claim group who requested his presence to represent his family’s interests.

Mrs. Suzan Kelly was formally a member at the Manjimup Aboriginal Corporation, which was an organization that was active in the recording of heritage matters for the south coast region. Mrs. Suzan Kelly is a descendant of Kathrine Frome (her great grandmother) a part Aboriginal woman, who was born in Quindalup and is buried in the Busselton pioneer cemetery. Mrs. Kelly’s grandmother was Alice Hill a Busselton Nyungar woman whose family run extends through Bridgetown, Manjimup down to the Donnelly River. Mrs. Suzan Kelly is actively involved in the preservation and transmission of Nyungar Culture, and is at present researching and writing a collection of traditional southwest Nyungar stories which she intends to publish. Mrs. Suzan Kelly is a claimant on the Southwest Boojarah Native title claim and lives on the family farm at Manjimup.

Mr. Glenn Kelly is Suzan Kelly’s son. Mr. Glenn Kelly has had extensive experience with Aboriginal heritage matters in the region having been a key member of the diving team from the WA museum’s underwater archeological surveys conducted at Lake Jasper. Mr. Glenn Kelly has qualifications in Environmental Science from Murdoch University and is active in researching Aboriginal prehistory for the lower southwest. Mr. Glenn Kelly is a claimant for the Southwest Boojarah Native title claim and at present is employed by the Western Australian Aboriginal Native Title Working Group.

Mr. Angus Wallam was born in Wagin and has lived in Wagin all his life. Mr. Angus Wallam is widely recognized in the region as a senior Nyungar Elder with traditional ties and extensive traditional knowledge. Mr. Angus Wallam sits on the South West Commission of Elders and has been noted as an authority on Nyungar traditional mythological knowledge of the significance of Southwest waterways. Mr. Wallam who does not have blood ties to the study area was invited to participate in the conference upon this basis. Senior Elders and working party members from the South West Boojarah claim group endorsed his inclusion in the consultation.

Mr. Clarrie Isaacs is a descendant of Mr. Sam Isaacs, a prominent figure in local history. The Isaacs family’s historical association with Margaret River and the surrounding region is well known and historically documented. Mr. Isaacs is actively involved in heritage matters as a spokesperson on Nyungar issues. Mr. Clarrie Isaacs is a claimant of the Isaacs Family Native Title Claim; he is also the Vice Chairman of the Aboriginal Advancement Council, a helper at the Swan Valley Nyungar Community, a member of the Dumbartung Aboriginal Corporation. He is also a spokesperson for the Stolen Generations Organization for the Western Australia and for the Sovereign Union Aboriginal Organization, which makes representations to the United Nations.
COMMUNITY CONSULTATION

AIMS
To establish contact with Aboriginal people who retain traditional or current knowledge of the study area.
To record and to provide advice on all known Aboriginal Heritage sites relevant to the significance of water.
To identify and document the Aboriginal cultural values associated with the water resources of the primary study area and how these values may be effected by human use of water both in situ and if withdrawn.

METHOD
Members of the Aboriginal community were contacted by letter and invited to attend a conference. Prior to this conference-taking place, Mr. Wayne Webb was employed to visit each person, to brief them on the project details and the subject for discussion. Mr. Webb informed each person to prepare points of discussion and questions to ask the scientific staff from the Waters and Rivers Commission about the proposal. Following this, the conference was held at the Broadwater Beach Resort in Busselton. Here the Waters and Rivers Commission representatives explained the proposal, the studies conducted to date and answered any question the community posed. Following this the Aboriginal community explained their cultural values with regard to water resources in the study area. Following the conference an interview was conducted with Mr. Glenn Kelly to record sites not on the sites register. A site visit was also conducted with some members of the group whom felt they needed to discuss the issues further in ‘country’.

COMMUNITY CONSULTATION PROCESS
Mr. Brad Goode (Anthropologist) introduced the meeting with a preliminary explanation of the scope of the study and an outline of the days proposed proceedings. Also present were Mrs. Fionnula Frost, Ms Bronwyn Page and Mr. Neville Welsh from the Waters and Rivers Commission. Mr. Ross McDonald a lawyer for the South West Aboriginal Land and Sea Council also attended. The meeting took place at the Busselton Broadwater Resort on the 7th of July 2003. Mr. Goode explained to those present that the scope of the study is to identify the domestic, cultural and spiritual significance of water in the study area to the Aboriginal community. In particular the cultural values of water and how these are affected by the use of water or human intervention on the water was the focus of the study. Mrs. Frost then gave an overview of the planning process of the wider study on the physical, economic and social feasibility of pumping water from the Yarragadee Aquifer. Mrs. Frost told those present that three teams were undertaking the planning process. An investigation team focused on the technical (physical and economic) side of the proposal, a planning team to incorporate all the separate studies into a written plan and a consultation team charged with informing the public and investigating the public (including the Aboriginal community’s) views on the proposal. Mrs. Frost explained to the people present that the purpose of the meeting was to explore the cultural values of all water in the study area with a view to creating environmental management plans for the water resources of the area. Mr. Welsh then gave a presentation on the scientific understanding of the Yarragadee Aquifer. He explained the physical extent of the Aquifer and the hydrogeology of the study area. During this presentation he revealed that during the technical investigation it had been discovered
that the Yarragadee Aquifer discharged into the Blackwood River in the between Darradup and Laymans Flat.

Throughout both of the presentations the Aboriginal community members present asked questions and contributed relevant comments. The Waters and Rivers Commission staff endeavored to answer all questions. The Aboriginal representatives comments were recorded by the anthropologist and his assistant. During the presentation on the community consultation process Mr. Clarrie Isaacs asked whether there was any Aboriginal representation on the Whicher Water Resources Management Committee. The meeting was told that no nominations were received from Aboriginal people. Mr. Glen Kelly and Mr. Terry Cornwall expressed concerns that even when Aboriginal people did sit on these types of committees they were not listened to seriously by other non Aboriginal members. Mr. Phil Prosser and Mrs. Barbara Corbett said that European cultural values were given too much emphasis and one Aboriginal on a committee was not enough. The view was expressed that a single Aboriginal person on a committee gets over run by the other interests represented on the committee. During the presentation of the scientific understanding of the Yarragadee Aquifer Mr. Prosser told the meeting that he had participated in a study for the Water Corporation prior to the drilling of bores on the Blackwood Plateau. He informed the meeting that he believed that some of the bores had not been drilled in the same locations as they had been shown during the field survey. Mr. Prosser also said that Aboriginal heritage sites, which he had reported during that survey, had been disturbed without obtaining a Section 18 application under the Aboriginal Heritage Act (1972). Mr. Prosser also said that trees identified during the Water Corporation survey as being important habitat trees for Red-tailed Black Cockatoos had been knocked over despite the Aboriginal communities’ request that they be retained. Mr. Prosser felt that Aboriginal community requests and recommendations made during the Water Corporation survey had been ignored. Mr. Ken Colbung also said that the Water Corporation had ignored Aboriginal interests, and he believed that preliminary boreholes had been drilled prior to Aboriginal consultation. Mr. Colbung said Aboriginal people often asked to be able to salvage timber that would otherwise be wasted and that their requests were often ignored. Mr. Colbung and Mrs. Corbett said that CALM was blocking access to timber the Aboriginal community had requested they be allowed to salvage during surveys undertaken for Main Roads and Water Corporation. Mr. Cornwall said that people did not understand that by destroying plants and animals the Nyungar totems of people were being killed and that this is the same as killing the people who belong to those totems or animals or plants. The Aboriginal representatives expressed the view that the drilling program had caused concern amongst the wider Nyungar community by not properly consulting with the community.

Mr. Angus Wallam told the meeting that the Blackwood River is filling up with sand. He said the Wagin Lakes will fill up with sand very soon and that the Blackwood River will also fill up with sand. He said that by pushing over all the big trees the farmers did not leave any areas of bush, no shelter belts for animals, no water troughs or dams were built by the farmers on their land and now the rivers are suffering. He predicts that the Wagin lakes will fill up with sand and that in a few years time it will be possible to plant trees where the lake used to be. He said that as the big trees along the rivers were being pushed over the rivers and lakes were filling up with sand. He said that the Blackwood and Frankland Rivers used to have lots of frogs around the places he used to go fishing. He said he has returned to these places and that the frogs are no longer there. Mr. Wallam said that, European people had trampled his rights in the past.

Mr. Joe Northover said that as the Blackwood River has been reported as a site under the Aboriginal Heritage Act (1972) the water that enters the river from the Yarragadee Aquifer by association is also a site. As the Blackwood River is a significant and sacred site, the water entering the river is significant and sacred which makes the Yarragadee Aquifer significant and
sacred. This view was expressed to the meeting and was accepted by all of the Aboriginal representatives in the room.

Other concerns raised during the technical explanation of the Yarragadee Aquifer were the possibility of the land slumping as a result of removing such a large amount of water from beneath the land surface and the effects on the forests.

Following the technical and scientific explanation of the Yarragadee Aquifer and the Water Corporations proposal there was a break for lunch. This allowed all of the aboriginal informants to discuss their concerns prior to voicing them in the community consultation meeting. During the community consultation held during the afternoon the Aboriginal representatives were asked to raise the issues they saw as important and to discuss their understanding of the domestic, cultural and spiritual significance of water in the study area.

Mrs. Corbett said that Nyungar youth should be offered education, training and employment. They should be included in a partnership between Waters and Rivers Commission and the Aboriginal community. Mrs. Corbet wanted Aboriginal people to be more involved in the planning of the proposal. She said that all water is broadly important to Aboriginal people. When asked what were the cultural values of water to the Aboriginal community, Mr. Jack Hill listed camping, marroning and fishing as being important. He was concerned about any impact the proposal might have on these activities. Mrs. Corbett said that Mother Nature was the Nyungar people’s birthright; she said that Nyungar people could communicate with the spirits of their Ancestors in nature (the bush, forests, waters). Nature is a spiritual force she said. The Aboriginal representatives agreed with this statement, the view was expressed that there is a need to talk to ‘white’ people about creation and the Waugle so there is a better understanding of Nyungar culture. It was indicated the Aboriginal representatives believed there was no understanding of the importance of nature to Nyungar people by government departments. Waterways were always considered important in Nyungar country, and water is considered to be one of the most important parts of creation. Mrs. Vilma Webb said that all water bodies, lakes, soaks, rivers and creeks had Nyungar names, and she asked a rhetorical question, if they weren’t significant to aboriginal people why were they named? Mrs. Webb said that all waterways are the dreaming paths of the Nyungar people. Mr. Isaacs and Mr. Colbung said that tributaries of rivers could also be considered significant, as they are a part of the same spiritual energy as the river and therefore are a part of the same site.

Mr. Colbung said there are stories about the rivers and there are often winnaitch or wynaitch (avoidance areas) areas on rivers or around lakes and swamps. Mr. Prosser remembers that the old men used throw sand into the sea before they began fishing; this bought in the fish and let the water know who was approaching. “The water is alive!” Mr. Northover agreed that water is alive, he asked the permission of the other Aboriginal Elders in the room to tell about the Ngarngungudditj Walgu the story of the Collie River and Minninup pool. He said there was a particular song to sing and that it was necessary to throw sand into the water to warn the Ngarngungudditj Walgu that you were approaching. He said that doing this was calling out to the spirit of the water. He said that it is possible to see the spirit of the Ngarngungudditj Walgu in the water at Minninup pool. He said that the spirit is in our kiap our boodja, our place, camp, and land. There are different stories for different places. All of these stories are similar and are significant in spiritual terms for all areas he said. Mr. Northover said that if we hurt the Ngarngungudditj Walgu it could be bad for the Nyungar people, it could harm the Nyungar people. Mr. Cornwall said that he had been with Aboriginal people at the Murchison River and that the practice of throwing sand into the water was observed in the same manner and for the same reasons in that region as well. It was agreed by the Aboriginal representatives that the
mythology of the rainbow serpent or waugle in the creation of the rivers should be communicated to ‘the authorities’ to make them aware of the importance of these beliefs for the Nyungar people. Mr. Hill and Mr. Prosser said that water is like the blood in our bodies, when we pollute the water it is the same as when we smoke and pollute our blood. Mr. Wallam said the same ritual of warning the spirit of the water that you were approaching was observed in his country. He said that around Wagin and in the Great Southern region the marchant or mardjant was the name the old people used to call the spirit of the water. He said that the spirit is in the water and is alive. He said he had been told stories about the marchant or mardjant by ‘old people’. The Aboriginal representatives were asked if all water is significant in a sacred sense. Mr. W Webb said that all waterways, rivers, chains of lakes or water holes are the dreaming trails of the Nyungar people. They are also the paths to follow between one place and another. Mrs. Webb, Mr. Wallam and Mr. Colbung said that waterways are all significant, the Blackwood River is the cultural boundary between the Pibbelmen and the Wardandi people. The rivers are the access tracks to the coasts from the woodlands and forests and the camping areas are located along them. Mr. Northover, Mr. Wallam, Mrs. Webb and Mr. Colbung said that as the Yarragadee Aquifer discharges into the Blackwood River it is the same spiritual energy as the Blackwood River and therefore it is the same site. (The Blackwood River is in the process of being assessed for registration by the DIA as an Aboriginal Heritage Site having been recently recorded and reported as a site by V Webb and C Isaacs in March 2003). Mr. Northover, Mr. Wallam, Mrs. Webb and Mr. Colbung said that any bore or holes that are drilled into the Yarragadee Aquifer should be subject to an application under Section 18 of the Aboriginal Heritage Act (1972) to use the water.

There were a number of other concerns regarding the proposal that concerned the Aboriginal people at the meeting were also raised. Mr. Colbung made the meeting aware he had reservations about the information from the meeting being taken out of context and used against the Nyungar people.

Mr. Isaacs believed the consultation period should be extended, as there was not enough time for the community to be properly consulted.

There was general agreement that there was not enough Aboriginal representation on the project.

There were concerns about any impact on the fauna of the region and about access to the forests.

The issue of water licenses and who gets access to the water resources was raised as an issue. Mr. Isaacs asked how it was possible for a neighbour to pump the water out from beneath your land. The idea that the floodplain was apart of a river and the question of how big or wide a river was raised.

Mr. Isaacs recommended that all government departments adhere to the principals of Agenda 21 of the United Nations.

Mrs. Sue Kelly wanted to know that Acid Sulfate Soils were being investigated and that the disturbance of the ground shouldn’t cause environmental damage like on the Scott coastal plain.

That Nyungar knowledge shouldn’t be overlooked, the Nyungars looked after the land and the rivers so well that when the ‘white man’ came he couldn’t even see the impact of the Aboriginal people on the land it had been looked after so carefully.

That Nyungar culture is dynamic, it is Nyungar culture even though the beliefs or stories may have changed they are still the Nyungar culture and the new culture is just as relevant.
The Aboriginal representatives at the meeting wanted there to be further consultation. Mr. Hill wanted there to be field inspections of some sites or areas.

There was a need for more Nyungar involvement in the monitoring of the proposal.

It was requested that there be another meeting regarding the proposal.

Mr. Glen Kelly indicated that sites existed in the Donnelly River area that he has previously recorded that are at present not on the Aboriginal Heritage Sites Register.

At the conclusion of the meeting Mr. Isaacs gave the consultant a prepared statement regarding the Yarragadee Aquifer and the Blackwood River area. The complete statement is included in the Appendix of the report. A selection of quotes from this statement; The Indigenous Peoples of this country have, respected and preserved the water courses, flood plains and the surrounding areas for thousands of years…Our Indigenous Peoples did not interfere with the flow of water, they did not cause pollution to the water, and they did not cause other peoples not to have access to water. Our people are environmental experts and they have long realised the effect of country is not necessarily worst at the immediate center of disturbance. The passage of subterranean water if disturbed will cause a back flow of salt water. Such a situation exists in the southwest and the extraction of over 45 Gigalitres of water a year will cause a disaster.

...."Water is also the property of the indigenous people. The overall effect of removal of such a massive amount of water will certainly have alarming consequences. We should be involved in all aspects of assessment and empowered to monitor the amount of surface water and the moister content of the whole area in question. The question of water licenses and recycling water should be fully explored."
Following the meeting and during the drive to his home in Walpole with Mr. Goode, Mr. Webb told the anthropologist about the story of the Margaret River with Milyan and Wooditch and of how it told about the marriage customs of the Pibbelmen and the Wardandi people. The Blackwood River was the boundary between the two groups and the Wardandi men used to marry the Pibbelmen women from the south side of the river according to their moiety grouping. The Margaret River story tell that Milyan came from Millyannup and the Lake Jasper area and married a Wardandi man from near Margaret River.

FOLLOW UP INTERVIEW WITH MR. GLENN KELLY
During my years at the Manjimup Aboriginal Corporation and through my involvement with archeologists from the W.A. museum, I have identified a number of archeological sites in the project area and many more south of the Donnelly River along the coast to Pt. D’Entrescasteaux. I have not yet registered these sites but I think that it is important that the Waters and Rivers Commission are aware of the places, as they fit the pattern of traditional Aboriginal land use which focused on the regions water bodies. In fact these sites are all linked by the coastal path along the South Coast that runs through Lake Jasper to the Blackwood River mouth at Augusta. (The fact, that you find archeological materials at lakes and along the rivers, here shows these links.) I would describe this chain of sites as a site complex along a dreaming path from Point D’Entrescaux through Lake Jasper to the mouth of the Blackwood. Another important area to Nyungars is Gingilup, west of Black Point Road. Here grows the best spear wood. These spears were widely traded. This wood is a Melaleuca species that the Nyungars call ‘Watton’.

The most important issue that Waters and Rivers need to be aware of is the value Nyungars place on water resources. Water has sacred religious significance. Water is fundamental to life, our heritage and culture. Nyungar traditional mythologies taught people a code of ‘values’ and instituted (created/instilled) a system of respect for this resource in order that it was used in a sustainable way. We did not take more than we needed and did not interfere with the waters natural flow across the landscape, which would deny other species the use of water. What I am most worried about with this proposal is the effect that taking this amount of water from the aquifer will have on the re-charge of the pools along the Blackwood River and Rosa Brook. The thing that white people need to understand is that Aboriginal cultural significance is not just restricted to what you term a ‘site’. The Waugal stories are about the creation of the whole landscape. These stories form for Nyungars an ecological worldview, in a sense it’s an environmental management plan for ‘Blackfellas’ to look after the whole landscape and not to over exploit it. The Blackwood River is a major Waugal dreaming path, the rivers health is of fundamental importance to the whole region. Any actions that will threaten this river could have catastrophic affects on the environment of the whole region.

FIELD TRIP
Following the conference on the 24th July 2003 the Consultant met with Mrs. Vilma Webb, Mr. Ken Colbung, Mr. Jack Hill and Mr. Phillip Prosser at Mrs. Webb’s residence in Busselton. The purpose of this consultation was to discuss further the issue raised at the conference with regards to the significance of the Blackwood River and to identify specific places of importance on this river and within the broader Blackwood Plateau study Area. Leaving Mrs. Webb’s residence in Busselton the group drove south along Sues Road and then turned east along Mowen Road. It was decided by the group, to first visit Barrabup Pool. At Barrabup Pool the Aboriginal informants advised the consultant that Barrabup Pool, Workmans Pool and the St Johns Brook flowing into the Blackwood River were of traditional mythological significance in terms of being created by the Waugal.
The pools and St Johns Brook were also of traditional and contemporary domestic significance. The Aboriginal informants stated that they had already informed the Water Corporation of these places significance when Parker (2003) had conducted a survey for test bores in the area. During this survey the Aboriginal community advised that they did not wish a bore to be located at Barrabup Pool. The group was concerned that a bore at Barrabup Pool would take too much water from the underground aquifer and that the taking of this water would affect both the levels and the quality of the water in Barrabup and Workman Pools. The Aboriginal community advised that St Johns Brook, which flows into the Blackwood River may also be affected. According to the group St Johns Brook was a traditional path from the estuarine systems of Wonnerup to the Blackwood River, which was a path to Karridale. All the pools along these waterways were summer campsites where marron and fish were harvested. The Aboriginal informants then advised the consultant that it was their belief that all the water bodies in the region had the same spiritual significance and that the Waugal had created them all. All these water bodies that connected to the Blackwood River were a part of the same spiritual energy and were, in the opinion of the group, made up one big site (in terms of the Aboriginal Heritage Act 1972). This, in the opinion of the group, included the underground aquifer. According to the informants these aquifers fed the pools and the Blackwood River therefore they were also of the same spiritual energy and thus were the same site. Mr. Prosser stated:

“Water is the life of the system and is all interconnected, spiritually, holistically, all interconnected. All water bodies are a culturally significant site to Nyungars, this includes ground water. Water finds its own level, I cannot accept that there are no connections between the aquifer as the (Water and Rivers Commission) scientists suggest. If we take water out of the lower level’s aquifer it is going to affect the water level in the upper level aquifer, which in turn will affect the forest and all the animals that are dependent upon it. We may not see this affect in our lifetime
but it will happen. From a spiritual point of view these bores will drain the life out of the land (pers com 2003).

Mr. Colbung added that all the tributaries that flow into the Blackwood River are a part of the ‘site’. He states that the other rivers in the region like the Scott River and the Donnelly River should also be viewed in the same terms. Where a water body is connected it is all one site and that this needs to be recognized and understood by the white community and the DIA specifically.

Mrs. Webb stated that she was very concerned that the bores proposed would take too much water, water that feeds the summer pools along the Blackwood River. Mrs. Webb stated that traditionally Nyungar people used these pools when traveling to the coast in summer along a path running adjacent to the Blackwood River. Mrs. Webb stated that these pools were important campsites where fish and marron could be caught. Mrs. Webb stated that fishing and marroning were still of great importance to Nyungars today and that she fears the bores will affect the level of the pools and the quality of the water and that it will spoil the resources that the river can support. Mrs. Webb stated that this system had achieved a balance over thousands of years so how can scientists possibly understood the affects that this proposal can have in such a short study period. Mrs. Webb stated that before we tamper with this system that we should study the proposal and its importance over a much longer time. Mrs. Webb said “The Water Corporation will also be like the mining companies, once they start they will want to take more, they will continue to take more until there is not enough left, this is what also worries me! The salt will come in and kill everything and the fish and marron will be gone.”

From Barrabup Pool the group drove to the south of Nannup along the Brockman Highway to Darradup. This is the part of the Blackwood River where the Waters and Rivers Commission scientists stated the Yarragadee discharged into the Blackwood River. Here the community representatives wanted to follow Blackwood River west until they reached a ford point where the Great North Road crosses the river.

Before following the Blackwood River the consultant was advised to travel south along the Brockman Highway to where the Milyeannup Brook joins the Blackwood River. Mrs. Webb advised that the walk path south to Lake Jasper followed the Milyeannup Brook and then the Barlee Brook to the Donnelly River, then west to Lake Jasper. Mrs. Webb stated another path went from Lake Jasper, followed the coast west through Lake Bolingup at Black Point along the Scott River to a crossing at the Hardy Inlet near Augusta. Mrs. Webb stated that all these paths connected fresh water pools along these waterways that had been major camping places in traditional times. In her opinion it was the underground water that kept these pools fresh. Mrs. Webb stated that the Water Corporation bores could cause major problems for the whole environment if they took too much water. She was concerned that all these watercourses and pools could become salty and no longer able to sustain life.

After leaving the Milyeannup Brook the group traveled west to the ford at the Great North Road hoping to inspect pools on the Blackwood River pools around Laymans Flat. However the river levels were too high and access to the river was difficult. At the ford Mrs. Webb explained that this was the crossing in the traditional times between Piblemen and Wardandi groups of Nyungars. Mrs. Webb showed the others in the group an ochre deposit on the southwest embankment and stated that the Nyungar name for the Blackwood River was ‘Goobillyup’.
Figure 4 The Southwest Boodjarah representatives on Longbottom Road Bridge at Darradup

Figure 5 Mr Ken Colbung and Mr Phil Prosser at the ford on the Great North Road
COMMUNITY CONSULTATION OUTCOMES

Sixteen Aboriginal representatives with heritage interests were consulted during a meeting held with the Waters and Rivers Commission and Mr. B Goode and Associates Consulting Anthropologists and Archaeologists on the 7th of July 2003. At this meeting the planning process and an overview of the Water Corporations proposal to pump 45 Gigaliters of water per year from the Yarragadee Aquifer were explained to the Aboriginal representatives. The Aboriginal representatives were asked to give their views on the domestic, cultural and spiritual significance of all waters in the study area. It emerged during the meeting that there were matters of Nyungar cultural heritage interest, regarding the waters within the study area that should be considered.

The Blackwood River is in the process of being assessed for registration by the DIA as an Aboriginal Heritage Site having been recently recorded and reported as a site by Mrs. Vilma Webb and Mr. Clarrie Isaacs in March 2003. The Blackwood River was clearly considered important to Nyungar people at the conference and was talked about as a 'site' of domestic, cultural and spiritual significance. The Blackwood River was said to be alive with the spirit of a Waugle in the water. It was concluded in the meeting that the myth or story of the Waugle, Ngarpungudditj Walgu and the Marchant or Mardjant were the same story in essence with different names for the serpent in different places. A similar story exists in the great southern region / Albany, Kojonup, Wagin and in other parts of the southwest the Collie, the Preston and the Swan rivers. Similar propitiatory rituals, throwing sand into the water and talking or singing to the water prior to entering the water or fishing or hunting in the area, exist from Albany to the Murchison region, to the boundaries of Nyungar country or beyond. There was no story specific about the event of the creation of the Blackwood River by a Waugle, known by any of the Aboriginal representatives, although it was the belief that this event had taken place. It was also the belief that the Waugle was responsible for the creation of the Margaret River, however it is reported that a Waugle, no longer resides in the Margaret River. There is also a story about the creation of the Margaret River that does not involve a serpent or snake in the creation of the river but rather a magic stick.

It was established that most of the Aboriginal representatives believed that because the Yarragadee Aquifer discharges into the Blackwood River it is the same spiritual energy as the Blackwood River and therefore it is the same 'site'. The people consulted, recommended that as they considered the Blackwood River and associated discharge from the Yarragadee Aquifer were the same site, any bores that are drilled into the Aquifer should be subject to a Section 18 Application under the Aboriginal Heritage Act (1972).

It was indicated that a number of previously recorded sites that are not presently included in the Aboriginal Heritage Sites Register are located on the Donnelly River.

There were a number of other concerns raised by the Aboriginal representatives during the meeting. Most of these concerns are of broader nature and include the current domestic usage of the study area, for example marroning and fishing, the effects of taking water on flora and fauna. Other concerns that were raised by the Aboriginal Community were to do with the possible environmental damage that maybe caused by the exposing of acid sulfate soils, and of ground slumping. Issues of ownership of the water and the southwest losing its water resources to Perth where also raised. There was general agreement that there needed to be a greater understanding of the beliefs of the Nyungar people by the governments and its agencies before any final decisions are made to proceed with this project. The Aboriginal representatives believed there should be greater Aboriginal involvement in the planning process and that they should be included in the water monitoring programs that are conducted as a part of these studies. They also requested
Aboriginal people be trained, educated and offered employment in the planning and assessing of this project. Concerns were also raised regarding the amount of time currently proposed for the assessment of the Water Corporations proposal. The Aboriginal community believed that the study period to assess this proposal was too short and a longer time frame should be given for study and assessment before approval is given.

The Aboriginal representatives requested further consultation regarding the issue and requested another meeting to discuss the matter. It was also requested that there should be field inspections of the bore sites before final approval is given.

SUMMARY AND RECOMMENDATIONS

The Waters & Rivers Commission are tasked with the development of a comprehensive Environmental management Plan for the Blackwood Groundwater Area (figure 1). A study of the Aboriginal cultural values associated with this groundwater resource, including the South West Yarragadee aquifer is required as input into development of this management plan. This is needed in order that any water taken by end users of this resource (Water Corporation) is done in compliance with the obligations set out under the terms of the Aboriginal Heritage Act (1972).

Archival research involved a search of the Department of Indigenous Affairs (DIA) Sites Register and a review of previously recorded reports (both published and unpublished) and a review of ethnographic historical literature. Thirty six registered Aboriginal heritage sites are located within the study area. Twenty five of these were archaeological sites. There were two quarry sites and another two ochre mine/pit sites that were reported during the community consultation process. All of the recorded sites are located in the vicinity of the regions sources of fresh water such as rivers and pools which confirms the importance of these water ways as areas favorable for camp sites and resource exploitation.

The Margaret River and Lake Jasper are both believed to have or to have had mythological significance to Aboriginal people. Both places have been reported to have stories of Aboriginal significance attached to them (although a story about Lake Jasper is reputed to exist, O’Connor 1995 refers to the existence of a story – the story is not contained in the site files Site Id 16878 or any other DIA or WA Museum archives). The Blackwood River is currently undergoing assessment by the DIA as a site of mythological significance in association with the Waugle. No previously recorded data regarding the significance to Aboriginal people of underground water was found regarding the survey area.

During the community consultation process there were several issues regarding the significance to Aboriginal people of water (rivers, pools, lakes, springs and underground water) in the study area. The Blackwood River was reported to be a site associated with the Waugle, that the Waugle lives in its waters. The Aboriginal informants also said that all of the Blackwood River’s tributaries and pools located on the tributaries were also associated with the Waugle that lives in the Blackwood River. The statement that the Waugle exists or had a previous association in all of the water sources (i.e. that the Waugle played a part in their creation) is consistent with early recordings of the Waugle mythology by Bates (1938) and contemporary recordings by O’Connor (1989). As the Yarragadee aquifer recharges the Blackwood River near Darradup the Aboriginal people consulted considered that the aquifer was ‘of the same spiritual energy as the Blackwood River’, that the aquifer was associated with the Waugle. The Aboriginal people consulted recommended that the Blackwood River and its associated tributaries should be considered a site (under the Act) and that the Waters and Rivers Commission should make an application under Section 18 of the Aboriginal Heritage Act (1972) prior to issuing a license to the Water
Corporation to extract water from the Yarragadee aquifer. It was also stated by Mr Ken Colbung that the Donnelly River, the Scott River and their associated tributaries should be considered in the same manner.

The rivers and pools on these water courses within the project area were and are also considered to be of significance to the Aboriginal people as they had been access ways through the forest and camping places in traditional times. They were also known to Aboriginal people as places to procure food (fish, marron, ducks, sedges and other plants) and in the case of the Blackwood River a territorial boundary between the Pibbelmen and Wardandi language groups.

There were a number of concerns and issues raised by the Aboriginal representatives with regards to the Water Corporation proposal during the consultative process. Most of these concerns are of a broader nature and include the current domestic usage of the study area. Many people are concerned about the affect on marroning and fishing that the extraction of ground water may have. People are also concerned about the affect that the possible lowering of the water table will have on the regions flora and fauna. Other concerns are to do with possible environmental damage such of the exposure of acid sulfate soils and ground slumping. There was general agreement that prior to this project proceeding that there needed to be a greater understanding and acknowledgement of Nyungar values and beliefs with regards to sustainable land use practices by the Government and its agencies. The Aboriginal representatives consulted advised that there should be greater Aboriginal involvement in the assessment, planning and monitoring process for this project before the Waters and Rivers Commission issued a license for the Water Corporation to proceed.

As a result of the above survey the following recommendations were made:

It is **recommended** that the Blackwood River, its tributaries, its tributaries and associated pools (three pools identified during the survey were Barrabup, Workmans and Cambray) and the waters from the Yarragadee aquifer be entered upon the interim Aboriginal Sites Register as a site of mythological significance in association with Waugal beliefs. It should also be recorded that the above places have both traditional and contemporary significance as places that represent a cultural boundary, a path of migration between camps, and around the summer pools where traditional and contemporary resources procurement activities continue. Marroning and fishing are central to these activities.

It is **recommended** that the Donnelly River, the Scott River, and their associated tributaries should be considered in the same manner. Prior to issuing a license for the Water Corporation to harvest 45 gigalitres of ground water from the Yarragadee aquifer it is **recommended** that the Waters and Rivers Commission make application under Section 18 of the Aboriginal Heritage Act (1972) so that the ACMC can consider the status of these places as sites under the Act. Following this determination it is **recommended** that prior to any further decisions being made or works taking place that are likely to impact upon the Aboriginal communities sentiments, beliefs and cultural practices that the Waters and Rivers Commission enter into discussions with members of the South West Aboriginal community in order to determine a role for the Aboriginal community in the management and monitoring of water resources within the region.

It is also **recommended** that prior to any further decisions being made on the issuing of any further licenses for water harvesting, that the Waters and Rivers Commission investigate the question of ownership rights in regards to water resources with regards to any rights the Aboriginal community may have under the Future Acts clause of the 1993 Native Title Act.
It is also **recommended** that Waters and Rivers Commission continue to consult and inform the Aboriginal community as to the progress of the project and as to the findings of all other studies. This could be achieved by regular contact, consultation and briefings with the South West Aboriginal Land and Sea Council (SWALSC) at working party meetings and the provision of the findings of studies to the SWALSC.

It is also **recommended** that the Waters and Rivers Commission make provision for a suitably qualified Aboriginal person or persons to be involved with the Whicher Ranges Water Resources Management Committee. Advertisement, selection and appointment for such positions should be entered into in a culturally appropriate manner. Written applications and submissions of CV’s are a significant cultural barrier to Aboriginal participation. In order to make this process effective the Waters and Rivers Commission should consult local Aboriginal organizations and the SWALSC.

It is also **recommended** that the Waters and Rivers Commission make provision for the employment of Aboriginal people within their department in scientific, policy development and water monitoring roles. This would greatly enhance the understanding and diffusion of Aboriginal cultural values with regards to the development of management plans for the regions water resources. It is suggested that this **recommendation** could be achieved by the creation of identified cadetships in sciences, identified positions in graduate development programs and traineeships for para-professional areas to do with the ongoing water monitoring program.

It is also **recommended** that the Waters and Rivers Commission request that the Water Corporation create identified positions, both within their department and with contractors engaged in construction works, that may result from approval to develop the Yarragadee aquifer. If local Aborigines are employed in all aspects of the project adequate monitoring of the Aboriginal peoples cultural interests can be achieved without having specific people just employed as ‘Cultural Monitors’.

It is finally **recommended** that the Waters and Rivers Commission advise the Water Corporation that any clearing of large habitat trees for bore locations and access roads be avoided and that Aboriginal community members are employed to monitor any necessary clearing for bore locations, pipelines etc.
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Map of The Blackwood Groundwater Study Area in relation to Aboriginal Sites.

Approximate Location of Ochre Deposit

Ochre Sites as identified by Glenn Kelly

Mythological Sites identified during field work

LEGEND:
- Rivers 250KN
- Canal
- Watercourse
- Towns DOLA
- Coast Ripples
- Main Roads
- Groundwater Areas WRC
- Aboriginal Wig sites
- Site in Register
- Permanent Register
- Lakins goolldaa
- Blackwood Ground Water Area
- Ochre Sites as identified by Glenn Kelly
- Yarragadee water that discharges into the Blackwood River
- Mythological Sites identified during field work
MAP SHOWING NATIVE TITLE CLAIMS

HARRIS FAMILY
WAG6085/98
WC96/041

ISAACS (UNREGISTERED)
WAG6258/98
WC98/042

SOUTH WEST BOOJARAH
WAG6279/98
WC98/063
Southwest tribal boundaries, after Berndt 1979
APPENDIX 4: WOODITCHUP; THE STORY OF HOW THE MARGARET RIVER WAS CREATED

The native name of the Margaret River was Wooditchup, named after Wooditch, who made the river with his magic wand. Nearby is Milyanup, the place of Milyan, the wife of Wooditch, and daughter of Ngungaroot.

Milyan, who was a very fine looking young woman, fell in love with Wooditch. Wooditch was a medicine man who was known as the ‘Mulgar Kattuck’ which means ‘medicine power possessor’. He could transform one thing into another and do almost anything he chose by a mere touch of his magic wand.

Wooditch became violently in love with Milyan the moment he saw her. He forthwith made known his desires to Ngungaroot her father. The old man became very wrath and said that his daughter was already promised to Wooditch’s eldest brother, Ngorable, and that as soon as Ngorable came down from Dudinalup she would be handed over to him for his lawful wife. Wooditch was not deterred by this reply, as he was quite confident that Milyan loved him better than any man she had ever seen. He decided to employ his wonderful magic to get her for his wife.

For some considerable time he very cautiously watched the movements of Ngungaroot and his daughter. One night, before the moon rose, the old man Ngungaroot got up, gathered all his equipment, his spear, axe, boomerang, hunting knife and digging stick, awakened Milyan, and bade her take her skin bag and follow him. By midday they had reached the Kalkardup country. There the old man mysteriously fell asleep. While he slumbered, Wooditch, who, by his magic power, had sent the old man to sleep, made his appearance to Milyan, and beckoned her to follow him quickly.

After a few minutes, Ngungaroot awoke, sprang to his feet, and finding Milyan gone, set off in search of her. He picked up her tracks and would soon have overhauled the runaways but Wooditch, seeing him coming with his beard in his mouth, muttering curses and preparing his weapons to strike, again exercised the power of his magic wand. He placed the wand on the ground and commanded a big river to run between them. The old man was dumbfounded. Being a man of great strength, he pulled up large trees by the roots and threw them across the river, but the current was so strong that it washed them down the stream. When the afternoon was half gone, the two enemies, walking on opposite banks of the stream, reached the ocean, where Wooditch gave the ocean a lead into the sea. The water was running so swiftly that Ngungaroot was still unable to cross and remained on the other side of the river, yelling his curses to the runaways on the opposite bank.

Wooditch and Milyan were now very hungry, and decided to go out on to the reefs at the mouth of the river to spear grouper, which were very plentiful there. They set off, leaving Ngungaroot still raging at the other side of the river.

After a while, the rushing water subsided and Ngungaroot managed to get over to where the young people were. He was on the point of seizing his daughter, when Wooditch struck him with his magic wand and turned him into a grouper, which disappeared into a deep hole in the reef. As the couple returned to the wide beach in order to make a fire to roast their fish, Wooditch speared a big grouper which was swimming close to the shore. He left it with his wand leaning against it while he helped Milyan to roast the other fish.
When they were eating their fish, Wooditch began to feel very sorry he had turned the old man into a grouper, for Milyan kept bursting into tears over the loss of her father. He told her that if the big fish beside him should happen to be the grouper which had been her father, he wished it would turn into the old man again. Immediately, the transformation took place, and Ngungaroot was restored to them. He was now resigned to the union of Milyan and the powerful Wooditch.

They left the neighbourhood and lived happily for many years at a place which has ever since been known as Milyanup. When Ngungaroot got very old they went back to Wooditchup and lived by the river Wooditch had made. After they had been there a little while, one day Ngungaroot went into a cave and died. The cave is on the eastern end of a cliff at Walcliffe on the Margaret River. This place is called ‘Wainilyinup’ or ‘the place where the old man died’.

(Buller-Murphy, D. 1959.)
APPENDIX 5: SUBMISSION FROM CLARRIE ISAACS

Yaluritja- Clarrie Isaacs JP  16 Nankivell Way Koondoola 6064 West Australia

The South West Yarragadee aquifer and Groundwater in the – Blackwood River Area

INDIGENOUS ISSUES & THE PROTECTION OF THE LIVING ENVIRONMENT

No one has the right to question our Cultural Religious and Spiritual connection to water as it is protected as a freedom by The Australian Constitution, ILO Conventions, The Universal Declaration of the Indigenous Peoples of the World and the Declaration of Political and Civil Rights.

Like wild flowers, the indigenous Peoples are created by a seed from which they grow and they move across the land like seeds blown by the wind. But the indigenous peoples can sense and hear the pain and suffering of the plants, animals, birds and the country. They too are nurtured by the rain and the heat from the sun and fire.

The Indigenous Peoples of this country have, respected and preserved the water courses, flood plains and the surrounding areas for thousands of years. Like other Indigenous peoples of the world water plays an important role in their daily lives and their ultimate survival in a protected environment.

When Captain James Stirling and the invaders came to this country they didn’t bring water with them, they just started stealing water for their own selfish use. Interfering with and disrupting the riverbeds, wetlands and floodplains and therefore disrupting the whole life cycle of birds, animals, insects, creatures and plants that rely on water and its environment for their existence too.

The extinction rate of animal and living species is particularly alarming in the (deep) South West of Western Australia. The 2002 Terrestrial Bio-diversity Assessment - The biggest stocktake of Australia’s wildlife identifies more than 2800 at-risk ecosystems, with the South west of WA among those areas with the biggest numbers of threatened species.

To add extraction of 45 gigalitres of water to the already alarming situation without proper safeguards being put in place would surely be Environmental Terrorism. Our Indigenous People did not interfere with the flow of water, they did not cause pollution to the water, and they did not cause other peoples not to have access to water.

Life and Death – is an interconnected relationship of the indigenous peoples body, mind and soul, with the spirits of all creatures and living organisms.

When I attended the World Environmental Conference at Rio de Janeiro in Brazil (92) my statement was “by the year 2000 everybody in the world should have access to clean fresh water.”

Our people are environmental experts and they have long realized the effect of country is not necessarily worst at the immediate center of disturbance. The passage of water subterranean water if disturbed will cause a back flow of salt water. Such a situation exists in the southwest and the extraction of over 45 Gigalitres of water a year will cause a disaster.

Water is also a property of the indigenous people.
The overall effect of the removal of such a massive amount of water will certainly have alarming consequences.
We should be involved in all aspects of assessment and empowered to monitor the amount of surface water and the moisture content of the whole area in question.
The question of water Licenses and recycling water should be fully explored.
I have worked for the Water Authority’s Sewerage Maintenance and Fresh Water Maintenance Section in
Perth Western Australia for 17 Years.

Being involved in the Construction and Maintenance of the pipeline distribution network, such as the Bore
Field in Gnamara and on country projects too. Working in the various and positions a Machine Operator,
2 way Radio Operator, Pipeline Television Crew member, Truck Driver, Flow Gauge operator and assistant
to a Engineer, gave me lots of experience.

President and Chairman, Branch Executive, State Councilor, Trades and Labor Delegate of the Water
Supply Union and attended Political Study courses at 14 hours a day, for 14 days over a period of 5 years at
Clyde Cameron College in Wadonga Victoria. The Water supply Union was the first Union in Australia to
introduce English in the Workplace and we also started the United Credit Union in Leederville. Later the
Union affiliated with a Cartel of 50 other Trade Unions to become part of the Federated Miscellaneous
Worker’s Union.

[Signature]

[Stamp]