

The Significance of the Karlamilyi Region to the Martujarra of the Western Desert

Prepared for
The Department of Conservation and
Land Management
on behalf of
the Western Desert
Puntukurnuparna Aboriginal Corporation

by
The Western Desert Working Group
March, 1989

**COVER NOTE BY THE DEPARTMENT OF
CONSERVATION AND LAND MANAGEMENT**

RUDALL RIVER (KARLAMILYI) REGION RESOURCE DOCUMENT

This document was prepared for the Department of Conservation and Land Management by the Western Desert Working Group to provide some background for the Management Plan that is being prepared for Rudall River (Karlamilyi) National Park. It also provided useful background material for the Social Impact Study. As noted in the report, the contributors are expressing their own views and these do not necessarily coincide with those of the Department of Conservation and Land Management.

Nevertheless, for the most part, the Department considers the document most helpful and supports its release to parties who have a genuine interest in the issues and their resolution.

When the document was first presented to the Department with the request for its release to other parties, several problems were immediately obvious in Chapter 1. These included errors of fact and interpretation which we believe are misleading or incomplete.

With respect to the former, the author agreed to make changes which are satisfactory to the Department. With respect to the latter the Department does not wish to exercise censorship, but neither does the Department accept the interpretation given.

Many of these problems have been due to a difference in interpretation of a condition of the exploration licence that requires tenement holders to comply with the Aboriginal Heritage Act. Numerous difficulties have arisen over differences in interpretation of how this condition should be administered and we believe it is important for this to be clarified.

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I enclose a copy of the Resource Document relating to Aboriginal interests in Rudall River (Karlamilyi) National Park.

CALM, as part of the preliminary work associated with the planning process and as an indication of support for the Social Impact Study, provided funds for the collation and presentation of this resource material. It will be one of the many valuable references that will be used in the preparation of the Draft Management Plan for Rudall River National Park. I hope it will eventually prove useful to everyone interacting directly or indirectly with the Aborigines of the Western Desert.

Apart from some corrections of fact in Chapter 1, which the author agreed to, CALM has not edited or altered the document in any way. It was prepared for the Western Desert Puntukurnuparna Aboriginal Corporation by people under contract to them. It therefore represents the views of the authors concerned and does not purport to represent the views of CALM or the Western Australian Government.

The document was commissioned by CALM as part of the preliminary work associated with the planning process and may not be copied or circulated without my permission in writing.

Yours sincerely

Syd Shea

Syd Shea
EXECUTIVE DIRECTOR

Per J. Williams

29 June 1989
Encl

These documents remember the founding chairman
of the Western Desert Land Council

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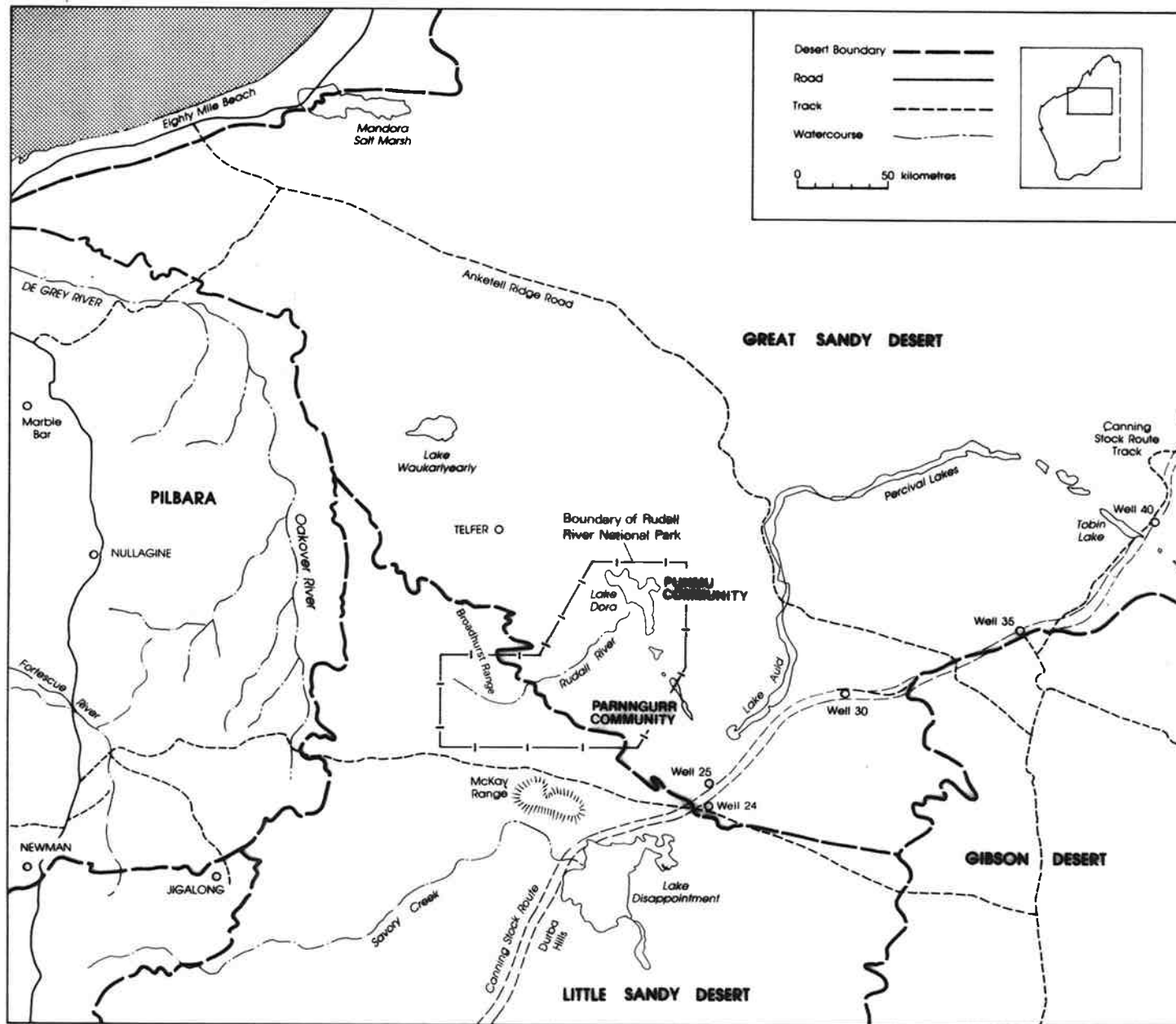
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Preface

1:0 Introduction

This report is a compilation of seven documents, each of which deals with an aspect of the experience of Aboriginal people in their return to traditional lands in the Little Sandy, Great Sandy and Gibson Deserts. The document was commissioned by the Department of Conservation and Land Management (CALM) via the auspices of the Western Desert Puntukurnuparna Aboriginal Corporation (WDPAC). Each of the seven contributors has an ongoing professional relationship with WDPAC, and has considerable research experience with the Aboriginal people of the Karlamilyi (Rudall River) region of the Western Desert. The purpose of the document, as discussed amongst the relevant parties prior to its commissioning, and detailed in the Consultancy Offer and Agreement, is to provide a useful educational source for those who will be charged with the task of developing management strategies for the region.

The document is not a report on research commissioned for a specific purpose. Rather, it is a collection of statements, based on previous research, which the authors each hope will contribute to a better understanding of the needs and aspirations of those Aboriginal people who are repopulating the desert. The contributions range from a discussion of the legal possibilities for management of the region to cultural details showing, for example, how traditional systems of land tenure operates. Every effort has been made to include in the document only that cultural information which is considered appropriate by the Aboriginal people for dissemination to a wider audience. Each of the researchers is acutely aware that the Aboriginal people of the desert place a high value on knowledge, not only of esoteric cultural practices, but also of more mundane items such as the use of some species of plants.

The researchers are also aware that some types of information have potential to be used by outside agencies for reasons of their own, which may not coincide with the best interests of the Aboriginal people of the Western Desert. Consequently, the documents use specific cultural information sparingly. Nonetheless, if readers bear in mind that the purpose of the exercise is to enlighten in an educational sense rather than to provide a systematic accounting of the Aboriginal use of the desert, they will find that a satisfying level of detail grounds the discussions.

1:1 Ownership of the Data and Documents

The data upon which the documents are based were collected by the researchers under various auspices over a lengthy period of time. The terms of the contract under which

the documents were written gives the Department of Conservation and Land Management (CALM) ownership of the compilation of the data in their present form, but not of the data themselves. The data belong to those who originally collected them, and not necessarily those who have compiled them for this report. Most of the data have come from the people about whom the report is written. In this sense, they were first collected by the Aboriginal people of the Western Desert and then passed to the researchers. They were passed to the researchers in circumstances not directly relevant to this report, and consequently information may have been imparted on understandings which might not include further dissemination from this report. Therefore, it is imperative that this report, or information contained within this report, not be copied beyond the initial printing of fifty (50), without the dual consent of the Western Desert Puntukurnuparna AND the Executive Director of CALM. This prohibition does not extend to the ordinary copying of the report associated with its intended use as a background document informing the CALM plan of management for the Rudall River (Karlamilyi) National Park and the Social Impact Study of the Western Desert (Rudall River) Region.

Throughout the documents the contributors are expressing their own views. These may or may not coincide with the position taken or to be taken by the Aborigines of the Karlamilyi (Rudall River) region of the Western Desert. Thus, the contents of the Report in no way bind WDPAC, in particular, in any submissions which it may make on behalf of the Aborigines of the Karlamilyi (Rudall River) region.

1:2 Purpose of the Documents

This report has a considerable history. WDPAC has been lobbying since 1985 for sponsorship of a study into the need for secure tenure for Aboriginal residents in the Karlamilyi region. In July 1987, mining giant CRA offered a donation of \$50,000 to CALM to help sponsor a management study for the Rudall River (Karlamilyi) Park. WDPAC and the Australian Conservation Foundation (ACF) objected to this proposal on the grounds that accepting monies from the mining company appeared compromising. When CALM itself offered WDPAC sponsorship for a study of Aboriginal interests in the region, it was refused because the conditions attached to the offer were unacceptable. It was not until Premier Dowding met with the Aboriginal people at Karlkan Karlkan Soak on August 5, 1988, that a breakthrough towards finding a funding strategy acceptable to most significant parties was achieved.

The Premier announced that a social impact study would be conducted to help manage interactions between Aboriginal, mining and tourist interests in the area. On October

17, 1988, State Cabinet approved a grant to Murdoch University's Remote Area Developments Group to carry out the study. A portion of this grant was earmarked for use by the WDPAC to produce two documents : (1) A statement to the CALM Plan of Management for the Rudall River (Karlamilyi) National Park and (2) a statement to the Social Impact Study of the Western Desert (Rudall River) Region, being conducted by the Murdoch group. WDPAC then suggested to CALM that a number of matters of interpretation and appreciation needed to be cleared up, so that both the CALM Plan of Management Project Team and the Social Impact Study (SIS) team would be informed of the dimensions of the Aboriginal residency in the area.

Given the deadline of June 30, 1989 for submission of the SIS report, and the CALM Plan of Management shortly thereafter, it was important that WDPAC produce its resource documents report in short order. It was obvious from the start that original research would be beyond the budgets of both time and money. It was decided to take advantage of the quality research already carried out in the area, by asking researchers from a range of disciplines to distil some of their data into a form which would be accessible to people charged with devising management strategies. This was necessarily done in some haste, and became something of a brainstorming exercise. All the contributors had other full time work commitments with which the project had to be reconciled. There were predictable delays at the beginning of the project, as minor points in the funding arrangements were worked out; consequently the proposed deadline was advanced. The result, we believe, is what was called for -- a detailed set of documents containing a large amount of significant information, written from the point of view of people who have a longstanding and ongoing working relationship with the Martujarra people represented by WDPAC. It is not intended to be a 'last word' on any of the topics discussed, nor do any of the contributors regard their work here as 'polished'. It is a working document, meant to inform and provoke discussion.

1:3 Limitations of the Document

In his letter offering the consultancy, the Executive Director of CALM noted that "It is essential that CALM receives a comprehensive account of all Aboriginal interests in the vicinity of the Rudall River National Park". A comprehensive account of all Aboriginal interests is clearly beyond the scope of this document, and it would be wrong for managers to assume that all, or most of what they need to know about the Aboriginal presence in the region, is contained between these covers. These documents do not provide maps of the sacred geography of the region, or of archaeological sites, or maps and indexes of floral and faunal resources and their uses, for example. While some managers may view the provision of detailed maps showing the boundaries of various

levels of Aboriginal interest as necessary, to enable apportioning of various parts of the geography to various interests, the Martujarra demand a more holistic and participatory approach. The contributors to this document, taking into account the wishes of the Aboriginal people, have purposely not mapped most geographic interests.

To map Martujarra interest is to give it away. This may be made clearer by showing how they manage surveys for Aboriginal Sites, as defined under the Aboriginal Heritage Act (1972-80) (AHA). The usual routine for recording Aboriginal sites, as practiced in most of the rest of the state, is for an anthropologists to find and interview relevant Aboriginal people who will show where the sites are, so they may be recorded and avoided. The people who belong to WDPAC refuse to use this method for both cultural and strategic reasons. Firstly, they regard their sacred geography as intensely personal, and consider it inappropriate that representations of it should exist beyond their control. Secondly, once the site is recorded and mapped, the Martujarra lose any control the AHA might give them. The mining company or other agency may then do as it chooses, so long as it does not stray into the boundaries of the delineated site. This approach reduces Aboriginal interest in the region to a mosaic of anachronistic relics of a 'traditional' culture.

Instead, the people who belong to WDPAC insist that agencies which may be in danger of disturbing sites enter into a Site Avoidance Agreement in which they agree to be told which areas they MAY enter without causing desecration. The onus is then on the agency wishing to cause the disturbance to make a satisfactory arrangement with the Aboriginal people. The outcome is the same, in that sites are avoided; but they are not mapped, and the agency is forced to enter into a continuing dialogue with the Aboriginal people as the project proceeds.

1:4 Focus of the Document

From the beginning, most of the contributors have favoured a processual focus to the documents. Rather than lay out data which will create static categories, we have tried to produce information which contributes to an understanding of the processes underlying the Aboriginal commitment to the region, and the determination to make their significant social movement work. The object has been to clarify the position of these people, to show the legitimacy of their entitlement, and to dispel misunderstandings and confusions that have arisen in their dealings with other organizations. We will consider ourselves successful to the extent that we have demystified the position of the Martujarra residents of the Karlamilyi (Rudall River) Region.

2:0 Chapter Synopses

2:1 The Political Context

Dr Robert Lawrence has worked as anthropologist to WDPAC since 1985, and has been actively negotiating with government and other groups on behalf of the Western Desert Aborigines since then. He now holds a research fellowship at the Australian Institute for Aboriginal Studies.

Lawrence details the chronology of events, from the formation of the Western Desert Land Council as an instrumentality to deal with the Seaman Land Inquiry in July 1984, through the Premier's meeting at Karlkan Karlkan in August 1988. The story is told from the Land Council's point of view. It details the frustrating experience of dealing in an environment where mistrust is the dominant theme; where the 'pattern of official behaviour' is a confusing labyrinth in which the only surety is that it appears to be stacked against the reasonable expectations of the Aborigines.

Of particular importance is Lawrence's vision for a policy based on sociological rather than traditional cultural principles. He notes the 'failed perspectives' of Aboriginality. The emphasis on TRADITION in need of PROTECTION denies the social presence of a living culture in the desert. It also plays into the hands of the mining companies by defining their obligations only in terms of a notion of heritage based on incompletely understood models of precontact behaviour.

2:2 Legal Issues Affecting Management

John Cotton is a lawyer on secondment to the Aboriginal Legal Service (ALS). A significant portion of his brief with the ALS has been to advise WDPAC on land issues.

Cotton contributes a legal outlook on four key issues which will need to be addressed by both the CALM plan of management and the SIS, namely: (1) Problems associated with the various statuses under which land in the Karlamilyi region is currently vested, (2) options for Aboriginal involvement in running the park, (3) land tenure options within the park, and (4) site protection. He reviews and evaluates the experiences of other Australian parks in which there is a significant Aboriginal presence, and explains the options for management which appear to exist in the present general structure.

2:3 Local Organization and Land Tenure

Robert Tonkinson is Professor of Anthropology at the University of Western Australia. The people of the Western Desert have been the principal focus for his research since 1963. His two monographs, *The Jigalong Mob* (1974) and *The Mardujara Aborigines*

(1978), are among the most widely read works on Aboriginal culture. It was he who coined the collective term Martujarra to refer to people from several linguistic affiliations whose country surrounds Lake Disappointment, the Karlamilyi (Rudall River) region and Lake Auld.

Tonkinson's contribution authoritatively clears up the vexing problem of who has CUSTOMARY authority to claim affiliation to the country of the Karlamilyi (Rudall River) region. Contrary to certain claims that 'traditional ownership' can be tied to a small number of people, Tonkinson shows that pre-contact local organization was fluid, with permeable boundaries, and shared rights and responsibilities for land.

The Karlamilyi (Rudall) River is unique for being a permanent and reliable water source in the desert. Tonkinson suggests that in pre-contact times it must have functioned as a major 'track' for many different groups moving up and down it. In later days it was a funnel through which people moved towards the European world.

2:4 The Archaeological Resource

Peter Veth has made the Karlamilyi region the focus of his recently submitted doctoral thesis in Archaeology. He has gained recognition for creating an ideal working relationship with Aboriginal people who were once very distrustful of the work of archaeologists.

Veth's contribution is based on recent research. He shows that the Karlamilyi (Rudall River) region has been CONTINUOUSLY populated for at least 5,000 years. He discusses archaeological sites as a non-renewable cultural resource which are often associated with ethnographic sites that have current relevance to Aboriginal people. Within the context of a model of pre-contact settlement and subsistence, he shows how areas which may be rich in archaeological material can be predicted. There are a number of criteria for assessing the significance of sites, including their current ethnographic importance, their scientific significance and their recreational or educational possibilities. Veth strongly suggests that formal mechanisms be set up through WDPAC for multi-stage site surveys which are carried out by professionally accredited personnel.

2:5 The History of Contact

Michael Gallagher is a writer and photographer who has substantial experience documenting Aboriginal issues in the State. In 1987 and 1988 Gallagher was engaged

to research a history of the Canning Stock Route, funded by the Australian Bicentennial Authority.

Gallagher provides a history of Aboriginal/white relations, which focusses on those highly charged moments when the two cultures come into pointed contact. Aboriginal people of the Western Desert have had a comparatively short period of contact with European Australia. The brutal frontier is, at most, about two generations removed, and many people still alive have pursued a relatively pure form of hunter-gatherer lifestyle. The points of encounter have evolved somewhat from the times when Canning pulled them behind his camels on neck chains and shot them for urinating in the wrong place; but Gallagher shows that the modern meeting can produce profound misunderstanding, and unexpected and unwelcome intrusions remain frightening and disturbing.

2:6 Ethnobotany

Fiona Walsh is a postgraduate student at the University of Western Australia. Her research involves collecting some of the extensive knowledge Martujarra have of plant and other resources. She has developed a fine working relationship with the Aboriginal people and has spent many months in the field.

Walsh provides an extensive and impressive catalogue of Aboriginal use of the landscape. She shows how the collection of bush foods is important for health, and as part of the cultural business of learning about the land. She details the current use of firing regimes, and is particularly concerned that traditional ecological knowledge and management be recognized as an important adjunct to Western techniques.

2:7 Martu Statements

Nich Thieberger is a linguist, and head of the Pilbara Language Centre in Port Hedland. He works closely with WDPAC.

It is appropriate that the Martujarra have the last word in a set of documents like this. The statements, most of which are in the original Warnman, with summaries provided, focus on the important issue of who has appropriate affiliation to the country. They are historic in that some of them are collected from important people who are unable to further make such statements.

3:0 No Recommendations

We have not made recommendations in this report because we have considered that a resource document should not contain programmatic statements. There is a danger that lack of specific recommendations will lead to a lack of focus. We are certain, however, that readers will find a common thread which ties the contributions together and will recognize the direction of the recommendations the contributors would have made.

Guy Wright
Fremantle
March 1989

1. THE POLITICAL CONTEXT OF THE STRUGGLE FOR LAND BASED SECURITY IN THE KARLAMILYI (RUDALL RIVER) REGION

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1.0 INTRODUCTION

This submission to the Resource Documents for the Western Desert Regional Study¹ and Western Australia's Department of Conservation and Land Management (CALM)² broadly addresses the issue of resettlement. To that end, it may be seen as a further contribution to a growing literature on the general dimensions of the Homelands Movement in Aboriginal Australia. However, it has a perspective somewhat different from other published work on the subject.³ This document only tangentially discusses the recent evolutionary development of communities in the Great Sandy, Little Sandy and Gibson Deserts. Furthermore, it does not consider in any depth those factors which motivate people to return to their homelands. It also does not detail an on-the-ground adjustment to new social and economic configurations in an environment that once supported small, nomadic family units. Rather, it focuses on the larger political context that conditions the quality of the resettlement effort and the contingencies that threaten the movement's existence.

¹ Throughout this submission, I refer to a 'Regional Study' rather than the 'Social Impact Study' announced by the Department of Premier and Cabinet. There is a semantic associated with the latter that connotes *fait accompli*. Indeed, nearly all social impact analyses in the Australian context have been attempts to discover what went wrong after development has affected Aboriginal communities (e.g. The East Kimberley Impact Assessment and Aborigines and Uranium). The Land Council's proposition for such a study was based on entirely different thinking. It was to be an investigation into operational parameters that would minimise social disruption. To speak of the "effects on Aborigines by mining, exploration and tourism" suggests that such an effect is inevitable. This need not be the case; the study should be an attempt to ascertain the mechanisms for ensuring so. In the conclusion, I discuss the Land Council's ideas further.

² There are a number of acronyms employed in the text. They are introduced, in parentheses, when the organisation or department is first addressed.

³ I refer the reader to three particular references on the Homelands Movement. Recently, there has been a general and wide-ranging view of the phenomenon by the Standing Committee on Aboriginal Affairs (1987). Cane and Stanley (1985) describe the resource base of the movement. And Ashe (1984) specifically addresses the Western Desert experience.

The contribution is designed to explicate three themes :

- (a) the historical struggle by Western Desert people to regain social and spatial security within the region, treating the Karlamilyi (Rudall River) National Park (RRNP) as the epicentre of the movement;
- (b) through a description and analysis of certain key events, examine the legal, administrative and political mechanisms that tend to circumvent domestic and territorial stability for Aboriginal residents of the region; and
- (3) note failed perspectives of Aboriginal interests based on "heritage", and a notion of rigid territoriality that play into the hands of powerful operatives, both public and private, who covet the desert's land based resources for reasons of their own.

Unlike some experiences in other parts of the continent, the return to homelands in Western Australia has been doggedly resisted by a variety of interests. An understanding of the dynamics that shape this opposition is required if procedures and policies are to emerge, safeguarding the aspirations of Aboriginal people going back to the Western Desert. With this in mind, this submission emphasizes the range of 'actor groups' that have contributed to the debate on the disposition of the region's resources.

1:1 METHODOLOGY AND PRESENTATION

In presenting this material, I have chosen to linearly chronicle a series of key events, decisions and documents (including correspondence and newspaper accounts) that inform upon the themes introduced above. This approach exposes the generative nature of the debate and helps exemplify the dynamic processes underlying shifting alliances and changing policy. For it is within the context of never quite knowing what next to expect, from either governmental or commercial concerns, that Western Desert people experience the most apprehension and frustration. (This is not to say, of course, that knowing an exploration company is about to overrun your community, or that tourists may enter at all hours of the night, in any way reduces anxiety).

My qualifications for addressing these materials in such a fashion stem from a close association with their genesis and deliberation. Employed by the Western Desert Land

Council (WDLC)⁴ in early 1985, originally to process land claims, my role with the organisation was necessarily transformed to explore alternative patterns of secure tenure after the failure of the Aboriginal Land Bill. All of this transpired as the State and Commonwealth Governments were debating, in a vague sense, the mechanics and desirability of Aborigines holding land in Western Australia. In such an environment, it became important to pay close attention to ideological difference and political process. After an initial period of familiarisation with the region and its people, my activities increasingly came to bear on decisions emanating from government departments and Ministerial offices in Perth. As an employee of Western Desert people, it was my responsibility to monitor and influence these developments.

The data upon which this chronology is based, therefore, reflects a close participation in the emergent deliberations on such issues as mining, exploration, sites protection, National Parks, tourist incursions and the like. Often, the exegesis requires descriptive synopses of key meetings and other events where differences were aired. Equally, it is based on official policy statements, documents, proposals and to a certain degree, investigative journalism. The elaboration of these developments over time points to a pattern of official behaviour underlying the problems confronting Western Desert people in their attempts to sustain a domestic presence in the Karlamilyi (Rudall River) Region.

1:2 LIMITATIONS TO THE DOCUMENT

To exhaustively describe and evaluate the range of issues, events and 'actor groups' contributing to the Karlamilyi (Rudall River) situation is beyond the scope of this exercise. Such an undertaking would require extensive additional research and would ultimately lead to many volumes of printed material.⁵ I make no attempt to comprehensively depict the anthropology of traditional Western Desert land tenure. But when, in April 1988, the East Pilbara Shire issues a press release asserting that no residents of Parnngurr have traditional ties to it, a different level of polemic is

⁴ In the text, I invariably refer to either the 'Land Council' or 'Western Desert' when designating the umbrella organisation that comprises Aboriginal communities in the region. In early 1988, the organisation officially changed its name to the Western Desert Puntukurnupana Aboriginal Corporation, in order to reflect its 'resource agency' role. Nevertheless, in popular (and official) vernacular, it remained the 'Land Council'; furthermore, it never relinquished the responsibilities of a land council, which, in Western Australia were onerous, to say the least. Since this submission addresses issues relating to land, I have chosen to retain the organisation's original name throughout the text.

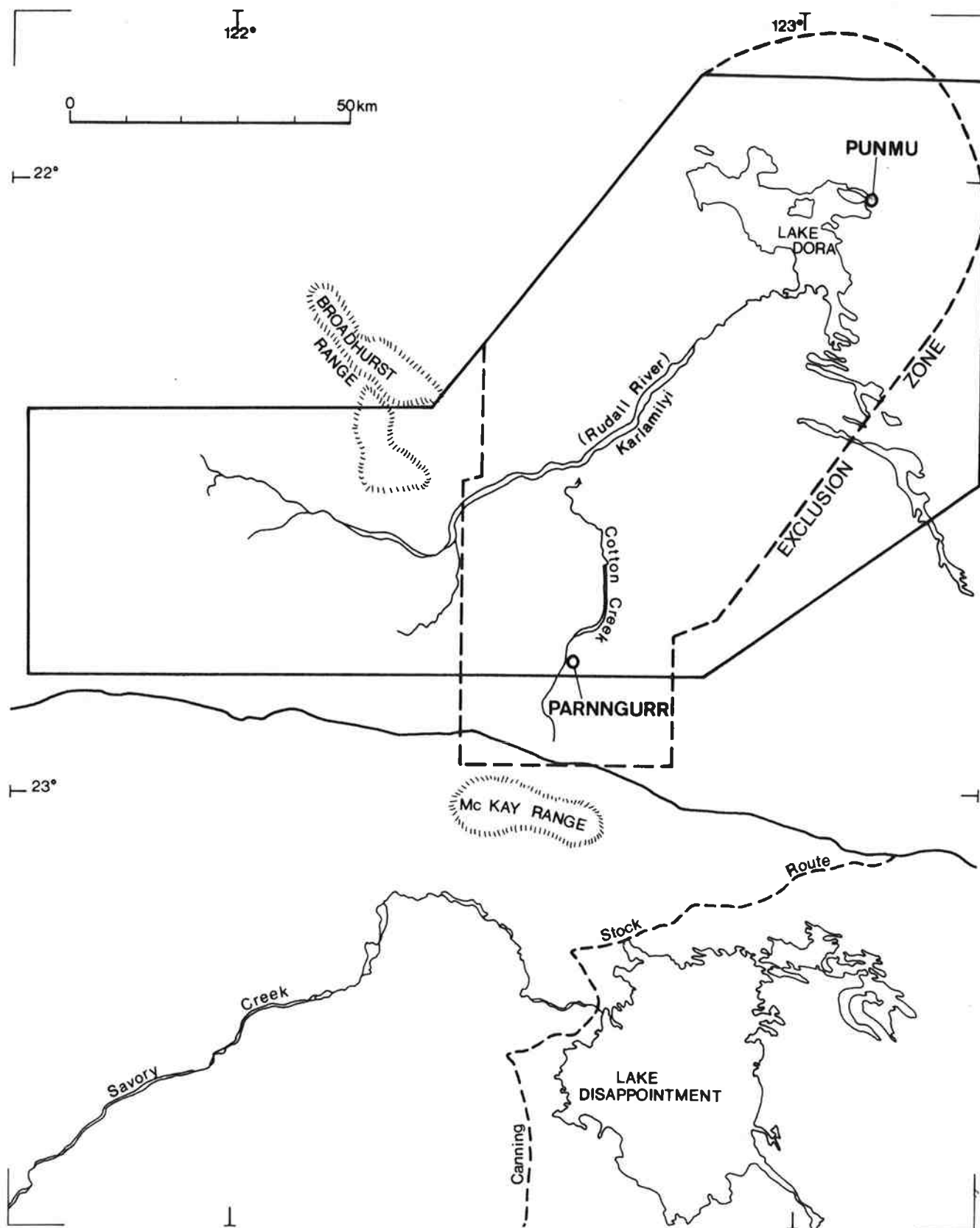
⁵ For example, to adequately reveal the political stance and corresponding actions of certain mining exploration companies, it is necessary to have an ethnographic grasp of land tenure systems throughout Aboriginal Australia. Since another contributor to the Resource Document is addressing this issue, (Tonkinson), I intend to approach it only as it interfaces with particular decisions in the series of events I describe.

enjoined, one involving land tenure and equally one motivated by conscious and false pretence. This reworking of ethnographic fact for political expediency is precisely the sort of event this document addresses.

Two other caveats should be noted. First, there is a certain selectivity to the data presented. The sheer enormity of discussions, meetings and correspondence, on myriad issues, requires such an editing. First and foremost, I have attempted to isolate the key features, or themes, that inform upon the ongoing debate over access to land based resources. As such, I have chosen to stress fundamental relationships between principal advocates - in particular, Aboriginal communities, mining interests and land management authorities. It should be acknowledged, however, that other parties, both organisations and individuals, played important roles in the unfolding of events. These will be introduced when appropriate.

Related to this selectivity, is the problem of uncertainty. The Land Council necessarily operate in a reactive stance and often on the basis of reading the morning's newspaper or listening to the early ABC News. Once the 1987 conflict was enjoined, decisions affecting Western Desert people were increasingly made without the knowledge or input of either the constituency or the South Hedland office. The classic example was the announcement of the Exclusion Zone (see Map 1). On a Friday night (after offices had closed), in the very public forum of the ABC's "7:30 Report", the Minister for Minerals and Energy declared the indefinite ban on mineral exploration. While the motivation for such an undertaking was clear, given the imminent visit of the Federal Minister for Aboriginal Affairs to Parnngurr, the community at the heart of the controversy, no attempts were made to consult with Aboriginal residents on the size, location or governance of the zone.

This example points out the difficulties of describing political terrain when one is not party to the decisions defining it. To this extent, there were numerous 'events' and Ministerial decisions, the motivations for which I have little knowledge. As such, they can scarcely be included in the historical framework I am documenting. However, the fact that such closeted communication transpired is grist for this document's larger argument - that Aboriginal sentiments and aspirations only proceed at the behest of political and governmental exigency.



Map 1

1:3 THE PURPOSE OF THE DOCUMENT

Given the above remarks, it would be easy to anticipate that what follows will be a cynical recreation of unfolding relations between powerful vested interests and powerless minority communities. Readers assuming this would be in error on two counts. First, Western Desert people have dealt with their adversaries in a united and coherent fashion and as a result have obtained several important concessions from Government. It would be wise for Government and other interested parties to recognize this resilience.

More to the point, however, this document is not intended as a negative narration of past grievance or as a catalogue of systematic prevarication and deception. The disjointed and confused lines of communication within official policy circles preclude such a theory of conspiracy. Rather, its purpose is to prepare the groundwork and define the parameters upon which peaceful coexistence might ensue. To be sure, Western Desert people have suffered at the hands of shifting and inexact policy, and to the extent that these conditions have frustrated the resettlement movement, this document addresses them. But in the recounting are the issues with which Government can avail itself of solutions.

It is not the purpose of this document to make specific recommendations to either the Regional Study or the Karlamilyi (Rudall River) National Park Plan of Management. Nevertheless, it is written with tangible results in mind. After all, the very chronology I am describing lies now with the Regional Social Impact Study, which the Land Council, itself, proposed.

2.0 A CHRONOLOGY OF EVENTS - THE EARLY YEARS

Although a more complete version of the history of Aboriginal contact with white Australia is given by Gallagher elsewhere in this volume, the main points are worth repeating here.

Western Desert people were one of the last in Australia to be affected by European encroachment. Periodically, exploration parties (e.g. Warburton, Carnegie) ventured into the Great Sandy desert, but contact with Aboriginal residents of the land was sporadic. In the early 1900s, however, Canning travelled southwest across the desert while investigating the viability of a stock route that would make the droving of cattle possible. Gradually, as the stock route became a seasonal reality for those criss-crossing its length, indigenous migrations toward Balgo in the north and Wiluna in the south took place (see Gallagher, this vol.).

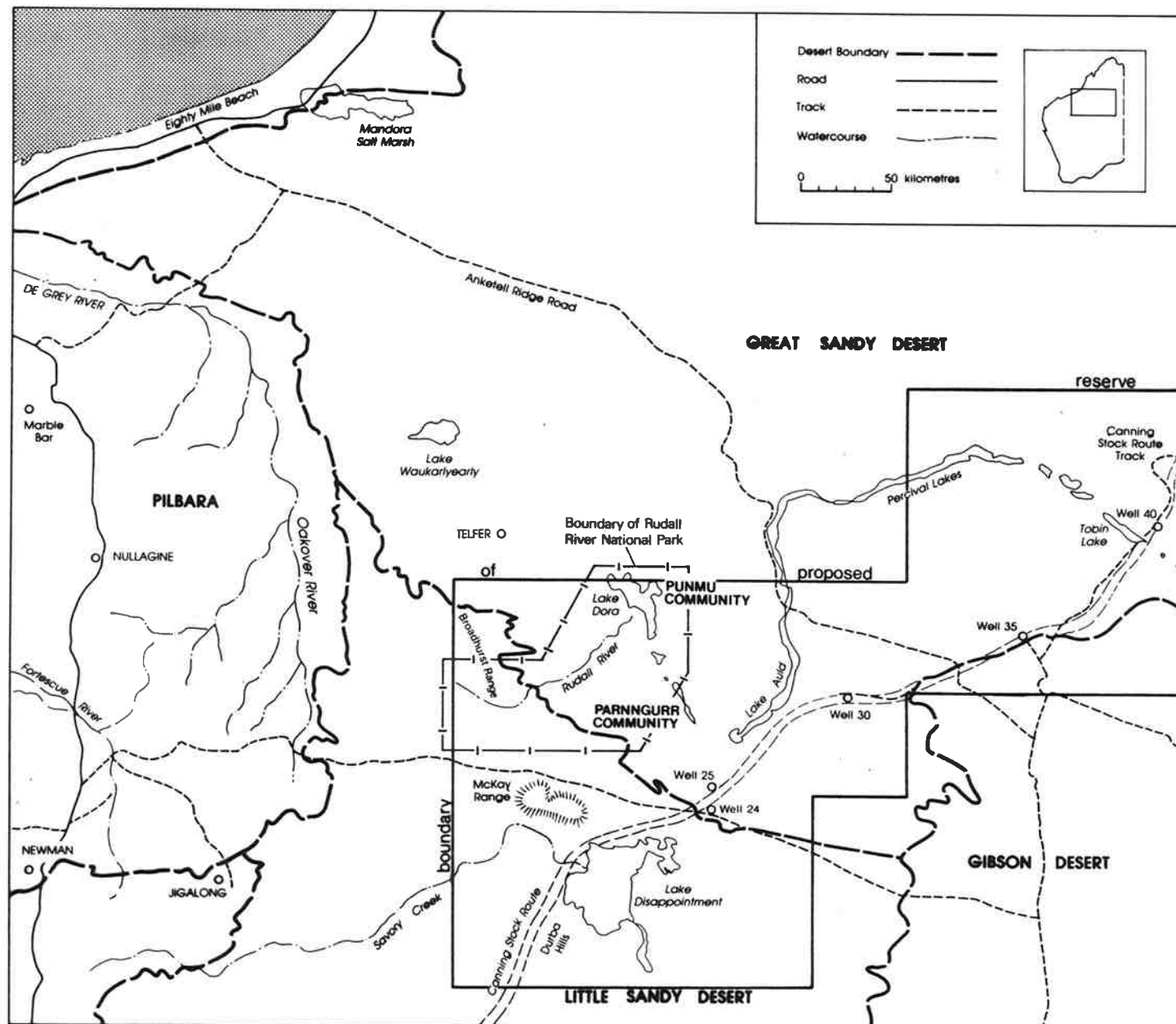
Desert dwelling people had been drawn to Jigalong, then a maintenance depot for the Rabbit Proof Fence, as early as 1907. By 1947, when Jigalong became a mission, many Western Desert people, particularly the Warnman, Manyjilyjarra, Putitjarra and Kurajarra, were residing there and in other settlements along the fringe of the desert.

Nevertheless, if certain segments of the desert population were drawn to the wages and material benefits of the European periphery, others preferred the traditional life in their natal country. But it was not long before even they migrated or were forced to the European administered missions, stations and towns. In 1964, the last known group of Aborigines in the western Great Sandy Desert gathered at Parnngurr Rockhole, near the present community of the same name, and were subsequently transported in to the Jigalong Mission.

However, the policies of assimilation, whether secular or ecclesiastic, do not appear to have succeeded to any real extent. As Tonkinson (1974) points out, the effects of material benefit and European political power did not undermine the underlying authority of the Aboriginal Law. Christianity did little to dim ceremonial life, and Dreamtime knowledge continued to be imparted to successive generations, although the physical separation from country made the task more difficult. There were simply no means available to return to the land from whence they had just come.

2:1 THE JIGALONG COMMUNITY TRADITIONAL LANDS RESERVE PROPOSAL

If physical resettlement was not a viable option during the 1960s and 1970s, there was no lack of concern over external pressures brought to bear on Western Desert land. The first initiatives for some sort of corporate tenure over this land can be traced back to events commencing in 1976. Significantly, the initiatives were in response to Government propositions for conserving the environment and a nascent notion of tourism in the area. In February of that year, State Cabinet considered a proposal for the alienation of Crown Land in the Durba Hills area for the establishment of a Class A Reserve, focusing on the preservation of the ecological system. Disturbed at the implications of the decision, particularly the possibility of increased tourist traffic along the Canning Stock Route, Aborigines living at the Jigalong Community proposed an alternative plan whereby traditional lands of several different linguistic groups would be included in a reserve vested in the community of Jigalong itself.



Pending the completion of a study justifying such a proposal, the decision on the Class A Reserve was deferred. In June of 1978, a team of researchers under the direction of the Western Australian Museum, commenced to survey the wider region, focusing particularly on the Canning Stock Route, but also concentrating on areas to the west and east of the Route. The results of the study were published in 1980 (Western Australian Museum 1980).

Its recommendations were that approximately 73,000 square kilometres, including a long section of the Stock Route, the Lake Disappointment/Durba Hills area, the Percival Lakes and the Lake Dora/Karlamilyi (Rudall River) Region, be gazetted as an Aboriginal Reserve (see Map 2). Subsequent inaction rendered the investigation futile on the issue of the Reserve, although Aboriginal opinion was somewhat mollified when the Conservation Reserve proposal was put into temporary abeyance.

Meanwhile, in a little publicised move, the Karlamilyi (Rudall River) National Park was gazetted in May of 1977. Significantly, no consultation on the decision was ever undertaken with Aboriginal people who maintain traditional ties to the country in question. It was not until the Seaman Inquiry on Land Rights in 1984-85 that traditional owners of the Karlamilyi (Rudall River) region even learned that a vast area of the Western Desert was no longer Vacant Crown Land, therefore making it unclaimable (see below). To this day, residents of the Western Desert have difficulty accommodating the Park's authenticity. Indeed, until the events of the last 18 months, CALM equally appeared to the Land Council to question, if not the existence, then certainly the importance of the Park.

2:2 THE SETTLEMENT AT PUNMU

During their comparatively short period of time in the Pilbara, Western Desert people resided for the most part at the Jigalong Mission and on pastoral stations throughout the region.⁶ In the late 1970s, a group of Warnman and Manyjilyjarra speakers, who had spent the last decade moving between Jigalong and the Strelley Station near Port Hedland, relocated to Camp 61, then a Strelley outstation. By 1981, they had decided to leave the Pilbara and return to their traditional country. Reasons for wishing to leave are complex, but their peripheral political position in the Strelley organisation (the Nomads Group) and fears over the influence of alcohol on younger generations were

⁶ Western Desert people went elsewhere as well. Many Mangala and Walmajari speakers travelled to the southern Kimberley and to the La Grange mission south of Broome. Manyjilyjarra went south to the Wiluna region. And Pintupi travelled eastwards to settlements in the Northern Territory and South Australia.

paramount concerns.⁷ Originally intending to make for Kunawarriji (Well 33 on the Canning Stock Route) by travelling up the Karlamilyi (Rudall) River and then eastward through the sand corridors, a shortage of water forced them to divert to Rawa, a set of permanent springs on the eastern edge of Lake Dora. Finding that this water source was sufficient for the group, they remained.

Over time, infrastructure was brought in, and the Punmu Community (originally named Panaka Panaka) eventually incorporated. In 1983, the community formally broke ties with the Strelley organisation after a prolonged financial dispute and soon after began receiving Department of Aboriginal Affairs support. Meanwhile, a group from the community went on to Well 33 and established an outstation just west of the Stock Route. Only four hours apart by road, the two communities today are inextricably connected by a variety of relations, not the least important of which, are economic ties. All provisioning is supported by the communities' collective income.

2.3 THE LAND INQUIRY/LAND COUNCIL FORMATION

During this initial period of resettlement, political pressure was brought to bear on the Western Australian Government to enact legislation guaranteeing 'land rights' for the State's Aboriginal population. As a result, the Seaman Inquiry was enjoined to canvass the range of opinion, both Aboriginal and non-Aboriginal, on the granting of inalienable freehold title over several types of Crown Land. The Inquiry met with Western Desert people at Well 33 in April, 1984. Significantly, the Aboriginal representatives at the meeting came from a variety of communities on the desert's periphery, including Balgo, Christmas Creek, Fitzroy Crossing, Looma, LaGrange, Jigalong, Wiluna, Kiwirrkura and Kintore.⁸ Two days before meeting with the Commissioner, the assembled group formally incorporated as the Western Desert Land Council (now the Western Desert Puntukurnuparna Aboriginal Corporation, WDPAC).

Western Desert Aborigines emphasised to Commissioner Seaman that they spoke with one voice for Western Desert Land and that despite the existence of 'tribal' (linguistic) differences, saw themselves as mutual owners of the region. This sense of mutual identity and joint responsibility perseveres to this day. Despite realising that Western Australian 'land rights' would not necessarily resemble the Northern Territory Act or

⁷ There is an irony in that the European Strelley leadership, for its own political reasons, continued to characterise the Western Desert outstation membership as drunkards. In fact, all Western Desert outstations are dry, while the Strelley communities remain close to the alcohol outlets in Hedland.

⁸ The Strelley organisation, although invited, declined to attend. Instead, they submitted a statement to the Inquiry suggesting that their land had been irrevocably stolen.

the provisions in South Australia (from which several of the delegates had come), the Land Council tendered the following demands :

- (a) inalienable freehold title to nuclear and adjacent lands identified by the Land Council constituency;
- (b) discrete land trusts within the region to be adjudicated by the membership and not by conciliators or through a tribunal (i.e. 'in house' resolution);
- (c) the handover of existing Reserves;
- (d) the power of veto over exploration and mining, and the clear separation of Agreements relating to these distinct activities;
- (e) royalty payments for mining disturbance, as in the Northern Territory;
- (f) National Parks and Conservation Reserves be made eligible for claim, because there had been no consultation with Aboriginal people over their gazettal;
- (g) statutory power to administer the Aboriginal Heritage Act on claimable land;
- (h) the Canning Stock Route to be eligible for claim; and
- (i) no further alienation of Western Desert land during the land claim process.

The meeting's primary significance was its success in bringing together, for the first time since the beginning of their diaspora, close kinsmen and those having mutual interests in the Western Desert. Numerous discussions addressed the practical issues of returning to traditional homelands, and an umbrella organisation (the Land Council) was formed both to facilitate this process and to protect the land based interests of Western Desert people. The cruel irony of the gathering was that it raised expectations that were to be utterly destroyed in twelve months time.

2:4 CRA EXPLORATION AND THE RETURN TO PARNGURR

Within weeks of the Well 33 meeting, word reached Jigalong that a mining exploration company was drilling in the vicinity of the Parngurr Rockhole. As noted above, the rockhole, which is approximately 240 kilometres east of Jigalong, was the gathering point for the last group to come off the western Great Sandy Desert. Equally, it had

sacred associations, as did much of the other geography in the McKay, Broadhurst and Harbutt Ranges. Knowledge of these exploration activities, and subsequent attempts to control them, was to influence the history of the region for the ensuing five years.

Upon learning that sites of significance were under threat, a core group of primarily Warnman and Manyjilyjarra speakers returned to the rockhole and set up camp. While there, attempts were made to informally direct CRAE's activities on the ground, and some success was attained in moving the drilling rigs away from one important women's site. Meanwhile, the Land Council office in South Hedland, through its solicitors in the Aboriginal Legal Service (ALS), began negotiations with the Company, in an effort to formally ratify procedures for protecting places applicable under Western Australian Heritage legislation (Aboriginal Heritage Act, 1972-80).

Negotiations were difficult and, in the opinion of the Land Council, purposely protracted by CRAE, so that the exploration season could terminate without an agreement. The Company expressed the view that other exploration interests had worked in the region without such arrangements and that no Aboriginal people had shown concern over these earlier incursions. It also resisted appropriate remuneration for the cost of a site survey. Both parties to the dispute made representations to various Government departments on the merits of their positions, and as the exploration season drew to a conclusion, the Land Council approached the Minister for Minerals and Energy for intervention. The Land Council also learned that the Company was under scrutiny for failing to observe environmental procedures while drilling in the Park.

In late October 1984, CRAE vacated its exploration camp at Mt. Cotten (eight kilometres north of the rockhole and just north of the Park's southern boundary) and relocated to its camp at Coolbro Creek. Immediately thereafter, those Aborigines camping at Parnngurr shifted their makeshift housing to the bore at Mt. Cotten. Within a few days a windmill and tank were erected over the bore and Jigalong soon supplied a tin shed for storage purposes. Western Desert people have maintained a continual presence at Parnngurr ever since. In 1986, DAA began funding infrastructure for the community, and now Parnngurr has alternative water supplies, reticulation, ablution facilities, a clinic and housing. In addition, the State Government has provided limited funding to improve the condition of the Talawana Track, which links the community with Jigalong.

2:5 1985

For the first few months of 1985, the Land Council studiously observed the progress of the Aboriginal Land Bill in State Parliament. Having already rejected many of Commissioner Seaman's recommendations, the Labor Government proceeded to fashion legislation that adopted the notion of freehold title in name only. Under extreme pressure from the mining and pastoral lobbies, the Government proposed arrangements that would give Aboriginal people absolutely no control over access to 'their land'; there would be no veto on either exploration or mining. Neither would the 'owners' of the land receive royalty monies for the wealth that was extracted from it.

All of this proceeded in a vicious atmosphere of calculated obfuscation, orchestrated primarily by the Opposition, but not helped by the Government's lacklustre and ineffective support. The Labor Government was reduced to defending its extremely weak legislation by warning of possible Commonwealth intervention if the Bill was not passed. Ironically, as the date for the vote approached, several segments of the mining industry altered their rhetoric to support the legislation. After all, their access to all land that Aborigines might want to claim was guaranteed and perhaps they, too, were thinking of Commonwealth initiatives. Nevertheless, the Aboriginal Land Bill was rejected by the Legislative Council (Upper House) on April 17, 1985.

It had not been difficult to foresee that the Bill was likely to fail. Consequently, the Land Council had earlier refocused its energies away from Vacant Crown Land and towards land that had already been alienated. This was an obvious decision, given that the two largest emergent communities in the Western Desert were situated in a national park.

In March 1985, a delegation representing the Department of Aboriginal Affairs (DAA), the Aboriginal Affairs Planning Authority (AAPA) and the Public Works Authority visited the Punmu Community in order to ascertain the viability of some form of tenure for those living there. Recognizing that the community was "there to stay", it was agreed that a proposal for a 'living area lease' in the Park would be submitted to State Cabinet. The size of, and deed restrictions relating to the lease would be the subject of negotiations between the National Parks Division of CALM and the Land Council.

Later that year, in September, the Minister with Special Responsibility for Aboriginal Affairs visited Jigalong. During discussions with community residents and representatives of the Land Council, he agreed to take to State Cabinet a proposition for a living area lease for the Parnngurr Community. With these undertakings from State

Government, the Land Council proceeded to develop a lease proposal for residents of the Park (see 2:6, below).

During the debate over the Land Bill, WDLC continued to intervene with mining interests over exploration programs in the region, again on the basis of the Heritage Act, the only piece of legislation in its otherwise nondescript legal armory. A notable achievement was an agreement signed with Amoco Oil Corporation. Amoco was embarking on the largest seismic programme in Australian history, and the Company went to extraordinary lengths to ensure that Aboriginal interests were protected in the vast Canning Basin.

Of more immediate concern, to Punmu in particular, were the activities of Churchill Resources N.L., operating in sandhill country to the north of the community. The Company was at first reluctant to enter into an agreement. Finally assenting to a contractual arrangement, the Company nevertheless provided a minimum of logistical support for the anthropologist and Aboriginal scouts employed to survey the programme. More worrying than the lack of co-operative spirit, however, the Company's access routes into the permit were coming disturbingly close to the community. Indeed, you could now reach Telfer without travelling the much longer Wapet Road (Anketell Ridge Road), and the contractors' heavy equipment had sufficiently damaged the latter to make the trip to Port Hedland dangerous (later to be repaired by Amoco along that portion it had utilised).⁹

While the artificially imposed boundaries of the park scarcely mattered to Aboriginal people, a large proportion of Churchill's seismic programme was conducted inside the Karlamilyi (Rudall River) National Park. As with the former National Parks Authority in its supervision of CRAE in 1984, CALM did not appear to be concerned that an exploration company was damaging land it was authorised to protect. It was nearly a year until the Director of National Parks overflowed the permit and witnessed the effects of the seismic programme. It was difficult to imagine how the seismic lines could be erased.

The Western Desert people were in a conundrum over the strange and disturbing events encircling them. Having recently been told by Government that they had no proprietary rights over land they had lived in for centuries (keeping in mind that

⁹ Mining companies use of roads in the Western Desert is a vital concern. They usually improve them when beginning exploration programmes, paradoxically assisting Aboriginal people back to their traditional country. Upon exiting, the companies often leave the roads in disrepair, leaving Aboriginal settlements virtually stranded.

witnessing a cruel and paradoxical twist. Believing that the Seaman Inquiry was an investigation into traditional Aboriginal relations to land, they saw their proposals defeated and then were asked to passively acquiesce as European interests exploited their own theories on the meaning of land. What had been, ostensibly, an exercise in the legitimization of Aboriginal aspirations, was increasingly being transformed, not only into their denial, but equally a programmatic validation of their undoing. Adding to the deepening malaise, was confusion over the European concept of National Parks. Never exactly accepting of the RRNP's existence, Western Desert people had, nevertheless, an understanding that these reserves were supposed to be safe havens for the environment. Why, then, was the Government allowing activities contrary to the management of natural resources?¹⁰

If Amoco was an enlightening experience and Churchill a puzzle, then the 1985 season's relations with CRAE could only be described as tedious. CRAE was also interested in the Park's geology, but questions about European care of the environment were insignificant compared to the difficulties of protecting the Aboriginal sacred geography. Much of the latter half of 1985 was consumed by consultations and negotiations on the Company's proposed work programme.

Because of the difficulties experienced the previous year, the Department of Mines had exerted pressure on CRAE to meaningfully negotiate with the Land Council over a site avoidance agreement. For whatever reasons, the Company delayed its overtures until late in July 1985. From that point on, discussions with the Company were both intense and frustrating. While much of the difficulty can arguably be traced to the rigid stance of CRAE's then Manager of Negotiations and Administration, it is worthwhile detailing the substantive differences that kept the parties apart. Although an Agreement was ultimately reached, several of these issues remain contentious today and consequently reveal differences that exacerbate relations between Western Desert people and mining interests.

Initial discussions were sponsored by, and held at, the Department of Aboriginal Sites. CRAE proposed that it hire its own anthropologist to conduct the survey (and indeed, had flown its choice from Darwin to attend the Perth meeting). The Land Council maintained that it be allowed to select the appropriate professionals, or at the very least, that they be acceptable to both parties. Additionally, the Land Council insisted that there be a women's component to the survey, given that it was disturbance to a women's site

¹⁰ In fact, several companies had exploration tenements in the Rudall River Region prior to the gazettal of the Park. As such, their rights as explorers superseded certain regulations pertaining to the management of National Parks.

that caused the most concern the previous year. Western Desert argued that a properly conducted site survey could not proceed without Aboriginal custodians fully trusting the individuals who were recording private information. And this could not occur with a company, that was already distrusted, being allowed to employ its own anthropologist(s).

There was another reason CRAE was insistent on its choice of the Darwin based anthropologist; he was a pilot. CRAE contended that aerial surveys were sufficient to examine the escarpment country of the Karlamilyi (Rudall River) Region. The Land Council saw them as neither effective for the enterprise nor appropriate for Aboriginal people introducing strangers to their land. There was the added practical consideration that many older people, especially women, would simply refuse to fly.

Of more concern, however, was the problem of "names" and personal associations to country and sites. CRAE was adamant that any report provide the names of custodians speaking for the particular exploration tenements surveyed. The Land Council was equally unyielding in its assertion that scouts' personal names were immaterial to the exercise. Aboriginal organisations throughout the northern half of Western Australia considered that CRAE (and other mining companies) commonly used the tactic of divide and rule. Once individuals could be associated to particular tracts of land, subsequent negotiations need not involve corporate bodies, and private transactions could undermine collective sentiment. CRAE's perceived use of such a strategy in the Ashton Joint Venture (with the State Government) had aroused enormous resentment in the East Kimberley.

Furthermore, the association of particular individuals with localised geography was not ethnographically appropriate, given Western Desert land tenure systems. The question of "ownership" in the region is discussed in another contribution to the Resource Document (Tonkinson). For present purposes, it is sufficient to note that Aboriginal people saw the selection of proper spokesmen and women for their country as their own responsibility and not one that should be arranged by operatives intent on making a quick deal. It was also believed that the Company's insistence on obtaining names was irrelevant to the survey. CRAE was seeking indemnity from the inadvertent desecration of cultural geography - not a compendium of private associations to sites of significance. In any case, Western Desert people were consulted on the proposition and gave their opinion in an emphatic letter to the Minister for Minerals and Energy, refusing the divulgence of personal names.

Not unrelated to the issue of names was an operational and philosophical question that continues to plague relations between the Land Council and CRAE. Quite simply, the Company insists that entire tenements be cleared for sites of significance, while the Land Council maintains that the Company should first specify its work programme, allowing Aboriginal people to then declare whether the Company's activities risk disturbance. CRAE asserts that, unlike seismic work, mineralisation exploration requires a random approach in which they need a guarantee of maximum of flexibility.¹¹ For Aboriginal people, clearing large areas forces the irrevocable revelation of sacred information that is unrelated to the search for mineral deposits. Furthermore, and paradoxically, it forces scouting parties to reveal sites, when the exercise is intended to avoid them. Also, Western Desert people refuse to divulge their personal associations to country in fear that clearance activities might disclose individuals that subsequently can be selectively exploited to define, rather than protect, sacred geography.

The meetings in Perth did not produce an agreement, although they were beneficial in defining positions and philosophies. After consultation with member communities, the Land Council office restated its views on a workable arrangement, and the Department of Mines intervened once more, this time organising a formal negotiating session in South Hedland. At this meeting, much of the same ground was again debated, and a compromise was ultimately attained. The Minister for Minerals and Energy's representative at the meeting agreed with the Land Council that scouts' names were immaterial to the protection of sites. The Land Council agreed to survey the entire tenements specified by CRAE, although clearance activities were to be differentiated according to whether the Company's proposed activities involved "drilling" or "reconnaissance." (This, incidentally, was a distinction proposed by CRAE, apparently because the Company was anxious to begin fieldwork and wanted drilling clearance immediately). The Land Council and CRAE also compromised with an arrangement allowing the Director of the Department of Aboriginal Sites to review the anthropologists' methodological procedures in conducting the survey. The anthropologists, themselves, were to be mutually agreeable to both parties, and clearance activities were to take place on the ground - not in the air.

While an Agreement was signed, it would be wrong to assume that either party was satisfied. CRAE was unhappy with the costs involved and only grudgingly accepted a

¹¹ The Land Council no longer believes that such exploration is as random as the Company makes out. Modern photometric techniques can detect quite specific anomalies that then become the subject of surface exploration. Indeed, the Land Council has recently entered into two agreements where companies quite explicitly detailed the specific geology they wished to drill.

provision that it guarantee two producing water bores on the Talawana Track (no doubt apprehensive that reliable water draws Aboriginal settlement). For its part, the Land Council was suspicious of the Company's development plans and was wary of clearing the exploration tenement in which the Parnngurr Community was situated. Nevertheless, CRAE undertook not to drill in that tenement during the, then, current work season, and made it apparent that its priorities were in the Yandagoogie Creek region in the northwest of the Park. It should be noted that CALM played no role whatsoever in the negotiations, and the Land Council remains convinced that CRAE never consulted with CALM over its programme that season. Pressured into the Agreement, CRAE's negotiator forthrightly announced that he would issue the Minister with a "sideletter" detailing unacceptable provisions of the contract. This he subsequently did.

The ensuing survey commenced soon after. While CRAE field staff were helpful in providing logistical support (according to contractual arrangements), the anthropologists were hurried, due to the Company's desire to immediately begin drilling in the Yandagoogie Creek region. Identified "drilling areas" were cleared first, to accommodate this request. But hampering the work was a major ceremonial cycle at Jigalong; women, especially, were reluctant to travel the Talawana Track. And, unlike the male scouts, they refused to fly to staging areas. Nevertheless, the specified tenements were eventually cleared and identified sites were marked on aerial photographs provided by the Company. The Land Council was unhappy that specific sites were located but had been unable to negotiate an acceptable alternative. Practically speaking, CRAE had been able to gather equivalent information for areas identified for both drilling and reconnaissance.¹²

In December 1985, CRAE provided its field geologist and a drilling rig to drill for water, and water was subsequently discovered at two points along the Talawana Track. But the exploration season's end was not highlighted by this "good neighbour" gesture. Shortly before Christmas, word reached the Land Council that a significant uranium deposit had been discovered at Kintyre, just south of the Park's northern boundary and in a tenement only just surveyed by the Land Council constituency. The stakes were no longer simply points defining a tenement's boundaries; they now

¹² Nevertheless, the Land Council all along maintained that the hurried nature of the clearance exercise had not allowed it to adequately clear the reconnaissance areas. CRAE's then Manager of Negotiation and Administration eventually wrote to confirm that these areas would be resurveyed for the purposes of drilling. However, the Company began drilling in the Harbutt Ranges before such procedures were carried out. The Land Council offers no indemnity should a site be disturbed.

involved political, economic and social futures. CALM, especially, could no longer ignore its own Park.

2:6 THE RRNP LIVING AREA LEASE PROPOSAL

Prior to knowledge of the uranium discovery, the Land Council had made overtures for, and received assurances over, secure tenure for communities resident in the National Park.¹³ With this commitment by the State Government, the organisation's anthropologist proceeded to develop a comprehensive proposal that reflected the desires of the Park's Aboriginal residents, as well as the political sensibilities of a Government that was terrified of any proposition appearing to offer land to Aboriginal people. For the Aborigines' part, they insisted there was not to be a repetition of past experiences with "reserves" or "horse paddocks" as such enclosures were popularly referred to. They demanded a lease arrangement, albeit for only twenty years, that reflected, at a bare minimum, their physical reliance on the land.

The Land Council had for some time been re-evaluating the philosophical arguments, on the Land Bill in particular, and Aboriginal aspirations for land in general. Those who supported Aboriginal rights to land had done so on the basis of the latter's role in shoring up a coherent, and religious, foundation upon which traditional culture could be sustained. In reality, the Land Bill's debate had been a story of apples and oranges all along. Those supporting it had indeed stressed the unique mystical experience Aborigines had towards the environment; however, those opposing land rights warned of economic assets being irrevocably locked away from the general public. The latter argument easily won the day.¹⁴

From late 1981, Aboriginal people have sustained a physical regrouping in an environment deemed uninhabitable by European interests. To be sure, there was the odd supply loading from provisioning centres in the West Pilbara. But both Punmu and Parnngurr persevered because of the profound knowledge of water resources and the region's natural wildlife. Western Desert people may very well have returned to their country to pay homage to a timeless cultural geography, but they survived on the basis of understanding economic terrain.

¹³ Tenures were (and remain) not simply an ideological exercise. It is crucial if the Department of Aboriginal Affairs is to provide funding for community infrastructure. Without tenure, there is a continuing risk that other economic interests will supplant the underlying foundations of Aboriginal living areas.

¹⁴ Ironically, there was little analysis paid to the real cost/benefit ratio. Australian citizens forever complain of the money allocated to Aboriginal Affairs and Aboriginal people. Seldom do they complain of their natural resources being taken overseas by multinationals.

On this basis, the Land Council developed a lease proposal that emphasized the human necessities of living in such an environment. While it did make mention of the rich cultural heritage in the Karlamilyi (Rudall River) Region, especially the water resources that had sustained life there for centuries, it did not identify it, and the proposal gave little attention to the Dreaming associations in the region. Rather, it pointed to the economics of hunter/gathering necessity and the social communication of the Punmu/Parngurr/Jigalong triangle. The lease emphasized the importance of the Karlamilyi (Rudall River) corridor and the role it played in facilitating the survival of the Western Desert Homelands Movement.

There was another important consideration in the development of the lease proposal. Prior to the discovery of uranium at Kintyre, the Land Council had read its maps, perused the geology and concluded that there were essentially two spheres of interest in the Karlamilyi (Rudall River) National Park. After the 1985 site avoidance exercise, CRAE had indicated its interest in the western half of the Park; since 1981, Aboriginal traditional owners had staked their *de facto* claim in the east. Although the Land Council had erred, in retrospect, in misconstruing CRAE's apparent lack of interest in the immediate Mt. Cotten vicinity, this did not matter for the purposes of the lease proposal. Perceiving that the State did not care about its Karlamilyi (Rudall River) property, the Land Council offered a proposal that would give the Western Australian Government a way of satisfying multinational investment and Aboriginal domestic stability at the same time. The lease proposal categorically serviced the carving up of the Park; CRAE (the major tenement holder) could hold the escarpment country in the west and north, and Aborigines would lease the Karlamilyi (Rudall River) catchment to the east and south.

The discovery of uranium at Kintyre did little to alter the Land Council's thinking. Indeed, it reinforced it. Since no one was paying attention to the region as a Park, a uranium discovery, as well as an Aboriginal presence, would perhaps offer State Government a solution. The Land Council did not condone the uranium exploration and has resisted the development of a mine to the present. Unlike their counterparts in the Alligator Rivers Region, Western Desert people could not reap economic benefits from such an enterprise, and in any case, remained steadfastly opposed to the mining of such a dangerous substance.¹⁵ But the apparent geological gradient provided a possible social buffer for the Aboriginal residents in the eastern half of the Park.

¹⁵ Western Desert Aborigines usually refer to uranium as "poison". They know very well that there could be a financial emolument should they relax their opposition to the mining of uranium. Nevertheless, unlike their counterparts in the Kakadu National Park, they continue to refuse compensation for the possible degradation of the environment on which they depend.

The Land Council's lease proposal was submitted to CALM in March, 1986 (see Map 2). It highlighted the social and economic requirements of people living in the region, and it emphasized the single-minded tenacity of the two communities' efforts to remain on traditional land. Equally, it argued that a European concept of 'living area' was inappropriate for the harsh and remote environs of the Great Sandy Desert; three bedroom homes and the quarter acre block might fit the suburbs of Perth, but such configurations, and associated meanings of 'living', were unrealistic for Western Desert people. The Land Council waited nine months for ministerial acknowledgement of the proposal.

2:7 1986 - MT. COTTEN REVISITED

The first few months of 1986 were relatively quiet, and the Land Council expended much of its energies on developing infrastructure on its three major outstations - Punmu, Well 33 and Parnngurr. Once Amoco had left the Canning Basin, intensive participation in mining exploration diminished. CRAE, as it had promised the year before, kept its drilling rigs in the northwest of the Park, seemingly content to develop its Kintyre prospect.

Nevertheless, other forces were irrevocably shaping events within the region, and the Land Council found itself increasingly contemplating alliances it had previously rejected. Because of a proposed gold mining venture in the Hammersley Range National Park, in the West Pilbara, a public debate emerged on the value of activities such as exploration and mining in Western Australia's National Parks. Realising that the issue had electoral significance, the State Government empanelled a three member committee to develop recommendations and guidelines for all mining operations in National Parks and other reserves dedicated to conservation. The conclusions of the 'Bailey Committee' are not the concern here, and they have yet to be implemented in law.¹⁶ What is important, however, is that the widely publicised debate forced the Land Council to rethink its attitude towards the Karlamilyi (Rudall River) National Park.

uranium. Nevertheless, unlike their counterparts in the Kakadu National Park, they continue to refuse compensation for the possible degradation of the environment on which they depend.

- 16 The Land Council was never overly concerned with the impending Bailey legislation. First, the organisation had historically dismissed the Rudall River National Park's existence. Second, it knew that most of the exploration tenements of concern to Aboriginal people had been issued prior to the Park's gazettal and were, therefore, unlikely to be affected by any new legal initiatives, especially in a State where mining legislation supercedes much other law. However, as an ironic aside, the Land Council believed that it might very well have influenced one of the Bailey recommendations. The proposal to rationalize a National Park's boundaries, should mineral deposits be found within it, was eerily similar to the 'Living Area Lease Proposal' which, in essence, carved off the uranium province in the northwest of the Park.

Prior to the debate, the Land Council had been content to ignore the environmental (European) attributes of the Karlamilyi (Rudall River) Region. It acknowledged the existence of the Park, but only to the extent that it was gazetted land that CALM had statutory authority to grant Aboriginal people certain rights and responsibilities over. As already noted on several occasions, the Land Council took seriously CALM's non-interest in the Park.

But once the debate on National Parks had been enjoined, CALM was forced to rethink its attitude towards the Karlamilyi (Rudall River) property, especially since it was not simply a question of exploration and mining, but also one in the volatile arena of uranium policy. Consequently, the Land Council had to rethink its stance with CALM and concurrently to entertain allying with a public argument that had little to do with Aboriginal sentiment.

Western Desert made tentative overtures to the Australian Conservation Foundation (ACF), the organisation most outspoken in its attempts to prevent all mining activities in the State's National Parks and Conservation Reserves. Initially, these discussions were intended to essentially share information. Because of its position on the ground in the Park and because of continuing negotiations with various exploration companies, the Land Council was better informed of events in the region;¹⁷ because the ACF was based in Perth, it could best monitor developments with the Bailey deliberations. Nevertheless, the Land Council was at first chary of its relationship with the ACF. As noted above, it required a complete about-face in the organisation's arguments over historical and 'natural' rights to landed tenure for Aboriginal people. In other words, it meant rejecting Aboriginal opinion and taking up an argument on European environmental values. Perhaps more importantly, it meant embracing a movement, certain segments of which were opposed to all disturbance of the environment, no matter that Aborigines had been managing it for thousands of years.¹⁸

At the same time that the Land Council began communicating with the ACF, it also began talking to CALM in a different fashion. In mid 1986, CRAE had approached the

¹⁷ Nevertheless, the Land Council was studious in never divulging confidential information supplied to it by mining companies. To do otherwise would have broken down all lines of communication.

¹⁸ Other contributors (Veth & Tonkinson, this vol.) discuss the habitation sequence in the Western Desert. It is beyond the scope of this submission to enter the hoary debate over whether Aboriginal people actually hastened or retarded the desiccation of the Australian environment. However, there is evidence that Aboriginal firing techniques actually supported and prolonged the biology of riverine systems such as the Rudall River.

Council with an ambitious exploration programme that it wished to have cleared for Aboriginal heritage; the majority of the tenements were in the Park. Despite its 'side letter' and objections to the previous year's Agreement, CRAE seemed content to fund anthropologists and scouts, work with the umbrella organisation in South Hedland and for once and for all gain a complete foothold on a band of geology stretching from the Broadhurst Range in the northwest to Well 23 in the east. The Land Council, as in the previous year, resisted such a blanket clearance and seized upon the public concern over disturbance to National Parks as a means of circumvention.

Under its own Act, CALM was required to clear and monitor all activities which potentially disturbed land under its jurisdiction. Now, with public attention forcing CALM to more closely attend to the general issue of conservationist values, Western Desert decided to employ a new tactic. It knew that CRAE, with a potentially controversial uranium find, would be more carefully abiding of State Legislation. It also knew that CALM and CRAE were now discussing specific exploration proposals. These proposals were not vague statements about wanting to take over a given tenement; they were detailed descriptions about tracks, drilling pads, fly camps, rubbish tips and the like. It occurred to the Land Council that if such specifics were appropriate for a bureaucracy located far away in Perth, then they should be equally available for people actually living in the Park. CRAE had all along claimed to Aboriginal interests that the Company could divulge nothing because of the random nature of their exploration programme; when push came to political shove, they were more than willing to get specific for those officially representing the natural environment.

Knowing that CRAE was providing specific information on its work programme to CALM, the Land Council suggested to CALM's Operations Officer in Karratha that such information be made available to it for the purpose of negotiating site avoidance agreements. The Land Council received confirmation from the Karratha office that the idea had merit. Nevertheless, CALM's Perth office did not approve this request, stating that the information was provided it in confidence by the company. Evidently, CALM suggested to CRAE that the company should provide information about its work programme directly to the Land Council. This attempt to put the onus for protection of Aboriginal heritage on the company was to prove most embarrassing in a year's time. Indeed, the whole problem of inter-governmental communication (Aboriginal Affairs, Mines Department and CALM) was to become instrumental in the Land Council's argument that State Government was not embracing a proactive policy regarding issues pertinent to the Karlamilyi (Rudall River) Region. All policy was reactive,

reactive, especially the one involving Aboriginal Affairs¹⁹, and none of the interested parties knew where they stood vis-a-vis one another

Two other developments influenced the Land Council's approach to the Homelands Movement. One involved a State/Commonwealth agreement and initiatives to improve the social welfare of Western Australia's Aboriginal population. The other was a calculated assault upon a declared sacred site.

Contrary to speculation in certain circles, the failure of the Aboriginal Land Bill did not lead to the Commonwealth imposing Federal legislation on the Western Australian Government. Indeed, both Governments declared the issue of land rights to be null and void. Nevertheless, the Commonwealth, perhaps thinking of the impending Bicentennial, realised that some form of leverage had to be brought to bear on a State that had demonstrated a remarkable lack of concern for Aboriginal welfare. In June of 1986, the formation of the Western Australian Aboriginal Land and Community Improvement Program (WAALCLIP) was announced. This unwieldy title was later amended to the Aboriginal Community Development Program (ACDP). The 'joint initiative' (as it was commonly referred to) involved two components - a large capital expenditure to improve living conditions in Aboriginal communities and secure forms of tenure for Aboriginal living areas. It was in the context of this arrangement that the Land Council was asked to redesignate itself as a Resource Agency. Development funds for homelands communities were to be channelled through and administered by locally-based organisations rather than traditional government departments.

Of particular concern to the Federal Minister for Aboriginal Affairs was Western Australia's meaningful contribution to ensuring secure land tenure. After all, the Commonwealth was reluctant to spend significantly on infrastructure if the State could not guarantee that such tenure would not be removed at the whim of mining interests, pastoralists and other parties seeking access to land based resources. The State agreed to the implementation of 99 Year Leases for categories of land that were not already alienated for other purposes (i.e. freehold title, Class A Reserve, etc.). Pastoral leases were to provide living area excisions, existing Reserves were to be revested and all Vacant Crown Land (VCL) was to be made available for claim.

¹⁹ It would be in error to categorically blame the State Department for Aboriginal Affairs, and its Authorities, for the governmental chaos. Aboriginal issues have never been a high priority in the State's thinking and the Department was invariably the last consulted when issues relating to land were the concern.

With the exception of Jigalong and the Karlamilyi (Rudall River) National Park, Western Desert people's land based aspirations all focused on VCL. Problems relating to tenure in the Park have already been introduced and the situation of the Jigalong Reserves is presently under scrutiny by the Department of Land Administration.²⁰ As for VCL applications, the Land Council was soon to learn that the State's commitment was not what had been promised; State Government, it seems, was less powerful than law governing mining legislation and the Mines Department. While this was not exactly a shock to the Land Council, it served to underscore the organisation's skepticism over the proposed 'joint initiative.'

Applications for 99 Year Leases on VCL were actually quite straightforward exercises. Upon reception, the Aboriginal Lands Trust immediately sent them to the Mines Department (via a short stop at the Department of Lands Administration). At this point, the applied for land was checked against existing exploration tenements and permits. Should mining interests have a 'prior' claim, the application was automatically rejected. Should the applied for land not coincide with existing mining claims, the geology was then investigated. If the region was 'prospective', the application was then rejected. It was a very simple system, indeed, abrogating for the most part any scrutiny by other departments having responsibility for Western Australia's land resources.

The Land Council actually tried the procedure out. An application for Mulyarlkiri, an outstation north of the Percival Lakes, was filed on the basis that the lease's boundaries were vacant of petroleum permits - 'vacant' Vacant Crown Land, as it were. The Mines Department rejected the Aboriginal application, not on the basis of petroleum prospectivity, but with a claim that the Amoco Oil Corporation had produced a permit application prior to the Land Council's submission. The Land Council considered this to be factually incorrect and this prevarication convinced Western Desert people that the State had no commitment to the 'joint initiative' and that land tenure was an illusory proposition.

Subsequent to the initial Mulyarlkiri rejection, the State decided on another ploy. "Special Purpose Leases" could be granted over large tracts of VCL, with the proviso, a bit like its earlier land rights proposition, that the lessees have no power of veto over activities on their land. By this point, the Land Council was thoroughly discouraged over the future of Aboriginal land tenure in Western Australia. Nevertheless, it proceeded to develop four lease applications over the next two years. The Land Council

²⁰ Quite recently, and just after the Jigalong 99 Year Lease application had been filed, CRAE took advantage of the legal morass and applied for an exploration tenement in the community's backyard. If the applicant prevails, there can be little doubt about the State's true priorities.

recently learned that all of the VCL applications, including Mulyarlkiri, have been rejected.²¹

In May of 1986, Western Desert people received another setback by being asked to give up what little they had already received. CRAE, quietly working away in its new uranium prospect at Kintyre, filed a Section 18 application under the Aboriginal Heritage Act (AHA) requesting permission to drill Mt. Cotten, a site revealed in the previous year's survey and at the base of which lay the Parnngurr Community. The Land Council was well aware that CRAE might attempt to undo the previous year's Agreement, but it was not prepared for the particular thrust of the Company's assault. In an environment where the State Government was being coerced into finally recognizing certain Aboriginal rights, why direct attention to a focal community in the Western Desert Homelands Movement? And why, given the commotion over conservationist values and mining, pinpoint an area of geography (geology) that was located inside the Karlamilyi (Rudall River) National Park?

The Land Council was much later to learn the commercial reasons for CRAE's actions, but at the time of the Section 18 application, it was forced to look for other motivations. The Department of Aboriginal Sites, whose Aboriginal Cultural Materials Committee (ACMC) was empowered to review the application, harboured notions that CRAE might be attempting to test the very legislation upon which sites protection in Western Australia was based. The Land Council, on the other hand, entertained other ideas. First, the Company could be forcing litigation that it knew the Council was ill-financed to pursue, especially if it reached the Western Australian Supreme Court. Second, it could have been a calculated move to pressure the population of Parnngurr to vacate the premises. On both counts, the move was seen as a determined attempt to undermine Aboriginal aspirations and rights.

People living at Parnngurr were incensed over attempts by CRAE to gain exploration access to Mt. Cotten. Permission to drill would, indeed, have forced the community to return to Jigalong. The Land Council, in preparing its defense of the site's significance, was of two minds in its approach. The site had been identified for its sacred associations, but it equally was part of a living "anthropological" presence. Under the Act, both classifications sustained legal protection. The Land Council,

²¹ The State's participation in the 'joint agreement' has been nothing short of a farce. Lease applications are regularly lost, and the Aboriginal Lands Trust has neither the personnel nor the resources to intervene with a State political machinery intent on seeing the programme scuttled. It is somewhat surprising that the Commonwealth continues to fund 'living area' infrastructure on land that the State is systematically withholding from Aboriginal people.

given the then current (ideological) environment in the State, was tempted at first to approach both the APMC and the State Minister for Aboriginal Affairs on the basis of Mt. Cotten's importance for those Aborigines sustaining a living presence there. Eventually, it decided on arguing the site's sacred significance, primarily because Mt. Cotten had been originally identified in such a context.

Western Desert presented materials emphasizing the importance of Mt. Cotten as a significant site in Western Desert cosmogony. The APMC agreed and the Minister ratified the decision in December, 1986. CRAE did not proceed (under its rights) with an appeal to the Supreme Court; Mt. Cotten was not to be drilled. Nevertheless, the upshot of the experience was a watershed in the Land Council's thinking. Sites legislation might have protected living Aboriginal people in this instance, but only because a sacred site was next to them. From that point on, the Land Council renounced the notion of Aborigines as quaint museum pieces, as was their wont under virtually all legislation and thinking, and instead embraced their rights as the only residents of the region.

3.0 A CHRONOLOGY OF EVENTS - THE RECENT HISTORY

The continuing invasion of Western Desert land by commercial interests and a non-policy towards Aboriginal people by the State Government were to combine to characterise events from early 1987 onwards. Indeed, they would be enough to finally force the Commonwealth Government to intervene. Equally, other decisions were to eventually muddy the situation in the Karlamilyi (Rudall River) Region. Uranium, a most contentious commodity in Labor Party circles, would soon force the 'unholy trinity' into not only a national but an international spotlight. And, despite the Land Council's reservations, the Karlamilyi (Rudall River) National Park would become the focus of arguments having little to do with the rights of its indigenous residents. Nevertheless, the publicity that the Land Council eventually courted was the only means of saving a resettlement movement that was being virtually ignored by all parties other than those participating in it. Indeed the Federal Government might have remained quiescent to the plight of Western Desert people, had not the Land Council stirred the National Park/uranium/Aboriginal mix.

That mix was initially aired publically with a front page newspaper article in the *Sunday Territorian* on March 22, 1987. In essence, it suggested that the Federal Government would reward its environmentalist supporters in the recent election by not mining further the Kakadu National Park, and instead shift the next on-line mine to

the Karlamilyi (Rudall River) National Park.²² Naturally enough, the Northern Territory Government was disturbed over the potential loss of revenue. Equally, the Western Australian Minister for Minerals and Energy was delighted. Nevertheless, the Federal Resources and Energy Minister downplayed the report, lamely attempting to appease a Labor Party constituency and a conservationist vote that wanted nothing further than the current Three Mines Policy.

It is beyond the scope of this contribution to discuss the uranium debate that ensued. Indeed, it still continues amidst speculation that the Federal Labor Party will soon deregulate Australia's uranium market. Nevertheless, the newspaper article ultimately set off a chain of events that took the Karlamilyi (Rudall River) National Park to the Eastern States' consciousness. This, in turn, activated a public awareness that neither the State nor the Commonwealth Governments could ignore. The Land Council, in the business of advocating Aboriginal aspirations in the Western Desert, increasingly found itself addressing other social issues paramount in the national arena - not with a view of abandoning Aboriginal opinion, but with the hope that a wider alliance could influence political wills.

3:1 THE "GOVERNMENT MEETING" AT COTTEN CREEK

By early 1987, CRAE was pressuring the Land Council into a further site clearance agreement for the region between its Kintyre prospect and the community at Parnngurr. The Land Council continued to resist the blanket clearance of entire tenements. CALM, likewise, continued to refuse the divulgence of information detailing the Company's specific work programme. Sensing that a confrontation was possible, and still wary of Commonwealth pressures over its treatment of Aborigines, the State Government finally decided to sponsor a meeting of all interested parties at Cotten Creek. It was rather a grandiose affair, and the first of its kind for Aboriginal residents in the Park. Top CRAE management also attended, although they were asked to meet separately with the Land Council.

Another contributor to this document is addressing the cultural protocols that characterised this meeting (Gallagher, this vol.). I wish to briefly summarise the direction of its content. Participants included State Government officials having relevant portfolios - the Aboriginal Sites Department, Ministry for Aboriginal Affairs,

²² In reality, the Labor Government had nearly lost the election, precisely because of its cavalier treatment of the 'green' vote. Kakadu was Australia's centrepiece National Park and was, therefore, an easy object for environmental attention. As with so many of the issues, including Aborigines, it seemed to be Commonwealth policy that contentious problems were delivered to the Western Australian Government. Out of sight, out of mind, over the Nullabor, as it were.

CALM and the Department of Mines. The Federal Department of Aboriginal Affairs also sent observers. Aborigines, not surprisingly, selected representatives from CALM and the Mines Department as the targets of their ire. Two issues preoccupied their attention. Why was it that tenure for Punmu and Parnngurr - the 'living area lease' - was not proceeding? For the Mines Department representative, there was heated questioning on why their 'Aboriginal Liaison Officer' refused to inform Aboriginal communities of exploration activities in the Western Desert. In general, Aboriginal people were interested in why they were always the last to know of activities threatening their traditional land.²³ At best, the meeting was an unproductive confrontation; at its worst, it reaffirmed for Aboriginal people that the 'joint initiative' replacing 'land rights' was going nowhere. They enjoyed having their say, but it would be just one more example of wasted rhetoric.

After the Government had left by plane for their Newman hotel, Aboriginal people sat down with CRAE management, a patient group that had camped at a discreet distance for most of the day. Aborigines listened attentively as the Company outlined its plans for Kintyre, future exploration and a 'good neighbour policy' which would unilaterally inform Aboriginal communities of the Company's movements. There was also a good bit of technical discussion on the safety of uranium mining.

As the CRAE personnel left for their own plane, there were cheerful goodbyes and warm handshakes. Even the Land Council staff were oddly appreciative of the Company's efforts - while believing none of it. The day's meeting had produced a certain declension. For most of it, Aborigines had met with a group of government representatives, who by their very nature could politically resolve nothing; in a brief afternoon session they met with commercial interests who ostensibly explained everything.

What CRAE did reveal most cogently were two things. First, it wished to communicate directly with the Chairman of the Parnngurr Community on activities it was proposing for the region (effectively resorting to its traditional *modus operandi*). Second, it implied that it was preparing to move its exploration activities southeastwards into the area defined by the Land Council as an Aboriginal living area. Less cogently, it cryptically suggested possible compensation, should uranium mining proceed at Kintyre.

²³ The Land Council office in South Hedland had consistently requested that the Mines Department provide it with information relating to tenement applications in the region. The requests were seldom obliged. Western Desert usually only learned of exploration activities as they were physically encountered in the field (with the notable exception of Amoco).

The "Government Meeting", as it turned out, only set the stage for the frustrations that were shortly to become very public. For CRAE, there were false intimations of accomplishment. For the State's representatives, there was a reaffirmation of official confusion. For Aboriginal residents of the Park, there was an ironic sense of accomplishment; they had had their say and thought, within the terms of their own didactics, that it had registered. But everyone, in reality, left in a state of programmatic and directional disarray. Nevertheless, it was decided to set up the "Rudall River Co-ordinating Committee", a group composed of relevant government officials and Land Council representatives. This committee, as its title suggested, was to improve communication between the various competing parties.

3:2 THE EVENTS OF JULY, 1987

Before the committee could meet, however, other matters got in the way. In early July, 1987, the Land Council learned that the State had accepted a \$50,000 donation from CRAE towards the development of a Management Plan for the Karlamilyi (Rudall River) National Park. Not wanting the source of the information known, the Land Council remained silent. Nevertheless, the ACF soon learned of the contribution and promptly went to the Press, outraged that a large multinational uranium miner could possibly influence the management policy of a National Park. The Land Council followed suit, but with a different message. How could the State accept monies from CRAE and still fulfil its obligations to the Aboriginal residents of the Park, especially given the Company's renewed designs on the Mt. Cotten site and indirectly the Parnngurr Community?

For the first time, the Land Council went public with its concerns over Aborigines living in the Park. At the same time, it allied itself with a conservationist movement intent on saving (and consequently publicising) the national park. It was not lost on the Aboriginal organisation that such publicity could have negative repercussions. Aboriginal residents of the Karlamilyi (Rudall River) Region essentially wished to be left alone. Depicting their plight in the newspapers and over the airwaves, and using the Park as a foil, would ultimately attract a trespass of another kind - those wishing to physically experience what the commotion was all about. Nevertheless, Western Desert people had come to understand that their only hope in slowing down the mining invasion was to embrace the conservation movement. They are yet to realise the full implications of putting Australia's second largest National Park on the map.

Two weeks after the ACF publically exposed the CRAE donation to CALM, the Land Council received a private and direct communication from the Company, announcing

that it would soon commence drilling operations at three locations near the Parnngurr Community.²⁴ While Western Desert never quite understood the timing of this move, it was not averse to using the news to its best advantage. The media was informed, front page stories appeared and both the State and Commonwealth Ministers for Aboriginal Affairs were asked to intervene. As far as the Land Council was concerned, the proposed drilling was an Aboriginal issue at that point and had little to do with the environmental values of a National Park. The State Minister succeeded in convincing CRAE to a drilling moratorium in the immediate Parnngurr vicinity and arranged for the Rudall River Co-ordinating Committee to meet in late July.

Meanwhile, another drama was unfolding. The Land Council learned that CRAE had established a fly camp on top of a sacred site along the headwaters of the Karlamilyi (Rudall) River - midway between the Kintyre prospect and the Parnngurr Community, and in a tenement the Land Council had never cleared for sites of significance. CRAE was later to claim that it had employed the Strelley Organisation to clear the area, although it subsequently transpired that the Strelley scouts did not know the specific geography they were scouting.²⁵ For the Land Council it was a perfect example of how CALM was not attending to regulations governing Aboriginal Heritage. By this point CALM was meticulously attending to exploration plans in the Park, and CRAE had alerted CALM of its impending disturbance to Karlkan Karlkan. But CALM treated it as something physical rather than something potentially cultural (therefore having social connotations). It is an attitude towards the Park that the Land Council continues to try to disabuse CALM of.

²⁴ CRAE sent a telex to the South Hedland office announcing its intentions. In the past the Company had always communicated via the Land Council's solicitors at the Aboriginal Legal Service. The Land Council never understood this direct contact, although the Company could have been sending a message. It, like the Land Council perhaps, was tired of governmental indecision and wanted some sort of private accommodation. Several government officials had been voicing similar opinions. In retrospect, the Land Council might have dealt constructively with CRAE in private; nevertheless, there were too many other parties involved by this point in time.

²⁵ It is a sad indictment of both mining companies and government agencies that they play Aboriginal groups off against one another for their own ends. The Land Council constituency had for years invited its kindred relations at Strelley to meetings that addressed the disposition of Western Desert land. There was a perception in the Land Council that Strelley's European advisors counselled against embracing "traditional country", arguing that the Strelley membership would make more money acknowledging that the land had been lost. When, however, there was a smell of financial compensation from a uranium mine, the European advisors at Strelley were, in the Land Council's view, more than willing to convince the Nomads membership to go out and claim it. The Land Council has never denied that certain members of the Strelley Community have traditional ties to the Karlamilyi (Rudall River) Region, but it continues to resist if it feels that they are being exploited by operatives intent on financial greed or bureaucratic facility.

The Rudall River Co-ordinating Committee first met in Perth on July 31, 1987. Virtually all parties, including Federal observers, were present. CRAE was asked not to attend since the Land Council reasoned that the problem was one for State Government to resolve. Nevertheless, the Company did table a document indicating its plans for the Karlamilyi (Rudall River) Region. Not much eventuated from the meeting. Vague terms of reference were arrived at, and both CALM and the Mines department agreed to seek mechanisms for facilitating the flow of information on development plans within the Park.

However, the Land Council tabled three ideas which it sought assurances over. First, it asked that the State (Labor) Government publically announce its stance on uranium mining. Second, it asked that Government support the continuation of the moratorium on exploration in the eastern half of the Park. Third, it asked that all further exploration in the wider region cease, pending an inquiry into the social and economic implications of such activities on Aboriginal residents of the region.

The demand for the Regional Study came out of the first Co-ordinating Committee meeting. The Land Council argued that site surveys, which CRAE continued to call for, were not sufficient for protecting the social and economic welfare of Aboriginal communities. Indeed, all they did was ratify the loss of Aboriginal influence over the resources that sustained such communities. The Land Council was no longer willing to argue Aboriginal rights on the basis of heritage alone and demanded that Government(s) recognise the utilitarian dimensions of living in the Western Desert.

3:3 THE SECOND 'CO-ORDINATING COMMITTEE' MEETING

The second meeting occurred one month later. In the interim, the Land Council had briefed the Federal Minister for Aboriginal Affairs on developments and solicited Commonwealth support for its proposals, particularly the comprehensive study of the effects of exploration activities on Western Desert people. The Minister offered to discuss the situation with his State counterpart.

At the second meeting, support was indicated for the proposed study, although the comprehensiveness of the undertaking and who would pay for it remained vague. Also, there was no conclusion as to how CRAE should continue operations pending the results, although the Land Council had accepted that the Company was already firmly entrenched in tenements near Karlkan. The second meeting also produced the concept of an "Exclusion Zone", something that would replace the existing exploration moratorium. Initially, it was proposed that boundaries of 30 kilometre

diameter would be drawn around Punmu and Parnngurr. The one around Punmu would prohibit all exploration within it; the one around Parnngurr would allow exploration, but somehow prohibit the search for uranium. The proposal was patently absurd and it treated Aboriginal people with contempt. They may not have well understood the chemistry of mineral analysis, but they knew that drill cores were drill cores; what the samples revealed had little to do with any intentions of avoiding what was not yet known. The Land Council dismissed the proposal immediately.

The Aborigines also saw another map of an Exclusion Zone and it created more interest. It included virtually all of the Karlamilyi (Rudall) River catchment basin and it was not very different from the boundaries of the 'living area lease' proposed eighteen months earlier. The question of the Rudall's water resources and possible contamination by uranium mining had, all along, worried residents of the region. Nevertheless, the plan was an Aboriginal Affairs Planning Authority proposal; it did not have the blessing of the Mines Department. The second meeting of the Co-ordinating Committee ended as inconclusively as the first.

Up to this point, the Land Council had coherently stated its case, although admittedly it had sought out different alliances for expediting its purpose. It wanted tenure for Aboriginal communities in the Park. It wanted mining exploration activities (and not just CRAE's) excluded from such a lease. And it should offer tenure and safe haven for other communities in the larger region. It had called for State Government to fund a Regional Study that would equitably adjudicate the competition for land based resources in the Western Desert. All it had received was a bureaucratic run-around.

3:4 FEDERAL INTERVENTION

Following the second Co-ordinating Committee meeting, the Land Council decided to more actively engage Commonwealth Aboriginal Affairs. It had all along had the support of DAA, but it decided to seek out the personal intervention of the new Federal Minister. The Minister had indicated his intentions of addressing the Aboriginal situation in Western Australia, and the Land Council seized upon his interest as a way of finally realising certain objectives.

Specifically, the Land Council requested the Minister's presence at a meeting of Western Desert people to be held at Parnngurr in mid-October of 1987. The Minister accepted and it was to prove momentarily decisive for State policy towards the Karlamilyi (Rudall River) Region. Word was rife that the Minister would soon visit

Parnngurr and there were larger concerns in State Government over his remaining itinerary. Aboriginal Affairs suddenly came to life.

Four days before the Minister's arrival, the State Minister for Minerals and Energy announced on evening television that he had created an Exclusion Zone for the Karlamilyi (Rudall River) Region. It approximated the Aboriginal Affairs Planning Authority proposal but noticeably shifted the western boundary eastwards towards the community. This may have had something to do with CRAE's then current exploration programme in the Karlkan Karlkan region. It also included country outside the Park, recognising that Aboriginal community interests were not isomorphic with artificially defined Park boundaries. But nothing much was said about the rules governing the Exclusion Zone, except that it was temporarily off limits to mining exploration.²⁶ Over the weekend, the State Minister for Aboriginal Affairs contacted the South Hedland office, confirmed the Exclusion Zone and asked that he be allowed to attend the Parnngurr meeting. It was not thought appropriate and instead he sent his written proposals on the plane carrying the Federal Minister.

The Minister arrived with a number of his staff and a sizeable contingent of Eastern States' media. He carefully listened to Western Desert people's concerns, but was equally careful not to commit himself to specific remedies. Much of the meeting was taken up by Aboriginal people speaking of their particular relationships to Western Desert land and of their frustrations in not obtaining secure tenure over it. The Minister also wanted to hear about education and health systems in the region. He left with a promise that he would discuss the issues with the State Government.

For the next six months, the State and Commonwealth tried to influence one another on the merits of various proposals relating to Aboriginal needs in Western Australia. The Karlamilyi (Rudall River) issue was only one of many, including pastoral excisions in the Kimberley and a Management Plan for the Bungles National Park. Also simmering was Labor's policy on uranium, with the State wishing to see it changed. Again, it is not possible here to adequately address the uranium debate. While CRAE obviously lobbied for altering the policy, there were many other factors confusing deliberations, including existing excisions of known deposits in Kakadu, threats by other companies to take their operations overseas, and, of course, the politics of mining in National Parks. Federal Labor policy on uranium remained quite confused leading up to the Hobart Conference in June, 1987..

²⁶ Even the State Government understood little of what it was proposing. In an ensuing Parliamentary debate, initiated by the Opposition, Government spokespersons could not agree as to whether the Exclusion Zone was permanent, temporary or something in between.

3:5 THE WATER AT COTTEN CREEK

If much of the recounting of events in this chapter addresses developments with the State and Commonwealth, it would be inappropriate to ignore a third tier of government that belatedly entered the debate. The East Pilbara Shire had long ignored its Aboriginal constituents, arguing they did not provide the tax base upon which services could be delivered. Nevertheless, and despite growing problems with Aboriginal fringedwellers in Newman, the Shire ideologically supported the concentration of the Aboriginal population in and around Jigalong. It did not fancy the outstation movement towards the east, probably fearing that it would one day have to financially support it. The Land Council had on numerous occasions pressured the Shire to do something about the condition of the Wapet (Anketell Ridge) Road (Punmu's lifeline) and the Talawana Track (Parnngurr's). The Shire consistently refused, knowing that once improved, roads would have to be maintained.

On April 29, 1988, the Shire decided to enter the Karlamilyi (Rudall River) debate with a vengeance. In a press release issued late on a Friday afternoon (taking a cue, perhaps, from Government Ministers), the Shire Clerk announced that its own analysis of the Parnngurr Community's water supply proved it to be uranium contaminated. Significantly, the release barely mentioned possible adverse effects on Aboriginal health, but went straight into a diatribe about how Parnngurr's residents were obstructing CRAE's important work. It wanted the community abandoned and government funding of the Land Council halted. It also claimed that none of the residents had traditional ties to the region.

The quandary for the Land Council was whether CRAE was behind this blatant attempt to scare Aboriginal people back to Jigalong. The Land Council thought not. The Company was a tough negotiator, but it did not operate in that style. Besides, CRAE and before it Agip Australia, had been drinking the water. They certainly would not have risked withholding information on contamination, for legal reasons alone.²⁷

Western Desert people were incensed, and it did not hurt their cause that the Press and the State's Nuclear Disarmament Senator were attending a large Land Council meeting at Punmu when the story broke. Aboriginal action was swift and widely publicised. Five days after the Shire's announcement, the State Health Department reported that radiation levels in the water did not constitute a health risk. Later, the

²⁷ At a later date the Company confirmed that it was as taken aback by the Shire's announcement as the Land Council was. The last thing CRAE wanted was publicity on radiation contamination in its uranium province. Equally, they would never have publically called for the removal of an Aboriginal community for the purposes of expediting their commercial activities.

Land Council commissioned a more thorough analysis of radiation in the Mt. Cotten vicinity, and tests confirmed that background radiation was no higher than in Perth, or Newman for that matter. Whatever purpose lay behind the Shire's actions, it seems to have backfired.

3:6 FROM EXPLORATION TO THE TOURIST INTRUSION²⁸

The Land Council had argued all along to the Co-ordinating Committee that the Regional Study should focus on the effects of mining exploration on Aboriginal communities. Indeed, in early July of 1988, Council staff met directly with CRAE personnel in Perth and began discussions on how such a study might be constituted. But Aboriginal residents of the Park were increasingly being besieged by random tourists. Publicity generated for over two years was finally having its effect. Indeed, CRAE had been kept away from Parnngurr, but now a most uncontrollable type of incursion was raising Aboriginal anxiety.

To this end, the Land Council again approached CALM. In the CALM Act (1984) were several mechanisms that could be enacted maintaining the "necessary operations" of the Park prior to the development of a Management Plan. The Land Council argued that Aboriginal residents of the Park were the only competent people that could enforce such measures and that some form of interim leasing arrangement should be possible, protecting not only people but the flora and fauna as well. The Director of National Parks demurred, but did not reject the possibility outright.

During this period, Western Desert (and DAA) had approached the Premier of Western Australia, suggesting that he meet with the residents at Karlkan Karlkan. Many Aborigines of the region had personally known the Premier and there was hope that he would listen to their troubles and truly co-ordinate a solution. The indecision and obfuscation had been going on for four years, and it was not helping anyone's mental or physical health. The meeting was set for August 5, 1988.

Prior to the Karlkan Karlkan visit, both the Land Council staff and government personnel, particularly from State Aboriginal Affairs and the Mines Departments, worked feverishly to develop proposals that the Premier could realistically embrace. It was an election year, and hard demands from Aboriginal communities were not

²⁸ This entire period had a complicated history, and it is impossible to adequately address all of it. After the Hobart Conference, uranium policy remained vague and, as such, the subject of political manipulation by a variety of interests. The State and Commonwealth continued to discuss directions in Aboriginal policy for Western Australia. And the Land Council was forced to finally confront the tourism issue.

likely to be entertained. On the other hand, the Land Council had proved that it could make noise when required, and that should also not be ignored. The trick was middle ground. The issue by this time was no longer simply uranium, mining exploration and the Exclusion Zone, catalysts that precipitated the series of events catalogued above. It now involved tourist incursions, tenure in the Park, a Plan of Management and the comprehensive Regional Study. Indeed, the concept of the study, itself, was changing; no longer did it focus entirely on mineral exploration.²⁹

Another ingredient that guided the proposals was a recent letter from the State Minister for Mines. In it, he agreed that the Exclusion Zone would remain in effect until such time as tenure was resolved for both communities. He also undertook not to grant any further exploration tenements in the Zone as long as it was in effect.

With these issues in mind, and the politics of an election year in the offing, the Land Council developed for the Premier a set of modest proposals that could be safely addressed in the immediate future. They were presented in letter form to the Premier as he arrived at Karlkan Karlkan and the main points are summarised below :

(a) EXCLUSION ZONE

1. Ask assurance that your Minister of Mines extension of the Zone be guaranteed, until such time as tenure for Punmu and Parnngurr is realised, and that tenure then extend over an area similar to the Zone.

(b) THE REGIONAL STUDY

1. Ask your support for an independent investigation into relations between Aboriginal communities and exploration companies, so as to formulate mechanisms arbitrating such relations with a broader scope than just site surveys.
2. Ask for public funding for the investigation and ask your support for the implementation of its recommendations.

²⁹ This change satisfied neither the Land Council nor CRAE. Both parties had been inching forward in private discussions with a 'study' that would address the themes of exploration and Aboriginal communities. Neither understood what the inclusion of tourism would entail. And, incidentally, both parties were united in their disapproval of tourist behaviour in the region.

3. Ask that there be no further exploration in and adjacent to the Park pending completion of the investigation.

(c) **TENURE AND THE PARK PLAN OF MANAGEMENT**

1. Ask that you immediately implement mechanisms available under the CALM Act, so that there be protection of communities and the Park from a massive increase in unregulated and uncontrollable tourism.
2. Ask that your government provide funding so that Western Desert can directly contribute to the Park's Management Plan.
3. Ask that your government consider amendments to the CALM Act, so that Joint Management in essentially 'Aboriginal Parks' can be implemented.

3:7 THE PREMIER'S MEETING AT KARLKAN KARLKAN

The actual meeting was paradoxically both tense and anti-climactic. The day before the Premier's arrival, a small delegation from the Strelley organisation showed up, uninvited. Historically, there had been a great deal of political ill-will between Strelley and the Land Council, and it was the latter's view that the former's strategy was to deliver the Park to CRAE. The Strelley *organisation* had long ago decided that Aboriginal people had irrevocably lost their land and that financial compensation was now the only avenue of redress. This attitude could be easily exploited by mining interests wishing to gain cheap and easy access to sacred geography. Nevertheless, the Land Council attendance was 30 fold in number, had themselves invited the Premier and consequently had decided to meet the plane as a unified group. If the Strelley Aborigines wished to embrace the Western Desert arguments, that was fine. If not, then the Strelley group could meet separately with the Premier afterwards.³⁰

Dawn broke overcast and cold. Soon, a steady rain began falling. The Premier's plane landed and the Chairman of the Land Council presented him with the letter. Unfortunately, discussions began before he could read it. The meeting was quite unremarkable, and the Land Council felt that the Premier had not been properly briefed

³⁰ This is, in fact, what occurred. The Strelley delegation sat apart during the Premier's meeting with the Land Council. They met briefly with him before the Government party left for Newman. Later that day, and still in a steady rain, the two Aboriginal groups sat down and extensively discussed their differences.

on the relevant issues. Nevertheless, two concerns were discussed at length - the Regional Study and the Exclusion Zone.

The Premier asked repeatedly why such a study was necessary. Western Desert people replied, as they had for four years, that their communities were not safe from the miners, that they never knew where the miners would strike next, and that more recently, tourists were coming and going with total disregard for Aboriginal privacy. They also complained about CRAE's contribution to CALM and demanded that a regional investigation be funded independently by government. The Premier seemed unaware of the distinction between the Park's Plan of Management and the larger regional concerns; and he argued that funds should be sought from any available source. Nevertheless, Aboriginal insistence eventually convinced him of the need for such a study, although he left that morning with no specific proposals on who might fund it or how it would be carried out. However, it was obvious that both CRAE and the Land Council had been removed from major roles in the enterprise.³¹

The Premier was more conversant with the Exclusion Zone and from the outset attempted to dissuade Aboriginal people of its necessity. He suggested that the Zone be removed, exploration companies allowed in and then the Zone put back in place after the exploration had ceased. This was patent nonsense to Aboriginal people, as their entire experience in the region had been that "once in, in for good." Equally, it meant that CRAE would swoop on the Parnngurr Community at the first opportunity. Western Desert people had asked all along that a region of their traditional land be made safe from the *potential* of further dislocation. If the Exclusion Zone went, then the potential became real. Once mineral deposits had been found, there would be no putting the Exclusion Zone back in place, and Aboriginal people would once more be displaced. The Land Council also brought up the Minister of Mine's recent assurance that the Zone would remain in place until such time as secure tenure for the communities was guaranteed. The Premier was apparently unaware of this promise.

In the press release of the following day, it was claimed that Western Desert had agreed to relinquish the Exclusion Zone. This was certainly not true. The discussions with the Premier had been quite confusing, not helped by the discomfort of the inclement weather. But it was assuredly not the case that Aboriginal residents of the Park had

³¹ The Land Council had argued for over two years that the Government finally exercise its responsibility and coherently address the Rudall River situation. The Government had finally seized the initiative. However, neither the Land Council nor CRAE experienced much comfort after the decision had been reached. Both remain wary of political expediency.

given up their only discernable victory in an eight year struggle to resettle in their own country.

The major outcome of the meeting became evident ten days later, when the Premier announced that the Regional Study would take place. The proposal was officially ratified on October 17 at a Cabinet Meeting in Derby. Specifically, the study was "to ascertain the effect of exploration, mining and tourism on Aboriginal communities in the Western Desert (Karlamilyi (Rudall River)) Region." Murdoch University's Remote Area Development Group was commissioned to conduct the study, in consultation with the Land Council, CALM, mining interests and other Government agencies.

3:8 THE PARNNGURR VIOLATION

One final event warrants attention, partly for its pathos, but also as an example of what occurs when mechanisms are not enacted to protect Aboriginal sensibilities. In September, a convoy of 11 Toyotas entered the Parnngurr Community and stopped. Their occupants got out and several with cameras began photographing the community and its inhabitants. They were immediately asked to leave and were also shown an alternative route bypassing the area when returning from their excursion to Well 23. Parnngurr was in mourning over the recent death of a man who had spent his life fighting for the community's survival. The next day, ignoring its request, the 11 vehicles drove straight back through the community.

The community was incensed and the South Hedland office immediately wrote to the Director of National Parks, once again detailing the senselessness of not establishing mechanisms protecting Aboriginal people in the Park. Within a day there was a response and a promise that CALM regulations would be employed to circumvent unwarranted trespass. Also, CALM was willing to post its own signs on the periphery of the Exclusion Zone, warning that it was an infraction to proceed beyond them. A sad irony was that the man who fought so hard for Aboriginal security in the Karlamilyi (Rudall River) Region never lived to see them.

4.0 CONCLUDING REMARKS

In the introduction, I made reference to a "pattern of official behaviour" regarding the interests of Western Desert people. This "pattern", while not necessarily concerted or orchestrated, nevertheless involves a series of decisions that have led to both denial and neglect towards the Aboriginal people of the Karlamilyi (Rudall River) Region. The State Government quite simply, has been incapable of formulating a coherent policy

towards indigenous residents, mining interests and the presence of a National Park. Equally, the Commonwealth has not exercised powers available to it for seeing that Aboriginal interests are recognised in Western Australia; in the Karlamilyi (Rudall River) Region, this is a reflection, in part, of the Federal Labor Government's inability to decisively define its uranium policies.

The purpose of narrating the events I have just described is to emphasize how Western Desert people remain at the mercy of such inexact policy. They suffer immensely for it. By analogy, it would be something akin to a suburb in any Australian city waiting daily for over eight years to learn whether it would be removed for a new airport. The only difference is that Aboriginal people know that they would once again be displaced from their homes without any compensation. But European thinking, be it in politics or with the lay public, is leery of analogical thought when it does not resolve self-interest. Western Desert people, on the other hand, are despairing of an official line that leads them nowhere. The irony is that, **unlike many other Aboriginal groups in Australia, they have steadfastly maintained a belief that government(s) would recognise and respect their legitimate claims to traditional land.** They believed it when they endorsed the Jigalong Reserve Proposal. They still believed it when they met with the Premier at Karlkan Karlkan. But their faith is notably waning.

I also introduced "two failed perspectives" of Aboriginal interests and have alluded to them throughout the narrative. **The notion of fixed territoriality, and therefore readily identifiable ownership, is a fiction in Western Desert society (see Tonkinson, this vol.).** Nevertheless, it has proven to be an amenable vehicle for groups intent on undermining those who truly aspire to protecting relationships to Western Desert land on the one hand and who have a genuine respect for land based resources on the other. Both mining companies and government agencies have been guilty in embracing a false anthropology that delivers unto them land coveted for narrow self interests, be it for financial gain or bureaucratic expediency.

Related to this perspective is an inordinate attention to Aboriginality as an ancient heritage and a relic phenomenon. Indeed, Aboriginal 'tradition' is protected in Western Australia solely on the basis of sacred geography or paraphernalia handed down from the Dreaming. Mt. Cotten is a site of significance not because of the actual people who live there, but rather because it is an important node in the local Dreamtime geography. There is an implication with such a perspective that living people are insignificant. Unfortunately, there are circles, both within and outside government, that embrace such a view. The East Pilbara Shire, for example, welcomes Aborigines

as 'localised' wards of the State and denies their living association to the Mt. Cotten region. Mining companies prey on the notion of heritage (while sometimes legally attempting to dismantle it) precisely because it provides easy access to Aboriginal land.

The Land Council arrived at the notion of a 'Regional Study' because it could no longer rely on Sites legislation to protect those Aborigines who were actually still alive and well in the Western Desert. Besieged for years by CRAE to clear vast tracts of territory so that the Company could pursue its activities unimpeded, Western Desert resisted, knowing that this practice was one further invitation to social dislocation. Indeed, the 1985 Agreement had essentially led to the permanent alienation of many Punmu residents from country that could be turned into a uranium mine in the northwest of the Park.

But the proposal of a Regional Study was not simply a move to stop all further mining exploration. Nor was it an attempt, as the need became obvious, to deny tourist access to the region. It was an endeavour to protect Aboriginal communities in an extremely remote region from disruptive activities that were easily 'out of sight, out of mind' for regulatory bodies of government. Similarly, the development of a Management Plan for the Karlamilyi (Rudall River) National Park must address those mechanisms that protect the Park's residents. The Land Council has argued, additionally, that because of CALM's scarce resources, Aboriginal people should be given a major role in managing the Park.

However, neither the Regional Study nor the Management Plan should have *a priori* assumptions of inevitable social impact. Certainly, past mining exploration and more recent tourist incursions have had effects on Aboriginal communities in the region. No doubt such activities shall continue to have effects. But the purpose of the Regional Study is to minimise them - not to predict them as a self-fulfilling prophecy. It should be an attempt to define operational mechanisms that ensure the social welfare and civic culture of Western Desert people. Aboriginal people are remarkably versatile, but they cannot remain so forever when confronted by a neverending series of reversals in their attempt to gain domestic stability on their own terms in their own country.

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2. LEGAL ISSUES AFFECTING MANAGEMENT OF THE KARLAMILYI (RUDALL RIVER) REGION

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ABBREVIATIONS:

AAPA	Aboriginal Affairs Planning Authority (W.A.)
AHA	Aboriginal Heritage Act 1972 (W.A.)
ALM	Aboriginal Liaison Manager
ANPWS	Australian National Parks and Wildlife Service
ATSIHPA	Aboriginal and Torres Strait Island Heritage Protection Act 1984 (Commonwealth)
BBWG	Bungle Bungle Working Group
CALM	Conservation and Land Management (W.A.)
CCNT	Conservation Commission of the Northern Territory
DAS	Department of Aboriginal Sites of the Western Australian Museum
EPA	Environmental Protection Authority
EZ	Exclusion Zone
NLC	Northern Land Council
NPNCA	National Parks & Nature Conservation Authority
NT	Northern Territory
PCHC	Purnululu Cultural Heritage Committee
PM	Plan of Management
RRNP	Karlamilyi (Rudall River) National Park
SAA	Site Avoidance Agreement
SIS	Social Impact Study
SSCK	Senate Standing Committee on the Potential of the Kakadu National Park Region
WA	Western Australia
WATC	Western Australian Tourist Commission
WDPAC	Western Desert Puntukurnuparna Aboriginal Corporation

PREFACE

The basis for my participation in the Western Desert Working Group is different from that of the other members. They are making available in a convenient form, the results of their researches on the ground and in direct contact with the people of the Rudall River region.

My relationship with the people has been more detached, dealing with legal issues upon which I have been instructed by WDPAC. My contribution to this Resource Document will, therefore, not consist of marshalling existing data, but rather of trying to provide a legal perspective on issues which may be considered by the CALM project team and the SIS.

There are dangers inherent in advising or commenting on what *may* be considered; the most obvious being that the reader will be swamped by excessive length and dubious relevance. I have, therefore, stuck to my original plan with its four topics, even though it was prepared in haste and the selection of the topics could be seen as piecemeal or arbitrary.

The first section deals with the problems arising from the different status of the various land being considered by the CALM Project Team and the SIS. I have engaged in abstruse correspondence with various Government departments on this subject. Hopefully, the results will be of assistance and have therefore been included in this Resource Document.

The second section deals with options for involvement in running the RRNP. I can claim no particular experience or specialist knowledge in this area and my contribution does no more than collate information from various sources. This information may well be already known to the CALM Project Team, but at least it will appear here in a convenient form for reference.

The third section deals with land tenure in the RRNP. Again, it draws from outside sources, but with the addition of some specialist knowledge which I have acquired over the past eight months.

The fourth section deals with Site Protection. I have some practical experience with the problems of protecting sites against mineral explorers. In relation to tourists, I have drawn heavily on Dr. Clive Senior's unpublished Report on Tourism and Aboriginal

Heritage. As that Report was written with particular reference to the Kimberleys, I have tried to apply its conclusions to the Rudall River Region.

Finally, it should be noted that the issue of mining is not addressed, in spite of the well-known presence of Kintyre, 700 metres inside the Park. There is some justification for saying that the issue is being ducked because it is too difficult. Certainly, WDPAC, CRA and the WA Government were all happy, during discussions prior to the SIS being arranged, that any study should deal with the effects of exploration and leave mining till later. The political complexities are simply too great to deal satisfactorily with mining now, especially in view of the current review of Federal ALP policy. However, it is reasonable to hope that some of the work undertaken now with reference to exploration, may be applicable or can be easily adapted to mining, if it takes place.

1.0 PROBLEMS FROM DIFFERENT STATUS OF LAND

1:1 INTRODUCTION

The WA Government has chosen to draw two sets of boundaries in the Rudall River area: in May 1977, the Rudall River National Park and in October 1987, the Exclusion Zone. To Aboriginal eyes these boundaries are arbitrary, since they do not correspond with any boundaries which they would draw. However, in legal terms, they cannot be ignored because legal consequences flow from them. An obvious example is that by including the land in a National Park, it becomes subject to the CALM Act and is taken out of the jurisdiction of the Land Act in certain important respects: for example, the usual 99 year lease is not available.

The arbitrary fashion in which the boundaries were drawn, has resulted in land in the area falling into one of four broad categories: (1) Park and EZ; (2) Park and not EZ; (3) EZ and not Park; and (4) neither EZ nor Park. Some of these categories are more helpful than others: for example, only a small area comes in the third category.

Categorization is unhelpful in other respects. If the PM Project Team and the SIS Group come to the same conclusions, they could well be uniformly applicable to the first three categories. On the other hand, land might come in the fourth category, being outside the Park and the EZ, and yet still have a special status by virtue of, for example, reservation under the Land Act.

Nevertheless, some structure, however inadequate, has to be imposed because any conclusions reached by the PM Project Team and the SIS Group will be of limited value, if they cannot be enforced: for example, the inclusion of land within the Park obviously

provides more scope for enforcement. The four categories will be examined in turn with the aim of seeing how the legal status of each of them affects the ability of the Government to control what happens there, with particular reference to mineral explorers and tourists. If it seems unduly complicated, it should be noted that it is nothing compared to Kakadu, which is a patchwork quilt of zones, stages and Aboriginal and non-Aboriginal land.¹

1:2 PARK AND EZ

1:2:1 MINERAL EXPLORERS

Most of the eastern half of the Park is also covered by the EZ. This makes for an uneasy mix in legal terms.

1:2:1:1 Legal Basis for Park

The National Park is an "A" class reserve, controlled by CALM and subject to the provisions of the CALM Act. Its boundaries cannot be altered according to Section 31A of the Land Act, except by legislation passed by both Houses of the WA Parliament.

Added to this are the recommendations of the Bailey Report.² These have been adopted with some amendments as Government Policy and publicized as such in a Government Policy Report.³ The problem is that although the Mines Department considers that the Bailey proposals apply to all mining tenements granted after 22 February 1988, there is as yet no legislative basis for their policy, because the necessary amendments to the Mining Act are still to be passed.

1:2:1:2 Legal Basis for EZ

The basis for the EZ, on the other hand, is delightfully simple. The Ministers for Mines, CALM and Aboriginal Affairs made an administrative decision in October 1987 that no exploration or mining would be permitted within the EZ, unless or until otherwise determined by the Government. In July 1988, this was extended until such time as the future land tenure of the two communities in the RRNP was resolved or they agreed to mineral exploration proceeding.

¹ See pages 72 to 75 of the Report of the Senate Standing Committee on Environment Recreation and the Arts on the Potential of the Kakadu National Park Region, (1988,A.G.P.S., ISBN 0 644 07647X).

² Report of the Committee on Exploration and Mining in National Parks and Nature Reserves (December 1986, ISBN 0 7309 0683 3).

³ "Mining and the Environment. Balancing the Scales" WA Government Policy Report (undated but released in early 1988).

This administrative decision has been implemented by the Mines Department. It has instructed holders of granted tenements within the EZ not to explore within the EZ, and any applications for tenements within the EZ have been held in abeyance.

There are obvious difficulties inherent in administrative directions of this kind. There is no legal reason why, at any time, the Ministers should not decide to remove the EZ and instruct the Mines Department accordingly. The precise implementation can also be unclear. I have been involved in convoluted correspondence in relation to several tenement applications lodged by explorers, affecting land within the EZ.

The Mines Department wants them to be held in abeyance *after* the Warden has made his recommendation. Thus they would be frozen in the Mines Department in Perth and not put before the Minister for Mines, so that he can exercise his power to grant them. As the Warden's Court is the only possible forum for Aboriginal objections to be heard publicly, we would prefer the applications to be frozen *before* the Warden hears them, but in some cases the Warden had already made his recommendations before they came to our notice.

It is not a hugely important point, but it illustrates the difficulty, and the basic vulnerability, of a position based upon administrative direction.

1:2:1:3 Problems with Bailey Implementation

However, curiously enough, the same problem has arisen with the implementation of the Bailey proposals. The applications in the EZ, held in abeyance as mentioned in 1:2:1:3, can also be challenged because they do not comply with the Bailey proposals. To take a simple example, no exploration can take place in a National Park unless it is declared open for exploration. Application has been made by at least one mining company to have the RRNP declared open for exploration, but the procedure for this is still in doubt. The Government Policy Report⁴ suggests that the opening needs the agreement of both Houses of Parliament, but this goes further than the Bailey proposals. The only course seems to be to wait for the legislation implementing the proposals, assuming, of course, that it is ever passed.

There is also another important point which is still unclear. As mentioned above, the Bailey proposals only cover tenements granted after 22nd February 1988. Any granted before then, including CRA's tenements, are subject to the old rules. It is in such cases

⁴ Op.cit. n.3.

that inclusion in both the Park and the EZ can be important. The EZ is still holding up exploration, even though inclusion in the Park would not prevent it.

Underlying all of this is the philosophical question of whether National Parks should be the subject of mineral exploration at all. The WA Government has made its position clear: for example, in a submission to the SSCK, it suggested that "land use decisions can only be made effectively when a full inventory of the land and its resources is available."⁵ It is difficult to see what interest the WA Government has in Kakadu, but it has expressed a similar view on numerous other occasions.

One method of implementing this view is to specify a date by which exploration must be completed. In Stage 3 of Kakadu, for example, a five year limit has been placed on exploration in the Conservation Zone. The EPA has recommended a fourteen year period for all National Parks in WA, during which exploration activity can take place under exceptional circumstances.⁶ The danger with time limits of this kind is, as the SSCK said with respect to Kakadu, that "companies will probably seek to extract the maximum amount of information in the time available. These pressures may well pose serious environmental risks for the area."⁷

The same would be likely to occur in the RRNP, with increased disruption to the life of the Aborigines in the Park, as well as serious environmental risks. The EPA, for example, commented on the necessity for "limiting the effects of disruptive activities on the life-style and pursuits of some indigenous peoples."⁸ It also quoted its comments in 1984 that "as a matter of principle, mining on leases granted following the declaration of a National Park should only be allowed if the following criteria are met:

- (a) there is a strategic need for the mineral, or (and)
- (b) the mineral resource is rare and of high value, and its exploitation would be of significant material benefit to the State, or the nation."⁹

⁵ Op.cit. n.1 p94.

⁶ Report and Recommendations by the Environmental Protection Authority on the Bailey Report (August 1987, EPA Bulletin 287).

⁷ Op.cit. n.1 p129.

⁸ Op.cit. n6 p8.

⁹ Op.cit. n6 pp5 and 6.

1:2:1:4 **Summary**

The whole picture is thus a confusing one, but in simple terms, the next step must depend upon whether and in what form the Bailey proposals are implemented. The result of the legislation may be that there is a duplication of restriction by virtue of tenements being covered by both the Park and the EZ, or it may be that only the EZ is holding up exploration.

If only the EZ is holding things up, it is open to the Government to remove it and the removal would be a purely political decision, as the creation was.

1:2:2 **TOURISTS**

The EZ is of no relevance to tourists, but in any event the Park provides the Department of CALM with as much power as it needs to impose controls on tourist activities within the Park. I will discuss in detail, under (2) below, the Aboriginal role in running the Park and the extent to which the Department of CALM will implement the Aboriginal wishes.

1:3 **PARK AND NOT EZ**

1:3:1 **MINERAL EXPLORERS**

This comprises the Western portion of the Park, including the site of the Kintyre prospect. For the reasons given in 1:2:1, there is uncertainty as to the precise terms of the amendments to the Mining Act, which will implement the Bailey Report.

However, for pre-existing tenements, granted before 22nd February 1988, exploration can continue because they are not in the EZ: for example, CRA carried out drilling in Graphite Valley in 1988. Apparently, the Department of CALM does impose some controls on such exploration, such as requiring holes to be filled in.

For mining tenements not granted before 22nd February 1988, they are held up pending the implementation of the Bailey Report, but presumably they cannot even be granted unless the Park is declared open for exploration. Obviously, such a declaration is more likely to occur for the portion of the Park which includes Kintyre and all the other pre-existing tenements, which are being explored. However, this is an area of speculation which I have decided to avoid for the reasons given in the Preface.

1:3:2 **TOURISTS**

The position is the same as described in 1:2:2, because the EZ is of no relevance to them.

1:4 EZ AND NOT PARK

This is only a small area with two parts: one between the south end of the Park and the McKay Ranges; the other sticking out at the north end of the Park. Its existence is an anomaly, but in practical terms, because of its size, it does not present any insuperable problems, as long as its special status is taken into account.

1:4:1 MINERAL EXPLORERS

1:4:1:1 Current Position

It falls outside the Department of CALM's jurisdiction, but will certainly be included in the SIS. No exploration can take place there on granted mining tenements and any applications are being held in abeyance.

Most have already been granted including several in the southern part, over an area known as the Dome. However, there is one application which, although recommended for approval by the Warden, has been held up in the Mines Department. When he made his recommendation for approval, the Warden did not even seem to be aware of the existence of the EZ, which highlights the vulnerability of rights based upon administrative direction.

1:4:1:2 Anomalies

The southern part includes the air-strip which services the Cotton Creek community, even though the community itself is a few kilometres away and inside the Park. It also includes a portion of the Talawana track itself.

This raises the question of what precisely the EZ "excludes". One of the main objections of the Aboriginal people to mineral exploration has always been the invasion of their privacy. However, the ban in the EZ was stated to be on "mining and exploration", without making clear whether "exploration" includes "access for exploration."

In practice, neither side has pushed the point. In 1988, CRA initially avoided overflying the EZ on its way to the Harbutt Ranges to the south-east, but eventually decided that it cost too much in time and fuel. This resumption was noticed by, and a source of irritation to members of the Parngurr Community, even though the flight path was not directly over them.

CRA's land access to the Harbutt Ranges avoided the EZ, except that it used the portion of the Talawana track mentioned above. Again, the point was not taken by the Aborigines, or WDPAC on their behalf.

1:4:1:3 Enforceability of the EZ

Up to now there has been no exploration in the EZ by existing holders and applications have been held in abeyance somewhere in the system. There has thus been no test of the ability of the Mines Department to enforce the EZ. Against existing tenement holders, it has the remedy of forfeiture for breach of condition. Against others, it would have to rely on criminal proceedings for some incidental breach of the Mining Act. This would come before the Warden in Marble Bar and it has occurred often, in the history of WA Mining Law, that the Courts have failed to recognise administrative actions of the Mines Department as having the force of law.

1:4:2 **TOURISTS**

The Department of CALM has no power to regulate tourism outside National Parks, and it can do nothing in this small area. However, it can put up notices to warn tourists of the position in the RRNP (e.g. where roads are closed) and on the face of the NPA Regulations (e.g. Reg.8), these notices do not have to be in the Park itself.

In practice, the judicious placing of such notices (e.g. at the turn-off on the Talawana track) could discourage tourists from entering the area at all.

1:5 **NEITHER EZ NOR PARK**

Clearly this is not the concern of the PM Project Team, and the precise area of the "Western Desert (Rudall River) region", over which the SIS is to be carried out, was not made clear when Cabinet originally authorised it.

However, the SIS must surely cover areas outside the Park, for example, portions of the Canning Stock Route. This raises the problem of how its findings can be enforced against mineral explorers and tourists, since one of its main aims is to help to manage interactions between Aboriginal, mining and tourist interests.

1:5:1 **MINERAL EXPLORERS**

1:5:1:1 Special Situations

It is possible to pass a Statute or regulations governing this interaction. This already occurs indirectly with the AHA, as discussed in 4:2. More directly, the permit provisions in the AAPA Act and Regulations govern interaction between Aboriginal

communities and whites on a geographic basis, since the permit is for access onto a reserve.

This may provide Aborigines in particular areas of the Western Desert with some control over mineral exploration, as they have made several applications for 99 year leases over these areas. If granted, these will be over land which has already been reserved and subject to Part III of the AAPA Act. This is the basis upon which 99 year leases are invariably given by the Aboriginal Lands Trust.

On the other hand, there have been applications for Special Purpose Leases. These leases are granted for the Use and Benefit of Aboriginal Inhabitants under Section 116 of the Land Act. Their terms may vary, but generally they will not prevent mineral exploration over the area of the lease.

1:5:1:2 Vacant Crown Land

However, I will leave aside those special cases and deal with the situation where the land in question is vacant Crown Land. If the SIS concluded that it was desirable, it would be possible for the Mining Act itself to be amended to control the way that mineral explorers deal with Aborigines in the Western Desert. The difficulty is that the provisions would not apply State-wide and the Government would probably use that as an excuse for not enacting such provisions. Certainly, it causes difficulties, but over the years the WA Government has passed dozens of State Agreement Acts, each of which provides for special laws to apply in a particular area of the State, (e.g. the Argyle project has special powers of search in "designated areas").¹⁰

Whether the Government would be prepared to do the same for the Aborigines of the Western Desert, depends upon political considerations. It seems more likely that it would do no more than regulate the holders of mining tenements through the conditions imposed on the grant. Breach of those conditions would give the Mines Department the right to require forfeiture of the tenements. This is a real weapon, but its obvious weakness is that it involves exercise of an administrative discretion by a Government department.

The other weakness is that this would not cover prospectors operating without a mining tenement. In the absence of a breach of a provision of the Mining Act (e.g. not having a Miner's Right) the only controls applicable here would be those applicable to "tourists."

¹⁰ See Part IV of the Diamond (Ashton Joint Venture) Agreement Act 1981.

1:5:2 TOURISTS

The particular problem of tourists and Aboriginal sites is discussed in 4:5. However, the operation of the AHA in that context highlights the general problem of enforcing laws against people who only go to a place once. It has three aspects:

- (1) how to inform them of the rules in the first place;
- (2) how to prove that they breached the rules; and
- (3) how to find them afterwards.

It is really a question of how far the Government is prepared to go. Using the Argyle analogy (see 1:5:1:2), it could erect guard posts at each exit from the Canning Stock Route. However, political considerations are more likely to dictate that statutory controls are rejected in favour of education and information, particularly where tourist operators are involved on a continuing basis. That is for the SIS to recommend and the Government to decide. However, it should not be forgotten that with tourists, as with mineral explorers, it is possible in legal terms for the Government to bring in the necessary laws if it has the political will. If it chooses not to, because of the difficulty of passing laws for a particular geographical area, or of enforcing them, that is a political decision and should be seen as such.

2.0 OPTIONS FOR INVOLVEMENT IN RUNNING THE PARK

2:1 INTRODUCTION

As mentioned in the preface, I have no particular inside knowledge on these matters, and in fact anyone in the Department of CALM who has been involved with Bungle Bungle, will probably be familiar with most of the material from which my comments are drawn. In relation to the Bungle Bungle itself, the Department will be more aware of the current position than I am.

Nevertheless, I suggest that there is some point in collating the relevant information in one place, particularly concerning the most recent PMs in Uluru and Kakadu. Because of my incomplete information on Bungle Bungle, I have considered two basic sets of arguments: the first, which I have called "Bungles Mark I" is the Report in May 1986 of the Bungle Bungle Working Group;¹¹ the second, called "Bungles Mark II" is a compromise proposal which apparently was put to the Government late in 1987. There

¹¹ Final Report by the Bungle Bungle Working Group to the Environmental Protection Authority (May 1986, D.C.E. Bulletin 261).

have undoubtedly been changes in position since that time, but that will not necessarily invalidate the possible applicability of the mechanisms in Bungles Mark II to the RRNP.

2:2 THE CONCEPT OF ABORIGINAL PARKS

The idea of Aboriginal involvement in the running of National Parks on any level, is a novel one in WA. It is only recently that Aborigines have even been employed as rangers. The idea of Aboriginal involvement in management of a Park, jointly with the Department of CALM, has never been implemented in WA. It was never even considered until the creation of the Bungle Bungle National Park was contemplated.

2:2:1 GENERAL NT APPROACH

This contrasts strongly with the NT where there are several examples of Aboriginal involvement in joint management. In view of the existence of land rights in the NT, this is not perhaps surprising. Most of the examples involve the Aboriginal owners of the land leasing it to an agency of the NT Government in the first place, and one of the terms of the lease is usually their continuing involvement in management. However, this is not always the case and the concept that Aborigines have something to contribute and therefore *should* be involved, seems to have greater recognition in the NT.¹²

Thus Section 11(8) of the NT National Park and Wildlife Conservation Act specifically mentions, amongst the objects to which regard shall be had in the preparation of a PM, the interests of the traditional Aboriginal owners of, and of other Aborigines interested in, the land.

2:2:2 GENERAL WA APPROACH

In contrast, the corresponding section of the CALM Act, Section 56(1), makes no mention of Aborigines. Section 56(1)(c) puts the emphasis on "so much of the demand for recreation by members of the public, as is consistent with the proper maintenance and restoration of the natural environment, the protection of indigenous flora and fauna and the preservation of any feature of archaeological, historic or scientific interest." Apparently, one of the arguments against Aboriginal involvement in joint management of the Bungle Bungle National Park, was a legal one. The CALM Act was said not to allow it because of provisions like Section 56(1)(c).

¹² E.g. - in the King's Canyon National Park, Aborigines have control of the Board of Management (see the Report of the SSCK, page 36), even though apparently they had no claim to the land in the Park under Land Rights legislation (see 3:1:4).

Certainly, the BBWG had its doubts because it recommended the vesting of the Park "be subject to mechanisms providing secure residence and equitable input to management for Aboriginal traditional owners. Such mechanisms are not available under existing legislation..."¹³ The BBWG was primarily referring to problems of tenure (discussed in 3:2), but it also recognised that the CALM Act "does not facilitate all the elements of the joint-management mechanisms proposed in this report."¹⁴

However, it could be argued that the presence of Aborigines in a National Park is necessary for the maintenance of the environment and the preservation of archaeological and historic features. There is thus no inherent conflict with Section 56(1)(c). The various Cabinet decisions on the subject of Bungle Bungle suggest that the WA Government accepts, at least in part, the concept of an "Aboriginal Park." In June 1985, the Premier announced that joint management was intended, and although there was a retreat from this position, Cabinet decisions in April 1986 and September 1987 recognised that there were Aboriginal interests which required special treatment in setting up the Park. It is apparently only the precise mechanisms which are still being discussed.

2:2:3 COMPARISON BETWEEN BUNGLE BUNGLE AND RRNP

The case for an "Aboriginal Park" at Rudall River is stronger than in the case of Bungle Bungle. Aborigines were not living permanently at Bungle Bungle when a National Park was first contemplated and the Department of CALM was able to say quite legitimately that, while it was prepared to fund Aboriginal in-put into the PM, its role is not to assist in the establishment of Aboriginal outstations.

In the RRNP, there are two established Aboriginal Communities. Admittedly, the Park was gazetted in May 1977, whereas the Punmu Group only settled at Lake Dora in 1981, and the Parnngurr Group at Cotton Creek in 1984. It says much about the reasons for the creation of the Park that the Aboriginal residents did not become aware of it until the Seaman Inquiry on Land Rights in 1984-1985. It is not clear when the Department of CALM became aware of the presence of Aboriginal residents in the Park, but it was apparently several years after 1981.

It is also worth noting the number of Aborigines resident in the two Communities. It fluctuates considerably, but in excess of 200 Aborigines could legitimately claim to be resident in the RRNP. This compares with some 30 Aborigines who have been resident

¹³ Op.cit n.11 p(vii).

¹⁴ Op.cit n.11 p57.

in Bungle Bungle since 1987. Even in Kakadu, there were only 277 Aborigines living in the Park on 1986 figures, as compared with 60-70 in 1975 and 139 in 1980.¹⁵

Whatever the reasons may have been for gazetting the RRNP, they were not based upon the sort of objects mentioned in Section 56(1)(c). There was no "demand for recreation by members of the public." It is only in the last year or so that tourists have become a problem.

As for the natural environment, indigenous flora and fauna and scientific features, there seems to have been little work done prior to the Gazettal, or since then, for that matter. That leaves archaeological and historic features, both of which are inextricably tied up with the Aboriginal interests in the area.

There is also the practical question of whether the Park can be properly managed without Aboriginal participation. Bungle Bungle is only a few hours from the main road and already much used by tourists. The RRNP, on the other hand, is inaccessible, in harsh terrain and unlikely to attract large numbers of tourists. In these circumstances, it is doubtful whether the Department of CALM will be able or willing to maintain an adequate presence there without Aboriginal co-operation or assistance. If that is the case, it seems unreasonable to expect Aboriginal assistance in running the Park without any corresponding participation in the overall management structure.

It is difficult, therefore, to resist the conclusion that the RRNP is an even more suitable candidate for WA's first Aboriginal Park than Bungle Bungle. Even if the Government does not fully accept the principles of joint management in Bungle Bungle, the decisions of Cabinet suggest that the concept of an "Aboriginal Park", as distinct from a "normal" National Park, has achieved some acceptance in government thinking in WA.

2.3 REPRESENTATION ON THE BOARD OF MANAGEMENT

The phrase "joint management" is used rather loosely, especially by advocates of the Aboriginal view-point, who use it to mean that the Aborigines will have ultimate control over management of the Park. I prefer to adopt the BBWG approach which uses the term to mean mechanisms whereby both the traditional owners and the National Park Agency are guaranteed equitable input into management decision-making.

¹⁵ Op.cit n.1 p15.

The conventional wisdom is that equitable input into management is best achieved by representation on a Board, which is the primary decision-making authority in the management of the Park. This may well be true in most cases, but under 2:4, the possibility of other mechanisms is contemplated, particularly in view of the experience with the first Kakadu PM.

The traditional owners had, as described in 2:4, considerable input into Park planning and management, even though there was no Board of Management. This was because they were represented by a vigorous incorporated body, the Gagudju Association. By way of contrast, in the Gurig National Park, the traditional owners could have had effective control of the Board of Management, but for reasons discussed in 2:3:1, failed to make good use of it.

Having said that, it is worth noting that the second Kakadu Plan of Management states: "Negotiations will be conducted with a view to establishing a Board for the Park. The Board is expected to include representatives of the traditional Aboriginal owners."¹⁶ This has been requested by the traditional owners because the previous mechanisms had them reacting to proposals, rather than participating fully in the decision-making process. As the Gagudju Association put it to the SSK, "the Director is only required to consult with Traditional Owners, but we wish to have direct input in decisions on the management of the Park."¹⁷

Assuming that there is a Board of Management in the RRNP and that Aborigines are represented on it, it is necessary to decide who should appoint the Aboriginal representatives and whether those representatives should have control of voting power on the Board.

2:3:1 APPOINTMENT OF ABORIGINAL REPRESENTATIVES

2:3:1:1 Kakadu

As mentioned, one of the strengths of the Kakadu traditional owners was the Gagudju Association. From the ANPWS point of view there were advantages in dealing with the incorporated body, rather than with each of up to 16 clans who might be affected by a management decision in the Park.

¹⁶ Page 12 of the Kakadu National Park Plan of Management (January 1988, A.G.P.S. MP10/500).

¹⁷ Op.cit n.1 p218. However, Department of Aboriginal Affairs disagreed, considering that the current arrangements are "working well" Op.cit n.1 p35.

2:3:1:2 Gurig

On the other hand, the Aboriginal representatives on the Gurig Board were not properly briefed or advised through their own organisation and decisions were made at Board meetings without the Aboriginal board members fully appreciating the implications of the decisions being made.

2:3:1:3 Bungles Mark I

Both the Kakadu and Gurig experience point to the need for an incorporated association to appoint the Aboriginal representatives, as well as organise the extensive preliminary discussions with the relevant people which are an integral part of the Aboriginal decision-making process. Thus the BBWG recommended that the traditional owners should form a legally incorporated body which would appoint representatives to the Board of Management.¹⁸ It also amended its draft recommendation for a technical sub-committee as a mechanism for consultation within the Aboriginal Community, feeling in the end that the incorporated body could fulfil this role.¹⁹

In the case of Bungle Bungle, there were different groups of traditional owners which were widely scattered, and the need for a structured body was perhaps obvious. However, submissions to the BBWG mentioned the problem of whether a hierarchical system of decision-making within the body would achieve effective or equitable results. It obviously conflicts with the Aboriginal preference for making decisions by consensus. However, the submissions generally agreed that some form of Aboriginal organisation was necessary and that in the end it was for the traditional owners to work out a form of organisation which suited their expectations of consultation and conflict resolution.²⁰

2:3:1:4 RRNP

This may well not be an issue in the context of the RRNP. There is no question that WDPAC represents the Aborigines who are actually living in the Park and it provides an organisational structure which would enable its representatives on any Board of Management to consult with the people, and, where necessary, to obtain independent advice. The BBWG thought it important that members of the Board should have access to independent advice.²¹

¹⁸ Op.cit n.11 pp56-57.

¹⁹ Page 16 of the Review of Public Submissions on the Bungle Bungle Working Group Draft Report to the Environmental Protection Authority (May 1986, D.C.E. Bulletin 260).

²⁰ Op.cit n.19 p14.

²¹ Op.cit n.11 Recommendation 3:4.

This leaves open the question of whether *other* Aboriginal interests should be represented on the Board of Management. It is certain that there are others with traditional affiliations to the area, who are not actually living in the Park. It is difficult to see why they should be involved in management, except where it can be shown that a decision is being made which affects their interests.

In summary, therefore, WDPAC should appoint the representatives on the Board of Management and provide the necessary consultative and conflict-resolving mechanisms to ensure that those representatives reflect the views of the Aborigines in the Park.

2:3:2 VOTING CONTROL

Both sides represented on the Board would obviously prefer to have voting control, even if they chose not to exercise it. However, experience in other Parks suggests that it may not be crucial. This can be seen by comparing the Uluru and Gurig experiences.

2:3:2:1 Uluru

Here the Board comprises 6 traditional owners, 2 representatives of Federal Ministers, the Director of ANPWS and an appointee of the NT Opposition. The NT Government refused to take up a place on the Board. In any case, the traditional owners still have majority voting power. Each member has one vote, except the chairman who has an extra vote in the case of equality, and decisions are taken on a simple majority.

In practice, "reflecting the Aboriginal style of resolving matters, all decisions of the Board to date have been arrived at by consensus and unanimously adopted."²² This raises the question of whether a better approach would not be to require all decisions to be unanimous, failing which the matter can be taken to an independent arbitrator. The use of, say, a white lawyer as independent arbitrator, presents problems of unwitting bias or failure to understand Aboriginal values, but arguably this consensus approach accords more closely with the Aboriginal decision-making process than the "majority wins" approach.

2:3:2:2 Gurig

The BBWG made the same point about consensus when discussing the Gurig experience.²³ As mentioned, Gurig also shows that the "control" from majority voting

²² Page 3 of the Uluru (Ayers Rock-Mount Olga) National Park Plan of Management (January 1988, A.G.P.S. MP9/500).

²³ Op.cit n.11 p50.

power can be something of an illusion if the Aboriginal representatives are not properly briefed. According to the BBWG, the failure of Aboriginal Board members to appreciate fully the implications of the decisions which they were making, was not the result of any bad faith on the part of the CCNT which was the agency managing the Park. However, this is always a possibility where one of the participants has control of the relevant information and the expertise. That makes it particularly vital for Aboriginal representatives to have access to independent advice, as mentioned above.

In the Gurig case, the problem seems to have been caused by white expectations that matters could be raised at Board meetings and decisions made on the spot. This may be the best way to deal with the maximum number of issues at a meeting, but it creates difficulties in an Aboriginal context. There was no supporting organisation for the traditional owners, and much of the subject matter was new to them. Besides, the procedure took no account of the need in the Aboriginal decision-making process for extensive discussions with the relevant traditional owners. At Gurig, a system of supervisors' meetings had to be instituted in an effort to take the load off the Board meetings. This can best be dealt with under the next heading, which deals with other methods of involving Aborigines in management decisions.

2:4 OTHER MECHANISMS FOR ABORIGINAL INVOLVEMENT

2:4:1 GURIG

Supervisors' meetings at Gurig are held monthly and are designed to involve traditional owners as well as Aboriginal Board members. They are held in rotation at the Aboriginal outstations and are attended by traditional owners and Aboriginal Board members, as well as NLC and CCNT officers. The aim is to have issues talked through informally before the Board has to make a decision on them.

As an attempt to accommodate the Aboriginal decision-making process, it has obvious merits, although it still needs further development to ensure adequate consideration by traditional owners. The main point, though, is that at Gurig, it is an adjunct to the main mechanism for involvement, which is representation on the Board of Management.

2:4:2 KAKADU

The problem with most of the other mechanisms for Aboriginal involvement is that they are seen as a *substitute* for representation on the Board. Even so, they can still be moderately successful as in the case of the first Kakadu PM. There, the ANPWS ran

the Park for over four and a half years without any Board of Management involving the traditional owners in the management of the Park.

However, there were some other consultative mechanisms which were described in the Second Kakadu PM as follows :²⁴

- (a) The NLC has a statutory right to be involved in the development of PMs and the establishment of a Board of Management. In effect, this gives the NLC a right of veto in these matters.
- (b) The Gagudju Association managed, by vigorous representation of the traditional owners, to create an increasingly important role for itself. It "facilitated Aboriginal involvement in Park planning and management. Close and continuing liaison occurs on a broad range of management matters."²⁵
- (c) The Kakadu Interest Groups Advisory Committee provided an on-going consultative mechanism. The Gagudju Association is represented on this committee, with eleven other widely assorted interest groups. The SSCK described the contribution of this Committee to the management of the Park as "minimal", because its role was rather circumscribed and it was not involved in broad policy issues.²⁶
- (d) A consultative committee of traditional owners provided advice during the preparation of the second Kakadu PM.
- (e) Cultural Advisors are employed from among senior and well respected traditional owners on a permanent basis. They have real power to require modifications to proposals which would otherwise effect areas of significance.
- (f) Other traditional owners and Aboriginal residents are consulted on Park management matters, where appropriate.
- (g) Traditional owners employed as park rangers or in casual positions "provide an invaluable link in undertaking the often complex and highly sensitive task of liaison."²⁷

²⁴ Loc.cit. n.16.

²⁵ Loc.cit. n.16.

²⁶ Op.cit n.1 pp36 and 219.

²⁷ Loc.cit. n.16.

This mixture of formal and informal consultation processes provides flexibility and adaptability, but informal consultation can lead to problems where there are competing interests in the Aboriginal groups. This can be exacerbated when the consulting officers of the National Park agency are in a hurry or acting in bad faith. This is reminiscent of the mining company employees who insist that they are the ones who can best sit down with Aborigines to get the true story without interference from White advisors, anthropologists, lawyers and the like. Whether they believe this to be true or not, the "consultation" is rarely satisfactory from the Aborigines' point of view. One of the reasons for this is that, in this setting, individuals may be reluctant to be assertive and so may not speak up about their concerns.

Interestingly, this occurred even within the structure existing under the first Kakadu PM. The result was that when the true feelings of the traditional owners emerged later, projects which by then were well advanced, had to be modified.²⁸ This seems to have been a factor in increasing the use of the Gagudju Association as a means of consultation on management issues, and ultimately in the strong belief that in the Second PM there should be a Board of Management, upon which there should be Aboriginal representation.

2:4:3 SUMMARY OF NT EXPERIENCE

The NT experience seems to show that the best results can be achieved from informal mechanisms as an adjunct to Aboriginal representation on the Board of Management. These may be by the use of Cultural Advisors or Supervisors' Meetings, but the involvement of an Aboriginal association in these, as well as the Board's activities, are essential to proper consultation with, and conflict resolution amongst, the traditional owners. The Kakadu experience seems to show that these informal mechanisms are not a substitute for Aboriginal representation on the Board of Management, and that the converse is also true. Thus, the SSCK commented that "while a Board would go some way to solving some of the problems identified by the Committee, it might not be sufficient in itself, without other administrative changes."²⁹

2:4:4 BUNGLES MARK II

As mentioned, I have no inside knowledge of the fate of BBWG's recommendation in May 1986. The BBWG was in favour of Aboriginal representation on the Board of

²⁸ Op.cit n.11 p49.

²⁹ Op.cit n.1 p221. Also see BBWG op.cit n.11 p56.

Management as the primary decision-making authority, although it did not make any recommendations as to voting control.

The concept of joint management was apparently unacceptable to the Government, and in late 1987 an alternative proposal was put. Under this proposal, an Aboriginal incorporated body would be guaranteed representation on some sort of Committee providing input into the management of the Park. That Committee would operate on a consensus basis and have an advisory role. However, on Aboriginal issues, the Committee would have some ability to force matters to arbitration by a White lawyer and any disagreement between the Department of CALM's and Aboriginal representatives on the Committee, could likewise be forced to arbitration before any action is taken.

In the end, though, the Minister would be able to override the findings of the arbitrator, although he would have to give his reasons for doing so. In comparison with the simple joint management recommendation by the BBWG, the suggested arrangement seems to remove the Aborigines to an advisory role, at the same time making the whole exercise extremely complicated. If accepted, it would represent a compromise, being the result of both sides trying in an adversarial way to give the other as little power as possible.

Looked at in the context of the NT experience, it seems to offer some of the benefits. An incorporated body is involved and the overall structure can be documented in an agreement under Section 44(b) of the CALM Act, which enables the Minister to enter into arrangements with any body or person with respect to the carrying out of any work desirable for the purposes of the Act.

It also has the advantage of saving the Aborigines having to worry about issues of management of the Park which do not concern them (although this may itself be contentious, depending upon definition of "matters of Aboriginal interest"). The meetings can be held regularly in the Park at their convenience.

The disadvantage is that they are getting all the formality with little of the real power. To get their own way, they have to embark upon a path which could include the following: having the arbitrator appointed by an independent (and possibly ignorant) third party because they cannot agree with the Department of CALM on a suitable person; having Aboriginal issues arbitrated by a White lawyer who may or may not have the necessary knowledge or sympathy; and having the arbitrator's findings

overridden by a Minister advised by the Department of CALM. Even if the Aborigines are not aware of the real location of power at the beginning, one trip down that path, would be enough to lead to disenchantment.

In the case of Bungle Bungle, the confrontation which would lead to this, would be likely to concern tourism. In the RRNP, it could concern tourism, but is more likely to involve mining. The experiences of the Aborigines in the RRNP would, no doubt, have sharpened their awareness of the realities of power, and particularly the influence of the mining lobby on government policy. And they have ample experience of government "consultative" exercises which seem to have little effect on the decisions made.

2:4:5 SUMMARY

It is recognized that joint management is a novel concept in WA, but there is little point in other more complex mechanisms which obscure the fact that power lies elsewhere. The adversarial approach, which seems to have prevailed in the Bungle Bungle negotiations, is in danger of leaving the Aborigines with a structure which they will be unable to understand. Cabinet has apparently approved the concept of a Committee, but will not give it any real power, because in the Crown Law Department's view, that would fetter the Minister's exercise of his powers and discretions under the CALM Act. Leaving aside the question of whether that view is legally correct, the better course if the Government is genuine, is surely to return to the beginning and amend the CALM Act, as suggested in 3:6.

There may well be a place for informal mechanisms of the type developed in Kakadu and Gurig, but only as a means of making representation on the Board of Management operate more effectively. Even then, care should be taken to avoid a danger which is already evident: that these desert people should not be "meetinged-to-death" by White bureaucrats.

2:5 INPUT IN PREPARATION OF THE PM

Again, there is the wide difference between the NT models and what is apparently the current approach in WA.

2:5:1 GURIG

The NLC, representing the traditional owners, had to agree to the PM before it could come into effect.

2:5:2 ULURU

The Board of Management had to agree to the PM, thereby again giving the traditional owners control over whether it came into effect.

2:5:3 KAKADU

The Director of the ANPWS had a statutory obligation to consult with the NLC with regard to the wishes of the traditional owners. For the second PM "wider consultation was undertaken, formally through committees such as the Kakadu Interest Groups Advisory Committee and a Consultative Committee of traditional Aboriginal owners and informally through contact with individuals and groups ... It is anticipated a planning team including representatives of the traditional owners and the NLC, specialist ANPWS planning staff and a senior ANPWS officer will be established to carry out the planning process from beginning to finalization of the Plan."³⁰

2:5:4 BUNGLES MARK I

The BBWG again recommended that the Board of Management, on which Aborigines would be represented, should liaise with the Department of CALM in the preparation of the draft PM and enforce the final PM.³¹ In fact, during the preparation, they were not represented on the Project Team, but were included with WATC, the Halls Creek Shire Council and the Department of CALM on an advisory Planning Group. They were dissatisfied that the interests of tourist and local government groups were given equal weight to that given to their interests as traditional owners of the land.

2:5:5 BUNGLES MARK II

The Committee on which Aboriginal representatives will sit, will be involved in an advisory capacity in the preparation of the PM and may even request alterations to it. However, it appears from Section 60 of the CALM Act that such a request could be ignored.

2:5:6 SUMMARY

Each of the above models reflects a general philosophy on joint management. In the case of the RRNP, the Aboriginal wish must be for joint management and this should be reflected by requiring the consent of the Board to the PM, as in the case of Uluru.

³⁰ Op.cit n.16 p2.

³¹ Op.cit n.11 p57 Recommendation 3:7.

2:6 ON THE GROUND MANAGEMENT

On the face of it, this is a topic on which there is a high degree of unanimity. In what was otherwise a general litany of gloom, the Report on Aborigines and Uranium in 1984 was able to report that in Kakadu ANPWS had been a successful employer of Aborigines, in contrast to the mining industry, in which they did not often seek employment.³²

The attractions for Aboriginal traditional owners of employment as Rangers are obvious: a congenial environment; an opportunity to make use of traditional skills; flexibility of working hours; the reduced dependency of the community on social welfare which results from employment; and, above all, involvement in management of their country, with which they have a deep and ongoing attachment.

In 1986, the first training course for Aboriginal Rangers in WA was conducted at Millstream, resulting in graduation of four Aboriginal Rangers, who are now employed in the Hamersley Range and Millstream National Parks. A similar course is being conducted at Bungle Bungle and is due to finish in June 1989.

Obviously, the Department of CALM's experience with these courses and their results, makes it well qualified to assess how best to implement a similar scheme in the RRNP. However, with the assistance of Steve Szabo's report on the Millstream course,³³ it may be helpful if I make some general comments and also some specifically directed to the situation in the RRNP, as I have observed it :

2:6:1 INTERACTION WITH THE COMMUNITIES

It is clear that Aboriginal Rangers take their stewardship responsibilities seriously and see themselves as managing the country for the Old Men. They therefore, look to the Old Men for knowledge and for approval of how they are performing their duties.

³² Page 296 of "Aborigines and Uranium" - Consolidated Report on the Social Impact of Uranium Mining on the Aborigines of the Northern Territory by the Australian Institute of Aboriginal Studies (A.G.P.S. 1984, ISBN 0 644 03640 0). However, the experience of all mining companies has not been the same. The Report noted (at page 67) that the Gemco project on Groote Eylandt employed a relatively large number of Aborigines. The Report of the SSCK also noted (at page 143) that Jawoyn made up half the twenty field workers at Coronation Hill in Kakadu. This may reflect different employment strategies, but may also mean that work in smaller field based operations suits Aborigines better.

³³ Steve Szabo - Aboriginal Ranger Training Program - Millstream - Chichester National Park (March 1987 - obtainable from ANPWS or the Department of CALM).

Thus Aboriginal Rangers immediately find themselves in a dual role, serving both their communities and the Department of CALM.³⁴ There is obvious potential for conflicting pressures: for example, the Aboriginal views on issues such as hunting, fire, dogs and rubbish disposal may not be the same as those of the Department.³⁵ In the RRNP, this conflict may be heightened by resentment over the way that the Park was created in the first place.

This makes it particularly important that there should be a Steering Committee upon which the Communities have at least equal representation. Such Committees have been found to provide a vital link with the elders, both in terms of how the Rangers are performing and as a source of information and inspiration.³⁶

However, even if a Steering Committee can resolve such conflicts, there is still the problem of maintaining performance to an acceptable level. This was apparently a problem in Kakadu, but interestingly, the Gagudju Association was prominent amongst those who thought that lack of performance by Rangers reflected badly on all Aborigines and should result in dismissal.³⁷

Amongst the Aboriginal Rangers in WA, it does not seem to have been a problem. In fact, during the training at Millstream, the harshest critics of the trainees were the Aboriginal members of the Steering Committee. However, unlike the trainees at Millstream, the Rangers in the RRNP will be living and working in the communities, which may put them under greater pressure.

Senior noted in the Kimberley that "appointments can cause problems of jealousy within communities" and that "rangers can come under considerable personal pressure from friends and relatives in the way they perform their duties."³⁸ It seems likely that this will also occur in the RRNP. It is worth noting that, even at Millstream, members of the Steering Committee were often absent, especially from meetings at which controversial decisions were to be made.³⁹

³⁴ Szabo, Op.cit n.33 p26.

³⁵ These conflicts in practical matters may, in many respects, be symptomatic of more fundamental philosophical differences. See Aborigines and Uranium, op.cit n.32 p56, and BBWG op.cit. n.11 p56.

³⁶ Szabo, op.cit n.33 pp7-8.

³⁷ Reported by the BBWG, op.cit n.11 p62.

³⁸ Page 186 of "Tourism and Aboriginal Heritage with Particular Reference to the Kimberley" by Dr. C.M. Senior - an unpublished report prepared for the Western Australian Museum reflecting the situation as at 30th September 1987. However, he was referring to "community rangers."

³⁹ Szabo, op.cit n.33 pp8-9.

Both Szabo and Senior agree that Rangers should not be left in isolation and that extensive support from the Department is essential.⁴⁰ This again has its problems in the RRNP. In Kakadu and Gurig, support is provided by Rangers working in teams of two, one of whom is non-Aboriginal. The Department in WA is unlikely to have enough staff to do this in the RRNP. Nevertheless, interaction with non-Aboriginal staff is crucial to the success of any Ranger training in the RRNP.

2:6:2 INTERACTION WITH WHITE RANGERS

An important feature of Ranger training has been to avoid the idea that the Department teaches and the trainees learn. This "cross-cultural exchange" works both ways, as there may be a view among some Aborigines that they are already qualified for the job of protecting their country.⁴¹ However, generally trainees have been prepared to accept that they must learn the Department's ways, as long as the Department learns from Aboriginal knowledge.

In some respects it clearly has. In Kakadu, for example, the ANPWS is attempting to re-establish traditional Aboriginal patterns of burning.⁴²

The idea that traditional National Park principles need to be applied flexibly, is probably accepted by the training personnel of the Department, but it may not extend to non-Aboriginal Rangers. They are, after all, likely to be practical men, not natural teachers, and they have normal concerns about competition from apparently less qualified⁴³ Aborigines for a limited number of Rangers' jobs.

This problem is not a new one, but it is particularly important in the context of the RRNP where adequate support will be crucial to the success of the scheme. Any non-Aboriginal personnel, especially mobile rangers,⁴⁴ should be carefully selected, preferably with input from the Communities beforehand. They should have received instruction in Aboriginal culture and should have not only practical but training

⁴⁰ Senior loc.cit n.38. Szabo op.cit n.33 p25.

⁴¹ Senior op.cit n.38 p185. This view is already being expressed by the Aborigines of the RRNP.

⁴² SSK op.cit n.1 p211.

⁴³ The Department of CALM has real difficulty with this at a time when it is trying to improve the educational qualifications of non-Aboriginal Rangers. Szabo recommends some sort of unit accreditation and exemptions for those who have completed an Aboriginal Ranger training course. Op.cit n.33 p26.

⁴⁴ In the case of Bungle Bungle, it was submitted that non-Aboriginal mobile rangers should not be used at all because traditional Aboriginal owners need a stable ranger force which they can get to know at their own pace. Opposition to mobile rangers is already being voiced by the Aborigines of the RRNP.

skills. It seems a tall order, but a bad selection could put the scheme back several years.

2:6:3 INTERACTION WITH THE PUBLIC

It has been noted in Kakadu that the employment of Aborigines or Park Rangers has not led to extensive interaction with the public. They are "not very keen on conducting guided tours", partly out of shyness and partly because they "preferred not to have to act as 'policemen' to rebuke tourists for their actions."⁴⁵ Similarly, Szabo includes "making daily contact with the public" as one of the changes in lifestyle which placed great pressure on the Aboriginal trainees at Millstream.⁴⁶ In the RRNP, this tendency is likely to be even more marked in view of the past history of the people, their natural shyness, and the unfortunate recent contacts with tourists. Since the purpose of tourism is to encourage more people to go to an area, the Rangers in the RRNP are almost certain to find this part of their work stressful. However, they will be helped by the fact that they will not have to cope with the same volume of tourists as at Kakadu or Uluru.

2:6:4 ROLE OF ABORIGINAL RANGERS

This raises the general question of whether Aboriginal Rangers should be doing the same jobs as non-Aboriginal Rangers. It is apparently not feasible at the moment to expect Aborigines to take up positions requiring high levels of technical skills, or managerial positions within the Department.

However, the BBWG noted that "Aboriginal rangers and traditional owners have left ranger positions because they find emptying rubbish bins and cleaning up after visitors to be a servile existence on their own land."⁴⁷ The BBWG's view was that "employment should aim to utilise the Aborigines' traditional skills and cultural knowledge for the benefit of park interpretation and management."⁴⁸ This view seems also to be held by the Department, but in its practical application to the RRNP, some problems could well arise.

For example, who *is* going to "empty the rubbish bins"? Someone has to do it, and there may well not be enough non-Aboriginal rangers to do it. Besides, in the context of increasing entrance requirements for Rangers, they may well resent less qualified Aboriginal Rangers being able to pick and choose the tasks which they perform. There

⁴⁵ SSKC op.cit n.1 pp29-30, quoting "Aborigines and Tourism, a Study of the Impact of Tourism on Aborigines in the Kakadu Region" by Robert Lawrence and Maggie Brady.

⁴⁶ Op.cit n.33 p27.

⁴⁷ Op.cit n.11 p53.

⁴⁸ Op.cit n.11 p62.

is also the danger of Rangers' positions becoming a sinecure for favoured traditional owners and their immediate family.

2:6:5 OTHER EMPLOYMENT

The BBWG noted that there are, in any case, not many Rangers' positions and that the opportunities for wider employment should be developed. One way of doing this was to give the Aborigines first option on any tourist business in the Bungle Bungle Park. However, the Miller Report, in 1985, noted less interest in the more commercially orientated aspects of tourism, than in Rangers' positions.⁴⁹

Nevertheless, there could well be a place for part-time or contract employment as an adjunct to the full-time Rangers' positions. If the Rangers' programme is unsuccessful, it may even have to be considered not as an adjunct, but as an alternative.

There is also the possibility of other employment not connected with tourism, but necessary for the management of the RRNP. In Kakadu, for example, the Aboriginal residents have provided periodic assistance in projects such as weed control and buffalo eradication.⁵⁰ Pilbara Aborigines also have a record of employment with the Agriculture Protection Board, which suggests that the RRNP people would find this sort of employment congenial.

2:6:6 PARK MANAGER

One of the arguments against mobile Rangers is that the Aborigines do not have enough time to establish stable relationships with them. Stability seems an essential element in any successful scheme to manage the RRNP.

One way of providing such stability is to place the RRNP under the control of a Park Manager, who will be appointed for a lengthy term. He will oversee the relations between Aboriginal and non-Aboriginal Rangers, liaise with the Steering Committee and report to the Director of National Parks through the Regional Manager of the Department in Karratha. He could also be the lynch-pin of any mechanisms which are devised by the CALM Project Team or the SIS Group for regulating relations between mining companies and the communities in the Park and in its immediate vicinity.

⁴⁹ M. Miller (Chairman) "Report of the Committee of Review of Aboriginal Employment and Training Programmes" 1985, pp332-3 quoted by Senior op.cit n.38 pp183-184.

⁵⁰ SSK op.cit n.1 p41.

2:6:7 SUMMARY

I doubt whether many of the problems, which I have mentioned, will be new to the training staff of the Department. The danger in listing them, is that the result sounds negative. To put the whole thing in perspective, it is clear that the alternatives are unacceptable. The Aborigines must be involved as Rangers, so that they feel that they have some control over what happens in their country. The full story of the erection of the signs in the RRNP in 1988 will, no doubt, be told elsewhere in this Resource Document. However, the anger which the incursions of the tourists and the destruction of one of the signs generated, reflects the feeling of powerlessness which the Aboriginal inhabitants of the RRNP feel in their own country.

The erection of signs by the Department and the appointment of Honorary Rangers should be used as an exercise in joint management, and also as a pilot scheme to see how the Aborigines take to the idea of being employed by the Department to look after their country. There are already indications that many of the potential problems, mentioned above, are emerging even in the implementation of these modest preliminary arrangements.

3.0 LAND TENURE IN THE PARK

3:1 INTRODUCTION

The BBWG acknowledged that the traditional owners had "indicated their preference for freehold title to the area, in conjunction with a negotiated establishment of a jointly managed Park."⁵¹ Again, this position was based on the NT model.

3:1:1 ULURU

Uluru is vested in the Uluru-Kata Tjuta Land Trust, which holds inalienable freehold title to the Park on behalf of the traditional owners. The Trust, in turn, leases it to the Director of the ANPWS for a period of 99 years for a rental of \$75,000 per annum, together with 20% of the entrance fees collected. The lease is reviewed at least every five years, but the term cannot be reduced.

3:1:2 KAKADU

A similar position existed in Stage 1 of Kakadu. The land was owned freehold by the traditional owners via the Kakadu Aboriginal Land Trust and leased in November 1978 to the Director of ANPWS for 99 years. A small part of the area covered by Stage 2 of Kakadu will become Aboriginal land, and when it does, it will be leased to the

⁵¹ Op.cit n.11 p55.

Director on the same terms. The rent payable by the Director is apparently being renegotiated as part of an overall review of the lease arrangements.

It is worth noting that in the case of both Uluru and Kakadu, the lease documents themselves, or an agreement signed at the same time, spell out the obligations of the Director with respect to Aboriginal interests. As such, the ownership of the land ties in with a contractual right to be involved in joint management of the Park.

3:1:3 GURIG

I do not have details of the precise structure of the Gurig arrangements. Certainly, the freehold is vested in the Coburg Sanctuary Land Trust and the CCNT pays to the Trust an annual rental of \$20,000 indexed to the Consumer Price Index. However, I do not know whether there are formal lease documents, or specific contractual obligations protecting Aboriginal interests. In any event, the Board is required to protect such interests under the Coburg Peninsular Aboriginal Land and Sanctuary Act (1981) which set up the Park.

3:1:4 KING'S CANYON

Before moving on to WA, it is worth noting that Aborigines living in a National Park may be given freehold title, even if they have not already received it under Land Rights legislation. Again, I do not have any detailed knowledge, but it appears that in the King's Canyon National Park in the NT, the traditional owners are receiving freehold title over their living areas in the Park under the Crown Lands Act 1931, which forms part of the Law of the NT. This is apparently to assist them in their involvement with a tourist operator in a major tourist venture on land which was not previously Aboriginal land.

3:1:5 BUNGLES MARK I

The position in WA is very different. There was a predictable reaction to the traditional owners' request for the freehold in the Bungle Bungle Park to be vested in them and then leased to the National Park agency. Even the BBWG was unable to recommend that, but as mentioned in 2:2:2, it did comment that "at present there is no legislative basis in WA which will provide for the necessary security required by both parties to the joint management national park."⁵² It recognized that it is preferable for the traditional owners to live within the park, even though this conflicts with normal National Park policy. However, it regarded security of tenure for the Department of CALM as "essential for a national park, if it is to perform its function in perpetuity as

⁵² Loc.cit n.13.

intended."⁵³ On this basis, it rejected a 99 year lease arrangement of the type which applied in Kakadu. "While this may seem a very long time, in geological, historical or evolutionary terms it is very short."⁵⁴

It may be questioned whether that was really the reason why the BBWG found the traditional owners' approach unacceptable. It is also interesting that in its view, there are no legislative mechanisms to allow the traditional owners to reside in the Park. This is apparently because of "the potentially severe management problems associated with having enclaves of differently vested or freehold land within the national park, over which the park managing body has no control of landuse or management practices, even though they may be detrimental to the surrounding national park."⁵⁵

It is difficult to believe that the potential for management problems is that severe, but in any event the purpose of this section is to examine the legislative mechanisms which *are* available, to provide security for the traditional owners to reside on and participate in the management of their traditional lands.

3:2 EXCISION

Bungles Mark II proposes that the living areas should be excised from the National Park and a 99 year lease granted for those areas to an incorporated body representing the traditional owners. This sounds simple enough and has been adopted in principle by the WA Government in the proposed Collier Bay National Park.⁵⁶ However, there are some difficulties :

3:2:1 APPROVAL OF BOTH HOUSES

To excise areas from an existing National Park requires the approval of both Houses of Parliament under Section 31A of the Lands Act. Unless the Government has the numbers in the Legislative Council as well, which Labor has never managed, there will always be a problem obtaining approval from the Council.

3:2:2 AAPA ACT PERMITS

Before 99 year leases are granted, the land is always reserved and vested in the Aboriginal Lands Trust. The reservation should take place under Section 29 of the Land Act and Section 25(1)(a) of the AAPA Act, and the vesting under Section 33 of the

⁵³ Op.cit n.11 p54.

⁵⁴ Loc.cit. n.53.

⁵⁵ Loc.cit. n.53.

⁵⁶ The West Australian of 18th October 1988 reports the Premier, Mr. Dowding, as saying that Aboriginal living areas in the new park would be given Aboriginal reserve status.

Land Act and Section 24 of the AAPA Act. The effect of Section 26 of the AAPA Act is that the living areas then become land to which Part III of the AAPA Act applies, in particular the system of permits under Section 31 and the Regulations. If "enclaves" do, in fact, provide the potential for management problems from the land-use point of view, this is not helped by having small areas of land which are subject to a permit system, operated by another Government department.

3:2:3 SIZE

The provision of more secure title to small areas of land is primarily to satisfy Government funding organizations who want to see buildings clustered in convenient blocks. There is, therefore, pressure to keep to a minimum, the size of the areas excised. In July 1987, the Aboriginal interests in Bungle Bungle asked for 4 residential areas, each approximately 4 kilometres square. Similarly in Kakadu, the total area to which access is restricted, is 23 square kilometres and that includes burial grounds and ceremonial areas, as well as living areas.⁵⁷

Western Desert Aborigines are less impressed with such small areas, sometimes referring to them disparagingly as "match-boxes" or "paddocks". When considering the RRNP, this problem is particularly evident. An application for a living area which meets the needs of the traditional owners, would cover an area similar in size to the EZ. In political terms, it seems unlikely that an excision of almost half a National Park would be approved by both Houses of Parliament, and it would make little difference that the RRNP should probably not have been a National Park in the first place.

The anti-Land Rights lobby would have a field day, particularly when at the other end of the Park, the boundary only needs to be moved one kilometre to take a potential uranium mine outside the Park. It is not difficult to predict the reaction of the environmentalist lobby to such an excision. The National Director of the Australian Conservation Foundation has been quoted as saying that "Rudall River represents a natural conjunction of interests between Aborigines and environmentalists",⁵⁸ but it may be doubted whether the alliance between the two groups could survive this sort of a compromise in the RRNP.

⁵⁷ SACK op.cit n.1 p27.

⁵⁸ Philip Toyne, quoted in Time Australia of 28th November 1988. Unlikely as that alliance may seem, however, it is more credible than the concept of the interdependence of conservation and sustainable development, endorsed by the Commonwealth Government in 1984 as part of its National Conservation Strategy. This concept seems to mean that mining and conservation interests are not necessarily in conflict.

The reality seems to be, therefore, that the best that the Aborigines in the RRNP can hope for, is excision of small living areas, combined with leases of surrounding areas under the CALM Act to reflect their real needs for living space.

3:3 LEASEHOLD

3:3:1 LEGAL POSITION

Once again, the existence of the National Park limits the options. By Section 7(3) of CALM Act, it vests in the NPNCA, but with the approval of the Minister and in conformity with Section 33(3) (see Section 99), the Executive Director of CALM may grant a lease under Section 100 of any land in a National Park for a term not exceeding 20 years.

Section 33(3) has been a stumbling block in attempts to date to obtain some sort of tenure for the Aborigines in the RRNP. Once a management plan is in place, Section 33(3)(a) allows a lease to be granted in accordance with that plan. However, it could only be for a maximum of 20 years. In 3:1:5, I quoted BBWG's comments about 99 years being a short time in geological, historical or evolutionary terms. To Aboriginal eyes, 20 years may not seem very long, either.

3:3:2 INTERIM POSITION

Until a management plan is in place, the combined effect of Sections 33(3)(b), 99 and 100 is that a lease could only be granted if part of carrying out management "in such a manner that only necessary operations are undertaken." In March 1986, an application for a lease for a living area was lodged with CALM by WDPAC on behalf of the Aborigines of the RRNP. It covered an area similar in size to the EZ but unlike the EZ, its south-eastern boundary followed the Park boundary, and its northern and north-western boundaries were pulled back below the Park boundary. The fate of that application will, no doubt, be discussed elsewhere in this Resource Document. I have never seen any written reason for refusal, but quite apart from the political implications of the type mentioned in 3:2:3, the Department of CALM could, perhaps, have argued that it did not need to grant a lease of almost half the Park, for the sole reason that it could not maintain a presence there.

In WDPAC's view, as expressed in its letter to the Premier dated August 5th, 1988, the tourist situation is getting so out of hand that necessary operations could include this. After all, Section 33(4) defines "necessary operations" as including those that are necessary for the protection of persons, or for the preparation of a management plan. WDPAC received a formal acknowledgement, but no actual response to its proposal.

It appears from meetings with representatives from the Department of CALM, that the Department's view of "necessary operations" is limited to taking steps to prevent fleets of 4-wheel-drive enthusiasts driving through the Punmu and Parnngurr Communities, when they feel like it. The Department is also thinking of putting a non-Aboriginal Ranger in the Park during the 1989 dry season. It is not surprising that the Department should prefer these relatively uncontroversial, practical steps to granting a lease of a large area of the Park before the PM is completed.

3:3:3 LONG TERM OPTIONS

Nevertheless, when the PM is produced, the CALM Project Team will have to address the question of whether a lease should be granted, and if so, of how much of the Park. This could be combined with excision of a small central area for a 99 year lease for housing, rather in the same way as the Government grants 99 years leases for living areas on vacant Crown Land surrounded by Special Purpose Leases.

It is worth repeating when comparing them with Special Purpose Leases, that a CALM Act lease can, by Section 100, be on such terms and conditions as the Executive Director thinks fit. The only limitation is that it cannot exceed 20 years. A CALM Act lease should provide enough flexibility to avoid the claim of land rights. An analogy can simply be drawn with Special Purpose Leases under the Land Act, with the CALM Act lease including similar provisions.

3:4 CLASSIFICATION

Section 62(1) of the CALM Act enables areas in a National Park to be classified in stated ways (e.g. prohibited, restricted, limited access) or as the Minister thinks appropriate. This was considered as an interim measure to control tourists' vehicles in the RRNP, but the Department of CALM took the view that it was not appropriate unless either it complied with one of the objects in Section 56 (see 2:2:2) or a PM had already been produced.

In fairness to the Department, zoning in a National Park is not perhaps as easy as it looks.

3:4:1 KAKADU

In Kakadu, for example, the basic information required for zone planning was unavailable during the preparation of the first PM and a detailed integrated use plan was not prepared. Only rudimentary management categories were identified, like minimum use and special use areas.

In the Second PM,⁵⁹ a system of zoning was devised based on intensity of use: intensive/intermediate/minimum management and wilderness zones. The aim is to allocate appropriate activities to specific areas and have a separate management strategy or combination of strategies for each zone. Within each of the four zones, Restricted Access Areas can be established, using the National Parks and Wildlife Regulations. Under Regulation 8, for example, four sacred sites have been closed,⁶⁰ and after requests by residents, legal restrictions have been applied on public access to Aboriginal living areas.⁶¹

3:4:2 ULURU

Here, Regulation 8 has also been used to protect four culturally sensitive areas, but as yet no zoning has actually taken place. A study of appropriate land use zoning systems will be undertaken in conjunction with the traditional owners.⁶²

3:4:3 BUNGLES MARK I

The BBWG stopped short of making recommendations but stated that it had "developed a conceptual system of management zones based on a Conservation Zone and a Park Facilities Zone, each of which is subdivided into several management units with their own management emphasis."⁶³

Thus, within the Conservation Zone, Aboriginal sites would be included in Conservation Units, and special areas would be set aside as Aboriginal Traditional Units for the use only of Aboriginal traditional owners, particularly for hunting. The Park Facilities Zone would encompass developed areas in the Park and would include Aboriginal Living Units. Entry to Aboriginal Traditional Units and Living Units would be restricted, except with the permission of the Community.

3:4:4 BUNGLES MARK II

Aboriginal interests here are pushing for a zoning plan which takes into account Aboriginal hunting and food gathering, ceremonial use, protection of areas of cultural significance and permanent and temporary residence. They wish to preclude completely alcohol and large tourist developments, but otherwise the implementation of zoning should be subject to ongoing review. However, central to any zoning strategy would be the determinations of the PCHC (see 4:3).

⁵⁹ Op.cit n.16 pp18-20.

⁶⁰ Op.cit n.16 p43.

⁶¹ Op.cit n.16 p62.

⁶² Op.cit n.22 p53.

⁶³ Op.cit n.11 p59.

3:4:5 RRNP

In the RRNP, a study of land-use zoning systems could be undertaken between now and completion of the PM, or possibly as part of the SIS. By Section 62(1), classification needs only a notice by the Minister, published in the Gazette, which means that it should avoid much of the "Land Rights" publicity. That is also all that is needed to amend or cancel the classification. From the Aboriginal stand-point, this is hardly security of tenure, but if combined with excision of living areas and a surrounding lease, it could in practice give them sufficient protection from tourist and other incursions to satisfy their needs for living space.

3:5 LICENCES AND OTHER INTERESTS

3:5:1 LICENCES

In theory, a lease gives an interest in land, while a licence gives a personal right to use it under a purely contractual arrangement. This gives rise to technical legal distinctions between leases and licences which are not relevant to this case. The aim of mentioning licences here is to note that it is possible to give contractual rights in land, short of having absolute possession for all purposes. In this sense, the rights under a Special Purpose Lease are, perhaps, analogous to those under a licence rather than a lease.

Section 101 of the CALM Act provides for the Executive Director to grant a licence in writing to any person to enter and use any land in a National Park. The Section may well have been drafted to enable the issue of licences for particular activities (e.g. crabbing), but it is broad enough to cover simply closing off an area of the Park to everyone, except those with a licence. Licences could then be given to Aborigines. However, licences are contractual arrangements and, as a type of "back-door tenure", they would be weakened by the provisions of Section 101(3)(b) which allows the Executive Director to change the terms of the contract at any time.

3:5:2 OTHER INTERESTS

The reference to "other interests" in the heading is really a reminder that the options are not restricted to established forms of land tenure in National Parks, even to those in other states. One example which comes to mind, is that endlessly adaptable legal form, the trust. In the NT, the Kakadu Land Trust, the Uluru-Kata Tjuta Land Trust and the Coburg Peninsular Sanctuary Land Trust, all hold land on trust for groups of Aborigines. This gives remedies to those Aborigines, as "beneficiaries" under a trust, against the trustee for any breach of the terms of that trust. Presumably, the Deed of Trust system of land tenure in Queensland operates on the same basis.

In the context of the RRNP, it should be considered, at least, whether the NPNCA could declare that it is holding particular areas of the Park on trust for the Aboriginal inhabitants. Obviously, the terms of the trust would have to be carefully set down, but this would provide another alternative to taking the freehold title to the land out of the hands of the NPNCA, with the attendant publicity in Parliament and the usual Land Rights debate.

No doubt, the Department of CALM will protest that the CALM Act does not give the NPNCA the power to declare trusts, which brings me to the final heading in this section.

3:6 AMENDMENT OF THE CALM ACT

It is, of course, too easy to accuse the Department of CALM of hiding behind the deficiencies of its own Act, but it remains true that many of the suggestions made above have been, or could be, met with the objection, "the Act does not allow it." Sometimes the objection could be only: "there is some doubt as to whether the Act allows it."

As mentioned in 2:2:2, such objections were even raised by the BBWG in May 1986. Clearly, the CALM Act was not drafted to take into account the concept of Aboriginal Parks. Whatever the final result with Bungle Bungle, it has clearly advanced that concept to an option which should be considered in the preparation of the PMs. The RRNP exercise should continue that process and the time has surely come to amend the CALM Act to give the Department of CALM the option of managing "Aboriginal Parks". This suggestion was put to the Premier in WDPAC's letter of August 5th, 1988, but as with the rest of the letter, no response was forthcoming, beyond a formal acknowledgement. It is obviously the Government which has to amend the Act, and if a Labor Government, it must always contend with the Legislative Council. Nevertheless, amendments are made to statutes to accommodate the interests of, say, mining companies and farmers. The same should at least be attempted with respect to the CALM Act and Aboriginal Parks.

4.0 SITE PROTECTION

4:1 INTRODUCTION

The issue of protection of Aboriginal sites is a difficult one, but not just in terms of the practical question of how it can best be achieved. Surprisingly few, if any, of the players involved in the saga of the RRNP would say that sacred sites should *not* be protected. Yet there are broader questions upon which there would be disagreement :

4:1:1 NATURE OF SITES

The first question concerns what it is that makes them sites of significance. Most non-Aboriginals can just about accept that Aborigines find sites significant if, for example, they have a specific place in a religious ceremony. However, non-Aboriginals become confused when the significance appears to increase or decrease over time, or to be affected by reasons other than those which could be seen as religious in non-Aboriginal terms. Nevertheless, this seems to be what happens. Von Sturmer describes as "a very idealised account of Aboriginality" any discussion of land tenure which "separates spiritual links from economic use."⁶⁴ Thus, "post-contact history has added significance to some sites which were already important, and certain sites, which had never before been important in economic terms, have a new evaluation in Aboriginal eyes."⁶⁵

Even if the link is spiritual, there are difficulties. Dr. Kingsley Palmer, in evidence to the SSCK, commented that "it is misleading to think in terms of a clear distinction between sites which are 'sacred' and those which are not." There is "a kind of sliding scale but it is very difficult to ask Aboriginal people: 'Is this a really important site or only just a very unimportant site?'"⁶⁶

The danger with this broader view of sites, is that confusion leads to cynicism in the case of mining companies and others affected by the upholding of Aboriginal cultural values. They cannot understand it, therefore it must have been devised for the sole purpose of making their lives difficult.

4:1:2 MEANS OF PROTECTION

The simplistic view of sites is reflected in the means of protection offered by White law. This could be described as putting the site in a glass case. The protection consists of putting a cover over the site, which can only be lifted by the appropriate Aborigines. There is a body of anthropological opinion that this misses the point of why sites are significant to Aborigines, and ultimately has the effect of ossifying them, thus destroying their significance for Aborigines. Even the Seaman Report was against any means of protection which "would deny the dynamism of a living culture and make 'sacred sites' relics of an era."⁶⁷

⁶⁴ Op.cit n.32 p38.

⁶⁵ Op.cit n.32 p47.

⁶⁶ Op.cit n.1 p149.

⁶⁷ Paragraph 8:18 of "The Aboriginal Land Inquiry - Report by Paul Seaman Q.C." (September 1984).

4:1:3 OTHER IMPACTS

Finally, in the view of some anthropologists, emphasis on sites gives to the White Man the idea that this is the *only* impact which his activities have on Aborigines. The SIS is the result of a long period of argument by WDPAC that protection of sites is only one of a broad range of deleterious effects which the incursion of mineral explorers and tourists into the RRNP will have on the Aboriginal inhabitants.

The above questions are definitely in the area of expertise of the anthropologist, and outside mine as a lawyer. They are only mentioned in passing because, by concentrating on sites, I do not wish to be seen as reinforcing the view that they are all that is important. The reason is simply that as a lawyer, I must concern myself with White law and White law only concerns itself, after a fashion, with "sites."

4:2 ABORIGINAL HERITAGE ACT

This is the key to protection of Aboriginal sites in WA and has been roundly criticised by just about everyone who has ever dealt with it in print. The Seaman Report, for example, commented that Aborigines "have no confidence in any part of the legislation and there are many complaints about its operations."⁶⁸ In his Discussion Paper, he was even more critical, stating that "from an Aboriginal viewpoint it affords no realistically enforceable legal protection in its present form."⁶⁹

The kindest thing which can be said about the AHA, is that it is an avenue of last resort and that, arguably, its best work is done in encouraging miners and others to commission anthropological and archaeological surveys before the AHA is breached. It could also be argued that, once a breach is committed, the damage has been done in Aboriginal eyes and criminal remedies are inappropriate, although some traditional owners do not seem to share that view and regard prosecution under White law as a valid "pay-back."

It is also true that, however strong the criminal law is, there will always be breaches of it: murders are still committed, even though everyone knows that murder is a punishable offence. However, the problem with the AHA is that, although it is the key to protection of significant sites, it has only been used successfully once in more than 15 years. On numerous occasions, breaches have been reported by Aborigines, but no successful prosecution, in fact no prosecution at all, has resulted. There have been various reasons for this :

⁶⁸ Op.cit n.67 para 8:21.

⁶⁹ Paragraph 7:6 of "The Aboriginal Land Enquiry - Discussion Paper" (January 1984).

4:2:1 TIME LIMITS

The breach must be reported within 6 months. By Section 51 of the Justices Act, a complaint for a summary offence in a magistrate's court must be made within 6 months from the time when the matter of complaint arose. Although it was probably not intended, this covers an offence under Section 17 of the AHA, which is tried summarily, and rules out many prosecutions, simply because sites are often in remote areas and are not visited every few months. In his Discussion Paper, Seaman suggested increasing the 6 months period to 2 years.⁷⁰ Senior suggested increasing it to 3 years,⁷¹ but no attempt has ever been made to change the period, even though amendment would be a simple and apparently reasonable exercise, to which even the Legislative Council could not object.

4:2:2 EVIDENTIARY

The other main problem might be described generally as "evidentiary difficulties". These include practical problems, such as proving, for example, who was driving the bull-dozer. It is rare (although not unknown) for a site to be desecrated before the eyes of Aborigines. More usually, it is discovered after the event with only circumstantial evidence of who did it. This is not good enough in criminal proceedings, where guilt must be proved beyond reasonable doubt.

There are also "technical" legal difficulties: for example, the place may not qualify as a site within the terms of Section 5 of the AHA. Another problem is that it may not have been damaged, or altered within the terms of Section 17: for example, secret sites being approached by the uninitiated. Seaman described the "distinction between a desecration which occurs by entry without damage and a desecration where physical damage occurs" as "meaningless to traditional Aboriginal people", yet still proposed that distinction.⁷² This illustrates the difficulty of protecting Aboriginal culture by written White laws.

Finally, the defendant, if the Museum can identify him and then find him, has the benefit of a defence under Section 62 if he can "prove that he did not know or could not reasonably be expected to have known" that it was a site. The scope of this defence is largely unknown because of the lack of prosecutions under the AHA. Apart from the one successful prosecution, most, if not all, prosecutions are withdrawn, or never take place because the Crown Law Department advises that they will fail.

⁷⁰ Op.cit n.69 para 7:9.

⁷¹ Op.cit n.38 p172.

⁷² Op.cit n.67 para 8:50.

Seaman, in his Discussion Paper, suggested that a person charged with an offence should have the burden of proving that he had no reasonable grounds for suspecting that he was involved with a site which in turn would demand proof on his part that he had made reasonable inquiry. He also suggested that directors of a company should be guilty unless they could prove that they could not, by the exercise of reasonable diligence, have prevented the commission of an offence. In his view, apparently, the person who makes no inquiry at all, has a defence under the AHA in its present form.

As a matter of common sense, if an area were shown on Mines Department maps as an area protected under Section 19 of the AHA, a mineral explorer could "reasonably be expected to have known" that there was a site there. Other cases tend to be much less clear. Even a site registered with the DAS, might not reasonably be expected to have been known. The DAS now follows a policy of only revealing the location of registered sites with the consent of the appropriate Aborigines. If they refused to allow the location to be revealed, it is a matter for argument whether a prosecution for desecration of that registered site, could be met by a defence under Section 62.

In view of these difficulties, the DAS and the Crown Law Department can perhaps be forgiven for their reluctance to prosecute, but it has meant that the provisions of, and terms used in, the AHA have not been much discussed by the Courts. There has also been a view that if the AHA is held up to scrutiny by the Courts, it will be recognised as the toothless tiger which it is, and its role as a persuader and educator will be diminished, or eliminated altogether.

4:2:3 PENALTIES

This seems a curious way to enforce a penal statute, but again it makes some sense, especially because the maximum penalty under Section 57 is only \$500 or 3 months imprisonment or both for a first offence. Both Seaman and Senior comment on the need to increase these penalties.⁷³ They are hardly effective deterrents, especially as a mining company cannot be imprisoned. This should be compared with the penalties under the ATSIHPA: a first offence carries a fine of \$2,000 or 12 months jail or both on summary conviction [Section 23(3)], or in a higher Court, \$10,000 or 5 years jail or both [Section 22(1)]. There are also heavier fines for bodies corporate: \$10,000 under Section 23(3) and \$50,000 under Section 22(1).⁷⁴

⁷³ Senior op.cit n.38 p171 and Seaman op.cit n.69 para 7:8.

⁷⁴ However, Seaman op.cit n.67 Appendix 37 sets out penalties under similar legislation in other States, in 1985. Some of these are even smaller than in WA.

4:2:4 COMMONWEALTH LEGISLATION

At this point, it should be mentioned why the ATSIHPA has not figured in this description of the law relating to site protection. Before an area can be permanently declared as a significant Aboriginal area under Section 10(1), the Commonwealth Minister for Aboriginal Affairs must receive a report containing various information, including the extent to which the area is protected under State law [Section 10(4)(g)]. He must also consult with the appropriate State Minister on this point under Section 13(2), and revoke any declaration if he is satisfied that State law makes effective provision for protection of an area [Section 13(5)].

In practice, no declarations have been made in WA under the ATSIHPA and in other States, declarations have concentrated on protection of objects under Section 12. A strenuous application was made on behalf of the Roebourne people to stop the Harding River Dam in 1984. Even though the consultation with traditional owners had been manifestly inadequate,⁷⁵ and the AHA did not allow prosecution against the State instrumentality responsible for the dam, the Federal Minister declined to make a declaration. Thus, the ATSIHPA seems to be ineffectual, although the power to make emergency declarations under Section 9 for 30 days, which can be extended to 60 days, might prove useful in the hands of a strong and sympathetic Federal Minister.

In terms of legal remedies to protect sites against tourists outside the RRNP, the AHA is therefore the only statute to which Aborigines can look for legal protection. There may be other less direct avenues and these are discussed under 4:5.

Against mineral explorers outside the Park, it may be possible to exert more pressure under the conditions attached to their mining tenements, as discussed under 4:4.

4:3 PROTECTION WITHIN THE RRNP

The strongest remedies should be available within the RRNP where the Department of CALM can provide for classification into zones under Section 62 and enforce any closing of areas through the National Parks Authority Regulations. This has occurred in Kakadu, as mentioned in 3:4:1, where the ANPWS is also considering establishing a formal register of sites of significance to Aboriginal people within the Park in consultation with interested parties, including the NT Aboriginal Sacred Sites Authority.⁷⁶ Thus the ANPWS takes prime responsibility and the NT Aboriginal

⁷⁵ See Seaman *op.cit* n.67 paras 8:22 and 8:23.

⁷⁶ *Op.cit* n.16 p43.

Sacred Sites Authority has an advisory role, for example regarding management of sites.

However, this sort of approach is not favoured by Senior, apparently because in the past, treatment of Aboriginal sites in areas managed by CALM, has been unsatisfactory.⁷⁷ He, therefore, recommends that the role of the DAS should be more than advisory and this should be more clearly defined, if necessary, by amendment to the AHA and the CALM Act.⁷⁸ He notes the difficulty of reading the two Acts together: for example, Section 4 of the CALM Act makes no reference to the AHA under the heading "Relationship of this Act to other Acts." The AHA makes no reference to other Acts at all. He concludes that the ultimate control of sites rests and should rest with the DAS and if necessary, the two Acts should be amended to make this clear.

However, he also points to Section 12(2) of the AHA as enabling the Trustees of the Museum to make an agreement with the NPNCA to "take such action as they think is practicable for the proper care and protection" of a site. Assuming co-operation between the Department of CALM and DAS, this should enable DAS to be involved in the preparation of a Site Management Plan and the protection of sites.

Broadly, he sees the DAS as being responsible for producing Site Management Plans for all National Parks in consultation with traditional owners and the Department of CALM. The Department of CALM can then incorporate the particular Site Management Plan into its PM for the whole Park. However, the Department should be obliged to follow DAS advice, for example, that sites should be closed to the public because of risk of damage.

Suggestions based upon the need for statutory amendment, are obviously going to be difficult to implement in the short term. There is also the practical problem of resourcing the DAS for such a mammoth undertaking. However, experience with the proposed Collier Bay National Park suggests that a co-operative approach between DAS and the Department of CALM should be able to achieve a similar result. The advantage of the involvement of the Department of CALM is that it is much easier to control access to known sites than to prosecute for breaches of the AHA.

Clearly, the Aborigines of the RRNP will need to be involved in this exercise, in their capacity as Park Rangers. They could also be honorary wardens under the AHA, but

⁷⁷ Op.cit n.38 p149.

⁷⁸ Op.cit n.38 pp172-173. Also see pp72-76 for general discussion of this topic.

their powers under the AHA regulations are inadequate in certain particulars. It may be that the National Parks Authority Regulations suffer from similar defects, but in practical terms, the public are more likely to obey a direction from a Park Ranger, than one from an Honorary Warden.

At Bungle Bungle, Aboriginal interests have sought to use the provisions of the AHA to vest control of sites and cultural matters in the Park in a Committee of Aboriginal traditional owners. This would be called the Purnululu Cultural Heritage Committee and the idea is that the Trustees of the Museum would vest their statutory powers and duties in the PCHC under Section 9, or delegate those powers and duties under Section 13. In effect, this would give the Aboriginal interests the power of veto in all cultural matters, as long as the Minister followed their advice.

However, there is another side to this. In relation to Kakadu, the SSCK concluded after a detailed consideration of an incident at Coronation Hill, that "in order to clarify lines of communication and reduce pressure on Aboriginal people", the Aboriginal Sacred Sites Authority should be given primary responsibility for sites in the Park.⁷⁹ The Bungle Bungle approach should be closely observed to see if the vesting or delegation of the Trustees' powers puts the Aborigines under excessive pressure, remembering that there are no valuable mining interests at stake there, as there are in the RRNP.

4:4 OBLIGATORY SURVEYS FOR EXPLORERS

4:4:1 OPTIONS FOR EXPLORERS

The effect of the AHA, and the condition on their tenements that they should comply with the AHA, is that mineral explorers are faced with the risk of trouble if they ever damage an Aboriginal site. There are basically four options open to them :

4:4:1:1 Take their chances, by exploring without taking any steps to guard against damaging sites. If a mining company is unlucky enough to damage a site, the worst that can happen will be a \$500 fine. There is also a good chance of prosecution not occurring if it can cover its tracks well enough, or at least conceal the damage for 6 months. For a small explorer operating on a shoe-string, this approach has considerable attractions. Larger companies tend to be more conscious of the damage to their public image in acting like this.

⁷⁹ Op.cit n.1 p151.

4:4:1:2 Find out where the registered sites are and avoid them, but otherwise proceed as in 4:4:1. By this approach, they hope to give themselves a defence under Section 62, and minimize the damage to their public image.

4:4:1:3 Have a perfunctory survey done. Various approaches have been tried. The most common is for the mineral explorers themselves to take out some Aborigines who may or may not speak for the area. They are asked to point out any sites, or better still, sign a piece of paper saying that there are no sites. A more recent variation is to employ an accommodating "anthropologist" to go through a similar exercise. This avoids the criticism that the mineral explorer's geologists or engineers do not have the necessary expertise to ask the right Aborigines or correctly understand the cultural information. It also insulates the mineral explorer from criticism of methodology: it is a matter for the anthropologist's professional assessment, if, say, he chooses to do a survey by asking the wrong Aborigines, and/or by simply flying them over the area in a fixed wing aeroplane. Unfortunately, in the absence of a strong professional association, the professional expectations and controls are in practice only really provided by the individual anthropologist himself. The mineral explorer, however, pleads in its defence under Section 62, "we paid our money and reasonably expected to be able to rely on the results". It would not be an easy defence to break down, especially since there is so little law to guide mineral explorers on what constitutes the taking of "reasonable steps."

4:4:1:4 Have a survey done by a competent professional anthropologist, who takes appropriate steps as part of his contract to consult the right Aborigines and correctly report on their concerns. Obviously, this is the only satisfactory option from the Aboriginal point of view and the more enlightened mineral explorers are coming to realise that this may also be their best option. The trouble is that it takes time and can be expensive, if the job is to be done properly. Even so, it is not unduly expensive when compared with the costs which companies cheerfully incur on drilling rigs, helicopters and the like, in the normal course of exploration. The difference is that the explorers regard it as an unnecessary expense.

4:4:2 ROLE OF SAAs

Elsewhere in this Resource Document, Peter Veth (Veth, Sect. 5:3) will be discussing in detail the different sorts of survey and how they should be undertaken. At the risk of overlapping with his contribution, I would like to discuss the role of the so-called "Site Avoidance Agreement."

Site surveys and SAAs were applauded in the Seaman Report as the way forward in obtaining protection for Aboriginal sites. He seems to have been impressed with the co-operative arrangements achieved in the Central Desert to clear large areas for exploration, remarking that the "communities and their resource agency have worked in a way which explorers have described to me as professional and efficient." He contrasted that with "other areas where explorers and communities have been at cross purposes, so that tension and frustration has been generated on both sides."⁸⁰

Since about that time, SAAs have commonly been used in the organization of site surveys and have achieved, in the eyes of employees of Resource Agencies particularly, a status which is to some extent unjustified. It is probably true to say that if the mineral explorer does not have co-operative intentions, a SAA will not bind him in such a way as to force him to be co-operative.

The scope of a SAA is surprisingly narrow. Most of the SAA deals with the mechanics of the survey. There are only a few clauses designed to bind both parties after the end of the survey in matters such as maintaining confidentiality and respecting the findings of the survey. Everyone assumes (or hopes) that they are enforceable.

Mineral explorers would prefer to cover the whole exercise by an exchange of letters. For some reason, they seem to regard an agreement in an exchange of letters, as less binding than a formal contract. Their Legal Advisors would tell them differently, but possibly they wish to avoid formal contracts for the purpose of keeping their Legal Advisors out of the exercise.

In fact, an exchange of letters can cover the same matters as are covered in a formal SAA, and it is just as binding. However, on balance WDPAC has encouraged the use of formal SAAs for two reasons: first, although the idea of writing things down is to avoid arguments later, there is a tendency in an exchange of letters for each side to let a vague provision or ambiguity pass unchallenged, in the hope that it will turn out to be of advantage later on. In the case of a SAA, the formality and involvement of lawyers mean that such issues are usually thrashed out in advance. This is why having a SAA tends to result in delay, which is another reason why mining companies do not like them.

The second reason goes back to the need, mentioned in 4:4:1:4, to educate mineral explorers. They should see site surveys as just another exploration expense, to be added

⁸⁰ Op.cit n.67 para 8:43.

with environmental reviews, and suchlike, to the ever-growing list of crosses which the mining industry thinks that it is being unfairly asked to bear. Others would argue, of course, that it has for too long been receiving a cheap ride, and these requirements are long overdue. Whichever view is taken, companies make contracts with drillers, suppliers and numerous others as part of their normal activity. If they also make contracts in fulfilling their responsibilities to Aborigines, it might encourage them to see those responsibilities in the same context, as just another exploration expense.

4:4:3 OBLIGATORY SURVEYS

It is obviously unsatisfactory for Aborigines, that in practice mineral explorers can choose whether to have a proper survey done or not. Within the National Park, it may well be only an academic question if, as suggested in 4:3, the DAS draws up a plan for managing sites throughout the Park. The preparation of such a plan would presumably require the DAS itself to organise a survey of the whole Park, as will apparently occur in the Collier Bay National Park.

Even if this is not possible because of the size of the RRNP, or other reasons, the Department of CALM can simply make it a condition of exploration within the RRNP that a proper survey should first be done. It is outside the Park that it becomes more difficult, and this would include land mentioned in 1:4 above, if the EZ were lifted.

Currently, the condition which is imposed on most mining tenements contains words along the lines of: "Compliance with the provisions of the Aboriginal Heritage Act 1972 to ensure that no action is taken which is likely to interfere with or damage any Aboriginal site." It may be questioned whether that condition is forceful enough to provide effective protection anywhere in the State. For the reasons given in 4:4:1, it leaves mineral explorers with three options apart from the only satisfactory one from the Aboriginal point of view. As far as I know, no mining tenement has ever been forfeited in WA for breach of this condition. This is not surprising, as there have been so few successful prosecutions under the AHA, and the Mines Department would hesitate to enforce forfeiture of a tenement because an Aborigine, or even the DAS, says that there has been a breach.

It is suggested, therefore, that in the Study Area, as well as the RRNP if necessary, a condition should be placed on all mining tenements requiring a proper survey to be done. The precise wording may cause difficulty, but at the very least it could refer to a requirement for approval by the DAS. Normally, the DAS feels that it has only an advisory role and such a condition would give it the teeth which it lacks under the AHA.

As already mentioned, there would be good reason to extend this condition to the whole State, but this Resource Document is only concerned with the Study Area, where in view of the continuing strength of Aboriginal culture, it is clearly justified. Of course, the simplest way of making surveys obligatory throughout the State would be to amend the AHA, but historically it has been difficult to have any amendments passed to strengthen it, even in the obvious areas mentioned in 4:2:1 and 4:2:3, such as the 6 month time limit and penalties.

In fact, the trend has been the other way: for example, when the AHA was first passed in 1972, the Court could order forfeiture of a mining tenement under Section 58, if an offence was committed knowingly and for gain. That section was repealed in 1980 by the Court Government with various other amendments designed to weaken the AHA's effect.

4:5 TOURISTS AND SITES

The general problem of how to control tourists, particularly outside National Parks, was discussed in 1:5:2. An important aspect of that control involves the protection of sites. As mentioned in the preface, I have made considerable use of Dr. Clive Senior's Report on Tourism and Aboriginal Heritage, although that was produced with particular reference to the Kimberley. It is unpublished and still being considered by the various affected Government departments.

4:5:1 INSIDE THE RRNP

Within the RRNP, it appears that the Department of CALM is in a position to protect sites using classification and its powers under the National Parks Authority Regulations. The only question seems to be how it exercises that power. As mentioned in 4:3, Senior comments that, in the past, treatment of Aboriginal sites in areas managed by the Department of CALM has been unsatisfactory, and makes recommendations giving DAS more than an advisory role.

There is no doubt that a concentration of tourists in an area, poses a threat to sacred sites. In Kakadu, for example, serious acts of desecration, including the theft of skeletal material, occurred at a number of sites in the early Seventies. Similarly, in Bungle Bungle, desecration of an Aboriginal burial site has been reported in the last two years.

However, there is not an inevitable correlation between numbers of tourists and acts of desecration. The SSCK points out, for example, that because "overt acts of vandalism

are more likely to occur when other people are not present, large numbers of tourists tend to reduce the risk of damage."⁸¹ On this basis, the sites in the RRNP are perhaps vulnerable.

In Kakadu, it has been suggested that tour operators should be licensed to operate within the Park.⁸² The basis for this would be Regulation 7AA of the National Parks and Wildlife Regulations. This provides that, whenever a fee is charged for any commercial activity, the operator will be required to have the permission of the Director of the ANPWS.

The same suggestion has been put forward for Bungle Bungle. The problem is that, under the National Parks Authority Regulations which apply in WA, there is no provision comparable to the NT one. This means that it will be necessary to educate tour operators rather than regulate them.

This is discussed in 4:5:3 under non-legal means for improving the position of sites outside the RRNP. Some of the other ideas discussed in 4:5:3 could also be adopted inside the RRNP: for example, improvement in sign-posting; manuals for tour operators; brochures containing interpretive information on Aboriginal culture; and a pool of Aboriginal guides to show tourists non-sensitive areas and keep them away from sensitive ones. As the SSCK points out, tourists are less likely to resent closure of areas of the Park, if the reasons are clearly explained in brochures and other information services.⁸³

4:5:2 OUTSIDE THE RRNP

Outside the Park, including the small areas of EZ, it is much more difficult to make constructive suggestions. This is because tourists only go to a place once and they may come from any direction using any one of several access routes. This raises the problems of information and enforcement mentioned in 1:5:2 above.

Senior makes various suggestions on the information aspect which will be considered later. However, on the subject of enforcement, it is worth repeating that the only direct legal basis for control is the AHA. Quite apart from the difficulties of prosecution under the AHA, there is the problem with tourists, of finding them and then proving that on their one visit, they breached the Act. And because of their likely lack of familiarity

⁸¹ Op.cit n.1 p38.

⁸² Op.cit n.1 p33.

⁸³ Op.cit n.1 p31.

with the area and Aboriginal culture, the defence under Section 62 is an obvious possibility.

4:5:2:1 Legally Based Methods

Legally based methods of improving the position would be :

4:5:2:1:1 Protected Areas

The use of protected areas under Section 19 of the AHA. This assumes that the Aborigines accept the concomitant disadvantages of publicising, and giving the DAS control of, their sites. If they decide that this is better than having them damaged, there are a range of protective measures that can be employed, including sign-posting and use of honorary wardens to look after the area. These measures may also be available for sites that have not been declared protected areas and are discussed further below. The advantage of a protected area is that it has boundaries which must be specified in the declaration under Section 19, and these can be shown on maps: for example, they appear on Mines Department maps under current practice.

4:5:2:1:2 Reserves

As mentioned in 1:5:1:1, areas outside the Park may have different legal status which enables the Aborigines to exert extra control, and this could assist in the protection of sites. Most obviously, if the site is situated within the boundaries of a reserve, a permit is required to enter the reserve. If a tourist finds his way to the site, he will automatically be in breach of Section 31 of the AAPA Act, as well as being guilty of any offence which he may commit under the AHA by damaging it. As mentioned briefly in 4:2:2, one of the weaknesses in the AHA is that, although a tourist may not have damaged a site physically, his mere presence there may have been deeply offensive to the Aborigines, and even result in serious consequences in their culture. Quite apart from all the other difficulties, there is little chance of bringing that within the terms of Section 17, which says "excavates, destroys, damages, conceals or in any way alters." In these circumstances, the only remedy against him is under Section 31 of the AAPA Act.

4:5:2:1:3 S.P.L.s

If the site is within the boundaries of a Special Purpose Lease, the position is less clear. There are two basic views: the first is that tourists are not prevented from entering the area, but the Aborigines can take reasonable steps to implement the "special purposes" for which the lease was granted. This will usually be "Use and Benefit of Aboriginal Inhabitants" and would obviously include the protection of their culture, particularly

sites. They would have the right to fence sites or do whatever is necessary to protect them, but when it comes to enforcement, they would have to fall back on the AHA, with all its defects. The other view, held by some people in the Aboriginal Lands Trust, is that the holders of Special Purpose Leases are in the same position as Pastoral Lessees. This is said to mean that they can keep out tourists and everyone else except mineral explorers.

4:5:2:1:4 Delegation of Museum Trustees' Powers

There is no logical reason why the powers of the Trustees under the AHA should not be delegated or vested outside a National Park, in the same way as inside. Section 9 of the AHA, for example, only requires that "a representative body of persons of Aboriginal descent has an interest in a place or object to which this Act applies that is of traditional and current importance." However, it is only being attempted on a trial basis in the Bungle Bungle National Park and it would perhaps be premature, at this stage, to try it outside the RRNP, especially in view of the doubts expressed in 4:3 as to its application inside the RRNP.

4:5:3 NON-LEGAL METHODS

Apart from these special measures, the protection of sites outside the RRNP must rest on non-legal means :

4:5:3:1 Sign-posting

There is a fundamental incompatibility between this sort of publicity, and the secrecy of, and limited access to, some sites. Seaman refers to "evidence that the posting of signs near significant Aboriginal areas only serves to attract vandals."⁸⁴

According to Senior, cryptic phrasing of notices serves to arouse interest in visitors. He discusses the "uncertain science" of the phraseology on such notices and makes some helpful suggestions.⁸⁵ I do not propose reproducing his arguments, but rather wish to put them in their context. They inform the tourists, thus hopefully avoiding damage and other problems and, if they are not obeyed, they greatly improve the chances of successful prosecution under the AHA by removing the defence under Section 62. If a tourist has walked past a sign-post, it is difficult for him to argue that he did not know it was a site.

⁸⁴ Op.cit n.67 para 8:39.

⁸⁵ Op.cit n.38 pp157-160.

However, there is another aspect which was raised in the case of Bungle Bungle. The traditional owners were concerned that, where culturally appropriate, Aboriginal place names should be used, spelt in a way which conformed with orthographies approved by them. Obviously, this requires extensive consultation, before signs are erected, to formulate an appropriate interpretative policy.

4:5:3:2 Education of Tour Operators

As I understand it, very little control is exercised legally or in practice by the Government tourist authorities over tour operators and there is also evidence, from Senior and elsewhere, that there are some tour operators who will resist all attempts to educate them to do anything which does not suit them.

However, the problem with tourists is that they only come once and can say that they did not know it was a site. Tour operators, on the other hand, like mineral explorers, come more regularly and thus provide the continuity of contact which improves the chances of control. The Canning Stock Route is not a place for the inexperienced and this suggests that most tourists would be in organised groups, under leaders familiar with the area. The net result is that there seems to be a small pool of people whom the WATC should aim to educate, for example, by producing some sort of manual. It has been suggested both at Kakadu and Bungle Bungle that a tour operator regulation manual should be produced. The same should be done for the Canning Stock Route and RRNP.

4:5:3:3 Education of Tourists

Even those tourists who choose to travel in the area independently can be educated. Senior comments on the lack of informative material in WA brochures on Aboriginal culture, as compared with the NT.⁸⁶ The Aboriginal interests at Bungle Bungle have complained about the publishing of irresponsible and inaccurate promotional literature about the Park, particularly in relation to its Aboriginal cultural heritage values. Even for the small numbers involved, surely a brochure could be produced to be handed by the WATC to anyone contemplating a trip in the area, and to be available at Police Stations and Road Houses in the area. As I understand it, the RAC of WA already produces a detailed map of the Canning Stock Route. There could also be liaison with other Government Departments to assist in distribution of WATC brochures and to ensure that their publications reflect the same aim. For example, every map produced by a Government agency should show where permits are required under the AAPA Act because of reservation, and where access is restricted because of protected areas under the AHA.

⁸⁶ Op.cit n.38 pp138-143.

4:5:3:4 Appointment of Aboriginal Liaison Manager

This raises the question of who does all this educative work. In Senior's view, the Kimberley Region should follow the NT by appointing an ALM,⁸⁷ and the objectives of the position should include: "Develop and implement strategies to minimise negative impacts of tourism on the Aboriginal Community."⁸⁸

Clearly, tourism in the Kimberley is more developed and has more potential than in the Pilbara and a separate ALM in the Pilbara may not be justified. However, someone in the WATC should be fulfilling these duties, even on a part-time basis.

One of the duties of an ALM suggested by Senior, is "to act as a focal point for processing enquiries from tourists and tour operators relating to the Aboriginal community; to screen those enquiries and to direct them to the appropriate organisations; to assist and advise persons making the enquiries of the appropriate way to proceed."⁸⁹ The existence of such a focal point is vital to any attempt to educate tourists and tour operators.

Another important task which the ALM could undertake, would be research into the numbers of tourists using the RRNP. In 1987, the number of visitors to Kakadu was estimated at 200,000 and to Uluru 250,000. Clearly the number of tourists in the RRNP will be nowhere near those figures, but that does not necessarily mean that they will cause less problems. In Kakadu, there has been criticism that to date no assessment of the human carrying capacity of the park has been attempted. In the RRNP this capacity will be relatively small and steps should be taken to start research on it as soon as possible. If the ALM were the contact point for tourists, he would be well placed to undertake such research.

Senior suggests one other important objective of the ALM's position: "to foster an understanding and awareness of tourism amongst Aboriginal people."⁹⁰

4:5:3:5 Involvement of Aborigines

Senior comments that in the Kimberley "most people sought involvement in tourism in ways that could provide them with control mechanisms rather than in ways which were likely to provide financial benefits."⁹¹ The problem with Honorary Wardens is that

⁸⁷ Op.cit n.38 pp128-137.

⁸⁸ Op.cit n.38 p128.

⁸⁹ Op.cit n.38 p129-130.

⁹⁰ Op.cit n.38 p128.

⁹¹ Op.cit n.38 p96.

they tend to be based around the sites and to arrive on the scene in time, or possibly too late, to prevent the tourists doing something which offends them. This is always likely to be a situation fraught with hostility. The idea of Aboriginal guides avoids that. They are involved with the tourists from the start and can, with sensitive handling, keep them away from trouble. However, as mentioned in 2:6:3, there may be some reluctance to act as a "policeman" in this context and careful training would be needed to provide appropriate diplomatic skills.

Senior sets out the advantages of having a pool of Aboriginal guides,⁹² but it is difficult to see how any of this could be implemented in the RRNP without someone in the WATC to act as a contact point.

As already mentioned, there is also within the RRNP more innate resistance than in the Kimberleys, to involvement with tourists. The Aborigines went out there in the first place to get away from White society and their contacts with tourists to date have been less than happy. In these circumstances the need to "foster an understanding and awareness of tourism" is particularly great, but it is a process of education which will need a lot of time and patience. It is difficult to see it being achieved except by an ALM, specifically appointed full-time for the purpose.

One point which should be considered by the Aborigines, is that it is ultimately better to control tourists, than to ignore them in the hope that they will go away. The key to control is to give them something to look at in a regulated environment: the SSCK suggests a cultural museum in Kakadu to "act as a buffer between tourists and Aborigines by helping to satisfy the natural curiosity of the former about Aboriginal lifestyle and culture."⁹³ Senior suggests a Kimberley Museum of Aboriginal Culture,⁹⁴ although he concentrates on its educational value.

Clearly, this sort of project is not feasible in the RRNP, but the idea of a "buffer" should be considered in conjunction with the provision of guides. Tours should be arranged in non-sensitive areas to satisfy the tourists' curiosity and possibly engender sufficient respect for the sincerity of Aboriginal beliefs, to keep them away from sensitive areas.

⁹² Op.cit n.38 pp19-22 and 95.

⁹³ Op.cit n.1 p34.

⁹⁴ Op.cit n.38 pp161-162.

5.0 CONCLUSION

In the course of this contribution, my personal opinions in some areas may well have been obvious, but I have deliberately made no recommendations or submissions. This is not surprising. This is a Resource Document, albeit one commissioned through WDPAC and produced by people who have been involved with the Aborigines of the Western Desert.

However, the absence of recommendations or submissions can lead to lack of focus. The CALM Project Team and the SIS Group may read it and may even find it interesting, but may then forget it because it is not obviously relevant to the issues as they perceive them.

This is one of the dangers inherent in commenting on the hypothetical, as I mentioned in the preface. In conclusion, therefore, I shall mention briefly some general questions which, in my view, require consideration by the CALM Project Team, or the SIS Group, because they are central to any resolution of the issues raised in my contribution.

These questions concern the extent to which :

- (1) it is Government policy that every square centimeter of every National Park should have its mineral potential assessed by ground exploration;
- (2) that policy overrides all other considerations, including the wishes of Aborigines living in the Exclusion Zone;
- (3) the Government is prepared to make special rules to protect the interests of the Aborigines in the RRNP, in particular to safeguard their sites, to give them some sort of land tenure and to involve them in management of the land;
- (4) the Government is prepared to make special rules to protect Aboriginal interests outside the RRNP.

It may well be that some or all of these questions cannot be answered clearly at the outset and that the Government is hoping that the draft PM and the SIS will help it to make up its mind. Nevertheless, if it does have in mind any fixed requirements which are "non-negotiable", this could wipe out some of the options which I have suggested. The most obvious example is the first question :

5:1 EXPLORATION THROUGHOUT NATIONAL PARKS

The missionary fervour of the WA Government's submission to the SSCK suggests that this may not be an issue upon which it is prepared to compromise. It is true that much depends upon the form in which the Bailey Report is implemented, if at all. However, the legislation is likely to give the Minister the ability to open any Park for mining, and in any case, pre-existing tenements, like those of CRA in the RRNP, will be outside the scope of the legislation.

5:2 EXPLORATION IN THE EZ

For pre-existing tenements in the EZ, it is only the EZ which is preventing exploration. This represents a direct clash between the wishes of mineral explorers and Aborigines and it is difficult to see any compromise which will satisfy both sides. However, the off-the-cuff comments of the Premier at Kalkan Kalkan on 5th August 1988, included a suggestion that "the exclusion zone be explored in a carefully managed way and supervised directly by Aborigines. After exploration it would return to an exclusion zone."⁹⁵

It is to be hoped that the Premier now has a better understanding of the issues involved in the RRNP, than he displayed at that meeting. Nevertheless, it may be evidence of a fixed view that nothing, not even Aboriginal interests, can be allowed to hamper the exploration of every square centimetre of every National Park.

It is also worth noting that even if the Government decided that the concept of the EZ should be preserved, the EZ itself should be replaced by, or linked with, some sort of land tenure to provide it with a legal basis.

5:3 SPECIAL RULES FOR ABORIGINES IN THE RRNP

To a greater or lesser extent, this involves acceptance of the concept of an "Aboriginal Park", even if the Government does not put it in those terms. The Department of CALM has been conservative in its approach to interim protection, but in the PM for the RRNP it will, at the very least, have to address the following issues :

5:3:1 SITES

It seems to be accepted that sites in National Parks should receive greater protection than those outside. This may be by way of a special DAS study, as is proposed for Collier Bay, or vesting or delegation of powers in the traditional owners, as at Bungle Bungle.

⁹⁵ As reported in the West Australian of 6th August 1988.

5:3:2 TENURE

Again, the concept seems to be accepted, but the difficulties arise when it comes to deciding how much land and how it should be held. The choice seems to lie between excision, a CALM Act lease which looks either like a 99 year lease or a Special Purpose Lease, or classification into zones. The answer may have to be a combination of these, because of political factors.

5:3:3 MANAGEMENT

The location of the RRNP seems to make Aboriginal involvement unavoidable. It seems likely that, at the very least, there will be Aboriginal Ranger Training and, overseeing it, a Steering Committee. Political considerations will determine how far Aboriginal involvement in management extends beyond that. The NT experience suggests that joint management benefits both sides and an overview of the negotiations regarding Bungle Bungle, leads to the conclusion that the concept must be accepted eventually in WA, even if currently more circuitous routes are being followed.

5:4 SPECIAL RULES FOR ABORIGINES OUTSIDE THE RRNP

The problem of site protection is greater outside the RRNP, because it relies upon the ineffectual provisions of the AHA. There is a clear case for strengthening the AHA, but then there always has been. For political reasons, the only amendments which have been passed, have been designed to weaken it. The question is whether the Government is prepared to reverse that trend.

The issues of tenure and management do not arise directly outside the RRNP, but the problem of "social impact" still remains. The Government apparently accepts this concept: in the East Kimberley, it contributes to the Argyle Social Impact Group, which attempts to alleviate the social impact of one particular mining project on Aborigines in the area. Whether the Government also embraces the concept in the Rudall River region, will presumably depend upon the recommendations of the SIS.

5:5 IMPLEMENTATION OF SPECIAL RULES

Obviously this will be easier inside the RRNP than outside. However, if "special rules" are to be made, there will have to be changes, which I shall divide into three categories: legislative, "administrative" and "developmental."

5:5:1 LEGISLATIVE CHANGES

I have suggested various amendments to the AHA and the CALM Act, but there are other, less obvious, changes which would require legislation: for example, the

amendment of the boundaries of the RRNP or licensing for tour operators, operating outside the RRNP.

5:5:2 "ADMINISTRATIVE" CHANGES

Here, the Government department has the statutory power, but will have to exercise it differently: for example, putting on mining tenements extra conditions requiring site surveys; and including appropriate provisions in CALM Act leases. However, an amendment of the National Parks Authority Regulations to require licensing of tour operators inside the RRNP, would be both "administrative" and legislative, as it has to be tabled in Parliament.

5:5:3 "DEVELOPMENTAL" CHANGES

This would include activities with no legal connection, such as improving sign-posting, employing Aboriginal guides, appointing an ALM, educating tourists and tour operators, and improving maps.

5:6 SUMMARY

Obviously, legislative changes are more difficult to implement than "administrative" or "developmental" ones. There is the constant problem, particularly for a Labor Government, of getting statutory amendments through the Legislative Council, although this difficulty may sometimes be exaggerated to excuse inaction.

All of these variables complicate the task of the CALM Project Team and the SIS Group, which is akin to trying to build a cathedral on a quicksand. I can only suggest that they seek to minimise the variables by finding out from the Government whether anything is "non-negotiable". They will then have to work through the various options on that basis, and I hope that they will find my contribution of assistance in that exercise.

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3. LOCAL ORGANISATION AND LAND TENURE IN THE KARLAMILIYI (RUDALL RIVER) REGION

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1:0 INTRODUCTION

This section describes the nature and functioning of 'traditional' local organisation and land tenure in the study region, as reconstructed from available evidence. It is also concerned with changes that have occurred as a result of European colonisation and which have affected these aspects of Western Desert Aboriginal culture in significant ways.

It must be made clear at the outset that all accounts of Aboriginal societies as they are believed to have functioned prior to the influence of Europeans and their culture are essentially reconstructions. Such reconstructions are based primarily on three kinds of data: Aboriginal people's accounts of their early lives in predominantly traditional situations away from direct European influences; direct observations of such situations and of contact milieux, where a high degree of tradition-orientation has persisted until quite recently; and inferences drawn from historical and anthropological data gathered in a wide range of situations throughout the continent.

In this particular case, I draw heavily on my own fieldwork data, collected over the period 1963-1988. This research includes several months spent in the desert proper among groups having minimal prior contact with Europeans, but was mainly located at the Jigalong community, where I have spent about three years in all. When fieldwork began in 1963, the large majority of adults at the settlement were desert-born and had spent their early lives in a pre-contact environment. The Karlamiliyi (Rudall River) area was the traditional homeland of some of them, and was well known to most others, because of its importance as a conduit through which mostly Manyjilyjarra speakers had passed, and lived for varying lengths of time, in their movements in and out of the Western Desert. The primary sources used here are my fieldwork notebooks and my monograph (Tonkinson 1978), which reconstructs the pre-contact society and culture of the people who lived in a wide area surrounding Lake Disappointment

(Kumpupintil), and for whom I coined the collective term 'Mardudjara' (Martujarra). In the course of this report, I will also be making mention of a variety of other sources, pertaining mainly but not exclusively to the Western Desert area, to support the arguments presented and provide a comparative perspective.

In this report, I have omitted all discussion of secret-sacred matters, such as the locale of major ceremonial sites (*yinta*) and the content of mythology, ritual and songlines, since such information is not necessary for the purposes of this report.

The account that follows is provided under a number of headings :

1. PRE-CONTACT LOCAL ORGANISATION

This section provides a general, introductory account for the non-specialist reader, and talks of Aboriginal culture as a whole, as well as the Western Desert region, of which the study area is a part. It includes discussion of some of the constituent units of Aboriginal societies, namely: 'tribes' and 'linguistic units', bands, ranges and estates, the estate group and land tenure, boundaries and their permeability, and patterns of movement.

2. THE STUDY AREA

As its title suggests, this section focusses more specifically on the Rudall-Lake Disappointment area, in terms of the units introduced in Section 1. It delineates the major linguistic units in the area, and discusses the importance of the unique Karlamilyi (Rudall) River system, whose reliable water sources made them attractive as 'big meeting' venues and, therefore, of interest to a people over a wide area.

3. EMIGRATION AND THE STUDY AREA

No adequate understanding of existing Aboriginal attitudes towards land tenure in the study area, particularly the Karlamilyi (Rudall) River, can be achieved without examination of post-contact history, including early migrations and succession by incoming groups, rights gained via multiple criteria, including: residence, birth, totemic affiliation, and caretaker-ship of country and paraphernalia.

4. CONTEMPORARY SITUATION

In this final section, recent developments and competing claims of 'ownership' are examined, in terms of: bases for claims of 'proprietaryship' and the reasons for collective representation on the part of most of the claimants; the bases of the Strelley and the WDLC claims; the role of 'residence' in the assessment/recognition of claims.

2:0 PRE-CONTACT LOCAL ORGANISATION

By 'local organisation', I mean the ways in which individuals and groups relate to their physical environment, such that the dispersal and movement of Aborigines are understood against a background of attachment to sites, zones and territories that underpins their entire culture. The nature of Aboriginal Australian local organisation has been the subject of considerable discussion and debate in anthropology, and important advances in our understanding have occurred in the past quarter century.¹

2:1 LINGUISTIC UNITS OR 'TRIBES'

The broadest named collectivity in the study region was the linguistic unit or 'tribe', although the latter term has been in disfavour since Berndt (1959) pointed out its inappropriateness as a label for Western Desert collectivities (see also Peterson 1976 for detailed critiques of the 'tribe' concept as applicable to Aboriginal Australia and Fried 1975, for his valuable comments on definitional difficulties associated with 'tribe' generally). Tindale (1974) provides a 'tribal' map of the whole continent, but its accuracy varies widely, and for the Western Desert, in general, it is poor. The term 'linguistic unit', proposed by Berndt (1959), is also problematic, because multilingualism - or, more accurately in the Western Desert case, the speaking of several dialects of a single language - is universal in traditional Aboriginal Australia (cf. Dixon 1976; Sutton 1978; Trigger 1987). However, the 'linguistic unit' or 'language group' label is certainly preferable to 'tribe' in its applicability to the Western Desert situation, and probably for the continent as a whole, although it requires explanation. It refers to a territorial area associated with a particular dialect, and to those who identify accordingly, regardless of which dialect(s) such people actually speak. This association is said to originate in the Dreaming through the actions of the ancestral creative beings. As Rumsey (n.d.:12-13) notes, language (or dialect) and country are *directly* linked, and the *mediated* link is between language and people; thus Warnman people are not Warnman because they speak Warnman, but because they are otherwise linked (by descent, totemic connection or whatever other affiliatory criteria are recognised) to *places* to which the Warnman language is also linked. Available evidence on the traditional status of this territorial-linguistic label suggests that it was used by neighbouring groups to describe the dialect associated with a particular area and its constituent groups. It probably would not have been a major label for self-reference in everyday discourse, since it would have been for most social

¹ Major references on this subject include: Barker 1976; Bern 1979; R. Berndt 1959; Berndt and Berndt 1945, 1964/1988; Birsdell 1970; Gould 1969a, 1969b, 1980; Hamilton 1980; Hiatt 1962, 1966, 1984, 1986; Keen 1988; Meggitt 1962; Myers 1986; Peterson 1972; 1975, 1976, 1986; Shapiro 1979; Stanner 1965; Tindale 1974; Turner 1980; Williams 1986.

purposes too broad a method of classification. In other words, identity inheres in sets of associations and affiliations (e.g. birthplace, place of residence, father's or mother's country, totemic connections, etc.) that are pitched at more specific levels of geographic and social reference. Thus, in common with the rest of the continent, Western Desert 'linguistic units' never existed as corporate groups, and both economic and political functions were the responsibility of much lower level, on-the-ground groupings. Rumsey (n.d. 14) doubts that there are many anthropologists today who would argue that *any* Australian Aboriginal social groupings are or have ever been truly 'corporate' in the sense assumed by Radcliffe-Brown (1930-31) in his classic description of Aboriginal social organisation. The focus for investigations into Aboriginal relationships with land today has switched from Radcliffe-Brown's concern with whether it was 'hordes' or 'tribes' that had ownership and dominion over land, to the potentially more fruitful question: What are the various bases (always both material *and* "ideational") upon which interests in land are asserted, and under what conditions does this or that sort of interest or assertion prevail...? (Rumsey n.d.:14)

Social and cultural life also entailed the frequent cross-cutting of such units, and the largest assemblies of people (referred to by Berndt 1959 as the 'religious unit') **never coincided in personnel with a single linguistic unit, but was made up of members of several such units who came together for the major business of the society once or twice a year.** The social horizons of the people in the study region encompass a very broad geographical and cultural area, and for them 'society' has always been constituted via shared links of kinship, marriage alliance, religion, values and so on, to a totality embracing the entire Western Desert cultural bloc (cf. Berndt and Berndt 1945; Berndt 1959).

Tonkinson (1978:9) provides a map of the study region which includes some major sites and the names of associated principal linguistic units (but excluding the Ngulipartu and Nyangumarta speakers whose territories lie to the the north of the area under consideration as 'Martujarra' territories). No boundaries are marked, not because such socially recognised demarcations do not exist, but because they tend to be zones rather than precisely delineated divisions in most cases, and more important, because Western Desert cultures focus on clusters of points in space, rather than enclosed or bounded tracts (cf. O'Connell 1976). As Peterson (1986:56) notes, '... in the desert proper, boundaries lose their significance and the focus is unequivocally on sites and the tracks that link many of them together.'

The major elements of local organisation in the Western Desert reflect its flexibility and fluidity, and as I have argued elsewhere (Tonkinson 1978, 1987, 1988), an absence of concern with boundaries and exclusiveness of group membership. The permeability of boundaries is intimately associated with ecological adaptation and with survival strategies in a region where the critical factor is the unreliability and scarcity of rainfall. The spatial and social interrelationships of groups in the study area are discussed below in some detail.

2.2 BAND, RANGE, ESTATE

The land-occupying, economic unit was everywhere the band, comprising two or more families, most often with a patrilineally related core, but changeable in size and composition according to a variety of ecological and social factors, and associated with a particular stretch of territory (or 'run', as it is sometimes referred to by Aborigines). Within every linguistic unit were a number of bands and at least one 'estate'. Most anthropologists, in discussing Aboriginal local organisation follow Stanner (1965; see also Barker 1976 and Peterson 1986) in proposing a basic distinction between the concepts of 'range' and 'estate'. The range was the large area exploited by bands in the course of their food quest, and, under normal circumstances, it would normally include within it an estate. The estate was the traditional heartland of a number of contiguous bands. It was made up of a limited number of important waterholes and sacred sites to which members were strongly attached religiously, and for which they had important proprietorial responsibilities. In the study area, the ranges of the bands that occupied it would have overlapped considerably, but the territorial anchorage provided by the estates, as well as strong attachments to the heartland, or 'main place', helped maintain the integrity of the different estate groups, no matter where their constituent bands happened to be at any time. Prolonged drought would have distorted the normal pattern of ranges, pushing many bands into the same better watered areas during food and water shortages. The Karlamilyi (Rudall) River, with its many water sources, appears to have been one such area of refuge, which helps explain its significance to groups of a wide area of the study region.

2.3 THE ESTATE-GROUP AND LAND TENURE

The entity which is here referred to as the 'estate-group' has no reality as an exclusive, on-the-ground collectivity, and in this sense it is like the larger linguistic unit. Although hard evidence is scanty, it is known with certainty that there were no unilineal descent groups, such as lineages or clans, in the Western Desert area. However, given a clear patri-virilocal tendency in residence rules and practices, and a strong preference for children to be born somewhere in or near the estate of their

father (so that both would share the same ancestral totem), the core of the estate-group would have consisted of people related patrilineally.²

Significantly, however, there were several other criteria for membership in, or affiliations with, this entity (cf. Barker 1976, Tonkinson, 1978). Conception, birth, 'residence', links through one's mother, mother's father and father's mother, initiation, entitlements through ritual, and so on, all serve to ensure that every individual will enjoy eligibility and allegiances to more than one estate-group, even where, as is usually the case, there is a primary allegiance to a single group (for a detailed discussion of the situation in the study area, see Tonkinson 1978:49-54).

The group that assembles for the periodic performance of vitally important rituals in the estate will have a core of male elders with patrilineal links to the heartland, but many others who assist and participate will be affiliated in ways other than through descent, and there will always be other members with strong links via descent (including out-marrying women) who are absent because they are living in more distant territories and are married to men who are members of different estate-groups. **Ecological circumstances in the Western Desert did not permit the development of clan-like corporate groups, which could close boundaries and exclude outsiders, so the evolution of a flexible system of attachment combined with high mobility maximised access to available resources over the widest possible area, and necessitated a cultural emphasis on mutuality and an expansive view of 'society'.**

The implications for land tenure of multiple rights in a single estate and rights in a number of different estates are major. Most significantly, descent (both patrilineal, and less significantly, matrilineal) from the senior guardians of the estate is an important but not exclusive criterion for claims to 'ownership' of land, since the other factors just mentioned, notably birth, residence, initiation and ritual entitlement via a space initiatory ceremony (see Tonkinson 1978:78-9) are also legitimate bases to justify such claims to 'ownership.' I put the word 'ownership' in inverted commas, since in almost all of Aboriginal Australia, there was no concept of the alienability of land; it could not be bought or sold, and property rights, in the desert at least, are more often phrased by Aborigines in terms of responsibility for, than control over, sites and resources. These are most often exercised by groups rather than individuals. Of

² In his recent comprehensive overview of the literature on Aboriginal territorial organisation, Peterson (1986:72) concludes that 'The evidence points to an ideology of patrilineal descent having had a central place in the land tenure systems of the great majority of Aboriginal population...' But he also notes (p59) that rights in places or estates are '... mediated by descent, residence, kinship and/or ceremonial links.'

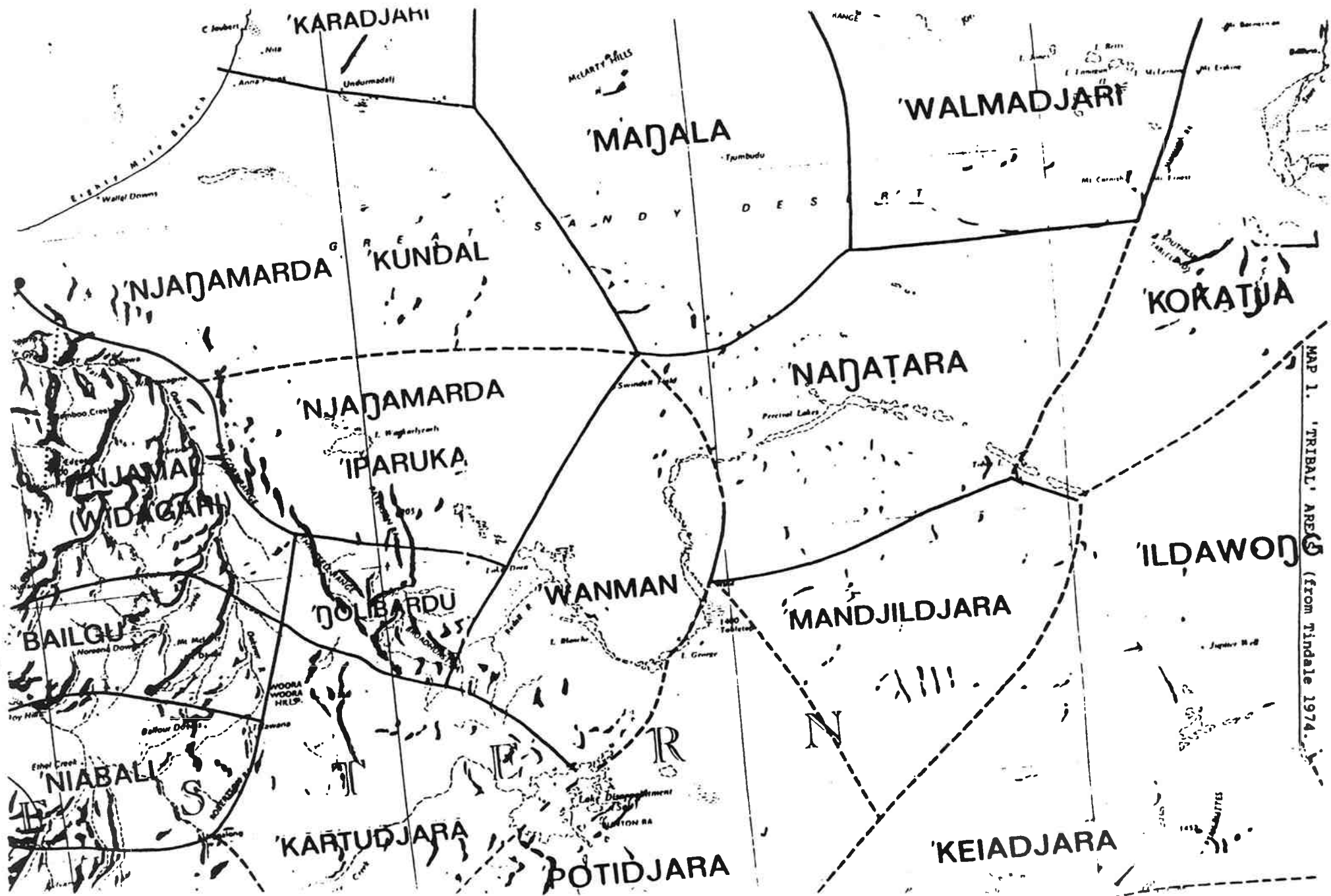
course, in the probably uncommon event that all members of the given local group (most often, this would be a clan) were to die, then conventions of succession were universal in Aboriginal Australia, and there were always people in neighbouring areas who were eligible to assume the necessary proprietorial responsibilities via one or more of the multiple criteria for affiliation to territory (cf. Peterson 1986:145-6).

Peterson (1986:11) suggests that 'The existence of a variety of rights acquired in a variety of ways in a particular tract of land would not prevent the designation of all the right holders as collectively constituting the owning group, provided the rights were not ranked.' In the study area, for example, it is clear that people's strong sense of attachment to 'home' areas will act as anchors, so they are likely to participate regularly in the religious activities which centre on one, or perhaps two, estates, and to have periodic participation in two or three others. However, they could not commit themselves so fully to all estates in which they may have rights under the multiple criteria for affiliation, and their rights would be weaker because of this lack of commitment. So there would be stronger and weaker claims, but no clear hierarchy such that a single person could ever be *the* owner, to the exclusion of all others. **Western Desert ethos and practice strongly favoured collective responsibility and the maximising of rights and responsibilities** (cf. Tonkinson 1988).

2:4 MOVEMENT PATTERNS

Life in all of Aboriginal Australia was nomadic and consisted of an alternating rhythm of dispersal and aggregation, dictated by a host of factors, both ecological and cultural. In the Western Desert region aridity and unreliable rainfall dictated low population densities, relatively small group sizes as the norm, and dispersal of bands for the great majority of the time. Gould (1969a, 1980) and Tonkinson (1978:28-30) detail the nature of Western Desert movement patterns, noting the tendency of bands to retreat towards major (i.e. the most reliable) water sources as transient surface waters dry out. For as long as possible, they avoid exploiting the major waters and surrounding areas, since they never know how long it will be until the next useful rains. Sites that combine the virtues of reliable water, good food supplies and religious importance are periodically chosen as the venue for large gatherings (*jabal* or 'big meetings') where, over a period of perhaps one to three weeks, much of the society's business is transacted around a core of religious activities, most notably, initiation rites for males.

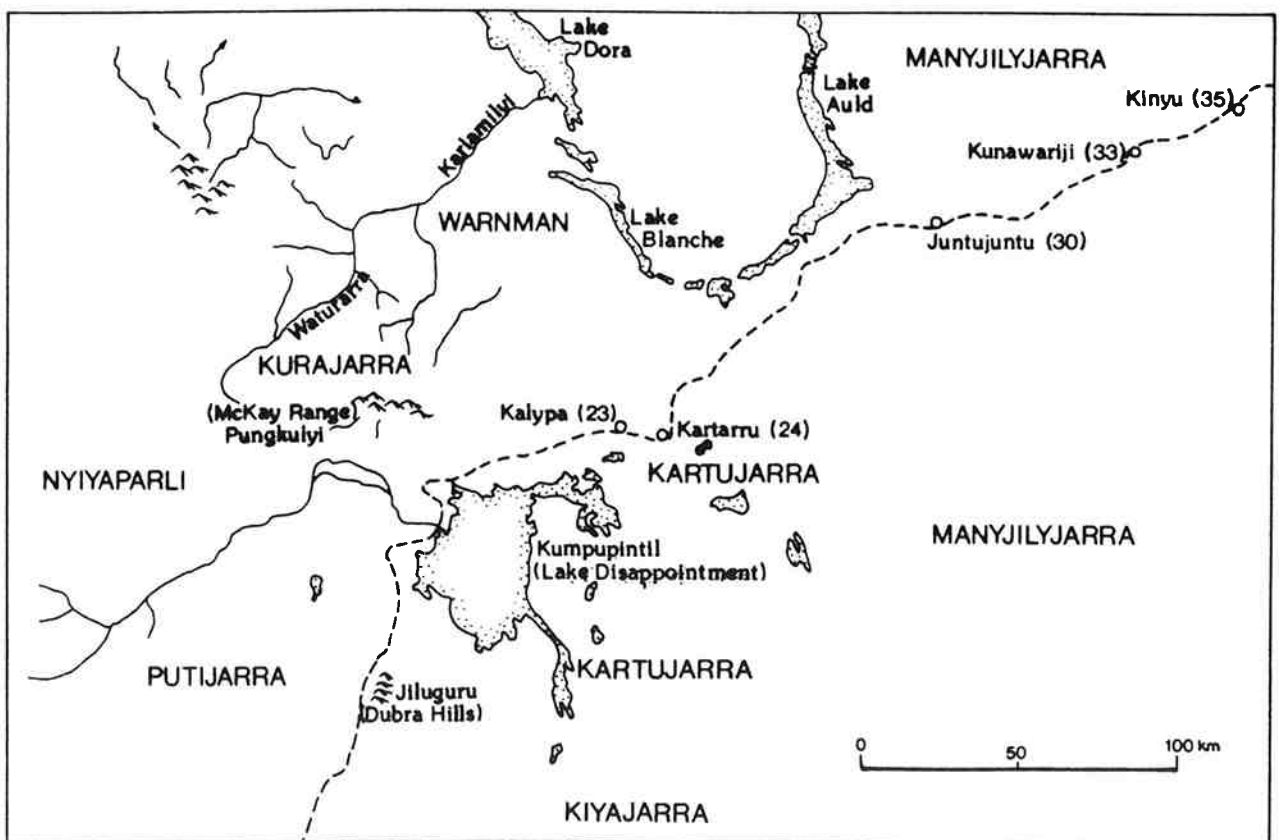
Given the high value placed on sociability, at many other times during the year bands seek contact with neighbouring groups, to temporarily camp together, exchange



information, and perhaps combine in a variety of other activities, including ritual performances. At any given time, there were small groups of senior men, as guardians, conducting young initiates on extended journeys in the footsteps of the creative beings of the Dreaming, making contact with local groups as they travelled to perform rituals associated with the ancestral beings concerned. Such was the network of kinship and marriage links, that there were also some people absent from their habitual bands, perhaps visiting their in-laws or other kin. People could and did pass freely into the territories of others, and as long as the important conventions of hosts and visitors were observed, there were no problems with such movement. Again, Western Desert culture leaned heavily towards an openness of boundaries, since conflict and boundary-closing behaviours would have worked against survival in such a precarious environment.

3:0 LOCAL ORGANISATION IN THE STUDY AREA

Tindale (1974; see Map 1) shows only four groups in the study area: Ngolibardu (Ngulipartu), Wanman (Warnman), Kartudjara (Kartujarra) and Potidjara (Putijarra), with the Njangamarda (Nyangumarta) to the north, and the Mandjildjara (Manyjilyjarra) and Keiadjara (Kiyajarra) to the north-east and south-east respectively. As mentioned above, his data for the Western Desert are generally poor and inaccurate, so he cannot be taken as an authoritative source in this case. For



Map 2: Martujarra territory

example, (1974:19), he argues that the Nyangumarta had a term for 'horde [band] territory' when the word concerned, *mili*, exists only as a possessive suffix, and he talks of Warnman local organisation in highly contradictory terms (see Peterson 1986:30). Not only do his suggested boundaries and locations of 'tribal' groups fail to accord with what Aborigines from the areas concerned claim, but he makes no mention at all of the Kurajarra people, who were centred on the McKay Range (Pungkulyi) area and shared their northern border with the Warnman, along a short stretch of the Karlamilyi (Rudall) River, near Karlkunkarlkun. He thus has Kartujarra territory bordering directly onto the Karlamilyi (Rudall) River from the south, which is incorrect, and has somehow transposed the general locations of the Putijarra and Kartujarra people.

Map 2 (taken from Tonkinson 1978:9) shows the relative positions of the major linguistic units in the study area, as plotted from information supplied to me by Jigalong Aborigines. As I have noted elsewhere, it is impossible to estimate the pre-contact populations of the groups I refer to as to Martujarra. The Kurajarra, like the Ngulipartu, were apparently smaller groups than their neighbours, with smaller territories, and both experienced sharp declines in their numbers (at least in part caused by absorption via intermarriage into larger groups), such that today only a few descendants of the original groups survive. Decades of settlement living and subsequent intermarriage have further blurred the separate identities of the various linguistic unit members, and very few people still identify as either Putijarra or Kiyajarra, for example. The two dominant groups at Jigalong have long been the earlier arrivals, the Kartujarra and the Manyjilyjarra, whose migration from the desert proper began later. At Jigalong in the 1960s and 1970s, there was a tendency for Warnman people to self-identify most often as Manyjilyjarra (especially if the children of mixed Manyjilyjarra-Warnman marriages) and to speak that dialect, but in the past few years there has been a reawakening of a Warnman identity, in that people are once again using it as a label for self-identification.

Map 2 does not indicate any boundaries, for reasons discussed in Section 1 (above), though in some cases a natural feature marks a boundary very clearly (e.g. the Savory Creek, which divides Nyiyaparli from their southern neighbours, the Putijarra; and, as mentioned above, the section of the Karlamilyi (Rudall) River that divides Warnman from the territory of their Kurajarra neighbours to the south). More often, there are 'crossover zones' that are identified by Aborigines as separating the different linguistic units, and particular waterholes thus may be 'half and half'; i.e. in the zone between two neighbouring units. There is no question in Aboriginal minds about

which linguistic unit's territory is where, but these 'units' are not corporate groups or 'tribes', and the on-the-ground reality is small land-occupying bands, of changing composition and variously overlapping ranges, whose members would normally speak at least one dialect and, in some cases, in-marrying wives would speak different dialects from those of their husband.

At certain times, such as during prolonged droughts, and when a 'big meeting' was being held, many groups would be found well outside their normal ranges; thus, in the study area, southern Nyangumarta, Manyjilyjarra, Kartujarra, Putijarra, etc. people might all be found, with the host Warnman and Kurajarra, at Karlkunkarlkun on the Karlamilyi (Rudall) River, or Kartujarra speakers might have spent long periods with their Putijarra neighbours in and around the Durba Hills (Jiluguru) region, and so on. These kinds of aggregations and dislocations were made possible by the cultural emphasis on permeable boundaries. However, such movements must be understood in terms of occupation and exploitation; i.e. land use, as distinct from considerations of 'ownership' of territory, which focused importantly on religious responsibilities of an enduring nature, and remained constant regardless of where people wandered in the course of their food quest, etc.

As indicated on Map 2, the Karlamilyi (Rudall River) region of the study area was named by Aborigines in two sections: the upper reaches, west of a zone between an important site called Bunumalara and another major site, Jinjipungku, were called Wardurarra, and the lower section, from this zone northeast to Lake Dora, was called Karlamilyi. Ngulipartu territory (not indicated on Map 2) did not come down onto the Rudall, as suggested by Tindale (1974:252), but ended further north, in the upper reaches of Yandacooge and Coolbro Creeks at the southern end of the Throssell Range. Warnman territory extended north to Lake Dora, and east to just beyond Lake Auld, where it bordered onto Manyjilyjarra territory at Nyangkaputajarra soak, near Jurntujurmtu (Well 30, Canning Stock Route). Their neighbours to the southwest and south were the Kurajarra, whose territory extended into the upper reaches of the Karlamilyi (Rudall) River at Nyalayi and Warlawarnu rockholes, with the border zone embracing the sites of Karlkunkarlkun rockhole and Karlayakarlaya soak on the River. To the southeast were the Kartujarra, with the Canning Stock Route between Wells 23-23 marking the approximate border zone. (Tindale 1974:259 puts their southern boundary in ecological terms, as where spinifex gives way to mulga thickets).

The Karlamilyi (Rudall) River is unique in the Western Desert, being a major watercourse that contains reliable water sources, some of which can be safely classed

as permanent. This attribute, plus the abundance of wildlife attracted to the watercourse and its environs, must have made it appear like a veritable oasis to the dwellers of the desert proper, so it is little wonder that the River region was well known to groups from over a wide area - both for its mythological origins, as a creation of the major creative beings, the Two Men (Wati Kujarra), and its significance as a food and water resource, especially in bad times. There is every likelihood that in pre-contact days, it would have functioned as a major 'track' and that groups would have moved up and down it - just as the Canning Stock Route was exploited for extended journeying, once the Aborigines realised that it provided a chain of reliable water sources through the desert, and a route to areas of European settlement.

In contrast to the Karlamilyi (Rudall) River, the study region's single largest landform, Lake Disappointment (Kumpupintil) was strictly avoided by the peoples whose territories surrounded it. Being a salt lake, and usually dry, it is not attractive as an exploitation zone anyway, but great fear of the Ngayurnangalku mythological beings, who are said to live in their own world under the lake, made it a place where not even the most fearless would ever set foot. Thus the Lake formed a major impediment to movement, in contrast to the conduit provided by the Karlamilyi (Rudall) River for easy passage. To this day, the Lake and its surroundings for some distance away from the lakeshore remain absolutely tabooed to humans, as does the airspace above it, since the Ngayurnangalku are believed to have the power to pull aircraft down out of the sky and crash them on the lake surface.

4:0 EMIGRATION AND THE STUDY AREA

As noted earlier, it is impossible to estimate the pre-contact populations of the various groups in the study area, and details concerning the number of constituent bands (itself a fluctuating figure anyway) and estate-groups will never be known. The Manyjilyjarra were scattered over the largest area, but in the poorest country, so bands would have been small and highly dispersed much of the time, whereas the Kurajarra occupied a much smaller, but better resourced territory, so their population density would very likely have been considerably higher than that of the Manyjilyjarra. The territory of the Warnman embraced both arid sandhill zones and the much richer riverine zone, so on balance they would also have had a higher population density than the Manyjilyjarra. But after the advent of Europeans, those groups closest to the stations and settlements suffered disruptions, migration and population decline, while the people in the desert proper continued their traditional lifestyles virtually unaffected. Thus, today there are very few Niyaparli people left, only a handful of descendants of the Ngulipartu and Kurajarra, small numbers of Putijarra and

Kiyajarra, probably less than a hundred Warnman, but several hundred people identifying as Kartujarra or Manyjilyjarra.

The pattern of emigration from the desert proper onto outlying pastoral stations and into settlements has been detailed elsewhere (Tonkinson 1974, 1978), so only a brief summary is provided here. Aborigines were attracted to the Europeans initially to obtain prized material items, and sometimes needed foodstuffs, and most returned to their desert homelands. Those whose lands were alienated by pastoral leases had no alternative but to stay and become part of the pastoral or mining scene. Pastoralists along the frontier regions encouraged visiting Aborigines to stay on and work for them, and the pattern of periodic short stays gradually gave way to more permanent settlement among the Whites, by desert Aborigines. The entire Western Desert area began emptying via outmigration perhaps as long as a century ago. On the western side of the desert the depopulation was well underway, certainly from the early years of this century. This followed the expansion of the pastoral frontier eastwards in the very late 1800s and early 1900s, and the construction of the Canning Stock Route in 1906-7. Jigalong, originally a depot on the No.1 Rabbit Proof Fence, became a ration issue point for local Aborigines in the early 1900s, and by 1930 was beginning to attract desert Aborigines from the east. It became a Christian mission just after WWII and by the 1950s was attracting Manyjilyjarra people.

The major waterhole route from the Canning Stock Route to Jigalong, utilised by countless groups as they made their final exits from the traditional homelands, went from Well 30 west to the lower reaches of the Rudall (Karlamilyi) and on down the River to Nyalayi rockhole, in Kurajarra country, then down to Talawana Station via a soak (Wuruwurunya) in Nyiyaparli country, southwest onto wells on the Rabbit Proof Fence and into Jigalong. For this route, I recorded fifty sites (all water sources), and there are, no doubt, additional smaller and/or neighbouring alternative stopping places along the way. This route was *the* major conduit for the movement of Warnman and Manyjilyjarra people out of the desert, but it was also used by many Kartujarra and Kurajarra people.

By the 1960s, when the last groups emigrated, or were evacuated from the desert, their main area of residence was the Rudall area, because of its reliable waters and good food supplies. Like countless groups before them, they had chosen the Rudall area as their final staging place; it became a locus of attachment to country, an adopted homeland, and these groups, of mixed Warnman, Kartujarra, Manyjilyjarra identities, by prolonged residence and by 'looking after' (*kanyilpayi*) the region,

established strong successional rights in this area. Many of the present Jigalong people of middle age were born in the Rudall region, and for them it is home, to which they are bound in many culturally significant ways, including ties of conception and ancestral totemism (cf. Tonkinson 1978:61-3). Many of the older Jigalong Aborigines had attended 'big meetings' in the Rudall region and many of the men had been ritually 'introduced' to the country via the important *mirtayiti* stage of initiation.

The fact is that a large number of Aborigines claim strong associations with the Rudall region, on the bases of the kinds of affiliation just mentioned, such that it is now the concern of a much wider proprietary group than its original Warnman and Kurajarra inhabitants. These rights are acknowledged freely by all the Warnman Aborigines I interviewed in the course of a field visit in August 1987, to compile a report on the Karlamilyi (Rudall River) region for the Western Australian Museum's Aboriginal Sites Department (see Tonkinson n.d., and 4. below) All those interviewed pointed out that the Karlamilyi (Rudall River) functioned as 'homeland' for many groups from the Desert far to the east, when they moved into it after most of the original inhabitants had long since moved west towards Nullagine or southwest down the waterhole route to the desert fringe stations of Talawana and Balfour Downs, and thence to Jigalong. The important point here is that the original sets of rights held by the Warnman and Kurajarra were not extinguished by their physical absence from their traditional homeland region; but new, shared rights came into being among those who later moved into, and resided for varying periods of time in, the Rudall region.

5:0 THE CONTEMPORARY SITUATION

In this concluding section, I summarise the situation as I understood it to have been during my field visit, in 1987, and which is in essence unaltered to the present, in terms of its political dimensions. My purpose is to clarify the issues of Aboriginal land tenure, or ownership, of the Karlamilyi (Rudall River) region, in the context of competing groups and claims, and to offer comment on the legitimacy of these claims. Much of this is detailed in my report (cited above), a copy of which I presume will be made available to the impact assessment group for whom this set of documents is being prepared. Also important is the report prepared for the Nomads Group on the traditional links of members of that group with the Rudall/Yandacooge Region (O'Connor and Associates, 1987), which offers, in some details, a contrasting perspective.

Members of the two Aboriginal outstation communities living closest to the mining development at Kintyre, Punmu and Parnngurr (Cotton Creek), and their co-members in the regional Western Desert Puntukurnuparna Aboriginal Corporation (WDPAC),

opposed the mining activities. Their objections were based on the disturbance and desecration caused to sites and country in general; on the disturbance to their lifestyles and hunting and gathering activities by the presence and intrusive activities of miners; and on their fear of uranium, for reasons based solely in traditional beliefs about the properties of sites in the Kintyre area, as well as on fears derived from what they understand about uranium in information reaching them from the outside world. Another group of Aborigines, not members of the WDPAC organisation, but of the Nomads Group, contained individuals with legitimate claims to speak for the Rudall area, but were not living in the region and had expressed support for the continuance of mining activities in the region.

At meetings of the WDLG held at Parnngurr during my site visit, and in the course of many interviews held with Warnman and other people in Jigalong and at Parnngurr, including people from Punmu, the following conclusions emerged :

- (a) there are individuals in the Nomads Group (named in the O'Connor and Associates report) who have legitimate rights in the Rudall region and who, therefore, should participate in any discussions on the future of the area;
- (b) there was absolute unanimity among all the Warnman men and women I talked to, that they (and, in their view, the three Nomads men) could *not* claim to possess exclusive proprietary rights to the Rudall region, and therefore, were not willing to speak as individuals or families for the region. A single reason for this was given; namely, that many other people, including large numbers of Manyjilyjarra speakers, also had legitimate proprietary rights in the Rudall region and must, therefore, also be included in any discussions regarding the region;
- (c) at the level of WDPAC membership, there was unanimity among the adult men and women that the WDPAC should speak for them in matters pertaining to the Rudall region, but not to the exclusion of the Nomads individuals with acknowledged links to the region.

6:0 THE COMPETING CLAIMS

On the question of strength of claims, the WDPAC people favoured theirs over the claims of the Nomads on two major bases :

- (i) strong rights based on current residence in the area on the part of two WDPAC communities, numbering more than 100 people, who are actively engaged in 'looking after the country' by visits to sites and the monitoring of mining company activities in the region; and
- (ii) a far larger number of people with 'traditional' (pre-contact) affiliations with the area. Most of the Nomads are members of linguistic units (e.g. Nyangumarta and Nyamal) whose countries were far to the north and northwest of the Rudall region.

These arguments were advanced on moral grounds, closely linked to 'traditional cultural concerns' in relation to the Aborigines' responsibility to care for country, but also, as a corollary of this responsibility, the necessity to oppose mining activities. They, therefore, opposed themselves to those Aborigines (namely, the Nomads Group), who live elsewhere and are believed to want mining to proceed, for financial gain and in disregard of the consequences for country.

The grounds for proprietorial rights in the Rudall region put forward by the Nomads claimants are discussed and presented in the O'Connor report. In this report, an interesting distinction between 'trusteeship' of land (by resident immigrants) and 'traditional ownership' is proposed (pp20-21), though no locally grounded ethnographic justification (with vernacular terms for *both* categories) is provided. This report also states, in italics :

Those members of the Nomads group who inherited traditional rights to the Rudall/ Ynadacooge region are adamant [sic] that they have never in the past, do not now, and will not in the future grant trusteeship of this region to any other party. (p21)

And in subsequent discussion, the report speaks of a *single* 'traditional owner', not only for *all* of the lower Rudall River known as Karlamilyi, but for its 'songlines and sacred objects' as well. If correct, this situation would have few parallels anywhere in Aboriginal Australia, save possibly for parts of Arnhem Land and western Cape York Peninsula, and perhaps a few other areas that are as ecologically rich as these.

In essence O'Connor's account proposes 'traditional' notions of individual ownership, and of proprietorial rights of such a strength that major criteria for multiple affiliation, and hence proprietorial rights, are denied. If correct, this would make the Karlamilyi

(Rudall River) unique in the entire Western Desert Cultural Bloc, which occupies one sixth of the Australian continent. It would also deny the existence and legitimacy of processes of succession entailing the assumption of proprietary rights, which, if it were correct, would be an additional unique feature.

In sum, the Nomads claim is premised on exclusivity and the denial of the legitimacy of shared entitlements based on multiple criteria of affiliation, whereas the WDPAC claim is the opposite: it affirms these criteria as legitimate, and is as inclusive as possible.

Any objective assessment of the two claims, taking into account the overwhelming weight of anthropological evidence, and particularly that for the Western Desert area, must favour the WDPAC view of land tenure. The Nomads' report lists a number of criteria for 'traditional ownership' (p220), but omits such centrally important criteria as residence, which is universally recognised in Aboriginal Australia (cf. Peterson 1986), and totemic affiliations, which are everywhere fundamental in linking people to place in such a way as to confer proprietary rights and responsibilities.

Since there is no Aboriginal land rights legislation in Western Australia, no clues exist as to which way a ruling would go in the event that the two parties took their differences to a court of law. The outcome would depend very much on the particular wording of the legislation, but I suspect that residence on, and the active discharge of responsibility for, land in the contemporary situation would be prominent criteria, as well as 'traditional' land tenure rules, and that the arguments for historical change and succession to proprietary (but not exclusive) rights in land would find considerable favour. All this is mere speculation, of course, but in the Rudall case a large majority of people, whose rights to speak for the region are attested, continue to favour the same kind of inclusivity and broadly encompassing view of 'ownership' that characterised Martujarra society as it is understood to have been in traditional times.

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4. THE ARCHAEOLOGICAL RESOURCE OF THE KARLAMILIYI (RUDALL RIVER) REGION

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1:0 INTRODUCTION

The submission is divided into four sections. The first section defines the boundaries of the study area and explains the significance of these boundaries. A definition for archaeological sites is presented and the notion that these sites comprise a cultural resource is introduced. The types of impact that can occur on archaeological sites through different land use practices is examined and the need for management strategies to mitigate this physical impact is noted. The significance of archaeological sites to Martujarra, and to the broader community, is examined as is the scientific significance of these sites. Finally, the deliberate omission of site-specific data in this submission is justified in terms of the concern Martujarra have for confidentiality regarding site location, particularly so when these are also significant mythological, ritual or ceremonial sites.

The second section summarises the evidence for previous use of the land. This includes a discussion of the antiquity of occupation for the region, continuities and changes in economy and population and a review of archaeologically detectable pre-contact technology.

The third section proposes the pre-contact hunter-gatherer strategies employed in the region. A settlement and subsistence model is described which synthesises relevant ethnohistorical, ethnographic, botanical and environmental data. It is in the context of this model that the nature and location of sites can be understood and that the variability in the material remains between sites can be explained.

The final section examines archaeological sites as a cultural resource in more detail. The density of sites within different landscape units is discussed. The role of these sites to Martujarra is described, as is their possible educational value. The scientific significance of these sites is viewed within the context of timely and relevant regional

research questions, some of which are presented by way of example. Finally, a number of management options for the assessment, monitoring and mitigation of physical impact on these sites are proposed. Summary discussion notes for the four sections are presented at the beginning of this submission.

1:1 SUMMARY NOTES FOR SUBMISSION

1. The study area (figure 1) is inclusive of the Karlamilyi (Rudall River) National Park with boundaries encompassing the Broadhurst Range to the west, Durba Hills to the south, Lake George to the east and Lake Dora to the north.
2. Archaeological sites are the material expression of past human activity and range from simple task-specific sites through to large habitation complexes which witness past gatherings of hundreds of people engaged in a wide range of activities. These sites are sometimes also of ethnographic significance, having specific mythological, ceremonial and/or ritual associations.
3. Archaeological sites are defined under the Western Australian *Aboriginal Heritage Act* 1972-80 which makes provisions for the reporting and protection of such sites. It is the statutory responsibility of the Department of Conservation and Land Management under the *Conservation and Land Management Bill* 1984, Section 56(c), to make management provisions for the preservation of archaeological sites within national parks.
4. Different types of archaeological sites are subject to varied impact resulting from tourist activities, mining and natural weathering agents.
5. Radiocarbon dates from five stratified caves and rockshelters in the Karlamilyi (Rudall) region illustrate continuous human occupation from at least 5,000 years ago.
6. Colonization of the Sandy Deserts is seen to represent the emergence of the ethnographic desert economy.
7. Continuities in economy contrast with increases in the occupation of sites from 1,500 to 700 years ago, probably as a result of increased population levels.

8. A seasonally structured settlement/subsistence system characterises these northern inhabitants of the Western Desert and is used to interpret patterning in regional archaeological sites and to provide predictive statements about site types and their density. These predictive statements have been partially verified through detailed sampling.
9. Habitation sites at ephemeral waters can occur within all landscape units and are characterised by small, low density artefact scatters with a low proportion of formal implements and a low diversity of lithic types. In contrast, habitation sites at permanent/semi-permanent waters will be largely located within, or adjacent, the most productive plant communities (i.e. along drainage lines and their flanks) and are characterised by large, high density artefact scatters with a high proportion of formal implements, a high diversity of lithic types and a high intensity of stone reduction. The permanent water sources are assumed to represent major aggregation places both for winter meetings and for groups enduring the local restriction of waters during summer or drought. Rockshelter sites are mainly located in the uplands and generally evidence a low intensity of occupation. Exceptions include several shelters near permanent water sources which have major rock art panels and dense occupational debris within them. Stone arrangements may vary from several upright stones to large meandering and concentric lines. Most of these have secret/sacred meaning and are actively maintained by Martujarra. They show no correlation with landscape unit.
10. Probably less than 10% of the archaeological sites in the study area have been recorded. In areas which have been thoroughly surveyed, the highest density of sites comes from the interphase between uplands, their drainage lines and surrounding sandsheets and dunefields. The lowest density comes from the interior of the uplands and the longitudinal dunefields.
11. The significance of archaeological sites must be established through explicit criteria. These include site significance to Martujarra, to scientific research questions and to their recreational and educational potential.
12. Management options include the use of multi-stage surveys (both archaeological and ethnographic) designed to provide increasing resolution of site types and their significance as the impact of land- users becomes more direct and localised. The initial use of sample surveys within a region to

delineate significant areas is advocated. A formal system of liaison between Martujarra, their elected Executive, the Department of Aboriginal Sites and other regional land managers and users is strongly recommended.

2:0 ARCHAEOLOGICAL SITES

2:1 BOUNDARIES OF THE ARCHAEOLOGICAL STUDY AREA

The boundaries of the study area are shown in figure 1. The corners are located at:

N W	21 degrees	56' lat. 121 50' long.
NE	21 degrees	56' lat. 123 43' long.
S W	23 degrees	55' lat. 121 50' long.
SE	23 degrees	55' lat. 123 43' long.

The study area encompasses the Karlamilyi (Rudall River) National Park and provides a good sample of the varied topography, drainage types, vegetation associations and geological units present at the junction of the Little and Great Sandy Deserts. Importantly, it covers lands exploited by Martujarra, both in pre-contact and contemporary times (cf. Tonkinson 1978). A total of eight months survey, recording and sampling of archaeological sites (usually in the company of Martujarra) has been undertaken by the author in several portions of the study area as part of a doctoral thesis in the Department of Archaeology, University of Western Australia. In addition, a number of surveys have been carried out for W.D.P.A.C., jointly with anthropologists, as the result of mining exploration programmes within and adjacent the study area. Therefore, an accurate appraisal of the extent of archaeological sites from within this region can be made. The deliberate involvement of Martujarra in the field resulted in a number of important ethnoarchaeological conclusions regarding the seasonality and duration of site occupation, the complexity of social groups at these sites and the function (range of activities) associated with each water source. As such, a unique and exciting data base is available, including for the first time in the Sandy Deserts, some chronological control for occupation patterns.

2:2 DEFINITION OF ARCHAEOLOGICAL SITES

Archaeological sites bear witness of past human activity through material remains. This activity may be as simple as the removal of a section of mulga tree involving the opportunistic procurement, modification, use and discard of a tabular piece of fine grained stone outcropping naturally near the tree. It may involve the butchering of a wallaby with the construction of a cooking hearth and the eventual removal of the wallaby for redistribution and consumption. The only tangible remains will be

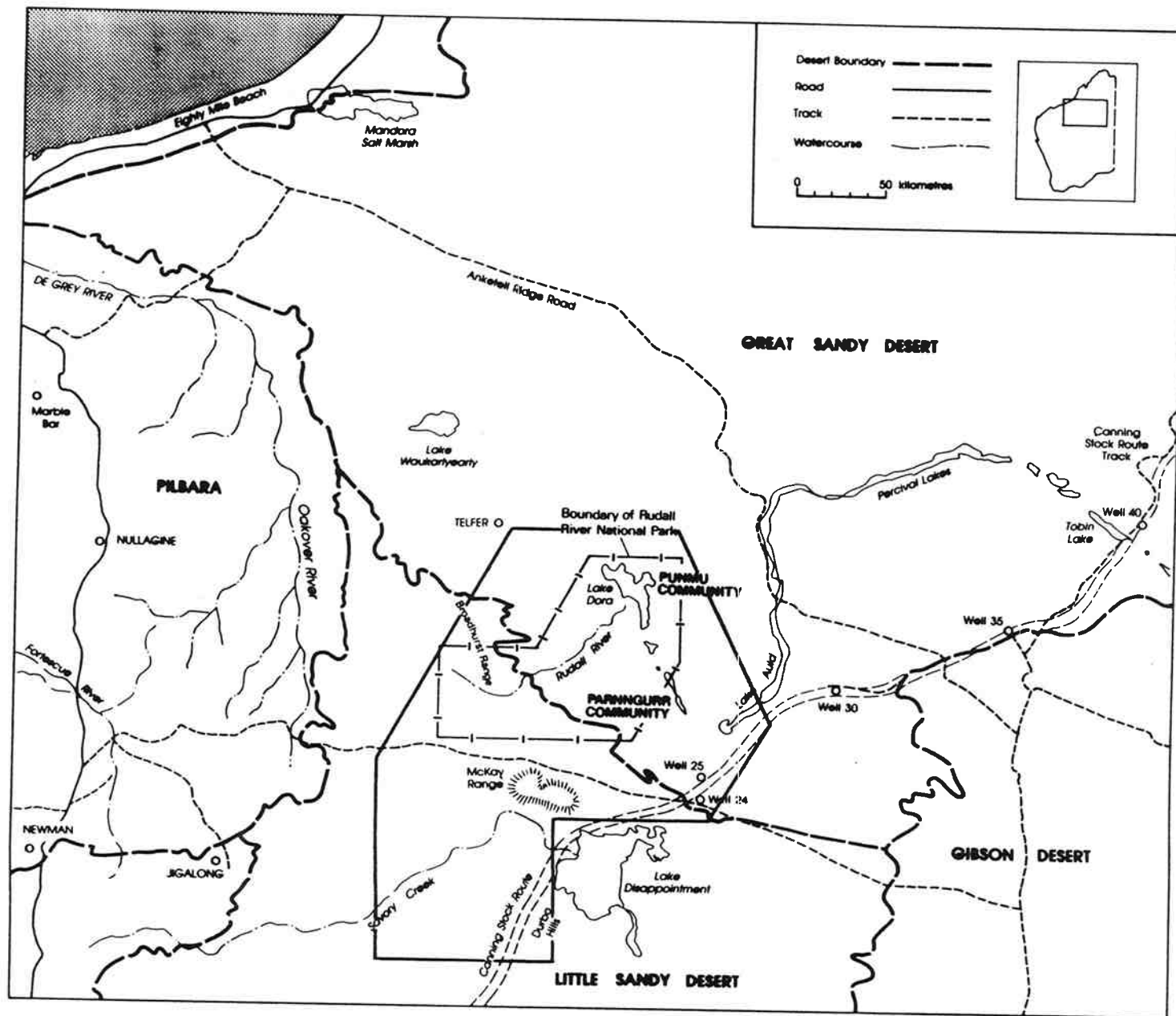


Figure 1: Archaeological study area

charcoal, burnt sediments and fatty residues in the base of the pit. In contrast, a range of complex activities might be expected at a major occupation site where large groups of people have temporarily aggregated. These activities might involve the processing of vegetable foods, the distribution of game, the manufacture and maintenance of wooden extractive items, such as spearthrowers and bowls, and the manufacture, modification, rejuvenation and discard of stone tools. The manufacture of personal apparel, such as sandals and hairstring, the construction of temporary shelters and windbreaks and the execution of paintings and engravings will also result in different material items leaving the living context and entering the archaeological context. Once material has left the living context, many physical factors will act to distort and often destroy it. Clearly not all archaeological sites are of equal significance and, therefore, an explicit set of criteria must be established by which their importance can be gauged.

2.3 ARCHAEOLOGICAL SITES AS A CULTURAL RESOURCE

The archaeological record can be viewed as a cultural resource which is essentially non-renewable. Martujarra currently occupy and use sites with archaeological remains and in so doing they reaffirm continuity of occupation and land use and add to the palimpsest which is their cultural record. Archaeological remains are also often associated with mythological and ceremonial sites and while the criteria applied for assessing significance will be different for the ethnographic associations, the physical integrity of all components of the site complex is paramount. Under the *Western Australian Aboriginal Heritage Act, 1972-80*, Section 5 an Aboriginal site is defined as:

- “(1) any place of importance and significance where persons of Aboriginal descent have, or appear to have left any object, natural or artificial, used for, or made or adapted for use for any purpose connected with the traditional cultural life of the Aboriginal people, past or present;**
- (2) any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Aboriginal descent;**
- (3) any place which, in the opinion of the Trustees, is or was associated with the Aboriginal people and which is of historical, anthropological, archaeological or ethnographical interest and should be preserved because of its importance and significance to the cultural heritage of the State;**

- (4) any place where objects to which the Act applies are traditionally stored, or to which, under the provisions of this Act, such objects have been taken or

Conditions for the reporting of Aboriginal sites are outlined in Section 15 of the Act, as are the penalties incurred for disturbance, concealment or possession of sites and objects under Section 17. Of relevance to the protection of Aboriginal sites in the Rudall region is the *Conservation and Land Management Bill* 1984, which states in Section 56(c) that management plans will be designed:

"... in the case of national parks and marine parks to fulfil so much of the demand for recreation by members of the public as is consistent with the proper maintenance and restoration of the natural environment, the protection of indigenous flora and fauna and the preservation of any feature of archaeological, historical and scientific interest" [emphasis mine].

Clearly, it is necessary to accurately evaluate the archaeological resource of a region so that appropriate management strategies may be adopted to avoid interference with sites and to mitigate the impact of tourism, mining and environmental damaging agents.

2:4 TYPES OF IMPACT ON SITES

In brief, different types of archaeological sites will be susceptible to various damaging agents. Several examples are given here;

- (i) Frequent visits and camping by tourists can occur at permanent waters such as at Durba Hills or at Well 24 on the Canning Stock Route. Large, diverse artefact scatters will often be collected from. More aesthetically appealing items such as grindstones and formal implements will be selectively removed, therefore, destroying the integrity of the site. Random vehicle access on sites, over a lengthy period, can result in sediment destabilisation, loss of stratigraphic integrity and physical damage to artefacts.
- (ii) Exploration activities, particularly drilling grids and seismic lines, cover large tracts of country with bulldozed or graded tracks. The results of previous archaeological surveys along linear transects in the arid zone of Western Australia illustrate that one site may be intersected for each 2km to 8km of survey line (Veth 1982, Veth and Moore 1988). Such regional exploration, therefore, has the potential to interfere with hundreds of archaeological sites,

- (iii) Many stone arrangements in the Karlamilyi (Rudall) region are documented as significant ceremonial sites currently used and maintained by Martujarra. These can be inadvertently discovered by tourists, interfered with and photographed. Many stone objects have sacred connotations and a proscription against the public viewing of these objects exists. More seriously, these stone (and sometimes wooden) sacred objects might be entirely removed from their

Other impacts include damage to rock art panels through water seepage removing pigments, mechanical abrasion from humans touching and walking against motifs and devegetation due to recurrent, closely spaced fires causing soil erosion and partial obliteration of open sites. More intensive exploration activity such as the excavation of costeins, closely spaced drillholes and blasting can obviously seriously impact localised sites, such as rockshelters, which may contain stratified cultural remains spanning thousands of years.

2:5 TYPES OF SITE SIGNIFICANCE

The conservation and management of archaeological sites must be based on the assessment of the significance of these resources. The significance of sites can be evaluated from several different perspectives.

- (i) **Aboriginal significance** - Martujarra place great value on some archaeological sites. While rock paintings and engravings often depict everyday objects and activities, they also may have meanings which relate to religious and ceremonial life. Mythological beings are depicted in many art panels; some of these are 'open' for public viewing, while others may only be witnessed by appropriate sections of the community. The knowledge of many of the mythological creation events and beings associated with the art is shared by communities across enormous areas of arid Australia; e.g. from Roebourne to Alice Springs to Port Augusta. As noted, many stone arrangements also have religious and ceremonial associations which are equally well known as named entities within large networks of the Western Desert. Rockshelters with evidence of occupation, open artefact scatters with grinding material and the remains of temporary shelters are seen simply as old camping places.
- (ii) **Archaeological scientific significance** - the significance of sites, from a scientific perspective, is established from their ability to address timely and relevant regional research questions and from their representativeness.

Questions may relate to the antiquity of human occupation, the type of economy and the spatial nature of pre-contact settlement/subsistence patterns.

- (iii) Educational/recreational significance - some sites, particularly those containing rock art, have been visited by tourists for many years. Some of these are not 'closed' sites and, therefore, the opportunity exists to both protect these sites and educate the public through interpretative signs.

2:6 SITE-SPECIFIC DATA

The Aboriginal constituents of the W.D.P.A.C. have often voiced opposition to the dissemination of site-specific information, such as precise details of location, or the specific nature of a site. This data is recorded within a site register of the W.D.P.A.C. and is forwarded to the Department of Aboriginal Sites, as necessary. Since this present submission is a public document, all of the references made to site location will be general, i.e. predictive statements will be made about the landform units and particular contexts in which different site-types may be expected and in what densities they will occur. This should ensure that enough data is presented for management needs without breaching the confidentiality of interested Martujarra.

3.0 EVIDENCE FOR PREVIOUS OCCUPATION AND LAND-USE

3:1 ANTIQUITY OF OCCUPATION

Initial surveys of both open and rockshelter sites in the region indicated that the latter had a greater potential to produce well stratified cultural deposits capable of providing early and consistent dates for Martujarra occupation and that these could potentially illustrate occupation patterns through time. Surveys of over 400 potentially inhabited rockshelters and caves revealed 28 with clearly stratified deposits. The five sites with the deepest deposits were excavated in the company of relevant Martujarra. While some open surface scatters of artefacts within, and near, the dunefield systems show some stratigraphic development, they are unlikely to have yielded statistically adequate assemblages of artefacts for analysis. Brief descriptions of the five excavated sites are given here. Radiocarbon dates with their provenience are presented for each site.

CAVE 1

This site is located at the crest of a quartz sandstone rise, north of Karlamilyi (Rudall River). This rise is part of the uplands which grade to the north into the Broadhurst Range. The floor of the shelter is approximately 35m square in area and the roof a maximum of three and half metres high. The entrance is partially blocked by a wall of

large roof-fall fragments and this 'retaining' wall has produced a well shaded and wind-free living area. It has also acted to entrap sediments derived from *in situ* weathering of the parent material. Artefacts noted on the floor of the shelter included a basal grinding slab, stone artefacts and abundant charcoal. A total of five cubic metres were excavated from the shelter, bedrock being reached at 125cm below the surface. Charcoal and small fauna remains were exceptionally abundant in the upper 50cm of the site. Stone artefacts occurred in the second lowest spit up to the surface with their density increasing in more recent spits. A range of sedimentary, chemical extraction and structural techniques revealed that the mineralogy and source of the sediments had been constant throughout the occupation of the site. The stone artefact assemblages from the excavation show great homogeneity through time in the technology of manufacture, the lithic materials used and the range of implements. The major change noted in the assemblages is the increasing rate of discard of artefacts and other cultural material (e.g. charcoal and seeds) in more recent levels.

Radiocarbon Dates		
Date	Depth below surface (cm)	Years B.P.
WK-1092	58-60	1,120±50
WK-1093	117-120	3,180±70

CAVE 2

This is a small cave located on the upper reaches of a creek within the McKay Range. It is well known to Warnman speakers who used it pre-contact and who still visit it today. The cave has two chambers, the first comprising organically rich brown fine-grained sediments with stone artefacts, grinding stone fragments and wooden fragments on its surface. The rear chamber hosts a bat colony and no cultural material was located on the floor. Several painted geometric motifs are located on the roof of the first chamber. Limited excavation reached bedrock at 55cm below surface and exposed three stratigraphic levels. Grinding material, stone artefacts, some ochre and sub-rounded creek pebbles were recovered from all levels. As with Cave 1, a range of formal implements, including the hafted tula adze slug and backed pieces, were also recorded (see below for implement definitions). Density of artefacts again increased in the upper spits.

Radiocarbon Date		
Date	Depth below surface (cm)	Years B.P.
WK-1158	43-45	900±70

ROCKSHELTER 3

A small, shallow rockshelter located adjacent the central portion of McKay Range contained numerous grindstone fragments, flaked stone artefacts and charcoal fragments over its surface. It is associated with large rockholes which were frequented during the winter months, when an abundance of seed and fruit could be harvested from the broad sandy valley floors. Martujarra currently visit the rockholes for recreational camping and also to harvest plants. Limited excavation of the shelter reached bedrock at 40cm below the surface and revealed an unconsolidated sediment with minimal stratigraphy. The stone artefact assemblages from the site are consistent with those from other rockshelter/cave sites in that they demonstrate heavy reliance on local lithic materials, such as quartz and quartzite.

Radiocarbon Date

Date	Depth below surface (cm)	Years B.P.
WK-1256	35-37	315±150

ROCKSHELTER 4

This rockshelter is part of a quartz sandstone outlier within the dunefields west from McKay Range. A low density scatter of silcrete and chalcedonic artefacts surrounds the shelter. Paintings are located on four areas of the shelter wall and include anthropomorphic figures, meandering lines, geometric motifs and bird tracks. Excavation reached bedrock at 80cm below surface and revealed six stratigraphic levels. Charcoal and stone artefacts, present in the lowest spits, increased in density in the upper spits.

Radiocarbon Dates

Date	Depth below surface (cm)	Years B.P.
WK-1288	40-42	1020±50
WK-1255	75-77	5030±60

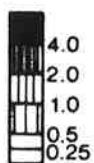
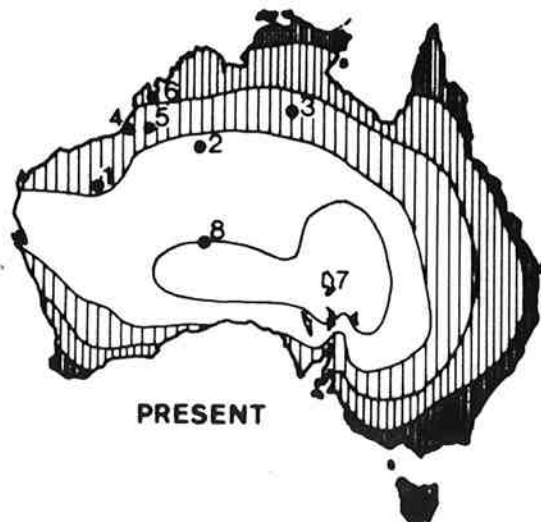
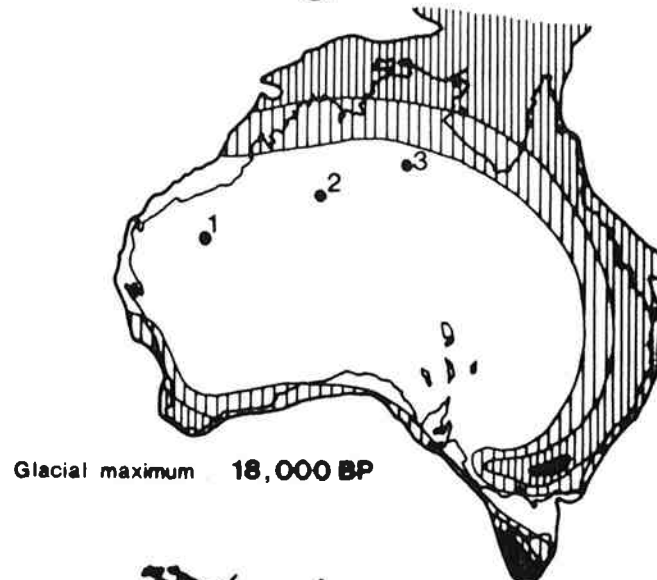
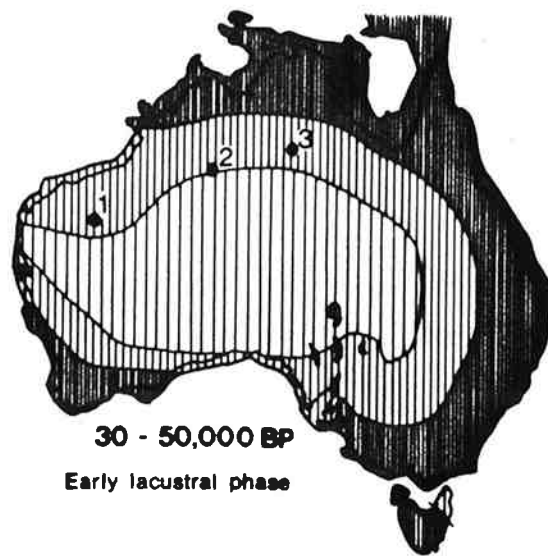
The cultural assemblages of the four stratified occupation sites date to no earlier than the mid-Holocene (5,000 B.P.) and show strong consistencies through time in the technology of artefact manufacture and stone materials utilised. These factors offer an excellent opportunity to examine artefact discard rates as a reflection of intensity of site use and population levels (see below).

The range of basal dates obtained from these stratified sites is consistent with dates for initial occupation in the other dunefield deserts of Australia, e.g. the Simpson Desert. On the western edge of the Simpson Desert, Smith (1988) has excavated a large open occupation site and returned a basal date of approximately 3,000 B.P. On the southern edge of the same desert, Williams (n.d.) has obtained five radiocarbon dates from hearths and shell remains lying on clayey dune cores and pale dunes (both Pleistocene in origin). This material was aged between 3,000 and 300 years B.P. Despite concerted efforts to locate cultural material in these Pleistocene features, the dates are all more recent than the mid-Holocene. At present no published dates for occupation are available from the Great Victoria Desert. The eleven published dates from the dunefield deserts of Australia are all mid-Holocene or younger. These dates stand in contrast to those from adjacent montane and piedmont regions in Australia, such as the Flinders Ranges. In the Hamersley Plateau, two rockshelters have given lower dates of 21,000 and 26,000 years B.P. and these do not date occupation to bedrock (Brown 1987). In central Australia, a large rockshelter has recently given a lower charcoal date of 22,000 B.P. and again cultural material occurs below this date (Smith 1988). In the Flinders Ranges, a large open occupation site has been firmly dated to at least 15,000 B.P. (Hughes and Lampert 1985). Early dates are also noted from other sites in the semi-arid zone, including 25,000 B.P. from North West Cape, 27,000 B.P. from Koolan Island, 19,000 B.P. from Colless Creek (Hiscock 1984) and 15,000 B.P. from near Cloncurry (cf. Veth 1987). Two large karst caves on the Nullarbor are dated to 20,000 and 22,000 B.P. (Marun 1973; Wright 1971). While the dunefield deserts of Australia were undoubtedly used by people before the mid-Holocene, this occupation is likely to have been ephemeral and opportunistic. These areas possibly represented some of the most inhospitable regions for permanent human colonisation in Australia and, therefore, necessarily specialised human adaptations were required. A biogeographic model has recently been suggested for the later colonisation of the sandy deserts (Veth 1987).

3:2 PALAEOCLIMATE

According to several palaeoclimatic reconstructions (cf. Jones and Bowler 1980; figure 2 here) during an early lacustral (wet) phase from approximately 30-50,000 B.P., the study area would have been situated near a transition zone from semi-arid to savanna lands. During this phase high water levels are recorded, in northern Australia from expanded shorelines of Gregory Salt Lake (figure 2, no.2), a high strandline on Lake Woods (no.3) and evidence for subsequent transgression of longitudinal dunes across drainage lines and basin floors of the same lake (Smith 1986). Following the lacustral phase, there is evidence that between 25-13,000 B.P. the interior experienced lowered

Figure 2 Palaeoclimatic reconstructions for the lacustral phase,
 CLIMATIC INDEX MAPS glacial maximum and for the present
 (after Jones and Bowler 1980: 10)



Reconstruction of climatic index maps
 using Prescott's (1946) Index $[I P/E^{0.7}]$

- 1 Newman Rockshelter
- 2 Gregory Salt Lake
- 3 Lake Woods
- 4 Mandora Salt Marsh
- 5 Dragon Tree Swamp
- 6 Fitzroy Estuary
- 7 Lake Eyre
- 8 Puntutjarpa

temperatures and precipitation, increased evaporation and increased seasonality (Bowler and Wasson 1984). Concomitant decreases in lake levels are also noted. Analysis of organic sediment accumulations at two spring sites within the Great Sandy Desert (no.4 and no.5) suggests that this last *major* arid phase, for this area of the north-west, may have continued to as late as 7,000 B.P. (Wyrwoll *et al.* 1986). Uninterrupted deposition of peat at these sites over the last 7,000 years is seen to reflect general climatic stability. Holocene climatic fluctuations noted from southern Australia (cf. Smith 1988) are not registered within the region (see, however, McKenzie 1981). The most significant climate change in the region would certainly have been the period of reduced precipitation at the height of glacial maximum (20-16,000 B.P.) resulting in dramatic dune mobilisation, lowered water tables and a restriction in permanent surface waters.

3.3 CONTINUITIES AND CHANGES IN ECONOMY & POPULATION

In a series of publications Richard Gould has characterized the prehistoric economy of the Western Desert as being conservative and unchanging (1974,1977,1980). This has been largely based on data from the large rockshelter site of *Puntutjarpa*, located near Warburton. On the basis of continuities in formal implement types, unchanged proportions between implements and similar spatial configurations in living areas over the last 10,000 years, he argued for a stable and unchanging pattern of land use. More recent work on this and other stratified sites within the arid zone has suggested that significant changes in population, technology and possibly social organisation have occurred before and during the last 10,000 years (Hiscock and Veth n.d.; Smith 1986,1988; Veth 1987). In summary, significant new technologies such as hafting were introduced into the Western Desert by 5,000 years ago. Hafted adzes are extremely efficient for working hardwoods and would have enabled the standardised and more rapid production of important wooden extractive items such as spearthrowers and bowls. Although seed grinding is in evidence before 5,000 B.P. in Australia, the basal stones are always minimally abraded; their use can be described as opportunistic. It is only by 3,000 to 1,500 years ago that intensive seed grinding becomes part of the desert economy, as evidenced in formal seed grinding bases and millstones. Most importantly, the rate of discard of cultural material, including stone artefacts, charcoal, faunal remains and ochre, increases substantially during the last 2,000 years - possibly as a result of higher population densities.

Increasingly, it appears that the numerous changes in human occupation over the last 5,000 years in the arid zone are not simply due to a single factor, such as climate or technology, but rather a suite of presumably cultural and environmental factors. The

so-called 'small tool tradition' enters the desert assemblages after 5,000 B.P. These technologically distinct implements include the tula and burren adzes (known ethnographically to be hafted) the pirri graver and marni wadna (specialised wood engraving implements which were also hafted), backed pieces and the production of small blades.

The discard rate of artefacts have been calculated from three of the stratified occupation sites in the Karlamilyi (Rudall) region. These are presented in figure 3. It is clear that accelerated discard occurs between the same time bracket of 1,500 to 700 B.P. as that noted for central Australia. The quantities of charcoal retrieved from the stratified sites also show a concomitant increase during the same period. Similar patterns have now been reported from the north-west of the Simpson Desert (Smith 1988). The prehistory of arid zone inhabitants, such as the Martujarra, must be seen as dynamic with variations in population, settlement patterns, technology and possibly social organisation occurring both in space and through time.

3:4 PRE-CONTACT TECHNOLOGY

Some of the technological attributes employed by Martujarra before contact can only be inferred from material objects which are differentially preserved in the archaeological record. However, many so-called traditional technological components have been studied and recorded from the region this century. These technological components, in altered form, are still often part of the contemporary culture of Martujarra.

The detailed and complex knowledge held by people relating to the location and nature of water sources and the timing and method of plant and animal procurement, was undoubtedly the major technological tool employed by Martujarra in their successful desert adaptation. The great complexity displayed in this 'knowledge as technology' finds little expression in the simple material culture associated with the economic sphere. The more obvious items such as the spearthrower, the digging stick and the hardwood bowl can be seen, however, as extremely versatile, and portable, multi-functional extractive items. For example, the spearthrower, in addition to launching projectiles, included a stone flake set in a resin haft. The resin could be either from spinifex or *Xanthorrea* and often had plant fibre, hair and grit mixed in as temper. The stone flake was usually modified through retouch and could include a range of formal implements with differing functions. One common type is the tula adze, a flake with a prominently curved (ventral) undersurface and a semi-circular edge which is retouched (figure 4). The specific shape of these implements and their robust

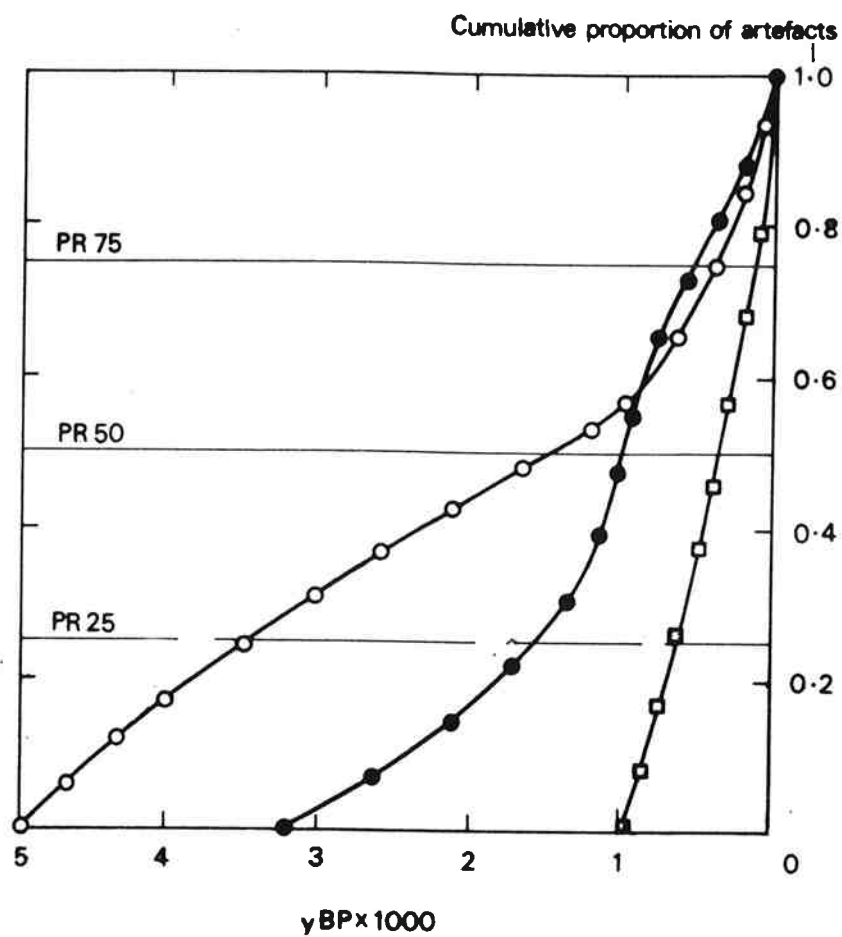


Figure 3: Rate of stone artefact discard through time from stratified sites.

retouched edge allows them to withstand severe impact on hardwoods and stay in the haft. These implements are rejuvenated after periodic dulling by retouching and rotation in the haft. They are discarded in a slug form (figure 4). Another type of adze, the burren, comprises a long flake which is hafted along one of its lateral margins. It is poorly suited to gouging hardwoods and more adapted to scraping and shaving motions.

Two other types of implements, the *pirri graver* and *marni wadna*, are also sometimes found in composite tools within the arid zone. They are basically stone chisels set end-on in resin to produce both the V shaped and semi-circular grooves often decorating bowls, spearthrowers, shields and other wooden objects. Although some of the functions of these hafted tools can be carried out with hand held tools, they essentially represent a new and specialised technology for the efficient working of hardwoods and particularly for the gouging and shaping of concave surfaced wooden items.

The other major class of formal implements, which are also assumed to have been hafted, are backed implements. These are generally small segments of blades or flakes with backing along part, or all, of the margin opposite a sharp unaltered edge. Although the use of these implements has not been recorded ethnographically, they are generally thought to have acted as barbs on spears. The three most commonly found types of backed implements in the Rudall area are backed points, obliquely truncated points and segments (figure 5).

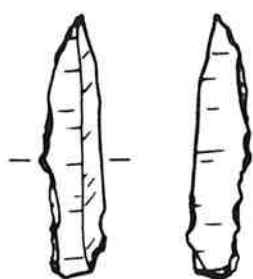
A range of other retouched/utilised implements, generally less specialised than the formal types discussed above, are also found at occupation sites. These artefacts most likely served to cut, scrape and shave wood (Hayden 1979). A wide range of these artefacts, loosely described as scrapers and retouched flakes, can be found in recurrent shapes, i.e. with notches or denticulations, on working margins. They are found in stratified occupation deposits in arid Australia before 10,000 B.P. and continue in use after the introduction of hafted implements by 5,000 through to the present.

A major class of highly visible artefacts are the grindstones commonly associated with occupation sites at more permanent water sources. These can take a variety of forms depending on their function and the intensity of their use. The most spectacular are the millstones which comprise the basal grinding slab used for the wet milling of seeds. These have large flat surfaces with one or several long grooves often 80 to 120mm wide and 10 to 25mm deep. These surfaces often have a reflective, finely abraded surface. The slabs are shaped by flaking and hammer dressing. Mullers, or topstones, are

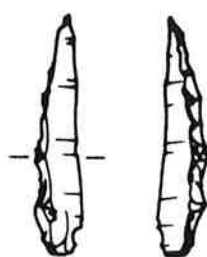


Figure 4: Tula adze slugs

a + b: Parallel reduction to
striking platform
c + d: Oblique reduction to
striking platform



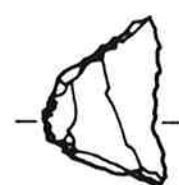
a



b



c



d



e

Figure 5: Backed pieces

a + b: Backed points

c: Trapeze

d + e: Segments

hand held forming abraded facets through continued use. A range of amorphous basal grindstones are often found at sites and these usually only have evidence for light abrasion. The worked surface differs from the above, in that there are no signs of manufacture or evidence for rejuvenation. These have likely been used for a range of activities, including the pulverising of small game, cracking of nuts, preparation of pigment, resharpening of wooden implements and the preparation of bush tobacco. Finally, at some sites the remnant hardpan bases of termite mounds have been used as processing platforms for hard coated seeds. A number of sub-rounded quartzite pebbles may be found around these platforms.

The by-product of stone reduction, core production and the manufacture of tools and tool preforms, comprises numerous flakes, broken flakes and debris which often comprise 90 to 98% of stone tool assemblages. The opportunistic and ad-hoc use of naturally sharp flakes for various cutting functions has also been verified through use-wear studies.

Martujarra have knowledge of the use of many of these implements with specific names for adzes, cutting flakes, chopping implements and grinding stones. They also commonly manufacture the resins used in hafting and can replicate in sort the stone/wooden composite artefacts.

Evidence for other technological attributes can be found in rockshelters and sometimes on open sites. The two main components of fire making apparatus comprise a lower section of corky stem, often split so as to accommodate dry grass and dung, and a hand-held, edge-sharpened splinter of wood, which is rubbed vigorously at right angles over the tinder. Sections of the lower corky stem are often found with score marks on their surface. Flames can usually be produced with these implements in less than one and a half minutes.

The two types of shelters used by Martujarra can be found at some of the larger water sources in the region. The winter-time campsite is essentially a windbreak, comprising rows of acacia boughs laid flat on the ground. While these are generally poorly preserved, hearths and grindstones associated with these sometimes remain intact. The summer-time shelters are comprised of an oval to circular arrangement of upright boughs which are tethered in the centre to approximate a small dome. These were sometimes roofed with spinifex and termite mud. They served essentially as shelters from the intense summer heat and could also resist sub-tropical downpours. Grindstones and hearths are commonly associated with these. Their remains are often found near wells on the Canning Stock Route

Although much of the material culture is expedient there were particular strategies used to invest energy to offset future environmental hardships. The deliberate storage of seeds (*Amphipogon coricinus*, *Brachiaria miliiformis* and *Panicum australiense*) and fruit (*Solanum diversiflorum* and *S. chippandalei*) in rock crevices, hollows of trees and under spinifex hummocks provided reserves of carbohydrates, protein and vitamins at times when plant foods might be scarce (Veth and Walsh 1988). The construction and maintenance of wells, often lengthy sloping tunnels up to 30 feet long, was essential for ready access to the more permanent waters.

4.0 MODELLING PRE-CONTACT SETTLEMENT AND SUBSISTENCE

4:1 PROPOSED MODEL FOR SETTLEMENT/SUBSISTENCE

A seasonally determined pattern of resource use and mobility patterns has been suggested for the region (cf. Veth 1987). Group size appears, from ethnographic accounts, to have fluctuated from less than 30 individuals comprising the basic land using group, up to 200 individuals during meetings. Two periods of aggregation are noted, the first during winter months (a resource-rich time) and the second during the Dry as all but the few permanent waters are lost. This cycle of gatherings based either on 'feast or famine' has also been noted for the Pintupi (Hayden 1977) and the Kukatja (Cane 1984), both of the northern desert. Aggregations during winter and summer are likely to have occurred at the permanent waters, which would also be used intermittently by bands in intervening periods. Gatherings would sometimes have been of considerable duration, involving lengthy ceremonial and ritual cycles. Semi-permanent waters were also used for winter gatherings. Finally, ephemeral water sites are assumed to have been largely used following summer rains mainly by small land using groups.

Ethnobotanical work in the region has documented more than 175 uses of 155 plant species, 105 of these being food plant species (Veth and Walsh 1988; Walsh 1987a; Walsh, this vol.). The favoured landform type for collecting plant foods are watercourses and their flanks, the uplands being generally depauperate in economic plant species. From December to February few plant foods are available. This is the period when stored seeds, bulbs and fruits are utilised. The most productive period of the year is during the winter months when a rich array of seeds, fruits and rootstock are available and most palatable. The dynamics between people's fragmentation into bands (gabudur) and their coalescence during temporary aggregations (djabal) constitutes a fluid social structure set against a changing backdrop of seasonally changing resources (cf. Tonkinson 1978). Martujarra acknowledge these seasonal alterations in resource availability and the specific patterns of movement adopted by

groups to optimise these resources. A trend is observed in which gatherings tend to be larger, and more complex, as a function of increased water permanency. The annually staggered availability of seeds, fruits and rootstock results in a state of resource flux, peaking mid-year, with the optimum period for water availability occurring somewhat earlier. Plant usage is characterised by the procurement and processing of an extremely broad suite of species which are targeted within the highest productivity landform/vegetation associations, i.e. areas with the highest indices for species diversity and richness. These are the water courses and their flanks, ecotones and recently burnt sandplain (Walsh 1987b). Occupation sites are primarily chosen to optimise access to water and a variety of targeted plant communities.

In considering settlement dynamics, the period of most frequent residential moves follows summer rains. From this time on, residential movements retract towards known and more permanent water sources. As the year progresses, the timing between residential moves increases. Consequently, the average foraging radius will increase around more permanent base camps.

4.2 PREDICTIVE STATEMENTS FOR SITE LOCATION AND TYPES

On the basis of sample surveys within the Rudall region a number of predictive statements can be made about the location of different archaeological sites. The site types discussed here include open surface sites, rockshelters, rock art complexes and stone arrangements.

OPEN SURFACE SITES:

Discrete scatters of stone artefacts, including implements and debris, are inevitably associated with water sources of varying permanency. The location of habitation sites is not always directly adjacent water sources are often found in an optimum position between the most productive plant communities, yet within easy (<2km) access of water. The types of artefact assemblages produced from habitation at waters of varying permanency are substantially different to each other. These are inferred to be the result of different sized groups of people occupying sites for different lengths of time and at different times of the year. These differences in site patterning can be discussed in terms of regional site patterning, assemblage composition and artefact attributes.

(i) Regional site patterning:

During and after summer rains, habitation will occur at a wide variety of temporary water sources and will be largely independent of preferred landform/vegetation units. At ephemeral water sources such as small rockholes, claypans and clay-lined salt lake

margins, the results of low intensity and short-lived occupation may be found. These sites occur around the periphery of ranges and sometimes within their interior valleys, on the extensive sandsheets and dunefields and around the edge of some salt lakes.

By early winter, and for the majority of the seasonal cycle, habitation sites are located to optimise access to more reliable (and often named) waters and a variety of targeted plant communities. These 'core' sites are mainly associated with drainage courses, their flanks and ecotones. Permanent waters located away from drainage lines, such as springs at salt lakes, may also have evidence for more intensive occupation. The ratio of core sites as opposed to those associated with ephemeral waters is high, i.e. 0.80:1.00. Task-specific activities can leave small scatters of artefacts or isolated implements scattered across the countryside away from water sources. These task-specific implements are rare for the Karlamilyi (Rudall) region, however, and it is assumed that many task-specific activities employed implements which were curated and discarded back at habitation sites.

(ii) Assemblage composition

The intensity of stone reduction appears to be largely a product of group size and their permanency of occupation, and hence is a function of water permanency. The diversity of economic activities is also tied into water permanency. Sites near permanent waters on average have a higher number of artefacts, a higher density of artefacts, have more grinding material and a greater diversity of lithologies than those at semi-permanent waters and considerably more so than sites at ephemeral waters. Sites at permanent waters generally have a greater proportion of artefacts manufactured from stone which is not locally (< 5km radius) available than sites at semi-permanent waters and these, in turn, have a greater proportion than those at ephemeral sources.

A greater proportion of modified implements (tools) are found in assemblages at permanent and semi-permanent water sources than at ephemeral sources. Formal implements, such as adzes and backed pieces, will represent a higher proportion of all modified artefacts at permanent versus semi-permanent and ephemeral water sites. The production and modification of implement blanks becomes more opportunistic with decreasing intensity of occupation. The settlement/subsistence model predicts that the occupation of rockshelters and caves occur predominantly during summer rains and that the use of these sites is ephemeral. The characteristics associated with habitation sites near ephemeral waters are shared by the shelter/cave sites. Indeed, the

artefact assemblages from both types of site exhibit the dominant use of a low diversity of stone material types which generally are locally available.

(iii) Artefact attributes:

As a result of increasing intensity of stone reduction at more permanent water sources, there are a number of consistent differences in the attributes of artefacts. Cores in similar raw materials are smaller and increasingly rotated at more permanent waters. Average weight of flakes in similar raw materials is also smaller. The average weight and size of flaked formal implements in the same raw materials decreases as a function of increasing water permanency. This is seen to be the result of the conservation of stone by groups coping with increased demand on both local and exotic stone sources.

ROCKSHELTER SITES:

As noted, the artefact assemblages of the rockshelters are similar to those at ephemeral waters, displaying the predominant use of locally available stone sources. Rockshelter/cave sites are found within the range/uplands such as the McKay, Broadhurst and Throssell Ranges. They are also occasionally located in small rocky outliers within dunefields and on sandsheets. Generally, the rockshelter/cave sites tend to have a wider variety of cultural material within them when they are located within several kilometres of a major water source. For example, several medium sized rockshelters in the vicinity of Yandicoogee Creek, Karlamilyi (Rudall) River and McKay Creek contain abundant quantities of charcoal, numerous flaked stone artefacts and grinding slabs, often have some seeds and faunal remains scattered on the surface and sometimes have painted and/or engraved motifs on the shelter walls. Smaller shelters, which comprise the majority of shelters, and which are not located near major waters, may often have only one or two art motifs, a few scattered artefacts on their surface or simply charcoal fragments mixed into their sediments.

ROCK ART COMPLEXES:

In addition to rock art within shelters, there are also major rock art panels in the uplands often showing repeated superimposition of motifs. These motifs often depict mundane themes and activities, although in several notable cases they depict mythological beings and creation events which are part of the sacred realm of Martujarra. Apart from several minor studies, the art of the region is poorly described in the literature and little is known of specific conservation requirements for its preservation.

STONE ARRANGEMENTS:

The majority of stone arrangements recorded in the study area have living mythological and/or ceremonial associations. These arrangements may simply comprise a few tabular or sub-rounded pieces of stone, sometimes placed in upright position, through to large meandering or concentric lines of stones covering areas of over 25 square metres. They are found within a range of environments including rockshelters, near rockholes and springs in the ranges, on the edge of salt lakes or near features on the extensive sandsheets. There is no noted correlation between stone arrangements and specific landform/vegetation units.

5.0 ARCHAEOLOGICAL SITES AS A CULTURAL RESOURCE

5:1 DENSITY OF ARCHAEOLOGICAL SITES IN THE RUDALL REGION

It is clear from the foregoing discussion that different types of archaeological sites have different distributions and densities across the landscape. Overall, however, the greatest density of sites occurs within or adjacent the drainage landform unit and especially so where drainage discharges from range/uplands onto sandsheets. The lowest density occurs within the major longitudinal dunefields, where water sources are lacking.

A review of previously recorded archaeological and ethnographic sites held on site files by the Department of Aboriginal Sites, Western Australia Museum, indicates that there are 43 sites recorded within the present boundaries of the Karlamilyi (Rudall River) National Park and 121 sites recorded outside of the Park boundaries, yet within the study area (Table 1).

TABLE 1

Number of Aboriginal Sites Within The Karlamilyi (Rudall River) National Park
Presently Recorded with Department of Aboriginal Sites, Western Australian Museum

1:250000 MAP SHEET	ETH	ARC	ETH ARC	TOTAL
SF51-6	-	-	-	
SF51-7	-	-	-	
SF51-10	5	21	13	39
SF51-11	1	1	2	4
TOTAL	6	22	15	43

**Number of Aboriginal Sites Within The Study Area - Including & Excluding The N.P.
Presently Recorded with Department of Aboriginal Sites, Western Australian Museum**

1:250000 MAP SHEET	ETH		ARC		ETH ARC		TOTAL	
	Study Area Inc. Park	Study Area Exc. Park	Study Area Inc. Park	Study Area Exc. Park	Study Area Inc. Park	Study Area Exc. Park	Study Area Inc. Park	Study Area Exc. Park
SF51-6	-	-	28	28	-	-	28	28
SF51-7	-	-	-	-	-	-	-	-
SF51-10	15	10	27	6	23	10	65	26
SF51-11	1	-	3	2	3	1	7	3
SF51-14	13	14	17	17	17	17	47	47
SF51-15	4	4	8	8	5	5	17	17
Total Study Area Inc. Park	33		83		48		164	
Study Area Exc. Park		27		61		33		121

(Compiled by Lee Atkinson, Dept. of Aboriginal Sites)

These sites represent only a portion of known and unrecorded sites in the region. For example, the site files of the W.D.P.A.C. list additional site complexes within the National Park, within the McKay Range, along the Taliwana track and east of the Canning Stock Route. Areas which the author has intensively surveyed include

portions of the McKay and Broadhurst Ranges, the middle Rudall catchment, water sources along the Canning Stock Route and salt lakes including Lakes Dora, Winifred and George. It is common for the density of sites to be up to ten times greater than those lodged on existing site files, after thorough survey of an area.

This is partly a result of only partial survey work in the past and the lack of systematic community and research-oriented recording programmes. It is estimated that the 131 archaeological sites which have been recorded at present represent less than 10% of all archaeological sites in the study area, i.e. a total of more than 1,300 sites exists. Clearly, not all of these sites are significant and it is this issue which must be addressed.

5:2 SIGNIFICANCE OF SITES

(i) Significance of archaeological sites to Martujarra:

In addition to the mythological, ritual and/or ceremonial importance attached to some archaeological sites, the majority are seen to be old camping places. These are places which have often been used in living memory and in which known individuals have carried out particular tasks in addition to general residency. As such the material remains found on these sites, such as grinding bases, stone and wooden artefacts, are said to belong to these 'old people.' Martujarra often express their desire that other land users, including researchers, must seek consent to examine, record or photograph this material.

Named waters are frequently visited by Martujarra today for camping and recreation and a common scene involves older members illustrating aspects of past occupation and use of land to children by pointing out fireplaces, art and artefacts. Martujarra involved in the fieldwork have noted that the networks of old camping places are the material evidence of past land use and management. A tapescript made in Warnman and English with accompanying slides at the excavation of a rockshelter north of Karlamilyi (Rudall River) records how Martujarra interpreted the charcoal, grinding bases, stone artefacts, faunal remains and hearths uncovered at this 3,000 year old site.

(ii) Scientific significance of archaeological sites:

As noted in Section 1, scientific significance of sites is determined by their ability to address timely and relevant regional research questions. Some of the most important research questions that can be currently addressed include;

1. What are the variables responsible for the initial occupation of the Sandy Deserts; e.g. demographic pressure, new technologies, a shift in economy, change in social structure?
2. In addition to the operation of a seasonally determined settlement /subsistence system, what are the other major differences in economy and technology between the northern Western Desert and less seasonal regions of the Western Desert?
3. An increase in the intensity of site occupations is noted between 1,500 and 700 years ago. Can this be related to a regional increase in population, more efficient technologies for energy extraction or an amelioration in climate?
4. The presence of backed pieces in the artefact assemblages from the Karlamilyi (Rudall) region marks the most northerly presence of this formal tool type yet recorded in the desert.. Pressure flaked projectile points are not found in the study area, yet they were manufactured in the Kimberley and to as far south as the Stansmore Ranges of the Sandy Desert. Somewhere in the northern Sandy Desert is a boundary between these two major functional/technological classes. What is the significance of this 'boundary' and does it in any way demarcate a transition from desert to semi-arid adaptations?
5. For how long has the intensive exploitation of seeds as a major staple group operated in the Sandy Deserts? Does the practice predate the introduction of formal seed grinding slabs in stratified assemblages or is it purely a phenomena of the last 2,000 years?

(iii) Recreational/educational significance:

A number of major sites in the region have been regularly visited by explorers, tourists and mining personnel for many years. The anonymity of several of these sites has resulted in partial disturbance and in some cases partial destruction. Little could be lost, and possible a great deal gained, if interpretative signs were erected at some of these places. These signs could state the general significance of these sites to Martujarra, the communities role to protect those sites under the *Aboriginal Heritage Act 1972-1980* and a discussion about why features (e.g. rock art) are important to Martujarra culture. Some of the major water courses along the Canning Stock Route and within the Rudall River National Park are particularly in need of such measures.

This issue has *not* been canvassed in detail with Martujarra and would require community involvement and management.

5:3 MANAGEMENT OPTIONS

In order to mitigate against the destruction of archaeological (and ethnographic) sites, it is imperative that the different land users take adequate measures to formally consult with communities located in the region through the W.D.P.A.C. Surveys for sites should be carried out for the varied stages of development from the generalised reconnaissance/exploration stage - often involving a Notice of Intention - through to the stage of localised impact involving intensive drilling and/or mining - often involving an Environmental Impact Statement or Environmental Review and Management Programme.

- (i) Surveys for sites have focussed, until the last few years, on demarcating specific areas of significance where development is to be limited or prohibited. Increasingly, the approach of delineating 'dots on the maps' is seen to be limited, both from the perspective of Martujarra and from a site management point of view (cf. Berndt 1981). Sites can be seen as nodes, often linked by tracts of land which served as prehistoric and contemporary access areas. Often important food resource zones are located within those tracts. If surveys for sites are to be successfully integrated with community aspirations for access to sites and to important food resource zones, then they must take into account the preservation of the integrity of sites. Surveys for archaeological and ethnographic sites should be carried out by suitably qualified and professionally accredited personnel (e.g. full members of the Australian Association of Consulting Archaeologists). One of the most difficult and time consuming aspects of site protection and management is monitoring the physical integrity of the sites on a regular basis. Martujarra have suggested that community based rangers could fulfill this role.
- (ii) It is generally acknowledged that the impact of early types of 'passive' reconnaissance is minimal in comparison to later 'testing' stage involving sampling and drilling. It is, therefore, suggested that a multi-stage survey strategy be employed where the detail of site recording increases with degree of direct impact. The practice of clearing thousands of square kilometres of land for all types of impact in one survey is unacceptable and can only result in the destruction of many sites.

What is recommended is an initial regional appraisal (e.g. of exploration licenses) in which the most sensitive areas are designated as no-go areas. For archaeological sites, this might involve sample surveys of different landform/geomorphic units in a region, to provide basic predictive statements about site patterning and significance. When direct impact areas are delineated by a land user these can then be surveyed in more detail, if this is warranted, and management recommendations made for any sites within these. Sites can be assessed as insignificant through to highly significant, within the different categories of significance defined above. **It should be clear that not all archaeological sites are significant either to Martujarra, scientific research or to the broader community. It is, therefore, essential that a set of explicit criteria are used to make these management decisions.**

It is to be hoped that a formal system of liaison between the W.D.P.A.C., Department of Aboriginal Sites, Department of Mines, C.A.L.M. and east Pilbara Shire can be established to ensure that adequate procedures are implemented for the protection and management of sites in the region, both within and outside the Karlamilyi (Rudall River) National Park.

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5. CONTACT IN THE WESTERN DESERT 1905-99¹

Michael Gallagher

1:0 INTRODUCTION

When Western Desert Aborigines moved back to the desert to set up their own communities at Punmu, Well 33, Parnngurr and elsewhere they most likely had in their minds to reverse a process that had dogged them all their lives. It is an attempt to wrest from European Australia the power to define their identity and position in the larger society. During the period of substantial encounter with European Australia, roughly from the 1940s to the present, they have been subject to extraordinary pressure to forget their past and their language because many of us in white Australia found their difference intolerable or impractical. The choice to return to the desert has been made after reflection, and a re-assessment of the cost in terms of social cohesion and human life, that change has brought. European misunderstanding of their choice, and the past that made it, and the general determination to subordinate their interest, inhibits any genuine compromise.

Both sides of the encounter have been limited in their view of the other by an understanding, shaped by the necessity to explain the other, by what we see as similar in the other's behaviour or expression of cultural meanings. Occasions of cultural dissonance now have a history of intensity ranging from senseless murder and rape, to violations of desert protocol, such as photographing secret images and uttering the names of the deceased. The Aborigines, of course, had the added disadvantage of a powerlessness which, for a very long time, ensured they were excluded altogether from the political process responsible for the formation of the context for their encounters. Our understanding of the Aborigines have also been hampered by our uncertainty about how contact has changed them, and ourselves, and an unwillingness to see the changes in anything but a negative light.

All the intruders into the desert have been able to convince themselves that their presence has served some greater good and by a calculus guaranteeing its pre-eminence, justified a view that the Aborigines must simply 'give way'. Explorers,

¹ In 1987 and 1988 the writer was engaged by Western Desert Puntukurnuparna as an historian to produce a men's "Oral History of the Canning Stock Route", after receiving a grant from the Australian Bicentennial Authority. The men's and women's stories have been published as a book by Western Desert Puntukurnuparna and the Pilbara Aboriginal Language Centre titled "Yintakaja-Lampajuya. These are our waterholes." The initial archival research was done on a grant from the WA Heritage Committee.

missionaries, bureaucrats, pastoralists, rocketeers and miners in their various searches for water, souls, the national interest, labour, empty space and yellowcake, have in their own ways, and with varying degrees of force, made Aborigines accept an unconditional surrender.

The present difficulties for the Aborigines living in the Karlamilyi (Rudall River) National Park are exacerbated because they must articulate their interests in a foreign language, within a context formed by the outsiders' needs, and in terms they hope will make sense to Europeans. They persevere with their genuine desire to be understood but are constantly frustrated by misreadings of their statements and an apparent wilful indifference to their priorities. Now that it appears they have been admitted to the political process, their difficulties are of a different kind to those they faced before they left the desert. Although they have access to skilled assistance from anthropologists and lawyers to represent their interest, encounter remains problematic on a number of fronts. Now, for example, they must face the subtle criticism that in their new circumstances, that is, after an absence from their country of a couple of generations, and having suffered the rigours of contact, their relationship to their country has changed in ways which diminish their claim to it as traditional land. As the stakes have increased, they have been forced to articulate their claim with some considerable vigour and to engage arguments which have turned on questions of European law inferred from anthropological evidence in a legal process designed ostensibly to protect the Aboriginal interest. In WA in recent years, most notably at Noonkanbah and Argyle, that process has been found to be wanting. In the course of such proceedings about traditional ownership and sites, always very important and sensitive matters, other issues such as their acutely felt need for social isolation, are given less prominence than they deserve. The problems faced by contemporary Aborigines do not have a history of capturing the imagination of politicians, bureaucrats and intellectuals in the way that traditional culture has done, and have been generalised as 'welfare problems', removed from their particular genesis in colonial duress. Our knowledge of Aborigines is then, limited to seeing social disruption rather than the resilience of social organisation, cultural atrophy rather than creative responses in the face of adversity. In the course of the history of contact, desert Aborigines have lost the authority to define their own agenda.

Dialogue in the National Park is hampered to the extent that dynamism and continuity are removed from our consideration of the process of cultural change. The movement back to the desert is sometimes viewed more as a cultural salvage operation than the outcome of mature judgement. We have applied an almost photographic model of

culture to the Aborigines: once they have been snapped at a critical moment they are fixed by our need to know them before they met the whiteman, before they fell from cultural grace and ceased to be available as noble savages - or, as the State Minister for Culture said in 1980, before they lost 'what was worth preserving'². It is a selective, static and timeless model of culture which excludes any sense of the process of change or transformation and encourages a view of Aborigines today as people who have suffered a great loss that has left them essentially flawed. They are often seen as members of a culture sullied by contact, with little more than nostalgic links with their past, and a dubious commitment to genuine change. It is difficult to make any sense of the Aborigines' determination to re-occupy the desert without some understanding of the profound continuities between the pre-European past and the present challenge they have taken up of establishing strong communities back in their homelands.

2:0 THE CANNING STOCK ROUTE

2:1 1905-1912. SURVEYED AND OPENED.

Substantial encounter in the desert was brought by the conjunction of the economic aspirations of East Kimberley cattle producers and the political expediency of a government in Perth vulnerable to pressure from producers in the North-West and consumers of beef in the south. The result was the Canning Stock Route. The quality of the relationships between Europeans and Aborigines during its installation was shaped by the determination of both to claim superior rights. The former by virtue of their mission, the economic development of WA, and the latter because of their previously uncontested title to the land.

The pastoralists were isolated by distance, a tick infestation in their stock and by a political inability to gain access to the lucrative southern markets. The tick, which produced red-water fever in the cattle, flourished in the humid tropical conditions of the East Kimberley and resulted in much of the herd being quarantined. The West Kimberley and North-West cattle producers were able to profit from the exclusion of East Kimberley beef by charging high prices in the south. At the same time, there was open resentment about prices from consumers in Perth and the goldfields. Meat prices became a public scandal, and in 1904, the government conducted a Royal Commission to investigate the activities of a "meat ring", involving, amongst others, Alexander Forrest, brother of Sir John, and a member of Parliament with sizable pastoral interests in the north.

² The West Australian, 28/3/1980.

In April 1905, James Isdell, the member for the East Kimberley, approached the Minister for Lands about a scheme to bring the tick-infested cattle to the southern markets. He proposed that a stock route be made from Sturt Creek, near Hall's Creek, to the headwaters of the Oakover River in the West Pilbara, there joining the coastal stock routes taking cattle south. Isdell argued that such a journey across the dry desert would be too arduous, for the ticks would simply die and fall off, leaving clean but leaner cattle on the hoof. Isdell's perishing tick theory turned out to be correct, but he was forced to test it in the dehydrated overkill of the Canning Stock Route. His plan met with general approval because, as the Chief Inspector of Stock remarked, "a material advantage will accrue to the state as a whole, in that a store of breeding stock in particular will be obtainable at a greatly decreased cost by those who are in a position to advantageously breed for the local markets".³

The advantage of Isdell's route was that it avoided the worst of the desert, about which explorers had given quite horrendous reports, and nine years before, two members of the Calvert expedition had perished. But when the North-West producers expressed doubts about his tick theory, the alternative route was canvassed. A few years earlier, there was some discussion about the possibility of a stock route in such a direction, but after consideration of the explorers' journals, it was decided, quite definitely, that it was not feasible. At this point, the Department of Mines took charge of the organisation of an expedition to survey the country between Wiluna and Hall's Creek, a distance of about 1500 kilometres across desert and hundreds of sandhills. In November 1905, the Minister for Mines wrote to the Minister for Lands, "We are considering a new stock route from the East Kimberley to the goldfields, such that no objection can be raised by the North-West producers about probable tick infestation".⁴ It was essentially a political, rather than an economic, decision to placate North-West pastoralists and paid little heed of its cost to the public purse, or the practicalities of such a venture. The alliance of mining and pastoral interests remains a force to be reckoned with in WA, especially where Aborigines are concerned.

Alfred Canning, an experienced surveyor, was commissioned by the Minister of Mines, in April 1906, to take charge of the survey party, after being advised by Canning's friend, H.S. King, the Under-Secretary for Mines. A few weeks later, Canning and his men left Perth for Wiluna. As they made their way to Wiluna, a flurry of bureaucratic activity followed them, as King took care of some last minute

³ Memo. Chief Inspector of Stock to the Minister for Lands, 2/5/1905. Mines Department file 694/06 "Proposed Stock Route. Sturt Creek to Wiluna. Vol. 1." Folio 2.

⁴ Ibid. 18/11/1905. Folio 1 (new series).

hitches. Canning had forgotten his parallel ruler and his copy of "Spinifex and Sand", (David Carnegie's account of his exploration of the desert in 1896), and the camel man had forgotten four dozen nose-pegs for his camels. After despatching more than twenty telegrams, King was able to supply all en route. Their departure was delayed a few days because the camels strayed away one night. Eventually a party of seven men, twenty-three camels and two horses left Wiluna on 25th May 1906, and arrived in Hall's Creek five months later. They began the return journey in February 1907, arriving back in Perth in July of that year to a very warm Parliamentary reception. In their preparations for their expedition, the only acknowledgement they made to the presence of Aborigines in the desert they were about to cross, was in the form of chains they borrowed from the Prisons Department and beads they carried for the women.

Canning was possibly the first explorer to enter the desert with the clear intention of relying on Aboriginal informants for his water. But he had no knowledge of their language, or any idea of how to make any sensible contact with the Aborigines. It was also a time when it was widely thought that Aborigines were savages of the worst kind, whose very humanity was suspect. David Carnegie, the English aristocrat, was more practical in his assessment of the Aborigines, "...the most useful, contented and best-behaved boys that I have seen are those that receive treatment to that a highly valued sporting dog gets from a just master; 'to pet' stands for 'to spoil'".⁵ Canning seems to have delegated responsibility for relations with Aborigines to H.S. Trotman, another experienced bushman, whose primary qualification for such a task was simply that he had been in the desert before, and that he was willing and able to employ the basest forms of social control: force and violence. It was a choice of strategy which reflected the enormous cultural gap between the intruder and the intruded. Canning's men entered the desert - for them, a hostile, empty space - with fear and ignorance in their hearts and without conscience for the consequences of either. It simply did not enter their heads that the viability of their stock route might in some way depend on the goodwill of the Aborigines. The fruit of their self-interest and misunderstanding was bloody violence.

Criticism of the behaviour of Canning's survey party were initiated by Edward Blake, the camp cook, when he heard Trotman was going to return to the desert, with Canning, to construct the wells. In his view, Trotman was "not the right man to have anything to do with natives". Blake wrote to the Minister for Mines but received no response. Then he wrote to the Treasurer, who also ignored him, until F. Lyon Weiss, a prominent barrister and secretary of the Aborigines Amelioration Society, expressed his concern.

⁵ Carnegie, David W. 1898. Spinifex and Sand. Hesperian Press. p154.

In his letters, Blake drew particular attention to the practice of chaining informants and the harsh treatment of the desert women. After a public meeting to discuss the issue, and a petition to Parliament organised by Weiss, the Government finally called a "Royal Commission (to Inquire into the Treatment of Natives by the Canning Exploration Party)", in January 1908.⁶

Blake provided the Treasurer with details of one incident involving an Aboriginal couple that he found very disturbing.⁷ During the Royal Commission the incident was examined very closely. Canning's men referred to the couple as 'Mad Buck'⁸ and 'the Pissing Gin'⁹ - the man on account of the vigour of his resistance to the chain and to being dragged behind a camel, and the woman, who was about sixteen years old, because of her persistent, involuntary urination, a condition consistent with a state of absolute terror. With others, they had come into the party's camp of their own accord, but the man was immediately seized and chained by the neck to a tree for the night. The women worked through the night to remove the chain, but without success, and by morning there was clear evidence of chaffing and soreness on his neck. He was then tied to a camel, with nine feet of chain, and made to walk five miles. At lunchtime, it was decided to take him off the camel but, unfortunately, it seems he got it into his head that the raging fire Blake had made to cook lunch was meant for him. He panicked, and when he grabbed the camel's rear leg, it made to bolt. He was in very real danger of having his neck broken. After a desperate struggle, he was released from the camel, but the chain remained around his neck. In the afternoon, he was made to walk a further ten miles, carrying the chain. Next morning, while still on the chain, he escaped. Trotman decided to use the young woman as a hostage, so he handcuffed her by the ankle to a water barrel, while he went off to search for the man. In evidence before the Royal Commission, Blake testified that the woman was handcuffed to the barrel for forty hours,¹⁰ while Canning said it was no more than sixteen hours.¹¹ Trotman found the man, and retrieved his chain, without bringing him back to camp, because "he was too mucked about".

The Royal Commission also heard detailed evidence on a number of other sensitive issues but here, because of the restraints of space, a few will only be described briefly:

⁶ Royal Commission to Inquire into the Treatment of Natives by the Canning Exploration Party. January 1908.

⁷ Blake, E. Letter to the Treasurer 29/10/1907. Copy held Battye Library, Perth.

⁸ Royal Commission. Notes of Evidence. Question 81.

⁹ Ibid. Question 105.

¹⁰ Ibid. Question 120.

¹¹ Ibid. Question 3748.

1. The practice of running down informants on horseback and chaining them for lengthy periods was canvassed widely. The argument turned on whether or not such methods were necessary or cruel, rather than any dispute about their occurrence.
2. The Commissioners examined closely the treatment of Tommy, a six year old boy they 'picked up' near the McKay Range and took through to Hall's Creek, where he was speared in the side, because local Aborigines thought he was responsible for a death. He survived, to return to his country the following year. He was used by Canning's men to collect firewood and to chain to adult informants when they went out of sight to relieve themselves.
3. The most contentious issue the Commissioners looked at was the sexual involvement with the women, including the information that two of the men sexually active on the southward journey had contracted VD in Hall's Creek.
4. Blake argued in evidence that the behaviour of the party had brought about the deaths of four men: an Aborigine and three whitemen, Tobin, Grace and Colreavy. Blake was supported in his view by expert witnesses, such as Carr Boyd who also displayed before the Commission the bush pragmatism of the day, by opposing chaining, yet insisting that anyone who was chained should be shot once their services were no longer required, because those who followed would be in great danger if they were set free. Tobin, a member of the survey party, and the Aborigine simultaneously met their deaths near Well 40 - as one threw his spear, the other fired his rifle. Tobin had gone off to capture an Aborigine to get information about crossing a salt lake and had found the man with a woman and two small children. The Aborigine defended himself immediately. Grace and Colreavy were two prospectors speared in the McKay Range in 1907, during the conduct of the survey. Blake and Carr Boyd argued that the behaviour of the party, particularly in relation to the women, on the northward trip had set up an expectation of violence and harsh interaction between Aborigines and visitors to the desert that was justified on neither humanitarian or practical grounds.

In their final report, the Commissioners gave greatest weight to the evidence of experienced bushmen like Sir John Forrest and William Rudall, who argued that Trotman's harsh methods were necessary to survival. The report drew special attention to the economic significance to the State of Canning's expedition and, while

acknowledging much of Blake's testimony, the Commissioners completely exonerated the exploration party of all charges. Canning was then appointed to return to the desert with Trotman, to install the stock wells. Edward Blake was not appointed camp cook.

In January 1911, two drovers, named George Shoesmith and James Thompson, left Sturt Creek with 100 head to try the stock route. Thompson's diary reveals,¹² with mounting anxiety, that there were problems with water from the outset. The first difficulty they encountered was to find Canning's wells. At several of the wells they had to contend with broken buckets and stolen ropes, and then having to move on without water in the height of the summer. No one in Perth had given any thought to the problem of maintaining the 51 wells, and troughs, buckets and ropes across 800 miles of desert, nor to the possibility of vandalism by Aborigines. Shoesmith and Thompson were clubbed to death near Well 37. Their bodies were found by Tom Cole as he brought down a mob 400 head. The stock route was not used again for twenty years.

During the summer of 1911-12, a police expedition went up the stock route from Wiluna in search of the Aborigines who killed Shoesmith and Thompson. It was led by Sergeant Pilmer, who had earned a reputation in the Kimberley as a man to be feared by Aborigines. When they were in the vicinity of Well 37, they encountered a large group of Aborigines, and a small battle followed. Several Aborigines were shot, including "the ring-leaders in the crime" on Pilmer's reckoning. From there, the police party continued on to Hall's Creek. When he returned to Perth, Pilmer told "The West Australian", "As far as the avenging of the murders of the drovers, Thompson and Shoesmith, and their native boy is concerned, our expedition has been a successful one".¹³ It is very difficult to ascertain what happened in the incident because Pilmer's account is riddled with inconsistencies and contradictions but, as the Aboriginal account confirms, six Aborigines were shot. Today, the Aborigines remember this massacre as the 'Kinyu shooting'. During the fieldwork for the "Oral History of the Canning Stock Route", several informants, including three grandchildren of victims, referred to it. The identities of those shot are still known, and the story of their deaths remains a powerful reminder of early European intrusion into the desert.

2.2 THE 1929-1930. RECONDITIONING.

The first suggestions for reconditioning the Stock Route were made in 1925, when R. Falconer, the lessee of Billiluna Station, approached the government because he was

¹² Thompson, J. C. Diary. Copy in Mines Department file 3846/11 (acc. 964) "Warden Clifton. Copy of diary of late J.C. Thompson. Murdered on the Canning Stock Route." Folios 1-8.

¹³ The West Australian. 7/2/1912.

finding it too expensive to take his cattle to the Wyndham meatworks. In 1929, the government commissioned W. Snell to recondition the stock wells, but he ran out of materials before completing the northern end. In his report to the Public Works Department, he had some interesting things to say about the Stock Route, its wells and the impact it had on the lives of the Aborigines of the desert. Almost all of the stock wells on the Canning Stock Route are sunk either on, or beside, an Aboriginal spring or soak and, as Snell pointed out, all the water eventually found its way into the stock wells. When the Aborigines returned to these more reliable water sources in the dry season, they found they could not get at the water, because the stock wells were so constructed by Canning that it required a camel or a horse to raise the iron bucket, which weighed fifty pounds and held ten gallons of water. The Aborigines had destroyed many the wells. Remarkably, Snell recommended that a series of wells be sunk, such that individual Aborigines could use them - he, in fact, modified some of the wells with the Aborigines' needs in mind "to heal the wounds so severely inflicted and as a safeguard against the natives destroying the wells". The Chief Protector of Aborigines found Snell's report of 'considerable interest', and felt that " we shall have to do something to assist the natives, who have been deprived of their natural waters, but at this stage it is difficult to determine the most suitable steps to take to that end". Nothing was ever done.

In 1930, the government commissioned A.W. Canning, then sixty-nine years old, to finish the job that Snell had begun. It took him sixteen months, and it seems it was quite a difficult expedition. His party met considerable hostility from Aborigines along the Stock Route, in contrast to Snell, who did not report any trouble the year before. This writer has had a personal communication from a relative of a man who was with Canning in 1930, and was quite disturbed by the treatment of Aborigines, including a murder of an Aborigine. As reported, he was shot because he urinated in the wrong place. "The West Australian" quoted a letter of Canning's ,written from the bush: "We have had quite a lot of trouble with the niggers lately, and they have been very hostile, spearing our camels and actually stealing and killing four, besides wounding others, one rather seriously. It is lucky they did not get any of us..." From 1931 until 1958, at least one mob of cattle a year came down the Stock Route from Billiluna to Wiluna.

3:0 FIRST CONTACT

For many of the desert people, the first whitemen they encountered were doggers, drovers and prospectors during the Depression. For others, it was at the ration depot at Jigalong, from where employees of the Rabbit Department maintained the Rabbit Proof Fence, or when they visited relatives or traded dingo scalps at stations, like Roy Hill

and Balfour Downs. The last of the desert families made contact with the welfare patrols in the 1960s, when the desert was virtually de-populated, and became a site for British rocket tests. In these moments of experiencing the radically new, they made their different choices on the basis of need and interest.

The personal memories of these times are often positive or humorous stories about the drama of seeing a whiteman for the first time or tasting his food. For example, one informant can remember following the stock mob to feed off the bullocks left by the drovers, without actually seeing any white stockmen. Another, as a boy of about ten years old, used to meet his uncle, a stockman for Billiluna Station, at Well 35 and travel down to Well 24 with him. Then he would walk back, a distance of nearly 300 kilometers. There is indication, too, of Aboriginal wariness of contact with the drovers for fear of losing children, a concern which Canning may have begun when he kidnapped a small boy and took him to Hall's Creek and back. There are a few stories, also, about trouble on the C.S.R., usually about women or access to culturally important places. There is one story, told with some satisfaction these days, about an incident near Kinyu (Well 35) . Two European men, travelling by camel through the desert, most likely in the 30s, made trouble one night and were attacked in their sleep. One was bashed over the head and killed, while the other got away in the dark. When asked, in 1987, why the men were attacked, one old woman who had been present said, "he was a cheeky fella", that is, there was trouble involving women.

The prospectors, doggers, sandalwooders, camel men, drovers, wife deserters and criminals who inhabited the frontier offered the Aborigines a view of the civilised world through the distorting lens of the behaviour and attitudes of marginal men, of those who had broken with the good order of their own society. A story¹⁴ about one of these men, a dogger named Joe Wilkins, provides some insight into the tension which charged some of the first contact, and of the position of desert people in Australian law and society. Again, it is a story about a young 'cheeky fella', who was killed by Aborigines in the desert.

In 1936, a young English dogger (i.e. a man who shot dingoes for the bounty on their scalps from the Vermin Board) named Joe Wilkins, was killed by Aborigines, about 300 kilometres north of Wiluna. He was speared by two Aborigines, but his body was not discovered until the following year. An inquest was satisfied that the remains were Wilkins' because some of his ginger hair was still evident. A police party was

¹⁴ Information for this story has been taken from the Department of Native Affairs file 473/37 (acc. 993), "Murder of Joe Wilkins".

despatched to apprehend the Aborigines responsible. When the police were in the vicinity of where Wilkins' body was found, they met a group of Aborigines, who they asked about Wilkins' death. Two Aborigines, named Maloora and Yalyalli, immediately claimed responsibility. They were then arrested and brought back to Wiluna. Maloora's wife, Choojama, was also taken to Wiluna as a crown witness. The trial and conviction for murder of Maloora and Yalyalli became a highly publicised issue, and in the early 40s, their case was taken up by the National Council for Civil Liberties in London. In 1936, Maloora and Yalyalli were still living the life of hunter-gatherers in the country to the east of Jigalong around the Stock Route, which had been operative for six years. They almost certainly would have had some contact with European society through meeting drovers, doggers and prospectors, and perhaps they had visited the stations at the southern end of the Stock Route, or even Wiluna itself.

At the time of Wilkins' killing, there was a third, older man, named Chunga and his two wives, Vayall and Crackie, camping with Maloora, Choojama and Yalyalli. (Note: the spelling of these names is probably incorrect, but they will be used, because this is how they appear in the official records). It seems that Chunga and Wilkins had reached an agreement of sorts, such that in return for some of Wilkins' provisions, Chunga allowed Wilkins to sleep with his first wife, Vayall. But after two nights, Wilkins took also Chunga's second wife, Crackie. This enraged Chunga, and he conspired with the other two to kill him.

During the trial, an objection was overruled that Choojama was a non-compellable witness because in English law she was not considered a wife and, therefore, was obliged to give evidence. Choojama described herself as Maloora's gin and stated in court that she had borne his children. The law defined a marriage as "the union of one man and one woman to the exclusion of all others". An opinion from the Crown Law Department declared that, "in view of the fact that Australia is a country settled by Englishmen, as distinct from a country conquered or ceded, English law applies throughout and takes no cognisance of tribal laws, whether prevailing at the time of settlement or not". In the late 30s, however, there were moves afoot in official legal circles to grant the status of wife to the consorts of bush natives. The judge also did not instruct the jury to ignore the confessions of Maloora and Yalyalli, as a precedent had established he should. They were convicted of murder and sentenced to life in Fremantle gaol.

There followed several years of official correspondence and legal opinions during the cause to have Maloora and Yalyalli released, on account of the fact that the evidence of a non-compellable witness brought the conviction. It was argued consistently that in Aboriginal law, the provocation was sufficient to warrant a spearing.

In 1940, a letter from the National Council for Civil Liberties in London, demanding that the sentence be quashed, arrived in Perth. Briefing papers were sent to the Agent-General in London to defend the government's position on the convictions. But in 1941, Chunga turned up at Granite Peak station, north of Wiluna, and he now had three wives. Chunga was arrested and his wives were taken into custody as witnesses. The Commissioner for Native Affairs recommended that the wives not be called as witnesses. He complained of the voluminous correspondence the earlier case produced, and he made it clear he did not want to repeat the experience. The Solicitor-General, in a separate opinion, decided that in view of the absence of compellable witnesses - the police wanted to call Chunga's mother, but she was considered non-compellable also - the charge against Chunga should be dropped. After this decision, the Commissioner wrote to the Minister for the North-west, recommending that Maloora and Yalyalli be released. He concluded his memo by writing: "I doubt if I would have addressed you in this way had Wilkins met his death for reasons other than sexual intercourse with native women". Maloora and Yalyalli were released after serving four years in Fremantle Gaol.

3:1 CONTROLLING CONTACT

As Aborigines experienced the intrusions of Europeans into their country, they had no initial doubts about their ability to control the terms of contact. It presented new possibilities, which could be incorporated into their existing economy and patterns of movement. For example, there are quite early accounts of trading dingo scalps with doggers for flour, tobacco, tinned meat and sugar. In the case of one group, from the Well 33 area, the trading route they developed for this purpose eventually became the path of their exit from the desert. It is difficult to say what changes the men's trade in dingo scalps for food had on Aboriginal production and social relationships, but gradually this trade turned into an irreversible dependence. What is clear, is that with the Europeans came food, knives, axes, rifles and strange animals, and with them came the luxury of new choices.

It is difficult to say, with any certainty, what the primary motivations were when the Aborigines initiated an expansion of the terms of their first contact. There was certainly an element of economic rationality as they acted to moderate the temper of

their desert environment. It was an exploration of new possibilities and an admission that some kind of accommodation was necessary and inevitable. There was no reason to believe that the acceptance of new economic possibilities would, in any way, effect the religious or social dimensions of their lives. An implacable confidence in their own culture allowed a certain flexibility when considering which elements of the foreign culture to experiment with and absorb. Now the desire for European food is mentioned as the most significant factor in the early decisions, particularly by people whose country is to the east of the stock route. There is no indication that when it became an integral part of their economy and they had to accept a compromise, that is, providing labour and sexual services to pastoralists to guarantee its continued supply, that they felt in any way there was reason to think that such changes might have implications for the integrity of their own culture. Although the radical economic changes have persisted, it is likely they have not had the dramatic effect on religious and social life previously thought because of a greater degree of relative autonomy of economic life than has been understood until now. Once some differentiation is made between religious life, where highly structured relationships exist between individuals and spiritual attachment to country is paramount, and economic life, which allowed a measure of individual choice in respect of groupings and responded to seasonal variations in productive capacity, then the argument for social disintegration since the walk-in, is diminished considerably. In addition, acknowledgement should be made of the process of reproducing spiritual attachment to country during long absences.

The manner in which many European observers of these changes have described their effects, has seriously clouded our perceptions of desert Aborigines. Despite the work of western desert anthropologists, such as Tonkinson and Myers, who have written about the maintenance of an autonomy in internal social and religious life after leaving the desert, the general view of Aboriginal culture in decline hangs over much of the discussion of the movement back to the desert. The transformation from hunter-gatherer economy to station-mission-town dwelling, has long been read as some kind of 'fall', as evidence of social disintegration. Sometimes, certainly, the difficulties of analysing these changes have been compounded by some quite serious social consequences, such as alcoholism and violence, but there is no clear evidence or logical argument from which to conclude that such consequences necessarily reflect cultural decline. Although they have had a fairly long absence from their country and harsh experiences in European society, social relationships amongst desert Aborigines and traditional attachment to country retain an authentic vitality and resilience.

However, once control of the economic situation slipped away, and the traumatic experiences of the first years out of the desert took their toll, the choices available to them rapidly diminished. It was a period when their economic dependence was consolidated and many tussled with missionaries for the hearts and minds of their children. It is significant that many of those children now provide the energy for the return to the desert. Part of the current movement to repopulate the desert has, as its source, the wish to recover some of the autonomy lost during the last forty years, particularly in respect of education, as well as the determination to escape the worst of the social consequences of town life.

Many of the stories about contact show how ready Aborigines were to incorporate the evidence of another world into their own. This is particularly true in the case of food. Initially, though, there were problems here, too. In the early sixties when Len Beadell, the great desert track maker, gave people apples and oranges they naturally tried to cook them first. Baked apple was deemed a success, but the orange did not cook well at all.¹⁵

In retrospect, some of the more imaginative solutions to those early puzzles are now seen as quite bizarre. For example, in the 1930s, when one group came across horse, cattle and camel tracks for the first time, the old men were summoned to explain the phenomenon. The horse and cattle tracks defied explanation and remained a mystery. The old men were sure about the camel tracks though - they were "little fella bums", the marks of celestial beings sitting their way across the country.¹⁶

On other occasions, the first contact struck raw terror into people's hearts. During the war, the RAAF had a base at Meekatharra, and evidently used the desert for their low-flying formation training. When one group near Lake Dora encountered the aeroplanes for the first time, they were overcome with fear. They hid for days without food or water, and although it was winter, they lit no fires at night. The old men said it was "a big mob in the sky coming".¹⁷

4.0 EXIT FROM THE DESERT

During the twenty years after World War II, virtually all Western Desert Aborigines left their country to live on missions, stations or in the towns. The reason commonly given is the desire for a stable supply of food, but the walk-in remains a complex

¹⁵ Mack Gardiner, pers. comm

¹⁶ Ibid.

¹⁷ Ibid.

question. The other major reason usually given, and to some extent it depends on the country of the informant, is the wish to seek out absent relatives. Once the process of depopulating the desert had gathered momentum, then the maintenance of some aspects of traditional life, especially initiations and marriages became more and more difficult. As well, there were some periods of severe drought to give the economic considerations a sharper edge. In the earlier years, it seems to have been quite a free choice, and they genuinely believed they would be able to maintain their independence and cultural priorities. Those who left in later years, when assimilationist ideas had a firm grip on policy formulation, had a more limited choice.

The period when the last groups moved out of the desert, the late fifties and early sixties, coincided with the time much of the desert was marked out as a target area for British rocket testing. Although there is the coincidence of timing, and there was some direct involvement of personnel connected to the tests with the final exits, from the available evidence it is difficult to see the military activity as a primary causal factor in the depopulation of the desert. The fact is that by the late 1950s, when plans for rocket testing were well under way, the number of Aborigines still living beyond the frontier were relatively small. Certainly, there were a few concerns expressed in a couple of cases about unnecessary inducements, in the form of tinned meat and sugar, being used by welfare officers. But even here, if there was some fire to accompany the considerable smoke the public disclosure raised, and it is quite possible there was, we should be wary of such vulgar animal husbandry as explanations for quite complex social-cultural decisions. For the Aborigines, it was the conclusion of a process begun some time before. For the Europeans, it was more a case of *terra nullius in extremis* - the Aborigines' homelands were literally regarded as empty space, as it nearly was - and the culmination of inevitable changes deemed progressive in the assimilationist's programme.

However, to say that there is no evidence of an official plan to remove Aborigines from their country *en masse* does not mean that senior officials were entirely convincing in their claims to be stout defenders of the Aboriginal interest, or that those responsible for the rocket testing really knew what they were doing. In 1946, the Minister for Defence informed the House of Representatives that the project was of "vital importance to the security of the British Commonwealth". He told the House that after initial trials on a short range, "it is expected that the accuracy of control will be largely perfected and that the risk to the aborigines (sic), when the range is extended, will be negligible..., less than that taken by the ordinary citizen of one of our cities crossing a motor thoroughfare, or from the danger of an aircraft falling from the skies."

The following year, after much public protest about the range, which focused mainly on the social implications, for the Aborigines, of more Europeans in the desert, rather than the dangers of falling rockets, A.O. Neville, the Commissioner for Native Welfare, wrote to the Minister for the North-West, addressing the thorny problem of avoiding any claims on the public purse the protests might cause:

"...much of the comment has been ill-informed and unjustified and can therefore be safely disregarded...You would not wish I know, that any unfounded rumours emanating from whatever source should presently encourage the mass migration of natives from within the whole reserve to places where they believed they could obtain sustenance (sic), and that might entail some embarrassment and the assembling of big supplies for people now able to maintain themselves in the bush."

In 1958, the official estimate of the number of Aborigines remaining in the target area was 120. There was a suggestion to conduct a survey using helicopters to take them to a ration depot but, again, there is no evidence of this happening. Similarly, in 1964, Kim Beazley asked the Minister for Territories about attempts to locate people in the target area by buzzing them with low flying planes and pursuing them in vehicles - the first aerial muster? - but with little success because of the fear such methods caused. He also asked about a rocket which fell well short of its expected trajectory, into an area regularly inhabited by Aborigines. This is a different Blue Streak Rocket from the one which went off target and fell to earth near the Percival Lakes, frightening a group of Aborigines there for days. The Minister did not address either question in his reply, and instead made a speech about drought, malnutrition and the details of transporting Aborigines to Papunya.

In October 1964, welfare patrols located two groups with links to the Karlamilui (Rudall) area. One group of twenty were met near the Percival Lakes. There were seven women and thirteen children in the group and for some time, perhaps two years, had lived without the men who, it seems, had made different decisions about the white man's world. The other group of eight - one man, two women, two young men and three children were met at Well 31. Both groups were taken to Well 35 and then to Jigalong.

For the men, or boys as many of them were, introduction to the pastoral industry was a very early experience after they walked in and, at first, an adventure. Memories of that work now, however, are marked by recollections of sleepless nights, long months of droving and a loss of freedom of movement. Difficulties with harsh bosses remain

strong memories too, particularly the occasions when police were called in to enforce labour if a stockman tried to leave a station.¹⁸

The women were regarded as being more 'tractable' than the men. At Jigalong in the 1960s, the young girls were responsible for the care and milking of 60 goats without pay. In the early years, women were involved in mustering and droving and, invariably, they supplied domestic labour to the homesteads, doing the cooking, cleaning, laundry and minding children.¹⁹ The women provided sexual services throughout the region and often station managers offered prospective white employees access to the women and girls of the blacks' camp as one of the conditions of employment.

For many of the children, it meant an introduction of mission life and bearing much of the brunt of unskilled Europeans' experiments in social engineering; the 'civilising process'. It was an austere, limited attempt at assimilation, which permitted a child to be beaten for speaking his mother's tongue.

5.0 MILTON CHAPMAN'S STORY

I was born south of Yaralalyu. From there I moved around with my family. We kept moving westward. As I got older, I used to go hunting with dogs. Sometimes I got thirsty. We lived in that area, then started moving towards Jigalong. We met people around the Canning Stock Route, like Mitchell's mob and other mobs from this area. My father was from around Well 33, and my mother was from around the Punmu area. We started moving westward. My brother was born at a place called Wongalina, near Yantikuji (Camron Creek near the Oakover). Before that we saw the horse tracks and motor car tracks. Then we got to the Oakover. Then we kept on going. Then we met a feller with a grader on the north side of Balfour, around Wandina. The grader stopped at the main water hole, so we waited until dark to get a drink of water. Minyou and others walked in. We stopped back and walked back. The grader driver gave us some food and we slept there the night. We got up early in the morning and left. Then we saw a plane coming. We waited until dark. Then we went back to have a drink of water. The grader driver feller had a truck with him. Then next day in the afternoon we went back to the rockhole. Then the whitefeller loaded us up on the truck. We were all scared on the back of that truck. As the truck was moving away I jumped off. Then the mob left without me. They went about 10 kilometres away and they had to stay for a night. I started following them. I got to the place where they stopped. They were looking around

¹⁸ Roley Williams, pers. comm. Punmu, September 1987.

¹⁹ Daisey Charles, pers. comm. Jigalong, July, 1987.

for me. But I caught up with them and they were happy. Next morning we all got on the truck and started for Balfour Downs.

There were six or seven of us on the truck - my three sisters, my two brothers, my mother and me. There was another mob on the truck: Minyou, Marjorie, Priscilla, Darlene and their mother and some others who have passed away. We were the last mob to come in. We all started sicking up on the truck. As the motor car was moving the trees were moving too. We got to Balfour. The whitefeller kept us there for 3 about days. Then he rang the mission truck from Jigalong. The Jigalong truck picked us up. He had a few Martu with him, Baker and Frank French. They took us to Jigalong. We left all our dingoes and pet dogs at Balfour. Then we stayed a few days at Jigalong. Then we all felt sad because the dingoes got shot. They were our pets. Those dogs were like bullets for us. They used to get meat for us.

We got to Jigalong in 1967. That was my first year in school. I stayed in the dormitory. Life was a bit hard for me, being away from my mother. I used to go for a few hours visit every day after school, to visit my mother in the camp. I got used to it in a few months. I made friends with other kids. I knew Mitchell, Teddy and Benjamin and a few others. I got used to being in white society. Then I lost my mother. Then I was adopted by Titch Williams and Rosie. As I grew I learned different things. Then in 1973, I was taken up to Hedland for high school. I did 3 years there, one was hard. I didn't finish the year in 1974. I got homesick and ran away to the Jigalong mob at Strelley.

I stayed at Strelley. I didn't like it very much. I was not used to that place. I was sort of missing Jigalong. From Strelley, I took off again with a few others up to Broome. I stayed around there. Then I got a job at Thangoo Station, working on the stock and building yards. Then I left and went back to Broome again. Then I went back to Strelley again. Then I went to Jigalong and stayed around there. Then I went to Balfour and stayed there for 3 years on the station. Then I went to a station near Pannawonica, called Yalleen. The bloke used to own 2 stations: Balfour and Yalleen. Then the camp started at 61 by the Strelley mob, that is, by the Jigalong people who were living at Strelley. Strelley sort of ran that place. From Balfour I went back to Strelley. I got a job at Jigalong working in the office. That was in 1983. Then in 1985, I was selected vice-chairman of Jigalong Council for a year. In 1987, I moved to Punmu and am now living at Punmu.

6:0 THE WORLD THEY ENTERED

In 1939, the British and Australian Governments entered an agreement, whereby the British would purchase the entire Australian woolclip for the duration of the War. But woolgrowers in the Pilbara were unable to take full advantage of the guaranteed market because, from 1935 to 1939, a drought had decimated sheep numbers. In the last years of the War, another drought hit the industry, leaving sheep numbers in 1946 half those in 1934. The urgency of wartime requirements, and the extreme pressure imposed on the industry by long drought, meant that senior bureaucrats, including the intelligence establishment, took a special interest in wool production in the north. Inevitably, their attitudes to Aborigines were informed by the policies of the 1930s, when official zeal for the control of Aborigines was at its maximum. The larger political context, in which those responsible for native policy located their concern for Aborigines, allowed the bureaucrats to view them as mere factors of production, having no claim, beyond subsistence, on the products of their labour.

In those extraordinary times, native policy was fraught with contradictions. Aborigines were accustomed to the harshest interventions in their lives by police, bureaucrats and squatters, but it seems that during the War those sensibilities which moved otherwise reasonable officials to do something about the 'Native Question', were all but suspended. In the case of Aboriginal labour in the North, a detachment from any genuine concern about the welfare of the Aborigines encouraged a rank exploitation, which permitted squatters to profit in the name of the national interest. Although the politicians and bureaucrats were in no doubt about the importance of Aboriginal labour in the war effort, and in post-war re-construction, their pre-conceptions about the worth of Aborigines precluded any serious consideration of proper remuneration for their labour.

Pastoralists in the North had always been spared the economic realities of their industry. White labour was almost impossible to retain because of the poor wages, the very tough living conditions and the lack of any incentives for families to settle in the region. The pastoralists had no alternative but to employ Aboriginal labour. Because labour relations consisted only in the supply of the barest subsistence required to reproduce the labour force, the cost of labour could be measured in a few tins of flour and some meat from the herd. The pastoralists consoled themselves with the thought that because the blackfellers did not know the value of money, they had no need for it. In the '30s and 40s', the industry operated very much on the margin, and the cheap Aboriginal labour was the difference between survival and bankruptcy. In 1945, the Commissioner

of Native Affairs, Mr. Bray, implicitly acknowledged the true situation, when he wrote to the Minister for the North-West if

"we do not take a closer interest in preserving the native population, there is every probability that we will have a huge territory with no labour to develop it, and people will then be arguing for the introduction of cheap Asiatic labour."²⁰

But the Commissioner had no intention of advocating the payment of wages, since he was convinced the industry had no capacity to pay, for reasons which went far beyond the immediate industrial issues.

In 1946, a strike was called by the Aborigines to challenge the organisation of the pastoral industry and the extent of bureaucratic control over their lives. The primary focus of the protest was conditions on the stations, where labour relations were similar to a feudal system of production and, in some important respects, more akin to a slave society. In return for flour, meat, sugar and tea, sometimes tobacco, and perhaps one pound per week, Aborigines gave their labour and surrendered any claim to independence. The men maintained station bores and fences, mustered the sheep and drove them to the railheads, a job which could take three or four months working night and day without any breaks. The women supplied domestic labour and sexual services to the homesteads. As well, children from about the age of ten were often considered to be part of the station's workforce. In 1946, as the strikers gathered support, the position of Aborigines in the pastoral industry was justified in terms of the requirements of northern economic development - the red menace and the yellow peril lurked just beyond the horizon - rather than the demands of the war effort. In this politically volatile situation, the Commissioner of Native Affairs advised the Committee for Northern Development as follows:

"There are many wide issues involved in native policy, including missionary considerations, and since the care of the natives is of sovereign interest, there is some doubt as to how far the Directors and the Commissioner should commit their respective States, or whether they should commit them at all, on principles of the welfare of natives or as regards native policy".²¹

²⁰ Memo. 4/10/1945. Department of Native Affairs file 1091/45 "Development of North-West areas." Folio 3.

²¹ Ibid. Folio 32.

The pastoralists and their apologists, such as the Commissioner and some members of the Catholic Church, defended the system stoutly. In one memorable exchange between Don McLeod, a white leader of the strikers and the editor of the Cathedral Chronicle, a Catholic paper published in Geraldton, the editor defended the industry with an impassioned account of the conditions under which Aborigines worked. The editor argued forcefully that the employers amply fulfilled their obligations to their employees, by supplying rations to the workers and their 'hangers-on', by distributing a few clothes, by not obliging women with young babies to work, by giving the women billycans at Christmas and by making a small contribution to a Native Medical Fund, controlled by the Department. There was no mention of housing, or an education for the children, or the degree of consent under which the Aborigines gave their labour, and certainly nothing of the history of exploitation which shaped the pastoral industry. And wages were quite out of the question:

"It is simply rot of the most stupid kind to think that the native is going to be uplifted by higher wages. Assuming that higher wages is the solution to the problem and that the native is educated to the use of money, who is going to employ him in his present state of 'civilisation'."22

The Commissioner argued in similar vein:

"The natives in our northern areas are thirty years behind the natives in Queensland ...The natives would use the money for gambling and the stations would still be expected to feed and clothe the workers and their dependents ... The native workers should be mentally developed at native settlements and missions in trade and domestic classes and tutored in monetary value and obligations ..."23

As a matter of policy, the Commissioner stated the bottom line unequivocally: "If a wage system is foisted onto us at this stage it would paralyse the pastoral industry."24 He assured the Minister for the North-West, that the Department of Native Affairs would take responsibility for training the Aborigines for the pastoral industry by means of a system of grants to the missions to provide trade and domestic classes.

22 Cathedral Chronicle. Geraldton, March, 1947.

23 Op. cit. D.N.A. file 1091/45, folio 32.

24 Ibid.

Throughout the first weeks of the strike, the Commissioner steadfastly refused to acknowledge the legitimacy of any of the social, political and economic grievances which motivated the strikers. He even defended, on the pastoralists behalf, the appalling material circumstances of station life, such as the lack of amenities like toilets and adequate drinking water. He wrote to Premier Wise and informed him that

"There are difficulties in effecting improvements. These depend on the managements, but in many instances the natives are not responsive to good conditions due to their mental standards and superstitions in respect to the occupancy of structures."²⁵

Many Aborigines in the Pilbara never worked in the industry again after 1946. For those who did, the situation remained essentially unchanged until the late sixties, when the equal pay decision forced pastoralists to face the economic realities of their industry.

7:0 JIGALONG - OF BUREAUCRATS AND MISSIONARIES

After the war, the desert Aborigines began their involvement with European society in the very intense political environment of the Pilbara. Some of them made their way to the Jigalong mission of the Apostolic Church of Australia. Between 1907 and 1946, there was an Agriculture Department depot at Jigalong for servicing the Rabbit Proof Fence, and after a request from the Chief Protector of Aborigines, it acted as rationing agent for the desert people. There were times that the Agriculture Department seemed reluctant to supply rations to the Aborigines, because the job was not without its difficulties. In correspondence there are references to "past irregularities" in the treatment of women, and to the "particularly difficult task of keeping off undesirables". In the 30s, there was conflict between employees at the depot about providing medical treatment to the Aborigines during office hours, when the man who was evidently quite concerned about their health should have been breaking camels for the riders on the Rabbit Proof Fence.

In October 1944, the secretary of the Apostolic Church in Sydney wrote to the Commissioner for Native Affairs, proposing that they establish a mission in WA "somewhere between Beagle Bay and New Norcia". Strangely, Jigalong is now situated almost half way along a line joining Beagle Bay and New Norcia. There are no references accompanying the secretary's letter. The Commissioner, who had not

²⁵ Memo. Commissioner for Native Affairs to the Premier, 21/5/46. D.N.A. file 800/45 "D.W. McLeod. Port Hedland", folio 85.

heard of the Apostolic Church, replied, requesting details about the tenets of the Church and the extent of its ability to finance the mission. The secretary promptly informed the Commissioner of their fundamentalist beliefs and of their willingness to carry some of the financial burden. The Commissioner was satisfied with the assurances from the Church, and on 4th. December 1944, six weeks after the first letter, recommended to his minister that the application be approved. The minister obliged, and a week later the Commissioner wrote to the Church, outlining possible locations and funding arrangements. Thus, the Commissioner for Native Affairs placed the destiny of Western Desert Aborigines into the hands of a group of people in Sydney, who knew absolutely nothing about Western Desert Aborigines, who had never been to the Western Desert, and who he had never met. In the twenty three years that followed, there was never a policy discussed, or an understanding reached, between the Department of Native Affairs and the Apostolic Church about what constituted the best interests of the Aborigines. It occurred to no one to ask the Aborigines what they believed those interests to be.

During 1945, and the first half of 1946, the commissioner corresponded with other government departments to secure land for the mission and to acquire buildings and other facilities. The mission received favourable consideration when they sought buildings and water tanks from the Commonwealth Disposals Commission in 1946, after the government closed the R.A.A.F. base at Meekatharra. The first missionaries left Sydney in May 1946. Then began the ceaseless task of equipping and maintaining the mission.

Throughout the history of the mission, there was always tension about resources and outcomes. It was vaguely understood that the mission was supposed "to evangelise and train the natives whose habitat is between the Rabbit Proof Fence and the Canning Stock Route", but the actual meaning of this responsibility was never spelt out. In practice, it generally meant gospel readings, a school for children, placing the young men on stations as stockmen and having the young women work as domestics on the mission. From a policy point of view, the overriding consideration was always the financial implications for the state of mission activities. The Department of Native Affairs was prepared to tolerate the administrative shortcomings of mission staff, because it was well aware that missions remained the "cheapest form of native administration available to governments". From the outset, the Department's determination to get the desert Aborigines off rations, and into employment on the stations, undermined the stability of the mission. In 1950, the Commissioner made it very plain, in a policy statement, that the Department would not "tolerate large numbers of natives living in

idleness on government stations or missions". He could see the desert Aborigines in the Jigalong area becoming a state liability and he was quite definite that all "able-bodied natives can find work in this district or subsist on natural resources". This pressure from the Department to move the younger men on, exacerbated tensions between local station managers, who demanded a steady supply of cheap labour, and the missionaries, who required labour for the development of Jigalong.

In 1954, the Commissioner complained bitterly about the 'crushing burden' of the process of changing Aborigines from a "state of dependence on nature to dependence on charity". The distribution of rations was a continuous source of strain between the Department and Jigalong because the numbers were never constant, but mostly rising, and the Department was constantly revising the system of rationing in its efforts to reduce costs. For example, in 1951, when the Commissioner was analysing the steadily increasing ration figures at Jigalong, he was alarmed to find that flour and rice and sugar and honey were distributed. Afterwards, the Deputy Commissioner warned his field officers to be on guard against evidence of 'rice-bag Christianity'.

Throughout the twenty three years of the mission, there were constant demands from Jigalong to capitalise the institution. Between 1951 and 1961, the requests, each of which generated prodigious correspondence, included several for more land, a truck, houses, water supplies, a fridge, a school, a piano, a power plant, a transport subsidy, a hospital, sewing machines, dormitories for segregating the boys and girls, and a hostel for girls fifteen to twenty one years old "if they are to be saved from tribal marriages".

For the Aborigines, the shape of their relationship with European society took quite a different form from the relationship the Department and the missionaries had with them. Their primary concerns were not money or labour, but with dealing with the extraordinary change going on in their lives, and with maintaining the social and cultural integrity of their society, which, in the early days, they probably did not believe was under serious challenge from the missionaries.²⁶

The first crisis which newcomers from the desert usually had to face was a rapid deterioration in their health. For the first three years of the mission, a remarkable woman they called Matron Daniel was responsible for health care at Jigalong. A copy of her detailed monthly reports to the Health Department was sent to the D.N.A. and provides a graphic account of the difficulties endured by the desert people when they

²⁶ See Tonkinson, R., 1974, The Jigalong Mob: Aboriginal Victors of the Desert Crusade. Menlo Park. California: Cummings.

first walked in from the desert. At the beginning, the Aborigines' camp was a three mile walk from the clinic but, nevertheless, in her first year Matron Daniel managed to treat 4966 outpatients. The list of matters she dealt with included births and deaths, large sores, yaws, VD, spearings, diphtheria, colds, an epidemic of influenza, trachoma, severe burns, severe lacerations, pneumonia, gastroenteritis, measles, and several children were drowned in a flood.

For much of the time they were also pre-occupied with what they regarded as unnecessary interventions in their lives by government officials and the missionaries. Even before the mission, there was trouble with the pastoralists about their dogs, because of the widespread use of poisons to eradicate the dingoes which attacked the sheep. The police also regularly visited Aboriginal camps and shot any surplus dogs, as did the mission staff on a couple of occasions. The constant abuse of Aboriginal women by Europeans (but not the missionaries), and intervention in their marriage laws, was the source of much animosity also. But perhaps the most hotly contested issue, was the struggle for the hearts and minds of children. Parents deeply resented their children being beaten for speaking their language and the mission's attempts to undermine social and cultural life, even if these attempts were remarkably unsuccessful. They lived always with the threat hanging over their heads that the Department would charge them with neglect and take the children from them, and give them to the mission, or place them in another institution. Ultimately there was never any genuine communication between the Aborigines and the mission. The Aborigines accepted the very negative opinions the missionaries had of them, and their sometimes forceful interventions, in return for material subsistence.

8:0 A MARTU HISTORY OF THEIR COUNTRY

"When I had my father and mother, his cousin's brother came along and picked me up near Kinyu. My father told his cousin's brother, 'You can take my kid so long as you bring him back'. And so he took me from there right up to Jupiter Well, Karilwara, Nyinmi, Kiwirrkura and all round there. He took me round and round and north to Nyarkal and Palinpalin. I bin one year with that old man. He's still alive, he's at Kiwirrkura. My father was worrying for me. He came along behind and we met at Kuny Kuny. He was satisfied with me, that old man. He bring me right back to my old father and mother. Right, my father was satisfied with me. From there he took me north with another mob, another family. We went right up north along the stock route to Winpa. From Winpa I came back to Karlamilyi (Rudall River). We bin stopped round there - Karlamilyi, Punmu, Kunawariji and all round Nartiwarta."²⁷

²⁷ Mack Gardiner, pers. comm., Jigalong, July, 1987.

In 1987-88, Western Desert Puntukurnuparna conducted an oral history of the Canning Stock Route to provide curriculum materials for the desert schools. When the old people told their stories, the themes of family and country were always most prominent. Of less importance, were narratives about events, or chronological accounts of changes in the desert. Despite the extraordinary changes of the last forty years, the recorded stories revealed the existence of important continuities between what we know to have been the concerns of the pre-contact oral tradition of storytelling, such as family, landscape, autonomy and movement, and the themes of stories, which they regard as the cultural and educational priorities for their children now. Although many of the stories are about first encounters with whites, there is no indication that they are, in any way, an attempt to grapple with what Europeans often regard as a cataclysmic disjuncture in the Aborigines' understanding of history.

The common desire of the storytellers was to re-create the history embodied in the landscape. This did not take the form of 'Dreaming stories', but of reminiscences alluding to such stories, a form reflecting the history they inherited from the Dreaming. Consequently, the structure of the stories about individual and family experiences is shaped by the signs in the landscape of great events from the Dreaming, which gave their country significance.

Why did they choose to tell such stories at this time? As part of the move back to the desert, there is a very strong feeling that the country has to be talked about again, to revitalise the desert and to teach the children about it. The stories are not about learning traditional knowledge, but providing an important place for the past and organising their experiences, so that the children can learn their history and accommodate the changes as they try to build something new. Part of the urgency they communicated, also has its source in their concern about the incessant mineral exploration and the very real prospect of a uranium mine nearby. One of the changes of the last forty years, is that they are less secure about their occupation of traditional lands; the title which birth and knowledge once conferred, no longer has the status of earlier days. They now have to articulate their title in European terms, for a wider audience, and to demonstrate knowledge of their country where, previously, it was beyond dispute.

While the stories do not 'explain' their remarkable ambition to repopulate the desert, they do shed some light on the historical experience of Western Desert Aborigines, and the strength of their commitment to live again in the desert, in their own communities. Although most of the stories are about knowledge of country, or first experiences of Europeans and the movement out of the desert, they contribute also to an understanding

of their present situation. The community leaders have aspirations for the stories to contribute to their literacy program in the schools.

The content of the first stories recorded was confusing, because it did not meet the expectations aroused by a reading of European accounts of contact in the desert. Also, an understanding of the Aboriginal stories was initially hampered by European prejudices about what constitutes 'history'; especially the requirement to locate events in time. Matters were further aggravated by Aboriginal perceptions of the impact of early European intrusions into the desert, particularly the Canning Stock Route, as quite marginal to their experience. Gradually, the significant themes became clearer: family, country, movement, autonomy and the pleasures of the hunter-gatherer economy. There was, of course, much discussion about first contacts with the whitefellas and their tucker, but it seemed incidental to the main themes. It took the form of anecdotes about a different world, which was not immediately perceived as a threat to their own.

Experiencing the country - that is, being in, living in, using or moving about the country - is the point at which the old people wished to begin to teach the children about their culture in school. It is the critical category in any exploration of the past and it provides the sense of continuity between the transcendental history of the Dreaming and the secular history of contemporary experience. It is particularly relevant in a bilingual program where language, usually Manjiljarra or Warnman, is as important as history. The oral history offered the opportunity to express Aboriginal priorities in education, and to maintain and strengthen the links between the school and the camp.

From the outset, the differences between European and Aboriginal ways of recording and remembering the past were quite apparent, and highlighted different choices about what was important in the past. Broadly, these differences can be accounted for by the fact that one society is literate, while the other has an oral tradition. In literate societies, knowledge and law exists separate from individual humans as the written word, and is not structurally tied to everyday life and experience.²⁸ In oral societies, authority and wisdom reside with old men and women, who know the law as it is embodied in the stories and traditions of the past. In an oral tradition, the skill of storytelling seems to lie, in part, in recognising what is important in the past and conflating the various elements in such a way that they acquire a symbolic quality, which can be readily

²⁸ Ong, Walter J., 1982, *Orality and Literacy*, Methuen. p42.

reproduced and made available to an audience. The written word allows more reflection about the details of events and characters.

Travelling in the desert with Aborigines there is a constant reminder in the form of named places, of the significance of the geography. It is a commonplace to remark that the land is important to Aborigines, but it is doubtful that we yet fully understand how it links experience and social relationships and becomes a symbol for a whole range of meanings. In Mack Gardener's story, the country mediates his preparation for the approaching existential crisis of puberty and initiation. It was through learning about the country that he grew up, as he perceives it.

The differences between oral and literate ways of recording the past raise some special problems for a history project. One of them, for example, is clearly evident in what we will call "the John Forrest problem". In stories and conversations about the first Europeans in the desert, mention is made of acts of violence, including shootings and the violation of women. Some of these incidents are within living memory and almost invariably are attributed to John Forrest, who was in the Western Desert in 1874, and much to the south of the country of the Manyjilyjarra people. There is, however, one dramatic event which occurred in 1874 at Weld Spring, later Well 9 on the C.S.R., and has Forrest as the central character. Forrest's party barricaded themselves against the local Aborigines, so as to control the available water and, in the ensuing battle, several Aborigines were shot. Ever since, the name of John Forrest has been notorious throughout the Western Desert and remains a powerful symbol of the worst of European conduct. The difficulty arises when Forrest is made responsible for other important events, in which he could not possibly have had any part. For example, amongst the desert people he is held responsible for the Kinyu (Well 35) shooting in 1912. The heroic stature of Forrest can possibly be explained also by another episode, which has nothing to do with his time as an explorer. Don McLeod, another legendary figure in the Pilbara, has consistently argued that Forrest, through some political skullduggery in London when he was Premier, was responsible for denying the State's Aborigines a constitutional share of revenue after self-government.²⁹ Perhaps past associations with McLeod have re-inforced their view of Forrest as the archetypal oppressor. But "the John Forrest problem" is also, in part, the outcome of the need of Aboriginal storytellers to organise knowledge and experience in a form which can be easily recalled. Heroic figures are a common feature of all oral traditions and are very effective as a means to give historical events contemporary meaning when empirical certainty is not possible or necessary.

²⁹ McLeod, D. W., How the West was Lost, p2-10.

Although there was much interest in the stories about events such as the Kinyu shooting, first contacts with white men and early experiences on missions and stations, that is, the history of encounter, it was clear that the primary effort went into reproducing their knowledge about country. This took the form of stories about movement through the country and the production of a map. In both, the naming of places was very clearly the most important activity.

The map measures 2.5 by 2.0 metres, covers about 150,000 square kilometres and names over 650 water sources. It was the outcome of a series of meetings of family groups to list the place names of their respective country. The ambition was clearly to make a strong statement about links with the past and present occupancy of the desert.

9:0 ENCOUNTER NOW

"We have come to talk about what is happening in our country. That's where most of our old people came from and we are descendants of them. It seems to us that people are going into our country and doing whatever they want to, which is hurting us. It is happening in the national park."

(Chairman of Western Desert Puntukurnuparna, Parnngurr, June 1987).

Much of the intense contact today is in the highly structured form of the meeting. The chance encounters with mineral exploration parties and tourists occur regularly and are often charged with anxiety and suspicion, but the meeting has become the dominant intrusion. The initiative for most meetings comes from Europeans, who seek ratification of agendas generated in Perth, and decisions endorsing their presence in Aboriginal lives. It is an activity which allows little room for Aboriginal perspectives, nor the time to process information into forms Aborigines find readily accessible and meaningful. **Real consultation with desert communities is hard work, demanding painstaking effort to communicate information effectively and time for it to be absorbed.** Even then, it can not be assumed that new information is received in the manner intended. Although one official or agency may take the trouble to communicate their position properly, the Aborigines are often subject to different opinions on the same matter from other officials. For example, in the Karlamilyi (Rudall River) National Park issue, information arriving from the Premier's office, the Minister for Mines, the Mines Department, the Minister for CALM, the Department for CALM and the Minister for Aboriginal Affairs (Federal and State) can carry indications, subtle and otherwise, of varying priorities, personal styles and politics. Not only do Aborigines have to work out what is happening, but also where the power lies.

An interminable frustration for desert people is the inordinate amount of time spent negotiating the terms of the delivery of services, such as health, education, housing and employment. They are certainly important resources to them, but they are essentially the outcome of the political struggles of Aborigines who have had much longer and more direct involvement with the larger political process, and of Europeans in the cities who have supported them. But the time such services command in the desert deflects energy from another agenda which exists in, and has been generated within, the communities - the social and cultural revival that is of their own making. Their priority in the move back to the desert is this other agenda and not the desire for a solar powered fridge. A critical aspect of Aboriginal access to such services is the bureaucracy's fixation with financial accountability, rather than social processes and outcomes. It is a responsibility the communities fully accept as necessary, but it is still difficult. For example, the writer was at a meeting at Punmu, in 1987, to discuss the community's housing project. Four senior officials from the relevant agencies and the building firm had flown from Perth and Port Hedland for the occasion. Each in turn proceeded to berate the community about some alleged, unspecified 'problems'. After quietly taking the humiliating criticism for over an hour, no one had the nerve to ask "what are you talking about?", but ever so gently changed the subject. They truly did not know what was at issue, and as it turned out, neither did the resident building consultant who, during the meeting, had been outside the window building houses, with the help of his Aboriginal trainees. The officials had arrived with no specific agenda or complaint, had not informed the community in any detail about the purpose of their visit, and did not seek any decisions from them. Someone, somewhere had developed the idea, quite independently of the reality, that the community was not doing the right thing. It was made very clear to the community that if their training program was not a great success, then all the other desert communities would be denied similar resources. This very demanding and unsatisfying process is intensified manifold when the issue is land and miners.

While it is acknowledged that such resources largely make possible their sustained re-occupation of the desert, for those living in the remote desert communities, the considerable tension surrounding this dimension of contemporary 'contact' is difficult because their motives and priorities have quite different sources. Social relationships, law business and sparing their children the rigours of town life are their major concerns. The weight given to economic matters by today's 'intruders' places severe constraints on the expression of their social priorities, which are often assumed to be a simple consequence of bureaucratic largesse. The overwhelming experience of the Western Desert Aborigines has been marked by exploitation, exclusion, abject

poverty and powerlessness. To rebuild a genuine community and to sustain the interest of their young is not a simple task at all. It requires commitment, energy and courage.

A part of the history of encounter is the history of the imposition of ideas, and the power of one to describe the other. Aborigines have been made to carry the burden of our obsession with property. In our present problem, this has taken the form of a drama surrounding claims of land ownership. The inherent issues are very important, but to elevate them above all else, is, in significant respects, to miss the point.

The great obstacle in the Karlamilyi (Rudall River) National Park is the absence of a process involving Aborigines in authentic negotiation, one which defers at significant levels to their perceptions of their own standing and rights. In the desert, to be consulted about one's country is a gesture of the utmost significance.

There is a frustrating appearance of involvement, but never the satisfaction of having the feeling of a measure of control over events and decisions. For example, although the conduct and outcome of the meeting, between Premier Dowding and Western Desert Puntukurnuparna last August, were viewed positively, there remained a nagging doubt among Aborigines, that a 'study' could be another deflection of their interest, in favour of more powerful interests because the meeting left important matters on their agenda unresolved. It always seems the context of encounter is shaped and developed by priorities set beyond the territory their influence reaches. Always, they are expected to respond to calls for important meetings with significant others who, it is implied, are in positions of power and are able to represent their interest in the right places and even influence major decisions in their favour. Yet, despite the appearance of the best of intentions, it never quite happens. There is compensation in the form of favourable decisions, involving the expenditure of monies on such items as Toyotas, housing, health, schools etc. - a form politicians, bureaucrats and much of the broader community find readily intelligible and Aborigines also regard as important. But the fact remains, that when the reality of their occupation of land in the National Park, or elsewhere, encounters other interests and values, the truth of their political standing, - their relative powerlessness, - is sharply revealed and acutely felt. As Jimmy Williams of Parnngurr put it, "Talking, talking, talking and we are getting nowhere."

In recent years, a certain disillusionment with politics has surfaced among Aborigines, as expectations of positive change have been heightened and then let down. In the recent case of the Seaman Inquiry, for instance, they were raised to fever pitch

and then dashed mercilessly. In the Western Desert, the big meetings associated with mainstream politics require enormous energy to organise and mobilise, and carry with them the prospect that matters of consequence will be dealt with by those who count. Some people have to travel two or three days to attend, and the logistics of supplying the meetings have a somewhat expeditionary aspect to them. The big meetings are regarded as very significant political events and much effort is put into the preparation. But now, **after a few critical experiences, the Aborigines have become aware of a radical disjuncture between the outcomes of the meetings they participate in, and the political decisions shaping their lives.**

In June 1987, a big meeting was held at Parnngurr to deal with the problem of Aboriginal residence in the Park and the uranium at Kintyre. People from Punmu, Jigalong, Parnngurr and Well 33 attended. Present also were officials from DAA, CALM, ALS, Aboriginal Sites, Mines Department, the Advisor to the State Minister for Aboriginal Affairs, a consulting lawyer and five senior executives of CRA, who were asked to wait for a later meeting. The first hour of the meeting consisted of statements from all the Aboriginal men of standing. They canvassed many issues, but most notably they were concerned to express the following:

- the strength of their claim to speak for the country in question,
- their feelings about the National Park and a uranium mine on Aboriginal land, and the threat both posed for their important places,
- their serious concerns about the environmental implications of a uranium mine, for their food and water,
- their worries about the future of their communities and their childrens' future in the event of an accident at the mine,
- an unequivocal dissatisfaction with the lack of progress in their negotiations with the Government.

The meeting was then left open for the white protagonists. For their part, the visitors, from the perspective of their individual responsibilities, communicated, *inter alia*, the following:

- "No!" (the Aboriginal Liaison Officer of the Mines Department when asked if he felt obliged to inform Aborigines of mining company activity on land of interest to them).

- "We wouldn't know because its a big area. All we can do is come out as often as possible ... to see what is happening. We wouldn't know. I admit that. Periodically we have a look to see whether the people are doing what they said they would do, and sometimes they are a bit wrong and we say "fix that business up." (CALM officer when asked how he would know if a company was complying with conditions of entry and work in a national park).

- "What the mining tenement conditions says is that the operator will comply with the provisions of the Aboriginal Heritage Act and ensure that sites are not damaged. Therefore, there is a grey area, if you like, of interpretation." (Mines Department officer when questioned about alleged new CRA activities which have not been subject to official scrutiny).

At one point in the meeting, when discussion turned to the environmental worries at the uranium mine, one of the CALM officers informed the meeting of the current monitoring situation. It is worth quoting at length:

"One of the things the company has told me they are going to do is drilling near the mine, round where the place is, they are going to be drilling holes, so that they can take some of the water out of those holes and make sure there is none of this poison and this uranium going into the water that could go through the ground into the river or anywhere else. They have told me they are going to do that. I don't know what they are going to do if they find that it is doing that, but they are checking to see that. One of the other things that they are doing, is they are taking some of the plants there and some of the animals there and they are seeing how much uranium there is, that those animals have got in their bodies now and they want to keep doing that all the time, so they can check to see if the animals are getting more uranium in their bodies and they want to do this so they can check this stuff isn't going into the animals and going out to the other places, that it isn't going to be a danger for you people who want to eat them or whatever. Now, what the results are I don't know, but I know they want to do that, those things."

There is no doubt that this was a genuine attempt to comfort the Aborigines, but in the confusion he reinforced their worst fears. What about the turkeys? Extraordinarily complex technical questions are rendered almost impossible to grasp by a lack of specificity and a presentation in which information has not been processed into a form desert Aborigines understand. People have been eating food in the region for thousands of years. Why, all of a sudden, is it a problem?

Nearly all the visitors seemed determined to clarify and improve the situation. These extracts are not intended to diminish the contributions of most of the visitors but to show the confusion in legislation, in the co-ordination of policy formulation and in the movement of information. For the Aborigines, it leaves the impression that the people who should know how to deal with their problems do not know and, possibly, a few of those people think that maybe the whole thing is a bit too hard anyway. Understandably, they worry about it a lot. But, perhaps for the sake of balance, we should hear the following:

"Sites are my responsibility. The problem that we face is that we very seldom get to hear what is going on. It is all very well and good to say there must be clearance for sites but the problem is that we don't get informed about this and I don't know where it is breaking down. The Act is there to be observed and there are conditions on the mining blocks that say they have to look after sites and have to avoid them. From today's meeting it seems to me that we are not talking to one another enough. We don't get to hear about these activities. We are certainly not consulted by CRA about these new tracks and core drills and as far as I know there are no agreements being struck between CRA and the people out here. The problem is that there are so many different agencies involved, including the community and the Western Desert Land Council, who might be talking to part of the other side but we are not all talking together. What we need to bring out of today is to get a plan where everyone sits down and puts their plans out and we get a proper mechanism where we can all talk together and make sure these sort of things don't happen." (Aboriginal Sites Department, senior officer).

Twenty-one months later such a mechanism is still to materialise. The overall effect of such meetings is to leave Aborigines with a sense of impotence and exclusion. After four hours the meeting was closed and the CRA executives were summoned. In their statements, they were courteous and respectful and by comparison the meeting was almost convivial. They emphasized the economic imperative of sufficient national

income to allow Aborigines to drive around the desert in Toyotas. They also went to some lengths to impress on the communities their wish to be good neighbours. For the Aborigines this was a more successful meeting. As one Jigalong man commented, rather nervously, after the meeting, "It was a good meeting because they listened properly." As a result, Western Desert Puntukurnuparna overlooked to challenge them about their new activities.

Assuming these larger issues can be resolved in some way, it still leaves other difficulties, such as chance encounters with exploration parties and tourists as serious intrusions in the life of the communities in the Park. Whenever the Aborigines make contact with employees of mining companies on the tracks or find their camps unexpectedly intruding on their land, their prior ignorance about the identity and purpose of these intruders can evoke a profound anxiety. Once, when this writer was travelling with a group between Parnngurr and the Canning Stock Route, we came across a new camp and as we approached to look from a distance, one man in his forties asked, only half jokingly, "What sort of fellas are these? Are they going to shoot us or something?" It is crucial that any process of managing encounter in the Park now should involve Aborigines in ways which remove such anxiety.

In the case of tourists, encounter is made much more difficult by the absence of any comprehensive controls effecting their presence, and by the fact that some of them display an insensitivity to Aboriginal life verging on malicious contempt. For example, recently while one community in the Park was mourning the death of one of their leaders, tourists arrived and began photographing. On another occasion, a convoy of Toyotas from a four wheel drive club arrived at Well 33 and emptied the community's water tank - if there had been a wind drought, there would have been a very serious problem. **Again, there needs to be devised, monitoring mechanisms which involve Aborigines and respect their cultural values.**

10:0 CONCLUSION

What the Aborigines have lost is the power to authorise the expression of what they mean,, when they speak of their return to the desert. A real culture/lesser culture dichotomy, at a subtextual level, informs much of the discussion about Aborigines and their rights to land. It is a dichotomy having real benefits for those who perceive the Aborigines as rivals, because, as the cultural integrity of the latter is impuned, the political fortunes of the former are enhanced. The problem for Aborigines in having lawyers reading anthropologist's or linguist's translations, is that it leads to a situation where the Aboriginal statements about their occupation of the Park are located

primarily in a context constructed to enable legal adversaries to argue about property. In such a process, we examine the statements to find what fits, what is similar to our own categories. Our law gives pre-eminence to a notion of property, which affords to one the right to exclude another. In Aboriginal society, it is a right which usually defers to other values and responsibilities to enhance, not limit, social relations.

The political consequences are that Aborigines are obliged to articulate their claims in the Park with respect to the 'traditional owner' model. Much of the tension in the Park has focused on the standing of the Aboriginal protagonists, in terms of familial lineage and association to country in pre-European times, rather than on current need. That is, once again the intruder has claimed the power to define the position of the Aborigines in the political process in ways which guarantee the primacy of their own needs. The Aborigines regard the land question as enormously important, and it occupies their minds constantly, but there is a very real danger that Europeans will see Aborigines only in their relation to land and, in adopting the static, retrospective view, reduce them to dumb inhabitants of the past. They are then removed from the political process as active, contemporary players.

The great challenge of cross-cultural encounter is to understand the signs and gestures of the other and to give them the meaning with which they were offered.³⁰ In Canning's search for water, Aborigines were seen only as natural creatures who knew how to satisfy a thirst in the desert. In the 1908 Royal Commission, there were persistent attempts to establish the voluntary nature of some of the Aborigines' contact and their 'contentment' while on the chain as evidence that they did not see the brutality. The voluntary contact was not read as a sign of willingness to engage in genuine dialogue because it was simply assumed they were incapable of doing so. Now signs, such as their readiness to be involved at meetings, are constantly being misread or ignored.

There is a need for policies and plans of management which recognise their source in Aboriginal politics. For example, there is no inherent reason why the processes which produced the Community schools in the desert and the programs of language maintenance cannot be employed to address the problem of managing encounter in the Park. It requires a shift in attitude to recognise their re-occupation of the desert as a courageous attempt to find Aboriginal solutions to their problems and to establish genuine communities spared the vagaries of grog. When Europeans conduct their affairs in the desert in a provocative and threatening manner, there is a need to hear in

³⁰ Denning, Greg. 1980. Islands and Beaches. Melbourne University Press.

discussions about land an anxiety about the vulnerability of their cultural revival and their search for a small measure of independence.

Intruders in the desert have always demanded, and got, carte blanche. When Canning marched across the desert, his vision did not extend beyond political and economic concerns in Perth. The understanding of Aborigines was restricted to showing that their pattern of using water was similar to budgerigars,³¹ and that "natives feel the immorality of their lives as keenly as whites".³² . Pastoralists demanded Aborigines give their labour freely. The defence establishment demanded empty space. The missionaries demanded the right to impose a new sense of time and a new morality. The times, it is said, have changed. Aborigines are an integral part of the nation's body politic at the historical moment when it grapples with its own diversity and complexity. To offer new intruders in the desert de facto carte blanche by not obliging them to accept certain responsibilities and to abide by the spirit of laws which inherently respect the legitimacy of the Aborigines' case, is to leave us with the budgies.

³¹ Royal Commission, op. cit. Questions 2849 and 2922.

³² Ibid. Question 3322.

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6. THE USE AND MANAGEMENT OF ANIMAL AND PLANT RESOURCES BY THE MARTUJARRA

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1:0 INTRODUCTION

In the past and at present, the people of the Western Desert exert an influence on their environment. This is through practices such as the hunting of wildlife, the harvest of plant material and the burning of tracts of country. In contrast to precontact times, some of these practices have persisted relatively unchanged, some have been considerably modified and others have been abandoned. All of these activities have been carried out within the context of their own perceptions of the environment, in many instances these are quite different to those held by non-Aboriginal people.

The patterns of resource and land use and management are complex; there is no standard picture and there are many contrasts between past and present. In recent times, Westernised foods have been incorporated into the diet, some traditional food sources are no longer used, while others continue to play an important role. Western medicine has replaced the traditional medicinal use of plants and animals, but "maparn" people, who are imbued with curative powers are still consulted.

Changes in technology have resulted in increased hunting efficiency, whereas there has been little modification of gathering techniques. Increased population sizes, the localisation of these populations and increased vehicular mobility along established tracks exerts pressure on resources in proximity to communities and access routes. In contrast, as a consequence of the relatively restricted movement patterns, large tracts of country are never, or rarely, visited and, therefore, resources are not collected and traditional land management practices are not applied.

There is no easily drawn distinction between so called "traditional" land use patterns and those in use today. They are based on the past and they will continue to be applied, however modified, in the future if contact with country is maintained. Because of this continuum, the division between traditional and contemporary practices is

inappropriate. Within this document, past and present practices will be compared and contrasted.

Traditional ecological knowledge may be recorded, analysed and applied towards the conservation of nature and natural resources through the linking of anthropological and ecological skills. These techniques can provide an effective shortcut towards learning about an environment, where Western scientific techniques would prove expensive and slow (cf. Johannes, 1981, IUCN, 1988). If cultural knowledge and practice can be combined with the aims of conservation, the potential advantages are significant (Stevens, 1986). Awareness and pride of Western Desert Aboriginal culture will be perpetuated and biologists and land managers will have the opportunity to increase their understanding of a landscape whose components and ecological processes are still largely unknown.

1:1 METHODS OF DATA COLLECTION

The material presented within this report has resulted from field work I have done with Aboriginal people in the Western Desert between 1986 to 1989. During this time, I was a postgraduate student at the Department of Botany, The University of Western Australia.

The initial aim of my own research was to identify how the spatial and temporal distribution of plant resources influenced the subsistence strategies of traditional hunter-gatherer groups in the area now occupied by the Martujarra.

Ecological and anthropological techniques have been used to address my research question. This has entailed a total of six months field work, conducted over an area ranging from Punmu in the north, to Durba Hills in the south, and Jigalong in the west, to the Canning Stock route in the east (see map).

Ethnographic study was undertaken with Martujarra people from Parnngurr, Punmu and Jigalong. A group of women from Parnngurr comprised the core of a wider group that eventually included twenty-two Martu people. This group was predominantly female; they were from three main generation levels, consequently, I was exposed to a range of experiences in traditional and contemporary lifestyles.

Formal and informal interview techniques were used. Initially the plant species that formed the resource base were identified and their relative significance assessed. The methods used to process these species for consumption were documented. Martu

perceptions and recollection of seasonality, resource distribution, mobility patterns and land management practices were recorded. Food was harvested and processed when we camped with small groups of women at sites away from the main communities.

Vegetation data was recorded from a variety of landform types. Numerical analyses were used to determine community types and to calculate their species diversity and richness. The influence of burning on species and communities was assessed. The flowering and fruiting time of plant resource species has been documented. An analysis of climatic data, as it influences the distribution of resources, is presently being conducted. The work is still in progress, and this report represents the results of preliminary analyses.

1:2 THE CONTINUED USE OF TRADITIONAL RESOURCES

The continued use of traditional resources is both a cause and a consequence of the outstation movement. The reasons why people continue to collect and eat bushfood and use other resources are manifold. They include:

- (1) to ensure cultural continuity and maintenance;
- (2) to aid cultural education;
- (3) for ceremonial use;
- (4) to provide essential components of the diet;
- (5) to eat preferred tasty foods;
- (6) as recreation and exercise;

At each generation level these reasons tend to have varying importance.

The extent and detail of traditional ecological knowledge that is retained by the Martu is a partial consequence of the age at which individuals came into contact with European culture and their subsequent lifestyle. As a rough guide, people over 50 years of age recall their culture in detail. People who lived a hunter-gatherer way of life until they were at least in their late teens, retain knowledge of their material culture. Those who left their traditional lands as young children and babies retain knowledge of a range of aspects but without specific detail. Finally, the generations that were born and have grown up in association with European society have a fragmented and incomplete knowledge. There are numerous exceptions to this picture; individuals who have an intense interest in past ways have learnt and retained more traditional knowledge. The extent of knowledge transmission between generations is often determined by

personal interest and aptitude. Furthermore, the conflicts are many, as some parents regard the provision of a Westernised education as highly desirable and other parents prefer more traditionally orientated education programs.

For elderly people the return to their traditional lands and its familiar resources has provided them with the opportunity to again hunt and gather species that they were once reliant upon. The importance of bushfood is continually stressed by older people; elder men in Jigalong talk of being hungry for "kuyi" (bush meat), older women spend time discussing the size and quality of bush onions (*Cyperus bulbosus*) to be found in different areas. In Jigalong, where Western food can be readily purchased at the community store, women continue to undertake the arduous work of collecting "mata" (*Ipomoea ? costata*). The reason for this cultural continuity is frequently identified by the expression "because we have always done it".

Within the middle generation there is a strong awareness of the need for cultural maintenance. This generation of Martu clearly distinguishes between bush foods and "white fella tucker". Various aspects of hunting and harvesting major bushfood species are encouraged. The procurement, provision and distribution of meat and some plant foods is still a means of acquiring and reinforcing social status and relationships within the communities.

Children frequently gather bushfood. It is a daily play and recreational activity out of school hours. It provides them with the opportunity to occupy themselves, eat tasty foods and exchange items with their friends and elders. Nevertheless, elderly people are concerned that children "don't properly know bushtucker". Generally, they are familiar with a only a limited number of species. Their knowledge of the environmental conditions and where species may be found is poor and they do not have processing skills necessary to prepare foods for eating.

The collection of bushfoods and traditional tools and implements seems to provide a basis for the development of children's learning and play skills. The items required are readily obtainable and provide learning experiences which are relatively inexpensive.

2:0 RESOURCE USE AND SELECTION

2:1 THE USE AND CLASSIFICATION OF WATER SOURCES

Older Martu retain a detailed knowledge of the distribution, location, persistence and quality of water supplies. This has been evidenced by the compilation by the

communities of over 650 names of water sources that occur throughout the region (Gallagher, this vol.).

At present, bores with pumps and windmills are the major sources of water supply. The distribution of these affects decisions regarding the location of long-term camps. The distribution of surface waters continues to influence the mobility patterns of Martu when they are on excursions away from the communities.

Detail from aerial photographs, maps and ground surveys has shown that the physical morphology of seven surface water classifications (after Masini 1987) may be applied in this region (Walsh 1987). These are:

- (1) springs
- (2) permanent and semi-permanent pools
- (3) headwater streams
- (4) primary river channels
- (5) adjoining pools
- (6) semi-permanent claypans
- (7) ephemeral claypans

Further study is necessary to distinguish categories that describe the wetland systems that occur on sanddunes, sandplains and saline playas. A study of inland surface waters or wetlands in the Pilbara has been conducted by Masini (1987). The aims of this project may be extrapolated to this region. The inclusion of aspects of Martu knowledge of water sources is likely to enhance such a study.

2:2 ETHNOTAXONOMY

Sutton (1976) has emphasised language as "an essential part of ethnobotany (not just a tool)", this statement may be readily extended to the study of most aspects of the ecological knowledge of Aborigines.

The Martujarra speak English as a second language. Their first language is one, or a combination of, several dialects. My work has been conducted with people who identify themselves as Kartujarra, Manjilyjarra and Warnman speakers. Throughout the research project, records of the dialectal names for many plant species were maintained and where possible these have been validated by linguistic corroboration. Specimens of all resource species have been collected for scientific identification. A wordlist of all resource 'species' has been compiled, based on their scientific

identification. In many instances, one species has several names. A copy of this wordlist is held at the Pilbara Aboriginal Language Centre, but at the request of the Martujarra it will not be presented here.

The classification system used by the Martujarra may be compared and contrasted to the scientific system of plant taxonomy. Species of cultural importance are generally classified to a level that results in a direct one to one correspondence between the species name and Martu name. Martu taxonomic divisions are largely based on similarities and differences in plant morphology. Consequently, all food-producing species have different names. In some instances Martu refine plant classification beyond the species level. For example, in Manjilyjarra, the single species *Solanum chippendalei* is called "pura" when it occurs on sand plain habitats, and "piljiwin" when it occurs on rocky habitats; it is recognised as "the same but little bit different". Similarly, four forms of *Acacia aneura* that occur in the region have different Martu names; two of these approximate variants of the species. These examples suggest that plant taxonomists may gain extra insights into some species divisions through consultation with traditional taxonomists.

In contrast, the ethnotaxonomy of plants that are of little or no cultural significance is not refined. A single name may be used as a collective reference to several species. For example, the word "pulta-pulta" is used to name plants that are characterised by tomentose leaves, the members of this group are from families as different as the samphire (Chenopodiaceae) and hibiscus (Malvaceae) families.

Within the binomial system of nomenclature a generic term is used to encompass several closely related species (or sometimes only one). Similarly the Martujarra use generic names to group species of similar appearance or purpose. Amongst Aborigines of the Central Deserts, Burbidge et al (1988) noted the use of generic references to mammals and the confusion that can result when non-Aborigines are unaware of this use.

When I commenced research with the Martujarra I frequently attempted to identify generic terms for Western food groups, that is, equivalent names for edible fruits, tubers and nectars. I had no success, it is apparent that Martu generally distinguish plants that Westerners place within these groups only by their specific names. Yet the same names are consistently used for different plant parts. For example, "wanal" is the word for root or tuber but it is not used in reference to a plant with edible tubers. A major exception is the word "wilki"; this is used as a generic to refer to the edible seed

of any species, for example "murjana wilki" refers to *Eragrostis eriopoda* seed and "lunkunpa wilki" refers to *Acacia dictyopleba* seed. Thus only some aspects of the hierarchy that Westerners use to classify plants and distinguish food groups are approximated by the Martujarra system.

In Martu language there is no direct word equivalent of 'food'. Food is immediately distinguished by several major categories, these are: "kuyi/kuka" (meat); "mayi/mirrka" (plant food); or, "lunki/lukarti" (insect larvae) and a few miscellaneous smaller ones. It is then referred to by specific name, unless a generic is used.

Martu continue to use traditional names for plants and animals when speaking both their own language and English. The general lack of common English names and the difficulties of scientific pronunciation has aided this continued usage. The use of some common names is occasionally alternated with the use of traditional names, for example, "tarki" as a derivation of turkey (*Ardeotis australis*) is used. Many of the species names for plants that are no longer used or animals that are no longer found are recalled only by the older generations. The intermixing of names belonging to various dialects is common, this is because speakers who identify themselves by one dialect in reality speak an intermix of several, this has emphasised the importance of continual cross-checking and corroboration when doing ethnotaxonomic work.

Being a biologist, one has a predilection to setting up categories. The following report uses categories of plant use and food groups that are constructed from a eurocentric background. As indicated above, they are not always the same as those used by the Martujarra.

2:3 THE PLANT AND ANIMAL RESOURCE BASE

A number of variables have been proposed to determine the relative dietary contribution of a species that comprised the resource base. These variables are:

- (a) the abundance, predictability and accessibility of each species;
- (b) the energy costs of processing each species;
- (c) the energy and nutrient returns of each species; and,
- (d) cultural preferences (Veth and Walsh 1988:19).

These criteria are applicable to plants used in both past and present contexts. They were dependant on environmental variations in space and time.

At least twelve species of native mammals were once hunted by the Martujarra (Burbidge et al 1988). Birds were killed and eaten. A large number of reptile species were hunted. Reptiles appear to have been a very important component of the traditional diet. They occurred across a wide array of habitats and were a reliable and abundant food source that could be readily caught.

Gould (1969) suggested that, in precontact times, plants contributed 50% to 80% of the total diet of Western Desert people. The Martujarra have stated that a diet inclusive of both plant and animal food was necessary to stay healthy. Ethnographic evidence and phenological data indicate that the actual dietary contribution of plant in relation to animal food varied throughout the year. In the winter and spring months, the bulk of the diet was comprised of plant food. Consequently, at this time the availability of plant food resources appeared to have influenced subsistence patterns to a greater extent than the availability of animal foods. This situation apparently reversed in the autumn and summer months, when animal foods provided the major bulk (by weight) and nutritional input (by kilojoules) to the diet.

Vegetation surveys have recorded the occurrence of at least 300 plant species in the area (Beard and Webb 1974, George and Mitchell 1983, Walsh unpublished data). In precontact times, at least 155 plant species were used by the Martujarra; 106 of these plants were potential sources of food. This represented the utilisation of approximately 35% of the known flora in this region for food alone.

The distribution of plant resource species within the major families is presented below.

TABLE 1. NUMBER OF PLANT RESOURCE SPECIES USED IN MAJOR FAMILIES

FAMILY	PAST USE	PRESENT USE
Asclepiadiaceae	3	2
Caesalpiniaceae	4	1
Chenopodiaceae	8	4
Cyperaceae	4	3
Gyrostemonaceae	3	1
Malvaceae	3	0
Mimosaceae	30	15
Myoporaceae	5	1
Myrtaceae	17	10
Papilionaceae	7	5
Proteaceae	7	6
Poaceae	18	5
Solanaceae	9	8
Other*	18	12
* less than three species in a family		

The use of resources is primarily determined by their abundance. The floristic and physiognomic dominance of grasses, Poaceae, (Beard 1974) and the rich *Acacia* flora, Mimosaceae, (Hnatuick and Maslin 1980) of the region provided an abundant resource suited to exploitation. The versatility of myrtaceous flora has been exploited with a moderate number (17 spp) of *Eucalyptus*, *Melaleuca* and others being used.

The maintenance of a broad resource base was a vital factor contributing to desert survival. It helped ensure the Martujarra avoided the over-exploitation of a particular resource (Veth and Walsh 1988). It also prevented their reliance on any one species that may have been unproductive under adverse conditions and, conversely, ensured they had recourse to species that persisted in drought (Pate 1986), even though these may have been less desirable. Importantly, it also permitted variability and selectivity in their diet.

2.3:1 CATEGORIES OF PLANT USE

The categories of plant use that are distinguished have been adopted from past ethnobotanical studies. Descriptions of the methods used to prepare and process plant material will only be presented for some species in Section 2.5, this should be sufficient to indicate the skill and effort required. Readers are referred to a dissertation entitled "Bush fires and bush tucker" (Latz 1982) for a thorough and detailed description of preparation methods for most species cited in this report. A more accessible volume, "Punu: Yankunytjatjara plant use" (I.A.D.1985), is also recommended.

The uses of plants can be conveniently separated into eight categories; these are based on the function of the plant. The categories involve plants as sources of:

- (1) food;
- (2) wooden implements;
- (3) tobacco and ash;
- (4) medicine;
- (5) ornamentation;
- (6) firewood; and,
- (7) shelter.

Plus a miscellaneous category to cover other uses.

As indicated above, the food category may be subdivided according to the plant part consumed. There are such a large number of edible seed species that this group is further divided by family groups. This results in food groups as follows:

- (1) Seeds
 - (a) Acacia seeds
 - (b) Grass and sedge seeds
 - (c) Other seeds
- (2) Fruit
- (3) Roots and tubers
- (4) Nectars
- (5) Gums

An additional two categories distinguish plants as hosts to edible insects or their excretions. These are:

- (6) Lerps (these are the sugary excretions of psyllid bugs found on leaves)
- (7) Insect galls and larvae. (after Walsh 1987).

2:3:2 WESTERN FOODS AVAILABLE WITHIN THE COMMUNITIES

Westernised foods have superseded many traditional food items. The exposure of Martu to non-traditional food has a long history. Commodities such as salted meat, tea, flour and sugar were traded into the area, and they frequently formed the basis of initial exchanges between Europeans and non-Europeans ("...after that they gave us sugar, tea-leaf and bullock meat" (Mack 1988)). Inevitably the awareness of Western foods has been maintained by contact with Europeans. The use of these basic commodities was frequently reinforced by the women's role as camp or station cook.

In the 1980's, within Western societies, there has been an increase in dietary awareness and, subsequently changes in the market foods that are available. We are now notified of the dangers of excessive sugar, fat and carbohydrate intake and many people have modified their diets accordingly. However, this education and public awareness program has generally not been accessible to Martu people. They have continued to use the foods with which they are familiar. These are bushfoods and the type of Western foods that are now recognised as being of low nutritional quality.

The distance imposed by isolation and restricted infrastructure are other factors that limit the quality of the Western foods that are consumed. There are significant

problems involved in freighting fresh food long distances and preserving it. Cooking facilities are generally restricted to camp fires and simple utensils. Therefore, ease of preparation is one criteria for the selection of food items.

Tinned foods provide transportable items that do not require refrigeration, are readily prepared and require few cooking facilities; consequently, many tinned foods are currently eaten. Their generally low nutritional value is rarely considered by people. Fresh foods, particularly oranges, apples and watermelons, are favoured by people and they are available for a short time after the store truck has made a trip. However, they are rapidly eaten and there are sometimes long periods before the next store truck arrives when store-purchased fruits, meat and vegetables are not available. Dry foods constitute the bulk of the diet, white flour is made into damper which is the staple food. Tea is the main beverage, many sugar-laden cans and bottles of cool drink are also consumed. Some frozen packaged meat is eaten.

There is an inverse relation between when the store truck has been and when people most frequently collect bush foods. Therefore, at Parnngurr, when the supplies of store food decline, the incidence of collecting bush foods increases.

2:3:4 THE CURRENT ROLE OF BUSH FOODS IN THE DIET

Detailed quantification of the proportion of traditional food items that are now consumed relative to Western food items is not available. This would require a long-term economic or health study. For examples of such projects see Altman (1987) and White (1978).

General patterns of consumption are apparent from anecdotal information and observation. At Punmu it is estimated that 90% of the fresh meat eaten is from local native and feral mammal and bird sources (L. Warren pers.comm.). At Parnngurr, this figure is less as beef carcasses are brought in from Jigalong, bush meat accounts for approximately 70% of the meat eaten. Traditional fruit and tuber sources now comprise approximately 50% of the fruit and vegetables eaten in Parnngurr. This figure would be less in Punmu where there is access to relatively fewer productive habitats. Equivalent estimates by Cane and Stanley (1984) of the proportion of bush food consumed, would place both Punmu and Parnngurr in a category where bush foods are used to a 'major degree' (being greater than 50% of the food eaten). People generally attribute more importance to traditional meat sources than to fruit sources.

Cane (1986) calculated that the use of bushfoods resulted in substantial economic benefits to Central Australian communities. The non-capital costs associated with harvesting and hunting trips were offset by the savings from using bushfood rather than market-purchased foods. It could be predicted that similar savings are made amongst Martujarra communities. However, Cane (1986) failed to include the large capital and indirect costs of hunting and harvesting, these may detract from apparent financial gains.

2.4 ANIMAL FOOD RESOURCES

Vehicles and rifles have revolutionised Martu hunting techniques. Vehicles are used to gain access to appropriate habitats. Animals may then be shot directly from the vehicle or tracked on foot. Spears are no longer used to hunt game. Most men possess or have access to a rifle, the .22 magnum is the most common. Rifles are often in poor condition, consequently misses and injury to animals does occur.

All animals are shot for human consumption. Dogs are fed incidentally, on discarded bones and offal. Generally animals are consumed the same day that they are shot. However, if there is an excess, the meat is stored in the freezer.

MAMMALS

Five mammalian species are currently hunted and eaten, only two of these are native animals. The Euro (*Macropus robustus*) is relatively common in sedimentary ranges and mesas (McKenzie and Youngson 1983). Throughout the study area it is frequently hunted by men on foot, it is less frequently shot. At Parnngurr approximately one animal is killed every three weeks. The Red Kangaroo (*Megalia rufa*) is not common in the region, usually if an animal or its prints are seen then it is tracked and shot.

As in precontact times, feral animals constitute an important part of the diet. Feral cats are occasionally eaten, they are found in a variety of habitats throughout the region. Apparently they can be found even in poor seasons. Men and women on foot will often track them for many kilometres until they are trapped in hollow logs or holes from where they are chopped or smoked out and killed. Rabbits are found in the region following good seasons; they are also hunted. The One-humped Camel is widely distributed throughout the area and is commonly encountered. Camels are usually seen in herds of five to ten, however in March 1986, sixty camels were counted in a group that had congregated to a *Melaleuca glomerata* - *M. lasiandra* complex near

Emu Range. Camels are sometimes shot and eaten by the Martu, but there are various opinions as to the quality of their meat.

On several occasions I have seen evidence of recent activity by native animals which were once widespread but are now uncommon, for example tracks and diggings of the Greater-eared Bilby (*Macrotis lagotis*). At these times the Martu present did not indicate a desire to hunt and kill the animal. Rather, their reaction was one of interest that it was still present and a nostalgic recollection of stories of when it was more abundant.

From my observations, the overall impact of hunting on mammal populations appears to be limited. Euro populations may suffer, particularly those in the Connaughton Hills and McKay Range in the south and isolated mesas in the north. Furthermore, in my opinion, it is unlikely that hunting restricts the dispersal of feral animals.

BIRDS

Emus are highly prized game. They occur in the area during and following seasons of good rainfall, otherwise they are uncommon. When birds, or their tracks, are seen, they are followed, often in a vehicle and if successful, they are shot. Occasionally females with chicks will be spared, however if a female with chicks is shot, they may be caught and kept as pets, generally they die. At Punmu, in January 1989, six or seven emus were eaten. At Parnngurr, in August 1988 three emus were eaten.

Bush turkeys are the major meat source for Martu in Parnngurr and Punmu. They are hunted year round, are widely distributed and are found in a variety of habitats. Bustards are notoriously easy targets for a hunter sheltered in a vehicle. However, they are very wary of people on foot. Birds are often seen in groups of two or three and attempts may be made to shoot all animals. Larger birds are preferred, usually because they are fatter. Smaller birds are avoided if options are available. At Parnngurr, in August 1988, an average of four birds a week were killed. They were shot when people went out on specific hunting trips and weekend excursions. The intensity of hunting increases when groups of men travel alone for several weeks. For example, seven men consumed an average of two birds a day over a four week period, however this sort of intensive hunting is comparatively rare.

It is important that attempts be made to assess the status of bush turkey populations in the area and identify the influence of hunting and burning on these populations. As the birds are attracted to fires and areas of spinifex sand plain burnt one to two years

previously, they are often encountered on roads or around camps. Thus, populations may be both encouraged and decimated by Martu activities.

Other bird species are killed infrequently. Feathered budgerigar and galah chicks are taken from their nests in the late-winter months, they are cooked in ashes and the whole bird eaten. A popular pastime amongst children, is to shoot the zebra finches and other small birds that congregate to water. 'Shanghais' are used with good accuracy. Occasionally shot birds are cooked and eaten. Little Button Quail are commonly flushed from bunch and hummock grass habitats. If people are on foot then the birds are sought, killed and later eaten. The impact of Martu on the populations of small birds is not likely to be significant due to the highly localised nature and irregularity of hunting activity.

REPTILES

The hunting of reptiles continues to be a popular activity, particularly amongst older people and children. Specific excursions to hunt reptiles are not undertaken; they are usually sought when people are out during weekends and picnics. The varanids and large skinks are the species most commonly targeted by older people, particularly women. The animals are tracked on foot, burrows are sounded or logs inspected and then they are excavated and extracted using simple equipment such as metal digging sticks and tomahawks. The number of animals taken in any one area varies. My 1988 records include:

- (a) four *Varanus acanthurus*, two *V. gouldii* and one *Egernia striata* collected by three women from a weekend camp by a claypan;
- (b) one *Tiliqua multifasciata*, one *Liasis childreni* and two *V. gouldii* collected by four women on a one day picnic to the dissipation zone of a watercourse;
- (c) one *V. panoptes* killed by a man at an overnight camp in a primary river channel; and,
- (d) six *V. acanthurus* and two *V. panoptes* collected by six men over a four week period.

Children frequently chase and collect smaller reptiles, especially dragon lizards, perhaps most popular is the mountain devil *Moloch horridus*. These animals are captured, often kept as pets for a short time and then eaten or discarded.

The impact of hunting on reptile populations is highly localised. They are sought from a wide range of habitats in areas that are visited irregularly, therefore overall impact may be low.

In the immediate future it is essential that hunting by Martu continues. The impact of hunting on native animal populations needs to be assessed and strategies that would ensure sustained yield hunting should be developed. Increased access to country and camp-site destinations may be useful to spread the impact of hunting on populations. Proposals to control feral animal populations should be discussed with Martujarra people. Programs should be implemented that notify Martu on the need to avoid intensive hunting to ensure the long-term viability of populations, while the adoption of appropriate practices should be encouraged.

2.5 THE CURRENT USE OF PLANT FOOD RESOURCES

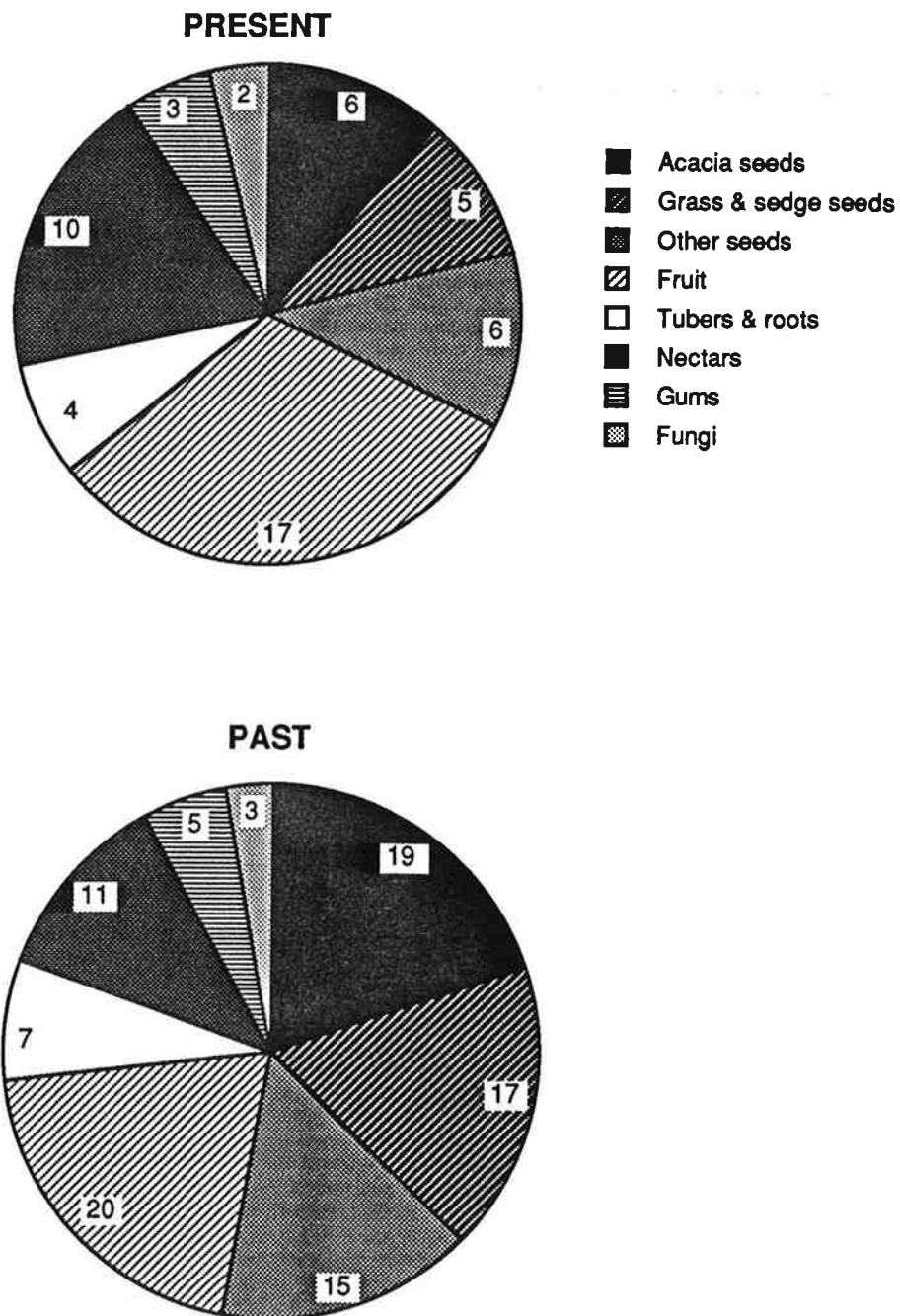
This section presents the main species that are now used within each food group and discusses the reasons why they continue to be important. It briefly discusses aspects of how some species are harvested and prepared for eating. It presents some data on their nutritional value (Gedeon, Maggiore and Walsh, unpubl. results).

Fifty-one plant species are currently used by Martu as food sources. This total has been summed across all age groups and both sexes, major variations will be discussed below. The significance of currently used species has been estimated using criteria identified by Veth and Walsh (1988). This has resulted in a ranked scale that is described by the frequency of species use,

Figure 1 presents the contrast between past and present use of species within the main food groups

Techniques for harvesting and preparing plant foods are relatively unchanged since traditional times. Plastic and metal have replaced wood and stone as source materials for implements and tools. The wooden digging stick has been replaced by metal; frequently these are made of windmill rods. Plastic bowls and billy cans are variously used as receptacles. Metal yandy dishes are used instead of wooden dishes. Tomahawks and shovels are occasionally used. The adoption of new materials increases the efficiency of some aspects of harvesting, but the improvement has relatively little impact in comparison to the general decline of these activities. People continue to use some natural materials and adopt contemporary items for opportunistic implements.

FIGURE 1
ESTIMATES OF PRECONTACT AND PRESENT USE OF
PLANT SPECIES IN MAJOR FOOD GROUPS



SEEDS

It is apparent there has been a dramatic decline in the number of species with edible seed that are now used. For dry grass and acacia seeds this can be attributed to the large amount of time and energy required to harvest sufficient quantities of seed and the considerable effort involved in grinding seed to a smooth paste. Also the availability of suitably sized grass and sedge seed sources is now less than in the past because of changes in the fire regime and weed invasion. To locate available stands now requires assess to, and searching of, large areas. Only when a seed species occurs as an abundant crop is it likely to be collected. This enables efficient harvesting and processing techniques to be used. Importantly, flour is now readily available as a closely related substitute to the paste obtained from grass and sedge seed.

Occasionally some seeds are collected

The green seeds of several acacias, particularly *Acacia coriacea*, may be eaten when encountered. These are readily prepared, as the pods require simple roasting and the seed can then be eaten. Often, handfuls of grass and sedge species may be collected and crushed to assess the amount of seed they contain and its ripeness, this is a common habit among old people and one that often invokes nostalgic responses. Similarly, older women collect, clean and retain small quantities (e.g. a tobacco tin full) of seed. The seed of *Dysphania* sp D and *Tecticornia verrucosa* is sometimes harvested in quantities of one or two kilos. However, the subsequent processes of preparation are time-consuming and not often undertaken. Sometimes relatively large quantities (2 to 4 kg) of *Eragrostis eriopoda* and *Yakirra australiensis* are harvested, cleaned, ground and baked like damper. This cannot be considered a necessary source of sustenance. Yet it persists as both an important educational activity and a part of the process of cultural continuity.

When they are undertaken, seed collection and processing techniques are relatively unmodified. The seeds are hand harvested, gathered into plastic bowls and billy cans and winnowed and yandied by hand with metal yandy dishes. The stone slab and upper hand stone continue to be used as the seed grinding implements, powered by a steady and intensive hand motion. The array of grind slabs that can be seen around Punmu and Parnngurr is evidence that seed grinding is still actually practiced.

At Punmu, there has been a suggestion that the use of a mechanised seed grinding apparatus or mill would obviate the physical effort required to grind seed and so encourage people to readopt traditional sources of seed (L. Warren pers. comm.), such an apparatus was also proposed by Cane (1986). The feasibility of this project would need to be assessed.

The energy value and protein and fat content of *Acacia* seeds is comparable to that of lentils. It is greater than that of commercial grains and native grasses. The protein content of *Acacia* seeds is particularly high, it ranges from 16-27 g/100g. The protein content of native grasses ranges from 12-17 g/100g. An exception includes the seed of Bunch panic (*Yakirra australiensis*); its fat and energy content is extremely high (6.7 g/100g and 1507 kJ respectively). This may be attributed to the presence of a fat rich seed appendage (the seed is harvested by ants). The nutrient content of acacia and grasses species tends to be consistent within the family. In contrast, the seed of herbaceous and other plants exhibit more variation.

FRUITS

Fruits are the most important of the plant food groups that are now used. They are easily processed, most can be picked, cleaned if necessary, and eaten immediately. Some can be kept as fresh fruit for a few days. They are often succulent and sweet and therefore very tasty; they are widely available and encountered in a variety of habitats; and, they are available throughout most of the year, except the late summer months. The dry fruit of several species is edible and continues to be collected and eaten. Only three species are no longer used by Martu, the remaining seventeen species continue to be significant components of the diet.

Solanum species are the most frequently consumed fruit, *S. centrale*, *S. chippendalei* and *S. diversiflorum* are regularly eaten when they are in season, generally from July to October. The *S. diversiflorum* fruit can be harvested and cleaned at a rate of 555 g/hr of fresh fruit and 448 g/hr of dry fruit. The volume of these yields may be approximated to two billy-canfuls or about 50 fresh fruit and 100 dry fruit. Such volumes can be collected and cleaned by one woman in an hour. *S. chippendalei* can be collected at similar rates to *S. diversiflorum*; however, it is not as preferred being less sweet, nor is it as abundant, being more common in northern areas. The fruit of both species are large, they have very bitter black seeds. These must be scooped out before the flesh can be eaten. *S. centrale* and *S. cleistogamum* fruit are smaller. They taste and look like juicy gooseberries. These fruit ripen and fall to the ground in a short time, the dried fruits are also tasty. The smaller *Solanum* fruits are not collected in as large volumes as the larger fruit. However, as they ripen prior to them, they are also important and frequently collected species.

Canthium latifolium has clusters of sweet black berries in the late summer months. These are highly prized and are eaten despite the burning sensation they produce. Dry fruit may be reconstituted in water. Their restricted distribution limits the quantities

that can be harvested, but billy-canfuls may be collected when localised stands are encountered. The fresh fruit of the rock fig (*Ficus platypoda*) and the bush plum (*Santalum lanceolatum*) are tart but flavoursome. Fresh fruit are often collected when ripe in the summer months; dry fruits are no longer eaten perhaps because they are bland. The large fruit of the melon (*Citrullus lanatus*) has the distinction of being a weed highly prized by the Martu. Apparently it was introduced by them. The watermelon-sized fruit are abundant along primary river channels. They are a great novelty as little effort is required to provide a tasty meal. Large ripe fruit are split in half and cooked for about half an hour in a bed of hot ashes and coals. Once removed, sugar or jam is mixed through the pulpy fruit and the resultant mixture scooped directly out and eaten.

Several fruit species are identified as "mayi jijiku" (childrens food); for example, the fruit of the mistletoes *Amyena quandang* and *A. sanguineum*, Ulcardo melon (*Cucumis melo*) and *Scaevola parvifolia*. These species have very sweet, soft and succulent fruit. In addition to a limited distribution, the fruit are small and they bruise readily. These factors obviate the collection of large quantities and means the fruit must be eaten on the spot. They continue to be eaten when encountered by children and are highly prized by them.

The nutritional value of desert fruits is comparable to that of commercial varieties, the dietary fibre of native species is relatively higher. Generally, fruits have a high moisture content (60-80 g/100g), moderate carbohydrate content (20-40 g/100g) and small amounts of protein and fat. Importantly, fresh fruits have large quantities of ascorbic acid (vitamin C) and thiamin (vitamin B1). The ascorbic acid content of the Wild tomato (*Solanum diversiflorum*) is particularly high at (82 mg/100g). Brand and Cherikoff (1985) have discussed the moderate to high nutritional value of species of *Santalum* spp, *Solanum* spp and *Capparis* spp and *Ficus platypoda*. which are also used by the Martujarra.

The nutritional contribution of native fruits to the Martujarra diet appears to be significant. They provide essential vitamins, minerals and dietary fibre that would be lacking in their diet. When supplies of native or commercial fruit are limited, ailments associated with vitamin deficiency may occur. Martu women attribute the high incidence of boils to the lack of fruit to eat (R. Simpson, pers. comm.).

TUBERS AND ROOTS

On excursions, a popular pastime amongst women, and to a lesser extent children, is the collection of tubers and roots. The inclusion of these items as major components of the traditional diet of Western Desert people has only recently been verified (see Cane 1982, Veth and Walsh 1988). They continue to be an important food group. The reasons for their significance are: they are tasty and contain high volumes of moisture; they commonly grow in association with wetlands where people often visit; large quantities can be collected in a relatively short time; and, they are available through the summer months when other foods are limited. There is one further reason that may explain much of their present importance; it is possible for women to harvest them within close range of each other, so they can both work and continue a conversation. In contrast, most other species occur at lower densities, therefore, women must spread out to harvest them.

The tubers of the native yam (*Vigna lanceolata*) are sometimes excavated from a depth of 1.5 metres. Skill is needed to follow the fine roots that descend from the plant and interconnect the swollen tubers. These tubers can be harvested at a mean rate of about 330 g/hr. This represents the collection of about 30 tubers from six plants. A similar technique is used to dig the sweet potato-like tubers of *Ipomoea ? costata*. This species is restricted to the western areas of the study region. It is a highly prized bushfood of people at Jigalong and Billanooka.

A very different technique is required to harvest the bulb-like tubers of the bush onion (*Cyperus bulbosus*). In an area where the sedge is or has been growing, the soil is pounded with smooth rounded stones, the soil is then carefully dug to approximately 30cm and sifted by hand to pick out the small round tubers. Alternately, in summer when the soil is dry scoops of it are placed in a metal yandy dish and the soil and tubers are then separated by yandying. The effort required to harvest *C. bulbosus* is less than that of *V. lanceolata*; it can be gathered at a mean rate of 495 g/hr, which is about a billy-canful. This species is regularly collected by women and children of all ages. Large quantities may be gathered and taken back to the community to be shared and eaten as a supplement to the main meal. It is common to see billy-can, pocket and pillow-slipfuls appear when a group returns from an excursion.

The roots of two other species, *Brachychiton gregorii* and *Erythrina vespertilio* are occasionally eaten. Saplings are dug and the roots removed to be cooked and eaten. These are now collected by children; their significance was probably greater in the past.

Native roots and tubers are good sources of moisture, carbohydrate and energy. Fresh material has a high moisture content (50-75g/100g). Their carbohydrate content ranges from 17-43 g/100g, by contrast, potato is 19g/100g. Energy values are high, for example 100g of *Vigna lanceolata* provides 487 kJ. The fat and protein content of this starchy food group is negligible.

This food group increases the dietary bulk, provides tasty sources of food and, as discussed above, has an important role in social interactions.

NECTARS

The nectar of several species continues to be highly prized and sought after by the Martu. When in season, in the late winter months, regular visits are made to stands of *Grevillea aff. eriostachya*, later when *Hakea suberea* flowers it is then targeted. The nectars are sweet liquids with flavours that vary from species to species, the taste of *G. aff. eriostachya* nectar has been likened to "Cointreau". It is easily collected using two methods: the inflorescence is bent over and the nectar sucked directly from the flowers, or the inflorescence is rinsed in a container of water from which the sugary solution is then drunk. The entire inflorescence may be broken off and sucked at a later date, however this is an uncommon practice. The nectar from other proteaceous species is collected in the same way.

The small quantities of nectar found in the flowers of *Clianthus formosus*, *Eremophila latrobei* and *Leptosema chambersii* may be eaten by picking the entire flower and sucking it. This is occasionally done when flowers are encountered while walking en-route.

GUMS

Gum is exuded from the stem of *Acacia dictyophleba* and *A. pruinocarpa* and the cone of *Allocasuarina decaisneana*. These are often collected and eaten when encountered. The exudates are tacky globules somewhat like boiled lollies or large sugar crystals. They are collected by hand and carried in a convenient receptacle; they may be eaten directly or dissolved in water and the solution drunk.

INSECT GALLS AND LARVAE

Thirteen plant species host the edible larvae and galls that are still eaten by Martu. Twenty-five plant species are potential host to insects. As a consequence of their unpredictable occurrence in most species, fewer are now targeted.

The edible cossid moth larvae, widely known as the witchetty grubs, ("lunki" or "lukarti") is commonly found in the area in the wood of acacia and eucalypt species. The most reliable hosts are *Acacia dictyophleba* and *Eucalyptus microtheca*. In the winter months collecting these "lunki" is a regular past time. The grubs are large, fatty and very tasty. They are also very filling. Five may constitute a reasonable meal for one person. Two methods of collection are used depending on whether the larvae occur in rootstock (as in acacias) or in trunks (as in eucalypts). The base of acacia shrubs are inspected for evidence of the excreta and they are rocked to indicate weakness caused by infestation, the lateral roots of suitable shrubs are then excavated and inspected for evidence of recent activity. If successful, the larvae are removed from the root in which they have bored a hollow. Several larvae (generally less than five) may be found in a single shrub, although Latz (1982) notes that in a good season as many as 50 may be found. The trunks of eucalypt trees are also inspected for evidence of excreta associated with small holes. If present, fresh holes are cut with a tomahawk and wedged open to extract the larvae. The collection of the larvae is fairly difficult and tends to be done by older children and adults. They are a food that is frequently passed on to younger children and babies who eat them raw. Large quantities are collected and returned to camp they are cooked, distributed and eaten.

The galls of at least two wasp species are often collected and eaten, one is specific to the desert bloodwoods (*Eucalyptus terminalis* and *E. aff terminalis*) and the other is specific to mulga (*Acacia aneura*). The former is a large gall known as the bush coconut and the latter is a smaller gall. Both are picked off the host tree and may be eaten fresh. Although, it is preferred to heat them in warm ashes before eating, this process cooks the flesh of the gall itself and the larvae within it. These are a popular food item amongst children, particularly at Parnngurr, where there are stands of mulga close to the community. Children regularly return with large handfuls of them to cook in the camp.

Several species are host to lerp or scale insects. These insects excrete a sugary or honey-like substance that is sweet and favoured by people. When abundant, it is collected by soaking the leaves in water to make a sweet solution, otherwise the scale is picked directly off the leaf. Lerp are found on the red river gum (*Eucalyptus camaldulensis*) and the fireweed (*Petalostylis cassioides*) in the dry summer months. No records of the quantities collected are available.

FUNGI

The fruiting body of two species of fungi are occasionally eaten. The underground truffle (*Choiromyces aboriginus*) is preferred, however it is only occasionally encountered, therefore not often eaten. Cracks in the sand may be checked for the presence of the fungi and if collected it is cooked in an ash bed and squeezed to remove excess fluid before eating. Generally the fruit of *Pisolithus tinctorius* is eaten only for its novelty value; when eaten fresh it has a smooth but rubbery texture and little taste.

2:5:1 PRESENT IMPACT OF FOOD GATHERING ON PLANT POPULATIONS

There is a tendency to consider some of the activities of Aboriginal people to have environmentally negative effects. In pre- and postcontact times, events involving the introduction and distribution of new resource species occurred. This was through both passive and active means. It is suggested that activities such as the harvest and redistribution of resources may have aided the dispersal ecology of some species.

Specific excursions are not made to collect seed material, it is collected incidentally, if at all. The quantity of material collected, relative to the size of the species stand, is small. This scale of harvesting is unlikely to have a significant impact on the population.

The regeneration of *Solanum* species is dependant on disturbance, particularly fire (Latz 1982). They commonly occur as early successional species on spinifex sandplains and dunes that have been burnt in the previous season and persist for four to five years until later seral species replace them. Stands of these species are often found around the communities and camps. This is a consequence of Martu activities as fire are regularly lit in these areas and seed is frequently discarded on them. This is recognised by the Martu, who see *Solanum* spp as very convenient sources of fruit supply.

Canthium latifolium occurs in association with *Acacia aneura* on colluvial slopes and calcrete terraces. As a consequence of its relatively restricted habitat in this area stands of *C. latifolium* tend to be regularly visited. *Ficus platypoda* occurs amongst sandstone rocks it is commonly found near ephemeral to permanent rockholes. As these are places frequently visited by people many fruit are collected when in season.

Tubers of *Vigna lanceolata* and *Cyperus bulbosus* are intensively collected in some places. Populations are unlikely to be significantly depleted, because of the relatively

widespread distribution of species. Harvesting activities that fragment the roots and disperse seed material aid in the dispersal and proliferation of these species.

Inevitably those collecting nectar become covered in a sticky yellow paste and this activity may influence the extent of cross-pollination both within and between the stands that are sequentially visited by people.

The collection of witchetty grubs can be a particularly destructive activity that affects the survival of several *Acacia* spp. The entire plants or the majority of the rootstock of *A. dictyopleba*, *A. hilliana* and *A. monticola* may be removed.

2:6 THE CURRENT USE OF MEDICINAL PLANTS

Latz (1982) recorded 70 species that were used by people of Central Australia. There has been a general decline in the use of plants for medicines by the Martujarra. Records show that seven species of plants are now used for their medicinal properties. This small number is a reflection of the general loss of knowledge. This loss is due to the widespread reliance and use of Western medicines and the lack of research in this area.

The "maparn" or traditional doctor continues to be consulted in relation to certain illnesses. They traditionally had recourse to a wide array of specialist medicines. Their current role within the communities is unknown. Medicinal plants that continue to be more widely used equate to first aid remedies, that is, those commonly known to non-specialist people.

Generally, traditional medicines were applied rather than ingested, this is still characteristic of the species that are now used. Preparation techniques have been modified by the use of metal containers that enable solutions of the plant parts to be boiled. The most frequently used plant is the herbaceous chenopod *Dysphania rhadinostachya*. This is a highly aromatic plant common on disturbed areas. In the winter months it is abundant around the Parnngurr camp. The entire plant is collected and placed in a large tin of boiling water, then simmered for several hours. The resultant decoction is used to bathe skin irritations that may be caused by scabies. Decoctions of the tannins within the bark and gum of *Acacia inaequilatera* and *Eucalyptus terminalis* have astringent properties; they are still utilised to cleanse infected wounds. The root of *Codonocarpus cotinifolius* is sometimes dug up to use for the relief of toothache. Small sections of the root are placed directly against the infected area.

There have been few analyses of the active constituents of medicinal plants from the arid zone. Until recently analyses have been largely confined to tropical regions where many plants contain alkaloids. A pharmacopoea of medicinal plants in the Northern Territory has published information on some medicinal plants that were used in the study region. Detailed description of the use of some other species may be found in Bindon (in press).

2:7 SPECIES USED FOR CHEWING TOBACCO AND ASHES

Native tobaccos and ashes continue to be used by the older generations of Martu. The intoxicating properties of native tobacco has long been known to Aborigines. The large, pungent green leaves of Bush tobacco (*Nicotiana benthamiana*) are now often collected in the winter months. Armfuls of the plants may be harvested from their habitat in amongst sandstone outcrops and breakaways. The plants are dried, the leaves are then broken down to a chaff and stored for later use. The effect of tobacco is enhanced when chewed with ash. The ashes of several species are preferred, most favoured is the bark of the coolibah (*Eucalyptus microtheca*) or the leaves of the Rattle-pod Grevillea (*G. stenobotrya*). In the region it is common to see patches on the trunk of the coolibah where bark sheets have been removed. The leaves of several acacia species are also used

. Materials for ashing are cleaned, dried and burnt to ensure there is no contamination. Latz (1982) suggested that species were selected for the quality of their ash. Ashes are mixed with either traditional or commercial tobacco, the mixture is chewed or tucked behind the ear rather than smoked. Older people usually have a wad in their possession and tins of ash and tobacco stored away.

In traditional times, a variety of other species could be used as substitutes for tobacco or ash; nowadays, the ready availability of commercial tobacco has superseded the use of these plants.

2:8 ARTEFACT PRODUCTION

Wooden artefacts continue to be made by men within the communities. This activity appears to be more common at Punmu than in the southern communities. Artefacts are produced for ceremonial and functional use and for trade and exchange. The sale of items from Punmu is generally discouraged. Occasionally artefacts are purchased by visitors to the community. Some items produced in Parnngurr are sold in Newman, but production is spasmodic and very small scale. About four men are currently involved.

The wooden artefacts are made of locally procured timbers and materials. Items that are presently made include boomerangs, clapping sticks, spears, spear throwers, digging sticks, hitting sticks, wooden bowls, yandy dishes and spoon-like implements.

The traditional use of stone tools to make these items has been replaced by metal tools (axes, tomahawks, rasps, chisels and mallets) and sandpaper. Despite the adoption of these metal implements, artefact production is still very labour intensive. A considerable amount of time and effort is required to produce artefacts of good quality, particularly those such as spears and boomerangs, which must be well-balanced to be effective.

Traditional techniques of production have been little modified and apparently the same basic methods are still followed. Timber is selected according to the characteristics required of the specific artefact. Criteria such as size, shape, density and mechanical properties such as flexibility and hardness are taken into account when choosing suitable timber (see Kamminga 1988).

The green timber of *Acacia aneura* is perhaps the most versatile and regularly used of all species. It has a dense hard timber suited to the production of smaller items such as boomerangs and hitting sticks. Other large species of *Acacia*, such as *A. rhodophloia*, that have large stem diameters are also used.

The erect, flexible and thin characteristics of *A. jensenii* stems provide a wood well suited to spear-making. The stem of the spear tree was, and continues to be, highly prized. In traditional times it was traded large distances (Latz 1982), it is now cut to make ceremonial and punishment spears and digging sticks. The roots and saplings of several other acacias also have properties suited to the production of digging sticks and hitting sticks.

The green timber of eucalypts is used for various items, particularly wooden bowls. Advantage is taken of the natural elbows or curves of branches that approximate the shape of the bowl, these are cut off. To achieve the hollow of the bowl the inner heartwood is removed and the bowl shape worked down until the item is thin and substantially lighter. These wooden bowls were once an important part of the processes of harvesting and cleaning seed (see Veth and Hiscock, in press), however, they are now produced almost entirely as items for exchange or sale. The timber of most eucalypt species that

occurs in the region is used, *E. camaldulensis* and *E. terminalis* are preferred (see Appendix 1).

Within the category of artefact production falls a unique product, spinifex resin. A viscid resin is exuded by the leaves of Gummy spinifex (*Triodia pungens*), this material has important uses because of its adhesive and thermoplastic properties. It is removed from the plant by picking it off the stems or threshing dried vegetation, the material is then heated and moulded to form a coalesced and transportable lump that can be used as required. It is a very versatile substance and a range of applications have been recorded, including filling blemishes in wooden bowls, joining axe heads to handles and plugging car radiators

The impact of cutting timber for artefact production varies according to the extent of timber removal from the plant. For example, when *Eucalyptus camaldulensis* limbs are removed the plant resprouts, in contrast, the cutting of *Acacia jensenii* stems results in the death of the plant.

2:9 TIMBER USED FOR FIREWOOD AND SHELTER

Timber is regularly used for firewood. Quantities of it are collected every day to supply the communities. Wood is burnt to provide heat for warmth, cooking and hot water. The fire forms the heart of each camp. In the cooler small fires burn continuously to provide an essential source of warmth. All cooking is done on open hearths. At Parnngurr water is heated for showers using a hot water donkey that burns for several hours a day in winter.

There is considerable variation in the combustible characteristics of timber species. Wood that is considered suitable for most domestic fires burns readily, casts a good heat, gives off little smoke and produces clean coals and ash that retain heat. The mulga (*Acacia aneura*) is a preferred species and is the main source of firewood for Punmu and Parnngurr communities. Eucalypts are also preferred as they produce good coals, particularly the bloodwoods (*E. terminalis* and *E. aff. terminalis*). Occasionally other characteristics are required of fires. For example, the wood of the bean tree (*Erythrina vespertilio*) is occasionally burnt to produce mosquito-detering smoke.

The provision of shelter is another important use of plants by the Martu. The use of shade from standing trees and shrubs is a passive activity that has limited impact on the plant. Shrubs and grass are also cut to provide protection where no alternatives are

available. Shelters that are constructed, range from flimsy windbreaks to substantial structures. Windbreaks are frequently constructed at overnight and short-term camps. Leafy bushes such as those from *Cassia helmsii* are piled on top of one another and the gaps are filled with spinifex and other grasses. Larger structures are sometimes made at long-term camps and in the community camps. For example, at Parnngurr straight stems of the paperbark (*Melaleuca glomerata*) are cut and implanted in the ground and an arrangement of smaller twigs and branches are wired in place around them, this makes an effective windbreak and forms the wall of a shelter over which shade material may be laid.

2:9:1 LOCATION AND IMPACT OF CURRENT FIREWOOD REMOVAL

At Parnngurr, timber is taken from stands of mulga (*Acacia aneura*) that grow adjacent to Cotten Creek and its tributaries. Only fallen dry timber is collected, this is usually taken from areas several kilometres away from the main camp. The cutting and removal of trees close to the camp is discouraged. The belt of mulga along the creek provides protection from the cold easterly winds that blow in the summer months. There is a recognition of the debilitating effects of clearfelling trees, thus timber is collected from a wide area to ensure that no single areas are cleared. Frequently timber is collected on return from excursions. This practice further disperses the impact of its removal. In winter approximately one Landcruiser trayload is taken every two days.

At Punmu the availability of timber suitable for burning is very limited. At present it is cut from a grove of mulga by the airstrip, this stand cannot sustain timber cutting in the long-term. Alternative sources of fuel will have to be found. Estimates on the quantities of timber cut are not available. In the absence of alternative power and facilities in both these communities the collection of fuel will continue and is likely to increase if their populations expand.

Bloodwood trees are found on sandplains and sanddunes respectively, their timber makes very good fuel. However, they do not shed many branches therefore they are generally collected only when on excursions away from the camp, they are often selected as the site for overnight stops. When short-term camps are occupied firewood is collected from within the general vicinity of the camp. At present this does not appear to have a significant impact. In the future, increased visits to some sites by Martu and non-Martu people may result in the depletion of the local sources.

2:10 OTHER USES OF PLANTS

Plants continue to be used, somewhat opportunistically, for a variety of miscellaneous purposes. "Pretty flowers" such as the Sturt Desert Pea (*Clianthus formosus*) and mulla-mulla (*Ptilotus polystachyus*) are frequently picked by children. They are then offered as gifts or used to decorate themselves, dogs and playthings. Bunches of discarded forlorn flowers are a common sight in the camps. In the past the attractive red seeds of the bean tree (*Erythrina vespertilio*) were used for body adornment; the seeds are still collected, holed and threaded to make bead strings. The sandals traditionally used by Martu are occasionally made, to demonstrate the techniques and final product that results from weaving the bark of the Greenbird flower (*Crotalaria cunninghamii*). The dried fruit of the fungi (*Podaxis pistillaris*) may be used to decorate bare skin with dark smears. The seeds of the quondong (*Santalum acuminatum*) are used as marbles and other play objects.

The potential list of examples is long, the range of uses indicates the resourcefulness of those who have used biotic resources in the past and continue to do so.

3.0 RELEVANCE OF RESOURCE USE AND COLLECTION TO MARTUJARRA HEALTH

Elphinstone (1958) noted the extreme leanness of hunter-gatherers in the Warburton region. More detailed analyses by Elphinstone (1971) provided no evidence of nutritional deficiencies amongst these people. This indicates that the nutritional status of desert people was maintained despite their harsh environment.

The urbanisation of Aborigines has resulted in a decline in their health and nutritional status. There has been a substantial increase in the occurrence of infectious diseases and infestation (Scarlett *et al* 1982) and nutritionally related diseases, particularly obesity and diabetes (O'Dea *et al* 1988). These conditions result from a sedentary lifestyle, the adoption of refined foods as dietary staples and high density living (Scarlett *et al* 1982). In traditionally orientated communities the risk of these problems is less than in more urbanised communities (O'Dea 1988). Conversely, because of the isolation of outstations there is limited access to regular health facilities and services.

Bush food appears to comprise a nutritionally important component of the contemporary Martujarra diet. It provides vital nutrients that are generally lacking in the Western foods that are consumed. Some traditional foods are also far tastier and more palatable

than comparable Western foods. For the Martujarra, this stands as sufficient reason for not abandoning these preferred items .

Hunter-gatherer activities provide important opportunities for people to exercise. The range of exercise undertaken by Martu extends from the passive walking involved in searching for plants and animals, to the very active and arduous effort required to dig for native yams (*Vigna lanceolata*) or chop sections of a tree trunk.

Amongst the Martu there is some knowledge of the relation between nutrients and dietary quality. In a continuation of traditional philosophies, the importance of eating both "kuyi" and "mayi" (meat and plant food) is seen as necessary to "stay healthy". This indicates at least an awareness of the need for a balanced diet. Martujarra perceptions of dietary quality and health have not been explored within the context of this research.

A health program that identifies the the role of traditional foods within the diet and their impact on health status should be adopted. This may be set within the wider context of a human ecology project (see White 1978). Recommendations for improving the health of people within the communities can then be compiled. Such a project should have, as an objective, community education on the nutritional value and use of traditional foods and Western foods.

4:0 SOME MARTUJARRA PERCEPTIONS OF POST CONTACT CHANGES TO THE ENVIRONMENT

The long-term occupation of the region has provided Martu with the opportunity to observe changes in their environment. When older people drive through areas that have not been visited for many years there is constant observation and occasional comment on apparent changes. Some of these changes relate to: the invasion of weeds; the activities of feral animals, the absence of some native mammal species and plant foods; the presence of vast tracts of unburnt country; and, the absence of "pujiman" (bush people).

The abundance of edible seed species has been dramatically reduced by the invasion of buffel grass (*Cenchrus ciliaris*). This species has replaced stands of important seed species that were associated with riverine vegetation and the tussock grasslands of outwash areas. Women frequently lamented the loss of this resource. Camels are abundant and widely distributed throughout the region. On several occasions we visited waterholes that were drained and polluted by camels. Older Martu people were

disturbed by the state of these waters; they usually made attempts to clean them. The apparent disappearance of mammals (see Burbidge *et al.* 1988) is another of these concerns. People often recount the hunt and capture of animals that are no longer seen. They recollect their habits and habitats and their role in Dreaming events.

No consistent explanations are given for changes that have been observed. Some older people are quite baffled by them. This is an understandable response as some of these changes are the result of processes previously unknown and unfamiliar to them (Rose, pers.. comm.).

Various reasons are proposed by the Martujarra to explain why some animals can no longer be found. Some have stated that they have moved to the north. For example, it has been said that the Common brushtail possum (*Trichosurus vulpecula*) is still to be found north along the Stock Route and on some northern sections of Karlamilyi (Rudall River). Alternately, some people blame the absence of mammals on their own failure to look after country properly. That is: sing the increase songs necessary to perpetuate a species; ensure they had the proper habitat that is provided when country is burnt; or, encourage the rains that provide good feed and water for them. Other people say that when the old people left, so did the animals. Some of these explanations have elements in common with those proposed by biologists (see Morton in press), others fall outside the realm of non-Aboriginal reality.

The Martujarra continue to claim responsibility for "looking after country", this includes a concern for the welfare of all its components. The contact with country that can be achieved by driving or walking through it is essential part of the process of looking after it and so assessing the state or condition of its components. Explanations that imply a failure on their part to carry out their responsibilities toward the country invoke great concern. Older Martu have suggested that changes will be rectified if they reassume their traditional responsibilities and continue to educate their children in these matters.

The need for assistance from Europeans in some of these areas has been acknowledged. In relation to wildlife, there is considerable interest in the reintroduction programs being conducted by the Walpiri and government conservation groups in the Tanami Desert (Loorham, 1985). Research has been conducted by the Western Australian Wildlife Research Centre in some desert communities (Burbidge *et al.* 1988). Museum specimens of mammals were used to

record Aboriginal knowledge of the biology of extinct, rare and uncommon species. This project has aroused interest and some regret that Martu people were not involved.

Land management practices are reapplied by Martu as they travel through their country. The consequences of some of these practices are already apparent to them. Bush foods are now available in areas once depauperate. Furthermore, they have stated that the rains have now returned because people have returned to their country. This statement was made after the widespread winter rains of 1987 and 1988.

The various aspirations and responsibilities embodied in "looking after the country" represent the presence of a conservation ethos amongst the Martujarra. This is not surprising. In traditional times people were compelled to maintain and enhance the proliferation of the resources that their existence was reliant upon. Some practices have been so modified by change that they are no longer appropriate to prevailing environmental conditions. These should be identified and compromises implemented. Martujarra motivations for conserving some environmental components differ, relative to the range of aspirations of non-Aboriginal conservation groups. In many respects there are areas of common interest, these can and should be built upon; with the education process proceeding in both directions.

5:0 THE APPLICATION OF FIRE REGIMES BY MARTU

The statement "to clean up the country" may be considered an umbrella term that refers to various motivations manifested in the use of fire. Non-domestic fires are used to:

- (1) provide warmth;
- (2) signal a groups movements;
- (3) remove habitats suitable for undesired animals;
- (4) kill or capture game;
- (5) increase ease of assess and tracking;
- (6) remove excessive litter (both natural leaf litter and human produce); and,
- (7) promote plant regrowth and associated bush food regeneration.

These reasons are usually implicit in the umbrella term "to clean up the country".

Martu of all ages and sexes light fires. The availability of matches has enhanced the ease of lighting them. Under the guidance of elders, children learn from an early age how to initiate and handle small fires. The application of large fires is generally the

responsibility of older men. Knowledge relevant to the application of large fires is rapidly being lost as older generations pass on. It is possible that fires are now used at times and in places contrary to traditional practices. It is important that attempts be made to discriminate between traditional and modern practices.

The extent of a fire, the plant community that is burnt, the frequency of burning and the time of a burn are influenced by the reason why a fire is initially lit.

5:1 THE PURPOSE AND SPATIAL EXTENT OF FIRES

Kimber (1983) has distinguished fires according to their relative size, that is, small, moderate and large. The spatial extent of a fire is partially determined by the reason for it being lit. As a general guide, the size of fires increases from 1 to 7 above. There are instances when fires get out of control and so spread over larger areas than planned.

Domestic fires are small and contained within hearths or cooking pits. When it is cold, isolated spinifex bushes may be ignited to provide warmth to members of a camp, this results in small fires. Signalling is still regularly used by people to notify others of their location and direction of movement and in the event of emergencies or vehicle breakdowns. Usually only a small area is lit. If they are present, resinous *Triodia pungens* hummocks are burnt. These produce a dense black smoke that is visible from large distances. Game that has been tracked into logs or holes may be flushed out using fire. Small fires are generally restricted to an area of a few square metres.

Moderate fires are used for habitat removal, signalling, to capture game and to enhance access to areas. Often when overnight or short-term camps are used an area of approximately 20 metres is burnt around the camp. Areas of sand plain radiating several hundred metres from the community camps are burnt. This practice removes habitat suitable for undesired animals such as snakes, scorpions and centipedes. It also acts as a firebreak. At Parnngurr, the sand plain to the north and west of the camp is burnt for approximately 200m. It is burnt when vegetation is sufficiently dry: at least once, usually twice, a year. Land may be burnt to kill small game that occupies an area. Burrowing reptiles are particularly susceptible. This was a practice frequently used in the past, it is only used occasionally in present times.

Burning enhances access to areas of land by removing dense stands of prickly spinifex and shrubs that restrict travel. Furthermore, it exposes sand, thus making it easier to track and monitor the movements of animals and other people. Currently,

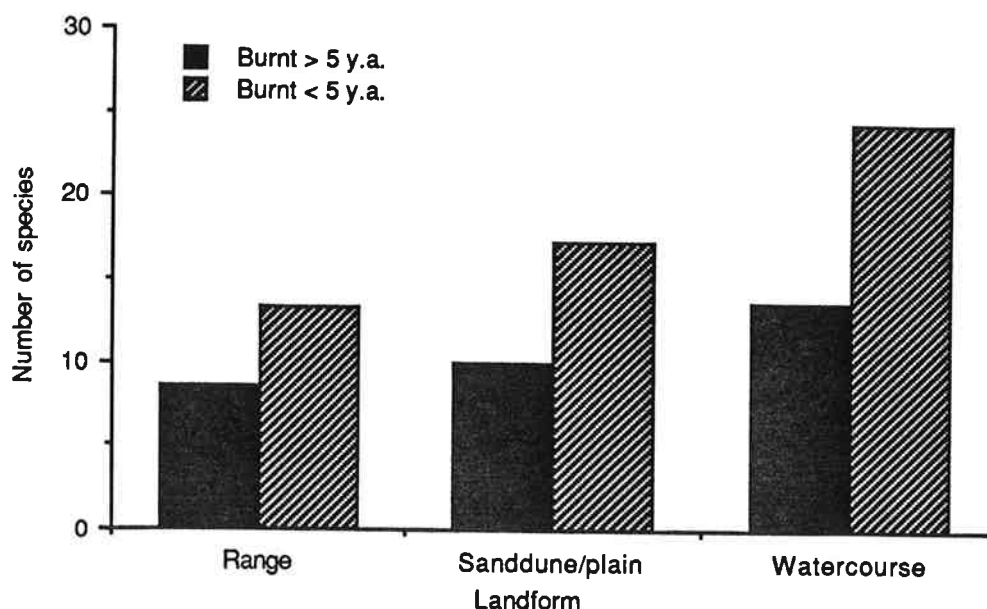
these tend to be consequences of the removal of litter rather than direct reasons for lighting fires.

The term "cleaning up the country" can be readily seen as analogous to the removal of natural litter. Spinifex hummock grassland and shrubland that is not burnt for over ten years may have ringed or fragmented hummocks, dead perennial grasses and subshrubs and some larger perennial shrub species showing signs of senescence. In such areas there is an increased litter build-up and a general appearance of disorder. The absence of bushfood plants and the presence of few species, "nothing but spinifex", is not favoured. These are some of the characteristics of areas that Martu suggest require burning. Fires are lit to remove this vegetation and promote the growth of seral stages.

Fire is an integral part of desert ecology. In the study region, on all landform types, areas burnt less than five years ago were found to have a greater species richness and diversity of plant resources than 'unburnt' areas (Fig 2). On hummock grasslands fire is responsible for the germination and regeneration of species and the consequent succession of seral communities (Burbidge 1988, Suijendorp 1981). The plant communities that develop immediately after a fire are dominated by annuals and short-lived perennials and regenerating spinifex. These communities have a high species diversity and approximately 40% of traditional plant food species occurred within them. The species diversity of later seral communities declines. Annual and short-lived perennial plants are replaced by *Triodia* and *Plechtrachne* hummocks. Woody shrubs and trees resprout or reseed and grow to mature stages. These later successional stages traditionally provided a different array of resources. Sand plain communities approaching a climax have very low species diversity and may be monospecific over large areas. Biotic and climatic factors, especially cumulative rainfall (Griffin 1984), determine the species composition and biomass of seral stages.

The species utilised by Martu exhibit a variety of growth forms, longevity, recovery strategies etc. and so have a range of species responses to fire regimes. Patch burning creates a mosaic of plant communities. Walsh (1988) suggested that the Martu manipulated fire to enhance the diversity of their environment, both within plant communities and between communities. Burning effectively increases environmental heterogeneity at various scales.

FIGURE 2
Mean number of food plants found on the main topographical
units when burnt and unburnt.



5:2 PLANT COMMUNITIES SUBJECT TO BURNING

The application of fires is dependant on the plant communities present. Vegetation is not burnt indiscriminately by the Martujarra. Communities associated with wetland systems and ranges and uplands are burnt less regularly than those associated with sandplains and sanddunes.

It is uncommon for fires lit by Martu to penetrate an *Acacia aneura* association. For example, mulga stands occur along Cotten Creek and are readily accessible by road, yet, there is little evidence that these stands have been burnt in the past five years. Furthermore, sand plain vegetation in proximity to Parnngurr camp is regularly burnt, however, the adjacent mulga community has not been burnt since the camp was established.

Several Martu have stated that the tree savanna along Karlamilyi was not regularly burnt. This was because once a fire started, it was difficult to stop, and too many fires were "no good for the bushtucker (there)". These comments are supported by biological evidence: there is a continuous fuel load adjacent to the primary river channel where annual grasses proliferate; and, several important plant resource species confined to

watercourses are killed by fire (including *Acacia eriopoda*, *A. ampliceps*, *Erythrina vespertilio*). Contrary to these comments, a fire lit in December 1988 burnt approximately three kilometres of land on the eastern side of the river. Tree savanna dominated by *E. camaldulensis*, *E. microtheca*, *A. eriopoda*, *A. dictyopleba* and *Cenchrus ciliaris* was burnt. This was the first observation by the author of burnt vegetation along the primary river channel. I have no other records of moderate-sized fires being applied directly to wetland communities.

There are only two records of burns in ranges and uplands. The small fuel loads in these areas tend to carry fire for only short distances. In contrast, the colluvial slopes and sandplains adjacent to ranges appear to have been burnt regularly. The spinifex hummock grasslands of sandplains and sanddunes continue to be burnt more frequently than other vegetation types. Hummock grasslands with tree and shrub steppe of different species composition are all subject to burns that range in size.

In the study region a mosaic of patch burns are applied to sand dune and sandplains. These are a consequence of people's movement through the landscape. Therefore, the intensity of burning was partially determined by the frequency at which people traveled along routes from one place to another.

5:3 TIME OF BURNING

The lighting of fires is not restricted to any particular season. However, the spatial extent of a fire is determined by seasonal factors (Griffin 1984). When questioned on when fires are lit, Martu initially respond "anytime". Consideration of the motivations for lighting fires suggests there are seasonal factors involved in their decision. Further questioning reveals that Martu are aware of the biotic and climatic conditions that control fire spread. The timing of a fire regime is also influenced by the seasonal pattern of mobility.

Martu recognise different seasonal responses of regenerating species. For example, people have stated that: if a fire is lit in winter the rains that follow ensure bush tomatoes (*Solanum diversiflorum*) in "Tulparra", (Spring); and, a fire that precedes summer rainfall stimulates the growth of grasses such as *Yakirra australiensis* and *Eragrostis eriopoda*. It is unknown whether Martu applied fires at times appropriate to the germination and growth of slower growing species.

There were times when the application of fires was avoided to protect existing stocks of resources. For example, fires are not lit in proximity to flowering *Grevillea* aff

eristachya shrubs and burning of grasslands dominated by *Eragrostis eriopoda* was avoided.

5:4 APPARENT CHANGES IN THE FIRE REGIME

The initiation of the outstation movement resulted in the reapplication of a fire regime that has been considerably modified since traditional times. The reasons for using fire have changed. The spatial pattern of burning is now relatively restricted. Localised areas are burnt more regularly. The time when fires are applied has altered. Some known changes are discussed below.

Changes in peoples movement patterns since contact times have had a concomittent influence on the patterns of burning. Martu people had left all areas of their range by the early 1960's, but are now re-colonizing their homelands as a consequence of the outstation movement. This has resulted in a twenty year lapse in the application of burns.

The movement of people is now relatively constrained. Movements on foot are restricted to the proximity of communities and camps. Long-distance movements are undertaken in vehicles and hence confined to roadways. To adequately explain the current spatial application of fire it is necessary to consider where and when people move through the landscape (see Section 8.3).

In past times, a mosaic of various stages of vegetation regeneration ensured that a broad array of resource species was available. Areas are still burnt to promote the regeneration of resource species. Fewer species are now targeted. Therefore, the pattern of burning is now directed toward promoting those species that are still used, that is, the fruits and tubers. Consequently, management for other food types is sometimes overlooked. Less than half the number (28%) of potential resource species that occur on early seral sand plain communities are now used, even fewer species from later seral stages are used. Burning patterns are now applied to manage stocks of a limited range of species. This is perhaps to the detriment of other populations. For example: large quantities of bush tomato (*Solanum diversiflorum*) are now found to proliferate in the same areas which are burnt more regularly than they would have been in the past;. In contrast, *Thryptomene maisonneurvii* is no longer an important source of nectar so there is now no need for Martu to protect it from being burnt.

The spatial scale of fires initiated by Martu may have changed. In recent times, Martu rarely initiate large fires but wildfires caused by lightning now burn large areas of the

land. Fires of a small to moderate size are applied in the locations described. The traditional practice of initiating a wide fire front by running over a distance is uncommon. Currently when lighting fires, single points of ignition are used; this restricts the extent of burns.

Fire is a land management tool that continues to be widely used by the Martujarra. Consideration of the reasons why fires are lit and the resources affected provides an approach that helps explain patterns of burning. There are still many unknown factors. A research project that documents traditional and current Martujarra patterns of fire use, control and expected responses is required. This could compare and contrast the knowledge on fire and burning in Central Australia (see for example Latz 1982, Kimber 1983, Saxon 1984). Modern mapping techniques are necessary to identify past and present movement pathways and fire history. As a starting point, use of 1953 1:25,000 aerial photographs would indicate burn patterns at a time when hunter-gatherers were still living in the area (although in a pattern altered by post-contact events). To effectively determine the spatial distribution of fires and burnt country, aerial and satellite photographic techniques need to be used. The results so far achieved at Uluru National Park (Baker and Allen, in press) further attest to the need to pursue a fire research program. In the study region there are a range of opportunities for collaboration in the area of fire research that are not paralleled elsewhere in Australia.

6:0 SEASONAL PATTERNS OF RESOURCE AVAILABILITY

When discussing seasonal patterns of climate and resource availability it is necessary to distinguish between short-term patterns and long-term patterns. For the purposes of this report, short-term patterns were those that occurred within a yearly cycle, they were distinguished by the progression of seasons. Long-term patterns were those reflected in the progression from drought years to years of higher rainfall (see Section 9.0).

6:1 ANNUAL CLIMATIC PATTERNS

The bioclimate of the region has been classified as desertic-tropical (Bagnouls and Gaussen 1957). Its climate is influenced by tropical events such as convectional thunderstorms and cyclones that brought rain in summer and temperate events that carried some rain in winter. At Telfer, approximately 100km north-west of Karlamilyi (Rudall River), the average annual rainfall (from 1974-1987) is 306 mm. The research area receives less than this, due to the decline in rainfall as systems progress to the east and south. January to March are the wettest months, then monthly rainfalls decline. August to October are the driest months. The highest mean

temperatures occur in December and the lowest in July. This data indicated that there is a predictable seasonal pattern to the time when rain is expected to fall. However, the volume of rainfall is far less predictable.

6:2 DISTINCTION OF THE SEASONS BY THE MARTUJARRA

The Martujarra follow a cyclic progression of three major seasons (Walsh 1987). Within these seasons shorter events are recognised. Biological indicators are used to identify the availability of specific resources. These seasons do not fall within a fixed time frame, such as the calendar year. They are determined by climatic events that are flexible in their time of occurrence. This flexibility was plus or minus about three months, if the events were to occur at all. Reference to the position of the Pleiades constellation provided the Martujarra with a fixed means of monitoring this variation. The Kartujarra cycle of three major seasons goes from "Tulparra" to "Yalijarra" to "Wantajarra" (see Table 2). The seasons provide the basis for distinguishing when food sources were available.

Martu readily identified the season when a potential food producing species was expected to be suitable for harvesting. This information was sometimes conveyed by the recitation of an availability sequence of species that supplied a particular food source. For example, the flowering succession of nectar producing species commenced in "Wantajarra" when *Grevillea wickhamii* produced nectar, this was followed by *Grevillea* aff. *eristachya* and *Hakea rhombales* and finally *Hakea suberea* produced nectar toward the end of "Tulparra".

The following paragraph summarises seasonal variations in the availability of food. "Tulparra" may be selected as a starting point. It is the season when day-time temperatures increased after the winter months. It is identified as the period when reptiles again became active. It may be equated with spring. In "Tulparra" the widest array of plant food is suitably ripe for harvesting, particularly grass seeds and *Solanum* fruits. This season progressed into "Yalijarra" or "hot time". During the early stages of "Yalijarra" the majority of the seventeen edible *Acacia* seeds ripened. The seeds of herbaceous plants, tubers and dry fruit resources are available. They were used as unharvested reserves or harvested and stored volumes. Later in "Yalijarra" the summer rains were expected to fall. This was a time when plant food was scarce. Large game and reptiles were major dietary components. Two to three weeks after the rains commenced termite aeleterae were widely dispersed. A short period was then known as "Pilarrgara" when the aeleterae ("pilarrpa") were collected and dried. Before winter, varanid reptiles carried large fat reserves, females were no longer gravid and

they were relatively inactive. Consequently, reptiles were most heavily hunted at this time. After the summer rains, grass seeds germinated and ripened and were progressively available for harvest.

7:0 SPATIAL PATTERNS OF RESOURCE AVAILABILITY

Within the arid region there is a relatively high degree of spatial heterogeneity in the distribution of plants. This has been attributed to the diverse geological history, the leaching of ancient soils and subsequent concentration of associated nutrients and water in lowlying areas (Stafford-Smith, in press). In the East Pilbara and Great Sandy Desert, the distribution of some plant communities is closely affiliated to prevailing landform types (Atkins 1985 and Goble-Garratt 1987, respectively). Superimposed on this fixed distribution are variations that result from localised events, notably burning and rainfall.

7:1 THE DISTINCTION OF PLANT COMMUNITIES BY THE MARTUJARRA

In precontact times, Martujarra women collected plant foods in proximity to their camp or when mobile from one camp to another. Wherever possible, they selected routes where they were most likely to find the desired resources. This required a knowledge of the habitat, preferences of species, and a familiarity with local conditions and geographical features.

The Martujarra classified their environment on several levels. At the broader scale of landscape systems, Martu distinguish country according to the predominant landform type. For example, the Manjilyjarra distinguish sand plain ("lanngangka") and sand dune ("talingka"), claypan ("linjingka") and saltlake ("warlangka"). Within these landforms, soil and rock types are further distinguished according to a limited number of colours; for example: in Manjilyjarra "miji-miji puli" (red rock i.e. sandstone) is distinguished from "pilya puli" (white rock i.e. quartzite). The identification of plants with certain landform types is a common way of recounting where they grew.

The Martujarra name plant associations by reference to the species that is physiognomically dominant. Frequently this method is refined to name an association according to the presence of a functional species. The suffix "-kurru" is added to signify predominance of the reference species within the association. In Manjilyjarra, an *Acacia coriacea*-*Hakea suberea*-*Triodia basedowii* association is commonly referred to as "jarnparra-kurru" (after the *T. basedowii*) Within this

association a stand of *Acacia jensenii* (a spear tree) is further distinguished as "mulyarti-kurru".

7.2 THE TARGETTING OF PLANT COMMUNITIES BY MARTUJARRA WOMEN

In the past when gathering food, Martujarra women selectively targeted certain plant communities associated with landform types. Vegetation surveys have identified the ecological characteristics of these habitats. Figure 2 presents the number of potential resource species on the major landform types in the region. Food resources were most frequently sought and harvested from communities that had high levels of species diversity. This pattern of selective gathering indicated that women were aware of the different productivity of plant communities.

Wetland systems were preferentially selected as areas where plant resources could be gathered in sufficiently large quantities. Associated foods included: seeds of *Brachiaria miliiformis*, *Phragmites* FJW 88185 sp and other annual grasses; the seeds of *Acacia eriopoda* and *Eucalyptus microtheca*; tubers of *Cyperus bulbosus* and *Vigna lanceolata*; and, fruit of *Santalum lanceolatum*. The wetland systems were also important sources of water and shade.

Ecotonal communities occur at the interface of different landform units. The overlap of adjoining plant communities results in high species richness. The biomass productivity of these areas was enhanced by surface runoff from rocky surfaces or overflow from watercourses. The ecotone between range and sand plain and watercourses and sand plain were often traversed and used as areas for resource collection. Although they were targeted less specifically than wetlands, they were frequently selected by women as routes from one campsite to another or one gathering patch to another.

Patches of spinifex sand plain burnt two to five years previously and with a high number of species were also sought out by Martujarra women. Potential resource species associated with early seral communities included *Eragrostis eriopoda*, *Euphorbia* sp FJW 88275, *Sida fibulifera*, *Solanum* spp and *Petalostylis cassioides*. These species persist for approximately five years after fire, before being replaced by successional species. The distribution of these productive plant patches is determined by past fire regimes.

Women rarely traversed the hills and ranges or unburnt spinifex sandplains. The vegetation of these landform types had low levels of species diversity and few plant food resources.

Food gathering excursions were generally focussed on plant communities that had high levels of species richness and diversity. Sometimes specific resources were sought from communities that did not have these characteristics. For example, *Grevillea* aff. *eristachya* occasionally occurred in isolated stands on unburnt spinifex sandplains, long diversions were made by women to collect the nectar from these stands.

7:3 SPATIAL VARIATIONS PLANT PRODUCTIVITY

In the region, the majority of rain falls in summer as highly localised and intense showers. A comparison of the rainfall data from Roy Hill and Nullagine identified the variation in regional rainfall. These stations are only 82km apart, yet over a 20 year period there was a significant difference in their total annual rainfall volumes. This heterogeneous pattern of rainfall further exaggerates spatial variations in the distribution and productivity of plants.

Because of isolated rainfall events there is the likelihood that, somewhere, in the estate of a Martujarra group, plant production was greater in some areas than others. Relatively large estates, the interpretation of distant rainfall events and access gained by high mobility enhanced the possibility of groups encountering these productive patches. There was also the likelihood that when resources were limited in one group's estate, in the estate of a nearby group resources were available.

7:4 CLASSIFICATION OF COUNTRY

Latz (1982) proposed a model that distinguished different categories of country that occurred within the home range of desert tribes. This was based on a number of cultural and environmental characteristics. These classifications subsequently showed when tracts of land were likely to be used. Relevant characteristics were: the presence of mythological sites; the degree of permanence of water sources and the resource richness of areas. Cane (1983) extended this idea and used it to identify how a group's range was constructed in relation to these variables.

This is an important concept and may provide a useful approach to land management. Firstly, it can be used to discuss patterns of mobility and subsequent land use within the area utilised by a traditional or contemporary group. Secondly, it can be used to

identify characteristics concerning the type and density of resources that are required to sustain a band or group of people.

Five hypothetical classifications were proposed by Latz (1982):

- (1) In the area where there was a sacred site, a 'sanctuary' existed. In the sanctuary, biota was not utilised and it was subjected to minimal disturbance. This acted as a refuge and source supply of species that could recolonise neighbouring regions following perturbation.
- (2) At some points there were permanent watersources that persisted in drought. The area surrounding these were used by people as drought refuges or in exceptionally good seasons.
- (3) In some areas were semi-permanent water sources. These were rich in resources.
- (4) Marginal country was typified by a lack of permanent waters and few areas with concentrations of resources. This was the most extensively used of all land units.
- (5) In the 'waterless areas', only ephemeral water sources and few food resources occurred. These were used for short periods following good rains.

Although these classifications were developed based on Central Australian conditions, they may also be applied to Martu country. We know that in the study region some locations coincide with mythological sites, and the collection of resources and general access to these areas was banned. Secondly, the "yinta" was the focus and most important resource component of the range. It comprised a permanent potable water source, such as a spring or soak, and the adjacent land and its resources. The area surrounding the "yinta" was used in extreme conditions and on opportunistic occasions. Finally, large tracts of country were rarely, if ever, traversed.

The geographic delineation of Martu systems of land classification has not been undertaken in the study area. In the future, it may be possible to predict approximate boundaries based on biological, archaeological and ethnographic evidence. Active involvement of Aboriginal people would be required.

8:0 MARTUJARRA PATTERNS OF MOVEMENT

The application of land management practices by the Martu is a consequence of their movement through the landscape. Description of the where and when people move, therefore, provides information relevant to future management.

Those with biological backgrounds (myself included) may be predisposed to the notion that the activities of hunter-gatherers are a direct consequence of the availability of resources. One is then identified with the school of 'environmental determinists'. It is particularly tempting to adopt this stance when considering patterns of group aggregation and dispersal and subsequent mobility. This approach may be tempered by anthropological papers, (such as Myers 1982), that detail the way that the society determines its activities "while managing to conform to the ecological constraints of a harsh region" (Myers 1982:192).

In the desert region, the major environmental factor that determines movement patterns is the availability of resources. Some of the resources used by the Martujarra have been discussed above. The Martu perceptions of these distributional patterns have also been presented above. In the following section, I propose to show how the combination of these factors affected mobility through the landscape.

It is now recognised that in Aboriginal societies, systems of land ownership enforce control over, and management of resources. These are systems embedded in the political structure of the society (Sutton and Rigsby). Tonkinson (1978) has stressed the high degree of mobility and flexibility in the movements of the Martujarra.

When considering the spatial arrangement of a Martu group it is necessary to distinguish the range and the estate. The range is the area over which a group ordinarily collected resources. In traditional times, the range generally encompassed the estate which formed the locus of an individual's or a group's country (Barker 1974). Boundaries between estates were permeated or crossed by receiving permission and instruction from the "owners".

The carrying capacity of country may be indicated by the number of people that comprised a hunter-gatherer group. Tonkinson (1978) stated that the size of the basic foraging unit (the band) varied according to local environmental conditions. Early observations suggest that desert groups would have generally included less than thirty individuals. At times, such as when there were meetings and/or localised abundances

of food, groups of about 300 individuals congregated in an area (see Peterson and Long 1986).

Two major types of mobility should be distinguished. Firstly, the daily movements people made. These radiated out from the camps when people collected resources and returned to the camp at night. Secondly, the movements of entire groups from one camp to another, termed 'residential mobility' (after Binford 1980).

In traditional times, the criteria that women used to select pathways were similar for both of these mobility types (Walsh 1988). In contemporary times, movement over long distances is determined by the location of vehicle tracks. The siting of vehicle tracks may have no relation to the spatial availability of resources that have a distribution fixed by edaphic factors. However, **resources resulting from Martu-initiated fires are now often coincident with vehicle tracks.**

8:1 FOOD PROVIDING ROLES OF MEN AND WOMEN

Men and women have differing social and material responsibilities to fulfil. Most importantly, women have child-minding responsibilities that limit their movement and keep them close to camp. In traditional times, both sexes generally sought different types of food. By necessity the habitats traversed by men were different from those traversed by women. Men and women rarely traveled close together when collecting foods. Yet, adherence to the stereotyped roles of 'man the hunter' and 'woman the gatherer' was not absolute. Estimates have shown that in late winter, women spent at least 30% of their foraging time tracking and excavating reptiles (Walsh unpubl.). In addition, other small game, insects, birds and marsupials were also sought by women. Conversely, men also collected plant foods, especially when they were isolated from women. Because of the substantial and regular contribution women made to the traditional diet, they were often responsible for motivating the group to move from one camp to another when local supplies were depleted and then determining where resources were likely to be available for exploitation.

The food providing roles and activities of men and women appear to have become more distinct in post-contact times. Men continue to be responsible for hunting large game; they rarely collect substantial quantities of plant food, although they frequently point out what can be used and collect token specimens. It is uncommon for a woman to use a rifle. Furthermore, few women drive and fewer have ready access to vehicles. At present, women and children are compelled to collect bush foods by walking from the

camps or when accompanying men on excursions away from the camp. Women are generally responsible for buying and preparing commercial food items.

8:2 PROPOSED CYCLE OF PRE-CONTACT MOVEMENTS

The irregular alternation of the aggregation and dispersal of Martujarra groups was noted by Tonkinson (1978). It is now apparent that this alternation did occur with some regularity. However, it was altered, sometimes dramatically, by the failure of rains. The cyclic pattern of the aggregation and dispersal of Martujarra groups was determined by:

- (1) the need to attend social gatherings;
- (2) the availability of potable water
- (3) the abundance of food, shelter and other resources.

The seasonal cycle of residential mobility is summarised below (see Table 2). In "Yalijarra" (approximately December-March), it was hot and there were highly localised rainfall events. Surface waters were generally confined to the relatively impermeable claypans that occurred through tracts of short dunes and the outwash areas of watercourses. These were ephemeral sources that persisted for several weeks. The sandy, permeable substrate of primary river channels and headwater streams did not retain the intermittent falls. Therefore, at this time water sources were widely scattered. This was the period of greatest resource scarcity when stored materials continued to be used if they were still available. Larger game ranged in search of water and plant resources were relatively limited; both occurred at low densities. Consequently, groups of Martu were highly mobile, spending only a few days at one location before moving on to another, where rain had recently fallen. These groups were small and widely dispersed. Relatively marginal tracts of country were utilised. The scattered, ephemeral waters associated permitted short-term access and associated unharvested resources. Reptiles were the most reliable and significant of all resource groups.

Toward the end of the rainy season, semi-permanent rockholes and pools along watercourses replenished. Ephemeral surface waters evaporated. Groups of people then retracted back toward their estate and the spatial extent of their movements declined.

As the weather cooled, the season progressed to "Wantajarra" (approximately March-August). People relied initially on ephemeral and semi-permanent waters. Plants were important food sources, particularly seeds and early ripening fruits. Meat

TABLE 2. SUMMARY OF PROPOSED CYCLE OF RESOURCE AVAILABILITY AND MOBILITY ADOPTED BY THE MARTUJARRA

KARTUJARRA SEASON	YALIJARRA	WANTAJARRA	TULPARRA	YALIJARRA
WEATHER	Hot with localised showers	Cool, generally fine occasional rain	Warm & fine	Hot, dry, occasional thunderstorms
WATER AVAILABILITY	Intermittent & ephemeral waters: claypans	Ephemeral & semi-permanent waters: claypans, pools	Semi-permanent : pools,	Permanent rockholes, springs, soaks
ANIMAL RESOURCES	Large game important (e.g.emu, red kangaroo) Reptiles very important Termite aeletes	Bustards, smaller game (e.g.chicks, dingo pups) Reptiles less important Witchetty grubs	Bustards & other birds Reptiles re-emerge Witchetty grubs	Large game Reptiles important
PLANT RESOURCES	Scarce: harvested & unharvested stores (e.g. acacia seeds)	Abundant : e.g.grass & sedge seeds	Abundant : e.g.herb seeds, fruit	Moderate: e.g. acacia seeds, fruit unharvested stores
MOBILITY	Highly mobile	Mobile	Less mobile	Relatively sedentary: extended periods at one site, long distance to another
FORAGING AREAS	Variety of habitats especially claypans & sand plain/dune country	Women target areas: primary & headwater streams	Women gather on sand plain continue to target watercourses	Less specific targetting Search areas in proximity to watersource
GROUP SIZE	Small if possible	Larger	Large	Small & gatherings
COUNTRY OCCUPIED	Marginal areas occasionally 'waterless' areas	Marginal & areas near semi-permanent waters	Areas near semi-permanent waters	Dry reserve areas
APPROXIMATING: MONTHS	-J-----F-----M-----A-----M-----J-----J-----A-----S-----O-----N-----D-----J-----			

sources were predominantly bird chicks and young of animals such as the dingo. Reptiles were less important, as they hibernated and were difficult to track. Women targeted resource areas associated with wetlands most specifically in this winter period. Excess seed foods were harvested and stored. Groups were still mobile, but within a range that further retracted to the semi-permanent water sources as the season progressed. These groups may have been larger with several families traveling in close proximity to each other.

"Tulparra" (approximately August-December), was considered a pleasant period of the year. Surface waters were relatively restricted. Consequently, groups used the semi-permanent waters of rockholes, primary river pools and large claypans. There was a diverse array of plant foods available, excess fruits were dried and tubers were stored. Foraging pathways extended over the sand plain and sand dune habitats of fruit-producing species, watercourses continued to be used. Reptiles re-emerged and were again added to the menu. Group sizes may have increased at this time, with some meetings and gathering taking place.

The increase in temperature in the early dry months of "Yalijarra" resulted in the evaporation of most surface waters. People retracted back to their "yinta", where the water persisted through this period. Within the estate of all family groups there was at least one "yinta". The array of available plant food declined. Acacia seeds, tubers and fruits were used and stored reserves were drawn upon. Animal foods increased in their significance as components of the diet. Men and women were relatively less specific in the habitats they targeted in the search for meat sources. Some animals were shot, trapped or poisoned as they also congregated to the available water. Care was taken to locate camps at a distance where they did not disturb incoming game. Camp sites were occupied for relatively long periods of time, as the distance between potable waters was generally large, the depletion of food resources may have been the main factor that determined the need to relocate the camp.

8:3 TRADITIONAL MOVEMENTS WITHIN THE PREVAILING LANDSCAPE

Within the range of Martu hunter-gatherer groups there were variable proportions and types of ecological units. Walsh (1988) proposed that the mobility and subsistence strategies adopted by groups varied according to the prevalence of topographical units in their range. This may be shown by comparisons between the subsistence strategies adopted by linguistic groups of the region.

Karlamilyi (Rudall River) represented a relative continuum of reliable food and water resources along its 90km length. The Warnman utilised the riverine corridor as a major movement pathway and occupied a series of camping grounds along its length. Areas that ensured access to both range and sand plain habitats, such as along the north-west section, were highly favoured.

To the south-east, the Kartujarra inhabited land characterised by a series of headwater and sand plain streams that drained the ranges and hills. These streams were up to 25km long and were the main areas of resource concentration. In this area water was available in rockholes, soaks, claypans and ephemeral pools. Movement was directed from one water source to another with the sand plain streams being utilised as access routes.

Extensive dunefields and salt lakes dominated Manjilyjarra country to the north-east of Karlamilyi. Potable waters were restricted in their occurrence and there were no continuous fresh watercourses. When traveling large distances, the Manjilyjarra followed the shores of the salt lakes where resources and soaks occurred, otherwise they made regular traverses of sand plain and sand dune country when traveling from water source to water sources.

Given this variation, it may be inappropriate to assume that land use and management practices may be directly extrapolated from one region to another.

8:4 CURRENT PATTERNS OF RESOURCE COLLECTION

The route and destination of present day excursions is determined by several factors. Generally, places that have not been visited for a while are selected. This ensures that unharvested resources may be found. It also provides the opportunity to assess the condition of unvisited areas. Locations where resources are known to be in abundance and ready for harvest may be reselected. Alternately, favourite spots may be rechosen.

In proximity to Parnngurr there are specific and predictable areas which are targeted on weekends and picnics. Many of these were the site of traditional camping grounds. Those which are most frequently visited, generally occur within a 30km radius of the community. Existing tracks are used to reach them if they are available. Occasionally, new routes may be initiated to gain access to areas recalled by elders or encountered when Martu are exploring.

The desired characteristics of picnic and weekend destinations are much the same as those that European people would select. These are:

- (a) the presence of water sources;
- (b) plenty of shade;
- (c) open ground that is comfortable to sit on; and,
- (d) access to a diversity of habitats.

An additional characteristic used by Martu is:

- (e) the resource richness or the abundance of a desired species

It is likely that there will be a high coincidence in the selection and use of particular areas by Martu and non-Martu people. They are likely to be points of contact between Martu and other people. Considerable population pressure may be applied to these sites.

Sand plains and sand dunes are traversed enroute to many of the sites, these provide a diverse and highly ranked array of resources. The final destination is often associated with a rockhole and headwater stream, pool in a primary river channel or claypan.

On such excursions, extended families and dogs, sometimes five to twenty Martu, pile into vehicles and drive toward the selected destination. The trips are punctuated by occasional diversions and frequent stops to hunt animals, collect fruit, dig reptiles and grubs, gather nectar, light fires etc. If there are sufficient quantities available, enough material is collected to consume or prepare at the lunch camp and take back to the community.

On reaching their destination, people unload and disperse to do various activities. Camp fires are lit and the animals caught en-route are cleaned, cooked, distributed and eaten. These meals are usually substituted with tinned foods that have been bought along. There is constant activity amongst the children who climb trees, occasionally retrieving chicks, chase and catch small reptiles (*Ctenophorus* spp), gather seeds (*Erythrina vespertilio*) for decoration etc. Women tend to stay within the vicinity of the camp looking after younger children, playing cards and preparing food. They may go for short walks and gather bushfoods. Men may go off hunting or selecting timber suitable for woodworking. Alternately, talking and card-playing in the shade is a popular activity.

The return trips are characterised by less interruption. Usually there are only stops to gather firewood, or when game is sighted and attempts are made to shoot the animal. It is preferred to return to the community with some meat for immediate distribution and consumption or storage.

More regular excursions are undertaken specifically to hunt large game. In winter at Parnngurr, three or four hunting trips a week are generally conducted from the main camp. These entail journeys of two to six hours and are rarely overnight. Men are occasionally accompanied by children on these trips.

The route of these excursions frequently deviate from established tracks as the hunters drive after game. As bustards are the most frequently sought game, recently burnt sand plains and sand dunes are preferably searched. If euros are to be hunted, range and hill habitats are sought.

9:0 LONG TERM VARIATIONS: DROUGHT

Section 8 summarised the subsistence strategies adopted in a typical season. Consideration of long-term climatic patterns is necessary to identify the variations that affect resource availability. Subsistence strategies were modified to cope with these variations.

Rainfall records from 1978 to 1987 at Telfer showed that there was a 35% variation ($X=306\text{mm}$ $SD=106$) in the volume of rain that fell over the nine year period. However, long-term data from Roy Hill, recorded over the past 73 years, show that this variation was considerably greater at 53%. Extremes in rainfall is shown by comparing data from Telfer. In 1977, total annual fall was 148mm, by contrast, in 1978, 461mm of rain fell. The long term pattern of rainfall is erratic. As Friedel et al (in press) suggested, it is characterised by having extended periods of below average rainfall and drought. Importantly, these should be considered normal, rather than exceptional and isolated events.

9:1 STRATEGIES TRADITIONALLY ADOPTED TO COPE WITH DROUGHT USE OF ALTERNATIVE FOOD RESOURCES

The productivity of arid zone plant communities is partially reflective of past rainfall, or the lack of it. Low rainfall results in a lower germination rate. It particularly limits the extent of flowering of annual grasses and herbs. These constituted a relatively large part (23%) of the food species potentially used by the Martujarra. A change in their diet was necessary at times of low rainfall. Initially there was an increased reliance

on species that continued to be productive. These included the perennial grasses, such as *Eragrostis eriopoda* and *Amphipogon caricinus*. Under extreme circumstances species that were drought tolerant were used more intensively, these were species that tapped subterranean water sources, had large root systems or root storage organs; they included *Acacia eriopoda*, *Ficus platypoda*, *Solanum diversiflorum* and, *Vigna lanceolata* respectively. A group of 'drought foods' were also adopted to the diet at these times, these resources included less favoured species, such as *Clerodendrum floribundum*. They were often characterised by the comment "they make you skinny". This eluded to the consequences of a general lack of food at these times. Due to the deficit of plant foods in low rainfall periods, relatively more meat was consumed. In extended drought mammal and bird populations also declined. The reliance on reptiles further increased.

CONSERVATION OF HARVESTED RESOURCES

Evidence for the conservation of resources is largely based on ethnographic and ethnohistorical information. It is useful to distinguish between the conservation of harvested and unharvested resources (after Latz 1982). Kimber (1984) gave examples of the preservation and storage of harvested plant and animal foods. His evidence showed that fruits and seeds were harvested, especially in times of abundance. They were dried if necessary and stored in small caches in accessible locations. This was in anticipation of events that included drought. The Martujarra have cited the seed of nine species that were stored. All of these species could be collected in large quantities. These were preserved and stored in a variety of ways. For example, volumes of *Panicum decompositum* seed were cached in bowls under spinifex hummocks and balls of ground and dried *Amphipogon caricinus* seed paste were placed in the boles of trees. The dried fruit of *Solanum diversiflorum* *S. chippendalei* and *S. centrale*, *Ficus platypoda* and *Santalum lanceolatum* were also stored, either as whole fruit or, more conveniently, as paste balls that could be reconstituted when required.

Martu people describe these forms of storage as strategies for conserving an excess of resources that could be used in the short-term. Food material was also accrued in preparation for forthcoming meetings and gatherings of large groups, when localised resources would also be under pressure. In addition, bowls of seed, dried fruits and other foods were items of reciprocal exchange. The Martujarra maintained reserves of dried food in anticipation of drought, these were stored in suitable locations rather than carried. Careful selection of the storage site minimised the possibility of predation. Other means of deterring predators may have also been employed.

The Martu now collect excess resources and store them in the short-term for direct consumption or exchange, they do not store food (bush food or Western food) in anticipation of times of scarcity.

USE OF DROUGHT RESERVE AREAS

The presence of potential drought reserve areas has been discussed in relation to systems of land classification (Section 7.3). Within these areas persisted stands of unharvested resources that were used in extreme conditions.

CROSSING INTO ADJOINING ESTATES

During drought, the scenario of having limited food and water supplies, the need to hunt and gather over large distances and the possibility of eating distasteful food was not a favourable one. The construction of the cultural and social systems was such that the Martujarra generally avoided this situation.

When water supplies were no longer available or conserved and unharvested resources had been exhausted within a groups normal range, they had recourse to request access to the land and resources of a neighbouring group. Social interactions between estate groups were undertaken before attempts to 'cross' these boundaries were made. These interactions included information exchanges that ensured a group was sufficiently knowledgeable of another's country and so 'safe' to travel in it. This was a system based on reciprocity and thus the expectation that, conversely, some time it may be necessary for the other group to have access to productive patches of country.

10:0 FUTURE DEVELOPMENTS

To assess these options socio-environmental impact studies should be conducted for development proposals.

The advantages and disadvantages of these proposals would need to be assessed in environmental and cultural terms.

10:1 COMMUNITY-BASED EMPLOYMENT AND LAND MANAGEMENT PROSPECTS

The preceding report has emphasised the role and significance of biological resources within the past and present culture of the Martujarra. Future planning must accommodate the need for continued access to, and sustained use of, these resources

Increasingly, the Martujarra have identified a need for financial and material self-sufficiency. The use of traditional resources is an option that may aid this self-sufficiency through the economic, health and cultural benefits that accrue. Planning may be aimed in two direction:

- (1) development of resources for community use; and,
- (2) development and sale of resources for non-Aboriginal use.

In the immediate future the former should take priority. Several planning suggestions for community development are outlined below.

The environmental pressure induced by harvesting, hunting, burning etc is presently focussed on areas in proximity to camps and vehicle tracks. To relieve the pressure on these areas it may be feasible to:

- (1) establish more smaller outstation communities; and,
- (2) establish a regional network of vehicle tracks.

In the past, communities and camps have been located in proximity to bores. In some instances these sites are in relatively resource poor areas. In the future, criteria for the selection of locations to establish outstation camps might account for access to areas of high resource productivity and a diversity of habitats. These characteristics were typical of traditional long-term occupation sites. This may help ensure that the land and resources in proximity to the camps have the resource capacity and resilience to support Martu populations.

Negative aspects include: the potential disruption of land systems, animal movements and archaeological sites; the loss of wilderness value; and, the widespread dispersal of rubbish. Positive aspects include: reduced impact on localized areas; greater access to biotic and cultural resources; increased opportunity to exploit productive patches resulting from localised rainfall events; and, wider application of traditional management techniques. Cane (1986) proposed that a "regional resource grid" be established in Central Australia to connect resource rich zones. The proposal has potential, but a grid system is not appropriate as it assumes environmental homogeneity. If it is appropriate, the location of tracks in a network system should be determined by prevailing ecological units.

Projects that increase the environmental productivity of areas in proximity to outstations should be encouraged. In Martu communities, few plants are well established. Those present tend to require little or no care after establishment. Some native tree species have been planted to provide shade and shelter. These include *Erythrina vespertilio*, *Eucalyptus camaldulensis* and *Acacia ampliceps*. A few introduced species are grown for food, particularly melons that require little attention.

At Murdoch University, the Centre for the Domestication of Australian Flora, plans to undertake research into the horticultural potential of arid zone flora (Considine, pers. comm.). While these projects have great potential to improve dietary quality and living conditions on outstations, they have not yet made the provision of resources to remote communities as a high priority. They should be encouraged to do so. Furthermore, there is no legal framework in place that ensures protection of either plant varietal rights or traditional knowledge pertaining to the development and use of resources (Considine, pers. comm. and Williams, pers. comm.).

It is imperative that Martu (and Aboriginal people elsewhere) be told of the potential their knowledge of traditional resources has for domestic and commercial use in their own communities, Australia and overseas (Kalotas, unpubl. report). This potential is considerable; the primary industries are now seeking to diversify their crops and identify species suited to cultivation in arid conditions. The marketplace is expanding into alternative and more nutritional commodities. If Martu wish for economic and material gain from this rapidly expanding area of research and development they must become involved in the initiation and the early stages of collaborative projects in the near future.

10:2 JOINT MANAGEMENT AND EMPLOYMENT PROSPECTS IN NATURE CONSERVATION AND LAND MANAGEMENT

It is apparent that there are many areas both of common interest and conflict between the objectives of various land management and conservation groups and the Martujarra. These may be built upon and resolved respectively by a collaborative approach to land and resource use. This approach should be undertaken with understanding and empathy on all sides and an aim of maintaining exchange of knowledge, education and action in all directions (see Keane et al 1988).

In the future, this collaborative process might encompass different aspects of conservation and land management operations. **First and foremost, discussions**

pertaining to the initiation and development of projects should be conducted with the Martujarra people.

Martujarra people retain much knowledge that would be of benefit to the biological research relevant to the planning and management of land areas. Knowledge of environmental dynamics in precontact times provides information essential to identifying the extent and impact of European arrival (Clark and Wasson, in press). Aboriginal knowledge of these precontact environments can provide valuable contributions to palaeoecological studies. The knowledge of Martu elders is relevant to identifying changes that have occurred in the desert environment, this should be further documented.

Long-term occupation and the use of biotic resources are factors that inevitably foster an intimate knowledge of the ecology of an area. This knowledge should also be recorded. Martujarra involvement in surveys and inventories of the region's biota and studies of species biology and community interactions would provide valuable contributions to the data base of wildlife researchers.

The use of fire as a land management tool by the Martujarra has been documented in this report. Further research is required to refine aspects of past and present fire application and management.

Other land management philosophies and techniques used by traditional Martu hunter-gatherers were appropriate to ensuring the sustained and/or continued use of resources. These should be considered and adopted if appropriate. Some points relevant to successive levels of management are presented below.

RESOURCE BASE

Traditional land management practices were applied to maintain a broad array of resources, this approach should be maintained. Future management strategies aimed solely at protecting a few species should only be applied over restricted areas.

CLIMATIC VARIATION

There is a seasonal pattern to the probability of rainfall in the region. Predictions and practices should be made and implemented as appropriate to the prevailing season.

In the region, drought is a common phenomena. Carrying capacities for land should be calculated using figures of minimum rainfall and resource diversity.

SPATIAL VARIATION

In precontact times, the desert environment had considerably more spatial heterogeneity than is now apparent to many European observers. This heterogeneity consists of 'fixed' vegetation patterns associated with landform. Superimposed on this is a dynamic pattern that is a consequence of localised rainfall events, burning and hunting and harvesting.

Management should be conducted in terms of ecological units. These may be approximated to classifications of country that may have been employed by the Martu. Ecological units should be defined by animal, plant and surface water resources that are present. Practices appropriate to the prevailing ecological units, and with an awareness of the interaction between these units, should be implemented.

Practices should be implemented to ensure the maintenance of heterogeneity, through the extension of a patchwork fire regime and the dilution of harvesting and hunting activities.

The points documented above have been compiled drawing upon Martujarra knowledge. In some instances, similar conclusions have been reached by researchers in Central Australia (especially those at the Division of Wildlife and Ecology, C.S.I.R.O., Alice Springs). A research program that compares and contrasts the ecology and management practices of the study region and the Central Australian region would benefit from a co-operative approach that draws upon the considerable body of expertise and knowledge in Central Australia.

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7. MARTU¹ STATEMENTS ON THE OWNERSHIP OF KARLAMILIYI

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1:0 INTRODUCTION

Much of the following information was recorded during fieldwork in Karlamiliyi² (Rudall River) in July/August 1988. The field trip was organised by a group of Warnman men at Punmu, who applied successfully to the Australian Institute of Aboriginal Studies (AIAS) for funding in 1987, to record information about Warnman language and culture. During a three week period, we travelled from Punmu down along Karlamiliyi (Rudall River) to a number of waterholes. The men visited country that they used to walk over in their youth. We found waterholes that were two and three hours drive from the main roads, often relying on tyre tracks from a single vehicle that had been to the area sometime in the past. The men's memory of the geography and of the important sites in the area was impressive. Their affiliation by birth, descent, and long association with the country, leaves no doubt as to their authority to speak for Aboriginal interest in this area.

The group wanted to assess the damage done by tourists and miners, and to salvage whatever they could of sacred materials now located within the park boundaries. During the three weeks they hunted animals, picked wild plant food, and harvested wood for artefact production, commenting on the overabundant cover of spinifex, and the need for the country to be burned. We visited waterholes at Lalapakujarra, Pimurlu, Punamalara, Karlaya Karlaya Karlkun Karlkun, Karuly Karuly and Yantikuji. Each of these waterholes was known to the men and each place had stories of

¹ The term 'Martu' will be used to refer to the people of the area including those living in the communities of Punmu, Parnngurr and Jigalong. This is a local (Manyjilyjarra) term for 'man' or 'person' (depending on context) that has general currency, even among speakers of other Western Desert languages (other equivalents are 'puntu', and 'kirta'). 'Martu' is also used in opposition to 'kartiya' or 'walypala' (words denoting non-Aboriginal people).

² Throughout this paper I will use a practical orthography rendition of placenames in the region. This is the same orthography as is used in the work of Jim Marsh, the Strelley schools and Punmu community school. I hope that these spellings will eventually replace the inaccurate spellings currently used on Natmap 51-10, and that the name of the park itself will be changed to Karlamiliyi or Waturarra.

Square brackets in translations indicate my comments on the information translated.

either a mythological or personal nature attached to them. We visited three stands of 'pilu' (boomerang wood trees), the locations of which were well known to the party.

During the fieldwork and further discussion with Warnman people from Karlamilyi it became apparent that there is little sympathy with intrusion by outsiders, especially miners. There is no question in the minds of these people that the country belongs to the local Aboriginal people (in the sense of their knowing and using the resources of the country), some of whom have only recently (in the past 25 years) 'walked in' from the country in question. Indeed, the main apparent interest shown by the outside world in this country is in the form of extraction of minerals. As Teddy Kiya put it, "The whitefella's only interested in wages, it's Martumili ngurra (Aboriginal home/country)". White interests are seen as money oriented and destructive in contrast with the close Martu relationship with the country.

A major objection to exploration and mining is of proper consultation (see for example Lawrence, Cotton, Veth, this vol.). There is also a feeling that the park should not have been declared without greater consultation, and a guarantee that the Aboriginal inhabitants of the area be recognized as rightful owners.

When discussing the issues involved in the Plan of Management for the Park with Martu from the region, there was concern on their part that there be adequate consultation with the appropriate people. The following were considered to have some immediate say in the region. The list is by no means exhaustive, it was presented by a group of men and women at a meeting at Jigalong who said that a more detailed study will need to take into account the widely spread population of Warnman people now living as far afield as La Grange, Wiluna, Yandeyarra, and Nullagine as well as the Strelley camps:

Itiwanu, Charlie Pinapayi, Rutal, Punama Sailor, Minyal Miller, Waka Taylor, Muuki Taylor, Ian Taylor, Desmond Taylor, Pijuka Eidwun, Teddy Edwards (Kiya), Frank French, George French, Mayiwarti, Mukurtu, Socks Lanti, Yaya Minta, Milton Chapman, Leo Chapman, Mayiwalku Chapman, Jampu Yilyirri, Bert Lane, Yurnti Panaka, Mitchell Biljaba, Neal Pitu, Teddy Biljaba, Roy Kikipa, Puja, Mulyatingki, Donald Chapman, Topsy Robinson, Mirturtu, Katikati, Purnta Jones, Jiya, Jilipina, Lydia, Pukayi Wayulta, Pinyipa (Nancy) Wayulta, Marjory Chapman, Darleen Chapman, Priscilla Chapman, Mantarrar, Kunyjukunyju, Rena Richards, Rita Richards, Phyllis Richards, Ngarikatu, Nola Taylor, Nantuwita Nayipi, Gladys Pitu, Ngamurru.

2:0 LANGUAGE GROUP AS A FORM OF SOCIAL ORGANIZATION

A brief note about the relation between 'language group', and other forms of social organisation in the Western Desert. Local groups may consider themselves to be distinct political or social entities, but form part of larger agglomerations that speak one language. Small differences in vocabulary, usually of high functional-load words such as the equivalents of 'no', 'come', or 'go' may become key features in naming what are essentially dialect groups. Goddard (1985:11) points out that the Everard Ranges people can be called Yankunytjatjara (having yankuntja going) to distinguish them from their western neighbours, but that this name will not distinguish them from their northern neighbours who also use the word yankunytja. In this case the distinction is made by use of the word for 'true' mula (Mulatjara as opposed to Martujara). Hansen (1984:8) cites the example of one local group (which he calls a 'multigroup') that is known by at least five terms because they use the following words, each of which is used in forming language names as described by Goddard above: jukujuku; kuwarra; manjila; minuru; and kayili. Multiple naming would have been the norm for most multigroups, resulting in a plethora of language names in the desert. Despite this plethora of names, the relationship of local groups to their particular country was always clearly defined and widely known.

In addition to the 'shifting' nature of the application of language names, there is potential for an individual to shift language group allegiance. A person may be multilingual and have language affiliations associated with either their mother or father, their place of birth, or where they were brought up. These affiliations can be called upon to assert one's identity in a number of different directions.

The statements that follow are by men who have affiliation to country inside Karlamilyi (Rudall River) National Park. This contribution to the Resource Documents is mainly concerned to give representative examples of consensus opinions that are held in the Aboriginal communities of the region. These examples were offered by local Aboriginal people in response to my requests, at meetings, for statements that would represent their views to outsiders. The statements, then, were intended specifically to be presented to people concerned with the government's management of the region.

3:0 ITIWANU'S STATEMENT

Itiwanu is an old Warnman man who until recently lived at Punmu. He is regarded by people at Punmu as an authority on the ownership of Karlamilyi. The following statement was seen by those present at the recording and subsequently at the

transcribing session (many of the older residents of Punmu) as being an important statement which gave authority to the WDPAC point of view regarding the legitimacy of competing claims between them and some members of the Nomads group.

The statement was recorded in August 1988 at Punmu, a week after the meeting at Karlkun Karlkun at which the Premier promised to fund this Social Impact Study. Don McLeod and members of the Strelley community attended that meeting uninvited. Their presence prompted a heated reaction on the part of the other Martu at the meeting and it was then that I was encouraged by Warnman men from Punmu to record Itiwanu, as his story would provide important evidence of the number of people who can claim affiliation with Karlamilyi, in contrast with the Strelley claim that the only people who can speak for that country now reside at Strelley camps. Although hard of hearing and very frail, Itiwanu came from his camp to the meeting place where a group of men had convened to listen to his speech.

In the statement, Itiwanu outlines the area that he travelled in his youth, reinforcing his position to talk with authority for the country in question. He reiterates the point that the country does not belong to one person but is open for many people. A major concern is that there is bad feeling between the people, something that is typically avoided in social interaction in the desert (see Liberman, 1985, on the importance of maintaining good social relations in Western Desert culture). The feeling in Punmu at the time was that the Strelley mob were doing the wrong thing by talking with CRA about country that they have little to do with today and without talking to the other people who have an interest in the area. This creation of jealousy over country is the target of Itiwanu's speech.

Yu ngalya yalayuru kurtunta maranypa yalala wimila ngarlka
wirranykartila jurrkulpa parayaninyayarna ngalya yaninyayarna
nyarrakurnangka kamparri yarna yarninya kararra. Now parrarna partu
yaninya ngampaya ngurrrpa nyarningurrara Partu parna yaninya Nyarra
Yantikujiwanalurna yaninya parrapartu kararrala. Martu ngalyi
warrinypungkupayiwana. Nyila wanangulyurna parra yaninya,
nyarraninyarna ngurlu nganaji nyarraninyarna ngurlula
ngalyparna. Nyarraninya yunganinyanyanya warrinyjila nyaya
warrinyjilarna nganynganykurtunta. Yumurna parra yarninya
kurllkamuntu yu mitarna nganampayi kuwarntaninya kujupakarti, no,
ngurrrparna parrayaninya watarlpa. Parrarla. Ngalka ngalkakurtunta
ngalya ngulyurna parrayarninya. Janyjinya wanarna yaninya ngulyurna.

Janyjinyangka kararrarna yaninya ngalyuwari pungku payingkangalya yarujunganyana. Partularna ngalyparna yaninya. Ngaly pangulyurna wantimanyi ngangulyu. Mirtarna wirranykurna junganinya. Yu warranyjamarra yanangu ngumparninyjakutunta. Jurrkulpawantimanyi parrawarta nyarrala kararramalula ngalya lunnyaya kanyininya... ngumpanyjakurturntalu yarnaninya. Yu munukula pukurljinyrra pukurljinyarna nyarrajjangulyu kararraja. Pukurlmarta jinyarna nyupamartalunnyaya parlinyinia. Yalalungulyu parntanyparntany walkaya wanti malkarriyawanti wankangulyuyawanti nyilanula kuwiyirnajanaku punganyinya maruntu kanyili yunganinyarnajananya. Nyupararranya nyarraninyaya ngurrara yala ngulyurna nyurraku pininpa wantimanyina ngalya nyarni ngulyu. Warranyja marra yakalpa nyaya ngumparnimara marany ngalya kanyaya jalkarninya kuwiyilaku. Waranykalakurnala palawarninyjarraku yirnamililaku yaninya ngalya wananyaya kanganyiya. Pinininyajananya nyarningulyupa kulpanyjapinti.

Wirnpa kararralpa nganaku ngalya nganaku ngurraparraku yalala kurntarapaya ngarlka wirranykartila. Yala ngulyurna pinirnpa ngalya nganalu ngumpalyjanta ngalya kanyinyanyaya parrarna parturla yarrngalungulyu. Karlamilyi ya nganaku yarrngaku. Yumupala warranyyukuji ngulyu ngarinypa. Yumupala munkujunganyiya kunangukurlu nyampayurujapalyja. Karlamilyiwana Wayirnu kurujununya Wayirnu kurujununya nyilawanalarna nyaraninya ngapila nganayala.

Pirlinywanala nyaraninyarna kalyuwirranypa. Yu, yirnanyjarriluniyaya kulpunyaya parrakanganinya nyampayuru palungarna ngalkupayi. Ngalya. Yankupayirna kakarra ngapartikuti ngurrpajanaku nyarrakarti yantulku ngapartikuti Ngayurna Ngalkupayiwana. munu kajanaku. Yalalapanganyjuraku ngalya warranykala. Yalala ngaly panganyjuraku ngalya. Ngurra walyjanga manarrjinya. Karlamilyi parna patu wajarnilampaju. Pawaku. Yu mirta julyju yarnanangulura yurntirijunganinya maranypa yumuyarna parayaninya yurnturi kurtunta. Ngalya nganaku yu, ngarl kangarlka lanayalala kuwarntanpa yantulmilanga. Ngumpanyjamilila jalpu maarajanaku yalalapanganaku ngalya parrawartajarrala.

Ngulartu ngulyu

Summary in English:

Yes it was good, without any of that bad talk. There were no problems, we were happy, walking around walking over to the west. I was on my own, no people from here. I walked around Yantikuji and to the west alone. I went to the country of the people who used to break other blackfellows' necks and eat them (Nyamal) The old people fed me on special food. They fed me when I was young, before my beard grew. I walked around, I didn't listen to anything else, I was minding my own business. There was nothing bad. From Janyjinya west to the Marble Bar area I went around quietly. It was good staying there. We went around the country the right way, not interfering in other people's country. We stayed around there with people belonging to the west side. They looked after me and made a good man out of me from a young fellow. I would go hunting for meat, for goanna for those old people, some still alive some dead now. I stayed in that country with my wife, that country that I'm telling you about. It was good staying there.

It was quiet. I went around the men's country. From Wirnpa east those camping places are all okay. A lot of different people can stay there. Karlamilyi belongs to a lot of different people. Now they're not living there. No more people getting full on the food from there. Around Karlamilyi to Wayirnu Kurujununyja [big caves to the south of Parnngurr, Itiwanu's place]. I was eating different food, different water, yes, the men and my brother looked after me and fed me when I was young. It's clear, over to the east, to the south belongs to another group. South over Lake Disappointment side [where the Ngayurna Ngalku (mythic cannibals)] live.

The country is good for us, no trouble. No arguments between the old people. I'm speaking for all of us for Karlamilyi. Big mob. We didn't get angry with each other. None of that, we moved around there, without getting upset. We are hearing bad things from other people, hunting people away, taking over their country. That is our clear country. That area is clear.

That's all.

4:0 A STATEMENT BY MUUKI TAYLOR

Muuki Taylor is a Warnman man who grew up in the area of Karlamilyi (Rudall River). He now lives at Punmu. He is concerned to show the longstanding use of the country by the Martu, and their frustration at the recent intrusion by white outsiders. These outsiders deny Martu access to their 'run' or 'range', country which has previously always been available for the accumulation of plant and animal resources. He points out that a number of different groups have association with the country. The

Warnman in some senses were a host group; their country, rich in water and animal and plant resources, was able to support meetings of local groups from many different language groups in the area (see Tonkinson, this vol.). This statement was recorded at Punmu in January 1989:

Karlamilyinyarni partunilaya parrayaninya kartiyakuturntangka wantimanyinyapaya. Kuwarrilaluya kartiyalu jawanypa purli yalangulyu. Ngalyangka purrapaya wantimanyinya julyju partupartunila kartiya kuturntangka. Patu partunimalula. Kuwiyiya nyarraninya maruntu, karlaya ya wakarnili nyarraninya kangkuruya yapuyijapa nyarraninya yalijarrala wantimanyiya yalangkayarrangulyu. Yalijarralajunganyilinuya wantimanyinya karrungkakili. Karrungkaya wantimanyinya.

Patu partunimalula.

Kuwarrijinya nuyarna yalakukili. Yalakukili yanara wantinyjaku yanara wimijurni. Yalanganaku parrawartajarra ngurrara. Ngurrangkayarnapala wantinyjaku yalangka Karlamilyingka karrungka.

Kalyu yana yalangulyu parrajikiniku, maruntupa, parnaparntipa yana pinyili nyarranyiku pujikatupa, kuwiyi karrulanganaku yalangulyu. Nyila yala pinyili nyarranyiku kartiyakuturntangka. Layana pinyilinyarnanimara kartiyaluparrangula yangajunpa. Julyjujaja yayaninya pantunykunu warranyja yayaninya yintapartu yintapartu. Julyamarta kanyinta walypalalu warranypa patulukurangu juka patukurangungkala kalyungka yarnaninu yangajurna. Yangajurnanula wantimanyi julyamarta kanyinta warranypa patukurangujuka.

Mannga wimijurni yanara yalaku ngurraku karrukarruku. Karrulanganaku yarrngamili yalala Warnmanmili, Nyangumartamili, Manyilyjarramili, Kartujarramili, Kurajarramili, Kiyajarramili, Niyaparlimili, Nyangajarramili, laltumili yalala ngurrala. Nyarnila ngapartimpala Karlamilyi. Ngulartu ngulyu.

Summary in English:

We lived around Karlamilyi for a long time without whitefellas. Today the whitefella is digging up the hills. We were happy for a long time before the white people came. We ate meat like goanna, emu, we speared and ate kangaroo. We camped there in the summertime, along the river. That's our country, our home.

We went there for water, for meat, for goanna, for lizard, for cat. We would hunt them before the whiteman came. Now they block the country. We are still talking for that country. That place belongs to alot of different people, to Warnman, Nyangumarta, Manyjilyjarra, Kartujarra, Kurajarra, Kiyajarra, Nyiyaparli, Nyangajarra, to lots of people. That place in the south, Karlamilyi.

That's all.

5:0 WATURARRA SONGS

These songs were recorded during the trip to Karlamilyi in July 1988. They were sung by the group of men as we travelled from one part of the region to the next, and in the evenings around a camp fire. Presented below are the words to thirteen songs, part of a song set that describes the country from Parnngurr in the south to Yantikuji in the north. These songs are not restricted to any particular audience and have been cleared by the men for public hearing. In performance the songs follow a usual pattern of 5 repetitions of the fixed pattern of words with occasional changes to the starting point. The accompaniment is clapping and rattling boomerangs (by men) and clapped thighs (women).

In Aboriginal Australia, some songs are documentation of ownership of country (Wild 1987:114), others fill the function of entertainment, others form part of mystified knowledge (Merlan 1987:44). Songs are a medium of exchange; their possession is prized, and singers with a large repertoire are revered for their knowledge. A song is not generally thought to be created by any person, but rather is attributed to them, coming to them in dream-spirit travel in the country which the song describes (in local Aboriginal belief). During the trip to Karlamilyi one of the men dreamed of a number of new songs, all related to the area in which we were camping.

The lyrics of Aboriginal songs may appear abstract to the outsider (see Strehlow 1971:160). They make reference to events or to characteristics of people or places which often rely on an implicit understanding of these characteristics on the part of the listener. Such lack of explicit reference is a feature of much discourse in Aboriginal languages, relying as it often does on an assumption of shared knowledge on the part of

the speaker and listener (see Merlan 1981:189). One reason for this is undoubtedly the general practice in Aboriginal societies of avoiding use of personal names. Oblique reference may be made by use of kin relationships or nicknames. It may be that the traditional small band of people constantly living together and sharing the same experiences would similarly share points of reference that need not be explicitly stated in conversation. Furthermore, a function of this discourse style is to exclude outsiders who do not share the cultural understanding to decode the text. In songs of a religious or 'secret' nature, the ability to negotiate meanings increases the power of those who are in a position to determine meanings.

These songs are a lyrical representation of the country. While they may be associated with ancestral tracks, as Tonkinson (1978:105) suggests for other songs in the region, I am unaware of such links in this instance. The thirteen songs presented here begin at Pungkulyi, a hill in the south of the Park, go through the Waturarra ranges, Kumururru hill and Wariwari rockhole. The Waturarra songs are referred to as 'Itiwanu's songs', as he came upon them in dream-spirit form, during travels in the country. Despite the fact that the songs are from an 'owner' of the country, knowledge of them today appears not to be a title of ownership of the country so much as it is a statement of affinity with the country. This is supported by the widespread familiarity with the songs displayed by Martu at Punmu, Parnngurr and Jigalong.

1. Kakarra puyurliny ngaringa yuwanyparna marlakuna Pungkulyi
2. Wanalanga Murrpu janampa walkantulanga Waturarra
3. Kumururru kanya yirnti yirnti walykarrkanya
4. Wariwari nyangu parntaralparnala nyangu yilyarrpirtikurna
5. Purli marlakuku wumukuku yana pikarli kintiri ngurni
6. Yala maya yungka yungkarnu nyangu parrparrparrparrjunu pakiju yungkarnu nyangu
7. Yala maya yungka yungkarnu nyangu palyu yankunyja pakiju yungkarnu nyangu
8. Payinku karntunu kajarnu yintiyintina ngurrakurnala
9. Kaja marunpuru nyakula yanamapa nyinyjinyinyji marrunpuru
10. Parrparrparrparrjunu yala mayarungka kartarrpalkanaju nyangu
11. Yala maya yungka yungkarnu nyangu parrparrparrparrjunu pakiju yungkarnu nyangu
12. Ngajarayi kurnala kirinkirin kanga kunarurru nala nyangu
13. Japiya kurnala kuwilirr kilirrki yakumarntimanmal wakarna

These are translations by the singers:

1. See Pungkulyi from a long way, like in smoke
2. Follow back along Muurru hill along Waturarra
3. Kumururru hill, little stick pointing
4. Wariwari, see open country through a crack in the rock
5. Back to the hill, come together, bring it in close
6. Throw it through the home see the lightning, shimmering
7. Throw it through the home, see the light, go from there
8. Blindly rain sweeping down, pointing at country
9. See a long way, pointing with a spear into the distance
10. Shimmering like a mirage. I see my rockhole
11. Throw it through the home, see the lightning, shimmering
12. See the dark smoke across a long way
13. To the increase site, dance, pointing with a spear

6:0 NYAPARU (BILLY) GIBBS' STATEMENT

Nyaparu Gibbs is the chairman of the Western Desert Puntukurnuparna (Aboriginal Corporation). He lives at Punmu. This text was recorded in August 1987, at Punmu, after a meeting held at Parnngurr and Karlkun Karlkun (at which Nyaparu (Ned) Gibbs' statement was recorded) to discuss the intrusion of miners into Martu living areas.

In this statement Nyaparu (Billy) Gibbs reiterates the close link between Martu and Karlamilyi. He cites the fact that Martu have had names for all of the local features since the Two Men (see Tonkinson 1978:75, 89) travelled through the country and gave them those names in the dreamtime. He sees that changing the names is part of an attempt to make it into a non-Aboriginal National Park.

He is concerned for the dangers posed by uranium, and for the potential damage to water supplies in the marginal environment of Karlamilyi. This statement was recorded immediately after a meeting at which the Strelley mob were discovered to be 'sneaking around' (see Nyaparu (Ned) Gibbs statement below), and were not responding to calls from the residents of what is now the Park for a meeting. Nyaparu (Billy) Gibbs says that they are talking for the Mijijimaya (a Strelley camp) people as well, even though there was, at that stage, little communication between them ("we're all too far apart").

Martulaju mitingkutu yanu ngajana. Yarrapulayinya laju yanu kalki mutukakiyanu. Jikulyungu mapuniya yanuni yarnnga Martu. Yarnnga nguyulajanu kujungkarringku mitingkutuwangkangu. Yapuku jiiku karruku jiiku. Karrujinya Rudall River manuya Palunyanyju yini kujupa yiniya junu karruwa januya Rudall River. Jingampa Karlamilyi karrunga julyjujanu nyukurnijanu jinga yini mangunyjanu. Kalyujanama kuju jingulyu kujungkarriya nyinama puyulurutayimunga kujungkarriyaka. Yatpalatayimu yukujungkarriku jingka ngulyu. Kaya kujungkarriku nyinama jiji karra marlulukarra ka karlingka pijinijingka nyinama. Parnajanampa Martukujinga kuwarri najunal pak wajarninpanya walypalalu jinga. Parnajanampa jinga Martuku. Punturayi ninti. Nyukurnijanu ngarraya ninti jiingu. Kuwarriwiya parnijinga nyukurnijanu yini Karlamilyinga. Palunya kungawu wiya kujupa ngurraku yini kujupa. Yini kujupa yini jiinya kujupalunga Martulunga Karlamilyi wulu. Julyjujanu yini palunya kuwarri janunga mangujanu yini palunya Karlamilyinga yini. Palunya kulujurra wangkangu karru putamalyjakuya karru parnaya mangkuraka nyinajaku pulakamura nyinajaku ngapi tarrki julyjulkuyan karrungka kalyuwayilkuraku palunyaku. Kalyukujungka jingakujunguyutinga. Jinga nyinaku karrungka kalyungulyujinga Karlamilyingka rawa nyinaku. Kujarra wantanyinaku yupalpa wanta nyinaku rawa ngarrimalpa jiingu. Wajaninpayi jinga Martulunga. Karlamilyi wulu yini.

Palunyangkalajura wajarnujingka. Yinikujupa yanu nyanguka jinga wirtuka Karlamilyinga nganngapinka wajana Yantikuji. Mayinaju jawalkijalu yini ngapi rayinium. Rayinium jinga wajalaju kalyuwayilyjakurni jijanau. Karrungka jiingka wayiraka jiingka yangkulampajuku jarrpajaku kalyu kujupangka mayangka jarrpajaku kalyu kujupangka. Jikilykulaju pukularriku yarnnga. Puta jinga. Wartalurrju kilamurlku mirrkalurrju lampajuku kilamurlku kangurulurrju kilamurlku. Mituntangkujananya kanguruluju yarnnga. Puta kalyu puta puta, puwijanpa jinga. Puwijanpa wajaninpa. Palunya kurajura wajanu. Yantikujingka yiningka. Yinikujupa Yantikuji yapurra waraku maawayinpa. Jiinga Yantikuji wulu nintiraya Martu yarnnga jiiku. Jinga rawa nyinaku. Palunya marlaku ka yankujingka parra nyinamalpa Yantikuji mangunyjanu yini. Mangunyjanulaju wiya wajarninpa kuwarrijanu. Ngayulurna jiji marlajanulu wajarninpa mayirti. Palunya wiyakukalyjakuya kartiyalu. Yantikuji yini nganga jiinga mangunyjanu.

Yirna kujarralu yinijunu mangunyju jiinga yininga Karlamilyi. Wituka Karlamilyinga witukapula wajanu Yantikuji yirna kujarralu. Ngurrpa lajura. Walypala lungara palunyangu purtuparra ngurilyjakurnparra wangkaku ngapiku jiiku. Wanyjalparalajura ninti jiiku. Ngampalajura ninti yinanyukurni januluya wajalpayi jiingulyu. Yantikujinga rayinium jinya puta. Yapurrani wangalpa wangkaku parntilujanaya mirtuntalku kakarra waraku ngapinga Parnngurra. Ngapartinijanu wayilkurni kalyu wanalkurni jarrpawa kurlkuni ngangka kalyungka karla lanyaju mirtuntalkunirra jiikilkulaju putarriku jinga kalyungka. Kangurulunga jikaramiturrimalpa kangurulu nyalupa wartalaju jananyakilimarlku. Mirtunalku wartalurrju putajinga ngalpukanpaya mirtupayi ngayunpalaju ngulurrinpalajura jingkamarra putaparnti juma tiwayankupayi wangalaju kakarranilu yungkarlku pinyalpunku kakarrani yankuwangalyju yapurrajananya parntilu mirtuntangu. Puyukuna yapurra jananya mirtulangku. Mijijimayajanuya Martu wiyalaju kujunkarirrawangkaparni Yantikujinga. Ngalyalpa marriti nyininpa wangkaparlil kujungkariya wangkaparni. Mijijimayangka palunyalaju wajarnuwangkangulajura yapunga janampa jingayilta minyirringajinga Martuku. Martungulyuraya jikunga yapuwalyjajarranga ngurrpa. Wiyakukanimpaya kartiyalu ngampa yilta jinga jinga nyinamalpa yulungulyu yinijunamalpayuluya marlajanulunga jijiparakulu yiniyulu nyinamalpa jinga Yantikujinga yinanga jijimarlajanuyakutuwana janu jumakaja jitukaya wajarninpawajarlmarlpa ngapi yirna kujarralupa mangunyju yini junu jiji Yantikujinga ngapikarnu Karlamilyi yapu lurrju jinga kakarranga yini pungkulyijingka kakarra warrakunga kakarraya yaninpa ngapikutu Tuk Ruutu kutu jinga yini yiyajuya Marturaya ninti ngayunpalajura ninti. Jiku Yantikuji wajarni Pungkulyilurrju yinijuninpa yiya wajarlalparni wiya ngalaju kuwarri paki kajalparnilajujananya kalkingka walypalangka ngangalaju yilta wajarninpa.

Summary in English:

People from Punmu went to a meeting at Cotten Creek to talk for our country, especially for Karlamilyi. The proper name for Rudall River is Karlamilyi. They call it Kintyre mine but we have had the name since the dreamtime, it is Yantikuji. In the summer there are meetings at that place, they have ceremonies and initiation business there. That was our land and now it is a National Park. We know it still belongs to the Aborigines. We're not lying, we know Karlamilyi, you can't change it to another name.

If they take the sand away, they are going to block the river, the water should not be disturbed. Water has been there for a long time and will stay there even in the hottest times. The miners went there and they called it all the wrong names. They are going to dig up uranium, a dangerous thing. If it gets into our drinking water supply we'll be sick and dead. It's too dangerous. Water might run down the river, our kids swim in the water. It could kill trees, fruit, and animals. We don't want bad poisoned water. That creek is called Yantikuji. It runs to the west. We've known about the rivers, creeks and waterholes ever since the dreaming, we're not making this up for the first time. The Two Men [= wati kujarra] named the places in the dreamtime. The whitefellas came and didn't know the names. Our old people knew the names and they passed them to us

That Yantikuji uranium is a bad thing. When the wind blows to the east, dust will blow to Parnngurr (Cotten Creek). The water will travel underground and will kill us. It will be bad water. Kangaroos will die. Trees will be cut down. We can see the dangers, we're frightened of the dust. Some of the Warnman people from Punmu are still owners for the Yantikuji area. Aboriginal people are not happy for that mine to start. We are talking for the Mijijimaya people too, we haven't had a proper meeting to talk about the area, we're all too far apart.

The people that own this country will stay there forever. They will tell the names to their children and the children will follow them. The Two Men named Yantikuji and Karlamilyi hill. To the east they named Pungkulyi and on to the Stock Route.

Today they say we are lying to the white people, but we are telling the truth.

7:0 A STATEMENT BY THE LATE FOUNDING CHAIRMAN OF THE WESTERN DESERT PUNTUKURNUPARNA

This is a transcript from a videotape made of a meeting of Martujarra at Karlkun, in August 1987, with Peter Veth. As one of the speakers died in late 1988, it is requested that reference to him in the presence of Aboriginal people from the Western Desert be avoided. Nyaparu (Ned) Gibbs was an important member of the Jigalong/Western Desert community. He was articulate in both European and Martu ways of speaking and was chairman of the Western Desert Puntukurnuparna during its formative years.

In this transcript two main issues are discussed, one is the multiple ownership of Karlamilyi, the other is what is considered to be the improper behaviour of the Strelley mob in speaking for country that they had previously abandoned for living areas to the north- west. The Strelley mob have their living areas. However, they are making decisions with CRA for country that is now the living area of another group of people, those represented at this meeting at Karlkun Karlkun.

At this meeting it was discovered that a group of Strelley people were at Kintyre, engaged in site clearance work. Martu from Punmu and Parnngurr all drove up to talk with the Strelley people but arrived to literally see the dust settling from the aeroplane taking the Strelley mob back to their camps to the north.

Founding Chairman: I think that the mining companies haven't been doing right by the people as well as people at Cotten Creek and Punmu and the rest of the communities from the Western Desert area.

They've been sneaking around, the people, and doing whatever they want to. That's McLeod. He's not a traditional owner, you're the traditional owners. That should have been treated equally.....

Nyaparu (Billy) Gibbs: Two or three years, none of them been here from the Strelley group, but people what are here now, that's the people that are speaking for this area, and the people's area, Rudall River in a National Park, that Parnngurr area. Now we can't believe one person, from another place, you know they come in and organise everything here and to make particular area for one person, that's not clear for everybody. Everybody, just about, did talk about it in the meeting we had at Cotten Creek, that's clear what we had that meeting in there. We've been calling Strelley people to come to have a meeting for this area to clear this area, but no one ever turned up here. They just running behind us you know, but they sneaking around all the time, that's not fair to everybody, that's not a proper thing for every Martu people.

Speak for everybody, that's not the way. You'll be representing from Punmu, 33, Mulyarlkiri, Jigalong, Wakulpa. That's the people, they talking for this area.

Founding Chairman: Yuwa. That meeting that we had a few days ago. The feeling from the people they said it's not only Warnman country. Years ago the people said that everybody is together in. Now one person is coming and every mining company to recognise is not how it should be. That meeting that we had at Cotten Creek, when they talked about land rights, a few years ago [Seaman Inquiry] they, them people wasn't

even interested. They was interested in taking over the coastal land. Now all of a sudden, since the people moved back on their own land, which they recognise as their traditional land, what we get is another people that don't want, not even interested in the land, comes in and the mining company says they recognise them people as the traditional owner.

A few days ago we went to the camp out here [Kintyre CRA camp], few miles from here. We talked to them and we didn't know they [Strelley mob] was here, they been working around here, and when we turned up they wasn't here, and a day later they back, site clearing for CRA. Double standard there, you know they [CRA] just want to go along and talk to us, not bring in these other people [Strelley mob], it's just not right.

8:0 CONCLUSION

This paper has presented some Aboriginal viewpoints on the ownership of Karlamilyi (Rudall River) National Park. I co-ordinated the translation of statements made in local languages during workshops with younger, literate speakers of both English and Aboriginal languages. That each of the four statements discusses the multiple ownership of the area (in response to the claims by CRA that they have cleared the country with the alleged sole owner) indicates the great importance that local people attach to the issue. This is further indicated by the list of names of some owners of that country that was presented in the introduction.

The presentation of Aboriginal viewpoints in their own language gives voice to opinions that are too often entirely mediated by outsiders. In this case, the translations are certainly another form of mediation, but one which still allows retrieval of the original words. I have not attempted a word by word translation due to time constraints. The summary translations presented here were read back to meetings of Martu and have their approval, which reinforces my feeling that these are consensus views held by most of the men (and certainly all of the men present at these meetings).

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