

**Ethnographic Site Identification Survey**  
under the Aboriginal Heritage Act (1972)  
of  
**Walyunga Pool Recreation Site**  
at  
**Walyunga National Park, Western Australia**

Prepared for  
**Department of Conservation and Land Management**  
by  
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## *CONTENTS*

ABBREVIATIONS USED IN THIS REPORT .....	3
ACKNOWLEDGEMENTS .....	3
DISCLAIMER .....	3
GPS DATUM USED .....	3
1 SUMMARY & RECOMMENDATIONS .....	4
2 PREAMBLE .....	6
3 BRIEF AND REASON FOR SURVEY .....	10
4 METHODOLOGY .....	11
5 REVIEW OF DIA DATABASE SEARCH RESULTS .....	12
6 PRECONSULTATION AND FIELDWORK .....	14
6.1 PRECONSULTATION .....	14
6.2 FIELDWORK .....	14
7 DISCUSSION .....	24
8 CONCLUSIONS .....	25
9 RECOMMENDATIONS .....	26
10 REGIONAL MAP OF THE SURVEY AREA .....	27
11 LOCAL MAP SHOWING THE SURVEY AREA .....	28
12 MAP OF PROJECT AREA .....	29
13 LOCAL MAP SHOWING EXISTING DIA SITES .....	30
14 RESULTS OF THE DIA DATABASE SEARCH .....	31

## ABBREVIATIONS USED IN THIS REPORT

The Act	Aboriginal Heritage Act (1972)
AIC	Australian Interaction Consultants
ACMC	Aboriginal Cultural Material Committee
CALM	Department of Conservation and Land Management
DIA	Department of Indigenous Affairs
NCE	Nyungah Circle of Elders
NTC	Native Title Claimant
SVNC	Swan Valley Nyungah Community

## ACKNOWLEDGEMENTS

AIC acknowledges the input and participation of the Nyungah Circle of Elders and the Swan Valley Nyungah Community, together with Colbung Family representatives, who have contributed by providing information about the culturally significant attributes and features of the survey area.

Our appreciation for the input and participation of the staff of the Department of Conservation and Land Management is also expressed.

## DISCLAIMER

AIC attempts to give voice to the Indigenous people who take part in surveys such as the one reported here. As such, we neither claim the knowledge revealed to us, nor can we necessarily vouch for the veracity of the information given. We do, however, consult with those people who we consider to have the best knowledge of the area subject to the enquiry. In those instances where no ethnographic information is presented, it should not be presumed that no heritage values are present. Often, we are told by Indigenous people of how they have not known the consultant sufficiently well, or they have not been in the appropriate company, and have claimed ignorance of places that they may assert as a site at a different time, under different circumstances.

## GPS DATUM USED

The GPS datum used during this survey was WGSS84

## LIMITATIONS

We do our best to pin point geographical/site locations however the limitations of handheld GPS devices will create inaccuracies on occasion. Also, the potential for errors from datum shift is ever present.

## 1 SUMMARY & RECOMMENDATIONS

- 1.1 The Department of Conservation and Land Management proposes to upgrade and improve the Walyunga Pool recreation site, in the Walyunga National Park, located in the Perth Hills region of Western Australia.
- 1.2 As the project will entail ground disturbance activity, CALM engaged AIC to complete ethnographic surveys under the Act.
- 1.3 Native Title claims covering this area include:
  - Combined Metropolitan – WC99/006
  - Ballaruks – WC95/85
- 1.4 AIC made arrangements with NCE, SVNC and Colbung Family Native Title group representatives and explained details of the project to them and invited them to participate in a field inspection of the project area in order to assess the heritage values that might be present.
- 1.5 AIC engaged anthropologist Ronald T Parker to complete the ethnographic consultation with designated NCE, SVNC and Colbung Family representatives in April and May 2003.
- 1.6 CALM representatives informed the NCE, SVNC and Colbung informants of the planned rehabilitation program. The Aboriginal representatives responded by voicing their concerns over certain aspects of the planned development, namely a walkway that would cross the river and the ground disturbance activity associated with the project.
- 1.7 Whilst no ethnographic sites were identified during the NCE and SVNC ethnographic investigation, the informant group stated Walyunga National Park and the surrounding area was a significant place, especially to the Nyungah people.
- 1.8 It was also stated that the Avon River and its tributaries are sacred to Aboriginal people. During the Colbung Family survey, concerns were

raised in relation the high-water mark level, as the informants believed it would be above the area of the planned development, and as such would impact upon the Avon River site.

- 1.9 The NCE and SVNC requested that Aboriginal monitors be employed during the ground disturbance phase of the planned project. The informants also made a request to the representatives from CALM to establish an agreement between the Nyungah Elders and CALM to ensure Aboriginal representation in the proposed project and in future maintenance of Walyunga National Park.
- 1.10 The Colbung Family representatives stated a Section 18 Application would be needed if the Avon River site were to be disturbed in any way.
- 1.11 Mr Hume from the AIEG spoke of the importance of the Park and the river but declined an invitation to take part in a visit as arranged.
- 1.12 AIC recommends the project will require consent under Section 18 of the Act in order to proceed.
- 1.13 AIC recommends that requests and concerns of the Aboriginal informants being respected and acted upon. Employment of Nyungah monitors to oversee all ground disturbance activity is advised.
- 1.14 AIC also recommends than an agreement between CALM and Nyungah Elders, relating to Walyunga National Park, be formulated and implemented.
- 1.15 AIC recommends that CALM ensure all of its staff and contractors are made fully aware of their responsibilities under the Act.

## 2 PREAMBLE

Indigenous people in Western Australia have been adapting, out of necessity, to the European culture for some seven generations. That adaptation has taken many forms and has, to a large extent, resulted in a myriad of synthesised, in the Hegelian sense, local systems of role and identity construction. Those evolving constructions, whilst based to varying degrees on the traditional beliefs of the old people, today have an emphasis on social strata based on age and experience, and the care and preservation of the environment.

Pre-contact indigenous people had a well-developed system of kinship that located different responsibilities with various kinsfolk. These responsibilities included those that perpetuated and safeguarded all aspects of the pre-literate society; not the least of which were those relating to ceremony and places. Significant sites included those associated with conception, renewal, initiation, birth, camping, the majority of the physical terrain concerning Dreaming activities of the creation beings, and ceremonial locations generally. The people, both in the past and in the present, relate to the land in a spiritual and symbiotic manner that is difficult for non-Aboriginal people to comprehend or empathise with. Within that system it was (and in many places still is) usual for the responsibility, or “ownership”, of the correct and full story of any place to reside with few, or even solitary, individuals. However, as people progress through the various stages of their initiation into the Law (as decree and established by the Dreaming Beings) they were made aware of the activities of the Creators or Earth Formers as they progressed throughout the countryside. As an example, men from Central Australian areas would be taught of the earth creating exploits of the various Dreaming Beings as they had journeyed across the “soft” earth forming ridges, hills waterways, claypans, lakes etc.

To gain information about any site it is proper and important to consult with the person or people who are the “proper” or “traditional” custodians of the country, and the knowledge surrounding it – even though many others would be familiar with the story; there were those that had prime custody of that place. Sometimes the traditional custodian of a place would perish and the story would not have been passed down to his, or her, descendants and knowledgeable people from elsewhere would have to be consulted to revitalise the knowledge locally.

Under the Aboriginal Heritage Act (1972)[the Act] all sites that Aboriginal people consider important can be identified and protected. The draft *Guidelines for Aboriginal Heritage Assessment in Western Australia (1994)* suggests under its section *Ethnographic reporting requirements (2)*

*All Aboriginal individuals and formal organisations which have a reasonable interest in the land in question or who might reasonably be expected to have an interest in the land that is subject to the survey, should be consulted and their views reported, or the reasons for their exclusion discussed.*

This report tells of all who have been approached, both the groups and the individuals, in an attempt to include all those who might have knowledge of the country covered by the project in question. However, for a number of reasons it sometimes happens that our best efforts to make contact are to no avail and those people do not take part in the survey.

In an attempt to gain an understanding of the contemporary Aboriginal world view and circumstance, we take an extract from the foreword of Elkin's *Aboriginal Men of High Degree* (1994):

*Changes that have been forced on the tradition of Aboriginal men of high degree have caused contemporary Australian Aboriginal society to adapt to the forceful powers of colonial oppression. The dominant white culture in Australia is based on a historical belief that Aborigines must be assimilated into the Australian culture. In 200 years we have seen Aboriginal religions, customs, languages, land management, and social cohesion calculatedly forced out of Australian Aborigine society. The view of whites has been, and continues to be, that Australians are one people and that Aborigines must be assimilated to remove the indigenous consciousness from the "new nation". The assimilation program has failed, but it is still a covert objective in the minds of the majority of Australians.*

*Aboriginal perspective's on spiritual knowledge in such areas as healing, death, punishment, magic, and interactive psychic and animistic beliefs are not clearly understood by white people. Even most Aboriginal people today do not understand them. Those who do have some grasp on Aboriginal spirituality to the depth of high degree are adapting that knowledge to a broader need in Aboriginal cultural maintenance.*

*Contemporary Aboriginal society is changing at an incredible pace. Its amalgamation with Western technologies and its yielding to social and cultural pressures create an immense threat to indigenous relationships with the world ecological order. Aboriginal people are in the throes of a political struggle to have their land and rights restored. As modern society intrudes into indigenous minds, introducing different values and directions, Aborigines can be expected to lose sight of certain principles in the process.*

*"Aboriginal land rights" does not mean that the people are simply entitled to land. Nor does the term mean that the land owes anything to the people. Aborigines do not justify land rights in terms of economy, accommodation, or possession. Rather, Aboriginal land rights represent a whole set of responsibilities, among which is the obligation to preserve the unique essence of their original law. Aborigines have the responsibility to be custodians of land, sea, and sky. They must remain accountable to the ecological world, which accepts indigenous intrusion and use of that ecology only on sound practices of interaction with the spirit of the land, manifested in strict rules of respect and protection. Today, Aboriginal men and women of high degree, who understand their responsibilities as keepers of indigenous principles, can learn much from Professor Elkin's *Aboriginal Men of High Degree*—not about the tribal practice or mystical world of yesterday, but about the intangible accountability woven between the lines of this book. Elkin brings out the views but not the inner workings; Aboriginal people of high degree must seek the details for themselves, whether in the areas of healing, the law, the animistic meshing with people, or the rules of land management. In all those endeavours, the responsibilities of indigenous people of high degree can be carried with us as a symbol of human accountability in being allowed the right to participate in the planet's ecology.*

*Undoubtedly, failure to achieve recognition and practice of indigenous principles will end this era of human life on planet Earth.*

**Jim Everett**  
**Aboriginal Writer in Residence**  
**Riawunna**  
**Aboriginal Student Services**  
**University of Tasmania**

### **June 1993**

This report is designed to provide the Aboriginal Cultural Materials Committee (ACMC) with the solicited views of the Nyungah Elders of the major groups and families that are acknowledged by the majority of other Nyungahs as being the proper people to speak for the metropolitan area region of Western Australia. AIC acknowledges that Indigenous people from other regions have a traditional interest in the Swan/Canning river systems as those places feature in their stories of the order of existence and their general world view. However, in this instance, we have opted to restrict our consultation to the local Nyungah community.

### **GENERAL ETHNOGRAPHIC ISSUES REGARDING THIS SURVEY**

Since the settlement of the Swan coastal plain in the 1830's, the resultant massive influx of non-Aboriginal people into the area generally, the country in and around the present Perth metropolitan area underwent a traumatic change, from the Indigenous peoples' perspective.

Not only was the landscape altered but the ethnoscape was also affected in ways that could never be reversed. Topographic features such as ridges, hills, water holes, lakes and soaks were changed in a manner that precluded the continuance of the symbiotic relationship between the land and the traditional occupants: a relationship that previously had been manifested through visitation, ceremony and ritual.

The early years of European settlement saw a massive influx of population. The resultant culture clash saw the traditional ways being subjugated and many of the more traditionally-living people being displaced into the eastern regions from which they only periodically, and increasingly infrequently, returned to their native country.

Over time, non-Aboriginal law excluded Indigenous people from remaining in the towns after dusk. Drinking laws were enforced and many families avoided contact with the "whitefella" because of the threat of losing their children to orphanages and missions. Living in a region where European women were in the minority resulted in many mixed blood children being born. The advent of those children put greater pressure on the socio-cultural fabric of the local indigenous population. That negative pressure, in the traditional sense, had people increasingly embracing the new ways thereby resulting in a diminution of the internal integrity of the traditional systems and adapted socio-cultural systems emerging.

The local indigenous population became fringe-dwellers and were joined by many others who had themselves been displaced from other areas. Although these culturally displaced people have, over time, embraced many of the conventions and customs of the colonising culture, many still have knowledge of both traditional values and of historical events and places that are relevant as sites under the Aboriginal Heritage Act (1972). The people who have maintained the old ways in neighbouring regions have often become the caretakers and holders of much of the traditional knowledge of the culturally displaced



indigenous people and, in this manner, the region can be revitalised to at least some extent, to the old ways.

This report documents the identity, and indicates the presence of, any Aboriginal site within the project area that may require the project to be modified, if possible, and to allow sites to be registered with the AAD and thus be afforded protection under the Act.

The attitude of the NCE, SVNC and Colbung Family representatives regarding the CALM proposal to undertake a public works program to improve and upgrade the Walyunga Pool recreation site in an area where there are sites that may be disturbed by the project, will be ascertained and documented within the pages of this report.

### **3 BRIEF AND REASON FOR SURVEY**

- 3.1 The Department of Conservation and Land Management proposes to upgrade and improve the Walyunga Pool recreation site, in the Walyunga National Park, located in the Perth Hills region of Western Australia.
- 3.2 The planned project will incorporate immediate works needed to stabilise erosion at the site and repair facilities that have deteriorated over time. The proposed features of the CALM plan includes paving, turf and retaining walls, together with a canoe launch, metal launching rail and lower and upper level decking. A picnic, information shelter and an overflow picnic area are also planned.
- 3.3 To comply with responsibilities stipulated within, and avoid contravention of, the Aboriginal Heritage Act (1972), CALM commissioned AIC to conduct ethnographic studies for the proposed works.
- 3.4 This report documents all proceedings of ethnographic and archaeological surveys conducted by AIC consultants. The report identifies any Aboriginal site requiring a Section 18 application with respect to activity/development that may disturb the site/s.

#### **4 METHODOLOGY**

In the completion of this project AIC will follow the below methodology set out below:

- Archival search including DIA sites records
- Analysis of those records
- Completion of an ethnographic inspection of the project area highlighting any sensitive areas and recommending deviations to avoid those areas.
- Submission of a draft of the report to the participating people and the Client
- Editing and correction of the draft where, and if, necessary
- Submission of the final report to the client, to the participating indigenous groups and to the Perth office of DIA.

## 5 REVIEW OF DIA DATABASE SEARCH RESULTS

5.1 AIC conducted a search of the Department of Indigenous Affairs Register of Aboriginal Sites database on 6<sup>th</sup> March 2003 to ascertain the number and nature of sites known to exist in the area of **Walyunga National Park**, north of Perth, where **CALM** propose to upgrade existing facilities. The search involved accessing the database via on-line access, downloading the results and using GIS technology *Mapinfo* to plot the registered sites on a map to indicate their proximity to the proposed works.

5.2 The area searched to identify already recorded sites and reported surveys under the Act was contained within the following coordinates

MGA Coordinates – MGA Zone: 50

Easting: 411000, Northing: 64880000

Easting: 411000, Northing: 6491000

Easting: 414000, Northing: 6491000

Easting: 414000, Northing: 6488000

Based on that search area, a print out of recorded sites was obtained and analysed

5.3 The purpose of the search is to provide a background of both the archaeological and ethnographic sites in the area as well as an indication of the nature and frequency of surveys under the Act.

5.4 The results of the search establish the heritage context from which the potential impact of proposed works and the likelihood of identifying further sites or heritage issues can be assessed.

5.5 The search revealed five (5) previously recorded sites including both archaeological and ethnographic types.

5.6 The search revealed eighty two (82) reports related to Aboriginal heritage in the wider metropolitan area few of which are relevant to the proposed project.

5.7 Using a wider area, GIS software program *Mapinfo* was used to plot the previously recorded sites onto a map to indicate the proximity to the project area.

5.8 Research was undertaken at DIA accessing the individual site files of the recorded sites.

ABORIGINAL HERITAGE SURVEY OF PROPOSED WALYUNGA POOL RECREATION SITE – WALYUNGA  
NATIONAL PARK

<i>Site Id</i>	<i>Site No</i>	<i>Site Name</i>	<i>Details</i>
3382 8	S00069	Walyunga National Park	Campsite and Artefact site of extensive proportions comprised of thousands of stone artefacts. Reported by Butler in 1974 and recorded by staff of the WA Museum, the site has been extensively researched and documented, and subject to published articles from as early as 1958 (Butler, Akerman 1969, Hallam 1974, Pearce 1978, Brown 1979, Schwede 1990)
3452	S02678	Bullsbrook Camp	Camp. Former Nyungar camp reported in 1990 (Mc Donald). Site considered to have insufficient information and outside the project area vicinity of Ki It Monger Brook reported in McDonald 1990 ,
3536	S02548	Swan River	Site of Mythological significance including the entire course of the river, which according to Nyungah belief was created during the Nyitting by the Waugal, a creative Ancestral being which manifests as a mythic water snake who created the river and other bodies of fresh water. The Swan River including all tributaries, banks and immediate surrounds is significant to Nyungah people who used it for camping, hunting, fishing, recreational, and spiritual cultural activities. Various sections and pools along the river are attributed with special significance with some areas designated <i>winaitch</i> , potentially dangerous and to be avoided.
4287	S00936	Long Pool, Walyunga	Site file not provided and subsequently unavailable for viewing.
15979		Avon River	Site of Mythological significance recorded by O'Connor (1996) following a meeting with the Northam Aboriginal Progress Association regarding the status of the Avon River. The meeting, which included representatives from a number of Nyoongar families, clarified the extent and significance of the site which is part of the Swan River. The site is considered to include the bed of the river, the banks and surrounds to at least 30 metres. The high water mark derived from the highest flood level in the last 100 years has also been used to describe the extent of the site (pers comm. Colbung, Hume and others).

**Table 1: Synthesis of sites identified during archival research**

- 5.9 The results of the research show that while some of the sites recorded predate the introduction of Native Title in 1993, when research carried out largely precluded specific consultation with Nyungah people, further sites have been recorded and added to the database in an ongoing process as archaeological and ethnographic surveys are undertaken as a matter of course.

## 6 PRECONSULTATION AND FIELDWORK

### 6.1 PRECONSULTATION

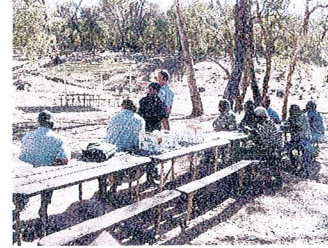
- 6.1.1 The contact persons for the NCE and SVNC are Albert Corunna, Richard Wilkes, Robert Bropho, Greg Garlett and William Warrell.
- 6.1.2 The contact persons for the Colbung family are Ken Colbung and Sandra Colbung.
- 6.1.3 AIC contacted Mr Patrick Hume and made arrangements to visit the Park.
- 6.1.4 All of the above people were contacted and the CALM project was explained to them. Arrangements were made for representatives from each of the groups to conduct a field inspection of the Walyunga Pool Recreation site with AIC consultants.

### 6.2 FIELDWORK

#### 6.2.1 NCE and SVNC

6.2.2 On Wednesday the 9<sup>th</sup> of April 2003, AIC heritage consultant Ron Parker met with representatives of the NCE and SVNC. He met with representatives: Albert Corunna and Richard Wilkes, before driving to Walyunga Pool in Walyunga National Park, where he met the other representatives: Robert Bropho, Greg Garlett and William Warrell. There he also met CALM representatives: Steve Strawn, Michael Phillips and Jamie Ridley. Also present was Iva Hayward-Jackson.

6.2.3 The group discussed the CALM project from Walyunga Pool (see photos below).



6.2.4 Plans of the proposed picnic area were provided and the scope of the project area was outlined by a CALM representative to the Elders. The reasons for the proposed developments were then outlined, with the CALM representative explaining that the area was degraded as a result of a lot of erosion from water run-off. He explained that the unstable surface had created difficulties for people using the area, particularly the elderly and

the young. The potential impact of soil compaction upon some of the trees in the area was also raised as a concern for CALM.

- 6.2.5 The CALM representative then outlined what the project involved. He detailed the proposed installation of terraces, saying that they would include “... *two or three retaining walls about 450 [mm] high...*”. He also detailed a proposed access route and paved brick path from the carpark, to improve access to the area. In response to queries by the Elders, he also outlined the likely installation of grass and fill with the retaining walls. The fact that the area was to be developed as a “*picnic*” and “*people access only*” area was also stated. The building of a board walk was also outlined. This would be done “... *along the top of the edge of the rock...*”, near the water, “... *but not protruding to far over the edge...*”. This, it was explained, would ensure that access to the water was safer, “*especially for children*”. Finally, in response to the compaction of soil around trees, the CALM representative stated that they were looking at “... *putting in some steps where people walk so the roots are free to do what they want but people aren't walking on them...*”.
- 6.2.6 Having heard the CALM representatives' explanation of the proposal, Richard Wilkes requested that the Elders have some time by themselves to discuss it. The CALM representatives agreed and they walked a short distance away.
- 6.2.7 After a reasonable period of time the Elders then called the CALM representatives back and Richard Wilkes thanked them for organizing the meeting. He then contextualised the significance of the Avon and Swan Rivers to Nyungahs (he gave the rivers their Nyungah names). He explained that the area concerned is a Nyungah place, not an *Aboriginal* site but a *Nyungah* site. He then stressed the fact that the Elders are the descendants of the old people who lived in this country.
- 6.2.8 Richard Wilkes then raised the Elders' concerns over management of the area and the need for an agreement between the Elders and CALM. He acknowledged that CALM has got to look after a lot of places, but that they are looking after places that are really Nyungah places. He stated that,

*“We wouldn't mind reasonable developments ...[going] ahead, and this is a reasonable one, but we want to form an agreement with CALM or EPA, or the government, or whoever it is that you people are governed by in working conditions, and come up with an agreement that Nyunagh people share equal opportunity, equal half of what you're doing here in this place.”*

6.2.9 Richard then expressed some of the Elders' opinions of the proposal. He said the following,

*“We don't like the idea of the walkway going right across the river. That's something to be considered later... When considering the lawn structure, because it's obviously to protect the ground and the surface and the clay and soil and that sort of thing, now whether we should let another building go up. At this time, we would support the green and a pathway down so far ... but not the one along there at this stage. So people can walk and people can get into these areas here were the benches are and then they can walk there safely through the lawn and sit down.”*

6.2.10 Richard then restated the importance of an agreement with CALM for the area. He said the following,

*“...we're sorry ... that our people were killed and everything by the early day settlers but our bargaining power is such that this is what we're asking you. We want to share these sites with you by working with you and help you to develop these sites, now the others will explain to you the conditions.”*

6.2.11 Robert Bropho then spoke. He also spoke of the significance of the area to the Elders. He said,

*“...in that direction and up that hill ....this is where our people were and we want to be close to them the same as you want to be close to your people we come here or anybody for that matter. So this is what we want to do, we want to have an input into this park....”*

6.2.12 Robert also expressed a general approval of the proposal saying, “... your idea, you can do that there, but don't put the broad walk there...”. The need for further cooperation, however, was also strongly stated by him, he said,

*“Same as we've considered your ideas here, we're asking you to please consider what we're saying about this....I want to be part of my dreaming. It [was] taught to my father and his father and taught to his father and so on, and this is what we honour. So our love and affection for that is not going to fade away and we're just trying and trying and*



*trying until we can sum up people who will listen and share our concerns... ”*

6.2.13 he need for monitors at any ground disturbance of the area was also stated by the Elders. One, said the following,

*“... this is our sacred place so when you’re disturbing the ground there we need monitors. You’ll have to pay monitors to come in here whilst the ground is being disturbed. So if anything is found, artefacts or even skeletal remains, we’ve got to be here... We should be here to look after our interest and we’re the only ones that can look after our interests because the spirits speak to us. ... They’ll bring the concerns to us if something’s disturbing, and automatically we’ll think of it and it will come to mind and that’s how they speak”*

6.2.14 William Warrell then spoke. He also spoke of the need for cooperation and the importance of the area in saying,

*“... it’s been so long that we are not recognized and this is the sort of thing that might bring us together, these sort of sites and all sites. I think that you fellas can share our sites with us, give us a say too because over 200 years ... you know these things have never been happening. So we can work together and learn to get on with one another, otherwise we’ll go for another 100 years with the white people not getting on .... I’d like to see us getting on because there is so much of the white blood put in us that a lot of the white fellas don’t recognize that and I think it’s about time that it does get recognized and we do come together and these sort of things.”*

6.2.15 William spoke of the importance of cooperation in other matters as well saying,

*“And it’s not only this site, there’s right back up in other parts of Western Australia.... We love the land too and we don’t get a say in how we could fix it up and all of the salinity and all of the other problems they’re getting out there in the wheat belt are destroying the land. Give us a chance to help fix it up.... If we don’t share our thinking, what we’ve got in us together, we’ll never get along. That’s all I’ve got to say.”*

6.2.16 Greg Garlett then spoke followed by Iva Hayward Jackson. Iva also stressed the need for cooperation, specifically suggesting further meetings with CALM in relation to Walyunga Park. He said,

*“I would like to suggest that we meet, say every three or four months, here at the park and carry through any ideas on developments or general running of the park access to Nyungah people. And that we ensure we have a working relationship that will go well into the future even after you guys are gone. Because government workers come and go, governments come and go, but we’re always here, and if we could start something like that I believe this is a great opportunity.”*

6.2.17 Iva also summarised the Elders concerns in saying,

*“...It’s clear from what the elders have said, they’re against any developments close [to] the waterways here. However, further back just past the table here, they are willing to some development that would help the public, CALM and us. That’s the way we’ve got to approach things the way that we can think about, not just what’s good for us but also what is good for the other party, the Nyungah people and how can we work together. Get things like access, the way that we want access, and the things that we want to see in the park, which is not only the constricted area of where the roads are and were the barbeques are. ...That’s probably about it, was there anything else?”*

6.2.18 Richard Wilkes made a few final comments,

*“I’ll repeat it again, this is not Aboriginal land it’s Nyungah country and what we’re saying to you today is we’d like you to take this back and tell you’re superiors that we would like an agreement to be out together to have a shared working relationship with this place.”*

6.2.19 Richard also suggested that a nearby shed could be given to them rather than go to waste. Finally, he stated the Elders’ general approval of the development saying,

*“There should be a bit of a harder place over there for the wheel chairs to get down there and the old people, a nice grass even ground where they don’t slip and come trough. ... Yes, we agree to that at this stage, we’re not saying, ‘no*

*you can't do it'. We ask you to reconsider what we're talking about in that agreement because that is very important to us. And, having said that all gentlemen, I'm sure that well you're probably going to say something so."*

6.2.20 One of the CALM representatives then responded to the Elders comments. He thanked the Elders for their time. He also responded to the Elder's request for further cooperation in saying,

*"We want to make sure that we are managing the land for all people to use it and as you've pointed out the Nyungah people have a very strong link to this land. So, therefore they are one of the key players ... in having a say in how we manage the land. ...I think the idea of the regular three or four month meetings has a lot of merit and that will be something that I'm very keen to progress. ...So Iva, if you would like to progress that on a more formal basis, you and I could talk about setting up a forum and then discussing who would like to attend those meetings."*

6.2.21 The CALM representative also responded to the Elder's concerns about the project. He said,

*"I recognize that you don't want the board walk there but you can also see we have issues with erosion and stuff ... We have a duty of care that people who come here don't trip over and hurt themselves ... one of the things. [What] I would like to discuss with you more is how you see the best way to manage that strip along the front ... What is the best way to provide a safe environment for people to get closer to the water? Now we don't need to discuss that today, we can discuss in the future."*

6.2.21 One of the Elder's responded to these comments by saying,

*"We were thinking about the grass, so far, but not right to the end ... Because it will get in there and you'll never get it out, don't want it growing wild. ... No rails, we don't want any rails in here. That signifies putting a barrier ... we wouldn't put a rail there... we don't need to provide those things. Nature will protect you if you look after her too".*

6.2.22 In relation to the sharing of ideas between CALM and the Elders, the CALM representative stated that,

*“... we have put a lot of effort into doing that [(developing relations with the community)], and it seems to be with the white heritage stuff. And I agree with you're point that it really hasn't addressed aboriginal heritage in this regard. And I think that the sharing of ideas is the perfect forum for us to address things outside of the scope of the legislation that is currently in place.”*

6.2.23 Further, he said,

*“Those meetings are very important to us to build a very strong relationship because the park is not the only area that you have an interest in, I think that you need to have an interest in our burning programs in the wider management of the conservation land. And I'm very keen as a manager to facilitate that and have a forum that we can all talk about those things so that you are informed and you can take it back to your people and talk about things that CALM are doing. And hopefully you will see that we have a lot to offer and that you can use us as a tool to achieve a lot of things that you want to see....”*

6.2.24 The CALM representative again expressed his gratitude for the Elder's time and input before stating that,

*“So what we'll do is - I'll talk to Iva, maybe we'll discuss this broad walk [in] a little bit more detail. But are you happy for me to say to my people that from here, we'll look at starting the picnic area, and the grass area? And I will also look at monitors and those sorts of things, we will talk about those and the best way to achieve [them].”*

6.2.25 One of the Elder's responded to the reference to monitors by saying, *“If there are any artefacts we want them put somewhere else so they're not lost in the grass. People aren't allowed to touch those, they can put them aside but they can't take them away.”* (further, the Elder's stated that the normal procedure for their monitoring of earth works was two monitors on site, paid \$300 per day).

6.2.26 The potential for the proposal to impact upon a registered site, the River, was then clarified by Ron Parker. It was determined that the proposal may require a section 18 application under the *Aboriginal Heritage Act (1972)*, because the waterway could be impacted upon (see photo of waterway

below). Ron then asked the Elders if they could indicate where the site would be impacted upon.



6.2.27 One of the Elders then detailed the course of water throughout the area. They referred to how development in the area had affected the flow of water through it, with reference to flood levels, saying,

*“... when the floods come in, show all the new stone there. So those are the things you’ve got to watch ... by doing that, you’ve created a place where the water will be coming up here and coming around and just hit that bank and... and it’s going to get up there and that’s the kind of thing we’re saying, you’ve got to watch how the water system, how it comes down and that, see we might not see that in our lifetime but them old Nyungah’s they knew.”*

6.2.28 The Elder’s also spoke of the potential for the waterway being turned into a canal saying that, *“... we don’t want a canal, we don’t want to hide that canal that runs... we want it natural... so those things, we’ll need to talk about too.”*

6.2.29 The significance of the waterway was further detailed by another Elder who said,

*“... all waterways are sacred, and they have a meaning in it and all waterways are important to us black folk, through our special dreaming, since the beginning of time. These waterways were created by our special dreaming creatures, the Wagyl. And, as I said, in the area, our people’s blood was spilt here that makes it sacred back along the road there, back along here, back behind me, and that’s got to be clearly understood. And common decency has got to be shown and the seriousness of the way we talk, it’s got to be clearly understood by this mob here. These are the people who are going to do the development here and on that water’s edge this way. So far it’s supposed to be away from it, because all creeks back down on the flats down there, all people are supposed to keep away from each side of them....”*

- 6.2.30 In specific reference to the need for a section 18 application to disturb the area, the Elder said, “... *section 18 is there to follow, white fella set down that law and you must abide by it. Section 18 has got to be looked for, there is no harm in asking...*”
- 6.2.31 It was then agreed that the consultation was complete. Ron Parker summed up and, following that, the group rendezvoused at nearby lakes and had lunch before separating.

### 6.2.31 Colbung Family

- 6.2.32 On Monday the 12<sup>th</sup> of May 2003, AIC heritage consultants Ron and Sue Parker drove to Walyunga where they met with Colbung Family representatives, near the proposed picnic area. The representatives were Ken Colbung, Sandra Colbung and Richie Colbung. They also met there with CALM representatives Jamie Rupee and Steve Strawn.
- 6.2.33 Plans of the proposed picnic area were provided to the Elders. Jamie Rupee then explained the project to the Elders and the reasons for it.
- 6.2.34 In the ensuing discussion the potential impact of the development upon the River site was raised. The high water mark of the waterway, as per previous flooding, was used as a determining point. The Elders established that the high-water mark would be above the area of proposed development.
- 6.2.35 Some time was then spent discussing the high water mark and the boundary of the site. It was determined that, at least, the project area concerned was within the bounds of the site.
- 6.2.36 There was also some discussion about who should have responsibility for the protection of such sites and how they should be protected. The Elders raised the potential for Aboriginal employment within CALM. This was particularly important given concerns about the significance and interpretation of aspects of Nyungah culture. They stated that there needed to be procedures to “...*actually make sure these sites are protected*”.
- 6.2.37 The Elders raised no opposition to the proposed picnic area, as explained to them by the CALM representatives.

## 7 DISCUSSION

- 7.1 The area of the planned project is in poor condition, with considerable degradation as a result of erosion. A major element of the proposed works will focus on remedying the environmental degradation to improve safety in the vicinity of the Walyunga Pool.
- 7.2 Representatives from the NCE, SVNC and Colbung family voiced no opposition to the rehabilitative works as explained by CALM personal. However, all of the Aboriginal Consultants participating in field inspections of the project area voiced concern over the proximity of the planned development to both the Avon River and Walyunga Pool.
- 7.3 The informant group stated Walyunga National Park and the surrounding area was a significant place, especially to the Nyungah people. It was also stated that the Avon River and its tributaries are sacred to Aboriginal people, with the Avon River being a registered site.
- 7.4 Mythological significance is generally attributed to all waterways as created, formed and inhabited by the primary Ancestor character associated with the Creative Era and highlights the importance of consulting with the Nyungah elders when development is proposed close to waterways.
- 7.5 Given the sensitivity and significance of the Walyunga National Park to Nyungah people, the various informants stated their desire to enter into some kind of agreement with CALM in relation to the shared management of such areas.



## 8 CONCLUSIONS

- 8.1 The CALM project and its associated works is set to be undertaken in proximity to a registered site and as such a Section 18 Application will be required prior to commencement of project operations.
- 8.2 During the surveys, concerns were raised in relation the high-water mark level, as the Aboriginal Consultants believed it would be above the area of the planned development, and as such would impact upon the Avon River site.
- 8.3 The Walyunga National Park and its waterways are culturally significant to Nyungah people and the planned CALM project will need to be sensitive to concerns voiced by the various representatives.

## 9 RECOMMENDATIONS

- 9.1 AIC recommends the project will require consent under Section 18 of the Act in order to proceed.
- 9.2 AIC recommends the project proceed after consent under Section 18 has been granted, conditional on requests and concerns of the Aboriginal informants being respected and acted upon. Employment of Nyungah monitors to oversee all ground disturbance activity is advised.
- 9.2 AIC also recommends that an agreement between CALM and Nyungah Elders, relating to Walyunga National Park, be formulated and implemented.
- 9.3 AIC recommends that CALM ensure all of its staff and contractors are made fully aware of their responsibilities under the Act.

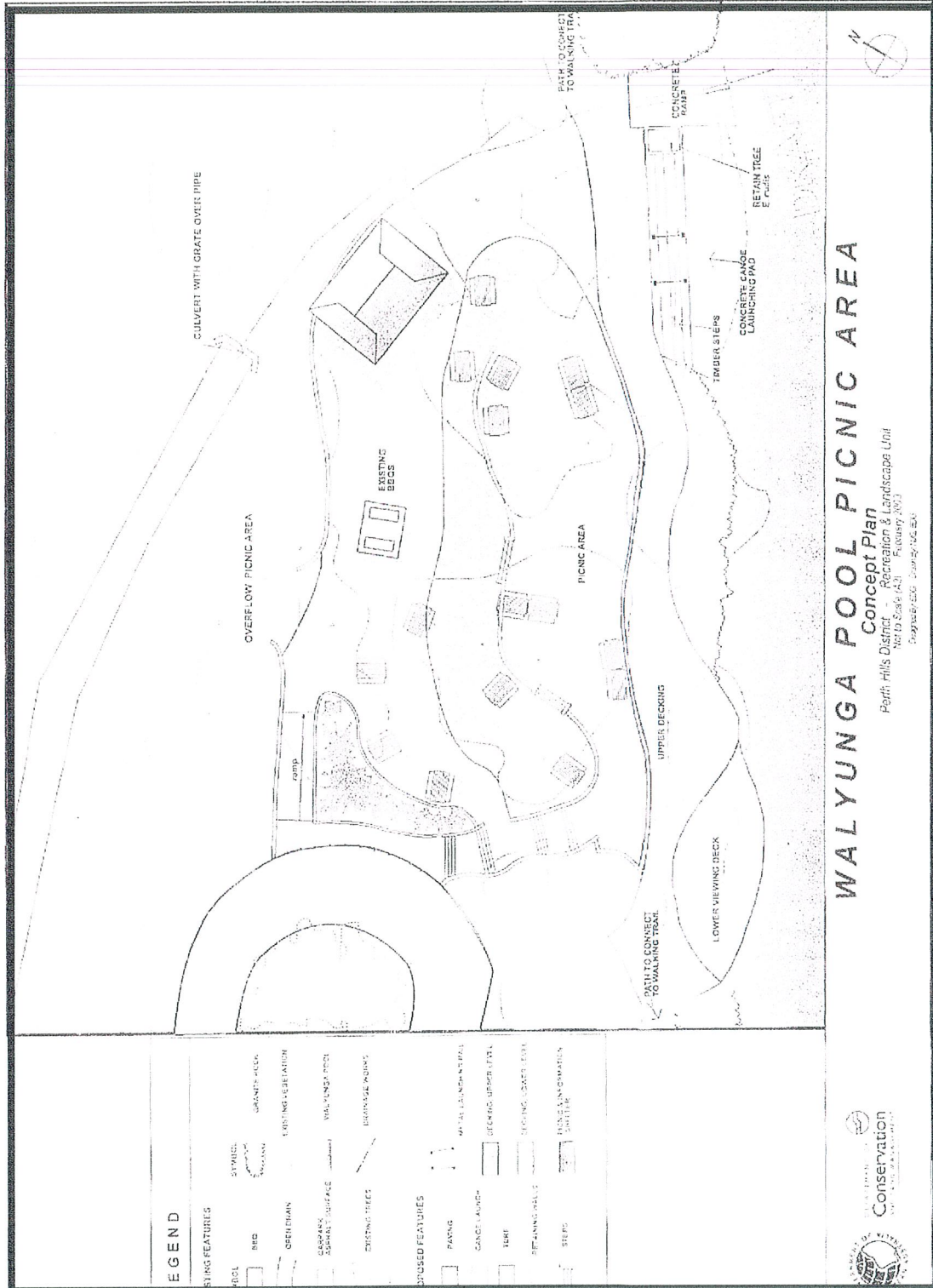
10 REGIONAL MAP OF THE SURVEY AREA



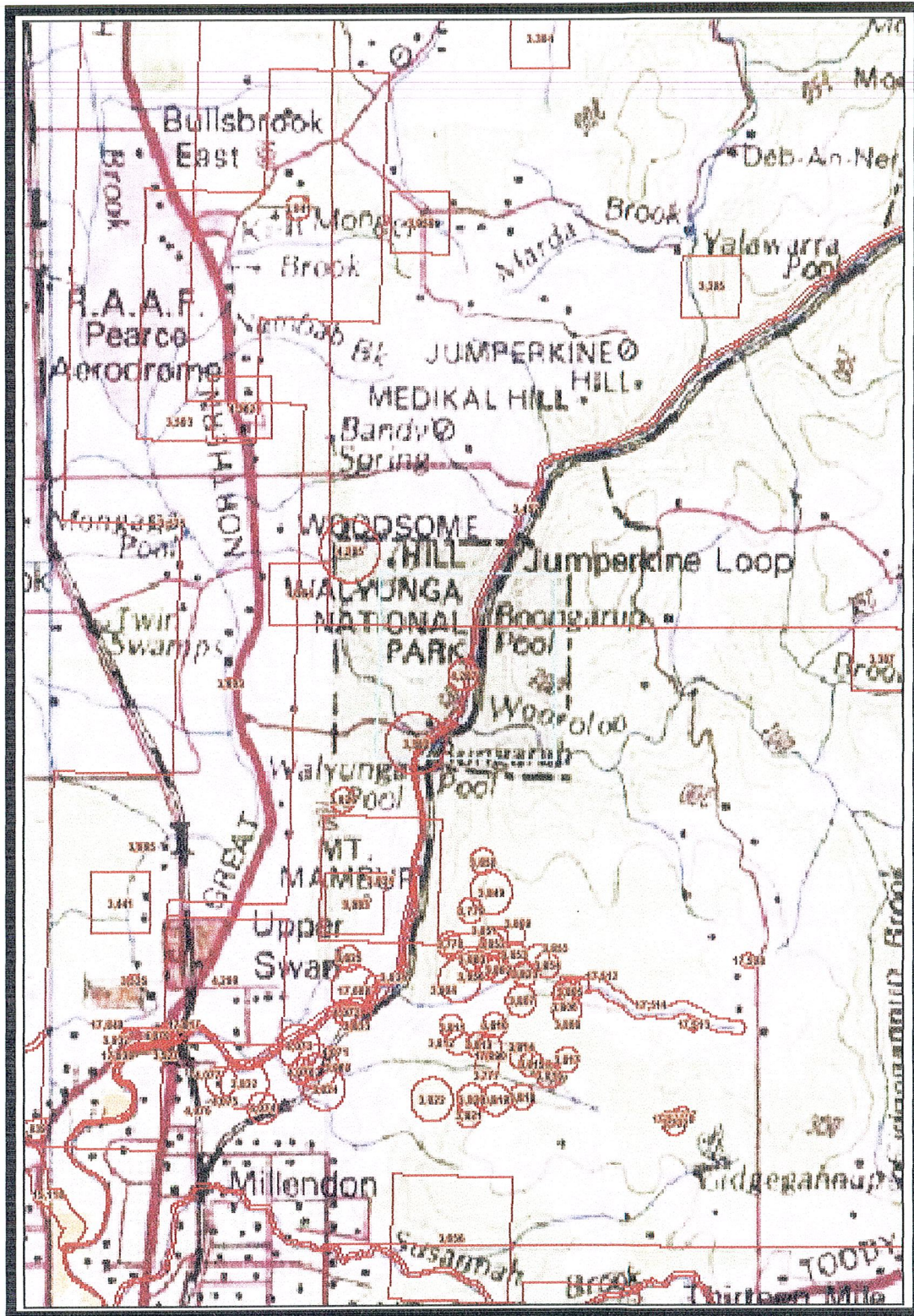
11 LOCAL MAP SHOWING THE SURVEY AREA



12 MAP OF PROJECT AREA



13 LOCAL MAP SHOWING EXISTING DIA SITES





# WESTERN AUSTRALIA

## Aboriginal Sites Register

### Site Search Overview Map

This overview map displays the geographical locations of the sites listed in the Site Search Results. The sites are plotted on a map of Western Australia, showing the location of the sites relative to the state boundary. The map also displays the names of the Local Government Areas (LGAs) in which the sites are located. The map is intended to provide a general overview of the distribution of sites across the state.

The map is a simplified representation of the state of Western Australia, showing only the major geographical features and the locations of the sites. It does not show detailed topographical information or other features of the state.



The map is based on data provided by the Department of Indigenous Affairs, Western Australia. The data is current as of the date of the report.

The map is intended to provide a general overview of the distribution of sites across the state. It is not intended to provide detailed information about the sites or the LGAs in which they are located.

The map is a simplified representation of the state of Western Australia, showing only the major geographical features and the locations of the sites. It does not show detailed topographical information or other features of the state.



Geographical Coordinates  
 Projection: Lambert  
 Datum: CD494

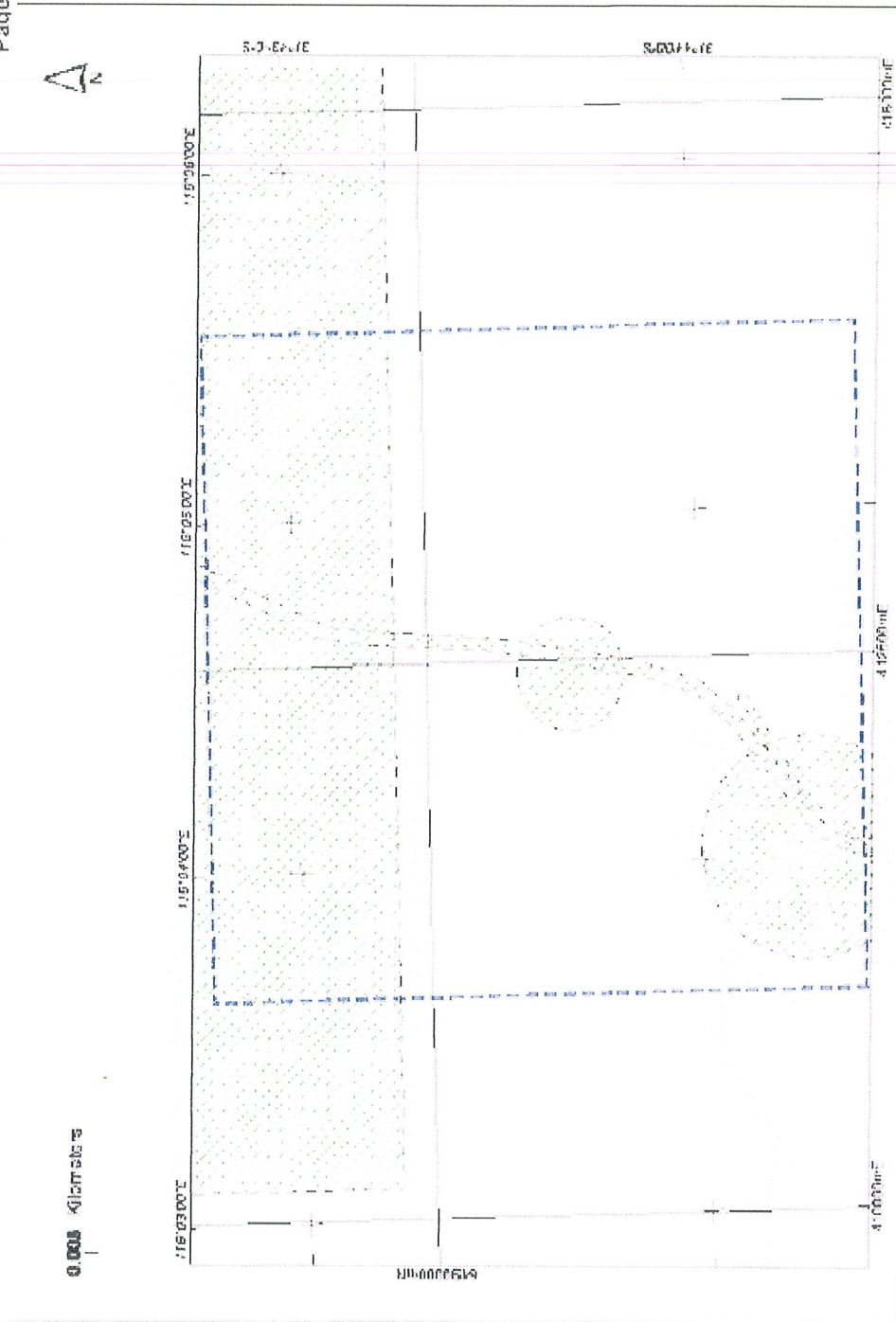
Legend	
	Selection Area (User Polygon, LGA, Land Claim, ...)
	Site Search Map
	Selected Sites



DEPARTMENT OF INDIGENOUS AFFAIRS



Site Search Map





DEPARTMENT OF INDIGENOUS AFFAIRS

**Selection Criteria**

Site Search with specified polygon  
 Coordinates Type: MCA Coordinates - MDA Zone: 50  
 Coordinates: Easting 417000 Northing: 6456000  
 Easting 417000 Northing: 6431000  
 Easting 414000 Northing: 6431000  
 Easting 414000 Northing: 6456000

**Old Site Reports**

Page 1  
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Department of Indigenous Affairs

**ABORIGINAL HERITAGE SURVEY OF PROPOSED WALYUNGA POOL RECREATION SITE – WALYUNGA NATIONAL PARK**

Report Id	Catalogue No.	Title	Author(s)	Old Ref No.
02926	ESD MW 1993 BCD R0941	Report on the Aboriginal Heritage values of the Great Eastern Sydney Harbours	McKinnon, J.F.	02926
02927	ESD MW 1993 BCD	Site Inventory Report for the site of the proposed Northern Express	C. Connors	02927
02928	ESD MW 1993 VM	Investigation of the site of the proposed Northern Express	Connors, C.	02928
02929	ESD MW 1993 VM	Investigation of the site of the proposed Northern Express	Connors, C.	02929
02930	ESD MW 1993 VM	Investigation of the site of the proposed Northern Express	Connors, C.	02930
02931	ESD MW 1993 VM	Investigation of the site of the proposed Northern Express	Connors, C.	02931
02932	ESD MW 1993 VM	Investigation of the site of the proposed Northern Express	Connors, C.	02932
02933	ESD MW 1993 VM	Investigation of the site of the proposed Northern Express	Connors, C.	02933
02934	ESD MW 1993 VM	Investigation of the site of the proposed Northern Express	Connors, C.	02934
02935	ESD MW 1993 VM	Investigation of the site of the proposed Northern Express	Connors, C.	02935
02936	ESD MW 1993 VM	Investigation of the site of the proposed Northern Express	Connors, C.	02936
02937	ESD MW 1993 VM	Investigation of the site of the proposed Northern Express	Connors, C.	02937
02938	ESD MW 1993 VM	Investigation of the site of the proposed Northern Express	Connors, C.	02938
02939	ESD MW 1993 VM	Investigation of the site of the proposed Northern Express	Connors, C.	02939
02940	ESD MW 1993 VM	Investigation of the site of the proposed Northern Express	Connors, C.	02940
02941	ESD MW 1993 VM	Investigation of the site of the proposed Northern Express	Connors, C.	02941
02942	ESD MW 1993 VM	Investigation of the site of the proposed Northern Express	Connors, C.	02942
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02979	ESD MW 1993 VM	Investigation of the site of the proposed Northern Express	Connors, C.	02979
02980	ESD MW 1993 VM	Investigation of the site of the proposed Northern Express	Connors, C.	02980



**ABORIGINAL HERITAGE SURVEY OF PROPOSED WALYUNGA POOL RECREATION SITE – WALYUNGA NATIONAL PARK**



**Site Site Reports**

Page 3  
15/04/2015

Report No.	Catalogue No.	Title	Author(s)	Cite Ref No.
123008	1584 EW 2007 16 A	Aboriginal Heritage Survey of Proposed Wheel Rail Footpath – Wheel Palace, Limerick, South Australia	15/04/2007 & Associate	2773
123005	1584 EW 2007 16 B	Site contribution, ethnographic survey and the Aboriginal Heritage Act 1972 of the proposed Wheel Rail Footpath, Wheel Palace, Limerick, South Australia	Fisher, Stuart	2774-77
123010	1584 EW 2007 16 C	Demarcation Heritage Site – supplementary research	Lacey, Paul (Curator)	2800-02
123009	1584 EW 2007 16 D	Archaeological survey of the proposed Wheel Rail Footpath, Limerick, South Australia	Crabtree, Thomas	2803-07
123006	1584 EW 2007 16 E	Report of an Aboriginal Heritage Assessment of the proposed Wheel Palace, Limerick, South Australia	Hick, Laura	2811-12
123007	1584 EW 2007 16 F	Site contribution, ethnographic survey and the Aboriginal Heritage Act 1972 of the proposed Wheel Rail Footpath, Limerick, South Australia	Fisher, Stuart	2813-17
123101	1584 EW 2007 16 G	Map of the proposed site	Garrett, Stephen (Curator)	2819-22
123102	1584 EW 2007 16 H	Development Agreement for the Proposed Recreational Approach of Northern Express to Limerick	Department of Infrastructure and Transport	2821
123201	1584 EW 2007 16 I	Heritage Site Assessment – Proposed Wheel Rail Footpath, Limerick, South Australia	Fisher, Stuart	2823-24
123229	1584 EW 2007 16 J	Heritage Site Assessment – Proposed Wheel Rail Footpath, Limerick, South Australia	Fisher, Stuart	2825-26
123305	1584 EW 2007 16 K	Desk-top study of the Aboriginal Heritage Act 1972 of the Government Railway Station, Limerick, South Australia	Fisher, Stuart	2827-28
123307	1584 EW 2007 16 L	Report to the Aboriginal Heritage Assessment of the proposed Wheel Palace, Limerick, South Australia	Country Heritage Australia	2829-32
123308	1584 EW 2007 16 M	Report on the archaeological investigation of the Aboriginal Cultural Heritage Complex, Limerick, South Australia	Department of Infrastructure and Transport	2833-34
123312	1584 EW 2007 16 N	Site contribution, ethnographic survey and the Aboriginal Heritage Act 1972 of the proposed Wheel Palace, Limerick, South Australia	Fisher, Stuart	2835-37
123323	1584 EW 2007 16 O	Current site report to the Aboriginal Heritage Act 1972 of the proposed Wheel Palace, Limerick, South Australia	Fisher, Stuart	2838-39
123324	1584 EW 2007 16 P	Report on the archaeological investigation of the proposed Wheel Palace, Limerick, South Australia	Department of Infrastructure and Transport	2840-43
123325	1584 EW 2007 16 Q	Field research and survey – South West Metropolitan Railway from Perth to Limerick	Bozeman (Heritage Curator)	2844-45
123327	1584 EW 2007 16 R	Report on the archaeological investigation of the proposed Wheel Palace, Limerick, South Australia	Fisher, Stuart	2846-47
123328	1584 EW 2007 16 S	Report on a survey for Aboriginal sites with a view to the proposed Wheel Palace, Limerick, South Australia	Country Heritage Australia	2848-49
123329	1584 EW 2007 16 T	Report on the archaeological investigation of the proposed Wheel Palace, Limerick, South Australia	Country Heritage Australia	2850-51

