

ABORIGINAL ACTIVITIES AND NATURE
CONSERVATION IN THE SOUTH WEST OF
WESTERN AUSTRALIA

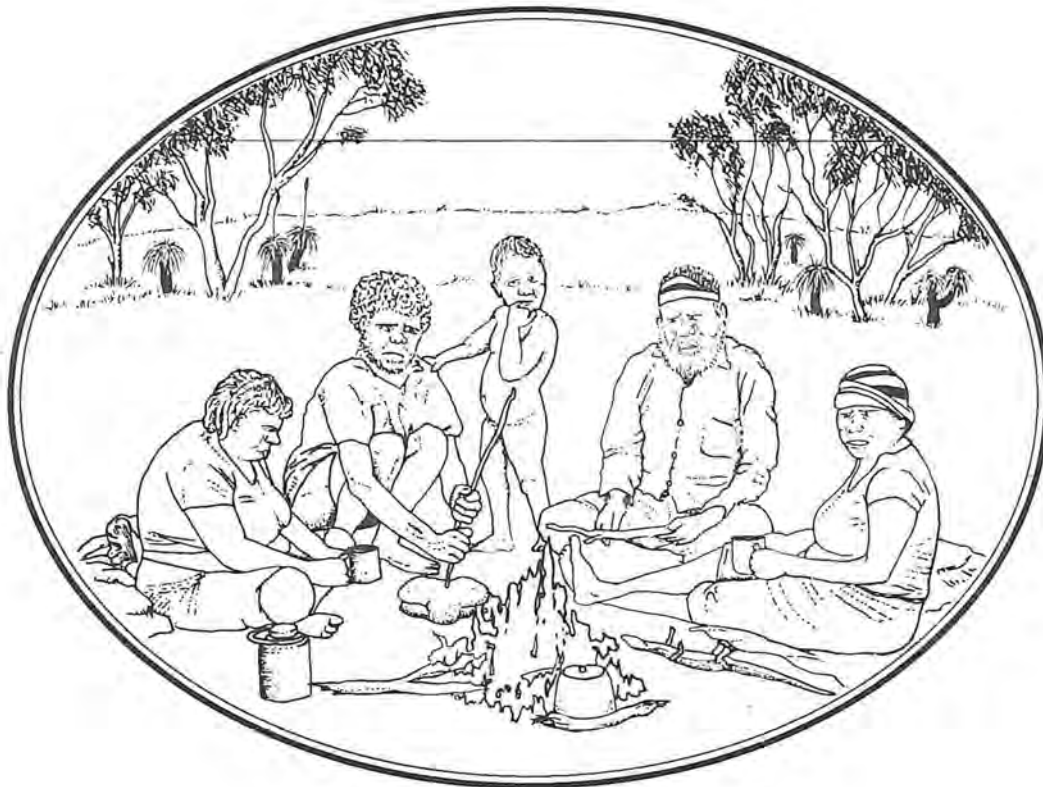


December 1991



DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT

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FOREWORD

This report is the result of a research project which was initiated after several meetings between CALM officers and representatives of the Southern Aboriginal Corporation. The meetings showed very clearly that there are two systems at work, the "mainstream" that includes CALM with all its legal and policy framework, and an often independent Nyungar one.

The focus of the earlier discussions was mostly the wheatbelt nature reserves. Although most of these had existed for 30 years or more, many of them had never been signposted in the field. CALM continued a program of signposting which had been initiated by the former Department of Fisheries and Wildlife. This action challenged the custom of Nyungar people who used these and other reserves for a number of activities (some illegal) including hunting, firewood collecting and gathering of plant foods.

It may appeal to some people to deal with this issue by simply enforcing the law. After careful consideration, however, we decided instead to see what could be done to meet the wishes of the Nyungar people while at the same time improving the management of nature conservation. While we believe that a straight out "law enforcement" approach might yield an occasional successful prosecution, it would however, be costly and probably cause more harm than good for meeting our conservation objectives. Such an approach would also divert our focus from the most critical conservation problems such as the protection of endangered species.

CALM is conscious of a number of issues which arise from the report and require further action, including the impact of Aboriginal activities on the protection of endangered species. Implementation of the report recommendations will require further consultation with both the Nyungar community and general public. The difficult task we face is to balance equity within society as a whole and the needs of the Nyungar people to express their own culture. CALM welcomes comment on these issues, which ultimately may need the consideration of Government.

Chris Haynes
Director of Parks, Recreation and Planning Division
Department of Conservation and Land Management

ACKNOWLEDGEMENTS

The contribution and participation of Nyungar people in the preparation of this report is especially acknowledged. In particular, Trevor Penny, Joe Northover (snr), Aubrey and Janet Hayden, George and Wilma Webb, Syd Coyne and Ken Dean provided detailed insight into Aboriginal life in the south-west, both past and present.

Nyungar people who responded to the draft report are to be thanked, in particular Ken Wallam, Merlene Eades, Darryl Collard and Mick Hill. The comments received were encouraging and challenging.

People from several Government departments also assisted. The contribution of Jenny Carter at the Aboriginal Affairs Planning Authority Library, and staff at the Department of Land Administration Titles Office, Water Authority of Western Australia and the Australian Bureau of Statistics is acknowledged.

A number of specialist and Regional CALM staff contributed to the study and report. Ian Herford, Leon Sylvester and Greg Leaman enthusiastically participated in the fieldwork providing maps, advice and assistance. Simon Hancocks advised on legislation details, Kerry Olsson assisted in identifying Crown land tenure categories and Ray Lawrie produced the maps. Richard Grant did extensive editing of the report while Denise Hamilton formatted and typed the numerous drafts. Matt Cavana prepared the front cover drawing.

Thanks also go to the working group members Dave Pearson, John Blyth, Dave Mell and Ken Wallace for their suggestions in dealing with a challenging topic. Mary Colreavy is particularly acknowledged for her direction, advice, patience and encouragement to the Project Officer in doing the fieldwork and report preparation.

SUMMARY

This study of the use of Crown land by Aboriginal people in the south-west of Western Australia was undertaken between February and July, 1990, by the Department of Conservation and Land Management (CALM).

The nature and location of current and desired activities were recorded. Wildlife species likely to be affected were also noted. Legislation governing the use of Crown land was researched and the location of some tenure categories recorded.

The major activities are hunting and camping on nature reserves, national parks, State forest and other Crown reserves. Most activities are based on the maintenance of Aboriginal culture which, although vastly modified since European settlement, is still significant in the lives of the people.

About 24 plant and 12 animal species are affected by these activities, although the impact on localised wildlife populations is unknown. Various pieces of legislation permit a range of activities, depending on the tenure category. However, the management policies of the various Government authorities often prohibit activities, or only allow them under strict control conditions.

The implementation of recommendations in this report will improve CALM's management of nature conservation in the study area in a positive, proactive and cooperative manner with Aboriginal people.

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Introduction

The Department of Conservation and Land Management is responsible for managing 19 million hectares of conservation estate in Western Australia. The Department's principal goal is:

*"TO CONSERVE WESTERN AUSTRALIA'S WILDLIFE AND MANAGE
LANDS AND WATERS ENTRUSTED TO THE DEPARTMENT FOR
THE BENEFIT OF PRESENT AND FUTURE GENERATIONS"*

In many areas Aboriginal people have an active interest in the same land through traditional and/or historic affiliations, and wish to continue to use the land for a variety of activities.

This study of Aboriginal land use in the south-west of the State was done for a number of reasons. Preliminary discussions indicate that southern Aboriginal people want access to land for a range of activities, including camping, day-use recreation, hunting and gathering. Most of the "bushland" on which these activities would occur appears to be nature reserves that CALM is responsible for managing. Representatives of Aboriginal groups have requested that employment opportunities be provided, and have expressed criticism that CALM has not consulted adequately with southern Aboriginal people. Contact between the Department and these groups has caused some ill feeling, particularly in relation to their activities on nature reserves. Instances of illegal hunting and wildflower picking and subsequent confrontation have been recorded by CALM staff.

Clearly, more information was needed in relation to Aboriginal peoples' current and future needs and desires for access to CALM Act lands. This resulted in the current study being done, as a necessary step to improving management for nature conservation in relation to Aboriginal activities.

The aims of the study were to:

1. identify current and desired activities of Aboriginal people on Crown land and waters within and adjoining agricultural lands of southern Western Australia.
2. identify species and where possible record the conservation status of plants and animals used by Aboriginal people.

3. compile this information together with current Crown land tenure data and relevant legislation.
4. identify the steps required to improve management for nature conservation in relation to Aboriginal activities.

BACKGROUND

The use of land by indigenous people for cultural activities has been examined and, in some cases, accommodated by various governments. Internationally, land has been provided for cultural use in places such as Africa (Zimbabwe, Kenya), Nepal, Sumatra, Papua New Guinea and North America.

In 1988, Dr Barry Wilson (CALM's Director of Nature Conservation) studied USSR and North American administrative arrangements that enabled native people to continue traditional activities such as hunting and gathering. He also assessed the effectiveness and community acceptance of those arrangements. No special provisions or rights exist for aboriginal hunting and gathering activities in USSR. Concerning North America, he concluded that:

- i) aboriginal hunting and fishing rights are officially acknowledged and provided for by specific and detailed legislation, although some problems with community acceptance remain, and
- ii) implementation of hunting and gathering rights and subsequent controls on harvesting are ineffective unless the indigenous people concerned are directly involved in the policy-making and management process. Some legislation provides for this involvement (Wilson, 1989).

In Australia, the Commonwealth Government recognises some rights of Aboriginal people in legislation such as the National Parks and Wildlife Conservation Act 1975 (Cwth), Crown Lands Act 1979 (NT) and the Aboriginal Land Rights Acts 1976 (NT). Some States have recognised the rights of Aboriginal people to hunt, fish and gather through legislation such as the Wildlife Conservation Act 1950 (WA), Fisheries Act 1905 (WA), Aboriginal Land Rights Act 1983 (NSW), Territory Parks and Wildlife Conservation Act 1976 (NT) and the National Parks and Wildlife Act 1974 (SA). In Queensland the Aboriginal Land Act and Torres Strait Islander Land Act were both passed in 1991. In Victoria and Tasmania, however, no special provisions are made in State legislation to accommodate Aboriginal interests (Australian Law

Reform Commission: Report No.15). The Law Reform Commission would like a more uniform approach to providing Aboriginal people the rights to use land for cultural activities.

In Western Australia, hunting, gathering and fishing activities on Crown lands are only some of the land-use issues that concern Aboriginal people. At a conference held in August 1990 at Millstream-Chichester National Park (100km south east of Karratha), Aboriginal delegates from communities in the Gascoyne, Murchison, Goldfields, Pilbara and Kimberley Regions presented a 14-point statement to CALM and the National Parks and Nature Conservation Authority (NPNCA). Issues raised included land tenure, living areas, tourism, mining, protection of culturally significant sites and employment in relation to Aboriginal people and national parks. The conference resolved to establish a working party involving Aboriginal organisations and State and Federal Government Departments. The main purpose of the working party was proposed:

"to ensure that there is a continuous dialogue between Aboriginal organisations and Government on issues and needs directly affecting Aboriginal people and their involvement in the policies and management of national parks and nature conservation reserves, and related issues."

CALM has had considerable contact with Aboriginal people, especially in the north of the State. Aboriginal Ranger Training Programs have been conducted at Hamersley, Millstream-Chichester and Purnululu national parks, Dampier Archipelago and in the Goldfields. Aboriginal rangers have been employed at the above national parks and Contract Employment Programs involving Aboriginal people have been initiated in CALM's Pilbara, Kimberley, Wheatbelt and Goldfields regions with good results. More regular consultation with Aboriginal people in the south was necessary.

THE STUDY AREA

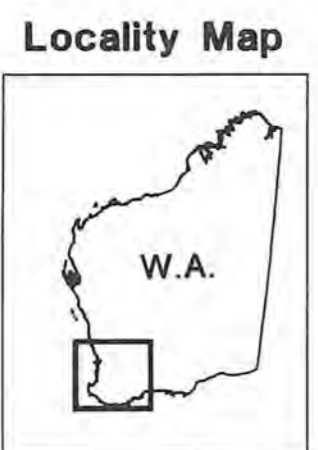
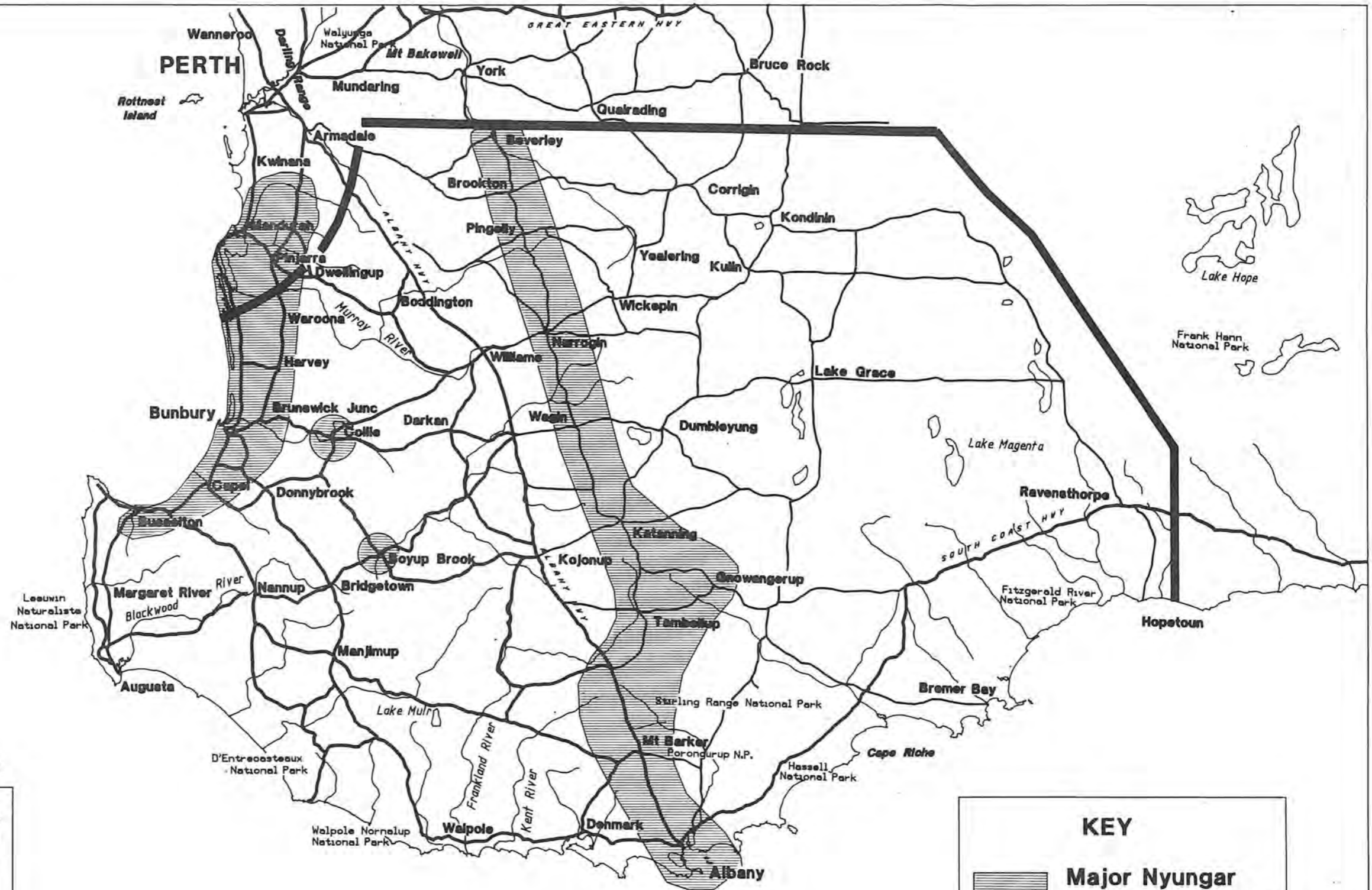
The study area is defined by an east-west line through Beverley, extending to the Vermin Proof-Fence on the eastern edge of the wheatbelt, then south-east along the fence to the coast east of Hopetoun (see Map 1). This area coincided with the Southern Aboriginal Corporation's (SAC) area of influence. It was considered that the six months available for the project was enough time considering the geographic and demographic size of the area.

The Aboriginal people involved in the study are now collectively known as Nyungar, although their Aboriginal heritage is from a number of different tribes and dialect groups (Tilbrook,

1983; Robinson, 1984). From the time of original settlement in Western Australia by Europeans until the early 1900s, Nyungar people were dispersed, dispossessed of their land, their culture changed and population reduced. Significant changes occurred from 1903 with major agricultural developments by the Government in the Avon, Midlands and Great Southern districts (Haebich, 1988). Wheat acreage increased from 138,000 in 1903 to 1,400,000 in 1914. Before 1900, Nyungars relied on both employment at pastoral stations in the south-west and hunting of traditional foods. As more land was cleared and traditional food harder to gather, they increasingly relied on employment with non-Aboriginal farmers and rations distributed by the Government and mission stations (Robinson, 1984).

The cultural lifestyle of these people was severely disrupted by widescale clearing of natural habitat and relocation to mission stations and Government settlements under the 1905 Aborigines Act and 1936 Native Administration Act (Haebich, 1988). Subsequent breakdown of family and kinship units occurred with children of part Aboriginal heritage taken from their families and incarcerated in centres such as Carrolup and Moore River Settlements (Robinson, 1984). The main Nyungar populations are now in towns along the South West Highway (coastal plain), Great Southern Highway and in Collie and Boyup Brook (see Map 1). Smaller populations exist in towns to the east of Great Southern Highway, along Albany Highway and in the forest regions.

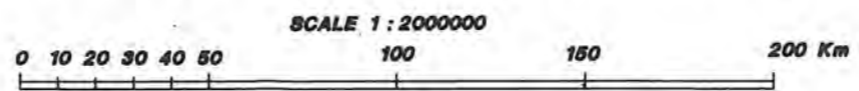
In general, Nyungar people were very willing participants in this project. The use of land, in particular that which is still naturally vegetated, is very important to them. The nature of the activities undertaken reflects a continuing relationship with the natural environment that is an essential part of their heritage as Aboriginal people. Nyungar culture, although vastly modified since European settlement, still exists and is important to the lives of these people.



KEY

- Major Nyungar Population Areas
- Study Area

MAJOR NYUNGAR POPULATION AREAS



Method

To ensure all relevant groups from within CALM were represented in the project, a small working group was formed to discuss the project's aims and methods, to review progress and evaluate outcomes of the project. The members were:

Graham Ellis-Smith	Project Officer, Policy and Extension Branch
John Blyth	Scientific Advisor, Nature Conservation
Dave Mell	Chief Wildlife Officer, Wildlife Branch
Ken Wallace	Manager, Wheatbelt Region
Dave Pearson	Research Scientist, Research Division
Mary Colreavy	Policy Advisor, Policy and Extension Branch

In addition, wherever possible, other CALM staff were consulted and their comments and suggestions invited. The information was gathered by personal contact, discussion and interviews with Nyungar people rather than from archives or files. The Aboriginal Affairs Planning Authority (AAPA) was informed of the project and was asked to provide names of Nyungars living in the study area. Use of the AAPA library was offered and from this, a document written by Paul Roberts and Les Eades in 1984, titled Report on Documentation of Research into Aboriginal Involvement in the Land in the South-West Region of Western Australia, provided names of people living in towns in the study area. This document also provided important preliminary information on desired land-use activities by Nyungars at the time of the study.

The contact list was checked and modified by CALM's Aboriginal Employment and Training Officer who is familiar with many Nyungar people in the study area, and SAC Executive meetings held in Albany and Katanning in March, 1990. Both sources provided valuable information. A draft study questionnaire was presented to the working group, the Australian Bureau of Statistics and the SAC Executive for comment and approval. Changes were made on the advice of all parties.

People named on the contact list were visited in each town and arrangements made for group meetings with other Nyungar people at a later date. Meetings were held at times convenient to Nyungar people and they were assured that information provided would not be used to apprehend possible offenders. Each group permitted the meeting to be audio taped. Specific places currently used or desired for future use were identified on maps. The question content and order was memorised and the questionnaire only used as a memory prompter. Questions

were asked informally in the flow of conversation in the meeting, which assisted communication between the parties. Information was later taken from the audio tapes to complete the questionnaires. (See Appendix I).

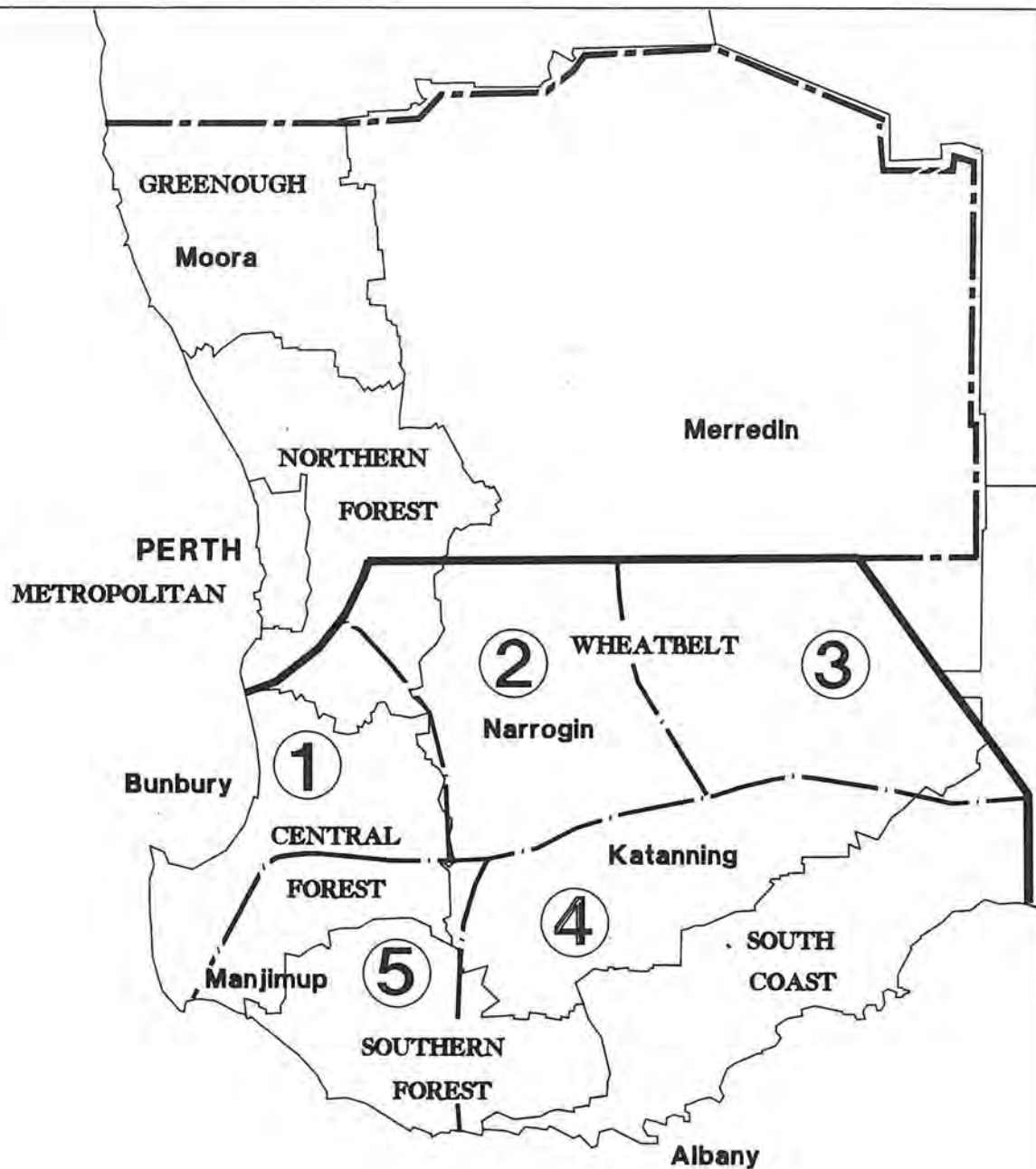
A draft report was prepared and circulated to relevant CALM personnel and Nyungar people. The Project Officer visited most Nyungar community groups involved to discuss the report, and left copies for people to read. Comments were returned after approximately six weeks and a revised draft prepared.

Another aim of the project was to compile information on current Crown land tenure classification, legislation and distribution. The Department of Land Administration (DOLA) Titles Office, Water Authority of Western Australia, CALM Reserves Section, CALM Wildlife Protection Section and the Crown Reserves Register assisted in the verification of details and confirmation of boundaries and locations of each tenure class.

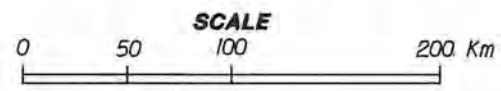
In examining the results, some trends and relationships became apparent between groups of Nyungar people and geographic areas. To evaluate the results the project area was divided into five zones as shown in Map 2. Each zone groups people or activities which are similar. In zone 1, people mainly use State forest and national park areas along the west coast. The people in zone 2 have strong family ties, particularly in the north and use nature reserves and State forest. Fewer Nyungars live in zone 3 and use nature reserves most frequently for their activities. The regular use of camping areas at Bremer Bay and Cape Riche is a common characteristic among people in zone 4. Zone 5 is basically a "non-contact" area, where very few Nyungar people live. Several attempts to arrange meetings at Boyup Brook were not successful because people had other commitments. Appendix II shows the towns visited and number of people interviewed during the project. The abbreviations used in the text are shown in Appendix III.





Results

Initial contact was made with Nyungar people in 27 towns in the study area. Twenty meetings were held in 18 towns and involved 117 people. A number of current and desired activities and the affected wildlife species were recorded. Tenure details of areas currently being used were presented, along with vesting, management, location and legislation details of some land tenure categories within the study area. Possibilities for use of a number of Crown land tenure categories were presented and some other issues outlined.



STUDY AREA ZONES



KEY	
	Study Area Boundary
	Zone Boundaries
	CALM Regional Boundaries
	Proposed extension of Study Area

In general, Nyungar response to the draft report was very positive. In addition to comments made when they were presented with the draft, two letters and a number of telephone calls were received which support the findings and publishing of the report. Other issues to do with social justice and land ownership were brought to our attention. These matters have not been documented here because they were not considered to be within the scope of this study, although it is hoped that some of the concerns about social justice will be addressed by implementation of this report.

ACTIVITIES

The following activities and aspects of Nyungar land use should not be seen as isolated and discrete from one another. Rather, they may be undertaken in various combinations at the one time.

i) Hunting:- is the most common Nyungar activity. In all zones, hunting was mentioned as an almost necessary part of their existence. Statements such as "that's what Nyungars have always done, and will keep doing" were common. Most discussion on hunting concerned the Western Grey Kangaroo (*Macropus fuliginosus*) which is the main species taken. Nyungar people view kangaroo meat as an essential part of their diet as both sheep and cattle meat are considered expensive, unhealthy (high fat and cholesterol levels) and insipid to taste.

In all zones, where possible, permission is sought from local farmers to shoot kangaroos on private properties. Sometimes this is granted but is often tenuous and withdrawn at short notice, usually because a gate was left open on a property, for which Nyungar people were (rightly or wrongly) blamed. All Nyungars in the area suffer the consequences when permission to hunt is withdrawn or denied. People living in 26 of the 27 towns involved in the study asked for areas of bush in which to hunt.

In zones 1, 2 and 4 kangaroo hunting forms an important part of teaching Nyungar ways and culture to young people. Nyungar people want to preserve and strengthen their culture and were concerned about its importance to future generations. Young people are taught to hunt, how to track a wounded kangaroo and how to use all parts of the animal. Nyungar people are aware of the need to conserve kangaroo populations. If a hunting area is visited, whether on private property or on Crown land and a small number of kangaroos seen (2 or 3), the area may not be visited again for 12 months or more until the population has increased. Young people learn this conservation ethic when they accompany adults who are hunting.

Nyungars consistently commented on the contrast they perceived with the non-Aboriginal community, where kangaroos were hunted for sport or culling. Shot kangaroos are often left to suffer and their carcasses either left in a paddock to rot or sent for pet food. Both outcomes are considered a waste of a valuable resource. Nyungars in zones 1, 2 and 4 have, therefore, asked for the opportunity to be involved in the kangaroo culling process.

Other animal species are also taken. Table 1a shows 12 animal species which are taken in the study area. Of these species, the Racehorse Goanna (*Varanus gouldii* or *V. rosenbergii*), Echidna (*Tachyglossus aculeatus*), Tammar Wallaby (*Macropus eugenii*) and Western Grey Kangaroo (*Macropus fuliginosus*) are the most favoured foods. Goanna and Echidna are much more commonly caught than Tammar which is considered a delicacy. Tammar catches are rare due to very few being seen. They are fauna declared as rare or likely to become extinct, along with other food species such as the Southern Brown Bandicoot (*Isodon obesulus*) and the Western Ringtail Possum (*Pseudocheirus occidentalis*).

ii) Gathering:- Twenty four plant species were recorded as being used for food, medicine and artifact production. Table 1b shows the various colloquial, Nyungar and known botanical names for collected species. The use or purpose for each is also given. Owing to local variations in the Nyungar names for plants, botanical identification was not always possible and some species may be repeated in the table. Other species were mentioned in general discussions and more detailed research is required to determine the full extent of Nyungar plant use.

iii) Camping:- In all zones, camping is regarded as a major activity for present and future generations. Nyungars do not like to use conventional facilities such as motels, camping grounds and caravan parks for holidays and weekends, mainly because it is not "the Nyungar way" to live. High costs, lack of privacy, and the need to book ahead are also strong deterrents. Nyungars sometimes construct permanent shelters for regular use, or else use temporary shelters such as tents. Permanent shelters are often constructed in areas where Nyungars have historic affiliations. Camping sites are chosen carefully, based on their feelings about an area. They will not camp in some places because of spiritual reasons. In all zones, Nyungars want to be able to "light a fire, cook a damper in the ashes and camp under the stars" without the fear of being told to leave the area by farmers, shire rangers or other government officials.

TABLE 1a ANIMALS USED BY NYUNGARS IN THE STUDY AREA

SPECIES	ZONES			
	1	2	3	4
Western Grey Kangaroo (<i>Macropus fuliginosus</i>) Ny: yongka	◇	◇	◇	◇
Tammar Wallaby * (<i>Macropus eugenii</i>) Ny: damar		◇		◇
Southern Brown Bandicoot * (<i>Isoodon obesulus</i>) Ny: kwernt				◇
Echidna (<i>Tachyglossus aculeatus</i>) Ny: nyingan	◇	◇		
Possum (<i>Pseudocheirus occidentalis</i>) * or (<i>Trichosurus vulpecula</i>) Ny: kelang?				◇
Feral Pig x (<i>Sus scrofa</i>)	◇			
Rabbit x (<i>Oryctolagus cuniculus</i>)	◇	◇		
Emu (<i>Dromaius novaehollandiae</i>) Ny: wetj	◇	◇		
Black Cockatoo Ω (<i>Calyptorhynchus spp.</i>) Ny: ngurla	◇			
Racehorse goanna (<i>Varanus gouldii</i> or <i>V. rosenbergii</i>) Ny: karta	◇	◇		◇
Parrots (Various species) Ny: damarlak	◇			
Bardee (grubs) (? <i>Xyleutes spp.</i>) Ny: bardi	◇	◇		

* =Declared:-"fauna likely to become extinct, or is rare" Ω =Declared:-"fauna in need of special protection"

x =Declared: "introduced animal", under Agriculture and Related Resources Act 1976

Ny = Nyungar name (Source: Douglas, 1976). Orthography is text chosen by Nyungars at Noalimba and Marribank in 1985 and confirmed at Wellington Mills in February, 1990.

TABLE 1b PLANTS USED BY NYUNGARS IN THE STUDY AREA

NAMES			ZONE			
COLLOQUIAL	NYUNGAR	BOTANICAL	1	2	3	4
Blackboy	balga	<i>Xanthorrhoea preissi</i>	f*			
Bull Banksia	bulgarla	<i>Banksia grandis</i>	f			
Bush potato (sweet)	---	---	f			
Jarrahbread fungus	---	---	f			
----	kamak	<i>Sollya or Billardiera sp.</i>		f		f
"Kick-it" berries	---	<i>Astroloma sp.</i>	f			
Kolberries	---	<i>Astroloma sp.</i>		f		
Wild Potato	korn	---		f		
Wild Carrot	kwariu	---				f
Wild Potato	kwort	---		f		
---	mal	---		f		
Marribread fungus	---	---	f	f & m		
Marri (gum)	---	<i>Eucalyptus calophylla</i>		m		
---	moort	<i>Eucalyptus platypus</i>		a		
---	nirnarn	---		f		
---	nojun	---		f		
Pig face	bayin	---		f		f
Quangdong	warnga	<i>Santalum acuminatum</i>		f		f
Sandalwood (gum)	wilarak	<i>Santalum spicatum</i>		m		
Salt-lake Figs	---	---		f		
---	tjuwal	---		f		f
---	waran (nuts)	<i>Dioscorea hastifolia?</i>		f		
Wild Radish	---	---		f		
Wild Potato	yuuk	<i>Platysace maxwellii</i>		f		f

f = foodstuff

m = medicinal

a = artifact

* dead flowering stem used for lighting fire without matches.

Source: Abbot (1983); Douglas (1976), Orthography as for Table 1a.

iv) Socio-cultural combination:- Nyungar people see hunting, gathering and camping as an important socio-cultural exercise for the family, be it for a day or weekend. While the women and smaller children prepare the campsite and perhaps collect edible plants, the older children and men will hunt. The food is prepared, cooked and eaten "the Nyungar way". During these activities, important Nyungar cultural knowledge is passed on to young people actively and passively. Many people are very concerned that this knowledge is being lost to the younger generation and see hunting, gathering and camping as an important part of educating their children. These activities are currently undertaken to some degree in zones 1, 2 and 4 in areas not reserved for those purposes.

v) Enjoyment of nature :- Walking through, observing and enjoying the bush was seen as important to "the Nyungar way", whether undertaken as part of a family camping exercise or as an individual. During visits, young people are taught about wildlife and respect for the bush. Many Nyungar people wrongly believed they were not allowed to use nature reserves for this activity.

vi) Commercial enterprises:- Use of Crown land for commercial enterprises was requested in all four zones. Activities include collecting wood for craft work, Nyungar artefacts and fence posts. Areas were also requested in zones 2, 3 and 4 for growing and picking wildflowers for sale.

vii) Firewood collection:- Areas were requested, particularly in zones 2 and 4, for collecting firewood for private use.

AREAS REQUESTED FOR CULTURAL ACTIVITIES

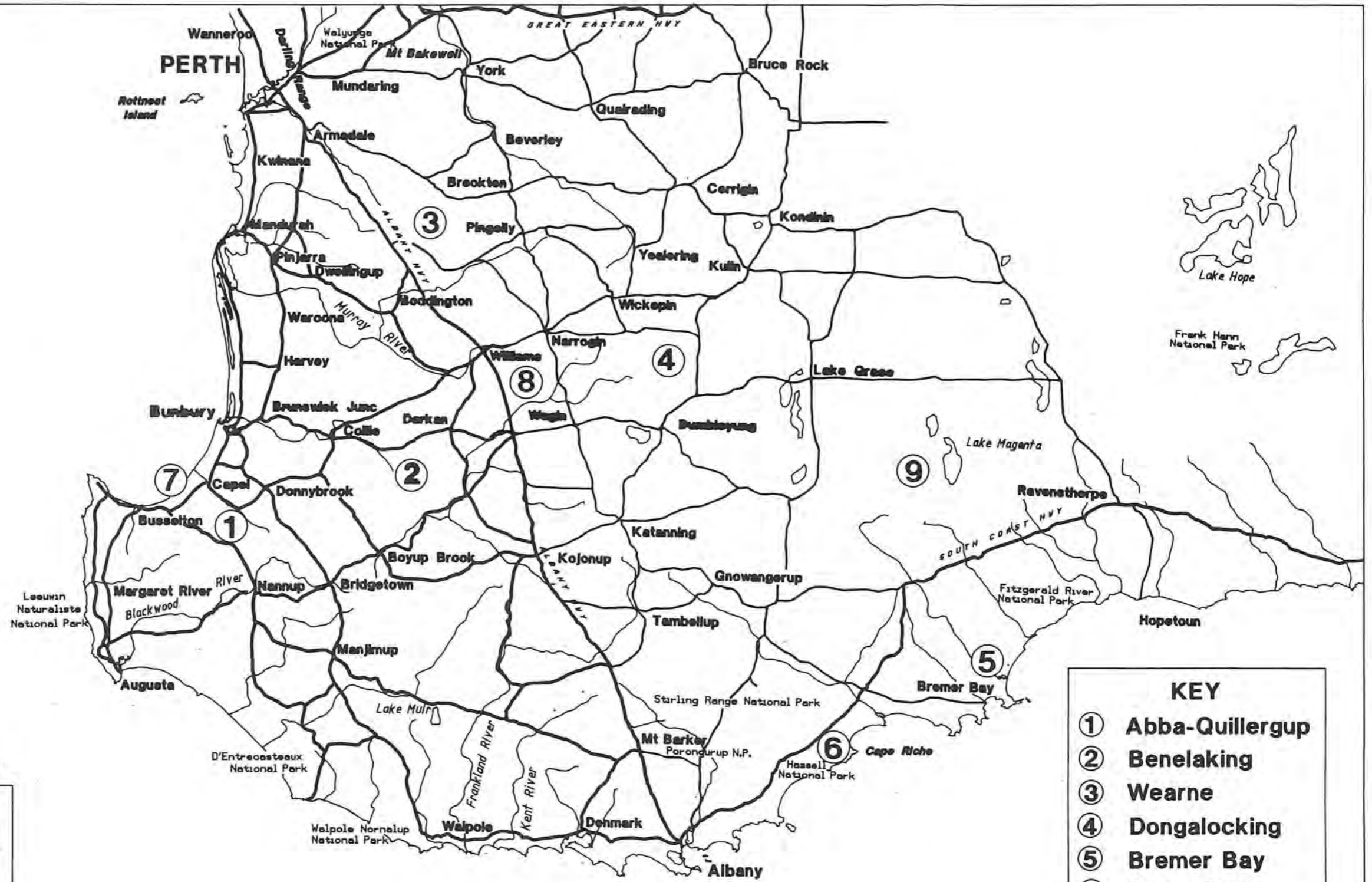
Nyungars expressed a strong desire for areas to be set aside where they can legally engage in cultural activities. Details of specific areas requested in zones 1, 2 and 4 are shown in Map 3.

i) Hunting, camping and gathering:- In zone 1, people from Busselton requested an area in Abba or Quillergup State forest blocks. Exact location of a site or sites in these blocks was not given. Also in zone 1, people at Collie requested an area near Benelaking, approximately 50 kilometres east of Collie. In zone 2, people from Narrogin requested permission to use 2 hectares of Dongalocking Nature Reserve approximately 45 kilometres east of Narrogin, and an area in Quinns Block, Highbury State forest.

Brookton people nominated an area in Wearne State forest block, 40 kilometres west of Brookton.

In Zone 4, Bremer Bay is an important gathering place for Nyungars from the southern part of the wheatbelt who have visited the area for at least 50 years. People from Katanning, Tambellup, Gnowangerup, Albany and Narrogin currently use the area. Nyungars were shifted from their original camping site there to another site before moving to their present camping area, an old gravel pit which is currently used as a rubbish dump by the local shire. Consequently, camping and hunting sites in the Bremer Bay area were strongly requested in zone 4. Nyungar people also use a site at Cape Riche extensively and requested that this area be set aside for them. People from Katanning also requested use of an area at Lake Magenta Nature Reserve, 150 kilometres east of Katanning.

ii) Teaching young people:- While Nyungar culture and bush knowledge is passed on to young people during the hunting, gathering and camping activities, teaching also occurs on a "day visit" basis to Nyungar and non-Nyungar children in zones 1, 2 and 4. This is usually done by Aboriginal Education Officers at high schools, but may also involve senior Aboriginal people from the community. In Busselton, Nyungar people asked for an area of the Ludlow National Park to use for this teaching and performing corroborees.

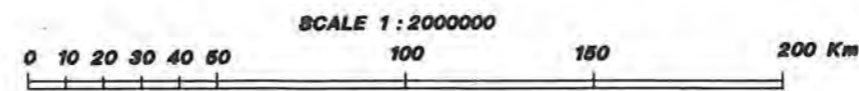


Locality Map



KEY	
①	Abba-Quillergup
②	Benelaking
③	Wearne
④	Dongalocking
⑤	Bremer Bay
⑥	Cape Riche
⑦	Ludlow
⑧	Quinns
⑨	Lake Magenta

AREAS REQUESTED FOR SOCIO-CULTURAL ACTIVITIES



MAP 3

LAND TENURE

The second major task of the project was to:

- i) determine what Crown land tenure categories are in the study area,
- ii) collate land tenure details of areas used by Nyungar people, and
- iii) examine the legislation which affects Aboriginal use of each Crown land category in the study area.

Crown land in study area:- Crown land is all land in Western Australia that is not owned under freehold title. Information regarding vesting and location details of all Crown land in the study area is not readily available. Details of some areas are available from current topographical plans and Table 2 shows the distribution of those areas in each zone and the associated vesting and management authorities.

Current use of Crown Land:- Nyungars most frequently use State forests and nature reserves. Zones 1 and 2 are both close to State forest areas. In contrast, zones 3 and 4 are in the southern and eastern parts of the wheatbelt where most remaining bushland occurs in nature reserves and national parks. The recorded frequencies for "Other Crown Reserves" are only approximate as Nyungars occasionally indicated use of "all" reserves within their area without being specific. Table 3 shows the approximate number of areas used in each zone and the associated tenure.

TABLE 2 KNOWN CROWN LAND TENURE CATEGORIES, MANAGEMENT AND VESTING AUTHORITIES IN EACH ZONE.

ZONE	1	2	3	4	VESTING AUTHORITY	MANAGING AUTHORITY
TENURE						
State Forest and Timber Reserves	Majority of Zone	Dryandra and Highbury S.F. Weame and Wandering Forest Blocks	NIL	Large area of west end, south-east of Rocky Gully	LFC	CALM
National Parks, Conservation Parks and 5g Reserves	Leeuwin-Naturaliste, Yalgorup, Ludlow, Dale Lane-Poole Monadnocks	NIL	Frank Hann National Park adjoins eastern boundary	Walpole-Nornalup, William Bay, Torndirrup, Two Peoples Bay, Stirling Range, Fitzgerald River	NPNC	CALM
Nature Reserves	Some along eastern boundary	Numerous	Numerous	Numerous	NPNC	CALM
Water Reserves	Benelaking (east of Collie)	∅	∅	Kent River Catchment	WAWA	WAWA
Land Act Res	∅	Helena River Catchment	∅	∅	WAWA	WAWA & CALM
Timber Reserves (unvested)	∅	Lupton Forest Block	∅	∅	UNVESTED	DOLA
* Vacant Crown Land (VCL)	Benelaking & Muja Forest Blocks	Boyagarring Luptons Hill Gunapin Rock	Some small areas.	Crossing and Surprise Forest Blocks	UNVESTED	DOLA
Other Crown Reserves	SCATTERED THROUGHOUT ALL ZONES				VARIOUS AUTHORITIES eg LGA	

KEY: CALM = Department of Conservation and Land Management.

LFC = Land and Forests Commission

NPNC = National Parks and Nature Conservation Authority

WAWA = Water Authority of Western Australia

DOLA = Department of Land Administration

S.F.= State Forest

" ∅ " = areas of this category possibly present, more research required.

LGA = Local Government Authorities

NOTE: * Much of the VCL which is forest or has high conservation values has been recommended by the Environmental Protection Authority for inclusion in the CALM estate with vesting in the LFC or NPNC. Most of the recommendations have been adopted in CALMs' three forest region management plans which were approved by the Minister for the Environment after substantial public consultation.

TABLE 3. NUMBER OF CROWN LAND AREAS USED (BY TENURE AND ZONE)

TENURE ZONE	STATE FOREST & TIMBER RESERVES	NAT'NL PARK	NATURE RES.	WATER RESERVE	PAST.RL LEASE	OTHER CROWN RES.	VACANT CROWN LAND	TOTAL AREAS USED IN EACH ZONE
1	20	3	-	3	1	1	-	28
2	4	-	7	-	-	4	-	15
3	-	1	11	-	-	1	-	13
4	-	2	15	-	-	2	1	20
TOTAL	24	6	33	3	1	8	1	76

Legislation and policy governing Aboriginal activities on Crown land:- The Land Act 1933, administered by the Department of Land Administration (DOLA), applies to all Crown land and provides for the establishment of reserves, which may be "vested" in a designated body or trust. "Vesting" under the Land Act conveys care, control and management of a reserve, but not "ownership" of the land. Except where provided in other legislation, ultimate responsibility for legal and policy oversight in relation to vested reserves remains with DOLA.

Other legislation provides for the management of some vested reserves by various authorities, Government departments or commissions. For example, most national parks and nature reserves are vested in the National Park and Nature Conservation Authority (NPNCA) and managed by CALM according to the CALM Act 1984. Aboriginal reserves are vested in the Aboriginal Lands Trust (ALT) under the Land Act and managed according to the Aboriginal Affairs Planning Authority Act 1972.

There are also "unvested reserves" and "Vacant Crown Land". Unvested reserves are areas reserved for some purpose, but not vested in any authority, department or commission. An unvested reserve may be considered occupied if it is being actively managed, however this is often difficult to determine. Some categories of unvested reserves are under the management of particular agencies - eg., "Schoolsite" reserves are under the management of the Education Ministry. Vacant Crown Land(VCL) is that which is not reserved for any purpose, and not vested in any authority, department or commission.

Generally speaking, unvested reserves and VCL are the direct responsibility of DOLA, however, much of the VCL in the study area which is forest or has high conservation values has been recommended to become part of the estate managed by CALM. The recommendations were originally made by the Environmental Protection Authority in the System 6 report, and have been largely adopted in CALMs' three forest region management plans which were approved by the Minister for the Environment after substantial public consultation. Therefore the VCL listed in Table 2 may change tenure in the near future.

A number of Acts of Parliament make specific provision for Aboriginal activities. Key sections are:

- The Land Act 1933, Section 106[2], allows an Aboriginal person to "*enter upon any unenclosed and unimproved parts of the land the subject of a pastoral lease to seek their sustenance in their accustomed manner*". Although the wheatbelt region originally had many pastoral leases, there are no unenclosed and unimproved pastoral leases remaining within the study area.

- The Aboriginal Affairs Planning Authority Act 1972, Section 32[1], provides "*that the right to the exclusive use and benefit of any*" Aboriginal reserve lands "*shall be reserved for the Aboriginal inhabitants of that area, being persons who are, or have been normally resident within the area, and their descendants*". Some Aboriginal reserves still exist within the study area, however most have been revested in other Government bodies for different purposes.

- The Wildlife Conservation Act 1950, Section 23, states that "*a person of Aboriginal descent .may take fauna or flora upon Crown land or any other land, not being a nature reserve or wildlife sanctuary, but where occupied, with the consent of the occupier of that land, sufficient only for food for himself and his family*". If the numbers of any species of flora or fauna are unduly reduced by Aboriginal hunting or gathering, these concessions may be restricted or suspended. Except for dugong, declared rare and specially protected fauna and flora may not be taken.

The "occupier" of each tenure category is the associated vesting or managing authority. For the purposes of this report, the lands managed by CALM are deemed to be occupied Crown land referred to above. If consent in writing to take flora and fauna is to be considered, then it may be effected through the guidelines described in Tables 4a to 4d (pages 22-25). Permission is not needed to hunt and gather on Vacant Crown Land and unoccupied unvested reserves.

• The Fisheries Act 1905, Section 56 allows an Aboriginal person to take "*fish for food for himself and his family*" subject to closed season restrictions, methods of capture and size restrictions as stated in Sections 9, 10, 23, 23A, 24 and 26 of the Act.

Management of Crown land is governed by legislation and each managing authority implements its legislation according to policies which may change from time to time. Legislation affecting the major Crown land categories in the study area has been examined and the principal aspects recorded:

i) Most water reserves and catchments are vested in and managed by the Water Authority of Western Australia. In some cases, CALM shares the management responsibilities with WAWA (for example, water reserves in the wheatbelt that are reserved for conservation of flora and fauna). For recreational purposes, reserves and catchments are divided into four classes:

1. Small reservoir for domestic purposes;
2. Catchment for a large reservoir supplying water for domestic purposes;
3. Catchment and reservoir for supplying water for irrigation purposes;
4. Catchment declared as a reserve and held for future construction of a reservoir.

Use of reserves or catchments for cultural activities is restricted according to its classification. A *class 1* catchment may have a public exclusion zone over the whole area, whereas on a *class 4* catchment only activities likely to cause long-term degradation of water quality are prohibited. [Examples in the study area are Kent River (*class 4*) and Bennelaking (*class 2*) see Table 2]. General community expectations and State forest regulations prohibit activities such as hunting and firearm use. Permission for use of catchments and reserves should be sought from WAWA.

ii) Camping is permitted on most Crown land tenure categories under certain conditions and where it is consistent with the purpose of the reserve. Permission for camping in temporary shelters such as tents is not required on VCL and unoccupied unvested reserves. Authority from DOLA is required to erect permanent shelters. On unvested reserves which are actively managed permission should be sought from the relevant managing authority. Local Government Authority By-Laws concerning camping should be adhered to.

Aboriginal people are permitted to camp on Aboriginal reserves, subject to ALT lease conditions and the Aboriginal Communities Act 1979 (pers.comm., ALT, October 1991). Camping on CALM estate is usually confined to designated sites in temporary shelters.

iii) Tables 4a to 4d (pages 22-25) show the applicable legislation governing activities on the other Crown land tenure categories. Permission for many activities on the various tenures may be granted. However, the associated policies and management strategies of the authorities usually mean that permission is withheld. Permission is usually granted when the activity is considered consistent with the designated purpose of the reserve. Where reserves have a conservation purpose, it is important that permitted activities do not detract from or threaten the nature conservation values.

iv) The Bush Fires Act 1954 and local government authority by-laws designate times of the year when fires may not be lit in the open, regardless of the land classification. This should be considered when examining "Lighting of Fires" on all tenure categories in Table 4.

OTHER ISSUES

Three other important issues arose during the project. People often inquired about:

i) gaining Aboriginal tenure for areas of land. Usually these were for former Aboriginal reserves which have since changed purpose and vesting, and are now shire reserves, nature reserves, private land or some other category. It was recommended that these enquiries be submitted through the ALT to the relevant vesting authority.

ii) employment opportunities with CALM. Opportunities for further contract work and Aboriginal ranger positions were requested, and involvement in the management of reserves and State forest areas.

iii) what activities they could legally undertake on Crown land. They expressed a wide range of beliefs about this, from not being allowed to use any Crown land, to being allowed to use all Crown land for whatever purpose they chose. A general belief was expressed that all Crown land was the same regarding legality of activities.

TABLE 4 a: ACTIVITIES ON CROWN LAND**TENURE: STATE FOREST and TIMBER RESERVES****VESTING AUTHORITY: LFC MANAGING AUTHORITY: CALM**

ACTIVITIES	RELEVANT LEGISLATION	CONDITIONS	COMMENTS
HUNTING	CALM Act WLC Act, s23 WLC Regs.	The WLC Act allows an Aboriginal person to take food for himself and his family from Crown land, with permission of the occupier, except on nature reserves. Declared rare and specially protected fauna and flora may not be taken, except for dugong. Permission may be granted by Executive Director(ED)of CALM subject to the conditions of the WLC Regulations.	
GATHERING	CALM Act WLC Act, s23 WLC Regs.	Licences may be granted by the ED to take forest produce or protected flora, consistent with a management plan.	WLC Act provision for Aboriginal people applies.(see above)
USE OF FIREARMS	CALM Act For. Regs. Fms. Act	For. Regs. prohibit use or carrying of firearms unless consent to do so has been granted by ED.	Firearms must be licensed and use will generally be in accordance with an approved management plan.
FISHING	Fish. Act, s56	Fish. Act allows an Aboriginal person to take fish for food for himself and his family subject to closed season, method of capture and size restrictions.	Access may be restricted for forest management purposes.
LIGHTING OF FIRES	CALM Act BF Act	Fires may not be lit without lawful authority.	Fires may generally be lit in designated fireplaces, or with ED permission. Observe local authority fire restrictions.
CAMPING	CALM Act	Permitted at designated sites. Backpack camping is permitted in most areas of Stateforest.	CALM District and Regional Offices can provide details of designated sites.
NATURE ENJOYMENT (general access)	CALM Act	Consistent with multiple land use objectives identified in forest management plans.	May be restricted if conflicts with a higher priority land use.
FIREWOOD COLLECTION (non-commercial)	CALM Act	Permission may be given to collect firewood for personal use.	Usually granted by CALM District Offices.
COMMERCIAL ENTERPRISES	CALM Act WLC ACT	Licences, contracts or leases may be granted by the ED with such conditions as he thinks fit.	Must be consistent with the multiple land use objectives identified in forest management plans.

TABLE 4 b:**ACTIVITIES ON CROWN LAND****TENURE:** NATIONAL PARKS, CONSERVATION PARKS and '5g' RESERVES**VESTING AUTHORITY:** NPNCA **MANAGING AUTHORITY:** CALM

ACTIVITIES	RELEVANT LEGISLATION	CONDITIONS	COMMENTS
HUNTING	CALM Act WLC Act,s23 WLC Regs. NP Regs.	WLC Act provision for Aboriginal people applies(see Table 4a). Permission may be granted by ED subject to NP Regs.,WLC Regs. and provisions of a management plan.	Permission would depend on details such as species, nos. taken, methods and access constraints.
GATHERING	CALM Act WLC Act,s23 WLC Regs. NP Regs.	As above	Permission would depend on details such as species, intensity of gathering and access constraints.
USE OF FIREARMS	NP Regs., no.28 Fms. Act	Permission of ED is required to carry or discharge a firearm.	Firearms must be licensed and use will generally be governed by approved management plan.
FISHING	Fish. Act, s56 NP Regs.	Fish. Act provisions for Aboriginal people applies. (seeTable 4a)	Access to fishing sites subject to CALM Act and NP Regs. Access prescriptions are usually described in management plans.
LIGHTING OF FIRES	NP Regs.,no.29 BF Act	Only in designated fireplace or with approval of the ED.	Observe local authority fire restrictions.
CAMPING	NP Regs., no.36	In an authorised area or with the approval of ED.	Permission may be given subject to the suitability of the site and access.
NATURE ENJOYMENT (general access)	CALM Act NP Regs.	As consistent with the proper maintenance and restoration of the natural environment and protection of flora and fauna.	This is a major purpose of national parks.
FIREWOOD COLLECTION (non-commercial)	NP Regs.	Permission may be given for collection of firewood for immediate onsite use.	This is generally considered not consistent with the purpose of the reserve.
COMMERCIAL ENTERPRISES	CALM Act s99 to 101	Licences or leases may be granted by ED with the approval of the NPNCA and the Minister for Environment. Must be in accordance with a management plan.	Must be consistent with the purpose of the reserve. eg. Low key tourist facilities or cultural tours.

TABLE 4 c: ACTIVITIES ON CROWN LAND

TENURE: NATURE RESERVES

VESTING AUTHORITY: NPNCA MANAGING AUTHORITY: CALM

ACTIVITIES	RELEVANT LEGISLATION	CONDITIONS	COMMENTS
HUNTING	CALM Act WLC Act WLC Regs.	Generally not allowed except in designated game reserves declared open during the hunting season.	Hunting and gathering may be approved in special circumstances in accordance with WLC Regs 42(2) & 46(b & i) and consistent with an approved management plan.
GATHERING	As above		
USE OF FIREARMS	WLC Regs. 46(j) Fms. Act	To take, carry, operate, fire or use any firearm requires permission of ED, and must be in accordance with an approved management plan. A licensed shotgun may be used on a game reserve open during hunting season.	Generally not considered to be consistent with the purpose of a nature reserve.
FISHING	WLC Regs., 46(i) Fish. Act	Access to fishing sites is very restricted, subject WLC Regs., and usually described in management plan. Fisheries Reg. apply over taking of all fish stocks.	Generally not allowed. Considered inconsistent with the purpose of a nature reserve.
LIGHTING OF FIRES	CALM Act WLC Regs., 46(m) BF Act	With the written permission of ED.	Generally not considered consistent with the purpose of the reserve.
CAMPING	CALM Act WLC Regs., 44(2)	With the written permission of ED.	Generally not considered consistent with the purpose of the reserve.
NATURE ENJOYMENT (general access)	CALM Act	Must be consistent with the conservation of the natural environment and protection of flora and fauna.	Where such activities promote study and appreciation of nature, they are generally endorsed.
FIREWOOD COLLECTION (non-commercial)	CALM Act WLC Regs., 46(b)	Generally not allowed, but permission may be granted by ED.	Not considered consistent with the purpose of the reserve.
COMMERCIAL ENTERPRISES	CALM Act	Licences may be granted by the ED with the approval of the NPNCA and the Minister for Environment, and must be in accordance with an approved management plan.	Generally commercial enterprises are not considered consistent with the purpose of the reserve. However enterprises such as cultural tours may be permitted, but no exploitation of plants and animals is allowed.

TABLE 4 d:**ACTIVITIES ON CROWN LAND****TENURE:** VACANT CROWN LAND (VCL) and UNVESTED RESERVES**VESTING AUTHORITY:** NONE **MANAGING AUTHORITY:** DOLA
(& for some activities,CALM)

ACTIVITIES	RELEVANT LEGISLATION	CONDITIONS	COMMENTS
HUNTING	WLC Act, s23 WLC Regs. Land Act	The WLC Act allows an Aboriginal person to take food for himself and his family from Crown land, with permission of the occupier,except on nature reserves. Declared rare and specially protected fauna and flora may not be taken, except for dugong.	Under the provisions of the WLC Act, permission is not required to take plants & animals from VCL and unoccupied unvested reserves. Permission to hunt in occupied unvested reserves should be sought from the relevant authority.
GATHERING	WLC Act, s23 WLC Regs. Land Act		
USE OF FIREARMS	Land Act Fms. Act	Firearms must be licensed.	DOLA generally refuses permission to discharge firearms on reserved Crown land.The provisions of the WLC Act allow use of firearms by Aboriginal people for hunting on VCL & unoccupied,unvested reserves.
FISHING	Land Act Fish. Act, s56	Fish. Act allows an Aboriginal person to take fish for food for himself and his family subject to closed season,method of capture & size restrictions.	Specific enquiries should be directed to the local Fisheries office.
LIGHTING OF FIRES	Land Act BF Act	Fires may only be lit with lawful authority. Bush Fires Act states restricted and prohibited seasons for lighting fires.	Fires may generally be lit in designated fireplaces. Local authority fire bans should also be observed. Information on these and local restricted burning seasons can be obtained from local shire offices.
CAMPING	Land Act, s164	Permission is not required to camp occasionally on VCL & unoccupied unvested reserves in temporary shelters (eg tents). Regular camping should not occur where it is inconsistent with the reserves purpose. Construction of permanent fixtures is illegal. Permission to camp on occupied unvested reserves should be sought from the relevant authority. LGA By-Laws must be observed.	
NATURE ENJOYMENT (gen. access)	Land Act, s164 WLC Act WLC Regs.	Generally encouraged, however should be consistent with the proper maintenance and restoration of the natural environment & protection of flora & fauna.	
FIREWOOD (non-commercial)	Land Act, s164	The Land Act prohibits the removal of plants etc. from Crown land. Removal of sandalwood and other forest produce is managed under the Sandalwood and CALM Acts respectively.	
COMMERCIAL ENTERPRISES	Land Act, s164 WLC Act & Regs CALM Act S/Wood Act	Removal of fauna and flora is also regulated by the WLC Act and Regs.	

Discussion

Many Aboriginal groups living in towns of Australia have combined indigenous cultural traits with introduced ones. They have attempted to re-establish, maintain or strengthen their identity as Aboriginal people (Barwick, 1963; Hausfield, 1977; Barwick, 1988; Morris 1988). Barwick (1988) emphasizes the importance of family groups and associated relationships in this expression of identity.

Howard (1979) in a paper entitled '*Southwest Aboriginal Society*' discusses the attempt by Nyungar people to "maintain their identity and a style of life which is in many ways distinct and not without merit" (p98). Birdsall (1988) suggests that their success in doing this has been a product of their strong social structure which is orientated around family groups and activities. Many of the activities revealed in this report involve this same social structure and emphasis on family groups and relationships. Hunting and camping, teaching young people and sharing of kangaroo meat with elderly relatives, who cannot hunt any more, all indicate a strong social structure among Nyungar people.

NYUNGAR LAND USE

Nyungar land use has a number of important factors.

i) The basis of land use:- Current and future activities are based on maintaining and strengthening their Nyungar identity. This issue of identity is expressed through the strong relationship felt for the natural environment and the importance of sharing knowledge, experiences and materials from that environment with the family group. This is shown in the broad range of wildlife species used for food, medicine and artifacts (Tables 1a and b).

Previous research has revealed the importance of the land and activities such as hunting and camping. The strong ties to old camping areas at Bremer Bay and Cape Riche described in Roberts and Eades (1984) report have not diminished over the intervening years. It appears that the desire to undertake activities such as kangaroo hunting, is not just based on a physical need for food. It is a part of "the Nyungar way", a cultural need, that maintains and strengthens their identity as Aboriginal people whose social and demographic environment has changed dramatically since European settlement. This is the main reason that Nyungars have asked for areas where they can legally hunt, gather, camp and undertake other cultural activities.

ii) The effect of activities:- The effect of Nyungar land use on nature conservation values of Crown land is unclear. Tables 1a and b show that approximately 24 plant and 12 animal species are taken by Nyungars. Table 3 shows that 63 of the 76 areas used are CALM estate. Thirty-nine are primarily reserved for nature conservation (nature reserves and national parks). The 24 areas of State forest and timber reserve used are managed for multiple land use objectives which include conservation of flora and fauna.

The data shown in Tables 1 and 2 raise some important management issues:

- The extent of Nyungar hunting and gathering activities suggests a comprehensive use of wildlife from areas of various nature conservation value. The numbers taken within each species and the effect of this on local wildlife communities are not known. However, it is probable that some effect is occurring. Burbridge and McKenzie(1989) have identified 14 mammal species which are extinct and 12 others which have declined in numbers in the wheatbelt region. The listing of the Tammar Wallaby (*Macropus eugenii*), Southern Brown Bandicoot (*Isoodon obesulus*) and Western Ringtail Possum (*Pseudocheirus occidentalis*) as species that are rare and likely to become extinct, indicates the concern that CALM has for future population levels of these animals. In contrast, although population levels of the Western Grey Kangaroo (*Macropus fuliginosus*) may be seriously depleted in local communities by hunting, the overall population levels are not currently threatened.

Aboriginal people argue that non-Aboriginal land management practices (for example, overclearing) and the introduction of feral animals, rather than hunting, is responsible for the decline in some species numbers. This is almost certainly correct, however, hunting may decrease the population of a species already in decline.

- Nature reserves are established specifically for the conservation of wildlife. Their use for activities such as hunting, camping, commercial enterprises and firewood collection may have a serious detrimental effect on their nature conservation values. CALM Policy Statement 31 titled *Management of Reserves for the Conservation of Nature* (March 1990) highlights the importance of these reserves in the Wheatbelt Region where it says:

"even the smallest reserves have an important role in the retention of examples of the native habitat which existed before fragmentation of the original landforms and vegetation, and in providing habitat for certain sedentary elements of the fauna, and corridors or linkages between reserves as well as habitat for migratory and nomadic species" (p3).

More detailed research is required to assess current populations of wildlife species on nature reserves and other CALM estates with high conservation values, and the level of impact that Nyungar activities (current and future) are likely to have on them.

CONFLICT OF INTEREST

Although some activities may be permitted, the use of the conservation estate for some Nyungar activities is considered inconsistent with the purpose of the reserves (Tables 4 b and c). This conflict of interest between CALM and Nyungar people regarding the use of wildlife conservation estates is an Australia-wide problem and was discussed by delegates at the recent Millstream-Chichester (State) and Cairns (national) conferences on Aboriginal involvement in nature conservation. The conferences and this study clearly show that Aboriginal people want more involvement in management decisions concerning the conservation estate.

There have been suggestions of State-wide working parties to address these major issues. However, Nyungar people would benefit greatly from the establishment of a local committee that can discuss local issues relevant to them. They would like to see people they know meeting together, so they know who to approach and discuss their concerns with. CALM has undertaken to increase its involvement with Aboriginal people as a necessary step in improving the management of the nature conservation estate.

STEPS TO IMPROVE THE MANAGEMENT OF NATURE CONSERVATION

The following steps outline ways in which CALM and Nyungar people can work together to meet some of their needs and responsibilities in relation to Crown land in the south-west.

1. Consultative group:- Most Nyungars are shy about approaching Government departments to ask for information or discuss issues, and expressed strong approval that CALM has communicated with them through this project. It is necessary to establish a mechanism which assists CALM and Nyungars to continue communication on important issues. Currently, addresses can be made by CALM to the SAC Executive and Aboriginal Advisory Council meetings (which representatives of CALM attend once a year) to keep them informed of developments. However, it is very difficult for community people to make their views known to CALM.

A consultative group comprising representatives from the Nyungar community and CALM is needed. This group could address specific problems and issues as they arise and be responsible

for the transfer of information between the parties. For example, the group might review current policy and legislation and consider recommendation for changes to these; they might advise CALM on the development of socio-cultural projects and employment opportunities for Aboriginal people in the south-west.

2. Wildlife/ecology seminars:- Both CALM and Nyungar people have knowledge of wildlife and ecology in general. The Nyungar source is mainly a result of their cultural affinity and use of the bush. Despite the cultural modification and disruption discussed previously, some knowledge has been passed on over thousands of years of experience and relationship with the land. Scientific research forms the base from which CALM seeks to manage the nature conservation values of the estate for which it is responsible. Ecology/wildlife education courses involving Nyungars and non-Nyungars in the teaching and learning roles would be an opportunity to share, use and give credit to both knowledge bases.

As the natural vegetation in the wheatbelt has been drastically modified since 1900 (Haebich, 1988), Nyungars may be able to provide valuable information about previous and current population levels of various wildlife species, effects of changes to mammal and bird habitats and the distribution, importance and uses of some plant species. The ecology/wildlife education courses would be an opportunity to inform Nyungars of CALM's conservation concerns, philosophy and approach. Seminars could be held at CALM facilities at the Perup Fauna Research Centre (east of Manjimup), and at Dryandra near Narrogin. Nyungar people and CALM staff could design, organise and conduct the courses jointly.

3. Clarification of laws:- Results of this study clearly show that Nyungar people extensively use the bush, and that this is not likely to decrease in the near future. They are unsure about the legality of their activities on some land, which is complicated by the various legislation governing activities on Crown land (see Tables 4a to 4d). CALM should indicate which areas are available for use and options for permission, and explain the legislation. This would assist Nyungars wanting to use some areas of Crown land legally and to direct their activities away from areas with high conservation values.

Nyungars have a number of possibilities to gain access to some non-CALM Crown land tenure categories to undertake their activities. For example, permission to use *class 2* and *4* water reserves such as Benelaking and Kent River (Table 2) may be easier to implement than permission to use State forest. Aboriginal people can camp in temporary shelters and hunt on Vacant Crown Land and unoccupied unvested reserves.

Areas of CALM estate such as State forest, timber reserves and national parks may be areas where Nyungars can pursue many cultural activities. Current legislation enables permission to be given for hunting, camping and some commercial enterprises on these tenure categories (Tables 4 a and b). The CALM Act 1984 enables the Executive Director of CALM to grant permits, licences and leases on lands vested in the LFC and NPNCA. Nature enjoyment is an activity which is consistent with the purpose of most CALM estate and is usually encouraged. Firewood collection is permitted in State forest and timber reserves, under directions from the relevant CALM office. It would not usually be permitted in national parks or nature reserves.

Ideally, Aboriginal people should be involved in developing this information and clarifying the laws. A number of Nyungar people in the south-west would be able to give helpful advice on this matter. When the information is produced it may also be distributed to police stations, as many Nyungars ask the police for advice on these matters in the absence of CALM Offices in their town.

4. Provision of maps:- As Nyungars can already legally use some tenure categories for activities, maps showing these areas could be supplied to the Aboriginal associations in each town. CALM staff could conduct workshops and meetings to ensure that the people know how to use the maps. The consultative group discussed previously and other CALM staff could assist in updating maps as required.

5. Aboriginal reserves:- Inquiries were made about many reserves that Aboriginal people previously lived on. Nyungars should be encouraged to investigate the current tenure status of these through the ALT, and apply for use of them where possible.

6. Kangaroo culling:- Farmers can apply for a damage licence to shoot kangaroos causing damage to their crops. Nyungars have asked to be involved in the culling process so that meat is not wasted. CALM should seek assistance from Aboriginal Affairs Planning Authority to establish a mediatory role between farmers and Nyungar people in relation to kangaroo culling. Meetings should be organized with farming group representatives to discuss Nyungar involvement in kangaroo culling on private property.

7. Assessment of nature reserves:- The possible threat that Nyungar activities pose to wildlife, particularly in areas of high conservation values, has been discussed. However, some reserves may be able to withstand some cultural activities. Nature reserves, particularly in the wheatbelt, should be assessed by CALM to see if any may be used, under specified conditions, without serious detrimental effects on their conservation values.

8. Use of LFC and NPNCA land:- Most Crown land in the study area is managed by CALM, but vested in the LFC or NPNCA (see Table 2). These controlling bodies should be advised of the results of this study and asked to consider ways of accommodating Aboriginal interests in land under their control. In particular, the LFC and NPNCA should be asked to:

a. approve the granting of leases, licences or permits to Aboriginal organisations for the use of designated areas for activities which are considered compatible or sustainable on a particular reserve. Such approval would only be sought on a case-by-case basis.

b. consider relinquishing control of some areas where nature conservation values would not be seriously threatened by Nyungar cultural activities.

9. Local government authorities:- Tables 2 and 3 show that some reserves are vested in local government authorities (LGAs) who may be unaware of the extent of Nyungar cultural affinity with the natural environment. Meetings between CALM staff and LGA representatives to discuss the outcomes of this study are necessary, and would give Authorities the opportunity to assist in meeting the cultural needs that Nyungar people have expressed.

10. Employment opportunities:- CALM recognizes that achievement of its responsibilities and objectives can be enhanced by the participation and contribution of Aboriginal people. The CALM Aboriginal Employment and Training Plan, (1989) states:

"Aboriginal people still hold a very strong interest in the land and the natural values of the land often regardless of whether their lifestyle is more traditional or that of a country town or city dweller. For these reasons there are numerous instances where the operations of CALM could be aptly assisted by the interest, knowledge, experience and expertise of Aboriginal people"(p19)

Nyungars have sought employment opportunities as Aboriginal rangers to look after reserves in their areas. Places of special significance to Aboriginal people that they wish to care for are located on various land tenure categories. CALM has had some experience with developing and implementing the community ranger concept with Aboriginal people in the Kimberley, Pilbara and Goldfields regions. A community ranger scheme in the south-west would allow Nyungar people, when trained, to contract their services to CALM, local shires, other Government departments and private organisations on a project or seasonal basis. Further employment opportunities exist through funding by the Australian National Parks and Wildlife Service for

contract employment projects. These have been successful in the past in the Pilbara, Kimberley, Goldfields and Wheatbelt regions.

11. Extension of project:- Communication with Nyungar people through this project has provided a unique opportunity for both them and CALM. Nyungars have had the chance to say how important the bush is to them, what they want to use it for and where. CALM has the opportunity to improve its management of nature conservation by close dialogue and interaction with a group of people who use the bush in a culturally specific way. The boundaries of the project area, as shown in Map 2, do not represent the full extent of the Aboriginal population of the Wheatbelt Region. Nyungar people also live in the remainder of that and part of the Greenough region (Map 2) and are represented by the Wheatbelt Aboriginal Corporation (WAC). Very little contact has occurred between CALM and the people in this area. By extending this study to the WAC area, CALM could open communication to this further audience and determine their needs and aspirations in regard to use of land and wildlife.

Conclusions

The study has revealed that Nyungar people are using Crown land for a variety of activities in the south-west region. The use of State forest, timber reserves, nature reserves and national parks is of particular interest to CALM because of its associated management responsibilities. The responses of the working group, summarised in the above steps involve some very positive pro-active suggestions that would allow CALM to improve its management of nature conservation in the south-west (particularly in the Wheatbelt).

Nyungar people have stated their current activities and needs in relation to Crown land. A cooperative approach between CALM and Nyungar people employing the suggestions made by the working group would benefit both parties in pursuit of their goals. Particularly important in the implementing of these suggestions will be the opportunity for Nyungar people to take some responsibility for the land they use and their activities upon it, in a cooperative role with CALM and other Government authorities.

In summary, this report recommends that:

1. A consultative group be established to maintain communication between CALM and Nyungars on important issues.
2. Wildlife/ecology education courses be conducted jointly, including both CALM and Nyungar knowledge.

3. CALM clarify the laws governing activities on Crown land for Nyungar people, and encourage them to pursue options for permission on non-CALM estate.
4. Maps be provided that clearly show Nyungar people where they can pursue certain activities.
5. Nyungars be encouraged to liaise with ALT on current vesting and use of Aboriginal reserves.
6. CALM seek assistance from AAPA to meet with farming groups and local government authorities to discuss possible Nyungar involvement in kangaroo culling on a regular formal basis.
7. CALM assess whether parts or all of some nature reserves can be used for Nyungar activities, without having serious detrimental effects on their nature conservation values.
8. CALM recommend to the NPNCA and LFC that some areas vested in them be considered for use through granting permits, licences and leases, or even possibly relinquishing areas where nature conservation values are not seriously threatened.
9. CALM writes to local government authorities in the study area to advise them of the outcomes of the study and where appropriate meet with shire representatives to discuss issues of mutual interest and strategies for accomodating Aboriginal interests on shire land.
10. CALM investigates and develops employment opportunities for Nyungar people, in particular, the community ranger concept.
11. CALM continues this project in the WAC area.

3. What is the main thing you do in this part of the bush?

Picnics/family outings <input style="width: 30px; height: 20px;" type="checkbox"/> Fishing <input style="width: 30px; height: 20px;" type="checkbox"/> O/night camping <input style="width: 30px; height: 20px;" type="checkbox"/>		Hunting <input style="width: 30px; height: 20px;" type="checkbox"/> Gathering <input style="width: 30px; height: 20px;" type="checkbox"/> Long-term camping <input style="width: 30px; height: 20px;" type="checkbox"/>	then:
--	--	---	-------

For how long?

--

Other activities

4. Do other Aboriginal people that you know of use the area?

No Yes If so:

Where are they from?

5. What is the main thing they do in this part of the bush?

Picnics/family outings <input style="width: 30px; height: 20px;" type="checkbox"/> Fishing <input style="width: 30px; height: 20px;" type="checkbox"/> O/night camping <input style="width: 30px; height: 20px;" type="checkbox"/>		Hunting <input style="width: 30px; height: 20px;" type="checkbox"/> Gathering <input style="width: 30px; height: 20px;" type="checkbox"/> Long-term Camping <input style="width: 30px; height: 20px;" type="checkbox"/>	then:
--	--	---	-------

For how long?

--

Other activities?

(If more than one "other" Aboriginal group use the area, enter details on last page.)

6. When Aboriginal people go hunting in this area
 a) Which animals are hunted (and if possible, by which group)?

b) How are they hunted?

ANIMAL	METHOD	Ar		Gp	

c) What other animals do you see in this bush that are not hunted?

d) Which plants do you use from this bush, and for what purpose?

PLANTS	PURPOSE/S

e) Can you tell me about any rare or unusual plants or animals in this bush that we haven't already talked about?

PLANTS	ANIMALS

7. Do you have a campfire when you are in this bush?

No Yes

8. Do Aboriginal people set fire to this bush?

No Yes

APPENDIX II TOWNS VISITED DURING STUDY

TOWNS VISITED	INTERVIEWS	NO. PEOPLE
ALBANY	1	5
BEVERLEY	1	1
BODDINGTON	1	4
BOYUP BROOK	*	
BROOKTON	1	12
BRUNSWICK JUNCTION	1	3
BUNBURY	1	13
BUSSELTON	2	6,2
COLLIE	2	7,2
CORRIGIN	1	1
DONNYBROOK	*	
DUMBLEYUNG	*	
GNOWANGERUP	1	10
HARVEY	1	9
KATANNING	1	6
KOJONUP	*	
KONDININ) Combined		
KULIN)	1	5
MT BARKER	1	9
NARROGIN	1	6
PINGELLY	*	
PINJARRA	*	
TAMBELLUP	1	8
WAGIN	1	3
WAROONA	1	5
WICKEPIN	*	
YEALERING	*	

Initial contact made but no interview/meeting held. = *

Number of towns where Nyungars were contacted. = 27

Number of interview/meetings. = 20

Number of people involved = 117

APPENDIX III**KEY TO ABBREVIATIONS USED IN TABLES**

ABBREVIATION	GOVERNMENT BODY/LEGISLATION
ALT	Aboriginal Lands Trust
BF Act 1954	Bush Fires Act 1954
CALM Act 1984	Conservation and Land Management Act 1984
CALM	Department of Conservation and Land Management
DOLA	Department of Land Administration
Fish. Act 1905	Fisheries Act 1905
Fms Act	Firearms Act 1973
For. Regs.	Forest Regulations 1957
Land Act 1933	Land Act 1933
LFC	Lands and Forest Commission
NP Regs.	National Parks Authority Regulations [1977]
NPNCA	National Parks and Nature Conservation Authority
S/Wood Act	Sandalwood Act 1929
WAWA	Water Authority of Western Australia
WLC Act	Wildlife Conservation Act 1950
WLC Regs.	Wildlife Conservation Regulations 1970

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