



ETHNOGRAPHIC ASSESSMENT OF ALCOA'S PROPOSED HUNTLY MINE EXPANSION AT MYARA NORTH, WESTERN AUSTRALIA

October 2022

For Alcoa of Australia Ltd



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Warning

Please be aware that this report may contain images of deceased persons and the use of their names, which in some Aboriginal communities may cause sadness, distress, or offense.

Disclaimer

The authors are not accountable for omissions and inconsistencies that may result from information which may come to light in the future but was not forthcoming at the time of this research.

Report Format

Section 1 provides information on the scope of work, the survey area and the project personnel. Section 2 details the methods. Section 3 presents the results of background research. Section 4 presents the results of the project. Section 5 contains the advice and recommendations.

Spatial Information

All spatial information contained in this report uses the Geocentric Datum of Australia (GDA94), Zone 50, unless otherwise specified. All information obtained from [Client or Proponent] is assumed to be accurate to two decimal places. All spatial information obtained during fieldwork was taken using a handheld Garmin GPS with a purported accuracy of ± 3 m. Where we report spatial information collected in the field, we have opted for a slightly wider degree of accuracy of ± 5 m.

Authorship

This report was written by Dr. Myles Mitchell, Jennifer Mitchell, Phoebe Oliver and Paul Connolly, from knowledge and stories provided by Gnaala Karla Booja representatives. Fiona Hook reviewed the report for Archae-aus Pty Ltd.

The GIS data and maps were drafted by Myles Mitchell and Fiona Hook.

Executive Summary

“There was a spirit in every tree. A spirit in the wind. Spirit in everything. We still have that. This country is very spiritual to us.” Gail Fitzgerald, Noongar Traditional Owner

Scope of Works

Alcoa of Australia Limited (Alcoa) is proposing to increase production at Pinjarra Alumina Refinery and extend the Huntly Bauxite Mine to the proposed Myara North and Holyoake mine regions (the Proposal). The Proposal is located in the Shire of Serpentine in the Peel Region of Western Australia (WA), approximately 100 km south-east of Perth. The Proposal outlines several disturbance works within the Project Area including the construction of new road networks, totalling approximately 93km, a road crossing over the Serpentine River, and the construction of mine facilities for stockpiling, refuelling, vehicle washdown, fuel and oil storage, laydown areas, offices, carparks, toilets, and washdown treatment tanks and ponds.

This report details the results of an Ethnographic Assessment survey of the Huntly Mine expansion region at Myara North, southeast of the township of Jarrahdale. The assessment was conducted using a site identification methodology. This report includes the results of desktop research and a five-day field assessment with local Noongar Traditional Owner representatives.

Archae-aus was commissioned to undertake an Ethnographic survey so that Alcoa can be well informed and clearly understand the areas of cultural significance within the development envelope. Given the scope of the proposal, Archae-aus recommended also undertaking a Social Surroundings assessment as part of the Environmental Protection Authority (EPA) environmental impact assessment (EIA). Archae-Aus’s proposal was accepted by Alcoa, and became the Scope of Works for this survey.

This Ethnographic assessment was undertaken at the same time as a Social Surroundings assessment of the proposed Huntly Mine expansion at Myara North. The ethnographic assessment considers the potential Aboriginal heritage impacts of the proposal under the Aboriginal Heritage Act. The social surroundings assessment considers the potential social impacts of the proposal under the Environmental Protection Act. The results of the social surrounding assessment are reported in a separate document (*Social Surroundings Assessment of Alcoa’s proposed Huntly Mine Expansion at Myara North Report, 2022*). These reports complement each other and together provide a more comprehensive analysis of the potential impacts of the proposal on Aboriginal cultural *and* social values.

The results of this Ethnographic Assessment will be used by Alcoa to:

- ▶ Meet the requirements of the *Aboriginal Heritage Act 1972 (AHA)* and the future requirements of the *Aboriginal Cultural Heritage Act 2021 (ACHA)*, particularly for lodging potential s.18 applications, and will be conducted in accordance with the Noongar Standard Heritage Agreement (NSHA).

The results of the associated Social Surroundings Assessment (documented in a separate report) will be used by Alcoa to:

- ▶ Address the Environmental Protection Authority's (EPA's) Social Surroundings environmental factor under s.38 (Part IV) of the *Environmental Protection Act 1986*. Results that fall outside the remit of the EP Act will support Gnaala Karla Booja Traditional Owners and Alcoa in Caring for Country.

The fieldwork was conducted on Country between Monday 14th and Friday 18th March. Gnarla Karla Booja representatives as nominated by SWALSC participated in all aspects of fieldwork.

Results

The results of this assessment demonstrate the deep spiritual engagement of local Noongar people with the study area. The Noongar spiritual connection is embedded within a relationship of reciprocity between People and Country; and is the basis for Noongar people's ongoing commitment to engage with the sustainable management of land, water, flora, fauna, and cultural heritage, now and into the distant past.

The ethnographic and social surroundings assessments were undertaken together as part of a wholistic discussion about People and Country. The assessment considers Noongar values and potential impacts of the Alcoa proposal and seeks to make recommendations to mitigate the potential impacts. The results of the Social Surroundings assessment are documented in a separate report.

No new ethnographic sites were identified in the survey area. However, a wide range of cultural values and a strong and enduring sense of connection to the project area were clearly evident in the discussions with Noongar representatives. The survey reinforced the significant cultural values associated with the previously registered site Serpentine River (DPLH site ID 3582). The discussions also highlighted the significance of tangible heritage values within the survey area, including the previously identified archaeological sites and features. The Aboriginal representatives also expressed their concerns that human remains could be uncovered within the study area. These concerns are based on oral accounts of historical massacre events in the Jarradale area, which were passed down to members of the survey team by older family members.

At the conclusion of the study, the Traditional Owners did not oppose the Myara North proposal, but the study identified a number of potential impacts for Country and People. The recommendations aim to mitigate against the impacts of the project and Alcoa's operations more broadly. The values outlined in this assessment are not static. They are dynamic and they exist in varying states of reproduction and re-definition. Effective management of these values will require the active and ongoing involvement of the Traditional Owners.

Recommendations

The following advice concerning the Ethnographic survey of the Myara North region of the proposed Huntly mine expansion, is made to Alcoa of Australia Ltd and their contractors, in consultation with Gnaala Karla Booja consultants.

It is advised that Alcoa and their contractors are aware:

- 1) The Ethnographic assessment of the Survey area is **complete**;
- 2) No new ethnographic sites were identified in the survey area. However, a wide range of cultural values and a strong and enduring sense of connection to the project area were clearly evident in the discussions with Noongar representatives. The survey reinforced the significant cultural values associated with the previously registered site Serpentine River (DPLH site ID 3582);
- 3) Alcoa will need to seek Section 18 approval if it intends to proceed with the proposed haul road across the Serpentine River. The Section 18 application should note that the Traditional Owners consulted during this assessment expressed some concerns but did not outright oppose the haul road, provided the following conditions are upheld:
 - a) Water flow must be maintained at all times, and;
 - b) Noongar monitors are to be onsite during the initial vegetation and ground disturbance.
- 4) It is recommended that Alcoa commit to avoiding heritage sites wherever possible. Where this is not possible further consultation and engagement should be undertaken with GKB to develop appropriate mitigation and management processes. Should sites be impacted, Alcoa should seek s18 consent and develop a cultural heritage management plan for the place.
- 5) The Traditional Owners highlighted the risks of Aboriginal cultural material, or human remains being disturbed. This risk is based on the fact that thick vegetation and leaf litter in the survey area make artefact identification difficult; and that archaeological survey has only been undertaken in sample areas, so there is potential for previously unidentified archaeological materials to be uncovered during topsoil removal. Furthermore, Traditional Owners highlighted that based on oral history of massacre events near the study area, there is potential for Noongar human remains to be uncovered, which is of deep concern. On this basis, the group recommend that Alcoa engage suitably qualified Noongar monitors for the topsoil removal stage of vegetation clearing to manage risks associated with Aboriginal sites being accidentally disturbed. The challenges of undertaking an effective monitoring program on such a large scale are acknowledged. Therefore, Alcoa should work collaboratively with the GKB Traditional Owners to develop an effective process for managing these risks at Myara North.
- 6) It is recommended that Alcoa initiate a heritage site auditing program with Traditional Owners to periodically check and manage identified sites as part of a cultural heritage management plan for the Myara North project area;
- 7) Freshwater springs are places of high cultural and spiritual significance to Noongar people and should not be disturbed under any circumstances. Alcoa personnel acknowledged that sometimes springs are impacted by accident due to their presence being unknown. On this basis it is recommended that Alcoa give consideration to further hydrological and hydro-geological mapping of the study area to identify springs before they are impacted. Based on the results of hydro mapping, a cultural mapping and monitoring program should be undertaken with Traditional Owners to protect and manage cultural values at freshwater springs.
- 8) It is recommended that Alcoa maintain a 200m buffer around all waterways within the Project Area, and implement best practice water management and filtration systems to avoid the risk of contamination from mining
- 9) It is recommended that Alcoa erect signage at entrance to Huntly Mine site emphasising the Bindjareb Noongars as Traditional Custodians of the land;
- 10) It is recommended that Alcoa set up an Elders advisory panel to oversee cultural heritage management within the Gnarla Karla Booja area, including the Myara North project area;

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SECTION ONE – INTRODUCTION

Scope of Works

Archae-aus was engaged by Alcoa to complete an Ethnographic Assessment of the Huntly Mine expansion at Myara North. Alcoa of Australia Limited (Alcoa) is proposing to increase production at Pinjarra Alumina Refinery and extend the Huntly Bauxite Mine to the proposed Myara North mine region. The Scope of Works outlines several ground disturbance works within the Project Area including bauxite mining, the construction of new road networks, totalling approximately 93 km, a haul road crossing over the Serpentine River, and the construction of mine facilities for stockpiling, refuelling, vehicle washdown, fuel and oil storage, laydown areas, offices, carparks, toilets, and washdown treatment tanks and ponds.

The Ethnographic survey was conducted using a Site Identification Level recording to meet the requirements of the *Aboriginal Heritage Act 1972* (AHA), particularly for lodging any potential section 18 applications as required. The Scope of Works also stated that the survey was to be conducted in accordance with the Noongar Standard Heritage Agreement (NSHA), with the participation of Gnaala Karla Booja representatives nominated by the South West Aboriginal Land and Sea Council (SWALSC). Additional Traditional Owner representatives were added at the request of Alcoa due to their existing relationships and local knowledge.

The objectives of the Ethnographic Assessment were to:

- ▶ Identify any known or potential Aboriginal Ethnographic heritage sites within the Project area,
- ▶ Undertake research and/or consultation that may be required to meet the requirements of the *Aboriginal Heritage Act 1972*, particularly for lodging any potential s18 applications (if applicable),
- ▶ Undertake consultation with the representatives as nominated by the South West Land and Sea Council (SWALSC) who have a valid interest in, are knowledgeable about, and/or who have traditional rights and obligations in the Survey Area,
- ▶ Document all discussions and decisions by groups or individuals, including any limitations to information,
- ▶ Make recommendations regarding the management of any located sites, including further research and/or consultation that may be required during or after the works component of the project.

Aims and Purpose of Ethnographic Consultation

As detailed in the SoW, the primary aim of this ethnographic consultation is to identify and record any Aboriginal cultural heritage values within the survey areas. Ethnographic consultations also provide a culturally appropriate context in which information regarding project proposals can be shared directly with Traditional Owners with support and input from independent heritage consultants where appropriate. These consultations also provide the opportunity for Traditional Owners to be actively engaged in decision making about impacts to their country and cultural heritage.

The UN Declaration on the Rights of Indigenous People (UNDRIP) sets out the rights of Indigenous people around the world to set and pursue their own priorities for development, and to maintain and control their cultural heritage (United Nations General Assembly, 2007). The key provisions

relevant to mineral development in the Australian Context include Indigenous people having the right to:

- ▶ practice and revitalise their cultural traditions and customs, and states shall provide redress for cultural property taken without free, prior and informed consent (Article 11)
- ▶ practice their spiritual and religious traditions, customs and ceremonies, maintain sites, control ceremonial objects and repatriate human remains, and states shall seek to enable the access and/or repatriation of ceremonial objects and human remains (Article 12)
- ▶ maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions and intellectual property over such heritage, knowledge and culture, and states shall, in conjunction with Indigenous peoples, take effective measures to recognize and protect the exercise of these rights (Article 31)
- ▶ determine and develop priorities and strategies for the development or use of their lands or territories and other resources, and states shall consult and cooperate with Indigenous peoples in order to obtain their free and informed consent before the approval of any project affecting their lands, territories and resources, provide effective mechanisms for redress for any adverse impact from such activities (Article 32)

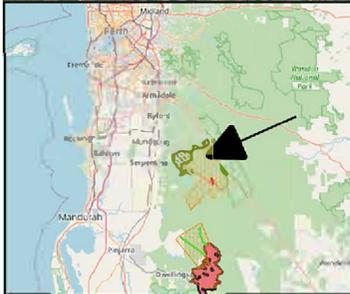
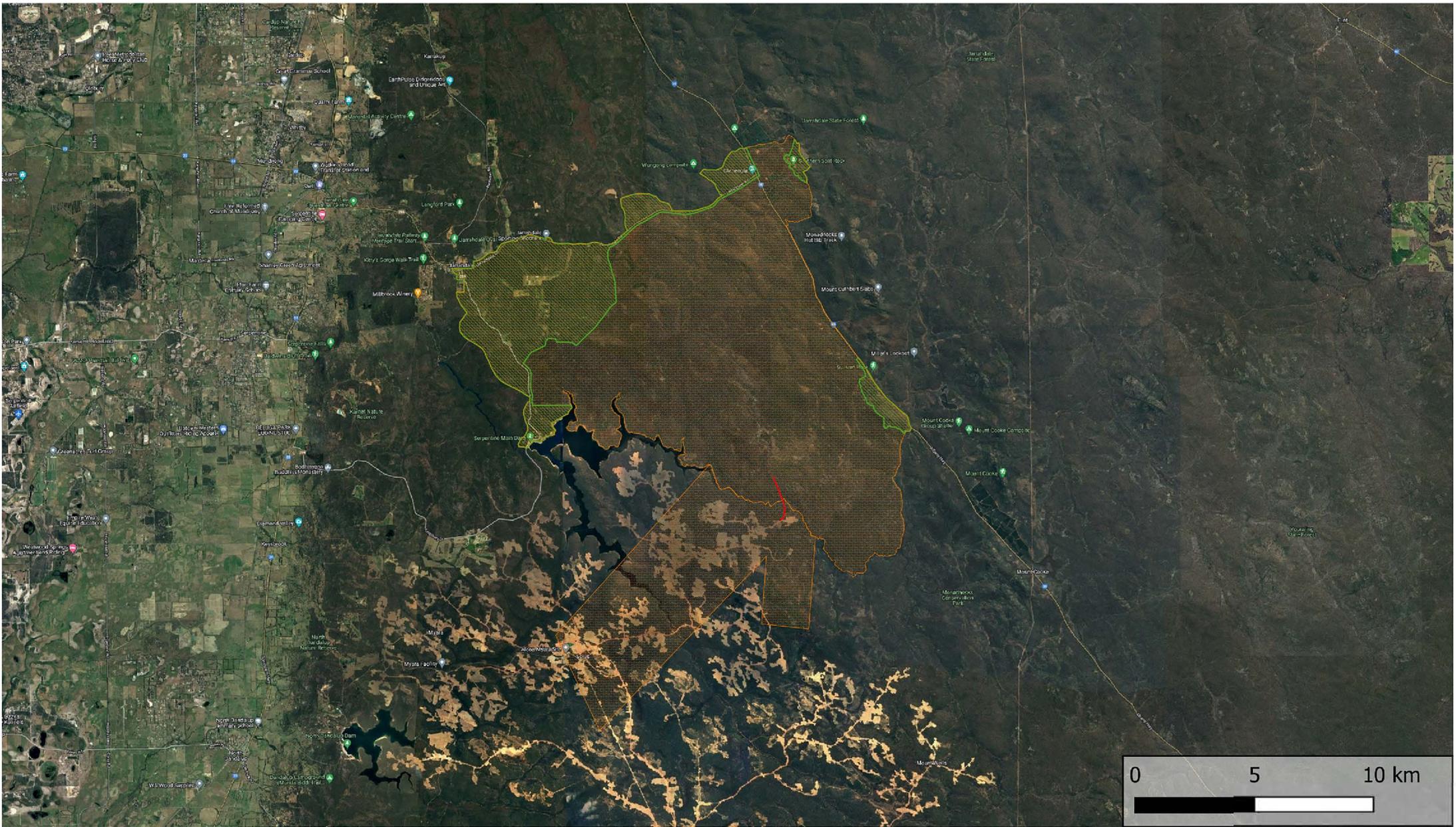
A core principle of UNDRIP is the right of Indigenous people to make decisions about development proposals that have the potential to impact their land and culture from an informed position that is free from coercion, intimidation or manipulation (Joint Standing Committee on Northern Australia, 2021). In order to uphold these principles, Free and Prior Informed Consent (FPIC) has been recognised as the best practice approach for engaging with Indigenous people when seeking consent for projects or activities that affect Indigenous people's culture or country (Owen and Kemp, 2014). Engaging in meaningful consultation that adheres to the principles of FPIC:

- ▶ Provides the opportunity to for parties to engage in transparent dialogue and information sharing
- ▶ Provides the opportunity for Traditional Owners to gain an informed understanding of work proposals while orientated and immersed in the landscape in question
- ▶ Ensures that Traditional Owners have access to the information that they require to make an informed set of decisions and recommendations about the work proposal
- ▶ Provides the opportunity for proponents to build meaningful relations with the Traditional Owners of the country on which they operate

While the UNDRIP has not been formally adopted into Australian law, there has been an increasing recognition within industry of the importance of FPIC in building meaningful relationships with Traditional Owners and maintaining a social licence to operate.

Project Area

The Project Area outlined in the Proposal is approximately 175 km² in size and is located within the Shire of Serpentine in the Peel Region of Western Australia (WA). The area is located immediately southeast of the township of Jarrahdale, extending from Jarrahdale Road on its north, the Serpentine Dam in the south and The Great Eastern Highway as its eastern most border. The Project area is approximately 50km north east of the town of Pinjarra and 100 km southeast of Perth (see Figure 1). The area is almost all native jarrah forest that has been logged in the past. Logging took place over 50 years ago and the forest has regrown to some maturity. There is only a small portion of old growth forest in the project area which Alcoa has committed to avoiding.



Legend

-  Myara North proposed development area
-  Mining Avoidance Areas
-  Proposed River Crossing



Map 1. Map showing general location of Myara North Project Area

Drafted by Myles Mitchell, 12th March 2022. GDA94, Zone 50. Satellite imagery courtesy of Google.

Personnel

Fieldwork Trip 1 14th -18th March 2022

Gnaala Karla Booja Traditional Owners

Bevan Hayden Snr	Bevan Hayden Jnr	Gail Fitzgerald
Mary Walley	Barbara Abraham	Elder Abraham
Phyllis Ugle	Theo Kearing Snr	Theo Kearing Jnr

Archae-aus

Myles Mitchell (Anthropologist)	Jennifer Mitchell (Anthropologist)	Phoebe Oliver (Anthropologist)
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Paul Connolly (Environmental Advisor. Did not take part in fieldwork but provided advice to the field team)

Alcoa

Miranda Ludlow (Approvals and Compliance Specialist)	Jason White (Production Supervisor)	
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Figure 2. The survey team in discussions

Reporting

This report was written by Dr. Myles Mitchell (BA Communication Studies – Archaeology *UWA*, Ph.D. Anthropology *ANU*), Phoebe Oliver (BA (Hons) Anthropology and Sociology *W.Aust*), and Jennifer Mitchell (BA (Honours) International Development Studies - University of California, Los Angeles, and MSc, Human Rights - London School of Economics). The report was edited by Fiona Hook (BA (Hons) Prehistoric Historical Archaeology *Sydney*).

The GIS data and maps were drafted by Myles Mitchell and Fiona Hook.

SECTION TWO – METHODS

The ethnographic survey of Alcoa’s Huntly Mine expansion at Myara North integrates methodologies to create a holistic and comprehensive assessment of both the heritage and social implications of environmental impacts of the proposed works. The social implications are documented in a separate report, but the methods cannot be disentangled here.

The surveys aim to not only highlight and identify the significant heritage within the project area but also assess the proposed works in terms of their impacts on the cultural, social, spiritual, aesthetic, ecological, and economic values of the Traditional Owners of the land across space and time.

Often there is a tendency to view heritage through the lens of tangible artefacts, while the concept of ‘values’ is viewed as an abstract concept. The integration of heritage and social surroundings assessment methodology collaborates the physical and nonphysical, tangible and intangible elements of heritage, to view the survey area not only for its tangible heritage and history but incorporating the potential impacts on current and future generations and their ability to care for their Booja (Country).

Desktop Review

The methods applied for conducting the desktop review included:

- ▶ Undertaking a search of the DPLH Aboriginal Heritage Inquiry System for Aboriginal Heritage Places that intersect with, or are near the work areas flagged for ethnographic survey and document the findings
- ▶ Use GIS software (QGIS) to accurately determine the intersection of survey areas with any Aboriginal Heritage Places listed on the AHIS
- ▶ Request and review any relevant Site Files and Heritage Reports from the DPLH where necessary
- ▶ Review all spatial data and reports of previous heritage surveys provided by the proponent
- ▶ Find and document any relevant information contained in any published and un-published material (primarily previous Heritage Survey Reports)

Fieldwork

The methods applied for conducting the field-based component of the ethnographic assessment were to:

- ▶ Facilitate a survey briefing to ensure the survey participants are aware of the intent and scope of the survey and have the chance to provide input on the proposed methodology
- ▶ Visit and inspect location of the proposed works that are detailed in the SoW as directed by Traditional Owners
- ▶ Ensure that the survey participants are provided with a clear and accurate description of what works are proposed in each area, the way in which the works will be conducted, and the impacts to landscape they will or could involve
- ▶ Use ethnographic techniques to elicit and record any relevant cultural information relating to the survey areas from the survey participants/informants

- ▶ Engage with the survey participants to identify and document any potential impacts to cultural values in the area
- ▶ Explicitly seek and document consent for the proposed activities from the survey participants
- ▶ If consent is not granted for the proposed work or a particular part of the SoW, document the basis for the decision
- ▶ Engage with the survey participants to identify solutions to mitigate potential impacts to cultural heritage values and document all management recommendations
- ▶ Where appropriate, facilitate negotiated outcomes which satisfy the needs of the Traditional Owners and the proponents, along with the requirements of the AHA
- ▶ Facilitate a debrief meeting on completion of the survey to ensure that all participants are aware of the outcomes of the survey and the detail of the recommendations that will be provided to the proponent

Ethnographic Assessment

The aims of the ethnographic assessment were:

- ▶ Ensure the Traditional Owners had all the information they required to make an informed set of decisions and recommendations about the proposed works under the principle of *free prior and informed* consent as defined in the United Nations Declaration on the Rights of Indigenous People – Article 32
- ▶ Identify cultural values within the area of potential effect as part of a site identification survey model
- ▶ Undertake a cultural significance assessment as defined by the Burra Charter 2013 (Australian ICOMOS, 2013)
- ▶ Assess whether Sections 5 or 6 of the AHA applies to any places within the area of potential effect
- ▶ Identify potential impacts to cultural values
- ▶ Identify solutions to avoid or mitigate potential impacts

The Burra Charter outlines a process for managing places of cultural significance (Australian ICOMOS, 2013) :

- ▶ 6.1 The cultural significance of a place and other issues affecting its future are best understood by a sequence of collecting and analysing information before making decisions. Understanding cultural significance comes first, then the development of policy, and finally management of the place in accordance with the policy. This is the Burra Charter Process.
- ▶ 6.2 Policy for managing a place must be based on an understanding of its cultural significance.
- ▶ 6.3 Policy development should also include consideration of other factors affecting the future of a place such as the owner's needs, resources, external constraints, and its physical condition.
- ▶ 6.4 In developing an effective policy, different ways to retain cultural significance and address other factors may need to be explored.
- ▶ 6.5 Changes in circumstances, or new information or perspectives, may require reiteration of part or all of the Burra Charter Process.

Throughout the survey, male and female anthropologists from the Archae-aus team worked together to record the Noongar Traditional Owner's values. The Archae-aus team also had input

from an environmental advisor to communicate the potential impacts of the proposed works to the Gnaala Karla Booja Traditional Owners.

SECTION THREE – BACKGROUND

Ethnographic Background

The project area is recognised as part of the Gnaala Karla Booja (GKB) native title claim, which is a sub-set of the broader South West Native Title Settlement (WC1998/058). GKB *Booja* covers approximately 34,427 square kilometres and stretches broadly from south of Perth down the coast near Busselton. The GKB people of the survey area have carefully managed their lands and waters for tens of thousands of years and witnessed broad-scale changes, from changing climate to the rising of the seas (until sea stabilization at current levels around 6000 years ago) to the invasion of European people.

In 1938 anthropologist Norman Tindale recorded that the area is part of the territory of the Bindjareb people. He observed that Bindjareb territory spanned from ‘*Pinjarra to Harvey and Leschenault Inlet; lower reaches of Murray River. Penjarra, Pidjain, Peejine (Murray people), Murray tribe, South West Tribe*’ (Tindale, 1974:256). Bindjareb land covers a vast area of approximately 4,700 square kilometres, encompassing coastal estuaries and sand-dunes, interior lakes and wetlands, and the fertile soils of the foothills and ridgelines.

J.E Hammond wrote about the Bindjareb people in his book *Winjan’s People*, published in (1933a). He wrote that in Pinjarra in the 1860s:

The natives were very numerous on the Murray at that time, and very friendly. Their fires could be seen nearly always a short distance from the settlement, looking in the distance like another small town (Hammond, 1933b)

The Traditional Owners of Jarrahdale and Myara North identify as belonging to the larger Noongar Nation, sharing cultural ties and language traditions with the Noongar people that live throughout the southwest corner of the Australian continent. Noongar people form a distinct cultural bloc now and into the distant past, based on shared linguistic and cultural traditions, a cohesive social structure and kinship network, shared regional identity, and a common geographical connection to the lands and waters that make up the southwest corner of the Australian continent. There is a range of social structures which further delineate Noongar people and connect them to particular parts of the Southwest region. This is articulated succinctly in the Noongar evidence provided to the Federal Court hearings (Federal Court of Australia, 2006:38), during which the claimants noted that the southwest region:

... was occupied and used by Aboriginal people who spoke dialects of a common language and who acknowledged and observed a common body of laws and

customs. Those Aboriginal people recognized local and regional names within the broader society but shared a commonality of belief, language, custom, and material culture, which distinguished them from neighbouring Aboriginal groups and societies. Responsibility for and control of, particular areas of land and waters, were exercised by sub-groups or families, but the laws and customs under which the sub-groups possessed those rights and interests were the laws and customs of the broader society.

The term 'Noongar' also sometimes spelled Nyungar, Nyoongar, or other variations is a common term used almost ubiquitously around the region for local Aboriginal people. However, its use as a term of identity is thought to be a linguistic adaptation that originated during the post-European contact period. It originally meant man in the languages of the Southwest (Bates, 1985:47) and Aboriginal people of the southwest region used to identify as 'Bibbulmun' rather than 'Nyungar' (Bates, 1985:46). While some Southwest people still identify with this term, Nyungar is now more widely accepted and Bibbulmun is more commonly used as the identifier of people with customary rights and responsibilities to particular areas of the Southern forests from Denmark in the south-east to Nannup in the north-west.

Traditional Noongar society is divided into thirteen sub-groups, linked by language and cultural tradition that included practicing initiation rituals of upper body cicatrisation and piercing of the nasal septum, which follows what Berndt describes as the "Old Australian Tradition". These initiation rituals are not commonly practiced in the modern era.

The thirteen sub-groups broadly adhere to the Noongar linguistic and cultural traditions but distinguish among themselves based on subtle cultural and linguistic distinctions, which relate to territorial and social organisation. Berndt (1980:82) described the sub-groups as 'dialectal units' of the broader Noongar linguistic group but also identified detailed distinctions among the thirteen affiliated groups based on social organisation. He divides the sub-groups into four distinct categories. The first incorporates seven of the thirteen sub-groups encompassing the northern and western majority of Noongar country and is based on social organisation which adheres to a matrilineal descent system and paternal ritual affiliation (Berndt, 1980:82). The second is comprised of two sub-groups Bibbulmun and Mineng, and is based on a similar organisation to the first, but uses a patrilineal descent system. The third comprises the Ballardong and Nyaginyagi, and utilizes two alternating descent systems between different generations, but is focused on patrilineal local decent groups, which Berndt suggests is similar to the social organisation of Western Desert people (Berndt, 1980:83-4). The fourth category refers to that of the Wudjari and the Goreng, which Berndt describes as similar to the third category, which is based on patrilineal descent. However, he distinguished between the third and fourth categories on the basis that Wudjari and Goreng maintained named totemic groups which he suggests are probably 'patrilocal descent units' (Berndt, 1980:84).

The Noongar cultural bloc also referred to as the "South-West" cultural bloc by Berndt (1980b:84), incorporates the south-west corner of the Australian continent following a line from around Jurien Bay in the north, to Esperance in the southeast, and encompassing all the area between there and the coastline. The Noongar cultural bloc also coincides in location with the South-West Coast Drainage basin (Peterson, 1976; Ferguson, 1985; Smith, 1993:86). The *kaip* 'water' and *bilya* 'rivers' of the South-West Coast drainage basin are fundamental to the economic, social, and spiritual lives of Noongar people (note; *kaip* and *bilya* may differ slightly between dialect groups, but essentially

these are the Noongar words for water and river). The rivers formed movement corridors and resource-rich landscape features integral to Noongar economy.

Rainfall levels that define the Southwest Botanical Province form a distinctive geographic and environmental zone, and also define Noongar country. As defining features of Noongar country, the rivers, lakes, creeks, and all of their tributaries are fundamental to Noongar culture, and thus maintain a special significance. Spiritual life is fundamental to Noongar culture and it is inextricably linked to the organisation of Noongar society and the management of *Booja* (Country). The responsibility to look after *Booja* is deeply engrained in Noongar cosmology, which enshrines a set of governing principles for the management of land and water. Perhaps the most salient element of Noongar spiritual beliefs is the *Waarkal*:

In Nyungar Cosmology, the Waarkal is the Creator, the keeper of the freshwater sources. He gave us life and our trilogy of belief in the Booja – the land – as our mother and nurturer of the Nyungar moort – family and relations – and our katitjin – knowledge so that we could weave that intricate tapestry known as the “web of life”.

Nyungar Katitjin is people’s knowledge based on cosmological stories from the Dreamtime, known as Nyitting to Nyungar, on which cultural knowledge is founded.

Nyitting (or Dreamtime) yarns are cosmological stories about events within and beyond the living memories of the Nyungar people. [...] Nyitting literally means ‘cold time’, and refers to the time of creation. ” (Collard, Stocker and Rooney, no date) .

Fundamental to Noongar identity and culture is a *connection to Country*. This concept articulates a series of rights and responsibilities that every Noongar person maintains to certain places, landscapes, and regions. Perhaps the two most important aspects of connection to Country are 1) the responsibility to care for Country and 2) the right to speak for Country. The responsibility to care for Country is something that Noongar people inherit from their ancestors and bequeath to their children. Upholding these responsibilities is fundamental to Noongar culture and identity, and at some level to people’s reason for being. On this basis, being able to uphold these responsibilities is pivotal to Noongar people’s sense of purpose and self-worth and therefore, well-being. Intertwined with the responsibilities that people maintain to Country is the right to make collective decisions affecting Country.

The combination of these rights and responsibilities are the basis for contemporary Noongar custodianship. What this means in a practical sense, is that Noongar people expect to have a ‘seat at the table’ in decisions that affect their lands and waters. Put another way, Noongar people have a customary set of rights and responsibilities that require them to have real power in all decisions affecting their Country. While the AHA stipulates the need to consult with Aboriginal people about a narrowly defined set of places and materials, Noongar people have a custodial interest and responsibility for a much broader set of places and values than those defined by the AHA. The Social

Surroundings provision of the EPA helps to redress the limitations of the AHA by allowing for a consideration of Noongar values within a broader framework.

Cultural Landscapes

For Aboriginal people throughout Australia, the spiritual significance of the physical landscape is rooted in a shared set of creation beliefs commonly referred to as the Dreaming or Dreamtime. A key feature of this complex belief system is the understanding that during a time in the deep past, the world was transformed from a featureless plain by the activities of a great many ancestral beings. As these supernatural beings moved through landscape, their exploits created most of the land's distinctive features. As described by Tonkinson (1991,p.21):

Every Aboriginal group attribute a host of physical features in its territory to the creative acts of the Dreaming beings. These are forever imprinted on the landscape as visible signals of extra human powers and are immortalised in myths, songs and rituals, which are religions for meaning.

In the act of creating landscape features across the earth, the beings imbued landscape features with spiritual power. In some instances, when finished with their earthly pursuits the beings are known to have metamorphosed into stones, mountains, salt flats, and other landscape features, and in some instances ascended into the sky to become stars. The landscape features associated with the exploits of the beings which are imbued with their spiritual essence, continue to have a central place in Aboriginal mythology and are highly valued by, and particularly significant for contemporary Aboriginal people.

Based on these beliefs, Aboriginal people do not conceptualise the ethnographic aspects of their cultural heritage as an assortment of distinct places. Rather, they view their country as a broader cultural landscape, replete with interconnections, meaning, and value. Conversely, the application of the Aboriginal Heritage Act WA 1972, particularly in relation to resource developments, has often demanded that heritage places are recorded as discrete spatially defined areas. However, the newly passed Aboriginal Heritage Act WA 2021 has moved towards a more consistent understanding of cultural heritage through the recognition cultural landscapes as “interconnected through tangible or intangible elements of Aboriginal cultural Heritage (State Government of Western Australia, 2021).

Legislative Context

The Aboriginal Cultural Heritage Bill 2021 passed Western Australia's State Parliament and received Royal Assent on 22nd December 2021, effectively giving Western Australia new Aboriginal heritage legislation, the Aboriginal Cultural Heritage Act 2021 (ACH Act). The ACH Act will replace the Aboriginal Heritage Act 1972 (the AHA), but before the ACH Act comes into operation there will be a transitional period of at least 12 months during which the regulations, statutory guidelines and operational policies will be developed to ensure the ACH Act will have its intended effects. The transitional period will allow for the new Aboriginal cultural heritage management system to be fully established and to enable parties to prepare for the new system. During the transitional period the AHA will remain in force to allow proponents to continue to seek section 18 consent for any activity that will impact Aboriginal sites. Any section 18 consents applied for and granted during this period will be limited to 5 years and will be subject to additional protection mechanisms, including the requirement to report new information about the existence or the characteristics of Aboriginal cultural heritage. As such, at the time of writing, the AHA is still the main legislative framework for Aboriginal heritage in the State. Important and significant Aboriginal sites and objects are protected under it. The AHA protects sites

and objects that are significant to living Aboriginal people as well as Aboriginal sites of historical, anthropological, archaeological and ethnographic significance. The AHA is currently administered by the Department of Planning, Lands and Heritage (DPLH).

The primary sections of the AHA that need to be considered are section 5 which defines the term 'Aboriginal Site', and section 39 (2) which details what the Aboriginal Cultural Materials Committee (ACMC) should have in regard to considering the importance of objects and places. Section 17 of the AHA states that it is an offence to: alter an Aboriginal site in any way, including collecting artefacts; conceal a site or artefact; or excavate, destroy or damage in any way an Aboriginal site or artefact; without the authorisation of the Registrar of Aboriginal Sites under section 16 or the Minister of Aboriginal Affairs under section 18 of the AHA.

Aboriginal heritage sites are also protected under the Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (the HPA). The HPA complements state / territory legislation and is intended to be used only as a 'last resort' where state / territory laws and processes prove ineffective. Under the HPA the responsible Minister can make temporary or long-term declarations to protect areas and objects of significance under threat of injury or desecration. The HPA also encourages heritage protection through mediated negotiation and agreement between land users, developers and Aboriginal people.

Aboriginal human remains are protected under the AHA and the HPA. In addition, the discovery of human remains requires that the following people are informed: the State Coroner or local Police under section 17 of the Coroners Act 1996; the State Registrar of Aboriginal Sites under section 15 of the AHA and the Federal Minister for Aboriginal Affairs under Section 20 of the HPA.

In terms of broader recognition of Aboriginal rights, the Commonwealth Native Title Act 1993 (the NTA) recognises the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people. Under the NTA, native title claimants can make an application to the Federal Court to have their native title recognised by Australian law. The NTA was extensively amended in 1998, with further amendments occurring in 2007, and again in 2009. Under the future act provisions of the Native Title Act 1993, native title holders and registered native title claimants are entitled to certain procedural rights, including a right to be notified of the proposed future act, or a right to object to the act, the opportunity to comment, the right to be consulted, the right to negotiate or the same rights as an ordinary title holder (freeholder).

Results of DPLH Aboriginal Heritage Register Search

A search of the project area and surrounds was conducted through the Department of Planning, Lands and Heritage's (DPLH) Aboriginal Heritage Inquiry System (AHIS) to determine whether the proposal would likely impact any Registered Aboriginal Sites, Other Heritage Places or significant heritage areas. The search of the project area identified one registered Aboriginal heritage site directly within the project area.

Table 3. Registered Aboriginal Heritage Sites intersecting the Survey Area

DPLH ID	Site Name	Status	Type	Legacy ID
3582	Serpentine River	Registered Site	Ceremonial, Mythological	

Site ID 3582 'Serpentine River'

The Myara North project area is intersected by the Serpentine River, which is a registered mythological site (DPLH 3582). This site has restricted access due to its sensitive nature. Rivers are a linking motif for the cultural landscapes of the region, linking people with place, across landscapes, and through time. The river represents a tangible link between the many generations of Noongar people who have cared for it and depended upon it. The Serpentine river, and its larger tributaries, will be of high ethnographic significance to the GKB people.

A search of the AHIS determined that there are also nine registered sites within 5km of the project area. Three of these sites are related to waterways which have either spiritual or physical connection to the Serpentine River (3582), which sits within the Project Area. Consideration of these sites are significant due to mythological or spatial proximity to the proposed location (Table 4).

Table 4. Additional Registered Aboriginal Heritage Sites within a 5km radius of the project area

DPLH ID	Heritage Place Name	Heritage Place Type	Current DPLH Status
3536	Swan River	Mythological	Registered Site
3538	Canning River	Mythological, Named Place, Ochre, Water Source	Registered Site
3580	South Canning Pools	Mythological, Water Source	Registered Site
3912	South Canning 06	Artefacts Scatter	Registered Site
3914	South Canning 08	Artefacts Scatter	Registered Site
3918	South Canning 12	Artefacts Scatter	Registered Site
3919	South Canning 13	Artefacts Scatter	Registered Site
3923	South Canning 17	Artefacts Scatter	Registered Site
3961	South Canning 01	Artefacts Scatter	Registered Site

Site ID 3536 'Swan River'/ID 3538 'Canning River'/ID 3580 'Canning Pools'

Myara North sits within a larger landscape of water ways, including the Swan and Canning Rivers within a 5km radius. The Canning River and South Canning Pool are restricted due to the sensitive nature of the material that they contain. The rivers and water sources would have been accessed periodically throughout the six seasons, for cultural, spiritual, and subsistence reasons. Water sources such as these are significant sites for Noongar people.

There have been thirteen heritage surveys conducted in the Myara North area that intersect the boundaries of the survey area (Table 5). A review of these surveys found that the main issues associated with mining and other development works in the Jarrahdale/Serpentine region, put forward by the Traditional Owners were: health and protection of waterways, Noongar representation and employment, access to Country, and protection of heritage places.

In many of the surveys Noongar people expressed a wish to be directly involved in all developments and projects in the South-West Forest Region, and to have unrestricted access to all areas of the forest including national parks and nature reserves for spiritual, cultural and recreational purposes (Centre for Social Research, 1997; Huxtable, 2019). The reports highlighted the importance of access to Country as the cornerstone for continuing on cultural traditions and practices. Many of the surveys quoted Noongar Traditional Owners discussing the diminishing of their cultural practices and becoming 'locked out' of Traditional lands through colonist systems of governance. An example given in a report by the Centre for Social Research ECU (1997:11) was the distinction between forests and National Parks. Traditional Owners stated that they were often restricted to access National Parks by western governments, yet the concept of an area of restriction was not a concept or law of the traditional Noongar way of life.

The Noongar Traditional Owners taking part in these surveys also requested employment, initiation of programs of cross-cultural training to increase awareness of Noongar identity and culture in the industry and the receipt of benefits and royalties from forest-based industries (Centre for Social Research, 1997; Huxtable, 2019). A survey conducted by Randolph & McDonald (2010) focused primarily on the Myara and O'Neil mining regions and their impacts on the Serpentine River (ID 3582) and also discussed the impacts of mining activities on waterways, specifically tenement boundaries and buffer zones from water sources. The Traditional Owners in this survey recommended a 500 m buffer zone from all river and waterways for mining tenements and all relevant infrastructure. Huxtable (2019) also discussed importance of the waterways as they were attributed as sources of fresh water and food, as well as places of recreational and camping use.

Bavin's (1991) survey reveals that the locations of many of the registered Aboriginal sites in this region suggest that the most concentrated areas of Aboriginal occupation are likely to occur near existing or former water sources, primarily used by Aboriginal people as gathering sites and to exploit resources. The survey focused on granite outcrops and water sources such as rivers and tributaries, and natural springs. The reports also solidified the need to protect all heritage places, both tangible and intangible throughout the southwest, as social, cultural, spiritual and historical value is placed upon these Noongar heritage places.

Table 5. DPLH recorded surveys relating to the project area

DPLH ID	Heritage Place Name	Survey Type	Authors
21817	Ballaruk (traditional owners) Aboriginal site recording project	Ethnographic	Barrie Machin
20118	Ballaruk (traditional owners of Whadjuk territorial boundaries the lands of the Ballaruk Peoples) Aboriginal site recording project: Additional material	Ethnographic	Barrie Machin
22366	Indigenous Heritage of the Peel – Harvey region: a review of previous research and archival data for phase 1 of the Peel Cultural Landscape Assessment Project	Archaeological & Ethnographic	Joe Dortch

DPLH ID	Heritage Place Name	Survey Type	Authors
28489	Ethnographic Survey of the Myara and O'Neil Mining Regions: Focusing on Aboriginal Site DIA 3582 (Serpentine River)	Ethnographic	Peter Randolph
28490	Addendum: Ethnographic Survey of the Myara and O'Neil Mining Regions: Focusing on Aboriginal Site DIA 3582 (Serpentine River)	Ethnographic	Peter Randolph
102073	Western Australia Regional Forest Agreement Aboriginal Consultation Project. Vol.2. Nov.1997	Ethnographic	Centre for Social Research
102074	Western Australia Regional Forest Agreement Aboriginal Consultation Project. Vol.1. Nov.1997	Ethnographic	Centre for Social Research
103564	An Archaeological Survey Project: The Perth Area, Western Australia. Apr 1972.	Archaeological	University of Western Australia
103917	Archaeological Survey for Aboriginal Sites along the Albany Highway H1 35.4 Slk to 92.39 Slk. November 1991.	Archaeological	L. Bavin
105636	Report on an archaeological investigation of Aboriginal sites Serpentine Dam Remedial Works Project	Archaeological	Garry Quatermaine
105637	Report on an ethnographic survey of proposed remedial works at Serpentine Dam	Ethnographic	Rory O'Conner
200926	Report of an Ethnographic Aboriginal Heritage Survey of Bridge 4361 and Bridge 4536A on Jarrahdale road in the Shire of Serpentine Jarrahdale. Western Australia	Ethnographic	Loise Huxtable
201213	Report of an Aboriginal Archaeological and Ethnographic Site Identification Heritage Survey of the Albany Highway (Slk 63.4 to Slk 66.8) Solus Road Realignment	Archaeological & Ethnographic	Stuart Rapley, Emily Martin, Dr. Edward McDonald, Tania Phillips

SECTION FOUR – RESULTS

The ethnographic assessment of Myara North was conducted over five days, during which a group of Traditional Owners and Archae-aus staff travelled to numerous locations within the study area to discuss the proposed works and the potential impacts on Noongar values.

Alcoa personnel attended on three of the five days and engaged in very constructive dialogue with Traditional Owners about the proposal at Myara North and the potential impacts to Country and People. The Alcoa representatives listened attentively to Noongar values and concerns, and were forthcoming with detailed information about the proposal. They also openly responded to questions of all kinds from Traditional Owners and Archae-Aus personnel throughout the three days, including a targeted interrogation of the potential environmental impacts of the project and Alcoa’s mitigative strategies.

“Its good to hear that you are listening. [...] You group are the first mob that have sat down with us and actually talked about everything .” Gail Fitzgerald

Ethnographic Assessment

No new ethnographic sites were identified in the survey area. However a wide range of cultural values and a strong and enduring sense of connection to the project area were clearly evident in the discussions with Noongar representatives. The survey reinforced the significant cultural values associated with the previously registered site Serpentine River (DPLH site ID 3582). The discussions also highlighted the significance of tangible heritage values within the survey area, including the previously identified archaeological sites and features, and the potential for human remains to be uncovered.

“We’ve been monitoring this area for years, and we’ve been finding things from way down Esperance way, from Rottnest! And they didn’t have cars, horse and cart then, they walked! Back in the old days we moved, we didn’t stay in one place, where the food goes they move, they move all throughout here, and they’re buried there too, we don’t know where those bodies are, where they’re buried.” – Barbara Abraham

The previously identified archaeological sites were discussed and the group confirmed the significance of these features as tangible expressions of their cultural heritage. The Alcoa personnel made it clear that the goal is to avoid archaeological sites. However, the Executive Summary of the draft ERD document contains the proviso “where practicable”. The Alcoa personnel explained that this proviso is mainly in relation to the registered site Serpentine River which would be impacted by the proposed haul road. Subsequently, Alcoa personnel have acknowledged that site avoidance may not be “practicable” in all cases, but have committed to undertaking further consultation with GKB representatives to develop mitigative strategies and cultural heritage management plans for any sites that they are seeking to impact (see Recommendation 4).

The group discussed the proposed haul road over the Serpentine River in relation to the cultural and spiritual values of the registered site. This included two site visits to the proposed haul road crossing of the river. After careful deliberation, the group decided not to oppose a Section 18 application to install the haul road across the river, subject to two conditions (see Recommendation 3)

“Everything here got spirits, the trees got spirits, the water got spirits, the air, the clouds! We are spiritual people and this is our land!” Gail Fitzgerald

Spirituality and cultural custodianship

The results of this Ethnographic Assessment demonstrate the deep spiritual engagement of local Noongar people with the study area. The Noongar spiritual connection is embedded within a relationship of reciprocity between People and Country; and is the basis for Noongar people’s ongoing commitment to engage with the sustainable management of land, water, flora, fauna, and cultural heritage, now and into the distant past.

The deep level of concern about Country held by the Noongar participants of this project was evident during discussions and underpinned the entire decision-making process. In so doing, the participants were upholding their inherited cultural responsibility to care for Country. This abiding responsibility is fundamental to Noongar people’s identity and is a tangible link between past, current, and future Noongar populations in the region.

“that’s why we’ve gotta value our country and protect it!” Barbara Abraham

“if you look after the land, the land will look after you.” Mary Walley

The potential impacts of this proposed Scope of Works are considered by Traditional Owners in the context of broader *cumulative* and *intergenerational* degradation of Country. The environmental, spiritual and cultural health of Country remain integral to Noongar culture. This manifests as a living and evolving practice, based around a real and tangible obligation to care for Country. Impacts on Country continue to impact on Noongar people, and on their responsibility to care for country for future generations.

“Too much land is being cleared, it’s not like it used to be... it’s not just us suffering, it’s the fish, the maron... it’s impacting our cultural food.” – Gail Fitzgerald

*“Our water table is changing. In the last 30-40 years – it’s not what it used to be.”
Bevan Hayden Senior*

“Aboriginal people are getting sunburned too, now it’s more hotter, we’re all cooking. The layers are starting to disappear up there.” Gail Fitzgerald

“I remember when I was a little girl, and my grandfather and grandmother took me marroning. My grandfather said stand up on the bank. He staked peas and meat on the edge... then he would walk around and pick up all the marrons that was walking around on the bank. You don’t see that anymore.” Gail Fitzgerald

“We used to swim there – go swimming, fishing, now you can’t see nothing! It’s like that everywhere [...] pelicans, swans, swimming... now the lakes are all salty. The rivers too, they’re salty and dirty!” Mary Walley

One Elder spoke about how previous generations would engage spiritually with Country as part of their custodianship, reiterating the importance of sharing cultural information with future generations.

“They’d sing the kangaroos. They’d sing the rain. They’d sing the water there. As long as we pass on the knowledge.” Gail Fitzgerald, Noongar Traditional Owner

Waterways

On day one of the surveys the group, including Alcoa representatives, held a meeting within the project area to discuss the parameters of the proposal. The first major concern voiced by the Traditional Owners was the issue of the declining water quality in their surrounding Booja (Country).

The waterways, to the Traditional Owners, represented the lifeblood of the Noongar culture and Country. The water that runs throughout Noongar Booja is imbued with cultural, social, spiritual, aesthetic, ecological, and economic values. Throughout the discussions, Bevan Hayden spoke of the stories of massacres and forced relocations that have been passed down through his family. He spoke of how his family could trace their ancestry through the generations to the area now called Pinjarra, and how their ancestors would move throughout the country using the waterways. For the Noongar community, the Murray River system including the Serpentine River¹ hold great importance as both physical and spiritual representations of the Pinjarra Massacre.

“Pinjarra is known. About the massacre that happened there. Mostly women and children and babies. It is a very significant area and a very spiritual area for Aboriginal people, just by having that massacre.” Barbara Abraham

Upon arriving at the survey area, the Traditional Owners immediately expressed their frustrations at the declining water quality in the area, which they attributed to the rise of agricultural clearing and mining in the area. Barbara Abraham, a Noongar elder recounted how she was born on a farm in the

¹ While the main branch of the Murray River flows through Pinjarra to the south of the study area, the Serpentine River which flows through the study area is considered part of the Murray River Basin along with the Hotham, Dandalup and Williams Rivers. The Murray and Serpentine Rivers meet in the Peel Inlet.
<https://rivers.dwer.wa.gov.au/basin/murray-river/>

area and how, even in the 1950s and '60s, life revolved around the rivers and waterways and how she had witnessed the decline in water quality in her lifetime.

“Murray river used to be lovely and clear. Used to throw bottles down there, used to dive down and find them, now it’s black – where is that coming from?” Barbara Abraham

Many others in the group recounted similar stories, lamenting the declining quality of the water that both contemporary and ancestral Noongar people relied on so heavily for life. Mary Walley, recounted her stories of the waterways, as a member of the younger generation, she reflected on her childhood growing up in the area in the 1990s,

“My grandmother used to break off a good stick and put a fishing line on the end. Catch perch. But now, no one goes fishing. We all love marroning, and it’s not the same anymore, and the river running into the... that’s all brackish. Too much land has been cleared, and proper filtration [the water is not getting properly filtered in the catchments].” Mary Walley

A discussion took place between Traditional Owners and Alcoa personnel about the cultural significance of freshwater springs. The Elders made it clear that all freshwater springs are of cultural and spiritual significance to them based on the association with the Waugal and should be avoided at all costs. The Alcoa personnel stated that they avoid springs wherever they are known about because they impede the mining process. However, they did acknowledge that sometimes unknown springs are disturbed by accident.

Serpentine River

The Traditional Owners expressed that the consequences of losing the waterways through poisoning by fertiliser and chemical runoffs, rising salinity, and pollution would be catastrophic, not only to the Noongar traditional way of life but for all people living in the South West. During the discussions on day one of the survey, the Traditional Owners were shown several maps and plans of the proposed works and mining tenement area. Bevan Hayden immediately flagged the proximity of the project footprint to the dam and its tributaries.

“We started out talking about water quality and the first thing I see is that it’s [the mining tenement] right on the dam!” Bevan Hayden Snr

Jason White explained that Alcoa implemented a 200 m buffer between mining activities and all waterways, and explained the filtration, monitoring, and wastewater management processes and systems in place to preserve water quality. Included in these management systems were constant water monitoring technologies, sumps that allow for absorption to the water table, and strict protocols for restricting the transport of chemicals in the proximity of watercourses.

The survey group visited the site of Alcoa's proposed river crossing on two occasions throughout the week. On the afternoon of the first day, the survey team was led by Alcoa representatives Jason White and Miranda Ludlow. Jason and Miranda explained that the area would be cleared for a haul road crossing, the design aims to build up banks between 15 and 18 m to meet the road, and install three culverts into the stream bed to maintain the natural flow of water. The stream itself is an ephemeral tributary of the Serpentine River, running between six and nine months of the year.

During a visit to the site of Alcoa's proposed river crossing, three of the Traditional Owners walked the length of the creek that was to be impacted by the crossing. The waterways, like all things in Country, are by no means independent and make up part of the Waugal Dreaming stories that intersect the land, vital to traditional Noongar knowledge. The Traditional Owners explained that not only the rivers and streams are sacred, but the natural springs and creeks too.

"That river is heritage. The last thing you need to be doing is filling it up with silt and mud." Bevan Hayden Senior

Despite this, they expressed that they were satisfied that the works would not irrevocably destroy the tributary or the surrounding wildlife.

The Traditional Owners expressed throughout the survey that all the aspects that make up Country are precious. Valuing and maintaining the health of the waterways is critically important not only for the health of the land but for all people who live and depend on it. Maintaining the health of the Serpentine River is vital to maintaining its integrity as a registered heritage site.

Health of Country and People

"The food was there everywhere, they had only just look for it. Along the riverways are where all the people used to camp, it's very significant to them. That was their life." Barbara Abraham

Central to the concerns raised by the Traditional Owners about the proposed works was the importance of maintaining the health of the Country, and by extension, its people. While sitting on Country, the Traditional owners expressed sadness that the water they had once known to be clean and fresh had turned brown, dirty, and salty, and lamented the impacts that this had on the surrounding environment, and in turn, their cultural way of life. Throughout their lifetimes, the Traditional Owners explained that they had watched the quality of the water decline, and had seen its harmful effects on the land. The impacts of this included a reduction of bush tucker and medicine trees, decreases in native fauna, and poisoning of their cultural food, particularly freshwater marron. Marron represents a staple in Noongar diet and cultural practice, yet the Noongar elders spoke of how polluted water and poisoned marron were making their people sick, threatening their cultural practices, their health, and their traditional way of life.

“I know my son went diving for marron in the Serpentine, he got very sick. [...] The doctors found out he’d picked up giardia. It was right through that water there. They were eating the marron.” Gail Fitzgerald

“My brother... [when] we’ve got nothing to eat at home, we’d go marroning. That was his hobby too. Now it’s no good. Gotta find somewhere else to fish.” Mary Walley

During the week there was much discussion about how cultural practices such as hunting and gathering for food and medicines represented a way to maintain the peak health of local Noongar people. Oftentimes throughout the survey, food obtained from supermarkets was referred to as unhealthy, or full of poisons, and blamed for the declining health of Noongar people in the area. Incorporation of traditional subsistence food acquisition as part of their diet was discussed often throughout the survey as a way for Noongar people to not only maintain connections to their cultural practices but also to maintain their health.

“Aboriginal people would have had a lot of seed trees around here, that they would have ground up to make flour for their damper.” Gail Fitzgerald

“They would never have to get medicines, like from the doctor, they make it their own.” Barbara Abraham

Whilst sitting on Country, the Elders spoke of the food that existed in abundance all around us, food which, to the Traditional Owners, was free from the toxins and ‘poisons’ that were associated with western developments and production. Maintaining the health of the land and eradicating western toxicity, namely chemicals that leach into the soil and waterways from agricultural and mining developments, remains highly significant to the Noongar people because the health of the land is linked to the health of its people.

“Used to be a lot of bushtucker around. There used to be a fungus in the shape of a liver, used to grow on the trees. You can fry it or you can grill it. When you cut it, it bleeds like lambs fry. Tastes like mushrooms. Over the years I haven’t seen it anymore. Fallout from the mines has killed the spores.” Gail Fitzgerald

“It’s not just us suffering, but fish and marron and kangaroos. It is affecting our cultural food. But it’s good to hear that you are finally listening to us.” Gail Fitzgerald

“Further down South and surrounding areas, you can see the dieback. We’ve got an important medicine tree dying.” Gail Fitzgerald

Imbued in these discussions was the Traditional Owner's need for Alcoa to understand not only the importance of preserving the health of the natural world but the dangers they face by not respecting it. While the survey team gathered on the second day at the site of Alcoa's proposed mine offices and facilities, the Traditional Owners explained the dangers and complexities of the spiritual world. They spoke of how the bush can communicate and give warnings if the proper practices are not upheld. The Noongar Elders explained how they respected and listened to the bush, and therefore were able to live harmoniously with the natural world, a practice that they would like to see incorporated into Alcoa's business model.

"that's part of Country, you've got to let some part of it go, but you've also got to respect it." Gail Fitzgerald

"if you respect it, it will respect you." Mary Walley

To the Traditional Owners, maintaining the health of their Country and its people is upheld through maintaining cultural practices, including hunting, fishing, and gathering of native flora. These practices are directly linked to their spiritual and physical health and rely heavily on access to their Traditional lands.

Access to Country

"Mum and dad had a block up there. Used to be a meeting place for the old fellas." Barbara Abraham

For the Traditional Owner participants on the survey, maintaining cultural values relies on the ability to conduct traditional cultural practices on Country. Throughout the survey the Traditional Owners spoke often about 'going out bush', a practice which includes hunting, fishing, and foraging for food. The Traditional Owners expressed that in recent years, increases in mining developments in the area meant that activities such as kangaroo hunting, marron fishing, and collecting bush tucker and medicines had more limited due to restricted access to Country. They expressed both sadness and frustration at being locked out of their traditional lands and restricted from cultural practices.

"Alcoa has a lot of the property. It's all locked out. My uncles go to family farms, that's the only access we get!" Mary Walley

The Traditional Owners felt that if the mining industry continues in the area, there is a need for strong ongoing relationships and agreements that would need to be forged with the Noongar community, to ensure the preservation of cultural values and avoid further losses to their cultural identity.

They expressed that this was particularly important within the area, as there were many cultural artefacts and heritage sites found previously within the survey area that must be preserved. Throughout the survey, the Elders continuously reiterated the importance of their family

connections to the lands and country, stretching the length of the South West, over generations far beyond the western record.

“As the weather changed, they moved. If they wanted you to know they’d been there, they’d leave something. Aboriginal people never used to be sitting in the one spot. Blackfellas always knew their countries, their areas, their tribal law. If someone came into another person’s land, he wouldn’t be allowed to catch a kangaroo for three months before they knew who he was. We was only young when the old people would tell their stories but we heard it.” Barbara Abraham

The loss of spontaneous access to Country was a process that came over time, many of the Traditional Owners expressed that it felt as though they were being pushed away rather than included in discussions and decisions about their Booja (Country).

“Up north, you are allowed to go in a get a feed [on mining tenements]. Here you push us away. We try go in all this Country here to get us a feed, go hunting, but the people push us off, get off get off get off...” – Bevan Hayden Snr

It is not only hunting practices that are diminished from a lack of access, but cultural learning practices also suffer. For the Traditional Owners, being on Country represented an important way of regenerating relationships between elements of the cultural landscape from the past, present, and future. Land access limitations also contribute to restricting knowledge transmissions for the next generation, particularly reductions in practical learning due to reduced spatial and cultural contexts.

“you’ve got to have the country to go out and learn Country” – Theo Kearing

Transmission of cultural knowledge

“Learn them up. They’ll be our future.” Bevan Hayden Snr

A concern that emerged throughout the survey, which was linked to the Traditional Owner’s connections to Country, was the ability to teach and pass on their cultural knowledge. On multiple occasions throughout the survey, the Traditional Owners voiced concerns that, particularly the younger generations, were not receiving the same cultural learning that they would need to properly maintain and look after the land. These concerns were centred around the lack of access and opportunities to learn.

“Proper way is to get ‘em out bush. Then it will be transmitted to the next generations. They learn their kids the same way. We get a weekend with ‘em, and fishing and crabbing. We teach ‘em about the plants.” Theo Kearing Snr

The transmission of cultural knowledge values both the continuation of cultural systems and practices and an acknowledgment of historical identity. The Traditional Owners spoke to their own cultural learning experiences as an important part of their childhoods and, in turn, contributing to their cultural identity. An identity that embodies their cultural connection to Booja (Country).

“if you’re not wanted in an area the bush will let you know. Like yesterday, it got thicker and thicker and thicker. It means you’re not wanted there. [...] Grandfather and grandmother, they would have said ‘you’re not wanted there, let’s move on.” Gail Fitzgerald

“Old fellas would have moved for the food. Given the other places a chance to build up. All the things we’ve been finding out here, it makes you think back to the old days.” Barbara Abraham

“For Pinjarra, when the little bush tracks were being turned into something looking like a road [...] Aboriginal people would come down the hill through our 6 seasons. Pinjarra was a meeting spot. They did that for generations. They’d camp overnight and follow that river down. My old nanna told me a few stories of that.” Gail Fitzgerald

It was important to the Traditional Owners throughout the survey that these cultural traditions continued to be passed down through the generations, to both preserve their cultural practices and values and to protect their children from the harms of colonised society.

“it’s really important for the young ones [...] the children, it [cultural programs] takes them away from the streets.” Theo Kearing Snr

“we need more kids involved, coming out, and we need more places for kids to go, like the old PCYC.” Barbara Abraham

It also became clear that the main restrictions to the transmission of cultural knowledge were access to land and funding, both of which were limited resources to the Traditional Owners through generations of colonial oppression and removals from their traditional lands. To create sustainable futures for the next generations of Noongar people, the Traditional Owners expressed the lack of support for opportunities for the Indigenous enterprise that would not only provide income for the Noongar community but enable Aboriginal-led teaching on Country.

*“they’re like little sponges. Empty sponges waiting for the water and fill ‘em up.”
Gail Fitzgerald*

“Just give one little area where we can take the kids. [...] teach them. Put the other mining companies to shame” Theo Kearing Snr

Impacts

“The mining company has to be working with the Aboriginal community. Not playing us against each other.” Barbara Abraham

When Country is irrevocably damaged, there are often physical and spiritual consequences for all people who are connected to that land.

Throughout discussions, Gail Fitzgerald, a Noongar Traditional Owner, spoke of the dangers of breakdowns in communication and partnership between mining companies and the local Aboriginal groups. She shared a story of a sacred site where she grew up that was severely impacted by mining activities because it was ‘sold out’ to a company that didn’t understand the cultural significance and connections the site had with the wider landscape.

“Down in Boddington – Mokine Hill is a sacred hill. Used to have a lot of corroborees [there]. None of us little kids was allowed to go up there, or we’d disappear for good. It’s been destroyed. It’s a sacred site!

That hill they’ve chopped a lot of the bottom part away. Whoever sold that to mining, I’m very disappointed. [the site] is not just the top, it’s the whole area. Aboriginal people are very spiritual people. That hill is all chopped. All the bauxite take from the bottom. It’s just like a skeleton hanging up there. If there’s a sacred site, I think it should be ringed right out instead of mining right up to it and leaving it like a skeleton.” Gail Fitzgerald

The Traditional Owners agreed that partnerships would allow the Noongar community to protect the waterways and maintain the health of Country in their way while working with Alcoa for the future.

The Traditional Owners felt that some of the ways a partnership could benefit the local Noongar community included the facilitation of land access protocols, Noongar-centred employment opportunities, and funding education programs for Noongar youth.

Importantly, the Traditional Owners wanted to see returns and opportunities from mining activities on their land. They expressed their frustrations throughout the survey at the lack of returns they received from mining activities on their land.

“Noongars are the most over-qualified group in the world... opportunities never lead to the next thing, the ongoing work is not there to follow the program.” Theo Kearing Snr

“If they want this land here, they’ve gotta give us something... gives us royalties.” Phyllis Ugle

The Traditional Owners expressed their wish to have a seat at the table when it comes to decisions about the management and protection of their land and to be able to see real rewards for their contributions. Some of the Traditional Owners felt that colonial narratives were often still at play in the way that mining companies operate in their Country, often excluding the needs and inputs of Noongar groups.

The Elders expressed that they too would like to see the benefits of mining the land of which they are the traditional owners and custodians.

“where are the blackfella royalties?” Bevan Hayden Snr

The themes of royalties, employment and strategic partnerships are discussed in further detail in the associated *Strategic Report*.

Discussion

The results documented above reflect the expectations and aspirations of the Traditional Owners. The advice and recommendations in the next section aim to clearly communicate these expectations and aspirations to Alcoa.

The Traditional Owners took a strategic approach to this project and considered the Myara North proposal within the broader context of Gnarla Karla Booja Country as a whole; and the operations of Alcoa within Gnarla Karla Booja Country. This high level strategic approach is culturally informed by the Noongar conception of Booja/Country. Noongar people conceive of Country in the broadest possible sense, in that it incorporates everything – land, water, plants, animals, people, spirits, weather etc. – across all of time (past, present and future). The Noongar conception of Country considers the interconnectedness of everything. In fact it is Country that connects everything. As Deborah Bird Rose (2011:99) observes:

“Cross-species kin groups are founded in flesh and blood, and what happens to any member of the group impacts other members of the group. There is a vulnerability in these relationships because of the connectivities, and at the same time, there is strength. No one (human or nonhuman) stands or falls alone, and at the same time no one is exempt from the suffering of others.”

To this end, the Traditional Owners expressed their concern about the potential impacts of this project for the species that inhabit the study area, and how these impacts will in turn affect Noongar people now and in the future. The Traditional Owners explained that losses within the natural landscape are felt by the people and vice versa, through their deep spiritual connections to Country.

The Traditional Owners considered the current proposal within the context of cumulative impacts to Country and People across time. This includes the cumulative impacts of Alcoa's operations across GKB country over multiple decades. As a major current landholder and land user, Alcoa are inextricably intertwined with GKB Country and People for the near future. This means that Alcoa are an important stakeholder in GKB Country and for this reason a series of strategic recommendations have been put forward in a separate document to help guide Alcoa's relationship with GKB People and Country – starting with a community partnership agreement.

This study highlighted that GKB People experience many negative impacts from Alcoa's operations (past present and future) and to date, cannot point to many positive outcomes for Noongar people as a result of Alcoa's extractive use of their Country. On this basis a series of recommendations have been put forward to Alcoa to help remedy the imbalance in a separate strategic document. These include royalties, employment outcomes, community support programs, and environmental restoration programs that go beyond remediation of the immediate impacts of Alcoa operations.

At the conclusion of the study, the Traditional Owners did not oppose the Myara North proposal, but the study identified a number of potential impacts for Country and People. The recommendations aim to mitigate against the impacts that the project and Alcoa's operations more broadly, would have on Country and People. The sentiment expressed throughout the survey, was not to condemn mining practices in the area but rather to work towards a common understanding and formal agreement around mining practice. Central to this would be the establishment of a formal agreement between Alcoa and the Traditional Owners and a detailed cultural heritage management plan for Myara North. The intention of these documents would be to outline roles and responsibilities for all parties and to offset the negative impacts of Alcoa's operations through some reparations to the Noongar People. The Traditional Owners expressed their wish to open transparent lines of communication with Alcoa into the future, in an attempt to lessen and offset the impacts of Alcoa's operations. The values outlined in this assessment are not static. They are dynamic and they exist in varying states of reproduction and re-definition. Effective management of these values will require the active and ongoing involvement of the Traditional Owners.



Figure 3. Top: The survey team gathered at the site of the proposed river crossing, Middle: Bevan Hayden Snr, Bevan Hayden Jnr and Myles Mitchell in the dry creek bed, Bottom: Miranda Ludlow shows Theo Kearing Snr and Bevan Hayden Jnr plans for proposed river crossing.



Figure 4. Top: Survey team gathered at the prisoner of war camp, day 1, Middle: survey team gathered at the site of the proposed mine facilities, day 2, Bottom: survey team gathered at the Serpentine Dam, day 3.



SECTION FIVE – ADVICE & RECOMMENDATIONS

The following advice concerning the Ethnographic survey of the Myara North region of the proposed Huntly mine expansion, is made to Alcoa of Australia Ltd and their contractors, in consultation with Gnaala Karla Booja consultants.

It is advised that Alcoa and their contractors are aware:

- 1) The Ethnographic assessment of the Survey area is **complete**;
- 2) No new ethnographic sites were identified in the survey area. However, a wide range of cultural values and a strong and enduring sense of connection to the project area were clearly evident in the discussions with Noongar representatives. The survey reinforced the significant cultural values associated with the previously registered site Serpentine River (DPLH site ID 3582);
- 3) Alcoa will need to seek Section 18 approval if it intends to proceed with the proposed haul road across the Serpentine River. The Section 18 application should note that the Traditional Owners consulted during this assessment expressed some concerns but did not outright oppose the haul road, provided the following conditions are upheld:
 - a) Water flow must be maintained at all times, and;
 - b) Noongar monitors are to be onsite during the initial vegetation and ground disturbance.
- 4) It is recommended that Alcoa commit to avoiding heritage sites wherever possible. Where this is not possible further consultation and engagement should be undertaken with GKB to develop appropriate mitigation and management processes. Should sites be impacted, Alcoa should seek s18 consent and develop a cultural heritage management plan for the place.
- 5) The Traditional Owners highlighted the risks of Aboriginal cultural material, or human remains being disturbed. This risk is based on the fact that thick vegetation and leaf litter in the survey area make artefact identification difficult; and that archaeological survey has only been undertaken in sample areas, so there is potential for previously unidentified archaeological materials to be uncovered during topsoil removal. Furthermore, Traditional Owners highlighted that based on oral history of massacre events near the study area, there is potential for Noongar human remains to be uncovered, which is of deep concern. On this basis, the group recommend that Alcoa engage suitably qualified Noongar monitors for the topsoil removal stage of vegetation clearing to manage risks associated with Aboriginal sites being accidentally disturbed. The challenges of undertaking an effective monitoring program on such a large scale are acknowledged. Therefore, Alcoa should work collaboratively with the GKB Traditional Owners to develop an effective process for managing these risks at Myara North.
- 6) It is recommended that Alcoa initiate a heritage site auditing program with Traditional Owners to periodically check and manage identified sites as part of a cultural heritage management plan for the Myara North project area;
- 7) Freshwater springs are places of high cultural and spiritual significance to Noongar people and should not be disturbed under any circumstances. Alcoa personnel acknowledged that sometimes springs are impacted by accident due to their presence being unknown. On this basis it is recommended that Alcoa give consideration to further hydrological and hydro-geological mapping of the study area to identify springs before they are impacted. Based on the results of hydro mapping, a cultural mapping and monitoring program should be

undertaken with Traditional Owners to protect and manage cultural values at freshwater springs.

- 8) It is recommended that Alcoa maintain a 200m buffer around all waterways within the Project Area, and implement best practice water management and filtration systems to avoid the risk of contamination from mining
- 9) It is recommended that Alcoa erect signage at entrance to Huntly Mine site emphasising the Bindjareb Noongars as Traditional Custodians of the land;
- 10) It is recommended that Alcoa set up an Elders advisory panel to oversee cultural heritage management within the Gnarla Karla Booja area, including the Myara North project area;

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APPENDIX ONE – RESULTS OF PRIOR ARCHAEOLOGICAL ASSESSMENT OF THE STUDY AREA

Table 6. Aboriginal Archaeological sites found within the Myara North survey area

Site Name	Recording Level	Site Type	Dimensions m (N/S x E/W)	Area (m ²)	Project
JS14-01	Detailed level	Artefact Scatter	21 (NE/SW) x 12 (NW/SE)	261	2014 Jarrahdale South
JS14-02	Detailed level	Reduction Area	35 x 35	1052	2014 Jarrahdale South
JS14-03	Detailed level	Scarred Tree	10 x 10	100	2014 Jarrahdale South
JS14-04	Detailed level	Artefact Scatter	10 x 34	312	2014 Jarrahdale South
JS14-05	Detailed level	Lizard Traps, Standing Stone	14 x 49	589	2014 Jarrahdale South
JS14-06 (DAA 3563)	Detailed level	Reduction Area	45 x 31	1,114	2014 Jarrahdale South
JS16-001	Site Avoidance	Artefact Scatter	36 x 19	260	2016 Jarrahdale South and Myara East
JS16-002	Site Avoidance	Artefact Scatter	66 x 38	1,184	2016 Jarrahdale South and Myara East
JS16-003	Site Avoidance	Artefact Scatter	31 x 24	295	2016 Jarrahdale South and Myara East
JS16-004	Site Avoidance	Artefact Scatter	55 x 48	1,089	2016 Jarrahdale South and Myara East
JS16-005	Site Avoidance	Artefact Scatter	24 x 19	244	2016 Jarrahdale South
JS16-006	Site Avoidance	Artefact Scatter	33 x 16	214	2016 Jarrahdale South
JS16-007	Site Avoidance	Artefact Scatter	19 x 12	171	2016 Jarrahdale South
JS16-008	Site Avoidance	Artefact Scatter	11 x 10	60	2016 Jarrahdale South
JS16-009	Site Avoidance	Artefact Scatter	27 x 28	405	2016 Jarrahdale South
JS16-010	Site Avoidance	Stone Structure (Lizard Trap)	9 x 9	43	2016 Jarrahdale South
JS17-001	Site Avoidance	Artefact Scatter	13 x 16	105	2017 Jarrahdale South – Northern Part
JS17-002	Site Avoidance	Artefact Scatter	34 x 29	467	2017 Jarrahdale South – Northern Part
JS17-003	Site Avoidance	Artefact Scatter, Reduction Area	913 x 347	76,210	2017 Jarrahdale South – Northern Part
JS17-004	Site Avoidance	Artefact Scatter, Reduction Area	100 x 106	3,431	2017 Jarrahdale South – Northern Part
JS17-005	Site Avoidance	Artefact Scatter	79 x 66	2,579	2017 Jarrahdale South – Northern Part
JS17-006	Site Avoidance	Artefact Scatter	95 x 80	4,652	2017 Jarrahdale South – Northern Part
JS17-007	Site Avoidance	Artefact Scatter	110 x 32	2,371	2017 Jarrahdale South – Northern Part

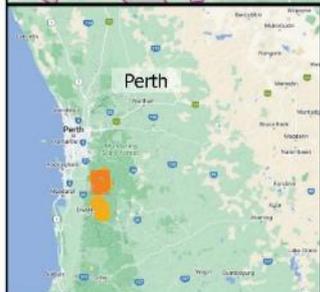
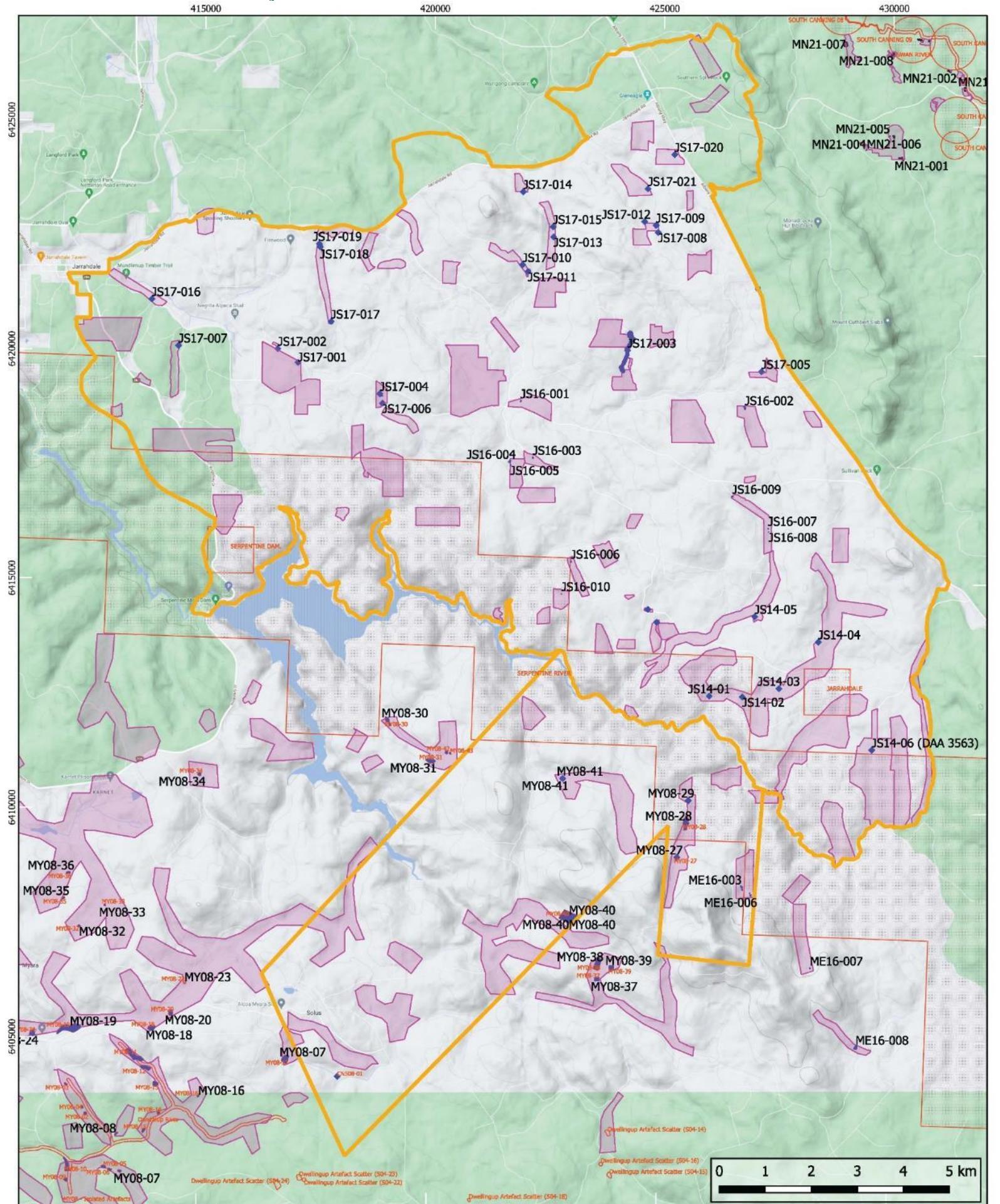
Site Name	Recording Level	Site Type	Dimensions m (N/S x E/W)	Area (m ²)	Project
JS17-008	Site Avoidance	Artefact Scatter	34 x 32	587	2017 Jarrahdale South – Northern Part
JS17-009	Site Avoidance	Artefact Scatter	27 x 38	497	2017 Jarrahdale South – Northern Part
JS17-010	Site Avoidance	Artefact Scatter	50 x 43	1,140	2017 Jarrahdale South – Northern Part
JS17-011	Site Avoidance	Artefact Scatter	96 x 169	4,257	2017 Jarrahdale South – Northern Part
JS17-012	Site Avoidance	Artefact Scatter	204 x 101	9,724	2017 Jarrahdale South – Northern Part
JS17-013	Site Avoidance	Artefact Scatter	144 x 96	9,016	2017 Jarrahdale South – Northern Part
JS17-014	Site Avoidance	Scarred Tree	14 x 9	88	2017 Jarrahdale South – Northern Part
JS17-015	Site Avoidance	Artefact Scatter	100 x 44	2,248	2017 Jarrahdale South – Northern Part
JS17-016	Site Avoidance	Reduction Area	24 x 25	330	2017 Jarrahdale South – Northern Part
JS17-017	Site Avoidance	Artefact Scatter	29 x 33	458	2017 Jarrahdale South – Northern Part
JS17-018	Site Avoidance	Artefact Scatter	34 x 18	435	2017 Jarrahdale South – Northern Part
JS17-019	Site Avoidance	Artefact Scatter	33 x 18	369	2017 Jarrahdale South – Northern Part
JS17-020	Site Avoidance	Artefact Scatter	42 x 43	792	2017 Jarrahdale South – Northern Part
JS17-021	Site Avoidance	Artefact Scatter	61 x 46	1,616	2017 Jarrahdale South – Northern Part

(Datum: 50H, AGD 84 Datum. Accuracy = ±5 m)

Table 7. Aboriginal Archaeological sites found adjacent to the Myara North survey area

Site Name	Recording Level	Site Type	Dimensions m (N/S x E/W)	Area (m ²)	Project
MY08-17	Conditional Level	Artefact Scatter	145 x 100	14,500	2008 Myara
MY08-27	Conditional Level	Artefact Scatter	100 x 40	4,000	2008 Myara
MY08-28	Conditional Level	Artefact Scatter	250 x 75	18,750	2008 Myara
MY08-29	Conditional Level	Artefact Scatter	35 x 30	1,050	2008 Myara
MY08-40	Conditional Level	Artefact Scatter	300 x 340	102,000	2008 Myara
MY08-41	Conditional Level	Artefact Scatter	5 x 10	50	2008 Myara
ME16-001	Site Avoidance	Artefact Scatter	87 x 48	1,868	2016 (June) Myara East
ME16-002	Site Avoidance	Artefact Scatter	1 x 2	2	2016 (June) Myara East

Site Name	Recording Level	Site Type	Dimensions m (N/S x E/W)	Area (m ²)	Project
ME16-003	Site Avoidance	Artefact Scatter	57 x 49	986	2016 (August – Sept) Myara East
ME16-004	Site Avoidance	Artefact Scatter	26 x 19	333	2016 (August – Sept) Myara East
ME16-005	Site Avoidance	Artefact Scatter	12 x 19	114	2016 (August – Sept) Myara East
ME16-006	Site Avoidance	Artefact Scatter	32 x 29	607	2016 (August – Sept) Myara East
ME16-007	Site Avoidance	Artefact Scatter	26 x 15	287	2016 (August – Sept) Myara East
ME16-008	Site Avoidance	Artefact Scatter	80 x 79	3,981	2016 (August – Sept) Myara East



Legend

- A20MN2a Myara_North_development_areas
- Listed Aboriginal Sites (DPLH)

Archaeological Assessments

- Surveyed Area
- Archaeological Site



archae-aus

Map 2. All archaeological sites and previously surveyed areas at Myara North

Drafted by Fiona Hock, 17/03/2022. GDA94, Zone 50. Satellite imagery courtesy of Google and Wiki Maps.

APPENDIX TWO – REGISTER SEARCHES

List of Registered Aboriginal Sites

Search Criteria

10 Registered Aboriginal Sites in Custom search area - Polygon - 116.009421448404°E, 32.3244398593257°S (GDA94) : 116.207862000161°E, 32.2524616885454°S (GDA94) : 116.308112244302°E, 32.3186372866199°S (GDA94) : 116.341757874185°E, 32.4653279943515°S (GDA94) : 116.133704285318°E, 32.4722797351925°S (GDA94) : 116.035513977701°E, 32.4102744425712°S (GDA94) : 116.009421448404°E, 32.3244398593257°S (GDA94)

Disclaimer

The *Aboriginal Heritage Act 1972* preserves all Aboriginal sites in Western Australia whether or not they are registered. Aboriginal sites exist that are not recorded on the Register of Aboriginal Sites, and some registered sites may no longer exist.

The information provided is made available in good faith and is predominately based on the information provided to the Department of Planning, Lands and Heritage by third parties. The information is provided solely on the basis that readers will be responsible for making their own assessment as to the accuracy of the information. If you find any errors or omissions in our records, including our maps, it would be appreciated if you email the details to the Department at AboriginalHeritage@dplh.wa.gov.au and we will make every effort to rectify it as soon as possible.

South West Settlement ILUA Disclaimer

Your heritage enquiry is on land **within or adjacent to** the following Indigenous Land Use Agreement(s): Gnaala Karla Booja Indigenous Land Use Agreement.

On 8 June 2015, six identical Indigenous Land Use Agreements (ILUAs) were executed across the South West by the Western Australian Government and, respectively, the Yued, Whadjuk People, Gnaala Karla Booja, Ballardong People, South West Boojarah #2 and Wagyl Kaip & Southern Noongar groups, and the South West Aboriginal Land and Sea Council (SWALSC).

The ILUAs bind the parties (including 'the State', which encompasses all State Government Departments and certain State Government agencies) to enter into a Noongar Standard Heritage Agreement (NSHA) when conducting Aboriginal Heritage Surveys in the ILUA areas, unless they have an existing heritage agreement. It is also intended that other State agencies and instrumentalities enter into the NSHA when conducting Aboriginal Heritage Surveys in the ILUA areas. It is recommended a NSHA is entered into, and an 'Activity Notice' issued under the NSHA, if there is a risk that an activity will 'impact' (i.e. by excavating, damaging, destroying or altering in any way) an Aboriginal heritage site. The Aboriginal Heritage Due Diligence Guidelines, which are referenced by the NSHA, provide guidance on how to assess the potential risk to Aboriginal heritage.

Likewise, from 8 June 2015 the Department of Mines, Industry Regulation and Safety (DMIRS) in granting Mineral, Petroleum and related Access Authority tenures within the South West Settlement ILUA areas, will place a condition on these tenures requiring a heritage agreement or a NSHA before any rights can be exercised.

If you are a State Government Department, Agency or Instrumentality, or have a heritage condition placed on your mineral or petroleum title by DMIRS, you should seek advice as to the requirement to use the NSHA for your proposed activity. The full ILUA documents, maps of the ILUA areas and the NSHA template can be found at <https://www.wa.gov.au/organisation/departments-of-the-premier-and-cabinet/south-west-native-title-settlement>.

Further advice can also be sought from the Department of Planning, Lands and Heritage at AboriginalHeritage@dplh.wa.gov.au.

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Coordinate Accuracy

Coordinates (Easting/Northing metres) are based on the GDA 94 Datum. Accuracy is shown as a code in brackets following the coordinates.

List of Registered Aboriginal Sites

Terminology (NB that some terminology has varied over the life of the legislation)

Place ID/Site ID: This a unique ID assigned by the Department of Planning, Lands and Heritage to the place.

Status:

- **Registered Site:** The place has been assessed as meeting Section 5 of the *Aboriginal Heritage Act 1972*.
- **Other Heritage Place which includes:**
 - **Stored Data / Not a Site:** The place has been assessed as not meeting Section 5 of the *Aboriginal Heritage Act 1972*.
 - **Lodged:** Information has been received in relation to the place, but an assessment has not been completed at this *stage* to determine if it meets Section 5 of the *Aboriginal Heritage Act 1972*.

Access and Restrictions:

- **File Restricted = No:** Availability of information that the Department of Planning, Lands and Heritage holds in relation to the place is not restricted in any way.
- **File Restricted = Yes:** Some of the information that the Department of Planning, Lands and Heritage holds in relation to the place is restricted if it is considered culturally sensitive. This information will only be made available if the Department of Planning, Lands and Heritage receives written approval from the informants who provided the information. To request access please contact AboriginalHeritage@dplh.wa.gov.au.
- **Boundary Restricted = No:** Place location is shown as accurately as the information lodged with the Registrar allows.
- **Boundary Restricted = Yes:** To preserve confidentiality the exact location and extent of the place is not displayed on the map. However, the shaded region (generally with an area of at least 4km²) provides a general indication of where the place is located. If you are a landowner and wish to find out more about the exact location of the place, please contact the Department of Planning, Lands and Heritage.
- **Restrictions:**
 - **No Restrictions:** *Anyone* can view the information.
 - **Male Access Only:** Only *males* can view restricted information.
 - **Female Access Only:** Only *females* can view restricted information.

Legacy ID: This is the former unique number that the former Department of Aboriginal Sites assigned to the place. This has been replaced by the Place ID / Site ID.

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Aboriginal Heritage Inquiry System

List of Registered Aboriginal Sites

ID	Name	File Restricted	Boundary Restricted	Restrictions	Status	Type	Knowledge Holders	Coordinate	Legacy ID
3536	SWAN RIVER	No	No	No Gender Restrictions	Registered Site	Mythological	*Registered Knowledge Holder names available from DAA	395287mE 6456166mN Zone 50 [Reliable]	S02548
3538	CANNING RIVER.	No	No	No Gender Restrictions	Registered Site	Mythological, Named Place, Ochre, Water Source	*Registered Knowledge Holder names available from DAA	412198mE 6442584mN Zone 50 [Reliable]	S02550
3580	SOUTH CANNING POOLS.	Yes	Yes	No Gender Restrictions	Registered Site	Mythological, Water Source	*Registered Knowledge Holder names available from DAA	Not available when location is restricted	S02405
3582	SERPENTINE RIVER	Yes	Yes	No Gender Restrictions	Registered Site	Ceremonial, Mythological	*Registered Knowledge Holder names available from DAA	Not available when location is restricted	S02407
3912	SOUTH CANNING 06	No	No	No Gender Restrictions	Registered Site	Artefacts / Scatter	*Registered Knowledge Holder names available from DAA	429539mE 6428499mN Zone 50 [Unreliable]	S01770
3914	SOUTH CANNING 08	No	No	No Gender Restrictions	Registered Site	Artefacts / Scatter	*Registered Knowledge Holder names available from DAA	428889mE 6427499mN Zone 50 [Unreliable]	S01772
3918	SOUTH CANNING 12	No	No	No Gender Restrictions	Registered Site	Artefacts / Scatter	*Registered Knowledge Holder names available from DAA	431289mE 6426749mN Zone 50 [Unreliable]	S01776
3919	SOUTH CANNING 13	No	No	No Gender Restrictions	Registered Site	Artefacts / Scatter	*Registered Knowledge Holder names available from DAA	431389mE 6425149mN Zone 50 [Unreliable]	S01777
3923	SOUTH CANNING 17	No	No	No Gender Restrictions	Registered Site	Artefacts / Scatter	*Registered Knowledge Holder names available from DAA	431339mE 6424599mN Zone 50 [Unreliable]	S01781
3961	SOUTH CANNING 01	No	No	No Gender Restrictions	Registered Site	Artefacts / Scatter	*Registered Knowledge Holder names available from DAA	427139mE 6429349mN Zone 50 [Unreliable]	S01765



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