



Walgett Shire LGA Aboriginal Heritage Study

Prepared by Australian Museum Business Services
for Walgett Shire Council

Final report

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Executive Summary

Australian Museum Business Services (AMBS) was commissioned by Walgett Shire Council (Council) to prepare an Aboriginal Heritage Study for the Walgett Shire Local Government Area (LGA). The heritage study will inform future management of Aboriginal cultural heritage within the existing relevant New South Wales (NSW) and Commonwealth Statutory frameworks. The aim of this Study is to identify places of significance and cultural sensitivity, record those places and develop recommendations for their management and conservation, which will assist Council to develop strategies to manage Aboriginal sites and places and develop protocols for ongoing Aboriginal community liaison. This Study will inform and contribute to the formation of a Local Environmental Plan (LEP) and Development Control Plan (DCP) for the Walgett Shire LGA.

Consultation with local Aboriginal community members was undertaken to ensure that their views and opinions were included in the identification and recording of any objects or places of Aboriginal cultural or archaeological significance within the study area. A summary of the Aboriginal consultation that has occurred is provided in Chapter 3.

The Walgett Shire Aboriginal community made it clear to AMBS that they would prefer that detailed information about site locations, outside of those sites already available through the OEH AHIMS database, was not to be included in a publicly available document. However, historical research and consultation with the local Aboriginal community indicated that there are areas of Aboriginal heritage sensitivity within the LGA that Council should be made aware of when considering applications for development. These areas of Aboriginal heritage sensitivity are summarised in Chapter 5.

A number of recommendations to Council are provided in Chapter 6, and are summarised as follows:

The current IDO does not include provisions for the protection of Aboriginal heritage. It is recommended that Council makes the implementation of an LEP based on the standard instrument LEP, which includes provisions for the protection of Aboriginal heritage, a high priority.

The EP&A Act imposes requirements on Council to consult with the public regarding a draft LEP. As part of this process it is recommended that Council ensure that direct consultation occurs with Aboriginal community groups regarding:

- regulatory requirements which affect development proposals;
- the content of the draft LEP and associated maps; and
- provisions within the LEP regarding Aboriginal heritage.

The most appropriate method for this consultation may be for Council to organise workshops to be attended by community members, to explain the Draft LEP and how it is to be implemented, and for input by the Community.

Given that Council does not employ staff that are able to comprehensively assess the potential impacts of a development on an Aboriginal object, site or place, it is recommended that the following types of development be referred to OEH for comment by specialists in Aboriginal heritage matters:

- Any development application with reasonable potential to involve an Aboriginal object, place or area.
- Any development regulated by Part 5 of the Environmental Planning & Assessment Act 1979 with potential to involve an Aboriginal object, place or area.

When considering applications for development, Council should determine whether an Aboriginal Heritage Assessment has been undertaken, and whether there is any potential for an Aboriginal object, place or area to be affected by the development. If no such assessment has been undertaken by the proponent, and there is reasonable potential for an Aboriginal object, place, site or area to be affected, then Council should request that an Aboriginal Heritage Assessment be undertaken, in consultation with the local Aboriginal community in accordance with OEH's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, before development consent is issued, in the following events:

- That the development site adjoins, or is located within, an area that has:
 - a) permanent or intermittent water bodies, or;
 - b) mature, natural trees, or;
 - c) rock outcrops or exposures, other than a non-Aboriginal mine or quarry site, or;
 - d) sand hills.

Although there is a higher frequency of sites being found in association with these features, it should be noted that Aboriginal sites can be found in other contexts, including land that has been cleared or ploughed. Also, some locations in urban areas may have historical significance to the local Aboriginal community.

- Prior to any proposed development or activities that would damage or disturb the ground surface in the vicinity of identified sites or areas of archaeological potential (see Section 5 for the locations of sites and areas of archaeological potential).

Any Development Application (DA) which proposes harm to an Aboriginal object or Aboriginal place must be dealt with as Integrated Development under Section 91 of the EP&A Act. Such applications must be forwarded to OEH to determine whether the Director General of OEH is prepared to issue an Aboriginal Heritage Impact Permit. Ultimately the DA cannot be approved by Council without the approval of OEH, if an Aboriginal Heritage Impact Permit is required to enable the development to proceed.

It is recommended that an Aboriginal Heritage Assessment be undertaken, in consultation with the local Aboriginal community in accordance with OEH's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, in cases of Integrated Development.

Aboriginal heritage site and sensitivity mapping is to be treated confidentially by Council, and is only to be used to assist in consideration of the adequacy of the Aboriginal heritage components of development applications. The information should be considered as need-to-know, and should not be made publically available. The mapping and site location information (see Section 5) should not be included on any publicly accessible media, nor websites.

The Aboriginal community has outlined a number of measures that it believes would facilitate the continuing good relationship between the community and Council:

- The Aboriginal community would appreciate Council making a written statement about how it values Aboriginal heritage, how it will support Aboriginal communities, and how it will protect Aboriginal cultural heritage (see Appendix A).
- The Aboriginal community should be given access to the site mapping information compiled for this Study. The Aboriginal community should also be informed regarding developments (before and after approval or non-approval) and impact to sites that are in development areas (i.e. data sharing between Council and the local Aboriginal community). It is noted that Council's current processes for assessing DAs are that:
 - a) a notice is sent to the most relevant Community Working Party;

b) designated and advertised development are advertised in the local newspaper and on Council's web site; and

c) when a need for an Aboriginal Heritage Assessment is triggered, proponents are required to follow OEH guidelines.

It is noted that there is an intention, in the foreseeable future, to publish all DAs that are under assessment (or have been determined), via Council's web site. However, this requires some major improvements to components of Council's administrative software systems and their integration. It is also noted that it is standard practice for Council to provide all parties making submissions with a copy of the development determination so that they are aware of Council's decision on a given DA.

- The Aboriginal community has concerns regarding the potential loss of certain sites and Aboriginal heritage information; in particular, the Aboriginal graves marked with broken glass at the Angledool Mission and Cemetery may be being damaged by grazing cattle straying from a neighbouring property (it was also noted in the DEG feedback that this kind of damage is also occurring at other locations). It was also noted that there are burials, a birthing tree and written records concerning the Aboriginal people employed at the saw mill and provision of their rations on the Dunglear property, which the community would like to be able to access to ensure that the sites and records will not be lost. Mention was also made of modified trees and skeletal material from Collarenebri which is currently held by museums in Melbourne and Adelaide, which should be repatriated to the community. The community would appreciate the assistance of Council in these matters, and with protection measures for other sites, as issues arise.
- The Aboriginal community would also appreciate it if Council could provide training and development for the community in Aboriginal heritage assessment, and in the use of mapping/GIS programs, so that they are better able to identify sites and provide accurate locations, so that knowledge of sites will not be lost.

The local Aboriginal community of the Walgett Shire comprises many individuals and organisations. In the first instance, in liaising with the local Aboriginal community, Council should contact the CEO of the relevant LALC, the Chairperson of the relevant CWP, and the DEG, who should then be able to present Council's request/information to the members of these organisations, if appropriate.

The Aboriginal community should be approached by Council for their input into the Draft LEP/SEPP/DCP, and to discuss a process for determining whether there is any potential for an Aboriginal object, place or area to be affected by a development application.

This Aboriginal Heritage Study should be reviewed and updated, as appropriate, within ten years.

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1 Introduction

1.1 Preamble

Australian Museum Business Services (AMBS) has been commissioned by Walgett Shire Council (Council) to prepare an Aboriginal Heritage Study for the Walgett Shire Local Government Area (LGA). The heritage study will inform future management of Aboriginal cultural heritage within the existing relevant New South Wales (NSW) and Commonwealth Statutory frameworks. The aim of this Study is to identify places of significance, record those places and develop recommendations for their management and conservation, which will assist Council to develop strategies to manage Aboriginal sites and places and develop a protocol for ongoing Aboriginal community liaison.

This Study will inform and contribute to the formation of a Local Environmental Plan (LEP) and Development Control Plan (DCP) for the Walgett Shire LGA.

1.2 Study Area

The study area comprises the whole of the Walgett Shire LGA (Figure 1.1). This area includes the townships and localities of Walgett, Lightning Ridge, Collarenebri, Angledool, Bald Hill, Barwon Nature Reserve, Benny Walfords Crossing, Black Dog Ramp, Blowhard Point, Brightons Point, Bugilbone, Bull Dog Point, Burren Junction, Carinda, Clodes Gate, Come By Chance, Cryon, Cumborah, Doctors Scrub, Eurie Eurie, Five Mile Point, Gilwarny State Forest, Ginghet Nature Reserve, Gingie, Glengarry, Goangra, Gooraway, Grawin, Gundabloui, Keelindi, Manilla, Merrywinebone, Milchoni, Millemorimi, Mogil Mogil, Narran Lake Nature Reserve, Narran Point, Old Burren, Old Gidgeon, Peaks Camp, Pilliga, Pilliga West State Forest, Pokataroo, Rowena, Sandy Camp, Spider Brown Oval, Top Island, Townday, Two Mile Reserve, Wilby Wilby and Windella.

1.3 Methodology

This report is broadly consistent with the principles of the Burra Charter (*The Australia ICOMOS charter for the conservation of places of cultural significance*), and has been prepared in accordance with current heritage best practice and the requirements of the relevant statutory authorities (Office of Environment and Heritage, Department of Premier and Cabinet [OEH; formerly the Department of Environment, Climate Change and Water [DECCW] and Heritage Branch, OEH [formerly Heritage Office, Department of Planning]). It is consistent with the requirements of the *National Parks and Wildlife Act 1974*, the *Heritage Act 1977*, the *Environmental Planning & Assessment Act 1979*, and current archaeological best practice. Aboriginal community consultation has been undertaken in accordance with the process required by Council, which is broadly consistent in principle with OEH's *Interim Community Consultation Guidelines for Applicants* (DEC 2004). This report has been completed in accordance with current heritage best practice guidelines as identified in the Heritage Office, Department of Planning *Heritage Manual* and associated publications including *Assessing Heritage Significance* (2001) and the *Australian Historic Themes* (Australian Heritage Commission 2001).

AMBS have undertaken the following tasks for the Aboriginal Heritage Study:

- consultation with local Aboriginal groups, in accordance with Council requirements;
- preparation of a thematic history of the LGA, with particular emphasis on Aboriginal history;
- identification and recording of those Aboriginal heritage places within the LGA in accordance with the wishes of the local Aboriginal community;
- recording information obtained during the Aboriginal Heritage Study; and
- development of management policy and recommendations.

1.3.1 Cultural Heritage Significance

It was made clear to AMBS that the local Aboriginal community would prefer not to enter detailed information about site locations in a publicly available document, outside of those sites already available through the OEH Aboriginal Heritage Information Management System (AHIMS) database. As such, no sites have been recorded for this Study.

This report does not include an assessment of cultural heritage significance for Aboriginal places. However, the Dharriwaa Elder's Group has suggested that an explanation of Aboriginal cultural heritage significance may include the following:

Many features in the natural landscape including plants and animals, waterways, springs, rock formations, hills and forests are of great importance to Aboriginal people. Survival depended on them and stories from Burriguu (creation) help to explain their creation, map their location and provide lore about their use. Places (remembered today, and those re-found during surveys and other research)...are important for social, spiritual, historical, and commemorative reasons. Many of Walgett's Aboriginal people have deep spiritual and emotional ties to these places, the evidence of the ancestors who lived there and the resource systems that supported their lives there. This is why the Dharriwaa Elders Group ascribes these places and the things found within them with high Aboriginal cultural values. These values are present as long as the places remain and Aboriginal knowledge of the places continues. The Aboriginal cultural values of a place are diminished if it is destroyed, or defaced or elements (including knowledge) are removed. Only local Aboriginal people can interpret and determine Aboriginal cultural values (DEG pers. comm. 29/4/2011; see Appendix A).

1.4 Authorship & Acknowledgements

This report has been prepared by AMBS Project Officer Jenna Weston. Jennifer Menzies, Consultant and Jennifer Wells, Consultant, prepared the thematic history of the LGA. AMBS Project Manager, Christopher Langeluddecke reviewed the Aboriginal components of this report. AMBS Senior Project Manager, Jennie Lindbergh reviewed the report for consistency and quality and provided technical assistance and advice.

Jenna Weston and Christopher Langeluddecke participated in the Aboriginal community consultation meetings.

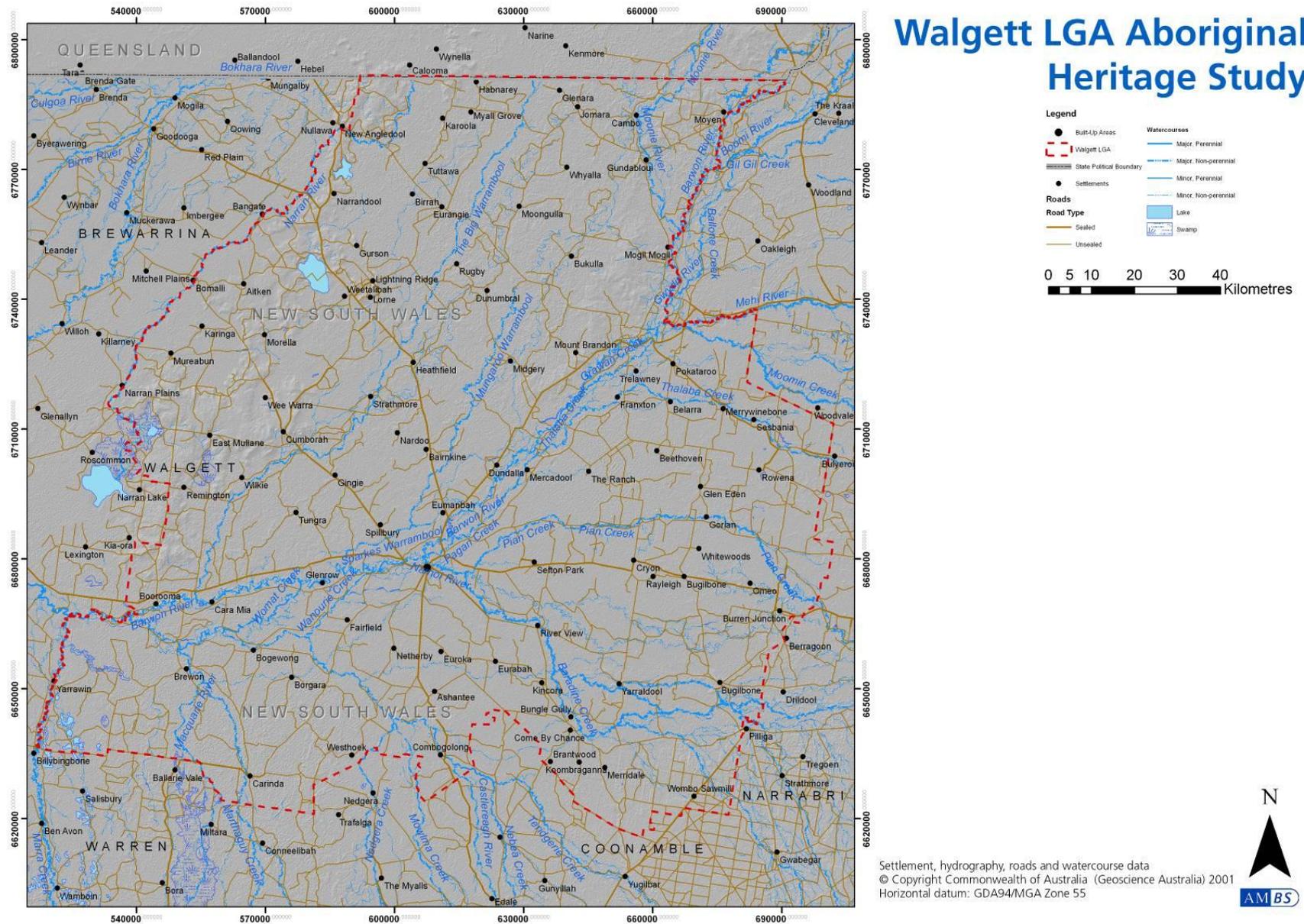


Figure 1.1 Walgett Shire Local Government Area.

2 Statutory Context

Aboriginal sites within NSW are protected under the *National Parks and Wildlife Act 1974* (amended 2010) and in some cases may be protected under the *Heritage Act 1977*. The investigation and assessment of Aboriginal heritage is triggered by provisions under the *Environmental Planning and Assessment Act 1979* along with other environmental planning instruments, as detailed below.

2.1 National Parks & Wildlife Act 1974 & National Parks & Wildlife Amendment Regulation 2010

Under the provisions of the *National Parks and Wildlife Act 1974*, as amended in 2010 (NPW Act), all Aboriginal Objects are protected regardless of their significance or land tenure. Aboriginal Objects can include pre-contact features such as scarred trees, middens and open campsites, as well as physical evidence of post-contact use of the area such as Aboriginal built fencing and fringe camps. The NPW Act also protects Aboriginal Places, which are defined as “a place that is or was of special significance to Aboriginal culture. It may or may not contain Aboriginal objects”, and may only be declared by the Minister administering the NPW Act.

Under Section 90 of the Act, it is an offence for a person to destroy, deface, damage or desecrate an Aboriginal Object or Aboriginal Place without the prior issue of a Section 90 consent. The Act requires a person to take reasonable precautions and due diligence to avoid impacts on Aboriginal Objects. Section 90 consents may only be obtained from the Environmental Protection and Regulation Division (EPRD) of OEH.

The National Parks and Wildlife Amendment Regulation 2010 commenced on 1 October 2010. This Regulation excludes activities carried out in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* from the definition of harm in the Act. That is, test excavations may be carried out in accordance with this Code of Practice, without requiring a permit. The Regulation also specifies Aboriginal community consultation requirements (*Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*). Further, the Regulation specifies activities that are low impact and adopts a Due Diligence Codes of Practice, which provide a defence to the strict liability offence of harming an Aboriginal objects.

Part of the regulatory framework for the implementation of the NPW Act is the Aboriginal Heritage Information Management System (AHIMS), maintained by OEH. AHIMS includes a database of Aboriginal heritage sites, items, places and other objects that have been reported to the OEH. Also available through AHIMS are site cards, which describe Aboriginal sites registered in the database, as well as Aboriginal heritage assessment reports, which contribute to assessments of scientific significance for Aboriginal sites. The AHIMS is not a comprehensive list of all Aboriginal heritage in NSW, rather it reflects information which has been reported to OEH. As such, site co-ordinates in the database vary in accuracy depending on the method used to record their location. Heritage consultants are obliged to report Aboriginal sites identified during field investigations to OEH, regardless of land tenure, or whether such sites are likely to be impacted by a proposed development. A site search for the Walgett Shire LGA was undertaken on 30 March 2010, and the site location information was used as one method of identifying zones of Aboriginal heritage sensitivity.

2.2 Environmental Planning & Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the principal law regulating land use planning and development in NSW, and requires consideration to be given to the environment as part of the land use planning process. Proposals are considered under different parts of the Act, including:

- Major projects, requiring the approval of the Minister for Planning and which are regional or State significant are undertaken under Part 3A of the Act.
- Minor or routine development proposals, requiring local council consent are usually undertaken under Part 4. In limited circumstances, proposals may require the Minister's consent.
- Proposals which do not fall under Part 4 or Part 3A are undertaken under Part 5. These are often infrastructure projects approved by local councils or the State agency undertaking the project.

A Review of Environmental Factors (REF), Environmental Impact Statement (EIS) or Environmental Impact Assessment (EIA) considers environmental impacts as part of the land use planning process. In this context the environment includes Aboriginal and historic cultural heritage. The consent authority is required to consider the impact on all Aboriginal heritage values, including natural resource uses or landscape features of spiritual importance, as well as the impact on Aboriginal Objects and Aboriginal Places.

The EP&A Act also controls the making of environmental planning instruments (EPIs). Two types of EPIs can be made: Local Environmental Plans (LEPs), covering local government areas; and State Environment Planning Policies (SEPPs), covering areas of State or regional environmental planning significance. LEPs commonly identify and have provisions for the protection of local heritage items and heritage conservation areas. Development Control Plans (DCPs) can also be made.

2.2.1 Walgett Local Environmental Plan

Walgett Shire Council currently has no comprehensive Local Environmental Plan (LEP) that provides protection for heritage within the LGA, nor any Schedule of Heritage Items (including Aboriginal sites/places).

2.3 NSW Heritage Act 1977

The *NSW Heritage Act 1977* provides protection for heritage places, items and archaeological sites that are important to the people of NSW. Where historic or Aboriginal items, places or archaeological sites have particular importance to the state of NSW, these are listed on the State Heritage Register (SHR). Items and places of Aboriginal heritage significance which are listed on the State Heritage Register, or to which an active Interim Heritage Order applies, are also protected under the Act.

There are no Aboriginal heritage items, places or sites within the study area, or its vicinity, that are listed on the SHR or that are the subject of an active Interim Heritage Order.

2.4 Environment Protection & Biodiversity Conservation Act 1999

The Australian Government Department of Sustainability, Environment, Water, Population and Communities (DSEWPC, formerly the Department of Environment, Water, Heritage and the Arts) is responsible for the implementation of national policy, programs and legislation to protect and conserve Australia's environment and heritage. Under the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) the National Heritage List (NHL) was established to protect places that have outstanding value to the nation, and the Commonwealth Heritage List (CHL) has been established to protect items and places owned or managed by Commonwealth agencies. Approval from the Minister is required for controlled actions which will have a significant impact on items and places included on the NHL or CHL.

The Register of the National Estate (RNE) was originally established under the *Australian Heritage Commission Act 1975*. Since the establishment of the NHL and CHL, there is now a significant level of overlap between the RNE and heritage lists at the national, state

and territory, and local government levels. To address this situation, the Register has been frozen since February 2007, meaning that no places can be added or removed. The RNE should be understood as an information resource only. Where an action has been referred to the Minister, in accordance with the EPBC Act, concerning World Heritage, National Heritage, Wetlands, endangered communities, or Commonwealth lands, the RNE may be used as a reference, where appropriate.

The RNE lists the following items, located within the vicinity of the study area, which may have significance to the local Aboriginal community:

- Angledool Aboriginal Reserve and Cemetery – New Angledool;
- Collarenebri Aboriginal Cemetery – Collarenebri;
- Cuddie Springs Palaeontological Site – Carinda;
- Indigenous Place – Barokaville Station via Walgett;
- Indigenous Place – Brewarrina;
- Indigenous Place – Gingie Station via Walgett;
- Indigenous Place – Walgett;
- Lightning Ridge Hot Artesian Bore Baths – Pandora St, Lightning Ridge; and
- Narran Lakes Area – Brewarrina.

Lightning Ridge Hot Artesian Bore was nominated to the RNE for its significance to people of Eastern European descent. Mention is made that the site is shared with local Aboriginal people and visiting tourists; however, no information was able to be located to assess its importance in relation to Aboriginal history.

There are no Aboriginal heritage places or sites within the Walgett LGA recorded on the NHL or CHL.

3 Aboriginal Community Consultation

Consultation with local Aboriginal community members was undertaken to ensure that their views and opinions were included as stakeholders in the identification and recording of any objects or places of Aboriginal cultural or archaeological significance within the study area.

Although there is no requirement for the project to be undertaken in accordance with the OEH *Interim Community Consultation Guidelines for Applicants*, as the project will not include an application for a permit, Council requires a process of Aboriginal community consultation which is broadly consistent in principle with the Interim Guidelines. The consultation process that was undertaken is outlined below.

3.1 Identifying Aboriginal People with Rights & Interests in the Area

The following organisations were contacted in order to identify appropriate Aboriginal people to consult:

- Heritage Branch, Department of Planning (Tanya Koeneman);
- OEH (Jason Wilson);
- National Native Title Tribunal (Kimberley Wilson);
- Native Title Services Corp (James Rose);
- Office of the Registrar of Indigenous Corporations;
- Office of the Registrar, Aboriginal Land Rights Act (Courtney Field);
- NSW Aboriginal Land Council (Sarah Puckeridge);
- Department of Aboriginal Affairs (Elaine Lang, Richard Simpson);
- Walgett Local Aboriginal Land Council (Walgett LALC);
- Lightning Ridge LALC;
- Collarenebri LALC;
- Coonamble LALC;
- Brewarrina LALC;
- Mugindi LALC;
- Pilliga LALC;
- Wee Waa LALC;
- Quambone LALC;
- Walgett Shire Council (Matt Goodwin, Director Planning & Regulatory Services; Jenny Trindle);
- Education and Training – Western Institute of TAFE (Glenda Simpson);
- Department of Education, Training and Youth Affairs (Bill Kennedy);
- Western Catchment Management Authority (Blackie Gordon);
- Collarenebri Country Women’s Association (Laura Simpson);
- Walgett Country Women’s Association (Colleen Edgar); and
- a search of Google and online business databases including the Black Pages, White Pages and Yellow Pages was undertaken for any other Aboriginal organisations within the LGA such as Aboriginal Health, Legal Aid or CDEP projects.

3.2 Agreeing on a Process

Based on contact with the above organisations, the following parties were identified as potentially having an interest in the Aboriginal Heritage Study:

- Aboriginal Corporation Enterprising Services;
- Aboriginal Education Consultative Group (Sandra Suey Thorne);
- Annette Kennedy (Aboriginal community person);
- Barriekneal Housing and Community Ltd;
- Barwon Darling Alliance;
- Bray Shepherd (Aboriginal community person);
- Brenda McBride (Aboriginal community person);
- Brewarrina LALC;

- Collarenebri CDEP Murdi Paaki;
- Collarenebri LALC (Tony Flick);
- Coonamble LALC;
- Dharriwaa Elders Group (Virginia Robinson, Tim Creighton, Lewis Beal);
- Don Murray (traditional Collarenebri man) and Trish Neale;
- Eileen Peters (Aboriginal community person);
- Fay Sands (Aboriginal community person);
- Gamilaroi Aboriginal Corporation/Walginnam Employment and Training Aboriginal Corporation;
- Gamilaroi Giwirrgal Gunu Aboriginal Corporation (Ted Fields);
- Gan Bruce (Aboriginal community person);
- Gingie Reserve Committee;
- Goodagah Relief Aboriginal Corporation Endeavour;
- Goonimoo Mobile Children's Service;
- Gumilaroi (Michael John Anderson, Debra Walford);
- Hall Murray Clan of the Euahlayi People (Allan Hall (Jnr), Charles Taylor, Darcy Willis Washington (Jnr), Keith Hall, Lindsay Boland, Phillip Hall);
- Joe Flick (Aboriginal community person);
- John Walford (Aboriginal community person);
- “Koolyangarra” Preschool Aboriginal Corporation;
- Kooma People (Una Branfield (Ponjydufljydu), Bill Chapman, Clarence Colliss, Angus Mitchell, Ross Mitchell, Aileen Orcher, Mick Speedy, Grace Weatherall);
- Lightning Ridge Aboriginal Community Options/Collarenebri Aboriginal Home Care Service (Dot Fazledeen);
- Lightning Ridge CDEP Depot;
- Lightning Ridge Community Working Party (Allan Cobb);
- Lightning Ridge LALC (Tony Flick);
- Lightning Ridge Neighbourhood Centre (Christina Johanssen, Karen Thurston);
- Mugindi LALC;
- Murdi Paaki Regional Council (Ross Thompson);
- Murrumay Murrila CDEP Aboriginal Corporation;
- Namoi Village Committee;
- Nyoongah Biblah Bibbil Gubbie Clan of the Euahlay-i People (Christine Williams, Mavis Eckford);
- Nyoongah Ghurradong Murri (Granny Ethel) Euaylay-i People (Michael Anderson, Roger Gordon, Eric Dixon);
- The Nyoongar Ghurree – Bhurrah (Gubboothar) Far Western Gumilaroi Aboriginal People (Jean Kennedy, Brenda McBride, Glen Green, Gary Saunders, Phillip Kennedy, Vincent Hall, Robert Morgan, Barbara Wilson, Richard Green, Shirley Bolton);
- North West Area Aboriginal Community Options (Collarenebri)/Meals on Wheels/Homes Care Service of NSW (Tracey Carroll, Nina Madden);
- Petrina Brown (Aboriginal community person);
- Pilliga LALC;
- Quambone LALC;
- Walgett Aboriginal Aged Hostel: Euragai Goondi;
- Walgett Aboriginal Community Options;
- Walgett Aboriginal Legal Service;
- Walgett Aboriginal Medical Service (Christine Corby, Laurence Walford);
- Walgett CDEP;
- Walgett Community Working Party (Christine Corby);
- Walgett LALC (Anne Dennis);
- Wee Waa LALC;
- Woganurra Aboriginal Culture Centre/Woganurra Aboriginal Corporation/The Goondee Aboriginal Keeping Place (Roy and June Barker);
- Yuwaaliaay Elders Aboriginal Corporation (Allan Hall and Elizabeth Wallace); and
- Yawarra Meami Women's Group (Christina Johanssen).

Each of these organisations, or their representative/s, was contacted to discuss the Aboriginal Heritage Study. An explanation of the Study was provided, and each party was invited to be consulted and involved in the Study. Not all of these parties identified an interest in being involved in the Study, but those that did identify an interest were:

- Brenda McBride;
- Collarenebri LALC (Tony Flick; later Norman Hall);
- Dharriwaa Elders Group (Wendy Spencer, Virginia Robinson, Thelma Thorne, Gladys Kennedy, Fay Sands, Neil Weatherall, Victor Hill, Tim Creighton, Joan Morgan, Harry Hall);
- Don Murray;
- Elaine Lang;
- Gamilaroi Giwirrgal Gunu Aboriginal Corporation (Ted Fields);
- Jason Wilson;
- Joe Flick;
- Lightning Ridge CDEP Depot;
- Lightning Ridge LALC (Tony Flick; later Allan Cobb; Paula Walsh);
- Lightning Ridge Community Working Party;
- Michael Anderson;
- Richard Green;
- Walgett Aboriginal Medical Service;
- Walgett LALC (Anne Dennis);
- Wayne Wharton;
- Woganurra Aboriginal Culture Centre/Woganurra Aboriginal Corporation/The Goondee Aboriginal Keeping Place (Roy and June Barker);
- Yawarra Meami Women's Group (Christina Johanssen, Marcia Barker, Liz Smith);
- and
- Yuwaaliaay Elders Aboriginal Corporation (Allan Hall and Elizabeth Wallace).

A public meeting was organised, to which all interested Aboriginal parties were invited to discuss the aims of the project and the manner, timing and level of consultation. Following discussion with the identified Aboriginal parties, the Walgett meeting was organised for Tuesday 1 June 2010, at 10am at the Walgett LALC office, and the Lightning Ridge meeting was organised for Wednesday 2 June 2010, at 5:30pm at the Lightning Ridge LALC office. The meetings were advertised in the Ridge News and the Walgett Spectator on Thursday 6 May 2010 and Wednesday 12 May 2010, respectively. All organisations and individuals who had Aboriginal contacts were informed of the meeting time and place by telephone, email or letter, and asked to pass these details on to any of their Aboriginal contacts who may be interested in the Study.

The following community members attended the meetings on 1 and 2 June 2010:

- Anne Dennis;
- Wendy Spencer;
- Virginia Robinson;
- Don Murray;
- Thelma Thorne;
- Gladys Kennedy;
- Fay Sands;
- Neil Weatherall;
- Victor Hill;
- Tony Flick; and
- Allan Cobb.

3.3 Establishing Protocols

Relevant protocols were established for the project through telephone and email consultation and at face-to-face meetings with the Aboriginal community.

At the meetings held on 1 and 2 June 2010, it was agreed that AMBS would produce a large, A0-sized map of the Walgett Shire LGA, to show all Aboriginal heritage sites and places recorded on the NSW OEH AHIMS, as well as areas that, based on an understanding of the area and its archaeology, AMBS believes may contain Aboriginal archaeological sites. Maps showing close-up views of the main towns in the Shire were also requested. It was made clear to AMBS that the Walgett Shire Aboriginal community would prefer not to enter detailed information about site locations in a publicly available document, outside of those sites already available through the OEH AHIMS database. It was, therefore, understood that not all heritage sites should be mapped or identified in detail, but that general areas that are important to the community, or where archaeological sites are present, should be indicated. The aim of the map was to identify places within the Walgett Shire LGA that have heritage significance, or are culturally sensitive.

It was agreed that AMBS would send the maps to the offices of the Walgett, Lightning Ridge and Collarenebri LALCs and the DEG, where they would be placed on display so that all members of the local Aboriginal communities would have the opportunity to see them, and to provide input and comment. This was to be done by drawing any important or significant cultural heritage areas on the map. Information regarding the level of significance; high, moderate or low, and the cultural, social, spiritual, historical or aesthetic reasons, was to be included.

The maps were sent to the above-mentioned Aboriginal community offices on 8 July 2010. All interested Aboriginal community parties were informed, by telephone, email or letter, that the maps were available for viewing in these offices.

To discuss feedback on the maps, a second round of public meetings were organised, to which all interested Aboriginal parties were invited. Following discussion with the identified Aboriginal parties, the meetings were organised for Wednesday 17 November 2010, at 10am at the Collarenebri LALC office, at 1:30pm at the Walgett LALC office, and at 5:30pm at the Lightning Ridge LALC office (during the Community Working Party meeting, as suggested by the Chairperson of the Lightning Ridge LALC; therefore some attendees of the meeting were not members of the local Aboriginal community). All organisations and individuals who had Aboriginal contacts were informed of the meeting times and venues by telephone, email or letter, and asked to pass these details on to any of their Aboriginal contacts who may be interested in the Study.

The following community members attended the meetings on 17 November 2010:

- Virginia Robinson;
- Tim Creighton;
- Joan Morgan;
- Gladys Kennedy;
- Harry Hall;
- Allan Cobb;
- Heather Landini (Mission Australia)
- Alison Wheeler and Carol Vale (Safe Families);
- Kylie Smith;
- Lianne Tasker and Don Ramsland (WSC);
- Laurence Walford;
- Karen Thurston;
- Elaine Lang (DAA); and
- Mike Aitken.

The aim of the mapping is not to show all sites or areas of Aboriginal cultural heritage sensitivity. In particular, the majority of land within the LGA has not been subject to Aboriginal heritage survey or assessment, which limits the number of sites identified on the AHIMS. Although no additional areas of sensitivity were marked on the map by the

Aboriginal community, management recommendations for inclusion in the Aboriginal Heritage Study were discussed with the community at the meeting. These recommendations are discussed in Section 6 of this report.

4 Thematic History

4.1 Preamble

The Commonwealth and State government authorities have developed a series of Historic Themes to provide a framework for identifying and understanding heritage places. These themes focus on the human activities that produced the places we value, and the human response to Australia's natural environment. The major historic themes that are identified as applying to the study area are discussed below.

4.2 Peopling Australia

4.2.1 *Living as Australia's Earliest Inhabitants*

Aboriginal occupation of NSW is likely to have spanned at least 20,000 years, although dates of more than 40,000 years Before Present (BP) have been obtained, for example, from artefacts found in gravels of the Cranebrook Terrace on the Nepean River (Nanson *et al.* 1987; Stockton 1993; Stockton & Holland 1974). Pleistocene occupation sites have been identified at Shaws Creek in the foothills of the Blue Mountains (14,700 BP; Kohen *et al.* 1984), Mangrove Creek and Loggers Shelter in the Sydney Basin (c.11,000 BP; Attenbrow 1981, 2004), Burrill Lake on the South Coast (c.20,000 BP; Lampert 1971), and Bulee Brook 2 rock shelter in the south coast hinterland (18,000 BP; Boot 1996).

4.2.2 *Local Aboriginal Archaeological Context*

Previous archaeological work carried out within the subject area is dominated by consultancy reports concerning specific and defined sites (AMBS 1995; Balme 1986; Jones & Costin 2007). Archaeological studies of the region's waterways provide a general coverage of the subject area (AMBS 1995; Balme 1986). Balme writes that there has been limited opportunity to assess the chronology of prehistoric sites apart from sites located at Narran Lake and rock shelters adjacent to Wurrumbungle Range through indirect dating (Balme 1986:181-183). However, dates of 30,000-36,000 BP have been returned from stratigraphic layers at Cuddie Springs archaeological site near Carinda, south west of Walgett, establishing the region as one of significance in terms of its antiquity and its contribution, both realised and potential, to extant knowledge concerning the early inhabitants of the Australian continent (Fullagar & Field 1997). Sustained archaeological investigation at this site has revealed stone artefacts, charcoal and faunal material which have been used to support the argument that 'evidence from Cuddie Springs is significant in a world context as it relates to the settlement of desert/arid regions and the adoption of new plant resources', and also provides evidence that prehistoric humans and megafauna co-existed in the area (Fullagar & Field 1997:300).

Until Europeans arrived in Australia there was no such entity as the 'Aboriginal people'. The use of one term for all of the Indigenous inhabitants of the Australian continent is a European invention (Baker 1997:xiii; Zagar 2000:7). Although it has become common practice to use the various Aboriginal terms for 'man' or 'people' such as 'Koori', 'Nyungar' or 'Murri', Aboriginal communities traditionally referred to themselves by the name of their language group (Austin 1994; Baker 1997). Three major language groups are found in Walgett Shire: the Gamilaraay (Kamilaroi) group; the Weilwan (also spelt Wayilwan, a dialect form of Wiradjuri), who are located around the confluence of the Castlereagh and Macquarie Rivers, south-west of Walgett; and the Yuwaalaraay (Ularai, Yularoi, Euaylay-i) language group (Austin 1994). Woodfield explains that the major language groups 'were further divided into family groups or clans who moved independently throughout their traditional lands, following a semi-nomadic lifestyle. During the winter months the people would move away from the rivers and wetlands, and then return to the river for spring and summer floods' (Woodfield 2000:6). Throughout this report, the term 'Aboriginal' is used for reasons of simplicity and convention.

The earliest recorded mention of the Gamilaraay language was by Major Thomas Mitchell in February 1832 when he listed basic vocabulary (Austin 1994; Baker 1997). Austin also states that there is evidence for variation in dialect throughout the north-central New South Wales region (Austin 1994:2). He identifies Lightning Ridge and the Collarenebri area with the Yuwaalaraay dialect, and north-west of Walgett with the Yuwaaliyaay dialect (Figure 4.1).

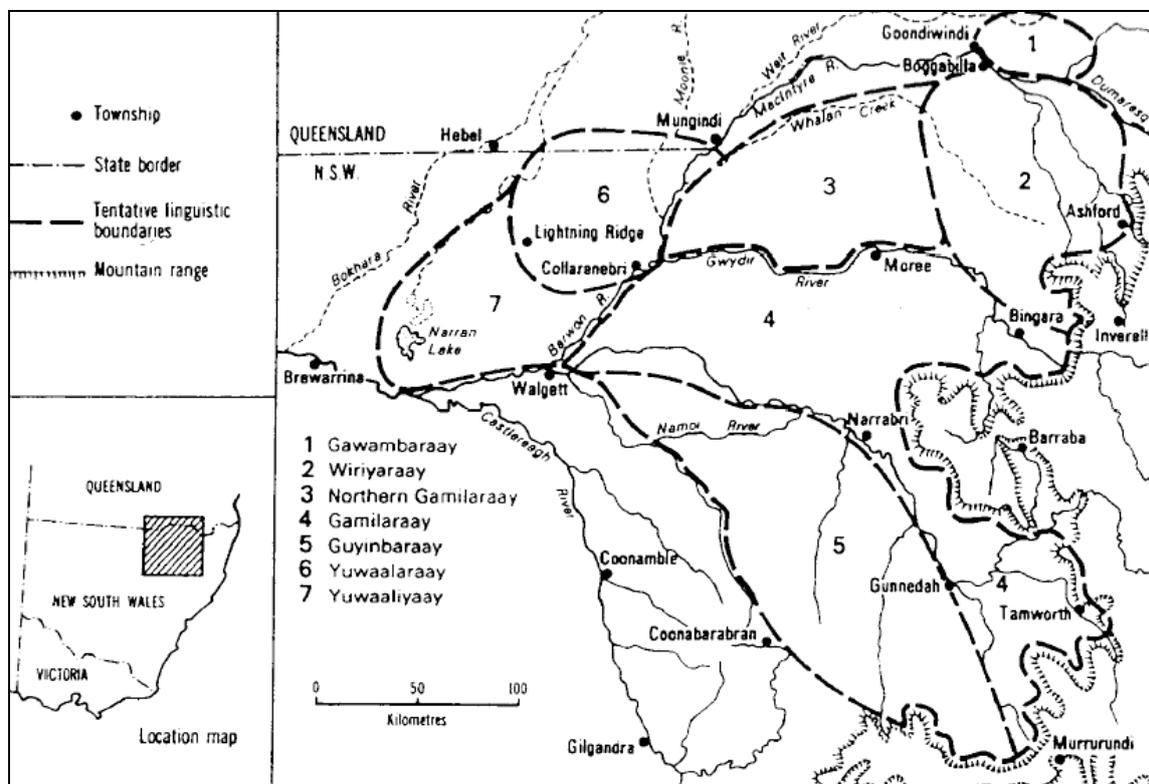


Figure 4.1 Map showing territorial areas based on language groups (Austin et al. in Austin nd:np).

Austin explains the origin of the language names thus, *The name Gamilaraay can be divided into two parts. It consists of ‘gamil’ meaning ‘no’ and ‘araay’ meaning ‘having’, that is, ‘the people who have ‘gamil’ for ‘no’* (Austin 1994:3). This method of naming people after their word for ‘no’ was widespread throughout New South Wales; the western neighbours of the Gamilaraay were the Yuwaalaraay, who say ‘waal’ for ‘no’ and the south-western neighbours were the Wayilwan who say ‘wayil’ for ‘no’ (in their language ‘wan’ means ‘having’) (Austin 1994:3). The Gamilaraay language has contributed many place names used by white settlers, such as Boggabri, Brewarrina and Collarenebri. As well, words such as budgerigar, mulga, coolabah, bindieye and galah are of Gamilaraay origin. Conversely, the Gamilaraay language has adopted its own form of some English words such as ‘biiba’ for ‘paper’ and ‘gandjibal’ for ‘constable’ (Austin 1994:5). It is believed that the name Walgett is derived from the Gamilaraay Aboriginal word ‘Wilgay’, meaning ‘where the two rivers meet’ (WSC 2009).

The Gamilaraay and Yuwalaaraay languages are currently undergoing a revival, despite being declared extinct in the twentieth century, and are being taught in schools across the region (ABC 2010; Giacom 1999). At the time of writing, the Dharriwaa Elders Group (DEG) is made up of members of the Walgett Aboriginal community, including Ngayiimbaa Elders (ABC 2010; Austin nd; DEG 2010).

In the region of Walgett it has been observed that some cultural division can also be made on the basis of archaeological evidence:

north and west of the Narran River there is no record, contemporary or prehistoric, of bora grounds or carved trees associated with burials. This has been

identified as a division of the region on the basis of cultural practice. ..There is an identifiable division in the region between artifacts made of silcrete (in the north and west) and those made from quartz (in the south and east) (Balme in Jones & Costin 2007:25).

These findings are supported by later archaeological investigations (AMBS 1995).

The structure of traditional Aboriginal society in the region now known as Walgett Shire was 'organised around a diverse and complex series of relationships and inter-relationships between differently amalgamated groups' (Jones & Costin 2007:22). A number of general statements concerning Aboriginal society can be applied to these groups:

All Aboriginal societies are organised around a number of common basic principles. Although people spend most of the time dispersed into small groups, they maintain a strong sense of belonging to heartlands or home 'estates' to which they are linked by a variety of strong ties. Through the operation of kinship, which is a system of social relationships that are expressed in a biological idiom ('mother', 'son' and so on), and through marriages and ritual alliances, individuals maintain ties of obligation and responsibility towards all others in the society (Horton 1994:998).

Large gatherings of Aboriginal people were only possible when there were sufficient resources available. 'The Barwon River wetlands were one of the few areas in eastern Australia capable of providing such large amounts of food, and it was not unusual for Aboriginal people from many other nations, including regions as far away as Lake Waljeers on the Lachlan and southern Queensland, to regularly visit the area' (Woodfield 2000:7).

Archaeological investigation in the subject area has provided considerable information about Aboriginal subsistence and culture since prehistoric times. As an example of some of the earliest evidence of human subsistence in the Walgett region, 25 grinding stones were recovered from a site at Cuddie Springs, near Carinda. The morphological attributes of these grindstones suggest that they were used for processing seeds. The stones date from around 30,000 BP. Fullagar and Field argue that the early date of these grind stones suggests a broad spectrum diet prior to the Late Glacial Maximum, in response to increased climatic and dietary stress (Fullagar and Field 1997). Further, various projects have identified hundreds of Aboriginal sites in the Shire including camp sites, quarries, bora rings, ephemeral fish traps, carved trees, scarred trees, artefact assemblages and burials (AMBS 1995; Jones & Costin 2007:23-31).

R. H. Mathews, an anthropologist in the late nineteenth to early twentieth century, describes:

one of the last Bora gatherings of the three district tribes where about 200 people assembled on the Moonie River during January, February and March 1894. The last known initiation ceremony was held at Collymongle in 1890. The last Gamilaroi communal ceremony is believed to have been held on the outskirts of the Wee Waa in 1905 (cited in Zagar 2000:2).

4.2.3 Initial Contacts

Documented references in the literature to specific aspects of the Gamilaraay people's social organisation and culture range from nineteenth century observations recorded by Europeans (e.g. Major Thomas Livingstone Mitchell, 1832; Rev. Charles C. Greenaway 'Kamilaroi Languages and Traditions' 1878; Langloh Parker 1895) to twentieth century recordings of Aboriginal legends, customs and oral history (e.g. John Kerry 1978; Cilka Zagar 1990, 2000). Langloh Parker's stories and observations have been reprinted many times since she wrote them in the 1890s. In the twenty-first century commissioned

reports also discuss aspects of Aboriginal culture (e.g. Jones & Costin 2007; Woodfield 2000).

The first white man to have ventured anywhere near Walgett was John Oxley who travelled along the Castlereagh and Macquarie Rivers in 1818 (Field 1989:12). Captain Charles Sturt was reported to have travelled within 20 miles south of the region in 1829 (Field 1989:12). Major Thomas Mitchell first visited the area in 1832, and wrote at length about Aboriginal people encountered during each of his four expeditions. Mitchell wrote specifically about the Kamilaroi (Gamilaraay) on his first expedition, which he made in order to investigate the claims of a runaway convict (George Clarke) that a large river existed inland (Baker 1997:40). Parker writes that in the 1890s the Narran Aborigines remembered the ‘coming of Mitchellän, as they call Major Mitchell’ (Parker 1978:12). Mitchell came across a collection of ‘Kamilaroi’ huts on the Gwydir River, near present day Moree (east of Walgett Shire). He noted that some huts were grouped together, whereas others were secluded, and some were grouped around a communal fireplace. They were constructed from reeds, grass and boughs and were either circular or semi-circular with conical roofs (Baker 1997:55). Mitchell also mentions that a Kamilaroi guide who accompanied them for a time became ill at ease and left Mitchell’s team suddenly because of his great fear of the Myall Aborigines (the Wirayaraay people) (Baker 1997:55). Mention is also made of conflict between the Gingie (also spelt Gingi) and Ualaroi groups, both described as members of the Yuwalaaraay language group (Kerry 1978:11).

4.2.4 Aboriginal Foundation Legends¹

Many sources refer to the legend concerning the beginning of the Narran Lake (Greenaway 1878, cited in Kerry 1978; Jones & Costin 2007:20; Parker 1978:24; Woodfield 2000:12). In Parker’s version, Old Baiame (also spelt Byamee) is planning to collect honey and meet his two wives at Coorigil Spring to camp. However, his two wives have been seized and swallowed by two Kurrias (crocodiles) who have taken them along an underground watercourse leading to the Narran River. Knowing the River well, Baiame sets off to get ahead of the Kurrias:

Swiftly on sped Baiame, making short cuts from big hole to big hole, and his track is still marked by the morillas, or pebbly ridges, that stretch down the Narran, pointing in towards the big holes. Every hole he came to, he found it dry, until at last he reached the end of the Narran; the hole there was still quite wet and muddy; then he knew he was near his enemies, and soon he saw them. He managed to get, unseen, a little way ahead of the Kurrias. He hid himself behind a big dheal tree. As the Kurrias came near they separated, one turning to go in another direction. Quickly, Baiame hurled one spear after another, wounding both Kurrias, who writhed with pain and lashed their tails furiously, making great hollows in the ground which the water they had brought with them quickly filled. Thinking they might again escape him, Baiame drove them from the water with his spears, and then, at close quarters, he killed them with his woggaras. And, ever afterwards, at flood-time the Narran flowed into this hollow which the Kurrias in their writhings had made (Parker 1978:24-25).

Baiame cut open the crocodiles, rescued his wives and then said:

Soon will the black swans find their way here, the pelicans and the ducks; where there was dry land and stones in the past, in the future there will be water and water-fowl, from henceforth; when the Narran runs it will run into this hole, and by the spreading of its waters will a big lake be made.’ And what Baiame said has come to pass, as the Narran Lake shows, with its large sheet of water, spreading for miles, the home of thousands of wild fowl (Parker 1978:26).

¹ The Dharriwaa Elders Group requests that Elders be actively involved whenever creation stories are told, especially in the presence of non-Aboriginal people.

As Parker points out, the morillas, or pebbly ridges that stretch down the Narran – referred to in the story – can still be seen today (Parker 1978:24). Many natural features of the landscape around the Barwon River and Narran Lake are attributed to Baiame; his knee and handprint in the rock by Narran Lake and his footprints in the Barwon riverbed, for example. In a more modern version of the story told by Ted Fields (cited in Woodfield 2000:24) one wife dies, and it says that it is possible to see where Baiame laid her on a present day sandhill. *This story in particular illustrates the connection that the descendants of the Ularai (Euahlayi, Yuwalaaraay) people, who today live in the region that encompasses Angledool, Lightning Ridge, Walgett and the Lakes district, have with the land and the cultural landscape* (Jones & Costin 2007:21). Baiame is described as the supreme spiritual leader of the Gamilaraay responsible for giving them their knowledge and laws (Field 1989:10; Woodfield 2000:12).

4.2.5 Aboriginal Tools and Equipment

Early explorers and surveyors such as Oxley, Sturt, Mitchell and Kennedy refer to various implements used by the Aboriginal populations they encountered in the Walgett area (Jones & Costin 2007:23). Geering and Roberts state that ‘Most artefact assemblages around Walgett and Lightning Ridge are characterised by the core and flake tool industry’ (Geering and Roberts 1991:17). Localised stone axe production is also referred to by researchers (AMBS 1995; Jones & Costin 2007).

Aboriginal material culture is referred to in the diaries of early settlers (Jones & Costin 2007:23). These sources provide a long list of observed implements/tools including:

- Hatchets
- Grindstones
- Throwing Sticks
- Boomerangs
- Fire Sticks
- Bark Containers
- Bark Boats
- Fishing Nets
- Fish Trap
- Kangaroo Cloaks
- Stone Knives
- Spear Throwers
- Clubs
- Digging Sticks
- Adzes
- Bull Roarers
- Wood Containers
- Bird Nets
- Carving Tools
- Twine
- Widow’s Caps
- Bone Needles
- Shields
- Spears
- Fish Hooks
- Scrapers
- Shell/Bone Knives
- Spades
- Net Bags
- Skin Bags

A variety of fishing techniques were employed by the Aboriginal population, including spear fishing, line fishing and stone fish traps. A well-known example of a stone fish trap is found at Brewarrina (Ngunnhu), on the Barwon River, west of the subject area. Ethnographic evidence indicates that wooden fish traps were also made; however, no archaeological remains have been found (Gilmore 1986:164, 2007:29; Jones & Costin 2007:29). The lack of archaeological remains may relate to difficulties in the preservation of wood through archaeological time-spans.

4.2.6 Subsistence

One of the most important natural resources available to the original population of the subject area would have been the extensive river system of the Namoi, Macquarie, Castlereagh and Gwydir Rivers, which flow into the Barwon River (Figure 4.2; Woodfield 2000:6).

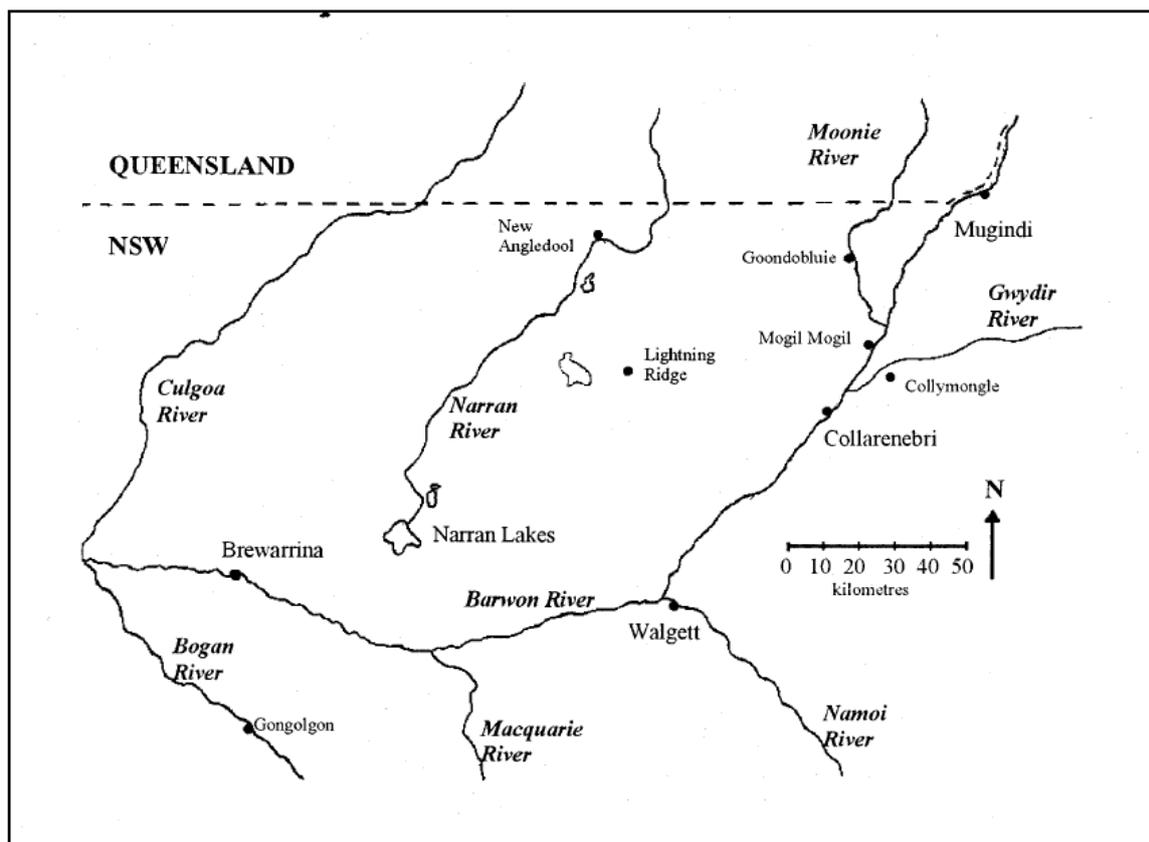


Figure 4.2 The Barwon River System (Woodfield 2000:8).

Fish caught in the vicinity of the Barwon River include Boney Bream (*Nematalosa erebri*), Silver Perch (*Bidyanus bidyanus*), Murray Cod (*Maccullochella peelii peelii*), Freshwater Catfish (*Tandanus tandanus*), Golden Perch (*Macquaria ambigua*), and Spangled Perch (*Leiopotherapon unicolor*). These would have been caught as part of a traditional diet for many thousands of years, and they are still sought by Aboriginal people and non-Indigenous people alike. Freshwater invertebrates such as yabbies, crabs and mussels would also have been commonly found and collected (Woodfield 2000:8,9). It is also known that kangaroo and emu were part of the Gamilaraay/Yuwalaaraay diet (Baker 1997:55; Jones & Costin 2007:29; Woodfield 2000:9,10).

Many species of wetland birds as well as freshwater tortoises, turtles and water rats would have been hunted along the river systems. Ducks were frequently hunted by Aboriginal people and are common within this area. Freshwater turtle eggs could have also been collected. The Broad Shell River Turtle (*Chelodina expansa*) and the Eastern Snake-necked Turtle (*Chelodina longicollis*) are the most common species in the Barwon Wetlands (Woodfield 2000:9,10).

The Barwon wetland also provided gathering opportunities with a number of plant species found within the wetlands, which were used by the Aboriginal population for food, tools and medicinal purposes. As an example, the bark from the Red River Gum was used for making dishes, canoes, shields and shelter (Woodfield 2000:11).

4.3 Early European Exploration & Interaction with Aboriginal Cultures

George Clarke, a convict assigned to Ben Singleton, after whom the town Singleton is named, absconded and lived for several years with the Kamilaroi (Gamilaraay) people (Baker 1997:40). Clarke was captured after taking up bushranging, and told a story of having seen a great river inland called the Kindur. This information prompted an expedition by the incoming Surveyor General of New South Wales, Major Thomas Livingstone Mitchell, which commenced on 24 November 1831. Mitchell acquired an

Aboriginal guide, referred to as 'Mr Brown' from Wallamoul Station, the last European settlement in the North West (Baker 1997:40).

Mitchell followed the Namoi River until he reached the Gwydir, from which the party continued north to Mungindi and then followed the river back to the junction of the Barwon and Gwydir Rivers, east of the present-day town of Collarenebri (Baker 1997). Whilst Mitchell never found the Kindur River, he did describe the local Aboriginal communities and their customs in his journals. On one occasion he noted a Kamilaroi man up a tree chasing a possum, and on another occasion he came across a man who was carrying wild honey (Baker 1997:54,55). Henry Dawkins, a convict member of the expedition, came upon a group of Aboriginal people by a billabong sharing a meal of crayfish and kangaroo (Baker 1997:55-56).

Mitchell came much further into the Walgett area on his fourth exploration of the north central regions of New South Wales, in mid-December 1845 (Baker 1997). This expedition took Mitchell north along the Macquarie River and then along the Narran River which forms part of the western border of the Walgett Shire area; and also further north, passing through present-day Angledool. As they were proceeding along the Narran River, Mitchell found an Aboriginal settlement, in which huts were grouped together, and the fires were still smoking. Mitchell found freshwater mussel shells beside the campfires, and nets for catching ducks and emus (Baker 1997:161). During his various explorations, Mitchell's party is reported to have met with a wide variety of reactions, including hostility, terror, confusion and inquisitiveness; however, the Aborigines of the Narran appear to have avoided the party (Baker 1997).

Even at this early stage of contact, there is evidence of the effects of Europeans on the traditional Aboriginal lifestyle. Mitchell's guide Yuranigh 'found a chisel consisting of a piece of iron fastened to a stick with gum reinforced with a binding of striped shirting' (Baker 1997:161). More recently, Aboriginal heritage consulting work has located trees with scars with evidence of steel axe marks, indicating a continuation of traditional Aboriginal life post-contact (Geering and Roberts, in Jones & Costin 2007:26). Archaeological sites have also been impacted by post-contact land use including the collection of artefacts by Europeans, possibly including stone axes and grinding dishes, which are rarely found today. Other most affected sites were carved trees, bora rings and ephemeral fish traps (Jones & Costin 2007:24).

For Europeans, the local knowledge of Aboriginal people was often vital for guidance in finding water sources and, increasingly as Europeans populated the area, to find lost or fugitive white people in the bush (Baker 1997; Kerry 1978).

4.4 Fighting for Land

4.4.1 Resisting the Advent of Europeans & their Animals

The Aboriginal people of the Walgett region increasingly resisted the progress of white settlers further into their lands. Competition for natural resources intensified as the settlers and their livestock dominated the land and forcibly controlled the water sources (Baker 1997:67,158; Kerry 1978:62; Kass 2003:9; Woodfield 2000:17,18).

In his 1845 expedition, Mitchell noted that the waterholes in the region had been completely destroyed by the cattle which had wandered far from the stations. The water supply was so badly degraded that the surrounding countryside had become uninhabitable for humans as well as the kangaroos and emus, which were crucial elements of the Kamilaroi diet (Baker 1997:158; Kass 2003:9). When Mitchell came across the Aboriginal settlement on the Narran River he was quite affected by the realisation that the Europeans would soon destroy the waterholes and grassland of this area as well (Baker 1997:160). However, it was his report that *the country we traversed*

was very eligible in many parts, for the formation of grazing establishments, which was to encourage rapid European settlement (Kerry 1978:32). It was also Mitchell's report of the Gwydir River being a beautiful well-watered area which prompted colonists to work their way up the Namoi and Gwydir Rivers, even taking up land as far as the Barwon by the late 1830s (Kerry 1978:32). More land was taken along the Barwon River in the 1840s; however, settlement was erratic, as many settlers were met with Aboriginal resistance within the area (Kerry 1978:32-33).

While the initial contact between the first explorers and Aboriginal people did not usually result in violence, more and more aggressive confrontation transpired as white settlers claimed land in the region (Kerry 1978:33; Kass 2003:9). Details of specific conflicts over land tenure between Aboriginal people and Europeans are not widely known, and not always recorded. However, there is sufficient evidence to clearly demonstrate the violence of some white settlers, in their efforts to prevent Aboriginal people from continuing to live a traditional lifestyle on land which the settlers had taken for pasturage of sheep and cattle (Figure 4.3; Kerry 1978:58-75; Kass 2003:9).

Baker describes the negative consequences of the development of sheep and cattle stations occupied by squatters, and those in their employ such as convicts and ex-convicts, emphasising the fact that these were men living without women or children, and lacking access to churches or schools (Baker 1997:149). It is reported that 71 out of the 73 white people in Walgett in 1845 were men, most of them young (Kerry 1978:62; Zagar 2000:9). Baker asserts that this imbalance, in particular, resulted in the maltreatment of local Aboriginal inhabitants, with Aboriginal women being *abducted, imprisoned, purchased or seduced* (Baker 1997:149). The Aboriginal men were driven away when attempting to rescue these women (Kerry 1978:62).

Two reports to government departments, in 1838 and 1840, give examples of the brutality observed by witnesses at the time:

There were few of the runs that the blacks dared show themselves upon without being either fired at or hunted off like native dogs, nor were they permitted to approach the rivers without being subject to attack (Mayne 1840, cited in Kerry 1978:64).

Secondly, the missionary Lancelot Threlkeld frequently wrote in his annual reports to the government of the *indiscriminate slaughter which has blotted the colony with foul stain of innocent blood*, and specifically listed incidents in which scores of men, women and children had been shot in the north west of New South Wales (Threlkeld 1838, cited in Kerry 1978:65).

Perhaps the best known clash occurred when Major Nunn, in charge of 24 mounted police, travelled to the Namoi River to apprehend the killers of two white men (Kerry 1978:65). Although unable to establish precisely who was responsible, Major Nunn and his men came across a large group of Aborigines by the Gwydir River. During the ensuing conflict, one trooper was speared through the leg and a number of Aboriginal people were shot; figures range from four or five as claimed by Major Nunn, to around two hundred individuals (Threlkeld 1838, cited in Kerry 1978:66).

Kass notes that the local Aboriginal population, affected by both the Gwydir River massacre as well as the massacre at Myall Creek in 1838, 'kept up a guerrilla war against the settlers for some years, with the whites fighting back. Often reprisals by white settlers were indiscriminate, since they were unable or unwilling to distinguish between the different groups and unable to ascertain responsibility' (Kass 2003:9).

There is a dearth of available information regarding the severity of conflict between settlers and Aboriginal people along the Barwon River, but Kerry states that 'the Aborigines of this region were particularly effective in resisting white settlers' (Kerry

1978:71). As a consequence, a Native Police force was created in 1848, led by Commandant Walker and comprising Aboriginal troopers from the Murrumbidgee region who no longer actively resisted being commanded by white officers (Kerry 1978:71). Kerry states that overt resistance in the North West ceased after a particularly violent encounter between these Native Police and local Aboriginal people (some of whom would have spoken a northern version of Gamilaraay) at Boggabilla, north east of Walgett (Kerry 1978:73).



Figure 4.3 Section of ‘squatting map’ showing runs on the Barwon, Lower Macquarie, Castlereagh, Namoi and Gwydir Rivers (Kerry 1976:np).

4.4.2 Displacing Indigenous people

Kass reports that after 1850, the annual estimates of the number of Aboriginal people living in the Walgett area fell every year (Kass 2003:9). A combination of factors can be held accountable for this clear decline. As well as poor diet induced by stress and loss of access to traditional resources, the Aboriginal people in the region were assailed by a number of introduced diseases to which they had no natural immunity; small pox, syphilis, measles and common influenza decimated Aboriginal communities (Kass 2003:9; Woodfield 2000:17). The European occupation of Aboriginal traditional land inhibited access to food, water sources and spiritual and cultural sites (Woodfield 2000:17). This particularly applied to riverside sites; nevertheless, many Aboriginal

people remained in the area on the land that was left, or on missions and reserves (Zagar 2000:1).

Geering & Roberts assert that the discovery of scarred trees along European stock routes between Walgett and Lightning Ridge provides evidence of the importance of these paths for Aboriginal people, after they had been denied access to their traditional paths (1991, cited in Jones & Costin 2007:26).

The displacement of indigenous flora and fauna also had a profound effect on the Aboriginal population, as Jones & Costin explain:

A large range of floral resources were available to the Aboriginal occupants of the Lightning Ridge and Walgett region. These may often have been seasonally available, for example, vegetation that was water dependent may have had a small window of accessibility given the ephemeral nature of the water courses and intermittent flooding. Consideration should also be given to historic land use practices which have resulted in vast environmental impacts. Overgrazing has greatly reduced the numbers and variety of plant cover in some areas, whilst in others there may be a misrepresentative proportion of unpalatable vegetation dominating species counts (Jones & Costin 2000:17).

4.5 Working

4.5.1 Surviving as Indigenous People in a White-Dominated Economy

The mid-nineteenth century saw Aboriginal groups beginning to live closer to white settlers, and to co-exist with them. With a European labour shortage, caused by the discovery of gold, Aboriginal labour became important to squatters and settlers (Kass 2003:10; Zagar 2000:1).

Reverend William Ridley went so far as to write that ‘the Namoi blacks are useful and even indispensable members of society; without their services in stock keeping and shepherding, and especially at sheep washing and shearing time, the business of this district could hardly be carried out’ (*SMH* 14 December 1855, cited in Kerry 1978:162). Kerry states that some Aboriginal workers were paid ‘white wages’ while others received rations (Kerry 1978:162).

The *Master and Servant Act* of 1823 created problems. Under the provisions of the Act, unauthorised leaving of employment was a breach of contract and punishable. However, it seems doubtful that Aboriginal people necessarily understood the arrangement they were entering into (Kerry 1978:162). As evidence of this, Kerry states the fact that four out of seven people arraigned at the Wee Waa Court House for breaching the Act between 1853 and 1855 were Aboriginal (1978:162). He also notes that many absconding workers were not brought before a court because of the distances involved, but chased down by employers or their overseers and forced to return (Kerry 1978:162). Although it is not recorded for the Walgett area, it is highly possible that Aboriginal workers were leaving their places of employment in order to take care of traditional duties required of them as members of Aboriginal communities, as was the case in other areas such as Glen Innes (AMBS 2010).

There are examples of Aboriginal people living and working successfully alongside white settlers, particularly in the latter half of the nineteenth century. For example, Thomas Walford was an Englishman who bought a large property near Walgett and had many children with a local Aboriginal woman, and their descendants still live in Walgett. Thomas Walford’s son, whose name was Thomas as well, also married an Aboriginal woman. Their son Albert, now an Aboriginal elder, describes his life working on the property:

My father worked... as a station hand and boundary rider looking after stock. We got rations of rice, tapioca, sago, sugar, treacle, tea, jam and flour once a month. We milked the cows on the property. We'd get a sheep or a bullock from the farmer to kill and divide the quarters among the boundary riders and station hands...I became a station hand at the age of fourteen. The farmer provided the room for his workers...During the war, I got exempted because I was classed as an essential service looking after the wool supplies for the army...When there was not enough tucker around, I helped my father with roo shooting. I'd peg the skins overnight and we'd sold [sic] them for one and sixpence each (Zagar 2000:21-22).

Aboriginal women were often employed as housemaids on farms and stations (Kerry 1978; Zagar 1990, 2000). An Aboriginal mission was established near Brewarrina in 1887, under the control of the NSW Aborigines Protection Board (APB), which was established in 1883. Young Aboriginal boys and girls who lived on this mission, and on other missions set up in the region, were apprenticed out to learn station and house work. Accommodation and pocket money were provided while wages were given to the APB for the workers to receive once they had completed their apprenticeships (Kerry 1978:168; Zagar 2000:75). During the 1890s, as more Reserves and Missions were set up, the APB closely supervised the way in which they operated:

rations were distributed to destitute Aborigines but able bodied men and their dependants received none. Although expected to work they were not allowed to get jobs in the towns where they might come into contact with some of those "lower elements" of white society. The Board maintained regular communication with the mission managers, requiring detailed accounts of their work and especially their expenditures (Kerry 1978:166).

The APB also distributed rations at some of the camps, such as Dungalear, north of Walgett (Zagar 2000:25). It has been recorded that some Aboriginal people enjoyed working and living at Dungalear:

I was born in 1905 at Dungalear station where my father was a stockman...We had government stores at Dungalear and you could get your clothes and rations for nothing. We took everything home to our camp. We could find wild meat in the bush...I used to wash and iron there in the washroom and the men went to muster sheep and do other jobs (Granny Ivy Green, cited in Zagar 2000:25).

Tasks requiring physical labour on stations were still undertaken by Aboriginal men well into the twentieth century (Kass 2003:10). However, 'once pastoral leases were reduced in area by closer settlement policies applied by the Crown, the Aboriginal camps were disbanded and inhabitants moved to nearby towns' (Kass 2003:11).

Roy Barker, a member of the local Aboriginal community, describes some of the difficulties faced by Aboriginal people later in the twentieth century concerning employment:

Until 1940, they could exist virtually without money. Very few Aborigines are in business for themselves. The main life support for Walgett Aboriginal community in 1997 is social security. Some are supplementing their income with seasonal work, some still live on the land or on the opal fields, but transport is a problem and living close to services is important where there are large families. Most regularly employed Aborigines work in the educational, legal, and health services (Roy Barker, cited in Zagar 2000:159).

4.6 Educating

4.6.1 Educating Indigenous People in Two Cultures

Prior to the arrival of European settlers, the Gamilaraay, Weilwan and Yuwalaaraay people undertook the education of their children in aspects of their own traditions while

they went about their daily business. Children learned about tribal custom, laws and legends from their elders from an early age, as well as how to hunt and gather, build shelters, and understand the dangers of their environment. For example, Granny Ivy Green explains, 'I never touch anything that has feathers, I haven't eaten an egg in my life, because I belong to emu people and we protect birds' (cited in Zagar 2000:16). Further, June Barker, a member of the local Aboriginal community, describes being scared of the 'Yuri woman' as a child:

The Yuri woman would get you if you were spiteful or swore or stole something. Older women used to show us children the little footprints in the sand that were left by the Yuri woman after rain. They looked like baby footprints and they scared us a lot. When I grew up I learned how to make those same footprints to scare my children and grandchildren into doing the right thing. That's how our children learned to behave (cited in Zagar 2000:57).

Young men were taught about the sacred rites associated with initiation in secretive ceremonies known as Boras. Women and girls were kept well away from Boras (Field 2003:11), although it is likely that they would have had their own women's ceremonies.

Post-Contact, Aboriginal children still received a traditional education wherever possible, despite the languages of the region having become almost extinct. A recent revival, in some areas, has once again made it possible for Aboriginal children to be taught their traditional language (ABC 2010).

Schools were set up on reserves and missions for Aboriginal children in the second half of the nineteenth century (Kerry 1978:168). In 1875, an application for a public school in Walgett was made. This was approved, and the school was built by 1876. Initially it was a provisional school with parents providing the building and books, and the Council paying for the teacher. Later it became a public school as enrolment increased. The school closed for varying lengths of time during its history due to floods, low enrolment, and on one occasion, the lack of a teacher (Figure 4.4; Kerry 1976:np).



Figure 4.4 Building a levee at the public school in the 1910 flood (Kerry 1976:np).

From its inception, Aboriginal children attended the schools in small numbers, but in 1917 the Parents and Citizens Association (P&C) objected to the presence of Aboriginal

children at the school, and so these children were excluded (Kerry 1976:np). This was in accordance with Education Department policy at the time by which, *any request by white parents for exclusion was granted – regardless of the number protesting or the validity of their reasons* (Kerry 1976:np). One former Aboriginal student, Mrs Essina Sullivan, remembers being taught by missionaries at Gingie camp after the exclusion. Girls were taught how to read the Bible and undertake housekeeping, and boys were taught reading and arithmetic (Kerry 1976:np). Aboriginal families were encouraged to move to an area close to an Aboriginal school, like the one at Brewarrina. If they did not, the children often did not receive any education (Kerry 1978:168). Despite this policy, however, there are recorded instances of Aboriginal children who were considered to be ‘neat and clean’ being admitted to the public school (Kerry 1976:np, 1978:168).

In 1927, Gingie Gingie Aboriginal School was opened and operated until 1935 (Kerry 1976:np). Walgett Aboriginal School operated from 1941 to 1969 for Aboriginal students only and all white children attended Walgett Primary School (Kerry 1976:np). In 1972 the above-mentioned policy allowing exclusion of Aboriginal children was removed from operation and Aboriginal children attended Walgett Primary School as well (Kerry 1976:np; WAMS 2010). By the mid 1970s, Walgett Primary School had the highest enrolment of Aboriginal children in NSW and was seen as a ‘focal point of interest in Aboriginal education’, with study groups and delegates visiting the school for events such as the annual Aboriginal Education Conference (Kerry 1976:np). Although the Walgett High School was opened in 1972, it may have begun operation earlier as a Central School catering to all age groups (Bob Demkiw, DET Heritage Officer, pers. comm. 16/5/2011). There are now at least twenty public and private schools in the Walgett area, some providing comprehensive opportunities for students to study Aboriginal culture and languages (ASD 2010; Cavanagh 2001; Giacon 1999).

Specific programs and policies have been implemented to address issues concerning Aboriginal education. For example, the Department of Education and Training (DET) initiated the Walgett Community of Schools project in 1998, for the ‘establishment of genuine partnerships between schools and Aboriginal communities’ (Cavanagh 2001). St Joseph’s Primary School in Walgett has attracted accolades as *one of the genuine success stories of indigenous education* (Winkler 2006: Abstract). The success of the school is attributed primarily to *establishing links with the local community, emphasizing literacy, honouring Aboriginal culture and teaching it throughout the curriculum* (Winkler 2006: Abstract). Dharriwaa Elders Group is perhaps the most widely known Aboriginal group teaching Aboriginal people about their culture in the Walgett region today (DEG 2010).

4.7 Governing

4.7.1 Administering Indigenous Affairs

In 1880, Mr George Thornton was appointed the first Protector of Aborigines in NSW. Prior to this date, very little had formally existed in terms of addressing the situation of Aboriginal people and the difficulties they were facing. The position of Protector was primarily created in response to pressure from a private organisation, the Aborigines Protection Association, which was a strongly Christian organisation (Kerry 1978; ORALRA 2009). Reverend William Ridley, referred to above, was constant in his criticism of the government’s unwillingness to assist those deprived by the assumption of ownership of Aboriginal land prior to 1860 (Kerry 1978:159). However, it was not until the 1870s that Christian groups and missionaries pressured the government to take action to aid the Aboriginal population (Kerry 1978:165).

Reserves were set up at considerable distances from towns to reduce contact with white society in the belief that Aboriginal people needed to be ‘protected’ from the white ‘lower classes’ and their vices (Kerry 1978:166, Prentis 2008:174; see also Curthoys 2002;

Goodall 1996). Kerry mentions that permanent camps were established at Gingie, Dunglear and near Walgett, with smaller camps on some of the stations in the 1880s, such as Barokaville Station, which is listed on the Register of the National Estate (Kerry 1978:164). Mercadool Station is another camp mentioned by local residents in this context (DEG 2010). 'In the back country the aborigines [sic] were able to pursue many of the activities of their old life style, hunting, fishing and food gathering...But in the more heavily settled areas this was not possible' (Kerry 1978:164).

A permanent camp at Namoi Bend was one of the places preferred by Aboriginal people (Curthoys 2002; Goodall 1996). Some of the Namoi Bend people were removed to the Gingie camp in 1925, which until then had not been a large station (Figure 4.5). However, people still remained at the Namoi Bend camp (Curthoys 2002:84). Aboriginal communities still live at Namoi and Gingie Reserves to this day.



Figure 4.5 Loading a paddle steamer at Gingie Station in the 1880s (Kerry 1976:np).

The site of the former Angledool Station is a place that holds great significance for many Gamilaraay and Yuwalaaraay people. It was gazetted as a reserve in 1906, until its closure in 1936. Due to poor housing, health issues and lack of work, the reserve became problematic and the APB decided to close it, at which time the residents, of which there were more than 100, were taken away to Brewarrina on the back of trucks in the middle of the night (Curthoys 2002:84; Goodall 1996:93). Walgett residents of Aboriginal descent have identified Angledool as a place with strong links and it has become part of their cultural history (Curthoys 2002:84).

In the 1880s, it became apparent that the Aboriginal population of NSW was not becoming extinct as had been widely believed. *An earlier rough census of 1876 had estimated there were only 1000 aborigines [sic] in the whole of New South Wales. The Protector's census of 1882 counted nearly 9000* (Kerry 1978:165). At the time, Walgett had one of the highest Aboriginal populations in the colony, with a total of 188 persons (Kerry 1978:165).

Table 4.1 provides a summary of significant policies and events relating to the administration of Aboriginal affairs:

Table 4.1 Summary of policies and events relevant to Aboriginal administration.

Year	Events
1900 – 1940	Exclusion and segregation. Department policy gave the right to white parents to decide whether or not to allow Aboriginal children to be admitted to public schools. Most schools chose not to allow them to attend (See Section 4.6.1) (WAMS 2010).
1917	In the Walgett region, the APB told parents that their children were being relocated to Angeldool, forcing the parents to move. Several families were sent to Angledool, but walked back to Walgett (Kass 2003:11; see also Goodall 1996:132–133).
1937	The Federal government officially adopted an Assimilation policy. The aim of the policy was for Aboriginal people in settled areas to be ‘absorbed’ into mainstream society whilst Aboriginal people still living a tribal lifestyle would continue to be ‘protected’ (Prentis 2008:26).
1940	The Aboriginal Welfare Board replaced the Aboriginal Protection Board in New South Wales (Prentis 2008:27). ‘The Board administered government policy, dictating where Aborigines could live and work, their freedom of movement, their personal finances and their child rearing practices. The NSW Aborigines Welfare Board controlled Aboriginal lives until the 1960s, pursuing policies that are now acknowledged as having contributed to the destruction of Aboriginal families and society by separating children from their parents’ (COS 2010).
1965	An Integration policy was adopted as a modification of the Assimilation policy, and undertook to allow Aboriginal people to voluntarily integrate with mainstream Australian society (Prentis 2008:110). A policy of self-determination for Aboriginal people replaced this policy in 1973, and has continued to the present day (Prentis 2008:190).
1965	Walgett Freedom Ride. ‘In 1965 a group of Sydney University students led by Charles Perkins...travelled around NSW in a bus, visiting places such as Walgett, Moree and Kempsey, highlighting discrimination against Aboriginal people. The concept was borrowed from the American civil rights movement’ (Prentis 2008:92; see also Curthoys 2002; Zagar 2000).
1967	In a referendum, 90% of Australians vote to change the constitution to include Aboriginal people in the census (Prentis 2008:180).
1990	Royal Commission into Aboriginal Deaths in Custody completed (Prentis 2008:66).
1992	Mabo High Court decision. Edward Mabo and four other Meriam people from Murray Island successfully sued the Queensland Government to establish traditional ownership of their land. The High Court found that the concept of Native Title applied in this instance and it was believed that this decision might open up the way for many other successful Native Title claims. In the case of the Yuwalaaraay people of Lightning Ridge, however, this was not to be: <i>An Aboriginal activist, Michael Anderson, lodged the claim on the behalf of the Euaylay-i (Yularoi, Yuwalaaraay) people for 4107 square kilometres of land around Lightning Ridge in 1996. Yesterday, the court ruled that lease-holders had “exclusive possession over the land and therefore ... the grant of the lease extinguished any native title in relation to the land”. The chairman of the Aboriginal and Torres Strait Islander Commission, Geoff Clark, described the decision as “devastating”</i> (Banham & Lewis 2002:1).
1993	The Federal government passes the Native Title Act, with amendments in 1998 (Prentis 2008:200,201). However, the 1998 amendments reduced some of the rights previously won by Aboriginal people to negotiate and to be involved in matters concerning their traditional ownership of land. According to the organisation, ‘Australians for Native Title and Reconciliation,’ the amendment was implemented ‘without the consent of, or consultation with, Indigenous people’ and effectively constituted a ‘winding back of Indigenous rights and the outright extinguishment of native title in some instances’ (ANTaR 1999).

The Australian Electoral Commission states that it is a common misperception that all Aboriginal people were barred from voting until 1967; rather, Aboriginal males had legal voting rights from the 1850s as they were considered British subjects. Only Queensland and Western Australia actively barred Aboriginal people from voting. Most Aboriginal people did not vote simply because they did not know they had the right (AEC 2007).

However, it is also recorded that:

when compulsory voting was introduced in NSW in 1929, Aboriginal people were still excluded from voting under the Commonwealth Electoral Act 1918. In 1962, the Federal Government gave Aborigines the optional right to vote. State laws,

however, still classified “natives” as “wards of the state” and as such they were denied the right to vote in State elections (COS 2010).

Prentis simply states that *the right to vote belonged to different groups of Aboriginal people and individuals in different states for differing periods (Prentis 2008:217).*

4.8 Marking the phases of life

4.8.1 Bringing Babies into the World

The Gamilaraay word for ‘baby’ is ‘gaayinggal’ (Austin 1994:48). A baby born into Gamilaraay society was classed into one of four traditional groups. The groups were divided again into male and female classes. ‘The group that a person was placed in depended on what groups their mother and father were in. Also, people were only allowed to marry into certain other groups; you certainly could not marry a person classed into the same group as yourself’ (Austin 1994:np).

4.8.2 Dying

A number of funerary and mourning practices have been observed amongst the Aboriginal inhabitants of the Walgett region, from as early as 1832 (Baker 1997). Major Mitchell wrote of his experience hearing Aboriginal women singing, which he seems to have admired. However, nervous because of the recent killing of two convicts, Mitchell ordered his men to shout to scare the women away. To his amazement they ignored the white men completely and it was only after firing a rifle into the air that Mitchell could frighten them into leaving (Baker 1997:63). At a later date, he asked George Clarke, the convict who had lived with the Gamilaraay, and discovered that the women were mourning and that it was usual for those related to someone who had died to remain aloof and uninterested in whatever was going on around them (Baker 1997:63).

In 1846, Mitchell recorded seeing older women carrying heavy loads on their backs under possum skins which, it became evident, were mummified bodies. The women were seen from a distance, and Mitchell gave no further detail (Baker 1997:162).

Aboriginal people generally make no distinction, in terms of kinship, between those who have died recently and those who have died even thousands of years ago (Woodfield 2000:16). All burial sites are considered sacred, and today two Aboriginal cemeteries in the region are listed on the RNE: Collarenebri Aboriginal Cemetery and Angledool Aboriginal Reserve and Cemetery. For Collarenebri, the RNE entry reads, in part:

There are about 100 graves belonging to Aboriginal people who used to live in and around Collarenebri. Most of the graves are highly decorated with ornaments and glass. The method of burial reflects demands and influences imposed by European and Chinese customs and laws.

Josie Thorne, an Aboriginal resident of Collarenebri, remembered decorating the graves at Collarenebri with glass when she was young, and mentioned that her grandchildren were still continuing the tradition in the 1990s (Thorne, cited in Schilling & Gay 2006:73).

Further, as Woodfield writes:

Despite the negative connotations often associated with them, sites such as the old Brewarrina and Angledool missions remain important to local Aboriginal people. A great many people in the region have some association with the missions, and many Aboriginal people are buried there. Such sites also represent Aboriginal people’s survival and cultural continuity despite considerable oppression and adversity (Woodfield 2000:16).

Nichol Island Aboriginal Cemetery is not listed on the RNE; however, an AMBS archaeological investigation in 1995 established the presence of numerous graves, and

considered it likely that at least three generations are interred there. The site was assessed as being of high Aboriginal significance (AMBS 1995:21).

5 Aboriginal Heritage Places

The Walgett Shire Aboriginal community made it clear to AMBS that they would prefer that detailed information about site locations, outside of those sites already available through the AHIMS, was not to be included in a publicly available document. However, historical research and consultation with the local Aboriginal community indicated that there are areas of Aboriginal heritage sensitivity within the LGA that Council should be made aware of when considering applications for development.

5.1 AHIMS Sites

A search of the AHIMS database was undertaken on 30 March 2010, which identified 667 previously reported sites within the Walgett Shire LGA (Table 5.1, Figure 5.1-Figure 5.4). Previously recorded sites generally occur in the vicinity of watercourses, in elevated areas, and in areas with suitable geology or mature vegetation. Table 5.2 identifies and describes the types of Aboriginal sites which are known to, or potentially may, occur in the Walgett Shire LGA, and where such sites are usually located.

Table 5.1 Summary of AHIMS data for Walgett Shire LGA.

Site Type	Count	Percent
Scarred Tree	285	42.7%
Open Camp Site (Stone Artefact Scatter)	156	23.4%
Modified Tree	124	18.6%
Burial/s	15	2.25%
Aboriginal Resource & Gathering	12	1.8%
Quarry	10	1.5%
Bora/Ceremonial, Carved Tree	8	1.2%
Carved Tree	5	0.75%
Midden	5	0.75%
Open Camp Site, Scarred Tree	4	0.6%
Axe Grinding Grooves	3	0.45%
Aboriginal Resource & Gathering, Modified Tree	3	0.45%
Axe Grinding Grooves, Open Camp Site, Quarry	3	0.45%
Natural Mythological (Ritual)	3	0.45%
Open Camp Site, Quarry	3	0.45%
Natural Mythological (Ritual), Open Camp Site	2	0.3%
Hearth, Shell	2	0.3%
Open Camp Site, Quarry, Scarred Tree	2	0.3%
Open Camp Site, Hearth	2	0.3%
Aboriginal Ceremonial & Dreaming, Modified Tree	2	0.3%
Open Camp Site, Shell	1	0.15%
Open Camp Site, Stone Arrangement	1	0.15%
Open Camp Site, Water Hole/Well	1	0.15%
Contact, Mission	1	0.15%
Isolated Find	1	0.15%
Quarry, Scarred Tree	1	0.15%
Hearth	1	0.15%
Burial/s, Contact, Mission	1	0.15%
Burial/s, Modified Tree	1	0.15%
Burial/s, Scarred Tree	1	0.15%
Mound (Oven)	1	0.15%
Potential Archaeological Deposit (PAD)	1	0.15%
Shelter with Art	1	0.15%
Water Hole/Well	1	0.15%
Axe Grinding Grooves, Open Camp Site, Scarred Tree	1	0.15%
Aboriginal Resource & Gathering, Open Camp Site, Grinding Groove, Modified Tree	1	0.15%

Aboriginal Place, Water Hole/Well	1	0.15%
Rock Engraving	1	0.15%
Total	667	100%

Table 5.2 Summary descriptions of known and potential Aboriginal site types for Walgett Shire LGA.

Site Type	Details
Scarred Trees	Tree bark was utilised by Aboriginal people for various purposes, including the construction of shelters (huts), canoes, paddles, shields, baskets and bowls, fishing lines, cloaks, torches and bedding, as well as being beaten into fibre for string bags or ornaments. The removal of bark exposes the heart wood of the tree, resulting in a scar. Over time the outer bark of the tree grows across the scar (overgrowth), producing a bulging protrusion around the edges of the scar. Trees may also have been scarred in order to gain access to food resources (eg. cutting toe-holds so as to climb the tree and catch possums or birds), or to mark locations such as tribal territories. Scarred trees are the most common types of sites that have been recorded on the AHIMS in the Walgett Shire LGA. Their locations most likely reflect recent developments where Aboriginal heritage assessments have been undertaken (eg. along roads and other infrastructure corridors), rather than the actual pattern of scarred trees.
Open Camp Sites/ Stone Artefact Scatters/ Isolated Finds	These are the second most common types of sites that have been recorded on the AHIMS in the Walgett Shire LGA. Open camp sites represent past Aboriginal subsistence and stone knapping activities, and include archaeological remains such as stone artefacts and hearths. This site type usually appears as surface scatters of stone artefacts in areas where vegetation is limited and ground surface visibility increases. Such scatters of artefacts are also often exposed by erosion, agricultural events such as ploughing, and the creation of informal, unsealed vehicle access tracks and walking paths. These types of sites are often located on dry, relatively flat land along or adjacent to rivers and creeks. Camp sites containing surface or subsurface deposit from repeated or continued occupation are more likely to occur on elevated ground near the most permanent, reliable water sources. Flat, open areas associated with creeks and their resource-rich surrounds would have offered ideal camping areas to the Aboriginal inhabitants of the local area. Isolated finds may represent a single item discard event, or be the result of limited stone knapping activity. The presence of such isolated artefacts may indicate the presence of a more extensive, <i>in situ</i> buried archaeological deposit, or a larger deposit obscured by low ground visibility. Isolated artefacts are likely to be located on landforms associated with past Aboriginal activities, such as ridgelines that would have provided ease of movement through the area, and level areas with access to water, particularly creeks and rivers.
Burial Sites	Aboriginal burial of the dead often took place relatively close to camp site locations. This is due to the fact that most people tended to die in or close to camp (unless killed in warfare or hunting accidents), and it is difficult to move a body long distances. Soft, sandy soils on, or close to, rivers and creeks allowed for easier movement of earth for burial; and burials may also occur within rockshelters or middens. Aboriginal burial sites may be marked by stone cairns, carved trees or a natural landmark. Burial sites may also be identified through historic records, or oral histories. Burial sites have been recorded in the Walgett Shire LGA.
Aboriginal Resource and Gathering	These types of sites are related to everyday economic activities including food gathering, hunting, or collecting and manufacturing materials for use or for trade. The types of sites have been recorded on the AHIMS in the Walgett Shire LGA.
Quarries	Aboriginal quarry sites are sources of raw materials, primarily for the manufacture of stone tools, but also for ochre procurement. They are only found where raw materials (stone or ochre) occur within the landscape, and where these have been exploited in the past. Such sites are often associated with stone tool artefact scatters and stone knapping areas. Loose or surface exposures of stone or cobbles may be coarsely flaked for removal of portable cores. Raw materials can be sourced to these sites and provide evidence for Aboriginal movement and/or

	exchange. Quarries have been recorded on the AHIMS in the Walgett Shire LGA, and the predominant local stone type used in tool making is tertiary silcrete sourced from outcrops on ridges and gravel deposits on flood plains.
Aboriginal Ceremony and Dreaming/ Natural Mythological (Ritual) Sites	Aboriginal ceremonial sites are locations that have spiritual or ceremonial values to Aboriginal people. Aboriginal ceremonial sites may comprise natural landforms and are usually identified by the local Aboriginal community as locations of cultural significance, which may not necessarily contain material evidence of Aboriginal associations with the place. The types of sites have been recorded on the AHIMS in the Walgett Shire LGA.
Bora/Ceremonial Rings	Bora grounds are a ceremonial site type, usually consisting of a cleared area around one or more raised earth circles, and often comprised two circles of different sizes, connected by a pathway, and accompanied by ground drawings or mouldings of people, animals or deities, and geometrically carved designs on the surrounding trees. Bora grounds are most often cited as being used for male initiation ceremonies. Unfortunately, the raised earth features are easily destroyed by agricultural and pastoral activities, vegetation growth and exposure to weather. Bora/ceremonial sites have been recorded on the AHIMS in the Walgett Shire LGA.
Axe Grinding Grooves	Grinding grooves are the physical evidence of tool making or food processing activities undertaken by Aboriginal people. The manual rubbing of stones against each other creates grooves in the rock, which are usually found on flat areas of rock in creek beds and other water sources. They are often associated with rock pools in creek beds and on platforms to enable the wet-grinding technique. Axe grinding grooves have been recorded on the AHIMS in the Walgett Shire LGA, but are rare given that 85% of the LGA comprises unconsolidated alluvial clay, silt and sand. The grooves usually occur on hard silcrete stone surfaces.
Water Hole/Well	These sites may be natural or man-made holes in a natural stone outcrop surface, where water collects. These sites may also have cultural significance. Water holes/rock wells have been recorded on the AHIMS in the Walgett Shire LGA.
Middens	Shell middens result from Aboriginal exploitation and consumption of shellfish, in marine, estuarine or freshwater contexts. Middens may also include faunal remains such as fish or mammal bone, stone artefacts, hearths, charcoal and occasionally, burials. They are usually located on elevated dry ground close to the aquatic environment from which the shellfish has been exploited and where fresh water resources are available. Deeper, more compacted, midden sites are often found in areas containing the greatest diversity of resources, such as river estuaries and coastal lagoons. Some shell middens have been recorded on the AHIMS in the Walgett Shire LGA.
Carved Trees	Carved trees generally marked areas for ceremonial purposes, or the locations of graves. Carved trees have been recorded on the AHIMS in the Walgett Shire LGA.
Contact/ Historical Sites	These types of sites are most likely to occur in locations of Aboriginal and settler interaction, such as on the edge of pastoral properties or towns. Artefacts located at such sites may involve the use of introduced materials such as glass or ceramics by Aboriginal people, or be sites of Aboriginal occupation in the historical period. Some contact sites have been recorded on the AHIMS in the Walgett Shire LGA.
Rock Engravings	Rock engravings are often located on high vantage points along ridge lines at the headwaters of creeks, but can be located on any suitable fine grained stone surface. One rock engraving has been recorded in the Walgett Shire LGA.
Shelter Sites with Art (Engraving, Painting or Drawing) or Occupation Deposit	These types of sites are located in areas where suitable rock outcrops and surfaces occur, where weathering has resulted in suitable overhangs or recesses in boulder outcrops or cliff-lines. One shelter site has been recorded on the AHIMS in the Walgett Shire LGA.
Stone Arrangements	Stone arrangements usually consist of geometric arrangements of portable stone on prominent rock outcrops, such as vantage points along escarpments where other key landmarks are visible. Some stone arrangements also include circles and pathways. Stone arrangements are often isolated from known camp site areas, and are thought to be ceremonial in nature. One stone arrangement has been recorded on the AHIMS in the Walgett Shire LGA.

5.2 Areas of Aboriginal Heritage Sensitivity

As discussed in Section 3.3, during the Aboriginal community consultation, it was agreed that AMBS would produce a large, AO map of the Walgett Shire LGA, showing all Aboriginal heritage sites and places recorded on the AHIMS. In addition, based on an understanding of the area and its archaeology, areas that AMBS believes may contain Aboriginal archaeological sites are indicated. It should be noted that many of the areas of archaeological sensitivity, such as waterways, springs and waterholes, are also associated with animal and bird habitats. Such places, and areas of remnant native vegetation also have Aboriginal cultural value (DEG, pers. comm. 29/4/2011). The map was produced so that the Study could identify places within the Walgett Shire LGA that have heritage significance, or are culturally sensitive. It was made clear by the community that not all heritage sites should be mapped or identified in detail, but that general areas that are important to the community, or where archaeological sites are present, could be indicated. For the purposes of this report, this map has been separated into four A3 maps, shown in Figure 5.1-Figure 5.4. Mapping information has been provided to Council in electronic format, for their reference.

A summary of areas of Aboriginal heritage sensitivity indicated by the historical research and through consultation with the local Aboriginal community is provided in Table 5.3 and Table 5.4. Table 5.3 identifies areas which are within the Walgett Shire LGA. Table 5.4 identifies areas which have significance to the local Aboriginal community, but which are located outside of the Walgett Shire LGA. It is important to note that this information should be used in conjunction with the mapping, as not all of the areas were able to be accurately located for mapping. The Aboriginal community is also concerned that all places associated with foundation legends/creation stories be protected.

Table 5.3 Summary of areas of Aboriginal heritage sensitivity within Walgett Shire LGA.

Area of Aboriginal Heritage Sensitivity	Reference/Source of Information
Former Angledool Station : Aboriginal camp/reserve.	Curthoys (2002:84) Goodall (1996:93)
Bairnkine Station : Aboriginal camp/reserve.	Report feedback from DEG (29/4/2011)
Barokaville Station : Indigenous Place, Aboriginal camp/reserve.	RNE Kerry (1978:164)
Barwon Inn Rest Area/ Giin Gii : Several scarred trees were in the path of the new approaches to the Dangar Bridge over the Barwon River, approximately 5.3km west of Walgett. The trees were cut down and stored within a protective enclosure c.2002.	Aboriginal community consultation meeting (1/6/2010)
Barwon River : the wetlands were a resource area. Many natural features of the landscape around the River are attributed to Baiame, including his footprints in the Barwon riverbed (foundation legend). There are contemporary fishing spots on the river.	Woodfield (2000:7) Parker (1978:24) Report feedback from DEG (29/4/2011)
Big Warambool : waterway.	Report feedback from DEG (29/4/2011)
Boorooma Station : Aboriginal camp/reserve.	Report feedback from DEG (29/4/2011)
Castlereagh River : resource area.	Woodfield (2000:6)
Collarenebri : town identified as important to the local Aboriginal community.	Aboriginal community consultation meeting (1/6/2010)
Collymungle Road, near Collarenebri : There are several scarred trees stored within a protective enclosure.	Aboriginal community consultation meeting (2/6/2010)
Collarenebri: Collarenebri Aboriginal Cemetery .	RNE Aboriginal community consultation meeting (2/6/2010) Possibly includes AHIMS Sites 10-4-0047 - 10-4-0052

Coocoran Lake: the lake and high areas around it would have been used to camp.	Aboriginal community consultation meeting (2/6/2010)
Cuddie Springs: Palaeontological Site with evidence of Aboriginal occupation, including grinding stones. Foundation legend.	RNE Fullagar & Field (1997) Possibly includes AHIMS Sites 18-1-0017 - 18-1-0022 Report feedback from DEG (29/4/2011)
Cumborah: spring, foundation legend.	Report feedback from DEG (29/4/2011)
Dewhurst Street, Walgett: burials.	Report feedback from DEG (29/4/2011)
Dungalear Station: Aboriginal camp/reserve, place of employment and ration distribution. Still has written records there about rations, Aboriginal people employed at the saw mill, burials and a birthing tree.	Kerry (1978:164) Zagar (2000:25) Aboriginal community consultation meetings (1/6/2010 and 17/11/2010)
Dundalla Station: Aboriginal camp.	Aboriginal community consultation meeting (1/6/2010)
Dunumbral Station: Aboriginal camp.	Aboriginal community consultation meeting (1/6/2010)
General: Aboriginal camp sites would have been located around water resources.	Aboriginal community consultation meeting (2/6/2010)
Gingie burial ground: burials.	Report feedback from DEG (29/4/2011)
Gingie Gingie Aboriginal School: segregation school.	Aboriginal community consultation meeting (1/6/2010) Kerry (1976:np)
Gingie Station: Indigenous Place, Aboriginal camp/reserve, spring/waterhole, foundation legend.	RNE Kerry (1978:164) Macklin (2008) Report feedback from DEG (29/4/2011)
Gundabloui Station: Aboriginal camp.	Aboriginal community consultation meeting (1/6/2010)
Gwydir River: massacre site (no further locational information available). Resource area. Aboriginal settlement recorded by Mitchell on Gwydir River, near Moree (east of Walgett Shire).	Baker (1997:55) Threlkeld (1838, cited in Kerry 1978:66) Woodfield (2000:6)
Hickey's Bend, Walgett: Aboriginal fringe camp.	Aboriginal community consultation meeting (17/11/2010)
Kigwigil Station: Aboriginal camp/reserve.	Report feedback from DEG (29/4/2011)
Leisure World site, Walgett: Aboriginal fringe camp.	Aboriginal community consultation meeting (17/11/2010)
Lightning Ridge: town identified as important to the local Aboriginal community.	Aboriginal community consultation meeting (1/6/2010)
Pandora St, Lightning Ridge: Lightning Ridge Hot Artesian Bore Baths.	RNE
Llanillo Station: Aboriginal camp/reserve.	Report feedback from DEG (29/4/2011)
Macquarie River: resource area, foundation legend.	Woodfield (2000:6) Report feedback from DEG (29/4/2011)
McKillop Centre, 23 Warrena Street, Walgett: important to the local Aboriginal community.	Aboriginal community consultation meeting (17/11/2010)
Mercadool Station: Aboriginal camp/reserve.	DEG (2010) Aboriginal community consultation meeting (1/6/2010)
Mogil Mogil Station: Aboriginal camp.	Aboriginal community consultation meeting (1/6/2010)
Montkeila Bend, near Walgett: Aboriginal fringe camp.	Aboriginal community consultation meeting (17/11/2010)
Moongulla Station: Aboriginal camp.	Aboriginal community consultation meeting (1/6/2010)
Moonie River: Bora gathering recorded in 1894.	Zagar (2000:2) Possibly includes AHIMS Site 10-1-0001

Moordale Wells , south west of Lightning Ridge: Aboriginal Place.	Registered with the AHIMS
Mount Brandon Station : Aboriginal camp.	Aboriginal community consultation meeting (1/6/2010)
Namoi Bend Reserve : Aboriginal camp/reserve.	Curthoys (2002:84) Goodall (1996) Macklin (2008)
Namoi River : resource area, contemporary fishing spots.	Woodfield (2000:6) Report feedback from DEG (29/4/2011)
Narran Lakes Area : Narran Lake (partly within the Walgett Shire LGA). There is a foundation legend of Baiame concerning the beginning of the Narran Lake, with associated physical features including his knee and handprint in the rock by Narran Lake.	RNE Parker (1978:24) Possibly includes AHIMS Site 09-4-0057
Narran River : Aboriginal settlement recorded by Mitchell. Foundation legend of Baiame, with associated physical features including the pebbly ridges that stretch down the Narran River. Stone fish traps.	Baker (1997:161) Parker (1978:24) Report feedback from DEG (29/4/2011)
New Town , Walgett: Aboriginal fringe camp.	Report feedback from DEG (29/4/2011)
Nichol Island Aboriginal Cemetery , Walgett: Aboriginal cemetery on island formed by Namoi River channel and an ox bow lake, associated with the Nichol family.	AMBS (1995) AHIMS Sites 18-3-0023 and 18-3-0025
Pagan Creek : waterway.	Report feedback from DEG (29/4/2011)
Pokataroo Station : Aboriginal camp.	Aboriginal community consultation meeting (1/6/2010)
Red Hill (Gunimaa) , Walgett: Aboriginal fringe camp, burials.	Report feedback from DEG (29/4/2011)
St Joseph's Primary School , Walgett: school.	Winkler (2006: Abstract)
Tara Station : Aboriginal camp/reserve.	Report feedback from DEG (29/4/2011)
Two Mile , Walgett: Aboriginal fringe camp.	Report feedback from DEG (29/4/2011)
Walgett : town identified as important to the local Aboriginal community.	Aboriginal community consultation meeting (1/6/2010)
Walgett Aboriginal School : segregation school.	Kerry (1976:np)
Aboriginal organisations such as the Barwon Aboriginal Corporation, Foundation for Aboriginal Affairs, Aboriginal Legal Service of NSW, Walgett Aboriginal Medical Service, Dharrivaa Elders Group and Walgett LALC, Walgett : historic and contemporary premises.	Report feedback from DEG (29/4/2011)
Brewery, Warrena Street (east of Namoi Street), Walgett : identified as important to the local Aboriginal community.	Aboriginal community consultation meeting (17/11/2010)
Walgett Primary School : school.	Kerry (1976:np) WAMS (2010)
Walgett RSL : associated with the Freedom Riders.	Aboriginal community consultation meeting (17/11/2010)
Walgett swimming pool : associated with the Freedom Riders.	Aboriginal community consultation meeting (17/11/2010)
Indigenous Place, Walgett : Indigenous Place (no further location information available).	RNE
Near Walgett : Thomas Walford's property.	Zagar (2000:21-22)
European stock routes between Walgett and Lightning Ridge : paths used by Aboriginal people, after they had been denied access to their traditional paths.	Geering and Roberts (1991, cited in Jones & Costin 2007:26)
Wellwood Station : Aboriginal camp/reserve.	Report feedback from DEG (29/4/2011)
Woora : spring.	Report feedback from DEG (29/4/2011)
Woorawadian Station : Aboriginal camp/reserve.	Report feedback from DEG (29/4/2011)
Yumanbaa , Walgett: Aboriginal fringe camp.	Report feedback from DEG (29/4/2011)

Table 5.4 Summary of areas of Aboriginal heritage sensitivity outside Walgett Shire LGA.

Area of Aboriginal Heritage Sensitivity	Reference/Source of Information
Bangate Station: Aboriginal camp/reserve.	Report feedback from DEG (29/4/2011)
Boggabilla: conflict site.	Kerry (1978:73)
Bomaderry Children's Home	Report feedback from DEG (29/4/2011)
Indigenous Place, Brewarrina: Indigenous Place (no further location information available).	RNE
Near Brewarrina: former Aboriginal mission.	Kerry (1978:168) Zagar (2000:75)
Brewarrina fish traps: in the main stream of the Barwon River, 50m downstream from the weir at Brewarrina.	RNE
Brewarrina Aboriginal Station and dormitory: place where girls from Walgett were sent.	Report feedback from DEG (29/4/2011)
East of Collarenebri: scarred trees in cages.	Aboriginal community consultation meeting (2/6/2010)
Collymongle Station: initiation ceremony held there in 1890.	Zagar (2000:2)
Condamine River to Cobar River: song line.	Aboriginal community consultation meeting (17/11/2010)
Cootamundra Girls Home	Report feedback from DEG (29/4/2011)
Dennewan	Report feedback from DEG (29/4/2011)
Kinchella Boys Home	Report feedback from DEG (29/4/2011)
New Angledool: town identified as important to the local Aboriginal community.	Aboriginal community consultation meeting (1/6/2010)
New Angledool: Angledool Aboriginal Reserve and Cemetery; former mission site; associated with assimilation and the stolen generations.	RNE Aboriginal community consultation meeting (2/6/2010) Woodfield (2000:16)
Pilliga: town identified as important.	Aboriginal community consultation meeting (1/6/2010)
Pilliga Aboriginal Station: former Aboriginal mission.	Report feedback from DEG (29/4/2011)
Redbank Aboriginal Station: former Aboriginal reserve.	Report feedback from DEG (29/4/2011)
Outskirts of Wee Waa: ceremony recorded in 1905.	Zagar (2000:2)
Weilmoringle	Report feedback from DEG (29/4/2011)

This image has been removed for reasons of confidentiality.

Figure 5.1 Registered AHIMS sites and areas of Aboriginal heritage sensitivity in the north west section of the Walgett Shire LGA.

This image has been removed for reasons of confidentiality.

Figure 5.2 Registered AHIMS sites and areas of Aboriginal heritage sensitivity in the north east section of the Walgett Shire LGA.

This image has been removed for reasons of confidentiality.

Figure 5.3 Registered AHIMS sites and areas of Aboriginal heritage sensitivity in the south west section of the Walgett Shire LGA.

This image has been removed for reasons of confidentiality.

Figure 5.4 Registered AHIMS sites and areas of Aboriginal heritage sensitivity in the south east section of the Walgett Shire LGA.

6 Protecting Aboriginal Heritage

The following recommendations are based on the statutory requirements, heritage best practice and consultation with the local Aboriginal community.

6.1 Background to Statutory Provisions

The current environmental planning instrument for the Walgett Shire is Interim Development Order No.1 – Shire of Walgett (IDO), which was gazetted in 1968.

Council has advised that it expects that the IDO will be superseded during 2011 by a LEP based on the current standard instrument, which commenced on 25 February 2011. The LEP will contain the compulsory Clause 5.10 Heritage Conservation, which aims to conserve environmental heritage, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance. It is understood that Council will include this Clause as written in the standard instrument. Subsections 2 and 8, in particular, address Aboriginal heritage:

(2) Requirement for consent

Development consent is required for any of the following:

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):

- (i) a heritage item,*
- (ii) an Aboriginal object,”*

and

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

A diagrammatic overview of the regulatory and procedural framework, which will apply to development proposals, under the provisions of the EP&A Act and the impending LEP, is provided in Figure 6.1 and Figure 6.2.

6.1.1 LEP Implementation

The current IDO does not include provisions for the protection of Aboriginal heritage. It is recommended that Council makes the implementation of an LEP based on the standard instrument LEP, which includes provisions for the protection of Aboriginal heritage, a high priority.

DIAGRAM A – DEVELOPMENT CLASSIFICATION & ABORIGINAL HERITAGE ASSESSMENT

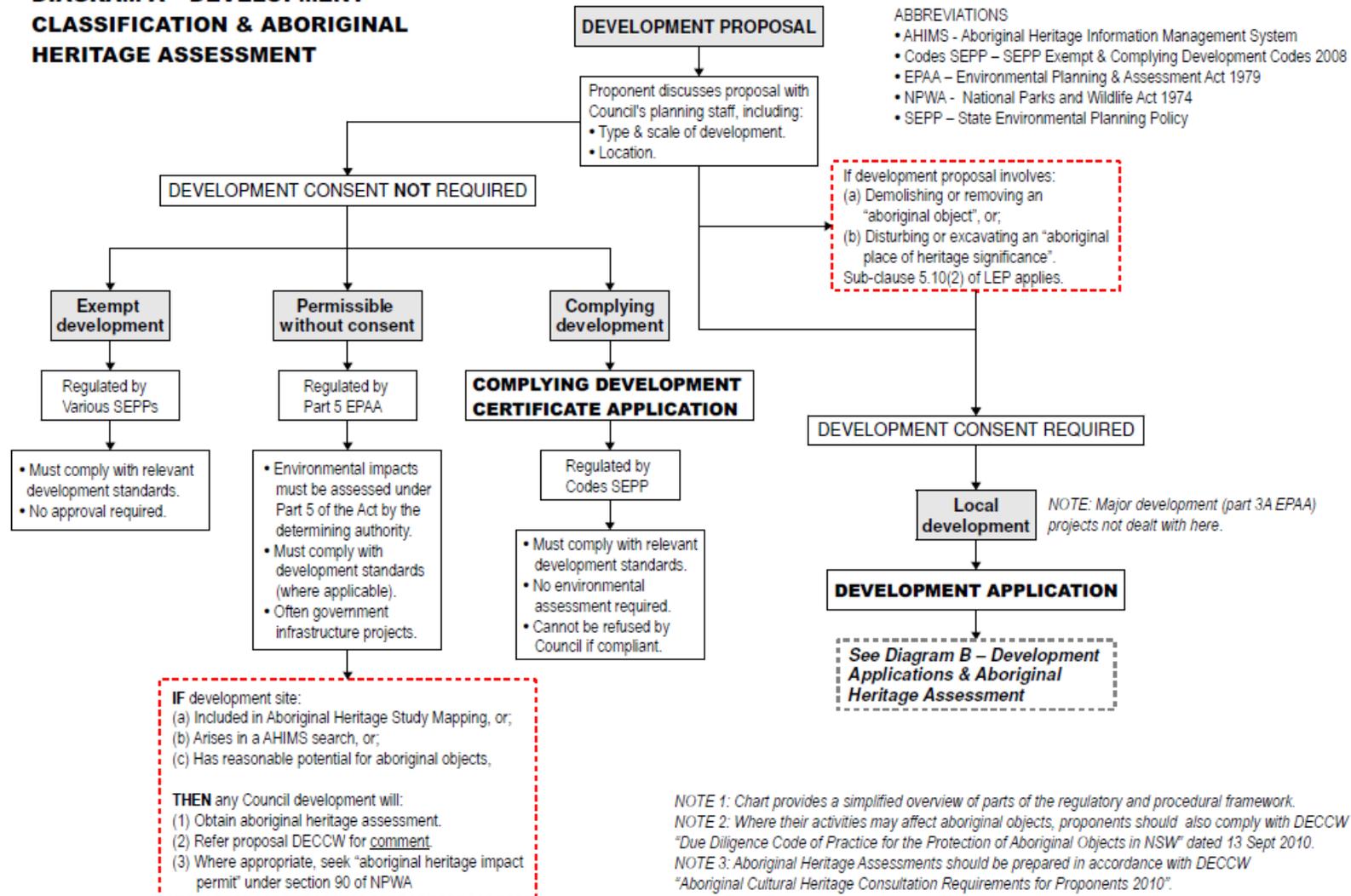


Figure 6.1 Flow chart identifying statutory process for different types of development (Source: Walgett Shire Council).

DIAGRAM B - DEVELOPMENT APPLICATIONS & ABORIGINAL HERITAGE ASSESSMENT

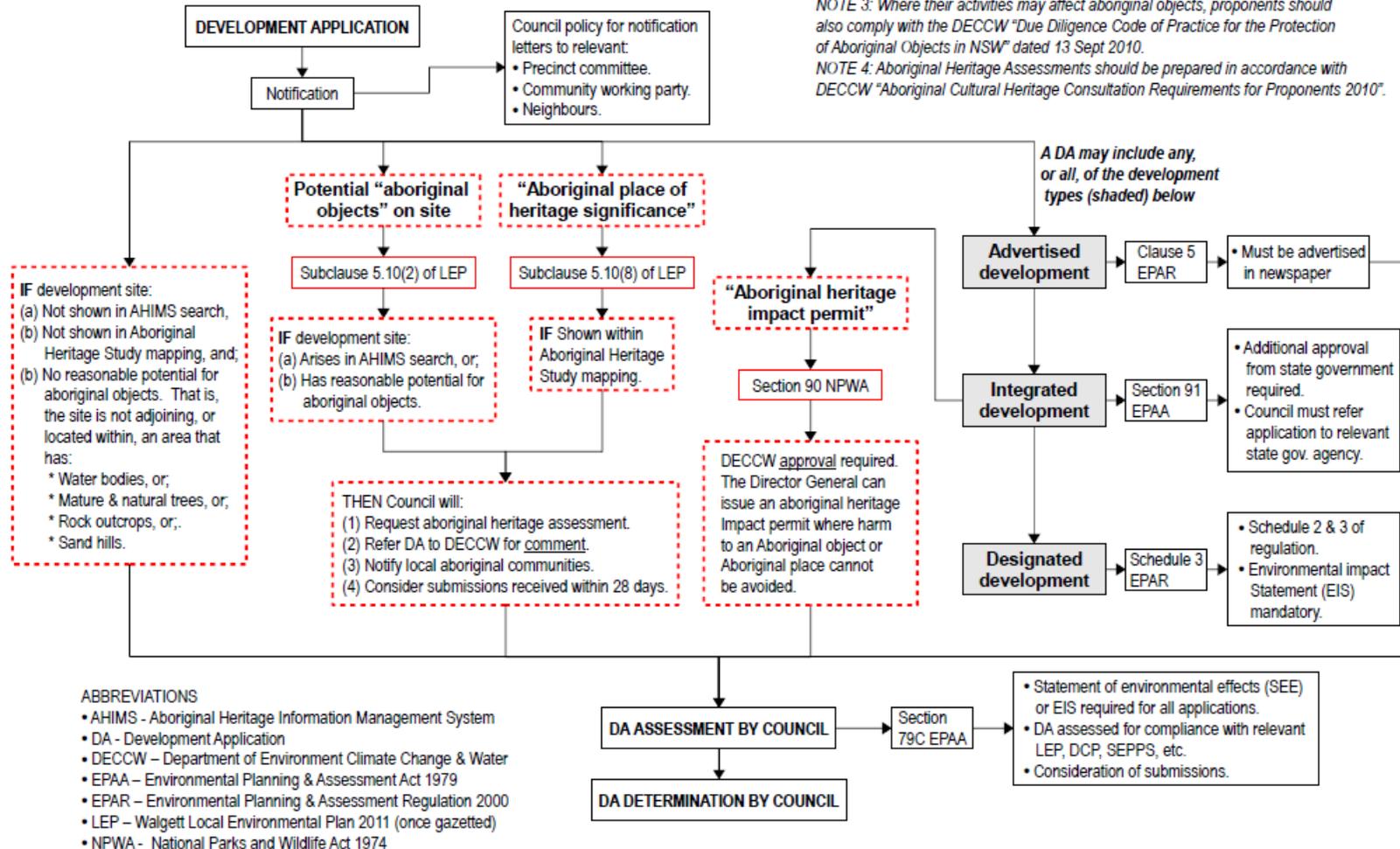


Figure 6.2 Flow chart identifying process for assessing development applications (Source: Walgett Shire Council).

6.1.2 Draft LEP Consultation

The EP&A Act imposes requirements on Council to consult with the public regarding a draft LEP. As part of this process it is recommended that Council ensure that direct consultation occurs with Aboriginal community groups regarding:

- regulatory requirements which affect development proposals;
- the content of the draft LEP and associated maps; and
- provisions within the LEP regarding Aboriginal heritage.

The most appropriate method for this consultation may be for Council to organise workshops to be attended by community members, to explain the Draft LEP and how it is to be implemented, and for input by the Community.

6.1.3 OEH Referrals

Given that Council does not employ staff that are able to comprehensively assess the potential impacts of a development on an Aboriginal object, site or place, it is recommended that the following types of development be referred to OEH for comment by specialists in Aboriginal heritage matters:

- Any development application with reasonable potential to involve an Aboriginal object, place or area.
- Any development regulated by Part 5 of the *Environmental Planning & Assessment Act 1979* with potential to involve an Aboriginal object, place or area.

It is anticipated that OEH would recommend that Aboriginal consultation be undertaken for these types of development.

6.1.4 Development Applications

When considering applications for development, Council should determine whether an Aboriginal Heritage Assessment has been undertaken, and whether there is any potential for an Aboriginal object, place or area to be affected by the development. If no such assessment has been undertaken by the proponent, and there is reasonable potential for an Aboriginal object, place, site or area to be affected, then Council should request that an Aboriginal Heritage Assessment be undertaken, in consultation with the local Aboriginal community in accordance with OEH's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, before development consent is issued, in the following events:

- That the development site adjoins, or is located within, an area that has:
 - a) permanent or intermittent water bodies, or;
 - b) mature, natural trees, or;
 - c) rock outcrops or exposures, other than a non-Aboriginal mine or quarry site, or;
 - d) sand hills.

Although there is a higher frequency of sites being found in association with these features, it should be noted that Aboriginal sites can be found in other contexts, including land that has been cleared or ploughed. Also, some locations in urban areas may have historical significance to the local Aboriginal community.

- Prior to any proposed development or activities that would damage or disturb the ground surface in the vicinity of identified sites or areas of archaeological potential (see Section 5 for the locations of sites and areas of archaeological potential).

6.1.5 Integrated Development

Any Development Application (DA) which proposes harm to an Aboriginal object or Aboriginal place must be dealt with as Integrated Development under Section 91 of the EP&A Act. Such applications must be forwarded to OEHL to determine whether the Director General of OEHL is prepared to issue an Aboriginal Heritage Impact Permit. Ultimately the DA cannot be approved by Council without the approval of OEHL, if an Aboriginal Heritage Impact Permit is required to enable the development to proceed.

It is recommended that an Aboriginal Heritage Assessment be undertaken, in consultation with the local Aboriginal community in accordance with OEHL's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, in cases of Integrated Development.

Confidentiality

Aboriginal heritage site and sensitivity mapping is to be treated confidentially by Council, and is only to be used to assist in consideration of the adequacy of the Aboriginal heritage components of development applications. The information should be considered as *need-to-know*, and should not be made publically available. The mapping and site location information (see Section 5) should not be included on any publicly accessible media, nor websites. AMBS has provided two versions of the report to Council, one of which includes all confidential information and mapping, while the other contains none of the Aboriginal heritage sensitivity mapping, and as such can be treated as a publicly available document.

6.2 Protecting Aboriginal Cultural Heritage

The Aboriginal community has outlined a number of measures that it believes would facilitate the continuing good relationship between the community and Council:

- The Aboriginal community would appreciate Council making a written statement about how it values Aboriginal heritage, how it will support Aboriginal communities, and how it will protect Aboriginal cultural heritage (see Appendix A).
- The Aboriginal community should be given access to the site mapping information compiled for this Study. The Aboriginal community should also be informed regarding developments (before and after approval or non-approval) and impact to sites that are in development areas (i.e. data sharing between Council and the local Aboriginal community). It is noted that Council's current processes for assessing DAs are that:
 - a) a notice is sent to the most relevant Community Working Party;
 - b) designated and advertised development are advertised in the local newspaper and on Council's web site; and
 - c) when a need for an Aboriginal Heritage Assessment is triggered, proponents are required to follow OEHL guidelines.

It is noted that there is an intention, in the foreseeable future, to publish all DAs that are under assessment (or have been determined), via Council's web site. However, this requires some major improvements to components of Council's administrative software systems and their integration. It is also noted that it is standard practice for Council to provide all parties making submissions with a copy of the development determination so that they are aware of Council's decision on a given DA.

- The Aboriginal community has concerns regarding the potential loss of certain sites and Aboriginal heritage information; in particular, the Aboriginal graves marked with broken glass at the Angledool Mission and Cemetery may be being damaged by grazing cattle straying from a neighbouring property (the DEG also note that this kind of damage is also occurring at other locations). It was also noted that there are burials, a birthing tree and written records concerning the Aboriginal people employed at the saw mill and provision of their rations on the

Dunglear property, which the community would like to be able to access to ensure that the sites and records will not be lost. Mention was also made of modified trees and skeletal material from Collarenebri which is currently held by museums in Melbourne and Adelaide, which should be repatriated to the community. The community would appreciate the assistance of Council in these matters, and with protection measures for other sites, as issues arise.

- The Aboriginal community would also appreciate it if Council could provide training and development for the community in Aboriginal heritage assessment, and in the use of mapping/GIS programs, so that they are better able to identify sites and provide accurate locations, so that knowledge of sites will not be lost.

6.2.1 Aboriginal Liaison

The local Aboriginal community of the Walgett Shire comprises many individuals and organisations. In the first instance, in liaising with the local Aboriginal community, Council should contact the CEO of the relevant LALC, the Chairperson of the relevant CWP, and the DEG, who should then be able to present Council's request/information to the members of these organisations, if appropriate. Current contact details are:

Anne Dennis (CEO)
Walgett Local Aboriginal Land Council
87 Fox Street, Walgett NSW 2832
Phone (02) 6828 2426
Fax (02) 6828 2426
Email wa85732@bigpond.net.au

Christine Corby (Chairperson)
Walgett Community Working Party
Phone 0418 212 230
Email Christine.Corby@walgettams.com.au

Allan Cobb (CEO)
Lightning Ridge Local Aboriginal Land Council
12 Pandora Street, Lightning Ridge NSW 2834
Phone (02) 6829 0105
Fax (02) 6829 0274
Email lightningridgelalc@bigpond.com

Allan Cobb (Chairperson)
Lightning Ridge Community Working Party
Phone (02) 6829 4297
Fax (02) 6829 4297

Norman Hall (CEO)
Collarenebri Local Aboriginal Land Council
Corner of Herbert and Wilson Streets, Collarenebri NSW 2833
Phone (02) 6756 2150
Fax (02) 6756 2103
Email collylalc4@bigpond.com

Norman Hall (Chairperson)
Collarenebri Community Working Party
See contact details for Collarenebri Local Aboriginal Land Council

Wendy Spencer/Richard Lake
Dharriwaa Elders Group
47 Fox Street, Walgett NSW 2832

Phone (02) 6828 2619
Fax (02) 6828 2519
Email info@dharrivaeldersgroup.org.au

Aboriginal Community Feedback on the Aboriginal Heritage Study

This report has been provided to the local Aboriginal community for their review and comment. The feedback which was received is attached, and has been incorporated into the report where relevant (see Appendix A). The Aboriginal community should be approached by Council for their input into the Draft LEP/SEPP/DCP, and to discuss a process for determining whether there is any potential for an Aboriginal object, place or area to be affected by a development application.

6.2.2 Review of the Aboriginal Heritage Study

This Aboriginal Heritage Study should be reviewed and updated, as appropriate, within ten years.

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Appendix A

Aboriginal Community Feedback

Dharriwaa Elders Group ABN: 26 795 240 948
a tax-deductible gift recipient

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29 April 2011

Please find enclosed the Dharriwaa Elders Group response to the Walgett Shire LGA Aboriginal Heritage Study Draft final report April 2011 which was endorsed by the Dharriwaa Elders Group Elders Council at its meeting today.

We were pleased to respond even though we have no funds to perform this task currently. We discuss places and considerations that need to be included in your Study.

Yours sincerely



Richard Lake

Speaker for and on behalf of the Dharriwaa Elders Group

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<http://www.ourcommunity.com.au/dharriwaaeldersgroup>

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Response to

Walgett Shire LGA Aboriginal Heritage Study

Prepared by Australian Museum Business Services for Walgett Shire Council
Draft final report April 2011

Dharriwaa Elders Group Response to Walgett Shire LGA Aboriginal Heritage Study draft final report

1. About the Dharriwaa Elders Group

The Dharriwaa Elders Group ("DEG") is an association based in Walgett incorporated under the Associations Incorporation Act 1984. Full members are Aboriginal, living in Walgett and over 60 years of age. There are 41 living Full Members. The Elders Council is made of eight full members and three office bearers – Speaker, Treasurer and Secretary, who are elected by the Members at the AGM. The Elders Council meets monthly, with Members present. The Program Manager reports directly to the Elders Council.

The purpose of the association is to "support Aboriginal elders to resume leadership roles in the community, keeping active and healthy; promote local Aboriginal cultural knowledge and identity and develop the Walgett Aboriginal community".

The wellbeing of elders is a priority of the DEG. To this end the Elders Centre provides a much-needed meeting place and contact point for Aboriginal elders and those who wish to engage respectfully with them. The organization provides a secretariat and advocacy for its members. This often involves providing a "translation" service between elders and services e.g. Centrelink, Homecare and others. A weekly elder's health program is provided by health stakeholders. Of course a holistic service that gathers, organizes and provides for the wellbeing of Aboriginal elders would naturally take a leading interest in Aboriginal cultural matters. By providing an Elders Centre, the DEG is able to undertake Aboriginal cultural activities. The provision of the elders meeting place facilitates elders' healing, leadership, decision-making and advisory services and is the key to the DEG being able to undertake cultural management programs. Other valuable resources have been built over the years from shared NSW and Commonwealth Government programs and donated expertise to provide the DEG with the capacity it needs to undertake cultural management programs. These accumulated resources include a valuable cultural collection, the DEG's data network, security system, vehicles, knowledgeable human resources including experienced project management and ready access to legal advice.

The DEG maintains a main-street cultural exhibition space, Walgett's first Aboriginal arts and crafts retail outlet, a cultural collection and policy library and an elders meeting place and secretariat. The DEG is currently developing a cultural tourism visitors rest spot by the river for Walgett. The DEG proudly launched its third cultural exhibition in December 2010 "Memories of Living Outside Walgett" drawn from original research of elders' memories.

Another important activity of the DEG is its work to protect the Aboriginal cultural values of places, biodiversity and landscapes. It has produced a cultural values register which it uses as a land and site management and mapping tool. Liaison with legal advisors, landholders and government is a regular activity and our data is used by the DEG and government to assist with on-the-ground compliance with NSW and Commonwealth laws regarding the protection of Aboriginal cultural heritage.

The Dharriwaa Elders Group has actively sought to pass on cultural knowledge to Walgett youth by undertaking youth and elders' camps, youth and elders' site trips and an elders' school program.

The Dharriwaa Elders Group is a key Aboriginal leadership group in the Walgett community which has survived and grown over 12 years despite local pressures including difficulties associated with supply of services. The momentum and capacity achieved thus far is maintained by a recognition by governments that the DEG provides many benefits to our "Closing the Gap" RSD town. It is determined to succeed.

The Walgett Shire LGA Aboriginal Heritage Study

The Dharriwaa Elders Group believes it is a shame that the Council has commissioned non-Aboriginal contractors unfamiliar with the Walgett LGA Aboriginal communities, to provide the Council with an Aboriginal Heritage study. The Walgett Aboriginal Heritage Study therefore has become a document written by outsiders about a heritage they are attempting to understand. The document gives Walgett LGA's Aboriginal Heritage a

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separate concept or context than what it could more rightly be, that is a document that outlines the knowledge of the LGA's contemporary Aboriginal communities of their inherited and living culture and the places and things that they value highly (i.e. give significance to). One day we hope that Walgett LGA's Aboriginal cultural organisations will be offered this contract, and have the capacity, to provide such a study to the Walgett Shire Council, which will include recommendations for how the Council can work with the LGA's communities to protect and value the precious heritage of its Aboriginal residents.

2. Specific Responses to Walgett Shire LGA Aboriginal Heritage Study Draft final report hereafter referred to as the "Walgett AH study"

1.3 Methodology¹

The DEG requests that Council develop its own formal Aboriginal Community Consultation Policy which is consistent with Aboriginal Community Consultation Guidelines for Applicants (NSW DEC 2004) and also recognizes who the appropriate organizations and individuals are who have explicit knowledge on the subjects to be negotiated. Such a policy would ensure that those with no expertise or Aboriginal community representative status in the subject are excluded. It would include a provision for the making of conflict of interest declarations in the subject area and other provisions that the DEG could assist the Council to develop. In this way Walgett Shire Council could confidently act in its relations with the LGA's Aboriginal communities in development matters and be seen to be pro-active rather than responding only to generic NSW government guidelines that should be adapted for their local relevance to be truly applicable.

1.3.1 Cultural Heritage Significance²

The DEG request the Final Report includes a definition of Aboriginal cultural values and significance. It may be informed by the following words quoted from the Dharriwaa Elders Group's language teaching resource published in May 2011 "Burruguu Dharriwaa-gu" (the creation of Narran Lakes):

Many features in the natural landscape including plants and animals, waterways, springs, rock formations, hills and forests are of great importance to Aboriginal people. Survival depended on them and stories from Burruguu (creation) help to explain their creation, map their location and provide lore about their use. Places (remembered today, and those re-found during surveys and other research).. are important for social, spiritual, historical, and commemorative reasons. Many of Walgett's Aboriginal people have deep spiritual and emotional ties to these places, the evidence of the ancestors who lived there and the resource systems that supported their lives there. This is why the Dharriwaa Elders Group ascribes these places and the things found within them with high Aboriginal cultural values. These values are present as long as the places remain and Aboriginal knowledge of the places continues. The Aboriginal cultural values of a place are diminished if it is destroyed, or defaced or elements (including knowledge) are removed. Only local Aboriginal people can interpret and determine Aboriginal cultural values.

¹ pg 6 Walgett AH Study

² Pg 6,7 Walgett AH Study

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A large proportion of places with Aboriginal Cultural Value remain unsurveyed in the Walgett LGA. This does not mean they do not exist. The reluctance to provide site location information to the NSW DECCW AHIMS and Walgett Council is that there are currently no safeguards for the information and there have been instances, which are remembered, where places have been destroyed once they have been identified. Due to the lack of monitoring for compliance of the NSW NPWS Act and activities and policies that prevent destruction from happening before an illegal act of destruction has occurred.

We understand that the reason no surveys were done for Walgett AH Study was because there was no budget provided by Council for this activity. Thorough on-ground surveys will be required before Council will be able to make development and planning decisions that will impact on landscapes in the LGA, as besides the areas of Aboriginal Cultural Value known by the LGA's Aboriginal communities, there is much more in the field that is not in current knowledge, but still precious to the communities. Aboriginal people haven't relinquished their custodianship of the landscapes. Their ability to provide custodianship has been made very difficult in the LGA and elsewhere. Complete surveys of archaeology as well as environmental and historical places of high Aboriginal cultural value would be beneficial to the LGA's Aboriginal communities if they were conducted with the participation and blessing of the Dharriwaa Elders Group, LALCs, and key elders. They would need to be part of a well-designed healing program and would incorporate provisions for undertakings to be made about the safekeeping of the information collected.

The DEG requires Walgett Shire Council and the NSW Government to put in place legal instruments that prevent destruction of Aboriginal Cultural Values as once Aboriginal Cultural Value is destroyed it cannot be replaced. This prevention will include the safeguarding of AHIMS and other site location data, according to confidentiality and data security principles which will ensure that Council can not be responsible for any future destruction of Aboriginal cultural values in the Walgett LGA, and will ensure that **the security of location information is preserved to the maximum extent possible**. Access to potentially identifiable data for statistical and research purposes, outside secure and trusted institutional environments should only occur where: legislation allows; it is necessary to achieve the approved purposes; and meets written agreements with data sources. Risks of indirect as well as direct location identification should be carefully managed when data is disseminated outside secure and trusted institutions. This management must involve strict data use licensing conditions, reducing detail, perturbing data, and seeking the consent of appropriate individuals and representative organisations to release potentially identifiable data. Once the approved purpose of the project is met, the related datasets should be destroyed, or if retained, the reasons for and necessity of retention documented, and a review process set up. If such retention was not part of the initial approval process, re-approval of the decision to retain is required. Archiving of statistically integrated data sets should be restricted to confidentialised datasets.

There are no current significance listings for the Walgett LGA in the NSW State Heritage Register because no local Aboriginal organization has the capacity to undertake this task. It is not because there are no places worthy or eligible of a listing. The Dharriwaa Elders Group seeks support from Council to undertake this task in the future.

3.1 Identifying Aboriginal people with rights and interest in the area, and 3.3 Agreeing on a Process.

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We ask that in future Council advise consultants who are working in any Aboriginal cultural matters with the Walgett LGA to consult the Dharriwaa Elders Group as a first port of call, as it is an association of Walgett Aboriginal elders which was set up by its members to manage Aboriginal cultural matters. We respectfully advise that currently non-Aboriginal organisations like the Walgett branch of the CWA and employees of Yawarra Meimi are inappropriate contacts for Aboriginal cultural matters. We advise that unsuccessful and/or withdrawn native title claimants are also not relevant to these matters. We believe that ACES was deregistered 21/6/2010 by the Office of the Register of Aboriginal Corporations.

Corrections required:

At least 3 of the Aboriginal organizations listed in this section do not operate currently. We advise that Christine Corby OAM, and not George Fernando is the current Chair of the Walgett Gamilaraay Aboriginal Community Working Party. We advise that Mary Kennedy is not longer the co-ordinator of Walgett Aboriginal Nganana Homecare.

Corrections required:

*"The following Aboriginal community members attended the meetings on 17 November 2010"*³ needs to be corrected as the names listed include non-Aboriginal people as well as government, Council and non-government agency employees.

4. Thematic History

The DEG requests that each section of the thematic history (which we understand are organized within a framework of historic themes developed by the Commonwealth and State government authorities)⁴ include statements that illustrate contemporary situation or practice. This is so that the Council learns to value places, things and practices of the LGA's Aboriginal communities today, which are also the Aboriginal Heritage (i.e. inherited) of the LGA. The Walgett LGA's Aboriginal Heritage is living as well. We request that the Walgett ACH Study avoid the inference that the LGA's Aboriginal Heritage is something that has passed that can only be studied and understood by professionals by looking at the archaeological record left by the ancestors.

4.2.2 Local Aboriginal Archaeological Context

Corrections required:

DEG has currently and has had members who are Ngayiimbaa Elders⁵. They do not speak Ngayiimbaa language but were born on Ngayiimbaa country.

4.2.4 Aboriginal Foundation Legends

Please add that the Dharriwaa Elders Group requests that Elders be actively involved whenever creation stories are told especially in the presence of non-Aboriginal people.

Corrections required:

Ted Fields would never have given the name of Biami (Baayaamii) as the Gariya⁶. The making of Narran River and Lake is a Yuwaalaraay story.

³ Page 15 Walgett AH Study

⁴ Page 17 Walgett AH Study

⁵ Page 18 3rd para last sentence Walgett AH Study

⁶ Page 21, 21 Walgett AH Study

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4.6.1 Educating Indigenous People in Two Cultures

The DEG requests that the Kerry photo of the Wayilwan initiation ceremony printed on page 28 should not be published in the final document.

Correction required:

We believe that the Walgett High School was opened 1965.⁷

4.7.1 Administering Indigenous Affairs

“Aboriginal communities still live at Namoi and Gingie Reserves to this day (Macklin 2007)”⁸.

This is an example of the somehow insulting need for the Walgett ACH Study to refer to published authorities in order to state where some of the Walgett LGA’s Aboriginal communities live today.

Table 5.3 Summary of areas of Aboriginal heritage sensitivity within Walgett Shire LGA.

The DEG confirms the places listed in draft on pages 37, 38, 39.

Corrections required:

“Old golf course, Walgett: Aboriginal fringe camp”⁹. We believe this refers to the camps known as “Montkeila Bend” and “Hickey’s Bend”, which should be listed. These areas include but are not limited to where parts of the golf course in Walgett is today. Other Aboriginal camps near Walgett which should be listed include Gunimaa or Red Hill, New Town, Two-Mile camps and Yumanbaa. The old Warrena St brewery houses (of which one remains) should also be added to this list.

Additional Aboriginal station camps that were located on old properties (that in some cases have changed names, or have today changed their boundaries and been split into other newer properties) that should be listed include the Aboriginal station camps at the following Stations: Bairnkine, Boorooma, Bangate, Gingie, Kigwigil, Llanillo, Wellwood, Angledool, Mercadool, Tara, Woorawadian. There could have been more that our current members do not remember.

We need to ensure that the Gingie burial ground in the sandhills and individual burials are included, as are the graves at Red Hill and Dewhurst St, and places where reburials have occurred when human remains have been found and reburied.

The Aboriginal cultural values of the natural environment are largely missing from the Walgett CHS Study. Waterways, springs, waterholes and natural places seem to only be listed because they have archaeological evidence near them or if they feature in the one creation story listed. Birds, plants, animals and fish do not feature at all yet have Aboriginal cultural values that have been inherited. Known animal and bird habitats and places of remnant native vegetation of high Aboriginal cultural value should be listed. For example places where the plains turkey were / are found, where ducks, koalas, porcupine, sand and tree goannas are found and hunted, where the short-necked turtle and “blue” and “red” kangaroo are found are just some examples.

⁷ Page 30, Walgett AH Study

⁸ Page 30 last sentence Walgett AH Study

⁹ Page 8 Walgett AH Study

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Waterways like the Big Warambool, Pagan Creek and springs at Cumborah, Woorra and Gingie Station have significance and should be listed. There are waterholes along the rivers that are also individually known. Contemporary fishing spots on the Barwon and Namoi Rivers should also be listed. There are stone fish trap areas on the Narran River which should be protected.

There are creation stories associated with other places in the LGA which have not been revealed in the Walgett AH Study. For example there are stories about the Macquarie River and Cuddy Springs, about the Barwon River, about the waterhole at Gingie on the Barwon associated with the Cumborah and Gingie Station mound springs, about the bringing of the mussel to Narran Lakes and the making of the first man and woman. The Walgett AH Study should advise Council to protect all places that are associated with creation stories.

The DEG requests that places of contemporary significance be listed e.g. the historic and contemporary premises of the Barwon Aboriginal Corporation, the Foundation for Aboriginal Affairs, the Aboriginal Legal Service of NSW, the Walgett Aboriginal Medical Service, the Dharriwaa Elders Group and the Walgett LALC and other Aboriginal organizations in the LGA.

Table 5.4 Summary of areas of Aboriginal heritage sensitivity outside Walgett Shire LGA.

Add to the Report Dennewan and Weilmoringle, Cootamundra Girls Home, Kinchella Boys Home, Bomaderry Children's Home, Brewarrina Aboriginal Station and its "dormitory" where girls from Walgett were sent, the Pilliga Aboriginal Station ("mission"), Redbank Aboriginal Station or Reserve. We request more information be sent to the DEG about the Condamine River to Cobar River song line listed please as we don't know what this refers to.

5. Registered AHIMS sites and areas of Aboriginal heritage sensitivity in the Shire LGA.

As explained in the Walgett AH Study, the NSW Government's AHIMS does not represent the extent of places of Aboriginal cultural value in the Walgett LGA. The AHIMS register only represents the places that have managed to be surveyed by limited resources usually prompted by compliance with the barest minimum requirements of law when developments are proposed. Even in that situation it has been very difficult to ensure that areas to be impacted by development are surveyed properly as the surveying activity requires a level of resources that are rarely provided. Caution must be applied to the provision of AHIMS information in this report, as Council and other developers continue to make the mistake of assuming that the AHIMS Register provides an accurate portrayal of places of Aboriginal cultural value.

The DEG is also concerned about the publishing of maps of AHIMS data as it promotes ill-informed use of Aboriginal cultural information by others, can and has led to destruction of places, and could impact on Aboriginal people's ability to extract economic and other values from their cultural knowledge in the future. Again the Dharriwaa Elders Group requests that Council make a statement in its final Report about how it will respect and protect Aboriginal Heritage, how it will support the LGA's Aboriginal communities management and sharing of Aboriginal cultural values and how it intends to actively safeguard Aboriginal cultural information that is within their custody.

6. Protecting Aboriginal Heritage

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The DEG supports that Council conduct workshops with the LGA's Aboriginal communities to explain the DRAFT LEP and how it will be implemented in regard to protecting Aboriginal Heritage. In particular the standard instrument provisions for the protection for Aboriginal Heritage could be examined to ensure they are adequate or could be added to.

The Dharriwaa Elders Group requests input into the development of the State Environment Planning Policy in regard to Walgett LGA and the development of the generic Development Control Plan which will be made under the completed Walgett LGA LEP.

6.1.3 DECCW Referrals¹⁰

A section should be added either within this section, or in addition to it, which lists when matters should be referred to the relevant LGA's Local Aboriginal Land Councils and the Dharriwaa Elders Group, for these local organizations are "experts" also. Council should not only be acting according to minimum legal requirements but according to common sense and courtesy. Council should make a written request to these Aboriginal organisations requesting when they would like LEP matters referred to them. At the very least all matters referred to DECCW should be referred to the relevant LALC and the DEG.

"Any development application with reasonable potential to involve an Aboriginal object, place or area"¹¹. Because it unclear here how Council shall determine what is "reasonable potential" the DEG requests that this process be developed and outlined by Council in negotiation with the LGA's Aboriginal Heritage stakeholders. This shall be a very important process in Council's protection of ACH in the LGA. Likewise the DEG also requests it be given the opportunity to negotiate a process for Council to determine "whether there is any potential for an Aboriginal object, place or area to be affected by the development."¹²

Council will need to negotiate a process for working with the DEG and relevant LGA LALCs when AH is likely to be impacted by a development application as we note that current Council staff have had some difficulty coming to terms with even consulting Aboriginal experts. Progress will need to be made by Council in the selection, training and organizational culture of staff who will be working in this area so that Aboriginal Heritage can become a matter of pride for the Council.

6.2 Protecting Aboriginal Cultural Heritage¹³

The DEG requests that Council make a written Statement about how it values Aboriginal Heritage, what it understands Aboriginal Heritage to be, how the LGA will benefit from Aboriginal Heritage and how it undertakes to protect and value it into the future. This statement will include how the Council will develop policies and procedures to ensure the practicality of this Statement, which shall include its own "consultation" or "negotiation" processes, its information security and confidentiality processes and how it will act to protect AH and actively prevent its destruction in the Walgett LGA.

¹⁰ Page 47 Walgett AH Study

¹¹ pg 47 Walgett AH Study

¹² Pg 47 Walgett AH Study

¹³ Page 48 Walgett AH Study

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The DEG requests that development notifications be sent to the Gamilaraay Aboriginal Community Working Party, the Dharriwaa Elders Group and the Walgett LALC regarding development matters that may impact on AH in the LGA. Other Aboriginal representative groups in other communities should also be sent this information. Council must also assist these representative bodies to develop the capacity they need to be able to respond effectively to this information once it is provided. Currently no organization in the Walgett LALC is provided with the resources to keep the capacity to respond appropriately to a development notification if it does propose to impact on AH. **Council must actively assist the Walgett LGA's Aboriginal organizations to develop their capacity and resources so that Council can be well informed and advised by its Aboriginal communities on AH matters.**

Council should not just consult its Aboriginal communities in accordance with DECCW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, but develop their own Consultation policies and procedures using DECCW's requirements as a minimum.

The DEG supports the Walgett ACH Study's proposal that Council assist communities to protect specific sites of concern¹⁴, and requests that such protection measures be incorporated into the LEP so they can occur at any time, and not only be prompted by this Study.

The DEG requests that Council shares its GIS and other data with its Aboriginal communities as license and the software and training costs required to use the data is often inaccessible to Aboriginal community organisations but essential when these organisations need to negotiate AH matters with Council.

If the above requests are implemented by a pro-active Council many benefits could flow to Council including and beyond compliance with Australian law.

6.2.1 Aboriginal Liaison¹⁵

Correction required:

Please update the contact details for the Walgett Gamilaraay Aboriginal Community Working Party.

¹⁴ E.g. the cattle destroying Angledool burial grounds in Page 48 of Walgett ACH Study. This event is occurring at other locations as well in the LGA.

¹⁵ Page 49 Walgett AH Study