

Report of an Ethnographic Survey for the Proposed Hancock Prospecting Exploration Drilling Program at East Angelas, Round Hill and Coondina Tenements and the Proposed Mining Operation at M46/81, M46/121 and M46/80 Balfour Downs, Pilbara, Western Australia.

Prepared for the Nyiyaparli Native Title Claimants and Hancock Prospecting Pty Ltd.

By Bill Day PhD

August 2008

## **Disclaimer**

The results, conclusions and recommendations contained within this report are based on information available at the time of its preparation. Whilst every effort has been made to ensure that all relevant data has been collated, the author can take no responsibility for omissions and/or inconsistencies that may result from information becoming available subsequent to the report's completion.

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## Summary

### Recommendations

- ❖ **It is recommended** that the proposed exploration drilling program and associated access tracks at East Angelas proceeds; it is further recommended that should any significant archaeological sites be located, further consultation should be undertaken with the Nyiyaparli community;
- ❖ **It is recommended** that the proposed exploration drilling program and associated access tracks at Coondina proceeds; it is further recommended that should any significant archaeological sites be located, further consultation should be undertaken with the Nyiyaparli community.
- ❖ **It is recommended** that the proposed exploration and drilling program and associated access tracks at Round Hill proceeds; it is further recommended that should any significant archaeological sites be located, further consultation should be undertaken with the Nyiyaparli community;
- ❖ **It is recommended** that the proposed works on the mesa flat at Balfour Downs proceeds and that if archaeological sites are to be damaged or disturbed by mining activities, a clearance under Section 18 of the *Aboriginal Heritage Act, (1972 as amended)* should be sought from the APMC.
- ❖ **It is also recommended** that no ground disturbance on the top of the Balfour Downs mesa should proceed until a meeting is held between Hancock Prospecting and Nyiyaparli native title claimants, to include members of relevant families.

## **Introduction**

In August 2008, Hancock Prospecting Pty Ltd (Hancock) requested anthropologist Bill Day for Ethnoscience in association with Karlka Nyiyaparli Aboriginal Corporation to undertake an ethnographic survey of the Aboriginal heritage values of areas covered by the proposed limited RC percussion exploration drilling program of 10-12 holes at East Angelas, 10-12 holes at Coondina, about 15 holes at Round Hill and the proposed development of a manganese mining operation at Balfour Downs (see Figures 1, 2, 3 & 4).

East Angelas is located between 20 and 40 km west northwest to north northeast of Newman in the hills to the north of Kalgan Pool, and is accessed from Roy Hill via the Nullagine to Newman Road and a track leading west from Kalgan Siding on the BHP rail line. Coondina is located north of the Great Northern Highway, 36 km from Newman with Round Hill some 10 km further west on the south of the highway. The Balfour Downs survey area adjoins the Balfour Downs airstrip adjacent to the Balfour Downs homestead, approximately 200 km north east of Newman and 195 km by road from Hancock's Roy Hill camp via the Nullagine to Newman road, the Ethel Creek-Jigalong road and the Balfour Downs road.

The ethnographic field survey was conducted from 11-14 August, 2008, with the assistance of three Nyiyaparli consultants nominated by Karlka Nyiyaparli Aboriginal Corporation and followed an archaeological survey at Balfour Downs from 1-9 August by Darren Cooper and Kevin Edwards (2008). Hancock's Nyiyaparli Field Assistant, Terry Watson, assisted the survey on August 13, while on August 11 and 12 the survey party was introduced to the scope of works and ethnographic survey program at Hancock's Roy Hill Mankarlyirrakurra Camp by Hancock's Indigenous Relations Coordinator, Angela Murphy. On August 13 the survey party was escorted to Balfour Downs by Hancock Field Assistant Damien Cooper. Finally, on August 14 the survey party was assisted at East Angelas, Coondina and Round Hill by the Hancock's Senior Geologist, Richard Paquay.

The ethnographic survey used a 'site identification strategy' to examine proposed drill pads and access track locations. No ethnographic sites were located at Coondina, East Angelas and Round Hill or on the flats surrounding the mesa hill at Balfour Downs. Therefore there are no impediments under the provisions of the *Aboriginal Heritage Act, (1972 as amended)* to the proposed drilling programs. However, the Balfour Downs mesa hill itself, known as *Pukaeenya* to the Niyiyaparli and Martu people, was identified during the survey as a possible Aboriginal Site under Sections 5b and 5c of the *Aboriginal Heritage Act, (1972 as amended)*.

## **Scope of Work**

As stated above, the RC Percussion drilling program at East Angelas, Round Hill and Coondina of approximately 40 drill holes in total is essentially to meet minimum requirements in tenements where historic drilling exploration has also taken place. Hancock have drilled 15 exploratory holes on the south west and north west side of 'Round Hill' earlier in 2008, in an area previously drilled by BHP in the late 1960s. Hancock has now requested an ethnographic report of the Round Hill area.

At Balfour Downs, Mineral Resources Limited and Hancock Balfour Downs Pty Ltd/Gaynor Park Pty Ltd of the Hancock Prospecting group have entered into a Mining services agreement with an initial seven year term, and options for extending the duration of the agreement, to develop and operate the Balfour Downs manganese operation between Newman and Woodie Woodie and adjacent Hancock's Roy Hill Project.

The Balfour Downs agreement provides for Mineral Resources to mine, process, transport and ship manganese ore from the Hancock Balfour Downs manganese deposits after all necessary approvals have been obtained. Initially, the project is expected to deliver up to 350,000 tonnes per annum of Balfour Downs Manganese lump product for export with targeted future growth consistent with the available export capacity at Port Hedland.

## **Ethnographic Survey and Consultation Methods**

The ethnographic survey for this report was conducted in the following stages,

- ❖ Archival research;
- ❖ Inspection of the proposed development areas (Maps 1, 2, 3 & 4) and interviews with Nyiyaparli consultants;
- ❖ Inspection of the archaeological sites within the areas and consultation with the Nyiyaparli consultants;
- ❖ Report preparation.

Dr Bill Day undertook archival research which involved in the first instance an examination of the Register of Aboriginal Sites using the online Aboriginal Heritage Inquiry System (AHIS). A number of published and unpublished ethnographic sources were also examined.

The field survey used a site identification methodology cited as:

*In this type of survey, sites are located and documented and the spatial extent and significance of sites to Aboriginal people is recorded. This information may be made available to the proponent in report form, subject to agreement from the relevant Aboriginal people. Alternatively, confidential information may be presented in a restricted report to the APMC, usually via the DIA. The report should contain recommendations on steps to be taken by the proponent to ensure compliance with the AHA (Department of Indigenous Affairs 2002:17).*

The project areas in tenements E47/1308, E47/427, E47/428, E47/1307, and E47/1313 are within the Nyiyaparli Native Title Claim (WC05/006) as are Hancock's mining leases, M46/81, M46/121 and M46/80 at Balfour Downs. All the senior consultants listed below are recognised as having authority to speak for the survey area. In particular David Stock is regarded as the primary spokesperson for the Rhodes Ridge area, including the survey area. In addition, Karlka Nyiyaparli Aboriginal Corporation selected a Martu elder, Alan Charles, from Newman, as a person

familiar with Balfour Downs to represent the Nyiyaparli native title claim group during the survey.

David Stock (*Yandicoogina*) is a senior Nyiyaparli man and was born and reared on Roy Hill Station. He also worked on other stations in the East Pilbara, including Marillana, Ethel Creek and Balfour Downs. He is intimately familiar with the heritage values of the area, including the totemic landscape. Alan Charles is a Martu man, whose country lies in the Gibson Desert. He often participates in Nyiyaparli surveys at the group's request because there and on neighbouring Ethel Creek Station for many years (see McDonald 2008:4). The ethnographic survey was assisted by Hancock's Indigenous Relations Coordinator, Angela Murphy, Senior Geologist, Richard Paquay and Field Assistant Damien Cooper. of his knowledge of the area's heritage values including the totemic landscape. He was born on Balfour Downs Station and worked

**Table 1. Aboriginal Participants in the survey.**

<b>Consultant's name</b>	<b>Language Group</b>	<b>Dates</b>
Gordon Yuline	Nyiyaparli	12-14 August
David Stock	Nyiyaparli	13-14 August
Alan Charles	Martu	11-14 August
Terry Wilson	Nyiyaparli	13 August

### **Balfour Downs**

McDonald conducted an ethnographic survey at the Balfour Downs flats (M46/80, M46/121) and mesa (M46/81) with five Nyiyaparli men, including David Stock and Alan Charles, in May 2008. McDonald reported that;

There was some concern among the men with the proposed drilling program as the target hill and two others to the west are named places. The hill in tenement M46/81 is called *Pukaeenya*. The most westerly hill, north of the station homestead is *Tjilumbanga* and the one between is *Purlbi*.

McDonald (2008:7) continued, 'the flat areas were reported to be clear and not associated with any significant heritage values.' After consultations, McDonald (2008:14) recommended: 'that should Hancock plan to undertake further exploration at Balfour Downs that additional consultation is undertaken with the Nyiyaparli

community.’ Judging by the above planned scope of work at Balfour Downs, McDonald’s recommendations of May 2008 would seem to apply.

In compliance with the previous above recommendation, Hancock’s Indigenous Relations Coordinator, Angela Murphy, requested that Karlka Nyiyaparli Aboriginal Corporation select a survey team of senior Nyiyaparli consultants who were authorised to speak for the Balfour Downs area to conduct the ‘follow-up’ ethnographic survey in August, 2008. Although the subsequent survey, the subject of this report, appears only a little more representative by the inclusion of Gordon Yuline in the survey team, it can be said that by their ‘reasonable attempts’ to make the survey more representative, Hancock has complied by the best of their ability with the ‘Guidelines for Aboriginal Heritage Assessment’ (DIA 2002) and the *Aboriginal Heritage Act, (1972 as amended)*.

On Wednesday, August 13<sup>th</sup>, 2008, Hancock Field Assistant, Damien Cooper, Anthropologist Bill Day, Hancock Aboriginal Monitor Terry Watson with Nyiyaparli consultants Gordon Yuline and Alan Charles drove 195 kilometres from Roy Hill to Balfour Downs homestead and hence to Mining Leases M46/121 and M46/80, both dominated by a mesa (M46/81) located at the end of the Balfour Downs airstrip (Figure 4). The archaeological survey of the area was conducted from August 1-9, 2008 (Cooper 2008). Cooper’s report includes coloured photographs of most sites, their GPS coordinates and a description of each site found. The Nyiyaparli consultants were asked to comment on the archaeological sites and to expand on the preliminary advice and findings recorded by McDonald in May 2008 (McDonald 2008).

An inspection of archaeological sites BDL 03-08-08/001, BDL 03-08-08/003, BDL 08-08-08/001 (Figure 4; Plate 1) on the flat area below the mesa revealed no ethnographic impediments to the proposed project. The Nyiyaparli consultants reaffirmed that there was ‘nothing there.’ However, as there was no informed representative of Hancock present on the survey (Damien Cooper is a field assistant/driver who knew

nothing of the proposed development), it could not be guaranteed that the Nyiyaparli consultants had a clear image of the extent of the proposed drilling/mining, apart from the information that it was to be a 'small project' employing six workers using a back hoe and trucking out the manganese.

The two vehicles were then driven to the top of the southern section of the mesa which is bisected by a steep gully. It was observed that the area had been trenched many years previously, so long ago that there were substantial trees growing in the old trenches (Plate 4). The artefact scatters recorded by Cooper (2008) were all of medium to minor locus, although grinding patches and flat stones were recorded at some sites. All sites were marked by taped posts. Most scatters were visited by the Nyiyaparli consultants who agreed that the artefacts could be relocated to a keeping place at Roy Hill's Mankarlyirrakurra Camp if necessary. None of the grinding stones or patches could be located but it was agreed that these could also be relocated if possible.

From the eastern end of the southern half of the mesa, the group returned via the same track to the western base and across to the northern side of the mesa top which is notable for a series of rock shelters along the rock face, recorded and photographed by Cooper (2008:23, 26, 27, 29, 30). The Nyiyaparli consultants preferred that these caves be preserved, perhaps revealing that they had little idea of the proposed development which was later described as 'removing the top two [manganese rich] meters of the mesa.' In such a program, it is doubtful that the rock shelters could be preserved.

A stone arrangement recorded by Cooper (2008:32) on the mesa top was located and inspected by the Nyiyaparli consultants who agreed that it was not of Aboriginal significance because of its obvious recent construction and method of formation. For example, flat stones had the 'dirt side' turned upward indicating perhaps a similar age as the trenches (Plate 5).

Having inspected the artefact sites, the party was able to view, from a high position opposite, the '40 metre cliffs' described by Cooper (2008:34) as 'Water source BDF 04-08-08/03' (Plate 3). Considering the age and health of the consultants, they were not able to descend to inspect the soaks in the gully mentioned in the archaeological survey report, after 'a brief inspection' by Cooper (2008:34). Neither were the consultants able to clamber down to the rock shelters; however, these are very clearly pictured and described in Cooper (2008:23, 26, 27, 29, 30).

After hearing more detailed information provided by Gordon Yuline and Alan Charles, the elders and Terry Watson requested that if there was to be any disturbance to the mesa known as *Pukaeenya*, the works proposal should be presented to a wider representative group of Nyiyaparli people (see McDonald 2008).

### **East Angelas**

Nyiyaparli elder David Stock arrived at Mankarlyirrakurra Camp on Roy Hill on the evening of August 13<sup>th</sup>. On Thursday, August 14<sup>th</sup>, 2008, the three Nyiyaparli consultants, Gordon Yuline, David Stock and Alan Charles with anthropologist Bill Day drove their own vehicles to Jimblebar siding on the Nullagine – Newman road to meet Senior Geologist Richard Paquay, who flew in from Perth that morning. After meeting Richard Paquay and parking their vehicles, the party continued in two rental vehicles along hilltop tracks about 20 kilometres to the west of Kalgan Siding to a viewpoint 650 metres above sea level, looking over the proposed drilling program on East Angelas Tenement E47/1308. No ethnographic sites were identified by the Nyiyaparli consultants.

### **Round Hill**

After a lunch break in Newman, the Nyiyaparli consultants were driven 30 kilometres west of Newman along the Great Northern Highway to view Round Hill on Tenement E47/1313, south of the Great Northern Highway. The Nyiyaparli consultants did not think it was necessary to drive in to 'Round Hill,' although this

was offered by Richard Paquay. No ethnographic sites were identified by the Nyiyaparli consultants.

### **Coondina**

From Round Hill, the Nyiyaparli consultants with Richard Paquay and Bill Day, followed tracks leading north east from the Eagle Falls road parallel to a range of hills to the location of the proposed Coondina drilling program. The track leads to an old Hancock camp. At Coondina Tenement 47/1307 to the north of the Great Northern Highway and west of Kalgan Pool, Hancock propose to conduct an essentially reconnaissance RC Percussion drilling program consisting of four lines to a total of 10 - 12 drill holes and including associated access tracks. According to Hancock Senior Geologist Richard Paquay, preliminary archaeological surveys have been conducted for the drill lines and access roads. No ethnographic sites were identified by the Nyiyaparli consultants.

After returning to Newman by 5pm, further consultations between the Nyiyaparli consultants and the anthropologist at the Nyiyaparli house in Wehl Street confirmed that the proposed drilling program at East Angelas, Coondina and Round Hill were clear of ethnographic sites. The heritage survey was then concluded.

### **Ethnographic Background**

Tindale (1974:252) defines Niabali [Nyiyaparli] country as:

*Headwaters of the Oakover and Davis Rivers above their junction; middle waters of the Fortescue River; northwest to Roy Hill; on Weedi Wolli [sic – Weeli Wolli] north of the Ophthalmia Range; east to Talawana. In about 1890, pressure by the Kartudjara forced the Niabali to retreat from the northern vicinity of Savory Creek to a boundary on the headwaters of the Jiggalong Creek. The Niabali are closely related to the Bailgu with who they are becoming much mixed.*

(Brown 1987:14) describes the Niabali [sic] and their western boundary:

*At the eastern end on the plateau were the Niabali and the central plateau was Pandjima territory (Fig.3). The boundary between the two groups lay west of Weeli Wollie Creek. Brandenstein (1967:2) notes that this was also a linguistic boundary, as Niabali is the westernmost member of the large Western desert group of languages, and Pandjima belongs to the Pilbara Tablelands linguistic group. Recent information indicates that this boundary area was transitional rather than clearly demarcated, and that both bordering groups recognised a joint ownership of the area and its resources.*

The relationship between language and country is important to Nyiyaparli. Gordon Yuline says, 'language was there already.' Gordon explains that when the world was created the languages were associated with each country, 'like Chinese or Japanese.' While songs and rituals may be exchanged or given to another tribe, for Nyiyaparli there is a connection between language and country - they successfully maintain their laws and customs amongst other language groups in a Central Pilbara culture block that Gordon Yuline describes as 'Different language groups – one law – one culture.' Martu people play an important role in Nyiyaparli ceremonies at Law grounds throughout the Central Pilbara.

At Cane River in 2006, an initiation ceremony was held for five young men. The initiates, known as *marlulu*, had been 'grabbed' several weeks previously by the placing of a traditional hair belt around their waists. Their instructors had then travelled with them throughout the Pilbara to gather a convoy from other language groups, including Nyiyaparli and Martu lawmen from whom the *mangali* would be chosen to perform the rituals. Waiting at the 'meeting camp' for the return of the *marlulu* were the boys' families, divided into *jangali* and *kangu*, or workers and classificatory brothers and sisters. After the greeting rituals performed on their arrival, the visiting Nyiyaparli and Martu were given gifts of food before the young *marlulu* shared a last meal with their families. They were then taken to the men's law ground for the first stage of their initiation into manhood. Next morning blankets and other gifts were exchanged with the visitors before the Nyiyaparli and Martu *mangali* returned to their communities. In Nyiyaparli ceremonies, the roles may be reversed, but similar Law meetings are held late each year throughout the Central Pilbara with Nyiyaparli and Martu people playing a central role (Day 2006).

## **Ethnographic Survey Results**

### **Archival Results**

A search of the register of Aboriginal Sites held by the Department of Indigenous Affairs revealed a large engraving site Kalgan Creek 3 and 4, ID10818 and 10819 on Tenement E47/1307. As discussed in a later section of this report, despite extended on-the-ground searches and research by correspondence by Richard Paquay, this site cannot be found and is presumed to be recorded inaccurately. Another engraving and water source site, Mitchelbah Rockhole, ID 10820, on East Angelas Tenement E47/1308 is not endangered by the proposed exploration drilling program. At the eastern end of Tenement E47/1313 is the mythological site, *Mirturamuna*, otherwise known as Mount Newman, ID 17249 (see Warren and Jose 1999) far from the exploration drilling at Round Hill on the western end of the tenement. Similarly, a modified tree, ID 7613, is at the eastern end of the tenement, outside the survey area.

### **Ethnographic Field Survey Results**

In consultations during and after the ethnographic survey, the Niyaparli consultants cleared the East Angelas, Round Hill, Coondina and the Balfour Downs mesa flats. The recorded artefact scatter sites within the study area are considered of low to moderate significance by archaeologists and this was confirmed by the Niyaparli consultants. However, the Niyaparli consultants expressed concern about the effect of mining of the mesa hill and destruction of rock shelters on the mesa summit. These findings are discussed in full in the following sections of this report.

#### **Balfour Downs**

During the ethnographic survey, after consultations on the top of the mesa, it became apparent that the mesa could be described as a site in itself, rather than a collection of archaeological sites. As the survey progressed, feelings amongst the consultants that the mesa should not be disturbed began to be strongly expressed. A suggestion by the anthropologist that disturbance had already occurred in the 1970s and that the present group had agreed to relocating the artefacts was fiercely contested by Terry

Watson and Alan Charles. Gordon Yuline did not disagree. All were emphatic that the hill, *Pukaeenya*, was significant in Aboriginal culture, being a part of a songline extending from *Mankarlyirrakurra* near Hancock's Mankarlyirrakurra Camp on Roy Hill Station, to the Warburton Ranges.

Alan Charles was insistent that the Balfour Downs area in general was a significant place. He said, 'My mother grew up in that area - Balfour Downs was the biggest place, law grounds, ceremony ground - when I was a little boy 100 people used to live there. Old fellow, Purrtpipardoo, there's a hill got a name, any hill got a name, that's a history.' In a chapter titled, 'Life on Balfour Downs Station,' Doris Pilkington (2002:15) describes how 'Mardu provided the labour, while their employers were responsible for their welfare... it was through the efforts of the Mardu stockmen and women that Balfour Downs became a thriving cattle station.'

McDonald records the name of the mesa as *Pukaeenya*, and this was confirmed by Gordon Yuline and Alan Charles on August 13<sup>th</sup>. McDonald wrote:

*The hill in tenement M46/81 is called Pukaeenya. The most westerly hill, north of the station homestead, is Tjilumbanga and the one between is Purlbi. It was reported that though the hills were named there were no stories (mythological narratives) associated with them.*

McDonald (2008) quotes Nyiyaparli elder David Stock, who was a consultant on the May 2008 survey, 'That's what the old people told me, [there's] nothing much [here].' McDonald concluded that 'the flat areas were reported to be clear and not associated with any significant heritage values.' However, 'the Nyiyaparli consultants [in May 2008] decided that drilling could proceed but that if further exploration was to be undertaken that they should be consulted again. The group should include more senior members of the Flann and Watson families'

On August 13, Gordon stressed that people have died for allowing disturbance of significant sites, and gave a few very recent examples where in his belief this had

occurred to well-known elders. He was also concerned about what others would say if he 'allowed mining' of *Pukaenya*. He gave the above example of connections made during the annual *marlulu* travels of young men to be initiated, 'When sending a Jigalong boy down to the coast, we all united.'

Later back at camp during further taped discussion Gordon Yuline sang the *Wardilba* song for the mesa hill, *Pukaenya*. It was not clear whether there was a particular story related in this song or even in what language the song was sung, except that the *Wardilba* song line and places associated with it was created by two creation brothers as they moved across the land. The travels of the ancestral Marlu, or kangaroo, recorded by McDonald (2008:10) and Louis Warren (2000:38-39) were also mentioned in association with *Pukaenya*. It should be noted that the *Wardilba* songline is sung by initiated men only from sunset to sunrise on the last night of initiation ceremonies in the central Pilbara and that these songs are of a secret-sacred nature, usually for men only. Gordon Yuline stated: 'Some hills we can give away, nothing sacred, but this one got a story and a song.' Terry Watson stated: 'At the next ceremony, what are they going to sing if there is nothing there?' Gordon Yuline said, 'Mount Whaleback was destroyed before native title. All we got now [for that place] is the song.'

David Stock discussed some of the problems in clearing places like *Pukaenya*: 'If I go there by myself, tell them "Righto, this hill is right, help yourself," then mob come along - "Who tell you to mine there?" then I'm in big trouble, me. Who going to take the front, old fellas or young fellas? - Better we all say it. If the mine put on the meeting for the whole lot of us, [and then say] take it or leave it, we all say [our opinion], instead of blaming one another. That's the best way. So it's up to the mine now. If we stop them, they pick up that 18 whatever you call it. They still do it. Or give us the money.'

David then added his thoughts on who should speak for areas: 'I mean people who got that area gotta talk, not anyone else. If they been working that station, that's nothing. they not the boss of that area.'

Suffice to record that the Nyiyaparli consultants requested further consultations before any disturbance at the Balfour Downs mesa, as per McDonald's recommendation (2008:14). They requested that these consultations should be in the form of a presentation to a representative meeting of the Nyiyaparli native title claim group, to include members of families like the Watsons and Flanns mentioned in McDonald's recommendations (McDonald 2008:7, 14). As stated, consultations back at the Mankarlyirrakurra camp on Roy Hill with the anthropologist Bill Day confirmed this finding. Also discussions with Richard Paquay and Nyiyaparli consultants Gordon Yuline, Alan Charles and David Stock the next day confirmed the 'on site' statements by Gordon Yuline, Alan Charles and Terry Watson.

Further archival and ethnographic research into the significance of Balfour Downs to Nyiyaparli people may be necessary. As there was a large Aboriginal camp at Balfour Downs close to the mesa, it is likely that the connection to the place name was not broken, though the details of the story associated with it may not be so well know by the consultants. Another question is the effect on *Pukaenya* of mining the manganese at the base of the mesa, although this has now been cleared during two ethnographic surveys. However, the latter issue may not arise if the economics of mining the flat is dependent on the mining of the mesa.

Previous historical information in ethnographic reports has related how Aboriginal people were removed or left the pastoral stations in the mid 1960s or earlier in the case of the Pilbara pastoral workers' strike. In a period where they say 'we had no rights' there would have been no opportunity to object to exploration trenches on the mesa, or most likely no knowledge that it had occurred.

It could be that the area around *Pukaenya* is within a 'sphere of influence' and as such is an integral part of the site. Palmer (1978) used the term 'sphere of influence' in his evidence to the Mining Warden in the Noonkanbah case. According to Hawke and Gallagher (1989:119), Professor Ronald Berndt also prepared a discussion paper for the Aboriginal Cultural Materials Committee (ACMC) which addressed the question of spheres of influence, 'buffer zones' and 'complexes' of sacred sites 'where the land between neighbouring sites was part of a whole' (Hawke and Gallagher 1989:119). Bindon's report to the WA Museum confirmed the concept of a 'sphere of influence' around significant sites which includes the substrata of the earth (Bindon 1979). (Day 2004)

An Aboriginal Site is defined in the *Aboriginal Heritage Act 1972-1980* in Section 5 as:

- (a) Any place of importance and significance where persons of Aboriginal descent have, or appear to have, left any object, natural or artificial, used for, or made for or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present;*
- (b) Any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Aboriginal descent;*
- (c) Any place which, in the opinion of the Committee is or was associated with the Aboriginal people and which is of historical, anthropological, archaeological or ethnographical interest and should be preserved because of its importance and significance to the cultural heritage of the state;*
- (d) Any place where objects to which this Act applies are traditionally stored, or to which, under the provisions of this Act, such objects have been taken or removed.*

Preliminary investigations cited in this report suggest that the Balfour Downs mesa known as *Pukaenya* is a site under Sections 5 (b) and (c) above. However the archaeological sites on the mesa flats have twice been cleared by Niyaparli elders with authority to speak for the area with the comment, 'Nothing there.'

### **East Angelas**

After being informed of the intentions of the proposed drilling program by Richard Paquay and being consulted by anthropologist Bill Day, the Niyaparli consultants professed no ethnographic impediment to the drilling program and access track.

Richard Paquay assured the Nyiyaparli that if the engraving site was located, it would be given the highest protection.

### **Round Hill**

Gordon Yuline is very familiar with the area, having been involved in heritage surveys for the Newman to Area C Powerline that crosses the highway in a northerly direction near this point (Warren and Jose 1999)t. The Nyiyaparli consultants were in agreement that the Round Hill drilling program was clear of ethnographic impediments to drilling as there was 'nothing there.'

### **Coondina**

All the Nyiyaparli consultants agreed that the area was 'clear' as there was 'nothing there' (Photograph 5). However, a large DIA Aboriginal Site ID 10819, 'Kalgan Creek 4' overlaps Tenement E47/1307, including part of the proposed Coondina drilling program area. According to the site report recorded in 1977, the site consists of pecked engravings with Dancing Men, a large man, a turtle, and a woman. From the report file, it appears that that these are spread over an area approximately 50 metres by 40 metres. Some are described as very indistinct. The report also refers to an artefact scatter approximately 50 metres further on from the first engravings and 'on the right hand side of the track near a small rise.'

The site is described as 'on a track generally heading west, near a creek crossing 44.4 kilometres from the railway bridge over the Kalgan Creek.' The original form only offers a four digit grid reference that has proven to be of little assistance in finding the site. Hancock Senior Geologist – Special Projects, Richard Paquay, has searched rigorously for this site without finding any engravings. In 2004 he corresponded with Robert Reynolds, Assistant Director, Heritage and Culture, DIA who forwarded the above information from the file. Mr Reynolds asked that 'any additional information (especially some GPS readings for its location) would be much appreciated.'

### **Conclusions**

An ethnographic survey was undertaken by anthropologist Bill Day in association with Karlka Nyiyaparli Aboriginal Corporation of Hancock Prospecting Pty Ltd's proposed limited RC percussion exploration drilling program of 10-12 holes of at East Angelas, 10-12 holes at Coondina, about 15 holes at Round Hill and the proposed development of a manganese mining operation at Balfour Downs. The anthropological and Aboriginal consensus is that the survey areas are within the Nyiyaparli Native Title Claim, WC05/006. As previously discussed the Nyiyaparli consultants on the survey who were nominated by the Karlka Aboriginal Corporation are recognised as having the authority to speak for the survey areas.

The ethnographic survey used a 'site identification strategy' to examine proposed drill pads and access track locations. No ethnographic sites were located at East Angelas, Round Hill and Coondina or on the flats surrounding the mesa hill at Balfour Downs. Therefore there are no impediments under the provisions of the *Aboriginal Heritage Act, (1972 as amended)* to the proposed drilling programs. However, the Balfour Downs mesa hill itself, known as *Pukaenya*. by the Nyiyaparli people, was identified during the survey as a possible Aboriginal Site under Sections 5b and 5c of the *Aboriginal Heritage Act, (1972 as amended)*.

## **Recommendations**

- ❖ **It is recommended** that the proposed exploration drilling program and associated access tracks at **East Angelas** proceeds; it is further recommended that should any significant archaeological sites be located, further consultation should be undertaken with the Nyiyaparli community;
  
- ❖ **It is recommended** that the proposed exploration drilling program and associated access tracks at **Coondina** proceeds; it is further recommended that should any significant archaeological sites be located, further consultation should be undertaken with the Nyiyaparli community.

- ❖ **It is recommended** that the proposed exploration and drilling program and associated access tracks at **Round Hill** proceeds; it is further recommended that should any significant archaeological sites be located, further consultation should be undertaken with the Niyaparli community;
  
- ❖ **It is recommended** that the proposed works on the mesa flat at **Balfour Downs** proceeds and that if archaeological sites are to be damaged or disturbed by mining activities, a clearance under Section 18 of the *Aboriginal Heritage Act, (1972 as amended)* should be sought from the APMC.
  
- ❖ **It is also recommended** that no ground disturbance on the top of the **Balfour Downs mesa** should proceed until a meeting is held between Hancock Prospecting and Niyaparli native title claimants, to include members of relevant families

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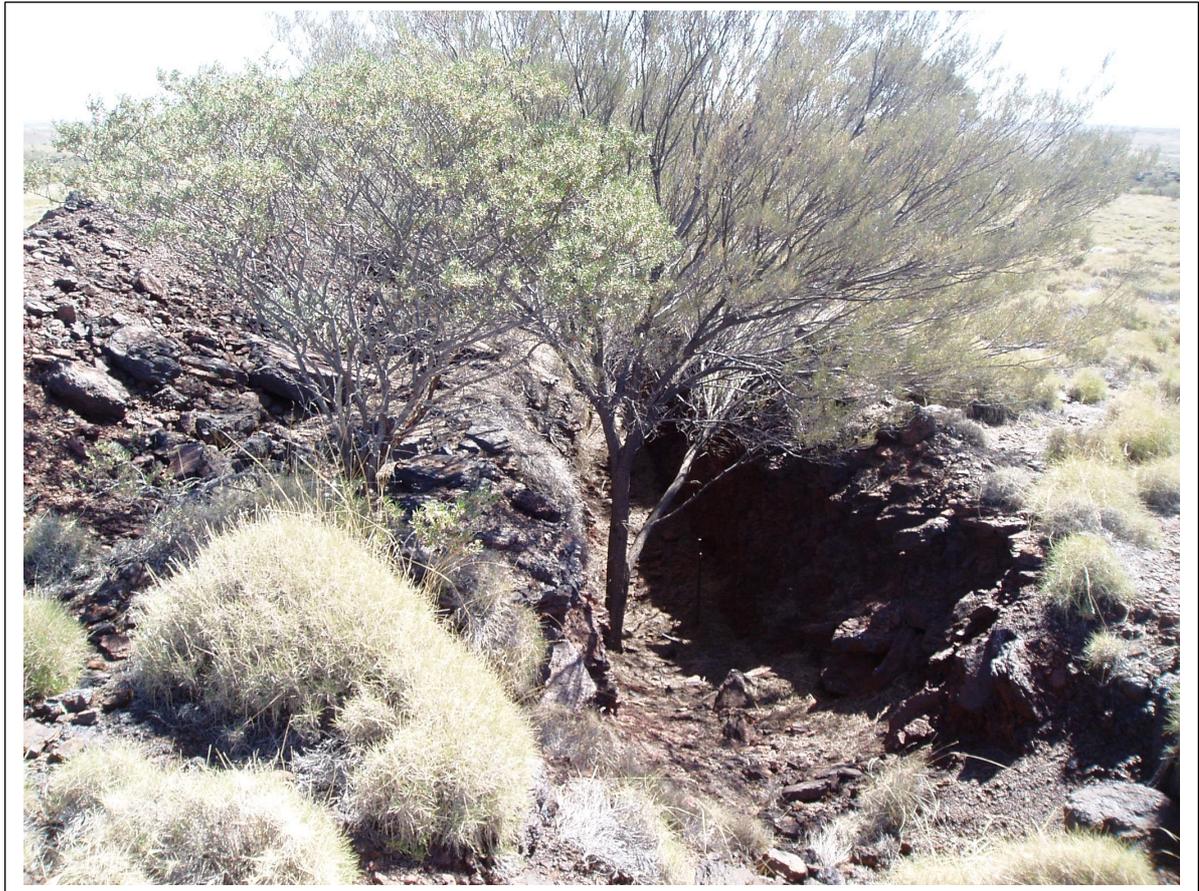
**Plate 1. Artefact scatter, BDL 04-08-08/002 on the boundary of M46/81 and M46/121 looking south. (Photograph, Darren Cooper [2008:9]).**



**Plate 2. A view from the Balfour Downs Mesa looking northwest across the flats below.  
(Photograph, Bill Day)**



**Plate 3. Gordon Yuline on the Balfour Downs Mesa looking towards Site BDF 04-08-08/03 Water Source (283991mE, 7480028mN). (Photograph, Bill Day).**



**Plate 4. An overgrown historic exploration trench on the Balfour Downs Mesa.**

**(Photograph, Bill Day).**



**Plate 5. Field Assistant Damien Cooper, Gordon Yuline, Terry Watson and Alan Charles examine a possible stone arrangement on the Balfour Downs Mesa. (Photograph, Bill Day).**



**Plate 6. David Stock, Paquay, Gordon Yuline and Alan Charles at a drill site on Coondina Tenement E47/1307, August 14, 2008. (Photograph, Bill Day).**