

## The Banyjima Report (Edited 2013)

Dr William B Day

WARNING – Contains names of deceased elders

### **1. Introduction**

Kim Barber (1996) states:

There was strong evidence that there was a high level of association and cooperation between the Guruma, Inawongga and Bandjima prior to European colonisation. These groups certainly intermarried over the past one hundred years and possibly before. The evidence also suggests that they often lived together, where conditions permitted, and certainly met for ceremonies, camping together at Coppin Pool.

Windawurri is regarded as ‘grandfather’ (ancestor for all of all of the groups including Inawongga, Gurama and Bandjima language groups. He came from Hamersley country and was a big boss for the Innawonga and Gurama tribes ... His youngest brother was Nadi. He had a lot of wives. It was stated that he had seven wives, which related to the story of the seven stars’ constellation in the night sky. The seven wives were given to build up different tribes in the area.

While there may be inaccuracies in the above report, it is convenient to view the Central Pilbara as a ‘culture block’ with a shared understanding of norms, laws and customs. Relationships are ordered through the ‘skin system’, discussed below and these cross language boundaries. Within this culture block, the Banyjima language has become the widely-used *lingua franca*. Therefore, except from a perspective of genealogy or descent, to make a separate claim for a distinct Banyjima society may be an artificial construct. However, in this report is argued that Banyjima people identify as Banyjima through descent and that connection to land is maintained through following shared laws and customs which also belong to a Central Pilbara culture block.

### **2. Banyjima Genealogy**

In her recent book, *Under a Bilari Tree I Born*, Alice Smith discusses her family history:

My grandmother, Kujinbangu, she had two sons and one daughter with her first husband. He was a Banyjima man from Mount Bruce...<sup>1</sup> My grandmother was the first one who crossed into Kurrama country, when she had all her little ones. She had her second husband there, Bindimayi, a Kurrama man,<sup>2</sup> and my mother was born in Hamersley station. My nana died in Hamersley Station; she buried there.

My mother was a full-blood Aborigine; Banyjima mother, Kurrama father.<sup>3</sup> Her name was Yalluwarrayi, that’s her Aboriginal name, Yallu for short. Yalluwarrayi is the name of the windmill where she born. Maggie is her whitefella name... (Smith 2002:211)

Alice’s mother’s step-father, Iding-gananha or Yirtitjana, disappeared on Mount Bruce. He was the father of Banyjima man Kunyanbina, who was born near Mount Bruce and is the father of Chookie Downton. Chookie’s daughters also identify as Banyjima through their grandfather, who was also the partner of Joyce Injie’s mother. Alice Smith describes how her mother was taken to the old station of Bellary: ‘This was a long time ago. That’s Kurrama country, there. She’s the first Banyjima went there, married to a Kurrama man.’ Alice tells how her brother was born at ‘Date Palm Spring ... They call him Jeruwiny – that’s the name of that place.’<sup>4</sup> It’s the Aboriginal name, but whitefella made it short: Jerry. My second brother was Babadarri – Baba, and Nugget was his whitefella name. And then the first sister: Kardily was her Aboriginal name, whitefella name Annie.’

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<sup>1</sup> Alice Smith (2002:211) claims that Mount Bruce Station was called Birdibirdi, or Dignam, and ‘they changed the name to Karijini.’ Wobby Parker says: The ranger’s station is at Dignam’s Well, a part of the station, the place that Dignam’s homestead was moved to ... the top side of the Hamersley Ranges we call that Karijini.’ (Olive 1997:46)

<sup>2</sup> Bindimai is said to have died in 1931 at the Ashburton River meeting camp.

<sup>3</sup> Tindale (1953) also noted that Maggie was Banyjima.

<sup>4</sup> There is another Palm Springs, on Duck Creek, called Mallumallu, ‘where all three Gurama groups met’ (*The Gurama Story*, p.8).

On 28 April, 1942, 'Bodadarry, alias Nugget,' was accused of putting poison in chewing tobacco. He stated to police: 'I have been on Rocklea Station nearly all my life; The boss there pay me one pound a week wages. Long time ago last year there was a big corroboree at Turee Creek Station and a lot of natives from Rocklea went over to it...' On 13 March, 1942, the manager of Turee Creek, J J Maguire, also stated, 'Towards the end of last July there was a big Corroboree held here by Natives from adjoining stations and from the desert; Their corroborees are usually held here.'

A statement by 'Jerrewing' [Jerry Wing] lists some of the men who attended. He said:

I am a Rocklea native and have lived there all my life. I went to Turee Station about the middle of last year with Bodadarry, William (One Eyed Bill), Reuben, Alex, Old Bobby, and Jack (half caste)<sup>5</sup> for Pinki [ceremonies]. Tumbler and his woman Cuboo were at the camp. Bobadarry had his woman Mummy, with him.<sup>6</sup>

Duck, Paddy, Brumby Billy, Tommy and 'Cookie from Duck Creek' were others present who were mentioned in statements.<sup>7</sup> A letter to the Commissioner of Police dated June 2, 1941, also notes:

On arrival at Rocklea we found that there were only two families there, and Mr Walter Smith assured me that all the other natives were camped somewhere on the Turee Creek about 100 miles or more from Rocklea and probably some miles from any road ... He informed me that the half-caste girl 'Dora' whose mother is dead, is now married to a full-blood named Cookie ... Cookie is now at Maguire's station on the Turee ... Alice who is the daughter of Dinah is now married to a man named Bob about 45 years of age and is in the pinkeye camp with the rest.

From Alice Smith's account, it can be assumed that Nugget identified as Banyjima, as did his brother Jerry Wing. He appears to have been a leader, according to a police report which describes Nugget as 'one of the Heads from around that portion of the district.' The names recorded in the statements appear to be mostly Ngarlawongga, Innawongga and Gurama people; however, it is customary for a wide range of language groups attend initiation meetings. Bodadarry was named after his birth place near Palm Springs, in Gurama/Innawonga country. His father, Johnny, was a Gurama man and the father of Annie and Jerry, so he would be likely to have followed his Gurama fathers in ceremonies at Turee Creek. Another report recommended:

Bobadarry be removed from this country, as I consider that he would be a bad influence amongst the other natives and would be the cause of a lot of trouble amongst them, being far away from Police supervision.

Turee and Rocklea Stations which is his Country, is some 300 miles from either Nullagine or Onslow Police, and regular patrols are not made there.

I consider Bobadarry a bad and cunning type of Native, and if discharged on the present charge and allowed to remain in his own country I feel certain that he will cause further trouble.

Nugget was arrested for the attempted poisoning and died in Port Hedland in 1944 (see Day 2004f).

Alice Smith (2002:21) writes: 'My stepfather was a full-blood Aborigine, Kurrama man' on Rocklea, or 'Janrrungka-Jarrungka'. The owners of Rocklea, the Smith brothers, had 'big mob of people in Rocklea Station. One lot camping this side of the middle paddock, all Banyjima and Kurrama people ... And Yinhawangka other side ... Big mob of people was there – I think might be two, three hundred Aborigine people.' Alice married Jack Smith who was a 'maban' and a leader of the Gurama people.<sup>8</sup> He was the son of an owner of Rocklea Station, Len Smith, and Aboriginal woman, Rosie, who was the sister of a respected Gurama man named 'Wagon'. Jack and Alice's daughter, Eva, identifies as Gurama, while her son, Charlie, is prominent at Banyjima ceremonies today (see Day 2004c). McDonald (2003e:20) notes:

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<sup>5</sup> Probably Jack Smith, Alice Smith's husband.

<sup>6</sup> Mummy was Bodadarry's Innawonga wife, also known as Tumpgatja.

<sup>7</sup> These are Ngarlawongga and Innawonga men.

<sup>8</sup> See Alice Smith's story in *The Gurama Story*, pp. 99-101. Note: Jack decided not to pass on his *maban* powers (Personal communication, 2004)

A number of people identifying as Panyjima through belonging to the IBN claim still argue that the Marandoo area is in Panyjima country because of a strong association their late father had with the country around Mt Bruce. However, other members of the same family identify as Eastern Gurama and note that their father was Kurrama (Gurama).

Charlie Smith has 'been through the Law' as a Banyjima man and is executive Officer of the IBN Corporation in South Hedland and his brother Angus is the Banyjima representative.<sup>9</sup> This organisation represents Top End or Milyaranpa Banyjima people's interests in deals made with BHP, whose Area C mine is covered by overlapping Banyjima claims.

Alice's half brother, Mirru George, was born near the Government Well known as Mirwida on Rocklea station. Mirru was named after the place where he was born. According to his eulogy, he was the son of 'George Pintangarti [Gurama] and Dinah Boombardha [Banyjima]'. Dinah's father was a son of Gurama leader, Windawarri while her mother and grandmother were Banyjima women from the Juna Downs area. Dinah's aunt, Laura, was a wife of Cookie, an Innawonga man. Dinah also had children from two other Gurama men: Wagon (children - Herbert James and Nellie Jones) and Jonathon (daughter - Kathleen Johnny). The owner of Juna Downs, George Park, was the father of Eileen. All Dinah's five children identify as Banyjima, although they are Gurama through their fathers and grandfathers.<sup>10</sup>

Alice Smith's mother was a wife of Mirru George's father. Alice and George's half-sister was Jessie who married Alec Bamba, another Gurama man who attended the Turee Creek ceremonies in 1941. After moving from Rocklea to Kooline, Mirru George lived at Juna Downs with his mother. He later moved back to Kooline and worked on the station for eighteen years. He was buried at Rocklea in 2003.

Herbert James was the son of Wagon, his mother was a granddaughter of Windawarri and his wife was a Gurama woman. However, he and his children identify as Top End Banyjima and are part of the homeland movement. The family mostly live at Wakathuni, which is also on Gurama country, and is where Herbert and his son are buried. The family has 'married out', which has further weakened their connections to the Banyjima genealogies. At least one of the younger generations of the James family has followed the Gurama line to be a member of the PKKP claim.

Although Banyjima has become the dominant language, from the above descriptions it appears that the Gurama language group could be much larger than those listed as claimants in the PKKP or Eastern Gurama native title claim. Through cognitive descent many who could more easily prove Gurama ancestry are now following their Banyjima line, and have largely been accepted within the Top End Banyjima group. If ancestry was taken back to Windawarri, an even larger number could claim to be Gurama. According to the Gurama elder, Peter Stevens, they would be accepted as members of the group.<sup>11</sup> Possibly, with an overlap of the IBN and Eastern Gurama native title claims, people have been advised that they cannot be both Gurama and Banyjima or Innawonga, as people like Bodadarry would most likely have identified in the past.

Palmer (1980:13) documents Jerry Wing's Banyjima ancestry. Palmer writes:

Jerry Wing is approximately 70 years old, and now lives at Peedamulla Station. His mother's mother and Mother's father were both Bandjima from Weeli Wollie and Minda Springs respectively, and his second mother's father and his mother were Bandjima from Hamersley Station. His father's father was from lower Turee Creek (Inawunga), his mother's father was Gurama from Rocklea Station, and his father was Gurama from an area to the west of Paraburdoo. Jerry does not claim to have a spiritual attachment to the area around Brockman Station, but did have some knowledge about the place, mainly as a result of early station activities (especially driving and dogging) in the region. Annie Black was a Banyjima woman who has left many descendants. Her first child was Len Smith, one of the brothers who owned Rocklea in 1932 when the child 'Forrest' or 'Monty' was born. Another son,

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<sup>9</sup> *IBN/IMS Wangka*, November 2004.

<sup>10</sup> Nellie Jones previously identified as Gurama and her brothers as Gurama/Banyjima (see Olive 1997; see also *The Gurama Story*). The Wanu Wanu Handbook also lists Herbert James as Gurama.

<sup>11</sup> Personal communication, 2004.

'Bumby' or Paul, was removed by the authorities from Marillana Station in 1951 but later came back and identifies as Banyjima.<sup>12</sup> Annie's partner, Reuben, who was Banyjima and had two Banyjima parents, which is confirmed by Tindale (1953), was working for Jack Edney in 1947. Edney wrote: 'I have in my employ for the last ten weeks a native by the name of Ruben ... this native was employed at Ashburton Downs station as he was out of his district which is incidentally Roebourne or really Tableland.' The children of Annie and her husband Reuben were of the generation who worked on pastoral stations, where they were given partners under customary law.

Wobby Parker said of Reuben: 'The Kungkanhawarra Hill belongs to Lena Long's father of Roebourne, his name was Kungkuna, my uncle. It's just out from Newman, and from Juna Downs Station' (Olive 1997:50). Lena had a child to Banyjima man, Wobby Parker, and was also the spouse of Henry Long. Her sister, Kathleen, had a Ngarlawonga partner, another sister, Charlotte, had a Nyiyaparli partner and a brother, Sydney, married Gladys, a daughter of Percy Tucker. Although Gladys' children have followed her in returning to the Banyjima homelands, they follow their father as Top End Banyjima. Annie's first children therefore clearly remained within the Central Pilbara cultural block through marriage, particularly as both their parents were Banyjima.

Although Annie's last five children with Scotty Black have 'married out', they identify as Banyjima. Elizabeth Black's son, Keith, in particular has maintained the tradition of laws and customs and uses the medium of PAKAM radio to strengthen community bonds across the whole Pilbara.<sup>13</sup> He is also a recognised 'lawman'. May and Beverley, daughters of Kathleen, are establishing a Milyaranpa Banyjima community beside Karijini Drive to the east of the National Park in an area within the overlap of MIB and IBN native title claims.<sup>14</sup>

An outstanding Banyjima man who worked hard to preserve his Law and culture is Herbert Parker, the half brother of Wobby Parker. Herbert was born at Mulga Downs in 1911 and died in 1983, after years of service to his people. He was the son of Whitehead, whose husband was George Marndunha.<sup>15</sup> George was born at *Pualana* in about 1875 and died in about 1950. According to some genealogies, he was a Top End Banyjima man. O'Connor (1991:26-27) noted: 'The elders stated that Herbert Parker was born from a union between Ronald Parker, a white Australian station book-keeper, and Whitehead, a northern Pandjima woman. Horace Parker is also the son of Whitehead - his father is said to be Ah Min, a station cook.'<sup>16</sup>

The daughter of Herbert's first partner married a Gurama man but her sons and daughters have followed their grandfather. Herbert later moved from Mulga Downs to Nanutarra with his Ngaluma wife. However, he instructed his sons as Banyjima men, and all are now leaders in community affairs and traditional ceremonies, as is shown of video recordings of proceedings at Cane River in 2002 and 2003, at Youngaleena in 2002, and at Wakathuni in 2004 (see Day 2003a, 2003b, 2004c, 2004e). Guy Parker's son, Travis escorted the *marlulu* to the Cane River ceremonies in 2003-4 (see Day 2004d). Maitland and his sister Marjorie are caretakers of the Karijini National Park, Guy has been a leader in native title affairs and Slim worked for the Pilbara Native Title Service. In 2007 he became the chairman of the Marnda Mia central Negotiating Committee Pty Ltd 'owned and controlled by 10 Pilbara traditional owner groups.'<sup>17</sup> The activism of Slim Parker and others during the Marandoo dispute of the 1990s is credited with the change of policy by Hamersley Iron which led to the Yandi Land Use Agreement. Margaret Parker with her brothers in the

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<sup>12</sup> Paul Wombon died on 31 July 2009 and was buried in a bush grave on the eastern edge of Karijini National Park.

<sup>13</sup> 'Joog', short for Jukari, or Keith Lethbridge operates Radio Gumala which broadcasts on FM to Onslow, Roebourne, Bellary, Paraburdoo, Youngaleena and Tom Price (see *Ethical Investor*, No. 34, June 2004).

<sup>14</sup> Also see interviews with May in *Pilbara News* November 3, 2004, p.7 and *North West Telegraph*, December 1, 2005, p.11.

<sup>15</sup> Herbert's biological father was Ronald Parker, who was the son of the Chief Justice of Western Australia, Sir Stephen Henry Parker (see Day 2004g). Ronald Parker later became the owner of Warrie Station, where Wobby's daughter Suzanne was the playmate of Ronald Parker's granddaughter, Christine. Herbert appears to have inherited an air of authority, as is obvious at Law meetings in the 1980s recorded on tapes made by the linguist Alan Dench and in photographs taken at Cane River by Kingsley Palmer in 1978.

<sup>16</sup> O'Connor, R 1991 *Report on Aboriginal Person-Land Relationships Central Pilbara Region*. For H.I. Pty Ltd., pages 26-27

<sup>17</sup> Koori Mail, 10 October 2007, p.4

Karijini Aboriginal Corporation set the theoretical blueprint for negotiations still taking place with mining companies and Government Departments to protect Banyjima interests. While the Parker sons and daughters have married outside the Central Pilbara group of languages, their sons are particularly involved in cultural matters as Banyjima men at Law time. Maitland lives with his family at the Karijini Rangers' Headquarters where he is the Head Ranger.

In 1996, Kim Barber wrote:

The Longs, Parkers and the Tuckers were represented to the researchers as the Bottom End (BE) Bandjima during their Marandoo fieldwork. They were collectively said to have interests in the vicinity of Marandoo, although the exact definition of these interests was unclear.

Green and Rumley observed a set of debates over land ownership including the area of Pidapidinnya, the site of the current ranger station, in which a BE Bandjima man asserted his ownership of the site and therefore ownership of the area for the BE Bandjima.

At some point in later life, Herbert's two half brothers agreed to use the Parker surname to bring them 'into line' as brothers.<sup>18</sup> Horace was a dogger throughout the area and his name appears throughout this report as one whose advice was sought in native title matters until his tragic death in 2000.<sup>19</sup> Horace was instrumental in establishing the Youngaleena community, 18 kilometres along the Wittenoom Road from Auski roadhouse, where he is now buried and where his sons and daughters are based. There is also a 'meeting camp' and Law ground at Youngaleena. Wobby said: 'My brother Horace he was born on Yangkalina Station, the old name for Mulga Downs Station. That's his country, in the Fortescue ... The homestead where Horace was born was Kunangkawanjarrinha' (Olive 1997:46). Louis Warren wrote:

In the early 1960s, Mr Parker started work as a dogger for the Agricultural Protection Board, where he worked for many years.

Importantly, this work kept him in touch with his country at a time when opportunities to leave the Onslow district and go back to station work in Banjima country were limited.

Mr Parker should always be remembered for the passion with which he pursued the maintenance of his people's cultural heritage and identity. In the late 1980s he began his first steps to bring his family and other Banjima back to the lands they traditionally occupied.<sup>20</sup>

Although they are based at Youngaleena on Banyjima country, many of Horace and Olive's children follow their mother as Nyiyaparli and most have married outside the Central Pilbara cultural block. Wobby Parker had a traditionally promised Innawonga/Gurama wife. They had eight children, with two sons identifying as Innawonga and two as Banyjima. The eldest son, Johnny Parker, put his son through the Law as a Banyjima in October to November 2004.

Horace's wife was a Nyiyaparli woman who was the sister of Henry and Pat Long. The surviving Long siblings, Henry and Pat, are in demand as singers, or 'pedallers' at Law meetings in the Central Pilbara. They are accepted as Banyjima and Nyiyaparli. Their father, Paddy or Parlpina, spent most of his working years in Palyku, Nyiyaparli and eastern Banyjima country. His wife, and the mother of their children, was Lucy who was the daughter of a Top End Banyjima man named Dampana, or 'Damper' from the Juna Downs area. As previously stated in this report, Damper was also a partner of Fanny who was the mother of Lennie Mackay and later Bonny. Lucy was known as a Mackay. Paddy was also the father of Pat Yalki, whose children took the surname 'Pat'. Such a mixture of Injibandi, Nyiyaparli, Banyjima and Palyku was not unusual for the pastoral stations in the area and was not a sign of cultural breakdown, since all groups shared a common

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<sup>18</sup> According to Rose Hancock in *A Rose By Any Other Name* (1992:273), Lang Hancock said when George Hancock moved to of Mulga Downs, 'It was feeding seventy spoilt, unruly blackfellers ... [in the early 1900s] Dad christened two brothers after the two comic characters of the time, 'Orace and 'Erbert. 'Erbert stayed on with me for a long time...'

<sup>19</sup> Horace's biological father may have been a Chinese cook on Mulga Downs. Fook Poon Ham died on July 6, 1918, aged 59, on Mulga Downs and was buried by George Hancock (*Lonely Graves of Western Australia*, p.132).

<sup>20</sup> *North West Telegraph*, Wednesday April 12, 2000, page 7.

understanding of customary Law and culture. The connection between Banyjima and Nyiyaparli is demonstrated in the 1951 correspondence, quoted below:<sup>21</sup>

Commission Native Affairs

Perth

Re disturbance at Marillana Station

I have to report that on 14th December 1950 a complaint was received from Alex Spring, manager of Roy Hill ... a half caste native, Horace wanted to marry a young gin and the relatives of the gin were objecting and he feared there would be trouble...

I attended at Marillana a distance of 101 miles from Nullagine and found that Horace Sam (half caste) was running off with a young gin named Olive, that he was tribally related to her, and it was against the tribal customs for them to marry.

Olive's father, Long Paddy, the head of the tribe and incidentally a good type of native.

I cleared the matter up satisfactorily and Horace Sam returned to Mulga Downs station to fetch one of his own women. He having two wives and children.

F S Jackson PC 2040

Protector

Nullagine

18 January 1951

Paddy Long may not have found it necessary to 'take sides', as it is often said 'we were all together on the stations'. Similarly, Paddy Stock had Banyjima parents and married a Nyiyaparli woman. Their son David Stock worked on Roy Hill Station and was initiated at Pug Well near Weeli Wolli Creek. David is known as 'Yandicoogie', and identifies as Nyiyaparli. His first wife was a granddaughter of the Banyjima woman, Sally Warbun, giving the sons and daughters strong Banyjima ancestry, but they are listed as Nyiyaparli. These cases indicate that the amount of Banyjima 'blood,' or descent is less important today and choice plays a bigger part in identity formation. When half the siblings go one way and others another way, this may be decided by the parents to maintain an interest in each area or to strengthen one side. This has been recorded elsewhere.<sup>22</sup> On the stations, when a child has a white biological parent, they may follow their mother's tribal husband, as for Herbert Parker, or their mother, as for Alice Smith or in some cases the male who 'reared them up.' However, O'Connor (1991:15) notes:

Criteria for membership of the estate group and, by extension, for inheritance of land varied across Australia. In the [Central Pilbara] region of the survey, if we analyse the historical record and contemporary Aboriginal usage, patrilineality appears to have been the major criterion, although matrilineality and place of birth also gave secondary rights of membership.

Alan Dench has a transcript of a recorded interview with Percy Tucker in Banyjima with English translations:

My father's father was *Wirrilimarra* (Bob Tucker). My father was *Pilyangkanpangu* (Jacob Tucker).

Ngatharntu mayali *Wirrilimarra*. Ngatharnta mama *Pilyangkanpangu*]

My uncle was *Kutiya-layi* [*Kutiya-layi* ngatharntu yumini]

My name, with these two fella, is *Karlayurangu* [Ngatha-rlayi yini, nyiyakutharla pantiku *Karlayurangu*]

These ones, they are the gang, the boss for the Hamersley Range. [Nyiyajirri-mpa marntiyarrangara nhanguyu nyiyangkaku marntakaku Karijinilaku, maatha].

All of these Marntiyarrangara of this name – my grandfather, Herbert Parker's grandfather, the father belong to them, my father, my uncle [Jurulu-layi, jurulu-rla marntiyarrangara nyiya yini, *Wirrilimarra*, *Pirtupiri*, *Marntunha*, *Pilyangkanpangu*, *Pirtanganpangu*],

In this hill, on the top of the Hamersley Range, they were the boss of what's left behind, us little fellas [*Nyiyangka marntaka pirturula Karijinila pantiku maatha ngajupantharriku kupijarriku*].

<sup>21</sup> Marillana Station, AN 1/7 acc 003 file 741/1940

<sup>22</sup> Families with Nyiyaparli and Palyku grandparents have arranged for some siblings to be Nyiyaparli and some to be Palyku.

Now we are the boss. We took over from the oldfellas. [*Ngajupantharri–rru Kupijarri–nguru maatha pantiku pirturku niyayu marntayu Karijiniku Kuwarrila maatha*] (Dench 1980).<sup>23</sup>

Bob Tucker, or Wirrilimarra, had at least three children to a Banyjima woman from the Dales Gorge area. Their children were Jacob, Tommy and Putha. Kingsley Palmer says Jacob was born in the Packsaddle area. He was the father of Raymond whose wife was an Injibandi woman at Mulga Downs named Egypt. She had a son from Wobby Parker and a daughter who was removed to Perth. Egypt and Raymond's son is Banyjima elder, Alec Tucker, who was born in 1943. Egypt is buried in the Wittenoom cemetery.

Naidong was the first daughter of Jacob. She had her sons Eric, Harold and Douglas taken away. Naidong's Banyjima husband was Kayuna, who has been recorded as the brother of Whitehead, who was the mother of Ginger, Wobby, Herbert and Horace. Greg and Archie Tucker and the Robinson family are descendants of Naidong, through her daughters Blanche and Garditha. Garditha was the wife of Ginger Parker, who was a son of Whitehead and George Marndu.

Bonny Tucker says that Damper and Fannie Waniba (Bonny's mother) were the parents of Lenny Mackay. Wobby and Henry also told Mark Chambers in 2005 that Damper's partner was Waniba and that he had a second wife, Amy. According to Henry Long, Damper's second wife Amy was the mother of two of Paddy Long's wives, Gladys Windi and Lucy Mackay, the maternal ancestors of the Pat and Long families. Presumably Lucy was given the Mackay surname to conform to her step siblings on her stepmother, Waniba's, side.

If these connections are correct, as they seem to be, they show the strong ancestral connections between the Parker, Tucker, and Long families.

The Banyjima people of Mulga Downs have strong links to the neighbouring Injibandi people and also the Nyiyaparli and Palyku, while the Rocklea Banyjima intermarried Gurama and Innawonga people. This is normal intertribal relations. Jacob Tucker's sister is also the mother of an Innawonga man named Cookie. By cognitive descent, these interconnected families have relatives in most neighbouring tribes. Wobby Parker told Noel Olive (1997:47):

My mother and father were Punjima. [They] worked on Munjina station where I was born. My grandparents lived and worked at Munjina also, Tommy Tucker and Sam Coffin. And old Jacob, the oldest one of grandfathers belong to me and Brian Tucker, he was there ... Dora and Lola [Innawonga] are my cousins out of my mother...

Jacob's youngest son was Percy Tucker, who married an Injibandi woman named Nina Wally. Nina has five children who identify as Banyjima, after their father. Percy later had seven children with his second wife, Bonny. This side of the family spent their early years in their mother's country and most identify as Nyiyaparli. Jacob Tucker's brother Tommy was a partner of Top End Banyjima woman named Sally Warbun, or Walun. Sally was the mother of the Bandrai children and grandmother of the Spade girls and also Bidy, who had an Injibandi father and Banyjima mother. Bidy married Sam Coffin and had five children. Sam was a Banyjima man named Mandidjawarra who was the father of Wobby. Sam's wife Bidy was also the mother of Wobby's nephews, Peter and Winston Parker, who are sons of Horace Parker.

Although Banyjima people often marry into neighbouring tribes, in many cases, the connection to country is strengthened by the next generation by marrying back into Banyjima. The succession may not be direct. In the case of the late Lawrence Hicks, he traced his Banyjima ancestry through his mother to his grandfather and his great-grandmother, Whitehead. However, Lawrence's eldest son identifies as Nyiyaparli, although his father is Banyjima and his mother is half Banyjima. Both Lawrence and his son are accepted by their language groups and participate in ceremonies as members of that group which also recognise their kinship obligations. All roles in ceremonies will be set out by 'skin colour', or social categories, which cross language group boundaries and are determined by the mother's social category, or 'skin.'

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<sup>23</sup> Transcript of interview with Percy Tucker recorded by Alan Dench at Onslow Nhuwala Centre, 19 June 1980.

The inter-marriage between kin in the above Banyjima families has no parallel in the descendants of the Banyjima woman, Daisy Yitjiyangu. Daisy had four known children. Although she had an Aboriginal husband named Djimbangu,<sup>24</sup> three of her children took the name Swan from a station worker on Mulga Downs and Mount Florance named James Swan.<sup>25</sup> Billy was born on Mulga Downs in about 1895, Ivy in about 1902 and Susan in about 1905. A neighbouring young station owner, Harold Wyborn Parker, was the father of Daisy's last son, Jackie Parker, who was born at Mulga Downs in about 1910 (see Day 2004g).<sup>26</sup>

Daisy wandered into the bush and died on Mulga Downs. Amy Dhu (nee Coffin) remembers that after Daisy died, some children would sing the popular song 'Daisy, Daisy' to upset the adults, who followed the custom of not mentioning the name of the deceased. Apart from the relationship to the Parker family, Daisy's other Banyjima family connections are not known. Her descendants have moved out of the district and have 'married out'. Although they have Banyjima ancestry, their connection to land and to Banyjima society, laws and customs may not satisfy the strict definitions of the Native Title Act.

Daisy's daughter had seven children, including Ned Dhu, born in 1913, a daughter Alice, who married Phillip Aitchson, and five children to Edward Dhu, a white man from Toodyay, Western Australia. Ivy Swan had eleven children, all of whom took their surname from Frank Derschow. One son, Les, was born on Mulga Downs in 1923 and married Amy Coffin, whose son, Peter, identifies as Nyiyaparli. Ivy's Aboriginal partner was a Nyiyaparli man named Kip, the father of Felix Bill Derschow and brother of Paddy Stock.

Palyku men, Pixie Christian and Tommy Stream and Amy Dhu all agree that Billy Swan was a Banyjima man. He had several wives. One wife, Minnie, has been recorded as a Banyjima woman who died near Hamersley Gorge in about 1929. Their children Ethel, Marjorie and Mervyn were removed by the Department of Native Welfare in the 1930s. After working on Bamboo Springs, Billy spent his last years in the Marble Bar district and died after a fall in 1987. His last wife, Dolly, died in 1999.

Peter Stevens says that tribal identity is through the father. He is quoted as saying:

When they get into that tribe, say if a Yinawangka's married to a Banyjima man, well that family's got to be all the time Banyjima. Banyjima daughter go back to the Yinawangka. That's how they go, you can't change that, can't get tangled up with each other.<sup>27</sup>

Others confuse the skin system with land ownership. The skin colour comes from the mother and determines eligible partners, otherwise a 'wrong marriage' causes confusion at ceremonies and social condemnation. A Burungu woman should marry a Milanga man and their children will be Banaga. A Banaga woman should marry a Garimarra man and their children will be Burungu. A Milanga woman marries a Burungu man and has Garimarra children and a Garimarra woman marries a Banaga man and has Milanga children. These sections will determine roles in ceremonies and how people interact with each other. For example a man will avoid his *mukulpa*, or mother-in-law. May Byrne gave the example of her daughter who became the mother of her great-grandmother 'so that [my grandmother Annie] belongs and does not feel neglected' (printed in *The Australian Post*, April 1988).

Through skin categories, Slim Parker is May's uncle. Slim's granddaughter is May's nana, because they are both banaga, and also the big sister for Alice Smith, although their genealogies are not directly connected. The above relationships are further complicated by the 'wrong marriage' of Slim's father. The relationships depend on the mother's line being followed, as is the custom. But rights to land in Australian Aboriginal society usually come by descent through the father. The skin colour determines social roles, rather than rights to land, and is a convenient fictive social device. However, land ownership rights can come through the mother under the cognative descent rules now existing throughout Australia. Many land rights cases have set a precedent for this adaptability.

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<sup>24</sup> Kim Barber lists Djimbangu as belonging to the Nyamal language group.

<sup>25</sup> James Swan died after falling from his horse on 10 October, 1904 aged about twenty-eight, and is buried on Mount Florance Station (*More Lonely Graves of Western Australia*, page 375).

<sup>26</sup> Harold was the brother of Ronald Parker of Warrie station, who was the father of Herbert Parker.

<sup>27</sup> *The Gurama Story*, p.20.

In Banyjima society, the elder sister is a man's *thurtu*. For a banaga man, his mother is his *ngarti*, father is *mama*, son is *manyka*, daughter is *kurntalpa*. These are the generalised names for children, according to social categories, rather one's own children. The order of children is *marada* (eldest), *magurda* (middle) and *nyidi* (youngest). Grandfather on his father's side is *mayali*, grandmother is *kaparli*. Wife is *nyupa*, brother-in-law is *kumpali*, mother-in-law is *mukulpa*, father-in-law is *mimi*. Mother's mother is *mapuji* and mother's father is *kantharri*. Nephews and nieces are *manyka* and *nagarraya*.<sup>28</sup>

Dench (1991:128) notes:

Traditionally a man did not talk to his mother-in-law but rather through an intermediary and using the Paathupathu avoidance style ... A certain degree of respectful behaviour was observed with all kinsmen classified as father's sister and mother's brother since all could potentially be one's in-laws.

In addition to avoidance relationships based on marriage, a man must follow strict codes of behaviour with certain of the men involved in his initiation. In particular a man must avoid speaking to his *mangkayli*, 'doctor', or to members of the *mangkalyi*'s close family. A man's siblings similarly avoid his *mangkayli*. One cannot talk to one's *mangkayli* except through an intermediary (ideally using Paathupathu [respect language]) though the *mangkalyi* may talk to his *wuntaja*, 'patient', directly ... While knowledge of the avoidance style [of language] is waning, the patterns of language use remain. The Banyjima, and other Pilbara communities, continue to maintain traditional initiation practises and the relationships so established are very important in the life of the community.

Apart from the *mangali*, other special lifelong relationships are the *ururru*, or midwife, who brought the child into the world, and the *yalbu* who went through the Law at the same time. The latter two are 'helping out' relationships. For example, May Byrne's grandmother was Margaret Parker's *ururru*, connecting two Banyjima families.

### 3. A brief account of Banyjima survival in post-contact history

A letter from Mr Pollett of Mt Bruce Station in the *Nor' West Times* on January 30, 1892, indicates that Aboriginal resistance in the Hamersley Ranges was threatening the viability of pastoralism (Davies 2004). The report was headed 'TROUBLESOME NATIVES' and continues:

Mt Bruce Station            January 20 1892

Dear Sir – Will you go to the Resident Magistrate and tell him that the police will have to come up, or I shall be compelled to take the law into my own hands, as the natives are about again and I cannot get men to camp out as they the natives keep coming and stealing all their things, and spearing my sheep. The bearer of this is the last victim, so that he can explain more about it than I can. But something will have to be done, and that shortly, or we shall not be able to live up here at all. Hoping you will do your best for me. – Yours truly            JOHN POLLETT

There were deaths on both sides. For example in 1891 a South West shepherd employed at Mount Bruce station, James Coppin, was speared to death by men described as 'Hamersley Ranges blacks' (*Nor' West Times* October 3, 1891). The following year a man named Cudderabiddy was hung in Roebourne for the fatal attack. The newspaper reported: 'The whites also brought in nine natives as prisoners, amongst them some notorious offenders, including Codgebung who is wanted for being concerned in the murder of Coppin a short time back.' (*Nor' West Times*, July 20, 1892). By April 1894 a date was advertised for the auction of the Mount Bruce pastoral lease.<sup>29</sup> Near Horrigan's Pool on Ashburton Downs in 1892, manager Bresnahan and his men arrested sixteen Aboriginal people and shot twelve after Canning had been speared by Jaerbaer, who also intended to spear Bresnahan (Forrest 1996:208-9). Forrest (1996:204) comments:

The Tableland and Upper Ashburton natives were known to be hostile and warlike. In the early days Sholl recounted that they were different from the:

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<sup>28</sup> These kinship terms were recoded by Dench (1982) and are widely used in Banyjima society today to determine behaviour between individuals.

<sup>29</sup> *West Australian*, 28 April, 1894, p. 8.

Fresh root and seed eating people of the lowlands [who] do not possess the active habits of mind and body which are characteristic of the hunter – the fierceness, energy or savagery – of the natives who inhabit the more elevated regions.

James Coppin had been living for sixteen months with ‘Maggie’ the daughter of ‘Parody,’ who was one of the attackers sentenced to be hung, and was most likely from the area. Police reports state that ‘the prisoners are from a tribe adjoining Maggie’s.’<sup>30</sup> Oral history remembers the prisoner George as being Innawonga.<sup>31</sup> The witnesses’ statements say that after the murder, for about six months until they were captured, Parody protected Maggie from Billy, who threatened to kill her.<sup>32</sup> A telegram from Roebourne police stated, ‘am informed it is contemplated hanging this offender [Parody] at scene of murder Hamersley Ranges. Police tell me there are very few natives there and do not believe any could be collected to witness execution.’<sup>33</sup> In June the paper reported that Parody died in custody before he was due to be hung ‘near the Hamersley Ranges.’

After years of hostilities, Banyjima people continued the connection to their land through living and working on Rocklea, Hamersley, Mount Florance, Mulga Downs, Marillana, Juna Downs and surrounding stations. In 1997, a Banyjima man, Trevor Parker, described how the station communities kept their culture alive (Olive 1997:114-5):

When I was a kid there used to be corroborees all the time. Now we only have one or two a year, maybe. But in those days, about 1955, ‘56, ‘57, there was a corroboree just about every night. There would be a corroboree on every station. We’d meet up with each group of people and all wanted to have corroborees... These were occasions to show different dances from different people, or different groups, or tribes. These corroborees were expressions of the old people, which showed that their own culture was still alive and developing. There would be new kids, new members each time watching new dances and participating in it. The culture was being passed on.

The Aboriginal people on those stations would be from all the Pilbara language groups of the area, Punjima, Kurrama and Yinawangka. When you come down from Mulga Downs, you got the Punjima of the Fortescue there right down to Hamersley, then you got the other Punjima, the Rocklea Punjima. Then you start mixing with people like the Yinawangkas, and then you go right down to the Bailyku mob. And this was going on at every station, which meant that there were many communities of our people living here.

On the pastoral stations, when the mustering was done and the Christmas break approached, Aboriginal workers would be given leave for ‘pinkeye.’ With perhaps a little help from the station ‘boss,’ like a loaned vehicle or supplies, Banyjima people might travel long distances to ‘meeting camps’ to conduct initiation ceremonies as their ancestors had done for thousands of years. Unlike the fun dances, or *bulgabi*, the young men were taught by the elders at secret locations in the bush.

Slim Parker recalled:

In [my father’s] days there were ceremonial grounds at Rocklea Station, Wyloo Station, and Mulga Downs Station. The main Punjima law ground was at Mulga Downs. There was another place on the Turee Creek called Karlkatharra, where corroborees and traditional ceremonies took place.

I remember my father talking about the big ceremony at Buuminyjinha, the Yindjibarndi law ground at Tambrey station... The time of ceremony is a time of joy when our young men become men. It is a time when relations from all over the Pilbara and beyond, visit and take part in the ceremonies. We go to other places to attend these ceremonies organised by the other tribes (Olive 1997:135).

Alice Smith remembers:

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<sup>30</sup> *Nor’-West Times* December 10, 1892.

<sup>31</sup> See Davies (2004).

<sup>32</sup> *Nor’-West Times* March 2 and December 10, 1892.

<sup>33</sup> J Beresford, Sergt Police, 2139/92, 24 March 1892. If there were so few Banyjima people in the area, it is surprising that the owner of Mount Bruce wrote in 1892 ‘something will have to be done, and that shortly, or we shall not be able to live up here at all.’

Rocklea station had two lots of Law ground. We can't go to that White Quartz Spring – they was hiding things for the Law in the white quartz. And the other one is up at Two Mile, in the cave; they used to hide it there. And they used to tell us, 'Don't go this way; all the womans and kids used to know; they used to teach us, because it's dangerous when you go there. They had secret bush gear and that boy's got to learn about all them things when he's going through the Law, and all the grown up men (Smith 2002:82).

The seasonal work of pastoralism combined well with Banyjima ritual and allowed the tribe to remain closely connected to their traditional land. There was a continuing Aboriginal presence on the stations until the equal wages decision in 1967 which led to workers being laid off and families moving to reserves in towns like Onslow, Roebourne and Port Hedland where their children were being educated in hostels. By 1982, Clark and Smith (1982:7) describe the Banyjima as living in Onslow and the Nyiyaparli as living in Marble Bar, where it was claimed their departure from tradition lands had led to loss of knowledge and a break in transmission of information to younger generations:

Almost overnight Aboriginal people were moved off stations, which fractured their daily relationship with the traditional lands. Not only had Aboriginal lands been appropriated by the industry, the people were now physically and later, it would be argued, legally dispossessed from county. Impact on traditional life was and continues to be immeasurable. The success and viability of the pastoral industry had depended on Aboriginal labour for over one hundred years and many felt as though they left without recognition (NNTT 2002:38).

Palmer (1980:10) suggests that connection to land can be maintained on a spiritual dimension:

Although the traditional economic life became more or less obsolete within a few decades of European settlement, the same is not true of the religious life. Religious observance and rituals could easily be carried on in the encampments on the fringes of the new stations, and the beliefs in the spiritual attachment and significance of the land remained crucial. Today these beliefs and practices are still important for many Aborigines living in the region.

At ceremonies which are described in this report, the old economic life survives in symbolic form. Blankets and goods are exchanged on the morning after the initiation (see Day 2003a, 2003b, 2004c, 2004d, 2004e) and meat is presented to the families before the *nuju* come out of seclusion (see Day 2004e). Reciprocity in labour and goods remains integral to Banyjima society.

North of the town of Onslow, on Aboriginal-owned Peedamulla Station, several sites beside the Cane River became a popular place to meet around Christmas time each year, or others, like Greg Tucker went through the ceremonies held on the edge of the Western Desert at Jigalong Reserve. In this way, there was never a prolonged break in the annual rituals which were passed down from generation to generation.

When Hamersley Iron proposed the Marandoo mine, Banyjima and Innawonga leaders led Aboriginal protests against mining and infrastructure in the National Park without adequate recognition of Aboriginal interests. O'Brien (p.205) describes negotiations held with the Karijini Aboriginal Corporation (KAC):

During the period before and after parliamentary action on excision of the Tenement and railway corridor (December 1990), Hamersley sought to establish further direct contact with the Aboriginal people including those who are members of KAC, which was incorporated on 29 January 1991. A briefing was given by Hamersley at Peedamulla Station on 6 February 1991.

With the Aboriginal Legal Service, the KAC commissioned a report (Green and Rumley 1991). However, the company claimed it was difficult to know who spoke for that country (O'Brien 1992:199). Eventually, the *Aboriginal Heritage (Marandoo) Act 1992* was enacted 'to avoid uncertainties arising from the *Aboriginal Heritage Act 1972-1980*.' According to O'Brien (1991:200): 'In doing so, [the State Government] paved the way for necessary infill drilling and site work to commence and at the same time protect significant Aboriginal sites and objects.'

Encouraged by the 1992 Mabo decision recognising native title in Australia, Banyjima and other Aboriginal people began moving back to the central Pilbara in the 1990s. The homeland movement resulted in a remarkable exodus back to tribal lands, the reopening of old Law grounds and establishment of communities assisted by agreements made between native title claimants and the mining industry. Around the Hamersley Ranges, new law grounds were opened up and old law grounds were reopened adjoining the Aboriginal communities of Wakathuni, Bellary and Youngaleena. As in the past, ties between communities are strengthened as the candidates for initiation are sent out in small groups to travel in a circuit across the Pilbara and beyond, visiting communities outside their immediate family.

Very few 'whitefellas' attend the colourful ceremonies held in secluded locations at 'pinkeye' time. Most non-Aboriginal Pilbara residents are unaware of the spectacle which takes place annually in the region. Craft shops may wonder why supplies of red, yellow, white or blue wool are suddenly sold out around Christmas time and drivers may wonder at the convoys of vehicles on the move on Pilbara highways. The surge in demand for disposable cameras by proud parents to record the ritual finery of their sons suggests a modern touch to Aboriginal customs. And what family special event would be complete in Australia today without the ubiquitous video camera? The more public rituals of law time are no exception.

On October 5, 2003, four young men from the Nyiyaparli, Banyjima, Ngarlawonga and Innawonga language groups were brought to the Wakathuni community to be initiated (see Day 2004c). A week or so earlier, a *burru*, or hair belt, had been tied around the waist of the chosen initiate and he was escorted to various communities around the Pilbara by the *jinyjanungu* (workers) who gathered a mob to follow them to the Wakathuni law grounds. As noted, these relationships are based on the system of social categories rather than genealogical or tribal distinctions.

Men and women from the distant communities escorted the young *marlulu* to the assembled *karnku* waiting to welcome the visitors. Dench (1991:212) explains:

The *karnku* oversee the business of initiation while maintaining a sedentary state of ritual mourning (for the impending loss of their sons to manhood). By contrast, the *jinyjanungu* see to the everyday running of the camp, look after the initiates, who are kept in seclusion and stage-manage the important ceremonies.

After a night of singing and dancing at the meeting camp, the young men were taken into the bush. Next morning, blankets and other gifts were exchanged between the families of the initiates and the visiting *mangali*. From this time on, the boy's family cannot speak to their *mangali*, which explains why more distant communities are involved. The system also builds strong ties between distant tribes.

After an agreed time of at least a month, families from the five tribes again gathered in excited preparation to welcome the initiates back into society. At Wakathuni in 2003, the *Wardilba* was held on October 31.<sup>st</sup> That night, families camped behind a barricade of parked vehicles while the men, led by the song leader or *pedlar*, sang the *wardilba* song cycle from sunset to sunrise. Wearing bright headdress, or *marnduru*, the initiates, now known as *nuju* were met by their *thurtu*, or sisters, who led them by the hand to a smoking fire in front of the seated mothers, sisters and aunts of the young man.

No sooner had Wakathuni finished the above ceremony, than preparations began for the initiation of two young men at the Cane River law grounds on Peedamulla Station. In December, 2003, Tom Price, Greg Tucker, the Aboriginal Liaison Officer for the Gumala Aboriginal Corporation, made an urgent telephone call to Trevor Parker, the station manager and a Banyjima man. Greg was organising supplies (*gamri*) to be driven from Tom Price to Peedamulla, ready for the rituals to begin. On December 3, Greg rang South Hedland to tell elders there that a young man, or *marlulu*, had been 'grabbed' that morning by the *marli* in a short ceremony outside a house in Tom Price (see Day 2004d) and was being escorted north by a group led by another Banyjima man, Travis Parker.

It was a busy weekend, with two funerals before the visitors and the *marlulu* reached the meeting camp. Again, the boys were kept at a special site in the bush, away from the women, children and uninitiated men.

At Christmastime the scattered village of bough shades was decorated with generator-powered lights to give a festive atmosphere, completed by a Black Santa Claus bringing gifts on Christmas morning. On January 17, 2004, the men were ready to return the initiates to their families. The same rituals were repeated the next summer at Wakathuni from October 15 to November 19, 2004, for five young Banyjima and Innawonga men who were joined by youths from Mullewa and Derby (see Day 2004e). Greg Tucker hardly had time to rest before he was preparing for another round of initiations at the Wirrilimarra Community on Mulga Downs Station. The busy round of ceremonies begun after those held at Woodbrook near Roebourne<sup>34</sup> and more law meetings will begin early in 2005. As is the custom, some popular camps will be temporarily closed in respect for deceased elders.

#### 4. The ethnographic record

Di Lello (1998) gives some idea of the length of Aboriginal occupation in the Central and Eastern Pilbara:

Excavations conducted in the Hamersley Plateau have revealed a sequence of human occupation, which dates from the Pleistocene to the late Holocene. Newman Rockshelter and Newman Orebody XXIX have been dated to 26,300 and 20,740 years BP respectively (Maynard 1980; Brown 1987). Evidence suggests the shelters were occupied only intermittently. Artefact numbers at both of the rockshelters are low and although unevenly distributed through time, appear to be continuous from the Pleistocene through to the late Holocene levels (Brown 1987). The upper levels of both sites are dated to around 3,000 years BP (Maynard 1980; Brown 1987)...Excavations at a further three sites, at Marandoo, Milly's Cave at Yandicoogina and site J24 at Mesa J, have also yielded evidence of occupation which dates to the Pleistocene. These sites have been dated to approximately 18,000 years BP, 19,000 years BP and 23,500 years BP respectively (Hughes and Quartermaine 1992; Smith and Sharp 1993).

Three dates exist for the Manganese Gorge 2 Rockshelter at Marandoo, these range between  $4,190 \pm 130$  and  $17,900 \pm 230$  years BP. Unfortunately data from this excavation remains unanalysed (Di Lello 1998).

Tindale (1974) describes the Banyjima boundary:

Upper plateau of the Hamersley Range south of the Fortescue River; east to Weediwolli [sic] Creek near Marillana; south to Rocklea, on the upper branches of Turee Creek east to the Kunderong Range. In the later years under pressure from the Kurama, they moved eastward to Yandicoogina and the Ophthalmia Range forcing the Niabali eastward. They also shifted south to Turee and Prairie Downs driving out the Mandara tribe, now virtually extinct ['Punduwana], a native place not yet located, was their main refuge water in very dry times; other refuges were in Dales Gorge and at ['Mandjima] (Mungina Creek on maps). (Tindale 1974:255)

According to Dench (1991) the Banyjima people recognise two linguistic groups; the 'Bottom End' or Bantikura Banyjima and 'Top End' or Milyuranpa Banyjima. Alan Dench (1991:126) noted, '...two named dialects of Panyjima were originally spoken on the Hamersley Range. The Pantikura dialect was spoken on the higher plateaus of the Hamersley Range, while the Mijaranypa dialect was spoken in lower areas.' Dench adds that his informants spoke the 'Pantikura dialect' of the Banyjima language.<sup>35</sup>

Unpublished field notes collected by O'Grady in 1958 comment:

Bailko-Pandjima / palYku / and / panYtYima /, numbered 490 and 491 respectively, are dialects of a single language, sharing 79 percent of their basic vocabulary. Bailko is located at 22°S and 120°E, and Pandjima borders it on the west. Padjima itself occurs in two sub dialects, Dugur / tukur /, the northeastern, and Milyaranba / milYaranpa/, the southwestern (O'Grady et al 1966:84).<sup>36</sup>

<sup>34</sup> See the video recording *Exile and the Kingdom* for an explanation of a different law on the coast.

<sup>35</sup> Dench (1980-2:119) notes: 'I am indebted to Percy Tucker and Herbert Parker...'

<sup>36</sup> Dench (1991:126) suggests that it is 'possible that *rtukurr* is in reality the word *Thukurr[pa]* ... meaning "straight" or "correct" which is often applied to language and speech style.'

Rory O'Connor (1996:7) states:

In the course of the consultative process, the Aboriginal people noted that at least four land-associated Pandjima groups existed at the time of European contact in the vicinity of the designated survey area, namely:

- (i) Martuwitja or the Fortescue people, nowadays represented by Mr Horace Parker;
- (ii) Milarangpa or 'topenders', whose boundary was at Mt Bruce and who are nowadays represented by Mr Wobby Parker;
- (iii) Martangkara, who were associated with country from Weeli Wolli to Indabiddy and who are nowadays represented by Mr Pat Long;
- (iv) Innawongga from the vicinity of Rocklea Station.

The relevant Nyiyaparli group was the Warrawandoo group, whose members included Mr David Stock's mother, Mr Horace Parker's mother and Mr Horace Nelson's mother and father.

Gordon Yuline names different dialect groups of Nyiyaparli. They are: Ngungilla-puttu from Newman south, Warrawonnu around Jigalong, Ngullibadu to the north-west and Martuidja around Marillana/Roy Hill. Brandenstein (1967:3) writes that the term '*martuidja*' refers to the lowlands of the Fortescue River.<sup>37</sup>

Palmer (1980:9) mentions 'Marduidja' in a different context. He claims:

Aborigines now living at Nullagine and Marble Bar told me that the country round Giles Mini was originally owned by the Marduidja who were closely related to the Mundara. This latter group are mentioned by Tindale (1974:257) who also comments that they are now extinct. I was not able to find any surviving members of this group.

In 1996 the 'Martu Idja Banyjima (MIB) native title claim was registered. Claimants maintain that the spelling of 'martu' as a separate word is an error which was made by the Pilbara Land Council. Their incorporated organisation uses the term 'Martija Banyjima.'

A meeting on July 1, 2003, of IBN Banyjima and Innawonga working groups discussed the southern boundary of Milyuranpa Banyjima (Top End Banyjima) outside the National Park. The southern boundary of the Milyuranpa Banyjima country, as mapped by a respected Innawonga elder, now deceased, with Innawonga and Banyjima elders and the National Native Title Tribunal, follows a range of hills running west from Mount Robinson and The Governor. The two working groups agreed that an area south of the proposed Milyuranpa Banyjima claim and to the north of the GMY claim is Ngarlawonga country. On an earlier map drawn by the late Horace Parker, an area south of Banyjima country is also marked 'Ngala.' This boundary follows the ranges to the south of Mount Meharry<sup>38</sup> to Coppin Pool. Peter Stevens also claims that Kangkalakarinha, or Coppin Pool, 'on the river called Wirrawarrali (Turee Creek)' was a boundary point.<sup>39</sup>

McDonald (2001:10) notes that 'the precise boundary [between Banyjima and Gurama] continues to be contested.' Olive (1997:75) and Brehaut and Vitenbergs (2001:9) suggest Minthayi (Minthi/Mindi) is on the boundary between Banyjima and Gurama country. Peter Stevens says: 'Minthayi, they reckon that's been a big Law ground, too - that's the centre for the Yinawangka, Panyjima, Guruma and all. They all met there' (Brehaut and Vitenbergs 2001:9). However, Alice Smith (2002:211) describes Banyjima territory extending further west from the present rangers' headquarters over the old Mount Bruce station.

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<sup>37</sup> It may be associated with the Western Desert suffix *martaji* meaning 'inhabitant, resident, belonging to a particular place. See Tonkinson et al (2001:43)

<sup>38</sup> Wobby Parker says the name for Mount Meharry is Wirlbiwirlbi (Olive 1997:50).

<sup>39</sup> *The Gurama Story*, p.12. In *Karijini Mirlimirli* (Olive 1997:76), Peter says: 'Dharlibiri, that's the river that runs into the pool.'

Tindale (1954, 1974) and Dench (1991) appear to confirm a more westerly boundary.<sup>40</sup> Tindale refers to an interview at Mount Florance with an old Banyjima (Pandjima) man named Peter who described the Banyjima territory:

The gorge leading to Hamersley station from the lower end of Coolawanyah station divides the Pandjima (page 628) from the Kurama, their western neighbours. The southern boundary is the top edge of the northern scarp face of the Hamersley Ranges; they did not go down into the gorges except when they were driven by shortage of water in droughts. There were refuge pools on the south branch of the Fortescue River, at Dale Gorge and at Mandjima (or Munjina Creek of maps). To the north east their boundary extended along the Hamersley scarp to the range across the Fortescue River (South Branch) from Kudaidari (Goodiadarrie) Hills. Mandjina (Munjina of maps) Pool was a Pandjima water. They went east to the headwaters of Janikudjina (Yandicoogina of maps) creek. On the south they visited Juno (Juna) Downs Station, Perry's Camp. Their S.W. boundary fell just east of Mt Samson. Milimili (Milli Milli Spring) was a Pandjima water, 'very permanent'. At Juna Downs and along the Turee Creek, they met the Inawongga, also said as Inawonga. East of them he knew of the Ngarla or Ngarlawongga... (Tindale 1953).

However, Tindale (1953) admits that Peter had spent most of his life on the Indjibandi side. Tindale's work is also referred to by Clarke and Smith (1982).

He (Tindale) describes the Pandjima as having moved eastward to Yandicoogina and the Fortescue salt marsh, with eastward pressure on the Niabali and Bailgu, who have become mixed... the Pandjima and Niabali... are connected by marriage.

Clarke and Smith found that the:

The Pandjima and Niabali presently perceive their territories as adjoining in the ... area between Weeli Wollie Creek and the prominent peaks [to the east]. Within this boundary area, their interests are shared rather than clearly demarcated, requiring a consensus between the two groups.

Mulvaney (1984:27) writes:

Tindale (1974) has placed the boundary along the edge of the Hamersley plateau west of Marillana. However, through the advent of pastoralism in the region and assimilation of tribal groups little is left of the Bailgu as an identifiable group, and the Pandjima have taken for these areas (Brown 1983a, Clarke 1982).

Mulvaney (1984:31) concludes:

Probably than it was likely that the Fortescue Valley was utilised by small groups of people extending their range when produce was obtainable and elevating resource pressure on the more permanently occupied areas within the Hamersley Plateau and Chichester ranges. This mobility pattern may account for the ambiguities of traditional tribal ownership of this valley section and for the shared tribal areas of the groups which traditionally occupied this proportion of the Pilbara.

Tindale (1974) also makes several references to the 'Bailgu and the Niabali' and notes that the two groups are closely linked. He eventually goes further indicating that the two groups were merging. He states: 'The Niabali are closely related to the Bailgu with whom they are becoming much mixed' (Tindale 1974: 252). Clarke and Smith (1982) in reference to Tindale (1974) and their own observations during their fieldwork in 1982 that: 'Currently, the Bailgu are no longer an identifiable group...'

According to Brown (1987:14):

At the eastern end on the plateau were the Niabali and the central plateau was Pandjima territory. The boundary between the two groups lay west of Weeli Wollie Creek. Brandenstein (1967:2) notes

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<sup>40</sup> Dench (1991) includes a sketch map showing the town of Tom Price within Banyjima boundaries.

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 Plibara 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 [Weeli Wolli] area and its resources.

Kingsley Palmer, the anthropologist and research officer for the Western Australian Museum, wrote *The Marandoo Report* in 1975. He describes finding fragments of bailer and trumpet shell at 'Banjima Pool and Manganese Gorge' which 'came from the coast and were probably traded' (pp.2, 9). He adds:

To the west of Bandjima Pool, on higher ground in the mulga scrub an Aboriginal Stone Arrangement was located. This comprised two more or less parallel lines of local rocks about the size of a human head or smaller, extending east-west for approximately 50 metres. The site is inside the mining lease but well outside the proposed mine site...

Aboriginal informants agreed that the area round Mount Bruce belonged to the Bandjima people.<sup>41</sup> There is no record of the first settlement of the station property given by Battye ... It is clear however that the station was abandoned about 1946.<sup>42</sup>

In the post-contact period Aborigines tended to move towards areas of white settlement. Thus the Banyjima may have gone to Mount Bruce station, at its establishment,<sup>43</sup> or Juna Downs, Newman, Hamersley, Rocklea and the town of Wittenoom. However there are now few Aborigines at any of these pastoral locations, and while they are well represented at Wittenoom, very few of these claim to be Bandjima or their descendants. Oral sources<sup>44</sup> state that Rocklea station had a large Aboriginal population about 40 years ago, since it was also a ration post. At sometime within the last 15 or 20 years these people moved down the Ashburton to Onslow where the surviving members of the group now live. Few of these however claim to have traditional knowledge of the area under discussion. While some remember Rocklea, Hamersley and Mulga Downs stations, none appear to have been born on Mt Bruce station or have fathers or grandfathers who were familiar with the place (Palmer 1975:3-4).

Thirty years after Palmer wrote the above, there remain numerous elders who have good knowledge of the country. Palmer (1975:5) continues:

A number of the Aborigines did remember the area, by tradition rather than residence, and their stories centred on Mt Bruce. This land mark was known as *Bunaruna Munda*<sup>45</sup> It was felt that this hill was a bad place, since the spirits of the dead went there and it was dangerous to enter the area or to climb the hill particularly if you 'did not belong there'. Sources showed some variations in the details of the story, but the *Bugara* or *Bari* or sometimes *Juna* were found in the hill.<sup>46</sup> There was once an Aborigine named Yidingjangu who camped in the area round the foot of the hill. He was taken by the *bugara* and went mad, wandering off never to be seen again. He never died, but wanders there still, somewhere over the hill. There was also the story of two white men who tried to climb the mountain. They failed, one being taken ill, the other being killed when he fell. It was understood however that the hill was not a burial place.<sup>47</sup>

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<sup>41</sup> Aboriginal informants, Wittenoom, Onslow and Roebourne, April, 1975. See also Tindale, N B. Distribution of Australian Aboriginal Tribes: A field Survey.' *Transactions of the Royal Society of S. Australia*. 1940. 64.1 pp140-231.

<sup>42</sup> *The Countryman*, July 7 1966, p.52.

<sup>43</sup> As the evidence recounted suggests, it is doubtful that Banyjima people worked on Mount Bruce in the nineteenth century.

<sup>44</sup> Aboriginal informants, Onslow 1974, 1975.

<sup>45</sup> 'Munda is a general term in the area meaning stone, rock or hill' (Palmer 1975:9).

<sup>46</sup> 'Bugara; General Bandjima term for spirit, part good and part bad. Often translated as 'devil' by missionaries who saw only its pagan implications, Aborigines often interpret the word in the same way. Bari is a synonym from further north, being of the Indjibundi language. Juna is a form of ghost, but appears like an ordinary person. It is usually malevolent' (Palmer 1975:9).

<sup>47</sup> Palmer (1975:9) gives his informants as 'M Lockyer, Wittenoom; N Hughes, Hamersley Station; J Wing, Peedamulla; J Smith, Roebourne. All were interviewed in April, 1975. Other information of a general nature was collected from Aborigines in Onslow at the same date.'

Immediately south of Mt Stevenson, and near the proposed townsite is a small round topped hill. This is called *Bimbayungu*, and it had secret/sacred associations in traditional times. There was an area of low ground nearby which formed the main part of the site. Should an Aborigine wish to become a *muban*<sup>48</sup> he went to this place for two or three days and there received the necessary powers and instructions from the spirits that lived there. The usual term for such a site is *badiguru*, and a number of others are known in the Pilbara region. The place belongs to a *muban*, and he could give it to his chosen heir. *Bimbayungu* was small brother to *Bunaruna Munda* and both were of the karimara section.

In a later report, Palmer (1980:16) describes *Bimbulungu* as an 'outlier of Mt Bruce, north west 6 kilometres. Mount Bruce had a sister who was called *Bimbulungu* who is believed now to be this hill. Jerry Wing's father's father is believed to live as a spirit inside this hill.' Palmer (1975:5) continues:

No information was collected from informants concerning the stone arrangement, and none had knowledge either of its existence or purpose. One informant [Jerry Wing] talked of another arrangement, the location of which was difficult to establish. This consists of two parallel lines of small stones extending across the ground. This was called *Bingi*, the Bandjima name for the freshwater turtle, and marked the place where he had walked in the dreamtime, when he was still a man, before he turned into a turtle. The actual place was called Marweling by the informant ...Bandjima Pool with its artefacts scattered and stone arrangement represents a significant site, but this is not threatened by present development.<sup>49</sup>

Traditional mythology of the area centres on Mt Bruce which has a taboo, and the small conical hill to the west and its associated *muban* site. Aborigines expressed a desire that both these hills should be left intact.

In a report on the Mt Windell to Mt Bruce Road, Lantzke, Prince and Campbell-Smith (1994:13, cited in McDonald 2003e:21) noted: 'Tindale (1974) believed the area under study was occupied by the Banyjima. This information was consistently contradicted by informants during the current study.' McDonald (2003e:21) states:

Mr Stevens is one who clearly stated that the boundary is marked by the range of hills to the east of Mt Bruce, that includes Mt Howieson [*Mintarkarina* – Site ID 544/P07491] and a point called *Illyineen*. Indeed, part of this area was the subject of a recent Martija Banyjima and The Eastern Gurama agreement. In this schema Minthi Springs lies on the boundary between the two groups.

The Karijini National Park is imbued with spiritual significance for Banyjima people. Fortescue Falls is known as Jabula, Circular Pool is Wathibindiminha, Bee Gorge is Barnbarnmunha and Hamersley Gorge is Minththukundi. Other names are mentioned in this report. Penny Lee and Diane McCallum documented flora and fauna and their uses in The Aboriginal Heritage of Karijini Nation Park (1996:51-53) and the IBN group have also prepared a book on plants and their uses.<sup>50</sup> Traditional medicinal products are widely used and requested by patients in hospitals. One popular plant is the *Minjari* or Vicks bush, *Stemodia grossa*.

Mindayi (Minthi/Mindi) Springs is located close to the railway bridge over Turee Creek, The spring is listed as a mythological site on the permanent register of Aboriginal sites (ID 8296/P04348). Inquiries to the Department of Indigenous Affairs show that 'Mindayi' is a closed file which can only be accessed with permission from a proven connection to Jerry Wing. The 'sphere of influence' from powerful ceremonial and mythological sites like Minthayi and Bunaruna/Boonuruna,<sup>51</sup> or Mount Bruce on maps (site ID 540), encompasses a wider area. The late Banyjima Elder, Horace Parker said:

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<sup>48</sup> Palmer (1975:10) states: '*Muban* is an Aboriginal doctor, and is a term used widely by Pilbara Aborigines.'

<sup>49</sup> Palmer (1977b:34) describes a large and dangerous stone arrangement called *Nigarana* which means 'beard.'

<sup>50</sup> The word paper has been translated into the Banyjima language as *mirlimirli* after the Mirliri, or paperbark tree which supplies bedding and shelter from its bark (page 52).

<sup>51</sup> For a discussion of this site see Palmer 1980; McDonald 2001; Lantzke, Prince and Campbell-Smith 1994.

Another one – *ngarmarda* – He can go for miles, thousand miles he can kill a man. Long as he got the name. *Ngarmarda* that one. Right through the ranges *yurlu Karijini bunuru yurlu old fellangali*, old people *jinangu* [dangerous places in Karijini country where the old people walked]. (Karijini Aboriginal Corporation 1996).

There is a belief that spiritual powers extend their influence underground. According to Brandenstein (1991:102) the power of the human-like *narlu* of the Hamersley Ranges is believed to ‘stretch for miles’ underground, as does the *walu* guardian of permanent waterholes.

Palmer (1978b) 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; also see Day 2004a)

According to Clark and Smith (1982:6):

The Pandjima and Niabali presently perceive their territories as adjoining in the ... area between Weeli Wolli Creek and the prominent peaks [to the east]. Within this boundary area, their interests are shared rather than clearly demarcated, requiring a consensus between the two groups.

Tindale (1953) noted the Banyjima boundaries to be:

...along the Hamersley scarp to the range across the Fortescue River (South Branch) from Kudaidari (Goodiadarrie) Hills. Mandjina (Munjina of maps) Pool was a Pandjima water. They went east to the headwaters of Janikudjina (Yandicoogina of maps) creek. On the south they visited Juno (Juna) Downs Station, Perry’s Camp.

Steve Brown (1987:14) says the Weeli Wolli area was a ‘transitional boundary’ between Banyjima and Nyiyaparli:

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 Wolli 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 Weeli Wolli Creek area has previously been recorded as being of great significance to Banyjima and Nyiyaparli people. McDonald (2003a:8) states: ‘It is also important to note that the Panyjima and Nyiyaparli communities had also objected to plans to drill in the Weeli Wolli and other creeks in the Yandicoogina area on a number of occasions (McDonald 2003[c]; McDonald and Grove 2003a).’<sup>52</sup> In 1926 Constable Edgar Morrow (1984:143) with Brumby Leake, pursued two wanted Aboriginal men from Prairie Downs to Marillana Station. While the pursuers rested at ‘Willy Wolly’ springs, Leake suggested ‘that the natives would be at Pug Well, fifteen miles farther on, and five miles from Marrilana [sic] Station’. Morrow quotes

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<sup>52</sup> See Martin (2000:3) for a survey report on four water monitoring bores near Weeli Wolli Creek. In February 2003, McDonald (62/YD/01) wrote to ATAL expressing the views of consultants on drilling in Phils Creek and any other watercourses.

Leake:<sup>53</sup> ‘It’s a big corroborree place,’ he said, ‘and it’s pinkeye time now, so likely there’ll be a crowd camped there.’<sup>54</sup> McDonald (2003d:21) states:

The Aboriginal Consultants again requested that no drilling occur in the creeks in the area (e.g. Weeli Wolli, Marillana and Yandicoogina). However, if any impacts were necessary on the creeks, such as for water monitoring bores, groundwater dewatering discharge, that specific consultations be undertaken as had previously occurred in respect of previous developments.

In 2007, the issue of dewatering at the Hope Downs mine became an issue of concern for Banyjima people expressed in a full page newspaper report headed, ‘The lost oasis: A spring in the Pilbara has been central to the Martu Idja Banyjima people’s world for millennia. Now mining threatens it – and their – future.’ The MIB had made a submission to the ACMC, hoping that the committee would recommend a full ethnographic survey of the creek and surrounds. Mayman continues: ‘Whatever the ACMC decision... WA’s then minister for Indigenous Affairs, Sheila McHale, upheld the company’s application.’<sup>55</sup>

In June 1999, Elizabeth Bradshaw, submitted a report for the Gumala Aboriginal Corporation entitled *Report on the Weeli Wolli Ethnographic Site Complex, Options for Protection*. Elizabeth Bradshaw was requested to investigate the best options for ongoing protection of Aboriginal sites in an area described as the ‘Weeli Wolli Site Complex.’ Bradshaw (1999) notes:

From 1979 to 1981 the Department of Aboriginal Sites conducted a series of heritage surveys for CSR in the area of Yandicoogina Creek, including the Weeli Wolli Creek area. The surveys covered all the land included in the Hamersley Iron Yandicoogina Licenses ... The surveys recorded 81 sites in total, 12 ethnographic sites ..., four of which had archaeological components, and 79 archaeological sites...

Bradshaw (1999:3) states that these surveys were documented by Clarke and Smith (1982). Tonkinson and Veth (1986) also conducted heritage surveys for the BHP Yandi development. They describe their initial contacts:

By telephone I contacted Mr Slim Parker, in his capacity as Chairman of the Pilbara Aboriginal Land Council and also as a member of the Parker family which speaks for Banyjima interests in the Yandicoogina area. Slim had accompanied his father, the late Herbert Parker, into the area during the earlier survey, to be shown the sites there (Tonkinson and Veth 1986:2).

Clarke and Smith (1982:9) make similar remarks:

The Panjima were consulted about the survey [to Weeli Wolli] at Onslow. Herbert Parker and his brothers were regarded as the most appropriate informants. The survey area was Herbert’s grandfather’s country, and Herbert had been taken to the survey area as a child. He had also worked on Mulga Downs, Mt Bruce, Munjina and surrounding stations.

O’Connor (1996:12) conducted a survey for Hamersley’s initial route of the Yandi to Marandoo railway ‘roughly parallel to Weeli Wolli Creek to pass Weeli Wolli Springs along the hills to their west.’ Objections from the traditional owners to the Weeli Wolli route resulted in Hamersley changing their plans for the Yandi railway corridor, as O’Connor (1996:12) records:

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<sup>53</sup> See also handwritten report by Constable Morrow, Meekatharra 22/1/26, File 8446/1925.

<sup>54</sup> Pug Well was used as a Law Ground until at least the 1950s and is known as *Pindagully*.

<sup>55</sup> See: Application Under Section 18 Aboriginal *Heritage Act 1972*: Hope Downs Dewatering Pipeline, Hamersley HMS, 2006.

As noted in [the 1994 report] the Aboriginal elders expressed grave misgivings regarding this section of the alignment, on the grounds that it could lead to both spiritual and physical damage to the Springs. Following consideration by the Company of all issues relating to the initially proposed rail corridor, a new alignment was proposed.

O'Connor (1996:12) then describes the route of the agreed rail route 'from its terminus at Junction deposit, roughly parallel to Yandicoogina Creek.'

O'Connor (1993:11) concludes that the area was clear of sites with the exception of an unlocated burial site to the south of Yandicoogina Creek, an initiation/corroboree ground near Junction Bore and the Three Sisters hills and a burial to the west of Weeli Wolli Creek, the location of which was unknown (O'Connor 1993:12).<sup>56</sup> According to O'Connor (1993:12) Aboriginal elders stated that, with the exception of a corroboree and initiation ground near Pug's Bore (Pintakulli), and a similar site near Marillana homestead (Tartukarra), E47/12 was clear of sites. In addition, M270saSEC1 was clear of sites with the exception of the junction of Lamb and Marillana Creeks (O'Connor 1993:10).

Greg Tucker described how the Banyjima elders led a survey team to a Law ground: '[On 18 December 2003] we tried to find an old Aboriginal law ground somewhere between Maralanna creek and Willi Wolli creek [sic]. Been driving around the two creeks till Wobby said its just there across the little gully, so there it was where he said right in front of us' (Tucker 2003).

Aboriginal leaders consulted by O'Connor in 1996 emphasised the importance of Weeli Wolli Springs. A transcript of a meeting at Weeli Wolli airstrip cited by O'Connor (1996) relates:

T.P. This water comes out at Millstream.

J.V. I know that story.

T.P. It travels underground.

D.S. If the springs are damaged, then Millstream will have no water and we'll be blamed by the people there.

O'Connor (1996:10) also notes:

From the commencement of the consultation process it became clear that apprehension over the future of the Springs had been one of the main reasons for Mr Parker calling such a wide-ranging meeting. His fundamental position in this regard was that the springs are a cultural resource for all Aboriginal people associated with the Fortescue River catchment area and that, as senior elder for this group, responsibility for protection of these Springs had been placed upon his shoulders.

In April 2008, *The Age* newspaper headlined, 'Archaeological finds dated to 35,000 years.'<sup>57</sup> Jan Mayman's report was also front page in *The West Australian*: 'Radiocarbon tests date tools from north-west WA as among oldest in Australia, confirming locals' songs and stories.' Mayman wrote, 'The tools were found in a prehistoric dwelling place that is now part of the multi-million dollar Hope Downs iron ore mine ... it is one of the most data-rich ancient sites in Australia ... archaeologists and Aboriginal elders have found other caves in the area that appear to have been deliberately walled in, and could be tomb burial places like some found in the Northern Territory ... The dig was supervised by leading archaeologist W Boone Law, who said it was the most significant project he had ever worked on.'<sup>58</sup> The reports featured a photograph of Trevor Parker and Brian Tucker at the site. (See also *The West Australian*, April 10, 'Rinehart refuses to guarantee protection of historic site,' and *The West Australian*, April 11, page 12, 'Heat on Premier over mining find.') The newsletter, *Martidja Banyjima Milli Milli*, Editon 1, April 2008, names the rock shelter as 'Djandjina.'

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<sup>56</sup> Barber (1996) states that in the main this section of the O'Connor (1993) report is based on 1982/83 interviews with Poonda Bob (now deceased).

<sup>57</sup> 'Unearthed: Archaeological finds dated to 35,000 years.' Jan Mayman, *The Age*, April 7, 2008, pp.1-2

<sup>58</sup> 'Pilbara reveals its ancient secrets' Jan Mayman, *The West Australian*, April 7, 2008, p. 3.

Brian's father, Percy Tucker died 18 months before Brown conducted his survey for the Great Northern Highway realignment (Brown 1983:6). Brown (1983:8) notes that according to Matt Herbert, the leasee of Juna Downs, the last Aboriginal person living or working in the survey area (on Juna Downs and Munjina Station) left the area in about 1960.

Brown consulted Herbert Parker who knew the general area around the Lake Gundawuna and Munjina claypan and gorge. He knew of Aboriginal sites in the gorge and wanted these recorded. Herbert did not know the meaning of *munjina*, which Brown (1983:9) suggests might mean 'lots of death adders'. Brown (1983:11) states:

The migration patterns and breakdown of traditional culture following European contact makes it very difficult to establish the basis of authority for any ceremonial 'caretakers; in the area under investigation. Berndt (1979:5) sums the situation up in the following terms:

Roughly south of the Fortescue, the traditional culture of people who are the remaining members of local language groups or 'tribes' is no longer a living reality. From there, south to the Murchison, only isolated aspects have survived.

In the present situation, there seems to be no descendants of specific 'owners' of, or of local descent groups from, this area of land. Percy Tucker seemed to have the strongest claim in this regard. Generally the Pandjima have taken responsibility to 'speak for the country'. Specifically Herbert Parker and his two brothers appear to be the 'caretakers' and spokesmen for this area. However, Jerry Wing, who is recognised as being the most authoritative person for an area west of the survey area, seems to have the most knowledge of the southern Packsaddle area.

Interestingly, the Banyjima names listed by Brown, above, incorporate the three Banyjima groups in dispute today. Brown (1983:9) says Jerry Wing 'was not generally familiar with a lot of the area north of Packsaddle. He specifically mentioned the snake track and stone arrangement site which he had described to Kingsley Palmer.' A continuation of the track left by the snake was pointed out to the anthropologist John Wilson who documented Aboriginal sites in the Angelo River area in 1979-80. Wilson (1980:14,15) claims that 'Palmer (1980:15) notes that Jerry Wing (Djiriwin), who is of the Panjima sociolinguistic group is "considered by the Aborigines now living in Onslow and Roebourne as being the most authoritative person with spiritual affiliation to the central Hamersley region."' Jerry told Palmer (1980:18) that

Packsaddle Creek, Warari, had a large waterhole at the West Angelas turn-off at which people camped in good seasons. Warari also meant bush fly. The blackheart trees growing there were said to have many small black lumps on their leaves, and these were believed to be the physical representations of the spiritual principle of the fly

When the new Perth to Darwin Highway was planned in 1977, staff from the Department of Aboriginal Sites examined the Packsaddle to Munjina Gorge section (Brown 1983:4). Kingsley Palmer also investigated Aboriginal sites in the area between 1975 and 1980 (Palmer 1975, 1979, 1980). Jerry Wing described to Palmer (1979:19) a snake track and stone arrangement site (see also Brown and Mulvaney 1983a:46):<sup>59</sup>

On the low range, east of the lake (Gundawuna), are located a dozen or more rocks each about the size of a human head. In the Dreaming a snake travelled from a spring in a big hill north of the lake, and went south, where it dropped its eggs at this site. These eggs turned into stones. The snake travelled on, and made the gap between The Governor and Mount Robinson. The stones are very dangerous, and he who touches them will 'swell up' and perhaps die. It is also dangerous to allow your shadow to fall on them.

Palmer also interviewed Percy Tucker who he described as a Banyjima man whose mother was a Banyjima woman with spiritual associations with a rockhole some distance east from Packsaddle (Brown 1983:6). Brown quotes Palmer (1980:21) who said that Percy was born on Marillana station and grew up on Mulga

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<sup>59</sup> Brown and Mulvaney (1983a:46) note: Since the site is known to living Aboriginal people and is of traditional significance to these people as well as being of anthropological and archaeological importance the site should be made a Protected Area under Section 19 of the Aboriginal Heritage Act 1972-1980.

Downs. He worked as a Government dogger over a wide area of the Hamersley Ranges. His father was Banyjima with spiritual association with a hill north of Packsaddle called Wiriwirbi. Both his father's mother and father's father were Banyjima from the Dales Gorge area. Palmer (1980:21) continues:

Percy's [mother] was Bandjima, born on Juna Downs while his [mother's father] was Inawunga and his [mother's mother] a Bandjima probably from upper Turee. His [father] was a Bandjima who came from the Packsaddle area, and both his [father's mother] and [father's father] were Bandjima from the Dales Gorge area.

Percy Tucker described two sites to Palmer:

Djiniri. An old yard, east from the lake Gundawuna approximately 24 kilometres, where there is an old mine for ochre (*wilgi*). The creek that flows close by is called Bibaninya, and north of this creek is a rock-hole and spring called Gumanunya... A short distance from the lake, north-east, where there is a large cave which faces north. This is a *dalu* or increase site for wild honey (Palmer 1980:22).

Palmer also spoke to Herbert Parker and Paddy Long. He described Paddy as a Palyku man who was born close to Mulga Downs and worked at Juna Downs, Roy Hill and Punda but mainly at Marillana (Palmer 1980:28). Chris Clarke conducted an ethnographic survey for the Yandicoogina and Weeli Wolli Creek area and noted that the Banyjima and Nyiyaparli interests were in the boundary region of the Weeli Wolli. He contacted a number of Banyjima people in Onslow and noted (Clarke 1980:9):

Herbert Parker and his brothers were regarded as the appropriate informants. The survey area (Yandicoogina and Weeli Wolli Creek area) was Herbert's grandfather's country, and Herbert had been taken there as a child.

Herbert Parker died in 1985. Ten years later O'Connor wrote: 'it is noteworthy that Mr D Stock would not relate the story of the Three Sisters Hills to the author and R Brunton until such time as Mr [Horace] Parker was present, on the grounds that Mr Parker was the primary owner of that story.' David Stock had told Brown in 1983 (page 8) that Horace's brother, Herbert, knew most about the highway survey area. A rock shelter known as *Billirribinna* in Munjina Gorge was used as a camping place and an Aboriginal woman had been born there (Brown and Mulvaney 1983b:8).

Bindon and Lofgren (1982:124) suggest that the concentration of walled rock shelters around the 'Area C' mining area near Packsaddle Ridge suggests 'that at some stage in the prehistory of this area, large numbers of people gathered to participate in ceremonies.' Brown and Mulvaney (1983b:6) describe the Packsaddle area as 'a "divide" (watershed) with water courses draining north and east to the Fortescue River and south and west to the Ashburton River.' A 'divide' is commonly used as a boundary between language groups.

Kinsley Palmer described a field trip made in May 1983 to the Hamersley Range with three Aboriginal people from Onslow:

They are Herbert Parker (Pilbara Representative, National Aboriginal Conference), his brother Wobby Parker and Brian Tucker. Herbert Parker is 73 years of age and Wobby Parker is 66 years of age. Wobby Parker was born near the old Munjina homestead. Both men are of Pandjima descent. Both worked on Mulga Downs, Juna Downs and Mount Bruce Stations prior to the Second World War. During that time they worked at the Yampire Gorge asbestos mine and following this moved to work on station in the west Pilbara (Ashburton Downs, Rocklea, Nanutarra). Brian Tucker is 20 years of age and of Pandjima descent. His father (now deceased) had extensive knowledge of the Hamersley ranges and his immediate ancestors belonged to the central Hamersley Plateau (Palmer 1979:21-22, cited in Brown and Mulvaney 1983b:11)

During a 1994 inspection of sites Horace Parker explained that the sink hole beside the Weeli Wolli Creek is where 'the star fell down from the sky'. He named the site *Tulkuranya Ngarranya*, which literally means

'star fell down'.<sup>60</sup> This site was visited during a field trip in August 2004. Day (2004b) noted: 'Firstly, we followed the road to Yandi mine which crosses the railway near Marillana to Corktree Well where a track branches off the mine road to continue along the Weeli Wolli Creek. To the right at GPS point 7468052N; 729210E there is a large sinkhole from which a mountain is visible to the south east (approximate GPS 7461850N; 731100E).' The mountain is identified on the maps as Roundtop Hill.

Rory O'Connor describes how he organised a trip to the Weeli Wolli area:

Preliminary consultation was carried out with relevant Pandjima members of the Aboriginal community in Onslow. A rendezvous near Weeli Wolli Springs was arranged and senior members of the Njabali community at Marble Bar were conducted there by the researcher ... The results of this particular survey were then checked with relevant members of the Aboriginal community from Jigalong.

O'Connor (1984:22-24) describes how the travels of *Warlu* created physical features of the area:

This whole area, according to Aboriginal tradition, was created in the Dreaming by *Warlu*, the mythic water serpent, and his spiritual essence still exists there... In fact, ritual precautions were taken by the survey team before entering the area for the first time ... The point where *Warlu* left Weeli Wolli Creek to travel in an easterly direction has also previously been recorded as WA Museum site number P2236 ... According to tradition he rose from waters here, mounted the and proceeded towards Roundtop Hill. 13.2 kilometres South-West of Corktree Bore ... an area of subsidence can be seen some five metres to the East of the track. This area is known as *Nannga* ... According to the older Aborigines, the original *Nannga* was a small but deep opening, perhaps only three feet in diameter ... Having left Weeli Wolli Springs, *Warlu* travelled to the East, leaving an identifiable *mardi* or track on the ground. On his journey, he created Roundtop Hill as he passed. This hill, known to aborigines as *Kulka – Bilyanngu*, now contains his Dreaming essence and thus has been registered as WA Museum site number P5614.<sup>61</sup>

Engraved rocks approximately one kilometre North-East of the point where *Warlu* left Weeli Wolli Creek (site P2236) mark an old talu site associated with Kundimarra, the mulga snake ... Tabinna, a gorge and semi-permanent water-source to the West of Weeli Wolli Springs, was also formed by *Warlu* in the course of his travels through the region.<sup>62</sup>

Investigating a complaint by George Park of Juna Downs station regarding the 'alleged spearing of a Gin by [a] native known as Tommy Tucker',<sup>63</sup> the police constable wrote:

Tommy Tucker claims that he is head of his tribe; and for a station native he is well educated. He is known as a native lawyer. His native name is 'Bedernungbung'<sup>64</sup> and he states that when only a young man he served three months in the Roebourne Gaol but claims he does not know for what offence ... It appears apparent that when Tommy regained possession of Blanche at the gathering of

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<sup>60</sup> AMG 287 668. Minutes of meeting held at Weeli Wolli Creek on 24 February 1994 at various locations (appendix to O'Connor 1996).

<sup>61</sup> In 2004, the site was described as *Kurda wathinya* in a song which was recorded at the sink hole.

<sup>62</sup> Lang Hancock mentions Weeli Wolli in his biography, *Rogue Bull: The story of Lang Hancock King of the Pilbara*, by Robert Duffield, 1979, page 199-200:

LH: They enlarged the National Park quite absurdly. They included all sorts of areas, including Marandoo which are not unique in any way... They didn't include a place near Weeli-Wolli Springs where the whole Hamersley Ranges are tipped on their side ... that's the sort of place you'd think they would want to preserve from vandals.

RD: But surely you wouldn't suggest that this fascinating geological structure near Weeli-Wolli Springs, for instance, should ever be opened up to mining? Surely that is one place that should remain a National Park forever?

LH: 'No, it would have to be justified every five years... surely to goodness the people of the world who might otherwise starve, must take precedence over a few people who say they enjoy a National Park.'

<sup>63</sup> P D File No 2300/47

<sup>64</sup> In a newspaper report of another case, 'Tommy Tucker' alias 'Bedanaganbury' was described as a 'half-caste' who gave evidence that he was the uncle of an eleven year old boy named 'Pigey' who had been shot at White Springs station on March 4<sup>th</sup> that year..

the natives at Mulga Downs Station during March 1947 after she had been residing with Toby for several months; he remained at Mulga Downs until their baby died and then commenced his return journey to Juna Downs.

‘With the assistance of a native borrowed from Mulga Downs’, Constable Scott reached Juna Downs ‘just prior to daybreak on Wednesday 11<sup>th</sup> June 1947.’ He found the homestead deserted. ‘The native boy located the more recent tracks and these were followed southward for a distance of about six miles when we located the natives camped near a small creek bed. The suspect Tommy Tucker was secured...’ Later Tommy Tucker signed a written statement to police:

I am a station native born at Mulga Downs Station via Roebourne. I belong to the Punjamah tribe, and I am the leader of my people. My woman is named ‘Blanche’ she is only a young girl; I have had her since 1937; couple of years before the war broke out. When I was only young Mr William Pead of Cossack and Roebourne brought me up.<sup>65</sup> My woman Blanche has run away from me and went with other men on two occasions. She first went with a boy ..... from Roy Hill for one night in 1946. I went after her and brought her back. Towards the end of 1946 she run away with a boy name .... They were living together at Mount Florance Station. At a Meeting in March of this year at Mulga Downs station, I had a bit of a fight with .... and ‘Blanche had to come back to me. We stayed at Mulga Downs for some weeks because my little girl was sick; when she died about the middle of April 1947, I started to go back to Juno Downs Station with Blanche. Blanche did not want to go home. When we reached the windmill about six miles from Mulga Downs station, Blanche, who was riding a horse tried to run away. I chased her and caught her and brought her back to the windmill. It was then about sundown and we had a bit of a fight, I had a piece of mulga stick and was hitting Blanche across the legs. I was not hitting her very hard. I do not know how the hole came in her knee, it must have been caused by small point on the stick ... The night after our arrival at Juno Downs, Mr Park came and looked at Blanche’s knee ... I gave Blanche the hiding to prevent her running away but did not intend to hurt her badly. The tribal law for any boy or girl who runs away and goes with anyone else; you must spear him in the leg but not to badly cripple them. Even though it is the custom I did not spear Blanche.<sup>66</sup>

Blanche’s son, Lindsay, aged three, was sent to the ‘Deaf and Dumb School’ in Mosman Park in 1948. By 1949 Tommy was droving cattle from Boolalee to Onslow. On 21<sup>st</sup> October Mr Barrett-Lennard said he would be ready to leave Onslow after the 8<sup>th</sup> November. Barrett-Lennard would book and pay for Tommy’s plane fare to and from Perth and meet all expenses for him to visit his son Lindsay at Mosman Park. Tommy would be able to stay at the Police stables. The Commissioner for Native Affairs noted that on ‘15 October, 1958, Lindsay Tucker found employment at Mulga Downs Station where his mother is working.’ Meanwhile, Blanche’s son, Gregory, had been born at Winning Pool Station on May 8, 1953, and Archie on April 3, 1955.

In 1966, the Clerk of Courts informed the Department of Native Welfare that Geoffrey Long had received his Certificate of Citizenship at Wittenoom on 26 September 1966. The clerk noted that: ‘The children Gregory Long and Archy Long were included on the certificate.’ On May 5, 1967 ‘Blanche Long born 1-7-1923 at Tablelands?’ of 1 Zero Avenue, Wittenoom, made an application for Social Services with sons Archie and Gregory.

Later Blanche moved to Onslow, where she gave a statement to Sandy Toussaint for the Seaman Commission in 1984. She stated:

I was born and reared up on Mulga Downs. Mulga Downs is my cousin Alec Tuckers country. It is my son Greg’s country too. It has been handed to them through Aboriginal law. They know all about that country through the old people. I have some country at Mulga Downs through my grandfather but it is not really my place to talk about it. Alec has more right to talk about it. It is my spirit country. My mother and father and sons my children are buried at Mulga Downs. I stayed there for years and years. I worked there for old George Hancock. He was a good boss. He understood when we needed

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<sup>65</sup> It is known that the Pead family owned and managed Hamersley Station.

<sup>66</sup> Statement by Tommy Tucker to Constable J E Scott, 17 June 1947. PD File No 2300/47

to go away for meetings and ceremonies. He was Lang Hancock's father. We all knew Lang Hancock as a boy ... We had a law ground at Mulga Downs. We made a new law ground at Wittenoom. Why can't we go back to Mulga Downs? I would like to go there. No one tells me why. And that country belongs to Alec and Greg. That belongs to them law way. I feel satisfied about that. We had to leave Wittenoom too. I can't go back there. Why? I would like to go back there' (ALS 1984).<sup>67</sup>

## 5. The circumcision line and Banyjima people

Tindale (1974) includes a map showing the boundaries of the rites of circumcision and subincision including Innawonga, Gurama, Banyjima, Nyiaparli, Palyku, Nyamal. Tindale's map indicates that the Injibandi practiced circumcision but not subincision. Brown (1987:14) notes:

According to Tindale (1974:242) most groups occupying the Hamersley Plateau practised circumcision and sub-incision at the time of European contact, except for those at the western end, including the Mardudunera, Jadira and Binigura. It seems likely that these customs were spreading from the Western Desert region into the Pilbara immediately before European settlement. Certainly the practise of circumcision has spread to some coastal Pilbara groups since European occupation (Brandenstein 1967:7; O'Connor and Veth 1984:19)

Tindale (1976:15) associated subincision with Banyjima boundaries. He wrote: '...the scarp-faced uplands of the Hamersley Ranges clearly delimited the home of the Pandjima, ardent followers of the twin rites of circumcision and subincision and therefore holding both their near and more remote neighbours in disdain.

Berndt (1979:11) claims that elsewhere in WA, 'opportunities for mobility increased enormously. Barriers between different social units began to break down.' He notes (page 7):

... Western Desert culture has been spreading north-west west and south and south-west, and continues to do so today, There is evidence that this could have taken place long before European settlement, but it would seem fairly obvious that it gained momentum as desert-fringe areas became correspondingly affected by alien contact and settlements were established. In such cases, members of 'tribes' suffering from a cultural set-back and a diminution of traditional belief and action, welcomed exposure to the ideas of the strongly traditional motivated desert visitors who provided them with an opportunity for some cultural resurgence.

Berndt (1979:18) includes a map showing the 'Approximate western extremity of subincision and circumcision' which is substantially the same as Tindale's 1974 map. With the return of Banyjima people to their homelands, from the coast, the practise of subincision is recognised, but contested as a part of Banyjima culture. However, in 2004, the Banyjima people still include the Western Desert people in their ceremonies, as occurred at Youngaleena in 2002 (Day 2003a) and Bellary in 2003 (Day 2003c). At other times, initiations are held with minimal participation by Western Desert people, as occurred at Wakathuni in 2004 (see Day 2004c, 2004e).

Increasingly, *Womulu* Law is being applied in initiations. This system is commonly called 'Going though free' and ensures that the core Law is carried to the next generation. In the past and present, changes to the system of laws and customs are made as a result of unexplained incidents which may be result in a permanent modification of Laws and customs. Aboriginal customs have never been static. As Berndt suggests, the subincision boundary has been and became a moving frontier. The connections between tribes and the connection to land and of rights to land have been maintained with or without these rituals, as numerous cases prove. The 'Guidelines' (Office of Native Title 2004:10) require that a connection report show:

Where change and adaptation in the traditional system of law and custom has occurred, provide and account of the changes and an explanation of why they do not constitute a substantial change from the system which prevailed at sovereignty. Where changes to the system have occurred, it is important to establish that they do not represent a departure from the traditional laws and customs for holding native title.

## 6. Banyjima people and asbestos mining: the case of Wittenoom Gorge

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<sup>67</sup> Statement given to Sandy Toussaint by Blanche Tucker in Roebourne, 1984.

In 1995, An anonymous Banyjima woman, aged 67, gave a statement to the Pilbara Asbestos Injuries Working Party (PAIWP). She said:

Family was at Ngampiku before white fellas come along Lang Hancock started asbestos mining. They used put all the asbestos on the mail truck then until they got the big trucks. Use to bring the asbestos to Tsakalos place to unload there. When they finish white fellas took over that was Kartirtikunha (Yampire Gorge). Then they come around this side to Ngampikunha (Wittenoom) found lots of asbestos there, more better than the other one ... Aboriginal people, poor fellas didn't know it was poison, that's why they got asbestos in the chest, inside. No-body tell them it was a danger. Ruined Aboriginal peoples country (PAIWP 1995).

Similarly, Jukari [sic] Parker told Noel Olive:

Station workers from Mulga Downs would come and go to the mine. And with others who worked the mine, they would go around with a hammer and chip, chip, chip, at the rock. They would fill up bags with asbestos rock. Horace used to be the boss and they would dynamite the rock. The working men would go around picking it up and putting it in bags. They would work on the station for a few days and then go down to the mine, and work there for a few more. It worked like that. Ian Dignam was a whitefella at that camp but he lived with an Aboriginal women. He was the son of the station owner. Herbert and I lived and worked at Mulga Downs. He was born there. I cooked in the station at the new homestead. I had my daughters Margaret, Marjorie and sons Maitland, Slim and Guy. Two of the kids were delivered in the bush, Slim the other side of Mulga Downs at the holiday camp, at the windmill. And Marjorie was born at the station (Olive 1997: 43-4).

Many of the Mulga Downs Banyjima and Injibandi people continued to live in Wittenoom after the mine closed in 1966. Wittenoom Cemetery records show 'Egypt Tucker aged 57' died in the District Hospital, Tom Price, on 19 March 1972, and was buried on 23 March in Wittenoom cemetery. Banyjima people no longer live or work in Wittenoom or at Mulga Downs. They have shifted to Tom Price, or the communities of Youngaleena and Wirrilimarra built on two blocks excised from the station. Greg Tucker and Peter Parker are two Banyjima founders of these communities who spent part of their childhood in Wittenoom. Although the State Government knew of the health hazards of asbestos, Aboriginal families were allocated empty state houses in Wittenoom after the mine was closed, at a time when station workers were being retrenched from the pastoral industry. Greg says that visiting Aboriginal families also camped in the abandoned houses around the town, which were littered with broken asbestos sheeting. He and other children played in the gorge and in the tailings from the mine. 'We would play in the soft dust from bags which had fallen off the trucks, and even put the fibres in our mouths,' says Greg.

Peter Parker says, 'In those days they never used to tell us it was dangerous or anything like that. When the wind blew, it would blow the fibres, we never used to take much notice of it. Only recently they tell us it is dangerous.' Peter and the other Youngaleena residents still use Wittenoom Gorge for recreation. 'The kids swim in the pools but they can't drink the water or they might get infected,' he says. Others claim that there is no danger, 'unless you are a smoker.'

Rodney Parker lives in Tom Price, 130 kilometres from Wittenoom. He says, 'When I was a kid at Wittenoom we used to climb up above a pool in the gorge and roll down over and amongst the asbestos and into the water. We played in it. All my school friends played there. I don't know what's going to happen to us.' Bonny Tucker said: 'My husband [Percy] passed away with asbestos, just before he passed away they found out what made him sick... Wittenoom boss never tell him asbestos was dangerous – three in the team, three in one truck.' (PAIWP 1995). She adds, 'My old husband worked loading the trucks at Wittenoom. He was a hard working man. I used to wash his dusty clothes. Before he passed away, he got a certificate from the doctor in Perth. It took a long time, but that's how me and our kids got compensation money.'<sup>68</sup>

Greg Tucker worked as an Aboriginal health worker in Roebourne for five years. He believes that doctors have failed to diagnose asbestos diseases as the cause of death for many Aboriginal people in the district. Revelation Magazine (No. 10, 1994, p.93) claims that according to Roebourne's Mawarnkarra Health

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<sup>68</sup> Personal communication, 2004.

Service, no records of Aboriginal employment at Wittenoom were ever kept. PAIWP (1995:9) reported: 'Up until recently the Western Australian medical records of individuals contracting asbestos related injuries have not included Aboriginal people. It was not until 1994 that special screening and monitoring programs were made available to the Pilbara Aboriginal people...' <sup>69</sup> The families of some Aboriginal people who are known to have died of asbestosis, mesothelioma and lung cancer have won compensation payments with the help of the Asbestos Diseases Society in Perth. However, the effects on Aboriginal people are ongoing, long after the mine was closed and the town demolished. PAIWP reports (p.10): 'Like many other language groups restricted from maintaining cultural links because of pastoral and mining, the Banyjima group are no longer able to carry on this tradition in the northern section of the Karijini National Park. In 2003, a legal opinion suggested Aboriginal people may have a claim against the government:

It is likely that by permitting the asbestos mill to operate until 1966, that a reasonable person in the position of the government would have foreseen that the asbestos fibres constituted a real risk to the Aboriginal community who would frequently travel to areas where asbestos fibres had spread. It is arguable, considering the information was available at the time, that the government would have had sufficient information such as to have led them to foresee the risk of asbestos fibres to Aboriginal people ... It is arguable that the Government has breached its duty of care by not informing the Aboriginal community, removing the fibres from traditional Aboriginal lands or prohibiting entry to contaminated land.

Lang Hancock bought most of the town and all of the abandoned mine buildings in 1967. Other mining companies like Rio Tinto and Western Mining also used the old buildings as an exploration centre for the district. Drilling confirmed rich iron deposits throughout the Hamersley Ranges, including the adjacent Bee Gorge, renown for its Aboriginal rock engravings. To accommodate mining leases, both Wittenoom and Bee Gorges have been excluded from the Karijini National Park which is managed by the State Government and a committee of the traditional owners.

In 2000, a newspaper announced, 'Gorge to bury its deadly past.' The report began:

The Wittenoom asbestos mine is to be demolished, 35 years after it was closed. Hancock Prospecting Ltd is seeking State Government support to rid the beautiful Wittenoom Gorge of a longstanding reminder of its tragic past. The company this week confirmed that it planned to remove all mine structures and the former workers' camp.

A government statement added: 'It should be noted that the agreement between the State Government the Hancock Group does not include the removal of asbestos tailings dumps. The issue of tailings dumps will be considered in the future by a Government Steering Committee which has been established by the Cabinet...' It has been estimated that over thirty million dollars would be needed to clean up the tailings dumps.

The Ashburton Shire Council stated: 'The clean up involves burying some materials on site and carting some materials off site for disposal. The process is monitored by the EPA and is conducted under strict OHS regulations. The company contracted to carry out the works is McMahons. Preliminary work has started with some buildings being deconstructed.' No Aboriginal people appear to have been consulted before the demolition work. Cement floors of demolished buildings throughout the gorge were not removed, without determining the opinion of the traditional owners.

The demolition and 'clean up' of the mine site did not include the barren mountains of asbestos tailings which extend for kilometres up Wittenoom Gorge. For decades the deadly crushed ore was dumped down the rocky cliff face from the mine shafts to create ledges where miniature railways carried the waste further around the gorge. The shafts are now sealed with concrete and encircle the gorge like ancient tombs. The ominous mountains of tailings, aided by gravity, tropical rains and dry winds are creeping slowly along the gorge like a deadly glacier, silting up the once-deep water holes and clear creeks, towards the plains below. Around the stark white gums which survive in streams choked by asbestos, thick clusters of spidery blue fibres hang from tangled flood debris.

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<sup>69</sup> See 'Aboriginal asbestosis ignored', *West Australian*, June 25, 1994.

On hunting trips, Banyjima children eat kangaroo and damper baked in pits dug in the dry river sand of creek beds draining from the Hamersley Ranges. There is concern that floodwaters are spreading asbestos fibres down the Fortescue River towards the permanent waters of Millstream National Park. Banyjima traditional owners and residents of Wittenoom townsite claim that the buried demolition material might include large amounts of Polychlorinated biphenyls (PCBs), waste oil and batteries. PCB's were used for their insulating properties and do not degrade, accumulating in fatty tissues and so are concentrated in the food chain. They were used extensively in transformers and electrical capacitors. The Banyjima claim that there is a threat to the water supply for Wittenoom, which is drawn from the gorge, and the Millstream aquifer which is the source of the main water supply to a number of coastal towns.

In April, 2003, Jon Ford the Minister for Mining and Pastoral wrote: 'I have recently been appointed to chairman of the Western Australian Government interagency steering committee charge with recommending the strategy for the final cleanup and closure of the Wittenoom townsite and mine.' After complaints from the Banyjima people, two places were set aside on the committee for representatives of the native title claimants and the local communities. In early March, 2004, two Banyjima leaders, Greg Tucker and Tim Parker, attended their first meeting of the steering committee in Parliament House, Perth.

The restriction of access to the gorge and removal of the remaining buildings at the old town site is the State Government's preferred option. Tourist maps presently warn motorists not to stop at Wittenoom and to keep their vehicle windows wound up while in the area. In late 2003, the Shire of Ashburton notified the public that the road into Wittenoom Gorge was to be closed for two years. The Shire statement added: 'the closure is due to demolition works undertaken with regard to old asbestos mining buildings and general cleanup works in relation to sites disturbed by asbestos mining. Entry to these areas or travel in the general area is considered a health hazard.'

Although the proposal to close the sealed road into the gorge was narrowly defeated by the Ashburton Shire Council, the State is intends using the recently passed Contaminated Sites Act 2003 Act to close both Wittenoom Gorge and the town site. The remaining Wittenoom residents have vowed to resist when the Act comes into effect on 1 July 2004. Their situation has received considerable publicity.<sup>70</sup>

A search of the Aboriginal Sites Register within the Department of Indigenous Affairs in Perth shows that there are approximately twenty recorded sites within the Wittenoom area. Banyjima people say that there are also sites which are which not recorded. These sites are protected under the Aboriginal Heritage Act 1972 whether they are known to the Department or not. Ceremonies are also held in the area. In November, 2002, over a hundred members of several language groups gathered at the Youngaleena 'meeting camp' to initiate a young man. A larger meeting will take place on Mulga Downs in December, 2004. The ceremonies last for over a month at the hottest time. Families seek relief from the heat in the pools of Wittenoom Gorge. Aboriginal people who are prevented by the closure of the gorge from enjoying their native title rights of hunting, gathering materials, camping, taking care of sites and conducting rituals may have a strong basis for legal action. A recent legal opinion states:

It might be possible to mount an argument that the presence of asbestos at sacred sites has impinged on the ability of native title holders to use and enjoy their native title rights. If Native Title is found to survive in Wittenoom Gorge, then Aboriginal people will be within their rights in accessing the site.

The Racial Discrimination Act is arguably likely to provide compensation as denying access to the area is affecting Aboriginal people uniquely and disproportionately. Aboriginal people would be denied the right to practice their cultural and religious activities while the effect of denying access to the Wittenoom area would not impact on non-Aboriginal people to the same extent.

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<sup>70</sup> *West Australian* May 19, 2004, p.6; November 6, 2004, p.49; October 14, 2004, p.1; *Pilbara News*, May 19, 2004, p.1; *ABC 7.30 Report*, 7 December, 2004.

Slim Parker sees some hope for the future. He says, ‘The Hancock companies are now in a joint mining venture at Hope Downs. Through the native title process the company is talking to the Martidja Banyjima people. This is an example of Aboriginal people being involved with mining companies while retaining some control over what happens on their land.’

Speaking from experience, Slim adds, ‘In the past Aboriginal people have not benefited enough from mining in the Pilbara. The Hancock family are guaranteed royalties of 2.5% from every train of iron ore. Hancock began his career employing Aboriginal people at Mulga Downs and Wittenoom and became a very wealthy man. In contrast, until something is done to compensate us and to rehabilitate the land, Wittenoom stands as an example of the damage mining can do to Aboriginal people.’

## 6. Conclusion

It should be possible to prove that there is a Central Pilbara society or ‘cultural block’ with a shared understanding of normative customs and a system of law. However, to prove connection, it will be necessary to show that Banyjima people belong to a society with a shared system of laws and customs and have maintained the connection to traditional lands, in this case the Banyjima language group and their land. If *all* who identify as Banyjima are included in the claim, it may be more difficult to prove that there is a distinctive Banyjima society, or two distinct Banyjima societies.

In the late nineties the system for registering native title claims allowed people to identify as Banyjima for political and financial reasons, without much scrutiny. However, as this report shows, Banyjima people do have some genealogical connection to apical ancestors. Following native title court decisions since the claims were registered, the rules are much stricter and evidence will be scrutinised for continuity of connection to land. With this in mind, it is hoped that this report may be helpful to Banyjima people to consider the future directions of their native title claims.

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