

Committee Secretary
Senate Rural and Regional Affairs and Transport References Committee
PO Box 6100
Parliament House
Canberra
ACT 2600

This is a response by Dr Peter Gifford to certain statements made in the submission below, which I – Dr Peter Gifford – consider unfair at the very least and which might have invited legal action had they been made otherwise than under Parliamentary privilege.
I ask merely however that they be tabled and placed on the public record, as Dr Bennetts’s comments have been.

**SUBMISSION TO
SENATE RURAL & REGIONAL AFFAIRS & TRANSPORT REFERENCES
COMMITTEE
INQUIRY INTO DECISION TO COMMIT FUNDING TO THE PERTH FREIGHT
LINK PROJECT
IN RELATION TO:
1) Environmental Approval of Roe 8 Highway Extension Project; and
2) Aboriginal Heritage Approval and June 2015 Aboriginal Cultural Material
Committee
(ACMC) Approval of Application to ‘Disturb’ Aboriginal Sites in Beeliar
Wetlands Area
Affected by Roe 8 Highway Extension Project under s 18 of the *Aboriginal
Heritage Act*
1972 (WA)
PREPARED ON BEHALF OF THE ABORIGINAL HERITAGE ACTION ALLIANCE
BY DR STEPHEN BENNETTS
20 SEPTEMBER 2015**

In the case of Roe Highway stage eight, my brief from Main Roads Western Australia and its project partners was specifically to ascertain the views of a widely representative sample of Noongar opinion from the Perth area as to whether they thought the highway project should go ahead in terms of heritage values and if so, then under what conditions. If not, any recommendations were likewise to be noted so that potential damage to Aboriginal sites known to exist in the project area could be minimalised as far as possible.

These questions had to be asked if Main Roads WA and its project partners were to be able to comply with the requirements of the WA Aboriginal Heritage Act (1972) and in particular with sections 17 and 18, under which

the [Aboriginal Cultural Material] Committee shall, as soon as it is reasonably able, form an opinion as to whether there is any Aboriginal site on the land, evaluate the importance and significance of any such site, and submit the notice to the Minister together with its recommendation in writing as to whether or not the Minister should consent to the use of the land for that purpose, and, where applicable, the extent to which and the conditions upon which his consent should be given.

Dr Bennetts states that my:

... report's weakest point ... is its apparent claim to be able to statistically represent the views of the Noongar community in relation to the project, on the basis of how many were said to be for or against the proposal. This survey methodology is questionable in the obvious sense that respondents were only presented with a simple Yes/No question, without being given the possibility of discussing alternative options to the Roe 8 project as outlined by Main Roads WA (MRWA).

As to that, I am still trying to remember where we – my ACHM colleagues and I – claimed that we statistically represented the views of the Noongar community when in fact what we reported was done entirely in terms of the Noongar family/faction groups of the Perth area that were the social landscape at the time.

As to Aboriginal informants not “being given the possibility of discussing alternative options to the Roe 8 project”, I doubt very much that that Dr Bennetts read my report in full. Had he done so, he must have seen the following, for example:

“ 26 August [2010]: Rev. Sealin Garlett and Russell Hansen

The Rev. Sealin Garlett and Mr Russell Hansen were met at Bibra Lake at 10 am by Dr Peter Gifford, ethnographer, and project manager Mr Terry Pearce. Mr Garlett, who is the Uniting Church minister in the Coolbellup parish, has lived in Malvolio Road, close to the project area for 25 years; Mr Hansen is a site informant for the area and maintains he is the recipient of traditional knowledge through his late uncle Mr Phil Bennell (a relative of Mr Garlett).

At Hope Road, Mr Pearce outlined the MRWA/SMC plans for bridges, groundwater flow and other conservation measures as part of the highway extension between North and Bibra Lakes, and stated that the power lines there would be re-aligned so that the highway would occupy as much as possible, ground which had been cleared years previously.

Mr Garlett's first inquiry was in respect of bushland adjoining Coolbellup Avenue near his home; Mr Pearce explained that it was part of the project area and that only a strip 15m wide on either side of the new highway there could be saved.

Mr Hansen asked whether it would be possible to use Farrington Road, at the northern edge of the project area, and then North Lake Road as the basis for the new highway; Mr Pearce's response was that this would not be possible given the constraints placed on MRWA/SMC by the current state government. The previous Labor state government had rejected the extension plans but the current administration had decided that the highway should be built as originally planned, between the two

lakes. The nearby railway line to Kwinana had also previously been considered an alternative option, but this was no longer the case.

Mr Pearce said that while the current government had committed to the route between the lakes, the purpose behind the consultation was to invite input from interested Aboriginal people and Mr Hansen's call for the Farrington Road option to be followed would therefore be noted.

Mr Hansen said it was imperative that other options not be abandoned, because the highway extension route as outlined by Mr Pearce would impact hugely on a mythological site of immense importance, which was known to Aboriginal people as far away as Alice Springs.

Mr Garlett said some old desert people, from a place known as Blackstone [Papulankutja, within the Ngaanyatjarraku Shire Council, Western Australia] were familiar with the mythological site in the lakes area; it was one of two places they visited when they came to Perth. The other was a water hole on the edge of Leach Highway, and both were linked.

Mr Garlett said he could see the need for a highway, but not as planned – there were alternatives and they should be followed up. The area in question was a source of redgum for medicinal purposes – he and his wife still harvested it in season. Years ago, however, it had been a weaning place where women had come to have their babies; it was sheltered and warm, and there was abundant food available.

He said the old people had “linked us” to the place; the link started at Coogee Beach and had gone through the chain of lakes and water places in what was now the metropolitan area and on through vast areas of the desert, ending on the Nullarbor in the lakes beneath the great plain's surface. Building a road through the site might make it clean and tight but it would crack the spirit of the land.

The spirits of the old people were still present at the site; it was a place of deep significance. If Noongar people were to let it go, they would be cutting the line – the songline – which held them together, and ultimately if they lost that, they would lose their sense of being.

Mr Hansen said that in respect of Hope Road – which had been built up many years ago and also intruded on the mythological site – it would never have been constructed had the old people been asked about it. Hope Road involved a question of broken trust because no-one had bothered to negotiate over it.

He said he felt honoured in the current instance because this was the first time anyone had bothered to “have a yarn to us” about a site which was still of great importance. For those Noongar people who still practised their law, such matters had a huge impact. Failure to discuss such matters showed great ignorance and lack of respect; both he and his uncle, Mr Garlett, were present out of passion.

Mr Garlett said an old uncle aged in his late 80s had told him the stories for the place; that uncle was Mr Cliff Humphries.

Mr Hansen said he had been told about the country by his old uncle, Mr Phil Bennell, whose song had gone through there to Jigalong and as far as South Australia; there were two people still living in Central Australia who knew about this.

It was part of Noongar culture which some young people failed to understand because it was not in a set format; going through the site to build a road, however, would be like desecrating a cathedral.

Mr Garlett said that if Noongar people had had a say originally, then the site would not have been desecrated by the building of Hope Road. Now, he said, Noongar people were being asked to share their feelings, and “we say no.” Had they been able to turn the clock back, his people would have said, don’t do it; it was their land and “we will always stay connected.”

Mr Hansen said his grandfather had told him that the old people had always carried their spears in such a way as to show aggression or otherwise; the lakes area, however, had never been a place of aggression.

Mr Garlett said the site itself had been a gathering place; people would travel there on their way to and from other places. There was always plenty of good water, so it was a birthing place where they could wash, and there was plenty of food whatever the season; it was not at all a harsh environment. The bush food included ducks, swans, turtles and their eggs, bush potatoes or yams, native bullrushes and zamia palm nuts.

Mr Hansen said the bullrushes – a thin-leafed, native variety, not the thick, broad-leafed imported type [*typha orientalis*] which now grew there and in other parts of Perth and the south-west – had been associated with the Waugal, which would still be present while the native species survived. It was Noongar tradition that the Waugal had used the rushes as a type of covering.

Another Noongar story related to the area dealt with *moojar*, or Christmas trees [*Nuytsia floribunda*]. Mr Hansen said his grandmother had told him that the flowering trees represented fire; two women had been involved in a spiteful encounter and in one case her head had been burnt as punishment to make it ugly. The Christmas tree flowers represented the woman’s hair burning, and as a result Noongar people were not allowed to pick the flowers; to do so would bring bad luck and cause jealousy.

At this point Mr Pearce said he understood Mr Garlett’s and Mr Hansen’s position, but asked whether there was any likelihood of this changing in the future if approval was gained under section 18 of the Aboriginal Heritage Act (1972) to allow the site to be disturbed and thus the highway extension to go ahead. In particular, any recommendations they might wish to make regarding environmental and other matters affecting the land in question would be noted and given serious consideration.

Both Mr Garlett and Mr Hansen replied that they had no views regarding that issue at this stage; they were absolutely opposed to the extension between the lakes and that was their position.

Rev. Sealin Garlett and Russell Hansen

Decided:

That the Roe Highway extension as outlined by MRWA/SMC, **NOT** go ahead.

Unanimous (2 people)

Recommendations:

None.”

As I have stated, the section quoted above – hardly “a passing reference” to the ethnographic significance of the area in general, was part of my 2010 report; all other Aboriginal groups consulted, involving a total of more than 50 people, were reported in the same type of detail, which was open for the ACMC to consider.

If it or the State Government did not do so, or drew fallacious conclusions, then that is hardly the fault of myself or my colleagues; the information was there, in as much detail as we could provide.

I might add that both Mr Garlett and Mr Hansen have since expressed satisfaction to me as to the way their views on the subject were reported.

Yours sincerely

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Peter Gifford, PhD, BA (Hons 1)