

# Ethnographic Heritage Report “Future Infrastructure Area”

FerrAus Limited



July 2010  
Guy Wright PhD



---

## Ownership of Information

---

This report has been prepared for submission to FerrAus Limited. The report's purpose is to assist FerrAus in meeting its obligations in respect of Aboriginal heritage in its mining and exploration interests on the Jigalong Reserve, south of the community of Jigalong, Western Australia.

FerrAus Limited and Big Island Research Pty Ltd jointly hold copyright of this report. The report should not be copied or used for any purpose other than the purpose stated above, without the joint written consent of FerrAus Limited and Big Island Research Pty Ltd.

Specific cultural information is not divulged in this report. However, any cultural information that may be inferred from the report is the property of the Aboriginal people who provided the information.

### GPS Notes:

- *Locations recorded in this report are in geometric co-ordinates using datum WSG84 or GDA 94 between which there is understood to be little difference.*
- *Locations were taken with a Magelland Explorist XL GPS receiver in 3-D mode. Degree of error is approximately +/- 10 metres.*
- *All locations are in zone 51.*
- *Location are noted with the eastings first, and northings second.*
- *Times are noted in the 24-hour format.*

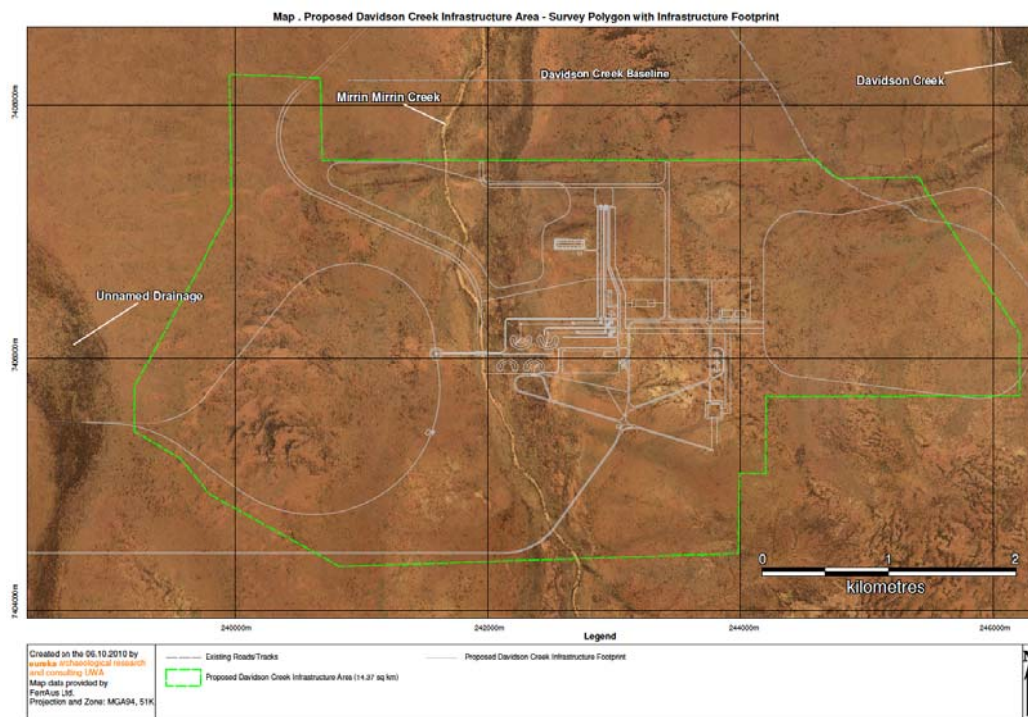
## List of Abbreviations

AHA	<i>Aboriginal Heritage Act 1972</i>
JCCI	Jigalong Community Council Incorporated
FIA	Future Infrastructure Area – area surveyed
Eureka	Eureka Archaeological Research and Consulting, UWA

## Introduction

The purpose of this report is to provide background and detail of ethnographic heritage consultations and investigations associated with FerrAus Ltd's plans to develop infrastructure areas to support its future iron ore mining operations within the Jigalong Reserve. Ministerial consent will be required under s18 of the *Aboriginal Heritage Act* 1972 (AHA) for the development of the infrastructure areas because extensive archaeological material has been found to coincide with the location required for the development of the infrastructure area. The report shows that there are no ethnographic constraints to FerrAus' plans to develop mining infrastructure within the area shown on Map One below.

The Future Infrastructure Area (FIA) proposed for the FerrAus mining operations is located within a polygon of roughly 3.5 by 8.5 kilometres, oriented east-west and straddling Mirrin Mirrin Creek. On its north side is a ridge that extends from the eastern bank of Mirrin Mirrin Creek to the west, otherwise the area is quite flat. It is located on sandy soil typical of flat washed areas of this part of the Pilbara, and is lightly wooded with modest spinifex cover. Davidson Creek is located a short distance to the east.



**Figure 1 – (Map One) Future Infrastructure Area: surveyed s18 area shown as green dashed line**

Big Island Research Pty Ltd (Big Island) has been providing research, advice and assistance to FerrAus Limited (FerrAus) projects on the Jigalong Reserve since 2006. As part of this ongoing role, Big Island has coordinated significant archaeological work within the FIA. This archaeological work has been sub-contracted to Eureka Archaeological Research and Consulting, UWA (Eureka). A series of eleven survey and recording trips were undertaken by Eureka in order to survey the FIA, as well as other elements of FerrAus' mining and ancillary development plans in this region of the Jigalong Reserve. A substantial amount of archaeological material has been located, analysed, and recorded to a level suitable to support FerrAus' application for consent to use the land. There has been strong engagement of Indigenous assistance from the Jigalong community in the archaeological survey and recording processes. Eureka has provided substantial reporting of its survey and recording work, which is provided separately.

---

## **Background**

---

FerrAus has been actively engaged with the Jigalong Community Council Incorporated (JCCI) since beginning the process of developing its iron ore prospects in the Jigalong Reserve in 2006. FerrAus appears to have used its best endeavours to keep the Jigalong community and the Nyiyaparli native title claim group apprised of its exploration and development progress.

Until quite recently there appear to have been significant challenges associated with developing a healthy relationship, especially with JCCI. However, it is now understood that satisfactory agreements are either in place, or are in the process of being put in place. The relationship between FerrAus, the Nyiyaparli native title claimants, and the mainly Martu people at Jigalong, may now be described as satisfactory for the purpose of establishing ethnographic and archaeological heritage values within the areas required for development by FerrAus.

Prior to the ethnographic consideration of the FIA, Big Island dealt with the ethnographic and archaeological values of a number of other elements of FerrAus' development plans. These included various drilling programs and elements of infrastructure such as the temporary camp. Generally speaking, these were surveyed on a "work program clearance" basis in which any Aboriginal sites that were located were avoided, and s18 applications were therefore not required. Notable among these surveys

was an ethnographic consultation and survey of “Telstra Hill.” The three parts of the ethnographic investigation relating to Telstra Hill is reported separately, in Wright, January 2010. In brief, however, the three parts to the investigation included: initial engagement, consultation, and formal survey. The survey found that although sections of the Telstra Hill contain areas to which the AHA will apply because of their ethnographic significance, the areas that FerrAus wished to disturb – notably the “King Brown” open pit that is proposed for the area on the eastern flank of the hill will not affect areas to which the AHA may be expected to apply. As a result of that survey FerrAus agreed that it would adjust its plans for the open pit so as not to disturb areas within 50 metres of a feature that comprises an ethnographic site; doing so obviated the need to apply for s18 consent to use the land for the pit.

The discussion of the process leading to the ethnographic consideration of Telstra Hill is relevant to the s18 consultations and survey regarding the FIA for two main reasons:

- it set the context for the consideration of the FIA, and
- the members of the survey team that formally considered the Telstra Hill situation also provided a consultative view about ethnographic values within the FIA.

The Telstra Hill issue was first considered, for the FerrAus project, in June 2009 by a group of senior men who noted that the hill held significant ethnographic values. However, this survey team was unable at the time to make more definitive statements about the elements of ethnographic values within the hill, and their locations, due to time and other constraints. Subsequently, a consultation process was established and another group of senior men were shown the areas, which FerrAus wished to use for construction of the open pit. This occurred on 2 February 2010. It had been agreed in advance that this “consultation” was not to be considered a formal “survey,” and its purpose was to provide information about FerrAus’ intentions rather than to make a formal statement about the cultural values inherent in the areas that FerrAus wanted to disturb.

The third part of the process for consideration of the Telstra Hill site was the formal survey – conducted on 18 April 2010. Because of the previous two iterations, the relevant members of the Jigalong Community had had time to consider FerrAus’

proposals to develop the King Brown pit, and a suitable survey team was provided an appropriate opportunity to establish a definitive answer to the placement of the boundary between the ethnographic cultural interest, and the mining development.

The team for the final survey of the Telstra Hill/King Brown pit issue included senior members of both the Nyiyaparli and Martu groups. They are men who are well known as among the most senior practitioners of cultural Law in the region. They were:

- Billy Atkins
- Mitchell Biljabu
- Billy Cadigan
- Baker Lane
- Colin Peterson

Billy Atkins, Mitchell Biljabu, Baker Lane, and Colin Peterson are well known senior Martu elders with considerable ethnographic understanding of the area. Billy Cadigan is an applicant on the Nyiyaparli native title claim and has been given authority by the wider Nyiyaparli group for organising and supervising heritage matters in this area of the native title claim.





**Figure 1. Typical flat sandy country near proposed railway loop.**

---

## **FIA Initial Consultation**

---

Following the formal survey of the Telstra Hill/King Brown pit boundary on 18 April 2010, the survey team was taken to the eastern end of the FIA to a cleared area near where the main track leading northwest crosses location 246000mE / 7406800mN. There, the survey team discussed the relevant mythological issues in the area with anthropologist Dr Guy Wright. The survey team was very familiar with the country, and some members, including Billy Cadigan, Baker Lane, and Mitchell Biljabu, had assisted with the archaeological work that was then underway. It was a straight-forward process to describe the area within which the infrastructure would be established. The group understood that the development of the infrastructure would result in a severe alteration of the current landscape. The group discussed the area in the context of the regional and local mythological and other ethnographic values.

Dr Wright had told the members that this was a consultation only: that a formal survey would still be required and that this would occur at a later date. Thus, the consultation effort was designed to ensure:



- first that there were no obvious ethnographic issues evident in the area under consideration for development of the infrastructure and the consequent thorough archaeological survey and recording required, and
- second, to keep the senior members of the Jigalong Community and the Niyiyaparli native title group fully informed of the process for assessing the heritage values within the proposed infrastructure area.

The consultation group agreed that there were no ethnographic issues in the landscape proposed for the establishment of the mining infrastructure that should prevent the infrastructure from being developed. It was then re-iterated to the consultation team members that a further survey would be conducted that would access as many of the areas within the proposed FIA as possible.



**Figure 2. Eddie Fry explaining FIA to survey team**

---

### **Survey of FIA: 26-27 July 2010**

---

The formal survey of the FIA was conducted on 26 and 27 July 2010. Prior to the survey, contact had been made with the JCCI by FerrAus, informing them that the survey would occur on 26-28 July.

Guy Wright and FerrAus' consultant Eddie Fry arrived at the FerrAus camp on 25<sup>th</sup> July 2010. The following morning Eddie Fry drove into Jigalong to speak with Billy Cadigan

and to locate suitable people to participate in the formal survey. For a variety of reasons, he was unable to find a suitable number of men with sufficient seniority to make a definitive statement about the ethnographic heritage values of the FIA. However, it was agreed that a team comprising Billy Cadigan and Fred Jeffries would be suitable to visit the FIA that day. The purpose of the visitation was to familiarise and orient these men so that they would be in a better position the following day to point out the various features of the survey area to the more senior men, who it was hoped would attend.

Consequently, what might be called a “scouting party” consisting of Jigalong community members Billy Cadigan and Fred Jeffries were taken by vehicle by Eddie Fry and Guy Wright to a set of vantage points within the FIA, from where they could view the area and provide an assessment.

Billy Cadigan is the nominated applicant on the Nyiyaparli native title claim who has been given authority within the group to manage heritage concerns in the Jigalong Reserve area. He is a long-term resident of the Jigalong community and is respected as a leading community member. Although he identifies as a Nyiyaparli person, he is well connected through his family to the Martu people at Jigalong and has a solid understanding of community dynamics.

Fred Jeffries is a Martu man who is a past chairman of JCCI. He is also a long-term and well respected resident of Jigalong and has a solid understanding of community dynamics. Together with Billy Cadigan he has been prominent in assisting FerrAus in meeting its obligations under the AHA by helping with the organisation of the archaeological survey and recording work. However, despite Mr Cadigan and Mr Jeffries being senior in the secular aspects of the Jigalong community, they made it clear they are not as fully qualified in the religious sphere as other, generally older, senior Martu men.

### **Scouting trip - method**

The scouting team entered the eastern end of the FIA in the location of the proposed tailings dam at about 0930. The team stopped there and oriented itself. Eddie Fry explained the proposed location of the tailings dam and explained how the broad sweep of country to the west would be used for mining infrastructure, including a conveyor, the mine plant, stockpiles of ore, haul-roads, offices and administration buildings, and a railway loop.

The team then drove to a place on the east-west running ridge, near location 244400mE / 7407700mN where a good view was available to the south, overlooking the northeast corner of the infrastructure area. With assistance from a photographic image with planned infrastructure drawn on it, Eddie Fry explained in greater detail the positions of the various elements of the infrastructure, and the reasons for the particular lay-out that was then being suggested.

The survey team then drove west on a track to approximately 242990mE / 7407234mN where another vantage of the FIA was available from the ridge. Eddie Fry explained that the planning for the locations of specific items for the FIA was still not finalised, but the intention was to ensure that the entire area that would be the subject of the survey would be found to be free of ethnographic encumbrances. He noted that mine planning was a relatively labile process, and that space needed to be available for movement of major infrastructure elements as planning processes matured.

The two hill-top discussions had provided a good opportunity to explain the extent of the proposed infrastructure area. A third stop, on the western side of Mirrin Mirrin Creek, near location 241780mW / 7407455mN permitted catching up with members of the archaeological team led by Ms Annie Carson. Guy Wright used this opportunity to ask Billy Cadigan and Fred Jeffries if they were satisfied that they felt the archaeological work was being accomplished to an appropriate standard. They both expressed the view that they thought that the archaeological work was being conducted to the highest standards. They had each been leading members of the archaeological survey teams over the preceding months. They said they were confident that the archaeological components of the heritage values in the FIA were being taken very seriously by FerrAus, and that the recording effort was being accomplished in an appropriate manner. They noted that a significant number of, predominantly younger, men from the Jigalong Community had been engaged to assist with the archaeological work. Some of the older men from the community had also been engaged to take leading roles in assisting the archaeological work. These had included, at various times, Fred and Billy, and also Melvin Farmer, the current chair of JCCI, and senior men Baker Lane and Mitchell Biljabu.

The scouting team then investigated the then proposed location for the railway loop, and stopped near the northwest end of the loop at 2389785mE / 7407666mN. The loop, as it was then planned, straddled Mirrin Mirrin Creek but was otherwise to be located on a

particularly flat and sandy section of ground. Eddie Fry explained the basic parameters for the railway planning, noting that a wide loop was necessary so that the trains had relatively easy access and wide turning circles.

Following this meeting, the survey team drove south to location 239065mE / 7405150mN near a windmill that both Fred Jeffries and Billy Cadigan had worked on in the past. They noted that the windmill was not working now, and that there would have been kangaroos and emus near it if it had been working. This more southern location is a few hundred metres southwest of where the railway loop is presently planned (see Map One). The scouting team effectively drove through the areas that are proposed to be taken up by the current design of the railway loop.

Following lunch, and further general discussion of the planned FerrAus infrastructure, the scouting team re-traced its movements across the northern end of the FIA and left, to make a preliminary examination of a proposed exploration program called “Viper.”

The scouting team then returned to Jigalong. Billy Cadigan said he would make inquiries about who would be available for survey the following day.

### **Survey - 27 July**

The only senior person available for survey on 27 July was Mr Baker Lane. However, Mr Cyril Sampson was also available, and Billy Cadigan was again available. Fred Jeffries was not available. Although this was a relatively small survey team, Baker Lane’s presence made it an authoritative one.

Baker Lane is a very senior Martu man who is well known throughout the Western Desert areas as a key “Law-Man.” He is fit and intellectually able, and is known to have a deep understanding of cultural and religious values in the Jigalong area, where he has lived for many years. He was present and actively engaged in the “Telstra Hill” survey discussed above, including the June 2009 survey. As a result he had been appraised of FerrAus’ proposals for development of the FIA in April and had had time to reflect on these proposals and to discuss them within the community. Baker had also helped with the archaeological work in April by providing supervision of some of the Jigalong assistants.

The survey team retraced the locations visited the previous day with the “scouting team”. At each location Eddie Fry explained to Baker Lane, Cyril Sampson, and Billy Cadigan the proposals for development of the FIA. He noted that although these proposals were somewhat in flux due to planning processes, FerrAus required approval to use the entire FIA area that was shown on the map provided, and discussed.

After a thorough examination of the proposed FIA area, Guy Wright held a private discussion with Baker Lane, Cyril Sampson, and Billy Cadigan. It was agreed that the existing survey team was sufficiently qualified to make an assessment of the cultural values inherent in the FIA. The group said they were certain there were no ethnographic heritage values that should prevent FerrAus from using the entire FIA area for the purpose of establishing its infrastructure. Guy Wright prompted discussion about mythological matters in the surrounding area, which were apparent during the discussions about Telstra Hill. He was assured that these matters would not be affected by development of the FIA.

---

## Discussion

---

The continuing development of FerrAus’ ore discoveries in the Jigalong Reserve, and subsequent planning, has meant that negotiations have been ongoing between the Jigalong Community, represented by its council JCCI, the Nyiyaparli native title claim group, and FerrAus. Big Island Research Pty Ltd has not taken any part in these negotiations and is not privy to any meaningful discussions surrounding them. However, it is apparent that the negotiations have meant that aspects of the engagement of the community in heritage issues have taken place within the context of the negotiations. For this reason, there have been some challenges in terms of organising and conducting appropriate heritage surveys.

In relatively recent times, however, the relationships between JCCI, the community and the Nyiyaparli native title claimants has been better clarified and this has permitted solid heritage work to be accomplished.

The arrangements between the Jigalong Community and the Nyiyaparli people are complex, and have historical and cultural dimensions. Jigalong Reserve was established many years ago as a reserve for the use and benefit of Aboriginal people who are members of the Jigalong Community. The Jigalong Community is made up primarily of Martu people who have “come in” off their desert homelands to the east. Martu people

have stayed at Jigalong for several generations - occupying the former outpost on the Rabbit Proof Fence from the 1940s through the days of the Apostolic Mission that operated there into the 1960s, and to the present day.<sup>1</sup> However, the land contained by the Jigalong Reserve is within the Nyiyaparli native title claim and is generally considered Nyiyaparli country, not Martu, although Martu have had the use of it for many years.

Nyiyaparli people had apparently given Martu people a formal cultural custodial role in the 1940s. This role operated effectively for many years, and Martu carried the responsibility of looking after the cultural values in the reserve. However, the recognition of Native Title and the development of Nyiyaparli native title rights has resulted in a situation where Nyiyaparli people wish to re-establish authority and cultural understanding within the Jigalong Reserve.

As a result of the developing Native Title interests of the Nyiyaparli people there has been some tension between Nyiyaparli people and the Jigalong based Martu people about the management of interests in the reserve. Nonetheless a series of meetings, and developing understandings, have resulted in a situation where the cultural authority in the reserve is effectively shared between the two groups. Complicating the issue of whether a person is “Martu” or “Nyiyaparli” is the fact that the two groups have lived in close proximity with each other for many years. Inter-marriage combined with the prevailing ideology of multiple group affiliation in desert social organisation means that there are not always clear distinctions between the two groups.

Generally speaking, currently, the Nyiyaparli native title claimants take the lead in organising and managing heritage surveys, but they acknowledge that many of the older Martu men living at Jigalong have substantial cultural and religious understanding of the area. For these reasons the surveys are usually combined efforts. Billy Cadigan, as the Nyiyaparli applicant who has been nominated to take charge of heritage interests in this section of the Nyiyaparli claim area, takes a leading role. However, it is acknowledged that much of the cultural information resides with the Martu people who have actively cared for the Reserve for many years.

---

<sup>1</sup> See e.g., Tonkinson, Robert 1978. *The Mardujara Aborigines: Living the Dream in Australia's Desert*, Holt, Rinehart, Winston.

---

## Conclusions

---

The people of Jigalong, and the Nyiyaparli native title claimants have been well aware of FerrAus' plans to develop its iron ore mines for several years. In April 2010 a group of five very senior Martu and Nyiyaparli men visited the eastern side of the FIA survey area. These men had an excellent understanding of the proposed location of the FIA, and were very highly qualified to comment on any ethnographic heritage values it might contain. Their view then was that the area did not contain ethnographic Aboriginal sites relevant to the AHA, or other ethnographic values of sufficient significance to cause FerrAus to alter its plans for development of the area.

This view was confirmed in a further, more formal survey over two days, following which senior elder Baker Lane was able to re-confirm that he was satisfied that the proposed development of the FIA would not impact ethnographic values. Billy Cadigan, Fred Jeffries, and Cyril Sampson supported this view.

A substantial amount of archaeological material and archaeological sites have been found to exist within the FIA. This material has been surveyed and then recorded to a standard appropriate for a s18 application for consent to disturb the material. As part of the ethnographic consultations the senior men were asked if they were satisfied that the archaeological work was being conducted to an appropriate standard. They said they were impressed by the professionalism and thoroughness of the archaeological teams, and they were satisfied that FerrAus was taking appropriate measures to safeguard these aspects of their heritage.

In Big Island Research Pty Ltd's opinion, the proposed future infrastructure area (FIA) as shown on Map 1, does not contain any ethnographic sites or other elements of ethnographic heritage to which the *Aboriginal Heritage Act* 1972 might be expected to apply.

---

## Recommendation

---

1. Subject to the recommendations of the accompanying archaeological report, Big Island Research Pty Ltd recommends that FerrAus Ltd should be granted



consent to use the land of the proposed “Future Infrastructure Area” shown on Map 1 for the purpose of establishing mining infrastructure.

Map One – Future Infrastructure Area – within green line

