

**Chris Owen, David Raftery and Denise Cook.**  
**South West Aboriginal Land and Sea Council.**

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**Chris Owen. Perspectives on Noongar History.<sup>1</sup>**

The South West Aboriginal Land and Sea Council (SWALSC) has been using records from the SROWA and the Battye Library for the last ten years primarily in research in support of Noongar people's native title claims. Most well known is the Single Noongar Claim which was successful in 2005.<sup>2</sup> Though subsequently appealed and is currently unresolved it has made important gains for Noongar people as a whole particularly as it was official recognition that the South West of WA is their *country*. This paper looks at both the use of the historical record and what it tell us but also what these records do not tell us.

Proving Native Title is very difficult and the burden of proof on claimants is exceedingly high. It means you have to show lots of evidence of continuous connection to country and evidence of traditional law and custom over generations as per the Native Title Act. We have surveyed the early Colonial Secretary's Office records of the Swan River Colony and early towns such as York and Albany where writers show a great interest in the Noongar population's laws and customs. Writers in the 1830s such as Francis Armstrong and George Fletcher Moore left an enormously detailed and descriptive record of Noongar people.<sup>3</sup> These are very helpful in assisting Noongar Native Title as they reveal a written

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<sup>1</sup> SWALSC utilize the spelling Noongar but can be displayed as Nyungar, Nyoongah, Nunga with equal meaning.

<sup>2</sup> Technically it is called the Single Noongar Claim (W6006 of 2003) and Single Noongar Claim (Area 2) (W6012 of 2003) in Anthony Bennell and Others versus State of Western Australia and Others.

<sup>3</sup> See for example Armstrong, Francis, 'Manners and Habits of the Aborigines of Western Australia', *Perth Gazette*, 29.10.1836, vol.XX, reprinted in Neville Green, ed. *Nyungar – The People: Aboriginal Customs in the Southwest of Australia*, Mount Lawley, 1979. Moore, G.F. BL, *Diary of Ten Years of an Early Settler in Western Australia and also A Descriptive Vocabulary of the Language of the Aborigines*, 1884, reprinted as a facsimile edition with an Introduction by C.T. Stannage, Nedlands, 1978. Moore, G.F. 'Aborigines of the Swan River Colony', in *Colonial and Commercial Maritime Journal*, vol.5, May-August 1841.

record of the Noongar law and custom at the time of European Settlement that can be compared to today thus showing continuity. The descriptive writing on Noongar people in the historical record held at SROWA continues in Colonial Secretary's Office Records until around about 1850, where as European settlement expands, especially north, interest in Noongar people gradually drops off. The next set of records – literally several thousand archival records - is what you could generally call the ‘Native Welfare records.’ These were government departments which kept tabs on Aboriginal people (and especially Noongar people). This sort of archival record started in 1886 with the legislation of the Aboriginal Protection Act which created the Aboriginal Protection Board. At the turn of the 20<sup>th</sup> century there was an Aborigines Department (1898-1909) then the Department of Aborigines and Fisheries (1909-1926), another Aborigines Department then Department of Native Affairs ( 1936-1954) then the Native Welfare Department 1954-1972 where it was named the Department of Aboriginal Affairs, finally today being renamed the Department of Indigenous Affairs. Until the 1970s, through changes in department name and legislation, records were kept on every single Aboriginal person in the state.<sup>4</sup>

Most of these 20<sup>th</sup> century records ‘welfare records’ deal with the administration and surveillance of the Noongar population through government and police and aren’t as such reflective of Noongar law and custom. Really, twenty thousand records recording Noongar people being arrested for such things as ‘being in town after 6pm’ or ‘visiting their relatives on a reserve’ do not help Noongar Native Title. But, they are extremely good in putting people in places; and for dates of birth, marriage, and deaths. It is a supreme irony that the mechanism for attempts to dismantle the Noongar community is today used to assist their Native Title claims. SWALSC has used these records along with current claimant information to compile possibly the biggest genealogical database in Australia of Noongar people.<sup>5</sup> We can trace current day claimants through seven or eight generations to an apical ancestor who was alive at the time of, or around, sovereignty. It is important for legal

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<sup>4</sup> These records are now available to Aboriginal people of WA through the Department of Indigenous Affairs Aboriginal Family History Service, aimed at enabling individuals to trace lost or removed family members.

<sup>5</sup> This database is confidential and genealogical information is only released to current Noongar people/claimants.

reasons that every reference we use in these genealogies – often hundreds of them – is verified by these historical records.

But what does the historical record not tell us? To complicate things the records referring to and writing about Noongar people were written according to the prevailing notions of racial thinking and assumption about Aboriginal people grounded in Social Darwinist thinking. These are notions such as ‘real Aboriginal people’ live in the ‘north and the desert’ and Noongar people of the South West aren’t *real* Aboriginal people. This is because Aboriginal people have been officially classed by various baseless (and offensive) categories of *race*, *caste* and *blood*, usually those of *half-caste* and *full-blood* though with permutations such as quadroon (one quarter Aboriginal) octoroon (an eighth) and so on. Noongar people with their proximity to the capital of Perth were most heavily affected by government surveillance. The establishment of these *quantums of blood* categories appeared legislation in 1874 where definitions of Aboriginality appear declaring who was Aboriginal and who was not. These classifications were developed in the *1905 Aborigines Act* and reached their zenith in *The 1936 Native Administration Act* where AO Neville was successful in persuading the Western Australian Government to include eugenic measures to ‘breed out the colour’, which of course was an abject failure.<sup>6</sup> This Act further increased the government’s power to remove children and it sought to re-classify Aboriginal people. The solution to the ‘part Aboriginal problem’ as it was described in this Act was through ‘tutored assimilation’ or ‘assimilation through organized breeding’ both concepts being influenced by the anthropology of the time.<sup>7</sup>

These racial categories are recorded and described in great detail in what are called ‘Caste Cards’ (A dossier system on every aboriginal person and their ‘caste status’ in the state

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<sup>6</sup> D. Mellor, and A. Haebich. *Many Voices: Reflections on experiences of Indigenous child separation*. National Library of Australia. 2002

<sup>7</sup> The official institution for implementing these policies was Sister Kate’s Children’s Home. Originally known as the Quarter Caste Children’s Home for nearly white children in 1933 it reflected its eugenic function in ‘rescuing nearly white’ children and preparing them for absorption into the white community. Children who were considered too ‘dark’ to be absorbed were left at Moore River Settlement.

initiated by AO Neville around 1920) held in the SROWA.<sup>8</sup> On these cards, amongst other details on individuals and their extended families (such as ‘character, work, attitude to authority’ etc), a Native Welfare Officer would determine the ‘amount of native blood’ in an Aboriginal person and thus their legal status by doing maths calculations. Often they would simply make it up based on guess work. (See below) What we argued in the SNC History report was that these racist categories bear no relationship to contemporary Noongar society - as if a person’s skin colour or the way they were described by the government affected their ability to pass on traditional knowledge - and yet these categorizations defined government policies and affected entire generations. Below is one baffling example of the Commissioner of Native Affairs attempting to explain to a Noongar woman in 1941 why she could not receive Maternity Allowance based on her ‘caste.’

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<sup>8</sup> These cards are not available for viewing to the general public they are restricted viewing and only available to SWALSC under a confidential Native Title Access Policy and approved by Noongar Claimants.

[REDACTED], 1941.

Mrs. [REDACTED]  
P I N J A R R A.

Dear Madam,

I am in receipt of your letter of the 10th inst. written by [REDACTED]

According to information received by me you are slightly darker than a halfcaste. Your father, [REDACTED] as you say, was a halfcaste. However, according to what your mother, [REDACTED] told me recently, she 5/8's black and therefore darker than a halfcaste. [REDACTED] told me her mother was [REDACTED] a halfcaste, and father, [REDACTED] copper coloured i.e. 3/4's black. This, in turn, makes you 9/16's black and actually a little darker than a half-caste.

You say that the parents of your mother were a whiteman and a halfcaste woman. This would make your mother a quarter caste, but I have seen her and am satisfied that she is, at least, a halfcaste native. Your mother gave me particulars of her parentage as stated in the second paragraph and I have to rely on that information until something more definite comes to hand.

Yours faithfully,

[REDACTED]  
 COMMISSIONER OF NATIVE AFFAIRS.

Prior to 1972 there are at least 67 different categorizations what it is to be an Aboriginal person in legislation based on notions of race, blood and caste.<sup>9</sup> A couple of examples: The 1936 *Native Administration Act* created the classification of quadroon (one quarter Aboriginal blood) however, curiously, they were not subject to legislation if they were

<sup>9</sup> See McQuorquodale, J. *Aborigines and the Law: A Digest*, Canberra, 1987.

under 21 and 'did not associate and live in the manner of natives.' This said a non-native could be classified a native by a magistrate. In the *1954 Native Welfare Act* an Aboriginal person could be exempted from the Act if they served in the Armed forces. From the 1970s less absolute descriptions of Aboriginality such as *full, part* and *mixed* descent became more common though no less incorrect. There are generations of Noongar people who are excluded from the historical record as if they don't exist through these often bizarre categorizations. The term Quadroon was repealed in 1960 though the definition of Aboriginal ('A Full blood to more than a quarter aboriginal blood') remained until 1972. Today Aboriginality is descendent based.

What SWALSC did with consultant Historian Dr John Host in the Expert History Report was obliterate the racial typing that infected almost every written piece of work on Noongar people. We showed Noongar people as active agents (rather than passive victims of State intrusion) who, although affected by colonisation, continue to survive and practice many traditional ways. This report analysed the historiography and associated anthropology of the South-west, and, coupled with Noongar oral history, examined, rather than the history of institutions or removals or *loss*, rather the survival of Noongar tradition, law and custom. It chronicled the history of history-writing on Noongar people. Themes that have dominated the representation of Noongar people in the written record, many of which can be traced back over a century, were brought to light – illustrating how many of the most common misconceptions regarding Noongar tradition, law and custom as having disappeared, have no basis in fact.

This history report is being published by UWA press in September 2009 and retitled as ' *it's still in my heart this is my country* ' : The Single Noongar Claim History. This is what Noongar elder Angus Wallam said during the 'on country' hearings into the Single Noongar Native Title Claim in October 2005. In giving evidence to the Federal Court of Australia at Lake Towerinning near Wagin in the south-west of Western Australia, Mr. Wallam spoke about how his people in this region were gradually pushed off their land by land clearing and development of farms though it never broke his connection to *his country*. The evidence of Noongar witnesses such as Angus Wallam and Noongar oral

history was crucial to the SNC and this is where I will hand over to SWALSC Anthropologist David Raftery.

### **David Raftery. Perspectives on Anthropology**

What has the role of anthropology been in correcting, confirming, or compounding the problems for native title created by these historical records? The anthropology of the south-west of Western Australia is most readily associated with Daisy Bates. She was probably the last researcher to have worked with people who were born shortly after colonization. She used the term 'Bibbulmun nation' to describe the Aboriginal people of the south-west, and the geographic boundaries of this nation largely correspond to how Noongar native title holders today understand their country and the boundaries of their broader community. For Bates, some of her key informants were Yabburgurt, the 'last' of the Murray districts, Joobaitch (who died in 1907), the 'last' of the Swan and Canning districts, Woolberr the 'last' from Gingin, and Monnup, the 'last' from Victoria Plains. Her emphasis on the 'last' was of course driven by her belief that so-called 'half-caste' Aboriginal people were not 'authentic', or at least worthy of her research focus. Indeed she publicly expressed the view that 'the only good half-caste is a dead one'.<sup>10</sup> In short, Bates was researching a group of people that she considered to be becoming extinct, and whose descendants she considered inauthentic. Bates was conducting 'salvage anthropology', keenly writing about how things *were* rather than how they *are* believing erroneously that Noongar culture was gone. There is little time to discuss the legacy of this research here, but it needs to be emphasised that there is an enormous gap in the anthropological record between the work of Bates (and later Ronald and Catherine Berndt) and contemporary Noongar society.

Today there are at least 27 000 Noongar people who are descended from Noongar ancestors in the South West but the official historical and anthropological record shows that they don't really exist recording them in a myriad of classifications of *caste* and *blood*

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<sup>10</sup> Sunday Times, 2 October, 1921, cited in Anna Haebich, *For Their Own Good: Aborigines and Government in the South West of Western Australia 1900–1940*, University of Western Australia Press, Nedlands, 1988, p. 129.

types and ‘native, citizen and non-citizen.’ Among many other problems which this arbitrary classification system created, leaving alone the trauma for Noongar families, is the enormous problem that this record brings to proving native title. How does anthropology, and the use of oral history, bridge this gap? How was anthropology and oral history able to help reinstate Noongar people to a position that was accorded some sort of recognition? In terms of the South West Aboriginal Land and Sea Council and its litigation of the Single Noongar Claim, the first way was through the collection of information from over 60 Noongar informants in 2004 — information that covered topics as diverse as kinship, economic and spiritual relationships to country, hunting, boundaries, permission, duties relating to land, Noongar language and so on. In short, material that is not, or can not, possibly be revealed in the European written historical record. This information was gleaned from informants through discussion of their oral history. Later in 2005, when preparing the SNC for litigation, a similar process was followed in producing witness statements — personal statements from witnesses that detail how both the trajectory and day to day of one’s life - form and content if you like — was structured by distinctively Noongar values, and a distinctively Noongar history. This was a Noongar history whose themes were shared by an extensive community of Noongar people. Or to use the technical term, Noongar culture displays a normative system of laws and customs which differentiates themselves from other Aboriginal groups. Through this process a stunning picture of the overlapping families, their family *runs* and internal structures of a very much alive Noongar society with laws and customs was revealed

Noongar informants spoke about their inculcation to Noongar norms and values: learning about their Noongar identity, appropriate protocols for hunting, caring for water sources, and learning about properly respecting Noongar geographic boundaries. These cultural rules were learned by, and relayed by reference to particular social experiences. Often such socialisation was evident only in hindsight; many Noongar informants would speak of their bewilderment at being made, at 7 years of age, to listen to their older relatives speak. The information that was transferred during such communications, though, was later appreciated as critical cultural capital that related to distinctively Noongar ways of understanding the landscape, of describing phenomena in a uniquely Noongar language,

and of maintaining and expressing particular Noongar authority structures.

Let me give two examples to underline how it was such oral histories were able to help bridge the gap between the retrospective ‘salvage anthropology’ of Bates, (and later Ronald Berndt) and the Noongar lived experience today. One witness in the SNC was a man from the Kellerberrin region who was born in 1938. His mother, who was 91 years old in 2005, was born in 1914. Within the span of one generation, we already have a case of a Noongar man who not only was in constant communication with his mother, but communication carried out in his mother’s first language (Noongar). This man’s mother told him much (his sworn witness statement affirmed this) of life before she was born, things that she was told by her parents and other older relatives. In fact, this man’s Mother’s Father’s Mother cut his umbilical cord at birth. This, and much other activity, went on beyond the purview of the state and its recording agencies, but has clearly been maintained in oral traditions. The evidence presented to the SNC underlined that these interactions with Elders were not merely historical artefacts, but were means of orienting one’s life in the present. Indeed speak to a Noongar person and they can tell you straight off who their family is through to seven or so generations.

Surely such a transmission and such an orientation to the future would be less so amongst the younger Noongar generation? I will give one other example of a young man who gave evidence at the SNC. This man was born in 1970, and was in fact raised by his mother’s mother and mother’s father, who were born in 1930 and the 1920s respectively. Through this relationship, the central care-giving relationship of his life, this man learned much about the life of his mother’s mother and mother’s father. He said :

‘but from them I also learned about my mother’s mother’s mother, who was born in the bush near Pingelly, my mother’s father’s father, and my mother’s father’s mother. I also learned about my mother’s mother’s mother’s father and my mother’s mother’s mother’s mother . . .’

Of course it is not unusual for individuals anywhere to have direct contact with

grandparents and great-grandparents. In this case, we have a man born in 1970 learning much about his family, and what they did and how they lived, and how one should live, over a span of four generations. These oral histories easily overlapped the periods for which there is a dearth of anthropological material relating to Noongar society. How is this oral history to be maintained? Will it be lost? Whose is it to maintain? These are all challenging questions, and ones that will be discussed more by Denise Cook.

### **Denise Cook, ' Oral Histories and New Projects'**

Oral histories are invaluable for bringing to life what the written record cannot. They are particularly important in Native Title Cases such as the SNC as the written record is usually completely detrimental to showing existing law and custom as the Government officials and administrative bodies keeping the records were recording attempts to remove these beliefs, laws, customs, indeed Noongar identity, through legislation.

In planning for a post native title world, SWALSC is developing a range of projects that promote Noongar oral history, culture, economic development and caring for country.

These include:

- facilitating Noongar input into large strategic projects in and around the south west region, such as the Perth foreshore and the Swan River heritage trail
- developing strategic plans to address community aspirations for land and economic development in each region
- natural resource management, such as fencing and heritage trail at the former Mogumber Mission
- Youth Forums
- Expand SWALSC website with cultural information such as oral histories, photographs and information about sites in Noongar country
- Recording oral histories with elders

I have been involved in the oral history project and in applying for funding to make the oral histories more widely accessible.

Oral histories offer an opportunity for people to tell their own stories – in direct contrast to the types of records written about Noongar people that we have heard about earlier. They provide completely different kinds of evidence – stories of learning about plants, animals, hunting and strong family bonds.

A lot of oral histories were recorded to provide evidence for SWALSC's native title claims – we have more than 600 recordings, including back-ups, recorded on cassette and MiniDisk. Excerpts from these interviews were included in History and Anthropology Reports for the various native title claims, including the most recent Single Noongar Claim. They provided material not available in any other records about places of spiritual significance, cultural activity and hunting grounds. They were crucial in providing evidence of Noongar culture and connection to country from a Noongar perspective.

As these oral histories were recorded for native title and can only be used for legal purposes, SWALSC developed another oral history project that I worked on. Funded by SWALSC and Lotterywest, it was called Being Noongar: Living in Two Worlds. It aimed to record the life experiences of Noongars, surviving as a distinct culture within the dominant European society of the south west. We interviewed around 30 elders – representatives from key families throughout the south west. These are digital recordings which have been transcribed.

As you might imagine, SWALSC has a huge collection of research material gathered to support native title claims. Some of the material is confidential but elements of it may be made publicly available. The research collection includes the following:

- Extensive database of historical research compiled from primary sources, such as Police Department and Aborigines Department files. Much of this material was sourced from the State Records Office. While many of the files are 'closed' and

confidential, many others are 'open' and available for public access (although obviously after negotiation with the SRO!)

- more than 600 cassettes and MiniDisk recordings undertaken for native title purposes
- around 30 digital recordings recording for the Being Noongar: Living in Two Worlds project
- about 3,000 photographs taken on SWALSC surveys and meetings on country
- Genealogical material – a collection of over 22,000 names compiled from information provided by SWALSC members and early anthropological research by Daisy Bates and Norman Tindale (much of this is confidential)
- Heritage reports, consultants reports and PhD theses

Where it is appropriate, SWALSC would like to liaise with the copyright owners and obtain permission to make elements of this accessible to Noongar people and the broader community. Sometimes this is complex because one grandparent may have several generations of descendants.

Current projects we are planning include:

- a popular and entertaining book of Noongar stories within a chronological framework. This will incorporate extracts from oral history transcripts, photographs and information from documentary sources held in SWALSC archives;
- an interactive website hosting a Noongar cultural database. The database will contain oral history interviews, video clips, photographs, copies of historical documents and other information. We will also link to other collections or obtain copies of material in other collections to input into this database.