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Archaeology Submission on the Draft Fitzroy–Derby Water Resources Management Plan

Laureate Professors Veth and O'Connor are leading researchers in cultural heritage, archaeology, rock art and significance of traditional waters. Combined they have over 80 years of experience in these fields working with Traditional Owner groups in the North-West of Western Australia. Veth is a Fellow of the Australian Academy of Humanities, a Life Member of the Australian Association of Consulting Archaeologists Incorporated and a Member of the International Council on Monuments and Sites. O'Connor is also a Fellow of the Australian Academy of Humanities and a Fellow of the British Academy.

Our primary concern is that the Martuwarra and its floodplains are a unified cultural landscape, clearly linked through living waters, creation sagas, rock art and ongoing ceremonial maintenance by Traditional Owners. Unmitigated impacts on the water flows of Martuwarra in our professional opinion would impact on the National Heritage Values of the Listed Area.

As noted in the 2011 *West Kimberley Place Report* for National Heritage Listing¹ "The Fitzroy River and a number of its tributaries, together with their floodplains and the jila sites...demonstrate four distinct expressions of the Rainbow Serpent tradition associated with Indigenous interpretations of the different ways in which water flows within the catchment and are of outstanding heritage value to the nation under criterion (d) for their exceptional ability to convey the diversity of the Rainbow Serpent tradition within a single freshwater hydrological system".

Further the award-winning heritage resource *Martuwarra: living water heritage of the Kimberley*² notes that "Martuwarra is the longest registered Aboriginal Cultural Heritage site in Western Australia and is National Heritage listed for all 11 heritage values. For Aboriginal people, Martuwarra is a sentient Being that enables life and activities. Many communities use Martuwarra as an economic, social and spiritual resource".

The immutable nature of tangible and intangible values which are National Heritage Listed were outlined by Professors Veth and O'Connor in the 2018 Fitzroy River Statement³ where they concluded "Cultural values arise from unique archaeological records, major rock art assemblages, and associated and continuing Aboriginal cultural practices, and are exceptionally high in the Fitzroy region...The rock art of the region is widespread and highly variable and shares strong cultural traditions with the wider Kimberley, having both Pleistocene...and later styles including variants of Wanjinia from the Holocene...Current cultural art estates are actively maintained by Traditional Owners and Indigenous Protected Area Rangers" (and see early ethnography on the regional rock art, cultural practices and transmutation from the serpent⁴).

Our opinions are based wholly or substantially on our specialised knowledge arising from our training, study or experience as archaeologists and heritage practitioners. In our opinion:

- 1) Water extraction must be Traditional Owner-led decision making to be consistent with the Cultural Values of the National Heritage Listing. Further legislative reform is needed for water management along Martuwarra. Rights in water and irrigation is not a proxy for cultural authority in decision making about water use.**
- 2) The issuing of water licences must be with reference to National Heritage Values. These values require decision-making by Traditional Owners.**
- 3) Consistent with the Fitzroy River Declaration³ a buffer zone should be created placing restrictions on future water storage, mining and irrigation actions. For consistency these should cover the National Heritage Listed floodplains.**

1. <https://www.dcceew.gov.au/sites/default/files/env/pages/ed0b4e39-41eb-4cee-84f6-049a932c5d46/files/ahc-final-assessment-full.pdf>
2. <https://livingwaterheritage.org/>
3. full.pdfhttps://www.fitzroystatement.org/statement?utm_campaign=statement&utm_medium=email&utm_source=likenowhereelse
4. Petri, H. 1954. Sterbende welt in nordwest--Australien. Limbach Verlag, Braunschweig.

Yours sincerely



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