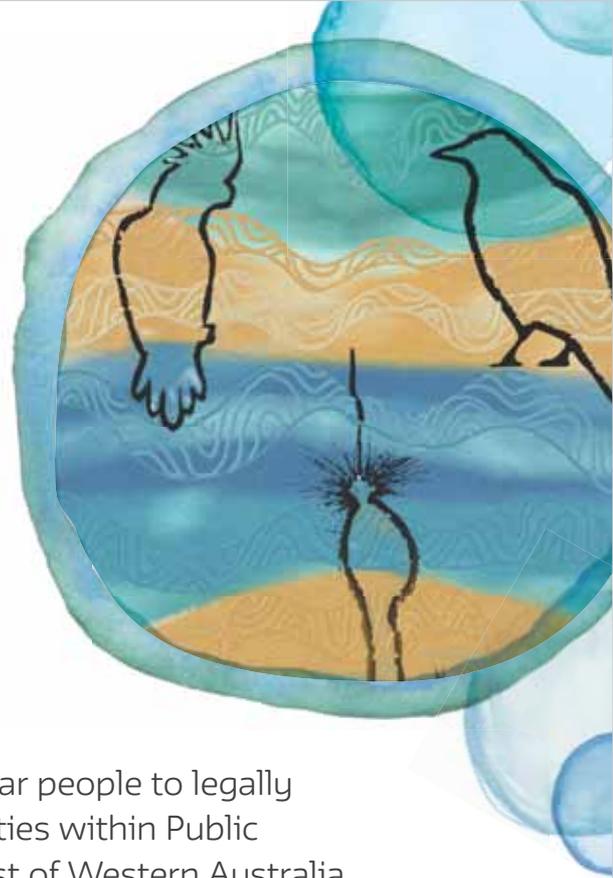


Noongar Customary Activities within Public Drinking Water Source Areas (PDWSA) in the South West



Changes to the Water By-laws

Changes have been made to By-laws that enable Noongar people to legally carry out certain land-based Aboriginal customary activities within Public Drinking Water Source Areas (PDWSAs) in the South West of Western Australia. This is an agreed component of the South West Native Title Settlement (Settlement). As of 8 June 2016, those changes have now become law.

Noongar and Aboriginal Customary Activities

The amended By-laws enable Noongar people to undertake the activities that were agreed to as part of the Settlement including:

- Access to registered Aboriginal sites (under the *Aboriginal Heritage Act 1972*) within reservoir protection zones on Crown land for Aboriginal customary purposes.¹
- The Minister for Water, after consultation with the respective Noongar agreement groups, to designate camping sites for Noongar people within PDWSAs on

1. A buffer measured from the high water mark of a drinking water reservoir, inclusive of the reservoir (usually 2km). This is referred to as a prohibited zone under the *Metropolitan Water Supply, Sewerage, and Drainage Act By-laws 1981*.

Crown land outside reservoir protection and wellhead protection zones.

- The lighting of fires for Aboriginal customary purposes on a registered Aboriginal site in a reservoir protection zone, and within surface water PDWSAs in the outer catchment, subject to restrictions under the *Bush Fires Act 1954*.²
 - Gathering invertebrates, eggs and flora (subject to conditions) for Aboriginal customary purposes at registered Aboriginal sites on Crown land within reservoir protection zones; and within PDWSAs on Crown land outside of reservoir protection zones.
2. An Aboriginal customary purpose means:
- (a) preparing or consuming food customarily eaten by Aboriginal persons; or
 - (b) preparing or using medicine customarily used by Aboriginal persons; or
 - (c) engaging in artistic, ceremonial or other cultural activities customarily engaged in by Aboriginal.

Metropolitan Water Supply, Sewerage, and Drainage By-laws 1981 (MWSSD By-laws): how they work

Under the MWSSD By-laws, PDWSAs are divided into two categories:

- **Reservoir Protection Zones (RPZs):** are the areas within two kilometres from the high water mark of dams and reservoirs. RPZs include the reservoir but do not include the land downstream of the dam or reservoir.
- **Outer Catchment Areas:** are all the other Crown land areas within a PDWSA, outside of the RPZ.

What Noongar people can do within RPZs in the Settlement area

Noongar people can enter into RPZs to travel directly to or from registered Aboriginal sites. The general public do not usually have access to these zones unless on a public road.

At registered Aboriginal sites, within RPZs, Noongar people can undertake activities for an Aboriginal customary purpose such as:

- undertake ceremonial artistic and cultural activities;
- collect plants for bush tucker and medicine;
- collect invertebrate and eggs (using hand held tools only and without contact with the waterbody); and
- light fires (subject to the *Bushfires Act 1954*)

What Noongar people can do within MWSSD outer catchment areas

Noongar people can undertake the following land-based customary activities:

- access all areas of Crown land within the outer catchment except for Water Corporation assets;
- visit registered Aboriginal sites;
- collect plants for bush tucker and medicine;
- undertake Noongar cultural, artistic and ceremonial activities;
- collect invertebrate and eggs (using hand held tools only and without any contact with the waterbody); and
- light fires (subject to the *Bushfire Act 1954*).

Country Areas Water Supply By-laws 1957 (CAWS By-laws): how they work

What Noongar people can do in CAWS catchment areas

Under these By-laws Noongar people can:

- cut down trees and shrubs for a Noongar customary purpose but not for a commercial purpose;
- visit registered Aboriginal sites;
- undertake ceremonial, artistic and cultural activities;
- collect plants for bush tucker and medicine;
- collect invertebrate and eggs (using hand held tools only and without contact with the waterbody); and
- light fires (subject to the *Bushfires Act 1954*).

What Noongar people cannot do within all PDWSAs

To protect water quality, the MWSSD By-Laws and the CAWS By-laws do not permit Noongar people to:

- Enter into an RPZ unless travelling directly to or from a registered Aboriginal site (relevant to MWSSD catchments only).
- Hunt, fish or catch marron.
- Enter or swim in dams or streams.
- Use firearms, spears or boomerangs.
- Bring dogs into PDWSAs.
- Camp at undesignated camp sites.
- Use unlicensed vehicles (including motorbikes and quad bikes).
- Drive a vehicle off existing tracks.

The amended By-laws do not enable Noongar people to enter the water or to fish or marron, as contact with any water used to supply drinking water can affect the safety and quality of drinking water. Hunting animals such as kangaroos is not permitted.

How do Noongar people access registered Aboriginal sites when there are locked gates?

If Noongar people wish to visit a registered Aboriginal site, or undertake customary activities within PDWSAs, and the access track has a locked gate, then they should contact the local Water Corporation depot to arrange access. See over page for contact details.

It is intended that access protocols will be developed with the six respective Noongar Regional Corporations established under the Settlement to facilitate Noongar access.

What Noongar Customary Activities can Noongar people undertake within a PDWSA that is located within a National Park or State Forest?

Many PDWSAs are located within National Parks or State Forests managed by the Department of Parks and Wildlife (DPAW) under the *Conservation and Land Management Act 1984* (CALM Act). Under the CALM Act, Aboriginal people can hunt, fish and camp within certain areas of National Parks and State Forests (for more information contact Department of Parks and Wildlife (DPAW) on 9219 9000).

Where land that is both a PDWSA and a National Park or State Forest, the MWSSD and CAWS By-laws apply, and therefore the use of firearms, hunting, fishing, swimming, marroning and camping (at non designated sites) are not allowed.

If you have any doubt about whether you are allowed to use firearms, hunt, fish, swim, marron or camp at a certain place, please contact your local Water Corporation or DPAW office who will advise you about what activities can be undertaken in particular places. Contact details for Water Corporation depots and DPAW offices are over page.

Map of Public Drinking Water Source Areas in the South West



Legend

- Water Corporation Surface Catchment Location
- Water Corporation District Boundary
- Public drinking water source area - Country Areas Water Supply Act 1947
- Public drinking water source area - Metropolitan Water Supply Sewerage and Drainage Act 1909

Map of Public Drinking Water Source Areas in the Metropolitan Area



Contact Details:

Whadjuk Area (Water Corporation Metropolitan Region)

Kelmscott Depot: Senior Catchment Ranger
t: (08) 9495 8804 m: 0427 774 628

Gnaala Karla Booja Area (Water Corporation Metropolitan and South West Region)

Kelmscott Depot: Senior Catchment Ranger
t: (08) 9495 8804 m: 0427 774 628
Wellington District (Collie Depot): Lead Ranger m: 0488 912 162
South West Regional Office, Bunbury: Drinking Water Coordinator
t: (08) 9791 0487 m: 0417 970 557
Warren District (Bridgetown Office): Lead Ranger m: 0427 479 987

South West Boojarah (Water Corporation South West Region)

Leeuwinn District (Bridgetown Office): Lead Ranger m: 0427 479 987
Blackwood District (Bridgetown Depot): Lead Ranger m: 0427 479 987

Wagyl Kaip Area (Water Corporation Great Southern Region)

Albany Depot: Lead Ranger t: (08) 9842 4314 m: 0429 109 684
Lower Great Southern District (Albany Depot): Lead Ranger
t: (08) 9842 4314 m: 0429 109 684

Yued Area (Water Corporation Mid-West Region)

Coastal Midlands District (Geraldton Office): Lead Ranger
t: (08) 9923 4943 m: 0477 350 868

Ballardong Area (Water Corporation Great Southern and Agricultural Regions)

Upper Great Southern District (Albany Depot): Lead Ranger
t: (08) 9842 4314 m: 0429 109 684

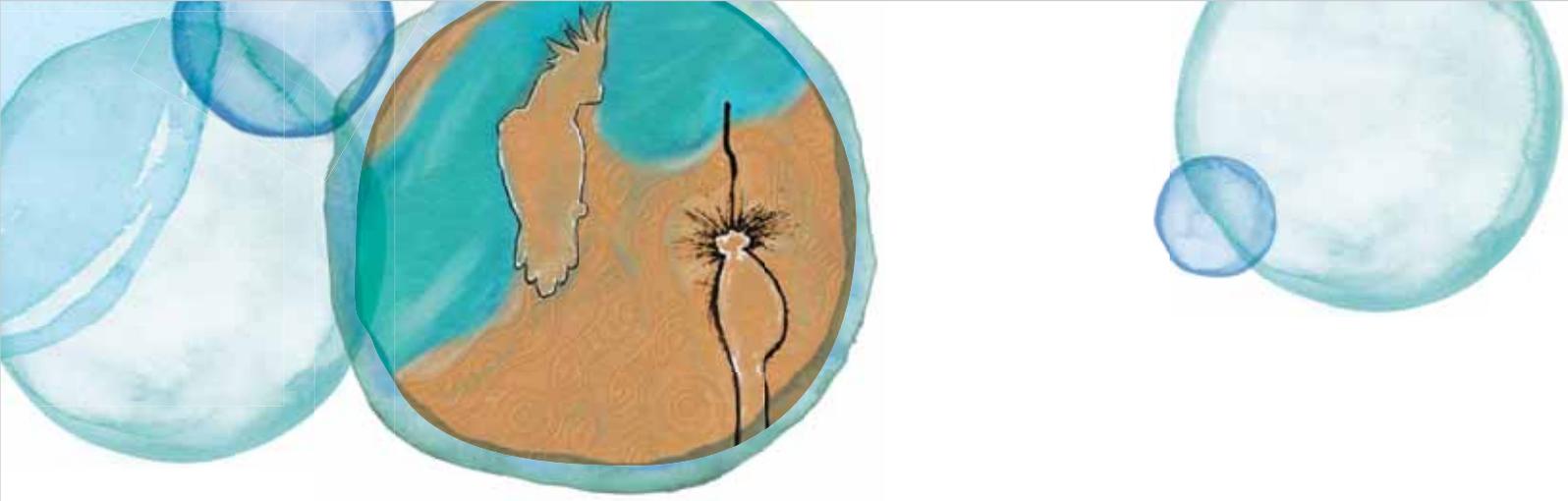
Ag West District (Northam Depot): Operations Manager:
t: (08) 9690 1853

Ag East District (Merredin Depot): Operations Manager
t: (08) 9041 0206

Department of Parks and Wildlife (DPAW): (08) 9219 9000

Department of Aboriginal Affairs

For information regarding Aboriginal heritage sites contact the Department of Aboriginal Affairs, Director South West Settlement:
(08) 6551 8070



Respect and Relationships

Water Corporation and the Department of Water recognise that Noongar people are the traditional owners of the South West of the State, and continue to have responsibilities under Noongar law and custom to look after Aboriginal sites, and to practice cultural business, including within PDWSAs.

Water Corporation and the Department of Water will partner with the Noongar people to implement these By-laws effectively. At the local level, the Water Corporation will work with the Noongar people to facilitate Aboriginal customary activities on country while protecting the quality of the water.

Protecting Our Drinking Water

Water Corporation and the Department of Water have a legal responsibility to provide clean and safe drinking water to the community. Activities within PDWSAs are managed to protect water quality and public health, by ensuring that waterways and reservoirs are not contaminated or polluted.

Water-based activities, including customary activities such as fishing and marroning are not supported in PDWSAs. If people come into direct contact with water that is used for drinking water supply, there is a risk of pathogen contamination, which could be detrimental to the health of those consuming the water. This restriction is the same for all PDWSAs in WA, to protect public health.

About the artist: Delvene Mclaughlin is a Wardandi, Bindjarub and Whadjuk Nyungar woman who created the artwork featured within this brochure. Delvene developed her artwork based on Boodjar (land) and Kapitj (rivers). The Manatj -Mart (sulphur crested cockatoo family totem) and Wardong -Mart (Crow Family totem) represent all Noongar people's connection to Boodjar or country. The Balga bush (Grass tree) has many uses for Noongar people and is a very important Merenj (food) source that is also used for lighting fires and making shelter. The travel lines depicted in the brochure represent the people of the six different Noongar Regional Corporations who can now travel freely across the Boodjar to visit and care for significant Noongar sites associated with Kep (water) shown as circles or resting places.

