



Your ref: 24/67
Our ref: HER.1517

25 March 2024

Richenda Prall
Cultural Heritage Manager
Rottnest Island Authority
1 Mews Road
Fremantle WA 6160

By email: richenda.prall@dbca.wa.gov.au

Dear Richenda,

Whadjuk – Noongar Standard Heritage Agreement (NSHA) Activity Notice – South Thompson Barge Development Landing

We refer to the above-mentioned Activity Notice, issued to the South West Aboriginal Land and Sea Council (SWALSC) on 1 March 2024.

Activity Notice Response (ANR) under Clause 8.3 of the NSHA.

	Clause	Key Statements	SWALSC Assessment
1.	8.3(a), 9.2	Requirement for Survey	As per AN Key Statement (b) – Survey is not required

Reasons to support the assessment are:

- The Activity Program does not consist of Low Ground Disturbance Activities under the terms of the Noongar Standard Heritage Agreement.
- However, a previous heritage survey has been conducted over the Activity Area in February 2019.
- The recommendation from this heritage survey was that Whadjuk Archaeological Monitors are present during ground disturbing works.

Should you wish to discuss or request further information in relation to any aspect of the matter, please do not hesitate to contact me on 9358 7400 or at heritage@noongar.org.au.

Yours sincerely,

Tricia Ranger
Manager Heritage, Land & Community



**REPORT OF AN ETHNOGRAPHIC
ABORIGINAL HERITAGE SURVEY OF THE
ARMY JETTY, ROTTNESST ISLAND,
WESTERN AUSTRALIA**

A report prepared for the Rottnest Island Authority

**By Mr Brad Goode
Consulting Anthropologist
Brad Goode & Associates Pty Ltd
79 Naturaliste Terrace
DUNSBOROUGH WA 6281
bradnlee@westnet.com.au**

Report submitted May 2019 to:

Mr Ezra Jacobs
Aboriginal Heritage Officer
Rottnest Island Authority
PO Box 693
FREMANTLE WA 6959

The Registrar
Department of Planning,
Lands & Heritage
Bairds Building
Level 2, 491 Wellington Street
PERTH WA 6000



79 Naturaliste Terrace, Dunsborough WA 6281
Phone: 0432 267 443
Email: bradnlee@westnet.com.au
www.bradgoode.com.au

**H
E
R
I
T
A
G
E

S
U
R
V
E
Y**

ACKNOWLEDGEMENTS

The authors would like to thank the following organisations and individuals who helped with the management of this Ethnographic Aboriginal heritage survey:

- Mr Ezra Jacobs – Rottnest Island Authority (Aboriginal Heritage Officer)
- Mr Clinton Hull – Rottnest Island Authority (Project Manager)
- Mr Tristan Clark – Department of Planning, Lands & Heritage (Heritage Support)
- Ms Louise Huxtable – Brad Goode & Associates Pty Ltd (Consulting Anthropologist)
- Mrs Leah Mackie – Brad Goode & Associates Pty Ltd (Research & Mapping Assistant)

Whadjuk People WC2011/009 Native Title Claim group representatives

- | | |
|---------------------|--------------------|
| • Mr Gary Bennell | • Mr Greg Ugle |
| • Mr Brendan Moore | • Mr Peter Garlett |
| • Mr Trevor McMahon | • Mr Tony Hill |
| • Mr Elisha Jacobs | |

DISCLAIMER

All of the information contained in this report is believed to be correct and accurate at the time it was recorded. The author does not take responsibility or accept any liability for errors or omissions contained in the report based upon information supplied by others.

Warning: This document may contain names, images or material that relates to deceased Aboriginal persons. Permission was sought and granted by the consulted informants to cite this information.

COPYRIGHT

This report and the information contained herein are subject to Copyright and may not be copied in whole or part without the written consent of the copyright holders, being Brad Goode and Associates Pty Ltd, Rottnest Island Authority and Whadjuk People WC2011/009 Native Title Claim group members who contributed to the ethnographic survey.

MAPPING

Datum Used: GDA 1994 MGA Zone 50. Handheld GPS Unit Garmin 64ST (+/- 10m)

GLOSSARY OF TERMS

The Proponent – Rottnest Island Authority
The Consultant – Brad Goode & Associates Pty Ltd
ACMC – Aboriginal Cultural Material Committee
AHA – Western Australian Aboriginal Heritage Act (1972)
AHIS – Aboriginal Heritage Inquiry System
BGA – Brad Goode & Associates Pty Ltd
CHMP – Cultural Heritage Management Plan
DPLH – Department of Planning, Lands and Heritage
HIS – Heritage Information Submission
NSHA – Noongar Standard Heritage Agreement
RIA – Rottnest Island Authority
SWALSC – South West Aboriginal Land and Sea Council

EXECUTIVE SUMMARY

The Rottnest Island Authority ('RIA') is proposing a new barge landing and cargo handling facility to the existing Army Jetty site which is located in Thomson Bay on the eastern shoreline of Rottnest Island, Western Australia.

To inform design, Geotechnical investigations on the sea bed are required followed by construction and dredging to provide safe vessel access to the new facility. All construction will be confined within the 'Works Area'. The works area is to the east of the existing Army Jetty site and covers an area of sea bed and shore line which measures 190m x 150m, an area of 2.6 hectares (see Figure 1).

As a part of the approvals process the proponent has commissioned Brad Goode and Associates Pty Ltd (BGA) to conduct a Site Identification Ethnographic Aboriginal Heritage Survey of the Works Area, to determine potential impacts to any sites or places of Aboriginal heritage significance as defined by section 5 of the Western Australian Aboriginal Heritage Act (1972) – AHA.

Specifically the works proposed include:

- Construction of an extension to the existing Army Jetty groyne including ferry berthing facility, increasing the total length of the jetty to approximately 180m. A new 60m groyne will be constructed to the east of the facility;
- Dredging area to the east of the existing jetty to include the navigation channel (a circular area approximately 100m in diameter)
- Conduct geotechnical investigations on the sea bed to the east and north of the existing jetty (a rectangular area approximately 190m x 150m)
- Road access and foreshore improvements to facilitate vehicle and pedestrian access.

A search of the DPLH Aboriginal Heritage Inquiry System (AHIS) conducted on 22nd January 2019 determined that there are **no** previously recorded Registered Aboriginal Sites located within the Army Jetty Works Area. The search did identify that there are **three** Other Heritage Places that have DPLH extents overlaying the 'Works Area' (see Table 1 and Appendix 1).

Place ID 3443 Rottnest Cemetery North, Place ID 3776 Indian Ocean and Place ID 20862 Rottnest Island (Wadjemup) have been assessed by the ACMC as not meeting the terms of section 5 of the AHA and are classified as Stored Data. Rottnest Island Authority has no legal obligations under the AHA in relation to these heritage places.

In relation to Place ID 20862 Rottnest Island (Wadjemup), a review of previous Aboriginal Heritage Surveys has revealed the high cultural and historical significance attributed to the whole of Rottnest Island as a sacred site. It is believed to not only be a place for spirits of the dead, it is also seen as a "land of the living where the ancestral spirits, the spirits of historic heroes and the spirit of living generations rest before their journey back through the cycle of life" (Muir 2012: 179).

Archival research identifies a creation story about the formation of Rottnest. 'The Legend of the Crocodile and the Waugal' is a traditional mythological narrative that depicts a battle where Rottnest Island alongside Garden Island are formed as the broken pieces of the Crocodile tail left behind after an epic battle between the Crocodile and the Shark, which resulted in the two islands being formed (Muir 2012: 25, 192-193).

Despite these narratives the ACMC has not determined that these values meet the criteria of section (5b) of the AHA, nor has the ACMC recognised the special place (5c) that Rottnest has in the history of the State.

Despite this determination the whole of the island has immense heritage and cultural significance to the Whadjuk people and as such this should be respected by the RIA in any activities that they conduct anywhere on the island (see Green & Aguiar 2018).

As a result of the consultations held with seven representatives of the Whadjuk NTC group on the 5th February 2019 **no new** ethnographic sites, as defined by section 5 of the AHA were identified within the Army Jetty Works Area.

During the consultations, the Whadjuk NTC group representatives were concerned that there could be artefacts in the subsurface and potential burials could be located in the dunes close to the Works Area as traditionally Nyungars were buried facing east behind sand dunes (see Bates 1985: 222-224). As a result it was requested that Archaeological monitors be present during all ground disturbing works and archaeological techniques, such as test pitting and sieving be employed if artefacts are found.

During the consultations the Whadjuk NTC group representatives confirmed the previously recorded creation mythology for Rottnest (Wadjemup) Island and its significance and objected to the determination by the ACMC that the island does not constitute an Aboriginal site within the meaning of the AHA.

In relation to spiritual significance of the project area, the Whadjuk NTC group confirmed that Nyungar people traditionally believed that when they died their spirit would cross the Western Sea and go to Koorannup (at Wadjemup) to a place of rest (see Bates 1985: 222-224). The group further advised that historically when Aboriginal people were imprisoned on Rottnest Island, many Nyungar people believed that those imprisoned were literally coming to Rottnest to die and in fact many did. Therefore it is the view that burials could be anywhere as opposed to the known cemetery.

As a result of the spiritual sentiment associated with the project area, the Whadjuk NTC group representatives requested that a proprietary ritual be performed prior to the works occurring at the Army Jetty. This ceremony would be determined by the Whadjuk who are engaged to conduct it, but it would need to be prior to any work occurring.

In relation to the Aboriginal history of Rottnest Island, the Whadjuk NTC group representatives also requested that interpretative signage be installed at the Army Jetty to provide people visiting the island more information about Aboriginal history of the project area.

As a result of the survey the following recommendations are made in relation to the Western Australian Aboriginal Heritage Act (1972):

As no ethnographic sites of significance as defined by section 5 of the AHA were identified to be located in the Army Jetty Project Area **it is recommended** that Rottnest Island Authority can proceed with the project as currently planned without undue risk of breaching the AHA in relation to ethnographic sites and places.

It is further recommended that Rottnest Island Authority gives due consideration to the requests made during the ethnographic survey by the Whadjuk WC2011/009 that:

- Archaeological monitors be present during all ground disturbing works and archaeological techniques, such as test pitting and sieving be employed if artefacts are found;
- A proprietary ritual (to be determined by the Whadjuk NTC group) be performed prior to the works occurring; and
- An interpretative sign be installed at the Army Jetty which explains the Aboriginal history of the area.

CONTENTS

ACKNOWLEDGEMENTS.....	1
MAPPING.....	1
GLOSSARY OF TERMS.....	1
EXECUTIVE SUMMARY.....	2
CONTENTS.....	4
ISSUE	6
REPORT OBJECTIVES.....	6
BACKGROUND	6
LOCATION.....	8
ETHNOGRAPHIC & HISTORICAL BACKGROUND	9
TRADITIONAL CULTURE	9
BRIEF ABORIGINAL HISTORY OF ROTTNEST ISLAND	11
ARCHIVAL RESEARCH.....	14
SITES AND PLACES REGISTER SEARCH.....	14
REVIEW OF RELEVANT SITE FILES	15
REVIEW OF RELEVANT HERITAGE PLACE FILES	15
REVIEW OF RELEVANT ETHNOGRAPHIC REPORTS	17
OUTCOMES OF ARCHIVAL RESEARCH.....	19
IDENTIFICATION OF SPOKESPEOPLE	20
THE RIGHT TO SPEAK ON HERITAGE ISSUES	20
NATIVE TITLE CLAIMS OVER THE SURVEY AREA.....	21
SELECTION OF SPOKESPEOPLE FOR THIS SURVEY	21
COMMUNITY CONSULTATION.....	23
AIMS	23
METHOD	23
COMMUNITY CONSULTATION PROCESS	23
COMMUNITY CONSULTATION OUTCOMES	31
RECOMMENDATIONS.....	32
BIBLIOGRAPHY	33
APPENDIX 1: DPLH SITES AND PLACES REGISTER SEARCH.....	35
APPENDIX 2: LETTER OF ADVICE	36
APPENDIX 3: MAP OF THE PROJECT AREA IN RELATION TO ABORIGINAL HERITAGE SITES.....	37
APPENDIX 4: DESIGN PLANS	38

LIST OF FIGURES

FIGURE 1: ROTTNEST ISLAND ARMY JETTY DESIGN PLAN - STAGE 2B.....	7
FIGURE 2: ROTTNEST ISLAND ARMY JETTY DESIGN PLAN – STAGE 2B	7
FIGURE 3: LOCATION OF THE ARMY JETTY SURVEY AREA.....	8
FIGURE 4: VISITORS ARRIVING AT EXCURSIONIST JETTY IN 1910 BEING TAKEN BY CAR AND HORSE-DRAWN TRAM FROM TO THE SETTLEMENT OF THOMSON BAY (PHOTO RIA 2019).....	13
FIGURE 5: GEORGIE AT THE EXCURSIONIST JETTY (PHOTO RIA 2019).	13
FIGURE 6: SURVEY TEAM MEETING AT A GAZEBO LOCATED AT THE ARMY JETTY.....	23
FIGURE 7: MR HULL EXPLAINING THE DESIGN PLANS FOR THE PROPOSED WINGWALL EXTENSION, NEW WINGWALL AND DREDGING.	24
FIGURE 8: MR HULL POINTING OUT THE AREAS WHERE THE NEW WINGWALLS AND DREDGING ARE PROPOSED; VIEW N/NW.....	25
FIGURE 9: SURVEY TEAM VIEWING THE SEAWEED ACCUMULATED ON THE EASTERN SIDE OF ARMY JETTY; VIEW TO THE NORTH.....	26
FIGURE 10: (FROM LEFT) MS LOUISE HUXTABLE, MR GARY BENNELL, MR GREG UGLE, MR ELISHA JACOBS, MR BRENDAN MOORE, MR TREVOR MCMAHON, MR BRAD GOODE, MR CLINTON HULL, MR PETER GARLETT, MR TONY HILL AND MR EZRA JACOBS.	31

LIST OF TABLES

TABLE 1: SUMMARY OF ABORIGINAL HERITAGE SITES AND PLACES WITHIN THE PROJECT AREA	14
---	----

REPORT

Report of an Ethnographic Aboriginal Heritage Survey of Army Jetty, Rottnest Island, Western Australia

ISSUE

The Rottnest Island Authority ('RIA') is proposing a new barge landing and cargo handling facility and 60m groyne to the existing Army Jetty site which is located in Thomson Bay on the eastern shoreline of Rottnest Island, Western Australia.

To inform design, Geotechnical investigations on the sea bed are required followed by construction and dredging to safe vessel access to the new facility. All construction will be confined within the 'Works Area'. The works area is to the east of the existing Army Jetty and covers an area of sea bed and shore line which measures 190m x 150m, an area of 2.6 hectares (see Figure 1).

The proponent wishes to determine if there are any sites or places of Aboriginal heritage significance as defined by Section 5 of the Western Australian Aboriginal Heritage Act (1972) (AHA) that will be affected by this proposed work thereby fulfilling their obligations under the AHA.

REPORT OBJECTIVES

To report on archival research in order to determine if any previously recorded Aboriginal Heritage sites or places will be affected by the above project proposal.

To report on consultations held with representatives of the Whadjuk People WC2011/009 Native Title Claim (NTC) group in order to determine if any new Aboriginal Heritage sites or places will be affected by the above project proposal.

To report upon management recommendations should any sites or places of significance as defined by Section 5 of the AHA be identified to be located within the project area.

To report upon any recommendations and/or the significance of the sites or places should the proponent be required to make application under Section 18 of the AHA for consent to use the land that may contain an Aboriginal site.

BACKGROUND

On 11th January 2019, Mr Ezra Jacobs (Aboriginal Heritage Officer) from Rottnest Island Authority commissioned Brad Goode and Associates Pty Ltd (BGA) to conduct a Site Identification Ethnographic Aboriginal Heritage Survey of the Army Jetty on Rottnest Island, Western Australia.

Specifically the works proposed include:

- Construction of an extension to the existing Army Jetty groyne including ferry berthing facility, increasing the total length of the jetty to approximately 180m. A new 60m groyne will be constructed to the east of the facility;
- Dredging area to the east of the existing jetty to include the navigational channel (a circular area approximately 100m in diameter);
- Conduct geotechnical investigations on the sea bed to the east and north of the existing jetty (a rectangular area approximately 190m x 150m); and
- Road access and foreshore improvements to facility vehicle and pedestrian access.

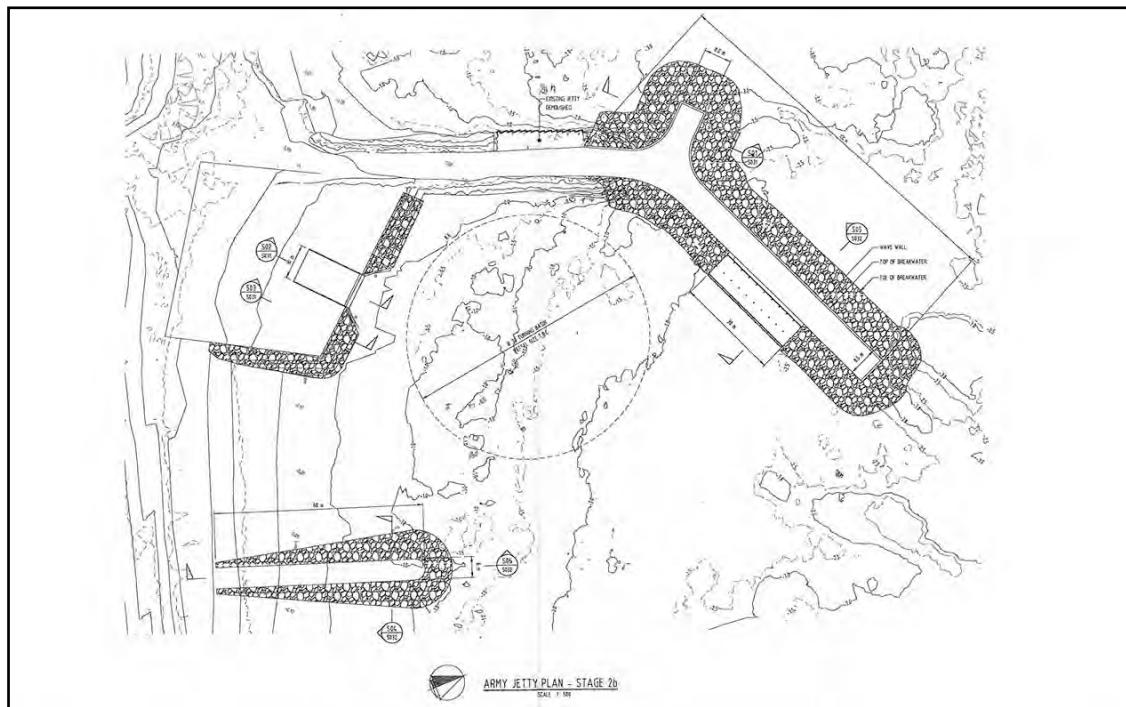


Figure 1: Rottneest Island Army Groyne – Proposed barge ramp and cargo handling facility Design Plan.



Figure 2: Rottneest Island Army Groyne – Proposed barge ramp and cargo handling facility Design Plan

LOCATION

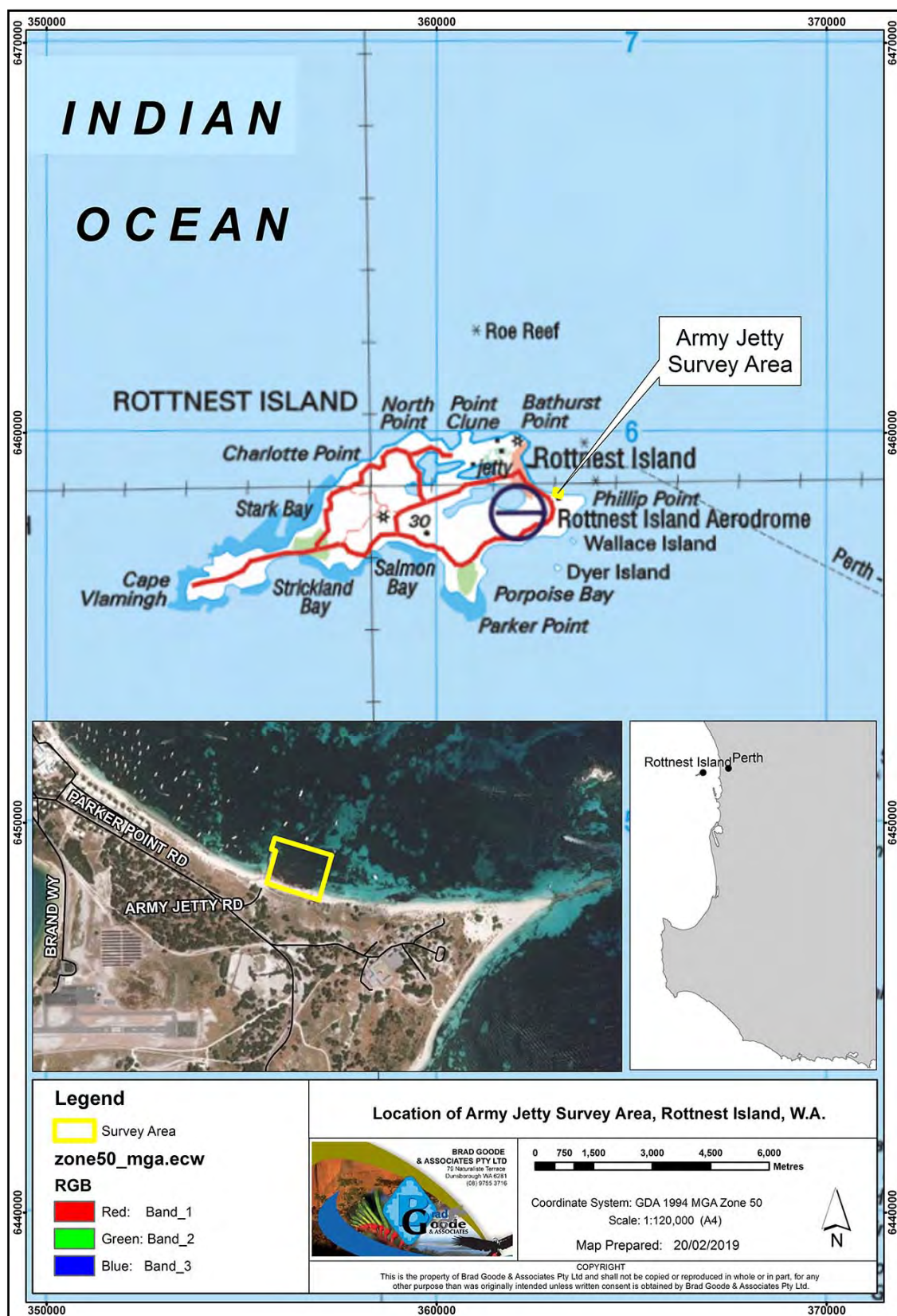


Figure 3: Location of the Army Jetty Survey Area.

ETHNOGRAPHIC & HISTORICAL BACKGROUND

TRADITIONAL CULTURE

The Army Jetty survey area is located in Thomson Bay on the east coast of Rottnest Island, approximately 29km west/south-west of Perth and 19km from Fremantle. The survey area is within the Whadjuk WC2011/009 Indigenous Land Use Agreement Area (ILUA).

Prior to European settlement of the south west of Western Australia this region was occupied by a distinct cultural bloc that was defined by the distribution of 'Nyungar' language groups. The word 'Nyungar' is the generic term used today to define those people of Aboriginal descent whose ancestors occupied the whole of the south-western corner of Western Australia (Bates 1985: 47, Collard 1994: 23).

Before the word 'Nyungar' was used as a group or linguistic term the southwest Aboriginal people recognized themselves, their language and culture, as 'Bibbulmun.' According to Bates (1985) Bibbulmun land took in everything to the west of a line drawn from Jurien Bay on the west coast to east of Esperance on the south coast, with the inland boundary following that of the circumcised tribes (Bates 1966: 59).

Bates identified the sub-group of Bibbulmun in the Perth Fremantle region as the Yabbaru Bibbulmun (Bates 1985: 54). Their country comprised of Perth, Fremantle and Rockingham and was "bounded on the south by the Serpentine River, the hills forming their eastern boundary" (ibid: 49). The Nyungar or Bibbulmun people were a distinct group in that their initiation practices varied markedly from their desert and semi-desert dwelling neighbours. Bates records that the Bibbulmun did not practice circumcision or sub-incision, but rather practiced a ritual of nasal septum piercing and cicatrization of the upper body (ibid: 151-162).

Tindale (1974) noted that the coastal area in the vicinity of Cockburn Sound was inhabited by the 'Whadjuk' to the north and the 'Pindjarup' to the south. The Whadjuk group inhabited the lands of the north and eastern tributary inland to Mt Helena at Kalamunda/Armadale to the Victoria Plains south of Toodyay, west to York and south along the coast to Pinjarra (Tindale 1974:260). The Pindjarup group inhabited the lands from Bunbury in the south, south-east to Boyanup, north-east to Collie, north to Mt Cooke and west to Rockingham (Tindale 1974: 256)

Traditional initiation practices varied from those of their inland neighbours. The Bibbulmun Nyungars practiced nasal septum piercing and cicatrization (scarring) of the upper body rather than circumcision as an initiation rite (Bates 1985, Tindale 1974).

Nyungar people traditionally obeyed a recognized system of rights and obligations, transmitted through birth and marriage, which gave individuals rights to the use of and economic benefits of the land over which they also acted as custodians. These areas were significant because they were associated with mythic figures relating to the Aboriginal concept of Dreaming (Silberbauer 1994: 124; Stanner 1965: 13). The Dreaming refers to a period of creation when mythical figures transformed the landscape creating hills, lakes, rivers and animals (Machin 1996: 10).

The Waugal is one example of a Dream-time figure which has transformed the landscape as well as infusing it with a living spirit. The Waugal is a creative spirit associated with water and which takes the physical shape of a snake. Bates (1985: 221) reported that the Waugal made "all the big rivers of the Southwest and that wherever it travelled it made a river." Bates also noted that everywhere the Waugal went or camped was sacred (Bates 1985: 219). It was at these places that it left traces of its journeys, that it metamorphosed and left parts of itself which were transformed into topographic features and other natural features, including hills, rocks, trees, caves, sand dunes, ridges etc. The Waugal is associated with many of the major rivers in the Darling Range as well as many of the smaller springs, swamps, pools and lakes located on the Swan Coastal Plain (O'Connor, et al 1989: 46).

Each socio-linguistic group, sometimes referred to as the 'tribe', consisted of a number of smaller groups. These subgroups could be described as a family, a band or a horde (Green 1984: 9). An individual or a group's land was called their *Kalla*, or 'fireplace' (Moore 1884: 39). This referred to an area of land which was used by the group and over which the members of the group exercised the greatest rights to its resources.

Other groups would also have some rights of access to land and use gained through marriage (Le Souef 1993: 30-43).

Ownership rights to land were held by groups of people linked through common descent; there was definite ownership of land in both social and personal ways. As well as belonging to a local descent group by birth, each individual simultaneously belonged to an economic or food gathering group (Le Souef 1993: 30).

According to Makin (1970) and Brown (1983) early writers such as Symmons (1840), Lyon (1833) and Armstrong (1836) recorded that the Swan River Aborigines had a system of land ownership that divided up the country around the river between local clan groups.

Lyons described districts within Perth in terms of an area name and a single leader. The *Mooro* tribe occupied the district of *Yellowgonga*, *Beeloo* was the district of *Munday* and *Beeliar* was the district of *Midgegooroo* (see Lyon's 1833 map of Aboriginal Tribal Districts surrounding Perth cited in Brown 1983: 6). Armstrong also recognized that land appeared to be assigned to specific families, rather than being held in common by the wider 'tribe' (Brown 1983: 5).

Makin (1970) recorded that from Fremantle (*Wol-yal-lu*) up the river to Butlers Bay (*Bi-ri-gap*) and to Mt Eliza (*Ga-ra-katta*) was the 'Land of *Yal-gong-ga*', his sons, wives and children (Makin 1970: 72-74). From Mt Eliza past the flats (*Min-da-rop*) near the Narrows Bridge to the Peninsula (*Wu-rut*) north of the farm belonging to Colonial Secretary Mr Brown at Bassendean was the land of 'Monday' (or Munday) (ibid). From the Bassendean ferry jetty to the head of the Swan River was the land of *Ngu-nyt*. The Canning tribes occupied the left (south) bank of the Swan River and the adjacent Canning River. The land from Fremantle to Preston Point and Point Walter around to Butlers Bay, the entrance to the Canning River, was *Djar*, *Gar-bal*, *Yurjil* and *Nin-g-ara* (ibid). From the entrance of the Canning River past Mill Point to near Guildford was *Bi-nan*, *Yur-gan*. From Guildford to the Swan River head were *Mol-li-dobbin*, *Mol-li-mig-rat* and *Wiban* and other branches of the family (ibid).

For the Rockingham area, specifically from a line drawn due east from Mangles Bay, extending northwards to the foreshores of the Swan and Canning Rivers was the 'territory' of the Beeliar Aboriginal group. This group included the Aboriginal influential *Midgegooroo* and his son, *Yagan*. The wetlands in this region were most intensively occupied, given the availability of fresh water and food resources (waterfowl, turtles, kangaroos). Wells were dug close to swamps in order to filter water and some swamp vegetation was consumed. Spears were made from 'spear wood' and comprised an important trade item. Pads connected the wetlands and rivers and extended through this territory from the present day Perth area south to Rockingham, Mandurah and the Murray River (Ralph, Locke and Smith 1990: 8).

With regards to the Rockingham area various researches such as Machin (1989) and McDonald (2002, 2004) have recorded myths that relate to the creation of Cockburn Sound and the offshore islands Rottnest Island (traditionally known as 'Wadjemup'), Garden Island, Carnac Island and the area of the coast around Mangles Bay, what is now Rotary Park and the adjacent wetlands. These myths were recorded by the above researchers as told by Mr K. Colbung, the primary informant of this creation story.

These stories had also formerly been recorded in the early 19th century by Moore (1884) and Armstrong (1836) who reported different versions of the same myth. Moore (1884, cited in Brown 1983: 16) records that a great fire was responsible for the creation of the offshore islands:

The natives have a tradition that Rottnest, Carnac and Garden Island once formed part of the mainland, and that the intervening ground was thickly covered with trees; which took fire in some unaccountable way, and burned with such intensity that the ground split asunder with great noise, and the sea rushed in between cutting off the islands from the mainland (Moore 1884: 6-8 cited in Brown 1983: 16).

Armstrong (1836: 790) version of the story was recorded as:

They state, as a fact handed down to them from their ancestors, that Garden Island was formerly united to the main, and that the separation was caused, in some preternatural manner, by the Waugal (Armstrong 1836: 790).

These versions of the story substantially differ from that reported by Mr K. Colbung whose central figure was a Crocodile. The 'Legend of the Crocodile and the Waugal' tells of a time during the *Nyitting*, or Ice Age, when a number of ancestral figures had gathered at Two Rocks and they watched an altercation between 'Shark' and 'Crocodile':

They watched as Shark tore strips off Crocodile, which formed the reefs around Two Rocks. It is said that the waves which flap over the reefs when the sea is high come from the skin of Crocodile. In the end Shark was so enraged that he just tore Crocodile's tail right off in two chunks and now those two big chunks are Rottnest Island and Garden Island.

Now that he had lost his tail, Crocodile could not swim. He had no power to push himself forward and no means of steering himself through the water, so he started walking down the coastline. When Crocodile got to the Fremantle entrance to the Swan River, which the Aborigines called Derbal-Yarragan, he started to go in there to rest up. But Waugal, the Rainbow Serpent, said he could not go in and told him to get going back up the coast. Waugal was frightened that Crocodile would eat all the animals and flatten the land (extract from Heritage Council of WA 1998: 15-17 cited in Muir 2012: 192).

McDonald (2002) has suggested that the inconsistency of the above narratives can be considered anthropologically as a natural part of all myth systems and as noted by Miranda (1972:8 cited in McDonald 2002) myths often consist of a reorganising of the traditional components in the face of new circumstances and times. McDonald (2002) argues that this is what is happening with the above myth as told by Mr Colbung. McDonald (2002) argues that this is a legitimate part of contemporary Aboriginal people reinterpreting traditional mythological stories by incorporating contemporary and modern beliefs into the versions now being told (McDonald 2002: 8).

BRIEF ABORIGINAL HISTORY OF ROTTNESST ISLAND

In 1696 Dutch explorer Willem de Vlamingh named Rottnest Island during an expedition along the west coast of Western Australia. Vlamingh named it '*Eylandt 't Rottenest*' or 'Rats Nest Island' after he sighted many Quokkas on the island and mistook them for 'bush rats' (Green & Aguiar 2018: 11; Woods 2007: 3; Playford 1996: 25-26).

In 1838 plans to establish a prison on Rottnest Island commenced which was seen at the time "as progressive and humanitarian to hold Aboriginal people away from the close confinement of

European style gaols” (Rottnest Island Guide 2012: 10). During 1838-1849 prisoners came from places south of Geraldton and west of York (Green & Aguiar 2018: 8). Over a period of almost 100 years at least 3,670 Aboriginal men were sent to Rottnest, some were as young as 8 years old and others were more than 70 years old. The first recorded death on Rottnest Island was in 1839 (Green & Aguiar 2018: vii).

The first six prisoners taken to Rottnest Island, as noted by Dr Neville Green in his book *Far From Home Aboriginal Prisoners of Rottnest Island 1838 - 1931*, were Buoyeen, Mollydobbin, Tyoocan, Helia, Cogat and Goordap – for offences ranging from robbery, assault and murder. When they arrived at Rottnest Island there was no provision made for their accommodation and “at night the soldiers slept under canvas while the prisoners sheltered in a large coastal cave near Point Bathurst” (Green & Aguiar 2018: 13-14).

In the early years chained prisoners were transported from Fremantle to Rottnest Island in open boats. Later, after 1855, they were taken by a pilot boat to Thomson Bay where they were ferried to shore in a whale boat (Green & Aguiar 2018: 44). A historical photograph captures this and is reproduced in Green & Aguiar (2018) – see figure on page 46, courtesy of Battye W.A. State Library Board 5959P.

While the first period (1838-1849) of Rottnest Prison’s history was intended to be a humanitarian endeavour, with the objective to not just punish but to also rehabilitate prisoners into colonial society, the next period (1855-1902) of the prison’s history was a “grim period when more than 3,000 prisoners arrived on the island” during that time period (Green & Aguiar 2018: 13). Greater numbers of prisoners contributed to deteriorating conditions for the prisoners during influenza and measles epidemics that occurred in 1883 (ibid 2018: 23).

By 1902 plans were made to make the island a tourist accommodation and the prison was then officially closed. Aboriginal prisoners were then either sent to other prisons or liberated, with some sent to work within the Police and Telegraph Departments (ibid 2018: 32). However, after closing the prison, the government then decided for it to become an annex of Fremantle Prison from 1902-1931. A number of European prisoners then arrived on Rottnest Island and during these years, “as many as forty prisoners at a time worked on Rottnest, about one in ten of whom were Aboriginal” (ibid 2018: 34).

The Army Jetty was originally built in 1906 and was known as the ‘Excursionist Jetty’ as it allowed horse-drawn trams to meet passengers at the start of the jetty for transport into the Thomson Bay Settlement (Bigourden & McAllister 2012: 5). Aboriginal prisoners were employed as porters and animal handlers to manage the horse-drawn ‘charabanc’ (bus) during the transfer of visitors from the jetty (see figures 4 and 5 – photos supplied by Mr Ezra Jacobs, Rottnest Island Authority, 8th February 2019).

During 1914-1915 the jetty was used solely for military purposes during the first World War as Rottnest Island was used for internment and as a Prisoner of War camp (Bigourden & McAllister 2012: 5; Green & Aguiar 2018: 34-39, 69). Extensions and reinforcing upgrades to the jetty were conducted during 1936-37 and again in 1942 and from this time on it became known as the ‘Army Jetty’.

After the second World War the jetty became open to the public again and served as the primary jetty for tourists until 1961, until a larger timber jetty was built closer to the settlement (Bigourden & McAllister 2012: 7). The majority of the original Excursionist Jetty and Army Jetty have since been demolished and removed during redevelopment that was conducted in 1972 (Bigourden & McAllister 2012: 13).



Figure 4: Visitors arriving at Excursionist Jetty in 1910 being taken by car and horse-drawn tram from from to the settlement of Thomson Bay (photo RIA 2019).



Figure 5: Georgie at the Excursionist Jetty (photo RIA 2019).

ARCHIVAL RESEARCH

Archival research involved an examination of the Department of Planning, Lands and Heritage (DPLH) Aboriginal Sites and Places Register, a review of any relevant site and place files, and a review of any unpublished ethnographic reports that relate to the survey area on Rottnest Island, Western Australia.

SITES AND PLACES REGISTER SEARCH

The DPLH Aboriginal Sites and Places Register categorises places reported to be of importance and significance to Indigenous people into two separate categories.

The first category contains sites classified as **‘Registered.’** Registered sites have been assessed by the Aboriginal Cultural Materials Committee (ACMC) as meeting the definition of Section 5 of the AHA and are fully protected under the law. Disturbance to land that contains such sites requires a Section 18 application for ministerial consent should proponents wish to use the land that contain these sites.

‘Other Heritage Places’ is the second category of places contained upon the Aboriginal Sites and Places Register. These types of places include reported places **‘Lodged’** and awaiting ACMC assessment, and places where the information has been assessed but there is **‘Insufficient information’** to make a final determination under Section 5 of the AHA but there is enough information to warrant these places temporary protection in law. Disturbance to land that contains such places requires a Section 18 application for ministerial consent should proponents wish to use the land that contain these places.

Within the category of ‘Other Heritage Places’ the final category is **‘Stored Data.’** Such places have been assessed by the ACMC but fail to meet the definition of section 5 of the AHA. Places in this category are not sites under the AHA and are not protected in law. Proponents have no further legal requirements for such places should they wish to use the land unless further information is reported which would lead to such a place being reassessed as a site in terms of the definition of section 5 of the AHA.

A search of the DPLH Aboriginal Heritage Inquiry System (AHIS) conducted on 22nd January 2019 determined that there are no previously recorded Registered Aboriginal Sites located within the Army Jetty survey area (see Table 1 and Appendix 1).

The search also determined that there are 3 previously recorded Other Heritage Places that have DPLH extents overlaying the survey area. One of these places, Place ID 3443 Rottnest Cemetery North has restrictions placed on the DPLH file and was unable to be sourced from DPLH.

Place ID 3776 Indian Ocean and 20862 Rottnest Island (Wadjemup) have been assessed as not meeting the terms of section 5 of the AHA and are listed as Stored Data. Rottnest Island Authority has no legal obligations under the AHA in relation to these heritage places.

Table 1: Summary of Aboriginal heritage sites and places within the project area

ID	Name	Status	Access	Restriction	Location (GDA94 Z50)* mEmN		Type
Other Heritage Places							
3443	Rottnest: Cemetery North	S	C	Yes	Not available	Not available	Modified Tree, Skeletal Material / Burial
3776	Indian Ocean	S	O	No	372624	6445362	Myth

ID	Name	Status	Access	Restriction	Location (GDA94 Z50)*		Type
					mE	mN	
20862	Rottnest Island (Wadjemup)	S	O	No	359511	6457858	Artefacts/ Scatter, Historical, Man-made structure, Midden / Scatter, Myth, Quarry, Rockshelter, Skeletal Material / Burial, Arch deposit, Camp, Hunting Place, Massacre, Meeting Place, Natural Feature, Shell, Water Source

* Please note: Coordinates are indicative locations that represent the centre of sites as shown on maps produced by the DPLH – they may not necessarily represent the true centre of all sites.

LEGEND

R – Registered Site, **I** - Insufficient Information, **S** - Stored Data/Not a Site, **L** - Lodged awaiting assessment, **O** – Access Open, **C** - Closed Access, **N** – File Not Restricted.

REVIEW OF RELEVANT SITE FILES

There are no previously recorded Registered Sites located within the Army Jetty survey area.

REVIEW OF RELEVANT HERITAGE PLACE FILES

Place ID 3443 Rottnest: Cemetery North

This heritage place is a restricted DPLH file and access to view the file was not obtained by the consultants. Place ID 3443 is recorded as a modified tree, skeletal material and burial place.

DPLH have mapped the extent of this heritage place as 2km x 2km positioned over the north-eastern corner of Rottnest Island.

The status of this heritage place is ‘Stored Data’ and as such Rottnest Island Authority has no further obligations under the AHA to use the land that falls within the DPLH Extent of this heritage place.

Place ID 3776 Indian Ocean

This mythological heritage place was recorded on the DPLH Sites and Places Register as a result of an Aboriginal heritage survey report conducted by S.H. Brown in 1983. During this survey of proposed highway and road developments in the Perth Metropolitan region, Brown (1983) conducted ethnographic investigations of a number of Aboriginal sites in the region.

Place ID 3776 Indian Ocean was described as the “sea between mainland and offshore islands” (Brown 1983: 16) and Brown cited two Aboriginal myths that explain the separation of some of the offshore islands from the mainland.

They state, as a fact handed down to them from their ancestors, that Garden Island was formerly united to the main, and that the separation was caused, in some preternatural manner, by the Waugal (Armstrong 1836: 790).

The natives have a tradition that Rottnest, Carnac, and Garden Island, once formed part of the mainland, and that the intervening ground was thickly covered with trees; which took fire in some unaccountable way, and burned with such intensity that the

ground split asunder with a great noise, and the sea rushed in between cutting off those islands from the mainland (Moore 1884: 6-8).

Further research has been added to the Heritage File which includes early historical information compiled in 'Landscape WA's Conservation, Parks and Wildlife Magazine'. In this article the Dreaming story as told by local Nyungar Mr Trevor Walley was published:

Gumbar Yondock Ancestral Crocodile travelled down from the north and pushed himself onto the land, where his tail cut a deep channel in Cockburn Sound (now known as Gage Roads) and pushed up Rottnest (Wadjemup). The sound of rushing water woke the rainbow sea serpent (Waugal). Waugal smelled the salt and went out to investigate. A battle between the two pushed up Carnac (Ngooloomayp) Island. At Woodman Point, the Waugal manoeuvred and carved out Jervois Bay with his tail. Waugal bit the tail of crocodile, who then gave up, Waugal heard the sea water come rushing into the Swan River (stirred up because of all the fighting) and anchored the severed tail across the entrance, using the hair from his chin and armpit and the crocodile's toenails to anchor the tail down. This formed a reef across the Swan River mouth, and it was jagged like the tail of a crocodile (this reef once blocked the mouth of the Swan River at Fremantle, before it was removed to create Fremantle Harbour). Waugal then made crocodile walk back up north whilst his spirit remained as Garden Island. Hence, Garden Island is known as Meeandip Yondock (Yondock with tail missing). (Landscape Magazine 2003 cited in DPLH file for Place ID 3776).

This heritage place was spatially recorded by DPLH to capture the sea between the east coast of Rottnest Island to the mainland at Cottesloe and then extends south to take in Cockburn Sound and the east coast of Garden Island. The most southern point of this heritage place is the southern tip of Garden Island and then heads east to the mainland at Kwinana Beach.

In 1998 the APMC assessed this heritage place as a site under Section 5(b) and (c) and Section 39.2 (a)(b) and (c) of the AHA (APMC Meeting Date 7th April 1998 Resolution ID 2788 Number 98012). However in 2004 further assessment took place which resulted in the 'Indian Ocean' not meeting the terms of a site under the AHA and it was classified as 'Stored Data/Not a Site' (APMC Meeting Date 2nd June 2004 Resolution ID 5072 Number 04082).

In relation to the Army Jetty survey area, Place ID 3776 Indian Ocean overlays the entire survey area, however as this heritage place is not a site under the AHA, Rottnest Island Authority has no further obligations under the AHA in relation to this heritage place.

Place ID 20862 Rottnest Island (Wadjemup)

This heritage place was recorded in 2003 by Mr Ron Parker following an ethnographic consultation in South Fremantle with representatives from the Corunna, Wilkes, Bropho, Hayward-Jackson and Garlett families. The group requested that Rottnest Island be recorded as a "men's place" and that the island be reported in total (Parker 2003: 14). On an Aboriginal Site Recording Form, Parker recorded:

"Rottnest Island (Wadjemup) is the manifestation of one of the Two Men of Western Desert Dreamtime chronicles concerning the creation of the Darling Scarp" (Place ID 20862 Aboriginal Site Recording Form).

In 2004 DPLH mapped the boundary of this heritage place to include the whole island. The extent is 10km SW/NE x 5km SE/NW and follows the perimeter of Rottnest Island.

In 2006 further information was reported to DPLH regarding this heritage place by site informants Mr R. Bropho and Mr I. Hayward-Jackson. A limestone formation and cluster of

stones were reported to be culturally significant at 356146mE 6456917mN, along Digby Drive at Strickland Bay.

A number of archaeological journal articles regarding artefacts previously recorded on Rottnest Island are also included within the DPLH file for Place ID 20862 (see Dortch & Hesp 1994; Hesp et al. 1999).

Place ID 20862 is recorded as a mythological, skeletal material, burial, man-made structure, quarry, artefacts/scatter, midden/scatter, historical, archaeological deposit, massacre, meeting place, camp, shell, hunting place, rockshelter, natural feature and water source.

Place ID 20862 was assessed by the ACMC in 2004 and it was classified as Stored Data / Not a Site under the AHA.

Rottnest Island Authority has no further obligations under the AHA in relation to Place ID 20862 Rottnest Island (Wadjemup).

REVIEW OF RELEVANT ETHNOGRAPHIC REPORTS

Randolph, P. 2014, *Charlie Dortch, Rottnest Island and the Department of Aboriginal Sites: Reminiscence and Comment*, unpublished report [DPLH Report ID 200141].

This reminiscence report was conducted by Mr Peter Randolph in 2014 in regards to Dr Charlie Dortch who “had a keen interest in the potential for prehistoric Aboriginal occupation of offshore islands along the south and west coast of WA” (Randolph 2014: 2).

Artefacts located by Dortch embedded in limestone near the Bathurst Point Lighthouse (Place ID 20592 and 23867) were noted to be a major find that was key “evidence to prove that Rottnest had been occupied by Aboriginal people in prehistoric time” (Randolph 2014: 8).

Muir, K. 2012, *Aboriginal Heritage Investigation and Survey of Rottnest Island, report on Rottnest Island Aboriginal Heritage Survey for Rottnest Island Authority*, draft report prepared by Aboriginal Heritage Consultants Pty Ltd for Rottnest Island Authority, June 2012.

This Aboriginal Heritage Survey Report was authored by Mr Kado Muir in 2012 which consisted of a comprehensive desktop and literature review of relevant Aboriginal heritage survey reports and historical records of Aboriginal involvement and interaction on Rottnest Island. Dr Neville Green assisted with the historical research which was conducted 2008-2009.

Regarding the anthropological context for the project area Muir notes that ‘The Legend of the Crocodile and the Waugal’ is one mythological narrative that identifies Rottnest Island alongside Garden Island as the broken pieces of the Crocodile tail, left behind after an epic battle between the Crocodile and the Shark, which resulted in the two islands being formed (Muir 2012: 25, 192-193).

Consultations were also conducted with Aboriginal people and Aboriginal Representative Bodies in 2009-2010 to provide management recommendations and strategies for the management of Aboriginal heritage on Rottnest Island.

A search of the Register of Aboriginal Sites and Places conducted in 2012 revealed that there were 23 previously recorded Aboriginal heritage sites and places located on Rottnest Island (Muir 2012: 29).

During the survey 10 new Aboriginal sites were recorded which comprised of 6 man-made structures and 4 artefact scatters, one of which included a rockshelter (Muir 2012: 101). In relation to previously recorded sites and places, Muir recorded further information for 6 DPLH site/place files (Muir 2012: 136).

During the course of fieldwork many elders consulted “indicated that it was their main desire to focus on the historical significance of places and not on the spiritual and other ethnographic values of the places and/or events” (Muir 2012: 154).

In relation to Place ID 20862 Rottnest Island (Wadjemup), desktop research revealed that the ACMC had previously assessed this place in 2004 as not a site under the AHA, as the ACMC did not accept the view that Rottnest Island is one of the Two Men from the Western Desert Dreamtime chronicles connected with the formation of the Darling Scarp. Muir notes, “the fact that Rottnest is not considered a site is something many Aboriginal people [feel] strongly about” (Muir 2012: 173).

During the fieldwork, the consulted Aboriginal representatives reported that Place ID 20862 Rottnest Island (Wadjemup) continues to be a place of “extreme spiritual and cultural significance” and that the whole of Rottnest Island is a sacred site. In addition to Rottnest Island believed to be a place for spirits of the dead, it is also seen as a “land of the living where the ancestral spirits, the spirits of historic heroes and the spirit of living generations rest before their journey back through the cycle of life” (Muir 2012: 179).

Muir concluded by stating that the Aboriginal sites on Rottnest Island represent the living history of Western Australia Aboriginal people and that together they form a complex across the Island, connecting many communities and families, and that Rottnest Island is “perhaps one of, if not the single most significant site in Western Australia” (Muir 2012: 182).

Harris, J. 1990, *A report on archaeological monitoring of ground disturbance at Rottnest Island*, report prepared for Dallhold Investments Pty Ltd and Rottnest Island Authority.

This archaeological monitoring of ground disturbance was conducted by Mrs Jacqueline Harris (Archaeologist) in 1990 for the development of a unit complex on Dallhold Investments Pty Ltd lease on Rottnest Island.

During the course of archaeological monitoring of ground disturbance, no human remains or any Aboriginal artefacts were discovered. No sites of significance as defined by Section 5 of the AHA were located in the survey area.

Harris noted that extinct pipes related to past services criss-crossed the development area within layers of original sediment and that the likelihood of undisturbed deposits remaining with archaeological significance is remote (Harris 1990: 19). There was minimum ground disturbance conducted in the lodge and surrounds, and the courtyards and gardens were areas where previous disturbance from service installation and landscaping had already taken place. In relation to the desalination plant, Harris noted that ground disturbance was conducted in an area that was entirely fill and that the archaeological potential was unknown (Harris 1990: 19).

In relation to the current survey area for the Army Jetty, Harris (1990) report project area was located approximately 750m to the west/north-west.

Bradshaw, E. 1988, *Rottnest Island Report on Meeting of 10 March 1988* [DPLH Report ID 103686].

This consultation meeting was conducted in 1988 by Ms Pam Beggs (Minister for Tourism) on Rottnest Island and 200 representatives of families of the Aboriginal prisoners that died on

Rottneest Island during its time as a penal institution. Ms Elizabeth Bradshaw (Site Documentation Officer) Department of Aboriginal Sites was in attendance and reported on the meeting.

The purpose of the meeting was to discuss the recognition of these deaths and to discuss appropriate management strategies for Site ID 3781 'Wadjemup Aboriginal Prisoners Cemetery' (S02118).

The primary spokespeople for the Nyungar community was Mr Corrie Bodney, Mr E. Kickett, Mr R. Bropho, Mr Ted Wilkes, Mr Ben Taylor, Mrs Bropho and Mrs Marshall.

As a result of the consultation a number of requests of the Nyungar community were presented which included (but not limited to) detouring of roads, removal of some cottages and camping areas moved back from Site ID 3781. It was also requested that Aboriginal people be employed to research the Aboriginal history of Rottneest Island and that the extent of the burials be investigated by anthropologists and archaeologists (Bradshaw 1988: 1-2).

OUTCOMES OF ARCHIVAL RESEARCH

A search of the DPLH Aboriginal Heritage Inquiry System (AHIS) conducted on 22nd January 2019 determined that there are no previously recorded Registered Aboriginal Sites located within the Army Jetty survey area (see Table 1 and Appendix 1).

The search also determined that there are 3 previously recorded Other Heritage Places that have DPLH extents overlaying the survey area. Place ID 3443 Rottneest Cemetery North, Place ID 3776 Indian Ocean and Place ID 20862 Rottneest Island (Wadjemup) have been assessed by the ACMC as not meeting the terms of section 5 of the AHA and are listed as Stored Data.

Rottneest Island Authority has no legal obligations under the AHA in relation to these heritage places.

In relation to Place ID 20862 Rottneest Island (Wadjemup), a review of previous Aboriginal Heritage Surveys has revealed the high cultural and historical significance attributed to the whole of Rottneest Island as a sacred site. It is believed to not only be a place for spirits of the dead, it is also seen as a "land of the living where the ancestral spirits, the spirits of historic heroes and the spirit of living generations rest before their journey back through the cycle of life" (Muir 2012: 179).

Archival research reveals that 'The Legend of the Crocodile and the Waugal' is one mythological narrative that identifies Rottneest Island alongside Garden Island as the broken pieces of the Crocodile tail, left behind after an epic battle between the Crocodile and the Shark, which resulted in the two islands being formed (Muir 2012: 25, 192-193).

Despite these narratives the ACMC has not determined that these values meet the criteria of section 5 of the AHA, nor has the ACMC recognised the place that Rottneest has in the history of settlement and the special place that the island has in the history of the State. Despite this determination the whole of the island has immense heritage and cultural significance to the Whadjuk people and as such this should be respected by the RIA in any activities that they conduct anywhere on the island (see Green & Aguiar 2018).

IDENTIFICATION OF SPOKESPEOPLE

THE RIGHT TO SPEAK ON HERITAGE ISSUES

Various authors have discussed the contemporary problem of who in the Indigenous community has the authority to speak on heritage issues within an area. O'Connor et al (1989: 51) suggests that when this question is posed to people in Indigenous Australia, answers are usually framed by such terms as 'the Traditional Owners', i.e., those people who are defined by place of birth, or descent. Myers (1986) presents a broader and more contemporary view of 'ownership' based upon descent and association,

An estate, commonly a sacred site, has a number of individuals who may identify with and control it. They constitute a group solely in relationship to this estate... Identification refers to a whole set of relationships a person can claim or assert between him/herself and a place. Because of this multiplicity of claims, land holding groups take essentially the form of bilateral, descending kindred. Membership as a recognised owner is widely extended and therefore groups are not a given (Myers 1986: 128).

Myers (1986) further clarifies the current perception of 'ownership' when he states,

....such rights exist only when they are accepted by others. The movement of the political process follows a graduated series of links or claims of increasing substantiality, from mere identification and residual interest in a place to actual control of its sacred association. The possession of such rights as recognised by others, called 'holding' (*kanyininpa*) a country, is the product of negotiation (Myers 1986: 128-129).

While the notion of descent is clearly an important criterion within Myers analysis, it must be seen in terms of the contemporary Nyungar situation. Nyungar tradition in the South West has been seriously eroded since colonisation as lines of descent have been broken and previously forbidden and mixed marriages have interconnected many Nyungar groups who would not have traditionally had a close association (Machin 1993: 20). Consequently, in contemporary times the criteria of historical 'association' may in some cases also be regarded as a 'right to speak' on heritage issues within an area. Machin (1995) elaborates,

Traditional subsistence no longer sufficed to support Aboriginals so they combined this with menial work on farms and over time new relationships to land developed. As a consequence, the more recent history associated with their involvement with European agriculture and labour patterns is often more relevant than the pre-contact mode of attachment to an old way of life and the roots of the identity as original owners of the land. Biographical associations are often tied to post-settlement labour patterns and identification. These can predominate. This is part of a dynamic process of ethnicity, identity and tradition (Machin 1995: 11).

O'Connor et al. (1989) identified several criteria for determining contemporary community spokespeople. A spokesperson must have a long-term association with an area, usually as a young person, and had extensive contact with a member or members of the 'pivotal generation of the culture transmitters'; those people whom, as children themselves, had contact with people who could pass on their traditional knowledge. A spokesperson must also demonstrate knowledge of the region's natural resources, its hunting, fishing and camping grounds, local water sources and flora and fauna. This is important because a person without this knowledge is unlikely to be seen by their fellow Nyungar people as truly being from that country, despite having been born or lived in that area. In some cases, people from outside a specific region have established themselves by political activism. They are accepted by their fellow Nyungars because they may have participated in mainstream pursuits, such as advanced education or legal and political careers, which have empowered them within the broader community. As such, these people are a valuable resource to the local Indigenous community. The people consulted in this survey fulfil at least one of these criteria.

NATIVE TITLE CLAIMS OVER THE SURVEY AREA

Currently lodged with the Register of Native Title Claims and the Schedule of Applications, held by the Commonwealth Native Title Tribunal, there is one registered Native Title application that is located to the east of Rottnest Island. The Schedule of Applications includes registered applications, unregistered applications and applications still undergoing the registration test.

- **Whadjuk People WC2011/009 WAD242/11 (Registered)**

Applicants: Mr C. Davis, Mr N. Morich, Mr N. Wilkes, Mr T. Nettle, Ms D. Wynne.

SELECTION OF SPOKESPEOPLE FOR THIS SURVEY

As the representative body under the *Native Title Act 1993* for the registered Whadjuk People WC2011/009 Native Title Claim group, SWALSC were required to select representatives to be consulted with in regards to the project. In line with the terms of the Noongar Standard Heritage Agreement (NSHA), an Activity Notice for the project was submitted by Rottnest Island Authority to SWALSC. SWALSC then provided the proponent with the following list (SWALSC HER.0232) of nominated representatives from the Whadjuk NTC group to be consulted with:

- | | |
|--------------------|----------------------------------|
| • Mr Gary Bennell | • Mr Greg Ugle |
| • Mr Tony Hill | • Mr Peter Garlett |
| • Mr Brendan Moore | • Mr Trevor McMahon |
| • Mr Elisha Jacobs | • Mr Reg Yarran (did not attend) |

As a result of this pre-consultation process the following 7 representatives attended the ethnographic survey on the 5th February 2019:

Mr Gary Bennell was born in Pingelly to his parents Mr Andy Bennell of Quairading and Mrs Alice Bennell from Cuballing. Mr Bennell's paternal grandfather was Mr Ned Bennell from Brookton and his maternal grandparents were Mr Charlie Hill from Bridgetown and Ms Rachael Abraham from Narrogin. His apical ancestors are Cleetland and Jenny and Bill Humphries. Mr Bennell completed schooling at Pingelly High School. Mr Bennell was nominated by SWALSC to participate in this ethnographic survey.

Mr Tony Hill was born in Pingelly to parents Mr Andy Bennell of Quairading and Mrs Alice Bennell from Cuballing. Mr Hill shares the same familial connections as Mr Gary Bennell noted above. Mr Hill completed his schooling in Pingelly and has been employed in the agricultural industry in Pingelly and Bunbury and has worked as a truck driver in Collie. Mr Hill was nominated by SWALSC to participate in this ethnographic survey.

Mr Greg Ugle was born at the Mogumber Mission to parents Mr John Felix Jackamarra from New Norcia and Ms Lizie Ugle from Beverley. Mr Ugle's paternal grandparents are Mr Felix Jackamarra from New Norcia and Ms Susan Wandering from the Mogumber Mission. Mr Ugle's maternal grandfather is Mr Beale Ugle from Beverley. Mr Ugle went to school in Kalgoorlie prior to working as a spray painter and a truck driver. Mr Ugle claims traditional descent from apical ancestor *Toolbuk* who was born on the Heirisson Island mud flats. Mr Ugle is a Whadjuk working party member and was nominated by SWALSC to attend this survey.

Mr Peter Garlett did not provide any biographic information on the day of the ethnographic survey. Mr Garlett was selected by SWALSC to participate in this heritage survey.

Mr Brendan Moore was born in Moora to parents Mr Colin Moore from Dandaragan and Ms Pamela Billett from Melbourne. Mr Moore's paternal grandparents are Mr Granville Moore from Burney (England) and Ms Edith Madeline Warrell from Dandaragan. Mr Moore shares a cultural association with the project area through traditional blood ties to apical ancestors Mr William Warrell (*Madeegro*) and Ms Sarah Minyulo. Mr Moore's family has a long history working in the farming/agricultural industry in Dandaragan. Mr David Moore and Mrs Debra Moore, relatives of Mr Brendan Moore, still reside in Dandaragan and his brother, Mr Peter Moore owns a farm in Dandaragan that has been in the family since 1973. Mr Moore conducted his schooling in Dandaragan and Moora and attained a Post graduate Masters degree in Applied Sciences and International Studies prior to working with the Department of Agriculture for 10 years. Mr Moore was employed with SWALSC for 4.5 years and is currently employed by the City of Fremantle as an Aboriginal Engagement Officer. Mr Moore was selected by SWALSC to participate in this heritage survey.

Mr Trevor McMahon was born in Carnarvon to parents Mr Kenny McMahon, from Derby, and Ms Corel Gillespie, from Busselton. Mr McMahon's maternal grandparents are Mr James Gillespie, from the Success Hill and Eden Hill area, and Mrs Evelyn May Gillespie, from Bridgetown. Mr McMahon undertook schooling at Eden Hill Primary School and Lockridge Senior High School before undertaking work as a carpenter. Mr McMahon is a Working Party Member of the Whadjuk Native Title Claim group and was selected by SWALSC to participate in this heritage survey.

Mr Elisha Jacobs did not provide any biographic information on the day of the ethnographic survey. Mr Jacobs was selected by SWALSC to participate in this heritage survey.

COMMUNITY CONSULTATION

AIMS

- To establish contact with Indigenous people who retain traditional or current knowledge pertaining to the region.
- To determine if there are any sites or places of significance, as defined by Section 5 of the AHA, within the project area.
- To record any ethnographic information provided about identified sites or places.
- To generate consensual recommendations from the Indigenous community representatives in regards to any Section 18 requests and to record management strategies for identified ethnographic and archaeological sites.

METHOD

To arrange the survey the selected informants were contacted by phone and mail with an onsite meeting arranged. At the commencement of the meeting the informants were briefed as to the details of the project with the aid of the project plans and previously recorded Aboriginal heritage sites and places overlaid upon a large scale air photo map.

Ethnographic information was recorded in a notebook and photographs of the survey process were taken. GPS coordinates of any cultural features were recorded in the field and transferred to mapping software ArcView V10 where final maps were produced.

COMMUNITY CONSULTATION PROCESS

On the 6th February 2019 BGA consultants, Mr Brad Goode (Director) and Ms Louise Huxtable (Consultant Anthropologist), met seven representatives from the Whadjuk People NTC group, Mr Gary Bennell, Mr Greg Ugle, Mr Tony Hill, Mr Peter Garlett, Mr Brendan Moore, Mr Trevor McMahon and Ms Elisha Jacobs, at 10am at the Rottnest Island Airport. From there the group drove to the survey area on Army Jetty Road where they were met by Mr Ezra Jacobs (Aboriginal Heritage Officer) and Mr Clinton Hull (Project Manager) from the Rottnest Island Authority.



Figure 6: Survey Team meeting at a gazebo located at the Army Jetty.

Mr Goode began the survey by introducing the survey team and thanking them for their participation. He explained the history of Rottnest Island and its significance to the Whadjuk people. Mr Goode advised the group on the Rottnest Island Authority's obligations to the Traditional Owners under the NSHA. Mr Goode also advised the group that there are three previously recorded DPLH places which have DPLH extents which intersected with the survey area, both with archaeological and ethnographic components. The purpose of the ethnographic survey, Mr Goode advised, was for the Whadjuk NTC group representatives to provide statements regarding the importance and significance of the Aboriginal heritage values of the area. With the aid of an aerial photographic map of the survey area Mr Goode explained the survey area.

Mr Jacobs then introduced himself to the group and gave a brief explanation of the proposed works. He advised that although the jetty upgrade works do not impact upon the previously recorded DPLH places, the Rottnest Island Authority still wishes to hold consultations with the Whadjuk NTC group representatives in regards to the potential impact the works could have upon the previously recorded, or new, Aboriginal heritage sites. To enable the jetty to be utilised for commercial purpose and take congestion away from the main jetty, the Army Jetty is proposed to be upgraded. Mr Jacobs advised that recently a portion of the concrete decking on the jetty collapsed in late 2018 with the structure removed and groyne rectified.

Mr Hull then elaborated on the proposed works, advising that it is intended to increase the capacity of the jetty to accommodate commercial transport from the mainland, as well as provide an alternative facility for contingency ferry berthing and small vessel refuelling. Mr Hull then showed the group conceptual designs for the proposed barge ramp and laydown area, groyne extension and short 60m groyne, including the proposed dredging area. He advised that it is proposed to extend the existing groyne at a 30° angle to approximately the similar length of which it currently exists (90m). This will create an area of sheltered water for berthing and increase the capacity of the barge and cargo area. The total overall length of the groyne will be approximately 180m in length and up to 25m in width at the sea bed.



Figure 7: Mr Hull explaining the concept plans for the proposed groyne extension, new protection groyne and dredging area.

Mr McMahon enquired into whether the new jetty would require regular dredging to which Mr Hull responded that the area would be dredged to allow 3m depth for the works with maintenance dredging possibly required every 10 or so years. Mr Goode enquired into what would be done with the spoil from the dredging to which Mr Hull responded that the spoil from the works would be used as fill for the project, whilst any spoil removed during future maintenance dredging will be dissipated or removed from site dependant on volume.

The group then walked closer to inspect the existing jetty, stopping at GPS coordinates 363005mE 6458433mN. Here Mr Hull pointed out the areas where the new short 60m groyne and dredging were proposed.



Figure 8: Mr Hull pointing out the areas where the new groyne and dredging are proposed; view N/NW.

Mr McMahon enquired into whether the seaweed which was built up alongside the existing jetty would be removed as part of the works and expressed his concerns that the new extended groyne would also encourage seaweed build up. Mr Hull responded that the shape of the new facility would help minimise and manage seaweed build up.

Mr Goode enquired into whether the dredging will only be removing sand or rock to which Mr Hull responded that it was predominately sand, however geotechnical investigations would reveal the stratigraphy or bedrock of the seabed and whether excavations were necessary. Mr Hull advised that aerial photographs from the past decade of the survey area had been examined which has provided data about how it has changed over the years.

Mr Goode enquired into whether the works would impact upon the marine environment, including any endangered species to which Mr Hull responded that the design proposes to minimise impact upon the marine environment, particularly as the existing navigation channel is nearby so the depth to the seabed is intended to minimise damage on the seagrass. Mr Hull added that there are no known endangered fish species in this particular bay and that the works are not intended to greatly impact upon the sea life.



Figure 9: Survey team viewing the seaweed accumulated on the eastern side of Army Jetty; view to the north.

Mr Goode enquired into whether the existing Army Jetty Road would be extended to the jetty to which Mr Hull responded that it was likely the single lane road could be extended down to the jetty with the possible realignment feeding into the existing path.

Mr Bennell enquired into when the works were planned to be carried out to which Mr Hull responded that they were yet to be scheduled, however would likely occur within the next few years. Mr Goode added that this would be subject to approvals and explained to the group the planning and approvals process, particularly in relation to Aboriginal heritage approvals. Mr Hull added that the project would also likely involve referrals to the Environmental Protection Authority and an opportunity for public comment.

On the issue of public consultation Mr Moore enquired into the background of the consultation process and advised the Rottnest Island Authority that the Whadjuk Traditional Owners were there being consulted as representatives of the Whadjuk NTC group as opposed to an organisation set up for consultation in regards to Aboriginal heritage on Rottnest Island as a whole. Mr Ezra Jacobs agreed and advised that the consultation was the only planned engagement with the Whadjuk NTC group about the project. He further advised that the Rottnest Island Authority do engage with the Wadjemup Aboriginal Reference Group, in particular with the ongoing works at the old Aboriginal prison, however advised that the Wadjemup Aboriginal Reference Group would not be consulted with in regards to the jetty project, unless instructed to by SWALSC.

Mr Ezra Jacobs advised that if additional works are required, such as upgrade works to the Army Jetty Road, then representatives from the Whadjuk NTC group would be consulted with separately as instructed by SWALSC.

Mr Goode then enquired into whether the Whadjuk NTC group representatives had any knowledge about the Army Jetty survey area which had not been previously recorded. Mr Moore responded by clarifying when the groyne was built. Mr Hull responded that a rock groyne with timber jetty was the original structure built in 1906 and was used as the first boat access to the island before the existing main ferry jetty was built in the 1960s. Mr Hull

elaborated that the jetty was utilised by the Army leading up to and during WWII and the timber structure was replaced, upon which heavy machinery was bought over from the mainland to quarry rock to build the extended rock groyne in the 1970s. Mr McMahon then stated that due to the amount of earthworks there could be artefacts within or underneath the existing Groyne. Mr Elisha Jacobs agreed and stated, "In the older days there was no consideration for artefacts when moving earth around". Mr Hull responded that archaeological assessments of the area carried out by the WA Museum in 2012 were looked at by the Rottnest Island Authority during the preliminary concept design of the new facility, however could not recall if archaeological material was recorded. Mr Goode and Mr Ezra Jacobs advised the group that they would look into the 2012 report.

Mr Ezra Jacobs advised that Aboriginal prisoners were incarcerated at Rottnest Island from 1838 to 1931, advising that they were still housed there from 1904-1931 when the island began to be transformed into a tourist destination and were used to carry tourists bags and other menial jobs. He explained that whilst the Aboriginal prisoners arrived on another side of an island, they could have still been at the current survey area and possibly have left artefacts.

Mr Ezra Jacobs advised that whilst he recognises that monitoring is a limited form of engagement, the Rottnest Island Authority could employ archaeological monitors to be present during ground disturbing works to observe any artefacts which may be uncovered as a result of the works. Mr Goode suggested that methods, such as sieving, could be employed to salvage artefacts, however advised that techniques such as this were expensive and likely needed justification to occur. Mr Ezra Jacobs agreed that whilst the survey area was not located within a DPLH registered site or place where archaeological material had been recorded it could be recommended as part of the project.

Mr Ezra Jacobs advised that 7,000 years ago Rottnest Island, or Wadjemup, was connected to the mainland and was low lying coastal plain where archaeological material dating between 20,000 to 30,000 years ago has been recorded, showing that Whadjuk ancestors did live there. Mr Goode agreed and added that in the South West skeletal remains from traditional burials have been found on the eastern sides of coastal dunes. Mr Goode recalled traditional stories about the red-tailed black cockatoo who ferried the souls of the departed from the mainland to a place called *Koorannup* (sp. Bates 1985: 222) across the western sea and concluded that there was potential for the dunes to have burials present. Mr Ezra Jacobs added that the Rottnest Island Authority had recorded a mythology from Whadjuk elder Barry McGuire about *Koorinup* (sp. McGuire) in which has been published in a guide on the Aboriginal History on Wadjemup (see Rottnest Island 2012: 8).

Mr Goode then enquired into whether the Whadjuk NTC group representatives were aware of any mythological or other culturally significant places within or nearby the survey area to which Mr Elisha Jacobs responded that his elders had always emphasised old stories and mythologies about whales, seals and sea lions on Rottnest Island.

Here Mr Ezra Jacobs pointed out that Rottnest Island holds cultural significance to different Whadjuk families who may have different stories. He advised that Whadjuk elder Barry McGuire had also provided a mythology on the formation of Wadjemup which had also been published and that the Rottnest Island Authority would also be happy to document other mythologies from the Whadjuk NTC group representatives if they were happy to share them. Mr Moore responded,

If the separation of Rottnest Island from the mainland occurred 7,000 years ago I doubt that people on the mainland knew about stories from 7,000 years ago, and they were the ones passing down stories. Apart from stories occurring after settlement. 7,000 years ago was a long time ago and there have been many generations between that time, the stories that have been passed down about the mythologies or topography

of the island have probably been lost. I don't think there is a cultural memory which stretches back that far if people weren't continuing to live on the island.

Mr Goode enquired into whether the Whadjuk NTC group representatives had any knowledge regarding the historical use of the island to which Mr Garlett responded,

My Great grandmother would tell yarns about the 'big hills' and about the Garlett and Bennell family who used to walk out here. She also told us about a Dreamtime story about Crocodile and Waugal who had a fight at Cockburn Sound and who created the Swan Coast and the islands here.

Mr Goode advised that Dr Machin had recorded a mythology about a Waugal and a Shark having a fight and subsequently creating the coastline in a survey at Rockingham. Following this the group discussed how whilst the characters in mythologies may change, the specific events stay the same and are the focus of the mythologies.

Mr Goode then discussed how the DPLH places on Rottnest Island are all 'stored data' under the AHA (see the archival section of this report) and advised that it is likely that not enough information about the places was recorded in order for them to become registered sites. He advised that the places were recorded by Dr Barrie Machin and reported by Ken Colbung and Corrie Bodney. Mr Moore responded that whilst the Swan River people are the Traditional Owners, Ken Colbung and Corrie Bodney were not the Traditional Owners of the area.

Mr Goode enquired into whether the proposed works are seen to affect the Nyungar cultural heritage values or beliefs associated with the Island to which Mr Garlett responded by asking why the works are only occurring now and not before the jetty accident which occurred in October of 2018. Mr Hull responded that there were previous proposals to upgrade the site between 2012-2017, however these were not progressed. Mr Garlett enquired into whether the upgrade could be delayed again to which Mr Hull responded it would be the RIA's intention to progress, however timing was dependent on approvals and funding.

Mr Garlett stated that there has been a big movement towards acknowledging the Aboriginal burials in the cemetery on Rottnest Island, however there does not appear to be the same recognition as Rottnest Island as a penal colony. Mr Ezra Jacobs responded that is part of the reason for the current consultation and the creation of the Wadjemup Aboriginal Reference Group with the Rottnest Island Authority wanting to incorporate more consultation, interpretation and engagement across the island.

Mr Ugle then stated,

You ask us questions about the impacts [to sites or values] that we know of. If our ancestors were here, if they practiced traditional culture and ceremonies then they would have done it in quiet or else they would have been punished. They were imprisoned on the island for being Aboriginal, our culture was condemned. The army back then were bullies. There are likely burials all over the place. There wouldn't have been consultations with Aboriginal people when they replaced the timber jetty with rock back then which would have had a significant impact. But they didn't care then. Our ancestors were the guardians of this land and we are still the guardians. We know you'll go ahead with this regardless of what we think but my concern is the extent of the impact.

Mr Ugle then enquired into whether it was possible to move the proposed dredging, groyne extension and groyne construction to the western side of the existing groyne, stating that the western side had already been subject to previous disturbance. Mr Hull responded that this was

unlikely as the eastern side where the works are proposed provides sheltered waters to vessels and advised that the existing groyne alignment is proposed to be built upon.

Mr Bennell enquired into how long the construction period would be to which Mr Hull responded that he was unsure as the design was not finalised, however it would require a reasonable amount of work due to importing of materials and weather.

Mr Elisha Jacobs enquired into whether public access to the Jetty beach would be maintained to which Mr Hull responded yes, adding that when the works are complete this area would not appear to have been altered much with the exception of lighting and fencing of the commercial storage area.

Mr Moore then stated,

Getting back to the mythological side of this, I think that it is a big concern that the government can always seem to find money to carry out infrastructure and provide services, promote tourism, etc. But the island is a spiritual Mecca to just about every Aboriginal person. There may not be the traditional mythological story about the island but we attribute spiritual and mythological significance to it. There are burials and the whole island is spiritual to us. So before the works there should be a cultural ceremony or practice to make sure the spirits are acknowledged and to placate the spirits from all of those buried here.

Mr Garlett agreed and added,

We never came here as children because we were told there were so many spirits here. Aboriginal people didn't like to come here as the island belongs to them, the spirits of the people who died here.

Mr Moore suggested that interpretative signage could be installed at the Army Jetty. Mr Elisha Jacobs agreed with this request and stated that interpretative signage could cater to Aboriginal people visiting the island in the future, as well as provide the public with the Aboriginal history of the area. Mr Garlett agreed but stated, "We're only just getting signage at the cemetery, there's not much else elsewhere on the island for us". Mr Moore advised him that there had been funding granted to create a Wadjemup cultural centre.

Mr Goode enquired into whether there was a Whadjuk name for the specific place or bay where the group were standing to which Mr Moore responded "We're 20km from the mainland, like Ezra said, it was connected to the mainland 7,000 years ago. The memory of the name wouldn't have lasted that long". Mr Ezra Jacobs stated that he had not heard of a name however there was a chance that knowledge did exist somewhere. Mr Goode enquired into whether if there was a name would the Whadjuk NTC group representatives be interested in dual naming of Thompson Bay to recognise the Whadjuk history to which Mr Moore responded yes, however reiterated his doubts that the name survived.

Mr McMahon then stated that he knew of Whadjuk people fishing on Garden Island and enquired into whether there was any evidence, such as canoes, of Whadjuk people fishing on Rottnest Island. Mr Goode responded no and discussed how Nyungar people were not seafaring people. Mr Ugle agreed and stated that Nyungar people were land dwelling people, with small rafts made out of paperbark occasionally used to travel along the rivers. Mr Ezra Jacobs added that there was archaeological evidence that proves that the island was occupied prior to its separation from the mainland 7,000 years ago but there has been no evidence found/recorded to date, archaeological or other, that suggests Noongar people continued to visit the island after separation and prior to settlement.

Mr Goode advised that the Tea Tree branches would be bundled together with Paperbark placed over the top and added that the Aboriginal prisoners would also be told that there were big sharks around the island to stop them from trying to escape and swim back to the mainland.

Mr Ugle then pointed out that it was not just Nyungars imprisoned on Rottnest Island and advised that his grandfather came from the North West and was imprisoned on the island. Mr Moore agreed and stated that numerous Aboriginal men and boys from across the state were imprisoned together, who conducted different cultural practices. Mr Moore added that, as such, Rottnest Island contains a spiritual sense for a lot of Aboriginal people, not just Nyungars.

Mr Goode then summarised the consultation and enquired into whether the Whadjuk NTC group representatives had any knowledge of any specific ethnographic sites or places, as defined by section 5 of the AHA, located within the Army Jetty survey area. Mr Elisha Jacobs responded “You could find out whether it’s a site if you uncover artefacts when doing the works. There could be objects under the ground”.

Mr Goode enquired into whether the Whadjuk NTC group had any feelings or sentiment about the Army Jetty survey area to which Mr Bennell responded that there could be burials within, or close to the survey area as traditionally Nyungars were buried facing the east where the sun rises behind sand dunes.

Mr Goode then enquired into whether the Whadjuk NTC group representatives had any management recommendations to make in regards to the proposed works to which Mr Moore reiterated his request for a ceremony or ritual to be carried out prior to the works occurring to acknowledge the spiritual significance of the Island. Mr Goode enquired into what form the ritual or ceremony would or whether that would be determined by the Whadjuk Working Party at a later date to which Mr Ugle responded that it would be determined by the Whadjuk people at a later date.

Mr Ugle added “there could be artefacts here, bodies nearby in the dunes. We can’t give an educated opinion about how to address these issues without knowing everything”.

Mr Moore agreed and added “This is a spiritual level to us. It’s abstract”.

Mr Ugle stated “It is spiritual to us because of the Aboriginal bodies here”.

Mr Garlett stated “Our mob used to believe that when we died we would go to Koorannup across the western sea so when they were taken on boats across the sea here they actually thought they were literally coming here to die”.

Mr Ezra Jacobs added “Pop Barry McGuire told of a song about Wadjemup with the Whale. The story is about crossing the sea”.

Mr Goode then discussed archaeological monitoring and advised that he would talk to BGA archaeologist Jacqueline Harris about previous archaeological surveys on the island which she had been a part of and would find out whether there was any archaeological material recorded in the Army Jetty survey area.

Mr Goode enquired into whether the Whadjuk NTC group representatives had any questions or comments to make in regards to the proposed works to which they responded no.

The consultants and proponents then thanked the group and concluded the ethnographic consultations.



Figure 10: (from left) Ms Louise Huxtable, Mr Gary Bennell, Mr Greg Ugle, Mr Elisha Jacobs, Mr Brendan Moore, Mr Trevor McMahon, Mr Brad Goode, Mr Clinton Hull, Mr Peter Garlett, Mr Tony Hill and Mr Ezra Jacobs.

COMMUNITY CONSULTATION OUTCOMES

As a result of the consultations held with seven representatives of the Whadjuk NTC group on the 5th February 2019 **no new** ethnographic sites, as defined by section 5 of the AHA were identified within the Army Jetty Works Area.

During the consultations, the Whadjuk NTC group representatives were concerned that there could be artefacts in the subsurface and potential burials could be located in the dunes close to the Works Area as traditionally Nyungars were buried facing east behind sand dunes (see Bates 1985: 222-224). As a result it was requested that Archaeological monitors be present during all ground disturbing works and archaeological techniques, such as test pitting and sieving be employed if artefacts are found.

During the consultations the Whadjuk NTC group representatives confirmed the previously recorded creation mythology for Rottnest (Wadjemup) Island and its significance and objected to the determination by the ACMC that the island does not constitute an Aboriginal site within the meaning of the AHA.

In relation to spiritual significance of the project area, the Whadjuk NTC group confirmed that Nyungar people traditionally believed that when they died their spirit would cross the Western Sea and go to Koorannup (at Wadjemup) to a place of rest (see Bates 1985: 222-224). The group further advised that historically when Aboriginal people were imprisoned on Rottnest Island, many Nyungar people believed that those imprisoned were literally coming to Rottnest to die and in fact many did. Therefore it is the view that burials could be anywhere as opposed to the known cemetery.

As a result of the spiritual sentiment associated with the project area, the Whadjuk NTC group representatives requested that a proprietary ritual be performed prior to the works occurring at the Army Jetty. This ceremony would be determined by the Whadjuk who are engaged to conduct it, but it would need to be prior to any work occurring.

In relation to the Aboriginal history of Rottnest Island, the Whadjuk NTC group representatives also requested that interpretative signage be installed at the Army Jetty to provide people visiting the island more information about Aboriginal history of the project area.

RECOMMENDATIONS

As a result of the survey the following recommendations are made in relation to the Western Australian Aboriginal Heritage Act (1972):

As no ethnographic sites of significance as defined by section 5 of the AHA were identified to be located in the Army Jetty Project Area **it is recommended** that Rottnest Island Authority can proceed with the project as currently planned without undue risk of breaching the AHA in relation to ethnographic sites and places.

It is further recommended that Rottnest Island Authority gives due consideration to the requests made during the ethnographic survey by the Whadjuk WC2011/009 that:

- Archaeological monitors be present during all ground disturbing works and archaeological techniques, such as test pitting and sieving be employed if artefacts are found;
- A proprietary ritual (to be determined by the Whadjuk NTC group) be performed prior to the works occurring; and
- An interpretative sign be installed at the Army Jetty which explains the Aboriginal history of the area.

BIBLIOGRAPHY

- Armstrong, 1836 cited in Brown, S.H. 1983, A Survey for Aboriginal Sites, Ethnographic Investigations relating to some Proposed Highway and Road Developments in the Perth Metropolitan Area, Prepared for Main Roads Department
- Bates, D. 1985, *The Native Tribes of Western Australia*, I. White (Ed.). National Library of Australia, Canberra.
- Bigourdan, N. and McAllister, M. 2012, *Maritime Archaeological Assessment of the Army Jetty Thompson Bay, Rottnest Island*, report prepared for the Rottnest Island Authority, Department of Maritime Archaeology, Western Australian Museum No. 204, November 2012.
- Bradshaw, E. 1988, Rottnest Island Report on Meeting of 10 March 1988 [DPLH Report ID 103686].
- Brown, S. 1983, A Survey for Aboriginal Sites – Ethnographic Investigations relating to some proposed Highway and Road Developments in the Perth Metropolitan area, report prepared for Main Roads Department, January 1983.
- Cecchi, J. 2012, Report on an Aboriginal Archaeological Survey of Rottnest Island Golf Course, prepared in support for a s18 application under the Aboriginal Heritage Act 1972, report prepared on behalf of R. & E. O'Connor Pty Ltd for Rottnest Island Authority, cited within DPLH Place File ID 20862.
- Dortch, C.E. and Hesp, P.A. 1994, 'Rottnest Island artifacts and palaeosols in the context of Greater Swan Region prehistory', *Journal of the Royal Society of Western Australia*, 77:23-32, cited in DPLH Place File ID 20862.
- Green, N. and Aguiar, S. 2018, Far From Home Aboriginal Prisoners of Rottnest Island 1838 – 1931, Published by Focus Education Services 2018, Original work published in 1997.
- Hesp, P.A., Murray-Wallace, C.V. and Dortch, C.E. 1999, 'Aboriginal Occupation on Rottnest Island, Western Australia, provisionally dated by Aspartic Acid Racemisation assay of land snails to greater than 50ka,' *Australian Archaeology*, Number 49, cited in DPLH Place File ID 20862.
- Landscape Magazine 2003, *WA's Conservation, Parks and Wildlife Magazine, Summer 2002-2003*, journal extract cited in DPLH file for Place ID 3776 Indian Ocean.
- Machin, B. 1993, Ethnographic Survey: Dunsborough Pipeline, An unpublished report prepared for the Western Australian Water Authority
- Machin, B. 1995, Ethnographic Survey: Jangardup Project, Unpublished report prepared for Main Roads Western Australia.
- Moore, G.F. 1884, *Diary of Ten Years of Eventful Life of an Early Settler in Western Australia*. M. Walbrook: London.
- Myers, F.R. 1986, *Pintupi Country, Pintupi Self, Sentiment, Place and Politics among Western Desert Aborigines*, Smithsonian Institution Press, Washington and London, Australian Institute of Aboriginal Studies: Canberra.

- O'Connor, R., Quartermaine, G. and Bodney, C. 1989, Report on an Investigation into the Aboriginal Significance of Wetlands and Rivers in the Perth – Bunbury Region, Western Australian Water Resources Council.
- Playford, P. 1996, *Carpet of Silver The Wreck of the Zuytdorp*, University of Western Australia.
- Rottnest Island Authority 2012, *Rottnest Island A Guide to Aboriginal History on Wadjemup*, September 2012.
- Woods, M. 2007, 'The Furthest Limit or Hope of Things' *National Library of Australia News*.

APPENDIX 1: DPLH SITES AND PLACES REGISTER SEARCH

Search Criteria

No Registered Aboriginal Sites in Shapefile - RIA_Survey_Area_2019

Disclaimer

The *Aboriginal Heritage Act 1972* preserves all Aboriginal sites in Western Australia whether or not they are registered. Aboriginal sites exist that are not recorded on the Register of Aboriginal Sites, and some registered sites may no longer exist.

The information provided is made available in good faith and is predominately based on the information provided to the Department of Planning, Lands and Heritage by third parties. The information is provided solely on the basis that readers will be responsible for making their own assessment as to the accuracy of the information. If you find any errors or omissions in our records, including our maps, it would be appreciated if you email the details to the Department at heritageenquiries@dplh.wa.gov.au and we will make every effort to rectify it as soon as possible.

South West Settlement ILUA Disclaimer

Your heritage enquiry is on land **within or adjacent to** the following Indigenous Land Use Agreement(s): Whadjuk People ILUA.

On 8 June 2015, six identical Indigenous Land Use Agreements (ILUAs) were executed across the South West by the Western Australian Government and, respectively, the Yued, Whadjuk People, Gnaala Karla Booja, Ballardong People, South West Boojarah #2 and Wagyl Kaip & Southern Noongar groups, and the South West Aboriginal Land and Sea Council (SWALSC).

The ILUAs bind the parties (including 'the State', which encompasses all State Government Departments and certain State Government agencies) to enter into a Noongar Standard Heritage Agreement (NSHA) when conducting Aboriginal Heritage Surveys in the ILUA areas, unless they have an existing heritage agreement. It is also intended that other State agencies and instrumentalities enter into the NSHA when conducting Aboriginal Heritage Surveys in the ILUA areas. It is recommended a NSHA is entered into, and an 'Activity Notice' issued under the NSHA, if there is a risk that an activity will 'impact' (i.e. by excavating, damaging, destroying or altering in any way) an Aboriginal heritage site. The Aboriginal Heritage Due Diligence Guidelines, which are referenced by the NSHA, provide guidance on how to assess the potential risk to Aboriginal heritage.

Likewise, from 8 June 2015 the Department of Mines, Industry Regulation and Safety (DMIRS) in granting Mineral, Petroleum and related Access Authority tenures within the South West Settlement ILUA areas, will place a condition on these tenures requiring a heritage agreement or a NSHA before any rights can be exercised.

If you are a State Government Department, Agency or Instrumentality, or have a heritage condition placed on your mineral or petroleum title by DMIRS, you should seek advice as to the requirement to use the NSHA for your proposed activity. The full ILUA documents, maps of the ILUA areas and the NSHA template can be found at <https://www.dpc.wa.gov.au/swnts/South-West-Native-Title-Settlement/Pages/default.aspx>.

Further advice can also be sought from the Department of Planning, Lands and Heritage at heritageenquiries@dplh.wa.gov.au.

Copyright

Copyright in the information contained herein is and shall remain the property of the State of Western Australia. All rights reserved.

Coordinate Accuracy

Coordinates (Easting/Northing metres) are based on the GDA 94 Datum. Accuracy is shown as a code in brackets following the coordinates.

Basemap Copyright

Map was created using ArcGIS software by Esri. ArcGIS and ArcMap are the intellectual property of Esri and are used herein under license. Copyright © Esri. All rights reserved. For more information about Esri software, please visit www.esri.com.

Satellite, Hybrid, Road basemap sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, HERE, DeLorme, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community.

Topographic basemap sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community.



Aboriginal Heritage Inquiry System

Map of Registered Aboriginal Sites

For further important information on using this information please see the
Department of Planning, Lands and Heritage's Disclaimer statement at
<https://www.dplh.wa.gov.au/about-this-website>



Search Criteria

3 Other Heritage Places in Shapefile - RIA_Survey_Area_2019

Disclaimer

The Aboriginal Heritage Act 1972 preserves all Aboriginal sites in Western Australia whether or not they are registered. Aboriginal sites exist that are not recorded on the Register of Aboriginal Sites, and some registered sites may no longer exist.

The information provided is made available in good faith and is predominately based on the information provided to the Department of Planning, Lands and Heritage by third parties. The information is provided solely on the basis that readers will be responsible for making their own assessment as to the accuracy of the information. If you find any errors or omissions in our records, including our maps, it would be appreciated if you email the details to the Department at heritageenquiries@dplh.wa.gov.au and we will make every effort to rectify it as soon as possible.

South West Settlement ILUA Disclaimer

Your heritage enquiry is on land within or adjacent to the following Indigenous Land Use Agreement(s): Whadjuk People ILUA.

On 8 June 2015, six identical Indigenous Land Use Agreements (ILUAs) were executed across the South West by the Western Australian Government and, respectively, the Yued, Whadjuk People, Gnaala Karla Booja, Ballardong People, South West Boojarah #2 and Wagyl Kaip & Southern Noongar groups, and the South West Aboriginal Land and Sea Council (SWALSC).

The ILUAs bind the parties (including 'the State', which encompasses all State Government Departments and certain State Government agencies) to enter into a Noongar Standard Heritage Agreement (NSHA) when conducting Aboriginal Heritage Surveys in the ILUA areas, unless they have an existing heritage agreement. It is also intended that other State agencies and instrumentalities enter into the NSHA when conducting Aboriginal Heritage Surveys in the ILUA areas. It is recommended a NSHA is entered into, and an 'Activity Notice' issued under the NSHA, if there is a risk that an activity will 'impact' (i.e. by excavating, damaging, destroying or altering in any way) an Aboriginal heritage site. The Aboriginal Heritage Due Diligence Guidelines, which are referenced by the NSHA, provide guidance on how to assess the potential risk to Aboriginal heritage.

Likewise, from 8 June 2015 the Department of Mines, Industry Regulation and Safety (DMIRS) in granting Mineral, Petroleum and related Access Authority tenures within the South West Settlement ILUA areas, will place a condition on these tenures requiring a heritage agreement or a NSHA before any rights can be exercised.

If you are a State Government Department, Agency or Instrumentality, or have a heritage condition placed on your mineral or petroleum title by DMIRS, you should seek advice as to the requirement to use the NSHA for your proposed activity. The full ILUA documents, maps of the ILUA areas and the NSHA template can be found at <https://www.dpc.wa.gov.au/swnts/South-West-Native-Title-Settlement/Pages/default.aspx>.

Further advice can also be sought from the Department of Planning, Lands and Heritage at heritageenquiries@dplh.wa.gov.au.

Copyright

Copyright in the information contained herein is and shall remain the property of the State of Western Australia. All rights reserved.

Coordinate Accuracy

Coordinates (Easting/Northing metres) are based on the GDA 94 Datum. Accuracy is shown as a code in brackets following the coordinates.

Terminology (NB that some terminology has varied over the life of the legislation)

Place ID/Site ID: This a unique ID assigned by the Department of Planning, Lands and Heritage to the place.

Status:

- Registered Site: The place has been assessed as meeting Section 5 of the Aboriginal Heritage Act 1972.
- Other Heritage Place which includes:
 - Stored Data / Not a Site: The place has been assessed as not meeting Section 5 of the Aboriginal Heritage Act 1972.
 - Lodged: Information has been received in relation to the place, but an assessment has not been completed at this stage to determine if it meets Section 5 of the Aboriginal Heritage Act 1972.

Access and Restrictions:

- File Restricted = No: Availability of information that the Department of Planning, Lands and Heritage holds in relation to the place is not restricted in any way.
- File Restricted = Yes: Some of the information that the Department of Planning, Lands and Heritage holds in relation to the place is restricted if it is considered culturally sensitive. This information will only be made available if the Department of Planning, Lands and Heritage receives written approval from the informants who provided the information. To request access please contact heritageenquiries@dplh.wa.gov.au.
- Boundary Restricted = No: Place location is shown as accurately as the information lodged with the Registrar allows.
- Boundary Restricted = Yes: To preserve confidentiality the exact location and extent of the place is not displayed on the map. However, the shaded region (generally with an area of at least 4km²) provides a general indication of where the place is located. If you are a landowner and wish to find out more about the exact location of the place, please contact the Department of Planning, Lands and Heritage.
- Restrictions:
 - No Restrictions: Anyone can view the information.
 - Male Access Only: Only males can view restricted information.
 - Female Access Only: Only females can view restricted information.

Legacy ID: This is the former unique number that the former Department of Aboriginal Sites assigned to the place. This has been replaced by the Place ID / Site ID.

Basemap Copyright

Map was created using ArcGIS software by Esri. ArcGIS and ArcMap are the intellectual property of Esri and are used herein under license. Copyright © Esri. All rights reserved. For more information about Esri software, please visit www.esri.com.

Satellite, Hybrid, Road basemap sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, HERE, DeLorme, Intermap, INCREMENT P, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community.

Topographic basemap sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community.

Aboriginal Heritage Inquiry System

List of Other Heritage Places

For further important information on using this information please see the
Department of Planning, Lands and Heritage's Disclaimer statement at
<https://www.dplh.wa.gov.au/about-this-website>

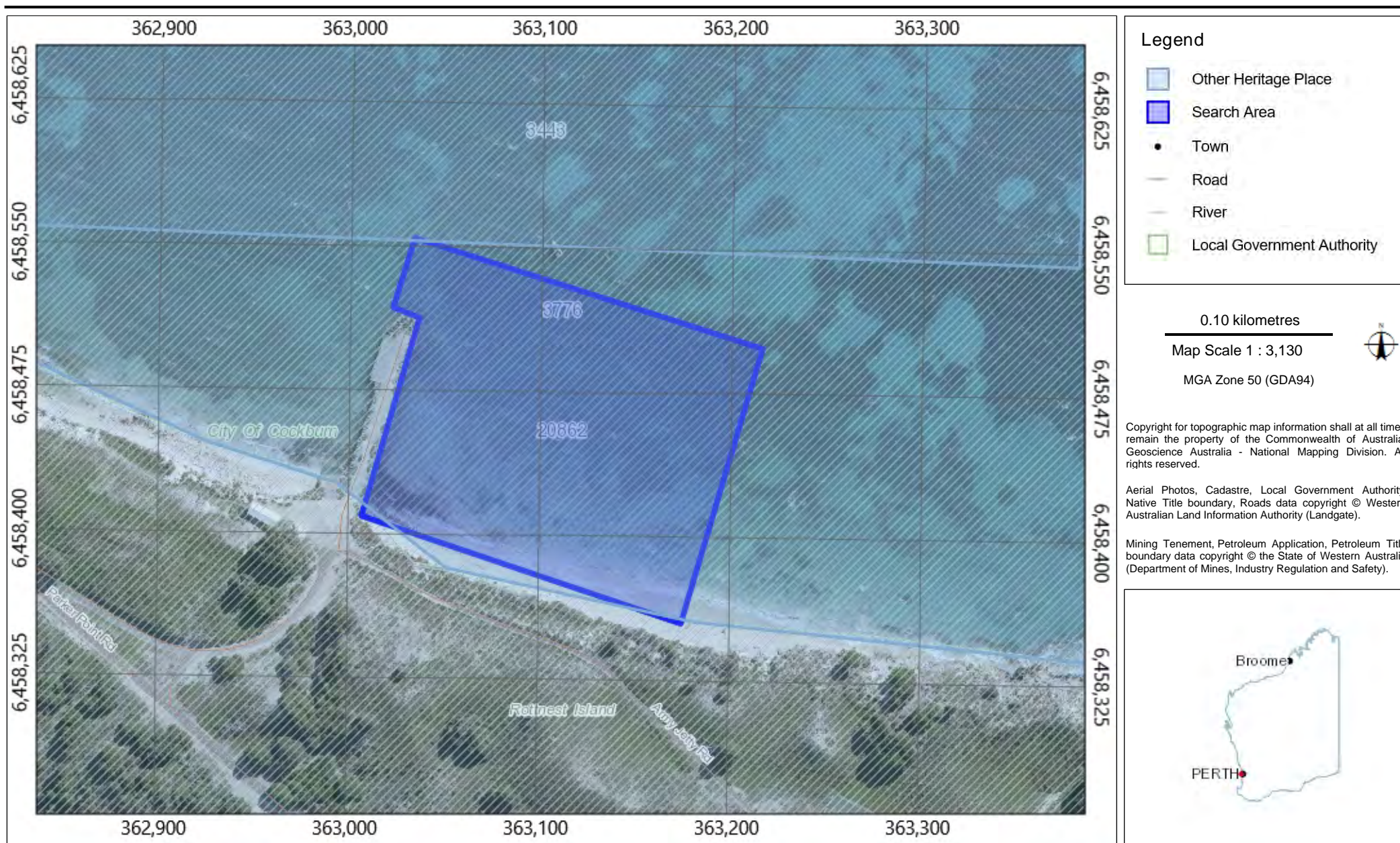
ID	Name	File Restricted	Boundary Restricted	Restrictions	Status	Type	Knowledge Holders	Coordinate	Legacy ID
3443	ROTTNEST: CEMETERY NORTH	Yes	Yes	No Gender Restrictions	Stored Data / Not a Site	Modified Tree, Skeletal Material / Burial	*Registered Knowledge Holder names available from DAA	Not available when location is restricted	S02668
3776	INDIAN OCEAN	No	No	No Gender Restrictions	Stored Data / Not a Site	Mythological	*Registered Knowledge Holder names available from DAA	372624mE 6445362mN Zone 50 [Reliable]	S02169
20862	Rottnest Island (Wadjemup)	No	No	No Gender Restrictions	Stored Data / Not a Site	Artefacts / Scatter, Historical, Man-Made Structure, Midden / Scatter, Mythological, Quarry, Rockshelter, Skeletal Material / Burial, Arch Deposit, Camp, Hunting Place, Massacre, Meeting Place, Natural Feature, Shell, Water Source	*Registered Knowledge Holder names available from DAA	359511mE 6457858mN Zone 50 [Reliable]	



Aboriginal Heritage Inquiry System

Map of Other Heritage Places

For further important information on using this information please see the
Department of Planning, Lands and Heritage's Disclaimer statement at
<https://www.dplh.wa.gov.au/about-this-website>



APPENDIX 2: LETTER OF ADVICE

Brad Goode & Associates Pty Ltd




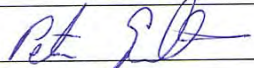
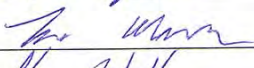
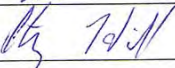


Consulting Anthropologist
Heritage Assessments

79 Naturaliste Terrace
DUNSBOROUGH WA 6281
(08) 9755 3716
bradnlee@westnet.com.au
ACN: 134 732 040
ABN: 41 134 732 040

05th February 2019

We the undersigned have been consulted by Brad Goode & Associates Pty Ltd, on behalf of the Rottnest Island Authority, regarding the proposed break wall extension, dredging and geotechnical investigations as part of the Army Jetty upgrade works. We would like to make the following recommendations in relation to the Western Australian Aboriginal Heritage Act 1972:

- There are no new ethnographic sites, as defined by section 5 of the AHA, located within the Army Jetty survey area.
- We request that the Rottnest Island Authority gives due consideration to our requests that:
 - Archaeological monitors be present during all ground disturbing works and archaeological techniques, such as test pitting and sieving be employed;
 - A proprietary ritual (to be determined by the Whadjuk NTAG) be performed prior to the works occurring; and
 - An interpretative sign be installed at the jetty which explains the Aboriginal history of the area.

Whadjuk People WC2011/009 Native Title Claim group		
Garry Bennell	05.02.2019	
Greg Ugle	05.02.2019	
Brendon Moore	05.02.2019	
Peter Garlett	05.02.2019	
Trevor McMahon	05.02.2019	
Tony Bennell Hill	05.02.2019	
Reg Yarran	05.02.2019	
Elisha Jacobs	05.02.2019	

APPENDIX 3: MAP OF THE PROJECT AREA IN RELATION TO ABORIGINAL HERITAGE SITES

