A DESKTOP ETHNOGRAPHIC ABORIGINAL HERITAGE SURVEY OF THE HIGH STREET UPGRADE BETWEEN STIRLING HIGHWAY AND CARRINGTON STREET, FREMANTLE, WESTERN AUSTRALIA.

A report prepared for ARRB Group Ltd.

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EXECUTIVE SUMMARY

The Department for Planning and Infrastructure (DPI) wish to identify all previously recorded Aboriginal Heritage sites located within an area between the west of Stirling Highway to the east of Carrington Street along High Street in Fremantle. This study is requested in order to identify any areas of Aboriginal significance that may have been previously recorded within the area of proposed modifications to High Street in order for the proponents to be able to fulfil their obligations with regards to the West Australian Aboriginal Heritage Act (1972).

Archival research has revealed that there is a rich record of pre-European and post contact Nyungar occupation of the Fremantle area. The area now subject to this study does not contain any previously recorded Aboriginal Heritage sites but has not been previously surveyed.

Several adjacent studies (Burke 2006, McDonald 1997, 2003, 2004 and O’Connor and Thompson 1984) to the survey area do exist and point to a rich record of heritage sites recorded in the region. Few pre-historic artefact sites have been recorded in Fremantle which is largely a result of the fact that the area has undergone high degrees of disturbance from urbanization which has destroyed or concealed the archaeological signature. Some potential for artefacts to be unearthed during excavation and earthworks remains in areas around the coastal margin, lakes and the Swan River. (Burke 2006).

Ethno-historical research indicates that Fremantle was formerly known as Walyalup and that it was a major meeting and dwelling place for traditional Nyungar people and was known as a place for undertaking trade and ceremonies. Fremantle was a place the Swan River could be crossed and so was an important link on a Bidi (track) that ran from Perth to the south of the river and beyond (De Gande, 2000; see also Bates in McDonald 2003).

Several landscape features in the Fremantle area are identified as having mythological significance. The Limestone Ridge near Coogee that runs parallel with the coastline was reported to be mythologically created as was Lake Coogee (McDonald 2003). Mention is also made of an initiate’s camp near the ‘burying ground’ in Fremantle by Bates (McDonald 2003). With regards to these mythological sites a cautionary note is sounded by McDonald regarding boundaries that are unclear and that may be extended beyond what has been previously mapped (McDonald; 2003).

During the historical period Aboriginal people lived in fringe camps around the Fremantle area and appear to have been concentrated to the south around Robs Jetty (the Smelters). The area around the Fremantle Cemetery is also identified as a location Aboriginal people camped in during the historical period (McDonald 1997, 2003). This may have some relevance to our current project as it appears Nyungars were targeting undeveloped land to establish fringe camps late in history. The area where the golf course is bordering High Street may be such a place depending upon its land use prior to it becoming a golf course. Only consultations with Nyungar people could establish this. As the project is to affect land that is now a road and an urban area it is not likely that areas of heritage significance will be affected. As adjacent land to High Street has undergone surveys in the past and no major ethnographic sites have been recorded it is not likely that the area under consideration would now contain any places of current heritage significance. However at a desktop level this is impossible to determine with any certainty. Only consultation with knowledgeable Nyungars such as Mr Patrick Hume who is now 85 years of age and has spent his life in the area can establish with certainty that no sites now exist in the area where the High Street upgrade will take place.

As a result of this desktop report it is recommended that the upgrade to High Street can proceed as planned as no previously recorded Aboriginal Heritage sites have been identified to be in conflict with the project plans.
It is further recommended that should the project plans identify a need to affect areas to the east or west of the area currently identified for works that a full Aboriginal Heritage survey which would include archaeological inspections and consultations with the appropriate Aboriginal groups be conducted. Areas of particular focus for such a survey would be in the vicinity of the Fremantle Cemetery, an area known as a historic camp ground.

It is also recommended that if the current plans require significant works that affect the golf course that the proponents conduct consultations with local Aboriginal representatives that would be able to determine if these camps extended west from the Cemetery into this area.
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A Desktop Ethnographic Aboriginal Heritage Survey of the High Street Upgrade between Stirling Highway and Carrington Street, Fremantle, Western Australia

ISSUE
The Department for Planning and Infrastructure (DPI) wish to identify all previously recorded Aboriginal Heritage sites located within an area between the west of Stirling Highway to the east of Carrington Street along High Street in Fremantle. This study is requested in order to identify any areas of Aboriginal significance that may have been previously recorded within the area of proposed modifications to High Street in order for the proponents to be able to fulfil their obligations with regards to the West Australian Aboriginal Heritage Act (1972).

REPORT OBJECTIVES
To provide the DPI with an overview of previous ethnographic studies conducted within and around the study area in order to identify any significant ethnographic Aboriginal Heritage sites that are located within the study area.

To provide the DPI with an overview of existing Aboriginal Heritage research that has been previously conducted within the City of Fremantle’s municipal boundaries in order to inform DPI of the areas heritage inventory.

To provide recommendations with regards to further research and interpretation issues on sites of significance and their future management within the study area.

To provide details of the appropriate Native Title Claim groups and Aboriginal Corporations who have been identified to speak for the High Street project area if in the future consultations are required.

BACKGROUND
In July 2007 Mr Paul Fourie from ARRB Group Ltd upon behalf of the DPI contacted Brad Goode and Associates and requested a Desktop Aboriginal Heritage survey for the proposed High Street Fremantle upgrade. The DPI proposes to prepare a modified road concept to accommodate predicted higher volumes of freight and general traffic and to define a modified road reservation for High Street between Stirling Highway and Carrington Street in the City of Fremantle. A report on Aboriginal Heritage in the study area will be required to support the road reservation requirements and subsequent Perth Metropolitan Region Scheme amendment.

High Street between Stirling Highway and Carrington Street Fremantle has been identified as the preferred option in the Metropolitan Freight Network Review in 2002. This would require the upgrading of High Street between Stirling Highway and Carrington Street with the intersection of High Street and Stirling Highway reconfigured so that Stirling Highway/High Street becomes the ‘through’ route. Following the identification of this option at the Metropolitan Freight Network Review in 2002 a Local Impacts Committee was set up by the Minister to study and recommend improvements on roads in the south-west metropolitan corridor. The committee found a need to address high noise levels and access problems on High Street as a priority. As part of the major east-west transport route between the Kewdale freight terminal and the Fremantle inner harbour, High Street carries a high volume of heavy vehicles and is currently four lanes undivided with uncontrolled driveway access to several residential properties. The Western Australia Planning Commission’s Sustainable Transport Committee
(15/2/2006) endorsed the High Street study structure and recommended that the High Street precinct study proceed as a high priority. As a component of the above study a Desktop Aboriginal Heritage survey was commissioned by ARRB Group Limited on behalf of DPI. Archaeological and European heritage issues are to be addressed by Dr Amanda Yates from Yates Heritage Consultants with ethnographic issues addressed by Mr Brad Goode and Mr Colin Irvine from Brad Goode and Associates.
LOCATION

Figure 1. Location of the Project Area
ETHNOGRAPHIC & HISTORICAL BACKGROUND

TRADITIONAL NYUNGAR CULTURE

The Bibbulmun Nyungar people share a common language with 13 local dialect variations and inhabit the area to the west of a line drawn roughly from Jurien Bay in the north to Esperance in the south east. Tindale noted that the Swan River area was inhabited by the “Whadjuk”. This 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). Traditional initiation practices varied from those of their inland neighbours. The Bibbulmun Nyungars practiced nasal septum piercing and ciatricision (scarring) of the upper body rather than circumcision as an initiation rite (Bates, 1985; Tindale, 1974). These initiation practices have been described by Berndt and Berndt as being of the ‘Old Australian Tradition’ (Berndt and Berndt, 1979).

The Bibbulmun Nyungar people recognized two primary moieties, the Manichmat or ‘fair people of the white cockatoo’ and the Wordungmat or ‘dark people of the crow’. These formed the basis for marriage between a further four class subdivisions, the Tondarup, Didarruk and Ballaruk, and Nagarnook. Bates describes the only lawful marriage to be “the cross-cousin marriage of paternal aunts’ children to the maternal uncle’s children”, and states that the four clan groups and relationships, under different names, are “identical in every tribe in Western Australia, east, north, south and south west.” (Bates, 1966; Bates, 1985).

“In Aboriginal societies, most relationships are articulated in kin terms. All activities are carried out in the company of persons who are bound to one another in conventionally defined ways. They not only know what to expect from others, and how they will respond to certain situations, but are reasonably sure that participation and co-operation will be forthcoming if the occasion demands. Over and above the network of obligations and responsibilities linking persons together in, more or less, a mutually satisfying system, there is an atmosphere of familiarity and intimacy possible only in a group which disallows the concept of stranger for anyone within its midst, and even well outside it’s own social limits” (Berndt, 1992).

While Bates saw the Bibbulmun people as being different to other Aboriginal peoples and as representing a distinctive group and even a ‘nation’, more recent anthropologists have emphasized the sameness of all Australian Aboriginal groups and are critical of Bates’ notion of language based ownership of land.

“But although there is so much variation in these rituals, the majority contain some common themes; in simplest terms, removal from the main camp and total or partial enforced segregation; performance of some rite to emphasize the fact of transition; revelation of secrets of a religious nature; and finally, return to the main camp as a social adult.” (Berndt, 1992)

A review of Bates’ writings describes much of her work as a ‘racist muddle’, that she was ‘contemptuous of the growing number of part-Aborigines, who symbolized the cardinal sin of racial miscegenation,’ and that ‘she preached the old doctrine of racial segregation’ (Reece, 1984). The review is critical of her ideology and indicates inadequacies in her methodology. However as Bates’ work represents the most comprehensive and earliest attempt to record Aboriginal culture it is almost invariably referred to. Bates refers to the Perth Bibbulmun as Yabbaru – this term means north. According to Bates it was common amongst the Bibbulmun Nation to name each local group with a term referring to points of the compass. Bates states that all Bibbulmun shared a common language with minor dialectical variations. Within this one nation there was however two forms of descent, the groups on the coast from Jurien Bay to Augusta followed a system of patrilineal descent where as the groups south of the Blackwood
River followed a pattern of matrilineal descent. The Perth groups followed a patrilineal descent system (Bates 1985:46).

The 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; Stanner, 1965). The Dreaming refers to a period of creation when mythic figures transformed the landscape creating hills, lakes, rivers and animals (Machin, 1996). 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) recorded stories about Waugal mythology around 1900. Apparently, wherever the Waugal went, it created a river; the Waugal was the creator of all the major rivers in the south west. Wherever the Waugal had stopped or was living was considered to be sacred – *winnaitch* (Bates, 1985). A ‘*winnaitch*’ area is a place to avoid. Before using or entering a *winnaitch* area, Nyungars must perform special rituals. 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).

Within the Bibbulmun Nyungars, each socio-linguistic group, sometimes referred to as the ‘tribe’, consisted of a number of smaller groups. Each of these smaller groups was made up of around 12 to 30 persons, related men, their wives and children and at times visiting relatives from other groups. These subgroups could be described as a family, a band or a horde. For every subgroup there was a tract of land with which they most closely identified themselves. An individual or a group’s land was called their *Kalla* or fireplace (Moore, 1884). 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. It was also the area for which the group would act as custodians of. Other groups would also have some rights of access and use gained through marriage.

“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)

According to Makin (1970) and Brown (1983) early writers such as Symmons (1840), Lyon (1833) and Armstrong (1836) recorded that the Swan River Aborigines maintained a system of land ownership that divided up the country around the Swan River based upon clan groups which had a patrilineal line of descent. From this they were able to produce maps delineating this ownership which, despite some variances, gave an overall understanding of these divisions. Lyons describes the tribal districts in terms of an area name and a single Aboriginal leader (*Yellowganga, Manday and Midjegoorang*). Armstrong recognized that land appears to be appointed to different families and is not held in common by the tribe (Brown 1983).

According to Makin (1970) from Fremantle (*Wol-yal-lu*) up the river to Butlers Bay (*Bi-ri-gap*) and then to Mt Eliza (*Ea-na-katta*) was the land of *Yal-gang-ga*, his sons, wives and children. From Mt Eliza past the flats (*Min-da-rop*), near the narrows bridge, to the Peninsula (*Wu-nut*) to Peter Browns farm at Bassendean was the land of ‘Monday’ (Munday). 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 *Djons, Gorbal, Yurgan and Ningara*. From the entrance of the Canning River past Mill Point to near Guildford was *Bi-non, Yurgan*. From Guildford to the head of the Swan River was *Mol-li-dabbin, Mol-li-mig-rot and Wib-on* and other branches of the family. (Makin 1970; 73-75).
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 (water foul, turtles, kangaroos etc). 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)

The Fremantle area was referred to a Walyalup referring to a location as part of the coastal limestone cliffs (Booyeembarra) around the mouth of the Swan Estuary. The Fremantle area had several major dwelling and meeting places and was a place of exchange and ceremony as a mourning place at the mouth of the Swan River. (De Gande & Jackson; 2000) 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, 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 researches as told by Mr Ken Colbung, the primary informant of this creation story. These myths have led to the following sites being placed on the Aboriginal site register, Site ID 3471 – Rotary Park and Site ID 3776 Indian Ocean.

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) 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)

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 also substantially differ from that recorded by the above researchers by Mr Ken Colbung whose central figure was a crocodile, not a Waugal. McDonald (2002) explains that if the crocodile in Mr Colbung’s version is read as a Waugal then there is a clear consistency with Mr Colbung’s version of the myth and as recorded by Armstrong. 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 Naranda (1972:8) 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)
ARCHIVAL RESEARCH

Archival research involved an examination of the Department of Indigenous Affairs (DIA) Sites Register, a review of any relevant site files, and a review of any unpublished ethnographic reports that relate to the Fremantle area.

SITES REGISTER SEARCH

A search of the DIA Sites Register was conducted on the 4th of February 2008 in order to determine if there were any previously recorded Aboriginal Heritage sites located within the study area. As a result of the search, there are no previously recorded Aboriginal Heritage sites located within the area of the proposed modification of High Street.

As a result of the search, the nearest previously recorded Aboriginal Heritage sites are Site ID 24282 Fremantle Prison and Site ID 3726 Fremantle. These sites are located south-west and east of the area of the proposed modifications of High Street and will not be affected by the project proposal as long as the project proposal is constructed as per the current plan. Information regarding these sites locations and extent is provided to the proponent so that the proponent can be aware of these sites should the project proposal be modified.

Site ID 24282 Fremantle Prison is located approximately 1km south-west of the intersection of High Street and Stirling Highway. This site has been recorded by the DIA as ‘stored data’ and therefore is no longer deemed as a site under the West Australian Aboriginal Heritage Act (1972). This site is also outside of the project area of proposed works and will not be affected by the project proposal as the plan currently stands.

Site ID 3726 Fremantle is located approximately 350m east of Carrington Street. This site has also been recorded by the DIA as ‘stored data’ and therefore is no longer deemed as a site under the West Australian Aboriginal Heritage Act (1972). This site is outside of the area of proposed works and will not be affected by the project proposal as the plan currently stands.

The name, type and indicative location of the registered heritage Aboriginal sites located within the register search area are shown in table 1.

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<thead>
<tr>
<th>SITE ID.</th>
<th>Status</th>
<th>Access</th>
<th>Restriction</th>
<th>Name</th>
<th>Location (AMG Zone 50)*</th>
<th>Site Type</th>
</tr>
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<tr>
<td></td>
<td>S</td>
<td>O</td>
<td>N</td>
<td>Fremantle Prison</td>
<td>382332mE 6452789mN</td>
<td>Painting</td>
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<tr>
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Table 1 Summary of Registered Aboriginal Heritage Sites located within the Register Search area.

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

I – Interim Register, S – Stored Data, P – Permanent Register, O – Access Open, N – File Not Restricted.

REVIEW OF RELEVANT SITE FILES

As the above identified sites are outside of the project area and have been accessioned as ‘stored data’ and are no longer protected by the ‘Act’ a review of these site files has not been provided within this report.
REGISTERED DIA SITES WITHIN THE CITY OF FREMANTLE

A search of the DIA sites register within the municipal boundaries of the City of Fremantle revealed 14 previously recorded Aboriginal Heritage Sites. Seven of these sites are classed as traditional Mythological and Ceremonial sites. Three historical camp sites and an additional two camping places associated with the Mythological and Ceremonial sites have also been identified. One artefact scatter and two additional artefact sites associated with the mythological and ceremonial sites, one burial site and one historical painting site are also located. Two of the registered sites do not have a site ‘type’ listed but have been recorded as a named place, meeting place and camp. The search of the area indicates that a considerable record of traditional and post contact Aboriginal Heritage exists in the Fremantle area.

It is interesting to note that of the 14 sites 12 are of an ethnographic nature and only two of the sites are of an exclusively archaeological with an additional two archaeological sites associated with the Mythological and Ceremonial sites. In most areas of the south-west region previously recorded archaeological sites usually outnumber ethnographic sites. Within an urban area which has undergone extensive disturbance it is now likely artefact sites have been either covered over or destroyed by development. Ethno-historic records for the area give an indication of considerable pre-historic use and the pre-contact use landscape by Nyungar people. As such one would expect to find a considerable archaeological signature in the area prior to urbanisation. The relatively high number of ethnographic sites indicates that there is a considerable body of ethnographic knowledge and continued heritage interest in the area within the current Nyungar community. As such it would be wise for proponents to consult with the relevant Noongar community members prior to embarking upon large project that will further modify the landscape with particular focus upon areas around the coastal margins, lakes, wetlands and the Swan River.

The name, type and indicative location of the registered heritage Aboriginal sites located within the City of Fremantle are shown in table 2.

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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>East</td>
<td>North</td>
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<tr>
<td>3419</td>
<td>P</td>
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<td>South Fremantle: Francisco St</td>
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<td>6451748mN</td>
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Table 2 Summary of Registered Aboriginal Heritage Sites located within the Fremantle Shire area.

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<th>Restriction</th>
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<td>N</td>
<td>Mosman Park</td>
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<td>Ceremony/Myth/Artefact/Grinding</td>
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<td>S</td>
<td>O</td>
<td>N</td>
<td>Fremantle Prison</td>
<td>382332mE 6452789mN</td>
<td>Painting Historical</td>
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</table>

L – Lodged but Not Assessed, S – Stored Data, P – Permanent Register, O – Access Open, N – File Not Restricted, C – Closed Access

REVIEW OF RELEVANT ETHNOGRAPHIC REPORTS


The City of Fremantle commissioned Shane Burke to conduct archaeological excavations in High Street West, Fremantle. The archaeological excavations were conducted over seven days between the 19th and the 26th of November 2005 with other historical data compiled between June 2005 and January 2006. As a result of the archaeological excavations at three sites, one Aboriginal artefact was unearthed. The report describes and interprets the artefact found as one piece of white quartz, a material geologically exotic for the Fremantle area was found at the west end of High Street. The artefact location suggest deposition during the post European period however its closeness to a footings trench for an 1870’s police station implies the artefact could have been brought closer to the surface during the construction of the police station. The artefact is believed to be a bipolar core. The report also briefly mentions mythology regarding the formation of the Swan River bar at the mouth of the river.

This survey was conducted at the far western end of High Street Fremantle and is approximately 2km south-west of the current proposed modifications of High Street, therefore the archaeological material located during this survey will not be affected by the current proposal.

De Gande D & Jackson G. 2000. Report on an Ethnographic and Archaeological Heritage Assessment of the Proposed Project Area (Stages 1, 2 & 3) in the Fremantle Inner Harbour for the Fremantle Port Authority. A report prepared for the Fremantle Port Authority.

Although the report is concerned with the Fremantle Inner Harbour the ethnographic and ethno-historical background contains information regarding the name of the area and pre-contact use of the area. The Fremantle area was referred to a Walgalup referring to a location as part of the coastal limestone cliffs (Booyeembarra) around the mouth of the Swan Estuary. The Fremantle area had several major dwelling and meeting places and was a place of exchange and ceremony (as a mourning place at the mouth of the Swan River) also see other references to Fremantle ceremonies as in Bates initiates trail. Fremantle is located on the path of an ancient ‘Bidi’ (track/footpath) from Perth to North Fremantle where it crossed the Swan River ‘probably at Ferry Point, a large sandbar, which once extended into the estuary just behind the Fremantle railway station’ (p 21). Other interpretation of the ethno-historical record suggest that Fremantle was ‘probably not major centres of traditional Aboriginal life, but were at least regularly frequented’ (p 20). The Fremantle Inner Harbour is located approximately 500m north-west of the current project area of High Street.

This report detailed the proposal for dredging works within the Fremantle Inner Harbour that would require Section 18 consent under the Western Australian Aboriginal Heritage Act (1972). This report indicates that those consulted for the project were the Combined Metropolitan Working Group (WC99/6) and members of the Ballaruk Native Title Claim (WC95/86) and Mr Patrick Hume, a prominent Aboriginal Elder with a long history of association with the Fremantle area. The Fremantle Inner Harbour is located approximately 500m north-west of the current project area of High Street.


The report identified two new archaeological sites located on the shores of Lake Coogee. It also discusses the potential for burials to occur in coastal dunes. A discussion of archaeological models is also contained in the report. Anderson (1972) has undertaken a synthesis of archaeological research on the Swan Coastal Plain to create a broad regional model. “Groups occupying the Swan Coastal Plain gathered around coastal areas, estuaries, wetlands and drainage points to exploit water based resources in summer and autumn. This activity resulted in the large site characteristic of the Swan Coastal Plain”. In the ethnographic background of the report it is pointed out that between 1927 and 1947 laws restricted Aboriginal people who were ‘not in lawful employment’ from living in towns and many Nyungar people were ‘relocated’ to reserves. Only a few Aboriginal families whose men were employed on the wharves or other industries were able to remain in Fremantle. Aboriginal people lived in fringe camps on the outskirts of town. “....in the Fremantle district...camps were located on disused land ‘at the back of the cemetery’ and at ‘The Smelters’ a sort of skid row shack area that existed south of the town site in the 1930’s and 1940’s (Makin 1970)”.

As the proposed road realignment and modification is planned for an area close to the cemetery on Carrington Street it is worth bearing in mind the likelihood of these historic camps extending to the golf course area and other yet to be identified places of ethnographic significance existing in this area. The existence of the Fremantle Golf Club alongside High Street at this location also suggests an area of land that may well have been otherwise unoccupied or unused until recent times and as such could have been a place used by Aboriginal ‘fringe dwellers’ as a camping/living place. This survey was conducted well south of the current proposed modifications of the High Street Fremantle project area and the areas identified in this report will not be affected by the current project.


This survey was commissioned by Land Corp in 2003 for the proposed redevelopment of derelict industrial land to create an urban village between the Ocean and Cockburn Sound in South Fremantle. The project area is bounded by Rollinson Road, Island Street and Robb Road, west of the Fremantle Village and Chalet Centre. The survey concludes that the Robb Jetty camp (Site ID 3707) and the camping place known as the ‘Smelters’ identified by Machin in 1970 are one and the same site. In the Ethno-historical Background Aboriginal people including prisoners released from Rottnest Island originating from remote areas of the state and with no means of returning to their own country lived in camps to the south of Fremantle and were sporadically employed as shepherds and at other work. The report also deals with several myths concerning physical features of the landscape, Woodman Point, and ‘the limestone ridge that runs parallel to and some 200 – 400 metres from the coastline’. This may include the limestone ridge that runs roughly along the route of Hampton Road to around East Street where it intersects the Swan River, placing this feature near to but not within the area of proposed road
modification. Also of interest is reference to a series of campsites recorded by Daisy Bates the form part of the moolyeet (initiate) trail connecting sites in Perth with the Porongurup Ranges. “Other camps on the trail were located at Koorga (variously located by Bates as ‘back of Beaconsfield’ and ‘piggery, burying ground, Fremantle’)” (pg 15). The areas of significance identified in this report are located well to the south of the proposed modification of the High Street Fremantle project and any identified sites will not be affected by the current project.


The report concerns a footpath between Beach Street and Canning Highway. A cautionary note is raised regarding adjacent sites. “Cantonment Hill (Site ID 319) ...border the study area...as mythological sites (...listed as ceremonial) there is the possibility that their boundaries are not as clear cut and as they are close to the study area precautions should be taken so that these sites are not disturbed” (p 21). This is another indication that both mundane (camping, historical) and mythological sites with possibly unclear boundaries exist in the immediate environs of the proposed Fremantle High Street road modification. The Beach Street and Canning Highway footpaths are located approximately 1km north-west of the current project modifications of Fremantle High Street and as such it may be necessary to consult with representatives of the Nyungar community in order to make sure these sites do not extend to the current development area.


The South Fremantle Power Station and the adjacent Switch Yard sites are located in one of three geological zones identified and referred to by Nyungars as ‘Booyeembara’. A number of Nyungar myths have been recorded in Cockburn and surrounding areas. One narrative relates as follows:

“In the Nyitting, Meeka was the only one who had fire; all of the other animals and Nyungar (people) were cold and had to eat raw meat. Each day Meeka rested in a round hole in the earth, which, according to the informant, is located .... near North Lake. The sparrow and hawk flew to Meeka’s resting place and stole a fire-stick. They then flew along the limestone ridge where the bush caught fire. The Moon called in its uncle, Waddarn, the sea, for help. The sea rose to extinguish the fire. Many Nyungars, according to the narrative, were drowned and the lakes in the area were formed, including Lake Coogee. However, Nyungars retain the fire and Meeka was cold from that time on.” (pg 4, 5)

These mythological stories indicate that Cockburn and surrounding areas such as Coogee and Fremantle were occupied and utilised by traditional Nyungars prior to European settlement and that in the post contact period a considerable body of traditional mythological knowledge has survived with regards to significant sites in the area. This survey was conducted well south of the current proposed modifications of the High Street Fremantle and sites identified in this report will not be affected by the current project.


This report provided details of past Aboriginal usage of the Arthur Head area within Fremantle, particularly Bathers Bay. Historical records indicate that regular visitation by Aborigines in the Fremantle area took place during European settlement era. Arthur Head was described as being in proximity to a good source of freshwater, the coast, river and swamps and would have made an attractive campsite. The whaling season in Fremantle also saw a large number of Aborigines gathering at Bathers Bay to feast on the scraps left from whaling activities. The report concluded that any land disturbance to Bathers Bay should not be allowed without a controlled
excavation. It was recommended that if any earth works took place that this should include the investigations of Aboriginal usage of the area. Bathers Bay is located at the most western point of High Street, however the current proposed modification of High Street Fremantle is located approximately 1.5km north-east of Bathers Bay and will not be impacted upon by the project proposal.

RESULTS OF ARCHIVAL RESEARCH

Archival research has revealed that there is a rich record of pre-European and post contact Nyungar occupation of the Fremantle area. The area now subject to this study does not contain any previously recorded Aboriginal Heritage sites but has not been previously surveyed.

Several adjacent studies (Burke 2006, McDonald 1997, 2003, 2004 and O'Connor and Thompson 1984) to the survey area do exist and point to a rich record of heritage sites recorded in the region. Few pre-historic artefact sites have been recorded in Fremantle which is largely a result of the fact that the area has undergone high degrees of disturbance from urbanization which has destroyed or concealed the archaeological signature. Some potential for artefacts to be unearthed during excavation and earthworks remains in areas around the coastal margin, lakes and the Swan River. (Burke 2006).

Ethno-historical research indicates that Fremantle was formerly known as Walyalup and that it was a major meeting and dwelling place for traditional Nyungar people and was known as a place for undertaking trade and ceremonies. Fremantle was a place the Swan River could be crossed and so was an important link on a Bidi (track) that ran from Perth to the south of the river and beyond (De Gande, 2000; see also Bates in McDonald 2003).

Several landscape features in the Fremantle area are identified as having mythological significance. The Limestone Ridge near Coogee that runs parallel with the coastline was reported to be mythologically created as was Lake Coogee (McDonald 2003). Mention is also made of an initiate’s camp near the ‘burying ground’ in Fremantle by Bates (McDonald 2003). With regards to these mythological sites a cautionary note is sounded by McDonald regarding boundaries that are unclear and that may be extended beyond what has been previously mapped (McDonald; 2003).

During the historical period Aboriginal people lived in fringe camps around the Fremantle area and appear to have been concentrated to the south around Robs Jetty (the Smelters). The area around the Fremantle Cemetery is also identified as a location Aboriginal people camped in during the historical period (McDonald 1997, 2003). This may have some relevance to our current project as it appears Nyungars were targeting undeveloped land to establish fringe camps late in history. The area where the golf course is bordering High Street may be such a place depending upon its land use prior to it becoming a golf course. Only consultations with Nyungar people could establish this. As the project is to affect land that is now a road and an urban area it is not likely that areas of heritage significance will be affected. As adjacent land to High Street has undergone surveys in the past and no major ethnographic sites have been recorded it is not likely that the area under consideration would now contain any places of current heritage significance. However at a desktop level this is impossible to determine with any certainty. Only consultation with knowledgeable Nyungars such as Mr Patrick Hume who is now 85 years of age and has spent his life in the area can establish with certainty that no sites now exist in the area where the High Street upgrade will take place.
NATIVE TITLE CLAIMS OVERLAPPING THE FREMANTLE AREA

Currently, there are two unregistered Native Title applications that overlays the project area, lodged with the Register of Native Title Claims and the Schedule of Applications held by the Commonwealth Native Title Tribunal. The Schedule of Applications includes registered applications, unregistered applications, and applications still undergoing the registration test.

- **Single Noongar Claim (Area 1) WC03/6**
  
  Applicants:

- **Ballaruks Peoples WC95/86**
  
  Applicants:
  Mr Christopher Robert Bodney, The applicant claims on behalf of the Native Title Claim group known as the Ballaruk and Didjarruk People. The claim group consists of the biological descendants of the union between Melba Armitage (Bluffie) and William Bodney. Specifically excluded from the claim group is William Lucas Bodney.

  “Please note that at the April 2007 appeal hearing into the 2006 decision in the Single Noongar Claim (Area One), Justice Wilcox ordered that a substantial portion of the area claimed by the Ballaruks peoples be dismissed.

  The area of the Ballaruks claim dismissed by Justice Wilcox was that which lay over the Perth metropolitan area. The result of that decision is that the only remaining native title claim over the Perth metropolitan region is the Single Noongar Claim (Area one) WC03/6 WAD 6006/2003. Single Noongar Claim is not a registered native title claim. It is worth noting that Justice Wilcox’s decision is currently being appealed. There is no timeframe for the completion of this appeal process.

  Please also be aware, however, that native title has not yet been determined under the *Native Title Act 1993* over this area. Further questions such as the level of extinguishment of native title within the claim area and what final form the native title rights and interest will take in relation to others have still to be determined.” (email dated 13/3/08 from Imogen Jeffreys; National Native Title Tribunal, Ballaruks Case Manger)
With regards to appropriate Nyungar organisations and families to consult for the project area, the Department of Indigenous Affairs and South West Aboriginal Land and Sea Council (SWALSC) have advised that normal protocol would require the following Aboriginal groups and families to be consulted in the High Street area:

1) Combined Metro Working Group (Single Noongar Claim) which represents the following families:
   - Bropho
   - Worrell
   - Garlett
   - Wilkes
   - Corunna

2) The Metropolitan Aboriginal Environment Group:
   - Patrick Hume
   - Lena Crab
   - Ken Colbung
   - Esandra Colbung
   - Phillip Prosser

3) The Reverend Cedric Jacobs Family

4) Ballaruks People Native Title Claim Group:
   - Corrie Bodney and Family
RECOMMENDATIONS

As a result of this desktop report it is recommended that the upgrade to High Street can proceed as planned as no previously recorded Aboriginal Heritage sites have been identified to be in conflict with the project plans.

It is further recommended that should the project plans identify a need to affect areas to the east or west of the area currently identified for works that a full Aboriginal Heritage survey which would include archaeological inspections and consultations with the appropriate Aboriginal groups be conducted. Areas of particular focus for such a survey would be in the vicinity of the Fremantle Cemetery, an area known as a historic camp ground.

It is also recommended that if the current plans require significant works that affect the golf course that the proponents conduct consultations with local Aboriginal representatives that would be able to determine if these camps extended west from the Cemetery into this area.
BIBLIOGRAPHY


De Gande D & Jackson G. 2000. *Report on an Ethnographic and Archaeological Heritage Assessment of the Proposed Project Area (Stages 1, 2 & 3) in the Fremantle Inner Harbour for the Fremantle Port Authority.* A report prepared for the Fremantle Port Authority.


Makin, C. F. 1970. *Socio-Economic Anthropological Survey of People of Aboriginal Descent in the Metropolitan Region of Perth, Western Australia.* An unpublished degree of Doctor of Philosophy of the University of Western Australia.


APPENDIX 1. SITES REGISTER SEARCH
Search Criteria

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Disclaimer

Aboriginal sites exist that are not recorded on the Register of Aboriginal Sites, and some registered sites may no longer exist. Consultation with Aboriginal communities is on-going to identify additional sites. The AHA protects all Aboriginal sites in Western Australia whether or not they are registered.

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Spatial Accuracy

Index coordinates are indicative locations and may not necessarily represent the centre of sites, especially for sites with an access code “closed” or “vulnerable”. Map coordinates (Lat/Long) and (Easting/Northing) are based on the GDA 94 datum. The Easting / Northing map grid can be across one or more zones. The zone is indicated for each Easting on the map, i.e. ‘5000000:Z50’ means Easting=5000000, Zone=50.
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14 sites in local government area 'Fremantle'.

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<td>Camp, Hunting Place, Natural Feature</td>
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<td>Painting, Historical</td>
<td>[Other: Deaths in custody site.]</td>
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Register of Aboriginal Sites

Aboriginal Heritage Inquiry System

Legend

Town
Highlighted Area
Map Area
Search Area

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APPENDIX 2. MAP OF THE PROJECT AREA
APPENDIX 3. OBLIGATIONS RELATING TO SITES UNDER THE ABORIGINAL HERITAGE ACT (1972)

APPENDIX

OBLIGATIONS RELATING TO SITES UNDER THE ABORIGINAL HERITAGE ACT
1972

"Report of Findings
15. Any person who has knowledge of the existence of anything in the nature of Aboriginal burial grounds, symbols or objects of sacred, ritual or ceremonial significance, cave or rock paintings or engravings, stone structures or arranged stones, carved trees, or of any place or thing to which this Act applies or to which this Act might reasonably be suspected to apply shall report its existence to the Registrar, or to a police officer, unless he has reasonable cause to believe the existence of the thing or place in question to be already known to the Registrar.

Excavation of Aboriginal Sites
16. (1) Subject to Section 18, the right to excavate or to remove any thing from an Aboriginal site is reserved to the Registrar.
(2) The Registrar, on the advice of the Committee, may authorise the entry upon and excavating of an Aboriginal site and the examination or removal of any thing on or under the site in such manner and subject to such conditions as the Committee may advise.

Offences Relating to Aboriginal Sites
17. A person who-
(a) excavates, destroys, damages, conceals or in any way alters any Aboriginal site; or
(b) in any way alters, damages, removes, destroys, conceals, or who deals with in a manner not sanctioned by relevant custom, or assumes the possession, custody or control of, any object on or under an Aboriginal site, commits an offence unless he is acting with the authorisation of the Registrar under Section 16 or the consent of the Minister under Section 18.

Consent To Certain Uses
18. (1) For the purposes of this section, the expression "the owner of any land" includes a lessee from the Crown, and the holder of any mining tenement or mining privilege, or of any right or privilege under the Petroleum Act 1967, in relation to the land.
(2) Where the owner of any land gives to the Committee notice in writing that he requires to use the land for a purpose which, unless the Minister gives his consent under this section, would be likely to result in a breach of Section 17 in respect of any Aboriginal site that might be on the land, the Committee shall, as soon as it is reasonably able, form an opinion as to whether there is any Aboriginal site on the land, evaluate the importance and significance of any such site, and submit the notice to the Minister together with its recommendation in writing as to whether or not the Minister should consent to the use of the land for that purpose, and, where applicable, the extent to which and the conditions upon which his consent should be given.
(3) Where the Committee submits a notice to the Minister under subsection (2) of this section he shall consider their recommendation and having regard to the general interest of the community shall either-
(a) Consent to the use of the land the subject of the notice, or a specified part of the land, for the purpose required, subject to such conditions, if any, as he may specify; or
(b) wholly decline to consent to the use of the land the subject of the notice for the purpose required, and shall forthwith inform the owner in writing of his decision.
(4) Where the owner of any land has given to the Committee notice pursuant to subsection (2) of this section and the Committee has not submitted it with its recommendation to the Minister in accordance with that subsection the Minister may require the Committee to do so within a specified time, or may require the Committee to take such other action as the Minister considers necessary in order to expedite the matter, and the Committee shall comply with any such requirement.
(5) Where the owner of any land is aggrieved by a decision of the Minister made under subsection (3) of this section he may, within the time and in the manner prescribed by rules of court, appeal from the decision of the Minister to the Supreme Court which may hear and determine the appeal.
(6) In determining an appeal under subsection (5) of this section the Judge hearing the appeal may confirm or vary the decision of the Minister against which the appeal has been made or quash the decision and substitute his own decision which shall have effect as if it were the decision of the Minister, and may make such an order as to the costs of the appeal as he sees fit.

(7) Where the owner of the land gives notice to the Committee under subsection (2), the Committee may, if it is satisfied that it is practicable to do so, direct the removal of any object to which this Act applies from the land to a place of safe custody.

(8) Where consent has been given under this section to a person to use any land for a particular purpose nothing done by or on behalf of that person pursuant to, and in accordance with any conditions attached to, the consent constitutes an offence against the Act."

Notes on the Recognition of Aboriginal Sites

There are various types of Aboriginal Sites, and these notes have been prepared as a guide to the recognition of those sites that may be located in the survey area.

An Aboriginal Site is defined in the Aboriginal Heritage Act 1972 in Section 5 as:

(a) Any place of importance and significance where persons of Aboriginal descent have, or appear to have, left any object, natural or artificial, used for, or made for or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present;

(b) Any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Aboriginal descent;

(c) Any place which, in the opinion of the Committee is or was associated with the Aboriginal people and which is of historical, anthropological, archaeological or ethnographical interest and should be preserved because of its importance and significance to the cultural heritage of the state;

(d) Any place where objects to this Act applies are traditionally stored, or to which, under the provisions of this Act, such objects have been taken or removed.

Habitation Sites
These are commonly found throughout Western Australia and usually contain evidence of tool-making, seed grinding and other food processing, cooking, painting, engraving or numerous other activities. The archaeological evidence for some of these activities is discussed in detail under the appropriate heading.

Habitation sites are usually found near an existing or former water source such as gnamma hole, rock pool, spring or soak. They are generally in the open, but they sometimes occur in shallow rock shelters or caves. It is particularly important that none of these sites be disturbed as the stratified deposits which may be found at such sites can yield valuable information about the inhabitants when excavated by archaeologists.

Seed Grinding
Polished or smoothed areas are sometimes observed on/near horizontal rock surfaces. The smooth areas are usually 25cm wide and 40 or 50cm long. They are the result of seed grinding by the Aboriginal women and indicate aspects of a past economy.

Habitation Structures
Aboriginal people sheltered in simple ephemeral structures, generally made of branches and sometimes grass. These sites are rarely preserved for more than one occupation period. Occasionally rocks were pushed aside or were used to stabilise other building materials. When these rock patterns are located they provide evidence of former habitation sites.
Middens
When a localised source of shellfish and other foods have been exploited from a favoured camping place, the accumulated ashes, hearth stones, shells, bones and other refuse can form mounds at times several metres high and many metres in diameter. Occasionally these refuse mounds or middens contain stone, shell or bone tools. These are most common near the coast but examples on inland lakes and river banks are not unknown.

Stone Artefact Factory Sites
Pieces of rock from which artefacts could be made were often carried to camp sites or other places for final production. Such sites are usually easily recognisable because the manufacturing process produces quantities of flakes and waste material which are clearly out of context when compared with the surrounding rocks. All rocks found on the sandy coastal plain, for example, must have been transported by human agencies. These sites are widely distributed throughout the state.

Quarries
When outcrops of rock suitable for the manufacture of stone tools were quarried by the Aborigines, evidence of the flaking and chipping of the source material can usually be seen in situ and nearby. Ochre and other mineral pigments used in painting rock surfaces, artefacts and body decoration are mined from naturally occurring seams, bands and other deposits. This activity can sometimes be recognised by the presence of wooden digging sticks or the marks made by these implements.

Marked Trees
Occasionally trees are located that have designs in the bark which have been incised by Aborigines. Toeholds, to assist the climber, were sometimes cut into the bark and sapwood of trees in the hollow limbs of which possums and other arboreal animals sheltered. Some tree trunks bear scars where sections of bark or wood have been removed to make dishes, shields, spearthrowers and other wooden artefacts. In some parts of the state wooden platforms were built in trees to accommodate a corpse during complex rituals following death.

Burials
In the north of the state it was formerly the custom to place the bones of the dead on a ledge in a cave after certain rituals were completed. The bones were wrapped in sheets of bark and the skull placed beside this. In other parts of Western Australia the dead were buried, the burial position varying according to the customs of the particular area and time. Natural erosion, or mechanical earthmoving equipment occasionally exposes these burial sites.

Stone Structures
If one or more stones are found partially buried or wedged into a position which is not likely to be the result of natural forces, then it is probable that the place is an Aboriginal site and that possibly there are other important sites nearby. There are several different types of stone arrangements ranging from simple cairns or piles of stones to more elaborate designs. Low weirs which trap fish when tides fall are found in coastal areas. Some rivers contain similar structures that trap fish against the current. It seems likely that low stone slab structures in the south-west jarrah forests were built to provide suitable environments in which to trap small animals. Low walls or pits were sometimes made to provide a hide or shelter for hunting.

Elongated rock fragments are occasionally erected as a sign or warning that a special area is being approached. Heaps or alignments of stones may be naturalistic or symbolic representations of animals, people or mythological figures.
Paintings
These usually occur in rockshelters, caves or other sheltered situations which offer a certain degree of protection from the weather. The best known examples in Western Australia occur in the Kimberley region but paintings are also found throughout most of the State. Several coloured pigments may have been used at a site. Stencilling was a common painting technique used throughout the state. The negative image of an object was created by spraying pigment over the object which was held against a wall.

Engravings
This term describes designs which have been carved, pecked or pounded into a rock surface. They form the predominant art form of the Pilbara region but are known to occur in the Kimberleys in the north to Toodyay in the south. Most engravings occur in the open but some are situated in rock shelters.

Caches
It was the custom to hide ceremonial objects in niches and other secluded places. The removal of objects from these places, the taking of photographs of the places or objects or any other interference with these places is not permitted.

Ceremonial Grounds
At some sites the ground has been modified in some way by the removal of surface pebbles, or the modeling of the soil, or the digging of pits and trenches. In other places there is no noticeable alteration of the ground surface and Aborigines familiar with the site must be consulted concerning its location.

Mythological Sites
Most sites already described have a place in Aboriginal mythology. In addition there are many Aboriginal sites with no man-made features which enable them to be recognised. They are often natural features in the landscape linked to the Aboriginal account of the formation of the world during the creative "Dreaming" period in the distant past. Many such sites are located at focal points in the creative journeys of mythological spirit beings of the Dreaming. Such sites can only be identified by the Aboriginal people who are familiar with the associated traditions.