

### 13.4.5 Unnamed Creek Crossing – Victoria Highway

<b>DATE:</b>	24/03/2015
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Victoria Highway, East of Kununurra
<b>AUTHOR:</b>	Jennifer Ninyette, Senior Planning Officer
<b>REPORTING OFFICER:</b>	Louise Gee, Acting Chief Executive Officer
<b>FILE NO:</b>	LP.03.2
<b>DECLARATION OF INTERESTS:</b>	N/A

#### **PURPOSE**

For Council to consider undertaking the process to formally name an unnamed creek crossing, located approximately 25km east on the Victoria Highway in-between Kununurra and the Northern Territory border, to "Philchowskis Crossing".

#### **BACKGROUND**

The Shire has received email correspondence from Tom Stephens in relation to the formal naming of an unnamed creek crossing, located approximately 25km east of Kununurra and historically signposted "Philchowskis Crossing", after noticing that a new sign has recently been placed in this location with the name "Phil Okowski's Ck".

The proponent has stated that the crossing has had the informal name "Philchowskis Crossing" since January 1977, named to reflect the historical connection to a man who was killed around this location in June 1913.

A copy of an email is provided as Attachment 1 which provides a brief summary of Philchowski's death, as well as photographs provided by the proponent which were taken in 1977 and 2014 respectively.

Aerial photographs showing the location of the crossing are provided at Attachment 2.

The proponent has contacted the Geographic Names Committee (GNC) to rectify this matter; however, according to GNC records the crossing has no official name. Therefore, the proponent has formally requested the Shire of Wyndham East Kimberley to initiate the process to support the crossing name that reflects the history of the area.

Mr Stephens has also recommended that the site may have an Indigenous name used by the Mirriuwung Gajerrong people, thus detailed research will be required to support the informal name being retained for the crossing, as well as the potential for dual naming.

It is understood that the current incorrectly named sign was put in place following road works undertaken at the crossing by Main Roads WA.

#### **STATUTORY IMPLICATIONS**

New geographic names require endorsement by the local authority followed by the State Geographic Names Committee, which is governed by Section 26A of the Land Administration Act 1997. The GNC has produced a document titled *Policies and Standards for Geographical Naming in Western Australia* which provides a guide for nomenclature and road naming. Generally, the document prescribes that names should be sourced from Aboriginal Languages currently or formerly identified with the general area, pioneers of the

State or area, citizens who have made a significant community contribution, war casualty lists or thematic names. Unsuitable names are those of given/first name basis, hard to pronounce names, names of living persons, and duplication of names within local governments or adjoining local governments.

## **POLICY IMPLICATIONS**

### *Policies and Standards for Geographical Naming in Western Australia*

The GNC Policies and Standards outline that dual naming shall be considered when a feature already has a name of non-Indigenous origin which is widely accepted within the community. They may occur where a topographical feature has been given an official name which includes both the Indigenous name and the introduced European (or English) name.

Dual naming is not considered preferable to one name, and in each case the proposal should be investigated to establish if the Indigenous name would have enough community support to replace the existing name.

A dual name must be Indigenous to the local area, and will only be assigned where there is definite evidence, preferably historic, in the form of written or oral tradition that the feature has two names.

The Policies and Standards document also outlines that proposals to assign a name to commemorate an individual shall only be considered if:

- Such application is in the public interest;
- There is evidence of broad community support for the proposal;
- The person has been deceased for at least two (2) years;
- Where the applicant requesting the new name is not an immediate relative, written permission of the family is obtained;
- The person being honoured by the naming has had either some direct and long-term association twenty (20) or more years, with the feature or has made a significant contribution to the area in which it is located.
- The proposal commemorating an individual with an outstanding national or international reputation has had a direct association with the area in which it is located. If the person has not been directly associated with the area the name shall not be considered.

The GNC recognises the significance of historic commemorative naming and encourages the continued recognition of outstanding achievements and events within the community. The following policies apply to all commemorative naming proposals:

- All commemorative name proposals shall meet the same criteria required of any other name proposal;
- A proposed commemorative name must be supported by the wider community and reach beyond a single local government, person or special interest group;
- A commemorative name shall not be used to commemorate victims of, or mark the location of, accidents or tragedies;
- Prior or current ownership of land does not confer the right or entitlement to apply a commemorative name;
- The use of unofficial commemorative names used in publications, or in landscape dedications or markers, is no assurance that they will be adopted into official names records; and
- A commemorative name shall not be considered for adoption if a well-established and acceptable name already exists for the feature.

## **FINANCIAL IMPLICATIONS**

There is likely to be some minor costs associated with any required consultation.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Implications in relation to this report.

## **COMMUNITY ENGAGEMENT**

The Shire of Wyndham East Kimberley's CP/GOV-3100 Community Engagement Policy has been considered in relation to this item.

Engagement will take place in accordance with the Shire's Community Engagement Guidelines and will include:

Consultation with the relevant traditional owners, Kununurra Historical Society and other people and organisations that can assist with garnering required historical information.

The GNC Policies and Standards outline that all dual naming proposals require the support of the native title representative body and, where relevant, tribal elders of the area. If the topographical feature covers more than one Indigenous land council area e.g. a river, mountain range etc., approval must be sought from each relevant council. A written proposal should be sent to the local Indigenous land council with details of the topographical or cultural site for which a dual name is being proposed.

The allowance of ample time for a reply may be required due to the local Indigenous land council needing an unanticipated meeting to consider the proposal. If there is no response from the local or regional Indigenous land council within three months, the GNC can submit the proposal to the Department of Indigenous Affairs for consideration and support for its approval.

## **COMMENT**

It is acknowledged that the naming of the site as 'Philchowskis Crossing' is commonly known within the community, and has been referred to as such for a significant number of years, however that there also may be a local indigenous name associated with the area.

In discussions with Shire Officers' the Geographic Names Committee has advised that dual naming is generally not supported, however have advised that if an indigenous name is proposed it should be for the topographical feature itself, i.e. the creek, rather than the crossing.

The GNC has also advised that as the crossing has been known locally for a significant number of years (understood to be at least 40 years) as Philchowski's Crossing, that a resolution of Council will be required along with adequate supporting documentation to outline Philchowski's 'contribution' to the community or historical significance, however that evidence of community support for the proposal is not required.

Therefore, Officers are seeking Council's direction as to whether they wish to initiate the process to formally name the feature using the historic name for the site, and investigation for potential naming of the creek in consultation with the traditional owners.

If initiated, Officers will be required to undertake a research, referral and assessment process, to compile sufficient information and evidence to support the proposed crossing name and potential creek names, and to ensure compliance with the guidelines set out by the Geographic Naming Committee. It is expected that this process will require significant staff time.

In the interim Shire Officers have written to Main Roads to correct the name on the sign to 'Philchowskis Crossing', and Main Roads WA have acknowledged the error and advised that the sign is in the process of being replaced.

### **ATTACHMENTS**

Attachment 1 - Correspondence from Tom Stephens  
Attachment 2 - Location plans

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council:

1. Directs the Acting Chief Executive Officer to write to the MG Corporation to seek advice from the relevant Traditional Owners on the proposed formal naming of 'Philchowskis Crossing', and potential indigenous naming of the creek.
2. Directs the Acting Chief Executive Officer to undertake research and compile supporting documentation to demonstrate Philchowski's contribution to the community or historical significance.
3. Endorses the proposed formal naming of 'Philchowskis Crossing', and advises the Geographic Names Committee of its endorsement, subject to adequate supporting documentation being compiled and no objection being received from Traditional Owners.

### **AMENDMENT**

Cr K Wright moves to amend point 3 of the Officers Recommendation to read 'Philchowski Crossing' instead of 'Philchowskis Crossing'.

**COUNCIL DECISION**

**Minute No. 10843A**

**Moved: Cr K Wright**

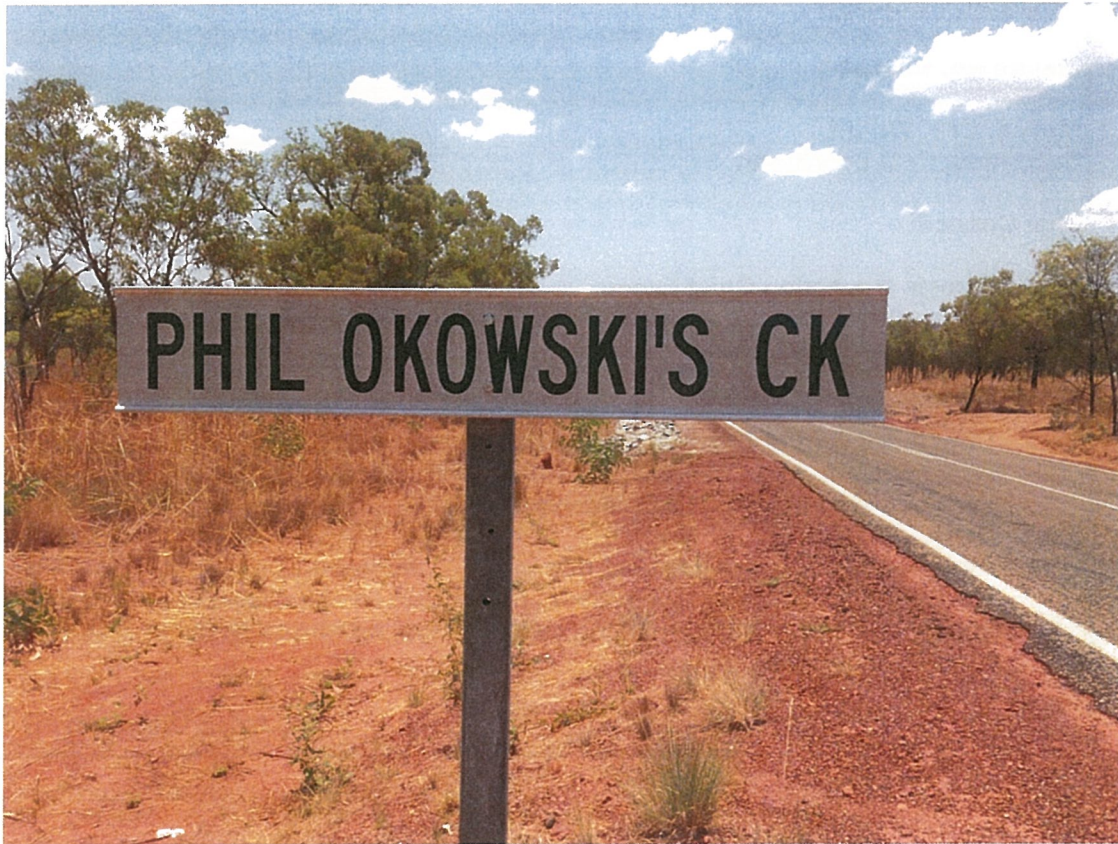
**Seconded: Cr D Spackman**

**That Council:**

- 1. Directs the Acting Chief Executive Officer to write to the MG Corporation to seek advice from the relevant Traditional Owners on the proposed formal naming of 'Philchowski Crossing', and potential indigenous naming of the creek.**
- 2. Directs the Acting Chief Executive Officer to undertake research and compile supporting documentation to demonstrate Philchowski's contribution to the community or historical significance.**
- 3. Endorses the proposed formal naming of 'Philchowski Crossing', and advises the Geographic Names Committee of its endorsement, subject to adequate supporting documentation being compiled and no objection being received from Traditional Owners.**

**Carried Unanimously 8/0**

**Attachment 1**



*Existing Sign – 2014*



*Previous Sign - 1977*

## Jennifer Ninyette

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**From:** Family Stephens <familystephens@hotmail.com>  
**Sent:** Monday, 29 December 2014 3:00 PM  
**To:** Jennifer Ninyette  
**Cc:** josie.farrer@mp.wa.gov.au; stephen.dawson@mp.wa.gov.au; admin@kununurra.org.au; The Kimberley Echo; Cathie Clement; Tom 05 Stephens  
**Subject:** Philchowski Crossing  
**Attachments:** Philchowski.docx

To: Ms [Jennifer.Ninyette@swek.wa.gov.au](mailto:Jennifer.Ninyette@swek.wa.gov.au)

Senior Planner – Shire of Wyndham East Kimberley

RE: Philchowski Crossing – Duncan Highway - EAST OF KUNUNURRA

Dear Jennifer

I write to you on the advice of Ms Jan Lonsdale from the WA Geographic Names Committee at Landgate.

The name “Philchowski Crossing” had stood for many years as a road sign on the low-level crossing (at a spot that I was also given to understand was also called “the 8mile”). I first saw this sign on site in January 1977.

Recently I noticed the sign has been replaced by a new sign: “Phil Okowski’s Ck”.

This crossing was originally named to refer to the association of the location with Rudolph Philchowski (a business partner with Joe Fegan in Spring Creek Station), who was for a number of years the mailman between Wyndham and Ord River Station. There are a number of references to this man amongst the Durack Papers held at Battye Library; as well as a detailed reference at p.287 of Mary Durack’s “Sons in the Saddle” (1983. Constable & Co London).

It would appear from the telephone communication I have just had with the team at the Geographic Names Committee office that this crossing does not in fact have any name officially recorded. I write to formally request that the Shire of Wyndham-East Kimberley initiate the process available to it to formally support the naming of the Crossing as “Philchowski Crossing” to reflect this historical connection to a man who was killed around this location in June 1913.

It could well be that there is a local Mirriurwung Aboriginal name for the location or the creek crossing that could be included alongside this “European” name that dates from early pastoral settlement. Perhaps the local Kununurra Aboriginal language centre can help in that regard or Mr Ben Ward of Cockatoo Springs could advise.

The pages 287ff of “Sons in the Saddle” dovetail somewhat what I know from my own discussions with Aboriginal people from 1977 when I was resident in Kununurra; specifically I was told by Alfie Deakin and Bulla Billinking that the killing of Philchowski led to the conviction and sentencing to death of an innocent Aboriginal man whose name was Jillambin. The man who had in fact killed Philchowski was Woolambine, who was wounded in the violent reprisals that were taken against Aboriginal people in the area following the discovery of Philchowski’s corpse; I was given to understand that Philchowski was killed by Woolambine in response to a serious grievance that developed between the two men. Woolambine lived on into his old age, living largely in his homeland country in the area that became the Newry Station pastoral

lease holding. For the remainder of Woolambine's life he wore, tied around his neck, the bullet that had wounded him during these reprisals.

Meanwhile, I write to formally request that the Shire of Wyndham-East Kimberley initiate the process available to it to formally support the naming of the Crossing as "Philchowski Crossing" to reflect this historical connection to a man who was killed around this location in June 1913. And that in the meantime the Shire ask Main Roads to replace the inaccurate place name sign that was recently installed at this location.

Honourable Tom Stephens, OAM JP  
Former Member for Central Kimberley-Pilbara  
4 Cullen Street  
Shenton Park  
WA 6008  
Mobile: 0419937344



**Attachment 2**

**Attachment 2 – Location Plans**

