

The repatriation of the Will Rogers Collection to Gumbaynggirr country: A journey of cooperation and learning

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DOI: <https://doi.org/10.62614/0cbx3y56>

Abstract: In March 2023 Elders of the Gumbaynggirr community welcomed back to country a collection of 331 stone artefacts, sourced from beaches near Coffs Harbour in the late 1960s, that had been in the keeping of the Australian Institute of Archaeology for several decades. This paper describes the course of events preceding this occasion, which were not straightforward. The repatriation was significant for the Gumbaynggirr community and highlighted the changing sensibilities about collecting Aboriginal cultural material and the challenges faced in securing the return of cultural material to communities. The repatriation was positive for all parties involved and justified the time and effort required to see the project through.

Keywords: Repatriation, Aboriginal material culture, Gumbaynggirr, Heritage NSW, Will Rogers, Moonee Beach,

Introduction

Repatriation has become an important practice for archaeology and museology. In this instance the staff employed by the local Council, the City of Coffs Harbour, including Coffs Harbour Regional Museum and Gallery (the Museum), found themselves steering the project, working collaboratively with Council's Yandaarra Aboriginal Advisory Committee, supporting Elders and other community members, informing Council colleagues and advocating to management, while also working in collaboration with the Australian Institute of Archaeology (the Institute) to facilitate the repatriation, Figure 1. Our experience showed that this repatriation was in essence a form of cultural restoration that required cooperation and a willingness to learn.

Country and context

Gumbaynggirr country lies along the Pacific coast of the mid-north coast of New South Wales, stretching from the Nambucca River in the South, to the Clarence River in the North, and the Great Dividing Range in the West. Country ranges from ancient rainforest on the elevated escarpment of the Great Diving Range across fertile river valleys and coastal plains to a shoreline studded with grassed headlands and beaches. The localities of Woolgoolga, Coffs Harbour, Urunga, Bellingen, Dorrigo, Nymboida, Nambucca Heads and Bowraville are today located on Gumbaynggirr country. The contemporary Gumbaynggirr community is visible, vibrant and strong in culture, making positive contributions to social, cultural and economic life.



Figure 1: Preparation of the smoking ceremony for the repatriation of the Will Rogers Collection on 1 March 2023. Image: C.J. Davey.



Figure 2: Moonee Beach, looking south from Look At Me Now Headland. Figure 3 would indicate that prior to the sand mining, the ‘axe factory’ midden was about where the people are standing. Image: C.J. Davey, March 2023.

Gumbaynggirr language revival is particularly noteworthy, led by Muurrbay Aboriginal Language and Culture Co-operative in Nambucca Heads. The *Gumbaynggirr Dictionary and Learner’s Grammar* has over 2700 words and local primary school children across the region are learning the language. Gumbaynggirr people are known as the ‘sharing people’ because their land was so rich in natural resources they shared freely with neighbouring clans and other visitors. Extensive middens along the coast attest to the great numbers of people who gathered there for thousands of years, feasting on seafood and other delicacies. Another important Gumbaynggirr cultural heritage site is what was known as the ‘axe factory’ at Moonee Beach, just south of Look At Me Now Headland, 13 kilometres north of Coffs Harbour, Figures 2 & 3.

The name Moonee is derived from the Gumbaynggirr *Munim-Munim*, meaning ‘rocky’. In Gumbaynggirr language, repetition of a word signifies plenty, so *Munim-Munim* means lots of rocky places, reflecting the original importance of this place for making axes and other stone tools. This area, the headland in particular, is significant as a mythological and ceremonial site; a powerful place in the Gumbaynggirr homeland. It was a place of many camp sites, especially in winter when the sun was warm and the mullet ran along the coast, and with extensive areas where stone axes, choppers and scrapers were made, due to a plentiful supply of smooth, water-worn stones from nearby beaches and dunes.

In the late 1960s, sand mining began along the Coffs Harbour coast and the Moonee ‘axe factory’ was destined for destruction. The use of the terminology ‘factory’ indicates that this was an important place of manufacture. William Rogers, a local amateur archaeologist, described the site as ‘an area approximately 325 metres long by 50 metres wide ... characterised by many large and small knapped implements including uniface hand-axes and choppers ... and layers of different kinds of shells, some animal bones, thousands of chippings and broken pebbles’ (1977: 2).

As such, the site itself was of great significance as it demonstrated the practices, technical achievements and way of life of Gumbaynggirr people for thousands of years. There was no cultural heritage legislation protecting the site at that time and there was a broadly held view that Aboriginal culture was something of the past. An extraordinary ‘salvage’ operation ensued, with massive amounts of cultural material collected by professional and amateur archaeologists, historians including the Coffs Harbour and District Historical Society (the Historical Society), tourists and opportunists. The *Coffs Harbour Advocate* reported on 1 May 1968 that:-

Even now, there are barren squares of sand in the factory site where university teams have removed every pebble and shell to be transported away for study. Hundreds of axes have been taken officially



Figure 3: *The midden, or ‘axe factory’, on Moonee Beach, looking north with Look At Me Now Headland in the background. Photograph: Will Rogers, January 1969, AIA Archive.*

to as far away as Adelaide and Sydney. The (historical) society believes hundreds more have been taken away by tourists—some by the sugar bag load (McCracken 1968: 3).

The president of the Historical Society, George England, expressed regret about the destruction but told the *Advocate* ‘Why should we try to prevent a half-a-million

dollar industry starting, when these relics would probably have disappeared anyway in 8 to 10 years?’ (McCracken 1968: 3). The society organised an expedition in April 1968 of ‘over 250 members and friends’ (Rogers 1977: 15) and collected numerous items, Figure 4. Some of this material was eventually displayed when the Historical Society opened the Coffs Harbour Museum in 1980. Other material made its way into private and public collections



Figure 4: *Coffs Harbour and District Historical Society expedition to the Moonee site. Photograph: Captain E.N. Fletcher 1968, courtesy of the Coffs Collections.*



Figure 5: Will Rogers. Photograph: Coffs Harbour Advocate 1981.

across the country, and locating it has been difficult, as discussed later. Some of the artefacts in the Will Rogers Collection (the Collection) appear to be wastage or debitage as they exhibit little evidence of use, although a comprehensive analysis is yet to be undertaken and it is likely that the manufacture and use of tools both took place at the site.

Will Rogers and his lifetime of collecting

William Rogers was involved with the Historical Society's expedition and later wrote that 'several excellent implements [were] found amid the chippings and broken pebbles [were] strewn about' (1977: 15). Rogers was a committed amateur archaeologist who spent much of his life collecting and studying the cultural heritage of Aboriginal people across Australia, Figure 5. He found his first artefact as an eight-year-old in Altona, Victoria and together with his wife Edith, went on to amass a significant collection. He retired from working in the tailoring industry in Melbourne in 1967 and moved to Sawtell, south of Coffs Harbour. Believing their collecting days were over, the Rogers donated their collection to various museums before they left Victoria. Nature intervened, however, and just prior to arriving at their new home, there was a massive storm accompanied by huge tides and lashing winds that left the coastline in a state of devastation. The Rogers found themselves

collecting and researching once again, scouring local beaches for Aboriginal artefacts uncovered by this climatic intervention.

Over the next decade, Will Rogers organised their extensive new finds into geographic collections and documented them in a series of booklets published by the Historical Society and others. Twelve publications are listed by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) in Canberra and six are now digitised on the Museum's digital collection platform, Coffs Collections <https://coffs.recollect.net.au>, Figure 6. Rogers regularly displayed these collections locally and gave many public talks. Regrettably, the covers of the booklets feature images of traditional Aboriginal people in Central Australia and the Northern Territory despite being about Gumbaynggirr material culture, and the language reflects the lack of sensibilities of the time. However, the booklets contain valuable detail, information, drawings and analysis of many different items found from Station Creek in the north to Sawtell in the south. The text indicates that Will Rogers had an abiding respect for Aboriginal people, their craftsmanship and skill, and was unhappy about the destruction of their material culture. He concludes 'a sand mining enterprise has moved in and completely wiped out the ancient Moonee midden. Not a dune, not a sea-shell, and not an implement remains to show the spot that was so important to the Aboriginal tribes for thousands of years' (1977: 15).

Will Rogers died in 1983 aged 81, having collected and documented extensive amounts of cultural material in the 16 years he lived on the Coffs coast (*Coffs Harbour Advocate*, Saturday 2 April, 1983). He had maintained his network with museums and other archaeologists, including friendships with staff at the Institute, to whom he entrusted some of his collection in 1978 (pers. Comm. C.J. Davey). The Institute neither accessioned nor displayed the material it received. For a period, some of it was stored at Macquarie University but it was not displayed there either. The number of objects reported in Rogers' publications far exceed those held by the Institute in 2020. In mid-1989, the Institute repatriated a significant amount of Gumbaynggirr cultural material to Boogilmar Aboriginal Ministries at Tabulam, near Casino, on Bundjalung country, which was at the time the only Aboriginal corporation on the north coast of NSW in a position to receive it. This material has now been located and its return to the Gumbaynggirr community is under discussion. The Collection that is the subject of this repatriation is the Rogers' material that remained in the Institute's possession after 1989. There was no awareness locally in Coffs Harbour of Rogers passing on his collections to interstate organisations, and there is nothing in the Museum's records that assists in understanding how it happened. Of critical importance, however, is that Will Rogers recorded the provenance by inscribing location on the objects themselves, which makes his collections clearly identifiable.

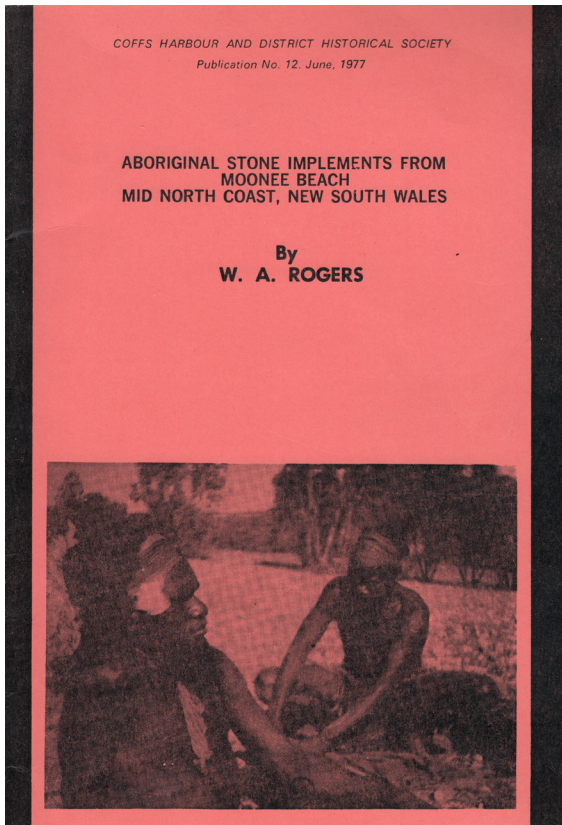


Figure 6: Rogers' 1977 publication of the Moonee site.

Locating collections and making connections

The Museum continued to display Gumbaynggirr cultural material alongside Aboriginal artefacts from other places. In 1996, the Museum was flooded and suffered damage to its collection and displays. This significant blow, along with the challenges of being run by volunteers with no ongoing funding, led to the demise of the Historical Society and in 2005 Coffs Harbour City Council took ownership of the collection and operation of the Museum. In 2009, the Museum was flooded again, this time catastrophically, and despite the valiant efforts of staff and volunteers, many collection items and records were lost. The Museum was permanently relocated and closed until 2014. Upon reopening, the Museum gradually gained more professional staff, however, this brief history highlights how collections, records—and indeed memories—about those collections, can be lost. The Gumbaynggirr community were, however, always aware that the Museum held some of their cultural material.

The Museum had around 14 archive boxes of stone tools, but with very little information about the items. Most were unmarked and records were scant, but it was understood that the majority had been collected from Moonee Beach, with a few other items donated by individuals at various points in time. In 2018, Museum volunteer Geoff Watts began to seek the location of the Will Rogers collections.

Watts was a dogged and intelligent researcher, with a deep and imaginative understanding of local history and a strong commitment to the recognition and restoration of Gumbaynggirr history and culture. After months of persistent research, he located a Rogers collection at the Institute at LaTrobe University in Melbourne. He also identified other holdings of Gumbaynggirr material, possibly collected by Rogers, at the University of New England in Armidale and the Australia Museum in Sydney. Museum staff contacted the Institute and were delighted to receive a positive and encouraging response from its Executive Director, Dr Christopher Davey. In parallel, the Institute had also been trying to return the material to its rightful owners.

In May 2017, the Institute had approached the Coffs Harbour and District Local Aboriginal Land Council (the Land Council) about the repatriation of the Collection, to no avail. At the time there were changes to the leadership of the Land Council and there were other more pressing local issues, so the matter did not progress. Two years later, as a result of Watts' research, the Institute received a 'to whom it may concern' query and the repatriation negotiations restarted. The Institute provided the Museum with photographs of the 331 stone tools in its possession, all of which had Rogers' provenance identifying inscriptions: 71 came from Station Creek, 10 from Sandy Beach, 113 from Moonee Beach and 137 from Sawtell.

It was important for the Institute that the repatriation was carried out in a way that was lawful and would not give rise to legal action or complaint. As Davey stated, 'it was hoped that this would be a unifying event rather than generating disputation as sometimes happens'. Specifically, the Institute required that:-

- the objects be returned to the correct people,
- the repatriation comply with all legislative requirements,
- the objects be returned to a facility with professional curatorial processes, and that
- there be appropriate recognition of Will Rogers who had gathered and preserved the collection.

Collections and community come together

Collections are, of course, the specialisation of museums, so the time was right for Museum staff to work with the Institute and the Gumbaynggirr community to bring these collections back to country, as well as properly investigate what was in its own collection. The authors—a Museum curator and a Gumbaynggirr Elder and Aboriginal Community Planner respectively—worked together with Nat Redman, archaeologist in Council's environmental planning team, and invited members of Gumbaynggirr Elders' groups, the Land Council and Heritage NSW, to oversee the process of repatriating the Rogers Collection.

Museum staff met regularly with Gumbaynggirr Elders to deal with the items in the Museum's possession—

noting that the Museum recognised the stone tools as the property of the Gumbaynggirr community and had not accessioned them into its collection. Under the Elders' direction, Museum staff audited and documented the 218 stone artefacts in its possession; 164 had no provenance, 33 had provenance recorded in accompanying records, such as donation forms, and 21 were collected by Rogers, as they were inscribed identically to those held by the Institute. Members of the Gumbaynggirr community hold deep knowledge about these items and, over the months of consultation, Elders gave clear direction about how the collection should be managed. Firstly, Elders from specific clan groups would make decisions about the material collected from their own areas. For example, the Garby Elders would be responsible for objects found at Moonee Beach and north to Station Creek, while the Garlambirla Guuyu-girrwaa Elders would be responsible for Moonee to Coffs Harbour and Sawtell. Secondly, Museum items without provenance would need further research before final decisions could be made about their eventual home—everyone understood that provenance may never be established for the unmarked objects and therefore it may be difficult to return them to country.

As the community does not have a formal keeping place or land where they could establish one, there needed to be a safe place for immediate storage. The Elders were comfortable with the Museum remaining as caretaker, so a Deed of Deposit was prepared recognising Gumbaynggirr ownership of the objects already held by the Museum and those being repatriated from the Institute. As part of this arrangement, Elders also selected a small number of the items with provenance to display at a new museum, the Yarrila Arts and Museum (YAM) at Yarrila Place, which opened in Coffs Harbour on 16 September 2023.

Understanding and complying with legislation was another challenge. In New South Wales, the *National Parks and Wildlife Act 1974* determines that Heritage NSW and Aboriginal Land Councils are responsible for the repatriation of cultural material. Although these items were collected prior to the Act and are therefore not subject to it, all parties agreed to follow its provisions. John Duggan and Alexandra Simpson of Heritage NSW, at state and local levels respectively, provided support and expertise throughout the repatriation process. Ultimately, the formal transfer took place between the Institute and the Land Council, with documentation prepared by Heritage NSW. The Land Council and the City of Coffs Harbour signed a Deed of Deposit, prepared by Museum staff. Deeds of Deposit are increasingly favoured over formal donations in the collections sector as they are more consistent with the intent of the United Nations *Declaration on the Rights of Indigenous Peoples*, of which Australia is a signatory, with Article 31 recognising First Nations peoples' rights to 'maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions.'

While the Collection was not subject to the NSW legislation, Heritage NSW informed us that the repatriation needed to comply with Victorian legislation. They understood that the *Victorian Aboriginal Heritage Act 2006* required that the collection be registered in Victoria and a permit be granted, after the payment of a fee, before it could be removed from Victoria and repatriated to NSW. They also understood that the objects could not be returned without the approval of the Registered Aboriginal Party (RAP). The RAP for the La Trobe University area where the Institute is located is the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation. The Gumbaynggirr Elders were somewhat indignant when they heard about the requirements as they were understood at the time. They were also concerned when informed, incorrectly as it turned out, that Victorian legislation required that the objects be collected from the Institute by the Wurundjeri Elders, who would then transport them to the Victorian-NSW border where they would be handed over to the Gumbaynggirr Elders after a smoking ceremony.

The Institute's Aboriginal collection had been checked previously by officers from Aboriginal Affairs Victoria who then advised that the Victorian Act did not regulate artefacts from inter-state. Subsequently, the *Aboriginal Heritage Amendment Act 2016* had altered the definition of *Aboriginal object*, which had related to 'the Aboriginal people of Victoria', to objects associated with 'Aboriginal people generally or of a particular community or group of Aboriginal people in Victoria' (clause 5 sub-clause 3).

The Institute contacted the Director of Heritage Services, First Peoples - State Relations, Department of Premier and Cabinet (previously Aboriginal Affairs, Victoria) to clarify the process. The Director of the branch determined that there was no relevant Victorian RAP for the area from which the objects originated so that the Secretary of the Department of Premier and Cabinet was the sole Approving Body. The fact that the matter needed to go to the Director of the branch indicated that this was not a common occurrence, and it emphasised the seriousness with which the Victorian Government treats such matters. The confusion also suggests that processes for returning ancestral and sacred material may have been conflated with cultural objects, which are potentially less sensitive. In October 2022 the Institute registered the Collection in Victoria and after paying a fee of \$198.77, received a Cultural Heritage Permit in January to transfer it to New South Wales (CHP-0917).

In March 2023, the Institute's Executive Director delivered the collection in person to Coffs Harbour. A small gathering of Elders from the Garby and Garlambirla Guuyu-girrwaa groups, and staff from the Land Council, Heritage NSW and Coffs Harbour Council, including the General Manager and Mayor, was held, Figures 1 & 7. There was no media coverage on the request of the Elders. A smoking ceremony cleansed the items and welcomed



Figure 7: Members of the Gumbaynggirr community at the repatriation event, Coffs Harbour. Left to Right: Lowanna Ferguson, Tina Powell, Aunty Deborah Dootson and granddaughter Harlo Dootson, Deakin Walker, Yvette Pacey and Nerina Ferguson. Photograph: Uncle Richard Widders, 2023.

them back to Gumbaynggirr Country. It was a solemn and emotional event, with the joy of cultural objects being returned tempered by the enduring grief about loss of culture and land. The ambience was extraordinary as blue skies gave way to heavy black clouds and rolling thunder, widely interpreted by Elders as the presence of Uncle Mark Flanders, a champion of Gumbaynggirr culture and widely loved by the whole community, who died in June 2021. There was recognition of the Institute's support and persistence, as well as of Will Rogers' care and rigour and the role played by staff of the Council and Heritage NSW.

Conclusions

The repatriation of the Rogers collection from the Institute was a highly significant event. Will Rogers was a skilled, informed and careful collector and knew what to look for when faced with the destruction of an important cultural and archaeological site. He wanted Gumbaynggirr material culture to be preserved and understood into the future. In turn, the Institute kept his collection safe for decades and sought to return it to its traditional owners. By working with Elders, the Museum was able to bring relevant parties together to achieve the return. Heritage NSW brought together the parties with legal responsibilities and provided the required legal documentation.

It is hoped that this successful repatriation will pave the way for the establishment of a Gumbaynggirr keeping place and the return of more collections. Indeed,

the process drew attention to the sheer amount of Gumbaynggirr cultural material that has been collected and distributed across personal and institutional holdings that could be returned. Resourcing of the Gumbaynggirr community so that they can manage these collections is of utmost importance. Further research about the artefacts themselves is another high priority and Will Rogers' work provides an invaluable foundation for this. The repatriation also required the Museum team to address the long-standing inattention to the items in its holdings and opened a dialogue with Gumbaynggirr Elders, resulting in a caretaking arrangement formalised through the Deed of Deposit. While the lack of provenance of some of the material in its care is an obstacle, Elders and staff recognise that there is scope for these items to be used in educational and other museum activities that will benefit the wider community. In establishing relationships of trust between the community and Museum staff, the repatriation demonstrated that collaborative partnerships bring optimum results. This important collection establishes a foundation for the realisation of the Gumbaynggirr community's aspirations for greater shared knowledge of their history and culture.

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Acknowledgements:

The authors acknowledge the assistance of Alexandra Simpson, Heritage Officer, Environment and Heritage – Heritage NSW, Department of Planning and Environment, and Christopher Davey, Executive Director, Australian Institute of Archaeology in relation to the legislative procedures associated with the repatriation. We also acknowledge Yandarraa members, Nat Redman, Michelle Smith and Tina Lee who were unable to attend the repatriation ceremony.

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Appendix:

Repatriation ceremony attendees

City of Coffs Harbour

Paul Amos	Mayor
Natalia Cowley	General Manager
Uncle Richard Widders	Gumbaynggirr Elder and Aboriginal Community Planner

Coffs Harbour and District Local Aboriginal Land Council

Christopher Spencer	CEO
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Environment and Heritage – Heritage NSW

Alexandra Simpson	Heritage Officer
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Coffs Harbour Regional Museum & Gallery

Joanna Besley	Senior Curator
Shana Satyanand	Cultural Collections Officer
Madison Borgman	Digital Cultural Collections Officer
Debbie Campbell	Local Studies Librarian
Joan Kelly	Service Leader, Museum & Gallery

Gumbaynggirr Elders

Uncle Tony Dootson	Garby Elders Chair
Aunty Yvette Pacey	Garlambirla Elders Chair
Aunty Deborah Dootson	Garby Elder
Harlo Dootson	Garby Junior
Uncle Ian Brown	
Tina Powell	Garlambirla Elder

Smoking ceremony

Daniel Flanders
Matthew Brown
Narina Ferguson
Lowanna Ferguson
Deakin Walker

Australian Institute of Archaeology

Christopher Davey	Executive Director
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