

18 | Indigenous Cultural Heritage



18. Indigenous Cultural Heritage

18.1 Introduction

This section outlines the steps that the Alpha Coal Project (Rail) (herein referred to as the Project) has taken to identify, manage and report on Indigenous cultural heritage values within the land associated with the mine to port railway corridor extending from the Alpha Cola Mine to a new export terminal at the Port of Abbot Point, approximately 25 km northwest of Bowen.

The aim of reporting on cultural heritage in this area is to identify any cultural heritage that may exist or potentially be disturbed as a result of the Project and to assist in identifying appropriate mitigation measures to protect the cultural heritage values of the Project area.

18.2 Description of Environmental Values

18.2.1 Cultural Heritage Management Plans Process

The lands associated with the Project area are located across three registered native title claim areas namely: the Wangan and Jagalingou People (QUD85/04); the Jangga People (QUD6230/98); and the Birri People (QUD6244/98). The Project area also passes through an area of land where no current registered native title claim exists, or ever has existed, and where the Juru People have indicated they have traditional owner interests. In addition, at the time of developing the Cultural Heritage Management Plans (CHMP) and the preparation of this Environmental Impact Statement (EIS) report in August 2010, there were two registered Aboriginal Cultural Heritage Bodies (ACHB) within the Project area namely: Queensland (QLD) Cultural Heritage and Native Title Management Services Pty Ltd (W&J); and Jangga Operations Pty Ltd. The area of responsibility for QLD Cultural Heritage and Native Title Management Services Pty Ltd (W&J) is the current registered native title claim area of the Wangan and Jagalingou People, and the area of responsibility for Jangga Operations Pty Ltd includes the native title claim area of the Jangga People and additional lands. Given these circumstances, four separate groups of Aboriginal Parties are involved in negotiating CHMPs with Hancock Prospecting Pty Ltd (HPPL or the Proponent) across the lands associated with the Project area.

The process adopted by HPPL to enter into CHMP agreements with the Aboriginal Parties commenced with notification in accordance with the directions of the *Aboriginal Cultural Heritage Act 2003* (ACH Act). In the case of the two ACHBs and the applicants for the Birri People's native title claim, notification was sent by letter to their nominated service address. In the case of the representatives for the Juru People, a public notice was placed in appropriate newspapers. In accordance with the ACH Act, a response is to be received within a 28 day period that advises HPPL of their status as Aboriginal Party for their respective lands of interest within the Project area and their interest in participating in the development of a CHMP. Aboriginal Parties will then be endorsed by HPPL to assist with the development of the CHMPs. Agreements will be finalised and executed by all Parties and then submitted to the Department of Environment and Resource Management (DERM) for approval pursuant to Section 107 of the ACH Act.

The CHMPs have been developed in accordance with statutory requirements and duties of care to protect areas and objects of cultural heritage significance under the ACH Act, and the *Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (CATSIHP Act). Table 18-1

provides the current status of CHMP negotiations with the Aboriginal Parties. Table 18-2 provides the dates on which consultation occurred with the four groups regarding the CHMPs.

Table 18-1: Status of Cultural Heritage Management Plan Negotiations

Aboriginal Party	Applicable Area	CHMP Status		
		Parties Endorsed	Agreement Executed	Approval granted by DERM
Wangan and Jagalingou People	From the Alpha Coal Mine to chainage 150 km.	1 November 2009	23 December 2009	18 January 2010
Jangga People	Chainage 151 km to chainage 290 km.	7 January 2010	March 2010	16 April 2010
Birri People	Chainage 291 km to chainage 440 km.	1 February 2010	April 2010	16 April 2010
Juru People	Chainage 441 km to chainage 500 km and applicable port and offshore areas.	28 April 2010	June 2010	6 September 2010

Table 18-2: Consultation Dates for Cultural Heritage Management Plans

Aboriginal Party	Consultation Dates	Location
Wangan and Jagalingou People	16 October 2009	Rockhampton
	29 October 2009	Brisbane
	11- 12 November 2009	Rockhampton
	1-2 December 2009	Brisbane
	16 December 2009	Bundaberg
	6 February 2010	Bundaberg
Jangga People	28 January 2010	Brisbane
	5 February 2010	Brisbane
	11 February 2010	Brisbane
	24 February 2010	Brisbane
Birri People	2-3 March 2010	Townsville
	18-19 March 2010	Townsville
Juru People	14 May 2010	Bowen
	30 May 2010	Bowen
	7-8 June 2010	Bowen
	18 June 2010	Bowen

18.2.2 The Proponent's Policies

In addition to arrangements for cultural heritage protection and management that are documented in the CHMPs and ILUAs, HPPL and those Aboriginal Parties who have been endorsed to develop the CHMPs have also developed an agreed process, called the Indigenous Peoples Policy (IPP), in respect to HPPL's engagement with Indigenous people. During negotiations and interactions with Indigenous people, HPPL has worked diligently to afford Indigenous peoples respect for their connection to country and have ensured that Indigenous people are well equipped to resource and negotiate agreements.

18.2.2 Sites and Areas of Cultural Significance

18.2.2.1 Overview

The nature and distribution of many forms of Indigenous cultural heritage in a landscape is in part associated with environmental factors such as geology, climate and landforms which affect the availability of plants, animals and water, the location of suitable camping places and suitable surfaces upon which rock art could be performed. Such environmental factors also affect the degree to which cultural remains have survived natural and human induced processes. In addition, non-Indigenous land use practices often disturb or destroy cultural heritage.

The extent of vegetation and the nature of erosion and deposition regimes also affect the visibility of cultural remains and hence the chances of their detection during ground surveys. Likewise, non-Indigenous land use practices can disturb cultural material from its original context of deposition.

Cultural heritage surveys will be undertaken by representatives of the Aboriginal Parties as part of the cultural heritage processes established in each CHMP. The cultural heritage surveys will include both field assessment and thorough consultation with Aboriginal Parties. It is expected that cultural heritage surveys will potentially define areas and objects of cultural significance that occur within the Project area. These may include areas containing physical evidence or objects, such as artefact scatters and scarred trees (known as sites in archaeological terms). In addition, areas that contain no physical evidence of human occupation may also be defined. For example, these may include ceremonial and special areas, or may consist of varieties of native food plants.

Detailed cultural heritage survey reports will be prepared for the endorsed parties on behalf of the Aboriginal Parties. Each report will culminate in a management plan established through consultation between the endorsed parties and their technical advisers, and accepted by HPPL, which will provide guidance for the way in which Aboriginal cultural heritage defined by the cultural heritage survey will be managed during the Project. The ACH Act guides the way in which the significance of Aboriginal cultural heritage is assessed, this is further discussed in Section 18.2.3 below.

18.2.2.1 Desktop Review

18.2.2.1.1 Register Searches

Desktop searches of the following registers and databases were undertaken:

- ERM Cultural Heritage Register
- Register of the National Estate
- World Heritage List

- National Heritage List,
- Commonwealth Heritage List
- Queensland Heritage Register

The QHR may list sites that hold cultural significance to both Indigenous and non-Indigenous people such as contact sites and massacre sites. There were no sites listed on the QHR for the Project area.

A search of the DERM register and database was undertaken and 169 Indigenous sites were listed within the Project area (refer to Figure 18-1). Attributes given to the dominant site types within the Project area are artefact and camp site. Other registered sites listed within the Project area include hearths, trees, resource areas, quarries, land features, grindstones, stone axes, pathways, paintings and shell middens.

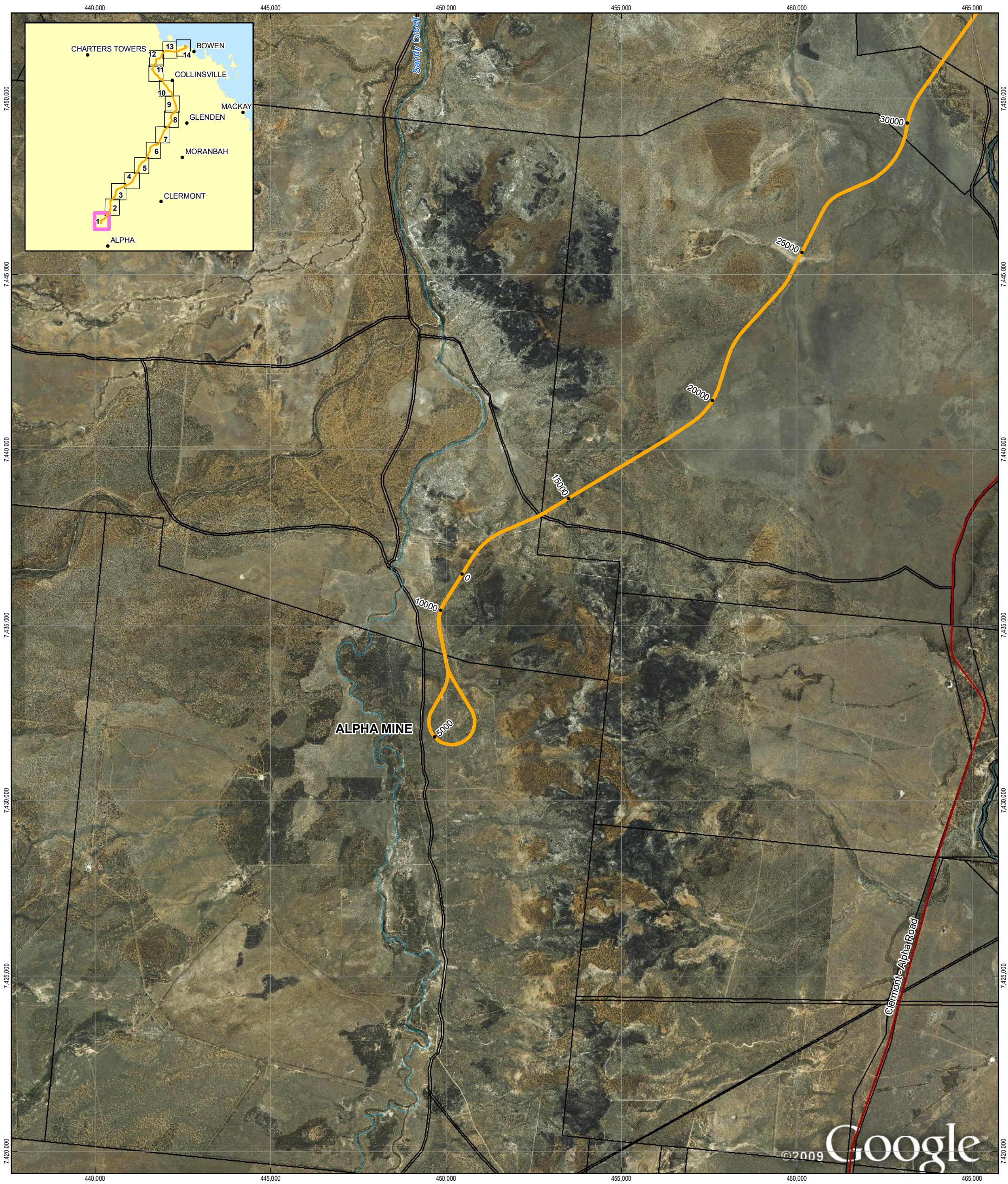
18.2.2.1 Previous Reports

Based on the DERM search results, numerous Indigenous cultural heritage sites have been identified across the Project area, however, cultural heritage reports on previous work within the Project corridor have been inaccessible at the time of preparing this EIS. ARCHAEO Cultural Heritage Services has previously undertaken cultural heritage assessments within the bounds of the Wangan and Jagalingou native title claim area (ARCHAEO, 2007, 2009b, 2009c; W&J, ARCHAEO and L'Oste-Brown, 2006). The result of this work is indicative of Aboriginal cultural heritage likely to occur within the Wangan and Jagalingou lands associated with the Project area. In addition, a number of drill pad and access track inspections have been undertaken by representatives of the Wangan and Jagalingou People within the Alpha Coal Mine site area associated with this Project and adjacent to the Project area (ARCHAEO, 2009, 2010).

The results of drill pad and access track inspections undertaken by ARCHAEO (2009, 2010) within the Alpha Coal Mine area indicate a vast cultural landscape comprised of an array of sites including stone artefact scatters, isolated stone artefacts, scarred trees and a bora ground or ceremonial area on Wendouree Station.

Within Wangan and Jagalingou lands around Alpha and Clermont, a number of cultural heritage assessments have been previously undertaken (ARCHAEO, 2007, 2009b, 2009c; W&J, ARCHAEO and L'Oste-Brown, 2006). The results of these assessments also suggest a diverse cultural landscape with numerous significant areas and objects that primarily includes a large number of scarred trees, isolated stone artefacts and artefact scatters. Within artefact assemblages, edge ground axes (some waisted) have been identified, along with grindstones, backed blades and burren adzes. The dominant locally occurring raw material used to manufacture stone artefacts in these areas is silcrete. Smaller amounts of chert, quartz, chalcedony, basalt, sandstone and other volcanics are also present in the region.

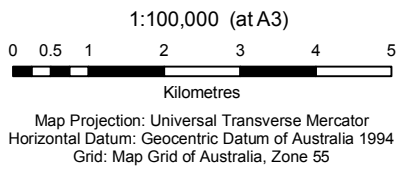
Further contextual research including background environmental data and academic research relevant to the area will be incorporated into the cultural heritage survey reports following the upcoming surveys in late 2010.



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| Town | DERM Registered Cultural Heritage Site | Proposed Alignment | Cadastral |
| Camp | | State Road | Waterbody |
| Marshalling Yards | | Existing Railway | |
| Depot | | Watercourse | |

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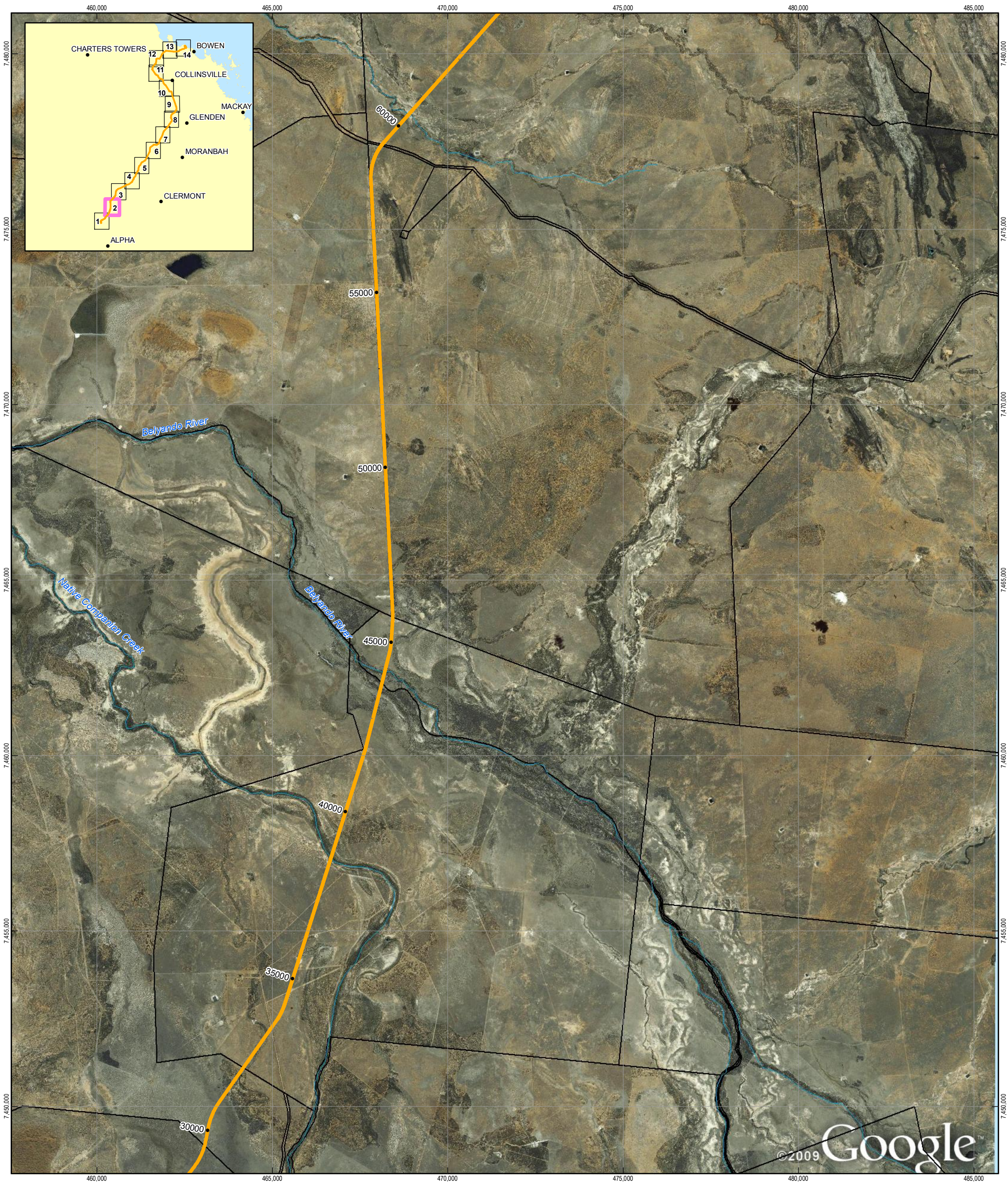
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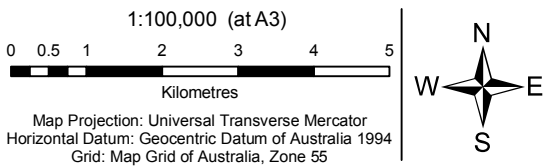
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Map Projection: Universal Transverse Mercator
Horizontal Datum: Geocentric Datum of Australia 1994
Grid: Map Grid of Australia, Zone 55

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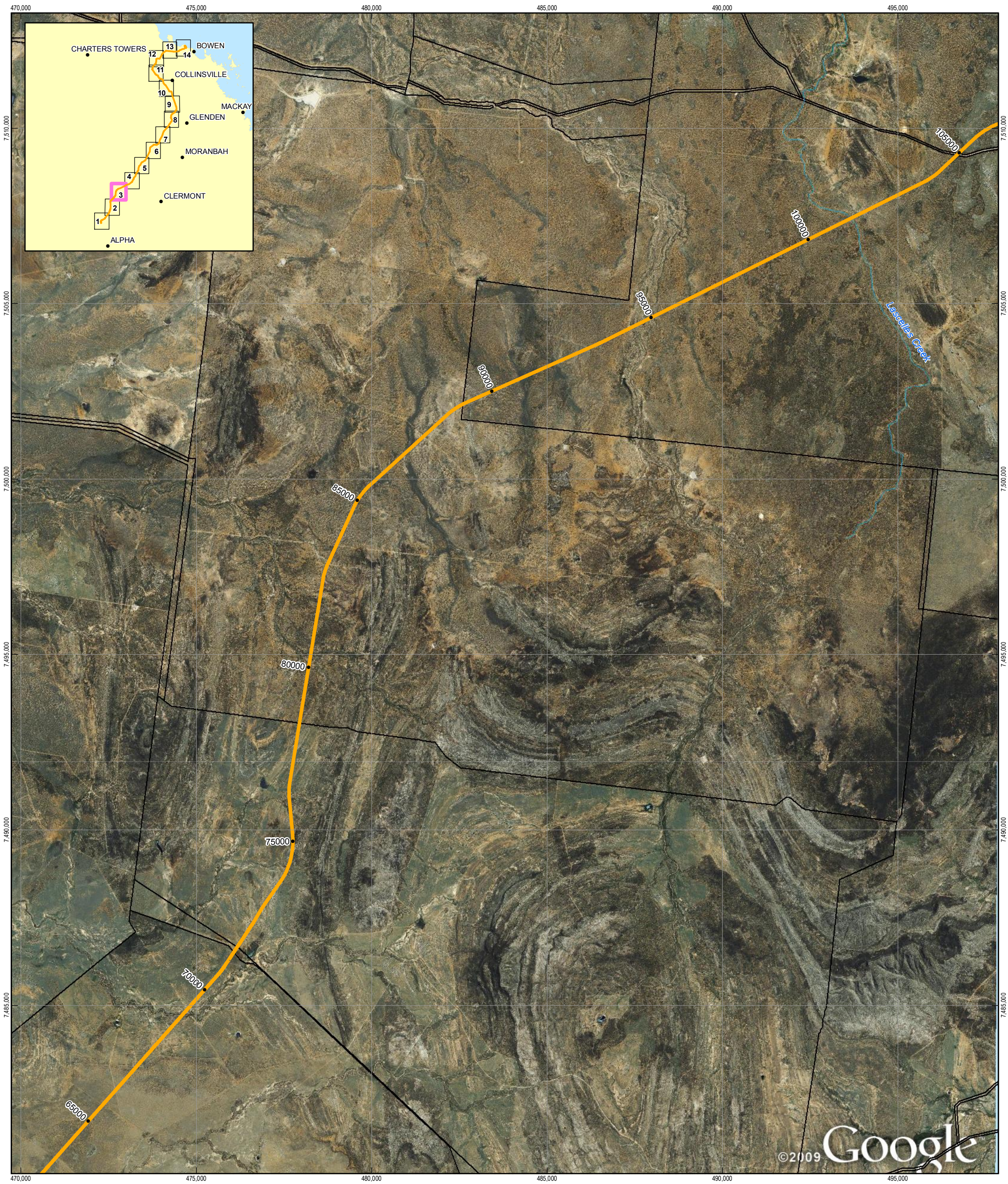
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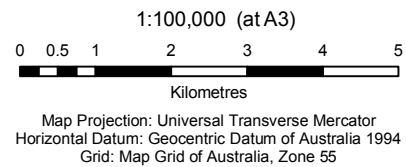
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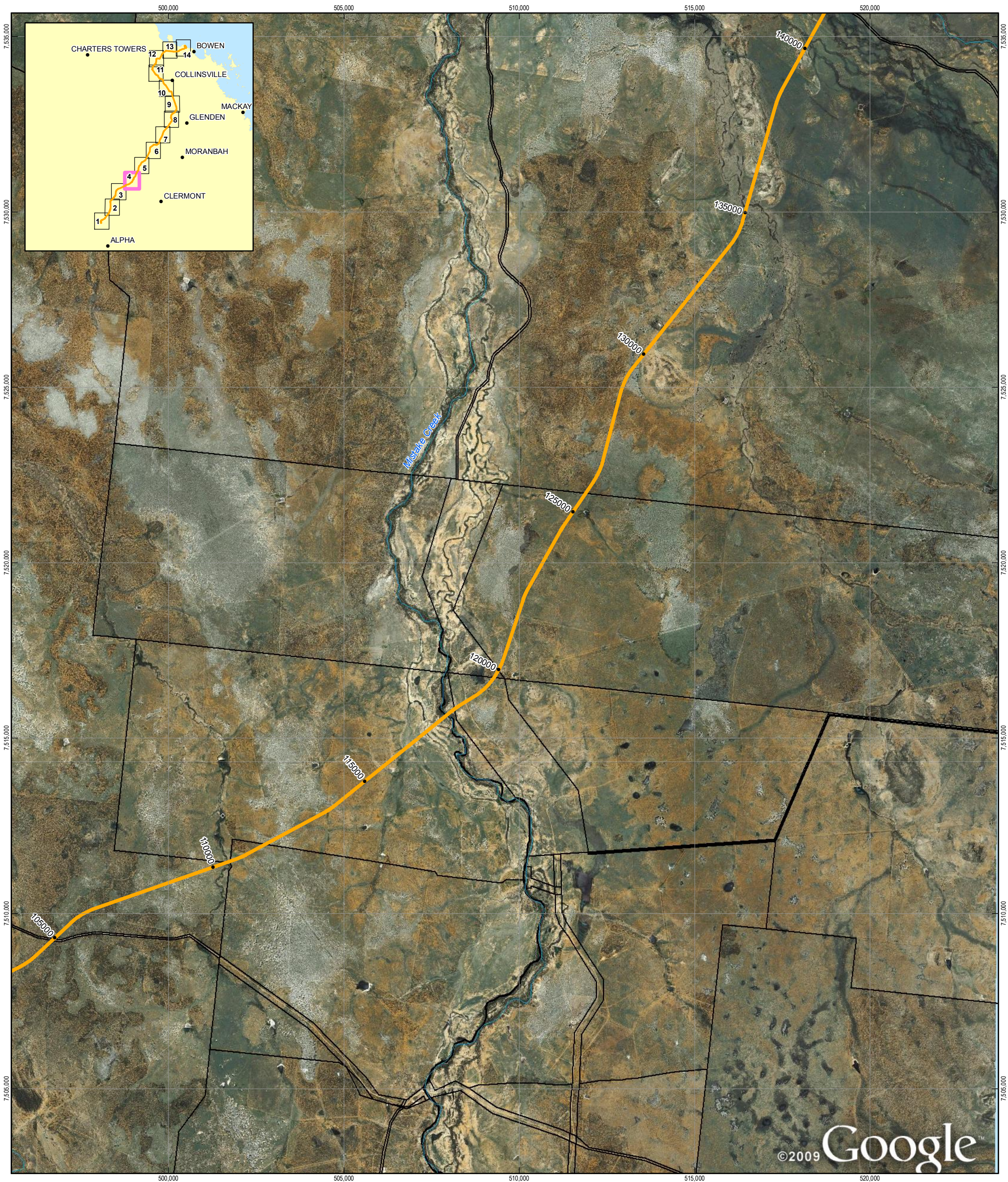
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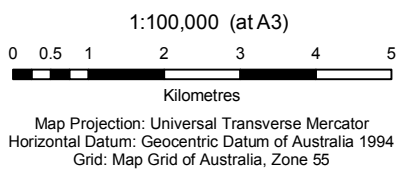
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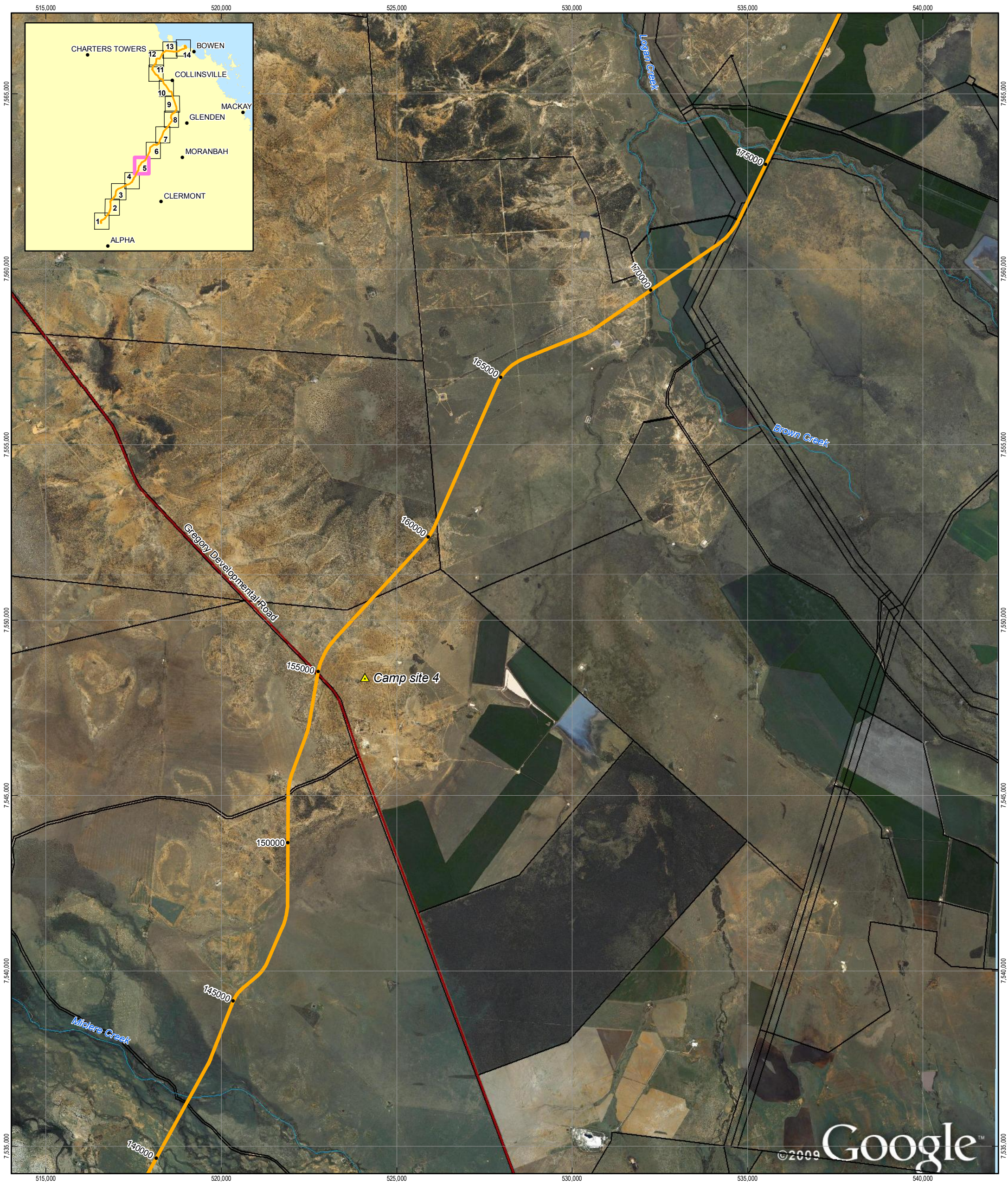
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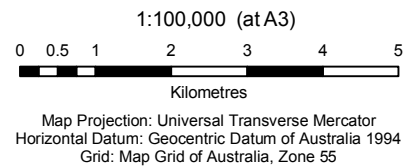
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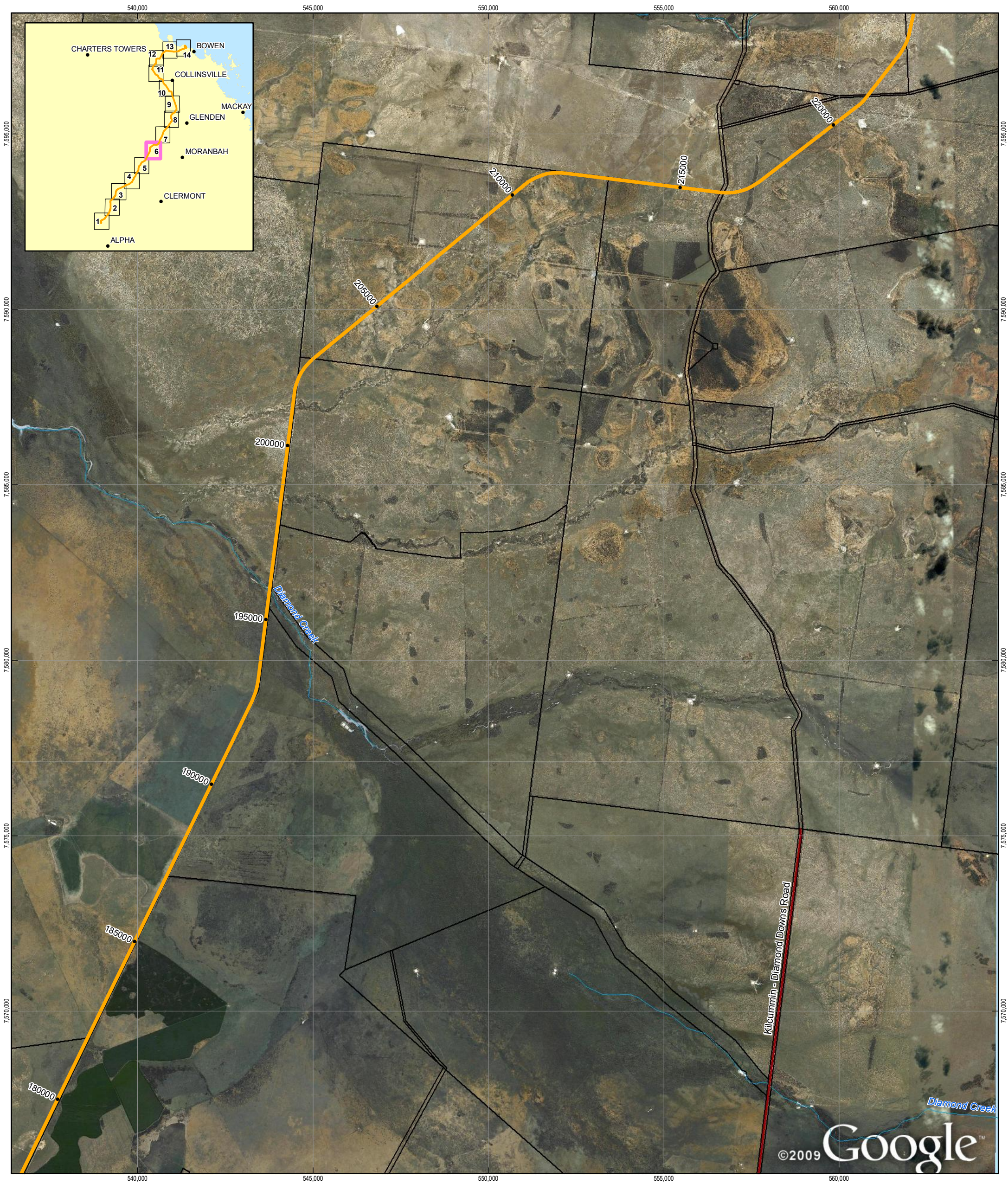
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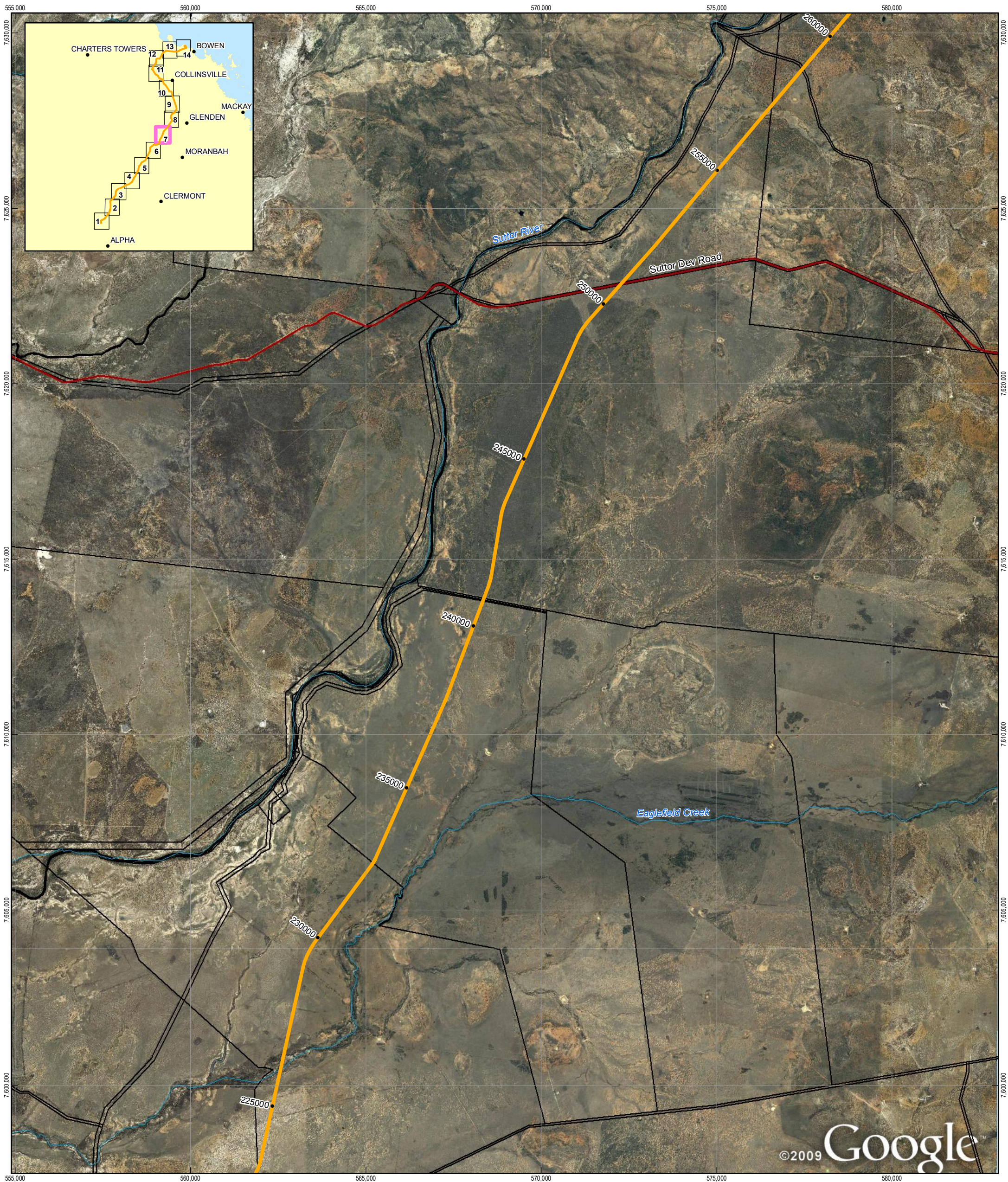
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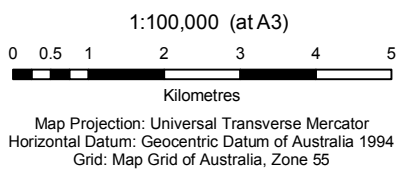




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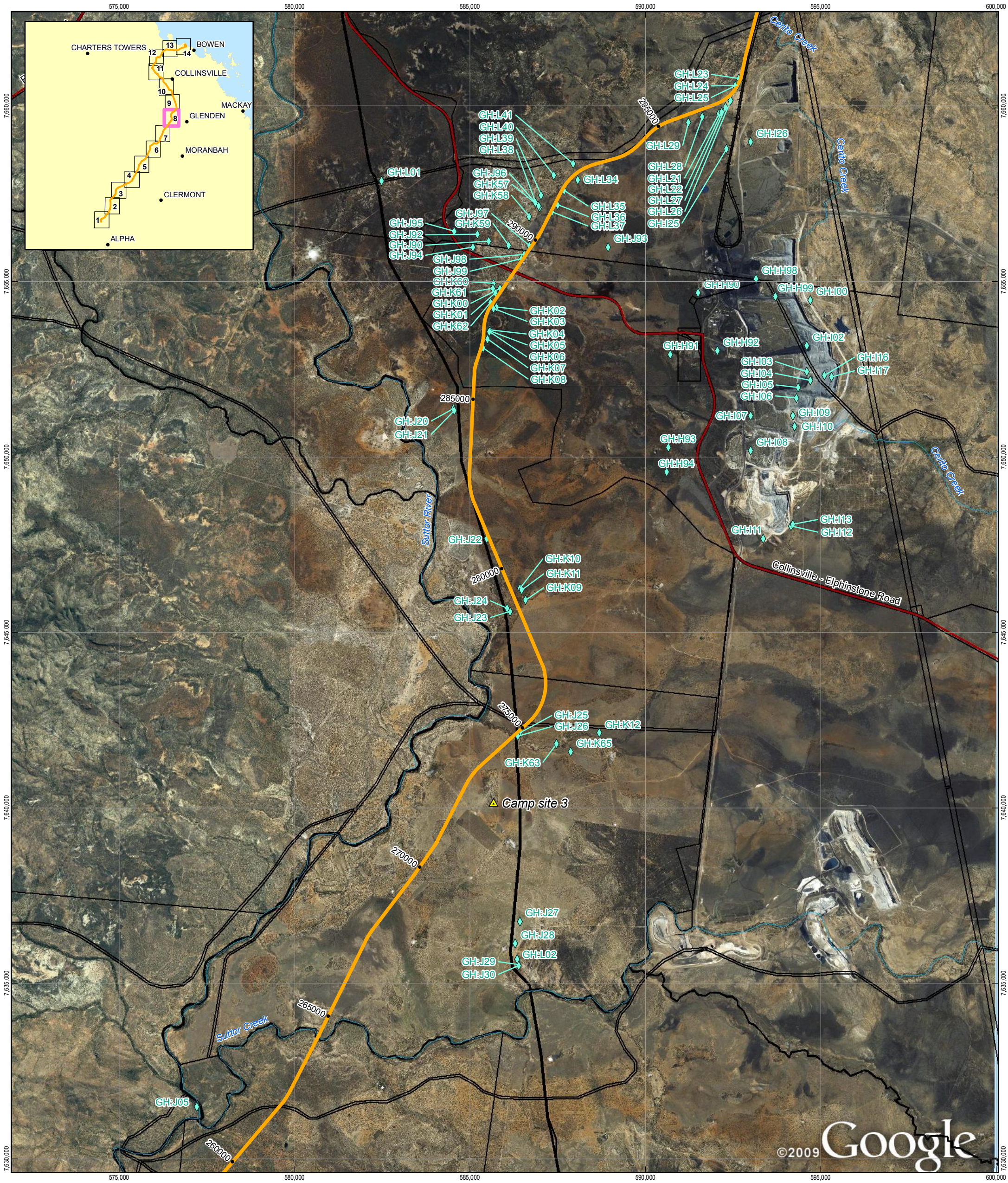
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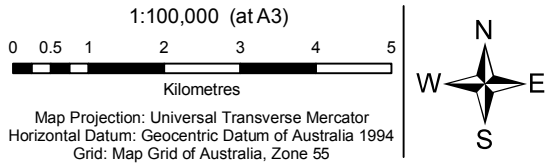
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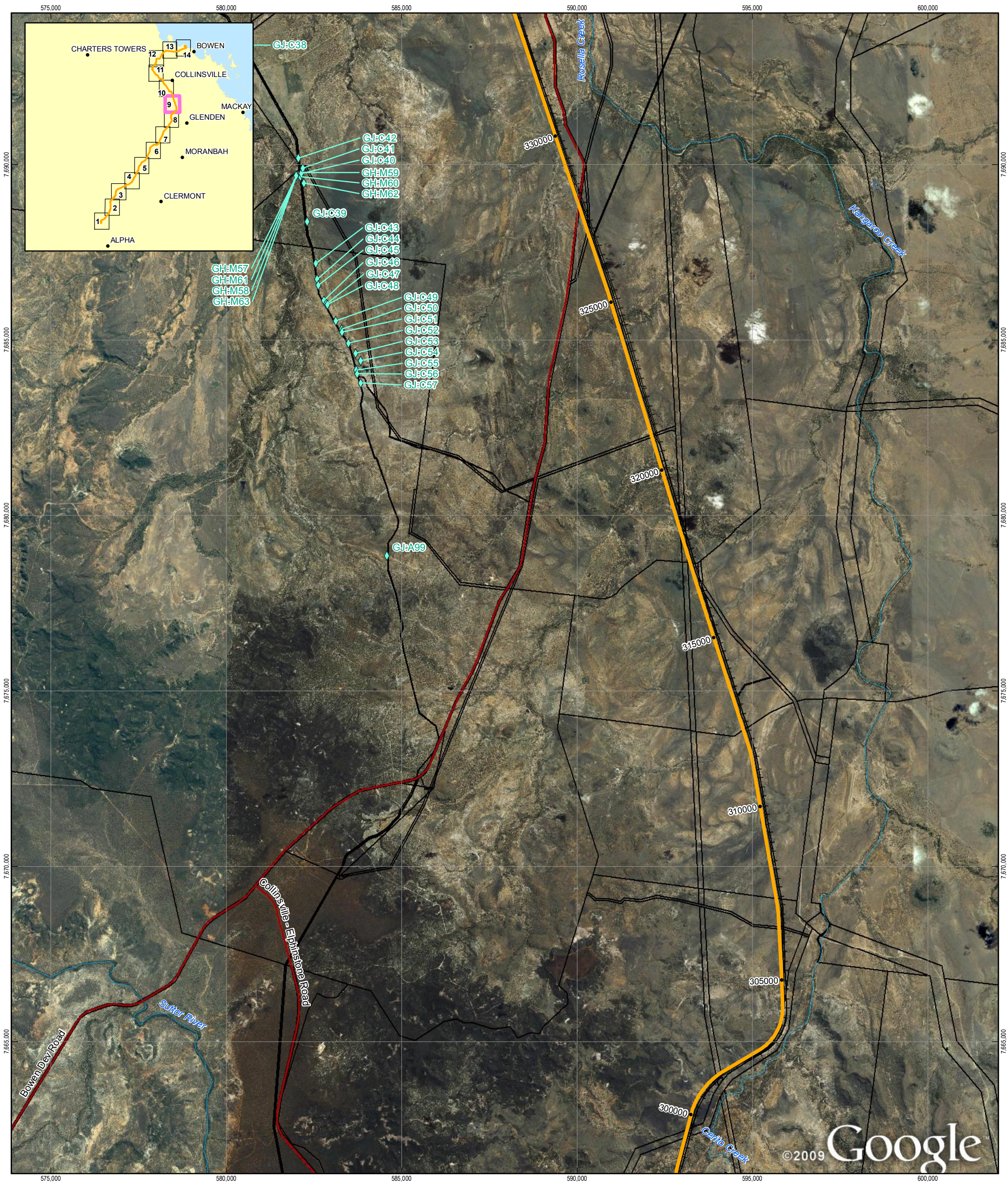
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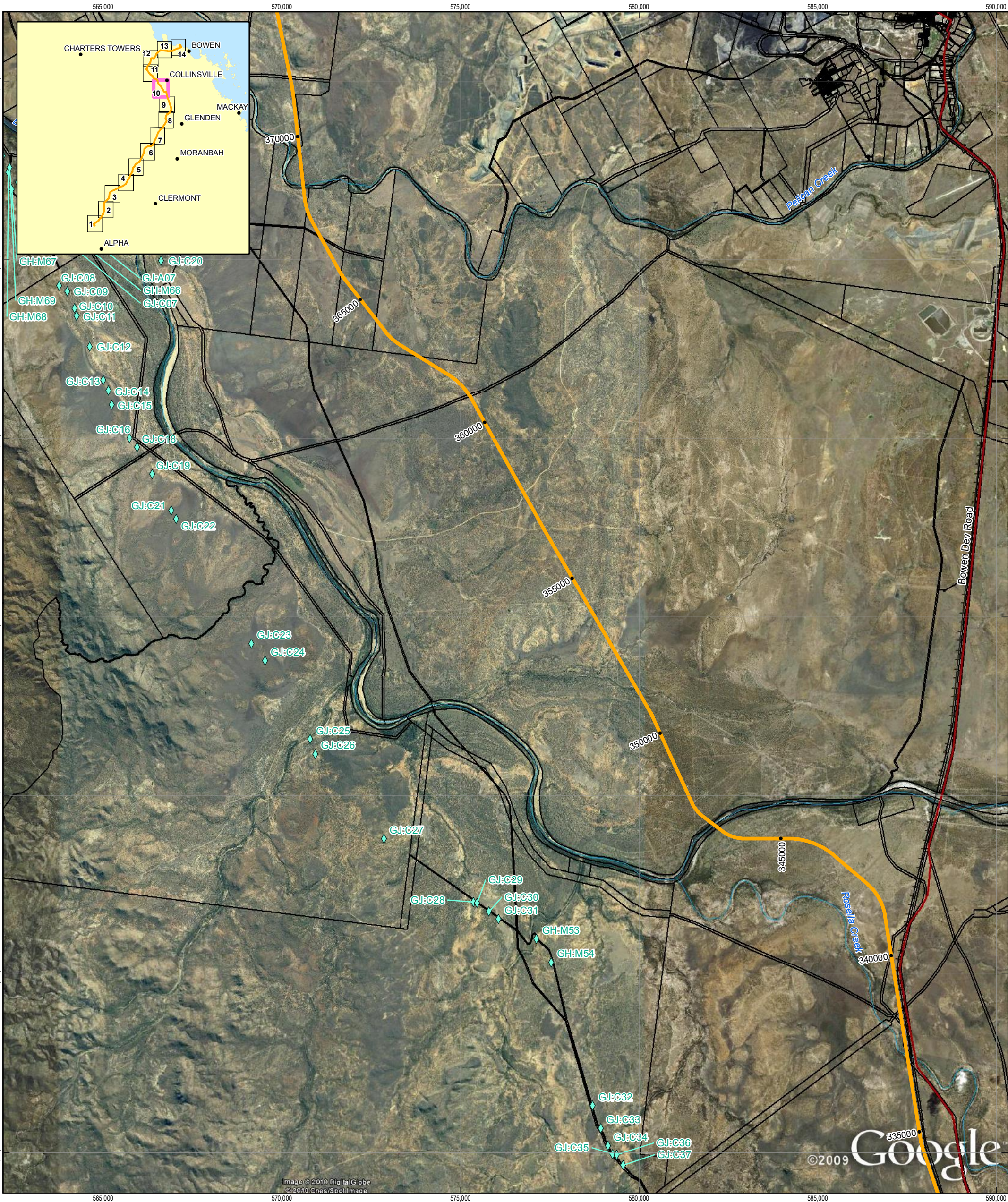
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Kilometres

Map Projection: Universal Transverse Mercator
Horizontal Datum: Geocentric Datum of Australia 1994
Grid: Map Grid of Australia, Zone 55



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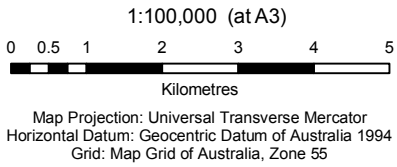
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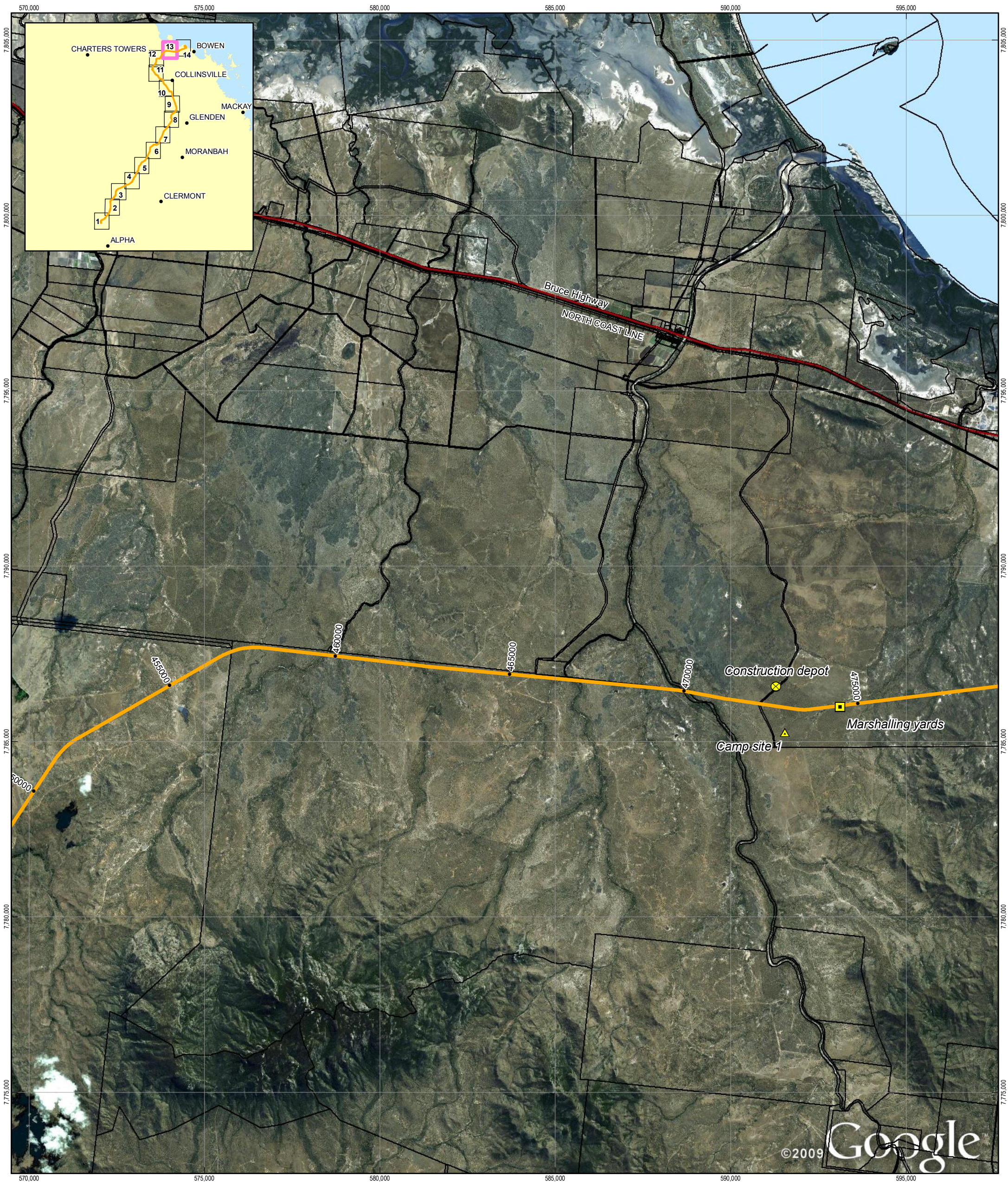
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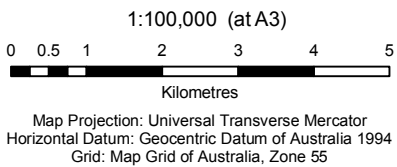
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- LEGEND**
- | | | | |
|-------------------|--|--------------------|-----------|
| Town | DERM Registered Cultural Heritage Site | Proposed Alignment | Cadastral |
| Camp | State Road | Existing Railway | Waterbody |
| Marshalling Yards | Watercourse | | |
| Depot | | | |

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Environmental Impact Statement

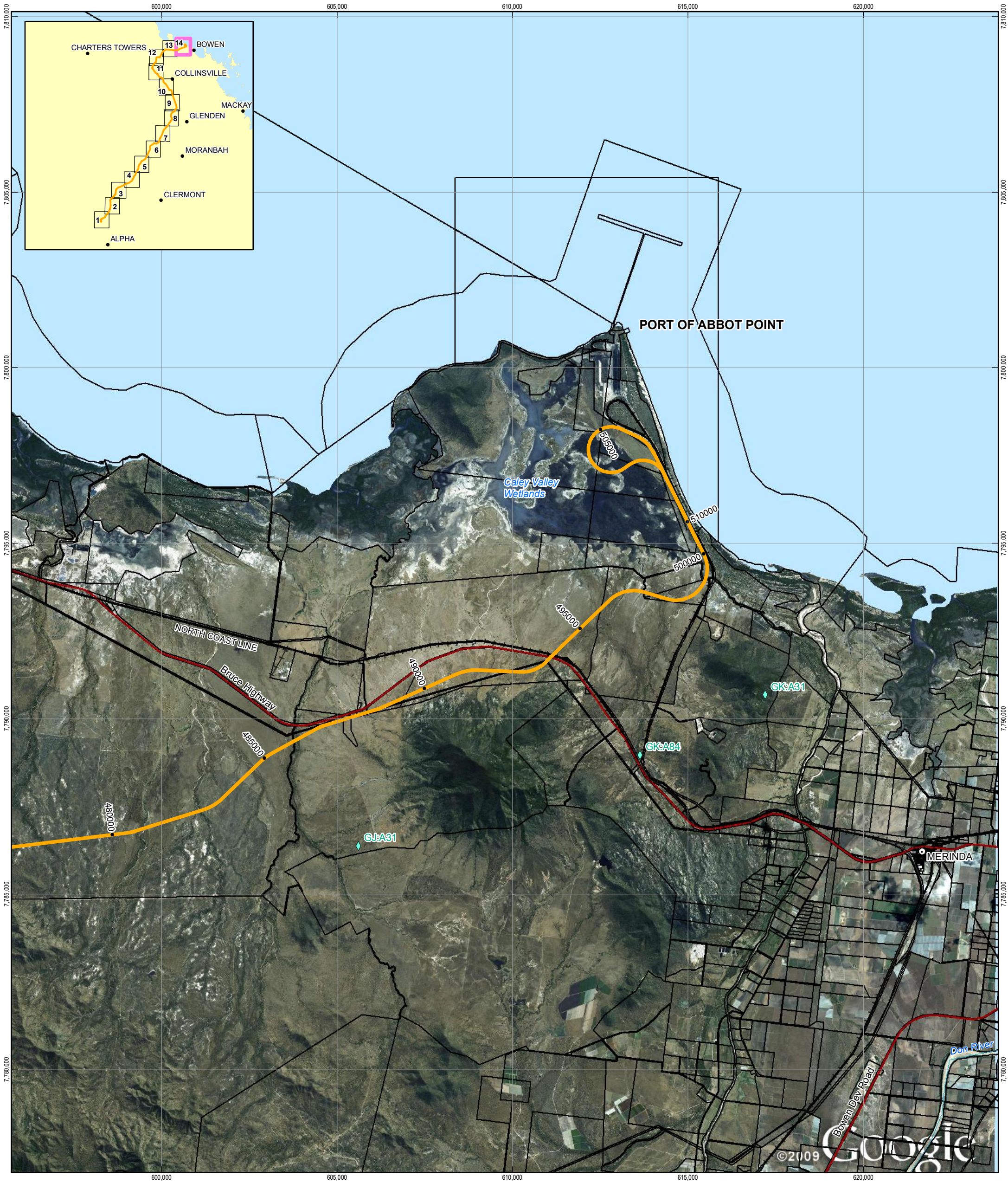
DERM REGISTERED CULTURAL HERITAGE SITES

Job Number | 41-22090
Revision | A
Date | 20-09-2010

Figure: 18-1
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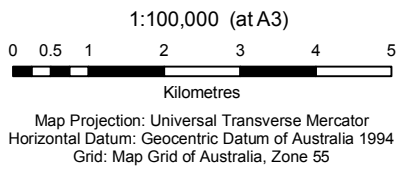
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| Town | DERM Registered Cultural Heritage Site | Proposed Alignment | Cadastral |
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Job Number | 41-22090
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18.2.3 Assessment of Significance

18.2.3.1 Aboriginal Cultural Heritage Act Guidelines

In Queensland, the assessment of significance for Aboriginal cultural heritage is guided by the ACH Act and the Australian International Council of Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance (The Burra Charter) 1999.

The ACH Act acknowledges in its fundamental principles that 'recognition, protection and conservation of Aboriginal cultural heritage should be based on respect for Aboriginal knowledge, culture and traditional practices' (Section 5a of the ACH Act) and that 'Aboriginal people should be recognised as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage' (Section 5b of the ACH Act). These principles are implied in the ACH Act's definition of Aboriginal cultural heritage, which is defined as anything that is 'a significant Aboriginal area in Queensland; or a significant Aboriginal object; or evidence, of archaeological or historic significance, of Aboriginal occupation of an area of Queensland' (refer to Section 8 of the ACH Act). A significant Aboriginal area or object is defined as an area or object of 'particular significance to Aboriginal people' because of Aboriginal tradition or the history, including contemporary history, of any Aboriginal party in the area.

The application of significance is ultimately the responsibility of the Aboriginal party, who may have regard for 'authoritative anthropological, bio geographical, historical and archaeological information' provided by a person with skills in that area. For this reason, the assessment of significance is achieved by an amalgamation of both scientific and cultural approaches.

18.2.3.1 Scientific (Archaeological) Significance

Although not codified in law, the Burra Charter is the foundation document upon which Australian cultural heritage management best practice is based. The Burra Charter was first adopted in 1979 by Australia ICOMOS and was initially designed for the conservation of and management of historical heritage. However, after the addition of further guidelines that defined cultural significance and conservation policy, use of the Burra Charter was subsequently extended to Aboriginal studies.

The Burra Charter defines conservation as '*the processes of looking after a place so as to retain its cultural significance*' (Article 1.4, Burra Charter, 1999). A place is considered culturally significant if it possesses aesthetic, historic, scientific, social or spiritual value for past, present or future generations (Article 1.2, Burra Charter, 1999).

Article 5 of the Burra Charter states that:

"Conservation of a place should identify and take into consideration all aspects of its cultural and natural significance without unwarranted emphasis on any one value at the expense of others."

Every place has a history, aesthetic value or a social meaning to some member of a community. Most places therefore meet some of the criteria prescribed above. It is, however, neither possible nor desirable to conserve every place. Some measures must be applied to these broad criteria in order to determine the degree of significance. The degree to which a place is significant will determine the appropriate conservation management for that place.

Using the Burra Charter as a reference base, scientific significance of an area or object is assessed according to its research potential and representativeness. Archaeological research potential refers to

a site's ability to provide information on past human activities, particularly everyday life, which more often than not is not available in documentary sources. Specifically, archaeological areas or objects (what archaeologists refer to as sites) can supplement other information on local histories by identifying physical relics of human activities, past climates, vegetation patterns and past diets and resources through processes such as the analysis of pollen grains and by the identification and analysis of plant, shell and bone remains within archaeological deposits. Such information may provide insight into local cultural history spanning hundreds or even thousands of years or to even more general questions relating to the evolution of cultures.

Representativeness refers to the ability of one site or a sample of sites to represent as accurately as possible the range and frequency of site types in a particular area. The notion of representativeness is also related to the maintenance of site diversity: the rarer a site, the greater its significance. In areas not well represented by physical, archaeological remains, all sites must be considered significant until proven otherwise. Older sites, those that contain particular attributes, or a mixture thereof, that are not found elsewhere, or those in which the archaeological material is unusually well preserved would potentially fall within the category of unique.

The scientific significance of a site generally increases as its potential to provide information increases. For any given place the significance will be greater where evidence of its association of the event that created it survives in situ than where it has been changed or evidence of context does not survive.

18.2.3.2 Areas and Objects of Significance to Traditional Owners

Under the ACH Act, Aboriginal cultural heritage includes areas and objects where there may be no physical manifestation of human use, but that are culturally significant to Aboriginal people. It also includes places of archaeological or historical significance. Notably, under the ACH Act significant cultural places are not restricted to the period prior to contact with non-Indigenous people and may include places and events that date from the contact period and the more recent past. In particular, if such events relate to a specific place in the landscape, then that place, (i.e. a site in archaeological terms, or an area or object in accordance with the ACH Act), may become sacred or highly significant to the Aboriginal communities connected to it. Importantly, an assessment of the levels of scientific significance of a particular object or place are not always consistent with Aboriginal people's cultural evaluations, and as such under the ACH Act Aboriginal cultural values of an area or object override other forms of significance assessment.

18.2.4 Findings

As per the CHMP agreements, the Indigenous cultural heritage surveys of the Project area will commence on 28 August 2010, and it is predicted that these surveys will result in the identification of a variety of Indigenous cultural heritage areas and objects.

The nature and distribution of many forms of Indigenous cultural heritage within a given landscape is in part associated with environmental factors such as geology, climate and landforms which affect the availability of plants, animals and water, the location of suitable camping places and suitable surfaces upon which rock art could be performed. Such environmental factors also affect the degree to which cultural remains have survived both natural and human induced processes. In addition, non-Indigenous land use practices often disturb or destroy cultural heritage. Likewise, the type and extent of vegetation and the nature of erosion and deposition regimes also affect the visibility of cultural

remains and hence the chances of their detection during ground surveys. While the cultural heritage surveys have not yet commenced, a number of drill pad and access track inspections have occurred in the neighbouring mine site area north of Alpha during the early exploration phase of the Project (refer to Section 18.2.2.1 above).

These initial inspections coupled with the results of the DERM register search, indicate that an intensive survey of the Project area will result in the location of a number of areas and objects of Aboriginal cultural heritage. The types of areas and objects predicted to be contained within the Project area include:

- isolated stone artefacts consisting of individual find spots of a single artefact that have been assessed by the archaeologist and the survey team as being separated and unrelated to other artefacts and/or archaeological features;
- stone artefact scatters incorporating a group of two or more artefacts located on the ground surface within an arbitrary linear distance nominated by the archaeologist that is subject to factors such as artefact type, environment, visibility, integrity and previously recorded site characteristics occurring within the larger study area.;
- scarred trees incorporating trees where the bark has been removed for a variety of reasons including for use in the preparation of bark sheets for shelters, making canoes, shields and coolamons (containers), or to gain access to possums, honey and other food sources. Due to extensive historic clearing combined with bushfires scarred trees are becoming an increasingly rare cultural resource, and living scarred trees are even rarer;
- carved trees featuring carvings that were often associated with burial and ceremonial areas. As so many trees have been lost to bushfires, clearing and natural attrition, any carved trees will be regarded as having high levels of both cultural and scientific significance;
- camp sites incorporating archaeological features such as hearths (fireplaces) and stone artefact scatters that represent occupation areas. Hearths are not common in most areas, but where located have the potential to contain important datable organic material (charcoal, burnt seeds, etc) which may assist in determining the age of the camp site. If a number of fireplaces are found, then the potential to find dates through periods of time is potentially of scientific significance;
- natural features in the landscape that hold cultural significance for the Aboriginal Parties. These may include creeks or billabongs carrying permanent water, mountains or rock features;
- quarries and stone resource areas where stone has been utilised in the production of stone tools were being sourced;
- ceremonial areas and/or stone arrangements;
- shell middens with and without associated stone artefacts on areas of exposed coastline, and at the mouths of creeks; and
- burials that may have survived in coastal areas, particularly in soft, alluvial deposits and coastal sand dunes.

18.3 Potential Impacts and Mitigation Measures

18.3.1 Potential Impacts

All potential impacts are assessed in regards to the value or significance of the cultural heritage place. Cultural heritage significance relates to people's perspective of place and sense of value, within the context of history, environment, aesthetics and social organisation, as discussed in Section 18.2.3 above. The scientific and Aboriginal assessments of significance and impacts will be carried out as part of the CHMP process. Protection, management and mitigation measures will be discussed and incorporated into the cultural heritage survey report, following the completion of cultural heritage surveys commencing in August 2010.

18.3.2 Mitigation Measures

Measures for the management of potential impacts range from avoidance and total protection through to systematic recording, collection and removal of identified artefactual material from development areas. Avoidance of direct impact and long term protection is the preferred form of management for the Aboriginal Parties, and also offers the best way in which scientific significance can be preserved. However, the development of a railway corridor by implication suggests that avoidance and protection of many of the areas and objects that will be found during the cultural heritage surveys will not be possible.

The Aboriginal Parties have already recognised this situation in their CHMPs that exist between them and HPPL. Section 5 within each of the CHMPs states that the parties agree that the principles of effective recognition, protection and conservation of Aboriginal cultural heritage depend on avoidance where possible, but if it cannot reasonably be avoided, minimisation of harm through mitigation measures will be acceptable. The CHMPs also accept that disturbance of the ground during the development of the Project is a necessary component of the Project.

Under these circumstances, scientific advice to the Aboriginal Parties will be to undertake mitigation methods that maximise protection of the values of Aboriginal cultural heritage found during the cultural heritage surveys of the Project area. Protection of values in this situation is dependent on a combination of cultural and archaeological approaches that may include:

- detailed recording of areas and objects;
- systematic collection and removal from the area of disturbance;
- collection of any information (inclusive of archaeological excavation where appropriate) from the context of the area or object, e.g. material that could lead to more information through dating, pollen, residue and use wear analysis; and
- preparation of detailed site specific management plans.

In addition, where avoidance is possible, the preparation of site specific management plans that provide clear directions and processes for protection of the area or object will be required so that accidental harm during Project activities is avoided.

18.3 Conclusions

Desktop assessment of Indigenous Cultural Heritage has been undertaken to date. Field investigations are proposed to be undertaken in consultation with the Aboriginal Parties in accordance with CHMPs. The CHMPs have been developed in accordance with statutory requirements and duties of care to protect areas and objects of cultural heritage significance under the ACH Act.