

## 20A INDIGENOUS CULTURAL HERITAGE

### 20A.1 INTRODUCTION

This chapter summarises the known indigenous cultural heritage information, preliminary findings from archaeological and cultural heritage surveys already conducted over the Mining Lease Application (MLA) areas and the cultural heritage management process that will apply to the MLA areas and the gas supply pipeline area for the Wandoan Coal Project (the Project).

### 20A.2 REGISTER SEARCHES

The Australian Heritage Database, including the National Heritage List, was searched for information on sites of interest within the MLA areas and gas supply pipeline area. No results were found.

A search of the Cultural Heritage Database and Register for Aboriginal and Torres Strait Islander Cultural Heritage, held by the Department of Natural Resources and Water (NRW), identified eight Aboriginal cultural heritage sites located within the MLA areas (NRW, 2008a).

All sites are within MLA 50230, with no records held for MLA 50229 or MLA 50231. In respect of the gas supply pipeline area, details of two identified Aboriginal cultural heritage sites were provided within the vicinity of the pipeline (NRW, 2008a). Locations are shown on Figure 20A-1-V1.3, with Table 20A-1 providing a list of the sites identified. Note that figures/documents with numbering ending in V1.3, for example, refer to figures/documents contained in Volume 1, Book 3 of the EIS.

**Table 20A-1: Identified sites**

Location	DNRW Site I.D.	Attribute
MLA 50230	HC:A65	Artefact
MLA 50230	HC:A66	Artefact
MLA 50230	HC:A67	Artefact
MLA 50230	HC:A68	Artefact
MLA 50230	HC:A69	Artefact
MLA 50230	HC:A70	Artefact
MLA 50230	HC:A71	Artefact
MLA 50230	HC:A72	Tree, Hearth
Gas supply pipeline area	JD:B40	Isolated finds
Gas supply pipeline area	JD:D05	Resource

## 20A.3 PREVIOUS STUDIES OVER MLA AREA

Three archaeological studies are known to have occurred within the MLA areas. The survey undertaken by Bindon in 2007, as detailed in section 20A.3.3 below, covered the proposed MLA Areas. The Morwood and Wallin examinations were studies of only specific sections of what is now the MLA areas; the studies did not cover the entirety of the MLA areas. No archaeological studies to date have been specifically conducted over the gas supply pipeline area.

### 20A.3.1 MORWOOD (1992)

Morwood's archaeological assessment covered three prospective coal deposits — labelled as Frank Creek, Austinvale and Woleebee. The archaeological assessment was undertaken as part of a more general environmental investigation. The survey was undertaken using topographic maps, cadastral maps and aerial photographs to determine the area boundary. The area was then physically surveyed using an AG bike and also on foot.

Stone artefacts and scatters were found in the Frank Creek area. However, they were not assessed by Morwood as having significant research value. No artefacts or sites were found in the Austinvale area. The Frank Creek and Austinvale areas have both been extensively disturbed by land use, including grazing, clearing and cultivation. In relation to the Woleebee area, Morwood indicated that the area is not as extensively cleared as the other two areas, and a number of stone artefacts were documented, as well as a range of archaeological sites (including scarred trees).

Morwood indicated that no further archaeological work was recommended for the Frank Creek and Austinvale areas, as both areas had been heavily disturbed by past clearance and cultivation and the artefacts found were of limited archaeological significance. However, further work would be required in the Woleebee area, including systematic surveys, as a range of archaeological sites had been identified.

### 20A.3.2 ANN WALLIN & ASSOCIATES (CIRCA 1996)

This study (Ann Wallin & Associates, n.d.) was based on background research, predictive modelling and reviewing past archaeological investigations of the area. No field survey was carried out, other than a visual inspection from a vehicle driving along local roads. The study also included the Frank Creek, Austinvale and Woleebee areas.

Wallin specifically indicated that the study was an archaeological study, including an assessment of the natural environment. The scope of the study did not include any statements on cultural significance, nor any places and landscapes of significance to Aboriginal people. Wallin indicated that such information will only be made available through consultation with the traditional owners.

Based on predictive modelling, Wallin suggested that cultural heritage may be predicted to exist in the area, principally around water supplies (especially creeks, rivers and water holes), certain geological features (such as mountains), geomorphological features, and certain vegetation types.

Wallin concluded that further cultural heritage analysis should be undertaken on the proposed mining lease areas.

### 20A.3.3 BINDON (2007)

A preliminary cultural heritage survey of the MLA areas was undertaken by Bindon in association with representatives of the Iman People #2 in July 2007. The purpose of the survey was primarily to establish the general existence, or likely existence, of significant Aboriginal objects or sites within the MLA Areas.

A field survey was conducted over MLAs 50229, 50230 and 50231. The survey was conducted by Bindon and Iman People #2 representatives on foot. The methodology reported that searches on foot

*'...usually proceeded from one exposure of open ground to another while also checking other areas that were expected to yield archaeological material (like creek banks, edges of swampy areas or lagoons, rocky exposures, etc.). This kind of search allowed a good coverage of the landscape subject to the restraints of vegetation...'* (Bindon 2007, p.4).

#### **Field survey findings**

If items of cultural heritage were located during the survey, a GPS reading was taken and a description of the item and the environment where it was found was recorded. The survey report tables the items of cultural heritage found during the survey (Bindon 2007, p.17).

The locations of ten sites and objects identified during the field survey are shown in Figure 20A-1-V1.3. Most sites recorded were found in areas in which Bindon considered that Aboriginal activity might be expected to occur. Bindon (2007, p.15) states that 'apart from individual objects that may lie scattered over the landscape and which belong to the 'background scatter' of objects,... it is the consultant's opinion that the areas in which significant sites are likely to occur are represented by the site locations presented in the table.'

#### **Field survey conclusions**

Bindon indicated that the types of archaeological material located during the survey suggest that in the kind of landscape surveyed, archaeological sites are likely to be small and of low scientific significance (Bindon 2007, p.22).

Bindon (2007, p. 22) concluded that

*'(n)o 'sites of significance' under any of the current legislative definitions were found during the survey. It is the consultant's opinion that the occurrence of a site of this nature in the area of interest is extremely unlikely.'*

Bindon indicated that whilst there may be limited chances of discovering sites of scientific or historical significance, the area may nonetheless still be culturally significant to the Iman People #2. Bindon acknowledged that areas of significance may yet be identified by native title claimants and it should not be assumed that no areas of significance are present.

Bindon recommended that the Iman People #2 should be consulted in relation to any future work on the area.

## 20A.4 CULTURAL HERITAGE MANAGEMENT PLAN PROCESS FOR THE MLA AREA

In accordance with the *Aboriginal Cultural Heritage Act 2003* (ACHA), the Wandoan Joint Venture (WJV) has developed a Cultural Heritage Management Plan (CHMP) in consultation with the Iman People #2 who are the only registered native title claimants over the MLA Areas (NNTT No. QC97/55; Federal Court No. QUD 6162/98).

As required under the ACHA, the WJV issued a notice regarding its intention to develop a CHMP for the MLA areas. The 'notice day' was 19 September 2007. In response to the notice, the Iman People #2 were endorsed as a party to the CHMP, meaning that the WJV would consult and negotiate with the Iman People #2 and seek to reach agreement with them regarding the terms of the CHMP. Although the notice under the ACHA was only issued in September 2007, prior to this date, the WJV had engaged in consultation with the Iman People #2 to discuss the Project generally.

Throughout the statutory consultation period, the WJV has engaged with the Iman People #2 representatives to discuss the CHMP. Consultation with the Iman People #2 extended beyond the statutory consultation period set out in the ACHA. This was because the WJV's preference was to reach agreement on the terms of the CHMP with the Iman People #2 and progress was being made in relation to negotiations on the terms of the CHMP.

Agreement has been reached with the Iman People #2 in relation to the terms of the CHMP. The CHMP is in the process of being executed, and once it is fully executed it will be lodged with the Chief Executive for approval in accordance with the ACHA.

The CHMP provides for the following:

- that comprehensive surveys be undertaken over the MLA areas to identify and protect cultural heritage prior to any activities taking place on the MLA areas. The team undertaking the surveys will include representatives of the Iman People #2
- that items of cultural heritage that may be harmed by the WJV's Project be relocated out of harm's way to a 'Keeping Place' to be provided at the cost of the WJV
- that a report be provided at the completion of each field survey, which will include the items and location of any cultural heritage found and identify any areas where monitoring is recommended
- accidental discovery procedures for the discovery of cultural heritage while Project activities are being undertaken
- the identification of monitor areas, and how monitoring by the Iman People #2 can be undertaken in areas where there is a high probability that additional cultural heritage may be found during ground breaking activities
- the provision of cultural heritage awareness and induction training to the WJV's employees and contractors, and training for senior management of the Wandoan Coal Mine to be presented by an Iman People #2 representative
- a dispute resolution process generally within the CHMP, as well as a specialised dispute resolution process for disputes regarding specific cultural heritage issues.

To ensure cultural heritage is not harmed, at all times, the WJV will comply with its duty of care obligations and any other obligations under the ACHA, in relation to operations associated with the Project.

## 20A.5 CULTURAL HERITAGE MANAGEMENT PLAN PROCESS FOR THE GAS SUPPLY PIPELINE AREA

If the gas supply pipeline option is selected, the WJV will also develop an 'approved' CHMP, as required under the ACHA, for the Gas Supply Pipeline Area. The Iman People #2 will be the relevant Aboriginal party who will be involved in developing any CHMP for the Gas Supply Pipeline Area.

The WJV has not yet commenced this process for a number of reasons. Firstly, the gas supply pipeline route has only recently been finalised, and therefore it was not possible to issue the notification for the CHMP when the area that the CHMP was to apply to was not certain. Secondly, as the Iman People #2 are the Aboriginal party that the WJV will be in negotiations with regarding the CHMP for the gas supply pipeline area, and the WJV has only recently finalised the negotiations with the Iman People #2 regarding the CHMP for the MLA areas, the WJV's preferred approach is to finalise the CHMP process for the MLA area. Once the CHMP has been executed and approved by the Chief Executive under the ACHA, then a similar CHMP can be used for negotiations with the Iman People #2 for the gas supply pipeline area.

## 20A.6 CONCLUSION

Based on the results of searches of the Cultural Heritage Database and Register held by NRW, ten Aboriginal cultural heritage sites are known to occur within the MLA areas (specifically, within MLA 50230) and the proposed Gas Supply Pipeline Area. These sites are additional to those identified by the archaeological studies referenced in section 20A.3.

The WJV has been in consultation with the Iman People #2 in relation to developing a CHMP for the MLA areas.

In relation to the gas supply pipeline area, once the CHMP for the MLA areas has been executed and approved by the Chief Executive, the WJV will seek to then engage with the Iman People #2 in relation to the CHMP for the gas supply pipeline area.

The WJV will obtain 'approved' CHMPs, as required under the ACHA, for the MLA areas and the gas supply pipeline area. The CHMPs will ensure that, in consultation with the Iman People #2, cultural heritage will be protected.

## 20A.7 REFERENCES

Bindon, P. 2007, *Report on an Archaeological Examination of an area over which a proposed coal mine will be located, Wandoan, Queensland*, unpublished.

Department of Environment, Heritage, Water and the Arts, *Australian Heritage Database*, <http://www.environment.gov.au/cgi-bin/ahdb/search.pl> viewed: 12/09/08

Department of Natural Resources and Water (2008a) *Database and Register of Aboriginal Cultural Heritage* Queensland Government, Brisbane



## Wandoan Coal Project

Morwood, M. 1992, *Archaeological Assessment Austinvale, Frank Creek and Woleebee Coal Deposits, Wandoan Region, Central Queensland*, document provided by Xstrata Coal Queensland Pty Ltd.

Wallin, A. & Associates Pty L., n.d., *A Cultural Heritage Assessment of the Frank Creek, Austinvale and Woleebee Mining Leases held by Mt Isa Mines near Wandoan, Central Queensland*, document provided by Xstrata Coal Queensland Pty Ltd.