

20A INDIGENOUS CULTURAL HERITAGE

20A.1 INTRODUCTION

This chapter summarises the known indigenous cultural heritage information associated with the area for the proposed southern coal seam methane (CSM) water supply pipeline (the proposed pipeline) for the Wandoan Coal Project (the Project) and the cultural heritage management process that will apply to the proposed pipeline. The proposed pipeline route is shown in Figure 1-1-V2.3. Note that figures/documents with numbering ending in V2.3, for example, refer to figures/documents contained in Volume 2, Book 3 of the EIS.

20A.2 REGISTER SEARCHES

The Australian Heritage Database, including the National Heritage List, was searched for information on sites of interest within the vicinity of the proposed pipeline area. While several sites were identified in the proximity of the proposed pipeline, no results were found for sites within the pipeline route corridor.

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, 2008a), found 21 sites, places and/or artefacts of Aboriginal cultural heritage significance located within the area of the proposed pipeline.

Locations of sites in the vicinity of the proposed pipeline area are summarised in Table 20A-1 and are shown on Figure 20A-1-V2.3. As is shown, only some of the sites are potentially impacted by the proposed pipeline.

Table 20A-1: Identified Cultural Heritage sites

DNRW Site I.D.	Attribute
HC:A18	Well, axegrind, resource, blade
JC:A03	Burial
JC:A34	Stone, storyplace, cultural
JC:C41	Tree
JC:E25	Artefact, axe head
JC:E26	Axegrind
JC:E92	Artefact
JC:E92	Artefact
JC:E92	Artefact
JC:E92	Artefact
JC:E92	Artefact
JC:E92	Artefact
JC:E92	Artefact
JC:E92	Artefact
JC:E92	Artefact
JC:E92	Artefact

DNRW Site I.D.	Attribute
JC:E92	Artefact
JC:E92	Artefact
JC:E93	Artefact
JC:E94	Artefact
JC:E94	Artefact
JC:E94	Artefact

SOURCE: DNRW, 2008a

20A.3 NATIVE TITLE CLAIMANTS

There are two relevant Aboriginal parties regarding indigenous cultural heritage in relation to the proposed pipeline area.

The Iman People #2 are the registered native title claimants in relation to the northern portion of the proposed pipeline area (NNTT No. QC97/55; Federal Court No. QUD 6162/98). The proposed pipeline is within the southern part of the Iman People #2's claim area.

As the Iman People #2 are the registered native title claimants for part of the proposed pipeline area, they will be the Aboriginal party that the Wandoan Joint Venture (WJV) will seek to engage with in relation to developing a cultural heritage management plan (CHMP) for that part of the proposed pipeline area which overlaps with their native title claim.

The Barunggam People (NNTT File No. QC99/5; Federal Court No. QUD6005/99) had a registered claim over the southern part of the proposed pipeline area. However, that claim has now been dismissed. Therefore, the Barunggam People no longer have a registered claim over the area. However, as they were previously a registered native title claimant and no other claim has been registered over the area, the WJV will invite the Barunggam People to consult over a CHMP, as the Aboriginal party, for that part of the proposed pipeline which overlaps with their dismissed claim.

20A.4 POTENTIAL IMPACTS

Based on the DNRW searches of the Cultural Heritage Database and Register for Aboriginal and Torres Strait Islander Cultural Heritage, it is possible that some identified cultural heritage sites will be impacted by the proposed pipeline.

However, as a CHMP has not yet been developed and no cultural heritage surveys have yet been conducted, the WJV is not able to currently predict the existence or non-existence of cultural heritage within the proposed pipeline area.

20A.5 MITIGATION MEASURES

If the WJV chooses the proposed pipeline as its preferred option, and it is the entity that will own and construct the pipeline, the WJV will develop an "approved" CHMP, as required under the *Aboriginal Cultural Heritage Act 2003* (ACHA), for the proposed pipeline area. The CHMP that is negotiated with the Iman People #2 will provide for the following (based on the similar CHMP for the MLA areas):

- that comprehensive surveys be undertaken over the proposed pipeline area to identify and protect cultural heritage prior to any activities taking place on the area. 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 a 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 whilst 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.

The WJV will also seek to negotiate a CHMP on similar terms with the Barunggam People.

The WJV is yet to commence the CHMP process for the proposed pipeline area due to a number of factors, including:

- as detailed in Volume 1, Chapter 20A Indigenous Cultural Heritage, the WJV has agreed a Cultural Heritage Management Plan (CHMP) in consultation with the Iman People #2 for the MLA areas. The CHMP for the MLA areas has only recently been finalised and is in the process of being executed. The WJV wishes to finalise the CHMP process (including approval) for the MLA areas, prior to commencing negotiations for any additional CHMPs required for the Project (given that the same parties will be involved in the CHMPs). A similar CHMP can then be used for other project activities with the Iman People #2 area
- there are three water pipeline options, and the WJV has not yet finalised which option will be chosen for the Project
- the actual route of the proposed pipeline is still being assessed and finalised. The WJV therefore does not wish to issue the notification for the CHMP under the ACHA, when the area that the CHMP is to apply to is not yet certain
- it is not yet known which entity will own and construct the proposed pipeline. If this is not the WJV, then it will not be the WJV's responsibility to develop a CHMP for the proposed pipeline.

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 proposed pipeline.

20A.6 CONCLUSIONS

Based on the results of searches of the Cultural Heritage Database and Register held by DNRW, some known Aboriginal cultural heritage sites may be impacted by the proposed pipeline.

If the proposed pipeline is chosen as the WJV's preferred option for the supply of water, then the WJV will develop a CHMP for the proposed pipeline area, inviting the Iman People #2 and the Barunggam People to be involved in the process. The CHMP will provide for comprehensive surveys over the proposed pipeline area and the involvement of the Iman People #2 and the Barunggam People in the process.

20A.7 REFERENCES

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, *Register of Aboriginal Cultural Heritage Queensland Government*, Brisbane.

Department of Natural Resources and Water, 2008b, *Aboriginal Cultural Heritage Act 2003, Section 28 – Duty of Care Guidelines*, Gazettal date: 16 April 2004

www.nrw.qld.gov.au/cultural_heritage/pdf/duty_of_care_guidelines.pdf

National Native Tribunal, Register of Native Title Claims, www.nntt.gov.au/Applications-And-Determinations/Search-Applications/Pages/Application.aspx?tribunal_file_no=QC99/5 viewed: 22/09/08.

National Native Tribunal, Register of Native Title Claims, http://www.nntt.gov.au/Applications-And-Determinations/Search-Applications/Pages/Application.aspx?tribunal_file_no=QC97/55 viewed: 22/09/08.