

# Chapter 6

## Preservation and management of rock art

6.1 This chapter explores the evidence that beyond current industrial activity conducted on the Burrup Peninsula the preservation of Aboriginal rock art faces threats from vandalism, both intentional and unintentional, and unrestricted public access to the area. It also acknowledges the significant damage inflicted by early industrial activity undertaken in the area.

6.2 This chapter also examines the legislative protections that could be afforded to Aboriginal rock art, particularly through the World Heritage listing process. It also canvasses the evidence received from the region's Indigenous custodians, and the local government in relation to public education programs and enforcement activity designed to ensure the protection of the petroglyphs.

### Impact of early industry and preservation attempts

6.3 Evidence was received that the rock art collection sustained significant damage from early industrial projects on the Dampier Archipelago.

6.4 Development of the area was initiated by the need for a deep-water port to serve the Pilbara's developing resource sector. Originally, Depuch Island was proposed, however due to the island's exceptional Aboriginal heritage, it was determined that the location was inappropriate. In 1963, the Dampier Archipelago was selected as a location for the deep-water port to service Hamersley Iron's Tom Price mine. At the time, little was known about the heritage values of the Dampier Archipelago.<sup>1</sup>

6.5 In 1966 Hamersley Iron began iron ore processing and shipping from the Dampier Archipelago and in 1971 its operations expanded to include East Intercourse Island. Throughout the 1970s, railways were constructed to deliver iron ore to the port facilities, and salt evaporation facilities were established on the south of the Burrup Peninsula.<sup>2</sup>

6.6 Despite growing knowledge of the heritage values of the Dampier Archipelago, industrial expansion continued over the following decades.<sup>3</sup> The Australian Heritage Council noted that at the same time that Withnell Bay and King

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1 Australian Heritage Council, 'The Potential Outstanding Universal Value of the Dampier Archipelago Site and Threats to the Site', p. 46.

2 Australian Heritage Council, 'The Potential Outstanding Universal Value of the Dampier Archipelago Site and Threats to the Site', p. 46.

3 Australian Heritage Council, 'The Potential Outstanding Universal Value of the Dampier Archipelago Site and Threats to the Site', p. 46.

Bay were recommended as locations for the North West Shelf LNG development, the Clough report on port and land planning on the Burrup Peninsula concluded that there was no serious conflict between industrial needs and conservation requirements. The Clough report was adopted by the Western Australian government as a guide for future development on the Burrup Peninsula. This was despite a report by Bruce Wright in 1980 which identified the Dampier Archipelago as a major archaeological resource with high scientific value, and which recommended consultation with Aboriginal people.<sup>4</sup>

6.7 It is estimated that thousands of petroglyphs were destroyed during the construction of facilities on the Burrup Peninsula, and a number of others were collected and relocated. It is estimated that during surveys conducted in the 1980s for the Karratha gas plant situated in Withnell Bay, 9,500 petroglyphs were recorded, with approximately 4000–5000 destroyed during construction. Attempts were made to preserve some 1,700 engravings which were removed from the site of the gas plant and placed in a compound with the intention to create an open air museum. Further, Woodside engineers altered some of the plans for the gas plant to preserve a number of sites within the plant.

6.8 However, Dr Ken Mulvaney explained that removing petroglyphs from their original sites, even for preservation, is highly problematic as the location within the landscape is also of significance.<sup>5</sup>

6.9 Dr Mulvaney also noted that the removal of rock art from their original sites has spiritual and cultural implications. Dr Mulvaney told the committee that:

Often those images are the dreaming beings, the creator spirits, of that landscape and that is where they reside. So if you pluck them out of that landscape and put them somewhere else not only are you destroying their residency but you open the risk of those spirits then wandering and becoming malevolent. And certainly a number of illnesses and deaths in that area are attributed, by the Aboriginal people, to the damage that has been done to the place. So it is certainly not an option. I think you would be hard pressed to find a reputable archaeologist today who would partake of that. I was involved in those original moves, but we did see it as better than having them crushed by the bulldozers.<sup>6</sup>

6.10 Dr Mulvaney also highlighted that projects undertaken by Hamersley Iron in the 1960s occurred prior to both heritage protection and Aboriginal rights legislation, and it is conceivable that between 10,000 and 15,000 engravings have been lost.<sup>7</sup>

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4 Australian Heritage Council, 'The Potential Outstanding Universal Value of the Dampier Archipelago Site and Threats to the Site', p. 47.

5 Dr Ken Mulvaney, *Committee Hansard*, 17 February 2017, p. 7.

6 Dr Ken Mulvaney, *Committee Hansard*, 17 February 2017, p. 7.

7 Dr Ken Mulvaney, *Committee Hansard*, 17 February 2017, pp. 6–7.

6.11 It was argued that the impact of these losses on the rock art collection as a whole should not be underestimated. Though there is a general pattern of art work across the collection, each location and image is unique and a single image, or area cannot be taken to be representative of the whole. Dr Mulvaney told the committee that:

When I say 10,000 to 15,000 may have been lost, there might have been the equivalent of the Mona Lisa, for example, that has been destroyed.<sup>8</sup>

## Industrial estates

6.12 A number of submitters expressed concern that industry on the Burrup Peninsula continues to be developed—beyond Yara Pilbara's projects—and that the area has been designated by the state government as an appropriate site for future industrial developments.

6.13 The Burrup Strategic Industrial Area (Burrup SIA) is a long established industrial estate with vacant land designated for the development of industry in close proximity to gas, port and other key infrastructure in the Pilbara region.<sup>9</sup> Submitters noted that the Burrup SIA is part of 'a development plan that has remained in place since the 1970s and that it is 'not only the Yara industry that is a potential threat, the state government has gazetted an additional 21.48km<sup>2</sup> of Burrup and 9.76 km<sup>2</sup> of adjacent island for industrial growth'.<sup>10</sup>

6.14 The Friends of Australian Rock Art (FARA) stated that:

The WA government has pursued a long-term vision of inappropriately transforming the Burrup peninsula into the largest industrial precinct in the Southern Hemisphere as a magnet for foreign investment and huge royalties, without carrying out proper risk analysis.<sup>11</sup>

6.15 It was highlighted that the impact of industry in the area goes beyond a 'physical footprint destroying cultural heritage' and includes the 'visual, audio and atmospheric pollution that have a much greater reach'.<sup>12</sup>

6.16 Submitters argued that the TANPF should be relocated to, and any additional industrial development should occur in, the Maitland Strategic Industrial Area (Maitland SIA) rather than in the Burrup SIA. Also known as the Maitland Industrial Estate, this area comprises 2500 hectares of land strategically located to promote and facilitate the processing of natural resources in the Pilbara region. The Maitland SIA

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8 Dr Ken Mulvaney, *Committee Hansard*, 17 February 2017, p. 7.

9 For more information see <https://www.landcorp.com.au/Industrial-and-Commercial/Burrup-SIA/>.

10 Dr Ken Mulvaney, *Submission 10*, pp. 2–3.

11 Friends of Australian Rock Art, *Submission 14*, pp. 3–4.

12 Dr Ken Mulvaney, *Submission 10*, p. 3.

has been identified as a long-term strategic industrial development capable of accommodating industries such as gas or petroleum processing, power production and other downstream processes such as urea, ammonia and ammonium nitrate production. The Western Australian Department of Jobs, Tourism, Science and Innovation (previously Department of State Development) is the lead agency for the development of the SIA. The Maitland SIA is located approximately 24 km west of Karratha and 39 km south of the Dampier Port.<sup>13</sup>

6.17 FARA submitted that the TANPF should have been located 'on the purposely cleared Maitland Industrial Estate just south of Karratha', however:

...as the ammonia-based industry was reluctant to spend extra money on piping the gas there, the WA government declared that the expense of establishing the infrastructure made it unviable.<sup>14</sup>

6.18 Ms Christine Milne, Bob Brown Foundation, went further and told the committee that the TANPF should be moved to the Maitland Industrial Estate 'where it should have gone in the first place'.<sup>15</sup>

6.19 However, Yara Pilbara told the committee that though the TANPF was constructing using certain pre-assembled parts, it cannot be dismantled and reassembled without incurring costs which would be equal to relocating a similar chemical plant which was constructed in a traditional manner. It explained that:

Despite what the name 'modular' may suggest, the TAN plant is not a "plug and play" device. On the contrary, the end result after construction is a plant with thousands of interconnected pipes, tubes and cables which run all through the plant like in any other plant in the chemical industry.<sup>16</sup>

6.20 Yara Pilbara further noted that the TANPF also requires the use of utilities available in the Burrup SIA including cooling water and waste water treatment systems. It explained that any relocation, such as to the Maitland SIA, would require the construction of an ammonia pipeline from the liquid ammonia facility. It noted that 'operating a very long ammonia pipeline increases risk' and that the current pipeline between the facilities is 'short and is protected, secured and maintained'.<sup>17</sup>

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13 For more information see <https://www.landcorp.com.au/Industrial-and-Commercial/Maitland-SIA/>.

14 Friends of Australian Rock Art, *Submission 14*, p. 4.

15 Ms Christine Milne, Bob Brown Foundation, *Committee Hansard*, 17 February 2017, p. 42.

16 Yara Pilbara, Answers to Questions on Notice, 17 February 2017, p. 15.

17 Yara Pilbara, Answers to Questions on Notice, 17 February 2017, p. 15.

6.21 Yara Pilbara concluded that the relocation of the TANPF, which must operate in a competitive market, would result in significant financial loss and the loss of employment opportunities in the local community. It stated:

...the cost of relocation and the losses related to the extra operational downtime would likely be financially unacceptable and result in the loss of the significant sums invested by Yara and Orica to construct the TAN Plant (being approximately AUD\$1 billion. Such a course of action would also result in the loss of many jobs which have been created by the project in Karratha, where the workforce lives.<sup>18</sup>

6.22 Some submitters noted that Yara Pilbara has announced plans for further development on the Burrup Peninsula, and argued that this development should also occur in the Maitland SIA rather than in the Burrup SIA.<sup>19</sup>

6.23 Yara Pilbara acknowledged that it is undertaking a feasibility study for a pilot project for the production of hydrogen utilising the electrolysis of seawater, and electricity produced from solar energy. It explained that the hydrogen produced by the pilot plant would be used to produce ammonia using existing ammonia production infrastructure, and is intended to be used in the existing plant to partially replace the use of natural gas. This would slightly reduce the emission of nitrogen oxide and carbon dioxide.<sup>20</sup>

6.24 Yara Pilbara noted that it is also undertaking a feasibility study for a larger scale renewable ammonia/hydrogen project which would be commissioned as a stage development. It acknowledged that the second stage of this project may require the use of an adjacent site within the Burrup SIA for the installation of solar panels. Yara Pilbara submitted that any development beyond this stage would require the use of larger areas of land for solar panels, and that these areas are likely to be situated away from the Burrup Peninsula.<sup>21</sup>

6.25 Yara Pilbara highlighted that:

This project has the potential to reduce NO<sub>x</sub> and CO<sub>2</sub> emissions from Yara Pilbara's existing operations in the area. It is also seen as a first step in developing a "green ammonia" market that is less reliant on natural gas as a feedstock<sup>22</sup>

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18 Yara Pilbara, Answers to Questions on Notice, 17 February 2017, p. 15.

19 Ms Christine Milne, Bob Brown Foundation, *Committee Hansard*, 17 February 2017, p. 46.

20 Yara Pilbara, Answer to Questions on Notice, 17 February 2017, p. 10.

21 Yara Pilbara, Answer to Questions on Notice, 17 February 2017, p. 10. See also Yara Pilbara, *Submission 9*, p. 7.

22 Yara Pilbara, Answer to Questions on Notice, 17 February 2017, p. 10. See also Yara Pilbara, *Submission 9*, p. 7.

6.26 Councillor Peter Long, Mayor of the City of Karratha told the committee that Yara Pilbara is seen as 'a really good citizen' and that the development of a solar hydrogen plant would be a welcome development to the town. Councillor Long highlighted the benefits of 'totally renewable, totally clean' process with 'jobs forever' and stated that 'if we can get a renewable hydrogen industry' then 'it would be just fantastic. It would be such a benefit to the town'.<sup>23</sup>

6.27 Councillor Long also noted that Yara Pilbara is exploring the development of a 'Sahara forest project, which is a solar greenhouse project where you use renewable energy to purify water and grow fruit and vegetables, which we could export, so that would give us an export industry'.<sup>24</sup>

### **Indigenous management**

6.28 This inquiry has highlighted some of the tensions which exist in balancing the need for preservation of cultural and historical heritage, investment in and management of local industry, and the rights of local Indigenous communities to self-determination in the management of country.

#### *Native title*

6.29 In January 2000, the Western Australian government gave notification of its intention to acquire land for the construction of heavy industrial estates on the Burrup Peninsula and adjacent Maitland areas. In 2002, the WA government, entered into the *Burrup and Maitland Industrial Estates Agreement Implementation Deed* (the Burrup Agreement) with the three native title claimant groups on the Burrup Peninsula: the Wong-Goo-Tt-Oo, Ngarluma Yindjibarndi and the Yaburara Mardudhunera peoples.<sup>25</sup>

6.30 The Burrup Agreement included a range of economic and community benefits, including education and training, for the Wong-Goo-Tt-Oo, Ngarluma, Yindjibarndi and the Yaburara Mardudhunera peoples. This Agreement enabled the Western Australian Government to compulsorily acquire any native title rights and interests in the area of the Burrup Peninsula and other parcels of land near Karratha.<sup>26</sup>

6.31 The Murujuga Aboriginal Corporation (MAC) was subsequently formed to represent five Indigenous groups in the Murujuga area (Dampier Archipelago and

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23 Councillor Peter Long, City of Karratha, *Committee Hansard*, 20 April 2017, p. 12.

24 Councillor Peter Long, City of Karratha, *Committee Hansard*, 20 April 2017, p. 12. See also Yara Pilbara, *Submission 9*, p. 7.

25 Western Australian Department of Premier and Cabinet, [Burrup and Maitland Industrial Estates Agreement](#), (accessed 9 January 2017).

26 Australian Heritage Council, [The Potential Outstanding Universal Value of the Dampier Archipelago Site and Threats to that Site](#), p. 14. See also Ms Raelene Cooper, Murujuga Aboriginal Corporation, *Committee Hansard*, 20 April 2017, p. 1.

Burrup Peninsula): the Ngarluma people, the Mardudhunera people, the Yaburara people, the Yindjibarndi people and the Wong-Goo-Tt-Oo people.

6.32 The MAC owns freehold title for the Murujuga National Park, a 4913 hectare area adjacent to the industrial estate, however this was compulsorily leased back to the state on a 99 year lease. The Murujuga National Park is jointly managed as Western Australia's 100th national park.<sup>27</sup>

6.33 Ms Raelene Cooper, Chairperson, MAC, told the committee that the MAC recognises that working on country includes coexisting with the resources industry, however the 'MAC holds the key responsibility for stewardship and management of the land and sea country according to Aboriginal law and culture'. Ms Cooper noted that MAC rangers work on country across the Murujuga National Park and 42 islands of the Dampier Archipelago. The rangers are responsible for 'conducting patrols and collecting environment and heritage records to assist with the compiling of data relevant to the law and culture in the sacred sites'.<sup>28</sup>

6.34 In addition, the MAC has formed the Murujuga Circle of Elders as the key body for cultural knowledge and guidance for the community. Ms Cooper stated that the work of the Circle of Elders has increased community awareness and delivered an enhanced understanding of culture to their rangers and the wider Murujuga community. This increased community awareness 'allows the community to speak with one spiritual and cultural voice and with strong cultural integrity'.<sup>29</sup>

### ***Inadequacy of consultation***

6.35 However, despite the role of the MAC in managing the area, the committee received evidence that there has been a failure to adequately consult and inform the MAC in relation to the expansion of industry in the area. Ms Cooper told the committee that the MAC has 'received very little advice in relation to the potential damage that may be caused by industrial emissions to our rock art'. Further, the MAC has 'no way of obtaining independent scientific advice or evidence that damage has occurred' and it is 'forced to trust that the past, current and future monitoring regimes will ensure that ensure that no damage is done'.<sup>30</sup> Ms Cooper stated that:

It seems that for some time the Murujuga has been left out a lot regarding the Burrup. Speaking on behalf of our elders, it is quite rude, to be frank, that nobody has come to MAC and spoken to our elders, the board of

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27 Ms Raelene Cooper, Murujuga Aboriginal Corporation, *Committee Hansard*, 20 April 2017, p. 1.

28 Ms Raelene Cooper, Murujuga Aboriginal Corporation, *Committee Hansard*, 20 April 2017, p. 1.

29 Ms Raelene Cooper, Murujuga Aboriginal Corporation, *Committee Hansard*, 20 April 2017, p. 2.

30 Ms Raelene Cooper, Murujuga Aboriginal Corporation, *Committee Hansard*, 20 April 2017, p. 2.

directors and our CEO, in particular, so that we can have a collaborative relationship and iron out the issues that need to be ironed out in terms of the emissions and whatever rock art damage there is. We know there is damage but we do not know how significant it is. But, at the same time, we have an obligation and a duty to care for what is out there. In working with government or anyone who takes on that position, it would be fantastic for MAC to have quite a substantial and significant input because, at the end of the day, we all want the same outcome.<sup>31</sup>

6.36 The MAC indicated to the committee that, at least in recent years, it feels it has not had appropriate access to the information collected through monitoring programs, and was not represented through the Burrup Rock Art Technical Working Group (BRATWG).<sup>32</sup>

6.37 Both Ms Cooper and Mr Craig Bonney, Chief Executive Officer, MAC, told the committee that relationships with a range of stakeholders have also been marred by issues such as a failure to respect cultural protocols and parameters through the publication of images of the rock art, and a perceived failure to treat Elders with due respect. Mr Bonney and Ms Cooper both expressed a desire to see the voices of the Murujuga Indigenous custodians given priority in discussions regarding the management of the area.<sup>33</sup>

### **Unrestricted access and vandalism**

6.38 The committee received evidence that the Aboriginal rock art of the Burrup Peninsula is not only under threat from an expansion of industrial activity. It is also under threat from unrestricted access to the area resulting in vandalism such as graffiti and damage from vehicular and leisure activities such as four-wheel driving and camping.

6.39 Access to the Northern Burrup has been largely restricted due to the topography of the area. However, Mr Bonney noted that four-wheel drive vehicles have been used to access the area via the 'Jump Up', a steep, almost impassable track. Those who utilise the Jump Up are then able to access the Burrup Peninsula for activities such as camping. Mr Bonney explained that:

...what has happened over the years—for everyone's awareness—is that those who have a four-wheel-drive vehicle that they do not mind getting damaged will take it up to the jump-up and get it damaged and then continue on and do whatever they want up there, pretty much. We have had instances, even in recent times, where a group has driven their vehicles up

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31 Ms Raelene Cooper, Murujuga Aboriginal Corporation, *Committee Hansard*, 20 April 2017, p. 5.

32 Mr Craig Bonney, Murujuga Aboriginal Corporation, *Committee Hansard*, 20 April 2017, p. 6.

33 Ms Raelene Cooper, Murujuga Aboriginal Corporation, *Committee Hansard*, 20 April 2017, p. 2; p. 6. See also Mr Craig Bonney, Murujuga Aboriginal Corporation, *Committee Hansard*, 20 April 2017, p. 6.

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there and gone camping for the weekend. They basically turned a sand dune beach area into a waterslide by laying down a plastic sheet from the top of the dune right down to the water. They had a water pump in the sea pumping the sea water up. That created the slide.<sup>34</sup>

6.40 Mr Bonney explained that this activity, though 'it looked like it would be something that most of us would enjoy doing' should not have occurred 'on our country and in that place'.<sup>35</sup>

6.41 FARA similarly submitted that in November 2016 it found that machinery had been used to ease access through the Jump Up. It stated that:

...heavy earthmoving equipment has been used to remove rocks to permit access. The claw marks of D9 type machine are still evident as are the drill holes in one large rock opposite the clawed area. It is now open slather for four-wheel drive vehicles into an Aboriginal Protected Area, rich in rock engravings but only superficially surveyed by archaeologists.<sup>36</sup>

6.42 This was also noted by Councillor Peter Long, Mayor of the City of Karratha, who told the committee that since this occurred, 'there has been a lot of damage to the rock art. There has actually been graffiti on the rock art and there are a lot of weeds going up the north end'.<sup>37</sup>

6.43 A number of submitters expressed disquiet that very few prosecutions occur as a result of damage occurring to the rock art.<sup>38</sup> Dr Mulvaney told the committee that:

Time and again I have reported damage to sites and the heritage values, including that of a scrub fire in May 2012 and subsequent cutting of fire-breaks with a machine that bulldozed through a number of sites. Apart from the one case in 2010 of the CEMEX rock quarry, no substantive action has been taken against perpetrators of desecration.<sup>39</sup>

6.44 Dr Mulvaney concluded that existing legislative protections are inadequate to prevent damage to the rock art of the Burrup Peninsula. Dr Mulvaney stated:

Neither the *Aboriginal Heritage Act 1972* (WA) nor the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) afford real protection. There has been an exponential increase in [the] occurrence of graffiti, and unregulated vehicle and people movement across the Burrup.

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34 Mr Craig Bonney, Murujuga Aboriginal Corporation, *Committee Hansard*, 20 April 2017, p. 9.

35 Mr Craig Bonney, Murujuga Aboriginal Corporation, *Committee Hansard*, 20 April 2017, p. 9.

36 Friends of Australian Rock Art, *Submission 11*, Attachment 1, p. 2.

37 Councillor Peter Long, City of Karratha, *Committee Hansard*, 20 April 2017, p. 11.

38 Mr Craig Bonney, Murujuga Aboriginal Corporation, *Committee Hansard*, 20 April 2017, p. 9.

39 Dr Ken Mulvaney, *Submission 10*, p. 3.

Without any effective control, all are impacting the cultural heritage values of the place.<sup>40</sup>

6.45 The MAC explained that the Murujuga Rangers who patrol the Murujuga National Park have not been given legislative powers to undertake any enforcement activity. For example, if the rangers encounter visitors camping in inappropriate locations or undertaking inappropriate activities, the rangers 'simply have no power to move them on, to make them cease or to issue fines'.<sup>41</sup> Mr Bonney, MAC, explained that:

The current scenario is that if somebody is doing the wrong thing, our rangers can identify that person, warn them against doing whatever they are doing. If that person does not cease, then we can ring up a DPaW—Department of Parks and Wildlife—ranger, who will have that authority, and that ranger then needs to respond. That is not an acceptable process from our point of view. We have got traditional owners who are rangers on their own country seeing people do the wrong thing, and they have no power to move them off their own country.<sup>42</sup>

6.46 Mr Peter Hicks, Board Member, MAC, told the committee that it was originally intended that the Murujuga Rangers be granted the same powers as those employed by the state government, however these powers have not been granted. Mr Hicks explained that the MAC has raised this issue with the state government but that it has not been resolved and the Western Australian Government will not grant enforcement powers to the rangers.<sup>43</sup>

6.47 Similarly, Councillor Long, City of Karratha, told the committee that it is vitally important that the Murujuga National Park is better managed. Councillor Long suggested that gates, a visitor centre and rangers with authority would assist in improving protection.<sup>44</sup>

### **World Heritage listing**

6.48 Throughout the inquiry, it was suggested that the Aboriginal rock art of the Burrup Peninsula is of such significant cultural and historical value that the government should pursue World Heritage listing of the site. Further, that World Heritage listing would provide much needed additional protection for the rock art. However, the evidence also indicated that there is a lack of consensus amongst the Indigenous groups represented by the MAC as to whether World Heritage listing should be pursued. A number of stakeholders emphasised the need to conduct a

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40 Dr Ken Mulvaney, *Submission 10*, p. 3.

41 Mr Peter Hicks, Murujuga Aboriginal Corporation, *Committee Hansard*, 20 April 2017, p. 4.

42 Mr Craig Bonney, Murujuga Aboriginal Corporation, *Committee Hansard*, 20 April 2017, p. 4.

43 Mr Peter Hicks, Murujuga Aboriginal Corporation, *Committee Hansard*, 20 April 2017, p. 4.

44 Councillor Peter Long, City of Karratha, *Committee Hansard*, 20 April 2017, pp. 11–12.

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comprehensive consultation with local Indigenous custodians on the World Heritage process and that any World Heritage nomination must be led by traditional owners.

### ***Listing attempts and consultation***

6.49 Submitters highlighted that the Burrup Peninsula was first assessed for heritage listing in the 1980s but that the process has stalled over subsequent decades due to a number of factors including reluctant state governments, and a lack of support amongst the local Indigenous communities.

6.50 Dr Mulvaney noted that despite the Australian Heritage Commission assessing the Burrup Peninsula as meriting World Heritage nomination in 1980, 'this legal obligation has still to be evidenced'. Rock art is included as one of the values in 34 World Heritage properties around the world and Dr Mulvaney argued that:

...the Dampier Archipelago including Burrup Peninsula is a cultural landscape that is demonstrably superior in relation to Indigenous cultural heritage including the petroglyphs to any of these World Heritage properties.<sup>45</sup>

6.51 Ms Cooper, MAC, told the committee that although 'discussions were held eight to 10 years ago with various Murujuga members or elders—the current board and most elders did not participate in those discussions'. Further, the members of the current board:

...are unaware of the opportunity for or benefit of World Heritage listing, and we do not know if there is a downside or possible negative impact which could result. We are also unaware of the process or what resources we would require to be fully participative in the process. We currently own all of the Murujuga National Park land. Some of this land falls under the tier of an Aboriginal protected area. Although the title seems to indicate enhanced protection, it is actually less protected than the neighbouring national park which falls under a different legislation regime. This example helps to inform our scepticism in relation to the World Heritage listing.<sup>46</sup>

6.52 Mr Bonney, MAC, explained that the current MAC board has not discussed World Heritage listing at a board level and formed a view. Mr Bonney stated that:

Again, that is related to that lack of information and awareness. We believe in making informed decisions at the board level, and, because we have not got the information, we have not discussed it.<sup>47</sup>

6.53 Similarly, Mr Peter Hicks, MAC told the committee that no consultation with the MAC on the issue of World Heritage listing had occurred. Mr Hicks stated:

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45 Dr Ken Mulvaney, *Submission 10*, p. 1.

46 Ms Raelene Cooper, Murujuga Aboriginal Corporation, *Committee Hansard*, 20 April 2017, p. 2.

47 Mr Craig Bonney, Murujuga Aboriginal Corporation, *Committee Hansard*, 20 April 2017, p. 6.

We have not had anybody come in and sit at the board table with us and talk with us about what is going on here. There are a lot of people running around the parliament, and everywhere else, that we hear about but there is nobody coming to sit down and talk with us.<sup>48</sup>

6.54 In February 2017, the Department of the Environment and Energy (the department) noted that it has had some discussions with the MAC 'on and off for the last couple of years about their attitude to World Heritage listing'. However, Mr Chris Johnston, Assistant Secretary, Heritage Branch, told the committee that:

Their view has been that the board has as its first priority bedding down the sustainability of the ranger program and getting its cultural management plan completed. In our most recent discussions we had with them here in Canberra, they were talking about wanting to get some enforcement powers for the rangers under the WA parks so that they could patrol the area and issue enforcement notices. On the matter of World Heritage, I think they wanted to understand more the implications of being a World Heritage site. We have offered to put them in touch with some of the other World Heritage sites so that they could share some experiences with them. We have mentioned places like Purnululu but also some of the ones that our department manages—Kakadu and Uluru. They have not yet come back and asked us to do that, but it is a standing offer.<sup>49</sup>

6.55 In November 2017, the department informed the committee that subsequent consultation occurred in July 2017 where the MAC sought information from the Department on what approach the Commonwealth may take in relation to World Heritage listing.

6.56 Mr David Williams, Branch Head, Heritage Branch, explained that at the time of the meeting the MAC had not formed a view on whether it would support World Heritage listing. Mr Williams noted that the department explained to the MAC that the Australian Government 'places a high degree of reliance on full, informed consent of the traditional owners of the area' and that 'the issue of World Heritage listing was in their [the MAC's] hands'.<sup>50</sup>

6.57 Councillor Long indicated that the City of Karratha supports the listing of the Burrup Peninsula as a World Heritage Area and that such a listing would bring benefits such as tourism and increased protection for the rock art. Councillor Long told the committee that:

The city is very supportive of it. We actually passed a motion a few meetings ago that we nominally support World Heritage status for the

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48 Mr Peter Hicks, Murujuga Aboriginal Corporation, *Committee Hansard*, 20 April 2017, p. 7.

49 Mr Chris Johnston, Department of the Environment and Energy, *Committee Hansard*, 17 February 2017, p. 58.

50 Mr David Williams, Department of the Environment and Energy, *Committee Hansard*, 17 November 2017, p. 11.

Burrup. We think that would be terrific for all the same reasons of helping protect it and increasing tourism, as long as existing industries up there are not compromised. They seem to all be in support of that themselves, so we did not see that as a problem. The city has been very supportive. We see it as a very important part of our city and we would like to protect it.<sup>51</sup>

6.58 However, Councillor Long added the caveat that the council's support for World Heritage listing is conditional upon support from the local Indigenous custodians. Councillor Long highlighted that 'Aboriginal people are concerned that, if it [the Burrup Peninsula] is World Heritage, they may lose some control over it'. Councillor Long explained that the City of Karratha 'certainly would not want to overrule them...we should not do anything without Murujuga being fully on board. If they do not want it, we will support them'.<sup>52</sup>

6.59 Councillor Long also highlighted the difficulties that the MAC faces in achieving a consensus view amongst the Indigenous groups it represents.<sup>53</sup> Similarly, Ms Milne, Ms Judith Hugo from FARA, and Dr Mulvaney noted that there are some members of the local Aboriginal community who are supportive of World Heritage listing, and who have participated in consultation on the issue.<sup>54</sup>

6.60 Yara Pilbara submitted that it would be supportive of World Heritage listing, but like the City of Karratha, this support would be conditional upon support from local Indigenous custodians. Mr Brian Howarth, Yara Pilbara stated:

The key point for us with World Heritage listing—we have always said we would support it—is that that decision for us lies with the traditional owners, the Murujuga Aboriginal Corporation. In our discussions with Murujuga, or MAC, the discussion has been that they are not sure yet of the pros and cons of World Heritage listing. We are going to leave that decision completely to them, but if the traditional owners wish for World Heritage listing, then we will certainly support the same.<sup>55</sup>

### *Other sites*

6.61 Submitters argued that if other, arguably less significant rock art sites around the world are afforded the protections of World Heritage listing, then the rock art of the Burrup Peninsula should also be listed and protected accordingly.

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51 Councillor Peter Long, City of Karratha, *Committee Hansard*, 20 April 2017, p. 11.

52 Councillor Peter Long, City of Karratha, *Committee Hansard*, 20 April 2017, p. 13.

53 Councillor Peter Long, City of Karratha, *Committee Hansard*, 20 April 2017, p. 13.

54 Ms Judith Hugo, Friends of Australian Rock Art, *Committee Hansard*, 17 February 2017, p. 46. See also Dr Ken Mulvaney, *Committee Hansard*, 17 February 2017, pp. 46–47; Ms Christine Milne, Bob Brown Foundation, *Committee Hansard*, 17 February 2017, p. 45.

55 Mr Brian Howarth, Yara Pilbara, *Committee Hansard*, 17 February 2017, p. 37.

6.62 The cave paintings found in the Vézère Valley, France, most notably those found in the Lascaux cave complex were World Heritage listed in 1979. It was highlighted that these paintings are only 17,000 years old, while the rock art of the Burrup Peninsula is approximately 40,000 years old. Further, the French government took steps to protect the rock art from a range of threats including from:

...tourists whose breath raised levels of damaging carbon dioxide and other nutrients, which stimulated the growth of fungi and other microorganisms covering the art in black spots and causing serious degradation.<sup>56</sup>

6.63 Professor Black noted that the French authorities closed the cave complex to tourists 25 years ago and created a replica nearby to allow tourists to visit without damage to the cave art.<sup>57</sup>

6.64 Similarly, in early 2017 the British Government announced measures to protect Stonehenge, a 4500 year old site, from damage caused by acid pollution from nearby motorway traffic. The government announced that a £1.4 billion tunnel would be built to divert traffic from the area. Professor Black described it as 'incongruous' that in comparison, 'the Australian Government is doing virtually nothing to protect' the rock art of the Burrup Peninsula, 'one of the oldest and largest congregation of rock art in the world'.<sup>58</sup>

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56 Professor John Black, *Submission 13*, p. 15.

57 Professor John Black, *Submission 13*, p. 15. See also R. Bednarik, 'Editorial – Solving the Dampier controversy', *Rock Art Research 2017 - Volume 34, Number 2*, p. 128.

58 Professor John Black, *Submission 13*, p. 15. See also R. Bednarik, 'Editorial – Solving the Dampier controversy', *Rock Art Research 2017 - Volume 34, Number 2*, p. 128.