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ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION AMENDMENT BILL 2005

Despite some early promises and following the recommendations of the Evatt review, commissioned by the previous Labor government to better protect Indigenous heritage, sadly the government has delivered almost nothing. The 'new and better legislation' that it promised has not been delivered, certainly not in this Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005, nor have Indigenous people been properly engaged and consulted in the process. The Evatt report appears pretty much to have been shelved. It is fair to say that in this country Indigenous heritage of national significance is still not well protected. I want to speak to night, as did the member for Calare—and I assure you we did not talk about this before we made our speeches—about one of the most spectacular failures to value and protect Indigenous heritage and, indeed, a globally significant heritage site.

Most Australians know the Dampier Peninsula, if they know it at all, through stories of the 'miracle' resources boom. They may have seen the television footage, the photographs and the images of the gas tankers powering through the apparently pristine channels of the Dampier Archipelago, delivering gas to an energy hungry world from the processing plants of the remote North-West coast of my state, Western Australia, to China, Japan and Korea, but they almost certainly know little or nothing about Woodside and the North-West Shelf operations beyond those images. Most of them probably do not appreciate—and I had the honour of giving a speech about this matter at the recent ICOMOS conference in Fremantle—that in the background of those images of the tankers is the most significant heritage site in Australia and, sadly, the only one on the World Monuments Fund list of the 100 most endangered places.

ICOMOS, for those who do not know, is the International Council on Monuments and Sites. It has an Australian branch, and it takes responsibility through its actions for the protection of heritage. I will return in a moment to the resolution carried at its conference. In giving a speech to the ICOMOS conference, I was able to draw attention to the Burrup or, to give it its Indigenous name, Murujuga, and to indicate that it has the densest concentration of rock art in the world, estimated at perhaps as many as a million petroglyphs, which some have described as 'the world's largest gallery of engraved prehistoric art'. Yet most members of parliament know nothing of this.

Rock carvings are scattered through the barren rocky ridges and steep-sided valleys of the peninsula and the surrounding islands. The oldest of the art work is believed to date from

the period when the Burrup was an inland range, before the seas rose—before the inundation which drowned much of the surrounding landscape at least 9,000 years ago. Estimates of the age of the rocks vary, but they are ancient rocks. Amongst the most distinctive images are geometric designs, tracks of humans, animals and birds and a huge variety of both naturalistic and figurative representations of humans and animals, some so detailed apparently that you can identify the particular species. The rock art includes, for instance, depictions of Tasmanian tigers, which have been extinct on the mainland for over 3,000 years. I know there is debate about whether it is true in Tasmania but, on the mainland, it has certainly been that long. Some of the rocks form panels and composite images of daily activities such as hunting and clearly have been added to over very long periods of time. They form a continuous story.

Quite a number of different styles of engraving are represented—scored lines made with a very fine pointed rock, pecked marks, abraded lines and indents in the dark red-black glossy patina that covers the rocks. It is worth having a look at the images. The ‘fine execution’, the ‘dynamic nature’ of the images and the high degree of creativity have often been admired by those fortunate enough to have visited the site. For some, of course, it has been a revelatory experience.

Anthropologist Pat Vinnicombe—now, sadly, deceased—studied the area for over 15 years. Before her untimely death, she told Nicholas Rothwell:

I have the sense these carvings were bound up with instruction, initiation (that) the entire peninsula was a place of revelations, a teaching site linked to myths. There's a sequence of images that leads from the ground level to the heights. I'm convinced this is what the Burrup is all about—all the sites are associated with stories, songs.

She said:

We tend, of course, to dissociate these things and see it as an art gallery—

A description that I mentioned earlier was used. She said:

You might as well tear a chapter from a book and hope to catch its plot as understand this place piece by piece.

Or, for that matter, to dismantle it piece by piece, which is what is happening now. The site has rightly been described as ‘the richest and most exciting region of rock engravings in Australia’, providing an ‘unusual and outstanding visual record of the Aboriginal responses to the rise of sea levels at the end of the last ice age’, which has been well described by the member for Calare.

The site tells the story of the long history of contact and the shared visual narratives between the Aboriginal societies in the region, now close to the coast, and much further inland in Australia. The song lines and contacts are there to be seen. With European settlement, as was so often the case in our history—despite the Prime Minister’s trying to

expunge it—came devastation for the original inhabitants of the peninsula, the Yaburara people, from disease and, most notoriously, from so many being killed in the 1868 Flying Foam Massacre—something the Prime Minister would have us believe never occurred.

All who have seen even part of this extensive precinct, which covers 42 islands over a 45-kilometre radius, marvel at the range and diversity of the art work which, together with camp sites, middens, quarries and standing stones form an irreplaceable record of the lives of the Indigenous people from the first arrivals to the recent past. Yet we know little of it and, it would appear, care even less.

It retains great cultural and religious significance for the Aboriginal people of the area. Caroline Bird and Sylvia Hallam describe it in their report to the National Trust. They said:

... the entire Archipelago is a continuous cultural landscape providing a detailed record of both sacred and secular life.

We are privileged, if we have the privilege to go there, to glimpse the minds and identities of individual artists and communities. The National Trust has described the Dampier Rock Art Precinct as ‘one of the world’s pre-eminent sites of recorded human evolution and a prehistoric university’. Surely we do not want to destroy our history in this way.

It should be obvious to anyone that has read about it, who has been there, who has thought about it, that such a site is a very precious part of our heritage—of the world’s heritage, importantly—deserving of careful study, which has not ever been completed, and preservation. Instead of the care and reverence which we would expect to be shown to a site with the significance of Stonehenge, the painted caves of Lascaux in France or the structures of Machu Picchu, the rock art precinct on the Burrup has been—and I underline this—scandalously abused, taking second place over more than 40 years to resource exploitation.

An unknown number of petroglyphs were turned to rubble when the Hamersley Iron port and rail infrastructure, the town of Dampier and the Dampier Salt facilities were constructed in the 1960s and 1970s, perhaps partly out of ignorance but there were warnings even at the time about the significance of this site. Without a thorough heritage assessment—and, frankly, one still has not been done—thousands more were destroyed when Woodside’s North-West Shelf LNG plant and the associated port was constructed in the 1980s, whereas others were shifted from their original sites and placed in a temporary compound, recently discovered to have been left undocumented and without proper conservation for 20 years.

Despite what is now becoming a persistent pressure on the state and federal governments to properly assess the cumulative effects of the sulphur and nitrogen emissions from the LNG plant, this research has only just begun and has already been criticised for failing to deal explicitly with the question of the effects of the emissions on the rock surfaces. It is

one thing to say that the air is cleaner there than it is in the capital cities but what is its effect on the rock surfaces, since it is the colour contrast between the patina and the engraving which gives the carvings their distinctive character?

The most recent assault on the rock art—it does not stop—occurred during the construction by one of the Western Australian departments of an infrastructure corridor to facilitate further industrial development on the Burrup. It goes ahead every day, sadly. Every day many of the petroglyphs are exposed to possible theft and to vandalism, because there is still no proper management at the site: access to the site is not managed and there is no surveillance to prevent further desecration of the site. The local chamber of commerce and industry is deeply disturbed by these facts.

There have been a number of partial surveys of this matchless site. In fact, a lot of them were undertaken as part of the development approval process—so with the interests of the companies rather than heritage protection in mind. The site has never been the subject of a comprehensive inventory or analysis; it is long overdue. As a result, there is no generally accepted framework for understanding the various locations and cultural elements within the site. We know bits and pieces about it because of the work of some very dedicated people. Nor has a heritage management plan of any kind been devised; indeed the site is now plagued by a proliferation of plans and a lack of overall coordination between local, state and national governments, between industry and Indigenous interests and between tourism and heritage protection.

To add insult to injury, the recently released Western Australian Department of Conservation and Land Management Plan for tourism and visitor facilities on the Burrup Peninsula Conservation Reserve shows what I have to describe as a truly astounding disregard for even the most basic cultural heritage management principles. It is not as if we do not have those principles. The plan contains no reference, for example, to either the Burra Charter or the ICOMOS code of ethics, which should govern such plans if we are serious about heritage protection in Australia. The proposal would allow camping on previously inaccessible sites; the construction of visitors' facilities, which would ruin the integrity and ambience of the site; and uncontrolled visitation to areas which should be protected. All of these things point to a signal failure to understand the responsibilities of heritage protection, let alone the significance of the site.

These omissions are not unique. The numerous government reports and management strategies all share a surprising lack of understanding of, and concern about, the heritage and scientific value of the area and the question of cultural resource management more generally. Successive governments—and I was Premier for a time so I include my own—have failed to appreciate the global significance of the site. Indeed, I am sad to say that the current government opposes heritage listing of 'all or any part' of the Burrup because of 'potentially grave consequences' for the resources sector—not to mention the potentially grave consequences for our heritage, for Indigenous heritage and for global heritage.

This evening I have heard of a report—which I hope is correct, but I am not sure of its significance—that Woodside is now prepared to endorse the heritage listing of this site. I will wait with interest to see whether there is some trade-off expected by the corporation. Perhaps I should not be so cynical, but 40 years of neglect tends to breed that. Although lip-service is sometimes paid in government documents to the site's heritage significance, it has not been matched by any serious attempts to reconcile the conflicts between industrial development and this priceless site. It is really a matter of carving out increasingly large segments of it. Cultural resource management seems to be a foreign country both to the bureaucrats and to their ministers.

As if these problems were not grave enough in the history of the site, Woodside, as I have indicated, now propose further destruction of the site to accommodate a new LNG plant, a wharf and storage facilities—Pluto A and B. They have promised—and I was briefed by them recently—not to destroy more than 10 per cent of the rock art on top of the probably 30 per cent or so that may have already been destroyed or set aside for industrial development. It is as if this is a series of unrelated elements and you can just pull bits of it out. But much more of the rock art will be stranded, even with their proposition in the moonscape that is an LNG plant. It is not a friendly place to heritage of this kind. Tragically, the state minister for Indigenous affairs has already given her approval for the company to destroy or move the ancient rock art, which will affect up to 150 rock art panels.

While it is probable that any further concentration of industrial activity in the area will pose a serious pollution threat, there is already a cleared site—where there has been destruction—adjacent to the existing plant that state and federal governments could insist be used by Woodside, instead of allowing them to undertake further destruction and removal of petroglyphs. Woodside have claimed that the other joint venture partners are refusing to allow access to the site, which is jointly managed. In letters to the National Trust, however, Shell, Chevron, BHP Billiton and the others all indicate—almost in the same language—that they are willing to negotiate. Should they fail to show good faith in these discussions—and perhaps they might because Woodside is now on a tight timetable and these are all competitors—the state, in my view, can easily intervene to force an outcome; they have the power. It is not clear to me, in any case, why Onslow, which seems to be a far superior location and which has already been selected by BHP Billiton for similar activity, should not be fully evaluated and costed before the Burrup is sacrificed yet again to the great god mammon.

There is no limit to the ways in which money can be made. We are in the midst of an unprecedented boom, especially in my state. But every petroglyph that is destroyed on the Burrup is destroyed forever. Woodside could, and still can—and, with the assistance of the state government, maybe it is signalling that it is prepared to—put all its considerable financial and intellectual resources into building an adequate LNG processing plant somewhere else. But, if you wanted to re-create even a single petroglyph, you would need at the very least a time machine; you would need to become the appropriate custodian of the cultural meaning of these rock engravings; then you

would need to learn how to make them; and, finally, with the hard work finished, you would only have to wait 10,000 years or more.

Former Liberal resources minister Colin Barnett has come to a similar understanding. I have had recent conversations with him about this. He said in a recent parliamentary speech: ‘What was regarded as acceptable in the 1960s and 1970s and perhaps even in the 1980s is now unacceptable. We cannot tolerate that type of approach for the future. We have a responsibility to protect this most significant and impressive asset.’ Hear, hear.

Local Aboriginal people too have clearly stated in meetings with government officials that they do not want any further development on the Burrup, although they feel constrained from publicly stating their objections because they believe that an agreement they have with the state government precludes them from doing so. I hope the state government will tell them that that is not so. They fear that they will incur severe financial penalties if they object—and they do object.

There is a glimmer of hope in the placing of this site on the National Heritage List following the recent, very strongly argued recommendation from the Australian Heritage Council, in that that may well force a belated heritage management plan. The assessor described the Dampier Archipelago site as ‘exceptional’, ‘outstanding’ and ‘the richest and most exciting region of rock engravings in Australia’—probably in the world, in fact.

But the Burrup, sadly, may again be sacrificed to industrial imperatives. The minister has delayed his decision—for as much as a year, he said a couple of days ago—to allow for ‘greater public consultation’, saying that of course some rock art will have to be destroyed. Why? At the same time, as we know, he has rushed through amendments to the relevant Commonwealth legislation to allow him to overrule the council’s recommendations if he or the government so chooses and to delay it indefinitely. Meanwhile, Flemington Racecourse has been listed with alacrity, and the Prime Minister has demanded that the PNG government not allow a mining proposal on the Kokoda Trail because of its value to Australia’s heritage. At the same time, of course, the Burrup is squarely in the firing line. In the end, it is all about what you value.

Anyone who has been paying attention to the debate in Australian politics over the last few years cannot have failed to notice that there is a lot of talk about values: Australian values, lists of values on classroom walls together with the flags and functioning flagpoles—a condition for receiving Commonwealth funding—and values required to be recited as a condition of receiving a visa. The tragedy with a lot of this talk is that the actions of those reciting the values are often at odds with their prescriptions. I will not say anything more about that except that, as my mother used to tell me, actions speak louder than words.

And so it is with heritage. Heritage, of course, is about values—or, more precisely, what we value from our past, what we are prepared to protect, conserve and pass on to future generations. Knowledge and experience of our heritage gives meaning to our lives,

inspires us and contributes to our collective sense of identity. The sites, landscapes and places which we are galvanised to protect are, in some ways, an indication of what matters to us and what we think of ourselves. Our actions do speak louder than words, as they do on the Dampier Peninsula.

I think it is no accident that successive generations of Western Australians and their governments, state and federal, have not seen fit to protect the precious heritage that is the Burrup rock art precinct. It is not that voices have not been raised in its defence, but they have been overwhelmed by the siren call of development, louder and more seductive in Western Australia than in any other part of the nation and far more important to most people than our Indigenous heritage. As one commentator put it: 'Indigenous significance isn't significant enough' to galvanise us into action. But what is at stake here is even greater than the value of the site to Aboriginal Australians, great though that is. This is a unique site whose value is to all of us—indeed, to humankind. Its desecration and neglect constitutes a measurable impoverishment of our world. Surely, in the light of all the previous mistakes we have made, it is possible to avoid repeating them. Ignorance certainly cannot any longer be an excuse.