

Project Manager
Draft Burrup rock art strategy
Department of Water Environment Regulation
Locked Bag 33
Cloisters Square
Western Australia, 6850

Comment on the *Draft Burrup Rock Art Strategy*

The initial statement of the strategy is that it is to provide a “long-term framework to guide the **protection of Aboriginal rock art**” (my emphasis), yet nowhere in the draft document is any specific detail of how this is to be achieved presented. Rather, it appears as a rehashing of previous and inappropriate mechanisms that rather than protect rock art, sustain a notion of an expandable industrial hub. Indeed, in the opening section of the draft document the purpose is given as “to provide a long-term framework for the monitoring and analysis of changes ... and describe a process by which management responses will be put in place”. This draft document falls well short of detailing how exactly any action may be taken that will ensure the significant heritage is not impacted or what avenues can be taken if it is established there is adverse impact by industry.

It is an indictment that this draft strategy does not address protection of the petroglyphs nor any of the other culturally significant features of the place.

This document is without substance or meaningful guidance, which does nothing to set a structured and purposeful mechanism to achieve the protection of the Dampier Archipelago rock art. The document includes irrelevant and disassociated matters, such as the senate inquiry (section 2.2; Appendix A), Murujuga National Park (section 5.1) and much of the content in Table 1 and Appendix C.

A strategy document should lay out a framework of process and consequences, not be a filler of extraneous information.

Table 1 summaries what are presented as existing protection mechanisms, where in fact even a basic awareness of the tabled items demonstrates the inadequacies and failure to safeguard the rock art. Legislation in and of itself does not protect, departmental resources and willingness to prosecute may. The impression given by this Table and other information present in the draft strategy is that of appropriate mechanisms and regulatory requirements already protect and that industry impact is controlled. It reads as a reassurance to industry that changes are not required, that the rock art is safe; as long as emissions are being monitored then this is all that is required.

Industry licences and approvals must take regard of the cumulative effect, not evaluated in isolation, and must be reissued to include conditions specific to the rock art protection.

The reality is that rock art is being physically damaged. Due to the density of rock art and other cultural features, all development on Burrup Peninsula or the other islands of the Dampier Archipelago cannot avoid impact. Relocation of rock art is neither scientifically or culturally appropriate. It is not just the emissions and footprint of industry, but the visual and audio shed that needs to be addressed in terms of physical impact. Surely the purpose of the draft strategy is to provide an instrument for assurance of process, not a lip service to the status quo.

A significant issue still remains; what is the nature of impact from industrial emissions on the Dampier Archipelago petroglyphs. Under guidance from the previous government advisory bodies (BRAMMC; BRATWG), the work conducted by CSIRO has failed to provide any meaningful clarity. Despite studies which commenced in 2004, we do not yet know the levels and extend of industrial emissions and whether further industrial expansion and its associated emissions will adversely impact on the cultural heritage of the place.

The draft strategy must identify a plan and procedures to be enacted if current emissions levels are found to be of adverse impact.

There is nothing in the draft strategy that will deliver conclusive and reliable data, or provide a mechanism for the protection of the rock art. Section 4 is just a rehash, without critical review, of the previous (discredited) studies. There is nothing in this document which gives evidence of an understanding of the complexity and dynamics of this cultural landscape. It is not a document that could be said to provide a scientifically rigorous framework.

The draft strategy contains factual errors and does not consider the environmental and archaeological differences across the landscape pertinent to any meaningful investigation. For example, in describing the rock art: "pecking and /or engraving" (p2); "depicting flora ... Europeans and Asians" (p. 3); all need to be corrected. In addition, Figure 1 map has errors: DSL ponds and north shore leases marked as rural, and absence of the causeways out to the East Mid Intercourse and Mistaken Island operations (p. 3).

Given the primary concern of this document is that of the rock art; the content reveals that it has been drafted without the assistance of rock art or archaeological specialist with knowledge of the area. Reference to principles of "ecologically sustainable development" (p. 8), are hardly relevant to the protection of Aboriginal rock art. Erroneous application of ecological models, used to establish 'safe' emissions loads, has been raised as a serious flaw in the CSIRO studies. There are many internationally recognised principles specific to heritage management, the Burra Charter being just one, which would better reflect an appropriate intention of the draft strategy.

Had specific experts been involved, this document may well have produced a more purposeful outcome.

Considering that the draft strategy is intended to address the limitations inherent in the past studies, there are many repeat concept and procedural aspects that suggest the lessons have not been learnt. Under section 3.0 Scope, the identified strategy focus is on exactly the same areas as the previous, now established as inadequate studies. These are simply monitoring programmes. No consideration or structure is presented that could provide a

long-term framework for rock art protection. Why is there no mention of restricting industrial development in such an important cultural landscape? We now have a better understanding of the Burrup cultural landscape, its sheer density, creativity and uniqueness, than five decades ago when industry planner selected this location. Issues that address rock art protection not industry monitoring should have been an important focus of the draft strategy.

Expansion of Murujuga National Park and progressing to World Heritage nomination would both be substantive mechanisms of protect, certainly more immediate in effect than just monitoring levels of emissions.

Composition of the proposed Burrup Rock Art Stakeholder Reference Group (BRASRG) does not adequately represent the key stakeholders or those that may contribute to a forum of substance. As it is proposed, the BRASRG is dominated by government department officials, while those that may contribute technical and specialist knowledge (Centre for Rock Art Research and Management, industry sector, Murujuga Aboriginal Corporation) each hold one position. That a specific individual is named [REDACTED] is an anomaly; although this is not to question his personal contribution and benefit with the BRASRG.

Technical experts must have a prominent role in the BRASRG and in the work conducted in protection of the Dampier rock art.

What is bewildering is that the role of the BRASRG, as identified (p.19), is restricted to consultation and information sharing within the group and other stakeholders; this is hardly a process of guiding suitable studies. Nor is it a mechanism to ensure best practise when the terms of reference for the BRASRG identify it as having an “informal liaison role” (p. 19).

The draft strategy identifies DWER as having carriage for the implementation and management of any monitoring programmes and scientific studies. As well the department will be responsible for coordinating publication and review of any reports. It is identified that under this governance DWER is accountable for implementation of the strategy. However, nowhere in the draft document does a mechanism for implementation of any mitigative responses that may be required form results of the monitoring or scientific studies is identified. Publishing information on DWER’s website in and of itself achieves nothing in the protection of the rock art.

The draft strategy must identify mechanisms which provides for external input into design and quality of research and into actions required in relation to findings from any investigations.

The establishment of the proposed BRASRG appear to be more a means to avoid the need to consult more broadly with stakeholders. There is an absence of clarity on the reporting, recommendations and accessing expertise of the Reference Group. Its proposed composition is also heavily weighted to state government representatives at the expense of professional expertise or landholders. It can hardly be regarded as a means through which DWER can seek “informed discussion from a diverse group” (p.19). Nor do words such as consult, share and contribute constructively (Appendix B p. 19) map out a functional terms of reference other than being subordinate and in effectual.

There are also a number of less substantive issues; nonetheless these need clarification in a final version of the strategy document. These include that the identification of stakeholders (section 8.0) appears to be heavily weighted to recognition of government representatives and departments. Ignoring such individuals and representative bodies, like academics and researchers, local and wider community, and a more representative and meaningful inclusion of Aboriginal people, detracts from the viability of the strategy.

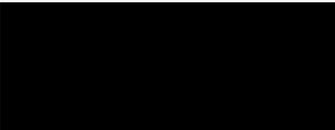
Proposed annual meeting timeframe for the BRASRG (p. 20) is manifestly inadequate, as is a five year review of the document (p. 16). There is nothing in the document that provides identifiable and structured mechanisms or actions that could possibly benefit from a review, no matter how frequently.

It is identified that funds will be provided annually by companies operating on Burrup Peninsula (section 7.0 p. 15). Is there to be a financial contribution from government? Nothing is identified in the draft strategy which deals with cost of studies, short falls in funding or mechanisms to ensure fiscal restraints do not impact on the range or validity of studies.

As stated (p. 9):“This strategy has been designed to provide a long-term framework for the protection of the rock art”; unfortunately the document, as presented, falls well short of this.

In summary there are a number of obvious actions that could achieve this stated goal of rock art protection:

- Transfer to Murujuga National Park title of all unoccupied gazetted industrial leases;
- Incorporate World Heritage nomination undertakings into the strategy;
- Limit further expansion and emissions release by existing industry;
- Require existing industry to retrofit their plant with improved emission control technologies;
- Include into licences and approvals limitations on the total emissions release (i.e. not just operational, but also start-up/shut-down and plant failure conditions);
- Ascertain appropriated research and studies which have relevance to understanding of impact on petroglyphs;
- Identify mechanisms and actions that will be enforced if emissions are found to be impacting (i.e. change practises, fuel type, shut down industry);
- Rectify the proposed make up of reference group weighted to non-expert government employees; and
- Change proposed working structure of the BRASRG to achieve meaningful engagement and oversight.



Sincerely
Dr Ken Mulvaney

Dampier, WA, 6713