

## Part A:

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# Report from the Port Curtis Coral Coast Aboriginal Parties



## A1 Introduction

QRE Pty Ltd proposes to clear approximately 123.9 hectares of land on Curtis Island in order to construct and operate a tourist resort named *Villas on Curtis*, Curtis Island, located between Gladstone and Rockhampton, in the Calliope Shire, central Queensland (Figure A1 and A2). Approvals are in place for the future construction of 125 villas and units (plus some central facilities, tennis courts, sewage plant, power generation plant, water treatment plant). Stage 1 will consist of only 20 villas. There will be approximately 8 km of road, a 1,000 metre air strip and a water supply dam. The first stage requires the clearing of approximately 123 ha of vegetation, followed by road construction and the development of the first 20 villa sites. This will be followed at a later stage by the air strip, dam and further buildings.

The project area is located on Lots 8 and 11 on CP 860464, Parish of Curtis, on the eastern portion of Curtis Island, in the vicinity of Black Head and Hobbles Gully (Figure A2).

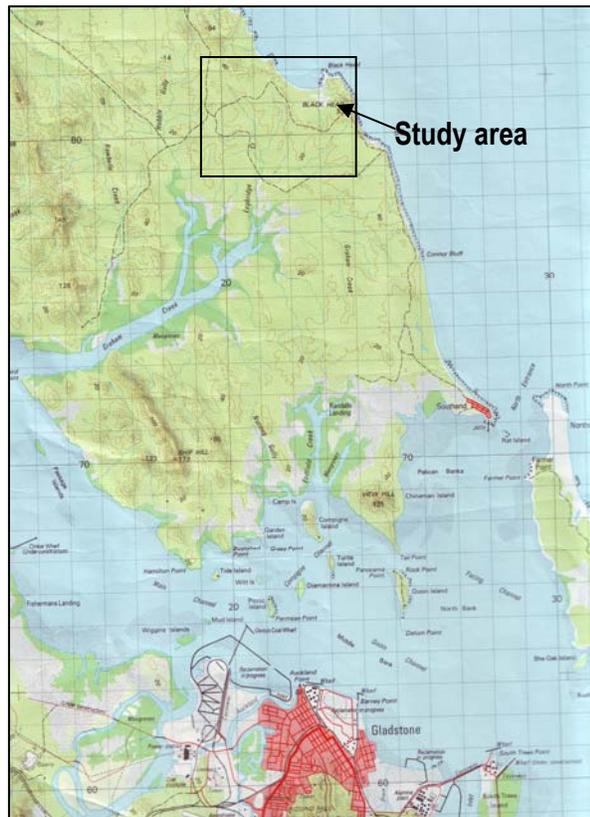


Figure A1: Location map showing study area



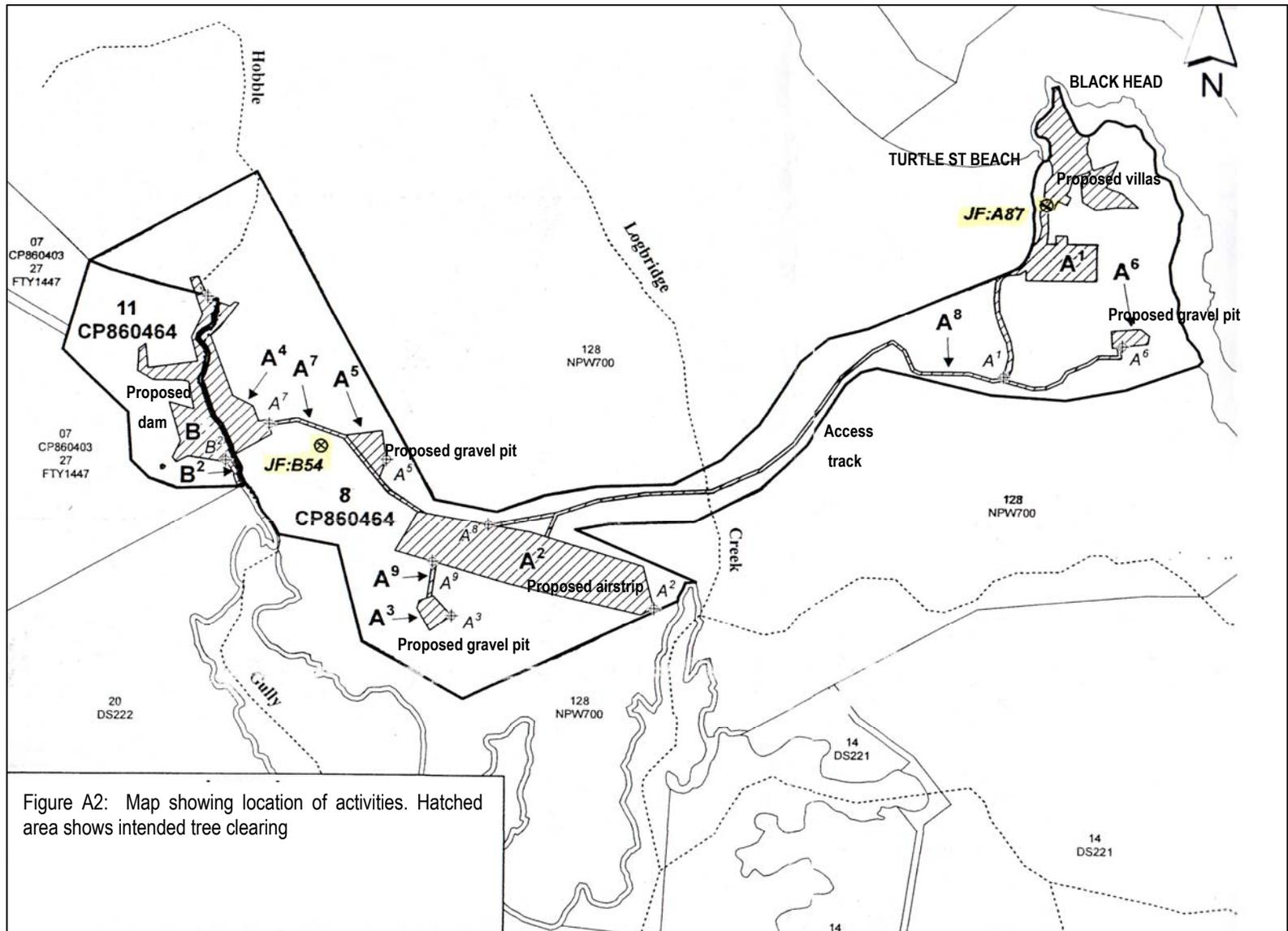


Figure A2: Map showing location of activities. Hatched area shows intended tree clearing



This report provides information on outcomes of a cultural heritage assessment of the study area and consultation with the Aboriginal Parties. It consists of a statement of cultural significance (Part A), a technical report (Part B) that documents the assessment results, and recommendations (Part C) that provides recommendations on both cultural and archaeological findings that have been jointly formulated by the Aboriginal Parties and the technical adviser.

## A2 Cultural heritage legislation

Knowledge of cultural heritage legislation is essential when assessing sites, places or items of cultural heritage significance. The following section discusses both Commonwealth and State legislation relevant to cultural heritage in Queensland.

### A2.1 Commonwealth Legislation

At the national level, the *Environment Protection and Biodiversity Conservation Act 1999* is now the key national heritage legislation, and is administered by the Commonwealth Department of the Environment and Heritage. In addition to this Act, the following pieces of legislation are relevant to heritage:

- ⇒ The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* provides Aboriginal people with the right to request the federal Minister for Aboriginal Affairs to intervene through an injunction in cases where they consider that their cultural heritage is at risk. The Act does not determine significance, or limit the type and place for which protection is being sought.

### A2.2 Queensland legislation

With regard to Indigenous cultural heritage issues, the paramount legislation in Queensland is the *Aboriginal Cultural Heritage Act 2003*, which states that a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care") (Section 23[1]).

The Act defines cultural heritage as (S8):

- ⇒ A significant Aboriginal area or Aboriginal object.



⇒ Evidence, of archaeological or historic significance, of Aboriginal occupation of an area.

A significant Aboriginal area is “an area of particular significance to Aboriginal people” because of either or both of the following:

⇒ Aboriginal tradition;

⇒ the history, including contemporary history, of any Aboriginal party for the area (S9).

The protection of significant sites and places falls under Section 23:

(1) A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the ‘**cultural heritage duty of care**’).

The Act further states (Section 23:2) that the following issues of duty of care should be considered:

(a) the nature of the activity, and the likelihood of it causing harm to Aboriginal cultural heritage;

(b) the nature of the Aboriginal cultural heritage likely to be harmed;

(c) the extent to which the person consulted with Aboriginal parties about the carrying out of the activity; and the results of the consultation;

(d) whether the person carried out a study or survey, of any type, of the area affected by the activity to find out the location and extent of Aboriginal cultural heritage, and the extent of the study or survey;

(e) whether the person searched the database and register for information about the area affected by the activity;

(f) the nature and extent of past uses in the area affected by the activity.

The Act states that “the recognition, protection and conservation of Aboriginal cultural heritage should be based on respect for Aboriginal knowledge, culture and traditional practices”, and that “Aboriginal people should be recognized as the primary guardians,



keepers and knowledge holders of Aboriginal cultural heritage” (Section 5). In particular, Section 5e states:

“There is a need to establish timely and efficient processes for the management of activities that may harm Aboriginal cultural heritage.”

The purpose of the Act is achieved through recognition, protection and conservation of Aboriginal cultural heritage:

- (a) recognising Aboriginal ownership of Aboriginal human remains wherever held.
- (b) recognising Aboriginal ownership of Aboriginal cultural heritage of a secret or sacred nature held in State collections;
- (c) recognising Aboriginal ownership of Aboriginal cultural heritage that is lawfully taken away from an area by and Aboriginal party for the area;
- (d) establishing a duty of care for activities that may harm Aboriginal cultural heritage;
- (e) establishing powers of protection, investigation and enforcement;
- (f) establishing a database and a register for recording Aboriginal cultural heritage;
- (g) ensuring Aboriginal people are involved in the processes for managing the recognition, protection and conservation of Aboriginal cultural heritage.
- (h) establishing a process for the comprehensive study of Aboriginal cultural heritage;
- (i) establishing processes for the timely and efficient management of activities to avoid or minimize harm to Aboriginal cultural heritage.

Essentially, the Act requires consultation as a cornerstone of management of Aboriginal cultural heritage values. Section 1.16 of the Duty of Care Guidelines gazetted with the Act state that “the views of the Aboriginal Party for an area are key in assessing and managing any activity which is likely to harm Aboriginal cultural heritage. Under the Act, there is provision for voluntary agreements and cultural heritage management plans with the relevant Aboriginal Party.” The Act thus affords protection for any activity undertaken in accordance with such agreements or management plans.

The *Land and Resources Tribunal Act 1999* establishes a Land and Resources Tribunal that has exclusive jurisdiction over Aboriginal cultural heritage matters referred to it for mediation or application for injunctive powers.



## A3 Development of Cultural Heritage Assessment

### A3.1 Consultation process

The registered Port Curtis Coral Coast Claim (PCCC) is the relevant native title claim over Curtis Island.

**Table A1:** Native Title claim for the study area

25/07/2001	Port Curtis Coral Coast	Claimant application	Active	Queensland	QC01/29	QUD6026/01
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To provide the project with compliance with its cultural heritage duty of care, pursuant to the *Aboriginal Cultural Heritage Act 2003* (the Act), representatives for QRE commenced consultation with Aboriginal Parties for the Curtis Island area. The study area falls within the external boundary of the registered Native Title application of the Port Curtis Coral Coast (PCCC) native title claimants QC01/29. As no triggers exist that require QRE to undertake a Cultural Heritage Management Plan, pursuant to Part 7 of the Act, a decision was made to enter into an Agreement, in accordance with Section 23(3) of the Act.

Together, the applicant of the PCCC application is Maureen Eggmolesse, Thelma Lingwoodock, Kerry Blackman, Michelle Smith, Colin Johnson, Lois Blackman, Violet Smith and Charles Broome. In accordance with an existing Memorandum of Understanding (MoU) between the native title claimants of PCCC, availability of people who are the applicant of PCC and therefore can be described as Aboriginal Parties by the Act, and the requirement of Section 23(3) of the Act that an agreement should be with **an** Aboriginal Party, consultation was commenced with those Aboriginal Parties who specifically speak for Curtis Island, and who would be available to attend discussions. These were Maureen Eggmolesse, Kerry Blackman, Colin Johnson and Lois Blackman.

The Aboriginal Parties agreed to provide field representatives to undertake the assessment to determine whether there are any significant Aboriginal areas or objects as defined by the Act.



**Table A2:** Contact details for Aboriginal Parties

<b>CONTACT PERSON</b>	<b>ADDRESS</b>	<b>PHONE</b>
Maureen Eggmolesse	6 Gannet St, Gladstone	07 4978 0682
Colin Johnson	PO Box 4067, South Bundaberg	0417 709 653
Lois Blackman	42 Gavegan St Bundaberg	0409 472 224
Kerry Blackman	Unit 8 72 Kowinka Street Whiterock	0412 760 501

### A3.2 Technical Advisor

ARCHAEO Cultural Heritage Services (ARCHAEO) was requested to facilitate meetings between the Aboriginal Parties and QRE, and to provide a technical adviser during the cultural heritage assessment of the project area. Ann Wallin provided advice on process, legislation and management of Aboriginal cultural heritage; Michael Strong provided technical advice to the field representatives during the assessment of the study area.

**Table A3 –** Contact details for the project sponsor/proponent

<b>NAME</b>	<b>CONTACT PERSON</b>	<b>INVOLVEMENT</b>	<b>ADDRESS</b>	<b>PHONE</b>
ARCHAEO Cultural Heritage Services Pty. Ltd.	Ann Wallin Michael Strong	Technical Adviser	369 Waterworks Road Ashgrove	Ph 07 3366 8488

### A3.3 Project Client

QRE Pty Ltd is the proponent of the project. Mr David Douglas (Australian Manager) initiated and facilitated the survey on behalf of the proponent and provided on-site guidance over the areas that will be impacted on. The proponent's contact details are:



**Table A4** – Contact details for the project sponsor/proponent

NAME	CONTACT PERSON	INVOLVEMENT	ADDRESS	PHONE
<b>QRE Pty Ltd</b>	David Douglas	Project Manager	PO Box 1108 Caloundra	Ph 07 5491 5124

The assessment was conducted on the 14<sup>th</sup> and 15<sup>th</sup> of June 2006, by Michael Cook, Leon Yowyeh, Gabrielle Blackman, Damien Blackman; Duane Johnson and Jason Johnson, in association with technical adviser, Michael Strong. The team was conveyed to South End, Curtis Island, by barge and met by David Douglas (QRE) and George Wilson, manager for Monte Christo Station. QRE Pty Ltd provided two 4-W drive vehicles for the survey. Accommodation and meals were provided by QRE Pty Ltd at Capricorn Lodge, South End.

## A4 Commentary on Assessment

### A4.1 Discussion

The assessment found Aboriginal cultural heritage that shows evidence of Aboriginal presence within the study area. At the broadest level, the Aboriginal Parties regard all evidence of their cultural heritage as significant, even single artefacts. However, the Aboriginal Parties are also pragmatists and acknowledge that development is part of the modern world. They recognise that, while they might be concerned by the loss of their traditional landscapes and heritage that cannot be replaced, there can also be managed outcomes and cultural recognition that can be of benefit.

The Aboriginal Parties recognise that development on Curtis Island will have an impact on an island that is culturally significant to them. Mindful of the ‘old people’, the ancestors of the people who inhabited this island, they simply wish to preserve through educational processes and the reduction of impact on selected areas, the preservation and knowledge of important aspects of their own cultural heritage. They require that recognition is given to them as the cultural keepers of this heritage and would agree only to the removal of cultural items provided that there is a formalised process to do



so, and a suitable place to retain these objects for future generations. The Aboriginal Parties expect that the proponent would assist them in the management of their cultural heritage.

Under these circumstances and meeting the requirements specified in the Recommendations (Part C), the Aboriginal Parties would accept for the project to proceed.

## A4.2 Statement of Significance by the Aboriginal Parties

### A4.2.1 Maureen Eggmolesse

*Curtis Island is very significant to my people. My mother taught us, me, my cousins and the rest of the family about our Traditional connection to Curtis Island. We learned many of our traditional ways here. We came here for the mullet and tailor runs along the beach; to collect shellfish from the tidal mudflats and beaches and to hunt for turtle and dugong in the shallow waters around the island. We know of many places of significance to us. Some of our ancestors are buried north of Black Head at Yellow Patch in the National Park. We appreciate the opportunity to come and spend time on Curtis Island during the survey as it is so precious to us and part of our core homeland. While the sites found are not impediments to the project, they are significant Aboriginal places to us and we wish to ensure that they are properly cared for and managed. If they can be incorporated into the development, so everyone is aware of the importance of the island then we will be content. The shell midden site contained stone artefacts, including broken fragments of grindstones and stone axes, showing that Aboriginal people camped nearby, perhaps to collect eggs from the turtles at Turtle Street Beach.*

### A4.2.2 Gabrielle Blackman

*Gurang People welcome the opportunity to be involved in the assessment at Curtis Island. Being involved with cultural heritage assessments is often the only way that we can walk in places where once Aboriginal people roamed without barriers. The shell middens we located show that Aboriginal people were using the area around Black Head as a camping place. Black Head was possibly used as a lookout place where Aboriginal people watched for turtle, dugong and the winter fish runs of mullet and tailor. Turtle Street Beach nearby is a place where turtles came for breeding and to lay their eggs. Although the artefacts we found were small sites they are evidence of the use of Curtis Island. We appreciated the care that David and the*



*Capricorn Lodge provided and look forward to coming back some time to this beautiful island.*

#### **A4.2.3 Duane Johnson**

**Study Area** : *Curtis Island : Black Head and Hobble Gull. It is with great respect and honour to now draft on paper a statement on significance. We the Gooreng Gooreng people when participating in Cultural Heritage investigations have always considered all Aboriginal Archaeological sites to be important. Their considered importance is for several reasons.*

- *Firstly because the site/s or cultural object/s very existent presents a tangible link to the past*
- *Secondly we regard the site/s or cultural material object/s as being a non- renewable resource, meaning the fragile content of the sites/s or cultural material object/s can be damaged or destroyed through natural processes or human disturbance*
- *Thirdly the last point I propose is based on the significant value of a site to become an educational tool to benefit both Aboriginal and non – Aboriginal people. There has been previous studies which categorise the significance level of particular sites on Curtis Island to range from extremely high to high significance*

*In closing I would like to suggest that it was recognizable that particular sites had not been managed or been afforded and monitoring or management. In addition, it is somewhat timely that we have Australian Conservation Volunteers prepared to undertake an activity to protect a midden site. The actual responsibility of managing sites has been placed on those who are regarded as having particular affiliation to lands or islands. I, Duane Johnson, on behalf of the Gooreng Gooreng people, would like to thank the co-operation and contribution of all who participated in the actual survey and our great hosts and their great hospitality over the couple of days.*



Photo A1: Some of the team and clients at Curtis Island. Back row: Damien Blackman; Leon Yowyeh; Michael Cook. Front row: Gabrielle Blackman, Jason Johnson (PCCC), David Douglas (QRE), George Wilson (Monte Christo Station). Duane Johnson does not appear in photo.

