

ENDANGERED ROCK ART:

Forty years of cultural heritage management in the Quinkan region, Cape York Peninsula

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Abstract

This paper reviews a changing scenario of cultural heritage management in the Quinkan region, Cape York Peninsula, currently experiencing unprecedented pressures from tourism and mining. From 1971 State and Federal governments acted to address concerns over protecting Quinkan rock art from modern impacts such as tourism: Gresley Holding (locally known as Crocodile Station) received statutory recognition as a declared 'Aboriginal site', the Quinkan Reserves were created, and 'Quinkan Country' was listed on the (now defunct) Register of the National Estate. In the 1990s the Quinkan Reserves were transferred to Aboriginal Land Trusts, and the local Aboriginal corporation received intermittent government grants to help manage tourism. In 2004 the State government opened an interpretive centre in Laura as a tourism initiative without providing for a visitor management system. Today, virtually the entire Quinkan region is affected by applications for minerals and coal exploration. The outstanding heritage values of the Quinkan region are threatened by this potential mining development, coupled with expanding tourism, and traditional owners are struggling to manage their cultural heritage. It is not clear how current heritage legislation, environmental codes and the status of 'Gresley Pastoral Holding-Crocodile Station' as a Declared Landscape Area (DLA002) will be applied to protect the area into the future.

Introduction

In the early 1870s the Palmer River gold rush brought colonial settlement and infrastructure to southeast Cape York Peninsula (CYP) in far north Queensland (Qld). The rush was short-lived, however, and by the 1880s most of the miners had deserted the region (Bolton 1972). A few small gold mining centres opened further north (de Keyser and Lucas 1968), but pastoralism overtook mining as the main industry (Cole 2004) and, for the time being, most of the non-Indigenous population abandoned CYP. The 1960s saw a new wave of economic activity with the construction of the Peninsula Developmental Road and the establishment of major mines at Cape Flattery and Weipa. Another milestone was the discovery by road workers of Aboriginal rock art sites in an area that came to be known as the Quinkan region, or 'Quinkan Country' (see Flood 1983a; Rosenfeld 1981; Trezise 1969).

The Quinkan region comprises the uplands, gorges and valleys of the Laura-Normanby-North Kennedy Rivers system on the southern rim of the Laura Sandstone Basin in the southeast Cape (Figure 1). These lands are mainly held as pastoral leaseholds or

Aboriginal land, and are sparsely populated (Figure 2); the only town is Laura (population 80), the venue for the biennial Laura Dance Festival. The publicising of the Quinkan rock art post-1960 brought increased tourist interest in the region, which, as noted by Peter Ucko (1983:35), raised the possibilities 'both of damage to the painted shelters and of a source of revenue'. With W.S. (Wally) O'Grady of the Cape York Conservation Council (CYCC), Cairns airline pilot and rock art researcher Percy Trezise began to lobby governments on the dangers of uncontrolled public visitation to rock art sites around Laura. Over the next few decades the State and Commonwealth governments took a series of actions to address rock art protection (see Table 1 and below).

Although tourism to Laura has steadily increased through time, in global terms it has been comparatively small-scale, owing to factors including the region's remoteness, the

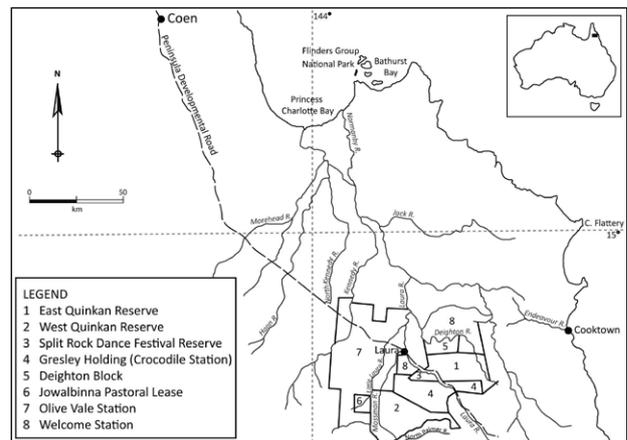


Figure 1 The Laura region indicating properties named in the text (note that DLA002 contains 1-3; the former RNE area contains 1-4 and additional lands on 5-8).



Figure 2 View of the undeveloped, unpopulated Quinkan landscape looking west from Turtle Rock south of Laura (photograph by Noelene Cole).

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extreme conditions of the tropical monsoonal climate and the lack of an all-weather road to Cairns. These factors have also proved a constraint to development (CYPLUS 2002); however, the Peninsula appears to be on the crest of another wave of economic development, with the upgrading of the Peninsula Developmental Road to bitumen and a renewed surge of mining interest¹. In view of the known threats to cultural heritage caused through mining and increased public visitation (e.g. Bednarik 2011; Gundjeihmi Aboriginal Corporation 2012; Ministère de la Culture et de la Communication 2011; Mulvaney 2011; Murdoch 2011; Roe 2010; Rossi and Webb 2007; Sefton 1995), there is cause for concern with regard to the future protection of Quinkan rock art. This paper reviews cultural heritage management in the Quinkan region from 1970 to the present, and explores the potential of Australia's present heritage regimes to protect the region's outstanding cultural heritage values in the face of possible threats.

Management of Quinkan Rock Art from the 1970s to the 1990s

Commencing with the *Aboriginals Protection and Restriction of the Sale of Opium Act 1897*, the Qld government introduced a series of repressive protection acts designed to control the lives of Indigenous people (Frankland 1994). Yet, in spite of the impacts of the nineteenth century frontier war and forced removals to missions and reserves, some local Aboriginal people were able to stay on their homelands by working in an unwaged capacity on local cattle stations (Cole 2004). Others moved to camps on the fringes of Laura, Cooktown and other settlements, where they lived under the surveillance of the local police (Cole et al. 2002).

In 1960, when the Quinkan rock art sites first became known to the wider public, Aboriginal people were still 'living under the Act'. The *Aborigines' and Torres Strait Islanders' Affairs Act of 1965* continued the system of investing local Protectors (aka District Officers, usually police officers) with the power to manage the lives and affairs of Aboriginal people. The Qld government's first system of Indigenous heritage protection was developed under this ethos. It commenced with the *Aboriginal Relics Preservation Act 1967* (hereafter 'ARPA 1967'), administered by the Department of Aboriginal and Island Affairs (DAIA), which appointed Inspectors and Honorary Wardens to police the Act, and oversaw archaeological research and recording of Aboriginal cultural heritage.

Aborigines Historic Places Trust

Although the ARPA 1967 had strong provisions for site protection (Ward 1983), Aboriginal people were not consulted in its development, and it neglected to provide for their decision-making with regard to their own heritage (Anderson 1981; Trigger 1983). Trezise (1973, 1980; see also ABC 1975) noted this as the reason behind the proposed formation of the Aborigines Historic Places Trust (AHPT), following a meeting in Laura in 1970 called by Aboriginal leaders Margaret Valadian (Chair of the Aboriginal Art Advisory Council, Australian Council for the Arts) and Dick Roughsey (Chairman of the Aboriginal Arts Board). The meeting

led to the Australian Council for the Arts commissioning a study of management issues associated with Quinkan rock art (Trezise et al. 1972). The study recommended that:

- All Quinkan 'galleries' be declared as 'sites' under the ARPA 1967;
- A Ranger be appointed as a Warden under the ARPA 1967;
- A case be prepared to have the general area declared a National Park;
- The AHPT be established to administer development and business activity associated with 'the galleries';
- Visitor infrastructure be developed at Split Rock Gallery;
- Guided visits be offered to a limited number of other sites; and,
- Tourist facilities be developed at Laura.

Subsequently, grants from the Commonwealth government in 1973–1974 funded the purchase of land and the development of tourist infrastructure at Laura (Ucko 1983) and, as described below, elements of the 1972 model were adopted by the Qld government.

The Declared Aboriginal Site and the Quinkan Reserves

In 1972 the Qld government declared 97,500 hectares of land on Gresley Holding (or Crocodile Station as it is locally known) as an 'Aboriginal site' under the ARPA 1967 (Figure 3). Such declarations were applied to areas where it was considered expedient to control the entry of persons in order to protect cultural heritage (ARPA 1967 s.13). Visitor access to rock art sites around Laura was regulated by Honorary Wardens and, from 1973, an Aboriginal Ranger stationed in Laura. The first archaeological research in the Quinkan region under these provisions was the excavation of Early Man Shelter in 1974 (Rosenfeld et al. 1981), a project facilitated by Jim Archer, the then Aboriginal Ranger based in Laura. The research established the late Pleistocene antiquity of regional Aboriginal occupation and a minimum age of 13,000 years for rock engravings uncovered during the excavation.

In 1974 the AHPT and the CYCC launched a public appeal to raise money to purchase the lease of 200,000 acres of the escarpment and plateau country of Crocodile Cattle Station (i.e. Gresley Holding) for a national park (Anon. 1974:7; Trost 1979). Although the Quinkan National Park Appeal was successful in raising funds, it 'ran into problems with officialdom', as it had not been authorised by the Qld Justice Department² (Trost 1979:20). The national park never eventuated but, in what Ucko (1983:36) described as a 'tortuous process', the Qld government used the donated funds to establish the Quinkan Reserves (HOR 1978:3; Trost 1979; Figures 1 and 3). The process involved resuming two blocks from Gresley Holding and gazetting them as Reserves (R209, R210³) for the Preservation and Protection of Aboriginal Relics under the ARPA 1967, to be managed by the Quinkan Reserves Trust (QRT), initially composed of the Director of the DAIA and the Chairman of the CYCC (Sutcliffe 1980).

² Schubert to the Commonwealth Inquiry into the National Estate 19/10/1973 NAA A3956.

³ Split Rock remained as part of Gresley Holding until 1990 when a third Quinkan Reserve, R544, which includes the Laura Dance Festival Grounds and Split Rock area, was gazetted.

¹ As information is published and updated regularly online via the Qld Government's *Interactive Resource and Tenure Maps* (DNRM 2012), it is possible to track proposed mining activities across the state.

The government acknowledged the contribution of W.S. O’Grady in seeking the establishment and protection of the Quinkan Reserves (Sutcliffe n.d.), but Ucko (1983:36) argued that the local Aboriginal people at Laura were ‘ignored’ in the process. Perhaps in response to this criticism, the QRT formed an Aboriginal advisory panel at Laura (DAIA 1983a). The AHPT, with Trezise as Public Officer, focused on the national park proposal, though its activities appear to have ceased following the establishment of the Quinkan Reserves.

Register of the National Estate

In 1978 a Commonwealth House of Representatives (HOR) Standing Committee on Environment and Conservation conducted an inquiry into ‘The Preservation of the Quinkan Galleries’ (HOR 1978). Evidence was heard from the AHPT, the Australian Institute of Aboriginal Studies (AIAS) and the Australian Heritage Commission (AHC), with written advice provided by the Qld government and the Australian Parks and Wildlife Service. The report noted that the AHC described this ‘as one of the largest and most exciting bodies of prehistoric art in the world’, deemed

Year	Action
1970	Meeting at Laura to form the AHPT.
1971	<i>Rock Art of South-East Cape York Peninsula</i> published by Percy Trezise.
1971	Commonwealth-funded study recommends tourist management and infrastructure at Laura.
1972	Gresley Holding (Crocodile Station) declared an ‘Aboriginal site’ under the ARPA 1987; public entry controlled by the DAIA.
1973	Aboriginal Ranger stationed at Laura.
1973–1974	Tourist infrastructure developed at Laura (Commonwealth-funded); Quinkan National Park appeal launched by AHPT and Cape York Conservation Council.
1975	Conservation report on Laura rock paintings by geologist R. Henderson (1975).
1977	Two parcels of land from the declared Aboriginal site, Gresley Holding, gazetted as the Quinkan Reserves to be managed by the QRT.
1978	House of Representatives Inquiry (1978; HORSCEC 1979) recommends management plan.
1979–1980	DAIA constructs interpretive signs, parking area and walking tracks; produces interpretive brochures (Cole and Horsfall 2002; Horsfall 1999).
1980	‘Quinkan Country’ (Quinkan Reserves and additional lands on neighbouring properties) inscribed on the RNE.
1981–1983	QRT erects gates to restrict public entry to East Quinkan Reserve; DAIA appoints Aboriginal advisory group at Laura, manages cultural tourism to Giant Horse, Split Rock and Gugu Yalanji sites (DAIA 1983a, 1983b).
1984	QRT commissions environmental study (Morgan 1984); as a result, four Aboriginal people at Laura trained in sites management.
1985	Inaugural Laura Dance Festival hosted by QRT and Department of Community Services; visitors encouraged to visit rock art sites opened to the public.
1987	The declared Aboriginal site (Quinkan Reserves and Gresley Holding) becomes a Designated Landscape Area (DLA) under the CRA 1987; public access continues to be regulated.
1990	Split Rock and Dance Festival Grounds area gazetted as Reserve (R544); Split Rock boardwalk constructed by QRT, funded by AIATSIS (Brown 1990, 1996).
1991	East Quinkan Reserve and West Quinkan Reserve transferred to Aboriginal Land Trusts under the ALA 1991.
1991	Ang-Gnarra Aboriginal Corporation of Laura (AAC) gains interim responsibility for managing Quinkan Reserves on behalf of the Land Trusts.
1992	Sullivan (1992) identifies visitor management as highest priority, recommends co-ordinated funding approach; Rowland and Franklin (1992) prioritise Aboriginal involvement and management planning.
1990s to early 2000s	AAC operates guided tours and performs sites protection and visitor management tasks assisted by government agencies (e.g. Finn 1992; Horsfall and Steffensen 1998); publishes interpretive books (AAC 1996; George et al. 1995); initiates conservation research at Split Rock (Watchman 1998) which results in upgrading of a section of the Peninsula Developmental Road by Main Roads Department.
2002	Queensland Heritage Trails Network review (Cole and Horsfall 2002) notes failure to implement major recommendations of Sullivan (1992), recommends integration of proposed QHTN interpretive centre at Laura (QRCC) with a cultural heritage management system.
2003	Gresley Pastoral Holding-Crocodile Station DLA002 listed on the Aboriginal Cultural Heritage Register under the Aboriginal <i>Cultural Heritage Act 2003</i> .
2004	QHTN opens QRCC without a dedicated cultural heritage management system.
2004	RNE replaced by National Heritage List; Quinkan Country loses statutory listing but is included on Australian Heritage Database.
2007	EPM (application for minerals exploration) granted over DLA002.
2010	Laura Ranger unit formed by South Cape York Catchments, receives intermittent funding to record rock art.
2012	World Heritage nomination for Cape York Peninsula in community consultation phase.
2012	EPs (applications for minerals exploration) and EPCs (applications for coal exploration) cover the Quinkan region including DLA002; application to renew the EPM granted over DLA002.

Table 1 Key actions in the management of Quinkan rock art (note that all acronyms used in the table are explained in the body of the text).

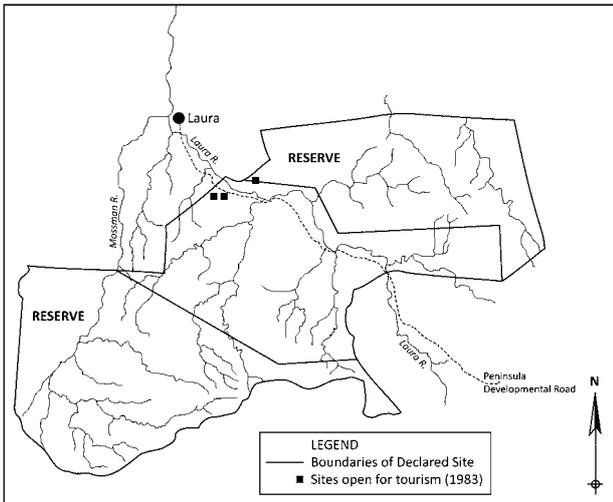


Figure 3 The Declared Aboriginal Site including the Quinkan Reserves (after the DAIA 1983b); note that the area is now DLA002.

worthy of World Heritage nomination (HORSCEC 1979:2). In view of the fragility of the environment and the increasing tourist numbers, HORSCEC (1979) recommended that:

- A comprehensive management plan be developed as a prerequisite to Commonwealth funding; and,
- The Minister for Aboriginal Affairs request the AIAS to locate the traditional owners.

In 1980 'Quinkan Country', an area of 230,000 ha containing the Quinkan Reserves and additional lands on neighbouring properties (Figure 1)⁴, was inscribed on the Register of the National Estate (RNE), a list of nationally significant heritage places compiled under the *Australian Heritage Commission Act 1975*. Although this Act (s.9.2 and s.30) only provided protection for places owned or managed by the Commonwealth, inclusion on the RNE provided access to funding through the National Estate Grant Program. In the wake of the HOR report, the QRT commissioned an environmental study of the Quinkan Reserves (Morgan 1984; see also Morgan et al. 1995).

Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987

Like its predecessor, the ARPA 1967, the *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987* (hereafter 'CRA 1987') focused on archaeological heritage at the expense of Indigenous cultural values (NNTT 2009). The CRA 1987 was successively administered by the Department of Community Services and Ethnic Affairs, the Department of Environment and Heritage (DEH), and the Environmental Protection Agency (EPA). The CRA 1987 provided for the declaration of Designated Landscape Areas (DLAs) where it was deemed necessary or desirable for 'entry of persons into the area be prevented or regulated' (CRA 1987 s.17(1)(a) and s.25)—on this basis the declared Aboriginal site constituted by Gresley Holding and the Quinkan Reserves became a DLA.

⁴ Of course, the Quinkan rock art corpus extends beyond this area (Cole 1998; David 1991; Flood 1986; Flood and Horsfall 1987; Morwood and L'Oste-Brown 1995; Rosenfeld 1981; Roughsey 1971; Trezise 1971).

The Aboriginal Land Act 1991 (Qld)

Under the *Aboriginal Land Act 1991* (hereafter the 'ALA 1991') the East Quinkan Reserve and the West Quinkan Reserve were transferred to two Aboriginal Land Trusts (the Agayrra-Timara and the Wulburjurbur Land Trusts, respectively) established expressly for this purpose. Ang-Gnarra Aboriginal Corporation of Laura (AAC) gained the interim responsibility of managing the Quinkan Reserves on behalf of the Land Trusts (Cole and Horsfall 2002), and the QRT was dissolved. The AAC, in association with the DEH, commissioned a cultural heritage management report by Kate Sullivan as a basis for supporting funding applications. Sullivan's (1992) report included identifying visitor management as an issue of the highest priority, and recommended that a sites manager be appointed to develop and implement cultural heritage management planning under the direction of the AAC.

AAC Rangers, trained through the TAFE Community Ranger Training Program and employed through the Community Development Employment Projects program, undertook various cultural heritage management and landcare tasks (AAC 1993; Oui 1993). Most of their conservation management efforts were focused on the sites of Giant Horse and Mushroom Rock (Figures 4–6), which were open to guided tours, and on the Split Rock walking circuit, which was open to independent tours. The AAC chose not to open the remarkable group of sites known as 'the Quinkans' to tourism owing to their very high degree of cultural significance (AAC 1996). Officers from the DEH and the EPA contributed to the conservation management efforts by supporting AAC funding applications, co-ordinating infrastructure projects and assisting in site protection and monitoring activities, particularly during times of high visitation such as the Laura Dance Festival (e.g. Brown 1997; Franklin 2003; Horsfall 1993, 1999).

AAC Rangers participated as cultural advisors in archaeological research, including the major project (Morwood and Hobbs 1995a, 1995b) which confirmed the Quinkan region as one of the most important archaeological regions in Australia. This research showed that Aboriginal occupation of Mushroom Rock (Figure 6), Sandy Creek, Magnificent and Yam Camp rockshelters occurred from ca 15,000 to 30,000 years ago, with a further group of sites first occupied within the last 10,000 years. These ancient land-use patterns extended across the entire Quinkan region, with the occupation sequence matched by a long temporal sequence of rock art (Cole and Watchman 2005; Cole et al. 1995).

The Post-2000 Management History of Quinkan Rock Art

In the early 2000s the AAC underwent major structural changes and ceased many of its former functions. Since then, the Laura Aboriginal community has struggled to maintain its active role in site protection and visitor management. In 2002 the Qld government announced the development of an interpretive centre in Laura as part of the Qld Heritage Trails Network (QHTN), a capital works project funded under the Commonwealth Government's Federation Fund. The QHTN's mission was to provide Qld communities with enhanced cultural tourism opportunities based on core principles including:



Figure 4 Giant Horse rockshelter showing 6 m long painting of a horse (photograph by Noelene Cole).

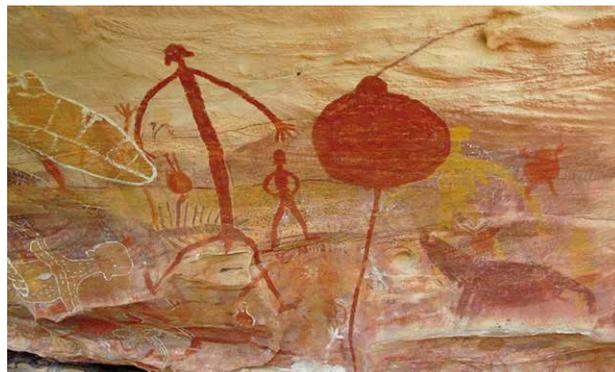


Figure 5 Unique Quinkan rock art including Quinkan Timara painting at Giant Horse rockshelter (photograph by Noelene Cole).

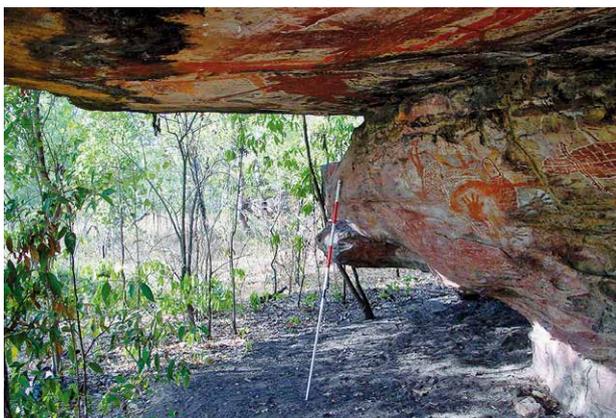


Figure 6 Mushroom Rock showing section of painted walls and ceiling (photograph by Noelene Cole).

- Conservation of heritage assets delivering economic benefit to local communities; and,
- Best practice solutions to conservation, interpretation and presentation of heritage, and adherence to environmentally sustainable design principles (Cook n.d.).

In association with the proposed interpretive centre at Laura, Arts Queensland and the Cook Shire Council commissioned a review of the Sullivan (1992) report. The review (Cole and Horsfall 2002) noted that major recommendations of Sullivan's (1992) study had not been implemented due to a lack of systematic government funding, and recommended that the proposed centre be integrated with an appropriate management system. Consultative planning for the review included recommending strategies for managing visitor impacts at sites already open to tourism (Cole and Horsfall 2002). Although the QHTN planning process allocated some funds for short-term conservation works, for reasons relating to future act conditions of the *Native Title Act* it was deemed that works could only be undertaken on existing infrastructure, in this case at the Split Rock car park and boardwalk.

The Aboriginal Heritage Act 2003 (Qld)

In a major shift from its predecessors, the still current *Aboriginal Cultural Heritage Act 2003* (hereafter the 'ACHA 2003') recognises Aboriginal people as the 'primary guardians, keepers and knowledge holders of Aboriginal cultural heritage' (ACHA 2003 s.6b). The CRA 1987 system of applications for permits

or for clearances for actions with potential to adversely affect heritage has been replaced by gazetted *Duty of Care Guidelines* (ACHA 2003 s.28), and the obligation of deciding how best to protect heritage values from harm is placed on the proponents of activities, such as miners, rather than on a government agency (NNTT 2009).

The cultural heritage duty of care requires that 'a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm cultural heritage' (ACHA 2003 s.23(1)). By following the *Duty of Care Guidelines* (DOCG) a proponent of activities is ensured compliance under the Act (ACHA 2003 s.24). Section 24 of the ACHA 2003 specifies conditions which allow for lawful harm to cultural heritage: if the person owns the cultural heritage, or is acting under an agreed management plan that applies to cultural heritage, or is acting under a native title agreement or another agreement with an Aboriginal party. Agreement making, such as the development of cultural heritage management plans with Indigenous groups, is stressed as a key means of meeting the duty of care (ACHA 2003 Part 7).

The ACHA 2003 (s.23(2)) and the DOCG (s.12) suggest reasonable measures to ensure Aboriginal cultural heritage is not harmed by development activities, including consulting with Aboriginal parties, carrying out cultural heritage studies and surveys, and conducting searches of the Aboriginal Cultural Heritage Register and the Aboriginal Cultural Heritage Database. The nature of the activity and past use of the area, and the type of Aboriginal cultural heritage affected, are relevant considerations in meeting the duty of care. The DOCG (s.4) classify activities according to their likely impacts, with those activities which involve continuing activity, or no ground disturbance, such as using existing roads and tracks and conducting GPS surveys or photography, classed as Category 1 and unlikely to harm Aboriginal cultural heritage. Activities within Categories 2–4 include those which involve no additional ground disturbance. An activity outside Categories 1–4 is classed as Category 5, in which 'there is generally a high risk that it could harm Aboriginal cultural heritage. Such activities 'should not proceed without cultural heritage assessment' (DOCG s.5.14). The DOCG (s.6.3 and 6.4) note the key role of an Aboriginal party for an area in assessing cultural heritage significance—a process which can include a cultural heritage survey or study, should consider views of the relevant party, and may include seeking the assistance of appropriately qualified persons, such as anthropologists, archaeologists and historians (DOCG s.8).

The DOCG (s.6.1) list features of likely high cultural significance which could be endangered by Category 5 activities, for example ceremonial places, scarred trees, burials, rock art, occupation sites, quarries and artefact scatters, grinding grooves and contact sites and landscape features, such as rock outcrops, caves, waterholes and natural springs. These features, including many hundreds of sites with rock art, have been widely recorded in the Quinkan region (e.g. AAC 1996; Cole 1998, 2002; Cole et al. 2002; David 1991; Flood 1983a, 1983b, 1986; Flood and Horsfall 1987; George et al. 1995; Lilley 1987; Morwood and Hobbs 1995a, 1995b; Rosenfeld et al. 1981; Rowland and Franklin 1992; Trezise 1969, 1971, 1973, 1993).

The ACHA 2003 (Part 5 s.38–47) establishes an Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register administered by the Cultural Heritage Co-ordination Unit, now based within the Department of Aboriginal and Torres Strait Islanders and Multicultural Affairs (DATSIMA; it was formerly administered by the Department of Environment and Resource Management [DERM]). The Database is intended to provide a central location for information about Aboriginal cultural heritage, including records of archaeological research lodged under previous legislation. The Register holds information relating to cultural heritage studies, cultural heritage management plans, Aboriginal cultural heritage bodies and other information. However, as noted in the DOCG (s.8.3), sponsors of activities should not rely solely on the Register or the Database to decide whether to undertake a cultural heritage study or survey, as these records may not address the particular significance of the area, which may derive from either 'Aboriginal tradition' and/or its associations with 'the history, including contemporary history, of any Aboriginal party for the area' (ACHA 2003 s.9).

The ACHA 2003 s.35(7) states that relevant Aboriginal parties for an area may include native title parties or Aboriginal persons who, in the absence of a native title claim, have particular knowledge or responsibilities under Aboriginal tradition. The ACHA 2003 (s.36–37) provides for the registration of Aboriginal cultural heritage bodies whose function is to identify the Aboriginal parties for all or part of the area. With regard to conducting a cultural heritage study in areas where there are no identified Aboriginal parties or Aboriginal cultural heritage bodies, sponsors of a such a study are required to notify the relevant Aboriginal representative body and the local government of the proposed study area (ACHA 2003 s.57e,f), and place in 'a newspaper circulating generally in the relevant part', a public notice which is directed to Aboriginal parties and advises the intent and description of the proposed study (ACHA 2003 s.61).

Under the ACHA 2003 (s.162) nine DLAs are listed on the Register, including DLA002, the 'Gresley Pastoral Holding–Crocodile Station'. DATSIMA (2012) provides a link for each DLA to an online map which indicates boundaries, relevant lot numbers and plans. Under the ACHA 2003, Government-regulated access to DLAs no longer applies.

A New National Heritage Regime

In 2004 a new national heritage regime was established under the *Environment Protection and Biodiversity Conservation Act 1999* (hereafter the 'EPBC Act 1999') and the *Australian Heritage Council Act 2003*. The National Heritage List replaced the RNE as

a statutory system to recognise and protect places of outstanding heritage to the nation (DSEWPC 2012b). The RNE was frozen in 2007, with the new national system providing for a transition period to allow the various jurisdictions to transfer places to appropriate heritage registers where necessary. The RNE is now a non-statutory archive within the Australian Heritage Database (DSEWPC 2012a). It is unlikely that many people living in CYP are aware of these substantial changes to the Commonwealth heritage system and their local implications, in this case the loss of Commonwealth statutory recognition of Quinkan Country.

Current Initiatives

In 2010 South Cape York Catchments, a community-based natural resource management agency based in Cooktown, obtained funding to form a Laura Rangers unit to train and employ young Indigenous people in rock art site recording. The operation of the unit has relied on short-term government grants from DERM and the Commonwealth DSEWPC. The Rangers have been successful in recording multiple rock art sites for the Aboriginal Cultural Heritage Database, and enjoy a high level of community support, but lack the resources, training and infrastructure to be involved in broader cultural heritage management activities. The unit is aiming to secure government funding to operate on a permanent basis.

The Commonwealth and Qld governments are currently consulting with local communities and Aboriginal groups with regard to a possible World Heritage nomination of Cape York for its natural and cultural values (DERM 2011). Obviously, inclusion of the Quinkan region would substantially enhance such a nomination. Although the process includes funding for 'planning for country' (DERM 2011:14), such short-term arrangements are inadequate to fulfil conservation management needs.

Managing Tourism

From the start, the management of Quinkan rock art tourism has been supported through piecemeal funding of short-term projects developed by the QRT and later by the AAC in association with government heritage agencies. The need for systematic government funding to assist the Aboriginal community to manage cultural heritage in the face of government, commercial and public expectations of the Quinkan region as a high profile tourist destination has been a consistent recommendation for decades (e.g. Buhrich 2001; Cole and Horsfall 2002; Cole et al. 2002; HOR 1978; HORSCEC 1979; Morgan 1984; Rowland and Franklin 1992; Sullivan 1992; Trezise and Roughsey 1975; Trezise et al. 1972).

Rock art tourism is a global phenomenon and, in many parts of the world, is contributing to community development and regional economies (Cole 2000, 2003). Well-managed tourism can also promote cross-cultural understandings and influence conservation policy (Buhrich 2001). However, mediating between the interests of visitors, Indigenous people, other land owners, commercial operators and heritage conservation is challenging (Choi and Sirakaya 2006; Fourmile 1995). Poorly managed cultural tourism can threaten a site's physical condition and integrity, reduce its cultural significance and lead to reduced visitor experiences and negative cross-cultural attitudes (Australia ICOMOS 1999). Core priorities for heritage tourism include

respecting cultural sensitivities and requirements (AHC 2001, 2002; Australia ICOMOS 1999), understanding visitor needs, and educating the visiting public on cultural and environmental issues (Ali 2009:2; Benton 2011; Buhrich 2002; Deacon 2006:383; Gale and Jacobs 1987:227; Jacobs and Gale 1994).

Due to the erratic nature of funding it was extremely difficult for AAC personnel to develop and implement coherent, long-term policies on managing tourism or to evaluate the strategies used. However, for some years the AAC maintained visitor books which, as in other rock art areas (Brown 2003; Franklin 2011; Godwin 2001; Gunn 2001), have provided useful data for management purposes. For example, visitor feedback was obtained at Split Rock via analysis of visitor comments and tourist interviews (see Buhrich 2001, 2002; Franklin 2003; Roberts 2000). The Buhrich (2001) analysis identified various positive responses to site presentation and infrastructure. Negative responses included objections to the honesty box method of collecting entrance fees, which apparently were rarely paid. As in Franklin's (2003) study at Split Rock, Buhrich (2001) also identified negative responses to ambiguous or erroneous interpretive information on the antiquity of the rock art. While the visitor book can be a useful and inexpensive management tool, it has not been in place at Split Rock since 2001. For maximum effectiveness visitor books require maintenance, storage and analysis, as was implemented by AAC Rangers with assistance from the EPA.

The Quinkan and Regional Cultural Centre (QRCC) offers guided tours by local Aboriginal people who are employed on a casual basis, providing a valuable service to the visiting public. Their website advertises 'world famous Aboriginal rock art galleries such as Split Rock, Mushroom Rock and Giant Horse Gallery and most spectacularly THE QUINKAN GALLERIES [sic]' (QRCC 2012). The Centre operates as a rock art tourist hub unsupported by a cultural heritage management system of the kind recommended in strategic planning by the QHTN. In 2002 it was estimated that 8000 to 10,000 local, interstate and overseas guests visited Split Rock annually (Buhrich 2002; Cole and Horsfall 2002). From 2012, with the substantially improved road access to Laura, it is predicted that tourist numbers will increase. Consequently, it would be most unfortunate if there were commercial pressures on the Laura community to open additional sites to the public, even though long-visited 'tourist' sites lack an appropriate management system. Basic conservation management issues include:

- Infrastructure maintenance and site presentation;
- The need for systematic monitoring of visitation and site conditions at sites opened to tourism;
- A review of fee collecting methods at the popular Split Rock sites; and,
- The opening of 'new' sites to tour groups in the absence of management planning.

The *Cape York Peninsula and Torres Strait Tourism Development Action Plan 2008–2011* noted that '[m]anagement of the impact of tourism is seen as a high priority that requires investment in infrastructure and human resources,' as is '[e]nsuring that the integrity of Cape York and Torres Strait culture and traditions are preserved and protected' (Tourism Queensland 2012:7). Unfortunately, there is little evidence that governments have applied these goals with regard to tourism based on Quinkan rock art.

Potential Threats Associated with Mining

Small amounts of gold occur in the Laura sandstone area (de Keyser and Lucas 1968; Geoscience Australia 2012), though to date mining for this has been minimal. However, the record gold price attained in 2011 (USA Gold 2012) has revived interest in minerals exploration across CYP. Exploration Permits for Minerals (EPM) applications now exist over much of the Quinkan rock art region, including the catchments and streams of the Little Laura, Mossman, Laura, St George, Kennedy, Little Kennedy, North Kennedy and upper Endeavour Rivers, as shown in Figure 7. An EPM application—granted in 2007—with a significant overlap with DLA002 exists; an application to renew this permit was lodged in 2012.

In 2011 *The Australian* reported online that 'coal mining companies have swooped on Cape York, lodging a raft of new applications to explore for a rare, highly valuable coal' under the headline 'Cape York coal rush on' (Elks 2011). The Laura Basin comprises one of Qld's coal measures (DEEDI 2010; see also CYPLUS 2002), and currently there is a well-advanced proposal for an underground coal mine (Wongai) near Bathurst Bay. The proposed mine requires an Environmental Impact Study and a permit under the *Great Barrier Marine Park Act 1975*. Exploration Permits for Coal (EPCs) have been lodged over most of the Laura Basin and virtually all the Quinkan region. As shown in Figure 8, some EPC applications cover, or border, DLA002.

In mineral development projects, the exploration phase is an information gathering exercise to ascertain the potential value, location and viability of deposits within an exploration lease (Hogan et al. 2002:18–20). This first stage includes non-intrusive methods, such as desktop research and remote sensing via air survey. In the second exploration stage, targets are identified for detailed geological sampling, which is usually conducted using vehicle-mounted rotary air blast drill rigs (Environment Australia 2002:5–6). Only 1% of mineral exploration projects reach the final stage of detailed geological mapping, which involves intensive drilling programs using multiple heavy mobile drill rigs and costeans (trenches) (Environment Australia 2002:6). Although few exploration leases develop into viable mines, the second and final exploration phases involve entry of mining personnel into the area and the establishment of 'more substantial' base camps to conduct Category 5 activities (Environment Australia 2002:6). As impacts at this final stage may be considerable, careful management is required.

The *Code of Environmental Compliance for Minerals Development* (hereafter the 'CEC') establishes standard conditions for carrying out exploration and mineral development projects (DERM 2001). Condition 13 of the CEC states that the holder of an environmental authority must not carry out activities in Category A or B Environmentally Sensitive Areas, and that activities involving machinery must not be carried out within 500 m of any area classed as Category B, which includes DLAs (DERM 2001 Appendix A). Condition 14 of the CEC restricts activities involving machinery for 100 m around an historic, archaeological or ethnographic site. While these conditions apply to standard exploration licenses, applications can be made for a non-standard license, for example to work within 500 m of a Category B site. Standard exploration licenses are self-assessable, while non-standard applications trigger a higher level of assessment. In standard

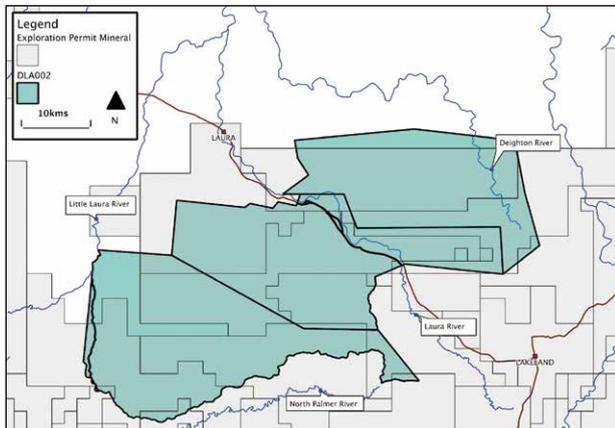


Figure 7 Map showing DLA002 (Gresley Holding-Crocodile Station, which includes the three Quinkan Reserves) with applications for exploration permits for minerals other than coal (August 2012).

licenses it is the applicant's responsibility to identify the 500 m buffer from Category B sites, and to identify any historic, archaeological and ethnographic sites within their leases, and maintain 100 m buffers around such places.

While public visitation to Quinkan lands has been contained by the region's remoteness, rugged terrain and regulated access to the DLA, there is ample evidence to indicate that roads and tracks pose risks to Quinkan cultural heritage. For example, the Split Rock sites, which are located adjacent to the Peninsula Developmental Road, have already been impacted by road dust and graffiti (see Horsfall and Steffensen 1998; Trezise 1973; Watchman 1994, 1998), as has a story place at the road crossing on the Laura River (Cole unpub. data). At the latter site sections of the engraved pavement were destroyed by explosives during road works in the 1960s (Cole 2011), and nearby, at the Old Reserve, Aboriginal burials and birth places were destroyed by the expansion of the Laura rubbish dump (George Musgrave and Tommy George pers. comm. 2001). An Army expedition which twice walked the Hell's Gate track (west of the Laura River) reported defacement of rock art and removal of historic remains by track users:

All round the place had been picked clean. First time going up to the Gate it was one long stretch of tins and match boxes and broken horse shoes, and bits and pieces where horses must have fallen down and left their loads. But the second time we didn't find any of this so the place did not have the same atmosphere. The Gate was still good, but unfortunately north of the Gate in a place where there had been some aboriginal [*sic*] art, this had been defaced (Peever 1977:2).

Degree of Protection

The DOCG are the baseline standard for cultural heritage protection across the undeveloped lands of the Normanby-Laura-Kennedy Rivers system. Condition 14 of the CEC *should* provide protection in view of the high density and integrity of cultural heritage in these lands, although DLAs have lost their special protection in the form of government-regulated public access. As noted, an EPM with a significant overlap with DLA002 has been granted. Within DLA002, as in the greater Quinkan region, are cultural and archaeological sites and values of the highest order, yet each proponent's compliance with the CEC is self-monitored.

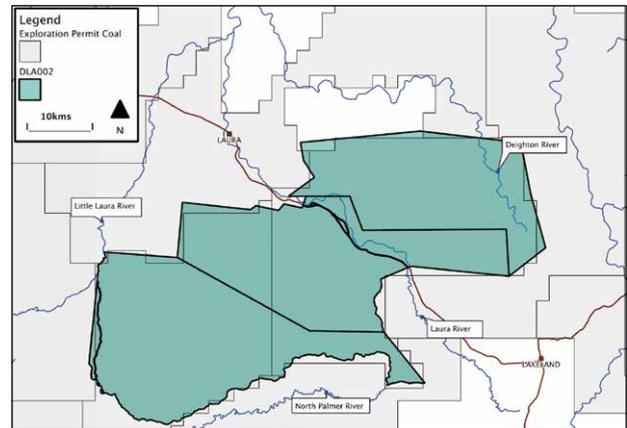


Figure 8 Map showing DLA002 (Gresley Holding-Crocodile Station, which includes the three Quinkan Reserves) with applications for exploration permits for coal (August 2012)

In areas which are not yet covered by native title applications, as in parts of Quinkan lands, the process of identifying and consulting with traditional owners may be complex (Edelman 2009). In view of the complexities of negotiating on cultural heritage issues, it can be difficult for people who are not members of a registered native title application or a registered Aboriginal cultural heritage body, and who are unresourced, to be proactive in attending to their rights and responsibilities under the ACHA 2003 (see O'Faircheallaigh 2008). As newspapers are not readily available in CYP, such people may not see newspaper notices relating to mining activities and cultural heritage studies.

Although the best known Quinkan cultural sites in the region are rockshelters with art, there are also hearths, campsites, pathways, stone arrangements, culturally scarred trees, artefacts of various kinds, quarry sites, grinding marks, story places, natural features of cultural significance and many historic sites and remains. Ethnographic and historical research (e.g. Cole 2002, 2004, 2011; Cole et al. 2002; Morwood 1995; Rigsby 2003; Trezise 1969, 1973, 1993) indicates a rich matrix of traditional, historic and contemporary associations. In the context of this complex model of land-people relationships, it is not clear how, in practice, the ACHA 2003 will trigger proponents of EPMs and EPCs (some of which cover large areas) to conduct effective notifications, consultations, research and field surveys to identify and assess *all* cultural heritage places, associations and values in their tenements.

Conclusions

The dangers of unmanaged tourism in the Quinkan rock art region were recognised 40 years ago, resulting in actions by governments to protect Quinkan cultural heritage. However, until the 1990s, local Aboriginal people had little say in the management of the Quinkan Reserves or in the operations of tourism—in this regard, the situation improved when the Aboriginal Land Trusts and the AAC took over. Throughout the 1990s a viable management system was in operation, based on practical co-operation between the AAC and government heritage agencies. However, the reliance on piecemeal funding resulted in a focus on short-term measures, rather than on the steady, coherent implementation of a program based on longer term, systematic planning. A series of government and consultants' reports have repeatedly recommended such planning to manage the impacts of the tourism industry.

The Quinkan region is well-established, widely known and advertised as a key tourist destination of CYP, as demonstrated by the government investment in building the QRCC. However, in failing to deliver a cultural heritage management system to support the tourism objectives of the QRCC, the QHTN disregarded its core conservation principles and objectives. This project has therefore delivered possible risks to world class rock art sites and much valued cultural heritage, and minimal benefits to the local Indigenous community. It is out-of-step with recognised Australian best-practice standards of cultural heritage management (AHC 2001, 2002; Australia ICOMOS 1999).

In recent years some of the early statutory measures that were established have unravelled or changed, potentially leaving Quinkan cultural heritage more vulnerable to impacts from mining and other land development activities. Other significant rock art regions of the state (e.g. Lawn Hill Gorge, Carnarvon Gorge, the Flinders Islands) are National Parks which, as high profile Category A Environmentally Significant areas (DERM 2001), enjoy widespread public recognition of their values and the need to protect them. The Quinkan region is a cultural landscape which is unequalled in Qld with regard to its national and international recognition, the extent and number of rock art sites, and the antiquity, technical diversity, aesthetic qualities and unique style of the art. Apart from the standard protection provided by the ACHA 2003, the sole remaining statutory protection which recognises these unique and outstanding cultural heritage attributes is the special status of DLA002. However, as a self-assessable mineral exploration tenement has been approved and other applications lodged within DLA002 and its buffer, it is not clear what protection this status will provide.

In effect, the management history of the Quinkan region presents a case study in the application of Australian cultural heritage law. It is hoped that the current heritage regime will support the traditional owners to respond to unprecedented pressures on their cultural heritage before it is too late.

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