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## Concern over damage to rock art sites

Tom Arup, Canberra  
May 28, 2009 - 12:00AM

THE investigation into alleged destruction and damage to Aboriginal rock art by global cement company Cemex has extended to three sites in Western Australia and could be more extensive than first thought.

Questioning of officials from the Department of Environment, Water, Heritage and the Arts (DEWHA) at Senate estimates yesterday revealed that three sites, one stretching to 10 square kilometres, have been affected by blasting and bulldozing in a National Heritage-protected zone at Cemex's Nickol Bay quarry in northern WA.

The officials said there was no timeline for the investigation and could not say when a decision on whether to prosecute would be reached.

The WA Department of Indigenous Affairs has indicated to the local Aboriginal custodians of the Burrup region, which is rich in Aboriginal rock etchings up to 10,000 years old, that they will prosecute Cemex over the incident.

The sites were protected by both state and national heritage laws. National heritage laws have the most stringent penalties, including \$5 million fines and up to seven years in jail for individual managers, but it is harder to prosecute a case.

The 10 square kilometre site referred to by the department is understood to be an ancient Aboriginal quarry, which contains archaeologically significant indigenous tools.

Expert advice sought by the department found that the other two sites, which measure 400 and 180 square metres, are believed to have contained indigenous rock etchings.

In March *The Age* revealed that an expert hired by the department to investigate the incident had found the Aboriginal rock art and quarry had been "destroyed and damaged" and recommended prosecution.

WA Greens senator Rachel Siewert, who asked questions of the department yesterday, said Heritage Minister Peter Garrett had given assurances in 2008 that the Burrup would not be affected by industry in the region.

"Given the WA Government's appropriate actions in prosecuting this breach, it is now Minister Garrett's responsibility to review this thoroughly and ensure any breaches are prosecuted to the full extent of the law," she said.

The first assistant secretary of the heritage division at DEWHA, Peter Burnett, told the committee that Mr Garrett's office was constantly informed on these matters but he was not sure if a final brief had been sent for his consideration.

Mr Garrett is unable to comment as the investigation is ongoing.

A spokeswoman for Cemex Australia said the company took "the boundary error and breach into the conservation zone very seriously".

"We are doing all we can to ensure this error does not happen again," she said.

*This story was found at: <http://www.theage.com.au/national/concern-over-damage-to-rock-art-sites-20090527-bnno.html>*

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## Cement company accused on ancient rock art

Tom Arup  
May 4, 2009 - 2:30PM

GLOBAL cement company Cemex is facing prosecution for allegedly destroying heritage-protected indigenous rock art in northern Western Australia.

Late last year rock blasting and bulldozing at the Nickol Bay quarry on the culturally significant Burrup Peninsula extended into a heritage-protected zone known to contain rock engravings up to 10,000 years old.

Under the Environmental Protection and Biodiversity Conservation Act, companies can face up to \$5 million in fines and individual managers seven years in jail for such a breach.

*The Age* understands from sources in the Department of Environment, Heritage and the Arts that a prosecution brief against Cemex is being drawn up.

The brief is the result of advice sought by the department from an external heritage expert who found the destruction breached the "heritage values" of the act.

The expert advises rock art has been "destroyed or disturbed", as has an ancient quarry site that contained significant examples of indigenous tools. That expert is understood to be working on the prosecution brief.

Heritage Minister Peter Garrett and the Commonwealth Director of Public Prosecutions will make the final decision on whether to prosecute.

The Nickol Bay site is cordoned off and officials of the WA Department of Indigenous Affairs have been investigating since January.

The area destroyed was within Cemex's assigned lease, but was gazetted for national heritage protection from the quarry's activities in a 2007 decision by former environment minister and now Opposition Leader Malcolm Turnbull.

A spokeswoman for Cemex said when managers on the site found they had breached the heritage zone, operations immediately stopped and an internal investigation began. The spokeswoman said: "At this time and to the best of our knowledge, no Aboriginal rock art has been affected by this boundary error."

Behind the scenes Cemex employees are blaming a site manager who did not "properly survey the area" or tell quarry workers the area was protected before he went on a holiday. The manager has since resigned.

*This story was found at: <http://www.theage.com.au/national/cement-company-accused-on-ancient-rock-art-20090503-arf1.html>*

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