



Minister for Transport and Main Roads

Our ref: MC118616

25 February 2021

Dr Amy MacMahon MP
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Dear Dr MacMahon

Thank you for your letter of 22 January 2021 co-signed by Mr Michael Berkman MP, Member for Maiwar and Greens Party Senator Larissa Waters, Senator for Queensland, about the Gympie Bypass project. I also thank you and your colleague Councillor Jonathan Sri for meeting with me on Wednesday 17 February 2021 about this and other matters and for listening to the detailed briefing provided to you by my department's cultural heritage officer for the project.

Your letter contains several assertions and factual inaccuracies which are both alarming and revealing. Your letter refers to 'the sacred Djaki Kundu site' which is more commonly known as 'Rocky Ridge' and has also previously been referred to as the 'Gympie Pyramids'.

I am advised that during my department's cultural heritage investigations as part of the overall Bruce Highway Upgrade – Cooroy to Curra project, and specifically as part of the Section D (Gympie Bypass) project, one individual who is, I am advised, a local Kabi Kabi man, raised a claim of Aboriginal cultural heritage in respect of a relatively small area of Rocky Ridge.

My department has carried out studies and investigations at the Rocky Ridge site, including cultural heritage surveys and surveys by the traditional owners whom we have worked closely with throughout the project since 2014. All claims of cultural heritage at the site have been thoroughly investigated, and there are investigations and reports going back to 1976.

As advised to you, no tangible evidence of Aboriginal cultural heritage has been found at the site based on the advice by the registered native title holding traditional owners.

Investigations undertaken at the site include a study by archaeologist Professor Michael Morwood, in his role as Regional Archaeologist for the Queensland State Archaeology Branch in 1976, as well as more recent cultural heritage investigations and reports as follows:

- Brown, E. 2006 Report on the Gympie Pyramid.
- Cultural Heritage Survey was undertaken by Archaeo, commissioned by Arup as part of the Strategic Planning Study for Cooroy to Curra.
- Converge Heritage + Community, 2008 Cultural Heritage Survey of Rocky Ridge Gympie Southeast Queensland, commissioned by Arup on behalf of Department of Transport and Main Roads (TMR).
- Cultural heritage survey of Rocky Ridge by Kabi Kabi traditional owners, commissioned by TMR and undertaken in November 2014.

- Australian Cultural Heritage Management 2015: Desktop Cultural Heritage Assessment, Bruce Highway Upgrade: Cooroy – Curra Section D.
- Everick Heritage Consultants November 2016: Bruce Highway Upgrade D1 Woondum to Sandy Creek Road / D2 Sandy Creek Road to Curra Intersection, QLD: Aboriginal and Historic Cultural Heritage Field Assessment.
- Australian Cultural Heritage Management September 2017: An ethnographic study of the Rocky Ridge area, commissioned by TMR and undertaken by the Australian Cultural Heritage Management in 2018 (with participation from Kabi Kabi traditional owners).
- Ground penetrating surveys, commissioned by TMR in response to claims regarding the existence of secret, spiritual caves in the area (the surveys confirmed that such caves do not exist).

When no tangible evidence of Aboriginal cultural heritage was uncovered in respect of the Rocky Ridge site, the individual subsequently broadened the claim to include a much larger area which had not previously been raised. This broadened claim also includes newly identified sites and items of perceived cultural significance that they have publicly stated as being in danger of destruction, including a supposed 'bora ring' that was in fact constructed in October 2020.

Furthermore, I am advised the label 'Djaki Kundu' had not previously been used and has only recently come into use in relation to the broad claims over the Rocky Ridge site. My department is unaware of the etymology of this term, and investigations with historians, the registered native title owners, and other records (including archaeological reports dating back to 1976) have failed to shed any light on the provenance of the recently formulated term 'Djaki Kundu'.

As was advised to you in the briefing held on 17 February 2021, since 2014, my department has been engaging with the Kabi Kabi First Nation traditional owner group who are the registered Aboriginal Party and Native Title Claimant Group for the area and have been nominated by the Kabi Kabi people to represent their interests. The Cultural Heritage Management Plan for the project has been endorsed by the Kabi Kabi First Nation traditional owner group.

Representatives of the traditional owner group were also present for all ground-based surveys and investigations undertaken over the years at the Rocky Ridge site.

Although the investigations and research undertaken by my department found no cultural heritage artefacts or other tangible evidence of Aboriginal cultural heritage, we adjusted the design in response to some community interest to avoid the majority of the Rocky Ridge site. That is a normal process on projects all over the state.

Even though there has been no tangible evidence of cultural heritage found at Rocky Ridge, a large portion of the site is fenced off so the area can be preserved during construction of the Gympie Bypass.

In November 2020, the Supreme Court heard an injunction application filed by two individuals against the State seeking orders to prevent interference with a large area including the Rocky Ridge site. The injunction application was not successful.

It is unclear what mandate these individuals have or who or what they represent beyond their own individual interests. You advised in our meeting on 17 February 2021 that you had not met with the registered Kabi Kabi native title claim group but confirmed you had met with the individuals involved in the Supreme Court claim.

The GoFundMe page is not associated with the Native Title Claim Group and it is unclear how the funds donated to it are being used.

In light of the extensive work undertaken by my department over many years, and in light of the extensive engagement with the registered native title traditional owners, I reject completely your baseless suggestions of breaches of the *Aboriginal Cultural Heritage Act* or the *Human Rights Act*.

The Palaszczuk Government is strongly committed to working closely with traditional owners and preserving Aboriginal and Torres Strait Islander cultural heritage, and your suggestion of legal breaches is simply nothing more than a political assertion unsupported by the weight of facts and evidence.

As expressed to you in our meeting, I am deeply concerned that the proper role and functions of the registered traditional owner group, which has been properly appointed to represent the Kabi Kabi people, is being usurped by certain individuals for their own purposes and exploited for political purposes by the Greens Party.

We will continue to work closely with the contractors, the traditional owners for the area, and on-site cultural heritage monitors to ensure we exercise due diligence for site activities and meet our cultural heritage commitment and duty of care.

I recently met with applicants of the registered Kabi Kabi native title group and I am confident that my department has worked well to protect cultural heritage as part of the Gympie Bypass project over seven years. The registered Kabi Kabi group has now suggested it would be appropriate to meet with you and your party colleagues to ensure that you are aware of their position directly regarding the Rocky Ridge site. My office will work to facilitate a meeting following confirmation from you and your party colleagues of your willingness to meet with representatives of the registered Kabi Kabi native title group for the first time.

It is important that we non-indigenous people respect the traditions, customs and processes of family groups and not seek to exploit any issue or any individual's cause for our own purposes – particularly for cynical political purposes.

Finally, I was ^{stunned}shocked and offended by the content of your adjournment speech in the Legislative Assembly on 24 February 2021. As you know, I have raised this as a matter of privilege, and I will be writing to the Speaker about the matter.

I look forward to hearing from you and your party colleagues regarding your willingness to meet with representatives of the registered native title group for the first time.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Bailey', with a long, sweeping underline that extends to the right.

MARK BAILEY MP
Minister for Transport and Main Roads

cc: Mr Michael Berkman MP
Member for Maiwar

Senator Larissa Waters
Senator for Queensland

Councillor Jonathan Sri
Councillor for the Gabba Ward

Queensland Legislative Assembly

Number: 5721T197



25 FEB 2021

Tabled

By Leave

MP: Kon Bailey

Clerk's Signature: [Signature]