

Parliamentary Question

Minister Representing:	Minister for Local Government representing the Minister for	Question No:	4454
Portfolio:	Indigenous Affairs	Question Date:	20/03/2007
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Parliament:	37	Question Type:	Question On Notice
Session Number:	1	Asked By:	Hon Giz Watson
Chamber:	Council	Tabled Paper No:	

Question & Answer:

With regard to the Pluto LNG proposal, site A and B and the operations of the Aboriginal Cultural Materials Committee (ACMC), I ask -

- (1) How many times did the ACMC meet to discuss the site (A) section 18 applications, on what dates and in which locations?
- (2) How many members of the ACMC were in attendance at these meetings, and on what dates?
- (3) What were the recommendations relevant to site (A) section 18 applications of the ACMC arising from these meetings, and did they alter or change at any time?
- (4) Will the Minister table these recommendations of the ACMC to the Minister in respect to Pluto site (A)?
- (5) Will the Minister provide copies of the Minutes of the ACMC meetings pertaining to Pluto site (A)?
- (6) What were the final recommendations of the ACMC in respect to site (A) section 18 applications conveyed to the Minister?
- (7) Did the Ministers decision reflect the ACMC's recommendations?
- (8) If no to (7), why not?
- (9) Will the Minister table the letter/s sent to Woodside outlining the Ministers' section 18 approvals and conditions with respect to Woodside's operations on Pluto site A?
- (10) How many times did the ACMC meet to discuss the site (B) section 18 applications, on what dates and in which locations?
- (11) How many members of the ACMC were in attendance at these meetings and on what dates?
- (12) What were the recommendations relevant to site (B) section 18 applications of the ACMC arising from these meetings, and did they alter or change at any time?

(13) Will the Minister table these recommendations of the APMC to the Minister in respect to Pluto site (B)?

(14) Will the Minister provide copies of the Minutes of the APMC meetings pertaining to Pluto site (B)?

(15) What were the final recommendations of the APMC in respect to site (B) section 18 applications conveyed to the Minister?

(16) Did the Ministers decision reflect the APMC's recommendations?

(17) If no to (16), why not?

(18) Will the Minister table the letter/s sent to Woodside outlining the Ministers section 18 approvals and conditions with respect to Woodside's operations on Pluto site (B)?

The Department of Indigenous Affairs advise:

(1)

3 meetings in Karratha: 8 June 2006, 20 July 2006 and 21 July 2006. 2 meetings in Perth: 5 July 2006 and 24 July 2006.

(2)

8 June 2006 - 7 members, 5 July 2006 - 10 members, 20 July 2006 - 6 members, 21 July 2006 - 6 members and 24 July 2006 - 7 members.

(3)

There were no changes or alterations. Recommendations relevant to Area A below as per APMC meeting minutes 24 July 2006:

Resolution 2006/074: Conditional Consent - Mining

Resolved to recommend to the Minister that consent be granted to Woodside Energy Ltd ("the Landowner") to use the land described in Schedule 1 of the Notice as Lot 574 and Lot 384 Industrial Site A, Lot 3017 Industrial Site D and **Lot 3019** Industrial Site E ("the Land"), for the purpose described in Schedule 2 of the Notice as the Development and Operation of an LNG Plant and all associated infrastructure and facilities - Burrup Peninsula ("the Purpose").

Conditions of Consent

That the Landowner:

1) In consultation with relevant Aboriginal groups, establish an Aboriginal Heritage Management Committee ("AHMC"), whose membership shall include an agreed number of appropriately experienced representatives from the Ngarluma Yinjinbarndi, Yaburhera Madudhunera and Wong-

Goo-Tt-Oo groups. The AHMC shall also include the Registrar of Aboriginal Sites ("the Registrar") or delegate, providing this is supported by the relevant Aboriginal groups.

2) As a matter of urgency and in consultation with the AHMC, prepare a suitable cultural heritage management plan ("CHMP") to be based on the matters contained in the Heads of Agreement and the recommendations contained in the heritage survey reports. In addition to those matters, the CHMP shall include:

a. the Landowner's assistance in the management of all salvaged material in accordance with the wishes of the AHMC. This shall include the Landowner's provision of suitable facilities for the short-term and long-term storage of the salvaged material, in accordance with the wishes of the AHMC; and

b. remote sensing to be undertaken in coastal sandy areas and an archaeological analysis of its results, to further assess the possibility of locating Aboriginal burials.

3) In accordance with the CHMP and in consultation with the AHMC, engage an agreed number of appropriately experienced representatives from the relevant Aboriginal groups to monitor all and any activities related to the Purpose that involve disturbance to the surface of the Land or any part of the Land ("the Works") in the following situations:

a. where the Works are disturbing the surface of the Land for the first time or what appears to be the first time; and

b. where any heritage consultant engaged in respect of the Purpose has indicated that there is a likelihood of finding any objects within the meaning of section 6 of the AHA ("Objects") during the Works.

4) In consultation with the AHMC, engage suitably qualified archaeologists to:

a. collect Objects and relocate engravings, where possible, prior to ground disturbing activities and record, salvage and store materials; and

b. assist the AHMC to make decisions about salvaging the Objects and engravings and about future monitoring requirements in respect of the Works.

5) Mitigatively salvage any Objects found during the monitoring of the Works, manage the Objects in accordance with the CHMP, and report the whereabouts of the Objects to the Western Australian Museum and the Department of Indigenous Affairs ("DIA").

6) Immediately cease all Works if skeletal remains ("Remains") are found and report the matter to the Western Australia Police Service and local DIA office. Where it is determined that the Remains are Aboriginal in origin and not a police matter, they must remain in situ until the Registrar makes a decision about how to proceed in respect of the Remains. The Landowner must at its expense manage the Remains in accordance with the Registrar's decision and report the whereabouts of the Remains to the Western Australian Museum and DIA.

7) Provide to the Registrar annually, or at the completion of the Purpose if the Purpose is completed within one year, a written report advising the Registrar whether and to what extent the Purpose has

impacted on all or any Sites or Objects that may be located on the Land, including a detailed description of:

- a. whether such Sites or Objects have been partially or entirely impacted by the Purpose;
- b. the level, type and effect of any such impact (including, where possible, the provision of photographs taken during and after the impact);
- c. if Objects are removed from the Land, including through mitigative salvage, each and every such removed or salvaged Object (including, where appropriate, a photo of the Object), when and how it was removed or salvaged, where it was removed or salvaged from, where it has been relocated to (including if to a Cultural Centre or Keeping Place), who was present at the removal or salvage, and the type and reasons for any restriction on disclosure of the place to which the Object has been relocated; and
- d. an assessment of the CHMP and the activities of the AHMC.

Nothing in this condition should be construed as preventing the proponent from advising the Registrar in writing of all or any of the matters outlined above at any time prior to the completion of the development. The Registrar and the ACMC welcome the provision of comprehensive and ongoing information about Aboriginal Sites and Objects in Western Australia.

Additional Conditions Specific to Industrial Site A

- 8) Not disturb site DIA 9247 (Haul Road Valley).
- 9) Not disturb Sites to the extent that those Sites are within the Northern Conservation Zone (as defined on the map at Annexure 1 to this consent entitled *Land applied for by Woodside Energy Ltd for the Pluto Project Area A under section 18(2) of the Aboriginal Heritage Act 1972* ("the map at Annexure 1").
- 10) Not disturb Sites to the extent that those Sites are within the Eastern Conservation Zone (as defined on the map at Annexure 1).
- 11) Not disturb Sites to the extent that those Sites are south of a line running from the northern tip of the Western Conservation Zone to where site PE7 intersects with the Eastern Conservation Zone (as defined on the map at Annexure 1). This includes the entire Western and Southern Conservation Zones.
- 12) Subject to operational and occupational health and safety constraints, maintain controlled access to Industrial Site A, in particular the Northern Conservation Zone, the Eastern Conservation Zone and the area south of a line running from the northern tip of the Western Conservation Zone to where PE7 intersects with the Eastern Conservation Zone, including the entire Western and Southern Conservation Zones, (as defined on the map at Annexure 1) to allow Aboriginal people to visit the areas at their request.

Additional Conditions Specific to Industrial Site E

- 13) Subject to operational and occupational health and safety constraints, maintain controlled access across the Land to the salvage yard, rook pools and beaches adjacent to the Land to allow Aboriginal people to visit the yard, rook pools and beaches at their request.

14) Ensure there will be no disturbance above the 30 metre contour line on the western lease boundary, other than the protective fencing outlined in conditions 16 and 18 below, and Not disturb Sites DIA 9840, DIA 19428 (MX28), DIA 10430 (MX30), DIA 19466 (FS13) and the ethnographic site 7 on the northeast of the lease and no disturbance to sites DIA 19423 (MX15), DIA 19436 (MX20), DIA 19437 (MX21), DIA 19432 (MX36), DIA 19474 (FS12) and DIA 19467 (FS14), all of which should be preserved in situ.

15) In consultation with the AHMC, engage suitably qualified archaeologists to collect Objects and relocate engravings, where possible, prior to ground disturbing activities and record, salvage and store materials from DIA 19454 (ME01), DIA 9608 (MX 1), DIA 19415 (MX 2), DIA 19210 (MX 3), DIA 19416 (MX 4), DIA 19211 (MX 5), DIA 19417 (MX 6), DIA 19418 (MX 7), DIA 19465 (FS11), DIA 19419 (MX 8), DIA 19433 (MX 9), DIA 19475 (FS9), DIA 19439 (MX 10), DIA 19420 (MX 11), DIA 9890 (ethnographic site 3 & FS7), DIA 19421 (MX 12), DIA 19424 (MX 16), DIA 10700 (FS8), DIA 9837 (MX18), DIA 19438 (MX 19), DIA 19435 (MX 22), DIA 19434 (MX 23), DIA 19422 (MX 13), DIA 19223 (MX 32), DIA 19462 (FS1), DIA 19463 (FS2), DIA 9640 (FS3) and ethnographic site 4.

16) Construct protective fencing around the site cluster DIA 19440 (MX 14), DIA 19423 (MX 15), DIA 19467 (FS14) and DIA 19436 (MX 20) so that the Sites are protected.

17) Subject to operational and occupational health and safety constraints, maintain controlled access across the Land to the fenced site cluster referred to in condition 16 for heritage administration and to allow Aboriginal people to visit the area at their request.

18) In consultation with the AHMC, construct protective fencing around DIA 19425 (MX 24).

Failure to comply with these conditions may constitute an offence under section 55 of the AHA. DIA carries out routine checks on compliance with conditions of ministerial consents.

(4)

Yes.

(5)

No, on the basis of cultural confidentiality and Woodside's commercial confidentiality.

(6)

Refer to question 3.

(7)

Yes.

(8)

Not applicable.

(9)

Yes.

(10)

3 meetings in Perth: 1 November 2006, 7 December 2006 and 7 February 2007.

(11)

1 November 2006 - 6 members, 7 December 2006 - 10 members and 7 February 2007 - 7 members.

(12)

There were no changes or alterations. Recommendations relevant to Area B below as per ACMC meeting minutes 7 December 2006:

Resolution 2006/150: Consent Declined - Mining

Resolved to recommend to the Minister that consent be declined to Woodside Energy Limited (the Landowner) to use the land described in Schedule 1 of the Notice as Lot 572 on Deposited Plan 28209 (Industrial Site B) (the Land) for the purpose described in Schedule 2 of the Notice as development and operation of an LNG Plant and all associated infrastructure and facilities (the Purpose).

(13)

Yes.

(14)

No, on the basis of cultural confidentiality and Woodside's commercial confidentiality.

(15)

Refer to question 12.

(16)

No.

(17)

Section 18(3) of the *Aboriginal Heritage Act 1972* requires the Minister to have regard to the general interest of the community as well as the recommendations of the ACMC.

(18)

Yes.

