

LEGISLATIVE COUNCIL

Question on notice

- 1 MAY 2012

Tuesday, 6 March 2012

5154. Hon Robin Chapple to the Minister for Mines and Petroleum.

I refer to the Buru Energy Limited Canning Superbasin exploration program and their operations at Ungani, Valhalla and Yulleroo, and ask -

(1) What role does the Department of Mines and Petroleum (DMP) take in ensuring that all process required under the Aboriginal Heritage Act 1972 (AHA) are complied with under the Lead Agency Working Arrangements between Western Australian Department of Mines and Petroleum and Western Australian Department of Indigenous Affairs (DIA)?

(2) As lead agency, did the DMP advise Buru that there needed to be a review of site data held by the DIA to ensure no historic Indigenous registered sites were at the locations of Ungani, Valhalla and Yulleroo?

(3) If yes to (2), did this occur?

(4) If no to (2), why not or is it not the lead agencies role to advise proponents of their responsibilities?

(5) As lead agency, did the DMP advise Buru that there needed to be Indigenous site clearances at the locations of Ungani, Valhalla and Yulleroo?

(6) If yes to (5), were site clearances carried out?

(7) If no to (5), why not or is it not the lead agencies role to advise proponents of their responsibilities?

(8) If yes to (6), when were these site clearances carried out and were applications to disturb required under the AHA?

Answer

- (1) Prior to grant of onshore petroleum titles under the *Petroleum and Geothermal Energy Resources Act 1967* (WA), an application must first be referred to the relevant future act provision of the *Native Title Act 1993* (Cth). Through this process, agreement is reached on the methodology for the preservation and protection of Indigenous cultural heritage sites in accordance with the *Aboriginal Heritage Act 1972* (WA).

The Department of Mines and Petroleum (DMP) also requires that all title holders under the *Petroleum and Geothermal Energy Resources Act 1967* (WA) submit an Environmental Management Plan (EMP) for each operational activity.

In terms of the lead agency arrangements, the EMP requires a description of the impacts and risks associated with the proposed operational activity in relation to the cultural environment including Indigenous heritage.

Therefore, DMP's acceptance of the EMP requires that consideration be given to the requirements of the *Aboriginal Heritage Act 1972* (WA) for each operational activity.

- (2) No, Buru Energy Limited is responsible for meeting its obligations under the *Aboriginal Heritage Act 1972* (WA). DMP did note that the company had included in the EMPs for proposed Ungani, Valhalla and Yulleroo operations a summary of the Aboriginal site information contained in the Register of Aboriginal Sites.
- (3) Not applicable see response to question (2).
- (4) Buru Energy Limited had independently initiated a search of the Register of Aboriginal Sites in advance of lodging the EMPs with DMP.

Furthermore, all titles granted under the *Petroleum and Geothermal Energy Resources Act 1967* (WA) contain an endorsement drawing the title holder's attention to the provisions of the *Aboriginal Heritage Act 1972* (WA). In addition, DMP makes available comprehensive material on its website such as the "Explorer's Guide - Petroleum and Geothermal Energy Western Australia (2009 Edition)" which contains detailed information on compliance requirements associated with the *Aboriginal Heritage Act 1972* (WA).

- (5) No, Buru Energy Limited had committed in its EMPs to undertake Indigenous cultural heritage site clearances in the Ungani Valhalla and Yulleroo areas prior to the commencement of operations.
- (6) Not applicable. The administration of the *Aboriginal Heritage Act 1972* is the responsibility of the Department of Indigenous Affairs (DIA).
- (7) Buru Energy Limited had included details on the Indigenous cultural heritage site clearance processes in each of the EMPs.
- (8) Not applicable, as the administration of the *Aboriginal Heritage Act 1972* is the responsibility of DIA. However, DMP knows through its EMP documents that Buru Energy Limited committed to obtaining Indigenous cultural heritage site clearances at Ungani, Valhalla and Yulleroo prior to the commencement of ground disturbing operational activities and had determined that no applications to disturb were required under section 18 of the *Aboriginal Heritage Act 1972* (WA).

