

LEGISLATIVE COUNCIL

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QUESTION WITHOUT NOTICE (Of which some notice has been given)

Wednesday, 19 September 2012

Hon Robin Chapple to the Minister for Indigenous Affairs

I refer to the Heads of Agreement entered into on 21 April 2009 between the Premier on behalf of the State of Western Australia, Mr Don Voelte on behalf of Woodside Energy Ltd and Mr Wayne Bergmann of the Kimberley Land Council in relation to the proposed Browse LNG precinct, and ask:

- (1) Is the Minister aware that in the Heads of Agreement, the State and Woodside both commit to “design, construct, operate, decommission and rehabilitate the Browse LNG Project in a manner that where possible avoids impacts on Aboriginal sites, including (without limitation) song lines”?
- (2) Is the Department of Indigenous Affairs (“DIA”) is aware of the existence of song lines in the proposed Browse LNG precinct?
- (3) Was DIA aware of the song line before 21 April 2009?
- (4) Did the Aboriginal Cultural Material Committee, by its resolution on 11 July 1991, determine that a song line in the area of the proposed Browse LNG precinct was “important and significant” for the purposes of the Aboriginal Heritage Act and should not be explored upon?

(1) Yes

(2) The Department is aware that a song cycle path as described by Goolarabooloo representatives passes through the proposed Browse LNG precinct.

(3) Yes

(4) No. At the 11 July 1991 meeting the ACMC resolved to establish a sub-committee to review a heritage report dealing with an area that encompasses the Browse LNG precinct and to submit the findings of the sub-committee to the Mining Warden.

The sub-committee formed the view that the song cycle path as identified in the Mining Warden’s report encompasses places to which section 5 of *the Aboriginal Heritage Act 1972* (AHA) apply, that all areas defined as important and significant have significance under the AHA, and that no exploration activity should occur on areas defined as the song cycle path.

The ACMC resolved that these findings be forwarded to the Warden which occurred, however the ACMC did not turn its attention as to whether section 5 of the AHA applies to the song cycle.



Minister for Indigenous Affairs