

**QUESTION WITHOUT NOTICE**  
(of which some notice has been given)

**Thursday, 27 September 2012**

Hon. Robin Chapple to the Leader of the House representing the Premier

I refer to the Premier's answers to Question Without Notice 580 on 20 September 2012, and to the future act determination made by the National Native Title Tribunal on 25 August 2008 and reported as *Joseph Roe and Cyril Shaw on behalf of the Goolarabooloo & Jabirr Jabirr Peoples / Western Australia / Kimberley Quarry Pty Ltd* [2008] NNTTA 118, and ask:

- (1) Did these proceedings relate to the proposed grant of an exploration permit in an area of land immediately adjacent to the proposed Browse LNG precinct?
  - (2) Did the NNTT find that Mr Roe had the "highest authority" to speak on behalf of the Goolarabooloo Jabirr Jabirr claim group about cultural matters in relation to this area?
  - (3) Was Mr Roe represented by the Kimberley Land Council in these proceedings?
  - (4) Did the NNTT find that there is a song line "that runs from One Arm Point to Bidyadanga which makes up the northern tradition" for the Goolarabooloo Jabirr Jabirr people, and that that song line "runs straight through the area of the" proposed Kimberley Quarry tenement?
  - (5) Was Mr Roe's evidence about the song line contested by the State in these proceedings?
  - (6) Was the NNTT's decision included in the 4 November 2008 submission to the Northern Development Taskforce made on behalf of Mr Roe and Kimberley Law Bosses, opposing the location of a gas hub at the James Price Point and North Head sites?
  - (7) Does the proposed Browse LNG Precinct avoid impacts upon this song line?
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**I thank the Hon. Member for the Question.**

- (1) Yes.
- (2) In these proceedings, the National Native Title Tribunal (NNTT) stated of Mr Roe that:  
*"Whilst not the sole applicant for the native party's claim, I accept that as one of the two persons comprising the applicant and senior law boss for the area of the proposed licence, he has the highest authority to speak on behalf of the native title party for this matter."*
- (3) Mr Roe was represented by the Kimberley Land Council in these proceedings in his capacity as an applicant, at the time of these proceedings, for the *Goolarabooloo & Jabirr Jabirr Peoples* native title claim application.
- (4) In these proceedings, the NNTT accepted the evidence provided by Mr Roe that:  
*"there is a song cycle that runs from One Arm Point to Bidyadanga which makes up the northern tradition"*  
and which: *"runs straight through the area of the tenement"*

- (5) No.
- (6) The NNTT's decision was included in the 4 November 2008 submission on behalf of Mr Roe and Kimberley Law Bosses, opposing the location of a gas hub at James Price Point, while acknowledging that the Goolarabooloo supported alternative sites within their country.
- (7) As a result of this correspondence, and other considerations by the State, the Precinct was located south and inland to avoid direct impacts on James Price Point.

The State has since committed in the Browse LNG Precinct Project Agreement signed with the Goolarabooloo Jabirr Jabirr Native Title claimants on 30 June 2011 to avoid where practicable or otherwise minimise impacts on Aboriginal sites, and to develop and implement Cultural Heritage Management Plans for the appropriate management of Aboriginal sites within the Precinct.

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