

LEGISLATIVE COUNCIL
Question Without Notice

Wednesday, 23 September 2020

C1042. Hon Robin Chapple to the Minister for Regional Development representing the Minister for State Development, Jobs and Trade

I refer to Question Without Notice No. 921 asked in the Legislative Council on 15 September 2020 regarding the Government's agreement with Traditional Owners and, noting the answers to that question, I ask:

1. Does Section 4.8 of the Burrup Maitland Industrial Estate Agreement ('the BMIEA') contain "...the Contracting Parties will not, in their capacity as owners of the Burrup Non-Industrial Land, lodge or caused to be lodged any objection to development proposals intended to occur on land within the Industrial Estate"?
2. Noting that Traditional Owners of the Burrup Non-Industrial land can give comment, are they able to formally and publicly oppose development proposals intended to occur on land within the Industrial Estate?
3. Noting that Traditional Owners of the Burrup Non-Industrial land can give comment, are they able to formally and publicly oppose the destruction of the heritage or cultural sites on their land?

Answer

The Department of Jobs, Tourism, Science and Innovation advises:

1. Yes.
2. Yes. The requirement is only that they do not object to proposals in their capacity as the legal owners of the adjoining land, Murujuga National Park. As individuals and Traditional Owners of the land, they are entitled to object to any development proposal.
3. Yes. Nothing in clause 4.8 of the Burrup Maitland Industrial Estate Agreement fetters individuals or Traditional Owner groups, including Murujuga Aboriginal Corporation, from exercising their procedural rights under the *Environmental Protection Act 1986* or the *Aboriginal Heritage Act 1972*. In fact, the Western Australian Government encourages project proponents to obtain informed consent from the Traditional Owners for any activities undertaken in the Burrup Strategic Industrial Area, and has been working very closely with current proponents and the Murujuga Aboriginal Corporation to see this achieved.

APPROVED REMOTELY BY PREMIER 25/09/2020