

45B

Woodside Energy Ltd.  
ACN 005 482 986  
Woodside Plaza  
240 St Georges Terrace  
Perth WA 6000  
GPO Box D188  
Perth WA 6840  
Australia  
t: +61 8 9348 4000  
f: +61 8 9214 2777  
www.woodside.com.au

Please direct all responses/queries to: [REDACTED]

[REDACTED]

Our reference: DRIMS #7521569

Mr Duncan Ord  
Deputy Director General  
Department of Indigenous Affairs  
197 St Georges Terrace  
PERTH 6000

by email: duncan.ord@dia.wa.gov.au

3 August 2011

Dear Duncan

#### **BROWSE LNG PRECINCT GEOTECHNICAL PROGRAM**

We refer to the Aboriginal site investigation being conducted by the Department of Indigenous Affairs (DIA) in relation to "potential sites" in the vicinity of the Western Australian Government's proposed Browse LNG Precinct at James Price Point (LNG Precinct). In particular, we refer to the most recent correspondence from the DIA, a letter (undated) from Mr Cook with an untitled map attached on Monday 25 July 2011 (**25 July Letter** and **25 July Map**).

The 25 July Letter and 25 July Map followed previous correspondence in relation to the Aboriginal site investigation, being:

- Woodside received a letter dated 8 July 2011 from Mr Cook (DIA) identifying the potential for an Aboriginal site "to which section 5 of the Act may apply" being located in the "vicinity" of our activities.
- Woodside sought immediate clarification from the DIA regarding the location of the "potential site".
- Woodside then wrote to the DIA on 12 July 2011 confirming its understanding about the location of the "potential site" from those discussions (which at that time was and continues to be in the vicinity of the DIA registered site 'Inballal Karnbor').
- Woodside then received the 25 July Letter and Map.

The 25 July Letter recommends "Woodside cease activities within the hatched area of the accompanying map until the site's status has been determined by the ACMC .....". Such a recommendation cannot be sustained in relation to the 25 July Map because:

- Woodside has sought Aboriginal site advice through Traditional Owners and DIA specifically in relation to its studies in the vicinity of the LNG Precinct. It is reasonable for Woodside to assume such advice was supported by appropriate cultural knowledge and consideration of historical records including those of the original Aboriginal site informant.
- The 25 July Map is ill-conceived and unworkable and cannot be applied against such a recommendation.

For those reasons (and for which further details is provided below) Woodside respectfully requests that the DIA withdraw the 25 July Letter and Map.

### **Relevant information supporting Woodside's studies in the vicinity of the LNG Precinct**

The DIA has been aware at least since October 2010 of the extent of Woodside's 2011 studies program in the vicinity of the proposed LNG Precinct. The DIA is also aware that those studies have been designed on best available knowledge to avoid any impact to Aboriginal sites as defined by the Aboriginal Heritage Act 1972. Of particular relevance, that knowledge includes advice from both the Traditional Owners (Goolarabooloo / Jabirr Jabirr) (GJJ) through the Kimberley Land Council (KLC) (in the form of work program clearances) and the DIA itself.

The work program clearances obtained by Woodside from the KLC followed surveys that were undertaken with qualified archaeologists and anthropologists engaged by the KLC and involved both a desktop review of available heritage information, and field surveys with appropriate Traditional Owner representatives. The surveys will have taken into account the body of the knowledge held by the KLC and the GJJ People, including the research conducted in relation to the GJJ Native Title Claim and other native title claims in the region. The studies undertaken by Woodside are monitored by Traditional Owner monitors.

The DIA has also provided advice in relation to Woodside's studies in the vicinity of the Western Australian Government's proposed LNG Precinct. The most recent relevant DIA advice being provided in April 2011 in relation to the FEED studies program. We understood this advice was provided after consideration of information held by the DIA. This presumably would have included a consideration of information held by the DIA in relation to any Aboriginal sites in the vicinity of the proposed studies from the original site informant, DIA officers and previous consideration of those sites by the APMC.

Against that body of information, there would appear to be no basis to consider there exists credible "new information" in relation to the location of the vicinity that has not otherwise been considered in relation to Woodside's activities.

### **The 25 July Map and the hatched area**

The 25 July Map is ill-conceived and unworkable and so the recommendation to "cease activities within the hatched area" has no foundation.

That hatched area in the 25 July Map covers an area of approximately 3,400km<sup>2</sup>. It extends from south of Broome to north of Coulomb Point with a width of approximately 40 kilometres from east to west. The extent of the hatched area relative to Woodside's activities is so broad as to be unworkable.

Even if the breadth of the hatched area was accepted, if DIA were in possession of "new information" pertaining to potential sites across the entire hatched area of the 25 July Map, the DIA should be advising all other parties that have an interest in the hatched area of that fact. This would include in the first instance, the Minister for State Development who is responsible for the establishment of the LNG Precinct and, of course, all land holders, occupiers and other persons including tourist operators, commercial and recreational fishermen, pearl farm licencees, the Shire of Broome and the Broome Port Authority (amongst others). We understand that has not been done. If it has not been done, and the DIA has no intention of doing so – the DIA should withdraw the 25 July Letter and 25 July Map.

Further, the assertion that there are Aboriginal sites within the hatched area is not new information. Woodside is aware that there are Aboriginal sites within the hatched area of the 25 July Map and more particularly in the vicinity of the LNG Precinct. It is for that reason that Woodside has sought specific advice in relation to its studies from both Traditional Owners and DIA prior to undertaking those studies in the manner identified above. Those studies are monitored by Traditional Owners.

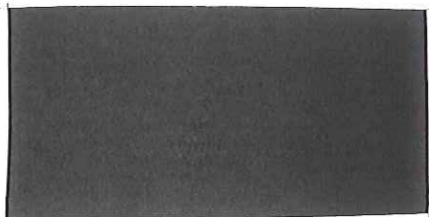
### **Our request**

If not apparent from the above, the 25 July Letter and Map does not present Woodside with any reasonable basis to consider it has, or there otherwise exists, a sufficient degree of knowledge regarding an Aboriginal site in the vicinity of the LNG Precinct (other than to the extent of the information Woodside has already obtained through KLC clearances and previous DIA advice and under which it is undertaking these studies). Accordingly, we request that the DIA withdraw the 25 July Letter and Map.

Further, Woodside requests that DIA afford appropriate regard to all other relevant information in relation to Aboriginal heritage in the location of the LNG Precinct. Appropriate weight should be given to that information particularly given the apparently vexatious nature of that "new information" based on the timing of that information being provided to the DIA.

In relation to our future studies in the vicinity of the LNG Precinct, we are currently reviewing our plans having regard to the most recent heritage advice obtained through the KLC. Consistent with our previous approach, we anticipate seeking your further advice once that review is complete.

Yours sincerely



Aboriginal Affairs Manager – Browse LNG Development

cc. Gail McGowan, Deputy Director General, State Initiatives, Department of State Development