Dear Mr Barber

BROWSE LNG PRECINCT GEOTECHNICAL PROGRAM

Thank you for your letter of 3 August 2011 about the above current works program and recent correspondence from this Department about alleged disturbance to possible Aboriginal heritage values in the area of this work.

Please be assured the Department of Indigenous Affairs (DIA) is keen to work cooperatively with Woodside to appropriately manage heritage values in the Browse LNG Precinct. I understand this is a challenging scenario, and I appreciate you are endeavouring to work with cultural direction through the Kimberley Land Council (KLC).

As you are aware DIA has received a number of allegations of site disturbance in the area of your current work. The requirements of the Aboriginal Heritage Act 1972 (AHA) mean we need to advise a land user when it appears that it may be impacting on heritage values in an area. This is to assist the land user to assess and manage its risk, and take appropriate steps where necessary. The AHA protects sites whether or not they are known and recorded. One of the first steps in determining whether a site disturbance has occurred is for a decision to be made about the existence of a site. If there is no site there is no disturbance under section 17 of the AHA.

I note that you are concerned about the content of the Department’s letter you received on 25 July 2011 and the depiction of an area possibly containing Aboriginal heritage values. The map depicted cultural information which had been provided relating to the broader area. I accept the shortcomings of providing a broad scale map based on preliminary information, and acknowledge the map offered you no practical assistance in terms of assessing risk and determining a way forward, and as a consequence we would like to recall the map provided on 25 July.
The boundary of this possible site, DIA 30274, has been and will continue to be, refined with further information which is currently being compiled. I attach for your reference the current dithered depiction of DIA 30274. The status of the possible site is that it has cultural sensitivities making information available about it accessible to initiated males only and hence requiring the application of a dithered outline as is long established practice. It is expected that the Aboriginal Cultural Material Committee (ACMC) will consider all available information about this possible site at their September 2011 meeting and make a decision about whether or not a site exists in this area. The KLC has been encouraged to provide information on the potential site and its significance at this scheduled meeting. Under the AHA, the AMC is responsible for making the decision on whether a site exists.

To assist us in providing advice to you to contribute to your risk assessment process, I would like to suggest you provide to DIA spatial information for your current works program and in return we will advise on risks associated with DIA 30274.

If this proves difficult I will make available a DIA heritage officer with knowledge of the site to meet with Woodside contractors on site and along with the Traditional Owners providing you with cultural directions to assist with site impact avoidance.

Yours sincerely

Duncan Ord
DEPUTY DIRECTOR GENERAL

August 2011.
Site has been lodged with the Registrar
Assessed by ACIOG as meeting criteria for section 5 of the AHA
Recommended that site meets criteria for section 6 of the AHA
Insufficient information about site to assess under section 5 of the AHA

Government of Western Australia

Department of Indigenous Affairs

Drawn by DFH, 1st April 2001