

Statement of Ngarluma Aboriginal Corporation (Prescribed Body Corporate for the Ngarluma Traditional Owners of the Burrup and other Ngarluma Country) to Hon. Michelle Roberts, the Minister for Indigenous Affairs, Roebourne, 7 February 2007

Minister,

1. We have written several letters to the ACMC and the Minister in the last few months. Those letters set out the detailed reasons for why we must oppose the development of the Pluto project by Woodside on the Burrup. We ask that you take all of those letters into account. We understand that all of these **confidential** letters have been given by your Department to Woodside, **without even asking us**, for Woodside to attack when we have not been given a copy of the section 18, we have not been given any survey reports (and have not been consulted on surveys) and we have not had the same chance that Woodside got with our information to see everything that Woodside sent in to the ACMC and Minister. This is of course a disgrace;
2. We remind you and the State Government that at law you cannot make a section 18 decision to destroy our Ancestors' sacred sites as we say it is in breach of section 7 of the Aboriginal Heritage Act. The destruction of such sites is against our traditional law and custom and where this happens the Aboriginal Heritage Act says that a section 18 is overruled by that. Please remember that the stated purpose of that Act is to provide "for the **preservation** (not destruction) on behalf of the community" of Aboriginal sites and objects. Please honour the Premier's promise when he said that if Aboriginal people "do not want to host an onshore processing facility, none will occur";

3. Under the Burrup Agreement that we signed with the State, the State has to refer Woodside to “Heritage Policies”. These Heritage Policies include requirements of **broad** not narrow consultation with all Aboriginal people who express concern about sites (DIA Heritage Manual). But this has not been done by Woodside;
4. Woodside’s own publicly declared policies have not been followed. These say that “Woodside establishes and maintains sustainable and **mutually advantageous** relationships with indigenous communities wherever it operates”. Is it “mutually advantageous” that this company is destroying our Ancestors sites against the wishes of all of the Traditional Owners of the Burrup? Woodside states that it “responds to concerns” of the Indigenous community. We have expressed our concerns but it has not responded. We wanted to meet with Woodside’s bosses as equals but that has not happened. We wanted a heritage protection and management agreement but despite a Woodside senior staff member saying back in October that that would be useful it has now been refused. We see that the statements by Woodside are just that and not promises meant to be honoured;
5. Your Government has committed to the following policies (as stated at November 2005):
  - o “Labor will act to ensure that Aboriginal customary law is given appropriate respect and recognition” (so Minister you will abide by the requirements of section 7 of the Aboriginal Heritage Act?);
  - o “Labor recognises that Indigenous Australians have a special relationship with the land under both Traditional and Common Law”;
  - o “Labor will **ensure** the protection and preservation of Aboriginal interests and cultural values “;

- o “Labor will implement programs that promote community involvement and decision making , adequately resource Aboriginal people to **manage** and **protect** Aboriginal heritage areas and introduce measures to **reinforce** Indigenous cultures and cultural heritage”; and
- o proceed with “the establishment of mechanisms which enable relevant **Aboriginal custodians to be in control of protection of and access to sites of significance to them**” (part of Labor’s commitment to implement the Royal Commission’s recommendations).

Minister, these Labor policies, coupled with the breach of section 7 of the Aboriginal Heritage Act if you give permission for sites to be destroyed at Pluto site B, mean that you must refuse this section 18 application.

If you decide not to refuse it, and intend to grant the section 18, we request that as part of procedural fairness you give us at least 2 week’s prior notice so that if necessary we can protect our rights in the Courts.

Jill Churnside  
Chairperson  
Ngarluma Aboriginal Corporation (Prescribed Body Corporate for the Ngarluma People)

7 February 2007