



Draft Burrup Rock Art Strategy

**Submission to the Department of Water and Environmental
Regulation**

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About CME

The Chamber of Minerals and Energy of Western Australia (CME) is the peak resources sector representative body in Western Australia. CME is funded by its member companies who are responsible for most of the State's mineral and energy production and are major employers of the resources sector workforce in the State.

In 2016-17, the value of Western Australia's mineral and petroleum industry was \$105 billion. Iron ore is currently the State's most valuable commodity, and saw an increase in iron ore sales by almost 31 per cent on the previous financial year to value almost \$64 billion. Petroleum products (including LNG, crude oil and condensate) followed at \$19 billion, with gold third at \$11 billion, both commodities saw an increase in sales of 5 per cent 7 per cent respectively from the previous financial year.

The resources sector is a major contributor to the state and the Australian economies. The estimated value of royalties the state received from the resources sector composed of \$5.21 billion (Iron Ore - \$3.6 billion) which accounts for around 19 per cent of the State Government's revenue.

Recommendations

CME supports a coordinated long-term framework for the protection of the Burrup Peninsula rock art, however, considers the Strategy has been released prematurely without adequate consideration of the governance arrangements and stakeholder engagement to inform its success. In consultation with its member organisations, CME makes the following recommendations:

Stakeholder Reference Group Membership

- The allocation of technical expertise on the Reference Group be assigned by these specific categories:
 - Rock art research and management;
 - Corrosion and weathering expert;
 - Meteorology and atmospheric modelling expertise; and
 - Data research methodology.
- A position on the Reference Group be available to each of the industrial facilities operating on the Burrup Peninsula.
- An additional position on the reference group for a MAC representative with the right to speak for country, and for MAC's position to be elevated to co-chair alongside DWER.

Governance Arrangements

- The tender process for selecting the third party to undertake monitoring and analysis be in consultation with the Burrup Rock Art Stakeholder Reference Group, and MAC.
- The Reference Group, comprising balanced government and non-government membership, be empowered to review and provide advice on the adequacy of management decisions made by DWER relating to the Burrup Peninsula.

Monitoring and Analysis

- Amend the Strategy to incorporate the full body of scientific work previously conducted on the Burrup Peninsula, rather than relying on a narrow selection of reports.

Funding

- DWER and licensed industrial facilities on the Burrup Peninsula consult further on the details of the monitoring program and subsequent funding arrangements including; contribution rates, oversight, and review.

Context

The Burrup Peninsula in the Pilbara region of Western Australia is the location of rock art (petroglyphs) of major archaeological and cultural significance. This significant site also shares its location with several industrial complexes including a major iron ore port, liquefied natural gas production, salt production, ammonia nitrate plant (fertiliser production) and a technical ammonium nitrate plant (TAN Plant).

The economic contribution of this region to the Australian economy is significant and the industrial emissions associated with these operations managed by a rigorous state-based approvals system, and federally through the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In August 2002, the Western Australian Government established the independent Burrup Rock Art Monitoring Management Committee (BRAMMC). In 2003 the BRAMMC commissioned a number of studies to monitor the petroglyphs on the Burrup Peninsula. They included air dispersion modelling studies, air quality and microclimate; colour change, dust deposition and accelerated weathering study and mineral spectroscopy carried out by CSIRO.

In 2009, BRAMMC reported to the Minister for the Environment that concentrations of air pollutants on the Burrup Peninsula were generally very low with the exception of atmospheric dust. It is important to note natural sources of emissions in the Pilbara region are also substantial. In the case of the Burrup Peninsula these natural sources include the land surface dust as a result of the semiarid environment and marine salts from the adjacent coast.

BRAMMC concluded from these studies there was no scientific evidence to indicate any measurable impact of emissions on the rate of deterioration of the petroglyphs. BRAMMC recommended monitoring of the colour contrast and spectral mineralogy be continued on an annual basis for ten years and be reviewed after five years. The Minister for the Environment accepted these recommendations and subsequently this committee was replaced by the Burrup Rock Art Technical Working Group (BRATWG) in 2010.

BRATWG has overseen ongoing studies to establish whether industrial emissions could affect the petroglyphs. Through BRATWG, air quality monitoring has been undertaken co-operatively by all industries operating on the Burrup Peninsula. BRATWG's term ended 1 July 2016.

On 30 November 2016, the Australian Government Senate referred a range of matters concerning the protection of Aboriginal rock art of the Burrup Peninsula to the Senate Environment and Communications References Committee for inquiry. CME's submission raised concern with the terms of reference for the inquiry as they did not represent a balanced approach to the significant work industry, government and traditional owners have contributed to managing the rock art of the Burrup Peninsula to date. The Senate Committee has not yet reported on its findings.

The Senate Inquiry has resulted in an increased focus on industrial emissions and whether they are affecting the petroglyphs. The absence of any State based monitoring program following the end of BRATWG's term has only added to this increasing focus.

On 8 September 2017, the Western Australian Government released the draft Burrup Rock Art Strategy (the Strategy). The Strategy, prepared by the Department of Water and Environmental Regulation (DWER), is intended as a long-term framework to protect Aboriginal Rock Art on the Burrup Peninsula.

The State's Strategy incorporates monitoring and analysis to determine whether accelerated change is occurring to the rock art and what the contributing factors to this change might be. Further, the Strategy outlines an approach for managing impacts to the rock art and governance strategies to ensure studies are undertaken with scientific rigour, and the findings of these studies are suitable to guide ongoing management actions.

CME has reviewed the Strategy, and has held discussions with member companies with facilities located on the Burrup Peninsula.

CME supports a coordinated long-term framework for the protection of the Burrup Peninsula rock art, however, considers the Strategy has been released prematurely without adequate consideration of the governance arrangements and stakeholder engagement to inform its success. Recommendations to improve these elements of the Strategy are outlined further in the below sections:

Stakeholder Reference Group Membership

The Strategy provides for the establishment of the *Burrup Rock Art Stakeholder Reference Group* (the Reference Group). The Reference Group, which will facilitate engagement between key government, industry and community representatives on the development and implementation of the Burrup rock art strategy, does not adequately represent the key stakeholders of the area.

Of the eleven Reference Group positions, state and local government organisations and departments hold seven. The UWA Centre for Rock Art Research and Management, the industry sector, and the Murujuga Aboriginal Corporation (MAC) each hold one position. [REDACTED] Allocation of a position on the Reference Group to a named individual, rather than a position dictated by qualified technical expertise, is not considered to be a sustainable or robust approach.

Technical experts must play a prominent role in the Reference Group, however, CME considers positions should not be prescribed by name or organisation. The potential influence of external groups, such as Friends of Australian Rock Art, is also noted. **CME recommends the allocation of technical expertise on the Reference Group be assigned by these specific categories:**

- **Rock art research and management;**
- **Corrosion and weathering expert**
- **Meteorology and atmospheric modelling expertise; and**
- **Data research methodology.**

CME is concerned industry is severely under-represented, with only a single member to represent the entirety of industrial and resources sector interests (including ports, other infrastructure and resources projects) on the Burrup Peninsula. **CME recommends a position on the Reference Group be available to each of the industrial facilities operating on the Burrup Peninsula.**

Furthermore, CME is concerned MAC does not hold enough prominence amongst the Reference Group. **CME recommends an additional position on the reference group for a MAC representative with the right to speak for country, and for MAC's position to be elevated to co-chair alongside DWER.**

Over half of the positions on the Reference Group are members of WA state and local government organisations. CME is concerned this could unduly influence the direction of the Reference Group's work and focus. The number of government departments represented on the Reference Group should be reduced to those with a clear regulatory or management function in delivering the Burrup Rock Art Strategy.

Finally, the Commonwealth Department of Environment and Energy is a key government regulator of the Burrup Peninsula and as such, it is important for them to be included in the Reference Group.

Governance Arrangements

CME supports a scientific monitoring and analysis program to ensure protection of the petroglyphs on the Burrup Peninsula. The ongoing management and approvals for industrial facilities on the Burrup Peninsula must be informed by robust scientific information. CME considers it vitally important an independent, highly qualified contractor undertakes this scientific monitoring and analysis.

On pages 10 and 11 of Section 4.0 it is noted DWER will be responsible for contracting a third party to undertake this work. In order to maintain the third party is un-biased, **CME recommends the tender process for selecting the third party to undertake monitoring and analysis be in consultation with the Burrup Rock Art Stakeholder Reference Group, and MAC.**

The *Terms of Reference* lists the role of the Reference Group as one of informal liaison intended to facilitate engagement between stakeholders. The Reference Group may also be called upon to consult, inform or educate stakeholders on matters referred by DWER. CME is concerned there is no requirement for DWER to refer all reports and issues to the Reference Group, and may be selective on which information it passes on to the Reference Group.

In Section 9.0, DWER is listed as the responsible entity for all governance arrangements. CME is concerned the Reference Group holds only a communication role and is not empowered with any authority to review management decisions relating to the Burrup Peninsula. Vesting these management arrangements solely with DWER does not represent good governance of the Strategy and may lead to uninformed decision making. **CME recommends that the Reference Group, comprising balanced government and non-government membership, be empowered to review and provide advice on the adequacy of management decisions made by DWER relating to the Burrup Peninsula.**

Monitoring and Analysis

Extensive, detailed scientific work has been undertaken over many years on the Burrup Peninsula, beyond the limited selection of reports listed on page 9 of the strategy. Extensive monitoring and analysis conducted by CSIRO and industry has not been fully considered in the development of the Strategy. In absence of this work, CME considers the Strategy has an over-reliance on research by [REDACTED] and the UWA Centre for Rock Art Research and Management.

CME recommends amending the Strategy to incorporate the full body of scientific work previously conducted on the Burrup Peninsula, rather than relying on a narrow selection of reports.

Funding

Section 7.0 of the Strategy recommends prescribed premises located on the Burrup Peninsula provide 'reasonable annual funding as a requirement of a licence condition and based on emissions'. Industry is not averse to funding petroglyph monitoring and analysis, however, would expect greater oversight than currently offered by the proposed Reference Group. As mentioned above, a single industry representative does not provide adequate opportunity to provide oversight of the funding expenditure, or the design and methodology of ongoing monitoring and analysis.

CME recommends DWER and licensed industrial facilities on the Burrup Peninsula consult further on the details of the monitoring program and subsequent funding arrangements including; contribution rates, oversight, and review.

Conclusion

The development of the *Draft Burrup Rock Art Strategy* is a positive step towards protecting the nationally and internationally significant petroglyphs on the Burrup Peninsula. CME looks forward to working with DWER to ensure the Strategy brings together industry, government and the Aboriginal community in a truly collaborative manner.

CME encourages consideration of the recommendations made in this submission and in particular revise the proposed membership of the reference group as a matter of priority.

If you have any further queries regarding the above matters, please contact Kane Moyle, Manager – Natural Resources, [REDACTED] or [REDACTED].

Authorised by	Position	Date	Signed
Reg Howard-Smith	Chief Executive	30 Nov 2017	[REDACTED]
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