



Knowledge grows

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Project Manager
Draft Burrup Rock Art Strategy
Department of Water and Environmental Regulation
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Dear Project Manager,

DRAFT BURRUP ROCK ART STRATEGY

Thank you for the invitation to Yara Pilbara to provide a submission to the Western Australian Government's draft Burrup Rock Art strategy. Please find following comments on the draft strategy.

The Department of Water and Environmental Regulation's (DWER) [Draft Burrup Rock Art Strategy](#) represents a missed opportunity for Aboriginal engagement and inclusion in the management and monitoring of Aboriginal heritage.

Despite stating up-front that "The rock art (petroglyphs) are of immense cultural and spiritual significance to Aboriginal people..." (p.1), Yara understands that in formulating the draft strategy, the Department held no formal or informal meetings with Murujuga Aboriginal Corporation (MAC), the freehold title holders for Murujuga National Park, and has not briefed or obtained input from MAC Circle of Elders, Board, staff, general members or other Aboriginal community members.

This approach renders the draft strategy and comments on it somewhat moot, as Yara believes that the starting point in developing the strategy should be engaging with and understanding the aspirations, wishes and concerns of MAC. MAC's Chair has clearly stated their position regarding the importance of engagement around Burrup rock art in testimony to the [Senate Inquiry into the protection of Aboriginal rock art of the Burrup Peninsula](#) at a public hearing in Perth in April 2017:

"...I want to express our frustration and disappointment...due to the lack of any advice to, consultation with, or involvement by MAC at any stage in the Senate Committee's enquiry"

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Given this statement is in the public domain, it is difficult to understand how DWER has so far failed to engage MAC in developing a strategy that goes to the heart of MAC's ability to determine the future of their land and culture.

As Professor Fiona Stanley AC has stated [recently](#) *"The marginalisation of our First Nations people and their virtual exclusion from having a say in the policies and practices which affect their lives is a major reason for their current poor outcomes"*. From the Prime Minister's [Closing the Gap](#) initiative *"While governments have a critical role in setting policies and implementing programs, true gains are made when Aboriginal and Torres Strait Islander people are able to work with governments to set the agendas that impact on their wellbeing."*

For a more appropriate recognition of MAC's position with respect to the Burrup, one need only look at the WA Government's Parks and Wildlife Service website:

"Murujuga is vested with the Murujuga Aboriginal Corporation (MAC) comprising traditional custodians the Ngarluma-Yindjibarndi, the Yaburara-Mardudhunera and the Woon-goo-tt-oo. The land is leased back to the WA State Government as national park, and is jointly managed by the representatives of MAC and the Parks and Wildlife Service. The recognition of ongoing Aboriginal interests and responsibilities for managing country is at the core of this innovative and inclusive approach." (WA Parks and Wildlife Service, [Murujuga](#))

Rather than having Aboriginal interests at the core, DWER has rendered their involvement in this strategy peripheral at best. The irony is profound in stating *"The development and implementation of this strategy will be consultative and collaborative with stakeholders, including Traditional Owners..."* (p.1) whilst advancing a fully-developed draft strategy that has no input from the Traditional Owners.

As stated, Yara believes that this strategy has been flawed in development and execution, however we offer the following comments:

2.0 Introduction

"The Murujuga Aboriginal Corporation (MAC) has plans for the creation of a Living Knowledge Centre with the purpose of promoting the conservation, protection and interpretation of cultural values and sites on the Burrup Peninsula." (p.3-4)

This fact should have been addressed and incorporated into the strategy. It represents the potential for MAC to take a leading role in bringing together cultural and scientific elements of the Burrup rock art, and it is noted that MAC was allocated \$8 million for the Living Knowledge Centre from the WA Government in 2017.

2.1 Monitoring of the Burrup Rock Art

Questioning and improving methodology and analysis are standard elements of the scientific process, and Yara looks forward to ongoing monitoring where *"...the lessons of the past 13 years of monitoring will inform future monitoring and management of the Burrup rock art"* (p.7)



4.0 Monitoring and analysis

4.1 Colour change and spectral mineralogy (p.9)

Improved monitoring of colour contrast and spectral mineralogy should be continued on an annual basis with review after five years.

4.1.1 Methods for monitoring and analysis

The independent reviews conducted by Data Analysis Australia in 2016 and 2017 recommended that the monitoring and analysis program be redesigned to:

- *incorporate more robust and contemporary statistical analyses;*
- *include the monitoring of more sites, in particular control sites; and*
- *review the number of replicate measurements at each point.*

The above approach seems to represent reasonable steps to improve the quality of the rock art monitoring on the Burrup, and recent evidence to the Senate Inquiry by the CSIRO indicates that these steps are well advanced.

Guidance will be sought from Traditional Owners on appropriate access to land, the design of the monitoring program and other matters as required⁷. (p.10)

⁷ Research will be undertaken according to the [Murujuga Research Protocols](#) (2015).

The Murujuga Research Protocols state:

"This is a document that will evolve and continue to be updated as Murujuga Aboriginal Corporation grows to take a greater leadership role in all research pertaining to Murujuga, and acting as the linking organisations for the many different researchers, consultants, universities, agencies and other organisations who aspire to conduct or work on Murujuga land and sea country."

Therefore, it would appear that DWER acknowledges MAC's primacy in managing rock art monitoring, yet the draft strategy does not reflect this. Conducting research in compliance with the Murujuga Research Protocols will require a significant change to DWER's current approach, which has relegated MAC to the status of merely one interested party amongst many others.

4.1.2 Collection and reporting of annual monitoring data and analysis program (p.10)

This entire section should be revised based on consultation with MAC, according to the Murujuga Research Protocols cited above.

4.2 Other studies (p.11)

This entire section should be revised based on consultation with MAC, according to the Murujuga Research Protocols cited above.



5.0 Management responses (p.13)

5.1 Joint management – Murujuga National Park

The Murujuga National Park is jointly managed by the Department of Biodiversity, Conservation and Attractions (DBCA), representatives of the Murujuga Aboriginal Corporation (MAC) and the Department of Planning, Lands and Heritage.

This section further reinforces that MAC holds a leading role; MAC jointly manages the Murujuga National Park and is a member of the Murujuga Park Council. The Vision in the [Murujuga National Park Management Plan](#) referred to in this section states that:

*“Through this management plan, Ngarda-ngarli and their joint management partners will seek to ensure the protection of the area and to revive Ngarda-ngarli knowledge, associations and responsibility.”
(Ngarda-ngarli: The name chosen by local Aboriginal people to collectively identify themselves)*

6.0 Governance (p.14)

This entire section should be revised based on consultation with MAC, according to the Murujuga Research Protocols cited above.

8.0 Stakeholders and consultation (p.15)

This entire section should be revised based on consultation with MAC, according to the Murujuga Research Protocols cited above.

9.0 Custodian (p.15)

At the very least, this section should recognise shared custodianship with the local traditional owners.

11.0 Evaluation and review (p.16)

This document will be reviewed every five years from the date of final publication, or earlier as determined by DWER.

This should refer to review as determined by DWER in consultation with MAC and other stakeholders.



Appendix B - Burrup Rock Art Stakeholder Reference Group - Terms of Reference (p.19)

This entire section should be revised based on consultation with MAC, according to the Murujuga Research Protocols cited above.

Proposed Membership

MAC representation is inadequate

CSIRO should be represented given their expertise and experience of rock art monitoring, and as the draft strategy states, “...the lessons of the past 13 years of monitoring will inform future monitoring and management of the Burrup rock art” (p.7)

Department of the Environment and Energy should be represented due to its regulatory responsibilities

[REDACTED] submitted to the recent Senate Inquiry, “To know what particular expertise these people hold...is critical to being able...to assess the validity of the CSIRO claims especially if the expertise is in types of experiments rather than rock art and chemical effects on rock surfaces” [REDACTED].

Each **industry** proponent on the Burrup Peninsula should have a representative. Due to the diverse nature of industries, ownership and obligations, it is impractical to have a single industry representative contribute effectively to the Group.

There is no indication as to how the **UWA Centre for Rock Art Research and Management (CRARM)** was selected as the best tertiary institution to be on the Stakeholder Reference Group. [REDACTED]

Other options for university representation include Griffith University’s [Place, Evolution and Rock Art Heritage Unit](#), and Notre Dame’s [Nulungu Research Institute](#) that has recently worked with MAC



conducting a national Indigenous Rangers capacity-building workshop, and enjoys respectful local relationships.

It is observed that the number of Government representatives on the Stakeholder Reference Group seems excessive, and that MAC should at least co-chair if not sole-chair the Group.

It is also noted that the original draft strategy stated:

This strategy has been informed by the findings of the following reports and reviews:

Black, J., Box, I., Diffey, S., 2017, Inadequacies of research used to monitor change to rock art and regulate industry on Murujuga (Burrup Peninsula), Australia. In: Rock Art Research, Volume 34, No. 2.

When DER was asked to clarify the location of this report as it was in fact unpublished, the response from the Department included the advice “access to the (Black & Diffey) report is not necessary for assessment or comment on the strategy.”

This raises the concern that the Department did not believe that review and assessment of Black and Diffey’s methodology and conclusions was necessary, despite the report informing the draft strategy’s development. As the questioning of methodology and interpretation of data lie at the heart of current debate around the rock art, it is not clear why the Department deemed that this report did not need to be accessed. Recent [evidence](#) to the Senate Inquiry from CSIRO experts with relevant qualifications and experience come to entirely different conclusions to those of [REDACTED].

Yara is proactively working to ensure that Burrup rock art monitoring is maintained in the absence of a WA Government rock art monitoring program, and has formally involved MAC in monitoring in 2017. We remain ready to contribute to the scientific discussions around the rock art and heritage, and we look forward to the next stage of the draft Burrup Rock Art strategy. We emphasise that we are more than happy to discuss these issues at any time

Yours Sincerely,

Luke BLACKBOURN

Government and External Relations Manager

Yara Pilbara

cc: Craig Bonney, CEO MAC

Kevin Michel MP

Hon Ben Wyatt MP

Hon Alannah MacTiernan

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Senator Dean Smith

Senator Pat Dodson

Senator Anthony Chisholm

Tim Hammond MP

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