



Knowledge grows

11<sup>th</sup> May 2018

Our Reference: 200-200-LET-DWER-0007

Project Manager  
Draft Burrup Rock Art Strategy  
Department of Water and Environment  
Locked Bag 33  
Cloisters Square WA 6850

Email: [burruprockart@dwer.wa.gov.au](mailto:burruprockart@dwer.wa.gov.au)

Dear Sir / Madam,

### **RE: DRAFT BURRUP ROCK ART STRATEGY**

Thank you for your email dated 5 April 2018 providing the opportunity to comment to the Department of Water and Environmental Regulation (DWER) on how the Senate Environment and Communications References Committee Inquiry in to the Protection of Aboriginal Rock Art of the Burrup Peninsula report (Inquiry Report) should inform the Western Australian (WA) Government's Burrup rock art strategy.

Yara Pilbara refers to our submission made to DWER on 1 December 2017 that noted that DWER had not engaged Murujuga Aboriginal Corporation (MAC) in developing a strategy that goes to the heart of MAC's ability to determine the future of their land and culture. Having met MAC today, we understand this situation has not changed.

We note the comments of the Coalition Senators in the Inquiry Report include:

*1.48 Given the cultural and spiritual significance of the petroglyphs to the traditional owners, Coalition Senators remain concerned over the lack of engagement, consultation, and inclusion of the Murujuga Aboriginal Corporation in the committee's inquiry.*

*1.65 Coalition Senators note that significant factors, including failure to consult with the Murujuga Aboriginal Corporation, have been excluded from both the committee's Terms of Reference and Final Report...*

Comments of the Labor Senators include:

*1.6 Labor believes in the absolute necessity of free, prior and informed consent for Aboriginal and Torres Strait Islander peoples and communities in resource management and conservation decisions.*

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#### **Yara Pilbara Nitrates**

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*1.8 Labor Senators note with concern the evidence from the Murujuga Aboriginal Corporation that they have been 'left out a lot regarding the Burrup'.*

*1.9 Labor Senators consider that as an immediate priority, the Western Australian Government and the Australian Governments must formally consult with the Murujuga Aboriginal Corporation and Murujuga Circle of Elders*

### **Recommendation 1**

*1.10 Labor Senators recommend that prior to any future steps in securing protection for Murujuga, or undertaking further decisions relating to resource activities in the region, the Western Australian Government and Australian Government must formally consult with the Murujuga Aboriginal Corporation and Murujuga Circle of Elders, which represent the five traditional owner groups in the region. Such consultation should be conducted on terms set by the Murujuga Aboriginal Corporation and Murujuga Circle of Elders.*

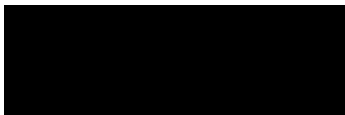
International documents, such as the International Finance Corporation's [Performance Standard 7 Indigenous Peoples](#), and associated [Guidance Note on Indigenous Peoples](#) contain detailed guidance on appropriate Indigenous engagement, for example, "*This engagement process includes stakeholder analysis and engagement planning, disclosure of information, consultation, and participation, in a culturally appropriate manner.*"

In the Australian context, guidance on best practice Indigenous engagement is readily available, such as the '[Engage Early](#)' document from the Commonwealth Government's Department of the Environment that highlights all aspects of genuine consultation with Indigenous peoples.

Yara continues to proactively work to ensure that Burrup rock art monitoring is maintained in the absence of a WA Government rock art monitoring program, and formally involved MAC in monitoring in 2017 and in planning for 2018 monitoring. 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,

p.p.



**Luke Blackburn**

Government and External Relations Manager

**Yara Pilbara**

cc Peter Jeffries, MAC