

Assistant Director General
Heritage Services
Department of Planning, Lands & Heritage
PO Box 7479
CLOISTERS SQUARE PO WA 6850

BY EMAIL: AHAreview@dplh.wa.gov.au

Dear Sir / Madam

REVIEW OF THE ABORIGINAL HERITAGE ACT 1972

Buru Energy Ltd (**Buru**) is an onshore oil and gas explorer with exploration tenements in the Kimberley. Our permits encompass 13 native title groups and the Company values its relationships with traditional owners and the Aboriginal Sites that are important to them.

Buru welcomes for the opportunity to provide a submission for the *Review of the Aboriginal Heritage Act 1972 Consultation* (the **Review**). The *Aboriginal Heritage Act 1972* (**AHA**) has not been substantially amended since its inception, and as with all legislation and regulations, Buru considers that the AHA should be reviewed and updated to ensure it is relevant with modern expectations and the requirements of stakeholders.

Buru Energy supports the Review to improve the operation of the AGA for all stakeholders in Aboriginal heritage and submits the responses to specific questions of the Review below:

Review Question	Response
2. What do you think are the best ways to ensure the appropriate people are consulted about what Aboriginal heritage places should be protected, and how a proposal may impact those places?	<p>Where native title has been determined, the prescribed body corporate (PBC) should be the entity that stakeholders interact with on matters of Aboriginal heritage.</p> <p>There has been difficulty in the past when attempting to identify the correct individuals to speak about heritage issues on native title land. By specifying the PBC is the correct entity to engage with provides clarity for all parties concerned. This should be accompanied by realistic and enforceable timeframes requiring a response to issues of Aboriginal heritage.</p> <p>Buru Energy is also of the opinion that all tenured stakeholders should be directly consulted about Aboriginal Site applications under the AHA. Application details should be provided to tenured stakeholders to inform stakeholders about the application, the importance of the Site to the applicants, and the types of activities that are likely to impact on the Aboriginal Site.</p>

	<p>Confusion and surprise has previously occurred when an Aboriginal Site has been noticed by staff when searching the Aboriginal Site register because there has not been any notification. Consultation of all tenured stakeholders will provide greater transparency and give applicants a greater understanding of the importance of the Aboriginal Site to the stakeholders.</p>
<p>4. Are the roles and functions assigned under the Act sufficiently clear and comprehensive to fulfil the objectives of the legislation to preserve Aboriginal heritage places and objects? If not, what changes in roles and functions would you suggest?</p>	<p>The appropriateness of the Aboriginal Cultural Materials Committee membership should be reviewed. The overall purpose of the ACMC is considered appropriate, however it is currently made up of members from across Western Australia rather than being specific to the area where the Aboriginal Site is located.</p> <p>It is considered more appropriate to have regional bodies of the ACMC made up of elected members from areas closer to where the Aboriginal Site is located. These bodies should also meet more frequently than the existing ACMC to reduce the current backlog of applications.</p> <p>Buru considers that it is appropriate that the Minister of Aboriginal Affairs retains ultimate decision-making authority with regard to land use across the State.</p>
<p>12. Who should provide consent or authorisation for proposals that will affect Aboriginal sites?</p>	<p>Buru Energy believes that the existing processes where Aboriginal community members are the correct individuals to be making heritage value judgements of a particular site.</p> <p>As land use is an issue that is of importance to Western Australia, it is appropriate that authorisation and decision making regarding an impact to an Aboriginal Site is made by the Minister of Aboriginal Affairs.</p>

Buru Energy is committed to the protection of Aboriginal Heritage and intends to provide further input into the review of the *Aboriginal Heritage Act 1972* as the process continues.

Should you have any further queries please contact Bruce Rudeforth on 08 9215 1894 or via email at brucerudeforth@buruenergy.com.