

Murujuga Rock Art Stakeholder Reference Group

Terms of Reference and membership

Version 2.6, December 2023

1. Terms of Reference

Context

The rock art on Murujuga is one of the world's largest collections of engraved rock art and recognised as having immense significance to the Traditional Owners and Custodians of Murujuga, Aboriginal peoples and the Australian and international communities.

The State Government recognises the benefit of engaging in informed discussion with a diverse group of stakeholders to assist with the development and implementation of the Murujuga Rock Art Strategy (the Strategy).

The Department of Water and Environmental Regulation (DWER) has the primary responsibility for the day-to-day implementation of the Strategy. This includes working in partnership with the Murujuga Aboriginal Corporation (MAC) to oversee the development, implementation and analysis of a scientific monitoring and analysis program that will determine whether the rock art on Murujuga is being subject to accelerated change.

This scientific monitoring and analysis program is overseen by MAC and DWER in close consultation with a team of national and international experts in relevant disciplines. The monitoring is being undertaken by suitably qualified individuals or organisations selected through a Government procurement process, and the results of this monitoring are subject to independent peer review. The program may also include other studies commissioned by DWER to complement the monitoring program and strengthen the scientific knowledge informing decisions made to manage and protect the rock art.

Purpose

The Murujuga Rock Art Stakeholder Reference Group (MRA SRG) focus is on engagement, communications and promotion related to the Strategy. This includes engagement between MAC, DWER, and key industry representatives on the development and implementation of the Strategy.

The MRA SRG will inform the Government's broader consideration of strategic issues relating to the monitoring and protection of the rock art.

The MRA SRG will engage with industry to understand how existing monitoring on Murujuga informs the implementation of the Strategy.

The MRA SRG will have an independent Chair appointed by the Minister for Environment and will report to the Minister for Environment.

Scope

The MRA SRG is an advisory group and does not have a role in decision-making, contractual arrangements, or the statutory responsibilities of Government.

The scope of the MRA SRG is to:

1. Support MAC in achieving its strategic objectives, specifically to ensure MAC has a primary decision-making role in the Strategy and monitoring program.
2. Advise the Government and the wider community of the key strategic issues relating to the protection of the rock art on Murujuga and its significance for the Traditional Owners and Custodians, the Aboriginal community generally and the broader Australian and international community.
3. Consult, inform and educate other stakeholders on relevant matters referred by MAC, DWER or industry, for input or comment, including further development of the Strategy, implementation of the Strategy and its review.

The MRA SRG will operate in accordance with relevant legislation and Commissioner's instructions, including the Public Sector Commission's *Conduct Guide for Boards and Committees*.

Cultural Awareness

All members and observers will complete MAC's Murujuga Cultural Awareness Induction annually. Inductions will be conducted on Murujuga wherever possible.

Murujuga Aboriginal Corporation

MAC is the Approved Body Corporate for the Burrup and Maitland Industrial Estates Agreement and is representative of Traditional Owners and Custodians of Murujuga.

MAC representatives will provide guidance on matters relating to the cultural significance of the rock art and recognition of appropriate negotiation arrangements in developing a co-designed monitoring program as outlined in the Strategy.

Chair

The independent Chair is appointed by the Minister for Environment in consultation with MAC.

The Chair will work with MAC and DWER to facilitate the MRA SRG meetings, including preparation of the meeting scheduling, review of agenda and papers and subsequent drafting of minutes and communiques, ensuring that meetings are efficient, effective and maintain a strategic focus.

Authorisation to make public comment on behalf of the MRA SRG or about the work of the MRA SRG or the Murujuga rock art monitoring program will be through the Chair, in consultation with MAC as appropriate.

Members

MAC, as the permanent member, in consultation with the Minister for Environment, will determine the membership of the group.

Members are appointed to represent their organisation. Their responsibility is to attend all meetings, or provide a proxy, and share relevant information with the group.

Members are responsible for facilitating communications regarding the activities of the MRA SRG and key achievements under the Strategy with their wider network, in consultation with the Chair.

Observers

The Chair, in consultation with MAC, may invite observers to attend meetings where their specialist knowledge or expertise may be of assistance to the group.

Observers are to comply with these Terms of Reference, including maintaining confidentiality of discussions and materials provided to them. During meetings, observers will direct any questions or comments to the Chair for consideration.

Secretariat

Secretariat support to the MRA SRG is provided by DWER.

In consultation with the Chair and MAC, the Secretariat is responsible for scheduling of meetings; coordination of agendas and associated papers including liaison with all members in the setting of agenda items; and circulation of meeting draft and final minutes and communiques. The Secretariat is responsible for minutes and record keeping for MRA SRG meetings and correspondence.

Members will be informed about relevant State Government media releases and engagement activities as well as responses to relevant media enquiries.

Reaching Agreement

The collaborative nature of the group means that outcomes and actions should be mutually agreed wherever possible.

Recommendations to the Minister for Environment will be formed by consensus and if this cannot be achieved, positions will be noted in the record of the meeting and communicated to the Minister.

Meeting Arrangements

Frequency

The group will generally meet on a quarterly basis. All actions requiring attention between meetings will, as far as possible, be addressed out of session.

Format

Noting that some flexibility is required, at least one meeting is to be held in person in Dampier, and at least one meeting is to be held in person in Perth, each year. Meetings may also be held remotely.

Duration

Meetings will be scheduled to make best use of members' time and will generally be for around two hours duration. Notice will be provided to members ahead of each meeting of the agenda and timing.

Confidentiality

To ensure open discussion between members, all matters will be kept confidential to the group and may not be released to any other party or parties unless specifically agreed to at the meeting. This includes documents provided to the MRA SRG outside of meetings.

The requirement to maintain confidentiality extends to:

- protecting the Intellectual Property of others, including Indigenous Cultural and Intellectual Property (ICIP); and
- prohibiting the sharing of confidential information without the express authorisation of the Chair, for example using data or reports presented to the MRA SRG for direct or indirect personal gain or disclosing the contents of papers to unauthorised persons.

All members and observers have an obligation to raise concerns of improper communications or use of information with the Chair.

Conflict of Interest

Conflict of interest will be managed consistent with the Western Australian Government's *Conflicts of Interests Guidelines for the Western Australia Public Sector*.

When members or observers believe they have an actual, potential or perceived conflict of interest on a subject, they must declare a conflict of interest to the Chair through the Secretariat as soon as possible after the conflict arises and at least prior to each meeting. All declarations will be recorded on the register.

The Chair will determine the appropriate response, which may include withdrawal from the discussion.

Review

The next review of the Terms of Reference will occur in 2025, being three years from the commencement of the appointment of the Chair.

The review will be conducted by DWER, in consultation with MAC and with input from the MRA SRG members. The findings and recommendations of the review will be provided to the Minister for Environment for consideration.

A survey of members' views will be conducted annually to ensure the group remains effective in achieving its purpose.

2. Membership

The second term of the MRA SRG will be from May 2022 to April 2025

- Independent Chair;
- Murujuga Aboriginal Corporation;
- Woodside Energy Ltd;
- Yara Pilbara;
- Rio Tinto;
- Perdaman; and
- Department of Water and Environmental Regulation.