

## Australian Government response to the Senate Environment and Communications References Committee Report:

Protection of Aboriginal rock art of the Burrup Peninsula

June 2020

## Introduction

On 30 November 2016, the Senate referred the following matter to the Senate Standing Committee on Environment and Communications for inquiry and report by 21 March 2017:

The Commonwealth's responsibility under the *Environment Protection and Biodiversity Conservation Act 1999* to protect the globally significant and National Heritage listed Aboriginal rock art of the Burrup Peninsula in Western Australia, with particular reference to:

(a) the total industrial pollution load from existing industrial activities and port zone on the Burrup Peninsula in Western Australia, and its existing impacts on Aboriginal rock art;

(b) the projected additional pollution load from the Yara Pilbara Fertilisers Pty Ltd ammonium nitrate plant, including the likely impacts on the Aboriginal rock art, human health and the environment;

(c) the accuracy and adequacy of reports used by the Western Australian and Commonwealth governments when setting the relevant technical, environmental and cultural conditions regulating the construction and operation of the Yara Pilbara Fertilisers Pty Ltd ammonium nitrate plant in an area of highly significant Aboriginal rock art;

(d) the rigour and adequacy of the monitoring, analysis, compliance and enforcement performed by the Western Australian and Commonwealth government agencies in carrying out their legislated responsibilities in overseeing industries on the Burrup Peninsula;

(e) the projected level of fugitive gas and nitric acid leaks from the Yara Pilbara fertiliser and ammonium nitrate plants, their effects on human health, likely effects on rock art and the general environment, and the adequacy of the company responses;

(f) the failure by Yara Pilbara Fertilisers Pty Ltd, the Western Australian Government or the Federal Government to include risk analysis of establishing an ammonium nitrate plant in close proximity to the rock art, a gas hub and major port and in a cyclone surge zone;

(g) the adequacy of the Yara Pilbara plans to protect the communities of Dampier and Karratha and the rock art sites from the consequences of any explosion caused by 'sympathetic detonation' or other factors, including the ability to douse the nitrate stores with sufficient water to prevent a spontaneous explosion; and

(h) any related matters.

On 21 March 2018, the Senate Inquiry tabled a report, *Protection of Aboriginal rock art of the Burrup Peninsula*. The Senate Committee stated that it 'recognises and acknowledges the vast cultural and historical values of the rock art of the Burrup Peninsula and is of the view that it is critical that the petroglyphs should be protected and conserved for current and future generations' (para 7.5, p.99), but did not make any formal majority recommendations.

The Australian Government agrees with the Committee's statement about the values of the rock art of the Burrup Peninsula and the need for its protection and conservation.

The Australian Government considers Indigenous engagement as central to the design of its programs service delivery. Central to this engagement is the principle of free, prior and informed consent and ensuring government processes reinforce this.

Additional comments were provided by the Greens, Coalition and Labor Senators. The Coalition Senators did not make any recommendations. The Australian Greens Senators made 15 recommendations and Labor Senators 14 recommendations.

For clarity and to avoid duplication, the party recommendations have been grouped to provide a response to cover related topics. An index has been provided for referencing back to the Committee report.

The Australian Government welcomes the opportunity to respond to the recommendations made in the additional comments.

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|                                 | und Liderb   |
| Labor Senators recommend        | Noted  |
| that prior to any future steps  | Murujuga is listed in Australia's National   |
| in securing protection for      | Heritage List (NHL) and protected by the   |
| Murujuga, or undertaking        | Environment Protection and Biodiversity  |
| further decisions relating to   | Conservation Act 1999 (the EPBC Act).  |
| resource activities in the      | The EPBC National Heritage   |
| region, the Western             | Management Principles recognise that   |
| Australian Government and       | Indigenous people are the primary source   |
| Australian Government must      | of information about the value of their  |
| formally consult with the       | heritage. The Australian Government  |
| Murujuga Aboriginal             | follows best practice consultation for   |
| Corporation and Murujuga        | decisions that affect Indigenous people.   |
| Circle of Elders, which         | This involves early and ongoing  |
| represent the five Traditional  | engagement, ensuring appropriate   |
| Owner groups in the region.     | timeframes and settings, and respecting  |
| Such consultation should be     | community protocols.   |
| conducted on terms set by the   |  |
| Murujuga Aboriginal             |  |
|                                 |  |
| Circle of Elders.               |  |
|                                 | that prior to any future steps<br>in securing protection for<br>Murujuga, or undertaking<br>further decisions relating to<br>resource activities in the<br>region, the Western<br>Australian Government and<br>Australian Government must<br>formally consult with the<br>Murujuga Aboriginal<br>Corporation and Murujuga<br>Circle of Elders, which<br>represent the five Traditional<br>Owner groups in the region.<br>Such consultation should be<br>conducted on terms set by the<br>Murujuga Aboriginal<br>Corporation and Murujuga |

## **Responses to recommendations in Additional Comments**

| Greens<br>Recommendation<br>1<br>Page 101Australian Greens Senators<br>recommend that the Western<br>Australian Government to<br>seek the listing of the Burrup<br>Peninsula on Australia's<br>World Heritage Tentative<br>List, following appropriate<br>consultation with the<br>Murujuga Aboriginal<br>Corporation expresenting the Traditional<br>Owners and custodians have formally<br>agreed to the pursuit of World Heritage<br>listing.Noted<br>The Western Australian Government to<br>owners and custodians have formally<br>agreed to the pursuit of World Heritage<br>listing.Greens<br>Recommendation<br>2<br>Page 101Australian Greens Senators<br>recommend that the Western Australian Government and<br>the Ji agreed by the<br>Murujuga Aboriginal<br>Corporation to be satisted by<br>the Western Australian Government to<br>the Murujuga Aboriginal<br>Corporation to be satisted by<br>the Western Australian Government and<br>the Wurujuga Aboriginal<br>Corporation to be satisted by<br>the Western Australian Government and<br>the Western Australian Government and<br>the Wurujuga Aboriginal<br>Corporation to be satisted by<br>the Western Australian Government and<br>the Western Australian Govern                                     | World Heritage Listing of the Burrup Peninsula |  |   |  |
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| Page 101Australian Government and<br>the Western Australian<br>Government work together to<br>nominate the Burrup<br>Peninsula for World Heritage<br>listing.successfully transmitted the World<br>Heritage Centre in<br>January 2020.LaborLabor Senators recommend<br>that, if agreed by the<br>Murujuga Aboriginal<br>Corporation, it be provided<br>funding to consult on the<br>potential to seek listing of<br>Murujuga on Australia's<br>World Heritage Tentative<br>List. If a listing is agreed, that<br>the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian Governments to<br>prepare a tentative listing.Now included on Australia's<br>now included on Australian Government.LaborIf tentative listing is agreed<br>by Traditional Owners, and<br>3<br>Murujuga is placed on<br>Paragraph 1.15If tentative listing.<br>Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World HeritagePage 131Tentative List, Labor<br>Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World HeritageLaborRecommendation<br>By Traditional Owners<br>to prepare a nomination of<br>Murujuga for World HeritagePage 131Tentative List, Labor<br>Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage  |  |  | Ũ   |  |
| the Western Australian<br>Government work together to<br>nominate the Burrup<br>Peninsula for World Heritage<br>listing.Heritage Tentative List submission to the<br>UNESCO World Heritage Centre in<br>January 2020.Labor<br>Recommendation<br>2Labor Senators recommend<br>that, if agreed by the<br>Corporation, it be provided<br>funding to consult on the<br>potential to seek listing of<br>Murujuga on Australia's<br>World Heritage Tentative<br>List. If a listing is agreed, that<br>the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.Now included on Australia's<br>tor World Heritage Isiting in consultation<br>for World Heritage Isiting in Consultation<br>with the Murujuga Aboriginal<br>Corporation. Technical assistance is<br>provided by the Australian Governments to<br>prepare a tentative listing.Labor<br>Recommendation<br>3If tentative listing is agreed<br>by Traditional Owners, and<br>Australia's World Heritage<br>Tentative List, Labor<br>Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage  |  | ÷ .  | programme with the providence of the providence |  |
| Government work together to<br>nominate the Burrup<br>Peninsula for World Heritage<br>listing.UNESCO World Heritage Centre in<br>January 2020.Labor<br>Recommendation<br>2Labor Senators recommend<br>that, if agreed by the<br>Murujuga AboriginalNow included on Australia's Tentative<br>List, the WA Government is responsible<br>for developing and funding a nomination<br>for World Heritage listing in consultation<br>with the Murujuga Aboriginal<br>Corporation, it be provided<br>funding to consult on the<br>potential to seek listing of<br>Murujuga on Australia's<br>World Heritage Tentative<br>List. If a listing is agreed, that<br>the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.Corporation. Technical assistance is<br>provided by the Australian Governments<br>to<br>prepare a tentative listing.Labor<br>Paragraph 1.15If tentative listing is agreed<br>by Traditional Owners, and<br>Murujuga is placed on<br>Paragraph 1.15Heritage<br>Tentative List, Labor<br>Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage  | Page 101                                       |  |   |  |
| nominate the Burrup<br>Peninsula for World Heritage<br>listing.January 2020.Labor<br>RecommendationLabor Senators recommend<br>that, if agreed by the<br>Murujuga Aboriginal<br>Corporation, it be provided<br>funding to consult on the<br>potential to seek listing of<br>Murujuga on Australia's<br>World Heritage Tentative<br>List. If a listing is agreed, that<br>the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.January 2020.Labor<br>RecommendationIf tentative listing is agreed, that<br>the Murujuga aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.Now included on Australian Government,<br>world Heritage Tentative<br>List. If a listing is agreed<br>by Traditional Owners, and<br>3<br>Murujuga is placed on<br>Paragraph 1.15January 2020.Labor<br>Page 131If tentative listing is agreed<br>by Traditional Owners, and<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World HeritageJanuary 2020.Labor<br>Murujuga for World HeritageMurujuga for World HeritageJanuary 2020.Labor<br>Recommendation<br>3If tentative List, Labor<br>Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World HeritageJanuary 2020.   |  | the Western Australian   | -   |  |
| Peninsula for World Heritage<br>listing.Now included on Australia's TentativeLaborLabor Senators recommend<br>that, if agreed by the<br>Murujuga Aboriginal<br>Corporation, it be provided<br>funding to consult on the<br>potential to seek listing of<br>Murujuga on Australia's<br>World Heritage Tentative<br>List. If a listing is agreed, that<br>the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.Now included on Australia's<br>for developing and funding a nomination<br>for World Heritage Isiting in consultation<br>with the Murujuga Aboriginal<br>Corporation. Technical assistance is<br>provided by the Australian Government.LaborIf tentative listing is agreed<br>potential is World Heritage<br>Tentative List, LaborBaragraph 1.15Australia's World Heritage<br>Paragraph 1.15Page 131Tentative List, Labor<br>Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage   |  | e e  | _   |  |
| listing.Now included on Australia's TentativeLaborLabor Senators recommend<br>that, if agreed by the<br>that, if agreed by the<br>Or developing and funding a nomination<br>for World Heritage listing in consultation<br>with the Murujuga AboriginalParagraph 1.14Corporation, it be provided<br>funding to consult on the<br>potential to seek listing of<br>Murujuga on Australia's<br>World Heritage Tentative<br>List. If a listing is agreed, that<br>the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.For developing and funding a nomination<br>for World Heritage<br>Corporation. Technical assistance is<br>provided by the Australian Government.LaborIf tentative listing is agreed<br>by Traditional Owners, and<br>3<br>Murujuga is placed on<br>Paragraph 1.15Fentative List, Labor<br>Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government of<br>Murujuga for World HeritageNow included on Australia's<br>World HeritageParge 131Tentative List, Labor<br>Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage  |  | nominate the Burrup  | January 2020.   |  |
| LaborLabor Senators recommend<br>that, if agreed by the<br>Murujuga AboriginalList, the WA Government is responsible<br>for developing and funding a nomination<br>for World Heritage listing in consultation<br>with the Murujuga Aboriginal<br>Corporation, it be provided<br>funding to consult on the<br>potential to seek listing of<br>Murujuga on Australia's<br>World Heritage Tentative<br>List. If a listing is agreed, that<br>the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.List, Labor<br>for developing and funding a nomination<br>for World Heritage<br>Provided by the Australian Governments to<br>prepare a tentative listing.Labor<br>Paragraph 1.15If tentative listing is agreed<br>by Traditional Owners, and<br>Murujuga is placed on<br>Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government and<br>the Western Australian<br>Government and<br>the Western Australian<br>Government of<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage  |  | Peninsula for World Heritage   |   |  |
| Recommendationthat, if agreed by the<br>Murujuga Aboriginalfor developing and funding a nomination<br>for World Heritage listing in consultation<br>with the Murujuga Aboriginal<br>Corporation, it be provided<br>funding to consult on the<br>potential to seek listing of<br>Murujuga on Australia's<br>World Heritage Tentative<br>List. If a listing is agreed, that<br>the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.for developing and funding a nomination<br>for World Heritage listing in consultation<br>with the Murujuga Aboriginal<br>Corporation. Technical assistance is<br>provided by the Australian Government.LaborIf tentative listing is agreed<br>by Traditional Owners, and<br>3<br>Murujuga is placed on<br>Paragraph 1.15If tentative listing is agreed<br>by Traditional Owners, and<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage   |  | listing.   | Now included on Australia's Tentative   |  |
| 2Murujuga Aboriginal<br>Corporation, it be provided<br>funding to consult on the<br>potential to seek listing of<br>Murujuga on Australia's<br>World Heritage Tentative<br>List. If a listing is agreed, that<br>the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.for World Heritage listing in consultation<br>with the Murujuga Aboriginal<br>Corporation. Technical assistance is<br>provided by the Australian Government.Labor<br>Recommendation<br>3If tentative listing is agreed<br>by Traditional Owners, and<br>Murujuga is placed on<br>Paragraph 1.15If tentative listing is agreed<br>by Traditional Owners, and<br>Murujuga is placed on<br>Australian Government that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage   | Labor  | Labor Senators recommend   | List, the WA Government is responsible  |  |
| Paragraph 1.14<br>Page 131Corporation, it be provided<br>funding to consult on the<br>potential to seek listing of<br>Murujuga on Australia's<br>World Heritage Tentative<br>List. If a listing is agreed, that<br>the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.with the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.LaborIf tentative listing is agreed<br>by Traditional Owners, and<br>3<br>Murujuga is placed on<br>Paragraph 1.15Murujuga is placed on<br>Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World HeritageHeritage   | Recommendation                                 | that, if agreed by the   | for developing and funding a nomination   |  |
| Paragraph 1.14Corporation, it be provided<br>funding to consult on the<br>potential to seek listing of<br>Murujuga on Australia's<br>World Heritage Tentative<br>List. If a listing is agreed, that<br>the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.with the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.with the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.with the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.with the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritagewith the Murujuga Aboriginal<br>Corporation. Technical assistance is<br>provided by the Australian<br>Government and<br>the Western AustralianAustralian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritagewith the Murujuga Aboriginal<br>Corporation. Technical assistance is<br>provided by the Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage   | 2  | Murujuga Aboriginal  | for World Heritage listing in consultation  |  |
| Potential to seek listing of<br>Murujuga on Australia's<br>World Heritage Tentative<br>List. If a listing is agreed, that<br>the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.provided by the Australian Government.LaborIf tentative listing is agreed<br>by Traditional Owners, and<br>3<br>Murujuga is placed on<br>Paragraph 1.15<br>Page 131If tentative List, Labor<br>Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage   | Paragraph 1.14                                 |  | with the Murujuga Aboriginal  |  |
| Murujuga on Australia'sWorld Heritage TentativeList. If a listing is agreed, thatthe Murujuga AboriginalCorporation be assisted bythe Western Australian andAustralian Governments toprepare a tentative listing.LaborRecommendation3Murujuga is placed onParagraph 1.15Page 131Tentative List, LaborSenators recommend that theAustralian Government andthe Western AustralianGovernment work together toresource Traditional Ownersto prepare a nomination ofMurujuga for World Heritage  | Page 131                                       | funding to consult on the  | Corporation. Technical assistance is  |  |
| World Heritage TentativeList. If a listing is agreed, that<br>the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.LaborIf tentative listing is agreedRecommendationby Traditional Owners, and3Murujuga is placed on<br>Paragraph 1.15Page 131Tentative List, Labor<br>Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government and<br>the Western Australian<br>Government to<br>prepare a nomination of<br>Murujuga for World Heritage   |  | potential to seek listing of   | provided by the Australian Government.  |  |
| List. If a listing is agreed, that<br>the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.LaborIf tentative listing is agreed<br>by Traditional Owners, and<br>33Murujuga is placed on<br>Paragraph 1.15Page 131Tentative List, Labor<br>Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage  |  | Murujuga on Australia's  |   |  |
| List. If a listing is agreed, that<br>the Murujuga Aboriginal<br>Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.LaborIf tentative listing is agreed<br>by Traditional Owners, and<br>33Murujuga is placed on<br>Paragraph 1.15Page 131Tentative List, Labor<br>Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage  |  | World Heritage Tentative   |   |  |
| Corporation be assisted by<br>the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.LaborIf tentative listing is agreedRecommendationby Traditional Owners, and3Murujuga is placed onParagraph 1.15Australia's World HeritagePage 131Tentative List, Labor<br>Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage  |  | List. If a listing is agreed, that   |   |  |
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| the Western Australian and<br>Australian Governments to<br>prepare a tentative listing.LaborIf tentative listing is agreedRecommendationby Traditional Owners, and3Murujuga is placed onParagraph 1.15Australia's World HeritagePage 131Tentative List, Labor<br>Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage  |  | Corporation be assisted by   |   |  |
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| Recommendationby Traditional Owners, and3Murujuga is placed onParagraph 1.15Australia's World HeritagePage 131Tentative List, LaborSenators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage  | Labor  |  |   |  |
| 3Murujuga is placed onParagraph 1.15Australia's World HeritagePage 131Tentative List, LaborSenators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage  |  |  |   |  |
| Paragraph 1.15Australia's World HeritagePage 131Tentative List, LaborSenators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage  |  | -  |   |  |
| Page 131Tentative List, Labor<br>Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage  |  |  |   |  |
| Senators recommend that the<br>Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage   |  | _  |   |  |
| Australian Government and<br>the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage  |  |  |   |  |
| the Western Australian<br>Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage   |  | ALTERTICAL STRATT DELIGIONAL PRODUCTION STRATT PROVIDENTS AND ALTERTICAL ACCOUNTS IN DESIGNATION.  |   |  |
| Government work together to<br>resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage   |  | The answer of the second  |   |  |
| resource Traditional Owners<br>to prepare a nomination of<br>Murujuga for World Heritage  |  |  |   |  |
| to prepare a nomination of<br>Murujuga for World Heritage   | ×  | _  |   |  |
| Murujuga for World Heritage   |  |  |   |  |
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| Indigenous Ranger   | programs   |  |
|---------------------|--|--|
| Greens              | Australian Greens Senators   | Noted  |
| Recommendation      | recommend that the   | The Murujuga Indigenous Ranger Project       |
| 3                   | Murujuga Indigenous Ranger   | is managed by the Murujuga Aboriginal        |
| Paragraph 1.6       | program be given appropriate   | Corporation with cultural advice and         |
| Page 101            | funding by both the  | guidance through the Circle of Elders. The   |
|                     | Australian Government and  | Ranger project has been funded under the     |
|                     | the Western Australian   | EPBC Act Conservation Agreements with        |
|                     |  |  |
|                     | Government, and the  | Woodside Energy Ltd and Hamersley Iron       |
|                     | Murujuga Rangers be granted  | Pty Ltd and Dampier Salt Ltd (Rio Tinto).    |
|                     | the power to undertake the   | There is for the Demonstrate                 |
|                     | same enforcement activities  | There is funding for the Ranger project      |
|                     | as state-employed rangers.   | until 2021 as a part of an ongoing           |
|                     |  | commitment to the Conservation               |
| Labor               | Labor Senators note the vital  | Agreements by Woodside and Rio Tinto.        |
| Recommendation      | work that is undertaken by   | This commitment recognises the strong        |
| 4                   | the Murujuga Indigenous  | relationships with the Murujuga              |
| Paragraph 1.19      | Rangers and the importance   | Aboriginal Corporation and ongoing           |
| Page 132            | of ensuring that the area is   | support for the protection, conservation     |
|                     | protected from physical  | and management of the National Heritage      |
|                     | destruction and vandalism.   | values.                                      |
|                     | Labor Senators recommend   |  |
|                     | that the Murujuga Indigenous   | Management responsibility for Murujuga       |
|                     | Ranger program be given  | National Park rests with the WA              |
|                     | appropriate funding by both  | Government. The Australian Government        |
|                     | the Australian Government  | notes that the WA Department of              |
|                     | and the Western Australian   | Biodiversity Conservation and Attractions    |
|                     | Government. In particular,   | has been working with the Murujuga           |
|                     | the Murujuga Rangers must  | Aboriginal Corporation to develop            |
|                     | be granted the power to  | Murujuga Rangers' capacity to administer     |
| Di II               | undertake the same   | and manage Murujuga National Park,           |
|                     | enforcement activities as  | including by addressing their legislative    |
|                     | state-employed rangers and   | authority to do so.                          |
|                     | must be engaged by the state   | autionity to do so.                          |
|                     | and Commonwealth   |  |
|                     |  |  |
|                     | governments on any   |  |
|                     | monitoring and research work.  |  |
| Population of omica |  | ad activity                                  |
| Greens              | ons from shipping and land-base<br>Australian Greens Senators  | Noted  |
| Recommendation      | recommend that the Western   | The Australian Government supports a         |
| 4                   | Australian Government  |  |
|                     | NY, AND A CONTRACT OF A CONTRACT | global approach to regulating ships due to   |
| Paragraph 1.11      | implement measures to  | the international nature of the industry and |
| Page 102            | ensure that ships entering and   | the importance of ships for Australia. The   |
|                     | leaving the Port of Dampier  | Australian Government implements             |
|                     | use low sulphur content fuel   | Annex VI of the International Convention     |
|                     | or an approved means of  | for the Prevention of Pollution from Ships   |
|                     | achieving required emissions   | (MARPOL Annex VI), which regulates           |
|                     | reductions. The maximum  | the sulphur content of fuel used by ships,   |
|                     | sulphur content of fuel  | through the Protection of the Sea            |
|                     | utilised by ships entering and   |  |

|   | leaving the port should be<br>0.10 per cent, as required for<br>Emissions Control Areas<br>declared under Annex VI to<br>IMO MARPOL 73/78<br>Convention.   | <ul> <li>(Prevention of Pollution from Ships) Act<br/>1983 and Marine Order 97.</li> <li>These limits have been progressively<br/>tightened and from 1 January 2020, the<br/>limit on sulphur will be reduced from<br/>3.5% to 0.5%. This will significantly<br/>reduce the impacts of sulphur oxide<br/>emissions from ships on the environment<br/>and human health.</li> </ul>  |
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| Labor<br>Recommendation<br>12<br>Paragraph 1.59<br>Page 138 | Labor Senators recommend<br>the Western Australian<br>Government monitor the Port<br>of Dampier to determine if<br>emissions from ships are<br>impacting the values of the<br>surrounding area. If a<br>problem is identified, Labor<br>Senators recommend that a<br>transition to use of low<br>sulphur content fuel or an<br>approved means of achieving<br>required emissions reductions<br>is investigated | Noted<br>See the response to recommendation 4<br>(Greens).<br>While the monitoring of emissions at the<br>Port of Dampier is the responsibility of<br>the Western Australian Government, the<br>Australian Government supports the on-<br>going monitoring and collection of data on<br>emissions from both shipping and land-<br>based industries. Such data is important<br>for assessing air quality issues and<br>investigating the type and extent of<br>controls that may be required. |
| Greens<br>Recommendation<br>6<br>Paragraph 1.32<br>Page 105 | Australian Greens Senators<br>recommend that the Western<br>Australian Government<br>require all other industry and<br>shipping on the Burrup<br>Peninsula to comply with<br>zero acidic emissions<br>standards within one year  | Noted<br>See the response to recommendation 4<br>(Greens) in relation to sulphur dioxide<br>emissions from shipping.<br>Land-based industry emission standards<br>fall within the responsibilities of the<br>Western Australian Government.  |
| Greens<br>Recommendation<br>5<br>Paragraph 1.18<br>Page 103 | Australian Greens Senators<br>recommend that the<br>Commonwealth Government,<br>in conjunction with the<br>Western Australian<br>Government, establish<br>measurements of existing<br>emissions as a matter of<br>priority.  | <b>Noted</b><br>The Australian Government is not<br>responsible for monitoring air emissions.<br>Under the Australian Constitution the<br>states are responsible for natural resource<br>management, including air shed<br>management. In this case, the emissions of<br>air pollutants are regulated by the Western<br>Australian <i>Environment Protection Act</i><br>1986.  |
|   |  | However, for any actions that are<br>approved under the EPBC Act where air<br>emissions may impact on matters<br>protected under the EPBC Act, such as the<br>Aboriginal rock art on the Burrup<br>Peninsula, the Minister may impose<br>certain conditions such as the requirement  |

|   |  | for air quality emissions monitoring and<br>reporting.<br>Under EPBC Approval 2008/4546 Yara<br>Pilbara Nitrates are required to undertake<br>an air quality management program at<br>selected Aboriginal rock art sites to<br>establish baseline air quality data levels<br>and to undertake on-going monitoring for<br>the life of the project. The Department of<br>Environment and Energy requires the<br>monitoring results to be submitted<br>annually. |
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| Greens<br>Recommendation<br>5<br>Paragraph 1.19<br>Page 103 | Australian Greens Senators<br>recommend that the Western<br>Australian Government<br>implement measures to<br>ensure that the emission load<br>on the Burrup Peninsula is<br>reduced.            | NotedThese recommendations fall whollywithin the responsibilities of the WesternAustralian Government.The Australian Government agrees withthe intent of these recommendations.   |
| Labor<br>Recommendation<br>11<br>Paragraph 1.56<br>Page 138 | Labor Senators recommend<br>that the Western Australian<br>Government investigate and<br>implement measures to<br>ensure that the emission load<br>on the Burrup Peninsula is<br>reduced.        |   |
| Industrial developm   | ent on the Peninsula   | and the second of the second  |
| Greens<br>Recommendation<br>7<br>Paragraph 139<br>Page 106  | Australian Greens Senators<br>recommend that the TANPF<br>be relocated to the Maitland<br>SIA.   | <b>Noted</b><br>This recommendation falls wholly within<br>the responsibilities of the Western<br>Australian Government.  |
| Greens<br>Recommendation<br>8<br>Paragraph 1.40<br>Page 106 | Australian Greens Senators<br>recommend that no further<br>industrial development be<br>approved for the Burrup<br>Peninsula.  | <b>Noted</b><br>Decisions regarding further industrial<br>development on the Burrup Peninsula are<br>the primary responsibility of the Western<br>Australian Government.  |
| Labor<br>Recommendation<br>13 Paragraph 1.63<br>Page 138    | Labor Senators recommend<br>that further industrial<br>development be approved in<br>the Burrup Peninsula only<br>under strict environmental<br>conditions.                                      | The EPBC Act sets out the requirements<br>for Commonwealth consideration of the<br>potential impacts of actions on matters of<br>national environmental significance,<br>including the listed values of national  |
| Labor<br>Recommendation<br>14<br>Paragraph 1.68<br>Page 139 | Labor Senators recommend<br>that the Minister for the<br>Environment and Energy use<br>new data and information<br>provided by improved<br>monitoring to consider the<br>cumulative effects when | heritage places. Actions referred to the<br>Commonwealth for consideration under<br>this legislation are considered on their<br>merits on the basis of information<br>provided for the assessment by the<br>proponent.  |

| Alternatives to indus<br>Greens<br>Recommendation<br>9<br>Paragraph 1.41<br>Page 106<br>Labor<br>Recommendation<br>5<br>Paragraph 1.24<br>Page 133 | approving decisions relating<br>to Murujuga<br>strial development on the Penins<br>Australian Greens Senators<br>recommend that the Western<br>Australian Government<br>promote tourism to the<br>Burrup Peninsula as a long-<br>term employment and<br>economic opportunity.<br>Labor Senators commend the<br>Murujuga Aboriginal<br>Corporation, the Western<br>Australian Government and<br>the City of Karratha, for their<br>collaborative efforts to<br>improve tourism and road<br>infrastructure at Murujuga.<br>Labor Senators recommend<br>that the Western Australian<br>Government should make a<br>significant contribution to the<br>Living Knowledge Centre<br>and road upgrade to Conzinc | Approvals under the EPBC Act are often<br>accompanied by conditions designed to<br>ensure avoidance or mitigation of impacts<br>to matters of national environmental<br>significance. Conditions may require<br>compensatory measures be put in place.<br>The Australian Government will make use<br>of new data and information made<br>available to it.<br>ula<br>Noted<br>These recommendations fall wholly<br>within the responsibilities of the Western<br>Australian Government.<br>The Australian Government supports<br>efforts to strengthen tourism opportunities<br>on the Burrup Peninsula. |
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| *  | Living Knowledge Centre<br>and road upgrade to Conzinc<br>Bay as well as continue to<br>improve support to the<br>Murujuga Aboriginal<br>Corporation for the ongoing<br>development of tourism on<br>the Burrup Peninsula.  |   |
| Monitoring program   | s and Rock Art Strategy   |   |
| Greens   | Australian Greens Senators  | Not Agreed  |
| Recommendation   | recommend that the incorrect  | CSIRO does not agree with the view that   |
| 10<br>Paragraph 1 54   | use of the Cinderby et al   | the Gillett 2008 Report has been demonstrated to have flawed content.   |
| Paragraph 1.54<br>Page 108   | report in the Gillett 2008 air pollution study, and the   | CSIRO notes that the establishment of   |
| 1 age 100  | impact that this flawed report  | regulatory approval conditions is not a   |
|  | has had on the establishment  | role for which CSIRO has responsibility.  |
|  | of approval conditions be   | The Australian Government will consider,  |
|  | noted; and recommend that   | as appropriate, the Cinderby <i>et al</i> report  |
|  | I ALL LAND AND A LAND AND A LIGHT   | as appropriate, the children of the report  |

|  | has produced fundamentally flawed assessments.  | implications, if any, for air pollution controls in respect to the TAN plant.   |
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| Green<br>Recommendation<br>11<br>Paragraph 1.55<br>Page 108  | Australian Greens Senators<br>recommend that the Western<br>Australian Government<br>prioritise the development<br>and implementation of a new,<br>fully funded independent<br>monitoring program that<br>meets all of the<br>recommendations of the Data<br>Analysis Australia reviews.  | Noted<br>These recommendations fall wholly<br>within the responsibilities of the Western<br>Australian Government.<br>The Australian Government can lend<br>support to the proposal outlined in these<br>recommendations.   |
| Labor<br>Recommendation<br>6<br>Paragraph 1.36<br>Page 135   | Labor Senators recommend<br>the Western Australian<br>Government prioritise the<br>development and<br>implementation of a new,<br>fully funded independent<br>monitoring program.   |   |
| Greens<br>Recommendation<br>12<br>Paragraph 1.56<br>Page 109 | Australian Greens Senators<br>recommend that the proposals<br>for further monitoring<br>included in the Draft Burrup<br>Rock Art Strategy be<br>implemented as soon as<br>possible.   | Noted<br>These recommendations fall wholly<br>within the responsibilities of the Western<br>Australian Government.<br>The Australian Government agrees with<br>the intent of these recommendations.   |
| Labor<br>Recommendation<br>7<br>Paragraph 1.37<br>Page 135   | Labor Senators recommend<br>that the Western Australian<br>Government implement, as<br>soon as possible, proposals<br>for further monitoring<br>included in the Draft Burrup<br>Rock Art Strategy.  |   |
| Yara Pilbara TANPI   |   |   |
| Greens<br>Recommendation<br>6<br>Paragraph 1.31<br>Page 105  | Australian Greens Senators<br>recommend that given the<br>significant impact of<br>ammonium nitrate and other<br>acidic emissions on both the<br>environment and human<br>health, the Australian<br>Government vary the<br>conditions of approval of the<br>Yara Pilbara TANPF to<br>impose a zero acidic<br>emissions requirement. | Noted<br>The Government may only, in accordance<br>with the EPBC Act, assess the impacts of<br>actions on matters of national<br>environmental significance, such as<br>National Heritage Places or listed<br>vulnerable, endangered or critically<br>endangered species.<br>Following the approval of the Operational<br>Environmental Management Plan required<br>under Condition 7 of EPBC Act approval<br>for the TANPF plant, there has been no<br>cause to vary the conditions of approval<br>(i.e. a breach in approved conditions). |

| Labor<br>Recommendation<br>8<br>Paragraph 1.42<br>Page 136   | Labor Senators recommend<br>that the Department of<br>Environment and Energy<br>actively work with Yara<br>Pilbara to ensure its<br>compliance is improved.   | Impacts on environmental and human<br>health in general are regulated through<br>state and territory environmental and<br>public health legislation.<br><b>Noted</b><br>The Australian Government is responsible<br>for monitoring actions that are approved<br>under the EPBC Act. The Department of<br>Environment and Energy monitors<br>compliance with approved actions by<br>undertaking desktop assessments, audits,<br>site inspections, and by reviewing<br>compliance reports and environmental<br>monitoring reports. The Department<br>prioritises compliance monitoring work on<br>potential risks to matters of national |
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| Greens<br>Recommendation<br>13<br>Paragraph 1.64<br>Page 110 | Australian Greens Senators<br>recommend that the<br>Australian Government vary<br>the approval conditions for<br>the TANPF to require Yara<br>Pilbara to engage a Heritage<br>Monitor to conduct a<br>comprehensive survey to<br>identify all rock art sites in a<br>two kilometre radius from the<br>site. | environmental significance.<br><b>Noted</b><br>The Australian Government considers the<br>Operational Environmental Management<br>Plan, approved 15 September 2017,<br>adequately addresses these matters.   |
| Labor<br>Recommendation<br>9<br>Paragraph 1.47<br>Page 136   | Labor Senators recommend<br>that the Australian<br>Government engage a<br>Heritage Monitor to conduct<br>a comprehensive survey to<br>identify all rock art sites in a<br>two kilometre radius from the<br>site, which may be affected<br>by emissions  |  |
| Greens<br>Recommendation<br>14<br>Paragraph 1.69<br>Page 110 | Australian Greens Senators<br>recommend that the Western<br>Australian Government<br>promptly review and assess<br>Yara Pilbara's compliance<br>with its approval conditions,<br>and take any necessary<br>enforcement action.  | <b>Noted</b><br>These recommendations fall wholly<br>within the responsibilities of the Western<br>Australian Government.  |
| Labor<br>Recommendation<br>10<br>Paragraph 1.52<br>Page 137  | Labor Senators recommend<br>that the Western Australian<br>Government promptly review<br>and assess Yara Pilbara's<br>compliance with its approval  |  |

|  | conditions and against best<br>practice, and take any<br>necessary action to improve<br>compliance.  |  |
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| Legislative reform   |  |  |
| Greens<br>Recommendation<br>15<br>Paragraph 1.74<br>Page 111 | Australian Greens Senators<br>recommend that the<br><i>Environment Protection and</i><br><i>Biodiversity Conservation</i><br><i>Act 1999</i> be amended to<br>require the Minister or their<br>delegate to consider the<br>cumulative effects when | Noted<br>The EPBC Act is the Australian<br>Government's central piece of<br>environmental legislation. It provides a<br>legal framework to protect and manage<br>nationally and internationally important<br>flora, fauna, ecological communities and<br>heritage places – defined in the EPBC Act   |
|  | approving decisions.   | as matters of national environmental<br>significance.<br>The Minister may consider cumulative<br>impacts of a range of activities when<br>deciding whether an action requires<br>approval under the EPBC Act, to the<br>extent that those cumulative impacts form<br>part of the context of the action.  |
|  | 5.   | The next statutory review of the EPBC<br>Act commenced October 2019. The<br>review will examine the operation of the<br>Act, and the extent to which its objects<br>have been achieved. While the<br>Government has not yet determined the<br>scope of the review, issues such as<br>consideration of cumulative effects under<br>the EPBC Act, may be examined. |