



Petroleum Division

LAND ACCESS INTRODUCTION FOR PETROLEUM TITLES

Potential explorers should be aware that these release areas cover a large area. Accordingly they are likely to contain a variety of land classifications, tenure and usage, some of which may limit access.

Explorers should consider the extent of such limitations before making a bid (application) for any of the areas.

While data in this regard is available from a variety of sources the following will need particular attention.

NATIVE TITLE

Before an exploration permit can be granted the title applicant must first comply with the future act provisions of the Commonwealth *Native Title Act 1993* (NTA).

These provisions provide any Registered Native Title Claimants and/or Determined Holders with interests in the land or waters within the permit area, procedural rights to negotiate with the title applicant and the Department of Mines and Petroleum (DMP). The release plans contained in this package show the details of any registered native title interests and their representative bodies.

The DMP will manage all native title negotiations in accordance with the State's Negotiation Protocol (refer to Negotiation Section in this package). The protocol provides the parties with an opportunity to reach an Agreement, thus enabling the grant of the permit to occur (refer to "About Native Title" and State Deeds in this package). In the event that an Agreement is not reached, then the protocol enables any of the parties to seek an arbitral determination by the Commonwealth National Native Title Tribunal on whether the grant of the permit should or should not occur.

The DMP will commence negotiations in accordance with the NTA and protocol, once the applicant has been advised that its bid for a permit has been successful. The successful applicant will be asked to commit to negotiating in good faith and in a manner which achieves a timely resolution. Failure to do so could result in the application being refused.

Further details on the NTA, future act provisions, registered native title interests and their representatives can be obtained from www.nntt.gov.au

ABORIGINAL HERITAGE

The West Australian *Aboriginal Heritage Act 1972* (AHA) protects and preserves any site or object, which is of significance to Aboriginal people. It is important that anyone wishing to use land (i.e. for petroleum exploration), which may disturb or destroy an Aboriginal site, is aware of his or her legal obligations under the AHA.

In most cases, Aboriginal heritage sites fall into two broad but overlapping categories. These are sites of current significance to Aboriginal people and sites, which provide physical evidence of past use. Prior to any proposed exploration or development activity, it is recommended that suitably qualified consultants be engaged to conduct anthropological and/or archaeological surveys of the area of proposed activity. This will help protect our Aboriginal heritage and avoid a breach of the AHA.

Further details on the AHA, site identification, avoidance and work clearance procedures can be obtained from www.dia.wa.gov.au

Developing relationships with Indigenous peoples of Western Australia requires genuine partnerships based on common understandings, shared commitments and genuine consultation and engagement. To guide potential explorers in this process, we have included the publication "Engaging with Aboriginal Western Australians" in this package.

ABORIGINAL RESERVES

Some of the release areas contain Aboriginal Reserves vested under Part III of *the Aboriginal Affairs Planning Authority (AAPA) Act 1972 (WA)* (refer to plans in release package). A Mining Access Permit is required before any petroleum exploration, recovery operations or travel through a Reserve can take place. The Minister for Indigenous Affairs grants the Mining Access Permit. Before granting a permit, the Minister must consult with the Aboriginal Lands Trust. The Trust in turn must be satisfied that residents of the Reserve and native title interests that may be affected by the exploration activity are agreeable to the issue of an Access Permit. For the purpose of consultation, native title interests include native title claimants and/or holders and the relevant native title representative bodies.

The Minister for Mines and Petroleum will also consult with the Minister for Indigenous Affairs in order to obtain recommendations on the conditions, if any, which should be included on the title before giving consent for entry onto Reserve land. The Minister for Indigenous Affairs must consult with the Aboriginal Lands Trust before making any recommendations. The Trust in turn will ensure that the residents and any native title interests have been properly consulted and have had the opportunity to express their views.

To obtain access to the land within the release areas, the Petroleum Division will coordinate the approval requirements under the AAPA Act.

CONSERVATION ESTATE AND OTHER RESERVE LAND

The release areas contain various parcels of land that are the subject of *Land Administration Act 1997 WA* (LAA) reserves (refer to plans in release package).

Entry to LAA reserve land for petroleum activities requires Ministerial consent pursuant to section 15A of the *Petroleum and Geothermal Energy Resources Act 1967*.

However, Government policy is such that no petroleum exploration or production may take place in national parks and A class nature reserves in respect to new petroleum titles granted over applications received after February 2001.

GEOHERMAL TITLE HOLDERS

Petroleum and Geothermal titles may subsist over the same areas. The Petroleum Division will notify any geothermal title holders affected by the proposed Petroleum Exploration Permit at least one month before the intended grant of the permit, so that any matters the geothermal title holder wishes to be taken into account are considered before grant of the Petroleum Exploration Permit.

SPECIAL ACCESS CONSIDERATION (IF REQUIRED)

OTHER LAND USE

Other land use may occur within the areas to be released (e.g. private property, pastoral properties) and, while these tenures do not necessarily prohibit access, any activities need to adopt a good neighbour philosophy.

Mining interests could also be contained within these areas, and petroleum activities encroaching onto such titles would need to recognise the rights of these other land users.

Online access is available to DMP's TENGGRAPH mapping system which will enable the release areas to be examined in conjunction with various cadastral information. Registration is required to access TENGGRAPH and you can do this online at: <http://www.dmp.wa.gov.au/3980.aspx>