Release Area L17-1 – Canning Basin

Land Access Considerations

Land Access Introduction
Release Area L17-1 (Area L17-1) is situated in the Canning Basin of the Kimberley Region in Western Australia. The area has previously been the subject of on-ground petroleum exploration including seismic and drilling activities. The successful applicant for this acreage will need to strategically plan for the land access approvals required prior to the grant of the title and before conducting petroleum exploration operations in the area.

Set out below is an overview of the key land access considerations in respect to Area L17-1, including matters pertaining to:
- Native Title;
- Aboriginal Heritage;
- Land Access and Stakeholder Engagement;
- Local Government;
- Pastoral Lands; and
- Land Use Planning.

Additional information on these considerations and other matters which should be taken into account including the environmental considerations for Area L17-1, can be obtained from the WA Petroleum Guideline - Criteria for Assessment, the Western Australia’s Petroleum and Geothermal Explorer’s Guide and the Department of Mines and Petroleum (DMP) website.

Native Title Considerations
The Commonwealth Native Title Act 1993 (NTA) seeks to protect native title rights and interests by prescribing procedures which must be complied with by Commonwealth, State and Territory Governments, before a future act (i.e. the grant of the petroleum exploration permit) can be done. Different subdivisions of the NTA relate to different types of activities and set out procedures which must be followed for the future act to be valid. The following information is about the native title rights and interests that exist in Area L17-1.

Area L17-1 is situated 100% within Kimberley Land Council, Aboriginal Corporation, Representative Aboriginal/Torres Strait Islander Body Area for the purpose of the NTA. Area L17-1 is entirely comprised of the Native Title Determination Area of the Ngurrara Part A (WAD6077/1998).

Ngurrara Part A (WAD6077/1998)
The Federal Court of Australia has made a determination over the land and waters in Area L17-1 and found that native title rights and interests exist in the entire area and is held communally by the common law holders of native title the Ngurrara People. The Ngurrara People have exclusive (100%) native title rights and interests in the lands and waters of Area L17-1.
Details of the Ngurrara People’s exclusive native title rights and interests in Area L17-1 can be obtained from the extract from the National Native Title Register, held by the National Native Title Tribunal (NNTT) in accordance with the NTA.

After a determination is made, a native title body corporate is established to hold native title rights and interests, usually in trust, on behalf of the common law holders of native title the (i.e. the Ngurrara People). This body corporate is referred to as the Registered Native Title Body Corporate (RNTBC) when it is registered with the NNTT and approved by the Office of the Register of Indigenous Corporations (ORIC).

Prior to the grant of the petroleum exploration permit derived from Area L17-1, the successful applicant will need to enter into NTA, Subdivision P (section 31) future act, right to negotiate procedures and negotiate in good faith with the Yanunijarra Aboriginal Corporation RNTBC (ICN 7478) on behalf of the common law holders of native title the Ngurrara People.

These negotiations will be conducted in accordance with the State’s Negotiation Protocol and the requirements of the NTA. Further details about the NTA and the future act negotiation procedures can be obtained from the NNTT website.

Aboriginal Heritage Considerations
The Department of Aboriginal Affairs (DAA) administers the Aboriginal Heritage Act 1972 (WA) (AH Act) and maintains the Register of Places and Objects (the Register). The Register contains details of protected areas, Aboriginal cultural material and other places and objects to which the AH Act applies. The AH Act requirements associated with the protection of both registered and unregistered Aboriginal heritage sites can be obtained from the DAA website.

There are currently no registered Aboriginal heritage sites recorded on the Register in Area L17-1. However, it is also possible that there may be Aboriginal heritage sites in Area L17-1 that are not recorded on the Register, but have the same protection under the AH Act as registered Aboriginal Heritage Sites.

The State’s Cultural Heritage Due Diligence Guidelines provides guidance to land users in understanding their obligations under the AH Act and how activities such as petroleum exploration could adversely impact (i.e. by excavating, damaging, destroying, concealing or altering in anyway) an Aboriginal heritage site.

Land Access and Stakeholder Engagement Considerations
Developing relationships with the Yanunijarra Aboriginal Corporation RNTBC in the Canning Basin requires genuine partnerships based on common understandings, shared commitments, genuine consultation and engagement.

The opportunity to acquire further understanding about the Ngurrara People, their traditional laws, customs and practises can be obtained from the
Yanunijarra Aboriginal Corporation. Further details about the Yanunijarra Aboriginal Corporation RNTBC can be obtained from the ORIC.

It is prudent to note that the Kalunngalong community is situated to the immediate west of the southern-most extent of Area L17-1 (Block 5054).

**SPECIAL NOTICE**

**STAKEHOLDER ENGAGEMENT**

Department of Mines and Petroleum (DMP) has engaged with the Yanunijarra Aboriginal Corporation, Registered Native Title Body Corporate (RNTBC) (ICN 7478) on behalf of the Native Title Holders, the Ngurrara People, in respect to the Government of Western Australia’s proposal to release Area L17-1 in the Canning Basin of the Kimberley Region in Western Australia.

**Open Invitation to Potential Applicants for Acreage Release Area L17-1**

DMP hereby advises that the Yanunijarra Aboriginal Corporation RNTBC on behalf of the Ngurrara People, have extended an open invitation to all potential applicants, to embark upon early engagement with them, to obtain details about their exclusive determined native title rights and interests specific to the lands and waters in Area L17-1 by contacting:

Mr Peter Murray  
Chief Executive Officer  
Yanunijarra Aboriginal Corporation RNTBC  
Email: peter@yanunijarra.com.au  
Mobile: 0418961951

**Local Government Considerations**

Area L17-1 is situated in the Shire of East Pilbara (39.0%) and the Shire of Derby/West Kimberley (61.0%). The land tenure comprising Area L17-1 is 100% Vacant Crown Land which is all unallocated and not reserved, declared or dedicated for the purpose of the Land Administration Act 1997 (WA) (LAA) or any other written law.

DMP has engaged with the Shire of East Pilbara and the Shire of Derby/West Kimberley to request their comments on Area L17-1. The Shire of East Pilbara has no concerns about the proposed release, but would like to ensure that any future petroleum operations undertaken in the region, does not negatively impact on the road system.

Similarly, the Shire of Derby/West Kimberley noted that the activity of petroleum exploration has the potential to impact on Shire controlled roads and infrastructure. On this basis, the Shire has stressed that it is important for future registered holders of titles, to conduct early engagement with the Shire about any planned access to roads for petroleum operations.

**Pastoral Lease Land Considerations**
Under the LAA, the Minister for Lands and the Pastoral Lands Board have separate and specific powers. The Department of Lands (DoL), Pastoral Land Unit provides operational support and advice in regards to pastoral lease administration for both the Minister and the Board.

**Area L17-1** is situated adjacent to the Millijidee (LPL N0409802), Kalyeeda (LPL N050601) and Nerrima (LPL N049755) Pastoral Leases'. In accordance with the Petroleum and Geothermal Energy Resources Act 1967 (WA), the holders of pastoral leases have an entitlement to compensation for damage to any improvements on the lease lands, occasioned by operations under the term of a title.

Future title holders will be required to notify stakeholder pastoral lessees, of any proposals to traverse pastoral leased lands for the purpose of accessing Area L17-1. The notification process and subsequent engagement between the title holder and pastoral lessee will be to determine the likelihood and extent of any damage to improvements, so that mutually satisfying arrangements can be reached prior to access to the pastoral lands.

**Land Use Planning Considerations**

The administration of Western Australia’s Crown Land in accordance with the LAA is the responsibility of the Department of Lands (DoL).

There are no public roads traversing the boundaries of Area L17-1, therefore rights to access any roads or tracks within the Ngurrara People’s exclusive determination area according to common law does not apply. Details on the LAA requirements associated with obtaining approval to access the Vacant Crown Land in Area L17-1 can be obtained from DoL.

Early engagement with the Yanunijarra Aboriginal Corporation RNTBC about these proposed future land access requirements can be meaningfully progressed through the course of the NTA future act negotiation process for Area L17-1.

Other land use may occur within Area L17-1. While these tenures do not necessarily prohibit access, effective stakeholder engagement needs to occur prior to any activities on the land or waters. There are currently mineral exploration interests in accordance with the Mining Act 1978 (WA), but no pastoral interests operating on the lands and waters in Area L17-1. However the area is adjacent to petroleum exploration permits EP431 and 493 and Special Prospecting Authority Application STP-SPA-0077.

Online access is available to DMP’s TENGGRAPH mapping system which will enable Area L17-1 to be examined in conjunction with various cadastral information datasets. Registration is required to access TENGGRAPH.

**Further Information**

Additional information on policies, guidelines and fact sheets pertaining to native title, Aboriginal heritage, pastoral lands and land access in Western Australia can be obtained from the websites’ of the NNTT, Department of the Premier and Cabinet, DAA, DoL and DMP.