

Historic Native title agreements in the Cooper Basin



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Introduction

An historic Native title agreement, involving unprecedented cooperation between Native title claimants and petroleum explorers, was signed into effect on 22 October 2001 at a ceremony in Parliament House, Adelaide. The ceremony was attended by the Minister for Minerals and Energy, Wayne Matthew, representatives of, and solicitors for, three Native title claimant groups, representatives of, and solicitors for, the petroleum exploration companies, Dennis Mutton (Chief Executive PIRSA), David Blight (Executive Director, Office of Minerals and Energy Resources (MER)), Bob Laws (Director Petroleum, MER), Joe Zabrowarny (Manager Petroleum Licensing and Royalties, MER), Peter Hall (Crown Solicitors Office), and representatives of the Aboriginal Legal Rights Movement Inc.

The signing ceremony was in relation to the 11 Cooper Basin areas released for application in late 1998 (the 'CO98' areas) and was the culmination of the right to negotiate process under the *Commonwealth Native Title Act 1993*. This process commenced in June 1999. The agreements are between three Native title claim groups (the Edward Landers Dieri, Yandruwandha-Yawarrawarrka and Wangkangurru-Yarluyandi Peoples), seven different exploration consortiums and the SA Government.

The agreements cover the exploration phase, and provide for development of any discoveries should exploration be successful. Amongst other issues, the agreements establish processes to protect Aboriginal heritage before and during field operations and to provide payments for the interference with the enjoyment of the Native title rights of the claimants. The agreements will form precedents for future Native title negotiations, not only in the Cooper Basin and SA, but throughout Australia.

The seven exploration consortiums involved are:



David Blight, Executive Director, Office of Minerals and Energy Resources, addressing the participants at the Cooper 98 Native title agreement signing ceremony, Parliament House, in the presence of Wayne Matthew, Minister for Minerals and Energy, and Dennis Mutton, Chief Executive, PIRSA, on 22 October 2001. (Photo 48407)

- Australia Crude Oil Co Inc.
- Stuart Petroleum NL
- Beach Petroleum NL
- Strike Oil NL and Australian Gasfields Ltd
- Liberty Petroleum Corp.
- Tyers Investments Pty Ltd
- Beach Petroleum NL and Magellan Petroleum (NT) Pty Ltd.

The subsequent grant of the 11 CO98 exploration licences will facilitate up to \$45 million of new investment in petroleum exploration.

The following is a summary of key terms and conditions of the agreements. A more complete account is contained on the Petroleum Group website (www.petroleum.pir.sa.gov.au).

General information

Each application for a petroleum exploration licence (PEL) requires a separate Native title agreement. Where a PEL straddles the boundary between two claim areas, the licensee is required to have separate agreements with each claimant group.

Each agreement consists of two parts — a deed to which the Government is a party, plus an ancillary agreement between the licensee, the Native title party, and their relevant management association.

The terms and conditions for all agreements are substantially identical. Each agreement lasts for the life of the PEL (as renewed from time to time). Where a PEL covers parts of two (or more) claim areas, one of the agreements may lapse in the event that the PEL,

through the process of statutory periodical relinquishments, reduces in area to the point where it no longer includes any part of that claim area.

Claim areas

None of the claim areas overlap. Should any Native title claims registered in the future overlap any portion of the existing claims in this region, the terms of the agreements will be unaffected.

Registration

The terms and conditions of the agreement will not be confidential. Each agreement will be registered on the public register maintained under the *Petroleum Act 2000* by the PIRSA Petroleum Group.

Conjunctivity

The agreements provide for licensees to obtain production licences, in the event

of a petroleum discovery, without the requirement for further negotiation with the Native title parties.

Payments

Two of the claimant groups have already formed a management association to provide certain interface services between the Aboriginal parties, the Government and the companies. The agreements provide for various stages of payment by the licensee to the associations. These include:

- Sign on payment
- Annual administration fees
- Compensation for disturbance to land due to oil or gas production.

In the event a licence area straddles the boundary between two claim areas, the payments are shared between the two claimant groups on a 'pro rata' area basis.

The moneys will be paid to the relevant Native title claimant group's incorporated association and will be used for community purposes.

Instruction in Aboriginal culture

Licensees are responsible for ensuring that all workers involved in field operations on their behalf (including contractors) are instructed by a qualified archaeologist in field observation techniques, and for promoting education of the traditions and culture of the claimant group to those workers.

Licensees will offer members of the claimant group the opportunity to provide assistance in the preparation of the instruction material on a consultancy basis.

Work site clearances

Prior to undertaking every exploration activity, each licence will obtain a site clearance from the claimant group to ensure that the proposed work program will not interfere with, damage or destroy areas of significance to Aboriginal people.

Obtaining clearances will involve a field expedition by a

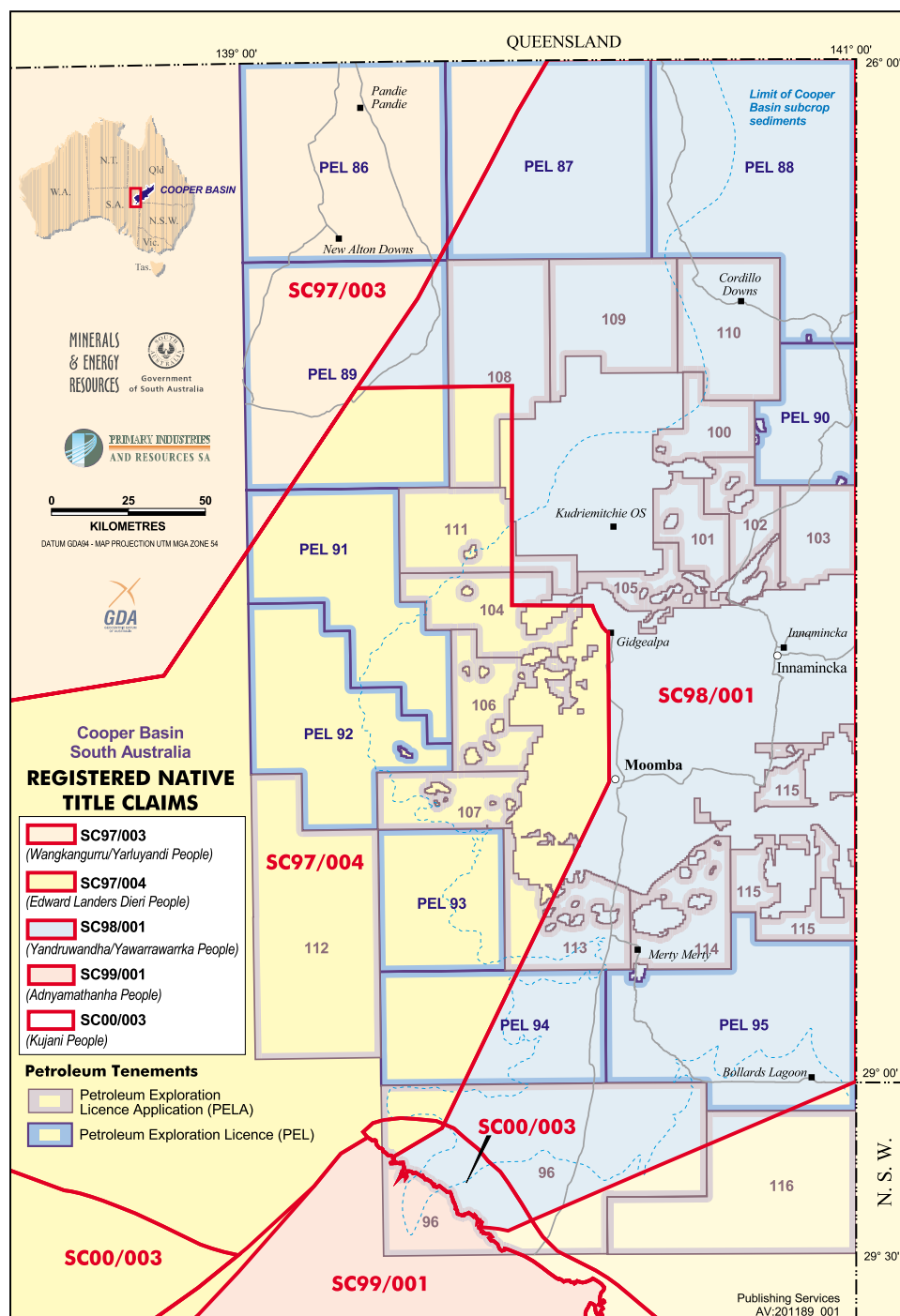


Fig. 1 Native title claims in the Cooper Basin region.



Wayne Matthew, Minister for Minerals and Energy, with representatives from participants involved in the Cooper 98 native title agreement signing ceremony, including all three Native title claimant groups, company representatives and Aboriginal Legal Rights Movement Inc. (Photo 48408)

scouting team of up to eight people from the claimant group, plus an anthropologist who will be responsible for liaison with the licensee's field representative.

For proposed seismic surveys, the scouting team will provide clearance of a corridor extending 500 m either side of each proposed recording line.

In the event where sections of originally proposed seismic lines need to be relocated, suitable alternative locations are determined on site during the clearance survey in consultation with the licensee's field representative. Clearance surveys will be conducted well in advance of the seismic recording crew mobilising to the area.

The scouting team is required to mobilise to the field within 40 days of the licensee requesting in writing its requirement for a clearance survey. Within a further 28 days from the time of mobilisation, the association must supply to the licensee its report on the clearance survey.

The scouting team is responsible for the logistics of its field operation. Before mobilising to the field, the supervising

anthropologist and representatives from the scouting team will meet with the licensee's representatives to present and discuss their detailed budget for the clearance survey. The licensee will pay all costs associated with the clearance survey, including remuneration of each member of the scouting team at current commercial rates.

Recognition and avoidance of archaeological sites during the course of seismic operations will be the responsibility of the licensee as specified in the *Aboriginal Heritage Act 1988*. Operators of equipment involved in preparing access along the proposed recording lines will be appropriately educated and trained for this task.

Potential agreements

There are a further 16 blocks from the Cooper 99 and 2000 release areas where the right to negotiate process under the Commonwealth Native Title Act has been instigated, and the precedents set in the Cooper 98 agreements could facilitate timely further agreements. This, in turn, would facilitate the timely grant of the corresponding exploration licences which will allow up to a further



Wayne Matthew, Minister for Minerals and Energy, with representatives from Wangkan-gurru Yarluyandi, Yandruwandha Yawarrarrrka and Edward Landers Dieri Peoples, respectively, signing the Cooper 98 Native title agreements. (Photos 48409, 48410 and 48411)

\$200 million worth of new investment in petroleum exploration.

Up to a further ~15 areas of the State are under application where the right to negotiate procedures will now be considered to enable such licences to be granted.

For further information contact Joe Zabrowarny (ph. 08 8463 3203).