

**LEGISLATIVE COUNCIL**  
**Question On Notice**

**Tuesday, 22 August 2017**

**300. Hon Robin Chappie to the Minister for Environment representing the Minister for Aboriginal Affairs**

As a result of the *Robinson v Fielding* [2015] WASC 108 court decision, the Minister directed the Aboriginal Cultural Material Committee (ACMC) to reassess 35 places that were removed from the register of Aboriginal heritage sites on the basis of an administrative decision concerning section 5(b) of the *Aboriginal Heritage Act 1972*. The Department of Aboriginal Affairs (DAA) website shows that the last time any of these sites were considered was October 2016. With reference to those 35 sites, I ask:

- (a) are those reassessments continuing;
- (b) if no to (a), why not;
- (c) if yes to (a), what is the estimated timeline;
- (d) when was the last time that the ACMC considered any of the places;
- (e) if the list of reassessed sites on the DAA website is no longer up to date, which sites have been reassessed since October 2016;
- (f) why is the reassessment process taking so long;
- (g) what is the criteria for reassessment; and
- (h) as part of procedural fairness, have the Registered Knowledge Holders for the 35 sites been advised of the current status of the reassessments and, if not, why not?

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**Answer**

(a) Yes.

(b) Not applicable.

(c) February 2018.

(d - e) The Aboriginal Cultural Material Committee considered one of the 35 Aboriginal heritage places at its 14 August 2017 meeting. The website has since been updated.

(f - g) Time is required for the Department of Planning, Lands and Heritage to undertake procedural fairness with Traditional Owner groups that have an interest in the Aboriginal heritage places. 26 out of the 35 Aboriginal heritage places have been considered by the Aboriginal Cultural Material Committee. Two of the remaining nine Aboriginal heritage places are scheduled to be considered by the Aboriginal Cultural Material Committee at its 10 October 2017 meeting.

(h) The outcomes of the reassessments considered by the Aboriginal Cultural Material Committee are published on the Department's website.

