

LEGISLATIVE COUNCIL

C322

QUESTION WITHOUT NOTICE (Of which some notice has been given)

Wednesday, 26 June 2013

Hon Robin Chapple to the Minister for Aboriginal Affairs.

With regard to the Aboriginal Heritage Act 1972 I ask:

- (1) What is to be included on the Register as detailed in section 38 of the *Aboriginal Heritage Act 1972*?
- (2) Is there any requirement in the *Aboriginal Heritage Act 1972* that those things described in answer to (1) above have to be assessed and be on the register?
- (3) Is it correct that all things defined in section 38 of the *Aboriginal Heritage Act 1972* have protection under section 5 and 6 of the *Aboriginal Heritage Act 1972*?
- (4) If no to (3) why not?
- (5) If yes to (3) why did the Minister say in answer to a QWON on 11th June 2013 that those sites that were not on the register had no legal status?
- (6) Is it correct that any Aboriginal sacred, ritual or ceremonial sites, objects, natural or artificial, whether they are on the register or not, are protected by the *Aboriginal Heritage Act 1972*?

I thank the Hon. Member for some notice of this question.

1. All places and objects that meet the requirements of sections 5 and 6 of the *Aboriginal Heritage Act 1972*.
2. No. However, it is a longstanding practice that registered sites are assessed by the Aboriginal Cultural Material Committee as meeting sections 5 and 6 of the *Aboriginal Heritage Act 1972*. All other records of places and objects are stored on the Aboriginal Heritage Inquiry System.
3. No.
4. The categories in section 38 have to be assessed as meeting the definitions of sections 5 and 6 of the *Aboriginal Heritage Act 1972*.
5. Not applicable
6. Yes, if they meet the definitions of sections 5 and 6 of the *Aboriginal Heritage Act 1972*.



Minister for Aboriginal Affairs