

# LEGISLATIVE COUNCIL

## Question on notice

17 SEP 2013

Tuesday, 6 August 2013

191. Hon Robin Chappie to the Minister for Aboriginal Affairs.

With regard to the section 18 notice, dated 23 October 2012, submitted by Holcim (Australia) Pty Ltd (the Landowner) to the Aboriginal Cultural Material Committee (ACMC) pursuant to section 18(2) of the *Aboriginal Heritage Act 1972* (AHA), I ask:

- (a) are the sites DIA 26711, DIA 32590, DIA 32589, DIA 32586, DIA 32586, DIA 26712, DIA 32585, DIA 32587, DIA 26713, DIA 32584, DIA 32588 and DIA 32583 to be protected from damage or destruction by Holcim (Australia) Pty Ltd in pursuit of their desires to quarry portions of M47/306, M47/309, M47/331 and M47/353;
- (b) if yes to (a), how;
- (c) if no to (a), why not;
- (d) will the Minister table his grant of consent to Holcim (Australia) Pty Ltd to the use of the land for the purpose subject to conditions;
- (e) were all the sites identified to exist in (a) within M47/306, M47/309, M47/331 and M47/353 subject to the section 18 notice and the Minister's subsequent grant of consent to the use of the land;
- (f) if no to (e), why not;
- (g) if no to (e), will the Minister cause Holcim (Australia) Pty Ltd to include all the sites contained within the quarry portions of M47/306, M47/309, M47/331 and M47/353 as the subject of a section 18 notice;
- (h) if no to (g), why not;
- (i) given that damage has been sustained by rock art (petroglyphs), by fly rock, during the blasting of rock on the Burrup, what conditions has the Minister placed on blasting activities by Holcim (Australia) Pty Ltd to insure that no damage is sustained to sites CEM1001, CEM1002, CEM1008, CEM1009, CEM1010, CEM1012, CEM1014, CEM1015, CEM1016, CEM1017, CEM1018, CEM1019, CEM1020, CEM1021, CEM1023, CEM1026, CEM1027, CEM1028, CEM1029, CEM1030, CEM1031, CEM1032, CEM1033, CEM1035, CEM1036, CEM1037, CME1037, DIA 32583, DIA 32621, DIA 32622, and DIA 8858 contained within the National Heritage Listed area of the Dampier Archipelago and adjacent to M47/306, M47/309, M47/331 and M47/353, by fly rock or blast effect; and
- (j) if none to (i), why not?

## Answer

(a) - (c)

Registered Aboriginal Sites	Protected from damage/destruction
DAA 26711	Yes. Will be avoided by the purpose.
DAA 26712	No. Will be salvaged.

DAA 32590	No. Will be salvaged.
DAA 32585	No. Will be partly salvaged.
<b>Other heritage places</b>	<b>Protected from damage/destruction</b>
DAA 32587	No.
DAA 26713	No.
DAA 32583	No.
DAA 32584	No.
DAA 32586	No.
DAA 32588	No.
DAA 32589	No.

Section 5 of the *Aboriginal Heritage Act 1972* (AHA) does not apply to other heritage places. Consultation for the section 18 application was undertaken with three Aboriginal groups, Wong-Goo-Tt-Oo, Yaburara/Mardudhunera and Ngarluma/Yindjibarndi groups who conditionally supported the application.

(d) No.

(e) Yes.

(f) Not applicable.

(g) Not applicable.

(h) Not applicable.

(i) None.

(j) DAA 32583 and DAA 32622 are not places to which section 5 of the AHA applies. DAA 32621 is to be avoided by the purpose by agreement between the parties. The other places identified are located outside the Land subject to the notice.



Minister for Aboriginal Affairs