

LEGISLATIVE COUNCIL

Question on notice

Tuesday, 6 August 2013

17 SEP 2013

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

With regard to the Aboriginal interim registered heritage site 23323, Burrup Peninsula, Murujuga, and questions on notice Nos 5024, 5737 and the subsequent question without notice No. 58 of 16 May 2013, I ask:

- (a) do any of the following describe the current status of this site:
 - (i) a registered site;
 - (ii) an interim registered site; and
 - (iii) an "other heritage place";
- (b) if yes to any of (a)(i), (ii) or (iii), why is it in that category of site;
- (c) will the Minister confirm that the Aboriginal Cultural Material Committee (ACMC) determined that site 23323 was a site on 15 August 2011;
- (d) if yes to (c), over how many meetings did the ACMC deliberate on this issue;
- (e) did the ACMC require and assess further information to assist in their deliberations;
- (f) is it correct that section 37(2) authorises the Registrar to administer the operations of the ACMC and "perform such other functions as are allocated to the Registrar by this Act";
- (g) is there a section within the *Aboriginal Heritage Act 1972* that includes the ability of any other party other than the Minister, to not accept the recommendations of the ACMC;
- (h) who within the Department of Indigenous Affairs (the department) did not accept that the site 23323 was a registered site and decided that there was insufficient information;
- (i) in what capacity did that person determine that the ACMC's decision was incorrect;
- (j) did that person have the authority to make that decision;
- (k) if yes to (j), under what section of the *Aboriginal Heritage Act 1972* did that person make that decision;
- (l) if no to (j), will that decision be rescinded;
- (m) if no to (l), why not;
- (n) in reference to the answer to (8) of question 5024 of 7 March 2012, has the department concluded its work with cultural groups in refining the values and boundaries of site DIA 23323;
- (o) if no to (n), why not;
- (p) if yes to (n), when will site 23323 appear on the register; and
- (q) if no to (n), when will that work be concluded?

Answer

- a) (i) No. (ii) No. (iii) Yes.
- b) Information has been submitted on the place but the Aboriginal Cultural Material Committee (ACMC) is of the opinion that the Aboriginal Heritage Act 1972 (the Act)

does not apply to the place.

c) No. DAA 23323 was discussed by the APMC on 15 August 2011 in the context of a section 18 application submitted by Main Roads Western Australia and whether the Act applied to that part of the land being applied for.

d) Not applicable.

e) Yes. The place was considered by the APMC at four meetings.

f) Yes.

g) No.

h) No decision was made by the Department of Aboriginal Affairs (DAA). In the context of a section 18 application, DAA conveys the recommendations of the APMC to the Minister together with DAA's own advice.

i) Not applicable.

j) Not applicable.

k) Not applicable.

l) Not applicable

m) Not applicable.

n) Yes.

o) Not applicable.

p) DAA 23323 will remain on the Aboriginal Heritage Inquiry System under 'other heritage places'.

q) Not applicable.



Minister for Aboriginal Affairs