

LEGISLATIVE COUNCIL

C1329

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

Tuesday, 18 November 2014

Hon Robin Chappelle to the Minister for Aboriginal Affairs.

I refer to a letter reference 2012/1537 sent to the Widi Mob on 26 September 2014, in which it states:

For this place [Mongers Lake Waterway DAA 24380] to be determined as a sacred, ritual or ceremonial area, information and specific details regarding the religious activities conducted and are solely associated with this place would need to be provided.

and I ask:

1. In what section of the Aboriginal Heritage Act (1972) (AHA) are religious activities defined?
2. If no to 1) on what basis is this information being required?
3. Is it correct that s5(b) of the AHA refers to (any sacred, ritual or ceremonial site)?
4. In what section of the Aboriginal Heritage Act (1972) (AHA) are sacred, ritual or ceremonial sites defined as being associated with religious activities?
5. Why then are the Widi Mob being required to identify what religious activities are conducted at the Mongers Lake Waterway site, when the site complies with s5(b) of the AHA?

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

- 1) Religious activities are not defined in the *Aboriginal Heritage Act 1972*.
- 2) To assist the Widi Mob address the requirements of section 5 of the *Aboriginal Heritage Act 1972*.
- 3) Yes. It refers to any sacred, ritual and ceremonial sites, which are of importance and special significance to Aboriginal people.
- 4) There are no definitions in the Aboriginal Heritage Act 1972 for sacred, ritual or ceremonial sites. The Interpretation Act 1984 provides that, in the absence of statutory definitions, the words and phrases are given their ordinary meaning. The ordinary meaning of "sacred site" includes an area devoted to a religious activity.
- 5) To assist the Aboriginal Cultural Material Committee to form an opinion as to whether the Aboriginal site known as Mongers Lake Waterway meets the requirements under section 5 of the *Aboriginal Heritage Act 1972*.



Minister for Aboriginal Affairs