

LEGISLATIVE COUNCIL

C693

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

Monday, 15 June 2015

Hon Robin Chapple to the Minister for Aboriginal Affairs.

I refer to the answers to Question Without Notice No.476 asked in the Legislative Council on Wednesday 6 May 2015 which states the APMC Chair '*sought advice on section 5(b) of the Aboriginal Heritage Act 1972 on 31 August 2012*' and Question Without Notice No.240 asked in the Legislative Council on 17 March 2015 which states that at a meeting on 21 November 2012 the APMC '*considered and applied the State Solicitor's Office advice dated 1 November 2012*' and ask:

1. With regards to above, why does Tabled Paper No. 1 provided by the Minister as part of his answer to Question Without Notice C467 asked in the Legislative Council on 5 May 2015, state that:
 - a. Site No.22 ID:24851 (Wati Kutjarra Tjukurpa) was assessed as not meeting section 5(b) on 8 February 2012?
 - b. Site No.15 ID:22886 (Southern River Junction) was assessed as not meeting section 5(b) on 10 October 2012?
2. Was advice from the State Solicitor's Office on section 5(b) of the *Aboriginal Heritage Act 1972* sought by the APMC to justify the assessment of both of these heritage places as 'Not a Site'?
3. If no to (2), why was the incorrect information provided by the Minister and his Department?

1. The reassessment process represents a significant amount of work and the Department of Aboriginal Affairs has been working on this as a matter of priority. The list provided by the Department of Aboriginal Affairs included sites which changed status to 'not a site' as a result of assessment by the Aboriginal Cultural Material Committee since the start of 2012. The two sites referred to in the question were reassessed by the Aboriginal Cultural Material Committee in 2012 as not meeting the requirements of section 5(b) of the *Aboriginal Heritage Act 1972*, but not as a result of the State Solicitor's advice dated 1 November 2012. The Department of Aboriginal Affairs continues to manually go through its historical records, including previous Aboriginal Cultural Material Committee decisions dating back to 2012, as well as its heritage management databases.

2. No.
3. See response to (1).



Minister for Aboriginal Affairs