

LEGISLATIVE COUNCIL

C691

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 ACMC Chair '*sought advice on section 5(b) of the Aboriginal Heritage Act 1972 on 31 August 2012*' and ask:

1. Why was legal advice sought by Mr Gavin Fielding on the definition of Section 5(b) of the *Aboriginal Heritage Act 1972*?
2. Does the Chair of the ACMC have the independent authority to seek such advice or does the authority lie with the ACMC?
3. If Yes to (2), what matter was before the ACMC that prompted the seeking of clarification on Section 5(b) of the act?
4. If no to (2), who authorised Mr Gavin Fielding to seek legal advice on the definition of Section 5(b) of the *Aboriginal Heritage Act 1972*?
5. If no to (2), what matter was before the ACMC that prompted the authorisation of the Chair to seek clarification on Section 5(b) of the act?

---

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

1. The advice was sought prior to and in preparation for the Aboriginal Cultural Material Committee's consideration of a section 18 notice under the *Aboriginal Heritage Act 1972*. The Aboriginal Cultural Material Committee was aware that it would be required to form an opinion whether the whole of the area known as the Ullullong Song Cycle Path was a sacred site by operation of section 5 of the *Aboriginal Heritage Act 1972*.
2. Yes.
3. See response to (1).
4. Not applicable.
5. Not applicable.



Minister for Aboriginal Affairs