

LEGISLATIVE COUNCIL

Question On Notice

Thursday, 24 August 2017

332. Hon Robin Chappie to the Minister for Environment representing the Minister for Aboriginal Affairs

- (1) Has the Minister considered whether there should be an advisory panel of archaeological experts on heritage matters and any proposed reforms to the management of Aboriginal heritage?
- (2) Given the administrative changes that took place to the Aboriginal Cultural Material Committee (ACMC) and the Department of Aboriginal Affairs (DAA) under the former Government, will the Minister now reinstate the ACMC processes as they were before the legal advice to the department 1 Nov 2012 regarding section 5 of the *Aboriginal Heritage Act 1972*?
- (3) Given that the department was disengaging from and refusing to help stakeholders, including miners, are DAA staff now going to start actively assisting those who wish to engage with Aboriginal heritage reporting?
- (4) Given the 30 per cent reduction in DAA staff numbers under the previous Government, will the Minister now appoint or reappoint a suitable number of staff to the department?
- (5) If no to (4), and given the extreme backlog of work, why not?
- (6) How many heritage professionals, qualified archaeologists and anthropologists, are currently employed by DAA?
- (7) Is there a specialist anthropologist on the ACMC?
- (8) Is the department of the view that the ACMC recommendations are valid without the services of a specialist anthropologist?
- (9) If yes to (8), please explain in the context of the *Aboriginal Heritage Act 1972*?
- (10) What sort of departmental material have Aaron Rayner and Katherine Pryzwolnich been allowed to keep since they left DAA and started their own consultancy (AHALogic) which, per Mr Rayners Linkdin profile "provides expert advice to land users and planners about all matters relating to Aboriginal heritage compliance including statutory approvals, engagement strategies, due diligence and conducting Aboriginal heritage surveys"?
- (11) Does DAA have dealings with AHAlogic as a consultant?
- (12) When the DAA is dealing with consultancies, such as AHALogic, what level of qualification or accreditation of consultants is required?
- (13) With regards to (12), is there any level of qualification that is required for heritage professionals who submit reports and recommendations to the ACMC for consideration?
- (14) Has Mr John Avery been reappointed by the department?
- (15) If yes to (14), in what capacity?
- (16) If yes to (14), on what pay level?
- (17) Under the previous Government, 1,262 sites (see Hansard [COUNCIL — Wednesday, 13 May 2015] p28c-29a) were assessed as not meeting section 5 and therefore not a site (between 1 November 2012 legal advice regarding section 5b and April, 2015). The Minister at the time said that "those Aboriginal heritage places assessed in relation to section 5(b) of the *Aboriginal Heritage Act 1972* will be resubmitted to the Aboriginal Cultural Material

Committee for reassessment" (Hon Robin Chapple MLC question without notice 2015-05-19) and gave the figure as 16 places that would be reassessed:

- (a) what is the current status of those reassessments;
- (b) will the Minister now direct the ACMC to reassess all of those sites; and
- (c) what is the current criteria for placing sites into the "Other Heritage Places – Stored Data/Not a Site" category?

(18) I refer to site 30602 Lake Yindarlgooda, which was moved into the "Stored Data/Not a Site" category under administrative decisions made by DAA following advice from the State Solicitor's Office in 2012, and ask:

- (a) has the site been the subject of impact by mining or other operations;
- (b) if yes to (a), how has the site been impacted;
- (c) did these impacts happen while Lake Yindarlgooda was considered "Stored Data/Not a Site"; and
- (d) if yes to (c), who is going to be held responsible for the damage to now re-registered Lake Yindarlgooda Aboriginal heritage site?

Answer

(1) No.

(2) No administrative changes were made to the Aboriginal Cultural Material Committee.

(3) The Department of Planning, Lands and Heritage continues to provide advice to all stakeholders.

(4)-(5) Should resources and positions become available, the Department will continue to fill such vacancies.

(6) The Department of Planning, Lands and Heritage's Heritage Division has 23 qualified heritage staff; four are qualified in the field of archaeology and two in anthropology.

(7) No.

(8) Yes.

(9) Please refer to section 32 of the Aboriginal Heritage Act 1972, which outlines the quorum and meeting requirements of the Aboriginal Cultural Material Committee.

(10) Aaron Rayner and Kathryn Przywolnik have not been allowed to keep Departmental material since leaving the Department.

(11) Yes.

(12) The Department of Planning, Lands and Heritage does not have a role in regulating industry participation, however, it ensures that any individuals or firms it engages are appropriately qualified, skilled and experienced.

(13) No. However most reports if not all have been completed by qualified individuals in their field of expertise.

(14) No.

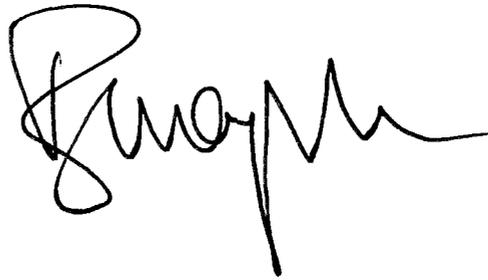
(15)-(16) Not applicable.

(17(a)-(b)) 26 out of the 35 Aboriginal heritage places have been considered by the Aboriginal Cultural Material Committee. The Department of Planning, Lands and Heritage is progressing the remaining nine reassessments to the Aboriginal Cultural Material Committee.

17(c) The place has been assessed by the Aboriginal Cultural Material Committee as not meeting section 5 of the Aboriginal Heritage Act 1972.

18(a). No. There are live mining tenements within the boundary of the site, however, there has been no impact to the site requiring action under the Aboriginal Heritage Act 1972.

18(b)-(d) Not applicable.

A handwritten signature in black ink, appearing to be 'J. M. P.', written in a cursive style.