

LEGISLATIVE COUNCIL

Question On Notice

Tuesday, 26 June 2018

1434. Hon Robin Chappie to the Minister for Environment representing the Minister for Aboriginal Affairs

I refer to Eastern Guruma heritage sites ID 37168, ID 37170 and ID 37173, that were recently assessed by the Aboriginal Cultural Material Committee (ACMC), and I ask:

- (a) on what date was site ID 37168 formally assessed by the ACMC and what were the results of the assessment;
- (b) on what date was site ID 37170 formally assessed by the ACMC and what were the results of the assessment;
- (c) on what date was site ID 37173 formally assessed by the ACMC and what were the results of the assessment;
- (d) is the Minister aware that the Place Summary produced by the Registrar of Sites for site 37170 describes the site as being 2,550 square metres in size, but the analysis of the site represents less than one percent of it:
 - (i) if no to (d), why not; and
 - (ii) if yes to (d), will the department alter the description to align with the actual size of the site;
- (e) is the Minister aware that according to the Registrar's Place Summary there are approximately 6,000 artifacts within the site, yet the Registrar advised the ACMC that there 'are no unique or distinguishing features that set the place apart from other artifact scatters';
- (f) how many sites located within the Eastern Guruma native title determined areas are lodged and awaiting assessment by the ACMC;
- (g) how many lodged sites in Eastern Guruma country been formally assessed outside of the procedures specified in section 18 and/or section 16 of the *Aboriginal Heritage Act 1972* between 1 June 2016 and 1 June 2018;
- (h) did the Fortescue Metals Group (FMG) request that these sites be assessed by the ACMC outside of a section 18 notice:
 - (i) if yes to (h), on what date did FMG make this request;
 - (ii) if yes to (h), to whom within the Department of Planning, Lands and Heritage did FMG make the request; and
 - (iii) if yes to (h), was this request accepted:
 - (A) if yes to (h)(iii), why; and
 - (B) if yes to (h)(iii), can the Minister explain why FMG is able to expedite site assessments outside of the procedures specified in section 16 and/or section 18 of the *Aboriginal Heritage Act 1972*;
- (i) does the Minister believe that conducting site assessments outside of a statutory approvals procedure is a faster process for the land user;
- (j) does the Minister believe that conducting site assessments outside of a statutory approvals procedure avoids departmental and ministerial scrutiny;
- (k) is the Minister aware that site ID 37168, site ID 37170 and site 37173 are located in the proposed Eliwana railway corridor:
 - (i) if no to (k), why not;

(l) does the Minister believe that FMG's request for site assessments outside of the procedures specified in section 16 and/or section 18 of the *Aboriginal Heritage Act 1972* could be perceived as requesting special treatment by the regulator; and
(m) will the Minister confirm that the Registrar of Sites will not agree to assess Eastern Guruma heritage sites outside of procedures specified in section 16 and/or section 18 of the *Aboriginal Heritage Act 1972* at the request of FMG without receiving the approval of the Wintawari Guruma Aboriginal Corporation?

Answer

(a-c) The Aboriginal Cultural Material Committee (ACMC) has not considered Aboriginal heritage places ID 37168, ID 37170 and ID 37173.

(d-e) The Place Summary is based on the Heritage Information Submission form submitted for the area. The number of artefacts is an estimation only. The assessment has not progressed beyond the procedural fairness stage of the assessment process.

(f-g) There are 519 lodged Aboriginal places within the Eastern Guruma determined native title areas, with seven being assessed outside a section 18 or section 16 process.

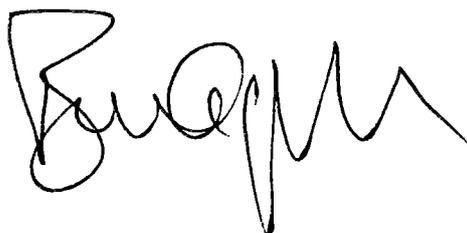
(h) No

(i-j) Any person, including land users and Aboriginal community members, can submit information in relation to a potential Aboriginal Site under section 5 of the Act. This information may be considered by the ACMC as a standalone item or as part of a section 18 process. The procedural fairness process is afforded to all parties that may be affected by the decision.

(k) An application to disturb these places has not been submitted under section 18 of the *Aboriginal Heritage Act 1972*. As such, I am not aware of the details of these places.

(l) Not applicable

(m) See (i-j) above.

A handwritten signature in black ink, appearing to be 'B. Quinn', located at the bottom right of the page.