

**LEGISLATIVE COUNCIL**  
**Question On Notice**

**Tuesday, 14 August 2018**

**1451. Hon Robin Chappie to the Minister for Environment representing the Treasurer; Minister for Finance; Energy; Aboriginal Affairs**

I refer to the new access track installed by Fortescue Metals Group (FMG) to facilitate investigations into the Eliwana Railway development near to the Duck Creek rock-art precinct on the Eastern Guruma traditional lands, and I ask:

(a) is the Department of Planning, Lands and Heritage investigating FMG for committing an offence under Section 17 of the *Aboriginal Heritage Act 1972* because of the impact of the track on Aboriginal sites:

(i) if yes to (a), how long does the Minister expect the investigation will take; and

(ii) if no to (a), why not;

(b) how many Aboriginal sites may have been impacted by the installation of the access track;

(c) is the Minister aware that the archaeologist who recorded the sites in 2008 described one of these sites as rare and stated that it should be protected because of its importance to the cultural heritage of Western Australia:

(i) if no to (c), does the Minister think it is appropriate to install an access track in an area delineated as holding great cultural heritage significance; and

(ii) if yes to (c), does the Minister think it is appropriate to install an access track in an area delineated as holding great cultural heritage significance; and

(d) is the Minister aware that FMG received written advice from an archaeologist and the Eastern Guruma people that stated the requirement of consent under Section 18 of the *Aboriginal Heritage Act 1972* if FMG intended impacting the sites near to the Duck Creek rock-art precinct:

(i) if no to (d), why not;

(ii) if yes to (d), does the Minister believe that FMG has demonstrated intent to impact the sites near to the Duck Creek rock-art precinct by installing a new access track to facilitate investigations into the Eliwana Railway development; and

(iii) has FMG applied for a section 18 permit with the intent to impact Aboriginal heritage sites near to the Duck Creek rock-art precinct?

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**Answer**

(a)-(b) The Department of Planning, Lands and Heritage is investigating the circumstances around the installation of a track in the Duck Creek area. A site visit has been arranged for 23 August 2018. The timeframe for individual investigations depends on a range of factors.

(c) There are no Aboriginal sites identified on the department's database at the location supplied by the parties. The Aboriginal Cultural Material Committee determines whether a place should be recorded as an Aboriginal site.

(d) These issues form part of the investigation currently being undertaken.

