

# LEGISLATIVE COUNCIL

## Question On Notice

Tuesday, 12 February 2019

### 1820. Hon Robin Chapple to the Minister for Environment representing the Minister for Aboriginal Affairs

I refer to question on notice No. 1750 asked in the Legislative Council on Wednesday, 7 November 2018 by Hon Robin Chapple to the Minister for Aboriginal Affairs, in particular the answers for question parts (o) through to (t), and to the photographs found here: <https://robinchapple.com/spear-hill-photos>, and ask:

- (a) is the Minister aware that this is the site subject of the section 18 consent;
- (b) is the Minister aware that the rock shelter is recorded as 23,000 years old;
- (c) is the Minister aware that over 1,100 artefacts were recovered from the excavation test pit 1m x 1m of 1.3m, with the rock shelter measuring 200m<sup>2</sup>;
- (d) is the Minister aware that there was significantly more potential for further excavations and dating at the site;
- (e) is the Minister aware the first picture was taken before Fortescue Metals Group (FMG) began ground disturbing works and the second picture was taken after FMG began ground disturbing works;
- (f) does the Minister agree that despite the application to the Commonwealth Minister seeking protection of the whole area by Wintawari Guruma Aboriginal Corporation (WGAC) as well as WGAC's application for judicial review of your section 18 decision, that FMG's earthworks have gravely impacted the site;
- (g) does the Minister agree that the site is not safe for any Eastern Guruma person to enter the rock shelter to try to salvage the hundreds of artefacts;
- (h) will the Minister confirm that he is satisfied with FMG's advice to the Department of Planning Lands and Heritage that they are avoiding all sites and that as a consequence there is no need for cultural salvage, as required by the Minister's condition of section 18 consent;
- (i) if not, will the Department of Planning Land and Heritage initiate an investigation to substantiate FMG's claim that they are in compliance with the section 18 condition of consent; and
- (j) if no to (j), why not?

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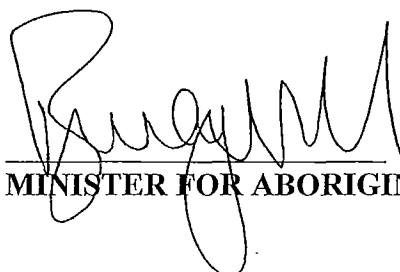
#### Answer

(a)-(d) The Minister is aware that he has granted a section 18 consent for works in this area, being an area where Aboriginal sites, including the rock shelter, exist.

(e)-(f) The Minister is not in a position to make any comment on the basis of the photos provided by the Member.

(g)-(h) I am advised that, based on the current work program, there is no need to undertake cultural salvage at this time. Prior to the work program moving closer to the areas where cultural salvage is to occur, I am advised that FMG will liaise with the Traditional Owners to ensure relevant safety precautions and training are undertaken to safely carry out cultural salvage.

(i)-(j) The Department of Planning, Lands and Heritage continues to be in communication with FMG in relation to its work program.



MINISTER FOR ABORIGINAL AFFAIRS