

**Daily Hansard**

**House:** Legislative Council- QUESTIONS ON NOTICE

**Date:** Tuesday, 14 August 2007

**Member:** Watson, Hon Giz; Ravlich, Hon Ljiljanna

**Subject:** HOPE DOWNS IRON ORE JOINT VENTURE - IMPACT ON INDIGENOUS HERITAGE SITES

**HOPE DOWNS IRON ORE JOINT VENTURE - IMPACT ON INDIGENOUS HERITAGE SITES**

4935. Hon Giz Watson to the Minister for Local Government representing the Minister for Indigenous Affairs

With regard to section 18 applications in relation to impacts on indigenous heritage sites associated with and downstream from the already operating Hope Downs water discharge point, I ask -

(1) What were the decisions of the APMC and the Minister in relation to the section 18 applications associated with the sites covering Weeli Wolli creek contained within the lease held by Hope Downs and Rio Tinto?

(2) How many applications were made?

(3) Were the decisions in answer to (1), provided to the proponents prior to the commencement of works on the trenches and pipeline associated with this proposal?

(4) If no to (3), what actions are available to the Minister and or her department in relation to the proponents breaching the *Aboriginal Heritage Act 1972*?

(5) Is it the intention of the Minister to take any action against the proponent in this matter?

(6) If yes to (5), what action?

(7) If no to (5), why not?

(8) Given the impact of the sheet flow and water on registered and unregistered sites within the Weeli Wolli system between the discharge point outside of the proponents lease and the confluence of Weeli Wolli and Marillana Creek, a distance of about 12kilometres, were any section 18 applications made in respect of these areas?

(9) If no to (8), -

(a) why not;

(b) what action will the Minister take to rectify this situation; and

(c) if no application was forthcoming in respect of this area, are the proponents in breach of the *Aboriginal Heritage Act 1972*?

(10) If yes to (9)(c), what action is available, and does the Minister intend to take in respect of this breach?

Hon LJILJANNA RAVLICH replied:

The Department of Indigenous Affairs (DIA) advises:

1. On 1 November 2006, the Aboriginal Cultural Material Committee resolved to recommend that the Minister for Indigenous Affairs grant consent to the Hope Downs Joint Venture Notice (HDJV). On 12 December 2006, the former Minister for Indigenous Affairs wrote to HDJV advising that consent had been granted.
2. One application under section 18 of the Aboriginal Heritage Act 1972 (AHA).
3. No.
4. No actions are available as no heritage sites were disturbed. Dewatering commenced after notification by the former Minister for Indigenous Affairs.
5. No.
6. Not applicable.
7. See answer to question no 4.
8. A section 18 notice was not put forward by HDJV in respect of the areas mentioned.
9. (a) Unable to comment as to why HDJV did not lodge a section 18 notice in respect of the areas mentioned.
  - (b) DIA is currently investigating whether there has been an offence under section 17 of the AHA.
  - (c) DIA is currently investigating whether there is any evidence of an offence under section 17 of the AHA.
10. If the investigation by DIA results in any evidence of an offence a prosecution brief will be forwarded to the State Solicitor's Office for advice.