

Question On Notice No. 5082 asked in the **Legislative Council** on **28 August 2007** by **Hon Giz Watson**

Question Directed to the: **Minister for Local Government representing the Minister for Indigenous Affairs**

Minister responding: **Hon M.H. Roberts**

Parliament: **37** Session: **1**

Question

I refer to the performance of Ministers for Indigenous Affairs since the Government took office and question No. 1921 asked by Hon Robin Chapple on Tuesday, 1 June 2004, and I ask –

- (1) How many section 18 applications regarding the *Aboriginal Heritage Act 1972* have been referred to the Department of Indigenous Affairs (DIA) that were not the subject of a recommendation by the Aboriginal Cultural Material Committee (ACMC) dated 10 February 2001?
- (2) How many section 18 applications regarding the *Aboriginal Heritage Act 1972* have the Aboriginal Cultural Materials Committee (ACMC) processed since 10 February 2001?
- (3) Since this time, how many section 18 applications have the ACMC recommended be approved?
- (4) Since this time, how many section 18 applications have the ACMC recommended be refused?
- (5) How many section 18 applications (regarding *the Act*) have Government Ministers approved since 10 February 2001?
- (6) How many section 18 applications have Government Ministers refused since 10 February 2001?
- (7) How many times has the ACMC recommended a section 18 application be refused and Ministers have overridden this recommendation and approved the application?
- (8) Will the Minister describe the nature of any such cases as listed under (7)?
- (9) During this Government's term of office, how many prosecutions under the *Aboriginal Heritage Act 1972* have been brought?
- (10) Will the Minister describe the nature of any such cases as listed under (9)?
- (11) Does the Minister still consider that the *Aboriginal Heritage Act 1972* is functioning well in protecting sites of significance to Aboriginal people in Western Australia?
- (12) Has the Aboriginal Sites Register been upgraded as identified in answer to question 1921?
- (13) If yes to (12), is it now accurate and updated with all data held by DIA?
- (14) Has the new standards for the reporting of Aboriginal heritage sites and Aboriginal heritage survey reports been implemented?
- (15) Do all Anthropological or Archaeological consultants meet the standards required by the DIA?
- (16) If no to (15), how many consultants do not meet the standards required by DIA?
- (17) Have any reports submitted by Anthropological or Archaeological consultants been returned to them for redrafting as a result of not meeting the required DIA standards?
- (18) If yes to (17), how many and in which years?

Answered on 16 October 2007

The Department of Indigenous Affairs advises:

- (1) From 10 February 2001 to 5 September 2007, 15 section 18 applications have been referred to the Department of Indigenous Affairs (DIA) that have not been the subject of a recommendation by the Aboriginal Cultural Material Committee (ACMC) (this includes notices that were withdrawn by the landowner or were referred back to the landowner or considered to be a re-submitted application).
- (2) From 10 February 2001 to 5 September 2007, 581 (this includes Notices that were withdrawn by the landowner, Notices referred back to the landowner and re-submitted Notices).
- (3) 476 (this includes Notices referred back to the landowner and re-submitted).
- (4) 12.
- (5) 480.
- (6) Eight.
- (7) Four.
- (8) The four matters that fall into this category are as follows:
 - a) The proposed expansion of the Koolyanobbing northern mineral tenements at Windarling and Mt Jackson.
 - b) The development of a nickel mine at Yakabindie in the north-eastern Goldfields.
 - c) The creation of an industrial business park in Forrestdale.
 - d) Woodside's Pluto B on the Burrup Peninsula.
- (9) Two.
- (10) October 2005: Jinawanura Cave - Successful prosecution of a person who altered the site by scratching his name on the walls of the cave.
September 2006: Westralia Airports Corporation Pty Ltd - Prosecution for damage to artefact sites (on-going).
- (11) The *Aboriginal Heritage Act 1972* (the AHA) is a sound legislative mechanism for the protection of Aboriginal sites in Western Australia. Cabinet has also recently endorsed the new role of DIA in strengthening the mandate for Indigenous specific services and ensuring better outcomes, which will enable a stronger focus and better supports in the areas of land, heritage and culture.
- (12) Yes.
- (13) Improving the accuracy of the Register is a continuous process.
- (14) Yes.
- (15) Applicants and landowners are responsible for submitting information that accompanies Notices under section 18 of the AHA. DIA has standards relating to the information to be submitted for Notices under section 18 of the AHA. The AHA does not give power to DIA to set consulting standards for anthropologists or archaeologists.
- (16) Not applicable.
- (17) DIA returns Notices under section 18 of the AHA to applicants and landowners, not to

anthropological or archaeological consultants.

(18) 18 Notices in 2006, and eight Notices in 2007 up to 5 September 5 2007, were either referred back to the applicant / landowner for further information or withdrawn by the applicant / landowner on advice by DIA.