

Question On Notice No. 5523 asked in the **Legislative Council** on **20 September 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**

Question

With regard to the consent to the Section 18 clearance granted in relation to use of the land in respect of Woodside Pluto Site B, and given that the Minister has set conditions that the land owner, preserve in situ Sites, DIA 9254 (pecked humans), DIA 9255 (The Thylacines), DIA 23413 (WPB-033), DIA 23414 (WPB-034), DIA 23416 (WPB-036), DIA 23481 (P8-073), DIA 23427 (WPB-052), DIA 23537 (WPB-AG-46), DIA 23408 (WPB-028), DIA 23402 (WPB-022), DIA 23431 (WPB-054), DIA 23379 (WPB-106), DIA 23394 (WPB-014), DIA 23400 (WPB-020), DIA 23401 (WPB-021), DIA 23404 (WPB-024), DIA 23406 (WPB-026), DIA 23337 (WPB-065), DIA 23340 (WPB-068), DIA 23534 (WPB-AG-43), DIA 23535 (WPB-AG-44), DIA 23415 (WPB-035), DIA 23688 (WGTO PB 43), DIA 23716 (WGTO PB 107), DIA 23352 (WPB-80). In addition to condition one above, to use best endeavours to leave all Sites on the Land in situ, special effort must be made in respect of the following sites, DIA 9252 (Haul Road Valley East), DIA 9278 (Eagle's Nest), DIA 10557 (Gas Pipeline), DIA 23440 (WPB-AG-33), DIA 23382 (WPB-02), DIA 23343 (WPB-71), DIA 23740 (WGTO PB 173), I therefore ask -

- (1) Was a Section 18 application made in respect of interim registered site 23323?
- (2) If no to (1), why was no application made in respect of interim registered site 23323 or Ministerial conditions made in respect to this interim site?
- (3) Has the ACMC evaluated Interim registered site 23323 and made a determination as to its status?
- (4) If no to (3), when does the ACMC propose to evaluate interim registered site 23323?
- (5) Is it the case, as stated on the DIA website, that registration, either interim or permanent, does not change the legal status of places alleged to be Aboriginal sites since all such places, whether known or presently undiscovered are given equivalent protection?
- (6) Have any ground disturbing activities or erection of minor buildings occurred on land covered by the interim registered Site 23323, namely Woodside Pluto Site B?
- (7) If no to (1), and yes to (6), who authorised any works that may have occurred on interim registered Site 23323?
- (8) If such works occurred are they in breach of the *Aboriginal Heritage Act 1972*?
- (9) If yes to (8), what action will be taken in respect of this breach of the *Aboriginal Heritage Act 1972*?

Answered on 25 October 2007

The Department of Indigenous Affairs (DIA) advises:

(1) No.

(2) DIA Site 23323 currently appears on the Interim Register of Aboriginal Sites maintained by DIA. DIA is seeking further information to enable DIA Site 23323 to be assessed under section 5 of the Aboriginal Heritage Act (AHA).

(3) Yes, the Aboriginal Cultural Material Committee resolved there was insufficient information for it to assess whether DIA Site 23323 is an Aboriginal site under section 5 of the AHA.

(4) Not applicable.

(5) The AHA applies to all Aboriginal sites within the definition of section 5 of the AHA, whether they are registered or not.

(6) Ground-disturbing activities have taken place at Pluto Site B.

(7) On 26 February 2007 the Minister for Indigenous Affairs gave consent to Woodside Energy Ltd to use Pluto Site B to develop and operate an LNG plant, subject to very stringent conditions that will help protect Aboriginal sites of high significance and provide a comprehensive cultural heritage management plan.

(8) Under section 17 of the AHA it is an offence for a person to excavate, destroy, damage, conceal or in any way alter any Aboriginal site without the prior authorisation of the Registrar under section 16 or the Minister of Indigenous Affairs under section 18. Under section 55 of the AHA it is an offence to breach any condition attached to an authorisation under section 16 or 18.

(9) Stringent conditions have been attached to the consent of the project to protect and preserve Aboriginal heritage sites. DIA liaises with Woodside Energy Ltd and the local Aboriginal community to regularly monitor condition compliance.