

Question On Notice No. 6095 asked in the Legislative Council on 1 April 2008 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 *Aboriginal Heritage Act 1972* and its functions, and I ask -

(1) Does the Minister or her Department agree that the Burrup Peninsula is a place of importance and significance where persons of Aboriginal descent have, or appear to have, left any object, natural or artificial, used for, or made or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present?

(2) If yes to (1), why?

(3) If no to (1), why not?

(4) Is a site listed on the Department of Indigenous Affairs register under the classification I (insufficient information) covered by the provisions of the *Aboriginal Heritage Act 1972*?

(5) If yes to (4), why?

(6) If no to (4), why not?

1. It is acknowledged by the Minister for Indigenous Affairs and the Department of Indigenous Affairs that there are places on the Burrup Peninsula that demonstrate evidence connected with the traditional cultural life of Aboriginal people past and present.

2. The Burrup Peninsula is an area which contains a significant number of Aboriginal heritage sites.

3. Not applicable.

4. Yes.

5. The *Aboriginal Heritage Act 1972* (AHA) applies to all Aboriginal sites within the definition of section 5 of the AHA, whether they are registered or not. A resolution by the Aboriginal Cultural Material Committee (ACMC) that there is insufficient information before it to determine whether a place comes within the definition of section 5 simply means that the information currently available to the ACMC was insufficient to make a determination. It does not preclude further information becoming available in the future that will allow the ACMC to make a determination under section 5. The ACMC welcomes the provision of information relating to Aboriginal sites in Western Australia. In any event, registration is not considered to be proof that a place is a site to which the Act applies.

6. Not applicable.