

House: Legislative Council- QUESTIONS ON NOTICE
Date: Tuesday, 1 June 2004
Member: CHAPPLE; STEPHENS
Subject: ABORIGINAL HERITAGE ACT, SECTION 18 APPLICATIONS

ABORIGINAL HERITAGE ACT, SECTION 18 APPLICATIONS

1921. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for Indigenous Affairs

I refer to the performance of Ministers for Indigenous Affairs since the Gallop Government took office -

- (1) How many Section 18 applications re the Aboriginal Heritage Act 1972 (the Act) has the Aboriginal Cultural Materials Committee (ACMC) processed since the Gallop Government took office?
- (2) Since this time, how many Section 18 applications have the ACMC recommended be approved?
- (3) Since this time, how many have the ACMC recommended been refused?
- (4) How many Section 18 applications (re the Act) have Gallop Government Ministers approved since they came to office?
- (5) How many Section 18 applications have Gallop Government Ministers refused since they came to office?
- (6) How many times has the ACMC recommended a Section 18 application be refused and Gallop Government Ministers overridden this recommendation and approved the application?
- (7) Will the Minister describe the nature of any such cases as listed under (6)?
- (8) During this Government's term of office, how many prosecutions under the Act have been laid?
- (9) Will the Minister describe the nature of any such cases as listed under (8)?
- (10) Does the Minister consider that the Aboriginal Heritage Act 1972 is functioning well in protecting sites of significance to Aboriginal people in Western Australia?

Hon TOM STEPHENS replied:

1. 238 (this includes notices that were not the subject of a recommendation by the Aboriginal Cultural Material Committee, including because they were withdrawn by the landowner or were referred back to the landowner).
2. 205.
3. Four.
4. 208.
5. One.
6. On three occasions, after taking into account the recommendations of the ACMC, the Minister has decided on the evidence before him to grant consent to the use of certain land for a purpose set out in the **section 18**

notice, subject to a range of conditions to protect and preserve Aboriginal heritage in the consent area. In each case the relevant landowner was also required to provide a report to the Registrar of Aboriginal Sites at the completion of the project to advise about the impact of the project on Aboriginal sites and objects in the consent area

7. The three matters referred to in the answer to question 6 are:

- 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; and
- c) The creation of an industrial business park in Forrestdale.

8. Zero.

9. Not applicable.

10. Notwithstanding my view that the Aboriginal Heritage Act 1972 (the Act) is a sound legislative mechanism for the protection of Aboriginal sites in Western Australia, I am constantly seeking to achieve best practice in heritage protection and, to that end, have requested that the Department of Indigenous Affairs implement a number of reforms in the administration of the Act, including an upgrade of the Aboriginal Sites Register and the introduction of standards for the reporting of Aboriginal heritage sites and Aboriginal heritage survey reports