

LEGISLATIVE COUNCIL

C692

QUESTION WITHOUT NOTICE (Of which some notice has been given)

Monday, 15 June 2015

Hon Robin Chapple to the Minister for Aboriginal Affairs.

I refer to Question Without Notice No.378 asked in the Legislative council on Tuesday, 21 April and the attached tabled response which refers to the DAA IDs, names, applicants and section 18 proposed developments of 23 Heritage places that have had their status changed to 'not a site' as a result of State Solicitor's Office advice on Section 5(b) of the *Aboriginal Heritage Act 1972* and ask:

1. Has the department discovered any more heritage places that have had their status changed to 'not a site' since this paper was tabled?
2. If yes to (1), will the government reveal
 - a. The DAA IDs of these sites?
 - b. The DAA site names?
 - c. The applicant?
 - d. Any section 18 proposed development?
3. If yes to (1), will the original heritage status of these sites be immediately reinstated, given the Supreme Court decision on ROBINSON -v- FIELDING [2015] WASC 108?

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1. Yes.
 2. I am unable to provide this information within the timeframe. I will provide this on Thursday, 18 June 2015.
 3. The Supreme Court ruled that the decision of the Aboriginal Cultural Material Committee relating to Marapikurrinya Yintha should be set aside and referred back to the Aboriginal Cultural Material Committee for reconsideration. It is the responsibility of the Aboriginal Cultural Material Committee to determine whether places meet the definition of section 5 of the *Aboriginal Heritage Act 1972*.

Therefore, it is appropriate that similar cases are referred back to the Aboriginal Cultural Material Committee for reconsideration.



Minister for Aboriginal Affairs