

Pamphlet
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ABORIGINAL HERITAGE (MARANDOO) BILL 1992

EXPLANATORY NOTES

PREAMBLE

5 Whereas the Parliament desires timely stimulation of the State
economy by the expeditious and certain approval of the Marandoo
Iron Ore Project, so that the people of Western Australia, including
those of the Pilbara and especially the Karijini people, may benefit
from the ensuing creation of employment and training
opportunities, and whereas Parliament also wishes to guarantee
10 protection under the Aboriginal Heritage Act 1972 for significant
sites while enabling the Project to proceed, Parliament enacts a Bill
as attached:

Objects of the Bill

15 The primary object of the Bill is to enshrine the consent made by
the Minister for Aboriginal Affairs on 3 February 1992, to the
Proponents under Section 18 of the Aboriginal Heritage Act 1972 to
use the land for mining and associated purposes.

20 This Bill is intended to disapply the Aboriginal Heritage Act 1972
to relevant areas so as to facilitate commencement of a mining
project known as the Marandoo Iron Ore Project.

The Bill will not exempt certain areas which contain sites, in the
area of the proposed mine and elsewhere within the Project Area,
which will remain subject to conditions imposed pursuant to the
Aboriginal Heritage Act 1972.

25 The Bill has been introduced in the knowledge that the Proponents
of the mine, Hamersley Iron Pty Limited and A. M. & S. Mining
Limited have agreed to salvage and manage Aboriginal
archaeological sites within and adjacent to the land area covered by
this Bill.

4/15 Mar

Further, the Government has, in providing consent for the Project under Section 18 of the Aboriginal Heritage Act 1972, ensured that three important Aboriginal sites within the Project area will be exempt from this Bill and will be subject to the provisions of said Act (Part 2 of each of the Schedules).

As a condition of consent, the Government has stipulated that selected Aboriginal sites will be subject to an archaeological salvage programme to be undertaken by the Proponents.

In recognising the potential impact of such a mining development on Aboriginal heritage within the immediate region, the Government has stipulated that a management programme will be undertaken of those Aboriginal sites likely to be impacted by those persons to whom this Bill applies, outside the area of land to which this Bill applies.

In recognising that there is the potential for human skeletal remains to be uncovered during the mining operations, if this occurs, such material shall be reported by the Proponents to the Police Department.

The Government has reached an understanding with the proponents of the Project to the effect that every effort will be made to provide meaningful employment and training opportunities for Aboriginal people within the mining operation, in consultation with the Karijini Aboriginal Corporation, who are the traditional Aboriginal custodians of the land in question.

Clause 1 specifies the short title of the Bill.

Clause 2 provides for the commencement of the legislation on the day it receives the Royal Assent.

Clause 3 excludes an area of land from the application of the Aboriginal Heritage Act 1972. It does not exclude 3 significant Aboriginal sites within the Project area which continue to be covered by the provisions of said Act.

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These Aboriginal sites are:

- (a) Thoongarie Burial Site Complex (P06725) partly located within Temporary Reserve 5623H (see Schedule 1).
- 5 (b) Mt. Bruce Aboriginal Site (P04344) partly located within the infrastructure corridor (see Schedule 2).
- (c) Rock Art Complex (P05757) located within the powerline route (see Schedule 3).

10 Clause 3 (1) provides that the Aboriginal Heritage Act 1972 shall not apply to certain land described in the Schedules or objects on that land.

Clause 3 (2) rescinds any previous conditions under the Aboriginal Heritage Act 1972 which apply to the land.

15 Clause 3 (3) says that to the extent that the Government Agreements Act or any Government Agreement is in conflict with this Act, it does not apply.

Sites suitable for particular salvage include the following:

	MG2	Test pit;
	MG6	Test pit;
	MG7	Test pit;
20	GG3	Test pit;
	GG7	Test pit;
	GG9	Test pit;
	GG14	Test pit;
	GG20	Test pit;
25	WD1	Test pit;
	WDS1	Test pit;
	WDS2	Test pit;
	WG11	Test pit;
	WG13	Test pit;
30	WG4-1	Test pit;
	SEV5	Test pit;
	WC5	Test pit;
	PC12	Test pit;
	BPV1	Test pit;

	BPV2	Test pit;
	PC1	Test pit;
	PC2	Test pit.
5	SEV1	Record in detail;
	B1	Record in detail;
	WC3	Record in detail;
	WC5	Record in detail;
	WC20	Record in detail;
10	WC26	Record in detail;
	WC28	Record in detail;
	WC30	Record in detail;
	PC3	Record in detail;
	PC8	Record in detail;
	PC12	Record in detail;
15	PC13	Record in detail;
	PC1	Record in detail;
	PC2	Record in detail;
	Ore Body	
20	Flats	Record in detail;
	Quarry	Record in detail.
	GG2	Cultural collection;
	GG6	Cultural collection;
	GG15	Cultural collection;
	WG5-1	Cultural collection;
25	SEV3	Cultural collection;
	CC3	Cultural collection;
	WC5	Cultural collection.

Of the 21 sites suitable for salvage purposes, a minimum of 9 sites shall be salvaged.

- 30 The salvage programme shall be undertaken in consultation with the Proponents, Karijini Aboriginal Corporation and the Department of Aboriginal Sites. The salvage programme as stipulated, shall include the collection and placement in safekeeping of Aboriginal cultural materials that cannot remain in situ.