

LEGISLATIVE COUNCIL

C1242

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

Tuesday, 20 October 2015

Hon Lynn MacLaren to the Minister for Aboriginal Affairs.

1. Will the Minister table his decision on Main Roads' Section 18 application relating to the Roe 8 extension through the Beeliar Wetlands, including any conditions?
 2. If no to 1), why not?
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I thank the Hon. Member for some notice of this question.

1. Yes. I have the requested information in tabular form and seek leave to table it.
2. Not applicable.



Minister for Aboriginal Affairs



Hon Peter Collier MLC
Minister for Education; Aboriginal Affairs; Electoral Affairs
Leader of the Government in the Legislative Council

Our Ref: 34-61667

Mr Reece Waldock
Commissioner of Main Roads Western Australia
Main Roads Western Australia
Don Aitken Centre
Waterloo Crescent
EAST PERTH WA 6004

Dear Mr Waldock

I refer to your notice pursuant to the *Aboriginal Heritage Act 1972* (AHA), section 18(2), dated 26 October 2012 on behalf of the Department of Housing, the Water Corporation, Murdoch University, Morven Rural Development Pty Ltd, the Department of Education, the Commissioner of Main Roads Western Australia and the Minister for Lands on behalf of the State of Western Australia.

I am informed that your intended use of the land the subject of the Notice will impact upon one Aboriginal site within the meaning of the AHA, section 5 (Site). This Site is DAA 3709 (North Lake and Bibra Lake).

I am pleased to inform you that, pursuant to the AHA, section 18(3), I have granted consent subject to conditions. The form of consent is enclosed.

I also take this opportunity to acknowledge and support agreements reached with those consulted as specified in the Notice.

I also draw your attention to the information attached, which is provided for your assistance.

If you have any queries in relation to this matter, please contact Ms Jane Mollan, Site Assessment Officer, Department of Aboriginal Affairs, on (08) 6551 8000.

Kind regards

Hon Peter Collier MLC
MINISTER FOR ABORIGINAL AFFAIRS
10 JUL 2015
Enc.

ABORIGINAL HERITAGE ACT 1972
CONSENT PURSUANT TO SECTION 18(3)

CONSENT GRANTED TO: Commissioner of Main Roads Western Australia

IN RESPECT OF: Investigation, design, construction, operation and maintenance for the extension of Roe Highway from Kwinana Freeway to Stock Road - Cadastral parcels (Volume/Folio): LR3150/988, 2179/968, 2627/81, Road Reserve (PIN=1202910), 2617/471, 1934/863, 1547/853, 2510/564, 1212/271, LR3113/690, 1711/364, 1761/162, 2010/421, 1974/639, LR3141/787, 1715/679, 2525/232, LR3128/96, 1761/163, 1761/161, Road Reserve (PIN=11573034), 861/55, 2138/957, 1042/184, Lot 40 on Plan 2073, LR3125/840, LR3139/539, 2087/317, 2184/368, 1073/385, LR3145/755, 1761/159, 740/142, 1121/349, 1060/229, 330/137A, 2138/958, 1476/17, 2138/959, 2140/362, 1942/7, 2715/591, 2715/589, 1376/188, Road Reserves (PIN=1202907, 11798250, 11837698, 11837695, 11837450, 1259211, 1259209, 1259210, 11837452 and 11803933), 1711/293, 1909/762, 1898/737, Road Reserve (PIN=1174739), 1742/50, 896/66, 1657/879, Road Reserve (PIN=382075), 2098/797, LR3151/168, LR3100/731, 1843/559, Road Reserve (PIN=1066730), Road Reserve (PIN=382900), 1843/556, 1898/737, 1898/736, 1715/683, 1934/863 and Road Reserves (PIN=1045162, 1045168, 11824306, 1173648, 11842640, 11837698, 11837465, 11813684, 11837463, 11798251, 11798250, 11798249, 1307730, 284123, 11667314, 11418693, 11418695, 11668348, 11418696, 11470677, 11667315 and 11667528) located within the City of Melville and City of Cockburn and defined by the map attached to Item 5 of the Notice dated 26 October 2012

REFERENCE: 34-61667

ABORIGINAL SITES TO BE IMPACTED: DAA 3709 (North Lake and Bibra Lake)

CONDITIONS OF CONSENT

That the consent holder:

1. In accordance with section 15 of the *Aboriginal Heritage Act 1972*, upon discovery of skeletal remains suspected to be of Aboriginal origin, or any material suspected to be skeletal remains of Aboriginal origin (Remains), the Landowner must:
 - a. ensure that the remains stay *in situ* undisturbed, and take all the necessary and reasonable proactive steps to protect the Remains;
 - b. report the discovery to the Western Australia Police and the Registrar of Aboriginal Sites (the Registrar); and
 - c. comply with directions from the Registrar regarding the removal (if required) and/or management of the Remains, and report to the Registrar the whereabouts of the Remains, including compliance with the Registrar's directions.

SECTION 18 CONSENTS

ADDITIONAL INFORMATION

The following information is provided for the guidance of the consent holder and does not constitute conditions of consent.

1. Right of Review of Decision

Where a consent holder is aggrieved by a decision of the Minister made under section 18(3) of the *Aboriginal Heritage Act 1972* (AHA), including the conditions to which the consent is subject, application may be made to the State Administrative Tribunal for a review. The Tribunal's website is www.sat.justice.wa.gov.au.

2. Consent is Non-Transferable

Consent may be relied upon only by the named consent holder in respect of the named land. Any successor in title must give its own notice under the AHA.

3. Traditional Knowledge Holder

Agreements reached with Traditional Owners and knowledge holders entered into on behalf of the consent holders are acknowledged and supported.

4. Conditions of Consent

- The Department of Aboriginal Affairs carries out routine audits on compliance with the conditions of consent.
- Failure to comply with the conditions of consent may constitute an offence under section 55 of the AHA.
- It is recommended that the consent holder informs all employees and others engaged in the development of their obligations under the AHA, especially with regard to skeletal material.
- Reports to the Registrar of Aboriginal Sites (the Registrar) should use the Section 18 Report Back template which can be downloaded from the Department of Aboriginal Affairs' website at www.daa.wa.gov.au/en/Section-18-Applications/.
- The Registrar welcomes any additional information about Aboriginal sites within the meaning of section 5 of the AHA, or objects within the meaning of section 6 of the AHA.

5. Legislation

The AHA, the *Aboriginal Heritage Regulations 1974* and the *State Administrative Tribunal Act 2004* may be viewed and downloaded from the State Law Publisher website at www.slp.wa.gov.au.