



Attention: Sarah Dingle - ABC

Date: 18/06/2015

**1. Who authorised the Chair of the APMC Gavin Fielding to seek the State Solicitor's Advice on Section 5 of the West Australian Aboriginal Heritage Act?**

The Chair of the APMC is at liberty to request advice from the State Solicitor's Office, and does not require 'authorisation' to do so.

**2. Why was it necessary to issue new guidelines on Section 5 of the West Australian Aboriginal Heritage Act after 40 years of administering the Aboriginal Heritage Act?**

The guidelines were issued in response to demand for greater transparency of the APMC's decision making processes from a broad range of stakeholders.

**3. Did Woodside have any role in drafting the Section 5 guidelines?**

No.

**4. Did any resources company or resource sector organisation have any role in drafting the Section 5 guidelines?**

No.

**5. Will the 23 sites deregistered under the SSO advice on Section 5 automatically revert to their heritage status prior to the SSO advice?**

No, not automatically. There are approximately 35 sites that will be reassessed by the APMC.

**6. Will the Department go back and re-consider the applications for heritage listing of the 1,262 sites whose applications were rejected following the introduction of the State Solicitor's advice?**

No. The Supreme Court decision relates to Section 5b of the *Aboriginal Heritage Act 1972* (AHA). The 1262 sites include objects such as artefact scatters, and relate to Section 5a (cultural material sites not sacred sites).

**7. Why does the Amendment Bill to the Aboriginal Heritage Act not contain mandated consultation with Aboriginal people about heritage?**

The proposed amendments are designed to promote early engagement with Aboriginal people. In order to consider applications, the applicant will have consulted the relevant traditional owner group to obtain their agreement that there will be no significant damage or alteration to the importance and significance of the site.

It is inherent that Aboriginal people are consulted. Justice Chaney confirmed that the legislation can only operate effectively with the appropriate involvement of Aboriginal people. He confirmed that the well-established processes are fit for purpose.

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