



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

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Your Ref: Petition No 91  
Our Ref: 34-63615

Hon Simon O'Brien MLC  
Chair  
Legislative Council Standing Committee on Environment and Public Affairs  
Parliament House  
PERTH WA 6000

Dear Mr O'Brien

Thank you for your letter of 15 October 2015 in relation to Petition No. 91 – Aboriginal heritage sites.

Neither the Department of Aboriginal Affairs (DAA) nor I, in my capacity as the Minister for Aboriginal Affairs, have the power to 're-register' the Burrup Peninsula (DAA site 23323 Burrup Peninsula, Murujuga).

Under the *Aboriginal Heritage Act 1972* (AHA), the Aboriginal Cultural Material Committee (ACMC) is the only body that can determine whether an Aboriginal heritage place meets the requirements of section 5 of the AHA. Any decision relating to altering the status of DAA site 23323 must, therefore, be made by the ACMC.

It should be noted that the ACMC's decision regarding DAA 23323 will not impact upon the status of the 1,300 registered Aboriginal sites on the Burrup Peninsula or the protection afforded through State and Commonwealth legislation. These individual sites, as well as other Aboriginal places that are not yet known to the DAA, remain protected.

Section 38 of the AHA requires the Registrar of Aboriginal Sites and Objects to maintain a Register of Aboriginal Places and Objects (the Register). The Registrar has regard to the site assessment decisions of the ACMC when including sites onto the Register.

Although the *Robinson v Fielding* Supreme Court decision of 1 April 2015 only related to one place (DAA site 22874, Marapikurrinya Yintha Site) located in the Port Hedland Harbour, I have instructed the ACMC to re-assess a further 34 places (including DAA site 23323) as a matter of caution. The re-assessment process for DAA site 23323 has commenced. It would be inappropriate to make further comment until the ACMC has finalised this process.

Kind regards

A handwritten signature in black ink, appearing to read 'P. Collier', written in a cursive style.

Hon Peter Collier MLC  
**MINISTER FOR ABORIGINAL AFFAIRS**

16 NOV 2015