

ABORIGINAL CULTURAL HERITAGE ACT — LEGAL ADVICE

750. Hon TJORN SIBMA to the parliamentary secretary representing the Attorney General:

I refer to media reports suggesting that in the wake of the government's shambolic introduction of Aboriginal cultural heritage regulations that the Attorney General was "asked to review WA's Aboriginal cultural protection scheme, a process that included input from Solicitor-General Joshua Thomson".

- (1) Was the Attorney General asked to undertake such a review?
- (2) If yes, by whom was the Attorney General asked and on what date did this request occur?
- (3) Was this review undertaken; and, if so, when was it completed?
- (4) To what degree did the Solicitor-General contribute to the review?
- (5) Please table a copy of the review.

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. The following answer has been provided to me by the Attorney General.

- (1)–(5) In his capacity as Western Australia's first law officer, the Attorney General was asked by the Premier to do a detailed assessment of the Juukan Gorge disaster, including the Senate's Joint Standing Committee on Northern Australia inquiry and the original 1972 Aboriginal Heritage Act, to provide advice to cabinet on whether the 1972 legislation could be restored with amendments that would prevent another Juukan Gorge incident occurring again. The Attorney General conferred with the Solicitor-General and that advice was provided to cabinet for its consideration. The Premier, Minister for Aboriginal Affairs and cabinet have taken that advice into consideration as part of the Aboriginal Heritage Legislation Amendment and Repeal Bill 2023.