

**ABORIGINAL HERITAGE LEGISLATION AMENDMENT AND REPEAL BILL 2023**

*Consideration in Detail*

**Clause 1: Short title —**

**Ms M.J. DAVIES:** Minister, thank you for accommodating us last night. We look forward to working through the bill over the course of the next day or so.

Starting with the short title, I point out that it is rather an unusual set of circumstances to have debated the 2021 bill and to then have it assented to and commence, only for it to be repealed a matter of weeks later. During the second reading debate, we talked about our concerns with the process that has taken place to get to this particular amendment bill, albeit we want the repeal function to be executed as soon as possible. Because this is probably the only opportunity for us to discuss this matter, could the minister go through the process of consultation with stakeholders and Aboriginal people in the creation of these amendments, including meetings, who was consulted, how it occurred and how it will progress going forward? I understand that the regulations and guidelines that have been created are still subject to feedback from industry and Aboriginal groups.

**Dr A.D. BUTI:** Although it is not relevant to the short title, it is a fair enough question and I will try to do my best to answer it. The draft bill reflects feedback we received from a number of stakeholders, including Aboriginal people. Aboriginal people sit on the implementation group, as do industry people. We met separately with representatives of the National Native Title Council who are also members of the implementation group. We also met with a small technical subcommittee of the native title council. I went to the annual general meeting of the Kimberley Aboriginal Land and Cultural Centre and we discussed the bill. I will go through the stakeholders. There will be more than this. I did not necessarily meet with them all, but my office or the department did. We met with the co-chairs of the Aboriginal Cultural Heritage Council and with the Aboriginal Cultural Heritage Council itself; the Chamber of Minerals and Energy; the Association of Mining and Exploration Companies; the Amalgamated Prospectors and Leaseholders Association of Western Australia; the Urban Development Institute of Australia; the Property Council of Australia; the Pastoralists and Graziers Association; the Western Australian Farmers Federation; the Western Australian Local Government Association; Main Roads Western Australia; the Nyamba Buru Yawuru in the Kimberley; the Tjiwarl Aboriginal Corporation in the goldfields; the Gumala Aboriginal Corporation in the Pilbara; the Whadjuk Aboriginal Corporation; and, as I said, the National Native Title Council. They have been targeted over the last five weeks, but now, obviously, there may be feedback about some of the regulations because, as the member knows, they have been put out for consultation.

**Ms M.J. DAVIES:** Can the minister clarify that he has been consulting with the implementation group? Were those people on the consultation group and how were they selected to be on the consultation group? I understand that it does not include every group. A number of groups have raised the point that they were not included, and the Yamatji Marlpa Aboriginal Corporation was one of them.

**Dr A.D. BUTI:** YMAC is part of the National Native Title Council and representatives came to the meeting that we had at Dumas House with the Premier. That was the implementation group, but we have had targeted consultation with other groups. We could try to provide a list before the end of consideration in detail, but I do not have the whole list available in front of me. We will seek to provide a list of people who either have been to meetings or been talked to or have been sent the regulations. We have spoken to multiple Aboriginal groups. My office has spoken to numerous Aboriginal representatives and corporations.

**Ms M.J. DAVIES:** Thank you, minister; it would be appreciated if we could have a list of who has been consulted.

Can the minister outline what the concerns were during that consultation period? Obviously, we are dealing with the bill and what is to be amended, but I understand that there were discussions about things that have not been included. Perhaps the minister could provide a rationale for what has been included in the bill as much as what has not been included in terms of making amendments to the 1972 act, if he understands what I mean.

**Dr A.D. BUTI:** As the member knows, there was much disquiet about the 2021 act because of its complexities. We made a decision as a government to revive the 1972 act. Our focus was to ensure that we responded to the Senate inquiry into Juukan Gorge, and that is why we made the amendments to section 18. After further discussion with some stakeholders, we provided for the transfer of the section 18 notice so that it will go with the land, rather than just the owner. The initial amendments were based on our view that we needed to go back to the 1972 act, but with those enhanced provisions under section 18 in order to respond to the findings of the Senate inquiry into Juukan Gorge, and that is what we have done. Also, the transfer of the Aboriginal Cultural Heritage Council to the Aboriginal Cultural Heritage Committee has been based on many years of disquiet, particularly in the Aboriginal community, about the Aboriginal Cultural Material Committee.

**Ms L. METTAM:** Further to the questions about the consultation process, is the minister confident that the industry groups that he has met with are clear about what is involved in the regulations and the guidelines? I understand

that the regulations have changed a couple of times and there is also some concern that the issues with the 2021 regulations may just be transferred to the guidelines for the 2023 legislation.

**Dr A.D. BUTI:** I am very confident that industry is well aware of what is in the guidelines. It is aware of what is in the regulations. There might be a specific point in the regulations that it will provide comment on. We have had constant industry consultation on the development of the regulations. The 2023 regulations for the bill will be much more simple and there is nowhere near the same number of regulations. I acknowledge that the member received the regulations late—not late, but she received them as soon as we had them prepared. They were provided to the implementation group and Aboriginal corporations last week. The regulations regarding the section 18 process are no different from what has always been the case for the 1972 act. The regulations with regard to the committee are pretty straightforward, as one would think. The regulations with regard to the transitional provisions are very important. The regulations are out with industry stakeholders for feedback. Those stakeholders were also engaged throughout the drafting process, and there have been no changes since we released the draft regulations.

**Ms M.J. DAVIES:** I think that even the government would agree that this has been a very short time frame in which to prepare and bring forward the bill and the regulations. Given that, is it just a stopgap? Is the government likely to have further legislation on the books in the remainder of this term, or will industry have some stability going forward?

**Dr A.D. BUTI:** That is a very good question that should be asked. I think the member flagged it in her speech yesterday. No, this is it; this is what we believe was needed. The Aboriginal Heritage Act 1972 has been in operation for 50 years. People have worked with that, and there has been very little confusion about the 1972 act. The changes we are making are easy to understand, so there will be no confusion. This is not a stopgap measure; these are the amendments that we believe are necessary to provide a legal framework to protect Aboriginal cultural heritage. This is so it can be done in a legal framework that all sorts of industries can continue to work with, as they have for the last 50 years.

**Ms M.J. DAVIES:** I thank the minister. I think that is an important point. I am sure that we do not want to be back debating another piece of legislation. I guess the other part of that is: does the minister anticipate that once the regulations attached to this and the policy guidelines are set, having been through a process, they will also remain unchanged going forward?

**Dr A.D. BUTI:** There is no intention to change the regulations. I cannot promise that forever. As the member knows, regulations can change, but the government has not embarked on this as a temporary solution. As the member understands, this situation has been very difficult, so we do not intend to go through another period like this. This is not a temporary solution, but, as I said, the regulations are out for consultation, so I cannot promise that there will not be some tweaking as a result of that. I do not think there will be, but I cannot promise. After they are gazetted, I do not see the need for them to change. There is no intention for a change of the legislation, and there is no intention for the regulations to change once they are gazetted. We do not see this as a temporary solution but as creating clarity and certainty going forward.

**Ms L. METTAM:** Does the minister anticipate any potential changes in the guidelines? If that were the case, what would trigger them and how?

**Dr A.D. BUTI:** They too are out for consultation with stakeholders for feedback. I do not see that anything significant in the guidelines will come back. There were guidelines for the 1972 act. If anything, these guidelines provide more clarity and are simpler. Guidelines are guidelines, but I do not see any need for change. They have been worked on and carefully considered, and we have taken feedback during the drafting of them, but they are out for further consultation. It is not envisaged that there will be any significant, or any, change.

**Ms M.J. DAVIES:** I thank the minister for his indulgence. This question relates to the short title as it refers to Aboriginal heritage. In some of the conversations I have had with Aboriginal groups, there was a desire to see a more modern reflection of Aboriginal heritage. As part of those discussions about the 2021 act, there was broad discussion about what that looked like in 2023, but that has not been changed; it is reverting to the 1972 act definition. Perhaps the minister could provide some comments about that.

**Dr A.D. BUTI:** That has been brought up. Some Aboriginal groups want the 2021 act's definition to be in the amendments, but we said that that will not be the case, and we will not be changing that.

**Clause put and passed.**

**Clause 2: Commencement —**

**Ms M.J. DAVIES:** I will need some guidance on the commencement clause. Somebody has very kindly provided me and the opposition with a marked-up copy of the bill, but I need to understand it. Perhaps the minister can step us through the various parts of the bill and when things are triggered. I see that part 1 will come into operation

“on the day on which this Act receives the Royal Assent”. Part 3, other than division 2, will come into operation “on the day after assent”. Then, there is proposed subsection (c), and proposed subsection (d) states —

the rest of the Act — on a day fixed by proclamation ...

Could the minister run through exactly why that is quite a complicated commencement clause?

This will probably be in the next question, so the minister does not have to answer it in this one. Proposed subsection (d) states —

the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

I need an explanation about how that might work.

**Dr A.D. BUTI:** Thank you. Obviously, this is all subject to the parliamentary process. Hopefully, this will be passed through both houses of Parliament sometime between now and the end of the year. We hope it will be sooner rather than later.

As the member knows, when the bill passes both houses of Parliament and is granted royal assent by the Governor, it will include provisions that will align the repeal day with when the amended 1972 act will come into effect to provide a seamless transition. I will try to go through it carefully here.

Part 1 deals with the short title and commencement. Part 3 comprises divisions 1 and 2. Division 1 will come into effect on the day after assent day and will insert a new section 4C after existing sections 4A and 4B of the 1972 act, as it currently stands. In part 9, “Transitional provisions for *Aboriginal Heritage Legislation Amendment and Repeal Act 2023*”, the new section 71 will allow for the making of transitional regulations that will come into operation the day after assent. That is that part.

Proposed section 26 seeks to amend section 258(a) of the Land Administration Act 1997 by substituting the Aboriginal Heritage Act 1972 in place of the Aboriginal Cultural Heritage Act 2021. In the definition of information sharing agency, section 82 of the Land and Public Works Legislation Amendment Act 2023 amends the Land Administration Act by inserting a new part 10A, relating to the sharing of information. The definitions included in part 10A include “information sharing agency”, which includes —

(b) the department of the Public Service principally assisting in the administration of the *Aboriginal Cultural Heritage Act 2021*;

As a result, the commencement provisions provide for two scenarios for commencement of section 26. In scenario 1, section 82 of the Land and Public Works Legislation Amendment Act has come into operation before section 3, which will repeal the 2021 act. In scenario 2, the Land and Public Works Legislation Amendment Act is not yet in operation. Under scenario 1, section 26 will come in on the same day as section 3, which will be a date fixed by proclamation. Under scenario 2, section 26 will come into operation immediately after section 82 of the Land and Public Works Legislation Amendment Act comes into operation. The remaining provisions of the act—part 3, division 2, and part 4, other than section 26—will come into operation on a day fixed by proclamation. Different days can be fixed for different provisions.

I will just repeat this: the reason it seems complicated is —

**Ms M.J. Davies:** It is not “seems”! It is complicated! That is not a simple process.

**Dr A.D. BUTI:** You got all of that, didn’t you? You got all that, and you are going to repeat it.

**Ms M.J. Davies:** That is not a simple process. I will not sit here and be made to feel like a dill.

**Dr A.D. BUTI:** You will repeat all that, I know, once Hansard types it. The bill seeks to address a range of transitional matters, such as permits and management plans, that might have applied under the 2021 act. I do not want to redo the debate we had last night. That is why we said that we needed to continue with the act.

Any permits or management plans approved under the 2021 act will automatically transition to section 18 consent, and the new regulations are required to support the implementation of the revised 1972 act. That is why it seems complicated.

**Ms M.J. DAVIES:** Thank you, minister! Maybe I can try to do it in a nutshell. There are essentially two sections—the repeal of the 2021 act and the amendments to the 1972 act, and then an area in between where there will be actions that have commenced under the 2021 act that will need to be carried across and completed or transitioned. There are a varying number of dates when things will come into effect as a result. Clause 2(d) states —

... on a day fixed by proclamation, and different days may be fixed for different provisions.

I know the minister went through them. I cannot see it, but are the triggers in the legislation or is it all consequential in how it fits together? Will it be known as soon as repeal day, as soon as the legislation passes through both houses

of Parliament, and assent is provided? Does that automatically set a time line, and will that time line then be known for industry and for those of us who are reading this bill and trying to understand it?

**Dr A.D. BUTI:** Clause 2(d) refers to —

The rest of the Act—on a day fixed by proclamation, and different days may be fixed ...

We do not know those dates at the moment because obviously that is subject to parliamentary process. The time it will come into play will depend on when each of the parts comes into action. As I mentioned, it is also based on other legislation. The 2021 act will be repealed and the 1972 act will be revised with the amendments, and it is really those transitional issues that will come into play at different times. Amended section 18 will come into action as soon as the revised 1972 act comes into play after the repeal of the 2021 act. With regard to the transitional provisions that are needed to carry over, some of the permits and processes are continuing as we speak. The different dates for proclamation will depend on the land administration legislation, which has not commenced so we cannot tell the member the actual dates. That is related to only part of it.

**Ms M.J. DAVIES:** Another question from our perspective is: when can we expect the repeal of the 2021 act to come into effect?

**Dr A.D. BUTI:** It definitely has to come into effect before 1 January 2024—and it will—but it will come into play when both houses of Parliament have passed it, and it goes to the Governor and receives royal assent. It is dealt with in the next clause, “Repeals”. It will be on proclamation.

**Ms L. METTAM:** We are dealing with the commencement date of this bill, but obviously up until commencement the 2021 act is still in effect. As I understand it, the current guidance material has been removed from the website. Industry is concerned about where that guidance material may be and how industry can ensure it can meet its current obligations. Can the minister provide some clarification around that?

**Dr A.D. BUTI:** If someone rings the department, they will be provided with that guidance and what they need to do under the 2021 act. The reason that information is not there is so as not to confuse people who may go to the website to see what they have to do under the revised 1972 act; however, if they ring, they will be provided with guidance on that and what they need to do.

**Ms L. METTAM:** There is guidance material available but it is just not being provided online in an effort to ensure that there is no further confusion; is that correct?

**Dr A.D. BUTI:** Yes, that is exactly right. It was thought that it would be confusing to leave that information up while we try to educate people who may not be educated on the 1972 act, but it is there if people want to start the process while the 2021 act is still live.

**Ms L. METTAM:** We talked about the commencement and the number of other provisions, and what is involved in the commencement of the repeal and the amendments as part of the 2023 bill. One of the consistent issues that is raised by industry is about what this means for the Environmental Protection Act 1986 and, specifically, the environmental assessment of social surroundings. The concern is that there is unnecessary duplication. Can the minister clarify what will happen with the EPA’s social surroundings document as it deals with cultural heritage?

**Dr A.D. BUTI:** Obviously that is the jurisdiction of my good friend behind me, the Minister for Environment. We are working on that. Industry has made its position clear but I am not in a position to say as the Minister for Aboriginal Affairs what will happen. I mentioned yesterday that we want to get rid of the duplication process, and that is what we will work towards.

**Ms L. METTAM:** To further underline the concern, does the minister anticipate that with the proclamation of the new act there will be some clarity about what will happen with social surroundings by the time that has happened?

**Dr A.D. BUTI:** I cannot say when that will be. The Minister for Environment is the Minister for Environment, but the EPA is an independent statutory authority. I think there are two parts to the member’s question: the first is about the process and whether there could be one application for both clearances—for Aboriginal cultural heritage clearance and environmental; and the second is about what the EPA takes into account. Those matters need to be worked through because it is more complicated than people may think. The application process should not be that difficult. Not only are the decisions the EPA takes into account governed by its legislation, but also there is a need to ensure that it does not violate any Racial Discrimination Act provisions and so forth. That is something that will need to be worked through.

**Clause put and passed.**

**Clause 3: Repeals —**

**Ms M.J. DAVIES:** I understand this is the bit of the bill that repeals the 2021 act and all its regulations—that is, the Aboriginal Cultural Heritage Regulations 2022 and the Aboriginal Cultural Heritage (Cost Recovery) Regulations 2023. Could the minister provide some guidance about what will happen with what has been started under the 2021 process? I understand there will be opportunity further to talk about transitional arrangements, but, up

until now, the department has had to resource the way the act has functioned and manage the regulations. Therefore, what resources in the department are being allocated to manage this at the same time as we are preparing for the new system? We just heard the Leader of the Liberal Party talk about how the guidance and regulations are being managed. How much has been spent on creating and managing the local Aboriginal cultural heritage services to date, and what will happen to them?

**Dr A.D. BUTI:** I will clarify the member's previous question. The repeal happens on the day of proclamation. A lot of the resources put into the department to administer the 2021 act will carry over into the administration of the amended 1972 act. The local Aboriginal cultural heritage services now form part of the capacity-building program we have. Those LACHS have received money, but that has been part of capacity building, and that will continue. Obviously, once the 2021 act is repealed, there will be no funding under the LACHS program, and that funding will just be transferred to our capacity-building program. I do not have the actual figures with me. There may be a question in the upper house on that that we are trying to provide figures for, but I do not have them in front of me. Future funding will all be part of the midyear budget review process. We will definitely commit to continue funding the Aboriginal corporations, or the prescribed bodies corporate, and the department. There will also be funding for the surveys going forward under our 10-year program.

**Ms M.J. DAVIES:** Is there a reflection on the cost of that process to the taxpayer and industry to date? The LACHS will have obviously gone through a process of setting up. I understand others were in consideration. Does that funding just flow through? If there is no quantum—the minister advised that there may be a possibility of providing it at some stage—is that possible? We have seen quite an extraordinary process for the 2021 act and now we are shifting to a considerably different process. Regarding capacity building, could the minister provide some examples of where that funding will now be directed, what quantum, how it will be managed and what outcomes are expected?

**Dr A.D. BUTI:** There was basically \$12 million committed for the LACHS on an annual basis. That will now become part of our capacity-building fund, although three LACHS have been established and have received money. While the LACHS were being set up, that funding was to be used for them. That was really capacity building. They will still be doing their activities; it is just that they will not be doing them as LACHS. Therefore, the money has not been wasted in the sense that it has helped their capacity building. As I said, that is part of the annual commitment of \$12 million the government has made for the LACHS, which was all about capacity building, and that will continue going forward for the PBCs.

**Ms L. METTAM:** What does “capacity building” actually mean in this context? What rigour will be put around how these funds are spent?

**Dr A.D. BUTI:** The rigour, or criteria, we use for the funding will be determined after consultation with stakeholders, including Aboriginal groups and others. It would all be geared to ensuring that we have capacity in Aboriginal organisations that will assist in the protection and preservation of Aboriginal cultural heritage and to allow proper resourcing of these groups to help them in their economic growth and to ensure they can statutorily comply with the 1972 act.

**Ms M.J. DAVIES:** Can the minister advise how many applications have been made while the 2021 act has been in play? How many applications have been made to the Aboriginal Cultural Heritage Committee?

**Dr A.D. BUTI:** It is the Aboriginal Cultural Heritage Council.

**Ms M.J. DAVIES:** It is a council—sorry.

**Dr A.D. BUTI:** Applications for what—for permits or management plans? Is it for everything?

**Ms M.J. DAVIES:** Applications for everything. What has the council considered to date that will now need to be transitioned or transferred across? I am trying to understand what the transition work will look like and how many industry groups or landowners have used the new system. Obviously, the world did not grind to a halt just because there was a new system. People were starting to use the 2021 legislation, and I am trying to understand how many will have to go through the process and what it means for those individuals or projects once they get to that point.

**Dr A.D. BUTI:** There have been no form applications for permit or management plans, but I think around 22 to 23 proponents have commenced the permit notification process. However, I understand that there have been no form applications—sorry, two consultations for management plans have commenced, but not the actual management plans themselves.

**Ms M.J. DAVIES:** Just so I am clear, there have been 22 to 23 permit applications and two consultation processes commenced. I presume they just continue on—or has industry elected to apply a hold until it sees the outcome of this process? The minister may not be in a position to tell me, but what will happen? Do they continue under the 2021 act until the new act is proclaimed?

**Dr A.D. BUTI:** If there has been a form application, it will transition to the new legislation. If there has not been, the process will just be started. I am unable to say whether industry has been holding off or not. I have not heard that from industry, but it possibly is the case.

**Ms M.J. DAVIES:** I might ask in a different way. What would normally come through for section 18 applications under the old system? Was that regular? I understand it is fed by industry. Are we talking 22 to 23 applications? Is that a normal number or has the department seen a slowdown given there has been uncertainty?

**Dr A.D. BUTI:** I will try to provide accurate figures later. From my recollection, prior to this legislation, around 80 to 100 section 18 applications were received a year. That is probably not unusual. The theme I have tried to get across, which has been very difficult, is that Aboriginal cultural heritage sites are not everywhere, and that is why people have not needed to make a section 18 application everywhere.

**Ms M.J. DAVIES:** I refer to the discussion that the minister or the department is having with people involved in the consultation process. Have they been advised to carry on as if this is not happening or has advice been provided to industry groups saying they may prefer to wait until the parliamentary process for this legislation is completed?

**Dr A.D. BUTI:** I cannot say that every single officer of the department has not said something I do not know about, but I understand it is really up to them whether they want to continue under the 2021 regime or wait until the repeal of the 2021 act. I cannot say categorically whether any officer of the department has said that it should be discouraged, but I have not phoned to make an application. I can give the member some figures on section 18 applications. From 2007 to 2023, there was a variation from 49 applications in 2014 up to—this is interesting—187 in 2017. There were 141 applications this year, but from what I can gather, a lot of applications were lodged earlier in the year prior to the 2021 act becoming operational.

**Ms M.J. DAVIES:** I thank the minister for that information.

Subclause (3) relates to the cost-recovery regulations being repealed. We can talk a little about the advice that the minister provided on what has been brought forward. Can the minister clarify that the cost-recovery regulations under the previous act were permitted because it was an entirely new act as opposed to reverting to the 1972 act, which had no taxation capability, so we needed cost recovery. Is it correct that there is no capacity under the new “old” act for it to go back to anything like we saw under the cost-recovery regulations under the 2021 act?

**Dr A.D. BUTI:** The member is exactly right. There is no taxation power under the regulations that governed the 1972 act. It will purely be a case of cost recovery.

**Ms M.J. DAVIES:** I have a general question. From an external perspective, the government was talking to Aboriginal groups and industry stakeholders before it announced that the act would be repealed. It appeared that that announcement came very swiftly. Can the minister provide some advice on who was consulted, or at least spoken to, prior to the government’s decision, or was it simply an internal government decision?

**Dr A.D. BUTI:** Prior to the formal cabinet decision, I phoned a number of Aboriginal organisations, telling them that we would be making significant changes, without providing the actual details. Other government people spoke to certain industry groups to provide them with greater detail on what was happening. I agree that it was done over a very short period. Consultation has continued since we announced that the act would be repealed and, more importantly, since the announcement about the regulations. I repeat: the amendments we wish to make to the act are not that complicated. Consultation has continued from the day we made the announcement. As I said, there has been consultation with the implementation group, the National Native Title Council and various other groups in a targeted approach.

**Ms M.J. DAVIES:** Can I just confirm that there was some discussion with Aboriginal industry groups and government stakeholders prior to the decision being made by cabinet? They would not have been surprised. How did the government decide who to contact, and how were those decisions made around the minister’s and his colleagues’ contacts?

**Dr A.D. BUTI:** I do not want to mislead the member. There was no consultation in the sense that we sat down with a particular group before the announcement and told them what would happen. The department provided a list of Aboriginal groups to be called. Over 20 groups were spoken to, along with the usual organisations such as the Chamber of Minerals and Energy and the Association of Mining and Exploration Companies. We had a meeting with the Western Australian Farmers Federation a day before the Tuesday announcement. On that morning, I spoke to Tony Seabrook from the Pastoralists and Graziers Association.

**Clause put and passed.**

**Clause 4: Act amended —**

**Ms M.J. DAVIES:** Perhaps the minister could give us an overview of the effect of this clause.

**Dr A.D. BUTI:** This clause seeks to amend the Aboriginal Heritage Act 1972. The decision to repeal the 2021 act and regulate the 1972 act as the legislative framework to protect Aboriginal heritage was made in the context that

we had to respond to the findings of the Senate inquiry into the destruction of caves at Juukan Gorge. This clause seeks to amend the Aboriginal Heritage Act 1972, with targeted amendments to the section 18 process.

Obviously, the other major issue is the need for the Aboriginal Cultural Heritage Council to become the Aboriginal Cultural Heritage Committee. This clause is all about amending the Aboriginal Heritage Act 1972, which requires a number of provisions to be amended. It also relates to transitional regulations.

**Ms M.J. DAVIES:** When I look at the marked-up version of the bill, it seems that the government is seeking to amend certain sections, which will be deleted from the act later. Is that a fair comment or have I misread that?

**Dr A.D. BUTI:** You may have a head cold but you have clear thinking!

**Ms M.J. DAVIES:** I will take that compliment!

The purpose of this clause is to amend the Aboriginal Heritage Act 1972. Section 4A of the original act states —

This Act does not apply on and after transition day, other than as set out in section 4B.

Essentially, that is a timing function.

Debate interrupted, pursuant to standing orders.

[Continued on page 4903.]