

ABORIGINAL CULTURAL HERITAGE ACT —
DEPARTMENT OF PLANNING, LANDS AND HERITAGE PRESENTATION

408. Ms M.J. DAVIES to the Minister for Aboriginal Affairs:

I note the presentation by the Department of Planning, Lands and Heritage on the Aboriginal Cultural Heritage Act held yesterday in Merredin and a slide titled “Co-design—challenges” that refers to the development of the regulations for the act. Why does the minister continue to say that there is no merit in extending the date for the act to commence when the first dot point on this slide is —

Timeframes—less than 12 months to co-design important documents

And another is —

Lack of familiarity with *the Act*—not all stakeholders are across the details of the legislation ...

Dr A.D. BUTI replied:

There are two things: there is the act and the regulations. It is interesting that the opposition seems to conflate both. One minute it says that it supports the act and then the next minute it says that it does not support the act. That is one thing.

Ms M.J. Davies interjected.

Dr A.D. BUTI: Can the member just let me answer the question and she can ask a supplementary question if she wants, rather than always whip, whip, whipping.

Ms M.J. Davies interjected.

The SPEAKER: Order, please.

Ms M.J. Davies interjected.

Dr A.D. BUTI: We had a three —

The SPEAKER: Sorry; just pause a moment, minister. The minister has said that he does not want to take an interjection. You have the opportunity to ask a supplementary question, member for Central Wheatbelt.

Dr A.D. BUTI: The act has been in the consultation process for three or four years. Opposition members supported the legislation. They asked a few questions during the consideration in detail stage. I will give the member for Cottesloe his due; he did hang around for consideration in detail, as did the previous member for North West Central.

Ms M.J. Davies: The shadow.

Dr A.D. BUTI: So the only person who should be interested is the shadow Minister for Aboriginal Affairs! So if you are the member for Central Wheatbelt, you should not be interested in it. The member has become interested now only because she is the shadow Aboriginal affairs minister. That is very interesting.

Ms M.J. Davies interjected.

The SPEAKER: Order, please.

Ms M.J. Davies interjected.

The SPEAKER: Order, please. Member for Central Wheatbelt, you are being disorderly.

Dr A.D. BUTI: We have been through a process of extensive consultation on the act. We have been through a process of co-design. The co-design process involved 94 workshops across 36 locations over three phases. Maybe it was 11 or 11 and a half months rather than 12 months, but it definitely was a calendar year; maybe it started in February rather than on 5 January. There were 94 workshops at 36 locations, with 1 137 attendees throughout the state, resulting in 223 submissions. The Pastoralists and Graziers Association and the Western Australian Farmers Federation were consulted and invited to participate in the co-design process for key regulations. They were involved in the input on the regulations. Very little legislation that has come before this house has been consulted to the degree of this legislation, but these are the regulations. Very few regulations have been consulted to the degree that these regulations have been. That is why it has taken a bit longer to finalise the regulations; it is because of the input that has gone into them. Specifically, the input from the agricultural industry led to the exemption of a like-for-like activity. That was put in the legislation as a result of farmers and others raising the issue.

With regard to the education workshops, which continue, at the request of the member for Roe, there will be an additional one in Katanning. Over 1 500 people have attended the workshops so far, and many more will attend those happening in Perth, the Kimberley and the south west. The member for Roe said that 600 or 700 attended in Esperance. That is a good thing. It is a good thing that people want to learn about the new regulations and the new act—the new regime—that will come in on 1 July.

With regard to consultation, we have consulted and consulted. Members will remember that when the legislation was passed, some Aboriginal groups did not like the fact that they will not have a veto right. It did not mean that we did not consult. Consultation does not mean that you necessarily agree with the consultation; you consult and then you come to a position. We came to our position at that time, and some people did not agree with it. But members opposite did pass the legislation.

There has been extensive consultation. There has been extensive workshopping of the regulations. There are education programs and they will continue. I would also like to let the member know that as the operation of the new regime takes place after 1 July, a key stakeholder reference group will sit down with the department on a regular basis to iron out any concerns. Obviously, when something is started, there will be some issues that no-one has thought about—no-one is at fault—and we will work through that. As Warren Pearce from the Association of Mining and Exploration Companies said, we have to commence this on 1 July. He has praised the work that the department and my office has done in consulting with major stakeholders.