

**STANDING COMMITTEE ON ESTIMATES AND  
FINANCIAL OPERATIONS**

**2015–16 BUDGET ESTIMATES HEARINGS**

**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
MONDAY, 12 OCTOBER 2015**

**SESSION THREE**

**Members**

**Hon Ken Travers (Chair)  
Hon Peter Katsambanis (Deputy Chair)  
Hon Liz Behjat  
Hon Alanna Clohesy  
Hon Rick Mazza**

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**Hearing commenced at 5.12 pm****Hon PETER COLLIER****Minister for Aboriginal Affairs, examined:****Ms TIFFINY VALE****Acting Chief Heritage Officer, Department of Aboriginal Affairs, sworn and examined:**

**The CHAIR:** On behalf of the committee, I would like to welcome you to the meeting. Before we begin, I must ask you to take either the oath or the affirmation.

[Witness took the oath.]

**The CHAIR:** You will have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

**Ms Vale:** Yes.

**The CHAIR:** These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard could you please quote the full title of any document you refer to during the course of this hearing; and please be aware of the microphones and try to talk into them. Ensure that you do not cover them with papers or make noises near them. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your evidence is finalised, it should not be made public. I advise you that the publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

I think we have provided you with a copy of Hon Robin Chapple’s concerns about some of the answers that were provided at an open hearing. I do not know whether the minister had a response to that.

**Hon PETER COLLIER:** I would not mind just making a couple of opening statements.

**The CHAIR:** Yes, sure.

**Hon PETER COLLIER:** I just want to clarify a couple of things with regard to the letter, because I think there are some inaccurate assumptions that are made in the letter. I have always—always—tried to be accommodating with regard to the answering of questions. As the honourable member knows, I can get four, five or six questions a day from Hon Robin Chapple with regard to Aboriginal Affairs. They are taking up literally thousands of hours from DAA at the moment but they get answered. We have never said, “Put them on notice”, and I want to make that quite clear. It says in Hon Robin Chapple’s letter —

This is especially as the Department is currently experiencing problems after the fall out from Justice Chaney’s decision in relation to the flawed legal advice provided by the State Solicitors Office ...

And so on. DAA are not experiencing problems. They are operating very efficiently and effectively, as they always have, and they always—as I said, always—provide answers wherever possible and wherever reasonable. As I have said in the past, quite frankly, a lot of the questions that have been asked by Hon Robin Chapple have been in my opinion unreasonable; without notice asking an

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enormous amount of information, yet we still, the department, to their credit still answers the questions. Also in his letter, Hon Robin Chapple stated —

The Department has created the new statuses of ‘Other Heritage’ places and a subset of this ‘Stored Data’ (not a site). This has significantly altered the status of many sites with or without the approval of the Aboriginal Cultural Materials Committee ...

This is not correct. That is an inaccurate statement. “Other heritage” places is not a status. A place can only have one of three status: registered, lodged and stored data—not a site. The Aboriginal Cultural Material Committee—ACMC—is the statutory body responsible for determining if a heritage place meets section 5 of the Aboriginal Heritage Act 1972; the AHA, not the department. That is to be clarified. It is the ACMC, not the department. Secondly, the status of a heritage place or Aboriginal site can only be changed or updated after the ACMC has considered and determined if section 5 of the AHA applies. Again, it is the ACMC, not the department. Hon Robin Chapple also stated —

Whether or not the information is held electronically or on paper records is irrelevant as the Department must have already reviewed the data to make the recommendation on the movements in status.

Again, this comment is inaccurate and it does not reflect the reality of the situation. The ACMC is the statutory body responsible for determining if a heritage place meets section 5 of the AHA, not the department. The status of a heritage place of Aboriginal site can only be changed or updated after the ACMC has considered and determined if section 5 of the AHA applies. The Department of Aboriginal Affairs processes a significant amount of historical information, which is largely paper-based. The legacy database—Aboriginal Heritage Information Management System—is still being used as a reference point as not all of the information has been transferred into Aboriginal Heritage Electronic Lodgements Program, which requires reviewing information stored in all three records systems.

Mr Chair, I just felt that it was necessary to clarify that with regard to the accuracy of the letter and to rectify a few inaccuracies. But also with regard to this issue here, I will always be as accommodating as I possibly can. But just to put it in some perspective, the question that has been asked is extremely lengthy in terms of the requirements. It will require a review of over 21 000 paper-based and electronic records. That, to me, I think is unreasonable. I think if the honourable member wants some specific areas, by all means we can accommodate him in specific cases. Or, alternatively, as we have done with his colleague Hon Lynn MacLaren, we offered her a briefing with regard to Roe 8 and, again, we are always very accommodating. We gave her a briefing and provided a lot of answers to her questions. It may not have satisfied her, but we provided that. If the honourable member has some specific questions or specific areas, by all means we will accommodate him. And I offer him, as I have said, a briefing with the department to go through specific areas. But, quite frankly, to ask the department to go through 21 000 paper-based and electronic records, I think, is unreasonable.

**The CHAIR:** Does the member have any questions?

**Hon ROBIN CHAPPLE:** Yes. I suppose the first one I really want to deal with is the category referred to as “information assessed”, which the minister has said does not exist. I would point the minister to Justice Sumner, the deputy president of the tribunal, who actually reviewed the “information assessed” category and made a number of statements in September 2011. Also we note that there are a number of assessments. The EPA assessment on 27 September 2011 dealt with the category “information assessed”. Boddington dealt with the category “information assessed”. The assessment from Main Roads done on 3 November 2011 dealt with “information assessed”.

**Hon PETER COLLIER:** What are you actually asking?

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**Hon ROBIN CHAPPLE:** What I wanted to know, you will remember, originally was how many categories were “information assessed” as opposed to a category that existed for a very short while, and you have not been able to identify that that category existed.

**Hon PETER COLLIER:** That’s not in your question.

**The CHAIR:** I am trying to follow you. Your question related to other heritage and stored data, not a site.

[5.20 pm]

**Hon ROBIN CHAPPLE:** There were a number of different categories set up over a number of periods, from whether it be a registered site, a site awaiting the ACMC approval, and that was a particular category. There was then the category “information assessed”, which existed for approximately one year and then disappeared. And a lot of the sites that were contained within “information assessed” disappeared at the same time.

**Hon PETER COLLIER:** That’s not in your question.

**Hon ROBIN CHAPPLE:** If you remember the original question that I asked —

**Hon PETER COLLIER:** I have got the original question in front of me.

**Hon ROBIN CHAPPLE:** I do not actually, unfortunately.

**The CHAIR:** We were referring to item D14.

**Hon ROBIN CHAPPLE:** Yes, okay.

**The CHAIR:** And I am looking at your letter, and you do not make any mention of that category in your letter either.

**Hon ROBIN CHAPPLE:** I do: “such as the ambiguous category ‘Information Assessed’, which no longer exists”.

**The CHAIR:** I am sorry, where is that?

**Hon ROBIN CHAPPLE:** That is down in the third paragraph. Quite clearly, that category did exist because it was actually subject to a High Court decision.

**Hon PETER COLLIER:** But it is not in your question.

**Hon ROBIN CHAPPLE:** It is part of the question.

**Hon PETER COLLIER:** Where?

**Hon ROBIN CHAPPLE:** Because when we actually—could you please turn me to the question?

**Hon ALANNA CLOHESY:** I am sorry?

**Hon ROBIN CHAPPLE:** I have not seen these before.

**Hon ALANNA CLOHESY:** These are the questions that you asked and they were put on notice.

**Hon ROBIN CHAPPLE:** I have not actually seen them.

**Hon ALANNA CLOHESY:** They were sent out to everybody.

**Hon ROBIN CHAPPLE:** Okay. Whereabouts was that?

**The CHAIR:** In light of the confusion, the minister has offered a briefing for the member. Is that going to help resolve it?

**Hon ROBIN CHAPPLE:** I doubt it because we are actually after trying to find a number of sites which have completely disappeared. They were on the register.

**Hon PETER COLLIER:** That is not in your question.

**Hon ROBIN CHAPPLE:** But the idea of getting that question —

**The CHAIR:** If that is what the member is trying to get to, do you know the sites that have disappeared?

**Hon ROBIN CHAPPLE:** Indirectly I know about a thousand sites that have disappeared.

**The CHAIR:** But just in general terms is there a thousand disappeared or —

**Hon ROBIN CHAPPLE:** No, I have got some particular number.

**The CHAIR:** Right. I mean, I wonder whether that is not something that you can work with the minister on to try to work out what has happened to those sites.

**Hon PETER COLLIER:** I agree, Chair. Can I just say —

**Hon ROBIN CHAPPLE:** Is there a question —

**Hon PETER COLLIER:** I am sorry, I am just responding. We will be as accommodating as we can, but to go through 21 000 paper-based things is just unacceptable. That is what you have asked. You specifically said it in the question.

**Hon ROBIN CHAPPLE:** Which was the question?

**Hon ALANNA CLOHESY:** What question number?

**Hon PETER COLLIER:** It is 14(1). The question asked was: as of the twenty-third there were a total of 21 000 other heritage places in heritage, how many of these sites were moved from the site list? In order to do that, you have to go through all the 21 000.

**Hon ROBIN CHAPPLE:** But you have already removed them, so you actually know. I do not want you to go through 21 000. You know which ones they are. I just wanted you to tell me.

**The CHAIR:** Is there any way of you recording when a site is moved from one place on the heritage list to another?

**Hon PETER COLLIER:** I will get Ms Tiffany Vale to comment. We are actually transferring all sites onto the AHELP at the moment, which is an electronic version—it had been paper-based in the past—and that will be much, much easier to reconcile, so I will ask Ms Vale to comment.

**Ms Vale:** At the moment we have migrated about a million pages of historical data to the AHELP system. The second phase of the data migration requires the transfer of the remaining 67 per cent; so that involves the digitisation and scanning of a whole range of paper-based and historic records. Once that has been completed, the department will be able to respond to the honourable member's questions a lot easier and a lot quicker than it is possible now. But in terms of the accuracy of the information, the only way we can guarantee that it is actually accurate, 100 per cent accurate, is actually to double-check and manually go through those records, because the migration in phase 1 of the data transfer of AHELP only contained certain elements of those files. So once we migrate the remaining 67 per cent, then we will have the entire file and the entire information contained on one database, as opposed to the three that we now have to go through: AHELP, AHMS and the paper-based historic records that we hold.

**Hon ROBIN CHAPPLE:** I understand which way you are coming at this. Maybe it is easier if we actually identify which sites—and you must know—have been removed under that category “information assessed”.

**Hon PETER COLLIER:** But you already know that, though. You have got a thousand, you said.

**Hon ROBIN CHAPPLE:** No, I have an approximation. I spent a couple of weeks going through all of the records that I have got to my hand.

**Hon PETER COLLIER:** All 21,000?

**Hon RICK MAZZA:** Someone else has to do the work for you.

**Hon ROBIN CHAPPLE:** No, I do not have them before me. But you will remember you can download that 21 000 anyway and you just look at the site numbers.

**Hon PETER COLLIER:** You have also got the paper-based records as well, which we have to go through, the 21 000, if you want the accuracy that you are seeking.

**Hon ROBIN CHAPPLE:** I mean on accuracy, a lot of the material has moved over from the paper-based previously. When we went to metric there was a whole dataset that was covered then, as you would be aware, and there were a lot of mistakes made at that point. I mean, we had sites 600 metres out in the ocean. But that data, the dataset, already exists to a large degree. I am really interested in what was removed, not what is contained. And because there was an activity of removing, I am trying to assess what was removed.

**Hon PETER COLLIER:** Check.

**Hon ROBIN CHAPPLE:** I have been able to identify that Justice Sumner dealt with the category which seems to not exist at quite some length in the court hearing. I will just go to that right now.

**Hon PETER COLLIER:** I have got a solution. I really feel that, look, we can go around and around in circles here and have one off against the other. I would like to accommodate you if I possibly can. If we can get around it, as you are saying that we do not need to go through the 21 000, my department is saying we do. And I firmly, from what I have been briefed, understand why they are saying it. I think that the best way forward with this is for you to have that briefing with the department. If you are not happy with it, come and talk to me, right, and we will go through it and I will ascertain exactly what else is required from you. If you feel we do not need to go through the 21 000—we have this stand-off at the moment—we need to sort that out. But at the moment I cannot, in all conscience, ask my department to go through manually 21 000 different files. I do not think that is reasonable.

**Hon ROBIN CHAPPLE:** Minister, your department through you, and I understand the process, has told me that there was no such category as “information assessed”. During 2011, for virtually the whole of 2011 —

**Hon PETER COLLIER:** We are just going through this —

**The CHAIR:** I think everyone understands that. It is about trying to bring it to resolution.

**Hon ROBIN CHAPPLE:** I am told there is no such thing.

**The CHAIR:** I think the minister is offering—and I guess that was the purpose of the committee, to try to clarify the confusion and I do not think we are going to resolve it today—to try to sit down with people to work through that and I think it is probably fair to say that the committee does not expect the 21 000 records. That is probably an unreasonable demand on the agency.

**Hon ROBIN CHAPPLE:** I do not want 21 000 records either.

**The CHAIR:** So, maybe if the minister is offering and if the member is happy to try to take the briefing and see how that goes.

**Hon ROBIN CHAPPLE:** Yes.

**The CHAIR:** And then depending on the outcome, come back to the committee if that does not resolve it.

**Hon PETER COLLIER:** Yes, that is right. I am more than willing to do that. I think that is the best way to do it. If we do that, then we can come back to the committee and then flesh it out further. If you are still not happy, we will understand then what the issue is.

**The CHAIR:** Okay, and we can try to narrow down what the issues are. If that is the case, then I thank you for your evidence before the committee today. A transcript of this hearing will be forwarded to you for correction of minor errors. Any such corrections must be made and the

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transcript returned within 10 days from the date of the letter attached to the transcript. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be added by these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, please include a supplementary submission for the committee's consideration when you return your corrected transcript of evidence. Thank you very much for your evidence this afternoon.

**Hon PETER COLLIER:** Thank you.

**The CHAIR:** Thank you, and see you tomorrow, minister.

**Hearing concluded at 5.30 pm**

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