

**Division 43: Planning, Lands and Heritage — Service 4, Aboriginal Affairs, \$15 797 000 —**

Ms M.M. Quirk, Chair.

Dr A.D. Buti, Minister for Aboriginal Affairs.

Mr A. Kannis, Director General.

Mr V. Davies, Assistant Director General, Heritage and Property.

Mr D. Corr, Executive Director, Land Use Management.

Mr M. Darcey, Assistant Director General, Land Use Management.

Mr B. Harvey, Executive Director, Heritage Services.

Mr S. McLeod, Chief Finance Officer.

Mr S. Hayden, Senior Policy Adviser.

[Witnesses introduced.]

**The CHAIR:** The estimates committees will be reported by Hansard. The daily proof *Hansard* will be available online as soon as possible within two business days. I will allow as many questions as possible. Questions and answers should be short and to the point. Consideration is restricted to items for which a vote of money is proposed in the consolidated account. Questions must relate to a page number, item or amount related to the current division, and members should preface their questions with these details. Some divisions are the responsibility of more than one minister. Ministers shall only be examined in relation to their portfolio responsibilities.

A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by close of business Friday, 3 June 2022. If a minister suggests that a matter be put on notice, members should use the online questions on notice system.

Member for North West Central.

[4.40 pm]

**Mr V.A. CATANIA:** Thank you, chair. I will get back to that question on budget paper 3, page 168. It is on “Other Spending” under Aboriginal Cultural Heritage Act 2021, where it says —

To support the implementation of the *Aboriginal Cultural Heritage Act 2021*, additional expenditure of \$12.4 million over 2022–23 and 2023–24 has been allocated to undertake an extensive stakeholder engagement and co-design process to develop subsidiary legislation, establish the Aboriginal Cultural Heritage Council, progress compliance activities and develop procedures to enable an efficient transition to the new legislative regime.

Can the minister please outline the specific breakdown of this \$12.4 million?

**Dr A.D. BUTI:** I will make some introductory comments. As the member would know, the process has commenced for the co-design of the regulations. It is a three-phase consultation process and it will take a year to complete. There will then be an education program on that. As a result of the co-design of regulations, the Aboriginal Cultural Heritage Council and the LACHS—the local Aboriginal cultural heritage services—will need to be established. The budget allocation of the specific ones is really a work in progress. At the moment, the focus is on the co-design of the workshops, which are quite extensive throughout this state. That is where the focus is now, plus the drawing up and drafting of documents to be considered at those workshops. I do not think we have a breakdown because it is an ongoing process.

**Mr V.A. CATANIA:** Is the co-design process on track for all three phases now that phase 1 has been completed?

**Dr A.D. BUTI:** It has indeed. There is a strict timetable that has been adhered to. The department is working very diligently on that. Yes, it is on track to finish in the prescribed time.

**Mr V.A. CATANIA:** How many submissions have been made to date and what is the breakdown of those submissions from the public workshops versus online submissions?

**Dr A.D. BUTI:** I think I have some information on the participants who have been to the various workshops. The closing date for the written submissions is 27 May, which is Friday. This Friday is the close of written submissions so we will not have the figures on the written submissions. On the workshops, the member can either have me read out who was at all the workshops, which would give him a breather, or, if he wants to ask me a question on notice, I will be able to provide that. First, shall I tell the member where the workshops have been?

**Mr V.A. CATANIA:** Yes. I think it is important to get it on record, rather than put it on notice.

**Dr A.D. BUTI:** The workshops were in: Albany on 26 April; Armadale on 5 May; Broome on 28 April; Bunbury on 4 May; Carnarvon on 5 May; Esperance on 28 April; Geraldton on 13 May; Kalgoorlie on 2 and 3 May; Karratha on 3 May; Kununurra on 26 April; Perth CBD on 29 April and Perth CBD again on 10 and 11 of May. I am not sure that we have a total number of participants in the workshops, but would the member like me to read out the Carnarvon one, seeing as it might be of particular interest to him?

**Mr V.A. CATANIA:** Why not, while you are there?

**Dr A.D. BUTI:** It was the Aboriginal Legal Service, Bidgemia, the Department of Biodiversity, Conservation and Attractions, Department of Water and Environmental Regulation, Gascoyne Catchments Group, Goldfields–Esperance Development Commission, Mia Mia Station, Ngala, Real Futures, Rangelands, the Shire of Carnarvon, the Shire of Upper Gascoyne, WA police and community youth centre and Yingingarda Aboriginal Corporation.

**Mr V.A. CATANIA:** On the \$12.4 million, how much is being spent on administration of the consultation and the co-design process?

**Dr A.D. BUTI:** There have been approximately 300 participants in the workshops, just to let the member know. Sorry, what was the question?

**Mr V.A. CATANIA:** How much of the \$12.4 million has gone into administration to carry out the co-design process?

**Dr A.D. BUTI:** We do not have a breakdown of that at this stage.

**Mr V.A. CATANIA:** Out of that \$12.4 million, is there going to be any finance towards upskilling traditional owners?

**Dr A.D. BUTI:** There is a \$10 million commitment —

**Mr V.A. CATANIA:** Yes, I know, but will any of that \$12.4 million go towards any assistance for traditional owners in the process of consultation?

**Dr A.D. BUTI:** The \$12.4 million is separate from the \$10 million.

**Mr V.A. CATANIA:** I understand that, yes.

**Dr A.D. BUTI:** The \$10 million is for capability but the \$12.4 million has been allocated to allow the workshops and the co-design process to take place. It is being used to put on the workshops, to allow the traditional owners to be there and so forth.

**Mr V.A. CATANIA:** Is it a twelve-month process to spend this \$12.4 million?

**Dr A.D. BUTI:** No. The \$12.4 million might involve more than twelve months. The idea is that, under the current schedule, the regulations will be concluded by the end of February next year. Then there will be an education program for the rest of the financial year to educate people on that. That might include part of the \$12.4 million.

**Mr V.A. CATANIA:** When does the minister aim to have the new legislation working by?

**Dr A.D. BUTI:** It is 1 July 2023.

**Mr V.A. CATANIA:** The minister expects the co-design process to be completed. What needs to be brought back to Parliament, if anything?

**Dr A.D. BUTI:** Nothing. The regulations are obviously an Executive Council situation. The member would well know, as he participated in the debate last year and forensically prosecuted the case, the act was passed last year. This is about the co-design of the regulations, so the act would become fully operational. There will be certain parts that will become operational before that but, for all intents and purposes, the new Aboriginal Cultural Heritage Act 2021 becomes operational on 1 July 2023.

**Mr V.A. CATANIA:** I refer to page 729, under division 43, Planning, Lands and Heritage. Under “New Initiatives” and “Aboriginal Cultural Heritage Act 2021”, \$1.479 million is allocated in 2021–22. Then this financial year, \$6.436 million is allocated in 2022–23. In the out year, 2023–24, \$6 million is allocated. Can the minister explain what that amount is for?

**Dr A.D. BUTI:** To implement the new act, there are two main components. As I have mentioned, one is the stakeholder engagement and co-design process developing the supporting documents. Secondly, it is progressing the operation activities and procedural matters by the department to enable the efficient transition to the new regime. The initial funding provides the necessary resourcing to administer the bill and includes the provisions for the new Aboriginal Cultural Heritage Council, establishing the regional presence, expanded grants and repatriation programs, in addition to expanding staff complement. There is also the necessity to collect data to assist in the development of a transparent, robust and equitable cost-recovery model.

[4.50 pm]

**Mr V.A. CATANIA:** Is this not a part of the \$10 million?

**Dr A.D. BUTI:** No. The \$10 million that was committed is for increasing the capability of the prescribed body corporates and the LACHS as well. In many respects, they will be the same thing. Sorry; it is for the LACHS, not the prescribed body corporates but, in many cases, the LACHS will be the prescribed body corporates.

**Mr V.A. CATANIA:** In terms of being able to find the —

**Dr A.D. BUTI:** Let me just be clear. The \$10 million is to provide training and capability for those LACHS so they can be involved in the new regime. The \$12.4 million is for the process of co-design, implementation of the new act and the staffing and so forth.

**The CHAIR:** Please feel free, everyone else, to pipe up if you would like to. New question, member for North West Central.

**Mr V.A. CATANIA:** On page 730 under, significant issues impacting the agency and “New Aboriginal Cultural Heritage Legislation” I might refer to that \$10 million. It reads, “. . .to oversee a co-design process and to develop the key documents,” which I would imagine is part of that \$10 million. No, but roughly the \$10 million? I could not find it in the actual budget. I know it is a key commitment, but is it not in the budget process so far; would that be correct, minister?

**Dr A.D. BUTI:** It is Treasury administered, not within this department’s budget bottom line.

**Mr V.A. CATANIA:** It is Treasury administered. In dealing with LACHS, traditional owners, organisations and prescribed body corporates, the \$10 million the minister has mentioned to help develop key documents and upskill —

**Dr A.D. BUTI:** No. The \$10 million, which is administered through Treasury, is for the capability building of the LACHS. The documents and the organisation of the workshops for the co-design of regulations, that is the \$12.4 million. The \$10 million does not include the drafting of the documents. The \$10 million is purely for the capability building of the LACHS.

**Mr V.A. CATANIA:** Is that not under the minister’s portfolio?

**Dr A.D. BUTI:** No.

**Mr V.A. CATANIA:** And it is not in the budget papers for —

**Dr A.D. BUTI:** No. At the moment, that \$10 million is being administered by the Department of Treasury.

**Mr V.A. CATANIA:** Okay. I will work out another tack to try to talk about that \$10 million, unless the minister wants to talk about it now?

**Dr A.D. BUTI:** I will just make a couple of comments because it is not part of the budget bottom line in this division. It is a commitment we made for capability building of the LACHS, which in some cases are, as I said, part of the prescribed body corporates. That is all I really need to say.

**Mr V.A. CATANIA:** On the co-design process and the public meetings that have been held across Western Australia, has there been concern that \$10 million is not enough to be able to facilitate the prescribed body corporates or Aboriginal organisations that do not have a prescribed body corporate or are an entity to be able to actually negotiate or deal with pastoralists or other communities?

**Dr A.D. BUTI:** In other words, the member is asking whether the \$10 million is enough—right?

**Mr V.A. CATANIA:** Yes. Has it been brought up with the minister during the co-design process?

**Dr A.D. BUTI:** No. The co-design process overall has been a very useful process. A range of views have been expressed on issues going forward about capability building. I, as the minister in this area, am always looking at what can be done. We are also developing a cost-recovery model going forward, which will provide a revenue source for the LACHS.

**Mr V.A. CATANIA:** Minister, going back to the reference group that has been mentioned in the new Aboriginal cultural heritage legislation, who is part of that reference group?

**Dr A.D. BUTI:** There are four members including two traditional owners. Mr Kannis is representing the government or the department, and there is a member from industry, which is Bronwyn Bell from the Chamber of Minerals and Energy. The two traditional owners are Merle Carter and Lindsay Dean.

**Mr V.A. CATANIA:** How were they picked to go on the reference group?

**Dr A.D. BUTI:** The member of the department is, obviously, a straightforward one. Regarding Bronwyn Bell, after much discussion, it was thought that someone from one of the peak mining resource bodies should be representing industry. Regarding the two traditional owners, the Aboriginal co-owners were picked through government boards. Both Lindsay Dean and Merle Carter are on government boards.

**Mr V.A. CATANIA:** What are the backgrounds of the two Aboriginal people in the reference group? Are they from the south west? Is one from the north?

**Dr A.D. BUTI:** Merle Carter is from Kununurra and Lindsay is from Albany but has linkages to the Kimberley region.

**Mr V.A. CATANIA:** Who does this reference group report to directly?

**Dr A.D. BUTI:** Well, it is not really a reference group reporting, as such. It is a reference group that is providing overall guidance to the workshops. It will provide input to the department through these workshops and after, and obviously advise the minister. If I want to have a conversation with it, I will.

**Mr V.A. CATANIA:** Did this reference group go to cabinet?

**Dr A.D. BUTI:** No, it did not go to cabinet.

**Mr V.A. CATANIA:** Was it recommended to the minister, as the Minister for Aboriginal Affairs, that these people should be on the reference group?

**Dr A.D. BUTI:** Yes.

**Mr V.A. CATANIA:** Was it recommended by his director general?

**Dr A.D. BUTI:** It was recommended by a number of different people. In regards to the Aboriginal representatives, an expression of interest was put out.

**Mr V.A. CATANIA:** How often does this reference group meet?

**Dr A.D. BUTI:** There is at least one, usually two of them, at each of the workshops. The reference group itself meets once a month.

**Mr V.A. CATANIA:** Further question; sorry, chair.

**The CHAIR:** Yes, assuming that, thank you.

**Mr V.A. CATANIA:** Are they paid to be on the reference group?

**Dr A.D. BUTI:** Yes, they are paid sitting fees.

**Mr V.A. CATANIA:** How much are the sitting fees?

**Dr A.D. BUTI:** Mr Harvey.

**Mr B. Harvey:** Thank you, minister. The representative of industry, from CME, is not paid. The two Aboriginal representatives are paid and they are paid the same meeting allowances they get for sitting on meetings of the Aboriginal Cultural Material Committee, given both members come from that committee.

**Mr V.A. CATANIA:** On the reference group and under the significant issues impacting the agency, what outcomes is the department expecting out of the reference group?

**Dr A.D. BUTI:** Well, I do not know. That is an interesting question. It is not an outcome of the reference group. It is to manage the process of the co-design of the regulations, which is a 12-month process. They are managing and providing advice if need be. The outcome is the outcome from the workshop, not the outcome from the reference group.

**Mr V.A. CATANIA:** Once the reference group reports back about the co-design process or the consultation, will the minister have the final say on that co-design process and the way it looks?

[5.00 pm]

**Dr A.D. BUTI:** I suppose the question is more about the outcome of the regulations. The co-design process is there to draft and settle on regulations which, in the end, have to be approved by government. Then they go through the normal regulatory process of being signed off by the Governor. Under the act, as I am sure the member well remembers, there is an Aboriginal Cultural Heritage Council, which is the main body that will be determining issues of cultural heritage.

**Mr V.A. CATANIA:** Can the minister explain the process? Once the co-design process and consultation is completed, then I imagine there will be a draft of regulations that are presented. Will those go out again for further consultation or does the minister or cabinet make that decision?

**Dr A.D. BUTI:** No. Part of the co-design process is for the drafting of documents and the regulations. Obviously, government will make the final decision. The regulations that are going to be drafted will come out of the co-design process. The Aboriginal Cultural Heritage Council will conduct the final phase of consultation on the draft regulations.

**Mr V.A. CATANIA:** Going back to the consultation process that has taken place around the state, has there been an explanation of the act in its obligations for say, a pastoralist wanting to clear land or repair fencing?

**Dr A.D. BUTI:** If the member recalls, the act has three tiers of activity category—tiers 1, 2 and 3. What the activity is classified as determines what process has to take place to obtain approvals for that activity. Part of the co-design process is to determine what activity fits which tier. To dig a hole somewhere—is that a tier 1, tier 2 or tier 3? What tier is putting in a fence? That is all part of the co-design process. Pastoralists have already been through

some workshops, I believe. That is part of it. That is why these workshops, which are part of the co-design process, are so important. They will come up with the final categories for the various tiers of activity.

**Mr V.A. CATANIA:** For tier 1, tier 2 and tier 3, fines are attached to each tier and also jail time, I think, is attached to one of the tiers for an individual. Is that being explained through the co-design process and consultation to pastoralists and others to be able to identify whether digging a hole is a tier 1 or bulldozing a rocky outcrop is a tier 3 activity? Has that been explained to the minister's knowledge?

**Dr A.D. BUTI:** As the member would recall from last year's estimates, I provided him with extensive consultation lists of everyone who had been consulted on the contents of what was then the bill. People were made aware of the contents of the bill, so I do not think it can be argued that the government did not provide sufficient avenues for people to become educated on the contents of the bill. That was done last year. The bill has now passed; it is now an act. This co-design process is for the regulations. We are not now going back and recycling all the things that were said during the consultation over the bill. That is done now. Now what we are doing is fleshing out the actual regulations.

**Mr V.A. CATANIA:** I understand that, minister. I just want to ask whether it has it been made clear to those who attended the consultation process of the co-design of the fines in the act—obligations for an individual or a company for that matter? Has that been highlighted when they are going through that process of populating what a tier 1, a tier 2 or a tier 3 looks like? Has that been highlighted, because it is pretty important and significant given the potential fines, the amounts and potential jail time?

**Dr A.D. BUTI:** The co-design process has talked about the possible penalties, but the co-design process will determine what activities will fit into the various tiers and then what possible fine will come about as a result of them. The actual penalties have been outlined in the consultation of the bill. Also, in the co-design process, there is communication on the penalty regime.

**Mr V.A. CATANIA:** Further question.

**The CHAIR:** Further question and then we probably need to move on to another area, member, after this one.

**Mr V.A. CATANIA:** Yes, okay; thanks, chair. Going back to the reference group. It is made up of the director general, someone from the resource sector, being the CME, and two Aboriginal participants. Why is someone from the agriculture sector not in the reference group, given it is a large landholding area—whether it be the Western Australian Farmers Federation, Pastoralists and Graziers Association or the Southern Rangelands?

**Dr A.D. BUTI:** I can assure the member that the Pastoralists and Graziers Association and other rural groups have had and will have sufficient capability to participate in the co-design process. The reference group is just managing the process. The reference group is not deciding the content of the regulations.

**Mr V.A. CATANIA:** Further question. I understand that, minister, but if there is a cross-section of the resource sector, being the Chamber of Minerals and Energy, on the reference group, the visual aspect of that reference group is that you are covering the resource sector, which plays a major role in this. We have seen Juukan Gorge and why the resource sector is extremely important in participating in this, as well as, obviously, traditional owners and Aboriginal people. I would have thought that, given that large landholdings in Western Australia are pastoralists and farmers, at least a representative from both areas could have been on the reference committee. That they are the ones who—I am not going to say this right, but—need to understand that the process, because, at the end of the day, as I said, the fines are quite high for an individual as well as jail for an individual. For a resource company or a company, it is a fine, not jail. The farmers and individuals have got the greatest risk with not understanding the process hence why I think it is important to be able to have those two bodies—large landholders—on the reference committee. Is it too late to change it, minister?

[5.10 pm]

**Dr A.D. BUTI:** I do not see any need to change it. The industry representative is representing industry, not representing just the resource industry. My understanding is that all sections of various industries are happy with the current arrangements. The Pastoralists and Graziers Association and other rural based federations are happy with the process and they have been given sufficient avenues to present their point of view and to participate in the co-design process. As I say, the reference group is there to manage the process, not to design the regulations. It was always a balancing act between how many are on the reference group and ensuring that it is an efficient way of facilitating the process. It would make it too large a reference group. Traditional owners or Aboriginal groups could quite easily also argue there should be Aboriginal representatives from all the different regions of Western Australia. Or other industries could argue they should be on it. Various government departments could argue they should have a representative, rather than just the director general of this department. We wanted to limit the membership to make sure it was focused and facilitated the process. The agricultural industry and the pastoralist industries have been involved and invited to the workshops and invited to make submissions, and there will be an extensive education program.

**Mr V.A. CATANIA:** Further question, chair.

**The CHAIR:** I really think you have flogged a dead horse well and truly by now, member.

**Mr V.A. CATANIA:** I just had —

**The CHAIR:** I think we can move on.

**Mr V.A. CATANIA:** Just one more, one more.

**The CHAIR:** One more. We said that four questions ago. One more.

**Mr V.A. CATANIA:** That is what my kids say to me all the time, “One more”. Has the minister met with any of the agricultural groups himself about the Aboriginal Cultural Heritage bill directly and the co-design process, whether it be someone from the pastoralists or Farmers Federation?

**Dr A.D. BUTI:** To launch the co-design process, I had a meeting down at the convention centre, which was streamed online and there were people in the room that day. I may be wrong, but I think Doug Hall from the Pastoralists and Graziers Association was there and there were others online. I have been to other workshops in person in Kalgoorlie and Armadale. Actually, in Armadale, there was a representative from the fruit and vegetable association. So there you go! You have got your tomatoes and your beans and peas.

**Mr V.A. CATANIA:** Just a further question.

**The CHAIR:** No. No.

**Mr V.A. CATANIA:** This is actually quite important.

**The CHAIR:** I am sorry. I am sorry. You have had 17 further questions on this, so let us just go on. I think the minister has said all he can usefully say on the matter. New question, member for Vasse.

**Ms L. METTAM:** I refer to page 730. I note the fifth item under “Significant Issues Impacting the Agency” is the Aboriginal Lands Trust divestment. It refers to the proposal to introduce some legislative amendments to support the continued transfer of Aboriginal lands. I first ask: what is the trigger for these legislative amendments, and how will they support the worthy goal of increased economic opportunities?

**Dr A.D. BUTI:** A 2017 election commitment by the Labor Party was to divest Aboriginal Lands Trust estates to Aboriginal ownership. A consultation process is taking place as we speak. It is moving around the state. Tomorrow there is a workshop on the Aboriginal Lands Trust divestment process. Workshops will take place throughout the state, and a number have already have taken place. The idea is that by divesting these lands back into Aboriginal ownership, it will allow Aboriginal people to use that land as collateral and a way to obtain investments and financial assistance from financial institutions. As the member would know, the history behind the Aboriginal Lands Trust was based more on a paternalistic approach, and I think this is a challenge. It is quite complex and we have to bring the various Aboriginal groups along with us on this because it is a bit of an unknown journey for many of them.

**Ms L. METTAM:** I appreciate that it will be challenging, but certainly something good to achieve. Does the minister have a list of the groups that have been involved or will be involved in the consultation process regarding this proposed legislation?

**Dr A.D. BUTI:** I am not sure there is a list here, but I can let the member know that there have been workshops in Albany and Kununurra; tomorrow there will be one in Carnarvon; and there was to be one in Warburton next week, but that has been deferred.

**Ms L. METTAM:** Will there be any in the south west?

**Dr A.D. BUTI:** I do not have that list; sorry. I can ask Mr Corr to answer that question.

**Mr D. CORR:** To date, we have held consultations in Albany, all through the Pilbara and all through the East and West Kimberley, and various groups have been turning up. We have also done numerous consultations in Perth with registered native title body corporates and other interested stakeholders. I do not have the list of precisely who was there, but we do have that.

**Ms L. METTAM:** When is the minister anticipating to introduce the legislation to Parliament? I imagine there is quite a process to go through, but can the minister indicate what the process will be from here? Is this more about communicating with the groups about what is being proposed?

**Dr A.D. BUTI:** Yes. At the moment, the consultation process is taking place. I do not have a set date for the introduction of the necessary amendments to Parliament.

**Mr V.A. CATANIA:** Is there a register of the lands that the minister is talking about? Is there a map or a list? Is there an estimated cost associated with the land?

**Dr A.D. BUTI:** I think the question the member has asked is: where are the estates and how much of the state is in Aboriginal Lands Trust estates?

**Mr V.A. CATANIA:** Yes, that is it. Is there a register?

**Dr A.D. BUTI:** It comprises 301 properties and approximately 8.7 per cent of the state, or 22 million hectares, which comprises 243 Crown reserves, 47 provisional tenure freehold properties, six general purpose leases and five pastoral leases. There are 143 permanent Aboriginal settlements of communities on ALT estates, with approximately 12 000 residents. In 2019–20, the department received a budget of \$5.841 million to 2024–25 to facilitate the divestment of 33 priority ALT properties.

**Mr V.A. CATANIA:** Some of the ALT properties have housing on them. Bindi Bindi in Onslow may be one that is on ALT land. I think that is one example. Will negotiations be for not only the land, but also the infrastructure that is on the land?

**Dr A.D. BUTI:** No. The aim is to divest the estates, the land. Part of the consultation process is to determine, if that divestment takes place, what assistance or what needs to be done from the state's point of view.

[5.20 pm]

**Mr V.A. CATANIA:** If there is housing on ALT land, the department of housing will provide assistance from the federal government to do up the houses, for example.

**Dr A.D. BUTI:** Did the member say the federal government? We hope the new federal government will, but the previous federal government ran away from them.

**Mr V.A. CATANIA:** I do not disagree with the minister. In years gone by, the federal government provided assistance. I look forward to the minister's advocacy in trying to get that back.

**Dr A.D. BUTI:** Very much so.

**Mr V.A. CATANIA:** Minister, in handing the land back to traditional owners or Aboriginal corporations, if they request some financial support to maintain housing, roads, lighting, you name it, will that also be part of the negotiations? It is important that we know as well.

**Dr A.D. BUTI:** As I read out to the member previously, the department has already expended moneys to facilitate a divestment of 33 priority ALT estates. These will be ongoing negotiations and one would expect that this will be part of the discussion. As part of the divestment, there is also the issue of what sort of land tenure will happen.

**Mr V.A. CATANIA:** That is my next question.

**Dr A.D. BUTI:** That is under discussion, and it will depend on different areas and different concerns.

**Mr V.A. CATANIA:** I am pretty sure Bindi Bindi at Onslow is one. It is prime real estate on the coast of Onslow. The organisation could negotiate to take back the land and the housing, and say it will go to a developer and sell the land because it is worth \$20 million to 30 million and it will develop housing somewhere else for those people. Is that the type of thinking or will that be allowed under the amendments to the act?

**Dr A.D. BUTI:** It will all depend on the outcome of the various discussions with different groups. We are not prohibiting that possibility, but it will just depend.

**Mr V.A. CATANIA:** No, it is important.

**Dr A.D. BUTI:** Part of the idea here is to allow Aboriginal people to have a greater determination in their economic future.

**Mr V.A. CATANIA:** Exactly right, and I think that to provide the ability for them to determine whether they sell land and to invest that somewhere else is a good step in the right direction.

**The CHAIR:** All right, with that editorial comment, are there other questions?

**Mr V.A. CATANIA:** I refer to "New Aboriginal Cultural Heritage Legislation" on page 730. Chair, if you will indulge me.

**Dr A.D. BUTI:** Chair, just before he asks the question, I think the member is so interested in heritage because he is concerned about the heritage of the Liberal Party of Western Australia.

**Mr V.A. CATANIA:** I was once concerned about the Labor Party.

**Dr A.D. BUTI:** You do not need to worry about the Labor Party, mate.

**The CHAIR:** I do not know whether we would have you back, member, but what is the question?

**Mr V.A. CATANIA:** I asked a question about meetings. Has the minister been approached by various agricultural industry bodies? Has the Pastoralists and Graziers Association, the Southern Rangelands Pastoral Alliance, the Kimberley Pilbara Cattlemen's Association or the farmers' federation approached the minister to meet and discuss the proposed Aboriginal cultural heritage bill?

**Dr A.D. BUTI:** I would have to check my diary. From my recollection, I do not believe I have received a request from any of the pastoralist or farming groups, but I have had meetings previously; certainly mining or resource companies have approached me in a general manner. I hope I am not getting confused here because I was the

former Minister for Lands and when I was the minister, I had discussions on various lands issues, so this may have come up in that portfolio. As the Minister for Aboriginal Affairs, to the best of recollection, I do not believe I have received any invitations to a meeting from pastoralist groups. I may have, but I do not recall.

**Mr V.A. CATANIA:** Has the minister heard from the Property Council of Australia, WA division, or any land developers about this bill?

**Dr A.D. BUTI:** Does the member want to put that question on notice, because I do not want to give him incorrect information? I do not believe so, but if the member wants to put it on notice, I can provide him with a more thorough answer.

**Mr V.A. CATANIA:** Going back to the Aboriginal Lands Trust divestment, I did not quite catch when the minister is looking at introducing the amendments.

**Dr A.D. BUTI:** Just before I answer that, the department has met with the Pastoralists and Graziers Association and so forth, but to my understanding, they are very happy with the process. That is the reason I have not met them. We have the act; the act has gone now.

**Mr V.A. CATANIA:** But the minister has not met with them personally?

**Dr A.D. BUTI:** In regard to the co-design process, no. In regard to your question that was asked, I think, by the member for Vasse, that has not been determined yet. At the moment we are in the consultation phase.

**Mr V.A. CATANIA:** But in this term of government?

**Dr A.D. BUTI:** Well, let us do the consultation process first.

**The appropriation was recommended.**