

**Division 52: Indigenous Affairs, \$42 720 000 —**

Mr M.W. Sutherland, Chairman.

Mr M.J. Cowper, Parliamentary Secretary representing the Minister for Indigenous Affairs.

Mr C.G. Weeks, Director General.

Ms L. Gunn, Acting Deputy Director General, Corporate Strategy.

Mr D. Ord, Deputy Director General, Operations.

Ms J. Cabahug, Chief Finance Officer.

[Witnesses introduced.]

**The CHAIRMAN:** I give the call to the member for Victoria Park.

**Mr B.S. WYATT:** I refer to the line item relating to stolen wages at the bottom of page 613 under “Major Spending Changes”. I would like an update on the status of that program. The parliamentary secretary may recall that we had a debate about stolen wages in Parliament not that long ago. The Premier suggested that the government may be willing to move on the time frame within which applications can be received. Have there been any changes to the parameters of the program? How many applications have been received to date? Have any payments been made to date; and, if so, how many?

**Mr M.J. COWPER:** That was a very good debate and a credit to this place. The members who participated did so on the basis that it was to the benefit of people who had some wrongs done to them. As a result of that debate, I had a conversation with the Premier. We spoke about certain things and I put forward my views on that matter. Whilst I was given a good hearing, I am not sure that cabinet has made any change to what it initially indicated. The state government has detailed a payment of \$2 000. The gist of the debate was that it was too low. I recall that the key point from that debate is that this is not a payment or repayment of funds to those people who had funds stolen from them; it is simply an acknowledgement by the state by way of an *ex gratia* payment in recognition of those people having lost some money. I understand that some money has been paid to various people. The member may recall that we were also trying to extend the time frame for the scheme to reach some maturity. We were trying to get it pushed out to two years. I will ask Mr Weeks to comment.

**Mr C.G. Weeks:** We have received 461 applications as at this week and had 544 inquiries on the Department of Indigenous Affairs helpline. At this point we have pre-approved 90 applications for payment. We are waiting for 6 June when the Australian Taxation Office makes a ruling. As soon as it makes that ruling public, we will make those payments.

**Mr B.S. WYATT:** Is that a ruling about how that is treated?

[9.00 pm]

**Mr C.G. Weeks:** Yes, the ruling is to make sure that people on pensions and so forth are not disadvantaged by receiving that payment.

**Mr B.S. WYATT:** There are 90 applications pre-approved. No payments have gone out yet subject to that taxation ruling. I noted that no resources have been given to the department; it is expected to manage it within its current resources. What is being done to promote the scheme across WA, in particular to Aboriginal people whose first language perhaps is not English or who are not particularly good at English?

**Mr M.J. COWPER:** My understanding is that we were trying to get it pushed out to two years and I thought that a reasonable compromise would have been at least 12 months. I understand it is still six months. Given the information we have received so far today, other delays are being caused by external factors. I personally would have liked to see it go out longer. I will hand over to Mr Weeks to comment.

**Mr C.G. Weeks:** We have seven regional offices in contact with the community to get the message out and we have application packs. We recently emailed application packs to 150 Aboriginal organisations. We want to rely on the Aboriginal network to get the message out. We have relied on community legal centres. I know that Legal Aid had the stolen wages scheme on its website and that we received 400 applications from the Aboriginal Legal Service last week. We have not necessarily gone out and used the media *per se*, but we are using other mechanisms to get the message out.

**Mr B.S. WYATT:** The department received 400 applications from the ALS last week; and how many all up?

**Mr C.G. Weeks:** I am sorry; the ALS asked for application packs so they could distribute the packs.

**Mr B.S. WYATT:** I thought Mr Weeks meant that ALS made 400 applications.

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**Dr A.D. BUTI:** Will all of the \$2 million that has been allocated to the department for stolen wages go to reparations or will some administrative costs come out of the \$2 million?

**Mr C.G. Weeks:** It will all go out in payments. The department bears the administrative cost of managing the scheme.

**Dr A.D. BUTI:** I have a follow-up question. In regard to assisting applicants to obtain documentary evidence, has the department been looking at anything to try to improve the process of native welfare files being available to applicants?

**Mr M.J. COWPER:** Mr Weeks, please.

**Mr C.G. Weeks:** We have designed the scheme so that there is no requirement to go through the files. We are relying on a statutory declaration and for someone to say, “Yes, I was in a government-run native welfare facility at a particular time.”

**Dr A.D. BUTI:** The files would be very useful in ascertaining how much money was stolen. We are talking about money that was earned then stolen. It would be nice to work out how much money was stolen.

**Mr M.J. COWPER:** That would be helpful.

**Ms J.M. FREEMAN:** This is a follow-up question about the statutory declaration. Someone can make a statutory declaration that they worked in a government institution and receive reparation. But for those people who were still under the department’s protection but who worked on a station or something like that and did not get paid their wages, there is no capacity for them to get any reparation or recognition of that. Is it only state institutions?

**Mr C.G. Weeks:** Yes, that is right. I can ask Ms Gunn to elaborate on the eligibility criteria.

**Ms L. Gunn:** That is correct. The scheme is limited to those people who attended government institutions. However, Sister Kate’s Children’s Home is also included in the scheme, so the decision extends to Sister Kate’s.

**Ms J.M. FREEMAN:** Does the department do anything to verify a statutory declaration or does it take it on face value? Do applicants have to provide another statutory declaration from a signatory who can verify they know the applicant and that they are being full and frank? I hope we do not have a situation in which people in the communities start saying that people were making fraudulent claims. I would have thought that it would cause dispute and discord among communities if people felt that someone had a payment that they may not have been entitled to.

**Mr M.J. COWPER:** Is the question how the stat decs are verified?

**Ms J.M. FREEMAN:** Yes.

**Mr M.J. COWPER:** Ms Gunn.

**Ms L. Gunn:** Obviously, being a statutory declaration, people are expected to have provided truthful answers. There is a provision in the application pack for people’s identity to be verified if they did not have identification evidence. However, the very nature of a statutory declaration is that people tell the truth and it is an expedient way to do that, given that we do not expect people to have records from 1905 to 1972.

**The CHAIRMAN:** Member for yellow river—sorry, Southern River; I made a mistake.

**Mr P. ABETZ:** The first line item under “Major Spending Changes” on page 613 is “Aboriginal Community Patrols Funding Extension”. This item is outside my electorate but it is in the City of Gosnells, which has been calling for Aboriginal community patrols. Can the parliamentary secretary give an indication of where this money will be spent and whether it includes Gosnells?

**Mr M.J. COWPER:** In short, the good news is that Gosnells is included. The Department of Indigenous Affairs continues to work with Indigenous community patrols and ensure that the community’s needs are met. The state government provides approximately \$4.6 million per annum for the provision of patrol services in a number of communities, including areas I am very familiar with such as Broome, Carnarvon, Derby, Geraldton, Port Hedland, Kalgoorlie, Kununurra, Meekatharra, Mullewa, Perth, Roebourne, and Wyndham. The Halls Creek patrol will also be re-established in the near future. Patrols currently employ 98 people, the majority of whom are local Aboriginal people. The Department of Indigenous Affairs received about \$1.3 million in the last financial year to fund additional patrol positions, the extension of patrol hours, bus replacement, equipment and so on. The funding in 2011–12 supported the expansion of the Perth Nyoongar Patrol to the south east and north eastern corridors and specific target areas of Gosnells, Carousel shopping centre, Burswood, Belmont and the Ord Street train station. This year the Department of Indigenous Affairs was granted an additional \$1.2 million from the state budget for the 2012–13 financial year. This will allow the Department of Indigenous Affairs to meet some

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shortfalls in patrol salaries as a result of changes to the Community Development Employment Projects program—the old commonwealth-run scheme. Also, the funding will establish additional patrol positions or continue to fund patrolling positions established as a result of a similar one-off appropriation in the 2011–12 budget. It provides also a contribution towards replacing the buses and training equipment. The patrol operates on a continuously evolving basis to ensure that the emerging community issues are addressed. Members can appreciate that there are hot spots that arise from time to time and that the patrols need to be flexible and responsive. Approximately 50 per cent of the patrols' clients required safe transport, approximately 48 per cent of those were recorded as being affected by alcohol and 26.9 per cent of the clients were juveniles aged under 18 years.

[9.10 pm]

**Ms J.M. FREEMAN:** In 2010–11 there was \$788 000 for the Aboriginal community patrols funding extension, in 2011–12 there was \$1.355 million, and this year there is \$1.209 million. That was all additional money. Is all the money for 2010–11, 2011–12 and 2012–13 additional to the \$4 million per annum that comes out of the department's budget for the Nyoongar Patrol?

**Mr C.G. Weeks:** Yes, that is my understanding but I might refer it to my chief financial officer.

**Ms J. Cabahug:** Does the member want to find out what the actual spending is each year?

**Ms J.M. FREEMAN:** No. As I understand it, the department allocates \$4 million per annum, and these amounts of \$788 000 in 2010–11, \$1.355 million in 2011–12 and \$1.209 million in 2012–13 are additional amounts to the \$4 million per annum.

**Ms J. Cabahug:** The figures I have are the actual spend. We spent about \$3.6 million in 2010 and \$4.3 million in 2011, and we have spent \$3.16 million to date this year. That \$4.6 million is close to what we have been spending every year.

**Ms J.M. FREEMAN:** In effect, it is not an additional \$1.2 million. During last year's estimates hearing, the parliamentary secretary said —

The state government will provide approximately \$4 million per annum towards the provision of patrol services ... awarded an additional \$2.143 million from the state budget for 2010–11 and 2011–12 ...

In effect, there is no additional money because of the \$1.2 million. If the department spends \$4.6 million, there is only an additional \$600 000.

**Mr M.J. COWPER:** My understanding is that that was for a two-year period, but I seek some clarification.

**Mr C.G. Weeks:** My understanding is that we had a community development program top-up with the patrols. Part of the wages of patrollers was through CDP. There was one CDP reform in 2007 and there was another reform in 2009. The 2007 appropriation ran out and last year the other one ran out. Yes, the term is "additional funding" but that is because there was not meant to be any funding for it this year. The funding just ran out.

**Ms J.M. FREEMAN:** The department had expended the whole amount of \$1.355 million for 2011–12 at the end of this period, so the additional \$1.355 million takes it up to the \$4.3 million of actual expenditure. Is that what I understand?

**Mr C.G. Weeks:** The money we got in the last budget was for the extension through to the eastern corridor. That is where we got the money for Gosnells and Burswood. It also paid for some replacement buses and for some more patrollers.

**Ms J.M. FREEMAN:** The replacement buses were provided by Lotterywest, were they not?

**Mr C.G. Weeks:** No. Lotterywest paid for the first bus; it does not pay for a replacement.

**Ms J.M. FREEMAN:** I am still confused. This is additional money. What is the base funding? That is what I need to know. I keep getting told that there is additional funding, but during last year's estimates hearing, the parliamentary secretary said that there was \$4 million per annum towards the provision of patrol services and that this is an addition. But that is not the indication I am getting here. The base rate that the department spends must be around \$3 million, and these are additional amounts. I really need to know what the base funding is and what this addition is.

**Mr M.J. COWPER:** Perhaps we can take that on notice and get the exact figure.

**Ms J.M. FREEMAN:** Take it on notice?

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**Mr M.J. COWPER:** I suspect what has happened there is that the base has gone up to \$4 million each year but the extra \$2 million was over a two-year period. However, rather than rely on my memory of it, I will ask that it be supplied as supplementary information.

**Ms J.M. FREEMAN:** I have the parliamentary secretary's memory here in *Hansard*. His memory says that there is a \$4 million base. What I want to know is: if there is a \$4 million base in 2012–13, can the Nyoongar Patrol expect to receive \$5 209 000? That is really what I want to know. Is that what the patrol can expect to spend in that period?

**Mr M.J. COWPER:** To be accurate and to satisfy the member's eagle eye, I ask that we answer that by way of supplementary information and, Mr Chair, I am happy to provide that breakdown for examination.

*[Supplementary Information No A68.]*

**Ms J.M. FREEMAN:** I think the Nyoongar Patrol is a fantastic service; I want to put that on record. The patrol comes into Mirrabooka. As the parliamentary secretary knows, I raised this matter last year and we talked about the patrol going into the northern corridor. It certainly has come into the areas of Mirrabooka, Nollamara and Koondoola and has provided an excellent service. I would like to know, given this funding, that it will be able to continue on in that northern extension into the Nollamara, Mirrabooka and Koondoola areas.

**Mr M.J. COWPER:** I am just trying to establish what the member is saying.

**Ms J.M. FREEMAN:** I want to know whether the patrol will continue on into Nollamara, Mirrabooka, Koondoola, Balga and the areas that it has been coming into.

**Mr M.J. COWPER:** Yes. I thought the member was referring to some new area.

**Ms J.M. FREEMAN:** No. Is that yes?

**Mr M.J. COWPER:** Yes.

**Mr B.S. WYATT:** I refer the parliamentary secretary to the discussion paper on the review of the Aboriginal Heritage Act 1972. I must admit that I was surprised at the narrowness of the discussion paper after the incredibly long period of time and amount of money spent on Dr Avery. I think there was an expectation that the discussion paper on the review would be much broader and more comprehensive. The act is actually a couple of years older than I am. I seek some clarification. For some reason only five weeks was allowed for feedback on this discussion paper. That has caused some discontent among various stakeholders. Can the parliamentary secretary let me know—I am assuming that the five-week period is close to ending, if it has not already closed, as it started in April—how many submissions have been received? What will then happen? Will there be at least a further period of notice of what the government intends to do? Can the stakeholders look forward to the introduction of a bill into Parliament—we are still not sure whether a bill is required, of course—or will an administrative decision simply be made by the government? I emphasise that I believe it is important, before a bill is drafted or a decision is made, that people are made aware of what the government is thinking about doing. Finally—this may be an obvious question—on page 3 of the discussion paper the following point is made —

An Inter-Agency Working Group on Aboriginal Heritage Reform was established for internal government consultation for the review.

It goes on to outline the various departments that were involved in that group. One department that is not listed is the Department of Indigenous Affairs. I assume it is not listed because it is obvious that it was in that group. Can the parliamentary secretary confirm that the DIA actually had a role on that interagency working group? There is a bunch of questions there for the parliamentary secretary.

[9.20 pm]

**Mr M.J. COWPER:** I have just been writing them down in the column here so that I can, hopefully, get across a few of them before I have to rely on some support. As the member knows, since 1972 numerous reviews have been done in a number of formats that recognised the need for a change to the Aboriginal Heritage Act. However, a few amendments to the legislation have quite significantly changed the legal, economic and social environments surrounding the preservation and protection of Aboriginal cultural heritage. There has also been some robust debate surrounding past reviews. The absence of amendments to the act reflects the complex balance. In relation to whether it will require a bill or administrative decision is something I am not quite familiar with at this time. I ask Mr Weeks to shed some light on it.

**Mr C.G. Weeks:** In terms of the time extension, a number of stakeholders have mentioned that five weeks is not enough. I have had discussions with the minister's office and the minister is considering that now. But it seems that we will either extend the date or accept late submissions.

**Mr B.S. WYATT:** Has it closed?

**Mr C.G. Weeks:** It has not closed yet; no.

**Mr B.S. WYATT:** It must be fairly soon.

**Mr C.G. Weeks:** I think it will close in two weeks. Yes, we think legislative change will occur.

**Mr B.S. WYATT:** Legislative change?

**Mr C.G. Weeks:** Yes, that is right.

**Mr B.S. WYATT:** Has there been —

**Mr M.J. COWPER:** Consultation?

**Mr B.S. WYATT:** Before Mr Weeks gets to that, have instructions been given to parliamentary counsel to draft legislation yet?

**Mr D. Ord:** The discussion paper has been to cabinet and the cabinet has not set a priority around the allocation to parliamentary counsel at this stage. However, we are in discussion with Premier and Cabinet over an allocation of priority. I suspect that will follow the initial consultation period and the submissions we receive. The general view around it is that the discussion paper essentially establishes a sort of fatal-flaw methodology. If there is a broad set of comforts that the direction of the paper is appropriate to some immediate reform of the act, I believe we will get a priority rating that will enable us to move to drafting. Clearly, the idea is to then engage with key stakeholders on those fairly minimal amendments that are proposed, with the establishment of regulations being more detailed. We will work through disclosures on those and at that point I guess we will get the micro consultation done with those key stakeholders in the act and have the matter brought back to the government to introduce into Parliament.

**Mr B.S. WYATT:** Whether the period is extended or not, the submissions will be considered and decisions made by the government. If that decision involves a legislative change, will there be a period of consultation before a bill is introduced to the house?

**Mr M.J. COWPER:** That is my expectation.

**Mr B.S. WYATT:** I assume DIA was on the interagency working group.

**Mr C.G. Weeks:** Yes; it was.

**Dr A.D. BUTI:** I refer to the stolen wages. I think Mr Weeks mentioned in one of his answers that 400-odd packages had gone out to the Aboriginal Legal Service. If my mathematics is right, the \$2 million will go to 1 000 successful applicants. Due to the government's decision not to allow it to be awarded to the relatives of deceased people, that, of course, will reduce the possible number of applicants. What if they end up with more than 1 000 applicants; is the government mindful of increasing the \$2 million pool we have at the moment?

**Mr C.G. Weeks:** Yes. Obviously, if we get more than 1 000 applicants, given we will be paying \$2 000, the money will run out. My conversation with the minister was that as more applications come through and we make payments, I will go back to the minister and he will work out whether it goes back to cabinet.

**Dr A.D. BUTI:** At the moment the government has not actually given the department clear guidance as to where that money will come from. If it does not come out of the actual budget that the department has to work with; will it be additional funding?

**Mr C.G. Weeks:** We have a \$2 million appropriation for it.

**Dr A.D. BUTI:** If it goes above that, will there be an additional appropriation?

**Mr C.G. Weeks:** That is something I would have to go back to government with.

**Mr I.M. BRITZA:** I refer to the line item halfway down page 620, "Partnership Acceptance Learning Sharing". Many Aboriginal students in Western Australia are still experiencing a certain amount of racism and discrimination. There is a fair bit of support provided here. Can the parliamentary secretary enlighten us on what promotion the department is doing to create a culturally inclusive school environment?

**Mr M.J. COWPER:** It is being done by way of a program called PALS—partnership, acceptance, learning and sharing. It is run by the Department of Indigenous Affairs to encourage young Western Australians to develop projects that promote and advance reconciliation, and assist schools to create a more inclusive environment. It is based on the core attributes of partnership, acceptance, learning and sharing. PALS encourages young people to take a leadership role in strengthening the relationship between Indigenous and non-Indigenous people in the local community. I sense there has been a real sense of awakening in the community in recent years. People are interested in Indigenous culture that is particularly relevant to their area. This role is very important, particularly

for young Aboriginal people in Western Australia who still experience some racism and discrimination as that can impact on social attendance.

I am going to be a bit parochial again, member, and highlight the fantastic work being done at Fairbridge, in my electorate. Last week I visited and saw some of the programs running there. Some of the young people out there are as good as I have seen anywhere, including people from the length and breadth of this state. They have come into a special environment. The programs being run there are arguably the best in Australia. The program also deals with intrinsic and extensive issues of prejudice and racism by encouraging young people to embrace their culture. In 2012, 194 schools from across Western Australia have participated and shared in funding of about \$162 000 to participate in 217 PALS projects. The PALS project achieves outcomes in the areas of education, health and the arts.

**Mr B.S. WYATT:** Was that this year?

**Mr M.J. COWPER:** That is in 2012, yes. It includes local art, cultural displays, environmentally sustainable gardens, school cultural exchanges, and health-based educational activities. The number of schools participating continues to grow across the state. The number of PALS projects undertaken in 2012 was 80 per cent higher than in 2011. We have had significant growth in that area in the past 12 months. As I said before, I believe there is a genuine interest in that area. The PALS project also helps students promote and advance reconciliation within their school communities and general communities. I also suspect it is a good way to get young people to take it back into their homes and perhaps even influence some of the attitudes of parents.

**Mr I.M. BRITZA:** I get the impression that this is primarily Aboriginal people. However, is the parliamentary secretary saying that this program is getting through to non-Aboriginal young people?

**Mr M.J. COWPER:** That is the whole idea of having —

**Mr I.M. BRITZA:** It sounds like an ignorant question. I guess one could say I am only doubting it because of what I see and hear about non-Aboriginals communicating with Aboriginals. Besides Fairbridge, where is the program run?

[9.30 pm]

**Mr M.J. COWPER:** Like I said, it is in 217 schools across Western Australia. Although it is still a small step in the scheme of things, I think it is a very positive one and one that has the genesis of creating real change within the community. It also has to come back to individual homes. I think it is a great way of planting the seed of change within families throughout Western Australia.

**Ms J.M. FREEMAN:** Can I have the list of the 217 schools as supplementary information?

**Mr M.J. COWPER:** The Department of Indigenous Affairs is willing to provide the names of the 217 schools participating in this program in 2012.

[*Supplementary Information No A69.*]

**Mr C.G. Weeks:** The program is targeted at non-Aboriginal children because it is about getting the class to understand how a classroom can be made into a culturally safe environment for Aboriginal kids. It is not necessarily targeted at Aboriginal kids; it is around non-Aboriginal kids learning more about Aboriginal culture.

**Mr I.M. BRITZA:** How do we gauge that?

**Mr C.G. Weeks:** It is up to the class to design a project. Some teachers and students will bring in Aboriginal elders, who will sit down and talk about their upbringing; some will do a specific project, such as building a mi-*amia*, which is a traditional hut; cooking—anything to do with Aboriginal culture.

**Mr B.S. WYATT:** In 2010 there were nine Partnership Acceptance Learning Sharing ambassadors appointed; in 2011 there was one. As of March this year, there have been no PALS ambassadors appointed. Why is that?

**Mr C.G. Weeks:** We still have ambassadors. We relied on Troy Cook for a lot of it, so we expanded the numbers, but we have not done a lot of workshops up to this point where we have included the ambassadors. It is something that we want to target over the next 12 months—to bring those ambassadors back in to play that role.

**Mr M.J. COWPER:** I saw Troy down at Fairbridge just recently.

**Ms J.M. FREEMAN:** I refer to the community development line item under “Service Summary” on page 614, and the final report and recommendations of the Indigenous Implementation Board. Are they still being considered by government, given the answer from the Minister for Indigenous Affairs to a question on 20 October 2011 from Hon Sally Talbot. He stated, in part —

My office is working on it fastidiously but an all-of-government response will be forthcoming as soon as possible.

Is the report still being considered by the minister, and when can we expect a response to it?

**Mr M.J. COWPER:** The Indigenous Implementation Board has been in consultation with Aboriginal communities across the state to provide a number of reports to the Minister for Indigenous Affairs, in line with its terms of reference. In April 2012, the minister wrote to IIB board members advising that the state's response would be completed soon and would then be forwarded to the respective members.

**Mr C.G. Weeks:** Some of the delay has been with the agency consulting with a range of other agencies to get their views on those recommendations. I was in Canberra about two months ago and met with Lieutenant General Sanderson to give him an idea of how government may respond. We are well aware of the themes around local governance and the importance of being able to track expenditure in Indigenous services. Those things, I think, will come out and the government will support them, but we need to wait until we provide that to the minister, which will be very shortly, and the government will then respond.

**Mr B.S. WYATT:** I refer to the total appropriations on page 613. The parliamentary secretary may want to refer my question to Mr Ord. On 11 November last year in a hearing of upper house's Standing Committee on Estimates and Financial Operations there was a discussion about economic development. I quote a short part of Mr Ord's contribution —

We were asked by the Aboriginal Affairs Coordinating Committee of directors general to establish a working group of senior officers to advise them on an Aboriginal economic development strategy, and that work has been completed and is before the AACC at this time. So we believe a response to the state's position on Aboriginal economic development is likely to be presented to the minister in the next few months.

Has that now happened and is that a report that can be provided publicly?

**Mr M.J. COWPER:** Mr Weeks.

**Mr C.G. Weeks:** Yes, with the AACC agencies and a range of others an economic development strategy has now been drafted, which captures a range of government activities. That has now been provided to the minister, only recently though, and he is considering it.

**Mr B.S. WYATT:** Is there a likely time frame in which that will be considered and is it a strategy that will be made public soon?

**Mr C.G. Weeks:** The intention is that the strategy be made public.

**Mr B.S. WYATT:** In a question on notice I asked how many people in the department deal with Aboriginal economic development and from memory the answer was three people. Is there a proposal to increase the number of people in the department who deal specifically with Aboriginal economic development?

**Mr C.G. Weeks:** We have had some informal discussions with the Department of Regional Development and Lands about trying to develop a joint proposal for some economic development funding, and part of that will be looking at staffing and resources. They are very early discussions at the moment, so I do not have a definitive answer about that.

**Dr A.D. BUTI:** I refer to "Reconciliation Grants" under "Details of Controlled Grants and Subsidies" on page 620. I notice that there was a decrease in the amount listed between 2010–11 and 2011–12 of \$56 million. I would like to be given a reason why there has been a decrease. Can I also be given some detail of the flavour of those grants and what projects they have been utilised for?

**Mr M.J. COWPER:** Mr Weeks, please.

**Mr C.G. Weeks:** That was done as part of government savings through the Economic and Expenditure Reform Committee process when the reconciliation grants were abolished as a program.

**Mr B.S. WYATT:** When were they abolished?

**Mr C.G. Weeks:** As part of the EERC process this year.

**Dr A.D. BUTI:** Can I be given an idea of what the grants were used for?

**Mr C.G. Weeks:** They were small grants for community-based organisations—they were generally \$3 000—to support reconciliation activities. The general groups involved were not-for-profit organisations or local governments.

**Ms J.M. FREEMAN:** Were they the reconciliation action plans?

**Mr C.G. Weeks:** No; they were separate to reconciliation action plans. We still have an officer who works with Reconciliation Australia and government agencies to develop those plans.

**Dr A.D. BUTI:** I am a bit concerned that the government decided to abolish the grants. What was the rationale behind this action?

**Mr C.G. Weeks:** I cannot expand on the rationale behind it. What I can explain is that the onus is now on me to seek other revenue sources to try to be able to fund that program.

**Mr B.S. WYATT:** The department's reconciliation action plan has as one of its targets the awarding of the Aboriginal language preservation small grants program, and it was supposed to have been done by June 2011. When I asked how many had been done, the answer was, "None; the DIA does not have the funding available to commit to the development of a small grants program." With the reconciliation action plan that is on the department website, how much of it is simply unable to be implemented due to lack of funding?

[9.40 pm]

**Mr C.G. Weeks:** I cannot say off the top of my head, but we generate most of those actions with the idea that we can actually deliver on those, because Reconciliation Australia does assess those action plans to make sure that we have achieved what we have put in them. At the time of doing the previous reconciliation action plan, we had budget bids in through royalties for regions to try to progress those language preservation grants. We were unsuccessful, so that is why we are not able to run that program.

**Mr B.S. WYATT:** So that is a program that has not yet been run since the action plan was developed?

**Mr C.G. Weeks:** That is right.

**Dr A.D. BUTI:** I am concerned about the demise of the reconciliation action plan, and also the demise of the reconciliation grants, because I am sure that the parliamentary secretary realises that reconciliation is an ongoing process. So I am concerned about that. In light of fact that the government has decided to name the Perth Waterfront project Elizabeth Quay, would that not be a further negating factor towards reconciliation?

**Mr M.J. COWPER:** I am only the parliamentary secretary and I would refer the member to the minister for his comment.

**Ms J.M. FREEMAN:** I refer to page 613, the heading "Major Spending Changes", and the efficiency dividend. To achieve the \$734 000 in savings for 2012–13 and the \$4.4 million over four years, what cuts to programs will be made, and was the cut to the program that we were just discussing one of those cuts; and what cuts to FTEs will be made, and from which sections of the department; and what fees and charges—sorry; the department does not have fees and charges —

**Mr M.J. COWPER:** I am glad to see you did your work before you came in here, member! Mr Weeks will respond.

**Mr C.G. Weeks:** A final decision has not been made on how we will meet that efficiency target. We have had a discussion as a corporate executive, and we will now go through our budget line item by line item to find that efficiency and make our decision before the end of June.

**Ms J.M. FREEMAN:** So the reconciliation funding that we were just talking about is not part of the two per cent efficiency cut?

**Mr C.G. Weeks:** That is right.

**Ms J.M. FREEMAN:** So why was that program cut?

**Mr C.G. Weeks:** It was part of an EERC process.

**Ms J.M. FREEMAN:** Okay. What other funding cuts were made through that EERC process?

**Mr C.G. Weeks:** There were no other cuts.

**Ms J.M. FREEMAN:** Was it just that program?

**Mr C.G. Weeks:** Yes.

**Mr B.S. WYATT:** I refer to page 613 and the heading "Total Appropriations". The Aboriginal Affairs Coordinating Committee has an allocation to expedite fast, effective responses to key critical incidences involving Aboriginal people. In 2009–10, the appropriation for the AACC was nil, and in 2010–11 the appropriation was nil. In 2011–12, \$10 million was allocated under the Aboriginal communities emergency fund, to expedite those responses. As of 20 March this year, none of that \$10 million had been allocated. Why was that

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\$10 million allocated—clearly it was allocated for a purpose, because nothing had been allocated in the two previous years—and what is the status of that funding at the moment?

**Mr M.J. COWPER:** You are right, member. There is a need to improve the timely and effective coordination of the responses between the state government and remote Indigenous communities when responding to significant times of critical emergencies. We saw examples of that at Warmun with the floods. It is estimated that there are nearly 15 000 people living in those remote areas and town-based communities. The ACERF, Aboriginal Community Emergency Response Fund, allows the AACC to act whilst allowing responsible agencies to later apportion expenditure from existing programs and appropriations where applicable. As the ACERF is primarily a rolling fund, deliverables will not be identified in advance funding through examples of where emergency response funds may be used, including services and contracts from emergency management. A cabinet submission is being prepared to finalise the funding allocation. I wonder if Mr Weeks might be able to enlighten us a little bit as to what that might be.

**Mr C.G. Weeks:** That is right. The cabinet submission is very close to being finalised. The delay has been around getting agreement with Regional Development and Lands around what the government's mechanisms are around the payments around that emergency fund. So there has been ongoing work between our agencies. Mr Ord may be able to expand a little on those discussions.

**Mr D. Ord:** The concept of the fund was to provide the AACC under its statutory powers under the act to be able to make a decision jointly by the director generals to respond to emergencies, and a series of criteria needed to be developed jointly by a whole range of agencies as to what would constitute an emergency under that fund. Having made that decision, the concept of the rolling fund was that there would be a process by which it would be assessed whether the emergency would normally be covered under some other appropriation. The issue is that obviously an emergency, by its own right, is very hard to predict and therefore it is not necessarily in agencies' appropriations even though it ultimately turns out to be under their authority or responsibility. The fund was to enable the work to be done immediately for duty of care reasons and then for a process to recoup funds via those responsible agencies. Because this was an unusual way of government appropriating funds, there were high expectations around accountability from Treasury and from royalties for regions. Plus there is a process by which they were appropriated in the previous budget. It needed to go through cabinet process so that the whole scheme would be approved by cabinet. That is a process established for all royalties for regions funding initiatives. It has taken some time to get the governance principles established amongst the director generals to finetune how the scheme would work and then to get that drafted and into a schedule to go into cabinet. It is imminent.

**Mr B.S. WYATT:** The \$10 million was not for a particular incident. It was to create that fund of money.

**Mr M.J. COWPER:** I think we announced that in Parliament here. The money was from royalties for regions, from memory. The problem, as the member can appreciate —

**Mr B.S. WYATT:** It must have been announced in the last budget.

**Mr M.J. COWPER:** It has been announced. The fact remains that when you have those remote communities and you need to get people on the ground and acting immediately in a timely manner, it is good to have that money available.

**Mr B.S. WYATT:** When will that governance processes be resolved?

**Mr M.J. COWPER:** That is a matter for, as I understand, the cabinet submission.

**Mr C.G. Weeks:** We now have agreement. Regional Development and Lands agencies have agreed, so it will now go up to the minister for his sign off.

**Dr A.D. BUTI:** I refer to page 620, "Income Statement", and the income from state government under the royalties for regions fund. It is repeated on page 622 with regard to a statement of cash flow. I notice that there has been a significant decrease in the money that the department is receiving from royalties for regions—quite a significant reduction; over 50 per cent. I have a number of questions. My first one is: what is the reason for the reduction in funding from royalties for regions?

[9.50 pm]

**Mr M.J. COWPER:** Is the member referring to the \$11 700 000?

**Dr A.D. BUTI:** It was \$74 million in 2010–11. It is now down to \$11 million.

**Mr M.J. COWPER:** It is \$74 000.

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**Dr A.D. BUTI:** Sorry; in that case, there has been an increase. That is good. My second question is: what percentage of people in the catchment area for royalties for regions are Indigenous?

**Mr C.G. Weeks:** I would not know that off the top of my head.

**Mr M.J. COWPER:** There would be lots.

**Dr A.D. BUTI:** Could I ask the parliamentary secretary to provide supplementary information on this? What is the percentage of Indigenous people in the royalties for regions funding catchment area; therefore, how much are they awarded per person in funding or programs that come out of the department?

**Mr M.J. COWPER:** From royalties?

**The CHAIRMAN:** Can the parliamentary secretary supply that information?

**Mr M.J. COWPER:** It would be a case of identifying how many people live in the regions and dividing it by the amount of money allocated.

**Dr A.D. BUTI:** That is right.

*[Supplementary Information No A70.]*

**Mr B.S. WYATT:** I noted in the media not that long ago that the minister was talking about the issue that seems to have been around for a little while now of Aboriginal people dying without a will. The minister has now decided that he wants to amend the legislation to deal with that. Can the parliamentary secretary give us an update on the status of that? When are we likely to see legislation introduced into Parliament?

**Mr M.J. COWPER:** As the member rightly points out, under section 35(1) of the Aboriginal Affairs Planning Authority Act, all property and rights of property vested in any person of Aboriginal descent who dies intestate shall vest in the Public Trustee. The Public Trustee then distributes the estate under the general intestacy provisions of the Administration Act 1903. It was made fairly well known by the minister that he did not see that as being fair and equitable. That relates back to the Aboriginal Affairs Planning Authority Act 1972. The government's priority in 2012–13 is to address that part of the act relating to people who die intestate. Part 4 has been criticised for being discriminatory towards Indigenous people. When we do examine that, in today's contemporary view, it seems somewhat draconian. It has also been responsible for causing delays in the administration of Indigenous peoples' estates. The department has consulted the Western Australian Aboriginal Advisory Council, the Arts Law Centre of Australia, the Public Trustee, the State Solicitor's Office and the Department of the Attorney General.

The government has also considered the WA Law Reform Commission's 2006 report on Aboriginal customary law, which made a number of criticisms of that part of the act. The ALCA's preference is for an amendment to part 4 in line with the recommendations of the WA Law Reform Commission. The position of the Department of Indigenous Affairs is to repeal that section in its entirety. A repeal would remove the discriminatory provisions of part 4 and is less complex than an amendment. The ALCA and the Public Trustee have now agreed to repeal that option. There are likely to be some administrative, regulatory and policy issues arising from that. These issues will be subject to continuing discussion with stakeholders. As the list of reforms progress, the Department of Indigenous Affairs has allowed a grant of \$29 000 to provide education and advice to Indigenous people in the areas of wills and estate planning. The program is targeted at visual artists and deals with art assets, including unsold art, art at galleries on commission and copyright of resale royalty. The program is also delivered through and in conjunction with local arts centres in remote parts of Western Australia.

As of November 2011, 98 Aboriginal estates were being administered by the Public Trustee. For 2010–11, the Public Trustee received 47 new Aboriginal estates. Approximately \$668 000 was held in trust at that time by the Public Trustee as a result of the Aboriginal Affairs Planning Authority Act. The funds that revert to the Department of Indigenous Affairs from the Public Trustee pursuant to the act apply to subsidised funeral expenses for Aboriginal people. The Department of Indigenous Affairs has subsidised 36 funerals at a total cost of \$16 392 for the period July 2011 to April 2012.

**Mr B.S. WYATT:** Has the minister finished? The DIA's position is to repeal the section. Mr Weeks will forgive me because I am speaking from memory here, but the Law Reform Commission also said to get rid of that part of section 35 and then introduce a moral obligation payment. I may have that wrong. It has been a while since I read it. The Law Reform Commission did not simply say that it should be repealed—full stop. It said to repeal, but a range of other recommendations also dealt specifically with that aspect. Is the DIA's position to support the law reforms in all the recommendations or is it simply the department's view to repeal it—full stop—and not replace it with anything in particular?

**Mr M.J. COWPER:** My understanding is it will be repealed in toto.

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**Mr C.G. Weeks:** The position is to repeal that part of the act.

**Mr B.S. WYATT:** Dealing specifically with that area, some recommendations were made about those who had a moral obligation or a moral claim to property being able to lodge a claim. Am I making sense? Does the minister know what I am talking about?

**Mr M.J. COWPER:** The way I see it, though, is that the Law Reform Commission was only one of the partners considered.

**Mr B.S. WYATT:** I appreciate that; it was more than just the commission involved.

**Mr M.J. COWPER:** Others were also taken into account. That is the position of the Department of Indigenous Affairs.

**Mr B.S. WYATT:** I have one final follow-on question from that. What is the status of that? Has the legislation been drafted? Is it still going through the consultation process? Should we expect to see legislation introduced in the spring session? Where are we at?

**Mr M.J. COWPER:** It is imminent. Mr Weeks.

**Mr C.G. Weeks:** The minister requested that we prepare a cabinet submission and advice for him, so that was provided to him last week. It has gone in only recently.

**Mr M.J. COWPER:** It says here that the minister has approved a proposal to repeal bar 4.

**Mr C.G. Weeks:** He is very keen to get this finalised.

**Mr B.S. WYATT:** I accept that it is subject to a cabinet decision so it is in the hands of the gods, but if a decision is made, instructions will still have to be given to parliamentary counsel to go about doing what they do. I assume that, hopefully, this year we will see this legislation. Is that the plan?

**Mr M.J. COWPER:** I would share that hope, member.

**Mr B.S. WYATT:** What is the department's full-time equivalent positions cap at 2011–12? It is a standard question that gets bowled out by me. Every department gets the pleasure.

**Mr C.G. Weeks:** It is 184.

**Mr B.S. WYATT:** Is that the cap that will apply for 2012–13 and 2013–14?

**Mr C.G. Weeks:** That is right.

**Mr B.S. WYATT:** As at 20 March, the minister had not met with the Aboriginal Lands Trust, the Western Australian Aboriginal Advisory Council or the Aboriginal Cultural Material Committee. Is the parliamentary secretary able to tell us whether the minister has met with any of those groups since 20 March?

**Mr M.J. COWPER:** I am unable to advise whether he has, but Mr Weeks may be able to assist.

**Mr C.G. Weeks:** The minister attended the last Western Australian Aboriginal Advisory Council meeting and spoke to board members. Prior to the last Aboriginal Affairs Coordinating Committee meeting, he also attended that. I cannot recall whether he has met with the Aboriginal Lands Trust or the ACMC. We can take that on notice.

**Mr B.S. WYATT:** In light of the proposals under the Aboriginal Heritage Act, the ACMC may be a worthy committee with whom to perhaps enter into some discussion. We have at least 30 seconds left. Does the DIA have any involvement in Browse?

**Mr M.J. COWPER:** Is this general business now, is it?

**Mr B.S. WYATT:** Is there any involvement?

**The CHAIRMAN:** Which line item, member for Victoria Park?

**Mr B.S. WYATT:** Shush!

**Mr M.J. COWPER:** Which line item is that?

**Mr B.S. WYATT:** The DIA must be involved. I always see Mr Ord in Broome when I go up there.

**Mr C.G. Weeks:** The department is involved. We are playing a supporting role for the Department of State Development. We also have a role in Aboriginal heritage across the peninsula. Yes, we are involved.

**Mr B.S. WYATT:** In terms of the —

**Mr M.J. COWPER:** Is this another question?

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**Mr B.S. WYATT:** The department must have a role with the Aboriginal community up there. I am just curious about what it is.

**Mr C.G. Weeks:** Yes; absolutely. With a remote service delivery site—that is, the Dampier Peninsula—we are involved in a range of activities.

**The appropriation was recommended.**