

DEPARTMENT OF THE PREMIER AND CABINET —
2019–20 STATE BUDGET — ABORIGINAL AFFAIRS

5194. Mr K.M. O'Donnell to the Treasurer; Minister for Finance; Aboriginal Affairs; Lands:

I refer to the 2019–20 State Budget, Division 3; Premier and Cabinet:

- (a) Page 68, Government Policy Management – Aboriginal Affairs, point 1 Explanation of Significant Movements. Reduced Legal Fees, and I ask:
 - (i) Can an explanation be given as to why these fees have been reduced in the 2018–19 budget; and
 - (ii) What legal fees have been reduced, and please provide a breakdown of this reduction; and
- (b) Page 68, Government Policy Management – Aboriginal Affairs, line 5 Efficiency Indicators. In relation to the average cost to deliver policy advice per applicable full-time equivalent, and I ask:
 - (i) The estimated funding for 2019–20 financial year has increased by \$23 per full-time employee however the staff level has not increased. Can this increase please be explained, including details of where this extra funding is needed?

Mr B.S. Wyatt replied:

- (a) (i)–(ii) Legal fees incurred for Aboriginal policy are driven by the number, complexity and nature of legal claims and Indigenous Land Use Agreements. The Government is committed to settling native title applications by consent, rather than through a litigated outcome. Determinations by consent result in significantly lower legal fees. There have been 19 determinations in Western Australia in 2018/19, all of them consent determinations. In 2017–18, there were 15 determinations of which five were litigated outcomes. When the 2018–19 budget was set, it was anticipated that a larger number of applications would be litigated which did not eventuate. Due to higher numbers of consent determinations this has resulted in lower legal costs.
- (b) (i) The difference in the estimated actual for 2018–19 and the budget target in 2019–20 represents the proposed estimated increase in non-FTE costs associated with agreement making and community engagement, as well as the appointment staff in key positions.