

ABORIGINAL CULTURAL HERITAGE ACT — REPEAL

**482. Ms L. METTAM to the Minister for Aboriginal Affairs:**

I refer to Labor's spectacular backflip on the Aboriginal cultural heritage laws and the new bill that was introduced — Several members interjected.

**The SPEAKER:** Order, please, members!

**Ms L. METTAM:** — into Parliament yesterday — Several members interjected.

**The SPEAKER:** Members, I am going to ask the Leader of the Liberal Party to start her question from the beginning. We have had six or seven people interjecting quite incessantly. Hopefully, we will not have a recurrence of that.

**Ms L. METTAM:** I refer to Labor's spectacular backflip on the Aboriginal culture heritage laws and the new bill that was introduced into Parliament yesterday.

- (1) Can the minister confirm that the Aboriginal Cultural Heritage Act 2021 and associated regulations are still applicable?
- (2) If yes, can the minister confirm that the statutory defence under the Aboriginal Heritage Act 1972 can still be relied upon from now until the Aboriginal Cultural Heritage Act 2021 is formally repealed?

*Point of Order*

**Mr D.A. TEMPLEMAN:** I am querying whether the second part of the question requests a legal opinion.

**The SPEAKER:** Potentially, there is an element of seeking a legal opinion, which is not allowed under the standing orders, as the Leader of the House quite correctly pointed out. The Minister for Aboriginal Affairs is an experienced member of Parliament. I ask you to take that into account in your response.

*Questions without Notice Resumed*

**Dr A.D. BUTI replied:**

- (1)–(2) Thank you, Madam Speaker. Yes, the 2021 legislation will remain in existence until it is repealed and the new act comes into place, which we will debate. The length of time that the 2021 legislation remains in existence will obviously depend a lot on how long the opposition wants to debate the bill that comes before the house and goes to the upper house. It will be entirely up to the opposition, but we have made it quite clear that the 2021 act will remain until the new bill, which was introduced yesterday, becomes law and the 2021 act is repealed.