

**Division 43: Planning, Lands and Heritage — Service 4, Aboriginal Affairs —**

Mrs L.A. Munday, Chair.

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

Mr A. Kannis, Director General.

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

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

Ms S. Cardenia, Assistant Director General, Business and Corporate Services.

Ms C. Hay, Chief Finance Officer.

Mr S. Hayden, Principal Policy Adviser.

[Witnesses introduced.]

**The CHAIR:** The estimates committees will be reported by Hansard and the daily proof will be available online as soon as possible within two business days. The chair 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 those details. Some divisions are the responsibility of more than one minister. Ministers shall be examined only 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 noon on Friday, 31 May 2024. If a minister suggests that a matter be put on notice, members should use the online questions on notice system to submit their questions.

Are there any questions?

**Dr A.D. BUTI:** Before we start, I hope that we can have at least 15 minutes at the end for the multicultural part of the department—20 is even better. Also, member, I have just been informed by the director general, rightly so, that the south west land settlement and lands issues are dealt with by the Minister for Lands. It is not me who deals with that aspect.

[5.20 pm]

**The CHAIR:** Thank you. We are dealing with division 43, service 4. Are there any questions?

**Ms M.J. DAVIES:** I had a question, but I got called out for asking the minister wearing a different hat.

**Dr A.D. BUTI:** I might be able to help out a little bit, but do remember that it is another portfolio.

**Ms M.J. DAVIES:** It is on page 719, but it is under “Economic Diversification”, so it is hard to understand where that fits. I am glad the minister has clarified that, and we will see whether we can ask the Minister for Lands. I am looking for an update in general about the land transfer because it is a big estate and, obviously, my electorate has a lot of local governments and we get asked those questions regularly across the Agricultural Region, in particular.

**Dr A.D. BUTI:** I think it would be better to ask the Minister for Lands.

**Ms M.J. DAVIES:** We should ask the Minister for Lands? Okay. Thank you, minister. I appreciate the clarification. Perhaps we will go to page 719, under “Protecting and Managing Aboriginal Heritage”, and paragraph 8, which is the implementation of an amended Aboriginal Heritage Act. I ask the minister whether there has been any review. In working through the implementation of the current legislation, has any work been done by the department to review the costs and impact?

[Interruption.]

**Ms M.J. DAVIES:** What is that noise?

**Dr A.D. BUTI:** It is a bell.

**Ms M.J. DAVIES:** It is not an alarm of any kind? No? Okay; we will keep going. We will leave when smoke is billowing from somewhere.

Given this is the responsible department for the rollout of that legislation, was there any review of the costings and the spend on the failed legislation, and were any learnings taken from that engagement process to make sure that we do not have a repeat now or in the future?

**Dr A.D. BUTI:** I am not sure how to answer that question. Anyway, the breakdown of the costs involved in the Aboriginal Cultural Heritage Act 2021 was a question on notice in the upper house.

[Interruption.]

**Dr A.D. BUTI:** What the hell is going on?

From 2017 to 2023, consultation costs were just under \$179 000 in 2017–18; in 2018–19, they were \$561 534; in 2019–20, they were \$246 877; in 2020–21, they were \$423 435; in 2021–22, they were \$495 874; and in 2022–23, they were \$890 920. Considerable consultation was done under the proposed 2021 act. The consultation process was used to frame the act but, obviously, as we know, the act was then repealed due to concerns. Have we learned? I think there has been general agreement about the amendments that were made to the 1972 act. The department constantly monitors the way the act is proceeding. I have not received any information that the act is not proceeding as it was intended, including from various stakeholders who wanted the proposed changes. I should also add that we have now instigated a capacity-building process for native title groups and also for the surveying process. I am not sure whether that answers the member's question.

**The CHAIR:** Are there any further questions on that one?

**Ms M.J. DAVIES:** No. That is all right; I will come back.

**Mr P.J. RUNDLE:** Minister, this is further to the last question I asked before. On page 721, halfway down the page, we have the “Number of leases or divestments of Aboriginal Lands Trust estate land to direct Aboriginal control”. I understand that the Djarindjin Aboriginal Corporation has corresponded with the member for Kimberley and with Shane Love, Leader of the Opposition, wanting to have those lands and houses transferred into its name. Is there any progress update on that?

**Dr A.D. BUTI:** I will ask Mr Darcey to answer that.

**Mr M. Darcey:** We are aware that Djarindjin desires to get tenure for the houses in the community. The process is challenged by the need to get native title holder consent for that sort of transfer, and the team is working on that now.

**Mr P.J. RUNDLE:** The team is working on a potential transfer to that group so that they will have direct control of the land and the houses there.

**Mr M. Darcey:** There is broad desire to divest the Aboriginal Lands Trust estate. If it suits the inhabitants, they can make the lease work, and we can get the prescribed body incorporate across the line, then absolutely.

**Dr A.D. BUTI:** Can I just add to that? The government made the commitment back in 2017 and we still work towards that. Interestingly, though, earlier in the year when this was reported in a certain newspaper—it was not the member for Roe; I think it was a bipartisan approach—there seemed to suddenly be a sensational journalism response to that, which was very disappointing. I think we all agree that we can improve the economic outcomes for Aboriginal people if they have a greater say in owning their lands and being able to use that land for diversification and business opportunities.

**Mr P.J. RUNDLE:** My understanding, minister, is that some of those houses are over 30 years old now and are in dire need of repair. Is that being treated as a matter of urgency as well?

**Dr A.D. BUTI:** In any discussion on whether land will be divested, all those things are very much considered.

**Dr D.J. HONEY:** Further to the advice we were just given, could I understand the relationship of that transfer? As I understand it, it is within the purveyance of the minister to do that transfer and native title negotiations. What is the involvement of native title negotiations in that process? Is that effectively a community engagement process or is it, in fact, a legal requirement that if the government is going to transfer land from Aboriginal Lands Trust land to freehold, it requires an Indigenous land use agreement, in effect, to do that?

**Dr A.D. BUTI:** I will ask Mr Darcey.

**Mr M. Darcey:** Under the legislation, the ALT or the trust is required to consult with all Aboriginal inhabitants, whether they are native title parties or people living in the community. Djarindjin is on four separate ALT reserves, and it is right adjacent to Lombadina, so there are lots of complications and lots of Aboriginal people from different areas. That is part of the process that the Aboriginal Lands Trust needs to go through.

[5.30 pm]

**Dr D.J. HONEY:** Just to clarify, I understood that it is consultation as opposed to some legal agreement as such.

**Mr M. Darcey:** That is correct. It is consultation, but it also relates to any risks on the land, such as contamination clean-ups, rubbish tips et cetera. My experience is that communities do not want to take land that is severely constrained, and that is part of the process that we work through.

**Dr D.J. HONEY:** That is very clear; thank you.

**Ms M.J. DAVIES:** On that point, I get regular correspondence in my office about the Northam reserve, and over the course of me being the local member, I have been consistently pushed on this matter between various government

departments. I would really appreciate a briefing on the progress that has been made on the Northam reserve from the person who is in charge of leading those negotiations. I know that the Shire of Northam is engaged but frustrated, as are community members. As far as I can see, this is a health and safety issue for me at the moment rather than a development opportunity.

**Dr A.D. BUTI:** Would the member like to have a briefing?

**Ms M.J. DAVIES:** I would very much appreciate a briefing.

**Dr A.D. BUTI:** I can assure the member that we will do that very soon.

**Ms M.J. DAVIES:** Thank you.

**Mr Y. MUBARAKAI:** I refer the minister to spending changes on page 178 of volume 2 of budget paper No 2.

**The CHAIR:** Sorry; which page number?

**Mr Y. MUBARAKAI:** Sorry; it is page 718. I, too, could be dyslexic. Can the minister provide some information about the capacity-building program and training that could be available for Aboriginal people? Does the current budget contain any allocations for this program and are any native title bodies interested in engaging in this program?

**Dr A.D. BUTI:** I thank the member for his question. Yes, we are engaged in and have allocated \$8 million annually for a native title party capacity-building program. It commenced in 2023–24 and will continue over the forward estimates to 30 June 2027. The capacity-building program will provide funding to up to 93 eligible native title parties, as defined in the amended Aboriginal Heritage Act 1972. It will build their capacity and increase their capability to engage with industry and government, consistent with consultation policy and the section 18 process, and it will work in conjunction with the government's heritage survey program to support the recording, protection and management of their cultural heritage and improve communications and relationships between native title parties and industry.

The funding program reflects the long-held views of Aboriginal organisations about the need for greater support, and it incorporates feedback from the Aboriginal heritage forum for native title parties held by the department in March this year. We have also invested in the development of a bespoke certificate III TAFE course for the on-country management of Aboriginal heritage. In the coming weeks, we will launch a pilot program partnering with South Regional TAFE to deliver a certificate III course to assist managers of country to meet their obligations under the 1972 act and improve the identification and management of Aboriginal cultural heritage across Western Australia.

Applications are now open from eligible native title parties for the capacity-building program. In the last few weeks, we have received six applications and we are assisting another eight that are currently in draft. The program incorporates a payment and reporting schedule. I can also confirm that the department has officers in the regions directly promoting, supporting and liaising with native title parties to support their applications. The department is also actively engaged with Central Desert Native Title Services, Native Title Services Goldfields and the Kimberley Land Council to support the distribution of funding to the native title parties for each of those prescribed bodies corporate. I encourage members opposite to encourage prescribed bodies corporate in their electorates or regions to apply for funding under this capacity-building program.

**Mr Y. MUBARAKAI:** Thank you.

**Ms M.J. DAVIES:** I refer to the 10-year heritage survey program outlined in the sixth paragraph on page 719. I note that it commenced this year. Is the minister able to provide a list of the areas that will be prioritised for the forward estimates period? My understanding is that it is done only on an annual basis. Is there some guidance on where the priority areas will be and what will be done in the first, second, third and fourth years?

**Dr A.D. BUTI:** I do not think I have specific information about that at this stage. I think that the department is still discussing the priority areas with various stakeholders, Aboriginal groups, government and others, and it will make an assessment in line with those discussions. One thing I will say is that if a landowner does not consent to their land being surveyed under this program, it will not be surveyed. When section 18 consent has been granted, they might have to do a survey in any case.

In respect of prioritisation, we have made some general statements that we will be looking at areas that have not been surveyed that we think may be of major interest possibly for future development or even a current development, and those lands for which people have come to us seeking to have a survey done, but at this stage the department does not have prioritised areas noted down.

**Ms M.J. DAVIES:** Was the last part of the minister's comments that the department will have that list?

**Dr A.D. BUTI:** No, sorry; it does not have that list. It is still being worked on. At the moment, if a party comes to us wanting to have its land surveyed, it will be strongly considered, but the prioritising of certain areas has not been worked out yet.

**Ms M.J. DAVIES:** This paragraph states that the program will commence in 2024.

**Dr A.D. BUTI:** It will commence, yes. If someone comes to us now and wants to have their land surveyed, it will be surveyed by the government. At the moment that is not the case, but under this program it will happen. We hope that in the coming months we will have prioritised the areas.

**Mr G. BAKER:** I am interested in the line item “Election Commitment—Divestment of the Aboriginal Lands Trust Estate” in the table of spending changes on page 718. Can the minister update the committee on the general progress of the Aboriginal Lands Trust divestment program to transfer the ALT estate into direct ownership of Aboriginal people as per the election commitment?

**Ms M.J. DAVIES:** Come on! We have had that conversation and we have already been told that we need to have advisers from the Office of Multicultural Interests in 15 minutes. We have just had a discussion about the divestment of the ALT estate.

**The CHAIR:** I will ask the minister to respond as quickly as he likes.

**Dr A.D. BUTI:** I will not take very long.

**Ms M.J. DAVIES:** I will not take any criticism if we do not get to multicultural interests because the minister has members asking Dorothy Dixers.

**The CHAIR:** Thanks, minister.

**Dr A.D. BUTI:** I will take less than a minute if the member allows me to speak. It has been a very good estimates so far.

The divestment of the ALT estate is a commitment going back to 2017 and we approved \$10.3 million in funding from 2024–25 to 2027–28 to continue the program. That is progressing and we hope it will continue to progress. As I said, I was surprised by certain disquiet earlier in the year when it had basically been a bipartisan approach.

**The appropriation was recommended.**