

Division 44: Planning, Lands and Heritage — Service 4, Aboriginal Affairs, \$10 553 000 —

Ms M.M. Quirk, Chair.

Dr A.D. Buti, Minister for Lands representing the Minister for Aboriginal Affairs.

Ms J. Cant, Director General.

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

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

Mr J. Kwong, Chief Finance Officer.

Mr. S. Hayden, Senior Policy Adviser, Minister for Aboriginal Affairs.

[Witnesses introduced.]

The CHAIR: This estimates committee will be reported by Hansard. The daily proof *Hansard* will be available the following day. It is my intention to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point. This committee's consideration of the estimates will be restricted to discussion of those items for which a vote of money is proposed in the consolidated account. Questions must be clearly related to a page number, item, program or amount in the current division. Members should give these details in preface to their question. If a division or service is the responsibility of more than one minister, a minister shall be examined only in relation to their portfolio responsibilities.

The minister may agree to provide supplementary information to the committee, rather than asking that the question be put on notice for the next sitting week. I ask the minister to clearly indicate what supplementary information he agrees to provide and I will then allocate a reference number. If supplementary information is to be provided, I seek the minister's cooperation in ensuring that it is delivered to the principal clerk by close of business Friday, 1 October 2021. I caution members that if a minister asks that a matter be put on notice, it is up to the member to lodge the question on notice through the online questions system.

I give the first question to the member for North West Central.

Mr V.A. CATANIA: I refer to the significant issues impacting the agency on page 728 of budget paper No 2, volume 2, and the subheading "New Aboriginal Cultural Heritage Legislation". What role did the Department of Planning, Lands and Heritage play in drafting the Aboriginal cultural heritage bill legislation?

Dr A.D. BUTI: I ask Ms Cant to answer that.

Ms J. Cant: The department worked very closely with the Department of the Premier and Cabinet and was obviously party to all the consultation. Once the legislation is in place, we will play a major operational role in getting that legislation on the ground; therefore, we are working in partnership with Premier and Cabinet.

Mr V.A. CATANIA: The answer is that the department of Aboriginal affairs —

Dr A.D. BUTI: There is no department of Aboriginal affairs.

Mr V.A. CATANIA: Sorry. The Department of the Premier and Cabinet actually drafted the Aboriginal cultural heritage legislation; is that correct?

Dr A.D. BUTI: That is correct. Of course, it would have been done by the drafting division of Parliamentary Counsel's Office, obviously; but, yes, it is the Department of the Premier and Cabinet. Just to clarify, the Department of the Premier and Cabinet is leading the drafting, drafting changes and so forth, not this department, but it is obviously involved.

Mr V.A. CATANIA: What involvement did the department have in drafting or developing the Aboriginal cultural heritage legislation?

The CHAIR: When you say department, you might need to expand for clarity.

Mr V.A. CATANIA: The Department of Planning, Lands and Heritage.

Dr A.D. BUTI: I will ask the director general to answer.

Ms J. Cant: As previously advised, we worked with Premier and Cabinet. We were part of the consultation process and we will be part of the delivery process.

Dr D.J. HONEY: I refer to page 728 of budget paper No 2, volume 2, and the second paragraph under the heading "Significant Issues Impacting the Agency". Can the minister provide a list of Aboriginal Lands Trust land that has been transferred thus far, and to whom that land went?

Dr A.D. BUTI: This is at page 728, is that right?

Dr D.J. HONEY: Yes; the second paragraph titled “Aboriginal Lands Trust Divestment”.

Dr A.D. BUTI: Yes. The Department of Planning, Lands and Heritage and the Aboriginal Lands Trust share the joint objective of divesting land currently owned or managed by the Aboriginal Affairs Planning Authority and the ALT, jointly referred to as the ALT estate. Divestment of the Aboriginal Lands Trust estate was a commitment of the government at the 2017 election. It was central to increasing direct Aboriginal control of land to strengthen communities, foster economic opportunities, and secure and improve outcomes for Aboriginal people. As at 30 June 2020, the ALT estate comprised 306 properties—approximately 8.7 per cent of the state, or 22 million hectares—with 244 crown reserves, 50 freehold conditional tenure freehold properties, six general purposes leases and five pastoral leases. There are 142 permanent Aboriginal settlements or communities on the ALT estate, with approximately 12 000 residents. In 2019–20, the department received a budget of \$5.841 million through to 2024–25 to facilitate the divestment of 34 priority ALT properties.

There is a list of properties that we have leased. These include a lease to Murray Yarran in Quairading; two leases to Yura Yungi Medical Service Aboriginal Corporation in Halls Creek, with one at 8 Terone Street; a lease to Lombadina Aboriginal Corporation in the Dampier Peninsula; a lease to Coodingnow Incorporated for a property on Great Northern Highway, Paynes Find; two leases to the Winder family for 42 Marmion Street and 38 Marmion Street, East Carnarvon; a lease to MG Dawang Land Pty Ltd in Kununurra; two leases to Badimia Bandi Barna Aboriginal Corporation in Mt Magnet, with one in Priestley Street; three leases to Mungarlu Ngurrarankatja Rirraunkaja RNTBC in the Shire of Wiluna, in the Little Sandy Desert and on the Gunbarrel Highway; and a lease to Nyangumarta Warrarn Aboriginal Corporation on Eighty Mile Beach Road in the Shire of Broome.

More recently, an additional five properties were approved by the ALT and the Minister for Aboriginal Affairs for divestment. These include two Noongar Boodja Land Sub Pty Ltd properties—one in Mt Lawley and the other in Subiaco; a Pila Nguru Aboriginal Corporation property on the Nullarbor, located approximately 80 kilometres south of the Tjuntjuntjara community, where, as I said, I went recently; another unmanaged reserve of the state of Western Australia at 116 Kempton Street, Geraldton; and Lake Gregory pastoral station.

An additional three properties have been divested as freehold to Noongar Boodja Land Sub Pty Ltd—64 Matheson Road, Applecross, another property in Hamilton Hill, and a property in Greenmount.

That is the list of properties.

Dr D.J. HONEY: Is the minister aware whether any of those properties in regional areas have been divested as freehold title for individuals or otherwise, or have those properties been vested in a group—a prescribed body corporate?

[10.10 am]

Dr A.D. BUTI: There is some freehold. The land that the Winder family lives on in east Carnarvon is freehold; otherwise, the lands are owned mainly by the groups and corporations.

Dr D.J. HONEY: This is more of a preamble. One of the frustrations in the Aboriginal communities that has been expressed to me is that although it is obviously sensible to transfer the Aboriginal Lands Trust lands, the stated objective of economic growth or providing economic opportunity is largely not realised because there is no title to a piece of land. However, there seems to be a generational change. The older members in the Aboriginal communities seem to be happy with the collectivist idea that property is held by the group, but the younger people want to have a piece of property that is their own. The problem is that because there is no individual title, someone who wants to build a house cannot go to a bank to get a loan because the bank does not have a title against which it can hold a mortgage. That is true for starting a business as well. Frustrations have been expressed to me, particularly in the Fitzroy Valley where I have spent the most time, that the economic opportunities cannot be realised because the title is not in a form that allows people to take out a mortgage. Rather than empowering Aboriginal people, they believe that the way in which most of the land is transferred is in fact preventing them from engaging in meaningful economic activity. I wonder whether the department is considering looking at transferring more land to freehold title so that the people who live in those communities can realise greater economic activity and invest in their own home and be able to pass that on and the like. Obviously, all that land would still be subject to native title, so it is not as though the land would not be controlled by the local body corporates. I wonder whether there is a view on that, because it seems that although the current model allows for the transfer of land, it does not provide the economic opportunity that it should.

Dr A.D. BUTI: I will take most of what the member said as a comment. Minister Dawson and I went to Tjuntjuntjara last week for the transfer of 78 000 hectares with a 100-year lease, and I can assure the member that the community was very positive and happy about that. I am not the Minister for Aboriginal Affairs. I am dealing with the budget issues, but that is a policy issue and maybe that should be discussed in another forum.

Mrs L.M. O'MALLEY: I refer to expenses on page 70 —

The CHAIR: I think we have passed that division.

Mr V.A. CATANIA: I refer to the preserving Aboriginal sites grant program on page 728. What is the Aboriginal sites grant program? How is it accessed? What projects have been funded, and where are these projects located?

Dr A.D. BUTI: The program is for the Aboriginal community to protect and promote Aboriginal heritage sites. Aboriginal not-for-profit organisations can apply for the grant, which is up to \$30 000 per project, when the place is included on the Register of Places and Objects or is awaiting assessment by the Department of Planning, Lands and Heritage. Grants are provided only to places that have been determined to be an Aboriginal site. Over the last seven years, \$1.75 million has been committed to Aboriginal not-for-profit organisations to complete projects such as installing fences and signs, the remediation of burial sites and graffiti removal to help protect these important heritage sites across the state.

Previously funded projects include Oyster Harbour fish traps in Albany; the Kukenarup memorial project near Ravensthorpe; fencing the Bungarun leprosy cemetery in the Kimberley; graffiti removal at Murujuga on the Burrup Peninsula; a restoration healing project in Woodanilling; and the restoration of the Paddy Coyne complex in Albany.

In 2021, preserving Aboriginal sites recipients have included the Albany Aboriginal Corporation; the Bunuba Dawangarri Aboriginal Corporation in the Kimberley; the Gnowangerup Aboriginal Corporation project; the Jidi Jidi Aboriginal Corporation in Meekatharra; the Kimberley Aboriginal Law and Culture Centre; the Kulyamba Aboriginal Corporation in the Gascoyne, in Carnarvon, which I am sure the member knows about; the Mangala Aboriginal Corporation in the midwest, Murchison and Gascoyne; the Gumala Aboriginal Corporation in the Pilbara; the Winun Ngari Aboriginal Corporation in the Kimberley; and the Yarramoup Aboriginal Corporation in the goldfields–Esperance–Ravensthorpe area.

Mr V.A. CATANIA: Thank you, minister. Perhaps he might want to answer the question as a supplementary if he finds it difficult to pronounce the names. They are hard to pronounce.

Dr A.D. BUTI: They are hard, but do not worry. I have given the member an answer now. It will be in *Hansard*. The member does not have to worry about supplementary questions.

Mr V.A. CATANIA: I am very impressed. I am glad that the member is a minister.

On page 729 under the heading “COVID-19 Response”, paragraph 9.1 refers to maintenance and infrastructure upgrades in remote Aboriginal communities. Can the minister outline the maintenance and infrastructure upgrades that will be funded in remote Aboriginal communities? I am happy to take it as a supplementary if the minister cannot answer it or does not have that information.

Dr A.D. BUTI: The remote Aboriginal communities infrastructure stimulus package is \$1.6 million. Maintenance and infrastructure upgrades across 11 remote Aboriginal communities provide economic and health benefits for local residents.

Mr V.A. CATANIA: Which Aboriginal communities are they? The minister mentioned 11 of them. Can the minister provide me with a list of them?

Dr A.D. BUTI: I do not think we have that information available, but I am sure that if the member asks a question on notice, it can be made available.

Mr V.A. CATANIA: Surely that is a supplementary question. There will be no skin off anyone’s nose by answering that as a supplementary question. The minister mentioned the 11 remote communities, how about providing that information? That is a fair question.

The CHAIR: One of the minister’s advisers is nodding.

Dr A.D. BUTI: We do not have that information. Even if the member seeks it as supplementary information, we do not have that information.

Mr V.A. CATANIA: The government is funding \$1.7 million to 11 remote Aboriginal communities but the minister does not know —

Dr A.D. BUTI: We do not have the information here. I am not saying that we do not have the information; we do not have the information here. If the member puts a question on notice, I am sure we will be able to provide it to him.

Mr V.A. CATANIA: Surely, minister, that is for supplementary information. I do not think there is anything controversial about putting it as a supplementary.

Dr A.D. BUTI: I gave my answer.

The CHAIR: It is quite clear that the minister is not prepared to do it, so let us not waste any more time. I am sure the member has other more pressing questions.

Dr D.J. HONEY: In relation to communications, I do not know whether that investment covers that area as well. There is a particular issue among some of the remote communities that they appear to have service arrangements with separate communication providers or corporations —

[10.20 am]

Dr A.D. BUTI: Where are we?

Dr D.J. HONEY: It is a follow-up question from the previous question.

The CHAIR: Give the reference number.

Dr D.J. HONEY: It is page 735.

The CHAIR: We are on page 729.

Dr A.D. BUTI: That is not what we were on.

Dr D.J. HONEY: We will go back; thank you, Chair.

The CHAIR: Let us make it a new question.

Dr D.J. HONEY: We will make it a new question.

The CHAIR: In which case, you better give the reference.

Dr D.J. HONEY: I will have to give that, will I not, chair. I refer to the table at the top of page 728.

The CHAIR: You did mention page 735.

Dr D.J. HONEY: I should say page 727, which is the table in part 11, “Planning and Land Use”. I refer to the delivery of services.

Dr A.D. BUTI: Can we stop? Are we on page 727 now, are we?

Dr D.J. HONEY: Yes, we are. I refer to the total appropriations and delivery of service to those communities. Is there a strategy around having unification of communication provision in the more remote communities? I ask that question because, as I understand it, there is an idiosyncratic approach to communication provision in the communities. I ask the question generally about whether the minister’s department has any influence or control in that area, because when people move between communities, they cannot communicate using mobile phones, which is very important now, because service providers are in different communities.

Dr A.D. BUTI: I do not think this department has anything to do with that.

Dr D.J. HONEY: The department does not have any control over that. Thank you.

Mr V.A. CATANIA: I refer to page 731 and the table under “Outcomes and Key Effectiveness Indicators”. The line third from the bottom of that table shows the percentage of statutory approvals delivered to the Aboriginal Cultural Material Committee within set time frames. I notice that in 2019–20 it was 93 per cent; actual in 2020–21 is 90 per cent; and then it goes down to 68 per cent for estimated actual in 2020–21; and then it jumps back up to 90 per cent. Can the minister explain why there is a massive drop in the 2021–22 estimated actual?

Dr A.D. BUTI: The variance between the 2020–21 budget and the 2020–21 estimated actual is mainly due to items tabled in February 2021 instead of January 2021 as there was no January meeting, and the delay of the June 2021 meeting on two occasions due to the unavailability of committee members.

The CHAIR: That is in note 3, member.

Mr V.A. CATANIA: Does the minister think that it is realistic for it to jump back up to the 90 per cent mark even though it seems as though there has also been a reduction in department funds?

Dr A.D. BUTI: No, as I said, part of it was due to the unavailability of committee members and, hopefully, that will not be the case going forward.

The CHAIR: We are dealing with division 44, service 4, Aboriginal affairs. The question —

Mr V.A. CATANIA: I have a new question if no-one else has one.

The CHAIR: All right. Just quickly, member for North West Central.

Dr A.D. BUTI: You built our hopes up there, member.

Mr V.A. CATANIA: There is plenty of time. Where does the minister have to go?

The CHAIR: I would like the Office of Multicultural Interests to get a run for a change.

Mr V.A. CATANIA: We will get there. Just quickly, I refer to carbon farming on crown land.

The CHAIR: Where are you looking?

Mr V.A. CATANIA: I refer to page 729, paragraph 8, “Carbon Farming on Crown Land”.

Extract from *Hansard*

[ASSEMBLY ESTIMATES COMMITTEE B — Thursday, 23 September 2021]

p418b-422a

Mr Vincent Catania; Dr Tony Buti; Dr David Honey; Mrs Lisa O'Malley

Dr A.D. BUTI: The member might want to ask me about that in my capacity as Minister for Lands in another division later.

The appropriation was recommended.