

Division 3: Department of the Premier and Cabinet — Service 4, Aboriginal Affairs —

Mrs M.R. Marshall, Chair.

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

Ms E. Roper, Director General.

Ms F. Hunt, Deputy Director General, Aboriginal Engagement and Community Policy.

Mr A. Ripper, Executive Director, Native Title.

Ms T. Ninnette, Executive Director, Aboriginal Engagement.

Mr C. Patterson, Director, Corporate Services.

Ms M. Rudez, Assistant Director, Native Title.

Mr S. Ward, Chief of Staff, Minister for Aboriginal Affairs.

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 no later than 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.

I give the call to the member for Central Wheatbelt.

[4.50 pm]

Ms M.J. DAVIES: I refer to page 65 of budget paper 2, volume 1, and the general service area. It states —

The Department provides strategic policy advice and coordination to the Minister for Aboriginal Affairs...

Could the minister provide advice on whether any policy or work has been done within this department, or by government, on a state redress compensation scheme for surviving members of the stolen generation?

Dr A.D. BUTI: This is an area we have received representation on. The member would know; she was at the screening of the documentary last week. In respect of that, there has been a number of papers written on communications we have received from various members of the stolen generation. We have looked at the issue from many angles; however, recently we had a stolen wages action settlement, which was the main focus for a considerable period of time. We reached a settlement on that, as the member will know, and an apology was made in Parliament. That is all I have to say about the stolen generation at this stage.

Ms M.J. DAVIES: Can I confirm that there is no active work being done on policy development for the government as there has been in other states? As I understand it, only Western Australia and Queensland do not have redress schemes. I want to be very clear. Is there any work currently being done in terms of a redress scheme for the stolen generation?

Dr A.D. BUTI: The issue of stolen generation and redress schemes and reconciliation and reparations and so forth are constantly under review and examination by the Aboriginal engagement section of the Department of the Premier and Cabinet. Do we have a definitive model? No.

Ms M.J. DAVIES: Is there FTE allocated towards working on this policy? It is something that must turn the minds of the department and the minister must be asked regularly. I am trying to understand whether there is a specific allocation within the department that is dealing with this. How is it prioritised? From a stakeholder perspective, how are they engaged on this matter?

Dr A.D. BUTI: I have had a number of meetings with Jim Morrison and a number of other members of the stolen generation group. We have discussed various issues on redress and rehabilitation. At times the department has provided me with cross-jurisdictional analysis and other issues about redress.

Ms M.J. DAVIES: Is the cross-jurisdictional analysis work being done by the department something that would be shared by government or published? Is there cost or liability that the state government might be open to if that was pursued?

Dr A.D. BUTI: It is not an issue about what we may be liable for; it is looking at what other states have done. Each state is different. When we consider this, we look at what other states have done.

Ms M.J. DAVIES: I want to be absolutely clear, minister. Within this department, which is responsible for providing advice to the minister about Aboriginal affairs, is there dedicated FTE or resource for stolen generation policy development or response from the government?

Dr A.D. BUTI: No additional FTEs have been appointed to look purely at the stolen generation; however, the Aboriginal engagement team looks at this issue at various times. Sometimes more than one person will look at it.

Ms M.J. DAVIES: Does the minister anticipate that this will be an area of priority going forward across these forward estimates?

Dr A.D. BUTI: I am not in a position to say that. I am the Minister for Aboriginal Affairs at the moment. What happens in 2025 and beyond is something that will have to be contemplated then. It is not in this budget and I am not going to commit to something when I may not be the minister. The government has to decide who the minister will be in 2025.

Ms M.J. DAVIES: I refer to last year's referendum and the Voice to Parliament. I also refer to previous commentary from the Minister for Aboriginal Affairs that the state would be implementing its own legislative advisory committee—this was when Ben Wyatt was minister, at the beginning of the term. Following on from the referendum—I understand that conversation was usurped by the national conversation—we now have an outcome in which that was not delivered. Is this something that the state government is considering in terms of a state Voice to Parliament, akin to models that have been developed and introduced in other states?

Dr A.D. BUTI: A voice in the terms that the member has described is not being contemplated by this government; however, we do have under legislation the Aboriginal Advisory Council of Western Australia. It was established under the Aboriginal Affairs Planning Authority Act 1972, and it currently advises the Western Australian government and me as a minister on matters affecting Aboriginal Western Australians. It has been very important in providing advice. Ministers across other portfolios also meet with the advisory council, which is a legislative advisory council.

Ms M.J. DAVIES: Is that advisory council funded from this budget, through this line item?

Dr A.D. BUTI: Yes.

Ms M.J. DAVIES: I have a further question to that. Does the advisory council only respond to issues that the minister or the government raise or is it a two-way conversation? Can it raise issues with the minister, and how is that information communicated?

Dr A.D. BUTI: It is a two-way scenario. The council raises issues that it thinks are important and I raise issues with the council. It is one of four statutory bodies that report to the Minister for Aboriginal Affairs under the Aboriginal Affairs Planning Authority Act and it provides feedback, advice and guidance to government on a range of policy matters relating to Aboriginal Western Australians. It is intended to support Aboriginal people and communities to be empowered to live good lives and choose their own futures from a secure foundation. I can assure the member that between us we have robust and frank discussions. We have made a commitment of \$400 000 over four years to help strengthen the council's strategic coordination and policy development. It is supported by a secretariat through the department's Aboriginal engagement directorate.

Ms M.J. DAVIES: Is the \$400 000 across the forward estimates?

Dr A.D. BUTI: That is correct.

Ms M.J. DAVIES: Is the advice provided to government published publicly? Are there communiqués made public for the community?

Dr A.D. BUTI: We do communiqués; yes. Obviously, we have discussions that are confidential, but we do produce communiqués.

[5.00 pm]

Ms M.J. DAVIES: Was the \$400 000 across the forward estimates, or per year?

Dr A.D. BUTI: The forward estimates.

Ms M.J. DAVIES: Is that the total amount?

Dr A.D. BUTI: Yes.

Ms M.J. DAVIES: Just one final question on that, just so I am clear. In the context of the referendum and the discussions we had as a nation around the Voice, is this the body that Western Australia has chosen to utilise as opposed to setting up a state Voice to Parliament? Has that been ruled out by this government?

Dr A.D. BUTI: It is not that it has been ruled out, because it has never been ruled in.

Ms M.J. DAVIES: Sorry, say that again?

Dr A.D. BUTI: It has never been ruled out because it has never been ruled in. It has not been contemplated. This is the longstanding body that advises government. The people of Western Australia and Australia spoke last year. Although people might have wanted a different result, that is what was decided and there is no contemplation of a Voice as I sit here today.

Ms M.J. DAVIES: Is there no work being done within the unit on a Voice from a state perspective?

Dr A.D. BUTI: No, but there is a review of the Aboriginal Affairs Planning Authority Act taking place, which may result in some changes to the way the council works, but not with regard to the Voice, as such.

Ms M.J. DAVIES: I refer to the table at the bottom of page 68 of budget paper No 2, volume 1, “Details of Controlled Grants and Subsidies” and the line item “Aboriginal Empowerment Unit Grants”. Could the minister —

Dr A.D. BUTI: It is “Engagement Unit”. Is that the one the member is looking at?

Ms M.J. DAVIES: Sorry, yes. Dyslexic! It is the “Aboriginal Engagement Unit Grants”. Could the minister provide an outline of what the grants are, who the intended recipients are and how they are being administered?

Dr A.D. BUTI: Okay; there are a number. There is the land and equity fund for the Indigenous land use agreement with the south west native title settlement; the Noongar land fund; the exploration incentive grants ILUA; the Plan for Our Parks; Yawuru strategic development; the Dampier Peninsula project; the Martuwarra Fitzroy River Council; Aboriginal community-controlled peak body; Reconciliation WA; and the Wellington Dam mural in Collie. These are not all mine—or are they? Yes, they are all mine. There is also the Kimberley youth and community justice response; the remote communities fund; the COVID-19 crisis relief fund; native title negotiations, litigation and implementation; the Collie art trail; the broader Bidyadanga initial works ILUA; the Closing the Gap data project; the Mirning people part B area ILUA; unallocated grants and donations; and proposed budget adjustments for 2023–24. Then there are a couple of other projects—the inaugural Yajilarra dialogues, south west settlements and DPC special projects.

Ms M.J. DAVIES: Are these grants that are issued in rounds or are they on application and how are they administered?

Dr A.D. BUTI: Some work on rounds or grants, like the Aboriginal community-controlled organisation strategies; some are just related to ILUAs or special projects and might be one-offs.

Ms M.J. DAVIES: Is that a global amount?

Dr A.D. BUTI: Yes.

Ms M.J. DAVIES: Is there anywhere we could find detail, apart from what the minister has just read, which did not denote the amounts? Is there anywhere we might find how that has been administered, how much has been issued and who it has gone to, publicly? Or could I have it via supplementary information?

Dr A.D. BUTI: The question is about the internal operating budget. The global amount is public, but not the internal breakdowns.

Ms M.J. DAVIES: Is there no list of individual amounts that have been provided to the recipients? That seems odd, I think.

Dr A.D. BUTI: I cannot see any reason why we cannot provide that. Although I do not want to provide supplementary information, there is always an exception to the rule and we will provide that as supplementary information.

The CHAIR: Does the minister agree to provide supplementary information; and, if so, can he please state exactly what information will be provided?

Dr A.D. BUTI: It will be a breakdown of the Aboriginal Engagement Unit grants for 2024–25. I will just do it now. This is for the 2024–25 budget year. The land and equity fund ILUA, \$1.4 million; exploration incentive grants ILUA, \$250 000; Dampier Peninsula project, \$295 000; Aboriginal community-controlled peak body, \$1.525 million; Reconciliation WA funding, \$265 000; and native title negotiation, litigation and implementation, \$2.75 million.

That is it; that is all I have. We do not need to worry about supplementary information; I have just provided it.

Ms M.J. DAVIES: I refer to page 72 of budget paper No 2, volume 1 and the special purpose account. Can the minister confirm that this is administered by the Department of the Premier and Cabinet?

Dr A.D. BUTI: I will ask Ms Hunt to answer this question.

Ms F. Hunt: That is correct. The department administers the fund. It is held within a special purpose account, but to actually draw down from the fund, the department requires administrative invoices from other agencies—in this case, the Department of Energy, Mines, Industry Regulation and Safety.

Ms M.J. DAVIES: What are the parameters for receiving grants? What are they actually waiving? When I read the description, they are prepared to endorse a government ILUA for the purpose of expediting procedures for the grant of exploration and prospecting licences, which I understand. What are the parameters for actually accessing it?

Dr A.D. BUTI: The account is provided to act as a financial incentive to native title holders who are prepared to endorse government ILUAs for the purpose of expediting procedures for the grant of exploration and prospecting licences, and low-impact activities in areas where native title rights are recognised. The assessment will be made on whether the native title holders should be provided with this financial incentive for the purpose of expediting procedures.

Ms M.J. DAVIES: Are there guidelines in terms of the disbursement of those funds that the department works with?

Dr A.D. BUTI: I will ask Ms Hunt to answer this.

Ms F. Hunt: We do not hold the underlying administration of the statistics for actually calculating payments; we are reliant on the Department of Energy, Mines, Industry Regulation and Safety to provide that information to us. We are essentially the administrators of the account. I am sure there are guidelines and parameters; they would sit with the department that provides us with the invoices and then the department expends —

[5.10 pm]

Ms M.J. DAVIES: Just for clarity, the Department of Energy, Mines, Industry Regulation and Safety is responsible for actually qualifying the native title party that signed off on an Indigenous land use agreement; this is just a transactional account, so there is no gatekeeping done by your department?

Dr A.D. BUTI: I will allow Ms Hunt to add. We provide the administration of the fund, but the actual determination is calculated annually by the Department of Energy, Mines, Industry Regulation and Safety. Ms Hunt might want to add to that.

Ms F. Hunt: That is correct. We administer the fund. We do not gatekeep the fund.

Mr P.J. RUNDLE: I refer to page 60 and significant issues impacting the agency, paragraph 1, “Aboriginal Affairs and Native Title Agreements”, which refers to resolving —

... matters by agreement wherever possible, which generates improved social and economic outcomes ...

I refer to the Djarindjin Aboriginal Corporation and its wish to transfer its houses from the Aboriginal Lands Trust to conditional freehold. I understand that the corporation has been in contact with the Leader of the Opposition, Shane Love, and through the member for Kimberley, because this is a Broome community. Is there any update about this particular corporation and its correspondence with the state government?

Dr A.D. BUTI: I think that the member may be referring to the Aboriginal Lands Trust state lands or properties, and that is administered through the Department of Planning, Lands and Heritage.

Mr P.J. RUNDLE: That is not within this section?

Dr A.D. BUTI: Yes.

Mr P.J. RUNDLE: That is fine.

Dr D.J. HONEY: I refer to page 71 of budget paper No 2, volume 1, and the expenses for the south west native title settlement and the Yamatji ILUA. Are there ongoing expenses associated with that settlement; and, if so, what is the extent of those commitments?

Dr A.D. BUTI: There are ongoing expenses. I will ask Ms Hunt if she can maybe provide further information.

Ms F. Hunt: The member asked about the south west settlement, so I will start with that one. In terms of committed expenses into the out years, the Noongar land fund specifically provides for \$46.8 million over 10 years. Obviously, there is a long-term commitment there to —

Dr D.J. HONEY: Sorry; how many dollars?

Ms F. Hunt: It is \$46.85 million over 10 years. We can see that reflected in the income and expenses side of the administered transactions. That is to support the Noongar regional corporations for joint land management and heritage projects. Obviously, within the settlement itself, there is an annualised payment over 12 years for the compensation agreement; some \$60 million or \$70 million will be paid over the next 10 years, so that is obviously money that has flowed through the accounts into the out years. Would the member like me to reference the Yamatji ILUA?

Dr D.J. HONEY: Yes, please.

Ms F. Hunt: The first payment under the Yamatji ILUA was made to the charitable trust in June 2021, and that is a 15-year agreement, so payments will flow through to the Yamatji Southern Regional Corporation over the next 15 years on an agreement schedule that is calculated and paid annually by the department for a range of objectives.

Ms M.J. DAVIES: I will try this question; the minister might send me to division 43. In relation to the land transfer under the Noongar land estate and the delivery of the 320 000 hectares under the settlement, can the minister provide an update on how many hectares have been settled, or does that come under division 43?

Dr A.D. BUTI: If the member is talking about the specific land transfer, that is under the Department of Planning, Lands and Heritage.

Ms M.J. DAVIES: That is fine; I will go there.

Dr D.J. HONEY: I refer to page 60, under spending changes, about a quarter of the way up, the native title negotiation and implementation. There are some ongoing sums there. Obviously, the south west settlement has been resolved; as I understand it, the Yamatji midwest settlement has been resolved. Can the minister please tell me what those additional sums are for in relation to the native title negotiation and implementation?

Dr A.D. BUTI: I think that Western Australia has about 54 per cent of all the nation's native title determinations. That is what that figure involves. We are dealing with over 100 determinations. A lot of work has been put into that. That is what that budget figure relates to. If the member wants, we could go through the whole list, but we would be here until tomorrow. Actually, I do not have the whole list with me, anyway!

The Western Australian government owes as yet undetermined compensation liability to over 60 native title groups across the state, and the government has committed to resolve those claims by agreement; therefore, as part of that, there is recurrent appropriation of \$6.466 million over the forward estimates for eight FTE, including on-costs in the department's native title team, which will provide for an executive director, a dedicated policy unit, a dedicated engagement team, and redeploying of existing FTEs to native title negotiations to support the resolution of existing and anticipated claims; \$2.325 million in supplies to services funding to support ongoing responses to native title litigation; and \$5 million in funding over three years to be allocated to replenishing the department's land and equity fund, which is required for ongoing support and native title negotiations. Existing funding of \$0.75 million will be carried over and repurposed to fund native title negotiations. As I said, we want to reach agreement, because we do not want every single one to have to go through a court process.

The appropriation was recommended.