

**ABORIGINAL CULTURAL HERITAGE ACT — CONSULTATION**

*Statement*

**HON ROSIE SAHANNA (Mining and Pastoral)** [9.45 pm]: I would like to take this opportunity to respond to misinformation that has been spread through the media recently about the implementation of the Aboriginal Cultural Heritage Act and its consultation process. As my colleagues are aware, I have been involved with the consultation on this legislation and I am very passionate about it. As I stated in my inaugural speech, I am very passionate about Aboriginal affairs, and this is just one of many issues. On a personal note, it has been a privilege for me to work alongside a great team from the Department of Planning, Lands and Heritage representing Minister Tony Buti. I have closely followed the process of this legislative reform and I have been involved in all three phases of the co-design process that were facilitated in 2022 and the education sessions that are still being conducted throughout the state.

I would like to point out the comments made by Hon Neil Thomson. He has provided a lot of commentary about the act and its consultation process in the media and on social media, and I would like to respond to some of these comments to provide some clarity. I will start with his remarks on the consultation process that was undertaken in forming this legislation and his statement that many in the community have not been aware of the changes. In a recent media interview, he stated —

Never before in the history of Western Australia has so little thought been put in place for a new regulatory framework.

It was very interesting to me to hear this, given that consultation on this legislative reform has been ongoing for five long years. Three phases of formal consultation were undertaken throughout WA between 2018 and 2020 on the reform of the Aboriginal Heritage Act 1972, and 175 workshops were held throughout these phases. The three-phase co-design process that was implemented last year included 94 co-design workshops held across the state, with more than 1 100 attendees. I ask Hon Neil Thomson how many of these 94 workshops he attended. I do not recall seeing him at any one of them. I personally attended 28 of those workshops in the Kimberley, Pilbara and Perth, and I listened to feedback from Aboriginal people, traditional owners, pastoralists, developers, local government representatives, industry representatives and community members. I also saw firsthand the changes that were made to the co-design documents between each phase as a result of the more than 200 individual submissions received by the DPLH office through the co-design sessions.

As stated before, this new act is the culmination of five years of community consultation, yet Hon Neil Thomson claimed in a recent media statement that the government had done a terrible job of ensuring that communities are informed. He indicated that he believed the co-design process had failed. Consultation has been happening for five years. Where has Hon Neil Thomson been? Has he been sleeping under a rock? The train left the station five years ago and guess what—he was not on it. To the best of my knowledge, the honourable member did not attend any of the consultation processes over the last five years, but he is now choosing to politicise the reform by posting on social media and speaking to the media about the legislation that he does not understand.

Hon Neil Thomson will no doubt talk about his attendance at one education session in Kalgoorlie last week—a session I also personally attended with my colleague Hon Kyle McGinn. The honourable member must not have listened too closely during this session as he was too busy posting on his social media page and misconstruing what was happening at the meeting. He stated that a fundamental change had not been properly explained to the community and —

... there is no assessment of Aboriginal cultural heritage by a government committee after 1 July.’

The whole basis of this legislative reform is that instead of a government committee deciding what is or is not Aboriginal cultural heritage, the new act will ensure that Aboriginal people are consulted and make the decisions. It cannot be clearer than that. The current 1972 act granted more decision-making rights to the proponents—pastoralists, mining companies and agricultural groups. The law has been changed to give rights to Aboriginal people. The new act will finally provide procedural fairness and grant traditional owners the right to make the right decision for the right people. In an article published by the *Kalgoorlie Miner* over the weekend, Hon Neil Thomson was quoted as stating —

The public servant here wasn’t able to answer all the questions that were put to him.”

On social media, the honourable member stated that the public servant was confounding the discussion with partial arguments and partial information, and that he was ducking and weaving around the process and did not keep to the specific questions being asked. Again, I ask whether the honourable member was at the same meeting that I was at. There was no ducking and weaving. The public servant who facilitated the Kalgoorlie session and so many earlier sessions was Cesar Rodriguez, the director of engagement and policy for the heritage office of the Department of Planning, Lands and Heritage. Yes, I took the time to know his name; he is not just a public servant. His name is

Cesar Rodriguez. Cesar answered every single question that was asked of him—every single question. The information he provided at the session was not partial or ambiguous in any way; it was clear information.

I end by saying a big thankyou to the Department of Planning, Lands and Heritage staff who have worked tirelessly to form and implement the new act. I have been proud to be part of the process along the way. I am in full support of the new act and will continue to support its implementation.

**Government members:** Hear, hear!