

# LEGISLATIVE COUNCIL

C760

## QUESTION WITHOUT NOTICE (Of which some notice has been given)

Tuesday, 29 October 2013

Hon Robin Chapple to the Minister for Aboriginal Affairs.

I refer to Question on Notice No. 5572 of 15 May 2012, Question on Notice No. 5113 of 6 March 2012 and Question on Notice No. 4628 of 20 September 2011, answers to questions answered by Aaron Rayner in the estimates hearing of Tuesday, 24 September 2013 and the correction letter of 16<sup>th</sup> October, I ask:.

1. Why did Mr Rayner state on one occasion on Tuesday, 24 September 2013 that he had legal advice that no specialist anthropologist is required on the ACMC and later stated that he had Crown Law advice on the same matter when it is now clear that Mr Rayner had no such Crown Law Advice?
2. Is it an offence not to be truthful to the best of one's knowledge before the Standing Committee on Estimates and Financial Operations?
3. Given that the issue of the requirement of a specialist anthropologist, as required in Part V, Section 28 (3) of the Aboriginal Heritage Act 1972 has been repeatedly raised in questions before this chamber why did Mr Rayner proffer the information that he had Crown Law advice?

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**I thank the Hon. Member for some notice of this question.**

1. Mr Rayner had an honest but mistaken belief that the source of the legal advice was from the State Solicitor's Office. The advice had been given by the Department's Principal Legal Officer and separately by its Senior Legal Officer. Mr Rayner's answer to the Standing Committee on Estimates and Financial Operations was corrected by letter dated 16 October 2013 in accordance with Parliamentary procedures.

2. Yes.

3. Refer to (1).



**Minister for Aboriginal Affairs**