

LEGISLATIVE COUNCIL Question On Notice

Wednesday, 21 March 2018

1070. Hon Robin Chapple to the Minister for Environment representing the Minister for Aboriginal Affairs

(1) I refer to comments made by the Minister for Aboriginal Affairs published in *The West Australian* newspaper on 15 March 2018, stating that the Wintawari Guruma Chairman was petulant and offensive for simply criticising the Minister's decision, and I ask:

- (a) is the Minister aware, that the Chairman of the Wintawari Guruma Aboriginal Corporation, holds in trust, the native title rights and interests of the Eastern Guruma people;
- (b) is the Minister aware, that the primary mandate of the Chairman of the Wintawari Guruma Aboriginal Corporation and the Wintawari Guruma Aboriginal Corporation, is the preservation and protection of Eastern Guruma heritage sites and culture;
- (c) is the Minister aware, that he made his decision without considering cultural information, that his own department and advisory body requested the Eastern Guruma people provide, at their own expense, at a cost of more than \$250,000; and
- (d) does the Minister believe the Wintawari Guruma Chairman was within his rights to be critical of the way, in which the Department of Planning, Lands and Heritage had managed a statutory process, that culminated in the Minister's decision, to approve the destruction of a unique area that has been used and maintained by Eastern Guruma for more than 23,000 years?

(2) Given that in the same week, the Minister announced his review of the *Aboriginal Heritage Act 1972*, which centres around the principle of increasing the Aboriginal voice in the regulatory approvals process, with the catchcry "My Heritage, My Voice", I ask:

- (a) does the Minister regret calling the Chairman of Wintawari Guruma Aboriginal Corporation, who is a well respected Guruma leader, petulant and offensive, for doing no more than voice his concerns about a decision making process, that will result in the destruction of Eastern Guruma heritage;
- (b) can the Minister confirm that on 14 December 2017 and the 30 January 2018, the Wintawari Guruma Aboriginal Corporation wrote to the Minister requesting a meeting with him;
- (c) how many times did the Minister meet with the Chairman of the Wintawari Guruma Aboriginal Corporation, in response to these two requests;
- (d) if none to (c), why not;
- (e) how many times did the Minister, or his staff, meet or discuss with Fortescue Metals Group Ltd (FMG) representatives, their section 18 notice for Phase 6 of FMG's Solomon Project, that was considered by the Aboriginal Cultural Material Committee (ACMC) in July 2017;
- (f) was the Minister aware that on 22 September 2017, the Registrar of Sites, on the advice of the ACMC, had provided written authority to Wintawari Guruma Aboriginal Corporation, under section 16 of the *Aboriginal Heritage Act 1972*, to investigate 10 sites to determine their importance and significance;

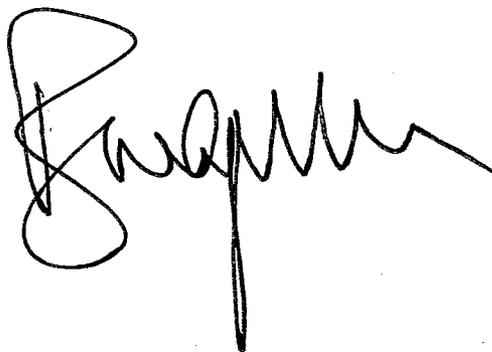
- (g) if yes to (f), was the Minister aware that on 24 November 2017, the Registrar of Sites granted an extension to Wintawari Guruma Aboriginal Corporation, to provide the cultural evaluation report to the Registrar, by 1 March 2018;
- (h) if yes to (g), why did the Minister not wait for this report, before he authorised the destruction of the 10 sites on 30 November 2017;
- (i) if no to (f), why not;
- (j) does the Minister consider it reasonable, that after being invited to contribute information to the decision-making process, at their own expense, the Eastern Guruma 'voice' is not considered because the Minister decided not to wait for it;
- (k) will the Minister apologise to the Chairman of Wintawari Guruma Aboriginal Corporation for his comments published in *The West Australian*, on 15 March 2018;
- (l) if no to (k), why not;
- (m) will the Minister concede, that his unprecedented public attack on an Aboriginal leader, will have the effect of discouraging Aboriginal participation in a regulatory process, that is designed to protect Aboriginal heritage; and
- (n) if no to (m), why not?

Answer

(a – n) As the issues set out in the Honourable Member's questions relate to active proceedings before the Supreme Court, in accordance with longstanding principles governing Ministerial responsibilities and the principle of sub judice that applies to matters currently before the Court, it would not be appropriate to answer.

However, in respect of my comments about the Chairman of the Wintawari Guruma Aboriginal Corporation (WGAC), this was in respect to the Chairman's statement that I, as Minister, had outsourced my responsibilities under the *Aboriginal Heritage Act 1972* to Fortescue Metals Group.

I dispute strongly those comments by the Chairman of the WGAC but accept my response could have been better articulated and regret that my comments have distracted from the legitimate concerns about the operation of the *Aboriginal Heritage Act 1972*.

A handwritten signature in black ink, appearing to be 'B. G. ...', written in a cursive style.