

**LEGISLATIVE COUNCIL
Question Without Notice**

Monday, 22 June 2020

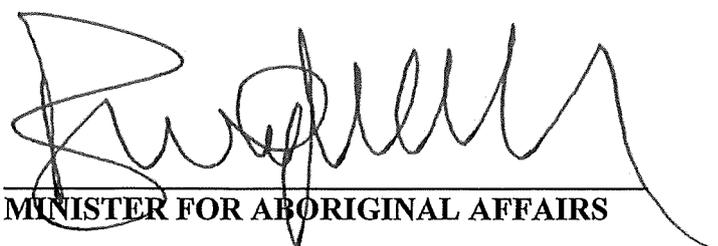
C672. Hon Robin Chapple to the Minister for Environment representing the Minister for Aboriginal Affairs

I refer to the meeting of this House assembled, on Wednesday 17th June 2020, specifically my address to the Council at 01:04pm; and also, to the *National Indigenous Times* article 'Rio Tinto Silence Traditional Owners in agreement making process, W. Bergmann, 21st June 2020, and I ask

1. If the Minister is not aware of the items referenced above, will he please avail himself with them?
2. Does the Minister understand that such limitations, placed on Traditional Owners, are a standard feature of current commercial agreements?
3. Is it conscionable that such agreements circumvent protections under the *Racial Discrimination Act*, and other instruments that ensure equal dignity and liberty under law for TOs?
4. Does the Minister understand that such agreements deny access, guardianship, and authority over a citizen's ancestral Country and Waters?
5. If yes to (4), what can be done to resolve the issue?
6. Will the Minister call for a Royal Commission into the manner in which Industry has manipulated the *Native Title Act* to circumvent the *Racial Discrimination Act*?

Answer

1-6. The Minister is aware that Traditional Owners and land use proponents, including mining companies, enter into native title agreements in relation to matters that impact on the heritage of those Traditional Owners. The Minister has previously stated that he wants to see impacts to Aboriginal sites limited to the practical extent possible and is also a great believer in self-determination for Aboriginal people and supports native title groups using their rights to make agreements with land users. He is cautious about governments and well-meaning third parties interfering in private negotiations, whether by registered native title holders or other Aboriginal bodies that choose to enter into agreements in relation to their country. Neither the Minister nor the Department of Planning, Lands and Heritage is privy to such agreements.


MINISTER FOR ABORIGINAL AFFAIRS

