

Date: 18 June 2015 3:31:22 pm AWST
To: "Tetlow, Michael"
Subject: ABC RN response

Please attribute to Aboriginal Affairs Minister Peter Collier

What does the Minister say to assertions that concentrating the decision making process into the role of the CEO is a retrograde step?

It is a well-accepted practice of public administration that CEOs be the nominated decision maker in legislation. This is an entirely normal proposition.

Importantly, the draft legislation provides the appropriate checks and balances for this proposal to meet the objectives of accountable, transparent and prompt decision making.

The Nationals leader Terry Redman says his party wants to change the Amendment Bill to the Aboriginal Heritage Act to mandate consultation with the traditional owners of a heritage site. Will the Government make this change?

The State Government is confident that the proposals, coupled with the accepted practices and requirements of the common law, will ensure Aboriginal people are consulted prior to decisions.

Importantly, the government is concerned that explicit provisions mandating consultation will have the unintended consequence of excluding some Aboriginal people from the process.

The Bill is currently in the Parliamentary process, any amendments will be considered as part of this process.

We have sighted a document, dated 12 November 2012. It is a communication from the Minister for Indigenous Affairs Peter Collier to the Minister for the Environment. Minister Collier says "Thank you for your request dated 30 October 2012 through the Office of the Appeals Convenor to review the Environmental Protection Authority Report 1444 (the Report) for the Browse Liquefied Natural Gas Precinct (the Proposal). I have considered the Report and the Proposal may proceed."

This document is dated 9 days before the ACMC meeting at which LSC11 (the James Price Point Precinct) was deemed not a site, under Section 5(b).

Why did the Minister approve a multi-billion dollar development in an area while the Aboriginal heritage claim over that area was yet to be determined by the ACMC?

The letter relates to the environmental approvals process. The Minister for Aboriginal Affairs is identified as a decision maker under the *Environmental Protection Act 1986* and is consulted regarding the environmental implementation conditions proposed by the Minister for Environment.

The Aboriginal heritage approvals process is separate to the environmental approvals process.

All Aboriginal heritage matters were addressed under the provisions of the AHA.

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