

OFFICIAL NOTICE

Aboriginal Culture Heritage Act 2021

Hon Dr Antonio (Tony) De Paulo Buti
Doing business as;
Minister for education;
Citizenship and Multicultural interests;
Legislative Assembly.

By email: minister.but@dpca.wa.gov.au

By registered post: 5th Floor, Dumas House, 2 Havelock Street, WEST PERTH WA 6005

Date 30th June 2023

Dear Antonio;

I write today, as a matter of Public Interest (for the record), in regard to the **Aboriginal Culture Heritage Act 2021(Act)**, due to become law (Purported or otherwise) on July 1, 2023.

As a Former Federal Senator for Western Australia, I have conditionally attended one of your agent's meetings in Esperance on the 12th June 2023 (without formal notice), in order to obtain a level of understanding of the proposed **(Act)**.

As you are aware, there is a separation of power within the law for oversight of Parliamentary proceedings, as such, as a matter of right, I commenced *Inter Alia* enquiries with your Office on the 29th June 2023 at 9.17am (WST).

I was transferred by Carinda to one of your key policy advisers (Sheay) in order to make certain enquiries over the foreshadowed **(Act)** on whether the passage of Parliamentary Proceedings had overcome the Prohibition, being a Constitutional Guarantee pursuant to ss 2(2)(3) *Constitution Act 1889 (WA)* in order to become law.

Albeit that said, it appeared your Adviser was not familiar with such a law, and as such did not appear to consider (with others) when constructing and developing the Act.

However, as a matter of caution, your adviser gave an undertaking after some time (15.41sec) that your Office would confirm, deny and or state otherwise the following;

Questions for Answer

- 1) In order to become binding law on the people of Western Australia, has the **Aboriginal Culture Heritage Act 2021(Act)**, fully satisfied the Democratic requirements to overcome the prohibition at ss 2(2)(3) *Constitution Act 1889 (WA)*, in order to become valid law?
- 2) Notwithstanding the effects of COVID, what evidence can be provided by your department validating official notice of the proposed Act to each registered property owner listed on the "Registry of Title" at Landgate;

- 3) Will the proclamation of the **Aboriginal Culture Heritage Act 2021** be in full compliant to s 5 *Interpretation Act 1984* for Royal Assent, being the executive power of the United Kingdom?
- 4) How may this Act override the rights of a *Bona Fide* proprietor (Fee Simple) pursuant to s 63 *Transfer Land Act 1889 (TLA)*?
- 5) What evidence does the WA Government rely on in order to grant a “right of claim” to any third party to trespass on the rights of a property owner protected by indefeasibility at law? And
- 6) How may the land of a bona Fide Proprietor be liable to a said Act that has not fulfilled the requirements of s 58 *Transfer Land Act 1889* (including, but not limited to, ss20 to 62 TLA and s 37 (1) ((a) to (f)), (2) *Interpretation Act 1984* ?

I await your official response supported by evidence.

Kind Regards



Rod Culleton
Commonwealth Officer