

PREVENTION OF FORCED CLOSURE OF REMOTE ABORIGINAL COMMUNITIES BILL 2016

Introduction and First Reading

Bill introduced, on motion by **Hon Robin Chapple**, and read a first time.

Second Reading

HON ROBIN CHAPPLE (Mining and Pastoral) [10.14 am]: I move —

That the bill be now read a second time.

The purpose of the Prevention of Forced Closure of Remote Aboriginal Communities Bill 2016 is to prevent the forced closure of remote Aboriginal communities. It acknowledges that Aboriginal people in Western Australia are the traditional owners of the lands in the state, and have a living cultural, spiritual, familial and social relationship with these lands. Furthermore, it seeks to hold Western Australia accountable for its agreement to take responsibility from the commonwealth of Australia for providing municipal and essential services to support remote Aboriginal communities.

Remote Aboriginal communities are communities wholly or principally composed of persons of Aboriginal descent as defined by section 4 of the Aboriginal Affairs Planning Authority Act 1972, and are listed in the government document entitled “Priority Investment Communities—WA”. Some of these communities may be renamed or known by a different name.

Forced closure refers to any action taken without the free, prior and informed consent of residents that has the aim or effect of closing the community or relocating residents. It also refers to deterring people from living in the community through inadequate municipal or essential services. Municipal and essential services include power, water, sewerage, infrastructure, education, health services, and waste disposal.

The bill requires decision-makers to adhere to the principles of the United Nations Declaration on the Rights of Indigenous Peoples, especially articles 8, 9, and 10, which outline the right to belong to an Indigenous community and not to be removed from lands; articles 3, 4, 18, and 23, which outline the right to self-determination and self-government in matters relating to their own affairs and development; and articles 19 and 39, which outline the right to develop their own health, social, and economic programs and to receive cooperation and support from the state.

Should a public authority make a decision that leads to the forced closure of a remote Aboriginal community, which includes the inadequate provision of municipal or essential services, the bill would enable residents to apply to the State Administrative Tribunal for a review of a decision to close their community. Residents must apply within six months after the decision was made, or, if the community was unaware of the decision, six months after they became aware of it. Applications for review must be made in writing, or if made orally, put into writing by the executive officer as defined in section 3(1) of the State Administrative Tribunal Act 2004.

I commend the bill to the house and table the explanatory memorandum.

[See paper 4298.]

Hon ROBIN CHAPPLE: I advise that according to standing order 126(1), this bill does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party.

The PRESIDENT: The explanatory memorandum is tabled, and debate stands adjourned until the next sitting of the house.

Point of Order

Hon PETER COLLIER: Just for some clarification, is there an explanatory memorandum in addition to the second reading speech?

Hon ROBIN CHAPPLE: Yes.

Hon PETER COLLIER: It has not been provided, that is all.

The PRESIDENT: The member just tabled that. I presume, because it has been tabled, it will be freely available.

Hon PETER COLLIER: There is some confusion here, which is why I am confused. It says on the one page that it is both. We have not got it.

The PRESIDENT: Could Hon Robin Chapple clarify that for the house?

Hon ROBIN CHAPPLE: There is an EM; it has been provided, but there is confusion between the EM and the second reading speech. I will make sure that that is resolved forthwith.

Debate adjourned, pursuant to standing orders.