

PREVENTION OF FORCED CLOSURE OF REMOTE ABORIGINAL COMMUNITIES BILL 2017

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) [10.18 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 2017 is to prevent the forced closure of remote Aboriginal communities. The bill 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 comprising 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 would require decision-makers to adhere to the principles of the 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, be put into writing by the executive officer as defined in section 3(1) of the State Administrative Tribunal Act 2004.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

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

[See paper 276.]

Debate adjourned, pursuant to standing orders.