

RESERVES (TJUNTJUNTJARA COMMUNITY) BILL 2018

Second Reading

Resumed from 18 October.

MR B.S. WYATT (Victoria Park — Minister for Aboriginal Affairs) [12.25 pm]: I want to say a few words in respect to the Reserves (Tjuntjuntjara Community) Bill 2018. When I first started school in Laverton in the late 1970s, Laverton was a much busier town than it is now. Interestingly, back then there were fewer miners around Laverton, but of course the fly in, fly out workforce did not exist, so it was a vibrant town and a lot of the Spinifex people from Cundeelee would come into Laverton. Many a time I went to Cundeelee with my dad, who was then working for the commonwealth government in Aboriginal affairs. I was pleased to have had the opportunity to visit Tjuntjuntjara last year and I look forward to getting out there again; hopefully next year.

As has been commented on by a number of my colleagues, the work behind this bill effectively has been about a decade in the making. It concerns land tenure of about 54 000 square kilometres of the Tjuntjuntjara Spinifex native title determination area. In essence, this legislation does three things. Firstly, it excises 78 578 hectares, including the area where the Tjuntjuntjara community is situated, from the Great Victoria Desert Nature Reserve. Secondly, it grants an access easement through the westernmost portion of the nature reserve to provide legal access to and from the Tjuntjuntjara community. Thirdly, it continues, post-excision, a degree of protection over the Tjuntjuntjara community area from mining, petroleum and geothermal energy activity similar to what it previously enjoyed by virtue of its location within the nature reserve. Tjuntjuntjara is the largest community in the Spinifex lands and it is the most remote community on Earth. It is a long way away; it is nearly 400 kilometres north-east of Laverton. It is not easy to get to, but the country is glorious and the Spinifex people are well known for their art. By way of an aside, for those members who are on Instagram, I can thoroughly recommend the Spinifex artists on Instagram who have some quite extraordinary pictures of not just art and some of those wonderful people painting, but also the country of the Spinifex people.

Tjuntjuntjara has about 200 people. It is on the Great Victoria Desert plain. As I said, it is nearly 700 kilometres north-east of Kalgoorlie—so it must be about 400 kilometres east of Laverton, which is the closest main town centre. The Spinifex people—Pila Nguru, meaning from the sandhills—speak the Pitjantjatjara language. The Tjuntjuntjara people have been a big part of the Aboriginal artistic movement for a long time. They are also a historic people. The Spinifex people had WA's first native title consent determination towards the end of the Court government in 2000. The prescribed body corporate is the Pila Nguru Aboriginal Corporation.

As I said, when I was living in Laverton in the late 1970s and in Kalgoorlie in the 1980s, Cundeelee was a mission settlement where most of the people who now live at Tjuntjuntjara lived. Tjuntjuntjara was established in the mid-1980s in the Aboriginal-led back-to-country movement. Since the 1940s and 1950s, the Spinifex people had been living at Cundeelee—mainly Cundeelee but at a range of places—which was a mission settlement that was not on their country. They had been removed from their country near the border of WA and South Australia so the British government could test its atomic weapons. The money to establish Tjuntjuntjara was partly provided by compensation through the Maralinga royal commission into the impact of atomic testing within range of the Spinifex people's country. There is very famous media around this, which people can still read. In the 1980s, contact was made with the last Spinifex family still living independently out on country. That family now lives in Tjuntjuntjara and Wingellina.

The Spinifex people are very much part of WA. As I have said, because of its remoteness, very few Western Australians have visited Tjuntjuntjara. I know that the Minister for Housing and the Minister for Education and Training, and I think the Minister for Environment, have visited Tjuntjuntjara in the last 18 months. As I was making comment before, the Spinifex people and the art that comes from their country is very much entrenched in the Western Australian psyche. The community itself, despite having only around 200 people, provides two of the seven councillors to the Shire of Menzies, which highlights the leadership that comes from that community. Like many remote communities, essential and municipal services are provided by regional Aboriginal community organisations. The Spinifex people's entire native title determination area, minus the road corridor that I referred to before, became a restricted area under the Liquor Control Act 1988 at the request of the community.

The bill itself is significant because it will enable investment that is being halted, mainly from the commonwealth, that has not been able to be put into that community because of tenure uncertainties. The bill, which I think has the support of all members, will do a few things when successfully enacted. The Minister for Lands, on behalf of the state of WA, the Pila Nguru Aboriginal Corporation, which holds the Spinifex people's native title rights and interests, and the Paupiyala Tjarutja Aboriginal Corporation that runs the Tjuntjuntjara community, will all execute and seek to formally register an Indigenous land use agreement that authorises the various tenure options proposed. Once that ILUA is in place, the Minister for Lands will then issue a head lease over the excised area to PNAC in perpetuity for any purpose that advances the interests of the native title holders, including Aboriginal cultural,

community and commercial purposes. With the consent of the Minister for Lands, PNAC, then as lessee, will issue a sublease over the community's municipal infrastructure and housing to the service provider, PTAC, for any purpose that advances the interests of the residents of the Tjuntjuntjara community. Again, with the consent of the Minister for Lands, PTAC will be able to issue subleases over the issue for commercial return provided that the grant is consistent with the sublease purposes and that any income derived from it is used for the benefit of the Spinifex people or the improvement of the sub-leased area for the benefit of the Tjuntjuntjara community.

The community itself has been successfully run by PTAC and Pila Nguru for a long period. As I have said before, both communities are major cultural centres that have done a lot of work in moving towards economic sustainability. I made reference to the art movement that came from the Spinifex people. When I was out there last year, I got to see an exhibition that was about to leave for, from memory, Germany and travel through Europe and then on to Tokyo. The international interest in Spinifex art has been ongoing and constant for a long period. The Spinifex people have been waiting patiently for a decade for this legislation to come through to enable the sorts of legal certainties that the prescribed body corporates and the PTAC that runs the community have been waiting for for a long time. Again, when I was there last year, it was pointed out to me that some commonwealth money was waiting to be invested in the medical centre that could not be invested because of the uncertain nature of the tenure. This should resolve any of those tenure uncertainties. I thank the Minister for Lands and the Minister for Environment for progressing this piece of legislation. I am very, very pleased that it has the support of Parliament. It will make a significant difference to the management, operation and future of the Tjuntjuntjara community.

MS R. SAFFIOTI (West Swan — Minister for Lands) [12.34 pm] — in reply: I thank everyone for their contribution to the Reserves (Tjuntjuntjara Community) Bill 2018. Some of these pieces of legislation that we deal with have had many sponsors in the past. I acknowledge all the work of everyone who has worked on this project for many, many years. As outlined by the Minister for Aboriginal Affairs, this bill will lead to great outcomes for the community. It is really an acknowledgement of the long history of these people. I am happy to progress their wishes and enhance their opportunities in the future. I thank everyone in the department and previous governments. Many people have been involved in these projects and legislation in the past. I thank them for their support for this bill.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

MS R. SAFFIOTI (West Swan — Minister for Lands) [12.36 pm]: I move —

That the bill be now read a third time.

MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition) [12.36 pm]: I rise to make some short remarks on the Reserves (Tjuntjuntjara Community) Bill 2018. The opposition is very supportive of this legislation. We are really pleased to see it come to Parliament and be passed through both houses. We know of the challenges that the Spinifex people running the Tjuntjuntjara community have had in trying to get security of tenure to ensure that they can bring other operators in to help service their community and perhaps provide some commercial offerings to visitors who might pass through and also to members of the community themselves. We are very pleased to assist in expediting the passage of this legislation. We think it is good legislation. We really hope that it will empower the Tjuntjuntjara community to improve the services that they have on offer and certainly the services that they may provide to tourists in what is one of the most fantastic and beautiful settings in Western Australia. We commend this legislation. We are very pleased to assist its passage through this chamber.

Question put and passed.

Bill read a third time and transmitted to the Council.