

ABORIGINAL HOUSING LEGISLATION AMENDMENT BILL 2009

Second Reading

Resumed from 14 October 2009.

MR M. McGOWAN (Rockingham) [4.45 pm]: I rise as the first speaker for the opposition on this legislation. The opposition supports the Aboriginal Housing Legislation Amendment Bill 2009. We have four or five speakers who have a great interest in the housing of Indigenous Western Australians, so a number of opposition members will be commenting on this legislation. We believe that in an overall sense this legislation will be beneficial for Indigenous communities throughout Western Australia, and in some ways it is overdue. I am pleased that the commonwealth has come up with this funding package for Indigenous housing as part of the National Partnership Agreement. That agreement will mean that roughly \$496 million will be spent on housing and infrastructure in remote Aboriginal communities over four years. That nearly \$500 million that will be spent on Aboriginal housing around Western Australia to build new housing and to upgrade existing housing is very welcome. That is not just a stimulus measure, but a humanitarian measure that will make life better for many of our first Australians living in Western Australia. I am supportive of that expenditure on public housing for Indigenous people around Western Australia and in remote communities. I would like to put that on the record at the outset.

The condition of receiving that half a billion dollars in expenditure for Aboriginal housing was that the legal basis under which people live in that housing had to be subject to some change. Therefore, the commonwealth said that if Western Australia wanted this money under this National Partnership Agreement, the state must provide legislative changes to improve management practices over housing in Aboriginal communities around Western Australia. The phrase that was used—the “build-and-abandon approach”—had to be done away with. The build-and-abandon approach was the approach by which the state went to remote communities and said that it would build five or ten houses and, once built, nothing more was done with those houses. Bearing in mind the conditions and climate—the extreme weather conditions and temperatures—in many of those communities, the condition of the housing stock deteriorated. The build-and-abandon approach had to be done away with if Western Australia was to be eligible for that commonwealth money. The commonwealth negotiated with the state, in effect, for a statutory framework to enable the Western Australian Department of Housing, with the agreement of the relevant Aboriginal community, to legally control and manage the letting and leasing of housing in Aboriginal communities. Therefore, the Department of Housing, with the agreement of the relevant Aboriginal community, would manage, let and lease the housing in that community. As I said, it will increase the amount of funding. It reflects the reform process that commenced in 2007 and puts in place a legislative basis for the memorandum of understanding established in 2007 between the housing authority and the Aboriginal Lands Trust. Therefore, it kind of builds on work that was informally but not legislatively done in 2007, and it will build on that into the future.

How it will work is that the agreement will be voluntary. It will be entered into on a case-by-case basis with individual Aboriginal communities and only when the housing authority is satisfied that the Aboriginal inhabitants of that particular community are happy with the arrangement. The arrangement itself will not create an interest in the land; therefore, a housing agreement between the Department of Housing and an Aboriginal community will not mean that the Department of Housing has an interest in the land in the community with which the agreement is reached.

The Aboriginal community will retain general responsibility for the land whilst the housing authority will assume responsibility for managing housing, including—this is very important—rent collection and maintenance. It will ensure that the Residential Tenancies Act 1987, the Western Australian legislation, is applicable to the people living in those individual communities. Therefore, it normalises or regularises housing arrangements in individual communities by underpinning those communities with the application of the Residential Tenancies Act. The Residential Tenancies Act, of course, provides not only rights but also responsibilities. Therefore, a rights and responsibilities approach will be taken in individual communities so that people living in those communities who choose to be bound by this arrangement will have the rights and responsibilities under the Residential Tenancies Act that all tenants not living in remote Aboriginal communities have. That is the fundamental basis of this legislation.

What is the benefit for an Aboriginal community? What is the benefit for Aboriginal people living in an Aboriginal community who sign up for one of these deals? The benefit is that the rent collected by the Department of Housing under this arrangement will be spent on maintaining those houses in that community. Therefore, people in an Aboriginal community will pay rent for the house that they live in and that rental money will be spent on housing in their community. The department assures us that that is a watertight arrangement; that individual communities that pay their rent will have exactly the same amount of money spent on housing in those communities. Another benefit, which is funded by the commonwealth, is that \$4 000 a house will be spent

each year on maintenance in those communities. As I understand it, that is additional to the rental payments that will be spent on houses in that community. Suddenly a major funding base that previously was not there will be provided, both by the individuals in the community itself and the commonwealth, that will be used to maintain and repair houses in Aboriginal communities. As I said, under the build-and-forget, build-and-move-on or build-and-abandon approach, the amount of money that is necessary to maintain properties in these communities was not there; it will now be there under this arrangement entered into by the state and commonwealth that is formalised by this legislation. I think that we will also see an improvement in the condition of housing in communities that choose to enter into this arrangement because of the amount of money that will be spent in these communities.

There is also a rent-setting provision in the bill, so that, depending on where people live, and I assume their capacity to pay, the nature of the community they are living in and so on, there will be a differential in rent that is set between communities. Not everyone will pay the same rent; a bit like the case in non-Aboriginal communities whereby not everyone pays the same rent because it is differentiated depending on the style of housing, people's earning capacity and so on. That sort of arrangement will be put in place with the rent-setting capacity under this legislation.

I think I have outlined the basis of what this legislation will do—the bones of what is being put in place. As we know, the commonwealth has provided funding for 200 or 300 new houses under this agreement, which will suck up a large amount of the \$500 million. I think the money being spent on refurbishing and maintaining some of the houses in many of the Indigenous communities around Western Australia will probably be of greater benefit, and that will be a good thing. As I understand it, we will receive 24 per cent of the total money to be spent under this program, which I think also reflects the proportion of Indigenous people in Australia; roughly 24 per cent live in Western Australia. All these things are reasonably fair and this is a reasonable thing to do.

Of course, this will be a change for a number of the people who agree to enter into this arrangement. A number of people living in remote Aboriginal communities have not been subject to these rights and responsibilities under the Residential Tenancies Act before; therefore, it is a change that will take a bit of getting used to, I think. I want to put on record that the Department of Housing, again, has assured us that there will be some transitional arrangements to ensure that some of the people in these communities who are not perhaps completely ready for these new arrangements will have assistance to get themselves ready before the Residential Tenancies Act applies to them. Of course, paying rent, if people have not paid rent before, will result in a significant change in their circumstances, so getting their communities and themselves ready for that will require some considerable work.

It is a big change. When I compare many of the Aboriginal communities around Western Australia—most Western Australians have probably never been to one—with Perth, the thing I always think of is that it is like going to another country. It is a very different experience from living in Perth. That is why there needs to be some flexibility in these arrangements and understanding in how the government provides housing and services in remote Indigenous communities, because it is so different. The background of people living in these communities is so different from ours; the language, the culture, the climate, the history, their life experiences, the experiences of their fathers, mothers and grandparents and so on is completely different from those of us who live in the city or most regional towns around Western Australia. Therefore, the government needs to approach these issues with a degree of understanding that it needs to be flexible with people who have never experienced these arrangements. Although there are benefits from these changes, I urge the government to be understanding of the circumstances of people living in these communities—understand that they have not had many of the benefits and things that have come with perhaps growing up in a community in Perth, with all the educational, social and other benefits that come with that. The government needs to be compassionate to the people living in these communities and considerate of their backgrounds and experiences.

There are numerous remote Aboriginal communities around Western Australia; many of them are in some of the most remote places on the planet. Therefore, enforcing some of the provisions of this legislation will be a very difficult thing. Again, that is why I say that the government needs to be understanding and considerate of the people who live in these places and their life experiences before the government acts too hard in implementing these rules. Overall the rules are good, because they bring a lot of benefit to the people there and help to instil a culture of rights and responsibilities, and that is a good thing.

While on this subject, I will refer to outstations in Western Australia, which was the subject of debate some time ago. Some Indigenous people live in remote communities and some live in remote outstations. Often the outstations are very small and the communities, which have been there for a long time, are very small as well. If members go to what is commonly known as “Aboriginal lands” they would find that the communities are small and very traditional. A lot of the people who live there have had contact with Europeans for a very short time only. When I went to these communities, I met middle-aged people—people who are not old—who had come out of the desert as young people and had never met a European. They live in very small communities in the

desert on the Northern Territory – Western Australian border at places such as Wingellina, Warburton and Warakurna.

In considering Aboriginal housing, we need to also consider outstations, which are small communities. I have heard talk about closing some of the outstations and moving the residents to nearby towns. I recall discussions about closing some of the outstations and moving the residents to Kalgoorlie. It would be a disastrous move for those people to be told that they should live in Kalgoorlie. It would be an unmitigated disaster for some of those people if they were told to do that.

Although we should retain communities around Western Australia, we should support Aboriginal people living in small communities in which they have always lived. The idea of closing these small communities and moving people to bigger towns is a disaster and it is something that I would always oppose. However, consideration should be given to the smaller outstations in which there are one or two houses that are 50 or 100 kilometres from a community such as those I mentioned, because often there are one or two children living in those outstations. We need to ensure that when these issues are examined, the interests of the children in those outstations is considered to determine the best arrangement for them so they can receive the benefit of the services that are often provided in the smaller communities—namely, schooling, education, health and so on. I am fundamentally opposed to closing Aboriginal communities and moving people to bigger towns. However, I think there needs to be a little bit of flexibility for, and examination of, some of the outstations that might have in them only one or two houses and are located 50 or 100 kilometres from a bigger community.

As education minister, I found that it was very difficult to get some of the children to school who live a long distance from one of the nearby smaller communities. Often a smaller community might have only 20 or 30 students at the community school. Having a community school with a sufficient number of students to make it viable and to provide services, resources and so forth is very important to the broader community. Sometimes we need to consider what is best for the children in those regions to ensure that we provide the necessary facilities for those people.

The opposition supports the legislation. A number of members on this side of the house are very passionate about providing decent housing for Aboriginal people, and I look forward to hearing from them because they are more knowledgeable than I am about this issue. I look forward to hearing contributions to this debate from the members for Kimberley, Pilbara and, in particular, Kwinana. They might even address the issue of the outstations and the best policy approach to deal with them. I would be interested to hear their thoughts in that regard.

MR T.G. STEPHENS (Pilbara) [5.05 pm]: We are debating the Aboriginal Housing Legislation Amendment Bill 2009, but I have been provoked by the shadow minister to refer to outstations. In my electorate a large number of non-Aboriginal people live on stations with their families, and have done so for generations. These families access government support to obtain education, health and other services in the locations in which they live and have lived for generations. Some people who visit outstations would say that they exist only by virtue of the largesse of government. The truth is that they exist because they have existed for time immemorial. People have lived on outstations for more than 40 000 years, and the passing parade of members making speeches in this house about where they should best be will not determine where they end up.

On the issue of Indigenous affairs, we must walk and talk humbly. A person who has worked for years with Aboriginal people will find that the more they get involved with them, the more they discover that they know very little about the circumstances in which they are placed.

I will probe some of the detail of the bill, in particular the minister's second reading speech and his reference to the fact that this legislation will provide for the flow of commonwealth–state funds. The minister referred to a figure flowing over the next four years of \$496 million. I want the minister's assistance to understand how that works. I was working on the basis that the Council of Australian Governments agreement produces a flow of funds for Western Australia over 10 years of \$1.18 billion. The flow, as I understand it, will see, in the out years, a figure of \$106.202 million in 2017–18; \$97.429 million in 2016–17; \$124.258 million in 2015–16; and \$165.649 million in 2014–15. For the financial years closer to 2014–15, which is what this legislation refers to, it will be \$191.278 million in 2013–14; \$128.669 million in 2012–13; \$98.507 million in 2011–12; and \$81.834 million in 2010–11. My concern is about the figures of \$105.834 million for 2009–10 and \$81.726 million for 2008–09. The only way to get the figure of \$496 million, to which the minister refers in his second reading speech, is by throwing in the figures for 2008–09. I am trying to understand what has happened here. Why is there no expenditure of the \$496 million, even though \$81 million of that is for the 2008–09 financial year?

Mr T.R. Buswell: I will have to get more information.

Mr T.G. STEPHENS: I understand that.

Mr T.R. Buswell: My advice is that \$496 million has been allocated across the first five years.

Mr T.G. STEPHENS: The first year of that agreement was 2008–09. Does that mean that the government has not spent any of that money?

Mr T.R. Buswell: I will get some more advice on that. We may not have; I do not know. Of that \$496 million, the vast majority is about \$318 million, which is for capital spending. That is broken down between 295 new houses and about 1 020 refurbishments. There is about \$93 million for urban Indigenous reform, which is upgrading of houses, as I understand it, that are largely controlled by Aboriginal housing bodies, Goldfields, the south and a few others. There is also \$67 million for property and tenancy management, which is normalising some of the tenancy issues, and I think another \$20 million for employment-related accommodation, which is the type of thing we are currently doing in Halls Creek. I am sure we could get some more details about the question the member has asked.

Mr T.G. STEPHENS: I thank the minister. The other couple of points I wanted to make in reference to the detail of these issues relate to the state's financial contribution to Indigenous housing in Western Australia. During my period as housing minister I found that there has not been a pattern of the state contributing significantly in this area, even when it was not forthcoming about the detail. I am hoping that at some stage during this debate the minister will be able to detail the cash terms of the state's contribution to Indigenous housing.

Mr T.R. Buswell: I should be able to get that. I am sure somebody is taking down notes at the back. We will not finish tonight. We can start again tomorrow. As the member knows, and would recall from his time as minister, this is a real hotchpotch in terms of who accepts responsibility for building what. There was always this breakdown between remote and town-based, delivery of essential services, capital versus current, delivery of houses, capital versus maintenance and all these things. I am happy to try to get that data for you.

Mr T.G. STEPHENS: I appreciate the minister's offer. We have a COAG agreement with Western Australia that does lay out the commonwealth's contribution for 10 years and the minister is talking about these first five. We now have a situation where the commonwealth is making it clear what it is going to spend on Indigenous housing in Western Australia for those 10 years.

Mr T.R. Buswell: Can I also just raise for your information —

Mr T.G. STEPHENS: Can I finish that one point? It would be good if the state laid on the table its proposed contribution that will match or join with the commonwealth's contribution.

Mr T.R. Buswell: We would have to look at it a bit more broadly than just houses because there are also essential services.

Mr R.H. Cook: That is the other COAG agreement that the member might be referring to.

Mr T.R. Buswell: The other COAG agreement?

Mr R.H. Cook: Essential services.

Mr T.R. Buswell: Essential services are currently subject to ongoing negotiation with the commonwealth. An audit of essential service provision has been conducted. Out of that audit will come a funding model. We are still working through that process.

Mr T.G. STEPHENS: I am not referring to any agreement other than the housing agreement.

Mr T.R. Buswell: I just wish to make one other point. The commonwealth has actually reopened negotiations around some aspects of the national partnership funding. It has introduced an element, not all of it—I do not know the exact percentage—of competitive funding. Jenny Macklin's concern is that some states are not pulling their weight in terms of delivery. They want an element of their funding to be subject to the competitive process. I am quite relaxed about that now. I think we are getting on top of what we are trying to do. I am increasingly confident that we will meet our goals, which means we should get our fair whack.

Mr T.G. STEPHENS: The member is in a very fortuitous situation as housing minister because he has a very good friend who is the Treasurer. That puts him in a different position from many of his predecessors.

Mr T.R. Buswell: I am not sure that the department would agree with that.

Mr T.G. STEPHENS: Did the minister see *The Mikado* on the weekend?

Mr T.R. Buswell: I went to AC/DC.

Mr T.G. STEPHENS: I did not see it this time but there was a character in *The Mikado* that I thought the minister might understand —

Mr T.R. Buswell: Angus looked like a miniature version of you!

Mr T.G. STEPHENS: I was thinking of the Pooh-Bah character. He is able to have a conversation with himself in a variety of different roles. In the housing minister's case, there is a chance that he will talk to the Treasurer, hopefully persuading him to give the flow of funds that are necessary to respond to the urgent situation with which we are faced.

Mr T.R. Buswell: The challenge is that my budget submissions were the leanest of any.

Mr T.G. STEPHENS: That is a bit of a worry, particularly in a situation where the minister knows—he will increasingly get to understand this in the challenges of Aboriginal housing—that this should not simply be the responsibility of the commonwealth. It is good that it is stepping up to the plate on some of these issues. These are the challenges of governments historically.

Mr T.R. Buswell: As the member knows, I have invested a fair bit of time personally trying to get it to understand.

Mr T.G. STEPHENS: I give the minister credit for that. I hope that the investment of that time is matched by simply —

Mr T.R. Buswell: I do not know the solution yet but I am working on it.

Mr T.G. STEPHENS: It requires a combination of focus and hard work. It is an endlessly difficult challenge. No-one should underestimate how fundamental Aboriginal housing is for providing people with the chance to move from circumstances that are, in too many cases, woeful. People simply cannot emerge out of overcrowded, unsafe housing rested, fed, safe and able to take up schooling, training and employment opportunities. Housing is a basic fundamental prerequisite to do that. It cannot be done by any sphere of government alone, particularly if it is just the commonwealth thinking it can do this alone. It does need the state to pull its weight. I am asking the housing minister to document what will be the state's financial contribution to Indigenous housing over the life of this 10-year housing agreement —

Mr T.R. Buswell: Is that remote remote and town based?

Mr T.G. STEPHENS: I am talking about the COAG agreement. What are the matching funds that come in from —

Mr T.R. Buswell: The COAG agreement was not specifically into matching funds. I understand what the member is asking.

Mr T.G. STEPHENS: It is for Indigenous housing.

Mr T.R. Buswell: I think we will focus on remote and what the member would call town-based community funding, if I can get that.

Mr T.G. STEPHENS: I am happy for the minister to provide that. If he is able to provide any additional detail over and above that, that would be good as well. It would be wonderful to quantify the state's contribution to Indigenous housing. I came to the portfolio in 2001. My predecessor was the current Deputy Premier, Dr Kim Hames. He left me with a portfolio where it was not easy to detail the state's contribution. I do not think it became much more transparent by the time I finished in the portfolio. I do think that transparency —

Mr T.R. Buswell: Part of that is also what happens internally in Housing. Housing is doing a lot of work in the way it reports internally, where it sources income from and where it spends income, so it is a little clearer.

Mr T.G. STEPHENS: There is another thing that I am keen to see in reference to this legislation. I said to the minister earlier in the day that parts of the bill look like they have been skilfully drafted. There is this area of commonwealth insistence of trying to ensure that we no longer have this policy of what I used to call “plunk it and run” where houses were simply dumped and left. There was a need to secure arrangements. The great fear of the Indigenous community was that the arrangements would create an interest in Aboriginal land. Proposed section 62H in part 2 of the bill very clearly and explicitly ensures that nothing is contained within these agreements that can in any way be construed as being a land grab by a state agency. I have not checked to see whether the government has any amendments to this legislation on the notice paper. Is the minister expecting to amend —

Mr T.R. Buswell: I think there are two amendments on the notice paper.

Mr T.G. STEPHENS: There is nothing in our explanatory notes that —

Mr T.R. Buswell: There are two amendments on page 11 of the notice paper. One tidies up the definition of “Aboriginal land” for the purposes of the act and the other relates to “agreement”. Those changes were requested by the commonwealth.

Mr T.G. STEPHENS: That is exactly what I was looking for now that I found part 3. That is a very necessary part of this legislation. I did not know the origins of this but I hear from the minister that it has been specifically sought by the commonwealth.

Mr T.R. Buswell: My understanding is that it arose through conversations with the commonwealth. This legislation has been developed in close cooperation with the commonwealth, which also has legislation to make changes to the native title legislation going through the federal Parliament.

Mr T.G. STEPHENS: Clause 11 seeks to insert proposed new section 33A into the Aboriginal Affairs Planning Authority Act. It looks to me as though it will specifically ensure that the legislation applies to Aboriginal reserves and will specifically—maybe the minister can clarify this when he gets advice—exclude crown land from the purview of the bill. If it were to apply to crown land, people would see it as a risk to native title interests in that crown land. A different sort of interest would be reserve land. When I had a quick look at the amendments earlier, I did not spot this bit at the end. It is important that the housing management agreement not be able to be construed as impacting upon people's native title interests, and it will be amended to apply only to crown land.

Mr T.R. Buswell: We can deal with that in consideration in detail, and I will try to get the member some more information on that. My advice is that, in consultation with the commonwealth, everything is being done to ensure that this bill will not impact on anyone's access to native title over land.

Mr T.G. STEPHENS: And presumably it will not impact on Aboriginal freehold land either; is that correct?

Mr T.R. Buswell: Yes, that is right.

Mr T.G. STEPHENS: That seems to handle those concerns.

The minister is in the very privileged position of holding the housing portfolio. It is an utterly wonderful portfolio for a minister at a state government level to have. It gives the minister the chance to respond to enormously important needs and challenges within the Aboriginal community. It requires transparency on the part of the state to put on the table clearly and explicitly the funds that will flow from the state's resources independently of that which we get from the commonwealth. It also is important to put on record that the costs of dealing with housing stock in remote areas are quite simply astronomical. The \$4 000 that people talk about being allocated notionally to each house across the remote and regional areas of Western Australia will get gobbled up quickly if anyone tries to do any work on a house in the Pilbara. Four thousand dollars does not go too far. The housing stock that will be the subject of this agreement is of a much lower standard than that which has been available to the wider community, and certainly is a different housing standard altogether from that which the people in the metropolitan area of Perth have become used to. These are not large numbers, even when we start talking about \$4 000. When we add to that the income stream that will become available from rents, the rents do not add up to very significant amounts either. This is an area in which governments, both national and state—hopefully, in time, local governments will become involved in it—contribute funds from their combined income streams towards housing that will respond to the housing challenges with which Aboriginal communities in the regional and remote areas of Western Australia are faced. The bill deserves the support of the opposition. It is good that the issue about the impact upon freehold title has been clarified, and I look forward to the minister's reply during consideration in detail.

MRS C.A. MARTIN (Kimberley) [5.24 pm]: I would just like to say that I support the bill, but for only one reason: it is about time that something happened with Indigenous housing. I am not talking about the past five, 10 or 20 years; I am talking about the history of Indigenous housing in Western Australia and the terrible state of affairs that has been allowed to progress since 15 April 2004 with the demise of the Aboriginal and Torres Strait Islander Commission. We have been waiting all that time for this Council of Australian Governments agreement to be signed off. What a disgrace! There are communities that have had all their hopes built up and then slashed again. Members should think about the millions of dollars worth of infrastructure in remote communities, yet we are chucking four grand at each of them. If people who live at Jarlmadangah want to get a window fixed, the first thing that applies is a cost of \$2 a kilometre. If it is 188 kilometres one way, members can work out the cost, and then it is \$500 just for a call-out. How many hundreds of dollars an hour would it cost—a couple of hundred? Four thousand dollars is not a lot of money. This means that we are not looking after our assets. It is not just Aboriginal people's assets, but the state's assets.

I know that the responsibility will come back to the state through this agreement, but I want to put this on the record because it is important. If I am to support this bill, it is because we have not had anything in the past that has actually worked. If people go up to my region, which is the most important region for me, they will find that the Kimberley regional service providers are funded to go out to remote communities to do all the maintenance on water, electricity and sewerage services—all those really important things. That is their job and they have been contracted to do it for years. The good thing about it is that they are a local business, but they do only

maintenance. The real issue is that they do not do upgrades or repairs. What a waste! It is about making things in Indigenous communities and provisional services logical. That is what I am saying. Hopefully, this bill will make it logical.

Mr T.R. Buswell: I accept the point you have made. The houses in a lot of the communities are way below an acceptable standard. There is funding in the national partnership agreement—I know that this won't cover all houses—for 1 025 houses to have significant refurbishments, which will get them up to a level, and, hopefully, the rent plus that \$4 000 will help maintain them. I do not know whether that will do the job. It certainly would not do the job for a lot of houses.

Mrs C.A. MARTIN: I have worked in remote communities for 35 years. When I first went out there, there was not that much infrastructure. People were still living in Nissen huts and all sorts of things. The only minister I know who has had the portfolio for housing and infrastructure is the member for Pilbara. He actually put in kerbing, street signs and street lights. He provided services for these communities that made it a little more comfortable for them. Just having a bit of bitumen in the community stops people having dust in their house all the time. We also need to ensure that when 30 people live in a house—not through choice, but because that is the only housing they have—extra toilets are put in. Things like that are just commonsense things that people want. I am not criticising the minister, but I do not want these things to continue to happen. Please do not build a house for five people and expect 30 people to live in it and then allow it to fall to pieces around them. Houses are not built that robustly. If 30 people are going to live in a house—we accept that that is going to happen because of the overcrowding—please construct a house that is appropriate for the traffic.

Mr T.R. Buswell: Can I just ask a question, because I think this is really important?

Mrs C.A. MARTIN: We need to have the discussion, but can I just go on a little further?

The other thing is that when the Aboriginal and Torres Strait Islander Commission existed and we asked how many houses it was responsible for, it would give a figure. When we asked Aboriginal housing, the state body, how many houses it was looking after, we were told of several different sorts of housing; it had Aboriginal housing stock in town and, was it reserve housing?

Dr K.D. Hames: Sometimes.

Mrs C.A. MARTIN: Sometimes under the Department of Indigenous Affairs.

Dr K.D. Hames: Under the Aboriginal Lands Trust.

Mrs C.A. MARTIN: Yes, the ALT and the DIA.

Dr K.D. Hames: Yes.

Mrs C.A. MARTIN: It was as though we had to go around in a big circle to get something done. In Derby, Karmulinunga was the best example. I was the liaison officer there for something like 10 years. When I tried to get the sewerage system fixed permanently, I could not do it. Nobody had the will to do it because it was a town reserve. As the Minister for Indigenous Affairs knows, there are still a few town reserves.

Hopefully, this legislation will streamline everything. Firstly, how many Aboriginal houses do we have? It will bring together housing management. Secondly, perhaps a house-by-house survey can be done to see what is needed. That was done in Broome and it worked really well. It showed up things such as four power points in one area. We know how dangerous power points are if they are not maintained. I own a house and I really dislike having to spend money on it but I want to maintain my asset so I do spend money on it. That is what we need to continue to do but we need to spend real money. It must be appropriate for the needs. Therein lies the issue.

The minister knows how many Aboriginal communities are in my electorate. We have discussed Oombulgurri and we have talked about viability and all these things. What are we going to do when there are 30 houses in some communities and two people? We have to also have a conversation about that. More importantly, is this legislation going to rob Indigenous people of their land again? I understand it will not affect freehold properties. Is that right?

Dr K.D. Hames: No.

Mr T.G. Stephens: Apparently it will affect freehold land owned by the ALT people as such.

Mrs C.A. MARTIN: Okay, I need to clarify a point then. If I am wrong, the minister can correct me. To establish a 99-year lease, a piece of land must be made freehold. Is that right?

Dr K.D. Hames: No.

Mrs C.A. MARTIN: Then it is sublet to the Aboriginal people who lease it. Is that right?

Dr K.D. Hames: We don't do that now. With our ALT land, when we were in government last time, we established all the 99-year leases, particularly on the peninsula.

Mr Mark McGowan; Mr Tom Stephens; Mrs Carol Martin; Mr Paul Papalia; Mr Roger Cook

Mrs C.A. MARTIN: An example is the airport reserve in Broome. I understand that a 99-year lease is established on a block of land that has been given freehold title, subdivided and leased out for 99 years. In fact, it is freehold.

Dr K.D. Hames: I do not think that is the case. We are looking at the Dampier Peninsula, as something separate from the legislation. We are going to come up with deals that offer whatever they like, whether it is a 99-year lease or the establishment of freehold title so that individuals can own blocks of land.

Mrs C.A. MARTIN: That is not in the legislation.

Dr K.D. Hames: You're right. You are asking me questions that the minister behind me has responsibility for.

Mrs C.A. MARTIN: I know, but can you, as Deputy Premier, take it up with him?

I want that on the record because it needs to be said. We need a system that provides a real service for real people. Aboriginal people live in remote locations, as the minister knows. Some of the places they live in have been built and abandoned, as we have said, and we all agree with that. But other places have not been abandoned. Some of those people have been on community development programs for more than 20 years—since they were first introduced in the 1980s. Let us face it, not one of these people has superannuation; not one of them has anything, yet they have made full contributions to their community as leaders. They have made sure things have worked. They have maintained their houses, yet they will never know what it is like to have the great Australian dream, even though they own the land.

Dr K.D. Hames: They can. Separate from this, that is what we are offering as part of the solution to the Dampier Peninsula, at least as a start.

Mrs C.A. MARTIN: There is a difference between dealing with agreements such as native title agreements and this issue. This legislation could be a part of the vehicle that is the Indigenous land use agreement.

Dr K.D. Hames: This is here because the federal minister says it had to be.

Mrs C.A. MARTIN: Yes, but we have been waiting six years for it. For six years, people have been in limbo waiting for maintenance to be done on their houses. Are there any houses left? I am being sarcastic and I apologise for that.

Dr K.D. Hames: There is a problem with maintenance. I think it is one of the worst things to deal with.

Mrs C.A. MARTIN: We should not forget that these houses remained in Western Australia; they have never been anywhere else. We have been in government; the minister is in government and they are still here. We still have to talk about what has happened to these houses in that five years of limbo. The amount of \$4 000 will not cut it for me. Does the minister know what I mean? I know what it costs, the minister knows what it costs and his government knows what it costs. Maybe we can shake down the Treasurer to give us a bit more money. It might be helpful to receive three or four times that amount. Most importantly, with regard to the Aboriginal Lands Trust and the Aboriginal Affairs Planning Authority Act, which I thought had been repealed apart from one small section, if we are going to look after the land for Aboriginal people in perpetuity, we need a real trust—a trust between Aboriginal people and the government that manages their land. I know Doc Reynolds and the other people on the ALT; they are great people. However, in some cases, this land needs to be given back to the people who are supposed to own it. I know that is what we have tried to do over the years, but somewhere along the line we have come up against a brick wall. Traditional owners—Aboriginal people who have a right to claim—get so far towards getting their land back and then come up against a brick wall. It is called bureaucracy. Bureaucracy stops them from taking control of their own destiny and their own future.

These funds are not enough. The minister needs to take this up at the next Council of Australian Governments meeting. The legislation will be passed. The opposition supports it, although it is not enough money. We need to tally exactly how much we put into resources and infrastructure in remote communities and deal with it realistically. If I were to build a house in Derby, I would be looking at paying probably \$300 000. To build a house 100 kilometres down the road at a remote community would cost three times that amount. I am not joking; that is not an exaggeration.

Mr T.R. Buswell: Last year an audit was done on all remote community housing, including town-based communities. I might try to get you a copy. The audit was done on every house and identified how much they would need to spend, and it was half a billion dollars to get those houses up to a standard.

Mrs C.A. MARTIN: I will tell the minister a secret. I get a regular report on every remote community.

Mr T.R. Buswell: That doesn't worry me.

Mrs C.A. MARTIN: That is only because I am on an advisory committee. I help them with whatever they need. When a generator has broken down and the owners ask the relevant body to fix it, they are told, "We can't get

you to do it because you're employed only to do maintenance." Does the minister know what I mean? There is a real issue with that. We know exactly how many houses are involved, but they are only the ones that used to be funded by the Aboriginal and Torres Strait Islander Commission—what about all the other ones? "Oombie" was a mission, was it not? How many houses are out there?

Mr T.R. Buswell: The audit looked at all houses in remote communities.

Mrs C.A. MARTIN: Did it also do an audit on what needed to be repaired or replaced?

Mr T.R. Buswell: Yes; it was done on all the houses. That is how we knew last year that we had the problem with the RCDs in Roebourne, which was terrible. That is how we knew the extent of the problem. The people who were doing those inspections were then rolled over to do the RCD installations.

Mrs C.A. MARTIN: The minister cannot tell me the money we are getting will be enough to fix it all. I cannot believe that.

Mr T.R. Buswell: As I said before, it is not. We have enough money in the national budget to refurbish 1 050 houses.

Mrs C.A. MARTIN: There are a helluva lot more than that.

Mr T.R. Buswell: There are a couple of thousand.

Mrs C.A. MARTIN: That is what I am saying.

Mr T.R. Buswell: Not all houses are —

Mrs C.A. MARTIN: They are assets and are now vested in the state government, which must make sure that the assets do not depreciate. It is the responsibility of every single one of us to make sure we act in the best interests of the public. That means making sure that proper maintenance is done. Does that mean we have to go back to the federal government? What do we need to do? How much is needed? The minister knows how much is involved now; he just told me, but I want him to tell me again.

Mr T.R. Buswell: The point about it is that it will take years to do 1 000 refurbishments. It will not happen in one year. It will take time. It may be that in due course we will have to ask for more money for more refurbishments.

Mrs C.A. MARTIN: I will take the minister up on that offer to look at that report, thank you very much. I support the bill, but a few things need to be ironed out. I will sit down now. Thank you.

MR P. PAPALIA (Warnbro) [5.40 pm]: I rise in support of the Aboriginal Housing Legislation Amendment Bill 2009. I do not pretend to have anywhere near the depth of knowledge or experience as that of the member for Pilbara and the member for Kimberley.

Mr T.G. Stephens: I don't think it's helped us much!

Mr P. PAPALIA: Nor have I experienced the level of frustration that they have endured over the years. Nevertheless, I am interested in this bill, not least because of my shadow portfolios of corrective services and local government, both of which will be directly impacted by the way in which we perform in this endeavour.

It is no secret that Indigenous representation in our prison system is outrageously disproportionate when compared with non-Indigenous representation. Housing will play a key role in tackling that terrible situation. Local governments, whether they have a direct involvement in the delivery of the money that will be enabled through this legislation or some other ancillary measure, will have a role to play in delivering better housing and better services to Aboriginal communities, particularly those in our remote north. Given that I am interested in corrective services and local government, the Aboriginal Housing Legislation Amendment Bill is of great interest to me.

I inform the Minister for Housing and Works that I am concerned about some areas. I appreciate the briefing that the minister's staff provided. I am sorry that I had to leave that briefing early. From what I garnered during the briefing and from what the minister has confirmed during his comments across the chamber, the Local Government Advisory Board's August 2008 "Report on the Inquiry into Local Government Service Delivery to Indigenous Communities" was, until some time last year, providing a framework or a plan for upgrading and improving service delivery in many of these remote communities.

Mr T.R. Buswell: That is municipal services.

Mr P. PAPALIA: Yes. It is essential that we look at housing improvement and the delivery of new housing in Aboriginal communities in conjunction with the provision of essential services, including municipal services. I contend that it is impossible for us to expect the quality of life in remote communities to improve just because

we plonk new houses into them. The national partnership agreement for the delivery of services in Western Australia is looking at only four communities.

Mr T.G. Stephens: It is four locations.

Mr P. PAPALIA: Yes, four locations. I know that there are many communities in Fitzroy Crossing alone. In reality that is only a small proportion of the Western Australian communities that need improved service provision.

Mr T.R. Buswell: I think you're 100 per cent right. The challenge for us is that the commonwealth wants us to build 270 or so houses over a certain period, but it will not let us build those houses without a framework in place to normalise our relationship with potential tenants.

Mr P. PAPALIA: Yes.

Mr T.R. Buswell: I think you're right. You can't do it in isolation, but for a whole range factors it has been pushed into isolation.

Mr P. PAPALIA: I will be looking forward, perhaps in consideration in detail, to eliciting more information. Perhaps the minister will not be able to give it all to me because he has referred to the fact that service provision is still in negotiation, and it appears as though the Local Government Advisory Board report has been abandoned as the framework—I do not know.

Mr T.R. Buswell: I don't have an answer to that.

Mr P. PAPALIA: I am not suggesting the minister would. However, my view, having, as I say, a relatively shallow knowledge of this field, is that I do not think we can expect it all to work unless we engage with the federal government and get it to acknowledge the challenges that are faced and are almost unique to Western Australia, because we have a third of the continent.

Mr T.R. Buswell: Can I just make a point: this is an area of serious argy-bargy between the state and the commonwealth about essential service provision and municipal service provision—argy-bargy in terms of who is responsible for the capital and recurrent. That has not been resolved yet. Just to make one other point, I was in Roebourne last Friday. We desperately have to do some things in Roebourne. I simply refuse to build another new house in Roebourne until we have a new approach —

Mr P. PAPALIA: You have no argument from me.

Mr T.R. Buswell: — that involves local government, the state and the local community, and we will do that in the next few weeks.

Mr P. PAPALIA: That last bit is vital, and the minister would be aware of that anyway. By the sound of it, I feel that the challenge will be to encourage the federal government to acknowledge that perhaps it cannot just steamroll a solution across the nation and expect it to work everywhere, particularly in light of the fact that it is really focusing on only four locations in Western Australia for the service delivery part of that national partnership agreement. I suggest that if in any way any of us can support the minister's argument and assist him, we are quite willing to do that. I have other concerns about this bill. I do not get a sense that the federal government has attached adequate oversight and management procedures, infrastructure or resources in the form of individuals to the money that it is throwing at the minister. That is a significant amount, \$496 million.

Mr T.R. Buswell: If there was any more, we would not be able to —

Mr P. PAPALIA: Hang on, minister. I was fortunate enough to travel with the member for Pilbara on a tour up to the member for Kimberley's electorate that he was conducting for the United States consul. We were lucky enough to happen upon a Fitzroy Futures Forum meeting at which the national partnership agreement regarding service delivery to remote communities was being discussed. It was wonderful to see that in action. It was a great education and provided an incredible insight and some sense of optimism, although there are a lot of challenges, and housing is clearly a key part of that. However, I got the sense at the time that the federal government was applying a lot of oversight. It was putting people on the ground, and it was insisting that the state government minister have an individual on the ground and that Minister Macklin have one of her people on the ground to directly report back to the federal government's office so that it knew where the money was going, how much was being delivered and what services were being provided in response to the expenditure that was being outlaid. All that was going on. I left the briefing early, and it may be that I did not elicit the correct response from the advisers, but I got a sense that when it came to the money under this national partnership agreement, we might get one individual in Perth from the federal government to oversee it—we might not, but we might—and that is it. I understand what the minister is saying. He may say that there will be targets that he has to hit—I would hope so. There does not appear to have been any detailed in the briefing.

Mr T.R. Buswell: No. You are right, because this bill is not specifically about the delivery of national partnership commitments, but I can tell you that there is an enormous focus on what we are having to deliver in relation to the houses on the ground. No individual project happens unless it is signed off by a FAHCSIA representative.

Mr P. PAPALIA: Where is the FAHCSIA—Department of Families, Housing, Community Services and Indigenous Affairs—person who signs off on it located?

Mr T.R. Buswell: I have no idea.

Mr P. PAPALIA: In Canberra. That is my issue with this money, because this is a significant amount of money. I have another concern, but I will not keep going because we can talk about it at the consideration in detail stage and I want to let the member for Kwinana get up and have a crack. I am not having a go at the minister; I just want to extract some information about this and I will probably have to get it from his advisers.

Mr T.G. Stephens: Don't break the habit of a lifetime by not having a go at him.

Mr P. PAPALIA: Ha, ha! There is the part about how FAHCSIA will ensure that it gets what it wants for its money. There is another part about where the money is going that we—as in the government of Western Australia and the minister as the particular representative in that role right now—allocated for Indigenous community construction. I am assuming that everything has been overtaken. The out years in the last budget is probably not that relevant and may not be accurate in light of this massive amount of money that has come into the budget since then courtesy of the federal government. However, at the last budget the amount that we had allocated to Indigenous community construction represented about 40 per cent of the then federal government allocation. According to the out years in the budget now—I know the money coming from the federal government is more than this—it went down to 21 per cent by the end of the three-year period.

Mr T.R. Buswell: I would have to have a look at it.

Mr P. PAPALIA: I am an optimist at heart but I am a little cynical, having been a member of this place for three years. My concern is that the government will get this huge amount of money from the federal government and as the federal government money goes up by that amount, the state government money might go down correspondingly. I am concerned that the government will not be monitored as strictly—as is apparent on the face of it—by the federal government with this bucket of money as it will be with the service provision in that national partnership agreement.

Mr T.R. Buswell: I would have to get that data.

Mr P. PAPALIA: Okay; I would be very interested to hear about that. I would also be very interested to find out, if the minister can reveal to me—perhaps he could consult at dinner with his ministerial colleagues for local government and the regions —

Mr T.R. Buswell: I'm having dinner with my wife, so I'll have to pass on that.

Mr P. PAPALIA: Do that first.

Perhaps the minister can convey to us any detail on the sort of structure, process, program or organisation that will be involved in the delivery of those improvements to municipal services to remote communities because, as I said and the minister agreed, that is integral to the likely success or failure of this program.

Mr T.R. Buswell: Yes.

Mr P. PAPALIA: I look forward to the consideration in detail stage.

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [5.54 pm]: I rise to make some comments on what I think is a really interesting point in the debate on this Aboriginal Housing Legislation Amendment Bill 2009—that is, the provision of services and, indeed, the framework that we use to engage with Aboriginal communities for the provision of infrastructure, for the conduct of community development and, I guess, in some respects for the provision of a framework around it for that to happen.

I want to begin by acknowledging the contributions from the members for Pilbara and Kimberley. The member for Warnbro was right in acknowledging their expertise and long service in this area of trying to bring true social and economic infrastructure—a better life—to people living in remote areas of Western Australia. I say “remote areas of Western Australia” because indeed my understanding is that the national housing agreement is for people living in a remote setting. Therefore, this money that is on offer from the federal government will have an impact only on people living outside the South West and the Perth metropolitan area. It is important when we begin a discussion of this nature and talk about the great benefits of this sort of housing program that we also bear in mind that a very large majority of Aboriginal people live in an urban setting and that they share the

social, health and economic profiles of poverty of those people living in a remote setting. It is certainly true to say that a lot of the symptoms of poverty are on show in my electorate of Kwinana.

This legislation comes about in response to the federal government's conditions for the National Partnership Agreement on Remote Indigenous Housing. There is \$496 million on offer over five years to make what should be a significant contribution to the social infrastructure of people living in remote communities. It also provides some money for the refurbishment of around 1 000 houses, in addition to the houses that will be built. That is another important contribution, because obviously everyone has a deep appreciation for the condition of a lot of the housing in which Aboriginal people live. This legislation also provides a really interesting framework for the engagement of Aboriginal people and for going about the provision of these sorts of programs in an informed way that empowers communities to continue to develop and to take on a lot of these issues in the future. Obviously a precondition for any changes that impact upon the rights and interests of Aboriginal people must involve a high level of consultation; or, to put it another way, prior and informed consent. Before we can go forward with legislation or any sort of legal framework that impacts upon the rights, obligations and interests of Aboriginal people, it is important that we sit down with Aboriginal people and seek their views, and that they are given the opportunity and resources to engage with decision-makers and government to provide their feedback and contribution to the debate. In the briefing we received from the department today, we certainly gained an appreciation of the fact that a good deal of consultation has gone into this legislation.

As many as 50 per cent of the remote communities and Aboriginal corporations that the department considered would be directly impacted by the legislation were met by the department on a face-to-face basis. They were informed about the legislation and their views, where possible, were incorporated into the legislation. I think that that is a very important contribution for this legislation to make to the process. I will be interested to hear more about that from the minister during consideration in detail. The federal government's approach to this is, I guess, somewhat draconian and certainly hard-edged. The federal government took a very strong stance on the improvement of communities around Alice Springs, and there were difficulties associated with those consultations.

[Leave granted for the member's speech to be continued at a later sitting.]

Debate thus adjourned.

Sitting suspended from 6.00 to 7.00 pm