

**PREVENTION OF FORCED CLOSURE OF REMOTE
ABORIGINAL COMMUNITIES BILL 2017**

EXPLANATORY MEMORANDUM

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| Clause 1. | Short Title |
| Clause 2. | Commencement

Provides for sections 1 and 2 of the Act to come into operation on the day on which this Act receives Royal Assent, with the rest of the Act coming into operation the following day. |
| Clause 3. | Terms Used

Provides meanings for terms used throughout the Act. |
| Clause 4. | Object of Act

Provides the object of the Act. |
| Clause 5. | Operation of Act

Provides the Act has effect despite provisions of an Act referred to in section 11(3) or any other written law under which a decision about forced closure of a remote Aboriginal community is made. |
| Clause 6. | Act binds the State. |
| Clause 7. | Remote Aboriginal Communities

Provides the meaning of a remote Aboriginal community as listed in Schedule 2 – “Priority Investment Communities – WA”. |
| Clause 8. | Forced Closure

Provides the meaning of forced closure of a remote Aboriginal community. |
| Clause 9. | Municipal and Essential Services

Provides a list of municipal and essential services. |
| Clause 10. | Public Authority

Provides a list of public authorities. |
| Clause 11. | Decisions about Forced Closure

Provides that a decision by a public authority that will, or has the potential to, result in, or has resulted in, the forced closure of a remote Aboriginal community is a decision about the forced closure of the community. |

Provides that when considering whether a decision is a decision about forced closure, it is irrelevant whether the public authority made the decision alone or jointly.

Provides a list of examples of decisions about the provision of municipal and essential services that may be a decision about the forced closure of a remote Aboriginal community.

Provides that a decision by a public authority on the provision of a municipal and essential service includes a decision to cease to provide, or to provide a reduction in, or limit access to, a municipal and essential service.

Clause 12. Matters that must be taken into account when making decisions about forced closure.

Provides that in making a decision about the forced closure of a remote Aboriginal community the public authority must use its best endeavours to adhere to the principles set out in the *Declaration on the Rights of Indigenous Peoples*, a copy of which is provided in Schedule 1.

Clause 13. Review of certain decision about forced closure.

Provides that member of a remote Aboriginal community, as specified, may apply to the State Administrative Tribunal for a review of a decision about the forced closure of a remote Aboriginal community.

Provides the application process for a review of a decision about the forced closure of a remote Aboriginal community.

Clause 14. Regulations

The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed, for giving effect to the purposes of this Act.

Schedule 1 Declaration of the Rights of Indigenous Peoples

Schedule 2 Priority Investment Communities - WA