

**ABORIGINAL HOUSING LEGISLATION AMENDMENT BILL 2009**

*Non-Referral to Standing Committee on Uniform Legislation and Statutes Review — Motion*

**HON HELEN MORTON (East Metropolitan — Parliamentary Secretary)** [2.13 pm] — without notice: I move —

That the Aboriginal Housing Legislation Amendment Bill 2009 does not stand referred, pursuant to standing order 230A, to the Uniform Legislation and Statutes Review Committee.

By way of explanation, this issue has been discussed with and agreed to by the other parties.

**HON SUE ELLERY (South Metropolitan — Leader of the Opposition)** [2.14 pm]: The opposition supports the motion. What the parliamentary secretary said is indeed correct—there have been conversations behind the chair. The position we took was in light of the circumstances that apply to this bill and the necessity, in terms of timing, to release certain funds in this important area. As such, the opposition was prepared to agree that the bill does not need to be referred.

**HON ALISON XAMON (East Metropolitan)** [2.15 pm]: The Greens (WA) also agree to the motion.

Question put and passed.

*Standing Orders Suspension — Motion*

**HON HELEN MORTON (East Metropolitan — Parliamentary Secretary)** [2.16 pm] — without notice: I move —

That standing order 230A(2) be suspended to enable the Aboriginal Housing Legislation Amendment Bill 2009 to proceed through the second reading prior to the 30 days.

By way of explanation, this is about the urgency to release funds.

**The PRESIDENT:** To be passed, this motion requires the concurrence of an absolute majority.

Question put and passed with an absolute majority.

*Second Reading*

**HON HELEN MORTON (East Metropolitan — Parliamentary Secretary)** [2.17 pm]: I move —

That the bill be now read a second time.

The Aboriginal Housing Legislation Amendment Bill 2009 amends the Housing Act 1980 and the Aboriginal Affairs Planning Authority Act 1972 to provide, for the first time, an appropriate legal framework for improving housing management outcomes in Aboriginal communities. This will replace existing informal housing management arrangements. The bill will achieve this by empowering the housing authority to legally manage houses for Aboriginal people on land the authority does not own. This will remove the uncertainty about who is responsible for managing and maintaining Aboriginal housing. It represents a shift from past build-and-abandon approaches by providing for the application of the Residential Tenancies Act 1987 and by introducing mutual responsibility for the housing authority and the tenant to look after the housing asset. This legislation will help ensure that Western Australia is able to access maximum funding under the National Partnership Agreement on Remote Indigenous Housing to build and refurbish housing for the benefit of Aboriginal people. Under the NPA, the commonwealth requires the state to protect the commonwealth's funded assets. The bill will provide this protection and enable the release of a further \$400 million from the commonwealth. The commonwealth is making its own amendments in the Native Title Amendment Bill (No.2) 2009 to support the NPA process.

The Aboriginal Housing Legislation Amendment Bill 2009 was amended in the other place to satisfy the commonwealth's requirement for sufficient security and control over the housing assets. Under those amendments, only Aboriginal entities that have the power to grant a lease over what is effectively crown land will be able to enter into a housing management agreement with the housing authority. The other amendment required the commonwealth to ensure that a housing management agreement can be terminated prior to its specified expiry date only if both parties agree. This provides an enforceable statutory protection to prevent the unilateral termination of the agreement by one of the parties.

The bill has been carefully drafted to provide a number of safeguards to ensure self-determination for Aboriginal communities. These include allowing the housing authority to manage housing in remote Aboriginal communities by agreement with the community using a simple form of agreement. A housing management agreement is voluntary and will be entered into only when the housing authority is satisfied that that is the wish of the Aboriginal inhabitants of the land. The signing of a housing management agreement will not result in the housing authority and/or an agent appointed by the authority gaining any interest in the land, nor will it result in

an acquisition of the relevant property. The Aboriginal entity retains general responsibility for the land while the housing authority will assume responsibility for managing community housing through management and maintenance on behalf of the community. The housing authority is not able to charge an Aboriginal entity any housing management fee. Flexibility is provided by enabling the Aboriginal organisation to nominate each house to be managed. There is no obligation to have every house and every community member bound.

Accountability and transparency will be provided by a requirement in the Housing Management Agreement for the housing authority to report annually to the Aboriginal organisation. The Aboriginal Housing Legislation Amendment Bill 2009 deletes and replaces existing joint venture provisions. The new provisions substitute an enabling provision for the existing substantive restrictions on the kinds of joint venture activities or projects into which the housing authority may enter. The authority will now be able to enter into any type of joint venture, including those for the procurement and provision of rental accommodation, including the erection of houses on any Aboriginal land, and the eventual letting and leasing of that rental accommodation by other non-government parties.

Like housing management agreements, joint venture agreements will only occur with the agreement of an Aboriginal community. These arrangements, being developed to support the implementation of this legislation, will contain safeguards that make clear that it is non-negotiable that an Aboriginal entity's interest in the land would never pass from the community to the authority, where, for example, the joint venture agreement encounters legal or other difficulties.

I commend the bill to the house.

Debate adjourned, on motion by **Hon Ed Dermer**.