

**LEGISLATIVE COUNCIL**  
**Question on notice**

Tuesday, 18 March 2014

946. Hon Robin Chappie to the Minister for Mental Health representing the Minister for Planning.

In July 1994, Reserve 43131 was vested for the designated purpose of 'Use and Benefit of Aboriginal Inhabitants'. The *Reserves (Reserve 43131) Act 2003* was assented to on 12 June 2003, nearly 11 years ago, which led to the closure of the Swan Valley Nyungar Camp shortly after. On 25 June 2013, a Select Committee into the Bill was established, an unusual move as the Bill had, at that time, already become law. The majority of the Select Committee, headed by the then former Attorney General Peter Foss, did not find sufficient evidence of continuing abuse of children at the camp. The Act contains a sunset clause and is no longer current law. Nyungar people are now campaigning to reopen the camp, and I ask:

- (a) what is the current status of Reserve 43131 and its vesting;
- (b) did the expiry of the Act, due to the sunset clause, restore the rights or relationship of the Swan Valley Nyungah Community regarding that site;
- (c) has the Minister or the department received any requests to reopen the Reserve 43131 for settlement by Aboriginal people;
- (d) what conditions have to be met prior to the new settlement of Aboriginal people on Reserve 43131;
- (e) what actions do the Minister or the department undertake to facilitate such settlement;
- (f) what are the barriers for opening Reserve 43131 for habitation by Aboriginal people;
- (g) what is the status of the then Management Order for the Reserve under the *Land Administration Act 1997*;
- (h) what is the relationship of the Aboriginal Affairs Authority with the Reserve;
- (i) does the Minister support the provision of shelter for Aboriginal people on the Reserve 43131;
- (j) does the Declaration of a Planning Control Area 102 (File 835/02/18) as gazetted on 29 June 2012, page 2982, to allow the future reservation of the lands for parks and recreation conflict with the vesting of the Reserve in 1994:
  - (i) if yes to (j), how does the Minister intend to resolve this conflict; and
  - (ii) if no to (j), why not;
- (k) did the Minister facilitate or ensure consultation with Aboriginal people prior of the gazetting of the Planning Control Area 102; and
- (l) will Aboriginal people determine the future of Reserve 43131?

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**Answer**

- (a) Reserve 43131 is a Crown reserve for the purpose of 'Use and benefit of Aboriginal inhabitants' and is held under a Management Order issued on 19 December 2005 under the *Land Administration Act 1997* to the Western Australian Planning Commission.
- (b) No

- (c) Yes
- (d) There is no intention for Reserve 43131 to be utilised for residential purposes.
- (e) Not applicable
- (f) Not applicable
- (g) The Management Order held by the Swan Valley Nyungah Community Aboriginal Corporation was revoked by section 4 of the *Reserves (Reserve 43131) Act 2003*. The Management Order held by the Aboriginal Affairs Planning Authority pursuant to section 5 of that Act lapsed upon the expiry of the Act, whereupon a Management Order was issued to the Western Australian Planning Commission on 19 December 2005.
- (h) Assuming the Member means the Aboriginal Affairs Planning Authority, the answer is nil.
- (i) No
- (j) No
- (i) Not applicable
- (ii) There is no land use conflict between land being reserved under the *Land Administration Act 1997* for 'Use and benefit of Aboriginal inhabitants' and a Planning reservation for Parks and Recreation.
- (k - 1) Consultation with Aboriginal people on the future use of the site took place as part of the preparation of the Korndin Kulluch plan.

