

LEGISLATIVE COUNCIL

C009

QUESTION WITHOUT NOTICE (Of which some notice has been given)

Tuesday, 17 February 2015

Hon Robin Chapple to the Minister for Aboriginal Affairs.

With reference to the potential closure of aboriginal communities due to the lack of available funding and more specifically the financial and electrical problems associated with the community of Kunawarritji, I ask:

1. What power does the Minister have to require the Western Desert Aboriginal Land Corporation (the Prescribed Body Corporate (PBC) for Martu) to release funding to the community to bring the electricity supply up to the Australian NZ 2008 wiring standards (estimated cost \$335,00)?
2. If none to (1), will the government facilitate funding to Kunawarritji community to ensure that the electricity supply is maintained to the Australian NZ 2008 wiring standard and is in a safe state?
3. If no to (2), who will be liable in the event of there being an accident associated with this unsafe electricity supply?

On Tuesday, 24th February 2015 Hon Robin Chapple asked a question 80, I would like to provide further information to my answer and I seek leave to table the response and have it incorporated into Hansard.

2. – 3. The Department of Housing and the Department of Lands have advised the following:

The Kunawarritji community is located on unallocated Crown land (UCL) being Lot 333 on Deposited Plan 55302.

If the Member is making reference to issues associated with internal house wiring or “domestic” connections from the point of lot supply, there may be a view that responsibility falls within the portfolio of the Minister for Lands as the community is on unallocated Crown land.

However, under the current *Land Administration Act 1997*, the liability of the State on UCL is limited to damage, injury or loss caused by, or the cause of which is a direct consequence of, an act of the Crown or activity undertaken by the Crown (s264).

Who will be liable if there is an accident associated with any unsafe electricity supply will depend on a number of circumstances.

The Department of Housing does provide electrical services to the community under the Remote Area Essential Services Program. Until the internal wiring is rectified, the Department of Housing will arrange the removal of the pole top fuse to cut the electrical supply to the building. The supply can be reconnected upon confirmation that all safety matters have been resolved.



Minister for Aboriginal Affairs