



Fact sheet 1: Summary of Proposed Amendments to the Aboriginal Affairs Planning Authority Act 1972

The State Government is committed to divesting the Aboriginal Lands Trust estate into the direct control of Aboriginal people and entities. For this to happen and to ensure the best possible divestment outcomes for Aboriginal people, changes need to be made to the *Aboriginal Affairs Planning Authority Act 1972*.

Updating the Act and removing the current barriers to divestment will maximise opportunities for direct Aboriginal land ownership and management, economic activity and improved outcomes for Aboriginal communities.

The proposed changes will bring divestment under the Act in line with the *Aboriginal Empowerment Strategy – Western Australia 2021-2029* and the *Commonwealth Native Title Act 1993*.

Proposed amendments:

- **Modernise** the Act to **better reflect the modern day objectives** objectives of the State Government and Aboriginal people, and express that the Act is cognisant of the requirements of the *Native Title Act 1993* (Cth) and the rights of native title holders and claimants in any divestment outcome
- Provide the **Aboriginal Lands Trust and the Aboriginal Affairs Planning Authority** with explicit powers and functions to divest
- Allow **Part III reserved lands** to be **vested in an Aboriginal entity** while retaining existing protections, including trespass offences by non-Aboriginal people, permit requirements, and treatment under the *Mining Act 1978*
- Provide for a more **streamlined process** to divest Part III reserved lands
- Provide for **flexible tenure options** and a staged approach to the divestment of Part III reserved lands
- Provide for a more **streamlined process** for **amending the boundaries** of Part III reserved lands to excise public utilities and roads to place them under the management of the agencies responsible for them
- Clarify the Aboriginal Lands Trust's **duty to consult** by including a definition of **'Aboriginal stakeholders'** who must be consulted, consistent with current practice, and prescribing a legislative timeframe for those consultations
- Provide for the **Aboriginal Lands Trust to cease to exist** once all its land has been divested.

See **Fact Sheet 2: Extended Summary of the Proposed Amendments** for more details about each proposed amendment.

Consultation

The Department of Planning, Lands and Heritage is consulting with Aboriginal people and other relevant groups on the proposed amendments. All feedback will be used to inform the drafting of a Bill to amend the Act.

More information

Please email aapa-act@dplh.wa.gov.au if you have any questions about the proposed amendments, wish to register your interest in participating in the consultation process or want to keep up-to-date with the amendment process.