



Summary of proposed amendments to the *Aboriginal Affairs Planning Authority Act 1972*

The State Government is committed to divesting the Aboriginal Lands Trust (ALT) estate into the direct control of Aboriginal people and entities. To make this possible and to ensure the best possible divestment outcomes for Aboriginal people, changes need to be made to the [Aboriginal Affairs Planning Authority Act 1972](#) (the Act).

Updating the Act and removing the current barriers to divestment will maximise opportunities for Aboriginal people to own or manage land that is already reserved for their benefit and improve social, cultural and economic outcomes for communities.

The proposed changes will bring divestment under the Act in line with the Commonwealth *Native Title Act 1993*.

Proposed amendments

- **Modernise** the Act to **better reflect the modern day objectives** of the State Government and Aboriginal people, and express that the Act is cognisant of the requirements of the Commonwealth *Native Title Act 1993* and the rights of native title holders and claimants in any divestment outcome.
- Allow **Part 3 reserves** to be **divested to an Aboriginal corporation** while retaining existing protections, including trespass offences by non-Aboriginal people, permit requirements and treatment under the *Mining Act 1978*.
- Provide for the Minister to give an **Aboriginal corporation** the power to grant permits over divested Part 3 reserves.
- Provide for a more **streamlined process** to divest Part 3 reserves in any tenure.
- Provide for a more **streamlined process** for **amending the boundaries** of Part 3 reserves to excise public utilities and roads so that they can be placed under the management of the agencies responsible for them.
- Clarify the ALT's **duty to consult** by including a definition of '**Aboriginal stakeholders**' who are consulted, consistent with current practice.

- Strengthen the **enforcement of offences** under the Act.
- **Update the penalties** for committing an offence under the Act.

Consultation

The Department of Planning, Lands and Heritage is consulting on the proposed [amendments](#).

More information

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.