Speech By

Sam Cox

MEMBER FOR THURINGOWA

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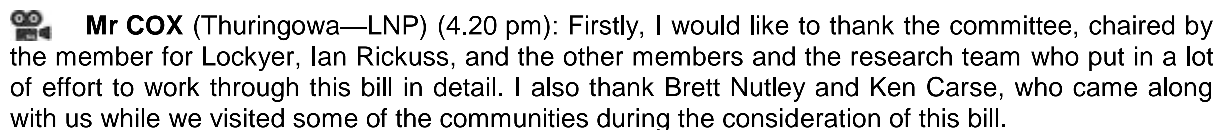
ABORIGINAL AND TORRES STRAIT ISLANDER LAND (PROVIDING FREEHOLD) AND OTHER LEGISLATION AMENDMENT BILL



Mr COX (Thuringowa—LNP) (4.20 pm): Firstly, I would like to thank the committee, chaired by the member for Lockyer, Ian Rickuss, and the other members and the research team who put in a lot of effort to work through this bill in detail. I also thank Brett Nutley and Ken Carse, who came along with us while we visited some of the communities during the consideration of this bill.

The primary objective of this bill is to provide the option for Aboriginal and Torres Strait Islander communities to convert community trust land into ordinary freehold title. The significance of this bill is that it allows Indigenous people to have the opportunity to own land and homes on their traditional land. In other words, this legislation will give them the same access to land and homeownership that is available throughout Queensland.

Land tenure in Queensland's Indigenous communities is complex, characterised by a mix of current and legacy land tenure regimes and each community is managing a different set of imperatives. So it is not as simple as going out and changing all the land tenure to freehold and thinking, 'That's that.' This is a significant step for Indigenous Queenslanders, but it is not a change that will be imposed on communities without due thought and consideration. The legislation ensures that all decision making in relation to land tenure will be undertaken by the traditional owners and community members in partnership with trustees and councils. Under the legislation, it is up to each community to take up this opportunity if the members of the community wish to do so. Indigenous and Torres Strait Islander Queenslanders have the call. This bill is unique in that freehold is only an option being given once a consensus has been achieved by all stakeholders, especially the traditional owners.

At this point I think that it would be useful to look at how we have arrived at the current tenure situation. The current mix of land tenure provisions arose with the passage of the 1985 Aborigines and Torres Strait Islanders (Land Holding) Act. The first leases granted under this act are more commonly known as the landholding act or Katter leases. Then in 1991 the Aboriginal Land Act 1991 and the Torres Strait Islander Land Act 1991 were the next principal pieces of legislation applying to Indigenous land. These acts included lease provisions, but one of the major problems was that the provisions of these acts created issues for existing lease applications and also meant that no new applications could be made. Subsequently, the Aboriginal and Torres Strait Islander Land Holding Act received assent in February 2013. It was aligned with the 1991 legislation, but it sought to resolve outstanding lease matters from as far back as the 1985 landholding act.

So what is the situation today? There is no doubt that the home ownership rates of Indigenous households remain low in Indigenous local government areas—ILGAs. A number of facts from the 2011 census highlight the differences and the inconsistencies between these communities and non-Indigenous local government areas. Five per cent of private dwellings across these 17 ILGAs in Queensland are privately owned compared to the rate of nearly 64 per cent in non-Indigenous local government areas. Ninety-one per cent of private dwellings located in these communities are rented.

Of those, the majority are either state housing authority dwellings—52.3 per cent—or housing cooperative or community owned dwellings, which is about 30.5 per cent. The communities in the Torres Strait shire, with 13.9 per cent; Doomadgee, with 9.9 per cent; and Yarrabah, with 8.3 per cent, have the highest rates of private homeownership. However, as the 2011 census shows, there is no private homeownership in the communities of Cherbourg, Kowanyama, Lockhart River, Napranum, Pormpuraaw and Wujal Wujal.

There are some significant barriers to homeownership in Indigenous communities, where unemployment and social disadvantage is more prevalent and the cost and affordability of housing make homeownership difficult to achieve. Moreover, the cost of maintaining housing is higher in Indigenous communities owing to their remoteness and lack of availability of trade services. This cost could be lowered if we had more local tradespeople able to start up businesses in those areas. But they would require to take out mortgages on their houses for security, which again illustrates the fact that we need to deal in a positive way with the issue of land tenure. A further factor is the culture and awareness of the responsibilities associated with homeownership. Residents in Indigenous communities may have lived in rental housing all their lives. Residents who are confronted with this opportunity to purchase and own property for the first time will likely require some education and support in the initial stages. But from what I have seen during my visits to these communities for the public hearings, I am sure that this could be achieved in these communities in spades.

A range of policy and planning issues have also posed challenges to homeownership. They are issues such as the lack of surveyed lots in deed of grant in trust communities; land registry issues and delays; the absence of, or incomplete, town plans; a lack of skills and resources within Indigenous councils to progress land administration issues; and, of course, delays in the finalisation of ILUAs. But it has been pleasing to note that, under the LNP government through the 2013 landholding legislation, the survey of lots and other assistance for councils is already taking place. There is no doubt that these are challenges to the goal of homeownership, but the current land tenure provisions are also a significant barrier. This government is approaching the matter of tenure with an appropriate, reasonable and effective response.

In considering this bill, the committee held nine public hearings in Cairns, Yarrabah, Woorabinda, Mornington Island, Napranum, Injinoo, Hammond Island, Cherbourg and Brisbane. The hearings were attended by more than 220 community residents. During the hearings there was broad in-principle support for the freehold option, but some communities also noted the concern of traditional owners that they may lose traditional land to outside interests or non-traditional owners. We are confident that the bill includes sufficient flexibility for trustees to limit the allocation and grant of freehold in ways that reflect the values and wishes of their communities. Additionally, the committee notes that steps can be taken by traditional owners to establish an interest in order for them to be eligible for the grant of freehold. The committee noted the suggestion that conflict between native title holders and historical owners could dissuade communities from taking up the freehold option. The committee believes that the community information program that it has recommended will help to avert these problems. During the committee hearings a number of trustees also expressed a keen interest in working with the Queensland government to explore the opportunities that would come with freehold for their communities, so I am pleased to see that there is a proposed freehold pilot program that Minister Elmes and his department are looking at closely at the moment.

I believe that this is an historic day for our state. This legislation provides an option that Indigenous and Torres Strait Islander people had never had and had never been offered. I am sure that if we look back in 40 to 50 years time we will see this legislation as a small step made by a government but a huge leap forward for communities in their social and economic development and their rightful status as the original custodians of this state and country.

I grew up on my family's cattle property in North Queensland alongside families with Indigenous and Torres Strait Islander roots. The Lamptons and the Cobbos were families who were well known and respected in the district that I grew up in. I played, worked and lived alongside some of the members of those families. As a child, you tend not to think about housing and who owns what but, looking back, I would say that those families had options that were no different from the options of most members in this House. They had access to public housing, private rental or the purchase of private freehold property in the town they were born and raised in. Although that may not necessarily have been their traditional land—and in some cases it was—they had all of those options. The people and the communities that this bill is addressing have not had and do not have that range of options. The difference is that the communities that will be affected by this legislation were established to give Indigenous and Torres Strait Islander people somewhere to live after being displaced, in some cases from their traditional regions. That is a sad historical fact and not something that this bill is intended to reverse.

I referred earlier to the Aboriginal and Torres Strait Islander Land Holding Act, which was introduced by this government in 2013. It, too, was not aimed at reversing some of the scars of history that affect Aboriginal people in this country but rather to start the process of ensuring that they have the same rights as all other Queenslanders in their towns: to give them the same freehold and respect to their land that their family house sits on or was built on while still respecting the traditional owners and the lands that surround most of these towns. I think that we have achieved that important balance in this legislation.

I have deliberately referred to these communities as towns, as I note the member for Cook has, and not communities. It is time that these proud people and communities are given recognition. I would like to point out that this bill only permits freehold status to be given in what they call the town centres. Towns create safe places to live, with a lifestyle that embraces the regional local economy, with schools, health services and road networks. Councils that want to plan for future needs will have, in time, a true rate base and not be dependent on handouts from government. I acknowledge that in some of these towns that vision has long ago disappeared with easy option policies that have not given individuals level footing and ownership of their home. In places like Napranum and Hammond Island I can see towns forming, with a new supermarket and council buildings where locals work and spend their money which goes back into their town. I can see tourism facilities which are commercial businesses and are part of their local surrounds and the lifestyles they cherish. When I was growing up in a small regional town this was possible for both Indigenous and non-Indigenous individuals and families, but I am sure that is not the case in places like Mornington Island and Injinoo.

This is not just the end of past restraints; it is the beginning of future freedoms. Those communities that find consensus and the willingness to make this step will, I believe, look back and see the historical decision they made. They will see what the decision has meant for the ongoing viability and security of their families. As I have suggested today, the history of land tenure in Indigenous communities has been one of control and decisions being made for the communities, not by the communities. This bill is not about legislating to make people do something or to prevent certain actions. It is historical in that it legislates for Indigenous people, traditional owners, communities and future towns to have real ownership of their futures.

I would like to close by congratulating Minister Cripps, his staff and the department people who put a lot of work into the bill around the issues that I have spoken about today. I am sure that we will be remembered for this bill in times to come when we are all long gone from this House.