



# **AGRICULTURE, RESOURCES AND ENVIRONMENT COMMITTEE**

**INQUIRY INTO THE  
ABORIGINAL AND TORRES STRAIT ISLANDER LAND  
HOLDING BILL 2012**

**BRIEFINGS & MEETINGS**

**CAIRNS AND THURSDAY ISLAND**

**18 – 19 SEPTEMBER 2012**

**INTRODUCTION ..... 3**

*Visit Objectives* ..... 3

*Attending*..... 3

**TUESDAY 18 SEPTEMBER 2012**

*Cairns Departmental briefings and meeting with stakeholders - Aboriginal and Torres Strait Islander Land Holding Bill 2012*..... 4

**WEDNESDAY 19 SEPTEMBER 2012**

*Thursday Island departmental briefings and meeting with stakeholders - Aboriginal and Torres Strait islander Land Holding Bill 2012* ..... 5

**MAPS ..... 6**

*Cairns* ..... 6

*Thursday Island* ..... 6

**APPENDICES ..... 7**

    Appendix 1   *Plain-English summary of Aboriginal and Torres Strait Islander Land Holding Bill 2012*..... 7

    Appendix 2   *Inquiry Timetable* ..... 9

    Appendix 3   *Media Release*..... 10

This paper provides an itinerary and background information for the committee's meetings and briefings in Cairns and on Thursday Island.

### Visit Objectives

- To consult with Aboriginal and Torres Strait Islander groups and individuals and other stakeholders in Cairns and Thursday Island as part of the committee's examination of the Aboriginal and Torres Strait Islander Land Holding Bill 2012.

### Attending

Mr Ian Rickuss MP, Chair

Ms Jackie Trad MP, Deputy Chair

Mr Sam Cox MP

Mr David Gibson MP

Mr Jon Krause MP

Mrs Anne Maddern MP

Mr Michael Gorringe, Principal Research Officer

Mr Brett Nutley, Indigenous Liaison Officer

Ms Amanda Benn, Reporter, Parliamentary Reporting Service

**Tuesday 18 September 2012**  
**- Cairns Departmental briefings and meeting with stakeholders**  
**- Aboriginal and Torres Strait Islander Land Holding Bill 2012**

<b>TIME:</b>	8.30am – 11.30am
<b>VENUE:</b>	The Reef Room, Pullman Hotel, 35-41 Wharf Street, Cairns7
<b>BRIEFING BY:</b>	Mr Chris Robson, Assistant Director-General, Department of Natural Resources and Mines  Mr Ken Carse, Principal Policy Officer, Aboriginal and Torres Strait Islander Land Services
<b>PUBLIC:</b>	Yes
<b>HANSARD COVERAGE:</b>	Yes
<b>PROGRAM:</b>	
<b>8.30am – 8.45am approx.</b>	Introduction by Chair Ian Rickuss MP (speech notes enclosed)
<b>8.45am – 9.30am</b>	Public briefing on the Bill by officers of the Department of Natural Resources and Mines
<b>9.30am – 10.30am</b>	Roundtable discussion with stakeholders
<b>10.30am – 11.00am</b>	Follow-up briefing by officers of the Department of Natural Resources and Mines – responding to issues raised by stakeholders
<b>11.00am</b>	Close by Chair Ian Rickuss MP
<b>11.00am – 11.30am</b>	Morning tea
<b>AREC ATTENDING:</b>	Ian Rickuss MP Jackie Trad MP Anne Maddern MP David Gibson MP Sam Cox MP Jon Krause MP
<b>APOLOGIES:</b>	Jason Costigan MP Shane Knuth MP Michael Gorringe

**Wednesday 19 September 2012**

**- Thursday Island departmental briefings and meeting with stakeholders  
- Aboriginal and Torres Strait Islander Land Holding Bill 2012**

**TIME:** 10.00am – 2.00pm

**VENUE:** PKA Hall, 64-66 Douglas Street, Thursday Island

Briefing by:

Mr Chris Robson, Assistant Director-General, Department of Natural Resources and Mines

Mr Ken Carse, Principal Policy Officer, Aboriginal and Torres Strait Islander Land Services

**PUBLIC:** Yes

**HANSARD COVERAGE:** Yes – taped and noted by Michael Gorringe

**PROGRAM:**

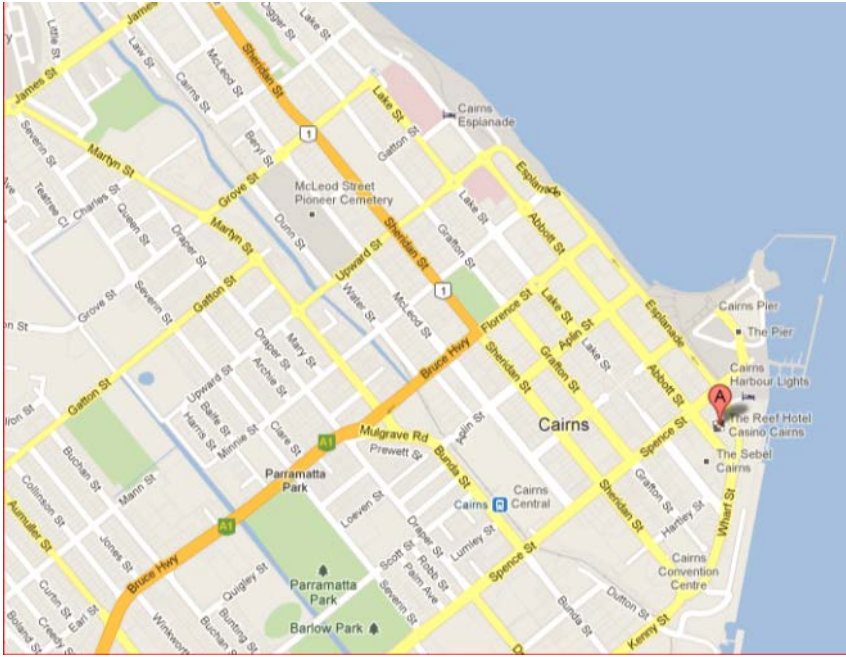
10.00am – 10.15am approx.	Welcome by local Elder (to be advised)  Prayer  Introduction by Chair Ian Rickuss MP (speech notes enclosed)
10.15am – 11.00am	Public briefing on the Bill by officers of the Department of Natural Resources and Mines
11.15am – 12.15pm	Roundtable discussion with stakeholders
12.15pm – 12.45pm	Follow-up briefing by officers of the Department of Natural Resources and Mines – responding to issues raised by stakeholders
1.00pm	Close by Chair Ian Rickuss MP
1.00pm	Lunch to be provided at the hall (prayer before lunch)

Catering provided: Coffee, Tea, Sandwiches

**AREC Attending:** Ian Rickuss MP  
Jackie Trad MP  
David Gibson MP  
Michael Gorringe

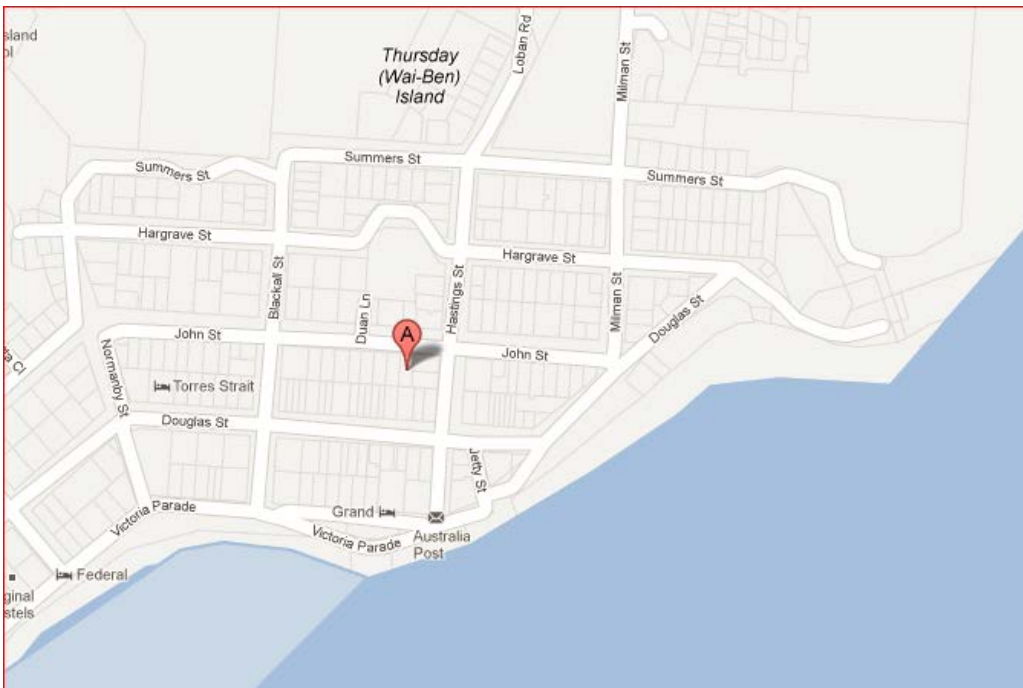
**Apologies:** Shane Knuth MP  
Jason Costigan MP  
Jon Krause MP  
Anne Maddern MP  
Sam Cox MP

## Cairns



## Thursday Island

PKA Hall – Venue for Wednesday morning’s meeting



## Appendix 1 Plain-English summary of Aboriginal and Torres Strait Islander Land Holding Bill 2012

Aboriginal and Torres Strait Islander Land Holding Bill 2012

### Aboriginal and Torres Strait Islander Land Holding Bill 2012

The Bill seeks to implement **four separate policy** initiatives by amending four main pieces of legislation. These policy initiatives are:

1. to resolve long standing uncertainties involving leases on Deed in Grant in Trust (DOGIT) land
2. to provide local governments with continued access to and use of their facilities on land that is transferred under the *Aboriginal Land Act 1991* or the *Torres Strait Islander Land Act 1991*
3. to allow the subdivision of Deed of Grant In Trust land, and
4. to define the requirements for Indigenous Access and Use Agreements under the *Land Act 1994*.

#### 1. To resolve long-standing uncertainties involving leases on DOGIT land

- The *Aborigines and Torres Strait Islanders (Land Holding) Act 1985* commenced on 24 April 1985.
- The principal policy objective of the Act was to provide residents of Indigenous Deeds of Grant in Trust (DOGIT) and Indigenous reserve land to be able to apply for perpetual leases for private home ownership and special leases for commercial purposes.
- 697 applications for leases were made under the *Aborigines and Torres Strait Islanders (Land Holding) Act 1985*.
- Of these: 214 perpetual leases and 9 special leases were granted; 474 are unresolved applications. Of the unresolved applications 222 are entitled to be granted a lease and 252 applications are invalid.
- The Bill proposes to repeal the *Aborigines and Torres Strait Islanders (Land Holding) Act 1985* and introduce a new Act – the Aboriginal and Torres Strait Islander Land Holding Act 2012 to resolve the leasing issues arising from the implementation and operation of the *Aborigines and Torres Strait Islanders (Land Holding) Act 1985*.
- The new Act would provide the necessary processes to grant the outstanding 222 applications as the applicants or their descendants are entitled to be granted a lease and provides options and legal resolution to lessee's who have invalid applications but believe they are entitled to a lease for various reasons.

#### 2. To provide local governments with continued access to transferred lands

- The Bill proposes to amend the *Aboriginal Land Act 1991* and the *Torres Strait Islander Land Act 1991* to provide Indigenous local governments with continued access to the facilities from which they provide municipal services if the land is transferred under the *Aboriginal Land Act 1991* or the *Torres Strait Islander Land Act 1991*.
- Currently this continued right of access only applies to the State and Commonwealth governments – the amendments would ensure local governments have continued access to the existing facilities from which they provide municipal services.
- Further amendments are proposed in the Bill to clearly define the area that can continue to be used by the State and Commonwealth Governments once the land is transferred.

### **3. Subdivision of DOGIT land**

- The Bill proposes to amend the *Land Act 1994* to allow the Trustee of a Deed of Grant in Trust (DOGIT) to subdivide DOGIT land, subject to the Minister's approval.
- The subdivision of the DOGIT would not transfer the management of the land from the Trustee. It would instead allow the DOGIT land to be made up of a number of "lots" rather than one large lot. These lots would be distinguishable on a survey plan.
- The DOGIT would still be the responsibility of, and managed by, the Trustee. The subdivision would not in any way transfer ownership of the land being subdivided to someone else.
- Allowing the land to be subdivided into "lots" would allow Trustees to better manage the DOGIT for future development and ongoing management of the DOGIT and save on development assessment processes.

### **4. Defining the requirements for Indigenous land access and use agreements under the *Land Act 1994***

- As part of the implementation of the State Rural Leasehold Land Strategy, the Bill proposes to amend the *Land Act 1994* to provide a framework for Indigenous access onto State rural leasehold land leased for agricultural, grazing or pastoral purposes.
- The proposed amendments to the Act set out the requirements for Indigenous Access and Use Agreements (IAUAs) and Indigenous Land Use Agreements (ILUAs) by defining the requirements for the making, registration, notification, review, monitoring and continuity of an IAUA and for ILUAs which convey access and use rights to Indigenous people for traditional activities.
- The proposed amendments would only apply to State Rural Leasehold Land Strategy leases. The proposed amendments would provide Indigenous people with the opportunity to access and use State rural leasehold land for traditional purposes in a faster way through entering into an agreement with the pastoralist.
- By entering into an agreement, the Indigenous parties would not have to wait until the resolution of their native claim to access and use the land for traditional purposes.
- Under the proposed amendments, pastoralists will qualify for a 25% rental concession on their annual lease rent for a period of 5 years when they enter into a standard IAUA or ILUA, remove themselves as a respondent to the native claim process and pay for public liability insurance under the agreement.
- These amendments would provide both Indigenous parties and lessees an opportunity to resolve access and use issues (and where agreed, native title) in a faster and more economical way.
- Agreements would be between the lessee and the Indigenous party for the area. The agreements would not be mandatory for State Rural Leasehold Land Strategy leases.
- The proposed amendments provide that an agreement attaches to the land through its registration on title as an Indigenous cultural interest.





**AGRICULTURE, RESOURCES AND ENVIRONMENT COMMITTEE**

**INQUIRY INTO THE ABORIGINAL AND TORRES STRAIT ISLANDER  
LAND HOLDING BILL 2012**

**TIMETABLE**

<b>Tuesday 21 August 2012*</b>	Bill referred to the committee for inquiry and report.
<b>Thursday 23 August 2012*</b>	Private briefing of the committee by Department of Natural Resources and Mines (DNRM) on the Bill.
<b>Tuesday 18 September 2012</b> 8.30 am -11.30 am	Cairns - Pullman Reef Hotel Casino - Reef Room. Public briefing by DMNR / roundtable discussions with interested parties on the Bill.
<b>Wednesday 19 September 2012</b> 10.00 am – 2.00 pm	Thursday Island - PKA Association Hall, 64-66 Douglas Street, Thursday Island. Public briefing by DMNR / roundtable discussions with interested parties on the Bill.
<b>Date TBA</b>	<b>Brisbane</b> – Parliamentary Annexe. Inspections/briefings by DNRM/ roundtable discussions with interested parties on the Bill.
<b>Wednesday 10 October 2012</b>	Closing date for written submissions.
<b>Wednesday 17 October 2012</b>	DNRM to provide written advice on any FLP issues, answers to questions taken on notice at briefings, and any final questions from the committee.
<b>Monday 29 October 2012</b>	Reporting deadline set by the House.

\*denotes sitting Days



**AGRICULTURE,  
AND ENVIRONMENT COMMITTEE**

**RESOURCES**

**MEDIA RELEASE**

Chair: Ian Rickuss MP

Parliament House Brisbane

## Committee examines laws affecting Aboriginal and Torres Strait Islander communities

A parliamentary committee will speak with Aboriginal and Torres Strait Islander groups next week about new laws proposed by the Government that would affect their access to land.

The Queensland Parliament's Agriculture, Resources and Environment Committee will hold public meetings in Cairns on Tuesday 18 September and on Thursday Island on Wednesday 19 September. These meetings will help the committee identify any problems with the proposed laws. The committee will report back to Parliament before the laws are considered.

Committee chair, Ian Rickuss MP, says the new laws are a response to long-standing problems with housing, the transfer of land, and home ownership that have plagued indigenous communities under old laws since the 1980s.

"The Aboriginal and Torres Strait Islander (Land Holding) Act passed in 1985 was poorly implemented and has never delivered for Aboriginal and Torres Strait Islanders as it was intended."

"More than 200 people who applied for leases to which they were entitled under the Act never received them. There are other problems as well with buildings built in the wrong places and on top of boundaries and road reserves."

Mr Rickuss said the proposed laws would establish a framework to grant up to 436 perpetual leases in 19 communities. For many it would mean finally owning their own home.

"The proposed laws would also make it easier for Traditional Owners to access areas under pastoral leases to exercise their Native Title Rights."

The committee will hold its public meetings as follows:

<p><b>Cairns - Tuesday 18 September</b> 8.30am, Pullman Reef Hotel Casino 35-41 Wharf Street</p>	<p><b>Thursday Island – Wednesday 19 September</b> 10.00am, PKA Hall Douglas Street</p>
<p>For media comment: please contact the Committee Chair, Ian Rickuss MP 0417 728 392 For further information: please phone the Committee secretariat on 3406 7908 or 1800 504 022 email <a href="mailto:arec@parliament.qld.gov.au">arec@parliament.qld.gov.au</a> or visit the committee's webpage at <a href="http://www.parliament.qld.gov.au/work-of-committees/committees/AREC/inquiries/current-inquiries/ATSILandHolding">http://www.parliament.qld.gov.au/work-of-committees/committees/AREC/inquiries/current-inquiries/ATSILandHolding</a></p>	