



Speech by
**Mr DENVER
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MEMBER FOR INDOOROOPIILLY

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LEGISLATIVE STANDARDS AMENDMENT BILL

Mr BEANLAND (Indooroopilly—LP) (8.45 p.m.): The member who introduced this amendment Bill appears to be under a great deal of misapprehension. According to him, this legislation gives people of Aboriginal or Torres Strait Islander descent some special privileges, or some special rights. I say that because, when the member introduced the legislation, he said that his motive for introducing the amendment was his commitment to the concept of equal treatment for all as far as practicable under the law. Further, he went on to state that he believed in the concept of the individual and the right to such things as life, liberty and the pursuit of happiness. All I can say is that it is a pity that a lot more people these days do not believe in the pursuit of happiness. If they did, we would have a lot fewer arguments in the community and we would not be getting such idiotic and ridiculous amendments introduced into this place.

I believe that this Bill goes against the issue of life and liberty and certainly against the pursuit of happiness. I believe that this section in the Legislative Standards Act is a very good one. It ensures that each time we are preparing legislation we are careful in relation to the original inhabitants of this country and make sure where we can that legislation that is introduced takes into account matters of tradition and custom. Quite often we cannot do that, but in some cases we can and where it is appropriate that consideration is included in legislation. I am sure that members of this side are also very strongly committed to those principles or concepts.

I will refer briefly to the section of the Act that the member wants to delete, because a few moments ago the Premier did the same thing and I do not want to delay the House unduly. However, this is a fairly serious matter and we need to be sure that people are aware of what this Bill relates to. The member wants to delete section 4(3)(j) of the Legislative Standards Act, which states "has sufficient regard to Aboriginal tradition and Island custom". It does not state that we must give those people some special privileges or rights, because clearly we cannot do that. This section of the Act, titled Meaning of "fundamental legislative principles"—which is what this Bill is all about—states—

"4.(1) For the purposes of this Act, 'fundamental legislative principles' are the principles relating to legislation that underlie a parliamentary democracy based on the rule of law.

(2) The principles include requiring that legislation has sufficient regard to—

- (a) rights and liberties of individuals; and
- (b) the institution of Parliament.

(3) Whether legislation has sufficient regard to rights and liberties of individuals depends on whether, for example"—

and on it goes to refer to paragraph (j), to which I referred just a few moments ago, which reads—and I repeat—"has sufficient regard to Aboriginal tradition and Island custom".

I think that we need to be quite clear on what we are talking about. As I say, this section does not suggest for a moment that Aboriginal and Islander customary laws should be recognised in law or be treated differently in some way. If we are going to do that, we need to bring a Bill into this House. Otherwise, it cannot be done. However, it does enable the customary laws and traditions of the

Aboriginal and Torres Strait Islander people to be brought to the attention of those preparing legislation so that, if there are any concerns that people have, those in relation to those traditions and customs may come to the fore. The section does not say that in some way Aboriginal and Torres Strait Islanders receive preferential treatment before the law or that if they were to commit a serious offence they would be treated differently before the courts. The section does not say that at all. Far from it, in fact. As all members know, that is not the case. All people are treated equally before the law.

Of course, from time to time Parliament has passed legislation for the provision of additional services for Aboriginal and Torres Strait Islander communities, but that has nothing to do with this clause. Likewise, because of special circumstances in the Cape communities, to speed up and improve the process of justice in those communities the former National/Liberal coalition Government of which I was a part put in place procedures to allow indigenous people to be trained as justices of the peace/magistrates. That was done purely to speed up and improve the process of justice in those communities. Those people were properly trained in the first place. Again, there was never any thought of those people somehow being given some type of preferential treatment. That certainly was not the case.

My role as the former Attorney-General and Minister for Justice allows me to say to the Parliament that this section did not create a problem for the Government or the Parliament during my term in office. It was not cumbersome at all. It was a very useful and worthwhile procedure. As Attorney-General I had jurisdiction over one-third of all the Acts of the Queensland Parliament.

Aboriginal and Torres Strait Islander people have proud traditions and customs to which sufficient regard should be given as those people inhabited this vast land prior to white settlement. Despite what the member introducing this legislation seems to believe, this has not meant extra rights or special treatment for those people. As I have said previously, if Parliament wishes to make provision for additional services or rights, that can only be done through a specific piece of legislation; it cannot be done under this section of the Legislative Standards Act. I emphasise that clearly, because it seems to be causing some problem.

It is unfortunate that this legislation is introduced at a time when we have a good deal of goodwill—probably more than at any other time in the history of the nation—and a great desire to reach out to indigenous communities, whether they be Aboriginal or Torres Strait Islander communities, to ensure that they are included and that all dealings with them are very positive ones. The current Federal Government has certainly done much in that regard in recent times, particularly in relation to the provision of services, which is so important. Of course, it is only through the provision of a wide range of services that those communities will be able to play a much more meaningful role in society as a whole.

It is disappointing that this legislation, which I think is based on a clear misapprehension, has been introduced to the House. It certainly will not be supported by the National/Liberal coalition. As I have said before, this is a worthwhile clause. It has not been cumbersome, it has not caused problems and it has worked very effectively. In my brief remarks I have indicated a case or two where the former Government introduced specific legislation to achieve certain things in the communities. However, that did not mean giving them special treatment. We were simply speeding up and improving the access to justice in those communities because of the time taken for magistrates to visit and so on. It is unfortunate that this private member's Bill has come forward under what is clearly a misapprehension.
