



Speech by

Hon. JUDY SPENCE

MEMBER FOR MOUNT GRAVATT

Hansard 25 March 1999

COMMUNITY SERVICES LEGISLATION AMENDMENT BILL

Hon. J. C. SPENCE (Mount Gravatt— ALP) (Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy and Minister for Fair Trading) (11.48 a.m.): I move—

"That the Bill be now read a second time."

I am pleased to introduce the Community Services Legislation Amendment Bill 1999. This Bill amends both the Community Services (Aborigines) Act 1984 and the Community Services (Torres Strait) Act 1984, which provide for the establishment and operation of Aboriginal and Torres Strait Island councils. These councils are equivalent to local governments established under the Local Government Act 1993 and provide local government to 31 Aboriginal and Torres Strait Island communities across Queensland.

This Bill will address a number of deficiencies in the community services Acts. Provisions to improve the financial accountability of Aboriginal and Islander councils are a major focus of the Bill. The current provisions in the community services Acts concerning intervention by the State in the affairs of Aboriginal and Island councils do not reflect the imperatives of due process and natural justice. As a remedy, the Bill contains comprehensive provisions based upon those in the Local Government Act 1993 which relate to the intervention by the State in local governments.

The intervention by the State provisions of the Bill also contain provisions which provide for the appointment of financial controllers to Aboriginal and Island councils. The adoption of such provisions was recommended by the Parliamentary Committee of Public Accounts in its Report 42, entitled Aboriginal Councils and Torres Strait Island Councils: Review of Financial Reporting Requirements.

Financial controllers to be appointed by the Governor in Council will be a mechanism, available to the State, to impose controls over expenditure by Aboriginal or Island councils that are, or may be, at risk of insolvency. This will enable the State to assist Aboriginal and Island councils to regain financial security and so reduce the possibility of dissolution. A financial controller will have the power to revoke or suspend a resolution or order of a council but this power will only be exercised in limited circumstances. The financial controller must reasonably believe that the resolution or order will result in expenditure which has not been provided for in the council's budget, or will result in the wrongful expenditure of grant moneys, or will cause the council to become insolvent. A financial controller will also be able to undertake administrative duties as directed by the Minister or at the request of the Aboriginal or Island council.

The existing provisions of the Local Government Act 1993 which allow the Governor in Council to revoke or suspend a resolution or order of a local government have been used as the basis for the amendment. There is currently no power in the Community Services Acts to make legally enforceable accounting standards. The existing accounting standards are useful as a guide only. The Bill proposes that the Minister have the power to make accounting standards to enhance financial accountability in Aboriginal and Island councils. The Bill will enable accounting standards to be made as subordinate legislation which will define the principles of financial management and accountability to be observed by councils. The proposed Bill will provide a simpler financial management framework for Aboriginal and Island councils by allowing them to amend annual budgets rather than having to declare all non-budgeted expenditure as emergent or extraordinary. A council's budget will be able to be amended to compensate for unforeseen expenditure provided the amended budget remains balanced. The

proposal mirrors a provision of the Local Government Act 1993 that allows local governments to amend budgets.

In addition to initiatives to improve financial accountability the Bill contains provisions which simplify the establishment of Aboriginal and Island councils. The Bill simply allows for a regulation to declare a part of the State to be a council area and that where such a declaration is made, that area must have an Aboriginal or Island council. The Bill also clarifies the terminology used by describing the area for which an Aboriginal or Island council has local government jurisdiction as simply a "council area". This will address the ambiguous nature of the various terms used to describe a council's area in the existing legislation.

I am pleased to say that these provisions will have the further effect of enabling the establishment of an Aboriginal council at Old Mapoon. The community of Old Mapoon has long sought Aboriginal council status and their eventual achievement of this goal will be a significant milestone in the reconciliation process.

The provisions will also allow the extension of Aboriginal and Island council areas including the extension of various Island council areas in the Torres Strait to include islands that are currently nominally within the Torres Shire but in practice are not under any local government jurisdiction. Such transfers of responsibility are supported by the Torres Shire Council. The Bill ensures that existing council areas and their respective Aboriginal and Island councils will be preserved through transitional provisions in the Bill. In the Community Services (Torres Strait) Act 1984 the Bill changes the name of the Tamwoy representative to the Island Co-ordinating Council. Tamwoy is a suburb of Thursday Island which is afforded representation on the Island Co-ordinating Council along with the chairpersons of the 17 Island councils. Since the Second World War the Torres Strait Island community has expanded from Tamwoy to encompass a further four localities on the northern side of Thursday Island. The residents believe the term "Tamwoy" is too narrow a definition for the five communities involved, hence the proposal to substitute Tamwoy with Tamwoy, Rosehill, Aplin, Waiben, Quarantine (TRAWQ) communities.

The Community Services Legislation Amendment Bill 1999 will significantly improve the legislative framework for Aboriginal and Island councils. It will both result in improved financial accountability and progress the cause of reconciliation in Queensland. I commend the Bill to the House.
