



Speech by

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MEMBER FOR COOK

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LOCAL GOVERNMENT AND OTHER LEGISLATION (INDIGENOUS REGIONAL COUNCILS) AMENDMENT BILL; LOCAL GOVERNMENT AMENDMENT BILL

Mr O'BRIEN (Cook—ALP) (3.01 pm): It is a great pleasure to stand and speak in support of the two bills currently before the House, in particular the Local Government and Other Legislation (Indigenous Regional Councils) Amendment Bill 2007. I will restrict most of my comments to that bill. This is one of those Cook bills—one of those bills that we have three or four times a year in the parliament that pertains directly and solely to matters in my electorate.

As I often put it, that is because the laws of physics do not apply in my electorate. What I am trying to say is that what happens in my electorate is different from what happens not only in the rest of Queensland and the rest of Australia but also throughout the rest of the world. It is a place that has a different environment, different language and different culture. It is very difficult for people from outside the region to understand those differences. I am happy to admit here in the parliament that I am still learning. I am still trying to cross the cultural divide that exists every day between the Indigenous people of both Cape York and the Torres Strait and visitors, bureaucrats, politicians—whoever visits the region. It is like going to a different country. I do feel that sometimes.

This bill attempts to recognise those differences. The exact intent of the bill before the House is to recognise those differences and incorporate them into local governing structures. It does this in a number of key ways. It ensures that only Aboriginal and Torres Strait Islanders can be members of the Torres Strait Regional Council.

The Leader of the Opposition demonstrated earlier that not only has he not read the bill but he did not listen to the minister's second reading speech. The minister talked about the time a person needs to have lived in the region before they can run for the council. They must either be an Aboriginal or Torres Strait Islander before they can be on the Torres Strait Regional Council. They must have lived on the island of the council they are running for for at least two years.

I am not sure whether it was deliberate but the Leader of the Opposition misled the House on that. He got that wrong. He demonstrated that he simply has not done his homework on this bill. What he said was not true. The bill also continues the provision of the community services act, which allows the council to establish local laws and determine who can enter local land. It establishes local forums to advise matters of custom, tradition and practice on the delivery of services.

An important role of those community forums will be the land panel function. The land panel function sees the election of community representatives onto the community forum. The community forum has the land panel function. That will deal with matters pertaining to the DOGIT. If there are things that the regional council wants to do on the DOGIT—for example, if it wants to put a sewerage line in here or a subdivision in there—then it must go to the land panel with those plans and it must consult with the land panel. If the regional council chooses to override the recommendations of the land panel it must give reasons to the

land panel through the community forum as to why it decided to do that. The land panels do not have a veto. The divisional councillor who sits on the land panel will have the power to make those decisions.

The regional council can only override the land panel if there is an absolute majority on the regional council which means that there is agreement of the majority of councillors and the support of the divisional councillor. For the regional council to override the land panel the divisional councillor must agree. I think that is an important power that the divisional councillor will have. They will have to go against the recommendations of their own forum, their own land panel on the floor of regional council in order to override the recommendation of the land panel.

I think that is an important power. I think it is a significant step towards meeting the aspirations of the Torres Strait Islander people and ensuring that they have control over their land. What I think is happening here is that there is a real blurring of the waters. What the shadow minister said is that people's rights are being taken away. It has been said a number of times during the course of the debates we have been having on local government reform that native title rights are not affected by this legislation or any legislation that we have moved with regard to local government matters. The National Party is telling untruths and spreading misinformation regarding these matters. It is simply untrue. It is a deception that they have placed on the leadership up there and they should be condemned for doing it.

Another important provision of this bill relates to businesses. I listened very carefully to what the two previous speakers had to say about Torres Strait businesses. This is a very complicated matter. I support the view that there should be local control over these businesses. The bill allows that to happen. It does not allow the state to tell them that it must happen. The regional council will decide this. It will decide to do this at the time that is appropriate, at a time when the business is viable and at a time when the business is ready to be transferred to local control.

We have to make sure when we transfer it back to local control that there is still a community responsibility and that those assets which have been paid for with public money service the whole community and not just individuals within that community. I think that is the trap that the National Party has fallen into here. In allowing those businesses to go back into community control as they want—and I want that as well—we have to make sure that the community's interest is upheld and that those businesses do not get handed back to an individual when they have been paid for with public money and only an individual gains from the transfer of those assets. In the long run we want to see individual ownership of those businesses. We want to see individuals own land freehold. That is the other trap that the National Party has fallen into.

The DOGITs were a great idea in 1986. They were a fantastic step in the right direction and they have served the Torres Strait well for 20 years. Bob Katter brought that legislation into this parliament when he was the minister. It was forward thinking and it was very good legislation, but the aspirations of the people have changed. The DOGITs do not give them essential freehold, as the Leader of the Opposition said; they are a collective ownership. We are moving into a different time. People are moving away from that sense of collective ownership and into a sense of individual ownership. The management of land in these areas is going to be mainstream and very similar in the long run to what we see across Queensland.

More and more Torres Strait Islanders are aspiring to have freehold ownership over their own land to free them from the control of the council. The difficulty in places like the Torres Strait and Aboriginal communities is that people are slaves to the council, to the state government and to the federal government, and they are slaves to those levels of government because of land tenure. There has to be a way to break that nexus so that people can stand on their own two feet as individuals and as families and thrive and prosper without having to have the council tell them what they can do, without having the state government tell them what they can do or without having the federal government through CDEP tell them how much they are going to get each fortnight. We are at the beginning of that transition at the moment. By locking themselves to the past the National Party is missing an opportunity to progress this debate and to give people individual power. I would have thought that the Liberals in the coalition caucus would be very supportive of that sort of individual ownership, individual control and individual responsibility. That is the way we need to go, and these reforms are the stepping stone to take us in that direction.

There were a number of things that the shadow minister and the Leader of the Opposition said which were simply not true. The trap that they have fallen into is that they have gone into those areas and spoken to the leadership. There are different views in those areas between the councillors, who have a vested interest in the status quo, and the community, and the community is not stupid. It knows exactly what is going on. It knows about the nepotism. It knows about the loans made by councillors to themselves that never get paid back. It knows about the theft. The opposition has come in here today and advocated for thieves. It has come in here and advocated for corruption. Why should anybody be surprised that that is what it has done? With regard to the people that the opposition sat down with, one of them owes their council \$40,000 in loans. That is whom the opposition has come in here and advocated for today.

Those opposite stand here and represent thieves, and they should be condemned for it because it is wrong. I will not stand here and represent thieves because we want those services—that money—driven down to the community. That is what the structure that we are putting in place does. You cannot have an

island of 100 people with its own council, with three or four councillors, with a CEO and with a financial controller—with all of the rigmarole that comes with having a council—and expect that the people on the ground will get decent services. That level of local authority serves us, serves the auditors and serves the department, but it does not serve the people. It does not provide them with a single service. It does not provide them with a single asset to assist them in their day-to-day lives. It does nothing.

What we have to do is cut into that level of government and drive that money down—make sure that councillors cannot loan themselves the money to go and buy themselves cars, make sure that that money is providing those people with services. That is the point that the National Party and the Liberal Party have missed here today. They have played base political games with this issue and they have stepped away from what I think is fundamental Liberal ideology—individual responsibility in ownership, clear accountable lines and making sure that people get the services that they deserve.

A government member interjected.

Mr O'BRIEN: Perhaps I am still naive in that I would not think that in this day and age those opposite would come in here and stand for corruption, but that is what they have done. Let us make no mistake about it. Honourable members, this is important legislation. It does have the support of many community members in the Torres Strait. Do not be fooled. I know that there are leaders up there who do not support it. I know that there are leaders up there who are deliberately trying to white-ant the process. They will be overcome. This process is a good process. It is going to deliver better local government for people on the ground in the Torres Strait. It is going to provide better services for those people. Any right-thinking person will support this bill, and I commend it to the House.