Speech by

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ABORIGINAL AND TORRES STRAIT ISLANDER LAND AMENDMENT BILL; ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES (JUSTICE, LAND AND OTHER MATTERS) AND OTHER ACTS AMENDMENT BILL

Mr LANGBROEK (Surfers Paradise—Lib) (5.39 pm): I am pleased to contribute to the debate on the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) and Other Acts Amendment Bill 2008 and the Aboriginal and Torres Strait Islander Land Amendment Bill 2008. I note the comments of the member for Burnett and the member for Darling Downs in giving their in-principle support for the bills but wish to put on record some concerns that I have about the amendments these bills effect.

Firstly, the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) and Other Acts Amendment Bill 2008 and the Aboriginal and Torres Strait Islander Land Amendment Bill 2008 deal with two separate areas of policy, as we have heard from other members today. The ATSI Land Amendment Bill addresses issues of Indigenous land ownership and native title, while the communities bill deals with alcohol management in Indigenous communities. Clearly, these are two very separate areas of policy. As such, and as other members have said, I believe that it is inappropriate that these be debated as cognate bills.

The Leader of the House said that they could have been brought in as omnibus bills, and it is the right of the government to do that. The only common denominator between the bills is that they concern Aboriginals and Torres Strait Islanders. Not only is it inappropriate to debate two bills with completely unrelated policy objectives cognately; it may be discriminatory against Queensland's Indigenous population. It does not give members a chance to fully consider the issues in parliament. I sincerely hope that this is not indicative of the Bligh government's approach to Indigenous policy in Queensland.

I wish to reiterate my colleagues' concerns regarding each of the bills. In particular, I note stakeholder reservations about the bill which seeks to improve land ownership and leasing agreements for Aboriginals and Torres Strait Islanders. In its submission to the government, Queensland South Native Title Services reserved its support for the legislation, suggesting that a more comprehensive review of the Aboriginal land agreement act was needed in order to achieve the objectives of the bill: to provide homeownership and social housing lease arrangements, to provide greater certainty over governance of townships and assist the transfer process for deeds of grant in trust, to encourage economic development in Indigenous communities and to support timely construction of community infrastructure.

I also noted with interest comments by Father Frank Brennan SJ. In a letter to the Premier, and as mentioned by the member for Burnett and others, Father Brennan states that the bill represents a significant change to the government's approach to compulsory land acquisition as it applies to Aboriginal land. Currently, land subject to native title cannot be resumed, taken or compulsorily acquired except by an act of parliament and only on just terms. This is not only a fundamental human right but also a right enshrined in the Commonwealth Constitution. Section 51(xxxi) of the Constitution guarantees Australians that the acquisition of property may only be made on just terms. No doubt members have all seen *The*

Castle, which deals with this issue. The current law also requires compulsory acquisitions to be for some public purpose or of benefit to the local community.

This bill takes away that requirement. This bill will allow the Queensland government to acquire Aboriginal land for purposes unrelated to the delivery of community services. In his submission, Father Brennan stated that the resumption or dedication of Aboriginal land to public works unrelated to the delivery of services to the local Indigenous community should be permitted only with the consent of the trustees and on payment of just compensation. I look forward to the amendments that are going to be moved by the government that I understand were discussed with the shadow ministers in the lunch break.

So, while the coalition believes in principle that the Aboriginal and Torres Strait Islander Land Amendment Bill 2008 does go some way to improving the legislative framework for homeownership and social housing leasing arrangements, the bill falls short of making any marked improvement to the current status of Aboriginal land rights in Queensland. If the Bligh government is serious about addressing issues of homeownership among our Indigenous population, it should commit to a full and extensive public consultation process to achieve the best legislative outcomes. It might start by listening to its stakeholders and constituents. Clearly, more needs to be done to improve the system.

The second policy objective that the second bill achieves regards alcohol management in Indigenous communities. The Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) and Other Acts Amendment Bill 2008 amends a number of loopholes in legislation affecting the government's dry communities policy in Indigenous communities in Queensland. As the member for Burnett stated, caps in legislation mean that limitation of access and availability of alcohol cannot be fully realised because, for example, restrictions apply only to public places. I note that the bill amends the act to include all private premises, including houses, so that contraband alcohol can be removed from these places.

It is interesting that the Bligh government wishes to target private premises because it dismissed this very move last year when considering alcohol reform to reduce under-age binge drinking. Labor members voted down my private member's bill to further restrict the supply of alcohol to under-age teenagers. One of the ways in which this could be achieved was by giving police power to search private premises in which they reasonably believed minors were drinking alcohol without the supervision of a responsible adult. The nay-sayers opposite said that it was unrealistic and impractical to have police knocking on doors and conducting random searches to ensure that kids and their parents were not breaking the law. Yet we see in this bill the same government that rubbished this important liquor reform advocating the same policy in Indigenous communities.

What we have here is a case of double standards. This is also evident in the fact that the bill will bring Indigenous communities into line with the rest of Queensland with respect to drinking in public. Why should Indigenous communities be exempt from this law? While I acknowledge that this bill closes up the loophole, the wisdom of this past policy must be seriously questioned. We should not have a multiplicity of standards for different sections of the community. I appreciate that there may be some cases where a different approach to law and order may need to be taken, such as with Aboriginal and Torres Strait Islanders. But let us not forget the rule of law: everyone is equal under the law. I am pleased that this bill amends this inconsistency.