



Speech by

Andrew Powell

MEMBER FOR GLASS HOUSE

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ABORIGINAL LAND AND TORRES STRAIT ISLANDER LAND AND OTHER LEGISLATION AMENDMENT BILL

Mr POWELL (Glass House—LNP) (4.38 pm): The intent of the Aboriginal Land and Torres Strait Islander Land and Other Legislation Amendment Bill 2010 is to further foster the capacity for the self-development and cultural integrity of the Aboriginal people and the Torres Strait Islanders of Queensland. It has a range of amendments. It amends the Aboriginal Land Act and the Torres Strait Islander Land Act in a number of ways. It recognises the rights of Aboriginal traditional owners at Seisia, Bamaga and Hammond Island. It reduces the number of organisations that need to be established in a community. It improves the governance of existing land trusts established under the acts. It improves how the acts align with and interact with the Commonwealth Native Title Act 1993. It ensures that community development can proceed efficiently in communities following the grant of land under the acts.

The bill also amends the Local Government (Aboriginal Lands) Act 1978—and previous speakers have spoken at length about the meaning of that for communities such as Aurukun and Mornington—and finally amends the Nature Conservation Act to provide for the revocation of national park (Cape York Peninsula Aboriginal land), and it is to that particular amendment that I am going to confine my comments. I acknowledge upfront that I am a very latecomer to understanding tenure arrangements on Cape York but am quickly getting up to speed on what they mean and what they mean on the ground, their implementation and their management.

The reference in this legislation to Cape York is to amend the Nature Conservation Act 1992 to provide a mechanism for the revocation of national park (Cape York Peninsula Aboriginal land). The Cape York Peninsula Heritage Act 2007 created a new type of park called a national park (Cape York Peninsula Aboriginal land). The underlying tenure for these parks is Aboriginal freehold land. The Cape York Peninsula Heritage Act 2007 allowed Aboriginal Land Act freehold land to be leased back to the state in perpetuity to allow the land's dedication as a protected area. Therefore, it created that new type of national park. At the time the CYPHA—the Cape York Peninsula Heritage Act—was passed, there was no mechanism for the surrender of the Aboriginal land underlying that national park (Cape York Peninsula Aboriginal land). Therefore, and unlike other national parks, the Nature Conservation Act did not provide a mechanism for the revocation of these parks.

Amendments to the ALA—the Aboriginal Land Act—in 2008 permitted the surrender of national park (Cape York Peninsula Aboriginal land) and therefore it is now possible to bring these national parks into line with other national parks and provide a mechanism for their revocation. These amendments that we are debating today will permit the revocation of national park (Cape York Peninsula Aboriginal land) if the underlying land has been surrendered to the state by Aboriginal landowners under section 40ZH(3)(a) of the ALA. All or part of a national park may be revoked if that part of the land has been surrendered to the state by the Aboriginal landholder. These amendments, as others have said, are in line with the rest of the act which will mean the transfer of land can only be to incorporated C(ATSI)A bodies, not individuals. In short, this bill today will align the Aboriginal Land Act with the Cape York Peninsula Heritage Act. I note that amendments also provide for terminology changes in line with amendments to both the Aboriginal Land Act and the Torres Strait Islander Land Act.

Before concluding this brief contribution, it is worth noting that under the revenue act passed earlier this year amendments to the Aboriginal Land Act included five Cape York national parks as transferable Aboriginal land, allowing joint state-Aboriginal management of the parks. Mungkan Kandju, Lakefield, Iron Range, Cape Melville and Flinders Group national parks on Cape York Peninsula and defined areas near those parks were all made transferable by that act. Iron Range and Lakefield were also increased in area. One thing I did pick up on during recent travels to the cape was that there are certainly elements within the Aboriginal community that are keen to very much pursue joint management of those freehold land components that have been returned to the Aboriginal communities.

A government member interjected.

Mr POWELL: Understood. I am not disagreeing—

Mr Elmes interjected.

Mr POWELL: No, I am not going to disagree with him this time. I guess the challenge is the speed at which communities are wanting to move on those. We understand that national parks are already fairly stretched up there in terms of resourcing and that management plans are not necessarily in place for all of the national parks. I guess the Indigenous communities are keen to see those management plans progress as soon as possible. That gives some certainty and some assistance as to how the Indigenous communities can assist in ongoing conservation work and biodiversity protection of that freehold land.