




Speech by

David Kempton

MEMBER FOR COOK

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INDIGENOUS COMMUNITIES, LAND TENURE

 **Mr KEMPTON** (Cook—LNP) (2.36 pm): For the first time in the history of Queensland an opportunity may exist for an Aboriginal or Torres Strait Islander to own their own home on their traditional lands in ordinary freehold. This is not the token of paternalistic 'inalienable' freehold forced on communities by the previous government. To wake up in your own bed, in your own house with your own family is so commonplace in Queensland. To say we take it for granted is an understatement.

To most Indigenous people in Queensland this has been an impossible dream until now. If one Indigenous family in one community has an opportunity to build and occupy their own home, we raise awareness of not only the responsibility of homeownership but the infinite benefits that accrue. If we are able to encourage 30 per cent of the community to own their own homes, we reach a tipping point where individual awareness becomes a community awareness. The ripple effect is the creation of a community responsibility around homeownership and, if I am correct, in time exit chronic substance abuse, unemployment and community fatigue and, of course the big one, welfare dependence. My fingers remain crossed.

There is always another side to this story. Torres Strait Islanders refer to presettlement as 'before time'. 'Before time' there was a complex system of land 'ownership'. Specifically, families lived upon certain areas as their own. This ownership was respected and handed down from generation to generation through a complex family interrelationship. There was, of course, no written evidence or title deed. It just was.

Larger areas were owned by everyone and no-one and people were able to travel within these areas and take resources according, again, to a very complex relationship process. Outsiders were often met with hostility. Of course, sovereignty changed all of that in a very short time as the fact of community title was swept away. Twenty years ago the pendulum swung back to an extent, with the historic Mabo decision that debunked the doctrine of terra nullius and partly restored the notion of community title. Mabo did not, however, recognise at law the concept of an individual native title holder's exclusive right to live upon a specific area of land. Let me explain by example.

On a recent visit to the Torres Strait I was approached by a young woman who bought a house for \$50,000, built by her uncle on traditional land. She lives in the house with her children and her husband and is paying the uncle \$500 a month. There is no contract. The problem is she has no title to that house and she is not entitled to obtain one. She cannot mortgage the house nor will it to her children. She occupies it for now by virtue of the respect of her ownership by her community. She worries that over time this might not accrue to her children. The LNP government will give this young lady an opportunity to rectify this anomaly and will provide an opportunity for all Indigenous communities to complete the process commenced by Eddie Mabo—freehold ownership of their own homes. I support the proposed process wholeheartedly.

(Time expired)