ABORIGINAL AND TORRES STRAIT ISLANDERS (QUEENSLAND RESERVES AND COMMUNITIES SELF-MANAGEMENT) BILL 1978

Date Introduced: 5 April 1978
House: House of Representatives
Presented by: Hon. R.I. Viner, Minister for Aboriginal Affairs

Short Digest of Bill

Purpose

To empower Aboriginals and Torres Strait Islanders who live on reserves in Queensland to manage and control their own affairs.

Background

On 13 March 1978 the Minister of the Queensland Department of Aboriginal and Islander Advancement informed the Moderator of the Queensland Synod of the Uniting Church of Queensland Cabinet's decision to cease support from 31 March 1978 for the Church's administration of the Aurukun and Mornington Island communities. The Department was to assume complete responsibility from that date for the management and well-being of the communities.

In July 1977 the Queensland Minister had written to the Church and expressed the concern of Cabinet at the decentralization programs at Aurukun under which numbers of people were moving away from Aurukun township to settle on traditional lands. This was contrary to the policy of the Queensland Government.

The Queensland Government did not discuss the takeover with the communities concerned who strongly opposed the proposed move. The communities requested the Federal Government to ensure that the Church management should continue since the Church supported the wish of the Aboriginal people to manage their own affairs. This legislation is the response of the Federal Government to the request of the Aboriginal people of Aurukun and Mornington Island.

Main Provisions

Where the Council for an Aboriginal or Islander Reserve or for an Aboriginal Islander Community or a substantial majority of adults on a Reserve or Aboriginal Community so requests, the Minister may declare the Reserve or Community to be one to which the Act applies (clause 5).
If there is no such Council or if the Minister is of the opinion that another body should be the Council the Minister may declare a body specified in the declaration to be the Council for the purposes of the Act. This declaration would continue to have effect even if another Council were established under the Aborigines, or Torres Strait Islanders, Acts 1971 of Queensland (hereafter the Queensland Acts) (clause 6).

The Council of an Aboriginal or Islander Reserve or Community to which the Act applies is to manage and control the affairs of the Aboriginals or Islanders of the Reserve or Community and is to have such functions as are conferred on it by regulations (clause 7). The Council is to be responsible only to the Aboriginal or Islander Community for the conduct, discipline and well-being of members of the Community (clause 8).

Among other services, the Council may provide for: housing; health; sewerage; water; electricity; communications; education or training; relief work for unemployed persons; roads; garbage disposal; and welfare community amenities. Other bodies are not prevented from providing such services (clause 9).

The Council has powers to make bylaws for purposes connected with its functions, such bylaws to be approved by the Minister who shall lay them before each House of Parliament.

The Council is to endeavour to ensure that the bylaws are made known to all Aboriginals and Islanders to whom they apply. A bylaw does not apply to a person who is not an Aboriginal or Islander (clause 10).

The Council has power to

. do all things that are necessary for the performance of its functions

. receive and disburse moneys (clause 11).

The Council may authorize a person who has no permit under the Queensland Acts to reside on or visit a Reserve to which this Act applies if the Council is satisfied it would be of benefit to the Community. The fact that such a person has no permit under the Queensland Acts does not prevent him residing on or visiting the Reserve (clause 12).

The Council, and the Aboriginals and Islanders, of a Reserve or Community to which this Act applies are not subject to control under the Queensland Acts and are not required to comply with any directions given to them under those Acts (clause 13). The bylaws in force under the Queensland Acts do not apply to Reserves or Communities to which this Act applies (clause 14).
The Commonwealth may make land available to the Council for the Community or Reserve to whom the Act applies to enable the Council to perform its functions. The Commonwealth may acquire such land under the *Lands Acquisition Act 1955* (clause 15).

The Act is in addition to and does not derogate from the *Aboriginal and Torres Strait Islanders (Queensland Discriminatory Laws) Act 1975* (clause 16).

The Governor-General may make regulations as necessary for the carrying out of the Act particularly for the constituting, election and incorporation of Aboriginal Councils (clause 17).