



Hon Desley Boyle MP
Member for Cairns



Your reference: Petition 1384-10
Our reference: LA/10/0700; COM03935-2010

**Minister for Local Government
and Aboriginal and Torres Strait
Islander Partnerships**

26 MAR 2010

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to your letter of 25 February 2010 to the Honourable Anna Bligh MP, Premier and Minister for the Arts attaching a copy of a petition from a Mr Robert Malezer and other signatories concerning the inherent rights and human rights of the Aboriginal peoples of Australia. The petition has been referred to me for response.

The petition raises issues which Indigenous Queenslanders and Australians understandably feel passionately about. They are also issues which involve a great deal of complexity in the context of Australian and Queensland laws.

The Queensland Government and the Australian Government are conscious of the issues confronting Indigenous Australians. The Prime Minister's formal apology to the Stolen Generations in 2008 publicly acknowledged this. The Queensland Government formally apologised to the Stolen Generations in 1999.

Importantly, the Queensland Government recently inserted a Preamble, which makes due recognition of Aboriginal and Torres Strait Islander Queenslanders, into the *Constitution of Queensland 2001*. The final Preamble was the result of extensive consultation across Queensland. All interested Queenslanders were provided with the opportunity to submit their views on what the Preamble should contain. The Queensland Aboriginal and Torres Strait Islander Advisory Council was required by the Legislative Assembly to be consulted as part of this process. The statement now reads:

"The people of Queensland, free and equal citizens of Australia—
(a) & (b) ...
(c) honour the Aboriginal peoples and Torres Strait Islander peoples,
the First Australians, whose lands, winds and waters we all now share;
and pay tribute to their unique values, and their ancient and enduring
cultures, which deepen and enrich the life of our community; ... "

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The Preamble provides an important acknowledgement of Aboriginal and Torres Strait Islander peoples as the First Australians. In honouring the Aboriginal and Torres Strait Islander peoples it takes an important step towards reconciliation. The *Constitution (Preamble) Amendment Act 2010* specifically states that the Queensland Parliament does not in the Preamble create in any person any legal right or give rise to any civil cause of action or affect in any way the interpretation of this Act or of any other law in force in Queensland.

In 1994, the Aboriginal flag was given legal recognition by the Commonwealth of Australia, and after public consultation, in July 1995 the Aboriginal flag was proclaimed a 'Flag of Australia' under the *Flags Act 1953*. It is my understanding that the Aboriginal Flag is a symbol of unity and identity rather than sovereignty.

The issue of the Aboriginal flag as a representation of the sovereign rights of Aboriginal peoples is an issue which is outside of the Queensland Government's jurisdiction, and this matter is more appropriately raised with the Australian Government.

Similarly, support and implementation of the United Nations Declaration on the Rights of Indigenous Peoples is also within the ambit of the Australian Government.

I also note the petitioners' request for all lands, territories and resources that traditionally belonged to Aboriginal peoples are returned. The Queensland Government is governed by several pieces of legislation in relation to this matter, including the *Native Title Act 1993* and the *Aboriginal and Torres Strait Islander Land Acts 1991*. The Queensland Government will continue to act within the existing legislation in respect of this issue.

Together with the Australian Government and other States and Territories, the Queensland Government has committed an unprecedented level of consulting and funding to the task of addressing Indigenous disadvantage. The total national investment package for closing the gap is \$8.173 billion over 10 years. If you are interested in the details of this investment visit the Council of Australian Governments website at: www.coag.gov.au.

The Queensland Government appreciates and acknowledges that funding alone is not enough. Genuine engagement with Indigenous peoples who have the solutions to the challenges faced by their communities is critical and we endeavour to continually improve our efforts. That is why the Government continues to work closely with the Queensland Aboriginal and Torres Strait Islander Advisory Council. Each of the Queensland Government agencies responsible for closing the gap initiatives are working with their Indigenous stakeholders to ensure that services and programs are culturally appropriate and tailored to the needs of local communities.

The Queensland Government is also committed to remedying past actions such as the 'stolen wages' case. In 2002, the Queensland Government made an offer to all Aboriginal and Torres Strait Islander peoples whose wages and savings were affected by the Queensland Government's Protection Act from the 1890s to the early 1970s. Known as the Indigenous Wages and Savings Reparations Scheme, a second round of payments is close to being finalised.

If you require any further information or assistance in relation to this matter, please contact Mr Leif Bremmerman, Assistant Policy Advisor, Office of the Minister for Aboriginal and Torres Strait Islander Partnerships on 3227 8819.

I thank the petitioners for taking the time to raise these important issues.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Desley Boyle', with a stylized flourish at the end.

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Aboriginal and Torres Strait Islander Partnerships
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