




Speech By
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MEMBER FOR MOGGILL

Record of Proceedings, 30 October 2018

**REVENUE AND OTHER LEGISLATION AMENDMENT BILL; APPROPRIATION
(PARLIAMENT) BILL (NO. 2); AND APPROPRIATION BILL (NO. 2)**

 **Dr ROWAN** (Moggill—LNP) (4.21 pm): I rise to make a contribution to the Revenue and Other Legislation Amendment Bill 2018 and, following that, the appropriation bills before us today. From the outset it is worth noting that the Revenue and Other Legislation Amendment Bill 2018 in fact seeks to make a number of amendments affecting some 11 acts that fall within the administration or remit of the Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships. Today, however, as the Liberal National Party's shadow minister for Aboriginal and Torres Strait Islander partnerships, I wish to address those measures in this bill which specifically impact the administration of acts affecting Aboriginal and Torres Strait Islander peoples, including the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984, known as the JLOM Act; the Aboriginal Cultural Heritage Act 2003, known as the ACH Act; and the Torres Strait Islander Cultural Heritage Act 2003, otherwise known as the TSICH Act.

Firstly, in relation to matters relating to alcohol restrictions in Queensland Indigenous communities, alcohol abuse can have a devastating effect not only on an individual but also on all aspects of the individual's life, be it family, friends or even employment. While such abuse does not discriminate between gender, age or race, it is a sad fact that in this country excessive alcohol consumption disproportionately affects Indigenous communities contributing to higher disadvantage, lower life expectancy and poor health, education and employment outcomes.

As the Prime Minister's 2014 *Aboriginal and Torres Strait Islander Health Performance Framework* made clear, across Indigenous communities of New South Wales, Queensland, Western Australia, South Australia and the Northern Territory combined, Indigenous males died from alcohol related causes at five times the rate of non-Indigenous males and Indigenous females at six times the non-Indigenous rate with the overwhelming majority of deaths due to alcoholic liver disease. It is in that context that the importance of ensuring that the JLOM act, which regulates alcohol restrictions across 19 discrete Aboriginal and Torres Strait Islander communities in Queensland, is not lost and, indeed, keeps pace with modern consumption and attempted brewing trends. Despite prohibitions being in place, the fact remains that homemade alcohol continues to be a significant issue for these communities, particularly through the homemade production of what is commonly referred to as turbo yeast, a key ingredient that assists in the bulk production of homemade alcohol. The purpose of this amendment to the JLOM act before us today is to better address the gap in the definition of 'home-brew concentrate' as the case of *Rockland & Ors v Queensland Police Service* 2013 determined yeast, including turbo yeast, did not fall within the definition of 'home-brew concentrate'.

I note that the new offence provision that this act allows for is not intended to capture the possession of a substance or combination of substances used for their original purpose, for example yeast, sugar and fruit juice. Instead, as per the bill's explanatory notes, the offence will only be triggered by the intention of a person to use the substance or combination of substances in a way that is not for their original purpose, for example, the discovery of large quantities of substances being fermented.

The Liberal National Party remains firmly committed to seeing Aboriginal and Torres Strait Islander communities prosper and improving health, education and employment outcomes and, in doing so, comprehensively contributing to Closing the Gap strategies. Whilst we on this side of the House do not oppose this amendment, it appears the Palaszczuk Labor government is merely tinkering at the edges as this bill offers nothing in the form of better enforcement to prevent sly grogging in Aboriginal and Torres Strait Islander communities.

I would now like to turn to the legislative changes relating to cultural heritage management, specifically with reference to restoring what is commonly known as the 'last claim standing' rule. The need for this amendment stems from the Supreme Court ruling in *Nuga Nuga Aboriginal Corporation v Minister for Aboriginal and Torres Strait Islander Partnerships 2017*. In short, the ruling by the Supreme Court late last year had effectively, as the law firm Clayton Utz described it, thrown past cultural heritage management in some areas of Queensland into chaos and created significant uncertainty for those who, in the future, will need to identify Aboriginal parties in areas where there is no registered native title holder or claimant. This view was somewhat similarly echoed by the Department of Aboriginal and Torres Strait Islander Partnerships in report No. 16 of the 56th Parliament's Economics and Governance Committee which noted—

DATSIP has advised the committee that there are 82 previously approved cultural heritage management plans based on the previous understanding of the 'last claim standing' provision, now rendered invalid by the Nuga Nuga decision.

As such, this bill seeks to reinstate the 'last claim standing' provision as previously understood by decision-makers under the ACH and TSICH acts prior to the Nuga Nuga decision, thereby validating the decisions made and actions taken and transition actions taken where processes had already commenced under these acts.

The Liberal National Party will not oppose this legislative amendment and while noting that through the committee process there were stakeholders that expressed their support for the reinstatement of the 'last claim standing' rule in order to provide such certainty, I would like to draw to the attention of those in this House and the Deputy Premier and minister that these changes are not without concerns or opposition which have been extensively detailed in the committee's report. I would encourage all members of the House to take note of the content of the committee's report.

Today representatives from the Yuggerah, Western Wakka Wakka and Barunggam people were here to oppose these aspects of the legislation related to last claim standing. These representatives have opposed this for many years and were relieved when this was removed in May 2018. They told me they have been seeking a meeting with the Deputy Premier and Minister for Aboriginal and Torres Strait Islander Partnerships for over 12 months without success. I would encourage the Deputy Premier and minister to meet with these representatives to hear their concerns.

I will conclude my contribution on the Revenue and Other Legislation Amendment Bill 2018 by quoting directly from the committee's report, specifically the final comment on page 27 in relation to the cultural heritage management changes—

The committee notes that DATSIP has referred to the potential for a broader review of the ACHA and TSICHA, and the widespread support for such a review. As a result, the committee supports the proposed amendment to provide certainty until that review can be undertaken. The committee will be interested to hear of progress on such a review.

As shadow minister for Aboriginal and Torres Strait Islander partnerships I share that same interest and I would appreciate hearing from the Deputy Premier and minister if she and all Labor ministers are supportive of such a review, when we can expect this review to commence, the timeline for her department to report back and what consultation process will occur given the concerns being raised with me.

I now wish to address the appropriation bills before us as part of the cognate debate. This year the Deputy Premier and Treasurer is seeking authorisation for an additional just over \$500 million—that is, half a billion dollars. I suppose if there was ever to be a silver lining in this it is that at least this year it is not as high as the Palaszczuk Labor government's shocking unforeseen expenditure of \$2.3 billion which occurred last financial year. In total, the Palaszczuk Labor government has now racked up more than \$3.16 billion in unforeseen expenditure since 2015-16. That is 3.16 billion more examples of Labor's complete inability and lack of willingness to set limits on how they spend hard-earned taxpayer dollars. None of us in this House would be surprised, particularly those on this side of the chamber. State Labor has never once shown any real interest in properly managing the state's finances and improving Queensland's economy. All we get from those opposite is nothing more than lip-service. It is not until bills like the ones before us are introduced that Labor truly shows us that the emperor has no clothes.

It is a plain matter of fact that Queensland's fiscal and economic position continues to weaken under the Palaszczuk Labor government. One would think that any responsible government would have at least a skerrick of shame or embarrassment and would want to do more to restore its reputation, but

this is not an economically or socially responsible government. Just this week, CommSec's quarterly State of the States economic report shows that Queensland has now fallen from fifth to sixth place on its respected economic table, after being overtaken by South Australia. The fact remains that Labor simply has no plan for Queensland's economy, unless of course we count Labor's tax-and-spend plan: spend it until it all runs out, then raise taxes further and spend it until it all runs out again, then repeat over and over again, just as we saw during the failed Beattie and Bligh years.

By contrast, on this side we have a real plan to get Queensland back on track and restore it to the economic powerhouse that it deserves to be. The Liberal National Party will invest in the critical congestion-busting infrastructure that Labor stubbornly refuses to address and that Queenslanders, including residents of the electorate of Moggill, have been crying out for for many years. We need a government that is economically responsible. We need a government that is going to invest in our vital front-line services. In relation to police, we know the budget is down and crime is up. We know that the hospital system is failing. We know that ambulance ramping is returning. We have longer surgical wait lists. We know that by 2021-22 there will be an \$83 billion level of debt. That is not good enough for Queensland. This is a government of tax, debt and unemployment.