

ABORIGINAL AND TORRES STRAIT ISLANDERS (QUEENSLAND DISCRIMINATORY LAWS) ACT 1975

No. 75 of 1975

An Act to make Provision with respect to the Peoples of the Aboriginal race of Australia, and the race to which Torres Strait Islanders belong, for the purpose of preventing Discrimination in certain respects against those Peoples under laws of Queensland.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

1. This Act may be cited as the *Aboriginal and Torres Strait Islanders (Queensland Discriminatory Laws) Act 1975*.¹ Short title.

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹ Commence-
ment.

3. In this Act, unless the contrary intention appears—

Definitions.

“Aboriginal” means a person who is a member of the Aboriginal race of Australia;

“Islander” means a person who is a member of the race to which Torres Strait Islanders belong;

“premises” means any land, any building and any part of a building;

“Reserve” means any land that is for the time being a Reserve for the purposes of the *Aborigines Act 1971* of Queensland, or of that Act as amended and in force at any relevant time, or any land that is for the time being a Reserve for the purposes of the *Torres Strait Islanders Act 1971* of Queensland, or of that Act as amended and in force at any relevant time.

4. This Act binds Queensland and Australia.

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5. (1) Subject to sub-section (2), any property in Queensland of an Aboriginal or Islander shall not be managed by another person without the consent of the Aboriginal or Islander, and any consent given by an Aboriginal or Islander, whether given before or after the commencement of this Act, to the management by another person of his property may be withdrawn by the Aboriginal or Islander at any time. Manage-
ment of
property.

(2) Sub-section (1) does not apply to or in relation to the management of property in accordance with any law of Queensland or Australia that applies generally without regard to the race, colour, or national or ethnic origin of persons.

Residence,
&c., on
Reserves.

6. (1) An Aboriginal or Islander shall not be prevented from entering, residing on, visiting or otherwise being on, and shall not be ejected from, a Reserve by reason that a permit authorizing him to reside on, or visit, the Reserve is not in force in respect of him under a law of Queensland.

(2) It shall not be unlawful for an Aboriginal or an Islander to be on a Reserve by reason that he is a person in respect of whom a permit authorizing him to reside on, or visit, the Reserve, is not in force under a law of Queensland.

(3) Nothing in sub-section (1) or (2) authorizes an Aboriginal or Islander to enter, reside on, visit or otherwise be on, a Reserve in contravention of a direction given to him by or on behalf of a Council established under a law of Australia or Queensland in respect of that Reserve.

Conduct on
Reserves.

7. (1) An Aboriginal or Islander shall not be ejected from a Reserve, or be penalised in any other way, under any law of Queensland relating to a Reserve by reason only that he has conducted himself in a way that is not to the satisfaction of an authority or person established or appointed by, under or for the purposes of a law of Queensland, if his conduct was not unreasonable in all the circumstances of the case.

(2) The burden of proving that the conduct of an Aboriginal or Islander was unreasonable in the circumstances of a particular case lies upon the person who alleges that the conduct was unreasonable.

Entry on
premises
situated on
Reserves.

8. Where premises situated on a Reserve are occupied by an Aboriginal or Islander, a person is not entitled, without the consent of the Aboriginal or Islander, to enter those premises unless, if the Reserve on which the premises are situated were not a Reserve, the entry would not be unlawful.

Legal pro-
ceedings.

9. (1) Where, in any court established for a Reserve, proceedings are instituted against an Aboriginal or Islander for an offence, the Aboriginal or Islander is entitled to be represented in those proceedings by a legal practitioner.

(2) An Aboriginal or Islander shall not be convicted of an offence by a court established for a Reserve unless the Aboriginal or Islander, if convicted of the offence, would have the same right or rights of appeal against, or review of, the conviction as he would have if a Magistrates Court established under the law of Queensland had jurisdiction with respect to the offence and he were convicted of the offence by the Magistrates Court.

(3) In this section, “court established for a Reserve” means any court or other tribunal (whether known as an Aboriginal Court or as an Island Court, or by any other name) established, by or under a law of Queensland, for a Reserve or for a community of Aborigines (that is to say, a community of persons who are descendants of indigenous inhabitants of Australia, other than the Torres Strait Islands) or for a community of Torres Strait Islanders (that is to say, a community of persons who are descendants of indigenous inhabitants of the Torres Strait Islands).

10. (1) An Aboriginal or Islander who is on, or is a resident of, a Reserve is not required to comply with any direction to perform work on the Reserve unless—

Directions to work.

- (a) the direction is given in pursuance of a law of Queensland relating to a Reserve and is necessary for the purpose of ensuring that the Aboriginal or Islander fulfils community obligations that it is reasonable to expect him to fulfil;
- (b) he is undergoing a sentence of imprisonment in a gaol or lock-up that is situated on the Reserve and the direction is given in pursuance of a law of Queensland relating to persons undergoing such a sentence; or
- (c) where paragraph (a) or (b) does not apply, it would be unlawful for him to refuse or fail to comply with the direction if he were not on, or a resident of, the Reserve.

(2) The burden of proving that a direction to perform work was necessary for the purpose referred to in paragraph (1) (a) lies upon the person who alleges that the direction was so necessary.

11. A person shall not employ an Aboriginal or Islander in Queensland (whether on a Reserve or elsewhere) unless the terms and conditions of employment are not less favourable than they would be required to be if the employee were not an Aboriginal or Islander, and, in particular, the employee shall be entitled to be paid wages at a rate not less than the rate at which wages would be payable to him if he were not an Aboriginal or an Islander.

Terms and conditions of employment.

NOTE

1. Act No. 75, 1975; assented to 19 June 1975.