



# **Aboriginal and Torres Strait Islanders (Queensland Discriminatory Laws) Act 1975**

**Act No. 75 of 1975 as amended**

This compilation was prepared on 8 July 2008  
taking into account amendments up to Act No. 73 of 2008

The text of any of those amendments not in force  
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be  
affected by application provisions that are set out in the Notes section

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**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.**

**1 Short title** [see Note 1]

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

**2 Commencement** [see Note 1]

This Act shall come into operation on the day on which it receives the Royal Assent.

**3 Definitions**

In this Act, unless the contrary intention appears:

*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 Act binds Queensland and Australia**

This Act binds Queensland and Australia.

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## **5 Management of property**

- (1) Subject to subsection (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given before or after the commencement of this Act, to the management by another person of his or her property may be withdrawn by the Aboriginal or Islander at any time.
- (2) Subsection (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.

## **6 Residence etc. on Reserves**

- (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 or her to reside on, or visit, the Reserve is not in force in respect of him or her 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 or she is a person in respect of whom a permit authorizing him or her to reside on, or visit, the Reserve, is not in force under a law of Queensland.
- (3) Nothing in subsection (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 or her by or on behalf of a Council established under a law of Australia or Queensland in respect of that Reserve.

## **7 Conduct on Reserves**

- (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 or she has conducted himself or herself 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 or her 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.

## 8 Entry on premises situated on Reserves

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.

## 9 Legal proceedings

- (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 or she would have if a Magistrates Court established under the law of Queensland had jurisdiction with respect to the offence and he or she 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 Directions to work**

- (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:
  - (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 or her to fulfil;
  - (b) he or she 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 or her to refuse or fail to comply with the direction if he or she 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 Terms and conditions of employment**

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 or her if he or she were not an Aboriginal or an Islander.



**Table of Acts**

**Notes to the *Aboriginal and Torres Strait Islanders (Queensland Discriminatory Laws) Act 1975***

**Note 1**

The *Aboriginal and Torres Strait Islanders (Queensland Discriminatory Laws) Act 1975* as shown in this compilation comprises Act No. 75, 1975 amended as indicated in the Tables below.

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Aboriginal and Torres Strait Islanders (Queensland Discriminatory Laws) Act 1975</i>	75, 1975	19 June 1975	19 June 1975	
<i>Statute Law Revision Act 2008</i>	73, 2008	3 July 2008	Schedule 4 (items 16–30): 4 July 2008	—



