1. Existing land tenure legislation does not make ordinary, individual, freehold available as an option to Aboriginal people and Torres Strait Islanders living in Aboriginal or Torres Strait Islander communities. Land in Aboriginal or Torres Strait Islander communities is generally held in trust either under a Deed of Grant in Trust under the *Land Act 1994* or as transferred land under the *Aboriginal Land Act 1991* or the *Torres Strait Islander Land Act 1991*. Land held under a deed of grant in trust is held for the benefit of the Aboriginal or Torres Strait Islander inhabitants. Transferred land is held in trust for the benefit of either Aboriginal people or Torres Strait Islanders concerned with the land and their ancestors and descendents, or is held in trust for the benefit of the native title holders. The exceptions to this is Mer (Murray) Island which is an Aboriginal reserve under the *Land Act 1994* and Aurukun which is located on a special type of lease called a Shire lease created under the *Aurukun and Mornington Shire Leases Act 1978*. However, both these lands are still held in trust for the benefit of the Aboriginal inhabitants.
2. The government has committed to making the option of ordinary, individual, freehold title available in Aboriginal or Torres Strait Islander communities to provide members of those communities the same access to freehold title as other Queenslanders. Private ownership of land in Aboriginal or Torres Strait Islander communities could enable Aboriginal people and Torres Strait Islanders to pursue social and economic interests to stimulate economic development in the local and regional economies. This represents a significant change from the existing trust and communal land tenure arrangements where land can not be sold.
3. A Discussion Paper, *Providing freehold title in Aboriginal and Torres Strait Islander communities*, has been developed by the Department of Natural Resources and Mines, the Department of Local Government and the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs.
4. The Discussion Paper contains the proposed freehold model that essentially provides the Trustee, usually the local government or council, in consultation with community members, the native title party and the local government, to make informed and culturally appropriate decisions about whether to, and how to, participate in the freehold option. The basic premise of the model is that it is ultimately the Trustee, following consultation with the community, who will make the decision as to whether or not to adopt the freehold model.
5. Cabinet approved public release of the Discussion Paper *‘Providing freehold title in Aboriginal and Torres Strait Islander communities’* for community consultation.
6. *Attachment*
* [Discussion Paper: *Freehold title in Aboriginal and Torres Strait Islander communities*](Attachments/Attachment%201%20-%20Providing%20Freehold%20Title%20Aboriginal%20and%20Torres%20Strait%20Islander%20Communities%20Discussion%20Paper.PDF)