Speech by

JEFF SEENEY

MEMBER FOR CALLIDE

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NATIVE TITLE (QUEENSLAND) STATE PROVISIONS AMENDMENT BILL (No. 2)

Mr SEENEY (Callide—NPA) (12.03 p.m.): I am pleased to be able to make a contribution in the final stages of this debate on the native title legislation because, for the people who live in the electorate of Callide, this is a very real issue with very real impacts on their lives and futures. So many of the speakers from the Government side of the House represent electorates in which people have never had to grapple with the reality of native title. For most of the speakers from that side of the House this has been an issue that has been some kind of artificial academic debate with no potential to have any real impact on their lives or the lives of their constituents. None of the members who have stood in this Chamber in the past two days and have moralised have ever had to come to terms with the real effects of native title on their land, nor do they appear to understand the realities of this legislation.

Listening to the debate in this House over the past two days, it would appear that this legislation is being offered as the solution to all the problems of violence, alcoholism and social dysfunction which afflicts so many Aboriginal communities. As real and as tragic as those problems are, they are never going to be solved by the provisions of this legislation. Those opposite who carry the burden of guilt which determines their stance on this issue will leave this Chamber with a warm inner glow and return to their comfortable urban existence feeling good after delivering sanctimonious, heart-rending speeches. Without exception, they have not addressed the real issue in this legislation which will, in all probability, do nothing to solve the emotive problems that they have spoken about so repetitively.

This legislation seeks, instead, to foist their collective guilt onto a small number of people in rural and regional Queensland for whom native title is more than an academic theory. The real point of contention in this legislation is the right to negotiate. That is the point of philosophical difference: a right to negotiate that is being extended to holders of native title when it is not available to holders of other forms of land title. That is the philosophical difference that members opposite have been unable and unwilling to address. They have been unable and unwilling to justify that part of the legislation because it is quite simply unjustifiable in any logical sense.

There is very little point rehashing the history of native title to this point, but I have to say that I share the anger and the frustration of so many of the people of the Callide electorate and so many of the people of rural and regional Queensland at the way other injustices have been enshrined in native title legislation to date in a guilt-driven attempt to correct actions of the past which are clearly seen as unjust by today's standards. This legislation sets out to enshrine yet another injustice with respect to the right to negotiate. It sets out to extend native title rights to a degree never intended or envisaged by the original court decision that decided that those rights do, indeed, exist.

I would like to make some comment on some of the contributions that members opposite have made throughout this debate. First, comments were made quite generally that the previous coalition Government was confrontationist on native title matters and had not sought to operate within the terms of the Native Title Act. That is clearly not true. The first thing I would say to them is: look at the Senate record in relation to the debate on Commonwealth amendments to the Native Title Act and see whose name the Lefties took in vain most often in relation to these issues. If members opposite do that, they will see the name of the former member for Logan mentioned far more often than the name of the Opposition Leader.

The former member for Logan copped an absolute pasting in the eyes of the real Canberra trendies, such as the Democrats and the Greens. The former member for Logan was far more a native title ogre than the current Opposition Leader. Of course, the facts of the record of the coalition bear that out. I know that the members opposite do not like it, but the one and only major success in the relatively short history of the Native Title Act actually occurred in Queensland directly as a result of the work of the Borbidge Government. I refer to the Hope Vale agreement. It has been the one and only substantive agreement in relation to the grant of land under the Native Title Act since its inception—the one and only.

That agreement affirmed what Joh Bjelke-Petersen—who is still the greatest provider of land rights in Queensland—did back in the seventies in relation to the grant of freehold land to that Aboriginal community on the cape. There are few Labor lawyers who run around constantly congratulating themselves about a minor issue in New South Wales, but the only major success of the Native Title Act was at Hope Vale.

Mr Lucas interjected.

Mr SEENEY: I can understand that it is difficult for the member for Lytton to accept that, but it is historical fact. It is history and it cannot be changed. The Leader of the Opposition is also the man who got Century on track. The former member for Logan would not and could not, and he had six years to do it. The Opposition Leader now cops a caning from the loopy Left about his attitude to Murrandoo Yanner. Those opposite who were around and who were showing any interest in these matters will know that the Opposition Leader is best mates with Murrandoo Yanner when compared with the views expressed by the former member for Logan. Now a new Labor Government in this State is again letting that massive project slip off the rails. It is wasting the good work of the Opposition Leader and it is paralysed, as was the member for Logan. It simply does not know what to do.

The coalition Government managed two of the largest cultural heritage clearance projects in the history of native title—the south-west gas pipeline and the north-west gas pipeline. There was only one hitch in the construction of 1,500 kilometres of pipeline, and that was not a hitch associated with the Government. So those opposite should stop speaking the nonsense that the coalition Government did not work in the interests of all Queenslanders, including Aboriginals. The coalition did more for Aborigines in this State in its two years than Labor did in six—for all its talk, noise and rhetoric.

Mr Sullivan interjected.

Mr SEENEY: No amount of noise from the member for Chermside can change the historical fact. We did more in two years than Labor did in six. Labor passed land rights legislation and put it in cold storage within 12 months. As soon as the Mabo judgment came down, it just stopped taking applications. It shut it down before the ink was dry.

The coalition Government reversed decisions of the former timid Labor Government to get Aboriginal housing back on the move in this State, after Labor in Government actually froze projects because of native title. Labor attacked us for freezing mining titles because of native title issues, while its record was one of freezing Aboriginal housing. The Labor Government froze much-needed Aboriginal housing projects and projects such as the new police station at Doomadgee. Those opposite should think about it and remember it. Labor cannot hide its record.

Another myth which was raised by several speakers, but most particularly by the member for Cairns, was that somehow the delay in the resolution of these native title issues since the Wik decision is the responsibility of the coalition at the State and Federal level, that it is somehow the coalition's fault. The fact is that the delay for the most part is the responsibility of the factional colleagues in Canberra of the member for Cairns—the members of the loony Left of the Labor Party, which stole the native title debate out from under a very weak, vacillating Kim Beazley, who knew, as a Western Australian, that he had to keep his head down. Nick Bolkus knew that and took advantage of it.

There was legislation from the coalition before the Senate last November. We would and should have been having a debate about the State's response to that revised Commonwealth Act around this time last year, but for the Left of the Labor Party. That would have been a very timely response when compared with the effort of Paul Keating with the original Native Title Act. The job of revising that legislation was made even more difficult because of the incredible failure of Labor to make the original legislation workable as it stumbled over itself, just as Labor is now doing at the State level, to be politically correct at all costs—and damn the workability and the reality of the situation.

Finally, there are a couple of comments from members opposite with which we on this side of the House, and I in particular, agree comprehensively. The first came from the member for Kurwongbah.

Mr Lucas interjected.

Mr SEENEY: There is not much that the member for Lytton says that I agree with comprehensively, but I return to the comments of the member for Kurwongbah. First, the member for

Kurwongbah said that she did not share the Premier's optimism that this Bill will starve the lawyers. How right she is. This Bill will be as big a picnic for the lawyers as was the Native Title Act 1993, because it maintains the discriminatory, divisive and litigious right to negotiate regime. It maintains that right to negotiate regime that was championed by the then Attorney-General in that disastrous Keating Government.

This is a good point with which to wrap up my contribution to this debate, and it is a good point for everyone who will be voting on this legislation to remember. The member for Cleveland delivered this gem. He said—

> "Native title must be treated equally before the law with other titles flowing from the Crown. The challenge for us as legislators is to develop mechanisms that accommodate native title in our land management systems. Those mechanisms must protect native title rights while also encouraging mining development and creating jobs."

How right he was. The hypocrisy from the member for Cleveland is almost breathtaking. The member for Cleveland said that native title must be treated equally before the law with other titles flowing from the Crown. The whole thrust of this legislation makes a lie of that statement. The right to negotiate is being extended under this legislation. The right to negotiate is being extended to holders of native title and being denied to holders of other forms of title. It is being denied to holders of freehold title. It is being denied to holders of every form of title except native title. The right to negotiate is being denied.

I agree—every reasonable person agrees—with the quote from the member for Cleveland that native title must be treated equally before the law with other titles. Everybody agrees with that, yet that is in direct contrast to the thrust of this legislation. Native title must be treated equally before the law. It is certainly not being treated equally before the law under this legislation. The eminently sensible member for Cleveland got it right. Native title must be treated equally. I hope that the other members on the same side of the House as the member for Cleveland will bear that in mind when it comes time to vote on this legislation.