



Speech by

Hon. J. FOURAS

MEMBER FOR ASHGROVE

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

Hon. J. FOURAS (Ashgrove—ALP) (11.54 a.m.): I am pleased to take part in this debate on the Native Title (Queensland) State Provisions Amendment Bill (No. 2). Members opposite show an appalling lack of understanding, as did the previous speaker, of indigenous history and culture and, consequently, a total abhorrence of land rights. As a result, unfortunately, their brains, hearts and souls have been disengaged when it comes to indigenous issues.

The other night I had the privilege to attend a reconciliation dinner with some of my colleagues at the Greek Club. The guest speaker was Tony Fitzgerald. I wish to quote from his speech, because it is important that in the future when issues concerning indigenous people, reconciliation and land rights are discussed that these comments are recorded in Hansard. He stated—

"References to white responsibility for the plight of Indigenous people do not underestimate the degree of white goodwill towards Indigenous people and other minorities, or the increasing willingness to take note of their opinions and concerns and learn from them.

Conversely, references to white goodwill towards Indigenous people are not intended to deny that there is racism in the Australian community, or to suggest that the dominant white community really understands what it means to be a member of a tiny minority treated as an inferior in your own land or that Indigenous claims to justice yet have majority support."

His comment about being treated as an inferior in one's own land is something that people can relate to. He continued—

"It is unnecessary for present purposes to trace the historical stages by which the present disastrous position for Aborigines and Torres Strait Islanders has been reached.

Invasion was followed by the subjugation, oppression and debasement of the Indigenous people, and the inculcation of a sense of spiritual, racial and cultural inferiority.

Instances of peaceful co-existence, cooperation and mutual respect were uncommon.

White 'settlers' were generally at best insensitive to those referred to as the 'natives', who were dispossessed, murdered and used as unpaid or underpaid labour and, in the case of Indigenous women, for sexual gratification.

Quite apart from the white commitment to 'settle' Australia for their own benefit and the attitudes and actions which that engendered, the gap between Indigenous people and settlers was enormous.

Their cultures, beliefs and lifestyles clashed, leaving indelible marks of damage on the Indigenous communities."

In that speech, Tony Fitzgerald then linked the indigenous problems of health, alcohol and violence to the imposition of white will on the indigenous people or, worse still, their imitation of white behaviour.

In her speech yesterday in this debate, the member for Kurwongbah expressed dismay at the way in which the textbooks portrayed Aboriginal history. Tony Fitzgerald commented on that issue also. He stated—

"Colonisation was portrayed as 'heroic', and Indigenous resistance to European incursion as wrong.

Aborigines were portrayed as a 'dying race', whose evolutionary doom was confirmed by their absence from mainstream society and stubborn adherence to their traditional spirituality and cosmology, which it is now known was sophisticated and embraced both the physical and metaphysical aspects of ecologically sustainable living off the land.

Indigenous people were not treated as part of history because it was thought they knew no change, made no progress and had no history.

Stanner's 1968 Boyer Lectures, 'After the Dreaming', called the absence of Aboriginal people from Australian history the 'great Australian silence'.

Consistently with these perceptions, the Constitution which established the Australian nation in 1901 had omitted Aborigines from the population, and, of course, the pernicious doctrine rejected by the High Court in Mabo that, until the British occupied it, Australia was 'terra nullius'—the land of no-one—persisted until recently.

My memories go back about 50 years.

It is difficult to comprehend now how homogenous, authoritarian and conformist Australian society then was."

Tony Fitzgerald then went on to say that indigenous people were considered as patently inferior—as were other black people at that time—and he went on to speak about the stolen generation. He said—

"The children taken from them—even to my dismay in my lifetime—were usually not stolen from malice, but from a misconceived belief that it was in their best interests to destroy their heathen spirituality and culture and indoctrinate them into the paramount religion and culture of the dominant white community.

Even today, after the publication of 'Bringing Them Home', there seem to be senior politicians who in their hearts and minds find nothing wrong in what was done and are unable to understand that, however benign the motive, nothing could be more destructive than the separation of children from their parents, and that nothing is more likely to corrode self-esteem and produce dysfunctional families and communities.

Of course, the stolen children do not mark the beginning of Indigenous degradation in this country.

In a sense, they were a product of it.

The problems which Indigenous people were experiencing from the harm they had already suffered as a result of colonisation and dispossession were largely used as the justification for the removal of the children and attempts to assimilate them into the white community."

He goes on to talk about the "white blindfold" and "black armband" school of historians. That has been debated many times, so I will not go into that. Fitzgerald raised quite pertinently the enormous spiritual significance of land to Aboriginal people. He goes on to say—

"Unfortunately, the enormous spiritual and cultural significance which the land and sea generally have for Aborigines and Torres Strait Islanders still escapes white comprehension and is still subordinated to the political imperatives of powerful white politicians and their influential supporters."

It is sad that we come here and listen to a lengthy debate in this House and we listen to people talking about how much the miners and the pastoralists are giving away and the high price that they are expected to pay.

In conclusion, I would like to talk about that. Members opposite, all of whom are critical—and some are even paranoid—of this Bill sadly do not want to understand that sections 43 and 43A of the Native Title Act allow the States to enact their own Bill in respect of high-impact and low-impact mining tenures, provided—and that is the issue—that they comply with the standards prescribed in those sections of the Commonwealth NTA. That is the issue: they have to comply.

The Opposition Leader should accept that his one-point plan was never a legal possibility; it is purely political grandstanding of the worst type. The Keating legislation in 1993 was to provide native title holders and registered claimants with the same procedural rights as those enjoyed by people holding freehold land title. There is no argument from the people opposite about that. What members opposite do not want to understand is that over and above this, in certain instances, native title holders and registered claimants were afforded a right to negotiate over the doing of an act by Government. That is what they cannot accept: the right to negotiate—and it is fundamental in this legislation.

The 1998 Federal legislation, the implementation of which gave us Howard's 10-point plan, has substantially diminished the right to negotiate. This is my concluding comment. We keep on talking about who gives in this situation. It is always the Aboriginals giving ground. With regard to the right to negotiate, what has happened? The new registration tests will result in fewer claims being registered and more claims being rejected so, therefore, there will be less area on which they will be able to negotiate. In relation to confirmation of extinguishment, such as the grazing homestead perpetual leases which were extinguished the other day, Aboriginal people will no longer have a right to negotiate over 16% of Queensland, even if, in my view, the High Court finds that that is not an exclusive use and they do have land rights on it.

The right to negotiate for low-impact exploration, which is a substantial part of this Bill, has been removed. The right to negotiate for surface gold or tin mining has also been removed. Again, I come back to compensation. This Bill eliminates the guarantee of compensation prior to the grant of a mining claim or mining lease for all native title holders, other than native title holders who enjoy a determination on native title from the court. These are rights that have been taken away. In the end, I think that numbers opposite should open their hearts and realise that, while miners and pastoralists have rights, in this place we keep removing fundamental rights from our indigenous people. I think history will judge us very harshly for that.
