



Speech by

KAREN STRUTHERS

MEMBER FOR ARCHERFIELD

Hansard 25 August 1998

NATIVE TITLE (QUEENSLAND) STATE PROVISIONS BILL

Ms STRUTHERS (Archerfield—ALP) (4.11 p.m.): In speaking to the Native Title (Queensland) State Provisions Bill, I acknowledge that a number of stakeholders have direct cultural, spiritual, emotional and economic interests in the issue of native title. I acknowledge that the native title issue has been a political football that has been kicked around in Canberra and the States and which has now been passed off again to the States for a further move. I acknowledge also that the Premier and our Government are eager to put an end to the politicking and uncertainty regarding native title.

These are complex issues and a balance has to be struck. It is critical that we give due recognition to the indigenous people of this great country for their occupancy and their spiritual and cultural relationship with the land. Those connections cannot simply be compensated by money. It is also critical that our Government acts in a way that generates economic security for the mining, pastoral and fishing sectors in Queensland. Getting the balance right among those interests is very difficult.

During the past month representations have been made to me by a number of individuals and groups, including members of the Queensland Indigenous Working Group, who are concerned about provisions within this Bill. I wish to acknowledge publicly the longstanding commitment that these people have had in seeking justice for indigenous people in this country.

My aim in rising to my feet in this debate is to publicly acknowledge the important concerns that many indigenous people, church groups and others have in relation to this Bill. However, in acknowledging those concerns I am very aware that in the juggling of interests that has occurred in the formulation of this Bill not all of those concerns are able to be met. However, they do deserve public acknowledgment. They need to be put on the record and they need further consideration where possible.

I wish to read out an extract from a letter sent to me from the Social Action Office, Conference of Leaders of Religious Institutes, Queensland. It encapsulates three concerns and states—

"As you know this legislation validates land grants made by successive Queensland Governments between 1 January, 1994 and 23 December, 1996. It effectively extinguishes native title on this land. In my opinion such blanket extinguishment should not be supported and the Government should be seeking to uphold the principles of negotiation and co-existence wherever possible.

At a recent meeting of Rural Landholders for Co-existence held in Charters Towers some graziers who hold Grazing Homestead Perpetual Leases stated their desire that this legislation not extinguish native title on their land and that they be given the option to negotiate co-existence with native title holders. This good spirit should be supported by the Government.

The Queensland Indigenous Working Group ... is asking that this legislation not be rushed and that adequate time is allocated for thorough discussion of amendments."

As I said, those concerns deserve to be on the public record and it is important that they be raised.

I wish also to quote from a letter that I received from the Queensland Indigenous Working Group that raises a further question about the potential for the Bill to breach section 10 of the Racial Discrimination Act. It states—

"Unlike the validation provisions, there is no express exclusion of the Racial Discrimination Act from the confirmation provisions of the Queensland Bill. There is a real risk that in the inevitable legal challenges, the courts will strike down the offending parts of the Queensland Bill's confirmation provisions."

A further issue of concern is compensation. Many groups have raised this issue with me, and I am not confident that John Howard and Peter Costello will provide an adequate share of compensation in their offer to the States. In July 1998 the Commonwealth made us a non-specific offer to reimburse to the States 75% of native title compensation costs. Given the mean-spirited savage expenditure cuts that the Howard Government has made in key areas—labour market programs, child care, education and others—I am concerned that the Howard Government will be similarly mean spirited with our indigenous brothers and sisters. We need to build a spirit of cooperation rather than being mean spirited. It is incumbent on us to fight hard for fair and adequate compensation. It is incumbent on us to make sure that we remain balanced and fair as we move to implement this Bill and the ongoing package of native title initiatives.

All Queenslanders and indigenous people in particular deserve and will benefit from reconciliation. A fair native title regime is central to reconciliation. There are many challenges ahead, but I am pleased that the Premier has put in place a consultative strategy whereby all stakeholders will negotiate further legislation and policy initiatives.
