



Speech by

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Hansard 10 November 1998

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

**Mr NELSON** (Tablelands—ONP) (5.23 p.m.): Today I will move a raft of amendments to the Native Title (Queensland) State Provisions Amendment Bill (No. 2). I will inject a bit of reality into this debate. Reality is something that is sincerely lacking in this House. I will tell the House why this thing cannot "coexist", as the Government likes to put it.

I ask members of the House to picture something. I know that some members on the Opposition side might be able to do it, but members of the Government will have a lot of trouble. I ask honourable members to picture a pastoralist pushing a herd of cattle towards a lake, a lagoon or a billabong—whatever you want to call it—to water them, late in the afternoon, after they have been droving all day. Let us say the cattle start backing up. The drover is trying to push them but they will not move. So he goes around the front to find out what is going on and why they will not go down to the water. Usually cattle will run straight into it. What is down there but a bunch of people hanging around the billabong, and they are not going to move. Why? Because they have native title rights. They do not have to move. The pastoralist says, "I have to get this cattle watered", so he goes and rings the local copper, who could be up to 300 or 400 kilometres away, to try to get some help in this situation.

**Mr Bredhauer** interjected.

**Mr NELSON:** The Minister should know; he comes from Cook. He should go and talk to some of the pastoralists up there. Let us just say that the local police officer is in the area and he turns up. I have talked to some senior police about this issue and they do not know what to do. Are they going to stamp all over these people's native title rights so that they get out of the way and the drover can water his cattle?

**Ms Bligh** interjected.

**Mr NELSON:** What would the Minister know? How many cattle are there in Brisbane? None! What happens in the situation that I have outlined? They say, "The pastoralists' rights would negate this." That is rubbish! In reality it is completely unworkable and a joke. It makes an absolute mockery of equality. That is an example of why native title just does not work.

We have heard members opposite talking about terra nullius. What never ceases to amaze me is how people can stand here and tell me what an 18th century naval captain was thinking when he spoke about terra nullius. I say right here and now that the High Court judges must have had rocks in their heads when they made that interpretation of terra nullius. As a person who has studied history, I will tell the House what the 18th century naval captain would have been thinking. These jokes on the Government side of the House who call themselves politicians just will not listen, because this blows all of their theories out of the water.

I will tell the House what terra nullius meant. The captain turned up with a bunch of convicts in the back of his boat and had to get them on the ground somehow. The naval captain, completely taken away from his lines of communication, with no hope of receiving any help whatsoever in determining what goes on, would have looked around for some Government to treat with, which is what he was sent out here to do. I am not saying that the English colonial system was great.

People who read through the naval captain's memoirs will see that he was trying to do the right thing. He was having a go. He would have turned up and wandered around. Any members of the

House who have read a book called *The Timeless Land* will understand what I am talking about here. He wandered around to see what he could come up with. He could not find any system of government. That is because, as any real Aboriginal will tell you, they did not have any system of government. They did not have all this wonderful stuff that white man has made up for them. As the member for Kurwongbah rightly said, they were a people who lived with the land. They did not own the land; they were a part of the land.

We have the good naval captain standing there saying, "I do not have anyone to negotiate with. I do not have anyone to draw up treaties with. What can I do?" In his log he put down this 18th century concept of *terra nullius*. He said that there was no-one here for him to treat with. He was not saying that there was no-one here. He was standing there and he could see that there were plenty of people, but he could not see a system of government for him to deal with. So he said, "There is no Government here for me to deal with", in the hope that one day, in the centuries to come, some people would wake up to themselves and realise what he was trying to do. Honourable members should put themselves in his situation. He said, "There is no-one here for me to treat with. Therefore, I have to do the best I can under the British colonial system of government."

I will talk about the British colonial system of government and what it has done to many people throughout this world. The British Government in its heyday, under Victoria, just traipsed around the planet, raping and pillaging its way through lord knows how many systems of government and people—including the Irish people, with whom I can claim some sort of multicultural, tree hugging, Left Wing, trendy association. Of all people, the Irish have been wrongly and unfairly dealt with. Today they continue their struggle, as a few members opposite may know.

When I was in Canberra I took time out to visit the people in the Irish Embassy to discuss the issue of land rights. I said to them that my great-great-great-grandmother was turfed off her farm at the age of 17, strapped to the bottom of a convict ship and transported across the planet as a slave, conveniently labelled a "convict". I said, "I think I should be entitled to something because of that. I feel really hurt and repressed and destroyed because of that. It has totally upset my whole life. What can I get from the Irish Government?" Do honourable members know what they did? They laughed. They said, "Are you serious?" I said, "In my country, you can for a lot less." They said, "That's your country. I'm sorry, but it doesn't work over here."

Where am I native to? I am certainly not native to Australia. I would get laughed out of a native title tribunal hearing in an instant, because I am not a native Australian. I am not a European because, as those opposite so rightly say, I have never been to Europe. So where do I belong? Where is my homeland? What about the social injustices dealt to my ancestors? But wait a minute. I am capable of standing on my own two feet and doing something about my situation. I can take responsibility for my actions and say, "Hold on. I am going to make some changes and do some good", and stand up and do whatever I do.

This all comes back to taking responsibility for one's actions. I hate to say this, because I hear many members opposite saying it, but I have many friends who come from an indigenous background, including family who live in Brisbane. One of my aunts found out very late in life that she had some Aboriginal ancestry. Members can check this, and I am sure that they will. She is now an elder of the Dharug tribe in western Sydney. When she first went down there, she asked about finding out something about her heritage and her roots, which I believe is the right thing to do. Instantly, she was handed a sheaf of forms to fill out to try to claim some sort of money or substance from the Government. She said, "Wait a minute. I would like to find out some information." The reality is that the system is chronically misused and abused. It has totally removed the realism that people would have to deal with if they went to communities and dealt with Aborigines in real terms in the communities in which they live.

With mixed emotions, today I heard the Minister for Aboriginal and Torres Strait Islander Policy saying basically exactly the same things as I have said and the same things as Mrs Leneen Forde has said. Yet while those two people are shining lights for reconciliation and a path for the future, I have been labelled a racist.

**An honourable member:** That is hard to understand.

**Mr NELSON:** It is very hard to understand. Why is it that when one person says something and another person says exactly the same thing a couple of minutes later, one person is labelled a racist and the other is supposedly a shining light for reconciliation? That is totally inconceivable. But fair enough. I can understand that, because I am not a member of the politically correct in-crowd. Therefore, I am not afforded the same rights as those afforded to the Honourable Minister. However, I am not going to stop speaking just because somebody labels me. I know that members opposite would love that to happen, but I am here to tell them that it is not going to happen. I will accept all the labels that people want to give me. All they do is steel my resolve. I speak in this place on behalf of 438,000 Queenslanders, and I guarantee that they are all thinking exactly the same thing as I am thinking. And

fortunately, at the next election, they will show members opposite the same sort of thing if they go ahead with their divisive and racist policies.

If one believes ATSI's figures, 28% of my community is Aboriginal. But when I go out into my community, I do not look around and say, "Oh, there is an Aboriginal Australian. Oh, wait a minute, this guy here is a Chinese Australian. Wait a minute, this person is a Croatian Australian." When I walk around my community, I walk up to each and every individual and say, "How are you going?" I treat them as Australians, with equal rights, as one people, with no distinguishing features or anything like that. I see each person as an individual. I am not into collectivism and socialism. I believe that each person is an individual. People should be protected by the rights of the community as that community sees fit to develop those rights.

I am here to tell the honourable member for Townsville that as the Leader of the Opposition rightly said, when we start legislating to separate people while still trying to call them equal—and they have separate laws that are applicable to them—that is called apartheid. One other country had that system, namely, South Africa. I would never, ever support a system of apartheid in this country. But it goes even further than that. In South Africa they called it "separate but equal". Here, we are not even close. We do not even come within shouting distance of "separate but equal". We legislate rights for individuals so that they have separate access to law and they have separate agendas. I am against the whole concept of separation.

**Mr Reynolds:** You are basically ignorant of native title.

**Mr NELSON:** Here we go! That is like the "colouring in" statement we heard earlier. Yes, I am ignorant of native title, because I believe that native title is the most divisive and racist thing that has ever been brought into the Australian political scene. It is destructive. It is ripping this nation apart at its very roots. It is destroying communities at the ground level. I live in one of those communities that are being absolutely pounded by the concept of native title. One Aboriginal lady in one community did not even know that a native title claim had been lodged on her behalf. She was totally shattered when she found out about it and did not want anything to do with it. She is the only person who could have had title to that land, yet the Northern Land Council is lodging claims on her behalf. She never asked for that. She never wanted it. She has been a productive member of my community for a lot longer than anyone else has been. This reinforces the argument that, nine times out of 10, the people who are involved have no idea what is going on and nothing to do with it. It is all legal jargon and rubbish.

**Mr Mickel:** What's her name?

**Mr NELSON:** I am not going to name her in this place. She deserves the right to privacy. That is something about which members should talk later.

A couple of names have been bandied around this House. I have been called a racist a few times. That is totally ridiculous. People will have to try harder and go further than that. They will have to campaign in my electorate to get rid of me. There is no way in the world that a label is going to get rid of me. I stand on my credentials. The only people who have ever called me a racist sit in this House—no-one I actually know or work with. Every time I go back to my community I get taken down the main street of town by people who actually support me. I did not inherit my seat; I won my seat. When I go to town, people come up to me, slap me on the back and say, "Shaun, get up them. Get into them." They ask, "What are you doing, Shaun?" I say, "Oh, not much; keeping out of trouble." They say, "We did not send you down there to keep out of trouble, young fellow. We sent you down there to take them a message and to make them wake up and listen." I am sure that if members opposite took the time to go out into their electorates they would hear exactly the same sort of thing from people on both sides of the political spectrum. Members of the One Nation Party branch on the tableland used to be members of the Labor Party, the National Party and the Liberal Party. They encompass all types of political thought, but they all feel exactly the same way about this: one people, one country, one nation. That is the best thing we can aim for. And I am sure that any right-minded and sensible person in this House would agree.

I return to the people I was talking about before, and I will refer to only one of them: Mr Charles Perkins. If ever a racist was born in this country, there is one. Every member of this House should get hold of a book that he wrote in 1975. I will not give the title of the book, because I consider its contents to be unparliamentary. If anyone wants to have a look at it, I have it; they can come and talk to me. That book is the most hate-pandering, racially divisive thing I have ever read. He talks about banning Negro people from this country because he believes them to be the toys of the white man. He talks about all sorts of things like that. He tells the Aboriginal people of this country to rise up in civil war against the Government and to go off on a shooting campaign—all sorts of wonderful stuff like that. If I started talking like that in here, I would be ushered out of this House in a heartbeat. But we cannot speak about Mr Perkins. Why? Because he is protected by his Aboriginality! To speak about him would get one labelled as what? A racist!

This is all about reality. I have foreshadowed a heap of amendments to this Bill. Unfortunately, I cannot get through this House the one amendment that I would like to see passed, that is, that this Bill be abolished instantly to stop the destruction of my society and my country at the hands of people who are pushing a racist and divisive agenda, because the High Court has made its decision, and far be it from me to question the decision of the High Court.

**An honourable member** interjected.

**Mr NELSON:** The member talks about heritage. Members of the Labor Party are only here to destroy heritage—to pull down all my cultural beliefs and to replace them with a fictional story. They clutch their hearts and say, "Oh, but we are defending this and we are defending that." Rubbish! They are getting themselves re-elected. They do not give a hoot. I reinforce the words of the Leader of the Opposition when he said, "Hand over your backyard. Hand over your farm"—not that many members opposite own them. I will be right behind them in the queue with about 150 dairy farmers. We will all be standing there behind them ready to go next. The simple fact is that most members opposite are totally immune to native title. And when one is immune to something, it is great to be able to say, "I think that is the best thing in the world." They know straightaway that it will not affect them. It will never get into their backyards. They will be very careful to make sure that that does not happen.

Let us remember that the place on which we are standing, as Mr Bonner rightly said, used to be tribal land. The backyards of members opposite also used to be tribal land. I have heard Mr Bonner speak long and hard about what the country used to look like along the Brisbane River. I say to members opposite: do not feel guilty; foist the guilt upon the people who live in regional communities; foist the guilt upon the pastoralists! A lady from Cape York visited me in my electorate office because she could not get anywhere near her local member. In tears, she told me about the problems she is having on her property currently.

**Dr Prenzler** interjected.

**Mr NELSON:** Her property is in the Cook electorate, but she cannot get anywhere near her elected representative. He is in Cairns and she lives on the cape.

She relayed to me the exact story that I told honourable members when I started this speech. Those events have happened to her not once, not twice but on numerous occasions. Her nearest police officer is stationed in Bamaga, a good 300 kilometres or 400 kilometres away. That lady has nowhere to go; she does not know what to do. She is a normal, everyday person who is being eaten up and spat out by the Native Title Act, the most incredibly divisive and racist thing ever to happen to my country. It was so bad as to get me to stand up and say that I would enter politics.

This House is nothing like what I expected it to be. I expected it to be a place of democracy, a place where people could speak their minds freely, say how they feel and get a job done. Already, one One Nation member has been hounded out of this House. I am sure that a couple of us will be targeted next, because we are representing the communities that we were democratically elected in. I have tried my hardest never to abuse anyone personally. I have certainly abused a few people collectively, but I would never abuse anyone personally, because I believe in individuals and their rights. I believe that every member of the Labor Party, National Party, Liberal Party, every Independent member and every member of One Nation in this House has an electorally given right to be here. We must defend that right at all costs. If I cannot stand up here and speak because I am continually labelled——

**Government members** interjected.

**Mr NELSON:** Those fools opposite are yelling and screaming some sort of rubbish. If I have to continue to defend my democratic rights, that bodes ill——

**Mr REEVES:** I rise to a point of order. I found the comment that we were fools offensive. I ask that it be withdrawn.

**Mr NELSON:** I was addressing the whole party. There is no point of order.

**Mr SPEAKER:** Order! There is no point of order.

**Mr NELSON:** I am here to say that, in this country, democracy is in a shabby state. Members opposite are heading towards a chasm that they will never be able to get out of. They can keep going, because six seats on this side of the House are former Labor seats and there will be six more after the next election.