



Speech by

VAUGHAN JOHNSON

MEMBER FOR GREGORY

Hansard 25 August 1998

NATIVE TITLE (QUEENSLAND) STATE PROVISIONS BILL

Mr JOHNSON (Gregory—NPA) (5.20 p.m.): Today I join other Opposition members in speaking to the Native Title (Queensland) State Provisions Bill. As other coalition speakers in this debate have indicated, this legislation is good, but only in so far as it goes and only in so far as it sticks. We are dealing with matters that few reasonable people, apart from those who have reasonably been described as the "Loopy Left", would have any problem with.

Validation is essentially procedural, given the clear precedent in 1993, and confirmation, as has been said, is simply an affirmation of the common law as it stands. But there remains great danger here. It is very apparent that the commitment to the confirmation regime in particular by this Government is skin deep at best.

This afternoon it disturbed me when the member for Greenslopes spoke about what members on this side of the House want in relation to native title. We are talking about vision and reconciliation. I would have thought that as we progress towards the 21st century we all want reconciliation. We all realise that we live in a multicultural society. Going back thousands of years, the Aborigines have been the customary holders of this country. Europeans and people from other ethnic groups now coexist in our society.

This afternoon it alarmed me to hear the member for Greenslopes speaking about the "landed gentry" on this side of the Chamber. Yes, there are members on this side of the Chamber and on his side of the Chamber who are very successful in their own right. They should not be slandered, crucified or persecuted in any way, shape or form because of their successful business acumen. That the member for Greenslopes said what he said this afternoon is disturbing. What a member lists as his or her pecuniary interests is no business for any other member. I say to each and every member that, as we head towards the 21st century, we should be about peaceful coexistence. We have coexisted since 1788. Why can we not continue in that same vein? As I said a while ago, it is apparent that some people will want to cause chaos just for political gain.

Mr Palaszcuk interjected.

Mr JOHNSON: Hang on a second. The most important point is that we are now living and working together. Let us continue in that vein.

We know that there has been an attempt by the Government as recently as in the past few days to back away from the inclusion of grazing homestead perpetual leases on the schedule of grants which are held to be grants of exclusive possession, and on which native title has been extinguished. The proposition that has been put around town by the Government is that extinguishment on grazing homestead perpetual leases might become voluntary.

There are 2,967 GHPLs in Queensland. They cover 21,920,000 hectares—about 12% of the landmass of this State. Their inclusion on the schedule is a must. They must stay on the schedule. Any suggestion that anything more than a handful of those leaseholders might voluntarily approach the Government and seek that those tenures not be on the schedule is ridiculous and very irresponsible—if it has happened at all. I say that because what those people have done is put at risk the statutory protection that this Bill provides for thousands of other Queenslanders.

As the member for Ashgrove said this afternoon in this House, a lot of grazing homestead perpetual leases surround towns in Queensland in the central west, which I represent, towns in the north west, which the member for Mount Isa and the Honourable Minister for Mines and Energy represents, and other rural jurisdictions represented by my colleagues the member for Charters Towers, the member for Warrego and other members of this House who also have pastoral leases and preferential pastoral holdings in their electorates. If those leases are jeopardised in any way, shape or form, so are the businesses that operate in those towns.

In recent years, both the wool industry and the beef industry have been on their knees. The problem has been compounded further by ongoing droughts and low commodity prices. The towns that service those industries are about 95% reliant on those industries. We do not want to see land-holders being unable to obtain finance because of their tenure. After all, it is all about the productivity of not only the man on the land but also the businesspeople who live and work within those towns.

As the member for Mount Isa said—and as the Opposition Leader has pointed out—Mike McGaw from Kim Beazley's office is hard at work as usual telling us in this State how the Federal Labor Opposition wants to see the Labor Government in this State put together its agenda. The Premier is in charge of this State. He should not be told what to do by people down south. He is the Premier. He should do what is best for the people in this State, not what he thinks his Labor apparatchiks in the south want. The Premier has his agenda, and I think his agenda should be in the best interests of everybody in this State. He has acknowledged that and I hope that he continues to do so.

Mr McGrady interjected.

Mr JOHNSON: This afternoon the Minister for Mines and Energy spoke very passionately about job creation in his electorate of Mount Isa. For example, one of the things that got through the Senate with the help of the Labor Party and Senator Harradine is the ability for Governments to remove tenures from the schedule without reference to the Federal Parliament. At the stroke of a pen, the Federal Minister can take GHPLs off the schedule. A tenure cannot be added to that schedule without reference to the Federal Parliament, but one can be taken off. That option is in the Commonwealth Bill, thanks to the cooperation of the Labor Party, the Democrats, the Greens and Senator Harradine in the Senate. I wonder what might have been said to certain people in relation to that issue over the past few weeks to buy a bit of temporary silence.

I suggest to pastoral groups that there is absolutely no cause to relax as a result of this Bill, as welcome as it is, because it might well prove not to be worth the paper on which it is printed. The same situation exists in relation to a great variety of tenures that are also now on the schedule and which are just as vulnerable depending on what happens in Canberra in the near future.

If this Government is capable of prevaricating on GHPLs, then it is very capable of prevaricating on a range of other tenures as well. There are 2,639 grazing homestead freehold leases on the schedule covering 14.3 million hectares. There are 247 special lease purchase freehold properties on the schedule covering over 140,000 hectares. There are 1,323 perpetual lease selections, 34 purchase leases and 1,218 agricultural farms covering over 1.1 million hectares. There are 4,663 special leases and 192 term leases. In total there are over 13,000 separate holdings on that schedule in the pastoral arena. I would suggest to all of those people that they should watch the Government like a hawk, but they should not have to. As the Opposition Leader has made perfectly clear, the fact is that the issue of extinguishment of native title on GHPLs is not something that is determined on a personal whim; it is a function of common law, and under common law a grant of exclusive possession extinguishes native title.

I talked a while ago about the future of rural businesses and about everybody else who lives in rural and regional Queensland. It is absolutely paramount that those people are protected. We know that the Premier is somewhat confused on this very point. We know that the Left of the Labor Party wishes it were not so and we know that the national indigenous working group has been hard at work, trying to exploit the lack of understanding—at least at a political level—in the Government.

The prevarication, the confusion, is anything but reassuring because that is really one of the most fundamental issues concerning native title. Any backing away from the schedule would have a very significant impact. Pastoralists in this State have already accepted a very great deal in relation to the diminution of their exclusivity over the past six years. Honourable members opposite have often attempted to portray those of us on this side of the House as the devils in the piece for having argued that pastoral leases extinguish native title, but the fact is that that was the view of former Prime Minister Paul Keating. It was also the view of a former Premier of this State, Wayne Goss. In fact, some of the commitments by the former member for Logan on this issue are right up there with the views expressed by the Opposition Leader and other members on this side of the House.

I have heard it said by members on the Government side of the House that it is the big multinational companies that own these pastoral leases. Yes, a lot of multinational companies certainly do own such pastoral leases. However, those members should consider some of the companies that

do own them within the confines of Australia. They should consider the AMP Society, National Mutual and Provincial Insurance. Those companies are managing the real superannuation future of many Queenslanders and many Australians. That is something that probably indirectly or directly affects many people in this House, their families or somebody else in this State in some way, shape or form. I do not believe that those companies are out there trying to take advantage of this situation. They want this extinguishment not only so that they can progress as a pastoral company and be productive and benefit from what they are doing but also so that they can maintain a peaceful coexistence with the native people—the indigenous people. As I have said, they have been doing that since 1788, so let us continue to do it.

I also remind the members on the other side of the House that Paul Keating favoured the one-point plan and Wayne Goss favoured the one-point plan. Keating not only favoured it; he argued in the courts in Waanyi and in Wik for the one-point plan. The immediate past Chief Justice—the hero of Mabo—Sir Gerard Brennan, believed in the one-point plan and said so in the Wik decision. So we are far from alone.

I would issue one more much broader warning to Queensland pastoralists about the way in which this Government is dealing with native title. The Opposition Leader has already pointed out how churned up the Premier is on the issue of GHPLs after those silly comments suggesting that this legislation extinguishes native title on that tenure. Obviously it does not. But the Premier said something else very silly when he was making that mistake and that was that, in return for extinguishing native title on GHPLs, he would consider a range of special compensation measures. The fact is that he does not have to do that. The 10-point plan itself makes it perfectly clear that, if there is any impairment or reduction of native title, compensation is payable.

Why was the Premier saying that he would have to make special arrangements? An obvious explanation is that he does not know what he is talking about in relation to this very issue. Another is that this part of the set-up is for the next phase of his legislation, because that is where the big issues, such as the right to negotiate, are going to be dealt with. I think honourable members will find that the right to negotiate is covered very adequately in the Prime Minister's 10-point plan. Plenty of evidence is mounting that the Premier is going to go for the full-blown right to negotiate or something so close to it that it does not matter.

The Premier is setting the tone by talking now about the need for special compensation measures. I say to members of this House that they have to be observant here; they have to understand fully and precisely what these measures are about. The Premier is trying to make out that what is now in place is somehow a set of concessions from Aborigines that are going to have to be made up for in the second part of the package. If he does that, he will go the way that the Left in Canberra has pushed this whole set of issues in the Labor Party, and he will be creating a huge monster. We know that monster is there and we are trying to put that monster down. The Premier will be making native title an issue in the Federal election campaign. He will be packing up Queensland. As the member for Charters Towers said, he will send the mining industry packing across to Richard Court in Western Australia.

I can assure honourable members that Richard Court will not embarrass the mining industry—or any other industry, for that matter; he will embrace it. He is certainly one Premier in this nation who has brought the native title issue to the fore and dealt with it accordingly. I come back to what the member for Mount Isa had to say this afternoon in relation to the north-west minerals province. We can talk about job creation and the 5% unemployment target in the next five years. I hope that the Government achieves that 5% target. However, if we are going to let issues such as native title interfere with the operations of the mining industry, I can assure members of the Government that they will not achieve that 5% target.

If the mining industry is not functional in the north-west minerals province, organisations such as Queensland Rail will not be operational in that part of Australia and there will be no creation of jobs in places such as Townsville. That is going to have a snowballing effect right across all industries in the north and west of the State, not just the pastoral industry. I say to honourable members that every bullock that is shipped out of the west or the north of this State and is killed here on the eastern seaboard creates jobs for three men every day. That is a huge employment factor to take into consideration.

I can see the member for Fitzroy at the back of the Chamber looking up. He, too, knows full well the importance of the mining industry as well as the pastoral industry in his electorate. I say to members of the Government: please work in cooperation with these two great industries—the pastoral industry and the mining industry—for that coexistence, for that extinguishment of native title, so that this State can progress into the 21st century in that cooperative vein. I say again that the Government will be crippling infrastructure development in this State if it does not do just that.

The Opposition Leader alluded to that today. A new major threat to the Century project is already emerging. NORQEB cannot get power to the site because Murrandoo Yanner is using the

Keating Native Title Act to stop it. A 24 or 25-year-old lout is trying to hold back the progress of major mining companies in this State, and I do not believe that anybody in this Chamber would condone that type of behaviour. We know precisely what Rob Borbidge's Government went through when he tried to address the issue of Century Zinc and we know what the former Labor Government tried to do in addressing that very issue, too. If we are going to have that cooperation among the mining industry, the pastoral industry and the Aboriginal members of our community, we have got to have a more responsible approach to what we are trying to achieve as one people in this State and in this nation, rather than identifying with 1% or 2% of people who are dictating an agenda.

We have Michael Lavarch and Ross Rolfe running around in the north, ignoring the Burke Shire and the companies and preferring to sit in the sun outside the Carpentaria Land Council building in Burketown waiting for an audience with a minor north-west Queensland lout or hood, or whatever we might call him, to decide the fate of the north-west minerals province. I know full well that the Premier does not support the behaviour of Murrandoo Yanner. I know that the Minister for Mines and Energy certainly does not support his behaviour. I know that my colleagues in the Opposition want to make absolutely certain that the mining industry, the pastoral industry and every other industry is able to work in peaceful coexistence with Aboriginal people throughout the length and breadth of this State.
