



Speech by

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**MEMBER FOR CABOOLTURE**

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**NATIVE TITLE (QUEENSLAND) STATE PROVISIONS AMENDMENT BILL**

**Mr FELDMAN** (Caboolture—ONP) (2.54 p.m.): The native title issue certainly has caused no end of confusion, uncertainty and outcry in Australia since it was first mooted, let alone since it was first mentioned. The native title concept is unfounded, confusing and ridiculous to the extreme, and it is certainly open to abuse. It is based on a court ruling by unrepresented, unelected judges and has been legislated by an inept and hijacked Commonwealth Government—a Commonwealth Government that is supposed to have limited control over State affairs yet increasingly manages to force States into adopting its solutions to issues and its legislation. This legislation is forced upon the States and we have no choice but to accept it, and that is not democracy.

Not only is the Commonwealth Government's control over this issue and the State Government's willingness to do its bidding disgraceful, so too is the way in which the legislation has been handled. Certainly one can understand the controls upon the legislation that have been set by the Commonwealth Native Title Act. However, the Premier's duty is to ensure that the legislation that comes before the House satisfies those Commonwealth requirements. In this instance, the Premier has clearly failed to do this.

The first Native Title (Queensland) State Provisions Amendment Bill, which we thought we had seen the last of back in November of last year, was obviously seriously flawed as it has been necessary to introduce the Bill that is before the House today. This Bill is similar in many ways, but it contains extra transitional provisions and additions to satisfy the Commonwealth Attorney-General. This Bill is just as ridiculous as the first in that it legislates for native title provisions in the Queensland mining industry. A rose by any other name would still smell the same, and smell this certainly does. Just when we thought we could not get any worse, legislation that was almost impossible to understand to begin with will be amended yet again. The Premier will be introducing another enormous pile of amendments to a Bill that amends a Bill that they could not get right in the first place, and that the Premier had already amended in Committee.

All sides of the Government have attempted to allay native title concerns since this debacle began. About the only comment that has been adhered to over the last few years has been that freehold land will not be touched. It will not be affected by native title claims and, therefore, suburban backyards are safe. However, the Government's recent State Development and Public Works Organisation Bill has shown us that they may not take one's backyard and hand it over to native title groups, but they can certainly take one's backyard and, for that matter, native title land from Aboriginals and hand it over to private enterprise companies that do not even have to be Australian. That is another prime example of hypocrisy.

It seems that there is a vast difference between what politicians would have the public believe and what is the case, and between what will happen and what actually happens. If a person discusses Aboriginal entry to a property at will and with no respect for the pastoralist, they will be told that that is nonsense and that it does not and will not happen. They will be told that they are spreading conspiracy theories to scare the community. Let me give the House an example of one case where just such an event occurred.

Mrs Nixon, who is a lessee at Shelburne Station in the Cook Shire, North Queensland was involved in an incident with an Aboriginal fellow in October last year. Mrs Nixon diarised the events beginning on 7 October 1998 when a Mr Pablo showed up claiming to be the traditional owner of land covered by her lease. He entered the property unannounced and, when located by Mrs Nixon, stated that he was waiting for a truck that was delivering parts of a prefabricated building that was to be constructed on the lease. After phoning the Department of Natural Resources, ATSIC, Family Services, the Cook Shire mayor, the national president of the Cattlemen's Union, the Native Title Tribunal, the Premier's Department, the Minister for Natural Resources and the Cape York Land Council's solicitor and chairman, the result was mixed.

The Department of Natural Resources and the family services department knew nothing about it. ATSIC had not funded it and the mayor said that no permits had been issued and that no permission had been granted to construct any such building. The Cattlemen's Union gave some advice and offered some help. The National Native Title Tribunal stated that permission should have been sought before action was taken but suggested that they try to come to an agreement in spite of the fact that the legitimacy of the claim was yet to be established. The Premier's Department and the Minister for Natural Resources did not even have the decency to return any phone calls. The Cape York Land Council's solicitor was unavailable, in spite of six phone calls being made. The Cape York Land Council Chairman said that a development offshoot of the council had organised to build an out-station to take its people back to their land, and a contact name and number was given.

To cut a long story short, several days of repetitive phone calls and a lot of buck-passing produced no response from the Premier, the Minister or even the local member. Meanwhile, more prefabricated building parts were arriving each hour. In the end, after much frustration and argument, the building parts were removed. However, just when Mrs Nixon believed that it was all finally over, she was assaulted by an Aboriginal woman who told her to "show respect" for Aboriginal people because they owned this land. I will read the final part of Mrs Nixon's account, which states—

"My family has held leases on Shelburne since 1960-61, Pablo and his group only became known to us in 1986. He was brought back to the sand dune area by other people"—  
not Aborigines—

"and told that the sand dunes are their sacred place in order to stop North Australian Silica from obtaining an export licence to mine the sand at Shelburne Bay."

Those sorts of incidents are not supposed to happen, but they do. Native title is a tool by which lawyers and greedy minority groups can manipulate genuine Aboriginal people for their own financial gain.

This Bill, conceived from the Commonwealth Native Title Act, will supposedly get industry moving again and provide certainty to the mining industry and native title interests. Yes, that is what it is supposed to do, but what will occur in reality? Will incidents such as Mrs Nixon's experience become commonplace or will we see worse incidents, just because there is money to be made? Will native title groups urged on by people with their own motives and agendas extort mining companies for whatever they can get and hold mining companies to ransom for huge compensation payouts? In regional Australia, many a story is told about the injustices that the native title legislation condones. One can only take a person's word for it, because no-one is game to say anything further to any formal authority for fear of retribution, such as that which Mrs Nixon received. Alternatively, they just shake their heads in defeat; it is not worth challenging, because we will never get anywhere, anyhow, anyway.

Occasionally, parts of these stories make it into the media. I remember reading an article about Aboriginal interests being paid an exorbitant amount of money to advise on and watch the construction of a fence to ensure that native title interests were not affected by its construction. I cannot remember the exact figures, but I clearly remember thinking how ridiculous it all seemed, how much money was being made and how much it was really costing.

These days, the Aboriginal industry is not a bad industry to be in. It has become a career option to gain acceptance by a tribe somewhere and settle down to make a huge profit from Government, mining groups, pastoralists and international interests—and anyone else who will give money for the privilege. Let us face it, those behind the push for a guilt-ridden nation—those who hide behind Aboriginal people to make their own fortune and pursue their own agenda—have been very successful at what they do and they will continue to be so now that it has been entrenched so strongly into our society.

We hear the outcry about the poor indigenous people who live in appalling conditions; that they are disadvantaged and poverty stricken. Where were those voices for Aboriginal health when \$500m was invested in the guns buyback scheme? Could that money have been better spent? How many indigenous lives may have been saved if that money had gone into the health services of this country? Today I noticed in an article in the Courier-Mail, titled "Beattie to fight for outback health", that the Premier has called for an extra \$64m in compensatory Federal health funding, saying that the lack of

doctors in the State's isolated rural and Aboriginal communities means that they are served only by public hospitals and not by private doctors who bulk-bill under Medicare.

The \$500m spent on the guns buyback could have provided the \$64m that the Premier is calling for in this article. The guns buyback money could have aided not only indigenous health but that of all Queenslanders, irrespective of who they are or what position they hold in society. It is obvious that the hospitals in this State are greatly in need of that funding. The public health system generally is inadequate, yet was the Premier fighting for outback health when his Labor Party mates in Canberra supported the Federal guns buyback scheme? I find it disgusting that Governments seem interested in Aboriginal welfare only when it is politically advantageous to do so.

Without having the ability to direct a media crew to at least one indigenous person in poverty, squalor and ill health, how can the gravy train of funding continue? It is in the best interests of the Aboriginal industry to keep its people in these conditions to maintain its level of funding and public sympathy. I know of many indigenous people who live this way, and that certainly needs to be addressed. They most certainly need to be helped. But let us not expect ATSIC to do it. Let us not expect one ounce of compensation money to do it. Let us not expect the public guilt industry voices to do it; they have not done so yet and they will not do so.

How much money has been poured into this industry to date? Billions of dollars! Why are there still Aboriginal people living in poverty? Why are they still disadvantaged? A prime example is the chairman of ATSIC, whom I am sure most people have seen depicted in a poverty-stricken Aboriginal community, next to a woman in a poor state of health under a lean-to made of corrugated iron or something similar. Mr Djerrkura pointed out the poor condition of his people and how they need help. He says, "See how terrible and disgusting it is that anyone should live this way in Australia in the 1990s." Guilt, guilt and more guilt! According to the 1997-98 ATSIC annual report, Mr Djerrkura is making no less than \$180,000 per annum. In addition, he received a grant from the commission. Never once have I seen him take money out of his pocket to give to one of his own people. It is a joke. ATSIC is a joke and native title is a joke. Native title is just another tool for moneymaking in the Aboriginal industry, which is thriving in Australia today.

Just one example of a native title claim that covers my shire was that by the Jinibara people in September last year over an area of 8,138 square kilometres for the exclusive possession, occupation, use, enjoyment and future of the land, waters and resources, to the exclusion of all others. Another claim, this time by the Wakka Wakka people, is over another sizeable area, with similar requests to the ones mentioned above. However, this one goes even further. These people want exclusive rights—"land, waters and air"—and to "harvest and collect natural resources for customary and commercial purposes" and "an exclusive right to owning all knowledge associated with animals, plants, areas and places in Wakka Wakka country, and the right to pass on such ownership rights as only the Wakka Wakka people may determine". What sort of legal minefield does this open up? How much money can be made from this little affair now and long into the future?

I have said many times in this House before—and I will continue to say this whenever the opportunity arises—that native title is indeed ridiculous. The claims and guilt trips have gone far beyond the outrageous. Commonsense has been lost along the way. Aborigines never lived according to the principles of land ownership and everyone—every race—came from somewhere at some time and suffered displacement. It is the way of human civilisation. Again, Aborigines do not have a monopoly on displacement, invasion, loss of freedom or culture, or any other terrible thing in life. Aborigines do not have a monopoly on being disadvantaged, and to say so is to divide by race.

I understand that this Bill must exist, that Queensland's hands are tied. All Queenslanders require some certainty in regard to this matter. Before I finish, I would make a quick comment on the Premier's apparent change of priority of this legislation. In his second-reading speech, the Premier quite clearly placed the blame for the delay in this legislation upon the Commonwealth Government. In his letter to me dated 6 April 1999 the Premier states that he wrote to the Prime Minister and raised with him his concerns about the delay in the Commonwealth decision-making processes. The Premier stressed the importance of, and his desire for, the legislation being fully operational by mid year.

Is it not strange that the Government did not even bring this Bill forward for debate? Supposedly such an urgent piece of legislation had to wait until the Industrial Relations Bill was passed—just before the Labor Party conference. It is obvious then that the people of Queensland come second to the party's faithful and mates. As I was saying, Queensland needs certainty in relation to this issue. Make no mistake, however, neither One Nation nor myself support any form of racial division, including that put about by native title. This Bill should not be supported.

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