



Speech by

BILL FELDMAN

MEMBER FOR CABOOLTURE

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LEGISLATIVE STANDARDS AMENDMENT BILL

Mr FELDMAN (Caboolture—ONP) (8.53 p.m.): While not wanting to trivialise this debate by remarking on the absence of the member for Tablelands, having seen the course that the debate has taken I feel that I must comment. I make this observation before entering the debate: I recognise the need for a member to represent his constituents, and in this place that is usually done through speech. No-one should be denied their right to speak, because the fundamental principle that this place runs on is the right to free speech. However, there is a process to follow and there are rules to follow. When one comes from a police background, one learns to respect the rules. There is a process that must be followed and the rules must be adhered to. The office of Speaker is where the respect for those rules lies. The member for Tablelands did not adhere to the respect that was due to the Chair, which is paramount. That is where the member for Tablelands failed his constituents and that is why he is not here tonight. He paid the price for his failure to respect the Chair, and that is where my comment in relation to the member for Tablelands will end.

I support the Legislative Standards Amendment Bill, which was presented in the House in November last year. Equality for all Australians is the emphasis of this Bill— equality for all Australians, regardless of race, colour, creed or cultural background. I ask the question: who in the House is against equality for all or, alternatively, who in the House truly believes that just one Australian culture, and not all others, should receive such sufficient regard when drafting new legislation? Is that not in itself racism, to make judgments based purely on one's race?

I stand here today in amazement that this Bill, which amends the emphasis placed on paying particular attention to Aboriginal and Islander cultures in legislative principles, has had to be drafted in the first place. I did a little background reading as to why this clause was originally included in the 1992 Legislative Standards Bill.

According to the Alert Digest of the Scrutiny of Legislation Committee, then Premier Goss stipulated that the fundamental legislative principle constituted a modest first step—and I repeat, a modest first step— towards recognition of Aboriginal and Islander customary laws. In addition, Premier Goss boasted that Australia was the only country in the world to place this emphasis on its indigenous people. Members should not get me wrong: as far as the Labor Government goes, that was probably an honourable thing to do. However, it led me to question why Australia was the only country in the world to do this. More importantly, why did no other countries pay the same regard to their native people when drafting their new laws? My guess is that other countries knew that in the long run that would cause problems, and justifiably so.

Even when the legislation was drafted originally, there were problems. A dissenting report, which is highlighted in the Alert Digest, stated—

"The definition of 'tradition' as set out in the interpretation of the Draft Bill and applying to Aboriginal and Torres Islander people is as follows.

'... traditions means the body of traditions, observance, customs and beliefs of ... people generally or of a particular community or group of ... people, and includes any such

traditions, observance, customs or beliefs relating to particular persons, areas, objects or relationships.'

To require any Committee to make judgments in such diverse and vague areas is to open a Pandora's box of claim, counter-claim, innuendo and emotion that will not under any terms be in the best interests of those who the Draft Bill seeks to represent.

Aboriginal and Torres Strait Islander people have specific recognition at Government level by way of a specific Department through which their day to day problems and concerns are supported. No other particular group within the Queensland community receives this level of support and this support has acceptance across the political spectrum as being justified.

To broaden that support structure in the proposed manner will only serve to create dissension within the community and work against the commonly accepted belief that the legislative process should support all sections of the community, regardless of origin or ethnic background.

Aboriginal and Islander people are represented through the elective process in the Parliament of Queensland and it is the responsibility of those elected representatives to bring to the notice of Government and the Parliament any concern applying to their constituencies.

Therefore it is unacceptable that the Draft Bill singles out a certain percentage of the Queensland population and fails to treat equally all Queenslanders regardless of their origin, ethnic and cultural background."

We all know that countries consist of several different cultures. Australia is a prime example. Therefore, to place special emphasis on only one culture and not on others causes divisions within the population or, to put it more simply, division within the population constitutes racism.

I respect the Aboriginal and Islander cultures as much as everyone else in this House does, but are we just as respectful of Australia's own culture? The day that the British arrived in this country was indeed a day of change, especially for the Aborigines. We all recognise this and the disarray that the Aborigines were faced with. However, all things aside, we all know also that this country would have been explored eventually by somebody, whether it be the British, the Japanese, the Americans, the Russians or whoever. Surely we all know that the invasion, as some members may term it, would have occurred one way or another. We certainly all know that the native people of this land would have been faced with similar if not worse consequences of such a discovery.

One should not forget that change is inevitable. It is part of progress. In just 200 years this country has changed and progressed significantly, boasting an abundance of resources and technological advancement. We also have a population consisting of people from countries all over the world, and that has contributed to the growth of this great country—and to a great Queensland. This is a very important issue.

Prior to British settlement, the Aborigines lived by their own laws and customs as part of their culture, a culture that will be passed on from generation to generation. We all recognise and respect this, but there is a significant difference between respecting one's culture and preserving it over and above that of all others. But as I said earlier, 200 years ago this country changed and it has continued to change to become the Australia of today, a country with its own set of laws to be abided by those who wish to call this country home. And that means everyone, not just certain sections of the community, as Australia is too culturally diverse to make exceptions for just one culture.

According to the Australian Bureau of Statistics, in 1996-97 Australia's indigenous population was approximately 2.2%. Preliminary population estimates identified 23% of Australia's population as being overseas born, with the majority of immigrants coming from New Zealand, the United Kingdom, China, Hong Kong, South Africa, Vietnam, the Philippines, India, Taiwan and Bosnia. To put this into perspective, I point out that the Legislative Standards Act, as it currently stands, stipulates that sufficient regard should be paid to only 2.2% of the population. One could argue: what about the different cultures of our immigrant population? China, South Africa, Vietnam, India and Bosnia are all culturally strong countries. If this Government were truly the anti-racist Government it claims to be, it would introduce special clauses to pay sufficient regard to all of the cultures evident in this country. That would be a total administrative nightmare and would be completely ridiculous, to say the least.

The only solution to this mess is via this amendment Bill, which treats all Australians equally—one human being equal to another, equal before the law and not according to race, culture or creed. In a country that is so culturally diverse, we simply cannot stipulate that one culture is superior to another. Nor should only one culture receive special consideration when new legislation is introduced. The reasons are obvious. Equality for all regardless of race, culture or creed is the only conclusion, and that is what this amendment Bill has been introduced to address. I commend it to the House.