Speech by

Mr DENVER BEANLAND

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STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION AMENDMENT BILL

Mr BEANLAND (Indooroopilly—LP) (5.20 p.m.): The cynicism of this legislation, engaging a head of power for the compulsory acquisition of native title rights, coming up for debate in this House today is absolutely breathtaking. On Tuesday this Bill was the next item of business on the Notice Paper. It did not come on. It did not come on because the Premier wanted to give notice of a sorry motion for a debate on Sorry Day. He thought it might look a tad hypocritical if he was saying sorry out of one side of his mouth while debating out of the other side legislation which seeks to compulsorily acquire native title rights for the benefit of third parties.

Indeed, members now know, following the tabling of the letter dated 27 May from the Queensland Indigenous Working Group by the member for Hinchinbrook a little earlier in this debate—and I understand that he read most of it into Hansard—that that is exactly the situation. The reason was that we had a sorry motion yesterday and the Premier neglected to consult with the Aboriginal groups about the head of power to compulsorily acquire their title and he needed to deliver a bit of mollification because their reaction was predictable. If honourable members look at this letter dated 27 May they will see that it certainly strenuously opposes this legislation. It says in the very first two lines—

> "I am writing to convey to you the Indigenous Working Group's strenuous objection to the SDPWOA Bill."

That is the very thing it says.

So he slipped this Bill into his back pocket for a while and pretended it was not there. When we debated the "sorry" sorry motion yesterday, this legislation had, in fact, slipped to No. 4 on the Notice Paper. The crystal clear inference was that the Premier wanted this legislation as far divorced from his "sorry" debate as possible and, of course, that is very understandable. We are, I must say, surprised to see it rise from the dead so quickly in view of the strenuous opposition from the Queensland Indigenous Working Group.

We did not think he would want to negotiate this until next month, but the Premier is obviously of the view that the attention span of the public and the gallery is so short that he can put it back on the Notice Paper to No. 1 a mere 24 hours later and not be seen to be an absolute hypocrite and, of course, he may well be right. He may get away with it in those quarters, but he does not get away with it from this side of the House, he will not get away with it with the Aboriginal people, he will not get away with it with the industry groups and he certainly will not get away with it as far as the people in the rural areas of this great, vast State of ours are concerned—the people of the bush where once again the unlucky few who live face to face with this problem are going be in the front line. I assure the Premier that those groups and we on this side of the House at least see right through him.

The other truth about this debate is that we are all probably absolutely wasting our time. This Bill is probably going absolutely nowhere. It is in all probability absolutely meaningless, given recent developments in Canberra. Senator Harradine, who finally allowed a bastardised form of the 10-point plan through the Senate last July, has in the past few days done a backflip. What that extraordinary man now says is that he will not let State-based native title regimes through the Senate—even regimes

which comply totally and completely to the letter with the plan to which he agreed with the Prime Minister last July. That represents a massive abrogation of Senator Harradine's responsibility to the nation in general and to this State in particular.

It was an extraordinary backflip. It means in the end that the State's entire native title package is headed for rejection. Senator Harradine will probably be meaningless by the time that happens. He will be irrelevant— possibly even in a retirement villa—before this legislation ever gets to the Senate because this Bill is interlocked with the wider mess that the Premier has made of native title, which forms the foundation of this Bill. This Bill is wasted space unless the other aspects of the State's legislation are in place.

A few months ago the Premier was trumpeting that that was fixed, but of course it was not and that became very clear yesterday. What we got yesterday was a massive rewrite of many aspects of the State-based regime that this Bill relies upon, and there is Buckley's chance that that package will be in the Senate in time for Senator Harradine to make good the threat he has made. But the Democrats and the Greens will be and they are going quite loopy on this topic. So the end result will be the same: the package, and with it this Bill, is doomed in the Commonwealth Parliament.

There should be absolutely no mistake where the final responsibility for that debacle rests, and it is not with Senator Harradine—as damaging as he has been on this matter in recent times. It is not with the Democrats and the Greens. The folly of this Bill and its associated package rests overwhelmingly with the Australian Labor Party. The stupidity of the Democrats and the loopiness of the Greens meant nothing in that crucial Chamber during the debate on the Wik amendments without the unstinting support of the Australian Labor Party. It was with the wholehearted support of the Australian Labor Party in the Senate that what we ended up with in legislation in relation to the approval of the State-based regimes was not the preferred route of ministerial approval but disallowable instruments. So the greatest threat now to this Premier's inadequate and discriminatory approach to this whole raft of issues is essentially the doing of his own party. What the Australian Labor Party wrought in Canberra as it filibustered and undermined and backed Harradine, backed the Democrats, backed the Greens——

Mr DEPUTY SPEAKER (Mr Reeves): Order! I just remind the member of relevance to the Bill.

Mr BEANLAND: I referred to several clauses of this Bill.

Mr DEPUTY SPEAKER: I would think it would be appropriate if the member started referring back to those clauses.

Mr BEANLAND: Mr Deputy Speaker, if you are going to allow me to refer to further clauses, that is fine and I thank you for that.

So the greatest threat now to this Premier's inadequate and discriminatory approach to this whole raft of issues is essentially the doing of his own party. This Labor Premier, this country and this State will now reap what the Australian Labor Party has wrought in Canberra as it filibustered, undermined and backed Harradine, the Democrats and the Greens. Labor in Queensland will be hoisted on its own petard— not of Senator Harradine, not of Senator Woodley, but the petard of the Australian Labor Party's Nick Bolkus. Bringing this legislation in in the format which refers quite explicitly to native title and clearly winds back aspects of native title is exactly what the Queensland Indigenous Working Group of the ATSIC Queensland State office is on about when it says quite clearly what it did in the first sentence of its letter to the Premier dated today.

That certain fate means that the unconscionable uncertainty that has attached to this issue ever since the High Court's ruling in Wik will be maintained indefinitely, with the most logical result now from this illogical mess being that the States will have to be corralled on this whole raft of issues into the Commonwealth jurisdiction. None of the opportunities that the coalition was able to scrape through the Senate will be taken advantage of. That result can be directly traced to Labor's intransigence in the Senate, but there is not much basis for lamenting the fact that the Bill we now debate is probably totally meaningless, thanks to the antics of the Australian Labor Party.

What we have here is a piece of the ALP's irresponsible effort on the topic. That is this piece of legislation. Indeed, the compulsory acquisition powers that are the central aspect of this Bill that we are debating this evening is just another example of the way in which the Australian Labor Party is determined to keep on doing its absolute best to ensure that this country is tied up in an incomprehensible and uncoordinated, ridiculous mess in relation to native title for as long as possible. What we have is another big slab of typical Labor Party inconsistency— typical unworkability. I refer in particular to Labor's incredible on again/off again approach to the right to negotiate. That is the hidden central element of this piece of legislation.

The right to negotiate in the original Native Title Act was to apply in but two circumstances. One was where mining was to occur on native title land. The other was in relation to compulsory acquisitions for the benefit of third parties. Why there ever needed to be a right to negotiate is a mystery. If we look at the reasons given by Labor politicians, we see that we get a different, nonsensical answer every

time. Again, it is cheap political point scoring. Some say that it was compensation for validation of titles between the Racial Discrimination Act and the passage of the Native Title Act. Some say that it was compensation for the fact that pastoral leases at that time could not be claimed. They clutch at various straws to justify the unjustifiable and the illogical process they set in train.

The right to negotiate was a right on a level unknown to any other Australian with any property rights. Via the Wik amendments the coalition provided some restoration of commonsense. Gone was the mechanism which gave Aborigines rights that no other Australians had. In relation to mining and pastoral land, the coalition provided a mechanism whereby States could avoid the right to negotiate as long as they provided Aborigines with the same level of procedural rights available to other land-holders in the same circumstance—equality of rights, which is what should have been there in the very first place.

In relation to the right to negotiate on compulsory acquisitions for the benefit of third parties, the coalition provided a substantial escape clause from the inequity of that process. It was able to get through the Senate the ability for the States to do away with the right to negotiate in circumstances where the compulsory acquisition was for the benefit of a third party if the project prompting the acquisition was public infrastructure. That was for a number of very good reasons to do with the equality of rights of land-holders of all types, sizes and shapes and in response to the dire need to be able get on with the job of developing this State without having to engage in cap-in-hand efforts on behalf of the public.

The right to negotiate would, however, continue to apply where there was a compulsory acquisition for a third party for some directly private purpose. So there were opportunities for the States to return some commonsense to the equation, to enable crucial public works to go ahead, while providing Aborigines with the same sorts of rights available to anybody else. The States were able to do the same in relation to compulsory acquisitions, to enable mining to go ahead without having to engage what Bill Hayden has called near extortion.

What did this Government do? It kept the right to negotiate in relation to mining on pastoral land. It decided to maintain the illogical situation whereby for one race there would be far greater procedural rights than are available in the same circumstances to another race. They would hold another form of title that the High Court says is superior. Having done that, with the Bill we are debating today we see the Government giving support to the notion that there should not be a right to negotiate in relation to compulsory acquisitions of native title which will benefit third parties in relation to public infrastructure projects. What a farce!

It just does not make sense. As usual, there is absolutely no consistency. There is no thread running through. This is just more of the cheap political point scoring that we get from the other side of this Chamber. It compounds the nonsense of native title that has been visited upon this country and this State by the Labor Party. At almost every turn Labor has done its best to stymie the efforts of the coalition to establish some workable system. In doing so, Labor in Queensland contradicts Federal Labor. Members opposite should sit and think about that for a while, because I am sure they are unaware of it.

As the Opposition Leader has pointed out, in the Senate, where the Left reigns supreme via Nick Bolkus, the ALP fought every inch of the way to maintain the right to negotiate on compulsory acquisitions for third parties. He fought every inch of the way. What Nick Minchin wanted to achieve in the Senate on behalf of the coalition was a system whereby, for these sorts of projects, people did not get to resort to the sledgehammer of compulsory acquisition to get the job done. The coalition wanted a system whereby, if the Government wanted to build public infrastructure using private agents and there was going to be a minimum disruption to title, it simply went ahead and got the job done, with all land-holders having the same set of procedural rights in relation to disruption and compensation.

Compulsory acquisition would not come into it, except as a last resort. Labor in the Senate fought even that. It wanted that sort of authority to apply only to the reconstruction or maintenance of existing facilities in existing corridors, even though what was being proposed was an outcome that would have required the extinguishment of any native title and would have ensured that Aborigines, like anybody else, would be liable for appropriate compensation. Labor wanted nothing less than a right to negotiate on everything but maintenance or reconstruction.

This Government has gone a very long way from the ideals of Senator Nick Bolkus, but that is very cold comfort indeed, because it has simply opted for a mess of another kind. Land-holders everywhere will be as outraged, and rightly so, by this Bill, as the Aboriginals obviously are.

These proposals lack accountability. We would learn about the exercise of very considerable power only after the event. Of course, one could imagine what the Australian Labor Party would have said had the Joh Bjelke-Petersen Government tried to introduce this type of legislation. The power lacks definition. It lacks quality in relation to procedural rights. In all probability, if not inevitability, the power is totally irrelevant under the circumstances that will apply shortly in the Senate. In this State, thanks to

the Australian Labor Party, from Paul Keating through to Senator Nick Bolkus and the member for Brisbane Central, we will endure ongoing uncertainty of the sort that has plagued this country on this issue since 1993.

The Premier has but one course if he wants to see this imperfect Bill become law, that is, drum some commonsense into his colleagues in the Senate. The Democrats will mean nothing in that place if the Australian Labor Party finally sees the error of its ways, if it is prepared to consider what it is going to do to genuine reconciliation in this country by continuing on the destructive course it has been on since 1993, if it is prepared to consider the incredible cost of the uncertainty that will be imposed on the land-holders of this country, and if it is prepared to consider what it is going to do to the mining industry in this country.

The Premier must demand of his Canberra Senate colleagues that they vote with the Government so that at least there can be a system of dealing with native title which gives some consideration, however meagre, to the equality and development of this State and they must cease playing the senseless politics we have seen Labor play so often on this matter in the Senate and around the nation.

A little while ago the member for Sandgate spoke about water, dams and so on. Of course, the coalition put in place a major dam building program right across this State. Who stopped that whole program? It was the Australian Labor Party. That program has gone into a big black hole. We have seen so much development put on the backburner by this Government. That is part of the doublespeak we have seen all along in relation to this whole issue. We see the Labor Party simply playing cheap politics.

The Aboriginal groups are now aware, and it is little wonder that they are so outraged by the hypocrisy we have seen. In the letter tabled today and read into Hansard, they even talk about a rogue element within this Government. It is quite obvious that there are a number of rogue elements around. It is clear that the rogue element they referred to relates to the whole of the Australian Labor Party in this place. It has been caught out totally in relation to this matter. We saw great hypocrisy in this place yesterday and again today.

Coalition members have looked at this matter a number of times. The former Minister, the member for Burnett, who was very involved in this whole issue, was looking at bringing into the Chamber legislation relating to various projects as they came along so that there would be transparency and accountability to the public at large. That is so important. As I said, one could imagine what Labor Party members would have said if the former Bjelke-Petersen Government or the former coalition Government had done this. They would have been screaming the House down. There needs to be transparency and accountability. The way to do this is to have legislation come into the House on individual issues as they come up from time to time.