



Speech by

Hon. PETER BEATTIE

MEMBER FOR BRISBANE CENTRAL

Hansard 21 July 1999

LEGISLATIVE STANDARDS AMENDMENT BILL

Hon. P. D. BEATTIE (Brisbane Central— ALP) (Premier) (8.31 p.m.): This Government opposes the private member's Legislative Standards Amendment Bill. The people of this State and this nation are overwhelmingly moving towards reconciliation. It is with a degree of pride that my Government has apologised officially to the stolen generation and has taken a number of steps in terms of the payment of past wages to Government employees in rectification of past injustices, which were long overdue. Those past injustices are being resolved by the Government. I am delighted to say that that is one of the many achievements of my administration.

The Labor Party is totally committed to reconciliation. It is the way forward. Bringing people together is the way forward. It is not about dividing people, or tearing them apart, or finding those things that divide us; rather, it is about bringing people together and finding those things that unite us. One of the great things about Queenslanders, and one of the great things about Australians, is our tolerance—our ability to judge people by what is in their hearts; in other words, who people are rather than the colour of their skin, or their religion, or their sex, or any other matter. That is what makes this country a truly tolerant multicultural nation.

The Prime Minister says that his Government is committed to reconciliation. It seems that only the member for Tablelands is moving the other way. The member's Bill seeks to change section 4 of the Legislative Standards Act. Section 4 provides examples of matters to be taken into account in considering whether or not legislation complies with fundamental legislative principles. These principles reflect basic democratic values, common law presumptions and international law. They require that sufficient regard be given to the institution of Parliament and to preserving and enhancing individual rights and freedoms when Bills and subordinate legislation are drafted.

These principles are not absolute but the Legislative Standards Act ensures that they will not be displaced without specific consideration and decision by Parliament. These principles are fundamental and underlying and they cannot be dispensed with until Parliament actually directs its attention and focus to why that should be the case. It is a very important practice for this Parliament.

Section 4 is also important because it is a guide which Parliament has given to the public servants who formulate legislation. In other words, it is similar to a beacon on a hill. The whole Public Service can see the basic, fundamental principles which should underlie the legislation which comes into this Parliament—the framework and the principles which not only make the legislation work but are acceptable to the common, decent standards which we all accept.

One of the examples listed in the Act is whether legislation "has sufficient regard to the Aboriginal tradition and Island custom". The private member's Bill proposes that this example should be removed from the Act. This provision was included in the Legislative Standards Act on the recommendation of the Electoral Administrative and Review Commission following representations by Tharpuntoo Legal Service Aboriginal Corporation and the Aboriginal and Torres Strait Islander Commission.

It represented the first time that any jurisdiction in Australia had legislated to recognise the need to acknowledge the tradition of indigenous people and to have sufficient regard to the impact that legislation might have on their rights and interests. The statutory recognition of this principle also

represented the first positive response to the Australian Law Reform Commission's report on the recognition of Aboriginal customary law.

The provision does not make it mandatory for legislation to specifically recognise customary or traditional law. It is designed to ensure that Aboriginal and Torres Strait Islander people are not disadvantaged through unintentional disregard of tradition and custom. I stress the word "unintentional". I hope we will have some understanding about this in this debate.

The member for Tablelands has stated that the provision affords "Aboriginal culture special treatment"—wrong!—and that treating "the Aboriginal culture as separate and in need of special treatment...further fuels division in our society"—wrong! A century ago, this Parliament passed the Aboriginal Protection and Restriction of the Sale of Opium Act. From then—and until recently—the Queensland Government, despite often good intentions, passed legislation which systematically broke down Aboriginal and Islander culture. It passed legislation which disregarded the right of Queensland's indigenous peoples to live according to their tradition and custom. Yet this was the tradition and custom which was the source of the laws which prevailed in Australia for the 40,000 years prior to European settlement—or maybe even longer. There is some argument these days about how long indigenous Australians have been here.

This Government is committed to respecting the unique culture of Aboriginal and Torres Strait Islander people. It is committed to consulting with indigenous Queenslanders about the recognition of customary law, where required, to ensure that any new legislation which it presents to the Parliament has sufficient regard to Aboriginal tradition and Islander custom. It is as simple as that. There is nothing radical about it. There is nothing extreme about it. It is commonsense, it is fair, it is equitable and it is recognition of the multicultural diversity of this great country and this great State.

How will it apply? Let me give honourable members an example. The Child Protection Bill, which is tabled in this House, incorporates an Aboriginal and Torres Strait Islander child placement principle which respects the different structure of indigenous families. This is an example of the proper use of section 4(3)(j) of the Legislative Standards Act. It is not revolutionary. It simply takes into consideration a basic principle.

The member for Tablelands has proposed that this provision should be removed from the Act and replaced with the question of whether legislation "ensures that everyone is equal before and under the law, regardless of race". The Queensland Parliament has already legislatively recognised this principle. Most importantly, it has provided enforceable rights through the enactment of the Anti-Discrimination Act. In any event, recognition of the need to have regard for Aboriginal tradition and Islander custom promotes equality. Let us be absolutely clear about this. It promotes equality, as it ensures that Aboriginal and Islander people are not disadvantaged unintentionally by the enactment of general legislation. For this reason, the Government opposes the Bill.

It is somewhat regrettable that, owing to the disgraceful behaviour of the member for Tablelands yesterday, he is not with us to participate in this debate tonight. Had he been here, I have no doubt that he would have sought to make the most outlandish remarks simply to attract attention to himself again and receive publicity in some desperate bid to cling to his seat in Parliament, despite his disgraceful performance yesterday in this Chamber and on the steps of this Parliament. In the 10 years that I have been in this Parliament and before then when I held other positions both in the law and as party secretary, I have witnessed some interesting debates in this Parliament and I have met some of the great characters of Queensland politics. Yes, over the years we have had some great characters. I remember the Independent from Townsville, who is many years gone, who used to ride around on a bicycle.

Mr Hamill: Tommy Aikens.

Mr BEATTIE: The Treasurer is quite right: Tommy Aikens. I saw him make a speech in this Parliament, basically from where the member for Caboolture sits. No-one in the Chamber was game to say anything because his presence—I am not making any reflection on the member for Caboolture; I am sure his presence is the same—and his presentation were awesome. Although I disagreed with many things that he did, he had a degree of intelligence, a degree of wit and a degree of commitment to the people who elected him. We see none of that from the member for Tablelands. We see from the member for Tablelands hysterical, juvenile, childish behaviour that is designed simply to be attention seeking. I have a family whom I love and adore very much. However, I can remember my children, when they were very young, going through those stages of attention-seeking behaviour.

That is what we have seen from the member for Tablelands. Yesterday, when he exited these premises and then stood on the steps of this Parliament swearing repeatedly, he brought this great institution into disrepute in the community. It was more than a shameful act; he did himself, his family and this institution, of which he is an elected representative, no good at all. I for one want to say to the people of Queensland that that behaviour does not represent the behaviour of the members of this Parliament. All members of this Parliament have a much higher standard than that which was

demonstrated yesterday by the member. What the member did yesterday is not typical of the behaviour of members of this Parliament. Proof of that is found in the fact that, prior to yesterday, no member had been excluded since, as I understand it, 1995.

Yesterday, the member for Tablelands stood in this place in open defiance of the Speaker and indicated that, regardless of what the Speaker said, he was not going to sit down. Once the Speaker is defied in that way, there is no alternative but for the Speaker to behave in the way in which he did. The Speaker behaved impeccably. I just hope that all Queenslanders will not judge the other 88 of us on the behaviour of the member for Tablelands.

I have even greater remorse about all of this because, as many members would know, I come from Atherton. The Atherton Tablelands is the heart of the seat of Tablelands. I know what great people they are up there. I grew up among them. They are decent, solid, family Queenslanders who are concerned about day-to-day issues, as is each and every one of us. I know that from one end of that electorate to the other—and I do not need to be told by the honourable member for Tablelands; I have family there, I know these people, they are decent people—they would be embarrassed and mortified by the behaviour of their elected representative in this House.

I just say to the member for Tablelands— because hopefully he will read this debate tonight—that it is about time he grew up. It is about time he remembered one fundamental principle of this democracy, and that is that he simply does not put his ego ahead of the people who elect him. What is important is that he represents people here. He does not represent his ego. The member's behaviour has meant that he is not even here for the debate of a private member's Bill that he introduced. I think that says it all. This Bill came up for debate in the normal course of events. No-one can say that he is surprised. As we all know, there is an order and this Bill has come up as part of that order. The member's disgraceful behaviour yesterday has meant that he is not even here to prosecute his own private member's Bill. That means that the member is not representing the people who elected him and the people who have paid him.

Mr Lucas: He should have his pay docked.

Mr BEATTIE: I am not a vindictive person, so I will not go into that. However, let me say that not only did the member's performance yesterday, when he said that ours is a terrible job, downgrade members of Parliament but also what he said to a lot of people who do not earn anywhere near what we earn trivialised our job. He used more expletives than I would have used when he referred to what a terrible job ours is. I have never in my life heard such language being used on television. I know a lot of decent Queenslanders who would like to be paid \$80,000 a year. They will be lining up to take his job, and hopefully at the next State election someone else in the tablelands will.
