



Speech by

Dr PETER PRENZLER

MEMBER FOR LOCKYER

Hansard 20 July 1999

NATIVE TITLE (QUEENSLAND) STATE PROVISIONS AMENDMENT BILL

Dr PRENZLER (Lockyer—ONP) (5.10 p.m.): The Native Title (Queensland) State Provisions Amendment Bill 1999 is another prime example of the control that Australia's Commonwealth Government has over the States. This State cannot avoid legislating for native title due to the Commonwealth Native Title Act—an Act that I am sure must be the most confusing and ridiculous piece of legislation in the entire Commonwealth collection.

I realise that this Bill is almost the same as the previous alternative State provisions Bill that was passed in the House in November last year. Apart from the amendments required in order for this Bill to pass the Federal Attorney-General's inspection, amendments to incorporate procedure which is current practice and was thought to have been in the Mineral Resources Act and additional transitional provisions, this Bill is almost identical to the original Native Title (Queensland) State Provisions Bill.

I also understand that this Bill cannot be avoided. What I do not understand is why these issues were not dealt with the first time around. Not only are we now debating another version of a Bill that has already been debated and passed, but we were also issued with another raft of amendments that the Government will be making to its own amendment Bill. In respect of the Parliament, other members of this House and the people of Queensland, the Government should have more consideration for the time required to examine and analyse such a large number of new amendments. The High Court and present and previous Federal Governments have succeeded in creating this web of madness, and the State Government must suffer accordingly, as must all Australians, especially those directly affected by this native title nonsense.

Considering the reality of the situation, and as much as I object to the entire concept of native title, I feel that the Premier and his native title task force team have delivered a passable solution to the problem of native title in Queensland in relation to mining activities. However, I must express my growing concern over the increasingly reduced role that State Governments are playing in Australia. Commonwealth Acts and intentions have far too much influence over the workings and laws that relate to Queensland.

The issue of native title is of great concern to many Queenslanders, including me. The existence of native title has confused many people. There is not even conclusive evidence that the Aboriginal and Torres Strait Islander people are in fact the original Australians. Several anthropologists throughout history have disagreed with such a claim. In fact, they have claimed that another race roamed this country long before the Aboriginal people and that this race was killed, destroyed or driven away by the Aborigines.

Professor A. P. Elkin was Professor of Anthropology at the University of Sydney in the 1950s. In his book, *The Australian Aborigines*, he stated—

"Was there a preceding race in Australia, namely the Tasmanians? The latter were a Negroid group related to the Melanesians and Papuans. If the Tasmanians were living in parts of Australia at the time the Aborigines commenced their invasion, they must have been either conquered and absorbed, or extinguished, or else forced to seek a new home across Bass Strait which may have been much less formidable then than now."

Another author, Kathleen Haddon, was the daughter of one of the world's most highly acclaimed anthropologists, Alfred Cort Haddon. She wrote a book titled *Artists in Strings*. Kathleen travelled the world with her famous father and referred to the Aborigines as follows—

"Long headed, broad nosed people of 'Pre-Dravidian' stock, they are connected racially with the 'Veddah' and certain jungle tribes of South India, rather than the neighbouring Papuans and Melanesians.

These 'Pre-Dravidians' appear to have displaced an earlier, woolly haired people, who had come into Australia via New-Guinea and who had survived until recent times only in Tasmania."

I might add that, although Eddie Mabo and his people, the Meriam people, led the native title issue, their case was far different from many that we see in Australia today, which are clearly greedy grabs. The Meriam people are of Melanesian descent, which is different from that of the mainland Aborigines.

The famous anthropologist Alfred Haddon published a book titled *The Races of Man*, in which he states—

"Australia was originally inhabited by Papuans or Negritoes who wandered on foot to the extreme south of that continent. When Bass Strait was formed, those who were cut off from the mainland formed the ancestors of the Tasmanians.

Later a Pre-Dravidian race migrated into Australia and over ran the continent and absorbed the sparse aboriginal population. The latter either being driven off, exterminated, or even partially assimilated ... "

Another author, E. R. Gribble, in a book titled *A Despised Race*, states—

"The first inhabitants were a negroid race being curly haired. Later came the 'Dravidian' (Pre), a straight haired race driven from Egypt through the north of India."

The length of time it is claimed Aborigines have been in Australia is also very uncertain. In the earlier part of this century, Professor J. W. Gregory came to the conclusion that the Aborigines had been in Victoria for only about 400 years. Professor A. P. Elkin, Professor of Anthropology at the University of Sydney in the mid 1950s, stated—

"The immense size of shell mounds, especially in northern Australia has been quoted as proof of a great antiquity of human occupation; I have seen a cockle-shell mound forty-five yards in circumference and three feet six inches high and there are larger ones. But the formation of such a heap does not imply thousands of years. A few score natives spending a few weeks occasionally in the locality would make a large refuse heap in the course of a century."

One has only to look at the mess that we can make in a few years to see that they could have done that very quickly. Professor Elkin continued—

"The Talgai fossil skull found in 1884 in the Darling Downs, southern Queensland, is also indecisive, for we do not know the rate of mineralisation in this region, and there was no geological evidence for determining its relative age."

In reference to the dating methods, particularly that of cation ration dating and carbon-14 dating which are used by many experts in attempting to date the length of Aboriginal inhabitation in Australia, the *Geo Australasian*, volume 15, No. 4, 1993, published an article titled *The Date Debate*. That article stated—

"Some scientists have raised continued concerns over accuracy after endeavouring to duplicate some of the cation ration work without success."

In a book titled *Anthropophogmatism in the Antipodes*, J. Cook revealed just how confused Australian experts seem to be about the length of the Aborigines' stay in Australia. He stated—

"In 1961 it was claimed that they had been in Australia for eight thousand (8000) years. Then it climbed rapidly during the 1980's to be thirty thousand (30 000) years. By 1990, the academics were claiming forty thousand (40 000) years and by 1996 it had peaked at fifty thousand (50 000) years. So what is the truth?"

That is a very good question. What is the truth? Who were the original Australians? What happened to the race that may have existed here prior to the modern known Aboriginal? Should the Aborigines be apologising and paying any remaining Tasmanians and Papuans for invading their nation? How long ago did all of this happen?

It is clear that the Mabo case was the beginning of native title legislation, but Mabo and the Meriam people were not true Aborigines. It seems clear that there is a great deal of disagreement as to who in fact the original Australians were. I am sure that many anthropologists could produce many more varying assumptions and conclusions. Even if only 10% of them believe that the Aboriginal race

were not the original Australians and they were not here longer than 10,000 years ago, based on their studies and hypotheses, would this not be enough doubt? How could one seriously conclude that the opposite was the case beyond reasonable doubt? One cannot do so; there is too much doubt.

Not only is it debatable who the original inhabitants of Australia were and how long the Aborigines have been in Australia; it is also debatable that any form of landownership ever existed. Professor Elkin further stated—

"The food-gathering life is parasitical; the Aborigines are absolutely dependent on what nature produces without any practical assistance on their part. They must therefore, seek their food wherever it can be found. In other words, they are compelled by circumstances to be nomadic."

They were nomadic. They wandered the land, hunting and gathering. They did not set up communities and build roads. They did not develop agricultural communities. They moved from place to place and hunted and gathered their food. Yes, they did have tribal territories, but these territories changed as the tribes relocated. Land-ownership was alien to Aboriginal thinking. The entire native title mess that we face today is based upon arguable academic theory and legal opportunism, not fact—not evidence beyond reasonable doubt that Aborigines are original Australians and not evidence beyond reasonable doubt that they own this land.

Native title has had a massive effect upon Australian industry and society in general and has added to the racial division that has existed in this country for far too long. In an attempt to make up for past wrongdoings, one should not initiate other wrongdoings. In 1996 in Longreach, the Prime Minister stated that in trying to address the past the pendulum had swung too far in the opposite direction. This is the same type of reverse racism that One Nation has spoken about since the beginning and in respect of which it has unjustly and without foundation been branded racist. Those who divide based on races are racists. Equality is the only answer, and native title does nothing to achieve that aim.

The member for Gladstone understands what equality means and displayed that through the introduction of her Mineral Resources Amendment Bill this morning. I commend the member for her effort to create some equality in the native title debate through her private member's Bill. I believe in what the member for Gladstone mentioned in her second-reading speech this morning, that is, land rights should be granted to non-indigenous Queenslanders who also can show a connection to the land. It makes good sense and furthers the fight for equality in Queensland. I am certainly looking forward to the debate on that Bill.

I know Queenslanders' hands are tied regarding native title. The Commonwealth Government will have the final say. The uncertainty needs to be ended and all parties need to know the procedure and where they stand. It is for this reason that we in One Nation will be supporting this Bill. However, I reiterate that One Nation's philosophy is one of complete opposition to the native title concept. Today I have informed members of some of the doubts that have been raised in relation to Aboriginal originality in this country.
