Speech by

BILL FELDMAN

MEMBER FOR CABOOLTURE

Hansard 8 September 2000

NATIVE TITLE RESOLUTION BILL

Mr FELDMAN (Caboolture—CCAQ) (12.47 p.m.): It is with pleasure that I rise to speak on the Native Title Resolution Bill. Really, all I can say is: here we go again. Yet more amendments are being made to the Land and Resources Tribunal Act 1989, the Native Title Act 1993 and the Mineral Resources Act 1989.

The Premier was right when he said that most Queenslanders are sick of the endless political debate about native title procedures. That comment is recorded on page 2817 of Hansard of 5 September this year. Indeed, this debate has been going on for far too long. Perhaps we should consider why. Perhaps it is because the issue of native title has caused considerable insecurity and uncertainty over land tenure in this country. Perhaps it is because the native title process is highly discriminatory and that only a small proportion of the Australian population actually has access to it. Perhaps it is because native title is not the solution to reconciliation. If anything, it is detrimental to the process of reconciliation.

Let us take a moment to look to the future and see how native title is going to affect the future generations of Australians. They have no links to original settlement and to the dispossession of Aborigines, so how is native title going to be fair to them?

While doing my research I stumbled across a web site of Mr Selwyn Johnston, the independent candidate for the Federal seat of Blair. I am very impressed with the research Mr Johnston has done in relation to the issues concerning ordinary Australians. His views align with those of City Country Alliance on native title—and many other issues, I might add—and I have included many of his observations in this speech.

Members will be aware that 15% of Australia's land mass is currently under some form of native title control, including some 40% of the Northern Territory. This land mass is owned or controlled by indigenous Australians and equates to approximately the size of New South Wales, Victoria and Tasmania combined. We all know that native title has become a hot issue following the historic Mabo decision in 1992. That is quite ironic when one considers that the Mabo decision referred to the Murray Islands and made absolutely no reference to mainland Australia or the mainland Aborigines. Despite this fact, the issue gained momentum and has certainly got out of control.

Over the last few years, Australians have heard a lot about Mabo and subsequent Wik decisions of the High Court. In no way should the outcome of these cases have been allowed to lead to the outrageous and disastrous native title claims enshrined in the myriad complicated laws that we have today. If anything, Mabo, Wik and native title have all been rolled into a single issue of whether Aborigines in general have been well or badly done by, rather than the content of the decisions themselves. Despite the onslaught of media reports, heated parliamentary debates and public confrontations that have subsequently arisen, not many of us have actually read the hundreds of pages involved in each of those decisions to develop a clear picture of the elements of each of those decisions.

If the Aboriginal activists truly believe in equality and equity, the only solution is total extinguishment of native title, except that over existing indigenous-owned land and proven legitimate sacred sites. Australia today is not the same piece of land that it was over 200 years ago. The British

colonial settlement of Australia is an irrevocable historical fact, and one that cannot be changed. Our history and the treatment of Aboriginals 200 years ago may not be seen as desirable by today's standards; nevertheless, it was the standard of that time. Indigenous Australians are no different from the native people of every other part of the world who have been colonised by others. Even Britain itself was the subject of colonisation, looting, raping, pillaging, etc., hundreds, if not thousands, of years ago. So much has changed since then. Australia is no longer a vast, vacant piece of land. It is now occupied by more than 18 million people who call Australia home. Australians are here to stay, not as guests, but as bona fide citizens and residents who expect and deserve the same rights as their neighbour on every side and everyone else.

Our indigenous population is approximately 2%. That leaves the remainder of 98% of non-Aboriginal Australians, a population that comprises a diversity of cultures and ethnic origins. I simply cannot see the logic behind 2% of the population being given the right to mount native title claims over approximately 79% of the country. It seems totally ludicrous. How is that fair and equitable to the remaining 98% of the Australian population who do not have and cannot express that right? How is native title to benefit the wider community? It clearly is not.

Parliaments make laws by an Act of Parliament. These laws are then administered by the courts, as the member for Burdekin said. Governments are elected to make decisions on the laws in this country for the benefit of the community and, indeed, for the benefit of the wider community. The Wik High Court decision reflects the reluctance of the then Labor Government to do what it was elected for. It instead chose to take the easy way out and assigned the issue to the court system to determine the outcome, which has subsequently become law. So in this instance the court made a law, by way of its ruling, instead of the Parliament, and why was this so? The answer is quite simple: Labor, along with the coalition and other political parties, were unwilling to accept the risks of a potential loss of votes at the next election. These political parties place enormous value on power and the holding of power, which ultimately leads them to pandering to minority groups. We see it every day.

It is unfortunate that successive Governments did not introduce legislation to eliminate the possibility of the current debacle, which serves the best interests of nobody. The Government still had the power it so much loves to overturn the Wik decision. After all, it would not be the first time Parliament overturned a court ruling. One only needs to look back at Hansard to the Transport (Southbank Corporation Area Land) Bill 1999 to see evidence of that. Within the framework of the original native title legislation, unscrupulous and disturbing characteristics have emerged. I will let the facts speak for themselves.

As I mentioned earlier, about 2% of Australia's population is Aboriginal. Of that 2%, at least half could be truthfully considered as being urbanised and detached from their Aboriginal origins. That leaves approximately 1% of what could be truthfully classified as traditional Aboriginal Australians, those of remote Australia who still perform the traditions of the Aboriginal culture. Evidently these traditional Aboriginals have not been consulted by the ATSIC Aboriginal activists seeking their input on their future. They, after all, are the people to whom native title really applies. Evidently, it is these traditional Aboriginals who are not receiving the estimated $3.2 billion of both Federal and State funds allocated to them annually. It is clear that the majority of these funds are absorbed by ATSIC and the Aboriginal industry for non-welfare related expenses.

Mixed-race Aborigines are jeopardising the native title processes by their outrageous land, sea, compensation and numerous other claims. This group can only, at the most, allege 50% Aboriginal parentage, which consequently should remove them from any discussion process. Why? Because they are using one parent's heritage to denounce the other's for personal gain, all at the expense of the Australian taxpayer.

It is obvious that the most vocal advocates of native title are those who have the most to gain. Let us for a moment examine how many taxpayers' dollars have gone towards native title and the Aboriginal industry. Firstly, it should be noted that, as of 15 November 1997, there were 667 native title claims lodged with the National Native Title Tribunal. There are now thousands of claims registered, with more being lodged daily. As at 28 February 1998, over $200m of taxpayers' funds had been spent, which includes free legal aid for Aboriginal claimants to resolve only two claims. $200m to resolve two claims! Just think of the taxpayers' dollars required to resolve the thousands of claims that are currently lodged.

On top of that, the Prime Minister made an announcement in December 1997 that an extra $1.3 billion has been allocated for Aborigines who do not have legitimate land claims. Not a bad way to further abuse the taxpayers' money! And it does not end there. Since 1980, over $120m has been spent purchasing approximately 350 properties for Aboriginal Australians. In addition, the Keating Government established the Indigenous Land Fund, which will grow to over $1.2 billion by the year 2004. This will give indigenous Australians $45m per year forever to buy and manage land. And finally, under the Northern Territory Land Rights Act, Aboriginal people in the Territory have already received $350m in royalty payments from mining. Considering this is what this Bill is mainly about—mining—how

is all this expenditure, primarily comprising taxpayers' dollars, justified for only 2% of the population? It certainly is not equitable, and it is no wonder many Australians are feeling quite angry about the whole process.

As I said earlier, much of the background to this speech is based on Mr Johnston's commentary on native title. I would like to finish by agreeing with his very appropriate conclusions on the native title issue. Along with my fellow City Country Alliance colleagues, I call on the Government to take the initiative by seeking to establish a bipartisan parliamentary committee, headed by the Prime Minister, to conduct a national conference with traditional indigenous elders to pursue an amicable solution to the current flawed debacle. The only solution is the total extinguishment of native title, the establishment of a reconciliation fund, accessible on a once-only basis by Aboriginal Australians whose both parents were direct descendants of the allegedly dispossessed Aboriginals. City Country Alliance definitely does not support native title or any associated legislation and therefore will not be supporting the Native Title Resolution Bill 2000.
