




Speech By
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MEMBER FOR LOGAN

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NATURE CONSERVATION AND OTHER LEGISLATION (INDIGENOUS JOINT MANAGEMENT—MORETON ISLAND) AMENDMENT BILL

 **Mr POWER** (Logan—ALP) (12.10 pm): I wish to speak to the bill because our nation is a great one but faces a conundrum; that is, how can a nation so advanced and so fair so badly fail the First People, who have lived for so long in this nation? How can this nation be a place that takes so many unwanted from the rest of the world who come here and find success? Former prime minister Keating in his Redfern speech raised this conundrum by asking—

Didn't Australia provide opportunity and care for the dispossessed Irish? The poor of Britain? The refugees from war and famine and persecution in the countries of Europe and Asia?

Mr Stevens: He was an Irishman.

Mr POWER: He was an Irishman, true. Why then do those for whom this nation delivered so much—my family escaped dispossession, bigotry and famine in Ireland—not reach out in partnership? Why does our nation not deliver the same result for Aboriginal Australians? In his speech, Keating felt that we first needed to recognise that—

... it was we who did the dispossessing. We took the traditional lands and smashed the traditional way of life. We brought the diseases. The alcohol. We committed the murders. We took the children from their mothers. We practised discrimination and exclusion. It was our ignorance and our prejudice. And our failure to imagine these things being done to us.

The toughest message for families like mine—in our old land we had lost language, had law and culture taken away, had our faith banned by bigotry and saw lives taken by violence, famine and disease—is: how did we, with names like Keating, Power or O'Connor, fail to imagine these things being done to us when not that long before similar things had been done to us? During my lifetime we have done so much to recognise and try to imagine this being done to us, to restore the place of First Australians to an equal partnership in our national life.

Every morning in this place we recognise the First People of Queensland and recognise that this place has a story that comes from long before Britain and long before the Queen for whom Queensland is named. An important part of this recognition and restoration is the federal laws of native title. We recognise in this act that this process comes from the Federal Court of Australia, which made a native title consent determination recognising the Quandamooka people's native title rights on Moreton Island.

We should go back to first principles to recognise what native title means and where it comes from. When Eddie Mabo went to the High Court in Canberra, he was not asking for his land to be recognised under his law, ancient though it was, but for his land to be recognised under the common law on which Australian law is based. Again, the people whose ancestors lived on these islands that shelter our city from the ocean were only asking for their continued connection to land, their ownership of the land, to be duly recognised. This occurred not under the ancient laws and practices that date from long before any European had set foot on this place but under the law established by those who

did the dispossessing. This is not me saying this; the High Court said it in the Mabo case and the Wik case. On 4 July 2011 Judge Dowsett said it absolutely clearly when handing down the decision on the island to the south known as Stradbroke or, traditionally, Minjerribah. Judge Dowsett said—

I have not come here today to give anything to the Quandamooka people. These orders give them nothing. Rather, I come on behalf of all Australian people to recognise their existing rights and interests, which rights and interests have their roots in times before 1788, only some of which have survived European settlement. Those surviving rights and interests I now acknowledge.

The old Liberal Party used to have an interest in preserving the law of property and did not want to see anyone dispossessed of property rights; however, it seems that in this debate they take every opportunity to diminish the rights of those who have been recognised as having had property rights undiminished since before 1788.

We should recognise that these rights are limited. The owners pre 1788 still suffer a tremendous loss of some rights to property that others who own land nearby hold. Those who sometimes acquired the land far later than 1788 have far more rights. One example, as the *Courier-Mail* tells us, is that on Bulwer itself there are those who now legally own the land after squatting on the land and making a claim for the land around 2011—ironically, the same time that traditional owners were asserting their own rights. Those 10 applicants—I think none of them traditional owners—were successful in their claim of having a 20-year or so association with an abandoned block. Apparently, that is British law, common law, Australian law. These people can gain property rights in this time period, while some in this House would try to undermine the people who had had a connection for thousands of years. I hear nothing from those opposite about those blocks on Bulwer. Those people were given a fuller right of ownership of land on Moreton/Mulgumpin than the Quandamooka people. All I hear about is the undermining of the limited rights of ownership by those who have a connection to this land unbroken for thousands of years.

We should also recognise that many Aboriginal people have lands where there are limited or no rights under native title laws. For them, the dispossession is complete. I am tired of hearing members of the LNP claim that they support native title in theory or in principle but, whenever possible, in reality they undermine it. It seems that they support native title—except where it is an island. They support native title—except if there is a barge. They accept native title—except where a family dispute is involved, where there are four-wheel drives, where there is an agreement or whatever other circumstances they can find.

The truth is that in accepting native title we recognise that they are owners. I think that in every speech of those opposite they seek to undermine this agreement. They undermine the very process of recognition, respect and restoration. I ask those opposite to reflect on whether this strategy of undermining this form of ownership truly does respect Aboriginal people.

I have spoken before of my family association with Stradbroke in terms of an ancestor buried in the soil of that island over a century ago. I love Mulgumpin—or, as my brother and I knew it in the 1980s and 1990s, Moreton Island. Together we travelled there as young adults, perhaps the first time we had travelled for holidays as adults. We truly loved the experience of this magnificent place. When we visited the island, we certainly appreciated the beauty of its natural environment, on both the bay and the ocean sides. We hiked all over this the third largest sand island in the world, including the highest sand dune hill. When hiking it through the sand, it certainly feels like a mountain. At that time we recognised its maritime history, the whaling history and even the 1960s tourism history of which the member for Clayfield spoke so fondly; however, we probably did not take the time to consider the ancient and continuing human history. This partnership will make this ancient and continuing history a true part of the national park. It is an extraordinary part of Queensland that this bill will enhance. We will value it and, of course, recognise and restore its rightful place of ownership and connection with the Aboriginal people.

As he finished his Redfern speech, Keating asked us to imagine if this had happened to us. He also challenged us to imagine a better future for our nation, a better relationship with the Aboriginal people; in this case to imagine that the traditional owners—owners in tradition and in our law—have a productive role in managing the environment, culture and heritage of Mulgumpin. I can imagine that and those on this side imagine it. Only those opposite refuse to imagine that future.