



Speech by

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ABORIGINAL CULTURAL HERITAGE BILL; TORRES STRAIT ISLANDER CULTURAL HERITAGE BILL

Mr FLYNN (Lockyer—ONP) (6.12 p.m.): I rise to speak to the Aboriginal Cultural Heritage Bill and Torres Strait Islander Cultural Heritage Bill, although I would say that the Torres Strait Islanders would highly commend the government for putting the two together. This bill looks like an opening of the door on a replay of the Hindmarsh bridge but on a vast scale. It is secret men's business. Do honourable members remember how secret women's business nearly throttled a perfectly innocuous development in South Australia and tied bureaucrats up in knots all because of an invisible link between the construction site and the area's indigenous folklore? It proved not so much to be a hoax but a shockingly wasteful bit of indulgence on the part of the Aboriginal heritage industry and its more scrupulous political adherents.

It is bound to happen here now. It looks suspiciously like a de facto extension of native title. At present 58 per cent of Queensland is subject to native title claims. Under the provisions of this bill, any land that is considered a significant Aboriginal area is subject to the same kind of restraints affecting land under native title.

Under the new proposals, project proponents still have to negotiate a bewildering maze of regulation. They have to discuss project proposals with a wide number of Aboriginal groups and individuals who often make conflicting demands. We are told that one of the aims of this bill is to avoid the situation we have under the present act where various clans may each claim to speak for what they consider is a sacred site, and we have to consider that. As a result of the proposed changes, proponents of a project must now negotiate with five types of Aboriginal parties. This is what they must do to make sure no-one is left out of the consultative process. They have to negotiate with a registered native title claimant. They have to call in a registered native title body corporate and a registered native title claimant in areas subject to native title claim—these and others who think they have a hand in the business. Then comes the real fun. This bill makes it an offence for someone claiming knowledge of a secret and sacred site to tell the minister where that secret site is. I ask: in that case, could a miner or other developer be sure they are not committing an offence?

The bill gives Aboriginal parties the right to negotiate cultural heritage management plans. This, I believe, is the right to negotiate an outcome on property not now covered by the 58 per cent of Queensland subject to native title claims. It will now be mandatory for a cultural heritage study to be carried out every time a project proponent is required to conduct an environmental impact study. That is anywhere in the state. This dramatically extends the dead hand of native title bureaucracy to every corner of the state.

One Nation respects the right of our indigenous people to protect the relics they hold dear to them. Coming from the UK, I would have severe problems were people to suggest that they knock down Westminster or St Paul's and build a shopping centre on top of it. Now that I have moved here and the things that Aboriginals hold dear to them do not conform with my understanding of objects or ideas that were dear to me—because I do not have the same concept of that—it does not mean to say that they should not be protected to the same degree as St Stephen's Cathedral, St Paul's or Westminster. We believe that they should.

Mr Robertson interjected.

Mr FLYNN: Thank you, Minister. It proves he has no concept of what the business is about.

In my own constituency in the Lockyer Valley we have a rock shelter with arts and inscriptions dating back about 4,000 years. I understand it is the only one of its kind in south-east Queensland. The site is already protected under the present act, although this has not prevented vandals from adding their own inscriptions on the cave wall. The site is little known, and perhaps that is some advantage in view of the degradation by unthinking visitors who wish to leave their own mark. However, during the recent school holidays it has attracted a steady stream of visitors interested in learning more of our pre-European past, and that is very important for the future of this country. The Gatton region also has at least two bora rings at Tenthill and Glenore Grove. Nothing in this bill alters the status of these known indigenous heritage sites.

The native title process has been dogged, I believe, by rival and overlapping claims to land. But there is no reason to think that this process will change that. There will merely be rival and overlapping claims over what some consider to be sacred sites and others do not. One Nation respects everyone's right to guard relics of their past, their history, their reason for being. In the case of our indigenous clans, we believe that the framework already exists for indigenous relics to be identified and protected. Cave paintings, bora rings and other physical evidence of our Aboriginal past are already protected by law. This legislation just goes much further and purports to protect sites which bear no physical evidence of Aboriginal use. This obviously, in my opinion, opens the door to vexatious and mischievous claims covering huge areas of our country—not only Aboriginal but also the more recent arrivals—and extend the current stranglehold on development we see in the far north of the state.

The Queensland Mining Council accepts it as just another layer of bureaucracy which its wealthier members can afford to bear. But that does not make it right, nor does it make it more workable. Western Australia's indigenous heritage law has been around since 1972 and has proved to be nothing more than an extra overburden for mining companies. There the proviso that all interested indigenous parties be consulted before a mining activity can take place has not, in my opinion, helped smooth the way for development—quite the reverse.

The Portman Mining Company recently had to scale back its Koolyanobbing iron ore venture in Western Australia because after it signed a native title deal with two native title claimants a third group presented a cultural heritage claim over the same site. So it had signed the deal with two claimants and then a third one came along and made a claim over the same site. Had all claimants been consulted at once, as prescribed under the bill before the House today, the development would not have started. The effect in Western Australia is to frustrate and delay development. Here in Queensland it would have stopped it dead in its tracks.

The other main group consulted on the Queensland Aboriginal Cultural Heritage Bill, Australians for Native Title and Reconciliation, rejects the bill's proposals outright on the grounds they do not go far enough to extend Aboriginal control of their cultural past. One Nation would suggest that this view might be modish in some quarters but is dangerously divisive in its intent and destructive indeed in its practice.

Proponents of this bill clearly wish to appease the more fanatical activists by imposing an extra burden on mining companies and those involved in development. What are we turning this nation into? A museum? With the greatest of respect to this land's early inhabitants, we have to move on. This contrived nostalgia has no part in a modern, non-racial nation which needs to develop and exploit its resources for the whole of its population, not least the descendants of its earlier inhabitants.

This government could have bitten the bullet and scrapped these archaic laws. Instead, it slogs on trying to assuage the militant Aboriginal industry to the cost of the productive industry. That is hardly leadership. It is weakness in the face of facts. The result of this weakness is what we see in the north of Australia today. Tony Koch of the *Courier-Mail* regularly records the failure of white Australia's interface with Aborigines. The result is Mornington Island and Cape York hellholes, where women and children live in terror of drunken, idle men or women who have lost their pride.

This bill has a lot to say about the situation I have been describing. It might indeed appease the more rabid, radical conservatives of Australia but, like most legislation of its ilk, it ill serves a 21st century nation—confident, colourblind and forward looking.

Some leaders in Aboriginal communities have risked the ire of conservative leaders by seeking to embrace the best of what modern multi-racial Australia has to offer whilst honouring their proud heritage. I recently attended a Greening the Lockyer function at Lowood, where a noted local Aboriginal who gave the welcome to country address said, 'We can dwell on yesterday—we can cry and stand in a pool of tears—or we, learning from the past, can move and look forward to the future.' What a visionary! What a man representing his nation to have a look forward to the future of this country!

I particularly note the more recent efforts of Palm Island community council chairwoman Delena Foster, who recently paid tribute to the Army's 17th Construction Squadron, which has just completed a building project on the island. She told a subcommittee of the federal parliamentary standing committee on defence, which inspected Army construction work on the island recently, that the military

should become a permanent fixture on the island. The squadron has apparently spent the last six months building roads and houses on the island as well as training local people in construction. Councillor Foster said that people on the island who had worked as trainees on the building and road projects have been given a new lease on life. She said—

I'm talking about the huge increase in self-esteem and confidence that has blossomed among the men and women trainees.

This Aboriginal councillor also said—

I have seen the difference that this project has made to our people.

She said that young people were thinking of careers in building and associated industries and that others were now keen indeed to join the military. The Army has pledged that the 23 people who completed construction certificates through the local TAFE would get jobs. I do hope that is true.

This is the real face of indigenous Queensland—the search for self-esteem, education and training and the need to ensure young people of indigenous descent enjoy all the advantages and amenities of their non-indigenous brothers and sisters unhampered by isolationist, backward looking sections of their own communities and ours, if you are going to accept that they are different, and my opinion is that they are not. These young people have careers on their mind, not bora rings.

This bill does nothing to advance the cause of Australians of Aboriginal descent. It only serves to add to the burden of the majority of land-holders already deprived of their own land rights through the Vegetation Management Act. I note that the Scrutiny of Legislation Committee questioned the minister on the bill's impact on the rights of owners, occupiers and other users of the land. The minister considered that the bill gave the required protection to land-holders and stated that, despite the existence of Aboriginal cultural heritage, the owner or occupier or other person is entitled to the use and enjoyment of the land to the extent that the person does not unlawfully harm cultural heritage.

To me, that seems like a meaningless sop. It is like vegetation management laws: 'You have continued use and enjoyment of your land provided you do just what someone else tells you to do'. I suggest that this bill is likely to be yet another impost on the vast majority of landowners and occupiers. For these reasons I cannot support this bill.