

MAY 17 '97 13:43

P.7



## **PRIME MINISTER**

17 May 1997

**TRANSCRIPT OF THE PRIME MINISTER  
THE HON. JOHN HOWARD MP  
ADDRESS TO PARTICIPANTS AT THE LONGREACH  
COMMUNITY MEETING TO DISCUSS THE  
WIK 10 POINT PLAN  
LONGREACH, QLD**

E&OE.....

Well thank you very much Tim Fischer. To Larry Acton and the Mayor, Mrs Maloney, and to my fellow Australians.

Can I say that I welcome very much the opportunity for the first time to talk directly and frankly and openly to a large number of my fellow Australians who I know are deeply concerned, deeply worried and feel that their situation has been made needlessly vulnerable by a highly impractical court decision. Can I also say to you ladies and gentlemen that although I was born in Sydney and I have lived all of my life in the urban parts of Australia, I have always had an immense affection for the outback and for the bush. I say that at the outset because in all of my political life no charge I would reject more emphatically, and no charge would offend me more, than the suggestion that what I've done and what I've believed in has not taken proper account of the concerns of the Australian bush. And I want to spend, in the limited time available to me, to tell you where some of the misapprehensions are wrong, to explain to you that the plan the Federal Government has will deliver the security, and the guarantees to which the pastoralists of Australia are entitled, without at the same time producing many of the disadvantages, the instability, the expense and the years of Constitutional challenge which would result if the simplistic alternative of blanket extinguishment were adopted.

Now I know there are people in this audience who don't agree with that. I respect that and I want this morning to have the opportunity to explain why I believe what we have in mind delivers the guarantees you want without the downsides. But in doing that can I again remind you as Tim did, that the present Native Title Act was the product of the combined votes of the Australian Labor Party, the Australian Democrats and Independents in the Senate. Every man and woman who was a member of the Liberal

Party and the National Party in 1993 voted against the Native Title Act. And all of the claims, the bogus claims, the ridiculous ambit claims that have now been put over your properties are the result of legislation that was opposed tooth and nail by all of my colleagues. And I want that understood because we are often accused of going back on 1993. We didn't want 1993, we voted against it. And I think it's very important that the outset that that be understood.

Now ladies and gentlemen could I say a number of very direct things to the pastoralists who are here, and through this meeting to the pastoralists throughout Australia. That under our 10 point plan, no pastoral leaseholder can lose anything at all under their pastoral lease, nothing at all. I've had people say to me over the past few weeks that they are frightened that as a result of native title claims that they can be thrown off their property. I see signs here saying that people bought their land, of course they bought their land. Can I say to you, you can't lose your land, and people who are quoted around this country saying that native title claimants could have you thrown off your land, could have you dispossessed, could take away from you what you have paid for, that is absolutely 100% wrong. And the legislation that we are going to introduce into the Federal Parliament will confirm that situation, and put beyond any legal doubt that those sorts of fears are completely unfounded.

The second guarantee, and I use that word carefully, and I use that word deliberately. The second guarantee I give you is that no pastoral leaseholder can have their title affected by, or diminished, by a native title claim. None at all. Not affected by it or not diminished by it.

The third very important guarantee I give you my friends is that no pastoral leaseholder can have their conduct or their activities in any way connected with the carrying out of a pastoral or a primary production activity interfered with by a native title claim. We've had all this talk over the last few months that you'll need the permission of native title claimants to put in a fence, to sink a dam, or to do anything that is incidental to the carrying on of your business. Could I say no, no, no that cannot happen. Because under the guarantees that will be contained in this legislation the right to negotiate, that stupid property right that was given to native title claimants alone, unlike other title holders in Australia, that native title right will be completely abolished and removed for all time in relation to the activities of pastoralists carrying on not only strictly defined pastoral activities, but also the full extent of primary production activities which you can possibly imagine and which are contained in the definition under the Taxation Act and as we all know unfortunately, definitions in the Taxation Act are very widely couched indeed.

So ladies and gentlemen they are the first three guarantees that I want to give you and can I just repeat them. That you can't have your title in any way diminished or affected by a native title claim. You can't be put off your property. You can't be stopped from carrying on your pastoral activities on your property. Your right to do that will be fully confirmed. No pastoral titleholder can have their title in any way affected or diminished, but most importantly of all, you can go away from this meeting safe in the knowledge that when this legislation is passed in the national Parliament, you will have the full and unfettered capacity to run your property. You will not only be able to carry on pastoral activity, but you will be able to diversify into all aspects of

primary production. You will even be able to carry on an incidental tourist business, a farm-stay business, if that is what you want. And while ever the dominant purpose of the use of the land remains one relating to pastoral or primary industry activity, you will be able to do that without getting the say-so, the permission, the beg-your-pardon or whatever of anybody else. You will be subject like any other Australian citizen to the operations of the ordinary laws of the States of Australia and the ordinary laws of the Commonwealth of Australia, but please don't believe this fear-mongering that says native title claimants can throw you off your property. They can't. We will never ever allow that to happen.

Now ladies and gentlemen, the other guarantees that I want to give you are these. That if there are any compensation payments ordered to be made in relation to the compulsory acquisition or compulsory resumption of any established native title rights anywhere in Australia, that compensation will not be borne by the pastoralists of Australia, it will be borne by the general body of the Australian taxpayer on the ratio of 75% to be paid by the Commonwealth Government, and 25% to be paid by the State governments. And if anybody here before me thinks that compensation payable for native title is going to come out of the pockets of the individual pastoralists, in relation to whom property claims have been made, can I promise you that that is 100% inaccurate and 100% wrong. We are not going to ask the individuals who may be related to these claims in anyway to pay the costs of compensation. Can I also say to you that in relation to the issue of compensation, that no matter what route is chosen by the government, if we were to go down the blanket extinguishment route there would still be compensation payable in relation to any established native title rights. Because there is a clause in the Commonwealth Constitution that effectively says, that if any property right is extinguished or taken away, it can only be done on just terms. And whether you like that or not, whether I like it or not, whether people in other parts of Australia like it or not, it is the law of this country, it is in the Constitution, and please don't anybody go away from this meeting imagining that the blanket extinguishment over pastoral leases of any possible native title of that blanket extinguishment is something that can be done and thereby escaping the liability and the possibility of compensation. But can I emphasise with you again that we have worked out a compensation arrangement which I understand to be acceptable to all of the State governments of Australia whereby if there is compensation as a result of a compulsory acquisition procedures of the State then that compensation will be borne not by you, alone, it will be borne by the general body of the Australian taxpayer. And the people in the cities and the people who have got another view on this, a view different from you, they will have to contribute, along with the rest of the Australian community and the general body of the Australian community. Could I also promise you, as I have already, that there will be a far more generous approach provided and afforded in relation to legal assistance and legal aid for pastoralists who may be involved in any kind of action.

The other thing that I want to emphasise to you my friends is that the existing Native Title Act as both Tim Fischer and I said at the outset, the existing Native Title Act is nothing more than an administrative nightmare. The existing Native Title Act was opposed by me, and it was opposed by the Liberal and National Parties in 1993 because we knew what has now happened would happen. We were divided by the press at the time. I will never forget when the Native Title Act was passed in 1993.

↓

the entire federal parliamentary press gallery (inaudible) out of boredom and Gareth Evans and Cheryl Kernot danced and embraced and hugged each other in the Senate chamber. When John Hewson criticised it, as the then leader of the opposition, he was howled down, he was abused and he was criticised by the politically correct press of the federal parliamentary press gallery. We were the people who opposed it. And I want to drive that point home again and again, because we knew what has now happened would occur. We knew people would have bogus claims put on their properties. We knew the right to negotiate was a licence for people to come from nowhere and make a claim on your property and then say until you pay me out, we're not going to allow you to do anything with your property. Well let me say I regard that as repugnant, and I regard that as un-Australian and unacceptable and that is going to be removed by the amendments that are already in the Federal Parliament. You won't have to put up with that anymore. And under the procedures that we have in place ladies and gentlemen, bogus claims will not succeed. Under the procedures that we have in place, all of the claims that have already been lodged will have to go through the far more stringent procedure which we are legislating for. Under the procedure that we have in place the capacity of people to come from nowhere and to try and interfere with the conduct of your pastoral business will be taken away completely.

Can I say two other things about the detail of the plan. One of those relates to the question of access. I can understand the fear in the community that people who have no connection at all with your land can come from a distant part of Australia and say, well years and years ago my relatives, or my ancestors, or my friends, or the other members of my tribe had a connection with this property, and therefore I've got some right to come onto your property and to exercise my traditional access rights. Well under the amendments that we are framing that can't happen. Unless somebody has a current physical connection with the land, I repeat that, unless somebody has a current physical connection with the land, than access rights cannot be obtained. Now they cannot. And that if any of those rights are to exist, those rights must be exercised at all times with complete respect for, and in complete deference to the rights of the pastoralists who own and operate the property.

Ladies and gentlemen, can I say to you this is a difficult issue. It is an issue which goes to the heart of your right to survive in a very difficult physical and economic and social environment. Some of you may have thought that my comment about my concern for the outback of Australia was the sort of thing that politicians say at the beginning of speeches. Can I assure you it's not. Can I assure you that I am happy to spend as much time as you can and I can today to listen to your questions, to answer them as openly as I can, and then afterwards to meet as many of you as I can to listen to what you have to say. I believe that we need to move forward. I believe that we need to take action as a nation to put the doubt and the confusion created by the very impractical decision of the High Court in the Wik case, to put that behind us. We have two choices. We can go down the path that I've endeavoured to explain to you today. A path that will guarantee you the untrammelled right to run your properties. It will guarantee you the right to retain your leaseholds. It will guarantee you the right not to have your ownership and occupation of your properties in any way disturbed. It will guarantee your right not only to carry on pastoral activities, but also primary production activities in the widest possible sense of that term. It will guarantee you

MAY 17 '97 13:46

P.11

5

against any liability personally for the payment of compensation. It will guarantee you access to any legal aid assistance if you want yourself, although you don't have to make that choice, be involved in any claims to establish native title which will primarily be ones conducted between the claimants and the State governments of Australia. It will provide all of those guarantees. But it does not have the downside of the alternative.

The alternative is attractive on the surface, I understand that. The alternative of blanket extinguishment is attractive on the surface. But there are three weaknesses with that approach. The first is, not necessarily the most important, the first is that the potential compensation bill for the nation would be much greater. The second is that there is a strong possibility of a Constitutional challenge to such legislation and if that legislation of blanket extinguishment were found to be unconstitutional, then it would necessitate the carriage of a referendum of the Australian people in order to overturn that particular finding because it would be a finding of unconstitutionality under the Federal Constitution. And thirdly, and most importantly, I believe that the prospects of securing passage of the plan that I have put forward through the Senate, and the prospects of (inaudible) a sense of security and a sense of stability within a relatively short period of time are much greater than in relation to the blanket extinguishment option which would certainly be rejected by the Senate and would then inevitably require, if it were to be carried, its re-presentation and then passage of an ultimate double dissolution and joint sitting of the Federal Parliament following another election. Now ladies and gentlemen, well can I say to you that the way to go is to get what you want quickly, to get what you want without the risks involved in the alternative way. You can take the risky way and in two years time you would be no further ahead. In two years time there would be a similar meeting. In two years time you'd be asking me to remember 1997. In two years time you'd be back arguing this thing again. I mean the great virtue of what I'm arguing for ladies and gentlemen is that it does deliver the guarantees that I outlined, it does give you security, it does give you stability, but it doesn't have the disabilities and the downsides which are inherent in the alternative proposal. It is a proposal that delivers on our commitment to give security and stability to pastoral leaseholders and it is in my view an outcome that will be seen by the entire Australian community as a fair and just solution to a very very difficult national problem.

Thank you.