



2

## PRIME MINISTER

**TRANSCRIPT OF THE PRIME MINISTER, THE HON P J KEATING, MP  
INTERVIEW WITH PAUL MURPHY, DATELINE, SBS  
28 JULY 1993**

**E&OE PROOF COPY**

**PM:** Prime Minister, thanks very much for talking to Dateline.

**PJK:** Thanks, Paul, nice to be here.

**PM:** Reaction to last night's Cabinet decision on aspects of your Mabo deliberations isn't promising. The Aborigines are quite disappointed and so are the miners. Now how do you bring with you these key interest groups?

**PJK:** I think that the bulk of members of the Aboriginal and Islander community with, I think, a balanced view of this, it is even an ambitious view, would think that what the Cabinet decided yesterday was a fairly substantial move in the direction in which they had been arguing, that was for a right to be consulted, a right to negotiate, and even though some representatives today have gone through a ritual, nothing is quite good enough for us line, the thing to do, Paul, is don't believe that is representative of the broad Aboriginal community. Because I don't think it is.

**PM:** So you are saying that the wider Aboriginal community, when they get to know about this, will like it?

**PJK:** I think that is very much true. From the contact I have had with members of the Aboriginal community, I think every one of them understood that a generalised veto was never on, that the Government would never agree that all land management in Australia would be subject, that is land management in respect of native title land, would be subject to a generalised veto, that was pretty well known from the start. The job was before the Aboriginal community, and islander community, to convince the Government that the special attachment they had to the land was such that they deserved a right of

consultation and negotiation. Now, it is largely and broadly that which the Cabinet decided yesterday.

**PM:** But that as you rightly say, obviously it falls far short of veto, but I am wondering exactly what it gives them really, negotiation?

**PJK:** Well what it means is that if someone wants to develop an economic interest, the State land manager, a mines Minister, or a lands Minister wants to issue a grant of issue over that land where formerly, before yesterday, under any of our proposals, that could be done, they now have to consult with the Aboriginal community, there can then be a negotiation, and then it would go to the tribunal. The tribunal will then conduct an inquiry and say yay, or nay.

**PM:** Now these are State tribunals, are they? Or is there an overriding Commonwealth one?

**PJK:** Well it would be a State tribunal where a State tribunal was operating in the State. But if the principles of the tribunal, or its personnel are not up to the Commonwealth standard then the Commonwealth tribunal would operate in a designated State. So, the override would only exist for the approved tribunal. So, it would be the Commonwealth tribunal for Commonwealth lands, it would be the Commonwealth tribunal if it operated in a particular State, but if a State tribunal were operating appropriately and properly in a particular State then that Government would have the override.

**PM:** That Government would have the override? And that means you need complementary legislation, doesn't it, will you get it?

**PJK:** Well I think we will. At any rate there needs to be State legislation in respect of validation of titles from the period 1975-93 anyway. But if there isn't satisfactory State attitudes and legislation, satisfactory to the Commonwealth, then the Commonwealth tribunal would operate in the State where we, the Commonwealth Government, designated to operate. So, in other words if a State actually brought the standard of their policy up to the Commonwealth standard their tribunal would operate and therefore their Government would have then the right to override a decision of the tribunal.

**PM:** But if they don't, then what happens? Does Canberra override?

**PJK:** If they don't, well let's say that there was a development purpose which the tribunal said no to, the State would have the option of overriding it, if it didn't, well, we will just have to argue that out in the public debate. I think the important thing is, Paul, that once a tribunal does take all the various information into account about the importance of the site to Aboriginal people, the prospects of development, that which is proposed for the development and comes to a decision after a period

of months, probably six months, then it will not be an easy matter for a Government to just come and dismiss all that and override it. In other words there would have to be weight and moment and circumstance on the part of a Government, in the hand of a Government, to be able to override such a tribunal.

PM: Well, Prime Minister, obviously this means that you have still got to come to an agreement with the State Premiers, you failed to do that at COAG in Melbourne, are you going to try and do that again with haste?

PJK: Well we are still speaking to them bilaterally, and we are refining these various principles and we are now in a position to know where we are trying to get bottom lines, if you like, in the Commonwealth Bill which we will then take back to them. Now, I should imagine this structure, States would see an advantage in having their tribunal, as distinct from the Commonwealth tribunal, being the designated tribunal for a particular State and therefore that Government preserving the override provision. I should imagine that States would find this as an incentive to cooperate in the scheme.

PM: As I understand the decision last night, the Commonwealth and the States can override a tribunal decision if it seems to be against the national interest. Now that means that, for instance, Richard Court and Jeff Kennett can do that.

PJK: No, they can't. Only if the tribunal which operates in Western Australia and Victoria, in the instances you mentioned, were to be the State tribunals. But Commonwealth legislation has precedence and in the event that Western Australia had a tribunal which didn't do the things we believe it should do, we would designate the Commonwealth tribunal to be the operating designated tribunal, and we then the Commonwealth Government would have the override not Western Australia.

PM: Ok, it sounds very complex, obviously, are you going to have trouble selling this, this agreement you reached last night?

PJK: Well I think the people in these negotiations understand this, the Aboriginal community understand that from a position where they had virtually no right of consultation and negotiation, they now have one. They have one where they can appeal their views to a tribunal where an arbitration process can take place. They never had that before yesterday and of course, the government - state or federal - as the case may be would have the effective override. The states would understand that clearly and they would also understand very clearly that if their tribunal, in other words if they co-operate and their tribunal is the designated one then their government gets the override. If they

don't co-operate the Commonwealth tribunal will be the designated one and it gets the override.

**PM:** Prime Minister, do you think that you can salvage the character, this whole matter since the Mabo decision by the High Court became a debate as it were. Can you salvage this from being a PR disaster, because it looks painfully like that at the moment?

**PJK:** Paul, people have got to understand the size of this decision. In most countries were a supreme court to say that native customs and law were part of the common law of the country and that there is a native title in the common law, many countries would take a decade getting out of such a large change. We are moving this huge decision and developing a body of administrative law to make it work. The problem is developing the structure to make it work. We are just developing this now with great expedition, it may be that in the couple of weeks or months that this has been going people are having some difficulty following the trail, but it is so complex and it is such a large change that the way in which the Cabinet worked yesterday - seven hours of detailed consideration in a policy sense which would do the Cabinet proud in any circumstance. Any Cabinet in the world I don't think would be advancing this kind of technical and social issue at this speed.

**PM:** How do you get back business confidence. The miners said today it was unworkable, the decision last night. How do you get back confidence and how quickly can you do that so that investment, profits are flowing?

**PJK:** The mining industry and its lobby organisation will always make its case, but there are similar provisions in state land rights legislation around the country. They would not say that is unworkable, they are not entitled to say of this that this is unworkable, but they will make their bald statements just as some Aboriginal representatives will make bald statements too.

**PM:** Sure.

**PJK:** Where is the weight and truth of the matter? Answer:- not far below the surface.

**PM:** Prime Minister, if I can move on to the republic, another agenda which you still prosecute with great vigour. Mr Hawke said that perhaps the states in the fullness of time should be abolished. Is that helpful inducing that into the whole debate about a republic?

**PJK:** I do not see a relationship between that and the republic and that is why none of that was reflected in the terms of reference for Mr Turnbull's committee and it is why in the prosecution of this issue the

Government will not be relying upon this argument. The principal fact of the matter is that Australia is a unique place, it is entitled to represent itself both internally and externally as a country in charge of its own affairs and that means that there should be as our head of state an Australian person. That is the key issue - how we see ourselves and we represent ourselves.

PM: Elected by the people?

PJK: That is a matter for discussion. As we expect that is one of the terms of reference that the Government has given Mr Turnbull and his committee and they will come back to us on these subjects.

PM: Right, would you personally favour that though?

PJK: I think I would rather wait and see. If you ask me the question and people say what can be more democratic than the election by the public at large of a head of state; and the answer is - the election of a representative chamber by the same public. I always believe the greater the numbers, the closer parliamentary representatives get to their particular localities in the communities the more essentially democratic is the structure.

PM: OK, if I can just go onto other matters - CPI figures out today, not a bad result. Do you think now interest rates should be cut?

PJK: It is a very good result Paul, at .4 per cent, 1.9 for the year. I was an adolescent when these numbers were around last in the 1960s and it is another one of these things which the public debate has put in its pocket particularly the media. A few years ago I never heard anything but inflation. I would get up at a press conference and say we have had very high employment numbers again for the month, 90,000 - of yeah, yeah, but what about inflation? And I would say inflation is coming down, anyway inflation is now down.

PM: Sure.

PJK: It is broken, what I call snapping the inflation stick, it has taken us two decades to do it.

PM: OK, and you have done it.

PJK: We have done it.

PM: So what about interest rates coming down yet again?

PJK: As I said the other day, low inflation does give us scope; that is continually low inflation and the maintenance of it, does give us scope to bring down interest rates - scope. But again it is a matter of the

ambience and the climate at the time Paul. That is, what other rates prevail in other countries and these require judgements and mature ones by the Central Bank with the Treasurer to see whether we think we can lower our margin on which we pay the world and pay domestic savers the savings.

PM: Prime Minister a final question on foreign affairs. Should the Israelis stop shelling and bombing southern Lebanon right now before they destroy the peace talks completely?

PJK: I think Israel is entitled to be concerned about its security position, but again the quicker that we can see a withdrawal of Israeli forces from southern Lebanon the better and I think the key here is restraint by all the parties so that we don't see more bloodshed, more angst and therefore an ongoing problem.

PM: A permanent withdrawal do you think of those forces. Not to try it on again?

PJK: These are judgements obviously the Israelis would make, they are probably different judgements than we would make on these sorts of incursions.

PM: OK, Prime Minister thank you very much indeed for speaking to us.

PJK: Thank you.

ends