



PRIME MINISTER

**TRANSCRIPT OF THE PRIME MINISTER, THE HON P.J KEATING MP
DOORSTOP, PARLIAMENT HOUSE, CANBERRA, SUNDAY,
7 NOVEMBER 1993**

E&OE PROOF COPY

PM: I just want to give you some comments on Dr Hewson's performance with Laurie Oakes on the 'Sunday' show this morning. It is the weakest and most helpless performance that I have seen a parliamentary leader put in in my 24 years in the House of Representatives in public office. Dr Hewson made clear that he does not have any policy on Mabo despite the fact that he has released policy documents that native title is at the core of Coalition policy, upholding the High Court decision is at the core of Coalition policy, he said. Now that policy has no status, it hasn't been through the Shadow Cabinet, it means nothing and even when questioned about it being a set of principles he demurred saying it was really for anyone to say what they thought of it.

Now, all this means, I think, is that Dr Hewson is so weakened, he can't now put down as he should, Ian McLachlan for walking away from what has been the Coalition's stated position now since June. I think that is because Dr Hewson is relying on Western Australian parliamentary Liberals. The related theme through this is of course, that Richard Court is contemplating the most unconscionable extinguishment of private land titles in this country's history. This is the party that believes in the rule of law, in private property. It has now said that the High Court should be chastised, that the High Court should be reformed, that the High Court is a social experimentation place and on private property they are prepared to rush in and use the powers of the West Australian parliament for the most blatant extinguishment of private property ever. Dr Hewson should, as a position of principle, come out and say he would have no bar of that, that he would protect the centrality of the High Court's judgement about terra nullius, but today he made clear that while he could understand native title applying to the Merlan Islands, he couldn't see; he said he had reservations about how it would apply to the mainland of Australia, God help us after all this time. He then went on to say

that Mabo was a major issue facing this country - well, of course it is Dr Hewson, that is why it requires a principled policy position, that is why the Government has spent the better part of a year on it to give effect to and build a body of administrative law for the hearing, awarding and protection of native title and not to see it squandered or worse, to connive in its extinguishment with an unprincipled government in Western Australia.

All of this means that Dr Hewson can't deal with his leadership; he can't discipline Mr McLachlan who is way out of court with the Federal Parliamentary Liberal party; Dr Hewson would know that the great body of the Federal Parliamentary Liberal party does believe the High Court did as every other similar group of jurors around the world have done and that is found that these concepts such as terra nullius are void and that, of course, a native title has existed in the common law and having had the decision made should join with the Government in seeing it protected. He hides behind this ruse that he hasn't seen the Government's Bill, but he has seen the High Court decision since June 1992. He has had now all that time to make a decision about the core principle, which you don't need the Government's Bill to establish - and that is, whether native title should be protected or not.

The fact is here there are big issues here for the Liberal party. This view that you can't give Aboriginal people in this country inherent right, only a conferred right, that if you have the chance you should lunge out and try and extinguish their rights to private property of course, never for a moment considering that every other Australian should say, well, how sacred are my rights to private property if any Liberal government believes it could extinguish any category of persons private property in this country. And yet, Dr Hewson won't draw the principal threads together and state his position, stand McLachlan down, put Reith in his place and adopt a position of principle in the Parliament on this important question of native title. Dr Hewson is running the same line, essentially he ran weeks ago - that is, that everybody in the Liberal party is entitled to carry the leaders baton in the knapsack and that virtually the more contestants there are the merrier, but in his case he is all right. But the fact is, of course, it has lead him to be completely powerless and helpless. He is now like a cork bobbing around in the ocean, pushed and shoved by any force, any influence which comes from this week to that and particularly not in any way being able to cope with the big issues of principle facing Australia and not showing any leadership whatsoever.

J: But do you think his leadership is seriously under threat?

PM: I think, any parliamentary Liberal looking at that program this morning would despair - they know his leadership is finished.

J: Where is the threat coming from?

PM: It is coming everywhere. It comes most particularly from him, because he won't display any leadership.

J: But who will take over, will Bronwyn Bishop?

PM: Fortunately, that is not for me to worry about.

J: I presume Mr Keating, that you are not going to put him out of his misery by bringing on the Mabo legislation as soon as possible?

PM: The Mabo legislation will be introduced when we have the Bill written as accurately and as securely as we can - we will then introduce it.

J: You don't have a date yet for the introduction?

PM: No, it will probably be around the 16th or 17th of November as I said.

J: Was the legal advice received from Attorney-General's that Richard Court's legislation could be valid?

PM: I am not basically here to debate the whys and wherefores of Richard Court's legislation. Simply to say this, that what the Court Government is doing is unconscionably seeking to extinguish a proprietary right for an unspecified, undesignated so-called set of native title rights, only to be expressed whenever there is a dispute and when they are wiped out, Aboriginal people have a year to argue for compensation, but how would they argue for compensation when they could never know whether they were in fact the native title owners in the first place.

J: How can the Commonwealth's legislation be imposed in West Australia, Mr Court's legislation is valid, don't you have a problem on that front?

PM: The Commonwealth has primacy in this area and it will assert it without fear or favour. And can I say, that also as an aside here, the mining industry has got to stand up here and decide what it wants. It was telling us, remember all the Wik carry on about how titles before 1975 had to be validated, there is no such validation in the West Australian legislation whatsoever - for any titles before 1975, yet they are saying in their press release that yes, they think this Bill fits the bill with the mining industry. It would provide absolute chaos in Western Australia, total uncertainty and the one thing which the mining industry has always said was its first requirement, that is, to be able to validate the titles.

Look, the core matter here is this, this is a matter as Dr Hewson said this morning a major issue and principle for the country. The Opposition is now without a policy, after all this time Dr Hewson has

told us this morning that the policy that he announced in June which said "... *the Coalition accepts that the High Court has determined that native title exists ...*" he is now running away from saying it has no status, that it has not been through the Shadow Cabinet and it has no party room support. Right at this moment, the Coalition of the country, the conservative parties have no position on the question of native title or its preservation - that is just an appalling disgrace.

J: Is this the issue that is going to bring down Dr Hewson do you think?

PM: If they are big enough they are too hot for Dr Hewson to touch. Wherever he goes, if it is on issues like the republic he meets on the right Mr Howard, if it is on Mabo he runs into the West Australian Liberals in the likes of Mr McLachlan. He won't make a stand anywhere and the thing about leadership - it is all about making a stand around principle - something that Dr Hewson doesn't understand, that his leadership flows from his own strength and that he hasn't displayed any. Thank you.

ends