



## PRIME MINISTER

**TRANSCRIPT OF THE PRIME MINISTER, THE HON P J KEATING, MP  
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PM: Well, could I just begin by saying that the imminent passage of the Native Title Bill will be a great day for indigenous Australians. It will make this a great day for indigenous Australians, and I hope a great turning point in their recent history.

This has been the longest continuing problem that Australia has faced now for over 200 years recognising that indigenous people, that native people, had a right to their own soil. It is the end of the great lie of terra nullius and the beginning, we all hope, of a new deal, the basis of social justice and reconciliation. A real basis to reconciliation.

In that sense a turning point for all Australians, something that should raise our self esteem and our pride in this democracy of ours. The important thing is I think it has been a triumph of good will and cooperation between Australians. At the start of the debate I was told by a great many people that this could not be done, that the interests were too conflicting, that there was not sufficient good will. I was told that by talking about justice for Aboriginal Australians, we had set the hurdle too high, or as John Hewson put it, cruelly raised expectations. I was told that the scare mongers would prevail, we all heard them, the people who talked about Australians losing their backyards, and we should never forget who they were.

The passage of this legislation will demonstrate that this generation of Australians will not buy that sort of bigotry, or that brand of politics. I think it might mark a watershed in the way we conduct politics in Australian.

The Bill for its part is the antithesis, the absolute antithesis of lowest common denominator politics. It has got solid principles and long straight lines of logic. But it is something much better than that. It is politics in which people who imagine we can overcome our major problems, those people who imagine we can have something better, can have faith in the people who saw this through and the institutions that were able to deliver on their aspirations.

I would like to pay tribute to many of the people involved here, my Cabinet colleagues who stuck this out over the better part of the year with ministerial attention to detail which would have no parallel anywhere in the western world, I don't think, in terms of putting such a huge piece of property and social law together. To the Caucus of the Government which stuck with the principles of support for Aboriginal people in giving them their opportunity to see the flesh on the bones of the High Court decision. To those who played a role in negotiating it, to those in the institutions, and can I particularly say how much I have appreciated the leadership of Lois O'Donoghue who decided that she would lead in the negotiations, and congratulate those associated with her, the principal negotiators who decided courageously to take a stand and stand up for the Aboriginal community and negotiate with the Government. Because negotiate is a word that is often thrown around but not understood. Negotiate means you have core interests and you chase them, but you realise what isn't core and you negotiate over them on both sides. And this was a process of negotiation, and I congratulate them for it, and those who have supported those negotiators in the broad Aboriginal community understanding how hard it was to stand up and take a stand.

To others could I say, to Ric Farley from the National Farmers Federation, who showed a spirit of goodwill and compromise and represented well, I think, history will show, represented well his constituency, keeping always faith with his constituency, Senator Kernot who believed in justice for Aboriginal people and her Party, all of them who stuck to the principles of the Bill and fought it through to the end, to our Green Senators who came on board, I was pleased about that, it was a very hard process, I think too hard, but nevertheless the Bill will be there, and most people in the State bureaucracies who negotiated to try and find a basis of preserving the States rights in land management while dealing with the broader rights of justice for indigenous Australians. And some State Premiers who stuck it out to the end, who were prepared to support us, Wayne Goss, obviously, because he didn't sign yesterday's letter, but as I said to you yesterday that was a bit of a coercion job, and a couple hung out to the end, one of whom was Jeff Kennett.

In the end the Government was able to bring together a disparate group of interests and a disparate group of interest groups, and fashion a policy which, I think, will stand Australia in good stead, which will stand the Aboriginal and Islander community of this country in good stead, but which we have now got to make work. And the Government, I am happy to say, will be in a position to have the system up and running, at least in its earlier stages, on the 1st of January. It will take a while, of course, to develop the institutions fully, to set them up and to see the system work, but it is one which I think can work.

So, let me begin where I started by saying I think this is a great day for indigenous Australians, a great turning point in their recent history. A day when a 200 year problem was put behind us, a day when we recognised that indigenous Australians had a right to their own soil, and I am pleased to be Prime Minister at this time when a Bill of this principle can succeed in a

Parliament which has formerly not either had the understanding, or the integrity, or the courage to pass such legislation.

J: Mr Keating, how would you compare this personally to other things you have achieved in public life?

PM: Well, it is not a matter of ranking the things, this is a group achievement, but an important one. I wrote to the reconciliation council within a week of the High Court decision saying I thought this was the basis of a firm footing for our reconciliation process, and that the Government would be examining the decision and trying to lend legislative support to it. We did that in the most exhaustive Cabinet room process and bureaucratic process in our time. And part of that, or course, was the tremendous work done by the Commonwealth bureaucracy, and let me again just record our debt or gratitude to Sandy Hollway, in Prime Minister and Cabinet, now Secretary to the Department of Industry, Technology and Regional Development, Mike Dillon, from the same department, Robyn Orr, from Attorney Generals and the other officers of the group in Prime Minister and Cabinet. This was a most gruelling bureaucratic effort and you can see that in the advice which was being tended to Gareth Evans. And let me again record the appreciation I have for Gareth for standing the test, standing at the crease for over 30 odd hours, and batting the balls back in fine intellectual style.

J: If you had your time over and was standing at the beginning of this long Mabo process, would you handle anything differently?

PM: I don't think you could handle this differently, I think the Aboriginal community walked away from us in the middle of the year, and thought they were being messed about with. I think they were right to come back into a serious negotiation, that was the point I made about Lois earlier, that wasn't an easy thing to do. Starting from scratch from a clean sheet of paper to build a body of social and property law of this kind, particularly with the difficulty of the spiritual attachment Aboriginal people have to the land and taking that into account, and understanding how important it is in their culture is a terribly difficult thing to do. I think we took the steps right, we met with the Aboriginal community, we met with the other stake holders, the mining industry, the pastoral industry, the States, we produced a discussion paper, we then had a run over the principles at the COAG meeting in Melbourne, that didn't produce an early agreement, we then refined the principles, then after much work, and then after much negotiation, produced a draft Bill. The draft Bill, we then took opinions on the draft Bill, we then produced the Bill. And in the producing of the Bill we also took readings from the various stakeholders about the Bill itself. So, before the Bill ever went to the House of Representatives it has had an inordinate amount of work and negotiation and consultation, and of course it has had more in the whole process.

- J: The bill that you take to Parliament late tonight, is that different in any important ways from the legislation that was introduced into the Senate, has this long marathon produced any important changes?
- PM: Not in its core structure, core principles. It has got some important changes around some of the operability of it, but not in its core matters and they are that there is, first of all a right of indigenous Australians to go and claim native title and a set of tribunals to hear them and award them, a federal court stream and a state supreme court stream and then there is institutionalised in the bill a process of consultation and negotiation and where necessary a process of arbitration leaving the economic interests over land grants - economic interest over land exclusively with the state institutions which have been refashioned to take account of the peculiar nature of dealing with native title. That is, comprehending the complexity of Aboriginal culture and society in the doing of it. They are the core things, as well as that, the validations of the 1975 - 92 period, but I think it is very workable. There is a view by some industry groups that it is unworkable - that is not true. In the end these matters are left with state institutions, indeed there are state ministerial over-rides available in the event any development needs to be in the opinion of the state government persisted with. But there is a right to be asked for indigenous people and a real process around the asking of it.
- J: Did you put up Clause 24 in the Senate only to have it knocked over, and if not why is the Government now prepared to accommodate the renewals question for the pastoral interests, but not the mining interests?
- PM. We put up Clause 24 because we agreed to propose it and we did. And it failed because of the obdurate obstructionism of the Liberal and National parties in the Senate. It was therefore defeated. Some in the mining industry wanted it to pass because they thought the Greens then wouldn't vote for the Bill. So, it wasn't being offered in good faith or supported in principle by many in the mining industry and they had their chance to have their principle backed in by asking the Liberal and National parties to vote for it. The Liberal and National parties didn't vote for it.
- J: But you won't give it another run in the House of Representatives?
- PM. I answered that yesterday.
- J: Having now achieved this, what is your view now to a treaty with all Aboriginal people?
- PM. I think that I am always, I hope, practical, looking for solid things. The core matter is the empowerment of Aboriginal people in lifting their

dignity, self regard and their position in terms of if you like, their balance in this society is land. This more than anything else seeks to give them land under the native title principles. Because it extends the principle into acquiring pastoral leases and converting those to native title it in a sense multiplies out the High Court decision. Now, this will do some justice to those who were formerly dispossessed, but it can never repair the stain of terra nullius - it can only make some amends. But, let's start with something solid like land and the social justice consequences of this as well as the other things we have done in the Aboriginal Deaths in Custody Royal Commission response and the mainframe policies administered by ATSIC and let's see how that goes before we start taking the route of looking at treaties which can sound high minded, but in terms of their practical impact may not be as high minded as this.

J: Prime Minister, what can you offer the National Farmers Federation who have stuck with you for so long would believe that you have sold out in what occurred in the last few days?

PM: I don't think it was and I don't think it believes that. I don't think you have got a right to say that. I mean, you are paraphrasing a view that I don't think they hold and I don't think you have a right to paraphrase their view.

J: What sort of a selling job do you think you will have to do among the states and in industry now once this is through?

PM: This provides for an orderly, I think for the mining industry, expeditious process for looking at exploration and mining and also seeking to get some seamlessness between the exploration and the mining phase. I think that can happen. We were not seeing the growth of pastoral leases in agriculture anyway, they had come to a grinding halt. One of the principles in here is you can't grant an interest over native title land that you can't grant over freehold land. None of us who have a freehold block of land in this country would like any government to be able to simply give it to somebody else. Similarly, you can't give native title to somebody else. There is a procedure in here, an acquisition procedure - if it needs to be done - as there is for non-Aboriginal Australians. So, it has got those balances about it.

J: Do you think the implementation process is going to be fairly smooth?

PM: We are charting new country with this, but we are in a position to run the system from January 1 and then the Government will make it a priority to build the institutions to let it work and it will have its teething problems and there will be a fair bit of experience garnered on the way through and that experience will no doubt make the operation of the institutions more efficient and then, I think, we will start to get through the land claims.

J: Do you think it is inevitable that another chapter here, a High Court challenge of some sort given the advice just amongst some of the interest groups?

PM: I don't know, that is up to the states. But, let's record this fact - the Liberals are always talking about the rule of law. When the rule of law and the High Court said that the concept of terra nullius was wrong, that the notion that this was a land of nobody was wrong, they said let's change the High Court's personnel. How dare the High Court make this decision. They say they are always for private property, but when the private property, the common law land right of Aboriginal Australians was given by the High Court, the Western Australian Liberal party with the support of the federal Liberal party wanted to abolish their private property right by a single legislative act and in doing that what they have shown is that they only believe in laws which suit them and their constituency as they perceive it and in property rights enjoyed by classes of Australians they approve of. So, you wouldn't know where they will come. With that obscurantist view of the world, one wouldn't know what attitude they, as a group of political organisations, would take to the legislation. I hope that they have learned a lesson from this. That all this time the Liberal party has had no policy on Mabo and when Dr Hewson was pressed on the core matter about whether the set of principles stood for anything and he said they didn't, the interviewer at the time Laurie Oakes said I am staggered and he was entitled to be. Nothing has changed from that day. There is now no more principles today than there was two months ago. The whole Mabo debate has come and gone simply only with their opposition and the principles so-called which never even applied, barely had any mention of native title or the interests of Aboriginal people.

J: Do you concede that the Greens in the end did play a role in getting some Aboriginal groups in behind this legislation who otherwise may have stayed out of it and in fact, that in the end they improved the legislation from the Aborigines point of view?

PM: These are all subjective matters and I have always wanted more Aboriginal people to be involved than fewer. But, were the process to be smoother the getting of support amongst these various Aboriginal groups wouldn't have been as central to the passage of the legislation.

J: Prime Minister, how much of Australia do you think will be successfully claimed as native title under this legislation over say the next ten or twenty years?

PM: You mean how much of the most valuable parts of the country or the arid parts or ...

J: The Northern Territory under the Aboriginal Land Rights Act has ended up at about 49 per cent, although the original estimate twenty years ago was 14 per cent. What is your estimate?

PM: I don't think I can give you an estimate David (Barnett). But, I think the implication of the question is - if it goes to native people then somehow it is alienated from Australia - that is the implication of your question. That sort of pre-Copernican obscurantism which we often have from you David is what is wrong with your view of Australia and your view of Australia has just been done in this week.

J: Thank you for the tribute ...

PM: You are entitled to many things David, but tributes isn't one of them.

J: ...(inaudible) - David Barnett

PM: Well, time will tell.

J: Mr Keating, given the role the Greens and the Democrats did play in the end, is there a case for them to be bought in to the preparation of the social justice strategy?

PM: I have told Senator Chamarette I am happy to engage her and Senator Margetts in the process as I have made a commitment to Lois O'Donoghue and the principal negotiators who I am pleased to say are all here at the moment, to say that we will sit down and we will engage as far as possible the broader Aboriginal community and we will try and put together a package which is really good - one that works to deliver in the first instance, a capacity to buy land and ways which we can improve the social equation. I might leave it at that. Thank you very much.

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