

# Commonwealth Parliamentary Debate: Native Title Bill 1993

“Native Title Bill 1993” in Wilson, John; Thomson, Jane; and McMahon, Anthony (eds) The Australian Welfare State - Key Documents and Themes Melbourne, MacMillan Education Australia Pty. Ltd., 1996, pp 169-170.

## **Motion that the Native Title Bill 1993 be Read a second time**

### **Second Reading – Excerpts**

#### **Mr Keating**

(Blaxland - Prime Minister):

I move:

That the bill be now read a second time.

Today is a milestone. A response to another milestone: the High Court's decision in the Mabo case.

The High Court has determined that Australian law should not, as Justice Brennan said, be 'frozen in an era of racial discrimination'. Its decision in the Mabo case ended the pernicious legal deceit of terra nullius for all of Australia - and for all time. The court described the situation faced by Aboriginal people after European settlement. The court saw a 'conflagration of oppression and conflict which was, over the following century, to spread across the continent to dispossess, degrade and devastate the Aboriginal people'. They faced 'deprivation of the religious, cultural and economic sustenance which the land provides' and were left as 'intruders in their own homes'.

To deny these basic facts would be to deny history - and no self-respecting democracy can deny its history. To deny these facts would be to deny part of ourselves as Australians. This is not

guilt: it is recognising the truth. The truth about the past and, equally, the truth about our contemporary reality. It is not a symptom of guilt to look reality in the eye - it is a symptom of guilt to look away, to deny what is there. But what is worse than guilt, surely, is irresponsibility. To see what is there and not act upon it - that is a symptom of weakness. That is failure.

Mr Speaker, some seem to see the High Court as having just handed Australia a problem. The fact is that the High Court has handed this nation an opportunity. When I spoke last December in Redfern at the Australian launch of the International Year for the World's Indigenous People, I said we could make the Mabo decision an historic turning point: the basis of a new relationship between indigenous and other Australians. For the 17 months since the High Court handed down its decision, the government has worked to meet this challenge.

As well as clearing up the uncertainties of the past, this bill provides for the future - it delivers justice and certainty for Aboriginal and Torres Strait Islander people, industry, and the whole community. It provides for the determination of native title and for dealings over native title land...

#### **Conclusion**

The land management challenges posed by Mabo are hugely important and they are comprehensively dealt with in the bill. But let me conclude, as I started, on the wider significance of the Mabo case. For today, as a nation, we take a major step towards a new and better relationship between Aboriginal and non-Aboriginal Australians. We give the indigenous people of Australia, at last, the standing they are owed as the original occupants of this continent, the standing they are owed as seminal contributors to our national life and culture: as

workers, soldiers, explorers, artists, sportsmen and women - as a defining element in the character of this nation - and the standing they are owed as victims of grave injustices, as people who have survived the loss of their land and the shattering of their culture.

Who can say that we would have survived these experiences as well as they have? Today we offer a modicum of justice to indigenous Australians because we have reached an understanding of their experience - and our responsibility. Today we move that much closer to a united Australia which respects this land of ours, values the Aboriginal and Torres Strait Islander heritage and provides justice and equality for all. Already, in the process of developing the bill, we have learned a great deal about each other and how to work together. We have extended the frontier of our mutual understanding. Perhaps the most outstanding, but by no means the only, example of this has been the participation of representatives of the combined Aboriginal and Torres Strait Islander Organisation Working Party in the unprecedented negotiations leading to this legislation.

In hailing what she termed 'a remarkable settlement and historic agreement', Lois O'Donoghue, the Chairperson of ATSIC, said, and I quote, 'indigenous affairs will never be the same again in our nation'. It is for that reason, above all, that I commend this bill to the House.