



AgForce Queensland Industrial Union of Employers
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4 December 2002

Mr Peter Hallahan,
Secretary
Australian Senate
Legal & Constitutional References Committee
Parliament House
CANBERRA AACT 2600

Dear Sir

I wish to acknowledge receipt of your letter of 11 September 2002 regarding the Inquiry into Progress Towards National Reconciliation.

The United Graziers' Association no longer exists in Queensland. The Association amalgamated with the Cattlemen's Union and the Queensland Grain Growers Association in 1999. The new body is AgForce Queensland with the postal address as indicated on this letterhead.

Please find attached the AgForce submission to your Inquiry.

Yours faithfully

A handwritten signature in cursive script that reads "Larry Acton".

Larry Acton
General President
AgForce Queensland

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INQUIRY INTO PROGRESS TOWARDS NATIONAL RECONCILIATION

The References Committee-Legal and Constitutional, of the Australian Senate is conducting an inquiry into the progress towards National Aboriginal Reconciliation.

Submissions have been invited from groups having contact with Aboriginal people and Aboriginal policy, including the farm representative organisations.

Agforce, an organization representing farmers and pastoralists in Queensland, is pleased to provide a submission on this matter. It should be noted that the farming community has widespread contact with Aboriginal people in rural and remote areas at the operational level, but has far less interface with Aboriginal people at the urban level. Moreover, many of the social and political issues that have been mentioned in reports on the progress of National Aboriginal Reconciliation are matters that do not directly impact on the farming community. For this reason our comments are limited to particular issues where we can make an informed contribution.

We understand that the particular focus of the inquiry is directed at an assessment of the adequacy and effectiveness of the Commonwealth Governments' response to, and implementation of, recommendations made by the Council for Aboriginal Reconciliation, and the Aboriginal and Torres Strait Islander Social Justice Commissioner.

The concept of "Aboriginal Reconciliation" has been very hard to interpret. Different groups in the community, both Aboriginal and white, have widely differing views about "reconciliation", and what it might be able to achieve.

Agforce does not have a defined position on reconciliation, or whether the Commonwealth Government's approach is adequate; but it does have some views on the concept and operation of the process insofar as it affects farmers. These views are reflected in this submission.

Agforce also notes the various recommendations made in reports by the Council for Aboriginal Reconciliation and the Aboriginal and Torres Strait Islander Social Justice Commissioner. Agforce recognises that these recommendations come from a desire to correct past injustice to Aboriginal people. But Agforce does not agree that the implementation of all the recommendations in these reports will necessarily enhance the future course of reconciliation. Further comment on some of the difficult issues will be made in this submission.

Agforce acknowledges that the Council for Aboriginal Reconciliation was established in 1991 as part of a range of Federal Government initiatives directed at improving the status of Aboriginal and Torres Strait Islander people in the Australian community. The membership of the Council has always been drawn from prominent Aboriginal

and white community leaders. Their work has been very broadly based and directed at general community awareness about the position of people of Aboriginal descent in the Australian community.

The farming community has a perception that the initiatives of the Council have had the greatest impact with urban Australians, where there has been little contact with Aboriginal people or their history and tradition. Indeed it is now accepted that conventional history in European terms has paid little regard to the position of indigenous people or their culture.

Agforce believes that general initiatives undertaken by the Council, and the Government, have been effective in improving awareness of Aboriginal culture and tradition in the broad Australian community. But, these initiatives are often seen by the farming community as being too simplistic to be of much value at the local level. At this level relationships have not been greatly influenced by formal "reconciliation".

The interface between Aboriginal and white people in rural areas is much more likely to be influenced by local and land based issues.

The most important of these issues is Native Title.

Another issue is the range of welfare benefits available to people of Aboriginal descent that are not available to other Australians of similar socio-economic status. Agforce accepts that many of these initiatives have been established as a means of addressing past disadvantage, but permanent reliance on discriminatory welfare measures is not seen by farmers as a being a long term solution to Aboriginal disadvantage.

The rural community has a perception that very large sums of taxpayer's money are being spent on Native Title and welfare measures with a very low level of return to the Australian community as a whole. Moreover, there appears to be little material benefit to ordinary Aboriginal people in this expenditure; most of the outlay being spent on political, legal and administrative activities.

Unless these issues are addressed in a more positive manner, the progress of "reconciliation" in rural and remote areas will continue to be slow.

Nevertheless, it is fair to say that with few exceptions, relationships between Aboriginal people and rural producers at the property level remain cordial and positive; and have not been greatly influenced at a personal level by Native Title or other controversial issues, such as black deaths in custody.

The main program set out by the Council for Aboriginal Reconciliation is contained in the Council's publication, "A Roadmap for Reconciliation". This publication identifies the strategies that the Council has adopted to promote and sustain reconciliation. The overall strategy is divided into four sections;

1. The National Strategy to Sustain the Reconciliation Process.
2. The National Strategy to Promote Recognition of Aboriginal and Torres Strait Islander Rights.
3. The National Strategy to Overcome Disadvantage.
4. The National Strategy for Economic Independence

Agforce notes the four strategies that have been established, and has no particular comment to make on most of the initiatives. However, Agforce cautions against initiatives that might have the effect of creating separate legal and social regimes that will apply in perpetuity for Aboriginal people. Such measures will ultimately lead to friction and division. Agforce believes that Australia is a secular and democratic country where all citizens must be treated equally under the law. There should be no hereditary or preferential rights.

Agforce does not support the proposals in Strategy 1 that deal with protocols and documents, recommending that there should be a treaty, or documents of reconciliation; between Aboriginal people and other Australians. Agforce believes that all Australians should be exactly equal, regardless of their heredity or background; and no documentation is required between different groups of Australian citizens.

Agforce is also concerned about some of the recommendations contained in the section on legislation in Strategy 2. Agforce believes that intellectual property rights are not group rights, but are personal rights where protection is available under copyright and heritage laws. Agforce is also uneasy about proposals for a parallel legal system that will treat some Australians in a different manner to others. Another item that is likely to cause anxiety for ordinary Australians is the proposal to amend the Australian Constitution to allow for "Indigenous rights" and "self determination". These are not proposals that are likely to advance reconciliation in rural Australia.

Strategy 3 deals with proposals to address disadvantage. Agforce agrees broadly with the thrust of the measures proposed in this section. Initiatives to promote independent commercial enterprise can only be supported. However, Agforce notes that there are many small independent Aboriginal businesses that do not receive much encouragement from statutory Aboriginal structures. At the property level, these businesses include mustering, fencing, bore sinking and maintenance, building and construction activities, and motor vehicle repair. Agforce notes the initiatives on Cape York to develop and support Aboriginal business ventures with assistance from corporate Australia.

Initiatives of the type outlined in Strategy 3, where quality and performance are guaranteed by the Aboriginal people themselves, will be the main drivers of reconciliation in rural and remote Australia.

Strategy 4 addresses economic independence for Aboriginal people. For the most part these initiatives will be appropriate for all sections of the Australian community. But Agforce will be concerned if discriminatory programs are established for Aboriginal people as a long term policy objective. Agforce again notes proposals to legislate for indigenous intellectual property and cultural rights in the context of economic advancement. Agforce does not see how such proposals can be beneficial to the community, or can contribute to reconciliation.

An issue that has a big impact on reconciliation at the local level is Native Title.

Most of rural and remote Queensland is now subject to Native Title claims. There are about 270 Native Title matters that will need to be dealt with by the Queensland Government and respondent landholders. The progress of these claims has been very slow, leaving rural landholders with uncertainty about the future rights and

obligations of the Native Title parties. Some of these claims have now been in the process for up to ten years with no prospect of resolution.

In most of the rural claims there are disputes between different groups of Aboriginal claimants about who are the true traditional owners. In many instances, rural landholders have never met the claimants, but are being asked to concede rights that have not been exercised in living memory.

In some instances, the claimant groups have made extravagant demands on landholders, including unlimited property access, the right to be consulted on farm practices, and some share of economic returns. These demands are not accompanied by any offer to meet any costs or liabilities such as statutory charges (rates) or public liability insurance.

In other instances the Aboriginal claimant group only seeks recognition as the original inhabitants of the claim area. But even in these benign situations, resolution has been impeded by inter-Aboriginal issues, magnified by incompetence and inaction by many Land Councils.

It has already been said that the Native Title issue has not yet significantly affected inter-personal relationships between Aboriginal people and white landholders at the individual property level. The main interface between the parties in Native Title matters is between the Queensland Government, the Land Councils, the National Native Title Tribunal (NNTT), and the legal and mediation team representing the landholder respondents. Agforce provides such a service to pastoral respondents, and is well aware of the growing anxiety among landholders about the magnitude and slow progress of Native Title claims.

In recent times pressure has been applied to respondent landholders by statutory authorities (including the NNTT) to reach negotiated settlements in Native Title matters regardless of whether Native Title has survived or not. Even if landholders agree as a means of settling the claim, ongoing relationships may be permanently damaged

This issue has tremendous potential to impede practical reconciliation in rural Australia.

Ultimately, Aboriginal reconciliation in rural and remote Australia will be governed by actions at the local level that encourage respect and trust.

Agforce hopes that future Government initiatives will be directed towards equitable and economically efficient policies than enhance the lives of all rural Australians.



Larry Acton
General President
AgForce Queensland

4 December 2002