



PARLIAMENT OF WESTERN AUSTRALIA

INAUGURAL SPEECH



Hon Paul Sulc, MLC
(Member for East Metropolitan)

Address-in-Reply

Legislative Council

Wednesday, 12 March 1997

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ADDRESS-IN-REPLY

Motion

HON P. SULC (East Metropolitan) [8.00 pm]: Firstly, I am grateful for the welcome that has been extended to me, not only by members on this side of the House but also by all other members from both this and the other place. I hope that, notwithstanding our adversarial parliamentary system, this goodwill survives beyond the conclusion of my maiden speech. I would also like to add my voice to that of my comrade Hon Tom Stephens in expressing my gratitude to the staff of Parliament House. All the staff have extended every possible courtesy to me as I have learnt my way around this place, and are making my short stay here as comfortable as possible. To my electorate officer, Nellie Anderton, and all other electorate officers, I express my appreciation. I have seen the amount of work they do and how it has increased over many years. The hours are now much longer and more arduous. I would like to place on record my support for their reclassification to level 5 PSA.

I should also mention the assistance of Hon Tom Stephens in taking the time to ease me into my duties as a member of the Legislative Council. As he mentioned yesterday, he considers it the Opposition's role to help the President maintain the orderly operation of this House. He went so far as to counsel me that he would frown upon any behaviour that mirrored some of the - I am sure exaggerated - stories of his early days in this House.

While preparing for this speech, I read the maiden speeches of many members of this place, both past and present. I did this for a better understanding of convention and form and I hoped for some inspiration. I noted with interest some of the comments made by Hon Alannah MacTiernan, who has since relocated to the other place. To paraphrase Hon Alannah MacTiernan, she expressed a belief that this place is an anachronism which falsely suggests that important checks and balances, so necessary to the parliamentary process, are in place. Further, she suggested that its membership and functions be incorporated into an expanded Legislative Assembly. It was interesting for me to read those comments while considering this Chamber's history, but more importantly thinking of its future. I must say that where once I may have had some sympathy for her position, I am a believer of evolution not abolition. I am proud to have entered this House on the eve of a great step in its evolutionary process, that of a non-conservative balance of power! At last, this place could become a dynamic House of Review, which will consider all that comes before it by its own standard and not that of the executive arm of government or a reactionary conservatism. My main regret is that I shall not serve past the birth of this new era but I do hope to return some time in the future.

The last 30 years have seen a struggle for all members of our society to be seen as equal. We have equal rights legislation in all States and Territories that ensure this, with few exceptions. However, the difference between having a right and exercising it is still a seemingly insurmountable obstacle. The idea that anyone is judged by race, religion or sexual orientation is repugnant to me. The human family is one of diversity and through that diversity we find our strength and maturity. The flames of bigotry are threatening to engulf us, and yet we are told that it is a bigot's right to free speech. However, to spread inaccuracies and perpetuate wrong myth does not equate to freedom of speech, because any healthy debate on immigration or the rights and privileges of our citizens that degenerates into an attack on another's race, colour,

descent, national or ethnic origin or sexuality is so patently an injustice and evil that it must be repudiated.

Much comment has been made by this Government and others about the enlightened Mabo and Wik High Court decisions, how they will endanger our mining and pastoral industries, and make land tenure and administration impossible to manage; and how the High Court has taken on the role of law maker. I would like to state that our entire common law system came into being because of judicial interpretation of our fundamental rights and responsibilities and it has evolved over many hundreds of years. To say the High Court has overstepped its mark is to ignore the history of our nation and its common law heritage, as inherited from the British Isles. The Mabo High Court decisions, both No 1 in 1988 and No 2 in 1992, did not invent native title. The High Court said that the concept of terra nullius, or that no-one inhabited Australia prior to white settlement, was wrong all along and that the indigenous peoples of Australia have always had rights to their lands. It also stated that land held under freehold title had extinguished native title.

The Native Title Act 1993 set up a framework to resolve native title issues over crown lands and left the issue of pastoral leases to the courts. In 1993 the Wik people in North Queensland started proceedings in the Federal Court. They argued that pastoral leases and native title coexisted because a pastoral lease conferred only limited rights of access to the leaseholder and the land was still a crown possession. In January 1996, a Federal Court Judge ruled that leases conferred exclusive possession and therefore extinguished native title. The Wik people then appealed to the High Court. In December 1996, the Full Bench of the High Court upheld their appeal in part. It said that mining leases did extinguish native title rights but because of the variety and differing types of pastoral lease this type of lease did not necessarily extinguish native title. I quote from Justice Toohey's judgment at pages 75 and 76 -

The legal representatives of the Wik and the Tayorre people argued for co-existence of native title with the pastoral lessees' interests. They conceded that if there was any inconsistency between rights exercised by a lessee and rights exercised by holders of native title, the rights of the lessee would prevail.

Native title rights that are capable of being established on a lease may be no more than the right to carry out traditional ceremonies. Other native title rights may be hunting, fishing and gathering.

Further , at page 80 -

It is too simplistic to regard the grant by the Crown of a limited interest in land as necessarily extinguishing native title rights. It is a large step indeed to conclude that, because there has been a grant of a 'lease' of many square miles for pastoral purposes, all rights and interests of indigenous people in regard to the land were intended thereby to be brought to an end.

We already have a situation where pastoral leases coexist with others having access to their land. At present a parcel of land may have a pastoral lease, mining or prospecting lease, sandalwood collectors' right of access and a professional shooters' right of access. Each of these in no way restricts the economic activity of the other. Native title would form only one component of land use, at present exercised by many upon the same area of crown land, each mutually exclusive and in no way should one conflict with the other. If any conflict does arise, then the rights of the pastoralist have precedence. Again I quote Justice Toohey at pages 82 and 83 -

So far as the extinguishment of native title rights is concerned, the answer given is that there was no necessary extinguishment of these rights by reason of the grant of pastoral leases under the Acts in question. Whether there was extinguishment can only be

determined by reference to such particular rights and interests as may be asserted and established. If inconsistency is held to exist between the rights and interests conferred by native title and the rights conferred under the statutory grants, those rights and interests must yield, to that extent, to the rights of the grantees.

I should add that any attempt to remove native title rights from Australia's original inhabitants without compensation would require an amendment to the Racial Discrimination Act 1975. As soon as an amendment is made to exclude one racial group from legitimate land title, how do we logically say no to the next exclusion - be it Australian-Japanese ownership in Queensland, Australian-Vietnamese corner store ownership or even Mediterranean Australians with their market gardens? Even with the Racial Discrimination Act, indigenous Australians encounter much discrimination and inequality. The reconciliation process was established to recognise this situation, to acknowledge and grieve our past and to achieve a process of understanding and harmony between the many peoples of Australia. This process of reconciliation is not happening in a vacuum. The United States' Department of State noted in its report on human rights practices in 1996 to the United States Congress that even with the Racial Discrimination Act much structural discrimination exists. I quote -

The Racial Discrimination Act of 1975 prohibits discrimination on grounds of race, colour, descent, or national or ethnic origin. The Ministry of Aboriginal Affairs, in conjunction with the Aboriginal and Torres Strait Islander Commission (ATSIC), has the main responsibility for initiating, coordinating, and monitoring all governmental efforts to improve the quality of life of indigenous people. A wide variety of government initiatives and programs seeks to improve all aspects of Aboriginal and Torres Strait Islander life.

In practice, however, indigenous Australians continue to experience significantly higher rates of imprisonment, inferior access to medical and educational infrastructures, greatly reduced life expectancy rates, elevated levels of unemployment and general discrimination which contribute to an overwhelming fear of disenfranchisement.

It is my hope that the process of reconciliation will lead to a true understanding of the cultural mores, spiritual beliefs, societal expectations, etc, that affect members of each group, and how they are reflected in our behaviour; also, how our - by "our" I mean both Aboriginal and white Australians - expectations of each other's behaviour are reflected during any inevitable cultural clash. It is my opinion that this requires a shift in our perceptions of each other, primarily through education but with a legislative and administrative framework to give it the authority it deserves. Mostly, it requires that white society changes some of its perceptions and value judgments of indigenous Australians. All too often indigenous Australians have had to adapt to white society and this has led to problems often relating to confused cultural signals that have caused many societal problems often associated with indigenous Australians. This process is not about apportioning blame, but working out a functional framework to resolve future problems and disputes and to acknowledge our combined past. While acknowledging a combined past, I would like to refer to our multicultural past. Many think, and wrongly I might add, that multiculturalism is something that has happened in Australia only in the past 20 to 50 years.

The next section of my speech was to be in Mandarin Chinese, but I have been alerted by you, Mr President, that standing orders prevent my doing that. I will continue my speech in English.

I would like to bring to the Government's attention the achievements of the ethnic communities, especially the Chinese community. I wholeheartedly reject recent comments about the Chinese and other Asian communities which have been made by ignorant members of other Parliaments and their supporters. These people have done their best to denigrate and minimise the contribution that the Chinese and other migrants have made to this country. The history of

Asians in Australia precedes European discovery by several centuries. They have collected the treasure of the seas and land and have traded with indigenous Australians. They have come to Australia throughout its European settled history and suffered the ignominy of racism, prejudice and misunderstanding. Without their labour and enterprise, many people in this country would be worse off. These people were the backbone of this country's market gardening and farming industries and they started many of the fishing industries, tended the flocks and worked the land. Without their resourcefulness in making the mining industry in the Northern Territory profitable last century, the then South Australian colony may have sold it. It was considered a drain on the public purse, much in the same way as Russia considered Alaska before it sold that country to the United States.

Those people who continue to malign the Asian citizens in this country would have people believe that continued multiculturalism would weaken the Australian identity and culture. Any person who thinks that people in Australia cannot exist peacefully with their diversity of ideas, culture and philosophies would have Australia remain in a state of homogeneous and moribund stagnation that would eventually kill any ideals of Australian ideas and culture that exist. Culture is a living and evolving entity that requires continual reinvigoration to prevent morbidity and this is the only way forward.

Australia is at a turning point. Those people who would have it return to its history of bigotry, racism and intolerance of diversity are becoming louder. After 30 years of trying to be a tolerant and just society, the forces of this evil prejudice would have people believe that all the ills of society are caused by anything different. I reject this notion and know it to be the source of great evil.

Should anyone listening to my speech wish to understand more about the Chinese involvement in Australia, I commend to them *Sojourners* and *Citizens* by Eric Rolls. Both books extensively chronicle the Chinese involvement in Australia both pre and post European settlement.

It is with equality in mind that I would like also to extend my support to my homosexual brothers and sisters in the community for their struggle for equality before the law, which this Government still resists. As a teenager I was subject to beatings and verbal abuse because it was wrongly believed I was gay. This homophobic violence in no way gives me an understanding of the confusion an adolescent goes through when coming to terms with his or her homosexuality in this country's culture of overt and often oppressive heterosexuality. I do think that it has given me an understanding of the unacceptable intolerance and violence that society still inflicts on others. It has coloured much of the way I approach prejudice and hatred and the need to treat all as equals before the law and the opportunity and hope that society can deliver, if it has the will.

Whereas I have spoken at length on social equality, there is a form of inequality that is much unconsidered. Homo sapiens are excellent exploiters of and adaptors to the environment. However, they often forget the other species with which they must share the planet. I am not opposed to development, but I believe in balance and equality - with this equality that of interspecies and intergeneration equality.

Structures should be in place to maintain an inventory of natural resources and to understand the true level of consumption as total recycling and reuse are introduced. It is only through excellence of management that we can ensure that not only do future generations have access to the resources that we will leave to them, but that all species have a safe and prosperous environment in which to live. While managing the environment, we must assume a worst case scenario and have in place mechanisms to cope with problems before they arise. We must constantly monitor both what and how we do things that may affect the environment. There must also be individual case management of all projects that exploit this country's natural resources. This is how people should form the basis of their thinking as they approach the

twenty-first century of the common era. It is only through independent monitoring, constant research and the openness of these processes that we can ensure this is done properly to maintain longevity and trust in the system. Yes, government has a very important role in this. It is the grease on which all these wheels run, as we move towards a society and planet that is inclusive of all species.

I draw to the Parliament's attention a CSIRO report called "For Our Children's Children" by Michael Young. It is a practical guide to intergenerational equality, precautionary principle and the maintenance of natural capital. I would like to table it once I have a copy less used than the copy I am presently holding.

I take this opportunity to acknowledge my guests in the gallery. Today is the fiftieth birthday of one guest, Bob Prins; I express my respect and admiration for him and wish him a happy birthday. We are both members of an organisation called the Men's Health and Wellbeing Association. Other men here tonight are also members of that association. The Men's Health and Wellbeing Association is a world first in the growing men's movement. The men's movement is not a reaction against the feminist movement. It is a complementary ideal. We have seen the women's movement break down the stereotypes and structures that have bound women in a paternalistic society. They have forged new identities, stereotypes and archetypes to free themselves and to allow choice in the roles they wish to pursue.

Men, however, are maintaining the stereotypes and conditioning that have bound them for centuries in a paternalistic nightmare. As we approach the end of this century, men and boys die younger and from more preventable diseases, and have a higher rate of suicide, learning difficulties, and alcohol and drug abuse. I have personal experience in this latter area as I work as a volunteer group facilitator at Holyoake - the Australian Institute on Alcohol and Addictions. The Men's Health and Wellbeing Association was set up to coordinate the effort of many men's groups that were trying to understand the problems surrounding manhood. The need to break down the restrictive paternalistic stereotypes, both the John Wayne type and its antithesis the SNAG - the sensitive new age guy - is increasing in urgency. Greater potential exists within us to be tapped for men's growth beyond the boundaries set by restrictive and isolationist concepts of manhood. As previously stated, the Men's Health and Wellbeing Association is a world first. Groups around Australia are forming along its model, and around the world it is being studied as a role model for other fledgling organisations.

I also thank my parents for their support and for instilling in me the belief that politics is not a job or vocation, but is an altruistic calling which people enter not for personal gain but for the advancement of all, regardless of race, religion, sexuality, location or even species. To the electors of the East Metropolitan Region go my thanks for their support in 1993, and to the members of the Australian Labor Party my gratitude for their assistance and hard work. Working as a volunteer in a political party is a long and often thankless task that can be continued only because of the belief and dedication of those people whose only reward is to know that they work for a greater cause and that their work will eventually lead to a truly democratic society.

Finally, I acknowledge, honour and express the love I have for my partner in life, Cynthia, and my daughter Cassandra. Without the unstinting love and support of these two people I would find it very difficult to pursue my ideals. It is for them, my daughter in particular as she will inherit the society we leave her, that I am in this place.

[Applause.]
