



Speech by

Mr ROB MITCHELL

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NATIVE TITLE (QUEENSLAND) STATE PROVISIONS AMENDMENT BILL (No. 2)

Mr MITCHELL (Charters Towers—NPA) (11.43 a.m.): According to the Australian Mining Industry Council, some \$30m in mining projects have been held up by native title issues since the Native Title Act became law in 1994. In Queensland we have upwards of 1,000 mining tenures in the queue, thanks to the uncertainty generated by the Native Title Act. In Western Australia the rate of approval of mining tenures, including even lesser mining tenures that will hopefully be dealt with via the expedited procedures, has plummeted. As the member for Broadwater pointed out last night, barely 20% are now getting through the process in anything like a timely manner.

The claim by some that the Western Australian record is not all that bad is mistaken and is based on figures that are several years old and relate to the fact that, in the first couple of years after Western Australia started putting all its mining tenures through those processes, the numbers simply overpowered the national Native Title Tribunal and the land councils. Of course, now that they are better organised, far fewer titles are getting through. The result is going to be a very significant drought in project development not only in that State but right across the country over the next few years. This will occur regardless of what happens from here and whether or not commonsense prevails. The project pipeline is drying up.

The fact is that exploration expenditure has collapsed in this State and in this country and far and away the biggest influence has been native title issues. In 1996-97, exploration expenditure in Queensland was about \$160m. Last year that figure dropped by one third. That means that two or three years down the track the discoveries made post 1994 that we could confidently expect would be due to come on stream will not eventuate. This Bill guarantees that this state of affairs is going to continue. Exploration is going to stay down. Exploration dollars that could be spent in this State are simply going to go to Western Australia or the Northern Territory. The most devastating feature is that most of the exploration dollars will go overseas.

The Premier says that his Bill will unleash exploration because it excludes high impact exploration from the right to negotiate. We believe that is a very silly and superficial proposition.

A Government member interjected.

Mr MITCHELL: I am just giving the facts. This is information coming from the mining profession. I invite the Government to put this proposition to the miners and see what happens. We have seen their reaction in press releases over the last few days. It is a matter of great worry to the industry in Queensland. It is about time that the member for Inala came out there to see what is going on.

Mr Palaszczuk: I was there last week.

Mr MITCHELL: Yes, for the first time. The old Queen Street cowboy! How long have you been in Parliament? This is the first time the Queen Street cowboy has actually come out and had a look. The road block has shifted around the corner.

The Premier is saying to the miners, "Spend the money up front, find something, and then hit the wall." Miners are not stupid. They will keep their money in their pockets. The missed opportunities for this State are going to be immense. Queensland was potentially on the verge of a quantum leap in the influence of the mining industry on the economy of this State. It has always been critically important. Everyone knows that. However, with the current potential for new sources of energy, with the

growth of infrastructure at places like Gladstone, Rockhampton and Townsville, and with the growing sophistication of our economy, we were developing a situation where we were entering into a new phase—magnesite into magnesium, possibly magnesium and aluminium into high value added alloy car parts, ore into zinc at Townsville and high analysis fertiliser from the WMC operation at Phosphate Hill. These sorts of projects were becoming signposts for where more of the industry might go in Queensland—namely value adding—with a massive increase in employment opportunities for the next generation of Queenslanders. The possibility now is that these hopes could be stillborn.

What this Bill does is retain the process of the right to negotiate which Bill Hayden has described as near extortion and which Gary Johns has described as a ridiculous burden to place on the mining industry. The Government claims that there will be shorter time lines, but this Bill holds as much water in that regard as a sieve. There are extensions at every turn. There are said to be constraints on what might be considered in the negotiations, but that ends up being everything. The good faith requirement is said to be gone—until one reads the explanatory memorandum. What the Government has tried to do by way of political expediency and for balancing on the barbed wire fence—as was mentioned last night—is dress a wolf in sheep's clothing. The Government has presented a cross-dressed right to negotiate.

The Government will not even tell us what it is going to do in relation to infrastructure, in relation to the oil and gas issues, or with the heritage issues. Those on the other side of the House are displaying an incredible blindness with regard to what this is all going to mean. There seems to be a belief that the mining industry will shrug this off and live with it. I can tell those opposite that, apart from existing operations, major companies are simply going to pack up and leave. There will be no more exploration and no more mining activities. Those companies will go to where they can sensibly get things done and Queensland will suffer as a result. This all comes about because of an absolute distortion of the sort of role that Aborigines ought to play in this process. The Government has blown this matter out of proportion.

Towards what is obviously the final stage of this second-reading debate, let me restate where the coalition stands on the role that Aborigines should reasonably play. Their rights in land have been recognised. They have been recognised in this Parliament, in the Commonwealth Parliament and in every jurisdiction in this country. What has been recognised is that it is a possibility that Aborigines may have some remaining coexisting rights on some non-exclusive tenures—including over much of the pastoral land in this country.

The Commonwealth fully recognised this fact when it dealt with amendments to the Native Title Act. However, it is ridiculous to accept any other view than that those rights are going to be relatively minor rights. That is what the High Court said in Wik, despite the distortions of that decision by members opposite. The High Court said clearly that the statutory rights of pastoralists are more powerful rights than those of Aborigines, even to the extent that where there is a clash of rights the rights of pastoralists prevail. Even Kim Beazley accepts that where there is inconsistency between the rights the native title rights are extinguished to that extent.

This all means that this Bill is absolute discriminatory nonsense. It gives to Aborigines rights when mining is proposed on land over which they hold, or even might hold, interests—rights that are far greater than any pastoral leaseholders and freeholders in this State have ever enjoyed when mining has been proposed on their land. That is absolutely illogical, and it is being foisted on this State because the Australian Labor Party has a naive, silly and absolutely irresponsible view—an incredibly immature and intellectually shallow view—that the mining industry is an appropriate symbolic sacrifice to its own guilt. That is simply because of the way this debate has been carried out so narrowly by the Labor Party since Paul Keating so dramatically miscarried the first effort at a legislative response to Mabo. The whole issue got tied up in the very narrow parameters of native title that were dealt with by the High Court. They did not have the wit to expand it—to see the big picture.

If members opposite are so keen to see Aboriginal advancement in this country, they should stop looking for whipping boys in miners and pastoralists and they should start looking in the mirror. What members opposite are doing is incredibly unjust and damaging. It is another slap in the face to pastoralists and another brick in the wall of the divide between city and bush that has been widening so rapidly in this country over recent years. This will turn that gap into a gulf, because what Government members are saying to the people of the bush is this—

"We—we in the Labor Party—feel absolutely dreadful about what's happened to the Aborigines of this country. So you people out there in the bush—a long way from our nice city suburbs, our nice comfortable existence—you can carry the load, because that will make us feel so much better, and it was all your fault anyway.

That's a very comfortable outcome for us in the cities, because it enables us to throw all of our guilt onto your fathers, your grandfathers, your great grandfathers, and your great great

grandfathers, rather than cop some of it ourselves. Because of course we in the urban Labor Party are so sensitive; we had absolutely nothing to do with any of that.

And the Aborigines need economic empowerment. So rather than accept that load as a national responsibility, we'll shove that on to the mining industry. We single the mining industry out. The mining industry can wash away our guilt. The mining industry can face the delays. The mining industry can shoot through, for all we care, if it won't live with our lovely politically correct views on native title. And we might like that even more, because then we can really stick our noses in the air and we can really feel superior."

That is what the Government is doing. That is shallow, stupid and destructive. The Government knows as well as anybody that this legislation will be destructive. It will not work. The mining companies have been telling the Labor Party for years that it will not work.

In this one Bill the Government has cemented reverse discrimination, done grave damage to the economy of this State by putting a millstone around the neck of the biggest industry in Queensland and Australia, given pastoralists another reason to feel cut off, set back reconciliation where it matters most—in the bush—for many years, and denied people in the regions and in the bush, including Aborigines, a chance for a better life through projects that under this legislation now will not happen.
