



Speech by

**Hon. T. McGRADY**

**MEMBER FOR MOUNT ISA**

---

Hansard 10 November 1998

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

**Hon. T. McGRADY** (Mount Isa—ALP) (Minister for Mines and Energy and Minister Assisting the Deputy Premier on Regional Development) (10.30 p.m.): There has been a lot of discussion over many years about the merits or otherwise of the native title legislation. Members of the former Government—and we have been listening to their speeches tonight—had two and a half years in which to try to resolve an issue; but quite honestly, they failed.

The issue of native title is one that we must address, and it must be addressed in a way that allows us to arrive at a workable solution. Out of all the noise, the red herrings and political mileage that has been made on this issue, we have here before us a Bill that is realistic in its approach and sensible in how it works. It is fair, and I believe that it will give results. I probably have no need to remind anybody that the legislation on which we decide still has to go through the Senate process. Let me tell members that, if there is any prospect of this Queensland legislation not making it through the Senate, then I would guarantee that the version being pushed by members opposite would not even make it to the front door.

There has been a lot of nonsense spoken about native title. For example, at one stage the Leader of the Opposition was claiming that backyards in places such as Mount Isa and Charters Towers were going to be subject to successful native title claims. That was absolute nonsense, and he knew that at the time. Unfortunately, that is the sort of rubbish and nonsense that has been spread around this State on the issue of native title. That is why we have to demonstrate—and, indeed, are demonstrating here tonight—that fair process can be achieved without resorting to scare tactics and political hoo-ha.

I believe that this Bill is workable. It includes input from all the relevant parties and the stakeholders. I am not saying that everybody is over the moon about this. I believe that the parties probably feel that they have had to give a bit of ground. But what has been achieved is workable and offers the best all-round mechanism to bring about certainty and security for all parties. I have to congratulate the Premier on the massive amount of work and consideration that he has personally put into achieving this position. The Bill that is before members tonight is the result of significant and real consultation between all the relevant parties. This cannot be denied. I believe that it has resulted in a piece of legislation that will establish Queensland as a true leader in its approach.

Members would recall that the Native Title (Queensland) State Provisions Act 1998 commenced on 30 September, the same day as the Commonwealth amendments commenced. Thus the first stage of the Government's amending native title legislation has, as soon as possible, removed uncertainties that have concerned the mining industry. This current Bill, introduced by the Premier on 21 October this year, is the second stage of Queensland's amending native title legislation. This legislation will amend the Mineral Resources Act 1989 for native title purposes. The Bill provides separate procedures for applications for prospecting, low-impact exploration, high-impact exploration, mining on non-exclusive pastoral leases and mining on unallocated State land. The procedural rights of native title holders increase according to the impact of the activity proposed and the type of land involved. The purpose of these amendments is to integrate native title processes with the existing processes of the Mineral Resources Act 1989, which I mentioned a few moments ago, to streamline procedures as much as possible.

This Bill establishes clear and fair processes for allowing mining companies to explore and utilise mineral resources while recognising and preserving the rights of native title claimants and, indeed, holders. These issues must be accommodated, because the bare procedural rights provided in the amended Commonwealth native title legislation are simply not sufficient. There must be meaningful consultation and transparent procedures for all the parties involved to assess the mining project adequately and, indeed, fairly. I believe that the time frame set out in the Bill allows all the parties to resolve their concerns rather than engage in expensive litigation. This Bill provides initiatives for negotiated outcomes and positive results. We are moving as quickly as possible to bring certainty and practicality back to the issue of mining tenures. I believe that this Bill will allow us to achieve them.

Much has been said tonight and today about the importance of the mining industry in this State. In all humility, I would say that there would not be many more people in this Parliament who understand that better than I do. I represent an area of great mining activity. We have had mining in the north-west for well over 100 years. I believe that, as a result of the initiatives set in place by the Goss Labor Government through the Carpentaria/Mount Isa Mineral Province, mining will continue to expand in that area. That is why I have certainly taken a great deal of interest in this legislation. I understand as well as anybody that there are conflicting points of view, but we had to, as a Government, try to satisfy the needs of all players. I believe that, due to the leadership of the Premier and the team he had around him, to a great extent this has been achieved.

Everybody in this State will not be happy with this legislation. However, I certainly believe that all fair-minded people in the State of Queensland tonight—or tomorrow when this legislation goes through—will acknowledge that it has been a very difficult decision. It has been wrought with claims and counterclaims. Members tonight have referred to Bill Hayden, Gary Johns and other people. I suppose that both sides of the argument could quote what different people have said. The bottom line is that the Beattie Labor Government has brought into the Queensland Parliament legislation which probably suits neither side, but I believe that in itself indicates that it is fair legislation. As somebody who certainly has the interests of the mining industry at heart, I urge all members of this Parliament to support this legislation.

---