



Speech by

LINDY NELSON-CARR

MEMBER FOR MUNDINGBURRA

Hansard 9 March 1999

LAND AND RESOURCES TRIBUNAL BILL

Ms NELSON-CARR (Mundingburra—ALP) (5.49 p.m.): Members on this side of the House welcome the consideration of the Land and Resources Tribunal Bill today because it represents the new way forward—a way forward which has been determined after extensive consultation with all parties by a Premier who gets things done. Under the previous Government, the State's administration of native title issues was bogged down because its way forward was to litigate everything. This was a policy destined to fail, and the record of those opposite in solving native title issues is testament to that failure.

Members opposite might ask how the Beattie Labor Government has been so successful in an area in which their record is so abysmal. There are three factors which the Beattie Labor Government took into consideration which have been the hallmark of its success when it comes to native title—consultation, negotiation and, finally and most importantly, respect for the indigenous person.

I think it is important that all members understand why the three factors which have been taken into account by the Beattie Labor Government have delivered its successful outcomes on native title. As to the first factor, consultation, the formation by the Premier of his Native Title Task Force brought together the diverse interests of those affected by the native title issue. For the first time, the Premier was able to get a complete understanding of all parties' perspectives on all of the issues. I understand that at times this was not the most pleasant experience, but it was important to obtain a full understanding of what people thought and where they thought the answers might lie.

In line with the extensive consultations that have been undertaken with every single piece of native title legislation that has been considered by this House, the Premier has ensured that his policy of negotiation has been incorporated wherever possible. This has included extensive negotiations over the provisions of native title legislation with organisations such as the Queensland Indigenous Working Group, the Queensland Mining Council and the United Graziers Association. Involving these organisations in the preparation of legislation has resulted in better quality legislation, which means more workable legislation and, as a result, legislation that everyone can live with.

When honourable members examine the alternative State provisions, the primacy that has been given to consultation and negotiation is self-evident. For example, the alternative State provisions in relation to low-impact exploration provide for consultation between the explorer and the native title parties prior to entry onto land where native title may exist. Consultation must relate to the impact of the activities on the land.

Similar procedures exist in relation to prospecting permits and low-impact mineral development licences. These procedures ensure, in accordance with the Commonwealth Native Title Act, that native title parties are properly consulted prior to these activities being undertaken on land where native title might exist. It will be this factor, amongst others, which will ensure the success of the alternative State provisions.

The final factor that has ensured the success of the Premier's native title strategy is that we on this side of the House respect Aboriginal and Torres Strait Islander persons and are committed to the goals of reconciliation and the improvement of quality of life for all indigenous Queenslanders. The creation of the Department of Aboriginal and Torres Strait Islander Policy and Development, which was

delinked from the Department of Family Services, is evidence of our commitment to these goals. These three factors, which have ensured the success of this Government, have been integrated into the Land and Resources Tribunal.

The final form of this legislation has been the result of extensive consultation with all interested parties. The role of agreement through negotiation is central to the alternative State provisions, from which the majority of the tribunal's jurisdiction will be derived. The tribunal is designed to be informal, flexible and responsive to the needs of parties who come before it.

Finally, the Land and Resources Tribunal Bill acknowledges and respects indigenous culture through making provision within the tribunal structure for the appointment of an indigenous issues referee and the capacity to deal appropriately with culturally sensitive issues. Also, all presiding members must have particular knowledge or experience of indigenous issues. I commend the Bill to the House.
