



Speech by  
**Mrs NITA  
CUNNINGHAM**

**MEMBER FOR BUNDABERG**

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Hansard 9 March 1999

**LAND AND RESOURCES TRIBUNAL BILL**

**Mrs NITA CUNNINGHAM** (Bundaberg— ALP) (5.26 p.m.): I join my colleagues on this side of the House in unreservedly supporting the Land and Resources Tribunal Bill. This Bill is a significant piece of legislation because it will allow the State's alternative State provisions, under the Commonwealth Native Title Act, to receive the determination of the Commonwealth Attorney-General—determination that is essential for the State's alternative State provisions to be able to commence.

As honourable members would be aware, the Commonwealth Attorney-General must be satisfied under section 43A that objections are heard by an independent person or body. A similar provision requiring an independent body to hear objections is also found in section 24 and section 26 of the Commonwealth Native Title Act. The Land and Resources Tribunal Bill provides the tribunal that will be that independent body. It is important to recognise that the legislation establishing the tribunal must ensure that the tribunal is embodied with characteristics necessary for it to be seen to be independent as well as, in practice, acting independently. At clause 5 the Bill explicitly provides that the tribunal, in exercising its jurisdiction, is not subject to the direction of the Minister.

The Bill provides, as the combined effects of clauses 7 and 9, that presiding members, that is, the president and deputy president, are appointments for life and will only cease upon the member retiring on reaching 70 years of age, resigning, or, in the unfortunate set of circumstances, being terminated in precisely the same way and for precisely the same reasons as a Supreme or District Court judge may be.

Importantly, the drafting of the Bill provides that a high-quality candidate will be appointed as a presiding member of the tribunal. It requires any person who may be appointed as a presiding member to be capable of being appointed as a Supreme Court judge of this State. In addition, the successful candidate must have particular knowledge or experience of mining or petroleum issues, land issues or something else considered by the Governor in Council to have substantial relevance to the duties of a presiding member.

In addition to the presiding members, the Land and Resources Tribunal Bill provides for the appointment of non-presiding members to the tribunal. By this legislation, a person may be appointed as an appointed non-presiding member of the tribunal only if that person has experience of not less than five years at a high level in industry, commerce, public administration, industrial relations, the practices of a profession, the services of a Government or an authority of a Government.

Alternatively, a person may be appointed as an appointed non-presiding member if that person has, in the opinion of the Governor in Council, particular knowledge or experience of two or more of the following categories: Aboriginal or Torres Strait Islander communities, dispute resolution, valuation, mining or petroleum issues, land use issues, indigenous issues, cultural heritage, the environment, industrial relations, native title issues, or something else considered by the Governor in Council to have substantial relevance to the duties of an appointed non-presiding member. These requirements are not complex, but they will ensure that appropriately qualified non-presiding members will be available within the tribunal to assist the presiding members in the hearing of matters before it.

In addition to addressing the appointed non-presiding members, the Bill also sets out the qualifications for three referees. Once again, those lists of qualifications will ensure that the presiding members and the tribunal are appropriately equipped with the necessary expertise on tap to deal with what might be at times complicated, sensitive and difficult issues.

That this Government is putting expertise into native title through this Bill is a reflection of the Premier's forward-looking approach to native title. By adopting commonsense solutions and a vision that brings all Queenslanders on board, real progress is being made for this State. This was no more evident than in Mackay last Friday, when indigenous leaders stood emotionally with the Queensland Government, the local authority and other stakeholders as a visionary agreement was entered into, and again last month when the Premier agreed through negotiation to two determinations of native title on Saibai and Moa Islands.

This Bill reflects the Premier's visionary native title position and is deserving of the support of members on both sides of the House. I commend the Bill to the House.

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