Speech by

Hon. T. McGRADY

MEMBER FOR MOUNT ISA

Hansard 20 July 1999

NATIVE TITLE (QUEENSLAND) STATE PROVISIONS AMENDMENT BILL

Hon. T. McGRADY (Mount Isa—ALP) (Minister for Mines and Energy and Minister Assisting the Deputy Premier on Regional Development) (5.04 p.m.): This Bill is a major part of this Government's strategy to get mineral exploration and new mining projects moving again in Queensland. As members will be aware, in recent years a considerable backlog of applications for exploration permits at various mining ventures where native title may still exist has built up. At present, there are over 1,100 applications for exploration permits and some 500 applications for mineral development licences, mining claims and mining leases. That backlog has come about through a combination of the complexity of the Commonwealth Native Title Act and the inability of the previous Government to deal with the situation constructively. During their time, they did nothing about this situation, except put a freeze on everything.

Since coming to office, the Beattie Government has developed a fourfold strategy to deal with the situation in a manner equitable to all parties. Firstly, we have initiated a number of right to negotiate processes under the Commonwealth legislation to allow significant advanced mining projects to proceed as soon as possible. Secondly, we have begun a multiple right to negotiate process in various districts of the State to deal with most of the outstanding applications for mining leases and mining claims of small miners, chiefly for opal, gem and alluvial gold. At present, in some districts these negotiations are coming to a conclusion. As part of the negotiations in these districts, we also hope to reach indigenous land use agreements for dealing as simply as possible with future applications. Thirdly, we have introduced legislation to provide alternative State procedures, which are simpler than those provided in the Commonwealth native title legislation.

As mentioned by the Premier, the Native Title (Queensland) State Provisions Amendment Bill (No. 2) 1998 was passed by this Parliament in November of last year but not proclaimed, pending necessary approval by the Commonwealth Attorney-General. Essentially, this Bill revises that legislation in the light of extensive consultation with the Commonwealth on compliance and workability issues. If passed and approved by the Commonwealth, this legislation will form the cornerstone of dealing with the native title requirements of mineral tenure processing in Queensland for the future. Fourthly, the Government is also committed to arranging even more flexible procedures for tenure processing for both applicants, native title holders and their representatives through appropriate indigenous land use agreements for particular districts wherever possible.

There has been some criticism that the Government is not using the provisions of section 26C of the Commonwealth Act, which allows exemption from negotiation for tenures in areas of opal or gem mining activity. The Government has concluded that such provisions would be of only limited use, because they would be restricted to limited localities where activity is particularly intense. The Government considers that developing indigenous land use agreements for relevant areas is a more productive approach. Nevertheless, the legislation before the House provides for the possible use of section 26C and the Government would be prepared to reconsider, if a consensus is reached, that it would be useful in particular circumstances.

Where there are no potential native title issues—for example, on freehold land—then exploration permits are being issued. However, this legislation will most importantly allow exploration permits to be granted again over a large part of the State, hopefully to result in the discovery of new

mineral deposits for the future benefit of the Queensland community as a whole. It will also allow those mining lease and mining claim applications outside the current right to negotiate processes to proceed. However, with the large numbers of applications outstanding, a controlled process is necessary to commence the new notification, consultation and negotiation processes. If these were to be started simultaneously for all applications, native title holders and representative bodies would have little chance of dealing with the requirements in the statutory time frames and there would be administrative problems in the Department of Mines and Energy and the Land and Resources Tribunal. Accordingly, the Government has developed a transitional phase-in strategy for dealing with the backlog. That is in Part 19 of the Bill.

Before the legislation commences, the Department of Mines and Energy will contact all outstanding applicants, informing them of their options under the new legislation and asking what type of tenure they require, for example, a low-impact or high-impact exploration permit. After the legislation commences, the department will notify applicants progressively that they may commence the notification and consultation procedures. Applicants then have two months or four months to begin, depending on the type of tenure. The department's notice will be issued in batches for similar tenures in the same native title claim area, or parts of a claim area, so that the most required consultations of a particular nature for a particular district can be undertaken more or less at the same time. Before deciding on appropriate batching, the Government will consult with Aboriginal representative bodies in regions where there are numerous applications outstanding. Nevertheless, there will still be a considerable workload on all concerned, but with goodwill on all sides it is hoped that the backlog will be a thing of the past within 18 months, allowing us to progress in a much more constructive way in the future. I commend this Bill to the House.