



Speech by

# Hon. PETER BEATTIE

MEMBER FOR BRISBANE CENTRAL

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Hansard 5 September 2000

## MINISTERIAL STATEMENT

### Native Title

**Hon. P. D. BEATTIE** (Brisbane Central— ALP) (Premier) (9.36 a.m.), by leave: I welcome our colleagues from the British House of Commons. They will see the Westminster system in all its modified form and glory here today. We are delighted to see them here.

Finally, almost two years after introducing legislation to this House on alternative State provisions for native title, the Federal Parliament has determined its position on those provisions. Seven out of the 13 submissions put forward by Queensland have been approved. That it has taken so long is an indictment of the poor concept and design of John Howard's approach on native title. The Prime Minister did not have the courage to establish a workable framework for the Commonwealth right-to-negotiate regime. His model does not work. He flick-passed the issue to the States, telling them to develop their own schemes.

Queensland did exactly that and is now the only State or Territory in Australia that has successfully developed its own State-based regime under the amended Native Title Act. For the first time anywhere in the nation, Queensland will have a scheme to fast-track low-impact exploration.

The Queensland Land and Resources Tribunal will have jurisdiction for all native title approval processes as part of an integrated system for dealing with mining approvals. The tribunal will deal with these matters, as well as consider the environmental and general mining tenement issues for each mining or exploration project. In time, cultural heritage issues may also be considered through this integrated process.

For low-impact exploration activity, native title parties will have a right to be consulted and a right to agree to the terms of access to land in which they have a native title interest. Low-impact exploration means surveying and other field work which does not involve clearing land but does involve some drilling. For high-impact exploration and mining the Land and Resources Tribunal will administer a right to negotiate based on the principles of the Federal Native Title Act.

The Queensland right to negotiate will have clearer guidelines and better time frames to reach decisions. This means that miners and native title parties must negotiate in good faith to reach agreement about the grant of the mining tenement and its impact on the local indigenous community. Native title parties can negotiate indigenous land use agreements with miners to establish more streamlined procedures which would then act in place of the legislative standards. The Queensland Government and indigenous representatives are currently developing a template agreement covering all types of exploration activity that can be used for this purpose. That will obviously involve discussions with the mining industry.

No doubt there will be those who think they have a better answer to resolve native title. I say to them: enough is enough! This debate has been dragging on for almost four years since the Wik decision in 1996, and, indeed, before that, back to 1993. Those opposite had two years four months and one week to deliver an answer, but came up with nothing except a one-point plan to bury their head in the sand. I believe most Queenslanders are sick of the endless political debate about native title procedures. They want to focus on delivering outcomes that benefit our disadvantaged indigenous communities and assist the development of this State through the mining industry and other developments.

I was pleased to note this morning that both Terry O'Shane and Michael Pinnock have indicated that their respective organisations are prepared to support the final outcome if it is fully implemented. I thank both Michael and Terry for their constructive response to my call last week to work together on this issue, and I look forward to working with them. I wrote to them and have spoken to both of them.

Now that I have delivered a State-based regime, with a means to fast-track low-impact exploration, Queensland has the basic tools needed to get mining and exploration moving again in this State. My Government has delivered. More work can be done to finetune these processes, but Queensland now has the basic foundation upon which we can build a workable native title regime. The Queensland regime will work, and I urge all parties to work with the Government to ensure it does. Indeed, I call on all Queenslanders to pull together and make this new native title system work in all our interests.

In order to achieve comprehensive coverage of the new State-based regime, some minor amendments to the existing legislation will be required. I have also undertaken in a letter to Kim Beazley to equalise the low-impact exploration regime with the scheme recently agreed between all parties in New South Wales. I table a copy of the letter that I wrote to Kim Beazley, and I seek for it to be incorporated in Hansard because of its importance to this debate.

Leave granted.

30 Aug 2000

The Hon Kim Beazley MP  
Leader of the Opposition  
Parliament House  
CANBERRA ACT 2600

Dear Kim,

The Senate will today consider a motion to disallow the instruments needed to establish a State based Native Title regime for Queensland.

In the interests of an acceptable outcome in the Senate today, I wish to make the following unconditional undertakings. In the event of the Queensland Low Impact Exploration Scheme being approved in the Senate, the Queensland Government will before the end of this year, amend that Scheme to provide substantive and procedural rights and acceptable definitions of the nature of low impact exploration that are no less favourable to indigenous interests than those in the New South Wales scheme recently endorsed by the Federal Attorney General. I further undertake that a Beattie Labor Government will never derogate those improved statutory provisions.

Thirdly, I intend to pursue the negotiation and implementation of ILUA's to deal with both the backlog of applications and future applications for exploration permits in Queensland and my Government will meet the necessary resourcing implications of achieving that outcome.

Yours sincerely

(sgd) P Beattie  
PETER BEATTIE  
Premier

**Mr BEATTIE:** I will explain the detail of those changes in the second-reading speech later today. I am keen to bring these changes to effect as quickly as possible.

These are the reasons why we need to move quickly on this. The scheme cannot operate until we first proclaim the Queensland legislation and the Federal Attorney-General then gazettes his determinations. So we need to move first, which is why I am introducing the legislation today. To that end, later today I will introduce a Bill to this House amending certain aspects of the native title legislation to make it consistent with the Senate outcome. We need to pass this Bill this week, otherwise proclamation will be delayed by a further month and the mining industry will be forced to wait even longer for a State-based scheme to become operational. I do not believe we should wait any longer at all, and certainly not one month. Accordingly, we have extended the sittings this week to include an extra day of sitting on Friday to consider the amending legislation I have described above.

The Government's approach is to get on with the job. There have already been too many delays, as I indicated. The native title issues have been well canvassed, so Friday's debate will not disadvantage anyone. Yesterday, I rang and advised the Leader of the Opposition of our intentions to move quickly with the legislation. We finally have a Queensland-based regime that will work.

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