



Speech by

Hon. PETER BEATTIE

MEMBER FOR BRISBANE CENTRAL

Hansard 8 September 2000

NATIVE TITLE RESOLUTION BILL

Hon. P. D. BEATTIE (Brisbane Central— ALP) (Premier) (2.36 p.m.), in reply: I thank all honourable members for their contributions to the debate on this Bill. As members would know, I have just been to Murgon to open the meatworks, but I have been provided with detailed briefings on their contributions.

I might just say in passing that the opening of the Murgon meatworks went incredibly well. I want to put on record my appreciation to the MacDonald family and Bindaree Beef for what is a great day for Murgon, a great day for Bindaree Beef and a great day for Queensland.

Let me deal with the issue of low-impact mining. A number of matters have been raised in this debate and I think it really is time that we were very direct about the answers. The suggestion was made that the definition of low-impact exploration makes it harder for drilling. The truth is this: there is only minor change to the definition of low-impact exploration in this Bill. If excavation or clearing is proposed for steep slopes, watercourses or densely vegetated areas, then it will be high impact. The fact is that the change to the definition is unlikely to exclude those explorers who would otherwise have taken advantage of our original definitions. That means that there will still be a substantial volume of exploration activity that falls into the low-impact category. That is a fact.

I think there was a suggestion by the Leader of the Opposition that the Western Australian model is better. That is simply not true. Western Australia negotiated one indigenous land use agreement the other day and suddenly it has all the answers. My Government has done large numbers of them. We have led Australia. I think of the last 12 that have been negotiated in Australia, including the most recent one from Western Australia, we have done 10. I think that is right.

The bottom line is that Queensland had led Australia in this approach and we will continue to do so. This Government has negotiated dozens of these agreements covering nine determinations of native title, the granting of 150 backlogged exploration permits for small mining, and the resolution of local issues such as the relocation of the surf lifesaving club at Mackay.

With respect, if the Leader of the Opposition is saying that agreements are the way forward for native title, can I say that I agree with him. I agree with him! We have a meeting of the minds. It is almost like an eclipse of some kind. Agreements can be extremely efficient in dealing with issues, and this is a key part of the Queensland strategy for native title. The Opposition Leader cannot have it both ways. He cannot say that the Western Australian Government negotiated one agreement and that was fantastic without acknowledging that this Government has reached more agreements than the Western Australian Government and that that whole model is incorporated in what we do.

Agreements can be extremely efficient in dealing with issues, but there is also a need for a legislative fall-back position, and that is how the model works. We need a legislative model to use where indigenous land use agreements may not be in place that has fair, timely and certain procedures. The Western Australian Government has no hope of getting its current legislative model through the Senate because it completely avoids the right to negotiate. That is a fact.

One of the things that we have to acknowledge in this whole debate about native title is that we have to come up with what is achievable and workable. There are two approaches in this whole native title debate: one is fantasy and one is fact. The other side of politics has pursued fantasy. Like Don Quixote, they are tilting at windmills. It is all very well for them to have this great, strongly held view, but

if they cannot do anything about it and cannot achieve anything out of it, what is the point? Yes, we have been pragmatic. Yes, we have been practical. Yes, we have been realistic and, yes, we have a Queensland model.

The bottom line is that the Democrats are going to have the balance of power in the Senate. That is fact number one. Fact number two is that the Federal Government's native title legislation was the umbrella under which we all had to operate. Therefore, it was difficult to amend. We had to deal with the practical realities. As I said, there is no room for Don Quixotes in all of this. We needed to have a practical, workable outcome and that is what this Queensland Government has achieved. Indeed, our model should become the model for the rest of Australia.

I say to Richard Court: stop tilting at windmills. Follow our model on native title. It is workable, it is practical, it is do-able. As I say, Western Australia has no hope of getting its current legislative model through the Senate. The Queensland model is the only practical and workable solution. All members have to do is ask the National Party member Ian Causely. He said that it was. He is a National Party Federal member endorsing what we are doing, because he knows that it is practical, he knows that it is workable.

I will now move on to other issues. The Leader of the Opposition suggested that I should have debated this matter at the national conference. The bottom line with all of this is that, in relation to native title issues and indigenous issues generally, I made a significant speech at the national conference and I highlighted the fact that my Government has one of the most impressive records of any Government in the history of this State in relation to indigenous issues, in relation to land issues and in relation to native title. All members had to do was see the tribute yesterday to South Sea Islanders and their formal recognition in this place, which, to his credit, was supported by the Leader of the Opposition. I am not small minded about these things. I thank the Leader of the Opposition for that.

However, the important thing is that we were in a tactical negotiating position. If the issue had gone to the national conference, then Queensland would not have a State-based regime today. I am no mug. I know that. We have to fight on our own terms, and we did. We have a State-based regime. We took our time, we negotiated, we got seven of the determinations through the Senate and six were disallowed. I was not going to fight that on a platform that perhaps would not have been able to achieve what I have wanted. However, we have achieved it through sensible, pragmatic negotiations.

As I said, I have fought vigorously for a State-based regime in Queensland, and I have one; Queensland has one. Yes, we have copped some losses along the way, but we should look at the final outcome. When I say "losses", seven out of the 13 determinations were approved, and we lost six. Seven out of 13—more than half. Our original scheme had a right to negotiate at the mining stage, with some minor adjustments. That is now the effective outcome. So that is fine. Our original scheme had a fast-track procedure for low-impact exploration. We have kept a fast-track procedure for that activity. So that is fine. The only differences are that a right to object about alluvial mining and high-impact exploration is now a right to negotiate. However, we should consider the context of what else we are going to do with native title.

We have indigenous land use agreements, fast-tracking small mining approvals ready to go for Winton, the south-west and north Queensland. We are pursuing a template ILUA, or indigenous land use agreement, to fast-track all exploration activity. It can allow the immediate grant of a permit and provide simple and timely procedures as explorers progress their investigation of areas. It is not a dog's breakfast, as some have suggested; rather, it is a clear, precise strategy for the future. It is a comprehensive response that provides better processes for every level of mining activity in this State. There is a tribunal, which we had the foresight to establish, so it would be ready to operate and back this up as a legislative backstop.

Mr Santoro said that we should dump the State-based regime and just use the expedited procedures. Obviously, the Borbidge Government did not think that that was such a good idea. It could have used the expedited procedure when it was in Government, but it did not. Not once did that Government use it. So I do not know where Santo is getting his briefings from. Since he is the only one in the party, maybe he is talking to himself. The reality is that our section 26A low-impact regime is a form of expedited procedure only if it applies to all applications that fall within the low-impact category. The member for Clayfield says that this Government is all spin and no substance. He is entitled to his bit of politics for the day, but he should tell that to the 101,200 Queenslanders who would not have a job unless this Government was in office. The facts of life are that we are delivering.

The member for Burdekin claimed that coexistence was like people leasing a house, having someone moving in, sleeping in their bed and using their TV and their toothbrush. The member for Burdekin is noted for his contributions. I thought the best one was the pink bridge over the Burdekin River, but I am not going to get into that. If the member for Burdekin does not understand something, he just dreams up what it could mean and just rambles on. The High Court decision in these matters is

very clear on coexistence. Where there is inconsistency between existing leasehold rights and native title rights, the leasehold rights prevail. The member for Burdekin says that people are sick and tired of the ranting of minority group supporters. If that applies to his party, the Country Party and One Nation, then he is probably right. What he did not say was that those people were referring to him, and I think that needs to be pointed out.

In terms of other issues, I think that it is important to highlight that I have had discussions with Michael Pinnock. I rang him after the Senate had made its determination. I have met with Terry O'Shane and QIWG and I have asked them to work with the Government to make this model work. Both of those people have indicated that they are prepared to do that. I thank Michael Pinnock and Terry O'Shane for that.

We are determined to make this model work. I just think that it has to be emphasised that our approach to native title is based on cooperation rather than conflict. I will say that again: our approach is based on cooperation rather than conflict. The negative approach from those opposite continues the politics of division, which I think is unhelpful to our society. I have to say that my staff met with Terry O'Shane in my office today. He has indicated that QIWG will support the State-based regime on the basis that we would be seeking to enhance its security. QIWG are now committed to working cooperatively with the Government and the mining industry to make the system work. I thank Terry O'Shane for his support and look forward to working together to make this model work and to move on from this debate today.

A whole lot of issues were raised, which I think I have basically covered. I think that is important. I notice that the Leader of the Opposition said that we had sold out Queensland, which, of course, is not true. I read Laurie Oakes' article in the Bulletin, too, with a sense of discovery. These are matters of great interest. One of these days Laurie Oakes might actually give us a call and we might actually tell him what is going on rather than him taking his drip-feed from wherever he wants to take it. Like a lot of Federal commentators, Laurie Oakes is linked to his life-support system and that is Federal Parliament. I do not expect any State Government to be given a fair go by a national commentator. As I said, I read Laurie Oakes' article with a sense of great discovery. Things happened in this whole exchange between Kim Beazley and me that really happened only in Laurie Oakes' mind. But that is fine.

Mr Borbidge: At least he was more polite than Terry McCrann.

Mr BEATTIE: That is true. He was more polite. Laurie Oakes is a great commentator. I have enormous regard for Laurie Oakes. I think that he is one of the great commentators of Australia. I read his articles regularly, I watch his interviews on TV; I have admired him for a long time. However, he is not perfect. He gets things wrong and that article of his in the Bulletin this week was certainly very creative. Yes, he was not as bad as some. I will take that interjection from the Leader of the Opposition. There have been worse.

I want to make this point: Daryl Melham did resign, and that was a matter for him. I did not seek his resignation. I did have a long discussion with him about this behind the fountain at the swimming pool at Weipa for the partnership meeting, for which we had gathered business leaders from around Australia, and I tried to explain to him not only what we are doing but also the fairness of it all. I regret Daryl's decision. I do not take any pleasure out of the fact that he resigned, but I do emphasise the fact that that was entirely a matter for Daryl Melham; it was not a matter for me. I think that Daryl will be quite disappointed today as he watches this debate in the Queensland Parliament, because I gave Kim Beazley a commitment. That commitment was in writing, and I incorporated it in the Hansard of this Parliament in the contribution that I made on Tuesday.

The legislation before the House today delivers significantly on the majority of the commitment I gave Kim Beazley. I promised him that there would be legislation before the end of the year. I introduced it on Tuesday and we are debating it today. I should be fair about this. I thank the Leader of the Opposition, Rob Borbidge, for allowing a constructive approach to debating this today. Although we have different views on this, he appreciates the point I made to him when I rang him on Monday afternoon and said that I did not want another month's delay and that we wanted to try to help the mining industry, and he was supportive. We can argue about the content, but I thank the Leader of the Opposition for supporting us and putting this Bill through the Parliament this week.

We have had enough of this. This has gone on and on. Whether people agree with the Leader of the Opposition or whether they agree with me does not matter; we have to get on with this. This has been around since 1993, and then we had the High Court case in 1998. We have got a model and we want to give it a go. We have spent two years getting to this stage. Frankly, we are at a point where we want to get on with it. That is where we are at.

I think I have covered most of the points. If I have missed out any issues, I invite honourable members to raise them. We will be moving some amendments at the Committee stage. They have been circulated in the House and all members would be aware of them. I had a discussion with the

Leader of the Opposition last night. Shaun Drabsch from my staff briefed one of the Leader of the Opposition's senior staff, so there should be no surprises.

I will conclude by saying two things. Firstly, this is a Queensland model that will take Queensland forward and that will drive jobs for all Queenslanders, including indigenous Queenslanders. I say to all the parties: Century Zinc is a great model. We had to extinguish native title in part to get power in. But Century Zinc is now working. Interestingly, when I opened the Century Zinc mine, Murrando Yanner was there. His brother works for the mine. He acknowledged that Century Zinc was producing jobs for local indigenous people. Here we have a mining activity providing jobs for young indigenous Queenslanders who would not otherwise have these employment opportunities. We have a model that we have to make work. We have had enough politics on this. I think we should move on.

Secondly, and finally, a number of people worked very hard to make sure that we ended up with this historic Queensland-based regime, of which I am very proud. I want to thank them today. I thank Shaun Drabsch, my economics adviser, who worked incredibly hard on these matters and who has aged probably 20 years during this process. He has done a remarkable job. He was in Canberra last week with Dr Glyn Davis, the head of the Premier's Department, whom I also thank—he has done a marvellous job—along with Jim, the head of our Native Title Unit. They were negotiating on behalf of Queensland to get the model up.

I thank also the Native Title Unit in my department. They are a professional, hardworking and dedicated group of people. As the Leader of the Opposition knows, they were there during his time. These are non-political people who do a very professional job for this State. I thank Shaun. He has done a marvellous job. I thank Glyn Davis and the whole Native Title Unit. I would be grateful if they would pass on my thanks. They have done a great job and all honourable members should be proud of what they have achieved.
