



Speech by

Mr ROB MITCHELL

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MINERAL RESOURCES AMENDMENT BILL

Mr MITCHELL (Charters Towers—NPA) (8.52 p.m.): I rise to support this legislation introduced by the member for Gladstone. As the member for Gladstone rightly pointed out in her second-reading speech, this Bill is all about ensuring equity between various classes of land-holders. As the Native Title (Queensland) Act now stands, it clearly discriminates between Aboriginal Queenslanders and other people who have a strong connection with the land, namely, leaseholders, whom I might add pay and, in most cases, have paid for generations, to retain their connection with and love for their own land. Also, as the member for Gladstone has pointed out, this Bill supports land rights by ensuring that all Australians have the same rights. At present, leaseholders have the right to compensation with regard to the granting of mining leases but do not have the same rights to negotiate that are provided under the native title legislation. The Bill before the House balances the access to the rights to negotiate for comparable people.

It is the negotiation process under the existing Mineral Resources Act that I particularly wish to comment upon tonight. The present arrangements relating to the acquisition of property seem to be stacked heavily in favour of the miners simply because time is on their side. In the end, if the land-holder and the holder of the mining lease are unable to agree, the only recourse for these parties is to the legal system, which is stacked in favour of the mining companies simply because of the expense of these proceedings. In many cases, time is often on the side of the mining leaseholders, because the longer a mining lease is held over the head of the primary producer, the more likely it is to interfere with the long-term operation of that enterprise. I am aware, though, of a situation where despite commercial offers from land-holders a mining company has threatened court action and compulsory acquisition right from the start of negotiations. In the past there have been examples of where the mining company has commenced large-scale unauthorised mining on an area over long periods while refusing to negotiate. What was of particular concern is that this unauthorised mining went on with the full knowledge of the Department of Mines and Energy. It is a very big worry that the department knew it was going on and nothing was done about it.

The case to which I am referring also illustrates other ways in which the current system works against the land-holder. There are certain areas of a grazing holding without which the whole aggregation might be rendered unviable. For example, these qualities can include the growing of fodder crops and the proximity to transport and water facilities. In the circumstances of the case to which I am referring, the homestead and the bore were included in the area claimed for the mining lease. Can honourable members imagine what impact such a claim had on the continued viability of that property and also on their living standards? The homestead came under the lease. They were asked to move off it, with only a small section of the property left to them after the mining lease was validated.

Although this Bill is about ensuring that equity is established in relation to the right to negotiate, I fear that negotiation by land-holders with mining companies does not appear to be as equitable as one might presume. In the long run the legislation depends upon the Minister exercising his or her powers in an equitable way. But too often the time taken to resolve these issues is far too long and disadvantages both parties in the long run. We have seen that happen time and time again. It has happened in a few places in my electorate. For example, in one case they are trying to negotiate their

way through, but it has taken some two and a half years now just to extend a mine let alone start a new one. It carries on and on. In the long run, somebody runs out of money. Generally, it is the land-holder who cannot afford to carry on with the negotiations. Once it gets into the legal arena, somebody misses out. In most cases, the mining companies have the time and money to outlast the land-holder in these dealings.

I believe also that we must examine the whole framework of our mining legislation to ensure that it is balanced in favour of the negotiated settlements of such claims rather than relying, as I pointed out, upon the legal system. The time and costs associated with the legal system favour the big end of town. In most cases the mining companies can outlast the land-holder, who is probably already struggling to make a living anyway.

I take this opportunity also to bring to the attention of the House another matter regarding the relationship between miners and land-holders, and that is the issue of mining exploration. To facilitate exploration, Governments grant access to land for exploration purposes and at least in principle provide compensation for most damage caused. Most land-holders in my area and in other rural areas are telling me that the spread of noxious weeds is a problem. For example, exploration teams might not know the layout of a property. As part of the negotiations, they should gain a knowledge of the lie of the land so as not to damage a property by spreading noxious weeds, which is a big problem in rural and regional Queensland.

This issue deserves the attention not only of the Minister for Mines and Energy but also of the Minister for Natural Resources. This needs to be taken into account at the negotiation stage. The Minister for Primary Industries and also the Minister for Mines and Energy ought to pay attention to this. We have to make sure that the problem is not made worse. One of the main concerns of land-holders who have exploration going on on their properties is the further spread of noxious weeds by people who do not know the lie of the land and where weeds are growing.

Land-holders who are very conscious of the threat of noxious weeds are very upset when they see exploration teams driving through infested areas spreading those weeds. It would not take much, I believe, to alleviate the concerns of land-holders. A good start would be a little education and a little bit of negotiation with the mining exploration teams about the dangers of those noxious weeds. I see that the Minister for Primary Industries is in the Chamber. He knows just how bad those noxious weed infection areas can be up there once they are spread by any sort of transport. That is especially so on some of the plains, where weeds are spread mainly by vehicles moving across the land for whatever purpose. Mining exploration is one of the main culprits. I believe that developing some simple guidelines in association with land-holders would be a very good start in any sort of venture, especially the one we are talking about tonight, and that is negotiation on exploration or even mining ventures. Those are the sorts of issues that need negotiations between all parties.

At present those simple examples of the lack of appreciation of the mining teams of the sensitivities of land-holders is regarded as just another example of how the system is loaded in favour of the miners. All too often we see the land-holders portrayed by the Government as the destroyers of the natural environment when the reality is that they are often not supported by Government in their attempts to protect their land. It is not the landowners themselves who cause these problems for the environment; it is the people who encroach on the land for different purposes—in this case it is mining and mining exploration.

I know of other instances in which people have dug holes in different areas and left them after the exploration has finished. It does not happen so much anymore because there are rules and regulations that cover that. However, I have seen it with my own eyes up in some of the tin mining areas around Hidden Valley where they have left what is now just a great wash. There are environmental problems there because of the way the miners left it in years gone by.

I support this legislation before the House that seeks to provide equity in relation to access to the right to negotiate. I am suggesting that we need to go further to ensure that there is a genuine desire and an incentive to negotiate and not seek recourse through the legal system. I must also reiterate that not all mining companies or exploration teams will take everything for granted and abuse their rights in carrying out their activities on people's leasehold land or freehold land to that extent. Many mining companies compensate those people more for their rights than was originally negotiated—if they get to the negotiation stage at all—therefore maintaining a tremendous relationship with land-holders and the neighbouring district. I just wish that that occurred a little more often.

I have nothing but the greatest respect for the majority of the mining companies not only for what they do for the wealth of Australia but also for the tremendous support they provide for rural centres where their mines are based. As I have been trying to point out tonight, if they just sat down and tried to negotiate with all peoples, I believe we would end up with a much better outcome.
