



Speech by

**Mr SANTO SANTORO**

**MEMBER FOR CLAYFIELD**

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Hansard 8 September 2000

### **NATIVE TITLE RESOLUTION BILL**

**Mr SANTORO** (Clayfield—LP) (11.52 a.m.): This Bill represents the triumph of politics and illusion and will do absolutely nothing to help the mining industry advance indigenous interests or promote economic development.

It is an undeniable fact that the alternative State provisions that were presented by this Government to the Federal Attorney-General, all of whose 13 determinations were voted on by the Senate, simply did not go far enough. The legislation passed by this Parliament did not go far enough to assist in breaking up the logjam in mining applications that has seen exploration in this State become almost non-existent. However, we all accepted that the State legislation represented at least some advance on what pertains under the right to negotiate provisions contained in the Native Title Act.

All people who are genuinely concerned about the future of our mining industry wanted to see the legislation passed by this sovereign Parliament become operative. Instead, what has occurred is that of the 13 determinations presented, six were voted down by the Senate. Six were voted down by a combination of Australian Democrats, Greens and Labor senators. Each and every Labor senator from this State sold the interests of Queensland down the drain when they voted to disallow almost half of the alternative State provisions. When they did that, they clearly demonstrated their contempt for the pleas and the urgings of the Premier of the State to put through what he described as model legislation when he put it through this place.

So let us be absolutely clear about that. Although the Premier goes about Australia, and particularly around Queensland, clearly saying that this is a triumph for him and his administration, the people who voted him down, the people who did him over in the Senate, were in fact his own Labor senators.

As a result of that, what they have done is make the piece of legislation that he put through coveting it as model legislation even more unworkable. Let us also be clear about what was actually voted down. The alternative procedures envisaged by section 26B covering gold or tin mining and the alternative right to negotiate schemes under section 43A were all defeated. The very exploration and mining lease applications that are of the most importance to the State have been scuttled. It is important to recall the words that the honourable member for Callide has uttered in terms of projects drying up and jobs being lost. Jobs, of course, is the favourite theme of the Premier and his Government.

It is noteworthy to mention, when we are talking about section 26B covering gold and tin mining, that during the past few years 500 jobs according to the mining council have been lost in the gold industry of Queensland. Of course, what this Bill will do to the mining industry does not bear repeating in this particular debate because it is so obvious that even those opposite must admit that it is going to decimate it.

All that the Senate left in place was the legislation relating to low-impact exploration permits and modified rights to negotiate over section 43 land, which in this State was almost solely national parks and State forests. What the Senate left for the State was, in fact, the crumbs—simply a ceremonial token gesture in terms of what the Premier was pleading for. The Premier was pleading for legislation that just might have had some workability in it, but the Senate, and in particular the Labor senators, let the Premier and the State down. The honourable the Leader of the Opposition very clearly explained the reason for that. It is all related to Left Wing influences—extreme Left Wing influences within the Labor Party at both the

State and Federal level—that have no concern or appreciation for the job-creating potential of the mining industry.

In fact, I will go further. I think that they do understand that the mining industry can create many more jobs than what it currently does under the current Federal and State Labor Party native title regimes, but they want to make sure that there is absolutely no improvement to those regimes, and that is why they scuttled so many of the provisions that came from this Parliament under the Premier's own imprimatur, and in doing so what they have done is clearly put thousands and thousands of jobs in this State not on hold but indeed destroyed them.

So this was no victory that the Premier obtained, but in fact it was the worst of all worlds. The Senate—and by that I mean the ALP—cherry picked the alternative provisions in such a way that any of the provisions that would be of practical help to the mining industry have been discarded.

What remained after the vandalism perpetrated by the Federal ALP was nothing but shell legislation, legislation that really achieves absolutely nothing, particularly when it comes to achieving jobs. The sensible thing to do, in my opinion, would have been for the State to scuttle its remnant legislation and seek to utilise the expedited procedures under the right to negotiate provisions to fast-track as much exploration and mining activity as possible. Using the expedited procedures has worked very well in Western Australia, and from my own research it would appear that this is what the Northern Territory Government is also doing.

I am sure that there would be many in the mining industry right now shaking their heads in utter disbelief that the sensible and practical approach has not been utilised. Instead of something practical, we are going down a different path, a path determined by two factors which highlight just how facile and media driven this Government has become.

The first factor is the Premier's fixation with attempting to portray the Senate vote as a victory for his lobbying efforts. If he was to admit that what was left of this legislation after the Senate mauling is next to useless, he would in effect be admitting that he was rolled by Kim Beazley and the Federal ALP.

In fact, the Premier must have really been counting his lucky stars when Daryl Melham resigned—an act that was as futile as it was dumb. That resignation gave the impression that the deal struck was a victory for Queensland. In fact, it was more a reflection of just how out of touch Melham and the Left of the Labor Party, particularly the Federal Labor Party, are with this issue.

The second is the fact that this Government prematurely established the Land and Resources

Tribunal. That would have been a very good move if the alternative State provisions had been ticked off by the State. This tribunal could have coordinated a range of mining, tenement, environmental, native title and cultural heritage matters in a one-stop procedure. Certainly, we on the coalition side had no problems with its establishment as a matter of principle. It was a good idea and a sensible move subject, of course, to one big caveat. That caveat was that it would actually do something positive for what we are talking about today.

Some 18 months after the Land and Resources Tribunal was set up, it is a monument to this Government's incompetence. It is a white elephant and has been exposed publicly to be nothing more than that. Instead of admitting that the setting up of this tribunal was a bad move, the Premier and this Government are absolutely desperate to try to give it something to do to justify this waste of millions of dollars of taxpayers' money. This is another example of throwing good money after bad to try to rewrite history and pretend that the premature establishment and staffing of this tribunal was somehow a good move.

I would like to touch briefly on why this Bill is a fraud and why it is so bad. It is bad because the alternative procedures now proposed offer next to nothing more than those already provided in the Native Title Act. In other words, when it comes to promoting mining exploration and development, this Bill gives the mining industry and the wider community next to nothing. I have heard some representatives of the mining industry say that at least they have got something out of the botched-up resolution of the Federal Senate. I imagine that the reason why they are making those statements, which have been interpreted as being positive and supportive of the Government, is that those people know that they have to work with a Government that is so totally anti-mining and so totally anti-job creation potential in the mining industry that they are trying to salvage whatever they can in terms of a relationship with the Government. However, members should make no mistake: nobody who has any appreciation of this Bill—not to mention the previous two or three Bills relating to native title that we have debated in this place—and nobody who has an appreciation of the mining industry could say that what we are debating today and what the Senate, in fact, bastardised in terms of a State regime is good.

This Bill is bad because it foists on Queensland taxpayers the cost of paying for another level of bureaucracy, which is not needed. Who needs a Land and Resources Tribunal, at a cost of around \$4m a year, that is achieving absolutely nothing in terms of expediting mining exploration and economic development? Although this Government has given its three members a lifetime job—which

many others in the community could only envy—what are they achieving for the miners and the workers of this State? I would respectfully suggest to honourable members that the answer is: absolutely nothing.

This Bill is also bad because it pushes the mining industry backwards. Under this regressive Bill, the mining industry will not have the benefit of the expedited procedure under the right to negotiate. Let the Premier deny that, and I suggest that he will not be denying that, because he knows that he cannot. Under this regressive Bill, a mining enterprise will have to go through the consultation process, which is not much less than the right to negotiate, each time the mining lease is renewed. So every time there is a renewal of the mining lease, there will be a time delaying, incentive destroying bureaucratic process that will have to be gone through. Already other members and I on this side have explained what that process is going to do to potential job creation within this State.

At least under the Native Title Act the right to negotiate covers the renewal of a mining lease. However, that is not the case under the alternative provisions. Also under this regressive scheme, there will be no scope for conjunctive agreements whereby the exploration stage agreements can be reached to cover the whole process. So from the perspective that I am coming from, today we are being presented with a Bill that is actually worse than the status quo. That is something that just simply cannot be denied by members opposite. It is worse than the right to negotiate under the Native Title Act. Just to rub salt into the wound, we actually have to pay for the process rather than the Commonwealth. So just like the standards that are being applied in terms of funding and compensation in relation to the Water Bill that we debated earlier this week, the same situation applies here. The Premier and his Government have introduced legislation into this Parliament for which we will have to pay for a process that is leading nowhere, destroying jobs and destroying incentive. As Queenslanders, we will have to foot the bill for it.

If I were a student of ancient and classical history, I would say that the Beattie victory was truly a Pyrrhic victory. More of these so-called victories would, in fact, spell death. So let this rather pathetic Bill be an epitaph to this pathetic Government—all spin and no substance, all rhetoric and no delivery, all promises of advancement while the body politic goes backwards. This Bill epitomises the Beattie Labor Government, a Government that is driving business out of Queensland and a Government which, in the view of the Opposition, is clearly not up to the task.

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