

Question on Notice

No. 1556

Asked on 31 October 2018

MR D LAST ASKED MINISTER FOR AGRICULTURAL INDUSTRY DEVELOPMENT AND FISHERIES (HON M FURNER)—

QUESTION:

With reference to the requirement for an Indigenous Land Use Agreement for the granting of a sale permit to quarry operators in many areas of Queensland—

Will the Minister advise (a) what arrangements are in place to ensure quarrying businesses and traditional owners can negotiate in good faith when Native Title corporations are wound up, (b) what arrangements are in place to grant sale permits when negotiation is not possible due to matters beyond the control of quarry operators and traditional owners, (c) why, despite the Minister's office being contacted several times, there is still no response to queries raised by my constituents and (d) why the potential benefits to businesses and traditional owners in regional Queensland are being ignored?

ANSWER:

I thank the Member for the question.

As the Member is aware, Australia's native title framework is predominantly set out within Federal legislation, including the *Native Title Act 1993* (Cth). The Department of Agriculture and Fisheries is required to comply with the requirements of the *Native Title Act 1993* (Cth), as well as the Queensland Government's native title work procedures, when granting or varying a sales permit for State-owned quarry material.

I am advised that it is a requirement of the *Native Title Act 1993* (Cth) that sales permit holders must enter into an Indigenous land use agreement (ILUA) with the relevant native title body before the department can authorise certain quarry operations under the authority of the *Forestry Act 1959*.

The *Native Title Act 1993* (Cth) specifies who must be a party to an ILUA.

An ILUA is a voluntary agreement and I am advised that there is no mechanism in the *Native Title Act 1993* (Cth) to require a native title holder or native title claimant to negotiate an ILUA.

I understand that the Member for Burdekin met with departmental and ministerial officers on 25 July 2018 about some specific sales permits relating to state-owned quarry material in his electorate. I further understand that information was provided about the specific obligations that the department has under the *Native Title Act 1993* (Cth) in relation to these particular sales permits at this meeting.

The department is actively working with all of its sales permit holders to ensure that they are fully informed about their obligations, particularly in relation to their native title requirements. This involves complex issues and efforts are being made to assist sales permit holders where possible.

The department has been in contact with the permit holders in question and is working through a number of options to ensure permits can be extended or varied to allow for continued operations.