

House: Legislative Assembly- QUESTIONS WITHOUT NOTICE
Date: Thursday, 14 August 2003
Member: Barnett, Mr Colin; SPEAKER; Ripper, Mr Eric
Subject: NATIVE TITLE, BURRUP PENINSULA
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NATIVE TITLE, BURRUP PENINSULA

928. Mr C.J. BARNETT to the Treasurer:

I refer the Treasurer to his settlement in January of a native title claim by three Aboriginal claimant groups over the Burrup Peninsula at a cost of \$15.6 million to taxpayers, and also to the finding of the Federal Court less than six months after the agreement was made that native title did not exist over the Burrup Peninsula in respect of those claimants.

(1) How does the Treasurer justify settling this claim prior to the Federal Court's determination of native title over the Burrup Peninsula, particularly as the case was proceeding?

(2) Why did the Government -

Several members interjected.

The SPEAKER: Members! It is hard enough to hear answers in this place with the level of noise made by members; now it is making it impossible to hear the questions.

Mr C.J. BARNETT: I will continue -

(2) Why did the Government fail to insist that the money would be paid to the claimants only when native title was established?

(3) Does the Treasurer agree that he has now set a costly precedent for the Government, which will enable groups with similar tenuous claims to push claims for payment?

Mr E.S. RIPPER replied:

(1)-(3) First, this Government settled those native title issues to pave the way for \$5 billion worth of investment in gas processing projects on the Burrup Peninsula. Had we followed the stupid course of action outlined by the Leader of the Opposition, those proponents would still be waiting for access to that land. The suggestion from the Opposition is to further wreck the development proposals for the Burrup Peninsula. The Leader of the Opposition simply cannot get behind this very important set of developments for the future of this State. We have a magnificent opportunity in this State to create a world-class gas processing province on the Burrup Peninsula. What do we get from the Opposition? We get wrecking and suggestions that the projects should not be on the Burrup Peninsula. Now we have heard the suggestion that we should not have settled the native title issues. If we had not gone through that process, we would not have the Burrup fertiliser project now being constructed. If we had not made that settlement, we would not be increasingly confident about the Methanex Australia Pty Ltd announcement and we certainly would not have any prospects for the other developments proposed in the area.

The first point I make to the Leader of the Opposition is that those proponents would not have had access to the land, and why not? They would not have had access to the land because the native title case has not yet been settled. The Federal Court has made a finding on the principles but is still seeking submissions from the parties about how those principles might apply to particular pieces of land. If the native title parties are not happy with the Federal Court decision, they can appeal to the full Federal Court; and, if they are not happy with the full Federal Court decision, they can appeal to the High Court. That is the Leader of the Opposition's approach. Nine years after the claim was first lodged, we still do not have a final court decision on the Miriwung-Gajerrong claim. If we followed the Leader of the Opposition's course of action, we would still be waiting in 2010 for the courts to give us a decision that would enable access to that land for those proponents.

Another point also needs to be made. I apologise, Mr Speaker, for answering this question at some length, but I need to put the Opposition straight on this question. The agreement is a comprehensive one, which covers not only the Burrup estate, but also the Maitland estate and residential and industrial land around Karratha. The Federal Court has found that native title exists on the Maitland estate and on the residential and industrial land around Karratha. We have settled those claims as well.

Finally, we were acting pursuant to John Howard's Native Title Act. John Howard's Native Title Act gave procedural rights to the native title parties in this case, even though a Federal Court decision had not been made on their native title rights. We were acting according to the law. Had we gained access to that land without going through those procedures, the titles we granted would potentially have been invalid, just like some of the titles granted by the coalition. There are mines and projects on titles that are potentially invalid because the previous Government ignored John Howard's Native Title Act and did not go through the processes.

We did everything necessary to promote the development of the State. We reached an agreement with the native title parties and we have given some of the poorest people in the Pilbara, who have been frozen out of economic development in that region for generations, a stake in the economic development of the region. I am proud of the settlement that we reached on the Burrup Peninsula, because it represents justice for some of the poorest people in this State and it promotes the development of the State - something that the Leader of the Opposition wants to wreck and would be happy to sabotage.