

QUEENSLAND BOULDER OPAL ASSOCIATION

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QBOA submission to

Standing Committee on Industry and Resources

**Committee Secretary
House of Representatives
Parliament House
Canberra ACT 2600**

Inquiry into Resource Exploration Impediments.

“At the current rate of tenure granting in Queensland and indeed across Australia, the country’s resource endowment will last well into the era where evolution will see baboons not only utilize diction, but function as the ultimate civilized society.”

“That is to say if, the monkeys that are running the show now don’t eat all the bananas.”

**Kevin John Phillips
President
Queensland Boulder Opal Association**

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The Queensland Boulder Opal Association.

The Queensland Boulder Opal Association (QBOA) is an Industry Body that represents Opal miner's in Western Queensland.

The QBOA's function is to ensure that Legislative and Regulatory Body's controlling the Industry have appropriate policies that are suitable to the need's of Industry, and the promotion of this rare unique product, Queensland Boulder Opal.

Native Title

Currently the Mining Industry is faltering and there is no sign of relief. This has been predominantly caused by the failure of Federal and State governments to legislate effectively with regard to Native Title Act.

The Queensland Opal Miners have had no tenures granted for over seven years, in areas that are subject to Native Title. This has caused our mining community's to be decimated and left to struggle. Regional development in the remote community's where opal is mined, has suffered extensively and that is an understatement. I believe this to be the case with other small mining industries across the country.

It is fair to state that small mining industry has worn the major brunt of Government's incompetency on the Native Title issue.

A State can only legislate effectively if Federal Legislation does not contravene. At present the Queensland, Alternative State Provisions are as useful as a hip pocket on a Singlet and are currently awaiting judgement in the High Court and the Federal Provisions are not much better. Both are time consuming and expensive for the small operator who has little resources particularly at present because of Native Title.

The State of Queensland had the opportunity to apply to the Commonwealth to legislate under the Native Title Act, under the provisions of 26c, that areas known as opalised areas could be exempt from Native Title.

Other States utilised this feature of the NTA to ensure opal mining, which is part of Australia's heritage, to continue.

There are vast areas known as restricted areas (RA's) across Queensland that could have been exempted for the Opal miner to utilize until this fiasco was solved.

The State failed to pursue this initiative for reasons unknown.

This would appear, at least on face value as incompetent, irresponsible if not negligent.

The QBOA are currently seeking legal advice on this matter.

There are flaws in the ILUA process as the Aboriginal Representative Body's (who have monopolised the representation on behalf of traditional owners) don't have to actively participate in negotiations unless they perceive that compensation being offered is a beneficial wind fall.

Finally, one ILUA for opal mining has been registered which will permit the State to process tenures in the Winton Mining District.

This would not have been possible without the funding supplied by the Federal, Attorney Generals Department, which funds the legal representation for opal miners.

Partial funding by the State has been allocated to ensure the "on ground services," are fulfilled by the Traditional Owner for that one ILUA.

There are over ten more ILUA's to be done with the Land Claimants, so little has been really achieved.

Quite ironically the legal representation that has been devoured by Solicitors and entourage representing all parties in having an ILUA brought to fruition, quite often exceeds the commercial costs and compensation of the ILUA itself.

The State of Queensland has been negotiating with the Queensland Indigenous Working Group an ILUA for mining. This has been with out the consultation of the Queensland Mining Council and Small Mining Associations which include the North Queensland Gold Miners (NQMA), Queensland Sapphire Producers and The Queensland Boulder Opal Association.

This act by the State appeared deliberate attempt to undermine the Mining Industry in Queensland.

This act was the undoing of small mining ILUA's that had been signed sealed and delivered for registration with the Native Title Tribunal as the State did not make clear from the outset that the State-QIWG proposed ILUA be for the "Big End of Town."

The Mining Industry is still awaiting patiently on Federal Court decisions that will hopefully assist in future direction, if the Federal Judges ever can cast their indecision aside. Are they on hourly rate for pondering the issues?

Small miners have worn the brunt of Native Title.

Little new ground has been opened up since Native Title has come into existence. Opal miners have been forced to keep going through old leases to maintain their existence or to illegally mine since Dec. 1996.

I can't think of another industry that has been so devastated.

Seven years of inadequate legislation has sent Opal miners and indeed the Mining Industry to the brink. The Mining Industry is not a draconian form of business, but a mainstay of our civilisation that caters for the needs of society and provides employment opportunities.

Cultural Heritage Issues

The State of Queensland is currently drafting a new Bill with regard to Cultural Heritage.

The Queensland Indigenous Working Group is flatly opposed to the whole Bill. The State will not propose the bill unless QIWG support the Bill.

So what we have is an elected government who have drafted a Bill, upcoming to QIWG an unregistered body, even though it has the numbers to pass the legislation in Parliament.

This legislation should go to the public as a referendum as Cultural Heritage is an issue for all Queenslanders if the State do not feel they have been voted in with the mandate to govern.

Queensland just introduced a new constitution without referendum.

Indeed it would seem that a government who passed changes to the constitution by mandate would be able to pass Cultural Heritage Legislation utilising the same powers.

Environmental Protection Agency (QLD)

I guess this mob were invented to save the trees, that's why they have so many of them relocated, turned into wood pulp, reincarnated into documents and preserved in filing cabinets.

On a more serious note, the Queensland EPA are still getting their act together, however the QBOA has made several submissions to the Authority and they respond positively.

The QBOA enjoy a good working relationship with this mob.

Department of Natural Resources and Mines (QLD)

The QBOA have made a few submissions to this department, they are the professional public servants so take longer to get a response from.

QBOA are still awaiting responses to submissions regarding reduction of rents and royalties and for a working party to resolve the Western Queensland Opal Exploration Policy.

The department supplies a relatively good form of Geo-scientific data available to the public on its web site.

Summary

Although this inquiry wish's to investigate other matters, I do believe and stress with utmost urgency that until Native Title Legislation is made simpler and fair that the mining industries demise is assured. Large mining companies are taking business off shore, medium size miners and quarries are going down the gurgler and small miners already are.

Employment opportunity in the mining industry are nearly non existent, we have more unemployed geologists than you can poke a stick at.

**FIX UP NATIVE TITLE LEGISLATION AND EVERYTHING ELSE WILL
FALL INTO PLACE**

Kind regards Kev Phillips

President QBOA

**cc Department of the Premier (QLD)
Minister for Natural Resources and Mines (QLD)
Australian Jewellery and Gem Industry Council
Grawin, Glengarry, Sheeppark Miners Association
White Cliffs Miners' Association
Lightning Ridge Miners Association
South Australian Opal Miners Association**

