



PRIME MINISTER

FOR MEDIA

Attached is a letter I have sent today to the Premier of Queensland, Wayne Goss, concerning the Wik people's claim.

CANBERRA
12 August, 1993



PRIME MINISTER

CANBERRA

The Hon Wayne Goss MLA
Premier
Executive Building
100 George Street
BRISBANE QLD 4000

12 AUG 1993

My dear Premier

I refer to your letter of 10 August 1993 concerning the Wik claim and the Comalco operations at Weipa and Gladstone.

You will know from your own officials that my Government is treating these issues in a serious and concerted way. You will be aware that the matter was discussed at our last Cabinet meeting a fortnight ago and that Cabinet directed a team of officials to produce a considered paper on the options available to governments. I thought you understood this.

That work is on track. There have been several discussions with Queensland officials to ensure that Queensland's perspective is taken into account. The door has remained open to talks on any aspect. I made this clear in my statements to the media on Sunday.

Consultation remains the sensible way to address the question, rather than any effort to build pressure through public statements.

You must recognise that the issues involved here are not simple ones, either as matters of law or policy. Obviously we all favour this important project being able to proceed with security, Aboriginal people being able to pursue their rights under the law and a just and satisfactory outcome.

Equally obviously, these sentiments fall way short of designing a detailed policy or solution. That is what needs to be done, and what we are doing.

2.

At this point the Commonwealth has only had communicated to it vague ideas of what you propose. It would be more helpful to have from you clearly defined proposals. What exactly does Queensland wish to legislate? And, given that, what exactly are you seeking in Commonwealth legislation?

I and my Ministers will be discussing the issues on the basis of a preliminary paper from officials early next week. While we are willing to consider appropriate assistance, it would help us to know what you seek. Indeed, notwithstanding any remarks made by Commonwealth Ministers, it is hard to see how we can reach firm conclusions on the scope of any Commonwealth legislation without this.

In particular, your letter is ambiguous in relation to the effect of Commonwealth legislation to provide certainty with relation to the RDA. You should be aware that it is one thing for the Commonwealth to legislate to provide certainty where a Government has actively sought to act in a non-discriminatory way or acted in innocence and quite another to provide coverage for discriminatory action or action which may be found to be in wilful disregard of particular interests, or actions which may be found to be fraudulent.

This reinforces the need for us to see your detailed proposals, and for us to talk the detail through properly rather than you seeking to publicly force the Commonwealth into a premature and possibly inadequate or unjust arrangement.

Again, it would be one thing to legislate to remove any doubt about leases resulting from the necessary ignorance by governments and others of the existence of native title prior to the High Court decision in June 1992; quite another to preclude the right of any Australian to pursue existing legal remedies on grounds not dependent on the existence of native title.

You may be sure that I and all Commonwealth Ministers have this key distinction very much in mind, notwithstanding any interpretation that may have suited you, of the Attorney-General's remarks on the scope of the legislation.

3.

In short, reassuring generalities are not enough. We need drafted detailed solutions. This is the process on which my Government has embarked, and I can only enjoin you to continue with us in it.

Yours sincerely



P J KEATING