



PRIME MINISTER

**STATEMENT BY THE PRIME MINISTER, THE HON P J KEATING MP
THE WIK PEOPLE'S CLAIM AND COMALCO**

Federal Cabinet last night reached agreement on the Commonwealth approach to the legal claim by the Wik people over land including mining leases held by Comalco.

The decision will provide security for the major investment proposed by Comalco, while permitting claims by the Wik people for compensation and damages to proceed.

This approach also ensures that negotiation will take place between the Commonwealth and Queensland Governments, Comalco and the Wik people.

Cabinet agreed that Commonwealth and Queensland legislation be introduced to validate all relevant land grants whose validity might be in doubt as a result of the existence of native title and its interaction with other laws. This will be included in the proposed generic Commonwealth Mabo legislation. Such validation of mining leases would not extinguish native title.

Queensland may also legislate to validate leases, on a non-discriminatory basis, against other possible causes of invalidity unrelated to native title. Claims against the validity of leases would, in effect, be converted into claims into compensation or damages.

Cabinet reaffirmed that the Commonwealth will need to be satisfied, on examining the proposed terms of such Queensland legislation, that it is non-discriminatory.

Compensation will be available for the Wik people, under the terms of the Commonwealth's generic Mabo legislation, for any direct extinguishment or impairment arising from validation.

Other aspects of the decision reached by Cabinet are:

- . Commonwealth legislation will support any pre-existing State legislation providing for the reservation of mineral rights to the Crown.
- . Damages (as distinct from compensation for validation) whether related or unrelated to native title, will be determined under existing laws or non-discriminatory State legislative schemes.
- . In the event of claims against grants issued before June 1993, and dependent on the existence of native title, being successful, compensation or damages will be met by government, rather than by private landholders.
- . The Commonwealth and Queensland Governments will hold negotiations with the Wik people, the minimum aim being to explore possible ideas for a settlement. Comalco should be required to participate in negotiations, at least to facilitate good neighbour co-existence of the Wik interests and the mining interests on the ground in the area.

In addition to resolving the current uncertainties in Queensland, the approach has wider application to resolving uncertainties arising from the High Court's Mabo decision. It represents a valuable step forward towards the comprehensive resolution of the issues on which work is proceeding. In particular, grants issued by governments in the past will be secured against invalidity arising from native title, not only those since the passage of the Racial Discrimination Act in October 1975.

The emphasis which the Commonwealth and Queensland Governments place on negotiation also represents a vital element of the approach which must be brought to bear in the wider Mabo context.

CANBERRA
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