Speech by

Hon. R. E. BORBIDGE

MEMBER FOR SURFERS PARADISE

Hansard 25 August 1998

NATIVE TITLE (QUEENSLAND) STATE PROVISIONS BILL

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the Opposition) (12.29 p.m.): The Opposition will be supporting the Native Title (Queensland) State Provisions Bill 1998 and I hope that it will have a reasonably speedy passage through this House. It faithfully reflects points one and two of the coalition's 10-point plan to resolve the complications to land management generated for the State and for the country by the bare majority decision of the High Court in the Wik case and by the original and deeply flawed Native Title Act, and it does so in a fair and equitable manner.

The Opposition particularly welcomes this Bill from this Labor Government because it reflects a total abrogation by this Labor Government of Federal Labor Party policy on both of these two quite important, if largely procedural, aspects of the native title issue. It is a good thing to see that at least in Queensland Labor has seen some of the light. The result, however, is somewhat puzzling. I refer to the vehemence of the Labor Party in Canberra where on both of these points there was very vigorous and repeated opposition in both Houses of the Federal Parliament across two calendar years.

The delay caused to the introduction of this Bill at the hands of Labor has been extraordinary—absolutely extraordinary! The Premier has made much of the fact that he has moved quickly. The fact is that he has moved just as quickly as Labor in Canberra would allow. It is interesting to now be in a position to form the logical conclusion that that effort of the Labor Party in Canberra was simply and quite deliberately to delay a resolution of these matters. For 1997 and half of 1998: vehement opposition; in the second half of 1998: a total backflip. The whole thing was a time-consuming con.

Validation is a bedrock issue in resolving the many problems for land administrators and those who hold title. We should have been dealing with it many months ago—

Mr Beattie: Why didn't you do it earlier?

Mr BORBIDGE:—because what the Wik decision did in finding that native title might coexist on pastoral leases and indeed on any non-exclusive tenure in this country was to throw into doubt all dealings in such land during what has been called the intermediate period.

I take the interjection, "Why didn't you do it earlier?" Because the Premier's colleagues in Canberra would not pass the appropriate legislation! That is the answer; that is the truth. During the course of this debate I look forward to exposing some more of the blatant hypocrisy of the member for Brisbane Central.

The intermediate period is the period between the enactment of the Native Title Act in January 1994 and the Wik decision of December 1996. Any title granted, regranted or dealt with in any substantive way during this period could have been invalid as a result of the Wik decision. Any title could have been invalid but for the remedy in this Bill, because dealings in that period did not take into account native title as determined by the High Court in respect of Wik. Of course, that is a nonsensical situation because native title was simply not known to exist on such tenures at that time.

The Queensland Government, whether it was the Queensland Government of the former member for Logan or whether it was my Government, could not have known during this period what the High Court would uphold to be the common law in relation to native title. The decision of the court indicating the potential for native title to exist on such tenures was in the future. It came after the

dealings. Governments simply could not take into account something which had not occurred and had not been determined.

What we did in Queensland during this period, lacking a crystal ball, was to simply adhere quite properly and quite thoroughly to the legislation of the day, which was the Native Title Act 1993. That is what the Government of the former member for Logan did during the intermediate period when it made the great bulk of grants that were made during the intermediate period. It is what my Government also did. Both Governments operated on the basis that a pastoral lease had extinguished native title and that there was, therefore, no native title constraint in dealing with such tenures. So those decisions deserve to be protected for very obvious reasons. Of course, there is a clear precedent for the method of resolving the problem as proposed by the Commonwealth Native Title Amendment Bill and as proposed by this complementary legislation.

When the Native Title Act was being developed in 1993, legislators faced a very similar problem. Then the complication was as a result of the interaction of the Racial Discrimination Act, which was enacted in 1975, and the Mabo decision of 1992. Dealings between those dates could have been discriminatory because they did not take into account common law native title as determined by the High Court in Mabo. The same situation applied in that intermediate period as applied more recently. In other words, Governments could simply not have known from 1975 until the enactment of the Native Title Act that dealings in land in that period could have been discriminatory for not taking into account native title because they were unaware of the existence of common law native title. It was not known until it was declared by the High Court. The response of the then Keating Government was precisely in the terms of what has been proposed by the current Prime Minister and what is reflected faithfully in this Bill. That comprised a commonsensical validation of dealings during the period. That process in 1993 received bipartisan support in Canberra.

However, I must say that it is sad; it is disappointing to report that the justice of replicating that unqualified validation of dealings in the very similar circumstances that apply now was and is not recognised by the Labor Party in Canberra. In fact, we saw in the Senate last December and a few months ago in April repeated attempts by the Australian Labor Party to quite significantly dilute and vary the validation regime as we see it in this Bill. What Labor wanted to achieve via amendments was a regime whereby there would be a significant qualification on the ability of the States to validate grants during this period, most particularly the grant or even regrant of mining leases during the intermediate period.

Under the validation provisions favoured by Federal Labor, Governments would have to advertise their intent to validate such grants. They would have to ensure that any native title claimants, even representative bodies whether or not there was a claim, were made aware of the Government's intention to validate. This would open up the validation quite explicitly in the Labor amendments to challenge before the Federal Court. Dependent upon the outcome there, validated leases could become subject to a full-blown retrospectively applied right to negotiate. That was what Federal Labor wanted last year. That is what Federal Labor wants today. Thankfully, that particular set of amendments did not hold sway with the Senate. That was good news for Queensland, which was the State which might well have been the catalyst for that particular effort from Federal Labor.

I think that I could say very safely without fear of contradiction from the Left, which is the faction that seized control of the native title debate in Canberra from the moderates, that it had Queensland under both the Government of the former member for Logan and under the coalition square in its sights with the approach to validation that it championed. The Left sought to suggest that the Queensland Government of the day whether of Goss or of Borbidge should have engaged the right to negotiate process in particular and the future Act provisions of the Native Title Act in general in their dealings in pastoral land during this period even though there was to the Government's knowledge—to anybody's knowledge—no native title involved. They held up as an example of why this approach should have been adopted here the behaviour of the Western Australian Government which did engage the right to negotiate and did engage the future Act regime.

Of course, the Left simply did not understand the very simple difference between Western Australia and Queensland, which explained that apparent difference. There was none. Western Australian pastoral leases have and always have had reservations in relation to the ability of Aboriginal people to exercise access to leases for certain traditional activities. The National Native Title Tribunal ultimately determined that these were native title rights and that they could be claimed. It was that circumstance which obligated the Western Australian Government to engage the future Acts provisions which included the right to negotiate.

The simple fact is that, as the former Goss Government initially determined and built its native title response on, there are no such reservations on any pastoral leases here in Queensland. Western Australia abided by the Native Title Act; Queensland abided by the Native Title Act; and the Left in Canberra was and still is today barking up the wrong tree.

There is one other area of this validation regime with which I should also deal before going on to the confirmation regime which relates to point 2 of the 10-point plan and it concerns the reliability of the member for Brisbane Central on these issues. I refer particularly to the repeated claims of the Premier that he has achieved protection from Labor's right to negotiate for mining leases on renewal.

Honourable members will recall that in January the then Leader of the Opposition, the current Premier, went to Hobart for the Federal Labor conference to make representations to the Federal Labor Party to drop its policy for a right to negotiate on mining lease renewals. It must be said that this is just one aspect of the way in which Labor sought to quite dramatically extend application of the right to negotiate. When the Premier came back the Courier-Mail was only too pleased, as it always is, to put the Labor Party in the best possible light on the native title issue—the most politically correct light—and it did up a nice little puff piece on the front page which suggested that the Premier, the then Opposition Leader, had had a major victory on this point.

Mr Beattie: You don't like it.

Mr BORBIDGE: The Premier should listen and he might learn something, because he does not understand native title. He does not have a clue. Time and time again he has contradicted himself.

The Premier went to Hobart and he apparently convinced his Federal counterparts to reconsider the application of the right to negotiate on renewals. We are all invited to read between the lines and form the view that he had pulled it off. Of course, that was rubbish.

What did the Premier achieve? All he achieved, insofar as it was an achievement at all, was to gain an undertaking that certain individuals in the Labor Party who comprised its working party on native title would visit Queensland to discuss the issue with stakeholders. One would have hoped that that would have happened whether or not the Premier went to Hobart because that is the obligation of those people in the Federal Parliament. Those people delayed a resolution of this particular issue for a period of years. Labor's group could hardly have ignored the State which, along with Western Australia, has the greatest interest in these matters. However, we never know.

When that meeting occurred the Premier was not even present. That is how important he thought it was. He was electioneering in Taiwan with Mr Rudd. He took the issue so seriously that he was not even here for the discussions where he appeared as some sort of champion for Queensland. He went down to Hobart and he rolled over like a branch office leader of the Labor Party.

I think the member for Brisbane Central, the current Premier, knew why it was not worth being here because, despite the job the Courier-Mail tried to do for him, he knew he had been rolled, and rolled comprehensively, in Hobart. The fact is that there was no compromise from the Premier's Federal colleagues. It is one of the greatest cons of the entire native title debate. There was no compromise from Federal Labor. The amendments that Federal Labor moved on this issue in April this year after the Premier's efforts were essentially the same amendments that the party moved in November last year. There was simply no movement of the sort claimed by the Premier both publicly and in this House, and that can be very readily demonstrated.

I table the text of the amendments moved in the Senate by the Australian Labor Party in November last year during the first debate on the Native Title Amendment Bill, and I table the amendments moved by Labor in the same place in April. They are clearly and essentially the same and they have never been resiled from by Federal Labor. Indeed, in April, Senator Bolkus said that Labor remained committed to the amendments it had moved in December. Where was the great victory for Queensland claimed by the Premier and the Courier-Mail?

With those texts I have also tabled the comments of Federal Labor's shadow Attorney-General, Senator Nick Bolkus, on both occasions. Senator Bolkus led the debate on the Bill for the Labor Party in the Senate. These documents make it crystal clear that the claim by the Premier to have avoided a right to negotiate on mining lease renewals in Labor policy is simply not the truth. The right to negotiate on mining lease renewals is allowed for and championed under Federal Labor in stark contradiction to the empty promises made by the current Premier as reported and championed by the Courier-Mail.

But what is even more extraordinary and highly relevant to this debate is that this bid to trap mining lease renewals into the right to negotiate process is also to apply, under Federal Labor, to mining leases renewed during the intermediate period. That is the policy of Federal Labor. That is the policy of Mr Beazley. That is the policy of the alternative Prime Minister. That is the policy of the alternative Government in Canberra. I have also tabled the evidence of that straight from the mouth of Senator Bolkus.

I do not doubt that that is aimed straight at the heart of Queensland's Ernest Henry project. Federal Labor is prepared to provide a project exemption for Chevron but conspires to visit upon Ernest Henry a retrospective right to negotiate. That is the impact of the Bolkus amendments. That is the impact of Labor's policy in the Senate in regard to native title.

As I say, we welcome the absolute rejection of the Federal Labor position that the Premier has adopted in relation to the validation regime before us in this Bill and we will therefore support it. But I must raise our concern about how long it will last or whether it will ever actually come into force before Federal Labor gets its way and the Premier gets fresh riding instructions from Canberra. We know that the native title working group has someone from Mr Beazley's staff riding roughshod in this matter to make sure that the branch office Premier toes the Canberra line. There is no doubt that this is a branch office Government on issues of native title. This is a branch office Premier on issues of native title. It is just a matter of time before further riding instructions come through from Canberra.

There is no doubt that the timetable the Premier has set himself for his overall response to the Wik matter is quite political. There is the potential for a Federal election to be held some time in October—indeed that now seems likely. If that is correct, there will potentially be—some would say it is even likely—a Federal Labor Government in office by the end of October. That could, of course, change the native title landscape completely and dramatically from a policy of resolution back to a policy of uncertainty as proposed by Mr Beazley and Senator Bolkus. We could see Labor's full madhatter's-tea-party approach to native title come into play—the Bolkus and the Melham version. The Premier now apparently supports the 10-point plan, or at least significant elements of it. He has said that he is prepared to reflect it in State legislation.

In January, however, he supported what had emerged from the Senate in December last year, which was a very different set of outcomes, because at that time Senator Harradine and Labor were as one and they combined to defeat most of the Commonwealth's proposed approach. So there are two positions in a few months. Who knows where the Premier will stand by the end of October, particularly if there is a change of Government Federally and rather than resolution we once again have Labor's uncertainty. We could well see a third position.

The confirmation regime—the second major aspect of this Bill—is also welcomed by the coalition. It is the terms of this Bill, as in the validation regime, which faithfully reflect the base requirements, the commonsense, the justice and the equity of the amended 10-point plan. Again, I recognise the Premier's courage in totally abandoning Labor policy, even though it is very apparent that he does not understand, with respect, just exactly what it is that he is doing with this legislation in relation to confirmation. He has publicly said on a number of occasions that he is extinguishing—by this legislation—native title on grazing homestead perpetual leases. Of course, if the Premier knew anything about native title he would know that he is doing nothing of the sort. Native title was extinguished on grazing homestead perpetual leases at the time of the grant of those leases which, in most cases, was decades ago. The Premier's statement suggesting he would extinguish native title on those leases with this Bill is not only wrong but quite irresponsible.

There are significant constraints on the ability of Legislatures to extinguish native title. What the Premier needs to come to grips with is really quite a simple concept which goes back to one of the most fundamental aspects of the findings in Mabo, and it is this: native title has been extinguished totally by a grant of exclusive possession. Native title has been extinguished on lesser tenures to the extent of the inconsistency between the rights granted the statutory title holder and the rights granted to the common law native title holder. That is the benchmark for the existence of native title on other than vacant Crown land that has never been alienated. It is the common law as determined in Mabo and as reinforced in Wik.

The total extinguishment of native title on grazing homestead perpetual leases has occurred as a result of extinguishing grants in the past, not via this Bill. And for the Premier to claim that it has this effect, that it has this impact, just demonstrates his abysmal lack of knowledge and his ignorance in regard to the key issue confronting this State today. I would have thought that someone who was so obsessed by jobs, jobs, jobs would have at least taken the time to properly understand the import and the consequences of what he has been saying. I repeat: the total extinguishment of native title on grazing homestead perpetual leases has occurred as a result of extinguishing grants in the past, not via this Bill. Where the member for Brisbane Central, the Honourable the Premier, has gone wrong, I suspect, is on the basis of the entreaties that have been made by representatives of the national indigenous working group and the ambulance-chasing Labor Lawyers who flock around that group, who would ignore the Mabo and the Wik findings insofar as they relate to extinguishment. Those people in fact reject just about any concept of extinguishment.

Mr Beattie interjected.

Mr BORBIDGE: What they support—and it is on the public record, and the member for Brisbane Central can confirm his appalling ignorance in respect of this matter—is the concept of suppression of native title by inconsistent grant, right up to and including exclusive possession grants. I say to the Premier: read what your Federal Labor colleagues said in the Senate debate. But, of course, that is the loopy end of town. The fact is that the challenge that bona fide legislators faced in dealing with this issue was to come up with a determination on exclusive and non-exclusive tenures which would give some certainty——

Mr Beattie: This is the greatest support speech I've ever heard.

Mr BORBIDGE: The Premier has not listened to this speech. He has been talking to the "Minister for Equity" and having a little gossip over there. That department was created as a sop to the Left. The Premier has not been listening. He does not know what he is talking about in respect of the issue of native title.

As I was saying, the fact is that the challenge that bona fide legislators faced in dealing with this issue was to come up with a determination on exclusive and non-exclusive tenures which would give some certainty to the holders of title in this country—whether the title they held was common law native title or some other statutory title. Legislators had to determine which statutory tenures were exclusive and which were non-exclusive, and which had totally extinguished native title and which may have extinguished native title only to the extent of the inconsistency, leaving room for claims for coexisting native title.

Ms Spence interjected.

Mr BORBIDGE: I remember that, when she was a frontbencher in the Opposition, the Minister who interjects advocated an apology tax. She got up in this Parliament and said, "We should have an apology tax. We should all dig into our pockets to compensate Aboriginal Australians." That is on the public record.

Ms Spence interjected.

Mr BORBIDGE: Mr Deputy Speaker, I know that you are new to the chair, but it is a rule of this place that Ministers must not interject from other than their correct seat.

Mr DEPUTY SPEAKER (Mr Mickel): Order! The Minister will not interject from other than her usual seat.

Mr BORBIDGE: I remember that the member advocated an apology tax. She said, "We should all be paying." That is what she said, and now she is the "Minister for Equity". Heaven help us!

What the Commonwealth set out to do, and what the member for Brisbane Central endorses with this Bill, was to generate, as a schedule to legislation, a list of tenures, State by State, which are coexisting tenures and those which are exclusive tenures. There are conventional methods, relating to conventional standards, readily available to determine these questions. They were used. The Commonwealth proposed a schedule. This legislation reflects it. This legislation includes, as an exclusive tenure, very appropriately, grazing homestead perpetual leases. So the Premier really has to clear his muddled mind on this issue. If he is going to persist with his view that he is extinguishing, with this legislation, native title on grazing homestead perpetual leases, then he really has to reconsider his whole position on this legislation. He has to rewrite its terms, and he has to rewrite his second-reading speech, which he has roundly contradicted in some of his public comments. But I do understand his confusion, or his misunderstanding, because he has had the Left breathing down his neck on this issue.

In the Senate, Federal Labor vehemently opposed the confirmation regime. The fact is that there are many people in the Federal Labor Party—and doubtless there are some sitting opposite right now, particularly those members of the silent Left—who believe that no tenure has the capacity to extinguish native title. That proposal has been advanced by the Left in Labor. That is a view that is very much alive on the Left of the Labor Party: that no tenure has the capacity to extinguish native title. The view on the Left of the Labor Party is that native title has not been extinguished, it has merely been suppressed for the term of the grant. It then revives, and it becomes claimable.

Mr Beattie: I've already done this part of the speech. Did you re-do the page?

Mr BORBIDGE: Is it not interesting that the Premier has a glass jaw? He is so precious during question time. And when we get into a debate and we start to point out his inadequacies and how he simply does not know what he is talking about—when he decides to walk away from what the Left of the Labor Party is still advocating today in Queensland and in Canberra—he does not want to hear about it. The Premier is the man with the glass jaw. The view on the Left of the Labor Party is that native title has not been extinguished; it has merely been suppressed for the term of the grant; it then revives and becomes claimable.

Ms Spence interjected.

Mr BORBIDGE: I am relieved to say that that particular element of Labor Party native title nonsense did not ultimately hold sway in the Senate, despite the best efforts of the loopy Left, of which the Honourable Minister who is interjecting is a member. And that is just as well, because it really would have added greatly to uncertainty. What we would have had if Labor had its way was a case-by-case, property-by-property delineation of native title, and that was and is a recipe for endless litigation.

Before the luncheon adjournment, I was making the observation that, if Labor had had its way in the Senate, we would have had a case by case, property by property delineation of native title. That,

of course, was and is a recipe for endless litigation. No recipe could be more certain to hamstring reconciliation in this country for decades. Labor wanted that to happen because it was convinced that if it were able to force this issue to the courts for case by case, property by property litigation, its dream would be realised. Exclusive tenures would be held not to extinguish. Native title would be merely suppressed. It would revive. It would then be claimed—case by case, property by property.

That scenario is somewhat ironic when one considers that members opposite regard us as the scaremongers on this topic. Who promotes the view that exclusive tenures do not extinguish? Who promotes the view that there is only suppression of native title and that it should revive at the conclusion of grants? That is not just at the conclusion of non-exclusive grants but at the conclusion of exclusive grants. Who wants property by property court cases, years of doubt, years of litigation, years—decades—of uncertainty? Who holds to that? Who subscribed to and supported that strategy in the Federal Parliament? The Labor Party! It was not the National Party. It was not the Liberal Party. It was the Labor Party—in concert with the Greens and the Democrats. That is who promotes it: the likes of the honourable member who sits opposite. It was on that very basis that the Labor Party in the Senate fought against the confirmation provisions and sought, instead, to spread throughout the Native Title Act references to the suppression—rather than the extinguishment— of native title, whatever the tenure. That is what they did and that is what they argued for. That is what they supported in the Senate.

Few things could be more counterproductive in dealing with this set of problems. It is just that sort of nonsense that has injected race into this entire debate. As far as the States are concerned, the simple fact is that the problems that we are seeking to deal with have nothing to do with race, they have to do with land management. Only the cappuccino drinkers and perhaps the chardonnay set in Sydney, Melbourne and Canberra seek to make this a debate about race. It is the overrepresentation of that particular species in the nation's newspapers and in the television newsrooms—with a very few notable exceptions—that has poured the petrol on the flames in this debate. At the end of the day, it is they who were the irresponsible ones. To the States this is, overwhelmingly, an issue of simply developing a system of land administration that is fair and workable for all of those title holders involved—black and/or white—and for administrators. That requirement is well demonstrated by the aspects of the native title issue that we are dealing with here.

The first concerns validation: the simple requirement that is upon Governments to provide valid title to land; the ability of recipients of grants to know that, when they have a grant, it gives them the rights the Government explicitly undertakes that it provides. If the grant is invalid, then it will be open to challenge. Government will be open to challenge. Title holders will be open to challenge. That is simply not on. To say that we need validation of intermediate Acts is not to seek to deny Aborigines their rights. They will, of course, have rights to compensation in relation to any extinguishment or impairment of their title that occurs as a result of dealings during the intermediate period. Similarly, the confirmation provisions are required simply to provide as much certainty to all players as possible by accurately reflecting the common law as developed in Mabo and Wik. As a result of this Bill, would-be native title holders will know where they have a chance of achieving coexisting title. Land-holders will know with a considerable degree of certainty whether their tenure will be subject to claim or not.

I conclude by commending the Government on this occasion for faithfully reflecting the first two points of the 10-point plan and by issuing a warning in relation to the remainder of its native title program, which is as yet unsighted but which, I understand, is being overseen by a staff member of the Leader of the Federal Opposition. The Premier has already signalled that the remainder of his Government's response to dealing with the shortcomings of the original Native Title Act and the impacts of the Wik decision may not so closely reflect what has emerged from the Commonwealth Parliament. Indeed, there have been some pretty unambiguous signals that on the central issue—on the right to negotiate—the Premier intends to make use of the option that the Commonwealth Bill provides whereby he can retain the full-blown right to negotiate, or something very close to it.

I appreciate that the Premier is being driven on this issue by his political fear of the Left. Most honourable members will have a clear recollection of the problem that the former member for Logan experienced from the Left after the Left felt that it had been effectively ignored by his administration. After that experience, the Left said that it would never again allow itself to be treated in the manner in which it was treated in those days. Of course, that makes the current circumstances quite piquant, because quite early in his term the Premier has to confront an issue on which the Left has some very strong views. It wants retention of the Century-style right to negotiate procedures concerning mining on pastoral land. I would just say this to the Premier: if he decides to go down that route or anything that even approximates it, he will be doing this State a great disservice.

In Western Australia, Premier Court has already developed a full State provisions Bill to reflect the 10-point plan as it has emerged from the Senate. He will be adopting the 43A regime, instead of the right to negotiate. If Western Australia does that and we go down the right to negotiate route in Queensland, we can kiss the mining industry goodbye. It will go to an environment that it can accept

and that it knows will welcome it. The mining industry will simply pack up and take new projects to the other side of the country. Labor could kiss goodbye its 5% unemployment target and kiss goodbye any hope of reconciliation in this State for a very long time to come because it will have earned the undying enmity of regional and rural Queensland. The only reasonable resolution is a reflection of the amended 10-point plan to the maximum extent possible.

In conclusion, I note that the Western Australian Government has its legislation open for public comment. It is planning to introduce that legislation and have it passed through the Western Australian Parliament by the end of October. I also serve notice that in the next sitting week of Parliament I will be introducing a private member's Bill that reflects as much as possible in the Queensland context the amended 10-point plan so that all land-holders in this State—whether they be black, white or whatever—will have the opportunity to obtain the security of land tenure that the amended 10-point plan now makes possible and which Labor in the Senate denied the State of Queensland for close on two years while it continued to push an absolutely damaged philosophical argument in terms of usurping from the States the proper responsibilities in regard to land and resource management.

I take the comment that was made earlier by the Premier that this should have been fixed long ago. It should have been fixed long ago. The reason why it was not fixed long ago is that the mates of the Premier, the Federal Labor Party in the Senate, did not allow it to be fixed to the particular detriment of the States of Queensland and Western Australia. Now we have a situation in which the amended 10-point plan is before the Senate. Today, we see this first legislation which validates or deals with two of the 10 points of that amended 10-point plan in respect of validation, which we strongly support.

However, I place on record that I find it quite incredulous that we have a Government and a Premier that will allow a staff member of the Federal Leader of the Opposition to be sitting in on the working group here in the State of Queensland to make sure that Queensland toes the line. I find it quite amazing that the Premier seems intent to go down the right to negotiate route, to go down a route that we have seen in respect of the Century project—hold up a project of immense national and international significance for a prolonged period of time despite the fact that there was a written agreement signed off by the State, signed off by the company and signed off by the Aboriginal claimants. We also know that in the past few days we have had Mr Lavarch, consultant to the Government—I do not know how much he is being paid—and the famous Mr Ross Rolfe running around the gulf attending to the requirements now being imposed in respect of certain matters in the north-west minerals province by Mr Murrandoo Yanner and the Carpentaria Land Council.

I think that it will be a great tragedy for Queensland and for Australia if this Government, after enacting this validating legislation today, runs away from its responsibilities when it now has within the grasp of its hand something that was denied to the previous coalition Government by virtue of Labor in the Senate—the means to fix this problem once and for all. I wonder how much of this is a delaying tactic so that if Federal Labor wins the forthcoming Federal election we will see the sorts of amendments proposed by Senator Bolkus that I tabled in this place today that are anti-jobs, anti-mining, anti-pastoralists, anti-Queensland and anti-investment. If we see those sorts of amendments passed by a Federal Labor Government, that will mean tragically that the Wik impasse would then continue in Queensland because Federal Labor would then set about implementing the policies that the Senate on the most recent occasion has rejected in regard to native title.

I say to honourable members opposite to not underestimate the angst in the community on this particular issue and to not underestimate the damage that the failure to resolve native title has done to the reconciliation process in this country. I say to the Premier that if at the end of the day he panders to the Beazleys and the Bolkuses of this world and we end up with legislation in this State—in the next raft of native title legislation—that does not to the maximum extent possible reflect the amended 10-point plan, then this Premier and his Government will go down in the history of this State as the Government that had the opportunity to fix the problem but a Government that decided that philosophical objectives and the assessments and the ideologies of the Left were more important than title, security of title and jobs, jobs, jobs in the State of Queensland.

I ask those honourable members opposite: do they really want to put in place the next time around, in the next raft of amendments, the sort of nonsense that the Century project had to go through, which was delayed for years? When we finally got an agreement, what happened then? We found that, despite that, there was still litigation in respect of that project and, despite that signed agreement and the $90m compensation package by the Government and by the company—$60m from the company, $30m from the previous Government in respect of infrastructure—we have a situation today where Mr Yanner can take legal action in respect of a bridge, where Mr Yanner can threaten action in respect of the powerlines and the involvement of NORQEB and a situation in which we are now starting to experience the downside of what the Labor members have supported and what their Senate colleagues supported by virtue of having to dispatch Mr Rolfe and Mr Michael Lavarch as a consultant to try to talk to Mr Yanner in the Carpentaria minerals province to try to resolve this matter.

As I said at the outset, the Opposition supports these amendments because, contrary to the previously stated position of the Labor Party, they at least validate and honour two of the key points of the amended 10-point plan. However, if Queensland is to end this absolute native title madness that has besieged this State for a period of too many years, there are eight more points of the 10-point plan that need to be introduced in this place and taken advantage of by the current Government. I say to the Government that it has the solution within its grasp. It has what the Senate denied to my Government. I say to the Government: do not mess up that opportunity. If it does, the people of Queensland will never forgive it.

I am aware that there is growing unrest, particularly from the miners, in respect of the activities of the working group. I am particularly aware that there is increasing unhappiness about the involvement of Federal Labor in what should be a State-based land management system. I am particularly concerned about the extent to which the Premier seems to be taking orders from the Federal Leader of the Opposition, Mr Beazley. We do not want a branch office Premier, we do not want a branch office Government; we want a Queensland Government and we want a Government that will get on with the job of making sure that the benefits that have been achieved by so many people who have worked for so long can now be passed on to land title holders in Queensland regardless of their race and we see the amended 10-point plan introduced in Queensland to the maximum extent possible.