Speech by

Hon. R. E. BORBIDGE

MEMBER FOR SURFERS PARADISE

Hansard 20 July 1999

NATIVE TITLE (QUEENSLAND) STATE PROVISIONS AMENDMENT BILL

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the National Party) (12.34 p.m.): This is one of the most extraordinary pieces of legislation to come before this Parliament. It is a total rewrite of the cornerstone of the State-based native title regime that this House thought it dealt with—did deal with—in November 1998. Eight months later we confront a total rerun in what I believe is a most dishonest format.

We have now received an explanatory memorandum in the context of the amendments to the Native Title Bill, but they are only the amendments which have occurred since the Bill was presented to Parliament. Here they are—another 80-odd pages. I am sorry, I do the Premier a disservice—95 pages. It remains the case that we do not have a list, let alone an explanatory memorandum, of the 200 or more amendments of the 1998 version of the Bill. So what we have is 200 amendments before the House and 95 pages of explanatory memorandum in regard to amendments that are going to be moved before the Committee. I would suggest that this is close to unprecedented in the way the Parliament is being treated.

This Bill represents, among many other things, a travesty of the Parliamentary process. It is an attempt at a sleight of hand by the Premier. There is no accountability. There is no transparency. What we are confronted with is literally hundreds of amendments to a Bill passed as recently as November 1998. However, apart from a handful, they are simply not identified. The Premier has presented this Bill as if it were not an amending Bill. It is a disgracefully—and I suspect very deliberately—sloppy way in which to present legislation to this Parliament.

The Scrutiny of Legislation Committee has seen right through it. It has torn it to shreds. This Bill, in the way that it has been presented to the Parliament by the member for Brisbane Central, is an insult to the Parliament and it is a massive admission of incompetence by the Premier, who has continued to make the patently false, patently dishonest claim that he has "fixed" native title. The proof of the absurdity of that ridiculous claim is before us.

This Bill is indisputable proof that in 12 months this Premier has fixed absolutely nothing in relation to native title. None of the previous Bills that have been passed by this Parliament has meaning without the establishment of a workable State-based regime to order it and to administer it. That is what the Bill in November last year sought to establish. It is what this Bill now seeks to establish after the comprehensive miscarriage of that effort last November. Twelve months into this Government—this do-nothing Government—we do not have mechanisms in place for dealing with native title. Twelve months on we are still months away, at best, from the establishment of that regime.

The Premier's second-reading speech on this legislation was totally inadequate for such a comprehensive and significant Bill. It told us virtually nothing. In fact, it was tailored to serve as an excuse for a serial buck-passer to try to duck responsibility for what is without doubt the largest number of amendments to a Bill so recently before the Parliament in the history of the Parliament. The bulk of his speech was an effort to blame somebody else. It is always someone else's fault.

The Premier wants to blame the Commonwealth for his own incompetence. He claims the reason that almost his entire native title package—certainly the core of it—is back before the Parliament is because of the Commonwealth and that, I submit, is an untruth. This Premier has established himself

inside a year as probably the most blatantly dishonest person to have held the office since Statehood. His bid to blame the Commonwealth is a transparent cover-up.

The truth is that it has always been the responsibility of the Premier to ensure that any State native title legislation brought to this House adequately and appropriately complemented the Commonwealth legislation, and that is nothing new. That was the requirement on the State in relation to its response to the original Native Title Act. It is the case with the Native Title Act as amended to take into account the Wik-based changes.

The fact is that the Commonwealth has the right under the Constitution to make laws concerning race. It has an ability to enforce "special measures" in relation to Aborigines. But the Commonwealth does not and never has had responsibility in relation to land management, other than in the context of Commonwealth land.

Land management is and always has been the responsibility of the States and it is land management issues that are at the heart of dealing with native title. Thus it was the responsibility of the States to ensure that their land management systems were viable in the context of the native title issues put forward by the Commonwealth. That is not buck-passing by the Commonwealth. It is a simple and direct requirement if States are not going to abrogate their responsibility in relation to land management.

The Premier cannot duck comprehensive responsibility for what is perhaps the most comprehensive legislative stuff-up in the history of the State. It is all his own work. He has failed to meet the minimum requirements of the Commonwealth legislation. The Commonwealth has had to point that out to him by the hundreds of instances, and another 85 amendments are to be moved in the Committee stage today. The end result is extraordinary delay. The end result is a continuation of uncertainty for all players. All other avenues by which the serial buck-passer seeks to attack the Commonwealth on the failure of Queensland to now have in place a workable native title regime are just as invalid.

The Premier claims globally that it is the Prime Minister who is causing the delays in the resolution of native title, that it is the Prime Minister who has been dragging his feet, that it is somehow the Prime Minister's fault that two and a half years after the Wik decision was handed down we still do not have a workable regime in place in this State to reflect the impacts of that decision. Nothing could be further from the truth. Coming from a member of the Australian Labor Party, the proposition is absolutely breathtaking.

The fact is that the Commonwealth had a response to the Wik decision before the Commonwealth Parliament over 18 months ago—over a year and a half ago. The principal reason that legislation did not pass the Senate in a sensible form in December 1997, in March 1998 or in June 1998 is not down to the Prime Minister. It is not down even to the various loopy senators from the Democrats, the Greens or the Independent Tasmanians who haunt the Federal Upper House. It is down to the fact that the Labor Party in the Senate deliberately and repeatedly blocked sensible resolution of these issues. It is down to the fact that Kim Beazley abrogated his leadership on this issue and allowed the extreme Left of the Labor Party in Canberra—the likes of Nick Bolkus in the Senate and Daryl Melham in the House of Representatives—to run on this issue and to block the resolution of this issue.

The result was that Labor in the Senate fought to block or to comprehensively amend each and every element of the 10-point plan from the beginning to the end of the Federal parliamentary process. That is why it took John Howard until July last year to get a plan through the Commonwealth Parliament. Labor was blocking the potential for any valid, reasonable resolution.

One of the galling dishonesties of the member for Brisbane Central is that the previous coalition Government here in Queensland did not fix it. Of course, we could not respond until the legislation was through the Federal Parliament. Who was the member in this place who moved a procedural motion to ensure that the previous Queensland coalition Government could not pass the legislation ahead of the Federal legislation being proclaimed? It was the member for Brisbane Central, the current Premier! That is another act of blatant political dishonesty.

It took Paul Keating 18 months just to get the original Native Title Act before the Parliament. It took John Howard 12 months to get the replacement Act, after the earthquake of Wik, into the Parliament. Very clearly, his scheme could have been in place at the beginning of last year. By the middle of last year we could have had a viable State-based regime up and running in Queensland so that we could finally address the logjam in relation to land dealings in general and mining tenures in particular. But Labor sabotaged that process in the Federal Parliament for the best part of nine long months. Because of that sabotage, we did not have a Commonwealth template for the States until July last year.

Enter the member for Brisbane Central. He said that he was going to fix the problem. He says that he fixes everything. He was going to fix it all but instantly. He had a timetable, he told us. He had a strategy. He had a plan. Of course, it was all going to be over by September—1998, not 1999. Of course, all but the elements we left in pretty complete readiness have turned to mud. Despite an extraordinary lack of understanding of what he was doing, he did get validation dealt with. Despite an extraordinary lack of understanding of what he was dealing with, he did get confirmation dealt with. The proof of his incompetence in relation to the rest of the plan—the rest of the strategy, the rest of the timetable, the "I'll fix this in five minutes" boasts of the Premier—is around his ankles in this House today. He is an honest man, he says, but he claims that he has fixed native title. One of those boasts is wrong.

Twelve months after the Commonwealth set down the blueprint, with a full year to work with the Premier still has not been able to get it right. He missed the mark literally hundreds of times. As I understand it there are now scores more amendments—the best part of another 100—since the Bill was presented to this House just a few weeks ago. So with a full 12 months to work with, the man who behaved and postured as if he needed 12 minutes has delivered here probably the most comprehensive legislative mess this State has ever witnessed—a Bill which has so many amendments that he does not dare tell us how many.

The Premier does not even want to tell us what the amendments are. He tries to cover up the scale of his incompetence. He does not want to do that because it would appropriately be one of the most validly embarrassing spectacles in the history of this Parliament— vividly illustrating incompetence on an extraordinary scale. If the Premier were even passingly honest, he would have to stand there for hours on end detailing the amendments. If the Premier were accountable, he would have to stand to his microphone and eat humble pie hour after hour after hour after hour. He should do just that. This legislation is too important to be prostituted to protect the ego of the member for Brisbane Central. The House deserves to be treated with respect and not abused merely to lessen the bruising of the ego of the member for Brisbane Central.

Many of the amendments may well be technical—it is clear that many are—but some are not. We are dealing with the future of the mining industry in this State. We are dealing with the cutting edge of native title in relation to its impact on pastoral land. We are dealing with finally establishing for Aboriginal people just what are the parameters of the native title that the High Court said in Mabo and in Wik was theirs. Until this matter is resolved, the uncertainty that has dogged land dealings in this State since June 1992 is going to drag on and on.

The only way for the Premier to conduct himself is to confront the realities. The House deserves to have these amendments dealt with respectfully and respectively. That would not be a waste of time. Indeed, it would probably be a short cut, because if the Premier gets it wrong again this time then the chances of a workable resolution of these issues, the chances of Queensland achieving a workable regime for the massive backlog of business that has been building steadily since 1992, go even further into the distant future than is the case now. That situation is bad enough and gives rise to another of the Premier's lame excuses—another of the ways in which he identifies himself as the most chronic serial buck-passer in Queensland political history, with just 12 months' tenure under his belt.

There is the crucial issue of mining tenures and the mining industry. Literally thousands of tenures have been held up in this State since the Wik decision. And there is a simple explanation for that. In the wake of the Wik decision, we had an Act which was comprehensively out of kilter with the common law and with commonsense. The sensible thing was to amend the Act to take into account the massive variations in the common law relating to land tenures in this country made by the High Court.

In the meantime, the difficulty of dealing with tenures was immense. It would have been a nonsense to have exposed mining companies, Aborigines and the Government to processes that were very likely to become redundant—if not indeed invalid—in the wake of a legislative response to Wik. That constraint should have been a temporary measure—a very short-term measure. But that, of course, did not take into account the ability of the Labor Party to obfuscate in the Senate and to delay a resolution. So the constraints on dealing in such titles were immense. And indeed, in this context we have another example of the real standards of honesty and sincerity of the Premier on one of the most real of all the impacts of native title uncertainty.

What the Premier said in his second-reading speech during his first go at this legislation last year was that he was "appalled" at the fact that the coalition Government—my Government—had stopped dealing in mining tenures. The logical expectation of the behaviour of this Government, one would have assumed from that comment, was that, at the time he was making that statement in the House last year, the constraints on the issue of mining tenures would have been long lifted; that the Premier would have found some magical way around the problems; and that between the election of the minority Labor Government last June and November, when the Premier gave that speech, there would have been a turnaround in that policy. There must have been a massive effort to clear the

backlog of mining tenures to force mining ventures into Century-style right-to-negotiate processes on whatever tenure they were proposed; that we would have seen a rush to give small gold and tin miners their leases; and that we would have seen all high-impact exploration activity going through the right to negotiate. But we did not.

The man who said he was appalled at our approach adopted it, and then said he would not. This Government has made no impact on the backlog whatsoever. So the policy that appalled the Premier in November had been his policy for six months, and what appalled the Premier in November remains his policy to this day—although I understand that, in just the past few days, in order to reduce the magnitude of his embarrassment, he has let a few slip through. That is another indicator of the standard of honesty of the member for Brisbane Central.

I also note the fact that the Premier, in another baseless attack on the Prime Minister recently, said this particular issue—concerning his inability to issue mining leases—was all because the PM had not fixed native title. Wrong again! The fact that the Premier has not been issuing mining leases has nothing whatsoever to do with the Prime Minister. It has everything to do with the fact that the Premier has been unable to put before this Parliament, in anything like a timely manner—in the manner that was promised—legislation capable of establishing a viable regime for dealing with mining titles post-Wik. And that is another of the costs of the Premier's incompetence as displayed in this Bill.

Without this legislation in place, we cannot have a Land and Resources Tribunal. Without a Land and Resources Tribunal, and the associated processes, there is no decent format for validly dealing with mining titles. That will remain the case until the Premier gets his act together and for some months after. And when we do have a tribunal, and we do have the processes, they will not be the processes Queensland needs. The best that can be said is that they are processes. They represent a means of at least establishing some parameters for all stakeholders. To that extent, they are slightly better than a continuation of the Premier's year-long vacuum and the vacuum in timely procedures for dealing with these issues that has existed, thanks to the Labor Party and the Labor Party alone, since July 1992.

Our problems with this second presentation of the bid to establish such a regime remain as they were first time around. They are fundamental. They still revolve around the right to negotiate. The right to negotiate, in essence, has nothing whatsoever to do with native title. Labor's historical preoccupation with giving Aborigines a massive say over mining developments is what explains the right to negotiate. Pre-Mabo, Labor policy on mining on Aboriginal land was, for a considerable period from the early 1970s, for an absolute veto right for Aborigines over mining. And that was one of the earliest aspects of the intellectual poverty, the dishonesty and the blinkered approach of Labor to these issues. And it is the principal reason the passage of this legislation will be a very mixed blessing for this State.

The whole approach was built on a way of ensuring that the people who paid for Labor's policy on native title were those who filled two criteria. They were perceived to have a capacity to pay, and they were well outside the city limits. Therefore, the problem was placed a long way from their own hip pockets. Those chosen by the Labor Party to pay for their guilt in relation to Aborigines were the miners and the pastoralists. And that is a nonsense. The Mabo judgment was simply an excuse for a policy excess that remains the central flaw in native title laws in this country and became a massive flaw in the wake of Wik. We will go through it once again.

The right for Aborigines to negotiate over mining was perceived in the 1993 Native Title Act as applying to land where no person other than the Crown had rights to the land. The presumption of the day was that the right would therefore apply only on vacant Crown land—nowadays called unallocated State land—because that was perceived to be the only tenure on which native title might have survived. The right engaged procedural rights that were way in excess of the rights that any other Queenslander has ever had in the context of mining on their land. And it begs the question: why should Aborigines achieve rights way in excess of those available, historically, to anybody else? And the answer is: because that was as far as Labor was prepared to go in 1993 towards the 1970s vintage policy of a full veto of mining for Aborigines. It was what Labor thought the metropolitan market might bear.

Talk about formal equality versus relative equality of rights is a smokescreen. It is Labor policy which is the genesis of the right to negotiate. It did not mean much in Queensland at the time of the passage of the original Act because, with only a very small proportion of our State as unallocated State land, the assumption was that the right to negotiate would rarely come into play in this State. What changed that was the Wik decision, because what the High Court said in Wik was, in the final analysis, in fact, more adventurous—more interventionist—than what was said in Mabo.

The presumption in Mabo was that native title had been extinguished over the great bulk of the Australian land mass by inconsistent dealings in the land by Government; that wherever there had been a grant of a title inconsistent with the continued existence of native title, native title was extinguished to the extent of the inconsistency. And in Mabo, dealings which totally extinguished native title were said to be any dealing which granted freehold rights over land and most leasehold rights over

land. In fact, the earliest views of the Keating Government were that even mining leases extinguished native title.

In Wik, that view of exclusivity attaching to leasehold was reversed to the extent that the long-established principle that a lease was a grant of exclusive possession—which therefore necessarily extinguished all native title—was overturned. What the court held was that grants of pastoral leases were not grants of leases—as long understood by the common law and by anybody who has ever held a pastoral lease—but were "mere bundles of statutory rights". On that basis, the court said, all native title rights were not necessarily extinguished by the grant of a pastoral lease, and what remained might coexist with the rights of the pastoralists where those rights did not clash. Of course, one of the most significant impacts of that massive reinterpretation of the land law was that the potential reach of the right to negotiate in relation to mining expanded dramatically, particularly in Queensland.

Sitting suspended from 1 p.m. to 2.30 p.m.

Mr BORBIDGE: Instead of having a potential application to the 2% of the State that is unallocated State land, it now has application to the 75% or so that is leasehold. That meant that, whereas under the original Native Title Act virtually no mining project in this State would confront the right to negotiate in Queensland, post-Wik we had a situation where almost every project would confront the right to negotiate. It also enlivened many claims over pastoral land.

In constructing the Wik amendments, the coalition, with the support of most of the States, took the view that this was absolutely ridiculous; that what was going to be the impact of Labor's insistence on a near veto for Aborigines over mining projects was that we would have a situation where pastoral leaseholders would have fewer rights in relation to mining on their land than Aborigines would have in relation to their co-existing rights on that same lease. The pastoral rights were the stronger before the law because they were statutory rights, but the co-existing native title rights would attract the greater procedural rights. That was, of course, discriminatory. It was inequitable. It was silly. It was fantastically damaging.

We saw massive resentment in the bush. We saw a collapse in mining exploration. We saw no benefits emerging for Aboriginal people. What the Commonwealth sought to do in the Wik amendments was to remedy that ridiculous state of affairs brought about by the policy excesses of Paul Keating and Wayne Goss. The Commonwealth sought to establish a regime whereby there would be equal rights before the law for native title holders and leaseholders. Ultimately—and thanks again to the Labor Party—the Commonwealth was only partly successful.

Labor resisted any change whatsoever to the right to negotiate processes in the Wik amendments—and so did the Democrats, the Greens, and Senator Harradine for much of the Wik debate in the Federal Parliament. Senator Harradine finally let through the Senate a set of procedural rights for Aborigines—where mining was proposed on pastoral leasehold—that were somewhat in advance of the rights available to leaseholders but at least fell well short of the right to negotiate.

Labor's resistance, however, was complete to the end. What the States had at the end of the process was an ability to put in place in their land management regimes a set of rights for Aborigines that were pretty close to those available to all other title holders. Alternatively, States could keep the full-blown right to negotiate if they so chose.

Of course, it is no surprise that what the Labor Party did, in both jurisdictions where it had the capacity to do so, was to retain the full-blown right to negotiate in line with long-held policy. Labor had learned absolutely nothing about the damage it was doing to industry and the damage it was doing to reconciliation. In New South Wales the outcome has been achieved via a decision to do nothing: to simply leave the Commonwealth Act in place and forsake the establishment of the State-based regime. In Queensland that has been clumsily attempted in both the previous Bill and this Bill by retaining the full-blown right to negotiate for mining on pastoral land.

In 1993 we objected to the right to negotiate on the basis that it was clearly discriminatory and constituted a gratuitous burden on the mining industry and underscored a massive discrimination against pastoral leaseholders. We continued to reject it in the negotiations with the Commonwealth throughout the latter half of 1996 and for most of 1997 for precisely the same reasons. With several other jurisdictions, we fought hard to strengthen the Commonwealth's resolve on the issue of equality of rights, and that was ultimately explicit in the 10-point plan. We again objected to the right to negotiate when the Premier made his first effort to pass legislation similar to this some months ago.

We reject it now. It is discriminatory. It is inequitable. It will stunt mining development in this State. It will deepen the growing divide between Aborigines and other Australians in the bush. It will deepen the divide between the city and the country. It will contribute mightily to bitterness. It will institutionalise a massive inequity. It will be poison to reconciliation where it most matters. It is therefore totally counterproductive. It is to the massive discredit of the Labor Party that it cannot see this. It is to the massive discredit of Labor Party members that holding their heads up among the chattering classes

remains more important than establishing a genuine and sensible framework for reconciliation and for land administration.

The maintenance of the right to negotiate in this Bill will continue to expand its impact as a disaster area for the future of the mining industry in this State. Exploration expenditure in Queensland has already plummeted, and has been plummeting ever since native title reared its head. The number of projects in the pipeline is therefore reducing dramatically. Beyond the next few, which managed to slip through or scramble through, there is nothing happening. I am not aware of any major new projects—those that should now constitute the maturing next wave.

The decision to retain the right to negotiate, enshrined in this Bill, is therefore all the more ridiculous as a deliberate policy decision. The Premier knows what the impact has been. He has had very ample warning of the inevitable impact of what he seeks to maintain via this Bill. He has simply had to watch what has been happening to the industry over the past few years. He knows the massive barrier he is placing in the way of future mining development in this State.

Indeed, he knows it better now than he knew it some months ago. He has had the benefit of a fresh flow of advice on the point since the passage of this Bill's alter ego last time. Yet he has failed to take the opportunity that the false start provided. He wilfully retains the right to negotiate in this Bill. What is now apparent is that this Bill extends the right to negotiate to cover mining lease renewals. That is another massive blow to the mining industry.

Honourable members will recall the very great play the Premier made in claiming a major victory in relation to the right to negotiate by implying that he had achieved from his Federal colleagues a concession that they would drop their insistence on its application to mining lease renewals. That was a major point, as honourable members might imagine, with the industry. The Premier claimed that he had achieved that outcome. As is so often the case, he had not—another display of the honesty of the member for Brisbane Central.

Anyone who looks to the words of Senator Bolkus or the text of the amendments to the Commonwealth's position on this issue in November/December 1997, in March/April 1998 and again in June/July 1998 will see that Federal Labor's insistence on a right to negotiate on renewals was totally unbroken throughout the entire process. Federal Labor took no notice whatsoever of the Premier. He was ignored.

The situation that now prevails in this Bill is that the exemption from the right to negotiate will apply only to pre-1996 renewals, and then only where the renewal engages no longer term and no conditions that are additions to those applicable to the original grant. Renewals of leases granted after 1996 will be subject to another right to negotiate on renewal. I understand that the Premier claims this to be the fault of the Commonwealth: that its effort to establish a regime whereby States could ensure there would be no right to negotiate on the great bulk of renewals miscarried in the Commonwealth Act. I will be interested to hear the Premier's detailed explanation of that in Committee.

If he is right—and I certainly do not concede that ahead of hearing his complete explanation and putting it to the test—then he essentially underscores the folly of engaging the right to negotiate in his State-based regime in the first place. He did not have to enable a right to negotiate in this Bill. He could have opted for the 43A procedures—which are certainly less onerous for the mining industry and for the State than the right to negotiate—while, via the Harradine package, still giving Aborigines rights somewhat in advance of those available to any other stakeholder. If the Premier had taken that opportunity, then, even if he and his advisers are right on the basis of some need for reconsideration of native title issues on renewal because of flaws in the Commonwealth scheme, at least the reconsideration would be in terms of 43A and not in terms of the right to negotiate. The difference could be crucial.

Under the current terms of the Bill miners, who have previously understood that the right to negotiate would be on the basis of one right to negotiate per project under the State regime, now confront a situation where they have to consider a second right to negotiate on renewal. The fact that that renewal may be 20 or even 30 years down the track and therefore not worth worrying about is simply no comfort. Miners will take the long term into account before they even consider seeking an exploration permit. If they have the view that they will confront not one but two rights to negotiate, then some at least will simply go elsewhere. That will have long-term impacts on the economy of the State.

It will also underscore the inherent inequality flowing from the right to negotiate and Labor's original folly of using Mabo as an expedient excuse to put in place a policy in relation to Aboriginal authority in terms of mining that it has held dear since the early 1970s, because it will again emphasise the basic inequality inherent in the right to negotiate in relation to the rights of pastoralists. When leases are renewed, Aborigines will get a second bite at the cherry; pastoralists will not. The members opposite have dug a very deep hole for themselves, for this State and for reconciliation with their insistence on applying the right to negotiate to mining projects on non-exclusive tenures in Queensland.

Of course, the impact of the right to negotiate on mining is only one aspect of the way in which the normal business of this State will continue to be massively impeded. At the other end of this spectrum is a beekeeper who cannot build a processing plant at Quilpie because native title might exist over the local industrial estate. The outcomes of this whole episode are absolutely ridiculous.

The coalition is at the end of its patience with the incompetence of the member for Brisbane Central on this issue. We have had this entire debate before. We had it as recently as last December. The most important thing for Queensland now is to get this Bill through the House as promptly as possible in the hope that the Premier has finally got it right so that there is at least some semblance of a system for going forward, as massively imperfect as it is. Labor's roadblock to land administration in this State has to come to an end. Therefore, the coalition will not unduly prolong the second-reading debate.

I will close my part in it with these remarks. Jointly, the Labor Party and the High Court have foisted upon this country one of the greatest and most divisive follies in our history. Labor used Mabo as an excuse to put in place a warm inner glow reflection of its long-held fairies at the bottom of the garden attitude to land rights. They simply did not care that the approach reached into every nook and cranny of land management in this country, adding layer upon layer upon layer upon layer upon layer of bureaucracy to even the simplest of land dealings. Governments are now irrevocably committed to land management regimes that are all but unworkable. We literally do not even have that form of land management system in this State currently, thanks to the serial incompetence of the Premier. Western Australia does not have it, because the Labor Party in the Upper House in that State is as ridiculous as the Labor Party was and is in the Senate. The Northern Territory does not have it, thanks to the Labor Party. In other words, in those massive areas of this country where native title is most cogent, there remains an extraordinary vacuum in land administration.

The prognosis is equally bleak. The original fairies at the bottom of the garden, the Australian Democrats, are now in control of the Senate and I would suspect that even the member for Brisbane Central's almost pure Labor version of native title, as reflected in this Bill, will be in all sorts of trouble getting past them. That is the achievement of the Labor Party and an interventionist High Court in relation to the workability of this society. That is their achievement for the Aboriginal people—a warm inner glow over a glass of chardonnay shared with the chattering classes and a total, absolute mess for everybody else, including the Aboriginal people of this country. The Premier should address his amendments one by one. As the Scrutiny of Legislation Committee makes very clear, the way in which the Premier has presented this legislation indicates that the only way he can adequately explain it is during the Committee stage.