

# **ADDITIONAL COMMENTS BY SENATOR ANDREW BARTLETT**

1.1 I support the general thrust of the committee's report and the first 5 recommendations. There are some aspects of the Bill which should improve the operation of the Native Title Act, particularly if the committee's first 5 recommendations are adopted. However, I believe some of the concerns flagged by witnesses and submitters to the inquiry which are not covered by the committee's recommendations should be given further consideration by the Senate before amended legislation is passed.

1.2 In particular, I share the concern raised in the submission from the Human Rights and Equal Opportunity Commission (HREOC) regarding default Prescribed Bodies Corporate. Whilst it is true that the Senate has the power to disallow any future regulations in this area which it finds unsatisfactory, I am yet to be convinced that it is justified to open up the potential for regulations to be able to allow a person or body other than a Court to determine a PBC.

1.3 I also believe the concerns raised by HREOC regarding Items 62 and 63 of Schedule 1, which HREOC claims retrospectively validates actions under an alternative state regime, merit further consideration by the Senate.

**Senator Andrew Bartlett**  
**Australian Democrats**

