

Submission to Senate Community Affairs Legislation Committee

Inquiry into the Aboriginal and Torres Strait Islander Amendment (A Stronger Land Account) Bill 2014.

Bill Gray AM

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community.affairs.sen@aph.gov.au

Members of the Committee.

I write in support of the objectives and intentions set out in the above mentioned Bill.

I believe that the proposed legislation gives greater certainty and clarification as to the way in which the Aboriginal and Torres Strait Islander Land Account should be governed and administered into the future.

As one who has been directly associated with the administration and amendment of the Aboriginal Land Rights (NT) Act 1976 and other significant Commonwealth legislation over a period in excess of 35 years, I understand the need to periodically amend and clarify the Parliament's intentions in a changing environment.

In the case of the Native Title Act and the negotiations that led to its enactment, there was a very clear intention to establish a Land Fund (now the Land Account) which would be administered in perpetuity, principally for the benefit of Indigenous people whose native title rights to their traditional lands had been extinguished and who could not claim their traditional lands under the processes provided for by the Native Title Act. The Land Account was compensatory in character and was recognised as the second prong of the Native Title settlement.

It is important that the Land Account be protected as much as possible against what I would describe as the churn of political intentions that characterises Indigenous Affairs. While the Land Account and its administration should be subject to the scrutiny of the Parliament, it should also be protected by the Parliament.

The proposed Bill providing for a more secure Land Account is a positive step toward ensuring a strengthening of that protection, particularly as the proposed amendments relate to the more transparent and accountable governance and administration of the ILC. It also would assist in securing the realisation of the original intentions of the Australian Parliament to establish a fund in perpetuity to compensate those Indigenous peoples whose native title rights have been extinguished and who are excluded from having their native title recognised under the Native Title Act.

I would urge the Committee to recommend to the Senate and the Parliament that the Bill be adopted.

W.J. Gray AM