

3 March 2017



Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
CANBERRA ACT 2601

Submitted via email: legcon.sen@aph.gov.au

Dear Committee Secretary

**Re: Native Title Amendment (Indigenous Land Use Agreements) Bill 2017**

The National Farmers' Federation (NFF) thanks you for the opportunity to make comment on the Native Title Amendment (Indigenous Land Use Agreements) Bill 2017 that is currently being considered by the Parliament.

The NFF is the peak national body representing farmers and, more broadly, agriculture across Australia. Operating under a federated structure, individual farmers join their respective state farm organisation and/or national commodity council. These organisations collectively form the NFF. A number of these organisations have a long history in assisting pastoralists respond to native title claims.

The NFF supports the Native Title Amendment (Indigenous Land Use Agreements) Bill 2017 (the Bill) to help resolve uncertainties created for pastoral leaseholders through the decision of the Full Federal Court in *McGlade v Native Title Registrar & Ors* [2017] FCAFC 10 (*McGlade*).

The decision of *McGlade* potentially calls into the question a number of native title claims that have negotiated Indigenous Land Use Agreements (ILUAs). These agreements provide certainty to both parties, and the proposed amendments will ensure that they are upheld. We also support the Bill's proposal to rescue any ILUAs that might now be incapable of registration and maintain the position that individual members of the Applicant cannot veto decisions of the wider group.

The NFF is of the view that the Bill should be passed by the Senate without delay or amendment to confirm the legal status and enforceability of agreements which do not comply with *McGlade*, and to provide certainty to existing interests granted and benefits paid in reliance on an ILUA.

Together with our members AgForce Queensland, who represent many of the pastoral leaseholders affected, we would appreciate the opportunity to present to the Committee's inquiry at the scheduled hearing in scheduled in Brisbane on the 13<sup>th</sup> March.

Please do not hesitate to contact NFF if you require any further detail. In the first instance, please contact Manager of NRM Policy Ms Jack Knowles

Yours sincerely

**TONY MAHAR**  
**Chief Executive Officer**