



Every Queensland
community deserves
to be a liveable one

9 January 2024

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Email: legcon.sen@aph.gov.au

Dear Ms Dunstone,

RE: Attorney-General's Portfolio Miscellaneous Measures Bill 2023 and the Native Title Respondents Funding Scheme

The LGAQ would like to urge the committee to re-examine the measures introduced in this Bill to extinguish the Native Title Respondents Scheme through amendments to the *Native Title Act 1993*.

Schedule 4 – other amendments, Part 2 – Assistance from the Attorney General ensures that the Native Title Respondents Funding Scheme cannot be re-instated through amendments to the *Native Title Act 1993*.

This scheme offered vital assistance to local governments in Queensland to ensure that community were represented as a non-claimant party in Native Title Claims. The scheme, defunded as part of an election commitment, was projected to cost less than \$2,000,000 this last financial year according to the Parliamentary Budget Office's own figures¹.

In Queensland there are still significant Native Title claims being heard, as well as Deed of Grant in Trust (DOGIT) lands still in the process of being transferred to the appropriate Native Title Prescribed Body Corporates as part of the process of land being handed back to traditional owner groups.

Local governments are substantially impacted by matters relating to, or arising out of, the resolution of native title claims, especially in light of Queensland First Nations Councils operating as the caretaker for DOGIT lands until determinations can be made.

Local governments need to be involved, to some extent, in every land determination process to ensure community assets are identified and the continuity of council services.

As Queensland councils face financial sustainability challenges and ongoing cost shifting from both State and Federal Governments, the cost of being part of Native Title claims and land transfers is something they cannot afford. In 2021 the LGAQ Peak Services assisted councils in accessing almost \$133,000 in funds through this scheme.

While it is understood that the Federal Government has a preference for resolving Native Title matters by negotiation rather than litigation, this funding ensured the most efficient and cost-effective means for councils to be part of negotiations that typically delivered an ILUA that sets the way forward for future negotiations and eliminated the need for future litigation.

¹ <https://www.pbo.gov.au/sites/default/files/2023-03/PER445%20-%20ALP%20-%20Abolishing%20the%20Native%20Title%20Respondents%20Scheme.PDF>



Without the Native Title Respondents Funding Scheme, local governments cannot afford to be part of these processes, and there will be no avenue to address their interests or have access to specialist legal expertise.

With Commonwealth assistance still available to Native Title claimants for costs, this leaves an unequal footing to which councils are forced to be part of this process.

Yours sincerely,

Alison Smith
CHIEF EXECUTIVE OFFICER