

Dear Ms Dennett

I refer to the evidence given to the Senate Legal and Constitutional Affairs Legislation Committee hearing on 6 March 2013 in relation to the Native Title Amendment Bill 2012 (the Bill).

The proof *Hansard* of that hearing records the evidence of Mr Matthew Storey, Chief Executive Officer of Native Title Services Victoria, who was also appearing on behalf of the National Native Title Council. Mr Storey referred to and relied on evidence given by the National Native Title Tribunal at a roundtable hearing on 8 February 2013 convened by the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs in relation to the Bill. That evidence was to the effect that no Indigenous land use agreements (ILUAs) certified by a native title representative body had had an objection upheld.

Subsequent checks of the Tribunal's databases revealed that there have been three instances involving a certified ILUA where the decision was not to accept the ILUA for registration following receipt of an objection made pursuant to s 24CI of the *Native Title Act 1993* (Cth).

On 27 February 2013 I wrote to the Secretary of the House of Representatives Committee drawing attention to that error. Attached is a copy of that letter.

The Tribunal apologises for the inaccuracy in the figure provided to the House of Representatives Committee and asks that this email message and the attached letter be drawn to the attention of the Senate Committee.

I have copied the National Native Title Council into this message.

Yours sincerely

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Facilitating timely and effective outcomes.



National
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27 February 2013

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House of Representatives Standing Committee on
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PO Box 6021
Parliament House
CANBERRA ACT 2600
AUSTRALIA

By email: atsia.reps@aph.gov.au

Attention: Dr Anna Dacre

Dear Dr Dacre

Re: House Standing Committee Inquiry into the Native Title Amendment Bill 2012

I am writing to correct an error in the submissions made by the National Native Title Tribunal during the House Standing Committee Inquiry hearing into the Native Title Amendment Bill 2012 held in Redfern on Friday 8 February 2013.

During the Committee's Inquiry hearing Mr Frank Russo, Deputy Registrar of the Tribunal, stated that:

since the 1998 amendments when the ILUA provisions came into effect, we have had over 720 ILUAs registered. Only three ILUAs have not been accepted for registration, none of which, I believe, were certified ILUAs; they were all authorised ILUAs. So material had been supplied to the registrar of the tribunal with respect to them, but certainly, to the best of my knowledge, with respect to certified ILUAs, none of them have been prevented from being registered, but the objection process allows a platform for discussion between the objector and the native title party to that particular ILUA.

Subsequent checks of the Tribunal's databases revealed that there have been three (3) instances involving a certified area indigenous land use agreement (ILUA) where the decision was to not

accept the ILUA for registration following receipt of an objection made pursuant to s. 24CI of the *Native Title Act 1993* (Cwlth).

I understand that the Committee cannot amend the Hansard record of what was said at the Inquiry hearing. However, had the above information been known to Mr Russo, he would have made the following submission at the hearing:

Mr Russo: There are really only two concerns about that. The first one is the removal of the right to object. There is the proposal within the explanatory memorandum that there would still be a right of judicial review. I guess things for the government to consider are the relative costs of judicial review, the time, and the evidence that is required, as opposed to going through an objection process to the tribunal, which is currently run very efficiently so that matters are resolved within a matter of weeks in most cases.

Just in terms of the actual number of objections that have been successful in the history of ILUAs since the 1998 amendments when the ILUA provisions came into effect, we have had almost 720 ILUAs registered. Only three certified ILUAs have not been accepted for registration. ~~they were all authorised ILUAs. So material had been supplied to the registrar of the tribunal with respect to them, but certainly, to the best of my knowledge, with respect to certified ILUAs, none of them have been prevented from being registered, but the objection process.~~

The correction is relevant to the Committee's Inquiry, particularly as the supplementary submission by the National Native Title Council dated 12 February 2013 specifically refers to the transcript of the Inquiry hearing and responds to the submissions made by the Tribunal at that hearing.

I apologise for this inaccuracy in the figure provided in the Tribunal's submissions to the Inquiry hearing.

Yours sincerely

Graeme Neate
President