# Senate Legal and Constitutional Affairs Legislation Committee

## INQUIRY INTO THE PROVISIONS OF THE NATIVE TITLE LEGISLATION AMENDMENT BILL 2019

### Attorney-General's Department

### Question Numbers 1 – 14

**Senator Amanda Stoker, Chair of the Senate Legal and Constitutional Affairs Legislation Committee, asked the following questions on 25 May 2020**

(1) What consultation was undertaken by the department when developing this bill?

(2) While several inquiry participants support amendments in the bill, many suggested that broader reform to the *Native Title Act 1993* is required. What feedback has the department received about the need for further reform to the Act? Is the department satisfied that the Act is meeting its objectives?

(3) Some evidence to the inquiry has questioned the proposed timeframe of six months for measures in the bill related to how applicants carry out duties under the Native Title Act to commence. Concerns were raised about whether this was sufficient time for claim groups to meet and make decisions about conditions to be imposed on the applicant's authority before the default majority provisions commence. What factors has the department taken into account in proposing the six month timeframe?

(4) The Australian Human Rights Commission and the Law Council of Australia submitted concerns with proposed subsections 24EB(2a) and 24EBA(7), the effect of which would be to uphold the validity of any future acts done in accordance with an Indigenous Land Use Agreements (ILUAs) which had been removed from the Register of ILUAs. The AHRC submits that the provision in its current form would apply to ILUAs which have been challenged and found to be invalid.[1] Similarly, the Law Council of Australia outlines some of the reasons that the agreements might be marked by fraud, duress, coercion, or administrative law or jurisdictional error.[2] Has the department considered these concerns?

(5) What funding is currently available to RNTBCs/PBCs? What processes are in place to enable RNTBCs/PBCs to access this funding?

(6) The bill would allow a two year period for RNTBCs/PBCs to update their constitutions to be consistent with the amendments in the bill. What additional assistance and support will be provided to these groups to undertaken these updates?

(7) Some evidence to the inquiry has suggested that the proposed transition period for RNTBCs/PBCs to update their constitutions be extended to five years. What response does the department have to this suggestion?

---

[1] Australian Human Rights Commission, *Submission 3 Attachment 2*, p. 17.

[2] Law Council of Australia, *Submission 18*, p. 11.

(8) The National Native Title Council submitted that proposed section 47C is modest in its application as it requires the agreement of the relevant government for the extinguishment of native title to be disregarded. How will the application of new section 47C differ from other section 47 provisions?

(9) What issues have been raised with the department about the creation of a public register of section 31 agreements? What factors were considered by the department when deciding on the level of information that would be included on the public register?

(10) The National Native Title Tribunal has argued that it be given a new arbitral power in addition to the mediation function proposed in the bill. How might such a proposal be implemented?

(11) When will the regulations associated with this bill be introduced? What amendments to the regulations were proposed during the consultation process on the Exposure Draft?

(12) What feedback has the department received about jurisdictional differences with regard to provisions in the bill? Are there issues in particular jurisdictions that may require further consideration?

(13) Submissions (e.g. Minerals Council of Australia and the Australian Maritime and Safety Authority) have raised some concerns with the historical extinguishment provisions, with particular reference to proposed 47C(4). It is argued that additional measures are necessary to provide certainty and protection for parties who have an interest in an area (e.g. public works) who may be affected by historical extinguishment being disregarded. Is the department aware of this issue? How might the bill be amended to address these concerns?

(14) At the committee's public hearing in Broome (p. 14), the committee heard evidence about challenges experienced by traditional owners when participating in proceedings in the Native Title Tribunal. It was argued that the practical application of section 38 of the Act in making determinations is resulting in only a small number of successful applications for traditional owners. Can the department provide a response to this? Is there scope to make the processes more accessible for traditional owners?

**The answers to the honourable Senator's questions are as follows:**

Question 1

*What consultation was undertaken by the department when developing this bill?*

There were two stages of public consultation as part of the development of the Native Title Legislation Amendment Bill 2019 (the Bill):

- consultation on an options paper for native title reform (open for submission from 29 November 2017 until 28 February 2018); and
- consultation on exposure draft legislation (open for submission from 29 October 2018 until 10 December 2018).

During the period of consultation on the options paper, officials from the Attorney-General's Department (AGD) and the National Indigenous Australians Agency (NIAA) met with over 40 stakeholders representing native title claimants and holders, industry, states and territories, and other peak Indigenous organisations in locations across Australia.

NIAA also sent copies of the options paper and exposure draft documents via post and email to all Registered Native Title Bodies Corporate (RNTBCs/PBCs – being the Indigenous corporations established following a native title determination to manage native title rights on behalf of the common law holders) in the country at that time.

A list of of individuals, groups and stakeholder bodies who provided submissions on the options paper and exposure draft is at Attachment A.

To provide technical assistance on the development of the Bill, the Government also convened a native title Expert Technical Advisory Group (ETAG) comprised of representatives from:

- the National Native Title Council;
- industry peaks (including the National Farmers' Federation, Minerals Council of Australia and Pastoralist and Graziers Association (WA));
- state and territory governments; and
- the Commonwealth (including officials from AGD, NIAA, the National Native Title Tribunal (Tribunal) and Federal Court of Australia).

The ETAG held four workshops on 27 to 28 November 2017, 1 March 2018, 24 August 2018 and 30 November 2018.

Finally, the Attorney-General and the then-Minister for Indigenous Affairs co-chaired a roundtable on native title reforms with members of the National Native Title Council and other native title corporations and representative bodies on 16 March 2018.

Further detail on the consultation process for the Bill is set out in the Attorney-General's Department's submission to this inquiry (dated 28 November 2019).

Question 2

*While several inquiry participants support amendments in the bill, many suggested that broader reform to the Native Title Act 1993 is required. What feedback has the department received about the need for further reform to the Act? Is the department satisfied that the Act is meeting its objectives?*

The *Native Title Act 1993* establishes processes through which native title rights to land and waters are recognised and protected. Significant progress has been made in resolving claims for the recognition of native title, with the number of determinations now outnumbering the number of active claims (as of 30 May 2020, there were 496 determinations compared to 221 claims). Native title is now positively recognised over a significant proportion of Australia (as of 30 May 2020, 39.2% of Australia's land mass).

The number of native title agreements being reached between native title parties, governments and third party proponents also reflects the maturity of the native title system. For example, as of 30 May 2020, there were 1326 Indigenous Land Use Agreements (ILUAs) on the Tribunal's Register of ILUAs.

While the native title legislative framework is broadly operating well, the Bill seeks to implement improvements to ensure the ongoing effectiveness of native title claims resolution and agreement-making, as well as the sustainable management of native title land post-determination.

As with most legislative development processes, during consultation a number of suggestions were made by stakeholders on further reforms to the Act. Not all of these are reflected in the Bill. In some cases this is because proposals were refined as a result of the stakeholder consultation process itself, and may be subject to further consideration (such as the proposal for the conferral of arbitral functions on the NNTT, referred to below). In other cases, proposed reforms are contingent on external factors.

At a more general level, however, the Bill reflects a package of measures which are broadly supported by key stakeholders in the native title system and would implement recommendations by a number of reviews of the Native Title Act, including the Australian Law Reform Commission's report on '*Connection to Country'* (2015). The department, along with the NIAA, remains committed to ongoing engagement with stakeholders to continue to address emerging native title issues and future areas for reform.

Question 3

*Some evidence to the inquiry has questioned the proposed timeframe of six months for measures in the bill related to how applicants carry out duties under the Native Title Act to commence. Concerns were raised about whether this was sufficient time for claim groups to meet and make decisions about conditions to be imposed on the applicant's authority before the default majority provisions commence. What factors has the department taken into account in proposing the six month timeframe?*

The amendment to allow the applicant to act by majority as default, and the streamlined provisions for replacing the applicant, will commence six-months after Proclamation of the Bill. The provisions allowing the native title claim group to place conditions on the applicant's authority will commence on Proclamation.

The six-month delay is to allow claim groups time to consider whether they want the applicant to be able to act by majority, and to organise authorisation meetings to impose any conditions on the applicant's authority, including conditions requiring the applicant to act unanimously.

The department identified six-months as an appropriate timeframe through consultation with stakeholders, including native title representative bodies and the ETAG (the membership of which included representatives from the National Native Title Council).

Question 4

*The Australian Human Rights Commission and the Law Council of Australia submitted concerns with proposed subsections 24EB(2a) and 24EBA(7), the effect of which would be to uphold the validity of any future acts done in accordance with an Indigenous Land Use Agreements (ILUAs) which had been removed from the Register of ILUAs. The AHRC submits that the provision in its current form would apply to ILUAs which have been challenged and found to be invalid.[1] Similarly, the Law Council of Australia outlines some of the reasons that the agreements might be marked by fraud, duress, coercion, or administrative law or jurisdictional error.[2] Has the department considered these concerns?*

Proposed subsections 24EB(2a) and 24EBA(7) seek to clarify that the removal of the details of an ILUA from the Register of ILUAs does not affect any future acts done under the ILUA. The report to the Council of Australian Governments (COAG) on *Investigation into Land Administration and Use* (2015) identified there is uncertainty around whether the removal of the details of an ILUA from the Register affects the validity of any acts done in accordance with the ILUA.

The objective of these amendments is therefore to provide parties with certainty about the validity of acts done under an ILUA which has been removed from the Register, for example, where the ILUA has come to an end or the parties have entered into a new ILUA.

As identified by the Committee, some stakeholders raised concerns during consultation on the exposure draft legislation that a possible consequence of this amendment would be to confirm the validity of acts under ILUAs obtained by fraud or duress.

However, the existing remedy for parties affected by a future act done under an ILUA made under fraud or duress is to take action at common law (even where the ILUA has been removed from the Register under section 199C) – the proposed amendment would not change this position, and affected parties would continue to be able to seek remedies at common law.

[1] Australian Human Rights Commission, *Submission 3 Attachment 2*, p. 17.

[2] Law Council of Australia, *Submission 18*, p. 11.

Question 5

*What funding is currently available to RNTBCs/PBCs? What processes are in place to enable RNTBCs/PBCs to access this funding?*

The following answer has been prepared by the NIAA, as RNTBCs/PBCs fall within the portfolio responsibilities of the Minister for Indigenous Australians.

To assist with the fair and equitable access to the native title system, the Australian Government funds a network of 15 Native Title Representative Bodies/Service Providers (NTRB/SPs) across Australia to assist Traditional Owners with native title claims and to provide advice and other native title services to RNTBCs/PBCs such as administrative support.

RNTBC/PBCs have access to two specific funding streams, in addition to funding available under the Indigenous Advancement Strategy:

- PBC Basic Support which assists RNTBCs to meet their basic operational and corporate requirements. This funding is provided through the relevant NTRB/SP. In 2019-2020, NIAA provided approximately $9.5 million to assist more than 100 RNTBCs.
- PBC Capacity Building funding which aims to assist RNTBCs to generate economic benefits through the effective and sustainable management of their land, including by engaging with potential investors and proponents. Funding can be provided directly to RNTBCs. As at 30 April 2020, NIAA has provided $23.93 million to 59 capacity building projects across Australia. Approximately $6.5 million is available each year under this funding stream.

PBC Capacity Building funding can also be provided to organisations offering services to RNTBCs. For example, NIAA has granted funding to the National Native Title Council to run PBC Regional Forums which include providing information on available funding, as well as developing and delivering a training curriculum to RNTBCs/PBCs.

Question 6

*The bill would allow a two year period for RNTBCs/PBCs to update their constitutions to be consistent with the amendments in the bill. What additional assistance and support will be provided to these groups to undertaken these updates?*

The following answer has been prepared by NIAA, as RNTBCs/PBCs fall within the portfolio responsibilities of the Minister for Indigenous Australians.

The Office of the Registrar of Indigenous Corporations (ORIC) can provide information, guidance and support around the process to update rule books to RNTBC/PBCs. The Registrar of Indigenous Corporations (the Registrar) has agreed to work with stakeholders including NIAA and the Tribunal to develop a generic rule template that corporations could insert, or amend and insert, into their rule books to meet the new requirements of the Act.

In addition, the Bill proposes a new function for the Tribunal (new section 60AAA) which, among other things, is intended to allow the Tribunal to provide assistance to RNTBCs/PBCs and common law holders, including to establish governance processes that are consistent with the Native Title Act and the Native Tile (Prescribed Bodies Corporate) Regulations 1999 (PBC Regulations).

Question 7

*Some evidence to the inquiry has suggested that the proposed transition period for RNTBCs/PBCs to update their constitutions be extended to five years. What response does the department have to this suggestion?*

The following answer has been prepared by NIAA, as RNTBCs/PBCs fall within the portfolio responsibilities of the Minister for Indigenous Australians.

The Registrar regularly receives inquiries and complaints about native title matters, including from common law holders who are not members of an RNTBC/PBC. Complaints include disputes about a person's right to exercise native title rights and access benefits. Exiting internal dispute resolution rules in RNTBC/PBC rule books do not apply to non-members.

The proposed amendments to the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) add a new pathway to dispute resolution by requiring RNTBCs/PBCs to add a resolution process with common law holders into their rule books The proposed two-year timeframe will allow a corporation two separate opportunities to bring a special resolution forward at a scheduled general meeting, enabling rule book changes with no additional costs.

In considering an appropriate timeframe, NIAA balanced the burden placed on corporations and their capacity to revise their rule book with the interests of individuals whose access to a remedy may be delayed. In NIAA's view the addition of the dispute resolution process is an immediate need; it ought to be met as soon as possible to ensure the effective governance of RNTBCs/PBCs. Extending the timeframe to five years increases the sector's risk for reputational damage on social and governance practices.

Question 8

*The National Native Title Council submitted that proposed section 47C is modest in its application as it requires the agreement of the relevant government for the extinguishment of native title to be disregarded. How will the application of new section 47C differ from other section 47 provisions?*

Generally, once native title is extinguished it cannot be revived. However, in some circumstances, sections 47, 47A and 47B of the Native Title Act allow for the extinguishment of native title to be disregarded on reserves set aside for Aboriginal or Torres Strait Islander people, pastoral leases held by Traditional Owners, and unallocated Crown land.

Proposed section 47C would enable native title and government parties to agree to disregard historical extinguishment of native title over an area that has been set aside or vested to preserve the natural environment (such as national, state and territory parks and reserves). This will expand the areas available to native title claimants to seek a determination, and may lead to other beneficial arrangements, such as co-management of parks and reserves.

The operation of proposed section 47C would differ from the other provisions operating to disregard the historical extinguishment of native title, in that it would require an agreement to be reached between the native title and government parties before extinguishment can be disregarded. This is intended to allow the government party, subject to the agreement of the native title party, to:

- exclude certain areas from a determination, including where parks or reserves may include vulnerable ecosystems;
- preserve existing third party interests, such as leases held by tourist operators, infrastructure and roads related to mining activities, and rights of access by the public; and
- plan for future uses and management of the park area.

Question 9

*What issues have been raised with the department about the creation of a public register of section 31 agreements? What factors were considered by the department when deciding on the level of information that would be included on the public register?*

During consultation on the development of the Bill, a range of stakeholders raised concerns about there being a lack of transparency around section 31 agreements, in particular for common law holders, due to there being no a central register or record for these agreements. Currently, parties to a section 31 agreement are required to give a copy of the agreement to the Tribunal, but the Tribunal has no power to do anything with it.

In response to these concerns, the Bill includes amendments (in Part 2, Schedule 6) to require the Native Title Registrar to maintain a public record of section 31 agreements. Consistent with stakeholder feedback across the native title sector, the public record:

- would not have the same binding effect as the Register of ILUAs, and section 31 agreements will continue to have effect as determined by the parties, and
- would not make publically available the content or commercial terms of the agreements themselves, respecting the commercial-in-confidence nature of such agreements.

The public record would contain certain details about section 31 agreements consistent with the details currently publicly available on ILUAs on the Register of ILUAs – this would include who the parties are and what area the agreement covers.

A further detail to be noted on the record noted is whether there are any ancillary agreement to the section 31 agreements. It is intended a similar amendment would be made to the Native Title (Indigenous Land Use Agreements) Regulations to require the Register of ILUAs to similarly note whether there are ancillary agreements to ILUAs.

Question 10

*The National Native Title Tribunal has argued that it be given a new arbitral power in addition to the mediation function proposed in the bill. How might such a proposal be implemented?*

The Bill contains a number of measures to support the management and resolution of RNTBC/PBCs disputes, including introducing a new requirement in the CATSI Act that all RNTBC/PBC rule books contain an internal dispute resolution mechanism (see Part 1 of Schedule 8 to the Bill, in particular proposed new section 66-1(3B) of the CATSI Act), and new section 60AAA (of the Native Title Act) to confer on the Tribunal a new function to provide dispute resolution assistance to RNTBC/PBCs.

As part of consultation on the development of the Bill, stakeholder views were sought on how the Tribunal could better assist in the management and resolution of RNTBC/PBC disputes. The outcome was new section 60AAA, which confers a new function on the Tribunal to allow it to provide direct assistance to RNTBC/PBCs and common law holders to support the management and resolution of disputes about native title and the Native Title Act. The new function is designed to provide the Tribunal with flexibility in how it is performed, but is intended to allow the Tribunal to assist with the mediation of disputes, establishment of governance processes for RNTBC/PBCs, and to broadly facilitate collaboration between RNTBC/PBCs.

NIAA (supported by the Attorney-General's Department) will consult on further possible measures to support RNTBC/PBC dispute resolution, including whether new section 60AAA (if passed) could be complemented by other functions such as an arbitral power, as part of the current Review of the CATSI Act.

Question 11

*When will the regulations associated with this bill be introduced? What amendments to the regulations were proposed during the consultation process on the Exposure Draft?*

A number of amendments to regulations under the Native Title Act are necessary to complement amendments in the Bill. Regulations proposed to be amended are:

- the Native Title (Prescribed Bodies Corporate) Regulations 1999 (to be amended by the Registered Native Title Bodies Corporate Amendment Regulations) – which fall within the portfolio responsibility of the Minister for Indigenous Australians; and

- the Native Title (Federal Court) Regulations 1998, the Native Title (Tribunal) Regulations 1993, and the Native Title (Indigenous Land Use Agreements) Regulations 1999 – which fall within the portfolio responsibility of the Attorney-General.

*Amendments to the Prescribed Bodies Corporate Regulations*

The amendments in the exposure draft of the Registered Native Title Bodies Corporate Amendment Regulations fall into two broad categories – (1) increasing the transparency and accountability of RNTBC/PBCs to native title holders; and (2) streamlining RNTBC/PBC decision making.

Consultation on an exposure draft of the Registered Native Title Bodies Corporate Amendment Regulations occurred at the same time as the exposure draft consultation process on the Bill (i.e. October to December 2018). The exposure draft was informed by earlier consultation through the options paper.

*Amendments to the Federal Court, Tribunal and ILUA Regulations*

Technical amendments to Federal Court, Tribunal and ILUA Regulations are necessary to ensure certain measures in the Bill (for example, the measure to allow conditions to be placed on the applicant's authority) are reflected in court forms and Tribunal processes.

The department has been engaging with the Federal Court of Australia and the Tribunal on the development of these Regulations.

*Commencement of the regulations*

The Bill will commence by Proclamation in order to allow its commencement to align with the Attorney-General and Minister for Indigenous Australians making the above amending regulations.

Question 12

*What feedback has the department received about jurisdictional differences with regard to provisions in the bill? Are there issues in particular jurisdictions that may require further consideration?*

The Native Title Act is federal legislation that applies across Australia. Accordingly, the amendments in the Bill applies to all jurisdictions consistently and does not contain provisions specific to individual jurisdictions. However, state and territory property and land use legislation and land rights regimes interact with the Native Title Act in different ways, and this can lead to different native title outcomes across jurisdictions.

For example, section 31 agreements are utilised frequently in Western Australia as part of the grant of mining and exploration tenements under Western Australian resources legislation, and confirming the validity of these agreements in the Bill is of particular concern to that jurisdiction.

States and territories have also been closely engaged in the development of the Bill, and a number of the measures implemented by the Bill are recommendations made by the COAG *Investigation into Indigenous Land Administration and Use* to streamline and improve native title claims resolution and agreement-making processes.

Question 13

*Submissions (e.g. Minerals Council of Australia and the Australian Maritime and Safety Authority) have raised some concerns with the historical extinguishment provisions, with particular reference to proposed 47C(4). It is argued that additional measures are necessary to provide certainty and protection for parties who have an interest in an area (e.g. public works) who may be affected by historical extinguishment being disregarded. Is the department aware of this issue? How might the bill be amended to address these concerns?*

Proposed new subsections 47C(4) and (5) allow the extinguishing effect of relevant public works (constructed or established directly by the Commonwealth, state or territory, or by another person on behalf of the Commonwealth, state or territory) within an area that has been set aside or vested to preserve the natural environment (such as national, state and territory parks and reserves) to be disregarded by agreement.

A 'public work' is defined in the Native Title Act and includes buildings, roads and major earthworks constructed by the Crown. The government responsible for a public work must agree to the historical extinguishment effected by that work being disregarded.

Government and industry stakeholders expressed in-principle support for proposed section 47C during consultations on exposure draft legislation, subject to concerns that the provision may apply to privately held land, and the protection of third party interests.

The provision was amended in the final Bill in response to stakeholder feedback to restrict the areas over which the provision applies to clearly exclude freehold title. There are also a number of safeguards built into the proposed amendment for third party or industry interests, including:

- a requirement that there is public notification of a proposed agreement by the government party, and an opportunity for interested persons to provide comment, which must be for at least three months (proposed subsections 47C(6) and (7); and
- a provision protecting existing interests, including third party interests, by requiring such interests to prevail over any native title rights while it operates (proposed subsection 47C(9).

Finally, the new section 47C will also only operate where native title and government parties agree, and subject to any conditions required by the government party (which could include conditions in relation to the protection of third party interests).

Question 14

*At the committee's public hearing in Broome (p. 14), the committee heard evidence about challenges experienced by traditional owners when participating in proceedings in the Native Title Tribunal. It was argued that the practical application of section 38 of the Act in making determinations is resulting in only a small number of successful applications for traditional owners. Can the department provide a response to this? Is there scope to make the processes more accessible for traditional owners?*

Part 2, Division 3, Subdivision P of the Native Title Act sets out a part of the future acts regime known as the 'right to negotiate'. The right to negotiate primarily applies to future acts relating to the grant of mining and exploration tenements and the compulsory acquisition of native title rights. The purpose of these provisions is to facilitate between native title groups and government/industry a negotiated or agreed basis on which a future act may be done.

If the right to negotiate applies to a future act proposed to be done on native title land, the relevant parties (typically being the native title party, the industry proponent and relevant government) must negotiate in good faith to reach agreement. Subdivision P prescribes a six month period of good faith negotiations with a view to reaching agreement about the future act being done, and taking into account the effect of the act on native title and how the project proponent proposes to address that effect.

In the majority of circumstances, the outcome of this process will be for a negotiated outcome or agreement (also known as a 'section 31 agreement') to be reached by the parties. According to data held by the Tribunal as of January 2020, over 3500 section 31 agreements have been made across the country.

In the small number of circumstances where the parties are unable to reach agreement, the matter is then referred to an arbitral body – typically the National Native Title Tribunal – for determination. For example, according to the Federal Court of Australia's 2018-19 Annual Report, 14 future act determination applications were lodged with the Tribunal during the same period. Section 38 of the Native Title Act then requires the Tribunal to determine whether the act cannot be done, can be done, or the act can be done with conditions.

In making a determination, section 39 of the Act requires the Tribunal to consider a number of factors which take into account the impact of a future act on traditional owners, including the effect of the future act on the enjoyment of native title rights and the interests, proposals, opinions or wishes of the native title parties in relation to the management of land which will be affected by the act.

The figure of 3926 applications referred to on page 14 of the Hansard from the Committee's hearing in Broome appears to be derived from the Tribunal's website, which encompasses all decisions made by the Tribunal relating to future acts and not just arbitral determinations under section 38 (including, for example, interlocutory procedural applications, such as considerations of objections to the application of the expedited procedure under section 32).

The Tribunal has provided the following information in relation to 'future act determinations' under section 38 of the Native Title Act. According to records held as at 3 June 2020, the Tribunal has published 394 decisions under section 38. Another 34 applications were dismissed pursuant to s148 for jurisdictional or procedural reasons. Of the 394 decisions:

- in 251, the parties agreed that the act could be done;
- in 71, the Tribunal held that the act could be done;

- in 17, the parties agreed that the act could be done, subject to conditions;
- in 55, the Tribunal held that the act could be done, subject to conditions; and
- in 3, the Tribunal held that the act could not be done.

**Attachment A – Submissions on the Native Title Legislation Amendment Bill 2019**

**Submissions received on options paper for native title reform**

*(NB: Submissions 2, 8, 16, 42, 46 – Confidential)*

| No. | Individual/Organisation |
|---|---|
| 1 | Name withheld |
| 3 | James Mathieson on behalf of the Federal Court of Australia |
| 4 | Yingiya Mark Guyula MLA |
| 5 | Bryan Keon-Cohen AM QC |
| 6 | Torres Strait Regional Authority |
| 7 | Western Australian Government |
| 9 | First Nations Legal Research Services |
| 10 | Queensland Government |
| 11 | Just Us Lawyers |
| 12 | Indigenous Land Corporation |
| 13 | Minerals Council of Australia |
| 14 | KRED Enterprises |
| 15 | Chamber of Minerals and Energy |
| 17 | Law Council of Australia |
| 18 | National Native Title Tribunal |
| 19 | Yawoorroong Miriuwung Gajerrong Yirrgeb Noong Dawang Aboriginal Corp (MG corporation) |
| 20 | Michael Swifte |
| 21 | Vanessa Antal |
| 22 | Jon Altman |
| 23 | Yamatji Marlpa Aboriginal Corporation |
| 24 | Rio Tinto |
| 25 | Goldfields Land and Sea Council |
| 26 | National Native Title Council |
| 27 | Kimberley Land Council |
| 28 | Bee Industry Council of Western Australia |
| 29 | Environmental and Planning Law Association (NSW) |
| 30 | Central Land Council |
| 31 | Dr Michael Dockery |
| 32 | Queensland South Native Title Services |
| 33 | AIATSIS |
| 34 | Castan Centre |
| 35 | Department of Environment and Energy (Commonwealth) |
| 36 | Central Desert Native Title Services |
| 37 | Roe Legal Services |
| 38 | Association of Mining and Exploration Companies Inc |
| 39 | Nyamba Buru Yawuru Ltd (Yawuru PBC) |
| 40 | Pastoralists and Graziers Association of WA Inc |
| 41 | Australian Human Rights Commission |
| 43 | Telstra Corporation Limited |
| 44 | Northern Land Council |
| 45 | South Australian Native Title Services |
| 47 | Angus Firth |
| 48 | NSW Aboriginal Land Council |

| | |
|---|---|
| 49 | National Congress of Australia's First Peoples |
| 50 | Cape York Land Council |
| 51 | National Farmers' Federation |
| 52 | NTSCORP Limited |

**Submissions received on exposure draft of the Native Title Legislation Amendment Bill 2018**

*(NB: Submissions 1, 5, 9, 15, 24, 27 – Confidential)*

| No. | Individual/Organisation |
|---|---|
| 2 | Yawoorroong Miriuwung Gajerrong Yirrgeb Noong Dawang Aboriginal Corporation |
| 3 | Northern Territory Government |
| 4 | Joe Fardin & JL Southalan / University of Western Australia |
| 6 | Original Power |
| 7 | National Native Title Council |
| 8 | Marrawah Law |
| 10 | Northern Territory Cattlemen's Association |
| 11 | Carpentaria Land Council Aboriginal Corporation |
| 12 | Association of Mining and Exploration Companies Inc |
| 13 | Cape York Land Council |
| 14 | The Law Society of South Australia |
| 16 | The Chamber of Minerals and Energy of Western Australia |
| 17 | Northern Land Council |
| 18 | Nyamba Buru Yawuru Ltd |
| 19 | Western Australian Government |
| 20 | NSW Aboriginal Land Council |
| 21 | Ross Mackay |
| 22 | Central Land Council |
| 23 | Jon Altman |
| 25 | Nerissa Ngadjon |
| 26 | Seed Indigenous Youth Climate Network |
| 28 | First Nations Legal & Research Services |
| 29 | ANTaR (Australians for Native title and Reconciliation) |
| 30 | AMPLA (Australian Mining Petroleum Law Association) |
| 31 | Queensland Resources Council |
| 32 | Bidjara Traditional Owner Ltd |
| 33 | National Native Title Tribunal |
| 34 | National Farmers Federation |
| 35 | Queensland Tourism Industry Council |
| 36 | Law Council of Australia |
| 37 | Australian Indigenous Governance Institute (ANU) |
| 38 | Australian Human Rights Commission (received 5 February 2019) |