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Cr Margaret de Wit
President
Local Government Association of Queensland
PO Box 2230
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Dear Cr de Wit

Local Government Respondents to Native Title Claims

I have read with concern media reports about the Commonwealth Attorney-General's decision to change arrangements in respect of assistance for local government respondents to native title claims.

As we move into 2013 those changes are already starting to have a negative effect on the native title claims system.

I say this as a legal representative for a number of native title holders in Queensland. Although my firm is a major supplier of legal services to native title holders (as distinct from respondent parties), it is my experience that local government respondents in particular have played a very important and constructive role in the resolution of native title claims by agreement.

With local government respondents no longer able to access the Commonwealth's Native Title Assistance Scheme, other than in exceptional cases, to resource their legal representation in the process, I am aware that many local governments are now being forced to look at withdrawing from the claim resolution process on affordability grounds. As my firm is a regionally located legal practice, I can understand the additional cost pressures which the Attorney-General's decision places on particularly smaller rural and regional councils.

My practice provides legal services to native title holders throughout Queensland including the Port Curtis Coral Coast People (Southern Queensland), the Barada Barna People (Central Western Queensland), the Jangga People (North Queensland) and the Yirendali People (North Queensland). We also hold instructions from potential new native title claim groups.

In all of the existing native title claims, local government respondents have engaged proactively with my clients in the claim resolution process. The Jangga People successfully obtained a determination of their claim in the Federal Court on 9 October 2012. Using that case as an example, my clients very efficiently and cost effectively negotiated an agreed outcome about local government and broader community interests in the claim area with all

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of the local government respondents (the Charters Towers Regional Council, Isaac Regional Council and Whitsunday Regional Council).

In the Jangga case, the local government respondents initiated the mediation and were by far the first of all of the respondents with whom my clients were able to negotiate comprehensive agreement. That agreement provided a guiding light for the agreements subsequently struck with other respondents and helped generate momentum which propelled the claim to a final successful consent determination.

The local government ILUA in the Jangga case also delivered a number of other value added benefits to the parties. **Enclosed** is a National Native Title Tribunal publication which provides more detail.

Negotiations for similar local government ILUAs commenced in 2012 with the Barada Barna People, the Yirendali People and the Port Curtis Coral Coast People. Those negotiations are only part way through. The negotiations are being efficiently conducted having regard to a template local government ILUA the development of which was auspiced by the Local Government Association of Queensland and commended by the Australian Human Rights Commission.

The Attorney-General's decision in respect of local government assistance threatens the completion of the local government ILUA negotiations already underway.

Give the enormous benefits which local government involvement in the native title claim resolution process brings in equal measure to local governments, native title holders and local communities, the Attorney-General's decision seems to me short sighted and very counterproductive.

Over the last twelve months claim resolution processes in Queensland have really started to gain traction. The decision at this stage threatens to severely undercut the good work which is being done.

I am not sure whether the Attorney-General's decision is open to review or reconsideration. I certainly hope that it is. I am anxious to know the outlook in 2013 for the local government ILUA negotiations already underway and ask that you keep me updated about where the situation is heading.

If you have any queries, please contact me on [REDACTED] [REDACTED] [REDACTED] or email [REDACTED]

Yours faithfully
DILLON LAWYERS

[REDACTED SIGNATURE]
J.M. DILLON