

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO**

Program: 1.4 Justice Services

Question No. AE17/039

Senator Macdonald asked the following question at the hearing on 28 February 2017:

CHAIR: Mr Anderson has a correction to make about the Native Title Amendment Act. Is it particularly relevant? We are trying to save time.

Mr Moraitis: We can put it in writing.

The answer to the honourable senator's question is as follows:

Evidence of Mr Iain Anderson, Deputy Secretary, Civil Justice and Corporate Group

On page 71 of the transcript, in an exchange between Mr Anderson and the Chair, Mr Anderson stated:

Mr ANDERSON: Can I just add, the ILUAs that were the subject of the McGlade and related decisions are not affected by the bill that is before parliament. The rights of those who objected in those cases are not affected in any way by this bill.

Subsequently in the hearing Mr Anderson sought to clarify this statement and was asked by the Chair to instead put it in writing.

The ILUAs that were subject of the McGlade and related decisions are not affected by the retrospective validation provisions of the Native Title Amendment (Indigenous Land Use Agreements) Bill 2017 (the Bill).

They would however be prospectively validated by the Bill, on and from commencement.

The prospective validation of the agreements means that the agreements will be taken to be ILUAs for the purposes of the Act.

The prospective validation of those ILUAs will allow the parties to re-lodge the ILUAs for registration with the National Native Title Tribunal.

Those parties who objected to the Tribunal registering the ILUAs in the McGlade and related cases will again be able to lodge objections to the Tribunal registering the ILUAs, if they choose to do so.