

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

**Program: 1.6**

**Question No. SBE15/034**

**Senator Canavan asked the following question at the hearing on 20 October 2015:**

CHAIR: I thank Senator Canavan for raising those issues. What funds have you got, following the white paper, for addressing these issues? You said that \$24 million is with PM&C, \$17 million is with PM&C and \$10.6 million is with PM&C. What funding have you got to do whatever you are going to do?

Mr Minogue: In terms of the funding for the portfolio, the main funding goes to the Federal Court and the National Native Title Tribunal—as I say, being the framework for resolution. To the extent the Commonwealth is a party in relation to particular pieces of native title litigation, the department has funding to discharge those responsibilities. Of course, the department in its general sense is funded to support the Attorney in his administration of the act as the responsible minister.

Mr Manning: There is one other stream of funding. One of the aims that was spoken about earlier is in relation to assisting the resolution of claims, and the department administers, as part of its financial assistance schemes, native title respondent funding, which is \$1.597 million this year, and indexed every year. That scheme provides legal financial assistance for legal representation disbursement costs for respondents to claim, whose interests in the claim may be impacted by native title. By providing that, you are helping to ensure all of the relevant parties to a claim are at the table and able to be represented, and thus facilitate the resolution of the claim. There is also what is called the Native Title Officer Funding Scheme, which is about \$200,000 per year, which provides assistance to peak industry bodies and other organisations that represent native title respondent groups to employ native title officers—again, to co-ordinate their participation in a native title case and thus help facilitate speedier resolution of those claims, and there are the anthropologists as well.

Mr Minogue: Exactly. In addition to that, there is the Native Title Anthropologist Grants Program. The purpose of that program is to support anthropologists who will give expert evidence in relation to native title litigation about the connection of a claimant group to the country over which the native title is claimed.

CHAIR: Senator Canavan got your agreement on the \$24 million to help, which went to PM&C; \$17 million for—

Senator CANAVAN: \$20.4, I think it was.

CHAIR: \$20.4 to help; \$17 million for something else—

Senator CANAVAN: I would have to re-look at it, but that was for leasehold.

CHAIR: And \$10.6 for something else went to PM&C, but nothing specific went to your department.

Mr Manning: No, we just have those pre-existing amounts, which are designed to facilitate resolution of claims. We did not get additional funds as a result of that work that is being discussed here.

CHAIR: The white paper suggests that you are a bit slow in doing whatever you are supposed to be doing with that.

Mr Manning: In relation to the three schemes we have just outlined, they are all schemes that organisations or individuals apply for. It is not something which the Attorney-General's Department drives. Through a combination of those and the measures that Mr Minogue outlined earlier in relation to the courts that had that priority listing scheme et cetera, I think

those rates of clearance as outlined earlier would show that that is not strictly true—that in fact we have been contributing to those clearance rates.

Senator CANAVAN: To clarify, so we can close the loop here, and you may have to take this on notice: with those schemes and that existing funding that has not changed, I presume that is that \$110 million a year that the white paper refers to. Is all of that in your department?

Mr Manning: No. We will take it on notice for the detail, but for the numbers of those three small schemes I mentioned, we are talking \$1.6 million a year.

Senator CANAVAN: I think this might include court. I am talking broadly in the department, not just this area.

Mr Manning: We will have to take it on notice to see whether we can disaggregate what the courts contribute to it from their overall appropriation. I am not sure we can, but we will take it on notice.

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

The Government's support for the native title system (around \$110 million a year over the next four years) is existing funding and comprises of the following:

- (i) \$0.582 million towards the Native Title Anthropologist Grants Programme (AGD)
- (ii) \$1.596 million towards the Native Title Respondents Scheme (comprised of the Native Title Officers Funding scheme which provides funding to peak bodies worth approximately \$200,000 and the Native Title Respondents scheme which covers the legal cost of respondent parties worth approximately \$1.4 million) (AGD)
- (iii) \$22.712 million towards the Federal Court (native title aspects only) and National Native Title Tribunal (AGD)
- (iv) \$88 million (approximately) towards the Programme management and associated support activities for Native Title Representative Bodies and Native Title Service Providers (PMC).