

Chapter 1

Introduction

The Committee's statutory duty

1.1 The Parliamentary Joint Committee on the National Native Title Tribunal and the Aboriginal and Torres Strait Islander Land Fund has a statutory duty to examine the annual reports of the National Native Title Tribunal (NNTT) and the Indigenous Land Corporation (the ILC).

1.2 Under Section 206(c) of the *Native Title Act 1993*, ('the NT Act') the Committee is required to examine each annual report that is prepared by the President of the NNTT or by any person under Part 4A of the *Aboriginal and Torres Strait Islander Commission Act 1989* ('the ATSIC Act'). The Committee, at its discretion, reports to Parliament on any matters to which Parliament's attention should be directed.

1.3 In the view of the Committee, the analysis of the Annual Reports is an opportunity for agencies to receive constructive assistance to improve performance and accountability.

Reports considered

1.4 Pursuant to these requirements, this report examines:

- the National Native Title Tribunal (NNTT) Annual Report 2003-2004; and
- the Indigenous Land Corporation (ILC) Annual Report 2003-2004.

National Native Title Tribunal

1.5 The NNTT is established under Part 6 of the NT Act. The annual report of the NNTT was tabled in the Senate and in the House of Representatives on 17 November 2004.

The Indigenous Land Corporation and the Land Fund

1.6 The ILC is a statutory authority established under section 191A of the ATSIC Act. Section 191B of this Act states that the purpose of the Corporation is to assist Indigenous people to acquire and manage land, and requires the Corporation to support sustainability, as well as the social, environmental and cultural benefits in the acquisition and use of the land.

1.7 During the reporting period, funding for the operations of the ILC was provided from the Land Fund pursuant to Division 10 of Part 4A of the ATSIC Act. ATSIC was responsible for reporting on the Land Fund under section 193H of the ATSIC Act. ATSIC also had investment powers concerning the Land Fund.

1.8 The Annual Report on the Aboriginal and Torres Strait Islander Land Fund is usually provided as an annexure to the ILC Annual Report. On this occasion, there was a delay in the auditing of the Fund, which resulted in a qualified audit. The Audit was not available in time for the publication of the ILC Annual Report. The practical consequences of the audit are discussed in Chapter 3.

1.9 The ILC's annual reports have been prepared in accordance with section 9 of the *Commonwealth Authorities and Companies Act 1997* since 1998.

Public Hearings

1.10 In preparing this Report, the Committee conducted two public hearings in Canberra on:

- Wednesday 9 March 2005; and
- Wednesday 16 March 2005.

1.11 The Committee acknowledges the time taken to provide evidence to the Committee by both the National Native Title Tribunal and the Indigenous Land Corporation.

Adoption of the Report

1.12 The Committee considered and adopted the report at a private meeting on 11 May 2004