



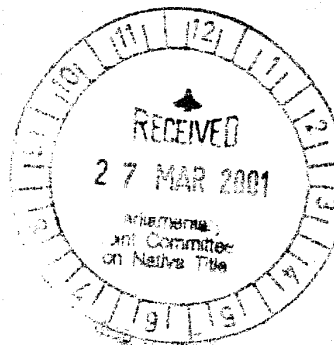
THE HON K TREVOR GRIFFIN LL.M, MLC

ATTORNEY-GENERAL
MINISTER FOR JUSTICE
MINISTER FOR CONSUMER AFFAIRS

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12 FEB 2001

Senator Jeannie Ferris
Committee Chair
Parliamentary Joint Committee on
Native Title and the Aboriginal and Torres Strait Islander Land Fund
Parliament House
CANBERRA ACT 2600



Dear Senator Ferris

Re: Supplementary Submission to the Inquiry into Indigenous Land Use Agreements

On 31 October 2000 I wrote to you enclosing a copy of my submission, on behalf of the State of South Australia, to the inquiry into the operation and effectiveness of Indigenous Land Use Agreements (ILUAs). Please find outlined below a supplementary submission to the inquiry.

Supplementary submission

I am pleased to say that since the date of my last submission, the first ILUA in the State of South Australia has been lodged for registration with the National Native Title Tribunal (NNTT). Since lodging that ILUA an important issue has come to light, which I would like to bring to the attention of the Committee.

Background

The Narungga Native Title Management Committee, Paradise Developments Pty Ltd and the State Government of South Australia have signed an area agreement about the development of a marina at Port Vincent. I referred to this ILUA in my initial submission.

The application to register the area agreement ILUA was lodged with the NNTT in late December 2000. The application was complete, apart from the certification by the representative body for South Australia, the Aboriginal Legal Rights Movement (ALRM). The ALRM lodged its certification on 15 January 2001.

On 22 January 2001 the NNTT advised all parties orally that there was no barrier to the commencement of the registration process, and that they would start preparing the notification required under section 24CH of the *Native Title Act 1993 (Cth.)*.

The issue

The NNTT has advised that ILUA notices take 6 to 8 weeks to prepare and that, on this basis, notification of the Port Vincent ILUA would not take place until 7 March 2001. After representations from the parties, this date has been revised to 21 February 2001. You would be aware that the three-month period in which people can object to the ILUA only commences after notification is complete, meaning that the earliest date for registration of the Port Vincent ILUA is 21 May 2001, approximately 5 months from the date of first lodging the ILUA. If the original notification date advised by the NNTT still applied, the earliest date for registration would have been in June 2001.

From the outset of negotiations regarding Port Vincent my officers have kept the NNTT informed of the progress of the agreement in order to facilitate a smooth registration. It therefore came as a shock to find that an additional six weeks is added to the process due to preparation of the notices. I speak for all parties to this ILUA when I express my disappointment at the length of time required for notification to take place. ILUAs take a long time to negotiate and it is an added frustration when the registration of an agreement is held up by such a long period for preparation of notices.

Officers of the NNTT have informed my Department that ILUAs are given priority for notification. I understand that the **primary** reason for the delay is that NNTT has only one geo-spatial unit preparing all NNTT notices for the whole of Australia. Other factors which contribute to the delay are the deadlines for placing advertisements in publications, and the policy of releasing notices in batches.

Notwithstanding these reasons, a period of at least 6 weeks seems an unnecessarily lengthy period. In this case, timing is crucial and the 6-week delay represents the difference between commencing work on the development before winter or being delayed (due to bad weather) until Spring.

As the Government of South Australia is aiming to negotiate several more ILUAs for registration with the NNTT, I urge the Committee to pursue this issue.

I thank you for the opportunity of providing a supplementary submission, and I look forward with interest to the results of the Committee's inquiry.

Yours sincerely



K Trevor Griffin
ATTORNEY-GENERAL