

**Parliamentary Joint Committee on Native
Title and the Aboriginal and Torres Strait
Islander Land Fund**

OPERATION OF THE NATIVE TITLE ACT

**Inquiry Into Indigenous Land Use
Agreements**

Submission No: 13

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Robina Jaffray
Acting Secretary
Parliamentary Joint Committee on Native Title
and the Aboriginal and Torres Strait Islander Land Fund
Parliament House
Canberra ACT 2600

Dear Ms Jaffray

Inquiry into Indigenous Land Use Agreements

I refer to your letter to Ms Fiona Hanlon of 11 September 2000, and apologise for our delay in providing a response.

In summary our experience of the *Native Title Act's* ILUA provisions is that they offer a flexible process for resolving native title issues in a relatively informal manner, and provide a reasonable degree of certainty for Government and industry parties seeking to carry out future act activities.

The provisions themselves are considered to be somewhat overly complicated, particularly with respect to the requirements for authorisation/certification. In particular, the fact the consent of all persons identified as possibly holding native title is required effectively amounts to a right of veto for individuals claiming to hold native title rights and interests in the area subject to the ILUA.

ILUAs have been used for a variety of purposes in Victoria, including the resolution of native title applications and the validation of industry and Government future acts. ILUAs have been pursued in circumstances where a proposed activity is not covered by the *Native Title Act's* future act regime. In such circumstances the ILUA provisions may not have been preferred, had the future act regime provided for the valid carrying out of the activity.

Thank you for the opportunity to provide these comments. If you wish to discuss any of the issues raised further please do not hesitate to contact Graham Carter of this office on 03 9651 0854.

Yours faithfully

JOHN CATLIN
Manager
Native Title Unit