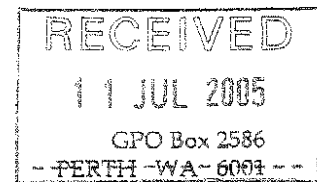


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FACSIMILE TRANSMISSION FORM

TO	Committee Secretary
OF	PJC on Native Title
FAX	(02) 6277 5866
FROM	Marcus Holmes
RE	Submission to PJC
REFERENCE	Nhar 0401
DATE	8.7.05
PAGES	[including this page] 3
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MESSAGE Dear Committee Secretary,

Attached is a copy submission sent in about October 2004 to the Attorney-General. While I acknowledge that submissions have already been lodged, my client, TJAC, would appreciate it if the PJC considered this important submission.

Regards, Marcus Holmes
Solicitor.

RECEIVED TIME 8. JUL. 18:50

PRINT TIME 8. JUL. 18:51

JIDI JIDI ABORIGINAL CORPORATION INC**ASHBURTON DOWNS ROAD****MEEKATHARRA WA 6642****ABN 419 642 358 14**

The Hon. Philip Ruddock MP
Attorney-General
Canberra

Cc: Ms Nicola Roxon MP
Shadow Attorney-General

Dear Attorney-General

FUNDING FOR OUR NATIVE TITLE PRESCRIBED BODY CORPORATE

We have Native Title to our Country, and our Prescribed Body Corporate is the Jidi Jidi Aboriginal Corporation ("the Corporation").

The Corporation is a Prescribed Body Corporate under the *Native Title (Prescribed Bodies Corporate) Regulations 1999 (Cth)*. It handles our Native Title, the Native Title of the Nharnuwangga Wajarri Ngarlawangga Native Title Holders.

In 2001, the Federal Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund said that Prescribed Bodies Corporate needed funding.

It recommended "adequate funding to perform their statutory functions and that they receive appropriate training to meet their statutory duties", with "this training to include directors' duties, accounting procedures and land management".

In his 2001 Native Title Report to the Attorney-General, the Social Justice Commissioner endorsed this recommendation and called for its "immediate implementation".

The Corporation has not received any such funding: an article written by one of our Native Title Holders (Michelle Riley, "Winning" *Native Title: The Experience of the Nharnuwangga Wajarri and Ngarlawangga People*, AIATSIS, Volume 2, Issues Paper No. 19, November 2002) sets out the problems faced by the Corporation.

Problems include that:

- the Corporation "does not have any income, assets or staff. We do not have an office, a fax, or a computer";

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- there is “a massive, unbearable burden of administration to protect the few rights we have”;
- “our PBC and its members now have a lot of complex and conflicting obligations...including fiduciary, trustee and statutory obligations”;
- “we do not have any funding for legal advice about what these obligations mean or any money for training for our PBC Governing Committee members”;
- “we have no financial support to make the (consent determination ILUA) agreements work”; and
- “we have no independent source of income”.

Michelle Riley concludes “Because our Corporation has no staff, no resources and no income, we cannot protect the native title that we fought so hard for”(yet it is interesting to note that the first of the stated “main objects” in section 3 of the *Native Title Act 1993* is to provide for the recognition and *protection* of native title).

The WA State Labor Government refuses to fund the Corporation, a Corporation that both the State in its ILUA, and the Commonwealth in its *Native Title Act*, required be established.

We seek that the Federal Government immediately provide adequate ongoing annual funding for the Corporation to be able to properly carry out its required role, including getting legal advice and proper training.

We look forward to your response.

We have faxed a copy of this letter to the Shadow Attorney-General, in the hope that if you won't help, she will.

Yours sincerely

Leonard Smith