



Australian Government

Department of the Prime Minister and Cabinet

ANDREW FISHER BUILDING
ONE NATIONAL CIRCUIT
BARTON

Ms Jeanette Radcliffe
Secretary
Senate Standing Committee on Community Affairs
Legislation Committee
Parliament House
Canberra ACT 2600

Dear Ms Radcliffe

I am writing to provide responses to two Questions on Notice arising from the Department of the Prime Minister and Cabinet appearance at the Senate Community Affairs Legislation Committee's inquiry into the Aboriginal and Torres Strait Islander Amendment (A Stronger Land Account) Bill 2014, on 13 February 2015.

The first question seeks the Department's views about the impact of a changed method of calculating payments to the ILC from the Land Account included in the ILC's supplementary submission on maintaining and growing the real value of the Land Account.

- The Department has considered these proposed changes and consulted with the Department for Finance. We consider that the changes would address the risk posed by the payment mechanism proposed in the draft Bill of eroding the real value of the Land Account over time.
- The Department also agrees that two further amendments to the draft Bill suggested by the Department of Finance would have the effect described in their supplementary submission, that is they would assist in achieving the objectives set out in the Explanatory Memorandum which is to preserve and grow the Land Account's capital value over time.

The second question seeks the Department's comments about a proposed amendment to allow Land Account to cover sea.

- The Department notes that a number of recent native title determinations extend native title offshore and there are also some determinations that cover inland waters. An example of this is the Akiba decision which recognised native title over sea in the Torres Strait.
- The Department notes that this has also been raised by the Torres Strait Regional Authority in their submission, given the significance of rights over sea in the Torres Strait and the economic, social, cultural and environmental benefits that could derive from sea rights. The Department also notes views, largely supportive, expressed by witnesses at the 13 February 2015 hearing.

- The Department would support consideration of the ILC's ability to extend the scope of their operations to sea and inland waters.

Thank you for the opportunity to provide further information to assist in the Committee's consideration of the draft Bill.

Yours sincerely


Nadine Williams
First Assistant Secretary
Jobs and the Economy Division

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