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Reply To: Native Title Unit

Your Reference:
Our Reference:

5 May 2003

Louise Gell
Acting Secretary
Senate Legal and Constitutional Committee
Room S 161
Parliament House
Canberra ACT 2600



By Email: LegCon.Sen@aph.gov.au

Dear Louise

Re: Aboriginal Legal Rights Movement Submission on the *Human Rights Commission Legislation Bill 2003*

On 23 April 2003, the Civil Section of the Aboriginal Legal Rights Movement (ALRM) made a submission on the above Bill. The submission includes some comment on the implications for native title of the proposed legislative changes at, inter alia, paragraph 5 (page 4).

The Native Title Unit of ALRM would appreciate the Committee receiving this letter as advising of a typographical error in paragraph 5 of the ALRM's submission, and as providing further clarification of the Civil Section's comments contained in that paragraph. Accordingly, we ask that this letter be annexed to their submission.

1. Relevant section of the *Native Title Act (Cth) 1993*

We advise that the section currently regulating the Annual Reporting by the Aboriginal & Torres Strait Islander Social Justice Commissioner to the Commonwealth Minister is **section 209**, NOT section 79, as is stated.

2. Potential effect of proposed amendments to section 209

Whilst the ALRM Native Title Unit appreciates that the substantive requirement to report annually to the Commonwealth Minister under s 209 is not removed by the Bill, we would like to emphasise to the Committee the value of the Commissioner's Reports to date. These Reports have stood alone in articulating the intersection between native title and human rights law, and in understanding native title law as foremost an issue of national social and cultural importance. No other legislative body charged with responsibilities related to the protection of native title, and in particular the National Native Title Tribunal, takes this standpoint or possesses the expertise to undertake such analyses. In a legal and political environment that has otherwise become excessively and narrowly technical, and has in considerable measure forgotten the human rights principles

from which native title sprang in Mabo [No. 2], the value of this work cannot be understated. It is for this reason that the ALRM as a whole is concerned that the proposed amendments may lead to the production of Annual Reports to a much inferior standard than is presently the case.

Should you have any further queries regarding the matters contained in this letter, please contact Sally Skyring or Imogen Selley on (08) 8110 2800.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Parry Aguis', is written over the typed name.

Parry Aguis
Executive Officer
Native Title Unit