



**OCTOBER 19, 2012**

**SUBMISSIONS ON NATIVE TITLE AMENDMENT BILL 2012 (“AMENDMENT BILL”)**

The following comments are provided to the National Farmers Federation (NFF) and member organisations as part of the federal government consultation process.

**Disregarding of Historical Extinguishment**

This proposed amendment would allow the previous extinguishment of native title in areas, referred to as “park areas”, to be disregarded where there is agreement between the government party and the native title claimants. This leads to the possibility of findings of exclusive native title over the relevant area. It is not proposed that such agreement require the consent of a holder of an interest in the land.

The primary issue is that the definition of “park area” appears to be broad enough to include pastoral land under the *Pastoral Land Act* (“**PLA**”). The proposed amendment provides that a “park area” includes any area of land in which an interest is granted or vested by or under a law of the Commonwealth, a State or a Territory for the purpose of, or purposes that include, preserving the natural environment of the area.

The references to “park” are somewhat deceptive as it would appear from the broadness of the provision that it would also apply to pastoral land under the PLA on the basis that the PLA has as one of its purposes the preservation of the natural environment on pastoral land. This is made clear from the following provisions of the PLA:

1. the long title to the PLA being: “An Act to make provision for the conversion and granting of title to pastoral land and the administration, management and conservation of pastoral land, and for related purposes”.
2. the objectives of the PLA (in section 4(b)) which are:
  - a. the monitoring of pastoral land so as to detect and assess any change in its condition;
  - b. the prevention or minimisation of degradation of or other damage to the land and its indigenous plant and animal life; and
  - c. the rehabilitation of the land in cases of degradation or other damage.
3. generally in Part 5 of the PLA which relate to pastoral land monitoring.

Our view is that the definition of “park area” in the Amendment Bill would be wide enough to encompass land held under a pastoral lease under the PLA. As a result it would be open to the Territory and the Native Title claimants to agree to disregard prior extinguishment caused by the pastoral lease and any other interests over the pastoral lease land. In our view this would not be desirable from the perspective of the management and use of the pastoral estate and may have implications for future non-pastoral uses or innovative expansion of pastoral activities.



A further issue is that, even if this proposed amendment is restricted to parks and reserves (not pastoral land) then this would also be an issue where pastoral activities are occurring within the park or reserve.

Recommendations:

1. The section should provide that land under pastoral lease (or any Crown lease for pastoral purposes) be specifically excluded from the definition of a “park area”.
2. Any disregarding of previous extinguishments should require the agreement of any interest holders in the land (which could include a pastoralist with a lease or licence to graze cattle over the park area).

**Simplifying process for amendments to ILUAs**

No comments – unlikely to negatively affect pastoralists. This may be of assistance to pastoralists in certain circumstances in terms of negotiating outcomes with native title claimants and holders.

**‘Good faith’ and associated amendments under the ‘right to negotiate’ provisions**

No comments – unlikely to negatively affect pastoralists. Primarily an issue for mining and exploration companies



### **The Northern Territory Cattleman's Association (NTCA)**

The Northern Territory Cattlemen's Association is the peak primary industry group in the Northern Territory representing over 90% of the Territory's cattle herd. With over 250 pastoral operations across, pastoral lease, Aboriginal freehold and other freehold land, our industry manages a landmass in excess of 700,000 square kilometres and a herd of over 2.1 million head. Annual turnoff is around 600,000 head to live-export and domestic markets.

The pastoral industry is the Northern Territory's third largest GDP earner, accounting for more than 50% of primary production in the NT and generating over \$400 million in direct income. The industry breeds and supplies high quality cattle for the domestic and export supply chains and on average, over 300,000 cattle pa were exported live through the Port of Darwin. Live cattle exports are of critical importance to the northern pastoral industry and the northern Territory economy as a whole.

The industry directly provides in excess of 1900 jobs directly, mainly in rural areas of the Northern Territory and the NTCA operates a highly successful Indigenous employment program engaging over 60 Indigenous people in long term employment each year. By area, employment and economic contribution the pastoral industry is the dominant industry in land management in the NT, with a predominant focus on long-term sustainable production. Over 85% of all NTCA members are active participants in Conservation, Environmental and Landcare groups throughout the Northern Territory and the Association encourages members to join their local groups.

With a strong industry focus on the emerging economies of South East Asia the NTCA invests in building relationships in the region. This includes student exchange and scholarship programs with Indonesian universities and industry and capacity building initiatives to improve efficiency of Indonesian production systems.

NTCA members include all of the country's largest beef producers including the Australian Agricultural Company (AACo), Consolidated Pastoral Company (CPC), S Kidman & Co, Heytesbury Beef, North Australian Pastoral Company (NAPCO), Georgina Pastoral Company, The Indigenous Land Corporation (ILC) and Paraway. These companies operations extend beyond the Northern Territory to cover vast tracts of northern, eastern and Western Australia.