



10 December 2018

The Hon Christian Porter MP,  
Attorney-General of Australia

and

The Hon Nigel Scullion  
Minister of Aboriginal Affairs

By email only: [native.title@ag.gov.au](mailto:native.title@ag.gov.au)

Dear Ministers

**Submission on the Native Title Legislation Amendment Bill 2018 and the Registered Native Title Bodies Corporate Legislation Amendment Regulations 2018**

I write in response to the release in October 2018 of the Exposure Draft of the above Bills.

Carpentaria Land Council Aboriginal Corporation (CLCAC) is a member of the National Native Title Council (the NNTC). As such, CLCAC has actively participated in contributing to the NNTC's submission in response to the said Exposure Draft. CLCAC supports the NNTC submission in all but one respect.

CLCAC also supports the NNTC in its submission on "Further Matters" dealing with the "demonstrably unfair" future act regime in the *Native Title Act 1993* (the NTA).

Another matter for further consideration is the unnecessary extinguishment of native title rights and interests. Native title rights and interests are the only legally recognized property rights in land and waters independent of the Crown in Australia. Once extinguished those rights and interests can't be retrieved.

Given that the NTA allows for native title rights and interests to be suppressed by Crown tenures and that the "non-extinguishment principle" can be applied to any dealings that would otherwise extinguish native title, why can't it be the case that no further extinguishment of native title occurs in Australia?

This issue relates to the one matter where CLCAC would differ to the NNTC submission. The proposal to impose a timeframe for dealing with objections by native title holders to compulsory acquisition processes in Schedule 6 Part 1 of the Exposure Draft, is not

supported by CLCAC. Having a set timeframe assists the compulsory acquisition process and the extinguishment of native title rights and interests in circumstances where the “non-extinguishment principle”, could be applied, but is not.

Please contact Kevin Murphy, Principal Legal Officer, on 0427112035 if further discussion of any of the above matters is required.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Trish Steineck', written in a cursive style.

Trish Steineck  
Deputy Chief Executive Officer