



Cape York Land Council

ABN 22 965 382 705

Cairns Central Office
32 Florence Street
PO Box 2496
Cairns QLD 4870
Phone: (07) 4053 9222
Fax: (07) 4051 0097
Freecall: 1800 623 548
email: admin@cylc.org.au
<http://www.cylc.org.au>

Cooktown Area Office
Charlotte Street
PO Box 6
Cooktown QLD 4871
Phone/Fax: (07) 4069 6066
email: cooktown@cylc.org.au

Weipa Area Office
Evans Landing
PO Box 376
Weipa QLD 4874
Phone: (07) 4069 7484/385
Fax: (07) 4069 7341
email: weipa@cylc.org.au

Your ref:

Our ref:

Contact: Peter Callaghan
Email: pcallaghan@cylc.org.au

4 September 2009

Caroline Edwards
Manager - Land Reform Branch
FaHCSIA
PO Box 7576
Canberra Mail Centre ACT 2612
By email: New.NTA.Process@fahcsia.gov.au & native.title@ag.gov.au

Dear Ms Edwards

Re: Possible housing and infrastructure native title amendments

Cape York Land Council strongly objects to the proposal to amend the *Native Title Act 1993* to provide for a new specific process for public housing and infrastructure in remote Indigenous communities.

We agree that the provision of adequate housing and public infrastructure in remote communities is of vital importance to those communities. However, we do not agree that it is necessary to remove the rights of Traditional Owners to speak for township lands because of past bureaucratic bungling and poor processes by government.

The Discussion Paper says that the Government recognizes that strong relationships between governments, communities and service providers increase the capacity to achieve outcomes. We suggest that the amendment proposals are more likely to damage relationships with Indigenous communities, by removing the right of native title holders and claimants to be parties to agreements about how, where and what housing and community infrastructure is built.

The Discussion Paper says that there is uncertainty about the application of the existing specific future act processes, and that this is a contributing factor to the timely delivery of public housing and infrastructure in

Indigenous communities. We suggest that there are many factors that have affected the ability of governments to provide public housing and infrastructure to remote communities, not least being the failure of governments, at both State and Federal level, in the past to commit adequate resources to a proper negotiation process between government, Indigenous communities and service providers. In our view, the existing provisions of the NTA, including the option of entering into ILUAs, are sufficient to achieve outcomes, provided adequate efforts are made to genuinely consult with the parties concerned. We confirm that CYLC is currently involved in negotiations with the Commonwealth and State governments for one remote Indigenous community in Cape York, where progress is clearly being made because the necessary resources are now finally being directed towards the negotiations and the myriad issues involved, not just native title.

The Discussion Paper says that it is unclear whether any of the existing future act provisions of the NTA can be used to ensure the validity of public housing and infrastructure. CYLC suggests that minor amendments to the existing future act provisions could be used, if considered necessary to provide certainty about the application of particular subdivisions to public housing and infrastructure in Indigenous communities, while still ensuring that ILUAs are encouraged between the relevant parties.

We urge the Commonwealth Government to continue its focus on working with Indigenous communities, and the Traditional Owners of those communities, to reach sustainable agreements based on robust negotiation processes and good planning.

Yours faithfully,
CAPE YORK LAND COUNCIL



PETER CALLAGHAN
CHIEF EXECUTIVE OFFICER