

13 July 2015

Expert Indigenous Working Group
Department of the Prime Minister and Cabinet
PO Box 6500
CANBERRA ACT 2600

Dear Mr Bergmann

The National Farmers' Federation (NFF) welcomes the opportunity to provide a response to the Council of Australian Governments (COAG) investigation into Indigenous land administration and use.

NFF is the peak national body representing farmers and the agriculture sector across Australia. The NFF's membership comprises all Australia's major agricultural commodities. Operating under a federated structure, individual farmers join their respective state farm organisation and/or national commodity council. These organisations form the NFF.

Whilst recognising that the review looks at the broader administration and use of land by indigenous Australians, much of NFF's work in this context centers upon the interaction between pastoralist and the *Native Title Act 1993*.

On issues related to Native Title, NFF represents the views and interests of pastoralists, as respondents to Native Title claims. NFF's member organisations are among those that, with Federal Government funding, provide information, advice and support to Native Title Respondents.

In NFF's view, where native title co-exists with other interests it is difficult to see how commercial rights could be exercised when the rights of the other interest holders take priority. In NFF's view, a proprietary interest in land is required to derive a real economic benefit. Native title does not and cannot deliver that outcome. NFF recognises that activities done in accordance with traditional law and custom can be exploited commercially (for example, hunting and gathering), but measures that expand the range of activities to encompass broad commercial rights are not supported by NFF.

NFF had hoped to engage with the COAG process to a greater extent via a teleconference with the working group and key NFF members. Unfortunately this did not occur due to timing issues.

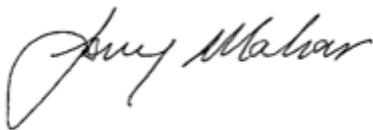
However, please find below a summary of points made by NFF member organisation Agforce Queensland, on the issue of indigenous land use:

- Agforce recognises the distinction between Indigenous land owners and Native Title holders.
- In the case of Indigenous landowners, they have the opportunity to derive economic benefit from the land as they hold ownership over it.
- Native Title holders that do not have exclusive possession are in a different position. Apart from access as defined in an Indigenous Land Use Agreement, the pastoralists who lease a pastoral holding are not likely to agree to Native Title holders carrying out economic ventures on land that the pastoralist pays rent on. Hence in Agforce's view, indigenous people who have Native Title rights over large areas of Australia are limited to practicing their traditional culture on the land but nothing else.
- In representing the interests of pastoralists, Agforce believes there should not be any changes to current lease arrangements with State Governments.

Beyond the COAG investigation, the NFF has made clear its desire for an efficient and effective native title process as part of its response to both the Governments Agricultural Competitiveness and Developing Northern Australia White Paper processes. These submission are available [here](#).

Please do not hesitate to contact Mr. Tony Mahar, Deputy Chief Executive on 02 6269 5666 or tmahar@nff.org.au if you have any questions arising from this letter.

Yours sincerely,



Tony Mahar
Deputy Chief Executive