

11 November 2019

Our ref: KS-FN

Committee Secretary
State Development, Natural Resources and Agricultural Industry Development Committee
Parliament House
George Street
Brisbane Qld 4000

By email: SDNRAIDC@parliament.qld.gov.au

Dear Committee Secretary

Natural Resources and Other Legislation (GDA2020) Amendment Bill 2019

Thank you for the opportunity to provide comments on the Natural Resources and Other Legislation (GDA2020) Amendment Bill 2019 (**the Bill**). The Queensland Law Society (**QLS**) appreciates the opportunity to comment on this important piece of legislation.

QLS is the peak professional body for the State's legal practitioners. We represent and promote over 13,000 legal professionals, increase community understanding of the law, help protect the rights of individuals and advise the community about the many benefits solicitors can provide. QLS also assists the public by advising government on improvements to laws affecting Queenslanders and working to improve their access to the law.

This response has been compiled by members of the QLS First Nations Legal Policy Committee whose members have substantial expertise in this area. Our response is limited to Clauses 3, 4 and 14 of the Bill.

Generally, the proposed amendments are welcomed and in particular, they allow the provision of unallocated state land (USL) as freehold grants under an Indigenous Land Use Agreement, notwithstanding prior extinguishment of native title, or where there is an approved determination of native title.

With respect to the Clause 14 of the Bill, the Society is pleased that the government is taking steps to minimise the delay and cost for Traditional Owner groups in navigating the process towards real tenure outcomes in the native title landscape.

However, we have some concern with proposed section 123A(3)(b) where the purchase price for the land is '*(a) if consideration is provided for under the indigenous land use agreement – that consideration; or (b) otherwise – the consideration decided by the Minister in the way prescribed by regulation*'. We are concerned that this impacts on the 'right to negotiate' and submit that any additional process for the grant of land should be carefully considered to avoid any risk of unfairness to Traditional Owner groups in negotiated settlements.

Natural Resources and Other Legislation (GDA2020) Amendment Bill 2019

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on (07) 3842 5930.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Bill Potts', with a long horizontal flourish extending to the right.

Bill Potts
President