



# Limited Submission on Proposals to Reform the Commonwealth Heritage Protection Legislation

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## Introduction

This submission is made on behalf of the National Native Title Tribunal (the Tribunal) in response to the Discussion Paper *Indigenous heritage law reform: Possible reforms to the legislative arrangements for protecting traditional areas and objects*, August 2009, published by the Department of the Environment, Water, Heritage and the Arts (the Discussion Paper). The Discussion Paper sets out proposals for reforming the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (the ATSIHP Act).

Most of the submission deals with those issues raised and proposals set out in the Discussion Paper that relate to native title and may involve provisions of the *Native Title Act 1993* (the NT Act).

Comments will be made by reference to the relevant proposal in the Discussion Paper.

## Proposal 2

We note in Proposal 1 that three of the proposed purposes of the legislation are to:

- Recognise the importance of particular areas and objects for Indigenous Australians to maintain their traditional laws and customs
- Acknowledge that Indigenous Australians are the primary source of knowledge of their traditional laws and customs and have responsibilities to protect their traditional areas and objects
- Promote fair, transparent and timely decisions that do not impose unnecessary costs on those involved.

We also note that an area affected by the proposed reforms is termed a ‘traditional area’. To be a traditional area the area (of land or waters) must:

- have a use *or* function under traditional law and customs, *or* be the subject of a narrative that is part of traditional laws and customs; *and*
- be protected *or* regulated under traditional laws and customs. (emphasis added)

Given the broad definitions of ‘traditional area’ and ‘traditional laws and customs’ (as set out on page 14 of the Discussion Paper and taken from the *Evidence Act 1995*), it is arguable that legislation containing those definitions would apply to many areas of Australia that are not covered by current legislation (including the ATSIHP Act). Indeed, on one view, all parts of an Indigenous person’s or group’s traditional country might satisfy those requirements.

The broadness of the definitions might lead to the legislation being used for purposes other than those intended. We make no comment on whether or not that is desirable.

## Proposal 4

In relation to proposed provisions allowing for decisions of a state or territory government to be reviewed (page 18 second dot point), it is not clear whether consideration has been given to the nature of the review. For example, will the review be:

- by a court or a tribunal
- limited to reviewing whether the process was fair (an error of law review) or will it also extend to review of the merits of the decision?

There is reference also in the Discussion Paper (pages 21-22) to a weighing process to be undertaken before approval is given for an activity to proceed. That weighing process involves, it seems, a comparison between the benefits of the approval being given to the cultural, social, economic and environmental welfare of the 'community' and the 'imperative' to avoid adverse impacts on the traditional area or object.

In this context it is not clear whether the relevant 'community' is the community of traditional owners, the community living in the vicinity of the proposed activity or the public at large. Some particular projects may have state or national significance. How is that to be weighed against the public interest in the protection of traditional areas or objects?

## Proposal 5

Proposal 5 aims at ensuring that, if legally recognised traditional custodians exist, only they can seek Commonwealth protection of areas and objects.

Legal recognition may arise under land rights legislation, or pursuant to a native title determination, or both.

**Land rights legislation:** In the land rights context we are aware of groups or persons outside those determined as 'traditional Aboriginal owners' under the *Aboriginal Land Rights (Northern Territory) Act 1976* who assert traditional interests in the same land. Indeed the Act contemplates and provides for the interests of persons other than the 'traditional Aboriginal owners' (as defined in section 3) in relation to areas of Aboriginal land.

For example:

- where an Aboriginal Land Commissioner has ascertained that there are traditional Aboriginal owners and has recommended the grant of the land, the land is held for the benefit of 'Aboriginals *entitled* by Aboriginal tradition [also defined in section 3, quoted below] to the use or occupation of that area of land, whether or not the traditional entitlement is qualified as to place, time, circumstance, purpose or permission' (i.e. the 'relevant Aboriginals'): section 11
- subject to certain statutory exceptions, 'an Aboriginal or a group of Aboriginals is *entitled* to enter upon Aboriginal land and use or occupy that land to the extent that that entry, occupation or use is in accordance with Aboriginal tradition governing the rights of that Aboriginal or group of Aboriginals with respect to that land, whether or not those rights

are qualified as to place, time, circumstances, purpose, permission or any other factor': section 71(1)

- the functions of a Land Council include:
  - to protect the interests of 'traditional Aboriginal owners of, *and other Aboriginals interested in*, Aboriginal land' in the area of the Land Council: section 23(1)(b)
  - to assist Aboriginals in the taking of measures likely to assist in the protection of sacred sites on land (whether or not Aboriginal land) in the area of the Land Council: section 23(1)(ba)
  - to consult with 'traditional Aboriginal owners of, *and other Aboriginals interested in*, Aboriginal land in the area of the Land Council with respect to any proposal relating to the use of that land: section 23(1)(c)
- in carrying out its functions with respect to any Aboriginal land in its area, a Land Council shall have regard to the interests of, and shall consult with, 'the traditional Aboriginal owners (if any) of the land and *any other Aboriginals interested in the land*' and, in particular, shall not take any action, including, but not limited to, the giving of consent or the withholding of consent, in any matter in connection with land held by a Land Trust, unless the Land Council is satisfied that:
  - the traditional Aboriginal owners (if any) of that land understand the nature and purpose of the proposed action and, as a group, consent to it; and
  - any Aboriginal community or group that may be affected by the proposed action has been consulted and has had adequate opportunity to express its view to the Land Council: section 23(3).

It is also worth noting that there are different definitions of 'traditional owners' (or like terms) in land rights legislation, and hence potentially differently constituted social groupings under each definition.

The *Aboriginal Land Rights (Northern Territory) Act 1976* provides:

***Traditional Aboriginal owners***, in relation to land, means a local descent group of Aboriginals who:

- a) have common spiritual affiliations to a site on the land, being affiliations that place the group under a primary spiritual responsibility for that site and for the land; and
- b) are entitled by Aboriginal tradition to forage as of right over that land

and

***Aboriginal tradition*** means the body of traditions, observances, customs and beliefs of Aboriginals or of a community or group of Aboriginals, and includes those traditions, observances, customs and beliefs as applied in relation to particular persons, sites, areas of land, things or relationships: section 3.

The *Anangu Pitjantjatjara Yankunytjatjan Land Rights Act 1981* (SA) includes the following definition:

*Traditional owner* in relation to the lands means an Aboriginal person who has, in accordance with Aboriginal tradition, social, economic and spiritual affiliations with, and responsibilities for, the lands or any part of them: section 4.

The *Aboriginal Land Act 1991* (Qld) provides for claims to be made to areas of land based on 'traditional affiliation'. Such a claim is established if the Land Tribunal is satisfied that:

the members of the group have a common connection with the land based on spiritual and other associations with, rights in relation to, and responsibilities for, the land under Aboriginal tradition: section 53(1).

**Native title:** In the native title context, if this proposal were implemented, then where there is a determination that native title exists, only the native title holders could seek protection by the Commonwealth of traditional areas and objects on the determination area.

Before looking at specific issues some general comments are made. Where a determination has been made that native title does *not* exist it may be because the Federal Court has determined that either:

- members of the group have not shown that they have continued to observe their relevant traditional laws and customs, or
- although they have done so, native title has been extinguished by an inconsistent act of government etc.

However, the court decision may 'determine', in effect, who are the most relevant traditional custodians of the land, or objects on the relevant land. For example, most determinations that native title does exist either omit areas where native title has been extinguished (because the applications do not include such areas) or make findings that native title has been extinguished over the relevant areas. Those areas may be surrounded by or adjacent to an area of land or waters where native title is determined to exist. (The Tribunal could provide maps to illustrate this point if required.) A prescribed body corporate will be 'determined' in relation to the land or waters where native title exists (see below) but not in relation to the area where native title has been extinguished or not recognised. Despite that, it may be quite clear from the court's decision who are the 'traditional custodians' of the area where native title is not recognised. Aboriginal people are well aware of the distinction between native title laws (which apply only to some areas of land or waters) and cultural heritage laws (which apply to areas irrespective of current or former tenures). In that context, query whether such custodians should also be recognised as having sole standing in relation to making applications to the Commonwealth for protection of some areas where native title has been determined not to exist.

**Land rights and native title:** The language of Proposal 5 uses the phrase 'legally recognised traditional custodians' and equates it to those recognised under land rights and native title processes.

While it would be unusual, it is possible for land in relation to which there is a grant under land rights legislation for there also to be a determination of native title. The group determined to hold native title may not be the same as the group of persons recognised under the relevant land rights legislation. This is because the tests for recognition under the relevant legislation are not the same. Thus, any proposed legislation would need to resolve which determination is relevant for heritage protection purposes.

It may be that, as discussed above and below, there exist persons who have not been recognised as rights holders for an area of land or waters (e.g. as traditional owners or native title holders) yet who have traditional responsibilities for particular parts of a traditional area or for traditional objects on an area.

### **Specific issues concerning Proposal 5**

The following aspects of the proposals were raised by Dr John Avery for specific attention by the Tribunal. Comments are provided in relation to each question.

**Question:** Is there a process in the NT Act that could be used to limit the right to apply for additional Commonwealth protection for an area of land or waters over which one or more native title determination *application* has been made to the native title applicants?

**Response:** It is not clear what is being asked. Although the NT Act does not provide such 'processes', legislation could be drafted to provide that persons who have particular status under the NT Act (for example, persons who are registered native title claimants) have specified standing under the heritage legislation to make applications for protection (refer to sections 190A, 190B and 190C of the NT Act in relation to the registration test applied to claims made in claimant applications). See, for example, the definition of 'native title party' in section 6 of the *Aboriginal Heritage Act 2006* (Vic) and section 34 of the *Aboriginal Cultural Heritage 2003* (Qld).

Such an approach is not recommended because:

- it might encourage native title applications to be lodged for the purpose of obtaining standing under the relevant heritage protection legislation
- it might also have the effect of making the resolution of native title applications more difficult – particularly where a non-native title outcome is likely or there are unregistered overlapping claims
- persons who have an unregistered claim might also have a relevant traditional interest in the area
- a claim may fail the registration test for technical reasons which do not reflect whether or not those claimants have a substantively sound claim to the area.

**Question:** If yes, would this process unfairly exclude other people who have not yet made an application for a determination under the NT Act, who have traditional connections to the land and who might want to apply to the Commonwealth for protection?

**Response:** The existence of a registered claim does not resolve who (if anyone) may hold native title to the claim area. Other persons with a relevant traditional interest in the area may not have filed an application over the area or, if they have, their claim may not be registered for various reasons that are not relevant to the substantive merits of their claim (refer above). It is also possible that persons who are not part of a native title claim group have traditional responsibilities in respect of areas of land or waters covered by the claim (see the determination extracts set out below).

**Question:** Is there any process, including those relating to Prescribed Bodies Corporate (PBCs), under the NT Act that could represent the interests of native title holders in applying for additional Commonwealth protection for an area of land or waters where an approved *determination* of native title has been made.

**Response:** PBCs may be determined under the NT Act either to be the agent for the determined native title holding group or to hold native title on trust for the common law holders of native title (sections 55, 56 and 57 of the NT Act). In either case, a PBC represents the interests of the native title holders and becomes the Registered Native Title Body Corporate (RNTBC) once registered on the National Native Title Register (section 192). If the RNTBC for a traditional area is given sole standing to make a protection application to the Commonwealth in respect of the determination area, this could have the unintended consequence of making it harder to negotiate non-native title outcomes for a claim group which has a slim chance of getting a positive determination of native title. This may make the resolution of native title applications more difficult in such cases.

Despite that, it may be argued that, because determined native title holders have undertaken an arduous process to have their native title recognised, it is appropriate that their RNTBC should have sole responsibility for making protection applications to the Commonwealth. Persons who are not native title holders and yet have traditional interests in the area would have to work with the native title holders to encourage them (and thus their RNTBC) to make an application.

As discussed above, where it is clear from the court decision that, but for extinguishment, the native title holders would also be found to hold native title to adjacent areas, it may be appropriate for their RNTBC (assuming its constitution allowed it to do so) to have sole standing to make protection applications in respect of those adjacent areas.

**Question:** Is there any process that could fill any gaps between the making of a determination that native title exists and the establishment of a prescribed body corporate (PBC) to hold the native title as trustee or to act as agent on behalf of the native title holders; or to fill the gap where a PBC is defunct (see Proposal 5)?

**Response:** There may be no time gap between when a positive determination of native title and the determination of the PBC (see section 55 of the NT Act). In other cases there may be a short gap of a few months or a longer one of a year or more.

Generally it is desirable for claim groups to avoid such gaps as there may be a lack of adequate representation of the native title holders between the date of the determination of native title and the determination and registration of the PBC.

In cases where there *was* a registered claim on foot (by the relevant group) immediately prior to the determination, the Native Title Registrar leaves that claim on the Register of Native Title Claims (as the application is not yet finalised, see section 190(4)(d)) pending the determination and registration of the PBC. Thus, the Registered Native Title Claimant (RNTC) continues to 'exist' pending the determination of the PBC. The PBC would then go on to become the RNTBC. In that gap period, the RNTC may therefore be able to represent the group.

Where there was *no* registered claim on foot prior to the determination of native title, it may be possible for the Representative Aboriginal and Torres Strait Islander Body (the RATSIB) to represent the interests of the native title holding group. This would be an issue to be discussed with such representative bodies (see Part 11 of the NT Act). It might be necessary to amend the NT Act to confer such a function on RATSIBs.

**Question:** Are native title determinations intended to identify all people who have rights and interests in areas of land and waters under traditional laws and customs?

**Response:** A determination that native title exists it includes (among other things) a determination of:

- who the persons, or each group of persons, holding the common or group rights containing the native title are
- the nature and extent of the native title rights in relation to the determination area
- for some areas, whether the native title rights and interests confer possession, occupation, use and enjoyment of that land or waters on the native title holders to the exclusion of all others: section 225(a), (b), (e).

The NT Act also provides that, as a general rule, there can only be one determination of native title in relation to a particular area: section 68.

Accordingly, native title determinations are intended to identify all people who have 'native title rights and interests' as defined in the NT Act, namely:

the communal, group or individual rights and interests of Aboriginal peoples or Torres Strait Islanders in relation to land or waters, where:

- a) the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples or Torres Strait Islanders; and
- b) the Aboriginal peoples or Torres Strait Islanders, by those laws and customs, have a connection with the land or waters; and
- c) the rights and interests are recognised by the common law of Australia: section 223(1)

Determinations of native title may, but need not, identify all people who have rights and interests in areas of land and waters under traditional laws and customs (refer to the determination extracts set out below). Some persons with rights and interests in a traditional area may not come forward and identify themselves as having such rights and interests for the purposes of native title processes. Some assessments of traditional rights differentiate between core and contingent rights or primary and secondary rights in respect of the same area. It may be that native title processes only recognise core or primary rights in relation to the area. Also the process might not identify all those persons who have 'responsibilities' under traditional law and customs to look after traditional areas or objects.

It should be noted that an approved determination of native title can only be made in relation to a claim made under the NT Act. If the matter goes to trial, the Court can only find in favour of the claimants; not the claimants and/or other people who have demonstrated that they have native title (see e.g. *Commonwealth of Australia v Clifton* (2007) 164 FCR 355). By comparison, an Aboriginal Land Commissioner hearing a traditional land claim under the *Aboriginal Land Rights (Northern Territory) Act 1976* has to ascertain whether 'those Aboriginals or any other Aboriginals are the traditional Aboriginal owners of the land': section 50(1)(a)(i).

The NT Act also allows for revised determinations of native title to be made (see sections 13(4) and 61) where:

- events have taken place since the determination was made that have caused the determination no longer to be correct; or
- the interests of justice require the variation or revocation of the determination: section 13(5).

Determinations of native title vary and three examples are given to illustrate the variation in identification of the native title holding group and the rights and interests that may be recognised.

**Example 1:** In *Hunter v Western Australia* [\[2009\] FCA 654](#) the native title holders are described in the determination of native title as follows:

Nyangumarta people are:

(a) descendants of the following sets of apical ancestors:

Karrar, Purtita, Pinganiny and Ngajularti;  
Warrakampanya, Karikaniny;  
Yakutartu;  
Pilypakurru and Minyaw;  
Latara;  
Jawayipala;  
Walypijina;  
Kanykurr and Yirangkamantakarri;  
Ngajiyarra aka Nginykirrititi;  
Yinti and Kayikayi; Yankurna and Pitiny-Pitiny;  
Punykirriti;

Nganalakawangu.

(b) Aboriginal persons who

- (i) self-identify as Nyangumarta in preference to any other group; and
- (ii) are generally accepted by other members of the Nyangumarta community as Nyangumarta under traditional law and custom. Nothing in this definition excludes persons from being included as a member of the native title holding group who are or may be identified as other than Nyangumarta in accordance with traditional laws and customs of a group other than the Nyangumarta community.

The native title rights recognised relevantly include:

Subject to paragraphs 9, 10 and 11, the nature and extent of the native title rights and interests in relation to each part of the Determination Area referred to in Schedule 4 (being areas where there has been a partial extinguishment of native title, where any extinguishment is not required to be disregarded and that are not inter-tidal or sea areas) are that they confer the following non-exclusive rights on the Native Title Holders, including the right to conduct activities necessary to give effect to them: ...

(d) the right to be accompanied onto each part of the Determination Area referred to in Schedule 4 by those people who, though not native title holders and who (for the avoidance of doubt) cannot themselves exercise any native title right set out in this determination, are:

- (i) spouses, parents, children of native title holders, or
- (ii) people required by traditional law and customs for the performance of ceremonies or cultural activities on any part of the Determination Area referred to in Schedule 4; or
- (iii) people who have rights in relation to any part of the Determination Area referred to in Schedule 4 according to the traditional laws and customs acknowledged by the native title holders. (Emphasis added.)

**Example 2:** In *Ampetyane v Northern Territory of Australia* [2009] FCA 834 the native title holding group is described in the determination of native title as:

(a) members of the Ilkewartn and Ywel Anmatyerr landholding groups by virtue of descent (including adoption) through father's father, father's mother, mother's father and mother's mother being;

- (i) Ilkewartn arrenjarl akem - belonging to Ilkewartn through father's father;
- (ii) Ilkewartn atyemeyarl akem - belonging to Ilkewartn through mother's father;
- (iii) Ilkewartn aperlarl akem - belonging to Ilkewartn through father's mother;
- (iv) Ilkewartn anyanyarl akem - belonging to Ilkewartn through mother's mother;

- (v) Ywel arrenjarl akem - belonging to Ywel through father's father;
  - (vi) Ywel atyemeyarl akem - belonging to Ywel through mother's father;
  - (vii) Ywel aperlarl akem - belonging to Ywel through father's mother;
  - (viii) Ywel nyanyarl akem – belonging to Ywel through mother's mother;
- or

(b) recognised and accepted as members of one or both of the Ilkewartn and Ywel Anmatyerr landholding groups by senior members of those landholding groups on the basis of one or more of the following non-descent based connections:

- (i) spiritual identification with and responsibility for the area;
- (ii) conception and/or birthplace affiliation with the area;
- (iii) long term residence of the area;
- (iv) close kinship ties, including intermarriage;
- (v) shared sub/section and/or moiety affiliation;
- (vi) possession of secular knowledge of the area;
- (vii) possession of traditional religious knowledge, authority and responsibility for the area;
- (viii) authority and responsibility for shared Dreaming tracks and sacred sites connected with the area; and/or
- (ix) seniority in traditional matters concerning the claim group and/or the area.

The native title rights recognised relevantly include:

- k. the right to be accompanied on the land and waters by persons who, though not native title holders, are:
  - i. people required by traditional law and custom for the performance of ceremonies or cultural activities on the land and waters;
  - ii. people who have rights in relation to the land and waters according to the traditional laws and customs acknowledged by the native title holders;
  - iii. people required by the native title holders to assist in, observe, or record traditional activities on the areas. (Emphasis added.)

**Example 3:** The determination of native title in *James on behalf of the Martu People v State of Western Australia* [\[2002\] FCA 1208](#) is an example of a determination where two groups of native title holders were determined to hold native title over the same area. The native title holders are described in the determination as follows:

1. In respect of the determination area, the common law holders are those people known as the Martu people. The Martu people are those Aboriginal people who hold in common the body of traditional law and culture governing the determination area and who identify as Martu and who, in accordance with their traditional laws and customs, identify themselves as being members of one, some or all of the following language groups:

- (a) Manyjilyjarra;
- (b) Kartujarra;

- (c) Kiyajarra;
- (d) Putijarra;
- (e) Nyiyaparli;
- (f) Warnman;
- (g) Ngulipartu;
- (h) Pitjikala;
- (i) Kurajarra;
- (j) Jiwality;
- (k) Mangala; and
- (l) Nangajarra.

2. [in relation to 'the Shared Area'] the common law holders are:

- (a) the Martu people as defined in (1) above; and
- (b) the Ngurrara people as defined in (3) below.

3. The Ngurrara people are those Aboriginal people who, in accordance with their traditional laws and customs:

- (a) identify themselves and their forebears as:
  - (i) Jiwality;
  - (ii) Mangala;
  - (iii) Manyjilyjarra;
  - (iv) Walmajarri;
  - (v) Wangkajunga; or
  - (vi) any combination of (i), (ii), (iii), (iv) and (v) above; and
- (b) acknowledge the beliefs, practices, and protocols associated with the jilakalpuaratu rainmaking ritual complex.

The native title rights recognised relevantly include:

- (iv) the right to control access to, and activities conducted by others on, the land and waters of the determination area;
- (v) the right to maintain and protect sites and areas which are of significance to the common law holders under their traditional laws and customs; and
- (vi) the right as against any other Aboriginal group or individual to be acknowledged as the traditional Aboriginal owners of the determination area

**Question:** Is there any remedy under the NT Act for an Indigenous person who considers that he or she has rights under the applicable traditional laws and customs for an area of land or water that have not been recognised when the Federal Court has made a determination of native title for the land or water?

**Response:** As noted above, only one determination of native title may be made in relation to an area (section 68 of the NT Act). If persons other than the recognised native title holder could convince a person who is entitled to make a revised native title determination application pursuant to section 61 of the NT Act and, if that application was successful (see section 13(5)), then those persons may be also recognised as native title holders.

**Question:** Are there circumstances in which the Federal Court could consider excluding people from a determination of native title despite evidence that these people have rights under traditional laws and customs that would entitle them to override the decisions of the native title holders ?

**Response:** The relevant rights and interests to be recognised as native title rights and interests have to satisfy the definition set out in section 223 of the NT Act (quoted above) as interpreted by the High Court in *Members of the Yorta Yorta Aboriginal Community v Victoria* (2002) 214 CLR 422. If the relevant rights and interests satisfy that definition then, subject to any issue of extinguishment, they should be recognised as native title rights and interests in the relevant determination of native title (sections 225).

### **Proposal 6**

Proposal 6 is aimed at ensuring that an application for Commonwealth protection could not be made to prevent an act authorised under a registered Indigenous land use agreement.

There are three kinds of Indigenous land use agreements (ILUAs): body corporate agreements (there must be one or more RNTBCs for the whole of the area (sections 24BA to 24BI)), area agreements (sections 24CA to 24CL) and alternative procedure agreements (sections 24DA to 24DM). The latter two types of agreement may be made before there is, and independently of, any determination of native title in relation to the area.

Area agreements are by far the most common. They may be made by any person claiming to hold native title to the relevant area. Where there is a registered claim over any part of the area, the RNTC must also be a party to the agreement (section 24CD). Once an application for registration of the agreement is made, notice of the agreement must be given by the Native Title Registrar (section 24CH) and persons who did not authorise the making of the agreement may object or provide material in support of why the agreement should not be registered (sections 24CK and 24CL). Where the agreement is registered, it binds all the native title holders to the area whether or not they are parties to the agreement (sections 24EA).

It may be that the persons who enter into the ILUA are not the native title holders for the area. An agreement can be removed from the Register of Indigenous Land Use Agreements in such circumstances (see section 199C).

Further, it may be the case that there is a registered ILUA over the relevant area which allows the future act to be done (from a native title perspective) but it does not deal with or adequately deal with heritage issues.

In other cases, despite there being a registered agreement in place, the area may be of such significance that a protection application should be able to be made (by other persons) to the Commonwealth because protection of the area is in the 'national interest'.

Parties cannot use an ILUA to contract out of cultural heritage laws. Whatever activity that is agreed under an ILUA will be subject to the operation of relevant laws. Some ILUAs include schemes for how the local cultural heritage scheme will be followed in relation to proposed activities in the ILUA area.

Thus, in our view, the existence of a registered ILUA covering the relevant future act should not necessarily remove the capacity of persons to make an application to the Commonwealth for protection of the area or object.

## **Conclusion**

If you wish to discuss any matters raised in this submission please contact Dr Stephen Sparkes, Manager Legal Services at [Stephen.sparkes@nntt.gov.au](mailto:Stephen.sparkes@nntt.gov.au) or (08) 9268 7379.