



AgForce Queensland Industrial Union of Employers

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~~The General Manager
Business Tax Division
The Treasury
Langton Crescent
Parkes ACT 2600~~

~~MR ANTIOCH~~

Ms Thompson

*John
2/6*

Dear Sir/Madam

I write in reply to your request for feedback and comment on the Consultation Paper on Native Title Indigenous Economic Development and Tax. I represent AgForce Queensland, a member of the National Farmers Federation (NFF), and also chair the NFF Native Title Taskforce.

I read the paper with interest and consider you should get some good feedback.

AgForce Queensland represents pastoral respondents to native title claims in Queensland. Currently we are involved in some sixty claims with one thousand respondents.

In conjunction with our solicitors, Thynne & Macartney, we are currently negotiating consent determinations in at least four native title claims with more to follow. There is a problem where consent determinations are achieved, the then native title holders do not have to obtain public liability insurance prior to accessing a landholder's property.

Appendix A is a paper which explains our situation and offers a solution which, if achieved, should lead to faster settlement of native title claims.

I look forward to receiving your reply.

Yours sincerely

**John Stewart AM
Senior Native Title Officer
AgForce Queensland**

Attach:

Appendix A:

Native Title and Tax

AgForce/Thynne & Macartney on behalf of pastoral respondents to native title claims in Queensland have raised the issue of public liability insurance for native title holders. Pastoral respondents are concerned that consenting to native title (and thereby agreeing to Aboriginal access to their pastoral leases) in Queensland increases the potential for injury or damage to be done to the lessee, its property, employees and guests. Without insurance native title holders would universally be unable to meet any award for damages.

AgForce/Thynne & Macartney have established that an Australian insurer is prepared to insure native title holders on payment of the appropriate premium. The insurance policy would provide cover for damage/loss caused to the lessee (or a third party) on a pastoral property while a native title holder is present on the property to exercise native title rights.

Queensland pastoral respondents sought a commitment from the Federal Government to fund native title holders (through Prescribed Body Corporates) to enable them to obtain insurance cover.

The Federal Government declined.

Pastoral respondents must therefore decide whether to oppose native title claims (or at least take no active steps to settle) or consent to a native title determination and take the risk that damage could be done by uninsured impecunious parties.

Pastoral respondents raise for consideration by the Federal Government whether it would consider a tax benefit to those pastoral respondents who:

- Consent to a native title determination; and
- Agree to pay the insurance premium to enable native title holders to be covered by public liability insurance.

Such benefit could be by way of a rebate equal to the amount of the premium upon proof of payment of the premium.