



13 March 2025

The Hon Mark Dreyfus KC
The Australian Law Reform Commission
Attorney-General's Department
3/5 National Circuit
Barton ACT 2600

Via email: nativetitle@alrc.gov.au

RECOMMENDATION ON SCOPE OF ALRC REVIEW OF THE FUTURE ACTS REGIME

Dear Attorney-General,

The National Farmers' Federation (**NFF**) appreciates the opportunity to provide feedback on the Australian Law Reform Commission's review of the *Future Acts Regime*. The NFF represents the interests of Australian farmers who play a vital role in the nation's economy, food security, and natural resources management.

We recognise the importance of a balanced and effective *Future Acts Regime* that supports economic growth while respecting Native Title rights. In this context, we wish to highlight several key areas where the current regime's efficacy could be enhanced to better serve the needs of the agricultural sector.

1. Efficacy of Current Processes

The NFF is concerned about the complexity and inefficiencies in current Future Act processes. These challenges often result in delays and increased costs for agricultural enterprises seeking to undertake lawful activities on Native Title land. We urge the Commission to consider approval pathways, improving timeframes, and reducing compliance burdens to enhance operational certainty for agricultural stakeholders preferably by considering options to streamline these mechanisms.

2. Challenges in Establishing ILUAs

Establishing Indigenous Land Use Agreements (**ILUAs**) remains a complex and resource-intensive process for our members. One of the primary challenges is identifying the correct parties with which to negotiate. This complexity is exacerbated by overlapping Native Title claims and inherent intricate governance structures. This needs to be a key area of discussion in the Review.

3. Integration of Climate Projects Through ILUAs

With increasing emphasis on sustainable practices and climate resilience, there is growing interest among our members in pursuing climate projects such as carbon farming and renewable energy initiatives. There needs to be more accessible mechanisms to integrate these projects through ILUAs, allowing agricultural businesses to collaborate effectively with Native Title holders while contributing to environmental sustainability.

4. Equity in Stakeholder Engagement

We have observed significant disparities in the level of support available to different stakeholders participating in Future Act processes. While Native Title holders receive government-funded support, our members often bear substantial costs to participate in negotiations.¹ This imbalance creates an inequitable environment, hindering productive discussions. NFF encourages the Review to consider mechanisms that ensure equitable support for all parties, fostering fairer and more transparent negotiations.

5. Information Asymmetry

We have found that our members often encounter difficulties in obtaining relevant information about Native Title holders and identifying the appropriate entities for engagement. Promoting more informed and efficient negotiations is a crucial aspect of the Review. We urge the enhancement of publicly accessible databases and the improvement of communication channels to bridge this gap.

The NFF thanks the ALRC for the opportunity to make a submission on this matter and we look forward to further consultation. The NFF policy contact is Warwick Ragg, General Manager for Natural Resource Management, via email

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Yours sincerely,

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TROY WILLIAMS

Chief Executive Officer
National Farmers' Federation

¹ National Indigenous Australians Agency, *Budget 2024-25: Delivering Better Outcomes for First Nations People*, National Indigenous Australians Agency, <https://www.niaa.gov.au/news-and-media/budget-2024-25-delivering-better-outcomes-first-nations-people>, accessed 26 February 2025; Native Title Resource Centre, *Fees, Services, and PBCs*, Native Title, <https://nativetitle.org.au/learn/pbcs-making-it-work/fees-services-and-pbcs>, accessed 26 February 2025.