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Mr Tony McAvoy SC
Commissioner
Australian Law Reform Commission
PO Box 209
Flinders Lane
Victoria 8009

Via email nativetitle@alrc.gov.au

Dear Commissioner,

RE: NT COMPENSATION – EASTERN KUKU YALANJI

Jabalbina Yalanji Aboriginal Corporation RNTBC (JYAC) makes the following submission to the Commission in response to Discussion Paper 88 regarding the review of the future acts regime under the *Native Title Act 1993* (Cth) (NTA). We thank the Commission for agreeing to consider this later, albeit short, submission.

JYAC makes this submission in its capacity as the RNTBC for the Eastern Kuku Yalanji Peoples (EKY) of Far North Queensland, arising from Eastern Kuku Yalanji People 'EKY #1' Determination - Tribunal No QCD2007/002. The corporation, via its EKY membership, also has interests in the EKY People #2 Claim – Tribunal file no. QC2022/007, the Cape York United Number 1 Claim – Tribunal file no. QC2014/008, and to a lesser extent the Djabugay Nation Claim – Tribunal no. QC2024/001.

There are some 17 ILUAs currently in place on EKY lands and waters, with a range of government, commercial, and private interests. JYAC is in partnership with both the Australian and the Queensland governments in the joint management of traditional lands and waters, covering over 350,000 Ha. Subject to the settlement of the aforementioned claims, this figure could rise in coming years to over 500,000 Ha.

Native Title Management Plans (NTMPs)

Question 6 of Discussion Paper 88 (May 2025) asked:

Should the Native Title Act 1993 (Cth) [should] be amended to enable Prescribed Bodies Corporate to develop management plans (subject to a registration process) that provide alternative procedures for how future acts can be validated in the relevant determined area.

From JYAC's perspective, the answer is a very definitive 'Yes'.

The Commission is correct to note (at paragraph 48) the consensus that "better outcomes can be achieved through specific or tailored future acts processes". This consensus view reflects the lived experience and decades of published evidence (including from the United States and Canada) that genuine local leadership of First Nations socioeconomic development initiatives is the surest, indeed only genuine, guarantee of realistic and durable success.

Paragraph 50 lists the some of the benefits / opportunities for native title holders that would arise from NTMPs. This includes the signalling of development opportunities over certain areas of land. Another important opportunity is the added investment security for both native title holders and prospective or current investors in First Nations led development initiatives.



In the absence of economic participation initiatives in Australia such as institutional arrangements established under Canada's *First Nations Fiscal Management Act 2005*, NTMPs represent a positive step to enhance investment security in First Nations projects.

The EKY are actively engaged in a sustained and ambitious agenda of socioeconomic transformation, involving strategic investments and operations in renewable energy, tourism, cultural heritage services, ecosystem services, agriculture, and the nature repair market.

JYAC sees two main areas of benefit from the proposed NTMPs:

1. Long-term internal planning and organisational capacity
2. Streamlined and more secure investment.

JYAC's commercial projects, whether in operation or in development, are complex and long-term in nature. They typically involve research, planning, decision-making, and execution well beyond the tenure of most Directors and many key staff. There is a need, therefore, for long-term planning about what is available and appropriate for commercial development. This planning must give both the corporation as a whole (beyond the term of any given Directors or staff) certainty for resource allocation, financial management, and operational planning.

The proposed NTMPs would provide a helpful, 'First Nations-friendly', framework for planning the long-term futures Indigenous land and waters, including categorising areas where select future acts would be encouraged. To this extent, NTMPs would integrate well into the long-standing healthy country planning frameworks of many PBCs, along with relevant management agreements in place with government.

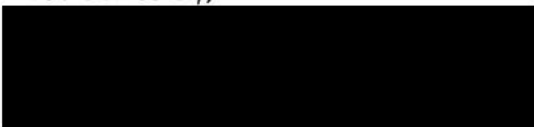
Investment security is critical to every one of JYAC's commercial endeavours, from planning and investment decision-making with our Board of Directors, through to investment attraction of joint venture partners and, in turn, their financiers. The proposed NTMPs would, as stated in paragraph 58, provide significantly enhanced security via a streamlining of approved future acts in approved areas. This will be a significant investment attraction capacity to enable JYAC to truly realise its members' vision of sustainable economic independence.

There are a range of important considerations that must be considered prior to the formal introduction of NTMPs, but they are not so substantive as to prevent JYAC strongly supporting NTMPs in-principle. These considerations, which JYAC can more closely consider in future, include the following.

1. The precise means and degree of resourcing PBCs to adequately develop NTMPs and, importantly, to effectively manage NTMPs into the future.
2. The means of registering NTMPs and review / amendment processes.
3. How NTMPs would interact with all classes of pre-existing ILUAs, including the complex set of ILUAs currently in play for EKY.
4. The interaction between cultural heritage law, environmental protection laws and NTMPs.

Finally, we congratulate the Commission on the quality of its important work on the NTA future act regime to date, look forward to the findings of the review, and, hopefully, the improvements it may facilitate.

Yours sincerely,



Josh Paterson
Chief Executive Officer