



AUSTRALIAN CAPITAL TERRITORY

SUBMISSION TO THE COMMONWEALTH GRANTS COMMISSION'S POSITION PAPER 2009/02: *NATIVE TITLE AND LAND RIGHTS*

March 2009



VIEWS ON THE COMMISSION'S ASSESSMENT PROPOSALS

INTRODUCTION

The 2010 Review has been run as an iterative process between the Commonwealth Grants Commission (the Commission) and the States and Territories over the course of the past five years. As part of this process, the ACT has provided a number of submissions in response to Staff and Commission Discussion Papers and refined based on multilateral and bilateral discussions with Commission staff and other States. These submissions outlined the ACT's position regarding the validity of the conceptual case underpinning the assessments and the proposed assessment methods.

It is noted that in some instances the position detailed in the latest Commission Position Papers is at odds to those of the ACT. In the interests of brevity, the ACT has not sought to reiterate the entirety of its previously stated position unless new data or new thinking has been applied. In this context, a lack of objection (silence) does not imply support where such support has not been previously stated, and instances where comment has been made on refining a methodology does not necessarily imply support for the broader method itself unless otherwise stated.

WHERE TO ASSESS NATIVE TITLE AND LAND RIGHTS

The proposal to assess Native Title and Land Rights (NT & LR) expenses within each relevant category, rather than as a block assessment, accords with the ACT's views on transparency and is supported.

APC ASSESSMENT

The adoption of an actual per capita (APC) assessment is supported as NT & LR expenses occur as a result of Commonwealth legislation and it generally reflects the disabilities faced by the affected States.

FREEZING THE ASSESSMENT

In response to Staff Discussion Paper 2007/05-S: *Native Title and Land Rights*, the ACT did not support freezing NT & LR expenses nor increasing the expenses by the growth in total State expenses as this was likely to overstate expenses. The ACT suggested using annual data from the States or, if the aim was simplification, to use an index such as CPI.

The analysis in the latest Position Paper indicates that the growth in the CPI index over the period 2002-03 to 2007-08 is much closer to the actual growth in NT & LR expenses than using the growth in average State expenses.

However, as noted by the Commission, given the difficulty in predicting NT & LR expenses, and that the use of indexes could materially affect GST shares compared to using actual expenses, the ACT supports collecting and using annual State data.

Federal Financial Relations Unit
Investment and Economics Division
Department of Treasury, ACT