



# Outcomes will be streamlined

## Native Title and You



By National  
Native Title  
Tribunal  
President  
**GRAEME  
NEATE**

People involved in native title negotiations now have had a few weeks to learn more about the Australian Government's response to the claims resolution review – one aspect of a six-part reform package for the native title system.

The Government has accepted most of the 24 recommendations made by the consultants engaged by Attorney-General Philip Ruddock to conduct the review. If the required legislation is passed, the changes will be significant.

The National Native Title Tribunal has welcomed the changes because we believe they will make the native title system work better. There are about 550 outstanding claims in the system, which have been lodged by Indigenous people keen to gain recognition for their native title rights and interests.

**'The tribunal's role in mediation will be strengthened under the changes. We will have more powers and functions to help parties reach agreements.'**

In the 14 years since Eddie Mabo's claim was recognised, many Indigenous people died before their native title claims

were completed. The proposed changes won't guarantee their claims are finalised quickly, but they should ensure that more claims can be resolved through mediated agreements, rather than lengthy, expensive and unpredictable court cases. If this happens, more native title claimants will benefit from securing results within their lifetimes.

The tribunal's role in mediation will be strengthened under the changes. We will have more powers and functions to help parties reach agreements. We will also have a new inquiry function which, in some cases, will allow the tribunal to collect evidence and make recommendations about issues such as overlapping claims.

There has been some early confusion about how some of the proposals will work, particularly how they might relate to claims where there are mining interests. The changes will not see claims dismissed unless they comply with a special set of conditions. Even then, the final decision will rest with the Federal Court and a judge can keep a claim running if there are good reasons to do so.

Recently, I was in South Australia for two lots of native title celebrations. The De Rose Hill native title holders were the first in the State to have their native title recognised after a long court case and various appeals. They gathered with



a range of experts and others who helped them win their case to celebrate the finalisation of the matter.

The Yankunytjatjara/Antakarinja native title determination was made the following day at Marla, 160km south of the Northern Territory border. This was the first consent determination for South Australia and marked an agreement between pastoralists, the State Government and native title holders. Although the results were arrived at by very different means – these two groups have shown that the native title system can and does produce results.

Around Australia, there have now been 62 determinations that native title exists. Hundreds of other agreements

have been made, including 251 Indigenous land use agreements.

Overall, people involved in negotiations with native title claimants now are more willing than ever to reach enduring agreements which will deliver positive results for Indigenous claimants and protect the interests of everyone involved.

We believe these reforms will help us get to that point in a more efficient and cost-effective way.

● For more information on the changes see the tribunal's website [www.nntt.gov.au](http://www.nntt.gov.au) or the Attorney-General's Department website [www.ag.gov.au/nativetitlesystemreform](http://www.ag.gov.au/nativetitlesystemreform)



**Tribunal president Graeme Neate and member Bardy McFarlane congratulate South Australia's first native title holders, the Yankunytjatjara people, who were involved in a long court process to have their De Rose Hill native title claim recognised.**