



Koori Mail
31/01/2007
Page: 22
General News
Region: National Circulation: 8005
Type: Magazines Lifestyle
Size: 274.83 sq.cms
Fortnightly

100th determination will be native title milestone

Native Title and You



By National Native Title Tribunal President GRAEME NEATE

This year is shaping up to be the year that Australia will have its 100th determination of native title – a significant milestone for those involved in the claim and a reminder to everyone of the progress of claims over the past decade.

It comes at a time when many people, governments and organisations are focused on improving the performance of the native title system.

The Australian Government is implementing a package of co-ordinated measures, some of which are meant to help increase the rate at which native title claims are resolved so the next 100 determinations may take fewer years to complete.

Late last year amendments to the Native Title Act were introduced into the Australian Parliament. Some amendments will give the National Native Title Tribunal the ability to apply more rigour to the native title process.

These reforms were recommended following a review of the claims resolution process that was completed in 2006.

The changes will allow the Tribunal to direct parties to attend a mediation conference. In certain circumstances, the Tribunal will be able to assess whether the native title claim group has, by its traditional laws and customs, connection to the land or waters claimed.

With the co-operation of parties, the Tribunal may conduct inquiries into overlapping claims and other issues that

need to be dealt with before a determination of native title can be made.

Also, new guidelines for giving financial assistance to respondent parties are aimed at encouraging agreement-making rather than litigation.

As a result of more than a decade of experience, people are showing a greater understanding of native title and many are approaching negotiations with a commitment to reaching agreements.

By negotiating with each other, parties to native title proceedings can consider the broader goals of a community and work out the terms of the agreement to meet the community's needs and aspirations.

The primary purpose of the Tribunal is to work with people to resolve native title issues over land and waters. We welcome the recent reappointment of four Tribunal members who will strengthen our ability to implement the reforms and progress native title claims more effectively and efficiently.

Bardy McFarlane (based in South Australia) and Graham Fletcher (in Queensland) will continue as members for the next five years. John Sosso (also based in Queensland) will become Deputy President after seven years as a member.

I have been reappointed President for the next five years, and look forward to working with people throughout Australia to build on the progress that has been made to reach outcomes on native title claims.