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Report shows positive trend

THE latest National Native Title Tribunal report on native title activity confirms a positive trend that has been developing over the past two years.

Most determinations that native title exists are being made by consent, with fewer being determined by litigation.

People involved in native title processes would rather work things out together, to find an outcome they can agree on, than argue before the Federal Court where a judge decides the outcome.

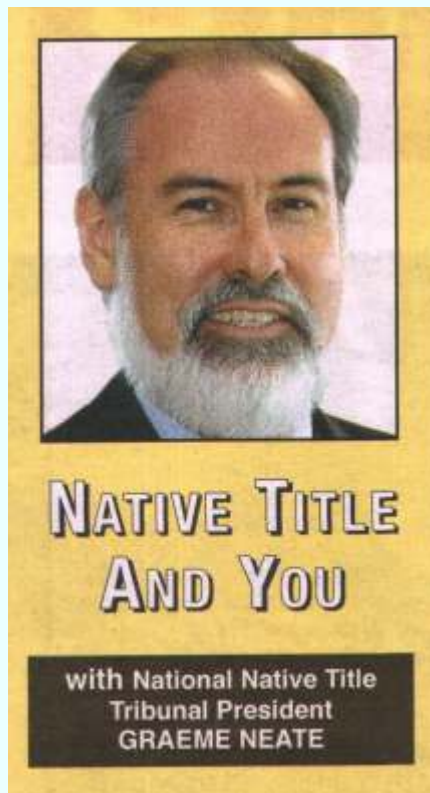
Statistics about native title outcomes, published in the Tribunal's *National Report: Native Title for July - December 2009*, demonstrate this trend.

The report shows that 83 per cent of the determinations that native title exists since the *Native Title Act* started in 1994 were made with the consent of the parties.

Overall, 129 determinations of native title, relating to 12.1 per cent of Australia's land mass and large areas of sea, have been registered in the past 16 years. In 92 cases, native title was determined to exist.

A willingness to find a mutually beneficial outcome for all native title parties is also shown in the number of Indigenous land use agreements (ILUAs) made over the past 16 years – the 400th ILUA was registered with the Tribunal in November 2009 and by 13 April this year 421 had been registered.

A diverse range of matters is covered by ILUAs, reflecting the many ways land and waters are used and managed



across Australia. ILUAs may be made before or after determinations of native title, with these agreements reflecting the parties' aspirations for a positive future as co-users of areas of land or waters.

National, state and territory statistics and graphs showing the current status of native title claims and future act applications; trends in native title activity since 1994; and an analysis of this

information, are also provided in the Tribunal's report.

Between 1 January 1994 and 31 December 2009, 1841 native title applications were filed; and 1359 of them were determined, dismissed or otherwise disposed of.

This means that 75 per cent of all native title applications in the past 16 years are no longer in the native title system.

In the period from July to December 2009 there was a slight increase in the rate of native title claim dispositions and the number of claims lodged – 31 applications were finalised and eight new claimant applications were made.

Although this steady progress is encouraging, there are significant challenges for all parties in the quest to speed up the resolution of current applications.

At 13 April there were 426 claimant applications active in the system. The average time to reach a consent determination from the time the claim was made is just over six years.

The challenge for all parties is to continue working together at a national and regional level to achieve timely and effective native title outcomes.

* *The National Report: Native Title* is the fourth in a continuing series of six-monthly status reports on Australia's native title system published by the National Native Title Tribunal. Visit www.nntt.gov.au to read the Tribunal's *March 2010 National Report: Native Title*.