



# Members have important role

PEOPLE involved in native title processes might be aware that the National Native Title Tribunal has a team of 'members' who are appointed to facilitate timely and effective outcomes for native title and future act applications. The roles and powers of members are set out in the *Native Title Act 1993*. They are different from those of the Registrar and staff of the Tribunal.

Members are appointed by the Governor-General for terms of up to five years. They can be reappointed for another term or terms.

The Act lists the qualifications or knowledge a person needs before they can become a member of the Tribunal.

There are currently nine Tribunal members, with at least one member in each mainland state. They have a range of backgrounds, qualifications and experiences.

Member Bob Faulkner, who has been with the Tribunal since August 2004, was recently reappointed for six months.

Mr Faulkner is an Anaiwan man from northern NSW. He had a long career in the Australian Public Service providing advice about Indigenous affairs to governments. In 2003 he was awarded a Public Service Medal for outstanding public service in the delivery of

improved services to Indigenous communities.

His experience includes involvement in community organisations that focus on Indigenous affairs. These include establishing the first reconciliation group in Tamworth and his roles as a former member of the NSW Reconciliation Committee, a

custodian of Aboriginal sites in the Moonbi area north of Tamworth and conducting cultural tours of the bush and national parks.

Members have diverse responsibilities under the *Native Title Act*. They include:

- Mediating claimant and non-claimant applications and compensation applications
- Reporting to the court on the progress of mediation
- Preparing and providing regional mediation progress reports and regional work plans to the court
- Arbitrating objections to the expedited procedure in the future act scheme
- Mediating in relation to certain proposed acts on areas where native title exists or might exist (future acts)
- Where parties cannot

agree, arbitrating applications for a determination of whether a future act can be undertaken and, if so, whether any conditions will apply

- Helping people negotiate Indigenous land use agreements (ILUAs) and helping to resolve any objections to area and

alternative procedure ILUAs

- Reconsidering decisions of the Registrar (or Registrar's delegate) not to accept a claimant application for registration

- Conducting reviews on whether there are native title rights and interests

- Conducting native title application inquiries.

The bulk of most members' work is in the mediation of native title claims, but some members also mediate future act matters, and conduct hearings and make determinations in relation to some future acts.

Recent decisions include the determination by Deputy President Chris Sumner that the grant of a mining lease for a potash mine at Lake Disappointment in Western Australia must not be done. The company took the matter to the Attorney-General, but he did not overrule the decision.

The work of Tribunal members is varied, interesting and challenging. It can have a significant impact on the lives and businesses of a very broad range of stakeholders, from Indigenous communities to pastoralists, mining companies, fisheries, and governments.

We take the work seriously, and strive to carry out our functions in a fair, just, economical, informal and prompt way.



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**National Native Title Tribunal member Bob Faulkner, left, was reappointed by the Governor-General on 30 July 2009 and sworn in by Justice Jeffery Spender in Brisbane on 27 August.**