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2008 a year of progress

PROGRESS and the prospect of change have been the hallmarks of 2008 for participants in the native title process. For many claimants, this year will be remembered for determinations by the Federal Court that they have native title over their traditional lands.

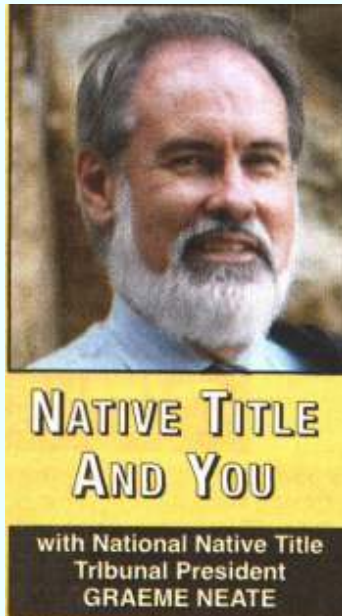
Others have had to call upon their patience and perseverance as the process of negotiating native title has continued to move forward more slowly than they would have liked.

In February, Federal Attorney-General Robert McClelland announced the new Australian Government's objectives for the native title system, which he said aimed to ensure 'native title was not an end in itself'. Mr McClelland emphasised the importance of negotiation in the resolution of land use and ownership issues to produce broader outcomes, the need for more Indigenous Land Use Agreements (ILUAs) and resources to support their formation and the importance of capitalising on potential economic development opportunities that may come with native title. He urged parties to take a less legalistic approach to native title processes.

These aspirations have been realised in native title determinations and the negotiation of ILUAs around the country this year.

The Ngaanyatjarra, Birriliburu, and Thalanyji peoples of Western Australia and the Wangkangurru/Yarluyandi and Eringa claimants for Witjira National Park land in South Australia had their native title rights recognised over large areas of land.

On 9 December, at a hearing on



Mornington Island in north Queensland's Gulf of Carpentaria, the Lardil, Yangkaal, Gangalidda and Kaiadilt people had their native title recognised.

Significantly, all of the determinations that native title exists have been made by agreement of the parties, without the need for contests before the Federal Court. They bring the number of consent determinations Australia-wide to 71.

More consent determinations are anticipated in the coming months.

The National Native Title Tribunal has continued to work with native title parties

on the development of ILUAs, many of them linked to native title determinations, ensuring that the interests of all parties are represented and prospects for the future are mapped out.

Some 44 ILUAs have been registered this year, bringing the national total to more than 350. More agreements have been made in relation to mining and exploration this year. Through the future act process, the Tribunal has made more than 60 consent determinations that these developments can proceed.

While the importance of progressing native title claims remains, some change is in the wind for 2009. In October, the Attorney-General announced the Australian Government's proposal to amend the Native Title Act to improve the native title system.

The proposal would give the Federal Court additional powers in the mediation of native title applications. The Court would decide if and when to refer matters to mediation, and whether the Tribunal or the Court would conduct mediation.

Irrespective of the changes, the focus remains on mediation and the importance of parties negotiating settlements of native title.

Parties have a broad range of options for settling native title claims, including ILUAs and alternative agreements. It is important that this flexible approach remains under the proposed changes.

The Tribunal looks forward to working with all participants in the native title process in 2009, and beyond, to resolve native title issues over land and waters in many parts of Australia.