



# Tribunal report shows how claims progress

**A** DETAILED view of native title activity and progress of claims across Australia up to the end of 2008 is provided in a report released this month by the National Native Title Tribunal.

The *National report: native title* charts the progress of native title claims, with a focus on activity during a six-month period to 31 December last year.

The report, now accessible via the Tribunal's website ([www.nntt.gov.au](http://www.nntt.gov.au)), shows just how far we've come in the 15 years since the Native Title Act began operating.

Statistics show that 117 determinations of native title (82 that native title exists) have been registered since 1 January 1994. Those determinations relate to 11.6 per cent of Australia's land mass and large areas of sea.

The report provides both national and state or territory results, with outcomes varying considerably between regions. For example, 43 determinations of native title have been registered in Queensland, and determinations that native title exists have been made over very large areas of Western Australia.

There have been fewer or smaller outcomes in other parts of the country, but each of them is significant to the people most directly affected.

The variation in these results reflects the diversity of circumstances, people, land dealings, industries, environments and cultures around the nation. That diversity requires different approaches to addressing native title issues.

In some cases there are few areas of Crown land, or native title may have been extinguished, limiting opportunities to make successful native title claims. The relocation of Indigenous people over generations may make it difficult for them to prove their traditional connection to land or waters.

Indigenous land use agreements (ILUAs) are a useful way for some Aboriginal people to gain access to land and to have a say in its management. At 31 December 2008, a total of 359 ILUAs had been registered, 49 of them in 2008.

The Victorian Government is currently considering a proposal for an alternative settlement framework, under which traditional owners could negotiate ILUAs with the State Government about a range of subjects without necessarily resolving the question of whether or not native title exists.

In other parts of Australia, particularly in South Australia, 'template' ILUAs have been created to make agreement-making an easier and more efficient process.

In South Australia, ILUAs are sometimes negotiated and finalised before native title is determined, making the claim process the beginning of a new and productive relationship between the parties and the land.

Native title claims can also be resolved more effectively using templates of court orders produced from similar cases or by using the outcomes of test cases to guide negotiations. This has been the case for some

determinations in the Northern Territory, South Australia and Queensland.

Some states and territories have additional tools for resolving land issues with broader settlements, including grants of title to land under local land rights Acts.

The Tribunal's regular report is published twice each year. As well as outlining trends in the progress of native title in the past six months, it helps us to see how much further we have to go.

Fifteen years since it started, the native title system continues to present all parties with an opportunity to generate real and lasting outcomes, using approaches tailored to suit their very individual circumstances.

To see the Tribunal's report, visit [www.nntt.gov.au](http://www.nntt.gov.au)

