



National
Native Title
Tribunal

The National Native Title Tribunal 1994–2017



Shared country | shared future

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The National Native Title Tribunal (NNTT) was established under the Native Title Act 1993 (the Act) on 1 January 1994.

The NNTT was established to achieve consensual resolution of native title determination applications, where possible. The initial Act empowered the NNTT to make determinations in relation to unopposed applications with contested applications referred to the Federal Court for decision.

Specific powers rested with the Native Title Registrar and the Tribunal, which consisted of the President and Members, including as an arbitral body in relation to certain categories of proposed government acts (future acts).

The NNTT opened its first office in Perth in 1994 staffed by the Hon Justice Deirdre O'Connor, President of the Administrative Appeals Tribunal, who held the initial position of President; Mr David Schulz, the Registrar of the Administrative Appeals Tribunal as Acting Native Title Registrar, with support from staff of the Administrative Appeals Tribunal.

The Inaugural President, Justice Robert French, commenced in May 1994. President French understood the complexities of accommodating the multiple, and often competing, interests of land holders and native title parties, including the need to develop an understanding of the laws and customs of Aboriginal and Torres Strait Islander peoples. He emphasised that dealing with native title is dealing with two systems of law: Indigenous law and the law of the settler society.

Native Title Registrar, Patricia Lane, commenced in July of the same year and two Presidential Members were appointed: Justice Peter Gray and Justice Howard Olney.

A busy beginning

In its first year of operation, the NNTT undertook extensive consultation with relevant groups to explore practical issues relating to implementing the Act.

In an effort to assist parties to achieve sustainable mediated outcomes, the NNTT, together with the Aboriginal and Torres Strait Islander Commission and the Council for Aboriginal Reconciliation, organised a conference in Darwin in September 1994 to consider ways of negotiating agreements about Indigenous land.

In its educative role, the NNTT became actively engaged in explaining native title, and its processes and procedures under the Act, to a wide range of community groups and other interest holders. State and Territory-based Liaison Committees were established which provided affected groups with an opportunity to discuss the NNTT's procedures and operations. Tribunal Members and staff were involved in speaking to Aboriginal communities and representative bodies around the country.



*Justice Robert French
Inaugural Tribunal President*



Throughout 1994–95 the legislative landscape began to change, shaping the future of native title and impacting on the operations of the NNTT. The High Court in *Biljabu and Ors v State of Western Australia* found Western Australia's state based native title legislation the *Land (Titles and Traditional Usage) Act 1993* (WA) to be invalid, confirming the pre-eminence of the *Native Title Act*. Following the decision, the WA State Government announced it would only issue future mining titles after an assessment had been made of whether or not there was a possibility native title continued to exist. As a result, by 30 June 1995, the NNTT received approximately 440 notices from the State of WA related to mining tenements pursuant to s 29 of the Act. In response, the NNTT established a Future Acts section and appointed a dedicated Member to the management of future act applications.

The High Court decision in *Brandy v Human Rights and Equal Opportunity Commission* also had a significant impact on the NNTT. The High Court determined that only the Federal Court had the jurisdiction to make and enforce consent determinations, removing one of the NNTT's key functions.

The provision of information to all sections of the community continued to be a significant component

of the work of the NNTT, particularly in relation to the requirements of specific interest groups and state and local governments across Australia. As well as information sessions, the NNTT issued publications, instituting the monthly newsletter, entitled *National Native Title Tribunal Update* in August 1995.

With a growing understanding of native title throughout the Indigenous community, the number of claimant applications for a determination of native title grew from 15 in June 1994 to 367 by 30 June 1996. There were also 96 non-claimant applications, 5 compensation applications, 93 objections to the expedited procedure and 170 future act determination applications received by 30 June 1996. In the first two years, the NNTT processed 5,114 future act notices in WA issued under s 29 of the Act.

During this period the membership of the Tribunal increased to six Presidential Members and seven non-Presidential Members, expanding the Tribunal from three Members to 14.

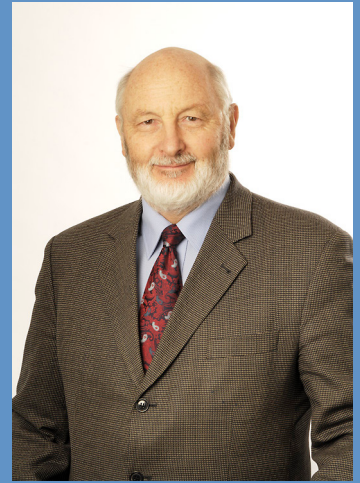
The NNTT's Sydney Registry also established separate premises in the 1995–96 financial year to accommodate the growing numbers of staff and statutory appointees.

1996–1997

Growth

As the native title system evolved, the NNTT reviewed and refined its procedures. The President instituted a review of administration and mediation practices and the revision of the organisation's corporate goals to align more clearly with needs.

To assist with the increased workload, the number of appointed members rose to 19, on either a full-time and part-time basis. The Hon Christopher Sumner, (right) a full-time Member based in Adelaide, took responsibility for managing the organisation's future act operations in WA as the number of applications rose significantly. The NNTT also strengthened its footprint by opening a new office in Brisbane, upgrading the Adelaide office as well as piloting an office in Kalgoorlie to support the extensive work in the region, largely in relation to overlapping claims. New offices were opened in Melbourne and Tasmania, work began to establish an office in Cairns and the Canberra office, Adelaide and Darwin Registries were relocated to new premises.



By 30 June 1997, the NNTT had received 552 claimant applications, 126 non-claimant applications, 9 compensation applications, 178 future act determination applications and 345 objection applications.

In an effort to facilitate efficient and regionally consistent case management practices, NNTT members and staff developed substantial regional plans. As the complexities of native title contributed to the rise in conflict between Indigenous groups, the NNTT formed working groups aimed at assisting parties to manage divergent interests in a way that enabled them to engage more effectively with government and others. These working groups worked closely with the relevant Native Title Representative Bodies.

To assist parties in achieving negotiated outcomes, the NNTT:

- published *The Next Step: Facilitating Negotiated Agreements*
- launched a cooperative programme with the Australian Local Government Association, producing educative materials and seminars on the relationship of native title with local governments
- commenced production of 'Native Title News', a 10 minute radio news and current affairs programme run fortnightly by the National Indigenous Radio Service to facilitate information about native title across the country, particularly into regional areas.

In November 1997, the NNTT introduced a 'Policy on Differential Allocation of Resources to Mediation of Native Title and Compensation Applications'. The purpose of the policy was to accelerate the mediation process in cases where there was a reasonable prospect of resolution in whole or part.

During this period, the NNTT established its values: to be impartial, practical, innovative, fair and excellent—its mission: to promote just agreements, informed discourse and fair outcomes about native title through mediation and arbitration—its vision: to be a principal provider of native title mediation services and an authoritative source of information about the native title process.

The NNTT's first full time Registrar, Ms Patricia Lane, retired at the end of December 1997. She acknowledged that the first four years of the NNTT's operation had been complex and challenging and recognised the continued commitment of staff to the process.

A welcome outcome in April 1997 was the first determination of native title on mainland Australia with the [Dunghutti people](#) at Crescent Head in New South Wales.

1998–2000

The 1997–98 financial year was one of consolidation for the NNTT, with a restructure of senior management and changes to procedures as a response to the amendments to the Act. Following the retirement of Registrar Lane, Mr Christopher Doepel commenced as Native Title Registrar on 1 January 1998.

On the back of the [Wik decision](#) and its social and political response, amendments to the Act came into effect from 30 September 1998. Three amendments which impacted on NNTT practices were: the new registration test of native title claimant applications, the introduction of a scheme for Indigenous Land Use Agreements (ILUAs), and the increased emphasis on mediated or negotiated outcomes of native title issues.

The 1998 amendments to the Act imposed additional workload on the NNTT in preparing procedures and resources to deal with the new registration test which had to be applied to most claimant applications lodged before 30 September 1998 and all applications lodged after that date.

In June 1998, the NNTT employed 235 people

nationally. Applications received by the NNTT in all areas continued to increase. There were 804 claimant applications received, 151 non-claimant applications, 22 compensation applications, 194 future act determination applications and 1,706 objections to the application of the expedited procedure. Under the new provisions of the Act, 10 ILUAs had been submitted for initial compliance checks prior to notification and registration.

June 1998 also saw the first national audit of agreements since the introduction of the Act. One thousand, one hundred agreements had been made between different Indigenous groups, miners, industry bodies and governments. These agreements were largely future act agreements or native title settlement agreements.

Responding to the 1998 amendments, the NNTT undertook a restructure on 15 March 1999 to reflect its new operating environment. The restructure established distinct departments; legal services, practice and procedures, research and library; geospatial information; and all administration, information technology and human resources functions. Included in the restructure was a review of operations in WA which saw four administrative regions reduced to one.

Traditional dancers meet the Federal Court on the occasion of the of the Gunditjmara determination in Victoria





Then Premier of Western Australia Richard Court and the Traditional Owners discuss the Indigenous Land Use Agreement signed with the Spinifex People in October 2000

The period between 1998 and 2000 saw a gradual change of focus in the work of the NNTT shifting to mediation, the provision of ILUA assistance and notification with a concurrent move away from registration testing.

New President

Justice French's term as Tribunal President ended on 31 December 1998 and Mr Graeme Neate was appointed to the position on 1 March 1999, a position he held for 14 years.

In the 1999–2000 period the Federal Court finalised a review of registration test decisions, and NNTT practices were again revised in accordance with the review. The Registrar commenced a process of notifying individual persons, bodies and the public about claimant applications under the notification provisions of the amended Act. There was also an increased awareness of, and interest in, the potential of ILUAs which resulted in a greater demand for information and other assistance from the NNTT, as parties sought to understand the new ILUA provisions, negotiate agreements and have them registered.

The Queensland and WA state governments issued guidelines in relation to their preconditions for entering into negotiation for a native title consent determination, reflecting the growing understanding of native title law. Such initiatives assisted the NNTT in the mediation of native title determination applications.

The new century saw an increase in the number of consent determinations reached between parties, largely in Queensland and WA. The first sittings of the Federal Court on country to hand down these determinations were made in the Torres Strait in July 2000. In November 2000, Chief Justice Michael Black travelled to remote Tjuntjuntjara, WA, to make the determination in relation to the Spinifex people's application. The NNTT played a role in each of the applications which were settled by consent.



*President Graeme Neate
(standing, centre) with
Tribunal Members, 2000*

2001–2011

In 2001, Deputy President Sumner was made a Member of the Order of Australia for “service to the South Australian Parliament, to the law, particularly establishing basic principles of justice for victims of crime, to multiculturalism and to the National Native Title Tribunal”. Member Bardy McFarlane chaired a technical task force consisting of a range of government and non-government stakeholders, ultimately assisting the WA government to settle its policy on dealing with the busy mining sector.

The NNTT held a forum ‘Negotiating Country’ in Brisbane in August 2001, focussing on ILUAs and the mediation and management of native title applications. The forum was led by a range of high profile and experienced native title experts.

Native title jurisprudence continued to be refined with the Federal Court delivering judgements on approximately 60 aspects of native title practice such as determining claimant applications, future acts, authorisation, joinder, evidence and non-claimant applications in the 2001–02 period; a number of which impacted upon the operations of the NNTT.

As time progressed, the NNTT became adept at responding to changes brought about by legislation or significant judicial decisions. The NNTT had developed a unique body of knowledge and experience in various fields relating to native title such as the law, anthropological research, mediation and dispute resolution, geospatial mapping and analysis, policy and procedural development and case management. Adding to this, and exploring the future emerging issue of Prescribed Bodies Corporate (PBC) as a result of native title determinations, the

NNTT commissioned a monograph published in October 2000 authored by Mr Christos Mantziaris and Mr David Martin. This publication, entitled *The design of native title corporations: A legal and anthropological analysis* followed from the 1999 publication entitled *Guide to the design of native title corporations* by the same authors.

In early 2001, the NNTT, under the guidance of Deputy President Sumner, prepared the *Guide to future act decisions made under the Commonwealth right to negotiate scheme*, summarising key aspects of decisions made by Members. This guide has been maintained to the present day, being updated approximately every six months.

At 30 June 2001, there were 576 claimant applications lodged with the NNTT nationally. In the same period, there were 41 ILUAs on the Register, 80 per cent of these in Queensland. At this time, the NNTT consisted of 242 staff and 14 members.

As the native title system evolved, NNTT stakeholders identified resourcing as a significant issue and the NNTT expanded its assistance in relation to capacity building functions, developing innovative ways to assist participants in native title processes, creating productive relationships with clients and enhancing their capacity to achieve agreement.

The largest future act agreement to date was signed in January 2003: the Burrup and Maitland Industrial Estates Agreement in WA. The NNTT mediated from November 2001 and agreement was reached after more than 60 meetings. Illustrating the increased government commitment to resolving native title claims by agreement, both the WA and Queensland governments updated their guides to connection reports in 2002 and 2003 respectively.

Ten Years since Mabo

In contrast with the level of debate that surrounded the introduction of the Act and the subsequent amendment, the tenth anniversary in 2004 passed virtually unheralded, illustrating the change in public attitude to native title over the period. To recognise the milestone, the NNTT launched a video *Native Title Stories: Rights, recognition, relationships* in February 2004.

Regional Standard Heritage Agreements (RSHAs) were established in WA in 2003, with the objective of assisting parties to deal with Aboriginal heritage issues in future act negotiations. The development of the RSHAs was achieved under the guidance of Member Bardy McFarlane.

In a similar vein, the Queensland government developed Native Title Protection Conditions and, in April 2004, the Victorian Government, along with the NTRB and industry peak bodies agreed upon a series of pro forma native title mining agreements.

By 30 June 2004, there were 615 claimant applications at some stage between lodgement and resolution. This number was lower than the previous year as 57 claimant applications were discontinued, dismissed, combined with other applications or were the subject of full approved native title determinations, and 36 new claimant applications were lodged. Six native title determinations were made during 2003–04 (four where native title existed and two that native title does not exist in relation to specific areas of land and waters). There were 130 ILUAs on the Register of ILUAs.

In December, the first native title agreement negotiated by local governments and an Indigenous group in South Australia was signed at Maitland on the Yorke Peninsula. The ILUA set out a process for development, including a protocol for the protection of Aboriginal heritage and was finalised after 20 months of negotiations facilitated by Member Dan O’Dea.

Upgrades to the NNTT’s geospatial services provided three-dimensional visualisation of overlapping applications and agreements utilised in mediations in the field. This innovation assisted parties by providing a spatial representation of the proposed agreement area. A self-service product, Native Title Vision, launched in December 2004, allowing clients to access spatial information via the internet. In addition, an agreement with Geoscience Australia in March 2005 enhanced the products available to the NNTT’s geospatial unit and clients.



A typical determination, held on country. The Federal Court sets up a mobile ‘court room’



L-RThe Registrar's Group; Mr Hugh Chevis (Director, Service Delivery), Mr Michael Cook (Chief Information Officer, Information & Knowledge Management), NNTT Registrar Christopher Doepel, Mr Peter Bowen (A/Director, Corporate Services & Public Affairs) August 2005

The upturn in mining activity in the mid 2000s also saw an increase in the number of objections to the application of the expedited procedure received by the NNTT. The number of objections rose from 761 in 2003–04 to 1,230 in 2004–05.

Review of the NNTT's Role

In September 2005, the Attorney-General commissioned an independent review of the claims resolution process. The report, by Mr Graham Hiley RFD QC and Dr Ken Levy RFD was released on 21 August 2006.

The consultants made 24 recommendations for legislative or administrative reform and the Australian Government accepted the majority, specifically noting concerns expressed by stakeholders about the effectiveness of NNTT mediation and outcomes achieved through the mediation process. They also considered the NNTT's powers were inadequate for it to effectively perform its mediation function and identified a number of areas where there was a duplication of functions between the NNTT and the Court.

The Australian Government responded with the introduction of the *Native Title Amendment*

(Technical Amendments) Act 2007, to give effect to reforms. The Act commenced on 15 April 2007.

Changes introduced by the 2007 Technical Amendment Act included:

- providing the Federal Court with the power to refer mediations to the NNTT or other mediation persons/bodies
- empowering the NNTT to conduct a review 'on the papers' of whether a native title claim group holds native title rights and interests in relation to the application area
- empowering the NNTT to hold an inquiry in relation to a matter relevant to a determination of native title
- empowering the NNTT to refer to the Federal Court the question of whether a party should cease to be a party to a proceeding
- empowering the NNTT to direct a party to attend a mediation conference or to produce a document for the purposes of a mediation conference
- focusing on the regional management of claimant applications by empowering the NNTT to prepare and provide the Federal Court with reports on the progress of all mediations

conducted by the NNTT in relation to regions (regional mediation progress reports) and work plans setting out the priority given to each mediation conducted by the NNTT in an area (regional work plans)

- giving the NNTT the right to appear before the Federal Court at a hearing in relation to a matter that is with the NNTT for mediation
- ensuring the claimant applications which previously failed the registration test are re-tested, and if they fail the merit conditions, may be dismissed
- encouraging the claimant applications made in response to future act notices to be progressed and, if not, provide for them to be dismissed once the future act has occurred.

These reforms were introduced with the objective of creating greater efficiency between the organisations and accelerating the rate of resolution of native title claims in the system.

Fifteen Year Anniversary

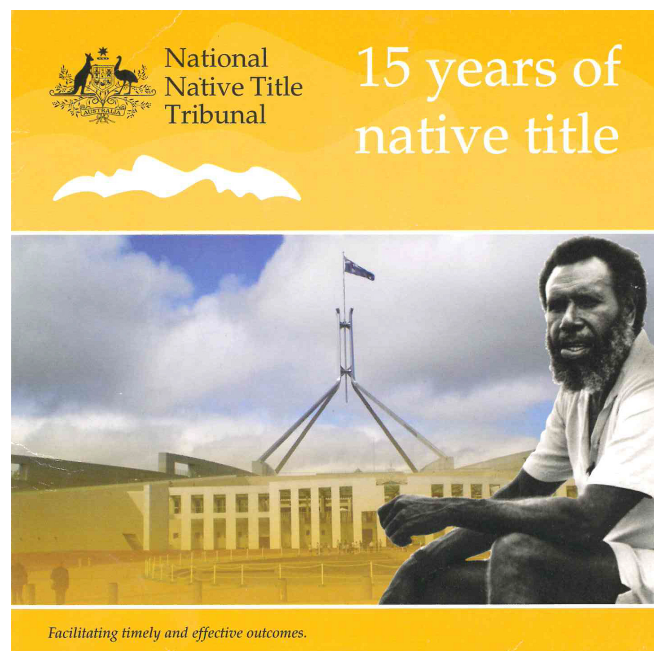
The 3rd of June 2007 marked the 15th anniversary of the High Court decision in *Mabo (No 2)*. The NNTT released a DVD reflecting *15 years of native title* which focussed on the Australian Parliament's introduction of the *Native Title Act*, set out how native title claims would be dealt with, and examined some key case studies.

In July 2007, the NNTT jointly sponsored a workshop with the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) focussing on the requirements for establishing claimants' connection to country and the way in which that connection is assessed in the context of mediation. The [workshop](#) involved 40 practitioners engaged by native title representative bodies, state and territory governments, and others with significant experience in native title.

In October, the then Commonwealth Attorney-General, the Hon Philip Ruddock, issued *Mediation Guidelines: Guidelines for the behaviour of parties and their representatives in mediation in the National Native Title Tribunal*.

The preface to the Mediation Guidelines stated that they 'set out principles of best practice in standards of behaviour which parties to mediation' in the NNTT and their representatives 'should seek to uphold'.

December saw the conclusion of Registrar Mr Christopher Doepel's term. Mr Franklin Gaffney acted in the role until new Registrar, Ms Stephanie Fryer-Smith, was appointed on 7 August 2008 and took up the appointment on 20 October 2008. Ms Fryer-Smith served as Native Title Registrar until 19 October 2014.



In February 2008, then Attorney-General, the Hon Robert McClelland MP, set out the new Australian Government's objectives for the native title system as:

- wherever possible, resolving land use and ownership issues through negotiation, because negotiation produces broader and better outcomes than litigation
- facilitating the negotiation of more and better ILUAs and ensuring that traditional owners and their representatives are adequately resourced for this
- making native title an effective mechanism for providing economic development opportunities for Indigenous people
- avoiding unduly narrow and legalistic approaches to native title processes that can result in further dispossession of Aboriginal and Torres Strait Islander people.

Further amendments to the Act commenced on 18 September 2009. Speaking on the Native Title Amendment Bill 2009, the Attorney-General identified the Federal Court as the body to advance the resolution of native title claims by coordinating case management.

The NNTT responded to its changed operating environment by committing to organisational renewal. Strategic initiatives included an external review of the NNTT's organisational structure, a new Stakeholder Plan and a mediation accreditation project. A number of key Information and Communications Technology (ICT) and financial projects were completed. The NNTT's strategic priorities were to engage more effectively with

The NNTT changed its operating environment and committed to organisational renewal

clients and stakeholders, to excel in service delivery, to improve workplace culture and to increase accountability for its work.

Mining activity not allowed

For the first time, in May 2009, the Tribunal made a future act determination that mining activity would not be permitted on a site within the central desert region of WA in *Western Desert Lands Aboriginal*

Corporation/Western Australia/Holocene Pty Ltd [2009] NNTTA 49 (27 May 2009).

Deputy President Sumner assessed evidence from the mining company Holocene, the Western Desert Lands Aboriginal Corporation and the State Government, with a hearing conducted on country where Martu elders gave evidence.

Deputy President Sumner ultimately decided that the site had special cultural significance to the native title holders and that the proposed mining would have a detrimental effect on their traditional law and custom.



NT Registrar Ms Stephanie Fryer-Smith (third from right) and President Graeme Neate (centre, back) with Tribunal Members, February 2010

More Change

From July 2009 the NNTT's budget was reduced, resulting in the introduction of various cost saving measures. These included a review of the organisational structure which resulted in a flatter model featuring an 'east/west' orientation, an evaluation of the provision of discretionary assistance, the introduction of a voluntary redundancy scheme, reductions in discretionary travel, meetings, training, publications and consultancies and a reduction in rented floor space. These measures continued as the NNTT, as with many organisations, experienced increasing budgetary constraints.

On 1 July 2010, the NNTT continued its restructure, reducing staffing by 21 per cent, closing some offices, reducing the floor space of others and consolidating the work of different jurisdictions into central offices. The NNTT also commenced the development of an Integrated Claim and Future Act Management System to increase organisational effectiveness, along with a project to evaluate policies and procedures.



*Stephanie Fryer-Smith
Former Native Title Registrar*



*Hon Robert McClelland MP
Former Attorney-General*

To strengthen the organisation's attraction, development and retention of Indigenous employees, in 2010, the NNTT developed an Indigenous Employment Strategy 2011–2013 and a Reconciliation Action Plan 2011–2013.

A familiar landscape

During 2010–11 agreement-making continued with an increasing number of determinations of native title made with the consent of the parties, as well as other agreements, such as ILUAs and future act agreements.

Although some features of the legal landscape of native title were subject to reshaping by legislation, judicial decisions and administrative procedures, in many respects the native title system inhabited increasingly familiar and stable territory for many of the parties to native title proceedings.

Consistent with the increased focus on agreement making, the NNTT, in partnership with the Australian Local Government Association, published *Developing Indigenous land use agreements: A Guide for local government*.



Eastern Kuku Yalanji Elder Peter Wallace and former NNTT case manager Jane Holden looking at NNTT geospatial maps

2012–2016

The Skehill Review

On 8 May 2012, as part of the 2012–13 Budget, the Australian Government announced institutional reforms which resulted in significant changes for the NNTT.

Based upon the review conducted by Mr Stephen Skehill SC during 2011, entitled the *Strategic Review of Small and Medium Agencies in the Attorney General's portfolio*, a series of recommendations were adopted by Government.

The remaining focus of the NNTT's work was on future act negotiations, agreement-making and arbitral decision-making.

While remaining an independent and separate statutory authority, the NNTT merged their corporate services, staff and appropriation with the Federal Court of Australia on 1 July 2012.

The NNTT also lost its status as an agency for the purposes of the *Financial Management and Accountability Act 1997* (Cth). Of significance, the changes saw the transfer of mediation for native title claims and ILUA negotiations related to native title claims to the Court. The remaining focus of the NNTT's work was on future act negotiations, agreement-making and arbitral decision-making.

During the period 9 May until 29 June 2012 the NNTT's executive and senior staff worked closely with senior officers of the Court and the Attorney-General's Department to prepare for the implementation of the institutional reforms on



President Raelene Webb QC being sworn in by Chief Justice French, 2013

1 July. Among other measures, the Sydney office was re-located to the Sydney Law Courts Building and the Adelaide office was closed.

At the end of the financial year, 92 staff had left the agency as a result of end of contract periods, voluntary redundancies or transfers. One hundred and thirty staff remained.

20th Anniversary of the Mabo Decision

The 20th anniversary of the High Court's judgement in *Mabo v Queensland [No 2]* provided an opportunity for commentators and participants in the native title system to celebrate what had been achieved in the native title system and to look ahead to imagine how the system might be improved. In celebration, the NNTT produced a booklet: *20 years of native title*.

Deputy President Christopher Sumner AM completed his final term on 17 April 2012 and retired after 17 years as a full-time member and Deputy President.

At 30 June 2012, there were 441 claimant applications at some stage between filing and disposition. There were also 34 determinations of native title during 2011–12. One hundred and fifty ILUAs were registered during the year, bringing the total ILUAs on the Register of ILUAs to 646.

Following 14 years of service the NNTT farewelled President Graeme Neate on 31 March 2013. Ms Raelene Webb QC was appointed President from 1 April 2013 for a five year term. Dr Valerie Cooms was appointed to a five year term as a Tribunal member in February 2013, Mr James McNamara was appointed on 31 March 2014 for a five year term and Ms Helen Shurven was reappointed on 29 November 2012 for a five year term.

The President, Native Title Registrar, members and staff were deeply saddened by the untimely passing of Member O'Dea on 27 August 2013.

In September 2013, the Hon Justice Dowsett of the Federal Court directed the Tribunal to hold a native title application inquiry pursuant to Subdivision AA of Division 5, Part 6 of the Act. This is the first time that such an order had been made. The inquiry was conducted by President Webb.

Native Title Registrar, Ms Stephanie Fryer-Smith's, appointment concluded on 19 October 2014 and Andrew Luttrell was appointed for five years commencing on 3 November 2014. Mr John Mathieson, Deputy Registrar, Federal Court was acting Native Title Registrar in the interim period.

Explanations in the red earth at Bidyadanga, Western Australia



A new beginning

In April 2014, President Webb announced that she would lead a steering committee to undertake an organisational review, which was intended to revitalise and re-energise the NNTT; to have skilled people performing at the best of their ability; and to build the organisation's reputation.

Consultants were retained and consulted widely with staff and external stakeholders with recommendations presented for staff consultation in January 2015. Flowing from the recommendations, in January 2015 the NNTT established a Board of Management with responsibility to effect organisational change consistent with the Review. Further actions were the development of a new organisational structure, recruitment to key senior positions, the creation of a change team to work with the Board of Management, and delivery of an introductory training programme to staff.

Each year the Law Council of Australia presents the President's Medal, a prestigious award recognising an individual for their outstanding contribution to the legal profession nationally. The President, Raelene Webb QC, was a co-winner of the 2014 award, presented in late November.

Member Cooms was appointed as an Adjunct Professor to Griffith University and the University of the Sunshine Coast in early 2015.

A key priority in 2015–16 was the implementation of more recommendations from the President's Review and a focus on client and stakeholder engagement. The Cairns office was restructured for the creation of a service delivery model to meet the unique needs of Indigenous stakeholders in northern Queensland. In moving away from the regional model, services are now provided based on staff availability and workload, rather than geographical location.

Mr Robert Powrie was appointed acting Registrar following the passing of Registrar Andrew Luttrell on 7 April 2016.

As the focus in the native title system shifts from the pre-determination to the post-determination environment, the NNTT is receiving an increasing number of requests for assistance related to PBCs.

A meeting of stakeholders was held in June 2016 to assess the feasibility of a consortium approach to the delivery of capacity building, training and governance assistance to PBCs. The NNTT is developing a scoping paper for a PBC forum that addresses alternative models for the delivery of services to PBCs.

On 24 August 2016, the first publicly available judicial decision regarding compensation for the historical impact of grants on native title rights and interests, *Griffiths v Northern Territory (2016)* was handed down by the Federal Court.

During September, October and November 2016 the NNTT, in partnership with Gilbert + Tobin, conducted a series of workshops to explore the practical implications of the Griffiths decision which awarded the Timber Creek applicants compensation of \$3.3 million.

There have been three additional compensation applications filed since the Griffiths decision.

Today and Tomorrow

At 31 December 2016, there were 236 claims on the Register of Native Title Claims, 1,139 ILUAs on the Register of Indigenous Land Use Agreements, 314 determinations where native title exists in the entire or in part of the determination area, and 63 determinations where native title does not exist in the entire determination area.

The NNTT currently operates with 76 staff in offices in Perth, Brisbane, Cairns, Melbourne and Sydney.

Throughout the 25 years, significant contributions have been made to native title parties through the provision of NNTT mediation and arbitration, geospatial assistance, capacity building as well as research and library services for a significant component of this period.

The recurrent theme during the 25 years of the NNTT's operation has been change and transition in response to policy, legislative and social adjustments. The dynamic environment that is native title suggests that the next 25 years will maintain this trend.

Appendix 1: Presidents, Deputy Presidents and Members

Name	Title	Term
The Hon Justice Robert French	President	May 1994 – December 1998
Mr Graeme Neate	President	December 1995 – March 2013
The Hon Justice Deirdre O'Connor	President	January 1994 – May 1994
Ms Raelene Webb QC	President	April 2013 – Current
The Hon Frederick (Fred) Chaney AO	Deputy President	March 1994 – March 2007
The Hon Edward M (Terry) Franklyn	Deputy President	December 1998 – December 2004
The Hon Justice Peter Gray	Deputy President	May 1995 – May 1999
The Hon Justice Jane Mathews	Deputy President	July 1994 – July 1999
The Hon Justice Howard Olney	Deputy President	May 1994 – May 1999
The Hon Paul Seaman QC	Deputy President	December 1994 – January 1998
Mr John Sosso	Deputy President	February 2000 – June 2012
The Hon Christopher Sumner AM	Deputy President	April 1995 – April 2012
The Hon Ian Viner QC	Deputy President	July 1994 – July 1997
The Hon Hal Wootten AC QC	Deputy President	July 1994 – July 1997
Professor Laurence Boulle	Member	March 2004 – March 2007
Mr John Catlin	Member	October 2003 – May 2010
Mr Geoffrey Robert Clark	Member	June 1998 – December 2003
Dr Valerie Cooms	Member	February 2003 - Current
Dr Mary Edmunds	Member	April 1995 – April 2003
Ms Sue Ellis	Member	April 1995 – April 2000
Mr Rick Farley	Member	December 1995 – September 1998
Mr Robert Faulkner	Member	August 2004 – February 2010
Mr Graham Fletcher	Member	March 2000 – June 2012
Mr Sean Flood	Member	August 1994 – October 1997
Ms Joanna Kalowski	Member	December 1996 – June 1999
Ms Patricia Lane	Member	January 1998 – December 2000
Mr Anthony (Tony) Lee	Member	June 1995 – July 2003
Mr Neville MacPherson	Member	September 2003 – August 2011

Appendix 1: Presidents, Deputy Presidents and Members (Cont)

Name	Title	Term
Mr Michael McDaniel	Member	February 1996 – February 1999
Mr Alistair (Bardy) McFarlane	Member	March 2000 – July 2008
Mr James McNamara	Member	March 2014 - Current
Mr Dan O’Dea	Member	December 2002 – August 2013
Ms Pam O’Neil	Member	December 1995 – December 1998
Dr Gaye Sculthorpe	Member	February 2000 – February 2013
Ms Helen Shurven	Member	November 2010 - Current
Ms Diane Smith	Member	December 1995 – December 1998
Mrs Jennifer Stuckey-Clarke	Member	February 2000 – April 2004
Ms Ruth Wade	Member	February 2000 – February 2009
Professor Douglas Williamson QC	Member	December 1996 – December 2005
Mr Kim Wilson	Member	December 1994 – December 1999

NB: Where an individual has held multiple roles, only the most senior position is listed.

Current President, Members and Native Title Registrar



Raelene Webb QC
President



Helen Shurven
Member



Dr Valerie Cooms
Member

Appendix 2: Native Title Registrars

Name	Title	Term
Mr Christopher Doepel	Native Title Registrar	January 1998 – December 2007
Ms Stephanie Fryer-Smith	Native Title Registrar	October 2008 – October 2014
Mr Franklin Gaffney	Acting Native Title Registrar	November 2008 – October 2008
Ms Patricia Lane	Native Title Registrar	May 1994 – December 1997
Mr Andrew Luttrell	Native Title Registrar	November 2014 – April 2016
Mr John Mathieson	Acting Native Title Registrar	October 2014 – November 2014
Mr Robert Powrie	Acting Native Title Registrar	April 2016 – current
Mr David Schulz	Acting Native Title Registrar	January 1994 – May 1994



James McNamara
Member



Robert Powrie
Acting Registrar



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**For more information about native title and
services of the Tribunal please contact:**

National Native Title Tribunal
GPO Box 9973 (in your capital city)
Freecall 1800 640 501

www.nntt.gov.au

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