

The Joint Parliamentary Inquiry into the Effectiveness of Native Title Representative Bodies.

Dear Committee,

We believe the Committee may benefit from reading through this real-life example of the way in which native title claims are handled under the current system of representation.

Please find attached for your reference:

Excerpt from regional directions hearings on 30th June 2003 pp 4 – 58

Excerpt from regional directions hearings on 29th March 2003 pp 39 – 72

Excerpt from regional directions hearings on 30th March 2003 pp 5 -15 and pp 75 –

Excerpt from regional directions hearings on 29th October 2004 pp 59 –105

You will see that the Court has made attempts to progress the native title applications over a period of eighteen months. However, at the most recent directions hearing, a number of applications were still being represented by individuals without any legal assistance and in a number of other applications the Court allowed itself to be addressed by individuals, not being registered applicants in the claims or legal practitioners. We have been represented by the representative body because we have no real financial choice but we are not confident the representative body acts in our interests.

Our submission to the Committee is based on the above transcripts and is as follows.

- 1) A transparent and nationally consistent system of publicly funded legal assistance should replace the current system which is contingent on the varying policy approaches of the representative bodies.
- 2) Assistance should not be dependant on anything other than a nationally standard means and merit test and that test should be applied by an impartial decision-maker.
- 3) There should be a separation between the funding for legal representation and the funding of research services. Research services funding should be directed to regional bodies with the confidence of the native title communities affected and with access to appropriately qualified academic advisors. Please note the report by Anthropos “*Capacity of Anthropologists in Native Title Practice*” and the recommendations therein.