

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
NATIONAL NATIVE TITLE TRIBUNAL

**Question No. 44**

**Senator Barnett asked the following question at the hearing on 25 May 2009:**

In relation to the analysis undertaken in early 2008 with regard to the settling of all matters before the Tribunal over the next 30 years, provide the Committee with a similar analysis for 2009.

**The answer to the honourable senator's question is as follows:**

In early 2008, the National Native Title Tribunal undertook an analysis of the disposition rate of all native title claimant applications which had been determined, withdrawn, amalgamated or dismissed during the period 2000 - 2007. The analysis indicated that it might take until 2035 for all claimant applications then in the native title system and those that were expected to be lodged in the future to be finalised by determination or otherwise. The analysis assumed a rate of lodgement based on recent experience and that all other drivers, including legislative drivers, would remain unchanged.

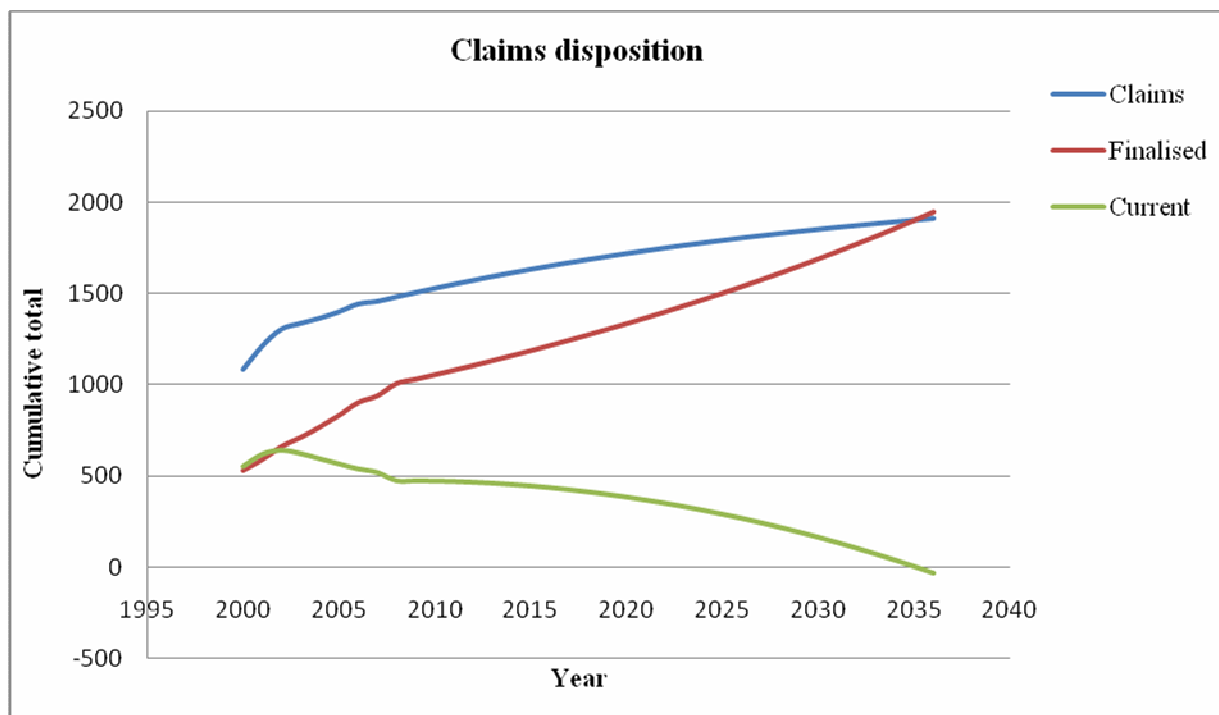
In 2008, not all applications had been referred by the Federal Court to the Tribunal for mediation.

During 2008, 67 claimant applications were disposed of and 25 new claimant applications were lodged. During the first quarter of 2009, four new claimant applications were filed and four claimant applications were determined or otherwise disposed of.

At 25 May 2009, there were 470 current claimant applications filed in the Federal Court. Only 53% (that is, 250 applications) had been referred to the Tribunal for mediation.

The Tribunal has undertaken another analysis, again on a national basis, of all claimant applications disposed of during the period 2000 - 2008. For consistency with the 2008 analysis, the latest analysis assumed that all drivers will remain unchanged.

The latest analysis indicates that, if nothing were to change, all claimant applications currently in the system and those expected to be lodged in the future would not be disposed of until just before the end of 2035. This is slightly sooner than the estimate made in early 2008, which indicated that all applications might not be disposed of until just after the end of 2035. See the Disposition Rate graph below:



It should be noted that, although the analysis is of national figures, native title-related activity (including the disposition rate of claimant applications) varies from State/Territory to State/Territory reflecting, among other things, different local circumstances and the application of different State and Territory policies to native title matters within the relevant jurisdiction.

The Tribunal's National Report Card of March 2009 (with data as at 31 December 2008 available from the Tribunal website gives a State/Territory overview of all native title-related activity.

Relevant State/Territory data as at 25 May 2009 is shown in table form below:

**(1) Current claimant applications**

ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
0	32	166	137	21	0	15	99	470

**(2) Current claimant applications in mediation with the NNTT**

ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
0	20	5	110	17	0	9	89	250

**(3) Claimant applications determined (in full or in part) under the Native Title Act since 1994**

ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
0	4	34	39	8	0	6	27	118