

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Sub Program 1.1.2

Question No. 177

Senator Barnett asked the following question at the hearing on 27 May 2009:

Apart from the Native Title Amendment Bill, what steps are currently in place to assist with caseload backlog? Please detail.

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

In addition to the introduction of the Native Title Amendment Bill on 19 March 2009, the Government is progressing a number of measures which aim to expedite the resolution of claims currently in the system.

The 2009-10 Budget provides an additional \$50.1 million over four years to build a more efficient native title system.

This consists of \$45.8 million to improve the capacity of Native Title Representative Bodies to represent native title claimants and holders and \$4.3 million to streamline the operation of the system and improve the rate of claim resolution.

This follows a 2008 Review of funding of the native title system that identified a need for additional funding to improve the operation of the system.

Approximately \$4.3 million additional funding has been allocated to the Attorney-General's Portfolio to enable the Department to develop and implement a range of measures to improve the operation of the system and the rate of claim resolution. These measures include initiatives to:

- improve access to land tenure information
- promote broader and more flexible native title settlement packages
- increase the quality and quantity of anthropologists and other experts working the system, and
- establish partnerships with State and Territory governments to develop new approaches to the settlement of claims through negotiated agreements.

These partnerships are being enhanced through the Joint Working Group on Indigenous Land Settlements, comprising representative officers from the Commonwealth, State and Territory governments. Established at the Native Title Ministers' Meeting in 2008, the group has been developing innovative policy options for progressing broader and regional native title settlements. The Working Group is due to report back to the Native Title Ministers' Meeting in August 2009.

The Government also announced on 17 July 2008 that it will take a more flexible approach to recognising native title in Australia's territorial waters. The Commonwealth now accepts that native title can exist out to the limits of the modern territorial sea (generally 12 nautical miles from the territorial sea baseline). Given the Commonwealth's involvement in all claims over offshore waters, this approach should assist in reaching negotiated settlements in a number of native title claims.