

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

Question No. 26

Senator Barnett asked the following question at the hearing on 20 October 2008:

In conjunction with the Case Flow Management Scheme:

- a) have other initiatives been implemented?
- b) if so, have these initiatives been put to the Government, and if so, identify them and provide the relevant particulars

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

a) & b) The National Native Title Tribunal (NNTT) has undertaken a range of initiatives in conjunction with its National Case Flow Management Scheme. These are detailed below.

Procedural Directions

The NNTT President has issued 10 procedural directions (nine in 2007 and one in 2008) following amendments in 2007 to the *Native Title Act 1993* (Cth) that gave the NNTT additional functions and more powers to perform its functions. The directions facilitate the performance of the NNTT's functions under the Act. The directions have been provided to Government and been widely circulated. They are available on the NNTT's website at <<http://www.nntt.gov.au/Applications-And-Determinations/Procedures-and-Guidelines/Pages/Procedural-Directions.aspx>>.

Of particular importance is Procedural Direction No 9 of 2007 which sets out the procedure to be followed by members and employees of the NNTT:

- (a) when developing programs and taking certain strategic actions in relation to claimant applications; and
- (b) when monitoring and reporting on significant delays in achieving milestones in relation to the mediation by the NNTT of claimant applications.

Regional reporting program

The NNTT provides the Federal Court with regional mediation progress reports and regional work plans (when appropriate to the jurisdiction) to assist the Court in progressing proceedings. Regional reports and work plans are developed as part of regional planning processes involving key participants including the native title representative body or service provider and state government. These reports are made available to all parties. The use or otherwise of these reports is determined by individual Judges of the Court. While individual regional reports are not provided to the Australian Government (other than in its role as a party to proceedings in a region), the Government is aware of the reporting program as part of the procedural directions referred to above and in other correspondence.

National Report card and priority list

The NNTT issued a National Report Card in June 2008 to all native title stakeholders including the Australian Government. The report details the status of native title system and focuses primarily on the progress of native title claimant applications. It includes details of the NNTT's Substantive List of native title applications (developed as part of the National Case Flow Management Scheme) which are matters likely to be resolved within two years. The report card is available on the NNTT's website at <<http://www.nntt.gov.au/Applications-And-Determinations/Procedures-and-Guidelines/Documents/National%20Report%20Card%20-%20June%202008.pdf>>.

Administrative protocol between the Federal Court and NNTT

In September 2007, the Registrar of the NNTT and the Registrar of the Federal Court signed a protocol for the administrative relationship between the two institutions. The purpose of the protocol is to identify the channels for communication between the Court and the NNTT as to case management and other administrative matters under the *Native Title Act 1993* (Cth). It has not been put to the Australian Government as it is of an administrative nature between the two institutions to jointly and separately enable both institutions to perform their functions and exercise their powers.