

RECOMMENDATIONS

Recommendation 1

The committee recommends that Schedule 1 of the Bill be amended to increase the minimum period of recognition of a Native Title Representative Body to two years.

Recommendation 2

The committee recommends that the Federal Government finalise and implement the proposed funding arrangements for Prescribed Bodies Corporate as a high priority.

Recommendation 3

The committee recommends that the code of conduct for parties participating in National Native Title Tribunal mediation be developed without delay and be made available to all parties in mediation before the National Native Title Tribunal.

Recommendation 4

The committee recommends that the proposed powers of the National Native Title Tribunal to give directions concerning the production of documents (proposed section 136CA) or attendance at mediation (proposed subsection 136B(1A)) be amended to include rights to object to the directions on the grounds of confidentiality, privilege and prejudice.

Recommendation 5

The committee recommends that guidelines for the exercise of the powers to give directions in proposed subsection 136B(1A) and proposed section 136CA be developed as a matter of priority.

Recommendation 6

The committee recommends that the Federal Court and the National Native Title Tribunal develop a protocol which will allow non-compliance with the directions of the National Native Title Tribunal as to the production of documents and the attendance of parties at mediation to be dealt with as a matter of priority by the Federal Court.

Recommendation 7

The committee recommends that the National Native Title Tribunal develop an ongoing mediation training program for its members having particular focus upon the characteristics and requirements of mediating native title matters.

Recommendation 8

The committee recommends that the operation of proposed Division 4AA be monitored by the Attorney-General's Department and a report prepared for the Parliament after two years operation to assess the following:

- **the extent to which these measures are used;**
- **the effect they have on the resolution of claims in terms of both cost and time;**
- **the extent, if at all to which the parties' rights are compromised by this process; and**
- **the extent to which there is duplication between the functions of the Court and the National Native Title Tribunal in this area.**

Recommendation 9

The committee recommends that the Federal Government consider inclusion of the amendments to section 87A proposed by Telstra in the further amendments to the *Native Title Act 1993* planned for later in 2007.

Recommendation 10

Subject to the preceding recommendations, the committee recommends that the Bill be passed.