

PART 5

Report of the National
Native Title Tribunal

Report of the National Native Title Tribunal

Overview

Establishment

The *Native Title Act 1993* (Cth) (the Act) establishes the Tribunal as an independent body with a wide range of functions. The Act is, itself, a ‘special measure’ for the advancement and protection of Aboriginal peoples and Torres Strait Islanders (Indigenous Australian peoples). The Act is intended to advance the process of reconciliation among all Australians.

The Act creates an Australia-wide native title scheme, the objectives of which include:

- providing for the recognition and protection of native title
- establishing a mechanism for determining claims to native title, and
- establishing ways in which future dealings affecting native title (future acts) may proceed.

The Act provides that the Tribunal must carry out its functions in a fair, just, economical, informal and prompt way. In carrying out those functions, the Tribunal may take account of the cultural and customary concerns of Indigenous Australian peoples.

The President, Members and the Native Title Registrar

The President, other Members of the Tribunal and the Native Title Registrar are appointed by the Governor-General for specific terms of no longer than five years. The Act sets out the qualifications for appointment to, and respective responsibilities of, these offices.

Table 5.1 outlines Tribunal statutory office holders at 30 June 2021.

A new Member, Mr Glen Kelly, a Noongar man with more than 25 years of experience in native title and Aboriginal affairs, was initially appointed in September 2020 to act temporarily as a Member. In March 2021, Mr Kelly was appointed for a five year term.

Office locations

The Tribunal maintains offices in Brisbane, Cairns, Melbourne, Perth and Sydney.

Functions and powers

Under the Act, the Tribunal, comprising the President and Members, has specific functions in relation to:

- mediating in native title proceedings, upon referral by the Federal Court
- determining objections to the expedited procedure in the future act scheme

Table 5.1: Tribunal statutory office holders, 30 June 2021

NAME	TITLE	APPOINTED	TERM	LOCATION
The Hon. JA Dowsett AM QC	President	27 April 2018	Five years	Brisbane
Helen Shurven	Member	Reappointed 29 November 2017	Five years	Perth
Nerida Cooley	Member	11 February 2019	Five years	Brisbane
Glen Kelly	Member	17 September 2020 10 March 2021	Five months Five years	Perth
Christine Fewings	Native Title Registrar	14 March 2018	Five years	Brisbane

- mediating in relation to certain proposed future acts on areas where native title exists, or might exist
- determining applications concerning proposed future acts
- assisting people to negotiate Indigenous Land Use Agreements (ILUAs), and helping to resolve any objections to registration of ILUAs
- assisting with negotiations for the settlement of applications that relate to native title
- providing assistance to representative bodies in performing their dispute resolution functions
- providing assistance to common law holders and prescribed bodies corporate;⁽¹⁾
- reconsidering decisions of the Native Title Registrar not to accept a native title determination application (claimant application) for registration
- conducting reviews concerning native title rights and interests (upon referral by the Federal Court)
- conducting native title application inquiries as directed by the Federal Court
- conducting special inquiries under Ministerial direction, and
- presiding at conferences in connection with inquiries.

⁽¹⁾ The Tribunal's assistance function under section 60AAA commenced on 25 March 2021 and in the first three months of operation, the Tribunal received 19 enquiries and requests for assistance from common law holders and PBCs. No request for assistance has yet resulted in substantive mediation.

The President

The President is responsible for the management of the business of the Tribunal, including its administrative affairs, and the allocation of duties, powers and functions. The President is assisted by the CEO and Principal Registrar of the Federal Court. The CEO and Principal Registrar may delegate his or her responsibilities under the Act to the Native Title Registrar, or staff assisting the Tribunal. Staff assisting the Tribunal are made available for that purpose by the Federal Court.

The Members

The President and Members perform the functions of the Tribunal, with the support of the Native Title Registrar and staff. The Members also perform educational functions and assist the President in communicating with stakeholders.

The Native Title Registrar

The Native Title Registrar:

- assists people to prepare applications and to help them, and other persons in matters relating to proceedings in the Tribunal
- considers whether claimant applications should be registered on the Register of Native Title Claims
- gives notice of applications to individuals, organisations, governments and the public in accordance with the Act
- registers ILUAs that meet the registration requirements of the Act
- maintains the Register of Native Title Claims, the National Native Title Register and the Register of ILUAs, and
- maintains a publicly available record of section 31 agreements.

The Native Title Registrar is also actively involved in the mediation and educational functions of the Tribunal.

Staff capacity

The Tribunal will continue to manage and monitor its workloads in the next reporting period to ensure that it is appropriately resourced in future years. Strategic planning and review will underpin this process, including the significance of the 30th anniversary of the Mabo decision and the start of the next decade of native title.

The continued social distancing and travel restrictions imposed by COVID-19 led the Tribunal further to consider how it could best build staff capacity, in order to strengthen staff capacity to respond to increased, and more direct contact with common law native title holders and prescribed bodies corporate. Given the success of the online mediation accreditation training delivered in the previous year, a hybrid delivery of online and in person training was run out of the Tribunal's Brisbane office. The staff participated in online training which was delivered over a

number of days. Staff completed the training and provided positive feedback. Other online training and attendance at online seminars has been particularly encouraged.

Cultural acknowledgement

The Tribunal has continued to foster understanding and respect for Indigenous culture. The new Reconciliation Action Plan for the Federal Court of Australia entity was completed and implemented during the reporting period. The Reflect Reconciliation Action Plan 2019–20 was developed by the Court with support from the Tribunal.

As with last year, the Tribunal collaborated with other components of the Federal Court entity to acknowledge and share information about NAIDOC and Reconciliation week. This engagement was achieved through a dedicated online environment.

The Tribunal's year in review

COVID-19

At the end of the last reporting period, we expressed the hope that the substantial changes made as the result of the COVID-19 pandemic, would prove to be of long-term value. This hope has been realised.

During the course of the year, the Tribunal continued to operate effectively through the swinging doors of state lockdowns. It acknowledges the resilience of members and staff who have adjusted to working at home on little or minimal notice. For some, this was a single event lasting less than a week. For others, there were multiple events lasting many weeks. The ability to work successfully in this rapidly changing environment was possible because of structural and technical changes in response to COVID-19 and implemented in the last reporting period. In the second half of the reporting period, the Tribunal reviewed and repositioned its resources to meet the challenge of increased and new workloads. This included a significant increase in future act work, additional compensation applications, and the start-up of a new role in a post-determination environment.

The Tribunal's future act work was uneven over the course of the reporting period, influenced by biosecurity measures introduced in the previous year to prevent the spread of

COVID-19. In Western Australia, where a large part of the Tribunal's future act work arises, the State government suspended notification of future acts in light of restrictions on access to Aboriginal communities. Since June 2020, the State has gradually resumed notifications. As a result between April and September 2020, 490 notices were issued by the State of Western Australia under section 29 of the Native Title Act, compared with 1,544 notices issued in the prior six months.

Despite the resumption of notifications at the beginning of the reporting period, the number of objections declined through the first quarter. However, between October 2020 and June 2021, the backlog of tenement applications resulted in a surge of notifications, with an additional 2,591 notices issued over this nine-month period. Consequently, the Tribunal's future act work increased significantly, with 1,358 expedited procedure objections lodged with the Tribunal over the same period, the majority of which were received in the first four months of 2021. This increase in objections imposed a significant administrative burden on the Tribunal and the parties, and has delayed notification of new applications.

The Tribunal responded to the biosecurity measures by excusing native title parties from compliance with directions and applying active case management measures, increasing the administrative burden on Members and staff. These temporary arrangements were phased out in July, at which point the Tribunal resumed its ordinary case management procedures. The Tribunal also took the opportunity to engage in stakeholder consultation to improve the effectiveness of its future act procedures. A stakeholders' forum, originally scheduled to be held in March 2020, was replaced by a series of round table discussions with representatives of key organisations via video conference. The Tribunal also conducted broader stakeholder consultation by seeking submissions in response to a series of discussion papers. In other respects, the Tribunal's future act functions continued, relatively uninterrupted, by utilising teleconferencing and videoconferencing technology. As restrictions eased, the Tribunal resumed in-person mediations and hearings, although tele- and video-conferencing remain a key part of the Tribunal's practices.

Recent developments

Six compensation applications have been referred to the Native Title Registrar in the reporting period, making a total of 12 since the High Court's March 2019 decision in *Northern Territory v Mr A. Griffiths (deceased) and Lorraine Jones on behalf of the Ngaliwurru and Nungali Peoples* [2019] HCA 7. Significant time has been spent in establishing relevant and appropriate practices to meet the statutory obligations imposed upon the Native Title Registrar. The compensation applications have contained varying degrees of information. The Native Title Registrar's statutory function to notify certain applications has proven to be complex and more resource-intensive than that of notifying other native title determination applications.

Two judicial decisions made in the latter part of the reporting period will assist the Native Title Registrar to notify compensation applications in the future. In *Saunders on behalf of the Bigambul People v State of Queensland (No 2)* [2021] FCA 190 and *Wharton on behalf of the Kooma People v State of Queensland (No 2)* [2021] FCA 191, the Federal Court held that a compensation application (Form 4) must include information to identify compensable act/s and the area covered by an application, in order to allow the Native Title Registrar to notify the persons and entities who have relevant interests in the area covered by each application.

The *Native Title Legislation Amendment Act 2021* (Cth) received Royal Assent on 16 February 2021, with the amendments commencing at differing times. These long awaited amendments reflected the Government's intention to improve the native title system for all parties by:

- streamlining claims resolution and agreement making processes
- supporting native title holders in developing greater flexibility in internal decision making
- increasing the transparency and accountability of prescribed bodies corporate (the corporations set up to manage native title) to the native title holders
- improving pathways for dispute resolution following a determination of native title, and
- ensuring the validity of section 31 agreements in light of the Full Federal Court's decision in *McGlade v Native Title Registrar & Ors* [2017] FCAFC 10.

The major change for the Tribunal is the new function of providing post-determination assistance to common law holders and their corporations. As reported in the last reporting period, the Tribunal, anticipating this new function, undertook mediation accreditation training for relevant staff. In the reporting period training has focused upon the development of culturally appropriate methods in dispute resolution and mediation.

The Tribunal has established an operational framework to support the delivery of the function, including:

- the President issuing an internal directive to guide the assistance function
- development of administrative processes to manage requests for assistance
- setting up a small team to administer and manage requests
- updating the Tribunal's website to make available to stakeholders, information about post determination assistance, and
- working collaboratively with the Office of Registrar Indigenous Corporations (ORIC) to develop integrated assistance, where required.

In relation to other amendments, the Tribunal undertook a number activities, including:

- establishment of the publicly available record of section 31 agreements
- updates to the Tribunal website, including publishing new content, factsheets and future act forms
- updating the case management system for new register extracts
- staff training, and
- information sessions for stakeholders.

The Tribunal's educational and information activities have been significantly limited as a result of COVID-19, largely because of travel restrictions. Despite these limitations, the Tribunal has seized any appropriate opportunity to deliver education training at externally focused forums, such as Lexis Nexus native title training, and presentations at interest-based conferences such as the AIASTIS summit held in Adelaide. The Tribunal delivered a session on the geospatial assistance it can provide to applicants and native title holders, including

a live demonstration of the Tribunal's online mapping and spatial data services. The Tribunal's spatial data is freely available for third parties to use in their own systems, either by downloading the data, or by taking advantage of web map services. More information is available on the Tribunal's website.

The Tribunal's work in 2020–21

Future Acts

A primary function of the Tribunal is the resolution, by mediation or arbitration, of issues involving proposed future acts (generally, in practice, the grant of exploration and mining tenements) on land over which native title has been determined to exist, or over which there is a claim by a native title party as defined in sections 29 and 30 of the Native Title Act.

Expedited procedure

Under section 29(7) of the Act, the Commonwealth government or a state or territory government may assert that the proposed future act is an act that attracts the expedited procedure (i.e. that it is an act which will have minimal impact on native title) and, as such, does not give rise to procedural rights to negotiate which would otherwise vest in native title parties. If a native title party considers that the expedited procedure should not apply to the proposed future act, it may lodge an expedited procedure objection application (objection application) with the Tribunal.

A total of 1,565 objection applications were lodged during the reporting period, 295 more than in the previous year. This was an exceptional increase, almost 30 per cent, in comparison to previous years. The number of active applications, at the end of the reporting period was 779, an approximate 30 per cent increase when compared to the previous year. This is consistent with the high volume of objections lodged in the latter half of the reporting period. More than 600 objections were withdrawn after agreement was reached between the native title party and the relevant proponent. A further 144 objection applications were finalised by withdrawal of the tenement applications by the proponents.

There were 40 objection applications determined during the reporting period, a third of the number in the previous year. The expedited procedure was determined to apply on 20 occasions, and on 20 occasions, the expedited procedure was determined not to apply. The decrease in determinations reflects the flow on effect from the temporary measures implemented as a result of the COVID-19 situation, which measures were only eased in July 2020.

An application to the Federal Court seeking judicial review of a Tribunal decision concerning an objection application, was made during the reporting period. That application was dismissed (*State of Western Australia v Allen on behalf of Nyamal #1 [2021] FCA 574*).

As demonstrated in Table 5.2, Western Australia produces many more objection applications than does Queensland. This is due, at least in part, to policies adopted by the relevant state departments concerning the use of the expedited procedure.

Future act determinations

If the expedited procedure does not apply, or is not asserted by the State, the parties must negotiate in good faith about the proposed future act. Any party may request Tribunal assistance in mediating among the parties in order to reach agreement. There were 61 requests made in the reporting period, a 50 per cent increase over the previous year.

The Act prescribes a minimum six-month negotiation period. After that time, any party to the negotiation may lodge a future act determination application. During the reporting period, 17 applications were lodged, in line with the number in the previous year. If there has been a failure to negotiate in good faith by a party, other than a native title party, the Tribunal has no power to determine the application. If any party asserts that negotiations in good faith have not occurred, the Tribunal will hold an inquiry to establish whether or not that is the case.

During the reporting period, there were 10 'good faith' determinations. In nine of these, the Tribunal was not satisfied that the relevant parties had not negotiated in good faith and proceeded to determine the application. In the tenth, the Tribunal determined that good faith negotiations had not occurred. In that case, the

Table 5.2: Number of applications lodged with the Tribunal in 2020–21

FUTURE ACT	NSW	NT	QLD	WA	TOTAL
Objections to expedited procedure	0	1	63	1,501	1,565
Future act determination applications	6	0	2	9	17
Total	6	1	65	1,510	1,582

parties were required to negotiate further before the matter could be brought back to the Tribunal for arbitration. Eleven future act determination applications were finalised during the reporting period. In three cases, the Tribunal determined that the future act may be done. In four cases, the Tribunal determined that the act may be done, subject to conditions. The remaining future act determination applications were either withdrawn or dismissed, following agreement between the parties.

Referral from the Federal Court of Australia

As previously reported during 2019 and early 2020, the President conducted an inquiry into the traditional ownership of land in and around the City of Cairns. This inquiry was conducted at the request of the Federal Court. The Tribunal considers that the inquiry exemplifies the advantages of co-operation between the Court and the Tribunal. In April 2021, the Court made a further request for the Tribunal's assistance, involving a long-running dispute arising under an indigenous land use agreement. The ILUA provided for the payment of funds to a number of identified families. However the mechanism for making the relevant payments was frustrated. The party liable to make the payments took the relatively unusual course of commencing interpleader proceedings in the Federal Court. Representatives of some of the families became parties to those proceedings.

The trial Judge (Rares J) made findings with respect to certain matters but, before making final orders, sought the assistance of the Tribunal and Queensland South Native Title Services (QSNTS) in formulating a process by which each family might determine how it wished to hold such funds as it might receive

pursuant to the ILUA. The Tribunal's involvement is primarily pursuant to section 203BK of the Act, assisting QSNTS in the performance of its dispute resolution function under section 203BF of the Act. The primary function to be performed by QSNTS and the Tribunal is to facilitate family meetings for the purpose of reaching agreement within each family as to the way in which funds should be held.

During the reporting period, the President convened three meetings of the parties to the Federal Court proceedings.

The Registers

The Native Title Registrar maintains three registers as follows:

The Register of Native Title Claims

Under section 185(2) of the Act, the Native Title Registrar has responsibility for establishing and keeping a Register of Native Title Claims. This register records the details of claimant applications that have met the statutory conditions for registration prescribed by sections 190A–190C of the Act. As at 30 June 2021, there were 127 claimant applications on this register.

The National Native Title Register

Under section 192(2) of the Act, the Native Title Registrar must establish and keep a National Native Title Register, recording approved determinations of native title.

As at 30 June 2021, a total of 517 determinations had been registered, including 93 determinations that native title does not exist.

Map 1 *Determinations Map* (page 78) shows native title determinations as at 30 June 2021, including those registered and those not yet in effect.

The Register of Indigenous Land Use Agreements

Under section 199A(2) of the Act, the Native Title Registrar must establish and keep a Register of Indigenous Land Use Agreements, in which area agreement, body corporate and alternative procedure ILUAs are registered. At 30 June 2021, there were 1,382 ILUAs registered on the Register of Indigenous Land Use Agreements.

Map 2 *Indigenous Land Use Agreement Map* (page 79) shows registered Indigenous Land Use Agreements as at 30 June 2021.

Claimant and amended applications

Sections 190A–190C of the Act require the Native Title Registrar to decide whether native title determination applications (claimant applications) and applications for certain amendments to claimant applications, should be accepted for registration on the Register of Native Title Claims. To that end, the CEO and Principal Registrar of the Federal Court provides the Native Title Registrar with a copy of each new or amended claimant application and accompanying documents that have been filed in the Federal Court.

The Native Title Registrar considers each application against the relevant requirements of the Act. The Native Title Registrar may also undertake preliminary assessments of such applications, and draft applications, by way of assistance provided pursuant to section 78(1)(a) of the Act. Where the Registrar does not accept a claim for registration, the relevant applicant may seek reconsideration by the Tribunal. Alternatively, the applicant may seek judicial review in the Federal Court.

During the reporting period, the Native Title Registrar received 19 new claimant applications, seven fewer than in the previous year. In addition to new claims, the Native Title Registrar received 17 amended claimant applications, eight fewer than in the previous year.

There was a decreased volume of registration testing in the reporting period, a direct consequence of the reduced numbers of new and amended claims referred to the Registrar. There were 37 applications considered for registration, 22 fewer than the previous year. Of the 37 decisions, 23 were accepted for registration and 14 were not accepted. Four of these decisions were made by Tribunal members in response to requests to reconsider a registration decision. During the reporting period, four applications were subjected to preliminary assessment before filing with the Federal Court. An application to the Federal Court, seeking judicial review of a decision to accept an application for registration was made during the reporting period. That application was dismissed (*Bell v Native Title Registrar* [2021] FCA 229).

Non-claimant, compensation and revised determination applications

There was a small but notable increase in the number of non-claimant applications with seven New South Wales applications and six Queensland applications filed. Two revised determination applications were referred to the Native Title Registrar in the reporting period. Both applications were made in the Northern Territory. The Native Title Registrar received six compensation applications, a similar number to that in the previous year.

Table 5.3: Number of applications referred to or lodged with the Native Title Registrar in 2020–21

NATIVE TITLE DETERMINATION APPLICATIONS	NSW	NT	QLD	SA	VIC	WA	TOTAL
Claimant (new)	3	4	3	3	0	6	19
Non-claimant	7	0	6	0	0	0	13
Compensation	1	1	1	0	0	3	6
Revised native title determination	0	2	0	0	0	0	2
Total	11	7	10	3	0	9	40

During the reporting period, 32 native title determination applications were notified, compared with 47 in the previous year. Of the 32 applications, 13 were claimant applications.

The remainder of the notifications were 12 non-claimant applications, one revised determination applications and six compensation applications.

Indigenous land use agreements

Under the Act, parties to an ILUA (whether a body corporate agreement, area agreement or alternative procedure agreement) may apply to the Native Title Registrar for inclusion on the Register of ILUAs. Each registered ILUA, in addition to taking effect as a contract among the parties, binds all persons who hold, or may hold, native title in relation to any of the land or waters in the area covered by the ILUA.

A total of 1382 ILUAs are currently on the Register of ILUAs, the majority of which are in Queensland. Broadly, the ILUAs deal with a wide range of matters including the exercise of native title rights and interests over pastoral leases, local government activity, mining, state-protected areas and community infrastructure such as social housing.

During the reporting period, the Native Title Registrar received 49 ILUAs, four fewer than in the previous year. Thirty-one body corporate and 18 area agreement ILUAs were accepted for registration and entered in the Register.

A notable registration made during the reporting period was the Yamatji Settlement ILUA, which provides for the full and final settlement of all native title matters between the State of Western Australia and the Yamatji Nation. The ILUA

makes provision for native title compensation over the 48,000 square kilometres of Yamatji country, including Geraldton.

Another was the Taungurung Settlement Indigenous Land Use Agreement. However, in *Gardiner v Taungurung Land and Waters Council (No 2) [2021] FCA 253*, the Registrar of the National Native Title Tribunal was directed to remove the details of the Taungurung Settlement Indigenous Land Use Agreement from the Register of Indigenous Land Use Agreements and the application for registration of the Taungurung Settlement Indigenous Land Use Agreement was remitted to the Native Title Registrar for consideration in accordance with the law. This was ongoing at the end of the reporting period.

Assistance

Section 78(1) of the Act authorises the Native Title Registrar to give such assistance as he or she thinks reasonable to people preparing applications and at any stage in subsequent proceedings. That section also provides that the Native Title Registrar may help other people in relation to those proceedings. During the reporting period, such assistance was provided on 208 occasions. As in previous years, many of the requests were for the provision of geospatial products and review of draft native title determination applications.

Under sections 24BG(3), 24CG(4) and 24DH(3) of the Act, the Native Title Registrar may provide assistance in the preparation of ILUA registration applications. Often, this assistance takes the form of pre-lodgement comments upon the draft ILUA and the application for registration. During the reporting period, assistance was provided on 67 occasions, generally in the form of mapping

Table 5.4: Number of applications lodged with the Native Title Registrar in 2020–21

INDIGENOUS LAND USE AGREEMENTS	NSW	NT	QLD	SA	VIC	WA	TOTAL
Area agreements	1	2	8	0	0	1	12
Body corporate agreements	0	2	9	1	0	21	33
Total	1	4	17	1	0	22	45

assistance, pre-lodgement comments and the provision of related information. Such assistance must be distinguished from the assistance given by the Tribunal in the negotiation of such agreements. See sections 24BF, 24CF and 24DG of the Act.

Pursuant to section 78(2) of the Act, 1324 searches of registers and other records were conducted during the reporting period.

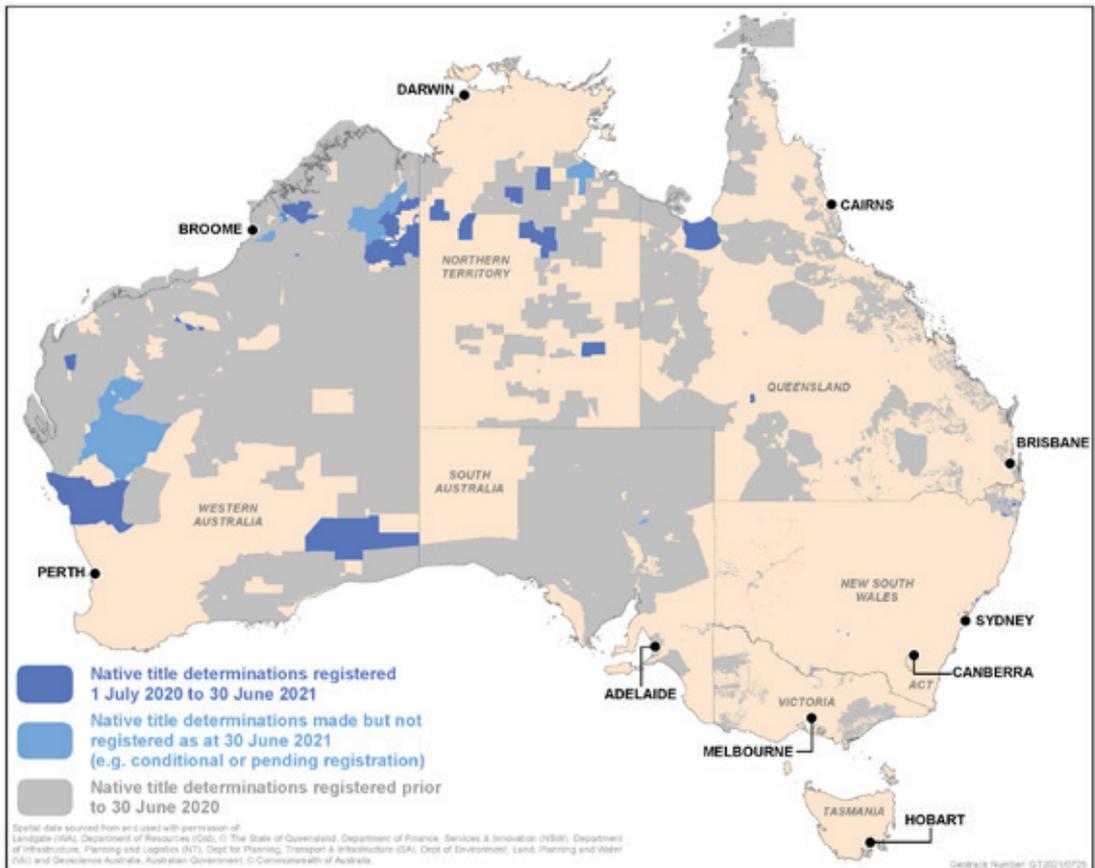
At the end of the reporting period, 13 determinations were pending registration which would increase the areas determined to about 3,442,076 sq km or 44.8 per cent of the land mass of Australia and approximately 143,435 sq km of sea [see Map 1].

Registered ILUAs cover about 2,670,158 square kilometres or 34.7 per cent of the land mass of Australia and approximately 51,275 square kilometres of sea [see Map 2].

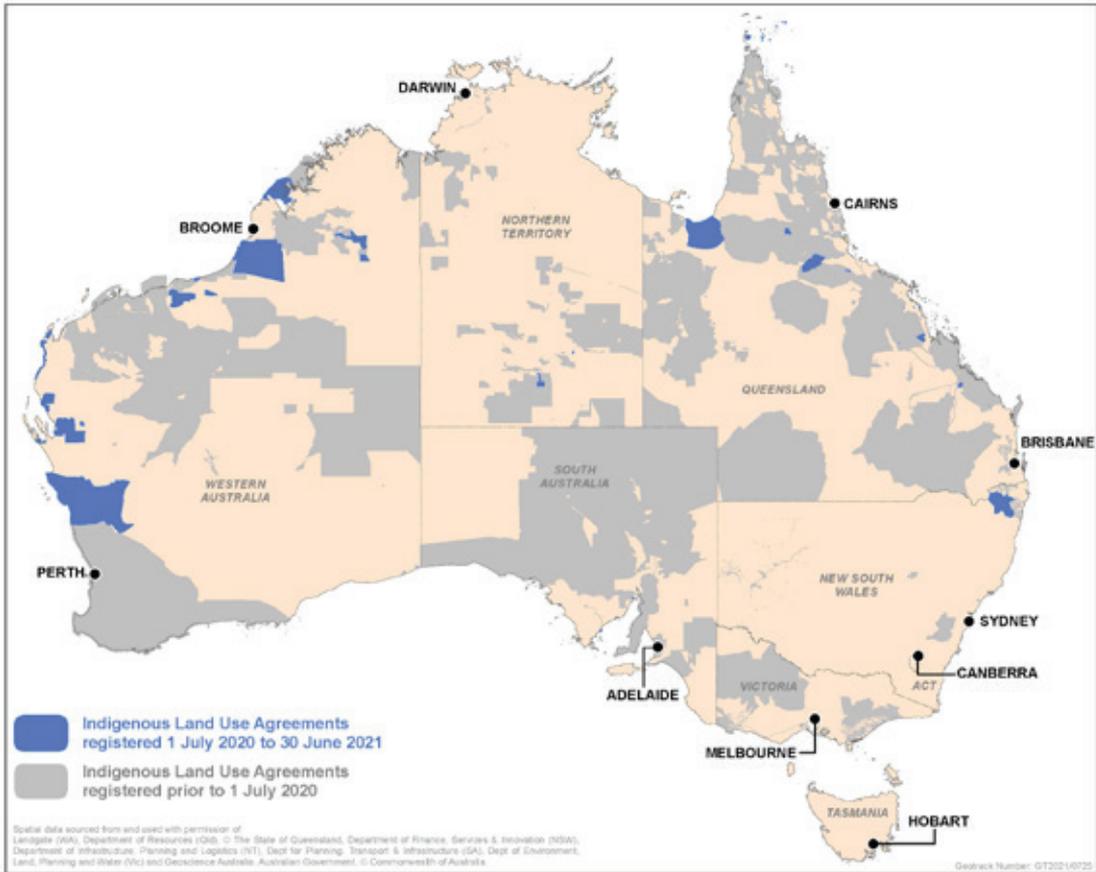
National progress

The 517 registered determinations as at 30 June 2021 cover a total area of about 3,319,725 square kilometres or 43.2 per cent of the land mass of Australia and approximately 143,059 square kilometres of sea (below the high water mark).

Map 1: Determinations Map



Map 2: Indigenous Land Use Agreements Map



Management of the Tribunal

The President, in consultation with the Members, the Native Title Registrar and Team Managers, sets the strategic direction for the Tribunal. The relatively small size of the Tribunal militates in favour of informal, rather than formal consultation. On the other hand, its geographical dispersal increases reliance on the use of electronic means of communication.

Financial review

The Federal Court's appropriation includes funding for the operation of the Tribunal. This funding is set out as sub-program 1.1.2 in the Court's Portfolio Budget Statements. \$8,164 million was allocated for the Tribunal's operations in 2020–21.

Appendix 1 shows the consolidated financial results for both the Court and the Tribunal.

Table 5.4 presents the financial operating statement, summarising the Tribunal's revenue and expenditure for 2020–21.

Table 5.5: Financial operating statement

YEAR ENDING 30 JUNE 2021	BUDGET (\$'000)	ACTUAL (\$'000)	VARIANCE (\$'000)
Appropriation	8,164	8,164	0
Total Revenue	8,164	8,164	0
Total Expenses	8,164	6,953	1,211
Surplus/Deficit	0	1,211	1,211

External scrutiny

Freedom of Information

During the reporting period, eight requests were received under the *Freedom of Information Act 1982* (Cth) (FOI Act) for access to documents. The Tribunal publishes a disclosure log on its website, as required by the FOI Act. The disclosure log lists the documents that have been released in response to FOI access requests. Five entries were made consisting of 12 documents in total.

Accountability to clients

The Tribunal maintains a Client Service Charter (Commitment to Service Excellence) to ensure that service standards meet client needs. During the reporting period there were no complaints requiring action under the Charter.

Statutory office holders

The Native Title Act deals, in a general way, with issues concerning the behaviour and capacity of Members. While the Native Title Registrar is subject to the Australian Public Service Code of Conduct, this does not apply to Tribunal Members, except where they may be, directly or indirectly, involved in the supervision of staff.

There is a voluntarily code of conduct for Members. However it may be in need of review. This process will be undertaken in the course of 2021–22. During the reporting period, there were no complaints concerning Members.

Online services

The Tribunal maintains a website at www.nntt.gov.au. The website enables online searching of the National Native Title Register, the Register of Native Claims, and Register of Indigenous Land Use Agreements. Native title spatial information and data can also be accessed online through NTV.

Australian Human Rights Commission

Under section 209 of the Act, the Commonwealth Minister may, by written notice, direct the Aboriginal and Torres Strait Islander Social Justice Commissioner to report to the Commonwealth Minister about the operation of the Act or its effect on the exercise and enjoyment of human rights by Aboriginal peoples and Torres Strait Islanders.

The Tribunal continues to assist the Commissioner as requested.