

Appendix 2
Native Title Statistics
2007-08

1. Native Title Applications

1.1 Native Title applications made between 1 July 2007 and 30 June 2008¹

	ACT	NSW	NT	Qld	SA	Tas	Vic	WA	Total
Claimant	0	2	1	5	2	0	0	3	13
Non-claimant	0	12	0	0	0	0	0	0	12
Total	0	14	1	5	2	0	0	3	25

1.2 Native Title applications finalised between 1 July 2007 and 30 June 2008²

	ACT	NSW	NT	Qld	SA	Tas	Vic	WA	Total
Claimant	0	3	16	15	2	0	1	4	41
Non-claimant	0	13	0	1	0	0	0	1	15
Compensation	0	0	1	0	0	0	0	0	1
Total	0	16	17	16	2	0	1	5	57

1.3 Claims awaiting resolution at 30 June 2008³

Claimant	504
Non-claimant	30
Compensation	10
Total	544

1 G Neate, President, National Native Title Tribunal, Correspondence to T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission, 15 August 2008.

2 G Neate, President, National Native Title Tribunal, Correspondence to T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission, 15 August 2008.

3 National Native Title Tribunal, *National Report: Native Title*, June 2008 (2008), p 1.

1.4 Registration test decisions made between 1 July 2007 and 30 June 2008⁴

	ACT	NSW	NT	Qld	SA	Tas	Vic	WA	Total
Accepted	0	2	2	10	0	0	0	3	17
Accepted – section 190A(6A)	0	0	0	4	2	0	0	0	6
Not accepted	1	9	20	18	0	0	5	28	81
Total	1	11	22	32	2	0	5	31	104

2. Determinations

2.1 Native Title determinations made between 1 July 2007 and 30 June 2008⁵

	ACT	NSW	NT	Qld	SA	Tas	Vic	WA	Total
Determination by consent	0	1	1	3	0	0	0	4	9
Determination by litigation	0	0	1	0	0	0	0	0	1
Determination unopposed	0	0	0	0	0	0	0	0	0
Total	0	1	2	3	0	0	0	4	10

4 G Neate, President, National Native Title Tribunal, Correspondence to T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission, 15 August 2008.

5 J Eaton, Native Title Registrar, Federal Court of Australia, Correspondence to T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission, 21 August 2008. See appendix 1 for more information. See appendix 1 for more information.

2.2 Native Title claimant applications determined in full or in part since the Act began, up to 30 June 2008⁶

ACT	NSW	NT	Qld	SA	Tas	Vic	WA	Total
0	4	34	39	2	0	6	27	112

2.3 Native title claims resolved since the Act began, up to 30 June 2008⁷

ACT	NSW	NT	Qld	SA	Tas	Vic	WA	Total
5	146	56	296	22	4	55	379	963

2.4 Average time to resolve a native title application⁸

Determination by consent	69 months (5 years and 9 months)
Determination by litigation	84 months (7 years)
Determination unopposed	12 months (1 year)

3. Agreements

3.1 Indigenous Land Use Agreements made between 1 July 2007 and 30 June 2008⁹

	ACT	NSW	NT	Qld	SA	Tas	Vic	WA	Total
Fully concluded ILUA and use and access agreement negotiations	0	0	1	15	5	0	0	0	21

⁶ National Native Title Tribunal, *National Report: Native Title*, June 2008 (2008), p 1.

⁷ National Native Title Tribunal, *National Report: Native Title*, June 2008 (2008), p 4.

⁸ National Native Title Tribunal, *National Report: Native Title*, June 2008 (2008), pp 1-2.

⁹ G Neate, President, National Native Title Tribunal, Correspondence to T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission, 15 August 2008.

Milestone agreements in ILUA negotiation outside native title determination applications	0	0	0	0	105	0	0	1	106
Milestone agreements in ILUA negotiation within native title determination applications	0	6	3	36	74	0	0	0	119
Total	0	6	4	51	184	0	0	1	246

3.2 Future Act agreements made between 1 July 2007 and 30 June 2008¹⁰

	ACT	NSW	NT	Qld	SA	Tas	Vic	WA	Total
Agreements that fully resolve Future Act applications	0	0	0	0	0	0	1	71	72
Milestones in Future Act mediations	0	0	14	0	0	0	1	27	42
Total	0	0	14	0	0	0	2	98	114

¹⁰ G Neate, President, National Native Title Tribunal, Correspondence to T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission, 15 August 2008.

3.3 Determination application agreements made between 1 July 2007 and 30 June 2008¹¹

	ACT	NSW	NT	Qld	SA	Tas	Vic	WA	Total
Agreements that fully resolve native title determination applications	0	3	3	5	1	0	0	5	17
Agreements on issues, leading towards the resolution of native title determination applications	0	9	2	69	34	0	2	50	166
Process/framework agreements	0	19	4	140	30	0	18	123	334
Total	0	31	9	214	65	0	20	178	517

4. Future Acts

4.1 Future Act notices advertised between 1 July 2007 and 30 June 2008¹²

Those that asserted the expedited procedure under the Act	11,253
Those that did not assert the expedited procedure	1,927
Total	13,180

11 G Neate, President, National Native Title Tribunal, Correspondence to T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission, 15 August 2008.

12 National Native Title Tribunal, *National Report: Native Title*, June 2008 (2008), p 5.

4.2 Future Act objections lodged and finalised during the reporting period¹³

Tenement outcome	NT	Qld	WA	Total
Determination – expedited procedure applies	0	0	17	17
Determination – expedited procedure does not apply	0	0	6	6
Dismissed – s 148(a) no jurisdiction	0	2	27	29
Dismissed – s 148(a) tenement withdrawn	0	8	70	78
Dismissed – s 148(b)	0	0	222	222
Expedited procedure statement withdrawn	0	18	10	28
Expedited procedure statement withdrawn – s 31 agreement lodged	0	103	0	103
Objection not accepted	0	0	10	10
Objection withdrawn – agreement	3	27	702	732
Objection withdrawn – external factors	0	8	4	12
Objection withdrawn – no agreement	0	14	66	80
Objection withdrawn prior to acceptance	0	0	65	65
Tenement withdrawn	0	4	1	5
Tenement withdrawn prior to objection acceptance	0	3	4	7
Total	3	187	1,204	1,394

¹³ G Neate, President, National Native Title Tribunal, Correspondence to T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission, 15 August 2008.

Glossary of terms¹⁴

Claimant application means an application made by Aboriginal people or Torres Strait Islanders under the Native Title Act for a determination that native title exists over a particular area of land or waters (s 61(1) Native Title Act).

Non-claimant application means an application made by a person, who holds a non-native title interest in relation to an area, and is seeking a determination that native title does not exist in that area.

Compensation application means an application made by Aboriginal people or Torres Strait Islanders seeking compensation for loss or impairment of their native title (s 61 Native Title Act).

Determination by consent means an approved determination of native title by the Federal Court or the High Courts of Australia or a recognised body that native title does or does not exist in relation to a particular area of land and/or waters, which is made after the parties have reached agreement in relation to those issues.

Determination by litigation means a decision by the Federal Court or the High Court of Australia or a recognised body that native title does or does not exist in relation to a particular area or land or waters, which is made following a trial process.

Unopposed determination means a decision by the Federal Court or High Court of Australia or a recognised body that native title does or does not exist as a result of a native title application that is not contested by another party.

Expedited procedure means the fast-tracking process for future acts that might have minimal impact on native title, such as the grant of some exploration and prospecting licenses. If this procedure is used, and no objection is lodged, the future act can be done without the normal negotiations with the registered native title parties required by the Native Title Act.

¹⁴ The definitions in this glossary are sourced from National Native Title Tribunal, *Glossary*. At: <http://www.nntt.gov.au/Pages/Glossary.aspx> (viewed 17 September 2008).