

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

**Output 1.6**

**Question No. 24**

**Senator Barnett asked the following question at the hearing on 23 February 2009:**

The Government announced institutional changes to the operation of the native title system whereby the Federal Court will assume a central role in managing all claims, and claims will be mediated by the Court or the Tribunal. The Government intends this change to commence 1 July 2009. Why has this not commenced immediately?

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

On 17 October 2008, the Attorney-General announced institutional changes to the native title system to provide the Federal Court with control over the direction of all native title claims brought before it, including deciding whether the Court, National Native Title Tribunal or another individual or body mediates a claim. The Government intends the changes to commence on 1 July 2009. The changes could not commence immediately because the *Native Title Act 1993* needs to be amended to implement them.

The Native Title Amendment Bill 2009, which includes the amendments to give effect to the institutional changes, was introduced in the House of Representatives on 19 March 2009.

To further improve the operation of the native title system, the Attorney-General included a few minor amendments to the Act in the same Bill. Prior to incorporating these minor amendments, the Attorney-General consulted stakeholders by seeking submissions on a discussion paper which outlined the proposed amendments.