

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

**Question No. 190**

**Senator Ludwig asked the following question at the hearing on 24 May 2007:**

Non-legislative recommendations of the Hiley-Levy report

*Recommendation 5*

- a) What action has been taken on Recommendation 5?
- b) Has the Court or the NNTT begun convening regular meetings?
  - i) If so, give details on how many have been convened so far?
  - ii) If not, why not?
- c) Have you begun working with the Federal Court on the proposed new methods of institutional communication? If so, give details.

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

(a) The Tribunal and the Court have taken several steps to implement Recommendation 5 of the Hiley/Levy Report. These have been discussed at a series of meetings involving a Judge of the Court, the Tribunal's President and the Registrars of both institutions. The meetings have focussed on planning for the implementation of other aspects of the Hiley/Levy report, including those recommendations given effect to the *Native Title Amendment Act 2007*.

(b)(i) As part of a planned approach to informing parties in the native title system of changes to practice as a result of the *Native Title Amendment Act 2007*, the Tribunal and the Court delivered a joint presentation on 8 June 2007 at the annual AIATSIS native title conference in Cairns. The Court is planning a program of user group meetings, involving the Tribunal, for delivery in capital cities in July. The Court has advised that other user group meetings will follow this initial round.

(b)(ii) See answer to (b)(i).

(c) The Tribunal has begun working with the Court on proposed new methods of institutional communication. New protocols are being settled to clarify channels of communication between the Court and the Tribunal in relation to administrative and case management matters and the requirements introduced by the *Native Title Amendment Act 2007*. The protocols include guidance on exercise of the Tribunal's new statutory right to appear before the Court in relation to claims that have been, or might be, referred to the Tribunal for mediation. In addition, the Tribunal is developing its regional mediation reports in consultation with the Court with the objective of providing better information for the Court to use at regional call-overs.