

CHAPTER 1

INTRODUCTION

1.1 On 19 March 2009, the Senate referred the Native Title Amendment Bill 2009 (the Bill) to the Standing Committee on Legal and Constitutional Affairs, for inquiry and report by 7 May 2009.

1.2 The Bill was introduced in the House of Representatives on 19 March by the Attorney-General, the Hon. Robert McClelland, and seeks to amend the *Native Title Act 1993* to give the Federal Court of Australia a more central role in adjudicating native title claims.

Summary of key amendments

1.3 In summary, the Bill:

- invests the Federal Court (the Court) with the authority to decide whether it, the National Native Title Tribunal, or another individual or body should mediate a native title claim;
- further encourages and facilitates negotiated settlement of claims;
- allows the application of amended evidence rules for evidence given by Aboriginal and Torres Strait Islander people to apply to native title claims in certain circumstances; and
- streamlines provisions relating to the role of representative bodies.

1.4 Chapter 2 examines the provisions of the Bill in more detail.

Conduct of the inquiry

1.5 The committee advertised the inquiry in *The Australian* newspaper on 25 March 2009, and invited submissions by 9 April 2009. Details of the inquiry, the Bill, and associated documents were placed on the committee's website. The committee also wrote to over 50 organisations and individuals inviting submissions.

1.6 The committee received 8 submissions which are listed at Appendix 1. Submissions were placed on the committee's website for ease of access by the public.

1.7 The committee held a public hearing in Sydney on 16 April 2009. A list of witnesses who appeared at the hearings is at Appendix 2 and copies of the Hansard transcript are available through the Internet at <http://aph.gov.au/hansard>.

Acknowledgement

1.8 The committee thanks the organisations and individuals who made submissions and gave evidence at the public hearing.

Note on references

1.9 References in this report are to individual submissions as received by the committee, not to a bound volume. References to the committee Hansard are to the

proof Hansard: page numbers may vary between the proof and the official Hansard transcript.