

**Parliamentary Joint Committee on
Native Title and the Aboriginal and
Torres Strait Islander Land Fund**

OPERATION OF THE NATIVE TITLE ACT

**Inquiry Into The Effectiveness Of
The National Native Title Tribunal**

Submission No:4

Mr Gary Goodman

National Director

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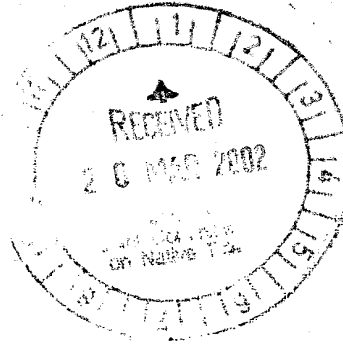
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Ns065-02gw

18 March 2002

Mr. Peter Grundy
Committee Secretary
Parliamentary Joint Committee on Native Title and
The Aboriginal and Torres Strait Islander Land Fund
Parliament House
CANBERRA
ACT 2600



National Secretariat

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Deakin ACT 2600
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Re: The Effectiveness of the National Native Title Tribunal

Dear Mr Grundy,

The Institute notes that the Parliamentary Joint Committee (PJC) is required by the *Native Title Act 1993(NTA)* to:

in part, to inquire from time to time into (and report to both Houses on) the effectiveness of the National Native Title Tribunal. The Act refers this duty to the Committee as s.206(d)(i)

The Institute notes that the PJC is inviting persons and organisations to place before it views specifically on the effectiveness of the National Native Title Tribunal (NNTT).

The Institute wishes to inform the PJC regarding its views concerning the effectiveness of the NNTT, given that since the decision in *The Wik Peoples-v-The State of Queensland and Ors (1996) 141 ALR 129*, the NNTT has worked closely with this Institute in its educational programme for the property professions in the area of native title. The Institute has conducted a series of one day and half-day workshops since early 1997 in most states and territories, and at these workshops Members and staff of the NNTT have provided presentations specifically on the administration of the *NTA* and the operations of the NNTT.

In addition, commencing in 2000 the Institute has in association with the University of Technology Sydney conducted a five-day course leading to the award of the *Professional Certificate in the Valuation of Land Subject to Native Title*. For the award of the *Certificate*, attendees are required to submit two 4,000word research papers of publishable quality in addition to attendance at the course. In 2002, the *Certificate* will be conducted in Brisbane in association with the University of Queensland, in response to a request by Professor David Wadley of the University for the *Certificate* to be conducted in that State.

It is pointed out that the *Certificate* has since its inception in 2000 attracted attendees from Queensland, NSW, ACT and Victoria, and in 2001 had its first overseas delegate drawn from New Zealand. The reason for this increasing interest in the *Certificate* is firstly its unique nature, it is the only qualification of its kind anywhere in the common law world, reflecting Australia's growing pre-eminence in native title law and practice, especially valuation and compensation.

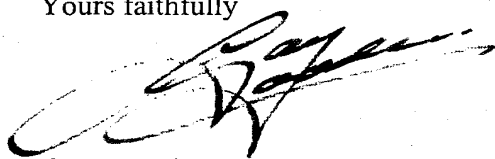
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Secondly, the participation of the NNTT in the provision of presenters in the *Certificate* has been recognised by attendees as an important contribution to academic rigor and the relevance of the *Certificate* in professional practice. The skill sets offered by the Tribunal presenters provide the attendees with a special insight.

As compensation law develops in the area of native title, the close working relationship between this Institute and the NNTT will be critical to ensuring that Court decisions and practice development is rapidly disseminated. To this end the Institute is of the view that the educational role of the NNTT should be recognised, and enhanced in the light of current and future developments in this area of law.

Should any further information be required or clarification be needed, please do not hesitate to contact the Institute's Director, Policy and Research Mr. Grant Warner, or the Institute's National Native Title Spokesperson Mr. John Sheehan on (02) 9299-1811.

Yours faithfully



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*Formerly the Australian Institute of Valuers
and Land Economists*