

# Part 5: Report of the National Native Title Tribunal



## Overview

### Establishment

The *Native Title Act 1993* establishes the Tribunal as an independent body with a wide range of functions. The *Native Title Act 1993* is, itself, a 'special measure' for the advancement and protection of Aboriginal and Torres Strait Islanders (Indigenous Australians), and is intended to advance the process of reconciliation among all Australians.

The *Native Title Act 1993* creates an Australia-wide native title scheme, the objectives of which include:

- providing for the recognition and protection of native title
- establishing a mechanism for determining claims to native title, and
- establishing ways in which future dealings affecting native title (future acts) may proceed.

The *Native Title Act 1993* provides that the Tribunal must carry out its functions in a fair, just, economical, informal and prompt way. In carrying out those functions, the Tribunal may take account of the cultural and customary concerns of Indigenous Australians.

### The President, Members and the Native Title Registrar

The President, other Members of the Tribunal and the Native Title Registrar are appointed by the Governor-General for specific terms of no longer than five years. The *Native Title Act 1993* sets out the qualifications for appointment to, and respective responsibilities of, these offices.

Table 5.1 outlines Tribunal statutory office holders at 30 June 2022.

### Office locations

The Tribunal maintains offices in Brisbane, Cairns, Melbourne, Perth and Sydney.

### Functions and powers

Under the *Native Title Act 1993*, the Tribunal, comprising the President and Members, has specific functions in relation to:

- mediating in native title proceedings, upon referral by the Federal Court
- determining objections to the expedited procedure in the future act scheme
- mediating in relation to certain proposed future acts on areas where native title exists, or might exist
- determining applications concerning proposed future acts

**TABLE 5.1: TRIBUNAL STATUTORY OFFICE HOLDERS, 30 JUNE 2022**

NAME	TITLE	APPOINTED	TERM	LOCATION
The Hon. JA Dowsett AM QC	President	27 April 2018	Five years	Brisbane
Helen Shurven	Member	Reappointed 29 November 2017	Five years	Melbourne
Nerida Cooley	Member	11 February 2019	Five years	Brisbane
Glen Kelly	Member	10 March 2021	Five years	Perth
Christine Fewings	Native Title Registrar	14 March 2018	Five years	Brisbane

- assisting people to negotiate Indigenous Land Use Agreements (ILUAs), and helping to resolve any objections to registration of ILUAs
- assisting with negotiations for the settlement of applications that relate to native title
- providing assistance to representative bodies in performing their dispute resolution functions
- providing assistance to common law holders and prescribed bodies corporate
- reconsidering decisions of the Native Title Registrar not to accept a native title determination application (claimant application) for registration
- conducting reviews concerning native title rights and interests (upon referral by the Federal Court)
- conducting native title application inquiries as directed by the Federal Court
- conducting special inquiries under Ministerial direction, and
- presiding at conferences in connection with inquiries.

### The President

The President is responsible for the management of the business of the Tribunal, including its administrative affairs, and the allocation of duties, powers and functions. The President is assisted by the CEO and Principal Registrar of the Federal Court. The CEO and Principal Registrar may delegate her responsibilities under the *Native Title Act 1993* to the Native Title Registrar, or staff assisting the Tribunal. Staff assisting the Tribunal are made available for that purpose by the Federal Court.

### The Members

The President and Members perform the functions of the Tribunal, with the support of the Native Title Registrar and staff. The Members also perform educational functions and assist the President in communicating with stakeholders.

### The Native Title Registrar

The Native Title Registrar:

- assists people to prepare applications and to help them, and other persons in matters relating to proceedings in the Tribunal

- considers whether claimant applications should be registered on the Register of Native Title Claims
- gives notice of applications to individuals, organisations, governments and the public in accordance with the *Native Title Act 1993*
- registers ILUAs that meet the registration requirements of the *Native Title Act 1993*
- maintains the Register of Native Title Claims, the National Native Title Register and the Register of ILUAs, and
- maintains a publicly available record of section 31 agreements.

The Native Title Registrar is also actively involved in the mediation and educational functions of the Tribunal.

### Staff capacity

The Tribunal will continue to manage and monitor its workloads in the next reporting period to ensure that it is appropriately resourced in future years. Strategic planning and review will underpin this process, looking to the next decade of native title.

The continued social distancing and travel restrictions imposed by COVID-19 throughout the reporting period resulted in no substantive in-person training. The Tribunal is considering how to strengthen staff capacity to respond to increased, and more direct contact with native title holders and prescribed bodies corporate. The feature of training for staff in the reporting year has been attendance at online seminars and other forms of training, with in-person training becoming less common.

### Cultural acknowledgement

The Tribunal has continued to foster understanding and respect for Indigenous culture. The Reconciliation Action Plan for the Federal Court of Australia and the National Native Title Tribunal actively supports and acknowledges our obligations under the Reflect Reconciliation Action Plan 2019–20. Towards the latter end of the reporting period, work has commenced on the Innovate Reconciliation Action Plan.

To mark the 30th anniversary of the High Court's decision in *Mabo v Queensland (No 2)* 1992 HCA 23, the Federal Court and the Tribunal held a joint event on 27 May 2022, which was streamed to each Federal Court registry and Tribunal offices around the country. The event included welcoming and closing remarks by Chief Justice Allsop AO, an acknowledgement of country by staff who are native title holders, a keynote address by the President, and a panel discussion focusing on emerging issues in the native title jurisdiction.

Traditionally, the Tribunal participates in the celebrations involving all components of the Federal Court entity in the acknowledgment and celebration of Sorry Day, Reconciliation Week and NAIDOC week. This year some of the celebrations were muted because of the incidence of COVID-19 amongst the staff.

## The Tribunal's year in review

### COVID-19

The interruption to future act notification activity precipitated by the advent of the COVID-19 pandemic in 2020 provided the opportunity to review the Tribunal's expedited procedure processes. As a result of this review, new procedures were successfully implemented in Western Australia in September 2021. The success of the new procedures led to their expansion to other jurisdictions and the adoption of a nationwide practice which has resulted in improved outcomes for stakeholders.

The widespread adoption of video conferencing technology, both within the Tribunal and in the broader community, has allowed for greater accessibility in the Tribunal's case management and mediation services. The improved participation enabled by this technology has also provided a better foundation for agreement-making through increased engagement and involvement of decision makers.

### Lismore floods

Heavy rain events in the latter half of the reporting period severely affected the eastern states, with floodwaters ravaging several communities in New South Wales.

This included the town of Lismore, which affected the operations of the Koori Mail, the relevant special-interest publication that the Native Title Registrar uses to notify native title determination applications and applications to register ILUAs. The inability for the Koori Mail to publish its monthly newspaper, and searches to find an appropriate alternative special-interest publication being unsuccessful, the Native Title Registrar was compelled to delay notification of several claimant, non-claimant and ILUA applications in March and April, until the Koori Mail recommenced operations in late April. All affected applications were notified by the Native Title Registrar prior to the close of the reporting period.

### Recent developments

The *Native Title Legislation Amendment Act 2021* (Cth) received Royal Assent on 16 February 2021, and fully came into force from 25 September 2021 when the final measures, which relate to applicant decision making and replacement of members of the applicant, commenced.

These amendments resulted in an increase in assistance requests for the Native Title Registrar to provide a preliminary view in relation to the ability of proposed native title determination applications and proposed applications to register ILUAs to meet the new requirements for registration under the *Native Title Act 1993*.

The Tribunal's educational and information activities have been significantly limited as a result of COVID-19, largely because of travel restrictions. The Tribunal's engagement with stakeholders involved attendance at the 2022 AIASTIS Summit which was held on the Sunshine Coast in Queensland. Staff from across the Tribunal were available at a dedicated stall to answer queries and provide advice on native title processes including the lodging of applications and ILUAs, information on the future act regime and also specific queries on the spatial representation of native title matters. Tribunal staff engaged with the attendees who included native title applicants, common law holders, the staff, members and executive of various Prescribed Bodies Corporate. Staff were able to provide live demonstrations of the Tribunal's online mapping and spatial data services, which is commonly known as Native Title Vision.

Stakeholder engagement sessions were held in Cairns during May with the four Aboriginal and Torres Strait Islander representative bodies, which are based in Cairns, on geospatial assistance and the services that the Tribunal can provide to both native title applicants and holders. The presentations included live demonstrations of the Tribunal's online mapping and spatial data services.

The Tribunal's spatial data continues to be freely available for third parties to use in their own systems, either by downloading the data, or by taking advantage of web map services. The Tribunal's website has extensive information to assist the public in understanding their native title concerns.

## The Tribunal's work in 2021–22

### Future Acts

A primary function of the Tribunal is the resolution, by mediation or arbitration, of disputes relating to proposed future acts (generally, the grant of exploration and mining tenements) on land over which native title has been determined to exist, or over which there is a claim by a native title party as defined in sections 29 and 30 of the *Native Title Act 1993*.

### Expedited procedure

Under section 29(7) of the *Native Title Act 1993*, the Commonwealth government, or a state or territory government as the case may be, may assert that a proposed future act is an act that attracts the expedited procedure (i.e. that it is an act which will have minimal impact on native title). Where a future act attracts the expedited procedure, it does not give rise to procedural rights to negotiate that would otherwise vest in native title parties. If a native title party considers that the expedited procedure should not apply to the proposed future act, it may lodge an expedited procedure objection application (objection application) with the Tribunal.

A total of 1,765 objection applications were lodged during the reporting period, 214 more than in the previous year. This is another significant rise in lodgements, following a 30 per cent increase in 2020–21. The number of active

applications at the end of the reporting period was 979 compared with 779 at the end of the previous year. During the reporting period, the Tribunal finalised 1,551 objection applications, over 200 more than the previous year, which is indicative of the Tribunal's continuing high workload in this area. More than 790 objections were withdrawn following agreement between the native title party and the relevant proponent, an increase on the previous year both in total numbers and as a proportion of objections finalised. A further 210 objection applications were finalised by withdrawal of the tenement applications by the proponent.

Seventy-four objection applications were subject to a Tribunal determination during the reporting period, almost double the number determined the previous year. The expedited procedure was determined to apply in 47 cases, and on 27 occasions, the expedited procedure was determined not to apply. The increase in objections resolved by way of determination represents somewhat of a correction following the temporary pause in inquiry processes associated with the COVID-19 pandemic, however the fact that determination numbers have not returned to pre-COVID levels is a sign of the success of the Tribunal's new procedures in promoting agreement between parties.

As demonstrated in Table 5.2, Western Australia produces many more objection applications than does Queensland. This is due, at least in part, to policies adopted by the relevant state departments concerning the use of the expedited procedure. The state of Western Australia has recently announced reforms to its expedited procedure policy, which may result in fewer acts notified in the expedited procedure.

### Future act determinations

If the expedited procedure does not apply, or is not asserted by the state, the parties must negotiate in good faith about the proposed future act. Any party may request Tribunal assistance in mediating among the parties in order to reach agreement. There were 30 requests for mediation made in the reporting period, fewer than half of those received the previous year.

The *Native Title Act 1993* prescribes a minimum six-month negotiation period. After that time, any party to the negotiation may lodge a future act determination application if no agreement has been reached. During the reporting period, 16 applications were lodged, with a similar number having been lodged the previous year.

If there has been a failure to negotiate in good faith by any party, other than a native title party, the Tribunal has no power to determine the application. If any party asserts that negotiations in good faith have not occurred, the Tribunal will hold an inquiry to establish whether that is the case.

During the reporting period, there were six ‘good faith’ decisions. In three of these decisions, the Tribunal was not satisfied that the relevant parties had not negotiated in good faith and proceeded to determine the application. In the other three decisions, the Tribunal determined that good faith negotiations had not occurred. In those cases, the parties were required to negotiate further before the matter could be brought back to the Tribunal for arbitration. Seventeen future act determination applications were finalised during the reporting period. In seven of these cases, the Tribunal determined that the future act may be done and in four cases, the Tribunal determined that the act may be done, subject to conditions. The remaining applications were either withdrawn or dismissed.

### Post-Determination Assistance

Since 1998, the Tribunal has had the power to assist, on request, an Aboriginal/Torres Strait Islander representative body in performing its dispute resolution functions, subject to entering into a costs agreement. This function is commonly referred to as ‘s203BK assistance’ after the provision of the *Native Title Act 1993* from which the power derives.

On 25 March 2021, the *Native Title Legislation Amendment Act 2021* gave the Tribunal a new set of powers relating to post-determination disputes by introducing section 60AAA into the *Native Title Act 1993*. Section 60AAA provides that a registered native title body corporate or common law holder of native title may ask the Tribunal to provide assistance ‘in promoting agreement about matters relating to native title or the operation of this Act’ between:

- a. the registered native title body corporate and another registered native title body corporate
- b. the registered native title body corporate and one or more common law holders, or
- c. common law holders.

Throughout 2021–22, the Tribunal has worked to develop policies, procedures and guidelines to support the new function established by section 60AAA. The Tribunal’s policies and procedures have been shaped by its previous engagement with post-determination disputes under section 203BK and by requests for assistance received since the introduction of section 60AAA.

Generally, once the Tribunal receives a request for assistance, an officer will conduct preliminary conferencing with each of the relevant parties to understand the nature of the dispute, who should be involved, and what form the assistance should take. Depending on the matter, preliminary conferencing is followed by facilitation or information exchange, or it may move straight into mediation or another dispute resolution process.

In 2021–22, the Tribunal has conducted preliminary conferencing in relation to 25 requests received under section 60AAA. In three of these matters, the assistance has proceeded to facilitation or information exchange and the Tribunal has provided mediation assistance in

**TABLE 5.2: NUMBER OF APPLICATIONS LODGED WITH THE TRIBUNAL IN 2021–22**

FUTURE ACT	NSW	NT	QLD	WA	TOTAL
Objections to expedited procedure	0	27	74	1,669	1,770
Future act determination applications	2	1	5	8	16
<b>TOTAL</b>	<b>2</b>	<b>28</b>	<b>79</b>	<b>1,677</b>	<b>1,786</b>

another three matters. The Tribunal has also provided ongoing dispute resolution assistance under section 203BK in relation to two requests received from Aboriginal/Torres Strait Islander representative bodies.

### Referral from the Federal Court of Australia

As previously reported, in April 2021, the Court made a request for the Tribunal's assistance, concerning a long-running dispute arising under an indigenous land use agreement. The ILUA provided for the payment of funds to a number of identified families. However, the mechanism for making the relevant payments was frustrated. The party liable to make the payments took the relatively unusual course of commencing interpleader proceedings in the Federal Court. Representatives of some of the families became parties to those proceedings.

The trial Judge (Rares J) made findings with respect to certain matters but, before making final orders, sought the assistance of the Tribunal and Queensland South Native Title Services (QSNTS) in formulating a process by which each family might determine how it wished to hold such funds as it might receive pursuant to the ILUA. The Tribunal's involvement was primarily pursuant to section 203BK of the *Native Title Act 1993*, assisting QSNTS in the performance of its dispute resolution function under section 203BF of the *Native Title Act 1993*. The primary function performed by the Tribunal was assisting QSNTS to facilitate 11 family meetings.

During the reporting period, the President convened 13 meetings of the parties to the Federal Court proceedings.

### The Registers

The Native Title Registrar maintains three registers as follows:

#### *The Register of Native Title Claims*

Under section 185(2) of the *Native Title Act 1993*, the Native Title Registrar has responsibility for establishing and keeping a Register of Native Title Claims. This register records the details of claimant applications that have met the statutory

conditions for registration prescribed by sections 190A–190C of the *Native Title Act 1993*. As at 30 June 2022, there were 111 claimant applications on this register.

#### *The National Native Title Register*

Under section 192(2) of the *Native Title Act 1993*, the Native Title Registrar must establish and keep a National Native Title Register, recording approved determinations of native title.

As at 30 June 2022, a total of 558 determinations had been registered, including 101 determinations that native title does not exist and another compensation application making a total of 5 registered compensation determinations.

Map 1 Determinations Map (page 88) shows native title determinations as at 30 June 2022, including those registered and those not yet in effect.

#### *The Register of Indigenous Land Use Agreements*

Under section 199A(2) of the *Native Title Act 1993*, the Native Title Registrar must establish and keep a Register of Indigenous Land Use Agreements, in which area agreement, body corporate and alternative procedure ILUAs are registered. At 30 June 2022, there were 1,417 ILUAs registered on the Register of Indigenous Land Use Agreements.

Map 2 Indigenous Land Use Agreement Map (page 89) shows registered Indigenous Land Use Agreements as at 30 June 2022.

### Claimant and amended applications

Sections 190A–190C of the *Native Title Act 1993* require the Native Title Registrar to decide whether native title determination applications (claimant applications) and applications for certain amendments to claimant applications, should be accepted for registration on the Register of Native Title Claims. To that end, the CEO and Principal Registrar of the Federal Court provides the Native Title Registrar with a copy of each new or amended claimant application and accompanying documents that have been filed in the Federal Court.

The Native Title Registrar considers each application against the relevant requirements of the *Native Title Act 1993*. The Native Title Registrar may also undertake preliminary

assessments of such applications, and draft applications, by way of assistance provided pursuant to section 78(1)(a) of the *Native Title Act 1993*. Where the Registrar does not accept a claim for registration, the relevant applicant may seek reconsideration by the Tribunal. Alternatively, the applicant may seek judicial review in the Federal Court.

During the reporting period, the Native Title Registrar received 15 new claimant applications, four fewer than in the previous year. In addition to new claims, the Native Title Registrar received 19 amended claimant applications, two more than the previous year.

There was a small decrease in the volume of registration testing in the reporting period, a direct consequence of the reduced numbers of new and amended claims referred to the Registrar. There were 34 applications considered for registration, three fewer than the previous year. Of the 34 decisions, 24 were accepted for registration and 10 were not accepted. Two of these decisions were made by Tribunal members in response to requests to reconsider a registration decision. During the reporting period, eight applications were subjected to preliminary assessment before filing with the Federal Court. An application to the Federal Court, seeking judicial review of a decision to not accept an application for registration was made during the reporting period and is currently being considered.

### Non-claimant, compensation and revised determination applications

There was an increase in the number of non-claimant applications, with six New South Wales applications and nine Queensland applications filed in the Federal Court. No revised determination applications were referred to the Native Title Registrar in the reporting period. The Native Title Registrar received four compensation applications, a small decrease in number compared to the previous year. One application was made in South Australia and three in Western Australia.

### Indigenous land use agreements

Under the *Native Title Act 1993*, parties to an ILUA (whether a body corporate agreement, area agreement or alternative procedure agreement) may apply to the Native Title Registrar for inclusion on the Register of ILUAs. Each registered ILUA, in addition to taking effect as a contract among the parties, binds all persons who hold, or may hold, native title in relation to any of the land or waters in the area covered by the ILUA.

A total of 1,417 ILUAs are currently on the Register of ILUAs, the majority of which are in Queensland. Broadly, the ILUAs deal with a wide range of matters including the exercise of native title rights and interests over pastoral leases, local government activity, mining, state-protected areas and community infrastructure such as social housing.

**TABLE 5.3: NUMBER OF APPLICATIONS REFERRED TO OR LODGED WITH THE NATIVE TITLE REGISTRAR IN 2021–22**

NATIVE TITLE DETERMINATION APPLICATIONS	NSW	NT	QLD	SA	VIC	WA	TOTAL
Claimant (new)	2	1	1	1	1	9	15
Non-claimant	5	0	12	0	0	0	17
Compensation	0	0	0	1	0	3	4
Revised native title determination	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>7</b>	<b>1</b>	<b>13</b>	<b>2</b>	<b>1</b>	<b>12</b>	<b>36</b>

**TABLE 5.4: NUMBER OF APPLICATIONS LODGED WITH THE NATIVE TITLE REGISTRAR IN 2021–22**

INDIGENOUS LAND USE AGREEMENTS	NSW	NT	QLD	SA	VIC	WA	TOTAL
Area agreements	1	0	7	4	0	1	13
Body corporate agreements	2	0	17	0	0	9	28
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>24</b>	<b>4</b>	<b>0</b>	<b>10</b>	<b>41</b>

During the reporting period, the Native Title Registrar received 41 ILUAs, eight fewer than in the previous year. Thirty body corporate and seven area agreement ILUAs were accepted for registration and entered in the Register. Four ILUAs are currently in notification.

### Notifications

The Native Title Registrar carries out a key function in respect of notification of native title determination applications and ILUAs. The floods in Lismore had a significant impact on the ability of Koori Mail, the relevant special-interest publication used to notify these applications, to publish notifications in the latter part of the reporting period, resulting in some delays in notification. However, all affected applications were notified within the reporting period.

During the reporting period, 38 native title determination applications were notified, compared with 32 in the previous year. Of the 38 applications, 20 were claimant applications.

The remainder of the notifications were 15 non-claimant applications, one revised determination application and two compensation applications.

A total of 57 ILUAs were notified during the period.

### Assistance

Section 78(1) of the *Native Title Act 1993* authorises the Native Title Registrar to give such assistance as she thinks reasonable to people preparing applications and at any stage in subsequent proceedings. That section also provides that the Native Title Registrar may help other people in relation to those proceedings. During the reporting period, such assistance was

provided on 141 occasions. As in previous years, many of the requests were for the provision of geospatial products and review of draft native title determination applications.

Under sections 24BG(3), 24CG(4) and 24DH(3) of the *Native Title Act 1993*, the Native Title Registrar may provide assistance in the preparation of ILUA registration applications. Often, this assistance takes the form of pre-lodgement comments upon the draft ILUA and the application for registration. During the reporting period, assistance was provided on 32 occasions, generally in the form of mapping assistance, preliminary assessments and pre-lodgement comments particularly in relation to the application of the amended requirements under the *Native Title Act 1993*, and the provision of related information. Such assistance must be distinguished from the assistance given by the Tribunal in the negotiation of such agreements. See sections 24BF, 24CF and 24DG of the *Native Title Act 1993*.

Pursuant to section 78(2) of the *Native Title Act 1993*, 2,029 searches of registers and other records were conducted during the reporting period, a substantial increase in requests from the previous year.

### National progress

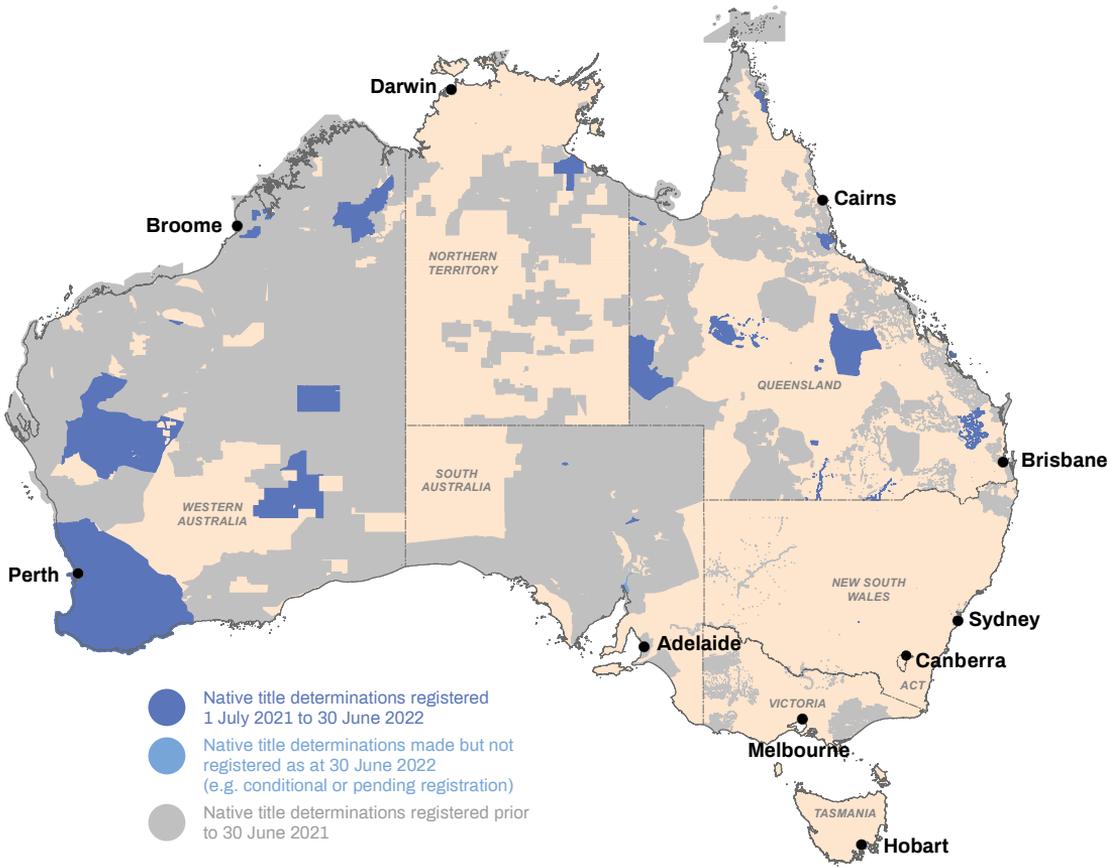
The 558 registered determinations as at 30 June 2022 cover a total area of about 3,785,835 square kilometres or 49.2 per cent of the land mass of Australia and approximately 153,634 square kilometres of sea (below the high water mark).

One conditional consent determination, (*Thomas on behalf of the Nukunu People (Area 2) Native Title Claim v State of South Australia* [2022] FCA 48) is still awaiting ILUA registration. Upon

registration, these determinations will increase the areas determined to about 3,786,692 square kilometres or 49.2 per cent of the land mass of Australia and approximately 153,700 square kilometres of sea (see Map 1).

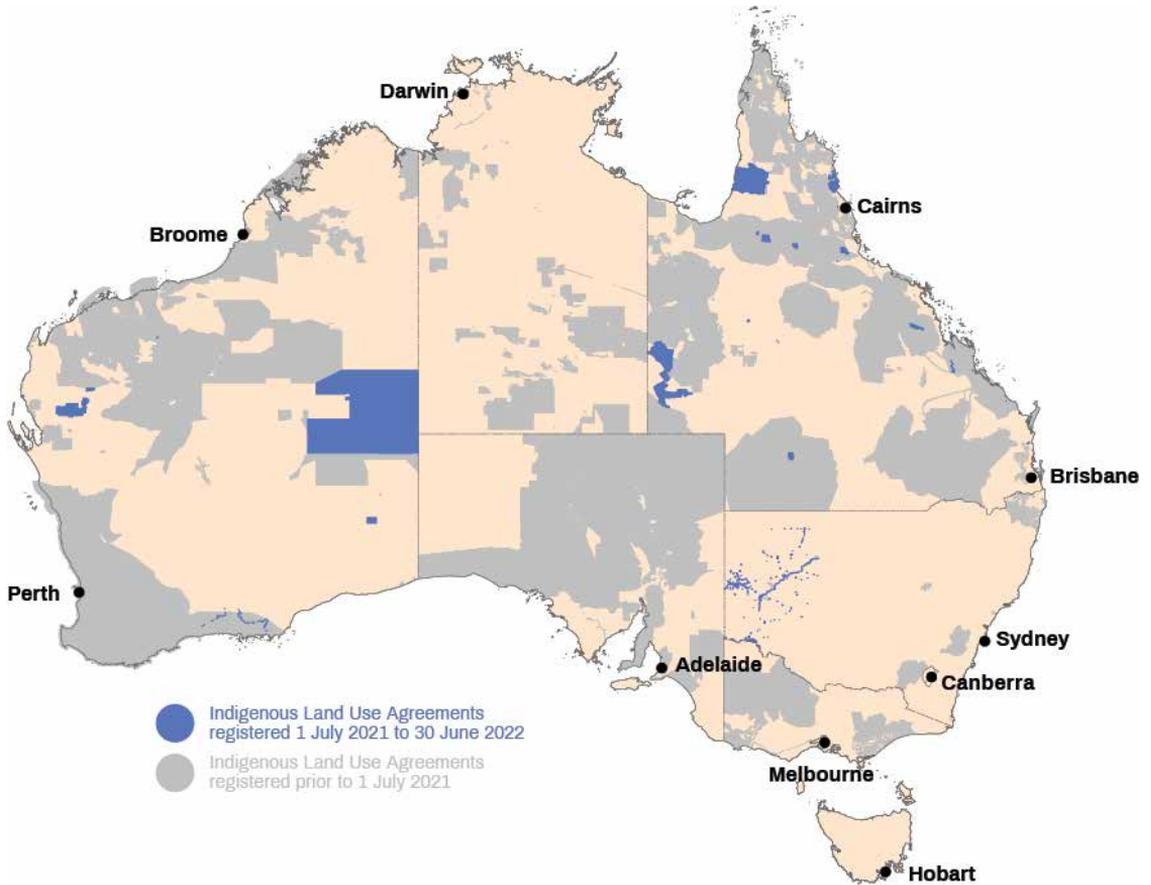
Registered ILUAs cover about 2,698,648 square kilometres or 35.1 per cent of the land mass of Australia and approximately 51,294 square kilometres of sea (see Map 2).

**MAP 1: DETERMINATIONS MAP**



Spatial data sourced from and used with permission of Landgate (WA), Department of Resources (Qld), © The State of Queensland, Department of Finance, Services & Innovation (NSW), Department of Infrastructure, Planning and Logistics (NT), Dept for Planning, Transport & Infrastructure (SA), Dept of Environment, Land, Planning and Water:(Vic) and Geoscience Australia, Australian Government, © Commonwealth of Australia.

**MAP 2: INDIGENOUS LAND USE AGREEMENTS MAP**



Spatial data sourced from and used with permission of Landgate (WA), Department of Resources (Qld), © The State of Queensland, Department of Finance, Services & Innovation (NSW), Department of Infrastructure, Planning and Logistics (NT), Dept for Planning, Transport & Infrastructure (SA), Dept of Environment, Land, Planning and Water:(Vic) and Geoscience Australia, Australian Government, © Commonwealth of Australia.

**Management of the Tribunal**

The President, in consultation with the Members, the Native Title Registrar and Team Managers, sets the strategic direction for the Tribunal. The relatively small size of the Tribunal militates in favour of informal, rather than formal consultation. On the other hand, its geographical dispersal increases reliance on the use of electronic means of communication.

*Financial review*

The Federal Court's appropriation includes funding for the operation of the Tribunal. This funding is set out as sub-program 1.1.2 in the Court's Portfolio Budget Statements. \$8,139 million was allocated for the Tribunal's operations in 2021–22.

Appendix 1 shows the consolidated financial results for both the Court and the Tribunal.

Table 5.5 next page presents the financial operating statement, summarising the Tribunal's revenue and expenditure for 2021–22.

TABLE 5.5: FINANCIAL OPERATING STATEMENT

YEAR ENDING 30 JUNE 2022	BUDGET (\$'000)	ACTUAL (\$'000)	VARIANCE (\$'000)
Appropriation			
Total revenue	8,139	8,139	0
Total expenses	8,139	6,879	1,260
Surplus/ Deficit	0	1,260	1,260

## External scrutiny

### *Freedom of Information*

During the reporting period, three requests were received under the *Freedom of Information Act 1982* for access to documents. The Tribunal publishes a disclosure log on its website, as required by the *Freedom of Information Act 1982*. The disclosure log lists the documents that have been released in response to freedom of information access requests. Ten entries were made, each including multiple document attachments (349 pages in total).

### *Accountability to clients*

The Tribunal maintains a Client Service Charter (Commitment to Service Excellence) to ensure that service standards meet client needs. During the reporting period there were no complaints requiring action under the Charter.

### *Statutory office holders*

The *Native Title Act 1993* deals, in a general way, with issues concerning the behaviour and capacity of Members. While the Native Title Registrar is subject to the Australian Public Service Code of Conduct, this does not apply to Tribunal Members, except where they may be, directly or indirectly, involved in the supervision of staff.

There is a voluntarily code of conduct for Members, however it is in need of review. This process will be undertaken in the course of 2022–23. During the reporting period, there were no complaints concerning Members.

### *Online services*

The Tribunal maintains a website at [www.nntt.gov.au](http://www.nntt.gov.au). The website enables online searching of the National Native Title Register, the Register of Native Claims, and the Register of Indigenous Land Use Agreements. Native title spatial information and data can also be accessed online through Native Title Vision. As a result of the amendments to the *Native Title Act 1993*, the Tribunal also established a publicly available record of section 31 agreements.

### *Australian Human Rights Commission*

Under section 209 of the *Native Title Act 1993*, the Commonwealth Minister may, by written notice, direct the Aboriginal and Torres Strait Islander Social Justice Commissioner to report to the Commonwealth Minister about the operation of the *Native Title Act 1993* or its effect on the exercise and enjoyment of human rights by Aboriginal peoples and Torres Strait Islanders.

The Tribunal continues to assist the Commissioner as requested.