

Appendix 2:

Native title statistics¹

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1 Native title applications

Table 1: Native title applications filed between 1 July 2008 and 30 June 2009									
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
Claimant	0	4	2	10	2	0	1	4	23
Non-claimant	0	11	0	0	0	0	0	0	11
Total	0	15	2	10	2	0	1	4	34

Table 2: Native title applications finalised between 1 July 2008 and 30 June 2009									
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
Claimant	1	8	14	19	3	0	0	22	67
Non-claimant	0	13	0	1	0	0	0	1	15
Compensation	0	0	1	1	0	0	0	0	2
Total	1	21	15	21	3	0	0	23	84

¹ The information in this Appendix is sourced from W Soden, Native Title Registrar/Chief Executive Officer, Federal Court of Australia, Correspondence to T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, Australian Human Rights Commission, 20 July 2009; G Neate, President, National Native Title Tribunal, Correspondence to T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, Australian Human Rights Commission, 3 August 2009.

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Table 3: Native title claims or claims for compensation filed with the Court as at 30 June 2009

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
Claimant	1	31	153	136	20	0	16	94	451
Non-claimant	0	24	0	1	0	0	0	0	25
Compensation	0	0	1	3	0	0	0	3	7
Total	1	55	154	140	20	0	16	97	483

Table 4: Native title claims or claims for compensation under native title listed for hearing as at 30 June 2009

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
Number	0	0	0	1*	0	0	1**	0	2

QLD* QUD6040/01 Torres Strait Regional Seas Claim

VIC** 1 – Kurnai Clans Native Title Determination Application, VID398/2005

Table 5: Native title claims struck out by the Court between 1 July 2008 and 30 June 2009

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
Number	0	3*	0	13**	0	0	0	19***	35

NSW* 2 under section 190F(6) and 1 non-compliance

QLD** 5 under section 190F(6) of the *Native Title Act 1993 (Cth)*
5 non-compliance

1 under section 84D of the *Native Title Act 1993 (Cth)*

1 leave granted to file Notice of Discontinuance, in default matter dismissed

1 no standing to make application

WA*** 17 dismissed pursuant to section 190F of the *Native Title Act 1993 (Cth)*

2 Discontinuances (by way of Notice of Discontinuance) [1 Claimant; 1 Non-Claimant]

Table 6: Registration test decisions made between 1 July 2008 and 30 June 2009	
Decision	Total
Accepted	27
Accepted – section 190A(6A)	5
Total	32

Table 7: Native title applications not accepted for registration between 1 July 2008 and 30 June 2009									
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
Not accepted	0	3	0	1	0	0	1	4	9

2 Determinations

Table 8: Native title determinations made between 1 July 2008 and 30 June 2009									
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
Determination by consent	0	1	0	1	6	0	0	2	10
Determination by litigation	0	1	0	0	0	0	0	0	1
Determination unopposed	0	1	0	0	0	0	0	0	1
Total	0	3	0	1	6	0	0	2	12

3 Agreements

Table 9: Future act agreements made between 1 July 2008 and 30 June 2009

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
Agreements that fully resolve Future Act applications	0	2	3	35	0	0	6	803	849
Milestones in Future Act mediations	0	0	23	40	0	0	0	67	130
Total	0	2	26	75	0	0	6	870	979

Table 10: Determination application agreements made between 1 July 2008 and 30 June 2009

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
Agreements that fully resolve native title determination applications	0	0	0	6	3	0	0	4	13
Agreements on issues, leading towards the resolution of native title determination applications	0	15	3	37	4	0	0	109	168
Process / framework agreements	0	15	8	135	50	0	14	100	322
Total	0	30	11	178	57	0	14	213	503

4 Future Acts

Table 11: Future act determination applications (s 35) finalised between 1 July 2008 and 30 June 2009				
Outcome	QLD	VIC	WA	Total
Application withdrawn	0	0	12	12
Consent determination – Act can be done	9	1	16	26
Determination – Act cannot be done	0	0	1	1
Dismissed – s 148(a) no jurisdiction	0	0	1	1
Tenement withdrawn	0	0	1	1
Total	9	1	31	41

Table 12: Future act objections finalised during the reporting period			
Tenement outcome	QLD	WA	Total
Consent determination – expedited procedure does not apply	0	9	9
Determination – expedited procedure applies	0	4	4
Determination – expedited procedure does not apply	0	4	4
Dismissed – s 148(a) no jurisdiction	4	58	62
Dismissed – s 148(a) tenement withdrawn	37	294	331
Dismissed – s 148(b)	0	194	194
Expedited procedure statement withdrawn	1	38	39
Expedited procedure statement withdrawn – s 31 agreement lodged	61	0	61

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Objection not accepted	0	45	45
Objection withdrawn – agreement	11	720	731
Objection withdrawn – external factors	0	4	4
Objection withdrawn – no agreement	11	40	51
Objection withdrawn prior to acceptance	0	45	45
Tenement withdrawn prior to objection acceptance	7	3	10
Total	132	1 458	1 590

5 Glossary of terms²

Claimant application means an application made by Aboriginal people or Torres Strait Islanders under the *Native Title Act 1993* (Cth) (Native Title Act) for a determination that native title exists over a particular area of land or waters (Native Title Act, s 61(1)).

Non-claimant application means an application made by a person, who holds a non-native title interest in relation to an area, and is seeking a determination that native title does not exist in that area.

Compensation application means an application made by Aboriginal people or Torres Strait Islanders seeking compensation for loss or impairment of their native title (Native Title Act, s 61).

Determination by consent means an approved determination of native title by the Federal Court or the High Court of Australia or a recognised body that native title does or does not exist in relation to a particular area of land and / or waters, which is made after the parties have reached agreement in relation to those issues.

Determination by litigation means a decision by the Federal Court or the High Court of Australia or a recognised body that native title does or does not exist in relation to a particular area or land or waters, which is made following a trial process.

Unopposed determination means a decision by the Federal Court or the High Court of Australia or a recognised body that native title does or does not exist as a result of a native title application that is not contested by another party.

Expedited procedure means the fast-tracking process for future acts that might have minimal impact on native title, such as the grant of some exploration and prospecting licenses. If this procedure is used, and no objection is lodged, the future act can be done without the normal negotiations with the registered native title parties required by the Native Title Act.

2 Adapted from National Native Title Tribunal, *Glossary*, <http://www.nntt.gov.au/Pages/Glossary.aspx> (viewed 12 October 2009).