



The Unfairness of Non-Claimant Applications

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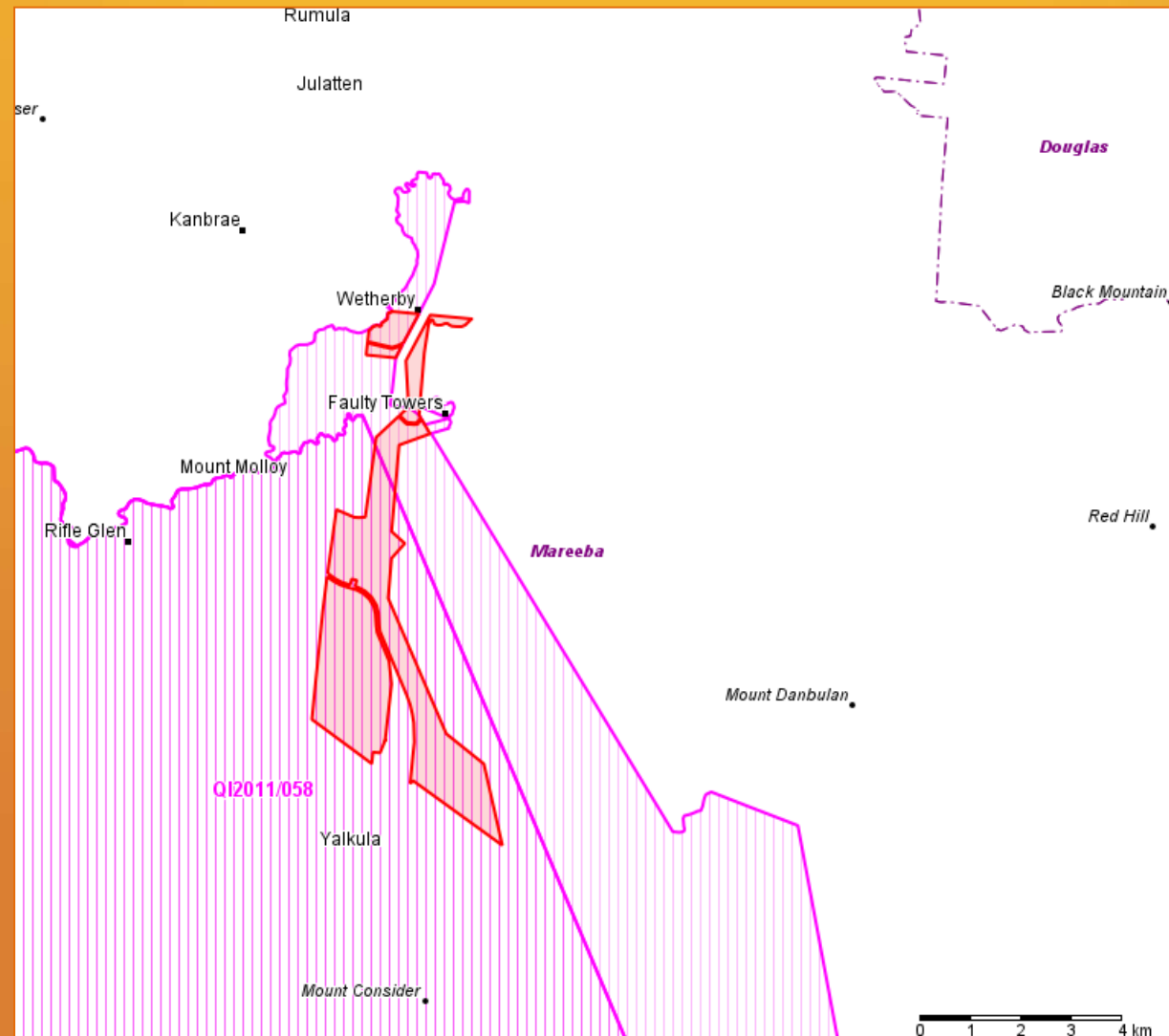


The Issue

1. Consider pastoral land that is NOT under Native Title claim or determination.
2. The pastoralist can ask the Court to declare that no Native Title exists.
3. Within 3 months, any possible Native Title Holder must argue that Native Title is indeed in play, and lodge a claim.
4. This is very unfair; it takes a long time to (a) do the anthropology; (b) arrange an Authorisation Meeting.
5. If the claim is under-prepared, it may fail the Registration Test.
6. This means that the Future Act that may follow (conversion to freehold) becomes permissible.
7. Compensation *may* be payable but it is not clear at what point the money might flow.

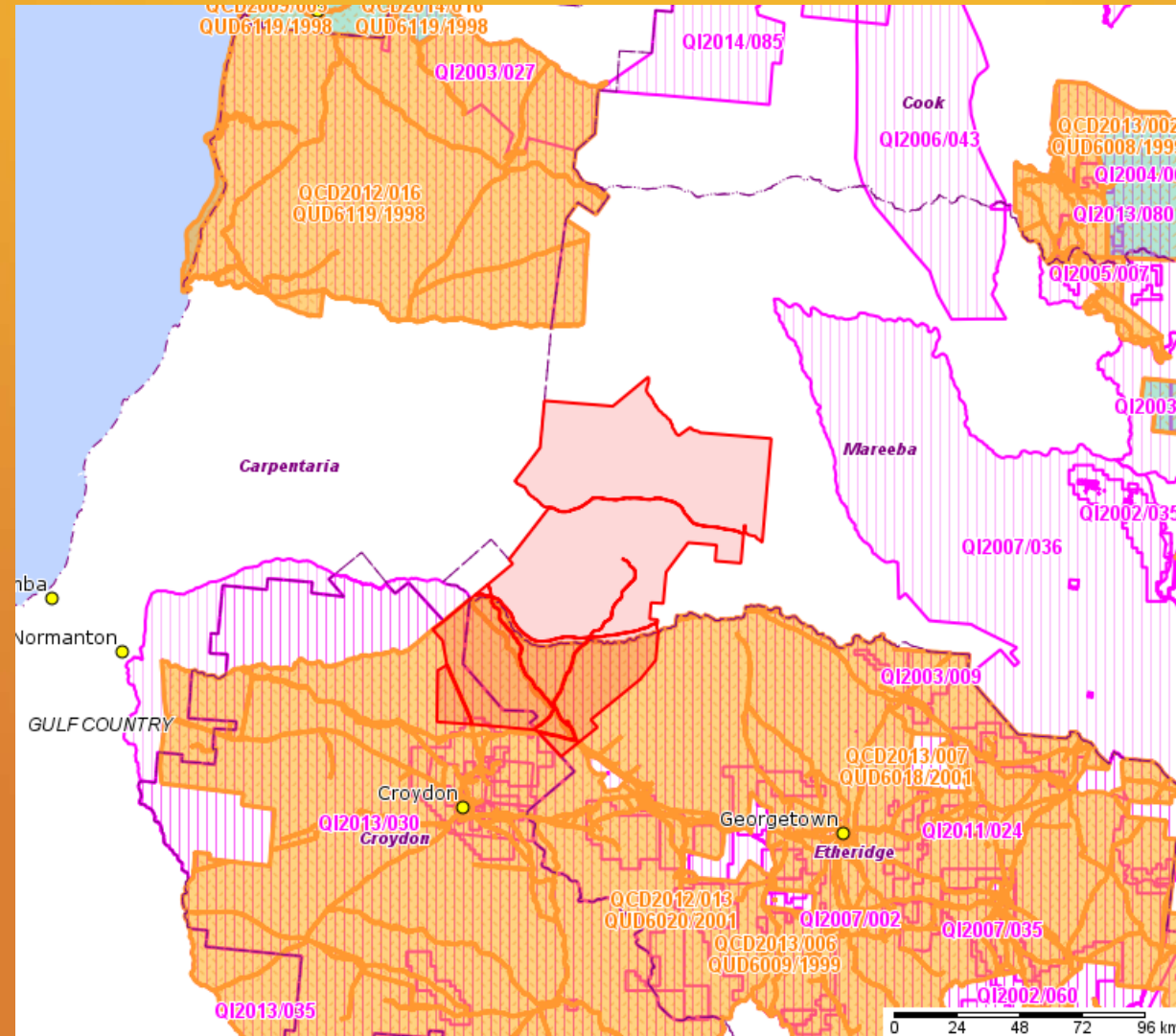


Examples of Non-Claimant Application

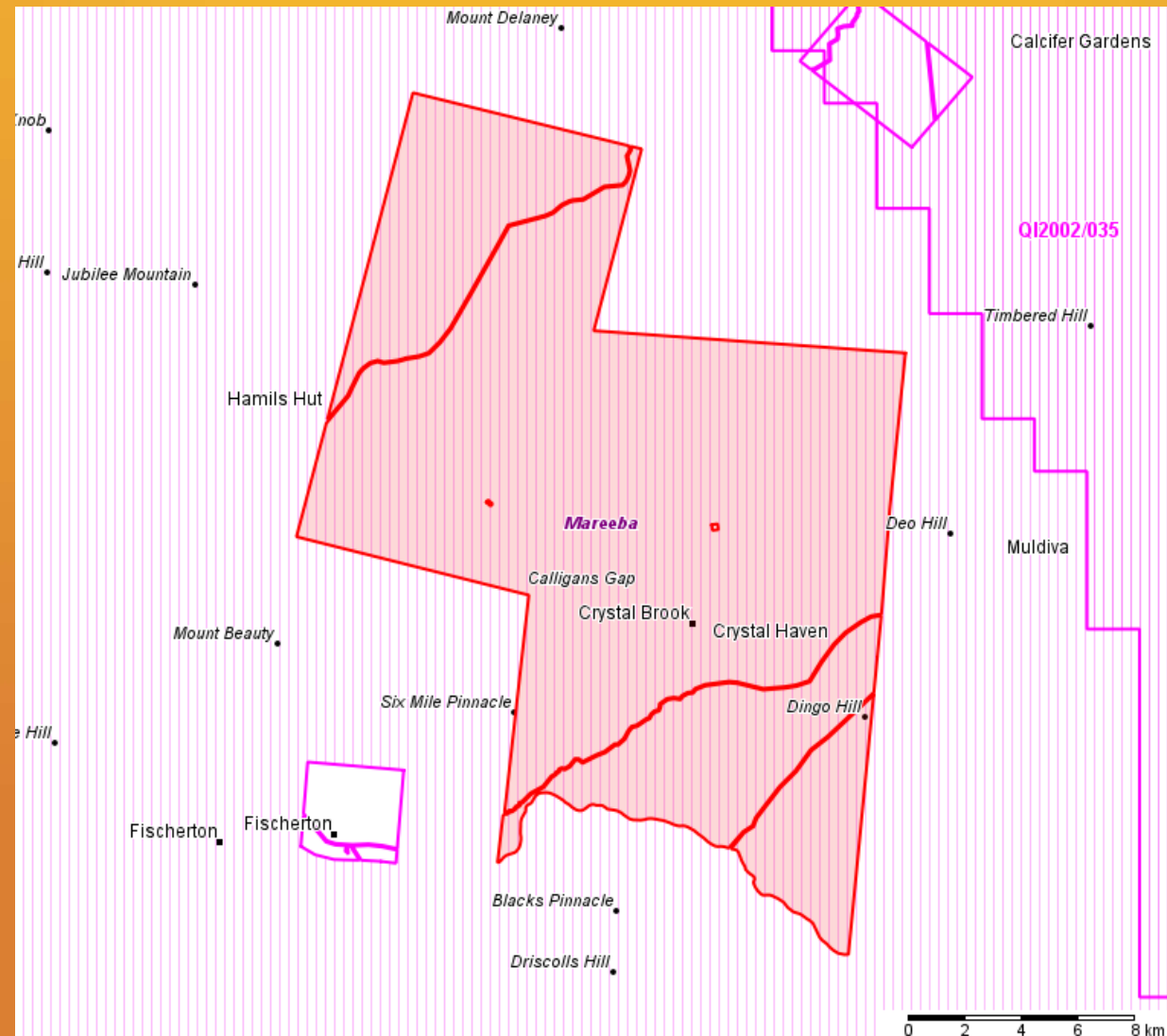




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1. The examples show:
 - (a) An ILUA is not protective against a non-claimant application.
 - (b) Large areas of land containing native title may be lost.
2. At the moment, the NQLC is dealing with eight such applications, and QSNTS (Brisbane) with four. More are expected.



What to do?

1. Try to change the law in the High Court. The system is arguably unconstitutional. Aboriginal People suffer racial discrimination; they (and not the [white] pastoralists) have to do all the hard work.
2. Try to change the legislation by lobbying. The system disadvantages both those opposing non-claimant applications, and other Aboriginal People, because those with legitimate claims in the Federal Court may have their recognition of Native Title delayed if NQLC (for example) has to turn anthropologists and lawyers to opposing non-claimant applications.
3. Delay the pastoralist, by joining as a 'respondent'. This would probably trigger case management or mediation, giving potential Native Title holders some breathing space.