

resources industry, and the allocation of greater resources to Native Title Representative Bodies and Prescribed Bodies Corporate are key factors identified as important to improving Indigenous economic and social benefits for Indigenous people.

The complexities and burdens linked to the present tax regime was an additional matter explored in the discussion paper. The limited scope for economic development arising from charitable trusts is a key concern. Given that most native title groups opt for this mechanism to manage their benefits, the report recognises significant restraints such as deductibility restrictions for Indigenous communities and organisations as well as restrictions on Indigenous community development stemming from the current exemption provisions of the *Income Tax Assessment Act 1997* (Cth).

The discussion paper suggests that base level benefits to traditional owners involved in negotiations might successfully be enforced through legislation, prescribing minimum and maximum payments and therefore encouraging greater emphasis on negotiations of the non-economic benefits of agreements.

Submissions are invited in response to the discussion paper, due by 13 February 2009. For the full paper and Working Group report see the [Attorney-General's Department webpage](#).

Proposed native title amendments

The Attorney General has announced that the Government will introduce amendments to the *Native Title Act 1993* (Cth) to provide for a more central role for the Federal Court in managing native title claims.

The Attorney-General notes that 'The Court has significant alternative dispute resolution experience and has achieved strong negotiated results in past native title matters by taking an active role in the mediation process. This change will give the Court control over all native

title claims brought before it from start to end. Having one body control the direction of each case means that the opportunities for resolution can be more readily identified. This reform has the potential to significantly improve the operation of the native title system.'

The Discussion Paper, released in December 2008, outlines the minor legislative amendments. These include:

- Enabling the Court to rely on a statement of facts agreed between parties;
- Enabling the Court to make determinations that cover matters beyond native title;
- Giving effect to the provisions of the *Evidence Amendment Act 2008* (Cth), particularly focussing on the early evidence rules and exceptions to the transitional provisions;
- Amendments to the recognition and re-recognition provisions for native title representative bodies and;
- Other changes to improve the conduct of native title litigation including a power for judges of the Federal Court to refer questions arising in proceedings to a referee for inquiry and report.

The Attorney-General has opened the discussion paper for consultation, and changes are anticipated to commence in July 2009. Submissions are to be made by February 16. For the full paper see the [Attorney-General's Webpage](#).

NTRU Project Reports

Job Vacancy – NTRU Research Officer – non-ongoing

AIATSIS is currently recruiting an NTRU Research Officer. The NTRU is the pre-eminent research program in Australia examining issues surrounding the recognition and protection of native title and contributing to the development of resources and information in the native title sector.