

Native Title **Claims**

Concerns over Individual Funding

Further to the recent widespread discussion of native title issues the Aboriginal and Torres Strait Islander Commission (ATSIC) has expressed concern about the nature of some of the commercial arrangements being made between individual legal professionals and Aboriginal and Torres Strait Islander groups embarking on native title claims.

The concerns expressed stem from an apparent lack of awareness amongst both indigenous groups and the legal profession as to ATSIC's funding role in this area.

ATSIC provides funding to Native Title Representative Bodies (NTRBs) to assist with the formulation and processing of native title claims. It does not directly fund native title claimants.

An ATSIC spokesman explained that one of the major tasks of the NTRBs (of which there are 25 throughout the country) is to provide the necessary legal and administrative assistance to groups involved in substantiating land claims. ATSIC says, "Individual groups intending to pursue claims should be aware that ATSIC does not consider individual contractual arrangements entered into [in pursuance of a claim] to be contingent with its funding responsibilities, which are already provided for through the NTRBs. The NTRBs, in turn, are refusing to accept responsibility for legal costs submitted to them where

they have not been party to such commercial arrangements."

In this context it expresses concern that local indigenous communities have approached, or been approached by members of the legal profession in relation to the pursuance of native title claims under this funding misapprehension. "Members of the profession would be well advised to check funding arrangements for ensuing claims action with local NTRBs before commencing consultative work of a non pro bono nature. Likewise they would be well advised to advise any person approaching them on this basis of the NTRB's role in the establishment of native title claims."

NTRBs in the NT are:

Central Land Council
Northern Land Council
Tiwi Land Council.

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