



# Changes to the native title respondent funding scheme

The Attorney-General's Department helps native title respondents with their reasonable legal representation and disbursement costs incurred in native title proceedings. This assistance is provided under section 213A of the Native Title Act 1993.

On 1 November 2013, the Attorney-General announced revised eligibility for legal financial assistance for legal representation costs under the native title respondent funding scheme.

The Government has also approved funding of \$2.2 million over two years to fund the new eligibility.

These changes allow native title respondents to have equitable access to legal representation in the resolution of native title proceedings.

## When will the scheme changes occur?

Changes to the scheme commence on **1 January 2014**.

## How is the scheme changing?

The eligibility test for legal representation costs have been amended in the *Native Title (Assistance from Attorney-General) Guideline 2012* (the guideline).

The department will consider a range of matters when determining whether to authorise legal representation costs, including:

- where a respondent's interests are likely to be adversely affected in a real and significant way by the native title proceedings, or
- where a respondent will derive a significant benefit from negotiating an Indigenous Land Use Agreement.

Assistance will continue to be available for disbursements.

The department will only authorise assistance where it considers that the assistance is reasonable in all the circumstances, having regard to the relevant provisions in the guideline.

## **Will assistance be restricted to a specific type of respondent?**

No, the *Native Title Act 1993* makes no distinction between different types of native title respondent. Funding under section 213A of the *Native Title Act 1993* is available to any respondent that meets the requirements of that provision.

## **Will assistance be available for native title officers?**

Yes, limited funding for native title officers will also be available. More information about native title officer funding will be provided on the department's website in early 2014 ([www.ag.gov.au](http://www.ag.gov.au)).

## **Are there transitional arrangements for making applications under the scheme?**

Yes, under transitional arrangements, eligible applications received by the department by 31 January 2014 will be back-dated to 1 January 2014.

## **What about the matters that I was working on prior to 1 January 2014?**

No applications will be assessed under the revised scheme prior to 1 January 2014.

Any application approved prior to 1 January 2014 will continue to be administered under the previous iteration of the guideline (that is, the version of the guideline that was in effect on the date the application was approved).

## **Further information**

For further information, please contact the department's Financial Assistance Section on (02) 6141 4770 or by email on [finass@ag.gov.au](mailto:finass@ag.gov.au).