

Tribunal to decide the matters were lodged by the Aboriginal Legal Service and the Noongar Land Council on behalf of several groups of native title applicants.

In a significant decision, Tribunal Member Chris Sumner ruled that a period of good faith negotiations between the Indigenous people, the Government and other parties was necessary before the Tribunal could be called in to decide if the leases could be granted - regardless of which party sought the Tribunal's intervention.

The ruling had implications for more than 2000 recent applications by Indigenous people for the Tribunal to decide whether a series of land acquisitions, mining leases and exploration licences should be granted and if so under what conditions. The applications - mainly in the Goldfields - were lodged in the days leading up to the introduction of amended native title laws on 30 September 1998. Many of these applications will now be dismissed. (*NNTT Media Release, 21 Dec*)\*

## **AGREEMENTS**

### **National**

#### **Indigenous Land Use Agreements Conference**

At a conference on Indigenous land use agreements in Kalgoorlie today, NNTT President, Justice Robert French, urged Australian mining companies, governments, pastoralists and other land users to take advantage of new measures to fast track developments in areas under native title claim.

Justice French said the amended *Native Title Act 1993* provided new legislative tools for Governments and developers to strike legally binding and enforceable land use agreements with Indigenous people which could allow developments to proceed while protecting the interests of native title holders. He said Indigenous land use agreements offer the opportunity for economic certainty and cultural protection at the local or regional level and allow developments to proceed by negotiation without waiting for the finalisation of native title applications.

Indigenous land use agreements can cover:

- ancillary agreements that may resolve specific issues arising from mediation of a native title claim;
- negotiated settlement of all issues relating to a native title claim;
- agreements for mineral exploration, mining, land developments and some types of compulsory acquisition by governments; and
- co-management or partnership arrangements.

More than 120 people representing the mining and pastoral industries, local governments and native title holders attended the conference, staged by the National Native Title Tribunal with support and assistance from the WA Chamber of Minerals and Energy, Association of Mining and Exploration Companies and the Australian Mining and Petroleum Law Association. (*NNTT Media Release, 1 Dec*)\*

## **Western Australia**

### **Wunambal-Gaambera People**

An agreement between the Wunambal-Gaambera people and a pearling company has been signed in the Kimberley area of Western Australia. Information about agreement details has not yet been released to the media as there are fears that this could jeopardise State Government approval of the agreement. (WA, 7 Dec, p9) The agreement allows for company access to the waters and recognises the native title interests of traditional owners. (Aus, 7 Dec, p5)

## **Northern Territory**

Normandy Mining has signed four agreements with Indigenous groups to secure exploration licences in the Tennant Creek gold mining region. The agreements were made with the Warumungu, Warlmanpa and Walpiri communities and the Central Land Council after Federal Government approval. The agreements provide compensation, employment, training and site protection for Indigenous parties and sets up liaison groups for input into the exploration process. Under the agreements, the company has exclusive exploration rights for gold and base metals in the area. (Aus, 10 Dec, p27)

## **AMENDMENTS**

### **National**

Revised guidelines for legal aid for respondents under the NTA, as amended, commenced on 10 November. Under the guidelines persons responding to native title claims will be eligible for the same financial assistance as claimants.

The main features of the revised guidelines are as follows:

- assistance is available to anyone who is, or intends to become, involved in an inquiry, mediation or proceeding related to native title;
- assistance is available to people negotiating Indigenous land use agreements;
- incorporated and unincorporated bodies (including local government) and groups of persons with similar interests in a matter are eligible for assistance;
- respondents can be represented by a peak body such as a peak farming or graziers association;
- assistance up to 100 per cent of Federal Court costs is available; and
- the requirement for a financial contribution from assisted parties has been removed.

A central feature of the guidelines is that of group applications. This is based on the observation that it is much more efficient to have each separate interest represented as a group rather than having many respondents. (Attorney-General, Media Release, 30 Nov)

## **Western Australia**

The last of the State Government's native title Bills has passed through the Legislative Assembly. The Bill, which proposes to establish a State native title commission, is now in the Legislative Council. (WA, 2 Dec, p6) After pressure from other parties, the State Government has decided to refer its proposed native title legislation to a select committee for consideration. The committee must examine the three Bills in a short timeframe, reporting by 10 December. (WA, 2 Dec, p6)\*