

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)*

The State Opposition has taken the Western Australian Government to task over the leaking of documents to the mining industry. The documents originated from the Crown Solicitor's Office and contained legal opinion on the Miriuwung-Gajerrong native title decision. They were distributed at a Government briefing to members of the Chamber of Minerals and Energy, the Association of Mining and Exploration Companies, the Pastoralists and Graziers Association, the Forest Industries Federation and law firm Freehill Hollingdale and Page. The Government has refused to table the documents in Parliament. (WA, 3 Dec, p10)*

The seven-member Parliamentary Committee set up to examine the Western Australian Government's native title Bills has handed down a majority report accompanied by three minority reports. The majority report contained only one recommendation – that other MPs read the report. Minority reports were written by:

- Liberals Greg Smith, Barry House and Murray Nixon, who called for the Bills to be passed urgently;
- Greens MLC Giz Watson and Democrat MLC Helen Hodgson, who called for the Validation Bill to be rejected and for maintenance of the right to negotiate; and
- Labor MLC Tom Stephens. (WA, 11 Dec, p6)

The State Opposition has proposed amendments to the native title Bills before the Legislative Council. Their amendments would upgrade the proposed Aboriginal consultation rights over pastoral leasehold. (WA, 17 Dec, p10)* The Opposition will also try to reduce the schedule in the Titles Validation Amendment Bill to conditional purchase, perpetual and residential leases. Opposition Aboriginal Affairs spokesperson, Tom Stephens, said that the Federal Court's Miriuwung-Gajerrong decision showed that native title had survived many of the tenures that the Government had listed on their schedule. (WA, 18 Dec, p8)

Opposition amendments to the Western Australian Government's Native Title (State Provisions) Bill have been passed by the Legislative Council. The amendments will allow native title applicants stronger rights over land affected by historical leases. Under the Government's original Bill, Indigenous people would only have had a right to be consulted over activities on historical leases. (WA, 23 Dec, p4)

Opposition amendments to the Government's Titles Validation Amendment Bill have been passed by the Legislative Council. The amendments were proposed by Labor and supported by the Australian Democrats and the Greens. The amendments changed the Government's proposal to extinguish native title on 500 different types of leases. Opposition leader, Geoff Gallop, said the amendments would still extinguish native title on residential or commercial leases and on exclusive possession leases. The Government is unwilling to accept the changes to its proposed legislation. (WA, 23 Dec, p4)

Premier Richard Court has described the amendments to the Bill to set up a State-based native title commission as 'totally unworkable'. Rather than accept amendments, which would bolster Aboriginal rights to negotiate, the Premier said he would discard the Bill and commit to operating under the National Native Title Tribunal. (Aus, 24 Dec, p4)*

Premier Richard Court has rethought his stance on his Government's native title legislation. He will now attempt to reach an agreement with the Labor Party in order to pass legislation to establish a State-based native title commission. Mr Court did, however, reiterate that the Government did not intend to shift its position in regard to the legislation. (WA, 14 Jan, p32)*