

Closing date	Application no	Application name	Location
10 Oct	DC00/28	Mt Ringwood	Mt. Ringwood
	DC00/29	Billengarrah	Billengarrah
	DC00/30	Mount Kepler	Mt. Kepler
	DC00/31	Old Mount Bundey	Old Mt. Bundey
07 Nov	DC01/10	Newry-Rosewood	Baines River
	DC01/11	Mountain Valley	Mountain Valley
	DC01/12	Mt Drummond	Mt. Drummond
	DC01/2	Auvergne	West of Timber Creek
	DC01/3	Mallapunyah North	Mallapunyah Springs
	DC01/4	Calvert Hills	Calvert Hills
	DC01/5	Banka Banka	Central NT
	DC01/6	Mary River West	Mary River West Station
	DC01/7	Tipperary North	Near Batchelor
	DC01/8	Newcastle Waters	Newcastle Waters
	DC01/9	Bonaparte Gulf	Bonaparte Gulf

*A non-claimant application (marked with an \*) is one made by someone who is not claiming native title themselves but who has an interest in the area which is not a native title interest and they want the Federal Court to determine whether anyone has a native title interest in the same area. The location is meant to be indicative only.*

*For further information regarding notification of any of the applications listed contact the National Native Title Tribunal on 1800 640 501 or [www.nntt.gov.au](http://www.nntt.gov.au)*

## Recent publications

*Wand Review of the State Governments 'General Guidelines for Native Title Determinations and Agreements' Discussion Paper.* The new State Labor Government in Western Australia has released two discussions papers recently. The Wand Review, released in July 2001, was produced by two consultants, Paul Wand and Chris Athanasiou, and reviews the previous State Government's policy guidelines for negotiating native title claims. The Review recommends that the Government adopt policies directed towards the full recognition of the status of Aboriginal peoples including a policy in favour of negotiated determinations of native title and other outcomes.

The Review recommends that the Government adopt a 'process' approach to the negotiation of native title claims which would include the following:

- While the Government should seek resolution of claim overlaps before engaging in negotiations, where requested the Government should assist in the mediation of such overlaps.
- Where the Government forms the view that it is probable that a native title party's claimed connection will be established it should fully engage in

negotiations in relation to the claim without waiting for the connection report.

- It is suggested that there is little point in other parties negotiating with the native title party until the Government has assessed and is satisfied with the connection report.
- The Government should support the use of s.86F of the NTA so as to provide for non-native title outcomes.
- Information communicated to the Government in the course of negotiations should remain without prejudice, confidential and subject to appropriate cultural restrictions.
- The Government should adopt a strategic approach, together with representative bodies, the NNTT and the Federal Court to dealing with native title applications.
- The Government should not pursue native title outcomes that are less than is possible at law.

The Review also provides recommended guidelines for the preparation of connection reports. These proposed guidelines require sufficient detail to 'satisfy the Government' that the native title applicants are the persons who hold collectively the native title rights and interests that exist in the claimed areas and have a connection with that area. The proposed structure and content for such connection reports suggest that what is required is at least the equivalent of the expert anthropological report that is generally filed in the Federal Court when or if the matter moves into a litigation stream.

The Review does not look at an approach to native title based on State-wide or regional framework agreements with representative bodies and claimant groups.

*Technical Taskforce on Mineral Tenements and Land Title Applications Discussion Paper.* The State Government also released in August 2001 a discussion paper from the Technical Taskforce on Mineral Tenements and Land Title Applications. The Taskforce was composed of government and mining industry representatives and selected staff from native title representative bodies. It was convened by a Member of the National Native Title Tribunal. The Taskforce did not include any Aboriginal people.

The discussion paper attributes the fall in exploration expenditure in Western Australia since 1997 on declining commodity prices. It acknowledges that there are major difficulties in attempting to quantify the impact of native title on the mining industry beyond delaying the processing of mining tenement applications. The paper then canvasses a number of largely technical options for addressing a backlog of 5,300 mining tenement applications.

At present many companies apply for mining leases simply to extend the lifespan of their exploration licences, which at present are only valid for four to five

years. The discussion paper recommends that existing applicants for mining leases be allowed to apply for new exploration licences. It is also recommended that all new exploration licences continue in force indefinitely. Relevantly for native title holders, it is recommended that, as a pre-condition to the grant of a new exploration licences, the mining company applying for the tenement be required to enter into a heritage survey agreement with the relevant native title representative body and/or registered native title claimants.

The Taskforce also made recommendations for the progressing land titles, which include the negotiation of Indigenous Land Use Agreements over specified areas.

Both papers are available on  
[http://www.ministers.wa.gov.au/ripper/Native\\_Title.htm](http://www.ministers.wa.gov.au/ripper/Native_Title.htm)

## Native Title Research Unit publications

*The following NTRU publications are available for purchase from AIATSIS. Please phone (02) 6246 1186, fax (02) 6246 1143 or email: sales@aiatsis.gov.au*

**Native Title in the New Millennium** A Selection of Papers from the Native Title Representative Bodies Legal Conference, 16-20 April 2000: Melbourne, Victoria, (Includes CD of complete proceedings) Bryan Keon-Cohen editor, Native Title Research Unit, AIATSIS, 2001.

**A Guide to Australian Legislation Relevant to Native Title** 2 volume set, Native Title Research Unit, AIATSIS, 2000.

**Native Title in Perspective: Selected Papers from the Native Title Research Unit 1998-2000** Edited by Lisa Strelein and Kado Muir, 2000.

**Land, Rights, Laws: Issues of Native Title, Volume 1, Issues Papers Numbers 1 through 30, Regional Agreements Papers Numbers 1 through 7 1994-1999** with contents and index.

**Regional Agreements: Key Issues in Australia - Volume 2, Case Studies** Edited by Mary Edmunds, 1999.

**A Guide to Overseas Precedents of Relevance to Native Title** Prepared for the NTRU by Shaunnagh Dorsett and Lee Godden, 1998.

**Working with the Native Title Act: Alternatives to the Adversarial Method** Edited by Lisa Strelein, 1998.

**Regional Agreements: Key Issues in Australia - Volume 1, Summaries** Edited by Mary Edmunds, 1998.

**A Sea Change in Land Rights Law: The Extension of Native Title to Australia's Offshore Areas** by Gary D. Meyers, Malcolm O'Dell, Guy Wright and Simone C. Muller, 1996.