



## BREAKING NEWS

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### **Review of the Claims Resolution Process in the Native Title System**

The Attorney-General's Department has announced a Review of the Claims Resolution Process in the Native Title System. Mr Graham Hiley QC and Dr Ken Levy have been appointed to undertake the review. Mr Hiley is a Queen's Counsel with extensive experience in native title and Aboriginal land rights law. Dr Levy is currently a part-time member of the Administrative Appeals Tribunal and was previously the Director-General of the Queensland Department of Justice. The Review will examine and report on the relationship between the National Native Title Tribunal and the Federal Court.

A steering committee, including the Registrar of the Federal Court, a member of the National Native Title Tribunal and senior officers from the Attorney General's Department and Office of Indigenous Policy Coordination, but not including any native title claimants or Native Title Representative Body representatives, will oversee the review. It will report to the Attorney-General by the end of March 2006. Submissions are due 1 December 2005.

Terms of Reference can be found at

[http://www.ag.gov.au/agd/WWW/MinisterRuddockHome.nsf/Page/Media\\_Releases\\_2005\\_Fourth\\_Quarter\\_17\\_October\\_2005\\_-\\_Review\\_to\\_improve\\_the\\_resolution\\_of\\_Native\\_Title\\_Claims\\_-\\_1952005](http://www.ag.gov.au/agd/WWW/MinisterRuddockHome.nsf/Page/Media_Releases_2005_Fourth_Quarter_17_October_2005_-_Review_to_improve_the_resolution_of_Native_Title_Claims_-_1952005)

Submissions should be sent to:

First Assistant Secretary  
Legal Services and Native Title Division  
Attorney-General's Department  
National Circuit  
BARTON ACT 2600

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### **WA ONT Consultation Paper: Towards an Alternative Settlement Framework for Native Title**

The WA State Government has produced a Consultation Paper: Towards an Alternative Settlement Framework for Native Title. In essence, an "alternative settlement" under the proposed policy would be a legally binding agreement that will require native title claimants to surrender any possible native title rights as a condition of settlement. In exchange the WA State Government will negotiate outcomes. The range of outcomes envisaged in this report are: *recognition* (through a recognition statement, signage and a role in some decision making processes), *a right to be consulted* on future land usage, a *heritage protection regime*, *joint management* of conservation estates and in some cases, *land transfer*, especially of land that is of particular cultural significance to claimants. All Connection Reports submitted as evidence of native title to the Office of Native Title would be automatically assessed against the State's Connection Guidelines to determine whether the offer of an alternative settlement is warranted. Alternatively, materials could be submitted in relation to an alternative settlement only. The required connection threshold for an alternative settlement would be less onerous than that required for a consent determination that native title exists. Applicants for an alternative settlement will have to demonstrate a genealogical connection to the claim area as well as past and ongoing connection to the claim area. They will also have to resolve any overlap issues, be prepared to surrender any possible native title rights and form a body corporate to hold and manage any outcomes. The State Government will provide support in establishing and maintaining these bodies, depending on the individual circumstances of each negotiation. The WA State Government invites your comments on this Consultation Paper and seeks your views in relation to the questions raised throughout the Paper. You are also encouraged to comment on any other matter that you consider relevant to alternative settlement of native title claims. Submissions are due by 19 December 2005. The paper is available from

[http://www.nativetitle.dpc.wa.gov.au/documents/alt\\_settlements\\_1.pdf](http://www.nativetitle.dpc.wa.gov.au/documents/alt_settlements_1.pdf) [Back to contents](#)