



Overview

The Goldfields Land Council is receiving numerous inquiries from native title claimants with regard to the development of a policy for the distribution of benefits that might flow from agreements negotiated with organisations wanting to use their lands.

The GLC believes it is very important for claimant groups to adopt a distribution policy prior to agreements being concluded. A policy that has been widely discussed and adopted by a claimant group, before signing an agreement, will

prevent disputes arising at a later point in time when any benefits, including money, become available for distribution.

It is very important for claimant groups to adopt a distribution policy prior to agreements being concluded

Agreement on a distribution policy also enables claimant groups to properly plan the group's finances and other future administrative needs.



Guiding Principles

The Governing Committee of the GLC has decided to help claimant groups to develop distribution policies tailored to their own special needs. Staff of the GLC have already had discussions with people expert in this field and have developed a draft set of principles which they believe would form the basis of a good distribution policy.

The next step is to discuss these draft principles at claimant group meetings throughout the region. Once each claimant group has decided the general principles that it wants for its own group, then further work can take place on the detail of the group's policy.

The major principles recommended for consideration by claimant groups are:

- 1. The policy should be balanced between the needs of current and future generations.**
- 2. All monies received by the claimant group should be distributed on the basis of a pre-determined policy.**
- 3. Each new payment could be divided into four categories, namely:**
 - *Charitable trust* - for distribution on a 'needs' basis and to future generations
 - *Body corporate administration* - to pay for management of the group's affairs
 - *Payment to claimants* - to ensure that the present generation also benefits. It is recommended that these pay-outs will be made once a year in December
 - *Land acquisition fund* - a fund for buying land for the claimant group.



4. A fixed percentage could be paid to each of these categories, for instance:

- 40% to the trust to fulfil its objectives
- 10% to the body corporate to finance its operations
- 20 % to a land acquisition fund
- 30% to the claimants.

5. The 30% allocated to claimants could be distributed in one or a combination of the following ways:

- *Per family* - agreement would need to be reached on the names of the families and the percentage allocated to each. Each family would then be responsible for its own internal distribution or other arrangements.
- *Per adult* - this means that each adult claimant would receive the same amount. While this seems fair, it could lead to a situation where a reasonable amount has to be divided amongst so many persons that the benefit gets lost.
- *Per elder* - this means that all people over a certain age who are regarded as 'elders' would receive the same amount. The elders would then be responsible for distributing any benefits to the rest of their family.

GLC strongly recommends that all Goldfields claimant groups discuss and adopt a policy

6. The 30% allocated to a 'land acquisition fund' could assist claimants to acquire freehold or leasehold title to land over a period of time.

These acquisitions would complement native title and would be in addition to any land acquired through the Indigenous Land Corporation or the Aboriginal Lands Trust.

7. Each of the distribution options outlined at points 3. to 6. could have their own trustees, bank account and rules.

These rules would suit the way that it is decided to invest or distribute the group's money.

8. Members of the claimant group must agree that all payments to the group, including royalties, would be distributed in accordance with the policy.

The policy could be reviewed from time to time.

The 8 principles that have been presented here were developed by the GLC to aid in community discussion of how best to distribute native title benefits. Individual claimant groups are free to change or scrap any of them, or adopt new principles, in order to ensure that they get a policy tailored to their own needs.

However, the GLC strongly recommends that all Goldfields claimant groups discuss and adopt a policy in order that the distribution of native title benefits is not only fair and equitable but also trouble free.

For more information contact Bertus de Villiers, Manager: Legal and Native Title (Phone: 9091 1661), or raise the matter at the next meeting of the claimant group.