



# GETTING THINGS DONE WITH NATIVE TITLE

Goldfields Land Council

The Goldfields Land Council has been in the vanguard of the push by Australia’s native title representative bodies to make real progress with the implementation of native title.

The Goldfields region is one of the largest contributors to national mineral production and has high future prospectivity. Throughout the region there continues to be unprecedented interest in ‘future acts’ for both mining and exploration purposes.

The GLC’s achievements in balancing those important national interests with the legal rights of local indigenous people - as prescribed by the High Court of Australia (Mabo judgement 1992 and Wik Judgement 1997) and laid out in the *Native Title Act 1992* and *Native Title Amendment Act 1998* - have been very significant.

The GLC’s foremost achievements include:

## 1 Future acts

The GLC plays a major role in facilitating future acts on Crown land, including lease-hold pastoral properties (for minerals exploration, mining, townsite developments etc.). From May 2000 to February 2001 the GLC processed the following:

Future Act Notice	N <sup>o</sup> processed	N <sup>o</sup> unopposed	Objections lodged	Agreements approved*
Exploration	91	60	6	25
Prospecting	86	84	Nil	2
Mining	21	Right to Negotiate	Right to Negotiate	36
Miscellaneous	13	5	8	

\* There were 11 Regional Agreements successfully negotiated by the GLC between native title claimants and mining and exploration interests. These region-wide agreements provided ready access for tenement holders in return for a mutually agreed level of protection for Aboriginal heritage sites.

## 2. Regional Agreement

The GLC has submitted to companies and non-corporate miners (through the Amalgamated Prospectors and Leaseholders Association) for comment, a draft Regional Agreement for Prospecting and Exploration.

The Agreement has been lauded and welcomed across the industry as an important step toward avoiding delays (and associated costs) in determining native title, and for maintaining harmonious relations with claimant groups.

The Agreement attends to the basic needs of both parties, providing a self-executing process whereby tenements are granted once heritage protection is taken care of.

Eleven of these Regional Agreements have been concluded.

## 3. Negotiations with shire councils

New steps were taken to facilitate cooperation between claimants and shire councils.

An agreement was struck between the Shire of Esperance and the Bullenbuk claimant group to cooperate on a variety of projects of mutual interest, including heritage and environment protection, land access and general economic development. The agreement is the first of its kind in the Goldfields and commits both parties to frequent meetings and ‘consensus decision-making’ on projects where they have interests in common.

A similar agreement is being negotiated with the Shire of Leonora. Other shire councils have also registered their interest in participating in discussions on matters of common concern.

#### 4. Accountability and transparency

The GLC has constantly improved claim processes to ensure accountability and transparency.

*At the GLC's instigation:*

- Meetings of claimant groups are convened every 2 months to update members on their claim's progress and other business;
- Negotiating teams have been established for each claimant group to handle developments between meetings eg. discussions with exploration companies on issues such as heritage protection, employment and contracting opportunities, environment protection and compensation. Applicants may only sign agreements if duly authorised by a claimant meeting; and
- The general level of awareness of the claim process in Aboriginal communities, in particular the responsibility of applicants, has been raised significantly. As a result the opportunities for 'side-deals' that exclude members of the claimant group have been drastically reduced. Similarly, future act proponents are now much clearer on who are the legitimate negotiators or 'applicants' for claimant groups.

#### 5. Recognition by others

The good progress that the GLC has achieved has been recognised by others outside the region. There are frequent requests by a range of interested parties (representative bodies and mining industry) for details of various agreements and draft agreements that the GLC has concluded or is pursuing.

GLC staff are also invited on a regular basis to address native title workshops in WA and other parts of Australia.

#### 6. MOU between Representative Bodies

The GLC has taken the lead in seeking cooperation between neighbouring representative bodies. A draft memorandum of understanding (MOU) has been circulated to other representative bodies in WA for their use and adaptation, where necessary.

#### 7. Dramatic reduction in overlapping claims

Over the past 2 years the GLC has caused the amalgamation of many claims throughout the Goldfields. Where there were more than 80 claims, there are now only 11 represented by the GLC.

A standard MOU has been developed by the GLC to bring overlapping claimant groups together to discuss 'country' that they share. The MOU aims for closer cooperation between groups on the basis of shared customs, rather than rigid boundaries. It could also simplify future act processes and heritage protection.

#### 8. Land acquisition strategies

The GLC is pursuing two major strategies (in addition to native title determinations) for increasing Aboriginal people's ownership and access to their traditional land.

The Indigenous Land Corporation (ILC) has been provided with an overview report on the regional land needs of Goldfields Aboriginal people. The overview was preceded by extensive consultation with Aboriginal communities and native title claimants. The first applications for land purchases will be submitted to the ILC in early 2001.

A Goldfields-wide policy is being developed by the GLC for the handing over of land held and administered by the Aboriginal Lands Trust (ALT). General principles for the hand-overs are being negotiated with claimants, with one group already in advanced negotiations with a proposal. Final submissions for the first transfer of land will reach the ALT in early 2001.

#### 9. Consent determination and negotiated outcomes

The GLC has been actively pursuing all avenues for achieving negotiated outcomes to native title-future act confrontations, with a preference for consent determinations. To this effect, many submissions have been made to the State government and other interest groups. Discussions are continuing.

The GLC has also been active in the establishment of the Goldfields Native Title Liaison Council - a widely representative group of native title stakeholders - under the auspices of the NNTT.