



New responsibilities for GLC

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In June 2000 the Goldfields Land Council was successful in being re-recognised by the Federal Government as the official Representative Body for native title in the Goldfields.

The re-recognition, which was announced by the Federal Minister for Aboriginal Affairs Senator John Herron, was a requirement of the amendments to the Native Title Act that were passed in 1998. The re-recognition and the amendments have brought some changes to the way the GLC operates. There are some new rules and some new responsibilities.

GLC's new functions

The specific functions and duties for representative bodies that are now set out in the amended Native Title Act include:

- Facilitation and assistance - the provision of services for researching, preparation and facilitation of applications for native title and future acts;
- Certification of applications - the GLC has responsibility for certifying that applications for native title and Indigenous Land Use Agreements (ILUAs) fall within the guidelines laid down by the Act;
- Dispute resolution - where disagreements arise between Aboriginal people about native title matters (eg who speaks for particular 'country') the GLC has a responsibility to bring the parties together to try and resolve the disputes (mediation) and to encourage an outcome acceptable to all parties;
- Notification - the GLC has the responsibility for ensuring that relevant native title claimants are notified of applications to the Government for future acts (eg minerals exploration licences) and that appropriate responses are made by the claimants to the Government and to the courts;
- Agreement-making - the GLC can become a party to ILUAs eg. it can be included in an agreement as the agent for a claim group, appointed to ensure that the ILUA is being implemented properly; and
- Internal reviews - the GLC is required to set up a process by which Aboriginal people can appeal against decisions made by GLC officers.





General responsibilities

In exercising these functions, however, the GLC has to bear in mind some other statutory duties that it has under federal laws. For example:

- **Claims amalgamation** The Native Title Act specifically directs representative bodies [in section 203BC(3)] that in deciding which claims to provide assistance to, it must make all reasonable efforts to minimise the number of applications covering the relevant area.

This means that the GLC has a statutory duty to bring people together in order to amalgamate claims, wherever possible.

- **Standards of governance** The GLC is now also required to abide by certain 'standards of governance'. The Minister for Aboriginal Affairs must approve its Strategic Plan and its Annual Report gets tabled in Federal Parliament.

- **Conflicts of interest** The GLC's officers and members of the Governing Committee are now subject to Commonwealth law (the Commonwealth Authorities and Companies Act 1997 - called the 'CAC Act') in relation to conflicts of interests.

By law, Governing Committee members must not be present, take part in discussions or vote in relation to matters in which they have a conflict of interest.

All this means that the GLC now has a responsibility to ensure that the high standards set by the new federal laws are applied throughout its operations, including within the native title claim groups that receive assistance from the GLC.

Benefits

The new standards that have been imposed on the GLC by the amended Native Title Act will help in many ways. For example:

- The required amalgamation of claims has sped up the process for bringing them to court and reaching agreements with people wanting to undertake future acts (eg. mining and exploration).
- The new standards have also helped by prompting more open and accountable systems for the operation of claim groups. Through the working groups that the GLC has established, native title claim groups now have a better understanding of things like how to run meetings, the responsibilities of applicants and the need for just and fair distribution of benefits from agreements.

For more information please contact the Project Officer for your claim at the GLC on (08) 9091 1661 or raise the issue at your next working group meeting.