



**GOLDFIELDS
LAND & SEA
COUNCIL**

14 Throssell Street
Kalgoorlie 9091 1661
(Perth 9263 8700)

GLSC NEWS

APRIL 2008

Unregistered claims under threat

The Federal Court has taken steps that could lead to the striking out of several Goldfields native title claims.

Last year the Commonwealth Government amended the *Native Title Act 1993* to change the way in which the Court deals with claims that have not met all of the conditions of the Registration Test and are therefore unregistered. The Federal Court now has the power to dismiss unregistered claims.

Acting on those changes, on 9th April the Court made orders for most of the unregistered claims represented by GLSC: Koara, Ngalia Kutjungkatja, Sir Samuel #1, Sir Samuel #2 and Tjupan. The orders allow the Applicants in each of the claims to make submissions to the Court by 7th May about whether or not their claim should be dismissed. On the basis of those submissions, decisions are expected as to whether the claims ought to be dismissed.

In order to dismiss a claim, the Court must be satisfied on three key criteria:

- the application has not been amended since it was last considered by the Native Title Registrar,
- the application is unlikely to be amended in a way that would lead to a different registration test outcome, and
- in the opinion of the Court, there is no other reason why the claim should not be dismissed.

Orders were also made for several other claims not represented by GLSC, but which are in or overlap the GLSC area: Central West Goldfields, Gubrun, Kalamaia Kabu(d)n and Wom-Ber.

Over the next 2–3 weeks the GLSC will be convening meetings of affected claim groups it represents to further explain the process and obtain people's views. Claimants on these particular claims are encouraged to attend these meetings.

Mining policy

Earlier this month the GLSC launched a mining policy that lays out a clear process for exploration and mining companies to follow when seeking consent from traditional land owners for projects on their land.

The Mining Policy ensures the rights of the region's indigenous people – as prescribed by their own traditional laws and customs, and International and Australian laws – are upheld and respected.

It is closely aligned with what's known as Free Prior and Informed Consent (FPIC), which is a key principle of the United Nations Declaration on Rights of Indigenous People. The declaration was ratified by the UN last year with more than 90% support from member countries.



FPIC means it is no longer acceptable for anyone to presume that the detail of agreements can be skimmed over or people's ... consideration of them rushed. If traditional landowners require more information or time to ...

Continued over page

Planning for future of ENAC properties gets underway



Participants in the March workshop, L to R: Warren Yorkshire, Elaine Bullen, GLSC Project Officer Marelda Tucker and Jenny Woods (ENAC Chairperson)

The job of drawing up a development plan for the 11 properties being transferred to the Esperance Nyungar Aboriginal Community (ENAC) from the Aboriginal Lands Trust got underway with a workshop of community members in Esperance on 19th March.

Members spelt out their views on Nyungar people's place in local society and the role they want the properties to play in their community's future.

The project is being coordinated by Tuna Blue Pty Ltd (Mr Bevan Bessen), at the direction of ENAC and GLSC, with finance provided by the Department of Indigenous Affairs and FarmBis.

Another workshop on 23-24 April will see Members take a bus tour of the properties (7 farms and 4 bush blocks) and consider expert assessments of their current condition and future potential.

Heritage protection in the north

The GLSC is moving to clarify with mining and exploration companies and prospectors their intentions across the northern Goldfields, including the level of protection they are prepared to provide for Aboriginal cultural sites and other heritage matters in areas where they might apply for new tenements.

In the wake of the very unusual Wongatha decision last year the GLSC secured a commitment from the State Government that companies applying for new tenements in the trial area would be required to enter heritage protection agreements with the GLSC.

The agreements require heritage surveys to be conducted with traditional owners to ensure the protection of culture and heritage. After new claims are lodged the heritage agreements will be with the new claim groups instead of the GLSC.

Over the next few weeks staff from GLSC's future acts division will be meeting with key companies and claim groups to work out processes that will help deliver sustainable beneficial outcomes for all parties.

Mining policy ... continued

explore the full ramifications of a proposed agreement then these must be provided before signatures will be put to paper.

The policy has FPIC as the basis for miners and traditional landowners reaching legally binding Accommodation Agreements.

"Both the GLSC and traditional land owners are

GLSC Governing Committee

There were two changes to the 13-member Governing Committee as a result of elections held at the GLSC annual general meeting in December last year.

Former chairman Ian Tucker was returned as GLSC Chairman and new face Christine Donaldson was elected for the first time. Mr Tucker previously led the Goldfields Land and Sea Council from 1999 to 2006.

After his election Mr Tucker acknowledged the GLSC's standing as one of the nation's most highly regarded Aboriginal corporations and indicated that continuing the GLSC's strong representation of Aboriginal people's rights and interests will be his priority.

The GLSC Governing Committee membership is Ian Tucker (Chairman), Cyril Barnes, Ricky Dimer, Duncan Bilson, Allan Bonney, Elaine Bourne, Brian Champion Jnr, Christine Donaldson, James Murphy, Janice Tamwoy, Laurence Thomas and Fabian Tucker. Betty Logan, who was also elected in December, has since stepped aside from her Governing Committee role after successfully applying for a position as a Project Officer with the GLSC.

keen for relationships to be developed where they are equal partners or players with industry, and we expect that this can be the case within the framework of the Mining Policy," said GLSC Chief Executive Officer Brian Wyatt.

"The mining industry is hungry for mutually beneficial agreements and out-of court settlement of native title. The Mining Policy will satisfy that appetite in a fair and sustainable way," Mr Wyatt said.