

WA Sees Third Native Title Settlement

The Western Australian Labor Government has settled its first native title agreement since winning office in the February 2001 State election.

The Tjurabalan claim for 26,000 km² of land in WA's far east Kimberley region, was granted on August 20th, 2001.

The claim was accepted by the Registrar of the National Native Title Tribunal in early 1996, and had been due to go to trial in July, 2001, in what was expected to be a costly and time-consuming process. However, the Premier of Western Australia, Geoff Gallop, who has promised a greater preparedness to settle native title claims, instead recommended the parties return to the negotiating table.

The Tjurabalan agreement is the third native title claim to be settled in Western Australia. The former coalition government signed agreements with the Spinifex people for 55,000 km² of land in the Central Desert region of WA, and with the Nganawongka, Wadjari and Ngarla peoples for a further 47,000 km² claim in the Murchison-Gascoyne late last year.

The claim area contains pastoral leases of Lake Gregory and Bililluna, part of the Canning Stock Route, some vacant Crown Land and land allocated to Aboriginal reserves.

The Tjurabalan claim has been made on behalf of approximately 950 people living within the claim area who are now recognised as having native title rights and interests in that area.

Under the agreement, Tjurabalan titleholders have the right to possess, occupy, use and enjoy the land and waters of the area. These rights and interests are exercisable in accordance with the traditional laws and customs of the Tjurabalan titleholders but are subject to State and Commonwealth laws.

Tjurabalan titleholders are granted the right to hunt and gather, take water and other traditionally accessed resources, such as ochre, from within the claim area, but the agreement does not grant ownership or management of minerals and petroleum.

John Thurtell of the Department of Premier and Cabinet said that once a claim has been

registered under the Native Title Act, the claimants have a 'right to negotiate' procedures for the grant of mining and petroleum titles.

Thurtell said the right to negotiate gives claimants the option to specify that Aboriginal heritage surveys are to be conducted to ensure sites of cultural importance are not damaged. They may also negotiate the training of local Aboriginal people for employment in the project and, possibly, a return of a percentage of the profits.

The Tjurabalan agreement currently affects eight mining companies which hold titles in the area. These are AngloGold Australasia Ltd, AWI Administration Services Pty Ltd, Glengarry Mining NL, Glengarry Resources Ltd, Homestake Gold of Australia Ltd, Lode Resources NL, Otter Gold NL and Tanami Exploration NL.

The DME (now DMPR) General Manager of Land Access, Bill Carr, said that in the region of 130 native title claims remain outstanding in Western Australia, covering around 80% of Western Australia.

