

Call To Review Native Title Act

Minter Ellison partner Ewan Vickery has called for a review of the Native Title Act, which has been in place for more than 12 years, and assess what had worked in the oil and gas sectors and what could be done better.

“Over the past decade we have seen significant improvement in relationships between indigenous communities and the resources sector”, Vickery said. “Quietly, and without a lot of fanfare, resources companies have been leading the way in working with indigenous communities to generate economic, employment and skills growth in remote parts of Queensland, Northern Territory, West Australia and South Australia.

He said they have developed a specialised understanding of the cultural traditions and community drivers that are needed to achieve positive outcomes for all. “Native title law and the good will on both sides have made this happen”, he said. “There is a push for native title to join other national issues such as education and water reform to become more homogeneous across jurisdictions.”

He said from an industry perspective, one way to improve the process could be to introduce an optional national ‘boiler plate’ contract, just as exists for the construction and property industries. Currently the Native Title Act includes a ‘right to negotiate’ and an Indigenous Land Use Agreement, which provide ways to resolve the need of resources companies for access to land for exploration and development, while fully respecting the needs of the indigenous communities.

“A national contract option could provide a significant improvement to the native title process in Australia”, Vickery added. ■