

Talking Western Australia



Future act activity increasing

The WA Registry is currently managing 59 active future act mediations (under sections 150 and 31(3) of the Native Title Act), with 50 referrals for mediation assistance having been made to the Tribunal so far this financial year.

To accommodate the increase in future act agreement-making, Deputy President Fred Chaney will be taking up future act mediation.

The trend for increasing future act agreement-making is expected to continue into the next financial year.

Goldfields

Following on from the North West Goldfields land summit held in October last year, parties to the trial proceedings have now settled a mediation protocol and program with the Tribunal's assistance (see story in Talking Native Title). This contributed to Justice Sackville's decision on 8 February to vacate the trial dates. The parties have commenced substantive mediation in relation to areas that will be free of overlaps following the implementation of the land summit outcomes.

The Wongatha determination remains outstanding. Final submissions were made in the trial proceedings in June 2004. On 10 June last year, Justice Lindgren handed down a draft part-determination. This included non-contentious factual material about all of the applications involved in the litigation and a summary paraphrase of the testimony provided by most of the 93 Indigenous witnesses and one non-indigenous witness. It is anticipated that a determination will be made in the near future.

The Federal Court has scheduled directions hearings for a number of Goldfields matters on 12 April before Justice Siopis and on 8 June before Justice French.

Kimberley

The main finding in the Rubibi interim judgment made on 13 February was that Justice Merkel determined that the Yawuru community is a recognisable body of persons who are likely to be descendants of members of the Yawuru community at the time of colonial contact.

Because of the complexity of the extinguishment issues, these will be addressed at a later date but Justice Merkel indicated that he intended to have the matter finalised by the end of April.

A more comprehensive analysis of the decision will be provided in the upcoming issue of Native Title Hot Spots.

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Summit success: Claimants involved in the North West Goldfields cluster of applications were able to resolve 29 overlap issues following a land summit held last year.



In other matters, the Tribunal has received the Ord Stage Two indigenous land use agreement (ILUA) for registration and continues to assist with heritage protection working group negotiations (working towards a standard heritage agreement) for the Kimberley region.

The Federal Court has scheduled directions hearings for the Kimberley on 13 April before Justice French.

ILUAs and other regions

The Tribunal has registered two body corporate ILUAs in relation to the Ngaanyatjarra Lands determination area: one with Airservices Australia and the other with Western Mining Corporation and the Government of Western Australia (see story in Talking Native Title).

The Federal Court has scheduled:

- regional directions hearings for the Central Desert on 13 April before Justice French.
- a hearing for South West applications on 12 April before Justice French
- hearings for Thalanyji on 15 March and two Geraldton matters before Justice Siopis on 12 April.

Contacts in the WA Registry

Name	Position	Areas
Lillian Maher	State Manager	
Athol Prior	Assistant State Manager	
Lynda Strawbridge	Senior Case Manager	Kimberley and Central Desert
Christine Scoggin	Senior Case Manager	Geraldton and Pilbara
Kristina Nilsson	Senior Case Manager	South West and Goldfields
Angela Murphy	Senior Caseload Manager	Future act arbitration
Alan Toogood	Senior Case Manager	Future act agreement-making and indigenous land use agreements
Dixie Chapman	Senior Case Manager	Registration test and notification
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