

LEGISLATIVE COUNCIL

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QUESTION WITHOUT NOTICE (Of which some notice has been given)

Tuesday, 1 May 2012

Hon Robin Chapple to the Parliamentary Secretary representing the Attorney General.

I refer to the agreement signed by the Mayala native title applicants and Pluton Resources Ltd over access and usage of part of Irvine Island for the Irvine Island Mining Development.

1. Is the Minister aware that three (3) of the five (5) of the named Mayala applicants have been trying unsuccessfully to acquire a copy of the signed agreement between themselves and Pluton?
2. Will the Minister ensure that the agreement is released by either Pluton Resources Ltd or the Kimberley Land Council to all of the named Mayala applicants?
3. If no to (2.) why not?
4. If yes to (2.) when will this happen?
5. Is it normal practice to withhold signed agreements from Indigenous parties who are part of negotiations over land access by a mining company to traditional lands?

I thank the Hon. Member for some notice of this question.

1. This is a matter for the native title claimants, their legal representatives the Kimberley Land Council, and Pluton Resources Ltd. The State Government is not a party to native title negotiations between claimants and resource companies and has no jurisdiction over the content or its management. The Minister for Mines would not have any knowledge of the contents of any private access and heritage protection agreement that is ancillary to a Section 31 (Native Title Act) State Deed.
2. As noted, the Government has no role in this matter. The agreement is a private agreement between a mining company and native title claimants. The Government cannot ensure the agreement is released.
3. This is outside the business of government.
4. Not applicable.
5. The management of agreements in this context is not the business of government. Multiple agreements of a similar nature, leading to a State Deed which allows a future act to proceed, are made every year in Western Australia with native title claimants.

