

LEGISLATIVE COUNCIL

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

Tuesday, 20 November 2012

Hon Robin Chapple to the Attorney General.

With regard to the statements made by the Premier on the ABC Television program Q&A on 5th November 2012 and the report in The Australian on 19th November 2012 that: "the agreement reached by a vote of traditional owners was in accordance with the Commonwealth Native Title process under the supervision of the Federal Court", I ask:

1. What role, if any, did the Federal Court have in relation to the vote referred to, which occurred in May 2011, or the meeting at which the vote was taken?
2. Has the Federal Court endorsed or approved the vote that occurred in May 2011?

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

The Department of the Premier and Cabinet advises:

1. The meeting involved decision-making by members of the Goolaraballoo-Jabbir Jabbir claim. As a native title determination application registered with the Federal Court, the Goolaraballoo-Jabbir Jabbir claim is under the supervision of the Federal Court. The Federal Court did not actively supervise the meeting but the Federal Court receives regular reports on the status of the claim, as it does with all native title claims. The Federal Court would not take a role in such a meeting although the Federal Court has jurisdiction in relation to any proceedings arising from those processes.

The Browse agreement was entered into as a s31 agreement in accordance with the future act provisions of the *Commonwealth Native Title Act 1993* and it is subject to scrutiny by the Federal Court if it is ever challenged.

2. Logically, the Federal Court does not approve or endorse a vote of this nature. The current litigation will be heard by the Federal Court.

Orin Schrier