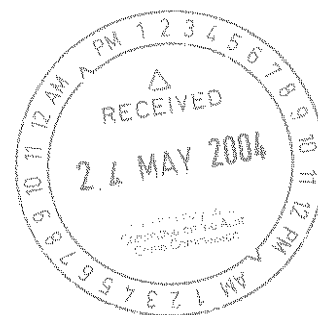




WESTERN AUSTRALIAN  
LOCAL GOVERNMENT ASSOCIATION



10 May 2004

Our Ref: INT003/RB:CB Curtis  
Your Ref:

Mr Jonathan Curtis  
Committee Secretary  
Parliamentary Joint Committee on Native Title and the  
Aboriginal and Torres Strait Islander Land Fund  
Parliament House  
CANBERRA ACT 2600

Dear Mr Curtis

### INQUIRY INTO NATIVE TITLE REPRESENTATIVE BODIES

The Australian Local Government Association has forwarded to the Association a copy of a letter of invitation to provide a submission into the above Inquiry.

I have provided Local Governments in Western Australia the relevant information and requested them to direct any relevant feedback to you as Committee Secretary. The Association would, however, like to provide the following comments by way of general information for your processes.

1. *The Structure and Role of the Native Title Representative Bodies*

Whilst we have no particular comments to make on the structure of the Representative Bodies, Local Governments can in some cases have an impact on their role. Councils often look to the Representative Bodies for information on all things Native Title and Aboriginal Heritage. They are a valuable resource for facilitating proper consultation and providing advice on protocols and procedures in dealing with Native Title claimants.

The added expectation of Local Government to provide a service would certainly impact on the work load of Representative Bodies and their capacity to perform their legislative functions under the *Native Title Act*. This service, however, is vital for Councils in their negotiation with Native Title claimants under the Future Act Regime as well as for assistance in complying with the *Aboriginal Heritage Act* in Western Australia and we would recommend that adequate resourcing is provided so that this component of their work can be maintained and, if possible, expanded.

2. *Resources available to Native Title Representative Bodies, including funding and staffing*

Local Governments would not in the main have any first hand knowledge about the funding and staffing levels of Representative Bodies, however anecdotal evidence would suggest that the Land Councils, particularly in Western Australia, are critically under resourced.

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In Western Australia, Native Title claims can cover huge land masses and whilst Western Australia is over 2.5 m/km<sup>2</sup> there are only 5 Representative Bodies to cover the current list of claims over the entire State (±120 registered claims in WA). Trying to facilitate adequate consultation over such a large area must be a huge impost on Representative Bodies.

3. *The inter-relationship with other organisations, including the strategic planning and setting priorities, claimant applications pursued outside the Native Title Representative Body structure and non-claimant applications.*

The WA Local Government Association has consistently encouraged Local Governments in Western Australia to pursue negotiated outcomes to Native Title that would facilitate better relationships at the local level between Councils and Aboriginal communities. Part of this process would include developing relationships with Representative Bodies, the National Native Title Tribunal and local Aboriginal stakeholders in the community, not only those registered on the Native Title claims.

The Representative Bodies are an important link for Local Governments in making contact with all local Aboriginal groups as well as providing an advisory role in Native Title and Aboriginal Heritage matters. We would therefore recommend that Native Title Representative Bodies are sufficiently resourced so that this role can be maintained and expanded.

I trust the above comments are useful for your purposes, however if you have any queries or require any further information please do not hesitate to contact the Association's Policy Officer on 9213 2044 at your convenience.

Yours sincerely

  
**Ricky Burges**  
Chief Executive Officer

cc: Mr Ian Chalmers  
Australian Local Government Association