

The West Australian

\$3.4m gamble on Burrup Peninsula decision

By Daniel Clery

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THE State Government will risk \$3.4 million on a Federal Court decision as it ups the ante on native title negotiations on the Burrup Peninsula.

The West Australian understands the Government is willing to push ahead with a deal to attract \$6 billion of proposed resources investment to the Burrup without the agreement of all three registered native title claimants over the area.

Government negotiators have sweetened the original \$27 million deal by offering up-front payments totalling \$5.8 million and promising increased rent from the resources companies, taking the total value towards \$30 million.

The Ngaluma Injibandi, Yaburara Mardhudunera and Wong-Goo-Tt-Oo claimant groups - which are contesting in the Federal Court their exclusive claims to the area - will get conditional freehold title over all areas of the peninsula not earmarked for industrial development. These will be leased back immediately to the Government for 99 years.

With deadlines tightening and negotiations between the Government and the Wong-Goo-Tt-Oo at a standstill, it is understood the Government will try to get the other two claimant groups to sign the deal.

Then it will try to get approval from the National Native Title Tribunal to develop an industrial estate without the Wong-Goo-Tt-Oo's consent.

But the strategy will come unstuck if the Federal Court finds that the Wong-Goo-Tt-Oo has native title over the area, leaving the Government unable to proceed and liable for a payment of \$3.4 million over two years to the other claimants under the new agreement.

The deal also leaves the Government open to a \$10 million payout if the State is proved to have acted unreasonably by not transferring the non-industrial land to the claimants.

The gamble represents a clear departure from the Government's earlier approach, which promised \$27 million and freehold title to the three claimants on the condition that they joined together to accept the deal.

On May 15, Deputy Premier Eric Ripper told the Legislative Assembly that non-industrial land on the Burrup would not be transferred to any native title group "unless the agreement of all the groups to the transfer is secured prior to the Federal Court determination".

The Government is believed to be considering acquiescing to demands from one claimant group to remove the Shire of Roebourne from talks on the Burrup's future.

Mr Ripper was on leave yesterday. A spokeswoman declined to comment on the talks, saying they were confidential and the Government was required to negotiate in good faith.

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