

11 March 2013

Ms Julie Dennett
Committee Secretary
Senate Legal and Constitutional Affairs Committee

By email: legcon.sen@aph.gov.au

Dear Ms Dennett

COMMITTEE ENQUIRY INTO THE NATIVE TITLE AMENDMENT BILL 2012

Thank you again for the opportunity to participate as a witness in the above enquiry hearing on Wednesday 6 March 2013.

I have been provided with a proof of the Committee Hansard for 6 March 2013.

On page 22 of that proof, I responded to the following question from Senator Cash in relation to the benefits paid under private agreements between mining companies and native title groups:

Do you have, though, information—perhaps for the benefit for the committee—in relation to what has been negotiated to date that might give us some idea as to the value that has been placed on these agreements?

In response to that question, I answered as follows (which text again appears on page 22 of the Hansard proof):

... I would also point out that for different kinds of mining, different minerals et cetera there is no easy answer to the question. I think coming up with compensation guidelines is very difficult. It depends on the value of the mineral resource. So to me it is a very complicated area, and I think any attempt to say what is the norm is fraught with difficulty.

The purpose of this letter is to clarify my comments for the benefit of the Committee.

My comments apply to the value placed on compensation by the negotiation parties in reaching native title agreements, not the formal determination of native title compensation under the *Native Title Act 1993* (Cth) ("**NTA**"). The NTA does not make any reference to the value of the mineral resource itself.

In Australia, minerals are owned by the State, and the NTA is sufficiently clear to avoid any suggestion that the value of the mineral resource will be used in determining the value of the compensation.

I would be pleased to provide further information to the Committee if required.

Yours sincerely

Dr John Yeates

Chair, Native Title and Aboriginal Heritage Working Group
Chamber of Minerals and Energy of Western Australia