

Attention all WAFIC Stakeholders/ FBL Holders

Re: WAFIC's proposed entry into Consent Determination: Thalanyji Native Title Claim

The Thalanyji native title claim is situated in the Pilbara around the town of Onslow (see map below). WAFIC is an active party to this claim and has been involved in mediation, which is now at an advanced stage of negotiation towards a consent determination.

Mediation in the native title context is the process of bringing together all people (parties) with an interest in an area covered by a native title application to help them to reach agreement about such things as whether native title exists, what other interests exist in the area, and the relationship between native title and other rights and interests. Mediation allows everyone involved to explore agreements, including agreements about a consent determination or an indigenous land use agreement. A consent determination is a decision by an Australian court or other recognised body that native title does or does not exist in a particular area, which is made when parties have reached an agreement, after mediation. Parties to this claim include the Government of Western Australia, Commonwealth Government, Telstra, pastoral and agricultural interests, exploration companies and individual pearling and fishing stakeholders.

The parties to this claim are in adequate agreement to enter into a consent determination recognising the native title rights of the Thalanyji people over the area depicted below. WAFIC considers that its member's rights under licences and statutory permits relating to fishing and pearling will not be affected and that the determination is generally consistent with the current rights of fishers and pearlbers and the rights of the Thalanyji people. WAFIC therefore considers it appropriate to enter into the proposed consent determination on the following grounds:

- 1) It is consistent with WAFIC's mediation policy;
- 2) It specifies that the native title rights are subject to and exercisable in accordance with 'the traditional laws and customs of the Native Title Holders for personal, domestic and non-commercial communal purposes (including social, cultural, religious, spiritual and ceremonial purposes)';
- 3) It relates only to the intertidal zone (to the Low Water Mark);
- 4) The port of Onslow is excluded; and
- 5) This decision is based on WAFIC's legal advice.

Further information in regard to this claim and the consent determination is available at www.wafic.com.au or upon request. If you wish to comment on this issue please advise by contacting WAFIC by phone on **(08) 9492 8888** or in writing to **PO Box 55 Mt Hawthorn WA 6915** by **Monday 4 August 2008**. Any feedback will be circulated to the WAFIC Board who will consider the final decision to enter into the consent. If required, WAFIC will be available to provide briefings on this issue. For any queries please contact Native Title Officer **Katie Phillis** on the above telephone number.

