

NATIVE TITLE - PERTH METROPOLITAN AREA

703. Mr P.D. OMODEI to the Deputy Premier:

I refer to reports today that the Premier has received legal advice that the government should appeal the recent native title determination over Perth.

- (1) Can the Deputy Premier confirm that the government has received legal advice to appeal the Federal Court decision acknowledging native title over Perth?
- (2) If so, will the government act on this advice and appeal the Federal Court decision?

Mr E.S. RIPPER replied:

I thank the Leader of the Opposition for his question.

- (1)-(2) The government has not received formal written legal advice. However, I have had a number of discussions with officers of the State Solicitor's Office and with senior counsel. Various other members of the government and caucus have had briefings from our lawyers. In those briefings, our lawyers have advised that there are three serious inconsistencies between the way in which Justice Wilcox has applied the so-called Yorta Yorta rules and the way in which the High Court would have applied the same rules had the case been heard when those rules and principles were determined. The government therefore has advice that points to inconsistencies between the Yorta Yorta decision and the application of those rules and the way in which this case has been handled. The government is considering that legal advice and will announce its decision at a later stage.