

35th Parliament:
2nd Session:
Bill Name: Titles Validation Amendment Bill 1998
Bill Number: 28
Current Status: Assented to
Current Status Date: 5 May 1999

Bill Synopsis

The purpose of this Bill is to validate certain titles to land and waters in Western Australia which were granted in what is now termed 'the intermediate period' and to confirm the effect on native title of previous land grants and public works. This Bill was introduced along with the Acts Amendment (Land Administration, Mining and Petroleum) Bill 1998 and the Native Title (State Provisions) Bill 1998, to establish a Western Australian regime to deal with native title issues.

Bill Progress

	Legislative Assembly Date	Note No.	Legislative Council Date	Note No.
Introduced	14 Oct 1998			
First Reading	14 Oct 1998		17 Nov 1998	1
Second Reading	15 Oct 1998		17 Nov 1998	1
Second Reading Agreed	29 Oct 1998		18 Dec 1998	
Committee of the Whole	29 Oct 1998		18 Dec 1998	
Amendments	12 Nov 1998		22 Dec 1998	
Third Read	12 Nov 1998		22 Dec 1998	

Other Procedures

Referred to a Select Committee			1 Dec 1998	2
Message from the Legislative Council with amendments.			23 Dec 1998	
Message from the Legislative Assembly with amendments.			9 Mar 1999	3
Consideration of Legislative Assembly Message			25 Mar 1999	
Message from the Legislative Council with amendments.			25 Mar 1999	4

This Act was Assented to on 5 May 1999 as Act No. 9 of 1999

Notes

1. Explanatory memorandum provided. (attached).
2. Referred to the Select Committee on Native Title. The Committee is to report by December 10, 1998.
3. Legislative Council amendments disagreed to.
4. Legislative Council insists on its amendments.

**TITLES (VALIDATION) AND NATIVE TITLE (EFFECT OF PAST ACTS)
AMENDMENT BILL 1999**

EXPLANATORY NOTES

September 1999

In the *Titles (Validation) and Native Title (Effect of Past Acts) Amendment Bill 1999*, a word or expression in this Act has the same meaning as it has in the *Native Title Act 1993* unless this Act gives it another meaning or the contrary intention appears in some other way.

CLAUSE OF BILL	COMMENTS
<p>1. Short Title This Act may be cited as <i>Titles (Validation) and Native Title (Effect of Past Acts) Amendment Bill 1999</i></p>	<p>Self explanatory</p>

CLAUSES 2 & 3

<p>2. Commencement This Act comes into operation on the day on which it receives the Royal Assent.</p>	<p>Self explanatory</p>
<p>3. The Act amended The amendments in this Act are to the <i>Titles (Validation) and Native Title (Effect of Past Acts) Act 1995*</i>. [* Act No. 16 of 1995 For subsequent amendments see Act No 9 of 1999.]</p>	<p>Self explanatory</p>

<p>4 Section 12I amended</p> <p>Section 12I(1) is amended by deleting paragraphs (a), (b) and (c) and "or" after paragraphs (a) and (b) and inserting instead -</p> <p>" (a) the act extinguishes any native title in relation to the land or waters covered by the freehold estate, Scheduled interest or lease concerned; and</p> <p>(b) the extinguishment is taken to have happened when the act was done."</p>	<p>This clause re-instates the Government's original provision which is consistent with the Native Title Act. The amendment will confirm the effect on native title of all previous exclusive possession acts. Where a grant or vesting has extinguished native title, the extinguishment is taken to have happened when the grant or vesting occurred.</p>
<p>5. Section 12J amended</p> <p>Section 12J(1) is amended as follows :</p> <p>(a) by deleting "attributable to the State and the public work to which the act relates still existed on 23 December 1996" and inserting instead -</p> <p>" and is attributable to the State " ;</p> <p>(b) in paragraph (a) by deleting "only";</p> <p>(c) in paragraph (a) by inserting after "establishment)" -</p> <p>" was or "</p>	<p>This clause re-instates the Government's original provision which is consistent with the Native Title Act. The amendment will confirm the effect of all public works on native title. Where the effect of a public work was to extinguish native title, the extinguishment is taken to have occurred at the time the public work was commenced. The amendment also ensures that any effect on native title applies to all of the area of the public work.</p>