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Native Title

NEW SOUTH WALES LEGISLATION

The *Native Title (New South Wales) Act 1994* was passed by the Legislative Council on 12 May and is anticipated at time of writing to come into effect shortly. The preamble to the Act indicates that it is in line with the Commonwealth *Native Titles Act 1994* which permits States to validate past State Acts, provided that the State legislation is consistent with the Commonwealth legislation. A bulletin issued by leading law firm Blake Dawson Waldron (BDW Resources Law Update: Native Title, 12 May 1994) states that, "Our view is that the NSW Native Title Act is consistent with the Commonwealth Act and will be effective".

The New South Wales Act assigns roles similar to those assigned under the Federal legislation to the Federal Court and the National Native Title Tribunal, to the Land and Environment Court and the Wardens Court. The office of the NSW Native Title Registrar is established in the Land and Environment Court.

HIGH COURT CHALLENGE

Western Australia, after much talk, has lodged its High Court challenge to the Commonwealth's *Native Title Act 1994*. The challenge in the matter of *State of Western Australia v Commonwealth* was lodged on 3 March 1994 and has been set down for hearing along with two matters challenging the Western Australia legislation (*Land (Titles and Traditional Usage) Act 1993*), *Bilbaju* and *Wororra*, on 6-9 and 12-15 September 1994.

NATIONAL NATIVE TITLE TRIBUNAL

The first permanent appointments to the National Native Title Tribunal have been made. The President is Justice Robert French, a Federal Court judge since 1987. According to press reports (see e.g. *The Australian Financial Review*, 31 March 1994) there was strong lobbying activity associated with the appointment.

Mr Justice Peter Gray and Mr Justice Howard Olney have been appointed as part-time deputy presidents of the Tribunal. Both judges are also Federal Court judges and presidential members of the Administrative Appeals Tribunal. Both are also Aboriginal Land Commissioners under the *Aboriginal Land Rights (Northern Territory) Act 1976*.

The Senior Deputy Registrar of the Federal Court, Ms Patricia Lane, has been appointed as the National Native Title Tribunal's first Registrar.

Indochina Legislation

An excellent source for recent information about the legislation and legal systems of Indochina, is the recently published series of Legal Sector Background Papers by the Australian-Indochina Legal Cooperation (AILEC) Secretariat. The AILEC Secretariat was established by the Federal Government in 1993 and is based in the Attorney-General's Department in Canberra. Legal Sector Background Papers have been published on the Kingdom of Cambodia, the Socialist Republic of Vietnam and the Lao People's Democratic Republic. They are available from the Secretariat for \$15 00 (Phone 06 250 5666).

A number of major Australian law firms have been participating in projects aimed at helping the Vietnamese Government to modernise its laws. The law firm, Phillips Fox, has translated and published Vietnam's foreign investment laws, which are available from the firm for \$320 (looseleaf).

West Indies Legislation

The West Indian Legislation Indexing Project, based at the Faculty of Law Library, University of the West Indies, Barbados, has published a series of 18 separate indexes to legislation - one for each of the island nations. The indexes are very current and will be updated periodically. The Project advertises a document delivery service for legislation listed in the indexes.

The set of indexes, or individual ones, is available from Gaunt (approx. \$500 per set).

Industrial Relations Law Changes

In what commentators have described as an embarrassing turnaround, the Federal Government has announced changes to its "revolutionary" new industrial relations legislation (the *Industrial Relations Reform Act 1993*), which only came into force on 30 March. Amendments to the legislation were announced in a statement from the Minister for Industrial Relations, Mr Brereton on 31 May. The amendments, which the Government hopes to rush through Parliament by the end of June, limit compensation for award employees to a maximum of six months' salary while non-award employees who earn less than \$60,000 will be limited to a maximum payout of \$30,000. The move was apparently brought about by a flood of exceedingly high claims for compensation, including one by a Melbourne executive for \$19 million.

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