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AUSTRALIAN INSTITUTE OF ABORIGINAL
AND TORRES STRAIT ISLANDER STUDIES

NATIVE TITLE IN THE NEWS

March 2016

New South Wales (NSW)

DATE	STATE	SUBJECT	SUMMARY	SOURCE
28/03/2016	NSW	Bidjigal fisherman gain cultural fishing rights at Botany Bay	Bidjigal, fisherman from Botany Bay, NSW, have had some of their cultural fishing practices recognised by NSW Fisheries after 35 years of being banned. NSW Fisheries have allowed a group of Bidjigal fisherman to practice net hauling on mullet for six weeks leading to the end of April. The catch is in a non-commercial capacity and will be shared with the local Bidjigal community.	National Indigenous Television Australia, 28 March 2016
23/03/2016	NSW	Gary Foley speaks at Sydney Biennale	Aboriginal activist Gary Foley, a Gumbainggir man now living in Melbourne's Kulin nation, spoke on a number of issues at the Sydney Biennale including a critique of native title as a policy regime that is not sufficient for economic and political development in Aboriginal Australia.	Junkee Australia, 23 March 2016

Queensland (QLD)

DATE	STATE	SUBJECT	SUMMARY	SOURCE
30/03/2016	QLD	Kalkadoon elder left with \$70,000 in legal costs	<p>Kalkadoon elder, Mr James Taylor, who successfully took on the mining entrepreneur 'Diamond' Joe Gutnick in the Queensland land court has wound up with a \$70,000 legal debt he cannot repay.</p> <p>The ruling was handed down last Wednesday by the land court president, Carmel MacDonald, who found the court did not have the power to award costs to either side in challenges to mining permits.</p> <p>Mr Taylor told The Guardian he did not regret the 'very important' legal action and hoped other traditional owners would be undeterred.</p>	<p>The Guardian Australia, 30 March 2016</p>
30/03/2016	QLD	Queensland Premier says Australia was invaded	<p>Queensland Premier, Anastacia Palaszczuk, believed Australia was invaded by Europeans and has backed universities teaching the truth about the nation's history. The Queensland University of Technology is one educational institution teaching that Australia was invaded, rather than settled, a claim that that was later overthrown by the Mabo case and the <i>Native Title Act 1993</i>.</p>	<p>The Canberra Times Australia, 30 March 2016</p>
23/03/2016	QLD	Birriah people recognised as native title holders	<p>The Birriah people of North Queensland have had their native title rights recognised in a Federal Court decision. Birriah person Algon Walsh Jnr said the determination meant the Birriah People were finally acknowledged as the native title holders of their country, covering about 9,845 square kilometres of land and waters between Mackay and Townsville.</p> <p>The determination of non-exclusive native title rights is over an area that includes the townships of Ravenswood, Collinsville, Scottville and part of Glenden.</p>	<p>Daily Mercury Australia, 23 March 2016</p> <p>NT News Australia, 23 March 2016</p> <p>Yahoo News Australia, 23 March 2016</p>

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22/03/2016	QLD	Native title lawyer running for Government Partner of the Year award	Jenny Humphris, MacDonnells Law, is in the running for the Government Partner of the Year award and has been recognised in the Doyles 2016 listings as one of the country's leading native title lawyers.	Brisbane Legal Australia, 22 March 2016
17/03/2016	QLD	Adani fails to secure ILUA with traditional owners	Adani has failed to secure an Indigenous Land Use Agreement (ILUA) with local owners, the Wangan and Jagalingou people. The Wangan and Jagalingou native title claim group have rejected, for the third time, an ILUA with Adani, throwing into doubt the miner's bid to obtain speedy approval of its mining leases. According to The Guardian, the ILUA is crucial for Adani, who are unlikely to obtain finance for the \$16bn project without it, while some members of the Wangan and Jagalingou claim group will continue their resistance, claiming they will 'take the fight up a notch.'	The Guardian Australia, 17 March 2016 The Guardian Australia, 21 March 2016
03/03/2016	QLD	Closure of the Sibelco sand mine on Stradbroke Island	The Queensland Government has recently introduced legislation to phase out the Sibelco sand mine, Stradbroke Island. Following the mine's scheduled closure in 2019 the native title holders of the island, the Quandamooka people, would lose approximately \$15 million in royalties that would be paid under their current native title agreement.	The Courier Mail Australia, 3 March 2016

South Australia (SA)

DATE	STATE	SUBJECT	SUMMARY	SOURCE
09/03/2016	SA	Aboriginal Heritage Act amendments give traditional owners less say	<p>Proposed amendments to the <i>Aboriginal Heritage Act (SA) 1998</i> will reportedly reduce the powers of traditional owners in their ability to protect country.</p> <p>South Australian Native Title Services chief executive officer Keith Thomas believed the proposed amendments would give traditional owners less say over their heritage, 'this is going to help people who want to access lands and destroy heritage, rather than improving the protection of Aboriginal heritage.'</p> <p>According to Mr Thomas the changes will make it harder to prosecute companies that had disturbed sites without approval from the removal of Clause 6-2, which stipulates the minister must delegate his or her powers to the traditional owners of a site.</p> <p>The SA State Government has stated that the proposed amendments will have no impact on the current nuclear waste dump debate concerning Aboriginal lands.</p>	<p>ABC News Australia, 9 March 2016</p> <p>9News Australia, 10 March 2016</p> <p>ABC News Australia, 10 March 2016</p> <p>SBS Australia, 15 March 2016</p> <p>In Daily Australia, 29 March 2016</p>

Western Australia (WA)

DATE	STATE	SUBJECT	SUMMARY	SOURCE
30/03/2016	WA	A new legal challenge to the controversial Roe 8 highway extension	<p>Traditional owner Corina Abraham is expected to lodge a Supreme Court challenge against the West Australian Government's process for granting Aboriginal heritage approval over the proposed Roe 8 highway extension area. This area includes sites of spiritual significance, Bibra and North Lakes, but was granted heritage approval in June 2015.</p> <p>Ms Abraham will be represented by barrister Greg McIntyre, who represented Eddie Mabo in the historic 1992 native title case.</p>	<p>ABC News Australia, 30 March 2016</p>
29/03/2016	WA	Gold Fields Limited Wins Appeal in Native Title Proceedings	<p>Mining company Gold Fields Limited have won a Federal Court appeal, which has overturned the 2004 decision that the Gold Fields St Ives mine in WA were not compliant with the <i>Native Title Act 1993</i> (Cth).</p> <p>This means that while St Ives, as the tenement holders, and the Ngadju people's native title rights will co-exist, the rights of St Ives will prevail if there are any inconsistencies.</p>	<p>PRNewswire South Africa, 29 March 2016</p>
23/03/2016	WA	Administration over for WDLAC	<p>Registrar of Indigenous Corporations, Anthony Bevan, has ended the special administration to Western Desert Lands Aboriginal Corporation (Jamukurnu-Yapalikunu). WDLAC manages native title rights and interests on behalf of the Martu people.</p>	<p>Koori Mail, p 29 Australia, 23 March 2016</p>

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10/03/2016	WA	Two Broome marina proposals put to community and government	Two business proposals, by Broome Marina Working Group (BMWG) and the Paspaley Company respectively, have been put to the local community and government. Both proposals include associated commercial and residential property development. According to Nyamba Buru Yawuru, both groups have begun consultations with the Yawuru native title holders and they will consider the proposals once they have been provided and properly assessed.	ABC News Australia, 10 March 2016
09/03/2016	WA	Supreme Court refers YAC to ORIC	The Yindjibarndi Aboriginal Corporation (YAC) has been referred to the Office of the Registrar of Indigenous Corporations (ORIC) after the Supreme Court found YAC did not have validly appointed directors, meaning the resolutions passed at their meetings were also invalid. The Australian reported that this may be a 'boost' for Fortescue Metals who will continue to work with YAC.	9News Australia, 9 March 2016 Business News Australia, 10 March 2016 The Australian Australia, 11 March 2016 7News Australia, 23 March 2016
04/03/2016	WA	Mining deal opens new chapter for Martu	Martu native title holders and Newcrest have signed an agreement that will contribute \$14m to an independent trust fund to finance community development, education and health initiatives, while also providing financial support to Western Desert Lands Aboriginal Corporation (WDLAC).	National Indigenous Times Australia, 4 March 2016

DATE	STATE	SUBJECT	SUMMARY	SOURCE
03/03/2016	WA	Rangelands land tenure reform coming soon in Western Australia	<p>Earlier this year the WA Government announced that Cabinet had approved plans to amend the <i>Land Administration Act 1997 (LAA)</i> to increase economic activity over WA's rangelands, which comprise 85% of WA's total land mass.</p> <p>The LAA amendment bill is currently being drafted. One of the proposals – the introduction of rangeland leases – will mean native title holders will mostly likely have to negotiate an ILUA as part of the conversion process from pastoral to rangeland leases and this could involve rent increases.</p>	<p>Clayton Utz Australia, 3 March 2016</p>
01/03/2016	WA	Pat Dodson enters the Senate	<p>Opposition leader Bill Shorten named Pat Dodson, 'Father of Reconciliation', as Labour's new Western Australian Senator. Mr Dodson will replace outgoing Joe Bullock. Mr Dodson was the 2009 Australian of the Year, as well as the former Chairman of the Council for Aboriginal Reconciliation, a former Catholic Priest and has long been a supporter of native title.</p>	<p>The Conversation Australia, 1 March 2016</p> <p>National Indigenous Television Australia, 2 March 2016</p> <p>ABC News Australia, 2 March 2016</p> <p>News.com.au Australia, 2 March 2016</p> <p>New Matilda Australia, 2 March 2016</p> <p>Sydney Morning Herald Australia, 2 March 2016</p> <p>The Australian Australia, 3 March 2016</p> <p>Sydney Morning Herald Australia, 5 March 2016</p> <p>The Age Australia, 5 March 2016</p>

Australia

DATE	STATE	SUBJECT	SUMMARY	SOURCE
17/03/2016	AUS	DoE has published 'Engage Early' guidelines for engaging with Indigenous groups	<p>The Commonwealth Department of Environment (DoE) has published, Engage Early, best practice strategies for engaging with Indigenous Groups in Australia. Engage Early is for projects requiring approval under the <i>Environmental Protection and Biodiversity Conservation Act 1999</i>, but can be applied to projects more generally.</p> <p>In addition to the requirements of the <i>Native Title Act 1993</i>, Engage Early emphasises appropriate engagement with potential as well as actual native title holders.</p>	Lexology Australia, 17 March 2016

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