

## Native Title in the News - April 2011

Date	State	Subject	Summary	Source
01/04/2011	VIC	<b>Changes to the <i>Traditional Owner Settlement Act 2010</i></b>	<p>Native title claims on reserved Crown land in Victoria will soon need final Parliamentary approval before being ratified. Victorian Attorney-General Robert Clark said the government planned to amend the <i>Traditional Owner Settlement Act 2010</i> to bring this change into effect in coming months. The Act, passed in early September 2010, currently allows for native title claims to be settled out of court between traditional owners and the state government executive without a parliamentary vote.</p> <p>Native Title Services Victoria (NTSV) believes the proposal 'created a new uncertainty'. However, NTSV CEO Chris Marshall said the Indigenous community would accept it if there were no further substantive changes to the Act. Mr Marshall said 'We will be happy if this is the only change made, but there has to be risks down the track and we would prefer they did not do it' he said.</p>	<i>The Law Institute Journal</i> (National AU, April 2011), 12.
01/04/2011	WA	<b>Native title agreement between Mayala people and Pluton Resources</b>	Pluton Resources is in advanced stages of exploration on Irvine Island, WA, after signing a native title agreement with the Mayala People. Pluton Resources are now waiting for an environmental approval, which might take 18 months to process. Tony Schoer, CEO of Pluton stated that the native title agreement with the Mayala People 'is based heavily around (the Mayala's) compensation, royalties and equity, and also heavily around training, education and jobs.'	<i>Australian Journal of Mining</i> (National AU, 1 April 2011), 10.
06/04/2011	WA	<b>Fortescue Metals Group chief accused of undermining land owners</b>	<p>Fortescue Metals' CEO Andrew Forrest has been accused by West Australian Opposition leader Eric Ripper of meddling in the vote by a local Indigenous group to allow the Solomon's Hub project that Fortescue Metals aims to build in the Pilbara.</p> <p>Mr Forrest has moved to make a deal with 200 people in a breakaway group of the Yindjibarndi people while a judgment is expected within weeks on the Yindjibarndi Corporation's request for the Federal Court to set aside approval for the project.</p> <p>Michael Woodley, senior elder and CEO of the Yindjibarndi Aboriginal Corporation (YAC) has raised concerns about whether</p>	<i>The Age</i> (Melbourne VIC, 6 April 2011), 3, 13. <i>The West Australian</i> (Perth WA, 7 April 2011), 14. <i>Australian Financial Review</i> (National AU, 13 April 2011), 7. <i>Pilbara News</i> (Pilbara WA, 13 April 2011), 8. <i>National Indigenous Times</i> (Malua Bay NSW, 14 April 2011), 3, 7, 24, 34. <i>The Weekend West</i> (Perth WA, 16 April 2011), 64. <i>Pilbara News</i>

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			<p>the meeting was called properly, and raised legal questions about who formed the breakaway group of about 200, the Wiru Murra Yindjibarndi.</p> <p>Under the plan, the Yindjibarndi people would get \$4 million a year and \$6 million in housing, training and employment from FMG. However, the YAC wants 0.5 per cent of all future royalties, similar to agreements with rival miner Rio Tinto. Attempts have also been made to replace four YAC members who oppose FMG's offer, including Mr Woodley, at a meeting in Roebourne attended by Mr Forrest on 16 March 2011.</p> <p>For further information see the YAC website:  <a href="http://yindjibarndi.org.au/yindjibarndi/">http://yindjibarndi.org.au/yindjibarndi/</a></p>	<p>(Pilbara WA, 20 April 2011), 15. <i>The Weekend West</i> (Perth WA, 23 April 2011), 49. <i>Merredin-Wheatbelt Mercury</i> (Merredin WA, 27 April 2011), 11. <i>Avon Valley Advocate</i> (Northam WA, 27 April 2011), 21. <i>Wagin Argus</i> (Wagin WA, 28 April 2011), 10.</p>
06/04/2011	NT	<b>Confusion surrounding support for new land council</b>	<p>A group of traditional owners has applied to the Minister for Indigenous Affairs to form the Katherine Regional Land Council. However, there appears to be some confusion about the level of support for the breakaway land council in the Northern Territory.</p> <p>The Northern Land Council (NLC) who is responsible for land use issues in the region said there is vigorous opposition by traditional owners. In an opinion piece published in the National Indigenous Times (NIT) on 3 March 2011, NLC CEO Kim Hill said 'a series of meetings conducted by them have revealed a lack of support for a new land council'. This is a claim rejected by the Jawoyn Association who said it is not leading the push for a new land council and 'there is support from many Traditional Owners.'</p> <p>The application for the new Katherine Regional Land Council was submitted to Jenny Macklin in late January. The Minister will decide whether to ask the Commonwealth Electoral Commission to hold a vote for Aboriginals in the relevant area on whether they support the application.</p> <p>Minister Macklin has asked Commissioner Howard Olney to conduct an inquiry into whether the Katherine Regional Land Council should be established, and provide her with a report by 31 July 2011. The report will be made available to the public and interested parties will have the opportunity to provide written</p>	<p><i>The Katherine Times</i> (Katherine NT, 6 April 2011), 5. <i>The Katherine Times</i> (Katherine NT, 20 April 2011), 2. <i>Northern Territory News</i> (Darwin NT, 23 April 2011), 8. <i>The Katherine Times</i> (Katherine NT, 27 April 2011), 5.</p>

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			<p>submissions. If Minister Macklin decides to support the new council after the report, the matter will be referred to the Australian Electoral Commission, and eligible people in the Katherine area will then be able to vote. The council will be established if 55 per cent of voters favour it.</p>	
08/04/2011	NSW	<b>Mine agreement ratified</b>	<p>Despite more than 300 complaints to the Federal Court regarding an agreement to sign a deal with Charbon Coal and SK Energy over a native title claim near Rylstone, the Wellington Valley Wiradjuri native title group has gone ahead and signed the agreement.</p> <p>Solicitor Philip Teitzel working on behalf of the claim group issued a press release stating: 'The claimants from the Wellington Valley Wiradjuri native title claim met...in Wellington on Saturday, 2 April 2011 to consider and sign an agreement with Charbon Coal Pty Ltd and SK Energy Australia Pty Ltd.'</p>	<i>The Wellington Times</i> (Wellington NSW, 8 April 2011), 5.
08/04/2011	SA	<b>Title fight looms on Murray River water flow</b>	<p>Traditional owners at the mouth of the Murray River have flagged a native title-based legal action against the Murray-Darling Basin Authority if environmental flows in the river system fail to protect their traditional cultural interests.</p> <p>In a confidential submission to the Murray Darling Basin Authority (MDBA) last December, the Ngarrindjeri Regional Authority, on behalf of the traditional owners of the Lower Lakes and Coorong region of South Australia, said the Ngarrindjeri had a first right to exercise their rights, interests and responsibilities on the Murray.</p> <p>The submission states 'The flow of water forms part of the interconnectedness of Ngarrindjeri to their country. The failure of water to flow into their country impacts upon their exercise of rights and their fulfilment of responsibilities as custodians of the land, water and sky.' Any successful native title based action against the MDBA would break new legal ground given that the law prevents Aboriginal claimants making claims outside their traditional lands.</p>	<i>The Australian</i> (National, AU, 8 April 2011), 9.

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8/04/2011	SA	<b>Ramindjeri claim rejected by NNTT</b>	<p>The National Native Title Tribunal (NNTT) rejected a claim on behalf of the Ramindjeri people for native title rights over a 20,000sq km area of the South Australia, covering the Fleurieu Peninsula, Adelaide and Kangaroo Island. The Ramindjeri claim covers an area that overlaps two other native title claims in the state, lodged by the Kurna people in 2000 and Ngarrindjeri in 1998, which are still being processed by the courts.</p> <p>The Ramindjeri claim met 8 of 10 criteria set by the NNTT, and now the group plans to amend the other two points and resubmit the claim. Because the Ramindjeri claim overlaps with much of the area of the other two active claims, the Federal Court has asked the NNTT to mediate between the three groups. If successful, a native title agreement for the area would give the applicants the right to be consulted and, in some cases, to participate in decisions about activities proposed to be undertaken on the land.</p>	<i>The Advertiser</i> (Adelaide SA, 8 April 2011), 23.
11/04/2011	NSW	<b>Claim made on parkland</b>	<p>The Gimbay Gatigaan Aboriginal Corporation plan to submit a native title claim on the former Newcastle Bowling Club site, King Edward Park. It opposes the planned function centre and kiosk and prefers the site to become public land. Gimbay Gatigaan Aboriginal Corporation secretary Jaye Quinlan said it would be a waste to see the land developed.</p> <p>The native title claim could take five to ten years. However in the meantime the Gimbay Gatigaan Aboriginal Corporation plan to work with a local resident group 'Friends of King Edward Park' who also want the land returned to parkland.</p>	<i>The Newcastle Herald</i> (Newcastle NSW, 11 April 2011), 7. <i>The Newcastle Star</i> (Newcastle NSW, 20 April 2011), 8.
12/04/2011	NSW	<b>Meeting to decide Dunghutti Elders Council Aboriginal Corporation future</b>	<p>The Dunghutti Elders Council Aboriginal Corporation (DECAC) general meeting will be held on 13 May 2011. The DECAC, which was incorporated in 1996 and has 295 members - is a registered native title body corporate which manages native title matters on behalf of the Dunghutti people.</p> <p>The meeting will be chaired by the Registrar of Indigenous Corporations Anthony Beven and will move a motion that all 12 of the Council's board of directors be removed. A 50 per cent plus</p>	<i>Macleay Argus</i> (Kempsey NSW, 12 April 2011), 2. <i>Port Macquarie News</i> (Port Macquarie NSW, 27 April 2011), 10.

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			<p>one majority vote will be required to pass the motion. Mr Beven called the meeting after a complaint was lodged by 32 members of the DECAC concerned about how the corporation's board was spending its money.</p>	
12/04/2011	QLD	<b>Stradbroke Island Bill passes</b>	<p>The North Stradbroke Island Protection and Sustainability Bill was passed, two weeks after Environment Minister Kate Jones first introduced it to Parliament. The Bill was put to the vote late on Thursday afternoon after its second reading that morning. The ALP voted in a block for it along with the Queensland Party's Aiden McLindon. The LNP voted in a block against it. The Bill now awaits assent from Governor Penny Wensley.</p> <p>Under the legislation, sand mining on North Stradbroke Island would be phased out by 2027 with 94 per cent of the island's mining by 2019, eight years earlier than a 'vision' plan announced in June. Under the Bill, the remaining six per cent of mining operations would close in 2025, allowing for 80 per cent of the island to become national park by 2026.</p> <p><i>The North Stradbroke Island Protection and Sustainability Act 2011 is available for download <a href="#">here</a>.</i></p>	<p><i>Bayside Bulletin</i> (Brisbane QLD, 12 April 2011), 4.</p>
13/04/2011	SA	<b>Boaties to defy Lake Eyre ban</b>	<p>Lake Eyre Yacht Club commodore Bob Backway plans to defy a boating ban by native title claimants and sail on Lake Eyre. Mr Backway said he would take up to six people with him to sail on Lake Eyre North. 'If everything goes all right there will be two or three boats and we'll go out for a week,' he said yesterday. Mr Backway said he would risk heavy fines and sail the waterway using a desert parks pass which covers only camping.</p> <p>Lawyers for the Arabunna people, Lake Eyre's traditional owners, want the police to stop people illegally sailing on the inland waterway, which they claim is spiritually significant. The Arabunna people's native title chairman Aaron Stuart says they are opposed to sailing on Lake Eyre because of its spiritual significance to them. 'It is just like someone committing some form of sacrilege on a sacred site,' Mr Stuart said. 'It is about spirits and animistic beliefs, we want people to come to our country, we really do, we just don't</p>	<p><i>Illawarra Mercury</i> (Wollongong NSW, 13 April 2011), 9. <i>Sunraysia Daily</i> (Mildura VIC, 13 April 2011), 19. <i>Gold Coast Bulletin</i> (Gold Coast QLD, 13 April 2011), 11. <i>Newcastle Herald</i> (Newcastle NSW, 13 April 2011), 18. <i>The Advertiser</i> (Adelaide SA, 13 April 2011), 27. <i>Barrier Daily Truth</i> (Broken Hill NSW, 13 April 2011), 9. <i>Border Mail</i> (Albury-Wodonga NSW/VIC, 13 April 2011), 20. <i>The Australian</i> (National AU, 18 April 2011),</p>

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			want boating on the lake.'	6. <i>Illawarra Mercury</i> (Wollongong NSW, 20 April 2011), 14. <i>Daily Advertiser</i> (Wagga Wagga NSW, 20 April 2011), 8. <i>Border Mail</i> (Albury-Wodonga NSW/VIC, 20 April 2011), 15. <i>Weekend Australian</i> (National AU, 23 April 2011), 5.
14/04/2011	AU	<b>Native Title agreements signed 500th land use Agreement hailed as a milestone</b>	The Federal Government's Attorney-General, Robert McClelland and Minister for Families, Housing, Community Services and Indigenous Affairs, Jenny Macklin have welcomed the 500th Indigenous Land Use Agreement (ILUA) registered with the National Native Title Tribunal. 'The 500th agreement represents another significant milestone in the history of native title in Australia,' Mr McClelland said. 'These agreements are providing sustainable outcomes for Indigenous people. They demonstrate the enduring benefits that can be achieved through native title when parties choose to negotiate, rather than litigate.'	<i>National Indigenous Times</i> (Malua Bay NSW, 14 April 2011), 13.
16/04/2011	ACT	<b>Revolve ordered to leave site and cough up costs</b>	<p>The ACT Government has been trying to evict Revolve from its leased site in Hume since March 2010 and there have been protracted disputes over the eviction and the payment of \$101,880 in rent. The Supreme Court had previously decided that the Territory should take vacant possession of the site, Revolve should pay outstanding rent and the recycler would stop taking donations of second-hand goods. In February, Revolve filed an application to stop the eviction, arguing that the Territory had no right to grant the land at Hume in the first place because it had not addressed 'common law native title'. Revolve was represented in court by the organisation's president Gerry Gillespie.</p> <p>The lack of any Aboriginal involvement was just one of the flaws in recycling operator Revolve's failed bid to avoid eviction with a native title claim, ACT Supreme Court Master David Harper said. Master Harper said the case, which attempted to prevent an eviction and did not involve any Aboriginal person or group, was</p>	<i>The Canberra Times</i> (Canberra ACT, 16 April 2011), 2.

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			'scarcely a suitable vehicle' for determining native title.	
16/04/2011	WA	<b>\$300m agreement between Rio Tinto and Ngarluma Aboriginal Corporation</b>	<p>Rio Tinto and the Ngarluma Aboriginal Corporation have signed an agreement around the key sites of Dampier and Cape Lambert. Under the deal, Rio Tinto will pay the Ngarluma Aboriginal Corporation a package of benefits worth up to \$300 million.</p> <p>The Ngarluma deal covers \$3.1bn worth of rail and port works around Cape Lambert. The agreement also provides for education, training and employment opportunities for Ngarluma people and the opportunity for commercial ventures such as business contracting. Rio Tinto is also required to work closely with Ngarluma people on cultural heritage matters.</p> <p>A Rio Tinto spokesman confirmed the Ngarluma agreement had been finalised in late March 2011. Ngarluma Aboriginal Corporation legal counsel Steven Dhu said he welcomed the signing of the agreement with Rio, but warned that 'time will tell' whether it proves to be effective.</p>	<i>Weekend Australian</i> (National AU, 16 April 2011), 26.
18/04/2011	AU	<b>Bank to aid native title deals</b>	The National Australia Bank unveiled its plan to form a partnership with Indigenous traditional owners and representative bodies, as it renews its commitment to sustainable economic and social development for Indigenous Australians, signing its third Reconciliation Action Plan.	<i>The Australian</i> (National AU, 18 April 2011), 6.
20/04/2011	WA	<b>Elders fined over sacred site assault</b>	<p>Two Aboriginal elders, from the Kimberley WA, have been fined \$1200 each and ordered to pay almost \$70,000 in costs after being convicted of attacking two men who strayed on to a sacred site on native title land.</p> <p>The trial had been labelled a test case, as it is the first to see how far traditional owners' rights extend over land granted to them under native title. Law man Lenny Hopiga was convicted of two</p>	<i>West Australian</i> (Perth WA, 20 April 2011), 10.

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			counts of assault occasioning bodily harm and carrying an article with intent to cause fear, while John Hopiga was convicted of wilfully destroying property and threats to injure.	
20/04/2011	WA	<b>Murchison Radio-Astronomy Observatory ILUA</b>	<p>Representatives from the Wajarri Yamatji Aboriginal community have stated that CSIRO is building the Australian Square Kilometre Array Pathfinder (ASKAP) without meeting the terms of its ILUA that it signed in 2009.</p> <p>As part of the agreement CSIRO agreed to provide work and training opportunities to Wajarri Yamatji people during the construction phase of ASKAP. Former chair of the Wajarri Yamatji Native Title Group, Anthony Dann, who negotiated with CSIRO, has claimed his people have not been given jobs or contracts. Gavin Egan, new chair of Wajarri Yamatji Native Title Group, said the problem lies with the way the ILUA was written. It's written and worded in ways that doesn't grant us the opportunities we think we deserve.'</p> <p>CSIRO ASKAP Executive Officer Michelle Story believes there is nothing in the claims of the representatives and said CSIRO has offered opportunities to Wajarri Yamatji people at every stage that tenders have gone out.</p>	<i>Geraldton Guardian</i> (Geraldton WA, 20 April 2011), 1, 3.
20/04/2011	WA	<b>Blocks first step in housing plan</b>	<p>The Gumala Aboriginal Corporation has purchased seven housing lots at auction in Tom Price, WA. The lots were purchased as part of the Corporation's housing strategy to provide affordable housing to members. Chief Executive Steve May said over the past 18 months the Corporation had made great gains in housing and infrastructure investment. 'The purchase of this land in Tom Price is an important step in our overall housing strategy objective of building 150 homes throughout the traditional lands of our members.' The Corporation is negotiating with the Department of Housing to secure funding for construction and other costs. The construction of homes is expected to begin this year.</p>	<i>Pilbara News</i> (Pilbara WA, 20 April 2011), 19.

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<p><b>22/04/2011</b></p>	<p><b>WA</b></p>	<p><b>WA Premier reassures land owners</b></p>	<p>West Australian Premier Colin Barnett has reassured traditional owners that the Government won't go ahead with compulsory acquisition of land near Broome for a proposed gas hub until traditional owners have met and made a final decision. The reassurances came as traditional owners walked out of a briefing meeting with Government representatives on Thursday over the planned \$30 billion liquefied natural gas hub to be built at James Price Point.</p> <p>Traditional owners will meet again in early May to decide whether they will enter into the native title agreement. However, the Government has been accused by Frank Parriman, a representative for the traditional owners, of 'dirty' tactics by pursuing compulsory acquisition before the group held its final meeting.</p> <p>Anne Nolan, the head of the State Development Department, has written to traditional landowners informing them the Government had lodged an application for compulsory acquisition with the National Native Title Tribunal. Ms Nolan said this was to ensure the Government had access to the land by December 2011.</p>	<p><i>The Age</i> (Melbourne VIC, 22 April 2011), 8. <i>Weekend Australian</i> (National AU, 23 April 2011), 23. <i>The Advertiser</i> (Adelaide SA, 23 April 2011), 81. <i>Kalgoorlie Miner</i> (Kalgoorlie WA, 23 April 2011), 8. <i>West Australian</i> (Perth WA, 27 April 2011), 12.</p>
<p><b>23/04/2011</b></p>	<p><b>AU</b></p>	<p><b>Aboriginal groups raise carbon fears</b></p>	<p>The Kimberley Land Council (KLC) has told a Senate Environment Committee Inquiry into the carbon farming scheme that native title property rights were 'being treated differently and less favourably' than other types of land ownership. In its submission, the KLC said the scheme 'fails to include a provision for the consent of native title holders as eligible interest holders' in cases where a carbon offset project is being planned on land subject to native title. The scheme's failure to include a consent requirement reduced the value of native title, placed Aboriginal communities 'in a disadvantageous position' and reduced their capacity to develop sustainable business partnerships with private enterprise.</p> <p>Under the proposed carbon farming initiative, farmers and other landowners can create carbon credits from eligible greenhouse abatement activities and sell them on domestic and global markets. Centrefarm, an Indigenous horticulture group in Alice Springs, told the inquiry it has established the Aboriginal Carbon Fund to 'act as</p>	<p><i>The Canberra Times</i> (Canberra ACT, 23 April 2011), 17.</p>

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			<p>a safe haven' for groups wanting to participate in national and global carbon markets.</p> <p>Centrefarm's general manager, Vin Lange, has also canvassed the possibility of carbon offsets on Indigenous land being 'sold under an official brand' as Australian Indigenous Credit Units, to differentiate them from Australian Carbon Credit Units under an emissions trading scheme. These would be sold at a premium 'due to the fact that there are cultural, social and environmental co-benefits'.</p> <p><a href="#">Click here to see a list of all submissions to the inquiry.</a></p>	
29/04/2011	WA	<b>Kimberley gas safety deal sought</b>	<p>Former Kimberley Land Council Executive Director Wayne Bergmann has stated that Woodside Petroleum has refused to offer guarantees to traditional owners on what it would do in the event of an industrial disaster off the Kimberley coast from a gas precinct at James Price Point. Mr Bergmann said that Woodside Petroleum and native title holders were still in discussions but that Woodside Petroleum were refusing to budge on environmental aspects on which he was unwilling to concede.</p> <p>Mr Bergmann said Goolarabooloo and Jabirr Jabirr family members would be briefed on the agreement in Broome next week. It will then go to a formal vote next 6 May 2011. He said the State Government's compulsory acquisition moves had 'infuriated people'.</p>	<i>West Australian</i> (Perth WA, 29 April 2011), 17.