



# AIATSIS

AUSTRALIAN INSTITUTE OF ABORIGINAL AND TORRES STRAIT ISLANDER STUDIES

## Native Title Research Unit

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## NATIVE TITLE NEWSLETTER

No. 3/98

### NATIVE TITLE IN THE NEWS April- May 1998

*(Note: Where an item also appears in other newspapers, etc, an asterisk (\*) will be used. People are invited to contact the Native Title Research Unit at AIATSIS if they want the additional references. As usual, NTRU will try to provide people with copies of particular newspaper articles on request.)*

*Ad* = Advertiser (SA)  
*Age* = The Age  
*Aus* = Australian  
*BM* = Border Mail  
*CM* = Courier Mail (QLD)  
*CT* = Canberra Times  
*DT* = Daily Telegraph  
*EIM* = Eden Imlay Magnet  
*Fin R* = Financial Review  
*GT* = Gympie Times (QLD)

*HM* = Hobart Mercury  
*HS* = Herald Sun (VIC)  
*Ld* = The Land  
*NTN* = Northern Territory News  
*NWS* = North West Star (Mt Isa)  
*SCT* = The Sunday Canberra Times  
*SHS* = Sunday Herald Sun  
*ST* = Sunday Times  
*WA* = West Australian  
*WAus* = Weekend Australian

## Applications

### ACT

Ngunawal [NNTT Ref#AC96/2 AC97/1]

Two Aboriginal groups who lodged overlapping claims over large tracts of the ACT, mostly covering Namadgi and other parks, are close to reaching a regional agreement with the ACT Government. The deal had been delayed by protracted debates between the groups over rightful owners of the land. Dr Nicholas Peterson of the Australian National University was appointed to help prepare a genealogy of the Aboriginal people. (*CT*, 27 May, p2)

## **New South Wales**

### **Dharawal Nation [NNTT Ref#NC97/16]**

A native title application for Kurnell and the waters of Botany Bay has been accepted for further mediation. The claim by the Dharawal people also includes Cromwell Park at Malabar, Botany Bay National Park and several reserves around Phillip Bay and La Perouse. (*DT*, 2 Apr, p2)

## **Victoria**

### **Yorta Yorta Clans [NNTT Ref#VC94/1]**

Mr Bryan Keon-Cohen QC argued in the Federal Court that the Yorta Yorta people have successfully shown a continuing association with the land since European occupation and hence should be given their native title rights over the mid-Murray River region. Mr Keon-Cohen stated that the oral testimony given in the this case was supported by the Canadian Supreme Court's ruling in the *Delgamuukw v British Columbia* that oral traditions were critical evidence for traditional societies. The application, over 4,000sq km of crown land and compensation for extinguishment over a further 16,000sq km, is being opposed by 500 respondents, including Governments of Victoria, NSW and South Australia, the Murray Darling Basin Commission, Local Government authorities and timber, grazing and farming interests. (*FinR*, 5 May, p9)\* Federal Court Justice Howard Olney, said proposed changes to native title could open the High Court's Wik decision to judicial review. (*BM*, 16 May, p7)

## **Queensland**

### **Ethel Kathleen Page [NNTT Ref#QC98/9]**

A native title application on behalf of the Pitta Pitta, Kalkadoon, Yulluna, Mitakoodi and Maiwali Karuwali clan groups had been lodged. The application covers the area from the Gulf of Carpentaria to north of Betoota and includes areas within eight local government jurisdictions including Mount Isa, Cloncurry, Carpentaria and McKinlay. While stating that there are nine overlapping claims in the Mayor Noel Robertson of Cloncurry shire, opined that the registration process should be more rigid. (*NWS*, 17 Apr, p3)

### **Kalkadoon People [NNTT Ref#QC98/23]**

A native title application lodged on behalf of the Kalkadoon people covers approximately 63,000sq km of northwest Queensland. The application is among 23 lodged this year and covers the area from the Gregory River, 250km north of Mount Isa to Dajarra, 100km south of Mount Isa, including the towns of Camooweal and Cloncurry. (*CM*, 2 May, p10)

### **Ghungalu People [NNTT Ref#QC98/19 QC98/21 QC98/22]**

Savage Togara Coal Pty Ltd is seeking a court order to extinguish native title on its mining lease over four pastoral properties, following a breakdown in negotiations between the company and the Ghungalu people. The Ghungalu people later lodged three native title applications over 25,000sq km in central Queensland, claiming native title rights still exist. The pastoral leases had been occupied since before 1885 and had been reissued several times by the Government after subdivision and sale. (*CM*, 11 May, p2)\* Phillip McMurdo QC, on behalf of Savage told the Court that leases issued after the *Racial Discrimination Act* of 1975 were invalid as they did not comply with the Act but were legalized by the *Native Title Act* and native title was extinguished. (*CM*, 12 May, p8)\* The Queensland Government refused to either support or oppose the application to extinguish native title on these pastoral properties. (*CM*, 14 May, p1)

### Turrbal People [NNTT Ref#QC98/26]

The Turrbal people lodged a native title application for unallocated state and local government land in and around Brisbane. The applicants expressed the wish to share in the management of forests and reserves covered in the application. (*CM, 22 May, p9*) National Native Title Tribunal Registrar, Chris Doepel, stated the application indicated that the Turrbal people accepted that 'native title if existing on unallocated State land, was subject to the validly granted existing rights of others'. (*CM, 23 May, p6*)

### Western Australia

#### Mirriuwung Gajerrong [NNTT Ref#WC94/2]

Mirriuwung and Gajerrong people, who had lodged native title application over large tracts of Ord River valley, concluded their case in the Federal Court. The WA and Northern Territory governments, Shire of East Kimberley, several mining companies and 150 Kimberley groups opposed the application. (*ST, 12 Apr, p34*)

#### Ngtullee Ba Marbithar Boogoola [NNTT Ref#WC98/19]

Eight Goldfields women have lodged a native title application over 469,329sq km stretching west from the South Australian to Esperance, north to Wiluna and east to the Gibson Desert. The Goldfields Land Council Executive Director Yvonne Brownley asserted that the new application over 84 existing applications threw into doubt recent progress in cutting rival applications in the Goldfields region. (*WA, 23 Apr, p10*)\*

### Northern Territory

#### Bradshaw Station [NNTT Ref#DC97/8]

Denis Burke, member for Brennan, criticized the Northern Land Council for delaying building of a new defense training area at Bradshaw Station. The Federal Government would be spending \$55 million on the station, on which the NLC put a claim last year. (*NTN, 27 Apr, p4*)

## MINING AND NATURAL RESOURCES

### National

Mining Company Rio Tinto pledged to conduct private negotiations with parties in native title disputes regardless of the Government's 10-point plan. Executive Director of Rio Tinto's Bougainville Copper operation Peter Taylor speaking at a native title forum in Brisbane expressed doubts that the inclusion of a 'sunset clause' in the 10-point plan would purge the threat of protracted and expensive litigation for mining companies and pastoralists. (*CM, 17 Apr, p9*) Speaking at the same forum Shell Australia Chair, Mr Roland Williams, stated Shell was an upholder of voluntary agreements with Indigenous communities. (*Aus, 21 Apr, p24*)

A federal survey found that despite the uncertainties that followed the Wik ruling there is a continuing boom in resource based investment. Contrary to the Howard Government's concern that the native title issue is discouraging new exploration, the Department of Primary Industries and Energy found that 122 projects worth more than \$24 billion were under way or committed across all States and Territories. A further 174 projects worth more than \$75 billion were being considered. (*Aus, 23 Apr, p23*)\*

### **Western Australia**

Agreement signed between Audax Resources NL and the Mirriwung and Gajerrong people allows exploration to recommence at Ivanhoe about 10km north of Kununurra. After more than two years Audax and its partners Carnegie Minerals NL and Quicksilver Holdings successfully negotiated on the basis that they were not required to recognize native title. (*FinR*, 18 May, p25)\* The agreement protects Aboriginal heritage and sacred sites and gives Aboriginal people continued access to the land for hunting, fishing, and ceremonial purposes. The company had put drilling on hold pending further negotiation to increase the amount of land available for exploration. (*WA*, 26 May, p27)

### **Queensland**

The Carpentaria Land Council wants the Federal Court to stop the Burke Shire Council from constructing a \$1.3 million bridge across Gregory River to service the Century Zinc mine. The CLC maintained the bridge would disturb significant Aboriginal sites and that compulsory acquisition of land by the State was illegal under the *Native Title Act* and the Queensland's *Acquisition of Land Act*. (*CM*, 18 Apr, p16)\* As a witness in the case, Mayor Anne Clarke told the Federal Court that the Council had acquired the land required to build the bridge to discharge its responsibility under a roads agreement held with Pasminco. (*CM*, 21 May, p2)

### **South Australia**

After a year of negotiations Australian based US Oil Company, Hemley Exploration signed an agreement with Aboriginal groups. The agreement grants the company exploration and production rights over land subject to native title applications by the Yankunytjatjara and Antakirinja people. It also provides the Aboriginal groups with compensation rights and the ability to veto exploration at significant sites. (*FinR*, 7 Apr, p4)\* Yankunytjatjara Council chairman Mr Yami Lester said this highlights that agreements can be reached through negotiations. (*Ad*, 7 Apr, p4)

## **AMENDMENTS**

Prime Minister John Howard told a meeting of Coalition members the High Court's Hindmarsh Bridge judgement would not set a precedent for the Native Title Amendment (NTA) Bill as the Bill only benefits the Aboriginal community. (*DT*, 1 Apr, p15)\*

Greens Senator Dee Margetts asked the Government to explain why it opposes insertion of a *Racial Discrimination Act* clause in the Native Title Amendment Bill, when it accepted a *Social Security Amendment Act* being subject to the RDA. (*CT*, 1 Apr, p5)\*

Senator Nick Minchin reiterated that the fundamental principles governing the Government's response to the Wik decision have always been to respect the common law native title rights recognised by the High Court and also to ensure a workable land management system which treats all Australians equitably. (*SMH*, 1 Apr, p19)

Democrat's native title spokesperson, Senator John Woodley, said that the Senate should be given ample time to make decisions about the 10-point plan after analyzing the full implications of the High Court's decision on the Hindmarsh Island Bridge case. (*Media Release*, 1 Apr)

Independent Tasmanian Senator, Brian Harradine, indicated he would require substantial amendment to the 'right to negotiate' provisions in the Native Title Amendment Bill, before

supporting it in the Senate. The Senator rejected the Government's argument that Aboriginal people and pastoralists should be treated equally in negotiations on pastoral leases. (*Aus, 2 Apr, p1*)\*

The Howard Government declared that it had received the green light for its NTA Bill after the High Court's rejection of Indigenous claims that the *Hindmarsh Island Bridge Act* was racially discriminatory and hence unconstitutional. (*CT, 2 Apr, p1*)\*

Opposition spokesperson on Aboriginal Affairs, Daryl Melham, pointed out that the Government's NTA Bill opens the *Native Title Act* to constitutional challenge and exposes Australia to international criticism for transgressing the Convention on the Elimination of Racial Discrimination. (*CT, 3 Apr, p13*)\*

Lawyers for the Tasmanian Independent Senator, Brian Harradine, drafted a compromise plan on the right of the Aboriginal people to negotiate over mining activity on pastoral leases. The plan replaces 'right to negotiate' with 'the non-exclusive area impact procedure'. (*HM, 3 Apr, p4*)\* This would enable the States to oversee a procedure of notification and mediation with native title applicants. As a last recourse, an independent committee would make a ruling, subject to override by the State Government if the decision were in the 'State interest'. (*SMH, 10 Apr, p6*)\*

Special Minister of State, Senator Nick Minchin indicated that despite a week of negotiations with Opposition parties the Government has not found any common ground. (*CM, 6 Apr, p2*)\* The Senator also pointed out that the Government would not change its position on the following: exempting the NTA Bill from the *Racial Discrimination Act*; removing the right to negotiate over proposed developments; the sunset clause on native title applications; or a tougher eligibility test for lodging applications. (*Age, 6 Apr, pA4*)\*

An amendment moved by Tasmanian Independent Senator Brian Harradine allowing Aboriginal people, especially those from the 'stolen generation', more magnitude in qualifying to lodge native title applications was defeated in the Senate. (*Aus, 7Apr, p2*)\*

The Government and Opposition voted together to pass new and tougher rules for Aboriginal people to lodge native title applications. The new version of registration test makes it easier in some circumstances but harder in most cases for Aboriginal people to bring their applications to the NNTT. (*WAus, 7Apr, p4*)\*

Tasmanian Independent, Senator Brian Harradine, voted with Labor, the Democrats and the Greens to subject the NTA Bill to the *Racial Discrimination Act*. (*CM, 7 Apr, p1*)\*

In a rejoinder on the High Court's decision on the Hindmarsh Island Bridge case, the Office of the Australian Government Solicitor held that the issue of whether the race power of the Constitution is limited to beneficial laws was unresolved. Previously Senator Nick Minchin had argued that the court's decision on the Hindmarsh Island Bridge case meant Labor's legal concerns about the NTA Bill had evaporated. (*CM, 7 Apr, p2*)\*

Aboriginal leader Mr Patrick Dodson expressed hope that the Commonwealth, in the spirit of 1967 referendum, should only have the power to make laws that are beneficial to Indigenous interests. While agreeing that the workability of some of the provisions in the *Native Title*

*Act* needs to be addressed, Mr Dodson pointed out that a complete revision as in the case of the NTA Bill is not requisite. In addition the NTA Bill if enacted would be exposed to challenge on the basis that it is not beneficial to the Aboriginal people. According to Mr Dodson the Hindmarsh Island Bridge case illustrated that the Government can legitimately repeal its own law. This, he indicated would have serious repercussion on the protection of Indigenous rights. (*Aus, 7 Apr, p12*)\*

Welcoming the new registration test as an effective and balanced sieve for native title applications, the National Farmers' Federation President Mr McGauchie called on the Senate to re-consider subjecting the NTA Bill to the *Racial Discrimination Act*. (*Media Release 7 Apr*)

Spokesperson for the Special Minister of State, Senator Nick Minchin, said the amendment to the threshold test specified that to register an application, one member of a clan group should have physical connection at some stage with the land being claimed. (*SMH, 8 Apr, p5*)\*

Aboriginal leaders criticized the Government, Labor, the Democrats, the Greens and Senator Harradine over the threshold test which determines those who will be entitled to register a land claim under the *Native Title Act*. A spokesperson for the National Indigenous Working Group (NIWG), Mr Peter Yu, stated this meant Aboriginal people of the 'stolen generation' would be deprived of lodging application over their traditional land because they had been physically removed from it. (*Age, 8 Apr, pA4*)\*

The NIWG urged the Senate to revisit the point on the threshold test on which it had reached agreement and called on Senator Harradine not to shift from the provisions of the *Racial Discrimination Act*. (*Media Release, 7 Apr*) The NIWG also maintains that the right to negotiate with miners on pastoral leases should not be compromised. (*SMH, 8 Apr, p5*)\*

The Opposition parties along with Senator Harradine supported an amendment to prevent the Government extinguishing native title on grants of exclusive possession. (*Aus, 8 Apr, p2*)\* Independent Senator, Brian Harradine, reversed his position on the sunset clause after earlier giving the Government a short-lived victory. (*WA, 9 Apr, p11*)\*

Queensland Federal backbencher Mr John Bradford quit the Liberal Party, criticizing the Government's hard-line approach to the NTA Bill which according to him, would diminish native title rights and was detrimental to both the Aboriginal people and other Australians. (*Age, 8 Apr, p1*)\*

ATSIC Chair, Gatjil Djerrkura, threatened to resign as Aboriginal leaders staged a mass walkout from any talks over the NTA Bill in disappointment at the way the debate was going. (*Aus, 9 Apr, p2*)\*

The Senate rejected the Government's position on the remaining four contentious point of the 10-point plan, handing the Government a trigger for a double dissolution election. (*CM, 11 Apr, p12*)\*

Prime Minister John Howard said the Senate's modification to the Native Title Amendment Bill was not acceptable to the Government. The Prime Minister was backed by the NFF,

which pointed out that the Senate reduced the Government's 10-point plan to a three-point plan. (*Ld, 16 Apr, p1, 2*)\*

The Special Minister of State, Senator Nick Minchin, stated that voluntary agreements are likely to become the principal way of resolving native title issues. (*SMH, 30 Apr, p10*)

## **GENERAL NATIVE TITLE ISSUES**

Conservative leaders of Western Australia, Queensland and the Northern Territory, claimed private polling shows overwhelming public support for a hard-line government approach to native title issues. (*Aus, 1 Apr, p2*)

The Acting Executive Director of the Australian Conservation Foundation, Mr Michael Krockenberger called on the Government and the Opposition to protect the native title right to negotiate, as it would provide added value to Australia's land management system. (*Media Release, 1 Apr*)

Chief Justice Sir Gerard Brennan in his joint judgement with Justice Michael McHugh, stressed that Parliament has the power to make and amend a law. Consequently the Howard Government's use of the 1997 *Hindmarsh Island Bridge Act* to impede the ability of the Ngarrindjeri people to use the *Heritage Protection Act* to block the bridge, was valid. (*SMH, 2 Apr, p7*)\* The High Court's decision ends legal challenges to the building of the Hindmarsh Island Bridge, however it leaves open the Government's power to pass racist laws under section 52 (26) of the constitution. (*DT, 2 Apr, p2*)\*

Indigenous leaders have called for a referendum to decide whether governments could make racist laws. (*Age, 2 Apr, pA4*)

Opposition parties rejected a proposal from the Prime Minister for the Government to fund a legal challenge to the NTA Bill if passed unamended through the Parliament. (*CT, 4 Apr, p1, 2*)\* Opposition leader Kim Beazley indicated Mr Howard was admitting that the legislation was a failure. (*Ad, 4 Apr, p6*)\*

A Co-existence fund to finance legal challenges in future to native title rights was launched by the National Indigenous Working Group in Canberra, as hopes for a compromise over the NTA Bill waned. (*Aus, 6 Apr, p4*)\* Spokesperson for NIWG Mr Peter Yu said the NTA Bill if enacted, will violate Indigenous rights. The Co-existence fund would assist them to independently defend their rights. (*Media Release, 6 Apr*)

The Chair of the policy committee of the Australian Reform Party, Mr Tony Howard, maintained that native title applications on undeveloped land and any interest of tenure of the land must be established before the right to negotiate on development exists. (*Gladstone Star, 8 Apr, p6*)

Professor Henry Reynolds, a senior research fellow at James Cook University pointed out that the NTA Bill contradicted the Government's own White Paper on foreign and trade policy, which stated the Government gave an unqualified commitment to racial equality. (*CT, 11 Apr, p2*)\* The 10-point plan if implemented, will contradict Australia's obligations under two central human rights documents: the International Covenant on Civil and Political

Rights and the Convention on the Elimination of Racial Discrimination. (*Age*, 26 May, pA11)

Five prominent clerics from the Anglican, Catholic, Uniting and Baptist churches expressed that an election with native title as a primary issue would undermine reconciliation and harm Australia's international standing. They stated that the NTA Bill even after amendments by the Senate, was a diminution of Aboriginal rights. (*Aus*, 14 Apr, 3)\*

Sharon Firebrace former head of Aboriginal Advancement League and the Koori Research Center at Monash University expressed that it was difficult for Aboriginal people in cities to prove a continuous association with the land, hence the Government's 10-point plan actually dispossesses them. (*SHS*, 19 Apr, p25)

NFF Executive Director, Wendy Craik, stated that a distinct focus on land-tenure issues would steer the debate on native title clear of unrelated issues such as the stolen generation. Dr Craik held that a joint sitting of both houses, after a double dissolution election, appeared to be the only way of achieving certainty on native title. (*CM*, 22 Apr, p5)

Queensland Premier Mr Rob Borbidge claimed that if the Native Title Amendment Bill were not enacted a further 25 per cent of the State would be subject to native title under Labor. (*Aus*, 24 Apr, p6)

In a joint publication, land planning and valuation experts John Sheehan and Ed Wensing argue that the removal of the 'right to negotiate' over towns and cities is similar to reinstating the notion of 'terra nullius' and could be construed as racially discriminatory. (*Aus*, 24 Apr, p38)

Senator Minchin, while speaking at a conference in Brisbane, indicated his concern for the environment and expressed that a key part of reconciliation was learning from Indigenous culture and tradition. (*HS*, 30 Apr, p12)\* In response, Research Coordinator of Australian Conservation Foundation Mark Horstman stated that Senator Minchin's comments contradicted the Government's 10-point plan, noting that the right to negotiate can bring important benefits for the sustainable management of land and water in Australia. (*HS*, 4 May, p20)

Mr Noel Pearson stated that the High Court's Mabo and Wik decisions provided the best foundation for reconciliation. (*Aus*, 6 May, p7)

ATSIC Chair Mr Gatjil Djerrkura opined that the newly introduced Aboriginal and Torres Strait Islander Heritage Protection Bill would imperil the protection of sacred and significant sites. He pointed out that, with the overhaul of both native title and heritage laws, Aboriginal people would lose their rights. (*SMH*, 7 May, p9)\*

The Federal Government announced plans for \$12 million funding for Aboriginal people, to assist them in native title applications over the next four years. (*Ad*, 9 May, p11)\*

Past President of United Graziers Association, Mr Larry Acton pointed out that pastoralists want certainty of tenure over their property and are not calling for blanket extinguishment of native title. (*CM*, 16 May, p14)

Father Frank Brennan, advocate for Indigenous rights called on Indigenous leaders to radically rethink their relations with the Coalition Government. He contended that the Coalition's policies were based on its belief that the States should manage land rights issues. He urged resistance to the Government's programs, which violated principles for the protection of Indigenous rights. (*Aus, 21 May, p2*)

Figures released by the Federal Government reveal that funding for Indigenous organisations through ATSIC to pursue native title claims has grown from \$6.5 million in 1993-94 to \$43.3 million in 1998. The Government also spent an extra \$7 million on increasing the NNTT's funding to \$23.8 million to contend with the increased number of native title claims. (*Ad, 21 May, p34*)

Documents relating to advice by Brian Sweeny and Associates to the Office of Indigenous Affairs in the Department of Prime Minister and Cabinet regarding an advertisement prepared by the department, revealed that it would have damaged the Government's case. The advertisement featured a map claiming 79 per cent of Australia was subject to native title because of the High Court's Wik decision. (*SCT, 24 May, p1*)

The new National Farmer's Federation President, Ian Donges, said that the NFF is prepared to campaign on the NTA Bill in a double dissolution election. (*CT, 23 May, p7*)

In response to Queensland Premier Rob Borbidge's comment that only the State Coalition Government could protect commercial fishing and whale watching from native title, Opposition parties and legal experts said both of these were already guaranteed under the 1993 *Native Title Act*. (*CM, 27 May, p3*)

Federal Minister for Resources and Energy, Senator Warwick Parer, said uncertainties over native title were having an adverse impact on Australia's gold mining industry. According to the Senator, Labor's opposition to the NTA Bill is detrimental to all Australians including Indigenous people as it denies them economic and community benefits from the gold and other resource industries. (*Media Release, 27 May*)

Commenting on Queensland Opposition leader Mr Peter Beattie's assertion that he would work with the Federal Government's 10-point plan if he won power, Prime Minister John Howard said that Mr Beattie acknowledges it is in the interests of Queensland that the NTA Bill is passed. (*Aus, 29 May, p4*)\*

### **New South Wales**

A challenge by Doug and Annette Wilson, backed by NSW Farmer's Association, against two native title applications made by the Euhlay-i Dixon and Gumilaroi people in the Lightning Ridge District had been lodged. The challenge is based on the idea that the leases had always been purchased and traded as freehold. (*DT, 9 Apr, p1*) The Executive Director of the NSW Aboriginal Land Council, Mr Aden Ridgeway, stated that there is a need for clarifying whether native title existed in pastoral leases in NSW. (*SMH, 10 Apr, p6*)\*

The NSW Cabinet is considering a comprehensive policy of forging agreements with native title applicants instead of getting involved in prolonged legal battles. Land-holders affected by native title would also be involved in these agreements. Those benefiting from them

would compensate Aboriginal people financially or in way of work, training, access to land or a role in management of the land. (*SMH, 21 Apr, p1*)

Discussions are underway for an agreement between the Monaro community and the NSW National Parks and Wildlife Services about access arrangements for Aboriginal people who wish to carry out traditional activities within Nadgee Nature Reserve. NPWS District manager, Alan Jeffrey, said the agreement acknowledges the importance of traditional practices in the past and recognizes the ongoing importance that tradition and culture plays in Aboriginal society today. (*EIM, 30 Apr*)

Broken Hill Mayor, Peter Black, said that around 50 major projects has been held up in the region and mineral exploration has come to a stand still due to uncertainty of pastoral leases after the High Court's decision on Wik. (*SH, 17 May, p8*)

### **Northern Territory**

After 18 months of negotiations a native title framework agreement between the Northern Territory Government and the Central and Northern Land Councils has been signed. This agreement establishes a consultation process that will oversee withdrawal of land claims in the proposed Adelaide to Darwin railway passage in return for compensation, community development projects and protection of sacred sites. (*FinR, 2 Apr, p10*)\*

The High Court is expected to decide for the first time whether native title can survive the grant of freehold title in land. The case follows a Federal Court judgement against the Larrakia people's claim that native title was not extinguished by a grant of freehold title. (*CT, 23 May, p7*)\* Special Minister of State Senator Nick Minchin said the case could have considerable ramifications for Australia's property system if it was found that freehold title did not extinguish native title. (*WA, 23 May, p4*)

### **Queensland**

The Gulf Aboriginal Development Company set up to look after the interests of native title groups and to distribute \$750,000 annually in benefits from the Pasminco Century Zinc mine may cost \$500,000 a year to run. President of the Traditional Waanyi Aboriginal Corporation, Mr Peter O'Keefe, and Labor MP for Mt Isa, Tony McGrady, expressed concern that money intended for the Aboriginal people would go on GADC running cost. (*CM, 16 Apr, p2*)

In a presentation to Noosa Shire, the representatives of the Foundation for Aboriginal and Islander Research Action outlined modes of assistance extended by FAIRA to local Governments in issues relating to native title. Mayor Bob Abbot stated that in places like Broome, Bunbury, Newcastle and Redland Shire the local authorities prefer such assistance to improve Indigenous input into land use planning and land management. (*GT, 18 Apr*)

The Sydney-based International Resource Corporation that was to build a \$1 billion space base at Weipa abandoned the plan citing native title concerns as a major reason. (*CM, 25 Apr, p5*)

The Queensland State Budget emphasized the impasse over the NTA Bill could stifle the State's growth and leave it open for greater uncertainties. This might lead to reduction and delay of investments in mining and rural industries, consequently slowing the rate of economic growth in the State relative to rest of Australia. (*Aus, 15 May, p7*)

Queensland Premier Rob Borbidge stated that the Queensland election would be a test for the Federal Government's 10-point plan. Referring to a native title application lodged by the Turrbal people over all unallocated State land, national parks and council land in Brisbane, the Premier pointed out that native title is not just a problem for those in the bush, but for all Queenslanders. (*Aus, 22 May, p6*)\*

### **Western Australia**

National Native Title Tribunal member Tony Lee stated that twenty overlapping native title applications in the Goldfields would be reduced to ten after an agreement between applicant groups. Executive Director of Goldfields Land Council, Yvonne Brownley, said that the fall in overlapping applications proved that the right to negotiate worked. (*WA, 3 Apr, p34*)

### **South Australia**

The NNTT, pastoralists and miners acknowledged that around 30 native title applications on land north of Burra and Port Broughton and all of Eyre Peninsula, would take 20 years to resolve. The native title spokesperson for the SA Farmers Federation, Mr Peter Day, stated that legal fees for all these applications could reach \$1 billion. The SA Chamber of Mines and Energy chief executive, Mr Goreing, pointed out improvements were needed in the *Native Title Act* to resolve the problem of overlapping applications. (*Ad, 11 Apr, p2*)

The Howard Government signed a multi-million dollar deal with Kistler Aerospace Company in US. The agreement ensures launching of space rockets from Woomera by the end of this year. Kistler Aerospace representatives had talked with local Aboriginal groups who have native title claim over the site. The Kuyani, Barngalla, Kokatha and Nukunu people are negotiating for the protection of sacred sites and creation of employment opportunities. (*Aus, 28 Apr, p3*)\*

## **RECENT PUBLICATIONS**

### **Native Title Research Unit Publications**

*The following NTRU publications are available from the AIATSIS Publications Sales Assistant (Tel: 02 6246 1191)*

#### ***Proof and Management of Native Title***

(Summary of proceedings of a workshop conducted by the Native Title Research Unit, AIATSIS, on 31 January-1 February 1994 - cost (special discount) \$5 including postage).

#### ***Claims to Knowledge, Claims to Country: Native Title, native title claims and the role of the anthropologist***

(Summary of proceedings of a conference session on native title at the annual conference of the Australian Anthropological Society, 28-30 September 1994 - cost \$11.85 including postage)

#### ***Anthropology in the Native Title Era***

(Proceedings of a workshop conducted by the Australian Anthropological Society and the Native Title Research Unit, AIATSIS, 14-15 February 1995 - cost \$11.95 including postage)

#### ***The Skills of Native Title Practice***

(Proceedings of a workshop conducted by the NTRU, the Native Title Section of ATSIC and the Representative Bodies, 13-15 September 1995 - cost \$15 including postage)

***Heritage and Native Title: Anthropological and Legal Perspectives***

(Proceedings of a workshop conducted by The Australian Anthropological Society and AIATSIS at the ANU, Canberra, 14-15 February 1996 ~ cost \$20 including postage)

***A Sea Change in Land Rights Law: The Extension of Native Title to Australia's Offshore Areas*** by Gary D. Meyers, Malcolm O'Dell, Guy Wright and Simone C. Muller. (\$12.95 including postage)

***Regional Agreements: Key Issues in Australia Volume I, Summaries.*** Editor: Mary Edmunds (\$16.95 plus postage)

*The following publications are available from the Native Title Research Unit, AIATSIS, Tel (02) 6246 1158, Fax (02) 6249 1046 (issued free of charge):*

**Issues Papers published in 1996, 1997 and 1998:**

No. 9: ***The requirements to be met by claimants in applications for a determination of native title*** by George Irving

No. 10: ***Native Title and Intellectual Property***, by David H Bennett

No. 11: ***Raising Finance on Native Title and other Aboriginal Land***, by Joe Nagy

No. 12: ***Co-existence of interests in land: a dominant feature of the common law***, by Maureen Tehan

No. 13: ***Wik- the way forward***, by Rick Farley

No. 14: ***Lighting the Wik of change***, by Mark Love.

No. 15: ***Neither Rights nor Workability: The Proposed Amendments of the Right to Negotiate***, by Liz Keith.

No. 16: ***Racial Non-Discrimination standards and proposed amendments to the Native Title Act***, by Jennifer Clarke.

No. 17: ***Regional agreements in Australia: an overview paper*** by Patrick Sullivan (Regional Agreements Paper No.1)

No. 18: ***The proof of continuity of native title*** by Julie Finlayson and Ann Curthoys.

No. 19: ***Implications of the Proposed Amendments to the Native Title Act*** by Tamara Kamien

No. 20: ***Compensation for Native Title: Land Rights Lessons for and Effective and Fair regime*** by J.C.Altman

No. 21: ***A New Way of Compensating: Maintenance of Culture through Agreement*** by Michael Levarch and Allison Riding

**Regional Agreements Papers:**

No 2: ***Local and Regional Agreements*** by Justice Robert French

No 3: ***The Other Side of the Table: corporate culture and negotiating with resource companies*** by Richie Howitt

No 4: ***The Emperor Has No Clothes: Canadian Comprehensive Claims and their relevance to Australia*** by Michele Ivanitz

No.5: ***Process, Politics and Regional Agreements*** by Ciaran O'Faircheallaigh

No.6: ***The Yandicoogina Process: a model for negotiating land use agreements*** by Clive Senior

Other Publications include:

***A Practical Guide to Choosing Consultants for Native Title Claims***, by Paul Burke

***Native Title Newsletter*** (published bi-monthly)

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*This newsletter was prepared by Chitra Majumdar*